

June 23, 2023

Auckland Council  
Attn. Mr David Wren  
(by email)

Dear David

**Re: Proposed Warkworth South Plan Change – Response to Second CI23 Request**

I write on behalf of KA-Waimanawa Limited Partnership and Stepping Towards Far Limited.

The tabulated response to the second set of questions from Council is attached. Also attached is a response from Simpson Grierson in respect to the wetland matter. There has been a further meeting with Healthy Waters this week and we will respond to their questions in the next week or two as further progress was made in addressing their queries at this meeting and this needs to be reflected in the response.

The updated version of the proposed plan change provisions is attached. The only change is in xxx6.1(2) where (A4) has been changed to (A3). This was an error in the last version and addressed question 2.5.

Since our last meeting there are a couple of matters we have given further consideration to and which we now address further.

**Flooding**

The Plan Change documentation includes a Stormwater Modelling Report and I attach at the end of this letter the current flooding extent plan for the Precinct (which excludes any future changes resulting from bulk earthworks).

We have given further thought as to whether a precinct specific rule is required in respect to flooding matters. However, we consider that Section E36 (Natural Hazards and Flooding) adequately addresses the flooding risk and that no Precinct specific rules are required. In very simple terms, any new dwellings within a flood plain require resource consent under E36. The adequacy of E36 was demonstrated in the recent Auckland Anniversary flood events where new master planned subdivisions in Auckland were not significantly affected by the flood events.

This must be understood in the context where Maven have done extensive work on flooding and overland flow within the catchment. That has been worked through with Healthy Waters and, as noted above, we will be responding to their questions next week.

Overland flow is successfully managed through existing streams and on roads, to complying depths, as it typical in modern subdivisions in Auckland. All flood plains within the plan change area are to remain undeveloped for housing and will mostly remain as streams or open space.

As stated it would be possible to draft precinct assessment criteria to this effect. However, working on the principle of avoiding duplication, we instead are relying on E36. This is common practice elsewhere in precincts. However, if the Council considers this is material to the advancing of this plan change the applicants would accept duplicated provisions dealing with the flood plain and effectively repeating the relevant E36 criteria.

**Separation to the Existing Warkworth Urban Area**

The Plan Change is adjacent to the existing Warkworth urban area in the vicinity of Mason Heights and there is a separation distance of just over 400m between the northern edge of the WW South

Plan Change area and the urban zoning just south of McKinney Drive (with this area being zoned Future Urban).

As outlined in the supporting Planning Report, the key infrastructure for the urban development of Warkworth South (ie the water reservoir, wastewater pump stations) along with the local centre and the public transportation hub for Warkworth South are all within the Waimanawa precinct. This area therefore needs to be developed prior to the area to the immediate north unless Council was to purchase the required land and install this infrastructure itself to then allow for urban development to proceed southwards from McKinney Drive. Given the significant financial constraints faced by Auckland Council, such an option is not feasible. Policy 8 of the NPS-Urban Development specifically provides for situations such as this.

A shared pedestrian path/cycleway is proposed between the Warkworth South Plan Change area and McKinney Drive to ensure there is a practical and usable connection between the two areas.

### **Funding of Infrastructure**

As previously outlined, the required infrastructure is to be funded by the applicants and negotiations on this funding are continuing with the relevant Council Officers. Significant investment in infrastructure in Warkworth has and is continuing to be made by Auckland Council and its CCO's (including the upgrading of the water supply and the wastewater network), NZTA (the new Puhoi to Warkworth Motorway) and a range of network utility operators and private companies. It is important that Warkworth can continue to expand as proposed to ensure that this new infrastructure is appropriately used and a return is received on it in a timely manner.

This matter is addressed further in the response to the questions from the DPO.

### **Questions from the DPO**

On the 22/06/2023 you sent us an email with some questions which the DPO had raised with you. Our response to these questions (given in italics below) are:

*Watercare – mention is made of a water reservoir but this doesn't appear to be recognised in the proposed precinct plan?*

This is incorrect. Precinct Plan 2 identifies the proposed water reservoir location. Rule lxxx.4.3(A4) specifically provides for the provision of a water reservoir as a controlled activity.

*AT – unclear when/how the WWLR would transition from collector to arterial. Also a lack of detail on the plans for a public transport interchange.*

It is our understanding that the transition will occur in approximately 12 months. This transition of control of the current SH1 from NZTA to AT does not have a material effect on the Plan Change and we are working on the basis that by the time development proceeds that the current SH1 would be under the control of AT. The detailed planning of the transport interchange is the responsibility of AT. The Plan Change identifies a location for this public transport interchange.

*DPO have been looking at the effectiveness of infrastructure triggers in precinct plans and are working up monitoring of the triggers in Drury precinct plan triggers as part of wider work on monitoring the development of Drury. The infrastructure triggers proposed by the applicant for Warkworth South are very poorly worded and will be ineffective in delivering the necessary infrastructure to support an increasingly urbanised environment.*

We look forward to receiving from Council the suggested revised wording for these rules and this is a matter we assume will be addressed in your report. It is unfortunate that the DPO has not identified their specific concerns with the current wording.

*We (DPO) have met Phillip Nicholson (Classic Developments) a few times as he is very keen to get some form of infrastructure funding agreement in place prior to the plan change. We have communicated to him that Warkworth South is not a priority area for the council. We also advised that we thought it was unlikely funding agreements would be in place prior to the plan change. We*

*have met with them and know they are progressing work with Crown Infrastructure Providers to scope out an arrangement and what kind of levy could be charged.*

The proposed plan change and the implementation programme resolves and funds all infrastructure for the plan change area, and futureproofs infrastructure for the wider Warkworth South area. The applicants have been very clear to Council from the start that it is their intent to fund the infrastructure required for Warkworth South and it is unclear why certain Council officers either don't understand this or are pushing back on this private funding initiative.

In particular, the proposal will fund:

- (i) all local infrastructure within Warkworth South will be funded by the project in the normal manner.
- (ii) the upgrading of the existing SH1 through the plan change area to urban road standards;
- (iii) building a dedicated shared path walkway and cycleway from the plan change area to McKinney Road;
- (iv) funding the construction of the roundabout at WWLR;
- (v) funding a two lane strategic arterial road on the WWLR through the K A Waimanawa land;
- (vi) funding the potable water supply line from Warkworth-to-Warkworth South;
- (vii) vesting the land for the necessary water reservoir to service Warkworth South. Securing this land will futureproof either an extension or a duplicate reservoir for the rest of Warkworth South;
- (viii) vesting the land necessary for the wastewater pump station necessary to service the plan change area;
- (ix) construction of the pump station(s) to service the plan change area;
- (x) construction of a rising main from the pump station to the top of McKinney Road, with the opportunity to place a second pipe in the trench to service other parts of Warkworth South if developed in the future;
- (xi) construction of a gravity line, futureproofed for all of Warkworth South, from McKinney Road to the prime Warkworth pump station;
- (xii) setting aside land for the transport hub identified in the Strategic Growth Alliance programme and in the Structure Plan; and
- (xiii) setting aside land for future open spaces.

