

Auckland Unitary Plan Operative in part

Plan Change 61 (Private):

Waipupuke

Operative 16 December 2022

Enclosed:

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Public Notice

Auckland Unitary Plan

Plan Change to become operative

**Resource Management Act 1991
(the Act)**

**Plan Change 61 (Private):
Waipupuke**

At its meeting on 8 December 2022 the council resolved to approve the above plan change to the Auckland Unitary Plan following the completion of the statutory processes.

The operative date is 16 December 2022.

The updated district plan and background information may be viewed at the following www.aucklandcouncil.govt.nz/planchanges

Dated 9 December 2022.

**Find out more: phone 09 301 0101
or visit aucklandcouncil.govt.nz**

Seal page

**Auckland Unitary Plan
Plan Change 61 (Private): Waipupuke**

THE COMMON SEAL of the AUCKLAND COUNCIL was hereby affixed under the
authority of council :





Mayor / Deputy Mayor / Chief Executive / Chief Officer
(Acting)



Deputy Mayor / Chief Executive / Chief Officer / General Counsel

This plan change became operative in full on 16 December 2022

Operative version

I447 Waipupuke

I447.1 Precinct description

**WAIPUPEKE
PEOPLE - NATURE - LIFE
TANGATA - TAIAO - MAURI**

Waipupuke – where the streams meet, is the name given to the Precinct by mana whenua. In conjunction with the name, a tohu symbol (logo) has been developed for Waipupuke to represent its spiritual significance. The Waipupuke symbol represents a connection between the tributaries of the Oira and the Ngakaroa streams. Both streams feed into the Drury Creek and then into the Pahurehure Inlet which feeds into the Manukau Harbour. Therefore, what happens on Waipupuke affects the hauora (health) of the Manukau and therefore the health of the people.

The centre of the site can also be interpreted as the ‘pupuke’ (to swell up). This is the part of the site where flooding historically occurred (‘swelled up’). Water, which is symbolised in the 3 branching kowhai patterns, sustained our tupuna (ancestors), fed our streams, and provided an abundance of mahinga kai (food) for harvesting. The mauri (life force) of the water in those days was strong and tikanga (customs, practices and ritual) ensured this continued. A key objective for this development is to revitalise the mauri in the waterways and to regenerate (as the mauri upholds creation) the land, through binding physical and spiritual elements of all things together. It was also the mode of transport via waka for trade to navigate through a cultural landscape where the waterways were like the modern roading networks.

In a modern context, the tohu symbol also represents a sustainable 3 waters strategy, while seeking to achieve better outcomes than the minimum standards, and best practice for water supply, wastewater and stormwater management.

The Waipupuke Precinct comprises approximately 56 hectares of undulating land bound by State Highway 22 (SH22) (south), Jesmond Road (East) and Oira Road (west). All references to SH22 in the Precinct are also to Karaka Road should the state highway gazette no longer exist. The Ngakaroa and Oira tributaries reach into the site. A 3-hectare suburban park supported by a neighbourhood park in addition to an integrated network of stormwater control areas (identified on Precinct Plan 2) form the open space and stormwater network within Waipupuke.

Urbanisation of the land will provide for housing diversity and choice based around a neighbourhood centre. Higher density residential zoning is located closer to Jesmond Road within walking distance of planned or future public transport routes. This will enable greater efficiency and integration of land use and transport networks.

An east-west collector road between Jesmond Road and Oira Road will provide a key connection through the Precinct. The collector road network extends through the Precinct, enabling access for all transport modes, and provides a future connection to the adjacent land to the east as identified on Precinct Plan 3.

The Precinct provisions ensure the implementation of the roading pattern shown in Precinct Plan 3 and that associated infrastructure upgrades/measures are undertaken in a planned and coordinated manner to support development enabled within the Precinct. These infrastructure upgrades also enable connections to wider planned transport network infrastructure projects including the Drury West rail station, the Jesmond Road Frequent Transit Network and SH22 upgrade. In particular, these provisions include:

- Temporary construction traffic management for the implementation of the SH22 / Oira Road intersection upgrade and Oira Road frontage upgrade approved by Auckland Transport and Waka Kotahi to enable up to 95 dwellings and prior to any activity, development and/or subdivision in the Business Neighbourhood Centre Zone.

