

# Decision following the hearing of a Plan Change to the Auckland Unitary Plan under the Resource Management Act 1991



## Proposed Private Plan Change 93 to the Auckland Unitary Plan

### Proposal

To rezone approximately 159 hectares of land located generally to the south of the existing Warkworth urban area. The proposal is to rezone land zoned Open Space – Conservation and Rural – Rural Production to a mix of residential, business, open space and rural zones and the introduction of two new precincts – Waimanawa and Morrison Heritage Orchard. The Plan Change also seeks a small extension to the Rural Urban Boundary.

This plan change is **APPROVED** with modifications to that publicly notified. The reasons are set out below.

<b>Private Plan Change:</b>	Private Plan Change 93 - Warkworth South
<b>Applicants:</b>	KA Waimanawa Limited Partnership and Stepping Towards Far Limited
<b>Hearing commenced:</b>	Monday 4 November 2024
<b>Hearing panel:</b>	Karyn Kurzeja (Chairperson) Vaughan Smith David Mead
<b>Appearances:</b>	<u>For the Applicants:</u> Bill Loutit, Legal Rachel Abraham, Legal Lydia Chai, Legal Peter Cooney, Corporate Phillip Nicholson, Corporate Katie Dean, NZ Superfund Garth Falconer, Urban Design, Landscape & Visual Effects John Duthie, Planning David Hay, Planning Ian Smallburn, Planning Greg Akehurst, Economics Brendon Verhoeff, Engineering & Infrastructure Lucan Campbell, Engineering & Infrastructure Dr Matt Savage, Water & Wastewater Treatment Luiz Lobo Coutinho, Wetlands Polishing Philip Kelsey, Aquifer Treffery Barnett, Freshwater Ecology Chris Wedding, Terrestrial Ecology Todd Langwell, Traffic  On-Call:

	<p> Craig Webb, Arboriculture  Glen Farley, Archaeology  Kyle Meffan, Geotechnical Engineering  Jeff Davenport, Contamination - Western Side  David O'Reilly, Contamination - Eastern Side  Andrew Williams, Sustainability  Caitlin Jesse Tonner, Sustainability  Bevan Wilmshurst, VKT &amp; CO2  Paul White, Peer Review of Aquifer </p> <p> <u>For the Rodney Local Board:</u>  Michelle Carmichael, Board Member </p> <p> <u>For the Submitters:</u>  Auckland Transport represented by: <ul style="list-style-type: none"> <li>- Matthew Allan, Legal</li> <li>- Rowan Ashton, Legal</li> <li>- Claire Drewery, Acoustic</li> <li>- Mike Nixon, Transport</li> <li>- Katherine Dorofaeff, Planning</li> </ul> </p> <p> Watercare Services Limited represented by: <ul style="list-style-type: none"> <li>- Matthew Allan, Legal</li> <li>- Rowan Ashton, Legal</li> <li>- Priyan Perera, Corporate</li> <li>- Katja Huls, Planning</li> <li>- Amber Taylor, Planning Lead</li> </ul> </p> <p> Barry Blennerhassett and Lorraine Margaret Blennerhassett (Blennerhassett family) &amp; Guy Matches &amp; John and Sue Wynyard (Wynyard Family) jointly represented by: <ul style="list-style-type: none"> <li>- Jeremy Brabant, Legal</li> <li>- Patrick Mulligan, Legal</li> <li>- Darryl Blennerhassett, Landowner representative</li> <li>- Simon Wynyard, Landowner representative</li> <li>- James Paxton, Urban Design</li> <li>- Terry Church, Transport</li> <li>- Steven Rankin, Civil Engineering</li> <li>- Tim Heath, Property Economics</li> <li>- Burnette O'Connor, Planning</li> </ul> </p> <p> Ash Hames and Fiona Rayner represented by Burnette O'Connor, Planning </p> <p> Bevan Morrison </p> <p> Karen and Stefan Richardson </p> <p> Hugh Briggs, Warkworth Area Liaison Group (WALG) and Mahurangi Trail Society Incorporated represented by Hugh Briggs </p>
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	<p>Pete Sinton and Caroline Barrett</p> <p>William Arthur Endean</p> <p>R and T Morrison, D Morrison represented by Shane Hartley, Planning</p> <p>Auckland Council (As Submitter) represented by Tania Richmond, Planning</p> <p><u>For Council:</u></p> <p>Peter Vari, Team Leader</p> <p>David Wren, Reporting Officer</p> <p>John Stenberg, Urban Design [available 4-6 November only]</p> <p>Martin Peake, Transportation</p> <p>Ian Kloppers, Infrastructure Funding</p> <p>Gabrielle Howdle, Landscape Architecture</p> <p>Derek Foy, Economics</p> <p>Steve Cavanagh, Development Engineering</p> <p>Amber Tsang, Stormwater</p> <p>Danny Curtis, Stormwater</p> <p>Gerard McCarten, Parks</p> <p><u>On-Call:</u></p> <p>Rhys Caldwell, Arboriculture</p> <p>Rue Statham, Ecology</p> <p>Nicole Li, Geotechnical</p> <p>Rebecca Ramsay, Historic Heritage - Archaeological</p> <p>Megan Walker, Historic Heritage – Built Heritage</p> <p><u>Senior Hearings Advisor:</u></p> <p>Patrice Baillargeon</p>
<b>Hearing adjourned</b>	7 November and 4 December 2024
<b>Commissioners' site visit</b>	8 October 2024
<b>Hearing Closed:</b>	31 January 2025

## Introduction

1. The private plan change request by KA Waimanawa Limited Partnership and Stepping Towards Far Limited ("**the Applicants**") was made under Clause 21 of Schedule 1 to the Resource Management Act 1991 ("**RMA**") and, following receipt of all further information, Private Plan Change 93 ("**PC 93**") was accepted for processing by Auckland Council ("**the Council**") under Clause 25 of Schedule 1 of the RMA on 7 September 2023.
2. A report in accordance with section 32 and 32AA (in relation to the changes sought) of the RMA was prepared in support of the proposed plan change for the purpose of considering the appropriateness of the proposed provisions.

3. This decision is made on behalf of the Council by Independent Hearing Commissioners Karyn Kurzeja (Chairperson), Vaughan Smith and David Mead, appointed and acting under delegated authority under sections 34 and 34A of the RMA.
4. The Commissioners have been given delegated authority by the Council to make a decision on PC 93 to the Auckland Council Unitary Plan Operative in Part (“**AUP(OP)**”) after considering all the submissions, the section 32 evaluation, the reports prepared by the officers for the hearing and evidence presented during and after the hearing of submissions.
5. PC 93 is a private plan change that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).
6. The plan change was publicly notified on 26 October 2023 following a feedback process involving Iwi, as required by Clause 4A of Schedule 1. Notification involved a public notice as well as letters to directly affected landowners and occupiers alerting them to the plan change. The latter step was aimed at ensuring that landowners and occupiers of properties affected by potentially significant changes were made aware of the changes.
7. The submission period closed on 23 November 2023. A summary of submissions was notified for further submissions on 25 January 2024. A total of 41 submissions and 13 further submissions were made on the plan change. There were no late submissions.

## SUMMARY OF PLAN CHANGE

8. The proposed plan change is described in detail in the s42A Hearing Report. A summary of key components of the plan change is set out below.
9. PC 93 as notified, seeks a change in zone of approximately 159 ha of Future Urban, Open Space – Conservation and Rural – Rural Production zoned land on either side of the old State Highway One (now renamed Pōhuehue Road), south of Warkworth to a range of urban zonings including: Residential – Large Lot, Residential – Single House, Residential – Mixed Housing Urban, Residential – Terrace Housing and Apartment Buildings, and Business – Local Centre, as well as a portion of Open Space – Conservation and Rural – Mixed Rural zoning.
10. In the Applicants’ Joint Statement of Evidence (Part A Strategic Planning) the plan change is summarised as<sup>1</sup>:

*“PC93 seeks to rezone approximately 159ha of land to a range of residential, open space, rural and business zones in order to develop a high-quality residential development that provides its residents with a range of services, recreation opportunities, local amenities, jobs, education and amenity. PC93 proposes to create two precincts – the “Waimanawa Precinct” which provides*

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<sup>1</sup> Joint SoE of Messrs Duthie, Hay and Smallburn – Part A Strategic planning, paragraph 3.2



*for residential growth, jobs and services and the “Morrison Heritage Orchard” which ensures the retention of the Orchard with the provision of a small amount of residential, tourist and visitor activities. The plan change is proposed to provide and enable:*

- (a) *capacity for approximately 1,600 residential lots/apartment units of different typologies;*
- (b) *a range of open space areas, including a recreational park and future esplanade reserves alongside watercourses;*
- (c) *a public transportation interchange;*
- (d) *a network of walking and cycling connections through the precinct and surrounding area;*
- (e) *a local centre; and*
- (f) *the retention, operation and enhancement of the existing Morrison’s Orchard, and enabling appropriate and sympathetic activities”*

11. The Applicants’ proposed zoning for PC 93 is set out below in **Figure 1**.

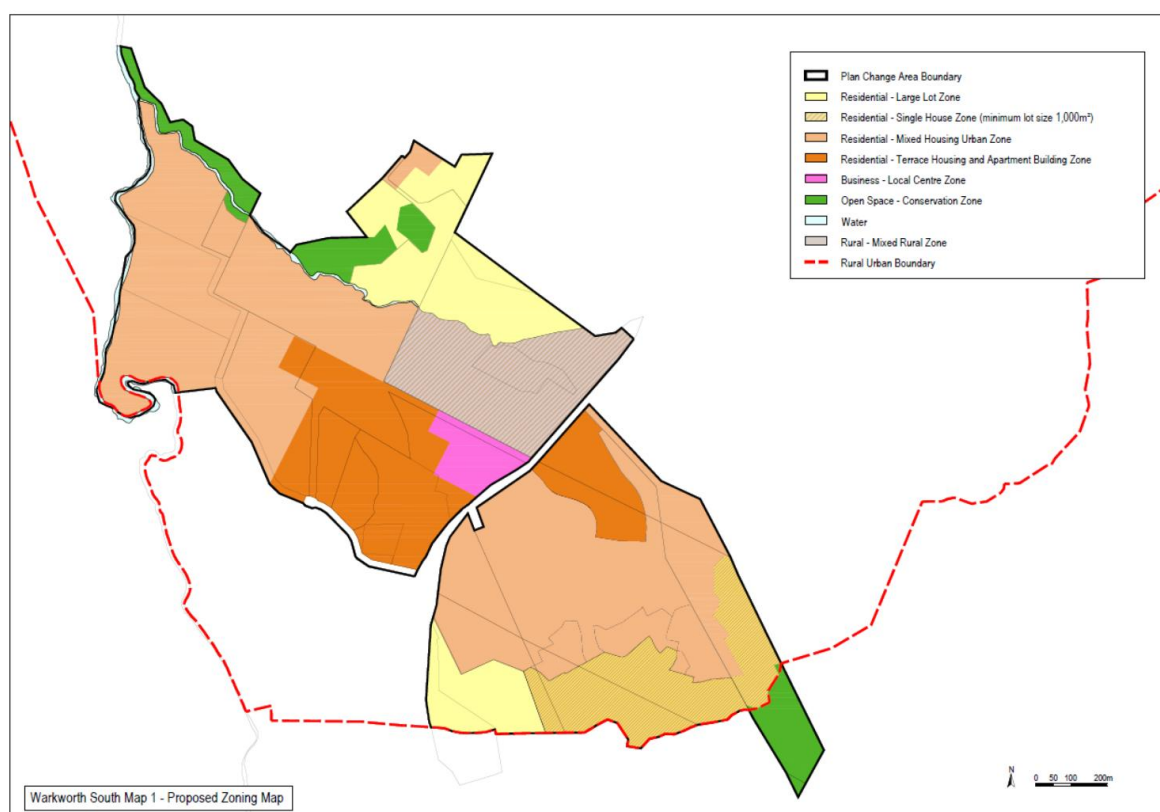


Figure 1 – Proposed Zoning

12. The reasons given by the Applicants for the plan change request included the following:

*“The purpose of the plan change is to re-zone land in Warkworth South to:*

- a. *Provide for the continuation and expansion of the Morrison Heritage Orchard and further development of this site with supporting activities and limited residential development.*
  - b. *Enable the urban development of the remainder of the area (referred to as Waimanawa) to proceed generally in accordance with the outcomes sought through the Warkworth Structure Plan.*
  - c. *The plan change is focussed on those planning zones, objectives, policies and rules which are essential to allow for the development of the land and its shift from rural activities to urban (except for Morrison Heritage Orchard).*
  - d. *The plan change follows the standard approach of introducing precincts into the AUP for development of greenfields and currently Future Urban zoned land and for specific sites which have a unique land use activity (for example, the Morrison Heritage Orchard)."*
13. The private plan change request includes the creation of two new precincts – "Waimanawa" and "Morrison Heritage Orchard". PC 93 and the precinct provisions generally align with the Warkworth Structure Plan ("**WSP**"), including providing for the Wider Western Link Road ("**WWLR**").
14. The proposal also includes the introduction of the Stormwater Management Area Flow 1 (SMAF1) Overlay and a small amendment to the Rural Urban Boundary ("**RUB**") to the south of Warkworth to incorporate the extent of proposed Open Space – Conservation zoned land in the south of the plan change request area. This request involves rezoning a small portion of existing Rural Production zoned land to Open Space - Conservation. This portion of land is a part of the title at 1768 Pōhuehue Road, which is mostly zoned FUZ within the RUB.
15. The Waimanawa Precinct is intended to provide for residential growth in the Warkworth South area while also providing for a range of open spaces and a local centre. This precinct covers most of the plan change area and includes land on both sides of Pōhuehue Road. The proposed zonings within the Waimanawa precinct are;
  - Business – Local Centre
  - Residential – Large Lot
  - Residential – Single House
  - Residential – Mixed Housing Urban
  - Residential – Terrace Housing and Apartment Buildings
  - Open Space – Conservation.
16. The new Waimanawa precinct seeks to incorporate the Medium Density Residential Standards ("**MDRS**") as required by s77G(1) and Schedule 3A of the RMA.
17. The private plan change request is statutorily required under Schedule 1, Clause 25(4A) of the RMA to incorporate the MDRS. The method to do this in the AUP(OP),

so that it applies to the relevant residential zoned land, is through a precinct. The objectives, policies, and standards in the proposed precinct, as shown in the Applicants' reply provisions and in their s32AA reporting, reflect the statutory requirements in Schedule 3A of the RMA.

18. The Morrison Heritage Orchard Precinct is sought to apply to land in the north of the plan change area immediately to the west of Pōhuehue Road. The purpose of this precinct is to ensure the retention, operation, and enhancement of the existing Morrison Orchard, located at 1773 Pōhuehue Road, while also enabling appropriate and sympathetic residential, tourist and visitor activities. The proposed zonings for the precinct are;
  - Residential – Large Lot
  - Rural – Mixed Rural.
19. The Residential – Large Lot zoning is proposed for the northern portion of the Morrison Heritage Orchard Precinct in the location of the northern escarpment. The Rural – Mixed Rural zoning is proposed for the remaining portion of land. The Panel acknowledges that this request seeks to rezone Future Urban zoned land to a Mixed Rural zoning within the RUB. We return to this matter during the course of this decision.
20. PC 93 also contains six Precinct Plans which are cross referenced to provisions within the plan change including:
  - Waimanawa Precinct Plan 1 Spatial Provisions
  - Waimanawa Precinct Plan 2 Environment
  - Waimanawa Precinct Plan 3 Transportation
  - Waimanawa Precinct Plan 4 Indicative Open Space
  - Waimanawa Precinct Plan 5 Bat Flight Corridor
  - Morrison Orchard: Precinct Plan.
21. Unless otherwise stated in the proposed precinct provisions, the objectives, policies, and standards of the operative Residential – Terrace Housing and Apartment Buildings zone (“**THAB**”) and the Residential – Mixed Housing Urban zone (“**MHU**”) and any other relevant provisions of the AUP(OP), will apply.
22. The final version of the proposed precinct provisions was provided along with the reply submissions from the Applicants.

## THE SITE AND SURROUNDING ENVIRONMENT

23. The Applicants' Assessment of Environmental Effects (“**AEE**”) discussed the plan change area and set out the property details of the land included within PC 93. The s42 report included a description of the site.
24. The plan change area is bounded by the Mahurangi River in the west and it straddles Pōhuehue Road. It includes a small portion of land outside of the RUB in the south of

the plan change area, immediately to the east of Pōhuehue Road. The plan change area has an irregular shape. It does not include all the land inside of but directly adjoining the RUB in the south of Warkworth. The plan change area is generally separated from the existing urban area by undeveloped land that is also zoned FUZ.

25. The landholdings located within the Plan Change area are shown in **Figure 2** below.



*Figure 2 – Title structure within the plan change area*

26. The current uses of the land within the plan change area are predominantly agriculture based and include a former vineyard, orchard, grazing land and some small life-style holdings. Accordingly, various residential and rural buildings together with some shelter belts are located throughout the area. There are some established areas of native bush located near and across the RUB in the south-east (Avice Miller Scenic Reserve) and in the north and west.
27. The topography varies from relatively flat land in the west to gently rolling in the north-east with steeper land in the north and the south of the plan change area. The Mahurangi River borders the western boundary of the land. There are a number of other smaller water courses that predominantly run east to west towards the Mahurangi River.
28. The land within the plan change area is currently not serviced for reticulated water and wastewater and it does not include stormwater infrastructure.

29. The only significant existing road in the plan change area is Pōhuehue Road (formerly State Highway One) which effectively bisects the plan change area into its eastern and western portions. This road is no longer a state highway, with that status having been revoked on 30 June 2024 now that the motorway has been extended to the north of Warkworth. The motorway runs to the west of the plan change area.
30. Land within the plan change area is generally subject to the High-Use Stream Management Areas Overlay and the High-Use Aquifer Management Area Overlay. Two areas (i.e. along and adjacent to Pōhuehue Road and a small area on the western boundary near the Mahurangi) are also subject to recently decided notices of requirement for new and upgraded urban arterial road corridors with active mode facilities, being NoR2 Warkworth: Woodcocks Road – West Upgrade, NoR3 Warkworth: SH1 South Upgrade and NoR8 Warkworth: Wider Western Link – North. At the date of this decision, NoR3 has been confirmed but aspects of the decisions on NoR2 and NoR8 have been appealed.

## HEARING PROCESS

31. We directed the pre-circulation of expert evidence to provide all parties involved the opportunity to have read and considered any legal submissions, evidence or statements in advance of the hearing, and to assist the Hearing Panel in understanding the case being presented.
32. The s42A Hearing Report, released on 4 September 2024, recommended that the Panel decline PC 93. The reporting officer for the Council, Mr David Wren stated<sup>2</sup>:

*“Having considered PPC93 and the application material supplied by the applicant, the memoranda from relevant specialists engaged by the Council and the submissions I do not at this time recommend that PPC93 be approved.*

*I remain concerned about the following fundamental matters which remain outstanding;*

- a) *The extent to which PPC93 is integrated with the provision of infrastructure and in particular the provision of water supply and wastewater disposal and treatment. The provision of the necessary stage 2 treatment plant upgrade is not scheduled until 2040 and the applicant’s alternative means of providing infrastructure appear to be at an early stage and without further evidence there is little certainty that this can be provided. While PPC93 does contain triggers that will restrict development before the provision of infrastructure I consider that rezoning land without a clear pathway to achieving development does not represent sustainable management and will not give effect to the NPS-UD and the RPS. I consider that subject to recommended changes the provision of roading infrastructure can be provided.*
- b) *The extent to which PPC93 gives effect to the NPS-UD and the RPS in respect of creation of greenhouse gas emissions noting also that there will*

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<sup>2</sup> Section 42A Report at paragraphs 382-383

*be a lack of public transport services available in the short to medium term. The assessment carried out by the applicant are not sufficient to show that PPC93 will give effect to these documents in this regard.*

- c) *The inconsistency with the Future Development Strategy and the lack of an assessment against that document.*
- d) *The appropriateness or otherwise of including rural zoning of the Morrison Heritage Orchard within the RUB.*
- e) *I have identified throughout this report a number of areas where additional assessment is required. This includes the following:*
  - *Assessment of the National Policy Statement for Indigenous Biodiversity (NPSIB).*
  - *Assessment of Chapters B4 and B7 of the RPS.*
  - *Assessment of the Future Development Strategy 2023.*
  - *Additional assessment of wetlands in response to Mr Statham's concerns.*
  - *Additional assessment of open space provision in response to the matters raised by Mr McCarten.*
  - *An explanation of how PPC93 will achieve NDC for stormwater.*
- f) *In addition to the matters in a, b and c above, a number of additional specific matters have been raised by Council specialists. These include landscape, ecology, stormwater management and open space. Should the commissioners approve PPC93 I have suggested some changes to PPC93 to address these where they are considered to sit within the scope of submissions received but in some instances there are no relevant submissions. I have not suggested changes in respect of these."*

33. Mr Wren provided an Addendum section 42A Report on 16 October 2024 and in that report he stated<sup>3</sup>:

*"That, as a result of the assessment of the plan change request and recommendations on the submissions, I recommend that PPC93 should be declined and the Auckland Unitary Plan not be amended because it does contribute to a well-functioning urban environment and is not integrated with the adequate provision of water and wastewater infrastructure and therefore does not give effect to the RPS or the NPS-UD."*

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<sup>3</sup> Section 42A Addendum Report at paragraph 71

34. Prior to the hearing, the Commissioners undertook a joint site visit on 8 October 2024 to the subject site and the local surroundings. An additional joint site visit was undertaken on 7 November 2024, after the hearing was first adjourned.
35. For the record, Mr Wren changed his position to support PC 93 on the final day of the hearing, subject to the amendments set out in the JWSs<sup>4</sup>. The expert conferencing that took place is discussed later in this decision.

## **TABLED HEARING STATEMENTS**

36. We received tabled Hearing Statements from the NZ Transport Agency Waka Kotahi<sup>5</sup>, the Ministry of Education<sup>6</sup> and One Mahurangi Business Association.<sup>7</sup>

## **LEGAL MATTERS**

37. Two key legal matters were discussed during the hearing. The first matter was put to us by Mr Mathew Allan, legal counsel for both Watercare Services Limited and Auckland Transport. The crux of this matter was whether there is scope for the Applicants' proposed changes to:
- a. The Precinct description, to reflect neutrality regarding connection to private or public water and wastewater systems;
  - b. Objectives, Policies and Standards relating to the trigger for requiring water and wastewater connections at the time of occupation; and
  - c. Objectives, Policies and Standards relating to the trigger requiring transport upgrades to be in place by the time of occupation of dwellings.
38. The second legal matter requiring a finding from the Panel was whether the request by Lorraine Blennerhassett, Guy Matches and John and Sue Wynyard (Wynyard family) (collectively referred to as "**the BMW Submitters**") to include an additional 77ha of land in PC 93 is within scope of PC 93. If it is then we will need to determine:
- a. is there sufficient evidence to demonstrate that rezoning this land is appropriate; and
  - b. should PC 93 be declined, in the event that the BMW Submitters land is not included.
39. Our findings on scope begin at paragraph 104 of this decision.

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<sup>4</sup> Summary Statement of Mr Wren, paragraph 10

<sup>5</sup> Hearing statement for Private Plan Change 93, Warkworth South, dated 7 October 2024

<sup>6</sup> Ministry of Education - Letter to be tabled at Plan Change 93 Hearing, dated 1 November 2024

<sup>7</sup> Email from One Mahurangi Business Association, dated 30 October 2024



## LOCAL BOARD COMMENTS

40. Comments on PC 93 have been received from the Rodney Local Board. Ms Michelle Carmichael presented the full resolution feedback to the Hearing Panel from its meeting of 20 March 2024 when the Rodney Local Board resolved as follows:

*That the Rodney Local Board:*

- a) *whakarite / provide the following local board views on private plan change 93 lodged by KA Waimanawa Limited Partnership and Stepping Towards Far Limited*
  - i) *express concern about the flood risks associated with the development as it is near to the Mahurangi River and is subject to flooding and overland flow paths in the area*
  - ii) *express concerns that adjacent urbanisation of the Mahurangi River and contributing waterways poses an increased flood risk and the potential for stream habitat loss due to the increase of impervious areas and resulting stormwater generated noting modern mitigation methods are not always successful in offsetting negative effects to residents, housing and the ecological environment within and on surrounding land and housing areas*
  - iii) *tono / request the development is timed to ensure the provision of adequate water and wastewater infrastructure if this cannot be provided for in a self- sustainable way (solely within the development) and if this is not achievable, we request that it is timed with delivery of the needed infrastructure upgrades to support the development, noting that Watercare has stated that future planned upgrades already planned are needed for other developments already planned in the area, and therefore will not have the capacity to service the Warkworth South area*
  - iv) *acknowledge the development will have economic benefits for local businesses, particularly those located to the south of the Warkworth town centre (e.g. The Grange on Auckland Road / Old State Highway 1), which will be within walking distance*
  - v) *tono / request that off street parking/garaging is provided for proposed housing understanding increasing walking, cycling and public transport use are ultimate goals, the realities are that residents will also use vehicles to commute for employment, recreation and other services and the provision of off-street parking within each property boundary also enables safe plug-in vehicle charging*
  - vi) *express concern that the proposed plan change area will be separated by a 'future urban zone' rather than an existing developed urban area, reducing the opportunities to make connections with other developed parts of Warkworth and through the area has been*



*identified by Auckland Council as future urban, the timing of the proposed plan change seems premature in comparison to areas closer to the current developed areas*

- vii) express concern there is a lack of public transport to service the plan change area as funding for bus routes in the area is already constrained*
- viii) express concern the plan change is premature before the future roading network capabilities are clear as the upgrades to the Hill Street intersection along with other arterial routes proposed by Supporting Growth (Waka Kotahi New Zealand Transport and Auckland Transport) are not guaranteed*
- ix) tautoko / support the developer's provision of arterial routes within the plan change area*
- x) tautoko / support the proposed upgrades to pedestrian and cycle path connections on connecting roads such as Mason Heights and Auckland Road (Old State Highway 1)*
- xi) express concern for any new development including intersections on the old state highway one inter- regional transport corridor which will remain as a long distance transport corridor connecting Warkworth to Orewa and provide a free alternative to the new toll road*
- xii) suggest increased buffers or noise mitigation from traffic noise for future properties located adjacent to arterial roads, current, proposed and those also proposed and potentially affected by the future northern Notice or Requirements*
- xiii) tautoko / support the provision of a southern bus interchange however, we express concerns about how new bus routes servicing this infrastructure will be funded as without direct links via a bus service, it is likely that residents will utilise the park and ride in the north of Warkworth and the capacity of the existing and planned park and rides near the motorway need to be assessed to determine if they can support this further demand, additional to current and future use from Warkworth North development*
- xiv) tautoko / support the development providing walking and cycling routes in line with the Puhoi to Pakiri Greenways Plan*
- xv) tautoko / support most of the road widths proposed which include carriageways that enable emergency vehicle and public transport access however, are concerned the centre planting on the proposed 'Green Road' may impede access*
- xvi) tono / request that all road widths (some to be determined) enable emergency vehicle and public transport access*

- xvii) *tautoko / support the proposed varied lot sizes and mixed housing model to offer a variety of options for buyers and future residents*
- xviii) *tautoko / support the proposed business and local centre to offer provision of some services and employment*
- xix) *tautoko / support the inclusion of open space, conservation, sports, active and recreation zones and suggest including smaller pockets of play areas and additional wider buffers around waterways throughout the proposal, to increase the total open space available, decrease total impervious areas, and further protect natural areas*
- xx) *tautoko / support the preservation of natural wetlands and the retention of Waimanawa wetland reserve and provision of the Endeans Farm Recreational Park however express concerns about alterations to existing wetlands whether natural or man-made*
- xxi) *express concerns about the effects on longtail bats present in the site and strongly request appropriate mitigation to result in no net losses of the bat population*
- xxii) *express concern the proposed development area includes a Significant Ecological Area and ecological values both on land and in the freshwater systems, including the presence of wetland and long-tail bats*
- xxiii) *express concern that there is already insufficient council and central government funding for the infrastructure required for live-zoned greenfield areas in Auckland, and out-of-sequence development will only worsen this funding gap and ultimately result in overcrowded schools, parks with no facilities, traffic congestion, and temporary waste and water solutions therefore council need to ensure that there is a planned approach to delivering infrastructure as detailed in the Future Development Strategy, not ad hoc developments that ultimately lead to urban sprawl and poor outcomes*
- xxiv) *express concern that council does not have the funding to purchase park or reserve land in live-zoned developments, and this problem will only worsen if out-of-sequence developments are consented*
- xxv) *tono / request that a complete integrated stormwater planning for all drainage sub catchments be completed before any development occurs.*
- b) *kopou / appoint a Local Board Member M Carmichael to speak to the local board views at a hearing on private plan change 93*
- c) *tautapa / delegate authority to the chairperson of the Rodney Local Board to make a replacement appointment in the event the local board member*

*appointed in resolution b) is unable to attend the private plan change hearing.*

41. To the extent we are able, and in the context of submissions to PC 93, we have had regard to the views of the Local Board.

## **EXPERT CONFERENCING**

42. Following the first adjournment of the hearing on 7 November 2024, we directed expert conferencing with the purpose being for the parties' planning experts to identify, discuss and potentially resolve (or not) the points of difference between them in relation to the amended PC 93 precinct provisions. The expert conferencing sought to enable all parties to focus on matters that are in contention which may reduce the extent of matters that remain in dispute.
43. This occurred as follows:
- 14 November 2024 – Waimanawa Precinct; and
  - 26 November 2024; Waimanawa and Morrison Heritage Orchard Precincts.
44. We found that the outcome of expert conferencing was constructive in both narrowing and resolving issues. We have, to a large extent, relied on the outcome of those Joint Witness Statements (JWSs) to address and agree a range of issues raised in submissions and to establish the precinct provisions that we have largely adopted.

## **RELEVANT STATUTORY PROVISIONS CONSIDERED**

45. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements were set out in the s42A Report<sup>8</sup>.
46. The Applicants in their plan change request dated 24 August 2023, provided an evaluation pursuant to s32, and the additional information (Clause 23) requested by the Council.
47. We do not need to repeat contents of the Applicants' plan change request and s32 assessment report in any detail, as we accept the appropriate requirements for the formulation of a plan change have been comprehensively addressed in the material before us. However, in the evidence and at the hearing, we note that the Applicants proposed several changes to the plan change provisions in response to concerns raised by the Council in the interim s42A Hearing Report and the submissions received. A s32AA assessment was provided as a basis for the additional changes being sought.
48. We noted that the s32 assessment report clarifies that the analysis of the efficiency and effectiveness of the plan change is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. Having considered the

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<sup>8</sup> Section 42A Report at Section 4

application and the evidence, we are satisfied that PC 93 has been developed in accordance with the relevant statutory requirements.

49. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions, while clause 29 (4) requires us to consider the plan change and to give reasons for (in this case) approving it. This decision gives effect to those clauses of the RMA. The decision must also include a further evaluation, in accordance with section 32AA of the RMA, of any changes that are proposed to the notified plan change after the section 32 evaluation was carried out. This further evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes.
50. In our view this decision, which among other things, addresses the modifications we have made to the provisions of PC 93, satisfies our section 32AA obligations.

### ***National Policy Statements***

51. Pursuant to Sections 74(1)(ea) and 75 of the RMA the relevant national policy statements (“**NPS**”) must be considered in the preparation, and in considering submissions on PC 93. Specifically, this plan change must “give effect” to the relevant NPS. We address this in this decision.
52. Both the Applicants’ planners and Mr Wren considered that the following NPS are relevant to the assessment of PC 93.
- The National Policy Statement on Urban Development 2020 – updated May 2022
  - National Policy Statement on Freshwater Management 2020
  - New Zealand Coastal Policy Statement 2010
  - National Policy Statement for Highly Productive Land 2022
  - National Policy Statement for Indigenous Biodiversity 2023.
53. A summary of each NPS is now set out below.

### **National Policy Statement on Urban Development 2020, updated May 2022**

54. The National Policy Statement on Urban Development (“**NPS-UD**”) came into force on 20 August 2020 and replaced the National Policy Statement on Urban Development Capacity 2016. It applies to all local authorities that have all or part of an urban environment within their District. Auckland City is listed as a “Tier 1” local authority. The NPS-UD was a response to the housing crisis in New Zealand and the need to rapidly build more homes.
55. The NPS-UD promotes intensification within urban environments, such as Auckland, as a means of increasing housing supply, supporting competitive land markets by providing sufficient development capacity to meet the different needs of people and communities and improving affordability to create ‘well-functioning urban environments’ that enable all people and communities to provide for their social,

economic, and cultural wellbeing, and for their health and safety, now and into the future.

### **National Policy Statement on Freshwater Management 2020**

56. The National Policy Statement for Freshwater 2020 (“**NPS-FM**”) provides local authorities with updated direction in the form of objectives and policies for how they should manage freshwater under the RMA. In the case of PC 93, the NPS-FM is of direct relevance, as it covers an area which includes (in Mr Statham’s opinion) a natural inland wetland as well as watercourses.

### **New Zealand Coastal Policy Statement 2010**

57. The New Zealand Coastal Policy Statement 2010 (“**NZCPS**”) guides councils in their day-to-day management of the coastal environment. The NZCPS is the only compulsory NPS under the RMA.
58. While PC 93 does not have direct frontage to the coastal environment, stormwater discharges from the plan change area will occur into the upper reaches of the Mahurangi River, which lead into the Mahurangi Harbour. Therefore, the provisions that relate to ecological sustaining ecosystems, indigenous biodiversity, Mana Whenua, enhancement of public walking access, and the protection of values of the coastal environment have some relevance to the plan change.

### **National Policy Statement for Highly Productive Land 2022**

59. The National Policy Statement for Highly Productive Land 2022 (“**NPS-HPL**”) provides direction to improve the way highly productive land is managed under the RMA. The NPS-HPL provides guidance on how to manage the subdivision, use and development of this non-renewable resource.
60. While PC 93 may contain a mix of class 3 and 4 soils, it has not been included within the highly productive land layer in the AUP(OP) Geomaps which identify land that falls within the transitional definition of ‘highly productive land’ in the NPS-HPL. The transitional definition is outlined in clause 3.5(7) of the NPS-HPL and it states that at the commencement date of the NPS-HPL (17 October 2022), references to ‘highly productive land’ mean: land that is zoned general rural or rural production; and Land Use Capability (‘LUC’) 1, 2, or 3 land. The general rural and rural production zones are described in the National Planning Standards. The AUP(OP) has not yet incorporated the zones from the National Planning Standards. Therefore, the equivalent zones in the AUP(OP) are the Rural Production, Rural Coastal and Mixed Rural zones. ‘Highly productive land’ only applies in these zones. We further note that as the land is currently zoned Future Urban, it is excluded from the NPS-HPL mapping and subsequent protection and therefore as none of the PC 93 land was zoned Rural Production, Rural Coastal and Mixed Rural on 17 October 2022, the NPS-HPL is not considered by the Panel to be relevant to PC 93.

## **National Policy Statement for Indigenous Biodiversity 2023**

61. The National Policy Statement for Indigenous Biodiversity 2023 (“**NPSIB**”) provides direction to councils to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally. Given the range of watercourses, wetlands and vegetation located within PC 93, the NPSIB has direct relevance to PC 93.

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

62. This plan change request must also “give effect” to the Auckland Regional Policy Statement (“**RPS**”). The purpose of the RPS is to achieve the purpose of the RMA by providing: an overview of the resource management issues of the region; and policies and methods to achieve integrated management of the natural and physical resources of the whole region. We address the RPS further below in our decision.
63. We note that the RPS must give effect to any national policy statement and to the NZCPS. Further, it must not conflict with sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 and treat those provisions as a New Zealand Coastal Policy Statement.

## **Auckland Unitary Plan**

64. The remaining provisions of the Auckland Unitary Plan (the regional (including coastal) and district objectives, policies and rules) must give effect to the RPS. They must also not conflict with sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 and treat those provisions as a New Zealand Coastal Policy Statement.

## ***National Environmental Standards or Regulations***

65. Under section 44A of the RMA, local authorities must observe national environmental standards in their district/region. No rule or provision may duplicate or be in conflict with a national environmental standard or regulation.
66. Both the Applicants’ planners and Mr Wren considered that the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 and the National Environmental Standard for Freshwater Regulations 2020 are relevant to the consideration of PC 93. These are briefly discussed below.

## **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011**

67. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (“**NESCS**”) is a nationally consistent set of planning controls and soil contaminant values. The standard ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary, the land is remediated or the contaminants are contained to make the land safe for human use.
68. The Applicants have undertaken a Preliminary Site Investigation for the Waimanawa Valley, and a Detailed Site Investigation has been prepared for Waimanawa Hills.

These investigations have confirmed that no areas of significant contamination, which may limit or prohibit future urban development have been identified in PC 93.

### **National Environmental Standards for Freshwater Regulations 2020**

69. The Freshwater NES set requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. The regulations require activities to comply with the standards which are designed to protect natural inland wetlands, protect urban and rural streams from in-filling, and ensure connectivity of fish habitat (fish passage) amongst other activities. The Applicants advised that there are no natural inland wetlands within PC 93, however they acknowledge there are urban and rural streams present within the plan change area.
70. The Applicants will need to consider the NESCS and the NES-FW during the detailed design and consenting stages for works (including earthworks, discharges and water take) within and close to any natural inland wetlands and watercourses.

### **STRATEGIC CONTEXT**

71. Section 74(2)(b)(i) of the RMA requires that a territorial authority must have regard to plans and strategies prepared under other Acts when considering a plan change.
72. The Applicants and the Section 42A Report set out a detailed strategic context to this plan change request and both provided a discussion on 'non-statutory' documents including the Auckland Plan 2050, the Future Development Strategy and the Warkworth Structure Plan. We address these below as they set the strategic context in which this plan change needs to be considered vis-à-vis the statutory planning documents.
73. The section 42A report also discussed the relevant recent Notices of Requirement prepared by Auckland Transport and these are briefly addressed below.

### **Auckland Plan 2050**

74. The Auckland Plan 2050 prepared under section 79 of the Local Government (Auckland Council) Act 2009, is a relevant strategy document that the Council should have regard to when considering PC 93.
75. The Auckland Plan is the Council's key strategic document, setting out the social, economic, environmental and cultural objectives for the city. A key component of the Auckland Plan is the Development Strategy which describes how future growth will be accommodated up to 2050. The Auckland Plan focusses new development in existing urban areas and provides for 'managed expansion' in future urban areas. This managed expansion is with reference to structure planning processes.
76. As noted in evidence filed by the Applicants' planners, the Auckland Plan identifies Warkworth as a growth node and has done so since its inception in 2012. It is intended that the Warkworth township provides for a range of services to the surrounding rural areas; and significant future employment growth is anticipated alongside residential growth.

## Auckland Future Development Strategy 2023-2053 (FDS)

77. We acknowledge that the former Future Urban Land Supply Strategy (“**FULSS**”) was the relevant Council growth strategy at the time PC 93 was lodged and notified. The Council adopted the FULSS in 2017 in order to identify the phasing for release of land for urban development. The Warkworth South area, including the area subject to this plan change, was identified in the 2028-2032 tranche of land to be development ready (i.e. zoned and ready for urban development).
78. However, the Auckland Future Development Strategy 2023-2053 (“**FDS**”) was adopted by Council in November 2023 and replaced the FULSS and the Auckland Plan 2050 – Development Strategy. It was prepared to satisfy the requirements under both the Local Government (Auckland Council) Act 2009 and the NPS-UD. We note that the FDS was not tested through the Schedule 1 process under the RMA.
79. Warkworth is identified in the FDS as the northern ‘node’ as part of the spatial response to growth within Auckland. Significant growth is expected in Warkworth over the next 30 years, with around 1100 hectares identified as future urban land, which enables appropriate urban growth to occur within this area.
80. The timing for Warkworth South (East and West) is not before 2045+. The specified key bulk infrastructure prerequisites to support development readiness include the following five projects:
- SH1 Southern Interchange
  - The Wider Western Link Road (“**WWLR**”)
  - Southern Public Transport Interchange
  - (Old) SH1 South Upgrade
  - Warkworth Wastewater Growth Strategy (new pipeline, pump station, wastewater treatment plant and outfall pipe) and ancillary works.
81. We record here for completeness that Watercare’s bulk infrastructure capacity was originally planned to enable development of the Warkworth Future Urban Area in accordance with the FULSS sequencing. Watercare advised in their submission<sup>9</sup> that the bulk infrastructure planning will need to be reviewed to align with the FDS sequencing and the new Long Term Plan 2024 - 2034. Further, in order to provide for the out of sequence development proposed by PC 93, Watercare’s water and wastewater asset management planning would require considerable review and rescheduling, which may compromise Watercare’s ability to give effect to Auckland Council’s Long Term Plan and be consistent with the FDS, and the statutory requirements under the Local Government (Auckland Council) Act 2009.
82. With the exception of the SH1 Southern Interchange, the Applicants have advised in evidence<sup>10</sup>, that all of the above transport infrastructure upgrades will be funded, provided or enabled through this plan change process, by the Applicants. With regard to wastewater, this could involve financial assistance with the early delivery of public

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<sup>9</sup> Watercare Submission, paragraphs 2.17 – 2.18

<sup>10</sup> Joint SOE planning, paragraph 11.18



water and wastewater systems or provision of private systems. This was elaborated on in the evidence of Mr Peter Cooney, who discussed the Kaha Ake partnership with the NZ Super Fund<sup>11</sup>. Ms Katie Dean confirmed the strong financial position of the NZ Super Fund to undertake this project and identified their reasons for investing in this development.

83. We further note that the Warkworth NoRs for the Supporting Growth Warkworth Project were lodged on 12 May 2023 and Auckland Transport notified its decision on the NoRs on 12 July 2024. NoR8 (Wider Western Link – North) of that package has enabled the future provision of the Southern Interchange of State Highway 1. This NoR has a lapse period of 20 years, and is the subject of an appeal to the Environment Court by John Wynard (a submitter to PC 93). It is unclear to the Panel when the Southern Interchange will be constructed.

### **Warkworth Structure Plan (WSP)**

84. As discussed above, Warkworth is identified as a satellite town in the Auckland Plan and will act as a rural node. It will service the surrounding rural communities within a large rural catchment, is connected to Auckland through State Highway 1, and is anticipated to support significant business and residential growth.
85. Before any urban development of the FUZ land can occur, the land must first be structure planned. The structure plan process began in December 2017 culminating in the adoption of the Warkworth Structure Plan ("**WSP**") in June 2019.
86. The WSP sets out a pattern of land uses and the supporting infrastructure network for the FUZ land around Warkworth. The plan has been prepared in the context of the existing town of Warkworth and seeks to weave the new development areas back into the fabric of the existing urban area<sup>12</sup>. The structure plan builds on the opportunities and constraints in and around the FUZ.
87. The WSP is set out below in **Figure 3**:

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<sup>11</sup> Statement of Evidence of Mr Cooney, paragraphs 4.3 – 4.4

<sup>12</sup> Warkworth Structure Plan Summary, page 4

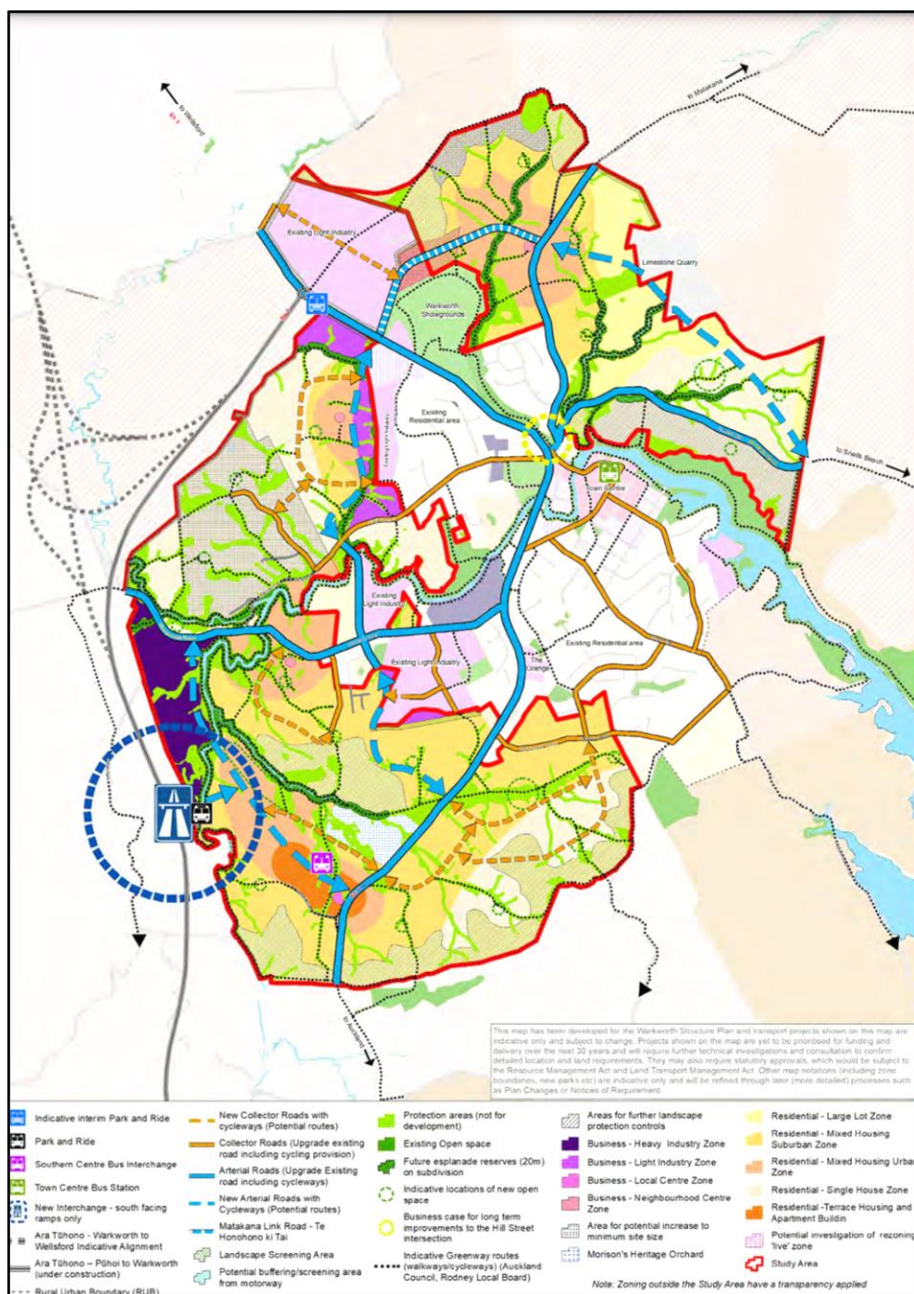


Figure 3 – Warkworth Structure Plan.

88. The development of Warkworth's FUZ will occur over the long term and is sequenced in stages over the next 20 years as bulk infrastructure capacity allows. The structure plan will be implemented through a series of plan changes to rezone the FUZ land in accordance with land uses indicated in the WSP. PC 93 is one of the anticipated plan changes to give effect to the WSP.

### Open Space Provision Policy 2016

89. The Open Space Provision Policy 2016 ("OSPP") informs the Council's investment decisions to create a high-quality open space network that contributes to Aucklanders' quality of life. It provides direction on the provision of open space at a network scale (across multiple open spaces rather than an individual site). Provision

is considered on the basis of four inter-related factors being: function, distribution, location and configuration.

90. A network of open space is proposed within PC 93, some of which will be acquired by the Council utilising this policy direction.

### **Applicants' Indicative Masterplan**

91. As set out in the Urban Design evidence for the Applicants, an indicative Masterplan was collaboratively prepared by the project team, which tested the feasibility of the proposed residential development.
92. Mr Garth Falconer advised that the overall intent of the indicative Masterplan was to provide a spatial framework for a new residential development that offers a range of housing options and provides for quality open spaces and movement networks, whilst enhancing its unique landscape features<sup>13</sup>.
93. The key design strategies of the PC 93 Masterplan are as follows<sup>14</sup>:
- (a) *“preserve and enhance the existing ecosystem and natural landscape features;*
  - (b) *promote efficient use of land and housing affordability;*
  - (c) *create a healthy and sustainable community for people of all ages;*
  - (d) *create quality and interlinked public realms, including commercial areas, open spaces, streets and potential education facilities, accessible to all residents;*
  - (e) *provide for a legible pattern of roads, local streets, lanes and walking and cycling routes; and*
  - (f) *celebrate the unique identity of Warkworth South and create an authentic sense of place in the new development.”*

### **FINDINGS AND REASONS FOR APPROVING THE PLAN CHANGE**

94. The following sections addresses our overall findings on PC 93 and why we have approved it; having heard and considered all of the material and evidence before us.
95. We had extensive evidence before us, with parties requesting a considerable number of specific and detailed changes to the precinct provisions. Many of these were addressed by the Applicants' planners. Where they accepted them, they were incorporated into subsequent iterations of the precinct provisions, with the version provided as part of the reply submissions being those the Applicants' planners ultimately supported. Those provisions they did not support were addressed in their evidence.
96. We have specifically addressed those matters and those changes sought that we considered were significant in the context of this decision. Where they have not been

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<sup>13</sup> SOE of Garth Falconer, paragraph 5.5

<sup>14</sup> SOE of Garth Falconer, paragraph 5.4

specifically addressed, the provisions we have accepted are those in the precinct provisions attached to this decision.

97. We also address the submissions received on PC 93 and the relief sought in those submissions. In this respect, in accordance with Clause 10(2) of the RMA, we have grouped together those submissions under the headings that were used in the Section 42A report for consistency.
98. With respect to further submissions, they can only support or oppose an initial submission. Our decisions, on the further submissions reflects our decisions on those initial submissions having regard, of course, to any relevant new material provided in that further submission. For example, if a further submission supports a submission(s) that opposes the plan change and we have recommended that the initial submission(s) be rejected, then it follows that the further submission is also rejected.
99. We also note that we must include a further evaluation of any proposed changes to the plan change arising from submissions; with that evaluation to be undertaken in accordance with section 32AA of the RMA. With regard to that section, the evidence presented by the Applicants, the Submitters and Council Officers and this report, including the changes we have made, effectively represents that assessment. All the material needs to be read in conjunction with this decision report where we have determined that changes to PC 93 should be made.

