
Date: Monday 5, Friday 9, Monday 12 October 2020 (Friday 16 and Monday 19 October 2020 (overflow days))
Time: 9.30am
Meeting Room: Council Chamber
Venue: Orewa Service Centre
50 Centreway Road, Orewa

PRIVATE PLAN CHANGE 40

AGENDA – VOLUME 1

CLAYDEN ROAD, WARKWORTH

WARKWORTH LAND COMPANY, WHITE LIGHT TRUST LTD, KAURILANDS TRUST LTD, ROB MILLS & P & L RICHARDS

COMMISSIONERS

Chairperson Les Simmons
Commissioners Bridget Gilbert
Michael Parsonson

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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 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
WARKWORTH LAND COMPANY, WHITE LIGHT TRUST LTD, KAURILANDS TRUST
LTD, ROB MILLS & P & L RICHARDS**

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Hearing Report for Proposed Plan Change 40: (Warkworth – Clayden Road) 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: 5, 9 and 12 October 2020

File No: Hearing Report – Proposed Private Plan Change 40 (PPC40)

File Reference

Report Author Petra Burns, Planner, North West and Islands, Plans and Places

Report Approvers Peter Vari, Team Leader Planning, North West and Islands, Plans and Places

Report produced 11 September 2020

Summary of Proposed Notified Plan Change 40 (Warkworth – Clayden Road): Rezone 102ha of land north of Warkworth from Future Urban Zone and Light Industry Zone to a range of residential, business and rural zones.

PPC40 as notified¹ seeks to apply the following AUP (OP) zones, and to apply a new precinct and introduce an AUP(OP) control layer to the site:

- Residential – Single House
- Residential – Mixed Housing Suburban
- Residential – Mixed Housing Urban
- Business – Neighbourhood Centre
- Rural – Countryside Living

PC40 seeks to apply a new precinct:

- Warkworth Clayden Road Precinct
 - Precinct Plan 1

¹ An updated plan change circulated by the applicant on 27 August 2020 contains revised zoning, precinct provisions and maps, and additional AUP(OP) controls over the plan change area (this is covered in more detail in sections 3 and 10.

- Precinct Plan 2
- Precinct Plan 3

PPC40, as notified, seeks to extend one AUP (OP) Auckland-wide control over the site:

- Extend the Stormwater Management Area Control – Flow 1 [rp] over the whole plan change area (a regional plan control).

The land covered by PPC40 is shown in **Figure 1**.

Plan subject to change	Auckland Unitary Plan (Operative in part), 2016
Number and name of change	Proposed Plan Change 40 – (Warkworth – Clayden Road) to the Auckland Unitary Plan
Status of Plan	Operative in part
Type of change	Proposed Private Plan Change
Date of approval for notification	24 February 2020
Parts of the Auckland Unitary Plan affected by the proposed plan change	<ul style="list-style-type: none"> • AUP(OP) Maps • Chapter I Precincts – North – Warkworth - Clayden Road • Stormwater Management Area Control: Warkworth Flow 1 • Controls: Arterial Roads² • Controls: Subdivision Variation Control - Rural, Warkworth Countryside Living³ • Controls: Height Variation Control – Warkworth, 9m⁴ • Rural Urban Boundary⁵
Date draft proposed plan change was sent to iwi for feedback	No date given (see Attachment B – Planning report by Tattico (24-02-20) p. 166)
Date of notification of the proposed plan change and whether it was publicly notified or limited notified	27 February 2020 – Public Notification Re-notification: 2 July 2020 – Public Notification
Submissions received	19
Date summary of submissions notified	30 April 2020 28 May 2020 25 June 2020 (postponed on 2 July 2020) 6 August 2020

² Modification of the control was proposed by the applicant in their updated plan change circulated on 27 August 2020

³ See footnote 2

⁴ See footnote 2

⁵ See footnote 2

Number of further submissions received	10
Legal Effect at Notification	No
Main issues or topics emerging from all submissions	<ul style="list-style-type: none"> • Lack of alignment with the Warkworth Structure Plan in terms of zoning pattern and open space • Inadequacy of transport assessments including traffic modelling and effects on wider network • Stormwater and stream management across the plan change area, including adequacy of the SMP • Management of reverse sensitivity issues between residential and industrial land • Management of reverse sensitivity issues between residential land and Warkworth Showground • Provision of walking and cycling connections across the site and delivery of these facilities • Legibility and efficacy of precinct provisions and structure.

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Abbreviations

Abbreviations in this report include:

Abbreviation	Meaning
PPC40 or 'Plan Change'	Proposed Plan Change 40
RMA	Resource Management Act 1991
AUP(OP)	Auckland Unitary Plan (Operative in Part)
SHZ	Residential – Single House Zone
MHSZ	Residential – Mixed Housing Suburban Zone
MHUZ	Residential – Mixed Housing Urban Zone
LIZ	Business – Light Industrial Zone
OSCZ	Open Space – Conservation Zone
TA	Transport Assessment
ITA	Integrated Transport Assessment

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Appendix 1	Proposed Plan Change 40
Appendix 2	Applicant's Planning Report including Section 32 assessment
Appendix 3	Clause 23 Requests and Applicant's Response
Appendix 4	Submissions and Further Submissions
Appendix 5	Map of submitter sites
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Appendix 8	Recommended modifications to Plan Change 40
Appendix 9	Updated plan change (23 June 2020 and 27 August 2020)
Appendix 10	Correspondence between council officers and AT regarding access to LIZ land from Matakana Link Road
Appendix 11	Relevant sections of the AUP(OP) Regional Policy Statement
Appendix 12	Council experience statements

EXECUTIVE SUMMARY

1. Proposed Private Plan Change 40 (Warkworth - Clayden Road) ('**PPC40**' or '**Plan Change**') to the Auckland Unitary Plan (Operative in Part) ('**AUP(OP)**') as notified seeks to rezone 102ha of land north of Warkworth from Future Urban Zone and Business – Light Industry Zone to a range of residential and business zones and Rural – Countryside Living zone, and introduce a new precinct 'Warkworth Clayden Road'. It is also sought to apply an existing AUP overlay (Stormwater Management Area Control – Flow 1) over the site. Refer to Figure 1 for a map of the plan change area and Figure 5 for a map of the proposed zoning as notified.
2. The purpose of PPC40 is principally to enable urbanisation of the site for a range of residential zones across the plan change area.
3. The normal plan change process set out in Schedule 1 of the Resource Management Act 1991 ('RMA') was adhered to in the processing of PPC40.
4. Council received a private plan change request on the 15 October 2019 from Warkworth Land Company, White Light Trust Limited, Kaurilands Trustee Limited, Rob Mills and L&P Richards. It was accepted for processing by council on 24 February 2020.
5. PPC40 was publicly notified on 27 February 2020 with submissions closing on 2 April 2020. PPC40 was then notified for further submission on 30 April 2020 and this closed on 14 May 2020. After the emergence of additional submissions, these were notified for further submissions on 28 May 2020, closing on 12 June 2020, and again on 25 June 2020. The 25 June round of further submissions was postponed on 2 July 2020, to allow for the public re-notification of PPC40, after it was discovered there was a technical issue receiving submissions during the initial notification period of 27 February to 2 April 2020. Renotification was from 2 July to 30 July. The final round of further submissions for all submissions received during both rounds of notification commenced on 6 August 2020 and closed on 20 August 2020.
6. A total of 19 submissions were received, with one late submission (accepted via s37) and ten further submissions received (one late accepted via s37).
7. In preparing for hearings on PPC40, this hearing report has been prepared in accordance with section 42A of the RMA.

8. This report considers the issues raised by submissions and further submissions on PPC40. The discussion and recommendations in this report are intended to assist the Hearing Commissioners, and those persons or organisations that lodged submissions on PPC40. The recommendations contained within this report are not the decisions of the Hearing Commissioners.
9. This report also forms part of Council's ongoing obligations, which are to consider the appropriateness of the proposed provisions, as well as the benefits and costs of any policies, rules or other methods, when considering issues raised in submissions on PPC40.
10. A report in accordance with section 32 of the RMA has also been prepared by the applicants for this purpose for the privately initiated plan change and is attached in Appendix 2. The application documentation related to PPC40 is attached as **Appendix 1** and should be considered in making decisions on PPC40.
11. On the basis of the information available at the time of preparing this report it is recommended that PPC40 be approved with some modifications. These recommended modifications are a result of the submissions received on PPC40 and address a number of the matters raised.

1. BACKGROUND

1.1. PPC40 Purpose

12. Proposed Private Plan Change 40 (Warkworth - Clayden Road) to the Auckland Unitary Plan (Operative in Part) seeks to rezone 102ha of land in the Warkworth - Clayden Road area from Future Urban zone (FUZ) and Business – Light Industry zone (LIZ) to a mix of residential and business zones and Rural – Countryside Living zone in the Auckland Unitary Plan (Operative in Part).
13. The private plan change request was lodged with council on behalf of Warkworth Land Company, White Light Trust Limited, Kaurilands Trustee Limited, Rob Mills and L&P Richards (the applicants). The purpose of PPC40 as outlined in the s32 evaluation report is to enable the applicant to redevelop the land in a manner that generally aligns with the Warkworth Structure Plan 2019 (WSP) and is in accordance with the timetable set out in the Future Urban Land Supply Strategy 2017 (FULSS)⁶.

⁶ Section 7.1 of the s32 report, Warkworth Clayden Road Planning Report, Prepared by Tattico, dated 24 February 2020



Figure 1: Plan change 40 area

1.2. FUZ Zoning

14. The site is mostly zoned FUZ and was outlined by Council as being an area suitable for urbanisation as part of the 'RUB location' discussions considered during the Independent Hearing Panel process for the AUP(OP).
15. The area was subsequently zoned FUZ by the AUP(OP). This portion of FUZ is identified within the Future Urban Land Supply Strategy July 2017 ('**FULSS**'). The FULSS seeks to provide for the land falling within the northern Warkworth area to be 'development ready' in 2022.

1.3. Land Ownership with the Plan Change Area

16. The main landowner for the PPC40 area is Warkworth Land Company (WLC), as the owners of 26 State Highway 1, Warkworth, Lot 4 DP 492431 and Lot 2 DP 541327. WLC's land holdings within the plan change area land total approximately 53ha. White Light Trust Limited owns the site at 245 Matakana Road, Kaurilands Trustee Limited owns the site at 21 Clayden Road, Rob Mills owns the site at 35 Clayden Road and P and L Richards own the site at 43 Clayden Road. The applicants own 76ha of the 102ha plan change area. The land that falls within the applicants landholding within the private plan change area is shown in **Figure 2** below.
17. The other landowners within the PPC40 area include a number of additional properties which are identified below:
 - 139 Clayden Road
 - Lot 3 DP 492431, Clayden Road Dome Valley
 - 19 Clayden Road
 - 17 Clayden Road
 - 223 Matakana Road
 - 211 Matakana Road
 - 207 Matakana Road

- 185 Matakana Road
- 171 Matakana Road
- 165 Matakana Road
- 157 Matakana Road
- 122 Goatley Road (Lot 1 541327)

18. Some of these land-owners have submitted on PPC40 and matters raised are addressed in section 10 of this report.

1.4. Existing Environment

19. The land at Warkworth - Clayden Road, within the area subject to this request, is primarily used for farming activities. It is located north-west of Warkworth township within the Rural Urban Boundary. Warkworth is the largest rural town in the northern part of Auckland.
20. I conducted a site visit on 25 March 2020 without the team of specialists, most of whom visited the site in August 2019, and describe the existing environment of the plan change area and adjacent land as follows.
21. The subject land encompasses approximately 102ha of mostly pastoral grazing across 19 land parcels, eight (76ha) of which are owned by the applicants. Some smaller rural lifestyle parcels feature on the periphery of the subject area.
22. The subject sites lie to the north of the Warkworth township between State Highway 1, Matakana Road and Clayden Road. The land extends down towards the Warkworth Showgrounds and the existing industrial land to the south, the proposed industrial area to the southwest, rural residential land to the east and rises to a low-density rural-residential area to the north. Approximately 1km to the south-southeast lies the Mahurangi River, with the Warkworth town centre just beyond that on the river's south-eastern banks.
23. The proposed Matakana Link Road (MLR) bisects the southern portion of the subject land, and the under-construction Puhoi to Warkworth motorway alignment ends on the southern side of SH1 (outside the private plan change area).
24. The subject land comprises a broad catchment basin with a primary ridgeline that runs generally in a west-east direction from Goatley Road to Clayden Road with several spurs extending off in south-southeasterly orientations. These spurs are dissected by a number of stream gullies with totara-dominated bush. A knoll sits directly north of the Warkworth Showgrounds, merging with a significant ridgeline that extends towards Clayden Road. A stand of mature forest containing a number of indigenous species including kauri, kahikatea, totara, puriri and rimu is located near the end of Clayden Road.

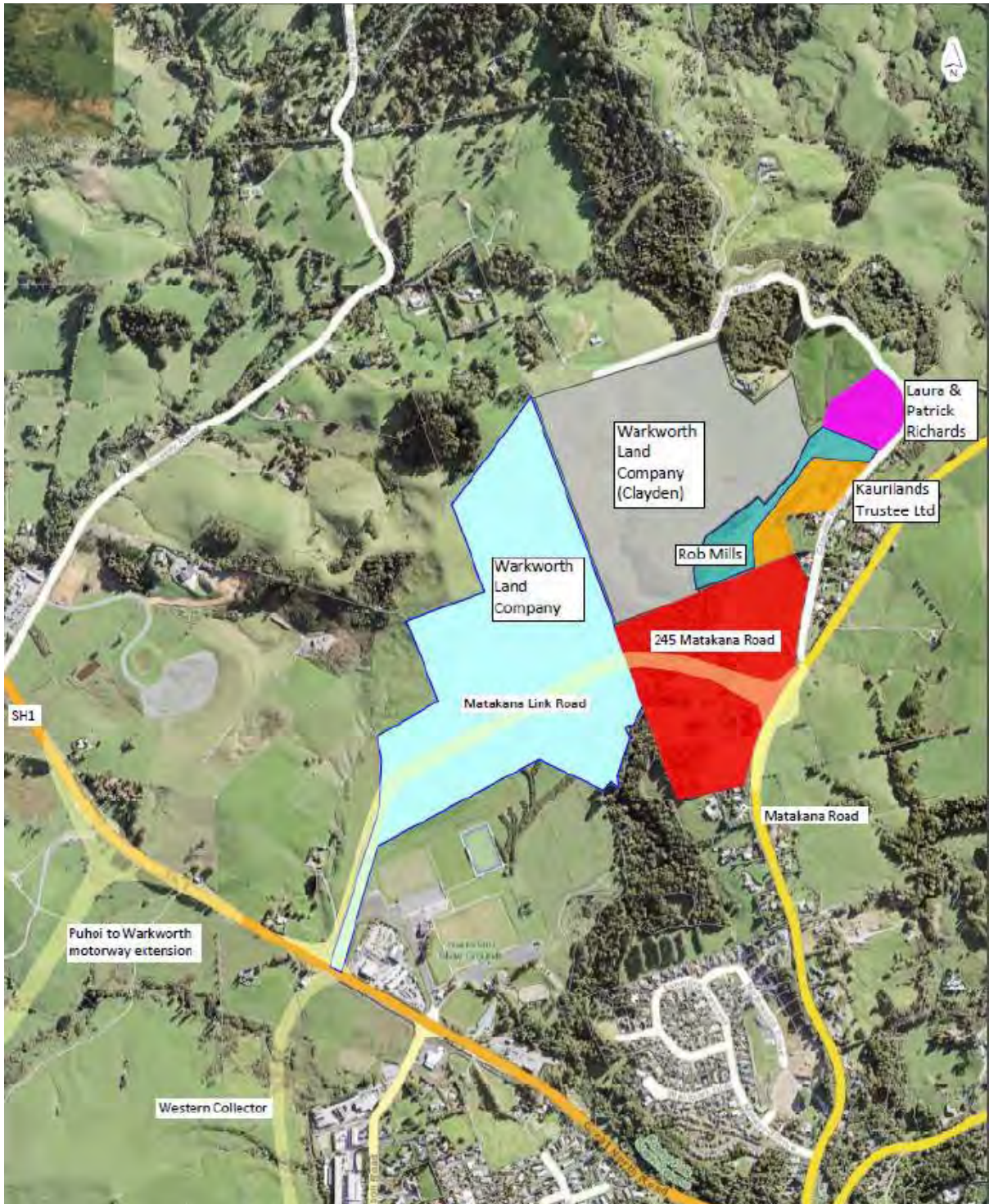


Figure 2: Extent of the applicants landholdings (Planning report, prepared by Tattico dated 24 February 2020)

Goatley Road and State Highway 1

25. The land directly west of the plan change area comprises land zoned Business – Light Industry zone. Skywork Helicopters operate a commercial helicopter operation from the site at 38 Goatley Road, with the remaining land currently used for pastoral grazing. The area is mostly grassed with two areas of indigenous vegetation. Topographically, the land is a spur falling from the north-east to the south-west. A consent application was

lodged in 2018 for the development of an industrial park of up to 94 lots across 16 stages. This is discussed below in section 1.8.

26. Adjacent to the site to the south is the Warkworth Showgrounds, accessed off State Highway 1. The showgrounds are home to a number of community sporting facilities including rugby fields, netball courts and a hockey turf. The showgrounds land is relatively flat and sits below the majority of the plan change area, with the land rising steeply at the northern and north-western boundaries. To the east, where it also borders the plan change area, the land drops away to the stream at the bottom of the catchment.

North of the Clayden Road ridgeline

27. To the north of the plan change area is the Clayden Road ridge, which rolls gently over into a variety of rural uses, mostly pastoral grazing, with significant pockets of indigenous vegetation dispersed throughout the area. The land to the northwest is zoned Rural – Countryside Living, and the land to the north-east is zoned Rural – Mixed Rural zone.

FUZ to the east

28. The Future Urban zone extends east of the plan change area, encompassing a range of uses. Directly adjacent, wedged between Clayden Road and Matakana Road is a small pocket of approximately 15 rural large-lot type sites. Beyond that, east of Matakana Road, is land used for rural productions means, a golf course and a limestone quarry.

Warkworth township

29. A pocket of residential development accessed off Matakana Road via Melwood Drive abuts the southern boundary of the plan change area. Suburban in nature, this residential area is the northern tip of the Warkworth township currently, with the town centre sitting to the south-east, on the southern shore of the Mahurangi River.

1.5. Lodged Documents

30. The applicant has provided the following reports and documents to support its application for PPC40 (see **Appendix 1**):

Attachment A	Plan change request, including zoning, overlay and control maps, precinct provisions and precinct plans
Attachment B	Planning report by Tattico (24-02-20)
Attachment C	Urban Design Report by Ian Munro
Attachment D1	Masterplan and Plan Set by AStudio Architects
Attachment D2	Design Statement by AStudios Architects
Attachment E	Landscape Assessment by LA4 Landscape Architects
Attachment F	Ecological Assessment including streams by Freshwater Solutions
Attachment G	Engineering and Infrastructure Assessment by Maven Associates
Attachment H	Stormwater Management Plan by Maven Associates
Attachment I	Geotechnical Assessment by CMW Geosciences – WLC land

Attachment J	Geotechnical Assessment by CMW Geosciences – 245 Matakana Road
Attachment K1	Traffic Assessment by Traffic Planning Consultants Limited
Attachment K2	Road cross-section
Attachment K3	AT plan of Matakana Link Road intersections
Attachment L	Land Supply Assessment by Colliers
Attachment M	Economic Assessment by Property Economics
Attachment N	Archaeological Assessment by Clough and Associates
Attachment O	Land Contamination Report by Focus Environmental Services
Attachment P	Land Contamination Report by Riley Consultants
Attachment Q	Arborist Report by Craig Webb
Attachment R	Native Frog Assessment by Alliance Ecology
Attachment S	Vector Comments
Attachment T	Chorus Comments
Attachment U	Visual Set from Victoria Street

1.6. Clause 23 Requests for Further Information

31. On 27 November 2019, prior to accepting PPC40, the Council requested that the applicant provide further information in accordance with Clause 23 of Schedule 1 to the RMA. An amendment regarding transport matters was made to this letter and sent to the applicant on 12 December 2019. Both the original request and the amended version are attached as **Appendix 3** to this report. The key information sought through the Clause 23 request related to the following matters:

- Transport
- Terrestrial ecology
- Freshwater ecology
- Economic assessment
- Landscape assessment
- Stormwater and streamworks
- Engineering
- Land disturbance and geotechnical assessment
- Land contamination

32. The applicant responded to the Clause 23 request on 19 December 2019 and 31 December 2019. 24 February 2020 and 29 May 2020. These responses are also contained within **Appendix 3** to this report.

33. On 29 January 2020 council held a meeting with the applicant to discuss the further information still required on a number of matters, these being:

- Transport
- Stormwater
- Notable tree assessment
- Landscape assessment

It was agreed at this meeting that the notable tree assessment, stormwater matters and transport matters needed to be resolved prior to the Clause 25 decision, and the landscape assessment information could be provided post-notification.

34. The applicant responded to the outstanding Clause 23 matters on 24 February 2020 and 29 May 2020. These responses resulted in the package of information outlined at section 1.6 above. Council staff who evaluated the request considered that the applicant had provided sufficient information to enable the request to be considered for processing. Following this council made a decision under clause 25 to accept the request for processing on 24 February 2020. PPC40 was publicly notified on 27 February 2020 with submissions closing on 2 April 2020, and renotified on 2 July 2020, closing on 30 July 2020.

1.7. Relevant Consenting

35. There are a number of lodged or determined resource consents or notices of requirement either on or adjacent to the PPC40 land which are of interest when assessing the plan change. These have been identified below.

1.7.1. Matakana Link Road designation and resource consent

36. A designation to construct, operate and maintain a new 1.35km road between State Highway 1 and Matakana Road was confirmed earlier last year. This designation traverses the plan change area and provides for a key piece of infrastructure for the plan change area, and the wider Warkworth township. Construction has commenced and completion is anticipated in early 2022.

1.7.2. Northern Arena

37. A resource consent application was lodged in April 2020 to construct and operate a recreation centre providing learn to swim, fitness and gymnasium facilities (known as Northern Arena) on a site within the plan change area. This is currently being considered by council.

1.7.3. 38 Goatley Road – Skywork Helicopters

38. In March 2010 the Environment Court granted resource consent (NZEnvC70) to establish a helicopter base at 38 Goatley Road. The resource consent provides for a landing pad, hanger, truck, equipment and hazardous materials storage area, a café and lounge area, ancillary facilities (including reception, offices, meeting room and pilot accommodation quarters) and associated earthworks of 110,000m³ (cut and fill). In terms of conditions managing the operation of the helicopter base, conditions area included for noise limitations, number of flight movements, established flight tracks (other than for emergencies), written logs of flight movements and the preparation of management plans. Skyworks Helicopters Limited have lodged a submission on PPC40.

1.7.4. 42A, 102 and 104 State Highway 1 – industrial estate

39. A resource consent application for a subdivision to create 94 industrial lots was lodged in September 2019 and is currently being considered by council. Proposed to be undertaken across 16 stages, the application also includes the vesting for a number of roads, earthworks, stream works and riparian planting protection. It is noted another

consent was applied for on 2 September 2020 for a similar industrial estate on the site. Both consents are currently being considered by the council. The landowner has lodged a submission on PPC40.

1.7.5. Warkworth Showgrounds

40. Resource consent was granted for the redevelopment of the Warkworth Showgrounds in 2008. The redevelopment included;
- The redevelopment and resurfacing of sports fields;
 - Installation of 16m high floodlights for the rugby fields;
 - A dedicated cricket wicket;
 - Up to 2 artificial turf hockey fields with flood lighting;
 - The construction of up to 6 flood lit multi-purpose hard courts;
 - Relocation of the existing pony club building and continue use for the eastern area of the site, including a possible dressage arena for equestrian activity;
 - A cycle/walking track on the perimeter of the grounds to allow use of the grounds by the community in general for passive recreation purposes;
 - Earthworks to create the platform for a future multipurpose sport centre.

Further to this, a resource consent was granted in 2015 to allow the installation of 19m high floodlights for the rugby fields, as opposed to the 16m ones proposed in the 2008 consent. Within the consent it was noted by the officer and the applicant's lighting report that the 19m high floodlights allowed for more direct lighting on the field and less spill into adjacent areas.

1.7.6. Sec 4 SO 476652, Hudson Road – Pak'n'Save development

41. A discretionary land use consent and a stormwater permit was granted by Auckland Council (reference BUN60332296) on 7 August 2019 for the redevelopment of part of the site at the corner of Hudson Road and SH1 for land known as Sec 4 SO 476652. The consents provide for a 5200m² supermarket with associated four pump petrol facility, a large format retail store of 5300m² and a smaller retail development with tenancies totalling 550m². The landowner/consent holder has lodged a submission on PPC40.

2. EXISTING PLAN PROVISIONS

42. The PPC40 area lies within the Rural Urban Boundary and most of the land within the plan change area is currently zoned FUZ in the AUP(OP). Approximately 5.2ha is currently zoned Business – Light Industrial (see Figure 3: Current AUP(OP) zoning below). The FUZ is a transitional zone that applies to greenfield land located on the periphery of existing urban development but still within the Rural Urban Boundary ('RUB'). The land has been identified by the Council as being suitable for urbanisation.

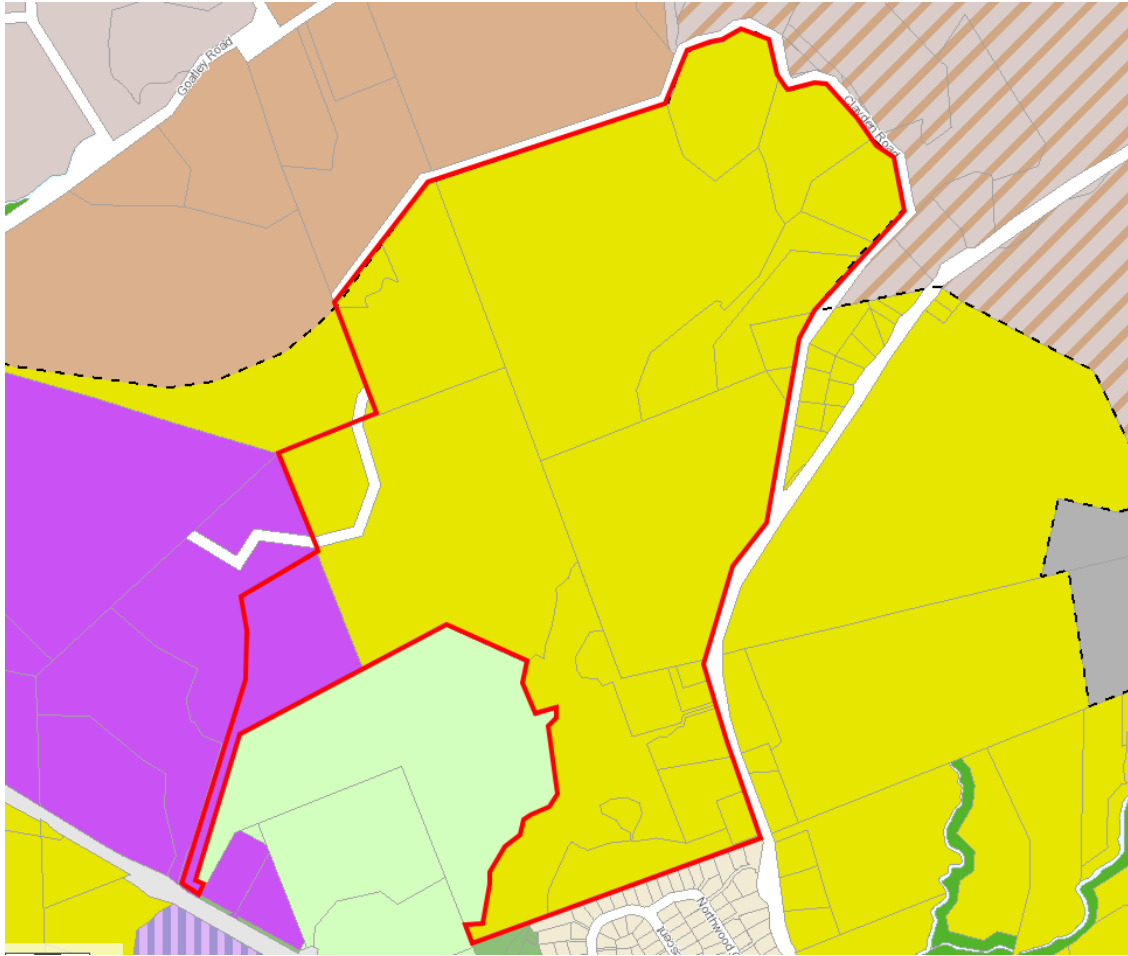


Figure 3: Current AUP(OP) zoning

43. The FUZ anticipates a structure planning process to enable greenfield land to be released for urban subdivision, development and use. The structure planning process, which is set out in Appendix 1 to the AUP(OP), requires consideration of a broad range of matters, including the location, type and form of urban development, the demand for residential or business land within the structure plan area, the delivery and timing of critical infrastructure to meet this demand, the protection of existing natural resources and heritage features, and the integration of land use and development with the wider transport network. Prior to the land being urbanised the FUZ provides for rural activities that align with the objectives and policies of the Rural – Rural Production Zone.
44. The 5.2ha of land in the plan change area currently zoned Business – Light Industry (LIZ) is undeveloped and is currently being used as pastoral grazing. The LIZ anticipates industrial activities that do not generate objectionable odour, dust or noise.
45. The PPC40 area is also subject to a number of existing overlays and controls, identified below:
 - Significant Ecological Area (Terrestrial) overlay over a large amount of the vegetation along the Mahurangi River Tributary to the south of the site; as it relates to Lot 8 DP 135480 Matakana Road, Warkworth;
 - Macroinvertebrate Community Index – Exotic, Native, Rural and Urban;

- Natural Resources: High Use Stream Management Areas Overlay over the whole plan change area; and
- Natural Resources: High Use Aquifer Management Areas Overlay – Mahurangi Waitemata over the whole plan change area.

The area is also subject to Designation 1478 for the Matakana Link Road.

2.1. Warkworth Structure Plan 2019

46. The Warkworth Structure Plan was completed by council in June 2019 in accordance with the structure plan process set out in Appendix 1 to the AUP(OP).
47. The Warkworth Structure Plan sets out a pattern of land use and a network of transport and other infrastructure for the 1,000ha of Future Urban zoned land around Warkworth. The structure plan is intended to be the foundation to inform future plan changes to rezone the land.
48. Before Future Urban zoned areas are urbanised (and 'live' zoned), the AUP (OP) requires structure planning to occur. The Auckland Unitary Plan also contains guidance on the matters to be addressed in a structure plan (Appendix 1 of the Auckland Unitary Plan). The Warkworth Structure Plan followed these guidelines. The Warkworth Structure Plan was adopted by Council on 4 June 2019, following an 18-month process.
49. The process to create the WSP began in December 2017 with the preparation of a series of technical 'topic reports' to understand the existing environment within the study area and the opportunities and constraints for development. The topic reports covered various areas such as heritage and archaeology, stormwater, transport, environment, along with others.
50. During April 2018, the initial phase of public consultation for the project was undertaken to promote awareness of the project and understand what stakeholders value as Warkworth grows.
51. The next phase of the structure plan was community structure plan workshops in June 2018. The purpose of the workshops was to involve the public in 'hands-on' sessions to generate ideas on how the Warkworth Structure Plan could look in terms of a land use layout and supporting infrastructure. The Council then reported back to the community in August 2018 through two open days to summarise the outcomes of the workshops.
52. A draft Warkworth Structure Plan was then developed using inputs from the topic reports (opportunities and constraints), consultation feedback (April 2018), the community workshops ideas, and internal Council specialist workshops. The draft plan was then taken out for feedback from the community in February 2019. The feedback on the draft plan was reviewed and some changes were made to produce the final Warkworth Structure Plan that was adopted in June 2019.
53. During the process the Council worked with various infrastructure providers and organisations including Auckland Transport, NZTA, Vector, Chorus, Ministry of Education, and Watercare. Consultation occurred throughout the whole project with Mana Whenua. At a political level the project was overseen by a political working group

made up of councillors, local board chairs, and members of the Independent Maori Statutory Board. The Rodney Local Board was also consulted during the whole process.

High-level outcomes of the Warkworth Structure Plan

54. The key high-level features of the Warkworth Structure Plan are listed below:
- Ecological and stormwater areas are set aside from any built urban development.
 - The new residential areas across the Future Urban zone enable around 7,500 dwellings and offer a range of living types from spacious sections around the fringe to more intensive dwellings such as town houses and apartments around the new small centres and along public transport routes.
 - Warkworth's local and rural character is protected through various measures including provisions to protect the bush-clad town centre backdrop by the Mahurangi River and retaining the Morrison's Heritage Orchard as a rural feature of the town.
 - New employment areas are identified, comprising land for new industry (e.g. warehousing, manufacturing, wholesalers, repair services) and land for small centres (e.g. convenience retail, local offices, restaurants/cafés). The existing Warkworth town centre by the Mahurangi River will remain as the focal point of the town.
55. The structure plan identifies infrastructure to support the future land uses that include:
- Prioritising active transport in Warkworth through a separated walking and cycling network providing connectivity to new and existing centres, employment areas, schools and public transport stations.
 - A roading network including a potential southern interchange on Ara Tūhono – Pūhoi to Warkworth (south facing ramps only).
 - A public transport network built upon the recently introduced 'New Network for Warkworth' and in the long term has a bus station/interchange in Warkworth's southern Local Centre and a Park and Ride near the potential Ara Tūhono – Pūhoi to Warkworth southern interchange.
 - Other infrastructure providers for utilities such as wastewater, water, power supply, telephone, broadband, community facilities, schools, and healthcare have plans underway to service the planned growth of Warkworth.

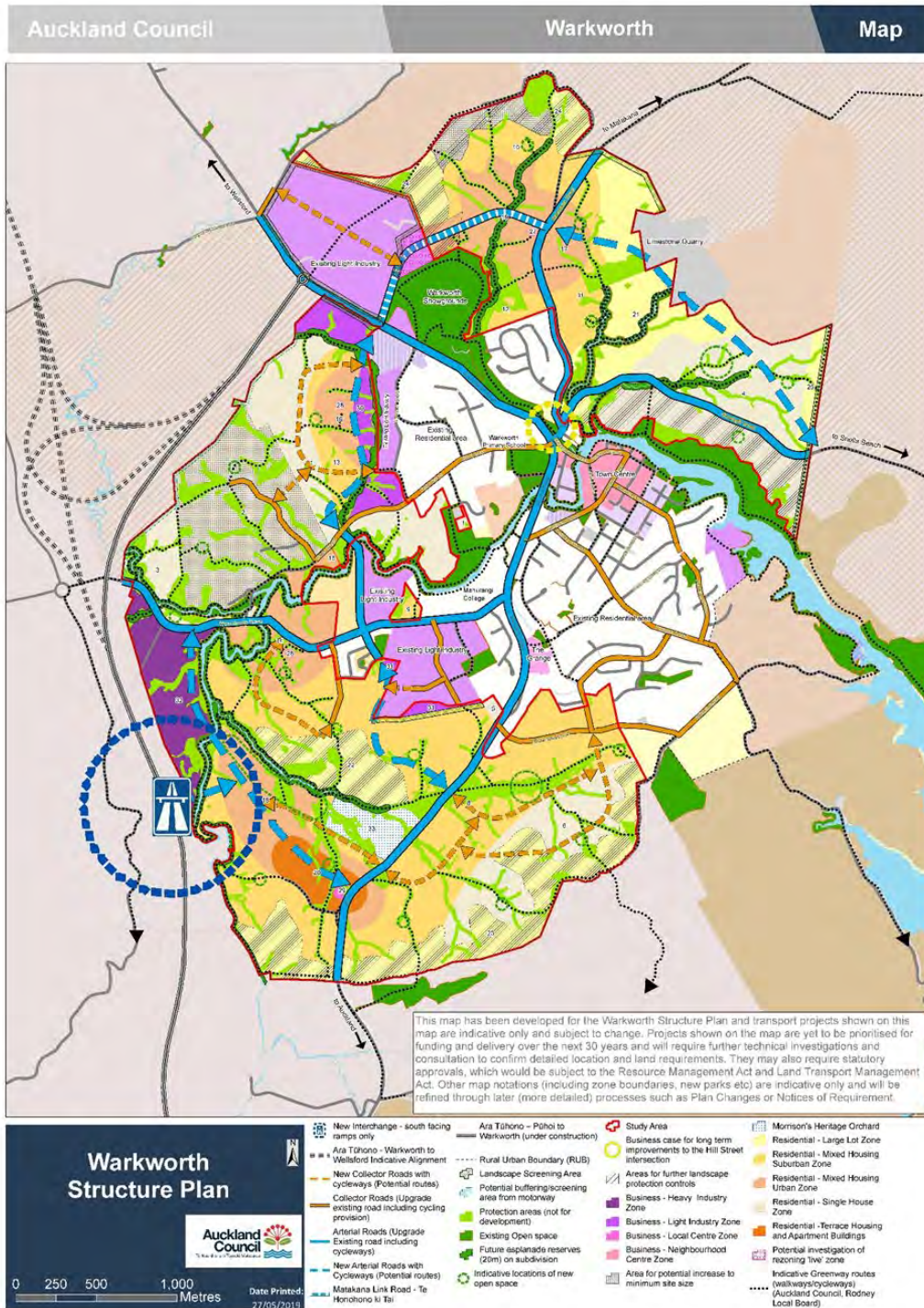


Figure 4: Warkworth Structure Plan, adopted June 2019

56. The structure plan notes that the development of Warkworth's Future Urban zone will occur over the long-term and is sequenced in stages over the next 20 years as bulk infrastructure capacity allows. It will be implemented through a series of plan changes to rezone the Future Urban zone in accordance with land use indications in the final adopted Warkworth Structure Plan. The Warkworth Structure Plan map is shown in **Figure 4** above.
57. The structure plan recognises that it is not an exact site by site zoning map with the accuracy required for a statutory plan change. The WSP states on page 23 that "the

structure plan shows zone boundaries in a general way...and will be refined later through the plan change process”.

58. While localised zone boundaries may be subject to change, the main structural land use elements such as larger centres and industrial areas are not anticipated to be altered without significant additional evidence and reasons.

3. PROPOSED PLAN CHANGE PROVISIONS

59. The AUP(OP) uses six main types of plan provisions;

- General rules,
- Overlays,
- Auckland-wide provisions,
- Zones,
- Precincts, and
- Standards

60. PC40, as notified, proposes changing the zoning of the site, adding an additional Auckland-wide control for the management of stormwater, and applying a precinct to the entire plan change area.

Updated plan change – 23 June and 27 August 2020

61. After the notification of PC40, the applicant held discussions with submitters to better understand their concerns and chose to pro-actively respond to some of these concerns within the plan change prior to the hearing. An updated plan change was circulated to council and all submitters on 23 June 2020. After further discussions with submitters, the applicant provided a final updated plan change on 27 August 2020. Both updated plan changes proposed by the applicant can be found in **Appendix 9**. The updates are discussed further in **section 10**.
62. The applicant considers the revised plan change is “in scope” because they specifically address submissions lodged.
63. The update included changes to the proposed zoning, application of additional AUP(OP) controls, the relocation of the Rural Urban Boundary, and updates to the precinct provisions and maps.
64. In the description of the components of the plan change below, it is noted if the zone or AUP(OP) control was introduced in the updated plan change.

3.1. Proposed Zones

65. PPC40 seeks to apply the following AUP (OP) zones. The zones are all identified in **Figure 5** below:

- Residential – Single House
- Residential – Mixed Housing Suburban
- Residential – Mixed Housing Urban
- Residential – Large Lot zone
- Rural – Countryside Living
- Business – Neighbourhood Centre
- Business – Light Industry (additional zone included in updated plan change 27 August 2020)

66. The Residential - Single House Zone (**'SHZ'**) is applied to areas which typically have particular amenity values that reflect the neighbourhood character, such as special character or coastal location. The other reason it is commonly used is for a physical limitation such as flooding. The development within the zone is anticipated to be one to two storeys in height and typically anticipates detached dwellings. Multi-unit development is not generally anticipated.
67. The Residential - Mixed Housing Suburban Zone (**'MHSZ'**) is the most widespread residential zone, and enables intensification whilst retaining a suburban built character. Development within the zone is anticipated to be two storey and can comprise a both detached and attached housing typologies in a variety of types and sizes to provide housing choice.
68. The Residential - Mixed Housing Urban Zone (**'MHUZ'**) is a reasonably high-intensity residential zone which provides for development up to three storeys in a variety of sizes and forms, including detached dwellings, terrace housing and low-rise apartments. The zone is generally applied to areas within walking distance to centres, public transport, social facilities and open spaces.
69. The Business – Neighbourhood Centre Zone (**'NCZ'**) is applied to centres which comprises small sets of shops or to single corner stores that are located in residential neighbourhoods. They are typically sized to provide for local residents and passers-by. The zone provides for building up to three storeys and allows for residential uses at the upper level.
70. The Rural – Countryside Living Zone (**'CSLZ'**) provides for rural lifestyle living on rural land generally closer to Auckland or urban areas. There is a diversity in site sizes resulting from the diversity of topography, land quality and landscape character. The CSLZ is the receiver area for transferrable rural site subdivisions from other zones.
71. The Business – Light Industry Zone (**'LIZ'**) is a zone typically providing for industrial activities such as manufacturing, production, logistics, storage, transport and distribution. The zone provides for building heights of up to 20m and anticipates industrial activities that do not generate objectional odour, noise or dust.

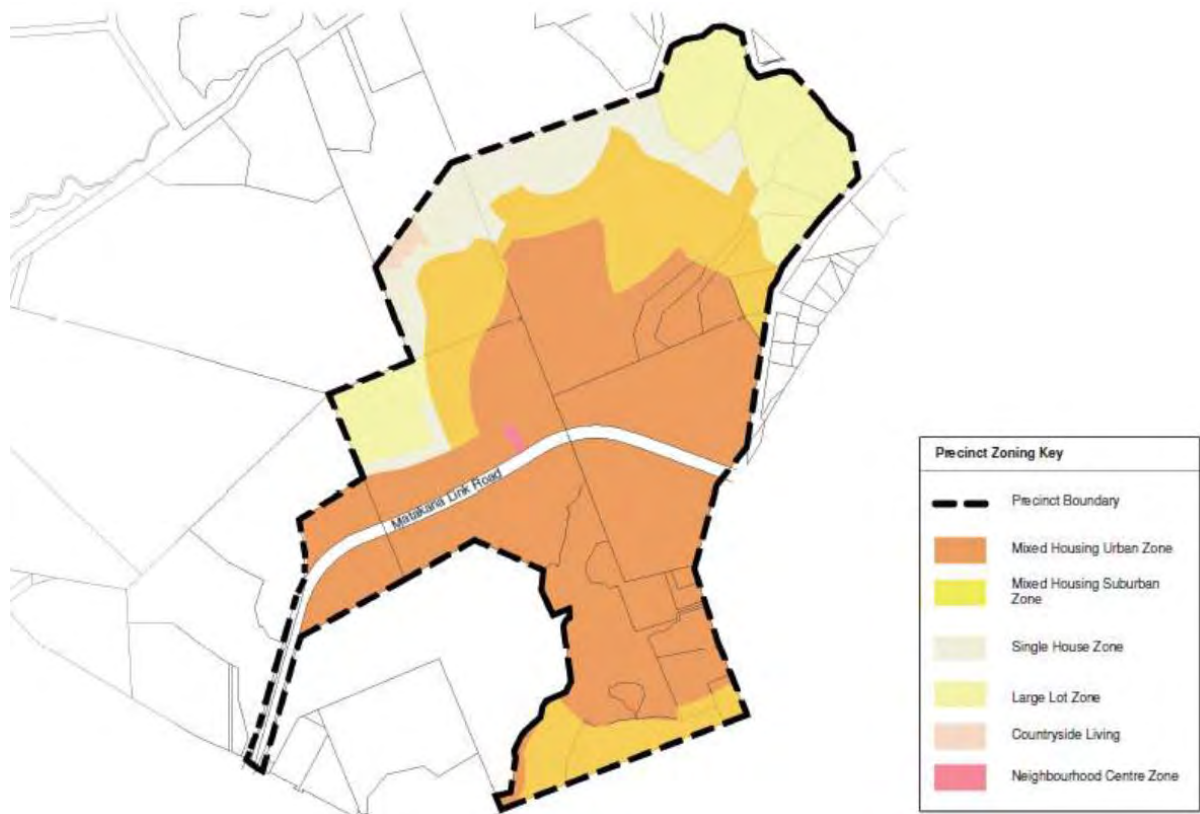


Figure 5: Proposed zoning (as notified) for PPC40 (Planning report prepared by Tattico, dated 24 February 2020).

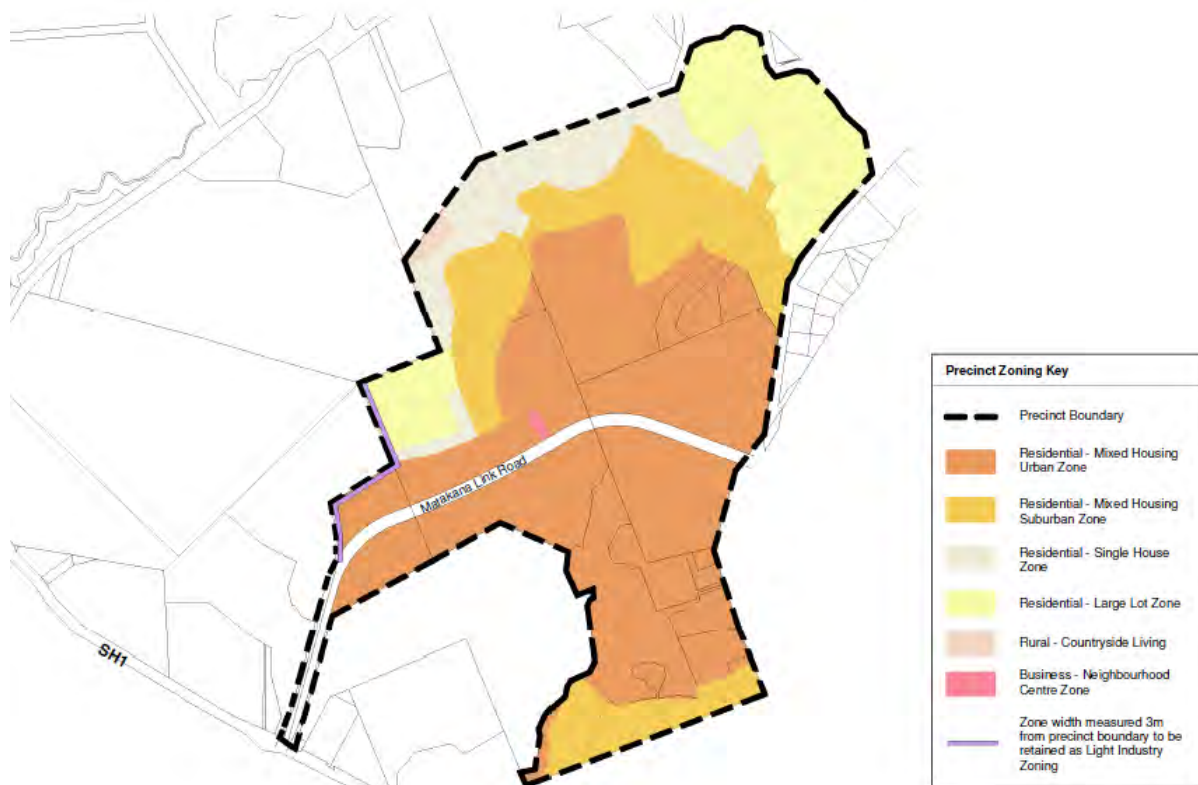


Figure 6: Zoning proposed as part of the updated plan change (27 August 2020) (note the addition of a 3m strip of light industrial land along part of the western boundary)

3.2. Additional AUP(OP) controls

72. The plan change seeks to extend the following controls within the plan change, including:
- Extend the Stormwater Management Area Control – WARKWORTH Flow 1 (SMAF) over the whole plan change area,
 - Application of the Height Variation control to MHUZ land adjacent to the southern portion of the MLR (applied to the plan change in the updated plan change 27 August 2020),
 - Application of the Subdivision Variation control to the portion of CSLZ in the north-western corner of the plan change area (applied to the plan change in the updated plan change 27 August 2020), and
 - Identifying the Matakana Link Road as an Arterial Road within the AUP(OP) (applied to the plan change in the updated plan change 27 August 2020).
73. The Stormwater Management Area Control – Flow 1 is used to reduce stormwater runoff in stormwater catchments that discharge to sensitive or high value streams and have lower levels of impervious surfaces (often greenfield areas). The SMAF puts in place

measures to protect and enhance Auckland's rivers, streams and aquatic biodiversity in urban areas.

74. The Height Variation control imposes a different height to what is typically provided for within the underlying zone. In this case, the height limit of a portion of the MHU zone is reduced from 11 metres to 9 metres.
75. The Subdivision Variation control is used to impose a different minimum lot size to what is typically provided for in the underlying zone. In this case, the plan change does not state what that variation is. This should be clarified by the applicant at the hearing.
76. Recognising the Matakana Link Road as an Arterial Road in the AUP(OP) imposes additional controls on the Matakana Link Road, including imposing a Vehicle Access Restriction whereby the construction and use of a vehicle crossing is considered as a restricted discretionary activity.

3.3. Warkworth Clayden Road Precinct

77. PPC40 introduces a new precinct over the plan change area. There are three plans included alongside the precinct which are identified below and attached in **Appendix 1**.
 - Precinct Plan 1 – Spatial provisions
 - Precinct Plan 2 – Environment
 - Precinct Plan 3 – Transportation
78. Precincts are one of the six main types of plan provisions used in the AUP(OP). They provide the opportunity to apply specific rules and standards to a particular locality.
79. The precinct proposes a number of area-specific provisions in terms of objectives and policies and new standards that cover:
 - Landscaping provisions for interfaces with adjacent LIZ land, and along the RUB;
 - Noise reverse-sensitivity provisions for interfaces with adjacent LIZ land;
 - Provision for a recreation facility adjacent to the Warkworth Showgrounds,
 - Specific subdivision controls altering the minimum lot size,
 - Specific height controls along the Clayden ridge, and
 - Provision for stream reclamation, protection and enhancement.
80. The updated precinct provisions on 27 August 2020 added new provisions, and altered the wording of some, and deleted others. Refer to **Appendix 9** for the updated plan change, and **section 10** for further discussion about the updates.
81. Precinct Plan 1 illustrates the location and extent of various spatial elements and provisions; including indicative greenway network, particular yards, noise management and measurement areas, indicative locations of open space and streams to be retained and planted with riparian planting.
82. Precinct Plan 2 sets out the indicative location of stormwater management ponds, areas of covenanted bush, stream to be retained and the adjacent areas of riparian planting.

83. Precinct Plan 3 is a map of transportation features including greenway routes, indicative road network, locations of access points onto the Matakana Link Road and notes Matakana Link Road as a Primary Road with limited access.

4. HEARING AND DECISION MAKING CONSIDERATIONS

84. Clause 8B (read together with Clause 29) of Schedule 1 of RMA requires that a local authority shall hold a hearing into submissions on a proposed private plan change.
85. The Regulatory Committee have delegated to the Hearings Commissioners authority to determine Council's decisions on submissions on PPC40 and to make a decision on the plan change, under section 34 of the RMA. Hearing Commissioners will not be recommending a decision to the Council, but will be issuing the decision directly on PPC40.
86. This report summarises and discusses submissions received on PPC40. It makes recommendations on whether to accept, in full or in part; or reject each submission. This report also identifies what modifications, if any, can be made to address matters raised in submissions. Any conclusions or recommendations in this report are not binding on the Hearing Commissioners.
87. The Hearing Commissioners will consider all the information in submissions together with evidence presented at the hearing.
88. This report relies on the assessments from the following experts on behalf of council. The assessments are attached in **Appendix 7**. has been prepared by the following author(s) and draws on technical advice provided by the following technical experts:

Table 1: Specialty area and relevant council specialist

Speciality area	Reviewing specialist
Contamination	James Corbett, Principal Contaminated Land Specialist, Auckland Council
Ecology (Terrestrial)	Rue Statham, Senior Ecologist, Biodiversity Team, Auckland Council
Geotechnical	Ross Roberts, Geotechnical & Geological Practice Lead, Auckland Council
Infrastructure funding	Alan Hanley, Infrastructure Funding Agreements Specialist, Auckland Council
Landscape	Stephen Brown, Director, Brown NZ Ltd
Parks Policy	Ezra Barwell, Senior Policy Advisor, Parks and Recreation Policy, Auckland Council
Parks Sport and Recreation	Maylene Barrett, Principal Specialist Parks Planning, Auckland Council
Stormwater	Hillary Johnstone, Environmental Specialist, Tektus Jack Turner, Director, Engineer & Planner, Tektus
Streams	Mark Lowe, Environmental Scientist, Morphum Environmental Ltd

Transport	Martin Peake, Director, Progressive Transport Solutions Ltd
Urban Design	John Stenberg, Principal Urban Design, Auckland Council
Development Engineering	Steve Cavanagh, Development Engineer, Auckland Council
Arboriculture	Gavin Donaldson, Senior Specialist, Auckland Council
Economics	Derek Foy, Associate Director, Market Economics
Noise	Bin Qiu, Senior Specialist (Noise), Auckland Council

5. STATUTORY AND POLICY FRAMEWORK

5.1. Resource Management Act 1991

89. Private plan change requests can be made to the Council under clause 21 of Schedule 1 of the RMA. The provisions of a private plan change request must comply with the same mandatory requirements as Council initiated plan changes, and the private plan change request must contain an evaluation report in accordance with section 32 of the RMA (clause 22(1), Schedule 1, RMA0. Clause 29(1) of Schedule 1 provides “*except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b)*”.
90. PPC40 was accepted by Council under clause 25(2)(b) of schedule 1 of the RMA, on 24 February 2020.
91. The private plan change was publicly notified, and 19 submissions were received by council. Following notification of the summary of decisions requested in submissions council received 10 further submissions.

5.1.1. Plan change matters – regional and district plans

92. 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 2** below summarises matters for plan changes to regional and district plan matters.

Table 2: Plan change matters relevant to regional and district plans

Relevant Policy/ Plan	Act/ Section	Matters
Resource Management Act 1991	Part 2	Purpose and principles of the RMA
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

93. 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) 7, 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 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;*

⁷ Subsequent cases have updated the Long Bay summary, including *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55.

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.

5.1.2. Resource Management Act 1991- Regional matters

94. There are mandatory considerations in the development of a proposed plan change to regional matters. **Table 3** below summarises regional matters under the RMA, relevant to PPC40 that are additional to those in **Table 2** above.

Table 3: Plan change - regional matters under the RMA

Relevant Act/ Policy/ Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 30	Functions of regional councils in giving effect to the RMA
Resource Management Act 1991	Section 59	Sets out the purpose of a regional policy statement in giving effect to the RMA
Resource Management Act 1991	Section 60	Sets out the requirement for and the process for, changes to the regional policy statement
Resource Management Act 1991	Section 61	Sets out the matters to be considered for a regional policy statement
Resource Management Act 1991	Section 62	Sets out the required contents of regional policy statements
Resource Management Act 1991	Section 63	Sets out the purpose of regional plans
Resource Management Act 1991	Section 65	Sets out matters to be considered for changes to regional plans
Resource Management Act 1991	Section 66	Sets out matters to be considered in (other) regional council plans

Relevant Act/ Policy/ Plan	Section	Matters
Resource Management Act 1991	Section 67	Sets out required contents of regional plans
Resource Management Act 1991	Section 68	Sets out the purpose and considerations of rules in regional plans (regional rules)
Resource Management Act 1991	Section 69	Sets out matters to be considered for rules relating to water quality
Resource Management Act 1991	Section 70	Sets out matters to be considered for rules relating to discharges

5.1.3. Resource Management Act 1991- District matters

95. 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 PPC40, that are additional to those in **Table 2** above.

Table 4: Plan change - district matters under the RMA

Relevant Act/ Policy/ Plan	Section	Matters
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 1991	Section 74	Matters to be considered by a territorial authority when preparing a change to its district plan. This 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

5.1.4. National policy statements

96. Pursuant to sections 74(1)(ea) and section 75 of the RMA, the relevant National Policy Statements (NPS) must be given effect to in the preparation of the proposed plan change and in considering submissions. **Table 5** below summarises the NPSs that apply to PPC40.

Table 5: National Policy Statements relevant to PPC40

Relevant Act/ Policy/ Plan	Section	Matters summarised
National Policy Statement for Freshwater Management 2020 (NPS-FM)	Te Mana o te Wai	Consider and recognise the fundamental concept of Te Mana o te Wai in the management of fresh water.
	National Objectives Framework	<p>Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained.</p> <p>There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.</p> <p>The loss of river extent and values is avoided to the extent practicable.</p> <p>The habitats of indigenous freshwater species are protected.</p>
National Policy Statement on Urban Development 2020 (NPS-UD)	Objectives	<p>Provide well-functioning urban environments that enable people and communities and future generations to provide for wellbeing.</p> <p>Improve affordability of housing.</p> <p>Provide for high-density development near centres and employment areas, public transport connections and where there is high demand for housing or business land.</p> <p>Urban environments are responsive to the diverse and changing needs of people, communities and future generations.</p> <p>Planning decisions take into account the principles of Te Tiriti o Waitangi (the Treaty of Waitangi)</p> <p>Local authority decisions on development are integrated with infrastructure and funding, strategic over the long-term and mid-term and are responsive to proposals supplying significant development capacity</p> <p>Local authorities have up-to-date information to inform their planning decisions</p> <p>Our urban environments support reduced greenhouse gas emissions and are resilient to the effects of climate change.</p>

National Policy Statement for Freshwater Management 2020

97. The National Policy Statement for Freshwater Management 2020 (NPS-FM) sets out the objectives and policies for the management of freshwater. The NPS-FM came into effect on 3 September 2020, replacing the National Policy Statement for Freshwater Management 2014 (amended 2017).
98. In guidance on the NPS-FM, the Ministry for the Environment states that the key requirements in the NPS-FM include⁸:
- Manage freshwater in a way that gives effect to Te Mana o te Wai, by involving tangata whenua and setting out long-term visions in the regional policy statement, and prioritising the health of water bodies, then the needs of people, followed by other uses
 - Utilising bottom lines defined in the NPS to improve degraded water bodies, and maintain or improve all others
 - Expansion of the national objectives framework
 - Avoid any further loss or degradation of wetlands and streams, map existing wetlands and encourage their restoration
 - Work towards identified targets for fish abundance, diversity and passage, addressing barriers to fish passage over time
 - Set and aquatic life objective for fish
 - Monitor and report annually and every five years publish a synthesis report with an ecosystem health score and response to deterioration.
99. I consider that there are NPS-FM policies which are of particular relevance to consider when making a decision on PPC40, in addition to the overall objective of the NPS-FM. These are Policies 1, 2, 3, 5, 6, 7, 8 and 9. I consider that all subparts (1, 2 and 3) are relevant when making a decision on PPC40.
100. I consider that PPC40 does not fully align with the objectives and policies of the NPS-FM in that the plan change because:
- Whilst it intends to protect some streams within the plan change area, it does not ensure the health and well-being of water bodies and freshwater ecosystems is prioritised over the economic benefits of the plan change, and makes a trade-off between the loss of a significant measure of streams for increased development
 - It anticipates stream reclamation by providing for the reclamation of streams (for those streams not identified on Precinct Plan 2) as a restricted discretionary activity
 - It anticipates the loss of natural inland wetlands
101. It is also noted, that on the part of council, tangata whenua must be actively involved (to the extent they wish to be involved) in freshwater management decision-making processes, including the changing of regional and district plans so far as they relate to

⁸ <https://www.mfe.govt.nz/fresh-water/national-policy-statement/about-nps>

freshwater management. My recommended modifications to plan change 40 (**Appendix 8**) mean there is no effective change to the management of freshwater in the AUP(OP).

102. Auckland Council must also amend its regional policy statement, regional plan or district plan to give effect to the provisions of the NPS-FM as soon as practicable. This will need to be done through Plan Change(s) to the AUP(OP). This will involve the wider community and specifically iwi. Should this result in an approach different to any final precinct provisions, then that will need to be reconsidered, along with all precincts across the region as part of this process.

National Policy Statement on Urban Development 2020

103. The National Policy Statement on Urban Development July 2020 (NPS-UD) sets out the objectives and policies for planning for well-functioning urban environments under the RMA. The NPS-UD came into effect on 20 August 2020 replacing the National Policy Statement on Urban Development Capacity 2016 ('NPS-UDC').
104. In guidance on the NPS-UP, the Ministry for the Environment states that the NPS-UD removes overly restrictive barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure.⁹
105. Key changes in the NPS-UD from the NPS-UDC include:
- a requirement for planning decisions to contribute to well-functioning urban environments (Objective 1)
 - specific reference to amenity values, climate change, housing affordability and the Treaty of Waitangi (te Tiriti o Waitangi) (Objectives 2, 4, 5 and 8)
 - a requirement for local authorities to enable greater intensification in areas of high demand and where there is the greatest evidence of benefit – city centres, metropolitan centres, town centres and near rapid transit stops (Objective 3)
 - removal of minimum car parking rates from district plans
 - a requirement for local authorities to be responsive to unexpected plan change requests where these would contribute to desirable outcomes.
106. For the purpose of the NPS-UD, Auckland Council is a Tier 1 urban environment. Not all land falling within the Auckland Council is urban environment. Urban environment, as defined in the NPS-UD, is any area of land that is, or is intended to be, predominantly urban in character, and is, or is intended to be, part of a housing and labour market of at least 10,000 people. The site subject to PPC40 falls within the urban environment.
107. Guidance material provided by the Ministry for the Environment indicates that all objectives within the NPS-UD apply from 20 August 2020, this includes decisions made in relation to Plan Changes, such as PPC40. I consider that there are NPS-UD objectives and policies which are of particular relevance to consider when making a decision on PPC40. These are Objectives 1, 2, 3, 4, 5, 6 and 8 and Policies 1, 2, 3(d), 4, 6 and 9. The NPS-UD also contains 'subparts'. I also consider that subparts 3.11, 3.21, 3.32 and 3.33 are of relevance.

⁹ <https://www.mfe.govt.nz/about-national-policy-statement-urban-development>

108. I consider that PPC40 aligns with the objectives and policies of the NPS-UD in that the plan change:
- provides an opportunity to improve housing affordability
 - enables more people to live in area of an urban environment which is near a town centre zone and is intended to be served by a growing public transport network
 - provides an opportunity for an urban environment, including its amenity value, to develop and change over time
 - provides for additional development capacity
 - supports reductions in greenhouse gas emissions and resilient to the current and future effects of climate change.
109. The applicant’s planning report provided assessment of PPC40 against the NPS-UDC in section 9.4. My initial assessment, undertaken before PPC40 was notified, agreed with the applicant’s assessment. The applicant has not assessed the NPS-UD as the private plan change request was lodged, and notified, prior to the bill being enacted or coming into effect on 20 August 2020.
110. Auckland Council must amend its regional policy statement or district plan to give effect to the provisions of the NPS-UD as soon as practicable. This will need to be done through Plan Change(s) to the AUP(OP).
111. Subsequent Plan Change(s) to the AUP(OP) to give effect to the NPS-UD may result in an amendment to the height provisions of the AUP(OP). However, I consider that rezoning the site from FUZ and LIZ to a range of residential zones, with a concentration of MHU around the Matakana Link Road meets with the intent of the NPS-UD in that the objectives and policies of the residential zones, and in particular, MHU provides for:
- higher density residential living than previously provided for with an increase in housing capacity and choice
 - development in keeping with the existing neighbourhood’s character
 - quality on-site residential amenity for residents and the street

5.1.5. National environmental standards or regulations

112. Under section 44A of the RMA, local authorities must observe national environmental standards in its district/ region. No rule or provision may be in conflict with a national environmental standard or regulation. **Table 6** below summarises the national environmental standards or regulations relevant to PPC40.

Table 6: National environmental standards relevant to PPC40

Relevant Act/ Policy/ Plan	Matters
National Environmental Standard on assessing and managing contaminants into soil to protect human health	The National Environmental Standard on assessing and managing contaminants into soil to protect human health applies a nationally consistent framework for assessing subdivision, development and use on land that is contaminated or potentially contaminated.
National Environmental Standard for Freshwater Management	The Freshwater NES set requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems.

National Environmental Standard on assessing and managing contaminants into soil to protect human health

113. The applicant has identified that the National Environmental Standard on Assessing and Managing Contaminants into Soil to protect Human Health (NЕСS) is relevant to the plan change. I agree that it is relevant. The applicant's information states that two Preliminary Site Investigation (PSI) were provided for some of the land within the plan change area, one by Focus Environmental dated February 2020, and one by Riley Consultants dated 30 May 2018. Excluded due to lack of access were the sites at 57, 165, 171, 185, 207, 211, 233 and Lot 8 DP 135480 Matakana Road.
114. The report by Focus Environmental identified a number of sites on which activities on the Hazardous Activities and Industries List (HAIL) had been carried out, and recommended a detailed site investigation to confirm if activities had affected site soils and to confirm consenting requirements.
115. The report by Riley Consultants identified two dumped vehicles on Lot 4 DP 492431 along with an area where possible burial of waste could have occurred, characterised as HAIL activity G5. It was concluded that on this basis the NЕСS applies, that subdivision would not be a permitted activity and in the absence of a Detailed Site Investigation this would require a Discretionary Activity consent. Otherwise, a Detailed Site Investigation may downgrade the requirement for consent.
116. James Corbett, Principal Contaminated Land Specialist, peer reviewed both reports and agrees that further detailed investigation of the land within the PPC40 area not included in the above PSI will require a PSI in the future when the land changes land use or is subdivided, or earthworks are undertaken. I agree with Mr. Corbett that the NЕСS will provide a suitable framework for this process.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

117. The applicant has not addressed this NES in its application documentation.
118. The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (Freshwater NES) became operative in part on 3 September 2020.
119. The reclamation of streams is a discretionary activity under the Freshwater NES (section 57). The plan change provides for reclamation of streams not identified on Precinct Plan 2 a restricted discretionary activity, which is more lenient than, and therefore in conflict with, the Freshwater NES.
120. Furthermore, whilst the activity (Table IXXX.4.1, Activity (A1) of the precinct in **Appendix 9**) does not explicitly refer to wetlands, the intent of the activity is to replace E3.4.1(A48) and (A4) of the AUP(OP). Therefore, this also encompasses wetland reclamation. The ecology report provided by the applicant and prepared by Freshwater Management Solutions identifies several wetlands in the upper reaches of streams across the site. The earthworks and diversion and drainage within a natural wetland is a prohibited activity under section 53 of the Freshwater NES, where it does not have a separate activity status under sections 38 to 51, including for 'specified infrastructure'. It is understood that the proposed development does not meet the definition of 'specified infrastructure' in the NES-FW (it is not a "lifeline utility", not identified as regionally significant in the RPS or Regional Plan, and not for flood control).

121. Therefore, I consider that the plan change proposes rules that are in conflict with the Freshwater NES.

5.1.6. Auckland Unitary Plan (Operative in part) – Regional Policy Statement

122. Under s75(3)(c) of the RMA when preparing or changing a district plan, a council must give effect to any Regional Policy Statement (RPS). The applicant’s planning report identifies the RPS objectives and policies that are relevant to PPC40 in section 9.6.

Table 7: Relevant provisions of the RPS in the AUP(OP) (Refer to **Appendix 11** for full copies of these sections)

RPS section	Relevant sub-sections
B2 Urban growth and form	B2.2 Urban growth and form B2.3 A quality built environment B2.4 Residential growth
B3 Infrastructure, transport and energy	B3.3 Transport
B7 Natural Resources	B7.3 Freshwater systems

123. At a high level, PPC40 does give effect to a number of the key objectives and policies of the RPS. In particular, PPC40 provides for:

- Containment of urbanisation within the Rural Urban Boundary (RUB) (B2.2.1(4));
- A compact urban form (B2.2.2(7));
- Residential intensification adjacent to centres, corridors and public transport facilities (B2.4.1(3));
- An increase in housing capacity (B2.4.1(4));
- Future urban development on the land is adequately serviced with infrastructure prior to, or at the same time as, residential intensification (B2.4.2(6));
- Infrastructure planning and land use planning are integrated to service growth efficiently (B3.2.1(5));
- Transport infrastructure is designed, located and managed to integrate with adjacent land uses (B3.3.2(4)(a));
- Transport infrastructure is planned, funded and staged to integrate with urban growth (B3.3.2(5)(a));
- Protection of areas of significant indigenous biodiversity values from subdivision and development (B7.2.1(1)); and
- Enhancement of some areas of degraded freshwater systems (B7.3.1(1)).

124. However, three areas where, in my opinion PPC40 falls short of giving effect to RPS objectives and policies and, in several instances, is inconsistent with the regional policy framework. In particular:

- PPC40 does not avoid the permanent loss of streams (excluding ephemeral streams) and wetlands and their margins, where practicable alternatives exist (B7.3.2(4)).

- PPC40 does not adequately manage adverse reverse sensitivity effects from urban intensification on land with existing incompatible activities (B2.4.2 (7)). Whilst most of the LIZ land to the west of the plan change are is currently undeveloped, a helicopter business operates from the site and I consider that the plan change does not adequately respond to this activity in terms of managing reverse sensitivity. Some additional provisions have been included in the updated plan change, but in my opinion, the conflict persists.
- Related to the reverse sensitivity matters, PPC40 also does not adequately provide for residential areas that are attractive, healthy and safe with quality development that is in keeping with the planned built character of the area (B2.4.1(2)). The noise effects of the adjacent helicopter activity are considered to have an adverse effect on the residential amenity of some of the plan change area.

125. Overall, I consider that PPC40 mostly gives effect to the objectives and policies of the RPS, but note that the precinct provisions downgrade the activity status of stream reclamation to restricted discretionary (as opposed to the non-complying activity status within in Chapter E3 Lakes, rivers, streams and wetlands of the AUP(OP) and proposes matters of discretion and assessment criteria that requires a balance of development potential against the ecological value of the stream.
126. If the specific design of the roading network shown as indicative in proposed Precinct Plan 3 is based on drainage of wetlands, then there may be a fundamental issue with the design of the development now that the Freshwater NES is in place. The applicant is invited to address this matter.
127. Additionally, I do not consider that the balance of providing for residential amenity and managing reverse sensitivity effects on nearby established activities is struck or adequately managed by the plan change.
128. Issues relating to district objectives and policies, including those arising under the various zones that are proposed, are discussed in response to the points raised by submitters, in **section 11** of this report.

5.1.7. The Auckland Plan

129. In considering a plan change, a territorial authority must have regard to plans and strategies prepared under other Acts (Section 74(2)(b)(i) RMA).
130. The Auckland Plan, prepared under section 79 of the Local Government (Auckland Council) Act 2009 is a relevant strategy document that council should have regard to in the consideration of PPC40, pursuant to section 74(2)(b) of the RMA. **Table 8:** Relevant sections of the Auckland Plansummarises the relevant sections of the Auckland Plan to PPC40.

Table 8: Relevant sections of the Auckland Plan

Relevant Plan	Outcome	Matters
Auckland Plan	Maori identity and wellbeing	Recognise and provide for Te Tiriti o Waitangi outcomes (Direction 2)
Auckland Plan	Homes and places	Develop a quality compact urban form to accommodate Auckland's growth (Direction 1)

		<p>Accelerate the construction homes that meets Aucklanders' changing needs and preferences (Direction 2)</p> <p>Provide sufficient public places and spaces that are inclusive, accessible and contribute to urban living (Direction 4)</p> <p>Accelerate quality development at scale that improves housing choices (Focus area 1). With a fundamental requirement for long-term success including 'making the right decision about development location and sequencing and 'coordinating investment in infrastructure'.</p> <p>Create urban spaces for the future, focusing investment in areas of highest population density and greatest need (Focus area 5)</p>
Auckland Plan	Opportunity and Prosperity	<p>Create conditions for a resilient economy through innovation, employment growth and raised productivity (Direction 1).</p> <p>Ensure regulatory planning and other mechanisms support business, innovation and productivity growth (Focus area 2).</p>
Auckland Plan	Transport and access	<p>Create an integrated transport system connecting people, places, goods and services (Direction 1)</p> <p>Increase genuine travel choices for a healthy, vibrant and equitable Auckland (Direction 2)</p> <p>Maximise safety and environmental protection (Direction 3)</p> <p>Make walking, cycling and public transport preferred choices for many more Aucklanders (Focus area 4)</p> <p>Better integrate land-use and transport decisions (Focus area 5)</p>
Auckland Plan	Environment and cultural heritage	<p>Ensure the environment is valued and care for (Direction 1)</p> <p>Use Auckland's growth and development to protect and enhance the environment (Direction 3)</p> <p>Focus on restoring environments and Auckland grows (Focus area 2)</p> <p>Account fully for the past and future impacts of growth (Focus area 3)</p>

131. The Auckland Plan identifies Warkworth as a rural node and satellite town which serves the rural catchment of the northern part of Auckland. It references that the growth will

require investment in supporting infrastructure and identifies that a structure plan will identify staging/timing of development and the mix and location of uses.

132. Key focus areas relevant to the consideration of PPC40 are promoting walking and cycling, restoration of environments as areas are urbanised and coordinating infrastructure. There are precinct provisions that can assist in ensuring that all of these areas are achieved.
133. PPC40 is consistent with the directives of the Auckland Plan 2050. It supports a quality compact urban form through the provision for medium to high density housing. The site will be close to frequent public transport routes along the MLR. The site is in close location to the Warkworth Town Centre and is conducive to walking, cycling and accessing public transport. This is consistent with the transport and access outcome of the Auckland Plan 2050.

5.1.8. Any relevant management plans and strategies prepared under any other Act

134. Other relevant plans and strategies considered under PPC40 are summarised in Table 9 below.

Table 9: Relevant management plans and strategies prepared under any other Act

Relevant Act/ Policy/ Plan	Section	Matters
10 Year Budget 2018-2025 (Long Term Plan, or LTP)	Volume 2: Our detailed budgets, strategies and policies	Planned transport, water supply and wastewater infrastructure, relevant to PPC40 area includes: <ul style="list-style-type: none"> - Matakana Link Road; - Future urban area growth related initiatives (decade 2); - NZTA initiatives Puhoi to Warkworth; - Warkworth water supply upgrades; and - Snells Beach sub-regional treatment plant and new transmission line from Warkworth.
Future Urban Land Supply Strategy 2017 (FULSS)	The Programme – sequencing of the future urban areas	Warkworth North encompasses the PPC40 area and is identified as being ‘development ready’ from 2022. There are 2,300 anticipated dwellings and the anticipated employment (jobs) is grouped by all decade one Future Urban Areas at 27,250.
Auckland Transport Alignment Project 2018 (ATAP)	ATAP Package Detail	Greenfield Transport Infrastructure; <p><i>“In Warkworth, around 4,600 new homes are expected over the next decade. Key investments include the Matakana Link Road and the Western Collector”.</i></p>
Regional Land Transport Plan 2018-2028 (RLTP)	Addressing Auckland Challenges	Supporting Growth Program to support future urban area <p>Corridor Improvements – Puhoi to Warkworth and Matakana Link Road</p>
	Inter-regional priorities	SH1 to Whangarei
Rodney Local Board Plan 2020 (draft) (RLBP)	Five key outcomes	<ul style="list-style-type: none"> - Safe, improved transport options connect our communities - Our natural environment is healthy and protected

		<ul style="list-style-type: none"> - Infrastructure and development meets the needs of our growing communities - Our communities are resilient and have access to what they need - Our local parks and recreation facilities meet the needs of our growing community
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135. PPC40 is considered to be consistent with these plans and strategies. Increasing the supply of residential land in close proximity to future public transport networks and the MLR will assist with enabling the key directions of the ATAP, RLTP and the LTP 2018 – 2028. The plan change is in line with the timing proposed by the FULSS, and the provides for the five key outcomes of the draft Rodney Local Board Plan 2020.

6. SECTION 32 ASSESSMENT

136. 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.

137. The applicant has provided a Section 32 report which has addressed,

- Zoning
- Precinct provisions
- Landscape provisions
- Ecology provisions
- Open space and walkway/cycleway network provisions
- Stormwater management
- Transport
- Light Industry rezoning
- Reverse sensitivity: Industrial/residential interface
- Neighbourhood Centre
- Northern Arena development
- Auckland-wide provisions relied upon
- Notable trees

138. I consider the report addresses the matters that it should. However, the submission process has raised a number of issues with the proposed plan change which is now subject to this hearing process.

139. Section 32AA of the RMA requires a further evaluation of any changes that arise out of this hearing/decision making process. The further analysis in this hearing report is intended to be sufficient to form part of the section 32AA consideration required, along with any decision report by the hearing panel, in accordance with Section 32AA1(d)(ii).

7. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

140. 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.

141. An assessment of actual and potential effects on the environment (“AEE”) is included in the planning report provided as part of the application. The submitted Plan Change request identifies and evaluates the actual and potential effects of its intended future implementation, and those effects are summarised and evaluated below.

142. Further to the notification of the plan change, the applicants circulated a revised and updated version of the plan change. This was a result of a number of discussions with submitters to understand their concerns and potentially revise and update the plan change to address their concerns. The applicants supplied an updated version of the plan change precinct provisions and plans to council and all submitters via email on 23 June 2020. Subsequent to the renotification of the plan change from 2 July 2020 – 30 July 2020, the applicants conducted further discussions with the additional submitters and supplied a final updated version of the precinct provisions and plans to council and all submitters via email on 27 August 2020. Both the 23 June 2020 and 27 August 2020 version of the precinct, along with the emails and letter sent to council and the submitters are attached in **Appendix 9**.
143. The applicant circulated the updated plan change prior to the hearing, rather than at the usual exchange of evidence to enable the council to consider the updated plan change in the s42A hearing report. Council's specialist team have taken these updates into account in their assessment of the plan change, though the applicant's specialist reports were written in light of the plan change as notified. The modifications from the notified version of the proposed plan change are outlined in more detail below in **section 11**.

7.1. Land use and urban design effects

Application

144. The effects arising from PPC40's proposed land use and urban design are addressed in section 10.4 of the applicant's planning report and Urban Design Assessment and Neighbourhood Design Statement (NDS), prepared by Ian Munro and A Studio Architects (both found in **Appendix 1**).
145. The NDS identifies a number of desired planning outcomes that have been derived in response to assessment of the key provisions of the AUP(OP), Auckland Design Manual, the Rodney Local Board Plan (2017) and the Warkworth Structure Plan 2019; These planning outcomes are;
- The development should contribute to a quality compact urban form that supports and enhances the Warkworth township,
 - The development should achieve a well-connected, integrated built form outcome, with residential areas having high amenity, and being healthy, attractive and safe,
 - Non-residential activities support the needs of people and the local community,
 - The development should maintain or enhance the needs of people and the local community,
 - The development should maintain or enhance the character of Warkworth township and the area, and provide adequately for infrastructure,
 - Open spaces should be well integrated and physically connected where possible,
 - Reverse sensitivity effects with adjacent land uses are managed,
 - The proposal should demonstrate how the site's opportunities and constraints have been positively responded to, and

- Overall urban design merit.

The proposal is then assessed against each of these desired outcomes.

146. The applicants NDS assesses that these outcomes are met by the proposed plan and provides an appropriate urban design solution for the site. Some key points of assessment the report asserts are;

- The combination and extent of the zoning over the plan change area takes into account the site's opportunities and constraints and is considered appropriate,
- The stream and landscaped yard proposed between the interface of the residential land adjacent to the LIZ land will be sufficient to ensure the residential zones proposed do not undermine the use of the adjacent LIZ land,
- Proposing residential zones adjacent to the Warkworth Showgrounds is appropriate and potential nuisance effects from lighting are relatively commonplace across Auckland and not problematic from a reverse sensitivity perspective [Reverse sensitivity effects are discussed in detail below in section 7.8],
- The proposal is somewhat different, but compatible with the Warkworth Structure Plan.

147. Mr. Munro concludes;

The proposal will result in a number of adverse urban design effects, although none are considered to be unusual or severe in the context of rural-to-urban land re-zoning. Positive urban design effects will also occur or be enabled through future subdivision. Overall, the proposal is consistent with the quality compact urban form sought by the AUP:OP and the specific matters set out in Chapter B2: Urban Form.

Peer Review

148. The urban design rationale and related effects of PPC40 have been reviewed by John Stenberg, Principal Urban Designer at Auckland Council,

149. Mr. Stenberg generally concurs with the urban design assessment provided by Ian Munro and A Studio Architects. He additionally stresses the importance of a number of aspects, summarised as follows:

- There is a need for streets to be aligned with the greenway network and other reserves, allowing for passive surveillance opportunities, provide street life to the edge of spaces, and allow for legibility and easy use of the spaces for the community;
- The recreation facility, if indoors, can internalise noise and effects of lighting more effectively than an outdoor facility,
- Thought should be given to the integration of the facility with the adjoining residential zones, street frontages and public space. The site selection and location of such a facility needs to be considered.

Comments

150. PPC40 differs in some instances from the WSP with regard to the extent of the intensity of residential zoning that is applied across the land, with greater use of the Mixed Housing Urban and Suburban zones and less Single House zone. The extent of SHZ along the Clayden Road ridge is reduced, and both MHU and MHS encroach further up towards the Clayden Road ridge than envisaged in the WSP. This approach is generally supported by Mr. Munro from an urban design perspective, and Mr. Stenberg concurs with his assessment. I acknowledge that from an urban design perspective, providing for higher residential densities within the Rural Urban Boundary (RUB) is a more efficient use of urban land, however, as I will cover in section 7.4 (Natural character and landscape effects) and section 7.8 (Reverse sensitivity effects), the zoning pattern proposed requires consideration from other effects perspectives.
151. I adopt the assessment of Mr. Munro and Mr. Stenberg that the urban design effects of the proposal are acceptable.
152. I do not accept that the imposition of a 6m yard at the interface of the LIZ land proposed in PPC40 is sufficient to manage reverse sensitivity and residential amenity effects, even when aided by the adjacent stream. As I will discuss in more detail in sections 7.8 (Reverse sensitivity effects) and 7.4 (Natural character and landscape effects) below, the interface envisaged by the Warkworth Structure plan of a 20-30m wide intensively planted landscaped area is more appropriate, particularly given the nature of the heliport activity already established on the adjacent LIZ land. I do not consider the revised plan change (27 August 2020) provisions intended by the applicant to address submitters concerns affect this conclusion.

7.2. Open space and greenways

Application

153. The effects arising from PPC40's proposed open space and greenways are addressed in section 10.8 of the applicant's planning report (**Appendix 2**) and Urban Design Assessment and Neighbourhood Design Statement (NDS), prepared by Ian Munro and A Studio Architects (**Appendix 1**).
154. Mr. Munro considers that the location of the proposed open space is appropriate and efficient given the higher density proposed for the western side of the area. Locating the main open space area here allows more people to be within close distance of the open space. Refer to Figure 7 below for the proposed location of open space in PPC40, in contrast with that proposed by the Warkworth Structure Plan.
155. For the greenways Mr. Munro assesses that whilst it is preferred that the road layout allows streets to abut the greenway network and riparian margins where possible, in the case of this site, the topography makes this challenging. This is achievable in some areas, but not all.

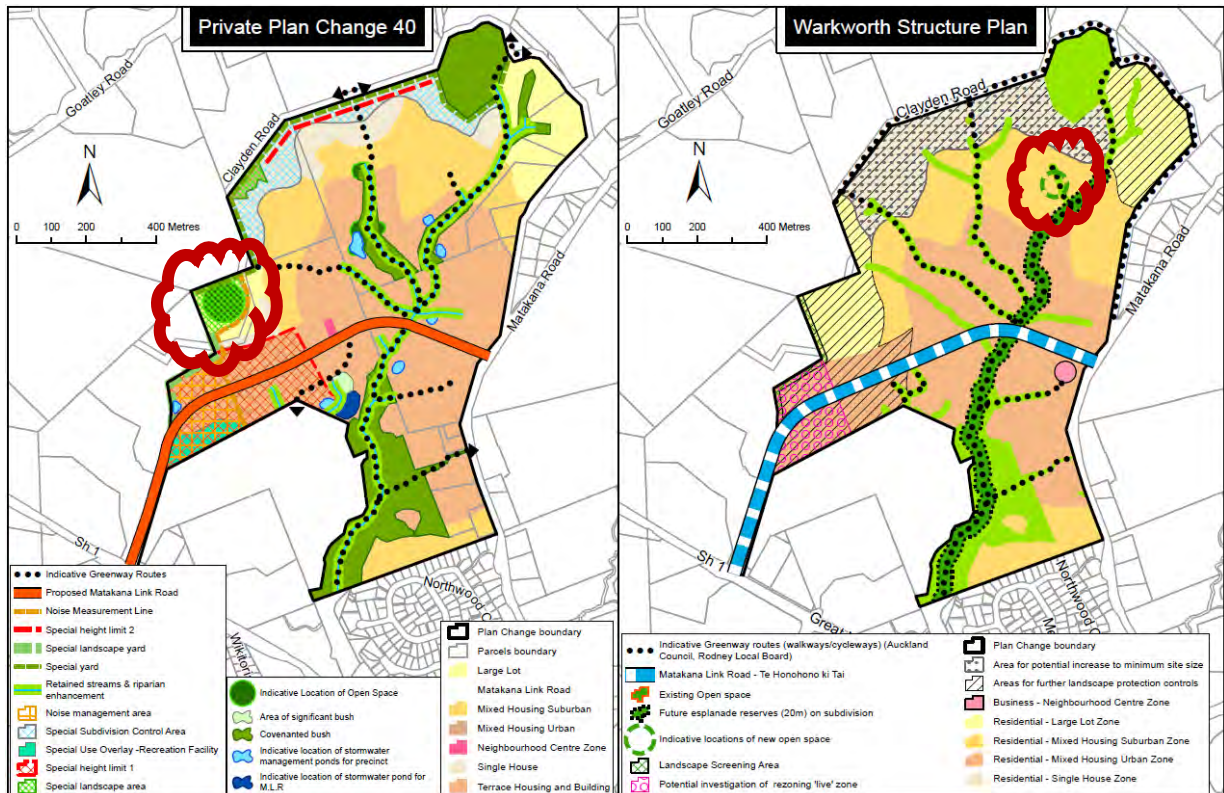


Figure 7: Location of PC40 open space compared with WSP envisaged location of open space (open space locations indicated by red bubbles)

Peer review

156. The open space and greenway aspects of the proposal have been assessed by Ezra Barwell, Senior Policy Advisor (Parks) at Auckland Council, and Maylene Barrett, Principal Specialist Parks Planner at Auckland Council.
157. Mr. Barwell has assessed the proposal in regard to the planning of open space networks and the acquisition of land for open space purposes. He identifies the key open space issue arising from the proposal as the location of the open space in the north-western corner of the site. He notes that this differs from the location and size of the open space signalled in the Warkworth Structure Plan, and is not consistent with council's Parks and Open Space Provision Policy;

The spatial arrangement and quantum of open space shown in the Masterplan and Plan Set by AStudios is not consistent with the Open Space Provision Policy or the Warkworth Structure Plan. This means there is an underprovision of public recreational open space in the northeastern part of the plan change area.

The Open Space Provision Policy metrics indicate there should be a neighbourhood park in that location. This is reflected in the indicative park shown on the Warkworth Structure Plan. The indicative park network in the structure plan was developed using the open space provision metrics in the provision policy.

158. Mr. Barwell asserts that the proposed open space is located too close to the Warkworth Showgrounds and fails to meet the target walking distance of 400m – 600m established in the Parks and Open Space Provision Policy for the north-eastern part of the site.

159. Mr. Barwell notes that based on the Parks and Open Space Provision Policy, the council seeks to acquire one neighbourhood park of 0.3-0.5ha in size within the general location shown in the Warkworth Structure Plan.
160. Mr. Barwell also considers the linear open space indicated on Precinct Plan 1 and notes that some of this area is not likely to be supported for acquisition, but acknowledges that the determination of whether the land is supportable for acquisition can only be made once the exact route of the proposed greenways and configuration of open space is known. This will require further investigation at the subdivision and resource consenting stage of the development.
161. Ms. Barrett considers the plan change from a Parks, Sport and Recreation perspective, taking into account the greenway routes and provision, esplanade reserves and the interface of the development with the Warkworth Showgrounds. Ms. Barrett assessed took into account the update plan change in her assessment.
162. Ms. Barrett considers that the open space and greenways effects can be appropriately addressed provided that:
- The indicated greenway routes on the precinct plans are updated to show the connections along the Clayden Road ridge;
 - The reverse sensitivity issues between the Warkworth showgrounds and the proposed plan change are adequately dealt with by way of “no complaints covenants” in respect to noise and lighting;
 - The precinct provisions should clarify the extent of the riparian margins and their relationship and interaction with the greenway paths and ensure the greenway paths are adjacent to the 10m riparian margin and not within the it.

Comments

163. I acknowledge Mr. Barwell’s concerns regarding the proposed location and size of the open space indicated on Precinct Plan one, and consider that the proposals effects on open space and the amenity of the development are not adequately addressed by the proposed provision of open space. I will continue my assessment of this aspect of the proposal in my assessment of the submissions in section 11.8, where submitters have raised matters regarding open space.
164. I concur with Ms. Barrett that the precinct provisions and plans should be revised to provide more clarity about where greenway routes are provided, and how they interact with riparian margins. I will cover the reverse sensitivity aspects of the proposal in the reverse sensitivity effects assessment in section 7.8.
165. I adopt the assessment of Ms. Barrett and consider that the open space provisions related to greenways, esplanade reserves and riparian margins effects are supportable with modification and further clarification in the precinct provisions and plans.

7.3. Economic effects

Application

166. The economic effects of the proposal are addressed in two reports provided by the applicant, Warkworth: Market Analysis dated September 2018 by Collier International,

and WLC Private Plan Change Economic Response to Council Questions dated October 2019 by Property Economics.

167. The Colliers report provides a business case for residential development in Warkworth, and estimates that economic impact of the PPC40 development and construction. The Colliers report concludes that PPC40 would generate positive economic effects for Warkworth.
168. The Property Economics report provides additional assessment of those benefits, including;
 - That the area is serviced and available to accommodate growth and will therefore avoid the need to find additional residential capacity in other areas that are not as capable of accommodating growth at present;
 - Promoting increased residential density allows for a range of flow-on benefits including reduced time spent travelling, environment and social benefits.
169. The Property Economics report also provided an assessment of the size of the Business – Neighbourhood Centre zoned land, though not its location (it differs from the location indicated in the Warkworth Structure Plan). It finds that the size is appropriate and would not undermine the Warkworth town centre.
170. The second main issue that the Property Economics report addresses is the rezoning of 5.1176ha of Business – Light Industry land to Residential – Mixed Housing Suburban. It is estimated that loss of industrial land is equivalent to 3.6747ha, due to the Matakana Link Road traversing the area. The report concludes that on the basis that it is a reduction of 7% of vacant LIZ zoned land, and 4% reduction of total LIZ zoned land within Warkworth, and given the additional industrial land indicated to be developed in the future by the Warkworth Structure Plan; the loss of 3.6ha will not have significant effects on the supply of industrial land in Warkworth.

Peer review

171. On behalf of the Council, Derek Foy of Market Economics assessed the rezoning of the Business – Light Industry zone to Mixed Housing Urban, and location of the Neighbourhood Centre zone in the proposed plan change from an economic perspective and identified the key issues arising are;
 - The Neighbourhood Centre zone being proposed in a different location to that anticipated by the Warkworth Structure Plan; and
 - The rezoning of the Business – Light Industry land within the plan change area to Mixed Housing Urban.
172. In terms of the location of the Neighbourhood Centre zone, the plan change proposes it on the Matakana Link Road, roughly in the centre of the plan change area. The Warkworth Structure Plan indicated it at the intersection of Matakana Link Road (MLR) and Matakana Road and intended it to service the wider area of future residential development, both the PPC40 area and future development to the east of Matakana Road.
173. Mr. Foy prefers the location as indicated in the Warkworth Structure Plan as it provides better accessibility to future residential development to the east of Matakana Road and north of the Mahurangi River. He notes that economic analysis undertaken for the Warkworth Structure Plan indicated that only one Neighbourhood Centre would be

required in the area and therefore it was appropriate to locate it as centrally as possible. It was also assumed that locating it at the intersection of the MLR and Matakana Road would make the centre more accessible than in the centre of the PPC40 area.

174. However, Mr. Foy recognises that with the possible difficulty of transport accessibility and safety restrictions that are outlined in the applicant's economic assessment, could lead to negative outcomes for the centre. (It is noted that in Mr. Peake's assessment of the transport matters for the Council (**Appendix 7**), he acknowledges there are safety and accessibility issues in locating the Neighbourhood Centre zone at the MLR/Matakana Link Road intersection)
175. Mr. Foy also mentions in his assessment that given the total dwelling yield is higher in the proposed plan change that was anticipated by the Warkworth Structure Plan, the viability of the centre being located as proposed in PPC40 increases.
176. The second main economic issue, whereby 5.1ha of LIZ land is proposed to be rezoned to MHU zone, Mr Foy's assessment takes into account the assessment he undertook to the Warkworth Structure Plan;

According to the PE's [Property Economics] estimates, Warkworth will require just over 40ha of serviced land for industrial uses in the next 20 years. My assessment for the Warkworth Structure Plan concluded that a range of between 0 and 57ha (net of industrial land (in addition to current live-zoned BLIZ land)) would be required to meet that demand, and so from my assessment it is possible that the Structure Plan (estimated to be 33ha net) has provided for more industrial land than will be required. However, it is important to understand that the provisions for industrial land in the Warkworth Structure Plan was set so as to avoid potential future undersupply of industrial land, acknowledging that it becomes difficult to convert other uses to industrial once land is developed, and so is conservative in that regard. For that reason, it is important that the amount of industrial land planned for in the Structure Plan is provided for.

177. In terms of economic effects, Mr Foy's assessment is summarised as follows;
 - According to the applicant's economic assessment, the actual area of LIZ land lost is 3.6747ha, when taking into account the land required for the MLR;
 - The key issue is the loss of employment opportunity to meet the employment per household targets that the Warkworth Structure Plan aims to provide.
 - It is estimated that approximately 135 jobs could be provided on 3.6747ha of LIZ zoned land, and therefore the rezoning of the land results in a loss in employment capacity within Warkworth of 135 jobs. He notes that the establishment of the Northern Arena on the part of the rezoned land could provide up to 80 additional jobs, and the MHU zone proposed in place of the LIZ could accommodate a further 10-15 home-based workers. However he does note that there is no guarantee the Northern Arena will establish on the site.
178. Mr. Foy notes in his assessment that in this particular case, there are some constraints noted by the applicant in its planning report (section 6.6) and confirmed by correspondence between Auckland Transport and council officers that make the retention of the LIZ zone for this particular piece of land difficult:

- The Matakana Link Road severs the southern portion of the LIZ zoned land from the rest of the LIZ zoned land in the PPC40 area and also adjacent (refer to Figure 8, and whilst this land could be accessed of the MLR, substantial intersections upgrade would be requires for the benefit of only a small area of LIZ zoned land;
- The block of LIZ zoned land created by the MLR is not accessible from the MLR because of the alignment of the MLR and the retaining walls along its edge. Access would need to be gained from further east along the MLR, through a residential zone. An alternative access point from the west through land owned by Goatley Holdings could be problematic and not feasible, and would require agreement from Goatley Holdings. The was confirmed in correspondence between council officers, and AT (refer to **Appendix 10**).

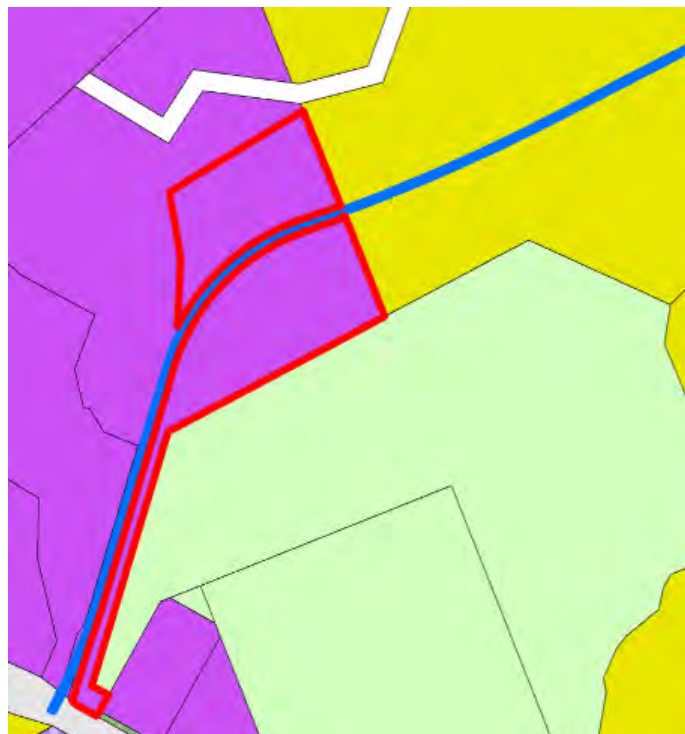


Figure 8: LIZ land spilt by MLR outlined in red

179. Mr. Foy concludes on this matter that given the constraints of this particular site the economic effects of the loss of this land are acceptable. However, he does stress that these genuine and particular constraints distinguish this particular site in this matter, and this should not serve as a precedent to support any other such conversion.
180. Overall, Mr. Foy is of the opinion that the economic effects of the proposed plan change are acceptable.

Comments

181. I adopt Mr. Foy's assessment of the economic effects of the proposed location of the Neighbourhood Centre zone and acknowledge that the traffic and accessibility effects raised by Mr. Peake in his assessment (**Appendix 7**) make the location indicated in the Warkworth Structure Plan less viable.
182. In regards to the rezoning of the LIZ land to MHU, I agree with Mr. Foy's assessment that the Warkworth Structure Plan was deliberate in ensuring there was the provision of

useable Light Industrial land to enable employment opportunities within the Warkworth Area, and it is important the amount of industrial land planned for in the Warkworth Structure Plan is provided for.

183. However, there are significant constraints for this particular site that are unique, as noted by Mr. Foy. I agree that these constraints would be difficult to overcome and may cause other adverse effects including reverse sensitivity. Therefore, on balance, I concur that in this case the rezoning of the LIZ land to MHU is supportable.
184. I adopt Mr. Foy's assessment of the economic effects of the plan change as acceptable, and the updated plan change provided by the applicant does not change this conclusion.

7.4. Natural character and landscape effects

Application

185. Effects on landscape are addressed in Section 10.6 of the applicant's planning report and discussed in more detail in the landscape assessment prepared by Rob Pryor of LA4 Landscape Architects (LA4) (**Appendix 1**).
186. Section 6 of the LA4 report assesses the natural character and landscape effects of the plan change area and these are summarised as follows:
- The plan change area is not high in natural character or landscape values and has been highly modified by pastoral activities, though the indigenous vegetation and primary stream corridor retain a moderate level of natural character and their retention, enhancement and protection proposed by the by the plan change is the most effective means to protect the landscape characteristics of the northern Warkworth area;
 - The Clayden Road ridgeline, knoll and spurs, whilst a pleasant variation in landform, are not significant landscape elements and are not considered worthy of protection by the Residential Large Lot zone (within a minimum lot size of 4000m²) and any other associated development and landscape protection controls.
187. The LA4 report states that while the plan change area does not contain high landscape values or character to warrant development and landscape protection measures, including the application of the RLL zone, it assesses the landscape measures proposed as follows;

Larger lots are proposed in the more sensitive parts of the plan change area in proximity to the primary ridge. The Residential Single House provisions for the sites which sit at the interface with the Countryside Living zone set a minimum subdivision size of 1000m² net site area with a 6m landscaped rear yard. A minimum of 50% of the rear yard is to be planted with indigenous vegetation that will attain a height of at least 5m when mature which will provide a vegetated backdrop to the dwellings. This will provide an appropriate transition to the CLZ land to the north.

188. The LA4 report concludes that the plan change will provide for a high-quality urban development with a range of positive landscape and environmental outcomes.

Peer review

189. The Applicant's landscape assessment has been reviewed for the Council by Stephen Brown of Brown NZ Ltd (**Appendix 7**). Mr Brown has also considered the landscape effects of PPC40 more generally.
190. Mr. Brown disagrees with the LA4 report in regard to the landscape and natural character values of the Clayden Road ridgeline and identifies the key landscape issue as;

The layering of residential development, at different levels of intensification, up the valley slopes on the northern side of the PC40 'site'. The applicant proposed a degree of intensification on those slopes which exceeds that proposed under the Warkworth Structure Plan. In my opinion, the proposed residential intensification on that terrain would degrade the significance of the hilltop and ridgeline landforms exposed to the future Warkworth North residential catchment and adjoining Warkworth Showgrounds. It would also erode any sense of transition into the rural catchment beyond the Clayden Road ridgeline. In my assessment, the degree of residential intensification in this area is excessive and is not consistent with the realisation of key landscape objectives implicit in the Warkworth Structure Plan.

191. Mr. Brown raises concerns about the termination of some stream corridors below the Clayden Road ridge. He highlights them as important in three respects, and concludes they should be integral components of the plan change:

- *They offer potential linkages – for native vegetation and wildlife alike – from the corridor of bush following the valley's main stream stem up to the bush remnants and open space on the outer edge of the PC40 land;*
- *They should act as points of focus and attention within the proposed subdivision; and*
- *They should become part of the network of open spaces and green links that offer pedestrian connectivity and passive recreation throughout the northern Warkworth catchment.*

192. In his analysis of the plan change, Mr. Brown summarises his assessment in three key points;

- *LA4's report addressed some of the landscape characteristics and values associated with the PC40 land, but not all of those that are important in relation to the future form and appeal of the proposed residential environment. In this regard, I retain concern in relation to the distribution, form and intensity of development more directly below the Clayden Rd ridge and 'showgrounds hilltop'. In my opinion Mr Pryor's report did not adequately address the fuller range of landscape effects associated with the proposed subdivision and development.*
- *In my assessment, the general pattern and intensity of development within the lower to mid basin area of the PC40 'site', extending up to the northern edge of the valley system, is consistent with the framework established by the Auckland Unitary Plan (Operative in part), via the Warkworth Structure Plan. I also agree with the Plan Change proposal to rezone an area near the showgrounds from Business – Light Industry Zone to Mixed Housing Urban. On the other hand, the pattern of development proposed for higher ground near the Clayden Rd ridge and*

'showgrounds hilltop' is not, in my opinion, appropriate or consistent with the WSP / AUP framework. This includes the proposed removal of several existing stream courses that should be integrated with the wider WSP green network through the northern Warkworth area over time.

- *In relation to these conclusions and the differences between my assessment and that of Mr Pryor, I am of the view that Mr Pryor's assessment focuses excessively on external effects on areas outside, and often well outside, the PC40 'site', but with much less regard for the future Plan Change landscape in its own right – viewed from within – once development is complete.*

193. Mr. Brown arrives at the conclusion that he does not support the plan change proposal as a whole. He accepts that some reconfiguration of the current proposal could address his concerns, but the extent of the refiguration is too great to allow him to identify any part of the plan change proposal as being acceptable.

Comment

194. I have considered the assessment from both LA4 and Mr. Brown and whilst I acknowledge that LA4 has noted that some forms of landscape and protection controls are provided in the plan change, I prefer the assessment provided by Mr. Brown and agree that the Clayden ridge and associated other landforms such as the knoll and spurs are a distinct landscape feature of this area of northern Warkworth. I adopt his assessment and consider that the adverse landscape effects of the plan change are not acceptable.

195. However, I note that submissions were raised in regards to the landscape and natural character of the plan change area and whilst the applicant did not propose any changes to the zoning in response to landscape matters, I consider a reconfiguration of the plan change zoning to better address the landscape effects in section 11.2.

7.5. Transport effects

Application

196. Transportation effects of PPC40 are summarised in Section 10.10 of the applicant's planning report (**Appendix 2**) and discussed in more detail in the Transport Assessment (TA) prepared by Traffic Planning Consultants Ltd (TPC) (**Appendix 1**).

197. The TPC report highlights that the current access option for the plan change area are State Highway 1 (SH1), Matakana Road, and Clayden Road. However, it identifies that the Matakana Link Road will traverse the plan change area and will provide a high-quality connection to the wider road network, and access to public transport. It also notes that in line with the Warkworth Structure Plan's aspirations for the town, a cycle and pedestrian network will be provided via the greenway routes.

198. The traffic assessment undertaken by TPC relies on a number of assumptions and inputs:

- Base traffic demands obtained from the Matakana Link Road Notice of Requirement (MLR NoR) 2036 SATURN model;
- Supporting Growth Alliance ITA intersection model outputs from 2046 (using demand flows from the SGA SATURN model);

- Manually distributed PPC40 development traffic volumes.

199. TPC concludes from its traffic assessment that;

- the level of development anticipated by the plan change is feasible in terms of transport and has been anticipated in the planning undertaken for the MLR and the WSP;
- Once the MLR is completed the site will have good accessibility to public transport, and walking and cycling networks;
- The traffic estimated to be generated by the plan change can be accommodated on the nearby road network.

Peer review

200. The transport effects of PPC40 have been reviewed for the Council by Martin Peake, of Progressive Transport Solutions (PTS).

201. Mr. Peake assesses that that the Transport Assessment (TA) by TPC has not fully demonstrated the traffic effects of the plan change, but does note that the TA used a higher residential trip rate than the WSP which provides a level of robustness. Further, he notes that no assessment was undertaken for the wider network and PPC40 appears to rely on the WSP assessment for the wider network.

202. Mr. Peake highlights a number of key issues:

- There is the potential for operational issues at the MLR/SH1 intersection, but no improvements were identified in the TA;
- The recreation facility proposed is considered to be poorly defined within the precinct provisions and if more major regional events occur the facility has the potential to cause significant traffic and parking effects;
- The relocation of the Neighbourhood Centre zone from what was proposed in the WSP is supported, providing better access arrangements, and in the context of PPC40 is located within a walkable distance for a larger catchment of the plan change area;
- The walking and cycling routes provided for in the plan change generally correspond with the Rodney Local Board Greenways Plan and provide connectivity, however there are discrepancies between the precinct plan, the proposed Masterplan and the Rodney Local Board Greenways plan and the precinct plans should be updated to be more consistent and provide more clarity; and
- The plan change is considered to provide reasonable access to public transport, but ensuring pedestrian links are identified for crossing the MLR is crucial.

203. Mr. Peake notes that these issues can be assessed and appropriately dealt with at subdivision stage with some development of the precinct provisions. The further development of the precinct provisions would give Mr. Peake confidence to consider the transportation and traffic effects of PPC40 are acceptable.

Comment

204. Having read the TA by TPC, and the review carried out by Mr. Peake, I prefer the assessment carried out by Mr. Peake.
205. I agree with Mr. Peake that while there are some aspects of the traffic and transport effects of the plan change not covered in the TA provided by the applicant, these are issues that can be fully assessed and appropriately dealt with at subdivision stage. However, I acknowledge and adopt the assessment of Mr. Peake that the precinct provisions as they stand (including with the further refinements made in the updated version of the plan change circulated on 27 August 2020) are not sufficient to have confidence that this will be achieved.
206. Therefore I consider the transport and traffic effects of the plan change are not acceptable. However, in response to the submissions received on transport and traffic matters, Mr Peake recommends a number of changes to the precinct provisions and considers that with these changes, the traffic and transportation effects of the plan change could be acceptable. The updated plan change went some way towards addressing his concerns, but not entirely. I adopt Mr. Peake's assessment and consider the traffic and transportation effects of the plan change could be acceptable, with some changes to the precinct provisions.

7.6. Ecology effects

Application

207. Ecological values in the PPC40 area and the effects of the urban development that is proposed are addressed in an ecological assessment prepared by Freshwater Solutions Environmental Consultants (FSEC) (**Appendix 1**).
208. The ecological assessment covers a number of key ecological effects resulting from the plan change, these can be summarised as follows;
- The modification and reclamation of natural watercourses and wetlands resulting in a loss of habitat and adverse effects on downstream hydrology is proposed to be addressed through offsetting to ensure 'no-net-loss' of overall ecological function and values at the time of resource consenting, and through proposed stormwater design;
 - The physical works involved in the development of the land including earthworks have the potential to result in fine sediment discharging to downstream watercourses effecting water quality, habitat and fauna. This is proposed to be addressed at resource consenting stage through the implementation of sedimental control measures and best practise construction practices; and
 - The change in land use will result in an increase in imperviousness within the catchment, and can alter hydrology and water quality in the downstream environment. These effects are proposed to be addressed through stormwater design.
209. The ecological assessment acknowledges that the plan change does anticipate a reduction in the green network shown in the WSP. This is attributed to the steep topography of the site and the desire to unlock the area up for development and to meet

minimum road grade requirements. Overall, the report considers that the plan change protects the majority of high value streams and vegetation within the plan change area.

Peer review

210. Council's ecological review has been undertaken in two separate specialist assessments – covering freshwater ecology (Mark Lowe) and terrestrial ecology (Rue Statham).

211. Mr. Lowe has reviewed the ecological assessment by FSEC and considers the descriptions of the freshwater environments to be accurate and adequate to undertake assess the ecological values of the plan change area.

212. Mr. Lowe notes is his assessment that there are several issues of key concern, in his opinion;

- Certainty regarding protection of high ecological value watercourses and watercourses protected by covenants and the consistent application of Precinct Plan provisions:

Some watercourses assessed as having existing high ecological values and subject to existing covenants are not clearly shown as 'retained stream and riparian enhancement' in Precinct Plan 1 (IXXX.9.1) and Precinct Plan 2 (IXXX.9.2), including watercourses L1, L3, O, P and Q. While these streams are within existing covenants, for clarity and certainty of the application of the relevant Precinct Plan Provisions it is considered necessary to clearly indicate these watercourses as 'retained stream and riparian enhancement'.

- The anticipated watercourse reclamation within the Precinct Plan is inconsistent with the direction of the Warkworth Structure Plan:

The Warkworth Structure Plan seeks that all areas identified as 'Protection Areas (not for development)' are set aside from development including 10 m margins on all permanent and intermittent streams. This is supported by the National Policy Statement for Freshwater Management (NPS-FM), the Regional Policy Statement (RPS) and regional provisions of the AUP:OP. The Precinct Provisions do not adequately provide for this.

- Insufficient provision for the active enhancement of watercourses and riparian margins:

The Warkworth Structure Plan seeks that there is active restoration and protection of areas identified as 'Protection Areas (not for development)'. This is supported by the NPS-FM, RPS and regional provisions of the AUP:OP. The Ecology Report also highlights the opportunities for enhancement of freshwater values the active enhancement of riparian margins. It is considered that the Precinct Plan provisions could be strengthened and clarified to achieve the active enhancement of watercourses to be retained.

- Stream reclamation being proposed as a restricted discretionary activity:

The applicant has proposed that reclamation of streams other than those shown on Precinct Plan IXXX.9.2 as a restricted discretionary activity (IXXX.4.1 (A4)). However, given the strong direction for the retention, enhancement and protection of all intermittent and permanent streams within the Warkworth Structure Plan, as well as, the RPS and AUP:OP the non-complying activity status of stream reclamation under the existing AUP framework is considered appropriate.

213. Mr. Lowe considers that modifications are required to the proposed precinct provisions in regard to his key concerns. He proposes a number of specific modifications in his assessment.
214. Mr. Statham's review focuses on terrestrial ecology, and includes wetland habitats. He notes that the ecological assessment by FSEC relied on a desktop assessment for parts of the plan change area (the sites not owned by the applicants), and considers that this is inadequate, especially in relation to identifying potential areas that could be considered a Significant Ecological Area (SEA) under the AUP(OP), threatened flora and fauna, cryptic and nocturnal fauna, and seasonally emergent flora species and/or pathogens (e.g. Kauri Die-back).
215. Mr. Statham shares a number of areas of key concern with Mr. Lowe, and identifies two further concerns, which are summarised as follows;
- The ecology report includes evidence of area of significant ecological value that may be worthy of protection as a Signification Ecological Area under the SEA overlay within the AUP(OP); and
 - The precinct objectives and policies do not sufficiently reflect the ecological outcomes sought by the Warkworth Structure Plan.
216. Like Mr. Lowe, Mr. Statham proposes a number of specific modifications in his assessment.
217. Both Mr. Lowe and Mr. Statham are of the view that with some modifications to the plan change, including the deletion of the stream reclamation activity, the plan change can be supported from an ecological perspective.

Comment

218. It is apparent to me that the ecological effects of urban development on the PPC40 land could be appropriately managed through precinct provisions and under the current rules and standards of the AUP.
219. I agree with both Mr Lowe and Mr Statham that the Precinct provisions should not enable a lesser standard of ecological response to stream and wetland reclamation and other related matters than that which would generally be expected under the AUP. For this reason, I do not support such provisions in the Precinct and consider that a better approach is to let land development impacts be assessed and determined in the normal way under the relevant provisions of the AUP.
220. I also note that the applicant has not assessed the freshwater aspects of the plan change under the Freshwater NPS 2020, or the Freshwater NES 2020 as they only came into effect very recently. Both contain very strong direction to avoid reclamation or modification of streams and wetlands. The reclamation of streams and wetlands are a discretionary activity and prohibited activity, respectively under the Freshwater NES. This makes the plan change in conflict with the Freshwater NES under s44A(2)(b) of the RMA. The applicant has not proposed any changes in their updated precinct plan to address this.

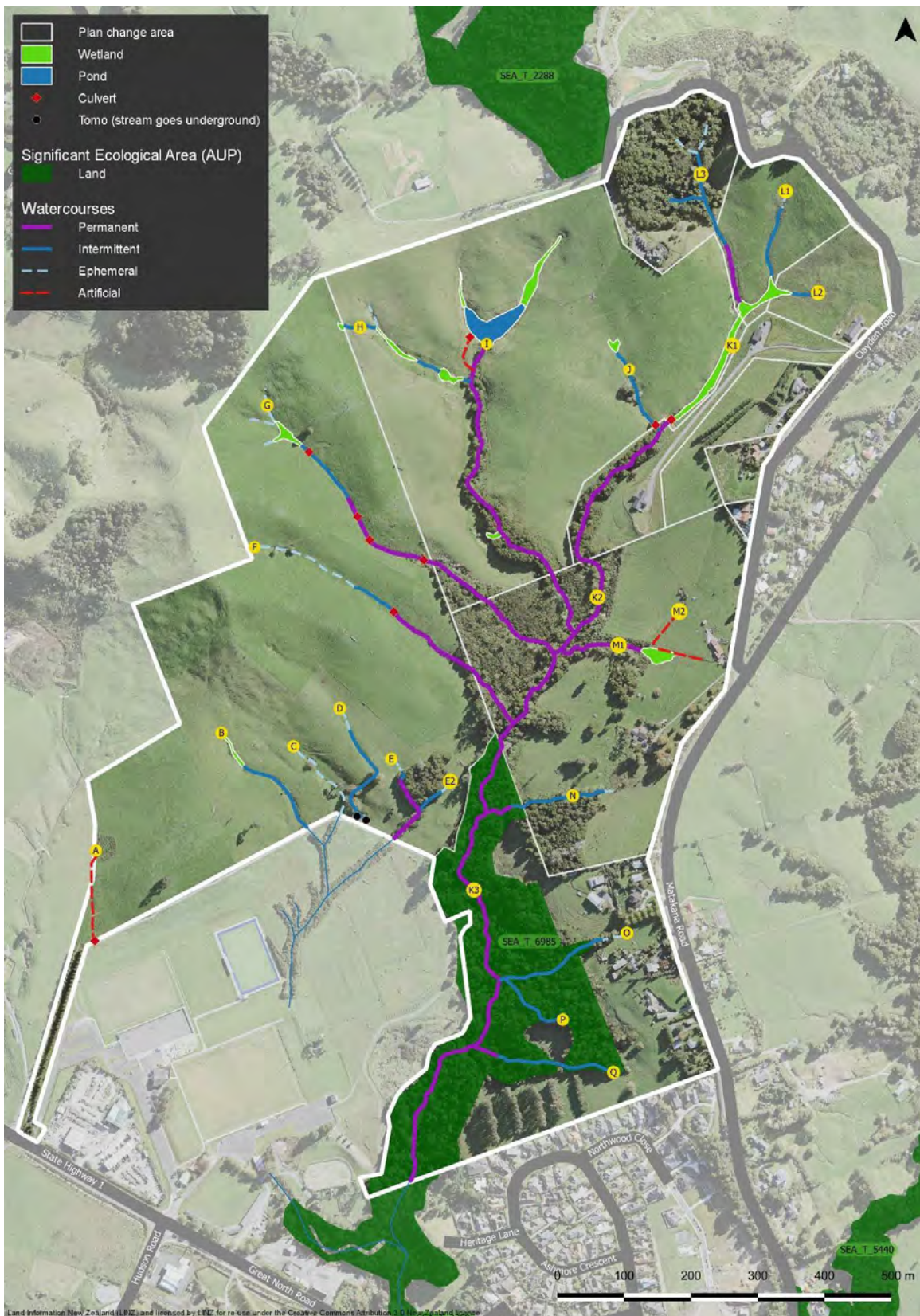


Figure 9: Stream classifications, ponds and wetlands within plan change area (Source: Ecology report by Freshwater Management Solutions)

7.7. Stormwater, flooding and servicing effects

Application

221. The effects of PPC40 that relate to stormwater, flooding and servicing are summarised in Section 10.9 and 10.15 of the applicant's planning report (**Appendix 2**) and discussed in more detail in the Stormwater Management Plan (SMP) and Infrastructure Report (IR) prepared by Maven Associates (**Appendix 1**).
222. The SMP has been updated (24 August 2020) from the notified version as a result of an ongoing conversation with council's Healthy Waters department, who supported council's submission on the plan change. The updated SMP has been used for the assessment of effects outlined below.
223. The IR notes that flooding within the plan change area is constrained to the streams and gullies, however there are known downstream flooding issues. The IR considers that the urbanisation of the plan change area can occur without creating any downstream flooding effects through maintenance of the pre-development runoff levels. It anticipates this will be achieved through the introduction of the SMAF Flow 1 controls and other hydrological controls outlined in the SMP.
224. The SMP proposes to use detention basins and wetlands to achieve peak flow attenuation of the 1% AEP event. The design of these attenuation devices has yet to be developed. At source attenuation of the 10% AEP event is proposed to be achieved by utilising bioretention devices, stormwater tanks and permeable paving.
225. Stormwater discharges from the future public reticulated stormwater networks are intended to be authorised under the Region Wide Network Discharge Consent (NDC).
226. Stormwater quality is intended to be addressed via a treatment train toolbox and recommends a number of stormwater quality management devices for use within the plan change area.

Peer review

227. The stormwater and flooding effects arising from PPC40 are considered for council by Hillary Johnston and Jack Turner of Tektus Consultants Limited (**Appendix 7**).
228. Ms. Johnston and Mr. Turner consider that the management of existing overland flow paths, natural hazards and downstream flood-related risks are proposed to be managed adequately, with appropriate mitigation.
229. Ms. Johnston and Mr. Turner note that there is an opportunity for the proposed stormwater management regime intended for Catchment A to be refined in light of upgrades to SH1 Culvert E350.
230. However, they consider that in the context of a high quality and erosion susceptible receiving environment, further guidance on appropriate mitigation measures should be clearly outlined within the SMP for the precinct area. They note that management is broadly proposed, but it not sufficient.
231. They acknowledge that council's submission notes that the SMP (as notified) lacks sufficient information to be adopted under the NDC. The updated version of the SMP is a result of ongoing discussion between Maven and council's Healthy Waters

department. At the time of writing it is not known if this updated SMP is sufficient for adoption under the SMP. The applicant and Health Waters are invited to comment on this at the hearing.

232. Ms. Johnston and Mr. Turner assessed the updated precinct provisions and they found that there are no objectives that specifically relate to the management of stormwater and note that the lower order provisions are incomplete and lack context without an overarching objective. They recommend an objective is included to ensure that there is a complete cascade of stormwater management provisions which are effective and efficient.
233. They conclude by expressing that provided modifications and refinements are made to the higher order provisions, and a SMP which is deemed acceptable to be adopted under the NDC has been finalised, the stormwater effects are likely to be adequately avoided and suitably mitigated.

Comment

234. Having reviewed the s32 evaluation report and the supporting technical assessments, together with the Council's peer reviews, I agree with the views of Ms. Johnston and Mr. Turner that consider that there would need to be modifications to the Precinct provisions to provide for a complete policy cascade for stormwater management within the plan change area in order to manage stormwater and flooding effects to an acceptable level.
235. I note that the adoption of the SMP into the NDC is the intent of the applicant. The management approach outlined in the SMP (if found to be acceptable for adoption under the NDC) should be reflected in the precinct provisions to appropriately assess and manage stormwater effects at resource consent stage. The alignment of the precinct provisions with the SMP is crucial in solidifying and enabling the implementation of the proposed stormwater management measures across the development. I am awaiting confirmation from council as a submitter and the applicant to confirm that a satisfactory SMP has been provided. These parties may wish to address this at the hearing.

7.8. Reverse sensitivity effects

Application

236. Reverse sensitivity effects are addressed at Section 10.12 of the applicants planning report (**Appendix 2**) and in the urban design report prepared by Ian Munro and A Studio Architects (**Appendix 1**).
237. The reverse sensitivity effects were further addressed in the applicants updated precinct provisions and plans circulated 27 August 2020, after discussions were held between the applicant and relevant submitters. The applicant's effects assessment from both Mr. Munro and in the planning report assesses the plan change as notified, as opposed to the updated version.
238. The planning report solely focusses on the reverse sensitivity effects at the industrial and residential interface. The urban design report assesses reverse sensitivity at both the industrial and residential interface, and also the reverse sensitivity effects relevant to the adjacent Warkworth Showgrounds, and the potential reverse sensitivity effects between the plan change and the Countryside Living zone to the north of the Clayden ridge (refer to Figure 10 for the plan change area and adjacent land uses).