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- The upgrade of the Oira Road/SH22 intersection to a 3 leg dual laned roundabout and approaches.
- The upgrade of Oira Road between SH22 and the northern boundary of the Precinct to a Collector Road Standard, including walking and cycling facilities along the eastern side and the road pavement.
- A pedestrian and cycle connection on the northern side of SH22 between Oira Road and Jesmond Road.
- The upgrade of the Jesmond Road/SH22 intersection with walking and cycling connections.
- The construction of the East-West Collector from Oira Road to Jesmond Road, and its intersection with Jesmond Road with either signals or roundabout.
- The upgrade of Jesmond Road between SH22 and the northern boundary of the Precinct, including walking and cycling facilities along the western side and the road pavement.
- A temporary pedestrian and cycle connection along the western side of Jesmond Road from the northern boundary of the Waipupuke Precinct to the Drury Secondary School (if the school is operational).

Further detail of the transport upgrades is provided in Table I447.6.6.1 and relevant requirements are also set out in Appendix 1 Road Function and Required Design Elements Table.

Acoustic attenuation provisions are proposed within the Precinct to protect activities sensitive to noise from adverse effects arising from the arterial road traffic noise associated with the operation of SH22 and Jesmond Road.

The zoning of the land within the Waipupuke Precinct is Business – Neighbourhood Centre, Open Space – Informal Recreation, Residential - Terrace Housing and Apartment Buildings and Residential – Mixed Housing Urban. All relevant overlay, Auckland-wide and zone provisions apply in this precinct unless otherwise specified below.

I447.2 Objectives

- (1) Mana whenua values are recognised and positive environmental outcomes are achieved for the health and well-being of the land, waterways and people.
- (2) The Precinct is developed for urban activities in a comprehensive and integrated way which recognises the importance of the Neighbourhood Centre zone and 3-hectare suburban park as the focal point for the precinct.
- (3) An accessible, safe and well-connected transport network is established for all modes within the Precinct and to the surrounding transport network which enables travel choice including public transport services, pedestrian, cycle, vehicle access and egress.
- (4) Stormwater discharge from the Precinct avoids or mitigates adverse effects on receiving environments.
- (5) A road network servicing access to and within the Precinct enabling connections to roads and land adjacent to the Precinct.
- (6) Infrastructure necessary to service any activity, development and/or subdivision within the Precinct (including transport, wastewater and water supply) is established in a coordinated and timely way; either prior to or at the same time as development and/or subdivision.
- (7) Activities sensitive to noise are protected from adverse health and amenity effects arising from road traffic noise associated with the operation of SH22 and Jesmond Road.
- (8) Adverse effects on the safe and efficient operation of the existing and future SH22 and arterial road network are avoided or mitigated, including restricted vehicle access to Jesmond Road and the avoidance of vehicle access to SH22.

All relevant overlay, Auckland-wide and zone objectives apply in this Precinct in addition to those specified above. The Precinct objectives prevail where there is a conflict between objectives in the Precinct and the Auckland-wide and zone objectives.