### **Reasons for the Plan Change Proposal**

100. We accept the Applicants' rationale for seeking to change the AUP(OP) and rezoning the application site from FUZ to live urban zonings, together with Open Space - Conservation zone and the Rural - Mixed Rural zoning underlying the Morrison Heritage Orchard Precinct. This was detailed in the Application, evidence and the legal submissions.
101. Again, we acknowledge that the former FULSS was the relevant Council growth strategy at the time that PC 93 was prepared and lodged with the Council; and that the Warkworth South area which was identified in the FULSS 2028-2032 tranche of land to be development ready was recently subjected to a revised timing, with the adoption of the FDS in 2023, which effectively reset the development of Warkworth South (East and West) to not be before 2045+.
102. For the reasons that follow, it is our view that the provisions of PC 93 (as we have determined them) are more efficient and appropriate in terms of section 32 and section 32AA of the RMA than those currently in the AUP(OP) and satisfies the Part 2 provisions of the RMA. We address these matters below.

### **AREAS IN CONTENTION AND OUR FINDINGS ON THOSE MATTERS**

103. Having undertaken a joint site visit, considered the submissions and further submissions received, the hearing report, the evidence presented at the hearing and the responses to our questions, the following principal issues in contention have been identified by the Panel:

### Waimanawa Precinct

- Whether there is scope for the Applicants' proposed changes to:
  - a. The Precinct description, to reflect neutrality regarding connection to private or public water and wastewater systems;
  - b. Objectives, Policies and Standards relating to the trigger for requiring water and wastewater connections at the time of occupation; and
  - c. Objectives, Policies and Standards relating to the trigger requiring transport upgrades to be in place by the time of occupation of dwellings.
- Whether the Precinct description, Objectives and Policies and Standard I593.6.9 should reflect neutrality on whether PC 93 will be serviced through public or private water and wastewater systems.
- Whether the appropriate trigger for requiring infrastructure is at s224(c) certificate stage or at the time of occupation.
- Whether the appropriate trigger for transport upgrades to be completed is occupation or section 224(c) stage.
- Whether the Applicants' proposed temporary shared path to McKinney Road should continue further north up to Wech Drive.
- Whether urban standard frontage upgrade requirements, as shown on Precinct Plan 3, should be extended to include the proposed residential large lots which are in the south-eastern corner of the Waimanawa Precinct.
- Whether a minimum 4m riparian yard is appropriate as opposed to a 10m riparian yard along the WWLR.
- Whether riparian yards should be shown for all streams on Waimanawa Precinct Plan 2.
- Whether the proposed requirements for cat proof fencing are appropriate.
- What are the most appropriate stormwater management provisions for the Waimanawa Precinct.
- Whether the location and size of the proposed Suburb Park shown on Precinct Plan 6 is appropriate, and whether there has been an under-provision of open spaces, including a lack of indicative Neighbourhood Parks on Precinct Plan 6.
- Whether acoustic attenuation should be dealt with at an Auckland-wide level and not within the individual precincts.

- Whether the request by the BMW Submitters to include an additional 77ha of land in PC 93 is within scope of PC 93. If it is:
  - a. is there sufficient evidence to demonstrate that rezoning this land is appropriate; and
  - b. should PC 93 be declined in the event that the PC 93 land is not included.
- Whether the economic benefits of PC 93 warrant its approval.

#### Morrison Heritage Orchard Precinct

- Whether it is appropriate for land zoned Rural – Mixed Rural to be located within the RUB.
- What maximum cumulative trip generation is appropriate for visitor activities and accommodation in this precinct.
- Whether acoustic attenuation should be dealt with at an Auckland-wide level and not within the individual precincts.
- Whether riparian yards should be shown for all streams on the Morrison Orchard: Precinct Plan.

### **Scope for Changes to the Precinct Provisions**

104. As context for the following discussion, the revised timing of development in the 2023 FDS which effectively reset the development of Warkworth South (East and West) to not be before 2045+ resulted in amendments to the plan change, such as the introduction of the option of a private wastewater treatment plant.
105. In regard to the above amendment now being sought by the Applicants, Mr Allan took a strict interpretation of the law and stated<sup>15</sup> that no submission has sought that PC 93 be amended to provide for a private servicing approach as opposed to the extension of public networks provided for in the notified plan change, or to introduce changes to link water and wastewater infrastructure to the “occupation” of development. It was his legal submission that there is no scope for the amendments proposed by the Applicants’ planners.
106. Mr Allan stated that the Applicants’ planners rely on submission point 24.2 in the Applicants’ submission as providing scope for the changes to the precinct description<sup>16</sup>. He said that submission point relates to further or alternative or consequential relief as follows<sup>17</sup>:

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<sup>15</sup> Legal Submissions of Mr Allan, paragraph 2.19

<sup>16</sup> Pages 2-3 of s32AA attached to joint planning rebuttal statement

<sup>17</sup> Applicants’ submission point 24.2.

*The Submitters seek any further or alternative relief or any consequential amendments that may be required to address the matters raised in this submission or any other related matters.*

107. We note that Mr Wren also raised a scope query<sup>18</sup> in relation to some changes being sought in reliance under the general submission point 24.2, however he did not specify which changes. He also observed that this submission point had been used to address errors or provide clarifications to the text in some cases.
108. Referencing *Queenstown Airport Corp Ltd v Queenstown Lakes District Council*, Mr Allan submitted<sup>19</sup> that the request for “*further or alternative relief or any consequential amendments*” must relate back to matters raised in the submission itself. Further, citing *Shaw v Selwyn District Council* and *Gertrude's Saddlery Ltd v Queenstown Lakes District Council* he said<sup>20</sup> any consequential relief must be consequential to the relief otherwise specifically sought in the appeal.
109. It was Mr Allan’s submission<sup>21</sup> that had the Applicants’ submission sought to amend the precinct provisions to provide for private water and wastewater servicing, then it may have been possible to rely on submission point 24.2 for such a change. However, the Applicants’ submission did not address water and wastewater servicing. He said it is therefore not possible to rely on a request for alternative or consequential relief, such as point 24.2, to provide scope for changes that relate to entirely new matters, not signalled in the submission.
110. Mr Allan also stated there is no scope for the Applicants’ proposed change to omit “*prior to the issuing of s224(c) certification for subdivision*” from the precinct description. On this matter, he noted that the Applicants rely on submission point 32.6 of Watercare’s submission<sup>22</sup>. He said that submission point sought the retention of the s224(c) wording, and did not seek to delete these words. He submitted that this is a material (and not a neutral or minor) amendment.
111. Mr Allan formed the same opinion with proposed new Objective 10, where the Applicants rely on Auckland Council submission point 17.1 which sought an amendment to then objective (8) to add the word “avoid” and the Auckland Transport submission point 20.12 which sought a new objective: “*Subdivision and development does not occur in advance of the availability of operational transport infrastructure*”. He submitted<sup>23</sup> that neither submission provides scope for the Applicants’ proposed wording based on “occupation” and that this is a material (and not a neutral or minor) amendment.
112. With regards to Standard I593.6.9 Mr Allan noted that the changes proposed to this standard are made in reliance on Watercare submission points 32.4 and 32.5.30. The former submission point recorded Watercare’s support for clauses (1) and (2) requiring all lots except for those in Residential – Large Lot and Open Space –

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<sup>18</sup> Section 42A Addendum Report, paragraph 11

<sup>19</sup> Legal Submissions of Mr Allan, paragraph 2.23

<sup>20</sup> Legal Submissions of Mr Allan, paragraph 2.24

<sup>21</sup> Legal Submissions of Mr Allan, paragraph 2.27

<sup>22</sup> Page 3 of the s32AA

<sup>23</sup> Legal Submissions of Mr Allan, paragraph 2.30

Conservation zones to be connected to a reticulated wastewater network and potable water network. The latter submission point sought to retain the “prior to the issue of s224(c)” wording, but add the words “with sufficient capacity to service the proposed development”. It was Mr Allan’s submission<sup>24</sup> that again neither submission point provides scope for the Applicants’ change to introduce timing based on “occupation”, as the changes were a material (and not neutral) amendment.

113. In his reply submissions, Mr Loutit responded to the questions of scope raised by counsel for Watercare and Auckland Transport in relation to three proposed changes to the precinct provisions. He submitted that adopting the High Court’s “workable” approach<sup>25</sup> requires the decision maker to take into account the whole relief package detailed in each submission when considering whether the relief sought had been reasonably and fairly raised in the submissions.<sup>26</sup> It is sufficient if the changes made can fairly be said to be foreseeable consequences of any changes directly proposed in the reference.<sup>27</sup>
114. Mr Loutit said<sup>28</sup> the precinct description changes seeking to reflect neutrality regarding connection to private or public water and wastewater systems, as well as the changes relating to the trigger for requiring water and wastewater connections at the time of occupation were made as a consequence of several submissions which raised water and wastewater serviceability issues for PC 93. These included the submissions from Watercare, Auckland Council and Hugh Briggs as well as the Applicants own further submission to Wendy Court’s submission and in response to Auckland Council’s submission.
115. As a direct consequence of Watercare’s submission in particular, Mr Loutit said the Applicants were required to investigate private servicing options for water and wastewater. This necessitated consequential changes to the precinct provisions. The Applicants did not consider it was appropriate for the precinct description to state that PC 93 will connect to the public network when this may not occur as a consequence of Watercare’s submission<sup>29</sup>. Similarly, he said the need for an occupation trigger to allow dwellings and infrastructure to be constructed in parallel only arose from the possibility of a private servicing scheme where infrastructure must be built. Mr Loutit submitted this is consistent with infrastructure being “coordinated with” development as opposed to completed in advance of development beginning.
116. Mr Loutit advised that the transport infrastructure standard I593.6.15 was subject to a submission from Auckland Transport which sought amendments to clarify the timing of infrastructure and development. This issue was addressed in the Applicants’ further submission, which opposed the word “avoid” in Objective 8, together with submission point 24.2 which sought any further or alternative relief or any consequential amendments that may be required to address the matters raised in this submission or any other related matters. It was Mr Loutit’s submission<sup>30</sup> that the

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<sup>24</sup> Legal Submissions of Mr Allan, paragraph 2.32

<sup>25</sup> Royal Forest and Bird Protection Society of New Zealand v Buller Coal [1997] NZRMA 467

<sup>26</sup> Shaw v Selwyn District Council [2001] 2 NZLR 277 at paragraph 31.

<sup>27</sup> Westfield (New Zealand) Ltd v Hamilton City Council, above n 116, at [73]-[74].

<sup>28</sup> Reply Submissions, paragraph 3.4

<sup>29</sup> Reply Submissions, paragraph 3.5

<sup>30</sup> Reply Submissions, paragraph 3.6(c)



amendments that are now made are consequential and reasonably foreseeable outcomes from the matters flagged as issues in the submissions above and provide additional scope for the consequential changes.

117. It was also Mr Loutit's submission<sup>31</sup> that there is no prejudice or risk of prejudice to any third parties making these changes and there is no "side-wind" that would take a third party by surprise. The issues of infrastructure servicing and funding were squarely raised in submissions. Any person reviewing PC 93 and submissions on it would have been alert to this key issue and the possible outcomes of private water and wastewater infrastructure and further changes and clarity regarding the timing of coordinating transport infrastructure upgrades with development.
118. Mr Loutit made a final point<sup>32</sup> on scope that an unnecessarily narrow or legalistic approach to scope on these provisions would, in his submission, be contrary to High Court authority and may limit the ability of the Panel to adequately discharge its duty to make decisions on the resource management issues that are raised in PC 93.
119. The Panel agrees with Mr Loutit that adopting a workable approach is required in this instance, where Watercare in particular, has made a submission which states that the current public infrastructure, including the existing Warkworth wastewater treatment plant, would be unable to accommodate the plan change. This has required the Applicants to consider alternative solutions to both fund and build the necessary infrastructure, which in turn has necessitated changes to the precinct provisions. We also agree with Mr Loutit that you cannot have precinct provisions stating that PC 93 will connect to the public network when it is a real-world scenario that this may not occur. We find that changes to the notified precinct description were required to take into account the changing circumstances around water and wastewater servicing.
120. We also accept that the Applicants have sought to introduce Objective 8 (now referred to as Objective 10) in response to the concerns raised in the Watercare submission. In doing so, the Applicants have relied on the scope of the Auckland Council submission point 17.1 which sought an amendment to objective (8) to add the word "avoid" and the Auckland Transport submission point 20.12 which sought a new objective: "*Subdivision and development does not occur in advance of the availability of operational transport infrastructure*". We find that Mr Allan has taken an unnecessarily narrow approach to scope in this case. We consider that the new objective proposed by AT concerns the timing of subdivision and development in relation to the availability of infrastructure; which is what the Applicants have sought to address with their new proposed objective 10, in response to the AT submission. The merits of the proposed objective are discussed in detail in the decision below.
121. Again, in relation to Standard I593.6.9, we prefer the submissions of Mr Loutit. Much like the situation above, the changes proposed by the Applicants to introduce an 'occupation' timing to this transport infrastructure standard were made to resolve the concerns raised in Watercare's submission in relation to the timing of subdivision and development and the availability of infrastructure. Whereas, the changes proposed to

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<sup>31</sup> Reply Submissions, paragraph 3.7

<sup>32</sup> Reply Submissions, paragraph 3.8

the transport infrastructure standard I593.6.15 were subject to a submission from Auckland Transport which sought amendments to clarify the timing of infrastructure and development.

122. It is our finding that there is scope to propose the above changes as they are consequential to the relief being sought which was reasonably and fairly raised in the respective submission points. We suggest that some of the changes could also be considered as foreseeable, given that the Applicants' responses to the matters raised adopted an 'occupation-based' approach to infrastructure delivery, which is seen elsewhere in recently established precincts within the AUP(OP).

### **Scope for the BMW Submissions to include 77ha of Additional Land in PC 93**

123. The BMW Submitters were represented by two barristers. Mr Jeremy Brabant opened the joint case and provided legal submissions for Lorraine Blennerhassett and Guy Matches. He advised that John and Sue Wynyard adopt a similar position and that the evidence is shared between the parties. The Wynyards were also represented by Mr Patrick Mulligan, who after we heard from the experts closed the joint case. Mr Brabant advised that the Blennerhassetts and Matches adopt the submissions of Mr Mulligan, where relevant.
124. In opening, Mr Brabant stated that as notified, the PC 93 area does not include the BMW submitters' land and would leave their land effectively 'stranded'. The BMW Submitters lodged submissions supporting PC 93, subject to matters raised in their respective submissions relating to infrastructure servicing and capacity, as well as seeking inclusion of their land within PC 93.
125. It was the Submitters' preference that development of this FUZ land should occur, as signalled, but that land logically part of that sequence should not be left behind, with potential unknown infrastructure outcomes. It was the submission of Mr Brabant<sup>33</sup> that the BMW Submitters land should not be 'leapfrogged and left out in the cold', and that they should be a part of this plan change. Mr Brabant advised, if the Panel did not agree, then the outcome the BMW Submitters are seeking is that PC 93 should be declined, in order to address these shortcomings. He reflected that to grant PC 93 in the manner proposed will not result in a well-functioning urban environment and will not give effect to the NPS-UD or the requirements of the RPS, including B2.2.2 (7) and B2.4.
126. He highlighted the benefits of including the BMW Submitters land within PC 93 and concluded that better outcomes would be achieved from rezoning their land Business – Heavy Industry, as indicated in the adopted WSP, which he considered would be the most appropriate planning and resource management response.
127. In his submissions Mr Brabant discussed whether in law there is scope for the relief being sought. In speaking to us about his written submissions, Mr Brabant acknowledged that in addressing the matter of scope, 'there is a task ahead of him'.

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<sup>33</sup> Legal submissions of Mr Brabant, paragraph 7

128. He adopted the approach taken by the High Court in *Clearwater Resort Ltd v Christchurch City Council*<sup>34</sup>, and *Palmerston North City Council v Motor Machinists Ltd*<sup>35</sup>. He took us through the two limb tests established in *Clearwater* and confirmed in *Motor Machinists* in the High Court, and how the Courts say these limbs can and should be analysed.

129. In turning to considering extensions of a proposed rezoning, Mr Brabant advised that the Court in *Motor Machinists* noted<sup>36</sup>:

*“Yet the Clearwater approach does not exclude altogether zoning extension by submission. Incidental or consequential extensions of zoning changes proposed in a plan change are permissible, provided that no substantial further s 32 analysis is required to inform affected persons of the comparative merits of that change.”*

130. He submitted that there is a clear overlap between the opportunity above, and the second limb of the *Clearwater* test. Mr Brabant made a case for the inclusion of the BMW Submitters land on the basis that:

- a) It forms part of a contiguous area of Future Urban Zoning in Warkworth South, sitting between PC 93 and the existing developed and zoned land, there being no differentiation between the landholdings nor any reference for them to be treated separately from a strategic position;
- b) Geographically, the Submitters' land is the closest to the existing urban area of Warkworth and the locational advantages highlighted with respect to existing or proposed infrastructure and community assets are either lost, eroded or severely underutilised if the Submitters' land is not rezoned as part of PC 93;
- c) The Wynyard land is extremely important to the successful urbanisation of Warkworth South because it offers meaningful employment opportunities through the creation of a heavy industrial zone adjoining residential development; and in turn would result in desired reductions in vehicle kilometres travelled and emissions;
- d) It is more consistent with the NPS-UD and the RPS to include the land because:
  - i) It will provide greater integration between urban development and infrastructure;
  - ii) It provides a consistent connection through to existing development and zoned areas, provides for greater efficiencies and economies of scale in terms of the delivery of infrastructure, provides an important area of employment zoned land and provides the opportunity for greater connectivity with respect to transport;

<sup>34</sup> *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003, at [66].

<sup>35</sup> *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290, at [80] - [82].

<sup>36</sup> [2014] NZEnvC 17 at [81].

- iii) The Submitters' land can be included without generating the need to materially alter the Precinct provisions; and
  - iv) Including the Submitters' land will provide a more cohesive, practical, and sensible urban form and will reflect the outcomes sought in the WSP.
- e) The section 32 analysis for the plan change should properly have considered the entirety of the Future Urban zoned land in Warkworth South, which it does not do comprehensively; and
- f) The relief being sought addresses the extent of the alteration to the status quo. No substantial further s32 analysis is required to inform affected persons of the comparative merits of the change being proposed.
131. It was Mr Brabant's submission<sup>37</sup> that potentially affected persons have not been denied an effective opportunity to respond to the relief sought by the Submitters. He pointed to the further submission of Watercare which had noted the relief of the BMW Submitters and responded to it (in opposition). Given the broader urbanisation outcomes signalled through structure planning and future urban zoning in Warkworth South, he submitted with regard to potentially affected persons there is every expectation that the Submitters' land would be captured by the plan change, and if not, that there would be submissions seeking inclusion of that land. From a substantive outcomes' perspective, he concluded there is every reason for the land to be included and he stated the submission is 'on' the plan change.
132. As a minimum position in his written submissions<sup>38</sup> Mr Brabant sought that any approval of PC 93 does not place the Submitters' site in a position where pursuing future rezoning and development is either impossible or significantly delayed by decades. He said the BMW Submitters should not be left in a compromised position for the development of this land, and he requested additions to provisions to ensure servicing of the full Warkworth South area.
133. Mr Mulligan's submissions<sup>39</sup> advised that while the Wynyards support urbanisation, they oppose PC 93 if it does not provide for integrated and widespread urbanisation of the FUZ land as contemplated by and provided for in the relevant planning documents, including the WSP. He particularly contended that PC 93 should only occur hand-in-hand with the urbanisation of the Wynyards land.
134. Further, if ultimately the Panel was inclined to allow PC 93, Mr Mulligan submitted<sup>40</sup> it should only do so by including the Wynyards land or at least insisting on substantial steps to facilitate urbanisation of it sooner than contemplated by the FDS. Mr Mulligan advised that particular care should also be given to ensure the plan change provisions provide complete certainty that connection will be developed, along with a clear direction on when that will occur<sup>41</sup>.

<sup>37</sup> Legal submissions of Mr Brabant, paragraph 52

<sup>38</sup> Legal submissions of Mr Brabant, paragraph 57

<sup>39</sup> Synopsis of Submissions of Counsel for the Wynards, paragraph 5

<sup>40</sup> Synopsis of Submissions of Counsel for the Wynards, paragraph 6

<sup>41</sup> Synopsis of Submissions of Counsel for the Wynards, paragraph 21

135. Mr Mulligan's submissions also spent some time considering the appropriateness of PC 93. He concluded that, while providing varied residential capacity sooner rather than later, PC 93 does so in a way that is discordant with the essential objectives of the AUP and runs counter to the WSP<sup>42</sup>. He thus deemed it inappropriate growth for Warkworth and Auckland.
136. Mr Mulligan asserted that the WSP makes it clear that substantial residential growth in Warkworth's South can only be seen as beneficial if it is supported by the jobs provided for by the Wynyards' land<sup>43</sup>. He submitted that only the development of the Wynyard's land and the connections that development would give to the rest of Warkworth will prevent these new dwellings from becoming a commuter suburb.
137. He concluded<sup>44</sup> that PC 93 is fundamentally inconsistent with the planning framework. It does not support the broader objectives of the AUP and threatens the coherence of the Warkworth community. These concerns and risks make approval of PC 93, without wider integration with the Woodcock Road sites, inappropriate.
138. Mr Allan, Counsel for Watercare, addressed the law on the matter of scope, which says submissions must be 'on' a plan change and he also pointed us to the High Court decision in *Palmerston North City Council v Motor Machinists Ltd*, where he said the Court firmly endorsed the two-limb approach from *Clearwater Resort Limited v Christchurch City Council*.
139. Mr Allan submitted that the two questions that must be asked are<sup>45</sup>:
- (a) Whether the submission addresses the change to the pre-existing status quo advanced by the plan change, and can reasonably be said to fall within its ambit; and
  - (b) Whether there is a real risk that people affected by the plan change (if modified in response to the submission) would be denied an effective opportunity to participate in the plan change process.
140. It was Mr Allan's submission that a submission can only fairly be said to be 'on' a proposed plan change if it meets both of these limbs.
141. In making references to the details of the *Motor Machinists* case, in which Kós J held that the inclusion of a rezoning of two isolated lots in a side street could be said to 'come from left field'<sup>46</sup>, Mr Allan observed that the collective submissions of the BMW Submitters seek to add the 77.3ha Woodcocks Site to the approximately 159ha of PC 93 – an increase in the scale of the plan change of nearly 50%. He submitted that an extension of this scale is not 'on' the plan change in terms of the *Motor Machinists* / *Clearwater* tests.

<sup>42</sup> Synopsis of Submissions of Counsel for the Wynards, paragraph 53

<sup>43</sup> Synopsis of Submissions of Counsel for the Wynards, paragraphs 55 and 56

<sup>44</sup> Synopsis of Submissions of Counsel for the Wynards, paragraphs 59 and 60

<sup>45</sup> Legal Submissions of Mr Allan for Watercare, paragraph 2.35

<sup>46</sup> *Clearwater Resort Limited v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003 at [89]

142. Mr Allan submitted<sup>47</sup> there is no jurisdiction for the inclusion of the Woodcocks site as the BMW Submission:
1. *“Does not address the change to the status quo contemplated by PC 93, and is far more than an “incidental or consequential extension”.*
  2. *The proposed inclusion of the Woodcocks Site could be said to have “come from left field”. As such there is a real risk that people affected by this change would be denied an effective opportunity to participate in the plan change process.*
  3. *While it might be argued that the summary of submissions provides a form of notice, that is only if people could reasonably anticipate that submissions would be lodged seeking that the Woodcocks Site be incorporated into PPC 93. This would be a long bow to draw. As the Brooker’s Resource Management commentary notes,<sup>37</sup> citing High Court authority,<sup>38</sup> the “cross-submission process may be inadequate to allow true public participation where a submission seeks to make major alterations...”.*
143. Mr Allan also observed<sup>48</sup> that there was limited information and analysis provided in the BMW Submitters’ evidence to support a private plan change request for a 77ha site. He considered that a separate plan change, supported by the full level of analysis (including comprehensive section 32 analysis) typically required for private plan changes, would be needed to live zone this land.
144. Mr Brabant rebutted that this is not a ‘sizeist issue’, it is about the finer detail and that the two lots rejected in *Motor Machinists* were separated by some distance comparatively from the land being rezoned. Whereas the BMW land is immediately adjacent to, and surrounded by parts of the plan change area. Further, he said the two lots in question were never identified in any strategic documents as being equivalent to the land being considered in the *Motor Machinists* case. The lots also had a residential zoning and were proposed to be rezoned business with no context that matters would change. The outcomes sought would have come as a complete surprise to the adjoining landowners, whereas the land in question was signalled to change in exactly same way as the PC 93 land. Mr Brabant said there are no surprises here about the BMW land being sought for inclusion because that is what everyone anticipated.
145. In his reply submissions, Mr Loutit addressed the issue of scope. He stated that the BMW Submitters request is very clearly<sup>49</sup> outside the scope of PC 93. He commented that<sup>50</sup> even if the submission were to be found within scope of PC 93 there is a severe absence of evidence to demonstrate that rezoning this land is appropriate.

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<sup>47</sup> Legal Submissions of Mr Allan for Watercare, paragraphs 2.41 – 2.42

<sup>48</sup> Legal Submissions of Mr Allan for Watercare, paragraphs 2.43

<sup>49</sup> Reply Submissions, paragraph 5.1

<sup>50</sup> Reply Submissions, paragraph 5.2

146. It was Mr Loutit's submission, that the BMW Submitters' request truly is a 'side wind'<sup>51</sup>. He stated the request does not fall within the ambit of PC 93 and it poses a real risk to potentially affected persons who have been denied an opportunity to effectively respond to the request.
147. In his analysis of the two-limb test established in *Clearwater*<sup>52</sup> and confirmed in *Option 5*<sup>53</sup>, *Motor Machinists*<sup>54</sup> he said that<sup>55</sup> out of scope submissions have been described by the High Court as a "side wind", "coming out of left field" or "a submission proposing something completely novel."
148. He cited three cases being the *Option 5* decision, *Motor Machinists* and *Well Smart Investment Holding (NZQN) Ltd v Queenstown Lakes District Council*<sup>56</sup> that he considered are directly on point to the current facts. He concluded that the BMW Submission is not 'on' PC 93 because<sup>57</sup>:
- (a) *The extent of the land sought to be rezoned – 77ha – is significant and in no way could be seen as a mere incidental or consequential amendment to the proposed zone boundary of PC93;*
  - (b) *The BMW Submission seeks the addition of a more extensive area of land than what was sought to be rezoned in Option 5 or Motor Machinists. In both of those cases the High Court found the request failed on a 'scale and degree' basis;*
  - (c) *There is a real risk, if not a certainty, that there are landowners who would be affected by the rezoning sought in the BMW Submissions that were not directly notified and saw no reason to make a submission on PC93 or review the summary of submissions, as it related to land a considerable distance away from their properties. These land owners would essentially be left out in the cold if the BMW Submission was found to be within scope.*
149. It is our finding that there is no scope to include the BMW Submitters land within PC 93 as these submissions are not 'on' the plan change and fail to meet both limbs of the *Motor Machinists* test. We prefer the legal submissions of Mr Loutit and Mr Allan. Whilst Mr Brabant argued that this is not a 'sizeist issue', we simply cannot accept that the addition of some 77 hectares of land could have been anticipated when PC 93, which already comprises 159 hectares of land was notified. We find that this is not an 'incidental or consequential amendment'.
150. Like the *Option 5* decision, there are a large number of property owners whose land would be directly affected by the proposed amendment, who were not directly notified in conjunction with PC 93. The inclusion of the BMW Submitters land would extend the plan change boundary nearly 500m north to Woodcocks Road in close proximity to a large number of Residential – Single House zoned properties as well as a

<sup>51</sup> Reply Submissions, paragraph 5.6

<sup>52</sup> *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003

<sup>53</sup> *Option 5 Inc v Marlborough District Council* (2009) ELRNZ 1 at [29]

<sup>54</sup> *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290, [2009] NZRMA 519 at [73].

<sup>55</sup> Rebuttal Submissions, paragraph 5.5

<sup>56</sup> [2015] NZEnvC 214.

<sup>57</sup> Rebuttal Submissions, paragraph 5.11

number of rural residential lifestyle blocks. It would also extend it between 550m and 600m west, past the northern motorway, into the Rural - Production zoned land. We find that the BMW Submitters' request also fails on a 'scale and degree' basis.

151. Based on the above analysis, we conclude that there is a real risk, if not a certainty, that there are landowners who would be affected by the rezoning sought in the BMW Submissions that were not directly notified and saw no reason to make a submission on PC 93. This would result in a 'submissional side wind'.
152. We do not accept in this case that the summary of submissions on PC 93 provided a form of notice to these landowners. They could not reasonably have anticipated that submissions would be lodged seeking that the entire area of the Woodcocks Site be incorporated into PC 93, despite being adjacent to it.
153. We also find that the public engagement<sup>58</sup> with neighbouring property owners, that was undertaken just two weeks prior to the hearing being held, as discussed in Ms Burnette O'Connor's evidence<sup>59</sup> was not at a suitable level for a plan change rezoning of the extent of land being sought by the BMW Submitters, noting in particular the short timeframe provided for feedback.
154. We observe that the BMW Submitters' land does not form the remaining balance of the Warkworth South FUZ land identified in the WSP. There would remain pockets of FUZ land scattered around the perimeter of PC 93 which would be excluded from being rezoned. Mr Wren pointed out this would include the properties at 10, 14 and 42 Mason Heights Road as well as 100 and 153 Woodcocks Road. Ironically, this is the very issue that the submitters themselves are concerned about, and these property owners would effectively be left behind with the relief sought by the BMW Submitters.
155. We also find that further s32 analysis would be required to inform affected persons of the comparative merits of the amendment to include the BMW Submitters land. This may have required an additional precinct to provide for detailed place-based provisions, to apply the mandatory MDRS (including qualifying matters) across all relevant residential zones, and to evaluate the introduction of approximately 25ha of Business – Heavy Industry, within PC 93. This Heavy Industry zone provides for industrial activities that may produce objectionable odour, dust and noise emissions and does not currently form part of PC 93.
156. In arriving at this position, the Panel notes that whilst a jurisdictional issue stops our ability to include the BMW Submitters land, it would have been a better outcome if all of the Warkworth South FUZ land had been included in one plan change. Indeed, Messrs Duthie, Hay and Smallburn stated it would have been preferable had the Wynyards and Blennerhassets agreed to be part of comprehensive development of this area when they were initially consulted<sup>60</sup>. The background to this offer was explained in section 9 of their rebuttal evidence<sup>61</sup>. We understand from the evidence

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<sup>58</sup> Attachment A to Hearings Presentation Summary of Ms Burnette O'Connor

<sup>59</sup> Summary Statement for Ms O'Connor.

<sup>60</sup> Rebuttal evidence of Messrs Duthie, Hay and Smallburn, paragraph 4.38

<sup>61</sup> Rebuttal evidence of Messrs Duthie, Hay and Smallburn, paragraphs 9.6 – 9.10



that in 2021/22 they were either not in a position to do so, or simply did not wish to participate.

157. The Panel also wishes to record that all experts for the BMW Submitters concluded that better outcomes are achieved by including the Woodcocks Site with urban zoning of that land now. We also however observed that neither Mr Church, Mr Heath, Mr Rankin nor Mr Paxton identified why the inclusion of the Woodcocks Site is necessary in order for PC 93 to be approved; it was only Ms O'Connor's planning evidence that PC 93 should not be approved or was inappropriate, in the event that the Woodcocks site was not included.
158. On this last matter we note that the Applicants planners', Messrs Duthie, Hay and Smallburn stated in their rebuttal evidence that they do not disagree with the proposition that some better outcomes may be achieved by re-zoning the Woodcocks Site<sup>62</sup>. However, for the reasons set out in their rebuttal evidence, they did not consider that the inclusion of the Woodcocks Site was necessary for PC 93 to be approved<sup>63</sup> and we agree with them.

### **Wastewater and Water Supply**

159. As a preface to the remainder of our findings on the principal issues in contention, it is important that we first outline the latest position on the key matter of servicing the application site, as this is especially pertinent to the reasons for our decisions on the remaining matters in contention.
160. We were told by the Applicants that after consulting with Watercare for at least three years, it came as quite a surprise to learn via Watercare's submission on PC 93 that the recently upgraded Snells Beach Wastewater Treatment Plant as part of the Warkworth Wastewater Scheme (promoted as futureproofing for 35 years of population growth in Warkworth) has barely sufficient capacity to service currently live-zoned areas<sup>64</sup>. Watercare also advised there was insufficient capacity at the Sanderson Road potable Water Treatment Plant to service future growth in Warkworth (also known as the Warkworth Wells Water Treatment Plant)<sup>65</sup>.
161. In its submission, Watercare indicated a neutral position on PC 93 in response to the notified plan change, which sought to connect to a public water and wastewater network. While Watercare's submission raised various concerns about its existing capacity and the timing for future infrastructure becoming operational, we note it neither opposed nor supported PC 93, as notified, subject to a range of amendments being made to the precinct provisions to ensure that the water and wastewater capacity and servicing requirements of PC 93 will be adequately met.
162. It was in response to Watercare's submission that the Applicants then revised their proposed approach to water and wastewater servicing based on potential private solutions, to which Watercare signalled its opposition to any proposal to rely on private systems to service such a large area of FUZ land in early August 2024.

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<sup>62</sup> Rebuttal evidence of Messrs Duthie, Hay and Smallburn, paragraph 9.12

<sup>63</sup> Rebuttal evidence of Messrs Duthie, Hay and Smallburn, paragraph 9.12

<sup>64</sup> Statement of evidence of Mr Philip Nicolson, paragraph 10.7

<sup>65</sup> Statement of evidence of Mr Philip Nicolson, paragraph 10.12

Watercare advised at the hearing that it remained open to further discussions with the Applicants, but that as matters presently stood it opposed PC 93.

163. The body of evidence on the disagreement between Watercare and the Applicants focussed on two key matters:
- Whether the proposed plan change area was able to be serviced for water supply and wastewater; and
  - If the above could be established, what are the most appropriate provisions for servicing the development, in relation to bulk wastewater and water supply.
164. The above matters were thoroughly canvassed in both expert and oral evidence. The Panel notes that the Council officers' position was more aligned to that of Watercare. In the s42A Addendum Report, Mr Wren stated that the Applicants had not provided sufficient certainty that one of its four options will be able to be implemented before concluding that the issue of the provision of water and wastewater infrastructure is 'finely balanced'. While he agreed that it may be the case that the required infrastructure can be provided, he considered that unresolved uncertainty remains in a number of areas<sup>66</sup>.
165. The Applicants' evidence proposed four options for funding of water and wastewater infrastructure:
- Option 1 – Connection to the public system. This could involve upfront payment of IGCs to enable Watercare to fund water and wastewater treatment plant upgrades;
  - Option 2 – A Warkworth-wide solution involving funding from the Infrastructure Funding and Financing Act 2020 (IFFA);
  - Option 3 – The Applicants provide a fully independent private on-site water and wastewater system servicing the PC 93 area, which would remain and operate permanently.
  - Option 4 – The Applicants can provide a fully independent on-site system servicing the PC 93 area, which would operate temporarily, and connect to the Watercare network, once necessary network upgrades have been completed.
166. The expert evidence of Dr Matthew Savage was that an 'on-site' Membrane Bioreactor (MBR) wastewater treatment plant followed by UV disinfection would be the best practicable treatment option for this type of development<sup>67</sup>. He considered that final disposal of the water should follow a 'land first' approach and any discharge to surface water should be via land in accordance with the objectives of the National Policy Statement for Freshwater 2020<sup>68</sup>.

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<sup>66</sup> S42AA Addendum Report, paragraph 68

<sup>67</sup> Dr Savage Statement of Evidence, paragraph 3.2

<sup>68</sup> Dr Savage Statement of Evidence, paragraph 3.4

167. We note that Dr Savage has extensive experience developing both public and privately operated water and wastewater treatment plants, including for Watercare, in Warkworth, Clark's Beach, Waiheke Island, Meremere, Karaka, and one currently under construction in Raglan.
168. Dr Savage provided a detailed description of how the on-site wastewater treatment system was proposed to operate and the ability to treat wastewater and dispose of treated wastewater within the PC 93 site. He advised that the site includes a number of areas which could accommodate this MBR, which would take up an area of approximately 40m x 60m and would work effectively (at these locations) with minimal noise or odour nuisance<sup>69</sup>.
169. It was Dr Savage's evidence that a Low Pressure System ("LPS") should be preferred for the wastewater network in this case as the proposed development requires on-site wastewater treatment and disposal in a limited area. He also recommended that a LPS network (as opposed to a gravity sewer system) should be utilised because there will be low flows in the initial stages of development and to manage the peak flow of wastewater to the treatment plant.<sup>70</sup>
170. The evidence we heard from the Applicants' witnesses indicated that there are precedents for the implementation of a LPS system for residential development of a similar scale to PC 93 and Watercare's corporate witness conceded under questioning that is the case. Based on the evidence, it seems to us that either a gravity system or a LPS system will be satisfactory, but ultimately that is an operational matter that is yet to be determined.
171. In response to concerns raised by Watercare at the hearing, Dr Savage's supplementary evidence advised that the owner of the infrastructure could be a residents' association, who would ordinarily appoint a private contractor engineer to operate the scheme and manage any maintenance and issues that arise. Further, financing a professional contracted engineer would be built into the body corporate fees for any residents group.
172. The position of Watercare was set out in detailed legal submissions presented by Mr Allan, which was followed by two witnesses. Mr Priyan Perera, Chief Strategy and Planning Officer, provided corporate evidence on Watercare's position, infrastructure planning and funding considerations. Ms Katja Huls, Senior Principal Planner, provided planning evidence on the statutory framework and planning implications of PC 93.
173. Mr Perera's corporate evidence focussed on the following concerns:
- (a) A lack of integration with the wider Warkworth network and Watercare's long-term infrastructure planning;

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<sup>69</sup> Dr Savage Statement of Evidence, paragraph 3.2

<sup>70</sup> Dr Savage Statement of Evidence, paragraph 5.4

- (b) The complexity and uncertainty associated with the consenting of private water-take and wastewater discharges;
  - (c) Environmental risks associated with the proposed wastewater scheme to the Mahurangi River Catchment, at a time when Watercare has made and continues to make significant investment to avoid discharge to this environment;
  - (d) The Applicants' proposed private water and wastewater systems rely on low pressure sewer systems which Watercare consider are typically installed in smaller developments (due to their cost) and where gravity systems are not feasible;
  - (e) Operational risks and potential future costs to Watercare and Auckland Council if private systems fail or require intervention due to the use of substandard infrastructure;
  - (f) The absence of formal agreements between the Applicants and Watercare for any temporary solutions and eventual vesting of infrastructure.
  - (g) A potential funding shortfall for providing services to the FUZ properties to the south of the PC 93 site in the future.
174. In response to Mr Perera's concerns about the use of LPS systems, Dr Savage's rebuttal evidence provided several examples where LPS systems have been used for large developments comprising over 2,000 dwellings. He also confirmed that private water suppliers are regulated by the Ministry of Health and Taumata Arowai, and are also held to a high standard of performance.
175. Mr Lobo Coutinho, in his evidence, confirmed that PC 93 proposes a "land first" approach to discharge, with discharge to water being used only where land discharge is not possible.<sup>71</sup> He further confirmed that water that is discharged to land will be treated to a very high standard in the proposed wastewater treatment plant. Wastewater that cannot be discharged to land and must be discharged to water will be treated to the same very high standard and then put through a constructed wetland system which can efficiently reduce contaminants in wastewater prior to discharge and comply with stringent discharge limits.
176. Mr Coutinho also explained the viability of discharge to land in terms of soil infiltration rates, and advised why he expects positive environmental and ecological effects at the Mahurangi River due to the change in land use from agriculture to residential, the proposed wetland polishing prior to discharge to surface water, and the overall improvements anticipated to the waterways.
177. We note that Mr Kelsey's evidence confirms that there is sufficient water in the Mahurangi Waitemata aquifer to provide for the servicing demand for PC 93. Mr Kelsey's evidence was peer reviewed by Mr Paul White. Mr White's evidence

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<sup>71</sup> Statement of Rebuttal Evidence of Lobo Coutinho, 25 October 2024, at [4.2]

confirmed his agreement with Mr Kelsey's assessment and methodology of the aquifer availability for groundwater in the Waimanawa precinct area of PC 93<sup>72</sup>.

178. The Panel notes that the expert evidence of Dr Savage, Mr Coutinho and Mr Kelsey has not been contested by technical experts.
179. As matters stood during the hearing days held in November 2024, Watercare held the view that the Applicants' Options 1 and 2 did not appear to be viable options. Further, it was made clear to the Panel that Watercare did not support a permanent private solution due to the risks and inconsistencies with strategic planning for the area. Watercare's witnesses agreed with the reporting planner, Mr Wren, that such an approach is problematic in terms of the objective and policy provisions of the NPS-UD and the RPS concerning integrated planning.
180. In response to the Applicants' Options 3 and 4, Watercare acknowledged that while a temporary private infrastructure solution may be workable "in theory", significant uncertainties remain about its implementation and long-term implications. Further as there had been no agreement on a viable servicing solution between the parties, Watercare recommended that PC 93 be declined.
181. Watercare's alternative relief, should the Panel decide to approve PC 93, was that the precinct provisions be amended in the manner recommended by Ms Huls to ensure appropriate integration of land use and infrastructure, including retaining s224(c) certification as the trigger point for infrastructure requirements rather than moving to an occupation-based approach. Ms Huls considered these amended provisions would better give effect to the higher order provisions of the NPS-UD and RPS concerning integrated planning and management.
182. The above evidence was heard in the context of ongoing discussions between the two parties and additional assessment being undertaken by Watercare to ascertain whether there was any potential 'head room' in relation to water supply and wastewater connections for PC 93.
183. Specifically, in a Memorandum of Counsel for Watercare to the Panel dated 31 October 2024, which followed a meeting with the Applicants, Watercare advised it was presently reassessing whether there is any potential available 'head room' to enable PC 93 to be connected to the public network for both water and wastewater ahead of the timing set out in the FDS. The memo also advised that this assessment must consider the wastewater servicing risk of providing for this out-of-sequence development, given the significant investment being made to improve environmental outcomes in Warkworth.
184. The plan change hearing was adjourned until 4 December 2025 to await the outcome of the additional assessment being undertaken by Watercare (as well as the outcomes of the directed expert conferencing).
185. Turning to the matter of "consentability", we agree with Mr Loutit, this hearing is not about whether consents will be granted (although he submitted we have very strong

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<sup>72</sup> Rebuttal Evidence of Mr White, paragraph 5.1

expert evidence that they will be and nothing to the contrary) it is about whether the PC 93 provisions are sufficiently robust to ensure that infrastructure will be delivered and integrated with development, should we approve the plan change. We record that nothing in this decision should be taken as support for a private system to be granted consent, should the developer of the land decide to 'push ahead' with such an option.

186. Ahead of the hearing reconvening on 4 December 2025, a further Memorandum of Counsel for Watercare was filed on 29 November 2025 which provided the outcome of the reassessment. Counsel advised the outcome of this work is that Watercare now considers that the PC 93 area can be connected to the public networks earlier than previously indicated, as outlined below:

- "a. For **water supply**, connection to the public network will be possible:*
- i. Upon completion of the Warkworth Wells Water Treatment Plant (WTP) Upgrade, which is currently scheduled to be completed by 2028; and*
  - ii. In conjunction with Council's confirmation that the Stage 3 allocation in the existing groundwater consent can be brought forward to align with the timing of the WTP upgrade in 2028 (Stage 3 is currently scheduled to be allocated from January 2036 under the existing consent). Council's confirmation is not anticipated to be completed until February 2025.*
- b. For **wastewater**, connection to the public network will be possible upon completion of the Snells Beach Wastewater Treatment Plant Upgrade Stage 1, which is currently scheduled to be completed by December 2025."*<sup>73</sup>

187. The memo did warn that there were risks associated with the timeframes for infrastructure delivery set out in the memorandum which are currently anticipated timeframes only and may be subject to delay. Watercare also pointed out infrastructure servicing is on a first-come-first-served basis and that wider growth from the Warkworth and Snells Beach areas could occur faster than forecasted, and could take up the current available capacity<sup>74</sup>. They advised there would be no pre-allocation set aside for PC 93.
188. On the basis of what was outlined in the memo, Watercare advised its position on PC 93 is once again neutral<sup>75</sup> subject to the development connecting to the public network in line with the revised timing set out in the 29 November Memorandum and subject to any earlier operational costs that may be incurred being appropriately recovered via an Infrastructure Funding Agreement, and subject to appropriate precinct provisions being incorporated.

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<sup>73</sup> Memorandum of Counsel dated 29 November 2024, paragraph 3.

<sup>74</sup> Memorandum of Counsel dated 29 November 2024, paragraph 7.

<sup>75</sup> Memorandum of Counsel dated 29 November 2024, paragraph 9.

189. Given this change in position, Watercare advised it intended to enter into discussions with the Applicants on the basis that Watercare can provide connections to the PC 93 area from December 2025 for wastewater and 2028 for water supply<sup>76</sup>.
190. Based upon Watercare's updated position, it was the reporting officers' view that this provides a greater degree of confidence (than previously) that the initial stages at least of the plan change area can be serviced and that there will be a degree of integration between the provision of infrastructure and land use. Mr Wren further noted that while the actual extent of development that can be provided initially is not known, the rules that require subdivision and development to be connected to services (subject to his recommended wording) will ensure that subdivision and development will not progress ahead of expansion of infrastructure capacity. As a result, he now supported PC 93 subject to the amendments set out in the JWSs.<sup>77</sup>
191. It is our finding that there is now a degree of alignment between the development's timing and the planned upgrade of Watercare's wastewater and potable water network, such that initial concerns over substantial misalignment between development and infrastructure capacity can be set aside. However, there is still residual risks of poor integration occurring. We note that there are a range of workable options available for servicing the PC 93 land, which include public and / or private water and wastewater servicing options, as well as a combination of the two, through the provision of a private interim servicing option at the outset, until such time as a permanent public solution has been constructed by Watercare. This was clearly detailed in the case presented by the Applicants' team and the number of locations across the country that have successfully adopted the chosen MBR technology. The Panel visited one privately owned and operated water and wastewater treatment and disposal plant on 20 November 2024 and was satisfied that we could rely on the Applicant's evidence before us. In particular, we rely on the technical expert evidence of Dr Savage, Mr Coutinho and Mr Kelsey, which confirms that there are servicing solutions within the PC 93 land to provide for both an interim as well as permanent solutions for water and wastewater servicing. As stated earlier in this decision, this matter was not disputed in evidence by any technical experts.
192. To address the possible range of options for water and wastewater provision, we agree that a robust infrastructure 'trigger' mechanism is required such that development can only proceed if capacity (by way of a public or private system) is available.

### **Warkworth South Precinct Provisions**

193. On the basis that we agree servicing solutions are available for PC 93, we find ourselves in agreement with the Applicants' legal counsel that there has been a significant narrowing of issues, particularly during the hearing, and as a result, the outstanding issues now relate essentially to what are the most appropriate precinct provisions.

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<sup>76</sup> Memorandum of Counsel dated 29 November 2024, paragraph 10.

<sup>77</sup> Summary Statement of David Wren, paragraphs 7-10.

194. We have heard a lot of evidence in relation to the precinct provisions. As the matters of water and wastewater detail were still not agreed between the Applicants, the Submitters and the Council officers, despite the expert conferencing that was undertaken in late November 2024, the Hearing Panel has reviewed the wastewater and water supply servicing and planning evidence as well as the legal submissions and our decisions on those matters are set out below.

#### Precinct Description

195. In the reply submissions, Mr Loutit stated that at this stage it is not feasible for precinct provisions to 'lock' PC 93 into having to connect to the public network, given the provisos and conditions that Watercare have identified in their 29 November memo. Mr Loutit submitted that PC 93 requires future flexibility to either connect into the public water and wastewater network, or to privately service PC 93 with water and wastewater infrastructure either on an interim or permanent basis.<sup>78</sup>
196. Both parties have agreed that private and public options are available; this has been established in the evidence we have before us. Given that we have determined there are a range of water supply and wastewater options available for servicing the PC 93 land, including several land disposal options available for discharging treated wastewater (which includes the Richardson's land as well as the Morrison Heritage Orchard); and since agreement has not been reached between the Applicants and Watercare as to what the final servicing arrangements will be, we find it is appropriate that the precinct description should be neutral to allow for temporary private servicing as opposed to specifying that the plan change will connect into the public network if it is not available at the time development occurs on the site. We consider, however, that it is appropriate that the connection to the public network is made when it is available, and that any interim private solution is decommissioned at that time.
197. The Panel has made some further consequential amendments to the Precinct Description to specify that development can only proceed if it is connected to a functioning network, with sufficient capacity to service the development. The specific provision has been amended as follows:

The precinct standards ~~development controls~~ require that development can only proceed if it is connected to a functioning water and wastewater network with sufficient capacity to service the proposed development.

#### Section 224(c) v Occupation Trigger

198. We now turn to our decision as to whether the appropriate trigger for requiring infrastructure is at s224(c) certificate stage or occupation as sought by the Applicants. This pertinent matter relates to several provisions throughout the precinct being: I593.1 Precinct description; Objectives (9) and (10), Policy (12A) and Standard I593.6.9 Wastewater and Potable Water Connection.