As you would be aware, there has been and there is on-going substantial investment in core sub regional infrastructure, which is either complete or well underway and this includes:

- rising main from Warkworth to the Mahurangi Treatment Plant;
- upgrade of the Snells Beach treatment plant;
- ocean outfall from the Snells Beach treatment plant;
- upgrade of the Warkworth water supply;
- completion of the Puhoi to Warkworth Expressway; and
- completion of the Matakana Link Road.

*I am also a little concerned that the applicant's understanding of the infrastructure needed is underdeveloped. The Infrastructure Report isn't significantly different to what was presented during the soft lodgement and doesn't include updated estimate on costs which I understood Maven were to meet with WaterCare to understand how WaterCare cost out their projects for the purposes of estimating what the cost of providing that infrastructure would be.*

The engineering reports provided to support a plan change does not include costings. These are provided separately to the DPO and the relevant CCO's through the discussions on infrastructure funding. We note that Maven have since provided updated costings to Watercare for review/approval.

### **The Next Stages**

Upon receipt of this response, can Council please confirm when we can expect their recommendation to go to the Planning, Environment and Parks Committee. If the Councillors consider that a site visit would assist their understanding of the Proposed Plan Change then please let us know and we arrange this in coordination with yourself.

Sincerely,

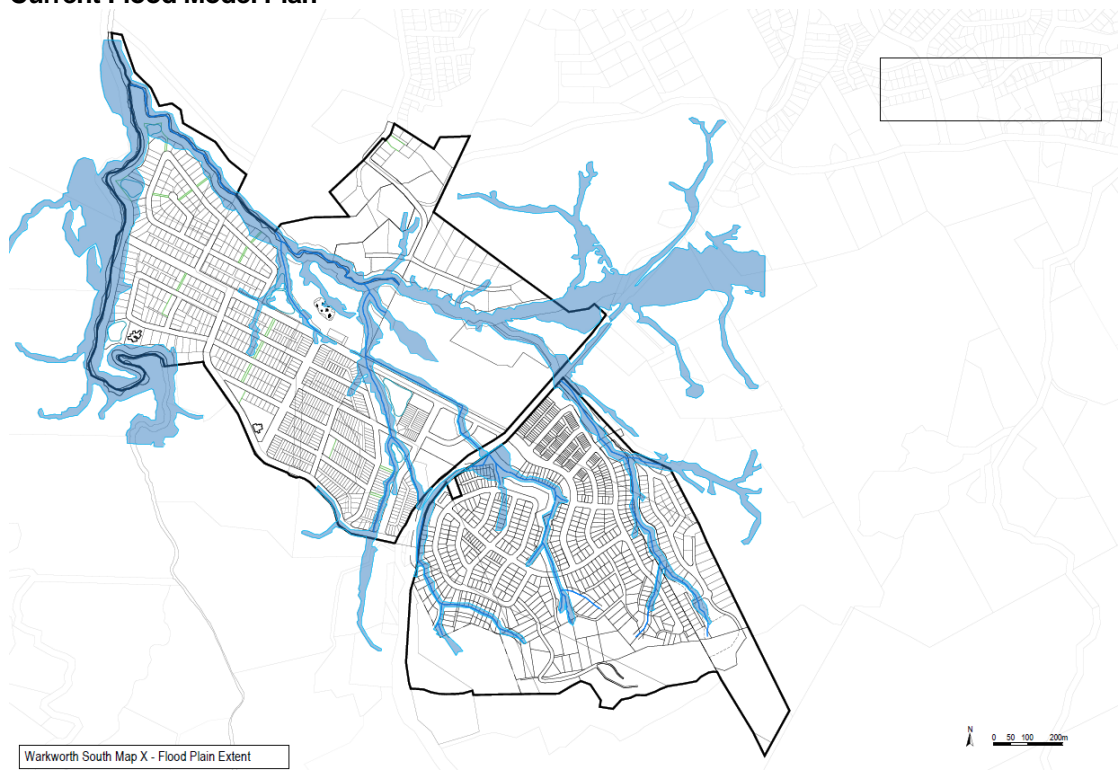


**David Hay**  
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Copy to:

Attachments:

### Current Flood Model Plan



## Response to Questions

Question No.	Question	Response By	Response
<b>1. Landscape</b>			
1.1	<p><i>The response to 3.9a – 39c of the original request notes a likely GFA of up to 5,000msq for areas A &amp; B. Is a maximum GFA for the site (areas A &amp; B combined) proposed? The response to point (b) notes that the shelter belt will continue to be required along the southern boundary.</i></p> <p><i>The Morrison Orchard: Precinct Plan does not identify this planting as having to be retained. Similarly, the locations and width of planting along the streams is not identified on the plan, so the planting could be removed if not protected.</i></p> <p><i>Please clarify how the retention of the existing shelterbelt or similar would be achieved in the long term (e.g., shown on the precinct maps and through standards?)</i></p>	SH	<p>No maximum GFA is proposed within areas A and B combined. It is considered that the standard Mixed Rural Zone and other AUP standards are generally appropriate, other than where the proposed precinct provisions prevail. It is noted that buildings and additions over 250m<sup>2</sup> GFA are now proposed as a restricted discretionary activity, which is considered appropriate to assess and control any potential adverse effects arising from GFA. The assessment criteria applying relate to the following matters:</p> <ul style="list-style-type: none"> <li>• Noise</li> <li>• Design and location of buildings</li> <li>• Traffic effects</li> <li>• Stormwater management</li> <li>• Building height effects</li> <li>• Animal housing effects</li> </ul> <p>While the shelter belt is likely to be retained/replaced/maintained on an ongoing basis given the orchard activity requiring a shoulder belt is projected to continue, that requirement in itself is considered highly likely to ensure that any positive effects provided by the shelter belt are maintained.</p> <p>On the other hand, were the shelterbelt to be removed for any farm operational or plant health reasons, the rural landscape values offered by the property to urban development to the south-west would largely be retained by the ongoing orchard operation or any similar rural activities.</p> <p>Were the Council of the view that there were more than minor adverse effects likely to arise with the removal of the shelter belt, options that could be considered include:</p>