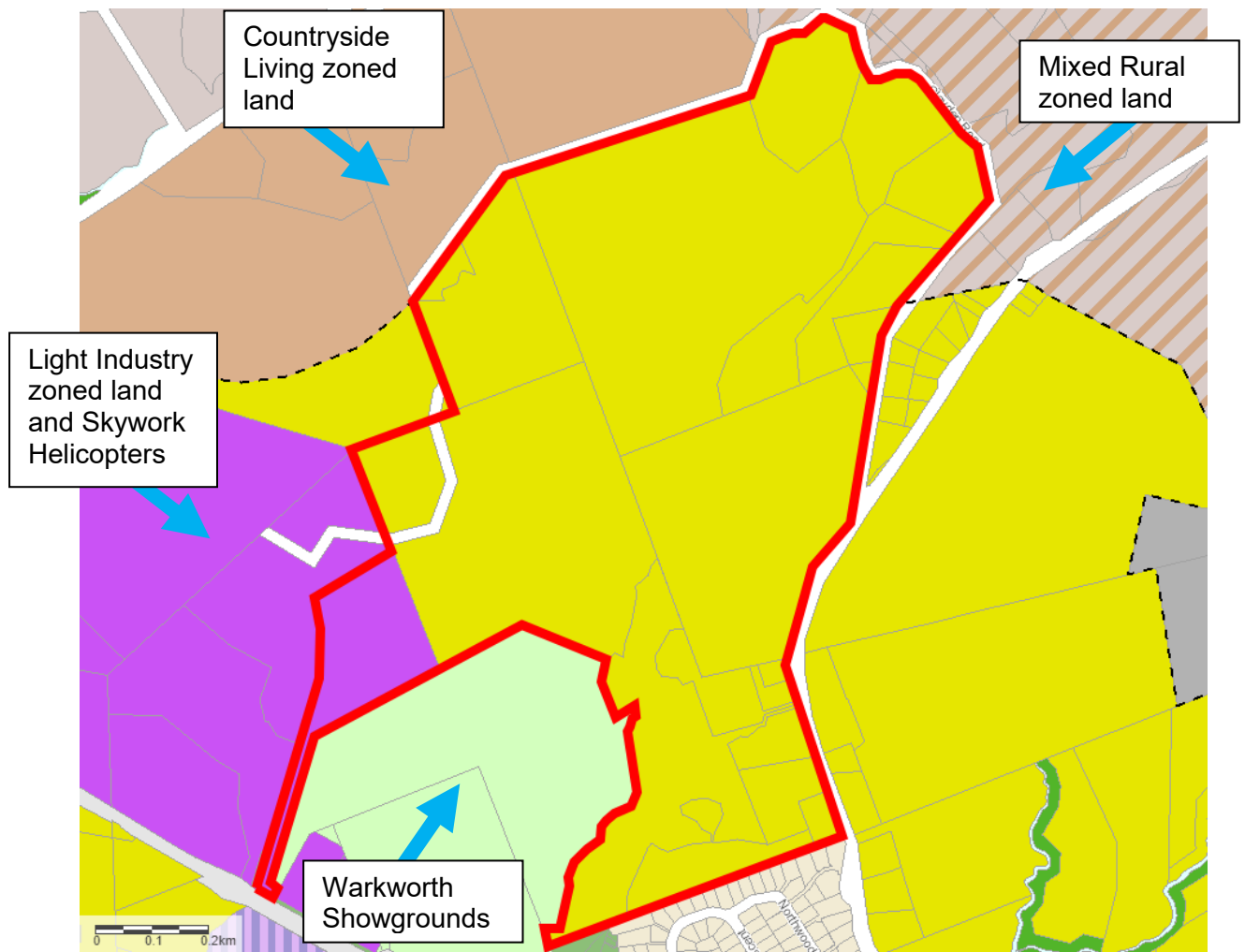


Figure 10: Adjacent land uses to plan change area (outlined in red)

239. Three different tools to manage reverse sensitivity are proposed in the plan change and precinct provisions as notified;

- A 'noise measurement line' was set out in Precinct Plan 1, with an associated standard highlighting that the line is to be the reference point for the measurement of noise relating to the heliport on the adjacent land at 38 Goatley Road;
- The land that is proposed to be rezoned from LIZ to MHU is subject to a 'no complaints' covenant acknowledging the existing helicopter business and the LIZ land to the west; and
- The application of a 6m landscaped yard is proposed, with a standard requiring for the yard to be clear of buildings and structures, and fifty percent to be planted with native trees that achieve a height of 5m or more on maturity.

These all address the interface between the LIZ zone and the residential zones. The precinct and plan change as notified do not propose any reverse sensitivity measures at the boundary adjacent to the Warkworth Showgrounds.

240. The planning report considers that these provisions are sufficient to mitigate any adverse reverse sensitivity effects caused by the plan change. Mr. Munro is of the same opinion, noting that there is a permanent stream located inside the boundary of the adjacent BZI

land that create a “real-world edge” to the adjacent industrial activities (see Figure 11 below).

241. Mr. Munro also states that;

Given how frequently the Council has zoned LIZ [Business – Light Industry zone] land directly abutting residential zoned land throughout Auckland in the AUP:OP, [sic] we have concluded that there is no resource management basis to suggest there is an inherent problem with the proposed arrangement.

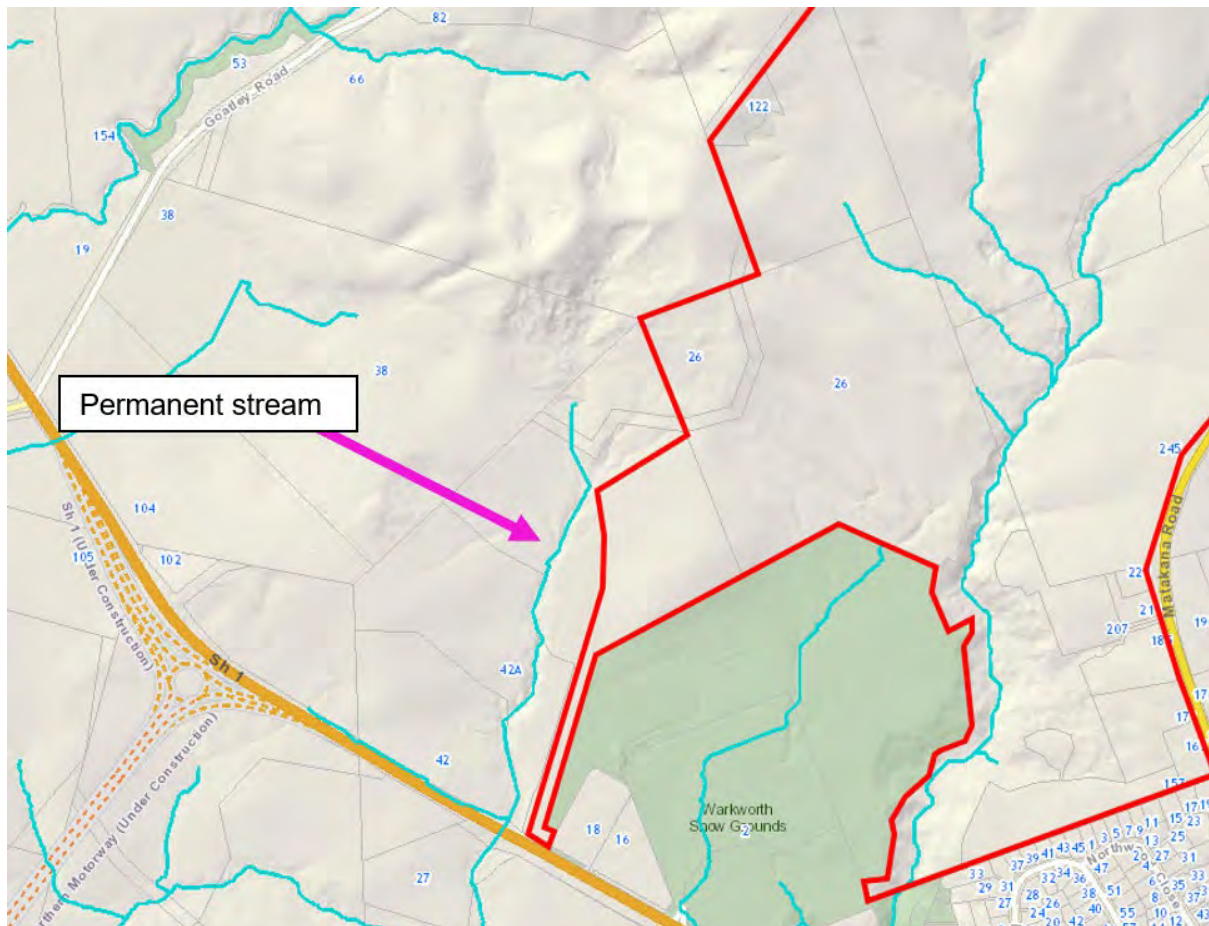


Figure 11: Permanent stream (shown in teal) and plan change area (outlined in red)

242. Mr. Munro also provides assessment of the reverse sensitivity effects relating the Warkworth Showgrounds and assesses them as follows,

The proposal will not result in any problematic adverse or reverse sensitivity effects on the Warkworth show grounds [sic]. It is however noted that floodlighting of the playing fields could be regarded as a nuisance by future residents. On the whole however we do consider that the abutment of residential activities and large parks (often with floodlighting) is quite common across urban Auckland and is of itself unremarkable.

243. Mr. Munro notes that the interface between the Countryside Living zoned land to the north of the plan change area is sufficiently managed, limiting any reverse sensitivity effects with the landscape treatments proposed and the lower density of development anticipated at the top of the Clayden ridge.

Peer review

244. The reverse sensitivity effects arising from PPC40 are considered for council by Stephen Brown, Landscape Architect and Director of Brown NZ Limited and Bin Qiu, Senior Specialist – Noise, Auckland Council (**Appendix 7**). Mr. Brown and Mr. Qiu both assessed the plan change taking into account the updated precinct provisions and plans circulated on 27 August 2020.
245. Mr. Brown considered the special landscape yard proposed at the interface between the adjacent LIZ and proposed plan change (refer to **Figure 10 and Figure 12** above). He considers it a positive measure, and that it would help to some extent in reducing the effects of light industrial development on neighbouring residential sites. He does note that the stated requirement of planting fifty percent of the special landscape yard is not clear in how it would be interpreted and implemented.
246. Mr. Qiu considered the reverse sensitivity effects arising from the plan change from a noise perspective. He covers both the noise amenity of the proposed residential development and the reverse sensitivity effects on the neighbouring LIZ land and helicopter business.
247. Mr. Qiu notes that whilst ‘no complaints covenants’ might help mitigate reverse sensitivity effects, they do not mitigate any adverse noise effect on the residential amenity of the neighbouring residential sites. He notes that the proposed 6m landscaped yard along the interface is likely to be too small to have any significant noise reduction effect. He assesses that the residential properties proposed within the land proposed to be rezoned from LIZ to MHU may be exposed to noise that is significantly beyond the recommended residential upper noise levels recommended in the NZS 6802 – Acoustics – Environmental Noise.
248. In terms of reverse sensitivity, My Qiu notes that there is the potential for reverse sensitivity effects at three different interfaces of the plan change, including to the north where the plan change abuts Countryside Living zoned land, to the south adjacent to the Warkworth Showgrounds, and the LIZ land adjacent to the west.
249. Mr. Qiu further notes that even with a 30m landscaped yard, (in line with the 20-30m yard proposed by the WSP), reverse sensitivity effects and residential amenity effects may still not be adequately mitigated. He does note that it is difficult to assess currently, without knowing the noise level and location of noise sources on the adjacent industrial land.

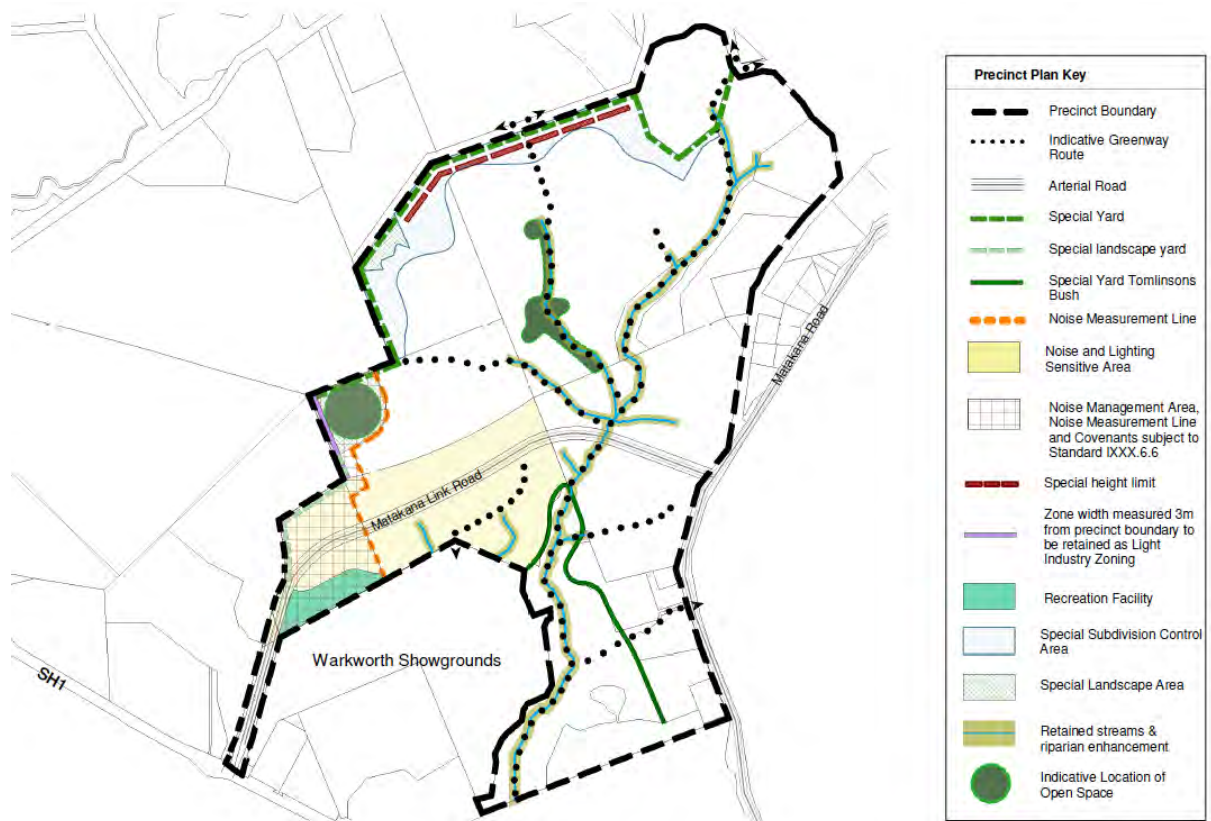


Figure 12: Precinct Plan 1 (updated plan change 27 Aug) showing locations of various reverse sensitivity measures

Comment

250. I have considered the assessment from Mr. Munro, the planning report, Mr. Brown and Mr. Qiu. I acknowledge that from a landscape and urban design perspective, the mitigation measures provided for will likely adequately address reverse sensitivity matters. However, I agree with Mr. Qiu that in terms of noise, the residential amenity of the plan change area needs to be considered conjointly. I adopt his assessment of the reverse sensitivity effects and residential amenity effects in terms of noise.
251. It appears to me that a balance needs to be struck whereby both the residential amenity of the residential properties is not severely compromised by noise from the adjacent LIZ or Open Space – Sport and Recreation (OSSR) zoned land, and the reverse sensitivity effects on the LIZ and OSSR land are adequately mitigated so as not to hinder their activity. I do not think the plan change strikes this balance in either the precinct provisions as notified, or in the updated version circulated on 27 August 2020.
252. I consider it crucial that Warkworth’s LIZ land is protected from adverse reverse sensitivity effects, and allow light industrial activities to function efficiently, as set out in the RPS (discussed in more detail earlier in **section 5.1.6**).
253. As the plan change stands I consider that the reverse sensitivity effects are not acceptable. However, I note that submissions have been raised in regard to reverse sensitivity on both the adjacent LIZ and the adjacent OSSR zoned land (Warkworth Showgrounds), and specifically on the operation of the nearby heliport. This provides scope to amend the plan change to better address and mitigate reverse sensitivity effects to an acceptable level. I address this in more detail in section 11.4.

7.9. Geotechnical effects

Application

254. Geotechnical effects are addressed in two geotechnical reports prepared by CMW Geosciences (**Appendix 1**).
255. The CMW reports covered slope stability, liquefaction and settlement, and came to the conclusion;

Based on a review of the data available it is considered that the proposed residential subdivision is geotechnically feasible assuming the full range of remedial earthworks solutions such as development earthwork contouring, shear keys, buttress fills, ground water drainage and similar are available for use on the site.

Peer review

256. Council's specialist, Ross Roberts, Geotechnical & Geological Practice Lead, has peer reviewed the plan change and the applicant's assessment.
257. Mr. Roberts considers that the assessment undertaken by CMW in both reports is appropriate but notes that the two reports do not cover the entire plan change area. However, he considers that this acceptable in this case because;
- The geology is not likely to vary significantly in the relatively small areas not explicitly covered by the reports
 - The areas not covered by the reports are generally not zoned for development (e.g. protected bush).
258. Overall, Mr. Roberts concludes that;

The applicant has satisfactorily assessed the effects of the proposed plan change on the environment related to geotechnical effects. There is adequate evidence presented to support their assertion that the proposed subdivision is geotechnically feasible, assuming that a full range of remedial earthworks solutions are implemented to manage slope stability risk.

Comment

259. There does not appear to be any particular contention in terms of the geotechnical effects of the proposed plan change, and that any risk can be appropriately managed by way of earthworks and stability works. I adopt the assessment of Mr. Roberts and consider the geotechnical effects of the plan change acceptable.

7.10. Other effects

260. There are some other environmental and cultural effects that were discussed in the s32 evaluation report, including heritage and archaeology and soil contamination.
261. In respects of soil contamination, and heritage and archaeology effects, there is nothing in the material supporting PPC40 or submissions that identifies any significant effects, and I accept that.

8. CONSULTATION

8.1. Mana Whenua

262. The requestors advise that they have relied on the cultural impact assessment report produced by Ngāti Manuhiri for the Warkworth Structure Plan at the advice of Ngāti Manuhiri. Warkworth Land Company approached Ngāti Manuhiri prior to lodgment of the private plan change to see whether particular additional cultural aspects were required and Ngāti Manuhiri advised that the general Warkworth cultural impact assessment was the appropriate analysis and could be relied upon as part of the private plan change preparation.
263. All 19 iwi authorities recognised as having an interest within the Auckland region were notified in both rounds of notification. No submissions were received from any iwi group. No submission raised any cultural matters.

8.2. Rodney Local Board

264. The Rodney Local Board members were briefed by myself and Ryan Bradley, Principal Planner, on 22 July 2020. Further to this, a report was prepared and presented to the Rodney Local Board at their 19 August 2020 business meeting, asking for their formal views and feedback on the plan change. The resolution from this business meeting is as follows;

That the Rodney Local Board:

- a) *provide the following local board views on Private Plan Change 40 Warkworth – Clayden Road by Warkworth Land Company, White Light Trust Limited, Kaurilands Trust Limited, Rob Mills and P & L Richards:*
 - i) *supports the application for Plan Change 40 to make provision for additional land needed for further growth in Warkworth*
 - ii) *supports well-planned growth and sustainable development*
 - iii) *expresses concerns that the light industrial zoned land currently in the area just north of the Warkworth Showgrounds is being proposed to be converted to residential, as the light industrial zoned land provides ongoing opportunities for residents to live and work in the local area providing for sustainable development*
 - iv) *requests the provision of pedestrian footpaths and cycle ways in all areas of the development, including connections to State Highway 1, access to the Warkworth Showgrounds, the proposed Park and Ride at 80 Great North Road, Warkworth, along Matakana Link Road, and along Matakana Road and to make sure that they are consistent with the Greenways Plan*
 - v) *requests that the impacts of increased traffic to central Warkworth is avoided and the associated design to achieve this is incorporated into the final decision on the plan change, such as enabling the easy access to public transport through multiple bus stops, and easy access to the proposed Park and Ride at 80 Great North Road*

- vi) *requests that the water supply and waste water is planned and managed in a sustainable manner*
 - vii) *seek that restrictive legal covenants are applied to all properties within the proposed plan change area to ensure that as development progresses around the existing recreational and industrial land uses, landowners, residents and occupiers are unable to raise reverse sensitivity issues to include but not limited to noise and lighting*
 - viii) *seek the sustainable management of stormwater runoff and that all development within the plan change area utilise Low Impact Design and these areas become demonstration sites for the technologies within Auckland*
 - ix) *request that the open space provisions is evenly distributed across the plan change area, taking account of the neighbouring Warkworth Showgrounds and other existing and planned open space*
- b) *appoint Member D Hancock and/or Member B Houlbrooke to speak to the local board views at a hearing on Private Plan Change 40.*

9. NOTIFICATION AND SUBMISSIONS

9.1. Notification details

265. Details of the notification timeframes and number of submissions received are outlined below:

Date of public notification for submissions	27 February 2020 2 July 2020 (renotification)
Closing date for submissions	2 April 2020 30 July 2020 (renotification)
Number of submissions received	19
Date of public notification for further Submissions	Round 1: 30 April 2020 Round 2: 28 May 2020 Round 3: 25 June 2020 Round 4: 6 August 2020
Closing date for further submissions	Round 1: 14 May 2020 Round 2: 12 June 2020 Round 3: Postponed 2 July 2020 Round 4: 20 August 2020
Number of further submissions received	10

266. One late submission and one late further submission were received. These were accepted under s37. Copies of the submissions and further submissions are attached as **Appendix 4** to this report.
267. The location of submitters relative to the PPC40 land has been mapped onto an aerial photograph of the site and the wider area, and is attached in **Appendix 5** to this report.

10. LEGAL AND STATUTORY CONTEXT RELEVANT TO SUBMISSIONS

268. It is noted that after the submission period closed for PC40, the applicants held a number of discussions with submitters to understand their concerns and potentially revise and update the plan change to address their concerns. The applicants then supplied an updated version of the plan change precinct provisions and plans to council and all submitters via email on 23 June 2020. Subsequent to the renotification of the plan change from 2 July 2020 – 30 July 2020, the applicants conducted further discussions with the additional submitters and supplied a final updated version of the precinct provisions and plans to council and all submitters via email on 27 August 2020. Both the 23 June 2020 and 27 August 2020 version of the precinct, along with the emails and letter sent to council and the submitters are attached in **Appendix 9**.
269. The applicant circulated the updated plan change prior to the hearing, rather than at the usual exchange of evidence to enable the council to consider the updated plan change in the s42A hearing report. The submissions are in response to the notified version of the plan change, and in my assessment of the submissions I assess the updates provided by the applicant in response to the submissions.
270. The modifications to the plan change made on 23 June 2020 are as follows;

Matters of substance:

Transport –

- Strengthening of the objectives and policies to ensure that development within the PPC40 area can be accommodated within the broader transport network.
- Clarification that the eastern access on to the Matakana Link Road (MLR) is a left-in/left-out only.
- Non-complying activity status for any development seeking to gain direct access on to the MLR from a private property. All sites are required to access the MLR through one of the approved intersections.
- Expansion of the transport assessment criteria.
- Acknowledgment of the MLR as an arterial road in the planning maps.

Stormwater –

- Recognition of a treatment train approach to stormwater.

- Updating of the Stormwater Management Plan.
- Strengthening of the objectives and policies on stormwater.
- Strengthening of the assessment criteria.

Greenway network –

- The provisions draw the distinction between the greenway network (the track-based network that runs up the stream valleys) and the more highly engineered footpaths that relate to the roading network.
- The provisions relating to the track-based network provide for a walkway that passes beneath the MLR bridge giving good safe access underneath the MLR. Full pedestrian and cycle crossings are provided across the MLR at the approved intersections.

Matters of format:

A number of adjustments in the format of the precinct provisions and plans are made in response to Auckland Council's submission.

Changes to maps and plans –

- A diagram of the Rural Urban Boundary (RUB) has been introduced to show a modification to the RUB, with a small Countryside Living zoned block shown as being outside the RUB.
- Retention of a portion of light industry zoned land along a small part of the precinct on the north western side.
- The MLR is shown as an arterial road on the controls map.
- At the Council's request, the special height limit at the western end of the site is shown as a height variation control on the controls map rather than on the precinct map.
- The MLR is shown as an arterial road on the controls plan.
- The engineering standards of the two road cross-sections have been deleted.
- The eastern access on to the MLR is shown as a left-in/left-out only on Precinct Plan 3.
- An explicit location for pedestrian and cycle access to the MLR is shown on Precinct Plan 3.

271. Further modifications made 27 August 2020:

- Introduction of objectives and policies relating to reverse sensitivity issues from helicopter operations and adjacent industrial activity.

- Extension of the area covered by and the matters addressed in the ‘no complaints covenant’.
- Introduction of a control that requires mechanical ventilation/air conditioning within the ‘no complaints covenant’ area (described in the plan change as the “Noise Management Area”).
- Amendment to the location from which the adjacent industrial sites’ compliance with the industrial noise standards are measured.
- Requirement of landscaping of the special landscape yard as a controlled activity.
- Development that does not comply with the no-complaints covenant standard is made a non-complying activity.
- Retention and addition of a strip of light industry zoned land on the western boundary.
- Introduction of policies to deal with potential reverse sensitivity issues from noise and lighting from the Warkworth Showgrounds to the south of the plan change area.
- Creation of a ‘no complaints covenant’ area on land north of the Showgrounds.
- Introduction of a mechanical ventilation control within that covenant area (described in the plan change as the “Noise and Lighting Sensitive Area”).
- Development that does not comply with that no-complaints covenant standard is made a non-complying activity.
- Introduction of a policy requiring a set-back to Tomlinson’s Bush.
- Creation of a 6m setback on the eastern and western boundary of Tomlinson’s Bush.
- Modification to the activity rules on subdivision to include both vacant subdivision and subdivision of developed sites.

11. ANALYSIS OF SUBMISSIONS AND FURTHER SUBMISSIONS

272. The following sections address the submissions received on PPC40. The format used includes a discussion of the relief sought in the submissions, and a recommendation to the Hearing Commissioners in terms of accepting or rejecting the submissions.

273. The approach adopted addresses submissions that raise the same issues by grouping them under a number of themes and topic headings:

- Submissions on Traffic and Transport Matters
- Submissions on Zoning Approach
- Submissions on Open space and green network
- Submissions on Reverse sensitivity
- Submissions on Ecology
- Submissions on Stormwater
- Submissions on Precinct Provisions

- Submissions on other matters

11.1. Submissions on Transport Matters

11.1.1. Matakana Link Road

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
2.5	Michael George Cronin	Implement roundabouts rather than traffic lights on the proposed Matakana Link Road	FS1 – Oppose FS3 – Oppose FS5 – Oppose FS6 – Oppose	Reject
3.4	NZTA	Amend precinct to consistently refer to the proposed Matakana Link Road as the Matakana Link Road, not Sandspit Link Road or MLR.	FS1 – Support FS4 – Support FS5 – Support	Accept
3.6	New Zealand Transport Agency	Amend the precinct to clarify the number of Matakana Link Road access points within both the text and maps	FS1 – Support FS4 – Oppose FS5 – Oppose	Accept in part
3.9	NZTA	Amend provision IXXX.7.2(1) Vacant Lot Subdivision assessment criteria of the proposed precinct: The staging of any part of the precinct relying on access to the MLR is such that <u>titles for new sites are not issued</u> completed homes are not occupied prior to the MLR becoming operational.	FS4 – Support in part FS5 – Support in part	Accept
5.2	Auckland Transport	Amend the precinct plan boundary to exclude the southwestern end of the proposed Matakana Link Road (the panhandle)	FS5 – Oppose	Reject
5.3	Auckland Transport	Amend all references to 'Sandpit Link Road' to 'Matakana Link Road.'	FS1 – Support FS4 – Support FS5 – Support	Accept
5.4	Auckland Transport	Amend the precinct to clarify the number of Matakana Link Road access points within both the text and maps	FS1 – Support FS4 – Oppose FS5 – Oppose FS6 – Support	Accept in part
5.12	Auckland Transport	Amend activity table IXXX.4 to add the following as a non-complying activity: 'Construction or use of a vehicle crossing to the Matakana Link Road.'	FS1 – Support FS4 – Oppose FS5 – Oppose	Accept
5.15	Auckland Transport	Amend activity table IXXX.4 making subdivision which does not comply with the access points indicated on Precinct Plan 3, or proposes a different intersection layout for	FS4 – Oppose FS5 – Oppose	Accept

		the easternmost access point indicated on Precinct Plan 3 a discretionary activity		
5.18	Auckland Transport	Amend standard IXXX.6.4 Limited Access, as follows: '(1) Road junctions intersections with the Sandspit Matakana Link Road servicing the precinct, shall be limited to three, to be located in the general location identified as Access Points onto Sandspit Matakana Link Road on I1554.9.1 Warkworth Clayden Road: Precinct Plan 43 (2) No vehicular access from any property shall be allowed directly onto the Sandspit Matakana Link Road for the frontage shown indicatively on I1554.9.1 Warkworth Clayden Road: Precinct Plan 1 (3) Any road connecting to <u>Matakana Link Road at the easternmost access point identified on IXXX9.3 Precinct Plan 3 shall be limited to a left turn in/left turn out intersection with Matakana Link Road.</u> '	FS4 – Support FS5 – Support	Accept in part
5.21	Auckland Transport	Amend matters of discretion at IXXX.7.1(1) by adding the following matter: '(f) <u>The design and operation of any intersection with Matakana Link Road.</u> '	FS1 – Support FS4 – Support FS5 – Support	Accept
5.25	Auckland Transport	Amend the assessment criteria at IXXX.7.2(1) as follows: '(1) Vacant lot Subdivision Delete the following criteria: '(iii) Intersections to local roads accessing the Matakana Link Road are limited to the locations identified on Precinct Plan 1. (iv) The eastern access to Matakana Link Road is confined to a 'left in/left out' only road connections. (vi) Subdivision layout is designed to ensure that no sites require vehicular access from the Matakana Link Road. Sites shall be services from local roads, laneways, JOAL's, or other suitable mechanisms. Replace criteria (iv) with a rule (rather than assessment	FS4 – Support in part FS5 – Support in part	Accept

		criteria) as outlined in submission point 5.18 regarding IXXX.6.4 Limited Access.		
5.27	Auckland Transport	Replace the assessment criteria IXXX.7.2(1)(a)(xiii) relating to staging and Matakana Link Road with a rule which prevents dwellings within the precinct from being occupied until Matakana Link Road is completed and is operational between SH1 and Matakana Road.	FS4 – Support in part FS5 – Support in part	Accept
5.30	Auckland Transport	Add new assessment criteria for Vacant Lot Subdivision to include assessment of intersections onto MLR	FS4 – Oppose FS5 – Oppose FS6 – Support	Accept
5.34	Auckland Transport	Clarify whether in IXXX.9.3 Precinct Plan 3 the identification of the easternmost access point with a single asterisk would still accommodate a staggered intersection arrangement as has been previously discussed with Auckland Transport. Add appropriate text or advice note if needed to assist plan users.	FS4 – Support FS5 – Support	Accept
5.37	Auckland Transport	Clarify the nature of the pedestrian access envisages to Matakana Link Road in the following locations: - Where the indicative local roads shown at the western end of Precinct Plan 3 are located on both sides of Matakana Link Road. - Where the indicative greenway route shown on Precinct Plan 3 crosses Matakana Link Road. Make any consequential changes to the provision as required to ensure that any such access is safe and does not create expectations of a controlled crossing over Matakana Link Road	FS4 – Oppose FS5 – Oppose	Accept
17.2	Stellan Trust	Include provisions in the precinct to ensure any adverse traffic effect that could compromise the subdivisions and development of the Light Industry zone served by the two intersections on Matakana	FS1 – Support in part FS5 – Oppose	Accept

		Link Road are avoided and/or mitigated, including the first intersection directly servicing the Stellan Trust land		
19.2	Warkworth Properties (2010) Ltd	Amend Precinct Plans 1 and 3 to show the MLR/SH1 intersection in the location shown in Annexure B of this submission	FS1 – Support FS5 – Support	Accept

274. All the submissions above express concerns related to the Matakana Link Road.

Discussion

275. Generally, the submissions from AT and NZTA seek additional provisions or modifications to the precinct plans to strengthen the assessment of the MLR, and to provide certainty about the locations of intersections and pedestrian links onto the MLR.
276. Submission points 3.4, 5.3, 5.15, 5.30, 5.34 and 5.37 have all been addressed in the updated precinct provisions. Submission 17.2 is considered to be addressed by the updated precinct provisions (27 August 2020) in assessment criteria IXXX.7.2(b)(xvii) and (xviii). However I do note that I recommend the requirement for a transport assessment and safety audit is included as a special information requirement for subdivision within the plan change area, creating a clear expectation that this information is provided by the applicant at the time of subdivision. Therefore, I recommend these submissions be accepted, and consider the relief sought addressed in my recommended changes in **Appendix 8**.
277. Submission points 3.9 and 5.27 seek to reword the assessment criteria for preventing the occupation of development in the precinct prior to the operation of the MLR. 5.12 also seeks that it is a standard for subdivision, as opposed an assessment criterion. Warkworth Land Company (WLC) (the applicant) accepts that the wording could be strengthened but opposes making it a standard. I consider as this is a matter that is best implemented through a resource consent condition, and is not a matter fundamental to the design of any proposal, and therefore including it as an assessment criterion, rather than a standard is appropriate. I recommend accepting submission 3.9 and accepting in part submission 5.27 The updated precinct plans as provided by the applicant include appropriate updates to the wording as suggested in the submission.
278. Submissions 3.6 and 5.4 request that the number and location of intersections onto the MLR are clarified and reflected in the precinct plans and text. The indicative location of each intersection is shown on Precinct Plan 3 – Transportation, which I consider sufficient to provide clarification to the future users of the precinct. I do not consider that any further mention of this is required as a rule. As the requirement has a spatial element, it is appropriate for them to be included in Precinct Plan 3. Therefore, I recommend accepting these submissions in part.
279. Submission point 19.2 seeks that the approved MLR alignment is reflected on the precinct plans, particularly in regard to the intersection between the MLR and SH1. Mr. Peake notes that while the precinct plans show an indicative route, it is appropriate to update the plans for consistency. WLC supports this submission point. I recommend updating the intersection and have included this update in my recommended changes (Appendix 8).

280. In submission point 5.12, AT seek that an additional rule is included in the activity table making vehicle crossings onto the MLR a non-complying activity. It is noted that the MLR is proposed to be classified an Arterial Road in the AUP via the plan change, which affords vehicle crossings a restricted discretionary activity status under Activity Table E27.4.1(A5). Mr. Peake considers that a non-complying activity status under the precinct is appropriate particularly considering the provision of separated cycling routes alongside the MLR, and notes that the TPC's Transport Assessment also specifically outlined this measure.
281. My opinion on the matter generally is that if a level of control is already provided for within the AUP(OP) then, unless there are site specific circumstances, the AUP should be relied upon. That said, I am aware of other precincts which have similar provisions and it could be argued that this gives clarity to any reader of the precinct plan and signals the clear expectation that no vehicle crossings should be utilising the MLR. Considering the objectives and policies aiming to provide for safe and efficient walking and cycling routes within the precinct, I accept the submission, and have included a rule in the activity table of my recommended changes making the construction and use of a vehicle crossing onto the MLR at non-complying activity.
282. Submission 5.2 seeks to remove the southern portion (the panhandle portion of the precinct, refer to Figure 6 above) from the precinct boundary. I understand discussions have been held between AT and the applicant on this point, and AT have agreed that the precinct boundary can remain as proposed. Therefore, I recommend this submission is rejected. The applicant and AT can address this further at the hearing to confirm.
283. Submission point 2.5 seeks the have roundabouts used for the intersections on the MLR rather than traffic signal intersections. Mr. Peake notes that while detailed design has not been provided for the intersections and this will be considered at resource consent stage, the high-level designs indicate traffic signal intersections are being considered which will provide for pedestrian and cycling connectivity over the MLR. Nothing in the precinct provisions specify the nature of the intersections, so flexibility is maintained for future assessment at resource consent stage. I concur with the assessment of Mr. Peake, and recommend rejecting submission 2.5.

Recommendations on Submissions

284. That **submissions 3.4, 3.9, 5.3, 5.12, 5.15, 5.21, 5.25, 5.27, 5.30, 5.34, 5.37, 17.2 and 19.2 be accepted** for the reasons outlined above. Refer to **Appendix 8** for the tracked-changes version of the precinct provisions and updated maps.
285. That **submissions 3.6, 5.4, 5.18 and 5.27 are accepted in part** to the extent of the modifications to the precinct plans and provisions recommended in **Appendix 8**, for the reasons outlined above.
286. That **submissions 2.5 and 5.2 are rejected** for the reasons outlined above.

11.1.2. Walking and cycling provisions

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
1.4	Warkworth Area Liaison Group c/- Roger Williams	Create a pedestrian and cycle underpass under the Matakana Link Road to provide access to a park and	FS3 – Oppose FS4 – Oppose FS5 – Oppose FS6 – Oppose	Accept

		ride facility in the showgrounds.		
2.3	Michael George Cronin	Insufficient pedestrian and cycle linkages between the eastern and western portions of the proposal.	FS4 – Oppose FS5 – Oppose	Accept
5.26	Auckland Transport	Replace the assessment criteria IXXX.7.2(1)(a)(xii) relating to greenways, with a rule requiring walkways and cycleways located within the greenways to be constructed and vested in the council in association with subdivision and development.	FS4 – Oppose FS5 – Oppose FS6 – Support	Accept
7.5	Auckland Council c/- Celia Davison	Amend Precinct Plan 1 to include additional walking/cycling routes, in line with those in the Warkworth Structure Plan.	FS5 – Oppose	Accept
12.3	Ministry of Education	Supportive of walking and cycling infrastructure	FS4 – Support FS5 – Support	Accept
15.2	Mahurangi Community Sport & Recreation Collective	Give consideration to the access points to the Warkworth showgrounds, taking into account the future development of the park. For example, access points should not be in the middle of the proposed bike and skate park on the northern part of the Warkworth showgrounds.	FS5 – Support FS9 – Support	Accept

287. Submissions above express concerns and seek refinements to the walking and cycling network and provisions.

Discussion

288. Submission 1.4 has been addressed in the updated precinct plan by including a assessment criterion (IXXX.7.2(2)(b)(xix) providing for pedestrian links across MLR either at signalled crossing within the intersections, or under the MLR bridge. I recommend the submission is accepted and the relief sought addressed. Refinement is proposed in my recommended changes to include reference to cycling links also.

289. Submission 2.3 seeks increased cycling and walking linkages from east to west, along with submission point 7.5 seeking additional walking and cycling routes to as to be consistent with the WSP. Mr. Peake notes that the masterplans included in the application have additional links that should be reflected in the precinct plans for clarity. I concur with his assessment. Therefore I recommend the submission is accepted and the relief sought is addressed on Precinct Plan 1 and 3 in my recommended changes.

290. Submission point 5.26 seeks that the provision and vesting of greenways is dealt with as a standard, as opposed to an assessment criteria. This is to provide more prescriptive provisions to ensure cycling and walking facilities are included as part of future development. Mr. Peake supports this approach, and as do I. Addressing this as a standard provides better guidance for developers and assists decision makers in evaluating the proposal against those expectations. It's also noted that as greenways and cycling and walking facilities should be considered in the fundamental design and in plans submitted with any future consent, a standard indicates to a developer that these are key considerations for the overall design, requiring it to be addressed specifically in any future application. WLC in its further submission believes assessment criterion is sufficient. It is noted that the assessment criterion has been updated in the updated precinct provisions with further wording. This is positive, but I believe this is better included as a standard. Therefore, I recommend this submission be accepted and the relief sought is provided as a standard in the recommended plan change attached in Appendix 8.
291. Submission 12.3 lends its support to the provision of walking and cycling infrastructure.
292. Submission 15.2 requests consideration is given to the location of access to the Warkworth Showgrounds. It is noted that the location of the route on the precinct plans is indicative and will be finalised during consenting stage, however it is noted that at this particular point, the access appears to be consistent with what is envisaged by the WSP and the Rodney Local Board Greenways Plan. I recommend this submission is accepted and consider the relief sought is already provided by the plan change and will be addressed more specifically at the consenting stage.

Recommendations on Submissions

293. That **submissions 1.4, 2.3, 5.26, 7.5, 12.3 and 15.2 are accepted** for the reasons outlined above. Recommended modifications to the precinct plans and provisions reflecting further greenway routes and standards are set out in **Appendix 8**.

11.1.3. Transport - updates to the precinct provisions

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
3.2	NZTA	Amend provision IXXX.2 Objective 4 of the proposed precinct to include reference to supporting the safety and efficiency of the surrounding network.	FS4 – Oppose FS5 – Oppose FS6 – Support	Accept
3.7	NZTA	Amend provision IXXX.7.1 Matters of discretion of the proposed precinct to include traffic generation	FS1 – Support FS4 – Oppose FS5 – Oppose FS6 – Support	Accept
3.8	NZTA	Amend provision IXXX.7.1 Matters of discretion of the proposed precinct: (2) Indoor Recreation Facility in the location shown on I1XXX.9.1 Warkworth	FS4 – Oppose FS5 – Oppose FS6 – Support	Accept

		Clyden Road: Precinct Plan 1: (c) <u>Transport, including access, parking and traffic generation</u>		
3.10	NZTA	Amend provision IXXX.7.2(1) Vacant Lot Subdivision Assessment criteria of the proposed precinct: The Council will consider the relevant policies identified below for controlled activities, in addition to the assessment criteria or policies specified for assessment of the relevant controlled activities in the zone, Auckland wide or overlay provisions: (1) Vacant lot subdivision (a) In addition to the matters of discretion listed at E38.12.2(7), the extent to which: <u>(xvii) Transport including access, parking and traffic generation is designed to ensure the safe and efficient operation of the surrounding transport network.</u>	FS1 – Support FS4 – Oppose FS5 – Oppose FS6 – Support	Accept
3.11	NZTA	Amend provision IXXX.7.2(2) Indoor Recreation Facility Assessment criteria of the proposed precinct to include assessment of traffic generation and the safety and efficiency of the transport network.	FS1 – Support FS4 – Oppose FS5 – Oppose FS6 – Support	Accept
5.6	Auckland Transport	Amend Objective 4 to: Create an accessible residential development with <u>safe and integrated vehicle, walking and cycling connections.</u>	FS4 – Support FS5 – Support	Accept
5.7	Auckland Transport	Amend Policy 7 to: Enable <u>Provide an extensive active walking and cycling network and futureproof key walkway/cycleway routes</u> and vest these key routes in the council.	FS4 – Oppose FS5 – Oppose	Accept
5.9	Auckland Transport	Amend Policy 10 as follows: Limit <u>Avoid direct vehicle</u>	FS4 – Support FS5 – Support	Accept

		access from individual sites on to the Sandspit Matakana Link Road <u>while only allowing direct to-pedestrian and cycle access only.</u>		
5.23	Auckland Transport	Amend 2(c) of the matters of discretion at IXXX.7.1(2) as follows: <u>'Transport, including access, parking, and traffic generation.'</u>	FS4 – Oppose FS5 – Oppose FS6 – Support	Accept
5.28	Auckland Transport	Amend the assessment criteria at IXXX.7.2(1)(xv) and (xvi) by removing the references to the typical cross-sections and removing the associated diagrams.	FS4 – Oppose FS5 – Oppose	Accept
5.29	Auckland Transport	Replace the assessment criteria IXXX.7.2(1)(a)(xv) relating to collector roads with a rule requiring collector roads to be constructed in the indicative location shown on Precinct Plan 3 and vested in council in association with subdivision and development, and for separated cycle facilities to be provided in the collector road	FS4 – Oppose FS5 – Oppose	Accept in part
5.31	Auckland Transport	Amend the assessment criteria at IXXX.7.2(2) as follows: '(2) Indoor-Recreation facility ... Delete (a) as follows: '(a) The indoor recreation facility is located within the land area identified on Precinct Plan 1.' Delete (d) and replace with the alternative wording as follows: '(d) Provision is made for transport related matters including access and adequate parking to service the facility, and hours of operation.' <u>'(d) Traffic generation effects can be accommodated within the transport network, safe access is provided to the site, and sufficient well-designed and well-located parking is provided.'</u>	FS1 – Support FS4 – Oppose FS5 – Oppose	Accept in part

5.33	Auckland Transport	Amend IXXX.9.3 as follows: ' <u>IXXX.9.3 Precinct Plan 3 Transport network</u> ' Amend the legend in Precinct Plan 3 as follows: ' <u>Indicative Greenway Route walking and cycling network.</u> '	FS4 – Oppose FS5 – Oppose FS6 – Support	Accept in part
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294. Submissions from AT and NZTA cover a range of changes and updates to the precinct to cover transport and traffic matters.

Discussion

295. A number of these submission points have already been addressed in the updated precinct provisions proposed by the applicant. These include 3.2, 3.8, 3.11, 5.6, 5.9 and 5.33. For the rest, I will discuss below. Mr. Peake considers the relief sought across all submissions points regarding precinct provisions provide further robustness and supports all relief sought in this regard.

296. Submissions 3.7 and 5.23 request the assessment criteria for restricted discretionary activities contain reference to traffic generation. For robustness, I consider this is appropriate to ensure the full spectrum of transport and traffic aspects are covered. I recommend the submission points be accepted and provide for the relief sought in my recommended changes.

297. 5.7 requests that Policy 7 uses the terminology 'Provide' instead of 'Enable' and notes a number of refinements. I consider the use of 'Provide' to be appropriate given the emphasis placed on providing for walking and cycling routes. I further note that 'provide' implies a physical element, and given cycling and walking infrastructure should be part of the fundamental design of a development, this is considered appropriate. I recommend the submission accepted and address the relief sought in my recommended changes.

298. Submission point 5.28 and 5.29 seek to provide more robustness to the location of collector roads and requests collector roads include separated cycling facilities and subsequently, the cross-section diagrams included in the precinct are removed. Mr. Peake considers separated cycling on collector roads appropriate and the cross-section diagrams unnecessary. I concur with his assessment. I also agree that the location of collector roads is better included as a standard, providing decision-makers and developers clear direction in the design of the development. I recommend this submission is accepted and the relief sought is incorporated in my recommended changes.

299. However, the issue of whether the roading network proposed in the precinct is affected by the NES-FM prohibited activity statues for drainage of wetlands could potentially affect this. The applicant is invited to comment on this. My recommendation is made on the basis that the impact of the NES-FM can be addressed with changes to the provisions.

300. Submission point 5.31 is partly covered by the updated precinct (UP), but still includes reference to the location of the recreation facility. Considering the location is indicated on the precinct plans, it seems consistency with the assessment criteria is appropriate

and the retention of this portion of the criterion is considered appropriate. This submission point is recommended to be accepted in part.

301. Submission point 5.33 requests further clarity in precinct plan 3. I note that the plan is now titled as Transportation in the UP. However, I consider the term Greenways sufficiently clear, and in particular is consistent with other council plans such as the WSP and Rodney Local Board Greenways Plan. Therefore I recommend this submission be accepted in part. The relief sought has already been addressed in the updated plan change.
302. Submission point 3.10 requests that the subdivision assessment criteria includes reference to parking, transport and traffic generation. Mr. Peake considers that the TA has not sufficiently covered the traffic generation effects on the wider network and I therefore consider it appropriate to include this as an assessment criterion. It is noted that this is provided for in the existing Auckland-wide subdivision assessment criteria in E38, but given the lack of assessment at the plan change stage, it is appropriate to include an assessment criteria specific subdivision within the precinct.

Recommendations on submissions

303. That **submissions 5.31 and 5.33 be accepted in part** to the extent that rewording of the subject provisions is set out in **Appendix 8**, for the reasons outlined above.
304. That **submissions 3.2, 3.7, 3.8, 3.10, 3.11, 5.6, 5.7, 5.9, 5.23 and 5.28 be accepted** for the reasons outlined above. Recommended modifications made to the precinct provisions are set out in **Appendix 8**.

11.1.4. Submissions on transport matters – general

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
1.2	Warkworth Area Liaison Group	Realign the Clayden Road intersection and use as the main entry and exit point to the development.	FS4 – Oppose FS5 – Oppose	Reject
1.3	Warkworth Area Liaison Group	South of the proposed Matakana Link Road, have an intersection with direct access onto Matakana Road, and use this as the main intersection to access the development to the sought of the proposed Matakana Link Road.	FS4 – Oppose FS5 – Oppose	Accept
3.12	NZTA	The information provided in the Transport Assessment is insufficient and should follow Auckland Transport's ITA guidelines. Any consequential changes to the precinct provisions are sought.	FS1 – Support FS4 – Oppose FS5 – Oppose	Accept
4.4	Middle Hill Ltd	Confirmation that the proposed Western Link	FS4 – Oppose FS5 – Oppose	Accept in part

		Road and Matakana Link Road will be planned for and constructed prior to or concurrently with the development of the subject land.		
4.5	Middle Hill Ltd	Confirmation that any adverse traffic effects resulting from the proposed development of the land will be less than minor on the capacity and safety of the wider road network.	FS4 – Oppose FS5 – Oppose	Accept in part
4.6	Middle Hill Ltd	Confirmation that there is sufficient traffic network capacity to support the proposed development without compromising the ability of other landowners to develop their land including owners of land located to the South of the subject land.	FS1 – Support FS4 – Oppose FS5 – Oppose	Accept in part
4.7	Middle Hill Ltd	Require contributions to be made for the completion of the wider strategic network, including the Western Link Road.	FS4 – Oppose FS5 – Oppose	Reject
4.8	Middle Hill Ltd	Require the development to be staged unless it is clearly demonstrated that there is sufficient capacity in the wider traffic network.	FS4 – Oppose FS5 – Oppose	Accept in part
5.1	Auckland Transport	Require the applicant to provide a revised transport assessment with the methodology and content being developed and agreed with Auckland Transport and New Zealand Transport Agency and make any consequential changes to the precinct provisions and zoning.	FS1 – Support FS4 – Oppose FS5 – Oppose FS6 – Support	Accept
5.35	Auckland Transport	Amend the precinct to add provisions, including rules, to ensure that large scale developments not involving subdivision (e.g. Integrated residential developments such as retirement villages) are required to provide the transport infrastructure identified on Precinct Plan 3.	FS4 – Oppose FS5 – Oppose	Accept

5.36	Auckland Transport	Amend the precinct to add provisions, including rules, which limit direct vehicle access from sites fronting the separated cycle facilities on the collector road.	FS4 – Oppose FS5 – Oppose	Accept
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Discussion:

305. Submission points 1.2 and 1.3 from Warkworth Area Liaison Group are assessed by Mr. Peake at page 14 of his memo. He notes that he does not support the relocation of the Clayden Road intersection, and that its proposed arrangements are appropriate and allowing for a right-turn out of Clayden Road would result in safety issues, and disruption to traffic flows on the MLR and Matakana Road. With regard to submission point 1.3, Mr. Peake supports indicating on Precinct Plan 3 an indicative intersection on Matakana Road, south of the MLR. He considers this intersection should be limited to left-in, left-out. I adopt Mr. Peake’s assessment.
306. Mr. Peake also considers the submission made by Middle Hill Limited on page 17 of his memo. He does not support submission point 4.7 and only supports in part submission point 4.4, as the proposed plan change is shown to not be dependent on the construction of the Western Link Road (WLR). In regards to the submission points in the Middle Hill Limited submissions that wish to ensure the plan change does not cause adverse effects on the wider transport network, Mr Peake, as discussed earlier in section 7.5 considers that these effects have not been adequately addressed in the TA by TPC. He did note that revisions to the precinct provisions could ensure this was addressed at resource consent stage. It is recommended in response to other conditions that traffic generation is included in the assessment criteria for a number of activities to allow this to be assessed and appropriately managed at consenting stage. I consider these submissions also demonstrate the need for these changes to the precinct. Further to this, submission 3.12 from NZTA and 5.1 from AT request an updated ITA is provided that addresses the methodology and content being developed and agreed with Auckland Transport and New Zealand Transport Agency and make any consequential changes to the precinct provisions and zoning. Mr. Peake supports this submission point from a technical perspective. I note that the further submission from WLC opposes this and considers the TA provided is sufficient. I accept that further information may need to be provided at the hearing, or that changes are made to the precinct provisions to address these matters. I recommend changes to address this in the precinct provisions.
307. AT’s submissions 5.28, 5.35 and 5.36 seek changes to the provisions to take into account the potential development of large-scale residential developments that do not include a subdivision component, and that a limited access standard is included for vehicle crossings on collector roads, allowing for separated cycle facilities. Mr. Peake supports both points. I consider that submission 5.35 provides a level of robustness to the assessment of all potential development and the need to provide the required infrastructure. WLC note in their opposition to submission point 5.36 and 5.28 that collector roads are not proposed to include separated cycling facilities. I note that the objective and policy direction, and overarching goals of the WSP supports the provision of safe and integrated vehicle, walking and cycleway connections, and therefore consider including provisions of separated cycle facilities on collector roads and a related standard requiring limited access onto these roads, appropriate.

Recommendations on Submissions

308. That **submission 1.2 and 4.7 be rejected** for the reasons outlined above.
309. That **submissions 4.4, 4.5, 4.6 and 4.8 be accepted in part**, to the extent that assessment of traffic generation be included in the precinct provisions as set out in **Appendix 8** for the reasons outlined above.
310. That **submissions 1.2, 3.12, 5.1, 5.28, 5.35 and 5.36 be accepted** for the reasons outlined above. Recommended modifications are made to the precinct in **Appendix 8**.

11.2. Zoning approach

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
2.6	Michael George Cronin	Rezone more land to Neighbourhood Centre zone.	FS3 – Oppose FS5 – Oppose	Reject
2.7	Michael George Cronin	Retain the live Light Industrial zoning in the plan change subject area.	FS1 – Support FS2 – Support FS5 – Oppose FS8 – Support FS9 – Support	Reject
4.3	Middle Hill Ltd	Accept the zoning sought in the proposed precinct	FS4 – Support FS5 – Support	Reject
7.3	Auckland Council	It is sought that the landscape effects are specifically assessed and reported upon, including consideration of amendments to the proposed precinct's development density and maximum permitted height(s) for upper slopes, or alternative methods.	FS5 – Oppose	Accept
7.31	Auckland Council	Amend the precinct provisions to achieve consistent recognition of, and provision for, high natural values; and ensure proposed zoning, SEA layers, precinct methods and precinct plans align. Tensions exists between the proposed zoning, and Precinct Plan 2's recognition of covenanted land with zoning promoting residential intensification proposed for land subject to and	FS4 – Oppose FS5 – Oppose	Accept

		surrounding a Queen Elizabeth II covenant.		
7.33	Auckland Council	Amend Plan Change 40 to realign the rural urban boundary in the event the rezoning of a small area to Rural - Countryside Living zone is approved.	FS5 – Support	Accept
13.1	QEII National Trust	Amend the proposed zoning of the QEII covenanted land from Residential - Mixed Housing Urban and Residential - Mixed Housing Suburban to a more appropriate zone	FS4 – Oppose FS5 – Oppose	Accept
13.2 13.7	QEII National Trust	Amend the proposed zoning of the land adjacent to the QEII covenanted area to either Residential - Single House zone, Residential - Large Lot zone or Rural - Countryside Living zone to reduce impact on the bush within the covenanted area.	FS4 – Oppose FS5 – Oppose	Reject
13.3	QEII National Trust	Amend the proposed zoning of the two 'keyhole' areas (depicted on map in submission) to include as 'Protection areas (not for development)' zoning as earmarked in the Warkworth Structure Plan.	FS4 – Oppose FS5 – Oppose	Reject
14.1 14.2	David and Christine Pinker	Amend the zoning of 139 Clayden Road from Large Lot zone to Single House zone and apply relevant controls as elsewhere along ridgeline.	FS1 – Oppose FS2 – Oppose FS8 – Oppose FS9 – Oppose	Reject

311. Submissions noted above relate to the zoning of the land and for the most part request changes to the zoning approach for various reasons.

Discussion

312. In submission points 2.6 and 2.7 Mr. Cronin requests more land is zoned neighbourhood centre and the Light Industrial land is retained. As discussed in the economic effects assessment above at section 7.3, Mr. Foy is supportive of the current size of the neighbourhood centre, as the intent is to provide for some small local service shops and not detract from the Warkworth town centre. I concur with Mr. Foy. In regards to submission point 2.7, whilst I agree that LIZ land should be retained as a rule, in this case there are a number of reasons outlined by the applicant and confirmed by AT that

make the use of this land as LIZ difficult and inefficient. I recommend submission point 2.6 and 2.7 are declined.

313. Submission 4.3 supports the proposed zoning and requests that it is accepted. In response to other submissions, I recommend changes to the proposed zoning and therefore, for the reasons outlined in the discussion below, I recommend rejecting this submission point.
314. Auckland Council requests via submission point 7.3 that the density of the proposal is assessed in regard to the landscape effects and consideration is given to modifications in response to these landscape effects. As discussed in the assessment of landscape and natural character effects in section 7.4 above, Mr. Brown is of the opinion that the zoning proposed is not responsive to the landscape features of the plan change area and considers the extent of the MHU and MHS zoning up towards the ridgeline to be inappropriate in light of the landscape values of the ridge. I concur with Mr. Brown, and accept submission 7.3. I recommend revising the zoning approach in the plan change to increase the width of the band of SHZ at the top of the Clayden ridge and reducing the extent of the MHS and MHU zones on the slopes of the ridge. Refer to the recommended zoning map in **Appendix 8**.
315. Submission point 7.33 requests that the Rural Urban Boundary is amended to exclude the portion of Countryside living zoned land from the urban area. This is reflected in the updated plan change and is recommended to be accepted.
316. Submission 7.31, 13.1, 13.2, 13.3 and 13.7 request that the zoning around and underlying the existing QEII covenanted area is amended to be more appropriate in the context of vegetation with significant ecological value. Mr. Stratham supports these submissions from a terrestrial ecology perspective. Whilst I note the area is covered by an SEA in the AUP(OP), which provides some protection, I consider submissions 7.31 and 13.1 have merit and to provide further clarity around the use and purpose of the land I consider a zoning of Open Space – Conservation zone appropriate for the land underlying (but not around) the covenant. I note this zone can be applied to privately-owned land.
317. In regards to the additional submission points from QEII, I consider that the covenant, the recommended rezoning of the underlying land to Open Space – Conservation zone and the SEA protection is sufficient to protect the land and vegetation. I am of the opinion a balance must be struck in protecting such areas, whilst also allowing the efficient development of urban land. For this reason, I recommend rejecting 13.2, 13.3 and 13.7.
318. Submission point 14.1 and 14.2 requests that the zoning of 139 Clayden Road is amended from Large Lot zone to Single House zone. Mr. Brown does not support this from a landscape perspective, considering the location of the site on the Clayden ridge. I concur with Mr. Browns assessment and note that the WSP anticipated the Large Lot zoning of this site, not Single House as stated in the submission. I recommend rejecting submission point 14.1.

Recommendations on Submissions

319. That **submissions 2.6, 2.7, 4.3, 13.2, 13.3, 13.7, 14.1 and 14.2 be rejected** for the reasons identified above.
320. That **submissions 7.3, 7.31, 7.33 and 13.1 be accepted** for the reasons identified above. The amended zoning resulting from the recommendations is shown in the zoning plan in Appendix 8.

11.3. Submissions on open space and green network

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
2.2	Michael George Cronin	Insufficient amount of community green space in the residential areas of the proposal	FS4 – Oppose FS5 – Oppose	Accept in part
7.4	Auckland Council	It is sought that the indicative open space on Precinct Plan 1 be more consistent with that shown in the adopted Warkworth Structure Plan.	FS5 – Oppose	Accept
7.6	Auckland Council	It is sought for the precinct to be more consistent with the 'green network' shown in the Warkworth Structure Plan.	FS4 – Oppose FS5 – Oppose	Accept

321. The submissions above request that the open space and green networks within the plan change area are consistent with the WSP, and one requests more green space is provided.

Discussion

322. Submission 7.4 requires closer alignment of the green network proposed in the WSP and the precinct plans. The WSP is built on the foundation of setting aside areas that are important for ecology, stormwater, heritage and cultural values. In the case of the plan change area, there are a number of streams that traverse the area. The WSP envisages that these streams are protected and planted with riparian vegetation – forming a series of 'green fingers' that reach across the site and acting as 'green corridors' for ecological enhancement. They are also aligned with the greenway routes, providing safe and separated pedestrian and cycling connectivity and informal recreation opportunities. In the precinct plan, some of these greenways have been reduced quite significantly, with the upper extents of some streams proposed to be reclaimed to enable development. This has removed the opportunity to provide the full green network envisaged by the WSP. As discussed in section 7.6, the provisions that provide for the reclamation of these streams with a less onerous activity status are considered inappropriate for a number of reasons, but also result in the loss of the opportunity to extend the green network across the site. The relief sought by submission point 7.4 is supported and I recommend the submission is accepted. I consider that the changes to the precinct plans sought in the submissions will also address submission point 2.2, which considers insufficient green space is provided but does not specify where additional green space is provided.

323. In regard to submission point 7.6, as discussed in section 7.2 above, Mr. Barwell states that the location and size of the open space provided in the precinct is not supported. The location of the open space as indicated in the WSP takes into account the equity policies that guide the provision of open space, ensuring it's evenly distributed and allowing as many Aucklanders the opportunity to be within walking distance of quality open space. It is considered that the open space as indicated in the precinct plans is unsupportable and I recommend it be aligned more closely with the indicative location

given in the WSP. I have updated Precinct Plan 1 in the recommended changes to address the relief sought.

Recommendations on Submissions

324. That **submissions 7.4 and 7.6 be accepted** for the reasons identified above. Amended precinct plan plans and provisions have been prepared to support this recommendation in **Appendix 8**.
325. That **submission 2.2 be accepted in part** to the extent enabled by the response and modifications proposed in response to submissions 7.4 and 7.6, as set out in **Appendix 8**.

11.4. Reverse sensitivity

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
7.7	Auckland Council	Amend the precinct to be more consistent with the 'landscape screening' areas sought by the Warkworth Structure Plan, by requiring areas of planting in the order of 20-30m deep to accommodate mature native trees in the long term, and effectively screen industrial development. The effectiveness of the precinct provisions, including various yards and precinct plans, should be evaluated and amended to achieve this outcome.	FS1 – Support FS5 – Oppose	Accept
9.2	Goatley Holdings Limited	Amend the zoning to respond to the live-zoned Business Light Industry land adjacent to the subject land and ensure a more appropriate buffer between industrial activities and residential activities.	FS2 – Support FS5 – Oppose	Accept
9.3	Goatley Holdings Limited	Amend the precinct to ensure that potential reverse sensitivity effects on the Business - Light Industrial zoned land are effectively managed.	FS2 – Support FS5 – Oppose	Accept
10.2	Skywork Helicopters Limited	Rezone the land affected by noise generated by Skywork Helicopters Limited to non-residential or other compatible uses.	FS1 – Support FS5 – Oppose	Decline

10.3	Skywork Helicopters Limited	Require provisions that address reverse sensitivity effects on Skywork Helicopters Limited to be incorporated into the precinct provisions, potentially including requirement of mechanical ventilation in all dwellings and no complaints covenants.	FS1 – Support FS5 – Oppose	Accept
15.3	Mahurangi Community Sport & Recreation Collective	Provide reverse sensitivity "no complaints covenant area" across Precinct Plan 1 for both light and noise (relating to recreational use of the Warkworth showgrounds)	FS1 – Support FS2 – Support FS5 – Support in part FS9 - Support	Accept in part
15.4	Mahurangi Community Sport & Recreation Collective	Provide increased screening bordering the north and north-eastern borders of the Warkworth showgrounds to mitigate the visual impacts of the plan change area when viewed from the Warkworth showgrounds and the noise and light from the use of the showgrounds.	FS5 – Oppose FS9 – Support	Accept
16.2	Warkworth Hockey Charitable Trust	Include a buffer zone around the whole Showgrounds complex with a 'no complaints covenant' protecting the hours of usage and light spillage	FS1 – Support FS2 – Support FS5 – Support FS8 – Support	Accept
18.2	Warkworth A&P Society - Penny Webster c/- Malcolm Webster	Include a 'no complaints covenant' on all titles to ensure the future use of the Showgrounds is not compromised.	FS1 – Support FS2– Support FS5– Support in part FS8– Support FS9– Support	Accept in part

326. These submissions seek relief to address reverse sensitivity effects on the Warkworth Showgrounds, the adjacent LIZ zoned land and the nearby Skywork Helicopter operation.

Discussion

327. Some of the relief sought has been addressed in the updated plan change and precinct offered by the applicant. This includes;

- The application of a 'Noise and lighting sensitive area' adjacent to the Warkworth Showgrounds that;

- imposes a standard requiring ‘no complaints covenants’ on titles issued within the area, and
 - requires residential buildings to provide mechanical ventilation to address reverse sensitivity effects on the Warkworth Showgrounds,
 - To the land west of the Noise Measurement line within the precinct, near the interface between the adjacent LIZ land and Skyworks Helicopters, a standard is imposed requiring;
 - ‘no complaints covenants’ on titles issued,
 - residential buildings to provide mechanical ventilation to address reverse sensitivity effects on to the adjacent LIZ zone to the west, and
 - that noise levels of activities carried out on the adjacent LZI land are measured at the Noise Measurement Line, and not at the closest residential boundary.
 - A standard requiring 6 metre Special Landscape Yard, fifty percent planted with trees that will attain a height of 5m or more upon maturity, at the interface of the adjacent LIZ land,
 - A 3-metre deep strip of LIZ adjacent to the neighbouring LIZ site, and
 - Objectives and policies that seek to manage reverse sensitivity effects.
328. Submission 7.7 seeks a 20-30m deep landscaped yard, consistent with the WSP, to screen the LIZ zoned land to the west. I consider that the current yard of 6m is insufficient to mitigate reverse sensitivity and also maintain residential amenity in terms of noise, as discussed in my assessment of the reverse sensitivity effects in section 7.8 above. I consider a 30m yard more appropriate, given the advice of Mr. Qiu in section 7.8. Mr. Qiu states that the planting proposed in the yard does not have any noise attenuation effect, and it is distance the residential activities are from the light industry activities that reduces the effect of the noise. Therefore it is the width of the yard that is relevant, in terms of noise effects. However, I note that provisions have been included in the updated precinct plan that enable the construction of a bund within the strip of LIZ land. The applicant has not provided any details on the envisaged bunding, or it’s noise attenuation capability. Whilst in my recommended provisions I have opted for a 30m yard on the advice of Mr. Qiu, I do consider that there could be other noise attenuation measures such as acoustic walls or fencing that could be effective in mitigating noise, resulting in improved residential amenity and reduced reverse sensitivity. If the applicant were to demonstrate that other noise attenuation measures such as acoustic walls or fences or bunding could address these effects to an acceptable level, I acknowledge that a full 30m of yard may not be required.
329. Consideration was also given to recommending a different noise rule for the precinct, allowing for a higher noise threshold. However, the potential residential amenity effects of this were considered to be unacceptable by Mr Qiu and I accept his assessment.
330. In terms of the planting proposed, this is intended to mitigate the visual reverse sensitivity effects. Mr. Brown assessed this and noted that a planting strip would be a positive outcome in terms of buffering the LIZ zoned land to the west. He did note that the current standard is unclear in its implementation of planting, requiring 50% of the yard to be planted in trees. I have proposed some changes to the wording of this in my recommended changes to ensure a consistent planted buffer is provided along the length of the yard. I also considered the practicalities of creating an effective visual buffer with planting. I note that the applicant has required trees to be planted that will reach a

height of 5m upon maturity, and I agree with the intent of that standard, to ensure the species of plants planted will create a meaningful buffer of a sufficient height. I note that this will take some time to establish, but also acknowledge instating an instant 5m-high planted buffer is unfeasible, if not impossible.

331. In terms of the width of the planted buffer, I have recommended a 10m strip of planting, as opposed to the 50% of 6m that the applicant has proposed. I am assuming that the 50% of the 6m yard was intended to result in a strip of planting 3m deep, though it is not entirely clear. In any case, when planting trees that are intended to grow to a reasonable height of 5m or more, planting cannot be particularly dense, so as to allow room for such trees to grow. Therefore, I consider a 3m strip insufficient to enable the creation of a relatively tall and opaque planted buffer.
332. After consideration of all of these aspects, I recommend submission 7.7 be accepted and I have included recommended changes in the precinct provisions to address the relief sought. Additionally, I have addressed this in the recommended zoning approach, by zoning the 30m yard LIZ, and therefore moving the interface from which a noise measurement is taken between zones further from the adjacent LIZ land.
333. I do not understand how the standard at IXXX.6.6(2) for a noise measurement be taken for LIZ activities on the adjacent land from the Noise Measurement Line indicated on Precinct Plan 1 can be imposed when it is a standard for the activities specified in the precinct. I also am of the opinion that even if that was an effective rule, the residential amenity of the land within that line could be adversely affected by the noise, as assessed by Mr. Qiu. I refer to my assessment of the AUP(OP) RPS on page 33, and note that the RPS requires residential development to address reverse sensitivity on adjacent land uses, and to provide for an attractive, healthy and safe residential environment. According to the applicant's planning report, this line is associated with a condition imposed by the Skywork Helicopters consent and the applicant acknowledges that a s127 to vary the conditions of the consent would be required to reflect this noise measurement line. I understand discussions the applicant has held discussions with Skywork Helicopters on this matter. Skywork Helicopters as a submitter had not requested specific relief regarding the Noise Measurement Line within their submission, and given it is imposed to address the reverse sensitivity effects particularly relevant to their operation, I invite them to address this at the hearing.
334. Submission 9.2 and 9.3 request that a buffer is provided at the LIZ and residential interface by way of rezoning, and that the precinct is amended to address reverse sensitivity on the adjacent LIZ land, respectively. The relief sought in both of these submissions does not specify the extent to which the request rezoning, or what reverse sensitivity measures they are seeking, so I cannot be certain their concerns are addressed by the updated precinct provisions. This is something that can be discussed further at the hearing by the submitter. I note that the updated plan change includes a three-metre strip of LIZ land along this boundary. I have recommended a 30 metre LIZ strip in my recommended changes, as noted above, to correspond with the proposed 30m landscaped yard. I accept that the zoning adjacent needs to be cognisant of the LIZ land to the west, particularly with the rezoning of the existing LIZ on the site bringing residential development closer to the neighbouring LIZ land. Submission 9.3 requests reverse sensitivity measures more generally. I recommend accepting this submission and note that the updated plan change includes further reverse sensitivity measures and refinements after discussions with the submitter. I'm unsure if the changes fully address their concerns. I invite the submitter to address this at the hearing.
335. Submission 10.2 requests the land affected by noise from Skywork Helicopters in rezoned to non-residential. As noted by Mr. Qiu in his memo, a significant portion of the

PPC40 area will be affected by noise from the helicopter activity. I do not consider rezoning the entire area or majority of the area to non-residential uses appropriate or realistic.

336. Submission 15.3 and 18.2 seek a “no complaints covenant” across the plan change area. I accept in part that such a covenant is appropriate for some of the plan change area, but do not consider it needs to be as wide as the whole plan change area, given the nature of the noise and lighting effects from the Warkworth Showgrounds. The noise and lighting from the Showgrounds is managed by consent conditions, which take into account the amenity of surrounding sites, by imposing noise levels and hours of operation. This includes an automatic switch on the lighting ensuring it shuts down at 10pm. A “no-complaints covenant” standard is provided in the updated plan change, applicable to land adjacent to the Showgrounds, roughly within the 220m of land north of the Showgrounds. I consider this a step in the right direction but believe extending the area the covenant applies to the north is appropriate to help address the submitters concerns. I have provided an updated Precinct Plan 1 in the recommended changes reflecting this.

Recommendations on Submissions

337. That **submissions 10.2 be rejected** for the reasons identified above.

338. That **submissions 15.3 and 18.2 be accepted in part** to the extent that a “no complaints covenant” standard is required for part of the plan change area for the reasons identified above.

339. That **submissions 7.7, 9.2, 9.3, 10.3, 16.6-15, 22.2 and 22.6-16 be accepted** for the reasons identified above. Recommended modifications to the precinct plan provisions reflecting this are set out in **Appendix 8** below.

11.5. Ecology

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
7.8	Auckland Council	Amend Plan Change 40 to achieve the ecological and biodiversity enhancements sought in the adopted Warkworth Structure Plan and relevant regional policy statement outcomes of the Auckland Unitary Plan.	FS4 – Oppose FS5 – Oppose	Accept
7.16	Auckland Council	Amend the precinct to ensure ten metre riparian planting along streams as indicated on Precinct Plan 2 are implemented through the development process and to clarify ownership and ongoing management.	FS4 – Oppose FS5 – Oppose	Accept
7.22	Auckland Council	Amend the proposed precinct provisions to	FS4 – Oppose FS5 – Oppose	Accept

		remove introduced activities in the Residential - Mixed Urban zone activity table with different activity classifications to zonal and Auckland-wide activities that continue to apply. For example, stream reclamation is proposed as a restricted discretionary activity at activity (A4) and a non-complying activity under the operative Auckland-wide rules in the AUP.		
7.32	Auckland Council	Amend the precinct provisions to address any utilities and/or transport options (including walking and cycling) necessary to be constructed within or through land with high natural values including the Queen Elizabeth II covenant.	FS4 – Oppose FS5 – Oppose	Accept
13.4	QEII National Trust	Amend the proposed precinct provisions to include an objective to the effect of "Ensure effects of development do not compromise indigenous biodiversity".	FS4 – Oppose FS5 – Oppose	Accept in part
13.5	QEII National Trust	Amend the proposed precinct provisions to include a policy to the effect of "Protect and enhance existing indigenous biodiversity vegetation within the area, ensuring that effects on indigenous biodiversity are avoided."	FS4 – Oppose FS5 – Oppose	Reject
13.6	QEII National Trust	Amend the proposed precinct provisions to include further Matters of discretion for Vacant lot subdivision as follows: (i) Proposed measures to manage pest plants and animals affecting indigenous biodiversity" (ii) Proposed measures to manage sediment and stormwater to avoid impacts on indigenous biodiversity"	FS4 – Support in part FS5 – Support in part	Accept in part
14.3	David and Christine Pinker	Amend proposed Precinct Plan 2 to more accurately reflect the area of	No further submissions	Accept

		covenanted bush at 139 Clayden Road		
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340. The submissions seek to amend the precinct to include provisions regarding ecology or refine the provisions further.

Discussion

341. Mr. Lowe and Mr. Stratham, for the Council, have assessed the submissions that relate to ecology and for the most part, support the relief requested by the submitters, or at least, the intent if not the exact wording in some cases. They note that the policy cascade in the precinct provisions is incomplete and better alignment between the objectives, policies and lower order provisions is required, along with provisions to better address some matters. I concur with their assessment. To this end, points 13.4 and 13.6 are recommended to be accepted in part. The intent of submission points 13.4 and 13.6 is supported, but the wording provided could be refined further. I note that the updated precinct provisions include an additional yard as a buffer for the SEA-protected vegetation at the lower reaches of the catchment (Tomlinsons Bush), and a corresponding policy, but no corresponding objective that discusses ecology at all. I do support the higher order provisions of the plan including some direction in terms of valuing and protecting the ecological features of the site, and consider that as the plan change stands, the policy cascade is incomplete without an objective. To this end I recommend an additional objective and policy in my recommended changes (see **Appendix 8**).
342. Submission point 7.16 seeks to add to the precinct provisions to align the riparian planting indicated in Precinct Plan 2 and ensure its implementation. Mr. Lowe and Mr. Statham supports this submission point and considers as it stands there is insufficient provision in the plan change to ensure the active enhancement of watercourses. They consider amending the plan change to include objectives, policies and standards that more explicitly seek riparian planting appropriate. I concur with their assessment, and recommend the submission be accepted. Mr. Statham provided recommendations about what the wording for the provisions should include in his memo. Recommended objectives, policies and standards are contained in the recommended changes in Appendix 8 addressing the relief sought. In terms of clarifying the ownership and management of the riparian areas, I invite the applicant and Auckland Council, as a submitter, to address this issue at the hearing.
343. Submission point 7.22 seeking the removal of proposed additional rules to stream reclamation when this matter is already captured in the AUP(OP) Auckland-wide activities, is also supported by Mr. Lowe, and he notes that it raises similar concerns to what he raises in his technical memo. This is covered in the assessment of the ecological effects in section 7.6 above. I concur with Mr. Lowe and note that given the strong direction from the RPS, NPS and NES level, the restricted discretionary activity for stream reclamation proposed in the precinct is inappropriate.
344. Submission point 7.32 is supported by Mr. Statham. He notes that in activity table IXXX.4.1 standard (A6) allows for the removal of covenanted bush for the operation, repair and maintenance of existing and future greenways routes. He considers this inappropriate and cannot support it. I acknowledge that for the creation of the greenway routes outlined in the WSP and in the precinct plans, bush removal is likely to be needed, however, I consider it appropriate for the effects to be considered at resource consent stage, and not provided for as of right. Therefore, I consider the rules already within the

AUP(OP) within E15 that manage vegetation removal to be appropriate, and consider rules at a precinct level that could contradict the protection covenants already in place on some of these areas of vegetation inappropriate and misleading. These rules are recommended to be removed from the precinct and this is reflected in my recommended modifications set out in **Appendix 8**.

345. Submission point 13.5 seeks an additional policy to protect indigenous biodiversity. Mr. Lowe maintains a neutral position on this submission and notes that policies 15 and 16 protect and enhance streams, and notes that full avoidance of effects on indigenous biodiversity through development is not practical. He does acknowledge that the corresponding standards could be strengthened and clarified.
346. Mr. Statham is supportive of submission point 14.3, having assessed the terrestrial ecology and noted that the stand of bush on the site is well-maintained and likely to be worthy of a SEA overlay in the AUP(OP). He notes that it was common practice at the time of this particular subdivision being granted for the entire site to be covered in the covenant, with an allowance for a building platform, however he supports the submission and considers Precinct Plan 2 should be more reflective of the known biodiversity values. I concur with his assessment and recommend the submission be accepted, and to this end I have included an update on Precinct Plan 2 in the recommended changes (Appendix 8) that more accurately acknowledges the extent of the covenanted vegetation on the site.
347. Submission 7.8 seeks the amendments to the plan change to achieve the ecological and biodiversity enhancements sought in the WSP, and RPS of the AUP(OP). The WSP envisaged the ecological and biodiversity features of the Warkworth areas, including streams and native vegetation being enhanced and protected from urban development. Precinct Plan 2 sets out the streams within the plan change area intended to be retained, and envisages a significant extent of the streams in the plan change area being reclaimed to enable further development and density on the site. I consider effort should be made, in line with the WSP to retain and enhance these streams with appropriate riparian margins. I also refer back to my assessment on page 29 regarding the Freshwater NPS and NES, and given the direction to prioritise the protection and enhancement of streams and wetlands over urban development, I consider the anticipated stream reclamation inappropriate. I recommend the submission be accepted. I note that the relief sought by the submitter is general in nature, but consider that the changes recommended to other submissions points as discussed in the previous paragraphs, along with an recommended modification to Precinct Plan 2, indicating the retention of the main streams as identified in the WSP, addresses the relief sought.
348. It should be noted that one of the streams envisaged as retained in the WSP, and yet anticipated to be reclaimed in the plan change, crosses the path of the MLR. I am not sure how this is dealt with in the approved design of the MLR, and perhaps it is inappropriate to include it as retained in Precinct Plan 2. I invite AT, as a submitter to address this at the hearing.

Recommendations on Submissions

349. That **submissions 13.4 and 13.6 be accepted in part** to the extent that additional policies and objectives are recommended as set out in **Appendix 8**.
350. That **submissions 7.8, 7.16, 7.22, 7.32 and 14.3 are accepted** for the reasons given above. Modifications to the precinct provisions and maps reflecting this are set out in **Appendix 8**.

351. That **submission 13.5 is rejected** for the reasons given above.

11.6. Submissions seeking amendments to stormwater

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
5.32	Auckland Transport	Amend Precinct Plan 2 by deleting the 'Indicative location of a stormwater pond for MLR' from Precinct Plan 2.	FS5 - Oppose	Accept
7.9	Auckland Council	Amend the precinct objectives and policies to complete the policy cascade, provide guidance for plan readers and the processing of future resource consent applications. Examples include as follows: i. A new objective at Section IXXX.2: <u>Subdivision and development provide riparian margins and design stormwater management function to respect natural processes through best practicable options to protect the high ecological values and maintain good water quality and enhance degraded water quality present in the receiving environment.</u> ii. Amend policy IXXX.3 (11): Manage the effects of stormwater on water quality in-streams through riparian margin planting, and on-site detention and retention at source hydrological mitigation to enhance in-stream values and avoid stream bank erosion, and protection of streams shown on Precinct Plan IXXX.9.1 by way of land covenant at the time of subdivision. iii. A new policy at Section IXXX.3 Policies: <u>Mitigate the adverse effects of stormwater runoff from all impervious area in the precinct through a treatment train approach which assists in maintaining high water</u>	FS4 – Oppose FS5 – Oppose	Accept

		<u>quality and enhances poor water quality.</u>		
7.10	Auckland Council	Amend the precinct to address stormwater management outcomes proposed by the applicant's stormwater management plan.	FS3 – Oppose in part FS4 – Oppose FS5 – Oppose	Accept
7.11	Auckland Council	Amend the precinct to address stormwater management outcomes to better reflect the policy directives of the regional policy statement at B7.3 and B7.4 by recognising greater opportunities to give effect to integrated management of land use and freshwater systems in greenfield development.	FS4 – Oppose FS5 – Oppose	Accept
7.12	Auckland Council	Amend Plan Change 40 to address stormwater management outcomes for the entire plan change area to determine whether there are any constraints to the proposed zones.	FS4 – Oppose FS5 – Oppose	Accept
7.13	Auckland Council	Amend the precinct to implement a treatment train approach as proposed by the Mahurangi stormwater management plan, which supports the plan change.	FS4 – Oppose FS5 – Oppose	Accept
7.14	Auckland Council	Retain the SMAF 1 control within the precinct for hydrological mitigation and include additional measures if required to mitigate changes in hydrology.	FS4 – Oppose FS5 – Oppose	Accept
7.15	Auckland Council	Amend the precinct to address potential stream bank erosion including whether the SMAF 1 control will provide adequate mitigation or if an additional method is necessary.	FS4 – Oppose FS5 – Oppose	Accept
7.17	Auckland Council	Amend the precinct to include provisions clarifying ownership and ongoing management of communal detention basins as identified in Precinct Plan 2	FS4 – Oppose FS5 – Oppose	Accept

		that are to attenuate flooding in 10 year and 100 year ARI.		
7.18	Auckland Council	Further evaluate the efficacy of standard IXXX.6.8 High Contaminant Yielding Materials, its section 32 threshold of 5m ² and develop an alternative or amendment.	FS4 – Oppose FS5 – Oppose	Accept
7.19	Auckland Council	Amend the precinct to address the treatment of all roads or other impervious areas to manage stormwater quality.	FS4 – Oppose FS5 – Oppose	Accept
11.2	Warkworth Land Company	Amend IXXX.3 Policies in the precinct provisions to include: <u>(12) Manage the effects of stormwater runoff through a series of controls and measures which assist in retaining high water quality and minimising or mitigating sedimentation and erosion</u>	FS1 – Support FS8 – Support FS9 – Support	Reject
11.3	Warkworth Land Company	Amend IXXX.7.1(1) Matters of discretion to include: <u>(f) Stormwater management</u>	FS1 – Support FS8 – Support FS9 – Support	Accept
11.4	Warkworth Land Company	Amend IXXX.7.2(1)(a) Assessment Criteria to include: <u>(xvii) The cumulative effect of the approach to stormwater management is in accordance with an approved SMP and achieves a "treatment train" process which mitigates urban stormwater quality issues and controls runoff.</u>	FS1 – Support FS8 – Support FS9 – Support	Accept
15.6	Mahurangi Community Sport and Recreation Collective	Include an assessment of stormwater run-off and the effects on the Warkworth showgrounds, including the hill that forms part of the proposed bike and skate park. Develop mitigation plan to ensure no run-off occurs.	FS5 – Support in part	Accept
19.3	Warkworth Properties	Ensure the plan change incorporates stormwater provisions that: (i) complement the stormwater management on	FS1 – Support FS5 – Oppose FS8 – Support FS9 – Support	Accept

		<p>the submitters site pursuant to the submitter's resource consent</p> <p>(ii) Do not generate adverse effects on the submitters site</p> <p>(iii) Are consistent with the approach adopted in the balance of the catchment and in particular in respect of the SH1 widening and MLR designations</p>		
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Discussion

352. Submission 5.32 requests the deletion of the MLR stormwater pond from Precinct Plan 2. Ms. Johnston and Mr. Tuner, stormwater specialists for the Council, have concluded that from the stormwater information provided it is not currently proposed to utilise AT's stormwater ponds to provide mitigation off runoff from development in the precinct. The inclusion is unclear and they do not oppose it's deletion. WLC in their further submission on this point state that it is still to be determined whether the stormwater ponds will serve both the MLR and development within the precinct. Further discussion and clarification of this point should be addressed by AT and WLC at the hearing. In the meantime, the recommended plan change removes the pond from Precinct Plan 2, in line with Ms. Johnston and Mr. Turner's assessment that it isn't relied upon in the SMP, and in that case, it would be appropriate for it to be removed.
353. Submissions 7.9, 11.2, 11.3 and 11.4 all request additions and changes to the precinct provisions. There appears to be some cross-over in what is requested and most are provided for in the updated precinct provisions. However, notably, the objective sought in submission 7.9 is not included, whilst the policies are. I consider that this objective would complete the policy cascade down to the lower order provisions. Currently there are no stormwater objectives in the precinct. Given the stormwater challenges presented by the site as noted in the SMP and by Ms. Johnston and Mr. Turner, the potential for adverse effects on what is considered to be a receiving environment of high-ecological value and susceptible to erosion by stormwater, I consider it imperative that an objective is included to provide direction on the management of stormwater within the precinct. I recommend the submission is accepted, and have included the objective as sought, in the recommended changes to the precinct attached in **Appendix 8**.
354. The other submission points from Auckland Council provide the scope to alter the precinct provisions to reflect the stormwater management approach taken by the SMP, which is considered an appropriate way to implement the SMP across the precinct and is supported. Concurrently it is requested that an updated SMP is provided that is suitable for adoption under the SMP. An updated SMP has been provided but it unknown if it is acceptable for adoption as yet. Auckland Council, as the submitter, and the applicants may wish to discuss this at the hearing and provide an update. I also invite the submitter to consider the nature of the provisions that they would consider appropriate to implement the SMP.
355. Ms. Johnston and Mr. Turner acknowledge that submission 15.6 raises matters that are addressed by the SMP as a plan specifically developed to manage the stormwater related effects of the development. I consider the relief sought addressed by the SMP.
356. Submission point 19.3 was addressed by Ms. Johnston and Mr. Turner and they note that without seeing the resource consent referred to in the submission, that their

assessment of Catchment A and the E350 Culvert is relevant. As highlighted in the AEE above at section 7.7 the SMP should address these changes to the culvert and amend the management approach for Catchment A accordingly.

Recommendations on Submissions

357. That **submissions 5.32, 7.9, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15, 7.17, 7.18, 7.19, 11.3, 11.4, 15.6, and 19.3 are accepted** for the reasons given above. Modifications to the precinct provisions and maps reflecting this recommendation are set out in **Appendix 8**.

358. That **submission 11.2 be rejected** for the reasons given above.

11.7. Submissions on the precinct provisions

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
4.2	Middle Hill Ltd	Accept the objectives, policies and rules sought in the proposed precinct	FS4 – Support FS5 – Support	Reject
5.8	Auckland Transport	Amend Policy 8 to: 'Create the opportunity for a major indoor recreation facility adjacent to the Warkworth showgrounds'	FS4 – Oppose FS5 – Oppose	Accept
5.10	Auckland Transport	Amend Activity table IXXX.4.1 as follows: 'Table IXXX.4.1 Mixed Housing-Urban-All zones '	FS4 – Support FS5 – Support	Accept
5.11	Auckland Transport	Identify and annotate within the Activity Table which activities are regional activities, particularly (A4) and (A5).	FS4 – Oppose FS5 – Oppose	Accept
5.16	Auckland Transport	Amend standard IXXX.5 Notification so that recreation facility and subdivision activities are subject to the standard tests for notification.	FS1 – Support FS4 – Oppose FS5 – Oppose	Accept
5.17	Auckland Transport	Insert the following paragraph after the heading IXXX.6 Standards: ' <u>Activities listed in IXXX.4 Activity table must comply with the standards below.</u> '	FS4 – Oppose FS5 – Oppose	Accept
5.19	Auckland Transport	Amend matters of discretion at IXXX.7.1(1) as follows: '(1) Vacant lot s <u>Subdivision</u> '	FS4 – Support FS5 – Support	Accept

5.20	Auckland Transport	Amend matters of discretion at IXXX.7.1(1) to delete (b) and (c): '(b) the location of the facility (c) Building scale'	FS4 – Support FS5 – Support	Accept
5.22	Auckland Transport	Amend the matters of discretion at IXXX.7.1(2) as follows: ' Indoor Recreation Facility in the location...'	FS4 – Oppose FS5 – Oppose	Accept
5.24	Auckland Transport	Amend IXXX.7.2 Assessment criteria, as follows: 'The council will consider the relevant policies <u>assessment criteria</u> identified below for controlled-restricted <u>discretionary</u> activities, in addition to the assessment criteria or policies specified for assessment of the relevant controlled-restricted <u>discretionary</u> activities in the zone, Auckland wide or overlay provisions.'	FS4 – Support FS5 – Support	Accept
7.21	Auckland Council	Amend the proposed precinct provisions to have a complete policy cascade from objectives to lower order provisions.	FS4 – Oppose FS5 – Oppose	Accept
7.23	Auckland Council	Amend the proposed precinct provisions to create an implementation mechanism for proposed standards that are presently unrelated to activities, and whose implementation is uncertain, for example: i. IXXX.6.8 High Contaminant Yielding Materials ii. The absence of a standard to ensure delivery of Precinct Plan 1's "Indicative greenway routes". An activity and standard should be added to ensure the delivery of these walking/cycling links by the developer during the subdivision process. iii. the absence of a mechanism in the precinct to require restoration planting	FS4 – Oppose FS5 – Oppose	Accept

		of the 'Green network' as shown on Precinct Plan 2.		
7.24	Auckland Council	Amend the proposed precinct plan provisions to specify activities for all other zones present in the precinct, not just Mixed Housing Urban.	FS4 – Support FS5 – Support	Accept
7.25	Auckland Council	Amend the proposed precinct provisions to substitute the requirement for compliance with precinct plans with compliance with specified standards and assessment of activities against relevant objectives and policies. For example, assessment criterion IXXX.7.2(1)(a)(ii) requiring the assessment of a restricted discretionary activity subdivision application's consistency with Precinct Plan 2.	FS4 – Oppose FS5 – Oppose	Accept
7.26	Auckland Council	Amend the proposed precinct provisions to insert language to guide assessment by specifying outcomes and removing language to guide assessment by specifying outcomes and removing language that does not provide direction such as phrases like "the extent to which".	FS4 – Oppose FS5 – Oppose	Accept
7.27	Auckland Council	Amend the proposed precinct provisions to simplify the Special Information Requirement section.	FS4 – Oppose FS5 – Oppose	Accept
7.28	Auckland Council	Amend the proposed precinct provisions to "tag" regional plan provisions.		Accept
7.29	Auckland Council	Amend the precinct to use existing Auckland Unitary Plan terms, naming conventions and methods where possible, for example: a. Overlays are a key AUP mechanism defined within the AUP. Overlays comprise 27 subparts of chapter D	FS4 – Oppose FS5 – Oppose	Accept

		<p>and are spatially mapped values in the AUP maps, whereas Plan Change 40 introduces an "overlay" to Precinct Plan 1.</p> <p>b. the height variation control or subdivision variation control may be better used than introducing additional precinct-specific controls. Spatial application of controls is better achieved via Auckland Unitary Plan mapping (than precinct plan drawings) using cadastral boundaries with greater accuracy.</p>		
7.30	Auckland Council	<p>Amend the precinct provisions to use terminology consistently throughout the precinct and precinct plans, such as:</p> <p>a. Indoor recreation facility; recreation facility; special use overlay - sporting facility are used interchangeably.</p> <p>B. Matakana Link Road; MLR are used interchangeably.</p>	<p>FS4 – Oppose FS5 – Oppose</p>	Accept

359. The submissions above are seeking to amend the precinct provisions in relation to their efficacy and to ensure the precinct provisions consistent with the AUP(OP) style.

Discussion

360. I consider the submission points from AT and Auckland Council to accurately identify issues of implementation and usability of the precinct provisions and support the relief sought. Modifications to this end are made in the recommended changes found in **Appendix 8**.

361. Almost all of these submission points have been addressed or partially addressed within the updated precinct provisions.

362. Submission 4.2 seeks the adoption of the objectives and policies as they were notified. These are significantly altered in the updated plan change provided by the applicant, made in response other submission points that alter them further. Therefore, I do not support the relief sought.

Recommendations on Submissions

363. That **submissions 5.8, 5.10, 5.11, 5.16, 5.17, 5.19, 5.20, 5.22, 5.24, 7.21, 7.23, 7.24, 7.25, 7.26, 7.27, 7.28, 7.29 and 7.30 are accepted** for the reasons given above.

Modifications to the precinct provisions and maps resulting from the recommendations are set out in in **Appendix 8**.

364. That **submission 4.2 is rejected** for the reasons given above.

11.8. Submissions on other matters

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
2.4	Michael George Cronin	Insufficient consideration has been given to the need for childcare centres, or primary or secondary schools.	FS4 – Oppose FS5 – Oppose	Reject
3.5	NZTA	The Non-Complying activity status for subdivision that is not in general accordance with Precinct Plan 1 is supported.	FS4 – Support FS5 – Support	Accept
5.5	Auckland Transport	Amend the precinct provisions to include the following additional objectives and policies: <u>Objectives</u> x. <u>Subdivision and development is co-ordinated with the delivery of the transport infrastructure and services required to provide for development within the precinct and connect it to the wider transport.</u> x. <u>Subdivision and development within the precinct occurs in a manner which avoids, remedies or mitigates adverse effects on the safe and efficient operation of transport infrastructure and services.</u> x. <u>Subdivision and development recognises, protects and supports strategic transport connections through the precinct which support growth in the wider Warkworth area.</u> <u>Policies</u> x. <u>Require subdivision and development to be co-ordinated with the provision of transport infrastructure and services identified in the precinct plan.</u> x. <u>Require subdivision and</u>	FS4 – Oppose FS5 – Oppose	Accept

		<u>development to provide transport networks within the precinct and to provide connections to adjoining land in accordance with Precinct Plan 3.</u>		
5.13	Auckland Transport	Replace activity (A7) in activity table IXXX.4 with an activity description(s) and associated rules which apply to all subdivision, not just vacant lot subdivision and clearly identify which precinct plan needs to be complied with, and how the transport elements of the precinct plan needs to be implemented in the subdivision.	FS4 – Oppose FS5 – Oppose	Accept
5.14	Auckland Transport	Amend activity (A9) in activity table IXXX.4 so that it is clear when a subdivision fits within the non-complying category.	FS4 – Oppose FS5 – Oppose	Accept
6.1 6.2 6.3	Watercare	Require timing of the development to be aligned with the provision of wastewater services, and require the local water supply and wastewater network infrastructure be designed and constructed at the cost of the applicant.	No further submissions	Accept
7.2	Auckland Council	Amend Plan Change 40 to achieve the outcomes set out within the submission (number 1 through 20).	FS4 – Oppose FS5 – Oppose	Accept
7.20	Auckland Council	Amend Plan Change 40 to schedule three trees evaluated as meeting the Auckland Unitary Plan's scheduling criteria threshold, being the specimens at 245 Matakana Road: a. Two pin oak (quercus palustris) b. One Oriental sweet gum (liquidambar orientalis)	FS4 – Oppose FS5 – Oppose	Accept
7.34	Auckland Council	Amend Plan Change 40 to make any other consequential changes required to the text and maps to achieve the relief	FS4 – Oppose FS5 – Oppose	Accept

		sought and reasons set out in this submission.		
11.5	Warkworth Land Company	Amend the precinct provisions with any other consequential changes.	No further submissions	Accept
12.2	Ministry of Education	Request to be kept updated by applicant and Auckland Council to plan for future school requirements	FS4 – Oppose FS5 – Oppose	Reject
15.5	Mahurangi Community Sport & Recreation Collective	Provide endorsement from Northern Arena including assessment of height restrictions and size of site. Provide secondary option for council or Warkworth community should Northern Arena not take this up, both provisions subject to time.	FS1 – Support FS2 – Support FS5 – Oppose FS9 – Support	Reject
15.7	Mahurangi Community Sport & Recreation Collective	Provide for consultation and contribution to address issues to protect the current use and future development of the Warkworth Showgrounds.	FS5 – Support in part	Reject
19.4	Warkworth Properties (2010) Limited	Any such other orders, relief or other consequential amendments as are considered appropriate or necessary to address the matters outlined in this submission.	FS5 - Oppose	Accept

365. The submissions above request a variety of relief, and were not easily grouped within other categories.

Discussion

366. Submissions 3.5, 5.5, 5.13 and 5.14 all requested specific further refinements to the precinct provisions regarding subdivision and the efficient and timely provision of infrastructure to service the development. I consider they improve the legibility of the subdivision provisions, provide clarity and deliver a complete policy cascade and support the relief requested. I have modified the recommended plan change in Appendix 8 accordingly.

367. Submissions 6.1, 6.2 and 6.3 request that the development is aligned with the planned upgrades to the wastewater network, and all local infrastructure is provided by the applicant. I note that the construction and design of local infrastructure will be assessed at consenting stage but consider it prudent to include provisions within the precinct requiring the development of the area to be co-ordinated with the provision of infrastructure. Submission 5.5 requests objectives and policies to this effect specifically for transport infrastructure and I consider they can be expanded to include the provision of water supply and wastewater infrastructure too.

368. Submissions 2.4 and 12.2 refer to the provision of schools and childcare centres. I note that childcare centres are anticipated in various residential zones and specific provision does not need to be provided within the precinct. Provided the zoning and precinct enable these, it will be a matter for the landowners as to whether they want to establish these activities. In terms of schools, the Ministry of Education has requested to be kept updated by council and the applicant to plan for future school requirements. This submission is out of scope in terms of the plan change, in that the relief sought isn't able to be provided through the plan change process.
369. Submission 7.2 refers generally to all objectives set out in the submission, and I consider that with the modifications provided as recommended the relief sought is satisfied.
370. Submissions 7.34, 11.5 and 19.4 all seek any consequential changes relative to their submission as a whole. I consider the relief addressed in the precinct modifications recommended in **Appendix 8** addresses these submissions.
371. Submissions 15.5 and 15.7 are from the Mahurangi Community Sport & Recreation Collective. Submission 15.5 seeks more certainty about the proposed recreation facility. I consider the precinct provisions as amended in the recommended provisions in Appendix 8 sufficient for the assessment of any recreation facility consent application sought for in the area specified on Precinct Plan 1. It is noted that the precinct provisions do not specify that the development must be undertaken by Northern Area. The plan change has set aside an area in anticipation of a recreation facility establishing on the site. I recommend submission 15.7 be rejected, but note that the current plan change process being undertaken allows for consultation and contribution on interests relevant to the Warkworth Showgrounds via this submission and hearing process.

Submission 7.20 – Notable trees

372. Submission 7.20 proposes the three trees that have been assessed by Craig Webb, Arborist on behalf of the applicant, to meet Auckland Unitary Plan's scheduling criteria threshold, be included in Schedule 10 Notable Trees Schedule in the AUP(OP). Gavin Donaldson, Senior Specialist – Arboriculture, has peer reviewed Mr. Webb's assessment.
373. Mr. Webb found three trees within the plan change area that met the AUP(OP) Notable Tree threshold score. However, he does not consider the AUP(OP) Notable Tree assessment framework to be practical and does not consider it to be supported by arboricultural best practices for tree evaluation. Therefore, though he acknowledges the trees score sufficiently in the assessment, he considers that the trees do not have any exceptional qualities that make them worthy of being notable trees. In particular, he considers that the two pin oak trees are average examples of a very common species, and the Oriental sweet gum is a rare, but poorly structured tree.
374. Mr. Donaldson peer-reviewed Mr. Webb's report and undertook a site visit to view the trees himself. Mr. Donaldson agrees with Mr. Webb that all three trees meet the criteria to be scheduled in the AUP(OP) as Notable trees. However, he does not agree with Mr. Webb that the assessment framework used by council to assess the suitability of trees for inclusion within the Notable tree schedule is impractical. Mr. Donaldson notes in his memo (included in **Appendix 7**) that;

The AUP Notable Tree Evaluation method was developed with considerable input from qualified Arborists, Landscape, Heritage and Planning specialists from within council and the private sector. The criteria and method was extensively discussed and analysed during the [IHP] hearings, subject to submissions at the time, and have been ratified as appropriate and acceptable by that process.

Mr. Donaldson supports the inclusion of the trees in the Schedule of Notable trees. I adopt the assessment of Mr. Donaldson and support the relief sought.

Recommendations on Submissions

375. That **submissions 3.5, 5.5, 5.13, 5.14, 6.1, 6.2, 6.3, 7.2, 7.20, 7.34, 11.5 and 19.4 be accepted or accepted in part** to the extent set out in the recommended modifications to the plan change in Appendix 8.
376. That **submissions 2.4, 12.2, 15.5 and 15.7 be rejected** for the reasons identified above.

11.9. Submissions expressing general support or opposition

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
1.1	Warkworth Area Liaison Group	Accept the plan modification with modifications	FS4 – Support in part FS5 – Support in part	Accept in part
2.1	Michael George Cronin	Decline the plan modification	FS4 – Oppose FS5 – Oppose	Reject
3.1	New Zealand Transport Agency c/- Evan Keating	Accept the plan modification with amendments	FS4 – Oppose FS5 – Support in part FS6 – Support	Accept in part
4.1	Middle Hill Ltd (as trustee for the Tyne Trust) c/- Hamish Firth, Mt Hobson Group	Accept the plan modification with amendments	FS4 – Support in part FS5 – Support in part	Accept in part
7.1	Auckland Council	Accept the plan modification with amendments	FS4 – Support in part FS5 – Support in part	Accept in part
9.1	Goatley Holdings Limited	Decline the plan modification in part	FS2 – Support FS4 – Oppose FS5 – Oppose	Reject
10.1	Skywork Helicopters Limited	Decline the plan modification	FS1 – Support FS4 – Oppose FS5 – Oppose	Reject

11.1	Warkworth Land Company	Accept the plan modification with amendments	No further submissions	Accept in part
12.1	Ministry of Education	Supportive of the plan change	FS4 – Support FS5 – Support	Accept in part
15.1	Mahurangi Community Sport & Recreation Collective	Accept the plan change with amendments	FS5 – Support in part FS10 – Oppose	Accept in part
16.1	Warkworth Hockey Charitable Trust	Accept the plan modification with amendments	FS5 - Support	Accept in part
17.1	Stellan Trust	Accept the plan modification with amendments	FS5 – Support in part	Accept in part
18.1	Warkworth A&P Society	Amend the plan modification if it is not declined	FS5 – Oppose	Accept in part
19.1	Warkworth Properties (2010) Ltd	Accept the plan modification with amendments	FS5 – Support in part	Accept in part
20.1	Gran Reddell	Decline the plan modification	FS5 – Oppose	Reject

Recommendations on Submissions

377. That **submissions 1.1, 3.1, 4.1, 7.1, 11.1, 12.1, 15.1, 16.1, 17.1, 18.1 and 19.1 be accepted or accepted in part** to the extent they reflect the recommendation set out in **Appendix 8**.
378. That **submissions 2.1, 9.1, 10.1 and 20.1 be rejected** for the reason that the proposed plan change as amended to reflect the recommendations made in this hearing report, meet the statutory tests for approval.

12. CONCLUSION



379. It is clear that the overwhelming number of submissions seek to accept the PPC40, subject to amendments. The general approach of the plan change is cognisant of and takes into account most aspects of the Warkworth Structure Plan. However, other aspects do undermine some of the WSP's foundational planning principals. Having considered all the PPC40 documents submitted to date, alongside all of the submissions and further submissions and having reviewed all the relevant statutory and non-statutory documents, I recommend that Plan Change 40 should be approved with modifications. A tracked changes version of the precinct provisions, updated precinct plans, and an

updated zoning map, all reflecting my recommendations made within the assessment of submissions, is provided in **Appendix 8**.

13. RECOMMENDATIONS

1. That, the Hearing Commissioners accept (in full or in part) or reject submissions (and associated further submissions) as outlined in this report.
2. That, as a result of the recommendations on the submissions, Plan Change 40 be approved with modifications, the modifications being as set out in **Appendix 8**.

14. SIGNATORIES

Name and title of signatories	
Authors	 Petra Burns, Planner, Plans and Places
Reviewer / Approver	 Peter Vari, Team Leader, Plans and Places

APPENDIX 2

APPLICANT'S PLANNING REPORT INCLUDING S32 ASSESSMENT

Warkworth Clayden Road: Plan Change Request to Auckland Unitary Plan

Planning Report

including section 32 assessment

updated to include clause 23 requests

Final

24 February 2020

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1 EXECUTIVE SUMMARY

- 1.1 This is a private plan change request by a group of five co-operating landowners in the Warkworth North area. The plan change seeks rezoning of approximately 102ha of land between State Highway 1 and Clayden Road from Future Urban/Light Industry to a mix of residential zones. The plan change request includes the creation of a new precinct to be called “Warkworth Clayden Road”. This plan change and the precinct provisions closely align to the final Warkworth Structure Plan.
- 1.2 Diagram 1 shows the land subject to this request.

Diagram 1: Land subject to the plan change



- 1.3 Diagram 2 shows the land ownership including the land holdings of the five cooperating landowners.
- 1.4 All the cooperating landowners have been active participants in the structure plan process. The Council’s early consultation process through to the final Warkworth Structure Plan, has significantly impacted the environmental design, infrastructure inputs and the planning for this plan change.
- 1.5 This plan change request proposes the same suggested mix of high, medium and low density residential zoning signalled in the Warkworth Final Structure Plan. This includes single house zoning

along the northern interface with the rural area but at densities at 1,000m². It provides for the Matakana Link Road (MLR), and most of the stream network and landscape features identified in the Structure Plan. The detailed boundary between the medium density and low density areas does differ from the Structure Plan in a couple of key areas. The rationale for this is set out in this planning analysis. A small area of light industry land is proposed to be rezoned residential.

1.6 The key elements of the plan change request are:

- (a) Supporting the MLR including its alignment, as a vital link in the transport network for Warkworth and Mahurangi.
- (b) Recognising the importance of the Mahurangi River and its tributaries to the environment and amenity of Warkworth by identifying and protecting the primary streams which traverse the subject land and feed the river and showing these on the Precinct Plan.
- (c) Assisting in delivering on the key planning principles identified in the Structure Plan, including providing quality connected residential neighbourhoods to support the growth of Warkworth, and enabling a range of housing typologies to encourage a diverse community.
- (d) Managing stormwater in such a way as to ensure high water quality entering the Mahurangi River from this development.
- (e) Creating a landscaped environment immediately around the streams with revegetation enhancement and the creation of public access.
- (f) Identifying the key landscape features of the knoll at the north-western part of the site and creating lower density sites on the upper flanks of the ridgeline area adjacent to the Rural urban Boundary (RUB).
- (g) Creating an interface of low density properties adjacent to the RUB.
- (h) Creating a range of densities and housing typologies so as not to squander the release of important residential land and to encourage a diverse community.
- (i) Focusing higher densities adjacent to the MLR and high amenity areas, such as land overlooking the Warkworth Domain and protected streams.

- (j) Managing the height of buildings in sensitive parts of the land to manage viewlines of key landscapes.
 - (k) Rezoning a small area of light industry land to residential recognising the unsuitability of this land for industrial activity, given access constraints resulting from the MLR.
 - (l) Creating a network of walkways and cycleways through the property.
 - (m) Identifying key connections to the MLR including to service the industrial land to the north-west of the precinct.
 - (n) Providing for a major indoor recreation facility adjacent to the Warkworth Showgrounds.
 - (o) Managing reverse sensitivity issues between the light industry and residential zoned land.
- 1.7 In our view, the combination of these elements delivers a residential community which will make a demonstrable contribution to growth management within Auckland, and yet do it in a way which nestles this community into the landscape, protects key environmental features, and creates quality neighbourhoods for a broad diverse community.
- 1.8 The main areas where the plan change request is consistent with the Structure Plan are:
- the Matakana Link Road is provided in the agreed alignment;
 - the Mixed Housing Urban zone follows the indicative zonings in the structure plan;
 - the Mixed Housing Suburban zone is generally across the middle slope between the Matakana Link Road and the northern boundary;
 - the northern area is zoned a combination of Single House and Large Lot Residential, albeit that the extent of zoning differs to a minor extent in precise boundary location from the structure plan;
 - special landscape protection as signalled in the Structure Plan is provided with special density controls and enhanced landscaping controls;
 - a number of the streams are protected including the primary stream;
 - the walkway network is provided;
 - yield is consistent with the provision of infrastructure;

- staging as set out in the Council's 'Future Urban Land Strategy' and confirmed in the structure plan is consistent with the timing of the development.

1.9 The main areas where the plan change request varies from the Structure Plan are:

- the extent of Mixed Housing Suburban zoning is slightly expanded along the northern perimeter, with a consequential reduction in the Single House zone;
- a portion of the central Large Lot Residential zone is committed as undeveloped open space, with a consequent concentration of housing in a portion of land signalled in the structure plan as 'Large Lot Residential' which is instead zoned 'Single House' zoning;
- some streams identified on the Structure Plan, are impacted by development and reclaimed.

1.10 The plan change request comprises:

- A. Requested Plan change;
- B. Planning Report by Tattico (this report);
- C. Urban Design Report by Ian Munro;
- D. Design and Masterplanning Analysis by AStudios Architects;
- E. Landscape Assessment by LA4 Landscape Architects;
- F. Ecological Assessment including streams by Freshwater Solutions Limited;
- G. Engineering and Infrastructure Assessment by Maven Associates on the WLC land;
- H. Stormwater Management Plan by Maven Associates.
- I. Geotechnical Assessment by CMW Geosciences: WLC land;
- J. Geotechnical Assessment by CMW Geosciences: 245 Matakana Road;
- K. Transport Assessment by Traffic Planning Consultants Limited on the WLC land;

- L. Land Supply Assessment by Colliers;
- M. Economic Assessment by Property Economics;
- N. Archaeological Assessment by Clough and Associates;
- O. Land Contamination Report by Focus Environmental Services;
- P. Land Contamination Report by Rileys on WLC land (referred to in the Focus report);
- Q. Arborist Report by Craig Webb;
- R. Report on native frogs by Alliance Ecology.

In addition, this development has relied on the cultural impact assessment provided by Ngāti Manuhiri as part of the Structure Plan feedback.

2 THE APPLICANT

This is an application by a group of landowners in the Warkworth: Clayden Road area (referred to as the ‘co-operating landowners’). These landowners comprise:

- Warkworth Land Company (‘WLC’) being the owner of two blocks of land known as the Stevenson and Clayden blocks. The Stevenson block is in the ownership of WLC. The Clayden block is an unconditional sale with settlement in March 2020.
- White Light Trust Limited at 245 Matakana Road.
- Kaurilands Trustee Limited at 21 Clayden Road.
- Rob Mills at 35 Clayden Road.
- Richards at 43 Clayden Road.

The plan change includes all of the land owned by the co-operating landowners.

Each landowner will develop their property independently. However, all co-operating landowners see the benefit of this joint plan change request.

Diagram 2 below shows the property ownership for each individual/company.

Diagram 2: Land ownership showing cooperating landowners and adjacent sites

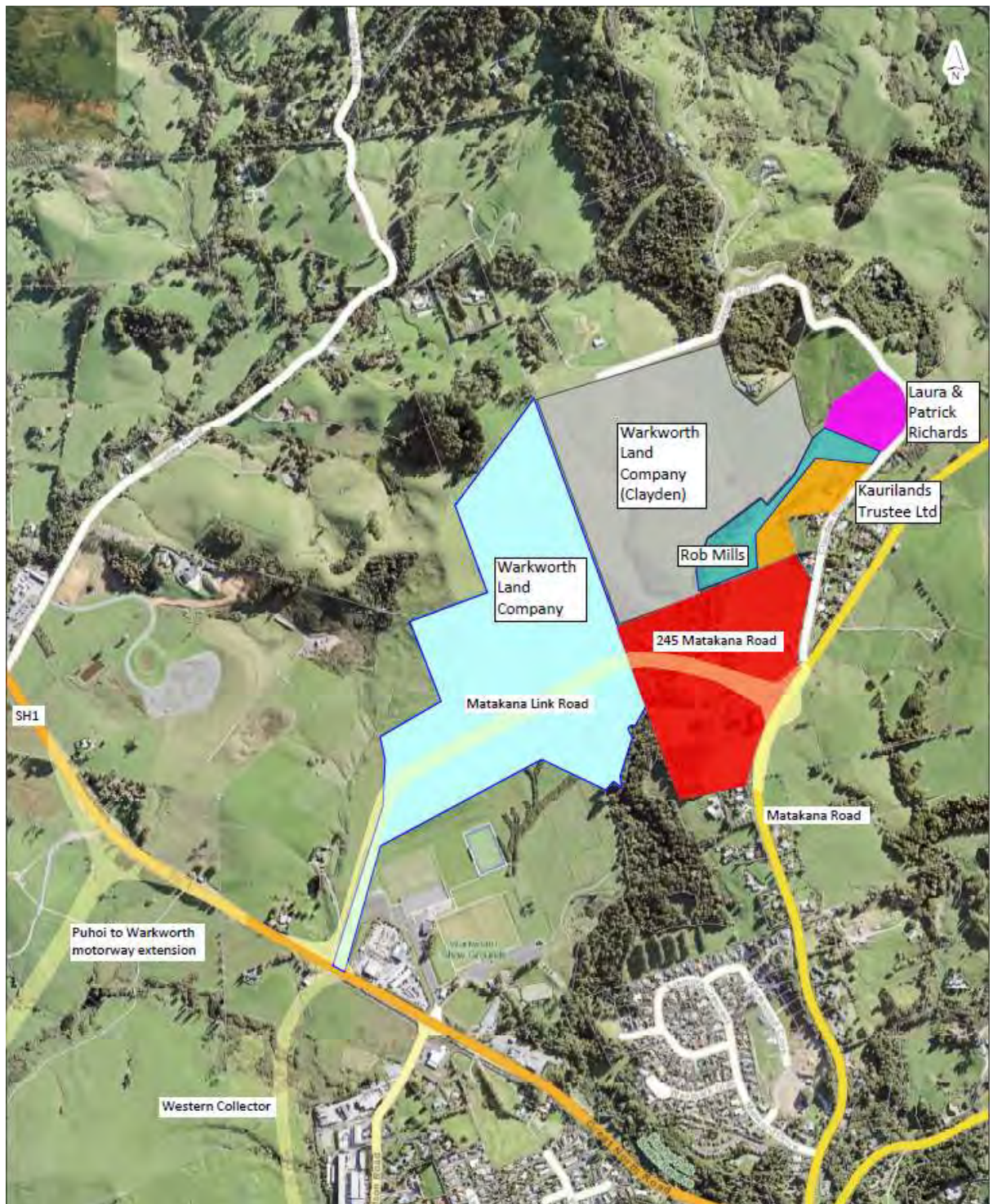


3 PRECINCT AND PROPERTY DETAILS

3.1 Co-operating land owners

This section gives a brief summary of each of the land interest. It provides context to understanding this plan change request. The cooperating landowners own 76ha of the 102ha precinct. Diagram 3 below identifies the specific land holding of the cooperating landowners.

Diagram 3: Cooperating landownership



3.2 WLC ownership

WLC is the outright owner of one block, and the beneficial owner of a second block of land, together known as the Stevenson and Clayden blocks in Warkworth North. This is shown on Diagram 4. This

combined land holding is 54.7ha. The former Stevenson block is now owned by WLC. The land purchase on the Clayden block is unconditional and fully committed. WLC has purchased this land to undertake comprehensive masterplanned development and to deliver a quality residential neighbourhood.

Diagram 4: Warkworth Land Company land



WLC is a wholly New Zealand owned company established to deliver the environmental and urban development of lands in the Warkworth area, focusing initially on this Warkworth North block set out in Diagram 5.

WLC is 80% owned by Nigel McKenna, an experienced developer of large masterplanned residential development and niche development projects. It is 20% owned by the Gough family who have extensive development experience in New Zealand.

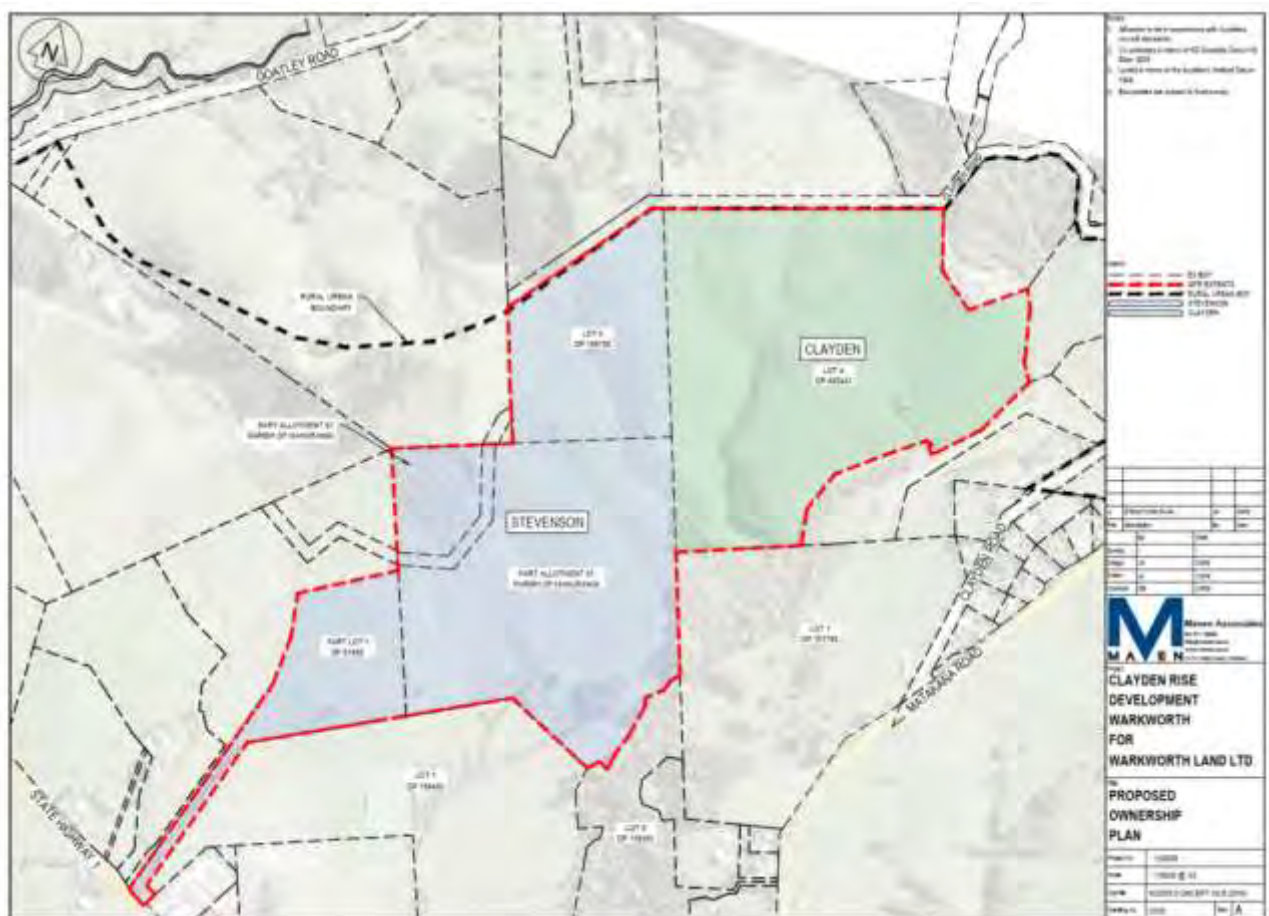
WLC is supported by an investment partner, LJ Investments Limited. LJ Investments Limited is a New Zealand registered company operating from New Zealand and internationally.

WLC has the funds and the ability to proceed with this development immediately on transfer of the titles or when development is enabled through this plan change request.

Diagram 5 below shows the WLC land holdings (current and future). This land comprises:

- Lot 3-4 Deposited Plan 199755;
- Part Lot 1 Deposited Plan 61693;
- Part Allotment 97 Parish of Mahurangi; and
- Lot 4 Deposited Plan 492431.

Diagram 5: Warkworth Land Company land



3.3 White Light Trust

The White Light Trust owns the property at 245 Matakana Road. The Trust are a long-established Warkworth family being the Membery family located on this land for four generations.

The White Light Trust land is currently a 14.7 ha block in one title

The site is cut in two by the MLR. Subsequent retitling of residual land will be required once the major roundabout and MLR construction is complete.

On completion of the MLR, it is the intention of the landowners to progress development of the property.

3.4 21 Clayden Road

21 Clayden Road is owned by Kaurilands Trustee Limited. This is a 2.4ha block of land within the Structure Plan area and suitable for residential development.

3.5 35 Clayden Road

35 Clayden Road is owned by Rod Mills. This is a 3.2 ha block of land within the Structure Plan area and suitable for residential development.

3.6 43 Clayden Road

43 Clayden Road is owned by the P and L Richards. This is a 2.1 ha block of land within the Structure Plan area and suitable for large lot development.

3.7 Other landowners

This plan change does include other properties that are not part of the cooperating landowner applicant group. This is so that the precinct has a logical boundary in terms of the Warkworth Structure Plan. The largest additional site is in bush and subject to covenants to protect the bush area.

In the case of each of these additional properties, this plan change request fully adopts the indicative zonings proposed through the Warkworth Structure Plan.