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<sup>78</sup> Reply Submissions, paragraph 4.5



199. The evidence of both the Council reporting team and Watercare was that the private wastewater infrastructure must be in operation by the time that a certificate is issued to the title holder under section 224(c) of the RMA. The section 42AA Addendum report prepared by Mr Wren considered that the provisions as sought by the Applicants would state that a dwelling may not be occupied until the infrastructure is available. Mr Wren went on to state<sup>79</sup> it would appear that in this scenario a subdivision may be completed, house sites sold, and houses built (but not occupied) without the provision of water and wastewater infrastructure. It was Mr Wren's opinion that this does not represent integration of land use and infrastructure. He considered it may also lead to a situation where pressure is placed on the Council to consent to the trucking of waste or other interim solutions if there is a lag in the provision of infrastructure behind house construction<sup>80</sup>. This is a situation that this Hearing Panel wants to avoid.
200. The wording for Objectives (9) and (10) and Policy (12A) were not agreed upon at expert conferencing as recorded in the JWS. At conferencing the Applicants three planners, Messrs Duthie, Hay and Smallburn sought the addition of a new Objective (10) as follows:
10. Occupation of development does not occur in advance of the availability of operational infrastructure for transportation, stormwater, potable water, non-potable water supply and wastewater services for that development.
201. Ms Huls considered that the provisions should require both subdivision and development to be coordinated with the provision of adequate water supply and wastewater infrastructure. She recommended an amended Objective (8) (now (9)) as follows:
- “Avoid subdivision and development unless it is coordinated with the delivery of infrastructure (including transportation, stormwater, potable water and wastewater and future education infrastructure) and services required to provide for development within the precinct and future community requirements”
202. Mr Huls also sought a new Policy (22):
- “Avoid subdivision and development progressing ahead of the provision of a functioning water and wastewater network with sufficient capacity to service the proposed development”.
203. Mr Wren stated should PC 93 be approved, that the uncertainties around water and wastewater that remain would require clear and directive objectives and policies. It was his view they should be as strong as possible to ensure that development does not occur if the infrastructure is not provided. He considers the effects of non-provision or delays in infrastructure provision to be significant.<sup>81</sup>

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<sup>79</sup> Section 42AA Addendum, paragraph 20

<sup>80</sup> Summary Statement of Mr Wren, paragraph 15

<sup>81</sup> Summary Statement of David Wren, paragraph 12

204. It was Mr Wren's preference that instead of the occupation of dwellings as the trigger in Rule I593.6.9, the issue of the s224(c) certificate on subdivision should be the trigger point for the standard<sup>82</sup>. He considered this would require every house site provided with a title to have connection to a wastewater and water supply network and every house builder or owner can be assured that there is adequate infrastructure available.
205. Ms Huls supported the version of standard IXXX.6.9 that was set out in the s42A report, with an addition to include new (4) to more clearly address both subdivision and development that does not entail subdivision, noting that fairly significant development, such as retirement villages, can occur without subdivision.<sup>83</sup> We note that Mr Wren agreed with Ms Huls on this addition.<sup>84</sup>
206. The Applicants in their reply submissions opined that a requirement for private wastewater infrastructure to be in operation by the time that a certificate is issued to the title holder under section 224(c) would mean the infrastructure would need to be in operation some 9 to 18 months before it is needed at occupation. Mr Loutit suggested this would ultimately result in homes being available for occupation 9 to 18 months later than they could otherwise be. It was Mr Nicolson's evidence which emphasized the need to allow infrastructure to be completed in parallel with dwelling construction.<sup>85</sup>
207. Counsel went on to state that the Applicants propose a later 'occupation' trigger as a consequence of Watercare's change in position which 'requires' PC 93 to utilise private infrastructure.<sup>86</sup>
208. Mr Loutit, in his reply, submitted that the risks of there being illegal occupation of homes before services are connected or that Watercare could face political pressure to step in and assist new homeowners if a private system fails are incredibly low and do not outweigh the arguments supporting an occupation trigger.
209. We have carefully considered what is the most appropriate wording for these provisions, and in turn the efficiency and effectiveness of the alternative wording before us. It is our finding that the most appropriate trigger in the case of subdivision, is that connection should occur to a functioning and consented potable water and wastewater system, prior to the issue of s224(c). In the case of development only, connection should occur prior to a passed final inspection under the Building Act of any buildings (excluding those buildings not required to have a water or wastewater service).
210. In reaching this conclusion in the case of subdivision, we note that Mr Nicholson provided no evidence that this provision would prevent infrastructure from being completed in parallel with dwelling construction. Nor would this trigger prevent earthworks, the construction of roading and other enabling works, or the construction

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<sup>82</sup> Section 42AA Addendum, paragraph 21

<sup>83</sup> Ms Huls SOE, paragraph 11.6

<sup>84</sup> Section 42AA Addendum, paragraph 21

<sup>85</sup> Mr Nicholson's Rebuttal, paragraph 2.5

<sup>86</sup> Reply submissions, paragraph 4.9

of any buildings which would not require water and / or wastewater servicing from occurring on the site.

211. We further note it is also likely that any building consent applications lodged to undertake the construction of new housing, or a development only scenario, will require that the underlying land has already been prepared and certified before any building consent applications are able to be granted and that the timeframe advantages that a later 'occupation' trigger would 'pick up' of 9 to 18 months appear to have been overstated.
212. Mr Duthie held the view that an occupation trigger would be simple to administer as it could be represented by a Code Compliance Certificate issued under the Building Act 2004. This approach was reflected in the final version of the provision he put forward at expert conferencing and which was included with the reply submissions.
213. A further reason provided by the Applicants for an occupation-based trigger was that this is supported by the Council's own policy in the FDS. Our review of the non-statutory FDS is that it briefly addresses this matter by stating *"some development works, such as land preparation, local infrastructure etc. could proceed (in line with the live zoning and appropriate consents) prior to the required bulk infrastructure being in place"*. Further, *"residential or business occupation can however not occur prior to the bulk infrastructure / networks that it connects to are in place."*<sup>87</sup>. The FDS goes on to briefly state that:
- "the need for infrastructure is triggered by the occupation of homes and businesses. Concurrent land development, subdivision and construction, timed with appropriate infrastructure provision, can provide timing and budget efficiencies, but requires detailed planning and assessments."*<sup>88</sup>
214. Mr Wren considered that when subdivision is being undertaken an occupation trigger is not appropriate. While he understood the need for some efficiencies if the construction of buildings and infrastructure were to move in parallel, it was his view that occupation is a poorly defined concept and if the infrastructure is not ready when houses are ready for occupation then adverse effects will result which may include informal occupation, and / or pressure on Council or Watercare to provide suboptimal alternative arrangements for wastewater, such as trucking waste or the use of portaloos.<sup>89</sup>
215. He therefore agreed with Watercare's request that both subdivision and development (i.e. where there is no subdivision) needs to be included in any trigger. He considered that occupation may be appropriate for development where there is no subdivision (i.e. build to rent developments and retirement villages) but where subdivision is undertaken, he remained of the view that s224c is the most appropriate trigger for infrastructure<sup>90</sup>.

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<sup>87</sup> Auckland Future Development Strategy, at page 44 under the heading Structure planning, plan changes and live zone.

<sup>88</sup> Auckland Future Development Strategy, at page 46 under the heading Private sector infrastructure provision.

<sup>89</sup> Summary Statement of David Wren, paragraph 15

<sup>90</sup> Summary Statement of David Wren, paragraph 18

216. Through questioning, the Panel was told about the Whenuapai 3 Precinct (PC 86) which has a similar approach as that proposed by Watercare's experts and Council's planners, with bulk water supply and wastewater infrastructure required for water and wastewater servicing of all development within that precinct to be completed and commissioned - in the case of subdivision, prior to s 224(c) for any residential lots; and in the case of land use only, prior to the construction of any dwelling(s) or residential activities. The Panel is also familiar with other recent precincts that have taken the same or a similar approach to water and wastewater servicing by separating out subdivision and development only scenarios, including PC 92 – Wellsford North and PC 98 – Pukekohe. We consider there is also some merit in adopting a comparable approach to other similar Precincts within the AUP(OP).
217. Our decision on this matter is that in the case of subdivision the s224(c) trigger is more appropriate than an occupation trigger for the reasons expressed by Ms Huls and Mr Wren and as discussed in this decision. We have adopted Objective (9) as follows:
- “(9) Subdivision and development are coordinated with the delivery of infrastructure (including transportation, stormwater, **potable** water supply, and wastewater infrastructure and future educational facilities) and services required to provide for development within the precinct and future community requirements.”
218. We do not agree with Ms Huls that the introduction of the word “avoid” is required, nor appropriate at the beginning of this objective. We consider that the objective as it reads above stands on its own and sets a clear direction that subdivision and development is to be coordinated with the delivery of infrastructure and services.
219. We have not included Objective 10 sought by Messrs Duthie, Hay and Smallburn as we find that s224(c) is the most appropriate trigger and therefore Objective 10 which sets occupation of development as the trigger is not required.
220. We have however adopted Ms Huls new Policy 22 and replaced it as Policy 12A, as follows:
- “(12A) Avoid subdivision and development progressing ahead of the provision of a functioning water and wastewater network with sufficient capacity to service the proposed development”. ~~Require subdivision and development to connect to, or to provide, a consented and functional water and wastewater system, include treatment, with sufficient capacity for the development by the time of occupation.~~
221. We find that the above objectives (and policies) as amended, are consistent with the RPS and the Unitary Plan and are therefore the most appropriate way to achieve the purpose the Act.
222. In relation to Standard I593.6.9 Wastewater and Potable Water Connections, we consider that the final wording recommended by Messrs Duthie, Hay and Smallburn would not address the matters identified by Mr Wren and Ms Huls:

*“(3) All subdivision and development (excluding that in Residential – Large Lot and Open Space – Conservation zones), shall be connected to a functioning and consented potable water and wastewater system (including treatment and associated discharge). It shall have sufficient capacity to service that subdivision or development prior to a passed final inspection under the Building Act or occupation (whichever is the sooner) of any buildings (excluding those buildings not requiring a water or wastewater service).”*

223. We prefer the position and wording supported by Ms Huls, Ms Richmond, Mr Wren and Mr Vari as recorded in the JWS from the expert caucusing session held on 26 November 2024, subject to the removal of the wording in (b): ... “or occupation (whichever is the sooner) ...”. We have adopted their wording as set out below, with the above words deleted and minor grammatical corrections have also been made:

*(3) All subdivision and development (excluding that in Residential – Large Lot and Open Space – Conservation zones), shall be connected to a functioning and consented potable water and wastewater system (including treatment and associated discharge) with sufficient capacity to service that subdivision or development prior to:*

*(a) In the case of subdivision, the issue of s224(c);*

*(b) In the case of development only, the passed final inspection under the Building Act of any buildings (excluding those buildings not required to have a water or wastewater service).*

224. We note that the Applicants’ planners did not agree with the inclusion of sub clause (a) and instead preferred the policy position of the FDS relating to occupation, but agreed during expert conferencing that (b) is an appropriate way to define occupation.

225. The above wording very clearly sets out the triggers for both a subdivision and a development only scenario. It provides a distinct point in time that is able to be monitored and easily determined. We also find that the amended provision will ensure a robust standard which provides for subdivision and development that can only proceed if capacity (by way of a public or private system) is available. It will better give effect to the objectives and policies, as amended above.

## **Transport**

226. By the time that the hearing was reconvened in December 2024, the following transport related issues had been resolved through expert conferencing:

(a) Valerie Close / Pōhuehue Road intersection (Table I593.6.15.1 (T1)). All parties now agreed that the extent of this upgrade is more appropriately determined later when the traffic effects of PC 93 are better understood.

(b) Mason Heights Upgrade (Table I593.6.15.1 (T7)). This upgrade has already occurred so the parties agreed this can be deleted.

- (c) All parties agreed that the activity status of subdivision and development that does not comply with (T1) Upgrade of Valerie Close/Pōhuehue Road intersection should be a Discretionary activity (Table I593.4.1 (A10) and (A23)).

227. The Panel will now address the remaining outstanding transport provisions in the sections below.

Trigger for requiring transport upgrades to be operational

228. There is disagreement between the Council, AT and the Applicants over whether the appropriate trigger for transport upgrades to be completed is at the time of occupation or at s224(c) stage. This issue affects Objectives 9 and 10, Policy 12B and standard (T4).
229. The Panel has already considered this matter at length in the decision above, in relation to the broader topic of infrastructure delivery when we discussed Objectives 9 and 10, which includes transport infrastructure.
230. With regard to Policy 12B, we have made the following amendment, as we prefer the evidence of Ms Katherine Dorofaeff, as follows:

(12B) Require that subdivision and development does not occur in advance of ~~out of alignment with~~ the availability of operational transport infrastructure in accordance with Table I593.6.15.1 Transport Infrastructure Upgrade Requirements for Subdivision and Development.

231. Ms Dorofaeff held the view that a consequential policy should be added to make it clear that subdivision and development does not occur in advance of the availability of operational transport infrastructure<sup>91</sup>. We agree with Ms Dorofaeff that a strong objective and policy are needed to provide a sound policy basis for the transport infrastructure requirements included within the precinct provisions, noting the agreed discretionary activity status for subdivision and development that does not provide for the upgrade of the Valerie Close/Pōhuehue Road intersection. We note that Mr Wren also supports strengthening objectives and policies concerning the provision of infrastructure<sup>92</sup>.
232. The Applicants consider that their proposed wording is consistent with the Council's policy in the FDS which Counsel for the Applicants advocates is that infrastructure should be in place at the time of occupation. While we have had regard to it, we do not place as much weight on this non-statutory document as the Applicants do, and instead consider the above amended wording is more consistent with the objectives and policies of the RPS and the NPS-UD. We also find that "in advance of" is clearer wording than "out of alignment with".

Extent of McKinney Drive shared path upgrade

233. Auckland Transport holds the view that the Applicants' proposed interim shared pedestrian / cycle path to McKinney Road should continue further north up to the

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<sup>91</sup> Statement of evidence of Ms Dorofaeff, paragraph 8.3

<sup>92</sup> Paragraph 279, s42A Report.

southern end of Wech Drive to connect to the existing urban development and avoid leaving an infrastructure gap in the active mode network. This outcome is supported by both Mr Mike Nixon and Ms Dorofaeff. We note that Mr Martin Peake has reached a similar conclusion in paragraph 4.18 of his Technical Specialist Memo.

234. The Applicants' position<sup>93</sup> is that this further upgrade is not its responsibility because:

- (a) *"There is an existing demand for this footpath (evidenced by the ground being well worn) and therefore it is AT's responsibility to upgrade it. Mr Langwell's supplementary statement confirms this land is zoned residential and therefore there is no reason that it is outside AT's spectrum of responsibility;*
- (b) *The Applicants are already upgrading a large stretch of the road well beyond their land and beyond the precinct boundary; and*
- (c) *This stretch is already required to be upgraded by PC72."*

235. Having stated the above in the reply submissions on behalf of the Applicants, we note that Mr Phillip Nicholson said in response to questions during the hearing about this matter "that if it made a difference, they would build it - if it meant that the plan change would be approved".

236. Mr Todd Langwell acknowledged that a pedestrian demand along Pöhuehue Road and to the south of Wech Drive already exists now. In his rebuttal evidence he stated there is clear evidence of a worn path where pedestrians walk between Wech Drive and McKinney Road and further south along the berm of Pöhuehue Road which he considered should be addressed now by AT.<sup>94</sup>

237. The Hearing Panel undertook a site visit to Wech Drive on 7 November and saw clear evidence of this worn path. We also observed the 'gap' to be approximately 30m in length, between the end of the recently constructed AT footpath at the end of the road reserve in Wech Drive and McKinney Road.

238. Mr Nixon's evidence was that given the location of the town centre, employment activities and schools to the north, this extension would provide a safer and more complete connection for active modes as it would enable the pedestrian and cyclist demands generated from within PC 93 to connect to the existing footpath, and cyclists could use the Wech Drive carriageway given it is a low volume, low speed residential access road.<sup>95</sup>

239. In short, there was agreement by all the experts that a connection to Wech Drive is required now. We find that there is a clear need to ensure that whoever develops first should provide this connection, if AT has not already done so. We acknowledge that a connection to Wech Drive, which would include crossing facilities is provided for in the I555 Warkworth McKinney Road Precinct (PC 72), however we were told during

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<sup>93</sup> Reply submissions, paragraph 4.21

<sup>94</sup> Rebuttal evidence of Mr Langwell, paragraphs 3.4 and 3.7

<sup>95</sup> Statement of evidence of Mr Nixon, paragraphs 7.8 and 7.9

the hearing that work has not yet begun on this precinct, nor did we see any evidence of works underway during our site visit.

240. Further to the above, upon our own review of the Warkworth McKinney Road Precinct it was evident that development may be some years away from starting, as development is required to be coordinated with the upgrading of the Snells Beach Wastewater Treatment Plant and completion of the conveyance network from Warkworth to Snells Beach. We also noted upon our review that this precinct is not located adjacent to Pōhuehue Road, and that any future connection is planned to take place more than 220m along McKinney Road from its intersection with Wech Drive.
241. It is our findings that provision should be made within PC 93 for a connection to be made to Wech Drive. We have therefore made amendments to standard I593.6.15 Transport Infrastructure in the PC 93 precinct provisions. Specifically, amendments have been made to the purpose of this standard requiring the provision of a pedestrian and cycle connection along Pōhuehue Road to Wech Drive (instead of McKinney Road). The Panel has also amended (T3) in Table I593.6.15.1 Transport Infrastructure Upgrade Requirements to require the construction of an interim pedestrian/cycle path on Pōhuehue Road from the Wider Western Link Road/ Pōhuehue Road Intersection to Wech Drive and a safe formal pedestrian crossing facility over Pōhuehue Road as part of the first residential development resulting in a cumulative total of 20 new residential dwellings or more in the precinct. These changes require a consequential amendment to Note 3 of Table I593.6.15.2 Road Function and Design Elements to specify that the shared walking and cycling path provision on Pōhuehue Road will be an interim cycling and walking facility from the Wider Western Link Road/ Pōhuehue Road intersection to the Wech Drive/ Pōhuehue Road intersection. Lastly, we have amended Precinct Plan 3 to extend the interim shared path to Wech Drive.

*Extent of frontage upgrade of Pōhuehue Road alongside the Large Lot Zone*

242. The Applicants' proposed precinct plans show the extent of road frontage upgrades on Pōhuehue Road extending south from the Wider Western Link Road (WWLR) to the start of the Residential - Large Lot zone. Both Ms Dorofaeff and Mr Peake requested that the frontage upgrade requirements be extended to include the proposed large lots which are in the south-eastern corner of the Waimanawa Precinct.
243. It was Ms Dorofaeff's opinion that while the proposed Large Lot zoning is a relatively low density residential zoning it is still an urban zoning. It was her view that a frontage upgrade should be provided by the developer as part of rezoning this land from Future Urban (which is a rural zone) to Residential - Large Lot. Ms Dorofaeff also considered this should be more clearly described in the transport infrastructure upgrade table as upgrading to an 'urban arterial standard' and we note this would also require an amendment to the key on Precinct Plan 3.



244. Messrs Duthie, Hay and Smallburn did not consider that the full upgrading, including footpaths, should be extended further south when this does not connect to any footpaths nor provide any new entries into this area<sup>96</sup>.
245. Following conferencing, all parties agreed that this stretch of road is not required to be upgraded with walking and cycling connections, however Ms Dorofaeff and Mr Peake maintained their position that the road should be upgraded to an urban standard.
246. In his summary memo presented at the end of the hearing, Mr Peake explained that how the Residential - Large Lot Zone fronting Pōhuehue Road is accessed for vehicles or active modes is not detailed on the Precinct Plans. He suggested<sup>97</sup> that if this land is accessed via Pōhuehue Road, then this will require a footpath (and cycling) connection along Pōhuehue Road between the vehicle access and the extent of the upgrades to Pōhuehue Road currently shown on Precinct Plan 3 (i.e. at the northern boundary of the Large Lot Zone). It was Mr Peake's view that the footpath / cycle path is required to provide connections to the local centre, public transport facility, as well as connectivity to the wider residential area within PC 93.
247. He also pointed out to the Panel that the urbanisation of Pōhuehue Road will assist in transitioning the road environment from a rural to an urban environment.
248. Mr Peake advised he partially supported the relief sought by AT<sup>98</sup> in that upgrades along Pōhuehue Road should be provided along the frontage of the Residential - Large Lot Zone to urban standard including footpath and cycle facilities to any vehicle (or pedestrian) access to the Pōhuehue Road and that the remaining frontage should be upgraded to urban standard in relation to the carriageway width and kerb and channel. He agreed with the Applicants that the footpath / cycle path would not be required to the southern boundary of the Large Lot Zone.
249. Mr Langwell in his Supplementary Evidence<sup>99</sup> states that this upgrade is not required in the precinct provisions as this matter can be dealt with through the resource consent process and assessment against Chapter E27 Transport in relation to the vehicle access restriction that applies to Pōhuehue Road. Whereas Mr Peake was of the view<sup>100</sup> that relying on E27 will mean there is no certainty that appropriate facilities for pedestrians or cyclists will be provided along Pōhuehue Road or that an upgrade to urban standard will occur and therefore, this should be dealt with through the precinct provisions.
250. The Panel prefers the evidence of Mr Peake on this matter. His position provides for a sensible solution as to where the required urban upgrades should end along the frontage of the Residential - Large Lot Zone.
251. We have therefore made amendments to Precinct Plan 3 to recognize this difference in the standard's requirements. As suggested by Mr Peake, the section of Pōhuehue

<sup>96</sup> Rebuttal evidence of Messrs Duthie, Hay and Smallburn, paragraph 6.16

<sup>97</sup> Mr Peake's Memo dated 4 December 2024, paragraph 2.13

<sup>98</sup> Mr Peake's Memo dated 4 December 2024, paragraph 2.15

<sup>99</sup> Supplementary Evidence of Mr Langwell, paragraph 5.4

<sup>100</sup> Mr Peake's Memo dated 4 December 2024, paragraph 2.19

Road fronting the Large Lot Zone has been identified by a different symbol on Precinct Plan 3 (specifically an orange coloured dashed line), with reference provided to the appropriate standard, in the form of a note under Tables I593.6.15.1 and I593.6.15.2.

252. The Panel has also adopted Mr Peake's suggested note on Precinct Plan 3:

Where the Residential – Large Lot Zone fronts Pōhuehue Road, Pōhuehue Road should be upgraded to urban standard, including pedestrian and cycle facilities, to the most southerly vehicle or active mode connection to the Large Lot Zone from Pōhuehue Road. Kerb and channel and appropriate lane width should be provided between the most southerly vehicle connection from the Residential Large Lot Zone to Pōhuehue Road and the southern boundary of the Large Lot Zone.

253. A consequential amendment was also required to delete Standard I593.6.15.1(3) as this currently states that Table I593.6.15.1 does not apply to the Residential - Large Lot Zone.

#### Vehicle Access on Collector Road 2

254. Policy 16, Rule I593.6.7(2) and Table I593.6.15.2 exclude Collector Road 2 from the vehicle access restrictions. The Applicants' proposed provisions exclude Collector Road 2 from the vehicle access restrictions because some properties at the western end of Collector Road 2 require direct vehicle access from the collector road as rear access is not possible.
255. Messrs Duthie, Hay and Smallburn advised that access to future residential lots from a section of Collector Road 2 (near its intersection with Pōhuehue Road) will be required and is unlikely to be able to be avoided due to the location of a stormwater management basin and proposed open space limiting the opportunity for a rear access to these lots<sup>101</sup>. The Applicants continue to seek this exclusion in their reply submissions.
256. Mr Peake notes that the Precinct Plans only show open space at the rear of dwellings at the western end of Collector Road 2. He remains of the view that the restriction should also apply to Collector Road 2 as there will be only a limited number of dwellings that may require direct access from the road<sup>102</sup>.
257. It was Mr Peake's opinion<sup>103</sup> that omission of Collector Road 2 from the standard would compromise the safe operation of cycle facilities provided along Collector Road 2 if vehicle crossings are provided along the whole length of the road. Should direct vehicle access be required for a small number of dwellings, he considered this could still occur as a non-complying activity.
258. We find in favour of the Applicants on this matter. Given that there is only a limited number of dwellings that would be impacted by this scenario, and the evidence of the

<sup>101</sup> Joint Rebuttal evidence of Messrs Duthie, Hay and Smallburn, paragraph 6.12

<sup>102</sup> Mr Peake's Memo dated 4 December 2024, paragraph 2.22

<sup>103</sup> Mr Peake's Memo dated 4 December 2024, paragraph 2.23

Applicants' planners is that rear access is not possible, we find that it would be inefficient and ineffective to subject these few property owners to a non-complying activity resource consent application process. It is clear from the Applicants' evidence that an application would need to be made out of necessity and given that an application would be likely successful to enable access to these sites, it is not clear to the Panel how amending these provisions to include Collector Road 2 would actually resolve the problem they were trying to address, and it would incur unnecessary costs to all of the affected landowners.

#### Cycling facility on the Wider Western Link Road

259. Ms Dorofaeff considers that an amendment is required to Note 5 (under Table I593.6.15.2) from the word "will" to "may". Ms Dorofaeff considers that this change will provide flexibility for AT or the Council to require additional cycling lanes on the other side of the WWLR at a later date. It was her view<sup>104</sup> that it is premature to determine at the plan change stage whether the form of the cycle facility on the WWLR outside Morrison Heritage Orchard should be bi-directional (on the northern side of the road only) or uni-directional (on both sides of the road).
260. Counsel for the Applicants noted in the rebuttal submissions that Note 5 already contains reference to a bi-directional cycle facility along this stretch of road. Mr Loutit submitted that AT has not provided compelling evidence as to the importance or need for further cycling facilities<sup>105</sup>. He therefore considered this change to be superfluous, and that the enforceability of the text was questionable given it is a note and not a standard.
261. It is the Panel's findings that the word "may" will provide flexibility for the most appropriate location for cycle lanes adjoining the WWLR to be determined in conjunction with the detailed design of the WWLR, which has not yet been undertaken. Consequently, we have amended Note 5 in the precinct to state the following:

*Note 5: A bi-directional cycle facility only ~~may~~ ~~will~~ be appropriate on the northern side of the WWLR adjoining the Morrison Orchard Precinct.*

#### Special Information Request I593.9.1 – Modelling Requirements

262. We note that an outcome of the Planning JWS is that additional wording has been added in general accordance with that originally requested by AT in their submission to require a transport assessment and safety audit under the Special Information Requirements I593.9. This outcome is supported by the planners with the exception of reference to traffic modelling which Messrs Duthie, Hay and Smallburn oppose.
263. Ms Dorofaeff<sup>106</sup> and Mr Peake<sup>107</sup> consider that forecast modelling is required for every Transport Design Report prepared under the Special Information

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<sup>104</sup> Summary Statement of Ms Dorofaeff, paragraph 6(g)

<sup>105</sup> Reply submissions, paragraph 4.28

<sup>106</sup> Ms Dorofaeff EIC Para. 8.47

<sup>107</sup> s42A Addendum Report Traffic and Transportation Page 9

Requirements (I593.9.1(2)). It was Mr Peake's view<sup>108</sup> that the assessment should require the traffic modelling as this is pertinent in the appropriate assessment of the performance of new intersections or upgrades either in their final form or, if proposed, in an interim arrangement.

264. The Panel does note however that Messrs Duthie, Hay and Smallburn in their joint rebuttal evidence suggested there may be a misunderstanding on what information is provided at resource consenting stage. It is their view that if roading works are included as part of any subdivision/resource consent application, then supporting documents such as plans and transport design assessments are included. They do not consider that these requirements need to be explicitly stated within the precinct provisions but advised that if the Panel considers that these information requirements need to be explicitly stated in the precinct then the wording recommended by Ms Dorofaeff could be included<sup>109</sup>.
265. The reply submissions stated that the Applicants do not consider that forecast modelling and land use assumptions will be necessary in every case and the proposed amendment will lead to unnecessary cost and time for little added benefit.
266. We prefer the evidence of Ms Dorofaeff and Mr Peake for the reasons stated above. We have amended I593.9.1 Transport and safety accordingly:

(1) .....

Any proposed new key road intersection or upgrading of existing key road intersections illustrated on the Precinct Plan or otherwise identified in the precinct provisions must be supported by a Transport Design Report and Concept Plans (including forecast transport modelling and land use assumptions), prepared by a suitably qualified transport engineer confirming the location and design of any road and its intersection(s) supports the safe and efficient function of the existing and future (ultimate) transport network and can be accommodated within the proposed or available road reserves. This may be included within a transport assessment supporting land use or subdivision consents.

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## Acoustic Attenuation

267. The matter in contention is whether acoustic provisions relating to road noise should be included within the precinct provisions or would they be more appropriately addressed at an Auckland-wide level. This issue affects the following provisions of the Waimanawa Precinct: Precinct Description, Objective 13, Policy 20, Activity Table (A12), Standard I593.6.17, Matter of Discretion I593.8.1(3) and Assessment Criterion I593.8.2(3). It also affects the following provisions of the Morrison Heritage Orchard Precinct: Precinct Description, Objective 4, Policy 4, Activity Table (A19), Standard I593.6.1.2, Matter of Discretion I593.7.1(3) and Assessment Criterion I593.7.2(3).

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<sup>108</sup> Mr Peake's Traffic and Transportation Council Closing Reply Statement, paragraph 2.28

<sup>109</sup> Rebuttal evidence of Messrs Duthie, Hay and Smallburn, paragraph 6.35

268. The above suite of provisions was introduced by the Applicants in response to a submission from AT. AT's submission sought provisions to address the amenity and health effects likely to result from development adjacent to high noise generating arterial roads. Waka Kotahi's submission also sought provisions to address the effects of road noise.<sup>110</sup>
269. The Applicants, after several meetings with AT, agreed to include such provisions and consequently proposed amendments to PC 93, which sought to protect activities sensitive to noise from adverse effects arising from the road traffic noise associated with the operation of the existing (Pōhuehue Road) and the future (WWLR) arterials.
270. AT's evidence, including the expert acoustic evidence of Claire Drewery, demonstrated that these provisions are appropriate and justified to ensure that potential health and amenity effects are addressed. In her evidence, Ms Drewery refers to extensive research, including guidelines from the World Health Organisation<sup>111</sup>, which indicate that road traffic noise can have significant adverse effects on people's health and amenity, including sleep disturbance, annoyance, and potential cardiovascular issues.
271. Ms Dorofaeff notes that while the proposed provisions are primarily addressed at health and amenity effects, they will also assist in addressing potential reverse sensitivity effects issues, such as AUP-RPS Policy B3.3.2(6) relating to reverse sensitivity as well as Objectives E25.2(1) and (2) of the AUP(OP).<sup>112</sup>
272. Mr Allan, Counsel for AT submitted that the proposed provisions are not unique. He noted that similar provisions can be found in a number of existing operative precincts (e.g. I451 Drury East, I452 Waihoehoe, I447 Waipupuke, I454 Pukekohe Golding (PPC74), I453 Pukekohe East Central, I556 Takapuna 2, and I617 Whenuapai 3).<sup>113</sup>
273. Mr Wren (and Mr Vari) hold the view that the acoustic attenuation of noise from roads should be dealt with by a region-wide standard<sup>114</sup> and that the proposed acoustic attenuation provisions should be deleted from PC 93.
274. In light of the Council's position, Counsel for the Applicants has advised in the reply submissions they are now neutral on this issue<sup>115</sup> and will leave it to the Panel to decide.
275. The Panel observed that Ms Drewery agrees that having Auckland-wide provisions would be a better approach<sup>116</sup>, however in the absence of there being no proposal for a region-wide plan change to address this, and with unchallenged technical evidence before us which clearly demonstrates there is a resource management issue to be addressed here and now (and would leave potential health, amenity, and reverse sensitivity effects unaddressed), we find ourselves in agreement with Mr Allan's legal submissions that the proposed precinct provisions represent sensible measures to

<sup>110</sup> Waka Kotahi's submission point 31.5

<sup>111</sup> Statement of evidence of Ms Drewery, paragraphs 6.6 – 6.11

<sup>112</sup> Statement of evidence of Ms Dorofaeff, at paragraph 10.6

<sup>113</sup> Legal Submissions for AT, paragraph 2.33

<sup>114</sup> Section 42A addendum report, paragraph 24.

<sup>115</sup> Reply Submissions for the Applicant, paragraph 4.45

<sup>116</sup> Statement of Evidence of Ms Drewery, paragraphs 8.3 – 8.4

ensure that potentially significant health and amenity effects will be appropriately managed (as well as potential reverse sensitivity effects).

276. We also find that the proposed provisions are consistent with the RMA's broad focus on effects, which includes both potential and future health, amenity and reverse sensitivity effects. We have subsequently retained the suite of proposed provisions relating to acoustic attenuation within PC 93 for both the Waimanawa and the Morrison Heritage Orchard Precincts.

## Ecology

### Four Metre Riparian Yard I593.6.12 and Precinct Plans 1 and 2

277. There remains disagreement between the Council and the Applicants over a minimum 4m versus 10m riparian yard along the WWLR.
278. The Applicants are seeking a reduction of the standard 10m riparian yard along the straightened reach of Stream 5 to have a 4m riparian yard on the left bank adjoining the WWLR. They say adoption of a 10m riparian yard would require the WWLR to be shifted south (creating a kink in the road) in order to connect with the WWLR/Pōhuehue Road intersection that is provided for by NoR 8.
279. The Panel notes that the location of the WWLR interchange with Pōhuehue Road (old SH1) has been fixed through the Notice of Requirement process. That has been accepted by the Council and AT, and we were told by Messrs Duthie, Hay and Smallburn that this aspect is not subject to appeal.
280. Messrs Duthie, Hay and Smallburn are of the opinion that there is a very significant benefit in aligning the WWLR along the northern boundary of the Waimanawa Precinct with the Morrison Orchard. They consider it will maximise the number of residents within Waimanawa Valley who can walk to the bus interchange and local centre without having to cross an arterial road. The planners also advised that the Morrison family have consistently requested that the road be located along their southern boundary as it creates a significant buffer for them in terms of reverse sensitivity issues associated with their operation<sup>117</sup>.
281. It was Ms Treffery Barnett's evidence<sup>118</sup> that Stream 5 is a section of stream that historically flowed through the Morrison Heritage Orchard (joining Streams 4 and 13a), but had been diverted west through a highly incised, narrow, straight channel along the boundary to flow to Stream 12. Ms Barnett assessed the stream as having low ecological value, with very shallow water. She noted that the stream is well shaded by both the steeply incised vertical banks, and the large macrocarpa on the true right bank (Morrison Heritage Orchard side).
282. Ms Barnett held the view, that from an ecological perspective, the reduced yard on the left bank of the stream will not result in weed invasion as a formed cycleway and footpath, then road will be immediately adjacent to the planted riparian yard<sup>119</sup>. We

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<sup>117</sup> Joint Statement of Evidence of Messrs Duthie, Hay and Smallburn, paragraphs 24.118(a) and (c)

<sup>118</sup> Ms Barnett's Statement of Evidence, paragraph 8.5

<sup>119</sup> Statement of evidence of Ms Barnett, paragraph 8.5

were told that no part of the carriageway will be located within the 10m riparian margin, just the landscaped berm containing the walkway and cycleway. Ms Barnett noted that overtime the shelterbelt on the right bank of the stream, adjoining the Morrison Heritage Orchard, would be replaced and that this would involve planting understorey native riparian plants which would result in positive ecological effects on the stream<sup>120</sup>.

283. Both Ms Gabrielle Howdle, Council's landscape expert and Mr Rue Statham, Council's ecologist, do not support the 4m reduced yard in this location, which was based on what Mr Statham considered to be a lack of robust justification as to why the location of the WWLR must infringe the 10m riparian margin. Noting this is a greenfield development, it was both Ms Howdle's and Mr Statham's view that the Applicants should be providing for a wider riparian margin, especially given that the stream has a large catchment. We note that their opinion's remained unchanged at the end of the hearing.
284. In her rebuttal evidence, Ms Barnett considered that this minor section of reduced riparian planting width (to accommodate the WWLR) should be put into perspective. She advised there is over 5km of stream length within the PC 93 area, of which the straightened, highly modified, diverted, stream reach with the reduced yard is 320m long, less than 5% of the total stream length. Of the other 95%, two thirds of that will be planted with a 20m riparian yard, part of which is connected to this reach, achieving what she considered to be an extensive green belt running through the site<sup>121</sup>.
285. We note that reduced width riparian yards for narrow streams are not uncommon near roads and within urban areas in Auckland, and although the planted riparian zone will be narrower than that for the other streams on the PC 93 site, we rely on the evidence of Ms Barnett that the planting will still result in a significant improvement in the stream's functions<sup>122</sup>.
286. We also agree with Messrs Duthie, Hay and Smallburn that an appropriate balance has been reached between providing for the functionality and amenity of this important road, creating an appropriate riparian buffer, meeting the needs of the adjoining residents, and creating an urban form which is functional<sup>123</sup>. As result, it is our findings that a 4m riparian yard in this location, along the left bank of Stream 4 for approximately 320m is acceptable.

#### Cat Proof Fencing

287. The Applicants agreed to include a rule requiring cat proof fencing in Standard I593.6.2(6) in PC 93 as a result of their consultation with the Department of Conservation ("DoC"). This was in response to the DoC submission, which amongst other matters, sought a prohibition in keeping domestic cats within one kilometre of the bat flight corridor and within 300m of the Avic Miller Scenic Reserve.

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<sup>120</sup> Statement of evidence of Ms Barnett, paragraph 8.6

<sup>121</sup> Rebuttal evidence of Ms Barnett, paragraph 4.7

<sup>122</sup> Rebuttal evidence of Ms Barnett, paragraph 4.10

<sup>123</sup> Joint Statement of Evidence of Messrs Duthie, Hay and Smallburn, paragraph 24.116

288. Mr Chris Wedding, terrestrial ecologist for the Applicants, recommended and mapped a minimum 300m area that should be set back from the Avice Millar Reserve, to be subject to domestic cat restrictions for all new residents within the setback. The setback distance was based on published literature that has examined domestic cat roaming distances, of generally 300 - 400m from the home<sup>124</sup>.
289. The rule was aimed at providing protection for both birdlife and bats. The proposed rule extends to all properties within 300m from the boundary of the Avice Miller Reserve and requires that any person who keeps domestic cats within this area to have a cat proof fence to ensure that those domestic cats cannot leave the property. There is also a prohibition on the keeping of domestic cats on properties containing the Avice Miller Reserve special yard.
290. Messrs Duthie, Hay and Smallburn acknowledged that this rule was a significantly higher level of control than applies elsewhere under the AUP(OP)<sup>125</sup>.
291. Mr Statham's view is that the rule is not workable. He advised there are several urban subdivisions and peri-urban developments that have complete and total cat bans. To his knowledge, none are enforced due to their unworkability and/or lack of enforceability. Even if this rule was acceptable, it was Mr Statham's opinion that Mr Wedding had been unable to confirm why, ecologically, cat restrictions should not extend over the entire precinct or extend further than 300m.<sup>126</sup>
292. It was Mr Wren's opinion that more evidence on the effectiveness of this rule should be provided. He noted that this type of rule has been included with the AUP(OP) in the Te Arai North Precinct<sup>127</sup>, but he considered that additional justification is required in this case that the rule will achieve the protections it is aimed at achieving. Mr Wren also held concerns that this type of provision within a single plan change area is less appropriate than an overall region wide approach.
293. In the reply submissions, the Applicants have advised they will not change their position on this issue (given they have reached agreement with DoC) but will leave it for the Panel to determine after hearing the evidence.
294. Despite even being shown videos by the Applicants of how a cat proof fence would work, we were not persuaded that the rule was practical or the most appropriate way to address the concerns raised by DoC. We agree with Mr Statham and Mr Wren that the proposed cat proof fence standard will not be effective, and we remain unconvinced that it would be enforceable, especially on an ongoing basis. We have removed all references to this rule from PC 93.

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<sup>124</sup> Statement of evidence for Mr Wedding, paragraph 7.10

<sup>125</sup> Joint statement of evidence of Messrs Duthie, Hay and Smallburn, paragraph 24.111

<sup>126</sup> Rebuttal Statement of Evidence of Mr Statham, paragraph 7(a) – (d).

<sup>127</sup> This precinct does not permit any domestic pets (including, but not limited to, cats, mustelids, dogs, goats, rabbits and rodents) on any site created, including any balance titles that are on land included in the precinct.



### Wetland status

295. A minor matter in contention was the status of the Waimana Wetland. Mr Statham's report<sup>128</sup> disputed Ms Barnett's evidence that the Waimanwa Wetland is a constructed wetland.
296. Mr William Endean gave evidence before the Panel that he constructed this wetland<sup>129</sup> which was established on two large drains that ran through the property. He also confirmed that he planted the area in native species.
297. Relying on the evidence of Mr Endean, it is our findings that the area is by definition a deliberately constructed wetland. We therefore agree with Ms Barnett<sup>130</sup> that this is not a natural inland wetland, as defined in the National Policy Statement for Freshwater.
298. Mr Statham also held the opinion that the constructed wetland has SEA quality as it meets at least one SEA Factor criteria<sup>131</sup>. It was Ms Barnett's assessment that the constructed wetland only has a small area of immature planted indigenous trees, and is dominated by planted native grasses and exotic weeds. She concluded that it is not a rare ecosystem, nor does it provide buffering for a protected indigenous ecosystem. On this matter we prefer the evidence of Ms Barnett for the reasons set out in her rebuttal evidence<sup>132</sup>.

### **Stormwater**

299. Several precinct provisions relating to stormwater remain in contention between the Applicants, Healthy Waters and the Council. This is in the context that at the close of the hearing, the proposed Stormwater Management Plan ("**SMP**") for PC 93 had not been approved by Healthy Waters.

### I593.6.10(1)(c) Stormwater Management Standard:

300. The Applicants remain of the view that I593.6.10(1)(c) should be retained, which provides for treated stormwater management devices that can meet the standards outlined in the SMP.
301. Ms Amber Tsang and Mr Danny Curtis disagree with the proposed inclusion of substandard (1)(c) as the requirement for all impervious surfaces to receive a level of stormwater quality treatment in accordance with GD01 as per substandard (1)(a) and (b) is considered appropriate to mitigate water quality effects. This is also the requirement of the Auckland Council Healthy Waters' Regionwide Network Discharge Consent (NDC) for greenfield developments. In addition, they advised that the revised SMP still does not meet the conditions of the NDC and cannot be approved for the reasons outlined above.<sup>133</sup>

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<sup>128</sup> Ecological Assessment for Mr Rue Statham dated 23 April 2024, Section 4.0

<sup>129</sup> Statement of Mr Endean dated 22 October 2024

<sup>130</sup> Statement of evidence of Ms Barnett, paragraph 6.6

<sup>131</sup> Ecological Assessment for Mr Rue Statham dated 23 April 2024, paragraph 4.10

<sup>132</sup> Rebuttal evidence of Ms Barnett, paragraphs 3.6 and 3.7

<sup>133</sup> S42A Addendum Report, paragraph 23.

302. The joint evidence of Mr Brendon Verhoeff and Mr Lucan Campbell considered that the precinct rules relating to stormwater management, which refer to the SMP developed for PC 93, are sufficient to provide guidance and ensure stormwater issues are appropriately addressed at the time of resource consent<sup>134</sup>. Messrs Duthie, Hay and Smallburn consider that a reference to the approved SMP also needs to be included in this standard, as the SMP may have site specific provisions.
303. Messrs Verhoeff and Campbell stated that significant time has been spent developing the SMP to ensure compliance with the approved NDC, the objectives of the AUP(OP) and current best practice<sup>135</sup>. Further, amendments have been made based upon feedback from both Healthy Waters and the s42A report. It was the opinion of Messrs Verhoeff and Campbell that these amendments ensure that a toolbox of management methods are available to achieve the SMP's objectives<sup>136</sup>.
304. The Panel considers that reference in this standard to the SMP provides flexibility to assess the Applicants' preferred stormwater management system by using the most appropriate method and we note that this approach is anticipated in the Council's NDC. The Panel finds that I593.6.10(1)(c) should be retained within the precinct provisions.

*Standard I593.6.10(3) Stormwater Management Standard:*

305. The Applicants do not agree with the inclusion of clause (3) sought by Healthy Waters relating to tank storage for stormwater. The Applicants consider that retention tanks are just one option for stormwater management. They consider it is more appropriate for assessment to be left to the SMP where a fine-grained analysis of all options can be assessed.
306. The joint supplementary statement of Ms Tsang and Mr Curtis was that Stormwater Management Standard I593.6.10 (3) should be retained. They advised that whilst reuse tanks providing reuse for outdoor activities (such as garden watering) may be applicable for tanks providing hydrology mitigation only, they do not provide an appropriate level of water quality management to meet the requirements of Schedule 4 of the NDC<sup>137</sup>.
307. Ms Tsang and Mr Curtis added that for Stormwater Management Zones B and C the SMP suggests that at-source management is proposed. The reuse tanks must provide an internal non-potable reuse in order to meet the water quality objectives<sup>138</sup>. Further, Stormwater Management Zone D is a road, and reuse is not considered appropriate or possible and Table 8 of the SMP directs bioretention to be the method of management<sup>139</sup>.
308. In this instance the Panel agrees with Healthy Waters and has inserted new (3) below. It is our finding that new standard (3) will also assist to meet the purpose of the standard, being to ensure that stormwater is managed and treated to maintain

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<sup>134</sup> Joint Statement of Evidence of Messrs Verhoeff and Campbell, paragraph 7.1

<sup>135</sup> Joint Statement of Evidence of Messrs Verhoeff and Campbell, paragraph 7.3

<sup>136</sup> Joint Statement of Evidence of Messrs Verhoeff and Campbell, paragraph 7.4

<sup>137</sup> Supplementary statement of Ms Tsang and Mr Curtis, paragraph 12

<sup>138</sup> Supplementary statement of Ms Tsang and Mr Curtis, paragraph 13

<sup>139</sup> S42A Addendum Report, paragraph 23.

and enhance the health and ecological values of streams and to avoid exacerbating flood hazards.

3) A minimum of 5mm roof runoff must be reused internally for non-potable applications (such as toilet flushing and washing machines) and detention volume of equivalent to the 50% AEP runoff attenuated to pre-development peak flowrates minus the reuse volume.

I593.6.18 Water Efficiency:

309. Healthy Waters opposes the proposed water efficiency provisions which provide for water retention and re-use and seeks that this standard be deleted. They wish to rely instead on their recommended proposed I593.6.10(3) discussed above. The Applicants disagree that this would achieve the same purpose as the Applicants' standard.
310. It is the opinion of Ms Tsang and Mr Curtis that it is not clear from the proposed Non-potable Water Supply Efficiency Standard I593.6.18 how reuse volumes for landscaping / garden watering relate to the number of bedrooms supplied<sup>140</sup>.
311. It is also unclear to the Panel how this alternative standard will manage volume control which is the identified resource management matter. We prefer the insertion of Standard I593.6.10(3) above sought by Healthy Waters and Mr Wren to address this purpose, as discussed above. The Panel has consequentially found that standard I593.6.18 Water Efficiency should be deleted.

Assessment Criteria I593.8.2(1)(e)(ii):

312. This assessment criterion was requested by AT (submission point 20.67). It was considered appropriate by Messrs Duthie, Hay and Smallburn and was therefore included in the revised precinct provisions.
313. There is however disagreement between the Applicants and Healthy Waters as to whether the "ongoing viability" or alternatively the "life-cycle cost" of the design and efficacy of infrastructure is an appropriate matter of discretion.
314. Messrs Duthie, Hay and Smallburn consider it is unnecessary to include this aspect given that effectiveness, operation and maintenance are already matters of discretion. They consider this is a matter which should instead be addressed through the engineering plan approval process. Whereas it is the opinion of Ms Tsang and Mr Curtis (and supported by Mr Wren) that if the wording "ongoing viability" is intended to cover cost related matters, then the term "life-cycle cost" can be used in replacement to provide clarity.
315. The Panel notes that Ms Dorofaeff did not provide evidence on this matter. We understood from the experts that this aspect of the criterion does relate to cost related matters and therefore we prefer the wording "life-cycle cost" to "ongoing viability", as set out below.

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<sup>140</sup> Supplementary statement of Ms Tsang and Mr Curtis, paragraph 13

- (ii) The design and efficacy of infrastructure and devices with consideration given to the likely effectiveness, ease of access, operation, life cycle cost, maintenance, and integration with the surrounding environment including the road corridor where relevant.

Precinct Plan 2 – Environment:

- 316. Healthy Waters have noted that riparian yards are not shown on the Waimanawa Precinct Plan 2 for stream 15<sup>141</sup> (described by Healthy Waters as being within Sub-catchment XXXI) and streams 1 and 2 (within sub-catchment XXVII). The Applicants advised this is because the extent of this riparian yard and planting is still subject to final design. The Panel notes that the Applicants intend to address riparian planting of these streams at the time of resource consent. Mr Loutit stated in the reply submissions that if the Applicants decide not to provide 10m of riparian planting in these locations, consent will be required under the Auckland-wide AUP provisions. The Panel however notes that the AUP only requires a (minimum depth) 10m riparian yard, not a requirement for 10m of riparian planting and we are unsure what Auckland-wide provisions the Applicants are referring to in this situation.
- 317. However, the Panel agrees with Healthy Waters that all streams on Precinct Plan 2 should show a riparian yard. A minimum depth 10m yard is appropriate for these three streams. If final design work results in the inability to accommodate this width of planting, then that is a matter that can be resolved at the consent stage. In this regard, stream 15 passes through an area shown as proposed wetlands and stormwater management basins. An integrated plan for these features may result in an outcome that involves variable riparian margin planting along the relevant stream length, for example.
- 318. We noted during the hearing that Precinct Plan 2 is currently missing some streams that were originally assessed by Ms Barnett. Mr Hay confirmed that in fact there were three small sections of watercourses not currently shown on Precinct Plan 2; being Stream 8, and part of Stream 26 and Stream 32. We understand that these streams were not shown as “retained streams” on Precinct Plan 2 due to the detailed master planning showing that it was not possible to accommodate these streams given the proposed road/lot layout. The Applicants stated that whether these streams would be reclaimed (piped) would be addressed at the consent stage. Their absence from the Precinct Plan did not mean that this outcome was a foregone conclusion, consent would still need to be sought to reclaim them. However, we find that their absence from the Precinct Plan as retained streams does suggest that they have a low priority for retention, and we are not confident that we have sufficient analysis at this stage in the process to not include them in the Precinct Plan. We have consequently added these three sections of stream to the Waimanawa Precinct Plan 2.
- 319. For consistency, we have also added riparian yards to the same streams that flow into the Morrison Heritage Orchard on the Morrison Orchard Precinct Plan.

