

## Decision following the hearing of a Plan Modification (PPC25 – Warkworth North) to the Auckland Unitary Plan under the Resource Management Act 1991



**Proposal**<sup>1</sup>: To rezone approximately 99 hectares of Future Urban zoned land to a mix of business and residential zones. This would provide for approximately 1,000 - 1,200 dwellings, 13 hectares of industrial / commercial land and a new neighbourhood centre<sup>2</sup> of 3,000m<sup>2</sup>. The proposed private plan change as notified introduced a new precinct and a c.43ha sub-precinct over that part of the Warkworth North land between Falls Road and State Highway 1. The precinct proposed additional controls to provide for an integrated stormwater solution, protection of ecological values, provision of open space and future road connections and to guide development of the neighbourhood centre. The proposed private plan change also proposed to make the plan change area subject to the Stormwater Management Area - Flow 1 controls, and extend the Significant Ecological Area overlay to include two new areas at 220 Falls Road.

**Plan Modification PPC25 is APPROVED** as amended by us. The reasons are set out below.

<b>Plan modification number:</b>	Private Plan Change 25
<b>Site address:</b>	Warkworth North
<b>Applicant:</b>	Turnstone Capital Limited
<b>PPC Lodged:</b>	29 March 2018
<b>CI23 Further information:</b>	30 April & 9 July 2018
<b>Further information:</b>	9 July & 17 October 2018 & 15 January 2019
<b>PPC25 Accepted:</b>	5 February 2019
<b>PPC25 Notified:</b>	16 May 2019
<b>Submissions closed:</b>	5 July 2019
<b>Submissions summary:</b>	29 August 2019
<b>Further submissions:</b>	12 September 2019
<b>Hearing commenced:</b>	Wednesday 6 November 2019, 1:00 PM and continued on 7, 8 and 21 November 2019
<b>Hearing panel:</b>	David Hill (Chairperson) Nigel Mark-Brown Michael Parsonson

<sup>1</sup> Note – significant elements were revised through TCL's submission on the lodged PPC25, as explained in the decision.

<sup>2</sup> Revised to 2.5ha in McDermott, Reply Statement, para 37.

<p><b>Appearances:</b></p>	<p><u>For the Applicant:</u>  Bronwyn Carruthers – Legal  Jamie Peters – Developer  Mark Farrow – Landscape  Grant Neill - Urban Design  Mark Moslin-Thomas – Transport  Dr Philip McDermott – Economics  Steve Rankin – Civil Engineering/Land Development  Mark Delaney – Freshwater Ecology  Jon Styles – Acoustics  Rodney Hutchison – Geotechnical Engineering  Burnette O’Connor – Planning</p> <p><u>For the Submitters:</u>  Forest and Bird Society represented by Roger Williams  Warkworth Area Liaison represented by Roger Williams  Atlas Represented by:  <ul style="list-style-type: none"> <li>- David Haines – Planner</li> <li>- Graham Collie – Corporate</li> </ul> Watercare Service Ltd represented by Andre Stuart  Warkworth Properties represented by Alex Devine – Counsel  Aaron Roger represented by:  <ul style="list-style-type: none"> <li>- Jonathan Cutler – Planner</li> <li>- Aaron Rogers – Owner</li> </ul> Robert White represented by:  <ul style="list-style-type: none"> <li>- Heather Philip – Legal</li> <li>- Richard Knott – Urban Designer</li> <li>- Robert White – Owner</li> </ul> Auckland Council (as submitter) represented by:  <ul style="list-style-type: none"> <li>- Christopher Turbott - Planner</li> <li>- Katja Huls – Healthy Waters</li> </ul> Middle Hill Limited represented by:  <ul style="list-style-type: none"> <li>- Peter Fuller – Legal</li> <li>- Matthew Civil – Director/Landowner</li> <li>- Wesley Edwards – Traffic</li> <li>- Adam Thompson - Economics</li> </ul>   <u>For Council:</u>  Peter Vari - Team Lead  Ila Daniels - s42A Reporting Officer  Ryan Bradley - Planner (Warkworth Structure Plan)  Paula Vincent - Healthy Waters Specialist  Danny Curtis - Healthy Waters Specialist  Lisa Mein – Urban Design specialist</p>
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	<p>Jason Smith - Freshwater Ecologist  Martin Peake - Traffic Engineer  Ross Roberts - Geotechnical Specialist  Derek Foy - Economist  Kelsey Partridge, Hearings Advisor</p> <p>Other Council staff on call:  Rue Stratham - Ecologist  Robert Brassey - Cultural Heritage Specialist  Stephen Brown - Landscape Architect (unable to attend hearing)  Roma Leota - Park Specialist  James Corbett - Contaminated Land Specialist  Liz Ennor - Community and Social Policy Analyst</p>
<b>Commissioners' site visit</b>	Wednesday, 6 November 2019
<b>Hearing adjourned</b>	21 November 2019
<b>Hearing Closed:</b>	6 December 2019

## INTRODUCTION

1. This decision is made on behalf of the Auckland Council ("the Council") by Independent Hearing Commissioners David Hill (Chair), Michael Parsonson and Nigel Mark-Brown appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 ("the RMA").
2. The Commissioners have been given delegated authority by the Council to make a decision on Private Plan Change 25 ("PPC 25") to the Auckland Council Unitary Plan Operative in Part ("the Unitary Plan") after considering all the submissions, the section 32 evaluation, the reports prepared by the officers for the hearing, and submissions made and evidence presented during and after the hearing of submissions.
3. PPC 25 is a private plan change by Turnstone Capital Limited (TCL) that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as now enabled under the RMA).
4. The plan change was publicly notified on 16 May 2019 following a feedback process involving Iwi, as required by Clause 4A of Schedule 1 RMA. Notification involved a public notice as well as letters to directly affected landowners and occupiers alerting them to the plan change. The latter step was aimed at ensuring that landowners and occupiers of properties affected by potentially significant changes were made aware of the changes.
5. The submission period closed 5 July 2019. A summary of submissions was notified for further submissions on 29 August 2019. A total of 35 submissions (including 1 late submission) and 9 further submissions were made on the plan change.

6. TCL made a substantial submission on its notified PPC25, significantly amending PPC25 in response to matters that had occurred since its original PPC25 was lodged – in particular Council’s subsequent Warkworth Structure Plan 2019 (WSP). We discuss this matter further below.
7. A comprehensive s42A report was prepared by Ms Ila Daniels (consultant planner to Auckland Council). That report was prepared primarily on the basis of the notified PPC25 but taking into consideration the amendments sought by TCL in its submissions. The report was prepared with the assistance of technical reviews as follows:

Speciality Area	Reviewing Specialist
Community Facilities	Liz Ennor, Policy Analyst, Community and Social Policy, Auckland Council
Contamination	James Corbett, Principal Contaminated Land Specialist, Engineering & Technical Services, Auckland Council
Ecology (Terrestrial)	Rue Statham, Senior Ecologist, Biodiversity Team, Auckland Council
Economics	Derek Foy, Associate Director, M.E Consulting Ltd
Geotechnical	Ross Roberts, Geotechnical & Geological Practice Lead, Engineering & Technical Services, Auckland Council
Heritage	Robert Brassey, Principal Specialist Cultural Heritage, Auckland Council
Infrastructure funding	Alan Hanley, Infrastructure Funding agreements Specialist, Development Program Office, Auckland Council
Landscape	Stephen Brown, Director, Brown NZ Ltd
Parks	Roma Leota, Policy Analyst, Parks and Recreation Policy, Auckland Council
Stormwater	Paula Vincent, Principal Planner, Healthy Waters, Auckland Council
Streams	Jason Smith, Environmental Scientist, Morphem Environmental Ltd
Transport	Martin Peake, Director, Progressive Transport Solutions Ltd
Urban Design	Lisa Mein, Director, Mein Urban Design and Planning Ltd

8. In her s42A report, Ms Daniel concluded<sup>3</sup> that insufficient information had been provided in certain key identified areas (transport, stormwater and economics particularly) such that PPC25 should be declined unless those matters could be resolved through the hearing.

## SUMMARY OF PLAN CHANGE

9. The proposed plan change now sought is described in detail in Ms O’Connor’s evidence at paragraph 37 and broadly reflects a change incorporating Business - Mixed Use zones rather than Business - Light Industry zones, and more extensive use of Residential – Mixed Housing Suburban and Residential - Mixed Housing Urban zones rather than Residential – Single House zones, and a larger Local Centre rather than Neighbourhood Centre. The Plan Change also proposes a Precinct and Sub-Precinct (43 ha covering the Stubbs Farm Development Area) to secure key outcomes such as the Western Link Road (WLR), the wastewater network, ecological outcomes, transportation connectivity, and high quality urban design.

<sup>3</sup> S42A report, para 500 and Recommendation 2

10. In her s42A report Ms Daniels helpfully provided a summary comparison<sup>4</sup> of the changes sought by TCL in its submission to the notified PPC25, as follows:

PPC25 (As Notified)	Turnstone submission
<b>Business Zones</b>	
<b>Light Industry zone</b>	
13.1 ha of Light Industry zone fronting SH1 and off Sanderson Road.	Light Industry only provided at Sanderson Road on land not owned by TCL.
<b>Heavy Industry zone</b>	
Not provided for.	Not provided for.
<b>General Business zone</b>	
Outside of PC area.	Small new area of GB zone extended north to the future alignment of the Western link road.
<b>Business Mixed use zone</b>	
Not provided for.	3 areas totalling 16.3 ha: - Large area adjacent to SH1; - Adjacent to top (northern section) of Hudson Road, opposite existing Light Industry zone; - From NE corner of Hudson Road and Falls Road and along Falls Road frontage roughly to the stream.
<b>Neighbourhood centre zone</b>	
3,000m <sup>2</sup> centre provided in central location surrounded by Mixed Housing Urban zone.	Not provided for.
<b>Local centre zone</b>	
Not provided for.	New Local centre zone of 5.7ha ( <i>reduced as later discussed</i> ). Moved closer to Hudson Road boundary. Open space land to the east and south. Business – Mixed Use to the North and Mixed Housing Urban to the west.
<b>Residential</b>	
Provide for 1,000-1,200 dwellings.	Not known.
<b>Single House zone</b>	
2 areas: 1. In western corner of site abutting motorway corridor and adjacent north-eastern section of Viv Davie-Martin Drive. 2. South of Falls Road.	Only provided south of Falls Road.
<b>Mixed Housing Suburban zone</b>	
3 areas: 1. Middle ring between SH and MHU. 2. Along part of Falls Road frontage. 3. To west of Sanderson Road and lower (southern section) of Hudson Road.	In one large wedge running from motorway boundary to Falls Road. Includes all of land previously zoned SH.
<b>Mixed Housing Urban zone</b>	
Centrally located between MHS and Light Industry zones. Neighbourhood centre toward top (northern section).	One large central wedge running from motorway boundary to stream near Falls Road. SH to south, Business MU to north, east and south. Also, Local Centre to the east.
<b>Open Space Conservation zone</b>	
No provided for but shown in precinct plan 2 as indicative open space and SEAs.	6 areas of open space Conservation zone provided along 5 stream fingers and one area near Viv Davie-Martin Drive.
<b>Open Space Informal Recreation zone</b>	

<sup>4</sup> Hearing Agenda, Pages 63-64, Table 8 (s42A report pages 59-60).

Not provided for but indicative open space areas shown on Overlay map and Precinct Plan 1.	1 area provided between the Local Centre and Hudson Road industry.
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11. Additional changes were sought by TCL at the hearing, reflecting on-going engagement with parties and in response to the s42A report, summarised by Ms Carruthers in opening<sup>5</sup> as follows:
- (a) through-out the Precinct provisions in relation to the provision of the Western Link Road (**WLR**) and responding to other transport issues;
  - (b) the removal of the “Indicative Open Space” notation from the Proposed Zoning Map and Proposed SEA Overlap Map to enable live zoning across the area;
  - (c) the addition of the Open Space - Informal Recreation Zone to Precinct Plans 1 and 3 (now 2); and
  - (d) the addition on Precinct Plan 3 (now 2) of a loop road through the Middle Hill Ltd property.

## HEARING PROCESS

12. Commissioners issued a s41B RMA direction on 25 September 2019 regarding the provision and pre-circulation of expert evidence.
13. Immediately prior to the hearing the Commissioners visited the general location of the plan change and the surrounding areas. We record our gratitude to TCL for providing us with 4WD transport and a non-appearing guide for that purpose. We were also accompanied by Ms Daniels. In response to a specific request we also visited Mr Robert White’s property at 44 Viv Davie-Martin Drive.
14. The hearing took place over 4 days, the applicant’s reply heard and was then adjourned for the purpose of receiving some further factual information sought, including from NZTA regarding two questions:
- 1. *Has the NZTA and/or NX2 modelled and/or planned for a possible future roundabout option of two right-hand turning lanes from the Puhoi to Warkworth (P2Wk) motorway to SH1 / Great North Road at Warkworth?*
  - 2. *If the answer to (1) is “yes”; please provide an explanation of what the results of that modelling indicated and any recommendation(s) and/or decisions made.*
15. Following receipt of that information (dated 6 December 2019) Commissioners met and determined that the hearing was complete and was formally closed on 6 December 2019.

<sup>5</sup> Carruthers, legal submissions, para 1.5.

## PROCEDURAL MATTERS

### Late Submissions

16. One late submission was received by the Council. Pursuant to section 37 of the RMA, the time for receiving submissions was extended to accept the late submissions from Mahurangi Action Incorporated. This was with the agreement of TCL.
17. However, as Mahurangi Action Incorporated (MAI) did not subsequently appear, Ms Carruthers invited us to reconsider our decision to accept the submission. We decline to do so, though note that should MAI exercise its right to appeal our decision, the reason for its non-appearance at first instance is likely to be of interest to the Court.

### The Warkworth Structure Plan - June 2019

18. The issue of the weight to be accorded Council's Warkworth Structure Plan (WSP) was a matter that was live throughout the proceedings. We have addressed that further below.

### Turnstone Capital Limited's submission

19. By its submission TCL sought some fundamental changes to the notified PPC25. The changes sought were, by-and-large, in response to the WSP that Council had adopted in the intervening period between lodgement and hearing. While no party sought to challenge those changes on procedural grounds alone, we think it important that we address that matter directly.
20. In the "normal" course of events such substantial changes might be deemed to fall outside of what *potential* primary submitters – i.e. those who may not have made a submission because they were not affected by the notified version - might reasonably expect. However, the current situation is unusual in that the lodged PPC25 was effectively placed on hold at Council's behest so that it could initiate and complete its own structure planning exercise for the wider Warkworth area. That resulted in both a significant delay in processing the lodged PPC25 and in a materially different "framework" emerging as an underlay to Council's preferred outcome – and which was reflected in the evidence it presented as a submitter to the hearing. Indeed, in her opening legal submissions Ms Carruthers noted<sup>6</sup> specifically that:

*The evidence of Mr Peters and Ms O'Connor explain why the notified version of the plan change is not what Turnstone is actually seeking. And to be clear, it never was. In order to get the plan change notified, Turnstone was forced to amend the zoning map to reflect the Council's preferred pattern. It was understood that Turnstone would then lodge a primary submission putting forward its actual proposal, as it did. The further submission then acknowledged further changes sought by other submitters which Turnstone could support.*

21. As such it was both sensible and, in our view, appropriate for TCL to amend its lodged PPC25 in response – albeit those amendments do not coincide with Council's WSP in many material respects. Furthermore, we do not find that any person is likely to be or to have been materially prejudiced by the content of TCL's submission, and the

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<sup>6</sup> Carruthers, legal submissions, para 1.4.

amendments sought by Council (as submitter) presented a full case effectively in opposition. We therefore had a fully rounded and argued case before us and find that the version of PPC25 as amended by the TCL submission is admissible and is the one that is to be determined by us.

22. Finally, we note that Ms Daniels came to a similar conclusion in section 9 of her s42A report, and both Mr Fuller, Counsel for Middle Hill Limited and Tyne Trust, and Mr Douglas / Ms Devine, Counsels for Warkworth Properties Limited, also supported that position.
23. For completeness we also note that Mr Fuller invited us<sup>7</sup> to consider, on the basis that we agree that approving rather than declining a plan change better meets the relevant statutory steps, which of the two options (the *notified* PPC25 or what he referred to as the *Submitters Zoning* i.e. the TCL submission-amended PPC25) best meets those tests.
24. As will be evident, we do not consider that comparative choice valid. TCL no longer wishes to pursue the notified PPC25 as such, and Council has clearly indicated its lack of support for that version. We do not, therefore, consider the notified PPC25 a valid option and one that we need to address. Certainly that was not the subject of the hearing or the evidence. We do, however, agree with Mr Fuller that if any comparison is to be made within the strictures of the RMA and relevant caselaw, the counterfactual of there being no live zoning in the absence of PPC25 is a relevant matter for consideration – subject to the statutory tests being satisfied. That will be evident from the decisions we have made.

## **RELEVANT STATUTORY PROVISIONS CONSIDERED**

25. The RMA (and settled caselaw) sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements were fully set out in the application documentation, legal submissions and evidence, the s42A Report and its companion section 32 assessment. As those provisions were not in dispute, we see no need to repeat them again. We note also that repeated reference was made in the various legal submissions to the relevant and now well-known and established caselaw on the matter. We confirm that we have taken careful consideration of those requirements and the companion caselaw in making our determinations.
26. Clause 10 of Schedule 1 RMA requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submission; with that evaluation to be undertaken in accordance with section 32AA. With regard to Section 32AA, we note that the evidence presented by all parties effectively represents this assessment, and that that material should be read in conjunction with this decision, where we have determined that a change to PPC25 should be made.
27. For the record we note that the provisions of PPC25, as approved by us, generally adopt the standard provisions of the AUP except where a modification is required to

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<sup>7</sup> Fuller, Legal submissions, paras 3.1 - 3.2.



achieve the overall purpose of PPC25. This approach is consistent with the manner in which precinct provisions are generally developed under and in the AUP.