			<ul style="list-style-type: none"> <li>o the Precinct Plan being amended to identify the location of the shelter belt and a standard requiring its retention.</li> <li>o A new restricted discretionary activity included in Table XXX.X.1 under “Development” for: “Removal of all or part of the shelterbelt identified as X on the Precinct Plan map”.</li> <li>o A new Matter of Discretion and Assessment criterion for consideration of the shelter belt alteration or permanent removal, including the option for replacement were all or part of the existing shelter belt required for orchard operation, plant health or maintenance purposes. (Potentially a permitted activity for removal and re-establishment for the latter reasons could also be considered to prevent the need for unnecessary resource consent applications).</li> </ul>
1.2	<p><i>Section 3.11 of the original request was in relation to the plan below (which was included within the lodged documentation). The area in the middle with the highlighter green mark was left white and I was unsure of what this was indicating (e.g., an area excluded from the proposed areas A, B and C?). However, it appears that this map has been removed. Please confirm if this map is no longer proposed, or if it is confirm what the white area is.</i></p>	SH	<p>This plan is no longer part of the Plan Change. Plan lxxx.9.1 Morrison Orchard Precinct Plan in the Plan Change is the precinct plan to be referred to and covers this area shown in white in the now superseded plan.</p>





## 2. Traffic and Transport

2.1


*In respect of your 4.1 the extract from the SGA drawing shown in the response is for a 3-legged roundabout. The Plan Change proposes a 4-legged intersection. The addition of the fourth leg could impact on the performance of the intersection.*

*An assessment of the performance of the intersection in 2046 as a four legged intersection should be provided to demonstrate the acceptable performance of the intersection.*

TPC

As stated in Section 3.3 of the ITA report, the SGA have undertaken assessment of the road network required to accommodate the traffic generated by the full development of Warkworth in 2046, and this work has not been repeated in the ITA report.

SGA have verbally advised the applicant that a single lane roundabout would accommodate WWLR/SH1 traffic following the full development of FUZ land and a completed arterial road network. As shown below, SGA has recently shared their idea for a layout of the Western Link Road/SH1 intersection proposal to support their Notice of Requirement and which shows a single lane roundabout (although this is slightly to the south of the preferred option provided for in the proposed plan change).

			
2.2	<i>In respect of 4.3(a) and (b) please refer to item 4.7(b)</i>		Refer to 2.4 below.
2.3	<i>In respect of your 4.5 please provide details as to how the precinct responds to the SGA proposals for WWLR and the upgrades to SH1.</i>	DH/JD	<p>The SGA's NoR application has been lodged for the State Highway 1 upgrades including the intersection with the WWLR. A submission is being made to the NOR to expand it to the north to allow for the WWLR/SH1 intersection to be slightly further to the north to more efficiently use the land resource and to avoid a wetland to the south on the eastern side of SH1.</p> <p>If SGA or AT has an issue with the precise SH1/WWLR location then that is a matter dealt with at the NOR hearing rather than being a requisite to the notification of this Plan Change.</p> <p>The precinct plan makes provision for the WWLR. The designation will be included in the general Auckland Unitary Plan maps and does not need to be repeated in the precinct provisions. The rules require protection of the WWLR corridor and set the timing for the implementation of the WWLR.</p>
2.4	<i>In respect of your 4.7(b) it is not clear as to the relevance of the Valerie Close upgrade to the provision of a pedestrian/cycle connection between the ped/cycle access from the Waimanawa Hills area to SH1 and the eastern area of the plan change. The response does not sufficiently address the original request.</i>	TPC	<p>If there is no development on Valerie Close, and no connection from Valerie Close to the Waimanawa Valley precinct, there would be no other connection to the west side of SH1 south of the SH1/WWLR intersection apart from Valerie Close, no attractors for pedestrians on the western side of SH1 south of the SH1/WWLR intersection, and thus no desire line for</p>

			<p>pedestrians from Waimanawa Hills to cross SH1 south of the SH1/WWLR intersection.</p> <p>Subdivision with frontage along Valerie Close or any road connection to Valerie Close might generate or attract pedestrians between the western side of SH1 and the pedestrian and cycle access from Waimanawa Hills connecting to SH1, and thus may create a pedestrian desire line to cross SH1 south of the SH1/WWLR intersection, however the precinct provisions require that “In the event of any subdivision with frontage along Valerie Close occurring or a new road connection to Valerie Close, an assessment is to be undertaken to confirm if any upgrading of the Intersection is required as part of that subdivision”.</p> <p>Thus the appropriate time to assess if a pedestrian desire line has been created to cross SH1 south of the SH1/WWLR intersection, and to assess if crossing facilities are thus required, would be at the resource consent stage when there is any subdivision with frontage along Valerie Close or any new road connection to Valerie Close, as part of the assessment that would be undertaken to confirm if any upgrading of the SH1/Valerie Close intersection is required.</p> <p>The applicant does not envisage a pedestrian crossing across SH1 in this location but considers it is a matter that can be assessed in the future assessment at resource consent stage and this is not a matter that needs to be finalised prior to the notification of this Plan Change.</p>
2.5	<i>In respect of your 4.10 it is noted that Standard lxxx6.1(2) has been amended. However, please provide an explanation as to why camp grounds have been excluded from this standard.</i>	SH	This is an error and lxxx6.1(2) has been amended so that it now includes campgrounds (A3).
<b>3. Ecology</b>			
3.1	<i>The following comments have been provided in respect of your numbered responses.</i>	-	N/A