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<sup>141</sup> As identified in Figure 3, Freshwater Ecology Classifications – Warkworth Plan Change Area, Bioresarches, 21 January 2021.

## Open Space

320. The Council's consultant parks planner, Mr Gerard McCarten, has raised a number of issues with the proposed indicative open space shown in Precinct Plan 4 of PC 93. These were summarised as follows<sup>142</sup>:

- The proposed size of the indicative Suburb Park is not adequate;
- The proposed location for the Suburb Park/Sports Park is constrained on all sides by other structural elements of the plan change (streams, wetlands and road) and will likely not be large enough when it comes time for creation/development because there isn't any flexibility;
- Co-location of parks with green infrastructure is supported but their functions should not be conflated;
- There are still no indicative Neighbourhood Parks shown on the precinct plan;
- The indicative open space for the precinct potentially steers development towards an under-provision of open spaces that do not meet the Council's Open Space Provision Policy ("**OSPP**"); and
- Mr McCarten maintains most of the recommendations set out in his Section 42A memo and recommends a further small change to address a floodplain issue.

321. The WSP indicates approximately 8ha of open space for organised sport is needed to serve the future urban areas around Warkworth. The future neighbourhood park locations are shown indicatively on Figure 3 of the WSP. The WSP states that suburb parks will be around 3ha each in area and that the sports park may be around 10ha. The OSPP states that the Council will purchase the land for sports parks and suburb parks prior to an area being developed. We understand that no land has yet been purchased or designated for these parks and the indicative locations shown on the WSP are subject to change.

322. Messrs Duthie, Hay and Smallburn consider that the location of the suburb park is appropriate due to the area's flat topography, connectivity and visual setting<sup>143</sup>. Mr McCarten agreed these reasons support this general location but that they do not address his concerns relating to the potential for flooding as well as the size of the park. We note that in response to our questions, Messrs Verhoff and Campbell advised that 80-90% of the Suburb Park would be located outside of the floodplain.

323. Mr Falconer's presentation to the Panel was that the suburban park would be 6.85ha. However, as Mr McCarten pointed out, that area includes the wetlands, stormwater ponds and riparian areas, where the primary function is not recreation, and these areas are excluded from the OSPP considerations. We acknowledge that Mr Falconer did accept in his rebuttal evidence that the indicative Suburb Park would

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<sup>142</sup> Mr McCarten's Parks Planning Hearing Memo dated 4 December 2024, paragraph 1.1

<sup>143</sup> Joint Statement of Evidence of Messrs Duthie, Hay and Smallburn, paras 24.17-24.19, pp. 77

have a usable area of approximately 2.85ha<sup>144</sup>. It was Mr Falconer's opinion that the perceived spatial extent and accessible space of this park would encompass all open space areas (approximately 6.37 hectares) which would be framed by the WWLR, Morrison Heritage Orchard, the stream corridors and the adjacent residential area<sup>145</sup>.

324. Mr McCarten noted that an area of 30,000-50,000m<sup>2</sup> is required for a suburb park in the OSPP, and that the indicative park would be 1,500m<sup>2</sup> short, not 15m<sup>2</sup> short as asserted by Mr Falconer. Compared to the sports park requirement he advised the indicative park would be approximately 71,500m<sup>2</sup> short.
325. In his rebuttal evidence Mr Falconer advised the dimensions of the proposed Endeans Recreational Park measure at least 140m east-west and 147m north-south. It was his opinion that this space can accommodate a wide range of recreational activities including walking circuits, play spaces, picnic and barbeque facilities, greenery, amenity planting and sports facilities. Mr Falconer added that a standard-size football pitch (105m by 68m) can fit within this area. In addition, the riparian margins bordering the park, (which are excluded from this calculation), can also provide for walking and cycling paths, as well as landscaping. He also noted that walking circuits or trails are indicative amenities identified for neighbourhood parks in the OSPP<sup>146</sup>.
326. Mr Falconer did not consider that the provision of temporary water and wastewater treatment plants will compromise the function of Endeans Recreational Park. He noted that under a temporary self-servicing option these areas will be converted back to open space once PC 93 connects to the Watercare network.<sup>147</sup>
327. Mr McCarten was also concerned that the park extents are not indicative enough. He considered the parks shown on Precinct Plan 4 are too defined (presumably by being shown as specific shapes and not circles) and, in his opinion, are too specific and constrained by surrounding features<sup>148</sup>.
328. The Panel acknowledges that the matters raised by Mr McCarten will inform future decisions made about the open space network in PC 93. However, this is a hearing for a plan change not a resource consent application and we find that the concerns raised are matters of detail that are more appropriately addressed at the resource consent stage.
329. We are satisfied that the parks are clearly shown as indicative open spaces on Precinct Plan 4, and that the indicative space presented on Precinct Plan 4 is in the same general location as that shown on Figure 3 of the WSP. Mr Falconer has also demonstrated that a functional suburban park is feasible in the indicative location shown. Like all other greenfield development, the indicative parks will be subject to detailed assessment and design, which will include further consideration of both the

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<sup>144</sup> Rebuttal evidence of Mr Falconer, paragraph 3.4

<sup>145</sup> Rebuttal evidence of Mr Falconer, paragraph 3.4

<sup>146</sup> Rebuttal evidence of Mr Falconer, paragraph 3.5

<sup>147</sup> Rebuttal evidence of Mr Falconer, paragraph 3.6

<sup>148</sup> Mr McCarten's Parks Planning Hearing Memo dated 4 December 2024, paragraph 4.5

size and purpose of the respective park as well as its susceptibility to flooding, amongst other key considerations.

### **MDRS Qualifying Matter – Transport Infrastructure**

330. The MDRS provisions are entirely agreed, aside from one additional qualifying matter that both AT and the Council seek to have included for 'Transport Infrastructure Upgrade Requirements.'
331. The Applicants' planners state<sup>149</sup> that it is not proposed to make the building height or density requirements less enabling due to the transport infrastructure standards. Therefore, in their view, the transport infrastructure standards do not need to be identified as qualifying matters.
332. The reply submissions stated that the Applicants do not consider this is an appropriate qualifying matter because<sup>150</sup>:
- (a) *It is not an identified qualifying matter in Council's Plan Change 78;*
  - (b) *The Council identified one transport infrastructure constraint in Auckland and that related to Beachlands; and*
  - (c) *Noting PC78 was notified prior to the updating timings for development in the FDS, if this was a matter that truly justified a qualifying matter it would have been included in PC78.*
333. Mr Allan, Counsel for AT asserted that Messrs Duthie, Hay and Smallburn had taken a fairly narrow view of what represents a potential qualifying matter. It was Mr Allan's submission that an infrastructure trigger provision which potentially halts development until transport upgrade requirements are satisfied is "less enabling of development" and density<sup>151</sup>.
334. It was Mr Wren's opinion that the triggers in Table I593.6.15.1 Transport Infrastructure Upgrade Requirements should be included as a Qualifying Matter in respect of the MDRS. He considered that if the trigger points are not reached then there will be a constraint on development that would be more restrictive than the MDRS that would allow up to three houses on each site in the relevant zones. If the triggers were not reached, then no development would be permitted<sup>152</sup>.
335. It was also Ms Dorofaeff's view<sup>153</sup> that the transport infrastructure requirements included within the Waimanawa Precinct would appear to be qualifying matters under s771(j) of the RMA in relation to the MDRS. Ms Dorofaeff referred us to the similar transport requirements in the Redhills Precinct, which PC 78 identifies as a proposed qualifying matter.

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<sup>149</sup> Rebuttal of Messrs Duthie, Hay and Smallburn, at paragraph 6.37

<sup>150</sup> Reply submissions, paragraph 4.44

<sup>151</sup> Legal submissions for Auckland Transport, paragraph 2.41

<sup>152</sup> Summary Statement of Mr Wren, paragraph 24

<sup>153</sup> Statement of Evidence of Ms Dorofaeff, at paragraph 8.65

336. The Hearing Panel has reviewed this aspect of the Redhills Precinct and finds that this outcome has somewhat strayed from the 'norm' in more recent times, where private plan change applications, which include transport infrastructure requirements, have not commonly shown these triggers as qualifying matters under s771(j).
337. We further note that the Council's Practice and Guidance note on incorporating MDRS in private plan change requests states that a private plan change request must incorporate all aspects of MDRS including: specified activities and their classifications, preclusion of certain notification requirements and mandatory objectives, policies and density standards; however a private plan change request may propose qualifying matters in accordance with section 771 of the RMA. The Applicants have not proposed that the transport infrastructure requirements be qualifying matters, and we find that this is an appropriate outcome.

### **Rural – Mixed Rural zoning within the RUB**

338. At the beginning of this decision we noted that a portion of the land is proposed to be rezoned from FUZ to Rural – Mixed Rural zone. We record that the subject land is currently located within the RUB.
339. The Morrison Heritage Orchard Precinct ("**MHOP**") applies to land in the north of the plan change area, immediately to the west of Pōhuehue Road. The purpose of this precinct is to ensure the retention, operation, and enhancement of the existing Morrison Orchard, located at 1773 Pōhuehue Road, while also enabling appropriate and sympathetic residential, tourist and visitor activities.
340. The precinct is proposed to be predominantly zoned Rural - Mixed Rural to preserve its existing use and underlying functions. For completeness, the northern portion of this precinct is proposed to be zoned Residential – Large Lot where limited subdivision and residential development is intended.
341. Mr Wren in the s42A Hearing Report questioned the appropriateness of the proposed rural zoning. It was Mr Wren's opinion<sup>154</sup> that the provision of a rural zone within the RUB is inconsistent with other parts of the AUP. He advised that the 'urban area' is defined as 'Land zoned residential or business, together with adjoining special purpose and open space zones'. It was his view that locating a rural zone within the RUB, which effectively defines the urban area, is not consistent with this definition.
342. Mr Wren observed that the Mixed Rural zone also provides for a wide range of rural activities, including intensive farming, animal breeding, rural industries and primary produce manufacturing that may not be compatible with the urban land surrounding it nor with some of the activities proposed to be included within the Precinct. It was his view that it may have been preferable for the Applicants to propose a special purpose zone rather than using a precinct<sup>155</sup>. He therefore concluded that aspects of the proposed zoning of land in the Morrison Heritage Orchard Precinct are inconsistent with the AUP given that rural zoned land should not be located within the RUB<sup>156</sup>.

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<sup>154</sup> S42A Hearing Report, paragraph 150

<sup>155</sup> S42A Hearing Report, paragraph 150

<sup>156</sup> S42A Hearing Report, paragraph 152



343. We note that the Auckland Council submission held a neutral position on the re-zoning of the land and therefore Ms Tania Richmond did not offer her opinion on the appropriateness of the rural zoning of this land and instead her evidence focussed on suggested amendments to the precinct provisions.
344. The evidence of Messrs Duthie, Hay and Smallburn stated it was their strong view that there is no impediment under the RMA to having rural zoning inside the RUB. Nor is there any technical planning difficulty with this. It was their view that a rural zoning is the most appropriate zoning for the land taking account of its location, characteristics, land use and future function<sup>157</sup>. The Applicants' planners also noted that the Morrison Heritage Orchard is imbedded within the Warkworth South FUZ land and was therefore already located inside the RUB.
345. Messrs Duthie, Hay and Smallburn were also of the view that the land exhibits a unique and special orchard character, which the landowners want to retain, and that the community will benefit from that retention. They concluded that the logical zoning for an orchard under the AUP(OP) is Mixed Rural. They said this site will have a range of functions but with a clear focus on rural activities. These rural activities contribute to the character, economic development and landscape visual amenity of this part of Warkworth South<sup>158</sup>. They further added that when residents buy into the area and want to understand what can happen in their neighbourhood, the Mixed Rural zone gives the most accurate understanding of the intended use of this land<sup>159</sup>.
346. We note that the Applicants' planners considered alternative options to provide for this rural activity within an urban area. One suggestion was a bespoke zone could be created with an urban 'title' but providing predominantly a rural outcome. Another alternative was to zone the land residential and use the precinct provisions to provide the equivalent of a rural zoning. It was Messrs Duthie, Hay and Smallburn's view that both of these alternatives were somewhat contrived and that by far the best approach was to apply the rural zoning<sup>160</sup>.
347. Mr Shane Hartley, Planner for the Morrison family noted that the Morrisons had made a submission to the WSP and obtained identification for the land as a heritage orchard in the final adopted structure plan<sup>161</sup>.
348. The submission advised it was the Morrisons wish to diversify the orchard operation with activities that complement its core focus on growing heritage varieties of fruit. The expanded offerings could include activities such as a café, children's play area, public rest rooms, orchard museum, animal petting, educational classes/visits, orchard tours, event hosting (e.g. weddings), a farmer's market, and additional parking areas. The existing shop could also be shifted to a more convenient and safe location and the range of products offered in the shop expanded<sup>162</sup>.

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<sup>157</sup> Joint Statement of Evidence of Messrs Duthie, Hay and Smallburn, paragraph 24.56

<sup>158</sup> Joint Statement of Evidence of Messrs Duthie, Hay and Smallburn, paragraph 24.55

<sup>159</sup> Joint Statement of Evidence of Messrs Duthie, Hay and Smallburn, paragraph 24.56

<sup>160</sup> Joint Statement of Evidence of Messrs Duthie, Hay and Smallburn, paragraphs 24.57 – 24.58

<sup>161</sup> Statement of Evidence of Mr Hartley, paragraph 4.9

<sup>162</sup> WSP, page 54.

349. Mr Hartley further noted that the WSP contains a specific section relating to the Morrison Heritage Orchard, and statements from that directly relate to both the range of activities and the planning mechanism being proposed to enable the MHOP<sup>163</sup>. Specifically, the WSP states<sup>164</sup>:

*“To enable the orchard to continue as described above, a likely mechanism is a precinct (site specific rules) in the Auckland Unitary Plan. The precinct could include provisions around enabling the orcharding and complementary activities, managing potential reverse sensitivity issues, and securing public access through walking and cycling paths through the land (linking to the walking/cycling network).”*

350. Mr Hartley was of the view that the proposals in PC 93 for the Morrison Heritage Orchard are consistent with and give effect to the WSP<sup>165</sup>.
351. We heard from Mr Bevan Morrison, who confirmed that the Morrison family wants to retain the orchard function in perpetuity. He provided us with a digital presentation and spoke of his family’s history in orcharding. The Morrisons have been orcharding in Warkworth for over 150 years, with the first Morrison Orchard being established in 1873<sup>166</sup> in another location in Warkworth.
352. Mr Morrison advised that the family accept ‘locking’ their land within a heritage orchard precinct means it cannot be developed intensively in the future. However, they are seeking a lower density of development (a maximum of around 5% site coverage), without making it burdensome on their small family business (now or in the future) to provide a diverse range of complementary services within their orchard space. They considered this would benefit the community with jobs, access to fresh produce (buyers and sellers), as well as access to green space for recreation.
353. Mr Morrison emphasised to the Panel that the family needs to be able to create investment opportunities for the orchard to remain viable, and that the precinct would give them certainty and enable reinvestment to occur in the form of replanting and revitalisation.
354. He also raised concerns with the costs of the resource consent process, advising that restricted discretionary activities force layers of extra cost to what is a break-even business, and that it was their preference that the precinct instead allow permitted activities and development to occur within tightly specified precinct standards.
355. We wish to acknowledge that this was the sentiment in which the experts engaged in the expert conferencing session relating to the MHOP. We thank the experts for their efforts which resulted in agreement on most aspects of the precinct provisions. A few key exceptions to this are addressed separately in this decision. We did also note that Ms Richmond recorded her position that while supporting activity standards (A10) Rural tourist and visitor activities and (A13) Weddings and functions, she held

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<sup>163</sup> Statement of Evidence of Mr Hartley, paragraph 4.10

<sup>164</sup> WSP, page 55

<sup>165</sup> Statement of Evidence of Mr Hartley, paragraph 4.11

<sup>166</sup> Digital presentation of Mr Morrison.

the view that these activities should be restricted discretionary activities instead of permitted.

356. With regards to the rural zoning sought in the MHOP, the Hearing Panel agrees with Mr Hartley and the Applicants' planners that the Mixed Rural zone is the logical and most appropriate zone for this subject portion of land. We note that the intended purpose of this land is fully consistent with the zone description and that the final precinct provisions (as amended) include provisions around enabling the orcharding and complementary activities, managing potential reverse sensitivity issues and securing public access through walking and cycling paths through the land (linking to the walking/cycling network). It is also noted that there is potential to internalise most effects due to the hill to the north, significant screening and shelterbelts to the south and west, and the Pōhuehue Road corridor to the east.
357. We find it would be inefficient to create a one-off new zoning for this portion of land (approximately 16 ha), which would result in a 'spot' zoning. We note when the AUP(OP) was created the AUP Hearing Panel sought to recognise local differences between places through the use of precincts by providing detailed place-based provisions which can vary the outcomes sought (and in this case make them more enabling than that of the underlying zone) and in turn reduce the number of zonings applied to land across the Auckland region. In this context, it is our findings that the best fit and most appropriate zone for this portion of the land is Mixed Rural and that this outcome is consistent with the AUP(OP).
358. We also agree with the Applicants' planners that there is sufficient other land within the RUB to meet the long-term growth of Warkworth and this land is not required for some other purpose to enable the urban outcomes of the WSP to be realised.

### **Maximum Cumulative Trip Generation - Morrison Heritage Orchard Precinct**

359. A key aspect in the consideration of the amended MHOP provisions was determining how best the provisions should manage the scale of the non-rural activities. Specifically, what maximum cumulative trip generation is appropriate for the visitor activities and accommodation sought within this precinct.
360. During expert conferencing for the MHOP, the parties considered that supporting information was required from a traffic engineer to assist with these discussions. The detail and particularly the triggers for requiring transport assessment were seen as critical. Subsequently three questions were posed to Mr Langwell and the traffic feedback<sup>167</sup> he provided in response assisted the experts in finalising their respective positions.
361. The JWS recorded<sup>168</sup> at the beginning of the conferencing that all planners agree that the trip generation should be both a daily and an hourly rate. We understand that after receiving Mr Langwell's additional feedback that all parties subsequently agreed on a peak hour rate of 220 vph, and that with the exception of Ms Dorofaeff, all

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<sup>167</sup> Email from Mr Langwell dated 30 November 2024

<sup>168</sup> JWS – Second Report Morrisons Orchard, dated 26 November 2024

parties agreed that standard I593.6.1.1(3) should specify that the maximum cumulative traffic generation shall not exceed 1,000 vehicle movements (to and from the site) per day for the specified activities. The Panel notes that Ms Dorofaeff sought the number be 500 vehicle movements per day, as opposed to 1,000.

362. It was also recorded in the JWS that Ms Dorofaeff considered the additional information provided by Mr Langwell and discussed it with Mr Nixon. She concluded that the provisions should include a peak hour limit (which would need to be cumulative), rather than relying on a standard that specifies maximum daily cumulative traffic generation. However, Ms Dorofaeff remained concerned about how a peak hour limit would be monitored and enforced.
363. In terms of considering an appropriate peak hour limit, Ms Dorofaeff noted that Mr Langwell's email<sup>169</sup> indicated a peak hour limit of 220 vehicle movements per hour would be possible without any upgrading of the existing access. However, Mr Nixon advised that a right turn bay may be warranted with this level of traffic. Ms Dorofaeff considered that this would be an upgrading of the access, which could require widening of the road carriageway which would then need to consider the location of the proposed walking and cycling facilities on Pōhuehue Road. Therefore, Ms Dorofaeff considered that a peak hour limit of 220vph with the existing access would not be low enough to ensure no adverse effects on the safety and efficiency of the access.
364. Ms Dorofaeff also noted that the 100v/hr trip generation rule in E27.6.1(b) only applies to controlled or restricted activities in the applicable zone where there are no requirements for an assessment of transport or trip generation effects. It was not clear to her that it would be applied to activities listed as permitted in the MHOP.
365. Mr Peake has reviewed the outcomes of the expert conferencing, and he also supported the adoption of both daily and hourly rates<sup>170</sup>. He advised that the operation and capacity of intersections (in this case vehicle access) is typically based on hourly traffic flows, not daily flows. Therefore, he concluded that the adoption of both a peak hour and a daily traffic flow limit would address these factors.
366. In examining the activities in relation to the hourly and daily trip generation rates, Mr Peake considered that activities that have higher trip generation rates would trigger the cumulative 1,000 vehicles per day trip generation threshold before the 220 vehicles per hour limit for the access would be reached<sup>171</sup>.
367. Mr Peake also observed that Ms Dorofaeff considered the 220 vehicle movements per hour limit may be too high as the intersection could require an upgrade to include a right turn bay on Pōhuehue Road at a low number. He considered that this would be addressed by the 1,000 vehicle movements per day. Mr Peake advised, adopting the ratio of peak hour trips to daily trips derived by Mr Langwell and applying that to the 1,000 vehicles per day equates to 160 vehicles per hour.

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<sup>169</sup> Email from Mr Langwell dated 30 November 2024

<sup>170</sup> Mr Peake's memo dated 4 December 2024, paragraph 3.3

<sup>171</sup> Mr Peake's memo dated 4 December 2024, paragraph 3.8

368. Our findings are that the maximum cumulative traffic generation should include a peak hourly rate of 220 vehicles as well as a daily rate of 1,000 vehicles. We rely on the evidence of Mr Peake, noting that the critical limit for the upgrade of the access as assessed by Mr Langwell was 220 vehicles per hour. We also agree with the majority of the experts that a cumulative 1,000 vehicle daily movements rate appears to be more appropriate than 500 when you consider the potential combinations of activities (noting the development mix is unknown) and the peak hour vehicle trip generation figures provided by Mr Langwell for each enabled non-rural activity.

### **BMW Submissions**

369. Given our earlier findings that there is no scope to include the BMW Submitters' land within PC 93, and further, that PC 93 can be approved without the BMW Submitters' land being included, we now turn to the 'minimum position' as outlined by Mr Brabant in speaking to his written legal submissions, that any approval of PC 93 does not place the BMW Submitters' land in a position where pursuing future rezoning and development is either impossible or significantly delayed by decades.
370. The BMW Submitters have expressed to us that they do not want to be left in a compromised position for the development of their land<sup>172</sup>, and Mr Brabant, along with Ms O'Connor requested amendments to the PC 93 provisions to ensure servicing of the entire Warkworth South area, so that the BMW Submitters would have certainty that the Woodcocks Site can be integrated with PC 93 and the ability to develop their land with the efficient and coordinated delivery of infrastructure.
371. With regards to servicing of the entire Warkworth South area, that is a matter which sits squarely within the control of Watercare and is frankly beyond our ambit. We can however give consideration as to whether the precinct provisions appropriately enable and do not preclude infrastructure to be planned, designed and delivered for the precinct, as well as for the wider Warkworth South area.
372. One aspect of integration sought in the Wynyard submissions was for a transportation link to be shown between PC 93 and the Woodcocks Site. It was the evidence of Mr Terry Church that a strategic connection needs to be shown of the WWLR<sup>173</sup> in PC 93 extending and connecting (via a bridge) to the Wynyard's land so that future development of PC 93 and Wynyard land can deliver an integrated transport connection that benefits both sites and the wider Warkworth South network.
373. The Panel understands that the proposed bridge location is provided for under NoR8 and that the Applicants have worked with Supporting Growth to determine its most appropriate location.
374. We also note that during the course of the hearing Mr Hay made an amendment to I593.10.3 Waimanawa Precinct Plan 3 Transportation to include a directional arrow showing a future WWLR connection, extending across the river to the Woodcocks Site from within PC 93. We understood that the WWLR connection aligns with the

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<sup>172</sup> Evidence of Darryl Blennerhassett and Michael Blennerhassett on behalf of the Blennerhassett family, and Statement of Simon Wynyard on behalf of and John and Sue Wynyard and the Wynyard family

<sup>173</sup> Statement of Evidence of Mr Church, paragraphs 66 - 67

bridge location as provided for under NoR8. We find that this is an appropriate amendment to address the matter raised by Mr Church.

375. The Panel also observed during the hearing that for the Woodcocks site to be fully integrated with the surrounding land, any future plan change application would need to include the missing portion of land to the west, owned by the Crown, which a portion of the WWLR is to be constructed within.
376. With regards to infrastructure servicing, Mr Steven Rankin advised that the WSP included a Water and Wastewater Servicing Plan<sup>174</sup> which outlined the water and wastewater servicing strategy for Warkworth. He stated that the servicing strategy (for the BMW land) would be provided from the northern edge of the Woodcocks site and be extended south to PC 93<sup>175</sup>. In responding to questions from the Panel Mr Rankin confirmed that the future servicing of the BMW land was not reliant on PC 93 being approved, this was of particular note to the Hearing Panel.
377. While it was Ms O'Connor's evidence that including the Woodcocks site in PC 93 would better give effect to the NPS-UD, she sought a range of amendments to the precinct provisions of PC 93, mainly relating to transport matters, in the event that the Woodcocks site could not be included, to ensure as far as possible that infrastructure, staging and other matters which have implications for the land surrounding PC 93 are appropriately enabled or carried out such that future development of the Woodcocks site is not prejudiced<sup>176</sup>.
378. As discussed above, a future WWLR connection is now shown on Precinct Plan 3, however the Applicants' planners did not agree with the further amendments requested to the Waimanawa Precinct by Ms O'Connor. These included<sup>177</sup>:
- (a) An additional policy to state that the WWLR should be connected to the WWLR designation when the Requiring Authority has constructed their part of the WWLR to address the effects arising from development within the PC 93 area and surrounding areas;
  - (b) A Non-complying activity to undertake any activity that would compromise the ability to deliver this roading connection;
  - (c) A new standard requiring a connection to be achieved when the Requiring Authority constructs its part of the WWLR;
  - (d) An amendment to Precinct Standard I593 6.7 Vehicle Access Restrictions to require connection to the WWLR designation; or preferably Standard I593 6.8 could be reinstated; and

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<sup>174</sup> Water and Wastewater Servicing Plan prepared by Beca for Watercare – June 2019.

<sup>175</sup> Statement of Evidence of Mr Rankin, paragraph 12

<sup>176</sup> Statement of Evidence of Ms O'Connor, paragraph 11

<sup>177</sup> Statement of Evidence of Ms O'Connor, paragraphs 18 - 21

- (e) Provisions to ensure that earthworks, subdivision and other development facilitate and do not compromise the ability for the connection to be made in the interim.
379. Ms O'Connor acknowledged in her evidence<sup>178</sup> that Table I593 6.15.1 T5 requires construction of the WWLR, but it was her view that greater specificity is required with respect to connection to the designation and the design of adjacent development works and activities that may affect the ability for that connection to be effectively delivered. The Panel noted that Ms O'Connor supported the Non-complying activity status for not meeting the standards relating to the WWLR.
380. It is our findings that the Waimanawa Precinct provisions, in conjunction with the Auckland-wide provisions of the AUP(OP), adequately enable consideration of the wider Warkworth South area, when considering subdivision and development within the precinct. We draw attention to the following objectives in particular (*our emphasis added*):
- (a) Objective (2) "*Subdivision and development achieves an accessible urban area with efficient, safe and integrated vehicle, walking and cycle connections internally **and to the wider Warkworth urban area**.*"
  - (b) Objective (3) "*Subdivision and development provides for and supports the safety and efficiency of the **current and future strategic** and local **transport network**.*
  - (c) Objective (4) "*Warkworth South is subdivided and developed in a manner that achieves a series of active and passive open spaces and linkages **within the southern Warkworth area**.*
  - (d) Objective (9) "*Subdivision and development are coordinated with the delivery of infrastructure (including transportation, stormwater, potable water supply, and wastewater infrastructure and future educational facilities) and services required to provide for development within the precinct **and future community requirements**.*
381. We note that the above objectives are supported by corresponding Policies: (2), (12), (12B), (13), (14), (15). We also draw particular attention to Policy (14) which requires subdivision and development to upgrade existing and/or provide new roading infrastructure within the precinct "*and to provide connections to adjoining land generally in accordance with Precinct Plan 3*".
382. We also agree with the Applicants planners for the reasons set out in their rebuttal evidence<sup>179</sup> that the changes sought by Ms O'Connor are not necessary or required. We find that the infrastructure provisions of PC 93 appropriately require subdivision and development to be planned, designed and delivered for the precinct, as well as for the wider Warkworth South area.

<sup>178</sup> Statement of evidence of Ms O'Connor, paragraphs 22 -23

<sup>179</sup> Joint rebuttal Evidence of Messrs Duthie, Hay and Smallburn, paragraph 9.32(a) – (e)

## Economic Effects

383. For the sake of completeness, we considered it appropriate to record that the expert economic evidence of Mr Greg Akehurst, Mr Tim Heath and Mr Derek Foy was all in agreement about the positive economic benefits that would result from PC 93.
384. It was Mr Akehurst's evidence that there is substantial economic justification for bringing the development of the PC 93 area forward before the timing outlined in the FDS as it would provide significant levels of additional capacity in a high-demand market<sup>180</sup>. Mr Akehurst explained that demand for housing in Warkworth remains strong<sup>181</sup>. It was his view that Warkworth is a high-growth environment. It has a growth rate almost 3 times higher than the Auckland Region overall<sup>182</sup>. He considered that providing a range of housing locational choices within Warkworth to meet this demand is important for wellbeing and efficiency<sup>183</sup>.
385. It was also his opinion that adding residential capacity in and around the two significant rural towns in Auckland generates lower vehicle kilometres travelled than providing that same capacity in greenfield suburbs around Auckland<sup>184</sup>. This outcome was confirmed in the tabled evidence of Mr Bevan Wilmshurst. It was Mr Wilmshurst's opinion, based on his modelling results, that the rates of vehicle kilometres travelled would reduce by 3% to 15% and that transport CO2 emission rates would reduce by 10% to 30% in a With Development Scenario (in PC 93), compared to a Without Development Scenario in 2038<sup>185</sup>.
386. Mr Akehurst also held the view that PC 93 would be more environmentally sustainable than urban sprawl on Auckland's edge as long as infrastructure is appropriately provided for and that the anticipated local centre is allowed to develop in such a way that there are employment opportunities there beyond retail<sup>186</sup>.
387. Two submitters<sup>187</sup> Ms Caroline Barrett and Mr Pete Sinton considered that PC 93 is premature, and it should not be advanced ahead of the timing set out in the FDS. Ms Barrett and Mr Sinton both held the view that the intensive housing typology is out of character for Warkworth. They also considered that PC 93 will have adverse effects on the commercial township of Warkworth if the new local centre is established. This was due to the current amount of vacant commercial buildings, reduced traffic visiting the town centre, the 'big-box retail' recently established on Woodcocks Road, a general downturn in the economy and other local centres planned for Warkworth.
388. Hugh Briggs<sup>188</sup> was concerned about the management of growth in Warkworth. He does not believe there has been enough evidence to demonstrate demand or to justify PC 93. He considered that Warkworth's urban area has capacity to accommodate more housing in the existing urban area, without a need to create a

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<sup>180</sup> Statement of Evidence of Mr Akehurst, paragraphs 8.22 – 8.23

<sup>181</sup> Statement of Evidence of Mr Akehurst, paragraphs 4.3

<sup>182</sup> Summary Statement of Mr Akehurst, paragraph 2.1

<sup>183</sup> Summary Statement of Mr Akehurst, paragraph 2.2

<sup>184</sup> Statement of Evidence of Mr Akehurst, paragraph 3.5

<sup>185</sup> Statement of Evidence of Mr Wilmshurst, paragraph 6.2

<sup>186</sup> Statement of Evidence of Mr Akehurst, paragraph 3.6

<sup>187</sup> Joint Statement of Ms Barrett and Mr Sinton

<sup>188</sup> Statement by Hugh Briggs



separate township to the south. He was also concerned that the high density housing areas would compete with the need for similar outcomes around the town centre, which would support its ongoing viability. It was also Mr Brigg's view that the commercial centre would have an impact on the viability of the Warkworth Town Centre and that PC 93 would add extra pressure on existing community facilities.

389. In response to the above concerns, it was Mr Akehurst's opinion<sup>189</sup> that the proposed local centre will have little, if any, adverse impacts on either the Warkworth Town Centre (or The Grange local centre) as it will mostly cater for the residential needs of Warkworth South. He said the Warkworth Town Centre is relatively constrained, with limited growth potential, therefore by providing for a wider range of retail than normal at a local centre at Warkworth South it will help to keep the spend local rather than encourage trips to Auckland. In response to our questions, Mr Akehurst did not think the THAB zone would compete with intensification around the Warkworth Town Centre and he did not consider there would be a significant uptake of the THAB zoned land product in the short term, as he considered this would take some time to manifest, given the general response to intensive housing to date in the Rodney area.
390. We rely on the evidence of the three experienced economic experts before us. It is therefore our findings that PC 93 will provide opportunities to meet housing demand while stimulating local economic activity through the Business – Local Centre zoning, which will provide for a wide range of retail, service and employment options. The local centre will be supported by a future public transport interchange and adjoined by THAB zoning, enabling higher intensity housing. Further, both housing and employment diversity will result in reduced vehicle kilometres travelled, which will have both economic and environmental benefits.
391. With respect to bringing forward this portion of Warkworth South, ahead of the indicated timing in the FDS, it is our finding that this is appropriate. We note that the FDS identifies Warkworth as an important rural growth centre in the north of Auckland. The timing for the live zoning of the future urban areas, like Warkworth South is associated with several infrastructure prerequisites identified respectively in the FDS. The growth is spread across 30 years to enable the Council time to fund and deliver the required bulk infrastructure to be able to produce quality urban outcomes in the identified future urban areas.
392. Warkworth South was identified in the FDS with a timing of not before 2040+ to 2045+. This was subject to the following key bulk infrastructure provisions:
- SH1 Southern Interchange
  - Woodcocks Road Upgrade Western Link South
  - Southern Public Transport Interchange
  - SH1 South Upgrade

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<sup>189</sup> Summary Statement of Mr Akehurst, paragraph 2.14

- Warkworth Wastewater Growth Strategy (new pipeline, pump station, wastewater treatment plant and outfall pipe) and ancillary works
393. The evidence before us is that the transport infrastructure prerequisites listed above have now either been designated (with some decisions being subject to appeal as discussed earlier in this decision) and that a wastewater solution, either temporary or permanent (or both) can be fully funded and provided by the Applicants in conjunction with the development of PC 93. We note that the final servicing decisions in relation to water supply and wastewater are subject to further discussions with Watercare, but most importantly, there are a range of both temporary and permanent water and wastewater servicing solutions available.

### Other Evidence

394. For the sake of completeness, other evidence (within scope) that was before us comprised:

For the Applicants, the following tabled statements:

- Mr Kyle Meffan – Geotechnical Engineering
- Mr Andrew Williams and Ms Caitlin Tonner – Global Trends in Sustainable Community Development and PC 93 Emission Materiality Assessment
- Mr Craig Webb – Aboriculture
- Mr Glen Farley – Archaeology
- Mr David O'Reilly – Contaminated Land (Waimanawa Precinct East of Pōhuehue Road)
- Mr Jeff Davenport – Contaminated Land (Waimanawa Precinct West of Pōhuehue Road)

For the Submitters:

- Evidence from Stefan and Karen Richardson<sup>190</sup>. The Richardsons appeared at the hearing in support of PC 93. They own land within the plan change area and are 'Co-operating Landowners'. They have reviewed all of the application material and consider that PC 93 is a significant opportunity for Warkworth to grow in a well-functioning manner with an indisputable positive impact on the economy. Based on the evidence that the infrastructure challenges identified will be appropriately met, they consider PC 93 meets the policy requisites for approval to proceed. The Richardsons concluded that the benefits to Warkworth and the local economy are substantial, supporting development and growth in alignment with Auckland's strategic objectives, and that PC 93 can effectively bring development forward from the current FDS planned sequencing.

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<sup>190</sup> Updated Statement of Evidence of Stefan and Karen Richardson.

- Ash Hames and Fiona Rayner were represented by Ms O'Connor. These submitters also own land within PC 93 and support the rezoning sought in PC 93 in principle, with changes sought to give effect to the matters raised in their submission. At the hearing Ms O'Connor advised the Panel<sup>191</sup> that the amended provisions are supported that provide a minimum site size of 1000m<sup>2</sup> if the land is serviced and 2,500m<sup>2</sup> site minimum, if future sites are to be self-serviced. Ms O'Connor also supported the provisions that secure use of the existing driveway and clarify that stated upgrades are not required for the subdivision of Residential – Large Lot zoned land. The only remaining matter that Ms O'Connor wanted to highlight to us was she considered there are no differentiating features between a Single House zone and the Large Lot zone that would warrant a different activity status for subdivision and that both activities should be Restricted Dictionary. We note that this amendment has subsequently been agreed between the Applicants' planners and Ms O'Connor and is reflected in the reply submissions version of the Waimanawa Precinct.

## STATUTORY PROVISIONS

395. The RMA sets out a range of matters that must be addressed when considering a plan change, as identified in the s32 report accompanying the notified plan change. We find that the plan change:

- a. Gives effect to the relevant statutory documents including the:
  - i. National Policy Statement on Urban Development 2020 (NPS-UD);
  - ii. National Policy Statement for Freshwater Management 2020 (NPS-FM);
  - iii. NZ Coastal Policy Statement 2010;
  - iv. Hauraki Gulf Marine Park Act 2000; and
  - v. National Environmental Standard for assessing and managing contaminants into soil to protect human health (NES-CS).
- b. Gives effect to the RPS, in particular B2.2 – Urban Growth and Form, B2.3 Quality Built Environment, B2.4 Residential Growth, B2.5 Commercial and Industrial Growth, B2.2 Open Space and Recreation Facilities, B3.2 – Infrastructure, B3.3 Transport, as well as Chapter B6 - Mana Whenua, Chapter B7 - Natural Resources and Chapter B10 Environmental Risk; and
- c. Is consistent with the Auckland Plan 2050 and the WSP; and
- d. Will provide the necessary infrastructure prerequisites in order to enable PC 93 to be advanced ahead of the timing set out in the FDS.

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<sup>191</sup> Hearing Summary Statement of Ms O'Connor dated 6 November 2024.

396. We note that the planners carried out comprehensive assessments against all relevant statutory and non-statutory documents as set out in the s42A Hearing Report and in expert evidence.
397. We generally agree with and rely on the assessment undertaken by Messrs Duthie, Hay and Smallburn in relation to the relevant statutory and non-statutory documents listed above. In doing so, we find that PC 93 will give effect to the relevant higher order policy documents, including the above National Policy Statements in particular the NPS-UD as well as the RPS. PC 93 will provide for planned growth, it will be serviced by infrastructure including roading and the three waters; and it will enable the establishment of a local hub which will provide for community services and public transport linkages.
398. As discussed earlier, we acknowledge that this request brings forward an out of sequence identified growth area. We find that PC 93 will provide for:
- Significant development capacity that will contribute to a well-functioning urban environment, which is well connected along transport corridors (Objective 6 and Policy 8 of the NPS-UD);
  - More people to live in and more business to locate in areas that are near centres, planned public transport and where there is high demand (Objective 3 of the NPS-UD);
  - A variety of homes that meet the needs of different households in terms of type, price and location (Objective 1 and Policy 1 of the NPS-UD);
  - Improved housing affordability by supporting competitive land and development markets (Objective 2 of the NPS-UD);
  - Robust strategic planning and the need to integrate urban development with infrastructure (Objective 6 of the NPS-UD); and
  - New Zealand's urban environments to support reductions in greenhouse gas emissions and to be resilient to the current and future effects of climate change (Objective 8 and Policy 1(e) of the NPS-UD).
399. In relation to the matters around the timing of infrastructure servicing, we preferred and rely on the evidence of Mr Wren, Ms Dorofaeff and Ms Huls. It is critical that subdivision and development is integrated with the delivery of supporting infrastructure. We found that in the case of subdivision, s224c is the most appropriate trigger to ensure that transport and infrastructure is planned, funded and staged to integrate with urban growth (Objective 6 of the NPS-UD).
400. Similar direction is embodied in the AUP(OP) which identifies (among other matters) the need for a quality compact urban form with resilient, efficient and effective infrastructure (Objective B3.2.1(1)). It also emphasises the need for infrastructure planning and land use planning to be integrated to service growth efficiently (Objective B3.2.1(1)) and recognises the value of investment in planned and built

infrastructure (Policy B3.2.2(2)). We find that the PC 93 precinct provisions, as amended, will appropriately address all of the above matters.

## **SECTION 32AA EVALUATION**

401. Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified plan change after the section 32 evaluation was carried out.<sup>192</sup> This further evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes.<sup>193</sup>
402. In our view this decision report, which among other things addresses the modifications that have been made to the provisions of PC 93, satisfies our section 32AA obligations and is the most appropriate means of achieving the purpose of the RMA by reference to s32.

## **PART 2 OF THE RMA**

403. Section 32(1)(a) of the RMA requires assessment of whether the objectives of a plan change are the most appropriate way for achieving the purpose of the RMA in Part 2. Section 72 of the Act also states that the purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA. In addition, section 74(1) provides that a territorial authority must prepare and change its district plan in accordance with the provisions of Part 2. While this is a private plan change, these provisions apply as it is the Council who is approving the private plan change, which will change the AUP(OP).
404. For all of the reasons set out in this decision, we are satisfied that the matters set out in sections 6, 7 and 8 of the RMA have been addressed. PC 93 and its provisions, as we have modified them, have respectively recognised and provided for, have had particular regard to and have taken into account those relevant section 6, 7 and 8 matters.
405. Finally, in terms of section 5 of the RMA, it is our finding that the provisions of PC 93 in s32 and s32AA terms, are consistent with, and the most appropriate way, to achieve the purpose of the Act. PC 93 will enable the efficient development of the land for residential development which will enable people and communities to provide for their social, economic, and cultural well-being while avoiding, remedying, or mitigating any adverse effects on the environment.

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<sup>192</sup> RMA, section 32AA(1)(a)

<sup>193</sup> RMA, section 32AA(1)(c)

## DECISION

406. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, Proposed Plan Change 93 – Warkworth South by KA Waimanawa Limited Partnership and Stepping Towards Far Limited to the Auckland Unitary Plan (Operative in Part) be **approved**, subject to the modifications as set out in this decision.
407. Submissions on PC 93 are:
- **Accepted** where they supported the plan change, or where we have accepted the modifications to PC 93, as set out in the submission;
  - **Accepted-in-part** where the submission supported the plan change but we have made modification to it in relation to other submissions, or have only partially agreed to modifications to PC 93 as set out in the submission, or
  - **Rejected** where the submission sought to decline the plan change, or we have not modified the plan change as requested by the submission.
408. **Appendix 2** sets out a table with our decision on each submission point.
409. **Appendix 3** encloses the replacement precinct plans in accordance with our decision.
410. With respect to further submissions, these can only support or oppose an initial submission. Our decision on the further submissions reflects our decisions on those initial submissions having regard to any relevant new material provided in that further submission. For example, if a further submission supports a submission(s) that opposes the plan change and we have determined that the initial submission(s) be rejected, then it follows that the further submission is also rejected.
411. It is our overall findings that for the reasons set out above, PC 93 together with the application of the precinct provisions is the most appropriate means of achieving the objectives of the AUP(OP) and the purpose of the RMA. The precinct provisions (attached as **Appendix 1** to this decision) are the most effective and efficient when regard is had to the costs and benefits associated with those provisions relative to the alternatives.
412. In addition to the reasons set out above, the overall reasons for the decision are that PC 93:
- a. is supported by necessary evaluation in accordance with section 32 and section 32AA;
  - b. gives effect to the National Policy Statement on Urban Development;
  - c. gives effect to the National Policy Statement for Freshwater Management;

- d. gives effect to the NZ Coastal Policy Statement 2010;
- e. gives effect to the Hauraki Gulf Marine Park Act 2000;
- f. gives effect to the National Environmental Standard for assessing and managing contaminants into soil to protect human health
- g. gives effect to the Auckland Regional Policy Statement; and
- h. satisfies Part 2 of the RMA.



