



THE PLANNING
COLLECTIVE



Assessment of Environmental Effects for a bundled Land Use, Subdivision and Discharge Resource Consent

to subdivide the land in stages and to construct 49 new dwellings with associated earthworks, impervious surfaces, and servicing at 34 and 36 Sandspit Road, Warkworth

Applicant: The Kilns Limited

Date: 20 April 2022

This planning assessment has been prepared by The Planning Collective 2021 Limited (trading as The Planning Collective) and forms part of the application for resource consent on behalf of The Kilns Limited to subdivide the land in stages and construct 49 new dwellings with associated earthworks, impervious areas and servicing, at 34 and 36 Sandspit Road, Warkworth.
(TPC Reference: KIL 138-20).



This report has been prepared by:

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Dated: 12 April 2020



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Dated: 13 April 2022

"The curves within the circle symbol of our logo are a depiction of the shape the Mahurangi River takes as it weaves its way through Warkworth. This was chosen to illustrate the whenua and landscape of the town that The Planning Collective works so closely with."

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Table of Contents

1. Application Details	1
2. Background	3
3. Site Description.....	5
4. Description of Proposal.....	16
5. Planning Assessment	30
6. Activity Status Assessment Framework	34
7. Assessment of Effects	35
8. Public Notification Assessment.....	59
9. Limited Notification Assessment	60
10. Relevant Objectives and Policies	61
11. Other Matters.....	67
12. Statutory Assessment	70
13. Part II of the Act.....	71
14. Conclusion	73

Appendices

Appendix 1: Certificate of Title and Aerial Photograph

Appendix 2: LUC60378963 Decision and results

Appendix 3: Rules Assessment

Appendix 4: Scheme and Topographical Plans

Appendix 5: Architectural Plans

Appendix 6: Civil Engineering Plans / Report and Stormwater Management Plan

Appendix 7: Landscape and Visual Assessment

Appendix 8: Landscape Plans

Appendix 9: Ecology Report

Appendix 10: Geotechnical Report

Appendix 11: Traffic Report

Appendix 12: Heritage Assessment

Appendix 13: Urban Design Report

Appendix 14: Soil Contamination DSI

Appendix 15: Arborist Report

Appendix 16: Objectives and Policies

Appendix 17: Consultation

1. Application Details

Applicant	:	The Kilns Limited
Site Address	:	34 and 36 Sandspit Road, Warkworth
Legal Description	:	Lot 1 Deposited Plan 66360, Part Lot 51 Deposited Plan 703, Lot 1 Deposited Plan 39534
Certificates of Title	:	NA35C/478 and NA35C/479
Area of Site	:	Approximately 3 hectares in total. 34 Sandspit Road has an area of approximately 1224m ² and 36 Sandspit Road has an area of approximately 3.069 hectares.
Type of Consent	:	Subdivision / Land Use / Discharge / Groundwater Diversion
Consent Sought	:	<p>To subdivide the land in stages, vest esplanade reserve, Local Purpose Historic Reserve and road; construct 49 new dwellings, undertake associated earthworks, related groundwater diversion and dewatering, vegetation clearance within SEA, riparian margins, unformed legal road and Sandspit Road berm, construct a new road and new public walkway access connections to Sandspit Road / Millstream Place and the historic kilns, the connection to Sandspit Road requires a bridge over Viponds Stream and retaining walls to be constructed on the unformed legal road / Sandspit Road berm; provide reticulated services including the discharge of stormwater from new impervious surfaces. Works occur in the SEA, the ONL and the mapped heritage extent of place overlay.</p> <p>Development standard infringements relating to subdivision post built form construction also require resource consent.</p>

In accordance with s37 of the Resource Management Act a 10-year time period is sought to give effect to this consent under s125 of the Act.

The consent is sought on the basis that the subdivision and land use development may be staged as shown on the possible staging sequence plan prepared by Buckton Consulting Engineers – Sheet 7 of 7.

Zoning

Auckland Unitary Plan : **34 Sandspit Road, Warkworth**
Zoning:
Future Urban Zone
Overlays:
Natural Resources: High-Use Aquifer Management Areas Overlay [rp] – Mahurangi Waitemata
Controls:
Controls: Coastal Inundation 1 per cent AEP Plus 1m Control – 1m sea level rise
Macroinvertebrate Community Index – Rural
Precincts:
None

Zoning

Auckland Unitary Plan : **36 Sandspit Road, Warkworth**
Zoning:
Future Urban Zone
Overlays:
Natural Resources: Significant Ecological Areas Overlay – SEA_T_6684, Terrestrial
Natural Resources: High-Use Aquifer Management Areas Overlay [rp] – Mahurangi Waitemata
Natural Heritage: Outstanding Natural Landscape Overlay [rcp/dp] – Area 43, West Mahurangi Harbour
Historic Heritage and Special Character: Historic Heritage Overlay Extent of Place [rcp/dp] – 569, Combes/Daldy lime works site R09_2240, 0, 0
Controls:
Coastal Inundation 1 per cent AEP Plus 1m Control – 1m sea level rise
Macroinvertebrate Community Index – Native, Rural, Urban
Precincts:
None

Plan Changes

Proposed Plan Change (Private) to rezone the land Residential – Mixed Housing Urban and alter the Heritage Extent of Place Overlay.

Additional Consents Required :

Building Consents; Engineering Plan Approvals and works in the road reserve.

Contact Details

The Planning Collective, PO Box 591, Warkworth 0941, New Zealand
Mobile: 021-422-346 Email: burnette@thepec.co.nz

2. Background

Plan Change Request:

A request for a private plan change for the subject land was lodged with Auckland Council on 17th September 2021. The private plan change request is currently subject to a Clause 23 Further Information request. The plan change request seeks to:

- Zone the land Residential – Mixed Housing Urban;
- Alter the Heritage Overlay Extent of Place;
- Amend the existing Outstanding Natural Landscape Overlay;
- Amend the Macroinvertebrate Community Index Control; and
- Add a Stormwater Management Control and Height Variation Control – potentially way of a Precinct (this will be addressed in the RFI response to the Plan Change).

The intention is that this resource consent application for the built form and land development outcome is processed concurrently with the Plan Change Request.

Heritage Resource Consents and Authorities:

LUC60378963 was granted 8 December 2021 to enable earthworks on the site, which were required to assist the Applicant with planning and designing this development for the site. The earthworks involved twelve trenches up to 2m wide each, to provide an opportunity for sub-surface archaeological investigation to occur, soil sampling to test for HAIL activities, and geotechnical assessment. The investigatory earthworks were undertaken on 13 and 14 January 2022 and the results of this have been used to understand the extent and nature of Scheduled heritage features (The Daldy/Combes Lime works) on the site, as well as inform the detailed design response proposed within this application.

A copy of the LUC60378963 decision and the results of the archaeological investigation are included in **Appendix 2**. The geotechnical report informed by the excavations is in **Appendix 10** and the Detailed Site Investigation for HAIL activities is provided in **Appendix 14**.

Heritage New Zealand also advised that further detailed archaeological investigation of the Combes/Daldy Lime works site had to be undertaken to inform any subsequent resource consent applications. Therefore, Section 56 Authority for this investigation was granted on 21 June 2021 and the works were carried out in accordance with this on 13 and 14 January 2022.

Resource Consent Proposal:

This resource consent application for land use and subdivision combined demonstrates a master-planned design response for the site that implements the PPC objectives. As stated, it is intended that the combined resource consent application is processed concurrently with the Plan Change Request.

This application includes bulk earthworks, the construction of buildings, infrastructure and services, open space, and subdivision. It should be noted that the proposed earthworks do not pre-determine or

influence the zoning outcome. The earthworks component is required to enable urban land use on the site and provide an access intersection to the site. The remainder of the development implements the zoning of the PPC.

Given the proposed Private Plan Change Request does not yet have legal effect, this application has been prepared in accordance with the current Future Urban Zone provisions of the Auckland Unitary Plan Operative in part. This Assessment of Environmental Effects (AEE) has been prepared in accordance with the requirements of Section 88 of and Schedule 4 to the Resource Management Act 1991 (the Act) and is intended to provide the information necessary for a full understanding of the activity for which consent is sought and any actual or potential effects the proposal may have on the environment.

The Enabling Housing Supply Bill was enacted on 21 December 2021. The Bill requires all Tier 1 Territorial Authorities to implement the Medium Density Residential Standards (“**MDRS**”) and Policy 3 or 5 of the NPS:UD 2020 in all relevant Residential Zones (as per the Planning Standards). The MDRS are intensification standards, permissions, and conditions that council must implement via a streamlined planning process to undertake a plan change to incorporate the standards. The MDRS can be less enabling in areas where qualifying matters are identified that would make the intensity of development enabled by the MDRS inappropriate. The Private Plan Change Request seeks to apply the MDRS in a manner limited by Qualifying Matters such as the SEA, ONL and Heritage values existing on the site.

3. Site Description

The land is situated directly north across the Mahurangi river from Warkworth Town Centre. An aerial image of the Plan Change area is shown in **Figure 1** below.



Figure 1: Aerial image of site (Source: GRIP, 11 June 2021)

The site area covers two adjacent Future Urban Zoned sites at 34 and 36 Sandspit Road. 34 Sandspit Road consists of Lot 1 Deposited Plan 66360 and 36 Sandspit Road consists of Lot 1 Deposited Plan 39534 and Part Lot 51 Deposited Plan 703.

A copy of the site Records of Title are provided as **Appendix 1**.

The site topography is dominated by a knoll located centrally within the site with a maximum contour of approximately RL 26.5m (refer contours in Figure 8). The east and west of the site are bound by steep gullies, which are the banks of tributary features of the Mahurangi River. The Mahurangi River runs in a west to east direction along the southern boundary of the site. The Geotechnical report by CMW Geosciences provided in **Appendix 10** outlines the site constraints associated with soil conditions and potential areas of instability.

The landscape features of the site related to the physical topography are described by Simon Cocker Landscape Architecture in the report he prepared for the Plan Change Request. A copy of this report is **Appendix 7**. The report describes the landscape as follows:

... the Site is situated at the southern extreme of a westerly trending ridge which – at its southern end, swings to adopt a southerly orientation. In doing so, it separates the hydrological catchment of the western Vipond Creek, and the catchment of the easterly un-named stream.

At its highest point, roughly in its centre, the site rises to a knoll of 26.5m (asl) in height (refer to photo 14). To the north, the ridge crest is traced by a metalled accessway which extends towards the site boundary on Sandspit Road. The site falls rapidly to the east and west. To the southeast, the ridge falls more gradually towards the Mahurangi River, descending to a height of approximately 15m asl before dropping away steeply to the River.

As is illustrated on Figure 3, the flanks of the ridge, and the gullies on its western and eastern sides, are vegetated with native forest. On both flanks, this vegetation occupies the steep slopes up to the crest of the ridge, although some clearance has occurred on the western and northwestern flank slopes of the knoll.

This vegetation lends the lower parts of the Site an enclosed and sheltered character (refer to photo 15) and precludes views into, and out. This contrasts with the more elevated portions, including the knoll which offer long views to the south (refer to photos 16, 17, 18 and 19).

Moreover, the height of the ridge, its steeply sloping sides, and the density of the vegetation on these sides imparts a sense of detachment from the Mahurangi River which, when the individual is on the grassed ridge crest, cannot be seen. Similarly, the watercourses within the gullies to the west and east of the ridge are largely hidden by the steepness of the terrain and by the density of vegetation.

At the southern end of the ridge, footpaths afford access to the river edge, and to the Vipond Creek. Once the individual has descended into the gully, the enclosure provided by the landform and vegetation imparts a sense of separation from the town centre and from dwellings located to the west and accessed from Millstream Place, despite the proximity of both.

The site is bound to the north by Sandspit Road. Presently there is one dwelling located on each site. The dwellings are accessed off Sandspit Road via a shared concrete road crossing that splits into two separate concrete driveways that serve each dwelling. There is a second limestone metalled access to the eastern side of number 36 Sandspit Road. This access track provides access to the southern portion of the site and terminates in a turning circle at the southern extent.

36 Sandspit Road also contains a sleepout in the central portion of the site and various smaller accessory buildings (storage sheds) and a garage on the site. Adjacent to the central knoll is the former building platform for a pre-1928 house and a remaining concrete water tank.

There is a central metalled compacted driveway and vehicle turning circle that uses a separate vehicle crossing from Sandspit Road

The eastern, western, and southern boundaries of the site are covered by bush and a mix of native vegetation and pest plant species. There is a larger area of scrub and bush occupying the central

northwest portion of the site, which is where the land drops away moderately- steeply to the west and south-west. The remaining parts of the site are covered in grass. The ecology assessment by Bioreserches is provided in **Appendix 9**, which classifies the existing terrestrial and freshwater features of the site. These are illustrated on Figure 5 of the Bioreserches report – refer below:



Figure 2: Terrestrial Vegetation Types and Extents – Bioreserches report

The Bioreserches report concludes that the vegetation within the site has low avifauna and bat habitat value but high herpetofauna habitat value within the native bush areas but low elsewhere on the site.

No wetland features were found on the site, but the report notes the freshwater ecology values associated with Viponds Creek, the unnamed tributary on the eastern side of the site; and the Mahurangi river itself.

Historically the site was used as a lime quarry, and there are associated features and structures presently visible in the southern portion of the site. Site investigations undertaken by archaeologists from Plan Heritage Ltd between February to May 2021 identified the following archaeological features on the site (refer **Appendix 4 – Topographical Plan and Appendix 12 – Heritage Assessment**):

- *Three kilns cut into the cliff face adjacent to the riverbank;*
- *Broad flat terrace located below the kilns, adjacent the river;*
- *Timber wharf remains located within the riverbank;*
- *Track running north from the river terrace up the slope to the remainder of the site;*
- *Cutting for the tramway that ran from the quarry to the kilns;*

- Suspected flat areas located to the north of the kilns, that may have been working areas or building platforms associated with the lime works; and,
- Likely location for the limestone quarry.

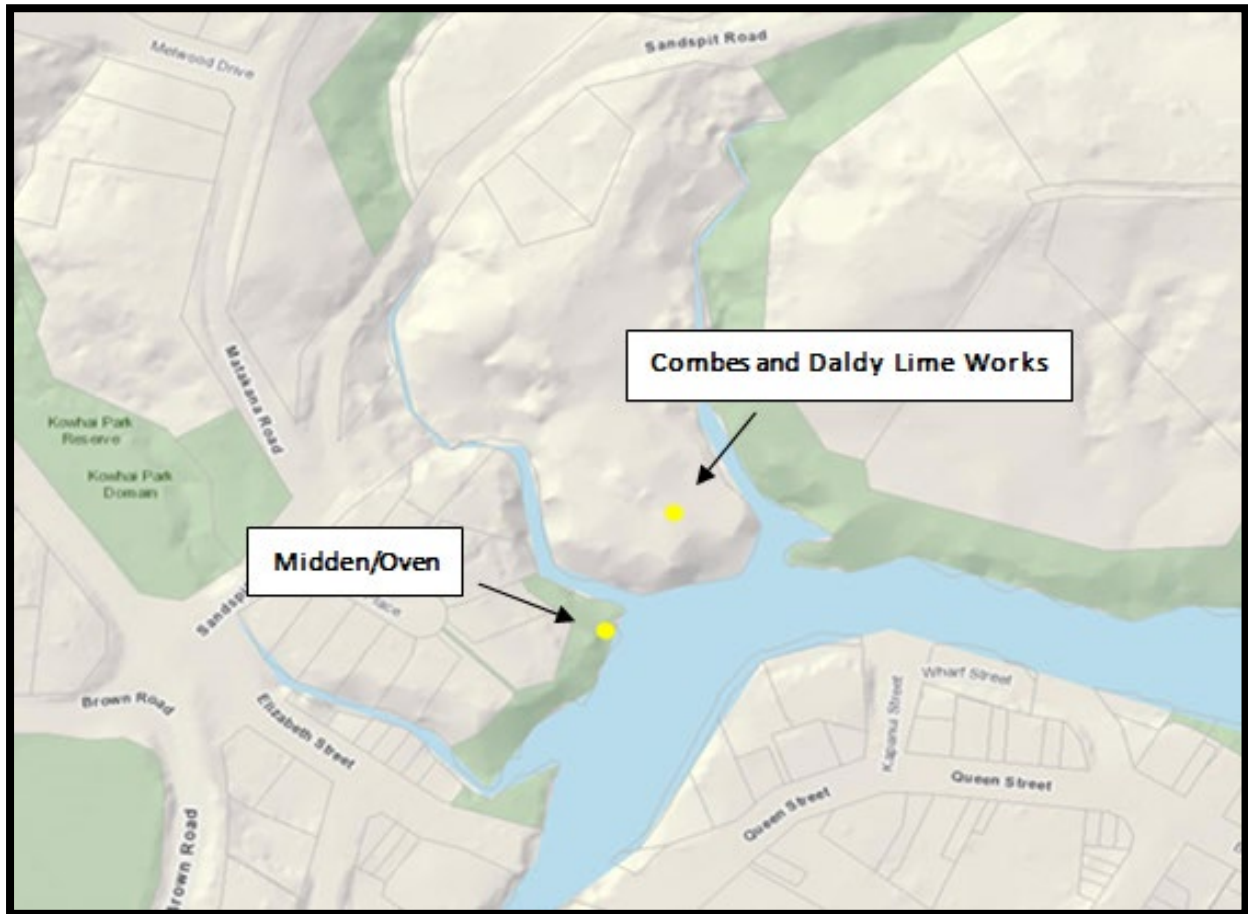


Figure 3: Cultural Heritage Inventory 1013, Combes/Daldy Limeworks Site (Source: Auckland Council Cultural Heritage Records)

These features are all within the Extent of Place for the Combes/Daldy Limeworks site, scheduled as a category B historic heritage place (Schedule 14.1; ID 569) on the Auckland Unitary Plan Operative in Part and a pre-1900 recorded archaeological site (NZAA R09/2240).

This site and nearby sites identified on the Cultural Heritage Index are shown on the map below (refer Figures 2,3,4).

Other features identified during the site survey are a concrete weir in the eastern stream, a small vent within the tram line cut and iron pipes (refer **Appendix 4 Topographical Plan**). These features are discussed in sections 5.4, 5.5, 5.6 and 5.9 of the Heritage Assessment - **Appendix 12**.



Figure 4: Site as viewed from the southern side of Mahurangi River. The lime kiln opening is visible in the right midground, with the remains of the timber jetty below. The mouth of the Vipond Creek is visible left midground

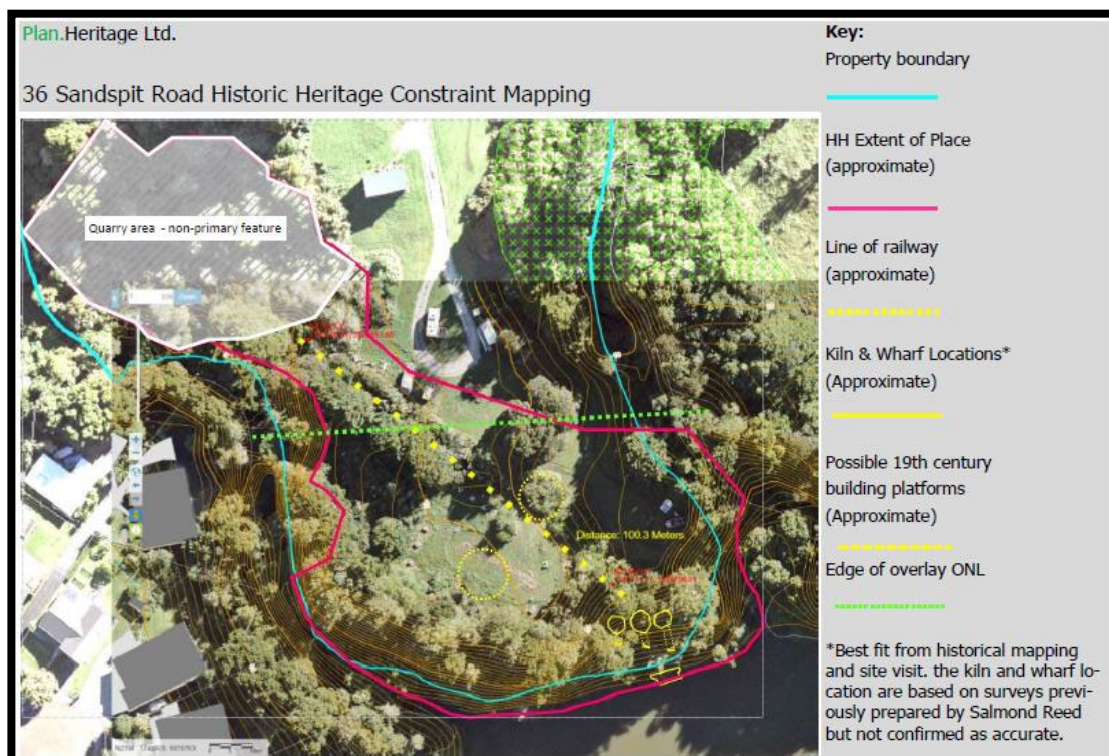
Search results			
CHI Places Number	1013	NZAA Metric Site Number	R09_2240
ACC Heritage Number		WCC Computer Number	
NZMS 260 map number	R09	Date of Visit	1993
NZMS 260 map name	Auckland	Type of site or area	Limeworks Site
NZTM map sheet	AZ31	Name of site or area	Combes and Daldy lime works Joseph Ragg's lime works Palmers lime works Southgate's Limeworks
Nature of Information:	visit	EIF application year:	
Date of construction:		Architect:	
Builder:		Engineer:	
Reported by:	Leigh Johnson Dinah Holman Robert Brassey	Date reported:	11/04/1994 00/01/ 1999 04/05/2018
Local authority:	Rodney District Council	Date (NZAA SRF Entry Date)	
District plan name:		Listing status in district/ regional plan:	
NZAA record status:	Brief visit Location map SRF	ArcView category:	Archaeological Site
NZHPT Register number:		NZHPT Register name:	
NZHPT Act section:		NZHPT Registration type:	None

Figure 5: Cultural Heritage Inventory 1013, Combes/Daldy Limeworks Site (Source: Auckland Council Cultural Heritage Records)

Search results			
CHI Places Number	23022	NZAA Metric Site Number	R09_2267
ACC Heritage Number		WCC Computer Number	
NZMS 260 map number	None	Date of Visit	16/09/2019
NZMS 260 map name	None	Type of site or area	Midden/Oven
NZTM map sheet	None	Name of site or area	
Nature of Information:		EIF application year:	
Date of construction:		Architect:	
Builder:		Engineer:	
Reported by:	Charlotte Judge	Date reported:	16/09/2019
Local authority:	Rodney District Council	Date (NZAA SRF Entry Date)	
District plan name:		Listing status in district/regional plan:	
NZAA record status:		ArcView category:	Archaeological Site
NZHPT Register number:		NZHPT Register name:	
NZHPT Act section:		NZHPT Registration type:	None

*Figure 6: Cultural Heritage Inventory 23022, Midden/Oven
(Source: Auckland Council Cultural Heritage Records)*

Since the decommissioning of the lime works on the site, it appears that the site has been in rural residential land use since at least 1931. A Preliminary Site Investigation was undertaken by Geosciences, dated May 2021 refer **Appendix 14**. The applicant has undertaken a search of Council records which has identified current or previous activities undertaken in the area of the site that are included on the current version of the Hazardous Activities and Industries List (HAIL). These include potential historic lead-based paint use, the Lime Kilns and historic industrial activities, and the existing domestic wastewater system on the site. A Detailed Site Investigation is included in **Appendix 14**.