## PLANNING CONTEXT HISTORY

28. As noted above, the development and processing of PPC25 has taken a somewhat unusual course; a course that has caused all parties varying degrees of difficulty.
29. To summarise the timeline, largely from Ms O'Connor's and Mr Peters' evidence<sup>8</sup> (that was not disputed) and Mr Bradley's powerpoint overview provided at the hearing:
- December 2015 – initial planning advice on feasibility of urbanising the Stubbs Farm land;
  - 19 September 2016 – Mr Peters and Ms O'Connor met with Council (Messrs MacLennan and Vari) to discuss a private Warkworth North plan change. Advised that Council's programme for this was 2026<sup>9</sup>.
  - November 2016 – TCL Project team established;
  - 11 May 2017 – structure plan workshop with Council;
  - May – July 2017 – "landowner and special interest" consultation on draft structure plan;
  - August 2017 – Council resolves to produce its own WSP by 1 February 2019;
  - September 2017 – consultation summary report prepared;
  - February 2018 – TCL Private Plan Change request lodged with Council;
  - 21 March 2018 – advice from Russell McVeigh (Carruthers / Cameron) indicating no valid grounds for rejection either under cl 25(4)(a)-(d) First Schedule RMA or the operative plan 2-year "moratorium" clause;
  - 30 April 2018 – first further information request from Council – provided 6 July 2018;
  - June 2018 – Council's community workshops for its proposed WSP;
  - 30 July 2018 – second further information request from Council – provided on 16 October 2018;
  - August 2018 – Council's Warkworth Structure Plan Community Workshops Summary released;
  - 19 December 2018 – TCL meeting with Council officers; advice re WSP progress; indication that support from Council was contingent upon consistency with the WSP but not willing to provide the draft WSP;
  - 21 January 2019 – draft PPC25 amended with s32 to better accord with comments from Council, supposedly reflecting the unseen draft WSP;

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<sup>8</sup> O'Connor, Statement of evidence, paras 7 – 17; Peters, Statement of evidence, paras 11 – 25.

<sup>9</sup> Peters, Statement of evidence, para 11.

- 5 February 2019 – PPC25 on Planning Committee Agenda; accepted for notification;
- February 2019 – Council's draft WSP produced;
- 16 May 2019 – PPC25 notified;
- June 2019 – WSP adopted by Council;
- 5 July 2019 – submissions on PPC25 closed.

30. We were provided with no explanation as to why Council had taken from 5 February 2019 until 16 May 2019 to action the Planning Committee's decision to proceed to notify PPC25, but note comments made in Mr Peters' evidence regarding his frustration over delays and the clear implication of those comments. Certainly, Commissioners were alive to the fact that the pathway to this point has not been as smooth as it could (and perhaps should) have been.

### **EVIDENCE HEARD / READ**

31. In accordance with the Commissioners' s41B RMA Direction, issued on 25 September 2019, the Council planning officer's report and the applicant and submitters' expert evidence was circulated prior to the hearing.

32. Expert evidence was received from the applicant as follows:

- Jamie Peters – Corporate;
- Mark Crooks – Contaminated land;
- Mark Delaney – Freshwater ecology;
- Mike Farrow – Landscape and visual;
- Rodney Hutchinson – Geotechnical engineering;
- Sean McBride – Arboricultural;
- Dr Philip McDermott – Economics;
- Don McKenzie and Mark Moslin-Thomas – Transportation;
- Grant Neill - Urban design;
- Burnette O'Connor – Planning;
- Steven Rankin – Civil engineering / infrastructure.
- Jon Styles – Acoustic; and
- Dylan van Winkel – Terrestrial ecology;

33. Expert evidence was received from submitters as follows:

- Auckland Council (as submitter):
  - Katja Huls – Stormwater;
  - Christopher Turbott – Planning.

- Watercare:
  - Andre Stuart – Corporate.
- Auckland Transport:
  - Katherine Dorofaeff – Corporate;
  - Mathew Collins – Transportation.
  - Chloe Trenouth – Planning.
- New Zealand Transport Authority:
  - Catherine Heppelthwaite – Planning.
  - Andrew Mein – Transportation.
- Atlas Concrete:
  - Graham Collie – Corporate;
  - David Haines – Planning.
- Middle Hill Limited:
  - Matthew Civil – Landowner (& Tyne Trust);
  - Wesley Edwards – Transportation;
  - Hamish Firth – Planning;
  - Ian Munro – Urban design;
  - Adam Thompson – Economics.
- Robert White
  - Robert White – landowner;
  - Richard Knott – Urban design;
  - Evan Peters – Civil engineering.
- Aaron Rodgers and others
  - Jonathon Cutler – Planning.

34. In addition, we received supplementary evidence from Council's technical reviewers in response as follows:

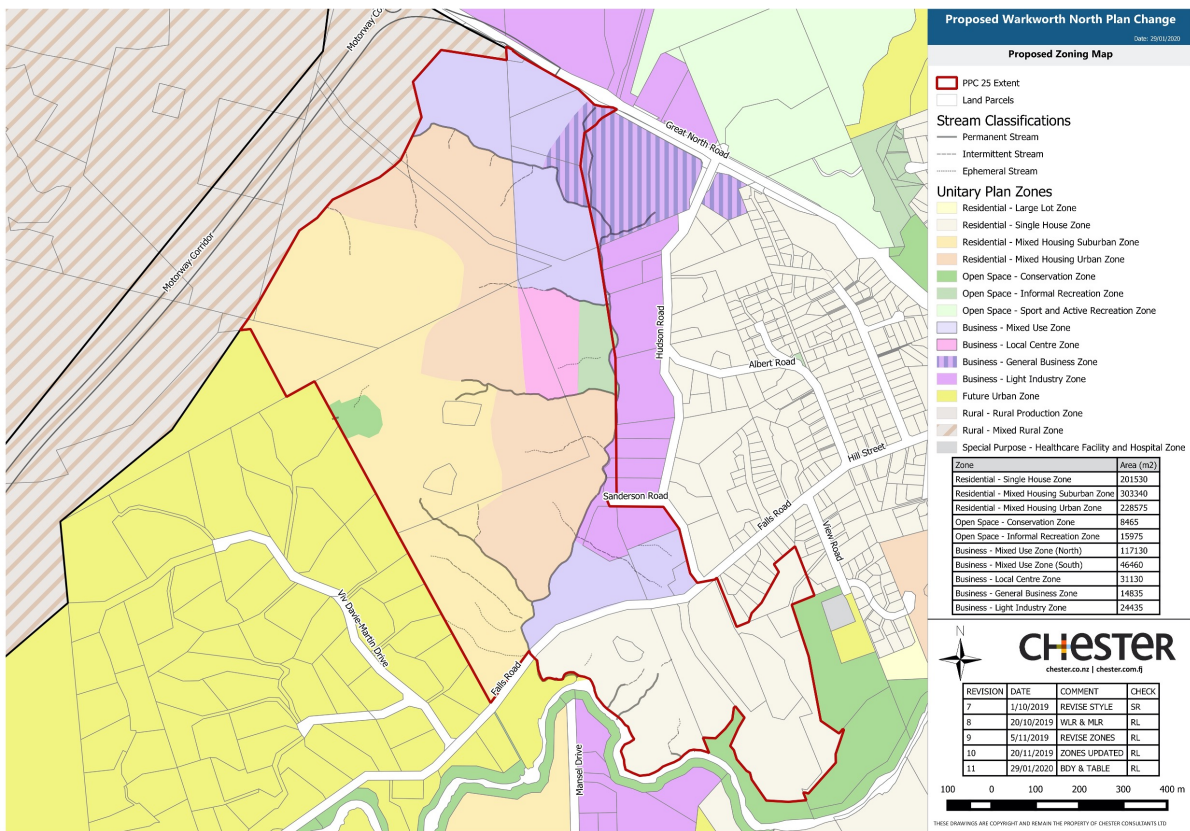
- Ila Daniels – Planning (S42A author);
- Paula Vincent – Stormwater management;
- Jason Smith – Freshwater ecology;
- Derek Foy – Economics;
- Ryan Bradley – Planning;
- Martin Peake – Transportation; and

- Lisa Mein – Urban design.

- The evidence presented was extensive and contested. As such we see little merit in providing a summary of that evidence but, rather, deal with the evidence by topic below where that evidence concerns relevant matters of significance in contention.
- We also note for the record that we were particularly assisted by the legal submissions from Ms Carruthers, Mr Fuller, and Ms Philip. This was not a straight-forward exercise.

### The Proposed zoning extent

- Following the hearing we requested TCL to provide a more detailed plan showing the present cadastral boundaries and totalling up the various zones proposed. That plan (revision 11, dated 29/01/2020) is reproduced below:



- The dimensions of the zones are stated as follows:

Zone	Area (m2)
Residential - Single House Zone	201530
Residential - Mixed Housing Suburban Zone	303340
Residential - Mixed Housing Urban Zone	228575
Open Space - Conservation Zone	8465
Open Space - Informal Recreation Zone	15975
Business - Mixed Use Zone (North)	117130
Business - Mixed Use Zone (South)	46460
Business - Local Centre Zone	31130
Business - General Business Zone	14835
Business - Light Industry Zone	24435

39. Rounded up PPC25 proposes approximately 23.4 ha of business; 73.4 ha of residential; and 2.5 ha of open space land over some 99 ha. These hectare quanta and the associated analyses vary across the evidence and reports – varied presumably because the precise alignment of the WLR, which would form the hard edge of zones in many instances, is presently unknown - but we adopt those as representing what is being sought for present purposes. We are satisfied that the evidence and analyses is not critically dependent on exact zone hectareage.

40. The s42A report notes<sup>10</sup> that there are 16 owners across the PPC25 area.

#### **PRINCIPAL ISSUES IN CONTENTION**

41. The s42A report identified<sup>11</sup> the following key issues (based on the notified version of PPC25):

- Lack of alignment with the Warkworth Structure Plan in terms of zoning pattern, green network and roading pattern and potential to undermine forward planning for Warkworth town;
- Fundamental changes sought by Turnstone via its submission on a number of matters including seeking to apply a different number, size and range of zones across the land;
- Extent of employment land delivered by the plan change compared to the Warkworth Structure Plan;
- Suitability of the centre zoning and size and whether it should be a Neighbourhood or Local centre zone;
- Transitional zoning adjacent to Viv Davie-Martin Drive area and northern side of valley;
- Intensity of residential zonings across the site;

<sup>10</sup> S42A Report, para 416.

<sup>11</sup> Agenda Hearing Report, pages 6-7.

- Urban design approach to the central stream corridor and interface with residential and business zoning;
  - Lack of information on management of reverse sensitivity issues between residential and industrial land;
  - Need for a gateway landscape treatment along SH1 and the business zonings;
  - Inadequacy of transport assessments including traffic modelling, street typologies and movement plans;
  - Lack of certainty around route protection for Western Link Road, alignment and delivery;
  - Lack of funding or alternative mechanism identified to ensure transport infrastructure and services;
  - Location of further road connections and lack of internal collector roading on precinct plan;
  - Provision of walking and cycling connections across the site and delivery of these facilities; and
  - Stormwater and stream management across the plan change area, including adequacy of the Stormwater Management Plan and understanding of flooding effects.
42. The above matters formed the focus for submissions and evidence at the hearing and, of course, the amendments sought by TCL through its submission and subsequently.
43. Having considered the original submissions and further submissions received, the hearing report, the evidence, submissions and representations made at the hearing and responses to questions, we have identified the following principal issues in contention as those most determinative for the outcome:
- The relevance and weight to be accorded Council's Warkworth Structure Plan 2019;
  - Whether the nature and extent of the business and residential zonings proposed is sufficiently well-justified;
  - Whether sufficient information has been provided with respect to traffic and transportation effects - in particular, the scope and accuracy of modelling; potential impacts on the wider network; certainty of intersection design; alignment and timing of the WLR; and the location of collector roads and connections to the existing network;
  - Whether an indicative connection to Viv Davie-Martin Drive should be shown and, if so, where that indicative alignment should be;
  - Whether the plan provisions, in conjunction with existing regional rules of the Unitary Plan, sufficiently provide for the assessment of stream ecology effects and mitigation / offsetting of such; and

- Whether it is sufficient to rely upon Council’s Stormwater Network Discharge Consent for the purpose of stormwater management across the precinct.
44. We note that the majority of the evidence and submissions focussed on the structural concept and relative zone options, rather than the detail of the provisions, but noting that AT in particular did specifically address provisions. In many respects that left us with a binary decision choice – either adopt all or reject all. That situation was clearly not helped by TCL’s submission being comprehensive and at a later date.

## FINDINGS ON THE PRINCIPAL ISSUES IN CONTENTION

### The Warkworth Structure Plan

45. This issue can be succinctly stated as the relevance and weight to be accorded Council’s WSP 2019.
46. For various reasons, discussed below, Council submitted that the WSP was very relevant and should be accorded significant weight (especially in terms of the Light Industry zoning preferred, the traffic and transportation work underpinning the WSP, and its wider geographical coverage – i.e. not being confined to just Warkworth North).
47. TCL accepted that the WSP had some potential relevance but submitted that it should be given little if any weight – especially as the post-lodgement version of PPC25 was more detailed and site-nuanced while taking into account the broader considerations of the WSP, the s42A report, and the AUP(OP).
48. In anticipation of hearing this matter we had sought an opinion from Council as to the legal status of the WSP. That opinion, provided by DLA Piper (Ms Diana Hartley, Partner, and Ms Anne Buchanan, Special Counsel) and dated 7 November 2019, concluded that the WSP had status under s74(2)(b)(i) RMA as a matter to which regard is to be had as a management plan prepared *under another Act* “to the extent that its content has bearing on resource management issues of the district” (in this case explicitly assumed to be the Local Government Act – as opposed to its subsidiary status as a structure plan prepared as required by RPS policy B2.2.2(3)<sup>12</sup> of the AUP(OP)). The opinion also noted that, regardless, the weight to be accorded the WSP was a matter for the Commissioners to determine. That opinion was provided to the hearing.
49. However, as noted by Ms Carruthers<sup>13</sup>, the assumption underlying the DLA Piper opinion was in error as from her background research she had discovered that the WSP was not in fact prepared under the LGA, not having gone through its statutory Special Consultative Procedure process of formal public submission and so forth. As such, therefore, she submitted that s74(2)(b)(i) RMA was not engaged and there is no statutory requirement to have regard to the WSP - although TCL had no issue should we wish to have regard to it in reaching our decision. The principal point Ms Carruthers wished to emphasise was that there is no statutory “bias” favouring the WSP, and

<sup>12</sup> And related sub-policies B2.2.2(7)(d) and B2.2.5(4) as noted by Ms Carruthers, Legal submissions, para 3.6.

<sup>13</sup> See for example, section 3 of her Closing legal submissions.

therefore no need for a comparative merits assessment. That legal submission was not further challenged.

50. In her s42A report Ms Daniels implicitly accepted that the WSP had some overriding status, noting in her conclusion<sup>14</sup> that:

*... the rezoning sought is premature as it is critical that the first rezoning of Future Urban land in Warkworth does not undermine the extensive work and engagement that has been undertaken as part of the wider WSP and this needs to inform any decision made.*

51. She maintained that position in her closing comments<sup>15</sup>, submitting that more weight should be given to the WSP because:

- *The WSP addresses issues over the entire catchment of Warkworth (120ha vs. 1,000ha);*
- *The WSP has involved broader and more comprehensive community input and engagement;*
- *The WSP is inherently independent with no perception that it might be advancing the interests of any particular landowner; and*
- *The WSP has been completed and formally adopted, whereas the applicant's SP is still potentially subject to change through the current plan change process.*

52. While we acknowledge Mr Bradley's detailed presentation at the hearing (requested by us) on the background preparation and structure of the WSP, it is clear that the situation is as noted by Ms Carruthers. Despite the consultation undertaken and the background research underpinning the WSP, that does not satisfy the statutory conditions necessary for us to afford any priority to the WSP over PPC25. For that to occur the WSP would have had to be translated into and notified as a formal proposed Plan Change ahead of PPC25 – which it was not. In particular, we note the truncated process by which the general public (including TCL) was able to formally challenge and/or refine the WSP – unlike PPC25.

53. Regardless, we note that TCL's witnesses made extensive reference to the relevant aspects of WSP in arguing their respective positions (as did Council acting in the capacity of submitter and as regulator, *vice versa*) such that we were afforded, as mentioned previously, a fully rounded case upon which to draw our conclusions.

### **Finding**

54. We find that the WSP has no pre-emptive status as a structure plan to which PPC25 must demonstrate either concurrence or divergence. Furthermore, we accept that PPC25 fulfils the essential requirements of policy B2.2.2(3) of the AUP(OP), which states:

*Enable rezoning of future urban zoned land for urbanisation following structure planning and plan change processes in accordance with Appendix 1 Structure plan guidelines.*

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<sup>14</sup> Hearing Report, Volume 1, page 116, para 499.

<sup>15</sup> Daniels, Council closing comments – Memorandum, Section 3.0.



55. The manner in which PPC25 purports to satisfy this requirement was outlined in some detail in the background documentation and evidence of Ms O'Connor<sup>16</sup> – in which, among other things, she notes Council's Planning Committee's formal acceptance of PPC25 for notification, a step that confirmed that Council itself accepted that the formal policy precursor had been satisfied. As that was not disputed before us we have no need to inquire further – although we note that Appendix 1 is not altogether clear as to whether a formal 2-step process is required; Step 1 being the Structure Plan itself and Step 2 being the more detailed Plan Change. In this instance there is no evident distinction except insofar as the notified PPC25 and the TCL submission amended PPC25 might be seen to reflect those two stages (acknowledging that a "draft structure plan and zoning pattern" was circulated and consulted on by TCL in May 2017<sup>17</sup>, and which was subsequently refined for notification). Of course, any actual development beyond that enabled as a permitted activity will require subsequent resource consent approvals. Had the AUP(OP) clearly articulated a requirement that a formal structure plan be adopted into the Plan prior to any enabling plan change or complying resource consent application, then Council's position would have been stronger. As it stands, we cannot read that imperative into the provisions, notwithstanding the introductory comment in Appendix 1 Structure Plan Guidelines that "*A structure plan is an appropriate foundation for the plan change process required to rezone land.*" While that seems to imply a 2-step process, the provisions do not explicitly require such, nor do they rule out a comprehensive 1-stage process (which TCL maintains is what it has accomplished, and which Council has seemingly accepted in notifying PPC25).
56. The standard plan evaluation tests, well-established in the caselaw summarised by Ms Carruthers<sup>18</sup>, therefore apply without necessary reference to the WSP – and, of course, PPC25 is not a change deriving from the WSP (and therefore inconsistency is to be expected) but from its own earlier draft structure plan. There is no WSP plan change.