**Karyn Kurzeja**  
**Chairperson**

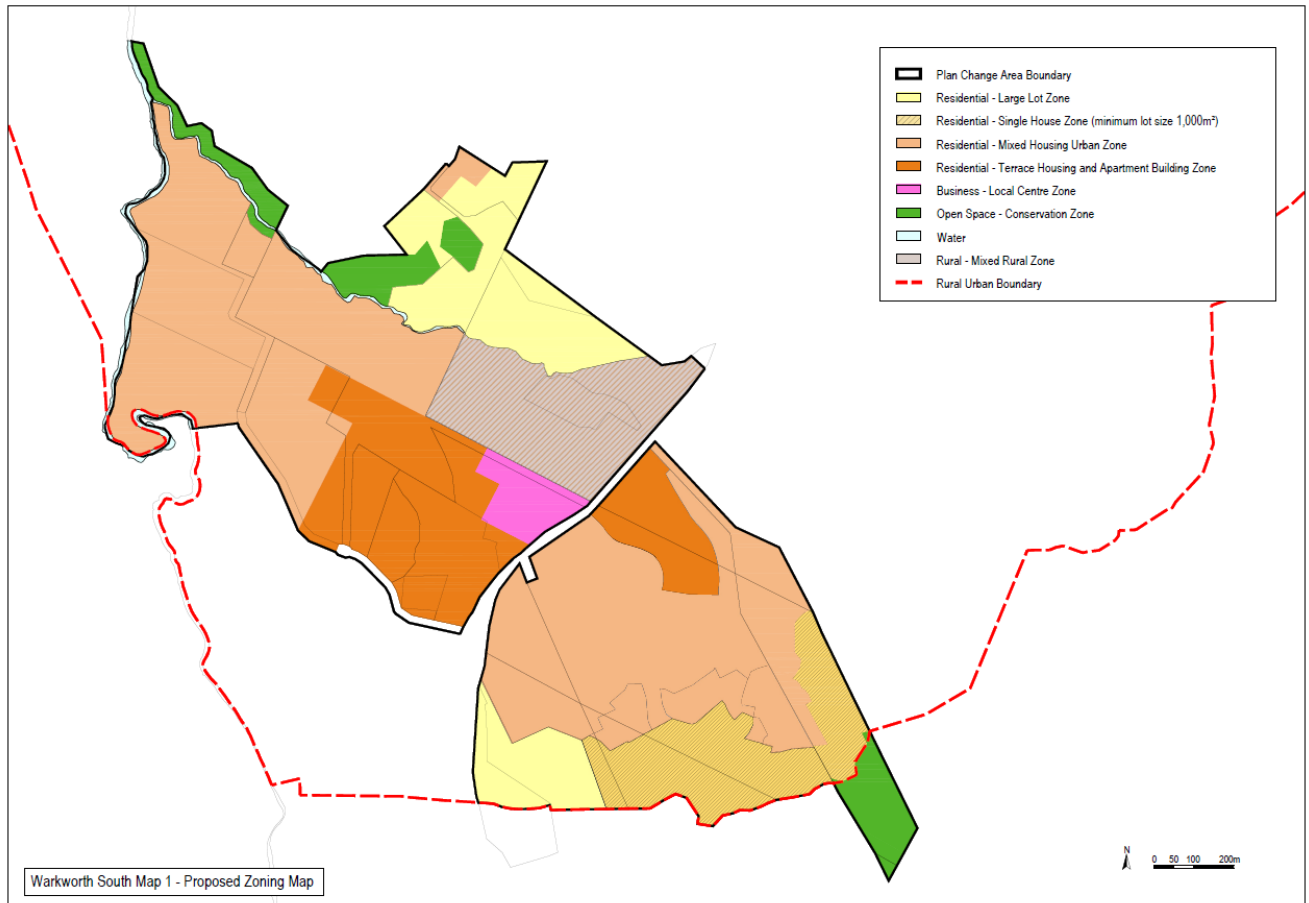
**Date: 14<sup>th</sup> May 2025**

## Appendix 1

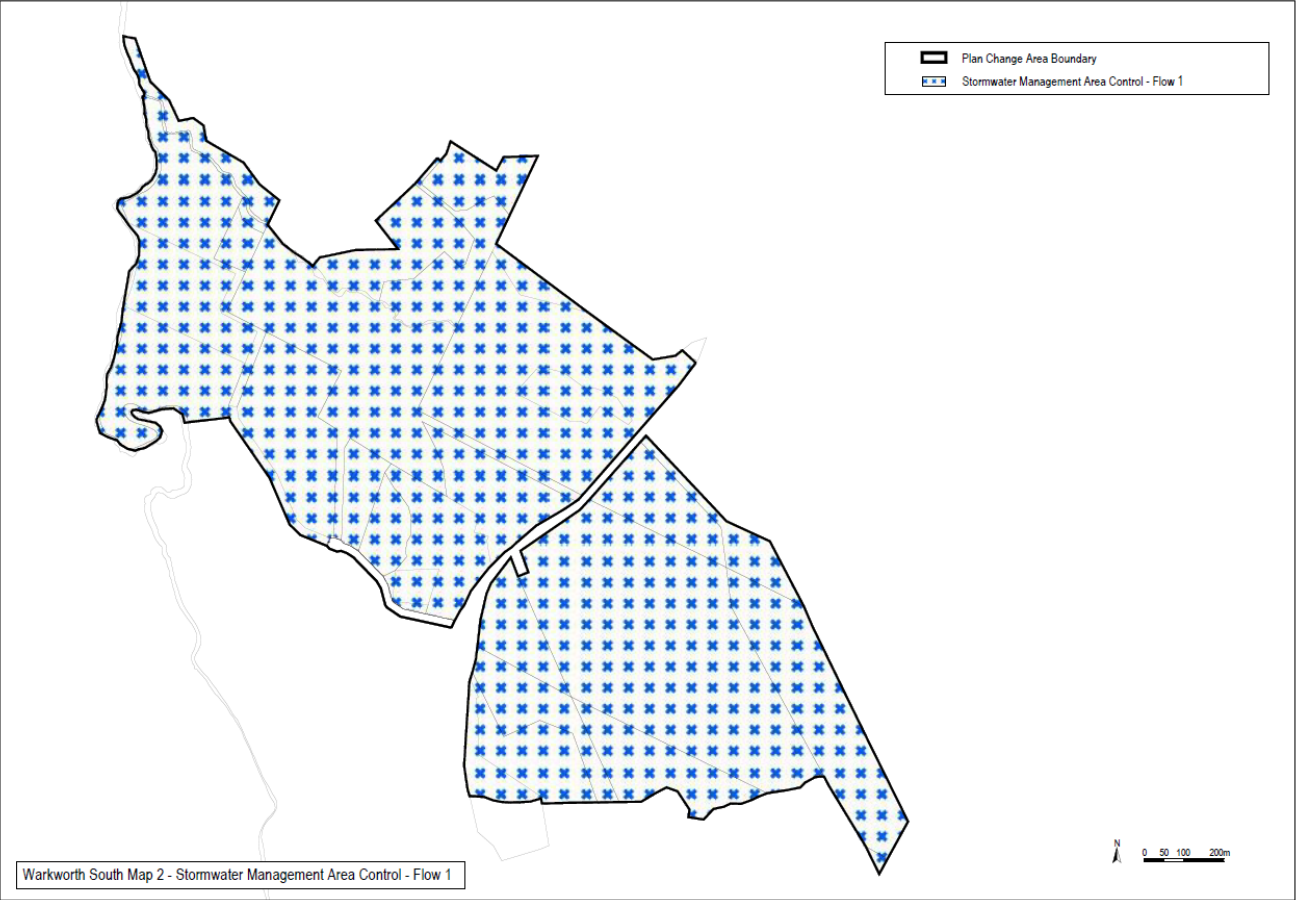


**PRIVATE PLAN CHANGE 93: HEARING PANEL'S DECISION VERSION (Track change version based on the Applicant's Reply version)**

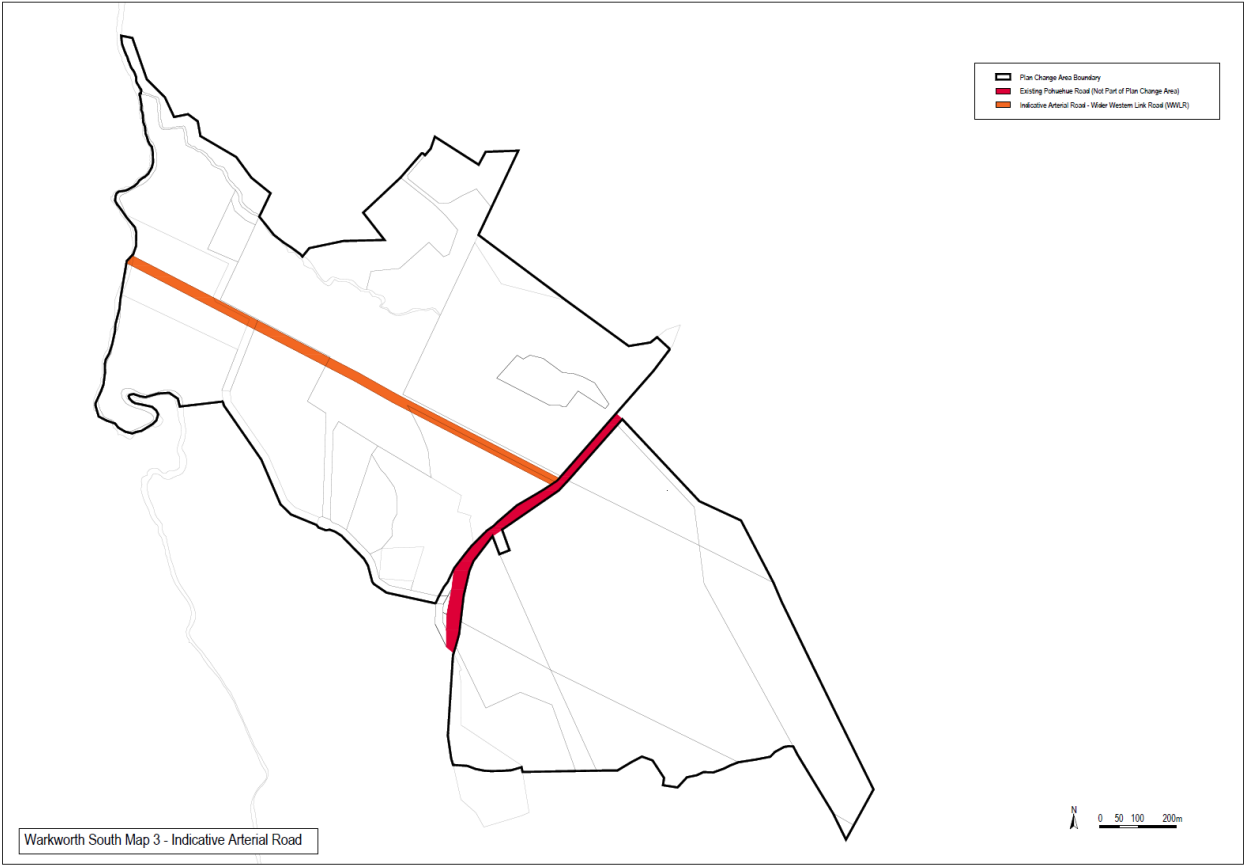
**Warkworth South Zoning Map**



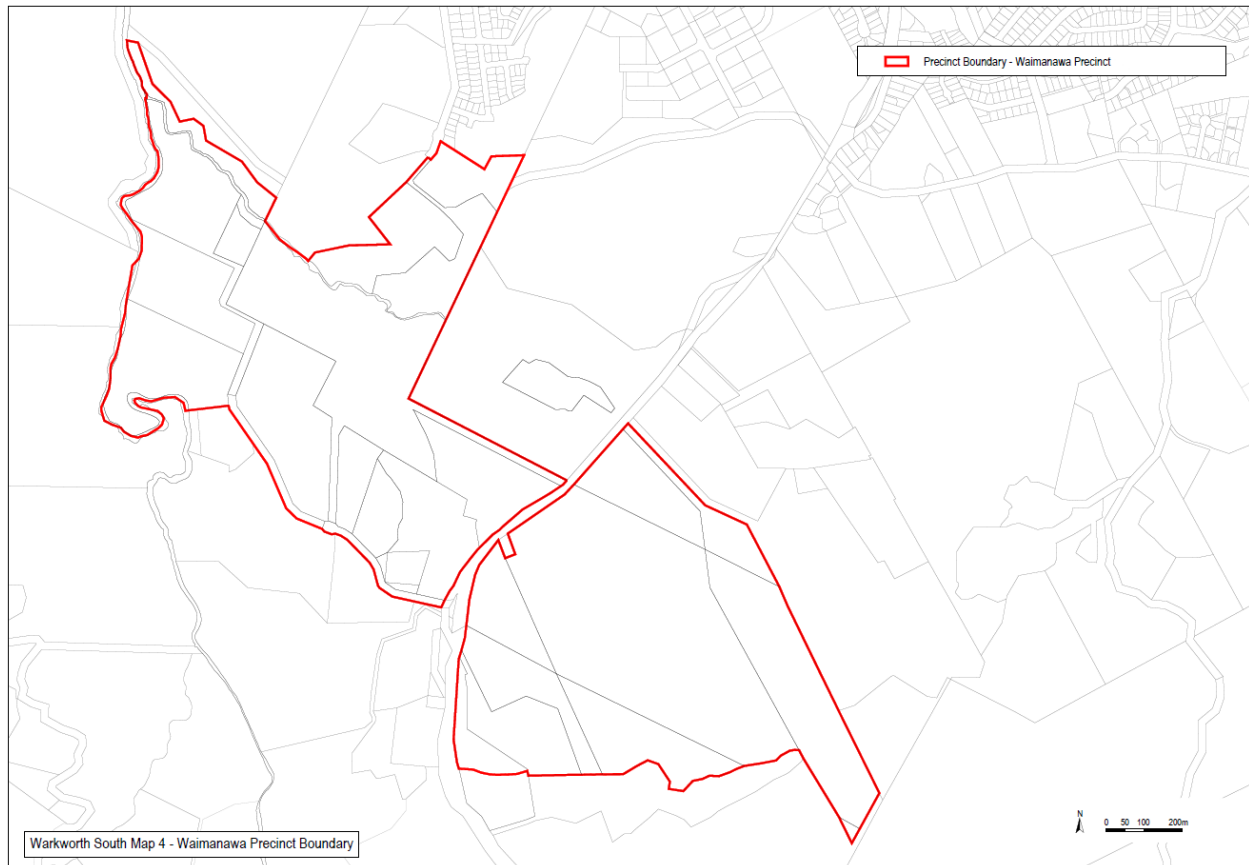
Warkworth South – Stormwater Management Area Control (Flow 1)



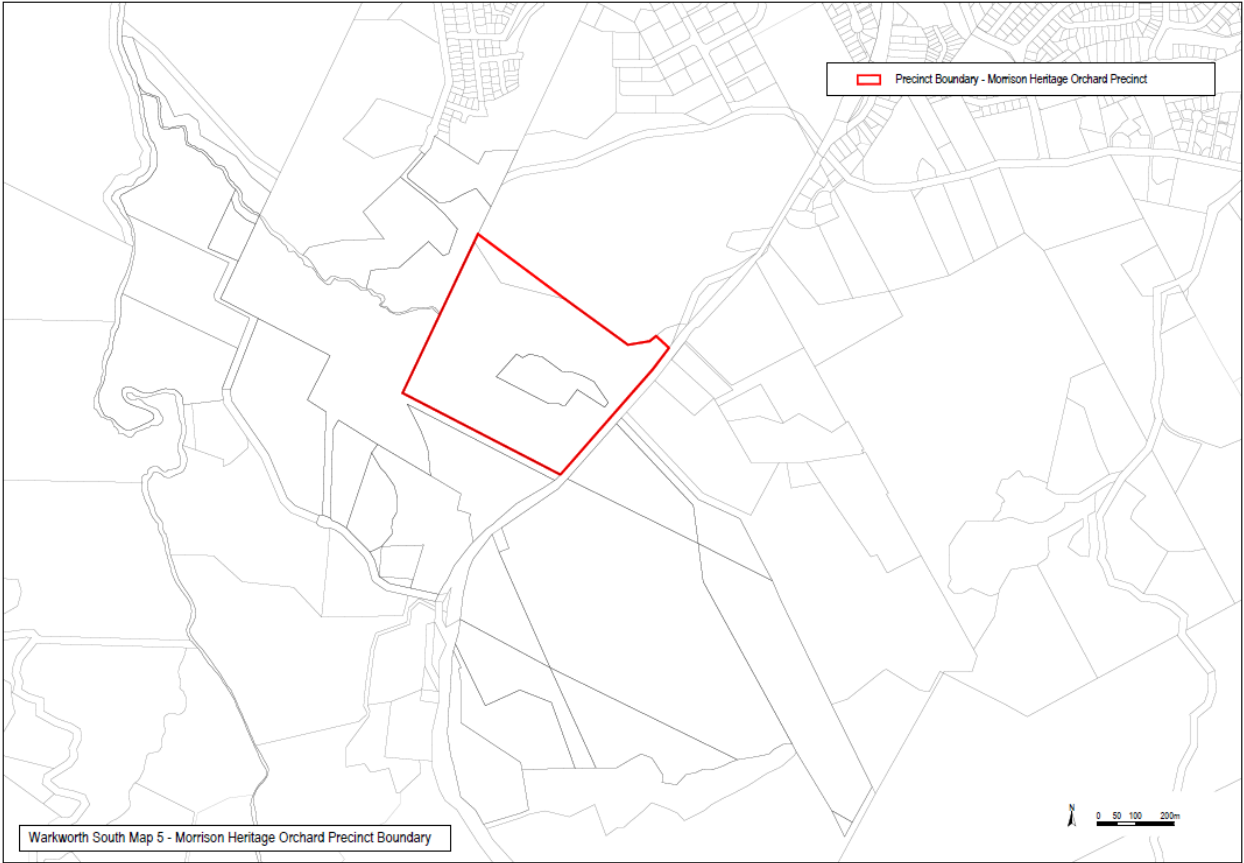
Warkworth South: Arterial Road



## Warkworth South - Waimanawa Precinct Plan



Morrison Heritage Orchard Precinct Plan



## **IXXX WAIMANAWA PRECINCT**

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

The Waimanawa Precinct assists in providing for urban growth within the Warkworth area. This precinct provides for the development of a new residential neighbourhood within Warkworth and for the coordinated provision of housing, local retail, infrastructure and open spaces. The precinct is located adjacent to the Morrison Heritage Orchard Precinct.

The majority of the precinct is within a shallow west-east valley with the upper eastern reaches of the Mahurangi River on the valley floor, with Pohuehue Road traversing north-south through the middle of the precinct. To the west of Pohuehue Road, the precinct is on a generally low to gentle contoured valley with two branches of the upper Mahurangi River within the valley floor. The land gently rises towards Valerie Close to the south while the northern side of the valley is much steeper with vegetated areas.

To the east of Pohuehue Road the precinct sits on a low to moderate contoured catchment which rises gently then more steeply to the east where it abuts in part the Avice Miller Scenic Reserve on its eastern edge.

The topography and the watercourses provide a unique opportunity within Warkworth for a residential community within a contained valley and focused along a series of open space areas which adjoin and incorporate the watercourses. With the existing surrounding roading network and the future development of the Wider Western Link Road, the precinct will be well-connected to both the existing Warkworth urban area and to the wider Auckland Region.

The development of this precinct will create a range of lot sizes providing for different housing typologies focused on a series of open spaces while responding to the topography of the precinct. This will result in a walkable community within a high amenity urban area with enhanced landscape and environmental outcomes.

A range of zonings apply within the precinct. The zonings are:

- Residential – Terrace Housing and Apartment Buildings
- Residential – Mixed Housing Urban
- Residential – Single House
- Residential – Large Lot
- Business – Local Centre
- Open Space - Conservation ~~zone~~

There are several key open space areas which will be a mix of private, community and public areas which are identified in Precinct Plan 4. These are:

- The Endeans Farm Recreational Park
- The Waimanawa Wetland Park

- The Mahurangi River Esplanade Reserve and Parks

These open space areas provide a chain of connected open space areas through the precinct and are to be developed over time to provide for a range of environmental, social and accessibility outcomes.

In addition, a small number of local neighbourhood parks are proposed.

Provision is made for a local centre designed to be a focal point for the community through providing services to the southern Warkworth community and yet be complementary to the Warkworth town centre. This local centre will be designed to be the gateway to Warkworth from the south and to reflect its location opposite the Morrison Heritage Orchard. The local centre is to be both accessible and functional for the local community.

The precinct provides for the enhancement of the existing roading network and construction of that part of the Wider Western Link Road which passes through the precinct.

The Wider Western Link Road is a planned future arterial road linking up Pohuehue Road, the possible future Southern Interchange and Woodcocks Road. Construction of the Wider Western Link Road through the precinct will be integrated with subdivision and development within the precinct. A possible future public transport interchange location is also identified adjacent to the local centre, and which is in a location that will be accessible by a range of transport modes.

The precinct standards development controls require that development can only proceed if it is connected to a functioning water and wastewater network with sufficient capacity to service the proposed development.

A walking and cycling network is to be incorporated into the roading network and which connects to the wider transportation network. In addition, provision is made for an off-road greenway network providing a network of tracks and walkways through the various open spaces and connecting to the broader greenway and roading network outside the precinct. Provision is also made through a special yard control for a bat flight corridor which is identified on Precinct Plan 5.

Acoustic attenuation provisions are contained within the precinct to protect activities sensitive to noise from adverse effects arising from the road traffic noise associated with the operation of existing (Pohuehue Road) and future (the Wider Western Link Road) arterials.

The precinct incorporates the Medium Density Residential Standards (MDRS) set out in Schedule 3A of the Resource Management Act 1991. The MDRS provide for the use or construction of up to 3 dwellings as a permitted activity, complying with identified Standards in the relevant residential zones. The outcomes anticipated in the precinct correspond to the Residential – Mixed Housing Urban Zone and Residential – Terrace Housing and Apartment Buildings Zone with MDRS incorporated. The precinct provisions apply except to the extent the MDRS are incorporated.

In respect of the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 the precinct includes the following qualifying matters:

- All land within the Residential – Single House Zone.
- A more restrictive front yard rule for residential sites adjacent to the Wider Western Link Road and Green Avenue.

- A more restrictive rear yard in part of the Residential – Mixed Housing Urban Zone to provide for a Bat Flight Corridor.
- A more restrictive rear yard in part of the Residential – Single House Zone adjoining the Avice Miller Reserve.
- A more restrictive minimum lot size in the Residential – Single House Zone.
- A more restrictive maximum height limited in the Landscape Protection Area (Eastern Escarpment).
- A more restrictive minimum landscaping requirement in the Landscape Protection Areas (Northern and Eastern Escarpments).
- Differing riparian yards and planting requirements alongside some streams.

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

## **IXXX.2 Objectives**

- (1) Provide for residential urban growth in the southern Warkworth area that enables a range of housing options and a local centre through a mix of zones.
- (2) Subdivision and development achieves an accessible urban area with efficient, safe and integrated vehicle, walking and cycle connections internally and to the wider Warkworth urban area.
- (3) Subdivision and development provides for and supports the safety and efficiency of the current and future strategic and local transport network.
- (4) Warkworth South is subdivided and developed in a manner that achieves a series of active and passive open spaces and linkages within the southern Warkworth area.
- (5) Apply urban zoning efficiently to protect against future urban expansion into Warkworth's valued rural and coastal hinterland.
- (6) Enable the enhancement of the character of the rural-urban interface through limitations on housing density, building location, maximum height, and enhanced landscaping.
- (7) Allow for residential zoning that provides for a variety of housing types and sizes that respond to-
  - (a) housing needs and demand; and
  - (b) the neighbourhoods planned urban built character, including 3-6 storey buildings.
- (8) Enable the development of a local centre which is designed to reflect its location opposite the Morrison Heritage Orchard, at the southern gateway to Warkworth and adjoining a watercourse.
- (9) Subdivision and development are coordinated with the delivery of infrastructure (including transportation, stormwater, potable water supply, and wastewater infrastructure and future educational facilities) and services required to provide for development within the precinct and future community requirements.



~~(10) Occupation of development does not occur in advance of the availability of operational infrastructure for transportation, stormwater, potable water, non-potable water supply and wastewater services for that development.~~

- (11) Subdivision and development within the precinct provides for the protection and enhancement of identified landscape features, the protection and enhancement of the ecological values of streams, natural wetlands and areas of indigenous vegetation and the retention of a bat flight corridor.
- (12) To provide for the opportunity for a future public transportation interchange which can be safely accessed by buses and other appropriate transport modes.
- (13) Activities sensitive to noise adjacent to Pohuehue Road and the Wider Western Link Road are designed to minimise adverse effects on people's health and residential amenity while they are indoors.
- (14) The precinct is designed, develops and functions in a way that provides safe and effective movement between the local centre, community facilities, housing, jobs, open spaces and the public transport facilities by public transport and active modes.
- (15) Stormwater quality and quantity is managed to maintain the health and well-being of the receiving environment and is enhanced over time in degraded areas.

#### **~~Residential Density Standards~~**

- (16) A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- (17) A relevant residential zone provides for a variety of housing types and sizes that respond to
  - (a) Housing needs and demand; and
  - (b) The neighbourhood's planned urban built character, including three-storey buildings.

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

#### **IXXX.3 Policies**

- (1) Provide a mix of residential zones to provide for a range of residential lot~~s~~ sizes and housing typologies, to help meet community needs.
- (2) Provide for social infrastructure, infrastructure (including a public transport interchange), open space uses and a local centre to meet the needs of the community over time through a mix of zonings and other provisions for public assets.
- (3) Provide a zoning and safe transport and greenway network that creates a focus of the precinct on a series of open spaces and is sympathetic to the natural topography of the area.

- (4) Provide a series of open spaces along upper reaches of the Mahurangi River and within the precinct to provide for a range of active and passive opportunities, to promote walkability, and to enhance the overall amenity, including safety, and liveability of the precinct.
- (5) Locate more intensive housing adjacent to the local centre, public transport interchange and overlooking the recreational and wetland open spaces.
- (6) Create low density housing along the rural-urban boundary to form a transition from urban to rural uses.
- (7) Create the opportunity to develop an accessible and functional local centre through zoning at the southern gateway for Warkworth.
- (8) Require subdivision and development to protect and enhance natural wetlands and permanent and intermittent streams identified on Precinct Plan 2.
- (9) Require subdivision and development to protect the ecological and landscape values of the flanks of the northern and eastern escarpments (as shown on Precinct Plan 1 and 2) and to promote the retention of existing native vegetation and the native revegetation of these escarpments.
- (10) Require subdivision and development to protect the landscape values of the Avice Miller Reserve by requiring a planted special yard setback from the reserve boundary.
- (11) Require subdivision and development to retain the Bat flight corridor alongside part of the Mahurangi River.
- (12) Require subdivision and development to provide transport, stormwater, electricity, communication services infrastructure and educational facilities in a coordinated manner.

(12A) Avoid subdivision and development progressing ahead of the provision of a functioning water and wastewater network with sufficient capacity to service the proposed development. Require subdivision and development to connect to, or to provide, a consented and functional water and wastewater system, including treatment, with sufficient capacity for the development by the time of occupation.

- (12B) Require that subdivision and development does not occur in advance of out-of-alignment with the availability of operational transport infrastructure in accordance with Table IXXX.6.15.1 Transport Infrastructure Upgrade Requirements for Subdivision and Development.
- (13) Require subdivision and development to provide safe walking and cycling networks within the precinct, including to any future public transport interchange, while providing safe connections to the wider transport network and existing urban development.
- (14) Require subdivision and development to upgrade existing and/or provide new roading infrastructure (which is designed in accordance with Table IXXX.6.15.2 Minimum Road Width, Function and Required Design Elements for a range of modes of transport and including public transport) within the precinct and to provide connections to adjoining land generally in accordance with Precinct Plan 3.

- (15) Provide for and require the Wider Western Link Road to be constructed to service subdivision and development within the precinct, while recognising it will form part of a future strategic transport connection.
- (16) Avoid direct vehicle access from individual sites on to the Wider Western Link Road, Pohuehue Road, Green Avenue and Collector Road 1 (except for sites zoned Residential – Large Lot and the Open Space (suburban park) area identified on Precinct Plan 4), while allowing direct pedestrian and cycle access and for bus and service vehicle access to the future public transport interchange.
- (17) Manage stormwater runoff from all impervious areas in the precinct through a treatment train approach consistent with any approved stormwater management plan which assists in maintaining high water quality and enhances poor water quality within this upper catchment of the Mahurangi River.
- (18) Require esplanade reserve and riparian yard planting for water quality, biodiversity, stormwater management, ecological corridor and amenity purposes.
- (19) Require subdivision to provide for the recreation and amenity needs of residents by: (a) providing open spaces which are prominent and accessible by pedestrians; (b) providing for the number and size of open spaces in proportion to the future density of the neighbourhood; and (c) providing for safe pedestrian and/or cycle linkages.
- (20) Ensure that activities sensitive to noise adjacent to Pohuehue Road and the Wider Western Link Road are designed with acoustic attenuation measures to minimise adverse effects on people's health and residential amenity while they are indoors.
- (21) Provide for the opportunity for the development and operation of a public transport interchange in the indicative location identified on Precinct Plan 3.
- (22) Enable a variety of housing types with a mix of densities within the zone, including three-storey attached and detached dwellings, and low-rise apartments.
- (23) Apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant.
- (24) Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.
- (25) Enable housing to be designed to meet the day-to-day needs of residents.
- (26) Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

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

#### IXXX.4 Activity table

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

- (a) Rule E26.2.3 (A48) Infrastructure Activity table: Above Ground Reservoirs
- (b) Rule E38.4.2 (A16) Subdivision – Urban Activity: Vacant sites subdivision involving parent sites of less than 1ha complying with Standard E38.8.2.3
- (c) Rule E38.4.2 (A17) Subdivision – Urban Activity: Vacant sites subdivision involving parent sites of less than 1ha not complying with Standard E38.8.2.3.
- (d) Rule E38.4.2 (A18) Subdivision – Urban Activity: Vacant sites subdivision involving parent sites of 1ha or greater complying with Standard E38.8.3.1
- (e) Rule E38.4.2 (A19) Subdivision – Urban Activity: Vacant sites subdivision involving parent sites of 1ha or greater not complying with Standard E38.8.3.1

Activity Table IXXX.4.1 – IXXX.4.7 specify the activity status of regional and district land use, development and subdivision in the Waimanawa Precinct pursuant to sections 9(2), 9(3), 11 and 13 of the Resource Management Act 1991 or any combination of all of these sections where relevant.

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

*Note*

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

**Table IXXX.4.1 All zones**

Activity		Activity status	
<b>Use</b>			
<b>Development</b>			
(A1)	New buildings and additions.		
(A2)	New buildings and additions to buildings which do not meet Standard IXXX.6.13 High Contaminant Yield Material.	NC	
(A4) [rp/dp]	Removal of any native vegetation shown as covenanted, proposed covenanted bush or area of significant vegetation on Precinct	NC	

	<p>Plan 2, not otherwise provided for except this shall not preclude:</p> <p>(i) removal of deceased or damaged limbs or trees that could create a fall hazard; <u>and/or</u></p> <p>(ii) clearing of bush up to 2m wide to create or maintain consented walking tracks.</p>		
(A5)	Any development that is not in accordance with Standard IXXX.6.2 Special Yard; Avicé Miller Reserve	NC	
(A6)	Public walkways within a riparian yard or esplanade reserve.	RD	
(A7)	Construction of a wastewater pump station and associated infrastructure including holding tanks and emergency overflow facilities, within the general locations shown on Precinct Plan 2.	C	
(A8)	Development (except for in the Residential – Large Lot Zone) not complying with Standard IXXX.6.9 Standards for Wastewater and Potable Water Connections and/or IXXX.6.10 Standards for Stormwater.	NC	
(A9)	Development not complying with Standard IXXX.6.15(2) Transport Infrastructure and Table IXXX.6.15.1 – (T2) to (T6) inclusive.	NC	
(A10)	Development not complying with Table IXXX.6.15.1 – (T1).	D	
(A11)	Development not complying with Table IXXX.6.15.2	RD	
(A12)	Development not complying with Standard IXXX.6.17 Activities sensitive to noise within 35 metres	RD	

	of Pohuehue Road or the Wider Western Link Road		
(A13)	Development not complying with <del>Standard IXXX.6.18 Non-potable Water Supply Efficiency and</del> Standard IXXX.6.19 Potable Water Supply Efficiency	D	
<b>Subdivision</b>			
(A14)	Subdivision involving parent sites of 1ha or greater complying with Standard E38.8.2.1 or E38.8.3.1, and Standard IXXX.6.11 Special Subdivision Control Area (Eastern Escarpment) in the Residential – Single House Zone and Residential – Large Lot Zone, generally in accordance with Precinct Plan 1.	RD	
(A15)	Subdivision involving parent sites of less than 1ha complying with Standard E38.8.2.1 or E38.8.2.3 and Standard IXXX.6.11 Special Subdivision Control Area – (Eastern Escarpment) in Residential - Single House Zone and Residential – Large Lot Zone and generally in accordance with Precinct Plans 1.	RD	
(A16)	Subdivision involving parent sites of 1ha or greater not complying with Standard E38.8.2.1 or E38.8.3.1.	D	
(A17)	Subdivision involving parent sites of less than 1ha complying with Standard E38.8.2.1 or E38.8.2.3.	D	
(A18)	Subdivision (except for in the Residential – Large Lot Zone) not complying with Standard IXXX.6.9 Standards for Wastewater and Potable Water Connections and/or Standard IXXX.6.10 Standards for Stormwater	NC	

(A19)	Subdivision that does not comply with Standard IXXX.6.11 Special Subdivision Control Area (Eastern Escarpment) in Residential – Single House Zone.	NC	
(A20)	Subdivision not complying with Standard IXXX.6.12 Riparian Yards for Streams and Natural Wetlands	NC	
(A21)	Subdivision not complying with Standard IXXX.6.14 Greenways – Walking and Cycling Infrastructure	RD	
(A22)	Subdivision not complying with Standard IXXX.6.15(2) Transport Infrastructure and Table IXXX.6.15.1 – (T2) to (T6) inclusive.	NC	
(A23)	Subdivision not complying with Table IXXX.6.15.1 – (T1).	D	
(A24)	Subdivision not complying with Table IXXX.6.15.2	RD	

**Table IXXX.4.2 Residential - Large Lot Zone**

Activity		Activity status	
<b>Use</b>			
<b>Development</b>			
(A1)	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents.		
(A2)	New buildings and additions to buildings on a site subject to the Landscape Protection Controls (Northern Escarpment Area and Eastern Escarpment Area) shown on Precinct Plan 1 that do not comply with Standard IXXX.6.5 Landscape Protection Controls (Northern Escarpment) and Standard IXXX.6.6	NC	

	Landscape Protection Controls (Eastern Escarpment).		
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**Table IXXX.4.3 Residential – Single House Zone**

Activity		Activity status	
<b>Use</b>			
<b>Development</b>			
(A1)	Integrated residential development.		
(A2)	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents		
(A3)	New buildings and additions to buildings on a site subject to the Landscape Protection Controls (Eastern Escarpment) shown on Precinct Plan 1 that do not comply with Standard IXXX.6.6 Landscape Protection Controls (Eastern Escarpment).	NC	
(A4)	Development of a water supply reservoir and associated infrastructure, within the general location shown on Precinct Plan 2.	C	
<b>Subdivision</b>			
(A5)	Subdivision not complying with Standard IXXX.6.7 Vehicle Access Restrictions	NC	

**Table IXXX.4.4 Residential - Mixed Housing Urban Zone**

Activity		Activity status	
<b>Development</b>			
(A3)	Integrated residential development.		



(A4)	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents.		
(A5)	New buildings and additions to buildings that do not comply with IXXX.6.1 Special Yard: Green Avenue and Wider Western Link Road, IXXX.6.3 Special Yard: Bat Flight Corridor, or IXXX.6.16 Fences Adjoining the Front Yard or Vested Publicly Accessible Open Space.	D	
(A6)	Development not complying with Standard IXXX.6.7 Vehicle Access Restrictions	NC	
<b>Subdivision</b>			
(A8)	Subdivision not complying with Standard IXXX.6.7 Vehicle Access Restrictions.	NC	

**Table IXXX.4.5 Residential – Terrace Housing and Apartment Buildings**

<b>Activity</b>		<b>Activity status</b>	
<b>Use</b>			
<b>Development</b>			
(A1)	Integrated residential development.		
(A2)	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents.		
(A3)	New buildings and additions to buildings that do not comply with IXXX.6.1 Special Yard: Green Avenue and Wider Western Link Road.	D	

(A4)	Development not complying with Standard IXXX.6.7 Vehicle Access Restrictions.	NC	
<b>Subdivision</b>			
(A6)	Any subdivision not complying with Standard IXXX.6.7 Vehicle Access Restrictions.	NC	

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

<b>Activity</b>		<b>Activity status</b>	
<b>Use</b>			
(A1)	Operation and maintenance of a public transport interchange	P	
<b>Development</b>			
(A2)	New buildings		
(A3)	Additions and alterations to buildings not otherwise provided for		
(A4)	Development not complying with Standard IXXX.6.7 Vehicle Access Restrictions.	NC	
(A6)	Development of a public transport interchange and associated facilities.	C	
<b>Subdivision</b>			
(A8)	Any subdivision not complying with Standard IXXX.6.7 Vehicle Access Restrictions.	NC	

**Table IXXX.4.7 Residential Density Standards – MDRS (Residential – Mixed Housing Urban and Residential – Terraced Housing and Apartment Building)**

<b>Activity</b>		<b>Activity status</b>	
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Use			
Development			
(A1)	Up to three dwellings per site each of which complies with Standards IXXX.6.20 to IXXX.6.31 inclusive.	P	
(A2)	The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of three dwellings each of which complies with Standards IXXX.6.20 to IXXX.6.31 inclusive.	P	
(A3)	Accessory buildings associated with a development of dwellings each of which complies with Standards IXXX.6.20 to IXXX.6.28 inclusive	P	
(A4)	Internal and external alterations, and additions to existing dwellings which complies with Standards IXXX.6.20 to IXXX.6.28 inclusive.	P	
(A5)	Additions to an existing dwelling which complies with Standards IXXX.6.20 to IXXX.6.28 inclusive	P	
(A6)	Buildings for one or more dwellings which do not comply with any of the Standards IXXX.6.20 to IXXX.6.28 inclusive	RD	
(A7)	Four or more dwellings per site.	RD	
Subdivision			
(A8)	Subdivision of land in accordance with an approved land use consent for the purpose of the construction, or use of dwellings as permitted or restricted discretionary activities in the precinct and meeting Standard IXXX.6.29 Standards for controlled subdivision activities	C	
(A9)	Subdivision of land for up to three sites accompanied by:	C	

	<p>a) A land use consent application for up to three dwellings, one or more of which does not comply with any of Standards IXXX.6.20 to IXXX.6.28 inclusive but does comply with all applicable zone, Auckland-wide and overlay standards; or</p> <p>(b) A certificate of compliance for up to three dwellings each of which complies with Standards IXXX.6.20 to IXXX.6.28 inclusive and applicable zone, Auckland-wide and overlay standards.</p>		
(A10)	Any subdivision listed above not meeting IXXX.6.29 to IXXX.6.31 Standards for controlled subdivision activities	RD	
(A11)	Any subdivision listed above not meeting Standards for subdivision in residential zones E38.8.1.1(1) and E38.8.1.2	RD	
(A12)	Any subdivision listed above not meeting General Standards E38.6.2 to E38.6.6 inclusive	RD	

### **IXXX.5 Notification**

- (1) The notification rules of the underlying zone apply in respect of applications for residential activities or for subdivision associated with an application for the construction and use of residential activities.
- (2) Any other application for resource consent for an activity listed in Tables IXXX.4.1 to IXXX.4.7 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).
- (4) Unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991, public notification of an application for resource consent is precluded if the application is for the construction and use of one, two, or three dwellings that do not comply with Standards IXXX.6.20 to IXXX.6.28 inclusive.

- (5) Unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991, public and limited notification of an application for a subdivision resource consent is precluded if the subdivision is associated with an application for the construction and use of:
- (a) one, two or three dwellings that do not comply with one or more of the Standards IXXX.6.20 to IXXX.6.28; or
  - (b) four or more dwellings that comply with all Standards IXXX.6.20 to IXXX.6.28 inclusive.
- (6) Any application for a resource consent which is listed in IXXX.4.7 above which also requires resource consent under other rules in the Plan will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

### **IXXX.6 Standards**

- (1) Unless specified in Standard IXXX.6(2) below, all relevant overlay, Auckland-wide and zone standards apply to all activities listed in Activity Tables IXXX.4.1 to IXXX.4.7 above.
- (2) The following Auckland-wide and zone standards do not apply to the activities listed in activity tables above:
- (a) Activity Table IXXX.4.1 All zones:
    - The riparian yards in Tables H1.6.5.1, H3.6.8.1, H5.6.8.1, H6.6.9.1 and H11.6.4.1 do not apply where:
      - Standard IXXX.6.12 Riparian Yards for Streams and Natural Wetlands applies.
    - Activity (A14): E38.8.2.3 does not apply to subdivision in Residential – Large Lot, and Residential - Single House Zone where land is subject to Landscape Protection Area – Eastern Escarpment shown on Precinct Plan 1 and Standard IXXX.6.11 applies.
    - Activity (A15): E38.8.3.1(3) - (5) does not apply to subdivision in Residential - Single House Zone where land is subject to Landscape Protection Area – Eastern Escarpment shown on Precinct Plan 1 and Standard IXXX.6.11 applies.
  - (b) Activity Table IXXX.4.3 Residential – Single House Zone:
    - Activity (A3): H3.6.6 Building height standard of 8 metres does not apply to that part of the site subject to the Landscape Protection Control (Eastern Escarpment) shown on the planning maps and where Standard IXXX.6.6 Landscape Protection Control (Eastern Escarpment) applies.
  - (d) Activity Table IXXX.4.4 Residential – Mixed Housing Urban Zone:

- Activity (A5): H5.6.8 Yards. The front yard in Table H5.6.8.1 Yards does not apply where:
  - Standard IXXX.6.1 Special Yard: Green Avenue and Wider Western Link Road applies.
- The rear yard in Table H5.6.8.1 Yards does not apply where:
  - Standard IXXX.6.3 Special Yard: Bat Flight Corridor applies.
- (e) Activity Table IXXX.4.5 Residential – Terrace Housing and Apartment Buildings Zone:
  - Activity (A3) H6.6.9 Yards. The relevant yard in Table H6.6.9.1 Yards does not apply where:
    - Standard IXXX.6.1 Special Yard: Green Avenue and Wider Western Link Road applies.
- (3) All activities listed in Activity Tables IXXX.4.1 to IXXX.4.7 must comply with Standards IXXX.6.
- (4) The following Auckland-wide and zone standards do not apply to the activities (A1) to (A5) listed in Activity Table I334.4.7 above:
  - Residential - Mixed Housing Urban Zone:
    - H5.6.3 The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings
    - H5.6.4 Building height
    - H5.6.5 Height in relation to boundary
    - H5.6.6 Alternative height in relation to boundary
    - H5.6.7 Height in relation to boundary adjoining lower intensity zones
    - H5.6.8 Yards
    - H5.6.10 Building coverage
    - H5.6.11 Landscaped area
    - H5.6.12 Outlook space; and
    - H5.6.14 Outdoor living space
  - Residential - Terrace Housing and Apartment Buildings Zone:
    - H.6.6.3 The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings

- H6.6.6 Height in relation to boundary
- H6.6.7 Alternative height in relation to boundary
- H6.6.8 Height in relation to boundary adjoining lower intensity zones
- H6.6.9 Yards
- H6.6.11 Building coverage
- H6.6.12 Landscaped area
- H6.6.13 Outlook space
- H6.6.15 Outdoor living space

#### **IXXX.6.1 Special Yard: Green Avenue and Wider Western Link Road**

Purpose:

- to promote the development of the front yards for outdoor use; and
  - to promote passive surveillance along the adjoining road.
- (1) A building or parts of a building on sites shown as subject to the Special Yard: Green Avenue or Special Yard: Wider Western Link Road on IXXX.10.1 Precinct Plan 1 must be set back at least 3m from the front boundary.
  - (2) Residential lots fronting the Wider Western Link Road are to have pedestrian access into the site from the Wider Western Link Road.
  - (3) Residential lots fronting Green Avenue are to have pedestrian access into the site from the Green Avenue.

#### **IXXX.6.2 Special Yards: Avice Miller Reserve**

Purpose:

- to provide a buffer adjacent to the Avice Miller Reserve.
- (1) A building or parts of a building must be set back from the legal boundary with Avice Miller Reserve by 10m. All public walking tracks must be setback from the legal boundary with Avice Miller by a minimum of 3m.
  - (2) A 8m wide strip of the Special Yard measured from the boundary of the Avice Miller Reserve shall be planted with indigenous vegetation that attain a height of at least 10m when mature, except where a public walking track is constructed within the 8m yard.
  - (3) The 8m wide strip of the Special Yard shall be legally protected by a covenant or consent notice providing for the maintenance and protection of the landscaped area, the

prevention of dumping of rubbish and garden waste, the management of noxious weeds, and a prohibition on the keeping of domestic cats for properties containing the special yard.

- (4) This yard does not apply to any bulk potable water reservoir. Any bulk water reservoir shall be set back a minimum of 3m from the Avice Miller Reserve boundary.
- (5) All external lighting within 30m of Avice Miller Reserve shall not exceed 0.3 lux when measured 1m above ground level and be downlit with controls in place to prevent uplifting, in order to provide an appropriate buffer with Avice Miller Reserve and possible bat flight corridors. Streetlights and temporary lighting associated with the maintenance of Watercare assets are exempt from provision IXXX.6.2(5).

~~(6) Any property within 300m of the Avice Miller Reserve that keeps a domestic cat shall have a cat proof fence, mechanism or barrier to ensure domestic cats cannot leave the property.~~

#### **IXXX.6.3 Special Yard: Bat Flight Corridor**

Purpose:

- to provide an unobstructed, dark-space, flight corridor for Bats.
- (1) No dwellings, accessory buildings or light standards (over 1m high) are to be constructed within the Special Yard: Bat Flight Corridor as shown on Precinct Plan 5.
  - (2) All external lighting within or along the external boundary of the area identified as Special Yard: Bat Flight Corridor as shown on Precinct Plan 5 shall not exceed 0.3 lux when measured 1m above ground level and be downlit with controls in place to prevent uplifting.

#### **IXXX.6.4 Special Height Limits**

Purpose:

- to control the maximum height of buildings on part of or adjacent to the eastern escarpment.
- (1) The maximum height limit in the Residential - Single House zone in the area shown as “special height limit 5m single storey building area” on Precinct Plan 1 shall be 5m.
  - (2) The maximum height limit in the Residential - Mixed Housing Urban zone in the area shown as “special height limit 9m building area” on Precinct Plan 1 shall be 9m.

#### **IXXX.6.5 Landscape Protection Area Controls (Northern Escarpment)**

Purpose:

- to protect landscape features on key upper portions of the precinct.



- to promote indigenous revegetation of the northern escarpment.
- (1) The minimum landscaped area for sites identified on Precinct Plan 1 as Landscape Protection Area – Northern Escarpment must be at least 75 per cent of the net site area. Of the minimum landscaped area, at least 60% shall be indigenous trees, shrubs or ground cover plants.
  - (2) External finishes on buildings shall be limited to natural stone and/or timber, or finished in a colour with the following limits utilising the BS5252 colour range:
    - (a) Hue (colour) – all colours from 00 to 24
    - (b) Reflectance value (RV) and greyness groups: for external walls an RV rating of no more than 60% for greyness groups A and B and no more than 40% for greyness group C. For roofs an RV rating of no more than 40% within greyness groups A, B and C.

#### **IXXX.6.6 Landscape Protection Area Controls (Eastern Escarpment)**

Purpose:

- to protect landscape features on key upper portions of the precinct;
  - to promote indigenous revegetation of the eastern escarpment; and
  - to allow an appropriate level of building coverage in the Residential – Large Lot zone portion of the eastern escarpment.
- (1) The minimum landscaped area for sites identified on IXXX.10.1 Precinct Plan 1 as Landscape Protection Area – Eastern Escarpment must be at least 50 per cent of the net site area. Of the minimum landscaping area, at least 60% shall be indigenous trees, shrubs or ground cover plants.
  - (2) Buildings must not exceed 8 metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more.
  - (3) The maximum building coverage must not exceed 20 per cent of the net site area or 600m<sup>2</sup>, whichever is the lesser.
  - (4) External finishes on buildings shall be limited to natural stone and/or timber, or finished in a colour with the following limits utilising the BS5252 colour range:
    - (a) Hue (colour) – all colours from 00 to 24
    - (b) Reflectance value (RV) and greyness groups: for external walls an RV rating of no more than 60% for greyness groups A and B and no more than 40% for greyness group C. For roofs an RV rating of no more than 40% within greyness groups A, B and C.

## **IXXX.6.7 Vehicle Access Restrictions**

Purpose:

- to avoid direct vehicle access from individual sites (except any public transport interchange site or land zoned Residential – Large Lot or the Open Space (suburban park) area identified on Precinct Plan 4) onto Pohuehue Road, the Wider Western Link Road, Green Avenue and/or Collector Road 1; and
  - to promote safe and efficient operation of transport infrastructure; and
  - to achieve safe, accessible and high-quality pedestrian and cycle connections within the precinct and including to the Local Centre and any future public transport interchange that provides positively for the needs of the local community.
- (1) Any new road intersections with Pohuehue Road or the Wider Western Link Road servicing the precinct, shall be generally located as identified as “Access Points” on IXXX.10.3 Precinct Plan 3.
  - (2) Sites that front the Wider Western Link Road, Green Avenue, Collector Road 1 and/or Pohuehue Road must not have direct vehicle access to the road and access must be provided from rear lanes (access lots) or side roads. (This standard does not apply where direct vehicle access is required to service any public transport interchange or site zoned Residential – Large Lot or Open Space areas identified on Precinct Plan 4. This standard does not apply to any vehicle crossing that exits onto Pohuehue Road at the time the Precinct is made operative). This standard does not apply to existing sites and development with vehicle crossings that exit onto Pohuehue Road at the time the Precinct is made operative.

**Note:** Land zoned Residential - Large Lot with frontage to Pohuehue Road or the Open Space (suburban park) area identified on Precinct Plan 4 with frontage to the Wider Western Link Road remains subject to the vehicle access restrictions applying to arterial roads in Chapter E27 Transport (see Table E27.4.1(A5), E27.6.4.1(2) and 3(b)).

## **IXXX.6.9 Wastewater and Potable Water Connections**

Purpose:

- to ensure efficient delivery of wastewater and potable water infrastructure for Waimanawa.
- (1) All lots except for those in Residential – Large Lot and Open Space – Conservation zones shall connect to a reticulated wastewater system.
  - (2) All lots except for those in Residential – Large Lot and Open Space – Conservation zones shall connect to a reticulated potable water system.
  - (3) All subdivision and development (excluding that in the Residential – Large Lot and Open Space – Conservation zones), shall be connected to a functioning and consented potable

water and wastewater system (including treatment and associated discharge) with sufficient capacity to service that subdivision or development prior to:

- (a) In the case of subdivision, the issue of s224(c);
- (b) In the case of development only, the passed final inspection under the Building Act of any buildings (excluding those buildings not required to have a water or wastewater service). It shall have sufficient capacity to service that subdivision or development prior to a passed final inspection under the Building Act or occupation (whichever is the sooner) of any buildings (excluding those buildings not requiring a water or wastewater service).

#### **IXXX.6.10 Stormwater Management**

##### **Purpose**

- to ensure that stormwater is managed and treated to maintain and enhance the health and ecological values of streams and to avoid exacerbating flood hazards.
- (1) Stormwater runoff from all impervious surfaces must be treated with a stormwater management device(s) meeting the following standards:
    - (a) the communal device or system must be sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or
    - (b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or
    - (c) those outlined within the stormwater management plan approved by the network utility operator.
  - (2) Development of new impervious areas must provide stormwater detention for 50% AEP (i.e. 2-year ARI) storm events on top of the E10 SMAF 1 requirements or be in accordance with the approved stormwater management plan.
  - (3) A minimum of 5mm roof runoff must be reused internally for non-potable applications (such as toilet flushing and washing machines) and detention volume of equivalent to the 50% AEP runoff attenuated to pre-development peak flowrates minus the reuse volume.

#### **IXXX.6.11 Special Subdivision Control Area in the Landscape Protection Area - Eastern Escarpment**

##### **Purpose:**

- to create larger sites in that area identified as the "Eastern Escarpment Area".
- (1) Proposed sites in the area shown as "Eastern Escarpment Area" on Precinct Plan 1 must comply with the minimum net site area of:

- (a) Residential – Single House Zone and Residential Large Lot Zone (if connected by a reticulated water and wastewater system): 1,000m<sup>2</sup>.
- (b) Residential – Large Lot Zone (if unserviced in terms of a reticulated water and wastewater system): 2,500m<sup>2</sup>.

#### **IXXX.6.12 Riparian Yards for Streams and Natural Inland Wetlands**

Purpose:

- to protect and enhance water quality and ecology of the streams and natural wetlands shown on Precinct Plan 2 while preventing erosion.
  - to integrate the watercourse within the Local Centre.
  - to integrate the section of watercourse along the Wider Western Link Road with the adjacent road.
- (1) The riparian yards of retained permanent or intermittent stream must be planted at the time of subdivision or site development to the minimum width shown on Precinct Plan 2 measured from the top of the stream bank or, where the stream edge cannot be identified by survey, from the centre line of the stream. This standard does not apply to that part of a riparian yard where a road or public walkway crosses over the stream and/or passes through or within the riparian yard.
  - (2) The riparian yards of any natural inland wetland must be planted at the time of subdivision or site development to a minimum width of 10m measured from the wetland's fullest extent. This standard does not apply to that part of a riparian yard where a road or consented public walkway crosses over the wetland and associated riparian area, and/or generally passes across a stream and associated riparian area, or within the riparian yard.
  - (3) Walkways shall not be located within the 10m riparian yard, unless constructed using an impervious design, with a maximum width of 2m. This standard does not apply to that part of the riparian yard where a road crosses over the stream and/or passes through or within the riparian yard.

**Note:** Proposals are still subject to Chapter E3 – Lakes, rivers, streams and wetlands, and Chapter E15 – Vegetation management and biodiversity

#### **IXXX.6.13 New Buildings and Additions - High Contaminant Yielding Materials**

Purpose:

- to protect water quality in streams, and the Mahurangi South catchment, by limiting the release of contaminants from building materials.

- (1) New buildings, and additions to buildings must be constructed using inert cladding, roofing and spouting buildings materials.

#### **IXXX.6.14 Greenways – Walking and Cycling Infrastructure**

Purpose:

- to provide for off-road walkways and cycleways which Council (other than those vested as road) wants vested in Council to form part of the public greenway network.
- (1) Walkways and cycleways that are to be vested in the Council shall be provided within the greenways shown on Precinct Plan 1 and:
    - (a) Shall be constructed to a walking track standard similar to that constructed in Regional Parks;
    - (b) Shall provide connections to greenways on public or private land outside the land subject to resource consent, and are future-proofed by constructing track access to the boundary of the application site; and
    - (c) The width of the track shall have a minimum width of 2m.

Where the off-road greenway is not indicated on Precinct Plan 1 as being adjacent to a stream, and it is intended to be vested, the walkway and cycleway shall be located a minimum of 8m from the stream.

- (2) Where the Council does not want or is unable to accept vesting of the walkway/cycleway and associated riparian yard and stream bank, then there is no requirement to provide the walkway/cycleway.

#### **IXXX.6.15 Transport Infrastructure**

Purpose:

- to achieve the integration of land use and transport infrastructure (including walking and cycling).
  - to ensure transport infrastructure is appropriately provided for.
  - to provide a pedestrian and cycle connection along Pohuehue Road to Wech Drive.  
~~McKinney Road.~~
- (1) The development of any part of the precinct shall provide the relevant transport infrastructure, including walking and cycling, in the general location shown on Precinct Plans 1 and 3.
  - (2) Subdivision and development (including construction of any new road) must comply with the standards in Tables IXXX.6.15.1 and IXXX.6.15.2.