3.2	<p><i>In respect of 7.2 The existing records of bats have not been carried out to a level necessary to understand bat activity in the area, being limited to snap shots in limited times frames. For a comprehensive understanding of bat activity multiple surveys throughout the year are necessary (not including winter dormancy). Please explain how The applicant is able to conclusively reach an opinion on activity being limited or" low level".</i></p> <p><i>The construction of the new SH1 is not a limitation on bat movement. The proposal is to significantly increase urbanisation of the land, and the applicant has not demonstrated, even with the limited inclusion of lighting standards, that bats have been duly afforded protection from urbanisation, including noise effects.</i></p> <p><i>The bat flight corridor is therefore incomplete, especially for the southeast of the plan change area (opposite side of current SH1), where no formal bat surveys have occurred.</i></p>	Bioresearches	<p>Existing, repeated surveys to date indicate that any such activity beyond the Mahurangi River corridor would be low level (as identified from existing survey information) if at all, and because previous survey effort and bat database records indicate that the source of the identified activity is highly likely to be associated with the large area of forest (indigenous and exotic) to the south-west, which has more recently become bisected from Warkworth by the construction of SH1 (Puhoi to Warkworth) motorway.</p> <p>With respect to how "the applicant is able to conclusively reach an opinion on activity being limited or" low level"- our assessment has not conclusively reached this opinion, and acknowledges that 'further survey spread has potential to provide more insight into bat activity'. However, the survey was undertaken in accordance with the Department of Conservation's bat inventory and monitoring module, (counting away from roosts- automatic bat detectors, Sedgeley 2012), noting that our study over November to January provided a much greater period of survey time than the minimum two weeks recommended in the DOC bat inventory and monitoring toolbox (Sedgeley 2012).</p> <p>We stated that the survey results 'indicated that 'any such activity beyond the Mahurangi River corridor would be low level (as identified from existing survey information (previous S92 response), based on the time spent within the study area (322 survey nights across the study, and 177 valid survey nights from three locations at the Waimanawa Valley site, west of SH1, in November 2021 to January 2022 inclusive), and targeting locations that would support the most likely flight paths into the study areas from known bat habitat.</p> <p>We have additionally reanalysed all data recorded from the survey period and confirmed that only two passes (15 less than the 17 originally reported) were recorded, both detected on one</p>

			<p>night (07 December 2021) at around 12.30 am. No other passes were recorded at this location (Mahurangi River, DW corner of Waimanawa Valley), or on any of the other recorders set over the survey period.</p> <p>The location of detected activity is consistent with expectations that bat activity would originate from sources to the SW of the site (being that nearest records (and area of known bat habitat) is to the south-west, and therefore the southern and western areas of the site were targeted for survey for this study.</p> <p>Further into Waimanawa Valley, two other recorders did not record any activity, where they were associated with forest fragment edges, comprising large trees and adjacent watercourses.</p>
3.3	<p><i>In respect of 7.3 the applicant has only addressed lighting effects and not noise effects that are known to adversely effect bat behaviours. Please update</i></p>	Bioresearches	<p>The effects of noise on bats is considered to be low. The following noise assessment is based on current knowledge of bat activity within the study sites, being at Waimanawa Valley- SW corner, Mahurangi River corridor.</p> <p>This location supports foraging, commuting and potential roosting habitat, and a 20 m setback / clearway buffer is proposed between the existing riparian edge and the proposed residential mixed housing suburban zone, where potential changes to baseline noise levels as a result of the proposed residential- suburban zone may cause disturbance to bats.</p> <p>The relationship between noise and longtailed bat activity remains unclear. Recent research in southern Hamilton found no clear relationship between long-tailed bat activity and noise (e.g., aircraft noise) (Wildlands Consultants, 2018), and current known bat roosts are present alongside major traffic routes in Hamilton-South. Despite this, other recent research has found that bats avoided motorway traffic sound, when played throughout consecutive nights (Hart, A. National Bat Hui, 2023) within bat habitat. While residential noise is likely to be substantially less intense, of a less frequent duration and</p>

			<p>frequency, particularly throughout the night, the operational effects of the Puhoi to Warkworth motorway, which is nearing construction completion and runs to the immediate south west of the study site, may further reduce existing indicatively low-level bat activity into the site in the long term.</p> <p>It remains difficult to determine whether noise alone is a significant deterrent to bat behaviour, the overall disturbance effects of urbanisation is often linked to increased lighting along road networks (night time, when bats are active), light spill and noise disturbance from residential houses (generally considered to be greater during the day, when bats are roosting).</p> <p>Noise levels are considered to be lowest during the evening and overnight in the proposed residential zone, and the potential effects of noise are expected to be minimised through provision of a 20 m dark space corridor alongside the existing Mahurangi River riparian edge.</p> <p>The overall level of effect of noise on bat activity is considered to be 'low'.</p>
3.4	<p><i>In respect of 7.4 the response is considered inadequate. Repeated surveys and the existence of a covenant protecting a natural area (see 7.14), is not overridden by the presence of a 'dam'. The applicant has not provided any evidence of resource consent for the construction of a dam (dams have specific meaning), or earthworks that has 'created an artificial wetland'. The wetland would be considered a natural inland wetland under the NPS-FM &amp; NES-FM as it has not been demonstrated the wetland was constructed for a specific purpose.</i></p> <p><i>Assessment under the AUP for Significant Ecological Areas would easily determine SEA factors have been met. Not only is the wetland natural, as previously determined by consent but meets SEA Factors and should be annotated as such.</i></p>	Bioresearches	<p>As discussed under 3.3.4.7 of the Ecological Report, a small man-made pond was created by deliberately damming the flow of the intermittent flow paths to the area. This was done to create an amenity area. These works were carried out as a permitted activity under the ALWP (or possibly earlier), well prior to Nov 2016 when works in intermittent streams were no longer a permitted activity. The main point of discussion is whether the area was deliberately constructed or not. As discussed, the habitat was obviously created (as shown on the historical aerials and consultation from the previous landowner) and is part of a deliberately constructed waterbody and therefore does not meet the definition of a natural inland wetland (as per the NPS-FM as at February 2023). The exclusions are:  <i>(b) a deliberately constructed wetland.... or</i></p>