I447.3 Policies

- (1) Reflect a strong cultural narrative within the Precinct through cultural identity markers and artwork and provide high quality public open spaces, revegetated riparian margins and effective stormwater management to achieve positive Mana whenua outcomes.
- (2) Support the local community through the provision of local commercial and recreation opportunities.
- (3) Provide a variety of residential dwelling types that will enable housing choices that meet community needs.
- (4) Retain the protected streams identified on Precinct Plan 2 and enhance their 10m wide riparian margins through;
 - a. the removal of harmful species and vegetation;
 - b. replacement planting with predominantly native vegetation;
 - c. the requirement for a riparian planting plan that achieves positive ecological outcomes; and
 - d. ongoing maintenance.
- (5) Implement the transport network connections and elements as shown on the Precinct Plans and Appendix 1 Road Function and Required Design Elements Table, including the following:
 - a. The layout, function and hierarchy of roads;
 - b. Separated pedestrian and cycle facilities and linkages within the Precinct and to adjacent land;
 - c. Connections to the surrounding transport network, including public transport facilities and services and connections to schools;
 - d. Connections within the Precinct and to land/roads adjacent to the Precinct;
 - e. Upgrade the frontages of existing rural standard roads to an urban standard;
 - f. Key intersections; and
 - g. Open space areas.
- (6) Ensure that any activity, development and/or subdivision:
 - a. does not precede the required transport upgrades, including intersections, connections and upgrade of rural standard roads to an urban standard; and
 - b. is undertaken in a manner that promotes the safe and efficient operation of the existing and future surrounding transport network to the Precinct for all modes and avoids or mitigates adverse effects on the network.
- (7) Require subdivision and development to enhance water quality and protect the health of stream environments including by:
 - a. Being consistent with any stormwater management plan approved by the network utility operator;
 - b. Applying water sensitive design approach including treatment train measures within the Precinct to achieve water quality and hydrology mitigation; and
 - c. Incorporating biodiversity enhancement planting of riparian margins of protected streams identified on Precinct Plan 2.
- (8) Avoid any activity, development and/or subdivision that is not in compliance with the activity, development and/or subdivision thresholds in Table I447.6.6.1.
- (9) Restrict vehicle access to Jesmond Road and avoid vehicle access to SH22 to support the effective, efficient and safe operation of the arterial road network.
- (10) Coordinate subdivision and development with the provision of sufficient wastewater and water supply networks.
- (11) Assess the operational performance of the SH22/Oira Road and SH22/Jesmond Road intersections for any residential dwelling resource consent application after 2,000 dwellings have been consented within the Precinct to ensure the safe and efficient operation of the transport network.
- (12) Require buildings that contain activities sensitive to noise in proximity to SH22 and Jesmond Road to be designed and constructed to achieve specified minimum indoor design noise levels to provide for people's health and residential amenity.

All relevant overlay, Auckland-wide and zone policies apply in the Precinct in addition to those specified above. The Precinct policies prevail where there is a conflict between policies in the Precinct and the Auckland-wide and zone policies.

I447.4 Activity table

All relevant overlay, Auckland-wide, and zone activity tables apply unless the activity is listed in Activity table I447.4.1 below.

Table I447.4.1 specifies the activity status of land use and subdivision activities in the Waipupuke Precinct pursuant to sections 9(3) and section 11 of the Resource Management Act 1991.

Table I447.4.1 Activity table

Activity		Activity status
Community		
(A1)	Mana Whenua Cultural Identity Marker	P
Development		
(A2)	The construction of stormwater management structures within the Stormwater Control Areas identified on Precinct Plan 2	RD
(A3)	Any activity that does not comply with Standard I447.6.7 – Noise Attenuation	RD
Transport		
(A4)	Any activity, development and/or subdivision that does not comply with Standard I447.6.4 – Arterial Road Access	NC
(A5)	Any activity, development and/or subdivision that does not comply with Standard I447.6.6 (1) Development Staging & Transport Network Infrastructure Requirements and Table I447.6.6.1	NC
(A6)	Any land use and/or subdivision consent application enabling dwellings, after 2,000 dwellings have been consented within the Precinct	RD
(A7)	Any activity, development and/or subdivision that does not comply with Standard I447.6.2 Road Function and Required Design Elements Table and Precinct Plan 3	D

I447.6.7 Noise Attenuation

Purpose:

- To protect activities sensitive to noise from adverse health and amenity effects arising from road traffic noise associated with the operation of SH22 and Jesmond Road.

- (1) Any noise sensitive space (including any indoor spaces in Table I447.6.7.1) in a new building or alteration to an existing building that contains an activity sensitive to noise

located within 75m of the road boundary frontage to either SH22 or Jesmond Rd shall be designed, constructed and maintained to achieve indoor design noise levels not exceeding the maximum values set out in Table I447.6.7.1 below.