~~(3) Table IXXX.6.15.1 does not apply to land zoned Residential – Large Lot.~~

**Table IXXX.6.15.1 Transport Infrastructure Upgrade Requirements**

<b>Transport Infrastructure Upgrade</b>		<b>Trigger</b>
T1)	Upgrading of Valerie Close/Pohuehue Road Intersection	In the event of any subdivision (excluding boundary adjustment) with frontage to Valerie Close or any new development requiring resource consent with direct access to Valerie Close, an assessment is to be undertaken to confirm if any upgrading of the intersection is required as part of that subdivision or development.
T2)	Upgrading of Pohuehue Road through the WW South Precinct to the extent shown on Precinct Plan 3 including the provision of active mode facilities.	As part of the first development for: <ul style="list-style-type: none"> <li>a) new buildings within the Business – Local Centre zone; or</li> <li>b) an integrated residential development; or</li> <li>c) residential development resulting in a cumulative total of 20 new dwellings or more in the precinct.</li> </ul>
T3)	Construction of an interim pedestrian/cycle path on Pohuehue Road from the Wider Western Link Road/Pohuehue Road Intersection to <del>Wech Drive McKinney Road</del> and a safe formal pedestrian crossing facility over Pohuehue Road.	As part of the first residential development resulting in a cumulative total of 20 new residential dwellings or more in the precinct.
T4)	Construction of the Wider Western Link Road/Pohuehue Road Intersection.	As part of the first <u>subdivision or</u> development for: <ul style="list-style-type: none"> <li>a) new buildings within the Business – Local Centre zone; or</li> <li>b) an integrated residential development; or</li> <li>c) residential development resulting in a cumulative total of 20 new dwellings or more in the precinct.</li> </ul>
T5)	Construction of the Wider Western Link Road fronting the relevant subdivision or development.	Any subdivision or development with frontage to that section of the Wider Western Link Road.
T6)	Construction of Collector Roads (including Green Avenue).	Any subdivision or development with frontage to that section of the Collector Road.

**Note 1:** Table IXXX.6.15.1 will be considered to be complied with if the identified upgrade forms part of the same resource consent, or a separate resource consent which is given effect to prior to release of section 224(c) for any subdivision or prior to the passed final inspection under the Building Act of any buildings (excluding those buildings not required to have a water or wastewater service) occupation of any new building(s) for a land use only.

**Note 2:** Development relevant to Standards T5 and T6 only apply to the section of the road adjacent to the development or subdivision area.

**Note 3:** Where the Residential – Large Lot Zone fronts Pōhuehue Road, Pōhuehue Road should be upgraded to urban standard, including pedestrian and cycle facilities, to the most southerly vehicle or active mode connection to the Large Lot Zone from Pōhuehue Road. Kerb and channel and appropriate lane width should be provided between the most southerly vehicle connection from the Residential Large Lot Zone to Pōhuehue Road and the southern boundary of the Large Lot Zone.

**Table IXXX.6.15.2 Road Function and Design Elements**

Name	Role and Function of Road	Minimum Road Reserve (Note 1)	Total No. of Lanes	Design Speed	Median (Note 2)	Cycle Provision	Pedestrian Provision	Freight or Heavy Vehicle Route	Access Restrictions	Bus Provision Subject to (Note 4)
Pohuehue Road	Arterial	24m*	2	50 km/h	Yes	Yes (Note 3)	Yes (Note 3)	Yes	Yes	Yes
Wider Western Link Road	Arterial	24m	2	50 km/h	Yes	Yes (Note 5)	Yes	Yes	Yes	Yes
Green Avenue	Collector	26m	2	50 km/h	Yes	Yes	Yes	No	Yes	Yes
Collector Road <a href="#">1 &amp; 2</a>	Collector	22m	2	50 km/h	No	Yes	Yes	No	Yes, for Collector Road 1	Yes
Local Road**	Local	16m	2	30 km/h	No	No	Yes	No	No	No

\* Existing road reserve for Pohuehue Road varies

\*\* Mason Heights included

**Note 1:** Typical minimum width which may need to be varied in specific locations where required to accommodate network utilities. batters, structures, stormwater

*treatment, intersection design, significant constraints, or other localised design requirements.*

*Note 2: Flush, solid or raised medians subject to Auckland Transport approval at EPA stage.*

*Note 3: The shared walking and cycling path provision on Pohuehue Road will be an interim cycling and walking facility from the Wider Western Link Road/Pohuehue Road intersection to the ~~Wech Drive McKinney Road~~/Pohuehue Road intersection.*

*Note 4: Carriageway and intersection geometry capable of accommodating buses. Bus stop form and locations and bus routes shall be determined with Auckland Transport at resource consent and engineering plan approval stage.*

*Note 5: A bi-directional cycle facility only may ~~will~~ be appropriate on the northern side of the WWLR adjoining the Morrison Orchard Precinct.*

*Note 6: Where the Residential – Large Lot Zone fronts Pōhuehue Road, Pōhuehue Road should be upgraded to urban standard, including pedestrian and cycle facilities, to the most southerly vehicle or active mode connection to the Large Lot Zone from Pōhuehue Road. Kerb and channel and appropriate lane width should be provided between the most southerly vehicle connection from the Residential Large Lot Zone to Pōhuehue Road and the southern boundary of the Large Lot Zone.*

#### **IXXX.6.16 Fences adjoining the front yard or vested publicly accessible open space**

Purpose:

- to provide for fencing that is constructed along residential front boundaries and site boundaries adjoining vested publicly accessible open spaces as shown on Precinct Plan 4, to a height sufficient to:
  - provide privacy for dwellings while enabling opportunities for passive surveillance of the esplanade reserve and / or vested publicly accessible open space.
  - minimise dominance effects from fencing on the esplanade reserve.

(1) Fences or walls or a combination of these structures (whether separate or joined together) that adjoin front boundaries or vested publicly accessible open spaces shown on Precinct Plan 4, must not exceed the height specified below, measured from the ground level at the boundary:

(a) 1.4m in height; or

(b) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder; or

(c) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.



~~(2) This standard does not apply to fences built in compliance with Standard IXXX.6.2(6).~~

#### **IXXX.6.17 Activities sensitive to noise within 35 metres of Pohuehue Road or the Wider Western Link Road**

Purpose:

- to ensure activities sensitive to noise adjacent to Pohuehue Road and the Wider Western Link Road are designed to protect people's health and residential amenity while they are indoors.
- (1) Any new buildings or alterations to existing buildings containing an activity sensitive to noise (excluding non-habitable residential accessory buildings and garages/carports attached to dwellings) within 35m of the boundary of Pohuehue Road or the Wider Western Link Road must be designed, constructed and maintained so that road traffic noise does not exceed 40dB LAeq (24hour) in all noise sensitive spaces.
  - (2) If windows must be closed to achieve the design noise levels in Standard IXXX.6.17(1), the building must be designed, constructed and maintained with a mechanical ventilation system that meets the requirements of E25.6.10(3)(b) and (d) to (f).
  - (3) A design report must be submitted by a suitably qualified and experienced person to the council demonstrating that compliance with Standard IXXX.6.17(1) and (2) can be achieved prior to the construction or alteration of any building containing an activity sensitive to noise located within the areas specified in IXXX.6.17(1). In the design, road noise is based on future predicted noise levels.
  - (4) For the purposes of this Standard, future predicted noise levels shall be either based on computer noise modelling undertaken by a suitably qualified and experienced person on behalf of the applicant or those levels modelled as part of the Auckland Transport designations NOR 3 and NOR 8 (old State Highway 1 - South Upgrade and Wider Western Link - North).
  - (5) Should noise modelling undertaken on behalf of the applicant be used for the purposes of the future predicted noise levels under this standard, modelling shall be based on an assumed posted speed limit of 50km/h, the use of an asphaltic concrete surfacing (or equivalent low-noise road surfacing) and a traffic design year of 2048.

#### **~~IXXX.6.18 Non-potable Water Supply Efficiency~~**

~~Purpose:~~

- ~~• to ensure new dwellings adopt minimum water efficiency measures to provide cost, comfort and health benefits to their occupants, and sustainability benefits to the wider community.~~
- ~~• to enhance the stormwater management solution and to avoid exacerbating flood hazards and stream erosion.~~

~~(1) All new dwellings are designed to have non-potable water requirements (for outdoor use such as landscaping and gardens) supplied by rainwater tanks (or bladders) sized in accordance with Table IXXX.6.18.1. Rain tank/bladder capacity for attached housing typologies can be provided in either individual or as communal rainwater systems.~~

~~The minimum sizes for rainwater tanks (or bladders) in Table IXXX.6.18.1 apply to all detached and attached housing.~~

**Table IXXX.6.18.1 — All dwellings except apartments**

<b>Dwelling type</b>	<b>Minimum tank (or bladder)</b>
1 bedroom (includes Studio)	1000L
2 bedroom	2000L
3 bedroom	3000L*
4 bedroom	5000L (roof area up to 110m <sup>2</sup> ) 3000L (roof area greater than 110m <sup>2</sup> )
5 bedroom	5000L

~~\* All attached dwellings to be 3000L maximum~~

## **IXXX.6.19 Potable Water Supply Efficiency**

Purpose:

- to ensure new dwellings adopt domestic potable water efficiency measures to provide sustainability benefits to the wider community.

(1) All new dwellings are fitted with water efficient fixtures, to a minimum 3 Star standard (under the Water Efficiency Labelling Scheme (WELS)).

## **Residential Density Standards**

(1) All land within the Residential – Single House Zone is deemed a qualifying matter, meaning standards IXXX.6.20 to IXXX.6.31 do not apply in the Residential – Single House Zone.

(2) The precinct includes the following provisions which are qualifying matters and apply in respect of the residential density standards:

- IXXX.6.1 Special Yard: Green Avenue and Wider Western Link Road
- IXXX.6.2 Special Yards: Avic Miller Reserve
- IXXX.6.3 Special Yard: Bat Flight Corridor
- IXXX.6.4 Special Height Limits

- IXXX.6.5 Landscape Protection Area Controls (Northern Escarpment)
- IXXX.6.6 Landscape Protection Area Controls (Eastern Escarpment)
- IXXX.6.11 Special Subdivision Control Area in the Landscape Protection Area - Eastern Escarpment
- IXXX.6.12 Riparian Yards for Streams and Natural Inland Wetlands

(3) The development of dwellings on land zoned Residential – Mixed Housing Urban and Residential – Terrace Housing and Apartment Buildings must comply with the following Medium Density Residential Standards as specified below.

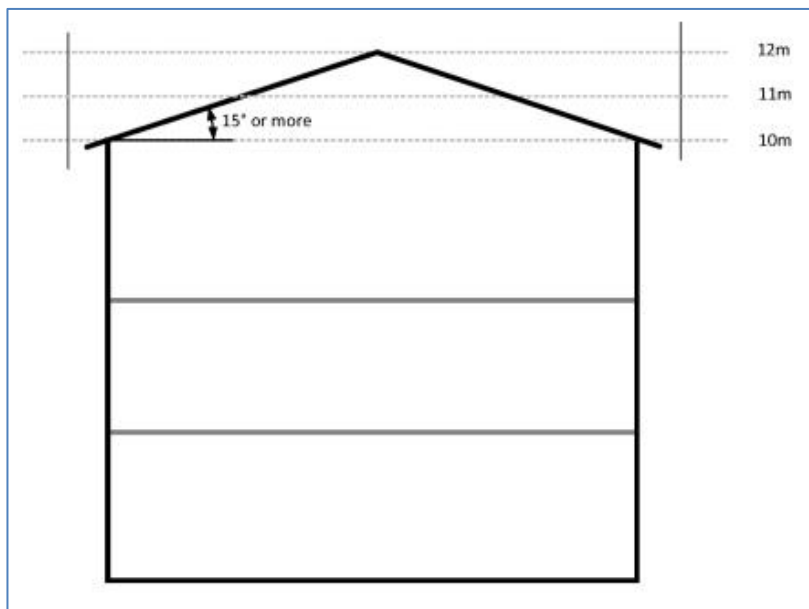
#### **IXXX.6.20 Number of dwellings per site**

(1) There must be no more than three dwellings per site.

#### **IXXX.6.21 Building height**

(1) In the Residential – Mixed Housing Urban Zone, buildings must not exceed 11 metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown in Figure IXXX.6.21.1:

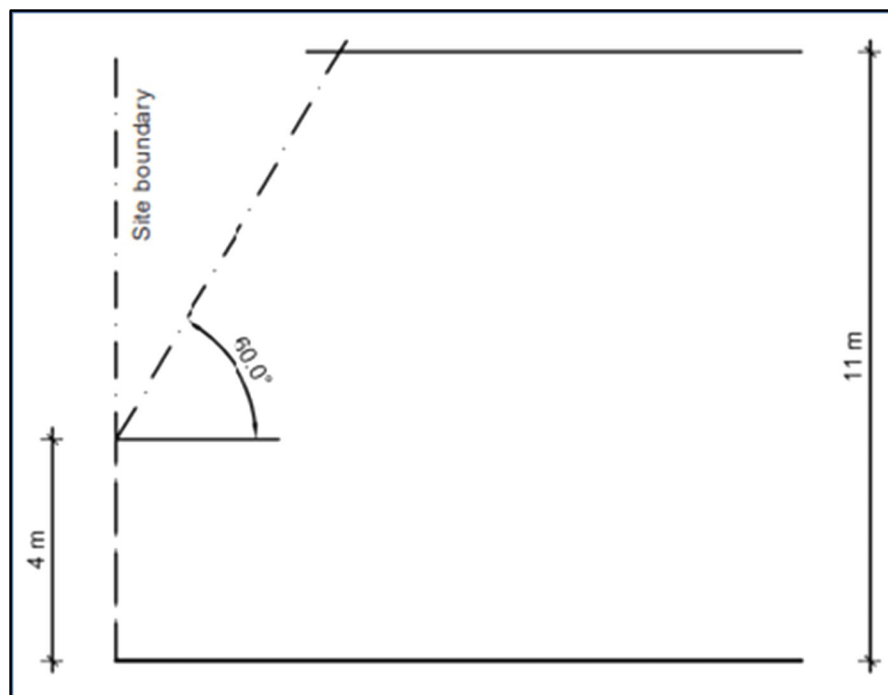
**Figure IXXX.6.21.1 Building height**



#### **IXXX.6.22 Height in Relation to Boundary**

- (1) Buildings must not project beyond a 60 degree recession plane measured from a point 4m vertically above ground level along the side and rear boundaries, as shown in Figure IXXX.6.22.1 below.
- (2) Standard IXXX.6.22(1) above does not apply to a boundary with a road.
- (3) Standard IXXX.6.22(1) above does not apply to a boundary, or part of a boundary, adjoining any Business Zone.
- (4) Standard IXXX.6.22(1) above does not apply to any existing or proposed internal boundaries within a site.
- (5) Standard IXXX.6.22(1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (6) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the control in Standard IXXX.6.22(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.
- (7) The height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

**Figure IXXX.6.22.1 Height in relation to boundary**



### **IXXX.6.23 Yards**

- (1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table IXXX.6.23.1 below except that when Standards IXXX.6.1, IXXX.6.2, IXXX.6.3, and IXXX.6.12 applies the relevant yard in Table IXXX.6.23.1 is not required by Standard IXXX.6.23(1).

**Table IXXX.6.23.1**

<b>Yard</b>	<b>Minimum Depth</b>
Front	1.5
Side	1m
Rear	1m

- (2) This standard does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

### **IXXX.6.24 Building Coverage**

- (1) The maximum building coverage must not exceed 50 per cent of the net site area.

### **IXXX.6.25 Landscaped Areas**

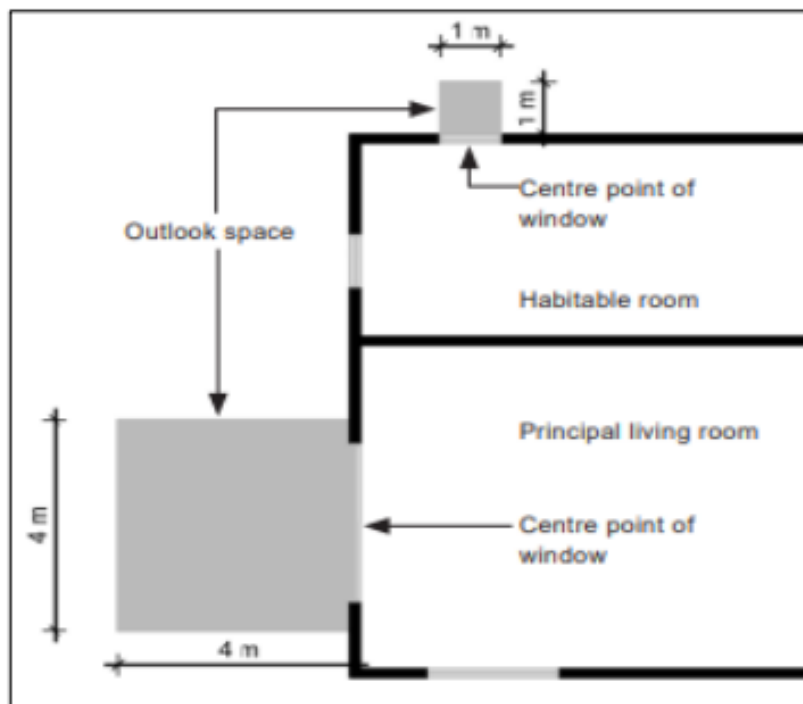
- (1) A dwelling at ground floor level must have a landscaped area of a minimum of 20 per cent of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.
- (2) The landscaped area may be located on any part of the development site, and does not need to be associated with each dwelling.

### **IXXX.6.26 Outlook Space**

- (1) An outlook space must be provided for each development containing up to three dwellings as specified in this standard.
- (2) An outlook space must be provided from habitable room windows as shown in Figure IXXX.6.26.1 below.
- (3) The minimum dimensions for a required outlook space are as follows and as shown in Figure IXXX.6.26.1 below:

- (a) a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
  - (b) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.
- (4) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
  - (5) Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
  - (6) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.
  - (7) Outlook spaces may be under or over a balcony.
  - (8) Outlook spaces required from different rooms within the same building may overlap.
  - (9) Outlook spaces must—
    - (a) be clear and unobstructed by buildings; and
    - (b) not extend over an outlook space or outdoor living space required by another dwelling.

**Figure IXXX.6.26.1 Outlook Space requirements for developments containing up to three dwellings**



#### **IXXX.6.27 Outdoor Living Space**

- (1) A dwelling at ground floor level must have an outdoor living space that is at least 20m<sup>2</sup> ~~and~~ that comprises ground floor, balcony, patio, or roof terrace space that:
- (a) where located at ground level, has no dimension less than 3 metres; and
  - (b) where provided in the form of a balcony, patio, or roof terrace, is at least 8m<sup>2</sup> and has a minimum dimension of 1.8 metres; and
  - (c) is accessible from the dwelling; and
  - (d) may be:
    - (i) grouped cumulatively by area in one 4 communally accessible location; or
    - (ii) located directly adjacent to the unit; and
  - (e) is free of buildings, parking spaces, and servicing and manoeuvring areas.
- (2) A dwelling located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that:
- (a) is at least 8m<sup>2</sup> and has a minimum dimension of 1.8 metres; and
  - (b) is accessible from the dwelling; and
  - (c) may be:
    - (i) grouped cumulatively by area in one 4 communally accessible location, in which case it may be located at ground level; or
    - (ii) located directly adjacent to the dwelling.

#### **IXXX.6.28 Windows to street**

- (1) Any dwelling facing the street must have a minimum of 20 per cent of the street facing façade in glazing. This can be in the form of windows or doors.

#### **IXXX.6.29 Subdivision in accordance with an approved land use consent for the purpose of the construction or use of dwellings as permitted or restricted discretionary activities in the precinct**

Purpose: To provide for subdivision of land for the purpose of construction and use of dwellings in the Residential – Mixed Housing Urban zone and Residential – Terraced Housing and Apartment Building zone in accordance with MDRS permitted and restricted discretionary land use activities.

- (1) Any subdivision relating to an approved land use consent must comply with that land use consent.
- (2) Subdivision does not increase the degree of any non-compliance with standards IXXX.6.20 to I334.6.28 except that Standard IXXX.6.22(1) does not apply along the length of any proposed boundary where dwellings share a common wall.
- (3) No vacant sites are created.

### **IXXX.6.30 Subdivision around existing buildings and development**

Purpose: To provide for subdivision of land for the purpose of construction and use of dwellings Residential – Mixed Housing Urban zone and Residential – Terraced Housing and Apartment Building zone in accordance with Standards IXXX.6.20 to IXXX.6.28 inclusive.

- (1) Prior to subdivision occurring, all development must meet the following:
  - (a) Comply with the relevant overlay, Auckland-wide, zone and precinct rules; or
  - (b) Be a legally established dwelling.
- (2) Subdivision does not increase the degree of any non-compliance with standards IXXX.6.20 to IXXX.6.28 except that Standard IXXX.6.22(1) does not apply along the length of any proposed boundary where dwellings share a common wall.
- (3) No vacant sites are created.

### **~~IXXX~~I334.6.31 Subdivision for up to three sites accompanied by a land use consent application or certificate of compliance for up to three dwellings**

Purpose: To provide for subdivision of land for the purpose of construction and use of dwellings in the Residential – Mixed Housing Urban zone and Residential – Terraced Housing and Apartment Building zone.

- (1) The subdivision application and land use consent application or certificate of compliance relate to a site on which there are no dwellings.
- (2) The subdivision application and land use consent application or certificate of compliance must be determined concurrently.
- (3) Each dwelling, relative to its proposed boundaries, complies with Standards IXXX.6.20 to IXXX.6.28.
- (4) A maximum of three sites and three dwellings are created.
- (5) No vacant sites are created.



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

### **IXXX.7.1 Matters of control**

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

- (1) Provision of safe and efficient access;
- (2) Landscaping and fencing;
- (3) Effects on the use of open space; and
- (4) Effects on health and safety.

### **IXXX.7.2 Assessment criteria – controlled activities**

The Council will consider the relevant assessment criteria for controlled activities from the list below:

- (1) Provision of safe and efficient access:
  - (a) Whether safe and direct access can be provided to the site for access and maintenance.
  - (b) For public transport interchanges, whether safe and efficient vehicle, pedestrian and cyclist access (as appropriate) into and within the public transport interchange is achieved.
- (2) Landscaping and fencing
  - (a) The extent to which the visual effects of any buildings or large extents of paving can be softened by landscaping without compromising the functional requirements of a pump station, water reservoir or public transport interchange.
  - (b) The extent to which fencing can be used to minimise potential health and safety hazards.
- (3) Effects on the use of public open space
  - (a) The extent to which interference with public use and enjoyment of open space is minimised where the facility is located in public open space.
- (4) Effects on health and safety
  - (a) Whether there will be any health and safety effects and the extent to which these can be mitigated through measures such as fencing and signage.

## **IXXX.8 Assessment – restricted discretionary activities**

### **IXXX.8.1 Matters of discretion**

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

- (1) Subdivision, four or more dwellings per site or an Integrated Residential Development:
  - (a) The matters of discretion listed at E38.12.1(7).
  - (b) Landscaping within the Avice Miller Reserve Yard and the Landscape Protection Control areas.
  - (c) The provision of open space as shown on Precinct Plan 4, including public accessibility, function of the open space, and compliance with Crime Prevention Through Environmental Design Principles-.
  - (d) Transport including:
    - (i) access;
    - (ii) provision of walking and-cycling infrastructure;
    - (iii) traffic generation;
    - (iv) access to parking;
    - (v) location and design of the Wider Western Link Road, Collector Roads, key local roads and potential connections to neighbouring properties;
    - (vi) provision of public transport facilities;
    - (vii) design and sequencing of transport network upgrades.
  - (e) The design and operation of any intersection with the Wider Wester Link Road and Pohuehue Road.
  - (f) Stormwater management.
  - (g) Wastewater connections
  - (h) The extent to which greenway connections are provided.
  - (i) The extent to which riparian yards are provided adjacent to streams and natural wetlands.
  - (j) The effect on recreation and open space.
  - (k) The effects of walkways within riparian yards on ecology.

- (l) The design of the road and associated road reserve, and any associated design constraints where the development does not comply with Table 15.16.2 Road Function and Design Elements.
- (2) Local Centre – New buildings and additions and alterations
  - (a) The matters of discretion listed at H11.8.1(4), noting that clause H11.8.1(4)(a)(i) is amended as follows:
 

The contribution that such buildings make to the attractiveness, pleasantness and enclosure of the public space (including the watercourse).
- (3) Non-compliance with Standard IXXX.6.17 - Activities sensitive to noise within 35m of Pohuehue Road or the Wider Western Link Road.
  - (a) Effects on human health and residential amenity while people are indoors.
  - (b) Building location or design features, topography or other alternative measures that will mitigate potential adverse health and amenity effects relating to noise.
- (4) Buildings in the Residential - Mixed Housing Urban zone and Residential - Terraced Housing and Apartment Building zone which do not comply with any of Standards IXXX.6.20 to IXXX.6.28
  - (a) any precinct and zone policy which is relevant to the standard.
  - (b) the effects of the infringement of the standard.
  - (c) the effects of any special or unusual characteristics of the site which is relevant to the standard.
  - (d) the characteristics of the development.
  - (e) any other matters specifically listed for the standard.
  - (f) where more than one standard will be infringed, the effects of all infringements considered together.

#### **IXXX.8.2 Assessment criteria - restricted discretionary activities**

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

- (1) Subdivision, four or more dwellings per site or an Integrated Residential Development:

(a) Design and layout:

The extent to which:

- (i) The proposal contributes to the implementation of the precinct policies.
- (ii) Subdivision and development layout is consistent with Precinct Plans 1 to 4.
- (iii) Public open space and greenway spaces consider the public street network to support legibility, ease of visual access, and Crime Prevention Through Environmental Design Principles.
- (iv) Land is provided for the open space areas identified on Precinct Plan 4, or such other locations that are suitable and agreed to with Auckland Council.
- (v) Land is provided for the Warkworth South wastewater pump stations and water reservoir (if required) in the general locations shown on Precinct Plan 2.
- (vi) Any application proposes a condition of consent requiring landscape planting within the Landscape Protection Control areas to be maintained and replaced as necessary to ensure that the landscaping is maintained in perpetuity.

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

The extent to which:

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

- (vii) The treatment of walkway edges, including retaining walls, protects the ecology of the stream and does not unduly detract from the amenity of the stream and walkway.
  - (viii) The location and alignment of the walkway addresses any effects on the ecology of the immediate area and existing riparian planting, land contour and the practicality of constructing the walkway and the amenity that would be provided to users of the walkway.
  - (ix) Greenways for walking and cycling need not be provided in accordance with Precinct Plan 1 for ecological reasons due to the presence of Kauri Dieback.
- (c) Transport
- The extent to which:
- (i) The collector road network and the Wider Western Link Road are provided generally as shown on Precinct Plan 3 to achieve a connected street layout that integrates with the surrounding transport network and responds to landform.
  - (ii) An integrated network of local roads is provided within the precinct that provides a good degree of accessibility and supports a walkable street network.
  - (iii) Greenway routes, generally in accordance with Precinct Plan 3, are created to ensure an interconnected neighbourhood.
  - (iv) The intersection design of any road intersection with the Wider Western Link Road or Pohuehue Road as shown on Precinct Plan 3 is supported by a transport assessment and safety audit demonstrating the intersection will provide a safe, efficient and effective connection to service the expected subdivision and development. This includes safe and convenient provision for pedestrians and cyclists.
  - (v) The transport assessment and safety audit required under Rule IXXX.8.2(1)(c)(iv) demonstrate the design and operation of the proposed intersection will not have adverse effects on the function of the surrounding transport network including Pohuehue Road and the Wider Western Link Road.
  - (vi) The greenway network crossings of the Wider Western Link Road occurs by at-grade pedestrian and/or cyclist crossing facilities.
  - (vii) The design of new or upgraded roads accords with the Road Function and Design Elements Table IXXX.6.15.2.
  - (viii) Whether the proposed streetlighting for roads within 30m of Avise Miller Reserve takes into account the possible bat corridor.

(d) Non-compliance with Table IXXX.6.15.2 Road Function and Design Elements

- (i) Whether there are constraints or other factors present which make it impractical to comply with the required standards;
- (ii) Whether the design of the road, and associated road reserve achieves policies (13), (15) and (16);
- (iii) Whether the proposed design and road reserve:
  - incorporates measures to achieve the required design speeds;
  - can safely accommodate required vehicle movements;
  - can appropriately accommodate all proposed infrastructure and roading elements including utilities and/or any stormwater treatment;
  - assesses the feasibility of upgrading any interim design or road reserve to the ultimate required standard.
- (iv) Whether there is an appropriate interface design treatment at property boundaries, particularly for pedestrians and cyclists.

(e) Stormwater management

- (i) Development is in accordance with the approved Stormwater Management Plan and policies E1.3(1) – (14).
- (ii) The design and efficacy of infrastructure and devices with consideration given to the likely effectiveness, ease of access, operation, life cycle cost, maintenance, and integration with the surrounding environment including the road corridor where relevant.

(f) Wastewater connections

- (i) The extent to which the proposal facilitates and enables wastewater servicing for Warkworth South to be provided in an efficient and comprehensive way.

(g) The effect on recreation and open space:

- (i) The extent to which reserves and open space are provided and their integration with the surrounding open space network and suitability for the intended function and future requirements of the area;
- (ii) Refer to Policy IXXX.3-(19).

(2) Local Centre – New buildings and additions and alterations

- (i) The design of the Local Centre shall achieve a connected and functional design that reflects a high quality of architectural design, landscape architecture and best practise urban design principles, including the extent to which a suitable pedestrian

and cyclist connection is provided between the Local Centre and any public transport facilities, the land to the west, south and to the pedestrian and cycle crossing at the Wider Western Link Road and Pohuehue Road Intersection.

- (ii) The quality of design shall provide a safe useable environment that reflects urban design best practise including Crime Prevention Through Environmental Design principles.
  - (iii) Planting and hard landscape elements shall enhance and reflect local character such as the values of the Mahurangi River, riparian corridors and Morrison Heritage Orchard.
  - (iv) The extent to which land use activities complement adjoining land uses and assist in maintaining or enhancing connectivity and relationship to adjacent open space areas.
- (3) Non-compliance with Standard IXXX.6.17 Activities sensitive to noise within 35m of Pohuehue Road or the Wider Western Link Road
  - (a) Whether activities sensitive to noise adjacent to Pohuehue Road and the Wider Western Link Road are designed to protect people from adverse health and amenity effects while they are indoors.
  - (b) Whether any identified topographical or building design features, or the location of the building or any other existing buildings, will mitigate any potential health and amenity effects.
  - (c) The extent to which 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.
- (4) For buildings that do not comply with one or more of Standards IXXX.6.20 to IXXX.6.28:
  - (a) any precinct and zone policy which is relevant to the standard.
  - (b) the effects of the infringement of the standard.
  - (c) the effects of any special or unusual characteristics of the site which is relevant to the standard.
  - (d) the characteristics of the development.
  - (e) any other matters specifically listed for the standard.
  - (f) where more than one standard will be infringed, the effects of all infringements considered together.

## **IXXX.9 Special information requirements**

### **IXXX.9.1 Transport and safety**

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

- (1) A transport assessment and safety audit prepared by a suitably qualified person for any proposed intersection with the Wider Western Link Road or Pohuehue Road. This transport assessment and safety audit is to be prepared in accordance with any relevant Auckland Transport and NZTA/Waka Kotahi Guidelines.

Any proposed new key road intersection or upgrading of existing key road intersections illustrated on the Precinct Plan or otherwise identified in the precinct provisions must be supported by a Transport Design Report and Concept Plans (including forecast transport modelling and land use assumptions), prepared by a suitably qualified transport engineer confirming the location and design of any road and its intersection(s) supports the safe and efficient function of the existing and future (ultimate) transport network and can be accommodated within the proposed or available road reserves. This may be included within a transport assessment supporting land use or subdivision consents.

- (2) In addition, where an interim upgrade is proposed, information must be provided, detailing how the design allows for the ultimate upgrade to be efficiently delivered.
- (3) For the avoidance of doubt, the key road intersections for the purposes of this requirement are identified on Precinct Plan 3 as 'Indicative Access Points onto WWLR' and 'Indicative WWLR / Pōhuehue Road Intersection'. In addition, an assessment is required on the Valerie Close / Pōhuehue intersection in accordance with Standard IXXX.6.15.1 (T1)

### **IXXX.9.2 Riparian planting plan**

An application for any subdivision or development that requires the provision and planting of an esplanade reserve or riparian yard under IXXX.6.12 Riparian Yards for Streams and Natural Wetlands must be accompanied by the following information as a minimum:

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

### **IXXX.9.3 Local centre**

- (1) An application for new buildings, additions and alterations which require resource consent in the Local Centre must be accompanied by:



- (a) An urban design assessment demonstrating how the development addresses where relevant:
  - (i) the matters stated in Objective 8 and Policy 7; and
  - (ii) Activation of the street frontage along the Wider Western Link Road; and
  - (iii) Open space and access along the watercourse; and
  - (iv) Creation of a landmark building on the corner of Pohuehue Road and the Wider Western Link Road; and
  - (v) Its proximity to the Morrison Heritage Orchard.

#### **IXXX.9.4 Site Specific Watercourse Assessment (Stormwater Effects Assessment)**

An application for any land modification, subdivision or development which adjoins a permanent or intermittent stream must be accompanied by a 'Site Specific Watercourse Assessment' prepared by a suitably qualified person. The assessment must include a stream reach assessment identifying any erosion hotspots, stream bank erosion and appropriate erosion mitigation measures.

#### **IXXX.9.5 Flood modelling and Assessment**

A detailed flood modelling and assessment must be undertaken when subdivision or development requiring resource consent is proposed to be undertaken on land which may be subject to the 1 per cent annual exceedance probability (AEP) floodplain or overland flow paths. Modelling limitation must include but is not limited to:

- Modelling boundary condition.
- Aerial Reduction Factor (ARF) used in the modelling.
- Terrain detail for proposed development,
- Unknown factor regarding the post processing of the flood plain results.

#### **IXXX.9.6 Tree Management Plan**

Any application for land modification or development within the following areas, as outlined and defined on Precinct Plans 1 and 2, must be accompanied by a tree management plan prepared by a suitably qualified person.

- a) Landscape Protection Areas
- b) Covenants to be Retained
- c) Proposed Covenanted Bush

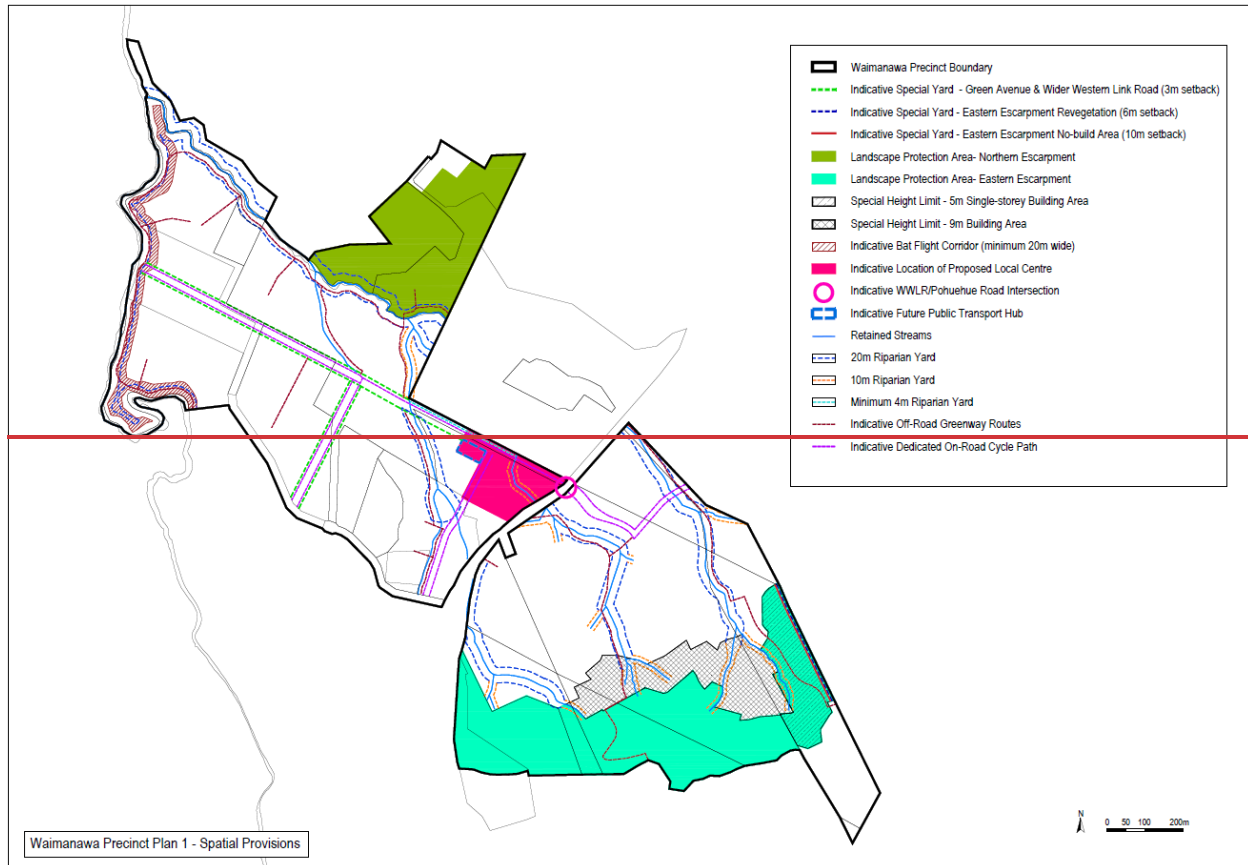
d) Significant Vegetation

The tree management plan must record all affected native trees or groups of trees and provide details of land-use design considerations, and tree protection methodologies during construction and development activities.

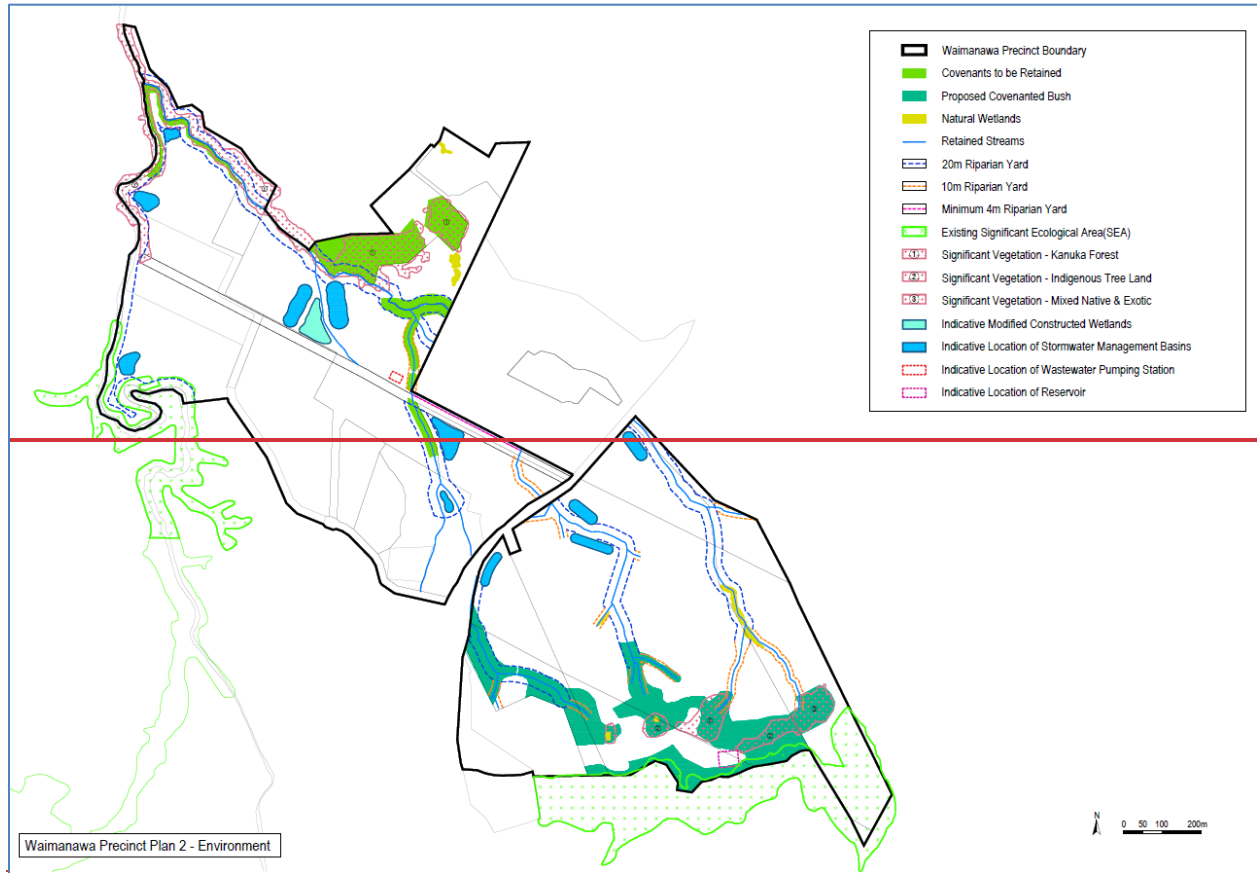
#### **IXXX.9.7 Wastewater and Potable Water Plan**

- (1) The first land-use or subdivision consent application in the precinct which increases the number of lots or dwellings (excluding boundary adjustments), ~~must be accompanied by the applicant is required to produce~~ a wastewater and potable water plan for the precinct. The plan is required to address the following matters:
  - (a) method of wastewater treatment and associated discharge of treated wastewater;
  - (b) method of water supply;
  - (c) ownership and method of ongoing operation and maintenance (except this part of the plan is not required if the precinct is to be connected to the Watercare network).
  - (d) estimated Interim solutions and / or staging as the development of the precinct proceeds.
  - (e) options (if any) to connect to the public network in the future if the initial design does not connect to the public network.
  - (f) an outline of if / how the infrastructure is future proofed to take account of development in the wider Warkworth South area.
- (2) ~~The first and s~~Subsequent land use and/or subdivision consent applications ~~must shall~~ be consistent with the wastewater and potable water plan approved as part of the first land use or subdivision resource consent, or any approved variation.

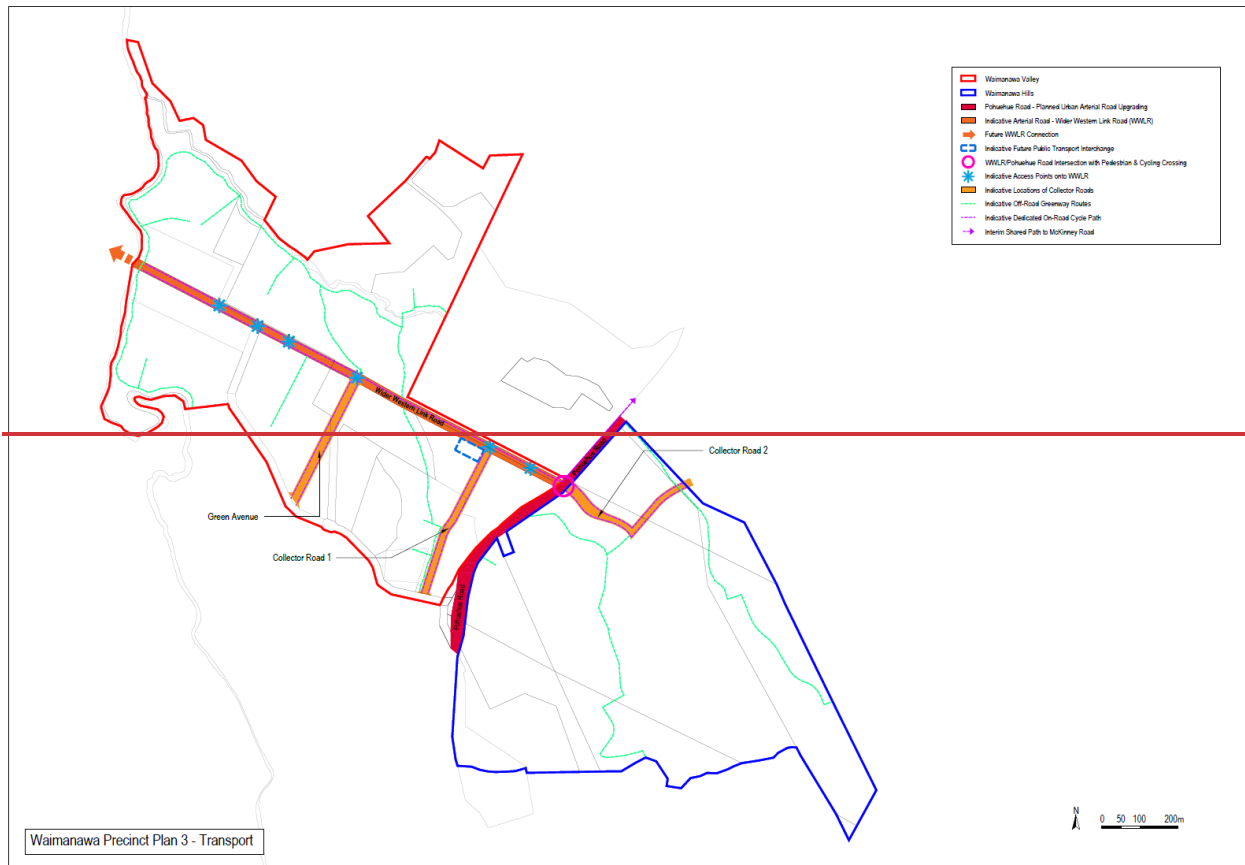
## IXXX.10.1 Waimanawa Precinct Plan 1 Spatial provisions



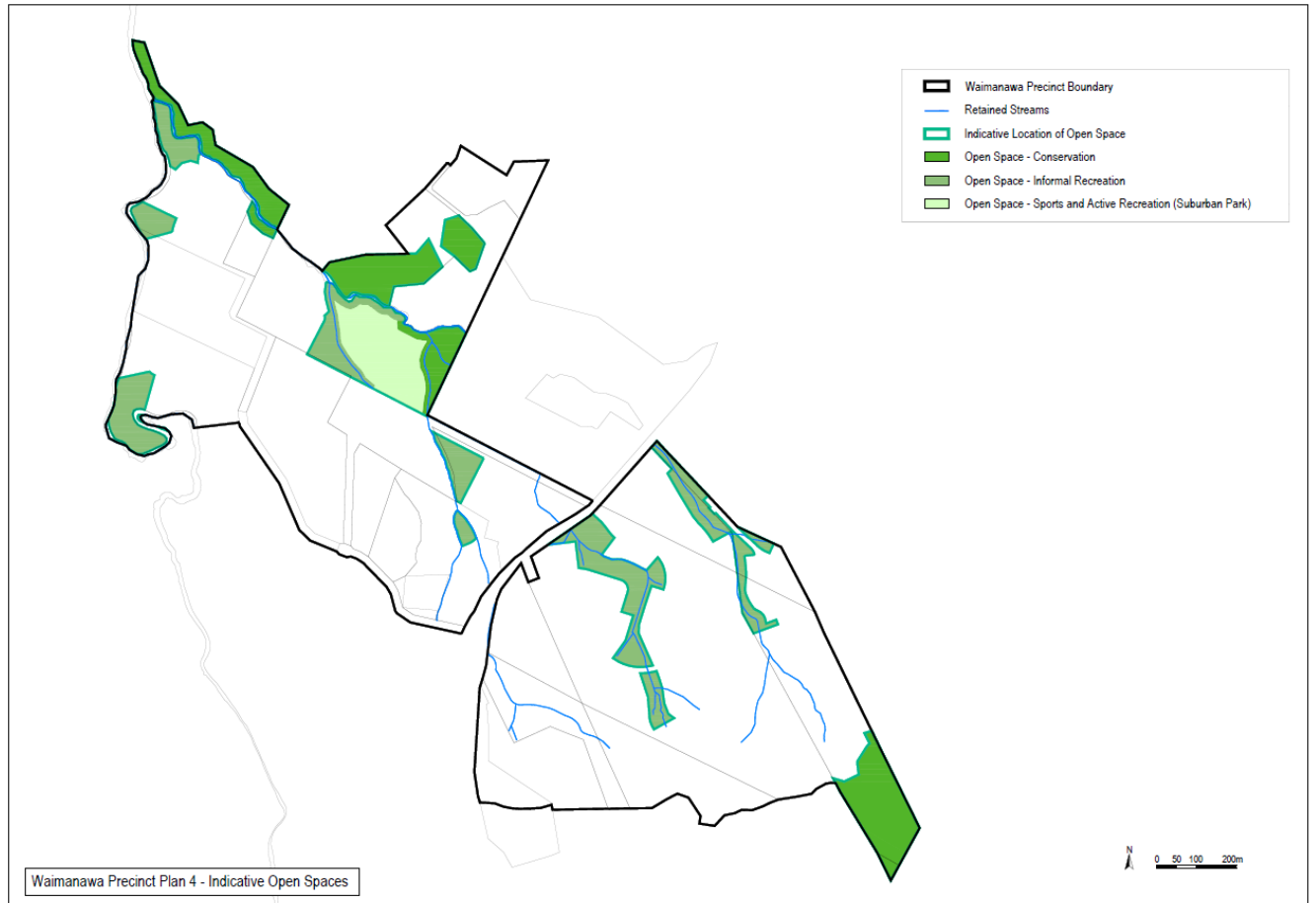
## IXXX.10.2 Waimanawa Precinct Plan 2 Environment



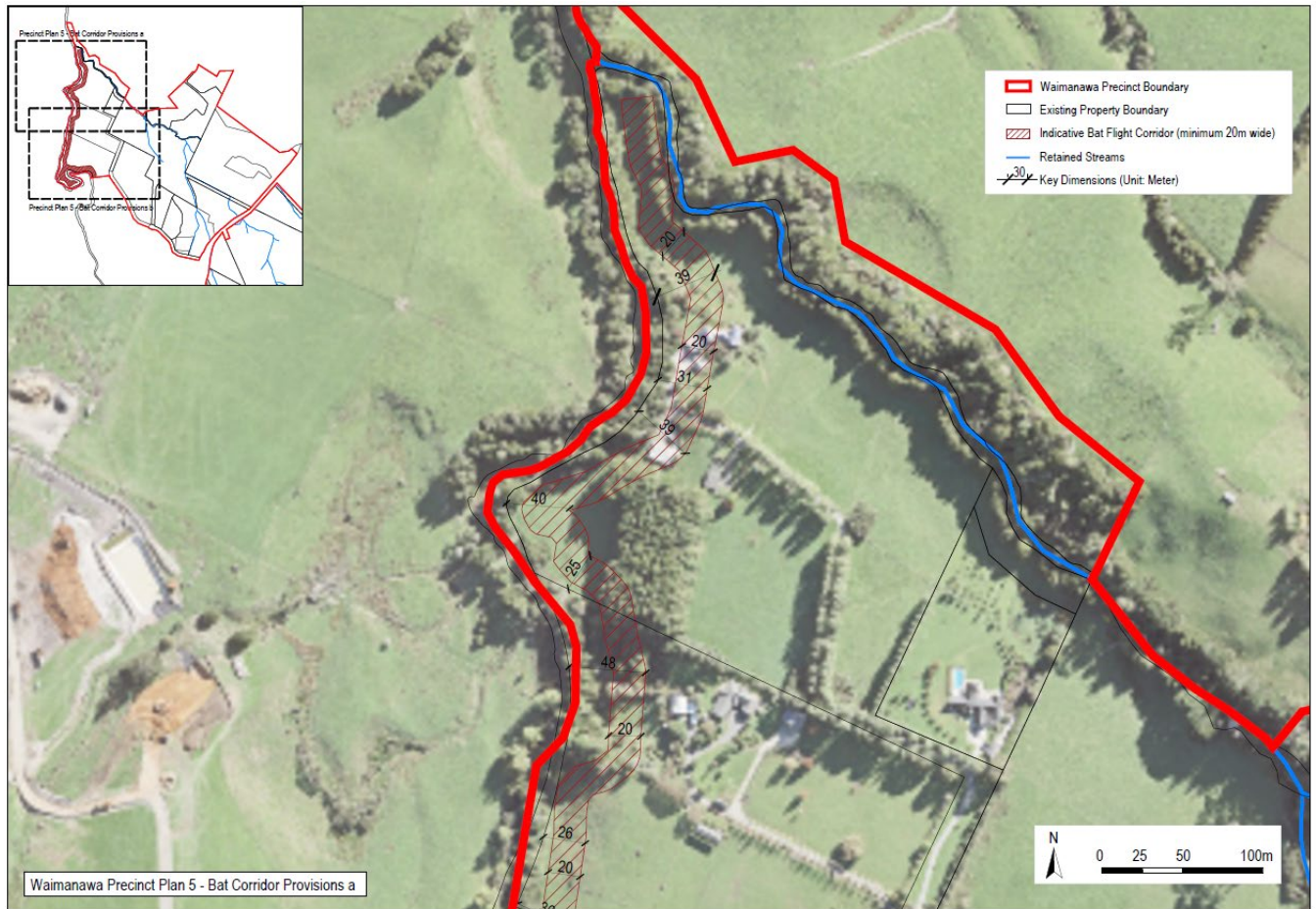
IXXX.10.3 Waimanawa Precinct Plan 3 Transportation



#### IXXX.10.4 Waimanawa Precinct Plan 4 Indicative Open Space



## IXXX.10.5 Waimanawa Precinct Plan 5 Bat Flight Corridor









## **IXXX MORRISON HERITAGE ORCHARD PRECINCT**

### **IXXX.1. Morrison Heritage Orchard Precinct Description**

The Morrison Heritage Orchard Precinct is located to the south of Warkworth on Pohuehue Road. The precinct is comprised of approximately 20 hectares and is located adjacent to the Waimanawa Precinct.