*Figure 7: Map showing location of identified historic heritage features extent on the site.
(Source: HIA by Plan Heritage May 2021)*

Sub-surface archaeological investigation carried out by the Applicant in January 2022 found that areas of geophysical anomalies picked up in the ScanTec investigations, north and south of the tramline were devoid of archaeological features¹.

Non-Statutory Site Features

Hazards that affect the sites are potential instability on the steeper slopes along the western and eastern boundaries, and a 1-in-100-year flood plain in the lower lying areas at the base of the riverbanks, refer Figure 7 below. The southern boundary, where it meets the Mahurangi River, is also subject to a Statutory Acknowledgement area for Ngati Manuhiri.

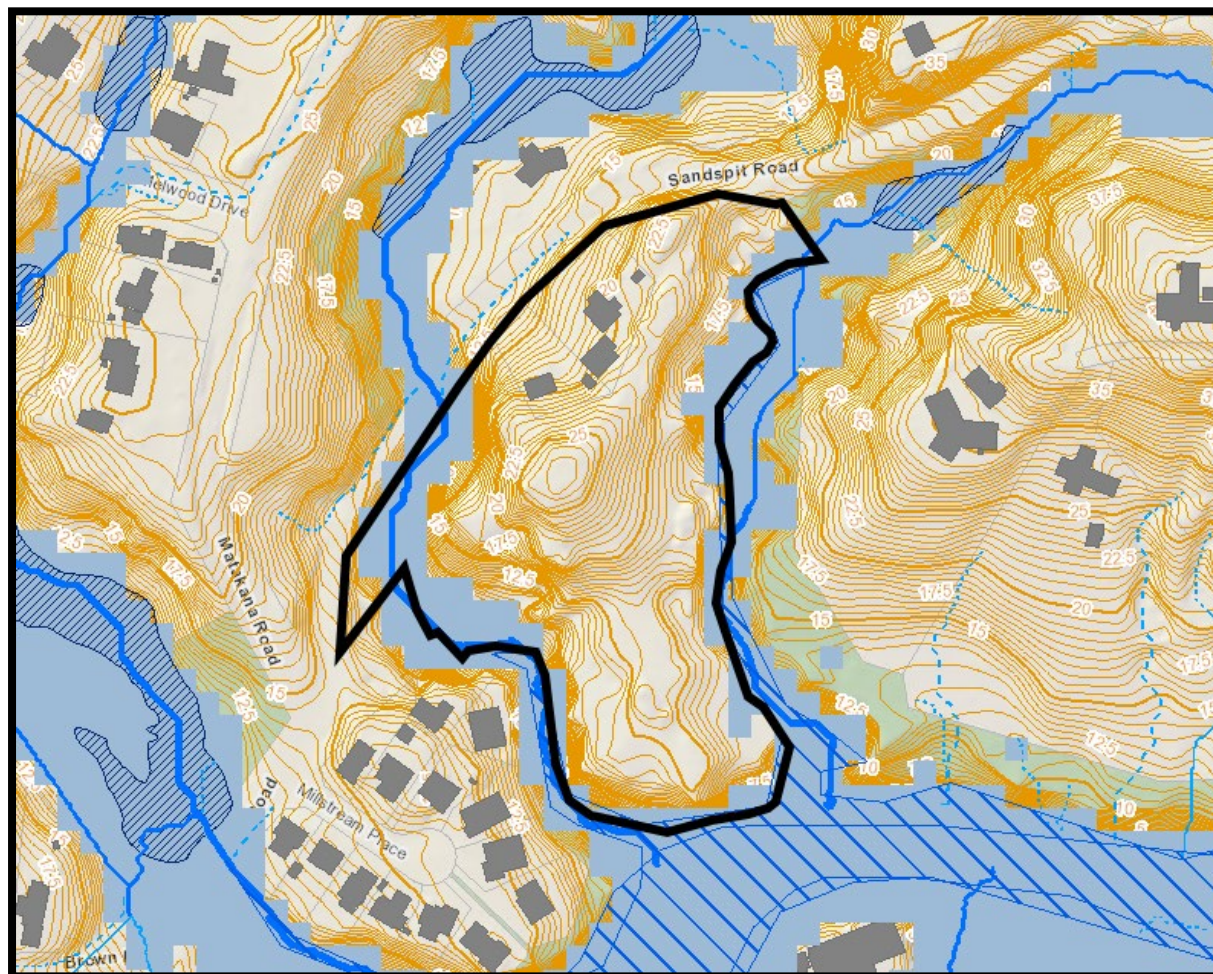


Figure 8: Flooding, hydrology and contours within plan change area (outlined in black).

(Source: Auckland Council GeoMaps, August 2021)

¹ Plan: Heritage Assessment, page 60.



Figure 9: Coastal Inundation (1% AEP) (Source: Auckland Council GeoMaps)

Surrounding Locality

Warkworth is identified in the Auckland Plan 2050 as a satellite town, for its potential to function semi-independently from the main metropolitan area.

The site is located on the southern side of Sandspit Road and is bordered on three sides by tributaries of the Mahurangi River. South of the subject site on the opposite side of the Mahurangi River is the Warkworth Town Centre with an established mix of commercial, retail, large format retail, community services and office land uses.

There are various public open spaces within proximity to the subject site, including Kowhai Park, Shoemith Domain Recreational Reserve, Warkworth Riverbank Town Walkway, Elizabeth Street Reserve, Lucy Moore Memorial Park, and various public esplanade reserves on adjacent properties.



Figure 10: Aerial map showing surrounding locality of Plan Change area and road network.
(Source: Auckland Council GeoMaps, May 2021)

The Landscape assessment by Simon Cocker further describes the surrounding environment as:

... located at the interface between areas characterised by residential development to the west – accessed from Melwood Drive and its tributary streets, and from Millstream Place to the southwest, and the area to the east and northeast which is characterised by rural residential settlement.

The residential area associated with Melwood Place is situated on the opposite side of Sandspit Road and is a minimum some 130m to the west and is dominated by dwellings constructed on lots of between 700 – 1,500m² in area. Lots accessed from Millstream Place are of a similar area and are separated by some 50m (from the crest of the ridge within the Site) to the southwest. The landscape to the east and northeast displays a more vegetated and spacious character with – often larger dwellings on lots which vary in area between 1 ha to 2.5 ha.

The subject Site is however, spatially and visually separated from the residential character areas to the west and southwest, and the rural residential character area to the east and northeast by topographical features – the stream gullies, and by vegetation.

Certificates of Title

36 Sandspit Road:

36 Sandspit Road comprises two parcels – Lot 1 DP 39534 and Part Lot 51 DP 703 held in one Record of Title NA35C/479. The site has a land area of approximately 2.8365 hectares. The following interests are registered on the title (refer comments underneath each):

- *Subject to a right of way and to a right to discharge and let escape aerially over and upon the above-described land certain noxious matters and fumes and to mining and water rights (in gross) in favour of Wilsons (N.Z.) Portland Cement Limited created by Transfer 231304*

This memorandum of transfer from 1929 relates to the sale of the site by Wilson Cement to The Rodney Cooperative Dairy Company Limited, subject to the ongoing right to air discharges, water takes, access over the site and structures associated with the historic industrial activities, in favour of Wilson Cement, as follows:

'(a) THE RIGHT to discharge and let escape aerially over and upon the said piece of land above-described from the smoke stacks chimneys and other parts of its manufactory or any other factory or works that may be established by the Vendor without let or hindrance and for all time hereafter smoke, soot, fine sand Portland Cement dust, clinker hydraulic lime and other lime dust, and other like matter and noxious fumes and vapour created and arising and escaping from the smoke stacks, chimneys and other parts of the said manufactory or such other factory or works as may be established by the Vendor in the ordinary course of the quarrying and mining of lime stone and other rock and the crushing burning grinding manufacture and preparation for sale by the Vendor of Portland Cement clinker hydraulic and other limes and other similar substances or materials without being liable or responsible for any damage that may be occasioned thereby to the said piece of land...'

- *Excepting thereout all limestone marl, clay, coal and other mineral stone or earth formations in upon or under the said land as excepted by Transfer 231304*

Same as above.

- *Subject to Section 351D (3) Municipal Corporations Act 1954*

This section of the historic Municipal Corporations Act relates to restrictions on the subdivision of land and states the instances in which Council approval is required, scheme plan requirements, and the provision of streets and reserves. The Act was replaced by the Local Government Act 1974 and therefore this interest is no longer applicable.

- *Appurtenant hereto is a right of way created by Transfer 33528*

Right of way in favour of Isabella Wilson dated 1903, the survey plan is unclear as to which part of the property this relates.

- *10182644.3 Mortgage to Westpac New Zealand Limited - 22.9.2015 at 1:43 pm*

Not relevant.

Based on the above assessment the title interests have no implications for this resource consent application.

34 Sandspit Road:

Lot 1 DP 66360 has a land area of approximately 1224m² held in Title NA35C/478. The title records the following Interests:

- *Subject to a right of way and a right to discharge and let escape aurally certain noxious matters and fumes and to mining and water rights (in gross) in favour of Wilson's (N.Z) Portland Cement created by Transfer 231304.*
- *Excepting thereout all limestone, marl, clay, coal and other mineral stone or earth formations in upon or under the said land as excepted by Transfer 231304.*
- *Appurtenant hereto is a right of way created by Transfer 33528.*
- *Mortgage.*

The only Interest of relevance to the resource consent is the right of way easement created by Transfer 33528 and this appears to have been surrendered in 1999 by virtue of transfer D454177.1 – refer **Appendix 1**.

4. Description of Proposal

The application seeks consent to:

- Construct 49 new dwellings. There are 13 3-storey terrace houses, 10 2-storey duplexes, 4 2-storey standalone houses, 15 2-storey terraces, 6 1-storey duplexes and 1 1-storey standalone dwelling.
- Undertake 46,800 m³ of cut and 3,400 m³ of fill earthworks, resulting in a surplus of 43,300m³ of material to be removed from the site to an appropriately consented fill site.
- Undertake 2,200m² of earthworks in the Outstanding Natural Landscape overlay and 480m³ of cut and 940m³ of fill.
- Remove 970m² of SEA vegetation located at the northeast extent of the mapped SEA.
- Vegetation removal within 20-metres of Viponds Stream may be required to facilitate construction to the pathway extension to Millstream Place. Vegetation removal may also be required on the road berm of Sandspit Road, and consent is sought for this.
- Construct a road and intersection onto Sandspit Road.
- Construct two Jointly Owned Access Lots that will each be managed by a Residents Society.
- Construct a public pedestrian access from JOA Lot 60 that has a portion dedicated with an easement in gross in favour of Auckland Council that will provide public access to Lot 59 – esplanade reserve to vest. One walkway will be constructed as a gravel pathway to provide access to the lime works kilns adjacent to the river and a second connection will be provided as a shared pathway with a bridge crossing and an extension along the southern side of Sandspit Road to connect to the existing footpath on Millstream Place. As set out above, construction of the footpath on Sandspit Road may require the removal of vegetation on the road berm of Sandspit as detailed in the Arborist report – **Appendix 15**. Construction of the bridge and pathway will require vegetation removal within the 20-metre riparian yard to Viponds Creek and the Historic Heritage Overlay. Trees 13 and 14 will require removal. Tree 13 is located on the banks of Viponds Creek and within the riparian yard. Tree 14 is within the Historic Heritage overlay and also requires removal.
- Construct 8474.7m² of impervious surfaces equating to 59.2% of the site area. Impervious areas area associated with construction of the houses, access areas, the new road, hardscape, and a proposed pedestrian access,
- Undertake landscaping to complement the development.
- Subdivide in stages to create super lots for subsequent house construction, if desired. The development may or may not be implemented in stages. If the development is staged the conditions for each will be met.
- Subdivide around each dwelling to create 49 residential freehold titles post construction of dwellings.
- Create Lots 58 and 65 as Road to Vest in Auckland Council.
- Create Lots 59 and 64 as Local Purpose (Esplanade Reserve) to vest. The application seeks to reduce the width of the esplanade reserve in the south-eastern portion of the Lot 59 Esplanade Reserve to vest. This is offset by a greater width being provided in other locations. Scheme Plan Sheet 5 of 7 shows the varying widths of the proposed Esplanade Reserve.

- Lot 61 to vest in Auckland Council as Local Purpose (Historic) Reserve. This is located adjacent to the start of the public access way that connects with Sandspit Road and incorporates part of the tramline feature.
- Seek Restricted Discretionary resource consent under Regulation 10 of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (“NES: SCS”) and Controlled activity under Chapter E30 Rule E30.6.2.1 of the Unitary Plan for the required soil remediation works.
- Groundwater diversion
- Various development standard infringements on subsequently subdivided sites e.g., front yard building coverage and impervious coverage.

The architectural and site plans are provided in **Appendix 5**.

The existing access points from Sandspit Road will be closed and all vehicular access will be via the new road connection onto Sandspit Road.

The development will then be subdivided into 49 individual residential freehold sites, a road and on-street parking to vest to Auckland Transport, esplanade reserve to vest to Auckland Council, and two Jointly-Owned-Access Lots, associated landscaped areas that will be managed by separate Residents Associations or similar legal entity to manage the ongoing maintenance of these commonly owned areas.

Communal on-site stormwater devices, Jointly Owned access Lots and associated landscaped areas, rubbish collection area adjacent to Lot 58 (Road to Vest) and incorporated in Lot 60 JOAL, and Lots 63 and 66 will be held jointly as common area between Lots 22 – 29 inclusive. These areas will be provided and held in perpetuity by a Private Residents Association or similar legal entity.

Land use

Earthworks

The Kilns Ltd is proposing to undertake bulk earthworks to alter the existing site contours in preparation for the intended future urban development of the site. The proposed earthworks activity involves both cutting and filling within most of the area of the site.

Earthworks over an area of 17 700m² (1.770 hectares) and involving a cut volume of 46,800m³ and a fill volume of 3,400m³ will be required to facilitate the development of the site. This is required for the provision of the internal access road, building platforms and on-site servicing. The earthworks operation results in excess cut material of approximately 43,300m³ to be disposed of from the site at a suitably consented cleanfill site. The anticipated earthworks quantities are summarised below:

Table 1 Earthworks Summary

Overall	Area (m ²)	Volume (m ³)
Fill		3,400m ³
Cut		46,800m ³

Total	17 700m ²	Excess fill offsite 43,400m ³
Within SEA		
	Area (m ²)	Volume (m ³)
	500m ²	610m ³
Within Unformed Legal Road and Sandspit Rd berm		
	Area (m ²)	Volume (m ³)
	777m ² new road and sightlines	1282m ³ cut new road and sightlines
	140m ²	130m ³ fill and 4m ³ of cut.
Within 50 metres of Viponds Stream (Sediment Control Protection Area)		
	Area (m ²)	Volume (m ³)
	13,000m ²	32,300m ³ cut and 2200m ³ fill. 30,100m ³ net to be removed offsite.
Within the Outstanding Natural Landscape overlay		
	Area (m ²)	Volume (m ³)
	2,200m ²	480m ³ cut and 940m ³ fill.

Earthworks and erosion and sediment control plans have been prepared by Aireys Consultants and are included in **Appendix 6**. The Earthworks plans are Sheets 210, 211, 212 and 213. Earthworks cross-sections are shown on Sheet 220; and the Erosion and Sediment Control plans are Sheets 230, 231, 232, 233 and Standard Details are Sheet 240.

It is intended to commence earthworks on 1 October 2022 and subject to normal weather conditions, they are expected to be completed in one earthworks season – 1 October to 30 April.

Site stability works are required as detailed in the CMW Geotechnical report **Appendix 10**. As stated in the Executive Summary *“Stability analyses were carried out for the development with the proposed design levels. Results did not meet the required criteria for the proposed landform around the fringes of the site, therefore a combination of remedial works that may include a combination of in-ground walls, an undercut and the installation of subsoil drainage, will be required here”*.

Inground palisade walls are required to be constructed along the eastern edge of the proposed built form development. The location of the palisade walls is shown on Sheet 201 of the Civil Engineering Plan set. An area of undercut to competent residual soils is also required to be undertaken. This is demarcated on the Civil Engineering Plan set Sheet 201. Underfill drainage required is shown on Drawing 9 and Appendix H of the CMW Geotechnical report in **Appendix 10**.

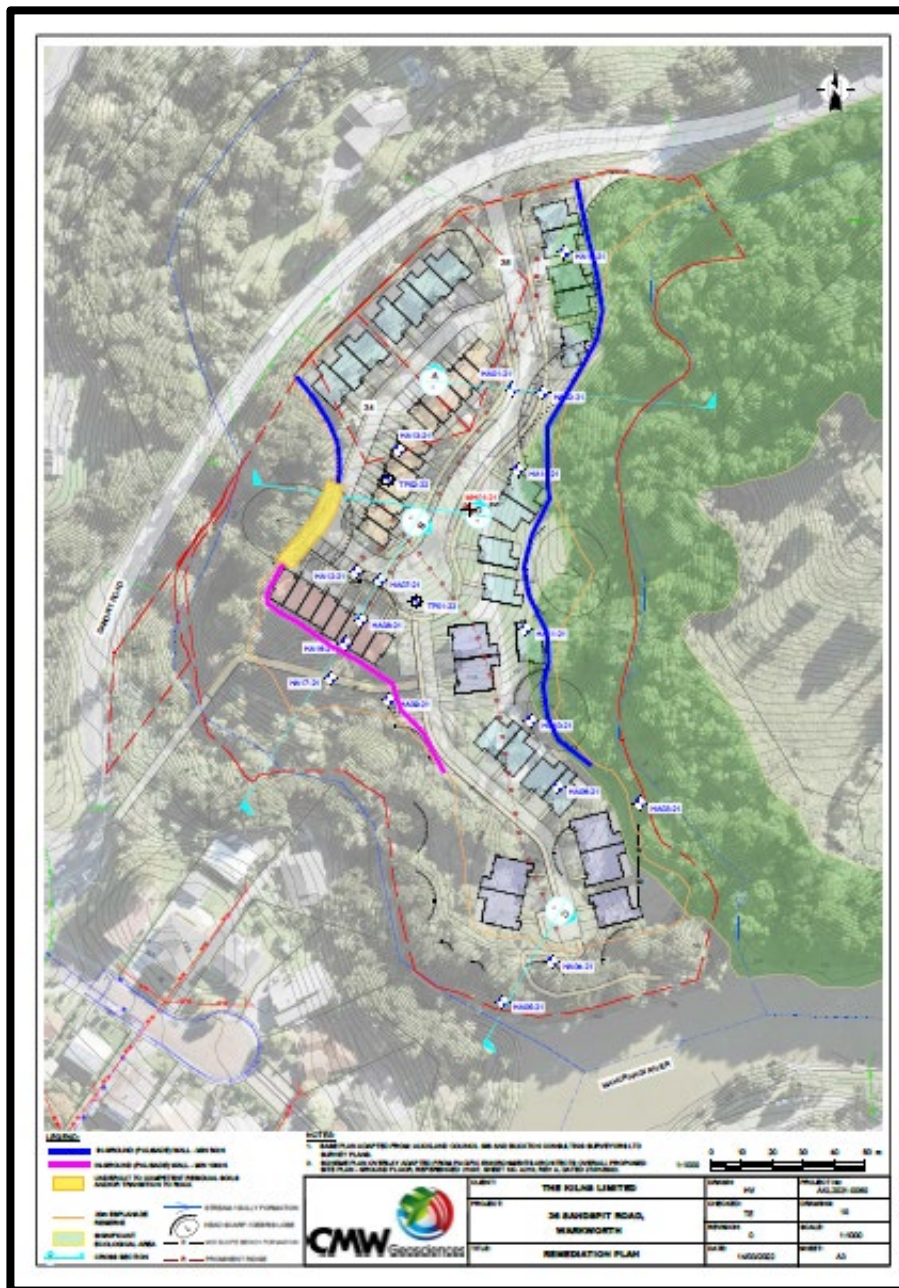


Figure 11 – Drawing 10 – Geotechnical Remediation source: CMW Report

Retaining Walls

Retaining walls that exceed 1.5 metres in height, or that are located within 1.5 metres of the boundary of a road, or a public place are defined as a Building in the Unitary Plan and are therefore subject to yard setbacks and other Standards.

Retaining walls will be constructed within 1.5 metres of the site boundary with Sandspit Road. These walls have a maximum height of 1.3 metres to the east of the proposed new road entrance, and 5.4 metres to the west of the new road entrance. The location of the walls and maximum heights are shown on Sheet 201 of the Civil Engineering Plan set in **Appendix 6**. The associated earthworks associated with formation of the new road connection and achieving the required sight lines involve approximately 170m² and 100m³ of earthworks. The Landscape Plan set in **Appendix 8** detail the proposed landscape treatments for the retaining walls.

The location of all retaining walls is shown on Sheets 201, 202 and 203 of the Civil Engineering Plan set – **Appendix 6**. The only other walls that are defined as a Building are the walls required for the proposed shared pathway that will be constructed on the unformed legal road / Sandspit Road berm. These walls are shown on Sheet 203 of the Civil Engineering plan set and will have a maximum height of approximately 2.4-metres.

Retaining and geotechnical remediation required have been designed in accordance with the requirements of the Geotechnical report by CMW Geosciences, included in **Appendix 10**.

Retaining walls construction and landscape treatments are shown on Drawing 211206/15 and 211206/7 of the Landscape Plan in **Appendix 8**. Fencing treatments are also shown in this Drawing set.

Dwellings

It is proposed to construct 49 dwellings on the site. The dwellings include detached and attached typologies ranging from one to three storeys as detailed below:

The dwelling yield proposed includes:

- 13 3-storey terrace houses,
- 10 2-storey duplexes,
- 4 2-storey standalone houses,
- 15 2-storey terraces,
- 6 1-storey duplexes; and
- 1 1-storey standalone dwelling.

The location and typology of the dwellings is detailed in the Pacific Environments NZ Limited Architectural Plan set in **Appendix 5**.

Each dwelling has a private pedestrian access path to the front door, either from the internal road or JOAL. All dwellings also have a carpark, either from a private driveway or communal parking in the case of the southwestern block of terraces.