4 WARKWORTH STRUCTURE PLAN

4.1 Future Urban Land Supply Strategy

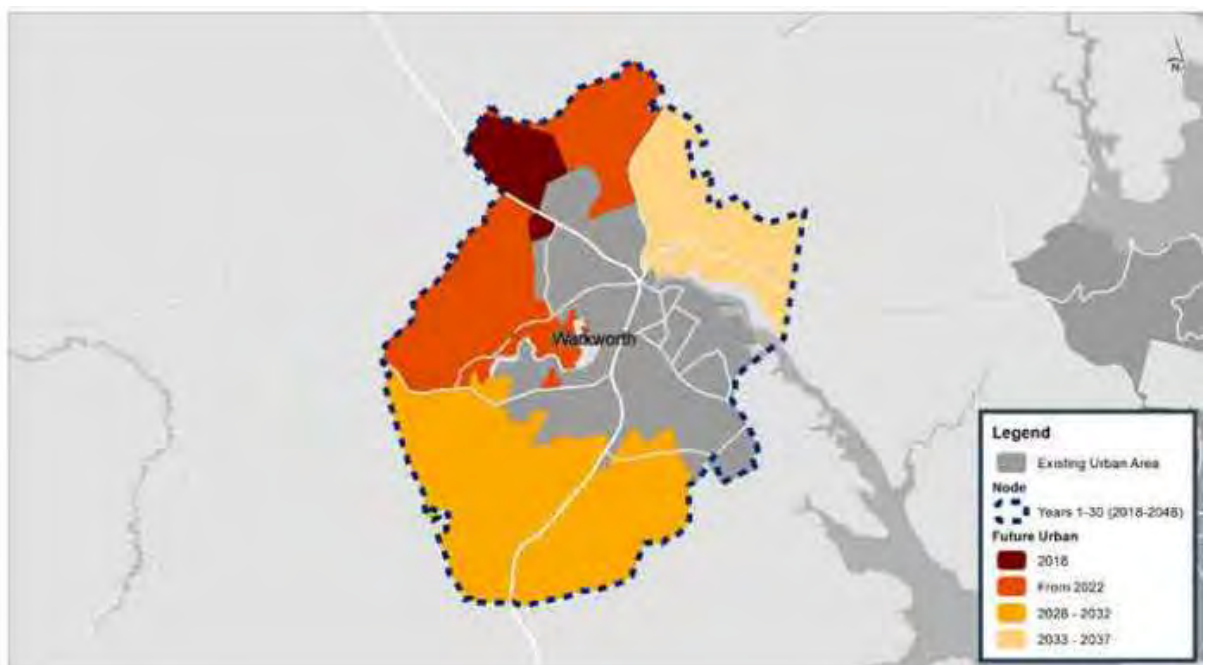
The Auckland Plan 2050 identifies Warkworth as a growth node. The Council adopted the “Future Urban Land Strategy” in 2017. This identified the phasing for release of land for urban development.

Significant residential and employment growth is expected over the next 30 years in Warkworth with around 1100 hectares earmarked as future urban land. This can accommodate approximately 7,500 additional dwellings, or an additional 20,000 people.

The Warkworth North block, including the subject land, is identified in the first tranche of land to be developed. The timing of development within the Warkworth Growth Node is shown on Diagram 6 below. It is identified as being ‘development ready’ by 2022.

This plan change gives effect to this strategy and is fully consistent with the timing adopted by the Council.

Diagram 6 – Warkworth Growth Node



4.2 Structure planning

A prerequisite to release of land for growth is to undertake detailed structure planning of the area to ensure it is adequately serviced by infrastructure, and achieves environmental, social, cultural and economic planning outcomes.

This Structure Plan process is the means with which this growth is enabled and planned for. The Council describes structure planning as to *“refine the staging and timing of development and identify the mix and location of housing, employment, retail, commercial and community facilities”* (source: *Auckland Plan 2050 website*).

4.3 Warkworth Structure Plan process

Auckland Council has embarked on a significant structure planning process for Warkworth. This commenced in 2017 with the background research. This was followed with significant periods of public feedback, community Structure Plan workshops and report back to the community on the result of the workshops.

From this a draft Structure Plan was released in the second half of 2018 with public feedback being considered through early 2019.

This then led to the final Structure Plan being adopted by the Council on 4 June 2019.

The co-operating landowners have:

- (a) Been a significant participator and contributor to the evolution of the Structure Plan process. Landowners attended information days, participated in workshops, and provided extensive feedback at the various consultation and draft Structure Plan phase.
- (b) The Structure Plan has been a significant informer of this Precinct Plan request and the owners development aspirations on other sites.

4.4 Final adopted Warkworth Structure Plan

This plan change has been developed to closely align with the final Warkworth Structure Plan.

The zone boundaries are closely aligned to, but do not strictly follow, the indicative zoning pattern suggested within the Structure Plan. The reasons for differences are set out in section 7 of this report.

The Precinct Plan boundaries are also closely aligned to the Structure Plan boundaries, as they apply to the subject land.

The key precinct provisions around:

- the MLR;
- special landscape areas;
- the walkway and cycleway network;

are closely aligned to the Structure Plan. There are differences but these are minor and are explained in section 7.

The issue of streams varies from the Structure Plan:

- most of the permanent streams are protected;
- the status of applications to modify these protected streams is a 'non-complying activity';
- other streams are subject to the normal plan controls;
- applications to modify streams subject to these normal controls trigger a 'restricted discretionary activity consent'.

Diagram 7: Adopted Structure Plan

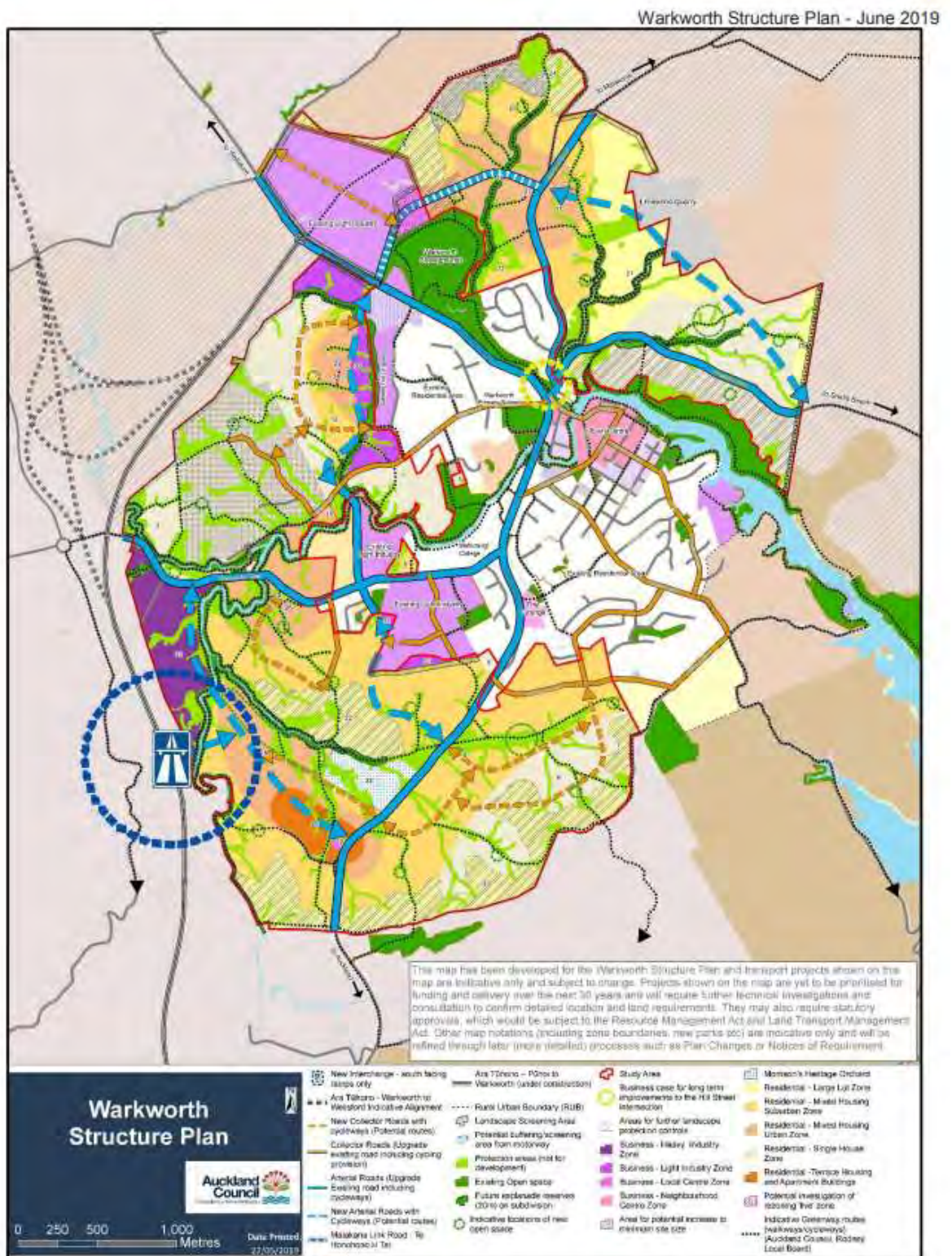


Figure 1: Warkworth Structure Plan – Land use plan

The diagram above shows the full Structure Plan for Warkworth. The key points to note from this diagram are:

- (a) The Warkworth North area is the first identified phase for the additional growth of Warkworth.
- (b) The construction of the MLR is a key element in providing access to the residential land in this location.
- (c) There are a mix of zones with high, medium and low density.
- (d) Special landscape features in the north are protected through additional density and landscaping controls.
- (e) This land is well accessed from the new Pūhoi to Warkworth highway which will be completed in a similar time frame as the MLR, which will further open up this Warkworth North area.
- (f) This is an integrated planned approach for the release of urban land in Warkworth North.

5 VISION AND PLANNING PRINCIPLES

5.1 The Council held a series of community consultation workshops on the Warkworth Structure Plan in mid-2018. From that, the Council distilled a vision and seven planning principles for Warkworth. These visions and principles have followed through into the final Structure Plan. The following is an outline of the Council derived vision and principles resulting from this community engagement as set out in the Structure Plan; and how the masterplan and this plan change responds to those principles.

5.2 The vision is:

“Warkworth is a satellite town that retains its rural and natural character. It is centred around the Mahurangi River and has easy walking and cycling access around the town. There are a variety of high-quality residential neighbourhoods. Warkworth is largely self-sufficient with plenty of employment, education, shopping and recreation opportunities. Transport and other infrastructure are sequenced to support Warkworth’s planned growth”.

The plan change responds to this vision by enabling the development of a high quality residential neighbourhood through:

- Utilising densities which provide for growth in an urban environment;
- Matching the density applied to various areas with the features of the site. For example, the highest densities are located around the MLR and the lowest density along the boundary with the rural land to the north;
- A layout and pattern of development which takes full account of the topography of the land and which achieves an interconnected and permeable pedestrian and road network;
- The protection of identified streams and areas of vegetation. These areas provide environmental protection whilst also providing amenity for residents of the neighbourhood.

In addition to creating a high quality residential neighbourhood, the rezoned land will also contribute to the vision by enabling a high number of people to live in close proximity to the town centre, the showgrounds and education opportunities.

The development of the site will also be sequenced with the development of the MLR.

5.3 The seven principles are:

The Mahurangi River is the jewel in Warkworth's crown

- (i) *Protect the Mahurangi River from the effects of urbanisation as a matter of paramount importance in the development of the Future Urban zone.*

The subject land is removed from the Mahurangi River. However the plan change seeks to manage water quality entering the key tributaries of the river through adopting SMAF1 controls and implementing water quality measures.

- (ii) *Use the development of the Future Urban zone to improve the health and quality of the Mahurangi River wherever possible.*

Under the plan change, water quality in the Mahurangi River will benefit from:

- The retirement of farmland which will reduce nutrients and sedimentation entering the tributaries and hence the river.
- A treatment train approach to stormwater to ensure water quality that eventually enters the streams and river. This includes on site retention and detention and the creation of wetlands to treat stormwater.
- The removal and reworking of artificial farm ponds to reflect original wetlands.

- (iii) *Treat all the tributaries in the Future Urban zone as being vital to the health of the Mahurangi River.*

There are two main tributaries that traverse the land. Both tributaries are protected, although in the upper reaches both have been historically modified. These modified portions, which include farm ponds, are enhanced through returning the stream to its natural state with native planting to create wetlands.

Some other streams off the two main tributaries are fully protected. Some are modified and replanted. Some are reclaimed.

The main streams and minor tributaries to the extent possible are developed for ecological and amenity purposes. Any streams that are compromised will be subject to compensatory mitigation.

A portion of streams are lost. Here off-set mitigation will apply.

Character and identity

- (iv) *Celebrate Warkworth’s heritage, both Maori and European, and its relationship with mana whenua.*

The cultural impact assessment report for this land does not identify any wahi tapu or critical cultural elements.

The plan change is cognisant that when future consent applications are made, the Te Aranga principles will apply. The plan change therefore responds to the relevant principles in the following way:

(a) **Whakapapa**

In the development of the streams and parklands and in issues such as street names; appropriate naming and “story telling” will be used.

(b) **Taiao**

The landscaping to occur on the site will provide a specific range of native plant species that have a particular significance to the area.

(c) **Mauri Tu**

This principle relates to the protection of environmental health. This will be achieved by:

- Integration with the stream network;
- Protection of the bush and parkland area;
- ensuring that roofing materials are chosen to minimise heavy metal runoff into the stormwater system; and

(d) **Mahi Toi**

With the more detailed design stages coming up through resource consents, there are opportunities to respond to cultural aspects.

- (v) *Retain the current town centre as the focal point and ‘beating heart’ of Warkworth.*

No large retail or commercial focus is proposed as part of the WLC proposal. Reinforcing the town centre is fully supported. The plan change does provide for a small neighbourhood centre of about six shops as envisaged in the Structure Plan. There will likely be a dairy and

café operation with possibly 2-4 shops to provide local servicing, but this will be at a very small scale and one that will not compete with the town centre.

- (vi) *Protect the views from the current town centre to the bush clad northern escarpment of the Mahurangi River and the rural views out from the Future Urban zone that contribute to Warkworth's rural character.*

The views of the rural area are distant views west across the Warkworth North area to the rural land and Dome Valley ridge in the distance. The topography of this site effectively protects that outlook. Particular views of the knoll immediately north of the site when viewed from the showgrounds are recognised in the Structure Plan. This plan change protects those views through zoning and height control.

- (vii) *Apply lower density residential zones to areas valued for their landscape and character.*

The proposal provides for a number of measures to protect the character of the interface between the urban and the Rural/Countryside Living zone. This includes requiring larger lots on the northern boundary with large lot residential zoning and 1,000m² lot in the single house zone.

The landscape amenity buffer targets some areas of 'no buildings or structures' and enhanced landscape yards.

Medium and higher densities are kept off the ridge.

The report by LA4 sets out a review of the landscape impact on this land including the lower portion.

- (viii) *Use the Future Urban zone efficiently to protect against the need for further urban expansion into Warkworth's valued rural hinterland.*

The plan change provides approximately 1,000-1,100 residential lots. This development potential achieves the balance between setting the lower density interface with the rural zone, while providing sufficient density to create efficient use of the land and prevent further urban expansion of Warkworth beyond the Future Urban zone (FUZ). This is consistent with the Structure Plan.

A place to live and work

- (ix) *Provide a range of housing options in Warkworth so that it is a place for people to live at all stages of life.*

The masterplan creates different section sizes in a band of high, medium and low density homes. This creates an opportunity for a range of different housing options which in turn will help create a diverse community.

- (x) *Provide new local employment areas (e.g. small centres, industrial areas) so people can work locally in Warkworth.*

The subject land benefits from being adjacent to the significant light industrial zoned area of Goatley Holdings. This is currently being developed for industry as Warkworth growth proceeds. Current applications are before the Council for the creation of industrial lots.

This proposal does seek to rezone 3.6ha net area of existing Light Industrial zoned land to Residential. There are sound planning reasons for this and these are set out in this report.

Sustainability and natural heritage

- (xi) *Plan to enable development of the Future Urban zone to be sustainable, including having a compact urban form, providing local employment options, enabling extensive active and public transport routes, and minimising discharges to air and water bodies.*

This plan change adopts the compact urban form, with the exception of the buffer land to the rural properties on the northern boundary of the block.

The MLR has both walking and cycling on both sides of the road. It provides for public transport. This walking and cycling network is extended into and throughout the subject block. In particular, the green fingers provide multiple functions including ecological, amenity, and connectivity functions.

While there is no local employment within the block itself (other than work from home occupations), the major adjacent industrial land does provide employment opportunities within a walkable catchment of the land.

Walking and cycling networks are provided.

The provision of a stormwater treatment train process and onsite detention and retention, together with protection of a number of streams, means that discharges to water are appropriately managed. There will be discharges, but consistent with best practice subdivision management.

- (xii) *Design the Future Urban zone to be able to adapt to the effects of climate change.*

Overland flow paths and the retention of much of the natural drainage within the land responds appropriately to climate change and the likely increase of severe weather events. The Precinct Plan provides for stormwater management overland flow based on a 100 year event.

- (xiii) *Protect and enhance existing bush/natural areas and create ecological corridors linking the Future Urban zone to other ecological areas.*

The plan change protects a number of permanent streams. Some streams run through open grazed farmland and are currently impacted. They are natural but they are grazed by stock. As a result of this proposal, stock will be excluded from these stream areas and the stream edges will be revegetated. These main two streams will be heavily planted and will form an ecological corridor north to south on the site and running right up from the Mahurangi River.

A well-connected town

- (xiv) *Use the development of Warkworth's growth areas to help address Warkworth's existing road congestion through integrated land use and transport planning and new infrastructure.*

The key initiative impacting the land is the MLR. This new road was overwhelmingly supported through the community consultation days, and in the hearings on the Notice of Requirement. The masterplan assumes the MLR will occur in the alignment identified through the designation (which is still subject to appeal).

- (xv) *Provide convenient, segregated, and safe walking and cycling routes through the Future Urban zone connecting residential areas with key locations (e.g. schools, parks, centres), and the existing town, and to regional walking/cycling routes.*

The MLR will provide walking and cycling possibly only initially on the southern side of the road, but eventually on both sides of the road. This walkway network is extended up the stream corridors to provide a network of walking trails. Street designs will be set to ensure slow vehicle speeds so as to create a safe cycling environment. However, this will form part of future resource consents.

- (xvi) *Provide convenient, high quality public transport routes through the Future Urban zone (connecting to the rest of Warkworth, the surrounding rural settlements, and Auckland).*

The proposed roading network provides direct and relatively easy connections from all parts of the development to the MLR or Matakana Road. This is the envisaged primary public transport route. Auckland Transport has stated bus services need not be future proofed on local or district roads within the precinct.

Quality built urban environment

- (xvii) *Design the Future Urban zone to enable high-quality and integrated urban development that reinforces the town's identity.*

The plan change is intended to deliver this objective. The assessment criteria between the zone and Auckland wide provisions criteria complimented by the Precinct provisions will achieve this objective and create good neighbourhood amenity.

- (xviii) *Locate higher density residential areas around appropriate amenities.*

Consistent with the principles of the Unitary Plan, high density development is focused along the MLR with its integrated walking and cycling network and the potential for future public transport. Many sites have extensive outlook across the Warkworth Domain and adjacent native bush. The stream network provides recreational open space and amenity.

- (xix) *Provide well located and accessible areas of open space linked by a green network of walking and cycling trails along the streams.*

This development provides extensive open space through the stream network. This green network has extensive walking and cycling trails that follow the main streams on the land.

Infrastructure

- (xx) *Plan for infrastructure (transport, water, etc) to be ready before new houses and businesses are built in the Future Urban zone.*

The landowners accept that the staging of development within Warkworth North will be related to the provision of key infrastructure, particularly the completion of Stage 1 of the MLR and the upgrade to the wastewater network. The landowners intend that the development will be staged so that new homes coming on stream coincide with completion of these two infrastructure projects.

The MLR is a committed project with a programmed immediate start on obtaining the necessary regulatory approvals. Watercare have confirmed that their upgrade to the wastewater treatment network for Warkworth and Mahurangi takes account of the anticipated growth within the Warkworth North area.

The other key infrastructure element is stormwater. Stormwater does not rely on any major off site infrastructure works. Stormwater is managed through a 'treatment train' process, on site detention and retention and management of water entering the streams within the land.

Watercare have confirmed that their infrastructure rollout of potable water for Warkworth takes account of the level of development in Warkworth North envisaged within the masterplan.

(xxi) Provide for social and cultural infrastructure (i.e. libraries, halls, schools, community meeting places) to support the needs of the community as it grows.

The plan change provides enough critical mass within the neighbourhood north of the MLR to provide for the type of social infrastructure important to a community. This includes a dairy, café and preschool. The land adjoins or is close to the Warkworth Domain and therefore provides very significant recreational opportunities for residents.

The community consultation process identified the desire for the Northern Arena development in this location. The plan change provides the opportunity for the Northern Area complex on the WLC land. This keeps the option open for future decision and certainly futureproofs this site, seen as important by the community in the consultation process on the Structure Plan.

These principles have been carried forward into the plan change as appropriate.

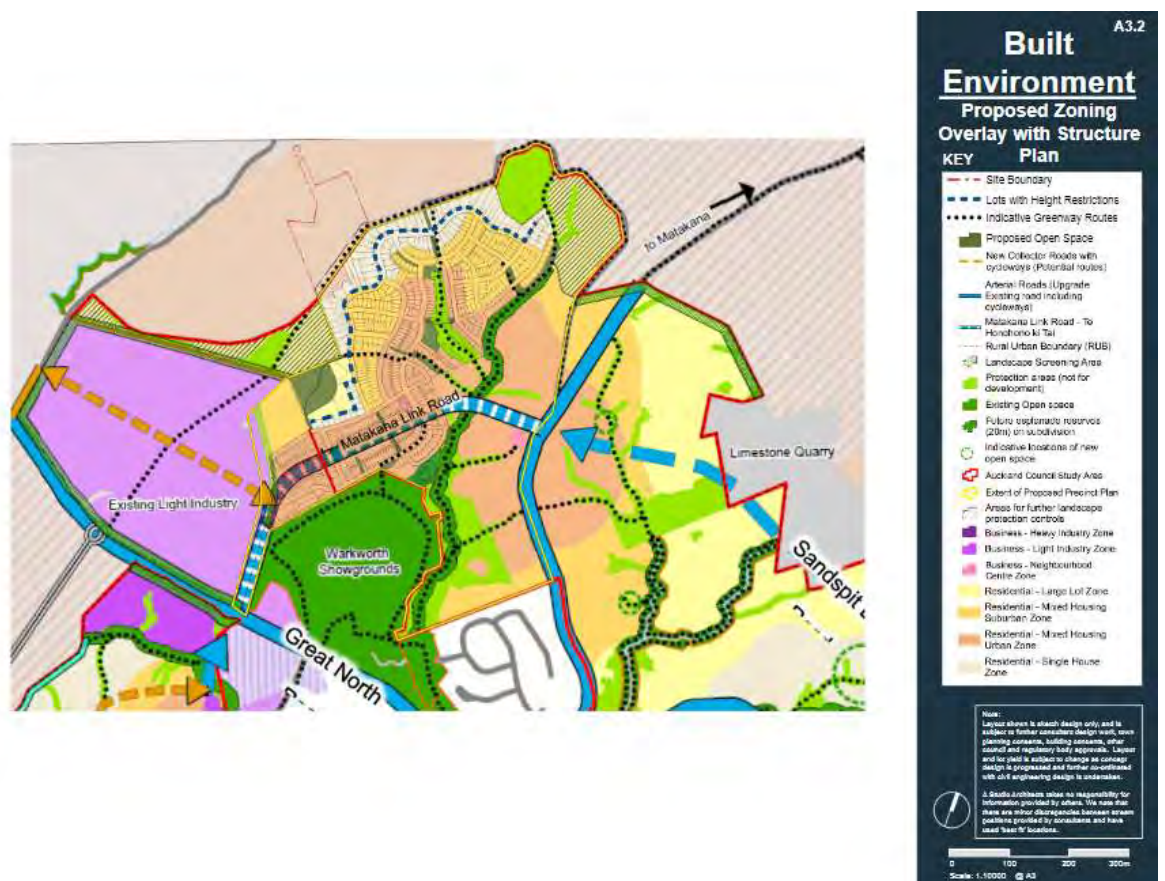
6 PLANNING APPROACH

6.1 Overview

This plan change request is generally aligned to the Warkworth Structure Plan.

Diagram 8 shows this plan change request superimposed on the Structure Plan. It is only intended to give a comparison between the adopted structure plan duplicated from Diagram 7 and this request. This plan change follows a detailed analysis of the land, the vision and key principles for the Structure Plan area. This analysis is summarised in this report and the technical reports forming part of this request.

Diagram 8: Requested Structure Plan: Warkworth North



The key points of alignment between the Structure Plan and this requested plan change are:

- (a) Application of the Mixed Housing Urban zone along the MLR and north along the primary stream network.
- (b) A special height limit applied at the western end of the MLR to protect views of the knoll.
- (c) Introduction of site specific features along the RUB boundary to set a minimum site area of 1,000m² (rather than the 600m²) within the Single House zone, and to introduce a special 6m landscape yard. This has the effect of creating housing building platforms on the lower parts of the site with a large yard and landscaping on the upper portion of the site.
- (d) Large Lot Residential zoning of any key landscape features.
- (e) Protection of the MLR alignment.
- (f) Creation of key walking and cycling connections.

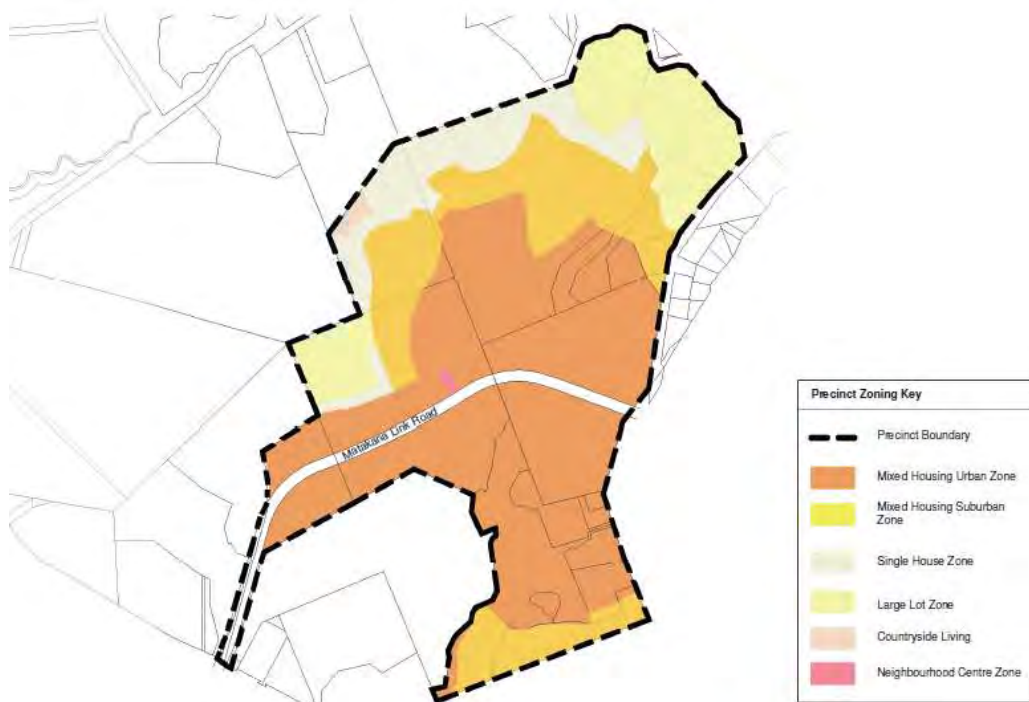
The key differences between the Structure Plan and this requested plan change are:

- (i) Expansion of the Mixed Housing Suburban zone in the middle portion of the block north of the MLR.
- (ii) Introduction of Countryside Living zoning on the knoll at the western end of the WLC land. This responds to the view that this knoll has landscape character. If there are issues for the Council with this 'Country side living' zone being within the RUB, the co-operating landowners are open to either rezoning this land 'large lot residential', or amending the RUB to move this site outside the RUB.
- (iii) Relocating the notional park within the Warkworth area by 250m to position the park within the key walkway and cycleway network and in an area where it can form a multiple function integrating the bush, stream and informal recreation opportunities. The protected land below the knoll is a potential passive open space park area.
- (iv) Rezoning of the Light Industrial land at the western end of the land from Light Industrial to Mixed Housing Urban.
- (v) Protection of some but not all streams.

6.2 Zoning

Diagram 9 below shows the zoning proposed for the area.

Diagram 9: Zoning



The extent of zones is shown in Diagram 9. The rationale for this requested rezoning is set out within the following paragraphs.

6.3 Mixed Housing Urban

The Structure Plan identifies key elements which are characteristic of high density zoning, namely:

- (i) proximity to the Warkworth town centre;
- (ii) improved roading infrastructure;
- (iii) access to potential future public transport;
- (iv) access to major public open space.

These elements are consistent with the Unitary Plan approach which focuses growth down major transport corridors and around town centres.

The analysis of the Warkworth Clayden Road area has identified that:

- (v) the land around the Warkworth town centre is already developed and is not factored into the need for key growth within the Structure Plan area;
- (vi) the Warkworth North area is some 2.5km (direct line) at its longest point from the town centre;
- (vii) the MLR and the Pūhoi to Warkworth motorway will transform the roading network and accessibility issues in the Warkworth North area;
- (viii) the MLR is being futureproofed for public transport. The land take from WLC fully recognises this futureproofing and WLC has supported that;
- (ix) the open space network within the subject land provides for walking and cycling and enhancement of some streams within the site for core open space purposes, as well as their ecological benefit;
- (x) the subject land adjoins the largest recreational space in Warkworth, being the Warkworth showgrounds, and the significant amenity benefit this brings in overlooking this large open space area.

The land zoned Mixed Housing Urban on Diagram 9 exhibits all the characteristics of Mixed Housing Urban land. In terms of roading connections, future public transport connections, walking and cycleway networks, access to open space; high amenity and location within a growth corridor, this is among the land that most exhibits these characteristics within the entire Warkworth Structure Plan area. It is also within reasonable distance of the town centre and is well placed to reinforce the town centre.

It is also within the land which is in the first tranche of release of land at Warkworth for urban growth. It is being set up so that it is well serviced by all forms of infrastructure.

Demonstrably this land should be zoned Mixed Housing Urban as is contemplated in the Warkworth Structure Plan.

6.4 Mixed Housing Suburban

The middle portion of the subject land is requested to be zoned Mixed Housing Suburban. This plan change proposes to extend the Mixed Housing Suburban zone further north than that contemplated in the Structure Plan.

The Mixed Housing Suburban zone is the standard residential zone providing for growth. In terms of the Warkworth North area:

- (i) The WLC land has a good westerly aspect and high amenity with great views and outlook.
- (ii) When the MLR is complete it is well serviced in terms of roading infrastructure with good access to future public transport routes.
- (iii) It has good access to open space and to local parks and recreational facilities.
- (iv) It is to be serviced with the upgraded infrastructure within the MLR and surrounding area.

In terms of the landscape character, as identified previously:

- (i) The dominant landscape is the significant ridgelines of the Dome Valley which are of high landscape value, but sit outside and beyond the subject land. The elevation of this ridgeline rises well above the minor knoll north and ridgeline along the RUB. You look over the precinct land to this landscape feature.
- (ii) There are no landscape features within the subject land.
- (iii) There is a knoll described as having landscape character on the Countryside Living portion of the current site. This area and the lower part of the knoll is to be protected.
- (iv) The knoll at RL105-115 and the highest portion of the Mixed Housing Suburban zone which generally follows RL 95.
- (v) The grove of bush at the eastern end on the site is protected through the precinct provisions.
- (vi) The land at 43 Clayden Road adopts the large lot residential zone with the lower densities intended to contribute to the landscape character.

The requested Mixed Housing Suburban zoning closely aligns to the Warkworth Structure Plan.

6.5 Single House

The majority of the northern portion of the subject land which interfaces with the RUB and Countryside Living to the north is requested as Single House zoning.

The description of the Single House zone includes:

“The purpose of the Residential – Single House Zone is to maintain and enhance the amenity values of established residential neighbourhoods in number of locations. The particular amenity values of a neighbourhood may be based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character. To provide choice for future residents, Residential – Single House Zone zoning may also be applied in greenfield developments.”

This is the low density zoning.

The Single House zone complemented by the density and landscape yard controls addressed below, is the appropriate balance between creating efficient use of land, and not squandering the scarce resource of ‘Future Urban’ zoned land; while at the same time creating an appropriate interface between rural and residential land. The larger section size and lower coverage provides a more spacious environment for landscaping which will complement the ‘Countryside Living’ zone on the upper slopes. This still allows reasonable development potential for the land. It also creates sufficient yield for land developers to be able to fund high quality infrastructure services.

This Single House zone creates the interface to the protected bush areas in the north-east of the site, the knolls to the west and east of the site, and the saddle between the two knolls.

The Single House zone is the appropriate zoning for this portion of the land. It follows the zoning contemplated in the Warkworth Structure Plan, but with the additional landscaping and yield controls at the northern boundary of the site.

6.6 Rezoning the Light Industrial land to Mixed Housing Urban

This plan change rezones 5.17ha of land from Light Industry to Residential. However 1.5ha is committed to the MLR regardless of the zoning. Thus the net effect in terms of usable industrial land being rezoned to residential is 3.67ha.

The MLR has effectively severed the Light Industrial land from the rest of the industrial estate in this part of Warkworth, or required difficult and protracted access to the industrial land. The northern block of Light Industrial land is not accessible from the MLR because of the alignment of the MLR and the retaining walls as it passes around the bend within the Light Industrial zoned portion of the precinct. For access to this site, industrial traffic needs to travel further east along the MLR into the

residential neighbourhood, turn north at that point and then travel back through the residential neighbourhood to gain access to a small pocket of Light Industrial land. Clearly this is a poor planning outcome. Truck and trailer vehicles servicing Light Industrial properties are not suitable vehicles on local roads. It is poor planning practice to have Light Industrial land at the end of the cul-de-sac roads on new residential development.

The land south of the MLR could theoretically get access from the MLR in a new intersection being created to serve the industrial land to the north. However, this site is small and constrained and would require very substantial intersection upgrades to enable truck and trailer units to sit on the MLR in a right hand turn pocket. This would mean that WLC would be expected to fund significant widening and upgrade to the MLR to access a small pocket of Light Industrial land. This area is also targeted for the 'Northern Arena' site being an important recreational complex for the Warkworth community. That complex is a suitable and compatible use located adjacent to the Warkworth showgrounds.

The method to make provision for the arena site, is appropriately through a precinct control. A site specific issue can provide for the northern arena.

The analysis elsewhere in this report indicates there is no shortage of Light Industrial land. This is not a scarce resource needed for employment purposes. Rather this is an inappropriately zoned nodule of Light Industrial land severely compromised by the MLR, and demonstrably the wrong zoning. The Warkworth Structure Plan identifies that this zoning should be 'investigated'. The land should be zoned Mixed Housing Urban and Mixed Housing Suburban.

6.7 Large Lot Residential zone

This plan change identifies large lot residential development in the north-eastern corner of the precinct and in the north-western area. This zoning allows for residential development on sites of 4,000m². These areas are identified for large lot residential development in the Structure Plan.

6.8 Neighbourhood Centre zone

The Warkworth Structure Plan envisaged a neighbourhood centre being located at the corner of Matakana Road and MLR. This plan change provides for a neighbourhood centre but shifts it to part way along the MLR on the northern side. In terms of the cooperating landowners, the owners of 245

Matakana Road do not see a neighbourhood centre as being an economically feasible development on their site, fundamentally because of the severe transport access restrictions imposed through the MLR. There can be no full intersection access to this site. Left-in and left-out only turns are provided.

By contrast, WLC is a willing provider of the neighbourhood centre and will work with commercial operators to create this centre as housing progresses. The site chosen for the neighbourhood centre is on the northern side of MLR at the primary intersection. This will be a light controlled full access intersection.

6.9 Overlay: SMAF 1

It is normal practice for the Council to apply the SMAF 1 overlay to the rollout of new development within greenfields area. SMAF 1 effectively requires appropriate on site detention and retention of stormwater prior to entering the public system.

The cooperating landowners support and acknowledge the need for good quality stormwater management within the site. This is embodied in other aspects associated with this plan change.

By applying the SMAF 1 classification to this land, it embodies the standard Auckland-wide provisions for stormwater management to this land.

6.10 Precinct provisions

It is proposed that the area be subject to special precinct provisions. This mechanism enables the Council to bring down area specific controls in this part of Warkworth.

Diagram 10 shows the proposed precinct boundary. Effectively it follows the relevant boundary of the Structure Plan. The main difference is it includes part of the established light industrial zones which are either proposed for rezoning or impacted by the MLR. This industrial zoned land was not formally part of the Warkworth Structure Plan.

Diagram 10: Precinct Plan boundary



Diagrams 11-13 shows the Precinct Plan which would be included within the plan change. There are three plans. Plan 1 highlights a number of key features including:

- (a) special subdivision and special landscape controls to protect particularly the upper knoll and ridgeline behind the precinct;
- (b) special height limits;
- (c) special yard controls;
- (d) location of parks and key open space;
- (e) the creation of a site for the northern arena;
- (f) MLR connections;
- (g) Noise management areas and related controls;
- (h) Walkway/cycleway network.

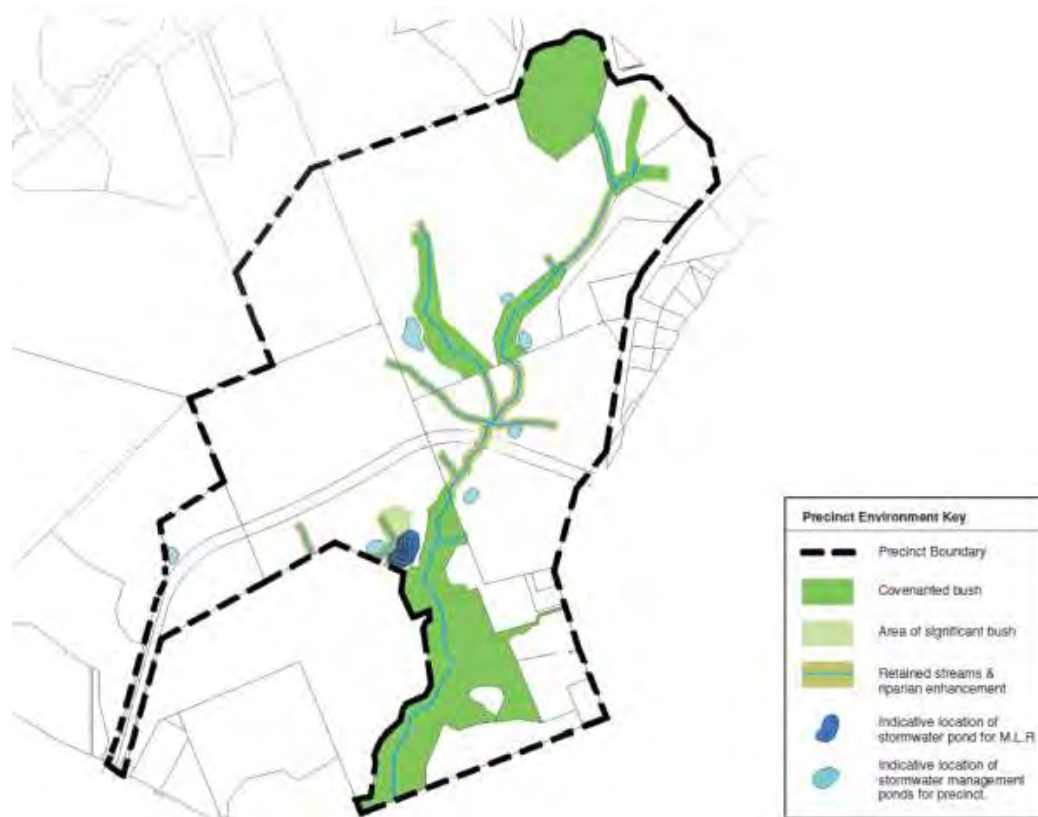
Diagram 11: Precinct Plan



Precinct Plan 2 highlights the key environmental features, namely:

- covenanted bush;
- retained streams with riparian enhancement;
- stormwater management ponds.

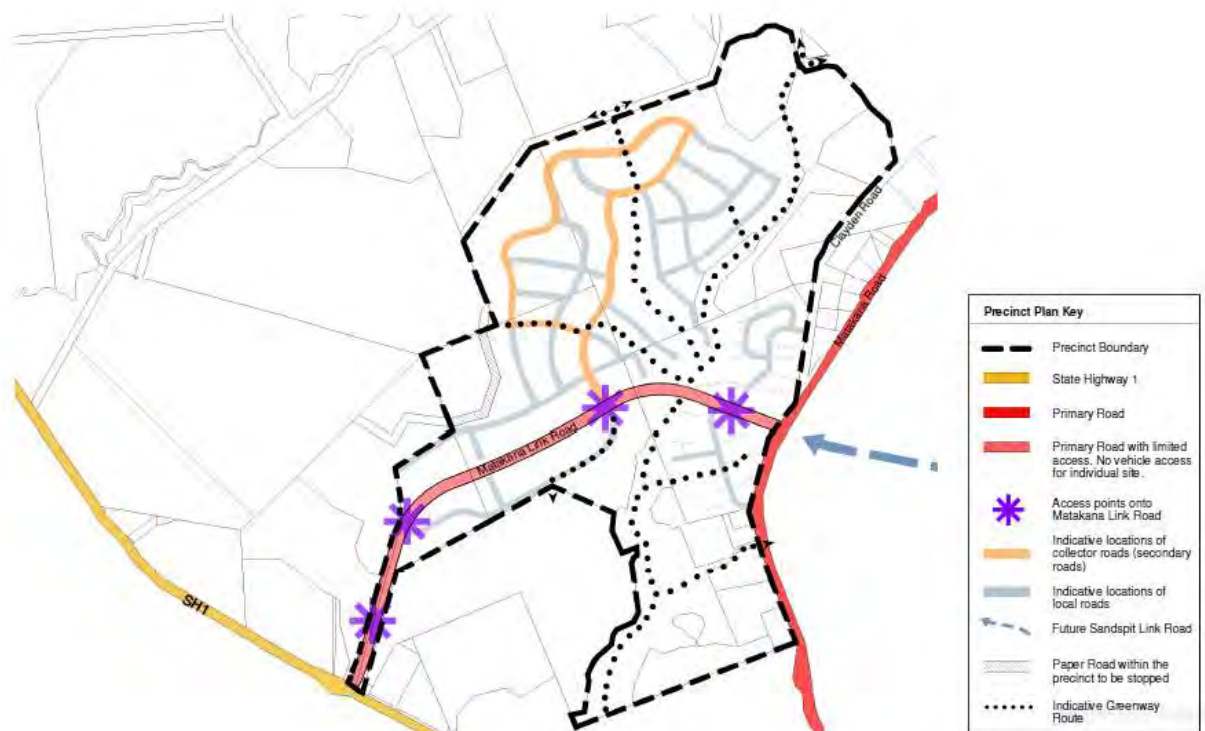
Diagram 12: Precinct Plan 2



Precinct Plan 3 sets out the transport information relevant to the precinct. It covers the key elements including:

- (a) The Matakana Link Road and approved access points.
- (b) The local road network.
- (c) The walkway network.

Diagram 13: Precinct Plan 3



6.11 Special density and landscaping controls at the interface between residential and rural land

The Warkworth Structure Plan seeks to impose controls on density and landscapes at the RUB interface. This technique is adopted in this plan change.

To complement the Single House provisions for a range of sites which are at the interface, special density, yard, height and landscape provisions are proposed.

These provisions:

- Set a minimum subdivision size of 1,000m² net site area.
- Require a larger 6m landscaped rear yard (compared to the standard 600m² net site area).
- Set a maximum height limit of one storey (5m) for buildings within 10m of the RUB (effectively meaning no building within 6m of the RUB then only one storey buildings between 6m and 10m of the RUB). This pushes any two storey buildings off the ridge.

- d. Requires 50% of the yard to be planted in native bush attaining a height of at least 5m on maturity.

These provisions will set a higher degree of spaciousness on the sites in this location and will ensure significant landscaping opportunity on the northern boundary at the interface. This concept of how these controls combine to protect this character is shown on Diagram 14.

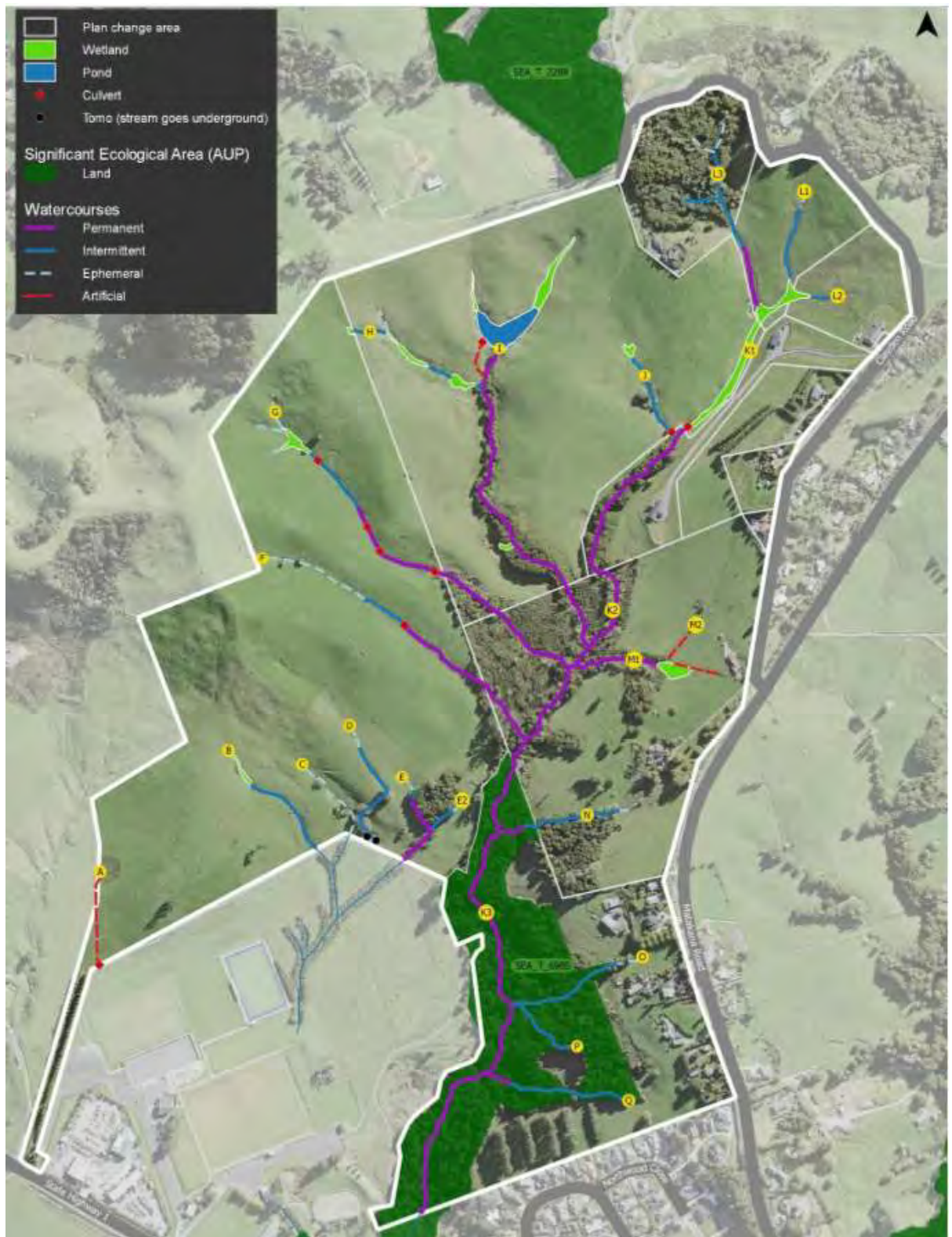
Diagram 14: Ridgeline View Protection Measures

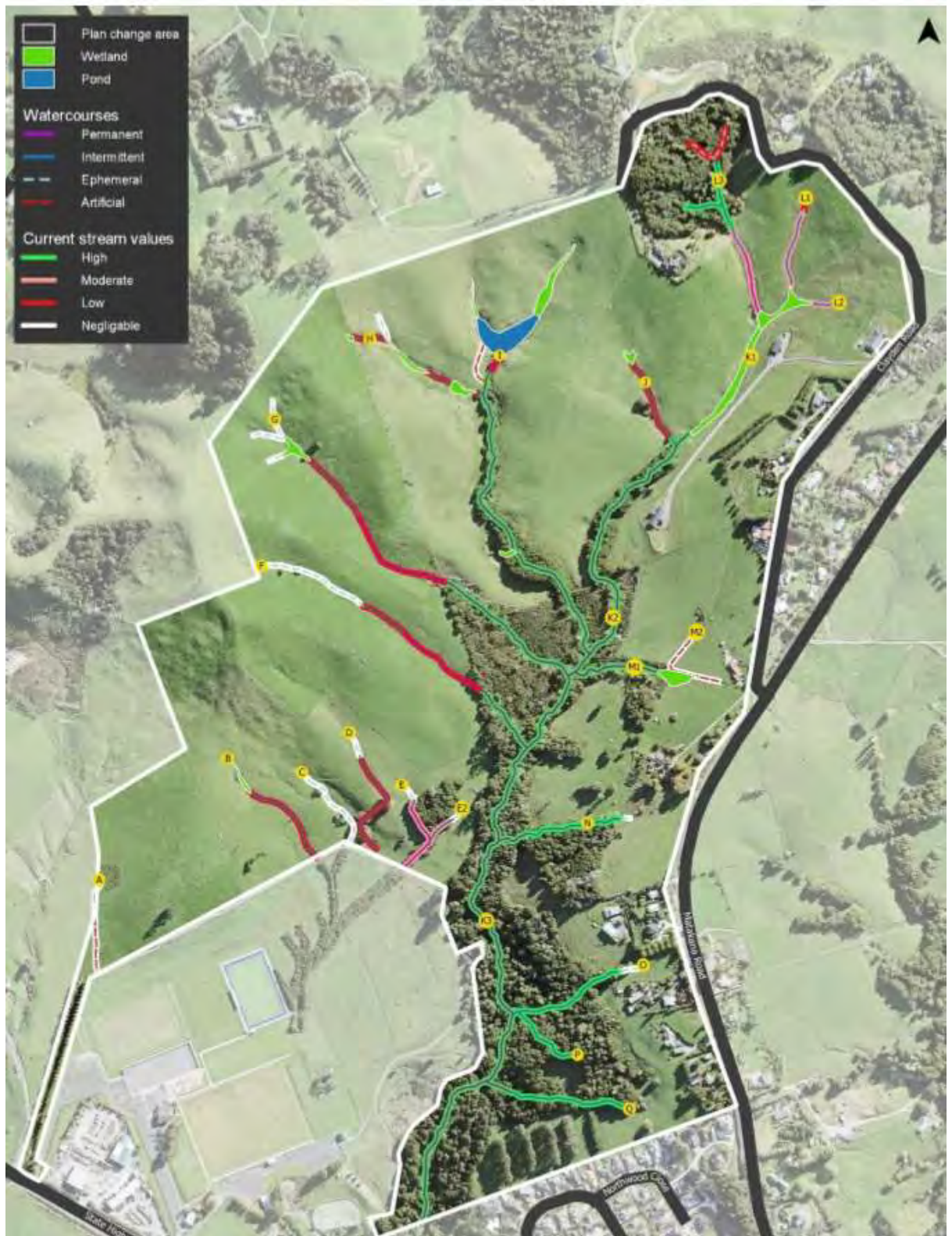


6.12 Stream and Terrestrial Ecology

Diagram 15 is an extract from the Freshwater Solutions report identifying the status of different streams on the site.

Diagram 15: Streams





Source: Figure 12 "Stream classifications (AUDOP), ponds and wetlands within the site, prepared by Freshwater Solutions

Diagram 16 shows the terrestrial ecology within the Precinct.

Diagram 16 Terrestrial Ecology

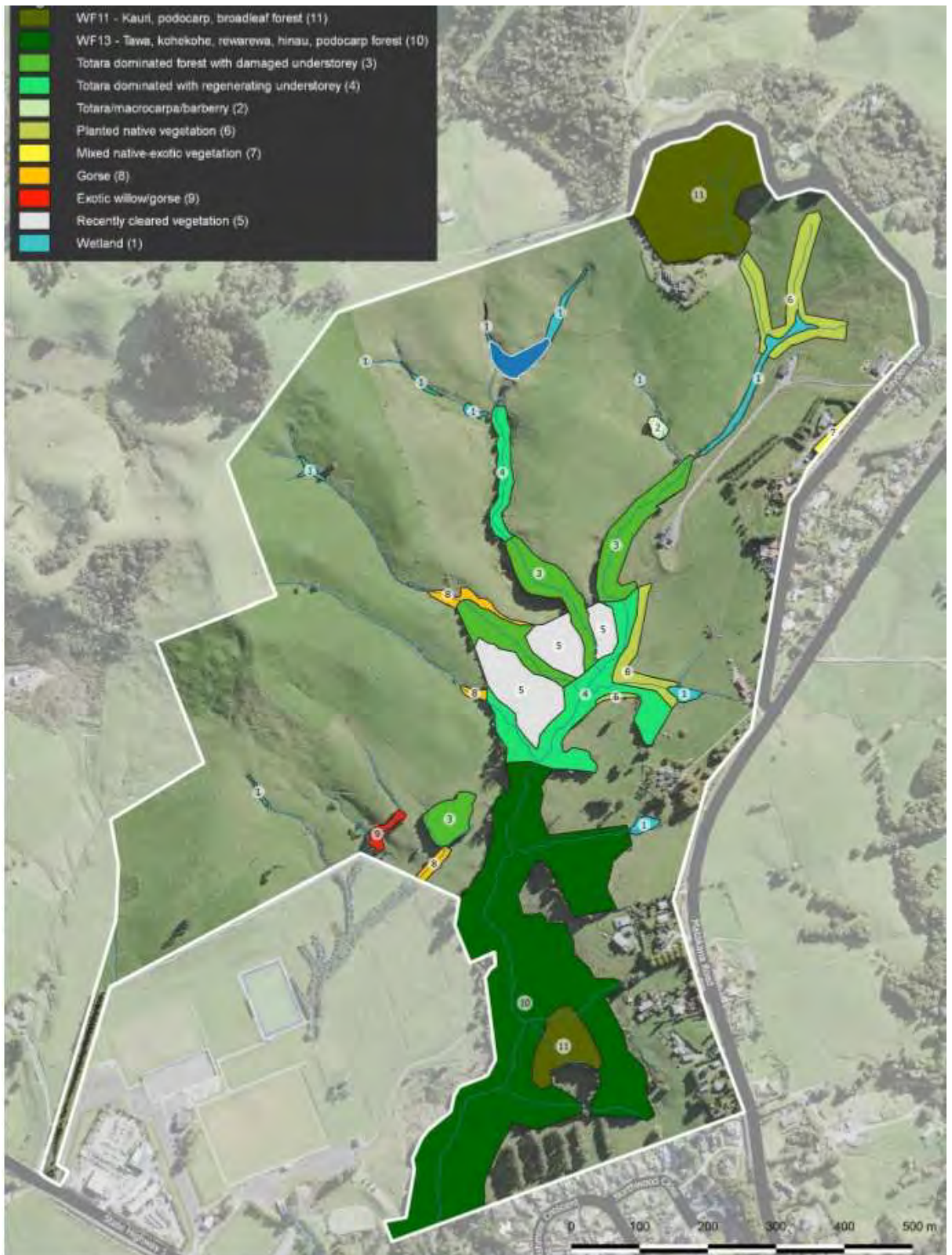
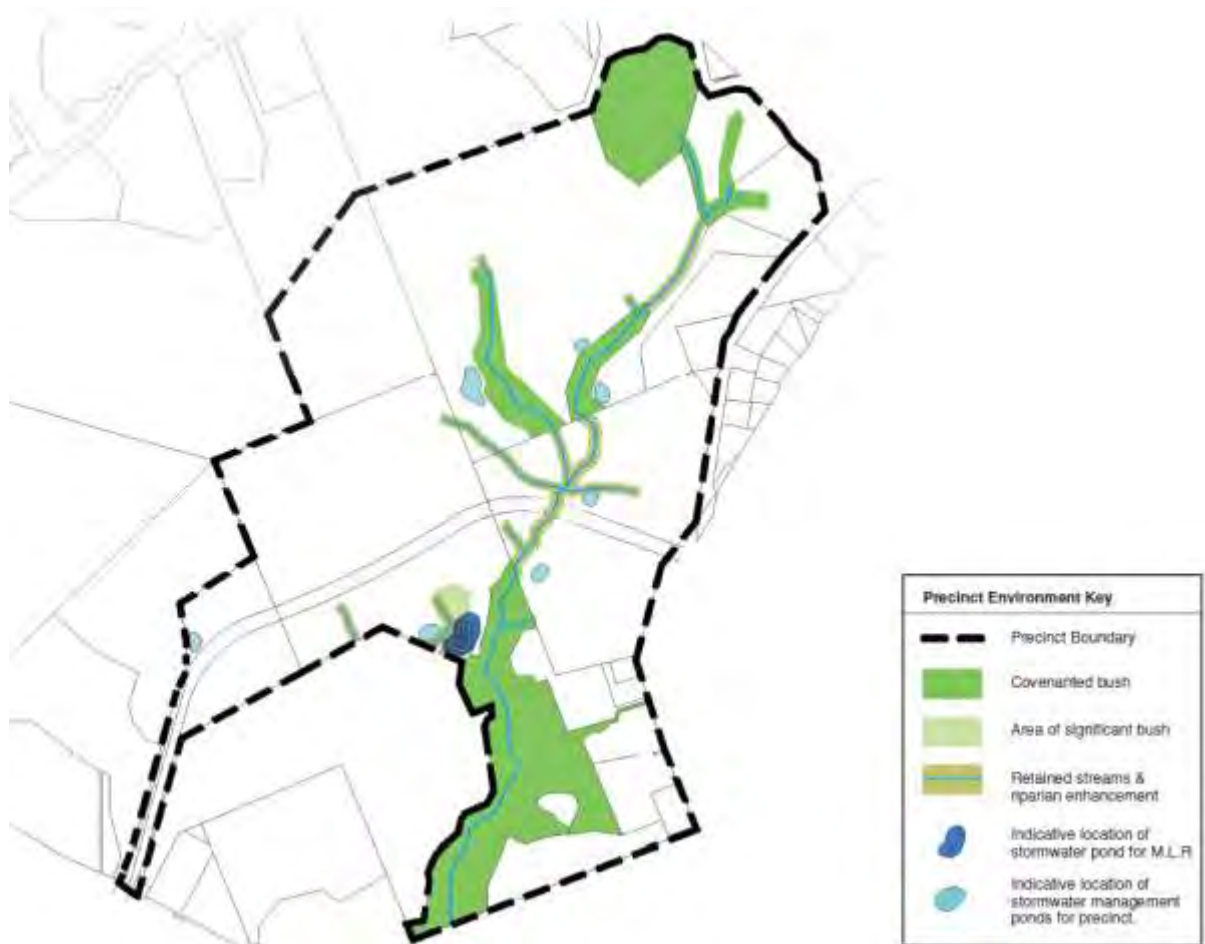


Diagram 17 shows the key streams to be protected within the precinct.

Diagram 17: Streams to be protected



The work by Freshwater Solutions has identified:

- Key terrestrial ecology located within the precinct. Some of this is already protected by way of covenanted bush areas. Others are currently unprotected.
- Streams classified as to being permanent, intermittent or ephemeral.
- Classifying streams as high, medium or low value.

The precinct provisions identify the key terrestrial ecology and stream areas to be protected. These are shown within Precinct Plan IXXX.9.2. These provisions apply in addition to the standard Auckland-wide provisions. Reclamation of these identified streams is set as a non-complying activity in this plan change (otherwise they would default to a discretionary activity under the Auckland-wide Rules).

Some ephemeral streams, intermittent or low value permanent streams are not identified on the Precinct Plan. These streams will be assessed in terms of the criteria outlined in the Precinct Plan.

Essentially, and for reasons outlined later in this report, there is a balance to be achieved between providing for growth and stream protection. High values permanent streams are protected. Low and medium value streams may be subject to assessment to identify the balance with growth. Initial indications are that some of these streams will be reclaimed but reinstated at a different stream bed level or different alignment. Others will be reclaimed altogether.

The provisions provide for full assessment of these matters as a restricted discretionary activity. The same objectives and policies apply as to stream management under the Auckland-wide Rules. Matters of discretion are inserted including:

- stream ecology;
- base flow;
- management of water flow;
- offset mitigation;
- stream bed level;
- riparian planting;
- overland flow;
- providing for growth and development.

A detailed set of assessment criteria are inserted.

Precinct Plan IXXX.9.2 also shows the key terrestrial ecology areas to be protected. This goes beyond the current covenanted protection.

6.13 Park relocation

The indicative neighbourhood park location shown on the Structure Plan is relocated to a key part of the site which enables it to integrate with the walkway, cycleways and pleasure areas that forms the stream network at the lower end of the WLC land. The protection of this land is part of the core principle of protecting the tributaries of the Mahurangi. The location is also chosen because it will enable the creation of a children's playground and informal recreation areas. The benefits of a park in this location will:

- give ecological advantage,
- create a significant pleasure area located alongside protected stream and bush,
- connect to a walkway/cycleway network,
- connect via the walkway back down into the Warkworth reserve
- have sufficient usable space for playgrounds, seating, barbeque etc.

This is a location which will offer a high amenity for a park location.

Diagram 11 (Precinct Plan) shows the existing proposed park and new proposed park.

6.14 MLR connections

The MLR is a limited access road. The co-operating landowners have in principle supported the limitation on access on to the MLR, as has the other directly impacted owner Goatley Holdings. In the case of Goatley Holdings, WLC and White Light Trust, these properties will need intersection access to the MLR. In one case this is the only legal access to formed roads (once built) and in the other two cases is an essential and fundamental part of gaining access to the land. In each case the landowners currently have legal access. Under the MLR there is no or significantly reduced access entitlement. This plan change corrects that anomaly.

There have been extensive discussions and agreement with Auckland Transport over the location of the access points. Diagram 11 (Precinct Plan) shows the proposed access points within the Precinct Plan as proposed by AT and agreed by the effected landowners. While at the time of writing this report, the Notice of Requirement for the MLR was still subject to appeal, the access issues now appear to be settled and all parties expect this to be reflected in the final appeal settlement. The detailed design of intersections will occur at the time of subdivision.

The plan change adopts these agreed access points. It also confirms there is no vehicle access from individual sites to the MLR.

6.15 Northern Arena

The public consultation identified the strong desire for a major indoor recreational facility focused on a swimming pool. The Northern Arena has aspirations to provide this service similar to their existing facility at Silverdale.

The Northern Arena has long targeted a site on the WLC land immediately adjacent to the Warkworth Domain. This is a logical collocation of active sport facilities. It creates a suitable site with good access to the MLR (if the connections referred to above are agreed).

This is a site specific provision. It is logical to make explicit provision for this within the Precinct Plan provisions.

6.16 Reverse Sensitivity controls

Reverse sensitivity associated with the industrial estate to the north-west is a key component of this plan change.

Three measures are put in place.

- (a) A no-complaints noise covenant is imposed on the properties rezoned from Industrial to Residential. This “no complaints covenant” will acknowledge that these properties are adjacent to industrial zoned land. It will also acknowledge the approved helicopter landing facility within this industrial block. The no complaints covenant will mean that residents both acknowledge the industrial and helicopter usage and are prevented from lodging complaints against helicopter operations complying with the issued consents and against industrial activity which complies with the zonal and Auckland-wide standards.
- (b) A noise measurement line is imposed on the original boundary between Light Industry and Residential land, i.e. slightly east of the current boundary. This noise measurement line creates the location applicable to the measurement of noise levels for the helicopter facility. The current consent sets noise limits at the nearest residential boundary. Effectively by rezoning a portion of the industrial land as residential that boundary has been brought closer to the helicopter operation. This control establishes the status quo location as the point at which these noise levels are measured. This will also require a section 127 application on the resource consent to formalise this measurement point.
- (c) A special landscape yard is set within the residentially zoned land within the precinct. This will complement the setback within the industrial land in accordance with the standard zonal rules.

The cumulative effect of these three measures will successfully address matters of reverse sensitivity.

6.17 Precinct objectives and policies

This plan change sets up distinct objectives and policies for the precinct. These are structured in the normal way where they are in addition to the underlying zone and 'Auckland wide' objectives and policies. These area specific provisions are drawn heavily from the Structure Plan. They include issues around:

- providing for growth;
- setting an intensity of development which will lead to the efficient use of land;
- providing for a range of housing typologies and therefore lifestyle choice;
- focusing higher density around the MLR and Warkworth Showgrounds;
- protecting key landscape features and setting policies relating to the character of the rural urban interface;
- managing reverse sensitivity at the industrial/residential face;
- managing the effects of stormwater;
- providing for the walking and cycling network;
- setting in place controls on buildings in sensitive areas.

6.18 Precinct rules and assessment criteria

The underlying zone and Auckland wide rules apply within the precinct. However there are some specific rules generated by the particular features of Warkworth Clayden Road. These include:

- special yard and landscaping controls along the northern boundary;
- special subdivision standards within the Single House zone on land adjoining the northern boundary;
- special height limits relating to the northern boundary;
- special height requirements for buildings adjacent to the Warkworth Showgrounds;
- limited access on to the MLR.
- reverse sensitivity control relating to noise.
- provision for the Northern Arena;
- controls on the use of high contaminant yielding materials.

The activity table and rules in turn generate uses or rules which benefit from assessment criteria being included within the precinct plan.

6.19 Notable trees

There are no notable trees on the land either identified in the AUP or through the structure plan process

The co-operating land owners have had an ecological assessment and an arborist assessment undertaken. Certain groves of trees are to be protected (or are currently protected) as outlined earlier in this report.

The report by Craig Webb Consultant Arborist identifies that with one exception, there are no 'notable' trees that warrant protection within the plan changes area. This follows a detailed assessment of the cooperating landowner sites and an appropriate assessment of all other land within the plan change area from public roads or cooperating landowners' property. The possible exception for consideration are three potential notable trees on the site at 245 Matakana Road. These are two Pin Oaks (*Quercus palustris*) and an Oriental Sweet Gum (*Liquidambar orientalis*).

Mr Webb's report includes an assessment of the trees. He has undertaken that assessment using the Auckland Council's scoring system. Under that system each tree has scored 26. The Oriental Sweet Gum is identified as having health integrity issues and is not seen as contributing to the character of the area.

Notwithstanding that the trees meet the Auckland Council scoring system, Mr Webb concludes that the trees are not worthy of protection. His reasons are set out within this report.

All three of these trees are in close proximity to the new designated land for the Matakana Link Road. Part of the enabling works appear to come within the dripline of one of the trees. The White Light Trust's understanding is that this tree may need to be removed as part of the MLR. The other two would be immediately alongside the effected land area.

The landowner believes that it is unreasonable for them to schedule the trees for the following reasons:

- They have recently signed agreements with Auckland Transport over impact on their property for the MLR. In this they have acknowledged the work is in close proximity to the trees and one of these may in fact need to be removed. They would not want an

implication that in a plan change request they are trying to in some way compromise this agreement.

- It is unreasonable for them to have to accept the impact of the MLR, restricted property access and on top of that notable trees all in this one location for public good reasons.
- Notwithstanding the Council's scoring system, the cooperating landowners' arborist actually believes the trees are not worthy of protection.

Consequently this plan change is advanced on the basis there are no notable trees to be scheduled in the plan. These matters can be addressed through the plan change process.

6.20 Conclusion

The changes set out above deliver a zoning pattern which is consistent with the Warkworth Structure Plan and also the objectives of the Unitary Plan as it appropriately locates:

- The Mixed Housing Urban zone around the MLR, and where the land is in close proximity to future public transport, and key open space land;
- The Mixed Housing Suburban in the mid portion of the block. This reflects the growth potential of this land whilst also recognising that there is slightly reduced accessibility to public transport as compared to the Mixed Housing Urban land.
- The Single House zone where the site adjoins the RUB and applies additional controls. This zoning achieves an appropriate balance between providing for growth and the location of this land on the interface with the RUB.
- The Large Lot Residential zone in that part of the land where the knoll or bush area supports a lower density of development.

It can be seen that the above approach creates a sliding scale where the higher density living is located in the lower portion of the site and the density decreases the closer it gets to the RUB boundary. This is sound planning practice and achieves good planning, design, and environmental outcomes.

7 PURPOSE AND REASONS FOR THE PLAN CHANGE

7.1 Purpose of the plan change

The purpose of the plan change is to rezone the land in Warkworth Clayden Road to enable development to proceed in accordance with the timetable set out in the Future Urban Land Strategy and generally in accordance with the outcomes sought through the Warkworth Structure Plan.

The plan change is targeted at those elements which are essential to enable the redevelopment of the land, and shift it from rural activity to urban activity.

The plan change follows the normal approach for development of greenfields and for Future Urban zoned land under the AUP.

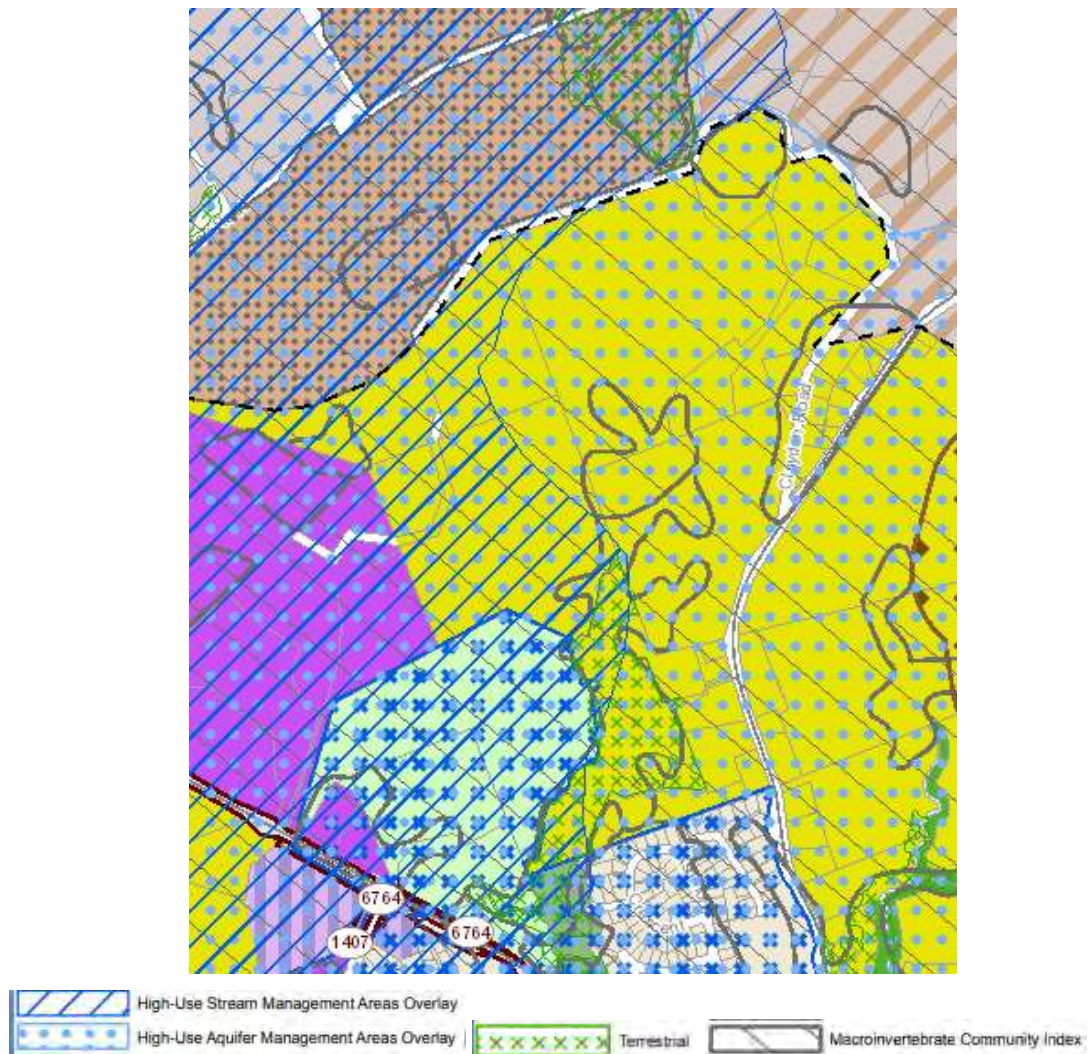
7.2 Unitary Plan provisions

The Unitary Plan is structured into Auckland-wide provisions, zone provisions and precinct provisions. The Auckland-wide provisions apply across the region and are the underpinning planning framework of the Unitary Plan. These provisions supersede zoning and precinct provisions where there is a contradiction between the two mechanisms.

In this case there are no changes sought to the zone and the Auckland-wide provisions applying to the site. There is one additional 'control' added, namely the SMAF1. This is consistent with the Council approach when rezoning greenfields land for residential development. The SMAF rules set a high but appropriate approach to stormwater management. Additional precinct provisions particular to the Warkworth location apply.

Diagram 18 below shows the current overlays applying to the land. It also shows the current designations. (Note: As the MLR is still subject to appeal, it is not yet shown on the AUP).

Diagram 18 Current Overlays and Controls



To these 'controls' will be added the SMAF1.

This plan change outlines the rezoning of the land from Future Urban and Light Industry to a range of suitable, and predominantly residential, zoning.

A Precinct Plan is introduced with the location specific planning controls.

As is normal practice, the standard underlying zone objectives, policies, activities, standards and assessment criteria apply unless otherwise stated within the precinct provisions, i.e. the precinct provisions are exceptions or additions to the underlying provisions.

7.3 Proposed precinct provisions

(a) Objectives and policies

The objectives and policies complement the underlying zoning objectives and policies. These objectives and policies focus on that which is specific to the Warkworth North area. They are drawn heavily from the Structure Plan. They are intended to create the policy framework to drive the form and quality of development within the precinct. The objectives and policies particularly deal with:

- growth;
- housing typology and diversity;
- the concept of focusing higher densities closer to the MLR and the Warkworth Showgrounds;
- treatment of the rural urban interface;
- reverse sensitivity issues between the residential and industrial land;
- creating the extensive walkway network;
- creating the opportunity for the indoor recreation facility;
- stormwater management;
- limiting vehicle access from individual sites to the MLR.

(b) Activity

The underlying zoning provides extensively for a broad range of suitable activities. The precinct provisions provide for only a limited number of additional activities. The purpose is to:

- (i) Make provision for the northern arena development or other indoor recreation facility on the site specific location.
- (ii) Make any development within the special density area that does not meet the density control a discretionary activity.
- (iii) Make any development within the special density area that does not meet the yard or landscape control a non-complying activity.
- (iv) Better control and removal of native bush in identified protected areas by making their use a “non-complying activity”.

- (v) Make subdivision within the area a restricted discretionary activity. Superlot subdivision for vacant sites is generally a discretionary activity. However, because this land has been through extensive review through the Structure Plan process and then through this plan change, it is more appropriately dealt with as a restricted discretionary activity.
- (vi) Subdivision that exceeds the minimum site size along the rural interface (the Single House zone with a minimum net site area of 1,000m²) is a non-complying activity. The purpose of this control is to set a very high expectation that all sites will fully comply. The non-complying activity test is retained recognising that, because there is unusual topography, shape or size, it is possible there could be some minor non-compliance. That would need to be fully tested through the resource consent process.

(c) Notification

The notification provisions state that restricted discretionary activities will normally be dealt with without public or limited notification, unless special circumstances apply.

(d) Standards

The normal underlying zone standards apply. The following standards are introduced in addition to or in substitution for the underlying standards:

- (i) The special 6m yard along the Rural Urban Boundary applies. This is in substitution for the standard 1m rear or side yard. It is intended to push buildings further off the top ridgeline.
- (ii) A landscaping control applies within the special yard. It is intended to provide a higher level of landscape within this facility. This is an additional rule.
- (iii) A special height limit applies along the northern boundary. This sets a maximum height of 5m (one storey) for a setback distance between 6m and 10m from the northern boundary (RUB). The special yard effectively prevents buildings or structures within the first 6m. There is then the step up to one storey development between 6m and 10m. After 10m then the zonal height of 8m with a 1m bonus for sloping roof applies. Effectively what this is doing is ensuring there are no buildings at the top end of the site and then the building height steps down the contour so as to keep buildings off the ridgeline. A special height

limit of 8m plus 1m sloping roof applies to the Mixed Housing Urban zone adjacent to the Warkworth Showgrounds. Effectively this imports the two storey height limit to this location rather than the standard three storey height limit of the Mixed Housing Urban zone. The purpose is to manage taller buildings in the foreground of views from the showgrounds to the ridgeline behind.

- (iv) A limited access control is introduced along the MLR. It prevents individual properties having vehicular access off the MLR. There is provision for a defined number of intersections as identified on the Precinct Plan. However this would be by way of an assessment criteria under the subdivision standards.
- (v) A rule is introduced requiring the use of inert materials in the roofing and cladding on buildings within the precinct. This is targeted at stopping heavy metals, particularly zinc and copper, entering the stormwater system.
- (vi) Addressing reverse sensitivity for the industrial land to the north-west through a rule dealing with noise measurement, a no complaints covenant and a landscape set back rule.

7.4 Assessment criteria

The assessment criteria are in addition to those which would apply in the normal underlying zone.

These relate to both subdivision standards and the particular activities provided within the development. Their intention is to reinforce the objectives and policies of the precinct and the provisions of the Precinct Plan. Three Precinct Plans are included (to ease understanding). Precinct Plan 1 addresses development controls. Precinct Plan 2 addresses environmental considerations. Precinct Plan 3 addresses transport.

Matters the assessment criteria deal with include:

- (a) Vacant lot subdivision including:
 - (i) The subdivision standards for the Single House zone and in particular the 1,000m² minimum net site area requirements for land in the northern part of the precinct adjacent to the Rural Urban Boundary.

- (ii) Assessment criteria about the protection and enhancement of landscape features.
- (iii) Transport network including the interface with the MLR.
- (iv) Noise related 'no complaints' covenants.

(b) The Northern Arena.

Matters the assessment criteria deal with include:

- (i) building height;
- (ii) landscaping;
- (iii) transport related matters including parking;
- (iv) interface with the showgrounds.

(c) Stream modification or reclamation.

Matters the assessment criteria deal with include:

- stream alignment;
- application of the effects management hierarchy (avoidance from mediation, mitigation, offset);
- riparian planting;
- water flow management;
- base flow management;
- ecological classification;
- mitigation;
- the balance between loss of development potential and loss of stream values.

7.5 Precinct Plan

The precinct plan is introduced to ensure the development proceeds in accordance with the Precinct Plan which is fundamentally giving effect to the Structure Plan.

The key issues identified on the Precinct Plan are:

Precinct Plan 1

- (i) The identification of land is subject to the special density control on subdivision size. This identifies the minimum requirement of net site area of 1:1,000 within the Single House zone.
- (ii) The location of the special yard. This relates to the rules on special yard setback and yard landscaping at the northern boundary which is the interface with rural land.
- (iii) The location of the recreational facility (northern arena site).
- (iv) The walkway and cycleway network which is a key part of the Structure Plan. The assessment criteria on subdivision and development encourage the creation of this walkway network. It is an indicative network and hence appropriately dealt with as assessment criteria.
- (v) The noise related reverse sensitivity measures.
- (vi) Special height limits applying along the northern boundary of the property to control building height on this upper portion of the site.
- (vii) Special height limit in the southern portion of the boundary to control the height of buildings as perceived in foreground views from the Warkworth Showgrounds.
- (viii) A landscape screening area applies along the interface between the industrial properties and the residential development. This is to deal with amenity issues at this residential industrial interface.

Precinct Plan 2

- (i) The primary stream network for protection. This relates back to the Auckland-wide provisions on streams.
- (ii) The general location of stormwater management ponds.

Precinct Plan 3

- (i) The MLR and the acceptable intersections along this road. This is important in laying out the subdivision patterns within the precinct. It gives certainty as to roading access. The assessment criteria on subdivision address matters related to design responses to this limited access road.
- (ii) The indicative road layout distinguishing between collector roads and local roads. This is intended to demonstrate how the roading network provides an integrated connected roading pattern which respects the restriction on access to the MLR and works with the contour of the land.
- (iii) The walkway network through the precinct. It should be recognised that on the northern portion of the site is the existing paper road of Clayden Road. The Council indicates that it may in the future wish to develop a walkway along this area. However, that is outside the precinct boundary.
- (iv) Certain paper roads within the precinct are shown as to be stopped.

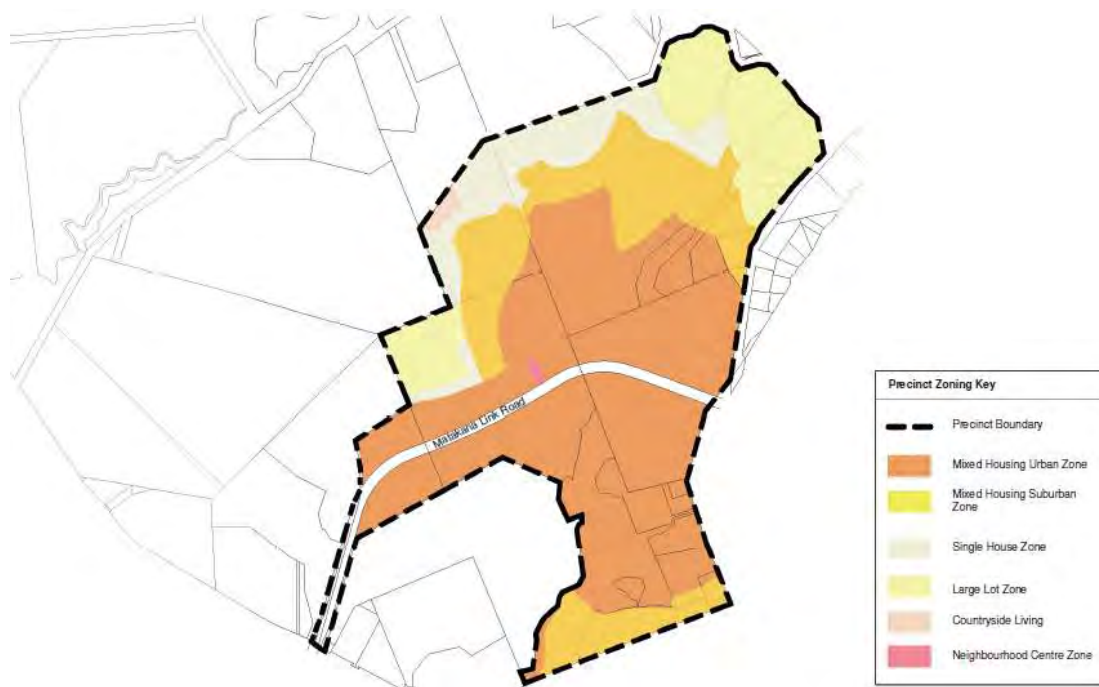
8 REQUESTED PLAN CHANGE PROVISIONS

This section sets out the requested plan change. The full plan change is attached as Appendix 2 to this report.

8.1 Zoning

Requested rezoning of the subject land: The land identified below to be rezoned from Future Urban zone and Light Industry to the zones identified in the map below.

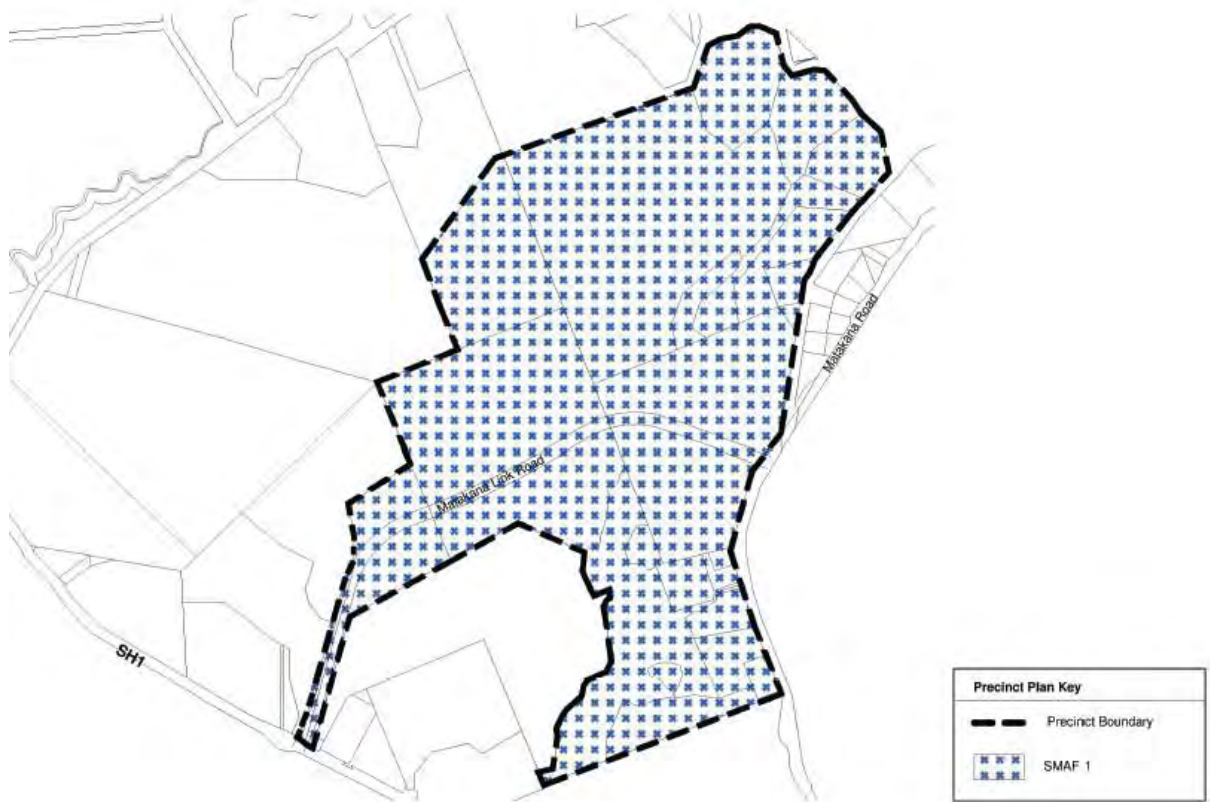
Map 1: Zoning Requested through the Plan Change



8.2 Controls

Requested Additional Control: The land identified below have the SMAF1 control applies.

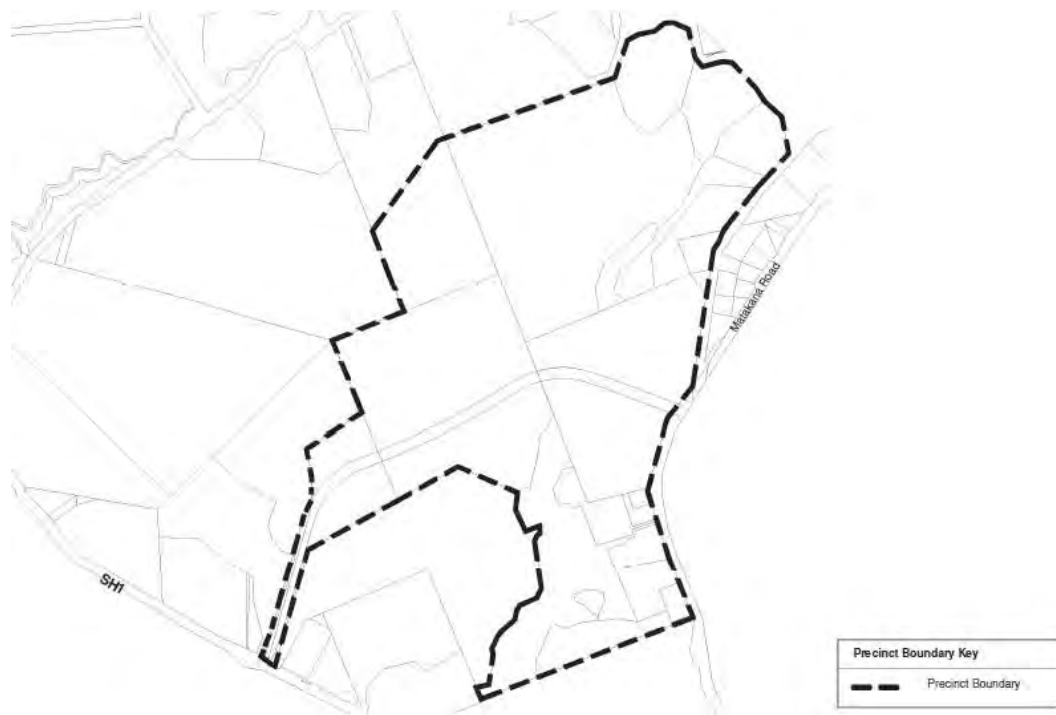
Map 2: SMAF control



8.3 Precinct

Requested Precinct Boundary: The planning maps be amended to identify a new precinct to be known as Warkworth Clayden Road.

Map 3 – Proposed Precinct Boundary of I552 Warkworth: Clayden Road Precinct



8.4 Precinct provisions

Insert the following new provisions into Chapter I of the Auckland Unitary Plan text.

PART B AMENDMENT TO IXXX CLAYDEN ROAD PRECINCT

Insert the following new precinct provisions:

IXXX Warkworth Clayden Road

IXXX.1 Precinct description

The Warkworth Clayden Road Precinct is located between State Highway 1 and Matakana Road north of the Warkworth Showgrounds. It is intended to assist in providing for growth within the Warkworth area. The planned Sandspit Link Road creates good connectivity to this part of Warkworth with direct connections to State Highway 1 and the new Highway to the south.

A range of zonings apply within the Precinct. Employment opportunities are retained in the Light Industrial zone to the west. More intensive residential opportunity is created around the Sandspit Link Road and the future public transport options this offers with direct access to and views across the Warkworth Showgrounds. Medium density housing is provided in the northern area of the Precinct. Low density 'Single House' zoning is provided on the Rural Urban Boundary fringe with particular controls applying along the interface between the Countryside Living zone and the Single

House zone. A small area of land is zoned 'Country side Living'. These controls are designed to create a lower density interface and a landscape buffer between the urban and rural areas.

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

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

IXXX.2 Objectives

The following objectives apply in addition to the relevant overlay, Auckland-wide, and zone objectives.

- (1) Provide for residential urban growth within the northern Warkworth area.
- (2) Apply urban zoning efficiently to protect against future urban expansion into Warkworth's valued rural hinterland.
- (3) Enhance the character of the rural – urban interface through limitations on housing density and enhanced landscaping.
- (4) Create an accessible residential development with vehicle and cycleway connections.
- (5) Manage reverse sensitivity issues at the interface between the residential and light industrial land.

IXXX.3 Policies

The following policies apply in addition to the relevant overlay, Auckland-wide, and zone policies.

- (1) Provide a range of diverse zones and therefore housing options to help meet community needs.
- (2) Locate high density housing adjacent to the Sandspit Link Road and overlooking the Warkworth showgrounds and Mahurangi tributaries and supporting public transport.
- (3) Create low density housing along the urban-rural boundary to form a transition from urban to rural uses.
- (4) Create the opportunity for local shops to service the neighbourhood, by zoning a suitable area of land for a "neighbourhood centre".
- (5) Create an intensively landscaped interface along the rural urban boundary.
- (6) Prevent building development on the special landscape areas shown on Precinct Plan 1 and incentivise the planting of these landscape elements.
- (7) Enable extensive active walking and cycling network and futureproof key walkway/cycleway routes and vest these key routes in the Council.
- (8) Create the opportunity for a major indoor recreation facility adjacent to the Warkworth showgrounds.
- (9) Create a landscaped buffer and require "no complaints covenants" on the properties adjacent to the industrial zoned land so as to manage reverse sensitivity issues.
- (10) Limit direct access from individual sites on to the Sandspit Link Road to pedestrian and cycle access only.
- (11) Manage the effects of stormwater on water quality in streams through riparian margin planting, on site detention and retention and protection of streams shown on Precinct Plan IXXX.9.1 by way of land covenant at the time of subdivision.

IXXX.4 Activity table

The provisions in any relevant overlays, Auckland-wide provisions and zone apply in this precinct unless otherwise specified below.

Table IXXX.4 Activity tables specify the activity status of land use, development and subdivision activities in the Warkworth North 1 Precinct pursuant to sections 9(2),9(3) and 11 of the Resource Management Act 1991 or any combination of all of these sections where relevant.

Table IXXX.4.1 Mixed Housing Urban

Activity		Activity status
Use		
Community		
(A1)	Recreation Facility in the location shown on Precinct Plan 1 as “Special Use Overlay – Sporting Facility”	RD
Development		
(A2)	Buildings within the “Special Subdivision Control Area” that do not comply with standard IXXX.9.1.	D
(A3)	Any building or structure (excluding fencing less than 2m in height) within the Special Landscape Area.	NC
(A4)	Reclamation of streams other than those shown on Precinct Plan IXXX.9.2	RD
(A5)	Reclamation of streams shown on Precinct Plan IXXX.9.2	NC
(A6)	Removal of any native vegetation shown as “Covenanted Area” or “significant bush” on Precinct Plan IXXX9.2, except this shall not preclude: (i) removal of deceased or damaged limbs or trees that could create a fall hazard; (ii) clearing of bush up to 2m wide to create public tracks.	NC
Subdivision		
(A7)	Vacant site subdivision sites (either less than 1ha or 1ha and greater) complying with standard E38.8.2.3 and generally in accordance with Precinct Plan I1XXX.4.1	RD

(A8)	Any subdivision in the special density area shown in Precinct Plan 1 that does not meet the minimum site size requirements in Rule IXXX.4.1.	NC
(A9)	Any subdivision that is not in general accordance with Precinct Plan 1 Rule I1XXX.4.1.	NC

IXXX.5 Notification

- (1) Any application for resource consent for a restricted discretionary activity listed under IXXX.4 will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under sections 95A(9) or 95B(10) of the Resource Management Act 1991.

IXXX.6 Standards

The overlay, Auckland-wide, and zone standards apply in this precinct unless otherwise specified below:

IXXX.6.1 Special Height Limit

- (1) The maximum height limit in the Mixed Housing Urban zone in the area shown as “special height limit 1” on Precinct Plan 1 (IXXX.9.1) shall be the same as rule H.4.6.4 ‘Building Height’ in the Mixed Housing Suburban zone.
- (2) The maximum height limit in the Single House zone in the area shown as “special height limit 2” on Precinct Plan 1 (IXXX.9.1) shall be 5m for any building that is within 10m but further than 6m from the Rural Urban Boundary.

IXXX.6.2 Special Yard

- (1) All buildings on sites subject to the “special yard” control shown on I1XXX.9.1 Warkworth Clayden Road: Precinct Plan 1 must be set back from the Rural Urban Boundary for a minimum distance of 6m. This rule replaces any other yard applying within 6m of the Rural Urban Boundary.
- (2) All land within the “special yard” shown on Precinct Plan 1 shall be landscaped. A minimum of 50% of the area shall be planted in native trees that will attain a height of at least 5m when mature.

IXXX.6.3 Special Landscape Yard

- (1) No building or structure shall be built within the ‘Special Landscape Yard shown on Precinct Plan 1. This rule does not apply to fencing less than 2m in height.
- (2) Fifty percent of the ‘Special Landscape Yard shall be planted with native trees that achieve a height of 5m or more on maturity.

IXXX.6.4 Limited Access

- (1) Road junctions with the Sandspit Link Road servicing the precinct, shall be limited to three, to be located in the general location identified as Access Points onto Sandspit Link Road on I1554.9.1 Warkworth Clayden Road: Precinct Plan 1

- (2) No vehicular access from any property shall be allowed directly onto the Sandspit Link Road for the frontage shown indicatively on I1554.9.1 Warkworth Clayden Road: Precinct Plan 1

IXXX.6.5 Subdivision Standards

- (1) The minimum net site area in the area shown as “Special Subdivision Control” on Precinct Plan 1 shall be 1,000m² net site area.

IXXX.6.6 Noise measurement line

- (1) For the purposes of measuring consented noise levels for the Warkworth Heliport on 38 Goatley Road, the “nearest residential boundary for noise measurement within the precinct shall be taken as the “noise measurement line” shown on Precinct Plan 1. The condition shall not apply to the residential sites west of the noise measurement line.

IXXX.6.7 Landscape Screening Area

- (1) A 6m landscaped screening area in the location shown on Precinct Plan 1 shall be provided. This area shall be intensively planted and maintained with native trees and shrubs. The 6m distance shall be measured from the zone boundary. This planting shall occur at the time of subdivision of the land to create any title or titles less than 5,000m².

IXXX.6.8 High Contaminant Yielding Materials

The total area of high contaminant roofing, spouting, cladding or external architectural features must not exceed 5m².

IXXX.7 Assessment – restricted discretionary activities

IXXX.7.1 Matters of discretion

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

- (1) Vacant lot subdivision
 - (a) The matters of discretion listed at E38.12.1(7)
 - (b) The location of the facility
 - (c) Building scale
 - (d) Landscaping
 - (e) Transport including Access and Parking

- (2) Indoor Recreation Facility in the location shown on I1XXX.9.1 Warkworth Clayden Road: Precinct Plan 1:
 - (a) Building scale
 - (b) Landscaping
 - (c) Parking
 - (d) Interface with residential development
 - (e) Interface with Warkworth Showgrounds

- (3) Modification or reclamation of streams
 - (a) Stream ecology
 - (b) Base flow
 - (c) Management of water flow
 - (d) Offset mitigation
 - (e) Stream bed level
 - (f) Riparian planting
 - (g) Overland flow.
 - (h) Providing for growth and development

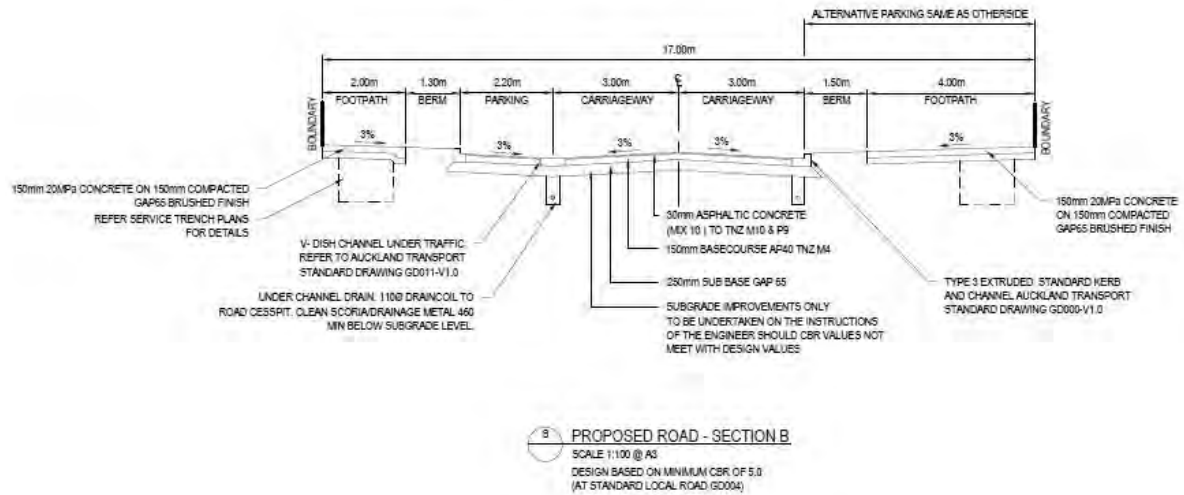
IXXX.7.2 Assessment criteria

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

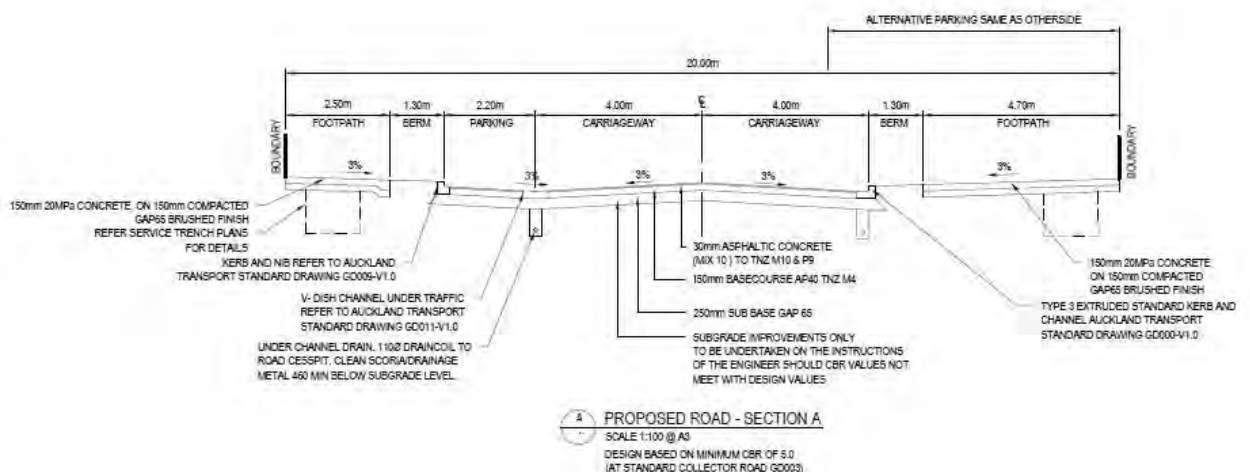
- (1) Vacant Lot Subdivision
 - (a) In addition to the matters of discretion listed at E38.12.2(7), the extent to which:
 - (i) The proposal contributes to the implementation of policies IXXX.3(1)-(5).
 - (ii) Subdivision layout is consistent with Precinct Plans 2 and 3.
 - (iii) Intersections to local roads accessing the Matakana Link Road are limited to the locations identified on Precinct Plan 1.
 - (iv) The eastern access to Matakana Link Road is confined to a 'left-in/left-out' only road connection.
 - (v) Subdivision layout meets the minimum lot sizes of Rule I1XXX.6.5 (special subdivision control).
 - (vi) Subdivision layout is designed to ensure that no sites require vehicular access from the Matakana Link Road. Sites shall be serviced from local roads, laneways JOAL's, or other suitable mechanisms.
 - (vii) Sites that include streams shown on Precinct Plan 2, have complying practical building platforms clear of identified stream areas.
 - (viii) Earthworks are managed in such a way as to provide high quality erosion and sediment control measures.
 - (ix) For the area identified on Precinct Plan 1 as "no complaints covenant area" a no complaints covenant is registered against any title acknowledging the location is adjacent to an industrial area and a consented heliport and that the resident will not complain about permitted activity meeting the Auckland wide standards, or helicopter activity operating under and complying with the conditions of consent of Resource Consent XXXX.
 - (x) All sites that contain a special yard under rule IXXX.6.1 provide a covenant which requires 50% of the yard area to be planted in native trees that will attain a height of at least 5m when mature, and the covenant provides for the maintenance and protection of this planting in perpetuity.
 - (xi) The erosion and sediment control measures shall provide for and include use of the stormwater management pond and establishment of the wetland, shown in Precinct Plan 1.
 - (xii) The greenways shown on Precinct Plan IXXX.9.1 are vested in the Council at the time of subdivision.
 - (xiii) The staging of any part of the precinct relying on access to the MLR is such that completed homes are not occupied prior to the MLR becoming operational

- (xiv) A walkway network, generally in accordance with Precinct Plan 3 IXXX.9.3 including roads and open space area, is created to ensure an interconnected neighbourhood. This includes connections to the footpaths and known bus stops on Matakana Link Road.
- (xv) Cycling facilities are provided on collector roads to integrate with cycling facilities on the MLR, and to generally meet the typical road cross-section shown in the diagram.
- (xvi) Local and collector roads shown on Precinct Plan IXXX.9.3 are designed to generally meet the typical cross-sections shown below.

Typical road cross-section: Local road



Typical road cross-section: Collector road



- (2) Indoor Recreation Facility in the location shown on I1XXX.9.1 Warkworth Clayden Road: Precinct Plan

The extent to which:

- (a) The indoor recreation facility is located within the land area identified on Precinct Plan 1.
- (b) The height of the building complies with zonal height.
- (c) Landscaping, particularly front yard and the yard adjoining residential zoned land provides a reasonable amenity to the neighbourhood.
- (d) Provision is made for transport related matters including access and adequate parking to service the facility, and hours of operation.
- (e) The interface with the Warkworth Showgrounds provides a good built and landscaped amenity, and a degree of visual overlooking of the showgrounds.

(3) Stream modification or reclamation

The extent to which:

- (a) Streams can be retained through re-alignment and raising of stream beds to integrate with land contouring;
- (b) Ten metre riparian native planting will be provided along each side of any re-aligned stream;
- (c) Where streams are proposed to be reclaimed with no vertical or horizontal re-alignment, the degree and extent of off-setting, and compensation;
- (d) Management of water flow is achieved to prevent flooding of residential sites;
- (e) Base flows to the head of retained streams affected by any reclamation of a permanent stream are maintained;
- (f) Reclamation is required to achieve the minimum road grade requirements.
- (g) Development potential will be lost without reclamation works, balanced against the ecological value of the stream to be reclaimed.
- (h) The ecological classification of the underlying stream is maintained.
- (i) The 'effects management hierarchy' (avoidance, remediation, mitigation, offset) has been applied.
- (j) The degree of mitigation or offset where changes to the vertical and horizontal alignment are proposed.

IXXX.8 Special information requirements

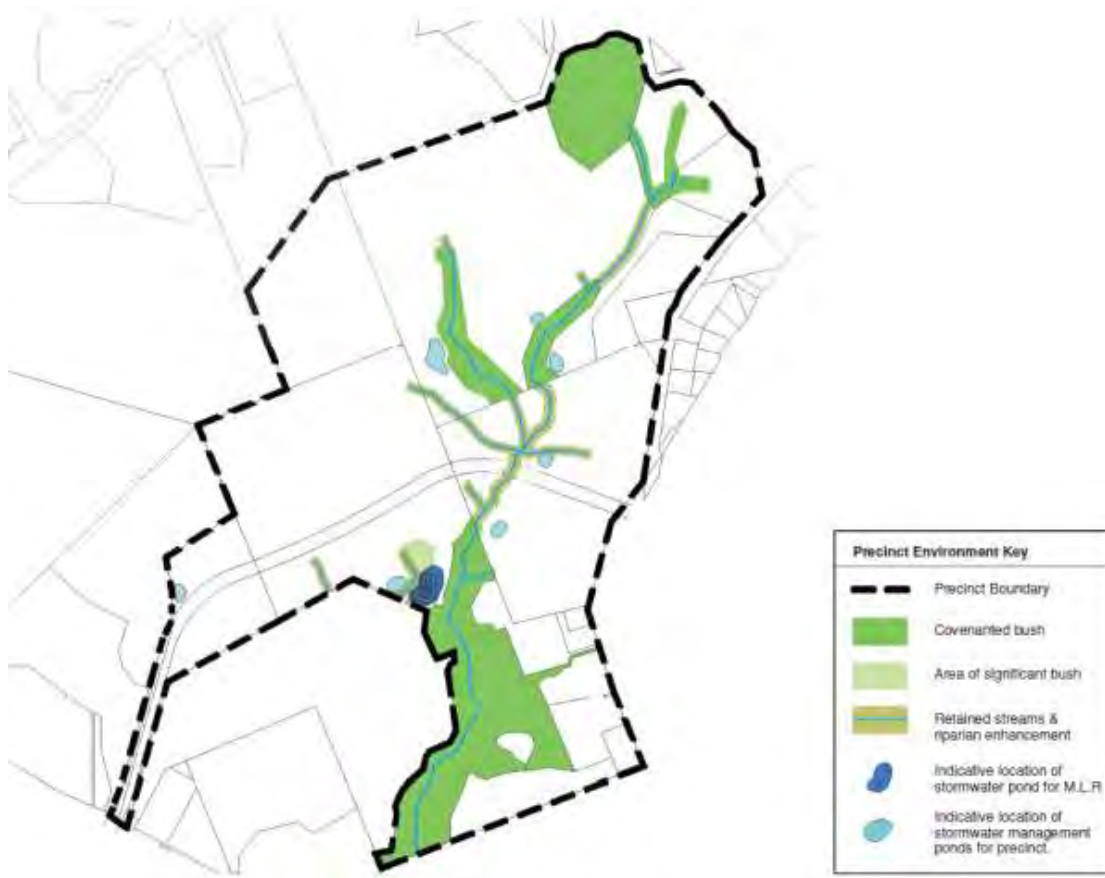
The special information requirements in the underlying zone and Auckland-wide provisions apply in this precinct, together with the following:

There are no special information requirements

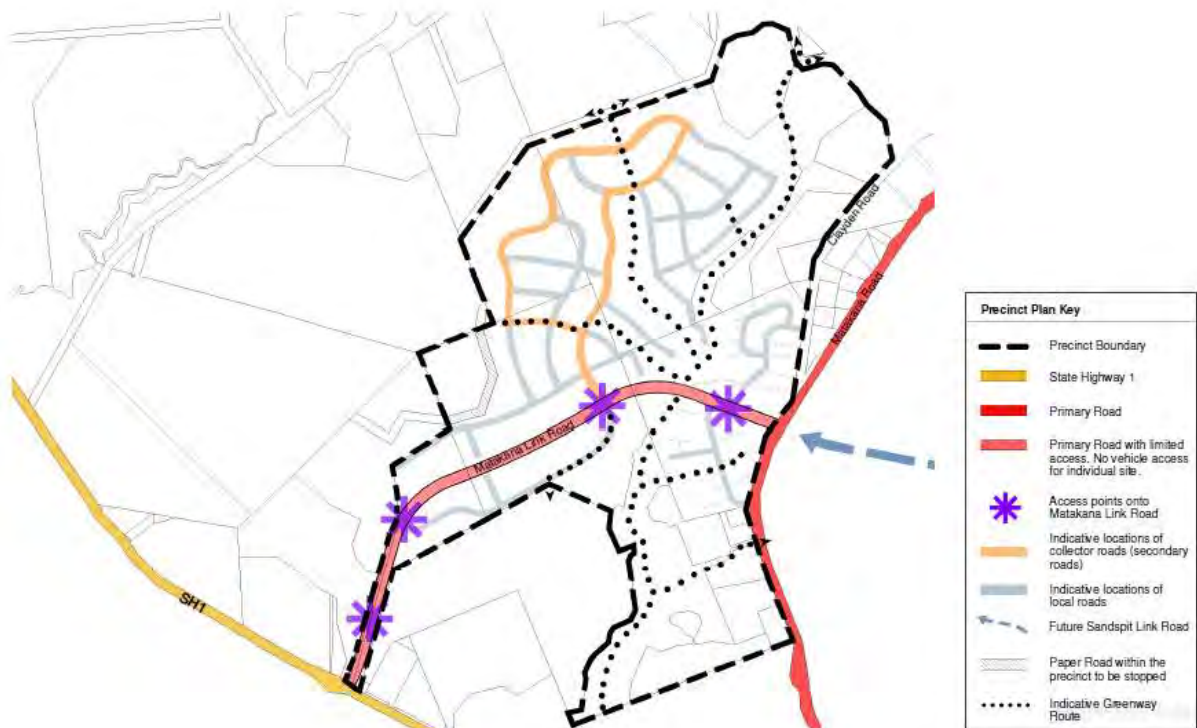
IXXX.9.1 Precinct Plan 1:



IXXX.9.2 Precinct Plan 2



IXXX9.3 Precinct Plan 3



9 STATUTORY REQUIREMENTS

9.1 Statutory Context

The Resource Management Act (1991) (“RMA”) sets out the statutory framework, within which resources are managed in New Zealand. The following section analyses the relevant statutory provisions that apply to private plan change requests changes to district plans.

Section 74 of the RMA sets out the matters to be considered by a territorial authority in preparing or changing its district plan. These matters include considering the purpose of the Act under Part 2 and the evaluation of the proposal in accordance with Section 32.

Section 75 of the Act outlines the relevant matters to be considered for the preparation of a private plan change request. Section 75 of the RMA, in addressing the contents of district plans, requires that a district plan must give effect to any national policy statement, any New Zealand Coastal Policy Statement, any regional policy statement and must not be inconsistent with a regional plan. Section 75 states that:

“75 Contents of district plans

(1) A district plan must state—

- (a) the objectives for the district; and*
- (b) the policies to implement the objectives; and*
- (c) The rules (if any) to implement the policies.*

(2) A district plan may state—

- (a) the significant resource management issues for the district; and*
- (b) the methods, other than rules, for implementing the policies for the district; and*
- (c) the principal reasons for adopting the policies and methods; and*
- (d) the environmental results expected from the policies and methods; and*
- (e) the procedures for monitoring the efficiency and effectiveness of the policies and methods;*
and
- (f) the processes for dealing with issues that cross territorial authority boundaries; and*
- (g) the information to be included with an application for a resource consent; and*

- (h) any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.*
- (3) A district plan must give effect to—*
 - (a) any national policy statement; and*
 - (b) any New Zealand coastal policy statement; and*
 - (ba) a national planning standard; and*
 - (c) any regional policy statement.*
- (4) A district plan must not be inconsistent with—*
 - (a) a water conservation order; or*
 - (b) a regional plan for any matter specified in section 30(1).*
- (5) A district plan may incorporate material by reference under Part 3 of Schedule 1.*

This is a private plan change to modify an already established Operative Unitary Plan. The section that is the subject of this change is an operative District Plan zoning. The Warkworth Structure Plan heralds the need and readiness to rezone this Future Urban Zoned area. This plan change generally delivers that Structure Plan.

The Auckland Unitary Plan states the significant resource management issues, methods for implementing the policies, principal reasons for adopting the proper policies, environmental results expected and the process for monitoring the efficiency and effect of policy.

With reference to Warkworth there are no cross-territorial authority boundary issues.

There is no other relevant information to this particular application.

There are relevant National Policy Statements relating to urban growth capacity, freshwater management, and the New Zealand Coastal Policy Statement. There are relevant Regional Policy Statement matters and regional plans. These are addressed below.

There are no water conservation orders applying to the area.

This private plan change request complements the existing provisions and satisfies the requirements of section 75 of the RMA.

9.2 Contents of a Private Plan Change Request

Clause 22 of Schedule 1 of the Act identifies the assessment requirements of a proposed plan change. Clause 22 states that:

“(1) A request made under Clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reason for, the proposed plan or change to a policy statement or plan and contain an evaluation report prepared in accordance with Section 32 for the proposed plan or change.

“(2) Where environmental effects are anticipated, the 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.”

In terms of the requirements of clause 21:

- (i) the purpose and reason for the proposed plan change is set out in this planning report;
- (ii) this report includes an evaluation in accordance with section 32;
- (iii) this report and the other technical assessments forming part of this application provide a detailed assessment of effects;

9.3 Part 2 of the Resource Management Act

Section 5 is about promoting “sustainable management of the natural and physical resources”.

Section 5(2) states:

“In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

This section is about finding the appropriate balance to achieve key outcomes of the Act covering social, cultural, environmental and economic considerations. The core thrust of this plan change is to provide for the identified growth within Warkworth. That is the purpose of the Future Urban Zoning and the subsequent structure plan process. It provides a range of different housing typologies to reflect the different social needs within the community and different family economics around housing affordability. This in turn contributes to ensuring a diverse community within Warkworth.

This is balanced with the important environmental features around streams and landscape qualities.

These issues are fully addressed in the section 32 analysis.

Section 6 sets out the matters of national importance. Section 6 states:

- “In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*
- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
 - (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
 - (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
 - (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
 - (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
 - (f) the protection of historic heritage from inappropriate subdivision, use, and development:*
 - (g) the protection of protected customary rights:*
 - (h) the management of significant risks from natural hazards.”*

Of particular relevance at Warkworth are:

- The protection of the primary streams within the area and mitigation or offsetting for streams that are reclaimed or modified.
- Protection of the core knoll. This is not considered an outstanding natural feature in terms of section 6(b) but nevertheless is a local feature worthy of protection.
- The public walkway network provided through the site.

These matters are fully addressed in the section 32 analysis.

Section 7 sets out “other matters” that need to be considered as part of this plan change. This includes:

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*
- (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.”*

In this case:

- (i) There is a significantly increased focus on the precinct and the appropriate uses within the 102ha.
- (ii) This plan change provides for the efficient use of currently Future Urban zoned land. It achieves the right balance between ensuring sufficient yield to provide a reasonable degree of housing. This in turn reduces the pressure for further expansion. Extensive low density housing only creates further pressure on greenfields development. By contrast this plan change provides efficient use of land with a combination of high and medium density housing and, in the sensitive periphery of the site, low density housing.
- (iii) High amenity is created in neighbourhoods both in terms of the standard underlying development controls but also in terms of the stream network, protected bush areas, and walkway system.

These matters are fully addressed in the section 32 analysis.

Section 8 requires all persons exercising functions and powers under the Act to take into account the principles of the Treaty of Waitangi.

In this case, the very significant focus on sediment minimisation, stormwater management, land runoff, natural ecosystem protection, and native revegetation are all core aspects of value to mana whenua and embodied in the principles of protecting the environment. The plan change is consistent with the relevant Te Aranga principles (as explained in paragraph 5.3 above) and highlights the cultural focus of this plan change.

The conclusion of this analysis is that this plan change is the most appropriate way to achieve the purpose and principles of the Act. This land is already identified for future urban development. The future land strategy requires this land to be released now for urban development to meet Auckland's growth targets. The Warkworth Structure Plan has been through an extensive process to identify the form and nature of development appropriate to this land area and necessary to manage growth within Warkworth. It also sets out the Council's commitment to provide infrastructure to this area. The plan change provides for this necessary growth while protecting the key landscape features signalled through the Warkworth Structure Plan.

9.4 National Policy Statement – Urban growth capacity

The National Policy Statement on urban growth capacity is about ensuring that Auckland has sufficient growth capacity based on three years, ten years and 30 years.

The Council's future urban land strategy is in a large part a response to and an outline of how the Council is meeting its obligations under the National Policy Statement on Urban Growth Capacity. It sets out a comprehensive approach for the staged release of land and the corresponding rollout of public infrastructure.

Auckland has developed a 30 year strategy for land release. This is embodied within the Council's Future Urban Land Strategy 2017 document. The Warkworth North area is a key element of this strategy and is shown as available for residential development by 2022. The cooperating landowners' properties included within this plan change fall within that Future Urban Land Strategy and this 2022 release.

This plan change is fully consistent with that strategy and by inference fully consistent with, and gives effect to, the National Policy Statement. The precinct is fully within land currently zoned Future Urban (and in one case rezoned from Light Industry to Residential). It is in the location identified for release between 2018 and 2022 and needs this plan change to be enabled.

9.5 National Policy Statement – Freshwater management

This proposal is consistent with the National Policy Statement on Freshwater Management. In particular:

- (a) The National Policy Statement on fresh water primarily directs regional councils to provide for the integrated management of freshwater and the use and development of land in whole catchments, including the interactions between freshwater land, associated ecosystems and the coastal environment. It directs regional councils to set up a planning structure including objectives and policies which will provide for this integrated management.

These provisions have been carried forward into the AUP. They are set out particularly in chapters E1 and E3. This plan change operates in terms of those objectives and policies. Any change put forward in this plan change relates to the activity status and therefore the process through which applications are dealt with. Very broad matters of discretion and wide assessment criteria are introduced to enable adequate and appropriate control.

- (b) The primary streams are identified within the Precinct Plan. The streams themselves and the riparian areas are protected and enhanced. While there are some permanent and intermittent streams which may be reclaimed or modified as part of a future development, those streams would be subject to assessment under the Precinct Plan and Auckland wide provisions. The Precinct provisions looks at issues including ecology, base flows, management of water flow, riparian planting and balancing out ecological values and matters related to growth. Off-site mitigation will apply at the time of resource consent.
- (c) Stormwater management procedures are put in place to ensure treatment of runoff from this area, particularly recognising the streams are the upper tributaries of the Mahurangi River. This treatment train approach will ensure the water quality objectives of A1 and A2.

- (d) The change of use from rural pastoral purposes with stock traversing unfenced streams to urban residential development, where the streams are revegetated and not subject to constant stock movement, will have environmental benefits.
- (e) No water use allocation is sought.
- (f) High quality environments are protected.
- (g) The regional provisions of the AUP will apply. This plan change does not seek to amend any regional provisions.

Objective A1 addresses safeguarding the life supporting capacity of eco systems and species and the health of people and communities in terms of “sustainably managing the use and development of the land, and of discharges of contaminants”. The AUP addresses this through adopting a series of objectives and policies and assessment under the Auckland-wide provisions, particularly chapters E1-E4 and E7-E10.

In this case all the objectives and policies of these chapters apply. The objectives and policies of the precinct reinforce stormwater management. Particular provisions are adopted around stormwater in Precinct Plan 2.

The only real difference is the process by which applications are considered. The process to be applied is not addressed in the National Policy Statement either in objective A1 or other objectives. This is left to individual plans to determine. Furthermore, by setting the ‘matters of discretion particularly wide and the keeping the assessment criteria broad, the Council is able to address all matters within this objective.

Objective A2 deals with the overall quality of freshwater being maintained or improved while protecting the values of the wetland. In this case, by adopting the full police regime of the Auckland wide provisions in the consideration of any development in the precinct that impacts streams, taking farm stock out of the streams, recognising the prime stream network and giving this added protection; this key objective is achieved. These methods and objectives go beyond the Auckland-wide provisions. At no point are the Auckland-wide objectives and policies diluted. These objectives and policies are said by the Council to meet the requirements of the National Policy Statement on Freshwater. That is agreed. This plan change adopts those objectives.

Objective A3 talks about water quality being improved so it is suitable for primary contact. The implementation of the stormwater management plan prepared by Maven, and the destocking of the streams will significantly improve water quality.

Objective A4 instructions regional councils to set in place a series of objectives and policies within their regional plans relating to freshwater management, stormwater and discharges. These are done through the Auckland-wide provisions. These provisions are adopted within this plan change.

9.6 Regional Policy Statement

This proposal also gives effect to the Regional Policy Statement, as required by s75(3). In particular, the following objectives are relevant:

(i) Objective B2.2.1(1):

“A quality compact urban form that enables all of the following:

- (a) a higher-quality urban environment;*
- (b) greater productivity and economic growth;*
- (c) better use of existing infrastructure and efficient provision of new infrastructure;*
- (d) improved and more effective public transport;*
- (e) greater social and cultural vitality;*
- (f) better maintenance of rural character and rural productivity; and*
- (g) reduced adverse environmental effects.”*

This proposal meets this objective by:

- providing for a high quality, diverse urban environment within this portion of northern Warkworth;
- it leads to an efficient use of land which is outlined in the report of Property Economics and brings economic benefit;
- making an efficient use of key public infrastructure, particularly the MLR but also upgrades to the wastewater and potable water supply;
- futureproofing for the public transport route along the MLR, and focuses growth on this route;
- providing social vitality through a broad range of housing choice and living environments;

- keeping a compact form, it helps manage pressure on the spread of urban growth into the rural area therefore affecting rural character and productivity;
- managing adverse effects on the environment as outlined in the rest of this section 32 analysis.

(ii) Objective B2.2.1(3):

“Sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth.”