The purpose of the Morrison Heritage Orchard Precinct is to enable the ongoing operation and expansion of the existing Morrison Orchard as a heritage rural land use. It permits the ongoing use of the site for both traditional orchard and other rural productive land use activities, and complementary tourist and visitor activities including an orchard shop, a market, restaurant / café as well as playground, wedding venue and similar social activities.

The precinct limits activities to those with a rural orchard and similar rural activities, and tourist and visitor activities based on the precinct's values for such activities within the wider surrounding urban environment. Although privately owned and operated, the Heritage Orchard Precinct provides an important significant green space for relatively intensive urban development that is planned in Warkworth with few significant non-urbanised areas to offset the resulting adverse effects of extensive built development.

In addition to the above activities, provision is also made for limited Residential - Large Lot Residential subdivision and use, including the option of cluster subdivision and development that responds to both landscape and contour / geotechnical considerations and limitations.

Subdivision in this precinct is also controlled so that the Morrison Orchard continues to be managed and operated largely as a single entity but with provision for limited residential activities and/or long term ownership options such as leases for family members.

Acoustic attenuation provisions are included within the precinct to protect activities sensitive to noise from adverse effects arising from the road traffic noise associated with the operation of existing (Pohuehue Road) and future (the Wider Western Link Road) arterials.

The underlying zoning of land within this precinct is Rural - Mixed Rural for Areas A and B, and Residential - Large Lot for Area C.

### **IXXX.2. Objectives**

- (1) Existing and future orchard and appropriate rural production activities are provided for and enabled by the precinct.
- (2) A range of tourist, visitor activities and limited residential activities are provided for to enable heritage, social and economic opportunities based on and complementary to the established heritage orchard and rural activities.
- (3) A rural heritage character and appearance of the Morrison Heritage Orchard is maintained.
- (4) Activities sensitive to noise adjacent to existing or future arterial roads are designed to protect people's health and residential amenity while they are indoors.

- (5) Access to and from the precinct occurs in an effective, efficient and safe manner that mitigates adverse effects of traffic generation on the surrounding road network.

The Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

### **IXXX.3. Policies**

- (1) Provide for existing and future orchard and complementary commercial and visitor activities including outdoor rural-based activities, accommodation, weddings and functions, restaurant / café and markets.
- (2) Ensure that residential subdivision and development is enabled in defined areas and at appropriate densities that are consistent with and do not compromise the open space heritage values of the orchard or conflict with associated rural and visitor activities.
- (3) Encourage subdivision, development and land uses that maintain and protect the overall rural character and appearance of the Heritage Orchard Precinct and avoid adverse effects between it and existing and future surrounding residential and other sensitive activities.
- (4) Ensure that activities sensitive to noise adjacent to existing and future arterial roads are designed with acoustic attenuation measures to protect people's health and residential amenity while they are indoors.
- (5) Avoid vehicle access onto the Wider Western Link Road and restrict vehicle access to Pohuehue Road until necessary safety and efficiency improvements have been implemented.
- (6) Ensure that activities mitigate adverse effects relating from activities on the surrounding transport network.

The Auckland-wide and zone policies apply in this precinct in addition to those specified above.

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

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

**Table IXXX.4.1** Activity table specifies the activity status of land use, development and subdivision activities in the Morrison Heritage Orchard Precinct pursuant to section 9(3) of the Resource Management Act 1991.

Permitted activities are subject to the relevant standards in IXXX.6.

#### **Table IXXX.4.1 Activity table**

Use		Activity status
<b>Visitor Activities and Accommodation</b>		
(A1)	A maximum of four dwellings in Activity Area A as of <b>[INSERT OPERATIVE PLAN CHANGE DATE]</b> or a single site comprising Activity Area A.	P
(A2)	One dwelling per site in Activity Areas A, B and C other than as permitted in (A1) and (A12) of this table.	P
(A3)	Camping ground	P
(A4)	Garden centre	P
(A5)	Markets	P
(A6)	One minor dwelling per principal dwelling, excluding dwellings established under (A12) of this table.	P
(A7)	Produce sales	P
(A8)	Restaurant and café	P
(A9)	Rural commercial services	P
(A10)	Rural tourist and visitor activities	P
(A11)	Visitor accommodation	P
(A12)	Workers' accommodation	P
(A13)	Weddings and functions	P
(A14)	Activities (A1) to (A13) not complying with the standards in Rules <del>IXXX.6.2 to IXXX.6.10, IXXX.6.12 and IXXX.6.13.</del>	RD
(A15)	Activities not complying with the standards in Rules 6.1.1 (3); 6.1.1A - Table IXXX.6.1.1A (T1); or 6.1.2 below.	RD
<del>(A15A)</del>	<del>Any shelterbelt activity not complying with the standards in Rule IXXX.6.13.</del>	<del>RD</del>
(A16)	Activities not complying with the standard in Rule 6.1.1A - Table IXXX.6.1.1A (T2) below	D
(A16A)	Activities not complying with Standard IXXX.6.1.1(1) and (2)	NC
<b>Development</b>		
(A17)	New buildings or additions up to 250m <sup>2</sup> GFA in all Precinct Activity Areas	P
(A18)	New buildings or additions 250m <sup>2</sup> GFA or greater in all Precinct Activity Areas.	RD

(A19)	Development not complying with Standards 6.1.2 Activities sensitive to noise adjacent to an existing or future arterial road	RD
(A19A)	Development not complying with Standard IXXX.6.1.1(1) and (2)	NC
<u>(A19B)</u>	<u>Activities not complying with Standard IXXX.6.12 and IXXX.6.13</u>	<u>RD</u>
<u>(A19C)</u>	<u>Any shelterbelt activity not complying with the standards in Rule IXXX.6.13.</u>	<u>RD</u>
<b>Subdivision</b>		
(A20)	Subdivision complying with Standard IXXX.6.11.	RD
(A21)	Subdivision not complying with Standard IXXX.6.11.	D
(A22)	Subdivision not complying with Standards IXXX.6.1.1 (1) and (2) and IXXX.6.1.1A	NC

## **IXXX.5. Notification**

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

## **IXXX.6. Standards**

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

All activities listed as permitted, restricted discretionary in (A16) and subdivision in (A17) in **Table IXXX.4.1** Activity table must comply with the following standards.

### **IXXX.6.1 General**

#### **6.1.1 Access and traffic generation standard**

##### **Purpose:**

- To limit vehicle access on to Pohuehue Road and prevent access to the Wider Western Link Road.
  - To restrict total daily vehicle traffic to reduce overall traffic and land use intensity effects to a level compatible with the heritage orchard character sought by the precinct.
- (1) Vehicle access is limited to Pohuehue Road at the Approved Entry Point (AEP) shown on the Precinct Plan.

- (2) Subdivision and development that has frontage to the Wider Western Link Road must not be provided with vehicle access to that road.
- (3) The maximum cumulative traffic generation shall not exceed 220 vehicles per hour and 1,000 vehicle movements per day for the following activities. This cumulative threshold includes vehicle movements associated with servicing any activity or event.

(A3)	Camping ground
(A4)	Garden centre
(A5)	Markets
(A7)	Produce sales
(A8)	Restaurant and café
(A9)	Rural commercial services
(A10)	Rural tourist and visitor activities
(A11)	Visitor accommodation
(A13)	Weddings and functions

#### 6.1.1A Transport Infrastructure

Purpose:

- To ensure transport infrastructure is appropriately provided.
1. Subdivision and activities under in Table IXXX.4.1 Activity table excluding (A12) must not occur until the triggers / thresholds in Table IXXX.6.1.1A for required transport infrastructure upgrades or speed limit reductions are constructed or applied and operational in the location shown on Precinct Plan 1.
  2. Subdivision and activities must comply with the standards in Table IXXX.6.1.1A.
  3. Table IXXX.6.1.1A will be considered to be complied with if the identified upgrade forms part of the same resource consent, or a separate resource consent which is given effect to prior to release of section 224(c) for any subdivision or prior to occupation of any new building(s) for a land use consent only.

Table IXXX.6.1.1A Transport infrastructure upgrade requirements for subdivision and development

	<b>Column 1 Transport Infrastructure Upgrade required</b>	<b>Column 2 Trigger / threshold for transport infrastructure upgrade in Column 1</b>
<b>T1</b>	Maximum speed limit on Pohuehue Road (between Mckinney Road and the WWLR) reduced to 60km/hr or lower	Activities (A1) to (A8) and (A10) to (A13) in Table IXXX.4.1 Activity table <del>not</del> exceeding 220 cumulative peak hour vehicle movements to and from the site at Pohuehue Road.

<b>T2</b>	Upgrading of Pohuehue Road where it has frontage to the Precinct (as shown on Precinct Plan 1) to an urban arterial standard with active mode facilities.	Subdivision and / or activities with frontage or access to Pohuehue Road other than allowed by T1 above.
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### 6.1.2 Activities sensitive to traffic noise

Purpose:

- To ensure activities sensitive to noise adjacent to existing and future arterial roads are designed to protect people's health and residential activity while they are indoors.
1. Any new buildings or alterations to existing buildings containing an activity sensitive to noise within 35m of the boundary of Pohuehue Road or the proposed Wider Western Link Road (arterial and future arterial roads respectively) must be designed, constructed and maintained so that road traffic noise does not exceed 40 dB LAeq (24 hour) in all noise sensitive spaces.
  2. If windows must be closed to achieve the design noise levels in Standard IXXX.6.1.2A (1), the building must be designed, constructed and maintained with a mechanical ventilation system that meets the requirements of E25.6.10(3)(b) and (d) to (f).
  3. A design report must be submitted by a suitably qualified and experienced person to the council demonstrating that compliance with Standard IXXX.6.1.2A (1) and (2) can be achieved prior to the construction or alteration of any building containing an activity sensitive to noise located within the areas specified in IXXX.6.1.2A (1). In the design, road noise is based on future predicted noise levels.

For the purposes of this Standard, future predicted noise levels shall be either based on computer noise modelling undertaken by a suitably qualified and experienced person on behalf of the applicant or those levels modelled as part of the Auckland Transport designations NOR 3 and NOR 8 (old State Highway 1 South Upgrade and Wider Western Link - North Upgrade).

Should noise modelling undertaken on behalf of the applicant be used for the purposes of the future predicted noise levels under this standard, modelling shall be based on an assumed posted speed limit of 50km/h, the use of an asphaltic concrete surfacing (or equivalent low-noise road surfacing) and a traffic design year of 2048.

### IXXX.6.2. Camping grounds within Activity Areas A and B

- (1) Camping ground(s) for a maximum of 25 sites within either of Activity Areas A and B.
- (2) Camping ground sites shall not cumulatively exceed 50 sites over both Activity Areas A and B.

### **IXXX.6.3. Garden Centre within Activity Areas A and B**

- (1) The maximum area of a garden centre including building and outdoor sales and storage areas is 500m<sup>2</sup>.
- (2) Only one garden centre may be established in either Activity Area A or B, but not both.

### **IXXX.6.4. Market**

- (1) Only one market shall be located within Activity Area B and not in any other Activity Area.
- (2) The market shall have a maximum of 100 stalls.
- (3) The trading hours are limited to 7.00am to 9:00pm on Monday – Saturday and 9.00am – 6.00pm on Sunday.
- (4) Any other activities associated with the market must not occur between 10.00pm and 6.00am.
- (5) Stalls involved in the markets are limited to the sale of food and beverages or items produced by the stall holder which may include fresh and processed goods, small holding livestock, artwork, crafts and pottery and includes locally made products. This includes shops with an operational function (e.g. cheese making).

### **IXXX.6.5. Produce sales**

- (1) Only one ~~o~~Orchard produce sales shop shall be located within Activity Area B of the Precinct Plan and not in any other Activity area.
- (2) The produce sales shop shall have a maximum area of 450m<sup>2</sup> including building and outdoor sales for the display and sale of produce.
- (3) The type of produce offered for sale on the site must be confined to the following:
  - (a) fruit, vegetables, plants, eggs, flowers, honey, dairy products, meat, beer, wine, juices.
  - (b) produce or products from on-site primary produce manufacturing.
  - (c) produce and handcrafts not grown or produced on the site or on a site in the locality, shall not exceed 50% of the produce display and sales area.

### **IXXX.6.6. Restaurant and cafe**

- (1) ~~No more than t~~No more than two restaurants or and ~~cafés~~ (i.e. two establishments) may be established in Activity Area B and not in any other Activity area.
- (2) Each restaurant and café shall have a maximum seating for 120 people each.
- (3) The total attendance for a restaurant and café combined with a wedding/function permitted by Rule IXXX.6.9 shall not exceed 240 people.

- (4) The hours of operation of both a restaurant and café are limited to 7.00am to midnight.

#### **IXXX.6.7. Rural tourist and visitor activities**

- (1) Rural tourist and visitor activities in Activity Areas A and B for a maximum of 300 people cumulatively.
- (2) A maximum area of buildings for tourist and visitor activities of 250m<sup>2</sup> excluding buildings and additions permitted under other activity categories and utilised by a rural tourist and visitor activity.

#### **IXXX.6.8 Visitor accommodation**

- (1) Visitor accommodation (including manager's accommodation) for a maximum of 10 units or 40 people (whichever is greater) within each of Activity Areas A and B.
- (2) Visitor accommodation shall not cumulatively exceed 20 units or 80 people (whichever is greater) over both Activity Areas A and B.

#### **IXXX.6.9 Weddings and functions**

- (1) Wedding and function activities may occur within either or both Activity Areas A and B but only one wedding and function may occur at any one time within the Precinct.
- (2) The activity may include use of an existing restaurant / café on the site and temporary or semi-permanent marquees.
- (3) A maximum of 240 people (excluding service staff) are permitted for weddings and functions.
- (4) The total attendance for a wedding/function combined with a restaurant/café under Rule IXXX.6.6, shall not exceed 240 people.
- (5) The hours for a wedding or function are limited to 7.00am to midnight.

#### **IXXX.6.10. Workers accommodation**

- (1) Workers accommodation complying with the following:
  - (a) Dwellings shall comply with all the relevant yard setbacks and height standards for buildings in the Zone.
  - (b) Dwellings shall have a maximum floor area of 120m<sup>2</sup> excluding decks and garaging. The floor area may include a dormitory or individual rooms.
- (2) Workers accommodation shall not exceed 10 dwellings over Activity Areas A to D.

#### **IXXX.6.11. Subdivision**

- (1) Minimum and maximum net site areas for a maximum of four sites, excluding the balance site, within Activity Area A:
  - (a) Between 600m<sup>2</sup> and 4,000m<sup>2</sup> for sites serviced by a private or public wastewater



network.

- (b) Between 2,500m<sup>2</sup> and 4,000m<sup>2</sup> for sites serviced by individual on-site wastewater systems.
- (2) The land comprising each of Activity Areas A and B; being two sites in total.
- (3) Large Lot Residential Activity Area C:
  - (a) Subdivision in Activity Area C is governed by two optional Rules but not both.
  - (b) Option 1 (Simple Subdivision). The minimum net site area for the Residential – Large Lot Zone rules in E38.8.
  - (c) Option 2 (Cluster Subdivision)
    - (i) Minimum site area of 300m<sup>2</sup> for proposed sites serviced by a public or private wastewater network or 2,500m<sup>2</sup> for proposed sites serviced by an on-site wastewater system, and capable of containing a building rectangle complying with Rule E38.8.1.1 (2).
    - (ii) The area of household unit sites shall be limited to an area for the household unit and reasonable outdoor use including room for household unit extensions. (Note: houses may be joined together).
    - (iii) The total number of sites created must not exceed the number of lots which could be created over the net site area of the parent site at 1 house per 4,000m<sup>2</sup>, other than a balance site.
    - (iv) The identified building rectangles of all proposed sites must be located within a single contiguous area not exceeding 30% of Activity Area C.
    - (v) The remainder of Activity Area C shall be held either within one of the proposed residential sites or in common as a single balance site and shall have a consent notice included on the title to the satisfaction of the Council preventing additional dwellings being erected on the site and requiring the control of weeds and pests.

#### **IXXX.6.12 Landscape Protection Area Controls (Northern Escarpment)**

Purpose:

- To protect landscape features on key upper portions of the precinct.
- To protect indigenous vegetation and promote indigenous revegetation of the northern escarpment.
- (1) The minimum landscaped area for new sites identified on the Morrison Orchard: Precinct Plan as Landscape Protection Area – Northern Escarpment must be at least 75 per cent of the net site area. Except that for cluster subdivision provided for by the Morrison Heritage Orchard Precinct Rule IXXX.6.11. Subdivision (3) Large Lot Residential Activity Area C: Option 2

(Cluster Subdivision) where the minimum landscaping area is to be 30% of Activity Area C and applying to each residential site, and any land owned in common as a single balance site. Such landscaping areas shall include all existing indigenous vegetation identified as Escarpment Indigenous and Exotic Vegetation in Activity Area C on the Precinct Plan.

- (2) Of the minimum landscaped area, at least 60% shall be indigenous trees, shrubs or ground cover plants.
- (3) Indigenous vegetation located within the area identified as Escarpment Indigenous and Exotic Vegetation in Activity Area C on the Precinct Plan shall be retained and protected. This protection does not relate to exotic vegetation within the identified area but the exotic vegetation may be retained and qualify towards the minimum landscaping required by IXXX.6.12 (1).
- (4) External finishes on residential dwellings shall be limited to natural stone and/or timber, or finished in a colour with the following limits utilising the BS5252 colour range:
  - (a) Hue (colour) – all colours from 00 to 24.
  - (b) Reflectance value (RV) and greyness groups: for external walls an RV rating of no more than 60% for greyness groups A and B and no more than 40% for greyness group C. For roofs an RV rating of no more than 40% within greyness groups A, B and C.

#### **IXXX.6.13 Orchard Road Boundary Shelterbelt Landscape Protection, Retention and Replacement**

Purpose:

- To maintain windbreak protection of the orchard activity, visual screening of buildings associated with orchard and visitor activities, and rural character and visual landscape values provided by the existing shelterbelts along the existing and future road boundaries of the Precinct.
- To provide for replacement, when required, of the shelterbelt trees and associated protective fencing to maintain visual amenity and landscape values on a permanent basis.

- (1) The existing shelterbelts shown on the General Arrangement Plan in IXXX.9.2.1 below shall be retained to the minimum depths listed below:

Pōhuehue Road      5m

Southern boundary      4m

Western boundary      4m

- (2) Where the shelterbelts are required to be replaced, the following apply:

- (a) this must be within the next planting season following their removal;

- (b) be in accordance with the Shelterbelt Replacement Plans in IXXX.9.2.2 including the mix of species identified in the Plans; and
  - (c) shelterbelt fencing on the southern and western boundaries shown as Section 01 on the General Arrangement Plan must not exceed 4m in height.
- (3) Dead, damaged or ageing trees no longer serving their function within the shelterbelt may be removed and shall be replaced within the next planting season following removal.

#### **IXXX.6.14 Maximum impervious area and building coverage (Activity Area C)**

Purpose:

- To enable appropriate development of smaller cluster sites within Activity Area C that would be unreasonably restricted by the application of the standard Residential - Large Lot Zone maximum impervious area and building coverage standards.
- (1) The maximum impervious area of a site created under IXXX.6.11. Subdivision (3)(c) must not exceed 60% of the site area or 600m<sup>2</sup> whichever is the lesser.
  - (2) The maximum building coverage of a site created under IXXX.6.11. Subdivision (3)(c) must not exceed 45% of the net site area or 400m<sup>2</sup>, whichever is the lesser.

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

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

##### **(1) Land use activities**

- (a) The Matters of discretion in Rules E27.8.1(4) and H19.12.1 apply.
- (b) The effects that indigenous vegetation alteration or removal on the northern escarpment will have on ecological and landscape values.

##### **(2) Subdivision**

- (a) The Matters of discretion in Rule E38.12.1 apply.
- (b) The effects that indigenous vegetation alteration or removal on the northern escarpment will have on ecological and landscape values.

##### **(3) Non-compliance with IXXX.6.1.2A Activities sensitive to noise adjacent to an existing or future arterial road:**

- (a) Effects on human health and residential amenity while people are indoors.
- (b) Building location.
- (c) Topographical, building design features or other alternative measures that will mitigate potential adverse health and amenity effects relating to noise.

##### **(4) Non-compliance with IXXX.6.1.1 (3) Maximum daily cumulative traffic generation and**

#### **IXXX.6.1.1A Transport Infrastructure**

- (a) The Matters of discretion in Rule E27.8.1(12) apply
- (5) **Non-compliance with IXXX.6.13 Orchard Road Boundary Shelterbelt Landscape Protection, Retention and Replacement**
  - (a) The maintenance of visual landscape values currently provided by the existing shelterbelts along the existing and future road boundaries of the Orchard and associated protective fencing.
- (6) **Non-compliance with IXXX.6.14 Maximum impervious area and building coverage (Activity Area C)**
  - (a) The matters of discretion in Rule H1.8.1 (3) apply.

#### **IXXX.7.2. Assessment criteria**

- (1) **Land use activities:**
  - (a) The Assessment criteria in Rules H19.12.2 (1) (b) to (d); (5) and (6) and E27.8.2 (3), (9), (10) and (11) apply.
  - (b) The assessment criteria in Rule E15.8.2 (1) apply.
- (2) **Subdivision:**
  - (a) The Assessment criteria in Rule E38.12.2 apply.
  - (b) The assessment criteria in Rule E15.8.2 (1) apply.
- (3) **Non-compliance with Standard IXXX.6.1.2A Activities sensitive to noise adjacent to an existing or future arterial road:**
  - (a) Whether activities sensitive to noise adjacent to Pohuehue Road or Wider Western Link Road existing and future arterial roads are designed to protect people from adverse health and amenity effects while they are indoors.
  - (b) Whether any identified topographical or building design features, or the location of the building or any other existing buildings, will mitigate any potential health and amenity effects.
  - (c) The extent to which alternative mitigation measures or the characteristics of a proposed activity avoid, remedy or mitigate the effects of non-compliance with the noise standards on the health and amenity of potential building occupants.
- (4) **Any non-compliance with IXXX.6.1.1 (3) Maximum daily cumulative traffic generation and IXXX.6.1.1A Transport Infrastructure**
  - (a) The Assessment criteria in Standard E27.8.2 (11)

(5) **Non-compliance with IXXX.6.13 Orchard Road Boundary Shelterbelt Landscape Protection, Retention and Replacement**

- (a) Whether there are constraints or other factors including health and safety present which make it impractical to comply with the required standards;
- (b) Whether there are alternative measures to maintain and protect the visual landscape values provided by the existing shelterbelts not able to be achieved by their retention or replacement, and / or the provision of the specified fences in accordance with the standard.

(6) **Non-compliance with IXXX.6.14 Maximum impervious area and building coverage (Activity Area C)**

- (a) The Assessment criteria in Rule H1.8.2 (5) apply.

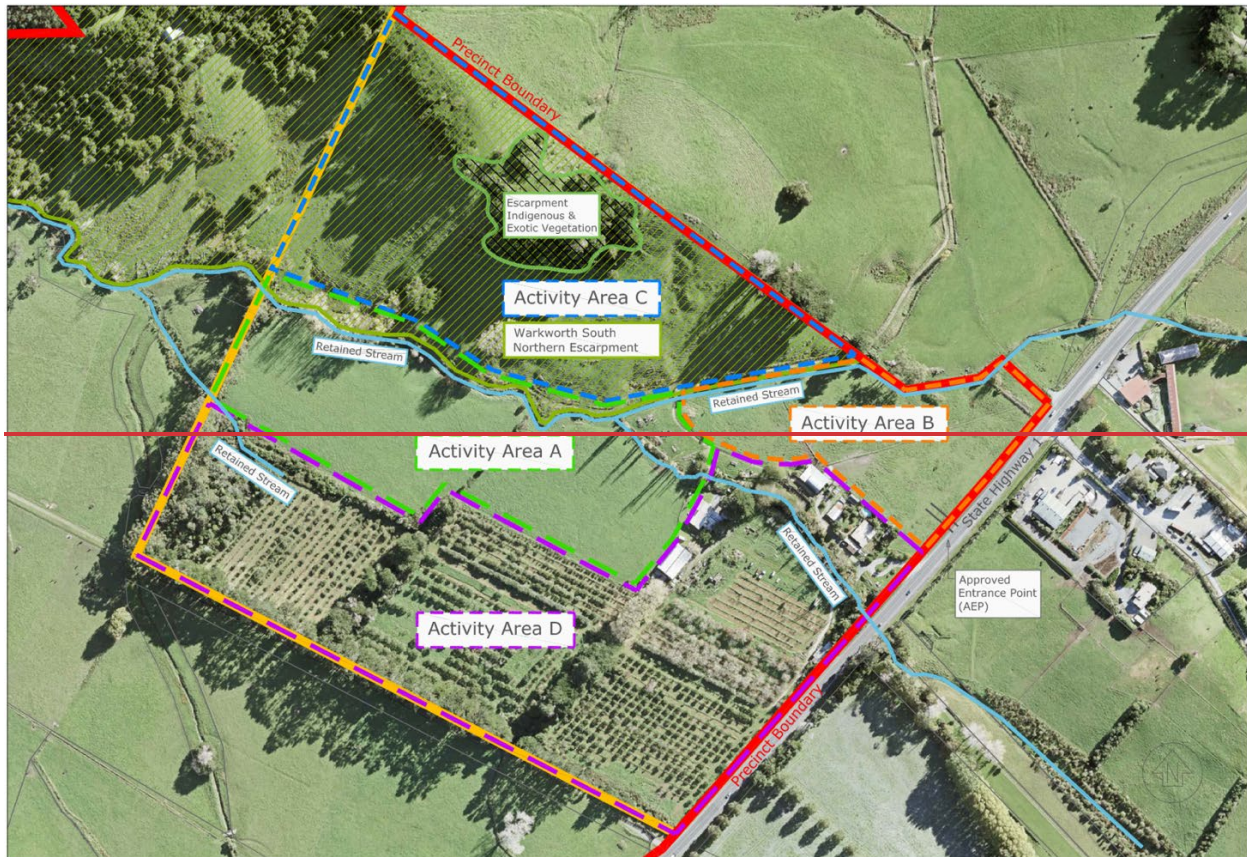
**IXXX.8. Special information requirements**

**IXXX.8.1 Transportation and Safety**

1. Transport Assessment for Trip Generation that does not comply with the trip generation requirements in Standard IXXX.6.1.1(3) or E27.6.1:
  - (a) Any application must be supported by a Transport Assessment, prepared by a suitably qualified transport engineer that assesses the effects of the non-compliance and any mitigation measures required.
2. The Council may require applications for a proposed activity, subdivision or development with vehicle access to Pohuehue Road to include a transport assessment prepared by a suitably qualified traffic engineer. As a minimum, the transport assessment must address how the location and design of any access supports the safe and efficient function of the transport network.

## IXXX.9. Precinct Plans

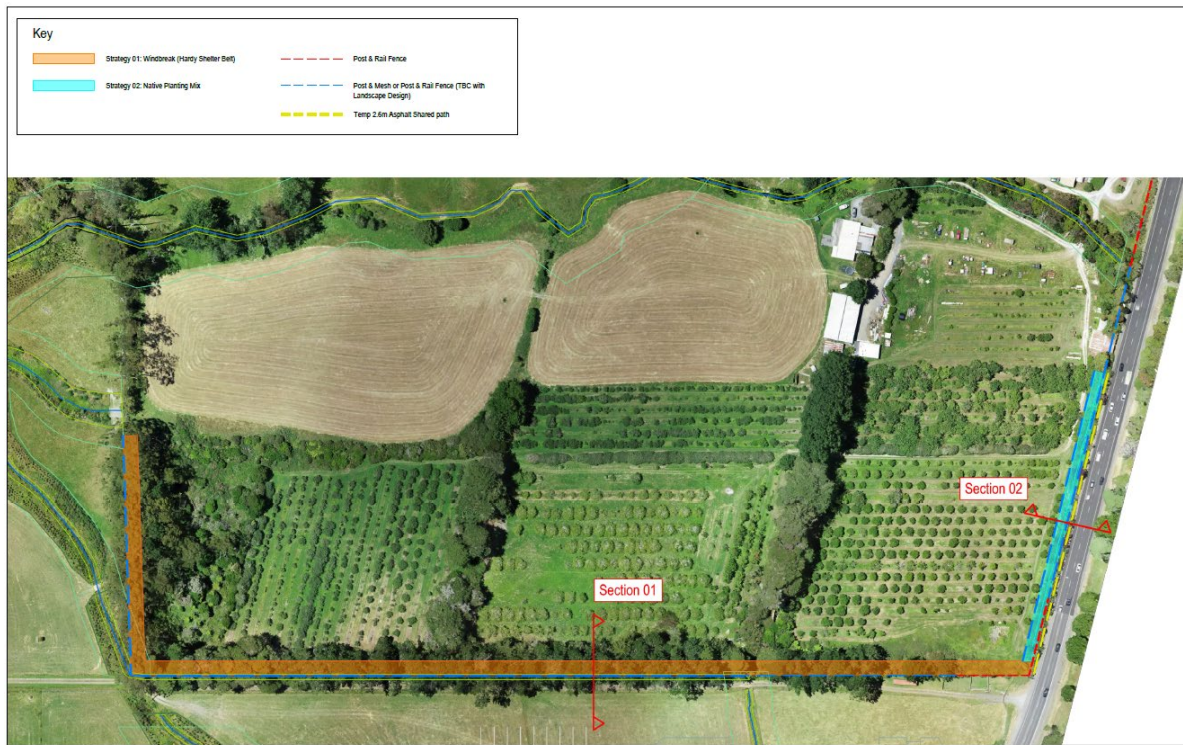
### IXXX.9.1 Morrison Orchard: Precinct Plan





## IXXX.9.2 Morrison Orchard: Shelterbelt Retention and Replacement Plans

### IXXX.9.2.1 General Arrangement Plan



## IXXX.9.2.2 Shelterbelt Replacement Plan





## Appendix 2

Sub Point	Name of submitter	Summary of Decisions Requested	Decision
1.1	Hugh Briggs	Approve the plan change	Accept
2.1	David Owen Morgan	Approve the plan change without any amendments	Accept in part
3.1	Dianne Lillian Morgan	Approve the plan change without any amendments	Accept in part
4.1	Dominique Coote	Approve the plan change without any amendments	Accept in part
5.1	Louisa Gowing	Approve the plan change without any amendments	Accept in part
6.1	Stanley Coote	Approve the plan change without any amendments	Accept in part
7.1	Stephen Haycock	Approve the plan change	Accept
7.2	Stephen Haycock	Bring forward the land release date from that which Council approved in the Future Development Strategy	Accept in part
8.1	Warkworth Area Liaison Group (WALG) and One Mahurangi	Approve the plan change with the amendments requested	Accept in part
9.1	Paula Christine Anderson	Decline the plan change	Reject
10.1	Maria Collins	Decline the plan change	Reject
11.1	William Arthur Endean	Approve the plan change without any amendments	Accept in part
12.1	Arthur Douglas Brown	That the southern portion of the Western Link meets old SH1 in the area of the dwelling at 1829 Old SH1	Reject
13.1	Wendy Patricia Court	Decline the plan change	Reject
14.1	Mark Calvert	Approve the plan change without any amendments	Accept in part
15.1	Warwick William Scown	Approve the plan change without any amendments	Accept in part
16.1	Stevenson Family Trust	Approve the plan change without any amendments	Accept in part
17.1	Auckland Council	Waimanawa Precinct - Amend objective (8) to add the word avoid subdivision and development unless it is coordinated with the delivery of infrastructure (including transportation, stormwater, potable water, wastewater and future education infrastructure) and services required to provide for development within the precinct and future community requirements.	Reject
17.2	Auckland Council	Waimanawa Precinct - Retain existing non-complying activity status for activities not complying with Standard lxxx.6.9 Standards for Wastewater and Potable Water Connections and/or lxxx.6.10 Standards for Stormwater.	Accept
17.3	Auckland Council	Waimanawa Precinct Amend all activity tables to require subdivision and development not complying with 1xxx.6.8 Wider Western Link Road to be a non-complying activity.	Reject
17.4	Auckland Council	Waimanawa Precinct - Amend all activity tables to require subdivision and development not complying with Standard lxxx.6.15 Transportation Infrastructure to be a non-complying activity.	Accept in part
17.5	Auckland Council	Waimanawa Precinct - Amend lxxx.5 Notification to require that any application for resource consent for a number of non-complying activities identified in the submission must be publicly notified:	Reject
17.6	Auckland Council	Waimanawa Precinct- Amend Table lxxx.6.15.1 Transport Infrastructure Requirements to reduce the trigger from 20 residential lots to 3 residential lots.	Reject
17.7	Auckland Council	Waimanawa Precinct - Add an additional indicative north-south connection on Precinct Map 3.	Reject
17.8	Auckland Council	Waimanawa Precinct - Amend existing provisions to ensure consistency with drafting in other precincts in the AUP, including standard conventions such as referencing to other parts of the AUP, and correct all numbering references.	Accept
17.9	Auckland Council	Morrison Heritage Orchard Precinct - Amend Table xxx.x.1 Activity table, xxx.6. Standards and make consequential amendments to address the cumulative effects of the activities, either in combination or where more than one of the same activity occurs within the precinct.	Accept in part
17.10	Auckland Council	Morrison Heritage Orchard Precinct - Amend xxx.6. Standards and make consequential amendments by adding provisions that: (i) recognise, maintain and enhance the existing planting, particularly the shelter belt; and (ii) identify the streams within the precinct and the planting on either side.	Accept
18.1	Mahurangi Trail Society Incorporated	Approve the plan change	Accept

19.1	Karen and Stefan Richardson	Approve the plan change with the amendments requested related to the certainty around access and infrastructure provision to the submitters' land referred to as Waimanawa Hills B	Accept in part
20.1	Auckland Transport	Decline the plan change unless the matters set out in this submission, as outlined in the main body of this submission and in this table, are addressed and resolved to Auckland Transport's satisfaction.	Reject
20.2	Auckland Transport	Take into account the public transport deficiencies and assess the proposal against the NPS-UD and RPS objectives and policies relevant to public transport and transport choice.	Accept
20.3	Auckland Transport	Amend Map 3 - Control: Arterial Roads, so it is clear that its purpose is to identify the Wider Western Link Road as an arterial road in the controls layer of the AUP(OP) map viewer. Delete from Map 3 the annotations for State Highway 1 and the indicative WWLR / SH1 intersection.	Reject
20.4	Auckland Transport	Ensure that a minimum area of 2500m <sup>2</sup> is identified for the public transport Interchange. Amend plan change as required to ensure that this is provided for.	Reject
20.5	Auckland Transport	Amend the fourth paragraph of IXXX.1 Precinct description, by deleting the following: 'the proposed opening of the Puhoi to Warkworth Motorway in 2023 and'	Accept
20.6	Auckland Transport	Amend paragraph 12 of IXXX.1 Precinct description as follows: 'Construction of the Wider Western Link Road through the precinct to a collector road standard will be integrated with subdivision and development within the Precinct.'	Accept
20.7	Auckland Transport	Amend paragraph 14 of IXXX.1 Precinct description as follows: '... provision is made for an off-road greenway network providing a network of tracks and walkways through the various open spaces and roads and ...'	Accept
20.8	Auckland Transport	Amend the plan change by including precinct provisions (objectives, policies and rules) within the Waimanawa Precinct to require that future developments and alterations to existing buildings mitigate potential road traffic noise effects on activities sensitive to noise from the existing State Highway 1 arterial and the future Wider Western Link Road arterial.	Accept
20.9	Auckland Transport	Amend Objective 2 and split it into two objectives as follows: '(2) The Warkworth South Precinct is subdivided and developed in a manner that Subdivision and development achieves an accessible urban area with efficient, safe and integrated vehicle, walking and cycle connections internally and to the wider Warkworth urban area. (2A) while Subdivision and development provides for and supports the safety and efficiency of the current and future national strategic and local roading transport network.'	Accept
20.10	Auckland Transport	Amend Objective 8 as follows: 'Subdivision and development is coordinated with the delivery of infrastructure (including transportation, stormwater, potable water, and wastewater and future education infrastructure) and services required to provide for development within the precinct and future community requirements.'	Accept
20.11	Auckland Transport	Amend Objective 10 as follows: 'To provide for the opportunity for a future public transportation interchange adjacent to the local centre which can be safely accessed by a range of buses and other required transportation modes.'	Accept
20.12	Auckland Transport	Add a new objective as follows: 'Subdivision and development does not occur in advance of the availability of operational transport infrastructure.'	Accept in part
20.13	Auckland Transport	Add a new objective as follows: 'Access to and from and within the precinct for all modes of transport occurs in an effective, efficient and safe manner that mitigates the adverse effects of traffic generation on the surrounding road network.'	Reject
20.14	Auckland Transport	Add a new objective as follows: 'The precinct develops and functions in a way that: (a) supports a mode shift to public and active modes of transport (b) provides safe and effective movement between the local centre, community facilities, housing, jobs, open spaces and the public transport facilities by active modes.'	Reject
20.15	Auckland Transport	Amend Policy 12 as follows: 'Require subdivision and development to provide stormwater, wastewater, potable water, electricity, and communication services and educational infrastructure in a coordinated manner.'	Accept
20.16	Auckland Transport	Amend Policy 13 as follows: 'Require subdivision and development to provide for walking and cycling networks within the precinct, including to any future public transport interchange, while also providing connections to the wider transportation network and any future public transport interchange existing urban development.'	Accept in part
20.17	Auckland Transport	Amend Policy 14 as follows: 'Require subdivision and development to upgrade existing and/or provide new roading infrastructure (which is designed in accordance with Table IXXX.6.15.2 Minimum Road Width, Function and Required Design Elements for a range of modes of transport and including public transport) within the precinct and to provide connections to adjoining land generally in accordance with Precinct Plan 3.'	Accept

20.18	Auckland Transport	Amend Policy 15 as follows: 'Provide for and require the Wider Western Link Road to be constructed to a collector road standard in the interim to service subdivision and development within the precinct, while recognising that it will form part of provision is made for its future upgrading by Auckland Transport to provide a future strategic transport connection.'	Accept in part
20.19	Auckland Transport	Amend Policy 16 as follows: 'Avoid direct vehicle access from individual sites on to the Wider Western Link Road and State Highway One, while allowing direct pedestrian and cycle access and for bus and service vehicle access to the future public transport interchange.'	Accept in part
20.20	Auckland Transport	Retain Policy 19	Accept
20.21	Auckland Transport	Include a new policy as follows: 'Provide for the development and operation of a public transport interchange in the indicative location identified on Precinct Plan 3.'	Accept in part
20.22	Auckland Transport	Amend the activity tables to reduce complexity and repetition so that they are easy for the user to understand.	Reject
20.23	Auckland Transport	Amend the activity tables to include a restricted discretionary (RD) status for 'Subdivision and / or development that does not comply with Table Ixxx.6.15.2 Minimum Road Width, Function and Required Design Elements'. Consequential to this, amend Ixxx.7 Assessment - restricted discretionary activities, to include appropriate Matters of Discretion and Assessment Criteria to assess proposals that do not comply with Table Ixxx.6.15.2.	Accept in part
20.24	Auckland Transport	Amend (A17) in Table Ixxx.4.1 All zones, to include the following standard in the 'Standards to be complied with' column: 'Ixxx6.15 Transportation Infrastructure' Make similar amendments to other entries in Table Ixxx.4.1 where required.	Accept in part
20.25	Auckland Transport	Amend (A3) in Table Ixxx.4.2 Residential - Large Lot Zone, to apply a NC activity status to 'Development not complying with Standard Ixxx6.15 Transportation Infrastructure (other than Table Ixxx.6.15.2 Minimum Road Width, Function and Required Design Elements)'	Accept in part
20.26	Auckland Transport	Amend (A4) in Table Ixxx.4.2 Residential - Large Lot Zone, to apply a NC activity status to 'Subdivision not complying with Standard Ixxx6.15 (other than Table Ixxx.6.15.2 Minimum Road Width, Function and Required Design Elements)'	Accept in part
20.27	Auckland Transport	Amend Table Ixxx.4.3 Residential - Single House Zone to include the following as a non-complying activity (NC). 'Development not complying with Standard Ixxx.6.7 Limited Access Restrictions and Pedestrian Connections'	Accept in part
20.28	Auckland Transport	Amend (A6) Table Ixxx.4.4 to apply a discretionary (D) or restricted discretionary (RD) status (with appropriate assessment matters, including transport effects) to restaurants and cafes within the existing former Ransom Vineyard Building. In the alternative, provide supporting information about transport effects sufficient to satisfy Auckland Transport that no additional assessment is required via a resource consent process.	Accept in part
20.29	Auckland Transport	Amend (A7) Table Ixxx.4.4 to apply a discretionary (D) or restricted discretionary (RD) status (with appropriate assessment matters, including transport effects) to education facilities within the existing former Ransom Vineyard Building. In the alternative, provide supporting information about transport effects sufficient to satisfy Auckland Transport that no additional assessment is required via a resource consent process.	Accept in part
20.30	Auckland Transport	Amend (A8) in Table Ixxx.4.4 Residential - Mixed Housing Urban Zone, to apply a non-complying (NC) status to 'Development not complying with Standard Ixxx6.15 Transportation Infrastructure (other than Table Ixxx.6.15.2 Minimum Road Width, Function and Required Design Elements).'	Accept in part
20.31	Auckland Transport	Amend (A11) in Table Ixxx.4.4 Residential - Mixed Housing Urban Zone, to apply a non-complying (NC) status to 'Subdivision not complying with Standard Ixxx6.15 (other than Table Ixxx.6.15.2 Minimum Road Width, Function and Required Design Elements).'	Accept in part
20.32	Auckland Transport	Amend (A6) in Table Ixxx.4.5 Residential - Terrace Housing and Apartment Buildings, to apply a non-complying (NC) status to 'Development not complying with Standard Ixxx6.15 Transportation Infrastructure (other than Table Ixxx.6.15.2 Minimum Road Width, Function and Required Design Elements).'	Accept in part
20.33	Auckland Transport	Amend (A9) in Table Ixxx.4.5 Residential - Terrace Housing and Apartment Buildings, to apply a non-complying (NC) status to 'Subdivision not complying with Standard Ixxx6.15 (other than Table Ixxx.6.15.2 Minimum Road Width, Function and Required Design Elements).'	Accept in part
20.34	Auckland Transport	Amend (A1) in Table Ixxx.4. 6 Business – Local Centre, to describe the activity as 'Operation and maintenance of a public transport interchange', and to delete the list of standards to be complied with as none are relevant to operation and maintenance but relate to the construction phase which is covered elsewhere in the table. Retain permitted (P) status for 'Operation of a public transport interchange'.	Accept
20.35	Auckland Transport	Amend (A6) in Table Ixxx.4. 6 Business – Local Centre, to delete Ixxx.6.7 Limited Access Restrictions, from the list of standards to be complied with. Retain controlled (C) status for 'Development of a public transport interchange and associated facilities'.	Accept

20.36	Auckland Transport	Amend (A7) in Table IXXX.4. 6 Business – Local Centre, to applying a non-complying (NC) activity status for 'Development not complying with Standard Ixxx6.15 Transportation Infrastructure (other than Table IXXX.6.15.2 Minimum Road Width, Function and Required Design Elements)'.	Accept in part
20.37	Auckland Transport	Amend (A11) in Table IXXX.4. 6 Business – Local Centre, to applying a non-complying (NC) activity status for 'Subdivision not complying with Standard Ixxx6.15 (other than Table IXXX.6.15.2 Minimum Road Width, Function and Required Design Elements)'.	Accept in part
20.38	Auckland Transport	Amend IXXX.6 Standards (3) as follows: 'Permitted All activities listed in Activity Tables Ixxx.4.1 to Ixxx.4.7 must comply with Standard Ixxx.6.'	Accept
20.39	Auckland Transport	Amend Ixxx.6.7 Limited Access Restrictions, Pedestrian Connections and Cycle Facilities to clarify whether the standard requires any pedestrian and cycle facilities to be provided, or whether it only includes vehicle access restrictions. Amend the title and Ixxx.6.7(3) accordingly.	Accept
20.40	Auckland Transport	Amend the title and purpose statement of Ixxx.6.7 as follows: 'Limited Vehicle Access Restrictions, Pedestrian Connections and Cycle Facilities Purpose: • to avoid direct vehicle access from individual sites onto State Highway One, and the Wider Western Link Road, Green Avenue, and collector roads; and • to have promote safe and efficient operation of transport infrastructure; and • to achieve safe, accessible and high-quality pedestrian and cycle connections within the Precinct and including to the Local Centre and any future public transportation interchange that provides positively for the needs to the local community.'	Accept in part
20.41	Auckland Transport	Amend Ixxx.6.7 Limited Access Restrictions, Pedestrian Connections and Cycle Facilities, (1) to (4) as follows: '(1) Any new road intersections with State Highway One or the Wider Western Link Road servicing the precinct, shall be generally located as identified as "Access Points" on IXXX.10.3 Waimanawa: Precinct Plan 3. (2) Sites that front onto the Wider Western Link Road, Green Avenue and State Highway One must not have direct vehicle access to the road except where required for the public transport interchange. and Sites, other than the public transport interchange, must be provided with access from a rear driveway, rear lanes (access lots) or side roads at the time of subdivision. (3) At the time of adjacent land subdivision and / or development, pedestrian connections, generally as shown in Precinct Plan 3, shall be provided. (4) Residential sites that front a collector road other than the 'Green Avenue' as shown on Precinct Plan 3, must not have direct vehicle access to the road and must be provided with access from a rear driveway, rear lanes (access lots) or side roads at the time of subdivision.'	Accept in part
20.42	Auckland Transport	Delete Ixxx.6.8 Wider Western Link Road in its entirety. Retain the non-complying activity status for subdivision and development which does not construct the Wider Western Link Road by applying an non-complying activity status to a 'Subdivision and development not complying with Standard Ixxx6.15 Transportation Infrastructure (other than Table IXXX.6.15.2 Minimum Road Width, Function and Required Design Elements), as sought elsewhere in this submission.	Accept
20.43	Auckland Transport	Amend Ixxx.6.12 Riparian Yards for Streams and Natural Wetlands, by deleting the third bullet point under the purpose statement as follows: 'To integrate the section of watercourse along the Wider Western Link Road within a wide road berm or as a separate open space integrated with the road berm.'	Accept in part
20.44	Auckland Transport	Amend Ixxx.6.14 Greenways - Walking and Cycling Infrastructure, as follows: 'Purpose: To provide for off-road walkways and cycleways which Council wants vested in Council to form part of the public greenway network. (1) Walkways and cycleways that are to be vested in the Council (other than those vested as road) shall be provided within the greenways shown on Precinct Plan 1 and: (a) Shall be constructed either to a walking track standard similar to that constructed in Regional Parks if not part of a vested formed road, or in the case where the greenway is part of a vested formed road, constructed to normal footpath standards as appropriate; ....	Accept in part
20.45	Auckland Transport	Amend the title and purpose statement of Ixxx.6.15 as follows: 'Transportation Infrastructure Purpose: • To achieve the integration of land use and transportation infrastructure (including walking and cycling). • To ensure transportation infrastructure is appropriately provided for.	Accept in part