There is a communal rubbish bin storage repository located adjacent to the southern end of the cul de sac head and on the western side of Lot 60 JOAL.

Comprehensive landscaping is proposed to integrate the built form into the surroundings and retain the ecological and heritage characteristics of the site. The detail of the proposed landscape planting including hardscape landscaping (fences and walls etc) is shown on the Landscape Plan set in **Appendix 8**.

Impervious areas

Impervious areas will be created on each lot associated with the built form, pathways, access, and parking areas. Impervious area will also be created in association with the formation of the proposed public road, JOALS, shared path and gravel pedestrian path to the Kilns. The overall site impervious area complies as does overall building coverage; however technical infringements are created at the

subsequent subdivision stage. Restricted Discretionary resource consent is sought for these technical infringements.

Site access

The access to the site will be via a new intersection with Sandspit Road, which will involve recontouring the road berm to improve sightlines and tracking curves for vehicles travelling along Sandspit Road. This will have safety improvements to the road network and ensure a separated turning bay can be provided to enable vehicles to safely wait before entering the site. The intersection will involve medium strips to enable right and left turning into the site from Sandspit Road. A central road (Road A) is proposed to be constructed to a Local Road standard within the site and be vested to council. The road will have a formed carriageway width of 6m and a legal width of 16 metres. The road will provide a 1.8-metre-wide footpath on either side; front and rear berms to accommodate services and stormwater treatment and management; as well as on street recessed car park spaces. The proposed road cross-section is shown below:

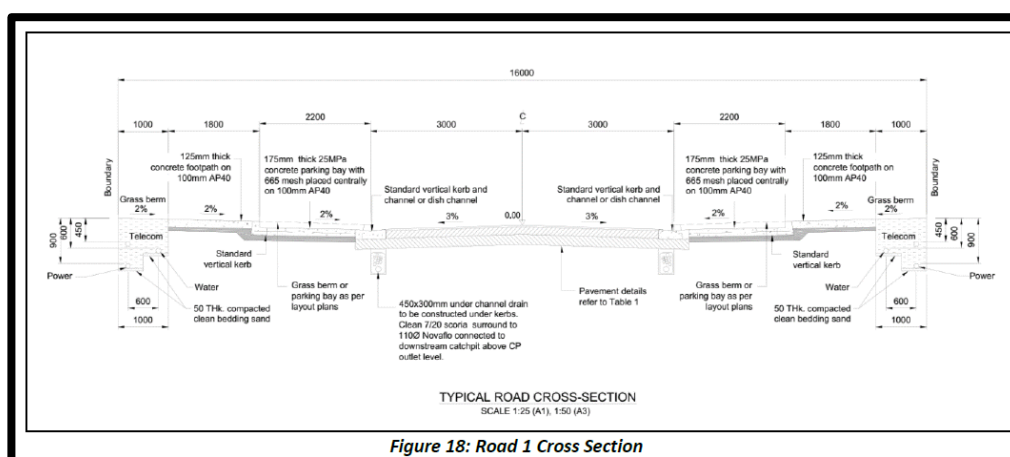


Figure 12 – Road Cross-section

Indicative intersection designs and typical roading details are provided in the engineering plans in Appendix 6.

Pedestrian and Shared Paths

Public separated walking and cycling connections will be constructed within the site to connect to the wider area.

Path 1 will be a shared path in the western portion of the site from the easement in gross to be provided in favour of Auckland Council connecting via a bridge across Viponds Stream with the pathway construction extending over the portion of unformed legal road, down the Sandspit Road berm to connecting into the existing footpath at Millstream Place. This path has been designed, and will be constructed in general accordance with Auckland Transport’s Local Path Design Guide Document i.e., with a desirable width of 3-metres; a minimum width of 2.5-metres. The detailed design will be confirmed at Engineering Plan Approval phase.

With respect to gradient page 37 of the Integrated Transportation Assessment (“ITA”) is Appendix 11 states the following:

The longitudinal gradients of this shared path will be varying given the topography of the hill making it difficult to achieve ideal accessible grades for mobility impaired users. On this basis, the path has been designed to try and accommodate general users, however, some mobility impaired users or elderly would also be able to use the path given the many level landings that have been proposed to break up the sections with slightly steeper grades.

The local path design guide specifies the following design parameters for shared routes on grades steeper than 1:20:

- 1:10 slope is acceptable up to 50m in length where pathway is straight.
- 1:6 slope is acceptable for lengths up to 50m where the horizontal path is curved and/or changes alignment.
- For every 1500mm rise - a level landing equal or greater than the width of the ramp is to be provided.
- For cycling purposes - paths that exceed these parameters are considered extremely hazardous.
- Accessible ramps should not exceed 1:12 gradients.

Path two will be a gravel pedestrian pathway formed from the southern end of Lot 60 (JOAL 2) to provide for public access to the historic Kilns. Detailed design of this path will be provided at Engineering Plan Approval phase. This pathway will be integrated with the surrounding bush areas with supplementary planting as shown on the Greenwood Associates Landscape Plan – **Appendix 8**.

Tree Removal for Shared Path

Trees 13 and 14 require removal. Tree 13 is in the Riparian Yard and the Historic Heritage Overlay. Tree 14 is outside the riparian yard but within the Historic Heritage Overlay. A snip from appendix C of the Arborist report in **Appendix 15** of the application shows the location of the trees. A description of the type and size of the tree is recorded in Appendix D – Tree Inventory of the Arborist report.

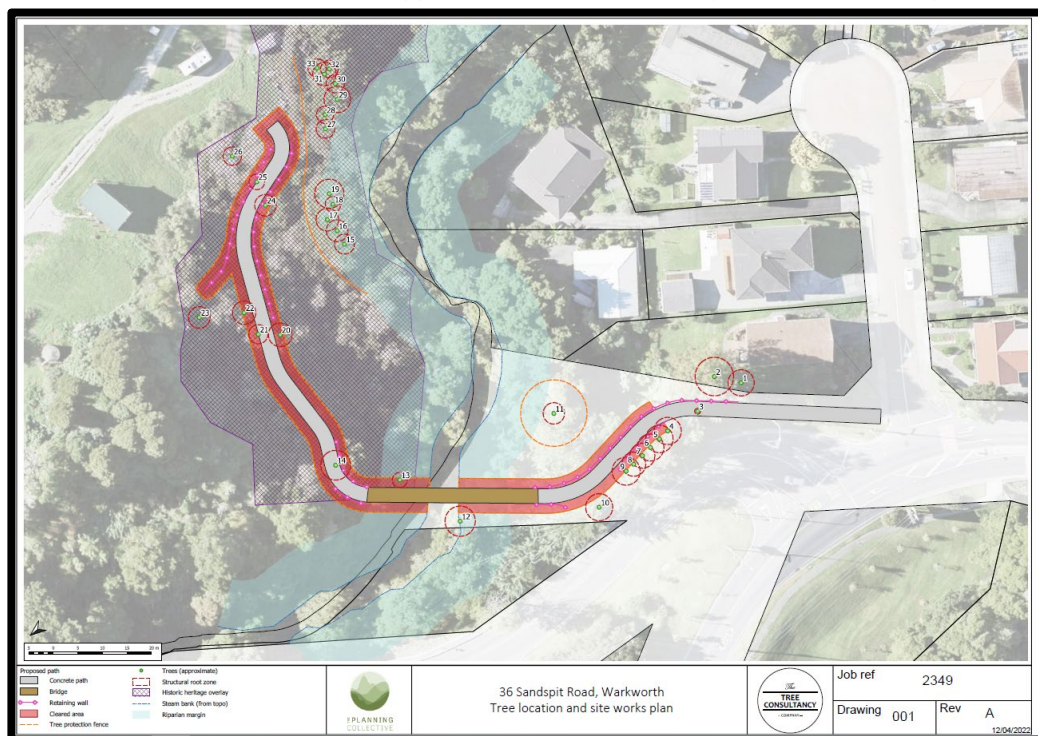


Figure 13 – Tree Plan

Ecology - Vegetation Clearance (SEA & Riparian) and Esplanade Reserve Width Reduction

The vegetation clearance proposal is described in detail in the Ecology Report by Bioreserches; refer **Appendix 9**.

SEA vegetation removal is required to facilitate earthworks necessary to create access and building sites.

Riparian margin vegetation removal is required to facilitate construction of the proposed pathway and associated bridge crossing required across Vipond Stream.

Pest and weed removal within the existing bush on the site will be undertaken. It is also proposed to remove 970m² of mapped Significant Ecological Area (“SEA”) vegetation. Of this approximately 750m² is dominated by weedy exotic species with negligible botanical value and limited habitat value². 220m² is edge affected native dominated SEA.

Mitigation planting is proposed on the esplanade reserve land area to be vested as part of the subdivision. It is proposed to plant approximately 590m² of the esplanade reserve area adjacent to Viponds Creek. In addition, the existing native bush adjacent to the Mahurangi river, the unnamed tributary and Viponds Creek will be incorporated in esplanade reserve and thus will also be protected in perpetuity – refer the Scheme Plans in **Appendix 4**. The proposed planting from the domestic planting edge will also be extended out to the existing native bush edge as shown on the Landscape Plan – **Appendix 8**. This will provide additional buffering from edge effects.

The mitigation planting on the esplanade reserve will implemented during the first planting season following completion to earthworks and will be completed prior to vesting of the land as esplanade reserve. This mitigation planting results in a net gain or approximately 6785m² of native vegetation, with a further 3820m² of vegetation to be contained within the esplanade and subject to ongoing weed and pest control management.

Contamination remediation

The detailed site investigation, including soil sampling for any potential HAIL activities, found arsenic, lead and zinc present in two locations on the site that were above the levels enabled by the Unitary Plan and / or the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (“NES: SCS”). Copper and Chromium concentrations were higher by the northern carport than the site average but were well within the levels permitted in the Standards.

There were elevated lead concentrations in the soil around the historic dwelling footprint and soil from the western side of the northern carport also contained elevated levels of arsenic and zinc. The soil will need to be disposed of at a Class A landfill facility.

As stated in section 14.1 of the DSI the vertical extent of the impacted soil is not known, however it is *likely that it is only the topsoil affected and that the contamination is restricted to a discrete area within a short distance of each source*. Systematic grid-based delineation soil sampling around the sample locations will be undertaken prior to remediation works commencing. Delineation soil samples will be

² Appendix 9 - Bioreserches Ecology Assessment – Section 4.1

analysed for arsenic and zinc as these are the primary contaminants of concern at the northern carport, and lead as the primary contaminant at the historic house site.

On the basis of these findings it is proposed to undertake soil remediation to remove potential sources of contaminants to human health as per the requirements of the NES Soil.

Prior to and during earthworks, the procedures outlined in the Remedial Action Plan (“RAP”) and the Site Management Plan (“SMP”) will be followed to ensure that the potentially contaminated soil is appropriately handled and, where necessary, disposed of off-site.

As stated in Section 13.1 of the DSI consent under Regulation 10 of the NES: SC is likely required, and therefore sought, for a Restricted Discretionary activity.

As set out in Section 13.2 of the DSI there were elevated levels of the lead and zinc returned from the soil samples taken in areas around the northern carport. Geosciences Limited (“GSL”) consider that *because lead and zinc have very low mobility in soil and do not readily leach, and as remedial earthworks will be undertaken in accordance with a RAP under the NES to remove the identified hotspots of contamination under appropriate dust, sediment, and erosion controls, GSL regard discharges from the land as highly unlikely to cause significant adverse effects on the environment. As such, the proposed subdivision and development, including remedial earthworks, may be regarded as a Controlled Activity under Rule E30.6.2.1 of the Unitary Plan.*

Subdivision proposal

As shown in **Appendix 4**, the proposed subdivision maybe undertaken in stages as shown on Scheme Plan Sheet 7 of 7; and if staged the stages, or groups of stages, may be undertaken in any order. The subdivision proposes to create the following lots:

Table 2 Proposed Subdivision (refer Key on following page)

Lot No	Net Lot area m ²	Lot No	Net Lot area m ²	Lot No	Net Lot area m ² / Ha
1	435	24	106	47	184
2	273	25	107	48	187
3	240	26	104	49	334
4	286	27	107	50	
5	286	28	109	51	
6	265	29	122	52	
7	349	30	137	53	
8	464	31	108	54	
9	407	32	108	55	
10	342	33	108	56	
11	300	34	108	57	
12	505	35	111	58	2,700
13	369	36	149	59	1.35 hectares
14	278	37	172	60	1,134

15	256	38	115	61	382
16	271	39	114	62	1,085
17	339	40	114	63	495
18	335	41	111	64	593
19	338	42	182	65	130
20	401	43	263	66	
21	367	44	192		
22	109	45	224		
23	103	46	221		

Key:

- Residential sites
- Legal road to vest
- Jointly Owned Access Lots
- Local Purpose (Historic) Reserve
- Local Purpose (Esplanade) Reserve
- Common Area
- Carpark Lots

Easements

Easements required are shown on the Memorandum of Easements in **Appendix 4**.

An easement in gross over part of JOAL – Lot 60 is proposed to enable public pedestrian access to the gravel pathway to the Kilns and also the proposed shared pathway to connect back to Sandspit Road and Millstream Place.

Easements are also required for the conveyance of electricity and telecoms over JOALs Lots 60 and 62.

Amalgamation Conditions

Amalgamation conditions are required for the carpark lots, the common areas and the JOAL's as shown on Sheet 6 of the scheme plan set in **Appendix 4**.

Rubbish collection

As confirmed by Team Traffic - **Appendix 11** – Road 1 - the proposed new road from Sandspit Road, can be accessed by a 10.3m long rubbish truck for private rubbish collection. A hardstand area for rubbish bin storage is provided at the top of the southern JOAL (Lot 60). As such, the proposed subdivision will utilise the Council kerbside recycling collection and private rubbish collection.

Esplanade Reserve Reduction

Esplanade reserves will be required to be provided as part of the future subdivision of the sites. All of the streams on the site are surveyed to be over 3m in width and therefore 20m esplanade reserves will be required to be vested to council along the western, southern, and eastern boundaries.

As shown on Scheme Plan Sheet 5 – **Appendix 4**, the proposed width of Lot 59 – esplanade reserve varies. The portion of the reserve in the south-eastern section adjoining the unnamed tributary and Lot 64 adjoining Viponds Creek have reduced widths. All other parts of the proposed esplanade reserve are 20-metres and greater. Various portions are proposed with a greater width to enable connectivity of the proposed public pedestrian access on JOAL 60 and also the proposed new public road.

In accordance with s230 (3) of the Resource Management Act a waiver for a reduction in esplanade width is sought for that portion of the proposed reserve that has a width less than 20-metres.

The proposed esplanade reserves will achieve the purposes outlined in s229 of the Resource Management Act 1991 (RMA) to contribute to the protection of conservation values by maintaining or enhancing the natural functioning of the adjacent streams and river, water quality, aquatic habitats, mitigating natural hazards, and protecting natural values of the existing native bush, enabling public access along the river/s and enabling recreational use compatible with conservation values.

A reduction in esplanade reserve width is sought as described above and shown on Sheet 5 of the Scheme Plan set. This reduction is assessed below but considered to be entirely appropriate given the existing esplanade network adjacent to the site as shown in Figure 14 below.

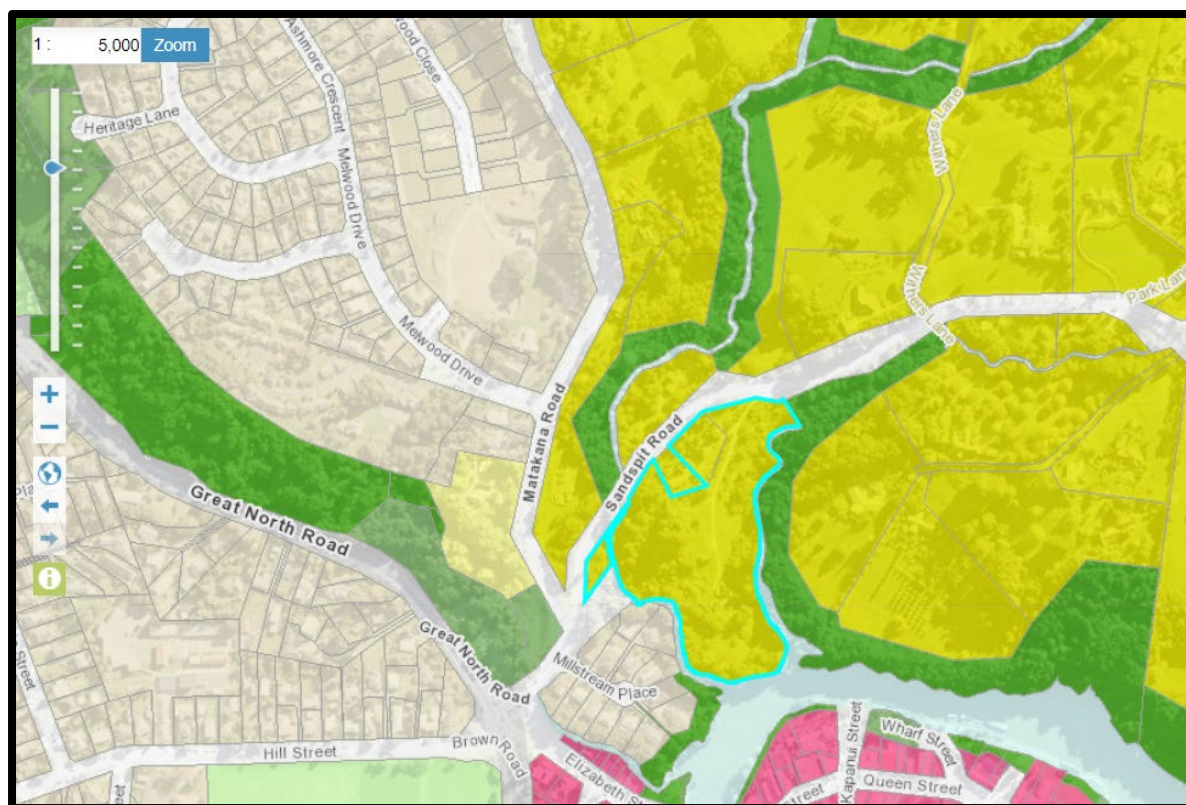


Figure 14 – Esplanade Reserve Network

Roading

The proposed public road to connect the development to Sandspit Road will be vested to council and has been designed in accordance with Auckland Transport technical specifications.

Common Accessway 1 (Lot 62) will provide pedestrian and vehicular access to blocks M-S. This accessway also has a legal width of 8-metres between boundaries and has a 6-metre formed shared space and a 1-metre-wide pedestrian strip located on the northern side of that access.

Common Accessway 2 (JOAL 60) has a legal width of 8-metres between boundaries and a formed 6-metre-wide carriageway. This JOAL also contains a 1.8-metre-wide pedestrian strip for public walking access. This 1.8-metre public space will provide access to the historic lime works kilns site and a pedestrian connection to Warkworth town centre by connecting to Sandspit Road and enabling walkway access into town via Millstream Place or Sandspit Road to Elizabeth Street. The bridge required to cross Vipond Creek will have freeboard above the 1% AEP flood level and will be constructed without any disturbance of the bed or banks of Viponds Creek.

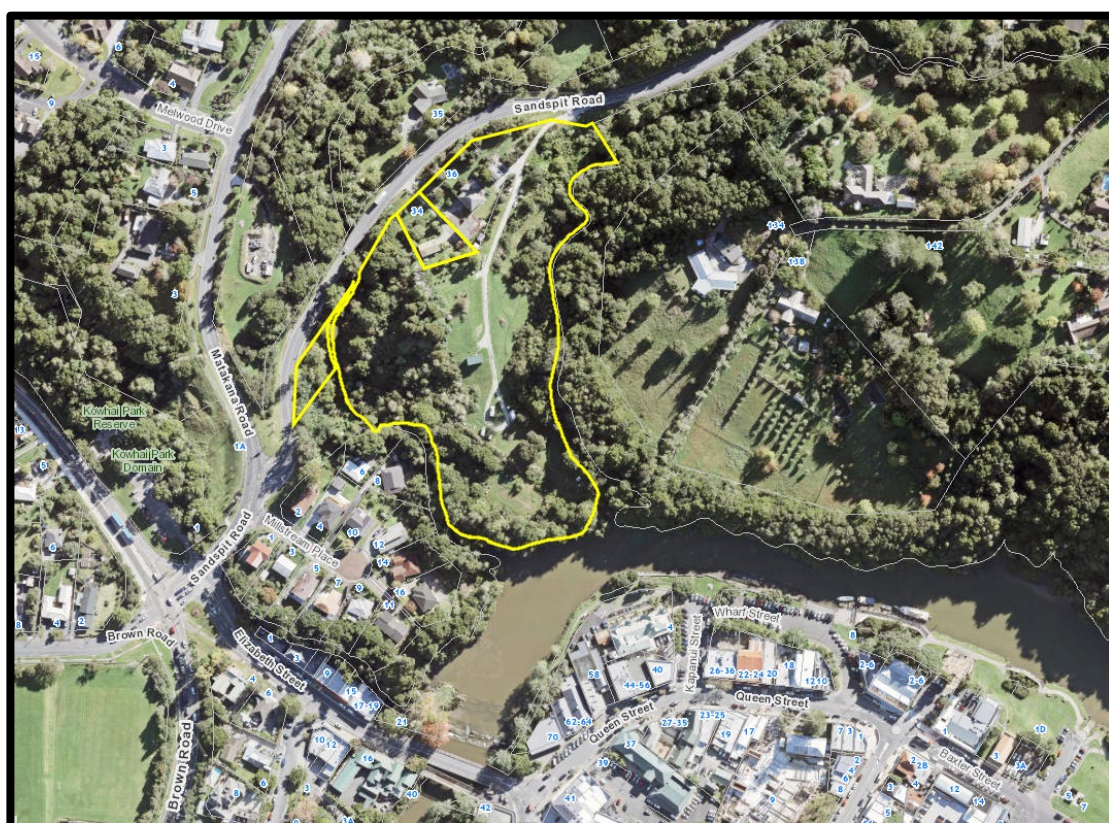


Figure 15 – Location of the site in relation to Millstream Place, Elizabeth Street and WW Town Centre

Infrastructure/ Services

As outlined by Aireys in **Appendix 6**, the proposed infrastructure for the future lots is as follows:

Wastewater

A new gravity wastewater reticulation will be provided to service the development. The new reticulated network will connect back to the existing network located at 1A Matakana Road located southwest of the site.

The network will cross Viponds Creek utilising the proposed shared path bridge – a pip will be hung from the underside of that bridge. Detailed design will be provided at Engineering Plan Approval stage and also building consent.

The existing Warkworth wastewater scheme does not currently have capacity to service the development. However, the new scheme at Snells Beach is under construction and the new wastewater pipeline (North West pipeline) that will cross Sandspit Road / State Highway 1 intersection and run through to the new pump station in Lucy Moore Park will provide the capacity required to service the development.