### **The Zonings proposed**

57. The key zoning issue to determine is whether the appropriate business zoning is proposed – since, to a large degree, the residential zoning options fall out of that determination (acknowledging a degree of circularity in the reasoning). Appropriateness, in this context, is as per s32(1)(b) RMA – including opportunities for economic growth and employment (s32(2)(a) RMA).

#### **Business – Mixed Use (BMUZ) v Business - Light Industry Zone (BLIZ)**

58. In his evidence on behalf of TCL, Dr McDermott indicates<sup>19</sup> that the BMUZ comprises some 13.9ha, calculated to provide 349 jobs, based on a metric of 25/ha (the local centre comprising 2.5ha / 149 jobs @ 60/ha; BLIZ comprising 2ha / 60 jobs @30/ha = 560 jobs overall in the PPC25 area).

<sup>16</sup> O'Connor, Statement of evidence, para 37(b) for instance.

<sup>17</sup> O'Connor, Statement of evidence, para 23.

<sup>18</sup> Carruthers, Legal submissions, sections 3 and 6.

<sup>19</sup> McDermott, Statement of evidence, Table 1, para 83.

59. Dr McDermott's economic evidence considered the merits of Business – Mixed Use zoning compared with Council 's preferred Business - Light Industry zoning as indicated in its WSP. He concluded, in summary<sup>20</sup>, that BMUZ was a superior land use to BLIZ because of:
- a. the abundance of zoned light industrial land and the likely costs of its over-supply;
  - b. the likely demand for commercial land for a wide range of non-industrial uses and a more diverse local labour force; and
  - c. the benefits this will offer in comparison, by way of less demand for outbound commuting, the positive impact on growth of a wider variety and depth of investment and employment opportunities, and the impact, in turn, of higher growth rates and income on the other centres in Warkworth.
60. Dr McDermott's reasoning stems in no small measure from his emphasis on local labour supply and demand which, he projects, is more likely to grow in non-industrial activities, taking advantage of developments in IT technology, which suggest a less centralised form of employment. That implies a demand for more low rise, large footprint, walk-up offices typically associated with local centres, rather than warehousing and factories.
61. Dr McDermott was critical of the WSP's emphasis on BLIZ, which he calculates<sup>21</sup> would provide "excessively" for an additional 3,350 industrial jobs, and which compounded at the relatively high 2000-2018 growth rate of 4.4% would not be taken up until around 2050. However, if that growth is at the lower actual rate of 2.4% for the period, then the WSP provision for BLIZ would not be absorbed for some 55 years. Dr McDermott notes that he could find no evidence in the WSP to substantiate its transformation in employment patterns and practice.
62. We note that Dr McDermott does not deny the need over time for additional BLIZ land as Warkworth grows; simply that there is sufficient for the foreseeable planning horizon but that, in his opinion, the need for the sort of commercial flexibility afforded by BMUZ land is more pressing and justifiable.
63. With the population growth proposed for Warkworth as a satellite town of 20 - 25,000, which will itself increase demand for household, business and public services (which he considers currently under-represented in Warkworth), he sees a significant risk of over-zoning industrial land and not providing for greater business flexibility, resulting either in difficulty in realising the population growth sought by the current planning regime, or outbound commuting contrary to the express intent for a satellite town to be relatively self-sufficient economically (one of only two currently planned – the other being Pukekohe).
64. Dr McDermott concludes that there is more than sufficient currently zoned and available BLIZ land for the next few decades. With respect to the criticism that BMUZ

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<sup>20</sup> McDermott, Statement of evidence, para 15.

<sup>21</sup> McDermott, Statement of evidence, para 24.

would be likely to be taken up predominantly for residential development rather than commercial (which Mr Turbott noted is the experience in many parts of Auckland), Dr McDermott noted that he considers this unlikely because of the ample provision for diverse housing types elsewhere in the PPC25 area – and where it is located it will be at a higher density (and with better urban design controls) as sought by the planning regime.

65. In his evidence for Middle Hill Limited, Mr Thompson essentially agreed with Dr McDermott on the matters of industrial land supply and the merit of alternative business zoned land. In his analysis, under both the medium and high growth scenarios, he finds<sup>22</sup> that *“there is no requirement for additional industrial land over the next 2-3 decades”*. Mr Thompson also notes that, from a locational preference point of view (i.e. access, visibility and co-location), land adjacent to the two existing industrial centres on Woodcocks Road and the Show Grounds makes more sense, would remove those industrial activities from immediate residential land, and would be more feasible commercially.
66. Mr Thompson’s view is that, in terms of the national (NPS - UDC) and regional policy framework (AUP) and the s32 RMA requirement to consider employment creation and economic growth opportunities, *“... the risks of undersupplying development opportunities in Warkworth are greater than oversupplying them in my view”*.<sup>23</sup>
67. To avoid untoward effects, Mr Thompson recommends a permitted activity upper threshold of 12,000m<sup>2</sup> GFA for the Middle Hill proposed BMUZ land<sup>24</sup> with a discretionary activity status above that threshold so that wider potential effects can be considered. He recommends a similar approach for the 18.4 ha of Turnstone BMUZ land, with a permitted activity upper threshold of 6,000m<sup>2</sup> GFA and a discretionary activity status above that (that threshold taking into account Council’s demand growth of 23,000m<sup>2</sup> centre GFA, which would offset any manifest adverse effect on existing centres of the proposed BMUZ within, at most, a couple of years).
68. Mr Foy, Council’s s42A report economic reviewer, supported the WSP allocation of 20ha of BLIZ and disagreed with the proposed 13.9 ha of BMUZ (and the proposed Business – General Business zone (BGBZ) sought by Middle Hill Ltd). He provided the following illustration in his review report<sup>25</sup> of the spread of employment activity types by percentage found across Auckland’s BLI zones, including technology and other highly skilled professional businesses, noting that while not all are permitted activities, they nonetheless occur:

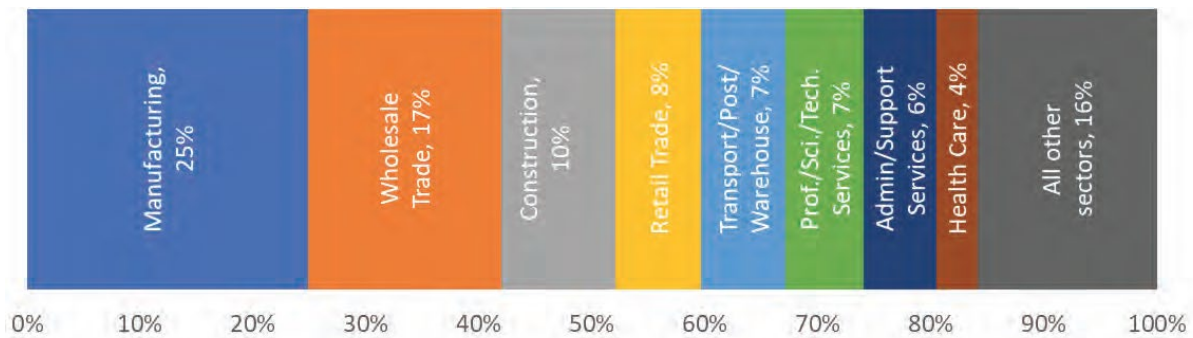
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<sup>22</sup> Thompson, Statement of evidence, para 111.

<sup>23</sup> Thompson, Statement of evidence, para 37.

<sup>24</sup> Noting that he has calculated a total yield of 22,500m<sup>2</sup> GFA across 6 ha – Thompson, op cit, paras 259-260.

<sup>25</sup> Hearing Report, vol 1, page 649, Figure 1: Auckland LIZ employment.



69. Mr Foy also expresses concern that the more permissive retail and service provisions of the BMUZ significantly overlaps that provided for in the existing Warkworth town centre, directly competing with that centre with unanalysed effects and contrary to the AUP's centres-policy hierarchy (a planning issue we discuss later in this decision).
70. In his response evidence, Mr Foy disputed the claim that the town centre is nearing capacity with very little commercially viable development opportunity remaining and noted that, regardless, future plan reviews have the potential to expand both the existing town centre and BMU zones in response to demonstrable actual need. He noted<sup>26</sup> that the average age of existing housing stock in currently live zoned BMUZ areas is 50 years and of relatively low \$ value, such that redevelopment for commercial use is a viable alternative. In addition, most of the town centre has an 18m height limit (with an 8.5m height restriction over part) and BMUZ a 13m height limit, providing significant vertical development potential<sup>27</sup>. Mr Foy also noted that the area of the proposed BMUZ (he cites 16.4 ha rather than the "corrected" figure of 13.9 ha - but that difference is not particularly material to the point being made) would represent one the largest areas of BMUZ across Auckland (which areas average 6.4 ha – excluding the CBD fringe<sup>28</sup>).
71. Finally, Mr Foy argued that the necessary uncertainty attached to future land requirements (a point of agreement with Dr McDermott) requires a conservative approach to BLIZ land because that has quite specific requirements – relatively flat land, large lots, proximity to transport routes, buffers against reverse sensitivity, and so forth – with which Warkworth is not particularly well-endowed, and which underpinned the WSP identification of BLIZ land, including in the area of PPC25. The economic risk of PPC25 was, for Mr Foy, the prospect that in time (which he accepted was likely 20+ years out) Warkworth would be undersupplied with industrial land and, taking a wider perspective, that Warkworth has few industrial areas nearby. Mr Bradley added<sup>29</sup> the salutary caution that rezoning at a later date for industrial land is generally problematic.
72. Turning to the planning argument regarding the flexibility of the respective BLI and BMU zones, we note Mr Foy's agreement with a response made by Mr Turbott to questioning, that "... *the area of land is of much greater importance than the type of zone, due to the similarity of activities that are able to be accommodated in many of*

<sup>26</sup> Foy, Response to economic matters raised ..., page 2, and Bradley, Response ..., page 6.

<sup>27</sup> Bradley, Response to evidence ..., page 3.

<sup>28</sup> Foy, Response to economic matters raised ..., page 4.

<sup>29</sup> Bradley, Response to evidence ..., page 7.

*the Unitary Plan's commercial zones*<sup>30</sup>. While that response was in apparent reference to the discussion over the size of the local centre, it sets a context for considering the planning appropriateness of the proposed BMUZ land extent.

73. Without undertaking a side-by-side comparison of the respective activity provisions of the BMUZ and BLIZ, Ms Daniels supported Mr Foy's argument for BLIZ on the ground of long term employment supply, repeating the concern that the BMUZ' flexibility for a range of activities which has been shown across Auckland to favour residential over commercial activity – a point re-emphasised in Mr Turbott's evidence – giving rise to the prospect of more limited employment activity.
74. In that respect, of course, the key zone difference is that dwellings and integrated residential developments are permitted activities in the BMUZ and non-complying in the BLIZ. There is no halfway house. A similar situation pertains with respect to offices and retail – which are permitted activities up to 500m<sup>2</sup> GFA/tenancy and 200m<sup>2</sup> GFA/tenancy respectively in the BMUZ, and essentially non-complying activities in the BLIZ except at very small scale (100m<sup>2</sup> GFA for offices) and accessory to the industrial activity.
75. As noted, Mr Turbott provided evidence<sup>31</sup> on how the BMUZ has translated from applications across Auckland in the period 2016 – 2018. In that period 49% of applications were residential; 14% for business; 10% for mixed use; and 27% for other (unspecified) activities. He acknowledged that these proportions could not be assumed for the PPC25 greenfield site but expressed a general caution about the trend. Furthermore, Mr Turbott advised that the comparative lack of standards-based quality control for residential environments in the BMUZ, particularly for medium-density residential developments, was “ ... *a recognized issue with this zone that is included in council's current review of residential provisions in the AUP*”<sup>32</sup>. As a related aside, we note that assuming that Council moves formally to resolve any structural issues it currently sees with the BMUZ, by the time PPC25 gains traction on the ground (if approved), any concerns arising for this location will presumably also have been addressed.
76. Ms Daniels was not supportive of the approach of imposing GFA caps as suggested by Mr Thompson, preferring more nuanced activity lists and statuses in the event that a decision to approve PPC25 eventuates.
77. In summarising the rationale for BLIZ in the WSP over that part of Warkworth covered by PPC25, Mr Bradley noted<sup>33</sup> the following:
  - On the western side of the town to be close to the motorway access points (northern roundabout and future interchange in the south);

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<sup>30</sup> Foy, Response to economic matters raised ..., page 6.

<sup>31</sup> Turbott, Statement of evidence, para 35.

<sup>32</sup> Turbott, Statement of evidence, para 38.

<sup>33</sup> Bradley, Memo – Response to evidence, page 7.

- Next to existing established industrial area on Hudson Road to build on the existing area, provide agglomeration benefits, and limit the new ‘edges’ of industrial land in Warkworth;
  - Uses flat land where available and avoids the steeper land;
  - Uses the Western Link Road (a 32m wide corridor with up to 4 lanes of traffic, footpaths, cycleways, and street planting) as a separator/buffer of the industrial activities from the more sensitive uses (e.g. residential) to avoid reverse sensitivity issues.
78. He acknowledged that had a “blank slate” approach been possible then the picture may have been different, but that the locations were determined taking into account existing land constraints. Mr Bradley also acknowledged that the 65 ha of BLIZ allocated in the WSP was on the higher side of the predicted 30 year demand range because of difficulties in rezoning for such activities at a later date.
79. In response to Mr Thompson’s evidence alleging that 70% of currently zoned BLIZ is vacant, Mr Bradley noted that the 4.6ha of BLIZ in the stockyard falls area was in fact consented for proposed developments and not vacant; that the 7.5ha on the western side of Morrison Drive depends on the final alignment of the WLR in this location, which could see that reduced by up to 50%; that the 4.7 ha near the Warkworth WWTP is Boat Building Precinct and is not available for BLIZ; and that the 61.4 ha of BLIZ near the Showgrounds is subject to other constraints including a 5 ha residential private plan change.
80. Finally Mr Bradley noted that the AUP indicated that BMUZ was typically designed to be located around city / metropolitan or town centres or along transport corridors, being a transition zone to residential areas. Regardless of whether PPC25 had a local or neighbourhood centre, Mr Bradley concluded<sup>34</sup> that the BMUZ simply did not fit and therefore PPC25 should have no BMUZ.
81. We also note Mr Munro’s urban design evidence in support of BMUZ – albeit as the northern gateway zoning proposed by Middle Hill – commenting<sup>35</sup> that:
- Securing the best possible built form outcomes should be the Panel’s key focus. Micro-managing land use activities within those outcomes can be readily achieved through Precinct provisions, such as limiting commercial or residential activities as and when they can be proven to be credible concerns.*
82. This was a view shared by Mr Neill who noted<sup>36</sup> that:
- Mr Turbott expresses some concern on the potential Urban Design outcomes of BMUZ. Unlike in the BLIZ, Resource Consent is required for all buildings in this zone, and therefore a preferable built form outcome can be achieved compared to BLIZ. I consider BMUZ provides superior urban design outcomes than BLIZ and agree entirely with the pre-circulated evidence of Mr Ian Munro ...*

<sup>34</sup> Bradley, Response to evidence, page 15.

<sup>35</sup> Munro, Statement of evidence, para18.

<sup>36</sup> Neill, Reply statement, para 22.

## Findings:

83. The first point to make is that we did not receive detailed evidence from Council underpinning the projected need and quantum for BLIZ. Mr Foy noted in his response<sup>37</sup> that he had assessed the need for LIZ in the WSP to range between 0 and 57 ha (net) and allowed that the WSP possibly provided more than is required – which was confirmed by Mr Bradley. Other witnesses for the Council position effectively adopted the quantum of BLIZ in the WSP as a fact that was to be provided for and argued either against any reduction in that quantum or on the principle, as noted above, that BMUZ is entirely inappropriate and inconsistent with general planning principles and the AUP. On the other hand, and for similar reasons, we are not persuaded that no more than c.2.4 ha of BLIZ should occur within the PPC25 area as proposed by TCL. We simply do not know whether over the planning horizon more rather than less BLIZ will be required – but we acknowledge the concerns that making provision for BLIZ later can be problematic. Furthermore, we are not persuaded that the case for the full c.16.4ha of BMUZ has been made out.
84. On the question of the appropriateness of BMUZ in the absence of a defined city / metropolitan or town centre, or transport corridor, we simply point to the evidence we received (from Ms O'Connor, Dr McDermott and Mr Thompson for example) about the realities of converting residentially-used land to business land around the existing Warkworth Town Centre in the timeframe proposed for Warkworth's growth. While that evidence was challenged, we think we should recognise credible constraints in the same manner as Mr Bradley described for the location of BLIZ under the WSP. Warkworth is not a clean slate planning environment. *Best fit* (provided that does not seriously offend the AUP) is a necessary component of planning for the anticipated growth. Scaled down BMUZ around or adjacent to a Local Centre makes sense to us for the sort of relatively constrained satellite town that Warkworth is planned to be.
85. We therefore find, and propose to accept, part of the BMUZ proposed but not to live zone other parts of the proposed BMUZ, leaving that decision for a later date when the need or rationale for the range of appropriate activities is more evident.
86. In particular we see and heard little by way of rationale for the proposed BMUZ in the southern part of PPC25 adjacent to Falls Road; nor are we persuaded at this time that the land adjacent to SH1 should be live zoned BMUZ and BGBZ. The evidence for that in those locations was simply absent. If those areas are to become business zones of some sort in future, and probably not too distant, then we feel that more bespoke provisions will likely be necessary. The present zone options and provisions are simply too coarse for the uncertainty that exists.
87. We therefore decline to approve live zonings for those areas. We agree that BMUZ should occur to the north and adjacent the Local Centre, with the stream edge and the WLR as its flanking boundaries. We also believe that will enable a more rational use of the BMUZ in the "right" location and assist in avoiding the sort of co-option for

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<sup>37</sup> Foy, Economics Response, pages 9-10.

residential use that Mr Turbott was concerned about. Concentrating the business opportunities is also more likely to facilitate the development of the local centre.