		<ul style="list-style-type: none"> <li>• To provide a pedestrian and cycle connection to the McKinney Road/ northwards along State Highway One Intersection to the existing urban area.'</li> </ul>	
20.46	Auckland Transport	Amend lxxx.6.15 Transportation Infrastructure, (1) and (2) as follows: '(1) Subdivision and development within the Precinct must not exceed the triggers in Table IXXX.6.15.1 until the identified transport infrastructure upgrades are constructed and operational, The development of any part of the Precinct shall provide the relevant transport infrastructure, including walking and cycling, as indicated in lxxx10.1 and applying to the development site, in the general location shown on Precinct Plans 1 and 3. (2) Subdivision and development (including construction of any new road) must comply with the standards in Table l4XX.6.4.2.1'	Accept in part
20.47	Auckland Transport	Amend (T1) in Table IXXX.6.15.1 Transportation Infrastructure Requirements, to set a clear and appropriate trigger for upgrading of the Valerie Close / State Highway 1 intersection.	Accept in part
20.48	Auckland Transport	Amend (T2) in Table IXXX.6.15.1 Transportation Infrastructure Requirements, to describe the upgrade as follows: 'Upgrading of State Highway One though where it has frontage to the WW South Precinct to an urban arterial standard with active mode facilities'	Accept in part
20.49	Auckland Transport	Amend (T2) in Table IXXX.6.15.1 Transportation Infrastructure Requirements, by deleting the existing trigger for the State Highway 1 upgrade and replacing it with the following: 'Any subdivision and/or development: • within the Business - Local Centre zone; • for a retirement village; or • resulting in a cumulative total of 20 residential lots or dwellings within the Precinct.'	Accept in part
20.50	Auckland Transport	Amend the provisions relating to active mode connections along State Highway 1 to: • require pedestrian and cycle facilities to be provided in their ultimate form and location as part of the upgrade of State Highway 1 where it has frontage to the precinct • clarify which pedestrian and cycle facilities are to be provided in an interim or temporary form • require pedestrian and cycle facilities to be provided along State Highway 1 from the precinct to the northern end of Wech Drive. This is likely to require amendments to Table IXXX.6.15.1(T1), (T3) and (T4), Table IXXX.6.15.2 Note 2, and possibly Precinct Plan 3 Transportation. Require the applicant to provide additional detail to demonstrate that safe pedestrian and cycle facilities can be provided along SH1 from the precinct to the northern end of Wech Drive.	Accept in part
20.51	Auckland Transport	Amend (T5) in Table IXXX.6.15.1 Transportation Infrastructure Requirements, by deleting the existing trigger for the Wider Western Link Road / State Highway 1 intersection and replacing it with the following: 'Any subdivision and/or development: • within the Business - Local Centre zone; • for a retirement village; or • resulting in a cumulative total of 20 residential lots or dwellings within the Precinct.'	Accept in part
20.52	Auckland Transport	Amend (T8) in Table IXXX.6.15.1 Transportation Infrastructure Requirements, to describe the transport infrastructure as follows: 'Construction of Collector Roads (including Green Avenue) Consequential deletion of (T7)	Accept
20.53	Auckland Transport	Amend (T9) in Table IXXX.6.15.1 Transportation Infrastructure Requirements, to better describe the transport infrastructure upgrade as follows; 'Upgrading of Mason Heights including filling in any gaps in the existing footpath network to provide a continuous connection between the precinct and the intersection of Mason Heights with Woodcocks Road'	Reject
20.54	Auckland Transport	Amend (T9) in Table IXXX.6.15.1 Transportation Infrastructure Requirements, to better describe the trigger as follows: 'Any subdivision or development with access to frontage to that section of Mason Heights or in the event that Mason Heights is extended or a new road is connected to it within the Waimanawa Precinct.	Reject

20.55	Auckland Transport	Amend the note under Table IXXX.6.15.1 Transportation Infrastructure Requirements, as follows: 'Note: Development relevant to any of the Standards T6, and T8 and T9 only apply to the section of the road adjacent to the development or subdivision area.'	Accept
20.56	Auckland Transport	Amend the title of Table IXXX.6.15.2 as follows: 'Minimum Road width, Function and Required Design Elements'	Reject
20.57	Auckland Transport	Amend Table IXXX.6.15.2, including Note 6, to be consistent with the rules in Standard Ixxx.6.7(2) and (4) which applies a vehicle access restriction to Green Avenue and other collector roads.	Accept
20.58	Auckland Transport	Amend Table IXXX.6.15.2, Note 3 to require better provision for active modes along State Highway 1 as described elsewhere in this submission.	Accept in part
20.59	Auckland Transport	Amend Table IXXX.6.15.2, Note 4 as follows: Carriageway and intersection geometry capable of accommodating buses. Bus stop form and locations and bus route shall be determined with Auckland Transport at resource consent and engineering plan approval stage.	Accept
20.60	Auckland Transport	Amend Table IXXX.6.15.2, Note 5 as follows: Cycle lane will only be provided Bi-directional cycle facility may be appropriate on the northern side of Wider Western Link Road in the section where road boundary abutting existing stream riparian yard adjoining the Morrison Orchard Precinct.	Accept in part
20.61	Auckland Transport	Amend Ixxx.7.2(1)(b) as follows: 'For public transport interchanges, whether safe and efficient vehicle, pedestrian and cyclist access (as relevant) into and within the public transport interchange is achieved.'	Accept
20.62	Auckland Transport	Amend Ixxx.8.1 Matters of discretion, (1) as follows: 'Subdivision and new buildings prior to subdivision'	Accept in part
20.63	Auckland Transport	Amend Ixxx.8.1 Matters of discretion, (1)(b) as follows: 'Transport including: (a) access, walking and cycling infrastructure, (b) traffic generation, (c) access to public transport and parking (d) location and design of the Wider Western Link Road, collector roads, key local roads and connections with neighbouring sites to achieve and integrated street network and appropriately provide for all modes (e) provision of cycling and pedestrian networks and connections (f) provision of public transport facilities (bus stops and shelters) (g) design and sequencing of upgrades to the transport network.'	Accept in part
20.64	Auckland Transport	Amend Ixxx.8.2 Assessment criteria - Restricted Discretionary Activities, (1), as follows: 'Subdivision and for new buildings prior to subdivision'	Accept in part
20.65	Auckland Transport	Amend Ixxx.8.2 Assessment criteria - Restricted Discretionary Activities, (1)(a)(ii) as follows: 'Subdivision and development layout is consistent with Precinct Plans 1 to 4'	Accept
20.66	Auckland Transport	Amend Ixxx.8.2 Assessment criteria - Restricted Discretionary Activities, (1)(c) as follows: 'Transport The extent to which Whether: ....'	Accept in part
20.67	Auckland Transport	Amend Ixxx.8.2 Assessment criteria - Restricted Discretionary Activities, (1)(d) Stormwater management, by adding the following: '(ii) The design and efficacy of infrastructure and devices with consideration given to the likely effectiveness, ease of access, operation, ongoing viability and maintenance, and integration with the surrounding environment including the road corridor where relevant'	Accept in part
20.68	Auckland Transport	Ixxx.8.2 Assessment criteria - Restricted Discretionary Activities, (2)(i) as follows: 'The design of the Local Centre shall achieve a connected and functional design that reflects a high quality of architectural design, landscape architecture and best practise urban design principles, including the extent to which a suitable pedestrian and cyclist connection is provided between the Local Centre and any public transport interchange facilities, the land to the west, south and to the pedestrian and cycle crossing at the Wider Western Link Road and State Highway One Intersection.'	Accept
20.69	Auckland Transport	Amend the special information requirements under Ixxx.9.1 Transport and safety, by adding the following as clause (2): 'Transport Design Report Any proposed new key road intersection or upgrading of existing key road intersections illustrated on the Precinct Plan or otherwise'	Accept



		<p>identified in the precinct provisions must be supported by a Transport Design Report and Concept Plans (including forecast transport modelling and land use assumptions), prepared by a suitably qualified transport engineer confirming the location and design of any road and its intersection(s) supports the safe and efficient function of the existing and future (ultimate) transport network and can be accommodated within the proposed or available road reserves. This may be included within a transport assessment supporting land use or subdivision consents.</p> <p>In addition, where an interim upgrade is proposed, information must be provided, detailing how the design allows for the ultimate upgrade to be efficiently delivered.</p> <p>For the avoidance of doubt, the key road intersections for the purposes of this requirement are identified on Precinct Plan 3 as 'Indicative Access Points onto WWLR' and 'Indicative WWLR / SH1 Intersection'. In addition the Valerie Close / SH1 intersection is a key road intersection.'</p>	
20.70	Auckland Transport	<p>Amend lxxx.9.4 Waimanawa Precinct Plan 1 Spatial provisions by removing the following information (which already appears on Precinct Plan 3):</p> <ul style="list-style-type: none"> <li>• Indicative WWLR / SH1 Intersection</li> <li>• Indicative Future Public Transport Hub</li> <li>• Indicative Dedicated On-Road Cycle Path.</li> </ul>	Reject
20.71	Auckland Transport	<p>Amend the key for lxxx.9.4 Waimanawa Precinct Plan 3 Transportation, as follows: 'Indicative Future Public Transport Hub Interchange (approximately 2100m2)'</p>	Reject
20.72	Auckland Transport	<p>Amend lxxx.9.4 Waimanawa Precinct Plan 3 Transportation, to show the cycle facilities proposed on State Highway 1. Or in the alternative, delete all of the 'Indicative Dedicated On-Road Cycle Path' from Precinct Plan 3 as these can be covered by the requirements in Table IXXX.6.15.1 and Table IXXX.6.15.2.</p>	Reject
20.73	Auckland Transport	<p>Amend the Morrison Heritage Orchard precinct provisions, including objectives, policies and rules, to more rigorously address transport effects and promote good transport land use integration.</p>	Accept
20.74	Auckland Transport	<p>Amend the plan change by including precinct provisions (objectives, policies and rules) within the Morrison Heritage Orchard Precinct to require that future developments and alterations to existing buildings mitigate potential road traffic noise effects on activities sensitive to noise from the existing State Highway 1 arterial and the future Wider Western Link Road arterial.</p>	Accept
20.75	Auckland Transport	<p>Amend Table XXX.X.1 Activity table, to include the following as a non-complying (NC) activity: 'Subdivision and development with vehicle access to the Wider Western Link Road'</p>	Accept in part
20.76	Auckland Transport	<p>Amend the precinct provisions applying to weddings and functions to ensure that transport effects can be appropriately assessed and addressed. This is likely to require (but is not limited to) amendments to Table XXX.X.1 Activity table, and the standards in XXX.6.9 Weddings and functions.</p>	Accept
20.77	Auckland Transport	<p>Delete or amend XXX.5 Notification (1) to enable public or limited notification of applications which have a potential adverse effect on the transport network.</p>	Accept
20.78	Auckland Transport	<p>Amend XXX.6.1 General access and traffic generation standard, (1), as follows: 'All activities shall obtain Vehicle access is limited to State Highway One in accordance with at the Approved Entry Point (AEP) shown on the Precinct Plan.'</p>	Accept in part
20.79	Auckland Transport	<p>Amend or replace XXX.6.1 General access and traffic generation standard (2), with robust, and enforceable standards which can be easily measured by the Council and applicants and which appropriately address transport effects and transport land use integration and provide for the access to the precinct to be upgraded if required.</p>	Accept
20.80	Auckland Transport	<p>Amend XXX.6.1 General access and traffic generation standard, by adding a new clause as follows: 'Subdivision and development that has frontage to the Wider Western Link Road must not be provided with vehicle access to that road.'</p>	Accept in part
20.81	Auckland Transport	<p>Amend Xxx8.1 Transportation and Safety by replacing the reference to E27.9 with a special information requirement for a transport assessment which is more specific to the precinct, and includes consideration of the access point on State Highway One.</p> <p>Amend Xxx8.1 Transportation and Safety as follows: The special information requirements under E27.9 apply. The Council may require applications which affect the transport network to include a transport assessment prepared by a suitably qualified transport planner or traffic engineer. Any upgrading of existing State Highway One access illustrated on the Precinct Plan as the Approved Entrance Point must be supported by a Transport Design Report and Concept Plans (including forecast transport modelling and land use assumptions),</p>	Accept in part



		prepared by a suitably qualified transport engineer confirming the location and design of any access supports the safe and efficient function of the existing and future (ultimate) transport network and can be accommodated within the proposed or available road reserves. This may be included within a transport assessment supporting land use or subdivision consents. In addition, where an interim upgrade is proposed, information must be provided, detailing how the design allows for the ultimate upgrade to be efficiently delivered.	
21.1	Ash Hames and Fiona Rayner	Retain Residential Large Lot zoning on submitters land	Accept
21.2	Ash Hames and Fiona Rayner	Retain Landscape Protection Area and Special yard on submitters' land but that the yard standard should be amended for clarity	Accept
21.3	Ash Hames and Fiona Rayner	Amend Policy 16 as follows; (16) Subdivision, use and land development shall avoid direct vehicle access from newly created individual sites on to the Wider Western Link Road and State Highway One [rename to reflect the AT road name eg Great North Road], while allowing direct pedestrian and cycle access.	Accept in part
21.4	Ash Hames and Fiona Rayner	The references to State Highway 1 be updated when the road is reverted to Auckland Transport so there is no confusion with Ara Tūhono.	Accept
21.5	Ash Hames and Fiona Rayner	Rule lxxx.6.7 – Limited Access Restrictions, Pedestrian Connections and Cycle Facilities (2) needs to be amended so it is clear that the rule applies only to new sites being created as a result of subdivision and land development within the PPC93 area and associated Precinct. In the Residential - Large Lot zone this rule only appears to apply to Supported Residential Care accommodating greater than 10 people per site	Accept
21.6	Ash Hames and Fiona Rayner	Rule (A3) in Table IXXX.4.2 relating to the Residential – Large Lot zone should apply only to the Residential - Mixed Housing Urban and Residential - Terrace Housing and Apartment Buildings zoned land within PPC93.	Reject
21.7	Ash Hames and Fiona Rayner	Proposed Precinct Rule lxxx.6.11 proposes a minimum site size of 1,000m2 in the Eastern Escarpment Area. The Submitter's land is within the Eastern Escarpment Protection Area as shown on Precinct Plan 1 but is also proposed to be zoned Residential – Large Lot which has a minimum site size of 4,000m2. The rule requires clarification.	Accept in part
21.8	Ash Hames and Fiona Rayner	Retain the Restricted Discretionary activity status specified for Rule (A10) in Activity Table IXXX.4.1 All zones that alters the activity status for subdivision of parent sites with an area of greater than 1- hectare.	Accept
21.9	Ash Hames and Fiona Rayner	Rule (A6) in Activity Table IXXX.4.1 is opposed. Restricted Discretionary activity status is appropriate for infringements to the Standards.	Reject
22.1	Barry Blennerhassett and Lorraine Margaret Blennerhassett (Blennerhassett family)	That the Plan Change 93 be refused or preferably approved with changes to address matters raised in the submission	Reject
23.1	David Lawrence Morrison	Approve the plan change without any amendments	Accept in part
24.1	KA Waimanawa Limited Partnership and Stepping Towards Far Limited	That PPC93 is approved with any amendments necessary to clarify provisions, including those as set out in Attachment A of this submission.	Accept in part
24.2	KA Waimanawa Limited Partnership and Stepping Towards Far Limited	Any further or alternative relief or any consequential amendments that may be required to address the matters raised in this submission or any other related matters.	Accept
24.3	KA Waimanawa Limited Partnership and Stepping Towards Far Limited (The Submitters)	Update all references to 'State Highway One' in the Precinct Plan to 'Old State Highway One'.	Accept in part
24.4	KA Waimanawa Limited Partnership and Stepping Towards Far Limited (The Submitters)	Update right hand column on all Tables from 'Standards to be complied with' to 'Precinct Standards to be complied with'	Reject

24.5	KA Waimanawa Limited Partnership and Stepping Towards Far Limited (The Submitters)	Delete (A2) – 'New buildings and additions to buildings which meet Standard Ixxx.6.13 High Contaminant Yield Material' from Table IXXX4.1	Reject
24.6	KA Waimanawa Limited Partnership and Stepping Towards Far Limited (The Submitters)	Reword and update (A4) to 'New reclamation and drainage of a Retained Stream on Precinct Plan 2, including filling within the stream and piping of a stream, but excluding drainage works underneath a stream or bridging over a stream' in Table IXXX4.1	Reject
24.7	KA Waimanawa Limited Partnership and Stepping Towards Far Limited (The Submitters)	Reword and update IXXX6(2)(a) bullet points 2 and 3 by removing 'special subdivision control area' and adding 'Landscape Protection Area – Eastern Escarpment'.	Accept
24.8	KA Waimanawa Limited Partnership and Stepping Towards Far Limited (The Submitters)	Update IXXX6(2)(a) bullet point 1 by removing reference to A1 and adding reference to (A2) – 'New buildings' and (A3) – 'Additions and alterations to buildings not otherwise provided for'.	Accept in part
24.9	KA Waimanawa Limited Partnership and Stepping Towards Far Limited (The Submitters)	Update standard Ixxx6.12(1) and Ixxx6.12(2) by removing the reference to 'land development' within the opening sentence and replacing it with 'site development'. Update standard Ixxx6.12(1) and Ixxx6.12(2) by removing the reference to 'or along the riparian yard' within the final sentence and replacing it with 'or within the riparian yard'.	Accept
24.10	KA Waimanawa Limited Partnership and Stepping Towards Far Limited (The Submitters)	Update standard Ixxx.6.14(2) with the following wording 'Where the Council does not want or is unable to accept vesting of the walkway/cycleway and associated riparian yard and stream bank, then there is no requirement to provide the walkway/cycleway'.	Accept
24.11	KA Waimanawa Limited Partnership and Stepping Towards Far Limited (The Submitters)	Update the Trigger within the third column of Table IXXX.6.15.1 relating to (T2) with the following wording: 'As part of the first subdivision for any land: (a) within the Business – Local Centre zone: or (b) for a retirement village; or (c) for a residential development creating more than 20 residential lots.'	Accept
24.12	KA Waimanawa Limited Partnership and Stepping Towards Far Limited (The Submitters)	Update the Transport Infrastructure Upgrade within the second column of Table IXXX.6.15.1 relating to (T2) with the following wording: 'Upgrading of old State Highway One through the WW South Precinct to the extent shown on Precinct Plan 3.' Update the Transport Infrastructure Upgrade within the second column of Table IXXX.6.15.1 relating to (T3) with the following wording: 'Construction of the temporary pedestrian/cycle path on old State Highway One from the Wider Western Link Road/old State Highway One Intersection to McKinney Road.' Delete row (T4).	Accept in part
24.13	KA Waimanawa Limited Partnership and Stepping Towards Far Limited (The Submitters)	Update the Trigger within the third column of Table IXXX.6.15.1 relating to (T2) with the following wording: 'As part of the first subdivision for any land: (a) within the Business – Local Centre zone: or (b) for a retirement village; or (c) for a residential development creating more than 20 residential lots.'	Accept in part
24.14	KA Waimanawa Limited Partnership and Stepping Towards Far Limited (The Submitters)	Update the Trigger within the third column of Table IXXX.6.15.1 relating to (T7) with the following wording: As part of the first subdivision for residential development within Waimanawa Valley, as shown on Precinct Plan 3, which has vehicle access to Valerie Close.'	Reject
24.15	KA Waimanawa Limited Partnership and Stepping Towards Far Limited (The Submitters)	Update Note 3 to Table IXXX.6.15.2 with the following wording: 'Note 3: The shared walking and cycle path provision on old State Highway One will be a temporary cycling and walking facility from the Wider Western Link Road/old State Highway One intersection to the McKinney Road/old State Highway One intersection.'	Accept in part

24.16	KA Waimanawa Limited Partnership and Stepping Towards Far Limited (The Submitters)	Update lxxx.8.1 Matters of discretion to incorporate or cross reference the matters of discretion from the Local Centre zone being H11.8.1(4). One additional amendment to the Matters of discretion in H11.8.1(4) is proposed which relates to H11.8.1(4)(a)(i) with the following wording: 'the contribution that such buildings make to the attractiveness pleasantness and enclosure of the public space (including the watercourse);'	Accept
24.17	KA Waimanawa Limited Partnership and Stepping Towards Far Limited (The Submitters)	Updates and amendments to PPC93 to align with the progression and outcomes of PC78.	Accept
25.1	Mikel Jon Thorogood (Mike Thorogood)	That Plan Change 93 – Warkworth South plan change be approved with changes to provisions to address the matters raised in this submission (including infrastructure, roading matters in respect of McKinney Road intersection, integrated development and a well functioning urban environment).	Accept in part
25.2	Mikel Jon Thorogood (Mike Thorogood)	If the matters addressed in the submission cannot be addressed PPC93 should be refused.	Reject
26.1	Guy Matches	That Plan Change 93 – Warkworth South plan change be refused or preferably approved with changes to provisions to address the matters raised in this submission.	Reject
27.1	John and Sue Wynyard (Wynyard family)	That Plan Change 93 – Warkworth South plan change be approved with changes to provisions to address the matters raised in this submission.	Reject
27.2	John and Sue Wynyard (Wynyard family)	The Submitter seeks identification of the Wider Western Link Road bridge location. The location put forward in NOR 8 – Wider Western Link Road is supported, and it is sought this location be secured and identified on Precinct Plan 1 – Spatial Provisions.	Reject
28.1	Department of Conservation	Undertake further surveying in the PPC site to fully understand the population size and location of long-tailed bats.	Reject
28.2	Department of Conservation	Insert the requirement for the PPC to ensure developers abide the Department of Conservation Protocols for minimising the risk of felling occupied bat roosts.	Reject
28.3	Department of Conservation	Amend the plan to adequately cover the following issues: • Zone the Bat Flight Corridor as Open Space – Conservation. • Increase the minimum corridor width to one hundred metres. • Require the lighting provisions alongside the bat flight corridor to abide by the Australian Government “National Light Pollution Guidelines for Wildlife”. • Require that development in, and adjacent to, the bat flight corridor utilises the Department of Conservation’s Protocols for minimising the risk of felling occupied bat roosts (2021). • Require a prohibition in keeping domestic cats within one kilometre of the bat flight corridor.	Reject
28.4	Department of Conservation	Amend the plan to adequately cover the following issues: • Require a prohibition in keeping domestic cats within one kilometre of the Avic Miller Scenic Reserve.	Reject
29.1	Ministry of Education	Amend Objective 10 as follows: (10) Subdivision and development is coordinated with the delivery of infrastructure (including transportation, stormwater, potable water, wastewater and future education infrastructure educational facilities) and services required to provide for development within the precinct and future community requirements.	Accept in part
29.2	Ministry of Education	Amend Policy 12 as follows; (12) Require subdivision and development to provide stormwater, wastewater, potable water, electricity, communication services and educational infrastructure educational facilities in a coordinated manner.	Accept in part
30.1	GW Boyes	Decline the plan change	Reject
31.1	Waka Kotahi NZ Transport Agency	Provide an assessment of the proposal relative to the Future Development Strategy	Accept
31.2	Waka Kotahi NZ Transport Agency	Provide an assessment of the proposal relative to the Emissions Reduction Plan	Accept

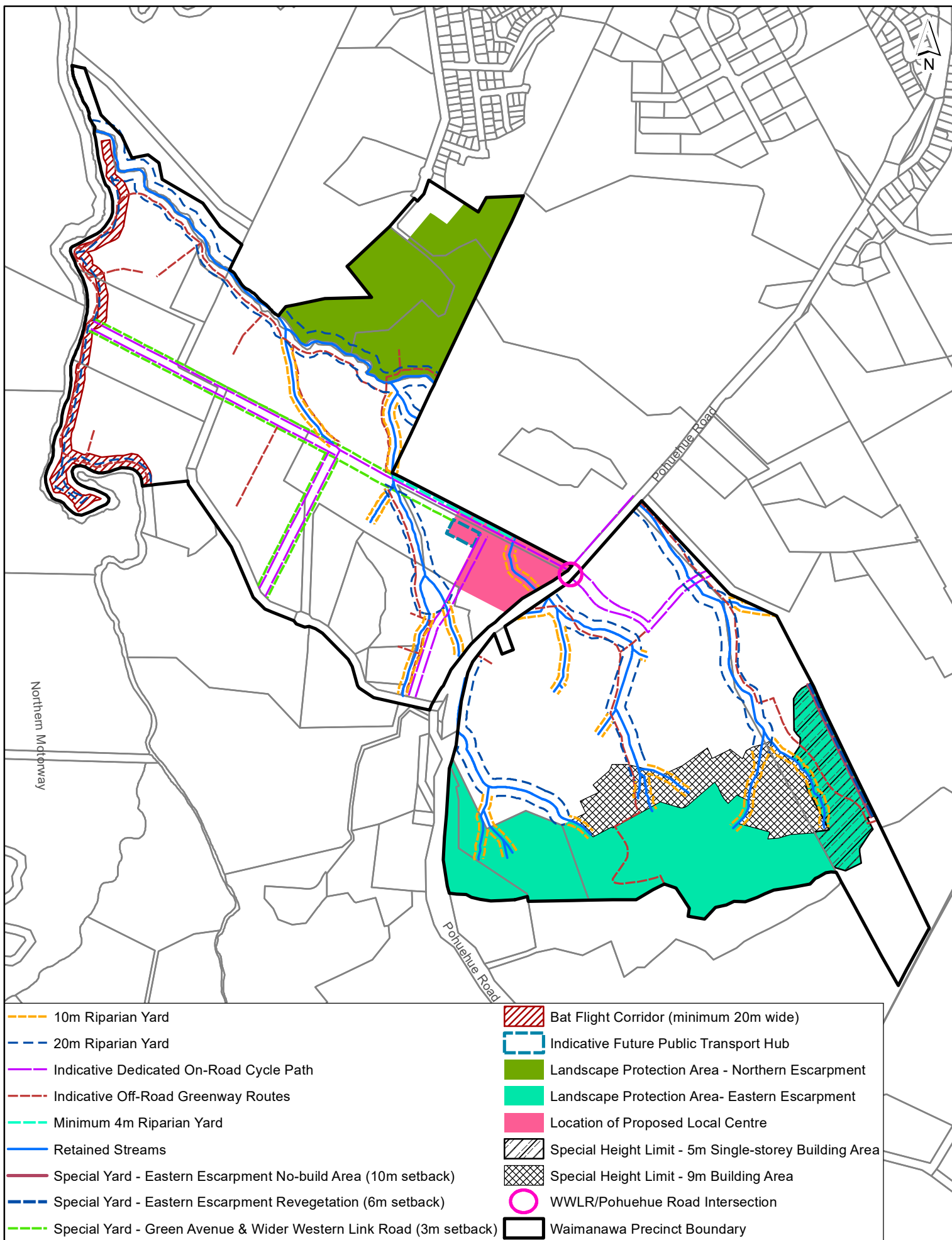
31.3	Waka Kotahi NZ Transport Agency	Update the ITA and planning provisions to include all required upgrades, including walking and cycling connections to existing paths in the urban area and clarify the extent of intersection upgrades required, including at Valerie Close.	Accept
31.4	Waka Kotahi NZ Transport Agency	Provide an assessment of the number and location of pedestrian crossings of SH1 required to service this development and update the precinct provisions to reflect the outcomes of this assessment.	Reject
31.5	Waka Kotahi NZ Transport Agency	Amend the precinct provisions to include objectives, policies and rules to manage effects of road traffic noise on future sensitive receivers in the plan change area.	Accept
32.1	Watercare Services Limited	Watercare seeks a decision that ensures that the water and wastewater capacity and servicing requirements of the Plan Change will be adequately met, such that the water and wastewater related effects are appropriately managed.	Accept
32.2	Watercare Services Limited	Watercare strongly supports precinct provisions that require subdivision and development to be coordinated with the provision of adequate water supply and wastewater infrastructure.	Accept
32.3	Watercare Services Limited	Watercare supports an activity status of non complying for any subdivision or development that precedes the provision of adequate water supply and wastewater infrastructure.	Accept
32.4	Watercare Services Limited	Watercare supports Standard 1XXX.6 Wastewater and Potable Water Connections clauses (1) and (2) which require all lots except for those in Residential – Large Lot and Open Space – Conservation zones to be connected to a reticulated wastewater network and potable water network.	Accept
32.5	Watercare Services Limited	Watercare supports Standard 1XXX.6 Wastewater and Potable Water Connections clause (3) which requires development to be connected to a functioning water and wastewater network prior to the issue of a s224(c) certificate, subject to the following amendment to ensure that the network also has the capacity to serve the proposed development. lxxx.6.9 Wastewater and Potable Water Connections (3) Prior to the issue of s224(c), the development shall be connected to a functioning water and wastewater network with sufficient capacity to service the proposed development.	Accept in part
32.6	Watercare Services Limited	To ensure that the precinct description is consistent with the requirements of Standard 1XXX.6 Wastewater and Potable Water Connections and the amendments proposed by Watercare, Watercare seeks the following amendments to the precinct description. ..... The development controls for the precinct recognise that development of residential lots can occur concurrently with the provision of infrastructure but prior to the issuing of s224(c) certification for subdivision. However, the development controls do require that development is connected to a functioning water and wastewater network with sufficient capacity to service the proposed development prior to the issuing of s224(c) certification for subdivision.	Accept in part
32.7	Watercare Services Limited	To ensure there is strong and directive policy support for the non-complying activity classification for development and subdivisions that do not comply with Standard 1XXX.6 Wastewater and Potable Water Connections, Watercare seeks the inclusion of the following new policy. lxxx.3 Policies (XX) Avoid subdivision and development progressing ahead of the provision of a functioning water and wastewater network with sufficient capacity to service the proposed development.	Accept
33.1	Caroline Barrett	Decline the plan change	Reject
34.1	Pete Sinton	Decline the plan change	Reject
35.1	Bevan Morrison	Approve the plan change without any amendments	Accept in part
36.1	Red Bluff investment ltd	Approve the plan change without any amendments	Accept in part
37.1	Gumfield Property Ltd	Approve the plan change without any amendments	Accept in part
38.1	Kenilworth Orchards	Approve the plan change without any amendments	Accept in part
39.1	Thompson Road Residents	That PPC93 – Warkworth South plan change be approved with changes to provisions to address the matters raised in this submission.	Accept in part
39.2	Thompson Road Residents	That a note be added to Precinct Plan 1 – Spatial Provisions to indicate that the Trail to the north of 1768 State Highway is indicative and planned upgrades of Thompson Road to facilitate the trail will be required.	Reject

40.1	M A & MG Wilson	The submitters have no objection to Plan Change 93 (Private), provided that there will be no further degradation of telecoms and Internet / broadband supply to their property as a result of the increase in residential and commercial premises within this defined zone i.e. the contention ratio, must be taken into consideration, inclusive of the nearby properties with the proposal.	Reject
41.1	R and T Morrison, D Morrison	In the Morrison Heritage Orchard Precinct amend Table XXX.X.1 (A2) to read One dwelling per site in Activity Areas A, B and C other than as permitted in (A1) above and (A12) of this Table.	Accept
41.2	R and T Morrison, D Morrison	In the Morrison Heritage Orchard Precinct amend Table XXX.X.1 (A6) to read One minor dwelling per principal dwelling, excluding dwellings established under (A12) of this Table.	Accept
41.3	R and T Morrison, D Morrison	In the Morrison Heritage Orchard Precinct amend Table XXX.X.1 (A16) to read New buildings or additions 250m2 GFA or greater in all Precinct Activity Areas.	Accept in part
41.4	R and T Morrison, D Morrison	In the Morrison Heritage Orchard Precinct amend Standard XXX.6.1(2) to read Activities A3 to A13, excluding produce sales (A7), listed in Table XXX.X.1 above do not either singularly or cumulatively exceed a trip generation threshold of 100 v/hr (any hour).	Accept in part
41.5	R and T Morrison, D Morrison	In the Morrison Heritage Orchard Precinct amend Standard XXX.6.2 as follows; XXX.6.2. Camping grounds within Precinct Plan Activity Areas A and B (1) Camping ground(s) for a maximum of 50 sites within each either of Activity Areas A and B. (2) Camping ground sites shall not cumulatively exceed 100 sites over both Activity Areas A and B	Accept in part
41.6	R and T Morrison, D Morrison	In the Morrison Heritage Orchard Precinct amend Standard XXX.6.3 as follows; XXX.6.3. Garden Centre within Precinct Plan Activity Areas A and B (1) The maximum area of a garden centre in including building and outdoor sales and storage areas is 750m <sup>2</sup> . (2) Only one garden centre may be established in either Activity Area A or B, but not both.	Accept in part
41.7	R and T Morrison, D Morrison	In the Morrison Heritage Orchard Precinct amend Standard XXX.6.4 as follows; XXX.6.4. Markets (1) The location of the market shall be located within Activity Area B. (2) A The market shall have a maximum of 100 stalls. (3) The trading hours of markets are limited to 7.00am until to 11.00pm. (4) Any other activities associated with the market must not occur between midnight and 6.00am. (5) Stalls involved in the markets are limited to the sale of food and beverages or items produced by the stall holder which may include fresh and processed goods, small holding livestock, artwork, crafts and pottery and includes locally made products. This includes shops with an operational function (e.g. cheese making).	Accept in part
41.8	R and T Morrison, D Morrison	In the Morrison Heritage Orchard Precinct amend Standard XXX.6.5 as follows; XXX.6.5. Produce sales (1) The location of the Orchard produce sales shop shall be located within Activity Area B of the Precinct plan. (2) A The produce shop shall have a maximum of 450m2 including building and outdoor sales for the display and sale of produce. (3) The type of produce offered for sale on the site must be confined to the following: (a) fruit, vegetables, plants, eggs, flowers, honey, dairy products, meat, beer, wine, juices. (b) produce or products from on-site primary produce manufacturing. (c) produce and handcrafts not grown or produced on the site or on a site in the locality, shall not exceed 10 % of the GFA produce display and sales area.	Accept in part
41.9	R and T Morrison, D Morrison	In the Morrison Heritage Orchard Precinct amend Standard XXX.6.6 as follows: XXX.6.6. Restaurant and cafe (1) One restaurant and one café may be established in Activity Area B. (2) A restaurant or café shall each provide have maximum seating for a maximum of 120 people. (3) The hours of operation of both a restaurant or and café are limited to 7.00am to midnight.	Accept in part
41.10	R and T Morrison, D Morrison	In the Morrison Heritage Orchard Precinct amend Standard XXX.6.7 as follows: XXX.6.7. Rural tourist and visitor activities (1) Rural tourist and visitor activities for a maximum of 500 people cumulatively in Activity Areas A and B.	Accept in part
41.11	R and T Morrison, D Morrison	In the Morrison Heritage Orchard Precinct amend Standard XXX.6.8 as follows: XXX.6.8 Visitor accommodation (1) Visitor accommodation (including manager's accommodation) for a maximum of 25 units or 100 people (whichever is greater) within either or both each of Activity Areas A and B.	Accept in part

		(2) Visitor accommodation shall not cumulatively exceed 50 units or 200 people (whichever is greater) over both Activity Areas A and B.	
41.12	R and T Morrison, D Morrison	In the Morrison Heritage Orchard Precinct amend Standard XXX.6.9 as follows: XXX.6.9 Weddings and functions (1) Wedding and function activities may occur within either or both Activity Areas A and B. (2) The activity may include use of an existing restaurant / café on the site and temporary or semi-permanent marquees.	Accept in part
41.13	R and T Morrison, D Morrison	In the Morrison Heritage Orchard Precinct amend Standard XXX.6.10 as follows: XXX.6.10. Workers accommodation (1) Workers accommodation with a maximum of 10 dwellings in total in either or both within each of Activity Areas A and B complying with the following: (a) Dwellings shall comply with all the relevant yard setbacks and height standards for buildings in the Zone. (b) Dwellings shall have a maximum floor area of 120m <sup>2</sup> excluding decks and garaging. The floor area may include a dormitory or individual rooms. (c) The accommodation may accommodate seasonal workers. (2) Workers accommodation shall not cumulatively exceed 20 dwellings over both Activity Areas A and B.	Accept in part
41.14	R and T Morrison, D Morrison	In the Morrison Heritage Orchard Precinct amend Table XXX.X.1 (A5) to read Markets	Accept

## Appendix 3

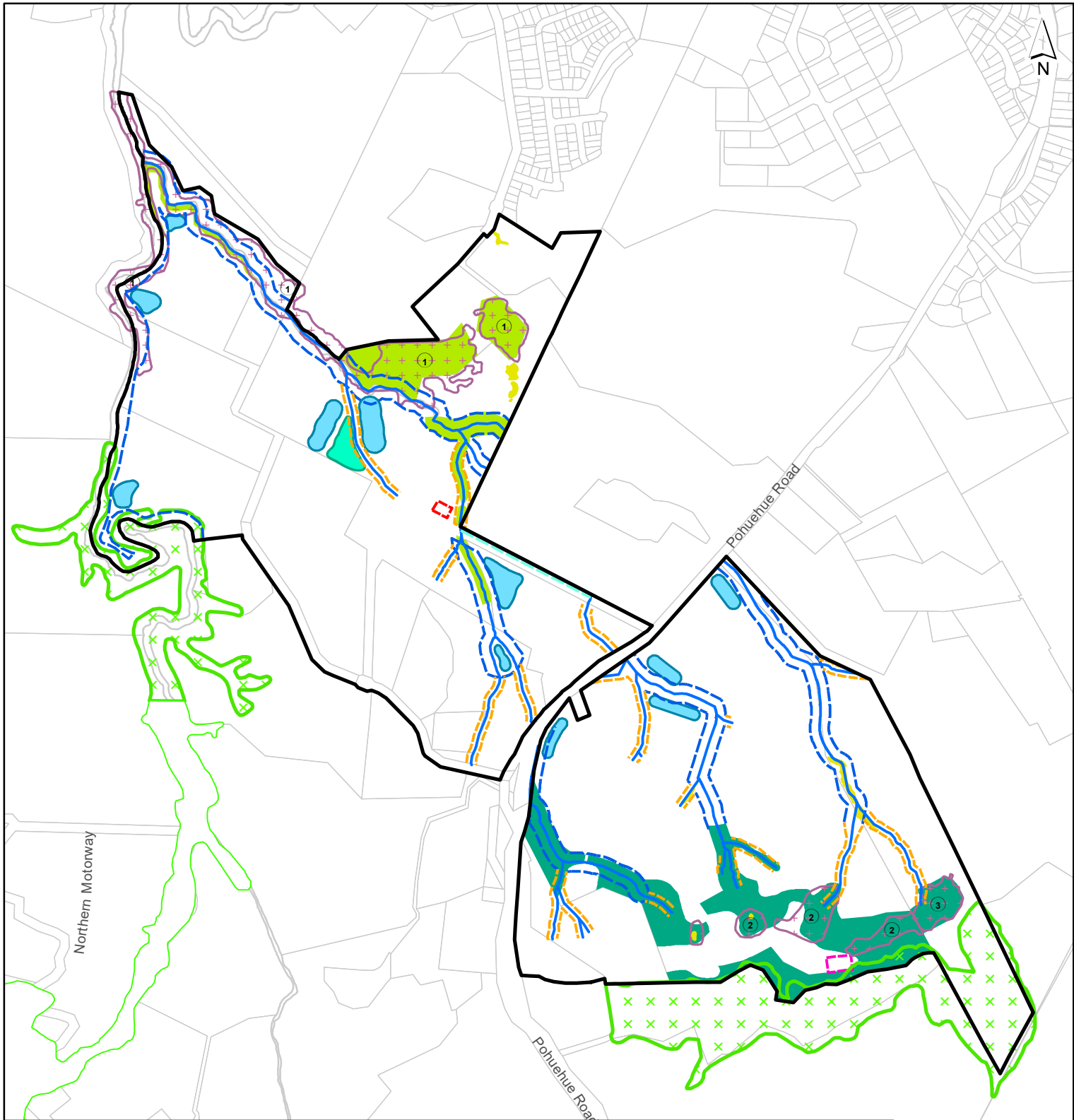




## Waimanawa Precinct Plan 1 - Spatial Provisions

0 100 200 400 Metres

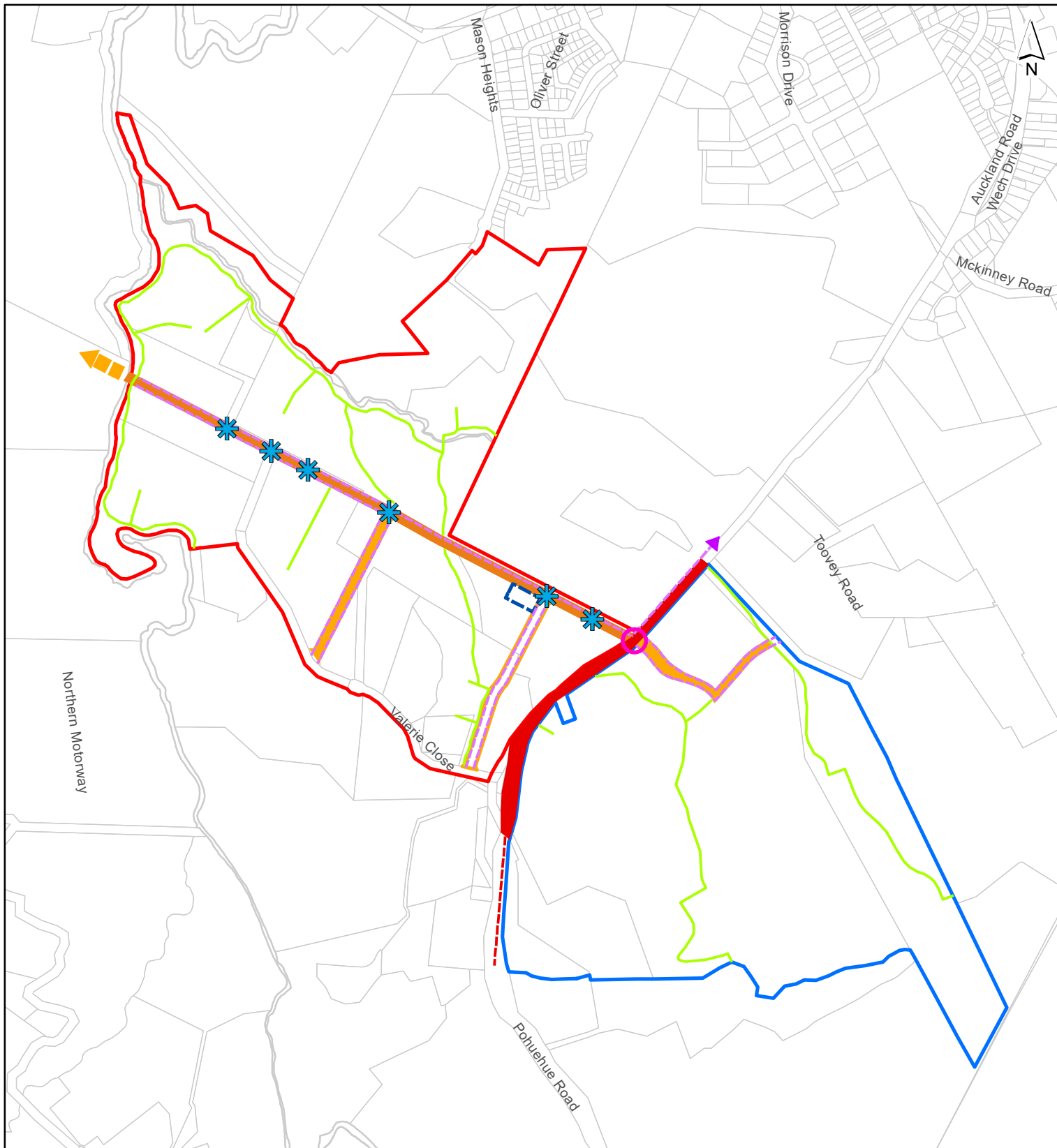

















	Waimanawa Precinct Boundary		Existing Significant Ecological Area(SEA)
	10m Riparian Yard		Significant Vegetation - Kanuka Forest
	20m Riparian Yard		Significant Vegetation - Indigenous Tree Land
	Retained Streams		Significant Vegetation - Mixed Native & Exotic
	Minimum 4m Riparian Yard		Indicative Location of Stormwater Management Basin
	Indicative Modified Constructed Wetlands		Natural Wetlands
	Covenants to be Retained		Indicative Location of Wastewater Pumping Station
	Proposed Covenanted Bush		Indicative Location of Reservoir

# Waimanawa Precinct Plan 2 - Environment

0 105 210 420 Metres

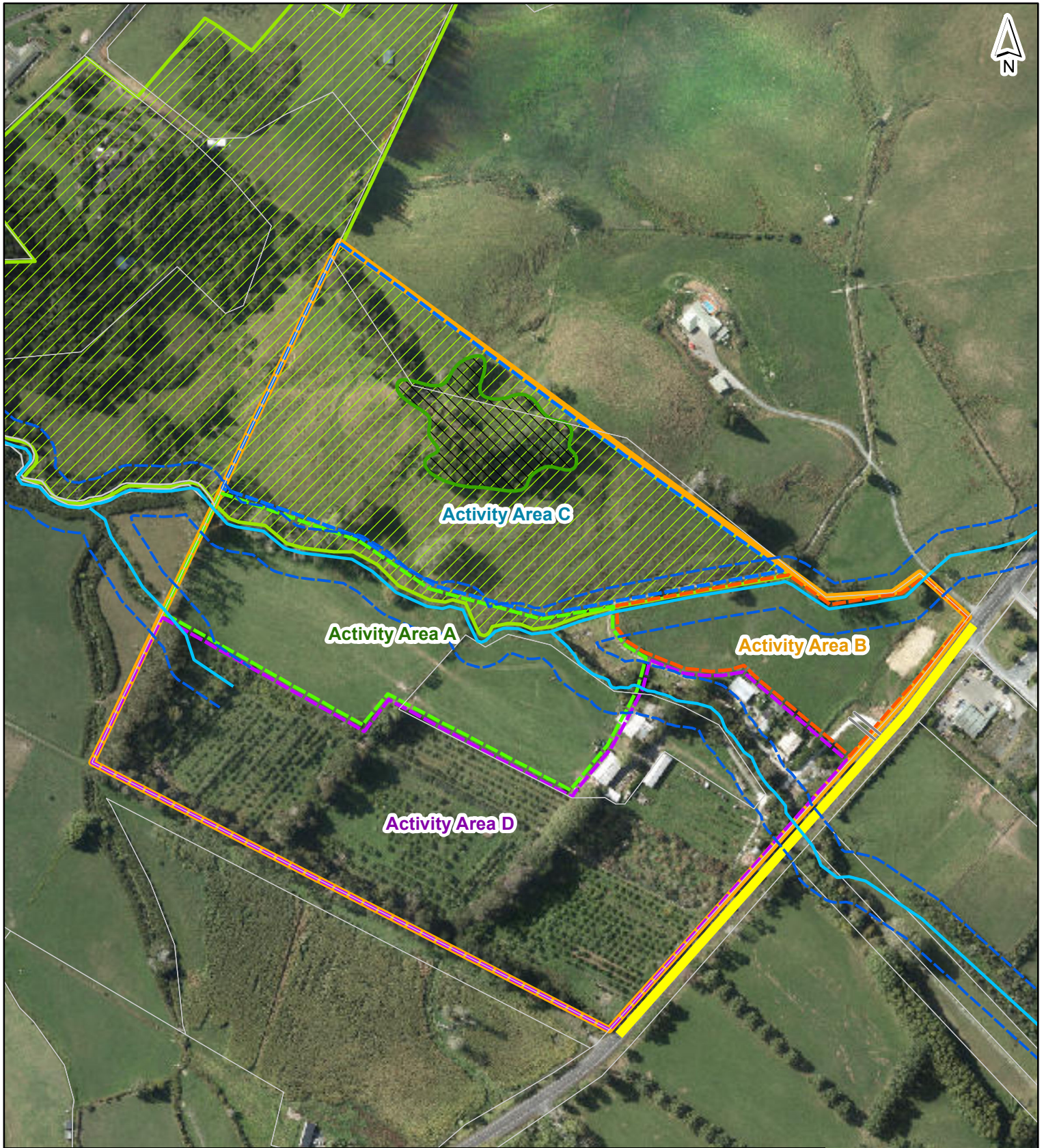


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|--|--|
|  Indicative Access Points onto WWLR                  |  WWLR/Pohuehue Road Intersection with Pedestrian & Cycling Crossing |
|  Future WWLR Connection                              |  Indicative Future Public Transport Hub                             |
|  Extent of Pohuehue Road fronting the Large Lot Zone |  Indicative Arterial Road - Wider Western Link Road (WWLR)          |
|  Indicative Dedicated On-Road Cycle Path             |  Indicative Locations of Collector Roads                            |
|  Indicative Off-Road Greenway Routes                 |  Pohuehue Road - Planned Urban Arterial Road Upgrading              |
|  Interim Shared Path to Wech Drive                   |  Waimanawa Hills  |
|  |  Waimanawa Valley   |

## Waimanawa Precinct Plan 3 - Transport

0 110 220 440 Metres





- |                                     |   |
|-------------------------------------|---|
| Approved Entrance Point             | Activity Area C                             |
| 20m Riparian Yard                   | Activity Area D                             |
| Retained Stream                     | Escarpment Indigenous and Exotic Vegetation |
| Upgrading of Pohuehue Road frontage | Morrison Orchard Precinct Plan              |
| Activity Area A                     | Warkworth South Northern Escarpment         |
| Activity Area B                     |   |

public

## Morrison Orchard: Precinct Plan

0 37.5 75 150 Metres