Given the consenting and construction timeframes for this development it is expected that there will be capacity to service this development by the time that capacity is required i.e. towards the end of 2024.

Water

Reticulated water supply will be provided. A new 100mm diameter water main will be extended from Millstream Place along Sandspit Road to serve the development. The new water main will be extended east of the proposed new road connection to Sandspit Road to facilitate future extension to serve the Future Urban zoned land further to the east.

Within the site the networks will generally, consistent of a watermain on one side of the road and a rider main on the other side of the road. Individual water connections will be provided to each new lot.

A new fire hydrant will be provided within the site to provide fire firefighting water supply to the development.

Stormwater

Reticulated stormwater will be provided in accordance with Auckland Council requirements. A Stormwater Management Plan (“SMP”) was submitted with the Plan Change and has been updated to reflect the resource consent design. A copy of the SMP is also in **Appendix 6**.

It is proposed to construct two new stormwater outlets to Viponds Creek. Both will be located above Mean High Water Springs (“MHWS”) and outside the 1% AEP floodplain. As stated, steep pipe gradients are anticipated, and erosion and scour protection will be required. The detailed design of the outlets will be undertaken at Engineering Plan Approval stage.

As detailed in Section 6.2 of Aireys report overland flow paths will be provided to direct runoff onto Sandspit Road and into Viponds Creek. The development will not generate or exacerbate any flooding on other properties in rainfall events up to and including the 10% AEP storm. The increased flow from the impervious surfaces in the development will have minimal impact on the Mahurangi river. At Section 6.5 of Aireys report it states that overland flow will generally be contained in the road and accessway corridors, however the primary overland flow path flow through Lot 13 towards the watercourse located east of the site (unnamed tributary) – see below:

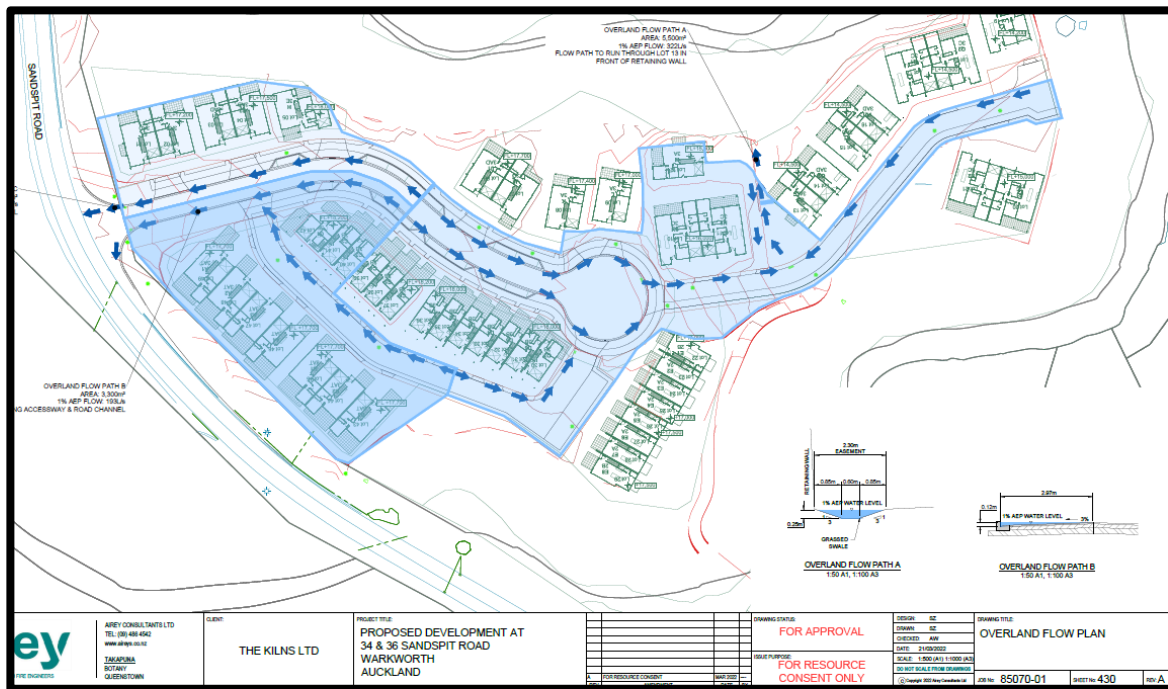


Figure 16: Overland Flow Paths

Stormwater treatment raingardens and proprietary filtration devices will be provided to treat runoff from all paved impervious surfaces. Raingardens will be used in the public road and catchpits will be used in private accessways. These will have filter inserts to capture gross pollutants. Water quality treatment is not proposed for private lots as they will not have any high contaminant yielding building materials used.

Stormwater Management Area Flow 1 Warkworth (“SMAF 1”) standards have been adopted for the development. Retention and detention tanks will be provided on each lot and stormwater treatment devices utilised for roads and accessways will be designed to provide detention in accordance with SMAF 1 requirements.

5. Planning Assessment

The activity status of the application under the Auckland Unitary Plan – Operative in Part (AUP-OP) is determined in the assessment below. A detailed rules assessment is in **Appendix 3**.

5.1 Auckland Unitary Plan – Operative In Part

The subject site is zoned Future Urban as shown on the portion of planning map below:

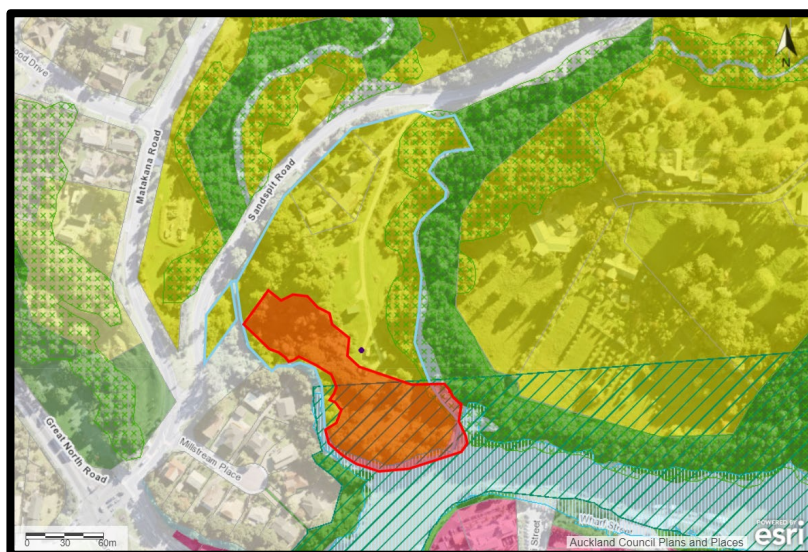


Figure 17: AUP current zoning (Source: AUP(OP) Maps,2021).

The Council released the AUP-OP version on the 15 November 2016.

A Private Plan Change request was lodged with Auckland Council in September 2021. This request seeks to rezone the site to Mixed Housing Urban and a Precinct is currently being considered to respond to qualifying matters.

The current zoning of the site is Future Urban under the AUP-OP. In terms of the provisions of the AUP-OP, Resource Consent is required and sought for the following reasons:

Land Use:

- Rule H18.4.1 (A28) **Non-Complying** activity for dwellings not meeting Standard H18.6.8 which states only one dwelling is permitted on a site.
- H18.6.2 – Dwellings exceed the maximum 9-metre height – **Restricted Discretionary** activity in accordance with Rule C1.9.
- H18.6.3 – Dwellings infringe yards – specifically front yard to Sandspit Road and riparian yard to the unnamed tributary of the Mahurangi river - **Restricted Discretionary** activity in accordance with Rule C1.9.
- E7.4.1 (A20) - Dewatering or groundwater level control associated with a groundwater diversion authorised as a restricted discretionary activity - **Restricted Discretionary activity**.

- E7.4.1 (A28) - The diversion of groundwater caused by any excavation, (including trench) or tunnel that does not meet the permitted activity standards or not otherwise listed - **Restricted Discretionary activity**.
- E8.4.1 (A10) – **Discretionary** activity for impervious surfaces greater than 5,000m² outside the urban area. The proposal involves impervious areas of 8474.7m².
- E8.4.1 (A11) – **Discretionary** activity for diversion and discharge of stormwater runoff from an existing or new stormwater network is a Discretionary Activity.
- E10.4.1 – Development and redevelopment of impervious areas greater than 50m² complying with Standard E10.6.1 and E10.6.4.1 – **Restricted Discretionary** activity.
- E10.4.1 (A6) greater than 1,000m² of road impervious area – **Controlled** activity if the standards in E10.6.1 and E10.6.3.1 are met. Otherwise, Restricted Discretionary activity as per E10.4.1 (A7), Discretionary in terms of (A8) if the standards in E10.6.2 are not met. – *Consent is sought for a Controlled activity as a precaution should the Plan Change Request become operative ahead of grant of this resource consent.*
- E11.4.1 (A9) - 1,300m² earthworks within the Sediment Control Protection Area – **Restricted Discretionary** activity.
- E11.4.3 (A28) – Earthworks within the SEA exceed 5m² – **Restricted Discretionary** activity.
- E11.4.3 (A30) - Earthworks within the SEA exceed 5m³ – **Restricted Discretionary** activity.
- E12.4.1 (A6) Earthworks greater than 2,500m² - **Restricted Discretionary** activity.
- E12.4.1 (A10) Earthworks with a volume greater than 2,500m³ - **Restricted Discretionary** activity.
- E12.4.2 (A30) Greater than 50m² of land disturbance within the ONL – **Restricted Discretionary** activity.
- E12.4.2 (A33) Greater than 250m³ of land disturbance within the ONL - **Restricted Discretionary** activity.
- E12.4.2 (A17) Earthworks for installing fences and walking tracks within the Historic Heritage Overlay subject to archaeological rules – **Restricted Discretionary** activity.
- E12.4.2 (A24) Works below natural ground level within the Historic Heritage Overlay subject to archaeological rules – **Discretionary** activity.
- E12.4.2 (A30) Greater than 50m² of earthworks within the Historic Heritage Overlay subject to archaeological rules – **Restricted Discretionary** activity.
- E12.4.2 (A33) Greater than 250m³ of earthworks within the Historic Heritage Overlay subject to archaeological rules – **Restricted Discretionary** activity.
- E12.6.2(1)(b) Land disturbance within riparian yards is limited to less than 5m² or 5m³ for general earthworks. Greater than 5m² and 5m³ of earthworks is proposed - **Restricted Discretionary** activity as per Rule C1.9(2) for any activity identified as a Permitted Activity that does not comply with the Permitted Activity standards.
- E15.4.1 (A10) Vegetation alteration or removal, including cumulative removal on a site over a 10-year period, of greater than 250m² of indigenous vegetation that:
 - (a) is contiguous vegetation on a site or sites existing on 30 September 2013; and
 - (b) is outside the rural urban boundary - **Restricted Discretionary** activity.
- E15.4.1 (A16) Vegetation alteration or removal within 20m of rural streams, other than those in Rural – Rural Production Zone and Rural – Mixed Rural Zone - **Restricted Discretionary** activity.

- E15.4.1 (A23) Permitted activities in Table E15.4.1 that do not comply with one or more of the standards in E15.6 - **Restricted Discretionary** activity. The vegetation removal does not meet Standard
 - E15.6.5 Vegetation removal within the SEA for a dwelling and access is greater than 300m²
 - E15.6.6 Vegetation removal within the ONL is greater than 50m² and some trees removed will be greater than 600mm in girth and some may be greater than 6-metres in height.
 - E15.6.9 Tree trimming in the SEA – Tree trimming in addition to the removal sought may be required in the SEA involving vegetation with a branch diameter greater than 50mm.
- E17.4.1 (A6) Tree trimming or alteration not meeting the standards. Standard E17.6.1 may not be met – **Restricted Discretionary** activity.
- E17.4.1 (A8) works within the protected root zone not meeting Standard E17.6.3 - **Restricted Discretionary** activity.
- E17.4.1 (A10) Tree removal of any tree greater than 4m in height or greater than 400mm in girth - **Restricted Discretionary** activity.
- E26.2.3 The pipe bridge to convey the wastewater pipeline to connect adjacent to 1A Matakana Road will infringe Standard 2.5.3 (A23) because it is longer than 25-metres. The activity itself is Permitted as per Rule E26.2.3 (A49).
- E27.4.1(A2) - **Restricted Discretionary** activity to address Unit H exceeding the maximum crossing width requirements outlined in Standard E27.6.3.2.
- E30.4.1 (A6) **Controlled** activity for not meeting Standard E30.6.1.2.
- E36.4.1 (A33) the stormwater outfalls require consent as a **Restricted Discretionary** activity if constructed prior to the SMP and Plan Change being approved.
- E36.4.1 (A42) Precautionary consent for the retaining wall, inground palisade wall and underground stormwater tank between Lots 12 and 13 overland flow path - **Restricted Discretionary** activity.
- D11.4.1 (12) – Buildings and structures including dwellings not provided for as a permitted activity – **Discretionary** activity.
- D17.4.1 (A10) New buildings or structures – **Discretionary** activity.
- D17.4.1 (A17) subdivision of land within the scheduled extent of place – **Discretionary** activity.
- D17.4.1 (A26) Removal of trees greater than 3m in height of greater than 3m in girth – **Discretionary** activity.
- D17.4.2 (A25) Archaeological investigation not otherwise provided for as a permitted activity – **Restricted Discretionary** activity.
- D17.4.3 (A34) New buildings and structures within a Historic Heritage Area – **Restricted Discretionary** activity.
- D17.4.3 (A39) Subdivision of land within a Historic Heritage Area – **Discretionary** activity.

Subdivision:

- E39.4.3 (A29) **Non-Complying** for Subdivision not provided for as a Discretionary activity.

In summary, the application requires assessment as a Non-Complying Activity under the AUP-OP.

5.2 Resource Management (National Environmental Standard for Assessing & Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES Contaminated Soils) were gazetted on 13th October 2011 and took effect on 1st January 2012. Council is required by law to implement this NES in accordance with the Resource Management Act 1991 (RMA). The standards are applicable if the land in question is, or has been, or is more likely than not to have been used for a hazardous activity or industry and the applicant proposes to subdivide or change the use of the land, or disturb the soil, or remove or replace a fuel storage system.

The applicant has undertaken a search of Council records which has identified current or previous activities undertaken in the area of the site that are included on the current version of the Hazardous Activities and Industries List (HAIL). These include potential historic lead-based paint use, the Lime Kilns and historic industrial activities, and the existing domestic wastewater system on the site.

As such, it is considered that the property constitutes a 'piece of land' covered under Section 5(7) of the NES. With the identification of multiple HAIL activities occurring, the NES Soil applies to any proposed change in land use, subdivision, or development. As part of assessing the potential redevelopment of the site, the applicant seeks to ascertain whether the identified HAIL activities have adversely impacted soil, and if so, to what degree any remediation or management may be required. In accordance with the NES a Detailed Site Investigation has been obtained, which involves soil sampling as detailed in Section 4 of this AEE report. Soil sampling is Permitted under regulation 8(2) of the NES Soil and was undertaken during the 13 and 14 January 2022.

As detailed above consent is required as a **Restricted Discretionary** activity under Regulation 10.

5.3 Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (came into force on 3 September 2020)

An Assessment of Ecological Effects Assessment prepared by Bioreserches is attached as **Appendix 9**.

No wetlands or streams were identified on the site. The freshwater features adjoining the site are the Viponds Creek, an unnamed tributary and the Mahurangi River. Therefore, no consent is required under the NES Freshwater.

5.4 Overall Activity Status

Overall, the activity status of the proposal is **Non-Complying** under the AUP-OP.

We consider that all relevant consents have been applied for. However, please treat this as a full application to cover any other aspects of the proposal that Council considers require consent.

6. Activity Status Assessment Framework

Overall, the proposal is a Non-Complying activity. The matters that require consideration in assessing this application are set out in section 104, section 104B and section 104D of the Resource Management Act 1991. These matters include the actual and potential effects of allowing activities on the environment, the relevant objectives and policies of the planning documents, and any other matter that is relevant and necessary to determine the application. The provisions of section 104 are subject to the matters set out in Part II of the Act.

Prior to assessing a proposal for Non-Complying activity under s104; an assessment under s104D must be completed. A Non-Complying activity may only be considered for approval through assessing the relevant s104 matters if it passes the 'Gateway Test' set out in s104D. This requires that the proposal must not generate adverse effects on the environment that are more than minor **or** that the proposal must not be contrary to the relevant objectives and policies of the relevant planning documents.

The following sections of this application will address the actual and potential effects of the activity on the environment, the relevant objectives and policies and the relevant provisions of Part II of the Resource Management Act 1991

7. Assessment of Effects on the Environment

An assessment of the actual and potential effects generated by the proposal is outlined below. In compiling this assessment, consideration has been given to the relevant assessment criteria contained within the relevant planning documents, the existing environment, which includes the Consented Earthworks and the permitted baseline.

7.1 Matters of Discretion

While the proposal is for a Non-Complying activity overall and does not have specific matters of discretion, the AUP requires the assessment of the application to consider the following matters [emphasis added]:

C1.8. Assessment of restricted discretionary, discretionary and non-complying Activities

- (1) When considering an application for resource consent for an activity that is classed as a restricted discretionary, discretionary or non-complying activity, the Council will consider all relevant overlay, zone, Auckland-wide and precinct objectives and policies that apply to the activity or to the site or sites where that activity will occur.*
- (2) When considering an application for resource consent for an activity that is classed as a discretionary or non-complying activity, the Council will have regard to the standards for permitted activities on the same site as part of the context of the assessment of effects on the environment.*

As part of the context of the assessment of effects and noting the permitted activity standards infringed by the proposal, the following Matters of Discretion are considered relevant:

C1.9. Infringements of standards

- (3) When considering an application for a resource consent for a restricted discretionary activity for an infringement of a standard under Rule C1.9(2), the Council will restrict its discretion to all of the following relevant matters:
 - (a) any objective or policy which is relevant to the standard;*
 - (b) the purpose (if stated) of the standard and whether that purpose will still be achieved if consent is granted;*
 - (c) any specific matter identified in the relevant rule or any relevant matter of discretion or assessment criterion associated with that rule;*
 - (d) any special or unusual characteristic of the site which is relevant to the standard;*
 - (e) the effects of the infringement of the standard; and*
 - (f) where more than one standard will be infringed, the effects of all infringements considered together.**

7.2 Existing Environment and Permitted baseline

Environment

The 'Environment' includes the 'Existing Environment' which includes all lawfully established activities that exist – and the 'Future Environment' which includes the effects of activities enabled by an unimplemented consent where the consent is 'live' that have not lapsed and there are no reasons why the consent is not likely to be implemented.

It is noted that the existing environment is the yard stick against which the effects of any proposal must be assessed. There is no discretion in terms of the existing environment.

The site and existing environment are detailed in Section 3 of this report. The surrounding sites vary in size and are not consistent with the site sizes intended under the zoning nor the policy framework requiring urban intensification within proximity to town centres (Policy 3 of the NPS:UD and the MDRS). The overall character of the site and its immediately surrounding area along Sandspit Road is mixed with the residential sites off Millstream Place, and dwellings close to the road on the opposite side of Sandspit Road that have an urban appearance even though they are located within the Future Urban zone. It is noted that the whole immediate area is subject to extensive changes in character and intensity of land uses, namely moving from rural to urban, which will predominantly be residential given the wider context.

These activities and their constituent effects form part of the existing (lawfully established) environment.

Permitted Baseline

The permitted baseline defines the effect on the environment against which a proposed activity's degree of adverse effect may be gauged. It comprises non-fanciful hypothetical activities and their constituent effects that are permitted as of right by all relevant planning documents.

Pursuant to section 95D(b) of the Act a consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect (the 'permitted baseline' test). There are two categories to the permitted baseline test:

1. What lawfully exists on the site at present;
2. Activities (being non-fanciful activities) which could be conducted on the site as of right, i.e. without having to obtain resource consent.

Having regard to the above, given that subdivision always requires consent the permitted baseline is not considered relevant in this instance.

7.3 Assessment of Actual and Potential Effects

The effects of the proposal have been separated into the following categories for assessment:

- 7.3.1 Urban Form Effects
- 7.3.2 Landscape and Visual Effects
- 7.3.3 Ecological Effects
- 7.3.4 Historic Heritage and Archaeology Effects
- 7.3.5 Traffic Effects
- 7.3.6 Site Suitability, Earthworks and Construction Effects
- 7.3.7 Soil Contamination Effects
- 7.3.8 Infrastructure and Servicing Effects
- 7.3.9 Natural Hazards Effects
- 7.3.10 Cultural Values Effects
- 7.3.11 Cumulative Effects
- 7.3.12 Positive Effects

7.3.1 Urban Form Effects

The Urban Design Assessment **Appendix 13** – Figure 5 demonstrates the proximity of the site to Warkworth Town Centre. The site is within 400-metres, or a 5-minute walk to the Town Centre.

The proposed development provides several opportunities including pedestrian and cycle connections to the Town Centre, as well as protection and enhanced appreciation of the significant heritage, ecological and outstanding natural landscape values that exist on the site/s.

The Auckland Council Adopted Warkworth Structure Plan identifies the land as proposed Residential – Large Lot. Given the proximity to the Town Centre and where the land sits in relation to the wider future urban area of Warkworth there are other urban land uses that provide significantly greater opportunity.

The development has been designed in accordance with the Residential – Mixed Housing Urban zone and amended as appropriate to ensure that the significant values mentioned above are protected, enhanced, and not compromised.

In terms of urban form, given the extent that urban zoning will extend further east and north, this land provides an opportunity to achieve a quality compact urban form and long-term protection for the landscape, ecological and heritage values of the site through providing for density. The higher residential density proposed is higher than would be achievable under the Residential – Large Lot zone and this enables creation of:

- A shared path access that will connect to Sandspit Road enabling multimodal access to Warkworth Town Centre,
- Vesting of Esplanade Reserve that will incorporate the historic lime works kilns.
- A public access gravel path from the southern extent of JOAL 2 to the historic kilns.
- Vesting of a small area of Historic Reserve that also be publicly accessible and will enhance opportunities for people to learn and understand the historic significance of the site.
- Protection and enhancement of ecological values in the identified SEA.
- Protection of outstanding natural landscape values by including consent for the built form and associated lowering of ground levels that may not occur with the Residential – Large Lot zoning.

Providing a form of residential development that balances intensity with achieving quality compact urban form utilising the close proximity to the Town Centre and related amenities is considered to be a positive effect in relation to the overall growth planned for Warkworth.

