

24 August 2021

The Planning Collective  
PO Box 591  
Warkworth 0941

Attention: Burnette O'Connor

**Issued via email: [burnette@thepec.co.nz](mailto:burnette@thepec.co.nz)**

Dear Burnette,

**RE: Clause 23 further information request – 751 and 787 Kaipara Coast Highway, Kaukapakapa private plan change request**

Further to your private plan change request under clause 21 of Schedule 1 of the Resource Management Act 1991 (**RMA**) in relation to 751 and 787 Kaipara Coast Highway, the council has now completed an assessment of the information supplied.

Pursuant to clause 23 of Schedule 1 of the RMA, as set out in Attachment 1 to this letter, the council requires further information to continue processing the private plan change request.

The table in Attachment 1 of this letter sets out the nature of the further information required and reasons for its request. Please note that there are also some advisory notes which do not form part of the clause 23 request.

Should you wish to discuss this matter to clarify points in this letter please do not hesitate to contact me.

Kind regards,



Jo Hart  
Senior Policy Planner  
Plans & Places Department  
021 948 783

Attachments:

Attachment 1 – Further information requested under clause 23 of Schedule 1 of the Resource Management Act 1991

## Appendix 1:

### Further information requested under Clause 23 First Schedule of the Resource Management Act 1991

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<b>Planning, statutory and general matters – Jo Hart, Plans &amp; Places</b>			
P1	Iwi consultation	Please provide an explanation for the statements made in the section 32 report in regard to 'cultural values' when iwi views, have not been sought on the private plan change request prior to lodgement.	<p><i>Section 9.4 Cultural Values of the section 32 report states that 'the proposed Plan Change will have a negligible effect on the mana whenua values of the Kaukapakapa River and Kaipara Harbour Coastal Area' and that 'the Plan Change proposal will not give rise to adverse effects on the cultural values of the Plan Change area and surrounding locality'.</i></p> <p><i>Regional Policy Statement B6 Mana Whenua Policy B6.5.2.7 requires that all plan changes provide a Maori cultural assessment.</i></p> <p><i>The section 32 report does identify the nine iwi which have an interest in the area. Section 8.3 Mana Whenua states 'we anticipate mana whenua groups will be consulted by the Auckland Council through the Plan Change process'. However, as this is a</i></p>

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			<p><i>private plan change request, this will be through the notification process, rather than through consultation, where any submitters, including the iwi identified in the section 32 report, will have 20 working days in which to lodge a submission.</i></p> <p><i>It is normal practice at a pre-application meeting, if it is not clear that the requester intends to undertake iwi consultation, to provide advice that the private plan change requester undertake consultation or provide a copy of the private plan change request to the relevant iwi for their views. No pre-lodgement meeting for this private plan change request was sought.</i></p> <p><i>Mana Whenua consultation in regard to freshwater/stormwater is also a specific outcome of the Auckland Region-wide Network Discharge Consent (NDC).</i></p> <p><i><u>Note:</u> It is agreed that there are no known identified sites of significance shown on the AUP GIS viewer layers in the private plan change request area.</i></p>
P2	National Policy Statement on Urban Development 2020	<p>Please provide an assessment which considers the following:</p> <ul style="list-style-type: none"> <li>• definition of 'urban environment' and whether it applies in the context of the private plan change request</li> <li>• NPS:UD Policy 1 (c), (e), and (f) in relation to 'well-functioning urban environment' in the context of the private plan change request.</li> </ul>	<p><i>The section 32 report states that the private plan change request is appropriate, and consistent with, the National Policy Statement on Urban Development 2020 objectives and policies.</i></p> <p><i>The definition of 'urban environment' in the NPS:UD 'means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:</i></p> <p style="padding-left: 40px;"><i>(a) is, or is intended to be, predominantly urban in character; and</i></p> <p style="padding-left: 40px;"><i>(b) is, or is intended to be, part of a housing and labour market of at least 10,000 people'.</i></p> <p><i>The proposed Residential – Rural and Coastal Settlement Zone applies to 'rural and coastal settlements in a variety of environments'. The objectives, policies and standards of the Residential – Rural and Coastal Settlement Zone seek to limit 'lot sizes and/or</i></p>