- This development is consistent with the Council’s Future Urban Land Strategy which is in turn driven off the National Policy Statement on Urban Growth Capacity.
- The timing of this plan change coincides with the timing outlined in the Council’s Future Urban Land Strategy.
- This development provides for an appropriate mix of residential opportunity with a zone which provide for local neighbourhood commercial needs and social facilities.

(iii) Objective B2.2.1(4)”

“Urbanisation is contained within the Rural Urban Boundary, towns, and rural and coastal towns and villages.”

- This development is fully contained within the Rural Urban Boundary.

(i) Objective B2.2.1(5):

“The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages is integrated with the provision of appropriate infrastructure.”

- This development is integrated in with the provision of core public infrastructure. In particular this includes the MLR.

(ii) Objective B3.2.1(1):

“Infrastructure is resilient, efficient and effective.”

- This plan change recognises the need to integrate growth and infrastructure. Key transport and stormwater infrastructure is provided within the precinct provisions. The standard provisions and the Council's programme for growth within Warkworth, aligns the provision of other infrastructure consistent with growth.

(iii) Objective B3.2.1(4) and (5):

"(4) The functional and operational needs of infrastructure are recognised.

(5) Infrastructure planning and land use planning are integrated to service growth efficiently."

- The key issue here is the MLR which has a significant impact within this precinct.
- This plan change recognises the importance of the MLR and provides for that through the precinct.
- Key measures necessary for assessment of the MLR, including limited access road status and a limited number of intersections are embodied within the Precinct Plan.

(iv) Objective B7.2.1(1):

"Areas of significant indigenous biodiversity value in terrestrial, freshwater, and coastal marine areas are protected from the adverse effects of subdivision use and development."

- The prime existing high quality environmental areas relating to streams, bush and landscape features are recognised and protected through this precinct. (Some areas are currently protected through conservation covenants). This is reflected in the precinct.

(v) Objective B7.3.1

"Degraded freshwater streams are enhanced."

"Loss of freshwater systems is minimised."

"The adverse effects of changes in land use on freshwater are avoided, remedied or mitigated."

The objectives then go on to set policies relating to integrated management of land use and freshwater systems (Policy B7.3.2(1), and the management of freshwater generally (Policy B7.3.2(2)-(6)).

In terms of these matters:

- The full Auckland-wide objectives and policies apply to the precinct.
- Full infrastructure / services are provided in terms of water supply, stormwater and wastewater.
- A stormwater management plan has been prepared.
- The stormwater catchment management plan sets out a treatment train process for stormwater to ensure that discharge of contaminants are appropriately controlled.
- The assessment process for any works that impact streams is addressed in the matters of discretion and assessment criteria.
- Primary streams are identified for protection and enhancement.
- The same methods relating to the protection of the other streams as set out in the Auckland-wide provisions apply.
- One primary stream is proposed to be crossed by a road within the plan change area. This is in response to feedback from the Council's urban design and transport team. It is intended that this be crossed with complying structures (either complying culverts or bridged). However that is a matter to be addressed in future resource consents. The normal controls on subdivision and the impact on streams and water courses apply.

Policy B7.4

This policy deals with coastal water, freshwater and geothermal water. This deals with both water quality and water allocation. It identifies the Maharangi River as a degraded area.

The same comments as above equally apply in this circumstance. Through the detailed treatment train process for stormwater and through application of the National Policy Statement on Freshwater Management through the Auckland-wide provisions, this plan change is consistent with Objective B7.4 for these and the reasons outlined under B7.3.

10 SECTION 32 EVALUATION

10.1 Legislative tests

Section 32 of the Act requires any proposed plan change to provide an assessment of the appropriateness, effectiveness, efficiency, costs, benefits and risks of the requested plan change including alternative options. Section 32 states:

“32 Requirements for preparing and publishing evaluation reports

- (1) *An evaluation report required under this Act must—*
- (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (vi) *identifying other reasonably practicable options for achieving the objectives; and*
 - (vii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (viii) *summarising the reasons for deciding on the provisions; and*
 - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must –*
- (a) *Identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *If practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) *Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) *If the proposal (an **amending proposal**) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (and **existing proposal**) the examination under subsection (1)(b) must relate to –*
- (a) *The provisions and objectives of the amending proposal; and*
 - (b) *The objectives of the existing proposal to the extent that those objectives –*

- (i) Are relevant to the objectives of the amending proposal; and*
- (ii) Would remain if the amending proposal were to take effect.”*

This will be an amendment to an existing Unitary Plan. The provisions of section 32(3) apply.

This entire planning report and the different technical reports forming part of this application are all part of the section 32 analysis in support of this plan change request.

10.2 Objectives the Most Appropriate Way to Achieve Part 2 of the RMA

The inclusion of the Precinct specific objectives is the most appropriate way to meet the purpose and principles of the Act set out in Part 2 of the RMA:

This plan change significantly benefits from the extensive work done by Auckland Council and the Warkworth community in the development of the Warkworth Structure Plan. The contributing landowners have been a full participant in that process and have provided detailed feedback at the consultation and draft Structure Plan stage. In many ways the Structure Plan process is about identifying what are the key elements that for this part of Warkworth will deliver social and economic wellbeing while protecting important environmental factors and respecting the key cultural elements of this part of Warkworth. The Structure Plan is intended to provide a framework for Warkworth which will facilitate sustainable management of the land. It finds the right balance between enabling development while protecting the natural and physical resources.

This is reflected in the objectives which:

- (a) Provide for this critical growth. The requirement for growth is identified in the Future Urban Land Strategy, the Regional Policy Statement provisions of the AUP, and in the Warkworth Structure Plan.
- (b) Similarly the objectives reflect a broad range of zones ranging from Large Lot Residential through Single House, Mixed Housing Suburban and Mixed Housing Urban. This spread will in turn deliver a broad range of housing typologies. This will lead to the improved social wellbeing for this part of Warkworth. Social wellbeing is enhanced by diverse communities. Diverse communities reflect a range of different lifestyles which rely on different housing choice. The objectives relating to this diversity will “enable people and communities to provide for their social wellbeing” as referred to in s5.

- (c) The objective on the landscape enhancement will provide for the maintenance and enhancement of the quality of the environment.
- (d) The landscape and streams within this area are not outstanding natural environments that would fall within Section 6 being matters of national importance. Rather, that would be the dominant native vegetated ridgelines of Dome Valley. However, this is of local amenity and would fall within other matters of advancing the enhancement of amenity values of this area.
- (e) The balance between providing for development and protecting the landscape and streams is part of addressing section 7(b) dealing with the efficient use and development of the natural and physical resources, while balancing this against section 7(f) maintenance and enhancement of the quality of the environment.
- (f) The reverse sensitivity objective addresses the issue of the interface between industrial land and residential.

A net 3.6ha of currently industrial zoned land is being rezoned residential. This obviously shifts the residential boundary closer to the existing industrial area.

These policies and the development rules which flow from the objective is intended to ensure that issues of reverse sensitivity are appropriately managed and that the industrial land can continue to potentially perform its function of providing employment and economic activity within this northern Warkworth area. Reference to 'potentially' reflects the fact that the land is largely vacant and undeveloped including the properties immediately adjoining the plan change area.

The objectives are carefully crafted to achieve this appropriate balance.

These objectives are those additional to the underlying objectives of the relevant zones and Auckland-wide provisions which also apply. Those objectives have been well tested under section 32 as part of their inclusion within the AUP. That analysis is not repeated here but it is still relevant to this plan change.

10.3 Provisions Most Appropriate Way to Meet the Objectives

Section 32(1)(b) requires this analysis to “examine whether the provisions in the proposal are the most appropriate way to achieve the objective” and then sets out the matters that must be addressed in this analysis. This is elaborated on by section 32(2).

The following sections set out the analysis undertaken. The first step is to examine the policies followed by the examination of rules and assessment criteria.

Interrelated policies, rules and assessment criteria are assessed as a group. The following paragraphs 10.4-10.16 set out this analysis.

10.4 Providing for Growth Including Zoning

(a) **Proposed amendment**

The proposed amendment is to introduce suitable zoning to the land as set out within Diagram 9. The precinct then relies on the underlying zone provisions to promote and manage the appropriate level of growth.

On the northern periphery, certain density controls are introduced. These are for landscape reasons and are addressed elsewhere in this report.

(b) **Provisions most appropriate way to achieve the objective**

The Council’s growth strategy has been long established through the Auckland Plan, Regional Policy Statement components of the AUP (as outlined in section 9.6 above), the Future Urban Land Strategy, and the Warkworth Structure Plan. This section 32 analysis has taken full account of those strategies.

Cumulatively they demonstrate that the zoning pattern set out in this private plan change request is the most appropriate way to achieve the wider regional and precinct objectives of managing and providing for growth in Warkworth.

The key components are:

- (i) The growth strategy relies on the combination of urban intensification, appropriate greenfields development, and expansion of satellite towns. Warkworth is an identified satellite town.
- (ii) The Future Urban Land Strategy identifies Warkworth North as a future growth area for release by 2022. Diagram 6 and section 4.2 outline this policy. This plan change area is clearly shown as a growth area to be ready for development by 2022. This plan change gives full effect to that strategy east of State Highway 1, and is consistent with the timing stated in the strategy, given the timeframes to produce a plan change, undertake the necessary masterplanning, provide the infrastructure and then build the homes ready for new residents.
- (iii) The AUP's objectives are focused on growth adjacent to good transport facilities with an emphasis on public transport, around or in good proximity to town centres, and adjacent to major public open space. A key prerequisite is adequate infrastructure.

For the reasons outlined in the effects section of this report, Warkworth North meets all these criteria. The provisions of this plan change are therefore the most appropriate way to achieve these objectives. The Matakana Link Road is a major link within the Warkworth transport network. It is designed for cycling and walking. It is futureproofed for public transport both in terms of the Matakana Link Road and in the design of the subdivision itself. Warkworth is not currently serviced by public transport, although there is a public service bus linking from Warkworth central down to the North Shore. What this development will do is help build the critical population mass that will help justify a local bus service.

- (iv) The entire requested precinct area is currently zoned "Future Urban". This zoning heralds and fully contemplates rezoning to urban uses. This plan change gives effect to the policy and the intention that such rezoning would follow a structure plan exercise.
- (v) The Structure Plan itself has been through an extensive technical review and public consultative process over the right way to provide for growth within Warkworth. The subject land is identified as a core growth node. The Structure Plan identifies the key growth zones of Mixed Housing Urban and Mixed Housing Suburban. All

land identified as Mixed Housing Urban and Mixed Housing Suburban in the Structure Plan is so zoned within this private plan change. There is a slight increase in the degree of Mixed Housing Suburban.

This private plan change package is the most appropriate way to achieve the objectives of providing for growth balanced against other objectives of addressing landscape and other environmental factors.

- (vi) The variety in the zoning pattern with different housing typologies enabled, will create a range of different lifestyle choices which will help promote a diverse community.

(c) **Options considered**

The Warkworth Draft Structure Plan promoted a different indicative set of zonings with a lower intensity level.

WLC and others in the cooperating landowners spent some considerable time analysing the options for providing for growth within Warkworth. This formed a direct part of the submissions on the Draft Structure Plan.

The Council then undertook a detailed analysis of all these matters and other public feedback. The Final Structure Plan rejected that option and settled instead on the zoning pattern in the Final Structure Plan.

The zoning pattern proposed in the Plan Change is the most appropriate option for achieving the regional and Precinct objectives on managing Auckland's growth. Where there are particular site specific issues that need to be addressed, such as at the western end of the site where the Mixed Housing Urban has a special height zone of two storeys instead of the standard three storeys, then this is best addressed through precinct controls rather than arbitrarily going for a medium intensity zoning when a high intensity zoning gives the better environmental outcome.

Options were considered of:

- Fewer range of zones focused on mixed housing suburban
- Retaining the light industrial zoning

- More extensive medium density zoning in the north

The key reasons why the zonings under the plan change are most appropriate way to deliver the growth objective are:

- (i) The Future Urban Zone is a recognised “holding “zone until the area has been structured planned and ready for development. This has now occurred.
- (ii) Medium and higher intensity residential use around public transport corridors and key open space areas reduces the pressure on further peripheral growth into the rural area. By contrast, a protracted use of low density zoning only puts further pressure on greenfields expansion.
- (iii) Key community factors such as public transport and the social and community services that make up quality neighbourhoods rely on a concentration of people to make them economically sustainable. It is much easier to create a bus network servicing a high and medium density area, than it is to service it over a low density area. A high density area will better provide the economic sustainability for dairies, cafes, preschools, etc than will a sparse low density area.
- (iv) The effective area of industrial land rezoned to residential is 3.6747ha. This is a net area recognising that a portion of this current industrial zoned land is taken for the MLR regardless of whether it is zoned industrial or residential. The impact of the MLR is that the land north of the MLR is highly problematic to get access to because of the retaining walls required to support the road cutting, and hence the grade separation between access from the MLR on to the industrial land. Put simplistically, there is no opportunity for vehicles servicing the industrial area to get access off the MLR. Heavy vehicles and other industrial traffic would have to travel through existing residential suburbs to gain this access. For reasons outlined elsewhere in this report, this is a poor planning outcome. South of the MLR it is technically possible to get access but it is a small isolated block of industrial land which would require expensive upgrades to the MLR to create elongated right-hand turn pockets to enable large industrial trade vehicles to access the block. The report by Property Economics demonstrates that the loss of 3.67ha of industrial land in this part of Warkworth, given the very significant undeveloped portion

of industrial land immediately adjoining to the north, and the proposed expansion of industrial land in central and southern Warkworth, has no effect.

(d) **Efficiency and effectiveness**

Higher and medium density development significantly improves the efficiency and therefore effectiveness of the provision of infrastructure. It is problematic and costly to service infrastructure, particularly roading, wastewater, potable water, community facilities, public transport, and schools in sparse low density areas.

There is better land efficiency from high density development rather than a low density scenario which inevitably results in sprawl and has a marked impact in terms of rural production land.

(e) **Effects**

Strategic effects

Warkworth: Clayden Road is a core part of the Council's growth strategy. This strategy is outlined within its future urban land release strategy as summarised in section 4 of this report and in the Warkworth Structure Plan.

Warkworth Clayden Road is within the next land release which the Council is proposing for Warkworth. Clearly this area is a strategic part of meeting the Council's required growth targets.

Additionally, the Council is investing significant money in the MLR and in the infrastructure necessary to support urban growth in this area. That includes upgrades to the wastewater infrastructure and potable water supply. It also impacts the stormwater management system.

The significant investment in public infrastructure (roads, transport, wastewater, potable water), this area being a key feature of the Council's growth strategy, and being part of Auckland meeting its requirements under the National Policy Statement on urban growth; make this a strategic growth area for Auckland- one that needs to be rezoned in the short term to meet Council growth targets..

This plan change delivers on that strategic objective.

It will enable this land to be rezoned largely in accordance with the approved Warkworth Structure Plan, and to be rezoned concurrent with the completion of the key infrastructure works, particularly roading and wastewater.

This plan change will deliver strategic benefits to the broader Auckland growth strategy and in particular to Warkworth. The strategic effects of this plan change are significantly beneficial.

Residential effects

This proposal will deliver 102ha of land currently zoned Future Urban and obviously targeted for release for urban development before 2022.

This zoning package is largely consistent with the Warkworth Structure Plan. Where there are differences is in the low density zones, not the high density zones.

The scale and form of development envisaged within the Structure Plan will be delivered by this plan change.

The WLC masterplan identifies that the land could be developed for some 730 homes. The White Light Trust land could probably be developed for 250 -280 homes. The three northern properties in Clayden Road for 68 homes. These assessments are indicative only. They assume between 60 and 65% land efficiency i.e land that is available for housing, and then a density consistent with the proposed zoning.

This could give a total of some 1,100 homes.

Equally critical is the variety of zoning across the plan change area. This in turn will drive a range of different typologies which will offer a range of different lifestyle choices and price points.

This flexibility and range is seen as an important element in creating diversity in the community.

The residential effects of this development are significantly beneficial, particularly when considered concurrently with the strategic benefits where this land is identified as being important in Auckland's growth strategy and among the first blocks of land targeted for rezoning and release.

Urban design effects

AStudios has undertaken a significant masterplan analysis of the northern sector of Auckland, Warkworth generally and Warkworth North specifically in developing this masterplan. This is set out in their report at Attachment D.

Ian Munro has also undertaken an urban design review of the project (refer to Attachment C). His review has led to a number of design changes through the evolution of the masterplan.

The key urban design drivers for this proposal include:

- (a) Working with Auckland Transport to get an agreed vertical and horizontal alignment to the MLR which significantly reduces the number of retaining walls and enables this road to function as a high-volume traffic street within an urban environment (as opposed to a bypass road) while protecting existing watercourses and their margins, and the land's natural contours and form. The MLR then becomes a core part of access to this new neighbourhood, although it will not be suitable for direct property access.
- (b) Recognising and protecting the tributaries of the Mahurangi in terms of the stream network and adjacent bush and the opportunity to provide environmental enhancement.
- (c) Creating a zoning pattern that will allow a street and park network which avoids cul-de-sacs and provides an integrated network of collector and local roads to provide a highly connected community.
- (d) The introduction of laneways will be key to enabling homes to face on to the MLR and thus provide CPTED and urban design benefits to this street, while acknowledging that

the function of the road must be a limited access road and therefore vehicle access to sites must be from rear lanes.

- (e) Introducing a variety of section sizes and housing typologies. This assists in encouraging a diverse community responding to people's different lifestyle choices, and also to affordability matters.
- (f) Providing a level of intensity that will enable high quality landscape and streetscape and robust infrastructure, but enabling the cost of development to be spread across sufficient properties so as to retain relative affordability.
- (g) Introduction of the Mixed Housing Urban zone on the primary park edge road to create a greater diversity of housing opportunity on the flatter, high-amenity part of the land. The Mixed Housing Suburban zone is proposed mid-slope towards the north to provide a transition between the Mixed Housing Urban zone and Single House zone proposed on the site's upper northern slopes.
- (h) Zone assessment criteria limit the number of rear sites. Some existing land holding shape factors and the nature of stream location may inevitably create some rear sites, but these are limited. The underlying subdivision criteria will ensure this outcome at resource consent stage.
- (i) The development of a network of walkways/cycleways through the block as signalled in the Warkworth Structure Plan.
- (j) The introduction of a building line restricting housing on the upper slopes of sites adjacent to the character ridgeline that runs just beyond the site (to the north and north-west) to maintain that feature and the legibility of the township's 'bowl' feature.
- (k) The introduction of through sites with double frontage. These sites are created by the protection of some of the minor streams within the area. While these areas might technically vest as road or could vest as park, their location and the desire to create park edge roads is what gives rise to the technical through site. Again, these are aspects of detail to be worked through at consideration of resource consents associated with subdivision applications.

Mr Munro supports the integration of landform and environmental features, and the provision of higher density areas with amenity spaces. With specific regard to the proposal for higher-density housing through the Mixed Housing Urban zone in the area immediately north of the show grounds, Mr Munro notes:

“...the slope has no urban design significance and does not form part of any logical or observable patterns of low-density transitions at the Warkworth perimeter. Its proximity to employment, open space and transport facilities suggest that it should be developed for higher rather than lower density outcomes.”

Mr Munro makes the following conclusions:

- “a. The site has been identified as suitable for urban purposes through the Future Urban zone that applies to the land. The proposed combination of residential zones are appropriate given the site’s opportunities and constraints, and adjacent land’s characteristics including the Warkworth Showgrounds.*
- b. The proposal provides for an identified strategic road link (The Matakana Link Road), protection of existing watercourses and their margins, and the land’s natural contours and form (through management of building height and residential zone extent).*
- c. A concept master plan for the 55ha of PPC land directly controlled by Warkworth Land Company Ltd prepared by A-Studio, and which is intended to form a high-level guide to subsequent subdivision, demonstrates that the land is capable of delivering an integrated, well-connected and spatially coherent urban form outcome.*
- d. The proposed precinct provisions, including key road links and the green corridors, are sufficient to ensure the site-specific opportunities presented by the site’s urbanisation can be safeguarded.*
- e. The mix of densities proposed will accommodate a variety of house and household types, serving housing choice in a way that concentrates density where it will be most effectively located (close to green or open spaces and key transport links).*

- f. The proposal is compatible with, but is different from, the Council's Structure Plan for Warkworth. It is understood that the Council's largely staff-drawn Structure Plan is non-statutory and is not intended to supersede or predetermine the formal and contestable plan-making process. The proposal is considered to have benefitted from a more substantial technical investigation than has been possible through the Council Structure Plan and this is considered to explain (and justify) the differences between the two.*
- g. The proposal is compatible with the proposed re-zoning being advanced through Private Plan Change 25, on land west of the site, and the two areas together provide a logical northern edge to Warkworth.*
- h. The proposal is compatible with the built form characteristics of Warkworth, and presents nothing out of the ordinary or remarkable that could be regarded as being out of step or conflicting.*
- i. The proposal will result in a number of adverse urban design effects, although none are considered to be unusual or severe in the context of rural-to-urban land re-zoning. Positive urban design effects will also occur or be enabled through future subdivision. Overall, the proposal is consistent with the quality compact urban form sought by the AUP: OP and the specific matters set out in Chapter B2: Urban Form."*

As a result of this urban design analysis by Mr Munro:

- (i) The land has been rezoned in accordance with the zoning application as identified in Mr Munro's report.
- (ii) The strategic road alignment and stream protection has been put in place in the Precinct Plan as per Mr Munro's report.
- (iii) The green corridors as identified in Mr Munro's report referencing the AStudios plan have been protected through the Precinct Plans.
- (iv) The combination of the underlying zoning and the special density controls, particularly on the periphery, applying through the precinct provisions delivers the mix of densities identified in Mr Munro's report.

- (v) Particular provisions around access to the MLR and landscape protection, are provided.

(f) **Benefit and cost**

The benefits of the approach of this plan change are that:

- (i) It gives effect to the Auckland Plan, Future Urban Land Strategy, AUP (including the Regional Policy Statement) and Warkworth Structure Plan for the reasons set out earlier in this section.
- (ii) It provides for the efficient use of land leading to reduced future pressure on rural land from urban development.
- (iii) It gives enough critical mass to support future public transport and the desirable community services which a neighbourhood benefits from.
- (iv) It targets growth in the area where the community has already committed significant public investment. It enables the community to realise the benefits from this investment.
- (v) The variety in the zoning pattern will create a range of different lifestyle choices which will help promote a diverse community.
- (vi) The lower density in the northern area delivers the environmental outcomes and achieves the appropriate balance for growth and landscape amenity.
- (vii) The rezoning of industrial land to residential better aligns the zone boundary on the now logical interface between industrial land and residential land. It takes land that is now problematic for industrial activity as a result of the MLR and gives it an efficient use.

The costs are:

- (i) The cost of servicing infrastructure into the area. Much of the core trunk infrastructure is identified for expenditure anyway. If Warkworth Clayden Road did not proceed, this would only result in a reallocation of infrastructure funding to another location – not a saving in infrastructure costs.
- (ii) Loss of some rural production land. However this land has been identified as Future Urban zone for some time. It has also been identified for growth through the Future Urban Land Strategy. This is a planned loss.
- (iii) Loss of some employment land. However, as explained above, the MLR has made access to this land for industrial uses difficult and in any event, there is not a shortage of Light Industrial zoned land.

(g) **Risk**

The key risks are:

- (i) The impact of urban growth on the environment, particularly the streams leading into the Mahurangi River. This will require successful mitigation of the effects of urban development, which the proposed objectives and policies seek to achieve
- (ii) Delay in core infrastructure. The core infrastructure is committed. If there is a risk, it only relates to the timing of development. This is a resource consent issue rather than a plan change issue, i.e. subdivision consents would only proceed if the required servicing infrastructure is guaranteed.

(h) **Reasons for proposal**

This plan change and the growth it will secure are advanced on the basis that:

- It is consistent with, and a key part of delivering, the Council's core strategy documents including the Warkworth Structure Plan.
- The land is identified in the Future Urban Land Strategy for development in the current planning period with housing on stream by 2022.
- The land is eminently suitable for urban development as identified through the Future Urban zoning process, the Structure Plan, and this plan change analysis.

- The zoning pattern and level of growth is consistent with the Structure Plan and provides the appropriate balance between achieving good environmental outcomes, efficient use of infrastructure, creating critical mass to support key community facilities and public transport, and providing for growth.
- The variety in the zoning pattern will create a range of different lifestyle choices which will help promote a diverse community.

10.5 Precinct Provisions

(a) **Proposed amendment**

This plan change introduces a special precinct to this portion of Warkworth. It identifies a series of site specific controls relating to:

- Limited access on to the MLR.
- Identified intersections to be provided on to the MLR and other transport matters.
- A special yard along the Rural Urban Boundary.
- A limitation on density adjacent to rural land.
- Areas to be protected for landscape purposes.
- Stream protection.
- Provision for an indoor sports facility, namely the Northern Arena or similar indoor recreation facility.

The specific provisions and the section 32 analysis relating to these provisions is addressed in the following paragraphs. This aspect of section 32 is simply an analysis of whether a special precinct for this area of land is appropriate having taken into account the tests of section 32.

(b) **Provisions most appropriate way to achieve the objective**

The proposed precinct introduces a number of site specific provisions that are unique to this area of land within Warkworth. The method in the AUP to manage area specific controls is the Precinct Plan.

The controls reflect the approach identified through the Warkworth Structure Plan or the designation for the MLR.

They act as a package. It gives an integrated and appropriate planning and environmental outcome for Warkworth that cannot be guaranteed if reliance was simply placed on resource consents under the underlying zoning and Auckland wide provisions.

Consequently the conclusion of this section 32 analysis is that creating a precinct to deal in an integrated way with these area specific provisions is the most appropriate way to achieve the objectives of the AUP

(c) **Options considered**

There are essentially two options. The first is to create a precinct. The second is to rely on the underlying zoning and Auckland wide provisions.

(d) **Efficiency and effectiveness**

A precinct provision is an effective and efficient way to deal with area based controls. It is a well tested technique used extensively in the AUP. It is the preferred method of the Council to deal with new comprehensive greenfields developments and means any targeted issues/effects can be effectively managed where the general provisions would not address them.

(e) **Benefit, cost and effects**

The benefits of a precinct are:

- (i) It identifies and delivers area specific planning outcomes for Warkworth.
- (ii) It places a particular emphasis on land which will shortly be released for urban development.
- (iii) It better gives effect to the Warkworth Structure Plan than simply relying on the general provisions.

- (iv) It introduces a higher level of control into the plan appropriate to this particular location.

The benefits of simply relying on the underlying zoning and Auckland-wide provisions is that:

- These provisions are well known and tested.
- It offers a more simple regulatory process.

The costs of simply relying on the underlying zoning and Auckland wide rules is:

- The lack of sophistication in the provisions. Area specific matters are reduced to generic assessment criteria under the general provisions.
- It fails to give full effect to the key outcomes identified in the Warkworth Structure Plan.
- It leads to uncertainty in the future as to the form and nature of appropriate development.

(f) **Risk**

There is little risk with introducing the precinct. Rather the risk is with not having a precinct and relying on the underlying plan provisions. That introduces the risk of uncertainty and a lack of certainty over the planning and environmental outcomes which underpin this plan change. These are the outcomes the community has ascribed to through support of the Structure Plan.

(g) **Reasons for proposal**

The precinct technique is advanced because:

- This is the most appropriate method to deliver the area specific provisions which are warranted for Warkworth North.
- There is an expectation by the community of key outcomes as part of the growth expansion of Warkworth. The only way to deliver this is through the precinct methodology.

- The planning importance of these area provisions warrant unique controls managed through the precinct methodology.

10.6 Landscape Provisions

(a) Proposed amendments

The identified landscape feature for this precinct is the knoll and ridgeline which straddles the RUB along the northern boundary of the precinct. There are six interrelated provisions which give effect to the landscape objectives for the precinct as follows:

- (i) The Large Lot Residential and Single House zoning ensures low intensity of use on the northern boundary of the precinct.
- (ii) For Single House zoned sites adjoining the RUB, a lower density unique to this precinct is created. This creates a minimum net site area of 1,000m² (compared to the standard 600m²). The limitation of one house per site remains.
- (iii) A 6m special landscape yard is created along the northern boundary with no vehicle access. 60% of the yard is required to be landscaped.
- (iv) A special height limit of 5m (one storey) between the 6m yard and within 10m of the RUB.
- (v) Two areas adjacent to existing established native bush and including the dominant view from the showgrounds to the knoll have special controls which prevent buildings being constructed in this location.
- (vi) A special height limit adjacent to the MLR to limit the height of buildings in the foreground of views from the Warkworth Showgrounds.

Cumulatively, the controls have the effect of placing high recognition and high protection of the identified landscape character identified in the Structure Plan for this precinct.

(b) **Provisions most appropriate way to achieve the objective**

The Warkworth Structure Plan identifies the key outcome the Council is trying to achieve along this area. This is reflected in the precinct objective. It is to recognise the transition between urban Warkworth and the rural area at the RUB. It has several components, namely:

- Creating areas of no development.
- Pushing building platforms on the ridgeline properties to the southern and lower end of the portion leaving the upper end for landscaping.
- All sites are capable of being serviced from the MLR and do not rely on the paper road. Because there is no requirement to form the paper road to give vehicle access to the precinct, this has the effect of leaving much of the paper road available for landscaping and as a cycleway / walkway. This is the proposed use under the Warkworth Structure Plan.
- The landscaped yard complemented by the planted paper road creates a significant vegetated backdrop along the ridgeline.
- Creating a suite of controls specifically targeted to the different elements which cumulatively achieve the desired objective is the most appropriate way to deliver the environmental outcome.

(c) **Options considered**

The options considered were:

- (i) Not proceed with a lower density control in the Single House zone on the northern boundary.
- (ii) Not proceed with the landscaping requirement but retain the yard.
- (iii) Increase the size of the yard.
- (iv) Not allow development in this part of the precinct.

These options were run through a cost benefit analysis, which is explained in greater detail below. The conclusion of that analysis was that the current package of controls was the

most appropriate way to achieve the balance between protecting the landscape character and providing for reasonable levels of growth.

(d) **Efficiency and effectiveness**

Because the controls are specifically targeted at those aspects that will have the greatest impact in terms of delivering the environmental outcome, they are the most effective way to achieve the objective. The controls break down the component parts into controlling the location and intensity of development along the ridgeline and in creating a landscaped backdrop along the ridge. The controls provide a highly efficient mechanism to achieve this. Because they are targeted, they are precise and understandable. The controls apply to that part of the precinct which is of the critical landscape character.

(e) **Effects**

Natural character effects

A landscape assessment by LA4 is set out at Attachment E to this report. As part of the Landscape Assessment, Mr Pryor has made comment on the natural character effects of the proposed plan change. He notes that natural character relates to the degree of 'naturalness' of a landscape and is primarily determined by the nature and extent of any modification to a landscape and can be expressed in relation to natural processes, patterns and elements in a landscape.

The Council through the Structure Plan process has identified two key views of the knoll at the north-western end of the subject land which sits just outside the plan change area. Slightly further east is an area of protected native bush. Again, the bush is outside the Structure Plan area and outside this plan change. Nevertheless, the foreground is within the plan change area. Thirdly there is a grove of native bush in the north-eastern corner of this precinct, again protected bush.

This plan change:

- (a) Identifies the land in front of the knoll for revegetation. An exclusion of building development on this property is proposed, meaning that the visual corridors the

Council is seeking from the Warkworth Showgrounds is protected at the knoll and the area immediately downhill of the knoll.

- (b) Lower density housing is provided around this knoll at either a Single House zone with a special density of 1: 1,000m² or Large Lot Residential at a density of 1:4,000m².
- (c) The foreground in front of the western bush area is identified on a specific site of just over half a hectare and is clear of development. Effectively the development right for this site is transferred into the Countryside Living zone to the north. This is simply done through the normal zonal and subdivision rules.
- (d) The eastern bush is surrounded by low density residential zones; either Large Lot Residential or Single House but at the residential density of 1:1,000m².

The Council's analysis is focused on the knoll rather than the two bush areas. Mr Pryor makes the following analysis of natural character effects derived from the proposed plan change:

"While the vegetated stream corridor and indigenous bush stand at the end of Clayden Road retain a moderate level of natural character the site itself is not high in natural character values and has been highly modified through past pastoral activities. The area has previously undergone extensive agricultural activities and is modified by vegetation clearance, artificial farm drains, storage ponds and dwellings. The site is a component of the wider modified rural environment and located within an area zoned for future urban intensification.

"The primary stream corridor and the indigenous bush stand are to be retained, protected and enhanced. Several reserves are proposed and connected through a green-network based on the enhanced stream network and stormwater management area which will enhance the natural character values of the site. Overall, the adverse effects of the plan change on the natural character values of the site and surrounding area would be low."

The core visual protection which the Council is seeking over the knoll is extensively addressed in the report of LA4. The conclusion of that report is that:

“I concur with the WSP’s planning principle to apply a lower density residential zone to areas valued for their landscape, character, or heritage significance. I do not however agree that the plan change area contains high landscape values or landscape character to warrant the proposed RLL zone overlay and associated development and landscape protection controls.”

“In my opinion, a distinctive and locally derived urban character is influenced by the qualities and characteristics of the underlying landscape character and the elements and attributes of the form. I do not consider however that the areas for further protection controls (the ridgeline and knoll) comprise major landscape elements and features capable of defining a unique sense of place for the northern WSP area. The modest changes in topography, while locally pleasant, are not distinctive landscape features. The dominant landscape features, the vegetated stream gullies, are to be retained where practicable, and enhanced through additional native plantings.”

“The primary stream corridor and the indigenous bush stand are to be retained, protected and enhanced. Several reserves are proposed and connected through a green-network based on the enhanced stream network and stormwater management area which will enhance the natural character values of the site. Overall, the adverse effects of the plan change on the natural character values of the site and surrounding area would be low.”

“I consider that if the northern ridge, knoll and spurs has been valued and considered distinct and significant enough in landscape and visual terms, in the context of the surrounding landscape to warrant protection, then this would have occurred as part of the AUP zoning process, precluding any form of development on them.”

“The visual integrity of the knoll, spurs and ridgeline is resultant from the current pastoral slopes rising gently from the lower surrounds, the dissecting vegetated stream gullies and contrasting characteristics to the adjoining stands of native forest and backdrop hills of the Dome Forest. This contrast will be lost with the construction of the MLR, industrialisation of the land to the west and future urbanisation of the land as part of development enabled by the WSP provisions.”

[Landscape effects](#)

My Pryor described landscape character as being derived from a combination of landscape attributes that give an area its identity, including landform, land cover and land use. Landscape character effects relate to the effects of change and development on the landscape resource, the key being *“...how the proposed development will affect the patterns and elements that make up the landscape, the aesthetic and perceptual aspects of the landscape, its distinctive character and the key characteristics that contribute to it as well as the value attached to the landscape.”*

The early consultation process with the Council identified an area of landscape buffer within the Stevenson block and a lesser area within the Claydon block as being important landscape elements within the area. This is reflected in the Warkworth Structure Plan. LA4 make the following comments regarding the existing landscape character and its sensitivity to change:

“Based on the preceding description and analysis of the site and surrounds it is clear that there are relatively low landscape values and sensitivity associated with the area. The plan change area is a highly modified rural environment lacking any significant landscape features and natural character values (other than the vegetated stream corridors and indigenous bush stand). Therefore, the only negative outcomes in landscape terms will be the loss of the remaining rural character, which is anticipated by the relevant planning strategies for the area.

“The key methods of mitigating for this loss are to retain and enhance where possible existing landscape features and create a quality urban development. Although the proposal will result in the loss of rural character there are a number of positive landscape outcomes associated with the development.

“The establishment and enhancement of the green network, including the provision for associated open space with extensive planting, will have beneficial landscape effects including the enhancement of amenity and habitat values, and the establishment of ecological linkages.”

“...Development enabled by the plan change will result in a change in landscape character, but will ensure a suitable level of amenity, albeit an urban, rather than a rural character is achieved.”

The Structure Plan is seeking to achieve low density development along the northern boundary of the block to accentuate the landscape feature of the knoll and ridgeline. It sets out to achieve this in two ways:

- to introduce areas of large lot residential housing;
- on the rest of the northern interface to set a lower density Single House zone of 1:1,000m².

This plan change:

- (a) Creates two key areas where controls prevent buildings being constructed. One of these is located adjacent to an important bush area and one adjacent to the knoll.
- (b) Retains Large Lot Residential in two key parts of the northern portion adjacent to the knoll and ridgeline in the vicinity of Clayden Road.
- (c) Introduces the low-density Single House 1:1,000m² along the northern boundary.
- (d) Sets a special 6m landscape yard at the interface with the ridgeline. This will complement the opportunity for the Council on its land to landscape the paper road along the northern boundary.

The cumulative effect of these measures is to protect the landscape qualities the Structure Plan identifies.

LA4 have undertaken an assessment of the plan change provisions and how these will impact the landscape character of the area and have reached the following conclusions:

“The pattern of the primary ridge forming the discrete topographic feature in the northern part of the WSP area will still be apparent, albeit with a built form of development reinforcing the changes in landform and topography. Landscape comprises the interaction of landform, land cover and land use and is the result of the cumulative impacts of natural and human processes.”

“Based on the preceding description and analysis of the site and surrounds it is clear that there are relatively low landscape values and sensitivity associated with the area. The

plan change area is a highly modified rural environment lacking any significant landscape features and natural character values (other than the vegetated stream corridors and indigenous bush stand). Therefore, the only negative outcomes in landscape terms will be the loss of the remaining rural character, which is anticipated by the relevant planning strategies for the area.”

“In conclusion, the plan change will fulfil the need for a greenfield housing area and provide an opportunity for an innovative and environmentally sustainable urban development in keeping with the vision and principles established within the masterplan. The plan change proposal is consistent with regional growth strategies for the area and will result in a high quality urban development with a range of positive landscape and environmental outcomes.”

(f) **Benefit and cost**

Benefits of the current plan change:

- This plan change best provides an integrated package that achieves the objectives.
- The core of the knoll itself plus the foreground to the middle bush area are protected from any buildings. In the case of the knoll, this best protects views of the knoll from the showgrounds.
- The lower density ensures a spaciousness of sites along the rural urban fringe.
- The special yard pushes the building platforms down the slope to the south. This ensures no buildings along the ridgeline.
- Special landscape controls, when added to the planting within the paper road, give a very substantive vegetated barrier which accentuates the ridgeline and creates a foreground to the dominant background views of Dome Valley.
- It achieves the greatest yield taking into account landscape effects.

The costs of the integrated plan change provisions are:

- Key land is lost to residential development which reduces the overall yield within the precinct.
- The opportunity for substantial vehicle access from the unformed portion of Clayden Road is lost which reduces flexibility for residential development.

- Pushing buildings south down the slope and substantial planting behind them will lead to shading within winter months.

The benefits of the option of enabling residential development on all of the upper slopes, i.e. the two locations where new build is not provided for, are:

- Yield is increased.
- More efficient use of land is enabled.

The costs of this approach are:

- Housing is built on the foreground to the knoll as viewed from the showgrounds.
- The integrity of the bush foreground is reduced.

The benefits of not proceeding with the special yard control are:

- Housing flexibility is retained.
- Homes can be pushed to the north to improve views to the south and west and to reduce the impact of loss of winter sun.

The costs of not proceeding with the special yard are:

- To allow homes on the ridgeline which, on distant views, will obscure the land formation of the ridge and saddle.
- It will place more substantial buildings when perceived from distant views in the foreground of the knoll and bush area.

The benefits of not having a special density control on the RUB boundary are:

- The standard provisions apply which will give simpler administration of the plan.
- High yield can be achieved.
- There is an increased catchment at the upper reach of the futureproofed public transport loop.

The costs of retaining a standard density control are:

- More housing along what is considered a landscape sensitive ridge.
- Inconsistency with the Warkworth Structure Plan which signalled a review of density controls in this location.
- Reduced spaciousness.

The benefit of an increased yard is:

- Buildings are pulled further down off the ridgeline.

The costs of an increased yard are:

- The flexibility for building platform is significantly reduced for marginal landscape gain.
- There are issues with buildings being shaded by trees within the vegetated yard. This is because the trees would be closer to what would be the only remaining building platforms on these northern sites.

(g) **Risk**

If there are no controls then there is a risk that the landscape character of the foreground ridgeline at Warkworth North is diminished.

In other aspects there is little risk from this package of controls. They have been carefully refined as a package to deliver the outcomes without unduly compromising the growth objectives of the precinct.

(h) **Reasons for proposal**

This package of landscape character protecting provisions will best ensure:

- (i) The key landscape area, being the foreground to the knoll and the foreground to the bush, are protected through a control preventing buildings being constructed in this area.
- (ii) The special density controls create the right balance between ensuring reasonable yield to meet the growth objectives balanced against spaciousness to meet the character objectives.

- (iii) The landscaping control ensures the vegetated development of this ridgeline. This is particularly so when complemented by the likely Council planting of the paper road.

10.7 Ecological Provisions

(a) **Proposed amendment**

This plan change introduces particular provisions relating to terrestrial and stream ecology. A Precinct Plan 2 is introduced which identifies key streams and ecological areas to be protected. Assessment criteria on subdivision within the plan examine the extent to which these ecological areas are protected through any subdivision process and vested in the Council.

Reclamation of streams identified on Precinct Plan IXXX.9.2 are a non-complying activity. Reclamation of other streams are a restricted discretionary activity. Assessment criteria are introduced relating to any modification or reclamation application.

The precinct provisions identify those parts of the ecology (stream and terrestrial) within the precinct area which are identified as being of high value. In this case particular provisions are applied to enhance the level of protection for these areas beyond those set out in the Auckland-wide provisions.

For areas considered to be of medium or low value, then the standard Auckland-wide provisions apply.

(b) **Provisions most appropriate way to achieve the objective**

The AUP has extensive provisions relating to the identification and protection of streams. The structure of this plan change is that these objectives, policies, provisions and assessment criteria apply, unless specifically modified within the precinct. In this case all the objectives and policies of the AUP apply including chapters E1, E3 and the relevant objectives and policies of B7. These general AUP provisions have already been through a section 32 analysis and found to be appropriate and will deliver the desired environmental outcomes.

This plan change adopts these provisions for Warkworth. The only changes are to the process for assessing streams, and not to environmental outcome or considerations.

The two process changes are:

- for identified critical permanent streams, any modification or reclamation of these streams is a non-complying activity;
- for modification or reclamation of other permanent or intermittent streams not so identified, is a restricted discretionary activity.

Under the AUP the default provision in both cases would be a discretionary activity.

The plan change signals that the identified areas are expected to be retained in their natural state, and hence the non-complying activity status. In terms of the other streams, the matters of discretion and the assessment criteria give the Council full powers to assess any application under the precinct. The matters of discretion and the assessment criteria are very broad. However, given that there is a good understanding of the ecology of the area and it is a confined precinct, it is appropriate that the process of restricted discretionary activity is applied.

It is considered that this method best achieves the objectives. Key environmental features and locations are identified within the Precinct Plan. These are seen as particularly important, and are protected. Other portions of the ecology of the area are subject to assessment under the precinct including considering factors of ecology, growth, base flows and offset mitigation. In these other areas it leaves open the debate as to the balance between providing for a range of factors that must be weighed in enabling the development of an area.

The core environmental policy regime and rules as applies within the AUP, are retained. Primary streams within the precinct are identified. Appropriate activity classification, and the statutory process these trigger, are applied as either non-complying or restricted discretionary activity consents.

(c) **Options considered**

There are three basic options:

- (d) totally rely on the Auckland-wide provisions;
- (e) provide particular and additional protection for high value stream and ecological areas;
- (f) protect all streams and terrestrial ecology.

(d) **Efficiency and effectiveness**

This is an area identified for future urban zoning and identified for residential growth as part of the first stage of growth management within Warkworth.

It is also an area of land substantially impacted by the MLR which has had key impacts in terms of how future residential development will need to relate to new road levels and approaches.

The combination of the MLR setting effectively the level at which the road network must operate, the maximum grades that Auckland Transport will accept within a road network, the topography of the site, and the fact that a number of the streams are already impacted by the MLR; means that this proposal finds an appropriate balance in dealing with the ecology. It is effective in protecting the most highly valued areas. It leaves other areas to be worked out through the normal resource consent process where a range of competing planning attributes are assessed and an appropriate development balancing these issues derived.

(e) **Benefit and cost**

The benefits of this approach are:

- High value stream ecology is identified and protected.
- High value terrestrial ecology is protected.
- There is clear understanding for the planning and development of the land as to which areas need to be protected.

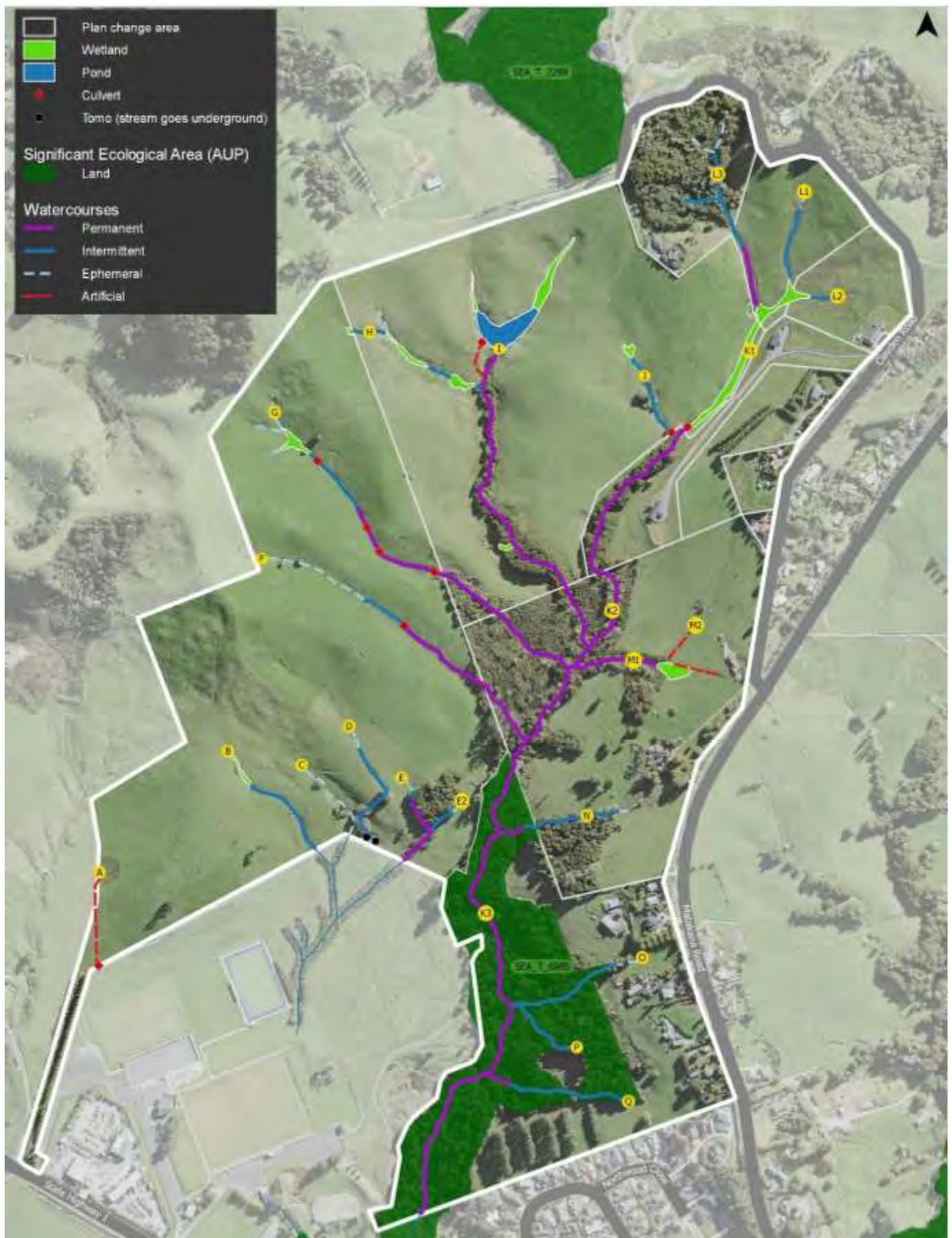
- Other medium and low value ecological areas are subject to resource consent assessment under the precinct provisions. This gives future flexibility as the appropriate balance is worked through as to the level of development.

(f) **Effects**

The ecological assessment of Freshwater Solutions is set out in Attachment F of this feedback. This covers the streams which traverse the site and the terrestrial ecology including established native bush in pockets within the site.

Diagram 19 is an extract from the Freshwater Solutions report showing the existing streams and status of those streams.

Diagram 19: Streams



Ms Bodley of Freshwater Solutions has undertaken a detailed onsite survey of the streams and bush areas. She has identified existing streams and classified them to permanent, intermittent and ephemeral and has also identified wetland or boggy habitat and some

substantial areas of bush, a small portion of which is already covenanted. She has also assessed them in terms of their current value as high medium or low.

A number of the streams are impacted by the MLR. Others are identified in the Warkworth Structure Plan. Some streams are protected by existing covenants. The two primary streams were also identified in the community consultation process as key ecological elements by the community. These are to be protected and enhanced. What is currently grazed paddocks will be retired from farming and significant revegetation of these corridors will occur.

Precinct plan 2 shows the stream overlay and how the ecological corridors or green fingers within the precinct are protected.

Terrestrial vegetation within the precinct falls into two categories. The first is native bush areas. The second pasture. The pasture land is characterised by grazed sheep, cattle and horses. Occasional exotic trees are located within the pasture, and small areas within the site include remnant and regenerating native vegetation associated with watercourses. A significant area of SEA in the south remains and is already largely protected. This area is unchanged. Elsewhere there are pockets of native vegetation within the site that are to be retained. A key stand of Totara is to be protected.

The historic and present use of much of the precinct for grazing has resulted in the clearance of riparian vegetation, disturbance of channels and damage to streambanks and streambeds. A number of 1 watercourses within the site have been modified to varying degrees and Freshwater Solutions consider that they have limited natural character. The Freshwater Solutions report sets out a detailed analysis of each individual stream. The report then goes on to give an overview of the Precinct Plan. On this matter the report states:

“The green network (i.e., covenanted bush/retained streams and enhancement) proposed within the precinct plan for the site, is somewhat reduced from that illustrated on the green network plan in the Warkworth Structure Plan. The key driver for the reduction in retained streams/wetlands and green corridors is the steepness of the site, which requires the need for extensive earthworks to ensure the minimum road grade requirements can be met, in balance with unlocking the site for development and maintaining existing covenant areas and high value stream areas.”

The Matakana Link Road also dissects a number of watercourses along the western bounds of the site (B, D, F and K2) which will result in culverting of sections of permanent, intermittent and ephemeral streams in its proposed alignment (1x 45 m culvert and 2x 70 m culverts). These sections of stream are also excluded from the proposed precinct plan green network.

The sections of stream located outside the proposed green network are typically those located within the upper reaches of the catchment which have low current ecological values, being located in highly modified areas of grazed pasture. These sections of stream have moderate potential restorative value due to their damaged state and naturally water short nature. The loss of stream sections with high current values in the lower catchment has been mostly avoided and many of these sections of stream fall within the green network to be retained. Much of these stream and wetlands areas are vegetated with native trees and some are protected by existing covenants.

One of the key considerations with regard to the reduction in green network (and thus streams and wetlands) in the proposed precinct plan is the maintenance of base flows in retained streams. The following summarises feedback from Maven Associates Ltd (Lucan Campbell pers. comm. 8 October 2019) on how stream baseflows will be retained following the earthworks anticipated in order to develop the site.

Where the upper reaches of streams and wetlands are to be reclaimed, gully drains and counterfort drains will intercept groundwater flows, directing these to downstream sections of retained channel. Generally, the ridges, gullies and shape of the post development site are to be maintained and stormwater catchments will be localised to existing catchments where possible to ensure runoff captured up to a 10% AEP storm event is directed to similar pre-development discharge points. Further, AUP SMAF zone controls are proposed for the site, so 90th percentile rainfall events will be attenuated and capture volume released over 24 hrs. This extended detention will help to maintain regular stream flows post rainfall and reduce scour and sedimentation associated with flashy peaks and drops.

With the above design in place it would appear that the level of development/stream and wetland loss proposed can be managed to ensure stream baseflows in the lower catchment are maintained.

The proposed green network retains most of the key vegetation within the site which is not currently covenanted. Indicative areas of open space shown on the precinct plan and potential site masterplan represent additional areas where new terrestrial planting can occur and will increase the total amount of native vegetation within the site.

(g) **Risk**

- (a) That low value streams capable of being upgraded to high value streams are likely lost. That is a factor common across the region. The methods the Council has used with mitigation and offsetting creates a structured basis in which these matters can be evaluated and, if streams are lost, appropriate offsets provided.
- (b) That other urban objectives cannot be achieved due to the degree of ecological protection. In this case this plan change sets the appropriate balance. High value ecology is protected. The future development has been worked through to ensure it can fully accommodate this level of protection. This is embodied within the precinct.
- (c) The protected areas will subsequently be damaged. The plan change makes it clear that these areas will be protected through the subdivision process. The presumption is that these areas will vest in the Council on subdivision once the necessary mechanisms such as noxious weed removal and any necessary stabilisation is put in place along particularly the streams.

(h) **Reasons for proposal**

This approach identifies and protects the key ecological features of streams and terrestrial ecology, namely bush. It provides a clear framework for future development of the land.

10.8 Open space and walkway/cycleway network

(a) **Proposed amendment**

Precinct Plan 1 shows the greenway network which includes a walkway network within the precinct.

The MLR will be built with footpath and cycleway connections but this is covered under the Notice of Requirement for the MLR.

(b) **Provisions most appropriate way to achieve the objective**

These provisions show the core network. It is more extensive than shown in the Warkworth Structure Plan but does include those parts of the walkway network that are shown within the Structure Plan and are within the precinct.

Including this sort of information within the precinct makes it clear to all property owners and the community where (indicatively) the network that will be created.

(c) **Options considered**

There are basically two options.

- (i) To not identify the walkways within the precinct and rely on the standard Auckland-wide provisions and assessment at the time of resource consent; or
- (ii) To show the core network within the Precinct Plan.

(d) **Efficiency and effectiveness**

The option of showing the walkway network within the Precinct Plan is seen as the most efficient and effective method. It is clear to all developers and future property owners as to the network implications. It also is helpful to the community to understand this approach, and to the Council in securing the broader network.

(e) **Benefit and cost**

The benefits are:

- the walkways are clearly identified;
- this brings certainty to development.

The costs are simply those associated with developing the walkway network.

(f) **Effects**

The effects of this development are:

- (i) To create a walkway network which will complement and add to the broader Council walkway programme for Warkworth. This will assist in both recreational leisure time activity and in connectivity between communities.
- (ii) The walkways are targeted for the stream corridors. This adds significant amenity and pleasure. It does however impact the practicality of the formation of the walkways. Not all areas will have full mobility accessibility. There will always be alternate mobility locations particularly on street footpaths. However some of the areas will run up in stream bed where a level of mobility will be necessary. The alternative is to take the walkways out of the stream location where a better topography can be created. This gives greater mobility opportunity, but it does detract from the amenity of walking through the stream areas.

(g) **Risk**

The most significant risk is how these walkways are protected. A disaggregated land ownership is problematic and has the definite risk of variable maintenance approach.

The cooperating landowners' commitment and the requirements of this plan change is that these walkways and the associated streams be vested in the Council to form part of the broader Council network. That would happen on subdivision once all the physical works had been put in place.

(h) **Reasons for proposal**

This approach is the best way to ensure the future extension of the Warkworth walkway network.

This plan change embodies all the Auckland-wide provisions of the Unitary Plan plus introduces two additional provisions.

The first is to apply the Stormwater Management Area Flow 1 (SMAF1) to the entire precinct. This will mean that the onsite full detention and retention controls of the Unitary Plan will apply to all new development within the precinct. The second is to identify the indicative location of key stormwater management ponds.

(a) **Proposed amendment**

The Auckland-wide overlays are amended to include the plan change area within the SMAF1 controls.

Precinct Plan 2 outlines the indicative locations of a series of stormwater management ponds which form part of the treatment train process.

In this context it must be recognised that the Auckland-wide rules provide extensive objectives, policies, standards and assessment criteria relating to stormwater management. This is in terms of both quality, the quantum of stormwater particularly managing it at peak times, and sophisticated erosion and sediment control. All these provisions apply to the precinct.

(b) **Provisions most appropriate way to achieve the objective**

The SMAF1 provisions have been well tested as a methodology for managing stormwater in greenfields development. The objective and policy regime and the approach of the Auckland-wide provisions significant benefit from applying the SMAF1 controls. Detention and retention is a key part of managing stormwater quality.

The treatment train process set out in the Stormwater management plan relies on a series of initiatives, most of which are addressed appropriately under the Auckland-wide provisions. However, the stormwater management pond system is a key part of the treatment train. It is appropriate to provide indicative location for these facilities which reinforces the broader stormwater treatment train approach.

The analysis by Maven demonstrates this development can meet the conditions of consent for the Auckland Council global stormwater network discharge consent.

(c) **Options considered**

Essentially there are three options:

- (i) to rely solely on the Auckland-wide provisions;
- (ii) the approach set out within this plan change;
- (iii) to have full customised provisions.

The Auckland-wide provisions effectively, for greenfields development, work best if the SMAF1 controls apply. These provisions generally do not apply to the Future Urban zone but are rather assessed and applied at the time of rezoning. It would be possible to control all stormwater in communal facilities such as stormwater ponds. However the volume of water coming off land and its adjacent location to the Mahurangi River tributaries means that the SMAF1 provisions and the location of the stormwater management ponds provide a much more certain outcome to the treatment train process.

The third option of customising all rules simply introduces a repetition into the document. It also means that the reliance and understandings which have been built upon the Auckland-wide provisions would not necessarily apply. It introduces an inherent inefficiency.

(d) **Efficiency and effectiveness**

The proposal put forward is the most effective and efficient way to manage stormwater. The introduction of the SMAF1 provisions incorporates the sophisticated control mechanisms on stormwater within the Unitary Plan into this precinct.

This is complemented by the identification of the stormwater management ponds within the treatment train process.

This finds the right balance between the integrity of relying on the underlying Auckland-wide provisions, while at the same time ensuring the full range of provisions apply over the precinct and that the important location of the stormwater management ponds are shown indicatively.

(e) **Effects**

Maven have provided advice on stormwater management (overland flow, flooding, riparian margins, stormwater reticulation and stormwater quality) which is set out within the Infrastructure Report included as Attachment G to this plan change request.

Overland flow paths

The site is affected by numerous overland flow paths, many of which will be modified or redirected as part of the future bulk earthworks to establish roads and building platforms. Resource consent will be required where the entry or exit point of an overland flow path is to be modified, however Maven has noted that for the most part, the overland flow paths commence within the land meaning there will be no upstream flooding effects. Where possible, overland flow paths will be accommodated within the proposed road network.

Flooding

Maven has identified that there are known flooding issues downstream of the site, and as a result, stormwater attenuation will be required to restrict post-development runoff flow rates to pre-development levels in accordance with the Stormwater Management Flow – Flow 1 (SMAF 1) controls of the Unitary Plan. This requires hydrology mitigation in the form of retention and detention. Maven confirms that *“In our opinion, the urbanisation of the site can occur without creating any downstream flooding effects, subject to the maintenance of the pre-development runoff levels.”* All future building platforms will be located outside the 100-year ARI modified floodplain.

Riparian margins and setbacks

The Unitary Plan requires that a 10m riparian yard be provided from the edge of permanent and intermittent streams, and resource consent is required to construct a building within a riparian yard. For streams with an average streambed width of 3m or more, the provisions of s230 of the RMA is triggered upon subdivision, where proposed lots less than 4ha are

being created. In such cases, a 20m wide esplanade reserve is required to be vested, unless resource consent is sought from Auckland Council.

Riparian margins carry the dual function of enhancing the amenity of an area while providing a stormwater function and addressing flood risk associated with the corridor.

The plan change does not propose to alter the Unitary Plan provisions as they relate to the streams on site, and it is anticipated that future development applications will need to address the relevant stream reclamation and riparian margin matters.

Stormwater reticulation

There is no existing reticulated stormwater network within the site. Stormwater disposal is to be provided via a new public stormwater network (to be vested to Council) with discharge points into the Mahurangi North tributaries on-site. The networks will be designed to convey the 10-year ARI event in accordance with Auckland Council's Stormwater Code of Practice.

The future network (including discharge or stormwater to the stream) will be subject to resource consent and engineering plan approval applications. It is envisaged that the stormwater discharge will align with the Auckland Council Comprehensive Network Discharge Consent.

Stormwater quality

Stormwater quality treatment is required for certain land uses as set out in Chapter E19(Stormwater Quality – High contaminant generating car parks and high use roads). Treatment is required for high-use roads that see 5,000 vehicles per day, and for car parks that support 30+ parking spaces.

A range of initiatives and devices are available to both manage stormwater quality and quantity, including:

- (a) A rule preventing high-contaminant roofing and cladding products, particularly untreated copper and zincalume. Only inert materials are allowed.

- (b) On site detention and retention for stormwater on all residential properties through the use of rain gardens, swales or proprietary filter systems.
- (c) Maximisation of natural or daylighted streams.
- (d) Planting in the streams to add secondary stormwater treatment.

Consideration of additional treatments and the inclusion of water sensitive design parameters will be incorporated into the detailed design for future development of the land and be undertaken in accordance with GD01 and GD04.

The conclusions of the Maven report are:

“Existing overland flow and flood plains have been modelled to determine the extents of flooding and flow as a baseline for the pre-development situation. Design checks of finished levels ensure minimum freeboard levels can be achieved for all future buildings and the overland flow can be safely conveyed within the road network, drainage reserves or natural watercourses where applicable.

“The SMP indicates that there is localised downstream flooding. As such, stormwater attenuation for new impervious areas is required. The Maven SMP details onsite detention of 10yr events and attenuation on a sub-catchment level in accordance with the Maven Precinct SMP for up to a 100yr event.”

“Stormwater drainage can be provided for the proposed development. Discharge from the public network will be to the Mahurangi North tributaries. Final stormwater details will require further approvals and consultation with Healthy Waters but will otherwise be in accordance with Auckland Council standards.”

(f) **Benefit and cost**

The benefits are significant. A sophisticated stormwater management system is enabled. This is critical given the location in the headwaters of the Mahurangi River. However the SMAF1 rules have equally proved effective in other sensitive environments. SMAF is the primary control the Council relies on.

The costs do impose significant financial costs and site utilisation costs by requiring onsite detention and retention. However this is warranted given the environmental benefits of a sophisticated stormwater management process.

(f) **Risk**

The risk of not importing the SMAF1 provisions is that water volumes during peak storm events could overwhelm the system. This in turn can lead to compromises in water quality through increased flows and greater issues with erosion and sediment control.

(g) **Reasons for proposal**

This proposal effectively imports and standard SMAF1 controls which are the proven method for managing stormwater in greenfields development. This is seen as the preferred approach for managing stormwater within the precinct.

10.10 Transport Provisions

(a) **Proposed amendment**

The Precinct Plan introduces three specific provisions. The first is to identify the Matakana Link Road as a limited access road. The second is to identify the locations for new intersections. The third is to identify typical road cross-sections to be provided.

(b) **Provisions most appropriate way to achieve the objective**

The future of this road has been extensively canvassed through the requirement process leading to the MLR. The Independent Hearing Commissioners have considered all submissions on the requirement and issued the decision on regional consent matters and recommendation to Auckland Transport (AT) on the Notice of Requirement. AT have in turn issued the decision on the Requirement.

That decision has identified that the MLR will be a limited access road. While there are appeals to the MLR, all affected landowners have accepted the limited access nature of this road. Appeals are in advanced stage of discussions with a reasonable prospect of a settlement. Certainly the co-operating land owners have signalled that the alignment of the MLR and intersections shown in the precinct are agreed between the parties. AT and parties to the appeal have already agreed the location of intersections on the MLR and that these will be light controlled intersections. The detailed design of the intersections is

agreed in principle, but needs to be worked through as part of future resource consent applications.

The primary source document for people seeking to develop their sites will be the Auckland Unitary Plan. It is unreasonable to expect future residents and developers to trawl through other documentation when clear provisions can be stated in the Precinct Plan referring to the limited access road nature. It is appropriate that this be made explicit within the Precinct Plan.

The MLR must serve the adjacent residential neighbourhoods identified through the Future Urban zoning. Consequently there needs to be identified intersections.

Through the work leading up to this plan change request, the cooperating landowners have had various individual discussions with Auckland Transport over the location of these intersections. These intersections are now largely settled.

Identifying these within the Precinct Plan removes uncertainty as to where they will be and enables landowners to plan the development of their properties in the knowledge that certain forms of intersections can be constructed in identified locations.

(c) **Options considered**

There are essentially two options. The first is to show the limited access road and the intersections on the Precinct Plan. The second is not to show these provisions and rely on the underlying plan provisions to control the limited access nature, and the requirement to control access.

(d) **Efficiency and effectiveness**

The conclusion Tattico has reached is that it is far more efficient and effective to stipulate within the precinct the limited access nature of the MLR and the location of the intersections.

This gives very clear knowledge to all parties of the transport constraints both landowners, developers and future residents. It is clear and easy to find. Having reached

agreement with Auckland Transport over the nature and operation of this road, it is logical to express this through the precinct provisions.

(e) **Effects**

The transport assessment by TPC is set out in Attachment K of this report, and focuses on:

- the MLR;
- the ability for connections on to the MLR in terms of the capacity of the road and trip generation from the development; and
- the local road network within the neighbourhood and the improved connectivity to other modes such as public transport, walking and cycling.

The co-operating landowners acknowledge that the MLR:

- is a limited access road;
- may initially be built as a two-lane road on the southern side, although land procurement and bulk earthworks will be established for the final four-lane road;
- will require connecting landowners to agree the vesting of a four-lane road but design any connections on to the MLR as either a two-lane road or four lane road;
- will need to design for the access points, as identified on the Precinct Plan. This is shown on Diagram 20;
- the access to the 245 Matakana Link Road will be left-in/left-out only.

In response to this the Precinct Plan:

- Identifies the two main intersection connections to the MLR from the precinct and other secondary intersections (refer Diagram 20 below – Diagram 20 is an Auckland Transport plan provided to the cooperating landowners). Both main intersections are agreed to be light controlled.
- Provides that all properties fronting the MLR have access from local roads within the adjacent land or rear laneways, i.e. no property has vehicle access across the MLR.
- Ensures properties front the MLR for urban design reasons so they provide passive surveillance of the walkways and cycleways on the MLR.

Diagram 20: Approximate intersection locations



Source: Auckland Transport (Note: North is to the bottom of the diagram)

Mr Langwell particularly focuses on the WLC block because the traffic analysis of this aspect is further advanced.

WLC, White Light Trust and Goatley Holdings each gave transport evidence to the hearing on the MLR designation. This evidence clearly outlined the key connections on to the MLR and the appropriate location for these connections. In each case the limited access road requirement of Auckland Transport is respected but key connections are necessary.

In the case of the White Light Trust, access is compounded because of the roundabout at Matakana Road and MLR. The land take of the roundabout and the requirement for limited access on the periphery of Matakana Road either side of the roundabout further constrains access to this land.

Diagram 13 (Precinct Plan 3) above shows the MLR and the access points identified through the settlement discussions on the MLR appeals. These are the intersection points advanced through this plan change request and agreed by Auckland Transport and the parties. Detailed design will come at subdivision consent stage.

Mr Langwell in his report has analysed the capacity of the road in terms of both the yield for Warkworth Clayden Road as well as the design and capacity of intersections. The conclusions of his analysis are set out below:

Mr Langwell also comments on the local road network. This is designed to futureproof public transport along the MLR. The design was originally futureproofed for local bus services to circulate within the residential neighbourhood. However, Auckland Transport have advised that these services will not be offered. Any public transport will be confined to the MLR only.

The main spine road within the WLC block for urban design reasons is created as a park edge road. It follows the stream north almost to the boundary with Clayden Road.

The WLC land is fully serviced from the MLR and does not need any other external road connections.

Diagram 21 shows the roading hierarchy. It creates a core network of roads; the MLR is the primary road connection into the area, with the core secondary road running north into the development. A network of local roads connects to these primary/secondary roads both north and south of the MLR. It also shows some park edge roads designed to deliver amenity and urban design outcomes. While the road immediately north of the MLR is shown as a “park edge road”, this is effectively a laneway recognising that these properties cannot get vehicle access of the MLR. It is envisaged that the embankment of the MLR will be heavily planted to form a high-quality amenity area.

Diagram 21: Proposed masterplan transport



The overall conclusion of Mr Langwell's report is that:

- *“The potential residential development for the site is feasible in terms of the transportation perspective and has been anticipated in the future planning for the MLR and the Warkworth Structure Plan;*
- *Stage 1 of the MLR is anticipated to be completed in September 2021, with a future Stage 2 to be completed by 2036 (or as traffic flows dictate);*
- *As part of planning for the MLR, new intersections are anticipated to facilitate access to the site which will be required to be controlled by either a roundabout, traffic signal or priority control intersections with limited to left turns. These types of intersection are expected to be determined at the time of any subsequent resource consent applications;*
- *Developers will be required to vest additional land to create these intersections and provide the necessary turning lanes and supporting infrastructure;*
- *Final approval of each intersection form and location will be subject to Auckland Transport agreement in consultation with NZTA;*
- *Following the completion of the MLR, the site is considered to have a high level of accessibility to public transportation, walking, and cycling;*

- *The estimated traffic generation of the proposal is likely to be about 8,000 traffic movements per day with peak hour traffic generation of about 780 traffic movements per hour based on 1,071 residential lots within the subject site; and*
- *The estimated traffic generated by the proposal can be accommodated on the nearby road network.”*

(f) **Benefit and cost**

The benefits of including these transport provisions in the Precinct Plan are:

- There is certainty to landowners, developers and future residents as to the lack of access to the MLR for individual homes/properties and the identified location and nature of intersections.
- Given there is agreement as to the location of intersections, it is appropriate that these be identified within the Precinct Plan.
- The precinct provisions are written in such a way as to create a degree of flexibility so in the detailed design the matters can be worked through between the applicant and Auckland Transport.
- The requirement decision left open the specific location on the basis that the future zonings had not yet been determined. Effectively the commissioners were signalling that these matters should be addressed through the Precinct Plan. They are.

The costs of doing this are:

- In the unexpected circumstance where the Auckland Transport wishes to relocate the intersections or allow access on to the MLR, then there would be additional regulatory constraint and process to follow. However, this is an extremely low probability.
- There is a significant cost to developers in laying out a local roading pattern that will service all sections and mean none get access to the MLR. However, this cost is incurred effectively through the decision of Auckland Transport on the MLR coupled with the planning controls relating to access on to arterial roads.

(g) **Risk**

The main risks is that the appeals on the MLR cannot be settled, or that they are settled in a different form to that shown on this Precinct Plan. This risk is seen as low probability.

There have been extensive discussions between AT and WLC/White Light Trust. As a result of those discussions matters have been agreed but not yet document as follows:

- The horizontal and vertical alignment of the MLR .
- The location of intersections and the nature of those intersections. In the case of White Light Trust, this is a left-in/left-out only.
- The form of control at the intersections (light controls at the main intersections).

The outstanding appeal matter appears to be the precise alignment of the MLR at State Highway 1, and the subsequent stormwater solution. However, that only affects the first part from State Highway 1 and not the core alignment of the MLR through the precinct. There are also matters of intersection location and design at issue with other parties which are also agreed but at the time of writing this report not documented.

Regardless these matters will be resolved in an Environment Court process concurrent with the processing of this plan change request.

(h) **Reasons for proposal**

These transport provisions are included to create certainty as to where the intersections will be located in the development of this area of Warkworth North and the nature of these intersections (particularly the available turning movements). Essentially this gives effect to the various discussions between the cooperating landowners and Auckland Transport. It reflects the evidence presented on the MLR requirement.

The explicit identification of the MLR as a limited access road reflects the decision on the MLR requirement. It makes this explicit within the Precinct Plan. It is appropriate that with site area specific controls, these particular transport measures should be contained within the precinct provisions.

10.11 Light Industry Land Rezoning

(a) **Proposed amendment**

The Light Industry zoned land within the WLC (western end) is rezoned from Light Industry to Residential: Mixed Housing Urban and Residential: Mixed Housing Suburban.

(b) **Provisions most appropriate way to achieve the objective**

The Warkworth North area is designed to provide for planned growth within Warkworth, generally in accordance with the Structure Plan. This includes a range of activities including residential, employment and recreational.

Achieving this balance of residential and employment land is a key component of the growth strategy. The issue becomes the most appropriate location for the boundary between the two areas.

Efficiency of land use is a key component of the AUP. Employment land needs to exhibit the characteristics which enables it to be used for light industry activity. Key to this is large reasonably flat sites with good heavy vehicle access and the ability to put up large industrial buildings.

The Goatley Holdings Limited land to the north-east of the precinct exhibits these characteristics and provides the critical and significant employment area for northern Warkworth. It is complemented by industrial land in the west and new planned land in the south as part of the Structure Plan.

The issue is that the small block of industrial land on the WLC land is not suitable for industrial development for reasons set out earlier in this report. The land is however suitable for residential development.

Rezoning this land residential is the most appropriate way to give effect to the growth requirements for Warkworth North.

(c) **Options considered**

There are two key options with this proposal.

- (i) To retain the Light Industry zoning.
- (ii) To rezone the land residential.

(d) **Efficiency and effectiveness**

The core of the Council's urban growth strategy is to provide for development in a manner that balances the need for growth including housing and employment with environmental outcomes. The efficient use of land identified for urban growth is a critical component recognising that inefficient use of land only puts additional pressure on further greenfields expansion.

The subject Light Industry land has a number of characteristics which make it unsuitable for industrial development because it is inherently impractical and therefore ineffective or inefficient to develop it for light industry. By contrast the land is eminently suitable for residential development. Furthermore, residential development will deliver better environmental outcomes than will industrial development.

(e) **Effects**

An economic assessment has been undertaken by Property Economics on the potential loss of industrial land which this plan change will entail (refer Attachment M). Colliers have also prepared a land supply assessment (Attachment L). That report was prepared for the Warkworth Structure Plan process. While some of the context mapping diagrams may be out of date, the analysis remains relevant to the current proposal.

The precinct will facilitate development of additional housing in Warkworth consistent with the Council's growth management strategy. Obviously that growth will bring significant economic spin-off and benefit to the region both in terms of employment during construction but also in terms of ongoing provision of housing and a population base to strengthen the Warkworth local economy.

Growth is also aligned to the future park and ride facilities and will help create sufficient critical mass to provide public transport connections between Warkworth and the major employment centres to the south within other parts of Auckland.

This plan change seeks a relatively small portion of the northern industrial estate be rezoned residential. Mr Heath has carried out an analysis of the impact of such a rezoning. That analysis demonstrates that there is a very substantial amount of vacant industrial land immediately to the north, and there is very little take up of industrial land anywhere in the

Warkworth area. That is not to say that there won't be more land required as employment growth occurs but it is considered that there is adequate available land outside the subject property.

It is also noteworthy that the Warkworth Structure Plan provides an increased amount of industrial land within Warkworth. This increased amount of industrial land will add to the supply of vacant industrial land identified by Mr Heath and will offset the land WLC seeks to rezone. It is also noted that the community consultation feedback identified a desire to spread employment opportunities around the Warkworth area consistent with the roll-out of new zonings. This included new industrial expansion to the south. Not all employment needs to be in the north.

The conclusion of Mr Heath is that:

“In respect of the industrial land loss, it is Property Economics’ view that the net loss of 3.6747ha of employment land would not give rise to any significant RMA economic issues.

This loss of feasible to be developed for light industrial activity, represents only 7% of this vacant net developable area (3.7ha/53ha) and a 4% reduction in total current industrial zoned land in Warkworth (3.7ha/88ha). In terms of proportional loss this is not considered material.

In addition to the current vacant provision, Warkworth has close to 1,000ha of Future Urban Zone land identified. In the most recent Structure Plan of Warkworth, an additional 27ha of Light Industrial Zone and 37ha of Heavy Industry Zoned land has been proposed (refer previous table). At present, the analysis indicates a total of 117ha of vacant industrial land (including proposed in the FUZ areas) in Warkworth. This provides further contextual basis of the loss of 3.7ha from the PPC.”

The conclusion of Mr McMahon is that:

- There is strong demand for residential development, with Warkworth's population projected to grow by 79% by 2038;

- To meet demand there needs to be a variety of different housing typologies to meet different household needs;
- There are significant locational benefits in Warkworth, particularly with the completion of the Pūhoi to Warkworth Motorway;
- The development stimulated by the Warkworth development is conservatively estimated to trigger some \$727 million worth of economic activity, including \$220 million within the local economy; and
- The on-going population will add further economic stimulation to the local economy.

(f) **Benefit and cost**

The benefits of zoning this land residential are that:

- The land will make a meaningful contribution to providing for residential growth in the Warkworth North area which is a key objective of the Future Urban Land Strategy and of the Structure Plan. It is the prime objective of this plan change.
- The form of residential development limiting height to two storeys instead of the equivalent of four or five storey development under the Light Industry zone will significantly complement the landscape objectives of this plan change. The knoll area sought to be protected through the Structure Plan in terms of views from the showgrounds are better protected through this residential package.
- The zoning approach based on the stream on the north-western boundary of the precinct area better protects the ecological features of this stream than would an industrial subdivision spanning the stream.
- The land is easier served in terms of roading and infrastructure through a residential network from the east than through an industrial network from the west.

The cost of rezoning this land residential is the loss of employment opportunity. However, as identified in the economic analysis by Colliers, the loss of this impractical industrial land will have minimal impact on the overall availability of employment land at Warkworth.

The benefits of retaining Light Industrial land is that when the rest of the northern industrial block is fully developed, that there would be the opportunity for further expansion to the east. 49.2ha of industrial land representing 87% of this industrial block would be retained.

The costs of retaining this land Industrial are as follows:

- In the case of the WLC property, the physical road access to the light industrial area is severed by the MLR. Access to the WLC industrial land north-west of the MLR can only occur through residential development. Access to the southern site can occur from one of the identified intersections but would need a major redesign of the intersection to provide for large truck and trailer units.
- The earthwork associated with the MLR negatively impact the ability to create sensible contours on the light industrial land. It creates a significant retaining wall between the MLR and the industrial properties.
- The large bulk of buildings in the foreground have a significant impact on the views the Council is trying to protect from the Warkworth Showgrounds to the “knoll” on the northern boundary of the precinct.
- There is a highly inefficient use of land by the time that special access is provided to the site from public streets and then an internal layout of roading within the site is provided. Shape factors, topography and access constraints significantly limit sensible Light Industry section size layout.

(g) **Risk**

- (i) Loss of employment land. This risk is seen as particularly low given the significant amount of vacant land in the north and the Structure Plan intending to expand industrial land in the west and south.
- (ii) Inefficient use of land. There is a risk that if the Light Industrial zoning is retained, the land will not be developed. In terms of the market availability of suitable light industrial land, this area would significantly suffer because it has very poor access and in the case of one block no access. Where it does have access it is expensive requiring bridging of streams or significant widening of the MLR, and the contouring of the land and arrangement and site development is significantly impacted by the MLR; i.e. the MLR dictates certain contour lines. Land development cannot take place on the most logical and sensible contouring of land. It must take the horizontal and vertical alignment of the MLR as a given and bench sites based on this road corridor through what is currently the middle of these Light Industry blocks.

(h) **Reasons for proposal**

The rationale for the rezoning of this land is:

1. The land is inherently no longer suitable for light industrial development due to the impact of the MLR. The MLR cuts the block in two, significantly negatively impacts accessibility to the land, and constrains the flexibility in how the land can be contoured.
2. The land is eminently suitable for residential development. It can integrate with and feed off the local road network and infrastructure of the adjacent residential areas. It means that the stream to the east can retain its current form and not need to be culverted or bridged to bring heavy industrial traffic across the stream to a small block of light industrial land.
3. The form of residential development to a far greater extent protects the visual sightlines the Council is wanting to protect from the Warkworth Domain to the adjacent knoll. This is a better landscape outcome.

10.12 Reverse sensitivity: Industrial/residential interface

Three initiatives are proposed to deal with reverse sensitivity issues at the residential/industrial interface.

(a) **Proposed amendment**

- A 'noise measurement line' is included within Precinct Plan 1 and an associated standard acknowledges that the line is to be the reference point for the measurement of noise relating to the existing operation of helicopters from the adjacent land (38 Goatley Road).
- The land shown on Precinct Plan 1 including land rezoned from industrial to residential is subject to a No Complaints Covenant which acknowledges the existing helicopter activities being undertaken on the adjacent land as well as the industrial activity.
- A special 6m landscaped yard applies.

(b) **Provisions most appropriate way to achieve the objective**

The Warkworth North area is designed to provide for planned growth within Warkworth, generally in accordance with the Structure Plan. This includes a range of activities including residential, employment and recreational.

Achieving this balance of residential and employment land is a key component of the growth strategy. The issue becomes how best to provide for this growth while also acknowledging and providing for those existing activities being undertaken nearby.

To this end, an existing land use adjacent to the western portion of the plan change area needs to be specifically considered. The landowners at 38 Goatley Road have an existing resource consent for the operation of a commercial helicopter facility from their site. The resource consent requirements that they measure noise from the nearest residential boundary. Under the proposal to rezone land within the western part of the Precinct from Light Industry to Residential (as discussed in Section 12.8 above), the plan change is effectively moving the nearest residential boundary closer to the helicopter operation. WLC and the cooperating land owners accept that the helicopter operation is an important function in this area and that the status quo should be protected.

(c) **Options considered**

There are three key options with this proposal.

1. Incorporate a noise measurement line and no complaints covenant as a means of acknowledging the existing, adjacent land use
2. No provisions acknowledging the existing, adjacent land use
3. Do not rezone the land from Light Industry to Residential

(d) **Efficiency and effectiveness**

As described above, the subject Light Industry land has a number of characteristics which make it unsuitable for industrial development because it is inherently impractical and therefore ineffective or inefficient to develop it for light industry. By contrast the land is

eminently suitable for residential development. It is appropriate to provide certainty to the neighbouring landowner that their current commercial helicopter operation will not be jeopardised by the location of residential zoned land in close proximity to that operation, and appropriate planning mechanisms exist to provide that certainty.

In terms of the noise measurement line, this will only be effective if there is a 127 variation of conditions consent to the helicopter landing facility granted. . This consent would change the location of the noise measurement location for residential sites within the precinct from the nearest residential boundary to the noise measurement line shown on the precinct plan. WLC is the only affected landowner among the cooperating landowners and has given clear commitments to Goatley Holdings Limited that it will support and give its written consent to any such 127 application.

(e) **Effects**

This plan change has been set up to manage the effects at the interface between the industrial and residential property. It is also cognisant of the fact that the zone boundary has moved further north-west. This is particularly impactful on the helicopter operation as it will shift the noise measurement line.

Reverse sensitivity controls are put in place for noise through a noise measurement line for the helicopter operations and a no complaints covenant for helicopter and general industrial activity. In addition, a special amenity yard is created.

The cumulative effects of these provisions is to successfully manage reverse sensitivity.

It must be recognised that none of the industrial land adjacent to the precinct area has been developed. It has however planned for a broad range of light industrial activity. This plan change and the associated development will successfully manage reverse sensitivity.

(f) **Benefit and cost**

The benefits of applying a noise measurement line and no complaints covenant are that:

- The land will make a meaningful contribution to providing for residential growth in the Warkworth North area which is a key objective of the Future Urban Land Strategy and of the Structure Plan. It is the prime objective of this plan change.

- The planning mechanisms will protect the existing commercial helicopter operation on the property at 38 Goatley Road from potential reverse sensitivity effects associated with the location of residential zoned land in closer proximity to it than is currently the case. Specifically, the noise measurement line will retain the existing measurement point referenced within the conditions of consent for the helicopter operation, while the no complaint covenant will clearly acknowledge the helicopter operations as having been present first, and will make prospective purchasers aware of that activity as well as limiting their ability to make formal objections to the activity.

The costs associated with this action are limited to prospective purchasers potentially choosing not to buy in that location because of the noise of the helicopter operations.

There are no clear benefits associated with not incorporating planning provisions within the Warkworth Clayden Road Precinct that acknowledge the adjacent land use. The costs of this option include:

- The existing helicopter operation is jeopardised and would likely have to reduce in scale and / or intensity given the resource consent decision for the activity sets a noise measurement line at the nearest residential boundary, which is being moved closer to them
- The potential need for the adjacent landowner to look to protect their existing operations through other means, including opposing the plan change request
- Increase in complaints to the Council that would increase the Council's monitoring workload and could lead to formal action against the adjacent landowner
- Provision of an inaccurate representation of the existing environment to prospective purchasers of the residential land

The benefits and costs of retaining the Light Industrial land have been discussed in section 12.8 above and are not repeated here.

(f) **Risk**

In addition to the risks identified in section 12.8 above, a risk associated with rezoning the land for residential activity and not including planning mechanisms to acknowledge the existing helicopter operation is that the relationship between the adjacent landowner and future residential landowners may be fractured by the tensions associated with the lack of

clarify around the interface between these differing land uses. This could manifest itself in a number of forms, including potential legal processes initiated by either side and / or the Council

(g) **Reasons for proposal**

The rationale for the inclusion of the noise measurement line and no complaints covenant is:

1. As set out in section 12.8, the land is inherently no longer suitable for light industrial development due to the impact of the MLR and is considered suitable for residential development.
2. The proposed residential activity and the existing helicopter operation on the adjacent site do compete to an extent, however not to the point that it is inappropriate to locate residential activity in this location. The most likely outcome of not clarifying the relationship between the two activities is complaints / disputes, and potential legal processes by either party as they seek to establish clarity.
3. The helicopter operation was in existence first, the opportunity exists to acknowledge that through the precinct provisions, and appropriate planning mechanisms exist to clarify the relationship between the different activities for prospective purchasers.

10.13 Neighbourhood Centre

(a) **Proposed amendment**

This proposal is to rezone a small block of land (1,690m²) as a “neighbourhood centre”. This is envisaged to provide local retail and servicing functions to the Warkworth: Clayden community. It will also provide a level of service to passing traffic on the MLR.

(b) **Provisions most appropriate way to achieve the objective**

Objective B2.2.1(3) states “*Sufficient development capacity and land supply is provided to accommodate residential, **commercial**, industrial growth, and social facilities to support growth.*” [emphasis added]

The Warkworth Structure Plan identified the desirability for a neighbourhood centre in this general location to service this neighbourhood. It was positioned as a neighbourhood centre so that it provides retail, food and beverage and local office support to the immediate community, but is not of such a scale as to undermine or compete with the Warkworth Town Centre. This zoning delivers on that objective. Given the relatively small scale of the centre, it is appropriate to rely on the standard zoning provisions and associated objectives, policies and development controls of the neighbourhood centre.

(c) **Options considered**

There were three basic options.

- (i) Create a neighbourhood centre but in the location shown on the Warkworth Structure Plan.
- (ii) Create a neighbourhood centre in the position shown on this plan change request.
- (iii) Rely on the underlying provisions of the THAB zone which provides for dairies and food and beverage up to 100m² gross floor area.

(d) **Efficiency and effectiveness**

To service the community, the neighbourhood centre needs to be viable. Therefore it must be in a location where it can operate efficiently and effectively. Option (i) of locating the centre where the Council originally envisaged, has a fundamental flaw in terms of access. Under this scenario, it would be located in a position where there is limited traffic access with left-in and left-out turning traffic only. It would be located on a roundabout. The consequence of this is that:

- Traffic coming to the centre would have an elongated path to either enter or exit the centre. Vehicles would need to travel one leg of the journey via local roads through residential areas. This has a negative impact on potential customers who would either not know the extended road network they would need to follow, or be frustrated at the delay of having to go through a protracted access route.

- It has a negative impact on the residential community who would have additional extraneous traffic passing through their community.
- Roundabouts are inherently problematic for pedestrians to cross. It means the pedestrian catchment for this centre effectively becomes the south-eastern area of the precinct. Pedestrian access from the north or west is far more problematic.

By contrast, the proposed location:

- Is based on a light controlled intersection giving good direct access to and from the centre for both pedestrians and vehicles.
- Vehicles who are passing through on the MLR have a direct entry and exit point without having to drive through residential neighbourhoods.
- The pedestrian crossing phase at the intersection gives good access to north and south.
- The centre is reasonably centrally located within the precinct area, therefore better servicing the residential catchment.

The third alternative of relying on the THAB rules does not give certainty that this service will be provided.

(e) **Benefit and cost**

The benefit of this centre are:

- It provides a committed neighbourhood centre with retail and food and beverage functions to service the community.
- The scale is such that it will not compete with the Warkworth Town Centre.
- The location is well placed in terms of traffic accessibility.
- Its location at a light controlled intersection gives good pedestrian connections from the south.
- It is centrally located within the community.

The costs of this development are:

- There is a loss of housing. However that is appropriate given the need to create an integrated community with a range of services including commercial services.

- The location of the centre is further away from the opportunity to service north-east Warkworth should at some stage that area be rezoned and redeveloped. However the neighbourhood centre is small enough that it does not need a catchment that includes the north east area to be economically feasible. A second neighbourhood centre could be feasible in the north-eastern area when that progressed.

(f) **Effects**

The relatively confined extent of zoning will limit the development to approximately six retail units. Effectively this is seen as dairies, cafes and some local top-up shopping with perhaps professional offices (healthcare or professional services at first floor level).

The Warkworth Structure Plan identified the importance of this neighbourhood centre to serve the community. The preliminary feedback from the Council identified the importance of the centre for the same reason.

The effects of this proposal are therefore significantly beneficial. It provides a neighbourhood centre of the scale proposed and acknowledged as being appropriate to service the community and yet not compete with the Warkworth Town Centre itself.

The effects of putting the centre in this location are also beneficial for the reasons outlined under the effective and efficiency section, i.e. there are far less detrimental effects on the surrounding neighbourhood from traffic passing through residential areas and there are beneficial effects and ease of pedestrian access to the centre which do not exist in the alternate location.

(g) **Risk**

There is a risk that the centre may not be viable and therefore not proceed.

The risk has been successfully managed. Getting the location correct where it can benefit and better service the community and passing traffic, increases the prospect of economic feasibility.

The second underpinning factor will be to ensure there is sufficient population within the catchment to service the centre. This precinct proposes a yield which would make this viable.

(h) **Reasons for proposal**

The neighbourhood centre:

- Responds to the Warkworth Structure Plan's intention for there to be a neighbourhood centre servicing this portion of Warkworth.
- Provides important services and support for the residential community.
- It is in a location which will maximise the prospect of economic feasibility.

10.14 Northern Arena development

(a) **Proposed amendment**

This plan change makes specific provision in the precinct provisions for an indoor recreation facility on a specific site adjacent to the Warkworth Showgrounds. The proposal is to build an integrated sports complex based around an indoor swimming pool.

(b) **Provisions most appropriate way to achieve the objective**

Objective B2.2.1(3) of the regional policy statement states "*Sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth, and **social facilities** to support growth.*" [emphasis added]

Providing for an indoor recreation facility was identified in the Warkworth Structure Plan as a key objective for the Warkworth area. In the public consultation process, locating this facility adjacent to the Warkworth Showgrounds was identified by the community as a core outcome to the Warkworth Growth Strategy.

This is a major indoor recreation facility. It does not fit well within any zone other than the Open Space Sport and Recreation zone.

In these circumstances there needs to be flexibility. If the Northern Arena does not proceed, the land needs to revert to the surrounding activity, namely high intensity two storey residential development. If the Northern Arena is to proceed, a site collocated with the Warkworth Showground has been identified. Therefore, the precinct technique of identifying site specific provisions is the most appropriate way to achieve the objective.

(c) **Options considered**

Three options were considered:

- (i) to zone the area Active Sport and Recreation;
- (ii) to not make provision for the Northern Arena on this site in the precinct provisions and rely on applications under the underlying Mixed Housing Urban zone; or
- (iii) to provide a specific use activity within the Precinct Plan.

(d) **Efficiency and effectiveness**

The proposal is the most efficient and effective way to make provision for the Northern Arena. It leaves the flexibility that if the arena does not proceed, then normal development in terms of the underlying zoning can occur without a further plan change. It also means that there is certainty over the ability to build the arena on the site if it does proceed.

In terms of efficiency and effectiveness, it means that flexibility is retained but if the arena is to proceed then the appropriate planning provisions apply and consents can be obtained within reasonable timeframes.

(e) **Benefit and cost**

The benefit of the proposed approach is that:

- Enabling provisions for the Northern Arena are put in place. If this project proceeds then there is a known predetermined planning framework in which the arena can be developed.

- Surrounding neighbours have a clear understanding and expectation that an indoor sports facility based around a swimming pool can be built on this site. That is far preferable to people purchasing land thinking they will be surrounded by housing only to find that a sports facility is constructed on the site.
- The development controls and assessment criteria can be set up to take account of the arena.

The costs of this proposed approach are:

- A reduction in the amount of residential land by committing appropriate residential land for indoor recreational facilities.

The benefit of an Open Space Sport and Active Recreation zone is that:

- It gives a clear indication that some form of active sport will take place here which could include an arena.
- It provides for alternate forms of active sport.

The costs of that zoning are:

- If the arena does not eventually proceed, then there are time delays and costs with rezoning the land.
- There is long-established case law that it is not appropriate to zone land Open Space where the land is privately owned and the landowner does not want or require the land for open space uses. The presumption is that some form of appropriate economic use should be provided. There are exceptions if there are particular matters under Part 2 of the RMA that would apply to the site. That is not relevant in this case.

The benefits of keeping a residential zoning without special precinct provisions are:

- It retains future flexibility should the Northern Arena not proceed.

The costs are:

- The Northern Arena site would have to go through protracted and difficult resource consenting processes.

- Property owners would not unnecessarily understand that the site was targeted for the Northern Arena and could purchase residential land expecting to have residential neighbours only to find a different typology of building being approved.
- It would add significant cost and delay to what could be an important community facility.

(f) **Risk**

There is little risk with this approach. There is a risk that the Northern Arena may not proceed. However, that is fully contemplated with the flexible zoning arrangement.

(g) **Reasons for proposal**

Specific provision is made for the Northern Arena site being an indoor recreational facility based around a swimming pool. This is the most appropriate way to provide for this important community facility which is likely but not yet fully committed to proceed on the site. The technique facilitates an appropriate consenting process. It ensures everybody understands the likely location of the indoor arena and sets appropriate assessment criteria. However, it provides the flexibility that, should the arena not proceed, then the land can be developed for suitable residential activity.

10.15 Auckland-wide provisions relied on

(a) **Other potential provisions**

As part of the preparation for this plan change, WLC commissioned a range of additional technical assessments relating to:

- earthworks;
- geotechnical considerations;
- land contamination;
- infrastructure.

A planning analysis was then undertaken to identify whether the effects and planning issues identified through the technical assessment are appropriately managed under the Auckland-wide provisions, or would require precinct specific provisions.

In the case of earthworks, geotechnical, land contamination and infrastructure, the conclusion reached is that the current Auckland-wide provisions fully address the relevant planning matters for the subject land.

Consequently no amendments are proposed for these particular matters. However the precinct provisions import in full the Auckland-wide provisions. This means that the standard controls relating to:

- regional land disturbance;
- district land disturbance;
- subdivision;
- land contamination;
- wastewater,

apply.

(b) **Provisions most appropriate way to achieve the objective**

The Council has carried out a detailed section 32 assessment as part of the Unitary Plan process. This has identified that the Auckland-wide provisions are the best method to achieve the objectives of the plan. There are no precinct specific objectives or other planning factors which would lead to a different conclusion or warrant different provisions.

(c) **Efficiency and effectiveness**

The Auckland-wide provisions have proved an efficient and effective method to control land development since 2015. Simple consistent application of provisions is the most efficient way to achieve the environmental outcomes.

(d) **Benefit and cost**

The benefits are:

- (i) a consistent approach across the region;

- (ii) a proven set of provisions which have been effective in managing the effects of development and delivering the desired environmental outcomes;
- (iii) proven tested provisions.

The costs are minimal in that these provisions would apply regardless and would not be overruled by precinct provisions. As no additional provisions are warranted, there is no additional cost.

(e) **Effects**

The attached reports by Maven, CMW and Focus address issues of:

- earthworks;
- infrastructure;
- geotechnical matters;
- land contamination.

Key relevant planning factors are summarised below.

Earthworks effects

The report by Maven identifies that much of the land will be subject to significant bulk earthworks due to the size of the land and topography. However, the final land contour has been carefully managed so that:

- (i) The key streams on the site are fully protected and no earthworks occurs within these identified streams (note, there will be some of the lesser streams that are impacted by earthworks).
- (ii) The contour of the land is graded to ensure that all roads meet the maximum gradient of 8% required by Auckland Transport.
- (iii) The bulk earthworks retain the westerly slope of the land so as to manage the impact on the land and to keep a similar form while enabling the delivery of housing.
- (iv) Earthworks have been integrated with the work of Auckland Transport on the MLR.

Full best practice erosion and sediment control procedures will be followed as part of any development. These measures include:

- Managing the disturbance area due to earthwork activities while satisfying all requirements for development of the site.
- Where possible, stage earthworks and progressively stabilise exposed areas following completion.
- Divert all clean water runoff away from the site, minimising the catchment to the exposed earthwork areas.
- Intercept and divert sediment-laden runoff from exposed areas to specifically designed treatment devices prior to discharging into the downstream environment.
- Implement measures to prevent construction traffic exiting the construction area onto public roads.
- Regularly inspect the erosion and sediment control measures and undertake any maintenance necessary to maximise the potential retention of sediment on the site.
- In the event of forecast heavy rain, stabilise the site as far as practically possible and close works down.
- Ongoing assessment of the erosion and sediment control measures and, if required, amend the ESCP as works progresses.
- Ensure site staff are aware of the requirements of the ESCP and the relevant resource consent conditions prior to the works commencing.

The Auckland wide rules set this regulatory framework already.

The conclusions of the Maven report are:

“Bulk recontouring is required to enable the construction of a complying roading network and to ensure suitable building platforms can be provided. Initial design plans demonstrate finished levels of 1:8 grade, considered suitable for the density proposed. The earthworks will be supported by engineered retaining walls. Initial locations are indicated, and geotechnical input confirms these walls can be constructed.”

Wastewater effects

A public wastewater reticulation network will be constructed to service the development. Due to the site topography, the network will be gravity within the subject land. Further investigation is, however, required and a combination of gravity and pressure systems may be required to extend the existing public network to the indicative pumping station or the Showgrounds Pumping Station.

Wastewater drainage will be provided through an extension of the existing network, in-line with the draft Warkworth Wastewater Servicing Plan. The intended network would remove the potential risks around onsite wastewater disposal, given the proximity to streams and OLFPs within the proposed Large Lot zone.

Subject to the completion of the North East Wastewater Servicing Scheme in 2021, there will be sufficient capacity to service the proposed development.

The conclusion of the Maven report is:

“Wastewater drainage will be provided through an extension of the existing network, in-line with the draft Warkworth Wastewater Servicing Plan or as a result of proposed layouts to be considered with WSL. The intended network would remove the potential risks around on-site wastewater disposal, given the proximity to streams and OLFPs within the proposed large Lot zone.”

Potable water effects

Maven have water reticulation advice as part of their Infrastructure Report. They confirm that reticulated water supply can be provided for the precinct area through an extension of the existing network, in-line with the intended upgrades for Warkworth North. The conclusion of the Maven report is that:

“Water reticulation can be provided for the proposed development, through an extension of the existing network, in-line with the intended upgrades for Warkworth North. Subject to these upgrade works being completed, there will be sufficient supply for potable and firefighting requirements.”

Infrastructure effects

The Warkworth Structure Plan sets two objectives relating to infrastructure.

Plan for infrastructure (transport, water, etc) to be ready before new houses and businesses are built in the Future Urban zone.

The co-operating landowners accept that the staging of development within Warkworth North will be related to the provision of key infrastructure, particularly the completion of Stage 1 of the MLR and the upgrade to the wastewater network. WLC intends that the development will be staged so that new homes coming on stream coincide with completion of these two infrastructure projects.

The MLR is a committed project with a programmed immediate start on obtaining the necessary regulatory approvals. Watercare have confirmed that their upgrade to the wastewater treatment network for Warkworth and Mahurangi takes account of the anticipated growth within the Warkworth North area.

The other key infrastructure element is stormwater but through the 'treatment train' process, 'on site' detention and retention and management of water entering the streams within the precinct, stormwater does not rely on any major off-site infrastructure works.

Watercare have confirmed that their infrastructure rollout of potable water for Warkworth takes account of the level of development in Warkworth North envisaged within the masterplan.

Power and Telecommunications networks are present in the greater Warkworth area, details of upgrades and extensions from existing network services are to be confirmed and agreed with relevant utility providers.

Provide for social and cultural infrastructure (i.e. libraries, halls, schools, community meeting places) to support the needs of the community as it grows.

The precinct and associated zonings will provide enough critical mass within the neighbourhood north of the MLR to provide for the type of social infrastructure important to a community. This includes a dairy, café, preschool. It immediately adjoins the Warkworth Domain and therefore provides very significant recreational opportunities for residents.

The community consultation process identified the desire for the Northern Arena development in this location. The Precinct provides the opportunity for the Northern Area complex on the WLC land. This keeps the option open for future decision but certainly futureproofs the site identified as important in the community consultation.

These principles have been carried forward into the masterplan for the development.

Geotechnical effects

The geotechnical assessment by CMW is set out in Attachment I of this feedback.

There are geotechnical issues on the site which will need the construction of shear keys in critical locations. Some of this stabilisation will be undertaken by Auckland Transport as part of the MLR. WLC is committed to work with Auckland Transport to coordinate physical works and gain efficiencies for both parties.

The majority of the precinct has sound manageable ground conditions. This is on land which has a reasonable contour and therefore sound engineering practices will need to be employed.

At the western end of the precinct is a particular area with a history of land slippage. This area is particularly addressed in the report by CMW. The upper portion of this area is left in its natural state, while the engineering of the lower slopes will hold the toe of this embankment and bring stability.

The key aspect identified from the CMW report is that, while there are geotechnical matters that will have to be properly managed, there are no matters which would prevent development across the land or parts of the land.

The concluding summary provided by Ms Gill is that:

“Consideration should be given to the points above when undertaking further scheme design. Significant retaining works will be required to achieve the required site contours and portions of the land and geotechnical stability challenges still need to be investigated and remedial designs developed.

However, based on a review of the data available it is considered that the proposed residential subdivision is geotechnically feasible assuming a full range of remedial earthworks solutions such as development

earthwork contouring, shear keys, buttress fills, ground water drainage and similar are available for use on the site.”

Land contamination effects

Focus Environmental Services Limited were commissioned to undertake a preliminary site investigation of the precinct land. The purpose of the investigation was to assess current and historical HAIL activities at the precinct and assess the potential for ground contamination to exist and its potential implications for the proposed works.

The report included an historical desktop review and a site walkover, which indicated that the site has historically been pastures used for livestock farming. Farming is not considered an activity that has the potential to cause ground contamination and is not included on the HAIL. However, a potential dumpsite on the WLC land (a car and truck have been dumped) was identified approximately 250m south of the pond. The land was raised around the dumpsite, indicating the potential for further waste to be buried in that location.

Part of the site at 245 Matakana Road has been used for horticulture. There are also buildings on site which could give rise to asbestos and lead paint.

A possibility of uncertified fill material at 43 Clayden Road was identified.

The level of contamination is typical of historic farming areas. A PSI will be required in key locations at the time of development. This is all able to be successfully managed through the Auckland-wide provisions. There is nothing special or unique about this precinct which warrant different or additional controls to those within the Auckland-wide provisions.

Cultural effects

Ngati Manuhiri have prepared a cultural impact assessment for the broader Warkworth Structure Plan area. WLC has asked Ngati Manuhiri to identify any particular elements relating to the WLC land.

Ngati Manuhiri have advised that the cultural impact assessment report provided as part of the Warkworth Structure Plan is the relevant and appropriate CIA for this land and the precinct.

This report identifies that there are no wahi tapu or other cultural or spiritually sensitive sites within the precinct.

However, the appropriate environmental and ecological treatment is important to mana whenua and is discussed within the assessment.

Archaeological effects

Clough and Associates were commissioned to undertake a historical and archaeological review of the cooperating landowners' land. This review identified that during the 19th and 20th century the land was predominantly used as farmland.

While WWII US Army camps were located in close proximity to the land there is no evidence of use of the properties by camps during the field survey.

The review and field survey identified that any modifications to the landform are as a result of farming and possibly horticultural activities. Therefore, the proposed residential development will not affect any recorded archaeological sites.

The overall conclusion of the Clough report is:

“No archaeological or historic heritage sites have been previously recorded within the proposed residential development area at Goatley and Clayden Roads, Warkworth, and no sites were identified as a result of the field survey. During the 19th century the land was used for agricultural and likely orcharding in places, with a focus then on pasture. In addition, while there were WWII US Army camps located nearby, they were not located within the proposed development area”.

Rural production effects

For completeness, it is recorded that this plan change will result in 102ha of rural land passing from rural production into urban development.

The land has largely been used for grazing, particularly sheep and beef or dairy grazing (but not dairy farming). It is not high production land and is not identified as high production soils.

This land has been long identified as Future Urban zoning and targeted for urban development. It will result in some loss of rural production, but no more than what is

contemplated in the Operative Auckland Unitary Plan and what has long been signalled as a future urban area to manage Warkworth's growth.

(g) **Risk**

There are no or minimal risks with this approach given that the Auckland-wide provisions fully apply and have proved to be effective in delivering the environmental outcomes.

(h) **Reasons for proposal**

The existing provisions addressing land disturbance, land contamination, land stability and infrastructure related to subdivision will deliver the necessary planning and environmental outcomes. No additional provisions are required.

10.16 Notification

(a) **Proposed amendment**

The proposal includes a rule stating that restricted discretionary resource consents will normally be treated on a non-notified basis, unless 'special circumstances' apply.

(b) **Provisions most appropriate**

This plan change, by the time it is effective, will have been through extensive consultation process involving the Warkworth Structure Plan, and then this plan change. Aspects subject to restricted discretionary activity control will have been well defined and the effects and implications clearly identified and appropriate assessment criteria introduced.

Ensuring the planning process is efficient for this class of activity is the best way to meet the objectives of the plan.

(c) **Options considered**

There are essentially two options. The first is the approach proposed within the plan change. The second is to default to the standard notification provisions of the Resource Management Act.

(d) **Efficiency and effectiveness**

The standard practice in the Unitary Plan for precinct provisions is that restricted discretionary activities are made without notification. The safeguard of the 'special circumstance' exception provides a method by which if there is something unique about the proposal or site, then the Council has the right to notify any application.

By the time these plan change provisions have been through the statutory process, the restricted discretionary activity elements will have been well tested in the context of the specific location of the precinct.

This process provides the most effective way to deal with notification matters.

(e) **Benefits**

The benefits of this approach is a more straightforward process. This has time and cost benefits to all parties.

There is a theoretical cost to the community if something abnormal comes up which would warrant a wider scrutiny through notification of a proposal. However, that would almost inevitably trigger 'special circumstances' where the Council has the right to publicly notify.

(f) **Effects**

The effects of this proposal relate to process. Essentially identifying the appropriate controls through the plan change means that the effects are all subject to controls or appropriate assessment criteria. The effects are therefore all managed.

(g) **Risk**

There is minimal risk through this process. The 'special circumstances' provisions provides the safeguard for any abnormal circumstances or application.

(h) **Reasons for proposal**

This is the standard approach to dealing with notifications within precincts. It provides the most effective and efficient way to deal with the consenting process.

11 CONSULTATION

The co-operating landowners have undertaken extensive consultation with key stakeholders throughout the evolution of the Warkworth development and precinct. This consultation has followed on from and been part of the very broad programme of consultation the Council has had as it has developed the Warkworth Structure Plan. This has been a three stage process starting with preliminary community workshops and general feedback, through to workshops around a draft Structure Plan and then workshops and feedback leading up to the final Structure Plan. While this initiative has been fully a Council managed, run and initiated programme, the co-operating landowners have been full participants in this programme and the feedback and analysis coming out of that community process has been built into this private plan change.

This analysis summarises the consultation undertaken by the applicants for their private plan change request.

11.1 Auckland Council: Planning & Urban Design staff

The co-operating landowners have worked with the various Council officers over the development of this plan change. This has taken place in the more general settings of participation in workshops and the provision of detailed feedback through the Structure Plan process. It has also been more specific pre-application sessions with Council officers on this plan change. This has included extensive discussion over the appropriate zonings and extent of zonings and over the key landscape features and draft plan change provisions. Significant changes have been made to the original proposal to take on board this community and officer feedback. Effectively the feedback is reflected in this lodged plan change request.

11.2 Auckland Transport

The co-operating landowners affected by the MLR (WLC and White Light Trust) have had extensive discussions with Auckland Transport. This has revolved around the MLR and the walkway/cycleway network. There have been extensive discussions and participation in the Warkworth workshops and the MLR notice of requirement and hearing process. More recently this has included various forums attempting to settle appeals on the MLR. Goatley Holdings have been part of this process and the intersection they desire on to the MLR included in the transport aspects of this plan change.

Issues around limited access and the nature and location of access on to the MLR and the desire to preserve the walkway and cycleway network have all been incorporated within the plan change.

A consensus has emerged between Auckland Transport and the cooperating landowners over resolution of the MLR. This has included:

- Agreement as to the location and form of intersections.
- Agreement to the signalisation of at least the two main intersections along the MLR.
- Confirmation that future public transport routes will be confined to the MLR itself. There is no requirement or need to futureproof for public transport within the individual developments proposed by the cooperating landowners.
- Agreement that the MLR will be a limited access road and that provision will be made for vehicular access to sites within the developments undertaken by the cooperating landowners.
- Three new intersections are agreed to facilitate access to land adjacent to the MLR. These will be controlled by traffic signal. The detailed design is expected to be determined at the time of any subsequent resource consent applications.
- Developers will be required to vest any additional land to create these intersections.
- The MLR will make provision for transportation, walking and cycling.
- The estimated traffic generation of the proposal is likely to be about 5,600 traffic movements per day with peak hour traffic generation of about 540 traffic movements per hour based on 703 residential lots within the subject site.
- The estimated traffic generated by the proposal is likely to be accommodated on the road network.

11.3 Watercare

Watercare are in the process of a significant upgrade to the Snells Beach Treatment Plant and the development of the regional trunk lines through to Warkworth. This is an integral part of the Warkworth Structure Plan and Future Growth Strategy.

Maven have worked through with Watercare to identify how best this development will connect into the upgraded Watercare system and the timing.

11.4 Auckland Council: Healthy Waters

Maven have met with the Healthy Waters department to work through the overall stormwater treatment train for Warkworth Clayden Road. This was focused on the WLC land but included the catchment generally which encompasses all co-operating landowners. The Council is requiring high standards in stormwater both in terms of managing water quality and managing volume and overland

flow. This plan change adopts the Auckland-wide provisions to ensure best practice stormwater practices.

11.5 Mana whenua

Ngāti Manuhiri have produced a cultural impact assessment report for Warkworth as part of the Structure Plan process.

WLC approached Ngāti Manuhiri to see whether particular additional cultural aspects were required for Warkworth Clayden Road. Ngāti Manuhiri advised that the general Warkworth cultural impact assessment was the appropriate analysis and could be relied on as part of this plan change preparation.

11.6 Goatley Holdings

While not part of the cooperating landowners, there has been extensive discussions with Goatley Holdings over this development. In particular over matters of:

- Access to the MLR.
- Reverse sensitivity for helicopter and industrial operations on the Goatley Holdings Land.

The intersections shown on the Precinct Plan align with the aspirations of the landowner as outlined in the negotiated settlements on the MLR notice of requirement.

In terms of reverse sensitivity, this plan change puts in place:

- A no complaints covenant over the land that is rezoned from industrial to residential.
- Sets in place the measurement line at which noise will be measured in terms of the heliport consent held by Goatley Holdings.
- Sets a landscape interface between the residential and industrial land for amenity purposes.

11.7 Rodney Local Board

The Local Board feedback on the Warkworth Clayden Road area has been a key part of the Structure Plan process. The co-operating landowners' participation has been through this community consultation workshops and through the written feedback.

11.8 Community

It was the consultation between the various landowners over their individual aspirations that led to the proposition of the landowners collaborating to advance this private plan change.

The primary community consultation has been the extensive discussions through the Structure Plan process. The landowners have participated in the workshops and provided feedback on the Structure Plan.

12 NOTIFICATION

- 12.1 The RMA allows private plan change requests to be either non-notified, limited notified or fully notified depending on the circumstances.
- 12.2 The co-operating landowners are requesting this plan change be publicly notified. It is fully accepted that the Warkworth Structure Plan evolution has involved extensive public consultation. The whole Warkworth community has an interest and a stake in how Warkworth growth is managed and the environment and character enhanced.
- 12.3 Consequently the co-operating landowners are requesting full notification.
- 12.4 In one sense, because the plan change is so closely aligned to the Structure Plan, there is an argument for limited notification to those property owners surrounding the Warkworth: Clayden Road Precinct to the east of Matakana Road, to the north of the RUB and to the west of State Highway 1. This would still be an extensive notification. However, in all the circumstances and history of the Warkworth Structure Plan, the landowners are requesting it be fully notified.

13 CONCLUSION

- 13.1 This private plan change request essentially gives effect to the recently adopted Warkworth Structure Plan as it relates to the Warkworth North area.
- 13.2 This plan change fully accords with the key principles and planning framework adopted in the Structure Plan. In some elements of detail, different methods are put forward, but they will achieve the same environmental outcome.
- 13.3 This development:
- (a) Provides an appropriate opportunity for growth within this Warkworth North area which is important to the overall growth management strategy for Auckland.
 - (b) Creates a range of zones consistent with the Structure Plan which in turn creates a diversity of housing choice.
 - (c) Protects the high value streams which are tributaries into the upper Mahurangi River.
 - (d) Identifies and protects the landscape features with special controls to ensure lower density along the RUB and more intensive landscaping. This is intended to create an appropriate buffer and amenity at the Rural Urban Boundary.
 - (e) Confirms the location and operation of the MLR and this important link within the regional network. It also makes appropriate provision for local access in controlled locations.
 - (f) Addresses the issue of reverse sensitivity for adjacent industrial land.
 - (g) Makes special provision for a planned indoor recreational facility, namely the Northern Arena swimming pool and other recreation complex.
 - (h) Takes advantage of the unique location of this land being well serviced by the new MLR and with significant south-westerly aspect across the Warkworth Showgrounds.
- 13.4 The section 32 analysis undertaken as part of this plan change demonstrates that the objectives are the most appropriate way to achieve the purpose of the RMA. The provisions are the most appropriate way to achieve the objectives.
- 13.5 The precinct approach is consistent with the methodology the Council adopts within the AUP for dealing with area specific planning outcomes.

14 APPENDICES

APPENDIX 1: MASTERPLAN

Each of the co-operating landowners are at different stages of development. Undoubtedly WLC is the most advanced in their development proposals but others are progressing.

The single largest ownership block is WLC. Consequently, to assist the Council in the assessment of this plan change request, the masterplan for WLC has been outlined in this report. The purpose of this work is to demonstrate the type of activity that would be provided under the plan change. The masterplan does not form part of the plan change itself. Nor is it the only possible solution. Rather it is intended to give context as to the type and form of development enabled through this plan change.

14.1 WLC masterplan

Diagram 22 shows the masterplan proposed for WLC. The design is being developed by AStudios with significant input from the broader consultant team.

Diagram 22: Masterplan



This masterplan is an example of the type of development this plan change will enable. It is not necessarily the final detailed form of development, but rather represents likely development of the WLC land.

The process that has led to this masterplan has included:

- (a) The evaluation by Freshwater Solutions to identify the streams that traverse the site, their classification and how to protect or reflect critical streams within the masterplan. The two major streams form ecological corridors that define the residential neighbourhood pattern, particularly on the Clayden block.
- (b) The confluence of these streams and the grove of native bush in this area, both on the subject land on the immediately adjoining site, creates an obvious parkland setting for the site with

multiple functions of the primary stream including protection, bush conservation, and the opportunity for walkways and informal recreation.

- (c) The MLR is taken as a “given” including the alignment following the decision by AT on the NOR , and the agreements on settlement discussions. TPC identified the logical access locations to/from the MLR. This is partly determined by topography (given that a large part of the MLR is a cutting through the site and there are limited areas of relatively flat and therefore accessible connections), but also the appropriate location and form of intersections to gain safe access from the MLR to service the residential community both north and south of the MLR.
- (d) The landscape analysis by LA4, identifies key landscape character where development should be managed, and the upper portions of the ridge where only low density housing should be provided.
- (e) No buildings are proposed on the two knolls adjacent to the site. In fact, the ridge is generally at RL 115 above the site and largely located within the Countryside Living area. The upper road essentially follows the RL95 contour. Any housing to the north of this road are large sites with typical site size of about 1,000m².

This reflects the principle of a ‘landscape buffer’. The rationale for this is outlined in the report by Mr Pryor.

- (f) The masterplan provides for approx. 730 residential lots. It provides these in a mix of:
 - (i) higher intensity development which is located close to the MLR and on the two major green corridors through the development;
 - (ii) medium density through the bulk of the northern portion of the land; and
 - (iii) low density along the rural interface.

In this way the appropriate balance is achieved between:

- (i) efficient use of the FUZ land to ensure that scarce residential development is not squandered leading to further greenfields expansion into rural land;
- (ii) creating a lower density buffer and interface to the rural fringe;

- (iii) creating a variety of different housing typologies to encourage a diverse community from terrace homes, zero lot line development, standalone dwellings, and large scale housing opportunities;
- (iv) creating public spaces in a variety of parkland, conservation area, pocket parks or streets that create high amenity and foster quality neighbourhoods;
- (v) creating site sizes that will enable on site detention and retention which becomes critical in the stormwater management of the site.

Diagram 23 illustrates the distribution of density development within the area. It shows higher density adjacent to the MLR and the parklands, low density buffering the rural area, and medium density in the middle of the block area.

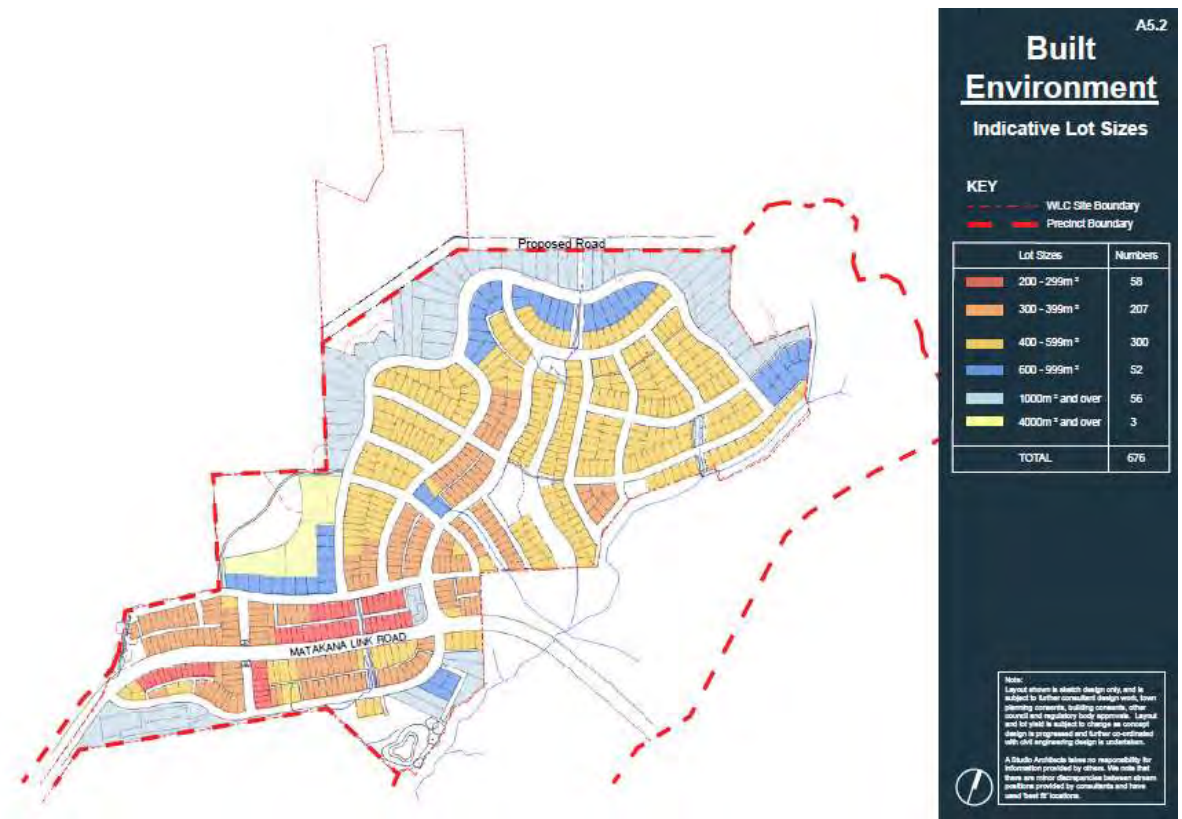
This is more fully set out in the urban design analysis but is summarised in the diagram below.

Diagram 23: Design approach



Diagram 24 shows a distribution of how these sites may be laid out and the different densities.

Diagram 24: Approximate lot sizes



The key points to note are:

- (i) Low density 'Large Lot Residential' zoning on the key landscape features.
- (ii) The low intensity lots along the rural interface.
- (iii) A mix of lots designed to promote a mix of housing typologies and thus lead a diverse community.
- (iv) The focus of higher density lots along the MLR and primary park edge road.
- (v) The diversity of section sizes in the medium density area. This reflects that all buildings will take place on sloping land. Site sizes 300-600m² provide wide opportunity for different housing forms. It also provides good spaciousness around properties for future development.

The section layout on the masterplan is only indicative to illustrate how the overall yield can be achieved within the property while still keeping the spacious character and creating a quality neighbourhood which is built around the ecological corridors within the site.

14.2 245 Matakana Road

The land at 245 Matakana Road is also being masterplanned. This masterplanning has been deferred pending greater certainty over the land take for the roundabout at the intersection of Matakana Road and the MLR, and the nature of access to the land both north and south of the MLR.

This land is all zoned Mixed Housing Urban both in this plan change and as proposed in the Warkworth Structure Plan. The nature, form and typologies of development are therefore relatively settled. This land in terms of topography, character and to an extent vegetation is more homogenous than the WLC block.