7.3.2 Landscape and Visual Effects

The landscape effects of urbanisation of the land area addressed in the Landscape and Visual Assessment prepared by Simon Cocker Landscape Architecture for the Plan Change Request. This assessment is included as **Appendix 7**. In terms of visual effects, the dense bush cover on all boundaries to the Mahurangi River completely obscures the southern portion of the site from Warkworth Town Centre and all neighbouring sites. The visual catchment is described in Section 4.4 of that Assessment. The predominant views of the proposed built form development will be from the north and northeast facing slopes such as Hexham Street, Church Hill, Mill Lane, Hill Street, and Percy Streets. The relevant excerpt from the Landscape and Visual Assessment is set out below:

Represented by photos 2, 3, 9, 10, 11, and 12, the Site and its forested escarpment context is widely visible from these locations, particularly from more elevated positions above the river terrace where direct and unimpeded views are possible (refer to photos 1, 2, 10 and 12). From these locations, the escarpment sits with a background context of the rolling, treed landscape to the north with pockets of built form so that, rather than being seen as a strong and identifiable feature, the escarpment forms parts of this more expansive landscape.

Views from lower locations on the slopes, such as those represented by 3 and 9, reveal the escarpment as retaining some measure of dominance although the observer is aware of glimpses of built form, and the moderating influence of the landscape backdrop to the north.



Figure 18 - View of Site from Percy Street Cemetery

The visual simulations in the Architectural set prepared by Pacific Environments indicate that the built form on the southern extent of the property will be largely sited behind the vegetation on the bush clad slopes that rise up in the northern bank of the Mahurangi river – see below:



Figure 19 - Overall View of Development – Pacific Environments

The Architectural set also shows that all built form development will comply with the Height Variation Control proposed for the site via the Plan Change Request. The Height Variation Control was proposed to ensure the effects of built form development on the outstanding natural landscape values of the site would be acceptable.

The existing ONL mapped as a straight line across the site bears no relationship to the site features or context. The Plan Change Request seeks to amend the ONL boundary and provide a buffer to the amended edge to better reflect the physical features of the site. The proposed new ONL delineation as sought in the Plan Change Request is shown below:

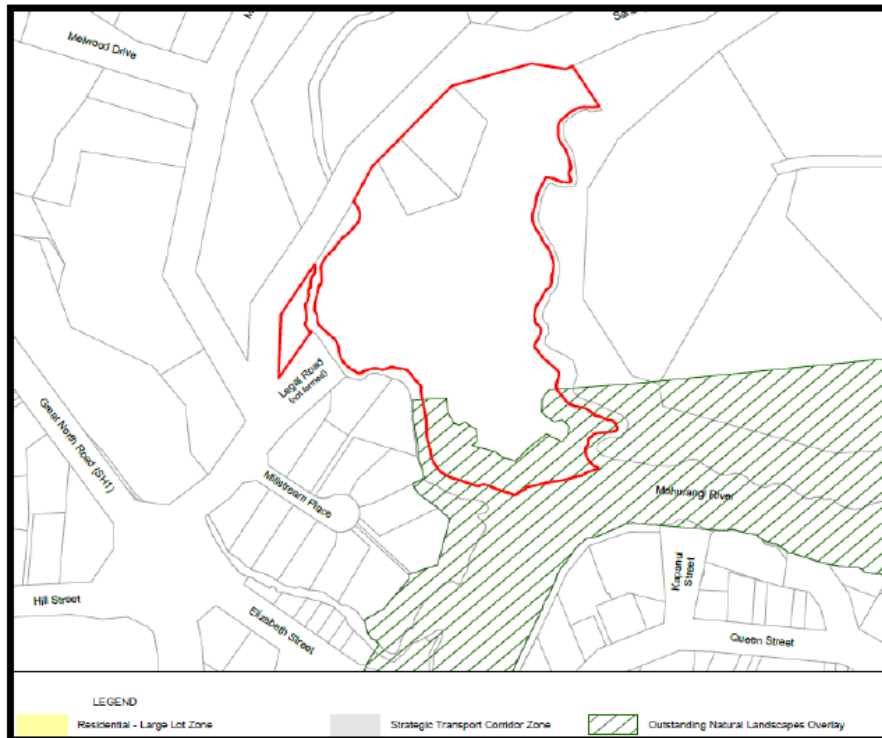


Figure 20 – Proposed Amended ONL Delineation

Schedule 7 Outstanding Natural Landscapes Overlay Schedule in the AUP describes the ONL Landscape Type, Nature of Landscape Area Unit 43 (identified on the site) as:

Hill country

Wild nature/cultured nature (Hill country)

Wild nature/cultured nature (Estuary)

A very distinctive coastal landscape, combining ridges, river and stream valleys, bays and harbour headlands to create a complex harbour topography that is defined and enframed by large pockets of native forest – includes the Mahurangi River up to Warkworth and its bush clad escarpment.

The overall landscape qualities of the site as described above are the Mahurangi river and its bush clad escarpment. These features will be entirely protected by the proposed development. Building heights by way of the Height Variation Control (or similar mechanism) have been designed to ensure that these values remain protected.

The assessment identifies the landscape, ecological, archaeological, cultural, and social and associative values of the site, based on detailed analysis of the existing environment, the visual catchment, and the statutory context. With regard to the landscape values identified in the ONL Schedule, the report comments the following:

The part of the ONL that overlays the Site comprises a small portion of its wider area. The values attributed to this northwestern ‘finger’, which includes the Mahurangi River, and forested escarpment differ slightly from those which underpin the coastal and rural landscape to the south and south east. The values associated with the part of the ONL in question can however, be ‘sheeted back’ to those of the wider area; as is described in the WSP Landscape Assessment:

“In the closer vicinity of Warkworth’s existing settlement, a mixture of more localised stream valleys and basins are intermixed with a rolling matrix of ridges and hills north, south and west of the Mahurangi River and current town centre. Patches of remnant bush dot these upland areas, while tracts of residual bush – often dominated by totara and kahikatea, but also kauri within the Falls catchment – follow the line of the major streams that feed into the Left and Right Branches of the upper Mahurangi River and their various tributaries.”

The Assessment identifies the vegetation that is:

“...spread along the main escarpment of the Mahurangi River facing the current township’s commercial core and the sequence of waterfalls, rapids and sedimentary pavement that denote its transition into the smaller rivers described above”

It described the values of this feature thus:

At the centre of both this network and Warkworth’s current urban area, the combination of mature forest overlooking the upper Mahurangi River, combined with its well defined, even intimate, river corridor, ‘rapids’ and falls, creates a landscape that is central to the township’s enduring ‘village’ character and identity. It reinforces the town’s feeling of being at the heart of a confined basin, while the development of a timber esplanade, grassed recreation areas and children’s playground – all directly opposite the river escarpment and forest – creates an attractive interplay between the river’s natural and cultural halves. The mooring of an old scow and other historic vessels next to the walkway reinforces this engagement, which is fundamental to Warkworth’s appeal for locals and visitors alike.”

The assessment of ecological and archaeological values in the landscape assessment relies on the technical assessments for these disciplines provided in support of the Plan Change Request.

The proposal seeks to support the preservation of these important landscape values on the site by avoiding built development within the existing dripline of trees on the escarpment to the Mahurangi River. This approach is expressly supported within the landscape assessment:

Having regard to the identified landscape values of the site and potential effects on landscape character and amenity, as well as visual effects, it is considered that the effects are acceptable and less than minor in the context of the future urban environment which is likely to provide a residential zoning to the land that enables a degree of residential intensification given the close proximity to Warkworth Town Centre.

On the basis of the Urban Design, Architectural Plans, Landscape and Visual effects assessments provided it the effects of the proposed Built Form development will be less than minor.

7.3.3 Ecological Effects

The site is subject to a Significant Ecological Area Overlay along the eastern riparian margins. Vegetation removal of 970m² of vegetation within the SEA – 220m² of native SEA vegetation and the remainder weedy exotic species; and earthworks of greater than 5m² and 5m³ are proposed within the SEA.

An Assessment of Ecological Effects has been prepared by Bioreserches dated April 2022. It is included as **Appendix 9**.

The report identifies the terrestrial and freshwater ecological values within the site and assesses the effects of the proposed development on those values.

There were no freshwater values identified on the site. There are however freshwater values associated with the Mahurangi river, Viponds Creek and the unnamed tributary that extend around three sides of the site.

Terrestrial ecological values were identified with respect to:

- **Connectivity and ecological function.** The native vegetation within the site has an area of approximately 3000m² which is part of a wider area of approximately 8.5-hectares. The native vegetation onsite functions as a buffer but is subject to high edge effects because of the narrow width. The Ecological report concludes *Overall, the native vegetation within the site was considered to have high value ecological connectivity and function.*
- **Avifauna habitat.** The only large tree within the Site was the pine tree located along the eastern boundary, which may provide foraging habitat for kaka (*Nestor meridionalis*), which are a 'Threatened' species. However, due to the isolated nature of this tree, the occurrence of kaka is unlikely.
- The low abundance, low complexity and the generally low stature of vegetation, as well the high edge effects, lowers the avifauna habitat value of the Site. However, the ecological connectivity, which the vegetation provides, helps to increase the avifauna habitat value. Overall, the vegetation within the Site was considered of low-moderate avifauna habitat value.
- **Herpetofauna habitat.** Due to the abundance of kānuka (and to a lesser extent tōtara), the connectivity to the contiguous and wider SEAs, the stream margin habitat present, and the presence of 'At Risk – Declining' indigenous herpetofauna within the wider area, the herpetofauna habitat value of the native vegetation was considered high.
- Due to the lack of suitable habitat for native lizards outside of the native vegetation, the herpetofauna habitat value within the rest of the Site was considered low. However, it should be noted that copper skinks may utilise the exotic scrub.
- **Long tailed bat habitat.** The site was considered to be of low bat habitat value.

Generally, works are outside the 20-metre riparian margin and future esplanade reserve, but some works are required to form the shared pathway and the bridge over Viponds stream. Minor works only are required to form the gravel path towards the Mahurangi river and the historic limeworks kilns.

The proposed esplanade reserve that extends around three sides of the development will ensure that adverse effects now and into the future, on the riparian edges of the site are, less than minor. All of the existing native vegetation along the stream edges of the site will be protected within the esplanade

reserve. Although there is a proposed reduction in esplanade reserve width to vest in the south-eastern portion adjacent to the unnamed tributary the effects of this are considered to be less than minor given the overall width of reserve being vested is the same or greater in area – refer Sheet 5 of the Buckton Consulting Surveyors scheme plan set in **Appendix 4**. The purposes of esplanade reserves and strips is stated in s229 of the Resource Management Act. These purposes will not be impacted by the reduction proposed.

As shown in Figures 15 and 17 there is an extensive esplanade network in this area. The proposed reduction in width will have no appreciable difference in effects with respect to ecological or conservation values or the recreational use of the esplanade reserve areas or the ability for public access to and along the rivers to be achieved. The extent of the esplanade reserve to be vested encompasses the area of native vegetation on the river banks; existing informal pathways and flat areas that can be used for recreational purposes such as picnics. Given that wider areas are proposed to be vested and these will facilitate connections to public roads and walkways, it is considered the overall effects are positive.

The removal of the weed species from within the SEA will further enhance ecological values by removing the presence of weed species and therefore future seed sources.

Section 5 of the Ecological Assessment sets out recommendations. The recommendations which form part of the consent sought, and are expected to be reflected in conditions of consent as appropriate can be summarised as follows:

- Erosion and Sediment Control plan prepared prior to earthworks or vegetation removal occurring.
- Earthworks should be timed to avoid heavy rain and GD05 measures should be utilised as a minimum.
- Vegetation removal should occur outside bird nesting season (September to February); or an experienced ecologist should inspect all vegetation proposed for removal within 24 hours of felling.
- Structures for the Viponds Creek crossing should not be constructed in the stream itself.
- A Fish Management Plan (“FMP”) should be prepared for the Viponds Stream crossing if works need to be completed in the dry or will result in temporary impacts on fish passage.
- The esplanade reserve should be enhanced with appropriate eco-sourced species.
- A site-wide lizard and habitat management plan (“LHMP”) should be prepared and implemented by a suitably qualified and experienced herpetologist prior to any site works commencing.
- A Planting and Maintenance Plan (“PMP”) should be prepared to address the proposed planting on the esplanade reserve and riparian areas (excluding the areas required for the protection of the kilns and other heritage features and also for providing public access as proposed. The Plan should also address methods to remove and control weeds including ongoing management and enhancement planting as necessary.

The report concludes the following:

Overall, the adverse effects on ecological values are considered to be low to negligible, providing recommended mitigation is enacted. There will be an overall increase in native vegetation, and therefore habitat for native fauna, once the esplanade has been established. The increase in native vegetation and the removal of weed and pest species are considered to be positive effects. There will be no direct effect on freshwater values and no wetlands are present on site or within 100m of the site.

Consequently, the effects of the proposed development on ecological values are considered to be overall positive taking into account the proposed enhancement planting with eco sourced native species in the esplanade reserve

7.3.4 Historic Heritage and Archaeology Effects

The historic Combes/Daldy lime kilns have been included in Schedule 14.1 Historic Heritage Places of the AUPOP (ID 569) as a Category B historic heritage place. Under the criteria in Regional Policy Statement B5.2.2, they are recognised as having the following significance values:

*A historical;
B social;
D knowledge;
E technology;
F physical attributes; and
H Context.*

The heritage values on the site are protected under the Heritage New Zealand Pouhere Toanga Act and the Auckland Unitary Plan. As required by D17.9(1) of the Unitary Plan a heritage impact assessment has been prepared by Plan Heritage Ltd for works affecting a scheduled historic heritage place that includes an assessment of effects on the environment commensurate with the scale of anticipated effects from the proposed works. Refer to **Appendix 12**.

An Authority to undertake archaeological investigations was granted by Heritage New Zealand (“HNZ”) in June 2021 Authority 2021/753. Further Authorities will be obtained in the future should this consent be granted.

Resource consent referenced as LUC60378963 was granted December 2021 to undertake these exploratory investigations enabled by the HNZ Authority. The purpose of the exploratory investigations was to investigate the extent of the heritage feature and values, soil sampling for contamination and geotechnical testing within the extent of place. The investigation was necessary to increase the knowledge values of the site and provide a detailed understanding of the historic industrial land use on the site. The investigation was also required to determine the geotechnical suitability of the site for the proposed development and the soil contamination effects to determine the overall suitability of the proposed land use and subdivision activity.

A copy of the resource consent granted is **Appendix 2**.

The investigations enabled by this consent were completed in January 2022.

The Summary of the Exploratory investigation results are detailed at 7.5 of the Heritage Assessment in **Appendix 12**. The findings are summarised below:

- *Following these investigations, it seems that the geophysical anomalies identified to the north of the tramline were either related to modern surface activities (vegetation clearance and bonfires), or natural variations in the underlying clay/rock formation.*
- *The current assessment of the waterpipes is that they are a later feature, crossing the line of the tramway, most likely after it had gone out of use. This is because the waterpipes appear to be situated just below modern ground surfaces, stratigraphically later than the formation of the tramway cutting, and their presence would have impeded efficient use of the tramway (Figure 46).*
- *Scattered surface finds were also examined, and preliminary examination of this material has indicated that it was associated with occupation from the early 20th century to the interwar period (Judge C, pers. Comm February 2022). This supports the current interpretation of the house site as being of early 20th century date.*
- *The portion of the surface excavated aligned with the tramway cutting, and has therefore been initially interpreted as the foundation surface for the tramway itself. The predicted trajectory appears to align with the possible cutting adjacent to the lime kilns themselves (Figure 33) and identified in the topographic survey (Figure 50).*
- *The relationship of the concrete weir remains undetermined, though it is apparently constructed using a dark grey, Portland cement-based concrete with coarse, poorly graded aggregate inclusions. If using locally manufactured Portland cement, it would date to after the mid-1880s (when the Wilson Cement factory began making this product)²⁰, and therefore be later than the period in which the lime works is believed to have operated. Initial assessment is that it is therefore unrelated to the Combes / Daldy lime works site.*
- *With respect to the possible quarry pit, the geotechnical investigations revealed limestone in two locations, MH01-21 (at a depth 5.75m down), and HA10-21 (at a depth 2.7m down)²¹. Both of these locations were outside of the extent of place recorded for the Lime works. MH01-21 was taken east of the central knoll, and HA10-21 to the west. By contrast, hand augers taken in the extent of place (HA16-21) and HA17-21) found deposits of colluvium up to 1m, but were terminated at this depth and did not reach limestone deposits (Figure 51).*
- *Based on geological section B prepared by CMW Geosciences Ltd, a relatively narrow band of limestone rock (Mahurangi Limestone) is indicated below c.1-2m of colluvium and residual Northland Allochthon silty clays, between HA16-21 and HA17-21. It is possible therefore that the limestone strata under these deposits was not quarried at this location.*
- *Comparison with Geological cross section D shows that there is less colluvium on the western scarp running down towards the river tributary, and the limestone is present but peters out at around 12-13m RL, where a narrow terrace is indicated (approximately 1.5m wide). It is possible that the change of geological stratigraphy at this location indicates quarrying activities, further west towards the tributary (Figure 52).*

A summary of the heritage assessment findings is set out below:

- *The overall effect of works enabled by the consent sought is assessed as having potential for very low adverse impact on identified archaeological features within the site. This is*

because there will be minor areas of earthworks and infrastructure that cross over the line of the quarry tramway. These areas have been designed in such a way that earthworks will involve filling, rather than cutting, and there remains opportunity to protect identified features in situ.

- *There are also considerable benefits identified in the proposal. The arrangement of the reserve lots provides ongoing protection for the Combes/Daldy Lime works within the Historic Heritage Overlay and esplanade reserve. The provision of public access and the new walkway will provide opportunity to walk past the tramway and visit the kiln site directly, raising awareness of heritage values for a wider community.*
- *The archaeological value of sites relates mainly to their information potential, that is, the extent to which they can provide evidence relating to local, regional, and national history through the use of archaeological investigation techniques, and the research questions to which the site could contribute. The surviving extent, complexity and condition of sites are the main factors in their ability to provide information through archaeological investigation. For example, generally pa are more complex sites and have higher information potential than small midden (unless of early date). Archaeological sites may also have other values, including landscape, amenity, educational and cultural values.*
- *The archaeological values are addressed below:*

Table 1. Assessment of the archaeological values of Combes/ Daldy Lime works (R09/2240) based on Heritage NZ criteria (Heritage NZ 2006: 9-10) After Brown and Judge 2021

Value	Assessment
Condition	Visible features associated with the site include the three kilns; a broad flat terrace adjacent the river; the remains of a timber wharf; a track running north from the river terrace up the slope; and a cutting for the tramway that ran from the quarry to the kilns. General observations are made on the condition of the kilns in the Salmond Reed Condition Report (2020), which states “The kilns are in good condition when considering the lack of intervention there has been” (2020:11). It is noted however that the report recommends that a geotechnical engineer inspects the condition of the kilns. The kilns and tramway are presently overgrown with shrubs and trees which are affecting the physical fabric of these structures. The northern end of the tramline is in better condition than the southern end (good – poor condition). The wharf has largely eroded away so is in poor condition. The survival and condition of subsurface remains associated with the Combes/ Daldy lime works site is unknown, as there have been no archaeological investigations to establish this
Rarity	There were a number of Lime works locally and regionally in the 19th to early 20th century. This means at the time of operation the Lime works would not have been uncommon; however today the survival of features and structures are relatively rare. Good examples survive locally at the Wilson Cement Works and Kowhai lime kilns, however the Combes/ Daldy lime works is of different construction and likely to be earlier in date than these other examples.
Contextual value	The Combes/ Daldy lime works has value as part of a group of lime works sites, locally and regionally. It is representative of the industry in the 19th century in Warkworth. It is unknown at this stage if the lime was used on any notable building projects, but there is evidence it was transported to Auckland and used on railway projects in the region.

Value	Assessment
Information potential	No archaeological excavation has been carried out to investigate potential subsurface remains associated with the Lime works, or the visible structures themselves in any detail. The Salmond Reed Condition Report (2020) recommended clearing debris out of kilns and 3D scanning. Archaeological sites of this nature may have subsurface remains such as working floors, foundations for buildings (sheds, lime stores, workers huts etc.), railway lines, fuel deposits, rubbish deposits, latrines, artefacts etc. Further investigation of the site could help to confirm the date it was in operation and how it was decommissioned. It could also provide further information on the functional, spatial, and temporal arrangement of the site, technology used, and changes through time.
Amenity value	The archaeological features are not highly visible in the landscape and are a H&S risk, which limits their amenity value at present. Presently there is no existing public walkway and the site is in private property (as well as CMA). There is potential to provide visual, amenity and educational value if some of these constraints to public access can be addressed in the future. There is opportunity to enhance these values through signage and interpretation, but none exists currently.
Cultural associations	The Lime works site is associated with early European industry. It is not identified in the AUOP schedule as being of Māori interest or significance.

Note: the archaeological values assessment provided above has not been updated. As outlined in this report, physical investigations have now been undertaken (See Section 7). As a result of recent investigations, the information potential of the site may be assessed further:

- *Information potential is considered as low, in areas immediately north and south of the tramway cutting, and further north towards the main road. These areas returned no evidence of archaeological features related to the Combes Daldy Lime Works site. Possibly isolated remains of working surfaces, materials storage and building foundations or chance artefacts might be present. While there may still be some potential for subsurface archaeological deposits to survive, they are unlikely to be extensive or significant in character.*
- *The possible quarry area has also been alternatively interpreted as containing natural scarps, as a result of geotechnical investigation. On this basis, and given that the 19th methods of quarrying rock, tools employed and the source of the material quarried is readily understood from historical sources, the information potential of the possible quarry area is considered to be low-moderate.*
- *The information potential within the tramway cutting is considered to be moderate, as there is evidence for partial survival of archaeological features and artefacts on the alignment, while the potential of the kilns is considered to be high, as they are surviving examples of mid-19th-century lime production technology.*

The other values are unchanged.

The measures proposed to avoid damage to any archaeological features existing on the site or any remains discovered during excavations are detailed in the Recommendations section of the Assessment Report in **Appendix 12**.