88. We also note, in passing, that Mr Styles' acoustic evidence in reply<sup>38</sup> demonstrated that additional reverse sensitivity noise effects on the BLIZ area off Hudson and Sanderson Road are unlikely to arise from the proposed zoning pattern as the existing residential SHZ area east of Hudson Road was in fact closer and controlled the noise environment and there are existing noise controls in the AUP(OP) that also limit Atlas' activities.
89. We are also live to the fact that not live zoning the northern "bookend" of the PPC25 area potentially creates an issue for realising the entire WLR. That of course will depend on future actions determined by Auckland Transport and the landowner(s) at that end, but that is not sufficient reason to live zone.

### **Local Centre v Neighbourhood Centre**

90. As noted above, Dr McDermott's evidence indicated that the proposed local centre comprises some 2.5 ha, providing 149 jobs @ 60/ha (this is shown as c.3.1ha on the updated Proposed Zoning Map Plan (Rev 11 dated 29/01/20) provided by TCL at our request, which shows cadastral boundaries and the various zone etc area totals). The exact "usable" extent will ultimately depend upon the precise alignment of the WLR and the open space stream riparian areas indicatively show on Precinct Plan 2.
91. The argument as to whether a Local Centre Zone (BLCZ) as sought, or a Neighbourhood Centre Zone (BNCZ) as sought by Council, should be adopted revolved essentially around the question of its anticipated adverse effect on the existing Warkworth Town Centre.
92. Dr McDermott proposed a larger Local Centre (c.2.5ha<sup>39</sup>) commensurate with the scale of the projected PPC25 residential population (up to 1,000 dwellings, and c.3,000 pop). He also stressed the functional advantage of a local centre over a neighbourhood centre (favoured for commuting and multi-purpose trip-making rather than single, convenience trips), coherence (design, spatial and commercial cost advantages), and better potential for public transport access and use. We also note Mr Peters' "excellent urban environment"<sup>40</sup> vision for the area and the proposed development and the role he saw being played by the local centre / open space interplay.
93. Mr Turbott and Mr Bradley supported a smaller neighbourhood centre (around 1,500m<sup>2</sup>) consistent with the WSP and based, as they interpreted in, upon AUP Policy B2.5.2(4)(a)-(d) which states;
- (4) *Enable new metropolitan, town and local centres following a structure planning process and plan change process in accordance with Appendix 1 Structure plan guidelines, having regard to all of the following:*

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<sup>38</sup> Styles, Reply evidence, paras 28-37

<sup>39</sup> McDermott, Reply statement, para 37.

<sup>40</sup> Peters, Statement of evidence, paras 30-31.



- (a) *the proximity of the new centre to existing or planned medium to high intensity residential development;*
- (b) *the existing network of centres and whether there will be sufficient population growth to achieve a sustainable distribution of centres;*
- (c) *whether the new centre will avoid or minimise adverse effects on the function, role and amenity of the city centre, metropolitan and town centres, beyond those effects ordinarily associated with trade effects on trade competitors;*
- (d) *the form and role of the proposed centre;*

94. Mr Turbott provided summary evidence<sup>41</sup> on Auckland centres that existed in 2018, indicating that the 73 *local centres* served population catchments of 5-15,000 *households* at 1-25,000m<sup>2</sup> GFA, and the 200 *neighbourhood centres* served populations under 2,500 *households* and c.1,000m<sup>2</sup> GFA (noting that the GFA figure should be roughly doubled for the gross land area required). He considered a Local Centre in PPC25 to be materially inconsistent with AUP policy.
95. Mr Foy also supported a smaller neighbourhood centre, although his argument turned more on the total quantum of business land proposed across the local centre, BMUZ and BGB zones. He agreed with Mr Turbott's response comment that "*the area of land is of much greater importance than the type of zone, due to the similarity of activities that are able to be accommodated in many of the Unitary Plan's commercial zones*".<sup>42</sup> Mr Foy agreed that a local centre could be appropriate if sized to its immediate walking catchment, which he calculated to be a local centre of no more than 1ha *provided* there was no BMUZ in PPC25<sup>43</sup> otherwise the potential for excess retail and commercial space would increase the risk of adverse effects on the town centre.
96. Dr McDermott disagreed with that interpretation of the AUP as far as Warkworth is concerned. He maintained that the Warkworth town centre "*lies outside the urban hierarchy of centres*"<sup>44</sup> in that its development policy is clearly focussed on maintaining its present character. In that context, he argued, a more appropriate greenfield approach is to develop complementary new centres taking into account associated transport developments. Such, he stated, was not inconsistent with Policy B2.2.6(b) which requires:
- (6) *Identify a hierarchy of centres that supports a quality compact urban form:*
- ...
- (b) *at a local level through local and neighbourhood centres that provide for a range of activities to support and serve as focal points for their local communities.*
97. One of the key benefits of the proposed local centre, Dr McDermott suggests, is that it is likely to be developed relatively early providing some capacity to "*pre-empt inappropriate development pressure in the Town Centre*".

<sup>41</sup> Turbott, Statement of evidence, Appendix 2.

<sup>42</sup> Foy, Response to economic matters, page 6.

<sup>43</sup> Foy, Response to economic matters, page 8.

<sup>44</sup> McDermott, Reply statement, para 12.

98. Ms Daniels supported a smaller local centre in line with Mr Foy's evidence while noting his caveat regarding no BMUZ.
99. In terms of urban design outcomes and the quality of a local centre, Ms Mein<sup>45</sup> supported a "pared back" local centre of a scale as indicated by Mr Foy. She agreed with Mr Neill that the greater height and range of activities permitted, including apartments, was commensurate with the scale, density and nature of residential development proposed, and would support a dense, walkable, local residential catchment.

### **Findings:**

100. We are persuaded that the additional elements and options contained within the Business - Local Centre zone provisions are appropriate for the greenfield scale of the residential activity proposed. We agree with a number of the witnesses' observations that the functional activity differences between the two centre zones is less important than the implied spatial extent. We acknowledge concerns regarding the proposed size of the centre at 2.5ha but received no compelling evidence as to why it should be smaller and, if so, what size is appropriate. We recognise Mr Foy's evidence in that regard but find the argument for 1ha lacking in sufficient s32 RMA justification – and, as will be evident, we have scaled back the amount of live zoned business land. Furthermore, we would not expect full build-out of the areal extent of the zone in the context of Warkworth and the Precinct policy direction for the centre to provide a high quality urban design outcome adjacent to the open space zone and the stream corridor (as indicated on Precinct Plan 2).
101. We therefore adopt the Business - Local Centre zone as proposed while noting that consideration of the potential effect on the Town Centre is one of those matters that will need to be considered explicitly as development proceeds under the standard zone objective and policy provisions.
102. We also note that much of the proposed open space / riparian margins (shown on Precinct Plan 2) have yet to be formally defined and therefore is not currently zoned as such. However, that is required and is likely to subsequently result in defined open space zones. That will further limit the local centre "useable" space, while affording additional design quality.

### **Residential zonings**

103. By the end of the hearing three bands of residential zoning were proposed – a band of Residential – Mixed Housing Suburban (RMHS) along the western boundary of the precinct and north of Falls Road; Residential – Mixed Housing Urban (RMHU) through the centre of the precinct and around the BLCZ; and Residential – Single Housing (RSHZ) south of Falls Road.
104. As noted by Mr Munro<sup>46</sup>, by the time of the hearing:

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<sup>45</sup> Mein, Urban design response, page 2.

<sup>46</sup> Munro, Statement of evidence, para 21.

*the only material objection to the proposed change from Single House zone to Mixed Housing Suburban zone relates to a buffer along the edge of low-density housing accessed via Viv Davie-Martin Drive.*

105. He disagreed with the approach he thought recommended by Ms Mein, being a 30m-deep strip of 600m<sup>2</sup> lots along that boundary. Mr Munro saw no need for a buffer but suggested the more efficient method of imposing a 9m yard setback along the western lot boundary, if we were persuaded to do anything, as otherwise accessory buildings could be developed along that boundary with only a 1m rear yard requirement under the operative provisions.
106. In her response, Ms Mein<sup>47</sup> corrected Mr Munro's misinterpretation of her evidence and agreed with his suggestion that a 9m setback would help submitters' concerns and mitigate perceived adverse effects arising from the higher density RMHS zoning proposed.
107. Other than that, there was very little dispute at hearing about the residential zonings and locations proposed – acknowledging Mr Collie's concerns for Atlas Concrete's activities which, he noted, were as yet operating at only 10% capacity, and on which Mr Haines' planning evidence expanded. However, we note that Mt Styles addressed that matter in his acoustic evidence, concluding (as noted above) that the adverse noise effects of Atlas Concrete's activities were effectively controlled by the closer residential zone to the east, the PPC25 proposed MHU residential zone being further away. Provided Atlas operates within its consent conditions, and there is no ground to think otherwise, we see no reason why reverse sensitivity issues (properly understood) should arise, notwithstanding the fact that it has yet to operate at full capacity. Furthermore, as residential development will require resource consent, that matter will be squarely on the table at that time.

**Finding:**

108. We find that the proposed residential zones are sufficiently well justified at this point in time and we adopt them accordingly. We note that the exact internal boundaries of the zones still need to be determined for the purpose of GIS mapping.
109. We agree that a 9m yard setback should be imposed along the western boundary of the RMHS zone to provide a buffer to the RSHZ zone of Viv Davie-Martin Drive.
110. We gave consideration as to whether the proposed BLIZ zone north of Falls Road and to the east of Hudson Road should be zoned residential – as it was in the notified PPC25. However, we concluded that area should remain FUZ, as we have discussed, in the meantime pending further consideration both because there is sufficient live-zoned residential land available under PPC25 and pending subsequent experience of the need for further BLIZ land.

**Traffic and Transportation effects**

**Modelling and Predicted Transport Effects**

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<sup>47</sup> Mein, Urban design response, page 4.

111. Various levels of transport modelling have been undertaken during the evolution of PPC25. An Integrated Transport Assessment (SGA ITA) was prepared by the Strategic Growth Alliance (Auckland Council, AT and NZTA) to support the development of the WSP and in accordance with the Future Urban Land Supply Strategy (FULSS). TCL engaged Harrison Grierson (HG) to prepare an Integrated Transport Assessment (HG ITA) which considered the inputs and outputs of the SGA ITA, with specific focus on the proposed PPC25. The HG ITA included specific modelling for the years 2026, 2036 and 2046 for Hudson Road and the proposed Western Link Road (WLR). The HG ITA also reported the results of SIDRA modelling HG undertook on the northern intersection for the WLR/Matakana Link and SH1, and the southern intersection for WLR/Falls Road.
112. Stantec was engaged by TCL to review the HG ITA and subsequently undertook reviews of Saturn modelling and SIDRA assessments. In addition to evidence and reply presented by Mr McKenzie and Mr Moslin-Thomas, to address ongoing concerns held by AT and NZTA, Stantec prepared three memos, dated 17/10/19, 5/11/19 and 12/11/19.
113. The key aspects of the statements of evidence presented by Mr Moslin-Thomas, including reference to the three Stantec memos, are:
- The PPC25 development and its anticipated transport effects have been the subject of a broad range of consideration within the context of the Plan Change itself as well as consideration of the wider WSP. Transport modelling has been done at a broad scale for the WSP and at the local scale for PPC25.
  - Stantec's recent transport assessment work has shown significant increases in the peak hour vehicular traffic activity above those assessed through the WSP process. This level of additional traffic generation is not inconsistent with the scale of activity previously anticipated in the HG ITA. It will, however, require a response by way of transport mitigation or intervention commensurate with what has previously been identified both through the HG ITA, and to some extent the SGA ITA.
  - Adequate mitigation options are available that can be assessed and implemented as development progresses within the PPC25 area.
  - Predicted evening peak queuing impacts on the P2Wk (Puhoi to Warkworth) roundabout compounded an adverse effect that is predicted to occur from the existing roundabout design (under construction). The effects could be addressed by double-laning the right turn flow for north bound traffic entering the roundabout.
  - The Stantec updated modelling is robust as it has made no allowance for internalisation, public transport, pedestrian/cycle facilities or shared/linked trips. It also assumes co-incident peak periods whereas proposed developments will have different peak periods e.g. between business parks, local centres and residential dwellings.

- The Stantec updated modelling assesses the impact of PPC25 assuming the zoning as proposed in the evidence of Ms O'Connor, Mr Neill and Dr McDermott.
- The precinct provisions now proposed by TCL require transportation assessments in the event development precedes completion of the WLR. The iterative modelling undertaken is the equivalent of an ITA for the purposes of the plan change. Nothing further is needed at the plan change stage.
- TCL had assessed the intersections agreed with AT and NZTA. TCL had not been previously asked to assess effects on the morning peak, and the morning peak model for 2046 is not publicly available.

114. Relevant aspects of Mr Edwards evidence are:

- His analysis of a few key intersections led him to conclude that it is possible for a future transport network to accommodate the development enabled by PPC25.
- It is neither unusual nor of concern that the details of intersection design, timing and funding responsibilities are not yet known. It is appropriate for a Plan Change to provide a framework to ensure that key infrastructure is provided as development occurs, and the proposed provisions, with some recommended modifications, achieve that.
- The design, timing and funding arrangements of the infrastructure necessary to provide for the development can be and should be dealt with at the time of subdivision when more information is available, and the development is imminent.
- Estimates of trip generation vary between experts but that is not unusual, and sufficient evidence on trip generation had been provided.
- Modifications of the Precinct provisions to improve certainty of intent and outcomes regarding the safe and efficient operation of the transport network.

115. The remaining concerns of AT, per the evidence of Mr Collins, are:

- Disagreement as to how the BMUZ should be modelled; in particular the balance of employment, residential and retail development that could occur and the flow on effects on traffic generation within and beyond the area. Increased residential development allowed by the BMUZ could occur at the expense of employment activities and could result in a higher number of commuting trips out of Warkworth. This would impact on the transport network currently anticipated by the road controlling authorities and as anticipated by the WSP.
- Further design work is needed to confirm TCL's proposed changes to the northern and southern connections of the WLR and the P2Wk.
- The modelling undertaken by TCL's consultants to date is not sufficient to identify the potential transport effects of PPC25, particularly on the wider network. Uncertainty remains about the performance of the transport network in intermediate years, what effect planned but unfunded projects (such as the

southern interchange to P2Wk) may have, what effect may be generated by various scenarios enabled by the BMUZ, what mitigations are needed to support PPC25, whether these mitigations are feasible and how they will be funded.

116. Ms Trenouth, on behalf of AT and relying on Mr Collins' evidence, maintained her concern about the intensity of land uses proposed by TCL which, in her opinion, "*will generate significant traffic effects on the wider transport network that have not been adequately identified or managed by the proposed precinct provisions*"<sup>48</sup>. In particular, Ms Trenouth considered that:

- Provisions should require that the WLR be constructed as an arterial road with provision for it to be constructed as a collector road as an interim measure.
- There should be greater certainty in the provisions as to how the WLR will be constructed to adequately manage adverse effects on the wider transport network.
- More detail and certainty should be provided on the form and function of the WLR.
- As the timing and delivery of the WLR is uncertain, provisions should require the entire length constructed to collector road standard before any built form development can commence within the precinct.

117. The remaining concerns of NZTA, per the evidence of Mr Mein, are:

- The broader network implications of the additional traffic generation have not been considered. An example is the modelled vehicle queuing and delays predicted on the southern approach to the P2Wk roundabout, which is such that he anticipates alternative routes through the network would be used, and which have not been assessed by the modelling to date.
- Additional modelling should be undertaken for the morning peak to ensure proposed mitigation is appropriate.
- Modelling for interim years before year 2046 should be undertaken to understand the incremental effects on the transport network and to understand what planned roading infrastructure is required to address those.
- Some of the mitigation suggested by Stantec, such as double-lanes on the P2Wk roundabout, may result in sub-optimal traffic and safety outcomes on SH1 and / or P2Wk.
- An ITA should be prepared to consider the applicant's proposed zoning.

118. Ms Heppelthwaite, in her primary evidence, acknowledged and accepted a number of modifications that TCL has made to provisions in response to NZTA's submission. However, she maintained her concern regarding the uncertainty of effects that remained in light of the transport modelling and assessments undertaken. In her

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<sup>48</sup> Trenouth, Statement of Evidence, paragraph 8.

supplementary statement Ms Heppelthwaite echoed the concerns of Mr Mein and could not support the proposal on the basis of the existing transport assessments.

119. Mr Peake for Auckland Council in his memo of 20 November noted uncertainty over the likely trip generation that could occur from PPC25, particularly with regards to the Local Centre, BMUZ and BLIZ. He also stated that the traffic effects and the scale of improvements to key intersections along the WLR or wider road network have not been sufficiently quantified, particularly given the level of uncertainty over trip generation.
120. The questions that arise from the evidence heard on the modelling and prediction of transport effects are:
  - a. Does the modelling undertaken for PPC25, including the modelling in the HG ITA, subsequent modelling by Stantec and the assessment by Mr Edwards, provide sufficient understanding of the potential transport effects of the development of the Precinct at this planning stage?
  - b. Are those effects of an acceptable scale, or able to be mitigated to an acceptable scale through mitigation?
  - c. Is the mitigation suggested by TCL feasible and reasonable?
121. Notwithstanding the current appeal before the Court, the location of the northern connection SH1/future Matakana Link Road (MLR) and the southern connection at the intersection of Mansel Drive and Falls Road are known with sufficient certainty for the purposes of considering PPC25. We are also satisfied that AT, at some stage, would pursue a WLR equivalent road regardless of the PPC25 process either in conjunction with developers or through a notice of requirement. Ms Dorofaeff confirmed that the WLR has been identified within the Indicative Strategic Transport Network for Warkworth, as developed by the Strategic Growth Alliance with NZTA, but that the road (and the northern transport interchange) does not have funding allocated in the Regional Land Transport Plan 2018-2028. At this time AT's priority is to secure protection of the land required for the WLR alignment and northern and southern intersections. This includes identifying the WLR as an arterial road in the Precinct plans and provisions.
122. The northern connection being located beyond the current boundary of TCL's land is of no great moment. If and when the connection is required, AT can, either separately or through some funding agreement with other parties (e.g. TCL or successor), secure that route. In the meantime, the WLR alignment is signalled as an arterial road in the Precinct Plans and provisions.
123. We accept that the WLR is anticipated as a four-lane arterial road, consistent with the consented MLR. The final design of WLR/SH1/MLR intersection can include additional traffic modelling when it is required, in conjunction with the necessary designation and / or resource consents required for the physical construction works. At its southern end it will tie in with Mansell Drive which can be increased to four lanes within its

existing corridor. We note that TCL has committed to upgrading the Falls Road culvert at the initial stages of development.