			<p><i>(c) a wetland that has developed around a deliberately constructed water body, since the construction of the water body.</i></p> <p>These exclusions would both apply to this area.</p>
3.5	<p><i>In respect of 7.8 In order to understand how development protected, maintains and enhances biodiversity values formal fauna assessments are necessary. This goes to the very essence of the RMA and demonstrates the hierarchy of avoid, remedy, or mitigating adverse effects. Including where specific standards are required in the Precinct, noting the inclusion of bat standards for flight corridors (notwithstanding their current inadequacy).</i></p>	Bioresearches	<p>As per our previous response, the areas with highest potential for lizard habitat throughout the site have been identified, avoided, protected (where they are currently not protected) and enhanced (e.g. SEA &amp; Mahurangi River corridor, kanuka forest, mixed native exotic fragment; Waimanawa Hills- Rock face, indigenous tree land).</p> <p>Beyond these areas, any potential lizard occurrence has not been ruled out but are not considered to represent important habitat for native lizards. This is because these areas are generally maintained as pasture or exotic hedges.</p> <p>This approach ensures that key terrestrial biodiversity values, as represented by existing areas of least modified indigenous vegetation cover, are avoided, protected and enhanced.</p> <p>Additionally, riparian restoration would enhance / improve and connect potential lizard habitat values where they are currently negligible (e.g. currently grazed pasture edges).</p>
3.6	<p><i>In respect of 7.9 ,because DOC have endorsed Auckland Regional threat categories, it would be worthwhile acknowledging the regional distinction, even if threat status may be unchanged.</i></p>	Bioresearches	<p>Regional threat status acknowledged (note Pacific gecko, <i>Dactylocnemis pacificus</i>, is Nationally 'Not Threatened', however our assessment uses the Regional status of 'At Risk- declining').</p>
3.7	<p><i>in respect of 7.10 it is considered that the response is inadequate because Appendix 1, section 1.4.2 is clear in that the applicant must identify natural resources and demonstrate how they will be protected, maintained and/or enhanced through development, including "opportunities for environmental restoration and biodiversity".</i></p>	DH/JD	<p>Appendix 1 (and section 1.4.2 in particular) of the AUPOP relates to Structure Plan guidelines. The Warkworth Structure Plan was prepared by Council and is not being revisited as part of this Plan Change process.</p> <p>If Council Officers have a concern that the Warkworth Structure Plan was not prepared in accordance with Appendix 1 then this</p>

			should have been raised internally at the time of the Structure Plan preparation rather than at this Plan Change stage.
3.8	<i>In respect of 7.14 it is considered that the response is inadequate because Council GeoMaps shows this wetland as subject to LINZ covenant. Further investigation is required as to the discrepancy with the CT title doc and the one that does show that the covenant was registered and issued at s224(c) 2011.</i>	DH/JD	Please refer to the attached response from Simpson Grierson.
<b>4. Urban Design</b>			
4.1	<i>Please provide an analysis and response to creation of a functional structure and urban area that addresses the relationships between the plan change area and land to the north and south noting that these connections appear to be lacking.</i>	Reset	<p>The proposed plan change will essentially contribute to a functional urban area and promote integration with the surrounding area whilst providing protection to the existing special natural\rural characteristics. The key reasons are:</p> <ul style="list-style-type: none"> <li>· The proposal is well located within an area that has been identified as an important node for future urban growth in Warkworth by the Warkworth Structure Plan 2019. The urban structure and spatial arrangement of subdivisions, roading and open space networks have been comprehensively considered and laid out to create a functional urban area with high connectivity both within the site and to the wider area.</li> </ul> <p>Connection with the existing urban area of Warkworth</p> <ul style="list-style-type: none"> <li>· Fundamentally, the existing SH1 and further upgrade alongside part of this road corridor ensures that the proposal is well connected with the existing urban area of Warkworth including the town centre.</li> </ul> <p>Connection to the north</p> <ul style="list-style-type: none"> <li>· In terms of the plan change site to the west of SH1, there are multiple natural features and rural characters to be protected, including a primary tributary of the Mahurangi River, the northern escarpment north of the tributary and the special rural character of Morrisons orchard. These elements form physical barriers and land</li> </ul>



			<p>use constraints across that part of the land. The proposal provides a good level of protection to all of these special characters via the avoidance of unexpected and inappropriate urban developments (this reflects on the provision of only low intensity residential developments), maintaining the landform character and its landscape across the northern escarpment, and retaining the Morrisons orchard as a key rural feature. However, roading and pedestrian connections together with compatible activities are provided throughout the northeastern part of Waimanawa Valley which ensures the proposal is well integrated with the immediate urban neighbourhood around Mason Heights.</p> <ul style="list-style-type: none"><li>· In terms of the plan change site to the east of SH1, the proposal provides a subdivision pattern with density transitioning down towards the northeastern boundary beyond which the immediate neighbours are predominant pastoral farms/ rural lifestyle blocks. A collector road connection linking to the further urban area north of the site is provided. The proposal will not exclude the possibilities for any future pedestrian/cycling connections to be further provided through to the northern neighbours as a large portion of the northern boundary contains public interfaces which are either esplanade reserves or bush reserves.</li></ul> <p>Connection to the south</p> <ul style="list-style-type: none"><li>· In terms of the plan change site to the west of SH1, the existing Valerie Close will continue to provide access to the properties immediately south of Waimanawa Valley. A series of north-south connections (for vehicles, pedestrians and cyclists) between Valerie Close and the proposed WWLR will be provided within the plan change area. These are envisaged to provide easy access for further developments south of Valerie Close to be connected with the new neighbourhood centre, the proposed recreational park and other amenities within the Waimanawa development.</li></ul>
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			<ul style="list-style-type: none"> <li>In terms of the plan change site to the east of SH1, the proposal adjoins the Avicé Miller Scenic Reserve almost to the full extent of the south boundary. The southernmost part of the site together with the wider area further to the south is currently rural zoned. The proposal essentially provides protection to the outstanding natural landscape and rural character across and beyond the Avicé Miller Scenic Reserve by enhancing existing vegetation and avoiding inappropriate high intensity urban development. A pedestrian and cycle link is proposed from the southeastern end of the plan change area through to the adjacent Avicé Miller Scenic Reserve.</li> </ul>
4.2	<i>Please provide a commentary on the relative importance of principles and the management of tensions between delivering an overall functional and well-designed area that fits into the wider functional and well-designed urban area. This may include changes to the policies and objectives that focus on connections to adjoining land to the north and south.</i>	Reset	<p>The indicative masterplan demonstrates a well-designed and functional urban area with a high level of connectivity and amenity throughout the plan change site and to the wider area.</p> <p>The proposal provides an appropriate transition and design approach to the immediate and surrounding neighbourhood regarding land use, urban form, transport connection and landscape. The proposal reflects the urban structure sought out in the Warkworth Structure Plan.</p> <p>The Plan Change provisions provide an appropriate framework that enables a functional urban area within the plan change site whilst addressing the integration with the immediate neighbourhood and the wider Warkworth urban area.</p>
4.3	<i>Please provide a rationale for sites backing onto the reserve network to the extent shown.</i>	Reset	<p>Waimanawa Valley</p> <ul style="list-style-type: none"> <li>A bat flight corridor is proposed at the western boundary of Waimanawa Valley along the Mahurangi River. Larger residential lots with substantial yard setbacks are provided at this location to minimise potential disturbance associated with the urban subdivision. This approach is applied further along the tributary of the</li> </ul>