A summary of the Recommendations contained in Section 14 is set out below:

- *Archaeological monitoring is undertaken in areas of earthworks proposed with the extent of place, to record any subsurface archaeological features if any exist;*
- *A Heritage Construction Management Plan is prepared to manage risk of accidental damage or other effects that may occur as a result of construction activities;*

- *A Reserve Management plan is prepared to establish a schedule of maintenance for the identified archaeological features associated with the Combes / Daldy Lime works site;*
- *Utilising the distinctive elements of the existing plan change area, including the Combes/Daldy Lime works site, to create a sense of place and local distinctiveness in the new development;*
- *Sensitive design response to the setting of the scheduled site, for example-built form (location and building heights), architectural style and materiality (such as use of limestone or industrial materials); and,*
- *Providing opportunities to link into public access and site interpretation for the Combes/Daldy Lime works site within the reserve.*

Additionally, the following are considered in the final proposal or by way of resource consent conditions for Historic Heritage:

- *The following shall be undertaken by the Consent Holder or their appointed agent:*
- *A Historic Heritage Construction Management Plan (BHCMP), consistent with any draft Construction Management Plan submitted with the application, shall be prepared prior to construction works commencing which details as a minimum:*
 - *Pre-start meeting requirements with contractors*
 - *the methodology for site preparation, working practices and use of machinery; and;*
 - *details methods for avoiding damage or protecting heritage fabric from damage that may potentially occur during construction (see condition 3)*
 - *if necessary, methods for monitoring potential effects from vibration on nearby heritage places in accordance with any Construction Noise and Vibration Management Plan;*
 - *protocols for on-site compliance visits and communications paths; and,*
 - *Requirements for remediation of accidental damage to historic heritage places arising from the works and any associated activities (see condition 5)*
- *Protection of historic heritage fabric shall be provided for prior to construction work commencing. Built heritage features may be protected by erection of a temporary physical barrier such as Heras fencing, or through temporary fixing of construction-grade hoarding material.*
- *If accidental damage or reduced condition occurs to a historic heritage place as a result of the proposed works, the Consent Holder or their appointed agent shall be responsible for undertaking remediation. Remediation will be to a standard at least equivalent to the condition prior to works commencing.*
- *A historic heritage monitoring report shall be prepared to document changes or conservation works to any historic heritage places affected by the proposed works. This will be provided to Auckland Council within 12 months of completion of onsite works, for updating of the Auckland Council Cultural Heritage Inventory.*

The protocols for dealing with koiwi tangata or taonga are outlined in Appendix 2 – Accidental Discovery Rule. This also includes the protocols for uncovering archaeological material, including how it is to be recorded, stored or treated if necessary.

Overall, the Heritage Effects Assessment concludes that *The potential adverse effects of the subdivision proposal on historic heritage values are assessed as low. This is because all the known features of the Category B Combes/Daldy Lime works site are substantively protected in the long term through the creation of the reserve areas, and with very minor impact to the tramline occurring in areas of previous modification.*

This conclusion is reached on the basis that:

The Subdivision seeks to protect the historic heritage values of the Combes/Daldy Lime works site through three principal methods:

- *The creation of public reserve, and through establishment of esplanade reserve, where the primary physical features associated with the Lime works site are situated, and areas of higher archaeological potential remain undisturbed by future development.*
- *Through careful design of infrastructure and housing platform locations so that these occupy areas where there is low potential for archaeological remains to be present, based on recent site investigation*
- *Through careful design of earthworks associated with the infrastructure and in particular the road and access network, so that the potential to retain recorded subsurface features associated with the tramway remains possible.*

In the unlikely event that any archaeology was uncovered outside the Historic Heritage Overlay in future development, this can also be managed through alternative mechanisms set out in the Unitary Plan, such as the earthworks assessment criteria and accidental discovery rules for archaeological sites. Furthermore, regardless of the Unitary Plan extent of place or zoning, the Combes/Daldy Lime works site or any other unrecorded archaeological site, is protected under the provisions of the HNZPTA 2014.

On the basis of this assessment, I concur that the effects of the proposed development on heritage values will be low which is determined to be less than minor given that there will only be positive effects on the significant heritage resources namely the kilns, tramline and associated heritage. This assessed outcome concurs with the Assessment Methodology in Appendix 4 of the Heritage Assessment.

7.3.5 Traffic Effects

An assessment of the traffic impacts of the development proposal has been prepared by Team Traffic included as **Appendix 11**. This is in addition to the Integrated Transport Assessment (ITA) prepared to inform the proposed Plan Change Request.

The site has road frontage to Sandspit Road along the northern boundary. A new road will be formed from Sandspit Road that terminates in a cul de sac head toward the southern portion of the site as shown below:

Traffic generation, trip distribution and capacity analysis of the existing road network has been undertaken to understand the likely traffic impacts. The report demonstrates that the traffic volumes generated by the proposed development at the intersection with Sandspit Road will not result in any unacceptable adverse operational or capacity effects on Sandspit Road.

The Assessment notes:

- With respect to the new intersection *that applying the appropriate calculations for the proposed 60km/hr design speed to the proposed design results in a technical requirement of 75 metres. Given that the proposal results in a 70-metre-long taper there is a technical shortfall of five metres or one car length. This minor technical shortfall is not expected to result in any operational or safety issues, particularly when considering the uphill direction in which the diverge will occur and that this difference would be marginal (relates to an additional 0.29 seconds at the decision point).*
- With respect to the proposed shared path *that The longitudinal gradients of this shared path will be varying given the topography of the hill making it difficult to achieve ideal accessible grades for mobility impaired users. On this basis, the path has been designed to try and accommodate general users, however, some mobility impaired users or elderly would also be able to use the path given the many level landings that have been proposed to break up the sections with slightly steeper grades. Overall, the assessment concludes that the shared path is expected to be an excellent pedestrian amenity for the site, providing connectivity to Warkworth Township.*
- *Sufficient onsite parking is provided for the residential units and there is appropriate access for a fire engine and other service vehicles.*

The assessment also takes into account the likely future scenario of increased traffic flows on Sandspit Road past the site and concludes that the anticipated future intersection to access the site will perform well, with minimal increases in delay to right-turn drivers. As per the recommendations, a priority-controlled intersection of the site access road and Sandspit Road would likely function without any operational issues.

The Traffic Impact Assessment concludes:

- Construction management traffic can be managed by way of a Construction Traffic Management Plan (“CTMP”).
- *Each unit will have two parking spaces (one garage unit and one external carpark), except for units in Block E which will have one external carpark allocated to each unit. Access to these spaces and compliance of these spaces against the AUP requirements has been considered and found to be compliant and acceptable from a traffic engineering perspective.*
- *Formal on-street parking spaces have been provided on Road 1, which have been considered against the appropriate AUP/TDM standards and are considered to be suitable for resident/visitor use.*
- *The parking and access arrangements for each of the zones are considered to be suitable for the intended use.*
- *The proposed cycle facilities meet the Unitary Plan requirements and are considered to be suitable for the development.*

- *The proposed accessways have been considered and found to be appropriate for the intended use.*
- *The proposed priority-controlled intersection with Sandspit Road has been assessed in regard to operational, safety and capacity considerations and found to be appropriate for the intended use.*
- *The development is considered to have excellent pedestrian/cycling amenity, and the proposed shared path connection to the public footpath network has been assessed and found to be acceptable from a traffic engineering perspective.*
- *The servicing, loading and fire appliance access arrangements of the proposal have been assessed and are considered acceptable from a traffic engineering perspective.*
- *The traffic generation of the development is not expected to result in any operational issues occurring within the site or on Sandspit Road via the proposed priority-controlled T-intersection and is found to be minimal.*

In summary, the proposed residential development is considered to be acceptable from a traffic engineering perspective.

Overall, it is considered that any adverse effects of the development proposal on the wider roading and traffic environment, the onsite traffic and movement environment will be less than minor.

7.3.6 Site Suitability, Earthworks and Construction Effects

The Supplementary and Geotechnical Investigation Reports attached at **Appendix 10** demonstrate that the proposed sites and land, post construction are suitable for the proposed residential development.

The ground observations and experience of the Geotechnical report authors confirm that the seismic site subsoil category is Class C for most areas and Class B (rock) in the knoll cut area.

Groundwater Diversion

The report identifies that the proposed site works will result in cuts that are likely to encounter groundwater and that consent is required for groundwater dewatering and diversion that does not meet all of the permitted standards of Chapter E7 of the Unitary Plan. The effects of groundwater diversion are addressed at Appendix G of the Supplementary Geotechnical Investigation report. This concludes that although the groundwater take is anticipated to extend beyond 30 days that sub-soil drains will be installed following existing alignments of surface water channels. All groundwater will be intercepted and returned to streams in the same location as present. In addition, earthworks excavations will exceed 10 days and that groundwater levels will be lowered in the areas of the knoll / central ridgeline cut which will be to a depth of 10-metres, but that groundwater will not be diverted to other catchments or locations and that flows at receiving catchments will not be altered. Overall, the effects of the groundwater diversion are assessed as less than minor. It is anticipated that conditions will be imposed on the consent granted that require appropriate monitoring and recording to ensure the effects of groundwater diversion are less than minor.

Earthworks

The Supplementary report recommends the following:

- All earthwork activities must be carried out in general accordance with the requirements of NZS 443116 and the requirements of the Auckland Council Infrastructure Development Code under the guidance of a Chartered Professional Geotechnical Engineer.
- A Geotechnical Works Specification is provided as *Appendix H* and standard detail drawings are provided on *Drawing 09*. Between them, these documents provide the requirements for site preparation, fill placement, subsoil drainage, compaction requirements, quality assurance testing and as-built requirements.

Site specific requirements are summarised below.

- *Given the highly fractured nature and completely weathered nature of the soil / rock units that will be encountered within the proposed earthworks cuts, it is expected that excavation of these materials will be readily achieved with normal earthworks plant, such as scrapers and bulldozers with scoops. The investigation data does not indicate any strong correlations that could be used to definitively predict depths of any hard limestone deposits across the elevated knoll ridge and away from the investigation locations. Accordingly, while the weathering profile typically mimics surface contour, localised variations may be present. However, as mentioned above, our experience in these materials suggests that the limestone should be able to be excavated using normal rock breaking plant and equipment, such as a rock pick on a 30T excavator.*
- *It is expected that compaction trials early in the earthworks programme would assist the formation of an earthworks methodology that allows the contractor to place the fills consistently to a high standard and in an efficient manner on site.*
Earthfill must be placed, spread and compacted in controlled 250mm to 300mm thick (loose) lifts under the direction of a geotechnical engineer. The fill may comprise either granular or cohesive material subject to being free of any organic material and having no particles greater than 150mm diameter.
Most of the proposed cut material, including the natural and existing fill materials should be suitable for reuse as Engineer Certified Fill. Soil textures and moisture contents will however vary widely and careful management, conditioning and compaction control will be required.
All earthfill must be placed to ensure adequate knitting of successive fill lifts by ripping any natural subgrade or fill surfaces that have become dry prior to placing the following fill lift.
- *The highly fractured Northland Allochthon rockmass that will be exposed at finished levels across cut depths greater than approximately 1.2m to 6.5m within the central portion of the site, is susceptible to weathering and infiltration of surface water that could compromise downslope stability conditions or can lead to swelling.*
*Over-excavation of these deposits to a depth of **0.6m and capping with engineered filling** is a prudent remediation measure. Essentially all of the residually weathered deposits encountered in our investigations across the cut areas would be suitable for use as the engineered capping fill for this purpose.*
- *Subdivision roading will be constructed in both cut and fill areas. The vast majority will be formed on engineered fills. Sub-grade improvement with lime is expected to provide better results than the use of cement.*
- *Services trenches excavated along contour in areas of steep ground may need to be backfilled with engineered filling and if in natural ground, may require a drain coil in the base of the trench connected to the stormwater system. Identification of critical service lines must be made once drawings are available.*

- *At the completion of the development, **Specific Design Zones (retaining)** are expected to be applied in the Geotechnical Completion Report to protect retaining walls from future overloading at the crest or undermining at the toe that could lead to instability. These zones typically extend the same distance as the wall height and where they are present above a wall, require deepening of foundations unless the wall has been designed for future foundation loads. Where they are present below a wall, careful consideration needs to be given to location, depth and timing of any future excavations.*
- *A preliminary geotechnical ultimate bearing pressure of 300kPa should be available for shallow strip and pad foundations constructed within both the natural cut ground and engineered fill areas, subject to the short axis of those footings measuring no greater than 2.5m in plan.*
- *There may be areas where localised variations in shear strength within the natural cut ground occur, particularly where the depth of cut varies across the building platforms. Further confirmation of available bearing pressures will be addressed at the time of post earthworks soil testing.*
- *On this basis of our visual tactile assessment, results of preliminary laboratory testing and reference to BRANZ Report SR120A, we have assessed the preliminary AS2870 Site Class for this development to be M (moderate) to H2 (high). Foundation design may be selected in accordance with NZS appropriate solutions for this Class from AS2870 or may be undertaken by specific engineering design.*
- *Further site class testing will be undertaken on a platform-by-platform basis at the completion of the earthworks for the subdivision.*

The recommendations in the Geotechnical report are accepted and offered as conditions on consent. In accordance with the Supplementary Geotechnical Report, it is anticipated that the site is suitable for the proposed residential development.

The above recommendations are accepted and form part of the proposal. We rely on the expert opinion of CMW Geosciences in concluding that the proposed development is appropriate from a geotechnical perspective.

Any adverse effects arising from earthworks, or other construction activity e.g. installation of infrastructure, and construction of the new road; will be suitably managed by standard conditions of consent such as the application of erosion and sediment controls as required by Auckland Council GD05 and compliance with permitted standards such as noise and air quality standards.

The Engineering and Infrastructure Report included in **Appendix 6** provides details of the proposed erosion and sediment controls to be implemented as well as practical works methodologies. It is anticipated that the final design details for the erosion and sediment controls will be approved at the Engineering Plan approval phase. The applicant's engineer states:

We rely on the expert opinion of Airey Consultants. And note that, conditions of consent are accepted with regards to managing hours of operation, compliance with construction noise limits and requirements to manage dust and traffic.

On this basis it is considered that any adverse construction effects in terms of noise, dust and traffic will be less than minor.

7.3.7 Soil Contamination Effects

The Detailed Site Investigation (“**DSI**”) that contains relevant extracts of the Preliminary Site Investigation (“**PSI**”) is in **Appendix 14**. As stated above consent is required under Chapter E30.6.2.1 of the Unitary Plan for a Controlled activity and under regulation 10 of the NES: SCS for a Restricted Discretionary activity.

Several actual and potentially Hazardous Activities and Industries List (“**HAIL**”) activities and industries identified on the site. These are set out in the PSI. Consequently, a DSI was undertaken. The DSI was informed by a Conceptual Site Model (“**CSM**”). Further site investigations found two areas of the site where there were elevated levels of contaminants that would require remediation. These areas were the north-western corner of the carport north of the main dwelling and the footprint of the former 1930’s dwelling location on the knoll near the centre of the site. *Several locations across the site also returned low-level concentrations of potential contaminants above the expected natural background concentration ranges, but do not impose a risk to human or environmental health under the proposed residential land use.*

Both sites returned soil sample concentrations of lead and arsenic above the acceptance criteria levels and lead and zinc concentration levels above the Unitary Plan standards. Further investigations revealed higher concentrations of arsenic and zinc present around the carport. The source of arsenic is thought to be the timber poles forming the structure of the carport. The elevated levels of zinc are thought to be attributable to degradation of a rusting piece of galvanised steel forming the north-western wall of the carport.

Concentrations of lead were significantly elevated around the site of the 1930’s (approximate) dwelling indicating that lead based paint was used for an extended period on its external surfaces.

Soil from the areas contaminated with lead and zinc will need to be disposed of at a Class A landfill facility.

A Remediation Action Plan (“**RAP**”) has been prepared for the site and will be implemented in conjunction with the site development works. When the works are completed to remove the soil contaminants from the site a Site Validation Report (“**SVR**”) will be prepared and provided to Auckland Council.

Subject to the procedures and recommendations of the DSI being Implemented adverse effects arising from contaminants in soil on the environment, including human health will be less than minor.

7.3.8 Infrastructure and Servicing Effects

The Civil Engineering report prepared by Airey Consultants – **Appendix 6** demonstrates that there is suitable existing and planned infrastructure to service the development.

It is acknowledged that there is currently no wastewater servicing available, but the necessary upgrade to provide this servicing is planned, budgeted for, and is under construction. The time frame for the completion of this upgrade aligns with the timeframe for the construction of the site development and building development works. By the time dwelling construction is completed the upgrade is planned to be completed and servicing for reticulated wastewater will be available. The upgraded wastewater plant at Snells Beach is designed to cater for a significant portion of the planned growth for Warkworth and the proposed development will be able to be accommodated within the first stage upgrade.

Water supply and stormwater reticulation can be provided as detailed in the Airey report.

On the basis of the Civil Engineering report provided by Airey Consultants any adverse effects on the capacity and provision of reticulated infrastructure will be less than minor.

7.3.9 Natural Hazards Effects

Potential natural hazards such as flooding, coastal inundation and land instability are addressed in the Civil Engineering report prepared by Airey Consultants and the Geotechnical Investigation and Supplementary Geotechnical Investigation.

Subject to the recommendations in those reports there will be no adverse effects arising from the proposed development with respect to natural hazards.

7.3.10 Cultural Values Effects

No pre-European archaeological sites have been identified within the property to date, however there are sites recorded nearby (midden R09/2267). Given the site's proximity to the river, there is also the potential for the site works to expose unrecorded pre-European sites.

Accidental Discovery and protocols around managing any impacts on cultural heritage in the event that any archaeological sites of Maori origin are uncovered are detailed in Appendix 2 of the Heritage Assessment. The protocols and procedures set out in the Unitary Plan and Pouhere Toanga Act provide sufficient certainty that any effects that may arise can be well managed such that they would be less than minor.

Any effects on mana whenua values should be identified by mana whenua. We note that consultation with Mana Whenua was undertaken as part of the Auckland Council Structure Plan process. We are not aware of any issues raised with respect to the urbanisation of this land.

7.3.11 Cumulative Effects

There will be no adverse cumulative effects from the residential development of the sites as the expert reports provided with this application demonstrate that development can be accommodated, and all expert recommendations are incorporated as part of the proposal. The development is also entirely appropriate for the urban form of Warkworth in the context of the location and extent of Future Urban zoned land provided.

The proposed development will not result in adverse cumulative visual effects given the site sits within a densely vegetated environment, and slopes down away from Sandspit Road towards the Mahurangi River. It is visually and physically isolated from the wider area due to the watercourses along its boundaries. A small pocket of development will be visible at the Sandspit Road frontage. In any event the density proposed is entirely consistent with the density of development anticipated for this area given the proximity to the town centre.

On this basis, it is considered that the proposal will not lead to any adverse cumulative effects that could be described as minor, or more the minor.

7.3.12 Positive Effects

The proposed subdivision will give rise to positive effects on the environment by utilising land and existing infrastructure efficiently to allow for housing of a similar layout and design as existing in the immediate environment and required by the legislative and policy frameworks. The proposal will cater to a small portion of the high demand for housing within the Auckland region, particularly within close proximity to Warkworth which is the largest commercial hub in north Auckland.

Additionally, the proposal provides for public amenity in the form of vesting land for esplanade reserves, vesting of a portion of heritage reserve; providing connected access paths to be constructed to enable walking and cycling from the site into the town centre as an alternative to vehicle use, and a gravel path to access the Lime Kilns. This will facilitate better public interpretation and awareness of the heritage of Warkworth overall and enable their ongoing preservation and conservation within public land.

7.4 Summary of Effects

Overall, it is considered that any adverse effects on the wider environment relating to this proposal will overall be less than minor in the context of the planned urban development of the site – indicated by the Future Urban zoning and that the site features and values reflected by Overlays in the Unitary Plan will be protected and enhanced (SEA and heritage values). To ensure and secure this outcome mitigation measures secured by consent conditions form part of this proposal.

7.5 Section 106 Matters

Pursuant to Section 106 of the RMA, a consent authority may refuse subdivision consent in these certain circumstances below:

“a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—

(a) there is a significant risk from natural hazards; or

(b) [Repealed]

(c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

(1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—

(a) the likelihood of natural hazards occurring (whether individually or in combination); and

(b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and

(c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).

(2) Conditions under subsection (1) must be –

(a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and

(b) of a type that could be imposed under section 108

There are no s106 limitations that would prevent granting of the resource consent. There are no flooding, coastal inundation, or land instability issues. Geotechnical issues that could lead to land instability effects are proposed to be addressed and conditions of consent requiring the necessary outcomes are anticipated.

The proposal will not give rise to a significant risk from natural hazards and sufficient provision has been made for legal and physical access to each lot created by the subdivision. In addition, the proposed subdivision will have less than minor adverse effects on the environment as detailed in the assessment of actual and potential effects section of this report above.

8. Public Notification Assessment

Assessment of Steps 1 to 4 (Section 95A)

Section 95A specifies the steps the Council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

Step 1: Mandatory public notification in certain circumstances

Mandatory notification is required as:

- the applicant has requested that the application is publicly notified (s95A(3)(a));

The application shall be processed with public notification as soon as possible.

It is sought that if this notified resource consent requires a hearing that there should be a combined hearing with the Plan Change Request, unless this is not possible in relation to statutory timeframes.

9. Limited Notification Assessment

Assessment of Steps 1 to 4 (Section 95B)

It is requested that the application be publicly notified under s95A, therefore an assessment of steps 1 to 4 is not necessary.

Consultation

Consultation with neighbours

In early February 2022 a Flyer advising of a public Open Day that was held on 26 February 2022 was delivered to properties in and around the subject site. A copy of the Flyer and a map showing the distribution of the Flyer are **Appendix 17**.

Approximately 20 people attended the Open Day and discussed the proposal, viewed the visual renders of the proposed development and walked over the site.

As it is proposed the proposal will be fully publicly notified the nature and extent of consultation is considered appropriate for the scale of the proposal.

An article was also printed in Mahurangi Matters – also in **Appendix 17**.

The consultation and actions to ensure public awareness of the project are considered suitable and appropriate for the nature and scale of the development.

10. Relevant Objectives and Policies

10.1 National Policy Statements

The two National Policy Statements most relevant to this proposal are the New Zealand Coastal Policy Statement 2010 and the National Policy Statement: Urban Development 2020.

New Zealand Coastal Policy Statement

The site is within the coastal environment as defined by Policy 1 of the New Zealand Coastal Policy Statement (“NZCPS”) because a small portion of the site is subject to coastal inundation and the Mahurangi river adjacent to the site is tidal.

The Auckland Unitary Plan – Appendix 7 sets out the Coastal Marine Area (“CMA”) boundaries. It is acknowledged that the coastal environment is wider than the coastal marine area. This site is outside the CMA but within the coastal environment.

The proposal is consistent with the objectives and policies of the NZCPS because:

- The proposal does not impact on the integrity, form, functioning or resilience of the coastal environment. The coastal environment edges of the site will be protected by the proposed esplanade reserve vesting and protection of the existing native vegetation.
- Natural character and the ONL values are protected for the same reasons as stated above.
- Recreation and open space qualities will be improved by vesting of the esplanade reserve.
- The location of the proposed development will not be affected by coastal hazard risks and these risks will not be exacerbated, or otherwise adversely affected by the proposed development.
- The proposal is entirely consistent with Objective 6 because all values that contribute to the coastal environment in this location will be protected, and the development occurs in a way that utilises constraints as opportunities.
- The development will be undertaken in a manner that will not adversely affect water quality and there are no issues created or exacerbated in respect to coastal hazards.

The proposal is consistent with the NZCPS.

National Policy Statement Urban Development July 2020

The National Policy Statement Urban Development 2020 (“NPS”). The first objective of the NPS: UD seeks that *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural well-being and for their health and safety, now and into the future.*

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

Objective 3 is particularly relevant to this proposal in light of the Council Structure Plan identification of the land as suitable for Residential – Large Lot development and the Applicant’s Plan Change Request

that seeks the land is zoned Residential – Mixed Housing Urban. The zoning sought enables the development outcome sought in this consent.