124. Mr Moslin-Thomas predicted that a 6% increase in traffic that may result from PPC25 when compared to the WSP could increase northbound right-turning peak queues at the P2Wk roundabout from approximately 120m to 450m. He explained that the scale of the increase was due to the existing impacts of the single right turn at the roundabout onto SH1 which, in his opinion, highlighted a deficiency in the current roundabout design. Mr Moslin-Thomas suggested that a two-lane right turn would significantly reduce the predicted queuing, and that that was a reasonable mitigation response. Mr Mein suggested that two-laning the right turn could result in traffic safety effects, including risks associated with merging and weaving traffic across SH1 for traffic wishing to turn onto the MLR or WLR. He also expressed concern that extended queuing on the P2Wk could reduce traffic safety due to the horizontal geometry and sight lines of that road as it approaches the roundabout. He did not provide any engineering drawings or calculations in support of that concern.
125. In response to questions, Mr Mein stated that NZTA had not considered a two-lane right turn as a future option at the roundabout. In a written reply to a request for clarification from us, Mr Keating of NZTA confirmed in his 6 November 2019 memorandum that two right turn lanes had been modelled and considered for the roundabout, but that under current modelling a single right turn lane was considered adequate. On that basis we accept Mr Moslin-Thomas' suggestion that two right turn lanes could be an option to mitigate queuing south of the roundabout, which may be an effect of significance that occurs regardless of the PPC25 development.
126. Mr Edwards succinctly summarised the state of transport analysis in Section 5.3 of his evidence. Despite what he considered at the time of preparing his evidence to be some gaps in the assessment of the TCL proposal, he was satisfied that the likely traffic impacts of the PPC25 development will be acceptable. In this regard and recognising the additional assessments undertaken and the on-going discussions that TCL is having with AT and NZTA, he stated<sup>49</sup>:
- Finally, if there were any issue with the adequacy of the modelling work undertaken to date for the Plan Change ITA, my understanding is that similar information could be required by Council prior to the granting of development resource consents, in accordance with Policy E27.3(1) and Standard E27.6.1 (also addressed later). In that regard the Council, in conjunction with Auckland Transport, can ensure that traffic outcomes are consistent with the Unitary Plan requirements. This is a dynamic traffic planning location and at the resource consenting stage, there is likely to be more certainty about key roading infrastructure, and land-use activities, that will make modelling more accurate (due to more accurate assumptions/inputs).*
127. We accept that there remains some uncertainty about the effects of the development on the traffic network. However, a range of assessments have been undertaken at various scales and assuming a range of development scenarios. Witnesses for Council, AT and NZTA have expressed concern regarding uncertainty of effects, but

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<sup>49</sup> Edwards, Statement of evidence, para 76.



none have stated that the TCL proposal could not be accommodated within the network subject to appropriate design, timing and mitigation.

128. Rules and standards have been proposed to trigger the provision of the WLR and key intersections to collector road standard in line with development inside and outside Sub-precinct A, with setbacks to allow for future upgrade to an arterial road. The rules and standards are supported by policies that encourage the provision of the WLR and transport links.

**Findings:**

129. We make the following findings on the modelling and predicted transport effects.
130. The Warkworth area is a dynamic traffic environment and future traffic effects cannot be determined with complete certainty.
131. Based on modelling, the TCL proposal will result in additional traffic movements when compared to the WSP. Some of those effects may be significant if not adequately addressed through detailed design and network upgrades.
132. The traffic assessments undertaken by Stantec, incorporating the findings of earlier modelling, are sufficiently conservative in their assumptions.
133. Sufficient traffic modelling and assessment has been undertaken to support the plan change process.
134. Feasible design and network upgrade options are available to mitigate traffic effects that may arise as a result of development within the Precinct.
135. Traffic effects will be considered again in detail during the consenting of development stages, both via the Precinct provisions and Chapter E27. The Precinct provisions reinforce that all relevant overlay, Auckland-wide and zone provisions apply.
136. The Reply version of the provisions adequately address Mr Edwards' recommendations, which we accept, regarding vehicle access restrictions to the WLR and the promotion of the safe and efficient operation of the transport network for all modes of transport.

**Alignment and form of the proposed Western Link Road (WLR)**

137. The proposed WLR alignment is shown on Precinct Plan 2. This alignment is broadly consistent with the location of a proposed future arterial road shown in the WSP, albeit further from the stream. No parties disputed the logical northern and southern termini of the WLR; being its alignment with the MLR in the north and connecting to Falls Road in the south. As noted, the detailed position of the northern terminus is subject to the outcome of appeals against the designation and consents sought by NZTA for the MLR intersection. TCL, AT, National Trading Company, and Middle Hill are parties to that appeal.

138. Expert evidence is that the proposed alignment through the PPC25 area is appropriate from a geotechnical perspective, subject to specific design at a later time<sup>50</sup>. Mr Rankin explained that the more central alignment is advantageous as it provides horizontal separation from the stream which allows for easier re-contouring of elevation changes over distance, thus reducing the need for retaining structures.<sup>51</sup>
139. Ms Dorofaeff<sup>52</sup> stated acceptance of the alignment on behalf of AT. Ms Daniels and Mr Bradley both advised in their summary comments that the alignment was acceptable from a planning perspective and recognised that it may change slightly between the anchored end points in response to detailed design.
140. The southern connection will be a signalised intersection that will be upgraded and funded by the PPC25 developer.<sup>53</sup>
141. The HG ITA described a proposed road cross-section of 29.5 m width, which is consistent with that proposed for the MLR. It is to be a limited access road to accommodate two traffic lanes in each direction and will include walking and cycling paths on each side of the road. Its final configuration is to be determined as design and development proceeds, in consultation with AT and subject to funding and development stages. The limited access is intended to reduce the number of conflict and crossing points on the route for pedestrians and cyclists. Again, no parties have materially debated the indicative width and design elements of the road.
142. In his Technical note dated 20/11/19 Mr Peake, for Council, expressed concern that:
- the proposed intersection upgrades do not take into account whether they are able to be achieved either practically or efficiently and that they may require additional land acquisition; and
  - there is no detail provided as to when the intersection upgrades are required.
143. In his hearing statement Mr Collins, for AT, stated that further design work would need to be undertaken to confirm whether the changes to the Northern connection intersection proposed by the applicant's traffic consultant are feasible. Mr Collins also considers a robust transport assessment is required which confirms the timing and funding responsibility for any required mitigation.

#### **Findings:**

144. On the basis of the above evidence, we find that the indicative alignment, width and function of the WLR, as shown on Precinct Plan 2 and described in provisions, is appropriate. We comment further on this in our findings on streamworks.
145. For the reasons we have noted earlier, we find that sufficient modelling and assessment of the future location and function of the northern and southern

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<sup>50</sup> Hutchison, Statement of evidence, para 18.

<sup>51</sup> Rankin, Statement of evidence, para 14(f).

<sup>52</sup> Dorofaeff, Statement of evidence, para 31.

<sup>53</sup> D. McKenzie and Moslin-Thomas, Statement of evidence, para 35.

intersections has been undertaken and that design and mitigation options will be available to achieve appropriate traffic management outcomes.

146. We find that subject to detailed design which cannot be completed reasonably at this time, the width, indicative spacing of intersections and limited access purpose of the WLR will appropriately balance the multi-modal transport and access aspirations for the Precinct.

### **Staging and funding of the WLR**

147. The WLR is proposed to be constructed in stages, initially with two traffic lanes and when traffic demand requires, an additional two traffic lanes and pedestrian / cycling paths.
148. AT in its submission has expressed a preference for the Precinct Plans to not include a cross-section but have a general description of the elements to be provided. This is to provide flexibility as standards may change over time. This approach is supported by Council's specialist Mr Peake<sup>54</sup> and TCL.
149. Mr Moslin-Thomas considered that the interim collector road standard should include provision for suitably designed and located intersections to achieve the connected road network needed to support the future activity in the PPC25 land and its connection to existing urban development in Warkworth<sup>55</sup>.
150. Mr Edwards suggested that provisions should apply a Vehicle Access Restriction (VAR) to the WLR route, to reinforce its proposed function and policy relating to cycle path safety. He also noted that design, timing and funding arrangements for infrastructure (including the WLR) should be dealt with at the time of subdivision.
151. Concern was expressed by Mr Peake in his memo to Ms Daniels of 20/11/19 that if staging shown in the HG ITA was to occur this would load traffic onto the existing road network along Falls Road, Hudson Road and Hill Street. In Mr Peake's opinion, these roads are not suitable for substantial increases in traffic.
152. AT also expressed concern about staging and the associated network effects.<sup>56</sup> Ms Trenouth sought greater certainty on staging in the provisions and considered that the WLR should be constructed as a collector road for its full length before any built form development occurs within the Precinct.
153. Mr Moslin-Thomas for TCL and Mr Edwards for Middle Hill were of the view that there is no need to stage development within the Precinct.<sup>57</sup> Despite that advice, TCL has included in the precinct provisions a staged approach to development, reinforced by proposed Standard I1.6.5(1) that would require that:
- Prior to occupation of built form development in sub-precinct A the WLR intersection with Falls Road/Mansel Drive is completed; and

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<sup>54</sup> Hearing report volume 1 page 726.

<sup>55</sup> McKenzie and Moslin-Thomas, Statement of evidence, para 27.

<sup>56</sup> Dorofaeff, Statement of evidence, para 39(c).

<sup>57</sup> McKenzie and Moslin-Thomas, Reply evidence, para 10.

- Prior to occupation of built form in the remainder of the Precinct, the WLR be completed through to its new intersection at Great North road (SH1)
154. Subdivision and development complying with standards is a restricted discretionary activity per Table I1.4.1(A3), subject to matters of discretion provided in I1.8.1(6), and assessment criteria I1.8.2(1). Subdivision and development not complying with standards is a discretionary activity.
155. The ultimate delivery of the full four lane cross-section of the WLR will require a joint funding and delivery agreement between the PPC25 landowners and AT<sup>58</sup>. AT's stated preference is to enter into an agreement with the developer where they agree to construct the WLR to a lesser collector road standard to provide for their proposal, plus setbacks that can accommodate the full arterial road and pedestrian / cycle paths. AT would purchase the buffer land alongside the collector road to provide for future upgrade to an arterial standard. This approach still requires AT to secure the funding for the acquisition. Some initial discussions have been held by AT with the Applicant and Middle Hill Ltd about an infrastructure funding agreement, but additional work is required.<sup>59</sup>
156. As noted, Ms Dorofaeff confirmed that the WLR has been identified within the Indicative Strategic Transport Network for Warkworth but does not have funding allocated in the Regional Land Transport Plan 2018-2028.
157. In her closing legal submissions Ms Carruthers advised that the applicant provided a draft Funding Agreement to AT prior to the hearing and that meetings are scheduled to progress discussions on funding. Ms Carruthers submitted that a funding agreement does not need to be in place before the plan change zoning is approved.

### **Findings:**

158. Consistent with our findings on the transport modelling and effects, we generally accept the staging and timing of delivery of the WLR as proposed by TCL and find a staged implementation is required through Precinct provisions. That approach will ensure that the progressive refinement of design and delivery of development and roading within the Precinct will take account of, and integrate with, the wider network, including dynamic changes that may occur within the Warkworth transport environment.
159. We find that the proposed staging, linked to the setbacks required for the road in its full arterial form, will allow development within the Sub-precinct and Precinct to advance while funding agreements are developed and finalised with Auckland Transport. In practice, the timing of built form development within the Sub-precinct is likely to be at least two years after PPC25 becomes operative, and will progress within the Sub-precinct concurrently with the establishment of zones and funding agreements for the balance of the Precinct to the north. In that regard we accept that, while TCL can provide certainty in the timing of the WLR link to Falls Road as a collector and future

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<sup>58</sup> McKenzie and Moslin-Thomas, Statement of evidence, para 32.

<sup>59</sup> Dorofaeff, Statement of evidence, para 8.

arterial, it cannot confirm the delivery of the northern link at this time, albeit that we are satisfied that the northern intersection and route can reasonably be provided.

160. In line with our findings above, we have made the following changes to the provisions to provide greater certainty as to their intent, as stated by TCL:

- Rule I1.4.1(A3) and I1.4.1(4):

We have reversed the changes made by TCL in the version of conditions presented in its reply. Standard I1.6.5(1) imposes triggers for the delivery of the intersection with Falls Road and Great North Road (SH1), and the formation of the WLR as a collector road between those points. The standard is fundamental to our findings. Proposed subdivision and development that will not meet the standard should be a non-complying activity as previously proposed by TCL. The standard also aligns with the other standards listed in I1.4.1(A4), being I1.6.1 (relating to the delivery timing and form of the WLR) and I1.6.6 (relating to wastewater connection for development).

We accept that not meeting Standard I1.6.4 (vehicle access to WLR) should be a discretionary activity as per Rule I1.4.1(A3), reflecting some modification that may occur through detailed design and traffic assessments.

- Standard I1.6.1(1)

We have strengthened the wording of this standard to provide clarity that the construction of the road, either to the north or south, must connect with and include intersections with Falls Road and / or Great North Road, subject to the triggers imposed by I1.6.5. The wording provided by TCL allowed for the construction of sections of the road adjacent to a development area but did not explicitly reference the need for southern or northern connections to the existing network. While release of sections for construction would not occur without a road connection, the standard now explicitly reflects our findings on the staging of delivery of the WLR.

- Standard I1.6.5(2)

We introduce an additional standard that explicitly requires any subdivision or built form development application to be supported by a Traffic Impact Assessment that addresses the Precinct provisions. In this regard we accept Mr Edwards' assertion that this should occur, but we are not satisfied that the corresponding Chapter E27 provisions would necessarily require one, in particular E27.6.1. For that reason, we also explicitly remove the exemption afforded by Standard E27.6.1(1)(b) which states that the standard does not apply where (b) *development is being undertaken in accordance with a consent or provisions approved on the basis of an Integrated Transport Assessment where the land use and the associated trip generation and transport effects are the same or similar in character, intensity and scale to those identified in the previous assessment*. If that exemption was retained, at a future time of development, technical reviewers or planners not engaged in the current PPC25 process may fail to recognise the importance and necessity of staged

Traffic Impact Assessments as recommended by Mr Edwards and accepted by TCL and ourselves.

- 11.9 Special information requirements

As worded, 11.6.5(2) anticipated a scenario where development could be occupied in advance of the completion of the full WLR alignment between Falls Road and Great North Road. As reflected in our findings and the other provisions, that scenario is anticipated and provided for. Accordingly, we delete proposed 11.9(2) as it is unnecessary.

### **Collector roads, walking and cycling links**

161. TCL proposed two collector road linkages from the western (residential) side of the WLR, with a third connection via an indicative 'other road' within the Sullivan property parallel with SH1. The 'other road' would service the Sullivan and Middle Hill land and connect to a collector road. To the east, one collector road connection is proposed to access the Local Centre.
162. Indicative walking and cycling links are proposed around the boundary of the Local Centre and along the open space margin of the main stream to connect with the roadside pedestrian/cycle paths along the WLR at three locations. A western pedestrian / cycle path would extend from the WLR along the edge of an open space stream margin, to service the residential development on the western part of the Precinct. Pedestrian / cycle links are also shown within the Middle Hill land linking to SH1 and the P2Wk shared path (under construction). Two short links are proposed to improve pedestrian / cycle access between Falls Road and Mansel Drive.
163. A pedestrian / cycle link is shown on proposed Precinct Plan 3 extending across the main stream and connecting to the Hudson Road / Albert Street intersection. The link would run along the common boundary of 30 and 60 Hudson Road. A link has also been identified as a future road connection. As notified, PPC25 mapped two potential road connections at both Albert and Sanderson Roads. TCL, through its submission, does not support a connection via Sanderson Road and has removed it from proposed Precinct Plan 3. Mr Neill at paragraph 11 of his reply advised that a connection to Albert Road is preferred over a connection to Sanderson Road, from an urban design, connectivity and accessibility perspective. Mr Neill considers it would be inefficient to have connections to both Albert Road and Sanderson Road with two associated stream crossings, and that two crossings do not appear to be necessary based on the WSP. He also noted that a connection to Albert Road would be a short link through to the proposed large open space and local centre, providing a more positive and legible approach to the area.
164. Mr Collins<sup>60</sup> recommended showing a collector road linkage to Sanderson Road; that being shown as a key road and public transport link in the WSP.
165. Mr Peake in his memo 20/11/19 noted that a connection to Albert Road would be on a favourable alignment but is outside the plan change area and would require agreement

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<sup>60</sup> Collins, Statement of evidence, para 41

from third parties for its construction. There is thus no certainty this could be achieved, and it would not be appropriate to show such a connection outside the Precinct on the Precinct plans. He noted that the WSP showed a connection at Sanderson Road. Mr Peake considered that proposed Precinct Plan 3 should be updated to show connections at both Sanderson Road and at the precinct boundary in the vicinity of Albert Road (with the new road connection to Albert Road deleted), and rules within the Precinct provisions included requiring the provision of linkages to the east.

166. Proposed Precinct Plans 1 and 3 also showed potential road connections in the vicinity of 44 Viv Davie-Martin Drive and 62B Viv Davie-Martin Drive. These were to provide connections to the Future Urban zoned land adjoining Viv Davie-Martin Drive and which abuts the PPC25 area. Mr Peake, for Auckland Council, in his memo of 20 November supported connections to Viv Davie-Martin Drive.
167. Mr Robert White, the owner of 44 Viv Davie-Martin Drive submitted in opposition to the proposed linkage in the vicinity of his property, shown in the proposed plan change, on the ground that it was not demonstrated as being required for sound transportation planning and urban design purposes in this particular location, and disadvantages him strongly.
168. At the hearing Mr White refined his submission on this matter to oppose the indicative road linkage proposed at the top of his property. He suggested an alternative location at the south-eastern corner of his property, which would minimise adverse effects on his property. Engineering and urban design evidence was provided by Mr Evan Peters and Mr Richard Knott, in support of Mr White's submission. Ms Daniels supported the PPC25 connection in principle, subject to detailed design, on the basis of its consistency with policy in favour of an integrated transport network and consistency with the SGA ITA and WSP.
169. The planning evidence of Mr Cutler on behalf of 62A, B and C Viv Davie-Martin Drive sought inclusion of those properties into the Mixed Housing Suburban zone and a roading connection to Sub-precinct A, based on the aspect and topography of those three properties.
170. In her response Ms Daniels indicated that she did not have a problem with the additional connection to Viv Davie-Martin Drive, nor a problem with the relief sought by the submitter to relocate the connection point slightly along the boundary.