			<p>Mahurangi River along the northwestern boundary where the Kanuka forest dominates the riparian bank that may also be used by bats. The provision of residential lots backing onto this riparian corridor rather than urban standard roads would largely reduce the adverse impacts resulting from the associated urban developments.</p> <ul style="list-style-type: none"> <li>· There are a number of lots proposed adjacent to a section of a minor tributary on the southeastern corner of the Waimanawa Valley site. A north-south collector road is located immediately adjacent to this stream edge which provides a public interface with walking and cycling paths. It is considered that the approach proposed achieves an appropriate and practical outcome that balances public benefits and land use efficiency.</li> </ul> <p>Waimanawa Hills</p> <ul style="list-style-type: none"> <li>· The highly incised stream valleys intermixed with various escarpment faces/rolling hills often raise practical issues between construction feasibility and public/environmental benefits. A combination of public road edges, open spaces and lots adjoining riparian yards is proposed throughout the Waimanawa Hills site which provides fundamental protection to the stream corridors with a minimal impact on efficient subdivision layout and public amenity.</li> </ul>
4.4	<p><i>There is a lack of information about the development of the local centre and the potential for subdivision and development to be conducted in a piecemeal manner.</i></p> <p><i>Please provide approaches and techniques that can be adopted to provide a clear framework for public and private investment at the time of subdivision.</i></p>	DH/JD	<p>Rule lxxx.9.3 Local Centre outlines the information requirements for future resource consents for buildings in the local centre.</p> <p>The information being sought by Council in this question delves well into the realm of detailed design which is not required to be covered by the proposed Plan Change provisions.</p>

	<p><i>These techniques would cover the use of a comprehensive framework for an integrated proposal which resolves access, frontage qualities, canopy provision, and servicing, an integrated public realm supporting a sense of place to enable the centre to be part of a livable, walkable, and connected neighbourhood.</i></p> <p><i>A robust relationship needs to be established with the potential future transport hub, along with a framework of amenity spaces and block patterns so that centres become part of a livable walkable and connected neighbourhood.</i></p>		<p>It is also considered inappropriate for a Plan Change to provide the framework for future public and private investment for the future town centre.</p>
<p><b>5. Healthy Waters</b></p>			
<p>5.1</p>	<p><i>The additional information required in relation to matters raised by Healthy Waters is set out in the attached appendix to this letter.</i></p>		<p>A separate response is being provided.</p>
<p><b>6. Planning</b></p>			
<p>6.1</p>	<p><i>It has come to my attention that there may be an issue with the way the Morrison's Orchard precinct is zoned. The request is proposing a Mixed Rural zone with a precinct over the top. I acknowledge that a rural zone would likely be the most simple base zone from which to create the precinct. However, this is putting a rural zone inside the RUB. This is not something that occurs anywhere else in Auckland (as far as I am aware) and goes against the practice of council to date. I am not aware of anything official that says you can't do this, so it is perhaps an 'unwritten rule'. I understand that this was an issue during the PAUP and Council had to change the zoning of Rural Production areas in Kumeu near the centre (left in that zone due to flooding) to the Future Urban zone.</i></p>	<p>SH/DH/JD</p>	<p>Our assessment of the objectives and policies for the Rural Urban Boundary (RUB) is that they do not necessarily exclude the proposed Mixed Rural Zone. Relevant parts supporting or at least not excluding this conclusion are highlighted in blue below for emphasis.</p> <p>We further note that the Future Urban Zone (FUZ) is <u>also a rural zone</u>, and although specifically identified to signal its <u>likely</u> suitability for urban purposes, there will clearly be properties that have different suitability for urbanisation and where not suitable for urbanisation, will be generally retained as open space or even in rural use if the location, extent and suitability of the land remains appropriate.</p> <p>The alternative of applying a FUZ, or even an active urban zone, to the subject property (other than for that part proposed as Residential - Large Lot Zone) does not provide the necessary signal about the long-term future for this land desired by the landowner. It may also introduce a level of uncertainty in</p>

			<p>planning terms that may compromise the specific orchard/open space of activities provided for – including in such areas as obtaining sufficient investment support if that is required in the future.</p> <p>It is possible to retain the land as FUZ, or to even apply a standard residential zone, and to apply a precinct over that land as is currently proposed. However, that approach introduces a higher level of complexity as the precinct provisions would need to assess and exclude a wide range of residential and other urban uses that could be incompatible with the present activity provisions, as well as to have a wider set of activity provisions to include not only the specific precinct activities but also those compatible activities currently provided for in the Mixed Rural Zone.</p> <p>In this respect, the proposed approach is considered to be the most efficient and effective method of providing for the range of activities, orchard protection, and open space/landscape protection sought by the landowner.</p> <p>Relevant sections of the AUPOP:</p> <p><i>B2.2. Urban growth and form B2.2.1. Objectives</i></p> <p><i>(4) Urbanisation is contained within the Rural Urban Boundary, towns, and rural and coastal towns and villages.</i></p> <p><i>(5) The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages is integrated with the provision of appropriate infrastructure.</i></p> <p><i>B2.2.2. Policies</i></p> <p><i>Development capacity and supply of land for urban development</i></p> <p><i>(1) Include sufficient land within the Rural Urban Boundary that is appropriately zoned to accommodate</i></p>
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			<p><i>at any one time a minimum of seven years' projected growth in terms of residential, commercial and industrial demand and corresponding requirements for social facilities, after allowing for any constraints on subdivision, use and development of land.</i></p> <p><i>(2) Ensure the location or any relocation of the Rural Urban Boundary identifies land suitable for urbanisation in locations that:</i></p> <p><i>(a) promote the achievement of a quality compact urban form</i></p> <p><i>[new text to be inserted]</i></p> <p><i>(b) enable the efficient supply of land for residential, commercial and industrial activities and social facilities;</i></p> <p><i>(c) integrate land use and transport supporting a range of transport modes;</i></p> <p><i>(d) support the efficient provision of infrastructure;</i></p> <p><i>(e) provide choices that meet the needs of people and communities for a range of housing types and working environments; and</i></p> <p><i>(f) follow the structure plan guidelines as set out in <a href="#">Appendix 1</a>;</i></p> <p><i>while:</i></p> <p><i>(g) protecting natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character;</i></p> <p><i>(h) protecting the Waitākere Ranges Heritage Area and its heritage features;</i></p> <p><i>(i) ensuring that significant adverse effects from urban development on receiving waters in relation to natural resource and Mana Whenua values are avoided, remedied or mitigated;</i></p>
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			<p><i>(j) avoiding elite soils and avoiding where practicable prime soils which are significant for their ability to sustain food production;</i></p> <p><i>(k) avoiding mineral resources that are commercially viable;</i></p> <p><i>(l) avoiding areas with significant natural hazard risks and where practicable avoiding areas prone to natural hazards including coastal hazards and flooding; and</i></p> <p><i>(m) aligning the Rural Urban Boundary with:</i></p> <p><i>(i) strong natural boundaries such as the coastal edge, rivers, natural catchments or watersheds, and prominent ridgelines; or</i></p> <p><i>(ii) where strong natural boundaries are not present, then other natural elements such as streams, wetlands, identified outstanding natural landscapes or features or significant ecological areas, or human elements such as property boundaries, open space, road or rail boundaries, electricity transmission corridors or airport flight paths.</i></p> <p><i>(7) Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that do all of the following:</i></p> <p><i>(a) support a quality compact urban form;</i></p> <p><i>(b) provide for a range of housing types and employment choices for the area;</i></p> <p><i>(c) integrate with the provision of infrastructure; and</i></p> <p><i>[new text to be inserted]</i></p> <p><i>(d) follow the structure plan guidelines as set out in Appendix 1.</i></p> <p><i>(8) Enable the use of land zoned future urban within the Rural Urban Boundary or other land zoned future urban for rural activities until urban zonings are applied, provided that the subdivision, use and development</i></p>
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			<p><i>does not hinder or prevent the future urban use of the land.</i></p> <p><i>G1. Rural Urban Boundary</i></p> <p><i>G Rural Urban Boundary (RUB)</i></p> <p><i>The Rural Urban Boundary identifies land potentially suitable for urban development.</i></p> <p><i>The location of the Rural Urban Boundary is a district plan land use rule pursuant to section 9(3) of the Resource Management Act 1991, other than for Waiheke Island where it is an interim regional policy statement method until it is considered as part of a plan change to incorporate the Auckland Council District Plan – Operative Hauraki Gulf Islands Section into the Unitary Plan.</i></p> <p><i>The planning maps show the Rural Urban Boundary line.</i></p> <p><i>The only method for relocating the Rural Urban Boundary is by way of a plan change pursuant to Schedule 1 of the Resource Management Act 1991.</i></p> <p>Any relocation of the Rural Urban Boundary must give effect to the objectives and policies of the regional policy statement which establish it.</p>
6.2	<i>Please comment on this and provide an alternative solution if required.</i>		No further response required.