Table I447.6.7.1: Indoor noise levels

Indoor space	Indoor noise level $L_{Aeq(24h)}$
Residential (excluding home occupation and camping grounds)	40 dB
<i>Educational Facilities or Tertiary Educational Facilities</i>	
Lecture rooms/theatres, music studios, assembly halls	35 dB
Teaching areas, conference rooms, drama studios	40 dB
Libraries	45 dB
<i>Health</i>	
Overnight medical care, wards, sleeping areas	40 dB
Clinics, consulting rooms, theatres, nurses' stations	45 dB
<i>Community facilities</i>	
Marae (excluding any area that is not a noise sensitive space)	35 dB
Places of worship	35 dB
<i>All other Activities sensitive to noise</i>	
All other noise sensitive spaces	40 dB

- (2) If windows must be closed to achieve the design noise levels in Rule I447.6.7(1), the building must be designed, constructed and maintained with a mechanical ventilation system that:
- a. For habitable rooms for a residential activity, must achieve the following requirements:
 - i. provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and
 - ii. is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and
 - iii. provides relief for equivalent volumes of spill air; and
 - iv. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and
 - v. does not generate more than 35 dB LAeq (30s) when measured 1 metre away from any grille or diffuser.

- b. For other spaces, is as determined by a suitably qualified and experienced person.
- (3) A design report must be submitted by a suitably qualified and experienced person to the council demonstrating compliance with Rule I447.6.7(1) and (2) prior to the construction or alteration of any building containing an activity sensitive to noise. In the design, road noise is based on current measured or predicted noise levels plus 3 dB, or future predicted noise levels.

Advice Note

For the purposes of this rule, future predicted noise levels on SH22 means those levels modelled as part of the Waka Kotahi designation 6707 – State Highway 22 Upgrade and is based on an assumed posted speed limit of 50km/h, the use of a low-noise road surface and a traffic design year of 2048. Should future predicted noise levels be used for the purposes of this rule, this information and the associated assumptions and parameters is available on request from Waka Kotahi New Zealand Transport Agency (or their successors as the road controlling authority for Karaka Road / SH22) and on the project website for State Highway 22 Upgrade.

For the purposes of this rule, future predicted noise levels on Jesmond Road means those levels modelled as part of the Auckland Transport designation 6707 – Jesmond to Waihoehoe West FTN Upgrade and is based on an assumed posted speed limit of 50km/h, the use of a low-noise road surface and a traffic design year of 2048. Should future predicted noise levels be used for the purposes of this rule, this information and the associated assumptions and parameters is available on request from Auckland Transport (or their successors as the road controlling authority for Jesmond Road) and on the project website for Jesmond to Waihoehoe West FTN Upgrade Project.

I447.7 Assessment – Restricted Discretionary Activities

I447.7.1 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 zone, overlay and Auckland wide provisions:

- (1) Stormwater Management Structures in a Stormwater Control Area
 - a. Stormwater management
 - i. Function
 - ii. Capacity
 - iii. Design
 - iv. Operation and maintenance, including safe access.
 - b. Landscaping and planting.
 - c. Effects on the use of proposed open space.
 - d. Effects on health and safety.
 - f. Potential downstream flood effects.
- (2) Protected Streams and Margins
 - 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.
- (3) High Contaminant Yielding Materials
- i. Stormwater quality.
- (4) Any land use and/or subdivision consent application enabling dwellings, after 2,000 dwellings have been consented within the Precinct
- a. Transport effects and the safe and efficient operation of the existing and future surrounding transport network for all modes including public transport and active modes.
 - b. Traffic network design, safety, efficiency and functionality.
 - c. Trip generation and traffic volumes.
 - d. Road and intersection performance.
 - e. Alternative Travel Modes.
 - f. Travel Demand management measures.
 - g. Accessibility and connectivity to public transport services and facilities.
 - h. Transport connections to adjacent land.
 - i. Other transport or roading improvements.
- (5) Non-Compliance with standard I447.6.7 - Noise attenuation
- a. The effects on people's health and residential amenity.
 - b. The location of the building.
 - c. Topographical, building design features or other alternative mitigation that will mitigate potential adverse health and amenity effects relevant to noise.
 - d. Technical advice from an acoustic expert specialising in operational traffic noise mitigation or the road controlling authority for either SH22 or Jesmond Road respectively, or their successors.

I447.7.2 Assessment criteria

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

- (1) Stormwater Management Structures in a Stormwater Control Area
- a. The design and efficacy of stormwater infrastructure devices.
 - b. Stormwater management calculations that confirm the design and capacity of the stormwater management structure is fit for purpose and satisfies the requirements of the any SMP.
 - c. A Landscape Plan that identifies the landscaping proposed, a planting plan and maintenance plan to ensure quality visual amenity outcomes.
 - d. An Operation and Maintenance Plan for the design of the structure proposed.
 - e. The extent to which interference with public use and enjoyment of proposed open space is minimised where stormwater detention and retention ponds and wetlands are proposed to be located in or adjacent to public open space.