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			<p><i>development to avoid, remedy or mitigate existing or potential adverse effects on water and land and to maintain rural and coastal character’.</i></p> <p><i>Map 16 (Future Urban) of the Auckland Plan 2050 identifies, amongst other matters, areas of existing areas of urban land as well as future urban areas. While Helensville to the south, has both existing urban areas and future urban areas identified, Kaukapakapa is identified as ‘rural’.</i></p> <p><i>Map 18 Rural also identifies Kaukapakapa as being a ‘rural settlement’ surrounded by ‘countryside living’ and ‘rural production’. The Auckland Plan does state that some growth is anticipated in smaller towns and villages outside of the two identified rural nodes of Warkworth and Pukekohe.</i></p>
<b>Traffic matters – Traffic Planning Consultants Limited and Auckland Transport</b> Review of Integrated Traffic Assessment (Stantec)			
T1	Potential transport outcomes of rezoning	Please confirm that the private plan change request is being sought to enable the development of residential ‘lifestyle’ dwellings rather than the wider scope of activities which are provided for in the proposed rezoning of the sites to Residential – Rural and Coastal Settlement Zone.	<p><i>Table H2.4.1 of the Auckland Unitary Plan outlines a number of activities which are permitted, discretionary or restricted discretionary within the Residential – Rural and Coastal Settlement Zone, which are not considered within the ITA.</i></p> <p><i>The ITA should include a range of potential land-use scenarios, and their effects upon traffic patterns and generation if the anticipated land use includes additional activities provided for under the Residential – Rural and Coastal Settlement Zone. This would be required to understand the potential long-term transport effects which could result from the rezoning, in the context of the longer-term growth of Kaukapakapa.</i></p>
T2	Scope of assessment to	Please provide reasoning for not including the subdivision and development that	<i>While it is acknowledged in the Section 32 that there is ‘no intention to further develop the property at 751 Kaipara Coast Highway’, the assessment of traffic effects should</i>

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	support private plan change request	could also occur on 751 Kaipara Coast Highway, Kaukapakapa.	<p><i>take into account the subdivision and development that could occur on 751, not just the 16 sites proposed for 757.</i></p> <p><i>This is required to gain a holistic picture of the cumulative transport effects of the potential development that could occur under the proposed rezoning of both of the sites to Residential – Rural and Coastal Settlement Zone.</i></p>
T3	Section 2.1.2 Existing Road Network	General comment	<i>First paragraph – description should include that the site also has a road frontage with Awatiro Drive – not just SH16 and Kaipara Coast Highway.</i>
T4	Section 2.1.3.2 Public Transport	<p>Please provide more information about the standard of the public transport service including:</p> <ul style="list-style-type: none"> <li>• frequency</li> <li>• travel times</li> <li>• standard of the bus stops and pedestrian access between the proposed sites and the bus stops.</li> </ul>	<p><i>There is insufficient information in terms of access to, and quality of, the local bus stop. There is a lack of pedestrian paths on the state highway to the bus stop. The east bound bus stop lack any amenities e.g. shelter or seating. There is not a nearby westbound bus stop.</i></p>
T5	Section 7.1 Auckland Plan 2050	Please provide reasoning on how the focus areas for Auckland relates to the proposed plan change request.	<p><i>While the ITA sets out the focus areas for Auckland, there is no discussion on how the proposed private plan change is consistent with these.</i></p> <p><i><u>Note:</u> The reference to ‘the new draft Auckland Plan’ needs updating – the plan was updated in 2018 and is no longer the ‘new draft’</i></p>

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T6	Section 4.2 Pedestrian and cyclists	Please provide additional assessment in relation to future pedestrian infrastructure which may be required in conjunction with the subdivision and development enabled by the plan change.	<i>The ITA should consider whether a footpath should be provided on the western side of MacLennan Farm Lane along with an extension of the footpath on the eastern side of this road to serve the bus stop on Kaipara Coast Highway.</i>
T7	Section 7.2 GPS on Land Transport Funding	Please provide an explanation on how the GPS relates to the proposed plan change request	<i>While the ITA sets out the priorities, there is no discussion on how the proposed private plan change is consistent with this plan.</i>  <i>This section also needs to be updated to reflect the current GPS on land transport 2021/2022-2030/2031.</i>
T8	Section 7.3 Auckland Regional Land Transport Plan	Please provide an explanation on how this RLTP relates the proposed plan change request	<i>While the ITA summarises what the RLTP is, there is no discussion on how the proposed private plan change request is consistent with this plan.</i>  <i>This section also needs to be updated to reflect the current RLTP 2021-2031</i>
T9	Section 7.4 Auckland Regional Public Transport Plan	Please explain how this plan relates to the proposed plan change request	<i>While the ITA summarises what the RPTP is, there is no discussion on how the proposed private plan change request is consistent with this plan.</i>
T10	Section 7.5 Auckland Unitary Plan	Please provide an assessment against B3.3.1 (Transport objectives)	<i>The ITA refers to the objectives of E27.2. However, this does not encompass the regional policy statement objectives of B3.3.1.</i>