14.3 Application of these masterplans

The purpose of the masterplan is to illustrate the type of development that could occur in terms of the plan change. It is not necessarily the final development proposal, although in the case of WLC it will be close to the subsequent development resource consents when the time comes. Rather, the purpose of the masterplan is to test the planning provisions and to ensure that the nature of the planning development will deliver the outcomes sought through the objectives and policies for the precinct. It must be recognised that the objectives and policies for the precinct also import the objectives and policies of the underlying zones.

APPENDIX 2: WARKWORTH STRUCTURE PLAN

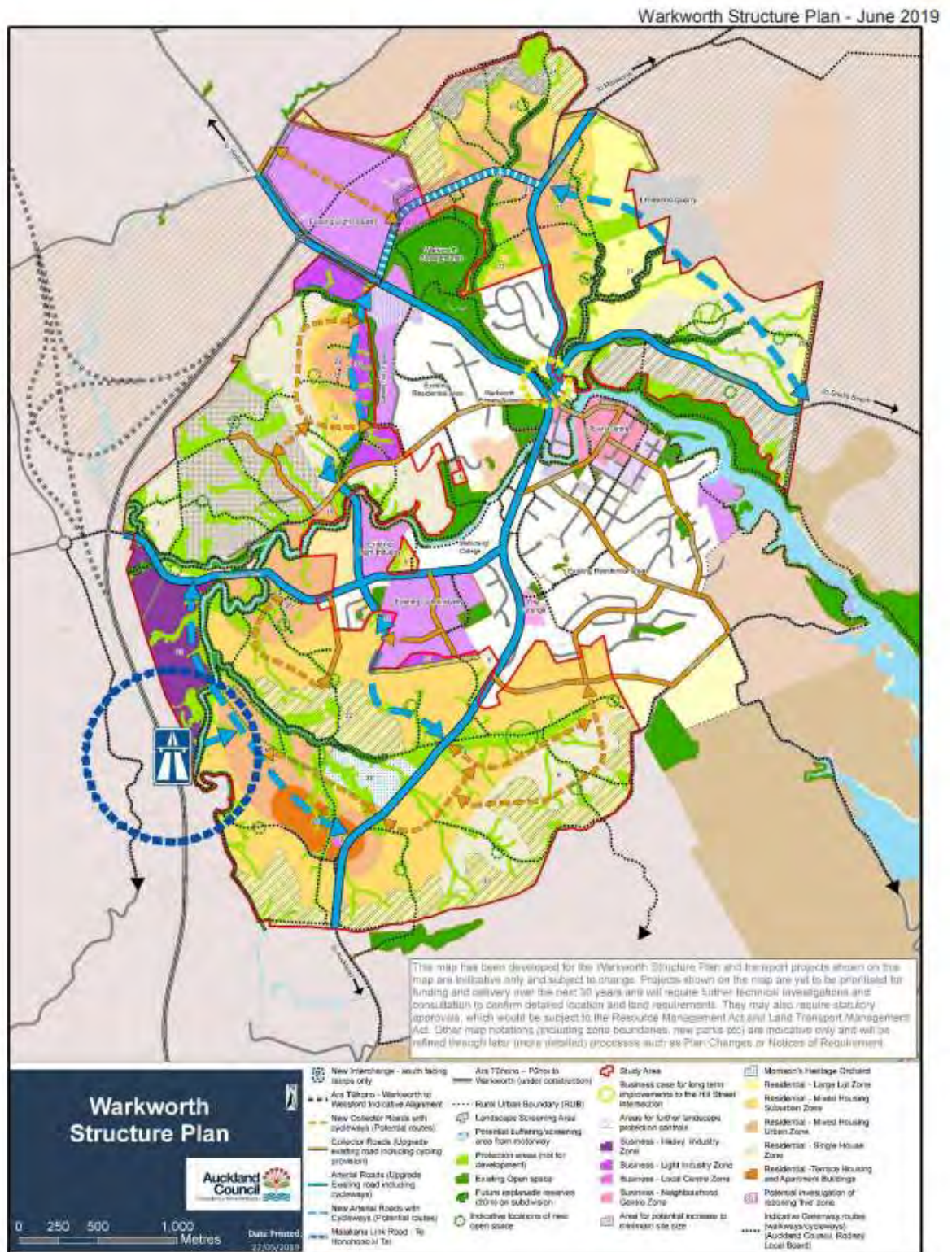


Figure 1: Warkworth Structure Plan – Land use plan

APPENDIX 3: REQUESTED PLAN CHANGE

PART A – AMENDMENT TO AUCKLAND UNITARY PLAN GIS VIEWER (MAPS)

Map 1 – Proposed Rezoning of IXXX Warkworth Clayden Road Precinct

Notes:

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

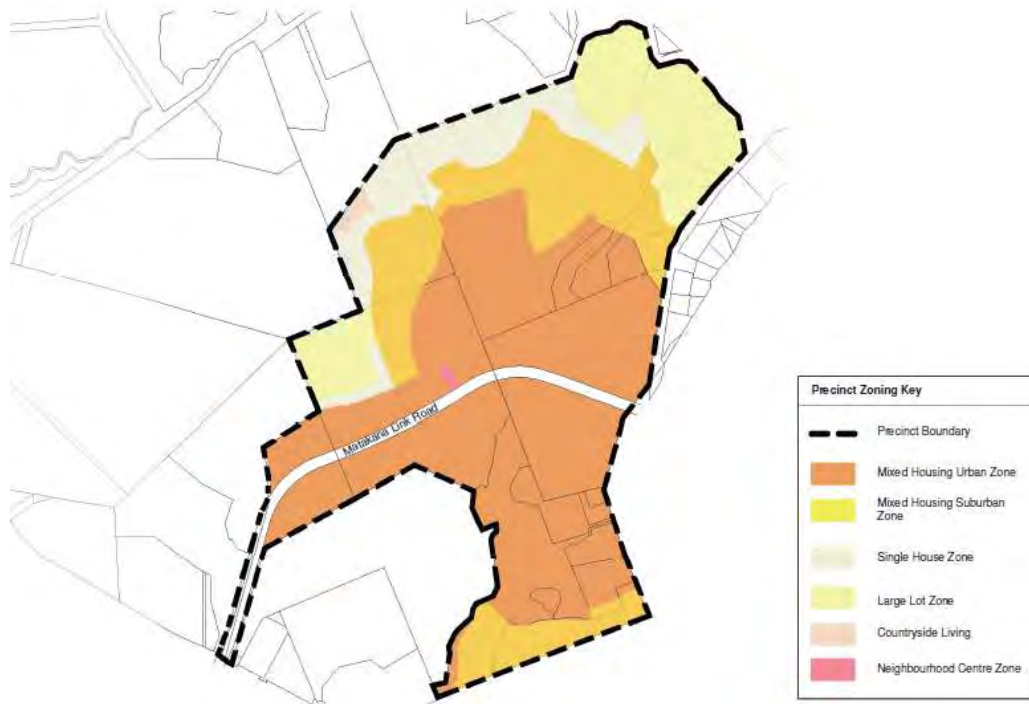
Map number:	1
Geographic area:	North
Current zones:	Future Urban zone and Light Industry zone
Proposed zones:	Residential – Mixed Housing: Urban Residential – Mixed Housing: Suburban Residential – Single House Rural Countryside Living

PART A AMENDMENT TO THE MAPS

ZONING

That the land currently zoned Future Urban be rezoned Mixed housing Urban, Mixed Housing Suburban, Single House and Large Lot residential as shown on the following zoning plan

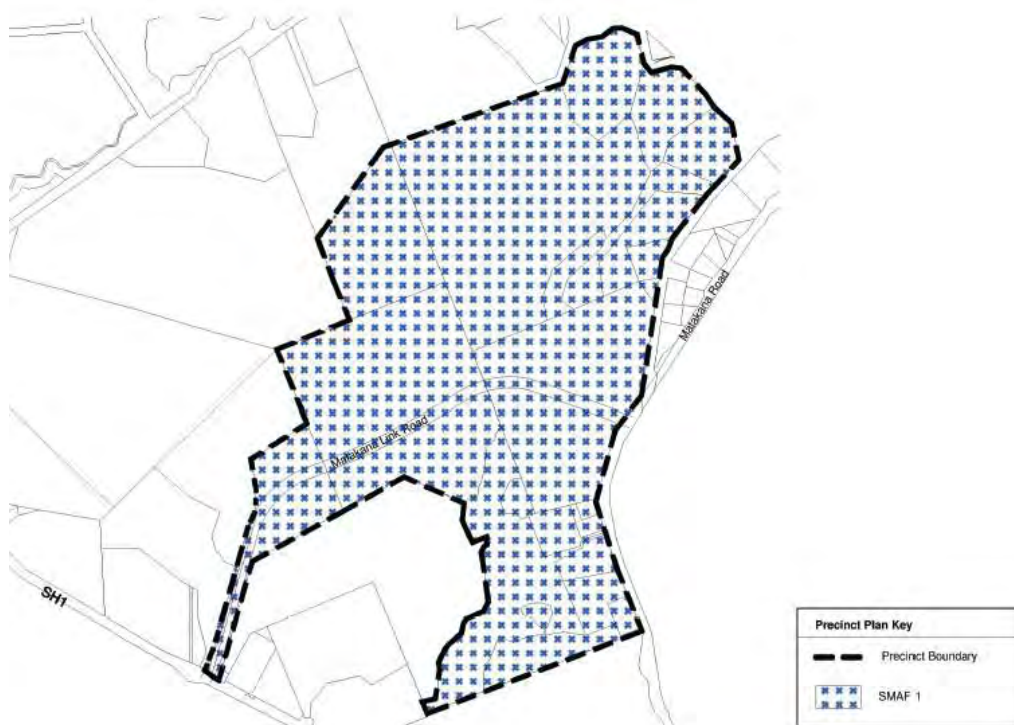
Map 1 - Zoning



CONTROLS

The land shown below be identified as “SMAF1” in the ‘Controls’ map.

May 2 – Control: SMAF1



PRECINCTS

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

Map 3 –Precinct Boundary of IXXX Warkworth Clayden Road Precinct



PART B AMENDMENT TO IXXX CLAYDEN ROAD PRECINCT

Insert the following new precinct provisions:

IXXX Warkworth Clayden Road

IXXX.1 Precinct description

The Warkworth Clayden Road Precinct is located between State Highway 1 and Matakana Road north of the Warkworth Showgrounds. It is intended to assist in providing for growth within the Warkworth area. The planned Sandspit Link Road creates good connectivity to this part of Warkworth with direct connections to State Highway 1 and the new Highway to the south.

A range of zonings apply within the Precinct. Employment opportunities are retained in the Light Industrial zone to the west. More intensive residential opportunity is created around the Sandspit Link Road and the future public transport options this offers with direct access to and views across the Warkworth Showgrounds. Medium density housing is provided in the northern area of the Precinct. Low density 'Single House' zoning is provided on the Rural Urban Boundary fringe with particular controls applying along the interface between the Countryside Living zone and the Single House zone. A small area of land is zoned 'Country side Living'. These controls are designed to create a lower density interface and a landscape buffer between the urban and rural areas.

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

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

IXXX.2 Objectives

The following objectives apply in addition to the relevant overlay, Auckland-wide, and zone objectives.

- (1) Provide for residential urban growth within the northern Warkworth area.
- (2) Apply urban zoning efficiently to protect against future urban expansion into Warkworth's valued rural hinterland.
- (3) Enhance the character of the rural – urban interface through limitations on housing density and enhanced landscaping.
- (4) Create an accessible residential development with vehicle and cycleway connections.
- (5) Manage reverse sensitivity issues at the interface between the residential and light industrial land.

IXXX.3 Policies

The following policies apply in addition to the relevant overlay, Auckland-wide, and zone policies.

- (1) Provide a range of diverse zones and therefore housing options to help meet community needs.
- (2) Locate high density housing adjacent to the Sandspit Link Road and overlooking the Warkworth showgrounds and Mahurangi tributaries and supporting public transport.

- (3) Create low density housing along the urban-rural boundary to form a transition from urban to rural uses.
- (4) Create the opportunity for local shops to service the neighbourhood, by zoning a suitable area of land for a “neighbourhood centre”.
- (5) Create an intensively landscaped interface along the rural urban boundary.
- (6) Prevent building development on the special landscape areas shown on Precinct Plan 1 and incentivise the planting of these landscape elements.
- (7) Enable extensive active walking and cycling network and futureproof key walkway/cycleway routes and vest these key routes in the Council.
- (8) Create the opportunity for a major indoor recreation facility adjacent to the Warkworth showgrounds.
- (9) Create a landscaped buffer and require “no complaints covenants” on the properties adjacent to the industrial zoned land so as to manage reverse sensitivity issues.
- (10) Limit direct access from individual sites on to the Sandspit Link Road to pedestrian and cycle access only.
- (11) Manage the effects of stormwater on water quality in streams through riparian margin planting, on site detention and retention and protection of streams shown on Precinct Plan IXXX.9.1 by way of land covenant at the time of subdivision.

IXXX.4 Activity table

The provisions in any relevant overlays, Auckland-wide provisions and zone apply in this precinct unless otherwise specified below.

Table IXXX.4 Activity tables specify the activity status of land use, development and subdivision activities in the Warkworth North 1 Precinct pursuant to sections 9(2),9(3) and 11 of the Resource Management Act 1991 or any combination of all of these sections where relevant.

Table IXXX.4.1 Mixed Housing Urban

Activity		Activity status
Use		
Community		
(A1)	Recreation Facility in the location shown on Precinct Plan 1 as “Special Use Overlay – Sporting Facility”	RD
Development		
(A2)	Buildings within the “Special Subdivision Control Area” that do not comply with standard IXXX.9.1.	D
(A3)	Any building or structure (excluding fencing less than 2m in height) within the Special Landscape Area.	NC

(A4)	Reclamation of streams other than those shown on Precinct Plan IXXX.9.2	RD
(A5)	Reclamation of streams shown on Precinct Plan IXXX.9.2	NC
(A6)	Removal of any native vegetation shown as “Covenanted Area” or “significant bush” on Precinct Plan IXXX9.2, except this shall not preclude: (i) removal of deceased or damaged limbs or trees that could create a fall hazard; (ii) clearing of bush up to 2m wide to create public tracks.	NC
Subdivision		
(A7)	Vacant site subdivision sites (either less than 1ha or 1ha and greater) complying with standard E38.8.2.3 and generally in accordance with Precinct Plan I1XXX.4.1	RD
(A8)	Any subdivision in the special density area shown in Precinct Plan 1 that does not meet the minimum site size requirements in Rule IXXX.4.1.	NC
(A9)	Any subdivision that is not in general accordance with Precinct Plan 1 Rule I1XXX.4.1.	NC

IXXX.5 Notification

- (1) Any application for resource consent for a restricted discretionary activity listed under IXXX.4 will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under sections 95A(9) or 95B(10) of the Resource Management Act 1991.

IXXX.6 Standards

The overlay, Auckland-wide, and zone standards apply in this precinct unless otherwise specified below:

IXXX.6.1 Special Height Limit

- (1) The maximum height limit in the Mixed Housing Urban zone in the area shown as “special height limit 1” on Precinct Plan 1 (IXXX.9.1) shall be the same as rule H.4.6.4 ‘Building Height’ in the Mixed Housing Suburban zone.

- (2) The maximum height limit in the Single House zone in the area shown as “special height limit 2” on Precinct Plan 1 (IXXX.9.1) shall be 5m for any building that is within 10m but further than 6m from the Rural Urban Boundary.

IXXX.6.2 Special Yard

- (1) All buildings on sites subject to the “special yard” control shown on I1XXX.9.1 Warkworth Clayden Road: Precinct Plan 1 must be set back from the Rural Urban Boundary for a minimum distance of 6m. This rule replaces any other yard applying within 6m of the Rural Urban Boundary.
- (2) All land within the “special yard” shown on Precinct Plan 1 shall be landscaped. A minimum of 50% of the area shall be planted in native trees that will attain a height of at least 5m when mature.

IXXX.6.3 Special Landscape Yard

- (1) No building or structure shall be built within the ‘Special Landscape Yard shown on Precinct Plan 1. This rule does not apply to fencing less than 2m in height.
- (2) Fifty percent of the ‘Special Landscape Yard shall be planted with native trees that achieve a height of 5m or more on maturity.

IXXX.6.4 Limited Access

- (1) Road junctions with the Sandspit Link Road servicing the precinct, shall be limited to three, to be located in the general location identified as Access Points onto Sandspit Link Road on I1554.9.1 Warkworth Clayden Road: Precinct Plan 1
- (2) No vehicular access from any property shall be allowed directly onto the Sandspit Link Road for the frontage shown indicatively on I1554.9.1 Warkworth Clayden Road: Precinct Plan 1

IXXX.6.5 Subdivision Standards

- (1) The minimum net site area in the area shown as “Special Subdivision Control” on Precinct Plan 1 shall be 1,000m² net site area.

IXXX.6.6 Noise measurement line

- (1) For the purposes of measuring consented noise levels for the Warkworth Heliport on 38 Goatley Road, the “nearest residential boundary for noise measurement within the precinct shall be taken as the “noise measurement line” shown on Precinct Plan 1. The condition shall not apply to the residential sites west of the noise measurement line.

IXXX.6.7 Landscape Screening Area

- (1) A 6m landscaped screening area in the location shown on Precinct Plan 1 shall be provided. This area shall be intensively planted and maintained with native trees and shrubs. The 6m distance shall be measured from the zone boundary. This planting shall occur at the time of subdivision of the land to create any title or titles less than 5,000m².

IXXX6.8 High Contaminant Yielding Materials

The total area of high contaminant roofing, spouting, cladding or external architectural features must not exceed 5m².

IXXX.7 Assessment – restricted discretionary activities

IXXX.7.1 Matters of discretion

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

- (1) Vacant lot subdivision
 - (a) The matters of discretion listed at E38.12.1(7)
 - (b) The location of the facility
 - (c) Building scale
 - (d) Landscaping
 - (e) Transport including Access and Parking

- (2) Indoor Recreation Facility in the location shown on I1XXX.9.1 Warkworth Clayden Road: Precinct Plan 1:
 - (a) Building scale
 - (b) Landscaping
 - (c) Parking
 - (d) Interface with residential development
 - (e) Interface with Warkworth Showgrounds

- (3) Modification or reclamation of streams
 - (a) Stream ecology
 - (b) Base flow
 - (c) Management of water flow
 - (d) Offset mitigation
 - (e) Stream bed level
 - (f) Riparian planting
 - (g) Overland flow.
 - (h) Providing for growth and development

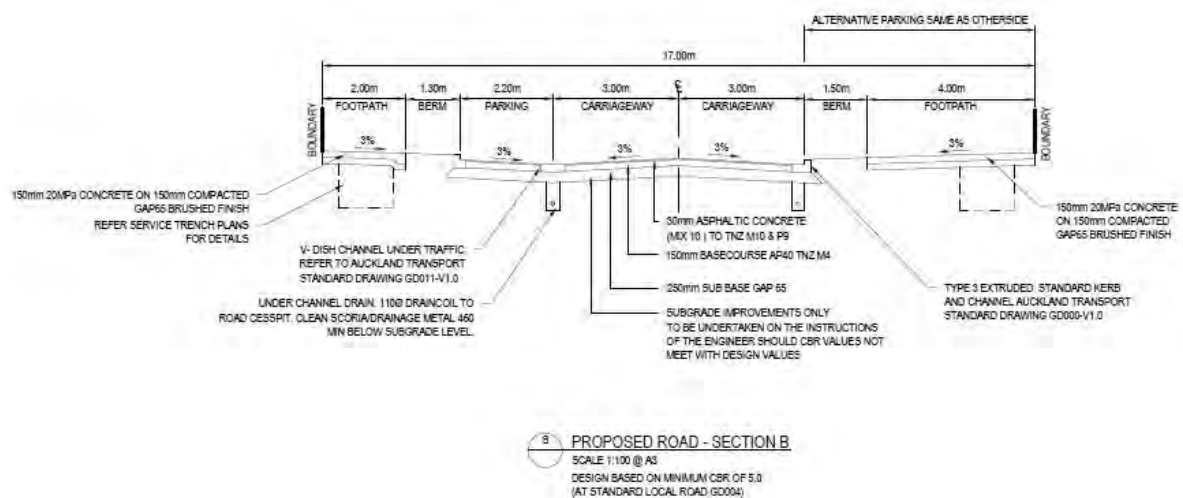
IXXX.7.2 Assessment criteria

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

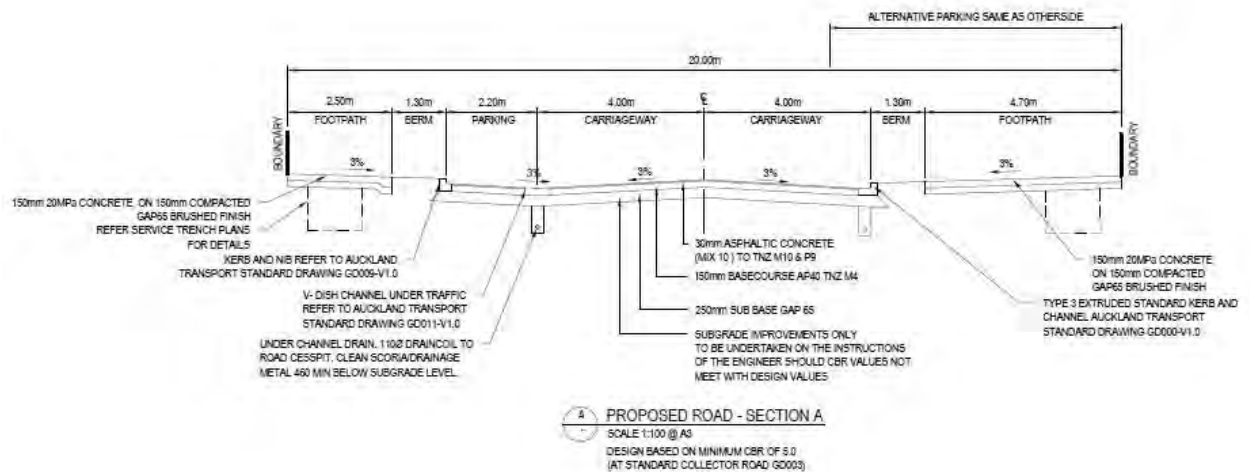
- (1) Vacant Lot Subdivision
 - (a) In addition to the matters of discretion listed at E38.12.2(7), the extent to which:
 - (i) The proposal contributes to the implementation of policies IXXX.3(1)-(5).
 - (ii) Subdivision layout is consistent with Precinct Plans 2 and 3.
 - (iii) Intersections to local roads accessing the Matakana Link Road are limited to the locations identified on Precinct Plan 1.
 - (iv) The eastern access to Matakana Link Road is confined to a 'left-in/left-out' only road connection.

- (v) Subdivision layout meets the minimum lot sizes of Rule I1XXX.6.5 (special subdivision control).
- (vi) Subdivision layout is designed to ensure that no sites require vehicular access from the Matakana Link Road. Sites shall be serviced from local roads, laneways JOAL's, or other suitable mechanisms.
- (vii) Sites that include streams shown on Precinct Plan 2, have complying practical building platforms clear of identified stream areas.
- (viii) Earthworks are managed in such a way as to provide high quality erosion and sediment control measures.
- (ix) For the area identified on Precinct Plan 1 as "no complaints covenant area" a no complaints covenant is registered against any title acknowledging the location is adjacent to an industrial area and a consented heliport and that the resident will not complain about permitted activity meeting the Auckland wide standards, or helicopter activity operating under and complying with the conditions of consent of Resource Consent XXXX.
- (x) All sites that contain a special yard under rule IXXX.6.1 provide a covenant which requires 50% of the yard area to be planted in native trees that will attain a height of at least 5m when mature, and the covenant provides for the maintenance and protection of this planting in perpetuity.
- (xi) The erosion and sediment control measures shall provide for and include use of the stormwater management pond and establishment of the wetland, shown in Precinct Plan 1.
- (xii) The greenways shown on Precinct Plan IXXX.9.1 are vested in the Council at the time of subdivision.
- (xiii) The staging of any part of the precinct relying on access to the MLR is such that completed homes are not occupied prior to the MLR becoming operational
- (xiv) A walkway network, generally in accordance with Precinct Plan 3 IXXX.9.3 including roads and open space area, is created to ensure an interconnected neighbourhood. This includes connections to the footpaths and known bus stops on Matakana Link Road.
- (xv) Cycling facilities are provided on collector roads to integrate with cycling facilities on the MLR, and to generally meet the typical road cross-section shown in the diagram.
- (xvi) Local and collector roads shown on Precinct Plan IXXX.9.3 are designed to generally meet the typical cross-sections shown below.

Typical road cross-section: Local road



Typical road cross-section: Collector road



(2) Indoor Recreation Facility in the location shown on I1XXX.9.1 Warkworth Clayden Road: Precinct Plan

The extent to which:

- (a) The indoor recreation facility is located within the land area identified on Precinct Plan 1.
- (b) The height of the building complies with zonal height.
- (c) Landscaping, particularly front yard and the yard adjoining residential zoned land provides a reasonable amenity to the neighbourhood.
- (d) Provision is made for transport related matters including access and adequate parking to service the facility, and hours of operation.
- (e) The interface with the Warkworth Showgrounds provides a good built and landscaped amenity, and a degree of visual overlooking of the showgrounds.

(3) Stream modification or reclamation

The extent to which:

- (a) Streams can be retained through re-alignment and raising of stream beds to integrate with land contouring;
- (b) Ten metre riparian native planting will be provided along each side of any re-aligned stream;
- (c) Where streams are proposed to be reclaimed with no vertical or horizontal re-alignment, the degree and extent of off-setting, and compensation;
- (d) Management of water flow is achieved to prevent flooding of residential sites;
- (e) Base flows to the head of retained streams affected by any reclamation of a permanent stream are maintained;
- (f) Reclamation is required to achieve the minimum road grade requirements.
- (g) Development potential will be lost without reclamation works, balanced against the ecological value of the stream to be reclaimed.
- (h) The ecological classification of the underlying stream is maintained.

- (i) The 'effects management hierarchy' (avoidance, remediation, mitigation, offset) has been applied.
- (j) The degree of mitigation or offset where changes to the vertical and horizontal alignment are proposed.

IXXX.8 Special information requirements

The special information requirements in the underlying zone and Auckland-wide provisions apply in this precinct, together with the following:

There are no special information requirements

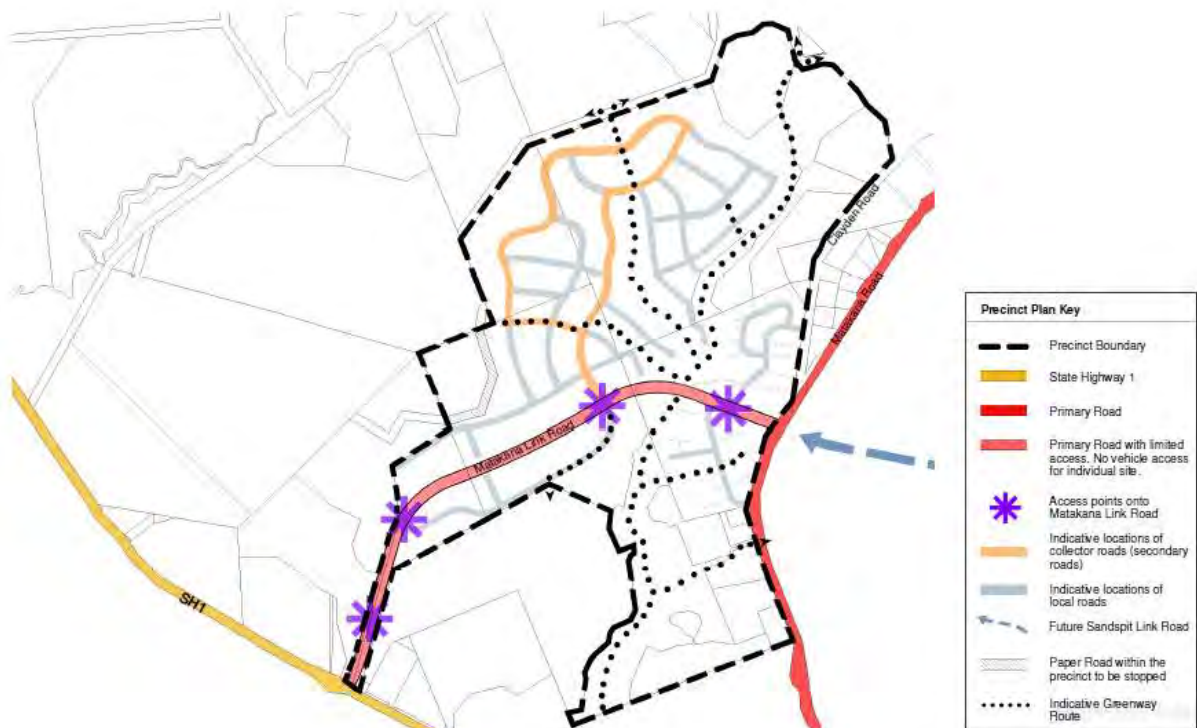
IXXX.9.1 Precinct Plan 1:



IXXX.9.2 Precinct Plan 2



IXXX9.3 Precinct Plan 3



APPENDIX 3

CLAUSE 23 REQUESTS AND APPLICANT'S RESPONSES

27 November 2019

Warkworth Land Company
c/-Tattico
PO Box 91562
Victoria St
Auckland 1142

Attention: John Duthie john.duthie@tattico.co.nz

Dear John,

Clause 23 RMA Further Information: Warkworth Clayden Road – Private Plan Change Request

Further to the lodgement of the Warkworth Clayden Road – Private Plan Change Request by the Warkworth Land Company, the council has now completed an assessment of the information supplied.

Pursuant to Clause 23 of the Resource Management Act 1991 the council requires further information to continue processing the private plan change request.

The Council requests further information under Clause 23(1) on the following matters:

- Transport
- Terrestrial ecology
- Freshwater ecology
- Economic
- Landscape
- Stormwater and stream works
- Engineering
- Land disturbance and geotechnical
- Land contamination

Each of these is further explained below. Should you wish to discuss this matter or seek a meeting to clarify points in this letter please do not hesitate to contact Ryan Bradley (021 949 658, ryan.bradley@aucklandcouncil.govt.nz) or Petra Burns (021 819 291, petra.burns@aucklandcouncil.govt.nz) or any of the specialists named at the beginning of each section.

Transport

(Martin Peake, Progressive Transport Solutions, martin@progressivetransport.co.nz)

Trip Generation

To enable a comparison to be drawn between the forecast trip generation of the PPC, a summary comparison of the proposed land uses under the PPC with those land uses anticipated in the approved Warkworth Structure Plan (WSP) should be provided. The comparison should clearly set out the appropriate land areas for the different zones, the number of dwellings for each zone, employment jobs and the number of trips for each zone.

Details of the assumptions as to how the number of dwellings has been derived should be provided.

Assessment of Effects

The Integrated Transport Assessment (ITA) provides analysis of the operation of the two intersections at either end of the Matakana Link Road (MLR). These assessments are based on the proposed layouts in the traffic assessment that accompanied the Notice of Requirement application for the MLR.

It is noted that the SATURN modelling referenced is out of date and that more recent modelling undertaken for the Supporting Growth Alliance has land use assumptions that were used for the Warkworth Structure Plan. There is also an updated version of the modelling undertaken by Stantec that was used during the MLR appeals.

The modelling presented is only for the development scenario. An assessment without the development (or with the approved WSP) should be provided to enable the effects of the proposed plan change to be assessed compared to what was anticipated as part of the WSP.

The SIDRA modelling of the 2036 PM peak hour for the SH1 / MLR intersection indicates that the intersection will not perform to a satisfactory standard. In particular the right turn into MLR, is predicted to have a 260m long queue with only short stacking space and thus the queue will affect the northbound traffic movement and interfere with the Hudson Road intersection. Modelling should be undertaken to determine how the proposed intersection and the Hudson Road/SH1 intersection interact and alternative designs should be explored to address this issue.

In addition, an assessment should be undertaken of the future layout and operation of the two intersections at either end of the MLR once the West Link Road (WLR) and Sandspit Road Extension are constructed. This assessment is required to demonstrate that the intersections would operate satisfactorily in this future state. It is noted that there is already a PPC application for the area to the west of State Highway 1 (SH1), which if approved, would likely bring forward the construction of the WLR.

An assessment of the layout and operation of the intersections along the MLR is required. Whilst it is acknowledged that the detail of these intersections will be subject to future subdivision or resource consent applications, an assessment is required at this stage to demonstrate the potential effects of

these intersections on the MLR. This assessment should also be used as a basis to determine the potential staging of the four-laning of the MLR, as the operation of the intersections may dictate early construction of the full width of the MLR.

The analysis provided in the ITA suggests greater traffic volumes along the MLR than used in the analysis supporting the NoR application. Assessment of intersections in the vicinity of the PPC is required to demonstrate that the intersection operates satisfactorily. These intersections include:

- Matakana Road / Clayden Road
- SH1 / Goatley Road
- SH1 / Hudson Road

The effects of the PPC on the SH1 / MLR intersection should be assessed against the operation of this intersection forecast in the NoR application. Where there are adverse effects, such as key approaches or movements operating in excess of capacity, mitigation measures should be identified.

Road Cross-sections

The road cross-sections presented in the ITA are understood to be out of date. The latest cross-sections should be used.

The ITA indicates that walking and cycling will be provided for within the roads within the PPC area, including separated cycling routes along the Collector roads. Details of the anticipated cross-sections of these roads should be provided including road reserve width, number of lanes, provision for cyclists and pedestrians and any areas set aside for streetscape works (e.g. trees or berms) and parking. This is required to confirm the walking and cycling provisions (and connections) and to indicate to future developers the expected level of provision within the PPC area.

Vehicle access restrictions across separated cycle facilities along the collector roads will be required.

Road cross-sections of local roads shall also be provided.

Public Transport

The ITA states that the design of the collector road network within the PPC area has been designed to accommodate public transport. It would be anticipated that bus stops will be required along the public transport route, either with the PPC area or along the MLR. Confirmation should be provided that such facilities will be provided. The road reserve width along the MLR should accommodate the provision of bus stops.

Precinct Provisions

The Precinct Plans show the MLR, indicative road network and the greenways routes for pedestrians and cyclists. The Precinct Provisions should clearly set out the rules and assessment criteria required to ensure that the appropriate transport infrastructure is provided to mitigate the effects of the PPC and to provide a well connected transport network including walking, cycling and public transport provision. Refer to AT's specific comments below.

The precinct provisions limit the number of intersections to four. AT has advised that this is not the case and the actual number and form of intersections will be determined on each application.

Staging of Infrastructure

Details of the infrastructure that is required to support the PPC should be provided together with the likely timing of when that infrastructure will be required and whom would be responsible for its provision. Where necessary, triggers or thresholds should be identified to clearly set out the expectation on when infrastructure will be needed.

Other Developments

The Northern Arena is to be located within the Structure Plan area. Details of how this will be accessed, the form of events and how it will operate should be provided.

Auckland Transport Specific Comments

Some of these matters have been discussed above, but for completeness the original AT Comments are provided below. Many of the matters raised are in relation to the precinct provisions.

Information required	Reason
Provide information to show how the residential vs employment yields compare with the ITA prepared by SGA for the Warkworth Structure Plan	If the proposal seeks to go significantly beyond what the Structure Plan anticipated in terms of yields then the applicant needs to redo the 2046 assessments to ensure the network can still operate acceptably – do some of the Structure Plan intersections need to get bigger for example, is a bus route now needed on MLR etc?
Update the modelling information in the transport assessment to take into account modelling report prepared October 2019 by Stantec for Goatley Holdings and Stellen Trust.	To better understand traffic effects. The transport assessment (3.5.4) refers to information provided by Stantec but indicates that the complete information is not yet available. AT is aware that Stantec now has an updated report.
Explain how the precinct provisions will ensure that subdivision and development is integrated with the provision of transport infrastructure and services.	To better understand transport effects and the ways in which any adverse transport effects may be mitigated.
Explain how the precinct provisions will ensure that a network of cycleways and walkways will be provided - including protected cycleways on collector roads and greenway routes.	To better understand transport effects and the ways in which any adverse transport effects may be mitigated.

Information required	Reason
Explain how the precinct provisions will ensure that the intersections to the MLR are designed appropriately and are provided by the developer, including the additional land required.	To better understand transport effects and how the plan change does (or does not) give effect to higher order documents.
Explain how the precinct provisions will deliver the key parts of the masterplan given that this is provided as an example of the type of development that may occur.	To better understand transport effects and the ways in which any adverse transport effects may be mitigated.
Explain how the precinct provisions will enable connectivity across the MLR.	To better understand transport effects and the ways in which any adverse transport effects may be mitigated.
Demonstrate in the transport assessment how the plan change will achieve the higher level objectives and policies in the AUP (only E27 is considered). This can be done by cross-references to, and agreement with, relevant assessments of the RMA framework if these are covered in the planning report.	To better understand transport effects and the ways in which any adverse transport effects may be mitigated.
Explain how the precinct provisions will ensure that matters related to traffic generation, and the location and design of parking and access are adequately considered when assessing a resource consent application for a recreation facility.	To better understand transport effects and the ways in which any adverse transport effects may be mitigated.
Explain how the precinct provisions will ensure that any large scale developments (such as retirement villages) which do not require a subdivision will not put at risk the delivery of the transport infrastructure identified on Precinct Plan 3.	To better understand the ways in which any adverse transport effects may be mitigated.

Freshwater Ecology

(Mark Lowe, Morphum Environmental, Mark.Lowe@morphum.com)

- The proposed plan change seeks that reclamation of streams not shown in the precinct plan be a restricted discretionary activity (IXXX.4.1 (A4)), with associated matters for discretion and assessment criteria (IXXX7.1(3) and IXXX7.2(3)).

The planning report does not provide adequate assessment and rationale to support this deviation from the existing AUP framework with regards to stream reclamation. Furthermore, the ecology report recommends that the existing AUP framework is appropriate for managing these effects at resource consent stage “*Current AUP controls will adequately deliver the environmental outcomes for the site and no additional provisions are warranted or recommended as part of the plan change process*” (Pg63).

Further analysis and justification of this aspect of the proposed plan change is required to understand the efficiency and effectiveness of the proposed changes to the activity status and the proposed matters for discretion and assessment criteria.

Note: Given the information currently provided, it is considered that the existing AUP framework is both adequate and suitable to assess any future resource consents for stream reclamation within the proposed precinct. Furthermore, the objectives and policies relating to stream reclamation in the AUP also align with the overall objectives and policies in the Warkworth Structure Plan in this regard.

Furthermore, the matters of discretion and assessment criteria provided for the proposed Restricted Discretionary activity do not provide adequate provision for applying the ‘effects management hierarchy’ which seeks avoidance, remediation and mitigation prior to considering offsets. The effects management hierarchy approach is supported by national legislation, case law, the AUP, and best practice guidance documents.

There are aspects of the planning report that do not appear to align with the proposed change to the activity status of stream reclamation for example:

- *Section 9.5: “The regional provisions of the AUP will apply. This plan change does not seek to amend any regional provisions”.*
- *Section 10.7: “For areas considered to be of medium or low value, then the standard Auckland-wide provisions apply”.*
- The effects of possible future reclamation of streams on downstream baseflows is proposed to be managed through stormwater design (Ecology Report, pg 61; Planning Report, pg 112). Infiltration is the best means to do this, however, as noted in the SW report, “*the presence of low permeability ultic clays in the structure plan area may preclude the use of infiltration devices in some areas*”. Furthermore, borehole logs provided indicate clay or silty clay/clayey silt type soils which will have low recharge.

Further information is required to understand the ways in which adverse effects may be mitigated. Further information to support the ability to maintain baseflows in reaches downstream of possible future reclamation, and therefore provide adequate mitigation, is required.

- The planning report doesn’t provide an assessment against a couple of relevant RPS objectives, including:

a. B7.2.1(2) Indigenous biodiversity is maintained through protection, restoration and enhancement in areas where ecological values are degraded, or where development is occurring.

b. B7.3.1(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. [not offset or compensated]

Please provide an assessment of the proposed plan change against these RPS objectives.

- Please clarify the difference between ‘watercourse removed’ and ‘watercourse reclaimed’ on appendix A of the Stormwater Report (Drawing C541)

Terrestrial Ecology

(Rue Statham, Auckland Council, Rue.Statham@aucklandcouncil.govt.nz)

- The application does not contain an arboricultural assessment of significant landscape trees.

The Warkworth North East Ecology Plan Change (WNEER), prepared by Freshwater Solutions, dated 9 October 2019 identifies habitats, such as Area 3, that are devoid of understory but have the potential to be restored or currently have high value amenity presence; whilst having “moderate ecological value within the site, especially as they buffer watercourses”.

The Masterplan depicts IXXX.9.2 Precinct Plan 2, Areas of Significant bush; but the site may contain other trees of landscape and visual significance (e.g. “There are kauri trees within the pasture on the property at 245 Matakana Road. It is desirable that these trees be retained.....”).

It is noted that the WNEER is currently submitted in ‘Final’ status.

- The extent of terrestrial ecological survey informing the private plan change application does not cover the full extent of proposed plan change area, and the proposed precinct boundaries. The Freshwater Solutions report is relying, in part, on desktop analysis. Therefore, the current and potential ecological values of several terrestrial habitats within the proposed plan change area, including Significant Ecological Area’s, have not been adequately assessed. Similarly, the actual and potential adverse effects on these habitats as a result of the proposal plan change has not been fully assessed.

No on-site terrestrial ecological assessment (including current and potential values) is provided for several properties in the proposed plan change area, including the parcel containing the Significant Ecological Area (SEA_T_6985). For clarity, assessments of 139

Clayden Road, Lot 3 DP 492431 Clayden Road, 17–19 Clayden Road and 157, 165, 171, 185, 207, 211, 223 Matakana Road were carried out by desktop.

- The Maven reports are citing ecological reports that are not included in the application, referencing as they do, Bioresarches 2018; the infrastructure reporting should be referencing only the submitted ecological opportunity and constraints reports, or the application should present all ecological reporting for consideration.
- No assessment of esplanade buffer setback has been undertaken for the Plan Change area; in accordance with 2.3yr Mean Annual Flood event. A clearer understanding of esplanade areas would be warranted. Whilst it may be argued this is required at subdivision stage, the conceptual Masterplan has clearly draw assumptions based on yield and urban design outcomes; which may in turn be further influenced by locations of esplanades, especially where these connect to existing protected areas (covenants).
 - Footpaths and cycleways and connections with roads, will be influenced by the full extent of esplanade requirements and should be located outside of protected bush areas.
 - There is an assumption that Council will accept vesting of all bush and riparian areas, through Precinct provisions; this may not be the case for all areas of covenant or stream corridor and is generally considered on a case by case basis by Local Boards.
- The applicant should be, at the earliest opportunity, engaging with the QEII trust. The application does not discuss the QEII covenants, nor does the application provide references of consultation with the relevant Local Representative. As there are large protected covenant areas, protected by this unique legislation, QEII are likely to be an interested party to this proposal. There are significant implications for Public use and potential adverse effects on habitats. Subdivision, land use, (e.g. including installation and operation of utilities), and potential changes to ownership arrangements of land protected via covenant should be discussed with the Local QEII Representative.

Economic

(Derek Foy, Market Economics, derek@me.co.nz)

#	Category of information	Specific Request	Reasons for request
1	Economics	Provide some explanation about the location of the proposed Neighbourhood Centre.	The Warkworth Structure Plan identifies a Neighbourhood Centre zone at the intersection of the Matakana Link Rd and Matakana Rd. The rationale for identifying

			<p>that location for a Neighbourhood Centre was twofold.</p> <p>First, it is located relatively centrally within northern Warkworth, and the centre would be within a reasonable walking distance of most parts of northern Warkworth (i.e. the area north of the current SH1 and the Warkworth River). The location proposed in the application is further west, making the centre less accessible for future households in the eastern part of northern Warkworth (i.e. those east of Matakana Rd and north of the river), making Neighbourhood Centre access for households in that north-eastern area more difficult than the Structure Plan envisaged it should be.</p> <p>Second, the Structure Plan's location for the centre was at the intersection of the Matakana Link Rd and Matakana Rd so as to increase accessibility of that centre and, as the Structure Plan states, "leverage off the activity around the intersection". The PPC's proposed location is away from that intersection.</p>
2	Economics	Provide additional assessment of the magnitude of economic impacts assessed, taking into account the potential for effects to be transferred from elsewhere in Auckland, rather than being net additional to the regional economy.	<p>The Colliers assessment quantifies the PPC's potential economic stimulation as a result of increased construction activity at \$577m (p6 and p27). While there will be some net additional economic activity stimulated, we would expect most to be a transfer effect from construction that would otherwise take place elsewhere in Auckland. So at a regional level, the additional activity stimulated may be much less than Colliers has assessed. That likelihood is not considered in the Colliers report.</p>

			The Property Economics report does appropriately discuss other economic benefits, but not the construction benefits identified by Colliers.
3	Economics	Clarify the area of Light Industry zone proposed to be changed to residential zone in the PPC.	<p>The Property Economics report states that area of land to be 3.6747ha (p4 and 5), but does not describe how that area is calculated.</p> <p>The area of the parcel (PT LOT 1 DP 61693) identified by the blue polygon in Property Economics' Figure 1 is 5.1776ha. However, a part of that would necessarily become the Matakana Link Rd, yielding a lesser amount of developable Light Industry zone. We understand that a further part might become the Northern Arena, although it is not clear if that is accounted for in the 3.674ha. It would be helpful to understand if that is the process Property Economics applied to estimate the 3.6747ha.</p>
4	Economics	Provide an estimate of potential employment at the proposed Northern Arena swimming pool complex to the immediate north of the Showgrounds.	<p>The Warkworth Structure Plan aims to provide sufficient employment opportunities to meet employment per household targets at a township level. It is important to understand the degree to which the PPC would be consistent with contributing to the Structure Plan's employment targets.</p> <p>The PPC proposes changing the Light Industry zone on PT LOT 1 DP 61693 to residential zoning. That would result in a reduction of employment capacity in Warkworth's Light Industry zone if the PPC proceeds as proposed.</p> <p>Understanding how much employment might be provided at the Northern Arena would help to understand the extent to which any</p>

			decreased industrial employment yield might be offset by increased employment yield from the swimming pool. Potential employment in the Northern Arena was not included in the Structure Plan's employment yield assessment.
5	Economics	Provide explanation as to why the area of Light Industry zone to the north of the Matakana Link Rd (on PT LOT 1 DP 61693) cannot be accessed from the west, through the adjacent Goatley Holdings land (LOT 3 DP 155679), and why any access difficulties support residential not industrial activity on PT LOT 1 DP 61693.	The Property Economics report touches on this issue on p4 where it identifies the land in question, but does not explain why access from the west is inappropriate or impossible. The Tattico s32 report indicates that legal access constraints may be the reason, although this is not clear. It is important to understand these issues when forming an opinion on the most appropriate zone to apply to that area of land, especially in the context of objectives to achieve employment goals for the town as a whole.

Landscape

Stephen Brown of Brown New Zealand Ltd. (stephen@brownltd.co.nz)

- In order to more accurately gauge the visual implications of the proposed roading and housing, at least one photomontage should be submitted by the applicant which accurately shows the location and extent of development on the slopes both above and below the Matakana Link Road. The outlook from Victoria St (off Hill St) appears to offer a view that would be very useful in this regard.
- It appears that the proposed stream corridors terminate below the natural extent of some current stream courses on more elevated parts of the site – near the ridge extending westwards from Clayton Rd. There is some concern about the proposed in-filling of those existing stream corridors, as they offer potential linkages (for pedestrians and wildlife), as well as points of focus within the proposed subdivision, that should not be covered over. Explain the rationale for this approach, as it is not clear from reading the current documentation.

Stormwater and Stream works

Iresh Jayawardena (iresh.jayawardena@aucklandcouncil.govt.nz)

Further Information Request

Assessment category		Comments /requests	Reason for comments/requests
No	Category		
01	Stormwater Planning	<p>Section 9.5 of the Planning Report indicates the proposed plan change is fully consistent and gives effect to the National Policy Statement on Freshwater Management (2014). With regard to the proposed stream reclamation, planning report (p 75) states;</p> <p><i>(a) The primary streams are identified within the Precinct Plan. The streams themselves in the riparian areas are protected and enhanced. While there are some permanent and intermittent streams which are proposed to be reclaimed as part of this development, those streams would be subject to assessment under the Precinct Plan provisions. This looks at issues including base flows, management of water flow, riparian planting and balancing out ecological values and matters related to growth. Off-site mitigation will apply at the time of resource consent. Objective A2 refers.</i></p> <p>Justification for this in the planning report for stream reclamation, including the extent and framework proposed in the precinct plan is not considered adequate given the stream reclamation does not fit within the current operative plan's approach to sustainable development and does not meet relevant Objectives and Policies of NPS (2014).</p> <p>Please provide detail of assessment undertaken to prevent stream reclamation, taking into consideration the effect management hierarchy which is supported by the RMA.</p> <p>It is necessary to undertake and provide detail of this assessment rather than be</p>	<p>National Policy Statement on Freshwater Management (2014);</p> <p><i>Objective C1 – To improve integrated management of freshwater and the use and development of land in whole catchments, including the interactions between freshwater, land, associated ecosystems and the coastal environment.</i></p> <p><i>Policy C1 By every regional council: b) managing freshwater and land use and development in catchments in an integrated and sustainable way to avoid, remedy or mitigate adverse effects, including cumulative effects.</i></p> <p><i>Policy C2 By every regional council making or changing regional policy statements to the extent needed to provide for the integrated management of the effects of the use and development of:</i></p> <p><i>a) land on freshwater, including encouraging the coordination and sequencing of regional and/or urban growth, land use and development and the provision of infrastructure; and</i></p>

		dependent on the outcomes of future resource consents for stream reclamation.	
02	Stormwater Planning	<p>The proposed plan change must address/discuss how the proposed plan change request meets the objectives and policies of the plan. Please provide an assessment addressing the above, in particular with regard to:</p> <ul style="list-style-type: none"> • Chapter E1 Water Quality and Integrated Management relevant E1.2 Objective(s) and E1.3 Policies of the Auckland Unitary Plan (Operative in Part) • How the proposed plan change meets AUP OP Objective(s) 2, 3 and 6 and Policies 13 and 15 in Chapter E3 Lakes, rivers, streams and wetlands • AUP RPS B7.3 objectives and policies for freshwater systems and how the proposal fits within these policy frameworks. 	<p>Given the complexity of the site and the significant increase of the foreseeable impermeable area on the site (as compared to the present state), the planning report does not provide a clear assessment on relevant national, regional and district plans and policies, in particular: consideration of freshwater management; water quality and integrated management of the proposed plan change; and enhancement, maintenance and restoration of streams and wetlands.</p>
03	Stormwater Planning	<p>The proposed Warkworth Clayden Road precinct's description, objective(s) and policies, including rules and standards, do not adequately support the provision of integrated stormwater management within the future development, as required by the technical report.</p> <p>Policy - IXXX.3 (11) states; <i>Manage the effects of stormwater on water quality in streams through riparian margin planting, on-site detention and retention and protection of streams shown on Precinct Plan IXXX.9.1 by way of land covenant at the time of subdivision.</i></p> <p>However, no specific objective(s) within the precinct plan exist to inform any policy directives for the integration of land use and freshwater management that aims to protect and enhance natural freshwater systems included in the precinct.</p> <p>Similarly, there appear to be no specific rule(s) or standard(s) that outline opportunities for the use of best practicable options for the long-term management of stormwater from the development area. According to AUP Policies E1.3, it is necessary to promote Water Sensitive Designs at the planning scale,</p>	<p>Taking into account the existing ecological and hydrological features present within the site and connectivity across the catchment, the proposed plan change must consider providing future development which aligns with natural features in the wider catchment.</p> <p>Section 6.1 under WLC master plan, Point F (vi) states, <i>creating site sizes that will enable on-site detention and retention which becomes critical in the stormwater management of the site.</i></p> <p>It is required to incorporate the Stormwater Code of Practice and Water Sensitive Design Principles. Consideration should also be given to site-specific constraints and circumstances as outlined in AUP Policy E1.3. (8) (10)</p>

		<p>neighborhood and the site-specific scale in the catchment to support development. These Water Sensitive Designs aim to deliver:</p> <ul style="list-style-type: none"> • <i>Inter-disciplinary planning and design</i> • <i>Protect and enhance the values and function of natural ecosystems</i> • <i>Address stormwater effects as close to source as possible; and</i> • <i>Mimic natural systems and process for stormwater management</i> <p>With regard to the precinct policy IXXX.3 (11), it is questionable whether the overall plan change's intended outcomes will achieve some of the key high-level features identified in the Warkworth Structure Plan (E.g.; integrated stormwater management)</p> <p>Please provide robust policy directives, objectives, rules and standards in the proposed precinct to ensure the process and implementation of Clayden Road's future development will achieve integrated stormwater management via measures such as improving water quality, reducing runoff, managing the effects of land use, intensification and reducing flood risk etc...</p>	
04	Stormwater Planning/ Mitigation	<p>Planning Report p. 26 states; <i>The provision of a stormwater treatment train process and onsite detention and retention, together with protection of a number of streams, means that discharges to water are appropriately managed. There will be discharges, but consistent with best practice subdivision management.</i></p> <p>Please demonstrate how the proposed plan change addresses this statement and highlight where these provisions are.</p>	<p>The proposed precinct within the plan change highlights a number of specific rules and key standards under IXXX.6 including:</p> <ul style="list-style-type: none"> • Special Height Limit • Special Yard • Special Landscape Yard • Limited Access • Subdivision Standards • Noise Measurement Line • Landscape Screening Area • High Contaminant Yielding Materials <p>These proposed standards do not appear to address the objectives with regard to stormwater management as</p>

			set out on Page 26 of the Planning Report.
05	Stormwater Planning	<p>Page 58 of the Planning Report states: <i>Precinct Plan 2</i> <i>The primary stream network for protection. This relates back to the Auckland-wide provisions on streams.</i></p> <p>The above statement is considered inconsistent with both the Warkworth Structure Plan and the AUP OP Policy framework in relation to the streams provisions in AUP OP Chapter E3, which mandates protection of all stream networks.</p> <p>Further to the above, Page 8 of the Planning Report states:</p> <p><i>The plan change request varies in a relatively small extent from the Structure Plan as follows:... some streams identified on the Structure Plan, are impacted by development and reclaimed.</i></p> <p>Activity Table IXXX.4.1 (A4) of the proposed Clayden Road Precinct seeks that reclamation of streams not shown in the Precinct Plan IXXX.9.2 be a Restricted Discretionary Activity. The Activity Table also proposes associated matters of discretion (IXXX.7.1 (3)) and assessment criteria (IXXX.7.2 (3)).</p> <p>The planning report does not provide any alternative options that are explored within the plan change area (via landscape assessment or urban design aspect) to avoid stream reclamation or to ensure the protection of streams. There is no adequate information demonstrating the effects management hierarchy on stream reclamation.</p> <p>The Planning report has not provided any justification for this proposed deviation or any adequate assessment to support the proposal. Please provide clear directions and assessment on the above and explain why this proposed activity on stream reclamation should be considered as an acceptable alternative to the existing operative AUP OP framework.</p>	<p>It is considered that the existing AUP OP framework provides adequate assessment criteria to assess effects on streams via any future resource consent process for stream reclamation.</p> <p>The Warkworth Structure Plan is also built on the foundation of setting aside areas that are important for ecology, stormwater, heritage etc from development yield. The protection of streams is one of the strong policy directives of the Warkworth Structure Plan as well as the Warkworth Stormwater Management Plan. The proposed plan change appears to be inconsistent with achieving the above outcomes.</p>

06	Stormwater Quality	<p>Section 5.5 of the SMP states:</p> <p><i>It is expected traffic modelling completed for future planning and subdivision consents will confirm numbers on both proposed collector and local roads, this will confirm whether the VPD limit is reached. Conservatively, devices within the public road reserves will likely be required to meet water quality standards as no bulk treatment options outside of the MLR SW pond are proposed.</i></p> <p>The Plan change area discharges into SEA-Terrestrial with existing high water quality and this requires treatment of contaminants, including sediments, metals and temperatures to be treated from high contaminant generating areas.</p> <p>Section 5.5 implies that there may be high contaminant generating areas within the proposed development, however these are not adequately specified.</p> <p>Please confirm whether the anticipated development within the proposed private plan change contains high contaminant generating areas under AUP OP and if so, provide an assessment of effects.</p>	<p>The proposal provides high-density development adjacent to the MLR (which will also be located in close proximity to a protected stream), but no reference has been made in the precinct plan objectives, policies, rules and standards as to how water quality treatment prior to discharge will be supported. We note the sensitivity of the receiving environment and value of this reflected in the Warkworth Structure Plan.</p> <p>Similarly, Page 58 of the Ecological Assessment Report states <i>key ecological considerations with regard to the site include groundwater recharge and water quality as the site is located in a high use aquifer management area and high-use stream management area.</i></p> <p>Therefore, stormwater quality treatment prior to ground soakage would be desired to minimise any impact on the quality sensitive aquifer which is beneath the site.</p>
07	Flooding, Stormwater mitigation, retention and treatment	<p>In accordance with the Council Stormwater Code of Practice (SWCOP), TP 108 shall be used for all stormwater runoff and peak flow modelling. TP 108 rainfall depth shall therefore be used in the calculation Tables 5 through 10 in the Mevan's stormwater management plan report.</p> <p>Proposed precinct plan suggests SMAF as a hydrology mitigation tool however there is still insufficient information to confirm if this as an appropriate mitigation method. Please provide full details of the SMP report calculations in accordance with SWCOP- TP 108 and how the flood mitigation can produce the necessary reductions in peak flow.</p>	<p>The emphasis on fully functional overland flow paths will greatly reduce the possibility of nuisance surface flooding within the residential areas.</p> <p>It is important that downstream flood risks and the capacities of existing bridges and culverts are not compromised by higher peak storm flow rates generated by the proposed development.</p> <p>There are 2 downstream culverts that are undersized for the MPD 100yr storm scenario, namely:</p>

		<p>Please provide a detailed description of the integrated mitigation/treatment train proposed for the precinct.</p>	<ul style="list-style-type: none"> • The 50m long Millstream Culvert located on Sandspit Road at the intersection with SHW 1, and • The 45m SHW 1 Culvert located to the west of the Show Grounds <p>Clayden Road site is outside of any 1 per cent AEP flood plain. However, comprehensive upstream development may increase the flood risk downstream sites outside the plan change area.</p>
08	Stream protection	<p>The changes/impacts on all the headwater intermittent/ permanent watercourses within the proposed plan change area have not been addressed to a sufficient extent in the planning report. Please discuss how these headwater streams are managed/ protected at both local and landscape level within the catchment. Similarly, the actual and potential adverse effects on these watercourses as a result of plan change development are not adequately assessed to give effect to the AUP OP policy framework.</p> <p>Please discuss how stream bank erosion/mitigation will be reduced from new impervious areas across the catchment as a result of plan change development.</p>	<p>Headwater streams, particularly intermittent and ephemeral streams that are periodically or predominantly dry, are often subjected to greater levels of modification and consequently degradations than larger streams. Because these smaller streams have such an important influence on the overall state of watercourse management, protection and enhancement of such areas should be considered a priority and seen as a landscape-level control on issues that are prominent throughout a watercourse.</p> <p>Please refer to AUP OP Objectives 2, 3 and 6 and Policies 13 and 15 in Chapter E3 Lakes, rivers, streams and wetlands to assess these effects.</p>
09	Stream enhancement and potential for offsetting	<p>With regards to streams and reclamation of them, the proposal seems to presume the outcome of a resource consent process. Please provide an assessment of the condition of all streams and associated riparian margins.</p> <p>The AUP OP requires a 10m riparian setback from the edge of permanent and intermittent streams and the creation of a</p>	<p>Identifying areas for protection and enhancement is not the same as providing an offset. Enhancement of riparian margins is directed in the subdivision rules and identifying what areas the proposed plan change wants to offset now is presupposing</p>

		<p>20m esplanade reserve at the time of subdivision for any sites adjoining the lines of mean high water springs or the bank of a river or stream 3m or more in width. However, with reference to the proposed precinct plan 2, the existing intermittent streams will potentially be reclaimed and this outcome deviates from achieving the anticipated outcomes of the AUP OP.</p> <p>Such intermittent stream areas need to be planted to give effect to AUP OP policy outcomes.</p>	<p>the outcomes of other processes.</p>
10	Roads, streams and green corridors	<p>The precinct plan 1 indicates greenway routes, open spaces, streams and riparian corridors that may potentially become public assets (vested to parks/local board). If these areas are to be maintained for any stormwater functions (eg; swales, raingardens, stormwater wetlands or ponds) there is a need to ensure minimum design standards to promote integrated stormwater management outcomes, use of riparian margins as part of water conveyance, and to provide connections to freshwater systems present in the area.</p> <p>Please demonstrate in the precinct plan:</p> <ul style="list-style-type: none"> • Sufficient width is available to accommodate necessary stormwater management devices as well as public walking and or/cycle access and a minimum width of 10m riparian planting, • Avoid the need for substantial earthworks and retaining structures that encroach on stream corridors and/or adversely affect stream bank integrity or ecosystem health that imposes high ongoing maintenance costs. • Please include additional objectives and policies within the precinct to identify these desired outcomes from future development, along with rules and standards to specify minimum design standards. 	<p>Streets are designed as an integral part of a 'treatment train' where stormwater flows through more-than-complementary treatment methods before flowing into the wider receiving environment. The streets incorporate water sensitive stormwater treatments such as rain gardens and swales which are an integral part of the landscaping.</p> <p>Public access such as walkways/cycle network need to be located outside riparian setbacks and the minimum width required to accommodate water sensitive devices.</p> <p>Urban Design Assessment, p 15 states, <i>Specific Precinct provisions proposed that go beyond the 'normal' AUP: OP zone controls, and which will help to implement the Precinct Plan maps, include of note...</i> However, these outcomes are not adequately demonstrated within the proposed precinct.</p> <p>It is recommended that the rules/standards for the following proposed future development within the precinct be expressed in the</p>

			<p>form of a table and/or illustrated by way of cross sections with anticipated design standards to ensure compliance rather than rely on the standards under Auckland-wide provisions and assessment at the time of resource consents.</p> <ul style="list-style-type: none"> • Public stream and riparian corridors • Greenway routes • Walkways/cycle network • Primary road, secondary roads and local roads
11	Regionwide Network Discharge Consent	<p>Noting that Auckland Council's Regionwide Stormwater Network Discharge Consent (NDC) is now granted, the NDC authorises the diversion and discharge of stormwater from the public stormwater network and this will take immediate effect for plan change process and subsequent resource consents. This is to ensure that the effects of urbanisation in these greenfield areas and its discharges into sensitive receiving environments were adequately considered.</p> <p>A Stormwater Management Plan (SMP) detailing the Integrated Stormwater Management Approach for the site design is required to be prepared as part of the plan change application and submitted to Healthy Waters for in-principle approval.</p> <p><i>Advice note:</i> <i>Healthy Waters will formally adopt the SMP into the NDC after the plan change is made operative.</i></p> <p><i>Assets are unlikely to be accepted by Council for vesting if NDC requirements are not met</i></p>	<p>Any Stormwater Management Plan submitted to Healthy Waters for the purpose of authorising a discharge from a plan change area or developed needs to be assessed against Schedule 4 of the NDC and the Stormwater Management Plan template. Please refers to http://www.aucklanddesignmanual.co.nz/regulations/technical-guidance/ndc#/regulations/technical-guidance/ndc.</p> <p>The Auckland Design Manual has this information in tabs 3 and 4.</p>

Engineering

Steve Cavanagh (steve.cavanagh@aucklandcouncil.govt.nz)

- There is a 5m cut adjacent to the road on the lower reaches of the subject land. From the detail it is not possible to see how the adjacent sites would be accessed and at what grades. Please provide more detail.
- The lodged documentation includes a short section on power and phone infrastructure. Please provide comment from the suppliers (Vector/Chorus) to enable early input on the infrastructure design.

Land disturbance and geotechnical

Ross Roberts (ross.roberts@aucklandcouncil.govt.nz)

- Please provide a set of plans clearly showing the full extent of the proposed cut and/or fill for the proposed plan change sites.

Land contamination

James Corbett (james.corbett@aucklandcouncil.govt.nz)

1. Sites which do not appear to have been investigated.

Please provide contamination assessment in the form of a Preliminary Site Investigation for each of the following sites;

-157, 165, 171, 185, 207, 211, 223 and the properties Matakana Road, and Lot 8 DP135480.

A Preliminary Site Investigation, among other things, must assess the risk to human health.

2. Site which have been investigated

For each of those sites on which HAIL have been identified, please provide a Detailed Site Investigation to enable Council to further assess the effects of the potential land contamination on human health.

Please contact Ryan Bradley (021 949 658, ryan.bradley@aucklandcouncil.govt.nz) or Petra Burns (021 819 291, petra.burns@aucklandcouncil.govt.nz) if you have any queries or wish to meet.

Your sincerely,

A handwritten signature in grey ink that reads "P Vari". The letter "P" is large and stylized, followed by "Vari" in a cursive-like script.

Peter Vari

Team Leader – Planning North West and Islands

12 December 2019

Warkworth Land Company
c/-Tattico
PO Box 91562
Victoria St
Auckland 1142

Attention: John Duthie john.duthie@tattico.co.nz

Dear John,

Clause 23 RMA Further Information: Warkworth Clayden Road – Private Plan Change Request

Further to discussions with Auckland Transport, the council have reviewed the Clause 23 further information request sent to you on 27 November 2019. We have amended the Transport section of the request as below. All changes are shown in red, with deletions struck out and additions underlined.

Transport

(Martin Peake, Progressive Transport Solutions, martin@progressivetransport.co.nz)

Trip Generation

To enable a comparison to be drawn between the forecast trip generation of the PPC, a summary comparison of the proposed land uses under the PPC with those land uses anticipated in the approved Warkworth Structure Plan (WSP) should be provided. The comparison should clearly set out the appropriate land areas for the different zones, the number of dwellings for each zone, employment jobs and the number of trips for each zone.

Details of the assumptions as to how the number of dwellings has been derived should be provided.

Assessment of Effects

The Integrated Transport Assessment (ITA) provides analysis of the operation of the two intersections at either end of the Matakana Link Road (MLR). These assessments are based on the proposed layouts in the traffic assessment that accompanied the Notice of Requirement application for the MLR.

It is noted that the SATURN modelling referenced is out of date and that more recent modelling undertaken for the Supporting Growth Alliance has land use assumptions that were used for the Warkworth Structure Plan. There is also an updated version of the modelling undertaken by Stantec that was used during the MLR appeals.

The modelling presented is only for the development scenario. An assessment without the development (or with the approved WSP) should be provided to enable the effects of the proposed plan change to be assessed compared to what was anticipated as part of the WSP.

The SIDRA modelling of the 2036 PM peak hour for the SH1 / MLR intersection indicates that the intersection will not perform to a satisfactory standard. In particular the right turn into MLR, is predicted to have a 260m long queue with only short stacking space and thus the queue will affect the northbound traffic movement and interfere with the Hudson Road intersection. Modelling should be undertaken to determine how the proposed intersection and the Hudson Road/SH1 intersection interact and alternative designs should be explored to address this issue.

In addition, an assessment should be undertaken of the future layout and operation of the two intersections at either end of the MLR once the West Link Road (WLR) and Sandspit Road Extension are constructed. This assessment is required to demonstrate that the intersections would operate satisfactorily in this future state. It is noted that there is already a PPC application for the area to the west of State Highway 1 (SH1), which if approved, would likely bring forward the construction of the WLR.

An assessment of the layout and operation of the intersections along the MLR is required. Whilst it is acknowledged that the detail of these intersections will be subject to future subdivision or resource consent applications, an assessment is required at this stage to demonstrate the potential effects of these intersections on the MLR. This assessment should also be used as a basis to determine the potential staging of the four-laning of the MLR, as the operation of the intersections may dictate early construction of the full width of the MLR.

The analysis provided in the ITA suggests greater traffic volumes along the MLR than used in the analysis supporting the NoR application. Assessment of intersections in the vicinity of the PPC is required to demonstrate that the intersection operates satisfactorily. These intersections include:

- Matakana Road / Clayden Road
- SH1 / Goatley Road
- SH1 / Hudson Road

The effects of the PPC on the SH1 / MLR intersection should be assessed against the operation of this intersection forecast in the NoR application. Where there are adverse effects, such as key approaches or movements operating in excess of capacity, mitigation measures should be identified.

Road Cross-sections

The road cross-sections presented in the ITA are understood to be out of date. The latest cross-sections should be used.

The ITA indicates that walking and cycling will be provided for within the roads within the PPC area, including separated cycling routes along the Collector roads. Details of the anticipated cross-sections of these roads should be provided including road reserve width, number of lanes, provision for cyclists and pedestrians and any areas set aside for streetscape works (e.g. trees or berms) and

parking. This is required to confirm the walking and cycling provisions (and connections) and to indicate to future developers the expected level of provision within the PPC area.

Vehicle access restrictions across separated cycle facilities along the collector roads will be required.

Road cross-sections of local roads shall also be provided.

Public Transport

~~The ITA states that the design of the collector road network within the PPC area has been designed to accommodate public transport. It would be anticipated that bus stops will be required along the public transport route, either within the PPC area or along the MLR. Confirmation should be provided that such facilities will be provided. The road reserve width along the MLR should accommodate the provision of bus stops.~~

Details should be provided of how the development will be co-ordinated with the provision of bus services and supporting infrastructure (such as bus stops and shelters) along the MLR.

Precinct Provisions

The Precinct Plans show the MLR, indicative road network and the greenways routes for pedestrians and cyclists. The Precinct Provisions should clearly set out the rules and assessment criteria required to ensure that the appropriate transport infrastructure is provided to mitigate the effects of the PPC and to provide a well connected transport network including walking, cycling and public transport provision. Refer to AT's specific comments below.

~~The precinct provisions limit the number of intersections to four. AT has advised that this is not the case and the actual number and form of intersections will be determined on each application.~~

The AT MLR project team advise that the number and location of intersections along MLR proposed by WLC, and their signalised form have been discussed and are agreed in principle. AT's agreement to the location of intersections, and the use of signals, is conditional on the landowners confirming the land use, design for intersections to AT standards, a safety audit and an ITA which demonstrates the intersections and corridor are viable and functional as well as . co-ordination with adjacent development intersections where needed.

Staging of Infrastructure

Details of the infrastructure that is required to support the PPC should be provided together with the likely timing of when that infrastructure will be required and whom would be responsible for its provision. Where necessary, triggers or thresholds should be identified to clearly set out the expectation on when infrastructure will be needed.

Other Developments

The Northern Arena is to be located within the Structure Plan area. Details of how this will be accessed, the form of events and how it will operate should be provided.

Auckland Transport Specific Comments

Some of these matters have been discussed above, but for completeness the original AT Comments are provided below. Many of the matters raised are in relation to the precinct provisions.

Information required	Reason
Provide information to show how the residential vs employment yields compare with the ITA prepared by SGA for the Warkworth Structure Plan	If the proposal seeks to go significantly beyond what the Structure Plan anticipated in terms of yields then the applicant needs to redo the 2046 assessments to ensure the network can still operate acceptably – do some of the Structure Plan intersections need to get bigger for example, is a bus route now needed on MLR etc?
Update the modelling information in the transport assessment to take into account modelling report prepared October 2019 by Stantec for Goatley Holdings and Stellen Trust.	To better understand traffic effects. The transport assessment (3.5.4) refers to information provided by Stantec but indicates that the complete information is not yet available. AT is aware that Stantec now has an updated report.
Explain how the precinct provisions will ensure that subdivision and development is integrated with the provision of transport infrastructure and services.	To better understand transport effects and the ways in which any adverse transport effects may be mitigated.
Explain how the precinct provisions will ensure that a network of cycleways and walkways will be provided - including protected cycleways on collector roads and greenway routes.	To better understand transport effects and the ways in which any adverse transport effects may be mitigated.
Explain how the precinct provisions will ensure that the intersections to the MLR are designed appropriately and are provided by the developer, including the additional land required.	To better understand transport effects and how the plan change does (or does not) give effect to higher order documents.
Explain how the precinct provisions will deliver the key parts of the masterplan given that this is provided as an example of the type of development that may occur.	To better understand transport effects and the ways in which any adverse transport effects may be mitigated.
Explain how the precinct provisions will enable connectivity across the MLR.	To better understand transport effects and the ways in which any adverse transport effects may be mitigated.
Demonstrate in the transport assessment how the plan change will achieve the higher level objectives and policies in the AUP (only E27 is considered). This can be done by cross-references to, and agreement	To better understand transport effects and the ways in which any adverse transport effects may be mitigated.

Information required	Reason
with, relevant assessments of the RMA framework if these are covered in the planning report.	
Explain how the precinct provisions will ensure that matters related to traffic generation, and the location and design of parking and access are adequately considered when assessing a resource consent application for a recreation facility.	To better understand transport effects and the ways in which any adverse transport effects may be mitigated.
Explain how the precinct provisions will ensure that any large scale developments (such as retirement villages) which do not require a subdivision will not put at risk the delivery of the transport infrastructure identified on Precinct Plan 3.	To better understand the ways in which any adverse transport effects may be mitigated.

All other requests included within the original Clause 23 request on 27 November 2019 still stand.

Should you wish to discuss this matter or seek a meeting to clarify points in this letter please do not hesitate to contact Ryan Bradley (021 949 658, ryan.bradley@aucklandcouncil.govt.nz) or Petra Burns (021 819 291, petra.burns@aucklandcouncil.govt.nz).

Your sincerely,



Peter Vari
Team Leader – Planning North West and Islands

18 December 2019

Peter Vari, Ryan Bradley
Auckland Council

Dear Peter and Ryan

Warkworth Land Company: Clause 23, RMA further information request

Thank you for your letter of 27 November 2019 requesting additional information on a range of issues relating to the Warkworth plan change request, and the amended version of 12 December 2019 which included a revised Transport section. I have addressed the issues raised in your letters below. I have set them out in the order they were outlined in your letters. I have set this out by topic and question number.

A number of items have required technical input from other experts. I have cross-referenced these documents in this letter.

A. Transport

1. Trip generation

Attachment 1 to this letter is a letter by Mr Langwell of TPC. That addresses the issues related to trip generation and the comparison between the Structure Plan and the plan change.

2. Assessment of effects (transport)

Attachment 1 to this letter is a letter by Mr Langwell of TPC. That addresses the modelling issues.

3. Road cross-sections

There are two classes of road within the plan change area (excluding the MLR). These are collector roads and local roads.

A typical cross-section for these roads has been provided as part of the original application request. For clarity, they are appended as Attachment 2 to this letter. This includes the provision for cycle lanes within the collector road. The detail of the design is a matter appropriately and normally addressed at resource consent stage. The existing Auckland wide assessment criteria and policies give the Council the ability to examine these matters on application.

The details of individual roads and cross-sections will obviously depend on the particular development. Those are appropriately dealt with at resource consent stage.

To assist in interpretation the plan change has been amended by including the two typical cross-sections.

The current subdivision and transport Auckland-wide provisions will apply throughout this plan change area. They are unaltered by the plan change. Those provisions give adequate standards and assessment criteria to the Council and to developers so that the transport and subdivision requirements are clearly understood. They are not repeated in the plan change as per the Council's practice that the precinct will only identify matters which are different to the zone standards or Auckland-wide provisions.

4. Public transport

Auckland Transport have advised the cooperating landowners that no public transport will be needed or provided within local roads within the plan change area. Road designs no longer need to take account of public transport. Auckland Transport has formally adopted this position as part of the MLR negotiations.

Auckland Transport have further indicated that they have futureproofed the MLR for public transport including making adequate provision for bus stops if required. They have yet to undertake detailed design work so the co-operating land owners are unaware of the bus stop locations. However there are connections on to the MLR footpath network. Details of how the development will be coordinated with the provision of bus services and supporting infrastructure are appropriately dealt with at the time of resource consent for subdivision. The Auckland wide subdivision provisions at E38.12.2(7)(a) gives the Council the power to assess these matters at the time of consent. These criteria are adopted in the plan change. If an integrated subdivision development is not sought then this would be a discretionary activity where the same policy analysis as referenced in the restricted discretionary assessment would apply.

To confirm, and as agreed with Auckland Transport:

- (a) there is no longer provision for bus stops or bus services within the collector or local road within the plan change area; and
- (b) there is no requirement for additional land for public transport along the route of the MLR as sufficient land has already been identified by Auckland Transport. Objectives and policies in the Auckland wide rules and plan change address these transport connections.

5. Precinct provisions

The proposed transport connections, namely the roading network and provision for walking and cycling, are indicatively shown on the plan change.

It is at the time of subdivision and development that the detailed planning and provision of these facilities takes place.

The assessment criteria for subdivision and transport set out in the Auckland-wide rules clearly reference these transport facilities E38.12.2(7)(a), (e) and (g). The precinct provisions as contained within the private plan change request also reference the walking and cycling network.

The Precinct Plan adopts the Auckland-wide policies, standards and assessment criteria. To complement this, an amendment is proposed to the plan change to reference cycleways on collector roads. This is shown in the attached marked-up version of the plan change.

Auckland Transport has identified the indicative location of the intersections of which there are four full intersections plus a left-in/left-out intersection on the property at adjoining 245 Matakana Road. This is shown on the AT drawn diagram at Attachment 17. As noted in the amended clause 23 request of 12 December 2019 the number and location of the intersections have been agreed in principle with AT.

These intersections are identical to those shown within the Precinct Plan as forming part of the plan change. Detailed design considerations are dealt with at the time of subdivision. The normal Auckland wide rules and criteria apply.

6. Staging of infrastructure

The key transport infrastructure needing to be constructed as part of this development is essentially the MLR. This requires both physical works by NZTA and by Auckland Transport.

Negotiations between the parties over both the designation and land purchase and construction are well advanced.

The plan change provisions make it clear that the core housing development facilitated by the plan change cannot be occupied until the MLR is operational. A new assessment criteria has been proposed to make this clear in the plan change.

There is no other transport infrastructure that is a prerequisite to the rezoning under the plan change.

7. Other developments

The Northern Arena will be accessed from an intersection on to the MLR immediately adjacent to the facility.

None of the cooperating landowners are directly involved in the delivery of the arena. The arena will be built on WLC land. This is a contractual sale between WLC and the Northern Arena.

WLC's understanding is that the Northern Arena will be developed as an indoor swimming pool similar to the Silverdale complex currently in operation. This pool is in response to strong public feedback during the Structure Plan consultation process where the people of Warkworth were wanting an indoor pool facility. The arena is located on this site following that public feedback. WLC has agreed to that land request and has entered into a land sale to the operator.

The operator, as WLC understands it, has yet to advance detailed planning for the facility.

Suffice to say, it will be an indoor public pool similar to that which has operated at Silverdale. It will be open seven days a week with early morning skills training and a mixture of training and recreational swimming during the day, early evening and weekends.

The pool itself is a restricted discretionary activity. The assessment criteria have been amended in the updated plan change to provide full scrutiny for the Council over transport matters including access, parking and operational times.

8. Auckland Transport specific comments

The Council letter stated that for completeness you have provided the earlier Auckland Transport specific comments. The cooperating landowners believe they have answered those issues in the plan change application as lodged. Other aspects are elaborated on and included within the above comments, or in the letter from Mr Langwell. The further modifications to the plan change made through this clause 23 response and the adoption of the Auckland wide provisions in the plan change address the matters raised by Auckland Transport. In particular:

- The plan change delivers an integrated transport solution through a combination of a specific transport precinct plan, adopting the Auckland-wide provisions relating to transport and subdivision, and a series of specific objectives, policies and assessment criteria relating to transport matters for Warkworth: Clayden Road Precinct.
- A specific assessment criteria has been added around the walkway network to complement the provisions of Precinct Plans 1 and 3.
- Detailed design of intersections is a normal undertaking as part of the development of a subdivision and are covered by the Auckland-wide assessment criteria.
- The key elements of the masterplan are set out in the new Precinct Plan 3. This was a new plan introduced after the pre-application feedback from Auckland Transport.
- Connectivity across the MLR has been agreed in principle with Auckland Transport. This is through light-controlled intersections.
- The plan change adopts all the provisions of the Auckland-wide controls, not just E27. It is also notable that Auckland Transport and key affected members of the cooperating landowners through the MLR have reached agreement as to intersections and integration along the MLR.
- Specific provisions on the indoor recreation facility were introduced following the pre-application feedback.

- Any large development seeking consent as an integrated residential development (e.g. a retirement village) will still trigger resource consent and the detailed assessment criteria that apply under those consents.

B. Freshwater ecology

1. Restricted discretionary activity provisions for stream reclamation

(c) The provisions of the plan change do two things:

- They identify the primary streams and make modification or reclamation of these streams a non-complying activity.
- The second thing is to make the reclamation and modification of other streams not identified as a restricted discretionary activity. The matters of discretion and the assessment criteria have been expanded to take account of the feedback in the clause 23 letter. These criteria are very broad. Essentially it gives the Council the same powers and discretion over ecology as it would have in terms of the Auckland-wide provisions. What it does do for these non-identified streams is to define the process by which applications will be considered. It assumes that application will be considered on a non-notified basis unless there are special circumstances. Given the location of these non-identified streams, issues of landownership, and the breadth of assessment criteria, a restricted discretionary activity consent process is in my opinion the appropriate method. The same objectives and policies apply. The matters of discretion are very broad. The assessment criteria as expanded to take account of the clause 23 feedback enable the Council to properly assess and consider any reclamation or modification to streams.

2. Effects of future stream reclamation

Attachment 3 is a report by Freshwater Solutions which addresses, amongst other things, the effects on streams of the proposal.

3. RPS assessment

This plan change:

- (a) Identifies primary streams for protection and makes modification or reclamation of these streams a non-complying activity;
- (b) Adopts the full objective and policy and control regime of the AUP for other streams.

The only difference is that the process for assessment of these other streams is a restricted discretionary activity instead of a discretionary activity.

The matters of discretion are very broad and the assessment criteria are wide. These provide full assessment of matters including assessment against the Regional Policy Statement provisions.

The planning report has been amended to more fully assess these provisions in terms of the RPS (and NPS). The appropriate time to assess any actual impact on specific parts of streams (if any) is at the time of subdivision or development applications. There is no approval being sought for any modification or reclamation of any stream as part of this plan change. All these matters are appropriately addressed when individual development proposals are known and being reviewed.

4. Definitions

The requested clarification of the terms used in the plan change application are:

- “Watercourse removed”: This is where the watercourse is fully removed as part of the recontouring of the land.
- “Watercourse reclaimed”: This is where a watercourse will remain generally in this location but it might be reconstituted in terms of the specific alignment or the grade, i.e. it might be raised or lowered or slightly shifted in alignment.

C. Terrestrial ecology

1. Landscape trees

Attachment 3 is a report by Freshwater Solutions. This responds to the issue of additional significant bush area within the location.

The plan change has been modified to explicitly create a rule that the removal of bush/trees shown as covenanted areas of significant trees on Precinct Plan 2 is a discretionary activity.

The grove of Totara with the lack of understory growth has been protected through this plan change. It is acknowledged that when fenced off from stock this understory will recover.

2. Ecological survey

The plan change area does extend further than the properties owned by the cooperating landowners. This has been in response to the Council who has requested that the plan change cover the full and logical area in this part of Warkworth, so that a public plan change will not also be needed to pick up what would then be small pockets of residential land.

A consequence of that approach is that some of the assessment has had to be undertaken on the basis of the broad range of databases available to the ecologist, and from the ability to view the subject sites from the boundary.

As set out in the report by Mr Montgomerie (Attachment 3) his conclusion is that he has been able to form appropriate and adequate views as to whether there are important ecological areas. His conclusion is that there are none beyond those already identified or protected.

No additional areas are identified either in the AUP or in the Warkworth Structure Plan.

The cooperating landowners wish to proceed on the basis as outlined in the plan change. However, should the Council believe this is a fatal issue for this plan change being notified, then the cooperating landowners will reduce the plan change to their land holdings only. However it is the clear understanding of the cooperating landowners that the overarching Council preference is to include the full logical area within the plan change.

3. Maven report

It is noted that the Maven report refers to a Bioresearches report of 2018.

Bioresearches and their report relates to the Matakana Link Road. The Maven report has been adjusted to refer to the Freshwater Solutions report.

Sections 2.1.2 of the SMP is included as Attachment 5. This replaces the report provided as part of the plan change.

4. Esplanade reserve

Attachment 5 contains the updated stormwater modelling report by Maven Associates. They have undertaken a detailed assessment of the stream widths and have identified those portions which would trigger an esplanade reserve. Those streams are shown in Attachment 6. They are the streams as shown within the original plan change.

5. QE2 Trust

This plan change does not seek to make any changes to the land status or land covenanted in favour of QE2 Trust.

The cooperating landowners are requesting this be a publicly notified plan change. Presumably the Council will notify the QE2 Trust.

Notwithstanding that WLC, on behalf of the cooperating landowners, has written to QE2 Trust inviting them to a briefing on the plan change.

D. Economic

1. Neighbourhood centre

An explanation as to the reasons for shifting the neighbourhood centre from the location shown within the Structure Plan to its current location is requested.

With respect, that matter is addressed at length within the planning report by Tattico at section 10.13. It is not repeated here. However in summary, the reason for this location are:

- The location suggested by the Structure Plan no longer has full road access to the neighbourhood centre due to constraints of the MLR. There is only left-in and left-out vehicle access to this site.
- By contrast, the new location just west of the bridge on the MLR, has full access for vehicles and pedestrians.
- The round-about proposed at the original location makes pedestrians crossing arterial roads particularly problematic. There are recognisable pedestrian safety issues crossing at roundabouts.
- The new location is a light controlled intersection with full safe pedestrian crossing facilities.
- The original location will bring commercial traffic into residential streets. Traffic cannot make right turns so must travel along local residential roads.
- The new location has direct access off the MLR. There is no traversing of local roads by through traffic.
- The new location has a willing developer, the original does not.

The Council economist may have a different view of the rationale for the location of the centre – but that is not an information issue. It is simply a different opinion. That is a matter to be determined as part of the plan change hearing process.

2. Transfer effect

Attachment 7 is a letter from Property Economics. This covers the ‘transfer effect’ issue.

The argument is put that if residential development did not occur in this location in Warkworth it would occur elsewhere within Auckland. Therefore the economic benefit of this development is a transfer from somewhere else. Consequently the suggestion seems to be that the economic benefit is overstated.

Mr Heath does not accept that premise. He gives his opinion as: *“any development transfers growth from another area. That is the competitive market at work”*.

This is an identified growth area within the ‘Auckland Plan’, ‘Unitary Plan’, the Council’s ‘Future Urban Land Supply Strategy’ and in the ‘Warkworth Structure Plan’. This is not a “private initiative” in terms of an unplanned area not contemplated by the Council. This is a growth area under Council policy.

When growth occurs there is the economic development and spin-off associated with that growth. It is perfectly reasonable and appropriate for this economic activity to be factored into the assessment.

To argue the contrary, then the economic benefits of growth would never be factored in. There would always be an argument that it is a transfer from somewhere else, and therefore it should not be accounted for, or not accounted to the same extent.

In our view the economic benefit of growth is appropriately assessed in this location.

Regardless, this is simply a matter of a difference of opinion as to the weighting that should be given to a particular aspect of the economic analysis. That is something that can be debated through in any subsequent hearing or assessment of this application. It is not a deficiency in the application information.

3. Light Industry land area

The calculation of land area is set out in the planning report forming part of this application.

The growth site area of the Light Industrial land is 5.17ha. The net site area, after the Matakana Link Road is excluded, is 3.67ha.

The assessment within the plan change is based on 3.67ha. Whether the land is zoned Light Industry or Residential, a portion of land will be lost to the Matakana Link Road. The assessment is appropriately undertaken based on 3.67ha.

4. The Northern Arena swimming pool

The Northern Arena has not yet determined the nature of the Warkworth operation and hence the likely employment numbers.

However Property Economics have assessed likely employment numbers for the Northern Arena as 30 – 35 people.

Because it is a seven day operation, staff operate in shifts. Staff include management, operational and lifeguards. There are also people assisting with swimming training.

5. Access to Light Industry land

The question is asked as to why access to the Light Industry land is not possible from the west.

The Light Industry land north of Matakana Link Road cannot be accessed off Matakana Link Road because of the retaining walls that Auckland Transport needs to build as part of the MLR development.

Access from the west would be across privately owned land under the control of Goatley Holdings Limited. WLC has no right of access to, or use of, this land.

Only a very small percentage of the Goatley Holdings land has been developed for a heliport, with some minor uses on the Goatley Road frontage.

The reason the Goatley Holdings land has not been considered as a viable access to the WLC Light Industrial land is that:

- (a) It is not owned by WLC, nor does WLC have any legal right to secure access.
- (b) Goatley Holdings Limited is under no obligation to provide access to the WLC land.
- (c) Goatley Holdings Limited would logically develop its land working from the Goatley Road entrances and possibly the Matakana Link Road, progressively towards the east (WLC land). Logically WLC's interface would be one of the last portions to be developed.
- (d) There is a stream close to the boundary which would need to be culverted or bridged.
- (e) It would be unusual to expect Goatley Holdings to facilitate access to an industrial block of land only to create land which would then compete with its own sales process. Goatley Holdings may facilitate this access at the end of their development process. However the prospect of achieving access at the early stages of development is remote.
- (f) Auckland Transport has not designated nor made any provision for roading access to this severed land. This is in a context where WLC currently has full legal and practical access to its industrial land. This practical access has been severed by the MLR. Were the Council or Auckland Transport of the view that retaining this industrial access was important, they undoubtedly would have designated sufficient land to construct local roads to access the WLC land. They did not. Clearly in the assessment of the value proposition for the ratepayer of this MLR project, it was seen that providing this industrial access was not necessary. WLC accepts this position. WLC concurs that special access is not required, because the logical use of this land is for residential purposes which can be accessed off WLC land from the east.

This rationale is explained in the current plan change request documents. This is a case of a difference of opinion as to the practicality of access, rather than a lack of information.

E. Landscape

1. Photo montage from Victoria Street

The cooperating landowners believe they have provided a full assessment of the landscape character and values including a block based photo montage taken at key views identified between WLC and the Council through the pre-application process.

It is only after lodgement of this plan change that the suggestion of Victoria Street has been suggested as an appropriate location for public views.

Victoria Street is a cul-de-sac road off Hill Road. There are a limited number of properties in this cul-de-sac which could see the subject land. There is no through traffic of vehicles, nor are there pedestrian linkages to other areas or cycleways. There is no through movement of people.

The Council historically has imposed view protection on the basis of significant public views. These tend to be from major public spaces or reasonably high trafficked routes where a significant number of the community benefit from the outlook. Victoria Street exhibits none of these characteristics. In fact, it is a minor road. That is not to say it is not an important and good living environment for the residents. That is different from an area which would warrant protection of a public view. The co-operating land owners do not believe that an assessment of this view will provide useful information for the purpose of assessing the plan change.

Attachment 8 is a letter by Mr Pryor addressing this issue. He states:

“It is considered that the eight viewpoint location assessed in the Assessment of Landscape and Visual Effects along with the photomontages prepared by Greenwood Associates from two locations within the Warkworth Showgrounds (which were highlighted as being key viewing locations) provides a good indication of the visual implications of the proposal. “

2. Stream issues

The report by Mr Pryor at Attachment 8 addresses the question of streams.

F. Stormwater and streamworks

1. National Policy Statement

In response to the questions on stream water ecology, the structure of the plan change has been outlined as it relates to streams. Essentially there are three aspects:

- (a) All the standard Auckland-wide objectives and policies apply.
- (b) Additional measures are introduced into the precinct and have been assessed in the revised s32 assessment attached. This includes:
 - identification of primary streams;
 - introduction of a non-complying activity status for modifications or reclamation of the identified streams;
 - a restricted discretionary activity status for modification or reclamation of other streams;
 - significant expansion of the matters of discretion and the assessment criteria for dealing with restricted discretionary activities.

No approval is sought for the replication or modification of any stream as part of this plan change request. All these matters will be fully addressed within any future resource consents should there be any application relating to streams.

The planning report has been amended to further address the issue of the National Policy Statement on fresh water management and how this is reflected in the plan change. This relates to the Auckland wide provisions of the AUP as well as the precinct provisions.

The National Policy Statement for Freshwater Management 2014 defines the requirements for Auckland Council to follow in the development and implementation of freshwater management. These requirements have been applied to the recently granted Region Wide Stormwater Network Discharge consent. These objectives and policies have been followed as part of the development of the sites Stormwater management Plan (Attachment 5), provided in Section 6.4.1 of the infrastructure report by Maven within Attachment 4.

2. Objectives and policies E1, E3 and B7.3

The issue has been asked of how the objectives and policies of E1, E3 and B7.3 relate to the plan change.

The opening clause under objectives and repeated under policies states *“The following objectives apply in addition to the relevant overlay, Auckland-wide, and zone objectives”*. Similar wording applies to policies.

It is not necessary nor appropriate to repeat all these aspects within the precinct. That is not the approach adopted throughout the AUP. However, the precinct provisions are clear that the objectives and policies of E1, E3 and B7.3 apply in the Warkworth Clayden Road Precinct.

3. Integrated stormwater management

Attachment 5 is a report by Maven. This addresses the questions.

All development relating to subdivision and stormwater management will trigger resource consent processes.

Here the extensive provisions of the Auckland-wide provisions as well as the complementary provisions of the precinct will apply. In terms of the assessment criteria, reliance is placed on both the Auckland-wide provisions and precinct provisions.

4. Stream network

The plan change amends the overlays to apply the SMAF1 control to the subject land.

The provisions of the plan change make it clear that the Auckland-wide overlays and control provisions all apply within the precinct. The full and standard SMAF1 provisions apply in the Warkworth Clayden Road Precinct.

5. Stormwater planning

The structure of the plan change is such that there is no change to the objective or policy matters relating to streams. The provisions of Chapters E1 and E3 apply in full.

The only area of difference relates to process and the activity class. Reclamation and modification of the primary streams triggers non-complying resource consent. In the case of other streams, this triggers restricted discretionary consent. The plan change provides for very broad matters of discretion and full assessment criteria.

The section 32 report addresses these matters and the options considered.

The attached report by Maven (Attachment 5) addresses these issues.

6. Stormwater quality

The attached SMP by Maven (Attachment 5) addresses these issues. VPD movement have confirmed by TPC to be in the range of 3500-5000vpd on the most trafficked collector roads. This is less than the threshold that would class these surfaces as high contaminant generating – stormwater quality objectives of the development are otherwise included

due to the identified sensitive environment downstream of the development, and are proposed to be included within the future infrastructure of the site as a result of water sensitive design BPO.

We do note that the Northern Arena site proposed will more than likely have a total number of carparks in excess of the AUP J1 definition of a high contaminant generating carpark area (30 park spaces) and as such a private stormwater device/s will be required to treat runoff in accordance with AC GD01.

7. Flooding

The attached stormwater modelling report and SMP (Attachment 5) have been updated to reflect TP108 rainfall depths as requested, tables 5 through 10 have been revised to reflect the recalculated peak flows. As the pre and post development flows increased in an equivalent order of magnitude, no changes to mitigation devices proposed or in a greater sense, the stormwater management strategy for the precinct, were found required.

8. Stream protection

This is addressed in the SMP by Maven. A function of the proposed SMAF level hydrological controls is to mitigate, in the best practical form, the effects of more common/lesser depth rainfall events that contribute to a bulk of inevitable stream bank erosion. Extended detention is considered as the most appropriate form in achieving this outcome.

9. Stream enhancement

The standard AUP provisions relating to riparian margins, esplanade reserves and the associated objectives and policies are unchanged by this plan change.

If there are any proposals relating to streams, they will need to be dealt with and are fully considered as part of future resource consents.

The work by Maven has identified the extent of esplanade reserves within the precinct. Any stream that would be subject to an esplanade reserve is identified on Precinct Plan 2.

10. Design standards

Precinct Plan 1 does seek to create greenway routes and open space along and through the stream corridors. This was identified as a key initiative through the Warkworth Structure Plan.

It is accepted that there needs to be minimum design standards to promote the integrated management of stormwater. That process occurs through the resource consent stage. As stated a number of times in this response, the full Auckland-wide provisions apply. The standard normal scrutiny applying throughout Auckland will apply to any development on this site. In addition, there are additional provisions relating to stream protection.

11. Regional network discharge consent

The updated report in Attachment 5 refers to and an assessment of the proposed SMP against the NDC schedule 2 and 4 objectives, this can be found within the infrastructure report appendices by Maven.

G. **Engineering**

1. Grades

This Council question relates to specific alleged incidents of a 5m cut adjacent to a road on the lower reaches of the subject land.

Maven have reviewed all the material and can find no location where such circumstance exists. Contact has been attempted with Steve Cavanagh to determine the exact area of concern, unfortunately no response was received to enable this matter to be investigated any further. There are, or should not be, any areas that require significant cut/retaining on any boundary along any boundary of the proposed precinct.

The only significant retaining aspects are those relating to the MLR but these are likely to be reduced and better managed through the detailed design process. Certainly there is no intention to create major 5m retaining walls on road frontages.

Regardless, these matters would be addressed through any future subdivision consent application.

2. Infrastructure

Attachments 15 and 16 are letters from Vector and Chorus confirming they understand the plan change and are comfortable with the approach.

H. **Land disturbance and geotechnical**

1. Cut to fill plan

The only portion of the development which has been designed in terms of a land contour and cut to fill plan is the Stage 1 bulk earthworks.

This has been lodged as a consent with the Council.

I attach the cut to fill plan for this area of land. This is Attachment 9.

I. **Land contamination**

1. Sites

The attached report by Focus Environmental (Attachment 10) provides a preliminary site investigation of the identified properties.

2. Site investigations

The PSI identified that there were a limited number of areas of potential contamination. These are very confined in location.

The decision has been made by the cooperating landowners to remove this material to licenced landfill.

A methodology and remediation plan by Focus Environmental is set out at Attachment 10 and 11.

J. **Consequential changes to the plan change and planning report**

In various parts of this response changes have been signalled to the plan change and the planning report.

Attachment 12 is a copy of the plan change as now requested by the cooperating landowners. The modifications to the plan change compared to that as originally lodged are highlighted in yellow. A duplicate clean copy of the plan change, i.e. no highlights, is provided as Attachment 13.

Attachment 14 is an updated version of the planning report including section 32 analysis.

The cooperating landowners now believe they have provided all the information such that the plan change can now be notified.

We look forward to receiving confirmation of the date of notification.

Thank you once again for your assistance.

Yours faithfully

A handwritten signature in blue ink that reads "J. Duthie". The signature is written in a cursive style with a large initial 'J'.

John Duthie
Tattico Limited

29 January 2020

Warren Maclennan, Peter Vari, Ryan Bradley, Petra Burns

Dear Warren / Peter / Ryan / Petra

Warkworth plan change: Clayden Road

Thank you for your time this afternoon to look at the cooperating landowners private plan change request for Warkworth: Clayden Road.

We are pleased we seem close to resolving all matters precedent on notification of the plan change. Once notified we note the Council may want to discuss a couple of other matters. We appreciate the opportunity to work through any other matters

At that meeting, four matters were identified the Council is seeking further clarification on three prior to notification and one after.

1. Transport

You wanted confirmation that Auckland Transport was agreeable to the location of the four intersections shown on the private plan change request. We are confident they are and have draft agreements to that effect.

You also wanted a discussion between the transport planner for WLC (Todd Langwell of TPC) and your consultant transport planner Martin Peake, over the modelling issues on the intersection of State Highway 1 and MLR.

We agreed this

The conclusion was we would get Todd to contact Martin direct. We will also ask Kimdon of Auckland Transport to confirm the first matter.

I have copied Petra into a separate email to Todd Langwell and Kimdon setting that in place.

2. Landscape view assessment

The Council would like a landscape view assessment of the knoll within the WLC land as viewed from Victoria Road.

In discussions it was agreed that this was not a prerequisite to notification of the plan change. I confirm that WLC undertakes to have this assessment completed and to provide that material to the Council. The assessment to be available prior to the time when the Council will need to write its officer's report on submissions to the plan change.

3. Trees

You sought confirmation that the land ecologist in assessing whether there were any notable trees on the site had applied the assessment criteria for scheduled trees within the Unitary Plan. The conclusion of the land ecologist as I understand it, is that there were no individual trees that meet the scheduling criteria, although they did identify the grove of Totara trees now protected through the plan change.

I am seeking a clear statement from the land ecologist as to whether they applied the criteria, and if not they are instructed to carry out that assessment..

I have copied Petra in on the email instructing the co-operating land owners land ecologist to do this work.

4. Stormwater

There were two technical issues relating to stormwater, retention and detention and flood mitigation which Healthy Waters seek clarification on. The view at our meeting was that a discussion between the parties would be the preferred way to most quickly address this.

Glen Bellingham of Maven, who is representing the cooperating landowners, has been instructed to talk to Healthy Waters. I have copied Petra in on this email.

We then agreed the timing over notification of the private plan change request. You identified the Council's strong desire to have a single integrated package of information that could be placed in the public arena as part of the submission process. WLC on behalf of the cooperating landowners undertook to provide that package. In fact, in the material provided by Tattico on 19 December, that integrated package is provided. What is missing is any information which may come out of the three elements (transport, trees and stormwater) set out above.

The agreement is that:

- (a) Tattico will immediately instruct the co-operating land owners consultants to make contact with the Council specialists, and respond as required.
- (b) Petra will conform to the Council specialists that this arrangement is agreed and confirm the urgency
- (c) Tattico will provide this updated package to you answering the three questions on or before Monday 10 February.
- (d) The Council will concurrently complete its report determining whether or not the Council agrees to the notification of the private plan change request. For the avoidance of doubt, the cooperating landowners are seeking this as a private plan change. They are not requesting the Council to adopt the plan change as a public plan change.
- (e) The Council will attempt to publicly notify the plan change on 20 February provided Tattico provides the information on or before 10 February.
- (f) If that cannot be achieved, the plan change will be notified on 27 February provided the material is provided by Tattico at least ten working days prior.

Your assistance on these matters is greatly appreciated.

Yours faithfully



John Duthie
Tattico Limited

APPENDIX 4

SUBMISSIONS AND FURTHER SUBMISSIONS

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Roger Williams

Organisation name: Warkworth Area Liaison Group

Agent's full name:

Email address: ropeworth@gmail.com

Contact phone number: 094259127

Postal address:
65 Alnwick St
Warkworth
0910

Submission details

This is a submission to:

Plan modification number: Plan change 40

Plan modification name: PC40 (Private) Warkworth — Clayden Road

My submission relates to

Rule or rules:
All

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:
Roading Issues, Greenways Issues, lack of provision for schools

I or we seek the following decision by council: Accept the plan modification with amendments

1.1

Details of amendments: see file attached

Submission date: 31 March 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? 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.

Private Plan change 40 Clayden Road, Warkworth North

(Draft 30-6-19)

Submission by Roger Williams FENZ on behalf of the Warkworth Area Liaison Group.

Overall Comment

The submission has been well prepared and we generally support the PPC Structure Plan proposed however there is :-

1. A lack of resolution over traffic access to both the Matakana Link Road (MLR) and the existing Matakana Road from the White Light Family Trust Areas that must be addressed.
2. An important Greenways Link crossing the MLR is not shown and best served by an underpass.
3. It is disappointing that the opportunity to site a school adjacent to the A&P Sports Grounds and the proposed Pool has not been taken. This precinct adds 1000 houses plus more coming to east and west.

Traffic Access to White Light Family Trust Areas

The intersections for the White Light Family Trust land are not clear or satisfactory as shown. The documents refer to left in and left out access.

For the WLFT land north of the MLR access from the SH1 this is fine and traffic wishing to depart at this point can go to Matakana or can U turn around the nearby roundabout to go back to SH1. Traffic from Matakana and Warkworth cannot use this connection unless they U turn at the next set of traffic lights to the west. The much better main access is at the existing Clayden Road Intersection. The details of the Clayden Road intersection are shown more clearly on the MLR drawings, see attached, however this intersection is really too close to the roundabout to be a main entrance and exit to the subdivision. The Clayden Road intersection should be the main entrance and would be better located closer to Matakana.

1.2

For the WLFT land south of the MLR the left in left out is not satisfactory for traffic wishing to go to Matakana as they will need to go to the next set of lights to the west and do a U turn. It is obvious that the main entrance to this block should be to the existing Matakana and any connection to the MLR should be of a minor road left turn exit only.

1.3

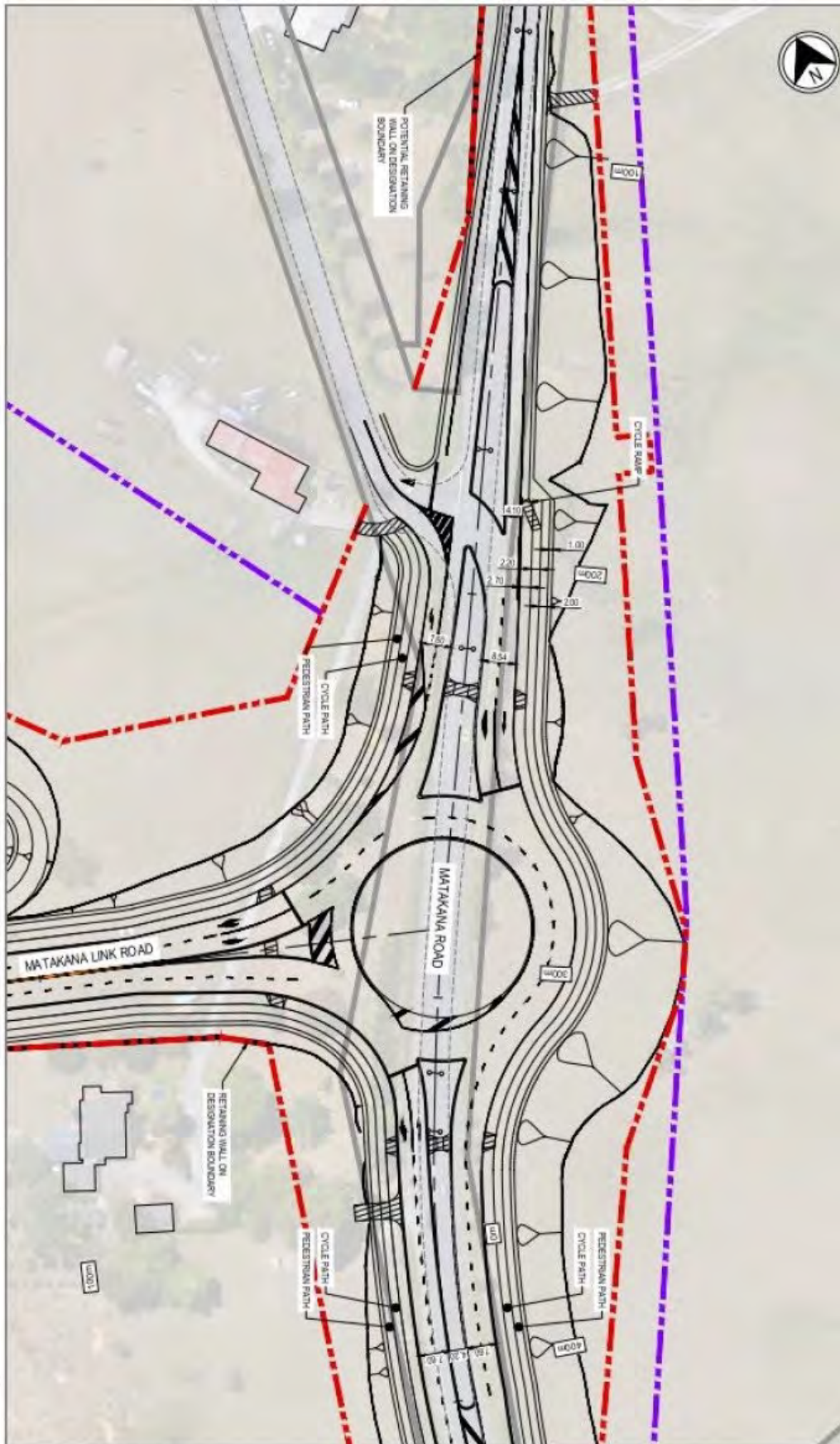
Greenways Link

The masterplan shows two Cul de Sacs meeting the MLR but not connecting to it.

This is an ideal location for a Greenways Link as it leads to the proposed pool, the A&P sports grounds and on to the Park and Ride Transport Interchange to the south. It also serves as an off road route to the industrial area to the north.

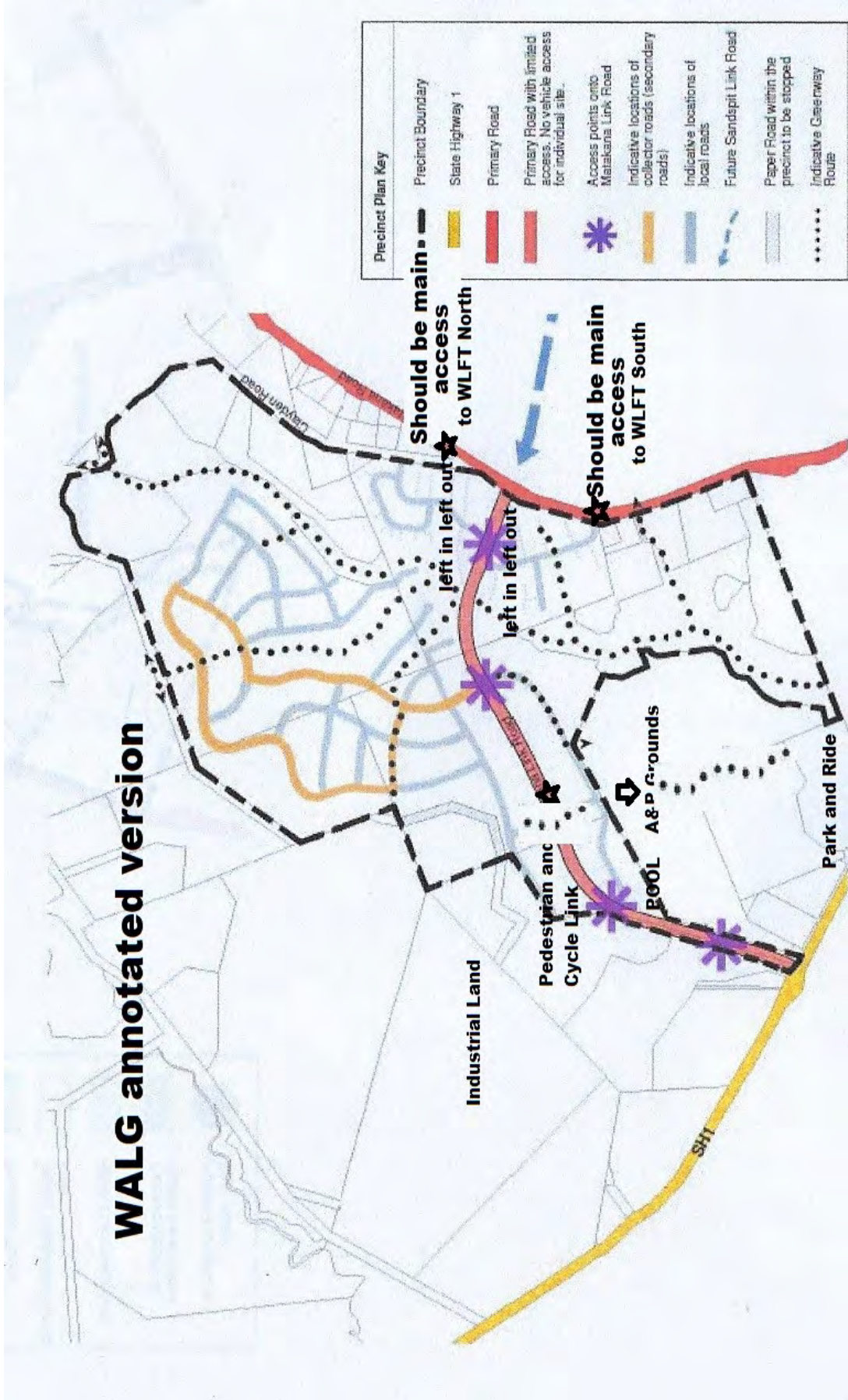
An 'at grade' pedestrian cycle crossing of the MLR arterial road is not desirable but the terrain suits a cattle style underpass. This grade separated crossing should be included in the Precinct plans.

1.4



Extracted from the MLR Consent Drawings

WALG annotated version



Precinct Plan Key	
	Precinct Boundary
	State Highway 1
	Primary Road
	Primary Road with limited access. No vehicle access for individual site.
	Access points onto Matakana Link Road
	Indicative locations of collector roads (secondary roads)
	Indicative locations of local roads
	Future Sandspit Link Road
	Paper Road within the precinct to be stopped
	Indicative Gateway Route

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Michael George Cronin

Organisation name:

Agent's full name:

Email address: cronin.mg@gmail.com

Contact phone number: 02108774132

Postal address:
12 Westpark Glen

Warkworth 0910

Submission details

This is a submission to:

Plan modification number: Plan change 40

Plan modification name: PC40 (Private) Warkworth — Clayden Road

My submission relates to

Rule or rules:

Property address: Clayden Road Development

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:

This PC40 does not accommodate the Community requirements Warkworth Structure Plan 2019

I or we seek the following decision by council: Decline the plan modification

Submission date: 2 April 2020

Supporting documents
Clayden Road Development objections.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.

Clayden Road Development objections

Having been to two Community planning sessions held by Auckland Council at the Warkworth Town Hall in 2019, I wish to object to this **Proposed Plan Change 40 (Private) Warkworth – Clayden Road**.

I find that while a key has been provided with each map that there is a lack of scale and an indication of north which should be part and parcel of any map. There are also a number of maps where the scale is such that it is almost impossible to read the key, let alone identify the areas which the key is indicating (eg Diagram 14 Planning Report – Tattico)

The plan goes entirely against the wishes of the Community and the Auckland Council within a few months of the Warkworth Structure Plan 2019 being completed.

Warkworth, because of its topography, already suffers from a fragmented design to the township resulting from various developers creating isolated patches of buildings through the area.

Auckland Council made a decision to expand Warkworth into a Satellite City with an intended population of approximately 30,000 (c.f. the current 5000). To help the residents cope with the growing pains from a small country service centre to a full city the Council planning department asked the Community to assist in developing a plan of expansion that the Community could accept given the various parameters that the residents requested to be incorporated into the Unitary Plan.

PPC 40 (Proposed Plan Change 40) seems to take little into account those wishes of the Community.

There appears to be a lack of Community green spaces integrated into the housing development area itself. | 2.2

There appears to be a lack of walkways and laneways that would allow the residents of the proposed development to readily walk from an eastern road to the western road. | 2.3
It would seem that with the number of proposed dwellings (approx 1000) a population of some 1500-2000 would be expected to occupy the area along with a similar number of vehicles.

There is no accounting for the need of a kindergarten, a primary school and possibly a secondary school. The existing schools in Warkworth are already zoned due to their restricted sizes. Matakana School is approximately 7 kms from Clayden Road and Warkworth Primary 2.5 kms. and Mahurangi College 3 kms. All pupils would have to be transported by vehicle. | 2.4

The proposal seems to imply that the Matakana Link Road (MLR) is of a secondary nature to the Community, yet from my perspective, as a resident of area, it is a critical part of the developing infrastructure for Warkworth, and at a later date will also link through to the Snells Beach/Algies Bay area. To date there have been no such linkages and with the growing population it has always been an obvious and necessary development.

With the resultant traffic flows (which includes the Matakana, Omaha, Leigh residents) and the growth of those areas, the MLR will be a very busy and vital road. The developers

want traffic lights at the intersection rather than roundabouts. Sets of traffic lights within approximately 1.7 kms, does not provide a flow of traffic for a link road. The proposal for the traffic lights is based on not having enough room for motorists to stop and utilise the “Neighbourhood Service Centre” if a roundabout was placed at each intersection. It is also based on the statement that roundabouts are difficult for pedestrians to cross.

That is true from my experience, but one only has to look at the main Albany Mall area between the two large Mega Centre and Westfield malls (Don McKinnon Drive) and there both roundabouts and pedestrian traffic lights are integrated with a separation of say 100 metres which does not interfere with a very busy link road.

Given that the PPC 40 plans suggests that traffic lights are needed for pedestrian purposes it seems to me though, that there will most probably only be a small number of pedestrians wishing to cross the MLR. By the nature of the planned development and its isolation from the Warkworth Community my assumption is that most movement onto and across the MLR will be by vehicle.

Therefore a mix of roundabouts for a busy MLR allowing a free flow of vehicles, instead of stop-start traffic lights 24 hours a day, plus the occasionally used pedestrian traffic lights will serve the purposes of the community in a satisfactory way.

2.5

I remain concerned about the “Neighbourhood Service Centre”. Of course it could be serviced off a roundabout and does not require a set of traffic lights. The Centre is primarily for the residents of the development and so the focus needs to be upon its purpose. 1500 sq meters seems to me to be an incredibly small area. I judge this based on the land area on my house plus the next door neighbours combined. Requiring buildings, car parks, footpath, rubbish bins, signage, will not provide an area that really could be designated as a Neighbourhood Service Centre.

2.6

Rezoning from Light Industrial to Mixed Housing Urban

The Warkworth area has always experienced difficulties with having enough area for useful Light Industry, The Light Industrial area is essential for the proposed growth of the Satellite City (manufacturing and employment) and yet this PPC40 proposal intends to remove a valuable 3.67 hectares of Light Industrial land and replace it with Residential Mixed Housing, seems to totally ignore the wishes of the Community and the recently developed Community Plan.

2.7

Conclusion

The reports included with the PPC40 proposal are of course, subjective in their nature and conclusions favouring each of the proposed changes, otherwise they would not be produced and included with the PC40 application.

The Warkworth Community and its efforts to produce a balanced and worthy plan for our future town are being ignored.

Michael Cronin
12 Westpark Glen
Warkworth 0910
Ph: 021 08 77 41 32
02 April 2020

FORM 5

Submission on a notified proposal for Private Plan Change 40 Warkworth – Clayden Road under Clause 6 of Schedule 1 Resource Management Act 1991

2nd April 2020

Auckland Council
Plans and Places
Private Bag 92300
Auckland 1142
Attn: John Duguid

Email: unitaryplan@aucklandcouncil.govt.nz

Name of submitter: The New Zealand Transport Agency

This is a submission on Private Plan Change 40 Warkworth – Clayden Road (**Plan Change**) to the Auckland Unitary Plan (operative in Part).

The New Zealand Transport Agency (**the Transport Agency**) could not gain an advantage in trade competition through this submission.

NZ Transport Agency role and responsibilities

The Transport Agency is a Crown Entity established by Section 93 of the Land Transport Management Act 2003 (**LTMA**). The Transport Agency's objective is to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest. The Transport Agency's roles and responsibilities include:

- Managing the State Highway system, including planning, funding, designing, supervising, constructing, maintaining and operating the system.
- Managing funding of the land transport system, including auditing the performance of organisations receiving land transport funding.
- Managing regulatory requirements for transport on land and incidents involving transport on land.
- Issuing guidelines for and monitoring the development of regional land transport plans.

The Plan Change relates to areas that adjoin and potentially affect State Highway 1; both the existing State Highway 1 (Great North Road) and Ara Tuhono – Puhoi to Warkworth, which is under construction. The Transport Agency's interest in this proposed Plan Change stems from its role as:

- A transport investor to maximise effective, efficient and strategic returns for New Zealand.

- A planner of the land transport network to integrate one effective and resilient network for customers.
- Provider of access to and use of the land transport system to shape smart efficient, safe and responsible transport choices.
- The manager of the State Highway system and its responsibility to deliver efficient, safe and responsible highway solutions for customers.
- A collaborative partner in Te Tupu Ngātahi (Supporting Growth Alliance).

Government Policy Statement on Land Transport.

The Transport Agency also has a role in giving effect to the Government Policy Statement on Land Transport (**GPS**). The GPS is required under the LTMA and outlines the Government’s strategy to guide land transport investment over the next 10 years.

The four strategic priorities of the GPS are safety, access, environment and value for money. The National Objectives for land transport include a transport system that:

- Is a safe system, free of death and serious injury.
- Provides increased access to economic and social opportunities.
- Enables transport choice and access.
- Is resilient.
- Reduces greenhouse gas emissions, as well as adverse effects on the local environment and public health.
- Delivers the right infrastructure and services to the right level at the best cost.

A key theme of the GPS is integrating land use, transport planning and delivery. Land use planning has a significant impact on transport policy, infrastructure and services provision, and vice versa. Once development has happened, it has a long-term impact on transport. Changes in land use can affect the demand for travel, creating both pressures and opportunities for investment in transport infrastructure and services, or for demand management. Likewise, changes in transport can affect land use.

Transport Sector Outcomes Framework

In June 2018, the Ministry of Transport launched the Transport Sector Outcomes Framework (Framework). The Framework defines the long-term strategic outcomes for New Zealand’s transport system and explains how the Government and the transport sector should work towards these outcomes through a guiding principle of mode neutrality. The purpose of the transport system is to improve people’s wellbeing, and the liveability of places. It does this by contributing to the following outcomes:

- Inclusive Access – enabling all people to participate in society through access to social and economic opportunities, such as work, education, and healthcare.
- Economic prosperity – supporting economic activity via local, regional, and international connections, with efficient movement of people and products.
- Healthy and safe people – protecting people from transport-related injuries and harmful pollution and making active travel an attractive option.
- Environmental sustainability – transitioning to net zero carbon emissions, and maintaining or improving biodiversity, water quality, and air quality.
- Resilience and security – minimising and managing the risks from natural and human-made hazards, anticipating and adapting to emerging threats, and recovering effectively from disruptive events.

Wider Context

In making this submission, the Transport Agency is cognisant of the context of the Plan Change and ongoing planning processes and projects. These include:

- The construction of the Ara Tuhono – Puhoi to Warkworth (**P2Wk**) motorway by the Northern Express Group.
- The Transport Agency's Notice of Requirement for works to widen State Highway 1 between Hudson Road and the new northern connection to P2Wk.
- The Transport Agency's planning process for the Ara Tuhono; Warkworth to Wellsford project.
- The Auckland Transport's Notice of Requirement for the 'Matakana Link Road' connecting Matakana Road to State Highway 1 which traverses the plan change area.
- Te Tupu Ngātahi's (Supporting Growth Alliance) planning work on the Warkworth transport network which includes an arterial (proposed Western Link Road) to connect to State Highway 1 (**SH1**) in the vicinity of the proposed SH1/Matakana Link Road intersection.
- Application for a new supermarket (Foodstuffs) (Sec 4 SO 476652) directly south of the plan change site.
- The Council adopted Warkworth Structure Plan.