- f. Whether safe and direct access can be provided to enable the maintenance of stormwater detention and retention ponds and wetlands.
- g. Whether there will be health and safety effects associated with stormwater detention and retention ponds and wetlands and the extent to which these can be mitigated through measures such as fencing.
- h. An assessment of storm events from 10 year – 100 year ARI to determine any attenuation measures required within the Precinct.

(2) Protected Streams and Margins

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 achieves 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.

(3) High Contaminant Yielding Materials

- a. Proposed water quality treatment measures.
- b. The extent to which runoff from buildings and additions to buildings is mitigated through a treatment approach.

(4) Any land use and/or subdivision consent application enabling dwellings, after 2,000 dwellings have been consented within the Precinct

- a. The extent to which the proposal avoids or mitigates transport effects and ensures the safe and efficient operation of the existing and future surrounding transport network for all modes including public transport and active modes.
- b. The extent to which the following affect the operation and capacity of the transport network:
 - i. Trip Generation and traffic volumes of the existing and future surrounding transport network including additional traffic numbers and directional movements along Jesmond Road and SH22.
 - ii. Traffic network design, safety, efficiency and functionality, including the extent to which the delay in providing the upgrades and transport improvements compromises the safety and efficiency of the transport network.
 - iii. Road and Intersection Performance.
 - iv. Travel Demand Management measures.
 - v. Accessibility and connections to public transport facilities and services.
 - vi. Travel modes choice including public transport and active modes, provision of cycle and pedestrian networks.

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- vii. Connections with adjacent land.
- viii. Other transport or roading improvements in addition to those required in this Precinct.

(5) Non-compliance with Standard I447.6.7 Noise attenuation

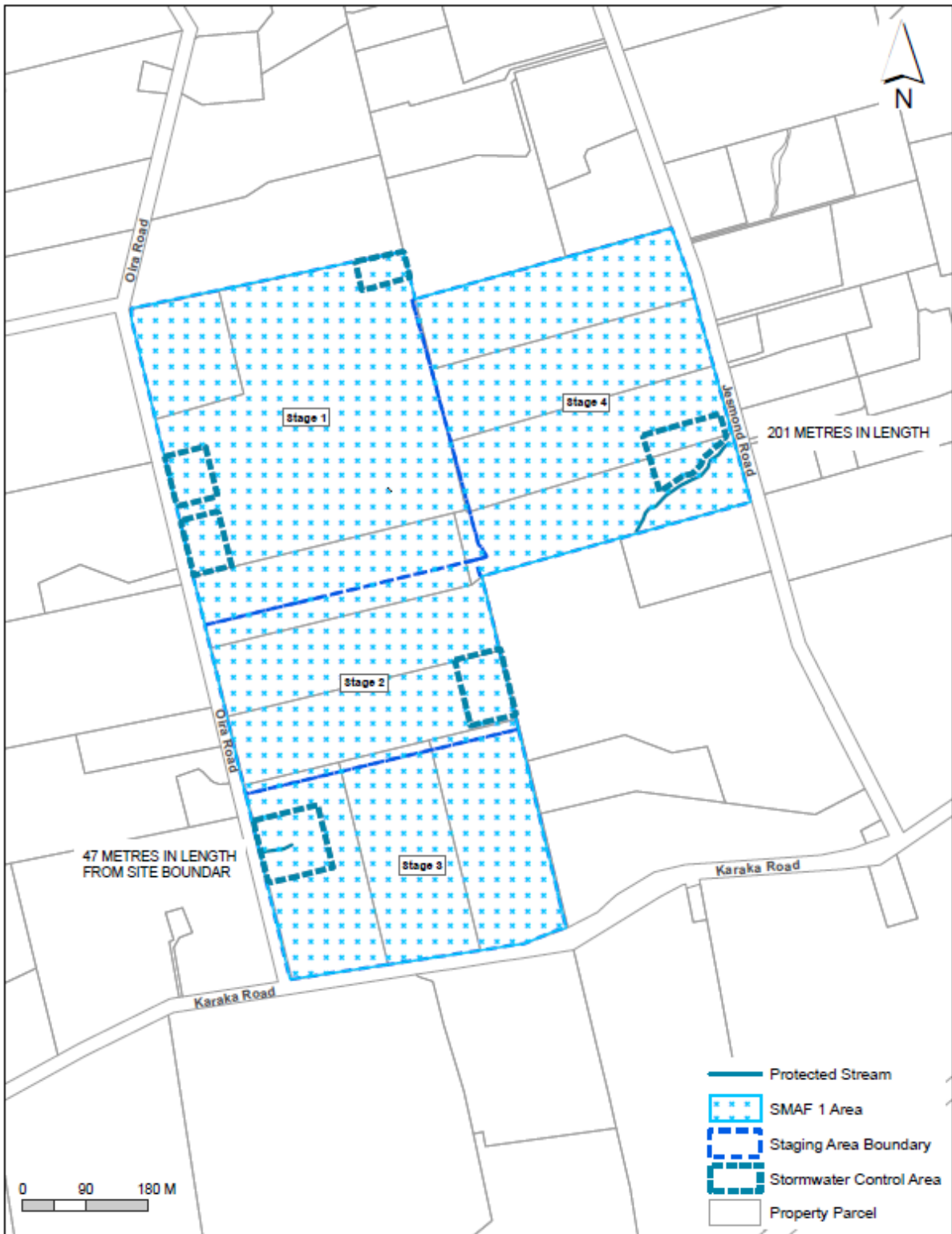
- a. Whether the location of the building or any other existing buildings/structures avoids, remedies or mitigates the adverse noise effects associated with the road traffic noise relating to the operation of SH22 or Jesmond Road.
- b. The extent to which the alternative mitigation measures avoid, remedy or mitigate the effects of non-compliance with the noise standards on the health and amenity of potential building occupants.
- c. Whether any identified topographical or building design features will mitigate any potential adverse health and amenity effects.
- d. Any implications arising from any technical advice from an acoustic expert specialising in operational traffic noise mitigation or the road controlling authority for either SH22 or Jesmond Road respectively.