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T11	Section 7.6	Please provide the analysis of the key policies and plans for Auckland (paragraph 1) that shows how it was concluded that the private plan change request is consistent with the various plans included in the ITA.	<p><i>The ITA has not shown how the proposed private plan change requests fits in with the key policies and plans outlined in the ITA. It is not clear how the plan change will provide for better integration into the wider transport network.</i></p> <p><i>Six paragraph – Kaukapakapa is considered to be a rural settlement in the context of the AUP and the Auckland Plan, so this proposal should not be described as development adjacent to an existing town centre. The ITA has not established that from a transport perspective, the plan change assists in meeting the AUP objectives for a quality compact form.</i></p> <p><i>Final paragraph – the ITA has not established ‘the above assessments show that the PPC is generally in alignment with the overarching themes and strategic priorities of the transport plans and policies discussed above’.</i></p> <p><i><u>Note:</u> It is considered that the comment about the shortage of residential land in the area (paragraph 2) is outside the scope of an ITA. Similarly, the fourth paragraph about retaining a rural built character.</i></p>
T12	Waste collection and other servicing	Please provide confirmation that the Jointly Owned Access Lots (if to be utilised by waste collection and other service vehicles) will be fit for purpose.	<p><i>While the ITA states that future parking and loading provisions for the new development will be in accordance with the AUP provisions, there is no information provided in relation to waste collection arrangements.</i></p> <p><i>Will waste collection be undertaken by public or private means? Will waste collection vehicles require access within one or both JOALs? If this is the case, will the JOALs be fit to accommodate appropriate sizes of vehicles and manoeuvring arrangements, with regards to gradients and the no exit configuration of the JOAL serving lots 1, 2, 3, and 5?</i></p>

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			<i>Note: It is accepted that the technical level details, such as vehicle tracking and compliance with the AUP Transport Chapter requirements would be expected to be provided at a later stage.</i>
<b>Contaminated land – Ruben Naidoo, Contamination, Air and Noise, Auckland Council</b>			
CL1	Preliminary Site Investigation	Please provide the previous PSI report (4Sight, September 2016) for review.	<i>The PSI executive summary states that the additional PSI provided for the private plan change request 'should be read in conjunction with PSI completed by 4Sight in 2016'.</i>
CL2	General comments (not clause 23 matters)	<ol style="list-style-type: none"> <li>1. If any future subdivision, change of land use or soil disturbance is proposed at 751 Kaipara Coast Highway, further consideration to the NESCS and the AUP:OP will be required to support consenting requirements, and</li> <li>2. The location of the concentration of lead exceedance in a single sample collected from the truck stop area at 787 Kaipara Coast Hwy, needs to be identified in the future subdivision and earthworks on the site.</li> </ol>	
<b>Stormwater and flooding matters – Healthy Waters</b>			
HW1	Stormwater and region-wide network discharge consent.	<p>Please provide clarification in regard to the proposed extension of the stormwater network (installed and vested as part of Stage 1 and connects with the Auckland Council 450DN pipeline) to provide stormwater connections to Lots 7-15 given the NDC is likely to apply.</p> <p>Further information is requested:</p> <ul style="list-style-type: none"> <li>• On the capacity of the table drain and potential impacts on private driveway</li> </ul>	<p><i>The section 32 report, on page 34, states that Healthy Waters have been consulted as to whether the NDC applies to the rezoning sought and the subsequent residential development of the plan change area. As noted in the section 32 report, the result of correspondence with Healthy Waters was that as the plan change area does not have the ability to connect to an Auckland Council reticulated stormwater network, the plan change request will not trigger consideration of the proposal against the NDC. Discharge of stormwater will be assessed in accordance with the provisions set out in Chapter E8 of the AUP(OP).</i></p> <p><i>However, Section 4.0 Stormwater of Appendix 8 – Engineering Design Report (Aspire, 5 July 2021) states:</i></p>



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		<p>crossings on the Kaipara Coast Highway.</p> <ul style="list-style-type: none"> <li>Potential water quality effects on downstream receiving environments</li> </ul>	<p><i>'The site currently discharges stormwater via an existing 450mm dia public stormwater pipe in the southern corner of the site and to existing roadside swales. It is <u>proposed to extend the stormwater network (which was installed and vested as part of stage 1) to provide stormwater connections to Lots 7-15. Lots 1-6 &amp; 16 and the JOAL's will discharge to the existing roadside swales</u>'.</i></p> <p><i>Given the 450mm diameter pipeline discharges to the existing table drain along the Kaipara Coast Highway, further information is required to assess the capacity of the table drain and the potential impact on the private driveway crossings on Kaipara Coast Highway.</i></p> <p><i>A Stormwater Management Plan (SMP) is required for this site under the region wide NDC for greenfield development. Whilst the SMP will be required during the later subdivision/resource consent stage, further certainty is required that the effects of the land use change can be mitigated at the plan change stage. Subsequently further assessment is requested on:</i></p> <ul style="list-style-type: none"> <li><i>Water quality effects</i></li> <li><i>10% and 1% flow/flood management and how the development will impact on the table drain and private driveway access</i></li> </ul> <p><i>Further confirmation on the proposed infrastructure to be vested with Auckland Council.</i></p>