#### **Findings:**

171. Subject to our finding on 44 Viv Davie-Martin Drive below, we find in favour of the mapped extent of indicative collector roads. They have received general support from Council and AT and are consistent with the limited access function of the WLR.
172. We also find in favour of the proposed pedestrian / cycle linkages. They will provide appropriate connections between residential, employment, commercial and open space land uses, and to the P2WK cycle path.
173. The appropriateness of the indicative 'other road' access with the Sullivan and Middle Hill land will be subject to detailed design and assessment, integrated with the design

of the WLR/SH1/MLR intersection. We do not oppose its inclusion in the Precinct Plan 2.

174. Having carefully considered the potential connections to Hudson Road and beyond, we find it logical to provide a direct connection to the Local Centre. In that regard, we favour the indicative pedestrian / cycle connection across the main stream and linking to Hudson Road and Albert Road. That would provide the most effective integration between the Local Centre and open spaces within the Precinct and the industrial and residential areas to the east of the stream. We also agree that a future upgrade of that connection to a road would be an acceptable outcome, but we do not make a specific finding in favour of such a road connection at this time. The Sanderson Road connection, while having the benefit of being an existing road, provides little significant advantage over the slightly longer route along the WLR and up Falls Road, and does not connect with the Local Centre. Sanderson Road in its current form functions as an industrial cul-de-sac, which we consider to be advantageous in separating industrial activities and traffic from other land uses.
175. Mr White was clear that his submission sought to protect the viability of future subdivision of his property for the benefit of his family. This is an understandable aspiration, which we need to balance against the question as to whether the proposed road link through his property has significant benefit in terms of the local road network and overall connectivity, for which there is strong policy support in the AUP(OP). We do not support the alternative alignment presented by Mr Evan Peters on behalf of Mr White, which presents topographical challenges and potential conflicts with the mapped extent of open space, which is based on existing vegetation.
176. However, the evidence we heard was not persuasive in strongly proving the need for such a connection in this instance, and we cannot support such a connection simply on the basis of general application of policy. We are required to balance the benefits and adverse effects in that regard. No compelling submissions were received in support of a road link between Viv Davie-Martin Drive and the Precinct. Nor does there seem to be a particular advantage in terms of car access to the Precinct local centre - i.e. the travel distance via Falls Road and the WLR would be similar to that via the proposed link. Moreover, future transport projects, including the Southern Interchange and the release of land that will result from the likely roll back of the P2Wk designation, will create alternative opportunities for transport connections.
177. In that regard we do not favour an indicative road linkage to 44 Viv Davie-Martin Drive at this time. We do, however, recognise the advantage in providing a walking and cycling link from Viv Davie-Martin Drive to the Precinct, a link that would be increasingly viable with the adoption of electric bikes capable of steeper gradients. Accordingly, we find that Precinct Plan 2 should be modified to indicate a walking and cycling link between the Precinct collector roads and the north-east boundary of 44 Viv Davie-Martin Drive.
178. While we recognise the topographical linkages of 62A, B and C Viv Davie-Martin Drive with the Precinct, and accept that there may be some advantages to providing for the inclusion of that land within the adjacent Precinct zone, that has not been sought as



part of PPC25. Accordingly, we find that PPC25 should not incorporate 62A, B and C Viv Davie-Martin Drive or a direct road connection to that land. Refusing the submitter's request does not preclude that outcome being achieved in the future.

## **Streams and Ecology**

179. TCL has corresponding resource consent applications lodged with Council for earthworks and piping and reclamation of streams within the Stubbs Farm Sub-precinct A. At the end of the hearing the stream works application was on hold, pending agreement between the applicant and Council on the stream assessment, mitigation and offsetting proposed. It is somewhat unfortunate that the stream works consent was not sought concurrently with PPC25 as doing so would have resolved, or at least further refined, the issues in contention.
180. TCL identified ephemeral, intermittent and permanent streams on proposed Precinct Plans 1 and 2, the indicative route of the WLR, and where it crosses streams. proposed Precinct Plan 3<sup>61</sup> indicates permanent and intermittent streams, the WLR alignment, and indicative riparian open space. It also shows indicative collector roads, which do not cross streams.
181. The extent of intermittent and permanent stream works shown on proposed Precinct Plan 2 are limited to the Stubbs Farm Sub-precinct A and comprise:
- Culverting where the WLR crosses two permanent streams and one intermittent stream;
  - Reclamation of three sections of intermittent stream with a combined length of about 350m; and
  - Enhancement of other sections of permanent and intermittent streams.
182. No other loss of intermittent or permanent stream channels are shown on proposed Precinct Plan 2 and, in particular, no stream works are shown beyond the Stubbs Farm Sub-precinct A, including where the WLR is mapped to cross streams within Middle Hill and National Trading Company land to connect to SH1 and the MLR.
183. Mr Delany explained how the extent and classification of watercourses across the PPC25 area, and in particular Stubbs Farm, had been reviewed and agreed with Auckland Council. It is our understanding that that matter is now uncontested. Mr Delany also explained how the SEV/ECR process had been undertaken and presented to Council in support of the stream works consent application, with some details of the assessment and quantum of mitigation and offset required still subject to resolution with Council. He expressed confidence that any mitigation or offsets that would be triggered by the proposed stream works could be achieved within the PPC25 area.

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<sup>61</sup> Note: these Plans are renumbered in the approved version; proposed Precinct Plan 2 is deleted and proposed Precinct Plan 3 renumbered as Precinct Plan 2.

184. At large remains the issue of whether stream works within the catchment should be controlled through Precinct provisions or remain subject to the regional provisions of Chapter E3 of the AUP(OP).
185. TCL has included various provisions (objectives, policies, rules, matters and discretion and assessment criteria) to address stream works within the Precinct, which were updated through its Reply. Proposed Activity Table I1.4.1 details the proposed status of works as follows:

<b>Streams and wetlands [rp]</b>			
<b>Activity</b>		<b>Warkworth North Precinct</b>	<b>Sub-precinct A</b>
(A6)	<i>Protection of streams and wetlands as indicated on Precinct Plan 2.</i>	<i>P</i>	<i>P</i>
(A7)	<i>Enhancement of streams and wetlands as indicated on Precinct Plan 2 and in accordance with the 'Additional Enhancement Opportunities' identified in Policy I1.3(5).</i>	<i>P</i>	<i>P</i>
(A8)	<i>Stream and / or wetland loss as shown on Precinct Plan 2 meeting Standard I1.6.2.</i>	<i>RD</i>	<i>RD</i>
(A9)	<i>Stream and / or wetland loss other than that shown on Precinct Plan 2.</i>	<i>NC</i>	<i>NC</i>

186. Ms O'Connor and Mr Delany suggested that the Precinct provisions would supersede the existing Chapter E3 AUP(OP) provisions, albeit that the non-complying activity status Rule (A9) would engage all relevant AUP(OP) policies. In their opinions, the proposed objectives and policies provide a general direction to protect and enhance streams, achieve no net loss of biodiversity and, where practical, achieve net gain. In Ms O'Connor's opinion, the suite of provisions proposed achieves appropriate consistency with existing AUP(OP) policies.
187. The upshot is that the culverting and reclamation shown on proposed Precinct Plan 2, being limited to sites within Sub-precinct A (Stubbs Farm), would be considered a restricted discretionary activity, subject to the proposed standards, matters of discretion and assessment criteria of the Precinct, being:

*I1.6.2 Standard – Streams and wetlands*

*Purpose*

- *To achieve stream and wetland enhancement works that improve ecological values and water quality now and into the future.*

*(1) Stream and wetland enhancement shall be undertaken in accordance with the best practice guidelines including Appendix 16 of the Unitary Plan; TP148 – Auckland Council Riparian Zone Management Guidance for Water Sensitive Design (GD04)*

– 8.1 Riparian Buffers and Planting; and Auckland Council’s Strategy for Urban Ngahere (Forest).

(2) *There shall be not net loss in biodiversity and, where practicable, a net gain shall be achieved across the sub Precinct. The offsetting proposal is to be prepared in accordance with Policy E3.3(4).*

#### *11.8.1 Matters of discretion*

(3) *Streams and wetlands:*

(a) *Maintenance, and where practical, enhancement of biodiversity values.*

#### *11.8.2 Assessment criteria*

(2) *assessment criteria for loss of streams and / or wetlands:*

(a) *The mitigation or offset measures proposed to ensure no net loss of biodiversity using the documents referred to in Policy E3.3(4).*

188. All other culverting or reclamation would have a non-complying activity status, engaging all relevant provision of the AUP(OP). Furthermore, unspecified activities, such as stream clearing, would remain subject to the Chapter E3 provisions.
189. For Council, Ms Huls did not support the inclusion of bespoke stream works provisions for the Precinct, and that position was supported by Mr Smith in his memo presented to us on 21 November 2019. As Mr Smith succinctly explained, in his opinion:
- the consideration of specific activities and the addressing of those effects is more appropriately considered at the resource consenting stage;
  - the AUP(OP) contains sufficient provisions to address any works required to facilitate the WLR; and
  - it remains unclear why the WLR requires specific provisions to circumvent normal resource consent procedure.
190. In summary, Mr Smith did not consider that the Precinct provisions proposed by TCL adequately covered the matters that would otherwise be engaged through a consenting process under Chapter E3, particularly in relation to reclamation, which he identified as being mapped on proposed Precinct Plan 2, and the imperative to avoid stream loss, or otherwise minimise with appropriate off-setting and no net loss of biodiversity values. This was compounded, in his view, by the absence of agreement between TCL and Council on the effects of the mapped stream works and the mitigation and offsets proposed, which were under consideration through the separate consent process noted above.
191. In response to questions Mr Smith helpfully clarified that he could accept a restricted discretionary activity status for identified stream works in the Precinct if the corresponding provisions were strengthened, in line with Chapter E3. However, he considered the Chapter E3 provisions to be the appropriate guide for considering stream works, and that replicating them in the Precinct provisions was not necessary.

## **Finding**

192. It is appropriate to provide certainty on the provision of key infrastructure identified through plan changes. In this case, the key infrastructure that impacts streams is the WLR. In an ideal scenario, an adequate assessment would have been made and agreed upon with Council regarding the location, nature and mitigation / offset of works necessary to form the WLR between Falls Road and SH1/MLR, or at least to the northern boundary of Sub-precinct A. That has not occurred to date, but we acknowledge that Council's witnesses have not identified any reason why the WLR could not be constructed broadly along the proposed alignment, and have not opposed the formation of the road in principle.
193. The complicating factors, as identified by Mr Smith, are that proposed Precinct Plan 2 does not identify any stream works within the Middle Hill and National Trading Company land, but which would be necessary to form the northern extent of the WLR. Nor did we hear specific evidence on the appropriateness of the mapped reclamation of the intermittent streams within Sub-precinct A (Stubbs Farm).
194. In effect, the proposed restricted discretionary activity status would only apply to mapped works within Sub-precinct A. That comprises three WLR crossings and the reclamation of intermittent stream sections, subject to achieving no net loss in biodiversity in accordance with Policy E3.3(4) methods. The stream works necessary for the northern extent of the WLR would have a non-complying activity status under the proposed provisions and would be subject to consideration under all relevant provisions of the AUP(OP), unless incorporated through a later plan change.
195. TCL has sought greatest certainty in the Precinct provisions on works within its own land (Sub-precinct A), which will include the initial formation of the WLR connection to Falls Road. The final alignment of the northern extent of the WLR is subject to existing appeals, and is beyond the control of TCL, albeit that its approximate position is understood. The indicative alignment and width of the WLR between its northern and southern termini is shown on the Precinct plans, subject to adjustment through detailed design.
196. Having noted the degraded state of the existing streams proposed for enhancement, we accept Mr Delany's assurance that there will be adequate opportunity within the Precinct to provide any offsets necessary for works associated with the WLR. We also acknowledge that Auckland Council witnesses did not oppose the formation of the WLR, rather, agreement is yet to be reached with the applicant regarding the stream assessments and offsets proposed / required.
197. Chapter E3 of the AUP(OP) provides a permitted activity status for culverts up to 30m length, subject to standards. If a standard is not met it defaults to a discretionary activity. That is more restrictive than the restricted discretionary activity status proposed by TCL for culverts required for the WLR within Sub-precinct A, but a lesser status than the non-complying activity proposed for stream works outside Sub-precinct A.
198. In light of the mapped extent of proposed stream enhancement shown in proposed Precinct Plan 2, we are satisfied that sufficient mitigation and offsets could be

achieved within Sub-precinct A to enable the consenting of the WLR stream crossings. For that reason, we find it appropriate to include provisions relating to the stream works necessary to form the WLR through Sub-precinct A. This will provide more certainty for TCL and Auckland Transport in the planning, funding, staging and design of that road. We also find that inclusion of that activity is consistent with AUP(OP) policy direction that provides for the balanced consideration of stream works necessary for the provision of infrastructure, growth and development.

199. We do not agree with Ms O'Connor or Mr Delany that the Precinct provisions would or should supersede Chapter E3. The wording of the Precinct provisions explicitly engage all other zone and overlay provisions, unless explicitly exempted. Therefore, we have amended the rule that applies to stream loss associated with the formation of the WLR within Sub-precinct A such that that activity is exempt from the E3.4.1 rules. However, Chapter E3 and other relevant AUP(OP) objectives and policies will still apply, as will the E3.4.1 rules, for all other stream works within the Precinct, including the formation of the WLR beyond Sub-precinct A.
200. We do not support rules that provide for the mapped extent of intermittent stream reclamation within the Precinct provisions and proposed Precinct Plan 2. On that matter we agree with Mr Smith and find that we have not received sufficient information to conclude that such reclamation is appropriate or can be adequately mitigated / offset. We find that completion of the existing consent process under Chapter E3 is the appropriate mechanism to determine such outcomes.
201. We find that it is neither necessary nor appropriate to include a non-complying activity status for stream works outside Sub-precinct A. Consistent with our reasoning above, we are satisfied that such activities are best addressed through the Chapter E3 AUP(OP) and corresponding RPS provisions, as they may apply in any given circumstance. In that regard, we have deleted the final row of Activity Table I1.4.1 so that Chapter E3 AUP(OP) applies.
202. We find that the proposed Precinct objectives and policies relating to the protection and enhancement of streams should be retained. Those provisions support the mapped extent of riparian protection and enhancement shown on the Precinct plans and will inform the consenting of stream works necessary for the construction of the WLR.
203. We acknowledge the point raised by Mr Smith regarding the inclusion of stream protection and enhancement as permitted activities in the Precinct provisions. As no physical works or thresholds are included in those rules, there appears to be no benefit in their inclusion. Accordingly, we find that those rules should not be included in the Precinct provisions.
204. Finally, as a result of our findings proposed Precinct Plan 2 (as provided by TCL) is no longer required. The extent of riparian margins anticipated for enhancement in accordance with the Precinct provisions is shown on proposed Precinct Plans 1 and 3 (as provided by TCL), and the extent of stream culverting provided for by the provisions will be limited to the width of the WLR (incorporating embankments and

inlet/outlet structures). Retaining proposed Precinct Plan 2 would be inconsistent with our findings as that plan shows and labels ephemeral and intermittent streams to be reclaimed (beyond the culverting necessary for the WLR), which we have deferred to Chapter E3 AUP(OP). Accordingly, we have deleted TCL's proposed Precinct Plan 2 and renumbered Precinct Plan 3 and associated references in the provisions.

### **Stormwater Management**

205. Development within the PPC25 area will result in changes to stormwater runoff characteristics through the creation of impervious surfaces, and the diversion of runoff via those surfaces and piped reticulation. The effects of urban stormwater are subject to the provisions of Chapters E8 (Stormwater diversion and discharge) and E9 (Stormwater quality - High contaminant generating car parks and high use roads) of the AUP(OP). Chapter E10 (Stormwater management areas – flow) is not engaged for rural zoned land but would be engaged through the proposed PPC25 provisions, which seek to add Stormwater Management Area Flow (SMAF) controls to the PPC25 area.
206. Auckland Council now holds a Network Discharge Consent (the NDC) that authorises the diversion and discharge of stormwater from its existing and future urban network across the Region, subject to conditions. Condition 13 of the NDC specifies how new sections of the network that are created through greenfield development can be included within the authorisation of the NDC - i.e. not require authorisation under a separate resource consent. The key component of that process is the preparation of a Stormwater Management Plan (SMP) for the development area that is submitted to Auckland Council - Healthy Waters for approval, assessed against the requirements of the NDC and associated technical guidance documents.
207. We understand that it is Healthy Waters' preference that an agreed SMP is presented in support of a plan change. However, as Ms Carruthers noted<sup>62</sup>, that approach is not required by the AUP(OP) or the NDC, the latter providing a range of options by which a development area can be incorporated. Having read the NDC we agree with that interpretation, and it was not disputed by Healthy Waters.
208. Mr Rankin explained that a SMP had been prepared in support of PPC25, based on the Healthy Waters template. That SMP has been reviewed by Healthy Waters and was under further refinement. He indicated that the SMP achieves consistency with the relevant schedules of the NDC and did not impose requirements on private property that were more stringent than would be required by the NDC. Mr Rankin did not consider that the PPC25 area presented any unique stormwater challenges that could not be resolved to the satisfaction of Healthy Waters.
209. With respect to flooding, Mr Rankin stated that modelling, that has been presented to and discussed with Healthy Waters, shows that stormwater attenuation within the catchment will not worsen downstream flooding. As a result, he did not consider that the management of flooding within the PPC25 area presented any additional complexity to finalising the SMP. He did note that the Falls Road culvert, located at the downstream end of the PPC25 catchment and which was upgraded by Auckland

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<sup>62</sup> Carruthers, Closing legal submissions, para 4.4(e).

Transport within the past five years, is undersized for existing flows, and will be further upgraded by the applicant.