I447.10 Precinct Plans

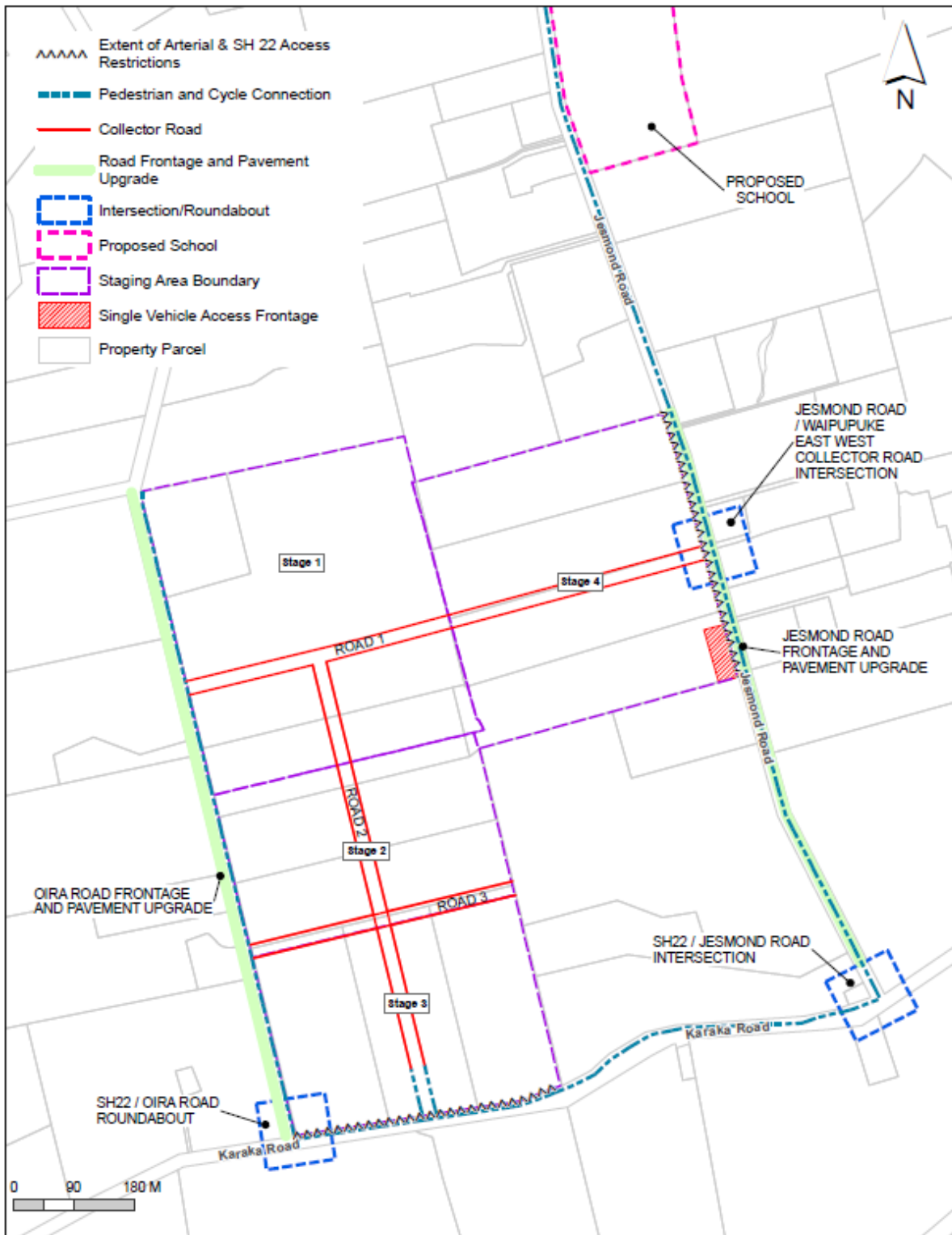
I447.10.1 Waipupuke Precinct Plan 1 Zoning and Stages