*Auckland Transport RFI Response Table – Warkworth South Private Plan Change Request*

<b>Request No.</b>	<b>Request for information</b>	<b>Accountable Person</b>	<b>Response</b>
<b>AT – Stormwater Comments</b>			



AT-1	<p>AT's stormwater consultant has provided the following comments:</p> <p>'We have reviewed the application documents and have the following comment:</p> <ul style="list-style-type: none"> <li>Section 3.1.2 of the Draft SMP (NDC requirements) states that stormwater flows and volume will be attenuated on site such that there is no increase in peak flow in a 10% AEP event, however section 7.1.1 of the Draft SMP (principles of stormwater management) states that for flood mitigation a "pass forward' approach with no hydrology mitigation proposed beyond SMAF 1" is proposed. Can the applicant please clarify what the effects of not attenuating the 10% AEP rainfall event are on existing stormwater networks and AT's road network?'</li> </ul>		Separate response being provided on stormwater matters.
<b>AT – Transport Modelling</b>			
AT-2	<p>Quick checks reveal they have added trip generated traffic through the proposed WWLR/ SH1 intersection however I have been unable to check how they got the SH1 flows (SATURN output would have been useful to append to the application). Instead I have to rely on their spreadsheets.</p>	TPC	These spreadsheets can be provided to AT if required.
AT-3	<p>Single lane roundabout works well in both peak hours. Ultimately however, while AT may be comfortable with a roundabout, the road is still controlled by Waka Kotahi and will require their approval.</p>		Noted.
AT-4	<p>The proposed designation around this intersection (Warkworth NoR3 <a href="https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/08_wnor3-general-arrangement-plan-nor3-sh1-south-upgrade.pdf">https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/08_wnor3-general-arrangement-plan-nor3-sh1-south-upgrade.pdf</a>) will need to be in place to preserve long-term intersection options at this location i.e. no buildings or structures within the proposed NoR.</p>	TPC	Noted. The applicant will support the designation in this location as long as it is located slightly further to the north as outlined to Supporting Growth through the feedback phase.
AT-5	<p>We note there is a 100vph limit for activities on Morrisons Orchard site. As this has informed modelling, this condition must remain. Intersection can work appropriately.</p>		Noted.
AT-6	<p>Valerie Close intersection – not sure how much AT can comment on this as under Waka Kotahi control. Long terms seems reasonable to limit as many movements here as possible. Also unsure why they can't just have priority intersection with reduced urban speed limit i.e. threshold further south.</p>	TPC	It may well be that there can be a speed reduction threshold further south and just be a priority intersection at Valerie Close. This possibility can be investigated when there is any proposal

			that would increase activity on Valerie Close, as per the proposed precinct provisions.
<b>AT – Public Transport</b>			
AT-7	<p><i>Section 7.2 of ITA. Just check - Bus route 995 currently passes the site, but is unlikely to continue along SH1 in the future. My understanding is that they are likely to go on Ara Tuhono. As such, development is isolated from PT.</i></p> <p>Any additional bus routes are funding dependant so no guarantee they will occur (no matter what Structure Plan says).</p>	TPC	<p>The structure plan and AT through the consultation to date, has requested the Plan Change specifically provide for a public transport hub. The Plan Change does this. While the applicant is aware that the bus route will likely go to Ara Tuhono, what was described to the applicant was that the bus would start and terminate at WW South and go through WW Central then the WW North PT Hub before entering Ara Tuhono.</p> <p>Regardless, it is accepted that it will be for AT to determine the final public transport routes and preferences.</p>
<b>AT – Walking and Cycling</b>			
AT-8	<p><i>Section 5.0. New cycle facility and footpath along east side of SH1 to McKinney Road and new path along west side of road to Morrisons Orchard. There are space constraints on western side of road so difficult to extend path any further north on this side. As the proposed infrastructure doesn't connect to anything to the north, I'm not sure what the benefit of this infrastructure is. At the very least, I think they should have footpath on west side to Morrisons Orchard (local pedestrian movements), and a bi-directional cycle facility and pedestrian facility on the east side of the road extending north to northern side of Wech Drive. That would provide some connectivity to existing shops, Mahurangi College etc. Personally, I would be OK with a shared path. The problem with any facility on the east side is that there are a number of constraints that would prevent a safe pedestrian and cycling facility being established (there is some 300m immediately south of McKinney Drive with power poles etc which would mean any facility would be hard against a live traffic lane). I think more work is needed to demonstrate how the required</i></p>	TPC/DH/JD	<p>Noted.</p> <p>The indication that AT is open to a shared path is appreciated and this will be confirmed through the future resource consenting processes.</p> <p>However, we reiterate our view that it is the responsibility of the Road Controlling Authority to provide pedestrian and cycle infrastructure within the already developed urban section of SH1.</p>