210. Mr Delany concluded that potential stormwater effects on streams that may arise through development within the PPC25 area can be adequately mitigated.
211. Ms Vincent, in her memorandum of 19 November 2019, indicated that the SMP did not yet satisfy Healthy Waters as being the Best Practical Option for the PPC25 area, and was not yet sufficiently consistent with the requirements of the SMP template, and she talked to that point on the final day of the hearing. Ms Vincent also noted the need for consistency with the SMP prepared by Tonkin & Taylor for the WSP.
212. Ms Carruthers<sup>63</sup> summarised the process for adopting the SMP and development area into the NDC as<sup>64</sup>:
  - (a) A s127 RMA change to the conditions of the NDC, processed as a discretionary activity; or
  - (b) A simple adoption of the SMP once updated to reflect the final version of the plan change.
213. Ms Vincent indicated that a s127 RMA process would be appropriate, and that approval of the plan change would not preclude achieving the BPO for stormwater management through a subsequent SMP and adoption into the NDC, subject to that s127 process. She also stated that Healthy Waters is not opposed to PPC25 in principle, subject to the adoption of requested Precinct provisions provided in her November memorandum.
214. Ms Vincent opined that the region-wide rules of the AUP(OP) that are relevant to stormwater management are not “targeted or stringent enough to achieve the policy intent for greenfield development that the AUP:OP directs”. As she explained, the stormwater outcomes anticipated by AUP(OP) policy direction is embodied into the schedules of the NDC and must be reflected in a SMP. The achievement of those outcomes will be integrated with progressive development of infrastructure. For that reason, Ms Vincent considered that PPC25 must include specific stormwater management provisions to guide the realisation of those outcomes as development proceeds. That point was also made by Ms Huls and Mr Turbott in their evidence.
215. Ms O’Connor refuted that point<sup>65</sup>, suggesting that the AUP(OP) Chapter E8, E9 and E10 provisions are not limited to brownfields development, and that they reference back to Chapter E1 (Water quality and integrated management). If they were so limited she accepted that it would be appropriate to include stormwater management provisions within the Precinct rules, but she concluded that in this case that was not necessary.

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<sup>63</sup> Carruthers, Closing legal submissions, para 4.4.

<sup>64</sup> Noting that because the catchment discharges to a Significant Ecological Area, other options provided in Condition 13 of the NDC are not available.

<sup>65</sup> O’Connor, Reply evidence, paras 19 -20.

216. In his reply evidence, Mr Rankin stated that given his confidence that the SMP could be finalised to be consistent with the requirements of the NDC and will not require any departures therein, precinct provisions are not necessary. He also noted that the inclusion of a SMAF overlay and high contaminant generating road within the plan change area will necessitate separate Chapter E8 and E9 consents at the development stage, regardless of the NDC. Mr Rankin provided a detailed summary of how stormwater management within the PPC25 area will meet the greenfield development requirements of the NDC.

### **Finding**

217. We accept that, in the absence of an agreed SMP supporting the plan change, and with discharges from the catchment entering a SEA, the mechanism for incorporation of the PPC25 area into the NDC will be via a s127 RMA change to the NDC. That will allow the full assessment of all relevant stormwater management issues. In that regard we note Mr Rankin's response to questioning that he was confident that such matters have been, or will be, resolved and we find that it is appropriate in this instance to defer the resolution of stormwater management issues to that s127 process. Adopting PPC25 will not preclude achieving the stormwater BPO for its catchment.
218. We find that the SMP prepared for the WSP has limited weight, especially as it predates the granting of the NDC, which was promulgated under the AUP(OP) and through a fully notified RMA process. The PPC25 SMP is consistent with the NDC and is based on a much more detailed assessment of the PPC25 catchment.
219. In principle, we find it preferable to minimise the repetition of provisions throughout a plan. The alternative can lead to unintended and potentially material inconsistency, and provisions falling out of synchronisation through subsequent plan changes. As the PPC25 catchment discharges to a SEA, being the Mahurangi River and its margins downstream of the Falls Road culvert, and the SMP has not been agreed to and approved through the plan change, the s127 process will be engaged. Having considered the provisions of Chapters E8, E9 and E10 of the AUP(OP), we find that the required s127 application will engage the relevant Chapter E1 and E2 AUP(OP) provisions that relate to water quality and flooding effects, and which explicitly address greenfield development. Even if the PPC25 area is subsequently considered under multiple SMPs, those will necessarily be subject to the s127 RMA process, as well as Chapter E9 and E10 consents where relevant.
220. We agree with Ms Vincent that the Chapter E1 and E2 provisions have been carefully considered and embodied in the NDC and we accept that the SMP will not be proposing bespoke stormwater management approaches that deviate from the requirements of the NDC. For those reasons, we find it unnecessary for the Precinct to include stormwater management provisions that are specific to the catchment or that replicate the relevant Chapter E1 and E2 provisions.

### **STATUTORY PROVISIONS**

221. As we noted earlier in this decision, the RMA sets out a range of matters that must be



addressed when considering a plan change. We confirm that we have addressed those matters.

222. We also note that section 32 clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
223. As no material new and relevant higher order policy statements or standards have been issued since the AUP(OP) came into partial operation in 2016, we see no need (or benefit to be gained) to make explicit reference to Part 2 RMA. We are satisfied that PPC25, as amended by us, satisfies the sustainable management of natural and physical resources purpose and its principles.
224. Having considered the evidence and relevant background documents, we are satisfied, overall, that PPC 25 has been developed in accordance with the relevant statutory and planning policy requirements, and will clearly assist the Council in its effective administration of the AUP(OP).

## **SUBMISSIONS**

225. As the version we finally had before us for consideration was, in a number of significant respects, quite different from the notified version upon which submissions had been made, we have only provided a summary table of our decisions on those submissions (Appendix 5). Our reason for that in this instance is the fact that many of the submissions (and certainly the evidence heard as we have noted) addressed the broader principles and strategic implications of the notified plan change, not the detailed provisions. In that regard we have indicated in Appendix 5 that a number of submissions have been “accepted in part”. We have used that comment to mean that while the relief sought may not have been accepted (because the structure has changed) we have interpreted the underlying reasons for the relief sought to be consistent with our findings. The alternative, to reject the submission, seemed to us not in the *spirit* of the submission. That latter determination we have used primarily for those who opposed the general principle or structure of the plan change.
226. For the record we note that we have generally accepted the recommendations on submissions made in the s42A report except as indicated in the summary table, Appendix 5.

## **Appendices**

227. Attached and integral to this decision are 5 Appendices as follows:
- Appendix 1 = Warkworth North Precinct Provisions;
  - Appendix 2 = Warkworth North Precinct Provisions (Track changes);
  - Appendix 3 = Warkworth North Precinct Plan Map, Precinct Plans, Stormwater Management and Control Plan, and Significant Ecological Area Overlay;
  - Appendix 4 = Notified Plan Change Maps Replaced / Deleted; and

- Appendix 5 = Summary Table of Decisions on Submissions.

## **DECISION**

228. Pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, Proposed Private Plan Change 25 to the Auckland Unitary Plan (Operative in Part) is approved, subject to the modifications as set out in this decision and the provisions attached as Appendix 1<sup>66</sup> and the plans attached as Appendix 3.
229. Submissions on the plan change are accepted and rejected in accordance with this decision as indicated in the Summary Table attached as Appendix 5. In general, these decisions follow the recommendations set out in the Council's section 42A report, except as identified above in relation to matters in contention.
230. The reasons for the decision are that Private Plan Change 25 Warkworth North:
- a. will assist the Council in achieving the purpose of the RMA;
  - b. gives effect to the Auckland Regional Policy Statement and is consistent with the general provisions of the Auckland Unitary Plan;
  - c. accords with the purpose and principles of Part 2 of the RMA;
  - d. is supported by necessary evaluations in accordance with sections 32 and 32AA RMA; and
  - e. will help with the effective implementation of the Auckland Unitary Plan.



**David Hill**  
**Chairperson**  
**& for Commissioners Michael Parsonson and Nigel Mark-Brown**

**Date: 18 March 2020**

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<sup>66</sup> Appendix 2 shows the track changed version from the notified version.

## **Appendix 1 – Warkworth North Precinct Provisions**

### **I552. Warkworth North Precinct**

#### **I552.1. Precinct Description**

The zoning of land within the Warkworth North Precinct and Stubbs Farm Development Area – Sub precinct is Residential – Mixed Housing Suburban, Residential – Mixed Housing Urban, Business – Mixed Use; Business - Local Centre and Open Space – Informal Recreation zone.

The Warkworth North Precinct extends north and west of Falls Road to the motorway designation and Great North Road (SH1), west to Viv Davie-Martin Drive properties; and east to the Mahurangi River tributary that adjoins the existing Hudson Road Industrial area, and the Business – General Business zoned land further to the east. The Precinct covers approximately 75 hectares of land.

A Sub-precinct A is proposed over the Stubbs Farm Development Area to secure the outcomes for watercourses, including mitigation related to the construction of the Western Link Road; and to guide development of the Business – Local Centre. The Sub-precinct covers approximately 43 hectares.

Precinct Plan 2 sets out the multi-modal transportation connections and open space network required for the Warkworth North Precinct to achieve connection, recreation and a pedestrian and cycling network along the riparian areas within the precinct and to the wider Warkworth area. Key elements of the transport network that are required by Precinct Plan 2 include the Western Link Road (WLR), collector roads, future road connections, walking and cycling shared path, and the indicative public transport interchange.

A Western Link Road will provide an arterial route through the precinct connecting to Great North Road (SH1) / Matakana Link Road in the north and Mansel Drive / Falls Road in the south. Construction of the Western Link Road will be integrated with subdivision and development within the Warkworth North Precinct. The Western Link Road may be constructed as a collector road as an interim measure provided adequate provision is made for a future upgrade to an arterial standard.

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

#### **I552.2. Objectives [rp/dp]**

- (1) To achieve high quality urban design outcomes through:
  - a. providing key road connections securing the Western Link Road to connect at Great North Road (SH1) / Matakana Link Road and Mansel Drive / Falls Road;
  - b. minimising loss of, or reduction in ecological values, and enhancing retained ecological values to achieve no net loss of biodiversity and where practical achieve a net gain.

- c. retaining and enhancing areas of open space that also assist in providing opportunities for recreation; as well as pedestrian and cycleway connectivity;
  - d. providing a well-connected Local Centre to provide frequent retail and service needs for the community; and
  - e. providing a balance of employment land and places for people to live with a choice of living types and environments.
  - f. managing the visual amenity along the shared boundary with the existing Viv Davie-Martin Drive properties.
- (2) A safe and integrated transport system is established within the precinct including strategic road connections, a choice of travel modes, and measures which promote walking, cycling and use of public transport.
- (3) Subdivision and development:
- a. recognises, protects and supports strategic transport connections through the precinct which support growth in the wider Warkworth area.
  - b. is co-ordinated with the delivery of the transport and wastewater infrastructure and services required to provide for development within the precinct and connect it to the wider transport and wastewater networks.
  - c. occurs within the precinct in a manner which avoids, remedies or mitigates adverse effects on the safe and efficient operation of infrastructure and services.

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

### **I552.3. Policies [rp/dp]**

- (1) Locate the Local Centre in close proximity to walking, cycle; public transport connections; and open space areas to ensure a high quality urban design outcome.
- (4) Identify and protect a route for the Western Link Road within the Precinct as a future strategic arterial transport route connecting with Great North Road (SH1) / Matakana Link Road to the north and with Mansel Drive / Falls Road to the south, and provide the indicative collector roads.
- (5) Provide an indicative network of open space areas including riparian margin stream protection and wetland areas to:
  - a. protect and enhance existing ecological values;
  - b. provide for areas of public open space,
  - c. provide for geomorphically effective stream management solutions;

- d. optimise walkway and cycleway connectivity.
- (4) Enhance streams and wetlands and prevent stream bank erosion from new impervious surfaces using techniques such as riparian planting; boulder clusters; spur dikes, vanes and other rock deflectors; rock riffles; cobble or substrate; cobble floodways; root wads or large wooden debris; vegetated floodways; live siltation; erosion control blankets; living walls and install culverts designed to enable fish passage.
  - (5) Provide adequate design detail at resource consent stage for the Local Centre demonstrating how the design will:
    - a. connect to adjoining open space and riparian areas as well as the road network; and
    - b. provide for accessible and versatile spaces; as well as demonstrating that the design is in accordance with best practise including CPTED principles.
  - (6) Require subdivision and development to align with the provision of wastewater infrastructure; and the transport infrastructure and services identified on Precinct Plan 2 to enable transport connections within the Precinct and to adjacent land.
  - (7) To provide for the delivery of the Western Link Road concurrent with adjacent built form development.
  - (8) Require the Western Link Road to be constructed to at least a collector standard in the interim to service subdivision and development within the Precinct with provision made for its future upgrading by Auckland Transport to provide a strategic transport connection.
  - (9) Restrict direct vehicle access onto the Western Link Road and across any cycling facility (including any shared use path) to support the safe and efficient operation of the transport network for walking, cycling and public transport.
  - (10) Demonstrate how the design of the Western Link Road will:
    - a. Achieve a publicly accessible movement corridor as a unifying element of development within the Precinct;
    - b. Facilitate safe and legible pedestrian and cycling movements between residential zones and the Local Centre; and
    - c. Provide a vegetated median of sufficient width to incorporate street trees.
  - (11) Ensure that new buildings located in proximity to the shared boundary with the existing Viv Davie-Martin Drive dwellings are sufficiently set back to protect visual amenity.

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

#### I552.4. Activity table [rp/dp]

All relevant overlay, Auckland-wide and zone activity tables apply unless otherwise specified below.

**Note:** For clarity, the activity status for development or subdivision in relevant underlying zones, Chapter E27 and for subdivision in E38 – Urban do continue to apply to development or subdivision in this precinct.

**Table I552.4.1 Activity table**

Activity		Activity status	
		Warkworth North Precinct	Sub-precinct A
<b>Subdivision and development [dp]</b>			
(A1)	Subdivision or development in the Warkworth North Precinct in accordance with standards I552.6.1, I552.6.3, I552.6.4, I552.6.5 and I552.6.6.	RD	RD
(A2)	Subdivision or development of land in accordance with the Warkworth North Precinct Plan - Precinct Plan 2 – Multi Modal Transportation Connections and Open Space Network	RD	RD
(A3)	Subdivision or development in the Warkworth North Precinct not meeting standards I552.6.2, I552.6.3, or I552.6.4.	DA	DA
(A4)	Subdivision or development in the Warkworth North Precinct not meeting standards I552.6.1, I552.6.5 and I552.6.6.	NC	NC
(A5)	Subdivision or development in the Warkworth North Precinct not in accordance with the Warkworth North Precinct Plan – Precinct Plan 2 – Multi Modal Transportation Connections and Open Space Network.	DA	DA
(A6)	Construction of a building not meeting standard I552.6.7.	DA	DA
<b>Streams and wetlands [rp]</b>			
(A7)	Stream works including culverting of permanent and intermittent streams to construct the WLR within Sub-precinct A only that do not meet the permitted activities and permitted standards under chapter E3.	RD	RD

#### I552.5 Notification

- (1) An application for resource consent for a controlled activity listed in Activity Table I552.4.1 above will be considered without public or limited notification

or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

- (2) Any application for resource consent that infringes the following standard(s) will be considered without public notification; and limited notification shall not apply to any person other than Auckland Transport, the New Zealand Transport Agency and the owners of land crossed by the Western Link Road; and there is no need to obtain the written approval from any other affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:
  - (a) Standard I552.6.1 Western Link Road;
  - (b) Standard I552.6.4 Vehicle access to Western link Road and roads with separated cycleways or shared paths;
  - (c) Standard I552.6.5 Staging.
- (3) Any application for resource consent that infringes the following standard(s) will be considered without public or limited notification to any person other than Watercare or the need to obtain the written approval from any other affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:
  - (a) Standard I552.6.6 Standards for wastewater.
- (4) Any application for resource consent that infringes the following standard(s) will be considered without public or limited notification or the need to obtain the written approval from any other affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:
  - (a) Standard I552.6.2 Streams and wetlands;
  - (b) Standard I552.6.3 – Pedestrian connections to the Local Centre.
- (5) Any application for resource consent for an activity listed in Activity Table I552.4.1 and which is not listed in I552.5(1); I552.5(2); I552.5(3) or I552.5(4) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (6) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

#### **I552.6. Standards**

- (1) Unless specified below, all relevant overlay, Auckland-wide and zone standards apply to all activities listed in Activity Table I552.4.1 above.
- (2) The following Auckland-wide rule does not apply to activity (A7) listed in Activity Table I552.4.1 above:

- (a) *E3 (A33) Culverts or fords more than 30m in length when measured parallel to the direction of water flow.*
- (3) Activities listed in Activity Table I552.4.1 must comply with all Standards as relevant below.

#### **I552.6.1. Standard – Western Link Road**

Purpose:

- To provide for the transport needs of the precinct while enabling delivery of the Western Link Road as a strategic transport connection in the network serving the wider Warkworth area.
- (1) Subdivision or built form development occurring on land adjacent to the Western Link Road shown on Precinct Plan 1 shall simultaneously construct this Road to Collector Road standard that connects to Falls Road/ Mansel Drive and/or Great North Road (SH1) with appropriate design and sufficient setbacks to enable future upgrading to an Arterial Road standard that provides:
- a. 4 lanes of traffic;
  - b. Separated cycle ways
  - c. Footpaths, road berms and median of sufficient width to accommodate landscaping including street trees.
- (2) Subdivision or built form development of land adjacent the connection of the Western Link Road to Great North Road (SH1) shall ensure the connection is designed to ensure a safe and efficient connection at the Matakana Link Road intersection.
- (3) Subdivision or built form development of land adjacent the connection of the Western Link Road to Falls Road shall ensure the connection is designed to ensure a safe and efficient intersection with Mansel Drive and an extension of the shared path along Falls Road.

*Note: The landowner will fund the construction of the Collector Road and vest the land required for the Collector Road in Auckland Council. Compensation will be payable for the land required for the future upgrading to an arterial road standard (unless otherwise agreed between all parties).*

#### **I552.6.2. Standard – Stream Works within Sub-Precinct A for the Western Link Road**

Purpose:

- To ensure stream works for the construction of the WLR within sub-precinct A are provided for.
- To achieve the stream and wetland enhancement works that are necessary to support the required stream works for the construction of the WLR within Sub-precinct A.