I447.10.2 Waipupuke Precinct Plan 2 – Controls



I447.103.3 Waipupuke Precinct Plan 3 Transport



Appendix 1 Road Function and Required Design Elements Table

Road Name (refer to Precinct Plan)	Proposed Role and Function of Road in Precinct Area	Minimum Road Reserve (subject to note 1)	Total number of lanes	Speed Limit (Design)	Access Restrictions	Bus Provision (subject to note 3)	On Street Parking	Cycle provision (subject to note 2)	Pedestrian provision
Jesmond Road - Arterial Road (Interim Profile with separated active transport provisions)	Arterial	30m	2 lanes (2 x 3.5m) Note: 2 additional traffic lanes to be provided at a later time to enable FTN	50 km/hr	Yes	Yes	No	Yes Separated on the western side of Jesmond Road only	Yes On the western side of Jesmond Road
Oira Road - Collector Road with separated active transport provisions	Collector	22m	2 lanes (2 x 3.5m)	40	Yes	Yes	Yes	Yes, Separated on the eastern side of Oira Road only	Yes On the eastern side of Oira Road only

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Road 1: East-West Collector Road with separated active transport provisions	Collector	21m (subject to note 4)	2 lanes (2 x 3.5m)	40	Yes	Yes	Yes	Yes, Separated on both sides	Yes, Both sides
Road 2: North - South Collector Road with separated active transport provision	Collector	21m (subject to note 4)	2 lanes (2 x 3m)	40	Yes	No	Yes	Yes Separated on both sides	Yes Both sides
Road 3: East-West Collector Road with separated active transport provision	Collector	21m (subject to note 4)	2 lanes (2 x 3m)	40	No	No	Yes	Yes, Separated on both sides	Yes Both sides

Note 1: Typical minimum width which may need to be varied in specific locations where required to accommodate batters, structures, stormwater treatment, intersection design, significant constraints or other localised design requirements.

Note 2: Type of Cycle Provision i.e. separated path, to be confirmed at the Engineering Plan Approval stage, based on nature and character of the Road.

Note 3: Carriageway and intersection geometry capable of accommodating buses.

Note 4: Typical minimum cross section must be designed to accommodate the necessary transport elements and network utilities within the road reserve and to be confirmed at Engineering Plan Approval stage.