A high level of care is required to ensure integration between the projects in the area and the planning outcomes being sought, all of which have differing timeframes.

Decision sought

The Transport Agency does not oppose the Plan Change but seeks amendments and / or further information to provide greater certainty around the provision of transport infrastructure.

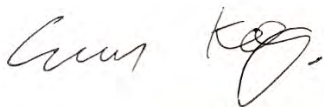
Decisions that the Transport Agency seeks on the Plan Change are set out in its submissions contained in **Table 1**. The Transport Agency also seeks any consequential changes to the Plan Change required to give effect to the relief described in **Table 1**.

3.1

Hearings

The Transport Agency wishes to be heard in support of its submission. If others make a similar submission, the Transport Agency will consider presenting a joint case with them at a hearing.

Signature of person authorised to sign on behalf of Submitter:



Evan Keating

Principal Planner

NZ Transport Agency

Address for Service of person making submission:

NZ Transport Agency

Contact Person: Evan Keating

Email: Evan.Keating@nzta.govt.nz

Table 1: Private Plan Change 40: Warkworth – Clayden Road Precinct Submission

No.	Provision Number	Provision	Agency Submission / Relief Sought New text <u>underline</u> Deleted text strikethrough
1	IXXX.2 Objective 4	Create an accessible residential development with vehicle and cycleway connections.	Submission: Support with amendment. Reason: The Transport Agency supports creating an accessible residential development with vehicle and cycleway connections. However, Objective 4 needs to recognise the impact residential development will have on the safety and efficiency of the wider transport network. Relief sought: <u>Create an accessible residential development with vehicle and cycleway connections while supporting the safety and efficiency of the surrounding transport network.</u>
2	IXXX.3 Policy 7	Enable extensive active walking and cycling network and futureproof key walkway/cycleway routes and vest these key routes in the Council.	Submission: Support. Reason: The Transport Agency supports the development of walkways and cycleways.
3	IXXX.3 Policy 10	Limit direct access from individual sites on to the Sandspit Link Road to pedestrian and cycle access only	Submission: Retain with amendments for consistency. Reason and relief sought: The Matakana Link Road is referred to as both the <i>Sandspit Link Road</i> and the acronym <i>MLR</i> throughout the private plan change (PPC). To assist plan users, it is requested that the terminology used throughout the PPC is consistent, with the Matakana Link Road being used (instead of Sandspit Link Road or the acronym MLR) within the PPC. Consequential changes throughout the PPC will be required for consistency.
4	IXXX.4.1 Activity table Mixed Housing – Subdivision (A9)	Any subdivision that is not in general accordance with Precinct Plan 1 Rule I1XXX.4.1.	Submission: Support. Reason: The Transport Agency supports the non-complying activity status for subdivision that is not in general accordance with Precinct Plan 1.
5	IXXX.6.4 Limited Access	(1) Road junctions with the Sandspit Link Road servicing the precinct, shall be limited to three, to be located in the general location identified as Access Points onto Sandspit Link Road on I1554.9.1 Warkworth Clayden Road: Precinct Plan 1	Submission: Retain with amendment. Reason: The Matakana Link Road is referred to as the <i>Sandspit Link Road</i> , which is incorrect and should be corrected as the Matakana Link Road. In addition, on reading the PPC, it is not clear what are the maximum allowable number of access points to the Matakana Link Road. E.g. the number of road junctions on the Matakana Link Road are limited to three (3) in the text of the PPC (Standard 6.4) while at the same time the map in Precinct Plan 3 shows four (4) access points onto Matakana Link Road. Relief Sought: Reference to Sandspit Link Road is changed to Matakana Link Road. The number of Matakana Link Road Access Points needs to be clarified in both the text and maps of the PPC.

3.2

3.3

3.4

3.5

3.6

		(2) No vehicular access from any property shall be allowed directly onto the Sandspit Link Road for the frontage shown indicatively on I1554.9.1 Warkworth Clayden Road: Precinct Plan 1	
6	IXXX.7.1 Matters of discretion	(1) Vacant lot subdivision (e) Transport including Access and Parking	<p>Submission: Retain with amendment. Reason: The Transport Agency supports transport as a relevant matter of discretion but requests that traffic generation is also included as a specific matter of discretion in relation to vacant lot subdivisions as these activities impact on the safety and efficiency of the State Highway and wider transport network. Relief Sought: The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions: (1) Vacant lot subdivision (e) Transport including Access, and Parking and traffic generation.</p>
7	IXXX.7.1 Matters of discretion	(2) Indoor Recreation Facility in the location shown on I1XXX.9.1 Warkworth Clayden Road: Precinct Plan 1: (c) Parking	<p>Submission: Retain with amendment. Reason: The Transport Agency requests that access and traffic generation are included as a matter of discretion as these activities impact on the safety and efficiency of the State Highway and wider transport network. Relief Sought: 2) Indoor Recreation Facility in the location shown on I1XXX.9.1 Warkworth Clayden Road: Precinct Plan 1: (c) <u>Transport including Access, Parking and traffic generation</u></p>
8	IXXX.7.2(1) Vacant Lot Subdivision Assessment criteria	Matters of discretion (xiii) The staging of any part of the precinct relying on access to the MLR is such that completed homes are not occupied prior to the MLR becoming operational	<p>Submission: Support with amendment. Reason: The Transport Agency supports the staging of any part of the precinct relying on access to the Matakana Link Road. However, it would be challenging to monitor the occupation of homes and it is preferable to manage this issue via the issue of titles. Use of the word ‘homes’ is also uncertain as it is not a defined term in the Auckland Unitary Plan (Operative in part) Relief sought: The staging of any part of the precinct relying on access to the MLR is such that <u>titles for new sites are not issued completed</u> homes are not occupied prior to the MLR becoming operational.</p>
9	IXXX.7.2(1) Vacant Lot Subdivision Assessment criteria	Matters of discretion – New Provision	<p>Submission: New provision. Reason: The Transport Agency requests that access, parking and traffic generation are included as an additional matter of discretion for vacant lot subdivision as subdivision can have impacts on the safety and efficiency of the State Highway and wider transport network. Relief Sought:</p>

3.7

3.8

3.9

			<p>The Council will consider the relevant policies identified below for controlled activities, in addition to the assessment criteria or policies specified for assessment of the relevant controlled activities in the zone, Auckland wide or overlay provisions:</p> <p>(1) Vacant Lot Subdivision</p> <p>(a) In addition to the matters of discretion listed at E38.12.2(7), the extent to which:</p> <p><u>(xvii) Transport including access, parking and traffic generation is designed to ensure the safe and efficient operation of the surrounding transport network.</u></p>	
10	IXXX.7.2(2) Indoor Recreation Facility Assessment criteria	<p>(2) Indoor Recreation Facility in the location shown on IXXX.9.1 Warkworth Clayden Road: Precinct Plan</p> <p>The extent to which:</p> <p>(d) Provision is made for transport related matters including access and adequate parking to service the facility, and hours of operation.</p>	<p>Submission: Retain with amendment.</p> <p>Reason: The Transport Agency requests that traffic generation is included as a matter of discretion, as an indoor recreational facility in the proposed location could have impacts on the safety and efficiency of the State Highway and wider transport network, which will therefore need to be assessed.</p> <p>Relief Sought:</p> <p>2) Indoor Recreation Facility in the location shown on IXXX.9.1 Warkworth Clayden Road: Precinct Plan</p> <p>The extent to which:</p> <p>(d) Provision is made for transport related matters including access, and adequate parking to service the facility, and hours of operation, <u>traffic generation and the safety and efficiency of the transport network.</u></p>	3.10
11	Whole of plan change	Whole of plan change	<p>Submission: Support in part.</p> <p>Reason: The relevant strategic planning documents (Auckland Plan, FULSS and Council's adopted Structure Plan) signal Warkworth as a satellite town and an area to accommodate residential and business growth. The Transport Agency generally supports the PPC proposal as its broader purpose is largely consistent with this strategic direction.</p> <p>Council has progressed this strategic vision to include a Future Urban Zone within the Auckland Unitary Plan and a recently adopted Structure Plan (ASP). The Transport Agency supports the Council's structure plan process including through its transport planning input within Te Tupu Ngātahi (Supporting Growth Alliance).</p> <p>The PPC identifies less business zoned land than the ASP. The Transport Agency considers that careful analysis of changes to the ASP should be undertaken given the extent of investigation and investment in this process. Failure to do this potentially undermines forward planning in transport infrastructure based on the ASP wider planning process.</p> <p>The applicant has provided a Transport Assessment to support its PPC. A review of the Transport Assessment indicates that there are a number of areas where additional information or clarification should be provided as the current traffic methodology and outputs do not provide the necessary confidence for Transport Agency to recognise any potential implications to the transport system, including its network. The transport assessment does not follow Auckland Transport's (AT) ITA guidelines which is necessary for a development of this nature.</p>	3.11

			<p>Relief Sought: The applicant should provide a revised Transport Assessment with the methodology/content being developed and agreed with both the Transport Agency and AT. The methodology should consider a more appropriate intermediate modelling tool that spans the strategic ART model and SIDRA. The modelling and methodology should include clear statements about input assumptions for both the ART model and those for the PPC, employment and residential trip generation rates and totals (to understand the traffic forecasting process) and assumptions on proposed mode split. The transport assessment should also include further analysis of the relevance of the ASP ITA, including its guidance around made shift as it is the most recent strategic assessment for this area. The revised Transport Assessment should also include commentary and analysis on the effects of the reduction in business zoned land and subsequent increase in other land use (e.g. increase in Recreation Facility land) relative to the ASP.</p> <p>The Transport Agency seeks any consequential changes to the provisions and zoning to ensure that effects on the transport system identified in the revised Transport Assessment are appropriately managed and mitigated.</p>
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3.12

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Middle Hill Ltd as trustee for the Tyne Trust

Organisation name: Middle Hill Ltd (as trustee for the Tyne Trust)

Agent's full name: Hamish Firth, Mt Hobson Group

Email address: hamish@mhg.co.nz

Contact phone number: 09 9505110

Postal address:

PO Box 37964

Parnell

Auckland 1151

Submission details

This is a submission to:

Plan modification number: Plan change 40

Plan modification name: PC40 (Private) Warkworth — Clayden Road

My submission relates to

Rule or rules:

Traffic: Safety and capacity of the roading network, specifically the construction of the Matakana Link Road (MLR) and Western Link Road (WLR).

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:

Middle Hill Ltd supports Proposed Plan Change 40 subject to the notified provisions being adopted and the construction of the Western Link Road and Matakana Link Road to avoid adverse traffic effects on the local and wider roading network.

I or we seek the following decision by council: Accept the plan modification with amendments

4.1

Details of amendments: Please refer to the attached submission document requiring the construction of the WLR and MLR prior or during the development of the land subject to PPC40.

Submission date: 2 April 2020

Supporting documents
Proposed Plan Change 40 - Middle Hill Submission - 2 April 2020 (final).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.

**SUBMISSION ON PROPOSED PLAN CHANGE 40 (WARKWORTH – CLAYDEN ROAD)
UNDER THE RESOURCE MANAGEMENT ACT (RMA) 1991**

To: Auckland Council

Submitter Name: Middle Hill Ltd (as trustee for the Tyne Trust)

Address: 63 State Highway 1, Warkworth

This submission is made on behalf of Middle Hill Ltd (as trustee for the Tyne Trust), the owners of 48.8 hectares of land located opposite State Highway 1, Warkworth. Middle Hill conditionally supports Proposed Plan Change 40 (**PPC40**), subject to the notified provisions being adopted and the construction of the Western Link Road (**WLR**) and the Matakana Link Road (**MLR**).

Relief requested

- | | | |
|----|--|-----|
| a. | Confirmation of the objectives, policies and rules sought in the notified version of PPC40. | 4.2 |
| b. | Confirmation of the zonings sought, and their spatial allocation, in the notified version of PPC40. | 4.3 |
| c. | Confirmation that the WLR and MLR will be planned for and constructed before, or concurrently with, the development of the land identified in PPC40. | 4.4 |
| d. | Confirmation that the adverse traffic effects from the proposed development of the land, subject to PPC40, will be less than minor on the capacity and safety of the wider roading network. | 4.5 |
| e. | Confirmation that there is sufficient traffic network capacity to service this development, without compromising the ability of other landowners to develop their land, including owners of land located to the South of the current SH1 (Warkworth North), that is currently the subject of its own plan change (number 25). | 4.6 |
| f. | A new provision that requires contributions to be made for the completion of the wider strategic network, including the WLR, as the land is developed within the PPC40 area. | 4.7 |
| g. | Staging to limit and manage the development, of the relatively large parcel of land in PPC40 (102ha), unless it is clearly demonstrated that there is sufficient capacity in the wider traffic network. Staging will particularly be required if the MLR and WLR are not completed before, or concurrently with, the proposed development of the subject land. | 4.8 |
| h. | If the provisions are amended from the notified version and/or the roading network issues are not addressed to the satisfaction of Middle Hill, the submitter reserves its right to oppose PPC40. | |

Reasons for conditional support of the Plan Change

1. Subject to the relief sought, PPC40 will;

- a. Promote the Purpose of the Act;
 - b. Meet the relevant statutory tests in the Act for a plan change; and
 - c. Give effect to the higher order planning instruments, including the Auckland Unitary Plan (Operative in Part), Regional Policy Statement and the National Policy Statement – Urban Development capacity 2016.
2. The proposed provisions will enable a mix of activities and density of development that is appropriate for the location and represents an efficient use of the land resource, whilst protecting special landscape features through landscaping and density controls.
 3. Relevant technical evidence generally supports the notified PPC40, subject to the traffic concerns raised in this submission.
 4. The completion of the WLR and MLR before, or concurrently with, the development of the land in PPC40 will ensure that a lack of roading infrastructure does not hold up development and that there is land use and transport integration.
 5. PPC40 needs to be compatible with, and implement, the NZ Transport Agency/Auckland Transport “Supporting Growth Preferred Transport Network” (Feb 2019) that shows the MLR and WLR (initially a collector standard) as the number 1 and 3 projects respectively. The network plan was the result of an Integrated Transport Assessment for the Warkworth Structure Plan.
 6. The NZTA/AT “ring” strategic roading network for Warkworth is required to be constructed to ensure that the local and wider roading network (to the PPC40 area), including the Hill Street intersection, is not further congested. For example, the WLR will be required to facilitate movement between the PPC40 area and Warkworth South, and the businesses and services in the Woodcocks Road area.
 7. Warkworth will significantly expand in the next decade, as planned for in the Auckland Unitary Plan (Operative in Part), and the Warkworth Structure Plan, and it is essential that infrastructure keeps pace with land development.

Conclusion

Middle Hill Ltd requests that PPC40 is accepted, subject to the concurrent construction of the WLR and MLR. The construction of these strategic roads is considered to be critical in ensuring that the adverse traffic effects on the local and wider roading network, resulting from the development of the PPC40 land, is less than minor. The relief requested will promote the sustainable management of the land by utilising it efficiently and ensure land use and transport integration.

The submitter and/or its agents wish to be heard in support of this submission.



Hamish Firth

Mt Hobson Group

On behalf of Middle Hill Ltd

Date: 2 April 2020

Name: Middle Hill Ltd

Contact person/agent: Hamish Firth

Address for service:
C/- Mt Hobson Group
PO Box 37964
Parnell
Auckland 1151

Telephone: 09 950 5110

Email: Hamish@mhg.co.nz

2 April 2020

Plans and Places
Auckland Council
Private Bag 92300
Auckland 1142

Attn: Planning Technician

Email: unitaryplan@aucklandcouncil.govt.nz

PROPOSED PRIVATE PLAN CHANGE 40 – WARKWORTH - CLAYDEN ROAD

Please find attached Auckland Transport's submission on Proposed Private Plan Change 40 Warkworth - Clayden Road for Warkworth Land Company and others.

If you have any queries in relation to this submission, please contact me at katherine.dorofaeff@at.govt.nz, or on 09 447 4547.

Yours sincerely



Katherine Dorofaeff
Principal Planner, Land Use Policy and Planning North / West

cc:
Tattico Ltd
Via email: john.duthie@tattico.co.nz

Submission by Auckland Transport on Private Plan Change 40: Warkworth - Clayden Road

To: Auckland Council
Private Bag 92300
Auckland 1142

Submission on: Proposed Private Plan Change 40 from Warkworth Land Company and others for land at Clayden Road, Warkworth North

From: Auckland Transport
Private Bag 92250
Auckland 1142

1. Introduction

- 1.1 Warkworth Land Company, White Light Trust Limited, Kaurilands Trust Limited, Rob Mills and P & L Richards ('the applicants') are applying for a plan change ('PC40' or 'the plan change') to the Auckland Unitary Plan – Operative in Part to rezone approximately 102 hectares of land between State Highway 1 and Clayden Road, Warkworth from Future Urban and Light Industry to a mix of mainly residential zones. The proposed zones are: Residential - Single House, Residential - Mixed Housing Suburban, Residential - Mixed Housing Urban, Residential - Large Lot, Business - Neighbourhood Centre and Rural - Countryside Living.
- 1.2 According to the documents provided with the plan change application, the rezoning is expected to provide capacity for approximately 900 to 1100 dwellings. The area to be zoned for the Neighbourhood Centre is 1,690m² and could accommodate approximately six retail units. PC40 introduces a new precinct to be called 'Warkworth Clayden Road', and applies the Stormwater Management Area Flow 1 (SMAF-1) overlay to the whole of the plan change area.
- 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'.¹ 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.
- 1.4 Urban development on greenfield land not previously developed for urban purposes generates transport effects and the need for investment in transport infrastructure and services to support construction, land use activities and the communities that will live and work in these areas. Auckland Transport's submission seeks to ensure that the transport related matters raised by PC40 are appropriately considered and addressed.
- 1.5 Auckland Transport is also part of the Supporting Growth Alliance (Te Tupu Ngātahi) ('SGA') which is a collaboration between Auckland Transport and the New

¹ Local Government (Auckland Council) Act 2009, section 39.

Zealand Transport Agency ('the Transport Agency') to plan and route protect the preferred transport network in future growth areas such as Warkworth.

- 1.6 In reviewing this plan change, Auckland Transport has had regard to the Integrated Transport Assessment ('ITA') completed by SGA in February 2019 to complement the Warkworth Structure Plan. The Warkworth Structure Plan was prepared by the Council and went through a robust process, including four stages of consultation, before being adopted by the Council's Planning Committee on 4 June 2019. The structure plan sets out a pattern of land uses and the supporting infrastructure network for approximately 1000 hectares of Future Urban zoned land around Warkworth.
- 1.7 Development of the land subject to the plan change is dependent on the construction of the Matakana Link Road between State Highway 1 and Matakana Road. Auckland Transport lodged a notice of requirement and applied for regional resource consents to provide for the Matakana Link Road. The appeals relating to these matters have now been resolved. The Matakana Link Road is proposed to be delivered in stages. Stage 1 will provide capacity for up to four-lanes of traffic along the full length of the road; walking facilities along both sides; and a bi-direction cycling facility on one side of the road. Stage 2 of the project will upgrade the Matakana Link Road / Matakana Road intersection when growth and traffic demand require this. Stage 1 is proposed to commence in mid-2020 and be completed by late 2021. This is subject to change as land acquisition is still in progress. There may also be changes resulting from Covid-19.
- 1.8 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 plan change that this submission relates to are set out in **Attachment 1**. In keeping with Auckland Transport's purpose, the matters raised relate to transport, and include:
- Deficiencies in the transport information provided to support the plan change
 - Deficiencies in the precinct plan provisions relating to transport matters.
- 2.2 Auckland Transport supports the plan change subject to the applicant satisfactorily addressing the matters raised in **Attachment 1**.
- 2.3 Auckland Transport is available and willing to work through the matters raised in this submission with the applicant.

3. Decisions sought

- 3.1 The decisions which Auckland Transport seeks from the Council are set out in **Attachment 1**.
- 3.2 In all cases where amendments to the plan change are proposed, 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 decisions 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: 2 April 2020

Contact person: Katherine Dorofaeff
Principal Planner: Land Use Policy and Planning North / West

Address for service: Auckland Transport
Private Bag 92250
Auckland 1142

Telephone: 09 447 4547

Email: katherine.dorofaeff@at.govt.nz

Attachment 1

Issue	Support / oppose	Reasons for submission	Decision requested
The whole plan change	Support in part	The traffic and transport information and assessment provided in the applicant's transport assessment is not sufficient to determine the transport effects resulting from PC40 and the consequential development. Those transport effects need to be determined so that they can be avoided, remedied or mitigated.	<p>Require the applicant to provide a revised transport assessment with the methodology and content being developed and agreed with both Auckland Transport and the Transport Agency. The modelling and methodology should include clear statements about input assumptions, employment and residential trip generation rates and totals (to understand the traffic forecasting process), and proposed mode split. The revised transport assessment should include additional analysis about the effects of the reduction in business zoned land and subsequent increase in other land use (including the provision for a recreation facility) when compared with the Council's Warkworth Structure Plan.</p> <p>Make consequential changes to the provisions and zoning to ensure that effects on the transport system identified in the revised transport assessment are appropriately managed and mitigated.</p>
Boundaries of the precinct plan	Support in part	Auckland Transport supports the introduction of precinct provisions for most of the land within the plan change area. It is not clear, however, why the precinct boundaries include the southwestern end of the proposed Matakana Link Road through to its intersection with State Highway 1. The western-most access point shown on Precinct Plan 3 does not serve any sites within the plan change area and does not need to be included within the precinct.	Amend the precinct plan boundary to exclude the southwestern end of the proposed Matakana Link Road i.e. the panhandle part of the property at 26 State Highway 1. This panhandle provides the existing access to 26 State Highway 1 from State Highway 1. Following on from this boundary change, make consequential amendments to the precinct plan diagrams and other provisions.
General	Oppose	The Matakana Link Road is incorrectly referred to as the 'Sandspit Link Road' throughout the precinct. It is commonly known as the Matakana Link Road, and is identified as such on Precinct Plan 3. Auckland Transport notes, however, that Matakana Link Road is the project name and another name may be given at a later date.	Amend all references to 'Sandspit Link Road' to 'Matakana Link Road'.
IXXX.2 Objectives and IXXX.3 Policies	Oppose in part	The proposed objectives and policies do not recognise the need for subdivision and development to be co-ordinated with the delivery of the transport infrastructure and services required to support this precinct and connect it to the wider network. Co-	Amend the objectives and policies to include the following additional objectives and policies:

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Issue	Support / oppose	Reasons for submission	Decision requested
		<p>ordination is required to avoid, remedy and mitigate adverse effects and to achieve integration of land use and transport.</p> <p>The proposed objectives and policies do not recognise the need to establish a safe, efficient and integrated transport system which includes strategic connections and provides for a variety of transport modes.</p> <p>The proposed objectives and policies do not recognise the need for subdivision and development to recognise, protect and support the Matakana Link Road.</p>	<p>Objectives</p> <ul style="list-style-type: none"> x. <u>Subdivision and development is co-ordinated with the delivery of the transport infrastructure and services required to provide for development within the precinct and connect it to the wider transport network.</u> x. <u>Subdivision and development within the precinct occurs in a manner which avoids, remedies or mitigates adverse effects on the safe and efficient operation of transport infrastructure and services.</u> x. <u>Subdivision and development recognises, protects and supports strategic transport connections through the precinct which support growth in the wider Warkworth area.</u> <p>Policies</p> <ul style="list-style-type: none"> x. <u>Require subdivision and development to be co-ordinated with the provision of transport infrastructure and services identified in the precinct plan.</u> x. <u>Require subdivision and development to provide transport networks within the precinct and to provide connections to adjoining land in accordance with Precinct Plan 3.</u>
IXXX.2 Objectives Objective 4	Support in part	<p>The objective as currently worded does not recognise that creating an accessible residential development requires the transport network to be safe and integrated, with walking connections.</p> <p>Adding walking to this objective achieves better alignment with Policy 7.</p>	<p>Amend Objective 4 to:</p> <p>'Create an accessible residential development with <u>safe and integrated vehicle, walking and cycleway connections</u>'</p>
IXXX.3 Policies Policy 7	Support in part	<p>This policy needs to be amended so that it is clear that the walking and cycling network will be provided in conjunction with subdivision and development. The references to both a 'walking and cycling network' and 'key walkway / cycleway routes' is confusing.</p>	<p>Amend Policy 7 to:</p> <p>Enable <u>Provide an extensive active walking and cycling network and futureproof key walkway / cycleway routes and vest these key routes in the Council</u></p>

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Issue	Support / oppose	Reasons for submission	Decision requested	
		The amendments sought will better align the policy with the amended Objective 4.		
IXXX.3 Policies Policy 8	Oppose in part	The term 'major' lacks clarity and is subjective. The rules and assessment criteria contained in the plan change, with requested amendments, provides for a proposal to be considered on its merits and does not mandate scale. There is nothing in the rules and assessment criteria that would require the recreation facility to be an indoor facility.	Amend Policy 8 to: 'Create the opportunity for a major indoor recreation facility adjacent to the Warkworth showgrounds'	5.8
IXXX.3 Policies Policy 10	Oppose in part	The requested amendment better reflects the restrictions for access to Matakana Link Road.	Amend Policy 10 to: ' Limit <u>Avoid direct vehicle access</u> from individual sites on to the Sandspit Matakana Link Road <u>while allowing direct</u> to pedestrian and cycle access only '	5.9
IXXX.4 Activity table Table IXXX.4.1 Mixed Housing Urban	Oppose	The activity table is identified as applying only to the Mixed Housing Urban zone. Some of the activities listed in the activity table are clearly intended to apply throughout the precinct and are not limited to the Mixed Housing Urban zone.	Amend as follows: 'Table IXXX.4.1 Mixed Housing Urban <u>All zones</u> '	5.10
IXXX.4 Activity table	Oppose	The annotations requested will assist a user of the plan to identify which activities may require a regional consent.	Annotate the activity table to clearly identify which activities are regional plan activities - especially (A4) and (A5)	5.11
IXXX.4 Activity table	Oppose	Any proposal to provide direct vehicle access to Matakana Link Road should be listed as a non-complying activity. This will promote the safe and efficient use of Matakana Link Road, particularly for walking and cycling. It is consistent with Auckland Transport's intention to declare Matakana Link Road as a Limited Access Road under the Local Government Act 1974. The term 'vehicle crossing' (rather than direct vehicle access) is used in describing the activity as this is a defined term in Chapter J Definitions of the Auckland Unitary Plan (Operative in Part).	Amend the activity table to add the following as a non-complying activity: ' <u>Construction or use of a vehicle crossing to the Matakana Link Road</u> '	5.12
IXXX.4 Activity table (A7) and (A9)	Oppose	It is not clear which Precinct Plan is intended in (A7) and (A9) since the cross-reference is incorrect. In addition, the distinction between activities (A7) and (A9) is not sufficiently clear, and is	Replace (A7) with an activity description(s) and associated rules which apply to all subdivision (not just vacant site subdivision), and which clearly identify which	5.13

Issue	Support / oppose	Reasons for submission	Decision requested	
		<p>dependent on a judgement as to whether or not vacant subdivision sites are generally in accordance with the precinct plan.</p> <p>The reference to 'vacant site subdivision sites' is unclear and all subdivision should be required to be in accordance with the precinct plan.</p>	<p>precinct plan needs to be complied with, and how the transport elements of the precinct plan need to be implemented in the subdivision.</p> <p>Amend (A9) so that it is clear when a subdivision fits within the non-complying category.</p>	<p>5.13</p> <p>5.14</p>
IXXX.4 Activity table	Oppose	<p>Due to the lack of clarity in (A7) and (A9) as raised above, it is not clear what activity status is intended to apply to subdivision which includes an intersection that does not comply with the access points indicated on Precinct Plan 3. These access points are also referred to in Standard IXXX.6.4(1).</p> <p>The Matakana Link Road will be a Limited Access Road and provide an important arterial function. PC40 refers to three to four intersections and indicates the access points. Other intersections could be considered on their merits, subject to an applicant demonstrating with transport modelling and a safety audit that the location and design are suitable to service the proposed land use and maintain the function of the surrounding transport network in a safe, efficient and effective manner.</p> <p>An application to Auckland Transport for access to a Limited Access Road will also be required.</p>	<p>Amend the activity table to clarify the activity status applying to subdivision which does not comply with the access points indicated on Precinct Plan 3, or proposes a different intersection layout for the easternmost access point indicated on Precinct Plan 3. A discretionary status is appropriate subject to appropriate assessment demonstrating with transport modelling and a safety audit that the location and design are suitable to service the proposed land use and maintain the function of the surrounding transport network in a safe, efficient and effective manner.</p>	5.15
IXXX.5 Notification	Oppose	<p>Not all of the restricted discretionary activities listed in the activity table should be automatically considered without public or limited notification or the need to obtain written notification from affected parties. For instance, a recreation facility should be subject to the standard notification tests under the Resource Management Act 1991 as there is no limitation on the scale of the recreation facility that could be applied for.</p>	<p>Amend Standard IXXX.5 Notification so that (A1) Recreation facility, and subdivision applications, are subject to the standard tests for notification.</p>	5.16
IXXX.6 Standards	Oppose	<p>It is not clear that the standards included in IXXX.6 Standards are intended to apply to all activities listed in the activity table.</p>	<p>Insert the following paragraph after the heading IXXX.6 Standards</p> <p><u>'Activities listed in IXXX.4 Activity table, must comply with the standards below.'</u></p>	5.17

Issue	Support / oppose	Reasons for submission	Decision requested
IXXX.6.4 Limited Access	Oppose	<p>As currently drafted the rule (IXXX.6.4 Limited Access) lacks clarity and contains errors in its references to precinct plans and Matakana Link Road. The requirement for the eastern access point to be 'left in / left out only' needs to be moved from an assessment criteria to a rule.</p> <p>The rule (1) limits the number of intersections with Matakana Link Road servicing the precinct to three. However it is not clear whether this means that only three of the four access points shown on Precinct Plan 3 are provided for. It may be intended that all four access points are provided for, since the westernmost access point does not service the precinct but serves adjacent properties outside the precinct. It would be clearer if the reference was simply to the access points identified on the relevant precinct plan.</p> <p>The new rule (3) currently appears as an assessment criteria, but is more appropriate as a rule.</p> <p>As noted above, Matakana Link Road will be a Limited Access Road and provides an important arterial function. PC40 refers to three to four intersections and indicates access points. Other intersections can be considered on their merits, subject to an applicant demonstrating with transport modelling and a safety audit that the location and design are suitable to service the proposed land use and maintain the function of the surrounding transport network in a safe, efficient and effective manner.</p>	<p>Amend Standard IXXX.6.4 Limited Access, as follows:</p> <p>'(1) Road junctions intersections with the Sandspit Matakana Link Road servicing the precinct, shall be limited to three, to be located in the general location identified as Access Points onto Sandspit Matakana Link Road on I1554.9.1 Warkworth Clayden Road: Precinct Plan 43</p> <p>(2) No vehicular access from any property shall be allowed directly onto the Sandspit Matakana Link Road for the frontage shown indicatively on I1554.9.1 Warkworth Clayden Road: Precinct Plan 4</p> <p><u>(3) Any road connecting to Matakana Link Road at the easternmost access point identified on IXXX9.3 Precinct Plan 3 shall be limited to a left turn in / left turn out intersection with Matakana Link Road.'</u></p>
IXXX.7.1 Matters of discretion (1) Vacant lot subdivision	Oppose	<p>The matters of discretion should apply to all subdivision, not just vacant lot subdivision. This reflects the amendment sought to (A7) in the activity table.</p> <p>Items (b) and (c) are not relevant to subdivision and appear to have been included in error.</p> <p>Item (f) has been added as the intersections with Matakana Link Road are a specific matter for discretion which is not adequately covered by item (e) 'Transport, including access and parking'.</p>	<p>Amend matters of discretion at IXXX.7.1(1) as follows</p> <p>'(1) Vacant lot sSubdivision'</p> <p>Delete (b) and (c) as follows:</p> <p>'(b) The location of the facility</p> <p>(c) Building scale'</p> <p>Add (f) as follows:</p> <p><u>'(f) The design and operation of any intersection with Matakana Link Road'</u></p>

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Issue	Support / oppose	Reasons for submission	Decision requested
IXXX.7.1 Matters of discretion (2) Indoor recreation facility	Oppose	<p>The activity listed in the activity table is 'recreation facility', not 'indoor recreation facility'. The terminology used in the matters of discretion should be consistent with the listing in the activity table. There is no requirement in the precinct plan for it to be an indoor facility.</p> <p>The matters of discretion for a recreation facility need to include a broader range of transport effects, including access and traffic generation, so that these matters can be properly considered through the resource consent process.</p>	<p>Amend the matters of discretion at IXXX.7.1(2) as follows: 'Indoor Recreation Facility in the location ...'</p> <p>Amend 2(c) as follows: '<u>Transport, including access, Pparking, and traffic generation</u>'</p>
IXXX.7.2 Assessment criteria	Oppose	<p>The lead-in paragraph in IXXX.7.2 Assessment criteria refers to controlled activities. This is incorrect as there are no controlled activities listed in the activity table for this precinct. The references should be to restricted discretionary activities.</p> <p>It is not necessary to include reference to policies, as policies which are intended to be used as assessment criteria are specifically referenced in the assessment criteria.</p>	<p>Amend IXXX.7.2 Assessment criteria, as follows: 'The Council will consider the relevant policies <u>assessment criteria</u> identified below for controlled <u>restricted discretionary</u> activities, in addition to the assessment criteria or policies specified for assessment of the relevant controlled <u>restricted discretionary</u> activities in the zone, Auckland wide or overlay provisions.'</p>
IXXX.7.2 Assessment criteria (1) Vacant lot subdivision Criteria (iii), (iv) and (vi)	Oppose	<p>The assessment criteria in IXXX.7.2(1) should apply to all subdivision, not just vacant lot subdivision. This reflects the amendment sought to (A7) in the activity table.</p> <p>The matters relating to intersections with the Matakana Link Road need to be addressed in rules, not in assessment criteria. Items (iii) and (vi) are already covered in rules, and item (iv) should also be added.</p>	<p>Amend the assessment criteria at IXXX.7.2(1) as follows: '(1) Vacant lot Subdivision'</p> <p>Delete the following criteria: '(iii) Intersections to local roads accessing the Matakana Link Road are limited to the locations identified on Precinct Plan 1.</p> <p>(iv) The eastern access to Matakana Link Road is confined to a 'left in/left out' only road connection.</p> <p>(vi) Subdivision layout is designed to ensure that no sites require vehicular access from the Matakana Link Road. Sites shall be serviced from local roads, laneways JOAL's, or other suitable mechanisms.'</p> <p>Replace criteria (iv) with a rule as outlined in earlier amendments sought to Standard IXXX.6.4 Limited Access.</p>

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Issue	Support / oppose	Reasons for submission	Decision requested	
IXXX.7.2 Assessment criteria (1) Vacant lot subdivision Criteria (xii)	Oppose	The provision of walking and cycling connections is important and needs to be addressed by a rule rather than an assessment criteria.	Replace the assessment criteria IXXX.7.2(1)(a)(xii) relating to greenways, with a rule requiring walkways and cycleways located within the greenways to be constructed and vested in the Council in association with subdivision and development.	5.26
IXXX.7.2 Assessment criteria (1) Vacant lot subdivision Criteria (xiii)	Oppose	Co-ordinating subdivision and development with the delivery of transport infrastructure and services is critical and needs to be addressed by a rule rather than an assessment criteria.	Replace the assessment criteria IXXX.7.2(1)(a)(xiii) relating to staging and Matakana Link Road with a rule which prevents dwellings within the precinct from being occupied until Matakana Link Road is completed and is operational between SH1 and Matakana Road. Amend other provisions to provide policy support for this rule.	5.27
IXXX.7.2 Assessment criteria (1) Vacant lot subdivision Criteria (xv) to (xvi)	Oppose	The cross-section for the collector road does not include a separated cycleway while the applicant's transport assessment (s3.2.2) states that all collector roads will provide protected cycleways. Roads which are to be vested in association with subdivision will need to meet Auckland Transport standards and the inclusion of a cross-section in the precinct plan can be confusing.	Amend the assessment criteria at IXXX.7.2(1)(xv) and (xvi) by removing the references to the typical cross-sections and removing the associated diagrams.	5.28
IXXX.7.2 Assessment criteria (1) Vacant lot subdivision Criteria (xv)	Oppose	Addressing this as a rule provides greater certainty than relying on an assessment criteria to achieve good transport outcomes.	Replace the assessment criteria IXXX.7.2(1)(a)(xv) relating to collector roads with a rule requiring collector roads to be constructed in the indicative location shown on Precinct Plan 3 and vested in the Council in association with subdivision and development, and for separated cycle facilities to be provided in the collector road.	5.29
IXXX.7.2 Assessment criteria (1) Vacant lot subdivision	Oppose	The design and operation of the intersections with the Matakana Link Road needs to be properly assessed at the time of subdivision and development.	Add new assessment criteria as follows: <u>(b) In addition to the assessment criteria listed at E38.12.2(7), for any proposal involving design and construction of an intersection to Matakana Link Road at the access points identified on Precinct Plan 3, whether:</u> <u>(i) The intersection design is supported by a transport assessment and safety audit demonstrating that the intersection will provide a safe, efficient and effective connection to service the expected subdivision and</u>	5.30

Issue	Support / oppose	Reasons for submission	Decision requested
			<p>development. This includes safe and convenient provision for pedestrians and cyclists.</p> <p><u>(ii) The accompanying transport assessment and safety audit demonstrate that the design and operation of the proposed intersection will not have adverse effects on the function of the surrounding transport network including Matakana Link Road.</u></p>
<p>IXXX.7.2 Assessment criteria (2) Indoor recreation facility</p>	<p>Oppose</p>	<p>The activity listed in the activity table is 'recreation facility', not 'indoor recreation facility'. The terminology used in the assessment criteria should be consistent with the listing in the activity table. There is no requirement in the precinct plan for it to be an indoor facility.</p> <p>The activity as described in the activity table is required to be in the location shown on Precinct Plan 1 as 'Special Use Overlay - Sporting Facility'. Assessment criteria (a) is therefore not relevant.</p> <p>As currently written, assessment criteria (d) does not provide for adequate assessment of transport effects.</p>	<p>Amend the assessment criteria at IXXX.7.2(2) as follows:</p> <p>'(2) Indoor Recreation Facility ...'</p> <p>Delete (a) as follows:</p> <p>'(a) The indoor recreation facility is located within the land area identified on Precinct Plan 1.'</p> <p>Delete (d) and replace with the alternative wording as follows:</p> <p>'(d) Provision is made for transport related matters including access and adequate parking to service the facility, and hours of operation.'</p> <p><u>'(d) Traffic generation effects can be accommodated within the transport network, safe access is provided to the site, and sufficient well-designed and well-located parking is provided.'</u></p>
<p>IXXX.9.2 Precinct Plan 2</p>	<p>Oppose in part</p>	<p>It is not clear why Precinct Plan 2 includes the 'indicative location of stormwater ponds for Matakana Link Road. Unless a good reason can be provided for including these ponds, they should be deleted from the plan as they relate to the designation for the Matakana Link Road and associated regional consents and not to residential development in the precinct. It is also not clear why these stormwater ponds would be shown while the one on 245 Matakana Road, also for the Matakana Link Road, is not shown.</p>	<p>Amend Precinct Plan 2 by deleting the 'Indicative location of stormwater pond for MLR' from Precinct Plan 2.</p>

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Issue	Support / oppose	Reasons for submission	Decision requested	
		Including the stormwater ponds for Matakana Link Road on Precinct Plan 2 may cause confusion when applying the assessment criteria at IXXX.7.2(xi) which refers to a stormwater management pond which is to be provided for and used in the erosion and sediment control measures.		
IXXX.9.3 Precinct Plan 3	Support in part	<p>Auckland Transport supports the inclusions of a precinct plan which illustrates the transport network for the plan change area. However the purpose of this plan would be clearer to users of the Auckland Unitary Plan if it were given a title of 'Transport network'</p> <p>The term 'greenway route' is not clear. Walking and cycling network gives a better description of the purpose of these routes.</p>	<p>Amend IXXX.9.3 as follows: 'IXXX.9.3 Precinct Plan 3 <u>Transport network</u>'</p> <p>Amend the legend in Precinct Plan 3 as follows: 'Indicative Greenway Route <u>walking and cycling network</u>'</p>	5.33
IXXX.9.3 Precinct Plan 3	Support in part	Previous discussions with landowners about the easternmost intersection have been about a staggered, or offset intersections. It may not be clear from the use of a single asterisk that this is a possible outcome.	Clarify whether the identification of the easternmost access point with a single asterisk would still accommodate a staggered intersection arrangement as has been previously discussed with Auckland Transport. Add appropriate text or advice note if needed to assist plan users.	5.34
Missing provision	Oppose	The precinct plan focuses on subdivision as the mechanism through which developers will deliver the transport infrastructure (other than Matakana Link Road) to service development within the precinct. There is a possibility that a large development such as a retirement village could seek to establish without requiring subdivision. This would put at risk the delivery of transport infrastructure.	Amend the precinct plan to add provisions, including rules, to ensure that large scale developments not involving subdivision (e.g. integrated residential developments such as retirement villages) are required to provide the transport infrastructure identified on Precinct Plan 3.	5.35
Missing provisions	Oppose	Direct vehicle access needs to be restricted from properties fronting onto the separated cycle facilities on the collector road. This is to support the safety of cyclists.	Amend the precinct plan to add provisions, including rules, which limit direct vehicle access from sites fronting the separated cycle facilities on the collector road.	5.36
Clarify potential pedestrian crossing points across Matakana Link Road	Oppose in part	It is important that safe crossing points are provided over Matakana Link Road for both pedestrians and cyclists at appropriate locations. However it is not clear what is envisaged at these locations. While such detail may need to be addressed at resource consent stage, it is important that Precinct Plan 3 does not create unrealistic expectations.	<p>Clarify the nature of the pedestrian access envisaged to Matakana Link Road in the following locations:</p> <ul style="list-style-type: none"> Where the indicative local roads shown at the western end of Precinct Plan 3 are located on both sides of Matakana Link Road 	5.37

Issue	Support / oppose	Reasons for submission	Decision requested
			<ul style="list-style-type: none"> Where the indicative greenway route shown on Precinct Plan 3 crosses Matakana Link Road. <p>Make any consequential changes to the provisions as required to ensure that any such access is safe and does not create expectations of a controlled crossing over Matakana Link Road.</p>

5.37

Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

Attn: Planning Technician

unitaryplan@aucklandcouncil.govt.nz

TO: Auckland Council

SUBMISSION ON: Plan Change 40 (Private) – Warkworth – Clayden Road

FROM: Watercare Services Limited

ADDRESS FOR SERVICE: ilze.gotelli@water.co.nz

DATE: 1 April 2020

Watercare could not gain an advantage in trade competition through this submission.

1 INTRODUCTION

1.1 Watercare's purpose and mission

Watercare Services Limited ("**Watercare**") is New Zealand's largest provider of water and wastewater services. Watercare is a council-controlled organisation under the Local Government Act 2002 ("**CCO**") and is wholly owned by the Auckland Council ("**Council**").

Watercare provides integrated water and wastewater services to approximately 1.4 million people in Auckland. Watercare collects, treats and distributes drinking water from 11 dams, 26 bores and springs, and four river sources. A total of 330 million litres of water is treated each day at 15 water treatment plants and distributed via 89 reservoirs and 90 pump stations to 450,000 households, hospitals, schools, commercial and industrial properties. Watercare's water distribution network includes more than 9,000 km of pipes. The wastewater network collects, treats and disposes of wastewater at 18 treatment plants and includes 7,900 km of sewers.

Watercare is required to manage its operations efficiently with a view to keeping overall costs of water supply and wastewater services to its customers (collectively) at minimum levels, consistent with effective conduct of the undertakings and maintenance of long-term integrity of the assets. Watercare must also give effect to relevant aspects of the Council's Long Term Plan, and act consistently with other plans and strategies of the Council, including the Auckland Unitary Plan and the Auckland Future Urban Land Supply Strategy.¹

¹ Local Government (Auckland Council) Act 2009, s58.

2 SUBMISSION

2.1 General

This is a submission on a plan change proposed by the Warkworth North 2 landowner group (“**Applicant**”) to the Auckland Unitary Plan (Operative in Part) that was publicly notified on 25 February 2020 (“**Proposal**”).

The Applicant proposes to rezone approximately 102 ha of Future Urban zoned land and 3 ha of light industrial zone land in Warkworth North (identified in Diagram 1 of the application Warkworth North 2 Plan Change Request to Auckland Unitary Plan) to a mixture of residential, business, and neighbourhood centre zones (“**Plan Change Area**”). The plan change also requests the creation of a new precinct “Warkworth North 2”. The proposal is closely aligned to Auckland Council’s Warkworth Structure Plan.

Watercare neither supports nor opposes the Proposal. The purpose of this submission is to address the technical feasibility of the proposed water and wastewater servicing arrangement to ensure that the effects on Watercare’s existing and planned water and wastewater network are appropriately considered and managed in accordance with Resource Management Act 1991 (“**RMA**”).

In making its submission, Watercare has considered the relevant provisions of the Auckland Plan 2050, Te Tahua Taungahuru Te Mahere Taungahuru 2018 – 2028/The 10-year Budget Long-term Plan 2018 – 2028, the Auckland Future Urban Land Supply Strategy 2015 and 2017, the Water Supply and Wastewater Network Bylaw 2015, the Water and Wastewater Code of Practice for Land Development and Subdivision, and the Watercare Asset Management Plan 2016 - 2036. It has also considered the relevant RMA documents including the Auckland Unitary Plan (Operative in Part) and the National Policy Statement on Urban Development Capacity 2016 which (among other matters) requires local authorities to ensure that at any one time there is sufficient housing and business development capacity which:

- (a) in the short term, is feasible, zoned and serviced with development infrastructure (including water and wastewater);
- (b) in the medium term, is feasible, zoned and either:
 - i. serviced with development infrastructure, or
 - ii. the funding for the development infrastructure required to service that development capacity must be identified in a Long Term Plan required under the Local Government Act 2002; and
- (c) in the long term, is feasible, identified in relevant plans and strategies, and the development infrastructure required to service it is identified in the relevant Infrastructure Strategy required under the Local Government Act 2002.²

2.2 Specific parts of the Proposal

The specific parts of the Proposal that this submission relates to are the proposed water and wastewater servicing arrangement and the effects of the Proposal on Watercare’s existing and planned water and wastewater network.

² National Policy Statement on Urban Development Capacity 2016, policy PA1.

Watercare has reviewed the Proposal (including the relevant plans and the Land Development Report) and considers that:

- (a) the proposed water and wastewater capacity and servicing requirements have been adequately assessed as part of the Proposal;
- (b) subject to development occurring in accordance with the proposed staging conditions and infrastructure upgrades described further below:
 - i. the proposed servicing arrangement is technically feasible and consistent with the requirements of the National Policy Statement on Urban Development Capacity;
 - ii. any adverse effects of the Proposal on the Watercare's existing and planned water and wastewater infrastructure network will be appropriately managed.

2.2.1 Water Supply

2.2.1.1 Water supply infrastructure

Watercare commissioned a new water treatment plant in December 2018 at Sanderson Road to treat water from new abstraction bores. The Sanderson Road plant is designed to treat the consented abstraction limit which caters for approximately 16,000 people. This replaces the supply from the Mahurangi River which was treated at a plant off Browns Road.

Watercare has developed a Water Supply Servicing Strategy that will guide the development of the water supply network in the Future Urban Areas (see Appendix A). The Plan Change Area lies within the Northern Pressure Zone. The water network will supply the area from a new Northern Reservoir. The reservoir will be constructed atop the crest of the ridge at the northern extent of this region (the specific site for the reservoir has not been confirmed). A dedicated watermain to the reservoir and the reservoir will be constructed and funded by Watercare. Watercare is working with Auckland Transport and NZTA / NX2 to ensure that the dedicated watermain to the reservoir is included in the design and delivery of the Matakana Link Road and the Puhoi to Warkworth Projects.

2.2.1.2 Water supply servicing for the Plan Change Area

The key considerations relevant to this submission are:

- (a) The Sanderson Road plant has the capacity to service the Plan Change Area.
- (b) The Watercare water supply servicing strategy has identified that this area will be within the Northern Pressure Zone. Servicing this area will require Watercare to construct the Northern Reservoir and a dedicated watermain from the Sanderson Water Treatment Plant to the Reservoir.
- (c) Early stages of the development can be supplied directly off the water network. Watercare will need to progress the design and construction of the watermain and reservoir in line with the development. Subject to funding approval, a likely delivery timeframe will be 2024.
- (d) In addition to the construction of the Northern Reservoir, there are multiple upgrades in the wider water network that are likely to be triggered by

development in the Northern Zone. The crucial trigger points that will affect development in the Northern Zone are:

- (i) 460 new dwellings in Warkworth as a whole will exceed the existing reservoir storage guidelines
 - (ii) 729 new dwellings in Warkworth as a whole will trigger the upgrade of the Sanderson Water Treatment Plant from 35 L/s to approximately 50 L/s
 - (iii) Any dwellings above an elevation of 63 m will require either the reservoir or dedicated pump station or local boosting
 - (iv) At 829 new dwellings, the Northern Zone pump station will require a reservoir to buffer daily fluctuations.
- (e) The Applicant will be required to construct and fund the local water supply network to service the Plan Change Area.
- (f) Watercare will provide Fire Water Classification FW2. Any facilities requiring higher flow requirement will need to install their own measures such as water tanks and sprinkler systems.

2.2.2 Wastewater

2.2.2.1 Wastewater infrastructure

Currently, the Warkworth wastewater network is at capacity. In order to cater for planned growth, Watercare has developed a wastewater servicing strategy for wider Warkworth (see Appendix B). The strategy involves constructing the North-East Wastewater Scheme to service both the existing urban area and the Future Urban Zoned area in Warkworth (“**Scheme**”). The Scheme includes:

- (a) A new transfer pipe between Warkworth and the Snells Wastewater Treatment Plant.
- (b) A new Snells Wastewater Treatment Plant adjacent to the existing treatment plant with a capacity for 18,000 people (expandable to 30,000).
- (c) A new outfall from the Snells Wastewater Treatment Plant to the Hauraki Gulf.

The Scheme will enable the new growth areas to be diverted directly to the new infrastructure, thereby minimising the need to upgrade the existing local network. Following completion of the Scheme, Watercare will decommission the existing Warkworth Wastewater Treatment Plant.

The new transfer pipe between Warkworth and the Snells Wastewater Treatment Plant has been tendered, awaiting award, and is expected to be delivered by April 2022. It is possible that the location of some key components of the infrastructure will be changed due to construction methodology, which may in turn influence how other areas of Warkworth will connect into the Scheme.

The new Snells Wastewater Treatment Plant is designed and is planned to be delivered in 2022. The outfall is currently in construction with completion targeted for the end of 2020.

Connecting the Northwest to the Scheme

Watercare has investigated options for the wastewater network configuration which will enable the Scheme to service the Auckland Council Warkworth Structure Plan area (which includes the Plan Change Area).

The preferred route option for connecting the North-western area to the Scheme (“Northwest Connection”) is a new gravity main from the Warkworth Showgrounds via Great North Road to a new pump station located in Lucy Moore Memorial Park, which forms the start of the Northwest scheme. The route is shown in Attachment B.

The NZ Transport Agency’s work on the Ara Tuhono – Puhoi to Warkworth northern motorway extension is complicating the ability to deliver infrastructure along the Great North Road (SH1) corridor and through the Hill Street Intersection. Given the national importance of this corridor and the complexity of the intersection, it is likely that corridor considerations will govern when the section of gravity main from the Showgrounds to Lucy Moore Memorial Park is able to be built, and in turn the date in which servicing can be provided to the Plan Change Area.

With the proposed changes to the Scheme, Watercare is now revisiting the options for connecting the Northwest to the Scheme. Notwithstanding the proposed changes, the Northwest Connection is required to service the Plan Change Area.

2.2.2.2 Wastewater servicing for the Plan Change Area

The Plan Change Area must connect to the Northwest Connection at the Warkworth Showgrounds location on Great North Road. The completion date of the Northern Connection has yet to be determined. Once constructed, there will be sufficient wastewater treatment capacity to service the Plan Change Area.

Watercare’s requirement is that the development of the Plan Change Area must be coordinated with the delivery of the wastewater infrastructure required to service it. The timing for the connection of the Plan Change Area to Watercare’s wastewater network is therefore dependent on the completion of:

- (a) the North East Wastewater Scheme – currently targeted at 2022 (note the Applicants report incorrectly states 2021); and
- (b) the Northwest Connection from the Showgrounds to the Scheme (timing not yet determined).

The developers will be responsible for designing, constructing and funding all of the local wastewater infrastructure to convey wastewater to the discharge point at the Northwest Connection for this catchment. Watercare expects the developers of all areas to coordinate and collaborate with the local network works to ensure that information is shared and the networks are delivered efficiently.

3 Decision sought

Watercare seeks a decision that ensures that the water and wastewater effects are appropriately managed.

To enable that decision to be made, Watercare requests that:

- | | |
|--|-----|
| <p>(a) The timing of the development is aligned with the provision of wastewater services. Wastewater disposal from the Plan Change Area is required to be connected to the public wastewater disposal and collection system (North-East Wastewater Scheme). The North-East Wastewater Scheme is estimated to be operational and available in 2022. The timing of the Northwest Connection has not yet been determined as it is dependent on Watercare obtaining access to the State Highway 1 corridor from the Showgrounds through the Hill Street intersection.</p> | 6.1 |
| <p>(b) The Applicant will, at its cost, design and construct:</p> | |
| <p>i. any local wastewater infrastructure required to enable the connection of the Plan Change Area to the wastewater network at the discharge point in the Showgrounds (or other point as determined by Watercare);</p> | 6.2 |
| <p>ii. any local network water supply infrastructure to service the Plan Change Area, in general accordance with Watercare’s Warkworth Water Supply Blueprint.</p> | 6.3 |

4 Hearing

Watercare wishes to be heard in support of its submission.



Ilze Gotelli
Head of Major Developments

Appendix A: Water Servicing Strategy

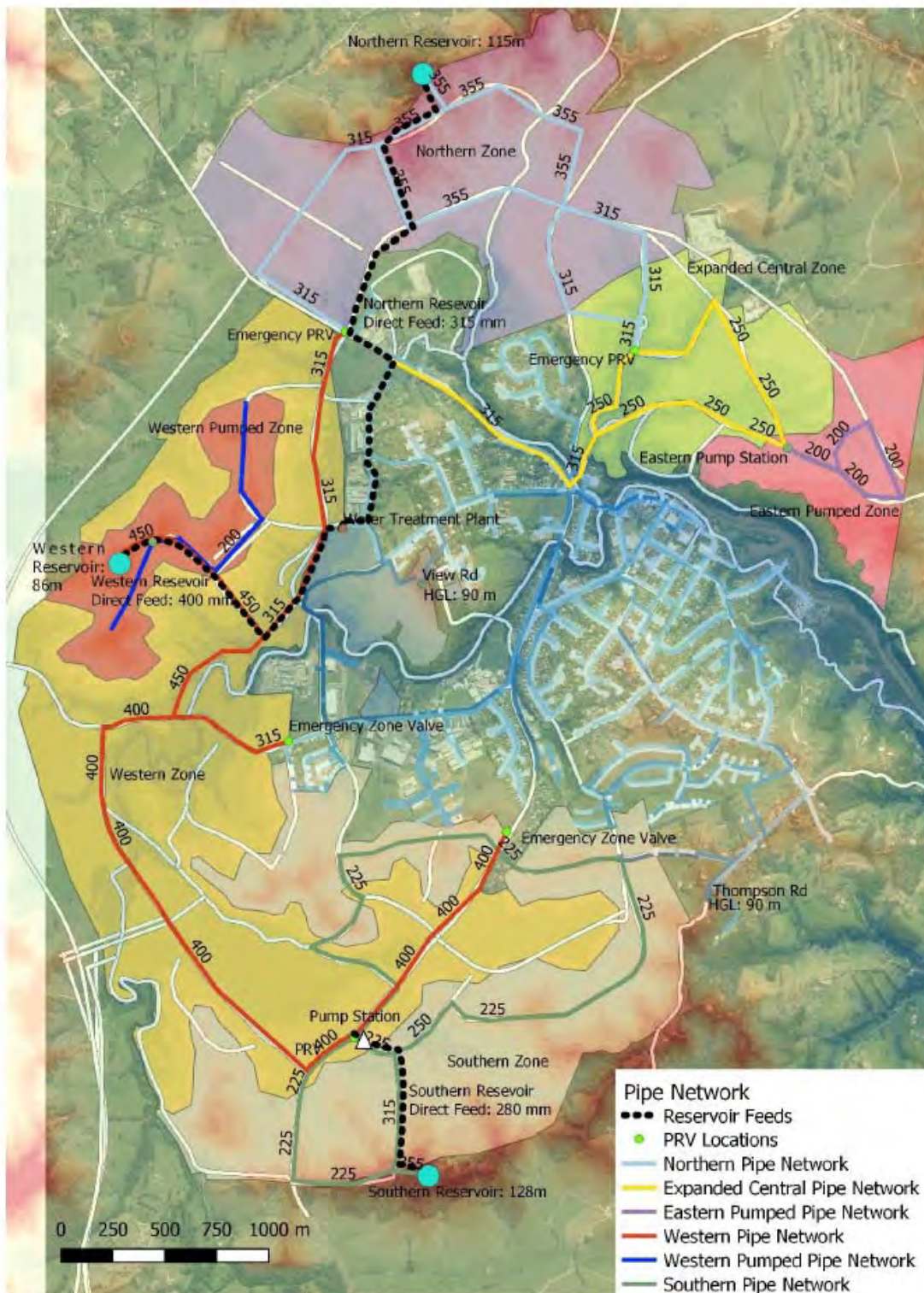


Figure 2 - Warkworth water reticulation network design

Appendix B: Wastewater Servicing Strategy



**Submission on publicly notified private plan change request:
Plan Change 40 Warkworth, Clayden Road**

Auckland Council
135 Albert Street
Private Bag 92300
Auckland 1142

Submission lodged by e-mail: unitaryplan@aklc.govt.nz

Submitter:

Auckland Council

Scope of submission:

This is a submission on the whole of Plan Change 40 Warkworth, Clayden Road. Plan Change 40 relates to the Auckland Unitary Plan, operative in part, 2016.

The specific provisions to which Auckland Council's submission relates are:

All provisions of Plan Change 40 including:

- Chapter I Precincts, specifically proposed IXXX Warkworth, Clayden Road Precinct
- Auckland Unitary Plan planning maps (geospatial maps, multiple layers)

Trade competition

Auckland Council could not gain an advantage in trade competition through this submission.

Submission:

Auckland Council's submission is:

Plan Change 40 is supported, subject to amendments to give effect to the relief sought in this submission.

7.1

The reasons underpinning this submission are:

Growth, planning and infrastructure

1. Warkworth is a satellite town earmarked for growth in Auckland Council's statutory spatial plan, the Auckland Plan 2050. Auckland Council's Future Urban Land Supply Strategy was updated in 2017 and is incorporated within the Auckland Plan 2050's development strategy. It identifies the decades in which future urban growth should occur by location, dependent on the availability of bulk and transport infrastructure, and provides for north Warkworth's growth from 2022.
2. Auckland has experienced tremendous growth; provision for growth is a significant resource management issue. Auckland's regional policy statement encourages a compact urban form with most growth to be accommodated within the urban area 2016, within the rural urban boundary and towns, and the development of land in these locations is integrated with infrastructure provision (regional policy statement objectives B2.2.1 (1), (2), (4), (5)).

3. Auckland Unitary Plan's regional policy statement directs that rezoning of the future urban zone for urbanisation should be enabled by structure planning (regional policy statement policy B2.2.2 (3)).
4. The Warkworth Structure Plan is the council (and community) response to that requirement. It sets out the pattern of future land uses and the supporting infrastructure network for the approximate 1000ha future urban zoned land around Warkworth.
5. Auckland Council adopted the Warkworth Structure Plan in June 2019 following a two-year period of research, plan development and consultation. Clayden Road, and the land subject to Plan Change 40, lie within the northern area of the Warkworth Structure Plan.
6. The timing of Plan Change 40 is consistent with the sequencing of development areas in the Warkworth Structure Plan and the Future Urban Land Supply Strategy 2017 which intends this land be development ready from 2022. The lead-in time for plan change processing and undertaking bulk earthworks and infrastructure is consistent with this timeframe.
7. Plan Change 40 responds to the Matakana Link Road proposal which runs through the plan change area. Matakana Link Road is planned to be the transport spine in this area. Auckland Transport's notice of requirement for Matakana Link Road is well advanced. Funding is allocated to commence construction as soon as possible with a view to completing Matakana Link Road in conjunction with the Puhoi to Warkworth motorway extension. Those works are scheduled for completion by the end of 2021.
8. Watercare Services Limited has plans and funding in place to service the area of the plan change with bulk infrastructure by 2022.
9. Overall, Plan Change 40 has a good level of alignment with the land use plan and outcomes sought in the Warkworth Structure Plan. Proposed zoning is generally consistent with the land uses shown in the Warkworth Structure Plan. However, some aspects of Plan Change 40 appear inconsistent with the outcomes of the Warkworth Structure Plan or do not give effect to the regional policy statement of the Auckland Unitary Plan. Additional and/or alternative provisions, including methods, are sought.
10. Auckland Council supports comprehensive decision-making in promoting sustainable management under the Resource Management Act 1991. This submission is intended to assist fulsome consideration of resource management issues relevant to Plan Change 40.

Natural environment, stormwater

11. Auckland Council is aware the applicant has prepared a submission to enable a broader consideration of stormwater issues by Plan Change 40 hearing commissioners. We support the applicant's approach.
12. Plan Change 40's proposed precinct provisions do not adequately implement integrated management of land use and freshwater systems in accordance with the policy direction of the regional policy statement of the Auckland Unitary Plan at Chapter B7.3 and B7.4.
13. The plan change area is located within the upper reaches of Mahurangi catchment which drains to the Mahurangi Harbour via the Mahurangi River whose values are recognised in Auckland Unitary Plan's significant ecological area overlays. SEAs' objectives and policies seek to maintain and enhance SEAs' values. Precinct provisions must not be inconsistent with any regional plan and should be consistent with other district plan provisions. Amendments are sought to maintain and enhance the values of the receiving environments which are SEAs, including methods to:
 - a. improve water quality in streams and
 - b. prevent erosion and sedimentation loading.
14. We support the applicant's use of a stormwater management plan and relating that stormwater management plan to precinct provisions. RPS B7.4.2 policies inform Auckland-wide provisions at Policy E1.3.8 that directs that in greenfield areas adverse effects are

avoided as far as practicable or otherwise mitigated. Precinct provisions should be included that:

- a. require stormwater quality treatment of all impervious areas
 - b. address the treatment of all roads or other impervious areas to manage stormwater quality.
15. The applicant's stormwater management plan generally appears to meet Mahurangi East stormwater management plan's principles and objectives however the applicant's stormwater management plan does not adequately address all the Plan Change 40 area. It does not clearly identify the stormwater management approach to demonstrate that adverse effects will be adequately avoided, remedied or mitigated when considering development and the receiving environment.
16. The rationale in the section 32 report insufficiently demonstrates deviation from Auckland-wide rules to alternative provisions are the most effective and efficient means for achieving the settled objectives and policies. It is appropriate for Auckland-wide Chapter E3 provisions for determining stream reclamations to remain applicable (as non-complying activities) rather than including precinct specific provisions for stream reclamation (as restricted discretionary activities).

Plan integrity, policy cascade, effective and efficient methods

17. A precinct should respond to a particular opportunity, value or constraint, rather than replicating content from elsewhere in the Auckland Unitary Plan, especially when it is not demonstrated that the precinct's additional activities or standards are appropriate or give effect to the regional policy statement.
18. The rationale in the section 32 report does not demonstrate deviation from Auckland-wide rules to alternative provisions are the most effective and efficient means for achieving the settled objectives and policies. It is appropriate for Auckland-wide Chapter E38 provisions for urban subdivision to remain applicable. If it is demonstrated that a different approach is necessary within the precinct we would seek:
- a. particular matters of discretion for vacant lot subdivision
 - b. assessment criteria for vacant lot subdivision
- that ensure stormwater management is addressed including, but not limited to, stormwater management; riparian margins; flood management; communal devices; and at-source treatment.
19. Plan Change 40 is inconsistent with Auckland Unitary Plan drafting conventions which will prevent its effective implementation. The precinct:
- a. has an incomplete policy cascade from objectives to lower order provisions.
 - b. introduces additional activities in the residential - mixed urban zone with different activity classifications to zonal and Auckland-wide activities that continue to apply.
 - c. introduces standards whose implementation is uncertain as they are not directly linked to activities in the precinct activity table.
 - d. introduces standards for activities for which resource consent is not required by the precinct.
 - e. omits activities for all zones present in the precinct other than residential - mixed urban zone (meaning that precinct objectives and policies may not be realised for remaining zones)
 - f. omits "tagging" of provisions to indicate regional plan provisions.
20. The plan change introduces precinct-specific activities, standards and terms where existing Auckland Unitary Plan methods may better be utilised.

Auckland Council seeks the following decision:

Plan Change 40 Warkworth, Clayden Road be amended:

- A. to achieve the outcomes set out above at reasons to 1 to 20.

7.2

Warkworth Structure Plan

- B. to address potential landscape effects from a higher density and greater building height from upper slopes' zoning and precinct provisions to outcomes anticipated by the Warkworth Structure Plan. The structure plan sought to avoid landscape effects on the upper edge of the 'bowl' in which the land sits. We seek that the landscape effects are specifically assessed and reported upon, including consideration of amendments to the proposed precinct's development density and maximum permitted height(s) for upper slopes, or alternative methods.

7.3

- C. to depict the indicative open space on Precinct Plan 1 to be more consistent with that shown in the adopted Warkworth Structure Plan. It would be unhelpful to promote a potential open space network that may not be suitable or acceptable for vesting/public ownership. We are unaware of proposed private management of open space within the precinct.

7.4

- D. to achieve greater consistency with depicted walking/cycling routes in the Warkworth Structure Plan through additional "indicative greenway routes" on Precinct Plan 1.

7.5

- E. to be more consistent with the 'green network' as shown in the Warkworth Structure Plan for which the structure plan sought protection from development.

7.6

- F. to be more consistent with the "landscape screening" areas sought by the Warkworth Structure Plan. The structure plan sought areas for planting that are large enough to effectively screen industrial development (in the order of 20-30m deep to accommodate mature native trees in the long term). The efficacy of the precinct provisions, including various yards and precinct plans, should be evaluated and amendments made to ensure this outcome.

7.7

- G. to achieve the ecological and biodiversity enhancements sought in the adopted Warkworth Structure Plan and relevant regional policy statement outcomes of the Auckland Unitary Plan.

7.8

Natural environment, stormwater

- H. to address stormwater management outcomes:

- a. at the precinct's objective and policy level to complete the policy cascade, provide guidance for plan readers and the processing of future resource consent applications. Examples of new or amended policy provisions could include:

- i. A new objective at Section IXXX.2 Objectives:

Subdivision and development provide riparian margins and design stormwater management function to respect natural processes through best practicable options to protect the high ecological values and maintain good water quality and enhance degraded water quality present in the receiving environment.

- ii. Amending policy IXXX.3 (11):

Manage the effects of stormwater on water quality in streams through riparian margin planting, and on-site detention and retention at source hydrological mitigation to enhance in-stream values and avoid stream bank erosion, and protection of streams shown on Precinct Plan IXXX.9.1 by way of land covenant at the time of subdivision.

- iii. A new policy at Section IXXX.3 Policies:

Mitigate the adverse effects of stormwater runoff from all impervious areas in the precinct through a treatment train approach which assists in maintaining high water quality and enhances poor water quality.

7.9

b.	proposed by the applicant’s stormwater management plan.	7.10
c.	to better reflect the policy directives of the regional policy statement at B7.3 and B7.4 by recognising greater opportunities to give effect to integrated management of land use and freshwater systems in greenfield development.	7.11
d.	for the entire plan change area to determine whether there are any constraints to the proposed zones.	7.12
e.	to implement a treatment train approach as proposed by the Mahurangi stormwater management plan, which supports the plan change.	7.13
f.	to retain the SMAF 1 control for hydrological mitigation, including additional measures if required to mitigate changes in hydrology.	7.14
g.	to address potential stream bank erosion including whether the SMAF 1 control will provide adequate mitigation or if an additional method is necessary.	7.15
h.	to ensure ten metre riparian planting along streams as indicated on Precinct Plan 2 are implemented through the development process and to clarify ownership and ongoing management.	7.16
i.	to include provisions clarifying ownership and ongoing management of communal detention basins as identified in Precinct Plan 2 that are to attenuate flooding in 10 year and 100 year ARI.	7.17
j.	to further evaluate the efficacy of standard IXXX.6.8 High Contaminant Yielding Materials, its section 32 threshold of 5m ² and to develop an alternative or amendments. Although we support its intention to limit high contaminant building materials as a permitted activity the standard will not be able to be readily implemented for reasons discussed below, and it is insufficient to address water quality issues.	7.18
k.	to address the treatment of all roads or other impervious areas to manage stormwater quality	7.19
Notable trees		
l.	to schedule three trees evaluated by the applicant’s arborist as meeting the Auckland Unitary Plan’s scheduling criteria threshold, being the specimens at 245 Matakana Road:	7.20
a.	two pin oak (<i>quercus palustris</i>)	
b.	one Oriental sweet gum (<i>liquidambar orientalis</i>).	
Plan integrity, policy cascade, effective and efficient methods		
J.	to use Auckland Unitary Plan drafting conventions to make implementation of the proposed precinct effective and efficient. The proposed precinct should be amended by reconsidering the most appropriate methods for achieving the objectives and policies and ensuring standards are linked to the activities for which the precinct (should) require consent:	
a.	to have a complete policy cascade from objectives to lower order provisions.	7.21
b.	to remove introduced activities in the residential - mixed urban zone activity table with different activity classifications to zonal and Auckland-wide activities that continue to apply. It will be inefficient and confusing for stream reclamation to be a restricted discretionary activity at activity (A4) and a non-complying activity under an Auckland-wide rule, for example.	7.22
c.	to create an implementation mechanism for proposed standards that are presently unrelated to activities, and whose implementation is uncertain, see for example:	
i.	IXXX.6.8 High Contaminant Yielding Materials	
ii.	the absence of a standard to ensure delivery of Precinct Plan 1’s “indicative greenway routes”. An activity and standard should be added to ensure the delivery of these walking/cycling links by the developer during the subdivision process.	7.23

iii.	the absence of a mechanism in the precinct to require restoration planting of the 'Green network' as shown on Precinct Plan 2	7.23
d.	to specify activities for other zones present in the precinct to residential - mixed urban zone	7.24
e.	to substitute the requirement for compliance with precinct plans with compliance with specified standards and assessment of activities against relevant objectives and policies, see for example assessment criterion IXXX.7.2(1)(a)(ii) requiring the assessment of a restricted discretionary subdivision application's consistency with Precinct Plan 2. An application's (in)consistency provides little guidance in a resource consent context regarding the appropriateness of the subdivision application. Little guidance is given to the decision-maker or applicant.	7.25
f.	to insert language to guide assessment by specifying outcomes and removing language that does not provide that direction such as phrases like "the extent to which".	7.26
g.	to simplify the Special Information Requirement section.	7.27
h.	to "tag" regional plan provisions.	7.28
K.	to use existing Auckland Unitary Plan terms, naming conventions and methods where possible, for example:	
a.	overlays are a key mechanism, defined at Chapter A1.6.2. Overlays comprise 27 subparts of Chapter D and are spatially mapped values in the AUP maps whereas Plan Change 40 introduces an "overlay" to precinct plan 1.	
b.	the height variation control or subdivision variation control may be better used than introducing additional precinct-specific controls Spatial application of controls is better achieved via Auckland Unitary Plan mapping (than precinct plan drawings) using cadastral boundaries with greater accuracy.	7.29
L.	to use terminology consistently throughout the precinct and precinct plans, such as:	
a.	indoor recreation facility; recreation facility; special use overlay – sporting facility	7.30
b.	Matakana Link Road; MLR	
M.	to achieve consistent recognition of, and provision for, high natural values. Proposed zoning, SEA overlays, precinct methods and precinct plans should align. Tension exists between the proposed zoning, and Precinct Plan 2's recognition of covenanted land: zoning promoting residential intensification is proposed for land subject to and surrounding a Queen Elizabeth II covenant.	7.31
N.	to address any utilities and/or transport options (including walking and cycling) necessary to be constructed within or through land with high natural values including the Queen Elizabeth II covenant.	7.32
Consequential changes		
O.	amended to realign the rural urban boundary in the event the rezoning of a small area to rural - countryside living zone is approved.	7.33
P.	to make any other consequential changes required to Plan Change 40 text and maps to achieve the relief sought and reasons set out in this submission.	7.34

Other matter

We understand the applicant intends to discharge or divert to a public stormwater network in the future, and/or vest assets, utilising Auckland Council's network discharge consent. Auckland Council may adopt the applicant's stormwater management plan under the network discharge consent conditions following approval of Plan Change 40, if granted. The applicant's draft stormwater management plan is insufficient to determine whether it would satisfy those conditions. Auckland Council welcomes the opportunity to continue working with the applicant regarding the stormwater management plan.

I wish to be heard in support of this submission.

If others make a similar submission I would consider presenting a joint case with them at the hearing.

Submission prepared by R Greaves
Lead Planner, Central South Planning Unit
Auckland Council

Submission authorised on behalf of Auckland Council:

A handwritten signature in black ink that reads "C. Davison". The signature is written in a cursive style with a large initial "C".

Signature of person authorised to sign on behalf of submitter

Celia Davison
Manager Central South Planning Unit
Auckland Council

Dated: 2 April 2020

Address for service:
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135 Albert Street
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Auckland 1142

Submission # 8

WITHDRAWN



THE PLANNING
COLLECTIVE

Form 5

Submission on a notified proposal for policy statement or plan, changes or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Auckland Council

Submitter: Goatley Holdings Limited (GHL)

This is a submission on Proposed Plan Change 40 (Private) Warkworth – Clayden Road to the Auckland Unitary Plan (the **proposal**):

GHL could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that the submission relates to are:

- The zoning of land for residential land uses including locating the more intensive residential zonings in proximity to land zoned Business – Light Industry.
- The proposed rezoning of Business – Light Industry land to Residential – Mixed Housing Urban.
- The methods proposed to manage the buffer between Business – Light Industry and Residential – Mixed Housing Urban,
- The methods proposed to manage reverse sensitivity on the land zoned Business – Light Industry.

The submission opposes the proposal in part for the reasons set out below:

9.1

Background:

Goatley Holdings Limited (GHL) owns the land shown below:



GHL leases a portion of the land to Skywork Helicopters Limited (**Skywork**) in the north west part of the site accessed off Goatley Road.

Skywork operates a helicopter base on the land. As stated in the submission to Private Plan Change 40 (**PPC40**) on behalf of Skywork resource consent was obtained following a protracted consenting process that resulted in the Environment Court granting resource consent to establish and operate a helicopter base on the land in March 2010 [NZEnvC70]. Consent was granted to establish the helicopter base which included a landing pad, hangar, truck, equipment and hazardous materials storage area, a café and lounge area, ancillary facilities (including reception office, meeting room and pilot accommodation quarters). The consent also enabled approximately 110,000m³ of cut to fill earthworks. A later consent granted by Auckland Council in 2013 enabled the staged development of the full development.

In March 2013 Auckland Council commenced public consultation on a draft Unitary Plan (March – May 2013). The Unitary Plan was formally notified for public submissions on 30th September 2013 with the submission period closing on 28 February 2014.

The Proposed Unitary Plan identified GHL land as Future Urban. This led GHL to seek an appropriate urban zoning of the land that would protect Skywork's ability to continue operating the helicopter base given the considerable investment in land and consenting processes to date (a five plus year consenting process). This was of prime importance to Skywork and GHL because the Skywork operation had already had to relocate from its initial site at Baddeley's Beach Road because of complaints from neighbouring landowners and opposition to consent seeking to formalise activities and enable some business growth. This process is what resulted in Skywork re-establishing at the Goatley Road site.

GHL, in conjunction with an adjoining landowner, Stellan Trust, lodged a submission (submission 7025) to the Unitary Plan seeking to rezone land from Future Urban zone to Business- Light Industry. A copy of that submission is **Attachment A**. That submission was successful, and the land was zoned Business – Light Industry when decisions were released by Auckland Council on 19th August 2016. The appeal period ended on 30 September 2016 and as there were no appeals to the zoning of the land the zoning was changed with effective on that date.

In September 2018 GHL and Stellan Trust lodged a resource consent application seeking a 94 -lot subdivision for Business – Light Industrial purposes, including associated earthworks and stormwater discharges etc to enable construction of the subdivision. The scheme plan retained Skywork in its current location with sufficient space to continue operations in this location into the future. This application is currently on hold for a range of reasons, predominantly the uncertainty created by the works related to the Matakana Link Road (**MLR**) and State Highway 1 (**SH1**) widening; both of which affect GHL land.

Following resolution of all appeals to both MLR and SH1 widening projects, a new application is being prepared solely for the GHL land and is expected to be lodged in the next 6 weeks. As with the earlier scheme plan, it is designed to retain Skywork in its current location with sufficient space to continue operations in this location into the future, including planned business expansion activities relating to tourism.

By the time the Auckland Council Future Urban Land Supply Strategy (FULSS) was commenced and subsequently adopted in November 2015 GHL had live zoned Business – Light industry land and Skywork had been operating from 38 Goatley Road for approximately 4 years. The adoption of the 2015 FULSS and the refreshed July 2017 version were the first indications GHL had that the land surrounding could potentially be zoned and developed for residential land use purposes. The 2015 FULSS indicated 3,200 – 3800 dwellings, 1 Local Centre and approximately 3270 jobs for Warkworth North, which also included what is now identified as Warkworth North East. The FULSS (2017 Refresh) identified Warkworth North as suitable for approximately 2300 dwellings, no centres and reflected 69 hectares of live zoned business land which included the GHL / Stellan Business – Light Industry land. The FULSS is an infrastructure planning tool rather than a tool to determine optimal land uses. Both the 2015 and 2017 FULSS were undertaken without the benefit of a structure plan for Warkworth.

Auckland Council completed a structure plan for Warkworth in June 2019. The indications for residential development in the Warkworth North area in the structure plan completely failed to consider the existing live zoning of the GHL land¹.

¹ Warkworth Structure Plan, Background Topic Report, Section 2 – The Warkworth Structure Plan Area and Section 5.11 Land use planning.

Private Plan Change 40:

PPC40 seeks to zone Future Urban zoned land for a mix of residential zones and a small Neighbourhood Centre. It also proposes to rezone land that currently has a Business- Light Industry zoning to Residential -Mixed Housing Urban. The residential – Mixed Housing Urban zone provides for sites with a minimum site size of 300m² as per Table E38.8.2.3.1 or; for parent sites of 1 hectare or greater, a minimum site area of 240m²; and average of 300m² and a maximum site size of 360m² (Table E38.8.3.1.1).

This rezoning will result in dwellings being constructed both adjacent and close to the Business – Light Industry zoned land as shown in the Figure below:

Diagram 8: Requested Structure Plan: Warkworth North

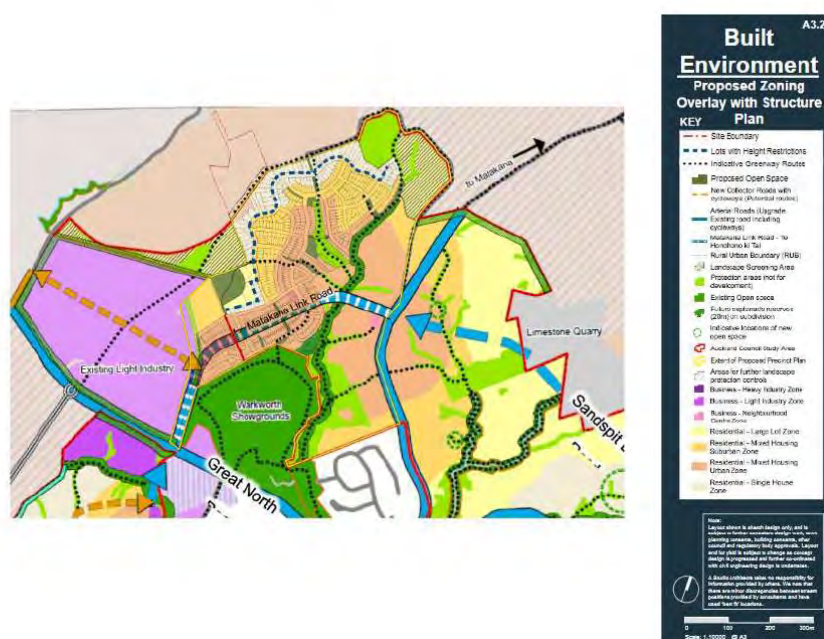


Figure 1 -Plan Change 40 – Diagram 8 Requested Structure Plan Warkworth North

A range of Unitary Plan Standards and Controls for the Business – Light Industry zone are impacted by the proximity of residential development for example:

- Air quality – Chapter E14 – Business – Light Industry Zones are identified as Medium air quality areas, as is the Future Urban zone; however, residential zones are High air quality areas. There are Standards for some activities that specify setbacks from activities sensitive to air discharges. Dwellings are defined in the Unitary Plan- Chapter J as being activities sensitive to air discharges.
- Noise and Vibration – Chapter E25 – Dwellings are also defined in Chapter J as activities sensitive to noise. There are objectives in this Chapter that seek to protect people from unreasonable levels of noise and vibration. There is also an objective that seeks to protect existing and authorised activities from reverse sensitivity effects. Policy E25.3 (3) seeks to *encourage activities to locate in zones where the noise generated is compatible with other activities and, where practicable, adjacent zones.* Policy (7) is also relevant. This Policy states:

Require activities to be appropriately located and/or designed to avoid where practicable or otherwise remedy or mitigate reverse sensitivity effects on:

- *Existing or authorised infrastructure;*
 - *Adjacent **Business – Light Industry Zone** and **Business – Heavy Industry Zone**;*
 - *Existing lawfully established rural production activities....*
- Dwellings are defined in Chapter J as activities sensitive to hazardous substances and infrastructure.
 - Chapter H17 – Business Light Industry Policy H17.3 (7) requires activities adjacent to residential zones to avoid, remedy or mitigate adverse effects on amenity values of those areas.

Based on the above Unitary Plan provisions it is evident there will be limitations and corresponding adverse reverse sensitivity effects on the Business – Light Industry zoned land associated with rezoning a portion of the Business – Light Industry land to Residential – Mixed Housing Urban and also by seeking to locate the more intensive residential zonings proposed in PPC40 adjacent to GHL land. This statement is also supported by an acoustic assessment prepared by Hegley Acoustic Consultants – **Attachment B**.

The lesser density residential areas – Single House, Large Lot and the portion of Countryside Living zoned land are adjacent to the Rural – Countryside Living zoned land to the north west. This land is already effectively separated from PPC40 by topography as Clayden Road generally runs along a ridge with the PPC40 land sloping down to the east and the Countryside Living land to the north west.

PPC40 proposes a Precinct – Clayden Road Precinct. The notified Precinct document refers to the planned Sandspit Link Road – it is presumed that this is intended to read the *Matakana Link Road*.

The description of the Precinct states that *“More intensive residential opportunity is created around the Sandspit Link Road...Medium density housing is provided in the northern area of the Precinct. Low density housing ‘Single House’ zoning is provided on the Rural Urban Boundary fringe with particular controls.... These controls are designed to create a lower density interface and a landscape buffer between the urban and rural areas.”*

The Precinct proposes one objective relating to the existing Business – Light Industry zone as follows:

- (5) *Manage reverse sensitivity issues at the interface between the residential and light industrial land.*

This objective is supported by the following Policy:

- (9) *Create a landscaped buffer and require “no complaints covenants” on the properties adjacent to the industrial zoned land so as to manage reverse sensitivity issues.*

The Precinct does not propose any specific rules relating to development on the land adjacent to the Business – Light Industry zoned land.

However, a Noise measurement line standard is proposed. The proposed noise measurement line (NML) states that the NML will be the “nearest residential boundary for measuring noise from the Skywork base”. The standard states that it will apply to the residential sites to the west of the identified line.

It is noted that an area of indicative open space is also shown on Precinct Plan 1 adjacent to the north-eastern corner of GHL land. This will not protect the development of the Business – Light Industry land in any way from the increased proximity of residential development.

There is also one assessment criteria (ix) included for vacant lot subdivision stating that *for the area identified on Precinct Plan 1 as “no complaints covenant area” a no complaints covenant is registered against any title acknowledging the location is adjacent to an industrial area and a consented heliport and that residents will not complain about permitted activity meeting the Auckland wide standards, or helicopter activity operating under and complying with the conditions of consent of Resource Consent XXX.* The proposed non complaints covenant is not considered sufficient to protect the development of a range of activities that could be anticipated on the Business – Light Industry zoned land.

A Special Landscape yard is also proposed – Standard 6.3. This Standard proposes to limit buildings and structures within the area identified on Precinct Plan 1, except for fencing less than 2 metres in height. The Standard also requires that 50% of the yard is planted with native trees that achieve a height of 5m or more on maturity. It is not clear what the proposed width of the Special Landscape Yard is as the line follows the boundary and the Precinct Plans do not have a scale. Therefore, it is not possible to properly assess the effectiveness or not of this proposed standard.

The real outcome of these proposed provisions is simply a noise measurement line and a requirement for sites to the west of it in the proposed Residential – Mixed Housing Urban zone to accept a no complaints covenant for legitimate light industrial land use activities.

As demonstrated from the above assessment there are actual adverse reverse sensitivity effects that will result from the land rezoning proposed by PPC40.

PPC40 does not achieve an optimal land use outcome because, as proposed, it will introduce incompatible activities in close proximity and likely result in adverse reverse sensitivity effects on the zoned Light Industry land.

PPC40 does not appropriately respond to the requirements of s32 of the Act because the provisions are not the most appropriate way to achieve the purpose of the Act or achieve the objectives of the Unitary Plan.

Goatley Holdings Limited seek the following decision from the local authority:

- That PPC40 be declined, or
- That the zoning pattern be amended to more appropriately respond to the extent of live-zoned Business – Light Industry and ensure an appropriate buffer between industrial activities and more sensitive residential activities; and
- That PPC40 be amended to include adequate planning methods to ensure that compatibility issues and potential reverse sensitivity effects on the Business – Light Industry zoned land are effectively managed.

9.2

9.3

Goatley Holdings Limited **wishes** to be heard in support of its submission.

Goatley Holdings Limited will consider presenting a joint case with others that make a similar submission.

Burnette O'Connor

(person authorised to sign
on behalf of submitter)

Date: 2 April 2020

Address for Service:

Burnette O'Connor (Agent)

Planner / Director

The Planning Collective

burnette@thepec.co.nz

+64 21 422346

Attachments:

- A - GHL / Stellan Trust Unitary Plan Submission
- B - Hegley Consultants Acoustic Assessment

Proposed Auckland Unitary Plan Submission Form

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010
 Clause 6 of First Schedule, Resource Management Act 1991
 FORM 2



Correspondence to :
 Attn: Unitary Plan Submission Team
 Auckland Council
 Freepost Authority 237170
 Private Bag 92300
 Auckland 1142

For office use only

Submission No:

Receipt Date:

AUCKLAND COUNCIL

28 FEB 2014

Submitter details**Full Name of Submitter or Agent (if applicable)**

Mr/Mrs/Miss/Ms(Full Name)

Organisation Name (if submission is on behalf of Organisation) Goatley Holdings Ltd & Stellan Trust**Address for service of the Submitter**

Terra Nova Planning Ltd
 PO Box 466
 Orewa 0946

Email:

markbellingham@tnp.co.nz

I live in the following Local Board area (if known)

Rodney Local Board

Contact Person: (Name and designation if applicable)

Dr Mark Bellingham

Scope of submission**This is a submission to: Proposed Auckland Unitary Plan****The specific provisions that my submission relates to are:**

Please identify the specific parts of the Proposed Plan

Provision(s)

Warkworth North Future Urban Zone

Or

Other (specify)

See attached submission

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

See attached submission

I wish to have the provisions identified above amended Yes**The reasons for my views are:****I seek the following decision from Auckland Council:**

Accept the Proposed Plan with amendments - See attached submission

I wish to be heard in support of my submission Yes**If others make a similar submission, I will consider presenting a joint case with them at a hearing** Yes

Telephone

09 4267007

Please note that your contact details and phone number will be 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 gain an advantage in trade competition through this submission
- I could not gain an advantage in trade competition through this submission



Signature of Submitter

Date 28/2/2014

(or person authorised to sign on behalf of submitter. A signature is not required if you make your submission by electronic means)

Submission to Proposed Auckland Unitary Plan: Goatley Holdings Ltd & Stellan Trust, Warkworth North

Scope of the Submission

This submission is on behalf of Goatley Holdings Ltd & Stellan Trust in respect of their properties at State Highway 1, Warkworth North. The subject sites are legally described as Lots 1, 2 DP 88298, Pt Allot 95 Psh Of Mahurangi SO 27C, Lot 3 DP 61693, and Lots 1, 2, 3 DP 155679, having an area of 56.7ha. This land has been zoned Future Urban Zone in the PAUP (Figure 1).

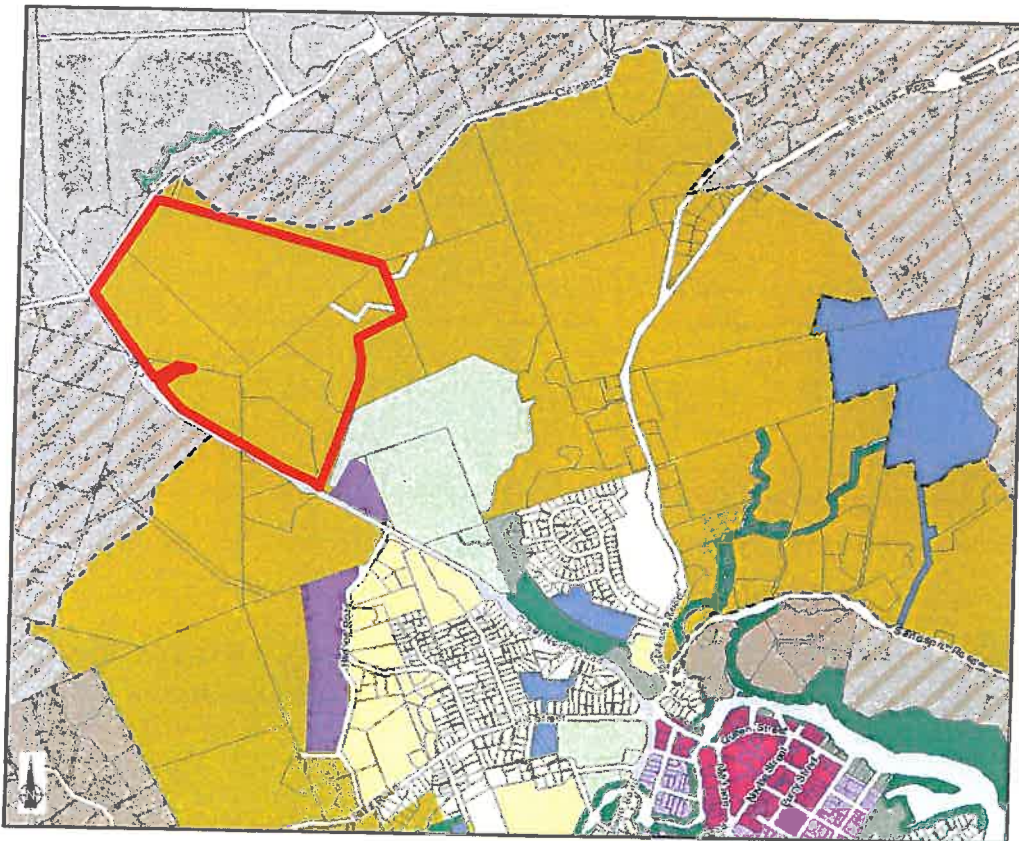


Figure 1: PAUP Zoning

Aerial photos of the land are in Figures 2 and 3.

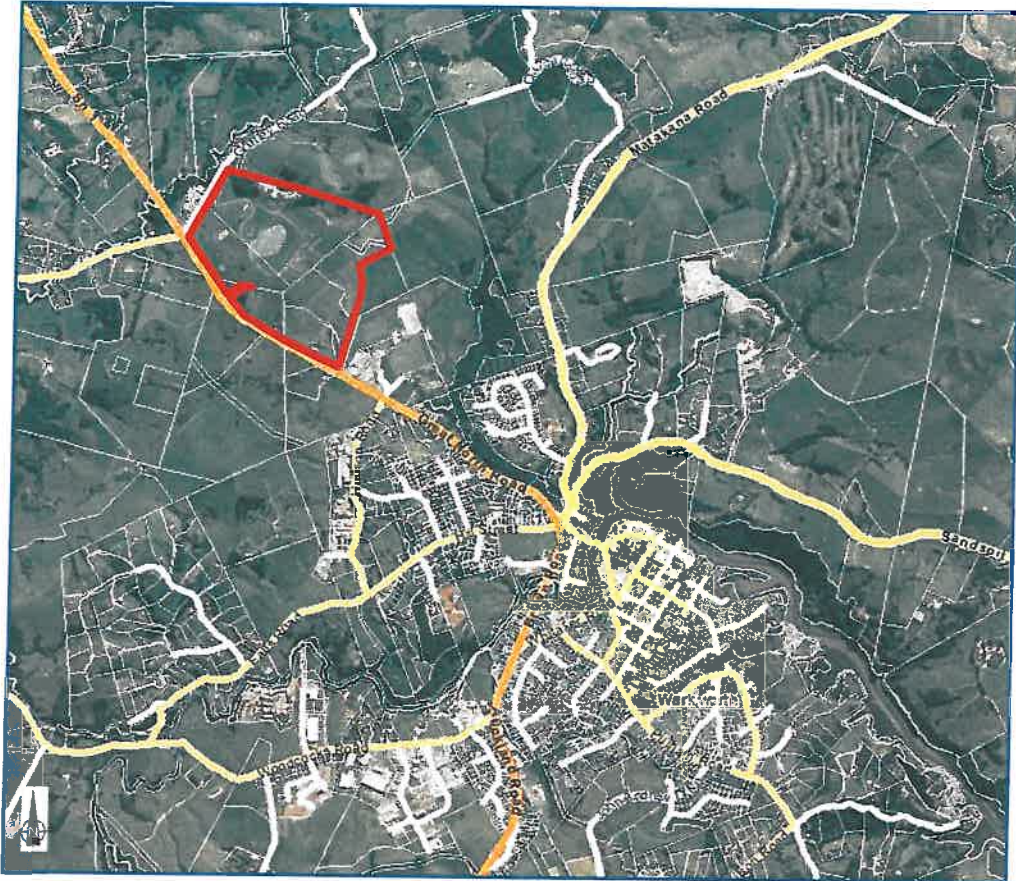


Figure 2: Location of Goatley Holdings Ltd & Stellan Trust property, North Warkworth



Figure 3: Goatley Holdings Ltd & Stellan Trust property, North Warkworth

The submitters, along with a number of other landowners submitted on the northern expansion of Warkworth to the Auckland Plan. They then commissioned further studies investigating the appropriateness of urban development adjoining Warkworth's existing northern urban boundary, and the engineering and cost viability of a new road connecting State Highway 1 and Matakana Road, thus bypassing the problematic 'Hill Street intersection' in Warkworth's town centre.

The first study prepared by Terra Nova Planning Ltd is titled "Warkworth North Outline Planning Report" dated 18 May 2012 and is in **Appendix B**. While this report was commissioned by the landowners, we note that its authors have been long involved in structure and district planning for Warkworth, including preparation of both the 1987 'Future Directions' study and the 1997 Warkworth Structure Plan, as well as being heavily involved in the 2004 Warkworth Structure Plan via submissions on behalf of a number of clients.

The second study prepared by Hutchinson Consulting Engineers dated 19 February 2013, and in **Appendix C**, is of a proposed link road between State Highway 1 and Matakana Road, which is based on the road promoted in the submission to the Auckland Plan, and further addressed in the Warkworth North Outline Planning Report.

We consider that the findings of both reports are self-evident on reading, but in summary, they indicate that;

- The extension of urban activities to the north of the existing Warkworth urban area is appropriate, generally as the preferred land uses are identified; and
- The cost of constructing an alternative link road between State Highway 1 and Matakana Road would appear to have a significant cost/benefit, and would clearly do much to resolve the long-standing traffic issues at the existing Hill Street/State Highway 1 / Matakana Road intersection.

The submitters are concerned that although these issues have been incorporated in part in the Auckland Plan, the PAUP and the Rural Urban Boundary Investigations (RUB), the body of planning and engineering investigations that identify suitable land uses still needs to be incorporated into the Unitary Plan.

Relief Sought

1. Rezoning the land from Future Urban to Light Industry.

The Auckland Council's Rural Urban Boundary investigation were carried out to determine the extent of the RUB, including that for Warkworth, but not to universally assign a Future Urban Zone to new land coming into the RUB.

The RUB recommendations for Warkworth (relevant to this submission) were:

- The Structure Plan for Warkworth as well as the Area Plan for Rodney should be prioritised in order to determine the appropriate future land uses within the rural urban boundary.

- Support for the RUB north from the showgrounds to Goatley Rd adjoining Matakana Rd in the west and further provision of urban land east of Matakana Rd from Clayden Rd to Sandspit Rd south of the quarry should not occur within the 30 year timeframe.
- Need to plan for appropriate amount of industrial land and local employment

While there has been considerable provision for additional residential sites in Warkworth, additional industrial land is minimal. Rodney District's structure planning never anticipated the expansion of Warkworth as provided for in the Auckland Plan and the PAUP. Meanwhile the PAUP has not prioritised future land uses, as the structure planning by the Warkworth North landowners has identified this area as suitable for business zoning. The proposed Future Urban Zone for the Submitters' land gives no priority in terms of future zoning or when that might happen.

The submitters (along with other landowners in Warkworth North) have carried out detailed planning for the area zoned Future Urban (North of State Highway 1 and Sandspit Rd) and this was presented to the Council in the Unitary Plan and RUB processes. Those reports (Appendix B - C) identify the submitters land as suitable for industrial activities.

We submit that it is a priority to zone land in Warkworth North for industrial and local employment activities to provide for the on-going expansion of Warkworth and the future development of residential areas in Warkworth North. An appropriate zone for this land would be 'Light Industry' (Figure 4). The 57 ha of land involved will provide a substantial and significant contribution to the required light industrial land supply for Warkworth's immediate and medium-term growth.

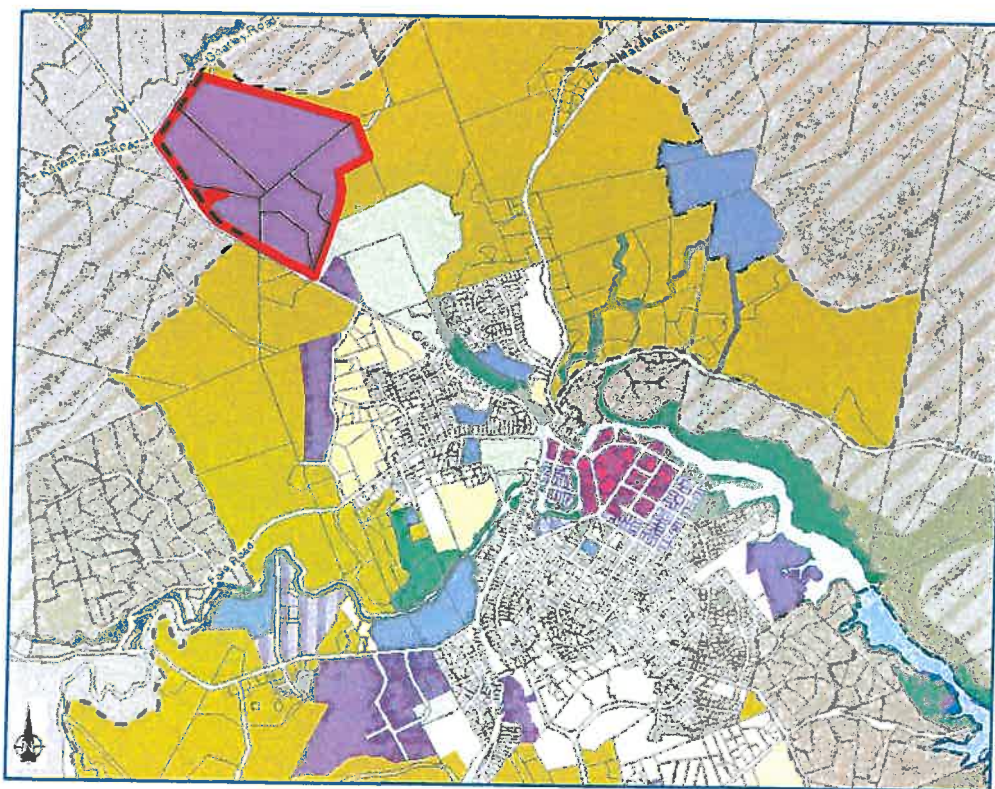


Figure 4: Proposed Rezoning

2. Identify the proposed North-East Link Road alignment in the Unitary Plan.

The Submitters' also identified indicative link roads in their submission to the Council in the Unitary Plan and RUB processes. These need to be on the Unitary Plan maps also in order to provide for timely and significant improvements to the roading network, and to be in place before or at the same time as the new State Highway 1 Warkworth by-pass is constructed. The location of the State Highway alignment is shown in Figure 5 below.

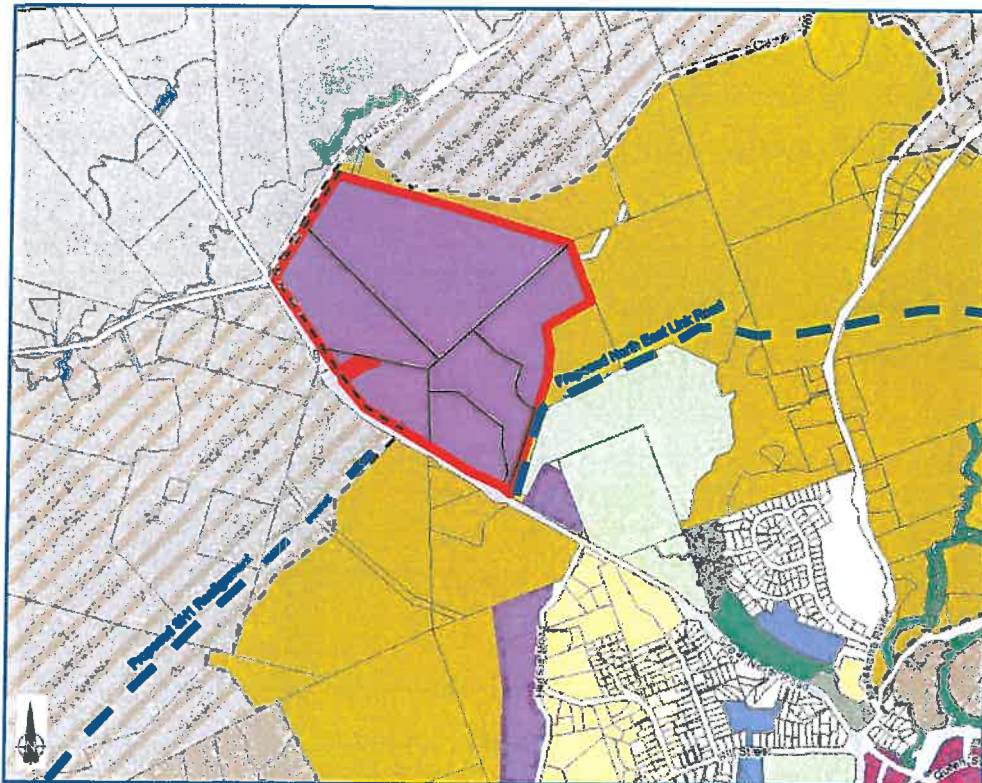


Figure 5: Proposed Rezoning and North East Link Rd and SH1 Realignment

Relevant Specific Provisions

• **Auckland Unitary Plan Maps**

- Rezone the Goatley Holdings and Stellan Trust properties (Figure 2) as Light Industry Zone, or other business zone as appropriate. 11
- Identify a proposed North-East Link Road alignment for Warkworth North on or about the location indicated on Figures 4 and 5. 12

Section 32 Assessment of Costs and Benefits

A summary assessment of costs and benefits under S32 of the RMA has been prepared to demonstrate the robustness of the submission. This is included in **Appendix A**, and concludes that the amendments sought better provides for the well-being of future generations, and is the most sustainable use of this existing land resource.

Appendix A

SECTION 32 SUMMARY EVALUATION

1. SUMMARY

The PAUP proposes a Future Urban Zone over the submitter's land at State Highway 1 and Goatley Rd, Warkworth North.

In summary the key points are:

- The Submitters' land is within the RUB;
- The Submitters have presented reports to Council that have identified the land as suitable for urban and more specifically, industrial activities;
- Those reports carried out extensive planning and assessment of the Warkworth North area and identified the need for a North-East Link Rd for the PAUP Future Urban Zoned area also.

2. ISSUES

The key issue is a Future Urban Zone is inappropriate for the Goatley Holdings and Stellan Trust land. This land is highly suitable for Light Industry and needs to be zoned as early as possible so as to provide for on-going employment within Warkworth and the future growth of the town.

3. SECTION 32 ANALYSIS

This analysis applies the statutory tests for assessing the appropriateness of the objectives / policies / rules and methods in regard to achieving the purpose of the Act. The relevant considerations are set out in Appendix A. A key aspect of the evaluation is that the available alternatives may be accepted (and limited to) as being those contained in the PAUP, and the relief sought by appellant (refer Section 32 (3)).

Does it assist the Council in performing its functions?

Yes. The site has been zoned Future Urban, but a change to Light Industry would provide for the on-going growth of Warkworth and the land is suitable for a Light Industry zoning in accordance with the relevant Plan objectives and policies.

Part 2 of the Act

The change in zoning sought over this land better meets the PAUP urban growth the environmental protection objectives and policies. This is entirely consistent with Part 2 of the Act in making the

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most efficient use of the land resource, while also providing for the health and well-being of the community into the future.

Does it achieve and implement the objectives and policies

The land at Warkworth North is proposed in the PAUP as Future Urban Zone and this zone is not appropriate, the land being suitable in the very near future for Light Industry. This zoning should be applied in the Unitary Plan to be consistent with the RPS objectives and policies (Part 1:B:3.1), and District Plan objectives and policies (Part 2:D:3.10).

Efficiency and effectiveness of the provisions in achieving the objectives and policies

A change to Light Industrial Zone will provide for better managed urban growth in Warkworth. The provision for Light Industry will help to mitigate the need for greater distances to be travelled by the local community to work.

Benefits and costs

The benefits of the proposed changes sought will provide a well-planned urban development that is appropriate for the on-going growth of Warkworth.

4. WHICH METHOD IS BETTER?

The changes proposed better meets the UP urban growth objectives and policies in this location.

5. CONCLUSION

The above assessment of costs and benefits demonstrates that the submission seeking changes to the Goatley Holdings and Stellan Trust properties on State Highway 1 and Goatley Rd, Warkworth North, achieves the best environmental outcome (in an 'RMA' sense). These amendments will achieve the most efficient use of the existing land resource, and will also better provide for the future urban growth of Warkworth.

APPLICABLE LEGAL TESTS – SECTION 32 TESTS AND PART 2 OF THE ACT

1. Section 32(1) of the Act requires that before a council notifies a plan it must undertake an evaluation which must:
 - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*

- (i) *Identifying other reasonably practicable options for achieving the objectives; and*
- (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) *summarising the reasons for deciding on the provisions; and*
- (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

2. Section 32 (2) states:

An assessment under subsection (1)(b)(ii) must—

- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

3. Section 32 (3) states

If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—

- (a) *the provisions and objectives of the amending proposal; and*
- (b) *the objectives of the existing proposal to the extent that those objectives—*
 - (i) *are relevant to the objectives of the amending proposal; and*
 - (ii) *would remain if the amending proposal were to take effect.*

4. Section 10 to the First Schedule to the RMA relates to decisions on provisions and matters raised in submissions and requires that:

(1) A local authority must give a decision on the provisions and matters raised in submissions, whether or not a hearing is held on the proposed policy statement or plan concerned.

(2) The decision—

- (a) *must include the reasons for accepting or rejecting the submissions and, for that purpose, may address the submissions by grouping them according to—*
 - (i) *the provisions of the proposed statement or plan to which they relate; or*
 - (ii) *the matters to which they relate; and*
- (ab) *must include a further evaluation of the proposed policy statement or plan undertaken in accordance with section 32AA; and*
- (b) *may include—*
 - (i) *matters relating to any consequential alterations necessary to the proposed statement or plan arising from the submissions; and*
 - (ii) *any other matter relevant to the proposed statement or plan arising from the submissions.*

(3) To avoid doubt, the local authority is not required to give a decision that addresses each submission individually.

(4) The local authority must—

- (aaa) have particular regard to the further evaluation undertaken in accordance with subclause (2)(ab) when making its decision; and
- (a) give its decision no later than 2 years after notifying the proposed policy statement or plan under clause 5; and
- (b) publicly notify the decision within the same time.

5. The Eldamos¹ case established the parameters for the appropriateness test referred to in section 32. That case stated:

- A. An objective in a district plan is to be evaluated by the extent to which:
 1. it is the most appropriate way to achieve the purpose of the Act;
 2. it assists the territorial authority to carry out its functions in order to achieve the purpose of the Act (s72); and
 3. it is in accordance with the provisions of Part 2 (s74(1)).

- B. A policy, rule, or other method in a district plan is to be evaluated by whether:
 1. it is the most appropriate way to achieve the objectives of the plan; and
 2. it assists the territorial authority to carry out its functions in order to achieve the purpose of the Act (s72);
 3. it is in accordance with the provisions of Part 2 (s74(1)); and
 4. (if a rule) it achieves the objectives and policies of the plan (Section 76(l)(b)).

6. The relief sought by a submitter is therefore to be evaluated having regard to the formulation in the Eldamos decision.

7. Section 32 requires consideration of whether the proposed provisions are appropriate to achieve their intended purpose by reference to alternatives available and that this calls for a consideration of all options, including the option of doing nothing.

8. In the context of the submission, the available alternatives may be accepted (and limited to) as being those contained in the PAUP, and the relief sought by appellant. This is confirmed by Section 32 (3)

Part 2 of the Act

9. The ultimate test that applies to all decisions under the RMA is provided by section 5 of the RMA which states:

5. Purpose

¹ *Eldamos Investments Limited and others v Gisborne District Council W047/2005*

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

10. The Courts have taken account of the “deliberate openness” of the language used in the Act and have said that Part 2 allows for an “overall broad judgement” to be made having regard to various competing considerations which might arise in any given set of circumstances.
11. Section 6 of the Act sets out matters of national importance which may or may not be relevant to a particular district plan issue but which, if relevant, decision makers under the Act must “recognise and provide for” in making their decisions.
12. The specific matters which are relevant to the present issues in terms of section 6 include sections 6(a), (b) and (e).
13. Section 7 sets out other matters which, if relevant, decision makers need to “have particular regard to”. The specific matters of relevance to the present issue in terms of section 7 include sections 7(a), (aa), (b), (c), (d), (f), (g) and (h).
14. Section 8 requires consideration of the principles of the Treaty of Waitangi.
15. Under section 67(3)(c) of the Act the District Plan must give effect to the Regional Policy Statement (RPS).

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Appendix B

Warkworth North Outline Planning Report, Terra Nova Planning Ltd 18 May 2012

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May 2012

Warkworth North Outline Planning – discussion document

1.0 Strategic Background

1.1 Introduction

The Auckland Plan identifies Pukekohe and Warkworth as metropolitan Auckland’s only two satellite towns and states that over the next 30 years “they will have grown into large satellite towns with populations of between 20,000 and 50,000”. More specifically, in this timeframe Warkworth is targeted to accommodate a population of about 25,000 and is identified as the main employment hub for the North.

The 2004 Warkworth Structure Plan outlines the future growth of the town and the Plan currently serves as a platform for the strategic management of the urban area. However, the Structure Plan falls far short of catering for the above projected population and therefore land over and above that identified in the Structure Plan will need to be investigated and identified for longer term urban growth.

This brief report concerns such an investigation of additional land available for urban expansion, with a particular planning focus on the area immediately to the north of Warkworth.

1.2 Warkworth Structure Plan

Population growth:

The Warkworth Structure Plan (2004) outlines a growth strategy for a >20 year planning horizon (ie 2004 to >2024) for an expanded future town and an associated land use plan for achieving these ends. The growth strategy targets accommodating the following broad population:

Growth Period	Projected population	Capacity required
Existing	2,800	4,400
2004 - 2024	4,400	5,200
2024 - 2044	6,000	7,000
2044 +	up to 8,000	8,800

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The land use planning for Warkworth was in 2004 somewhat constrained at the time of its preparation by the conception of the strategic settlement role, function and vision for Warkworth as it was understood at that time, being that of a small rural service town (and therefore well short in scale and spatial extent of the satellite town now proposed by the Auckland Plan). As a consequence, land use planning for Warkworth was focussed on accommodating a residential population of up to (say 7,000) people over the next 30 years.

Equally, the future areas identified for retail, business and industrial land uses were planned according to the above strategic growth and population parameters.

It is now apparent that the Auckland Plan's vision for Warkworth is significantly greater in scale to the past settlement strategy, and that in order to accommodate a population of (say) 25,000 over the next 30 years, Warkworth's planning will need to be reviewed and augmented with additional areas for residential, business, industrial and other activities and uses.

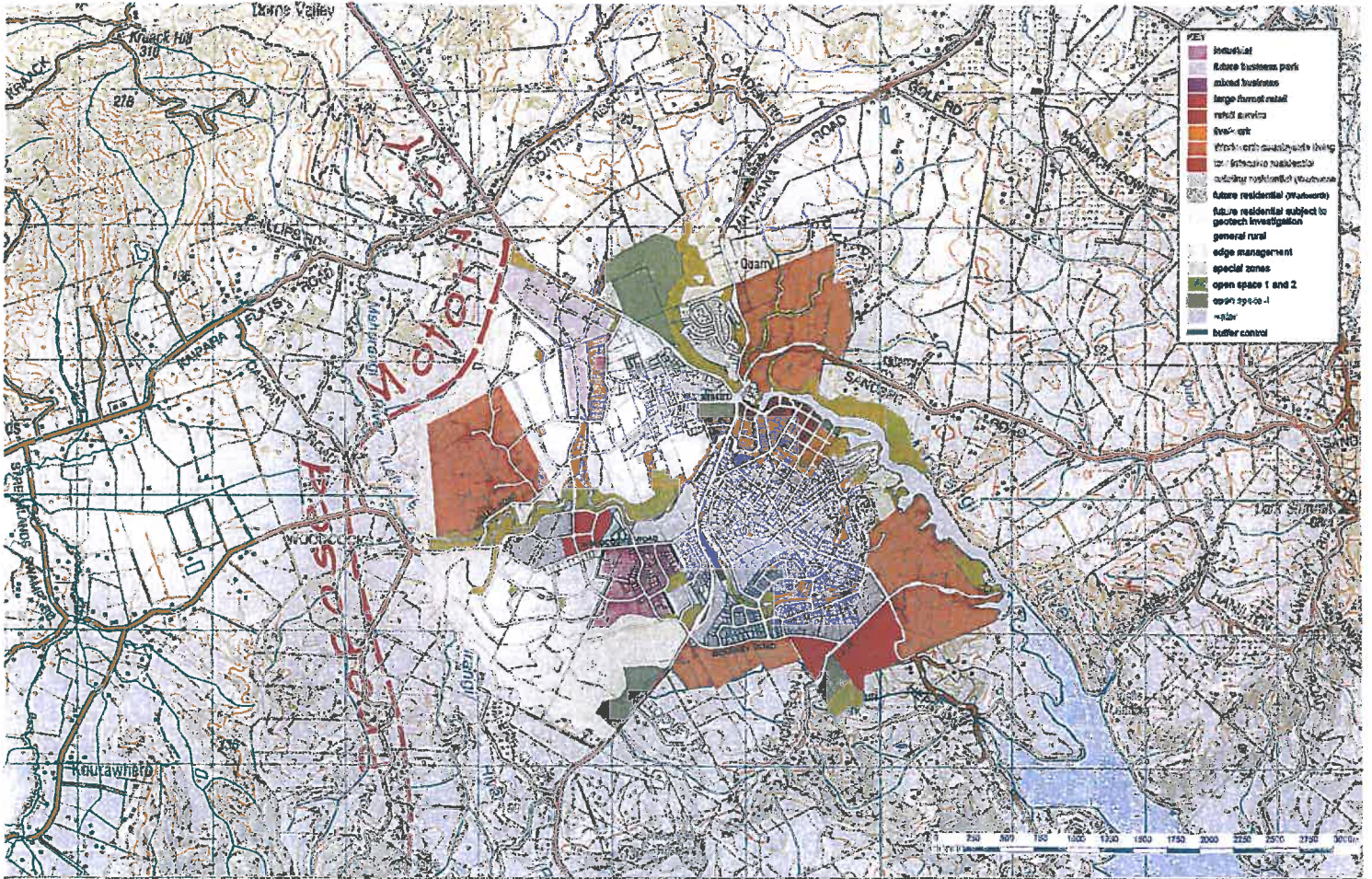
Planned land availability:

Plan 1 depicts the 2004 Warkworth Structure Plan, and **Plan 2** highlights the new growth areas identified within that Structure Plan, with their respective capacities and development timeframes, and current estimates of residual capacity, summarised in the table below.

Table 1: Summary of new areas according to the Structure Plan

Land Unit	Residential Land Use	Population Capacity	Staging	Current Status
A	Residential	200	<2024	developed
B		1,400		25% developed
C		670		35% developed
E		100		redevelopment over time
F				not likely developable
G		1,100	>2024	undeveloped
H		1,000		undeveloped
I		1,300		undeveloped
Total		5,670		About 4,900 remaining

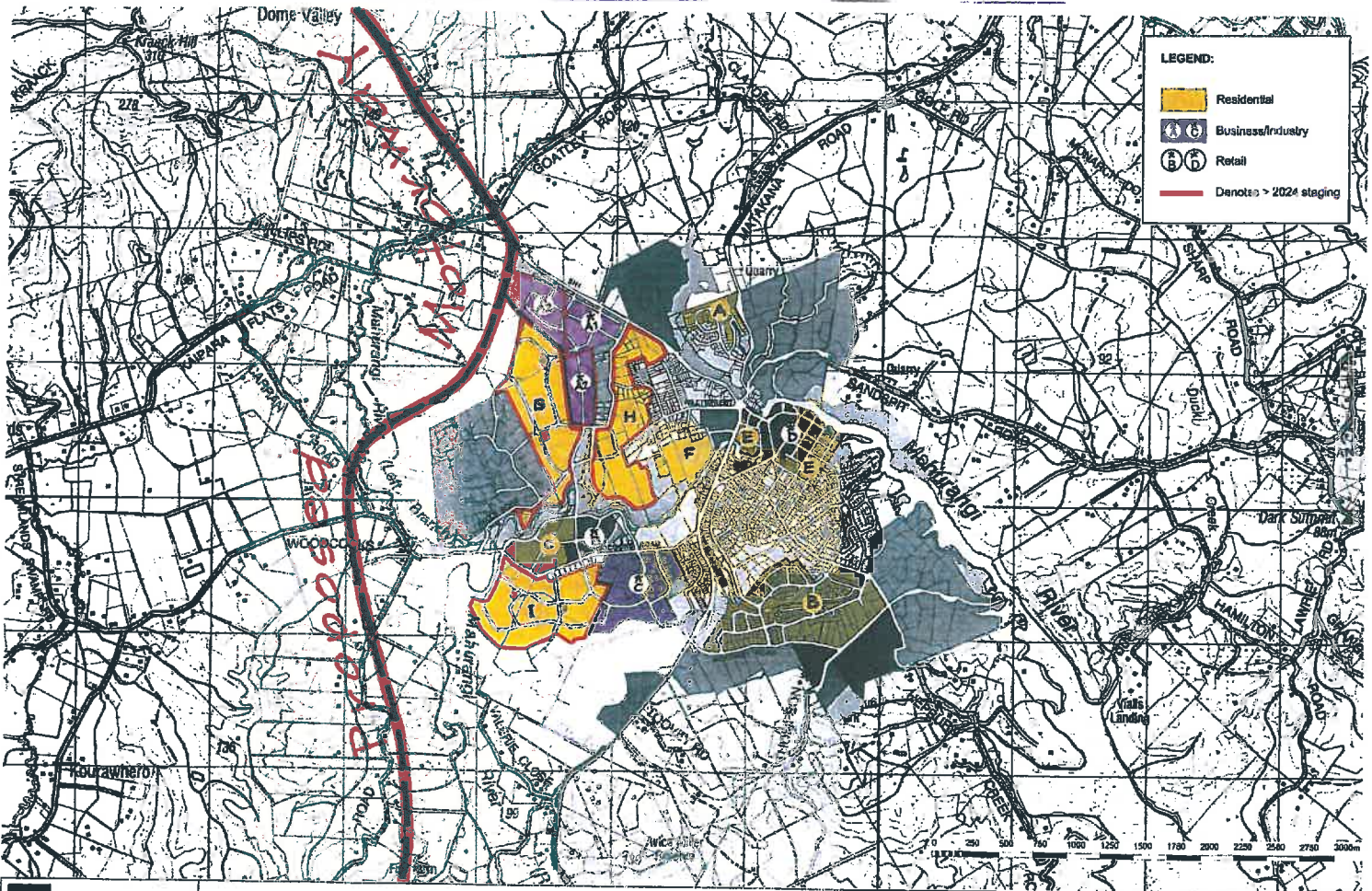
Land Unit	Business Land Use	Area (gross ha)	Staging	Current Status
*A1	Business	14	<2024	undeveloped
*B	Retail	12		60% developed
*C	Industry	27		75% developed
*D	Retail			80% developed
*A2	Industry	25	>2024	undeveloped
Total		78		



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Plan 1: Warkworth Structure Plan

Prepared for:
Stevenson, Clark, et al
Date: May 2012
Scale: 1:25 000



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PO Box 486
Orewa

Plan 2: Structure Plan's New Growth Areas

Prepared for:
Stevenson, Clark, et al

Date: May 2012

Scale: 1:25 000

With a current residual residential population capacity of under 5,000, there is a significant shortfall in the current planned residential land to accommodate projected long term future growth, and the key implication is therefore that any future Structure Plan for the town will need to indicate additional areas for such growth, and which will be beyond the extent of those proposed in the current Structure Plan.