	<i>connectivity is provided (and unfortunately because space is so tight, they need to provide much greater detail). SH1 is still under Waka Kotahi control – how much say does AT have in this?</i>		
AT-9	<i>I note that Mike has indicated that he would be comfortable with a shared path on SH1. A shared path wouldn't comply with AT standards, so would need a departure from standards. It may be acceptable as an interim arrangement if it is the only practicable option.</i>	TPC	Noted. These are matters that would be resolved through any future resource consent processes once the Plan Change is in effect.
<b>AT - WWLR</b>			
AT-10	<i>I haven't seen updated plans but we had concerns it was originally in the riparian margin. Is that still the case?</i>	DH/JD	There is currently no riparian margin. Maven have confirmed that the proposed WWLR route is acceptable from an engineering perspective.
<b>AT – Other Matters</b>			
AT-11	<i>The upgrade of Mason Heights Road should be described a bit more (is it a footpath upgrade, pavement upgrade etc)</i>	DH/JD	This is a resource consenting matter.
AT-12	<i>The construction of the WWLR needs to be triggered not just by frontage development but also any local road/collector road connection to it. The extent of upgrade only needs to be between the development frontage, or local/collector road connection and SH1.</i>	TPC	This rule can be amended if Council considers it makes a material difference because it would extremely unlikely that a local road or collector road connection would be formed prior to the construction of the WWLR when the WWLR is required for such a road to connect to it.

Key:

DH/JD – David Hay/John Duthie (Planning Consultants for the Applicants)

SH – Shane Hartley (Planning Consultant for Morrison Heritage Orchard)

Reset – Reset Urban Design

Maven – Maven Engineers

TPC - Traffic Planning Consultants.

Bioresearches – Chris Wedding or Treff Barnett

23 June 2023

**Partner Reference**  
W S Loutit - Auckland

Auckland Council

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Privileged and Confidential  
Sent by Email

Dear David

### **Warkworth South Plan Change: Clause 23 Responses**

We act for KA – Waimanawa Limited Partnership and Stepping Towards Far Limited, the requestors of the proposed 'Warkworth South Plan Change'. This letter addresses Question 7.14 of the Council's Clause 23 request relating to Council's claim that the proposed Arterial Road shown in the plan change material dissects a covenanted natural wetland. The relevant wetland area is shown in the plan change material as adjoining 'Watercourse 15'.

David Hay's Clause 23 response explains why the wetland area is not covenanted and is not a 'natural wetland' for the purposes of the National Policy Statement on Freshwater Management 2020 (**NPS-FM**). Council has advised that Mr Hay's response "*...is inadequate because Council GeoMaps shows this wetland as subject to LINZ covenant. Further investigation is required as to the discrepancy with the CT title doc and the one that does show that the covenant was registered and issued at s224(c) 2011.*"

We have investigated the relevant history and background material. On the basis of these investigations, this letter outlines why:

1. There is no covenant relating to the wetland;
2. There is no live condition of any resource consent relating to the wetland; and
3. In our opinion, there is no ability for Council to have a covenant added to the title.

### **Reasons**

We have reviewed the relevant titles, the applications for subdivision and boundary adjustment consents, and the consent decisions. This history is summarised below:

1. Subdivision consent was obtained from Council in 2010 to create an additional lot at two underlying sites Lot 1 DP408406 and Lot 2 DP411024 (RMA 55271). This subdivision consent contained Condition 4(a) providing for the protection of a wetland on a continuing basis under s221 of the RMA. As a result, it was to be dealt with in the consent notice issued by the Council (rather than a land covenant as is more common).
2. The survey plan for this subdivision was completed in 2010 (LT430487). The plan was approved by Land Information New Zealand and section 223 and 224c certifications were issued by the Council.

3. However, the new records of title were not issued (it appears they were not applied for). As a result, consent R55271 (including Condition 4(a)) was never given effect to. This consent and s223 have now long expired and are no longer capable of being given effect to.
4. The lots were then adjusted by a boundary adjustment in 2011 (R58028). Although it was described as a boundary adjustment, the consent provided for the creation of additional lots. The survey plan for this adjustment was completed in 2012 (DP451512) and new records of title were issued.
5. While the survey plan for R58028 indicates a protected wetland area, there is no condition of consent R58028 requiring the protection of a wetland and the only consent notice required for the newly created titles related to Stormwater neutrality.

We have considered whether the boundary adjustment consent R58028 effectively 'gave effect to' consent R55271 and Condition 4(a). We do not consider this to be the case, because:

1. The first subdivision never occurred;
2. Consent R58028 did not incorporate the conditions of the first subdivision consent;
3. The subdivision provisions of the Resource Management Act 1991 do not operate in a way that would mean the conditions of a previous consent are automatically incorporated into a subsequent consent;
4. Council simply issued a s223 certificate for a plan that created 4 lots (i.e. an additional lot), despite being described as a boundary adjustment consent; and
5. It was clear that the consent notice with the wetland protection had not been registered, and Council failed to require a condition to ensure it was.

We also note that the official record of land rights in New Zealand is the LINZ registration system. Discrepancies with GIS systems do occur from time as GIS systems are updated from a range of sources and can be edited by the owner of the system manually. We do not know why the Auckland GIS shows the existence of a wetland covenant in this instance, particularly as the relevant protection to be used under the original consent was a consent notice rather than a covenant, but the notation on the GIS system does not override the LINZ register.

In summary, the wetland is not legally protected by covenant or any other mechanism.

Mr Hay's Clause 23 response also explains why, with reference to historical photographs, the wetland area is a constructed wetland and not a natural wetland. We do not repeat this reasoning and understand that a further question has not been raised on this point.

Please contact us if you have any further questions.

Kind regards



Bill Loutit / Rachel Abraham  
Partner / Senior Associate