Objective 3 states:

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

- (a) the area is in or near a centre zone or other area with many employment opportunities
- (b) the area is well-served by existing or planned public transport
- (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

The subject site is near a Town Centre zone with employment opportunities and also close to the Business- General Business zoned land on State Highway 1 and the Business- Light Industry land also on State Highway 1 – see below:

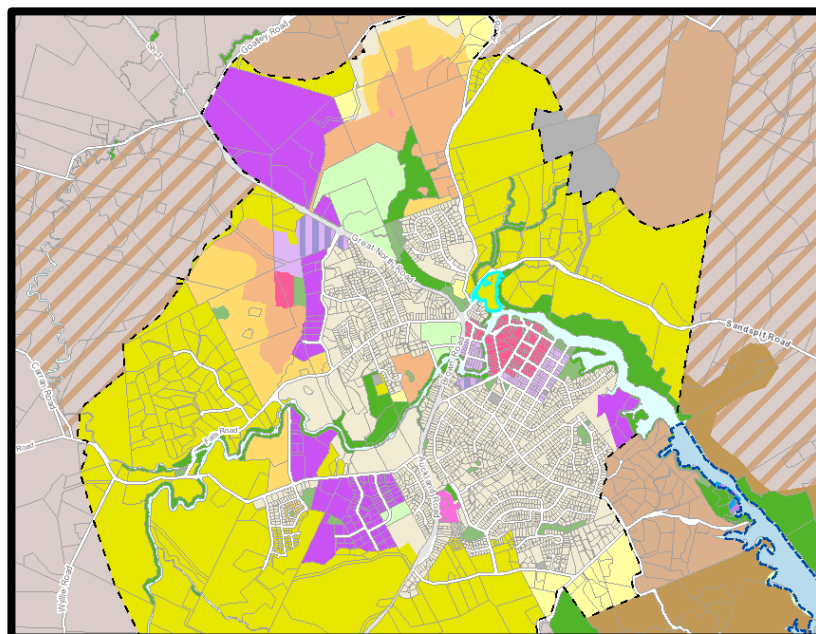


Figure 23 – Unitary Plan Employment Zoning in Proximity to the Site

The proposal is in keeping with the NPS: UD because:

- The proposed urban development will be integrated with the provision of infrastructure.
- The proposal provides for an appropriate density of residential development within walking distance to Warkworth Town Centre and public and community amenities.
- The proposal will enable a form of urban development not currently available in Warkworth, and for which there is demand.
- The proposal represents a more efficient use of the land resource than would occur through application of the Council Structure Plan for Warkworth and this will assist in providing for some degree of housing affordability.

Overall, the proposal is entirely consistent with the NPS:UD.

10.2 Auckland Unitary Plan

Copies of the relevant objectives and policies from the above plan are included with **Appendix 16**. The most relevant objectives and policies are listed below:

Chapter B2 - Regional Policy Statement provisions relating to urban growth and form

B2.2.1 Objectives 1, 2, 3, 4, 5

B2.2.2 Policies 4, 5

B2.3.1 Objective 1

B2.3.2 Policy 1

B2.4.1 Objectives 1, 2, 3, 4

B2.4.2 Policies 1, 3, 6

The Regional Policy Statement is an overarching policy document relating to development of the Auckland region. It sets out the strategic framework for managing the use, development, and protection of the natural and physical resources of the Auckland region in an integrated and co-ordinated manner.

The policy framework for urban growth and form identifies the predominant issue with urban growth and form being that Auckland's growing population increases demand for housing, employment, business, infrastructure, social facilities, and services. The framework focuses on creating a quality compact urban form that enables a higher-quality urban environment, greater productivity and economic growth, better use of existing infrastructure and efficient provisions of new infrastructure, improved and more effective public transport, greater social and cultural vitality, better maintenance of rural character and rural productivity, and reduced adverse environmental effects.

Comment:

The site is subject to a proposed Plan Change Request seeking Residential – Mixed Housing Urban zoning. The site is also subject to the Adopted Auckland Council Structure Plan for Warkworth. This Structure Plan was reviewed and a small-scale updated structure plan addressing the immediate site context, was prepared in support of the Plan Change Request. The *site* structure plan addresses the site and immediately surrounding locality to determine if an up-zone from the Residential – Large Lot shown in the Council Structure Plan was appropriate. The site-specific structure plan determined that the site constraints also provided opportunities and given the close proximity to the Warkworth Town Centre a higher density zoning was appropriate. This higher density zoning would also afford greater opportunities for protection of the heritage resources, improved public understanding and appreciation of those resources, better protection of the SEA, trigger vesting of esplanade reserve and provide greater opportunities for multi modal connections to the Town centre. These features, other than the esplanade reserve would be less likely to occur with Residential – Large Lot zoning.

As detailed in the preceding sections of this report, the subject land and surrounding locality to the northeast, east and southeast are residential in character. The proposed subdivision will not create reverse sensitivity effects to the rural zoned sites to the west as the subject site is already zoned residential as are the surrounding sites to the east which limits rural productive activities and the fact the rural zoned sites are zoned for Countryside Living, rather than rural productive purposes. The creation of residential sites on a property zoned for urban land use in the near future, within a setting dominated by an existing Town Centre and nearby existing residential uses, will provide for people's

wellbeing. While the subject contains protected landscape features, as confirmed by the applicant's ecologist, there are no wetlands, and any existing areas of ecologically significant vegetation or herpetofauna habitat on the site will be retained and enhanced where possible.

The proposed subdivision will allow for residential growth appropriate in the context of the proximity of the site to the Town Centre and the projected growth pattern for Warkworth.

The development will be integrated with the provision of infrastructure. The Watercare wastewater upgrade for Warkworth will be completed by the time dwellings are in the completion phase. This infrastructure upgrade is planned, funded and under construction. No further discharge consents will be granted to Watercare to continue to discharge wastewater to the Mahurangi river and therefore this project needs to be completed no later than 2025.

There are no capacity or infrastructure issues relating to the provision of water supply, or stormwater management or provision of power or telephone.

The proposed development represents a carefully designed outcome that utilises the site features, protects and enhances them, and obtains a high quality and efficient urban outcome.

The development will assist in Warkworth achieving a compact urban form given the proximity to urban services and the fact that the site is effectively a 400m walk (5-minutes) from the existing Town Centre. Once the Hill Street intersection upgrade is complete, the urban character of the area will be predominant, and upgrades to Sandspit Road itself will support this.

Based on the above assessment, it is evident that the proposal will be consistent with the above objectives and policies of the Regional Policy Statement relating to urban growth and form.

Future Urban Zone

The objectives and policies for the Future Urban zone are in **Appendix 16**. The proposed development is not contrary to these objectives and policies because structure planning has been undertaken and a rezoning has been requested.

Because of the contained nature of the site – surrounded on three sides with watercourses and then Sandspit Road to the north -development of the site, as proposed, will not compromise, hinder, or prevent urban development on other Future Urban zoned land to the east and north of the site.

The development represents a logical extension to the existing residential area of Warkworth and the zoning sought, to which the development outcome responds, is more appropriate given the proximity to Warkworth Town Centre and changes to legislation that require increased residential density in locations such as Warkworth.

As discussed, infrastructure upgrades that are required to service this development are planned, funded and under construction. The timing for the completion of these upgrades aligns with the timing for delivery of this development. Therefore, there are no inefficiencies arising from this development in relation to the provision of infrastructure. In fact, given the location of this development, and the

proposed residential intensity, this development is a positive outcome for the efficient provision of infrastructure.

Whilst the proposal clearly does not avoid subdivision and does provide for more than one dwelling the outcome sought is a complete and comprehensive development outcome for this site that does not impact on any adjoining or external Future Urban zoned land holding. This proposal represents a complete and holistic urban outcome for this land that will not dictate or influence outcomes on other Future Urban zoned land areas to the north or east because of the very contained nature of this site.

Outstanding Natural Landscape

The relevant objectives and policies are set out in **Appendix 16**. The relevant objectives and policies are set out in Chapter D10, and the rules are in Chapter D11. As discussed in the Effects Assessment the primary feature of the identified ONL – *Landscape Unit 43 – West Mahurangi Harbour* is the northern bush clad slopes of the Mahurangi river that form the southern extent of the subject land holding.

The actual bush will be protected as a result of the development. Sheet 1 of the scheme plan shows that nearly all of the vegetation will be incorporated into the esplanade reserve to vest. Dwellings proposed on the lower southern portion of the site Blocks Q and S and standalone unit R will be 3-bedroom single storey dwellings – refer Architectural plan set Sheet 302 Rev A. Architectural plan Sheets A220 and A221 demonstrate the maximum heights for development on various portions of the site to ensure built form development does not detract from the ONL values.

Given the built form height mitigation that forms part of the Plan Change Request and is reflected in the development outcome resource consent is sought for, the proposal is entirely consistent with the ONL objectives and policies because:

- The features of the site that reflect and contribute to ONL values as described in Landscape Unit 43 will be protected now and into the future. The bush clad riverbank slopes are incorporated into esplanade reserve and there are height limits imposed to ensure built form development does not erode the ONL values for the site and the wider surrounding Warkworth area for which these bush clad slopes are a significant feature.
- The physical and visual integrity of the ONL values will be protected as a result of the measures described.
- Adverse effects on the ONL values are avoided and the extent to which built form development on the site will be visible from elevated areas around Warkworth to the south of the Town Centre will not in and of itself be an adverse effect of a more than minor nature given the context of other built form development that is visible in the catchment.
- The land has been identified for urban land uses and the proposed form of development enables a greater intensity than Residential – Large Lot proposed in the Council Structure Plan whilst protecting and enhancing significant landscape, heritage and ecological values existing on the site.

Overall, the proposal is entirely consistent with policy D10.3 (5) which seeks to *“Enable use and development that maintains or enhances the values or appreciation of an outstanding natural landscape or outstanding natural feature.”*

Historic Heritage

There is a full analysis of the proposal in relation to the objectives and policies of the Unitary Plan including the Regional Policy Statement provisions and Chapter D17 - Historic Heritage Overlay – in Section 11 of the Heritage Impact Assessment – **Appendix 12**. This assessment concludes that the proposal is appropriate as the most significant heritage features will be included in the esplanade reserve to vest, part of the tramline will be within proposed historic reserve and overall, the careful design and layout of the development avoids adverse effects on the known and potential heritage resources of the site.

Overall, the proposed development will protect and ensure the long-term protection of the heritage resources. Large Lot development or doing nothing would be highly unlikely to achieve these outcomes.

Appreciation of the heritage assets of the site will mean that their long-term protection and maintenance is more likely to occur.

The proposal is entirely consistent with the relevant heritage objectives and policies because it will secure the long-term retention and viability of the features.

Significant Ecological Area

A copy of the relevant objectives and policies is in **Appendix 16**. The provisions are as stated in Chapter D9 of the Unitary Plan.

The proposal is consistent with the relevant provisions because the existing SEA will be largely contained in the proposed esplanade reserve and the removal weedy exotic species will ensure less weed infestation into the remaining areas of SEA now and into the future.

Conclusion

Given the above, when the objectives and policies are considered holistically, they provide a policy direction for development in the region. In this context, it is considered that the proposal is consistent with the objectives and policies of the AUP-OP.

11. Other Matters

11.1 Precedent

The subject site is unique in that the zoning anticipates there to be urban land uses in the future, while it is physically separated from any adjacent sites on three sides. The site development is therefore self-contained and discrete when viewed from the wider area, where the existing bush cover along riparian margins screens the development and creates a localised character.

The zoning also anticipates that the site needs to maintain larger lot sizes to maintain flexibility in land development options to be determined via a future plan change.

This master-planned development is a direct implementation of the lodged Plan Change Request and is intended to facilitate the MDRS while accommodating existing qualifying matters such as the heritage, ONL and SEA values. These matters being the overlays and controls on the site, as well as those proposed through the Plan Change Request. A site with qualifying matters naturally is not typical of other sites in the area within the same zone and exhibits unique site characteristics that require a specific design response.

The surrounding sites generally to the west zoned Residential – SH and the sites generally to the east are zoned Future Urban. As such, granting consent to the proposed subdivision is not going to create an adverse precedent as neighbouring sites do not share the same Residential zone nor are they subject to separate plan changes, either privately initiated or by Council.

If Future Urban zoned sites in the wider environment share the same unique site features as the subject site (including protected landscape, ecological and heritage features on site) and have access to the public reticulated services in a manner that integrates with the nature and timing of development this would set a positive precedent in terms of providing further choices and capacity for residential development as enabled by the NPS: Urban Development 2020. This is particularly so given the housing shortages that Auckland faces. As discussed below in relation to the Warkworth Structure Plan, other Future Urban zoned sites have already been rezoned for Residential – Mixed Housing purposes.

If this positive precedent were to be created, it would represent a sustainable use of the land resource by utilising available land that can be serviced by existing or planned infrastructure, and which provides for pedestrian access, and is close to urban amenities including shops and community facilities (as is the proposal).

Taking all relevant matters into consideration granting consent to this proposal will not set a precedent that would in turn generate adverse effects on the environment because:

- The land stability, natural features, or landscape values are suitably accommodated by the development.
- The proposed residential density can be serviced by the existing and planned infrastructure networks in this area.

- The proposed development is close to community facilities, parks, reserves, and shops and provides for pedestrian access to the site as well as protection of, and enhanced public awareness of the Combes/Daldy Limeworks.
- The current planning framework, including recent legislation and regulatory changes, encourages efficient use of the land resource for urban land uses where characteristics, such as those listed above, are exhibited.

11.2 Structure Plans or other relevant documents

11.2.1 Auckland Council Adopted Warkworth Structure Plan

The Warkworth Structure Plan (WSP) is a non-statutory document prepared by the Auckland Council. The WSP was adopted in June 2019 by the Planning Committee. The WSP is not statutory because there was no hearing or formal submission process undertaken as enabled by the Local Government Act.

The WSP was developed with the purpose of providing a strategic plan for the urban development of the Future Urban Zone around Warkworth over the next 20 years. The WSP identifies new residential areas, small neighbourhood centres for convenience, areas for employment (industrial, retail and office land uses) to achieve some self-sufficiency, a prioritised active transport network, and high-level transport and infrastructure networks to support this growth. The WSP also identified areas for, *“ecology, stormwater, heritage, or cultural values are set aside from any built urban development... to improve water quality for the Mahurangi River, recover ecological linkages, create visual amenity, and enable possible public access for a network of walking/cycling trails³.”*

The principles that underpin the WSP are provided below:

- The Mahurangi River is Warkworth’s taonga
- Character and identity
- A place to live and work
- Sustainability and natural heritage
- A well-connected town
- Quality built urban environment
- Infrastructure

The proposed development seeks to support and implement these outcomes.

The Warkworth Structure Plan identified this land as suitable for residential development and it is not considered appropriate for any of the Business zones. These are identified elsewhere within the FUZ in the WSP. Residential development of this FUZ land will provide for the most efficient use of the land. The Plan Change provides for a logical extension to the urban area of the Warkworth Town Centre south and west of the site. The land adjoins existing residential development to the west.

The proposed residential development will enable capacity to accommodate new dwellings while protecting and enhancing site features, including identified historic heritage, landscape values and significant ecology as intended by the structure plan.

³ Warkworth Structure Plan – Adopted 2019 – Auckland Council

11.2.2 Rodney Greenways Plan

The Rodney Greenways Plan is a proposed greenways network to provide better connection for active modes (walking and cycling) and to enable ecological regeneration across this area of Auckland. The plan shows a number of routes located in and around the township of Warkworth, that link to popular destinations such as Matakana and Omaha.

The proposed greenways network is shown in the following figure, which traverses the southern portion of the subject site and along Sandspit Road:

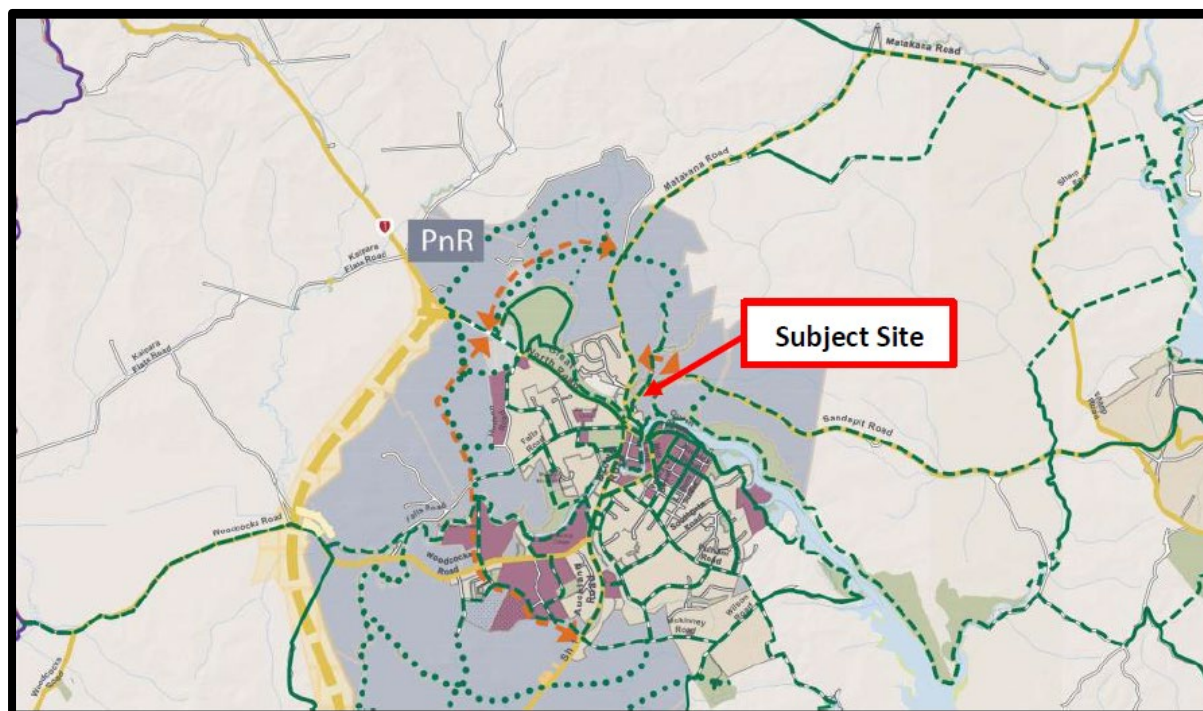


Figure 24: Rodney Greenways Plan

This potential walking route would be facilitated by the provision of esplanade reserves along the riparian margins of the site and vested as part of this subdivision application. The proposal therefore directly enables the implementation of the Greenways Plan and through this resource consent application, will contribute to the design and construction of a walkway bridge across the Viponds Creek to connect to Sandspit Road to facilitate a route into the Town Centre from the site.

11.3 Summary

There are no other matters considered relevant to determining this application. All relevant matters have been considered and there are no issues arising that would affect granting this consent.

12. Statutory Assessment

Section 104 Matters

The proposal is a Non-Complying activity and therefore a determination in relation to the s104D Gateway test must be undertaken. Consent cannot be granted to a Non-Complying activity if the effects of the proposal on the environment are more than minor or if the proposal is contrary to relevant objectives and policies.

The assessment undertaken demonstrates that the actual adverse effects of the proposal on the environment are not minor or more than minor. The proposal is generally in keeping with, and not contrary to the relevant objectives and policies of the relevant documents. The proposal therefore passes both parts of the Gateway test. The merits of the application can therefore be considered in relation to s104 and s104B.

All relevant matters that need to be considered for the s104 assessment have been addressed in the preceding sections of this report.

Section 104 is subject to Part II of the Act. This assessment follows.

13. Part II of the Act

Part II of the Act sets out the Purpose and Principles. Section 5 of the Act sets out the overriding purpose, which is the sustainable management of natural and physical resources.

The Act states that sustainable management means:

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

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

It is considered that the proposed development is not contrary with the Act’s purpose to *“promote the sustainable management of natural and physical resources”* as it will protect and enhance significant site features, provides for a high-quality urban living environment that represents an efficient use of the land resource and will contribute to economic efficiencies in relation to the provision of infrastructure. As stated above any adverse environmental effects arising from the proposal are less than minor.

Section 6 of the Act sets out the Matters of National Importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetland, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:*
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers:*
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- (f) The protection of historic heritage from inappropriate subdivision, use and development.*

(g) The protection of recognised customary activities

Sub-sections (b), (c), (d) and (f) are directly relevant to this development proposal. Sub-section (a) is partially relevant. Whilst we do not consider the site as part of the coastal environment proper, we have adopted a precautionary approach and included assessment of any potential impacts that may arise. The site is outside of the extent of the Coastal Marine Area defined in the Unitary Plan but is considered to be part of the Coastal Environment as that is defined in Policy 1 of the NZ Coastal Policy Statement.

The proposal is in keeping with section 6 of the Act because:

- Outstanding landscapes will be protected as will areas of significant indigenous vegetation and habitats of indigenous fauna.
- Public access to and along the adjacent rivers will be facilitated by vesting of esplanade reserve and public access from within the development to these reserves will be provided.
- Historic heritage will be protected, and its values will be better acknowledged as a result of the proposed development.

Section 7 of the Act defines 'Other Matters' to which particular regard shall be had in decision making under the Act. Sub sections (aa), (b), (c), (d) and (f) are relevant. They relate to the ethic of stewardship, the efficient use of natural and physical resources, the maintenance and enhancement of amenity values, the intrinsic values of ecosystems and the maintenance and enhancement of the quality of the environment. As discussed in the assessment of effects for this proposal, it is considered that any adverse environmental effects associated with the proposal will be less than minor. This includes, but is not limited to, effects in relation to urban form, landscape, traffic, soil contamination, historic heritage, ecological, geotechnical and construction effects assessed in section 7 above.

There are no known relevant matters in terms of section 8 of the Act, which relate to the Treaty of Waitangi. Mana whenua were consulted in relation to the Council Warkworth Structure Plan and there were no issues identified with respect to the use of the site for urban purposes.

It is considered that this proposal satisfies the Purpose and the Principles of the Act.

14. Conclusion

Overall, it is concluded that the effects on the environment of the proposal will be no more than minor subject to appropriate conditions of consent.

The proposal is in keeping with the relevant objectives and policies of the relevant National Policy Statements and the Auckland Unitary Plan. While it is inconsistent with some of the provisions of the Unitary Plan Future Urban zone provisions, it is not contrary to those provisions and is entirely in keeping with the overall policy direction provided by the Unitary Plan and the relevant National Policy Statements.

The proposal is in keeping with the National Policy Statement Urban Development 2020 because it seeks a planning decision that will improve housing affordability, will assist in achieving a well-functioning urban environment that enables people to provide for their social, economic, and cultural wellbeing. The decision is also integrated with infrastructure planning and funding and is responsive to the demand in this area for residential living opportunities.