Regarding industrial land, the only currently available industrial land in the town is a remaining approximately 6 to 7ha in Land Unit *C. Given the general slope of the remaining available land, it is generally not suited to large footprint industries.

It is noted in relation to the identified 39ha of future Business/Industrial land near Hudson Road (ie Land units *A1 and *A2), that a considerable part of the gross area identified will be taken up by the Motorway, interchange and buffer, and stormwater ponds necessary in this low lying area.

By comparison, the Auckland Plan's economic strategy targets employing an additional 8,200 people and the supply of an additional approximately 182,000m² of industrial floor space, by 2041 in the Rural North. To support Warkworth's growth and status as a satellite town, most of the sub-region's new industrial land will be established in Warkworth, and the key implication of this is that the currently identified future industrial areas will be fully developed before a 30-year horizon.

Under current planning, not only is a longer term industrial land shortage predictable, but given that (i) there is at present effectively no land for larger footprint industries available in Warkworth, and (ii) only half of the currently identified 39ha block of future business-industrial land is identified for industry per se, and the land is not yet zoned or bulk-serviced, and (iii) there will generally be a long lead time for the supply of "ready-to-go" industrial land (especially for larger footprint general industry), industrial land availability in Warkworth is already at a critical supply point.

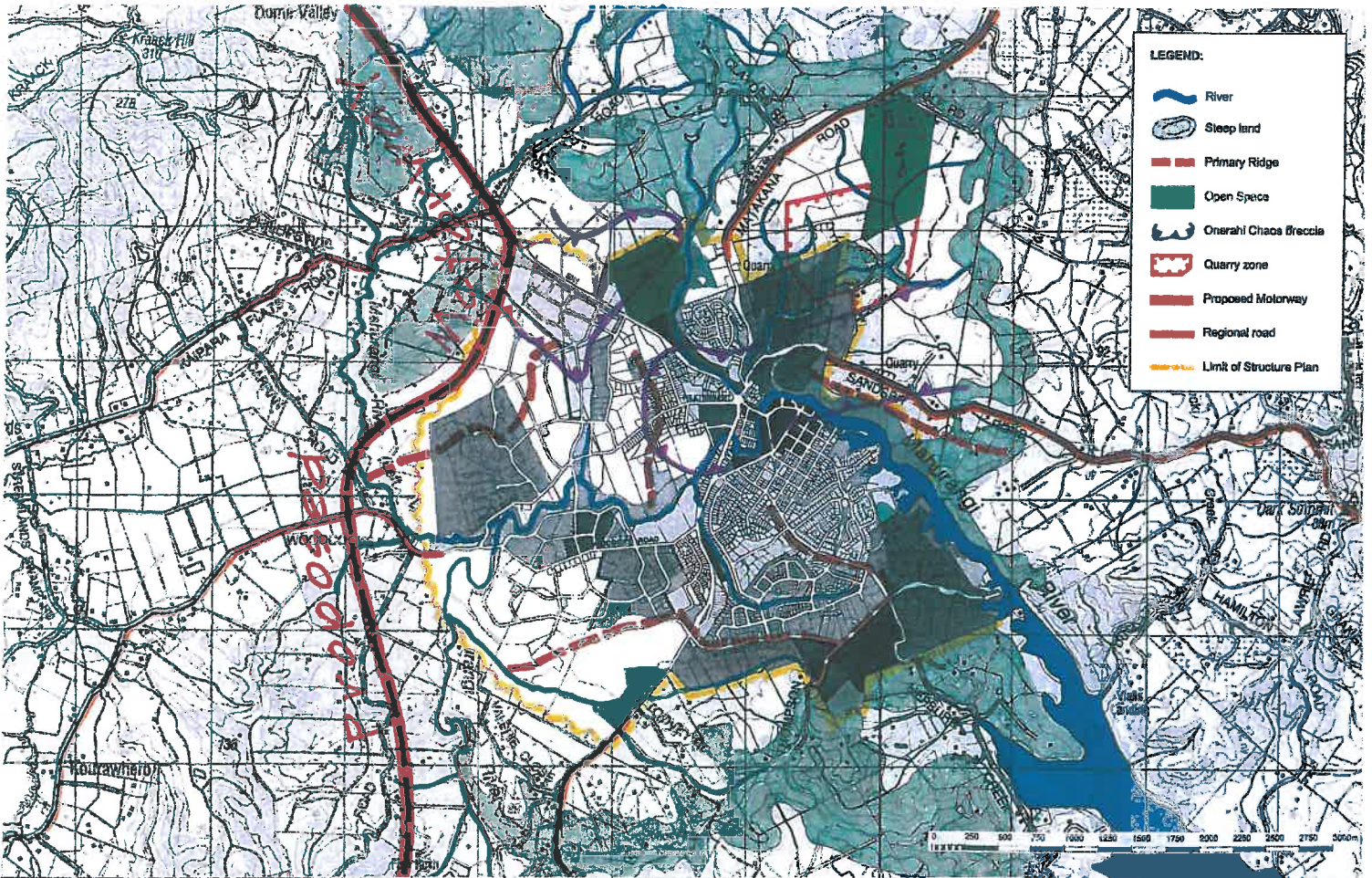
2.0 Strategic Considerations

The key strategic considerations with respect to determining additional new areas for the town's expansion are outlined below.

2.1 Natural Features

Plan 3, which includes the 2004 Structure Plan as an underlay, shows the extent of key natural systems features which guide future spatial planning. These are:

- The location of key ridges, of which the McKinney Wilson Road ridge and the steep hills of the Wilson Road-Thompson Road area are important in that they constitute a limit of any future mass urban



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Dunedin

Plan 3: Key Physical Features

Prepared for:
Staverson, Clark, et al
Date: May 2011
Scale: 1:25 000

extensions to the south-east and east of Warkworth. The ridge and hills have long been rationalised and identified (ie in the late 1980's strategic plan and both the 1996 and 2004 Structure Plans) as a strong and defensible natural urban-rural boundary and the southern cut-off to the Warkworth urban area.

- The Mahurangi River, a barrier to eastward expansion.
- Two large occurrences of Onerahi Chaos Breccia, having the implication that where this formation coincides with steep land, mass and dense urban development is not possible.
- The extensive quarry area (inclusive of surrounding buffer zones) located to the north-east of Warkworth, determining that this general locality is not available for mass urban development (at least for the life of the quarry, which is understood to be in excess of 40 years).
- Very steep land, and well-vegetated and ecologically-valuable valleys and hills (sometimes already covenanted), which are unsuited to dense urban development.

2.2 Transportation

The final alignment of the SH1 Motorway bypass has only recently been determined by NZTA (notably, subsequent to the 2004 Structure Plan's formulation), and the strategic position tabled in the Structure Plan, namely, that the town should not extend to the west of the Motorway, is assumed to be a strongly maintained position. This provides the physical limit to urban expansion to the west.

2.3 Additional bulk land availability

From the above, and in summary, mass urban expansion to the south, east and west of Warkworth is largely limited by the River, extensive areas of steep land, the quarry zone, the proposed Motorway.

Therefore, in order to expand the urban area to the point where the town can accommodate the projected population of (say) 25,000, it is self-evident that the urban area of Warkworth will in future extend to at least cover the following two large areas where suitable land is available:

- The interstitial area between the existing western edge of Warkworth and the future Motorway. Although there is an apparent substantial amount of land in this locality, the extent of actual net developable land in this area will be considerably less after considering:
 - the broad floodplain of the Mahurangi River (Right and Left Branches), and

- the nature of a land use buffer between the town and the Motorway (as per the poorly-defined "edge treatment" of the current Structure Plan), which buffer will likely include a high proportion of low density residential development.
- Northwards to the east of the existing SH1, noting that the proposed Motorway interchange, new regional link road to Matakana and eastward, and the northern end of the town's proposed Western Collector road, all are located in this sector.

2.4 Land Use

It is accepted in principle that land use planning for Warkworth should generally be aimed at establishing a town with balanced urban functional profile (ie insofar as land use allocations are concerned) as opposed to creating a dormitory town with a dominantly residential function.

Mindful of the above, and given that (i) Warkworth will continue to be the main service and employment node for the Rodney North area, and (ii) the coastal settlements to the east are and will continue to be largely devoid of large scale industry, the allocation of industrial land in Warkworth should be commensurate with the scale of business/industrial land thresholds afforded by a broader hinterland. Therefore the quantum of business/industrial land in Warkworth will exceed that which could normally be expected to be supported by just the town's population per se.

3.0 Warkworth North

From the potential shortfall demonstrated above, and the recognition that the growth of the Warkworth urban area will logically also comprise a significant expansion to the north, this Warkworth North area, generally located between Goatley Road and Matakana Roads, existing SH1 and the Showgrounds, is examined below in more detail.

3.1 Land development Opportunities and Constraints

Natural systems:

The key local influential natural features are:

- The steep and geotechnically fragile block of highland hills on either side of Goatley Road and extending northward and also eastward on the northern side of Matakana Road
- The Kowhai Scenic Reserve abutting the Showgrounds to the east and extending through to the covenanted native bush of the local valley upslope to the abovementioned highland

- The large block of relatively flat land extending to the north-west of the Warkworth Showground, suitable for mass urban development
- The relatively narrow band of flatter land suited to mass urban development on either side of the southern sector of Matakana Road
- The golf course, quarry zone and hilly local landscape with numerous bushed local valleys and, to the general east of above-mentioned narrow band of land along Matakana Road

Transportation:

The key transportation determinants for Warkworth North, hierarchically ordered, are:

- National: To all intents and purposes the route alignment of the Motorway and the approximate location of its interchange are fixed. The precise location and layout of the interchange remains to be determined, and this detailing will to some extent influence the layout of Warkworth North.
- Regional: the identified need for a new regional road link which more directly connects the Motorway to Matakana Road and thence to the coast and settlements to the east, thus avoiding the need to channel all such regional traffic through central Warkworth. Ideally this road is required to generally :
 - Avoid the Warkworth Showground
 - Avoid the higher construction costs of traversing steep and geotechnically fragile land located to the north of the Showground and extending northward across Goatly Road
 - Cross a local valley with covenanted native bush, ideally bridged via the shortest route to minimise ecological impact
 - Be as short as possible to minimise construction and maximise the use of existing Matakana Road
 - Link as directly as possible to other proposed urban collector roads (ie the Western Collector and the northern sector of SH1), for efficient intra-urban traffic distribution
 - Be able to be constructed independently of the Motorway and its interchange, thereby allowing for a different development staging for these two new roads.

From the above it is noted that there is a very narrow band of alignment options through Warkworth North for this new link road (refer **Plan 3**).

- Intra-urban: the planned (and partially developed) Western Collector road, providing access through and across the town's southern and western areas. At its northern end this road is planned through identified future industrial area *A1 (refer **Plan 2**), noting that the actual point of intersection with existing SH1 remains to be determined.

It is noted that with the construction of the Motorway the existing part of SH1 through Warkworth (and certainly that section of SH1 through Warkworth North) will revert to a lower order intra-urban collector road.

- Local: local road connections to intra-urban collectors, regional, and national, roads

Land availability for mass urban development:

From the above analysis of the Warkworth North area, two distinct and individually contiguous blocks of land are available for mass urban development in this general locality, separated by a large composite "green belt" (comprising the Showgrounds, Kowhai Scenic Reserve, local valley and its covenanted bush, and the Goatley Road steep hills). These areas, shown on **Plan 3**, are:

- **Area 1:** about 65ha bounded by roads (ie proposed Motorway, existing SH1, Goatley Road) and the green belt to the east, and
- **Area 2:** about 85ha long both sides of Matakana Road, and bounded by the green belt to the west and the Golf Course and quarry zone to the east.

3.2 Land Use suitability

Area 1 is well-suited to industrial development in that:

- Slope characteristics allow for large footprint industries to establish at relatively low land development costs,
- It is of a sufficient scale to offer (i) industrial land for a long term horizon, and (ii) land development efficiency regarding, for example, earthworks, roads and services,
- It is adjacent to the Motorway intersection, an ideal location for achieving regional transport efficiencies,

- It is adjacent to, and compatible with, the land uses of the current Hudson Road industrial area and its identified business-industrial extension on Land Unit *A, and
- It is well buffered from town's residential areas by the green belt.

Area 2 is well suited to residential development in that:

- It is relatively close to the services and facilities of central Warkworth and the Showgrounds,
- It is adjacent to existing and other planned residential areas, and
- It is buffered from identified future, and now proposed future industrial areas by the green belt

3.3 Infrastructure Services

The availability of water services to new areas outside of the current town boundaries is generally limited by the capacity of both bulk service plants and networks, and new infrastructure will be required in any event to service the longer term development signalled in the Auckland Plan.

4.0 Preliminary Concept Plan for Warkworth North

Plan 4 shows the preliminary concept planning for Warkworth North, with key features of the plan described below.

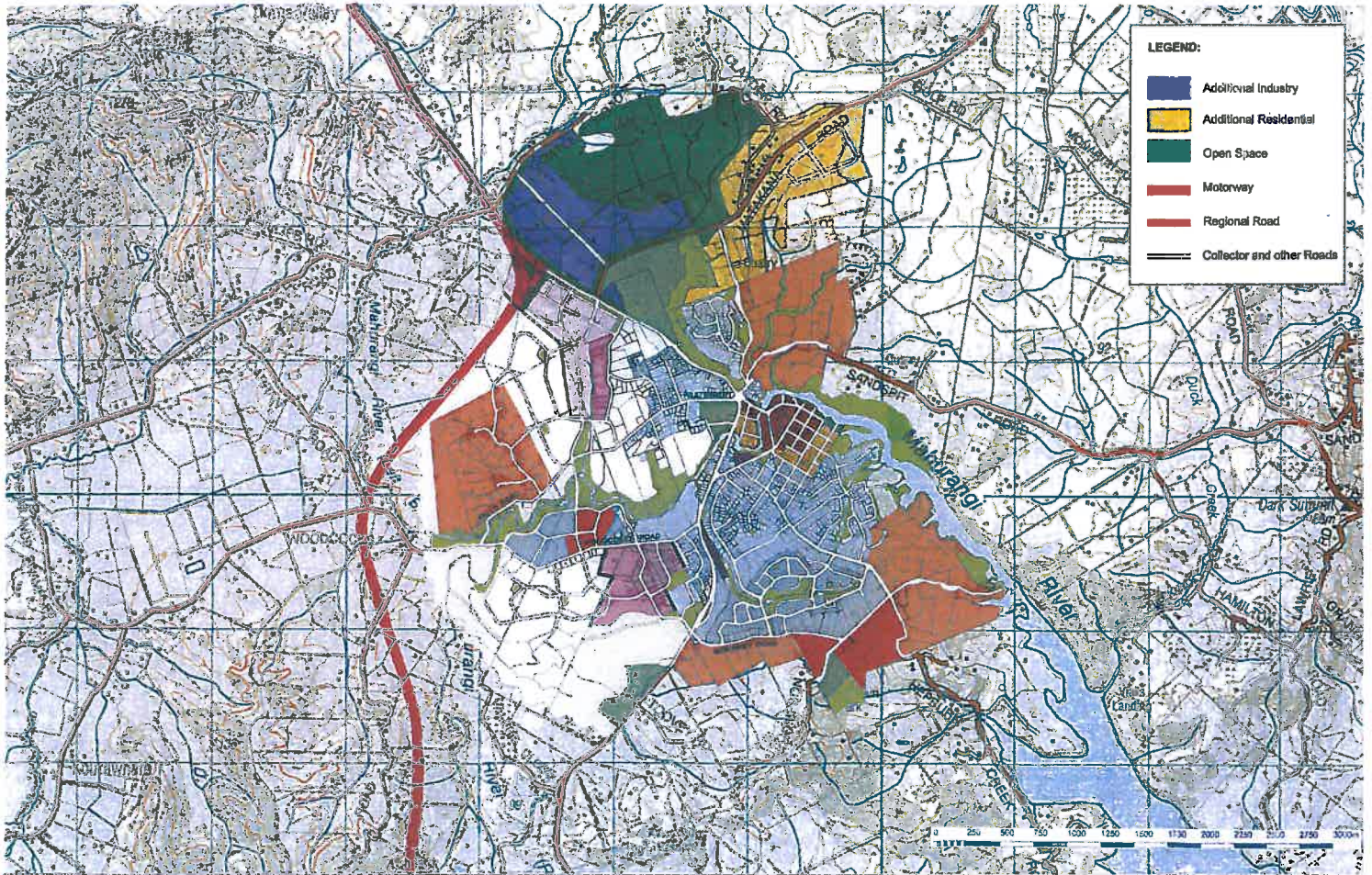
4.1 Land Use

Industrial:

A proposed new 65ha industrial area located between the Motorway, Goatley Road, and green belt (comprising the Showgrounds, steep land and native bush areas).

The industrial area is accessible from both Goatley Road and (via a limited number of intersections) from the proposed new Matakana Road link road (part of the regional road to the east).

The area is also easily accessible from existing SH1 which (under the proposal to construct a new link road between the Motorway interchange and northern Matakana Road) would revert to the status of an urban collector road, and the proposed western collector road, and hence to the town's centre and other industrial areas.



Plan 4: Warkworth North Indicative Outline Plan

terra
nova
PO Box 486
Dunedin

Prepared for:
Stevenson, Clark, et al
Date: May 2012
Scale: 1:25 000

Residential:

A series of proposed new residential areas, totalling some 85ha, located alongside Matakana Road, and accessed via a limited number of intersections with that sector of Matakana Road which would revert (under the proposal to construct a new link road between the Motorway interchange and northern Matakana Road) to the status of an urban collector road.

This general residential area is also afforded good local access to the green belt and Showgrounds, and easy access to the east coast.

4.2 Transportation

A key feature of the preliminary concept plan is that it rationalises the regional and urban road hierarchy insofar as that can be achieved through the planning of Warkworth North. The concept plan proposes a logical and efficient network relationship between national road (ie Motorway), regional road (ie Matakana Road), urban collector roads (ie downgraded sectors of existing SH1 and Matakana Road, and the proposed western collector road) and lesser order urban roads.

It is considered important that the Motorway (and its interchange) and the new extension of the Western Collector to the east of SH1 to link through to Matakana Road, are able to be developed independently and in independent timeframes.

It is recognised that further detailed design of proposed new roads and road-sections is required to finalise land use boundaries, especially for the proposed new industrial area, but that will in fact merely be refinements to the concept plan as it is proposed. To these ends, **Plan 5** shows a proposed (approximate) alignment of the new link road between the Western Collector/SH1 and Matakana Road.

4.3 Planning and Development Staging

The Auckland Plan is adopted and its translation into the Unitary Plan is well underway. The Unitary Plan is tasked with defining the RUB, which is required to include future urban greenfields areas to be developed over the next 30 years.

In that context it is important that local area planning for Warkworth is advanced sufficiently so as to consider Warkworth North's inclusion within the RUB, and its identification as a future urban (industrial and/or residential) area in the Unitary Plan.

Equally important is advancing investigations on the SH1-Matakana Road link road in order that it can be included as an indicative road in the Unitary Plan.



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Plan 5: Indicative SH1 - Matakana Road new link road alignment

Prepared by:
Stavros, Clark, et al
Date: May 2012
Scale: 1:5 000

It is self-evident that at some near future date a revised Local Area Plan (aka Structure Plan) for Warkworth will need to be formulated. Ideally many of the infrastructure design and funding matters associated with the Motorway and interchange, new Matakana link road, Western Collector, and water servicing of urban extensions, will be resolved prior to, or in tandem with, that planning exercise.

The development staging of Warkworth North will also be determined through this future planning exercise.

It is in this context, and as part of that planning process, that the preliminary concept planning for Warkworth North has been prepared, and to also highlight the key land use and road proposals which will require discussion and investigation at an early stage.



#7025

Ref: C766-0513
29 May 2013

The Chief Executive
Auckland Council
Private Bag 92300
Auckland 1142

Attention: Penny Pirrit - Manager of Regional and Local Planning

**AUCKLAND UNITARY PLAN: NORTHERN RUB AND LINK ROAD OPTIONS;
WARKWORTH**

Dear Penny

Further to our early submission dated 27 February 2013 to the draft Unitary Plan on behalf of Stellan Trust, Goatley Holdings Ltd, and Brookland Farm, all landowners on Warkworth's north eastern town boundary, we tender a supplementary submission.

This supplementary submission responds both to the Council's proposed southern Rural Urban boundary (RUB) for Warkworth, and also to include an extended North/North East RUB proposal, which includes a number of other landholdings and extends the proposed link road to achieve an even further integrated local road network than was outlined in our earlier submission.

With the generally positive feedback that the submitters have received to publicity surrounding their first submission, other land owners in the vicinity have been in contact to express their interest in extending the north-east growth sector. In consultation with them, we have developed a wider RUB boundary that continues from that identified in our first submission to extend across to Sandspit Road and the Mahurangi River. This is illustrated on the plan in ATTACHMENT 1.

The proposed north-eastern RUB essentially follows the natural topography in the same way as the proposed northern RUB and accommodates land with a generally easy contour. Most of this land is currently used for farming or rural residential activities, but significant areas are occupied by the Warkworth Golf Club and the Rodney Cooperative Lime Quarry.

With the submitters and a number of affected landowners also in agreement, we consider that this land appears particularly suitable for staged residential development, with a sunny aspect, an elevated character (as opposed to valley), close to the Warkworth town centre's employment and shopping areas, and proximate to East coast beaches and other attractions. The proximity of this northern/north-eastern RUB area to the Warkworth town centre and other community focal points such as schools, library and commercial services is illustrated in the plan in ATTACHMENT 2, with 200m, 400m and 2 km distances from Queen Street in the town centre illustrated.

We consider that this identified northern-eastern RUB area offers a somewhat different residential environment to that identified in the draft Unitary Plan, and in that respect is complementary to it. That in itself would indicate the

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potential to release land from both areas in parallel to ensure the provision of residential land offering different amenities and values.

Along with the development of land within the proposed north RUB for both industrial/business and residential purposes over time (we understand that the quarry limestone resource would be exhausted well within the 30 year planning period) is the opportunity to complete a collector road network which links Sandspit and, Matakana Roads with both the existing and proposed future State Highway 1 alignment, as well as with the western collector which is already identified in Council's roading plans. The plans accompanying this submission identify these potential link roads through to State Highway 1.

In terms of residential capacities, we have estimated that:

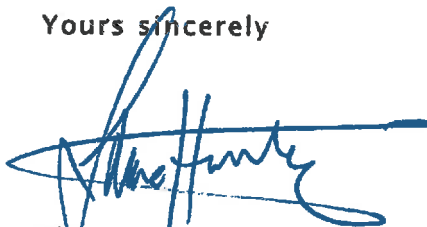
- the north-eastern RUB boundary would accommodate approximately 5,000 dwellings (12,500 people),
- in combination with the 3,500 dwellings (8,750 people) identified in the southern RUB, and
- Warkworth's existing residential population (approximately 3,500), have

a combined population capacity for Warkworth within the northern and southern RUB's in the order of 24,750 people. This is therefore directly in line with the Auckland and draft Unitary Plan's population target of 25,000 for Warkworth over a 30 year period.

Ongoing consultation with the affected landowners is occurring, but the owners of the significant landholdings have to date all been positive about the proposed north/north-eastern RUB proposals.

Representatives of the landowners and Terra Nova Planning Ltd would be pleased to meet with you to discuss or assist the Council in implementing both the northern RUB and the proposed link roads.

Yours sincerely

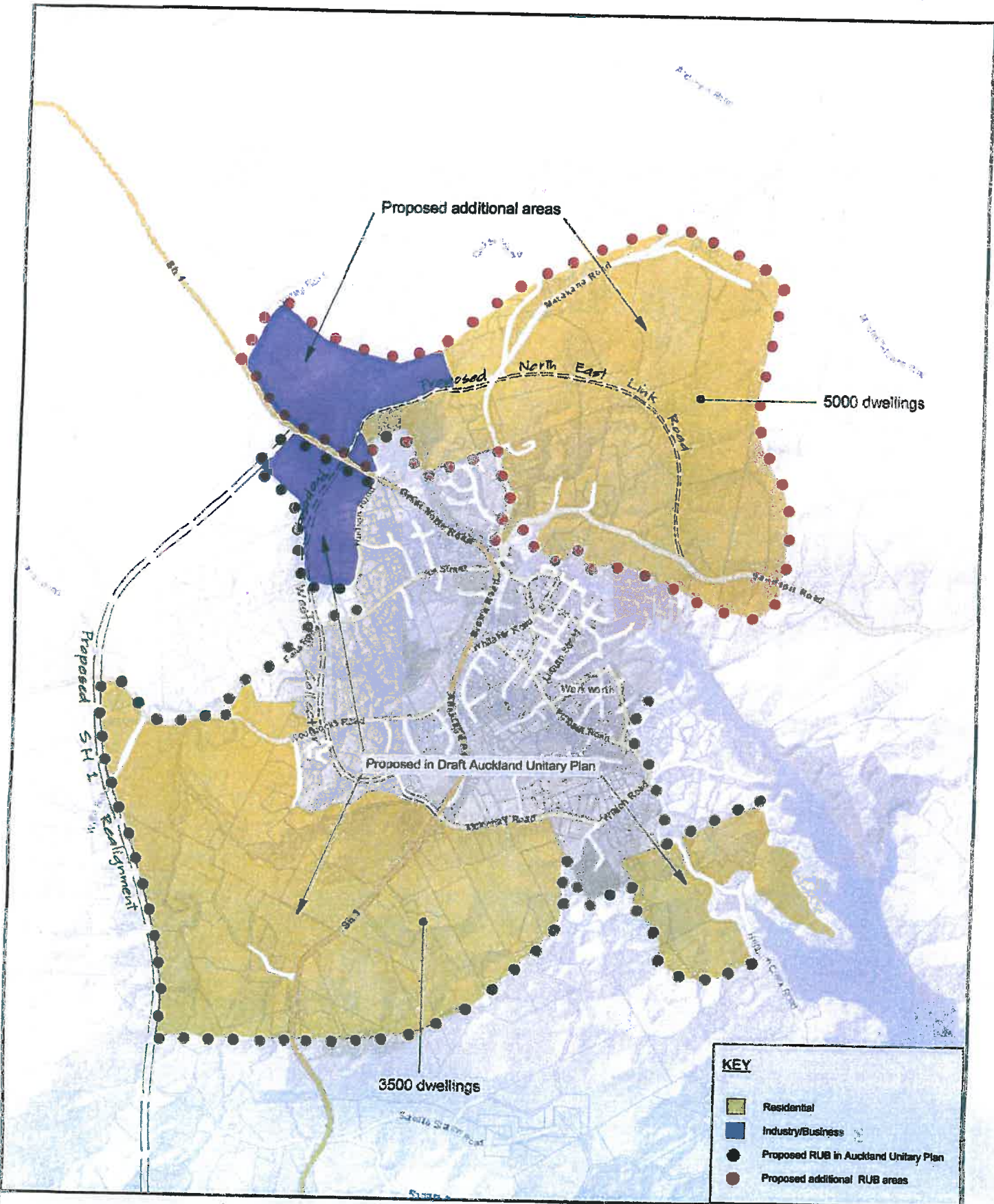


Shane Hartley
Director

#7025

Attachment 1

EXISTING AND PROPOSED WARKWORTH RUB AND LINK ROADS PLAN



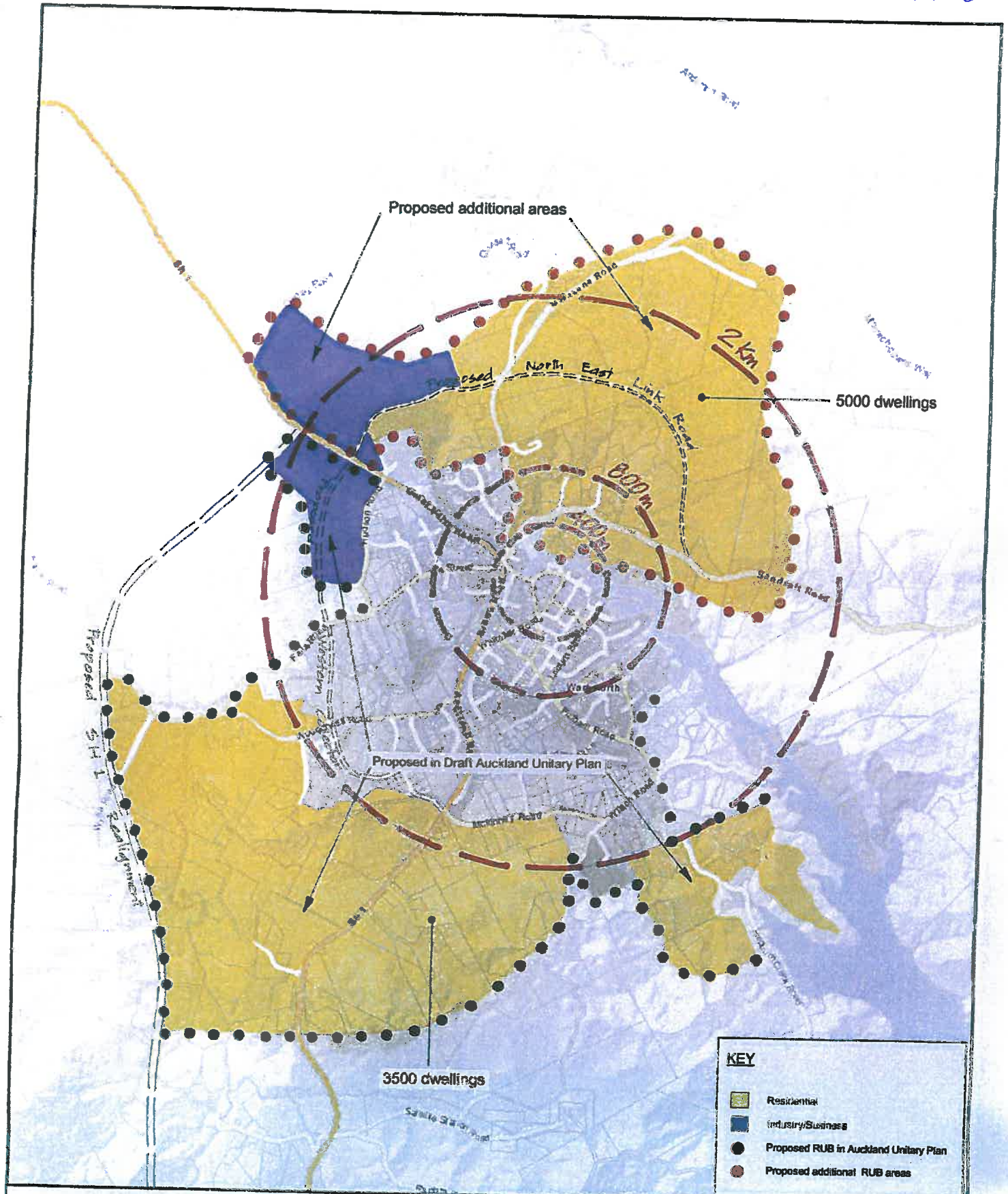
**Future Growth Options and
an Indicative Rural Urban Boundary
Warkworth**



Scale @ A3 1:25000

33/41

Attachment 2
EXISTING AND PROPOSED WARKWORTH RUB WITH
DISTANCES FROM WARKWORTH TOWN CENTRE



Future Growth Options and
an Indicative Rural Urban Boundary
Warkworth



Scale @ A3 1:25000

Report : Hutchinson Consulting Engineers, 19 February 2013

Our Ref LRD16181

19 February 2013

Craig Clarke
42 Great North Road
RD1
Warkworth 0981

Dear Craig,

**RE: PROPOSED LINK ROAD
BETWEEN STATE HIGHWAY 1 AND MATAKANA ROAD, WARKWORTH**

Further to your request, this office has performed a preliminary desktop study of the proposed link 1350m long road between SH1 and Matakana Road in Warkworth.

The study utilised LiDAR information from the Auckland Council GIS database to establish existing contours and the proposed road layout from Terra Nova Planning.

The GST exclusive cost to construct this link road will be approximately \$4.2 million.

This allows for site establishment, earthworks, the construction of a sealed road 7m wide and associated stormwater drainage.

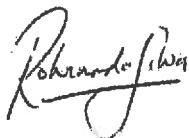
We have also allowed \$500,000 for any land acquisitions that may be required and \$400,000 for traffic lights at the SH1 intersection.

This desktop study is subject to consent approvals and final design. We have allowed \$500,000 in professional fees to cover engineering, surveying, planning, legal, Auckland Council consents and/or the like.

Should you wish to discuss any aspects of the above information, please contact this office.

We trust this meets with your approval.

Yours faithfully,
IAN HUTCHINSON CONSULTANTS LTD



Rohann da Silva
ENGINEER





Ref: C766-0313
4 March 2013

The Chief Executive
Auckland Transport
Private Bag 92250
Auckland 1142

Attention: Peter Clark: General Manager - Strategy and Planning

PROVISION FOR URBAN GROWTH AND A STATE HIGHWAY 1 TO MATAKANA ROAD LINK AT NORTHERN WARKWORTH

Dear Peter

We write on behalf Stellan Trust, Goatley Holdings Ltd, and Brookland Farm, landowners on Warkworth's north eastern town boundary. All three landowners made a joint submission to the Draft Auckland Plan in October 2011, and have recently made submissions to the Auckland Council's Unitary Plan and Annual Plan in regard to providing for urban growth in northern Warkworth, and a link road over the submitters properties between State Highway 1 and Matakana Road.

The three landowners commissioned studies investigating the appropriateness of urban development adjoining Warkworth's existing northern urban boundary, and the engineering and cost viability of a new road connecting State Highway 1 and Matakana Road, thus bypassing the problematic 'Hill Street intersection' in Warkworth's town centre. While neither of these initiatives are directly dependent on the other, they have mutual benefits which are patently clear in the two studies.

The first study prepared by Terra Nova Planning Ltd is titled "Warkworth North Outline Planning Report" dated 18 May 2012 and is in **Appendix 1**. While this report was commissioned by the landowners, we note that its authors have been long involved in structure and district planning for Warkworth, including preparation of both the 1987 'Future Directions' study and the 1997 Warkworth Structure Plan, as well as being heavily involved in the 2004 Warkworth Structure Plan via submissions on behalf of a number of clients.

The second study prepared by Hutchinson Consulting Engineers dated 19 February 2013, and in **Appendix 2**, is of a proposed link road between State Highway 1 and Matakana Road, which is based on the road promoted in the submission to the Auckland Plan, and further addressed in the Warkworth North Outline Planning Report. We note that this engineering assessment is a 'desktop' analysis which will need to be verified 'on ground'; and it is also based on the stream crossing being undertaken with culverts. Should an

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alternative stream crossing methodology be preferred, then that would add a significant but still reasonable (say 25% to 100%) to the cost of construction.

We consider that the findings of both reports are self-evident on reading, but in summary, they indicate that;

- a) the extension of urban activities to the north of the existing Warkworth urban area is appropriate, generally as the preferred land uses are identified; and
- b) at a preliminary estimated cost of \$4.2 million, excluding GST, the cost of constructing an alternative link road between State Highway 1 and Matakana Road would appear to have a significant cost/benefit, and would clearly do much to assist the resolution of the long-standing traffic issues at the existing Hill Street/State Highway 1 / Matakana Road intersection.

We note that the assessed cost of undertaking the construction of a link road between State Highway 1 and Matakana Road is within the projected cost outlined in Auckland Transport's Asset Management Plan 2012-2015 (Table 7.11-1).

On the basis of the findings of both reports, representatives of the landowners, Terra Nova Planning Ltd and Hutchinson Consulting Engineers, would be pleased to meet with you to discuss or provide clarification of any issues you might have.

Yours sincerely



Shane Hartley
Director

SUBMISSION TO THE DRAFT AUCKLAND UNITARY PLAN: WARKWORTH NORTH



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PROPOSED PLAN CHANGE 40

EFFECT ON SKYWORK HELICOPTERS LIMITED

Report No 20051

Prepared for:
Skywork Helicopters Ltd

April 2020

Prepared by:
Rhys Hegley

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1. INTRODUCTION

Skywork Helicopters Limited (Skywork) was granted resource consent¹ on 1 March 2013 to establish and operate a helicopter base from their site at 38 Goatley Road, Dome Valley. Included in the consent were a number of conditions, some of which placed limits on the noise Skywork can generate.

The site, and the surrounding area, are largely farmland with the occasional rural dwelling with some commercial uses close to State Highway 1. The Skywork base and surrounding land adjacent to State Highway 1 are zoned Business – Light Industry. Proposed Plan Change 40 (PPC 40) relates to Future Urban zoned land to the south east of the Skywork base. This zoning is shown in Figure 2. The intent of PPC 40 is to rezone the majority of the land to the east of Skywork to residential to allow for the development of a residential subdivision.

In simple terms, helicopter movements, by their nature, result in noise that is not readily mitigated. As such, helipads are ideally located in areas where there is a reasonable distance from noise sensitive receivers. In this respect, the Goatley Road site is currently well suited to the activities at Skywork. The potential issue that PPC 40 would create for Skywork is one of reverse sensitivity which is, in relation to acoustic matters, "*the term used to refer to the effects of the existence of noise sensitive activities on other activities in the vicinity, particularly by leading to restraint in the carrying in of those other activities*"².

In this instance, there is the potential that the currently consented activities of Skywork could result in noise effects that are considered unreasonable by the incoming residential activity leading to curtailment of Skywork's ability to function or to develop further at some point in the future. In either case, Skywork could be considered adversely affected by the land use of PPC 40.

¹ LAN-58871

² Judge Sheppard (RMA 10/97)

This report quantifies the level of noise that Skywork is currently permitted to generate over PPC 40 and comments on both its suitability for residential amenity and potential mitigation methods.

2. NOISE EFFECTS ON PEOPLE

Skywork Helicopters Ltd has consent in place to operate flights from the established base and the site. The existing consent enables flights and associated noise effects as detailed below.

2.1. Current Skywork's Consent

Skywork's current consent found that:

"... the effects of the proposal can be avoided remedied or mitigated and will be consistent with the relevant provisions of the Auckland Plans in that: The effects of Stage 1, considering the permitted baseline and the consent conditions imposed under L40630, will be minor."

The consent goes on to provide the following conditions to ensure activities of Skywork remain consistent with the above conclusion.

25. *Helicopter operations shall not exceed an average daily noise limit of 50dBA L_{dn} and shall not exceed a night-time limit of 70dBA L_{max} (10pm-7am the following day). The assessment positions shall be at any point within the notional boundary* of any dwelling other than a dwelling on the same property on which landing area is sited, or any dwelling on which construction has not commenced at the date this consent becomes effective.*

Note: The notional boundary is defined as a line 20 metres from any side of a dwelling or the legal boundary where this is closer to the dwelling.

Condition 25 limits itself to dwellings on other properties that either existed or were under construction at the time the consent commenced. It does not apply at dwellings

constructed since operations commenced and would not, therefore, apply to the dwellings constructed as part of PPC 40.

26. *Helicopter noise shall be assessed in accordance with the provisions of NZS 6807: 1994 "Noise management and land use planning for helicopter landing areas" and measured in accordance with NZS 6801: 1999 "Acoustics – Measurement of Environmental Sound".*

Note: Use of NZS 6807: 1994 for assessment means flight operations associated with emergencies and training for emergencies are excluded from these conditions of consent.

27. *Flight operations shall be limited to no more than 60 movements (30 flights) per day.*
29. *Other than in the event of emergencies, the only flight paths tracks to be used for approach and departure to the site shall be those shown on Map 2 Flight paths ... [Figure 1 below].*

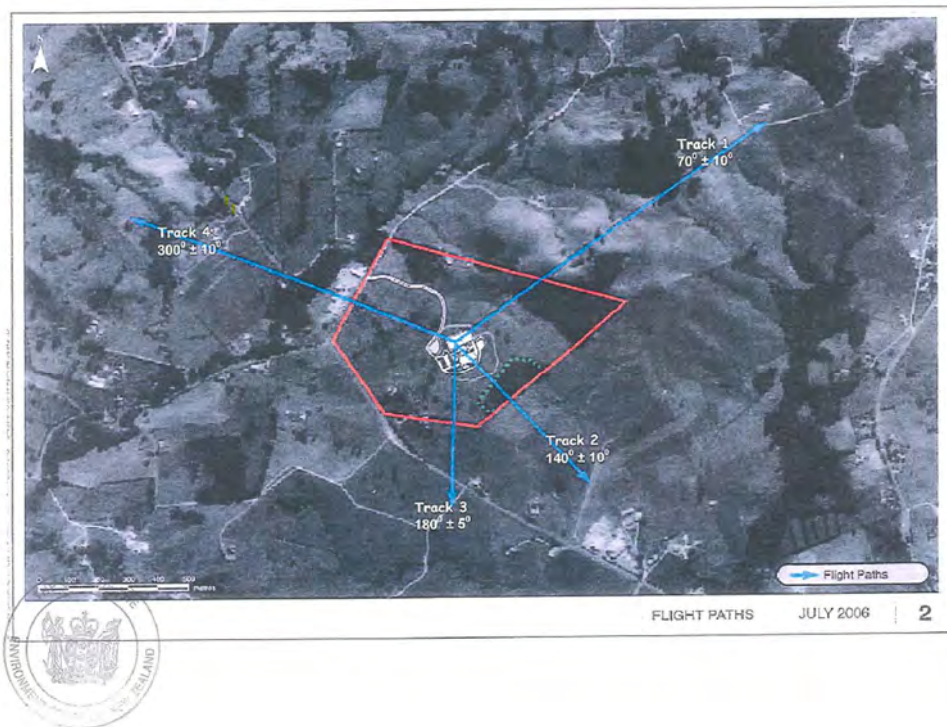


Figure 1. Flight Paths Identified by the Consent Conditions

2.2. Auckland Unitary Plan

Given that Skywork is operating under a consent with specific noise conditions, the helicopter noise rules of the Auckland Unitary Plan - Operative in Part (AUP) do not apply. They are included however, as they would form the basis for the assessment of any future changes proposed by Skywork where consent beyond those already obtained was required.

The following Figure 2 identifies the zoning of the Skywork site, PPC 40 and the surrounding area as described by the AUP.

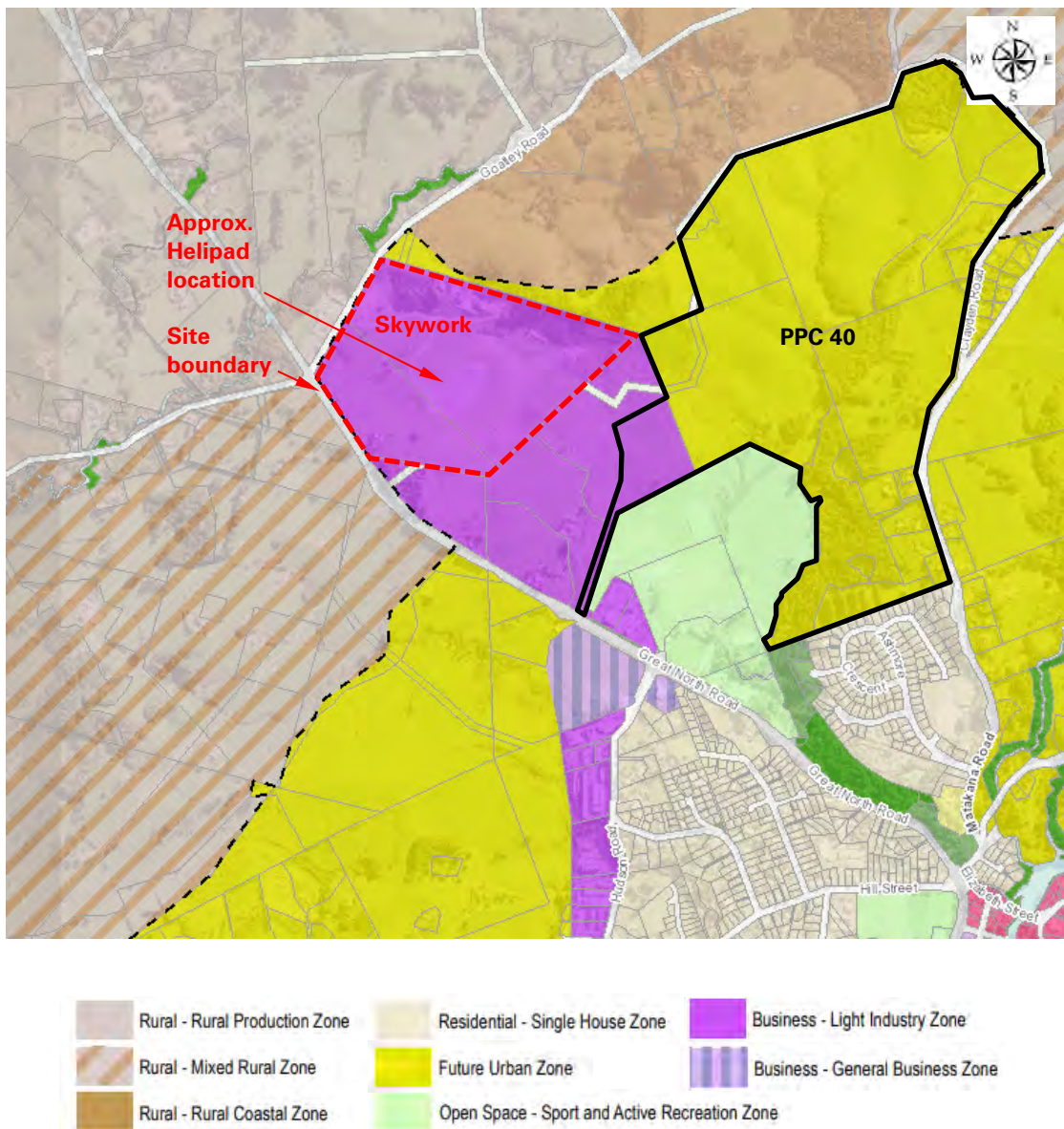


Figure 2. AUP Zoning

Rule E25.6.32 of the AUP provides the following criteria for helicopter noise:

The take-off or landing of a helicopter on any site except for emergency services must not exceed L_{dn} 50dB or 85dB L_{AFmax} measured within the boundary or the notional boundary of any adjacent site containing activities sensitive to noise and L_{dn} 60dBA within the boundary of any other site.

The AUP rule adopts the same L_{dn} 50 limit as the current consent condition and NZS 6807 (below). The L_{max} criterion differs however, in that firstly the AUP allows an increase of 15dB over the consent condition and NZS 6807 (discussed below). Secondly, while the consent condition and NZS 6807 limit the L_{max} to the night time only, the AUP applies it during both the day and night time.

2.3. NZS 6807

NZS 6807:1994 'Noise Management and Land Use Planning for Helicopter Landing Areas' (NZS 6807) is the New Zealand Standard for the measurement and assessment of helicopter noise. NZS 6807 provides criteria for helicopter noise that '*represent the minimum acceptable degree of protection for public health and the environment*³. The criteria relevant to this submission are:

Table 1. Helinoise Limits of NZS 6807

Affected Land Use	L_{dn} day-night average sound level dBA	L_{max} night-time maximum sound level dBA
Residential	50	70
Rural (at notional boundary)	50	70

NZS 6807 performs the dual role. As discussed above, it first provides limits for helicopter noise within the community. The Standard then goes on to describe the mechanism for land use planning about a helipad, as it recognises the need to balance the value that the helipad provides to a community against effects of noise on that community. To do this, NZS 6807 adopts the helinoise boundary. It describes this boundary as being defined by the 50dBA L_{dn} noise contour that would result from future

³ NZS 6807, paragraph 4.1.1

helipad operations that accounts for both growth in movements over a suggested 10 year period and includes changes in helicopter types.

Once identified, NZS 6807 states:

The helinoise boundary ... defines an area of land subject to noise from helicopters in excess of the relevant limits in table 1, and within which no new incompatible land uses are recommended unless adverse effects are mitigated There are no restrictions on helicopter noise received within the area enclosed by the helinoise boundary. Helicopter landing areas shall be managed so that the limits given in table 1 (or set in a resource consent condition or plan) are not exceeded at or outside the helinoise boundary.

The Standard then goes on:

New residential uses, schools, and hospitals shall be prohibited unless a district plan permits such uses, subject to a requirement (such as the production of an acoustic design certificate) to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment (refer table 1 ...). Alterations or additions to existing residential uses should be fitted with appropriate acoustic insulation and encouragement should be given to ensure a satisfactory internal environment throughout the rest of the building.

From the above, it can be seen that NZS 6807 offers a management/ engineering solution to integrate helipads and residential use. It can also be seen that such a solution relies on limitations being placed upon the helipad by means of the helinoise boundary. Once defined, the ultimate future of the helipad is already decided.

3. ANALYSIS METHOD

3.1. Methodology

The approach taken for the investigation into potential for reverse sensitivity effects on Skywork that may result from the development of PPC 40 has been to calculate the noise

levels over the PPC 40 area based on the level of activity permitted for Skywork through the consent conditions. The effects of the helicopter noise levels on the future residents of PPC 40 have then been assessed on the basis that any adverse effects could in turn affect the ability of Skywork to continue its current operations or any future expansions necessary for the reasonable growth and expansion of this business.

Skywork do not currently have a helinoise boundary for the Goatley Road site. Instead, the consent limits operations to the same 50dBA L_{dn} at existing dwellings that defines the helinoise boundary.

Given that PPC 40 would result in multiple dwellings over a relatively large area, it is more appropriate to consider noise contours over PPC 40 than spot levels at discrete points.

3.2. Helicopter Noise Prediction Method

The predictions of helicopter noise contained within this report were undertaken with the Integrated Noise Model (INM) v7.0d. INM is a computer model that is used for the prediction of aircraft noise based on the inputs of aircraft type, tracks, movements and receiver locations. This section identifies the information relevant to the noise model.

FLIGHT TRACKS

Figure 1 above identifies the four tracks used by Skywork. Given that only Tracks 1 and 2 pass over, or near to, PPC 40, Tracks 3 and 4 have been excluded from this analysis, as they do not pass over PPC 40 and analysis shows that movements on these tracks will result in only low level noise to PPC 40.

The track direction includes a tolerance of $\pm 10^\circ$. INM contains a feature where movements on a track are spread mathematically between the track tolerances using a normal distribution, or bell curve. The majority of the movements are concentrated on the backbone track with progressively fewer movements towards the extremities.

The Civil Aviation Authority (CAA) requires⁴ an aircraft to be at an altitude of no less than 500 feet other than when passing over a congested area, city, town, settlement or open air assembly of persons where a minimum of 1,000 feet elevation is required. Any aircraft at the appropriate altitude can pass overhead without limitation and can be there as of right. The inference of this is that such aircraft are beyond the jurisdiction of the RMA and the noise rules identified in section 2 above do not apply.

Given the sparsely populated nature of Goatley Road and its surrounds, predictions of noise from the current situation were based on aircraft tracks terminating when the aircraft passes through 500 feet. Any compliance monitoring would reflect this.

Currently, once departing aircraft reach 500 feet, they are free to turn from one of the designated tracks onto their intended path, with the reciprocal being true of approaching aircraft. Currently, Skywork aircraft reach an elevation of 500 feet well before they cross PPC 40 meaning that they are free to turn as required and can therefore pass over this land without constraint.

Should PPC 40 proceed, its effect would be to increase the height of those overhead aircraft to a minimum of 1,000 feet over the footprint of PPC 40. Skywork advise that this is achievable meaning that helicopters could still pass over PPC 40 on almost any heading (after leaving Tracks 1 or 2). The only difference would be that aircraft would be at 1,000 feet rather than the currently permitted 500 feet.

Given that this is an investigation into the effects on future residents within PPC 40, and consequently the reverse sensitivity effect on Skywork, it is undertaken on the basis that PPC 40 has been rezoned as proposed and development undertaken in accordance with that zoning. This means that in accordance with CAA regulations, the over flying aircraft would have to be at an elevation of 1,000 feet, and the modelling represents this.

If this was an application relating to the helipad, it would be appropriate to exclude all helicopter movements above 1,000 feet. However, doing so would not provide a true reflection of the noise received by the occupants which would be the catalyst for reverse sensitivity effects on Skywork. Tracks have therefore been extended well beyond PPC 40

⁴ CAA General Operating and Flight Rules, part 91.3.11

but limiting helicopters to 1,000 feet. While it is recognised that the helicopters could pass over PPC 40 above 1,000 feet, this would require a limitation on Skywork that was not enforceable under the RMA.

PROFILES

Profiles refer to the vertical path followed by the aircraft. While INM contains standard profiles, these have been modified in this instance after discussion with Skywork who advise that their current procedure is to be at 500 feet elevation by the time the aircraft crosses the site boundary.

NIGHT TIME

The current consent provides limits on night time activities, not by limiting movements but through noise limits. The first is the L_{max} limit of 70dBA that applies during the night time only. As the name suggests, this metric is simply the highest level of noise reached as the aircraft passes overhead. The L_{max} is generally recognised as providing for the protection of sleep, or its onset.

The 50dBA L_{dn} metric will also have an influence on the night time movements. The L_{dn} is the average noise level over a 24 hour period so therefore includes both day and night time movements. However, to account for the greater sensitivity at night, 1 night time movement is equivalent in noise level to 10 day time movements. The fact that night time movements contribute to the L_{dn} ten times faster than equivalent day time movements quickly limits the number of flights available, both day and night.

AIRCRAFT

Skywork currently use AS350 (Squirrel) helicopters and have no plans to upgrade these in the near future. While these machines will inevitably be replaced at some point in the future, no consideration has been given to the replacement machine at this time meaning there is no knowledge of what its noise levels might be. In this respect, there is an element of uncertainty as to the future level of noise from the proposal. While the hard limits of the consent will remain, the noise from individual movements may change with time. This also means that should Skywork upgrade to louder helicopters at some point

in the future, the daily flights may have to be reduced to maintain compliance with the 50dBA L_{dn} criterion.

4. NOISE LEVELS

4.1. Current Limitations

Consent condition 25 provides noise limits while consent condition 27 limits the total aircraft movements per day. To understand the limitations that these two conditions place on Skywork, INM was used to predict the noise level from the entire 60 daily movements permitted by condition 27 using firstly, Track 1 and secondly Track 2. In both cases the assumption has been made that the 60 movements comprise 30 departures and 30 arrivals. The two contours have been overlaid on the following Figure 3 but, rather than report each separately, an envelope of the two has been prepared.

In addition, the L_{max} contour from a movement on Track 1, which will be used for the night time movements, has also been plotted on Figure 3.

Figure 3 identifies a dwelling on State Highway 1 that is within Skywork's ownership and rented to tenants. For the purposes of this analysis, it has been assumed that this dwelling is a Skywork site and, under condition 25, is exempt from the noise rule.

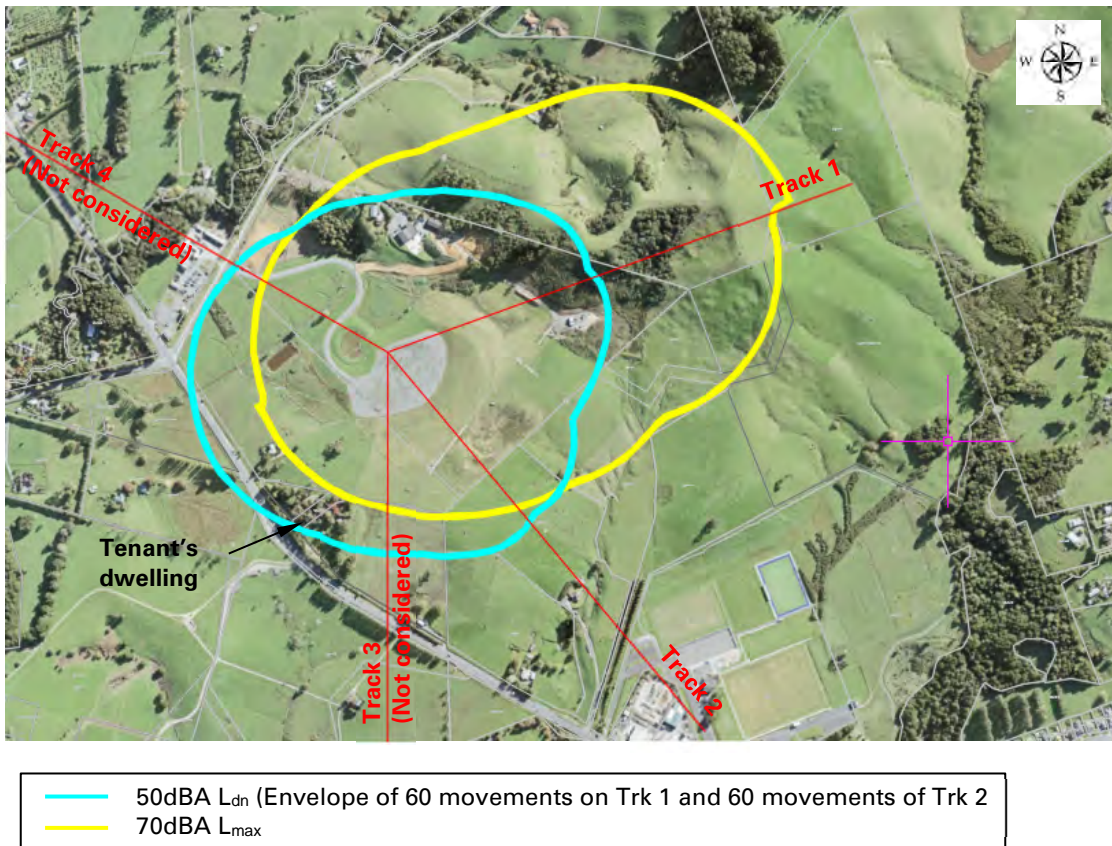


Figure 3. Noise Contours showing the Existing Limitations for Skywork

In terms of limitations posed on Skywork by the existing consent conditions, Figure 3 shows:

1. Skywork can operate all 60 permitted daily movements on Track 1 without limitations over and above those of the consent;
2. Skywork can operate all 60 permitted daily movements on Track 2 without limitations over and above those of the consent;
3. Skywork can operate night flights on Track 1.

Figure 3 also shows that when considered against the existing consent conditions, or those of the AUP or NZS 6807, there is scope for further growth by Skywork.

3.1. Helicopter Noise over PPC 40

Repeating the above analysis based on flight tracks extending out to allow helicopters to 1,000 feet elevation as they pass over PPC 40 results in the following:

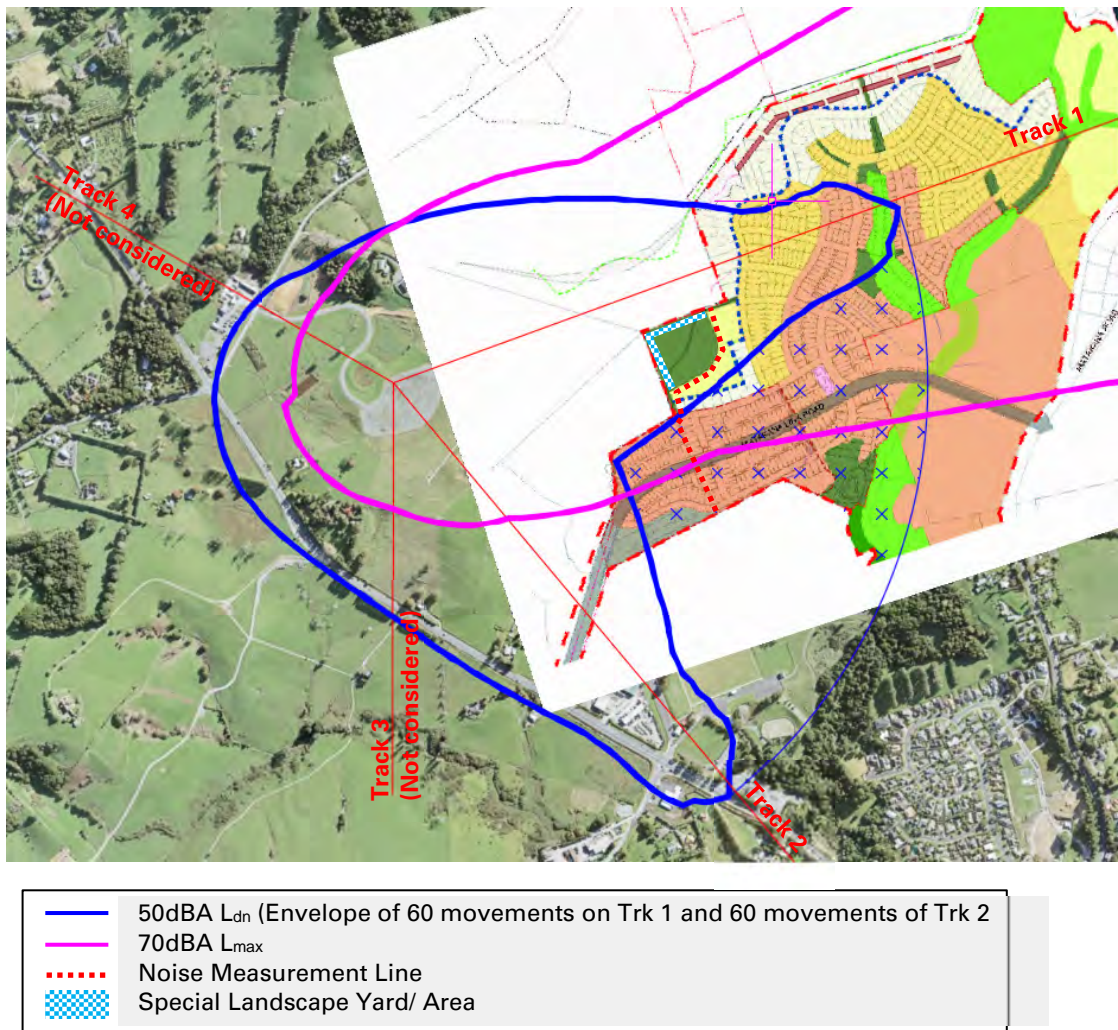


Figure 4. Noise Contours over PPC 40

Figure 4 shows that:

1. Noise from helicopters continuing on Track 1 once they arrive at the PPC 40 boundary will exceed 50dBA L_{dn} well into PPC 40;

2. Noise from helicopters continuing on Track 2 once they arrive at the PPC 40 boundary will exceed 50dBA L_{dn} over a small part of PPC 40;
3. Once the helicopters are at 1,000 feet, which will occur prior to PPC 40, they are free to turn to a course of their choosing. As such, it would be possible for the lobe of the contours to fall anywhere between those of Track 1 and Track 2. Considering all possible tracks within this range would result in an envelope of the 50dBA L_{dn} contour as described by the crossed hatching on Figure 4;
4. Noise from helicopters continuing on Track 1 once they arrive at the PPC 40 boundary will exceed 70dBA L_{max} over the majority of PPC 40; and
5. Should, having reached 1,000 feet, a single helicopter deviates from Track 1 in a southerly direction, Figure 4 shows that it would be possible to exceed the 70dBA L_{max} limit of the resource consent at any point within PPC 40.

5. ASSESSMENT OF NOISE EFFECTS

5.1. Effects on Residents of PPC 40

Figure 4 shows that the permitted level of movements to and from Skywork has the potential to result in levels of noise at 50dBA L_{dn} or above over an estimated 50% of PPC 40. While such levels are generally accepted to result in adverse effects, it is noted that these levels would only occur in situations where Skywork placed a majority of their movements on a single track that passes over PPC 40. No work has been undertaken to determine how probable this is noting that such work would be limited in its accuracy due to the inherent difficulties in predicting future use. Further, should some of those flights be night flights, they would be counted as 10 day time flights. By way of example, three night flights would account for half of the daily allowance of 60 movements.

While the effects described using the L_{dn} metric are related to the number of movements, those associated with the L_{max} metric are the result of a single flight. Figure 4 therefore shows that any flight passing over PPC 40 would result in such levels as to produce an adverse effect.

5.2. Reverse Sensitivity

Having established that the noise from helicopter movements will result in adverse effects to the residents of PPC 40, it remains to consider the potential reciprocal effects to Skywork, or reverse sensitivity.

Residents within the developed plan change would experience helicopter noise due to the proximity of Skywork and there are scenarios in which those levels could be considered unreasonable, such as all flights departing on either Tracks 1 or 2 and night flights on Track 1.

While the helicopters could be there as of right, this does nothing to address effects. This situation differs from typical helicopter over flights which, while resulting in the same level of annoyance, lack a focal point for residents' concerns. In this situation, those over flights would, rightly or wrongly, be attributable to Skywork.

In this situation, the potential reverse sensitivity effects resulting from PPC 40 would be local opposition to any future consents that Skywork may require and possible ongoing complaints to both Council and Skywork. It should be noted that such complaints may have merit, as the above analysis shows that Skywork activities could potentially result in noise levels across PPC 40 that NZS 6807 describes as exceeding the '*minimum acceptable degree of protection for public health and the environment*'

Essentially, the concern is that as the currently proposed residential activities are incompatible with the consented activities of Skywork, PPC 40 may ultimately lead to the curtailment of both Skywork's current activities and the reasonable operation of their business, including any future development.

5.3. Potential Mitigation Methods

The Tattico planning report for PPC 40 suggests three measures to address reverse sensitivity: A no-complaints covenant, a noise measurement line and a special landscape yard within the residentially zoned land within the precinct. Each is addressed in turn below.

NO-COMPLAINTS COVENANT

A no complaints covenant would not reduce, remedy or mitigate noise from helicopters and would therefore not address the reverse sensitivity issue. While it would prevent the future residents from complaining to Council about the consent activities of Skywork, it would not remove residents' ability to submit in opposition to any future Skywork's consent. In that respect, the no-complaints covenant does not offer Skywork anything that has not already been afforded them.

NOISE MEASUREMENT LINE

Paragraph 10.12(d) of the Tattico report explains the concept and purpose of the Noise Measurement Line as:

10.12(d) In terms of the noise measurement line, this will only be effective if there is a 127 variation of conditions consent to the helicopter landing facility granted. This consent would change the location of the noise measurement location for residential sites within the precinct from the nearest residential boundary to the noise measurement line shown on the precinct plan. WLC is the only affected landowner among the cooperating landowners and has given clear commitments to Goatley Holdings Limited that it will support and give its written consent to any such 127 application.

The location of the noise measurement line is shown on Figure 4 above. The purpose of this line is not apparent as, without a noise limit referenced to it, it is unclear as to how it would contribute to any future consent application by Skywork. If it is intended that the 50dBA L_{dn} limit of the AUP applies at this line, Figure 4 indicates that this would likely have a significant effect on any future Skywork's consent application as, rather than offer flexibility it would require a reduction in the currently permitted movements over PPC 40. It should be noted that Figure 4 cannot be used directly to assess the noise from Skywork over PPC 40, as it includes helicopters after they have passed through 1,000 feet, and should therefore be excluded from the analysis. However, Figure 4 provides a strong indication that the 50dBA L_{dn} contour from the currently permitted movements would extend well past the Noise Measurement Line.

In this respect, the Noise Measurement Line could be considered as laying the foundation for any future reverse sensitivity effects on Skywork, as it forms the beginning of a rule to limit operations at Skywork in the vicinity of PPC 40 where no rule currently exists.

A future limitation of the Noise Measurement Line is that it starts and stops mid-height within PPC 40 and therefore provides no information as to where the measurement point is above and below it, or even if there is a measurement point for helicopter noise in these locations.

A final issue with this approach is that by definition the dwellings within PPC 40 that are to the west of the Noise Measurement Line would receive levels of helicopter noise that were above the yet to be determined limit. If this limit were to be set at an approximate level for residential amenity, the inference would be that those western residents would be exposed to levels that are unreasonable. Given that PPC 40 is essentially a greenfield application, it is difficult to justify such an approach. Lowering the limit at the Noise Measurement Line to protect the western residences makes the line redundant, as it offers nothing more than the approach adopted by the current conditions, the AUP or NZS 6807, other than complications.

SPECIAL LANDSCAPE YARD/ AREA

The Special Landscape Yard is identified on Figure 4. While its size is not defined, it appears too small to be of significance.

FAÇADE MITIGATION

Façade mitigation is not addressed by the Tattico report but is a practical and well recognised method of mitigating the adverse effects of helicopter noise. However, even this technique is limited in its efficacy as it does not address noise levels to the outdoor amenity area and only reduces internal levels of helicopter noise, rather than eliminating it. As such, façade mitigation can be considered to reduce, but not remove, the reverse sensitivity issue.

Façade mitigation could be implemented to the future dwellings of PPC 40 to ensure that reasonable internal levels of helicopter noise were maintained. While a detailed investigation has not been undertaken, preliminary analysis shows that reasonable

internal levels could be achieved simply by closing the windows of the future dwellings. For this to be a viable option, alternative ventilation, such as provided by mechanical plant, would be required to ensure the ventilation requirements of the Building Code were achieved at the same time the windows were closed.

In terms of the extent of this closed window requirement, Figure 4 and the subsequent discussion, shows that levels of 70dBA L_{max} or greater can be expected over PPC 40 in its entirety meaning the closed window requirement should do the same.

6. CONCLUSIONS

Analysis shows that the noise resulting from the consented operation of Skywork will result in levels of helicopter noise over the area covered by PPC 40 that are considered too high to be appropriate for residential amenity. As such, occupants in the subdivision PPC 40 seeks to enable would potentially have legitimate concerns over helicopter noise from the consented activities of Skywork, leading to reverse sensitivity.

For reverse sensitivity to occur, there must be an effect on Skywork. In this instance, the potential effects would be the curtailment of existing activities due to community pressure and/ or opposition to any future consents that Skywork may require to support reasonable growth.

It is noted that the applicant has proposed three measures to mitigate the potential reverse sensitivity issues, but none are considered to achieve that goal. Façade mitigation for the entire development would go some way to mitigate the current levels of helicopter noise. However, the façade mitigation itself would essentially result in a limit on Skywork as, once agreed, external levels of helicopter noise could not be further increased as the corresponding increase in internal levels would presumably no longer comply with the agreed internal limit.

Essentially, for the noise sensitive residential activity envisaged by PPC 40 to coexist with Skywork Helicopters Ltd would require an engineering solution (such as façade mitigation) to enable the proposed planning solution. By its nature, an engineering

solution requires noise limits for both source and receiver, and it is these limits on the source that are termed reverse sensitivity.



THE PLANNING
COLLECTIVE

Form 5

Submission on a notified proposal for policy statement or plan, changes or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Auckland Council
Submitter: Skywork Helicopters Limited

This is a submission on Proposed Plan Change 40 (Private) Warkworth – Clayden Road to the Auckland Unitary Plan (the **proposal**):

Skywork Helicopters Limited could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that the submission relates to are:

- The zoning of land for residential land uses including locating the more intensive residential zonings in proximity to the Skywork heli-base.
- The proposed rezoning of Business – Light Industry land to Residential – Mixed Housing Urban.
- The methods proposed to manage reverse sensitivity on Skywork Helicopters Limited lawfully established activity.

The submission opposes the proposal for the reasons set out below.

10.1

Background:

Skywork Helicopters Limited (**Skywork**) has an established base located at 38 Goatley Road, Warkworth. The land is owned by Goatley Holdings Limited (GHL) and leased to Skywork. Both are entities owned and managed by Roger and Miriam Stevenson.

Resource consent for Skywork was applied for in 2005 and obtained in 2010 to establish and operate a helicopter base [NZEnvC70]. The consent as issued by the Environment Court authorised a landing pad, hangar, truck, equipment and hazardous materials storage area, a café and lounge area, ancillary facilities (including reception, offices, meeting room and pilot accommodation quarters). The consent

also enabled approximately 110,000m³ of cut to fill earthworks. A copy of the Environment Court decision is **Attachment A**.

In June 2012 a further application was made to Auckland Council seeking to stage the approved development. This consent was granted on 1 March 2013. A copy of this resource consent decision is **Attachment B**.

At around the same time Auckland Council commenced public consultation on a draft Unitary Plan (March – May 2013). The Unitary Plan was formally notified for public submissions on 30th September 2013 with the submission period closing on 28 February 2014.

GHL, in conjunction with an adjoining landowner, Stellan Trust, lodged a submission (submission 7025) to the Unitary Plan seeking to rezone land from Future Urban zone to Business- Light Industry. A copy of that submission is **Attachment C**. That submission was successful, and the land was zoned Business – Light Industry when decisions were released by Auckland Council on 19th August 2016. The appeal period ended on 30 September 2016 and as there were no appeals to the zoning of the land the zoning was changed with effect on that date.

In September 2018 GHL and Stellan Trust lodged a resource consent seeking a 94 -lot subdivision for Business – Light Industrial purposes including associated earthworks and stormwater discharges etc to enable construction of the subdivision. The scheme plan retained Skywork in its current location with sufficient space to continue operations in this location into the future. This application is currently on hold for a range of reasons, predominantly the uncertainty created by the works related to the Matakana Link Road (**MLR**) and State Highway 1 (**SH1**) widening; both of which affect GHL land.

In March 2018 Auckland Transport had lodged a Notice of Requirement and associated resource consents for construction and operation of the proposed Matakana Link Road. Hearings for the MLR and related NZTA SH1 road widening projects were held in March 2019.

Appeals on the MLR and SH1 widening have recently been resolved and it is understood that AT is seeking to commence construction of the MLR in the near future with the aim to complete the project in time for the opening of the motorway extension north from Puhoi to Warkworth.

This background demonstrates that the consenting and establishment of the Skywork base occurred in a very different planning context to what exists now. When Skywork commenced its application for Goatley Road in 2005 there was no Auckland Plan and Warkworth had not been identified as a satellite growth area. This only occurred when the Auckland Plan was adopted by Auckland Council on 29 March 2012. By that time Skywork had obtained a consent through the Environment Court process and was operating from the Goatley Road site.

The commencement of the Unitary Plan process a year later resulted in the GHL land being identified as Future Urban. This led GHL to seek an appropriate urban zoning of its land that would protect the ability to continue to operate the helicopter base given the considerable investment in land and consenting processes to date. This was of prime importance to Skywork and GHL because the Skywork operation had already had to relocate from its initial site at Baddeleys Beach Road because of complaints from neighbouring land owners and opposition to consent seeking to formalise activities and enable some business growth. This process is what resulted in Skywork re-establishing at the Goatley Road site.

By the time the Auckland Council Future Urban Land Supply Strategy (**FULSS**) was commenced and subsequently adopted in November 2015 GHL had live zoned Business – Light industry land and the

Skywork activity had been operating from 38 Goatley Road for approximately 4 years. The adoption of the 2015 FULSS and the refreshed July 2017 version were the first indications GHL and Skywork had that the land surrounding could potentially be zoned and developed for residential land use purposes. The 2015 FULSS indicated 3,200 – 3800 dwellings, 1 Local Centre and approximately 3270 jobs for Warkworth North, which also included what is now identified as Warkworth North East. The FULSS (2017 Refresh) identified Warkworth North as suitable for approximately 2300 dwellings, no centres and reflected 69 hectares of live zoned business land which included the GHL / Stellan Business – Light Industry land. The FULSS is an infrastructure planning tool rather than a tool to determine optimal land uses. Both the 2015 and 2017 FULSS were undertaken without the benefit of a structure plan for Warkworth.

Auckland Council completed a structure plan for Warkworth in June 2019. The indications for residential development in the Warkworth North area in the Structure Plan completely failed to take into account the existing live zoning of the GHL land. The Structure Plan specifically stated in its scope that existing zoned areas were not considered.¹

Private Plan Change 40:

PPC40 seeks to rezone Future Urban zoned land for a mix of residential zones and a small Neighbourhood Centre. It also proposes to rezone land that currently has a Business- Light Industry zoning to Residential -Mixed Housing Urban. The residential – Mixed Housing Urban zone provides for sites with a minimum site size of 300m² as per Table E38.8.2.3.1 or; for parent sites of 1 hectare or greater, a minimum site area of 240m²; and average of 300m² and a maximum site size of 360m² (Table E38.8.3.1.1).

This rezoning will result in dwellings being constructed in close proximity to the established Skywork base that is accessed from Goatley Road.

An acoustic assessment prepared by Hegley Acoustic Consultants is **Attachment D**. The acoustic assessment analyses the impact of the proposed rezoning on Skywork and forms the evidential basis for the reverse sensitivity effects identified and to which this submission relates.

PPC40 proposes a Precinct – Clayden Road Precinct. The notified Precinct document refers to the planned Sandspit Link Road – it is presumed that this is intended to read the *Matakana Link Road*.

The description of the Precinct states that *“More intensive residential opportunity is created around the Sandspit Link Road...Medium density housing is provided in the northern area of the Precinct. Low density housing ‘Single House’ zoning is provided on the Rural Urban Boundary fringe with particular controls.... These controls are designed to create a lower density interface and a landscape buffer between the urban and rural areas.”*

The description also refers to Local Centre and it is presumed that this reference is intended to be to a Neighbourhood Centre as proposed on the zoning map.

The Precinct proposes one objective relating to the existing Business – Light Industry zone as follows:

(5) Manage reverse sensitivity issues at the interface between the residential and light industrial land.

This objective is supported by the following Policy:

¹ Warkworth Structure Plan, Background Topic Report, Section 2 – The Warkworth Structure Plan Area and Section 5.11 Land use planning.

- (9) *Create a landscaped buffer and require “no complaints covenants” on the properties adjacent to the industrial zoned land so as to manage reverse sensitivity issues.*

There are no specific references to Skywork heli-base in the Precinct description or in the objectives or policies. The Precinct does not propose any specific rules relating to development on the land adjacent to the Business – Light Industry zoned land. However, a Noise measurement line standard is proposed. The proposed noise measurement line (NML) states that the NML will be the “nearest residential boundary for measuring noise from the Skywork base”. The standard states that it will apply to the residential sites to the west of the identified line. It is noted that an area of indicative open space is also shown on Precinct Plan 1 adjacent to the north-eastern corner of GHJ land.

There is also one assessment criteria (ix) included for vacant lot subdivision stating that *for the area identified on Precinct Plan 1 as “no complaints covenant area” a no complaints covenant is registered against any title acknowledging the location is adjacent to an industrial area and a consented heliport and that residents will not complain about permitted activity meeting the Auckland wide standards, or helicopter activity operating under and complying with the conditions of consent of Resource Consent XXX.* The appropriate resource consent reference is LAN 58871 and 37945. Any such accepted provision should also include “or subsequent resource consents”. There also needs to be a clear and specific linkage between the Precinct description that should discuss this Issue, the objectives and the policies.

A Special Landscape yard is also proposed – Standard 6.3. This Standard proposes to limit buildings and structures within the area identified on Precinct Plan 1, with the exception of fencing less than 2 metres in height. The Standard also requires that 50% of the yard is planted with native trees that achieve a height of 5m or more on maturity. It is not clear what the proposed width of the Special Landscape Yard is as the line follows the boundary and the Precinct Plans do not have a scale.

The real outcome of these proposed provisions is simply a noise measurement line and a requirement for sites to the west of it in the proposed Residential – Mixed Housing Urban zone to accept a no complaints covenant for consented Skywork activities.

The acoustic assessment prepared by Hegley Acoustic Consultants identifies that Condition 25 of the existing resource consent states that the “...assessment provisions shall be at any point within the notional boundary* of any dwelling **other than** a dwelling on the same property on which the landing area is sited, or any dwelling on which construction has not commenced at the date this consent becomes effective”. [my emphasis]. The notional boundary is stated to be defined as a line 20 metres from any side of a dwelling or the legal boundary where this is closer to the dwelling. This condition means that the measurement would not need to occur in relation to houses on the rezoned land. However, as explained in the Hegley assessment this will not preclude residents from being affected by noise associated with the Skywork base².

As demonstrated in the Hegley report, the adverse reverse sensitivity effects of the proposed zoning and consequential land uses are unlikely to be effectively avoided, remedied or mitigated. The Hegley report, at Section 5 – Assessment of Noise Effects states:

Figure 4 shows that the permitted level of movements to and from Skyworks has the potential to result in levels of noise at 50dBA L_{dn} or above over an estimated 50% of PPC 40. While such levels are generally accepted to result in adverse effects, it is noted that these levels would only

² Paragraph 3 page 1.

occur in situations where Skyworks placed a majority of their movements on a single track that passes over PPC 40. No work has been undertaken to determine how probable this is noting that such work would be limited in its accuracy due to the inherent difficulties in predicting future use.

While the effects described using the L_{dn} metric are related to the number of movements, those associated with the L_{max} metric are the result of a single flight. Figure 4 therefore shows that any flight passing over PPC 40 would result in such levels as to produce an adverse effect.

It is clear from the above assessment that there are actual adverse reverse sensitivity effects that will result from the land rezoning proposed by PPC40. The Hegley report comments on reverse sensitivity effects as follows:

In this situation, the potential reverse sensitivity effects resulting from PPC 40 would be local opposition to any future consents that Skyworks may require and possible ongoing complaints to both Council and Skyworks. It should be noted that such complaints may have merit as the above analysis shows that Skyworks activities could potentially result in noise levels across PPC 40 that NZS 6807 describes as exceeding the 'minimum acceptable degree of protection for public health and the environment'

Essentially, the concern is that as the currently proposed residential activities are incompatible with the consented activities of Skyworks, PPC 40 may ultimately lead to the curtailment of both Skyworks' current activities and the reasonable operation of their business, including any future development.

The proposed measures in PPC40 to mitigate reverse sensitivity effects on Skywork are considered inadequate, and as detailed in the Hegley report, the proposed land uses are essentially incompatible. Any residential land uses will impact on the ability for Skywork to continue its operations and over time to be able to undertake normal business changes and growth.

PPC40 does not achieve an optimal land use outcome nor represent sound resource management.

Skywork Helicopters Limited seek the following decision from the local authority:

- That PPC40 be declined, or
- That all land affected by the lawfully established noise generated by Skywork be zoned for non-residential (or other compatible) uses so as not to adversely affect the consented Skywork operation and the ability for Skywork to alter or expand its business in a reasonably expected manner, or
- That, if alternate more compatible zones are not substituted, then at the very least Skywork require sound robust methods be incorporated into PPC40 to ensure that reverse sensitivity effects on Skywork are acceptable now and into the future. This may include the requirements for mechanical ventilation in all dwellings in the PC40 area; no complaints covenants and a planning framework within the Clayden Road Precinct that clearly acknowledges the continuing existence of the Skywork base as well as the live zoned Business-Light Industry land and the future associated activities that are enabled or anticipated by the zoning.

10.2

10.3

Skywork Helicopters Limited wishes to be heard in support of their submission.

Skywork Helicopters Limited will consider presenting a joint case with others that make a similar submission.

Burnette O'Connor

(person authorised to sign
on behalf of submitter)

Date 2 April 2020

Address for Service:

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Attachments:

- A - Skywork Environment Court Decision
- B - Skywork Staged Resource Consent
- C - GH / Stellan Trust Unitary Plan Submission
- D - Hegley Consultants Acoustic Assessment



BEFORE THE ENVIRONMENT COURT

Decision [2010] NZEnvC 70

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under section 120 of the Act

BETWEEN THE DOME VALLEY RESIDENTS'
SOCIETY INCORPORATED

ENV-2006-AKL-001011

Appellant

AND

SKYWORK HELICOPTERS LTD

ENV-2006-AKL-001016

Appellant / Applicant

AND

RODNEY DISTRICT COUNCIL

Respondent

Alternate Environment Judge D F G Sheppard sitting alone under section 279 of the Act

IN CHAMBERS at Auckland

FINAL ORDER OF THE ENVIRONMENT COURT

- A. Appeal ENV-2006-AKL-001011 by the Dome Valley District Residents Society Incorporated is disallowed;
- B. Appeal ENV-2006-AKL-001016 by Skywork Helicopter Limited is allowed to the extent that consent is granted subject to the conditions of consent set out in Schedule "A" to this Order.



REASONS

These two appeals were the subject of decision A 099/2007 of the Court dated 14 December 2007. That decision:

- (a) Disallowed Appeal ENV-2006-AKL-001011 by the Dome Valley District Residents Society Incorporated;
- (b) Allowed Appeal ENV-2006-AKL-001016 to the extent that consent is granted for storage and handling of aviation fuel; and that the conditions of consent are amended to conform with the set presented by Skywork Helicopters Limited at the end of the appeal hearing, and incorporating the further amendments accepted by counsel for Skywork when presenting them;
- (c) Amended the decision of the Rodney District Council to the extent indicated in the foregoing subparagraph (b).

[2] Paragraph [313] of that decision stated:

[313] A draft formal order to give effect to this decision may be prepared by counsel for Skywork, lodged with the Registrar, and served on the other parties. Any other party has leave to lodge and serve written submissions, on matters of drafting only, within 10 working days of receiving the Skywork's draft order, Skywork having leave to lodge and serve a written reply within 10 working days of receipt.

[3] Counsel have now reached agreement as to the final form of the conditions and presented a draft order which may be made by consent.

[4] Having considered the memorandum of counsel and the draft order lodged with that memorandum, the Court is satisfied that all the matters that were raised in decision A 99/2007 to be dealt with in a draft formal Order have been attended to.

[5] Accordingly, the Court makes the following orders:



- (a) Appeal ENV-2006-AKL-001011 by the Dome Valley District Residents Society Incorporated is disallowed;
- (b) Appeal ENV-2006-AKL-001016 by Skywork Helicopter Limited is allowed to the extent that consent is granted for storage and handling of aviation fuel; and the decision of the Rodney District Council and the conditions of consent are amended to the form set out in Schedule "A" to this Order.

DATED at AUCKLAND this

9th day of *March* 2010.


D F G Sheppard
Alternate Environment Judge



Schedule A

CONDITIONS OF CONSENT

Pursuant to s108 of the Resource Management Act 1991 the application for a non-complying activity by Skywork Helicopters Limited for resource consent to establish a helicopter base (including landing pad, hanger, truck, equipment and hazardous materials storage area), a café and lounge area, ancillary facilities (including reception, offices, meeting room and pilot accommodation quarters) and involving 110,000m³ of earthworks (cut plus fill) at 38 Goatley Road being legally described as Lots 1 & 2 DP 88298 (CT NA 45D/306 & NA 45D/307), be GRANTED subject to the following conditions.

1. (general) The development shall proceed in general accordance with the application plans drawn by Grant Neill Architects Limited, dated August 2005 and numbered 1 – 6.

2. (stormwater) All stormwater discharges from roofs and paved areas (including the access road) shall be controlled and discharged through an approved system such that there is no adverse affect on adjoining public or private lands. Discharge to open channels shall be limited by appropriate detention systems to the greenfields discharge in all events up to and including a 100 year return storm.

Note: The Consent Holder is advised that additional Consents, Permits or authorisations for the works may be required under the Transitional or Proposed Regional Plans and that these should be obtained from the Auckland Regional Council prior to the commencement of any works on the site.

3. (engineering plans) The engineering works required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time. Engineering Plans, as specified in the "Standards", shall be submitted to the Consents Engineer, and approval thereto received in writing, prior to the commencement of any works on the site.

The term 'engineering works' includes, but is not limited to:

- The upgrading of Goatley Road, the laying of pipes and other ancillary equipment to be vested in the Council for water supply, drainage or sewage disposal;
- The installation of gas, electrical or telecommunication reticulation including ancillary equipment, street lights, landscaping or structures on land vested, or to be vested, in the Council;
- Any other works required by conditions of this consent.

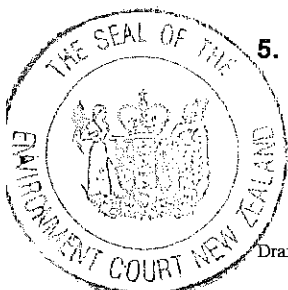
Note: Structures such as retaining walls, in-ground walls and bridges will require a separate Building Consent.

Note: The plans required under this condition are separate to, and do not form part of, any Building Consent that may be required on the subject site.

4. (as built record plans) As Built record plans to requirements of the Council's "Standards for Engineering Design and Construction" shall be submitted to the Consents Engineer, and approval thereof received in writing, prior to the commencement of the activity.

Note: Engineering Plan approvals, monitoring of construction and processing of As Built plans will be subject to charges in terms of the Schedule of Fees and Charges determined from time to time by the Council.

5. (Health and Safety Plan) A detailed Health and Safety Plan to the requirements of the Health and Safety in Employment Act 1992, specifically addressing control of



works on and adjacent to public land, and the protection of the public, shall be submitted to the Consents Engineer prior to the commencement of any works on the site (refer s.109.1 of the "Standards for Engineering Design and Construction"). A copy of the Health and Safety Plan shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the Plan shall be maintained and complied with at all times until such time as the works are completed.

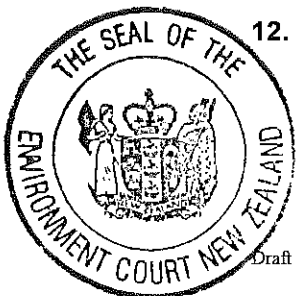
6. (works on public land) Reinstatement of the surface(s) within or adjoining public land including legal road shall be completed as soon as possible on completion of the works affecting the said surface(s), and until such reinstatement is completed the requirements of the verified Traffic Management Plan and Health and Safety Plan shall be complied with in all respects.

Note: Reports and limitations on the land regarding any features or characteristics of the land or works on the land, whether the subject of specific encumbrances on the land or not shall be discoverable as part of the Council's records.

7. (earthworks design) All earthworks shall be specifically designed to the "Standards for Engineering Design and Construction" and NZS4431 by a Chartered Professional Engineer experienced in soil mechanics. The work shall be generally designed and executed in compliance with the recommendations contained in the geotechnical report, prepared by Hawthorne Geddes, reference 5536, dated 29 August, 2005 and any further investigation required.
8. (earthworks certification) On completion of earthworks, an Earthworks Completion Report and a Certificate in the form of Appendix A of the "Standards for Engineering Design and Construction" signed by the Chartered Professional Engineer who designed and supervised the works shall be provided to the Consents Engineer.
9. (dust control) All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and public roads; including, but not limited to:
- The staging of areas of the works;
 - The retention of any existing shelter belts and vegetation;
 - The installation and maintenance of wind fences and vegetated strips;
 - Watering of all haul roads and manoeuvring areas during dry periods;
 - Spraying of load dumping operations;
 - Suspension of all operations if necessitated by the prevailing conditions.

The site, or parts thereof as appropriate, shall be regrassed or otherwise protected from wind and water erosion immediately on the completion of bulk earthworks whether or not other works are completed.

10. (protection of the roads) All necessary measures, shall be installed and operated to prevent the deposition of slurry, clay or other materials on the roads by vehicles leaving the site. Should material be deposited on the road it shall be removed immediately, and the site shall be closed until it can operate without material being carried onto any road, to the satisfaction of the Consents Engineer.
11. (silt retention) Before commencement of any works, adequate silt retention structures as detailed in the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region" shall be installed. These structures shall be maintained and cleaned out as necessary until such time as complete grass cover, or other non-erodible surfacing, has been re-established over the site.
12. (parking) Parking for 61 vehicles, and 1 loading bay shall be provided as detailed in the application plans drawn by Traffic Design Group dated 16/07/2007, and numbered 8100A2B (Plan 3 annexed to the evidence of Mr B, Harries), and to the



minimum dimensions required by the Council's "Standards for Engineering Design and Construction", which shall take precedence should conflict arise.

13. (access/parking) All access, parking and manoeuvring areas shall be formed and paved in a permanent dust free (not metal) surface and marked, to the Council's "Standards for Engineering Design and Construction" prior to the commencement of the activity.
14. (noise limitation for helicopter noise) Helicopter operations shall not exceed an average daily noise limit of 50dBA L_{dn} and shall not exceed a night-time limit of 70dBA L_{max} (10pm-7am the following day). The assessment positions shall be at any point within the notional boundary* of any dwelling other than a dwelling on the same property on which landing area is sited, or any dwelling on which construction has not commenced at the date this consent becomes effective.

Note: The notional boundary is defined as a line 20 metres from any side of a dwelling or the legal boundary where this is closer to the dwelling.

15. (helicopter noise) Helicopter noise shall be assessed in accordance with the provisions of NZS 6807: 1994 *Noise management and land use planning for helicopter landing areas* and measured in accordance with NZS 6801:1999 *Acoustics - Measurement of Environmental sound*.

Note: Use of NZS 6807:1994 for assessment means flight operations associated with emergencies and training for emergencies are excluded from these conditions of consent.

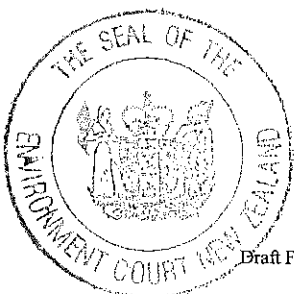
- 15a (emergency flight operations) Conditions 14, 15 and 20 shall not apply where flight operations are undertaken for emergency purposes. For the purposes of these conditions, emergency purposes shall mean:

- a. Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergencies;
- b. Flights required to meet the needs of any national or local emergency, declared under the Civil Defence Emergency Management Act 2002,
- c. Flights required for the purposes of assisting the Fire Service or Police in emergencies;
- d. Flights associated with fire-fighting.

Note. For the avoidance of doubt, flights associated with frost mitigation do not constitute an emergency.

16. (flight movements) Flight operations shall be limited to no more than 60 movements (30 flights) per day.
17. (written log) A written log of all aircraft movements shall be kept and the log shall be available, by appointment, for the inspection of any Council Officer. Minimum information shall include the allocated New Zealand Register of Aircraft three-letter registration mark for each aircraft, name of pilot-in-command and the arrival/departure vector used.
18. (flight tracks) Other than in the event of emergencies, the only flight paths tracks to be used for approach and departure to the site shall be those shown on Map 2 Flightpaths (Attachment No 1 to these conditions).
19. ('flying neighbourly' management plan)

- 19.1 Prior to undertaking any activities authorised by this consent, the Consent Holder shall prepare a Noise Management Plan. The management plan shall comply with the conditions of this consent. The plan may be so amended as the Consent Holder considers appropriate during the period of this consent after consultation with the Council and affected neighbours.



19.2 The Noise Management Plan required by Condition 19.1 above shall set out the practices and procedures with respect to noise management to be adopted in order that compliance with Conditions 14 to 18 can be achieved and shall as a minimum address the following:

- (i) An operator program in accordance with Section 6.2.1 of Reference 1* to address noise sources and potential impacts of en-route flight operations, helicopter landing area operations, and procedures for each flight track.
- (ii) Methods to be used for noise control including provision in each aircraft flight manual required under Civil Aviation Rules Part 91, the noise abatement procedures for that aircraft, as published by Helicopter Association International.
- (iii) Training of pilots using the site in accordance with sections 5 and section 6.2 of Reference 1.*
- (iv) Contingency plans (in the event that noise limits are exceeded).
- (v) Location of routine monitoring sites.
- (vi) Monitoring procedures and identification of staff responsibilities.
- (vii) Complaints and reporting procedures.

* Reference 1 is the *Fly Neighbourly Guide*, Edition 3 (2007) published by Helicopter Association International (Attachment No _ to this decision).

19.3 The Consent Holder shall undertake the activities authorised by this consent in accordance with the provisions of the Noise Management Plan prepared pursuant to the provisions of Conditions 19.1-2.

20. (night-time flying management plan) Prior to commencing night-time flights, the applicant shall arrange for the preparation of a noise management plan. As a minimum, the plan shall include:

- a. Verification of compliance with the night-time limit of 70dBA L_{max} (10pm-7am the following day) as set out in Condition 14, for each type and model of aircraft to be flown at night-time.
- b. Reporting of results of verification testing of L_{max} sound levels.
- c. Flight track and vertical profiles.
- d. The method that aircraft are to be flown.

All night-time flying shall be in accordance with the approved night-time flying management plan.

Reporting shall be to Team Leader: Resource Consents, Rodney District Council.

21. (noise monitoring) Within two months of the commencement of flight operations from the site and the average daily number of movements exceeding 20, a suitably qualified person shall monitor noise levels arising from use of the helicopter base in order to demonstrate compliance with conditions 14 and 15 above. The results and findings shall be reported to the Team Leader: Resource Consents, within one month of any such noise monitoring being undertaken. If any such monitoring identifies any area of non-compliance, notwithstanding the Council's ability to institute proceedings to compel compliance, the applicant shall submit to the Council, a programme and timetable for any remedial actions which may be necessary for the helicopter base.

22. (monitoring costs) All costs associated with Condition 21 above, including noise monitoring, shall be met by the consent holder.

23. (landscape plan) A landscape implementation and maintenance schedule shall be submitted to and approved by the Team Leader –Resource consents prior to any works commencing on the site.



The Detailed Landscape Plan (dated July 2006), together with the accompanying Planting Schedule shall be implemented and maintained in accordance with the approved implementation and maintenance schedule within the first planting season (May to October) following completion of the works on the site or the commencement of the activity, whichever is the sooner. The landscaping shall be maintained in a healthy state in perpetuity.

24. (**signage**) Signage shall be limited to that indicated in the application with specific detail to be submitted to and approved by the Team Leader – Resource Consents.
25. (**accessways and parking areas**) All accessways and parking areas shall be finished in a matt, recessive colour.
26. (**external building colours**) External building colours shall be submitted to the Team Leader – Resource Consents for approval. Colours shall be used to reduce the visual scale of the collection of buildings and to assist these buildings to integrate with its surrounding context.
27. (**external lighting**) External lighting shall be limited to that required for night operation of flights (around the apron area) and for emergency/security purposes as follows:
 - (a) The height of any lighting poles including any ancillary structures shall not exceed 10 metres.
 - (b) All external lighting shall be so aimed and/or screened so that it does not detrimentally affect drivers on State Highway 1 or on Goatley Road, to the satisfaction of the Team Leader-Resource Consents, provided that the access driveway may be lit so as to identify its location and enable safe access and egress at night.
 - (c) All external lighting other than landing lights necessary for the safe operation of helicopters shall be aimed and/or screened so that light emitted by any fixture is projected below a horizontal plane running through the lowest point on the fixture where light is emitted, or is shielded in such a manner that the lowest edge of the shield is at or below the centre line of the light source.
 - (d) The consent holder shall not use between the hours of 10pm on one day to 7am on the next day any artificial lighting in such a manner that the use of such lighting causes an added illuminance in excess of 10 lux measured horizontally or vertically on or directly above the boundary of any adjacent site at that point which is closest to any window of an adjacent household unit.
 - (f) The light poles and associated structures be maintained or painted in colours to blend in as far as practicable with other heliport activities, to the satisfaction of the Team Leader – Resource Consents subject only to any requirements of the Civil Aviation Authority.
 - (g) The resource consent holder shall adopt all reasonably practicable measures to minimise the effects of lighting, especially glare, on the existing rural area in the vicinity of the heliport.
28. (**intersection upgrade**) Prior to the commencement of the café activity, the consent holder shall undertake a review of the actual current and estimated future traffic effects of the helicopter base activity with respect to the intersection of State Highway 1 with Goatley Road and Kaipara Flats Road, and assess the likely additional or cumulative effects of the proposed café activity. The review of traffic effects shall be provided to the Team Leader – Resource Consents and the New Zealand Transport Agency (“NZTA”). The Team Leader – Resource Consents shall consult with the NZTA as to whether the intersection of State Highway 1 with Goatley Road and Kaipara Flats Road is required to be upgraded prior to (or as a result of) the establishment of the café activity. Any upgrade of the intersection, and the timing of any upgrade, shall be to the satisfaction of the Team Leader – Resource Consents (after consultation with the NZTA) prior to the commencement of the café activity.



Note: The consent holder has agreed with the NZTA that, prior to the commencement of the café activity, the consent holder will contribute towards the NZTA's upgrading of the State Highway 1 / Goatley Road / Kaipara Flats Road intersection, if an upgrade is considered to be required by the NZTA, with the consent holder's contribution being proportional to the traffic volumes that the helicopter base and the cafe will generate. For the avoidance of doubt however, the NZTA is not obliged to undertake the upgrade of the intersection, and may undertake the upgrade (at its sole discretion) at any time.

29. **(sealing of Goatley Road)** That Goatley Road be sealed from State Highway 1 to a point 20 metres northeast of the access point to the subject site (a total distance of approximately 270m) to the satisfaction of the Team Leader – Resource Consents and prior to the commencement of the activity.
30. **(chemical storage)** All chemicals are to be stored with secondary containment as outlined in the report prepared by Tonkin and Taylor dated August 2005 - pages 11-15.

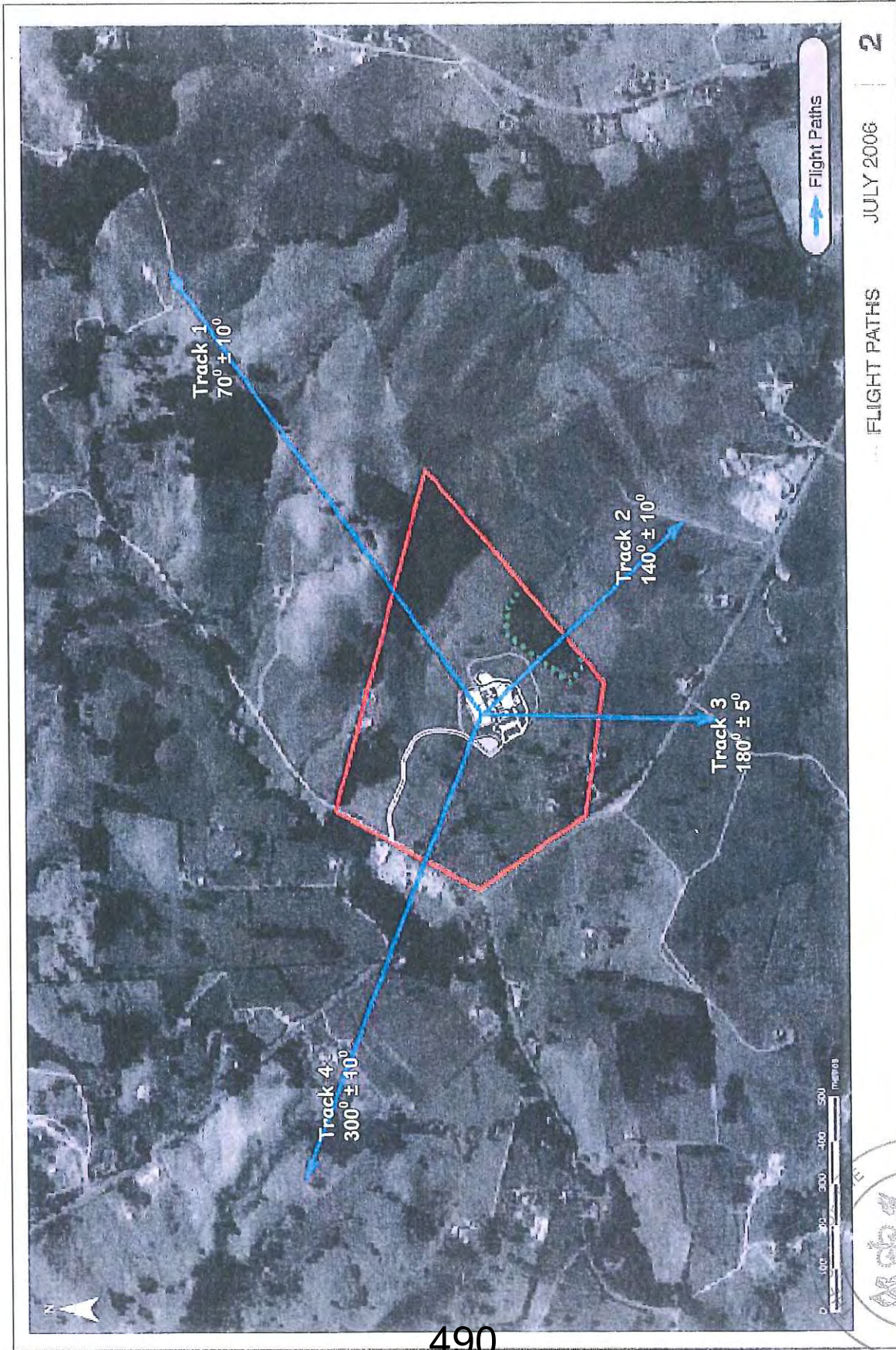
Note: The applicant is to obtain a Test Certificate from a HSNO Test Certifier; a copy of which is to be made available to Council's Hazardous Substances Officer.



Attachment No 1

Skywork Helicopters Ltd

Flight Tracks



ATTACHMENT B

EMAIL 04/03/13

TO: lancehessell@tnp.co.nz

SUBJECT: Resource Consent Application – Advice of Decision

Application Number: LAN-58871

Applicant: Goatley Holdings Limited

Proposed Activity(s): Integrated consent (L58871, 37945) to establish a helicopter base with associated hangers, offices, refuelling facilities with associated stormwater discharges.

Address: 38 Goatley Road, Dome Valley 0981, 104 State Highway 1, Dome Valley 0981

Following an assessment of your resource consent application a decision has been made to approve your application.

For your reference a copy of the decision dated 01-Mar-2013 is attached. It outlines the basis for the decision and any associated conditions.

If you disagree with the decision, or parts of it, you must lodge any objection with the Council or file any appeal with the Environment Court within 15 working days of receiving the decision.

Objections should be addressed to the Principal Planner Hearings and Resolutions, North, Auckland Council, Takapuna Service Centre at 1 The Strand, Takapuna 0622. Information on "The Objection Process" can be found on our website www.aucklandcouncil.govt.nz (select "Building, Property and Consents", "Resource Consent" then "The process from application to decision" and finally "Objections to Council").

Information on the appeal process can be found on the Environment Court website www.justice.govt.nz/court/environment-court.

An invoice will be sent shortly. No work is allowed to commence until all outstanding fees have been paid, as stated in condition 3 of your consent.

If you have any queries, please contact Justin Walters; justin.walters@aucklandcouncil.govt.nz and quote the application number above.

Yours faithfully
Rachel Cornwell
RESOURCE CONSENT ADMINISTRATOR

Decision on an application for a resource consent

Application no.:	L 58871 and 37945
Address:	38 Goatley Road, Dome Valley
Applicant:	Goatley Holdings
Proposal:	To establish a helicopter base with associated, hangers, offices, refuelling facilities with associated stormwater discharges.

Having read the application and supporting documents, and reports from the council's officers and/or its representatives, I am satisfied that I have sufficient information before me to consider the matters required by the Resource Management Act 1991 (RMA) and take a decision on this application.

Pursuant to sections 104, 104B, 104D and Part 2 of the RMA, this application is **GRANTED**.

Pursuant to section 113 of the RMA, the reasons for this decision are:

1. In terms of 104 and 104B the effects of the proposal can be avoided remedied or mitigated and will be consistent with the relevant provisions of the Auckland Plans in that: The effects of Stage 1, considering the permitted baseline and the consent conditions imposed under L40630, will be minor.
 - b) The effects of Stage 2 will be similar to those authorised by L40630.
 - c) The use of the site for the commercial operation has been authorised by L40630 and the buildings and internal roads will integrate into the wider site and are appropriate in this rural area.
 - d) With appropriate controls the effects in terms of lighting and noise from helicopter flights for Stage 1 can be maintained at similar or lower levels than authorised by L40630.
 - e) With appropriate controls on and dust and given the temporary nature of the works this proposal will have no more than minor effects in terms of amenity from construction effects.
 - f) Given the comments of the Council development engineer the effects of this proposal in terms of natural hazards will be no more than minor.
 - g) With the reinstatement of the site after the earthworks and appropriate sediment controls to prevent sedimentation, the impact of this proposal will be no more than minor in terms of ecology, water quality or vegetation removal.
 - h) With the sediment controls proposed, it is possible to mitigate the potential effects of sedimentation so that the effects will be no more than minor.
 - i) The vehicle movements generated by the proposal will be either similar or less than that authorised by L40630.
 - j) With appropriate conditions including the direction of lighting illuminating the entrance sign, the upgrade of Goatley Road and the intersection of Goatley Road and State Highway 1 and given the comments of the Council traffic engineer, the effects of the proposal in terms of the safe and efficient operation of the state highway or the other roading network will be similar or less than that authorised by L40630.
 - k) With appropriate controls on and treating of stormwater the effects in terms of water quantity and quality can be avoided, remedied and mitigated so as to be no more than minor.

2. The proposal meets the gateway test in that the proposal will have no more than minor effects and will not be inconsistent with the objectives, policies or provisions of the Auckland Plan.
3. Overall the application meets the relevant provisions of Part 2 of the RMA as the proposal achieves the purpose of the RMA in that the helicopter base provides important transport infrastructure for the surrounding area and the effects of the proposal can be avoided, remedied and mitigated to an appropriate level.
4. A ten year consent period is appropriate in this particular instance, given:
 - a) the nature of the proposal with its mix of activities involving a staged development
 - b) the location of stage 2 in the centre of the site and the commercial uses proposed within a building, which in terms of area and size are permitted in the zone will avoid adverse impacts on sites in the vicinity several of which are owned by the applicant.
 - c) It will also, given the amount of land involved, not compromise the use of the land for rural purposes. The main use will be established in a short time. Its final location and the café will be established thereafter.

CONDITIONS

Pursuant to section 108 of the RMA, this consent is subject to the following conditions:

General Conditions

Activity in accordance with plans

1. The Helicopter Base shall be carried out in accordance with the plans and all information submitted with the application, being:

Stage 1

- Application Form, and Assessment of Effects prepared by Terra Nova Planning, dated June 2012 (Application numbers L58871 and 37964) with attached reports, the additional s92 information dated 8 November 2012, ref C755-1012 with attached reports, and letter from Hegley Acoustic Consultants dated 29/11/2012. Drawings:

Reference number	Title	Architect/designer/author	Date
1203 – No. 2 & 4 – Rev R7	Proposed Heliport and Office Space at 38 Goatley Road	Architectural Services Ltd	Nov 2012
1203 – No. 3 & 4 – Rev R4	Proposed Heliport and Office Space at 38 Goatley Road	Architectural Services Ltd	June 2012
0874 –IN -01	Skywork Helicopters Ltd	Wedgwood Engineering Consultants Ltd	31/10/2012
0874 –SW -01 to 07	Skywork Helicopters Ltd	Wedgwood Engineering Consultants Ltd	31/10/2012
0874 –RD – 01 to 02	Skywork Helicopters Ltd	Wedgwood Engineering Consultants Ltd	31/10/2012

Stage 2

- Application Form, Assessment of Effects, and all report and evidence for both Council Hearings and Environment Court proceedings referenced as L40630 and plans drawn by Grant Neill Architects Limited, dated August 2005 and numbered 1 – 6.

Surrender of Consent

2. Prior to the commencement of this consent the consent holder provide a letter to the Team Leader Compliance and Monitoring (Orewa) relinquish resource consent L40630.

Fee, Changes and Commencement of Consent

3. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:
 - a) All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and
 - b) All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.
4. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Lapse Date

5. Pursuant to section 125 of the RMA, Stage 1 shall lapse five years after the date it is granted unless:
 - a) The consent is given effect to; or
 - b) The Council extends the period after which the consent lapses.
6. Pursuant to section 125 of the RMA, Stage 2 shall lapse on 1 March 2023 unless:
 - a) The consent is given effect to; or
 - b) The Council extends the period after which the consent lapses.

Duration of Consent

7. The land-use component of stage 1 (L 58871) shall expire on the 1 March 2023 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

Note: The land-use portion of stage 2 (58871) consent does not have an expiry date.

8. The stormwater diversion and discharge consent (Permit 41045) shall expire on 21 December 2047 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

Auckland Council Monitoring

9. Access to the relevant parts of the property shall be maintained and be available at all reasonable times to enable the servants or agents of the Auckland Council to carry out inspections, surveys, investigations, tests, measurements or take samples whilst adhering to the Consent Holder's health and safety policy.
10. Legal and physical access to the sampling and monitoring locations on the site shall be maintained.

Pre-commencement and completion meetings

11. **Five working days** prior to initiation of any earthworks or the construction of stormwater devices on the site, a pre-construction site meeting between Compliance Inspector – Northern (Orewa), Stormwater Natural Resources and Specialist Input and all relevant parties, including the site stormwater engineer, shall be arranged.

12. The following information shall be provided at the pre construction meeting:

- i) Timeframes for key stages of the works authorised under this consent;
- ii) Erosion and sediment control measures during construction activities;
- iii) Contact details of the site contractor and site stormwater engineer; and
- iv) Approved (signed/stamped) construction plans.

Any resulting amendments to the stormwater management system may be reviewed by Auckland Council at this time and shall be approved in accordance with **Condition 47** above.

13. **Within 30 days** of Practical Completion and prior to operation of the stormwater management works, a post construction site meeting shall be arranged and conducted between Stormwater, Natural Resources and Specialist Input and all relevant parties, including the site stormwater engineer. As-Built certification and plans shall be available for this meeting, as specified in **Condition 48**.

Review condition

14. The conditions of this consent may be reviewed by the Auckland Council pursuant to Section 128 of the Resource Management Act 1991, (with the costs of the review process being borne by the Consent Holder), by giving notice pursuant to Section 129 of the Act, in one or more of the following times:

- Within one year of construction of the stormwater works;
- Within one year of the commencement of flying operations;
- And/or at five yearly intervals after these times.

The purpose of the review may be for any of the following purposes, namely:

- i) To deal with any adverse effect on the environment which may arise from the exercise of the consent or upon which the exercise of the consent may have an influence and which becomes apparent, or is found appropriate, to deal with at a later stage, and in particular but without limiting the ambit of this clause to:
 - a) Insert conditions, or modify existing conditions, to require the Consent Holder to identify the character or nature of any discharges authorised by this Consent and to report the results of that monitoring to the Auckland Council; and/or
 - b) Insert conditions, or modify existing conditions to require the Consent Holder to monitor the effects of any discharges authorised by this Consent on the local receiving environment and to report the results of that monitoring to the Auckland Council;
- ii) Insert conditions, or modify existing conditions, requiring the Consent Holder to adopt the Best Practicable Option to remedy, mitigate or minimise any adverse effects on the environment resulting from the discharges authorised by this consent, including remedying or mitigating any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

Conditions specific to Land-use Consent L58871

Monitoring charges

15. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$ 256 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

16. The \$ 256 (inclusive of GST) charge shall be paid as part of the resource consent fee and the consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

Engineering plans and design standards

17. The engineering works required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time. Engineering Plans, as specified in the "Standards", shall be submitted to the Consents Engineer, and approval thereto received in writing, prior to the commencement of any works on the site.

The term 'engineering works' includes, but is not limited to:

- The upgrading of Goatley Road, the laying of pipes and other ancillary equipment to be vested in the Council for water supply, drainage or sewage disposal;
- The installation of gas, electrical or telecommunication reticulation including ancillary equipment, street lights, landscaping or structures on land vested, or to be vested, in the Council;
- Any other works required by conditions of this consent.

Note: Structures such as retaining walls, in-ground walls and bridges will require a separate Building Consent.

Note: The plans required under this condition are separate to, and do not form part of, any Building Consent that may be required on the subject site.

18. As Built record plans to requirements of the Council's "Standards for Engineering Design and Construction" shall be submitted to the Consents Engineer, and approval thereof received in writing, within 3 months of the date of approval to this resource consent (L58871).

Note: Engineering Plan approvals, monitoring of construction and processing of As Built plans will be subject to charges in terms of the Schedule of Fees and Charges determined from time to time by the Council.

19. A detailed Health and Safety Plan to the requirements of the Health and Safety in Employment Act 1992, specifically addressing control of works on and adjacent to public land, and the protection of the public, shall be submitted to the Consents Engineer prior to the commencement of any works on the site (refer s.109.1 of the "Standards for Engineering Design and Construction"). A copy of the Health and Safety Plan shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the Plan shall be maintained and complied with at all times until such time as the works are completed.

20. Reinstatement of the surface(s) within or adjoining public land including legal road shall be completed as soon as possible on completion of the works affecting the said surface(s), and until such reinstatement is completed the requirements of the verified Traffic Management Plan and Health and Safety Plan shall be complied with in all respects.

Note: Reports and limitations on the land regarding any features or characteristics of the land or works on the land, whether the subject of specific encumbrances on the land or not shall be discoverable as part of the Council's records.

21. All access, parking and manoeuvring areas shall be formed to the minimum of a rural metal standard with the parking areas marked where required, to the Council's "Standards for Engineering Design and Construction", prior to the commencement of each stage.

Note: It is recommended that those areas potentially affected by dust generated as consequence of the landing of helicopters should be paved or treated with dust suppressants.

Dust control and sedimentation

22. All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and public roads; including, but not limited to:
- The staging of areas of the works;
 - The retention of any existing shelter belts and vegetation;
 - The installation and maintenance of wind fences and vegetated strips;
 - Watering of all haul roads and manoeuvring areas during dry periods;
 - Spraying of load dumping operations;
 - Suspension of all operations if necessitated by the prevailing conditions.

The site, or parts thereof as appropriate, shall be regrassed or otherwise protected from wind and water erosion immediately on the completion of bulk earthworks whether or not other works are completed.

23. All necessary measures, shall be installed and operated to prevent the deposition of slurry, clay or other materials on the roads by vehicles leaving the site. Should material be deposited on the road it shall be removed immediately, and the site shall be closed until it can operate without material being carried onto any road, to the satisfaction of the Consents Engineer.
24. Before commencement of any works, adequate silt retention structures as detailed in the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region" shall be installed. These structures shall be maintained and cleaned out as necessary until such time as complete grass cover, or other non-erodible surfacing, has been re-established over the site.

Noise and flight movements

25. Helicopter operations shall not exceed an average daily noise limit of 50 dBA L_{dn} and shall not exceed a night-time limit of 70 dBA L_{max} (10pm-7am the following day). The assessment positions shall be at any point within the notional boundary* of any dwelling other than a dwelling on the same property on which landing area is sited, or any dwelling on which construction has not commenced at the date this consent becomes effective.

Note: The notional boundary is defined as a line 20 metres from any side of a dwelling or the legal boundary where this is closer to the dwelling.

26. Helicopter noise shall be assessed in accordance with the provisions of NZS 6807:1994 "Noise management and land use planning for helicopter landing areas" and measured in accordance with NZS 6801:1999 "Acoustics - Measurement of Environmental sound".

Note: Use of NZS 6807:1994 for assessment means flight operations associated with emergencies and training for emergencies are excluded from these conditions of consent.

27. Flight operations shall be limited to no more than 60 movements (30 flights) per day.
28. A written log of all aircraft movements shall be kept and the log shall be available, by appointment, for the inspection of any Council Officer. Minimum information shall include the allocated New Zealand Register of Aircraft three-letter registration mark for each aircraft, name of pilot-in-command and the arrival/departure vector used.

29. Other than in the event of emergencies, the only flight paths tracks to be used for approach and departure to the site shall be those shown on Map 2 Flight paths (Attachment No 1 to these conditions).
30. 'Flying Neighborly' management plan
- a) Prior to undertaking any activities authorised by this consent, the Consent Holder shall prepare a Noise Management Plan. The management plan shall comply with the conditions of consent. The plan may be so amended as the Consent Holder considers appropriate during the period of this consent after consultation with the Council and affected neighbours.
 - b) The Noise Management Plan required by condition 30(a) above shall set out the practices and procedures with respect to noise management to be adopted in order that compliance with Conditions 25 to 29 can be achieved and as a minimum address the following:
 - i. An operator program in accordance with Section 6.2.1 of Reference 1* to address noise sources and potential impacts on en-route flight operations, helicopter landing area operations, and procedures for each track.
 - ii. Methods to be used for noise control including provision in each aircraft manual required under Civil Aviation Rules Part 91, the noise abatement procedures for that aircraft, as published by Helicopter Association International.
 - iii. Training of pilots using the site in accordance with sections 5 and 6.2 of Reference 1*.
 - iv. Contingency plans (in the event that the noise limits are exceeded).
 - v. Location of routine monitoring sites.
 - vi. Monitoring procedures and identification of staff responsibilities.
 - vii. Complaints and reporting procedures.
- * Reference 1 is the Fly Neighbourly Guide, Edition 3 (2007) published by Helicopter Association International.
- c) The Consent Holder shall undertake the activities authorised by this consent in accordance with the provisions of the Noise Management Plan prepared pursuant to the provisions of Conditions 19.1-2.
31. Prior to commencing night-time flights, the applicant shall arrange for the preparation of a noise management plan. As a minimum, the plan shall include:
- a) Verification of compliance with the night-time limit of 70dBA L_{max} (10pm-7am the following day) as set out in Condition 25, for each type and model of aircraft to be flown at night-time.
 - b) Reporting of results of verification testing of L_{max} sound levels.
 - c) Flight track and vertical profiles
 - d) The method that aircraft are to be flown

All night-time flying shall be in accordance with the approved night-time flying management plan.

Reporting shall be to the Team Leader, Compliance and Monitoring (Orewa), Auckland Council

32. Within two months of the commencement of flight operations from the site authorised by this consent, and the average daily number of movements exceeding 20, a suitably qualified person shall monitor noise levels arising from use of the heliport in order to demonstrate compliance with conditions 25 and 26 above. The results and findings shall be reported to the Team Leader, Compliance and Monitoring (Orewa), within one month of any such noise monitoring being undertaken. If any such monitoring identifies any area of non-compliance, notwithstanding the Council's ability to institute proceedings to compel compliance, the applicant shall submit to the Council, a programme and timetable for any remedial actions which may be necessary for the helicopter base.
33. All costs associated with Condition 32 above, including noise monitoring, shall be met by the consent holder.

Signage

34. Unless authorised by a separate resource consent the signage on the site shall be limited to an entrance identification sign with a maximum area of 1 m².
35. There shall be no illumination of signage except as follows:
- The illumination of the entrance identification sign while the helicopter base is in operation provided that the illumination of the sign shall be directed towards the sign only, and away from neighbouring properties or public spaces, including roads.

Colour controls

36. All access ways and parking areas should be finished in a matt, recessive colour.
37. External building colours should be submitted to the Team Leader – Compliance and Monitoring (Orewa). Colours should be used to reduce the visual scale of the collection of buildings and to assist these buildings to integrate with its surrounding context.

Lighting

38. External lighting should be limited to that required for night operation of flights (around the apron area) and for emergency/security purposes.
- a) The height of any lighting poles including any ancillary structures shall not exceed 10 metres.
 - b) All external lighting shall be so aimed and/ or screened so that it does not detrimentally affect drivers on State Highway 1 or Goatley Road, to the satisfaction of the Team Leader, Compliance and Monitoring (Orewa), provided that the access may be lit so as to identify its location and enable safe access and egress at night.
 - c) All external lighting other than landing lights necessary for the safe operation of helicopters shall be aimed and /or screened so that the light emitted by an fixture is projected below a horizontal plane running through the lowest point on that fixture where light is emitted, or is shielded in such a manner that the lowest edge of the shield is at or below the centre line of the light source.
 - d) The consent holder shall not use between the hours of 10pm on one day to 7am the next day any artificial lighting in such a manner that the use of such lighting causes added luminance in excess of 10 lux measured horizontally or vertically on or directed above the boundary of any adjacent site at any point which is closest to any window of an adjacent household unit.
 - e) The light poles and associated structures be maintained or painted in colours to blend in as far as practicable with other heliport activities, to the satisfaction of the Team Leader,

Compliance and Monitoring subject only to any requirements of the Civil Aviation Authority.

- f) The resource consent holder shall adopt all reasonably practicable measures to minimise the effects of lighting, especially glare, on the existing rural area in the vicinity of the heliport.

Conditions specific to Stage 1

Conditions specific to Land-use Consent L58871

Flight logs to be supplied

39. On the tenth working day of each calendar month the flight logs required by condition 28 shall be supplied to the Team Leader – Compliance and Monitoring.

Hazardous storage

40. All chemicals are to be stored with secondary containment as outlined in the report prepared by Tonkin and Taylor dated August 2005 - pages 11-15, Report by Terra Nova Planning Ltd, dated June 2012 and "Emergency Spill Response Procedures – Skyworks Goatley Road" and dated 8 November 2012.

Note The applicant is to obtain a Test Certificate from a HSNO Test Certifier; a copy of which is to be made available to Councils Hazardous Substances Officer.

Earthworks

41. All earthworks shall be specifically designed to the "Standards for Engineering Design and Construction" and NZS 4431 by a Chartered Professional Engineer experienced in soil mechanics. The work shall be generally designed and executed in compliance with the recommendations contained in the geotechnical report, prepared by Wegewood Engineering Consultants, ref 0874/12/GEO, dated 23 June, 2012.
42. On completion of earthworks, an Earthworks Completion Report and a Certificate in the form of Appendix J of the "Standards for Engineering Design and Construction" signed by the Chartered Professional Engineer who designed and supervised the works shall be provided to the Consents Engineer. The report shall reconfirm the geology assessed in the above geotechnical report and that no further investigation or stabilisation works are required.

Landscaping

43. Within 3 months of the commencement of this consent, a detailed landscape plan, including an implementation and maintenance programme shall be submitted to and approved by the Team Leader – Monitoring and Compliance (Orewa):
- a) The plan shall include details of the plant sizes at the time of planting and intended species. Such a plan shall include appropriate measures to integrate the buildings associated helicopter base with the surrounding site.
- b) The landscaping shall be implemented and maintained in accordance with the approved landscaping plan within the first planting season (May to October) following the completion of the works on the site. The landscaping shall be maintained thereafter.

Parking

44. Parking for 24 vehicles, and 1 loading bay shall be provided as detailed in the application plans drawn by Architectural Services Ltd, and numbered 1203, and to the minimum dimensions required by the Council's "Standards for Engineering Design and Construction", which shall take precedence should conflict arise.

Conditions specific to Discharge Consent 37945

Stormwater works

45. The following stormwater management works shall be constructed for the following catchment areas and design standards and they are completed prior to discharges commencing from the site.

Works	Catchment area-impervious	Design Standard
Detention pond	5393m ²	75% TSS removal
Stormwater 360 Stormfilter	757m ²	75% TSS removal
Sand/peat filter/or/an equivalent TP10 device (which ultimately discharges on to land)	Wash bay: 345m ²	75% TSS removal
Filter strip (17.3m length)	710m ²	75% TSS removal
Earth bund	260m ²	75% TSS removal
Roof material	842m ²	No exposed unpainted metal surfaces

46. Any amendments that may affect the capacity or performance of the stormwater management system shall be submitted to, and approved by the Team Leader - Stormwater, NRSI, in writing prior to construction.

Certification of construction works

47. **Within 30 days** of practical completion, As-Built certification and plans of the stormwater management works, which are certified (signed) by a suitably qualified registered surveyor or engineer as a true record of the stormwater management system, shall be provided to the Team Leader - Stormwater, NRSI.
48. The As-Built plans shall include, but not be limited to:
- i. The surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the discharge structure, with co-ordinates expressed in terms of NZTM and LINZ datum;
 - ii. Location, dimensions and levels of any major overland flowpaths including cross sections and long sections;
 - iii. Plans and cross sections of all stormwater management devices, including confirmation of volumes and levels of any outflow control structure;
 - iv. Documentation of any discrepancies between the design plans and the As-Built plans.

Operation and maintenance

49. Final Operation and Maintenance Plan for the stormwater management and treatment system shall be submitted to the Team Leader - Stormwater, NRSI **within 30 days** of completion of the installation of the stormwater works set out in **Condition 2** of this consent.
50. The Operation and Maintenance Plan shall set out how the stormwater management and treatment system is to be operated and maintained to ensure adverse environmental effects are minimised. The plan shall include, but not be limited to:
- i. A programme for regular maintenance and inspection of the stormwater management system;
 - ii. A programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
 - iii. A programme for post storm maintenance;
 - iv. Details of who will hold responsibility for long-term maintenance of the stormwater management system and the organisational structure which will support this process.

51. The stormwater management and treatment system shall be managed in accordance with the approved Operation and Maintenance Plan.
52. Any amendments to the Operation and Maintenance Plan shall be submitted to and approved by the Team Leader - Stormwater, NRSI, in writing prior to implementation.
53. A written maintenance contract with an appropriate stormwater management system operator, shall be entered into, and maintained, for the on-going maintenance of the proprietary stormwater management device.
54. **Within 30 days** of the completion of stormwater works, a signed copy of the contract required by **Condition 57** shall be forwarded to the Team Leader - Stormwater, NRSI. An operative contract shall be provided to the Auckland Council upon request throughout the term of the consent.
55. The stormwater management system shall be maintained to minimise erosion, risk of obstruction and hazards to safety.

Overland flowpaths

56. For stormwater flows in excess of the capacity of the primary drainage systems, overland flow paths shall be provided and maintained to allow surplus stormwater from critical storms (up to the 100 year ARI event), to discharge with the minimum of nuisance and damage.
57. Major secondary flow paths shall be kept free from significant obstructions such as buildings and solid fences.

Maintenance report

58. A maintenance report shall be provided to the Team Leader - Stormwater, NRSI **on request**. The maintenance report shall include but not be limited to the following:
 - i. Details of who is responsible for maintenance of the stormwater management system and the organisational structure supporting this process;
 - ii. Details of any maintenance undertaken; and
 - iii. Details of what inspections were completed over the preceding **twelve months**.
59. Details of all inspections and maintenance for the stormwater management system for the preceding **three years** shall be retained.

Conditions specific to Stage 2 for Land-Use L58871

Stormwater

60. All stormwater discharges from roofs and paved areas (including the access road) shall be controlled and discharged through an approved system such that there is no adverse affect on adjoining public or private lands. Discharge to open channels shall be limited by appropriate detention systems to the greenfields discharge in all events up to and including a 100 year return storm.

Note: The Consent Holder is advised that additional Consents, Permits or authorisations for the works may be required under the Transitional or Proposed Regional Plans and that these should be obtained from the Auckland Regional Council prior to the commencement of any works on the site.

Earthworks

61. All earthworks shall be specifically designed to the "Standards for Engineering Design and Construction" and NZS4431 by a Chartered Professional Engineer experienced in soil mechanics. The work shall be generally designed and executed in compliance with the recommendations contained in the geotechnical report, prepared by Hawthorne Geddes, reference 5536, dated 29 August, 2005 and any further investigation required.

62. On completion of earthworks, an Earthworks Completion Report and a Certificate in the form of Appendix J of the "Standards for Engineering Design and Construction" signed by the Chartered Professional Engineer who designed and supervised the works shall be provided to the Consents Engineer.

Parking and loading

63. Parking for a minimum of 61 vehicles, and 1 loading bay shall be provided as detailed in the application plans drawn by Traffic Design Group dated 16/07/2007, and numbered 8100A2B (Plan 3 annexed to the evidence of MR B, Harries), and to the minimum dimensions required by the Council's "Standards for Engineering Design and Construction", which shall take precedence should conflict arise.

Hazardous storage

64. All chemicals are to be stored with secondary containment as outlined in the report prepared by Tonkin and Taylor dated August 2005 - pages 11-15 and "Emergency Spill Response Procedures – Skyworks Goatley Road" and dated 8 November 2012. .

Note: The applicant is to obtain a Test Certificate from a HSNO Test Certifier; a copy of which is to be made available to Councils Hazardous Substances Officer.

Landscaping

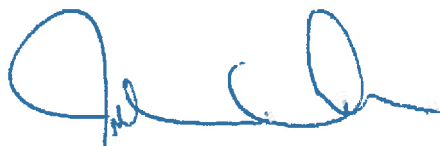
65. The Detailed Landscaping Plan (dated July 2006), together with the accompanying planting schedule shall be implemented and maintained in accordance with the approved implementation and maintenance schedule within the first planting season (May to October) following the completion of the work on the site of the commencement of the activity, whichever is sooner. The landscaping shall be maintained in a healthy state in perpetuity.

Roading and Traffic

66. That Goatley Road be sealed from State Highway 1 to a point 20 metres northeast of the access point to the subject site (a total distance of approximately 270m) to the satisfaction of the Team Leader – Compliance and Monitoring (Orewa) prior to the commencement of the activity.
67. Prior to the commencement of the café activity, the consent holder shall undertake a review of the actual and estimated future traffic effects of the helicopter base activity with respect to the intersection of State Highway 1 with Goatley Road and Kaipara Flats Road, and assess the likely additional or cumulative effects of the proposed café activity. The review of traffic effects shall be provided to the Team Leader, Compliance and Monitoring (Orewa) and the New Zealand Transport Agency (NZTA). The Team Leader, Compliance and Monitoring shall consult with the NZTA as to whether the intersection of State Highway 1 with Goatley Road and Kaipara Flats Road is required to be upgraded prior to (or as a result of) the establishment of the Café activity. Any upgrade of the intersection and the timing of any upgrade, shall be to the satisfaction of the Team Leader, Compliance and Monitoring (after consultation with NZTA) prior to the commencement of the café activity.

Note: The consent holder has agreed with the NZTA that, prior to the commencement of the café activity, the consent holder will contribute towards the NZTA's upgrading of the State Highway 1 / Goatley Road / Kaipara Flats Road intersection, if an upgrade is considered to be required by the NZTA, with the consent holder's contribution being proportional to the traffic volumes that the helicopter base and café will generate. For the avoidance of doubt however, the NZTA is not obliged to undertake the upgrade of the intersection, and may undertake the upgrade (at its sole discretion) at any time.

Mr John Childs
Duty Commissioner:



Date: 1 March 2013

Proposed Auckland Unitary Plan Submission Form

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010
 Clause 6 of First Schedule, Resource Management Act 1991
 FORM 2



Correspondence to :
 Attn: Unitary Plan Submission Team
 Auckland Council
 Freepost Authority 237170
 Private Bag 92300
 Auckland 1142

For office use only
Submission No:
Receipt Date: AUCKLAND COUNCIL
28 FEB 2014

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

Organisation Name (if submission is on behalf of Organisation) Goatley Holdings Ltd & Stellan Trust

Address for service of the Submitter

Terra Nova Planning Ltd
 PO Box 466
 Orewa 0946

Email:

markbellingham@tnp.co.nz

I live in the following Local Board area (if known)

Rodney Local Board

Contact Person: (Name and designation if applicable)

Dr Mark Bellingham

Scope of submission

This is a submission to: Proposed Auckland Unitary Plan

The specific provisions that my submission relates to are:
 Please identify the specific parts of the Proposed Plan

Provision(s)

Warkworth North Future Urban Zone

Or

Other (specify)

See attached submission

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

See attached submission

I wish to have the provisions identified above amended Yes

The reasons for my views are:

I seek the following decision from Auckland Council:

Accept the Proposed Plan with amendments - See attached submission

I wish to be heard in support of my submission Yes

If others make a similar submission, I will consider presenting a joint case with them at a hearing Yes

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Telephone

09 4267007

Please note that your contact details and phone number will be 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 gain an advantage in trade competition through this submission
- I could not gain an advantage in trade competition through this submission



Signature of Submitter
(or person authorised to sign on behalf of submitter. A signature is not required if you make your submission by electronic means)

Date 28/2/2014

Submission to Proposed Auckland Unitary Plan: Goatley Holdings Ltd & Stellan Trust, Warkworth North

Scope of the Submission

This submission is on behalf of Goatley Holdings Ltd & Stellan Trust in respect of their properties at State Highway 1, Warkworth North. The subject sites are legally described as Lots 1, 2 DP 88298, Pt Allot 95 Psh Of Mahurangi SO 27C, Lot 3 DP 61693, and Lots 1, 2, 3 DP 155679, having an area of 56.7ha. This land has been zoned Future Urban Zone in the PAUP (Figure 1).

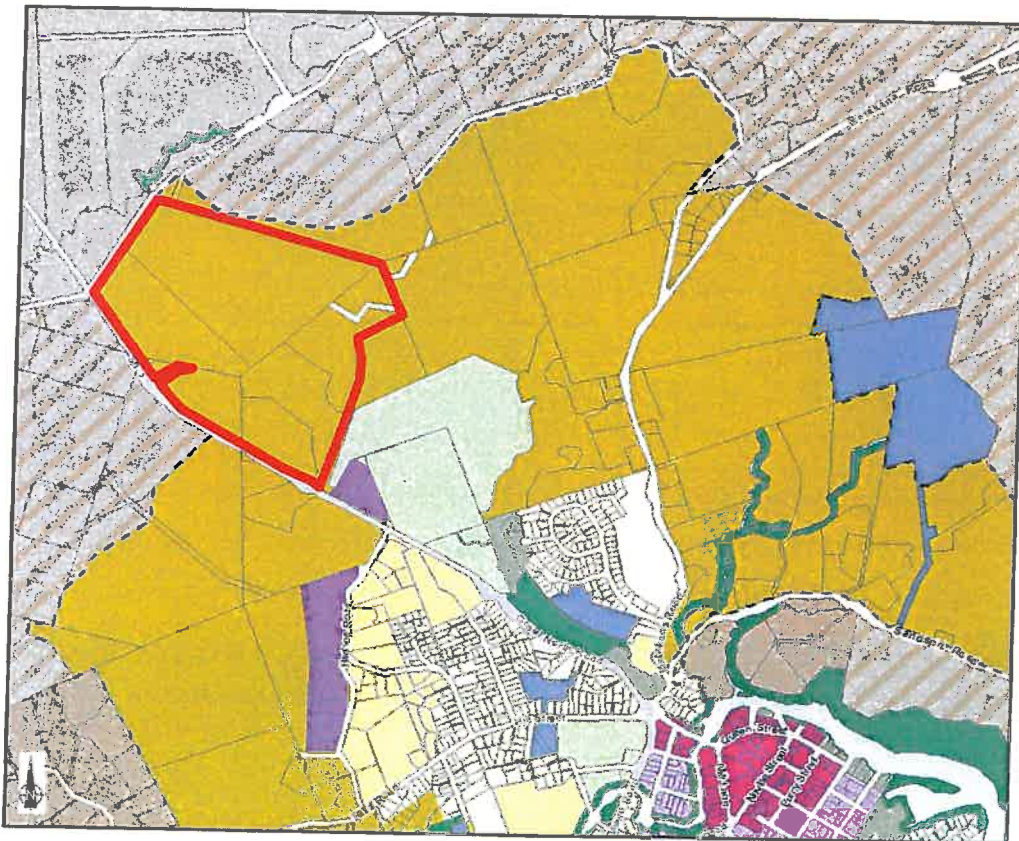


Figure 1: PAUP Zoning

Aerial photos of the land are in Figures 2 and 3.

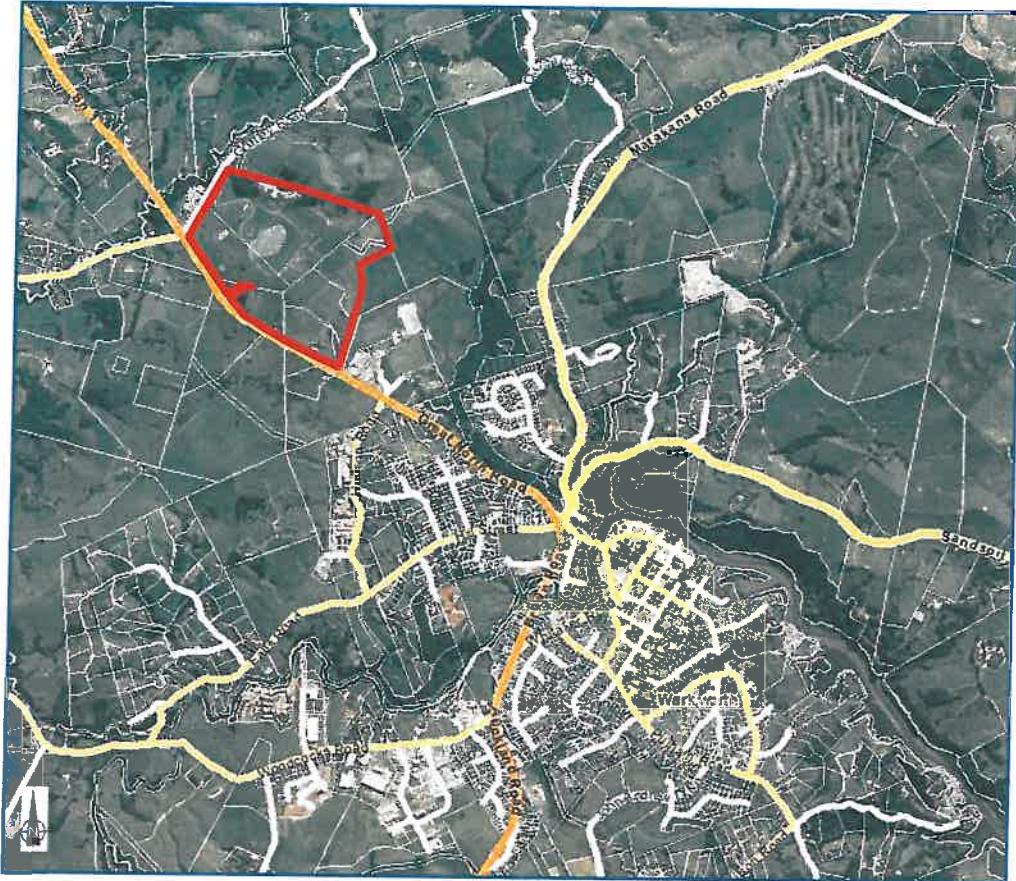


Figure 2: Location of Goatley Holdings Ltd & Stellan Trust property, North Warkworth



Figure 3: Goatley Holdings Ltd & Stellan Trust property, North Warkworth

The submitters, along with a number of other landowners submitted on the northern expansion of Warkworth to the Auckland Plan. They then commissioned further studies investigating the appropriateness of urban development adjoining Warkworth's existing northern urban boundary, and the engineering and cost viability of a new road connecting State Highway 1 and Matakana Road, thus bypassing the problematic 'Hill Street intersection' in Warkworth's town centre.

The first study prepared by Terra Nova Planning Ltd is titled "Warkworth North Outline Planning Report" dated 18 May 2012 and is in **Appendix B**. While this report was commissioned by the landowners, we note that its authors have been long involved in structure and district planning for Warkworth, including preparation of both the 1987 'Future Directions' study and the 1997 Warkworth Structure Plan, as well as being heavily involved in the 2004 Warkworth Structure Plan via submissions on behalf of a number of clients.

The second study prepared by Hutchinson Consulting Engineers dated 19 February 2013, and in **Appendix C**, is of a proposed link road between State Highway 1 and Matakana Road, which is based on the road promoted in the submission to the Auckland Plan, and further addressed in the Warkworth North Outline Planning Report.

We consider that the findings of both reports are self-evident on reading, but in summary, they indicate that;

- The extension of urban activities to the north of the existing Warkworth urban area is appropriate, generally as the preferred land uses are identified; and
- The cost of constructing an alternative link road between State Highway 1 and Matakana Road would appear to have a significant cost/benefit, and would clearly do much to resolve the long-standing traffic issues at the existing Hill Street/State Highway 1 / Matakana Road intersection.

The submitters are concerned that although these issues have been incorporated in part in the Auckland Plan, the PAUP and the Rural Urban Boundary Investigations (RUB), the body of planning and engineering investigations that identify suitable land uses still needs to be incorporated into the Unitary Plan.

Relief Sought

1. Rezoning the land from Future Urban to Light Industry.

The Auckland Council's Rural Urban Boundary investigation were carried out to determine the extent of the RUB, including that for Warkworth, but not to universally assign a Future Urban Zone to new land coming into the RUB.

The RUB recommendations for Warkworth (relevant to this submission) were:

- The Structure Plan for Warkworth as well as the Area Plan for Rodney should be prioritised in order to determine the appropriate future land uses within the rural urban boundary.

- Support for the RUB north from the showgrounds to Goatley Rd adjoining Matakana Rd in the west and further provision of urban land east of Matakana Rd from Clayden Rd to Sandspit Rd south of the quarry should not occur within the 30 year timeframe.
- Need to plan for appropriate amount of industrial land and local employment

While there has been considerable provision for additional residential sites in Warkworth, additional industrial land is minimal. Rodney District's structure planning never anticipated the expansion of Warkworth as provided for in the Auckland Plan and the PAUP. Meanwhile the PAUP has not prioritised future land uses, as the structure planning by the Warkworth North landowners has identified this area as suitable for business zoning. The proposed Future Urban Zone for the Submitters' land gives no priority in terms of future zoning or when that might happen.

The submitters (along with other landowners in Warkworth North) have carried out detailed planning for the area zoned Future Urban (North of State Highway 1 and Sandspit Rd) and this was presented to the Council in the Unitary Plan and RUB processes. Those reports (Appendix B - C) identify the submitters land as suitable for industrial activities.

We submit that it is a priority to zone land in Warkworth North for industrial and local employment activities to provide for the on-going expansion of Warkworth and the future development of residential areas in Warkworth North. An appropriate zone for this land would be 'Light Industry' (Figure 4). The 57 ha of land involved will provide a substantial and significant contribution to the required light industrial land supply for Warkworth's immediate and medium-term growth.

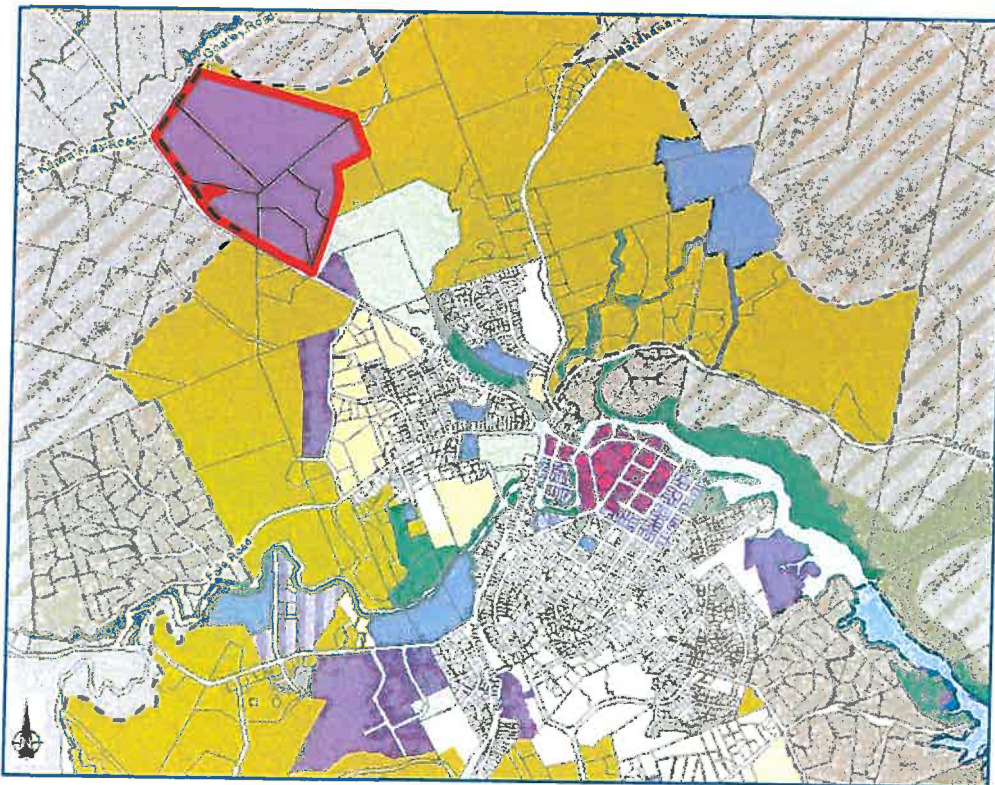


Figure 4: Proposed Rezoning

2. Identify the proposed North-East Link Road alignment in the Unitary Plan.

The Submitters' also identified indicative link roads in their submission to the Council in the Unitary Plan and RUB processes. These need to be on the Unitary Plan maps also in order to provide for timely and significant improvements to the roading network, and to be in place before or at the same time as the new State Highway 1 Warkworth by-pass is constructed. The location of the State Highway alignment is shown in Figure 5 below.

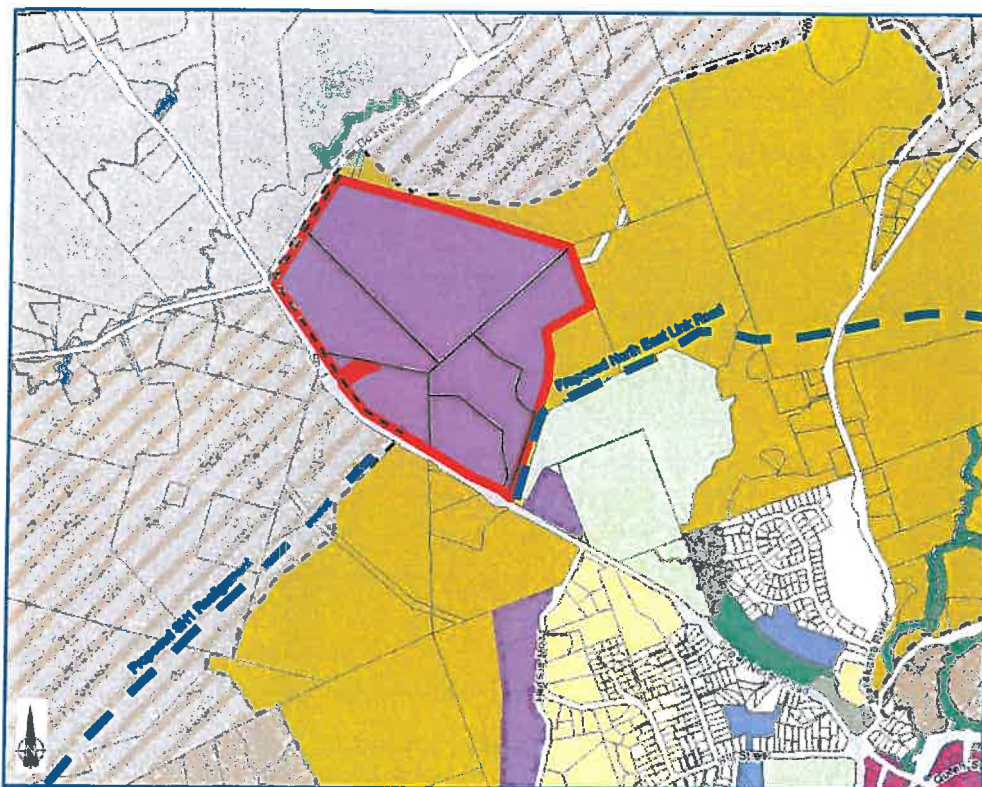


Figure 5: Proposed Rezoning and North East Link Rd and SH1 Realignment

Relevant Specific Provisions

• **Auckland Unitary Plan Maps**

- Rezone the Goatley Holdings and Stellan Trust properties (Figure 2) as Light Industry Zone, or other business zone as appropriate. 11
- Identify a proposed North-East Link Road alignment for Warkworth North on or about the location indicated on Figures 4 and 5. 12

Section 32 Assessment of Costs and Benefits

A summary assessment of costs and benefits under S32 of the RMA has been prepared to demonstrate the robustness of the submission. This is included in **Appendix A**, and concludes that the amendments sought better provides for the well-being of future generations, and is the most sustainable use of this existing land resource.

Appendix A

SECTION 32 SUMMARY EVALUATION

1. SUMMARY

The PAUP proposes a Future Urban Zone over the submitter's land at State Highway 1 and Goatley Rd, Warkworth North.

In summary the key points are:

- The Submitters' land is within the RUB;
- The Submitters have presented reports to Council that have identified the land as suitable for urban and more specifically, industrial activities;
- Those reports carried out extensive planning and assessment of the Warkworth North area and identified the need for a North-East Link Rd for the PAUP Future Urban Zoned area also.

2. ISSUES

The key issue is a Future Urban Zone is inappropriate for the Goatley Holdings and Stellan Trust land. This land is highly suitable for Light Industry and needs to be zoned as early as possible so as to provide for on-going employment within Warkworth and the future growth of the town.

3. SECTION 32 ANALYSIS

This analysis applies the statutory tests for assessing the appropriateness of the objectives / policies / rules and methods in regard to achieving the purpose of the Act. The relevant considerations are set out in Appendix A. A key aspect of the evaluation is that the available alternatives may be accepted (and limited to) as being those contained in the PAUP, and the relief sought by appellant (refer Section 32 (3)).

Does it assist the Council in performing its functions?

Yes. The site has been zoned Future Urban, but a change to Light Industry would provide for the on-going growth of Warkworth and the land is suitable for a Light Industry zoning in accordance with the relevant Plan objectives and policies.

Part 2 of the Act

The change in zoning sought over this land better meets the PAUP urban growth the environmental protection objectives and policies. This is entirely consistent with Part 2 of the Act in making the

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most efficient use of the land resource, while also providing for the health and well-being of the community into the future.

Does it achieve and implement the objectives and policies

The land at Warkworth North is proposed in the PAUP as Future Urban Zone and this zone is not appropriate, the land being suitable in the very near future for Light Industry. This zoning should be applied in the Unitary Plan to be consistent with the RPS objectives and policies (Part 1:B:3.1), and District Plan objectives and policies (Part 2:D:3.10).

Efficiency and effectiveness of the provisions in achieving the objectives and policies

A change to Light Industrial Zone will provide for better managed urban growth in Warkworth. The provision for Light Industry will help to mitigate the need for greater distances to be travelled by the local community to work.

Benefits and costs

The benefits of the proposed changes sought will provide a well-planned urban development that is appropriate for the on-going growth of Warkworth.

4. WHICH METHOD IS BETTER?

The changes proposed better meets the UP urban growth objectives and policies in this location.

5. CONCLUSION

The above assessment of costs and benefits demonstrates that the submission seeking changes to the Goatley Holdings and Stellan Trust properties on State Highway 1 and Goatley Rd, Warkworth North, achieves the best environmental outcome (in an 'RMA' sense). These amendments will achieve the most efficient use of the existing land resource, and will also better provide for the future urban growth of Warkworth.

APPLICABLE LEGAL TESTS – SECTION 32 TESTS AND PART 2 OF THE ACT

1. Section 32(1) of the Act requires that before a council notifies a plan it must undertake an evaluation which must:
 - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*

- (i) *Identifying other reasonably practicable options for achieving the objectives; and*
- (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) *summarising the reasons for deciding on the provisions; and*
- (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

2. Section 32 (2) states:

An assessment under subsection (1)(b)(ii) must—

- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

3. Section 32 (3) states

*If the proposal (an **amending proposal**) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—*

- (a) *the provisions and objectives of the amending proposal; and*
- (b) *the objectives of the existing proposal to the extent that those objectives—*
 - (i) *are relevant to the objectives of the amending proposal; and*
 - (ii) *would remain if the amending proposal were to take effect.*

4. Section 10 to the First Schedule to the RMA relates to decisions on provisions and matters raised in submissions and requires that:

(1) A local authority must give a decision on the provisions and matters raised in submissions, whether or not a hearing is held on the proposed policy statement or plan concerned.

(2) The decision—

- (a) *must include the reasons for accepting or rejecting the submissions and, for that purpose, may address the submissions by grouping them according to—*
 - (i) *the provisions of the proposed statement or plan to which they relate; or*
 - (ii) *the matters to which they relate; and*
- (ab) *must include a further evaluation of the proposed policy statement or plan undertaken in accordance with section 32AA; and*
- (b) *may include—*
 - (i) *matters relating to any consequential alterations necessary to the proposed statement or plan arising from the submissions; and*
 - (ii) *any other matter relevant to the proposed statement or plan arising from the submissions.*

(3) To avoid doubt, the local authority is not required to give a decision that addresses each submission individually.

(4) The local authority must—

- (aaa) have particular regard to the further evaluation undertaken in accordance with subclause (2)(ab) when making its decision; and
- (a) give its decision no later than 2 years after notifying the proposed policy statement or plan under clause 5; and
- (b) publicly notify the decision within the same time.

5. The Eldamos¹ case established the parameters for the appropriateness test referred to in section 32. That case stated:

- A. An objective in a district plan is to be evaluated by the extent to which:
 1. it is the most appropriate way to achieve the purpose of the Act;
 2. it assists the territorial authority to carry out its functions in order to achieve the purpose of the Act (s72); and
 3. it is in accordance with the provisions of Part 2 (s74(1)).
- B. A policy, rule, or other method in a district plan is to be evaluated by whether:
 1. it is the most appropriate way to achieve the objectives of the plan; and
 2. it assists the territorial authority to carry out its functions in order to achieve the purpose of the Act (s72);
 3. it is in accordance with the provisions of Part 2 (s74(1)); and
 4. (if a rule) it achieves the objectives and policies of the plan (Section 76(1)(b)).

6. The relief sought by a submitter is therefore to be evaluated having regard to the formulation in the Eldamos decision.

7. Section 32 requires consideration of whether the proposed provisions are appropriate to achieve their intended purpose by reference to alternatives available and that this calls for a consideration of all options, including the option of doing nothing.

8. In the context of the submission, the available alternatives may be accepted (and limited to) as being those contained in the PAUP, and the relief sought by appellant. This is confirmed by Section 32 (3)

Part 2 of the Act

9. The ultimate test that applies to all decisions under the RMA is provided by section 5 of the RMA which states:

5. Purpose

¹ *Eldamos Investments Limited and others v Gisborne District Council W047/2005*

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

10. The Courts have taken account of the “deliberate openness” of the language used in the Act and have said that Part 2 allows for an “overall broad judgement” to be made having regard to various competing considerations which might arise in any given set of circumstances.
11. Section 6 of the Act sets out matters of national importance which may or may not be relevant to a particular district plan issue but which, if relevant, decision makers under the Act must “recognise and provide for” in making their decisions.
12. The specific matters which are relevant to the present issues in terms of section 6 include sections 6(a), (b) and (e).
13. Section 7 sets out other matters which, if relevant, decision makers need to “have particular regard to”. The specific matters of relevance to the present issue in terms of section 7 include sections 7(a), (aa), (b), (c), (d), (f), (g) and (h).
14. Section 8 requires consideration of the principles of the Treaty of Waitangi.
15. Under section 67(3)(c) of the Act the District Plan must give effect to the Regional Policy Statement (RPS).

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Appendix B

Warkworth North Outline Planning Report, Terra Nova Planning Ltd 18 May 2012

14/41



May 2012

Warkworth North Outline Planning – discussion document

1.0 Strategic Background

1.1 Introduction

The Auckland Plan identifies Pukekohe and Warkworth as metropolitan Auckland’s only two satellite towns and states that over the next 30 years “they will have grown into large satellite towns with populations of between 20,000 and 50,000”. More specifically, in this timeframe Warkworth is targeted to accommodate a population of about 25,000 and is identified as the main employment hub for the North.

The 2004 Warkworth Structure Plan outlines the future growth of the town and the Plan currently serves as a platform for the strategic management of the urban area. However, the Structure Plan falls far short of catering for the above projected population and therefore land over and above that identified in the Structure Plan will need to be investigated and identified for longer term urban growth.

This brief report concerns such an investigation of additional land available for urban expansion, with a particular planning focus on the area immediately to the north of Warkworth.

1.2 Warkworth Structure Plan

Population growth:

The Warkworth Structure Plan (2004) outlines a growth strategy for a >20 year planning horizon (ie 2004 to >2024) for an expanded future town and an associated land use plan for achieving these ends. The growth strategy targets accommodating the following broad population:

Growth Period	Projected population	Capacity required
Existing	2,800	4,400
2004 - 2024	4,400	5,200
2024 - 2044	6,000	7,000
2044 +	up to 8,000	8,800

15/41

The land use planning for Warkworth was in 2004 somewhat constrained at the time of its preparation by the conception of the strategic settlement role, function and vision for Warkworth as it was understood at that time, being that of a small rural service town (and therefore well short in scale and spatial extent of the satellite town now proposed by the Auckland Plan). As a consequence, land use planning for Warkworth was focussed on accommodating a residential population of up to (say 7,000) people over the next 30 years.

Equally, the future areas identified for retail, business and industrial land uses were planned according to the above strategic growth and population parameters.

It is now apparent that the Auckland Plan's vision for Warkworth is significantly greater in scale to the past settlement strategy, and that in order to accommodate a population of (say) 25,000 over the next 30 years, Warkworth's planning will need to be reviewed and augmented with additional areas for residential, business, industrial and other activities and uses.

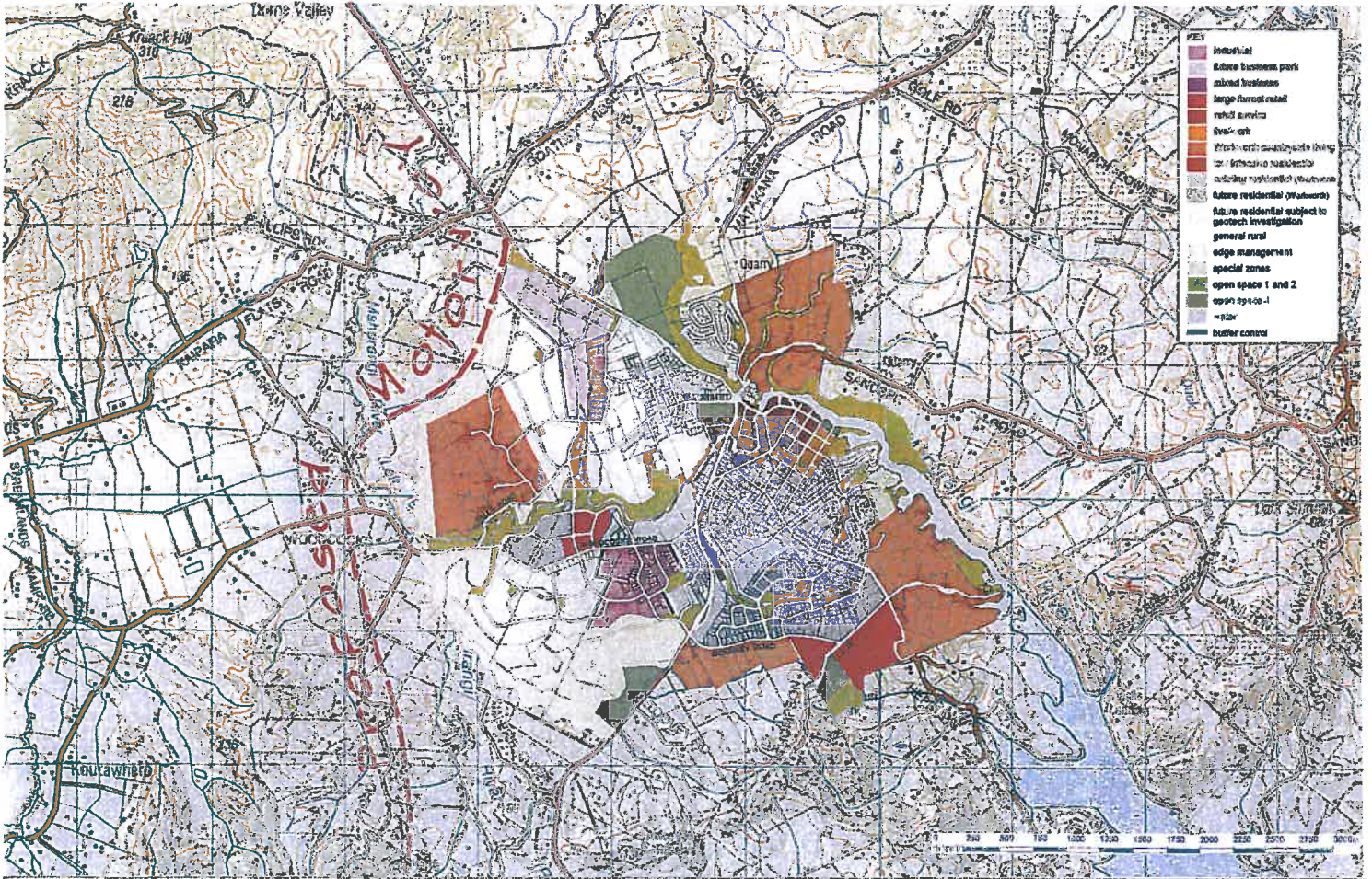
Planned land availability:

Plan 1 depicts the 2004 Warkworth Structure Plan, and **Plan 2** highlights the new growth areas identified within that Structure Plan, with their respective capacities and development timeframes, and current estimates of residual capacity, summarised in the table below.

Table 1: Summary of new areas according to the Structure Plan

Land Unit	Residential Land Use	Population Capacity	Staging	Current Status
A	Residential	200	<2024	developed
B		1,400		25% developed
C		670		35% developed
E		100		redevelopment over time
F				not likely developable
G		1,100	>2024	undeveloped
H		1,000		undeveloped
I		1,300		undeveloped
Total		5,670		About 4,900 remaining

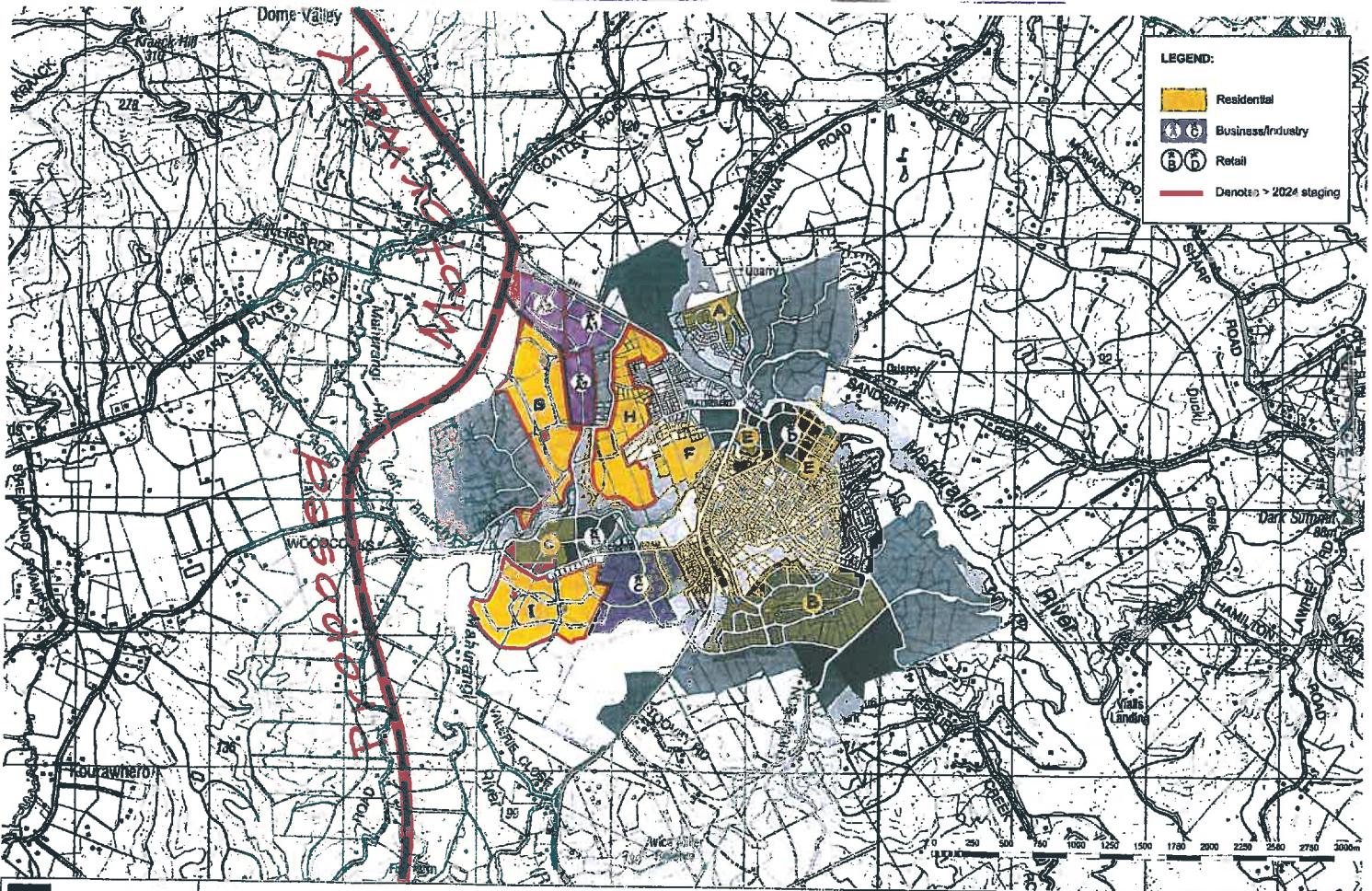
Land Unit	Business Land Use	Area (gross ha)	Staging	Current Status
*A1	Business	14	<2024	undeveloped
*B	Retail	12		60% developed
*C	Industry	27		75% developed
*D	Retail			80% developed
*A2	Industry	25	>2024	undeveloped
Total		78		



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Plan 1: Warkworth Structure Plan

Prepared for:
Stevenson, Clark, et al
Date: May 2012
Scale: 1:25 000



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Orewa

Plan 2: Structure Plan's New Growth Areas

Prepared for:
Stevenson, Clark, et al

Date: May 2012

Scale: 1:25 000

With a current residual residential population capacity of under 5,000, there is a significant shortfall in the current planned residential land to accommodate projected long term future growth, and the key implication is therefore that any future Structure Plan for the town will need to indicate additional areas for such growth, and which will be beyond the extent of those proposed in the current Structure Plan.

Regarding industrial land, the only currently available industrial land in the town is a remaining approximately 6 to 7ha in Land Unit *C. Given the general slope of the remaining available land, it is generally not suited to large footprint industries.

It is noted in relation to the identified 39ha of future Business/Industrial land near Hudson Road (ie Land units *A1 and *A2), that a considerable part of the gross area identified will be taken up by the Motorway, interchange and buffer, and stormwater ponds necessary in this low lying area.

By comparison, the Auckland Plan's economic strategy targets employing an additional 8,200 people and the supply of an additional approximately 182,000m² of industrial floor space, by 2041 in the Rural North. To support Warkworth's growth and status as a satellite town, most of the sub-region's new industrial land will be established in Warkworth, and the key implication of this is that the currently identified future industrial areas will be fully developed before a 30-year horizon.

Under current planning, not only is a longer term industrial land shortage predictable, but given that (i) there is at present effectively no land for larger footprint industries available in Warkworth, and (ii) only half of the currently identified 39ha block of future business-industrial land is identified for industry per se, and the land is not yet zoned or bulk-serviced, and (iii) there will generally be a long lead time for the supply of "ready-to-go" industrial land (especially for larger footprint general industry), industrial land availability in Warkworth is already at a critical supply point.

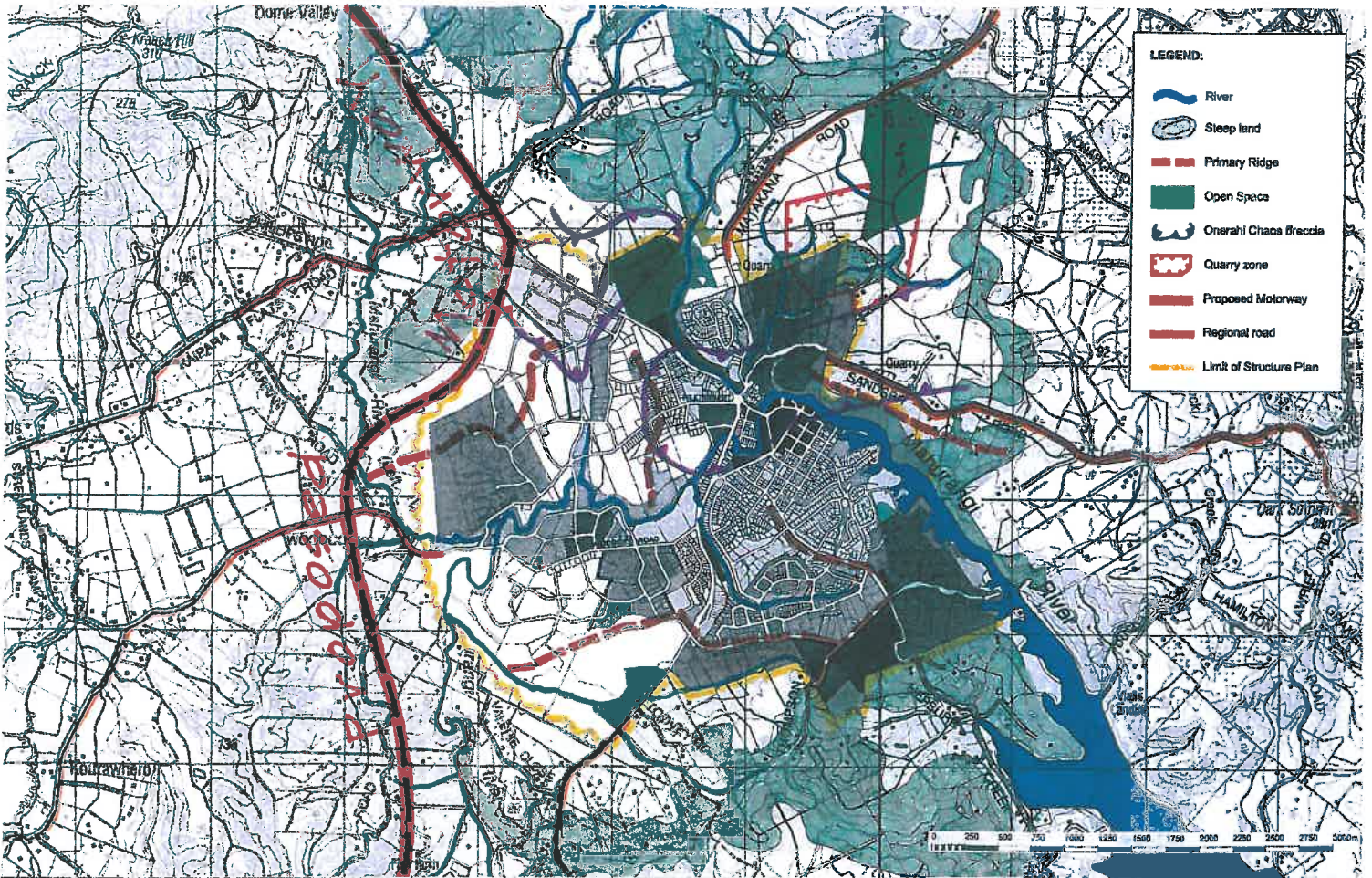
2.0 Strategic Considerations

The key strategic considerations with respect to determining additional new areas for the town's expansion are outlined below.

2.1 Natural Features

Plan 3, which includes the 2004 Structure Plan as an underlay, shows the extent of key natural systems features which guide future spatial planning. These are:

- The location of key ridges, of which the McKinney Wilson Road ridge and the steep hills of the Wilson Road-Thompson Road area are important in that they constitute a limit of any future mass urban



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Plan 3: Key Physical Features

Prepared for:
Stevenson, Clark, et al
Date: May 2011
Scale: 1:25 000

extensions to the south-east and east of Warkworth. The ridge and hills have long been rationalised and identified (ie in the late 1980's strategic plan and both the 1996 and 2004 Structure Plans) as a strong and defensible natural urban-rural boundary and the southern cut-off to the Warkworth urban area.

- The Mahurangi River, a barrier to eastward expansion.
- Two large occurrences of Onerahi Chaos Breccia, having the implication that where this formation coincides with steep land, mass and dense urban development is not possible.
- The extensive quarry area (inclusive of surrounding buffer zones) located to the north-east of Warkworth, determining that this general locality is not available for mass urban development (at least for the life of the quarry, which is understood to be in excess of 40 years).
- Very steep land, and well-vegetated and ecologically-valuable valleys and hills (sometimes already covenanted), which are unsuited to dense urban development.

2.2 Transportation

The final alignment of the SH1 Motorway bypass has only recently been determined by NZTA (notably, subsequent to the 2004 Structure Plan's formulation), and the strategic position tabled in the Structure Plan, namely, that the town should not extend to the west of the Motorway, is assumed to be a strongly maintained position. This provides the physical limit to urban expansion to the west.

2.3 Additional bulk land availability

From the above, and in summary, mass urban expansion to the south, east and west of Warkworth is largely limited by the River, extensive areas of steep land, the quarry zone, the proposed Motorway.

Therefore, in order to expand the urban area to the point where the town can accommodate the projected population of (say) 25,000, it is self-evident that the urban area of Warkworth will in future extend to at least cover the following two large areas where suitable land is available:

- The interstitial area between the existing western edge of Warkworth and the future Motorway. Although there is an apparent substantial amount of land in this locality, the extent of actual net developable land in this area will be considerably less after considering:
 - the broad floodplain of the Mahurangi River (Right and Left Branches), and

- the nature of a land use buffer between the town and the Motorway (as per the poorly-defined "edge treatment" of the current Structure Plan), which buffer will likely include a high proportion of low density residential development.
- Northwards to the east of the existing SH1, noting that the proposed Motorway interchange, new regional link road to Matakana and eastward, and the northern end of the town's proposed Western Collector road, all are located in this sector.

2.4 Land Use

It is accepted in principle that land use planning for Warkworth should generally be aimed at establishing a town with balanced urban functional profile (ie insofar as land use allocations are concerned) as opposed to creating a dormitory town with a dominantly residential function.

Mindful of the above, and given that (i) Warkworth will continue to be the main service and employment node for the Rodney North area, and (ii) the coastal settlements to the east are and will continue to be largely devoid of large scale industry, the allocation of industrial land in Warkworth should be commensurate with the scale of business/industrial land thresholds afforded by a broader hinterland. Therefore the quantum of business/industrial land in Warkworth will exceed that which could normally be expected to be supported by just the town's population per se.

3.0 Warkworth North

From the potential shortfall demonstrated above, and the recognition that the growth of the Warkworth urban area will logically also comprise a significant expansion to the north, this Warkworth North area, generally located between Goatley Road and Matakana Roads, existing SH1 and the Showgrounds, is examined below in more detail.

3.1 Land development Opportunities and Constraints

Natural systems:

The key local influential natural features are:

- The steep and geotechnically fragile block of highland hills on either side of Goatley Road and extending northward and also eastward on the northern side of Matakana Road
- The Kowhai Scenic Reserve abutting the Showgrounds to the east and extending through to the covenanted native bush of the local valley upslope to the abovementioned highland

- The large block of relatively flat land extending to the north-west of the Warkworth Showground, suitable for mass urban development
- The relatively narrow band of flatter land suited to mass urban development on either side of the southern sector of Matakana Road
- The golf course, quarry zone and hilly local landscape with numerous bushed local valleys and, to the general east of above-mentioned narrow band of land along Matakana Road

Transportation:

The key transportation determinants for Warkworth North, hierarchically ordered, are:

- National: To all intents and purposes the route alignment of the Motorway and the approximate location of its interchange are fixed. The precise location and layout of the interchange remains to be determined, and this detailing will to some extent influence the layout of Warkworth North.
- Regional: the identified need for a new regional road link which more directly connects the Motorway to Matakana Road and thence to the coast and settlements to the east, thus avoiding the need to channel all such regional traffic through central Warkworth. Ideally this road is required to generally :
 - Avoid the Warkworth Showground
 - Avoid the higher construction costs of traversing steep and geotechnically fragile land located to the north of the Showground and extending northward across Goatly Road
 - Cross a local valley with covenanted native bush, ideally bridged via the shortest route to minimise ecological impact
 - Be as short as possible to minimise construction and maximise the use of existing Matakana Road
 - Link as directly as possible to other proposed urban collector roads (ie the Western Collector and the northern sector of SH1), for efficient intra-urban traffic distribution
 - Be able to be constructed independently of the Motorway and its interchange, thereby allowing for a different development staging for these two new roads.

From the above it is noted that there is a very narrow band of alignment options through Warkworth North for this new link road (refer **Plan 3**).

- Intra-urban: the planned (and partially developed) Western Collector road, providing access through and across the town's southern and western areas. At its northern end this road is planned through identified future industrial area *A1 (refer **Plan 2**), noting that the actual point of intersection with existing SH1 remains to be determined.

It is noted that with the construction of the Motorway the existing part of SH1 through Warkworth (and certainly that section of SH1 through Warkworth North) will revert to a lower order intra-urban collector road.

- Local: local road connections to intra-urban collectors, regional, and national, roads

Land availability for mass urban development:

From the above analysis of the Warkworth North area, two distinct and individually contiguous blocks of land are available for mass urban development in this general locality, separated by a large composite "green belt" (comprising the Showgrounds, Kowhai Scenic Reserve, local valley and its covenanted bush, and the Goatley Road steep hills). These areas, shown on **Plan 3**, are:

- **Area 1:** about 65ha bounded by roads (ie proposed Motorway, existing SH1, Goatley Road) and the green belt to the east, and
- **Area 2:** about 85ha long both sides of Matakana Road, and bounded by the green belt to the west and the Golf Course and quarry zone to the east.

3.2 Land Use suitability

Area 1 is well-suited to industrial development in that:

- Slope characteristics allow for large footprint industries to establish at relatively low land development costs,
- It is of a sufficient scale to offer (i) industrial land for a long term horizon, and (ii) land development efficiency regarding, for example, earthworks, roads and services,
- It is adjacent to the Motorway intersection, an ideal location for achieving regional transport efficiencies,

- It is adjacent to, and compatible with, the land uses of the current Hudson Road industrial area and its identified business-industrial extension on Land Unit *A, and
- It is well buffered from town's residential areas by the green belt.

Area 2 is well suited to residential development in that:

- It is relatively close to the services and facilities of central Warkworth and the Showgrounds,
- It is adjacent to existing and other planned residential areas, and
- It is buffered from identified future, and now proposed future industrial areas by the green belt

3.3 Infrastructure Services

The availability of water services to new areas outside of the current town boundaries is generally limited by the capacity of both bulk service plants and networks, and new infrastructure will be required in any event to service the longer term development signalled in the Auckland Plan.

4.0 Preliminary Concept Plan for Warkworth North

Plan 4 shows the preliminary concept planning for Warkworth North, with key features of the plan described below.

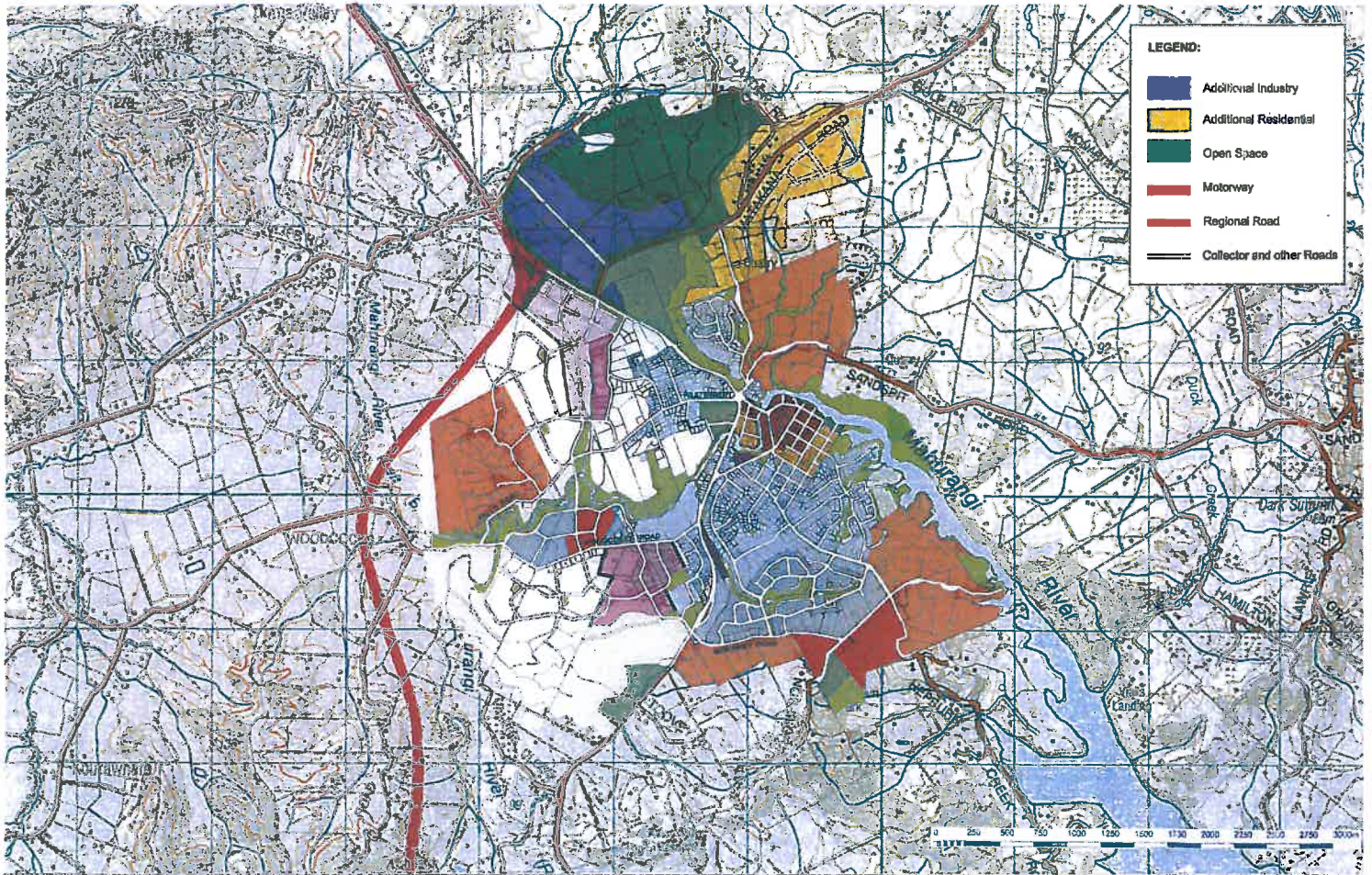
4.1 Land Use

Industrial:

A proposed new 65ha industrial area located between the Motorway, Goatley Road, and green belt (comprising the Showgrounds, steep land and native bush areas).

The industrial area is accessible from both Goatley Road and (via a limited number of intersections) from the proposed new Matakana Road link road (part of the regional road to the east).

The area is also easily accessible from existing SH1 which (under the proposal to construct a new link road between the Motorway interchange and northern Matakana Road) would revert to the status of an urban collector road, and the proposed western collector road, and hence to the town's centre and other industrial areas.



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Plan 4: Warkworth North Indicative Outline Plan

Prepared for:
Stevenson, Clark, et al
Date: May 2012
Scale: 1:25 000

Residential:

A series of proposed new residential areas, totalling some 85ha, located alongside Matakana Road, and accessed via a limited number of intersections with that sector of Matakana Road which would revert (under the proposal to construct a new link road between the Motorway interchange and northern Matakana Road) to the status of an urban collector road.

This general residential area is also afforded good local access to the green belt and Showgrounds, and easy access to the east coast.

4.2 Transportation

A key feature of the preliminary concept plan is that it rationalises the regional and urban road hierarchy insofar as that can be achieved through the planning of Warkworth North. The concept plan proposes a logical and efficient network relationship between national road (ie Motorway), regional road (ie Matakana Road), urban collector roads (ie downgraded sectors of existing SH1 and Matakana Road, and the proposed western collector road) and lesser order urban roads.

It is considered important that the Motorway (and its interchange) and the new extension of the Western Collector to the east of SH1 to link through to Matakana Road, are able to be developed independently and in independent timeframes.

It is recognised that further detailed design of proposed new roads and road-sections is required to finalise land use boundaries, especially for the proposed new industrial area, but that will in fact merely be refinements to the concept plan as it is proposed. To these ends, **Plan 5** shows a proposed (approximate) alignment of the new link road between the Western Collector/SH1 and Matakana Road.

4.3 Planning and Development Staging

The Auckland Plan is adopted and its translation into the Unitary Plan is well underway. The Unitary Plan is tasked with defining the RUB, which is required to include future urban greenfields areas to be developed over the next 30 years.

In that context it is important that local area planning for Warkworth is advanced sufficiently so as to consider Warkworth North's inclusion within the RUB, and its identification as a future urban (industrial and/or residential) area in the Unitary Plan.

Equally important is advancing investigations on the SH1-Matakana Road link road in order that it can be included as an indicative road in the Unitary Plan.



 <p>terra nova PO Box 450 Christchurch</p>	<p>Plan 5: Indicative SH1 - Matakana Road new link road alignment</p>	<p>Prepared by: Stavros, Clark, et al</p> <p>Date: May 2012</p> <p>Scale: 1:5 000</p> 
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It is self-evident that at some near future date a revised Local Area Plan (aka Structure Plan) for Warkworth will need to be formulated. Ideally many of the infrastructure design and funding matters associated with the Motorway and interchange, new Matakana link road, Western Collector, and water servicing of urban extensions, will be resolved prior to, or in tandem with, that planning exercise.

The development staging of Warkworth North will also be determined through this future planning exercise.

It is in this context, and as part of that planning process, that the preliminary concept planning for Warkworth North has been prepared, and to also highlight the key land use and road proposals which will require discussion and investigation at an early stage.



Ref: C766-0513
29 May 2013

The Chief Executive
Auckland Council
Private Bag 92300
Auckland 1142

Attention: Penny Pirrit - Manager of Regional and Local Planning

**AUCKLAND UNITARY PLAN: NORTHERN RUB AND LINK ROAD OPTIONS;
WARKWORTH**

Dear Penny

Further to our early submission dated 27 February 2013 to the draft Unitary Plan on behalf of Stellan Trust, Goatley Holdings Ltd, and Brookland Farm, all landowners on Warkworth's north eastern town boundary, we tender a supplementary submission.

This supplementary submission responds both to the Council's proposed southern Rural Urban boundary (RUB) for Warkworth, and also to include an extended North/North East RUB proposal, which includes a number of other landholdings and extends the proposed link road to achieve an even further integrated local road network than was outlined in our earlier submission.

With the generally positive feedback that the submitters have received to publicity surrounding their first submission, other land owners in the vicinity have been in contact to express their interest in extending the north-east growth sector. In consultation with them, we have developed a wider RUB boundary that continues from that identified in our first submission to extend across to Sandspit Road and the Mahurangi River. This is illustrated on the plan in ATTACHMENT 1.

The proposed north-eastern RUB essentially follows the natural topography in the same way as the proposed northern RUB and accommodates land with a generally easy contour. Most of this land is currently used for farming or rural residential activities, but significant areas are occupied by the Warkworth Golf Club and the Rodney Cooperative Lime Quarry.

With the submitters and a number of affected landowners also in agreement, we consider that this land appears particularly suitable for staged residential development, with a sunny aspect, an elevated character (as opposed to valley), close to the Warkworth town centre's employment and shopping areas, and proximate to East coast beaches and other attractions. The proximity of this northern/north-eastern RUB area to the Warkworth town centre and other community focal points such as schools, library and commercial services is illustrated in the plan in ATTACHMENT 2, with 200m, 400m and 2 km distances from Queen Street in the town centre illustrated.

We consider that this identified northern-eastern RUB area offers a somewhat different residential environment to that identified in the draft Unitary Plan, and in that respect is complementary to it. That in itself would indicate the

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potential to release land from both areas in parallel to ensure the provision of residential land offering different amenities and values.

Along with the development of land within the proposed north RUB for both industrial/business and residential purposes over time (we understand that the quarry limestone resource would be exhausted well within the 30 year planning period) is the opportunity to complete a collector road network which links Sandspit and, Matakana Roads with both the existing and proposed future State Highway 1 alignment, as well as with the western collector which is already identified in Council's roading plans. The plans accompanying this submission identify these potential link roads through to State Highway 1.

In terms of residential capacities, we have estimated that:

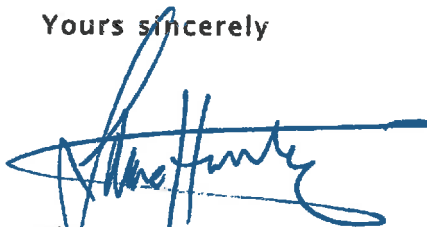
- the north-eastern RUB boundary would accommodate approximately 5,000 dwellings (12,500 people),
- in combination with the 3,500 dwellings (8,750 people) identified in the southern RUB, and
- Warkworth's existing residential population (approximately 3,500), have

a combined population capacity for Warkworth within the northern and southern RUB's in the order of 24,750 people. This is therefore directly in line with the Auckland and draft Unitary Plan's population target of 25,000 for Warkworth over a 30 year period.

Ongoing consultation with the affected landowners is occurring, but the owners of the significant landholdings have to date all been positive about the proposed north/north-eastern RUB proposals.

Representatives of the landowners and Terra Nova Planning Ltd would be pleased to meet with you to discuss or assist the Council in implementing both the northern RUB and the proposed link roads.

Yours sincerely

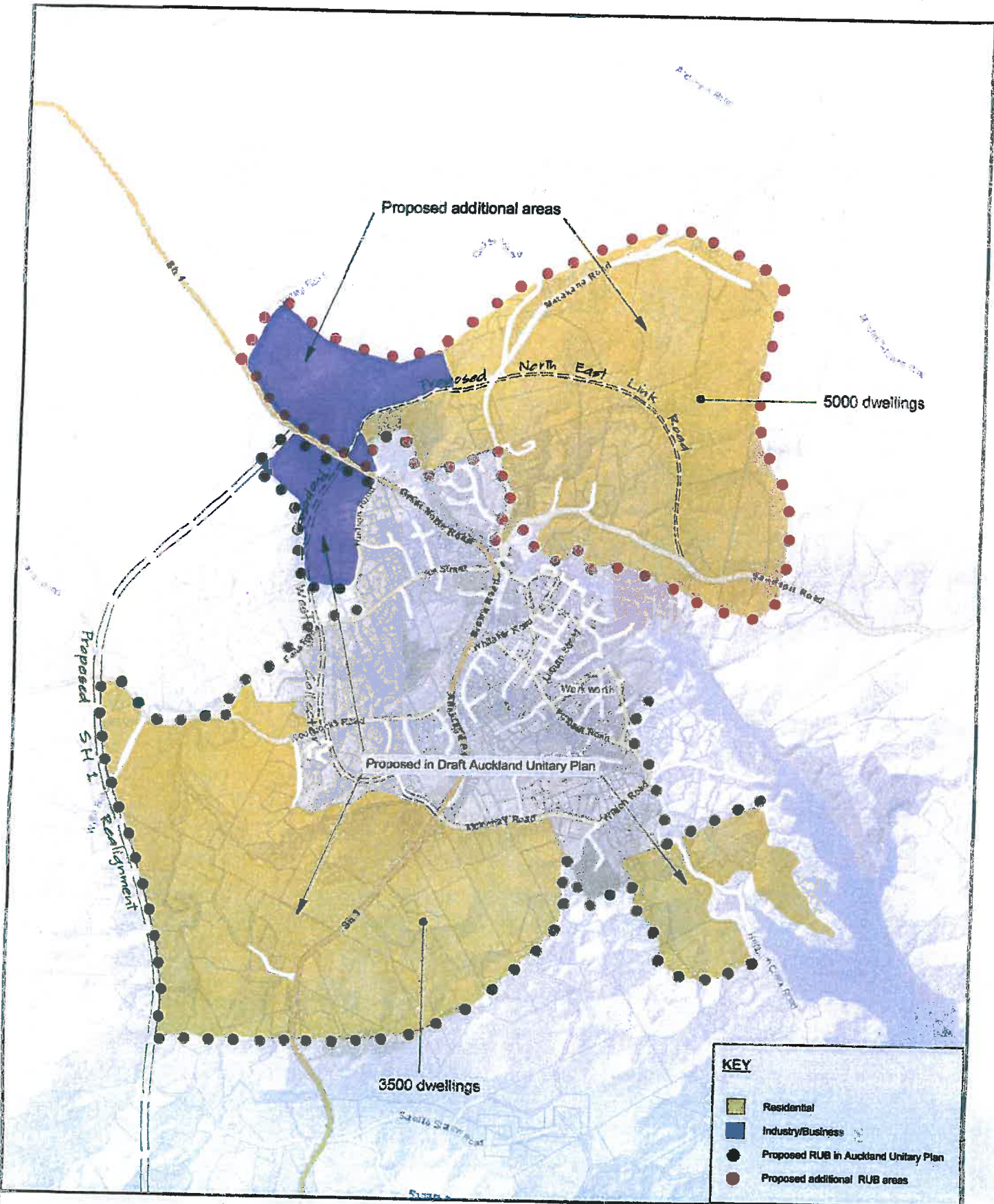


Shane Hartley
Director

#7025

Attachment 1

EXISTING AND PROPOSED WARKWORTH RUB AND LINK ROADS PLAN



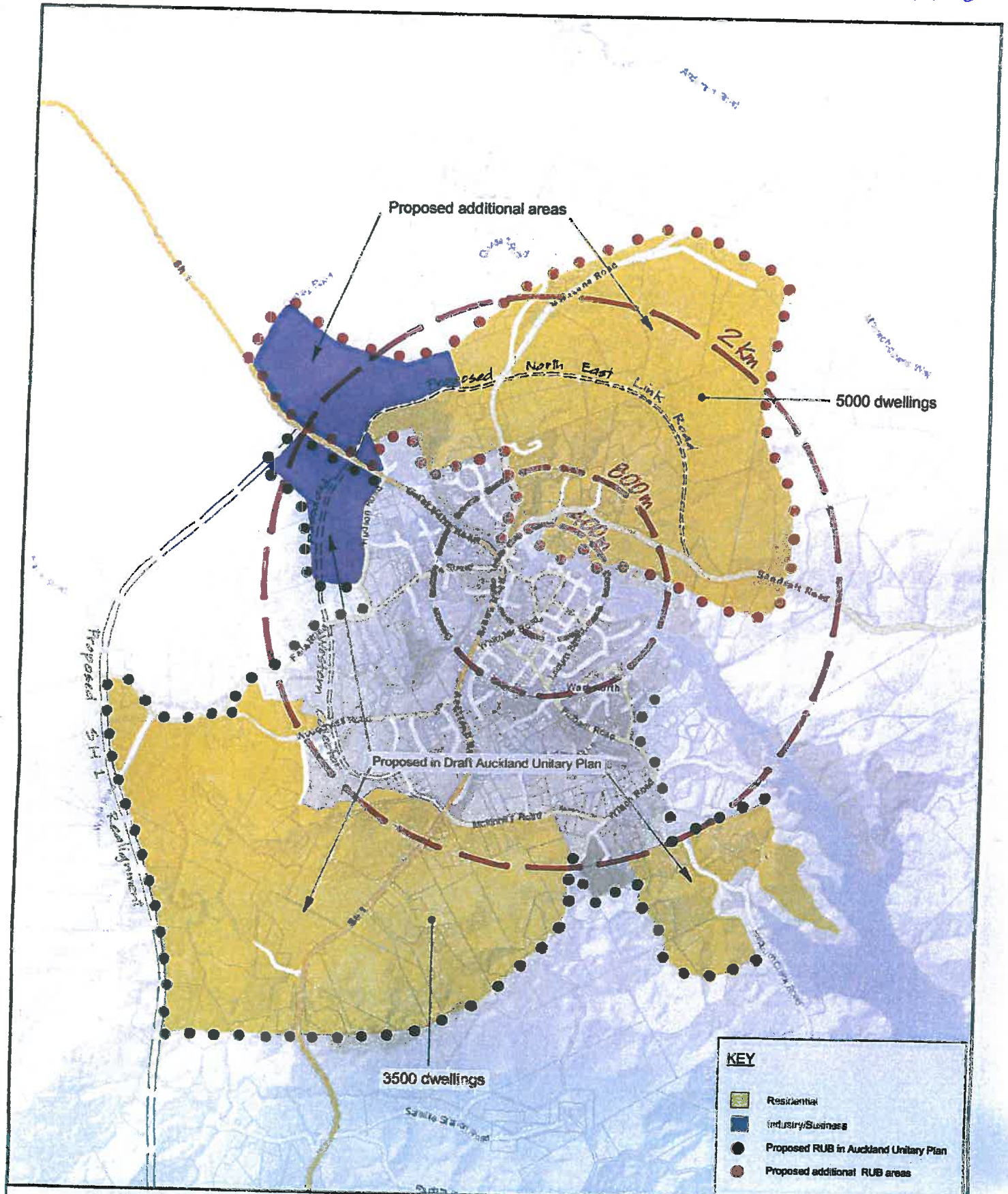
Future Growth Options and
an Indicative Rural Urban Boundary
Warkworth



Scale @ A3 1:25000

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Attachment 2
EXISTING AND PROPOSED WARKWORTH RUB WITH
DISTANCES FROM WARKWORTH TOWN CENTRE



Future Growth Options and
an Indicative Rural Urban Boundary
Warkworth



Scale @ A3 1:25000

Report : Hutchinson Consulting Engineers, 19 February 2013



Our Ref LRD16181

19 February 2013

Craig Clarke
42 Great North Road
RD1
Warkworth 0981

Dear Craig,

**RE: PROPOSED LINK ROAD
BETWEEN STATE HIGHWAY 1 AND MATAKANA ROAD, WARKWORTH**

Further to your request, this office has performed a preliminary desktop study of the proposed link 1350m long road between SH1 and Matakana Road in Warkworth.

The study utilised LiDAR information from the Auckland Council GIS database to establish existing contours and the proposed road layout from Terra Nova Planning.

The GST exclusive cost to construct this link road will be approximately \$4.2 million.

This allows for site establishment, earthworks, the construction of a sealed road 7m wide and associated stormwater drainage.

We have also allowed \$500,000 for any land acquisitions that may be required and \$400,000 for traffic lights at the SH1 intersection.

This desktop study is subject to consent approvals and final design. We have allowed \$500,000 in professional fees to cover engineering, surveying, planning, legal, Auckland Council consents and/or the like.

Should you wish to discuss any aspects of the above information, please contact this office.

We trust this meets with your approval.

Yours faithfully,
IAN HUTCHINSON CONSULTANTS LTD

Rohann da Silva
ENGINEER





Ref: C766-0313
4 March 2013

The Chief Executive
Auckland Transport
Private Bag 92250
Auckland 1142

Attention: Peter Clark: General Manager - Strategy and Planning

**PROVISION FOR URBAN GROWTH AND A STATE HIGHWAY 1 TO
MATAKANA ROAD LINK AT NORTHERN WARKWORTH**

Dear Peter

We write on behalf Stellan Trust, Goatley Holdings Ltd, and Brookland Farm, landowners on Warkworth's north eastern town boundary. All three landowners made a joint submission to the Draft Auckland Plan in October 2011, and have recently made submissions to the Auckland Council's Unitary Plan and Annual Plan in regard to providing for urban growth in northern Warkworth, and a link road over the submitters properties between State Highway 1 and Matakana Road.

The three landowners commissioned studies investigating the appropriateness of urban development adjoining Warkworth's existing northern urban boundary, and the engineering and cost viability of a new road connecting State Highway 1 and Matakana Road, thus bypassing the problematic 'Hill Street intersection' in Warkworth's town centre. While neither of these initiatives are directly dependent on the other, they have mutual benefits which are patently clear in the two studies.

The first study prepared by Terra Nova Planning Ltd is titled "Warkworth North Outline Planning Report" dated 18 May 2012 and is in **Appendix 1**. While this report was commissioned by the landowners, we note that its authors have been long involved in structure and district planning for Warkworth, including preparation of both the 1987 'Future Directions' study and the 1997 Warkworth Structure Plan, as well as being heavily involved in the 2004 Warkworth Structure Plan via submissions on behalf of a number of clients.

The second study prepared by Hutchinson Consulting Engineers dated 19 February 2013, and in **Appendix 2**, is of a proposed link road between State Highway 1 and Matakana Road, which is based on the road promoted in the submission to the Auckland Plan, and further addressed in the Warkworth North Outline Planning Report. We note that this engineering assessment is a 'desktop' analysis which will need to be verified 'on ground'; and it is also based on the stream crossing being undertaken with culverts. Should an

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alternative stream crossing methodology be preferred, then that would add a significant but still reasonable (say 25% to 100%) to the cost of construction.

We consider that the findings of both reports are self-evident on reading, but in summary, they indicate that;

- a) the extension of urban activities to the north of the existing Warkworth urban area is appropriate, generally as the preferred land uses are identified; and
- b) at a preliminary estimated cost of \$4.2 million, excluding GST, the cost of constructing an alternative link road between State Highway 1 and Matakana Road would appear to have a significant cost/benefit, and would clearly do much to assist the resolution of the long-standing traffic issues at the existing Hill Street/State Highway 1 / Matakana Road intersection.

We note that the assessed cost of undertaking the construction of a link road between State Highway 1 and Matakana Road is within the projected cost outlined in Auckland Transport's Asset Management Plan 2012-2015 (Table 7.11-1).

On the basis of the findings of both reports, representatives of the landowners, Terra Nova Planning Ltd and Hutchinson Consulting Engineers, would be pleased to meet with you to discuss or provide clarification of any issues you might have.

Yours sincerely



Shane Hartley
Director

SUBMISSION TO THE DRAFT AUCKLAND UNITARY PLAN: WARKWORTH NORTH



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PROPOSED PLAN CHANGE 40

EFFECT ON SKYWORK HELICOPTERS LIMITED

Report No 20051

Prepared for:
Skywork Helicopters Ltd

April 2020

Prepared by:
Rhys Hegley

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1. INTRODUCTION

Skywork Helicopters Limited (Skywork) was granted resource consent¹ on 1 March 2013 to establish and operate a helicopter base from their site at 38 Goatley Road, Dome Valley. Included in the consent were a number of conditions, some of which placed limits on the noise Skywork can generate.

The site, and the surrounding area, are largely farmland with the occasional rural dwelling with some commercial uses close to State Highway 1. The Skywork base and surrounding land adjacent to State Highway 1 are zoned Business – Light Industry. Proposed Plan Change 40 (PPC 40) relates to Future Urban zoned land to the south east of the Skywork base. This zoning is shown in Figure 2. The intent of PPC 40 is to rezone the majority of the land to the east of Skywork to residential to allow for the development of a residential subdivision.

In simple terms, helicopter movements, by their nature, result in noise that is not readily mitigated. As such, helipads are ideally located in areas where there is a reasonable distance from noise sensitive receivers. In this respect, the Goatley Road site is currently well suited to the activities at Skywork. The potential issue that PPC 40 would create for Skywork is one of reverse sensitivity which is, in relation to acoustic matters, "*the term used to refer to the effects of the existence of noise sensitive activities on other activities in the vicinity, particularly by leading to restraint in the carrying in of those other activities*"².

In this instance, there is the potential that the currently consented activities of Skywork could result in noise effects that are considered unreasonable by the incoming residential activity leading to curtailment of Skywork's ability to function or to develop further at some point in the future. In either case, Skywork could be considered adversely affected by the land use of PPC 40.

¹ LAN-58871

² Judge Sheppard (RMA 10/97)

This report quantifies the level of noise that Skywork is currently permitted to generate over PPC 40 and comments on both its suitability for residential amenity and potential mitigation methods.

2. NOISE EFFECTS ON PEOPLE

Skywork Helicopters Ltd has consent in place to operate flights from the established base and the site. The existing consent enables flights and associated noise effects as detailed below.

2.1. Current Skywork's Consent

Skywork's current consent found that:

"... the effects of the proposal can be avoided remedied or mitigated and will be consistent with the relevant provisions of the Auckland Plans in that: The effects of Stage 1, considering the permitted baseline and the consent conditions imposed under L40630, will be minor."

The consent goes on to provide the following conditions to ensure activities of Skywork remain consistent with the above conclusion.

25. *Helicopter operations shall not exceed an average daily noise limit of 50dBA L_{dn} and shall not exceed a night-time limit of 70dBA L_{max} (10pm-7am the following day). The assessment positions shall be at any point within the notional boundary* of any dwelling other than a dwelling on the same property on which landing area is sited, or any dwelling on which construction has not commenced at the date this consent becomes effective.*

Note: The notional boundary is defined as a line 20 metres from any side of a dwelling or the legal boundary where this is closer to the dwelling.

Condition 25 limits itself to dwellings on other properties that either existed or were under construction at the time the consent commenced. It does not apply at dwellings

constructed since operations commenced and would not, therefore, apply to the dwellings constructed as part of PPC 40.

26. *Helicopter noise shall be assessed in accordance with the provisions of NZS 6807: 1994 "Noise management and land use planning for helicopter landing areas" and measured in accordance with NZS 6801: 1999 "Acoustics – Measurement of Environmental Sound".*

Note: Use of NZS 6807: 1994 for assessment means flight operations associated with emergencies and training for emergencies are excluded from these conditions of consent.

27. *Flight operations shall be limited to no more than 60 movements (30 flights) per day.*
29. *Other than in the event of emergencies, the only flight paths tracks to be used for approach and departure to the site shall be those shown on Map 2 Flight paths ... [Figure 1 below].*

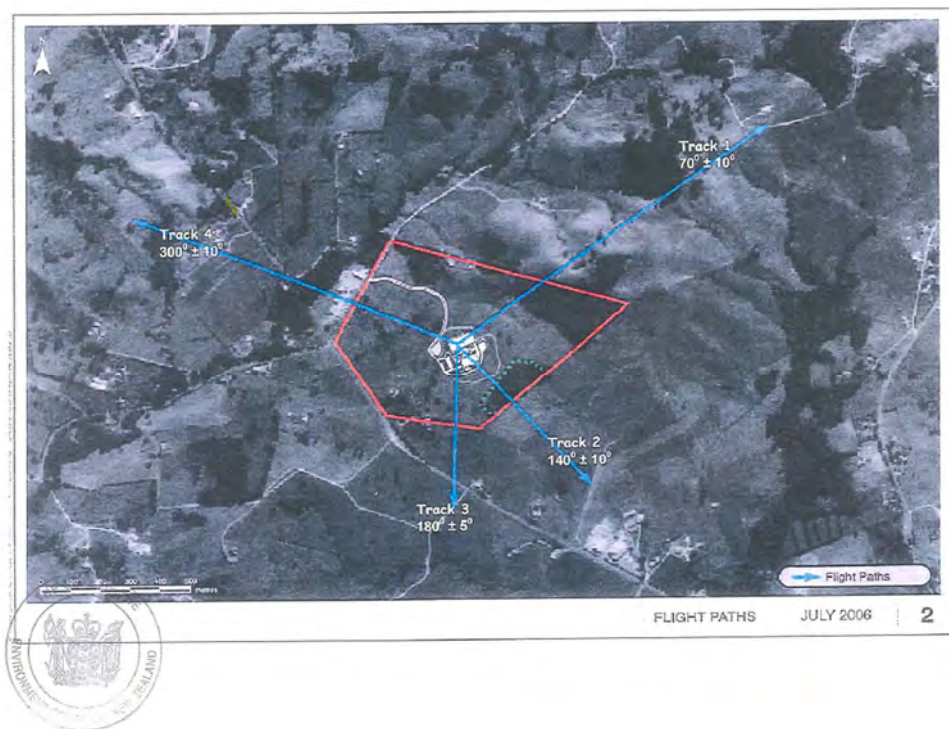


Figure 1. Flight Paths Identified by the Consent Conditions

2.2. Auckland Unitary Plan

Given that Skywork is operating under a consent with specific noise conditions, the helicopter noise rules of the Auckland Unitary Plan - Operative in Part (AUP) do not apply. They are included however, as they would form the basis for the assessment of any future changes proposed by Skywork where consent beyond those already obtained was required.

The following Figure 2 identifies the zoning of the Skywork site, PPC 40 and the surrounding area as described by the AUP.

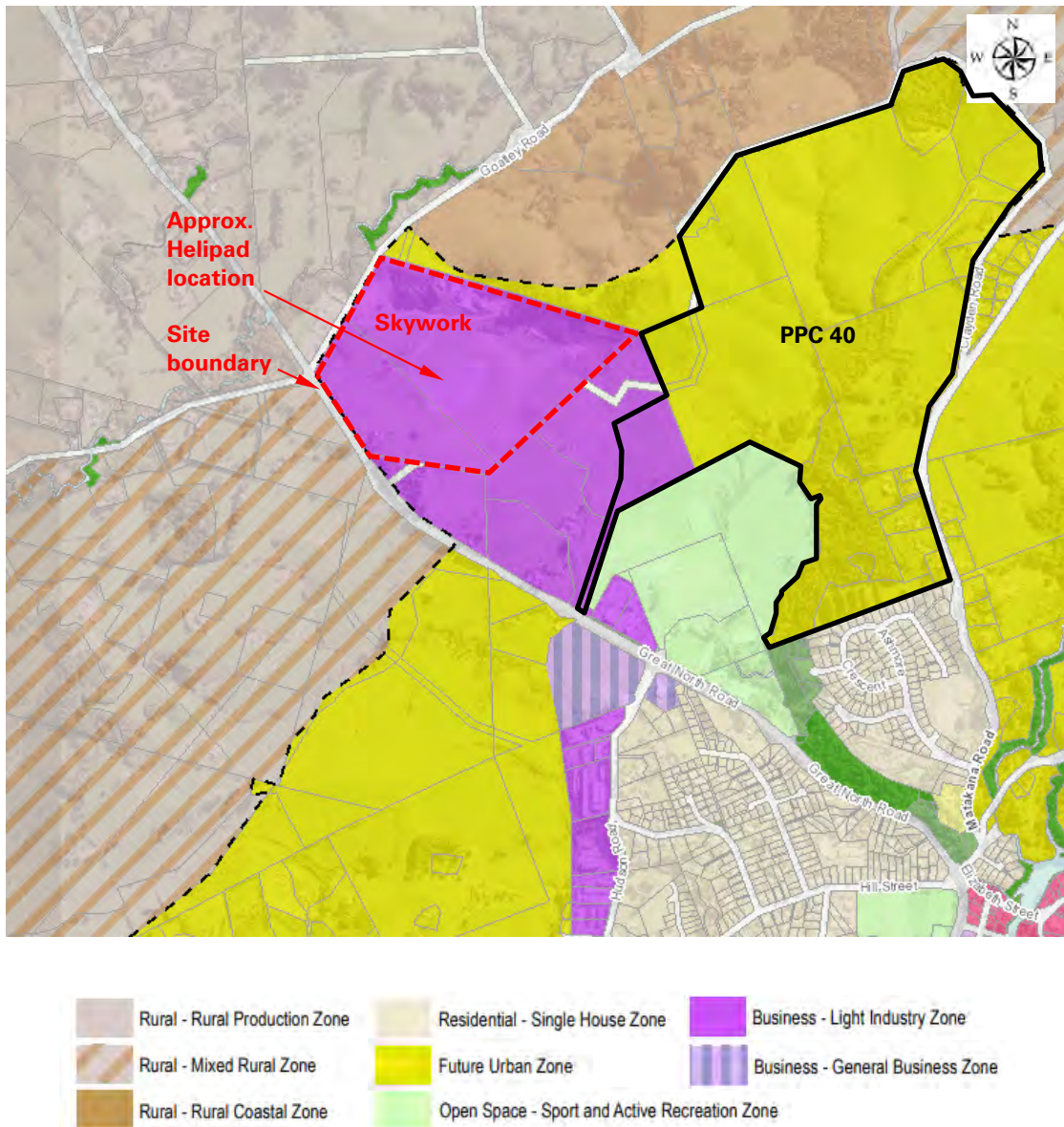


Figure 2. AUP Zoning

Rule E25.6.32 of the AUP provides the following criteria for helicopter noise:

The take-off or landing of a helicopter on any site except for emergency services must not exceed L_{dn} 50dB or 85dB L_{AFmax} measured within the boundary or the notional boundary of any adjacent site containing activities sensitive to noise and L_{dn} 60dBA within the boundary of any other site.

The AUP rule adopts the same L_{dn} 50 limit as the current consent condition and NZS 6807 (below). The L_{max} criterion differs however, in that firstly the AUP allows an increase of 15dB over the consent condition and NZS 6807 (discussed below). Secondly, while the consent condition and NZS 6807 limit the L_{max} to the night time only, the AUP applies it during both the day and night time.

2.3. NZS 6807

NZS 6807:1994 'Noise Management and Land Use Planning for Helicopter Landing Areas' (NZS 6807) is the New Zealand Standard for the measurement and assessment of helicopter noise. NZS 6807 provides criteria for helicopter noise that '*represent the minimum acceptable degree of protection for public health and the environment*³. The criteria relevant to this submission are:

Table 1. Helinoise Limits of NZS 6807

Affected Land Use	L_{dn} day-night average sound level dBA	L_{max} night-time maximum sound level dBA
Residential	50	70
Rural (at notional boundary)	50	70

NZS 6807 performs the dual role. As discussed above, it first provides limits for helicopter noise within the community. The Standard then goes on to describe the mechanism for land use planning about a helipad, as it recognises the need to balance the value that the helipad provides to a community against effects of noise on that community. To do this, NZS 6807 adopts the helinoise boundary. It describes this boundary as being defined by the 50dBA L_{dn} noise contour that would result from future

³ NZS 6807, paragraph 4.1.1

helipad operations that accounts for both growth in movements over a suggested 10 year period and includes changes in helicopter types.

Once identified, NZS 6807 states:

The helinoise boundary ... defines an area of land subject to noise from helicopters in excess of the relevant limits in table 1, and within which no new incompatible land uses are recommended unless adverse effects are mitigated There are no restrictions on helicopter noise received within the area enclosed by the helinoise boundary. Helicopter landing areas shall be managed so that the limits given in table 1 (or set in a resource consent condition or plan) are not exceeded at or outside the helinoise boundary.

The Standard then goes on:

New residential uses, schools, and hospitals shall be prohibited unless a district plan permits such uses, subject to a requirement (such as the production of an acoustic design certificate) to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment (refer table 1 ...). Alterations or additions to existing residential uses should be fitted with appropriate acoustic insulation and encouragement should be given to ensure a satisfactory internal environment throughout the rest of the building.

From the above, it can be seen that NZS 6807 offers a management/ engineering solution to integrate helipads and residential use. It can also be seen that such a solution relies on limitations being placed upon the helipad by means of the helinoise boundary. Once defined, the ultimate future of the helipad is already decided.

3. ANALYSIS METHOD

3.1. Methodology

The approach taken for the investigation into potential for reverse sensitivity effects on Skywork that may result from the development of PPC 40 has been to calculate the noise

levels over the PPC 40 area based on the level of activity permitted for Skywork through the consent conditions. The effects of the helicopter noise levels on the future residents of PPC 40 have then been assessed on the basis that any adverse effects could in turn affect the ability of Skywork to continue its current operations or any future expansions necessary for the reasonable growth and expansion of this business.

Skywork do not currently have a helinoise boundary for the Goatley Road site. Instead, the consent limits operations to the same 50dBA L_{dn} at existing dwellings that defines the helinoise boundary.

Given that PPC 40 would result in multiple dwellings over a relatively large area, it is more appropriate to consider noise contours over PPC 40 than spot levels at discrete points.

3.2. Helicopter Noise Prediction Method

The predictions of helicopter noise contained within this report were undertaken with the Integrated Noise Model (INM) v7.0d. INM is a computer model that is used for the prediction of aircraft noise based on the inputs of aircraft type, tracks, movements and receiver locations. This section identifies the information relevant to the noise model.

FLIGHT TRACKS

Figure 1 above identifies the four tracks used by Skywork. Given that only Tracks 1 and 2 pass over, or near to, PPC 40, Tracks 3 and 4 have been excluded from this analysis, as they do not pass over PPC 40 and analysis shows that movements on these tracks will result in only low level noise to PPC 40.

The track direction includes a tolerance of $\pm 10^\circ$. INM contains a feature where movements on a track are spread mathematically between the track tolerances using a normal distribution, or bell curve. The majority of the movements are concentrated on the backbone track with progressively fewer movements towards the extremities.

The Civil Aviation Authority (CAA) requires⁴ an aircraft to be at an altitude of no less than 500 feet other than when passing over a congested area, city, town, settlement or open air assembly of persons where a minimum of 1,000 feet elevation is required. Any aircraft at the appropriate altitude can pass overhead without limitation and can be there as of right. The inference of this is that such aircraft are beyond the jurisdiction of the RMA and the noise rules identified in section 2 above do not apply.

Given the sparsely populated nature of Goatley Road and its surrounds, predictions of noise from the current situation were based on aircraft tracks terminating when the aircraft passes through 500 feet. Any compliance monitoring would reflect this.

Currently, once departing aircraft reach 500 feet, they are free to turn from one of the designated tracks onto their intended path, with the reciprocal being true of approaching aircraft. Currently, Skywork aircraft reach an elevation of 500 feet well before they cross PPC 40 meaning that they are free to turn as required and can therefore pass over this land without constraint.

Should PPC 40 proceed, its effect would be to increase the height of those overhead aircraft to a minimum of 1,000 feet over the footprint of PPC 40. Skywork advise that this is achievable meaning that helicopters could still pass over PPC 40 on almost any heading (after leaving Tracks 1 or 2). The only difference would be that aircraft would be at 1,000 feet rather than the currently permitted 500 feet.

Given that this is an investigation into the effects on future residents within PPC 40, and consequently the reverse sensitivity effect on Skywork, it is undertaken on the basis that PPC 40 has been rezoned as proposed and development undertaken in accordance with that zoning. This means that in accordance with CAA regulations, the over flying aircraft would have to be at an elevation of 1,000 feet, and the modelling represents this.

If this was an application relating to the helipad, it would be appropriate to exclude all helicopter movements above 1,000 feet. However, doing so would not provide a true reflection of the noise received by the occupants which would be the catalyst for reverse sensitivity effects on Skywork. Tracks have therefore been extended well beyond PPC 40

⁴ CAA General Operating and Flight Rules, part 91.3.11

but limiting helicopters to 1,000 feet. While it is recognised that the helicopters could pass over PPC 40 above 1,000 feet, this would require a limitation on Skywork that was not enforceable under the RMA.

PROFILES

Profiles refer to the vertical path followed by the aircraft. While INM contains standard profiles, these have been modified in this instance after discussion with Skywork who advise that their current procedure is to be at 500 feet elevation by the time the aircraft crosses the site boundary.

NIGHT TIME

The current consent provides limits on night time activities, not by limiting movements but through noise limits. The first is the L_{max} limit of 70dBA that applies during the night time only. As the name suggests, this metric is simply the highest level of noise reached as the aircraft passes overhead. The L_{max} is generally recognised as providing for the protection of sleep, or its onset.

The 50dBA L_{dn} metric will also have an influence on the night time movements. The L_{dn} is the average noise level over a 24 hour period so therefore includes both day and night time movements. However, to account for the greater sensitivity at night, 1 night time movement is equivalent in noise level to 10 day time movements. The fact that night time movements contribute to the L_{dn} ten times faster than equivalent day time movements quickly limits the number of flights available, both day and night.

AIRCRAFT

Skywork currently use AS350 (Squirrel) helicopters and have no plans to upgrade these in the near future. While these machines will inevitably be replaced at some point in the future, no consideration has been given to the replacement machine at this time meaning there is no knowledge of what its noise levels might be. In this respect, there is an element of uncertainty as to the future level of noise from the proposal. While the hard limits of the consent will remain, the noise from individual movements may change with time. This also means that should Skywork upgrade to louder helicopters at some point

in the future, the daily flights may have to be reduced to maintain compliance with the 50dBA L_{dn} criterion.

4. NOISE LEVELS

4.1. Current Limitations

Consent condition 25 provides noise limits while consent condition 27 limits the total aircraft movements per day. To understand the limitations that these two conditions place on Skywork, INM was used to predict the noise level from the entire 60 daily movements permitted by condition 27 using firstly, Track 1 and secondly Track 2. In both cases the assumption has been made that the 60 movements comprise 30 departures and 30 arrivals. The two contours have been overlaid on the following Figure 3 but, rather than report each separately, an envelope of the two has been prepared.

In addition, the L_{max} contour from a movement on Track 1, which will be used for the night time movements, has also been plotted on Figure 3.

Figure 3 identifies a dwelling on State Highway 1 that is within Skywork's ownership and rented to tenants. For the purposes of this analysis, it has been assumed that this dwelling is a Skywork site and, under condition 25, is exempt from the noise rule.

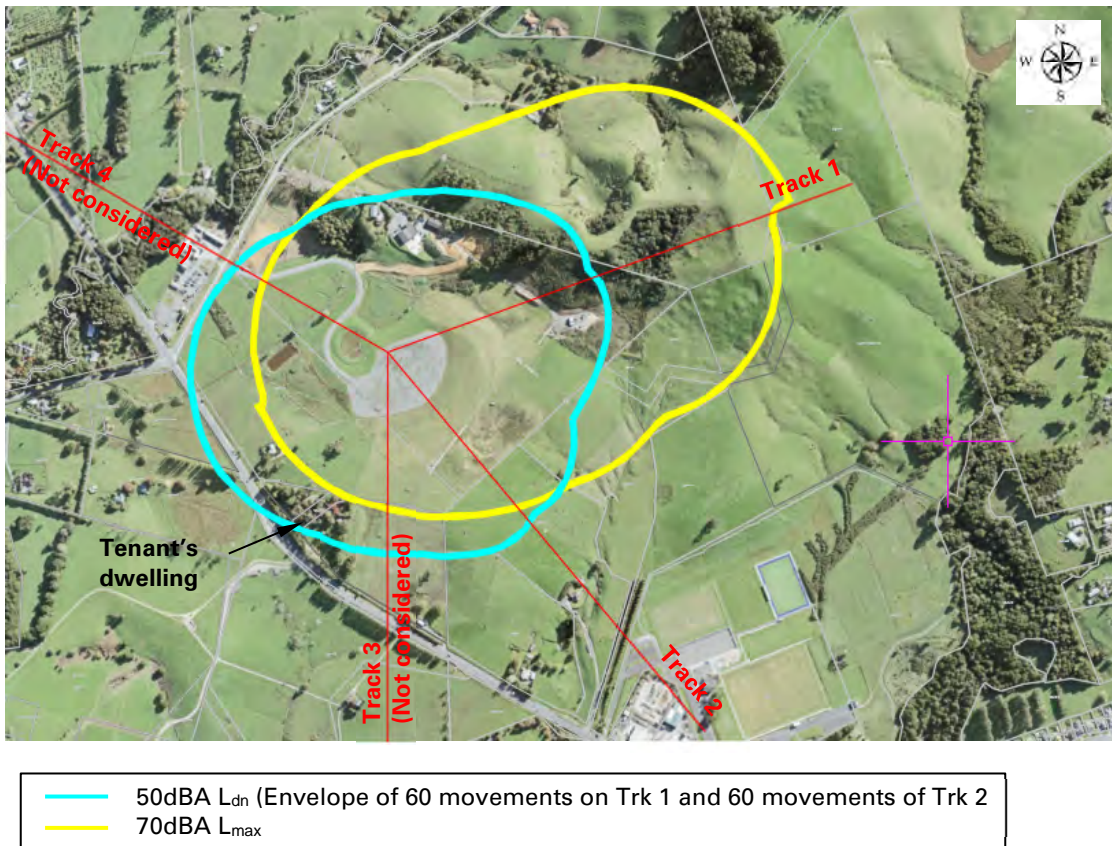


Figure 3. Noise Contours showing the Existing Limitations for Skywork

In terms of limitations posed on Skywork by the existing consent conditions, Figure 3 shows:

1. Skywork can operate all 60 permitted daily movements on Track 1 without limitations over and above those of the consent;
2. Skywork can operate all 60 permitted daily movements on Track 2 without limitations over and above those of the consent;
3. Skywork can operate night flights on Track 1.

Figure 3 also shows that when considered against the existing consent conditions, or those of the AUP or NZS 6807, there is scope for further growth by Skywork.

3.1. Helicopter Noise over PPC 40

Repeating the above analysis based on flight tracks extending out to allow helicopters to 1,000 feet elevation as they pass over PPC 40 results in the following:

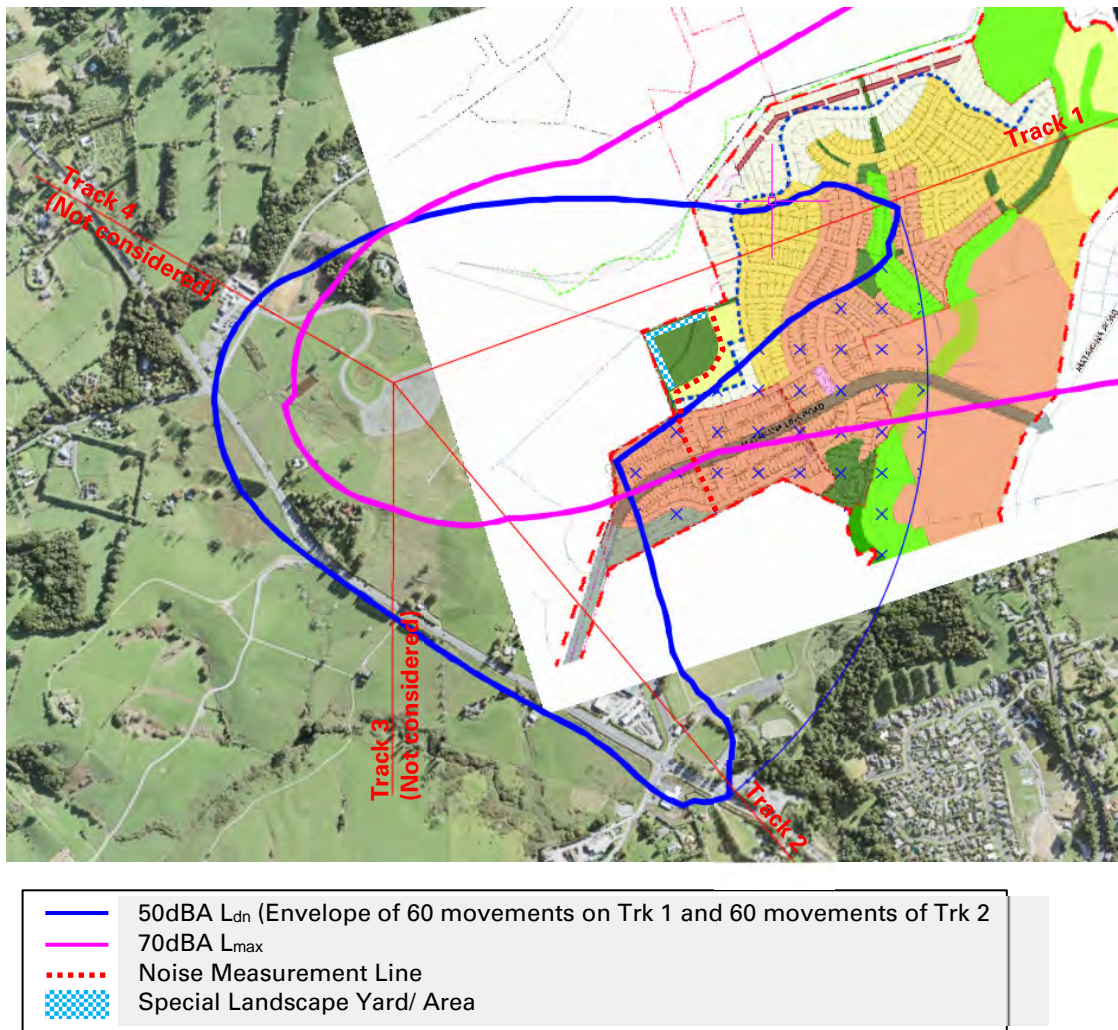


Figure 4. Noise Contours over PPC 40

Figure 4 shows that:

1. Noise from helicopters continuing on Track 1 once they arrive at the PPC 40 boundary will exceed 50dBA L_{dn} well into PPC 40;

2. Noise from helicopters continuing on Track 2 once they arrive at the PPC 40 boundary will exceed 50dBA L_{dn} over a small part of PPC 40;
3. Once the helicopters are at 1,000 feet, which will occur prior to PPC 40, they are free to turn to a course of their choosing. As such, it would be possible for the lobe of the contours to fall anywhere between those of Track 1 and Track 2. Considering all possible tracks within this range would result in an envelope of the 50dBA L_{dn} contour as described by the crossed hatching on Figure 4;
4. Noise from helicopters continuing on Track 1 once they arrive at the PPC 40 boundary will exceed 70dBA L_{max} over the majority of PPC 40; and
5. Should, having reached 1,000 feet, a single helicopter deviates from Track 1 in a southerly direction, Figure 4 shows that it would be possible to exceed the 70dBA L_{max} limit of the resource consent at any point within PPC 40.

5. ASSESSMENT OF NOISE EFFECTS

5.1. Effects on Residents of PPC 40

Figure 4 shows that the permitted level of movements to and from Skywork has the potential to result in levels of noise at 50dBA L_{dn} or above over an estimated 50% of PPC 40. While such levels are generally accepted to result in adverse effects, it is noted that these levels would only occur in situations where Skywork placed a majority of their movements on a single track that passes over PPC 40. No work has been undertaken to determine how probable this is noting that such work would be limited in its accuracy due to the inherent difficulties in predicting future use. Further, should some of those flights be night flights, they would be counted as 10 day time flights. By way of example, three night flights would account for half of the daily allowance of 60 movements.

While the effects described using the L_{dn} metric are related to the number of movements, those associated with the L_{max} metric are the result of a single flight. Figure 4 therefore shows that any flight passing over PPC 40 would result in such levels as to produce an adverse effect.

5.2. Reverse Sensitivity

Having established that the noise from helicopter movements will result in adverse effects to the residents of PPC 40, it remains to consider the potential reciprocal effects to Skywork, or reverse sensitivity.

Residents within the developed plan change would experience helicopter noise due to the proximity of Skywork and there are scenarios in which those levels could be considered unreasonable, such as all flights departing on either Tracks 1 or 2 and night flights on Track 1.

While the helicopters could be there as of right, this does nothing to address effects. This situation differs from typical helicopter over flights which, while resulting in the same level of annoyance, lack a focal point for residents' concerns. In this situation, those over flights would, rightly or wrongly, be attributable to Skywork.

In this situation, the potential reverse sensitivity effects resulting from PPC 40 would be local opposition to any future consents that Skywork may require and possible ongoing complaints to both Council and Skywork. It should be noted that such complaints may have merit, as the above analysis shows that Skywork activities could potentially result in noise levels across PPC 40 that NZS 6807 describes as exceeding the '*minimum acceptable degree of protection for public health and the environment*'

Essentially, the concern is that as the currently proposed residential activities are incompatible with the consented activities of Skywork, PPC 40 may ultimately lead to the curtailment of both Skywork's current activities and the reasonable operation of their business, including any future development.

5.3. Potential Mitigation Methods

The Tattico planning report for PPC 40 suggests three measures to address reverse sensitivity: A no-complaints covenant, a noise measurement line and a special landscape yard within the residentially zoned land within the precinct. Each is addressed in turn below.

NO-COMPLAINTS COVENANT

A no complaints covenant would not reduce, remedy or mitigate noise from helicopters and would therefore not address the reverse sensitivity issue. While it would prevent the future residents from complaining to Council about the consent activities of Skywork, it would not remove residents' ability to submit in opposition to any future Skywork's consent. In that respect, the no-complaints covenant does not offer Skywork anything that has not already been afforded them.

NOISE MEASUREMENT LINE

Paragraph 10.12(d) of the Tattico report explains the concept and purpose of the Noise Measurement Line as:

10.12(d) In terms of the noise measurement line, this will only be effective if there is a 127 variation of conditions consent to the helicopter landing facility granted. This consent would change the location of the noise measurement location for residential sites within the precinct from the nearest residential boundary to the noise measurement line shown on the precinct plan. WLC is the only affected landowner among the cooperating landowners and has given clear commitments to Goatley Holdings Limited that it will support and give its written consent to any such 127 application.

The location of the noise measurement line is shown on Figure 4 above. The purpose of this line is not apparent as, without a noise limit referenced to it, it is unclear as to how it would contribute to any future consent application by Skywork. If it is intended that the 50dBA L_{dn} limit of the AUP applies at this line, Figure 4 indicates that this would likely have a significant effect on any future Skywork's consent application as, rather than offer flexibility it would require a reduction in the currently permitted movements over PPC 40. It should be noted that Figure 4 cannot be used directly to assess the noise from Skywork over PPC 40, as it includes helicopters after they have passed through 1,000 feet, and should therefore be excluded from the analysis. However, Figure 4 provides a strong indication that the 50dBA L_{dn} contour from the currently permitted movements would extend well past the Noise Measurement Line.

In this respect, the Noise Measurement Line could be considered as laying the foundation for any future reverse sensitivity effects on Skywork, as it forms the beginning of a rule to limit operations at Skywork in the vicinity of PPC 40 where no rule currently exists.

A future limitation of the Noise Measurement Line is that it starts and stops mid-height within PPC 40 and therefore provides no information as to where the measurement point is above and below it, or even if there is a measurement point for helicopter noise in these locations.

A final issue with this approach is that by definition the dwellings within PPC 40 that are to the west of the Noise Measurement Line would receive levels of helicopter noise that were above the yet to be determined limit. If this limit were to be set at an approximate level for residential amenity, the inference would be that those western residents would be exposed to levels that are unreasonable. Given that PPC 40 is essentially a greenfield application, it is difficult to justify such an approach. Lowering the limit at the Noise Measurement Line to protect the western residences makes the line redundant, as it offers nothing more than the approach adopted by the current conditions, the AUP or NZS 6807, other than complications.

SPECIAL LANDSCAPE YARD/ AREA

The Special Landscape Yard is identified on Figure 4. While its size is not defined, it appears too small to be of significance.

FAÇADE MITIGATION

Façade mitigation is not addressed by the Tattico report but is a practical and well recognised method of mitigating the adverse effects of helicopter noise. However, even this technique is limited in its efficacy as it does not address noise levels to the outdoor amenity area and only reduces internal levels of helicopter noise, rather than eliminating it. As such, façade mitigation can be considered to reduce, but not remove, the reverse sensitivity issue.

Façade mitigation could be implemented to the future dwellings of PPC 40 to ensure that reasonable internal levels of helicopter noise were maintained. While a detailed investigation has not been undertaken, preliminary analysis shows that reasonable

internal levels could be achieved simply by closing the windows of the future dwellings. For this to be a viable option, alternative ventilation, such as provided by mechanical plant, would be required to ensure the ventilation requirements of the Building Code were achieved at the same time the windows were closed.

In terms of the extent of this closed window requirement, Figure 4 and the subsequent discussion, shows that levels of 70dBA L_{max} or greater can be expected over PPC 40 in its entirety meaning the closed window requirement should do the same.

6. CONCLUSIONS

Analysis shows that the noise resulting from the consented operation of Skywork will result in levels of helicopter noise over the area covered by PPC 40 that are considered too high to be appropriate for residential amenity. As such, occupants in the subdivision PPC 40 seeks to enable would potentially have legitimate concerns over helicopter noise from the consented activities of Skywork, leading to reverse sensitivity.

For reverse sensitivity to occur, there must be an effect on Skywork. In this instance, the potential effects would be the curtailment of existing activities due to community pressure and/ or opposition to any future consents that Skywork may require to support reasonable growth.

It is noted that the applicant has proposed three measures to mitigate the potential reverse sensitivity issues, but none are considered to achieve that goal. Façade mitigation for the entire development would go some way to mitigate the current levels of helicopter noise. However, the façade mitigation itself would essentially result in a limit on Skywork as, once agreed, external levels of helicopter noise could not be further increased as the corresponding increase in internal levels would presumably no longer comply with the agreed internal limit.

Essentially, for the noise sensitive residential activity envisaged by PPC 40 to coexist with Skywork Helicopters Ltd would require an engineering solution (such as façade mitigation) to enable the proposed planning solution. By its nature, an engineering

solution requires noise limits for both source and receiver, and it is these limits on the source that are termed reverse sensitivity.

**SUBMISSION BY WARKWORTH LAND COMPANY ON PROPOSED PLAN
CHANGE (PRIVATE) 40: CLAYDEN ROAD.**

To: Auckland Council

Submission to: Proposed Plan Change 40: Clayden Road

From: Warkworth Land Company

1. Introduction

1.1 Proposed Plan Change 40: Clayden Road was lodged by the Warkworth Land Company (WLC) in February 2020. Since this time, WLC have had discussions with Healthy Waters who have suggested that the stormwater provisions of the plan change could be improved by including a new policy and assessment criteria which better promote management of stormwater effects.

This submission relates to the stormwater provisions. In particular, it adds an additional policy, matter of discretion and assessment criterion into the private plan change.

2.0 Specific Parts of the Plan Change that this submission relates to:

2.1 This submission relates to stormwater management provisions of the plan change, specifically the policies and assessment criteria. The specific amendments sought are set out below:

(a) Section IXXX.3 Policies is amended to include a new policy which states as follows:

(12) “Manage the effects of stormwater runoff through a series of controls and measures which assist in retaining high water quality and minimising or mitigating sedimentation and erosion”

(b) Section IXXX.7.1(1) Matters of Discretion is amended by adding the following matter:

(f) Stormwater Management

(c) Section IXXX.7.2(1)(a) Assessment criteria is amended to add the following criterion:

(xvii) “the cumulative effect of the approach to stormwater management is in accordance with an approved SMP and achieves a “treatment train” process which mitigates urban stormwater quality issues and controls runoff.”

3.0 Reasons for my views:

3.1 The reasons for the proposed amendments to the stormwater provisions are set out below:

(a) That the Auckland Wide provisions relating to E1, E8 and E10 water quality and integrated management, stormwater diversion and discharge and stormwater management areas all apply in full;

(b) The plan already includes standards for managing high contaminant yielding materials and has assessment criteria relating to erosion and sediment control;

(c) The inclusion of a policy relating to stormwater management specifically in the Warkworth: Clayden Road Precinct would better deliver the general objectives of the Unitary Plan in relation to this specific location;

- (d) The introduction of the assessment criteria managing the cumulative effects of stormwater will better achieve the specific policies within the Warkworth: Clayden Road Precinct and the other objectives and policies in the Unitary Plan.
- (e) Collectively, the existing provisions of the plan and the proposed amendments will ensure that there is a “cascade” of stormwater management provisions which are effective and efficient.

4.0 Recommendations sought:

4.1	This submission seeks the following amendments to private plan change 40:	11.1
	(a) Section IXXX.3 Policies is amended to include a new policy which states as follows:	
	(12) “Manage the effects of stormwater runoff through a series of controls and measures which assist in retaining high water quality and minimising or mitigating sedimentation and erosion”	11.2
	(b) Section IXXX.7.1(1) Matters of Discretion is amended by adding the following matter:	
	(f) Stormwater Management	11.3
	(c) Section IXXX.7.2(1)(a) Assessment criteria is amended to add the following criterion:	
	(xvii) “the cumulative effect of the approach to stormwater management is in accordance with an approved SMP and achieves a “treatment train” process which mitigates urban stormwater quality issues and controls runoff.”	11.4
	(d) Any other consequential changes to the Plan Change provisions	11.5

5.0 Appearance at the Hearing:

5.1 Warkworth Land Company wishes to be heard in support of this submission.

6.0 Submitter/Address for service details:

Name: John Duthie
Director: Tattico Limited

Signature: 

Date: 31 March 2020

Address for Service: PO Box 91562,
Victoria Street,
Auckland 1142,
New Zealand

Telephone: 0274924387

Email: john.duthie@tattico.co.nz

FORM 5

Submission on publicly notified proposal for policy statement or plan, change or variation under Clause 6 of Schedule 1, Resource Management Act 1991

To: Auckland Council

Name of submitter: Ministry of Education ('the Ministry')

Address for service: C/- Beca Ltd
21 Pitt Street
Auckland 1010

Attention: Jess Rose

Phone: (09) 308 4565

Email: jess.rose@beca.com

This is a submission on the Proposed Plan Change 40 (Private) Warkworth — Clayden Road to the Auckland Unitary Plan ('the Proposed Plan Change').

Background:

The Ministry of Education is the Government's lead advisor on the New Zealand education system, shaping direction for education agencies and providers and contributing to the Government's goals for education. The Ministry has responsibility for all education property owned by the Crown. This involves managing the existing property portfolio, upgrading and improving the portfolio and purchasing and constructing new property to meet increased demand. The Ministry is therefore a key stakeholder in terms of activities that may impact on educational facilities and assets in the Auckland region.

The Ministry of Education's submission is:

The private plan change is seeking to rezone approximately 102ha of Future Urban and Light Industry zoned land north of the Warkworth township.

The Ministry of Education has a National Education Growth Plan (NEGP) to 2030 which provides a co-ordinated approach to school-aged growth across New Zealand. The NEGP identifies the anticipated locations and patterns of growth in school-aged children between now and 2030 and identifies the key considerations for the Government to meet this growth.

The Mahurangi Rodney area (which includes Warkworth) is categorised as a complex growth area under the NEGP. Complex growth areas are areas with continued population growth despite limited room for expansion outwards. Local planning efforts are focused on redevelopment activities, intensification, or urban renewal to increase capacity or in response to other social and economic drivers.

The Ministry supports the proposed development in Warkworth in so far as it will provide much needed housing for the wider Auckland Region. This will, however, require additional capacity in the local school

network to cater for this growth as the area develops. Being a complex area, there is limited space for new school sites or expansion of existing school sites to meet this growth. The sum of forecasted school roll growth in the catchment by 2030 is 1,797 students. The Ministry of Education are currently in the process of evaluating options for sites in Warkworth to identify possibilities for future primary schooling. There is a potential need for two new primary schools in the Warkworth area, with the first school expected to be required around 2024.

Given the level of increase in housing provision in Warkworth as a result of this private plan change, the Ministry requests regular engagement with Auckland Council and the developers to keep up to date with the housing typologies being proposed, staging and timing of this development so that the potential impact of the development on the school network can be planned for.

12.2

The Ministry also supports the development of walking and cycling connections to enable safe access to all forms of housing and social infrastructure provided to communities through this development.

12.3

The key Ministry contact person for this development area is Michelle Hewitt. Contact details for Michelle are:

Michelle Hewitt
Programme Manager | Sector Enablement and Support
Phone: +6496382841
Michelle.Hewitt@education.govt.nz

Should you wish to discuss any aspect of this submission, please do not hesitate to contact the undersigned as the consultant to the Ministry.

The Ministry of Education wishes to be heard in support of its submission.



Jess Rose
Planner – Beca Ltd

(Consultant to the Ministry of Education)

Date: 2 April 2020