It is requested the consent be publicly notified under (s95A(3)(a)).

It is considered that the proposal is consistent with Part II of the Resource Management Act.

Appendix 1:

Certificate of Title and Aerial Photograph

Appendix 2:

LUC60378963 Decision and Results

Appendix 3:

Rules Assessment

D11.4.1 – Outstanding Natural Character and High Natural Character Overlay * Note this Chapter contains the rules for Chapter D10 – Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay

AUP Rule	AUP Requirement	Assessment of Proposal
Table D11.4.1		
Table D11.4.1 (12)	(12) - Buildings and structures including dwellings not provided for as a permitted activity are a Discretionary Activity.	The proposal does not meet the Standards in D11.6.2 because residential dwellings, rather than farm accessory buildings and structures are proposed - Discretionary activity.

D17.4.1 – Historic Heritage Overlay

AUP Rule	AUP Requirement	Assessment of Proposal
Table D17.4.1		
Buildings and Structures		
Table D17.4.1 (A10)	(A10) - New buildings or structures is a Discretionary Activity.	New buildings and structures are proposed - Discretionary Activity.
Subdivision		
Table D17.4.1(A17)	(A17) - Subdivision of land within the scheduled extent of plans is a Discretionary Activity.	The application seeks subdivision of land within the scheduled extent of place - Discretionary Activity.
Archaeological Investigation		
Table D17.4.1(A25)	(A25) - Archaeological investigation not otherwise provided for as a permitted activity is a Restricted Discretionary Activity.	The application seeks to undertake archaeological investigation that is not provided for as a permitted activity given that the investigation is not classified as non-invasive - Restricted Discretionary Activity.
New buildings and structures		
Table D17.4.1(A34)	(A34) - New buildings or structures within a Historic Heritage Area is a Restricted Discretionary Activity.	The application seeks to construct new buildings and structures within the Historic Heritage Area - Restricted Discretionary Activity.
Subdivision		
Table D17.4.1(A39)	(A39) - Subdivision of land within a Historic Heritage Area is a Discretionary Activity.	The subdivision involves land within a Historic Heritage Area - Discretionary Activity.
Table D17.4.2		
Tree removal		
Table D17.4.2(A26)	(A26) - Removal of trees greater than 3m in height or greater than 300mm girth is a Discretionary Activity.	Removal of trees greater than 3m in height or greater than 300mm girth is required - Discretionary Activity.

H18 - Future Urban Zone

AUP Rule	AUP Requirement	Assessment of proposal								
Table H18.4.1	<ul style="list-style-type: none"> New buildings have the same activity status and standards as applies to the land use activity that the building is designed to accommodate. (A28) - Dwellings that do not comply with H18.6.8 are a Non-Complying Activity. 	The proposal does not meet standard H18.6.8 which states that only one dwelling is permitted on a site - Non-Complying Activity.								
H18.6. Standards All activities in Table H18.4.1 Activity table must comply with the relevant applicable standards in H18.6.1 to H18.6.16.										
H18.6.2. Maximum building height	(1) Dwellings and buildings accessory to dwellings must not exceed 9m in height. (2) Other accessory buildings must not exceed 15m in height.	Dwellings in Blocks A, B, C, E and J will exceed 9m high from finished ground level in places as shown on Sheet A221, A400, A401, 402 and 403 of the PENZL Resource Consent Plan set. The plans also show an 11-metre height as provided for in the proposed Residential – Mixed Housing Urban zone. The proposed maximum heights as per the height variation control proposed in the Plan Change Request is also shown. The dwellings will comply with the proposed heights for the MHU zone and the proposed height variation control, but do not all comply with the Future Urban zone maximum 9 metre height. Infringement.								
H18.6.3. Yards	(1) Buildings and accessory buildings or parts of such buildings must be set back from the relevant boundary by the minimum depth listed in Table H18.6.3.1 Yards below Table H18.6.3.1 Yards <table border="1" data-bbox="453 1581 901 2018"> <thead> <tr> <th data-bbox="453 1581 724 1626">Yard</th> <th data-bbox="724 1581 901 1626">Min Depth</th> </tr> </thead> <tbody> <tr> <td data-bbox="453 1626 724 1839">Front yard of sites adjoining arterial roads as shown on the planning map (unless otherwise specified)</td> <td data-bbox="724 1626 901 1839">20m</td> </tr> <tr> <td data-bbox="453 1839 724 1946">Front yard all other sites</td> <td data-bbox="724 1839 901 1946">10m</td> </tr> <tr> <td data-bbox="453 1946 724 2018">Side or rear yard for buildings other than</td> <td data-bbox="724 1946 901 2018">12m</td> </tr> </tbody> </table>	Yard	Min Depth	Front yard of sites adjoining arterial roads as shown on the planning map (unless otherwise specified)	20m	Front yard all other sites	10m	Side or rear yard for buildings other than	12m	Sandspit Road is an arterial road, therefore the front yard setback is 20m. Dwellings are proposed within the 20m front yard setback (the closest is within 3m of the front boundary). Infringement. All dwellings are at least 15m from the side and rear boundaries of the site and therefore do not infringe the side, rear or riparian yard setback. Complies. Retaining walls and other non-residential buildings will not comply with the Future Urban zone development standards. Infringement.
Yard	Min Depth									
Front yard of sites adjoining arterial roads as shown on the planning map (unless otherwise specified)	20m									
Front yard all other sites	10m									
Side or rear yard for buildings other than	12m									

AUP Rule	AUP Requirement		Assessment of proposal
	<p>dwelling and their accessory buildings (unless otherwise specified)</p> <p>Side or rear yard for dwelling and their accessory buildings within a Quarry Buffer Area Overlay</p> <p>Side or rear yard of the site for dwelling and their accessory buildings (unless otherwise specified)</p> <p>Riparian yard</p> <p>Lake yard</p> <p>Coastal protection yard or as otherwise specified for the site in Appendix 6 Coastal protection yard</p>	<p></p> <p>20m</p> <p>6m</p> <p>20m (from edge of permanent and intermittent streams)</p> <p>30m</p> <p>50m</p>	<p>The site is outside the Quarry Buffer Overlay. This is located further east along Sandspit Road.</p> <p>Dwellings on the proposed fully subdivided sites will not comply with the Future Urban zone development standards – Infringement.</p> <p>Dwellings on Lots 13 – 19 will be partially within the 20-metre riparian yard setback as shown on Sheet 5 of the Scheme Plan set.</p> <p>N/A</p> <p>The site is outside the extent of the Coastal Marine Area – Appendix 7 Coastal Marine Area Boundaries of the Unitary Plan and therefore the coastal yard does not apply.</p>
H18.6.8. Dwellings	<p>(1) A proposed dwelling must not be located on a closed road or road severance allotment.</p> <p>(2) No more than one dwelling is permitted on any site.</p>		<p>49 dwellings are proposed. Infringement.</p>

E7 – Taking, Using, Damming and Diversion of Water and Drilling

AUP Rule	AUP Requirement	Assessment of Proposal
Table E7.4.1 Take and Use of Groundwater and Diversion of Groundwater		
Table E7.4.1(A20)	(A20) - Dewatering or groundwater level control associated with a groundwater diversion authorised as a restricted discretionary activity under the Unitary Plan, not meeting permitted activity standards or is not otherwise listed is a Restricted Discretionary Activity.	<p>The required groundwater diversion does not meet the Standards in terms of the diversion will last longer than 30-days and earthworks will exceed 10 days. Cuts also exceed 6 metres.</p> <p>The groundwater analysis in Appendix G of the Geotechnical report – Appendix 10.</p>

AUP Rule	AUP Requirement	Assessment of Proposal
Table E7.4.1 Take and Use of Groundwater and		Diversion of Groundwater
Table E7.4.1(A28)	(A28) - The diversion of groundwater caused by any excavation, (including trench) or tunnel that does not meet the permitted activity standards or not otherwise listed is a Restricted Discretionary Activity.	Restricted Discretionary Activity.

E8 - Stormwater Discharge and Diversion

AUP Rule	AUP Requirement	Assessment of Proposal
Table E8.4.1 Diversion and discharge of stormwater runoff from impervious areas onto or into land or into water or the coastal marine area pursuant to section 14 and 15 of the Resource Management Act 1991		
Table E8.4.1(A10)	(A10) - All other diversion and discharge of stormwater runoff from impervious areas not otherwise provided for is a Discretionary Activity.	The total impervious areas resulting from the creation of the JOAL's, the new access road, and for the proposed lots will be will 8474.7m ² , which will exceed the permitted threshold of 5,000m ² outside the urban area – Future Urban zone is not urban area as defined in the Unitary Plan. If rezoned the impervious areas are also greater than 1,000m ² (within an urban area) - Discretionary Activity.
Table E8.4.1 Diversion and discharge of stormwater runoff from impervious areas involving a stormwater network onto land or into water or the coastal marine area pursuant to sections 14 and 15 f the Resource Management Act 1991		
Table E8.4.1(A11)	(A11) - Diversion and discharge of stormwater runoff from an existing or new stormwater network is a Discretionary Activity.	Refer to the Engineering Design Report in Appendix 6 which details the proposed stormwater management. The impervious surfaces resulting from the proposed subdivision will discharge to the new stormwater network - Discretionary Activity.

E10 - Stormwater Management Area - Flow 1 and Flow 2

AUP Rule	AUP Requirement	Assessment of Proposal
Table E10.4.1 Development of new or redevelopment of existing impervious areas other than for a road, motorway or state highway		
Table E10.4.1(A3)	(A3) - Development of new or redevelopment of existing impervious areas greater than 50m ² within Stormwater Management Area Control – Flow 1 or	The total impervious areas resulting from the creation of the JOAL's, the new access road, and for the proposed lots will be will 8474.7m ² - Restricted Discretionary Activity.

AUP Rule	AUP Requirement	Assessment of Proposal
	Stormwater management area control – Flow 2 complying with Standard E10.6.1 and Standard E10.6.4.1 is a Restricted Discretionary Activity.	
Table E10.4.1 Development of new or redevelopment of existing impervious areas for a road, motorway or state highway operated by a road controlling authority or rail corridor		
Table E10.4.1(A10)	(A6) - Development of new or redevelopment of impervious areas greater than 1,000m ² and up to 5,000m ² for a road, motorway or state highway operated by a road controlling authority or rail corridor within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2 that complies with Standard E10.6.1 and Standard E10.6.3.1 is a Controlled Activity.	The proposal will involve the creation of impervious area greater than 1,000m ² and is therefore a Controlled Activity . Consent is sought for a Controlled Activity as a precaution should the Plan Change Request become operative ahead of granting of this resource consent.

E11 Land Disturbance - Regional

AUP Rule	AUP Requirement	Assessment of Proposal
Table E11.4.1 General earthworks not otherwise listed in this table		
E11.4.1 (A4) E11.4.1(A9)	(A4) Greater than 10,000m ² of earthworks and up to 50,000m ² . (A7) - Up to 2,500m ² within the Sediment Control Protection Area is a Permitted Activity. (A9) - General earthworks not otherwise listed in this table that are greater than 2,500m ² within the Sediment Control Protection Area ¹ is a Restricted Discretionary Activity.	Earthworks occur outside the Sediment Control Protection Area and will not exceed 10,000m ² Permitted Activity . 13,000m ² of earthworks are proposed within the Sediment Control Protection Area - Restricted Discretionary Activity .
Table E11.4.3 Land disturbance not otherwise listed in this table		
Table E11.4.3(A28)	(A28) - Land disturbance greater than 5m ² within the Significant Ecological Areas Overlay is a Restricted Discretionary Activity.	Earthworks within the SEA will equate to 500m ² and exceed the permitted threshold of 5m ² - Restricted Discretionary Activity .

AUP Rule	AUP Requirement	Assessment of Proposal
Table E11.4.3(A30)	(A30) - Land disturbance greater than 5m ³ within the Significant Ecological Areas Overlay is a Restricted Discretionary Activity	Earthwork within the SEA will equate to 610m ³ and exceed the permitted threshold of 5m ³ - Restricted Discretionary Activity.

E12 Land Disturbance - District

AUP Rule	AUP Requirement	Assessment of Proposal
Table E12.4.1 General earthworks not otherwise listed in this table		
Table E12.4.1(A6)	(A6) - Earthworks greater than 2500m ² is a Restricted Discretionary Activity.	The proposal will involve earthworks over an area of 17,700m ² which exceeds the permitted threshold of 2,500m ² - Restricted Discretionary Activity.
Table E12.4.1(A10)	(A10) - Earthworks greater than 2500m ³ is a Restricted Discretionary Activity.	The proposed volume of earthworks will equate to 3,4000m ³ of fill and 46,8000m ³ of fill - Restricted Discretionary Activity.
Table E12.4.1(A17)	(A17) - Earthworks for the installation of fences and walking tracks within the Historic Heritage Overlay subject to archaeological rules is a Restricted Discretionary Activity.	The proposal seeks to install fences and walking tracks within the Historic Heritage Overlay subject to archaeological rules - Restricted Discretionary Activity.
Table E12.4.2 Land disturbance not otherwise listed in this table		
Table E12.4.2(A24)	(A24) - Works below the natural ground level within the Historic Heritage Overlay subject to archaeological sites is a Discretionary Activity.	The proposal involves works below ground level within the Historic Heritage Overlay - Discretionary Activity.
Table E12.4.2(A30)	(A30) - Earthworks greater than 50m ² in the Historic Heritage Overlay subject to archaeological sites is a Restricted Discretionary Activity.	The proposal involves earthworks greater than 50m ² within the Historic Heritage Overlay - Restricted Discretionary Activity.
Table E12.4.2(A30)	(A33) - Earthworks greater than 250m ³ in the Historic Heritage Overlay subject to archaeological sites is a Restricted Discretionary Activity.	The proposal involves earthworks greater than 250m ³ within the Historic Heritage Overlay - Restricted Discretionary Activity.
Table E12.4.2(A30)	(A30) - Earthworks greater than 50m ² in the Outstanding Natural Landscape is a Restricted Discretionary Activity.	The proposed area of earthworks within the ONL will exceed 50m ² and exceed the permitted threshold - Restricted Discretionary Activity.

AUP Rule	AUP Requirement	Assessment of Proposal
Table E12.4.2(A33)	(A33) - Earthworks greater than 250m ³ in the Outstanding Natural Landscape is a Restricted Discretionary Activity.	The proposed volume of earthworks within the ONL will exceed 250m ³ and therefore exceed the permitted threshold - Restricted Discretionary Activity.
E12.6.2 General Standards		
E12.6.2(1)	<p>E12.6.2(1) - Land disturbance within riparian yards and coastal protection yards are limited to:</p> <ul style="list-style-type: none"> (a) operation, maintenance and repair (including network utilities); (b) less than 5m² or 5m³; for general earthworks; (c) less than 10m² or 5m³ for the installation of new network utilities; (d) installation of fences and walking tracks; or (e) burial of marine mammals. <p>An infringement to this standard is assessed as a Restricted Discretionary Activity pursuant to Rule C1.9(2) of the AUP.</p>	The proposal involves earthworks greater than 5m ² and 5m ³ within riparian yards - Restricted Discretionary Activity.

E15 Vegetation Management and Biodiversity

AUP Rule	AUP Requirement	Assessment of Proposal
Table E15.4.1 Activity Table - Auckland-wide vegetation and biodiversity management rules		
All zones outside the RUB		
Table E15.4.1(A10)	(A10) - Vegetation alteration or removal, including cumulative removal on a site over a 10-year period, of greater than 250m ² of indigenous vegetation that: <ul style="list-style-type: none"> (a) is contiguous vegetation on a site or sites existing on 30 September 2013; and (b) is outside the rural urban boundary; is a Restricted Discretionary activity.	The application seeks enable vegetation alteration/removal greater than 250m ² as described in the Ecological Report provided in Appendix 9 - Restricted Discretionary Activity.
Riparian areas		
Table E15.4.1(A16)	(A16) - Vegetation alteration or removal within 20m of rural	The application seeks to remove vegetation within 20m of a rural

AUP Rule	AUP Requirement	Assessment of Proposal
	streams, other than those in Rural – Rural Production Zone and Rural – Mixed Rural Zone is a Restricted Discretionary Activity.	stream as described in the Ecological Report provided in Appendix 9 - Restricted Discretionary Activity.
Table E15.4.1(A23)	(A23) - Permitted activities in Table E15.4.1 that do not comply with one or more of the standards in E15.6 is a Restricted Discretionary Activity.	<p>The proposed vegetation removal and potential trimming does not comply with the following standards in E15.6:</p> <ul style="list-style-type: none"> ○ E15.6.5 Vegetation removal within the SEA for a dwelling and access is greater than 300m². ○ E15.6.6 Vegetation removal within the ONL is greater than 50m² and some trees removed will be greater than 600mm in girth and some may be greater than 6-metres in height. ○ E15.6.9 Tree trimming in the SEA - the tree trimming in addition to the removal sought may be required in the SEA involving vegetation with a branch diameter greater than 50mm. <p>Accordingly, the proposed vegetation removal and trimming is assessed as a Restricted Discretionary Activity.</p>

E17 Trees in roads

AUP Rule	AUP Requirement	Assessment of Proposal
Table E17.4.1		
Table E17.4.1(A6)	(A6) - Tree trimming or alteration that does not comply with Standard E17.6.1 is a Restricted Discretionary Activity.	The proposed tree trimming, and alteration may not meet these standards given that trimming will be required for formation of the shared path. This consent is sought as a precaution. Refer to Arborist Report in Appendix 15 for further information. Accordingly, a Restricted Discretionary resource consent is sought under this rule.
Table E17.4.1(A8)	(A8) - Works within the protected root zone that do not comply with Standard E17.6.3 is a Restricted Discretionary Activity.	The proposed works within the protected root zone will not meet standard as detailed in the Arborist Report provided in Appendix 15. Accordingly, this aspect of the proposal is assessed as a Restricted Discretionary Activity.

AUP Rule	AUP Requirement	Assessment of Proposal
Table E17.4.1(A10)	(A10) - Tree removal of any tree greater than 4m in height or greater than 400mm in girth is a Restricted Discretionary Activity.	The proposal will involve the removal of a tree greater than 4m in height or greater than 400mm in girth - Restricted Discretionary Activity.

E25 Noise and Vibration

AUP Rule	AUP Requirement	Assessment of Proposal
Table E25.4.1		
Table E25.4.1(A1)	(A1) - Activities that comply with all the relevant permitted activity standards are a Permitted Activity.	Construction noise will comply with the permitted maximum noise standards and is therefore a Permitted Activity.

E26 Infrastructure

AUP Rule	AUP Requirement	Assessment of Proposal
Table E26.2.3.1 Activity Table - Network utilities and electricity generation - All zones and roads		
Table E26.2.3.1(A49)	(A49) - Underground pipelines and ancillary structures for the conveyance of water, wastewater and stormwater (including above ground ancillary structures associated with underground pipelines) in the Future Urban Zone is a Permitted Activity.	The installation of servicing is a Permitted Activity under this rule.
E26.5.3 Specific activities within zones in Table E26.2.3.1		
Standard E26.5.3(23)	(23) - Pipe and cable bridges must not exceed: (a) 25m in length; (b) 1m in diameter or width. An infringement to this standard is assessed as a Restricted Discretionary Activity under Rule C1.9(2) of the AUP-OP.	The pipe bridge to convey the wastewater pipeline to connect adjacent to 1A Matakana Road will be greater than 25 in length and therefore infringe this standard - Restricted Discretionary Activity.
Table E26.2.3.2 Activity Table for road network activities		
E26.2.3.2(A67)	(A67) - Construction, operation, use, maintenance is a Permitted Activity.	The construction of the new road is a Permitted Activity.

E27 Transport

AUP Rule	AUP Requirement	Assessment of Proposal
Table E27		
Table E27.4.1(A2)	(A2) - Parking, loading and access which is an accessory activity but which does not comply	Refer to the Traffic Impact Assessment provided in Appendix 11. The proposed development complies with

AUP Rule	AUP Requirement	Assessment of Proposal
	with the standards for parking, loading and access is a Restricted Discretionary Activity .	the parking, loading and access standards, except for the vehicle access to Unit H which exceeds the maximum crossing width requirement of 3.0m under Standard E27.6.3.2 of the AUP. Restricted Discretionary Activity .
Table E27.4.1(A10)	(A10) - Off-road pedestrian and cycling facilities is a Permitted Activity.	The proposed off-road pedestrian and cycling facilities are a Permitted Activity .

E30 Contaminated Land

AUP Rule	AUP Requirement	Assessment of Proposal
Table E30.4.1 Activity Table		
Table E30.4.1(A6)	(A6) - Discharges of contaminants into air, or into water, or onto or into land not meeting permitted activity Standard E30.6.1.1; E30.6.1.2; E30.6.1.3; E30.6.1.4; or E30.6.1.5 is a Controlled Activity.	The proposal does not meet Standard E30.6.1.2 due to the exceedance to the soil disturbance limitations - Controlled Activity .

E36 Natural Hazards

AUP Rule	AUP Requirement	Assessment of Proposal
Table E36.4.1 Activity Table		
Activities in the 1 percent annual exceedance probability (AEP) floodplain		
Table E36.4.1(A33)	(A33) - Construction of other land drainage works, stormwater management devices or flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain is a Restricted Discretionary Activity.	The stormwater outfalls trigger a Restricted Discretionary resource consent under this rule if constructed prior to the SMP and Private Plan Change being approved.
Activities in overland flowpaths		
Table E36.4.1(A42)	(A42) - Any buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path is a Restricted Discretionary Activity.	A precautionary Restricted Discretionary resource consent is being sought under this rule for the retaining wall, inground palisade wall and underground stormwater tank between Lots 12 and 13 overland flowpath.

E39 Subdivision - Rural

AUP Rule	AUP Requirement	Assessment of Proposal
Table E39.4.3 Subdivision in the Future Urban Zone		
Table E39.4.3(A29)	(A29) - Any other subdivision not provided for in Table E39.4.1 or E39.4.3 is a Non-Complying Activity.	The proposed subdivision is not provided for in Table E39.4.1 or E39.4.3 and therefore requires assessment as a Non-Complying Activity .

Appendix 4:

Scheme and Topographical Plans

Appendix 5:

Architectural Plans

Appendix 6:

Civil Engineering Plans / Report and Stormwater Management Plan

Appendix 7:

Landscape and Visual Assessment

Appendix 8:

Landscape Plans

Appendix 9:

Ecology Report

Appendix 10:

Geotechnical Report

Appendix 11:

Traffic Report

Appendix 12:

Heritage Assessment

Appendix 13:

Urban Design Report

Appendix 14:

Soil Contamination DSI

Appendix 15:

Arborist Report

Appendix 16:

Objectives and Policies

Appendix 17:

Consultation

End of Report

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