- (1) The extent of stream works to achieve the construction of WLR shall be limited to the culverting works necessary to construct the WLR as shown on Precinct Plan 1.
- (2) The stream enhancement necessary to support the extent of stream works to construct the WLR shall be undertaken with reference to the requirements and direction of Chapter E3 including being undertaken in accordance with the best practice guidelines including Appendix 16 of the Unitary Plan; TP148 – Auckland Council Riparian Zone Management; Guidance for Water Sensitive Design (GD04) – 8.1 Riparian Buffers and Planting and Auckland Council’s Strategy for Urban Ngahere (Forest).
- (3) There shall be no net loss in biodiversity and, where practical, a net gain shall be achieved across the sub Precinct. The offsetting proposal is to be prepared in accordance with Policy E3.3(4).

### **I552.6.3. Standards for Pedestrian Connections**

Purpose:

- To achieve accessible and high-quality pedestrian connection to the Local Centre that provides positively for the needs to the local community.
- (1) Pedestrian connections shall be provided to the adjoining indicative open space areas at the time the Local Centre is developed; including, if achievable a link to Hudson Road.
  - (2) At the time of adjacent land development pedestrian connections generally as detailed in Precinct Plan 2 shall be provided.

### **I552.6.4. Standards for vehicle access to Western Link Road and roads with separated cycleways or shared paths**

Purpose:

- To ensure the safety of cyclists and pedestrians and facilitate public transport
- (1) Sites that front onto the Western Link Road or roads with separated cycleways or 3m shared path (pedestrian / cycle) must not have direct vehicle access to the road and must be provided with access from rear lanes (access lots) or side roads at the time of subdivision.

### **I552.6.5. Standards for staging**

Purpose:

- To ensure staging of subdivision and development is integrated with the delivery of transport infrastructure and services
  - To ensure that the staged traffic effects of the precinct are reconsidered as the urbanisation of the land occurs.
- (1) Any subdivision or built form development within Warkworth North Precinct must be supported by a Traffic Impact Assessment that addresses the Precinct

Provisions and staging sought. For clarity the exemption identified under E27.6.1.(1)(b) does not apply to the precinct.

- (2) Built form development within the precinct must not be occupied until such time that the identified infrastructure upgrades in Table I552.6.5.1 are constructed:

**Table I552.6.5.1 Threshold for Development – Transport**

<b>Trigger</b>	<b>Infrastructure work required to exceed threshold</b>
any built form development within Sub-precinct A	Provision of signals at Falls Road / Mansel Drive intersection with upgrade to connect new collector road
any built form development outside Sub-precinct A	Upgrade to Great North Road (SH1) / Matakana Link Road intersection to connect new collector road.  New collector road link from Falls Road / Mansel Drive to Great North Road (SH1)

**I552.6.6. Standards for Wastewater**

Purpose:

- To ensure efficient delivery of wastewater infrastructure for Warkworth North.
- (1) Wastewater servicing for the Warkworth North Precinct shall connect to the Watercare North East network.

**I552.6.7. Standard for yards adjacent to Viv Davie-Martin Drive properties**

Purpose:

- To ensure a sufficient building setback along this shared boundary to protect the visual amenity of the adjoining Viv Davie-Martin Drive sites.
- (1) A building or parts of a building which adjoin a boundary with a Viv Davie-Martin Drive site must be set back from the shared boundary by a minimum depth of 9m.

**I552.7. Assessment – controlled activities**

There are no controlled activities in this precinct.

**I552.8. Assessment – restricted discretionary activities**

**I552.8.1. Matters of discretion**

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

- (1) Transport Infrastructure and Open Space:

- (a) Safe, efficient and effective connectivity to adjacent land;
  - (b) Appropriateness of design to fulfil the transport network and open space purposes and Precinct policy I552.3(3) and 1552.3.(10); and
  - (c) Provision for active transport modes.
- (2) Streams and wetlands:  
Refer to the matters for discretion for Restricted Discretionary Activities at E3.8.1 as relevant.
- (3) Local Centre:
  - (a) Provision of practical, safe, quality and functional connections to adjoining open space and riparian areas;
  - (b) Extent to which built development is designed to positively activate and engage with adjoining roads and public spaces.
  - (c) Landscape design.
- (4) Staging of development or timing of infrastructure and services.
  - (a) The extent of coordination with the provision of infrastructure.
- (5) Wastewater connections.
  - (a) The extent to which the proposal facilitates and enables wastewater servicing for Warkworth North to be provided in an efficient and comprehensive way.

#### **I552.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlays, Auckland-wide or zones provisions:

- (1) assessment criteria for Transport infrastructure and Open Space;
  - (a) A transport network shall be developed that responds to the transportation needs of Warkworth North and the wider area now and into the future, which includes the Western Link Road and other transport infrastructure identified on Precinct Plan 2.
  - (b) The extent to which the Western Link Road can be constructed to a collector road standard as an interim measure with appropriate design and additional land set aside to enable future upgrading to an arterial standard.
  - (c) The extent to which transport connections are provided to adjacent land areas as indicated on Precinct Plan 2 and within the precinct the use of cul-de-sacs is restricted. Where cul-de-sacs cannot be avoided, the extent to which future linkages to adjacent land are not precluded.
  - (d) The provision of connected active transport modes.

- (e) The extent to which the open space network and pedestrian and cycling network is delivered as indicated on Precinct Plan 2 and achieves Policy I552.3.(3).
- (2) assessment criteria for stream works for the construction of the WLR within Sub-precinct A only:
    - (a) Refer to the assessment criteria referenced under E3.8.2.(1) as relevant.
    - (b) The mitigation or offset measures proposed to ensure no net loss of biodiversity using the documents referred to in Policy E.3.3(4).(3)
  - (3) assessment criteria for Local Centre:
    - (a) The design of the Local Centre shall achieve a connected and functional design that reflects a high quality of architectural design, landscape architecture and best practise urban design principles, including the extent to which a suitable pedestrian connection is provided between the Local Centre and the land to the south.
    - (b) The quality of design shall provide a safe useable environment that reflects urban design best practise including Crime Prevention Through Environmental Design principles.
    - (c) Planting and hard landscape elements shall enhance and reflect local character such as the values of the Mahurangi river, riparian corridors and the bush backdrop of the Dome hills.
    - (d) The extent to which land use activities complement adjoining land uses and assist in maintaining or enhancing connectivity and relationship to adjacent open space areas.
  - (4) Staging or timing of transport infrastructure and services.
    - (a) The extent to which the traffic generated by the development is consistent with the Traffic Impact Assessment undertaken at the time the precinct was live-zoned and any additional traffic can be accommodated on the network.
    - (b) The extent to which any staging of development is required due to the coordination of the provision of infrastructure.
  - (5) Wastewater connections.
    - (a) The extent to which the proposal facilitates and enables wastewater servicing for Warkworth North to be provided in an efficient and comprehensive way.

#### **I552.9. Special information requirements**

- (1) An application for subdivision or development in the Local Centre must be accompanied by:
  - a. An urban design assessment demonstrating how the development meets the matters stated in Objective I552.2(1)d; Policy I552.3(6) and Standard I552.6.3.

**I552.10. Precinct plans**

I552.10.1. Precinct Plan 1 – Warkworth North Precinct Plan

I552.10.2. Precinct Plan 2 – Multi Modal Transportation Connections and Open Space

## Appendix 2 – Warkworth North Precinct Provisions (Track Changes)

In the following, deletions from the notified version text are shown as ~~strike through~~ and amendments made through this decision are shown underlined.

### **I552. Warkworth North Precinct**

#### **I552.1. Precinct Description**

The zoning of land within the Warkworth North Precinct and Stubbs Farm Development Area – Sub precinct is Residential – Mixed Housing Suburban, Residential – Mixed Housing Urban, Business – Mixed Use; ~~Business – General Business~~; Business - Local Centre and Open Space – Informal Recreation zone.

The Warkworth North Precinct extends north and west of Falls Road to the motorway designation and Great North Road (SH1), west to Viv Davie-Martin Drive properties; and east to the Mahurangi River tributary that adjoins the existing Hudson Road Industrial area, and the Business – General Business zoned land further to the east. The Precinct covers approximately 75 hectares of land.

A Sub-precinct A is proposed over the Stubbs Farm Development Area to secure the outcomes for watercourses, including mitigation related to the construction of the Western Link Road; and to guide development of the Business – Local Centre. The Sub-precinct covers approximately 43 hectares.

Precinct Plan 3 2 sets out the multi-modal transportation connections and open space network required for the Warkworth North Precinct to achieve connection, recreation and a pedestrian and cycling network along the riparian areas within the precinct and to the wider Warkworth area. Key elements of the transport network that are required by Precinct Plan 3 2 include the Western Link Road, collector roads, future road connections, walking and cycling shared path, and the indicative public transport interchange.

A Western Link Road will provide an arterial route through the precinct connecting to Great North Road (SH1) / Matakana Link Road in the north and Mansel Drive / Falls Road in the south. Construction of the Western Link Road (WLR) will be integrated with subdivision and development within the Warkworth North Precinct. The Western Link Road may be constructed as a collector road as an interim measure provided adequate provision is made for a future upgrade to an arterial standard.

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

#### **I552.2. Objectives [rp/dp]**

- (1) To achieve high quality urban design outcomes through:
  - a. providing key road connections securing the Western Link Road to connect at Great North Road (SH1) / Matakana Link Road and Mansel Drive / Falls Road;

- b. minimising loss of, or reduction in ecological values, and enhancing retained ecological values to achieve no net loss of biodiversity and where practical achieve a net gain.
  - c. retaining and enhancing areas of open space that also assist in providing opportunities for recreation; as well as pedestrian and cycleway connectivity; ~~and~~
  - d. providing a well-connected Local Centre to provide frequent retail and service needs for the community; and
  - e. providing a balance of employment land and places for people to live with a choice of living types and environments.
  - f. managing the visual amenity along the shared boundary with the existing Viv Davie-Martin Drive properties.
- (2) A safe and integrated transport system is established within the precinct including strategic road connections, a choice of travel modes, and measures which promote walking, cycling and use of public transport.
- (3) Subdivision and development:
- a. recognises, protects and supports strategic transport connections through the precinct which support growth in the wider Warkworth area.
  - b. is co-ordinated with the delivery of the transport and wastewater infrastructure and services required to provide for development within the precinct and connect it to the wider transport and wastewater networks.
  - c. occurs within the precinct in a manner which avoids, remedies or mitigates adverse effects on the safe and efficient operation of infrastructure and services.

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

### **I552.3. Policies [rp/dp]**

- (1) Locate the Local Centre in close proximity to walking, cycle; public transport connections; and open space areas to ensure a high quality urban design outcome.
- (2) Identify and protect a route for the Western Link Road within the Precinct as a future strategic arterial transport route connecting with Great North Road (SH1) / Matakana Link Road to the north and with Mansel Drive / Falls Road to the south, and provide the indicative collector roads.
- (3) Provide an indicative network of open space areas including riparian margin stream protection and wetland areas to:
  - a. protect and enhance existing ecological values;
  - b. provide for areas of public open space,
  - c. provide for geomorphically effective stream management solutions;

- d. optimise walkway and cycleway connectivity.
- ~~(4) Provide for the retention of watercourses except as identified on Precinct Plan 2.~~
- (4) Enhance streams and wetlands to and prevent stream bank erosion from new impervious surfaces using techniques such as riparian planting; boulder clusters; spur dikes, vanes and other rock deflectors; rock riffles; cobble or substrate; cobble floodways; root wads or large wooden debris; vegetated floodways; live siltation; erosion control blankets; living walls and install culverts designed to enable fish passage.
- (5) Provide adequate design detail at resource consent stage for the Local Centre demonstrating how the design will:
  - a. connect to adjoining open space and riparian areas as well as the road network; and
  - b. provide for accessible and versatile spaces; as well as demonstrating that the design is in accordance with best practise including CPTED principles.
- (6) Require subdivision and development to align with the provision of wastewater infrastructure; and the transport infrastructure and services identified on Precinct Plan 32 to enable transport connections within the Precinct and to adjacent land.
- (7) ~~Encourage~~ To provide for the delivery of the Western Link Road concurrent with adjacent built form development.
- (8) Require the Western Link Road to be constructed to at least a collector standard in the interim to service subdivision and development within the Precinct with provision made for its future upgrading by Auckland Transport to provide a strategic transport connection.
- (9) Restrict direct vehicle access onto the Western Link Road and across any cycling facility (including any shared use path) to support the safe and efficient operation of the transport network for walking, cycling and public transport.
- (10) Demonstrate how the design of the Western Link Road will:
  - a. Achieve a publicly accessible movement corridor as a unifying element of development within the Precinct;
  - b. Facilitate safe and legible pedestrian and cycling movements between residential zones and the Local Centre; and
  - c. Provide a vegetated median of sufficient width to incorporate street trees.
- (11) Ensure that new buildings located in proximity to the shared boundary with the existing Viv Davie-Martin Drive dwellings are sufficiently set back to protect visual amenity.

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



#### **I552.4. Activity table [rp/dp]**

All relevant overlay, Auckland-wide and zone activity tables apply unless otherwise specified in Activity Table I1.4.1 below.

Note: For clarity, the activity status for development or subdivision in relevant underlying zones, Chapter E27 and for subdivision in E38 – Urban do continue to apply to development or subdivision in this precinct.

**Table I552.4.1 Activity table**

Activity		Activity status	
		Warkworth North Precinct	Sub-precinct A
<b>Subdivision and development [dp]</b>			
(A1)	Subdivision or development in the Warkworth North Precinct in accordance with standards <u>I552.6.1</u> , <u>I552.6.3</u> , <u>I552.6.4</u> , <u>I552.6.5</u> and <u>I552.6.6</u> .	RD	RD
(A2)	Subdivision or development of land in accordance with the Warkworth North Precinct Plan - Precinct Plan 3 2 – Multi Modal Transportation Connections <u>and Open Space Network</u>	RD	RD
(A3)	Subdivision or development in the Warkworth North Precinct not meeting standards <u>I552.6.2</u> , <u>I552.6.3</u> , <u>I4.6.5</u> or <u>I552.6.4</u> .	DA	DA
(A4)	Subdivision or development in the Warkworth North Precinct not meeting standards <u>I552.6.1</u> , <u>I552.6.5</u> and <u>I552.6.6</u> .	NC	NC
(A5)	Subdivision or development in the Warkworth North Precinct not <u>in accordance with the Warkworth North Precinct Plan – Precinct Plan 3 2 – Multi Modal Transportation Connections and Open Space Network</u> .	DA	DA
<u>(A6)</u>	<u>Construction of a building not meeting standard I552.6.7.</u>	<u>DA</u>	<u>DA</u>
<b>Streams and wetlands [rp]</b>			
<del>(A6)</del>	<del>Protection of streams and wetlands as indicated on precinct plan 2.</del>	P	P
<del>(A7)</del>	<del>Enhancement of streams and wetlands as indicated on precinct plan 2 and in accordance with the ‘additional enhancement opportunities’ identified in policy i1.3 (6-5).</del>	P	P

(A8A7)	<u>Stream works including culverting of permanent and intermittent streams and / or wetland loss as shown on precinct plan 2 meeting standard i1.6.2 to construct the WLR within sub-precinct a only that do not meet the permitted activities and permitted standards under chapter E3.</u>	RD	RD
(A9)	<del>Stream and / or wetland loss other than that shown on precinct plan 2.</del>	NG	NG

### **I552.5 Notification**

- (1) An application for resource consent for a controlled activity listed in Activity Table I552.4.1 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent that infringes the following standard(s) will be considered without public notification; and ~~or~~ limited notification shall not apply to any person other than Auckland Transport, ~~and~~ the New Zealand Transport Agency and the owners of land crossed by the Western Link Road; and there is no need to obtain the written approval from any other affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:
  - (a) Standard I552.6.1 Western Link Road;
  - (b) Standard I552.6.4 Vehicle access to Western link Road and roads with separated cycleways or shared paths;
  - (c) Standard I552.6.5 Staging.
- (3) Any application for resource consent that infringes the following standard(s) will be considered without public or limited notification to any person other than Watercare or the need to obtain the written approval from any other affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:
  - (a) Standard I552.6.6 Standards for wastewater.
- (4) Any application for resource consent that infringes the following standard(s) will be considered without public or limited notification or the need to obtain the written approval from any other affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:
  - (a) Standard I552.6.2 Streams and wetlands;
  - (b) Standard I552.6.3 – Pedestrian connections to the Local Centre.
- (5) Any application for resource consent for an activity listed in Activity Table I552.4.1 and which is not listed in I552.5(1); I552.5(2); I552.5(3) or I552.5(4)

above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

- (6) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

#### **I552.6. Standards**

- (1) Unless specified below, all relevant overlay, Auckland-wide and zone standards apply to all activities listed in Activity Table I552.4.1 above.
- (2) The following Auckland-wide standards rule ~~de~~ does not apply to activities (A7); ~~to (A9)~~ listed in Activity Table I552.4.1 above:
  - (d) E3 (A33) Culverts or fords more than 30m in length when measured parallel to the direction of water flow. ~~New reclamation or drainage, including filling over a piped stream.~~
- (3) Activities listed in Activity Table I552.4.1 must comply with all Standards as relevant below. ~~I1.6.1 – I1.6.3.~~

#### **I552.6.1. Standard – Western Link Road**

Purpose:

- To provide for the transport needs of the precinct while enabling delivery of the Western Link Road as a strategic transport connection in the network serving the wider Warkworth area.
- (1) Subdivision or built form development occurring on land adjacent to the Western Link Road shown on Precinct ~~P~~lan 1; shall simultaneously construct the adjacent portion of this Road to Collector Road standard that connects to Falls Road/ Mansel Drive and/or Great North Road (SH1) at the time of with appropriate design and sufficient setbacks to enable future upgrading to an Arterial Road standard that provides:
    - a. 4 lanes of traffic;
    - b. Separated cycle ways
    - c. Footpaths, road berms and median of sufficient width to accommodate landscaping including street trees.
  - (2) Subdivision or built form development of land adjacent the connection of the Western Link Road to Great North Road (SH1) shall ensure the connection is designed to ensure a safe and efficient connection at the Matakana Link Road intersection.
  - (3) Subdivision or built form development of land adjacent the connection of the Western Link Road to Falls Road shall ensure the connection is designed to ensure a safe and efficient intersection with Mansel Drive and an extension of the shared path along Falls Road.

*Note: The landowner will fund the construction of the Collector Road and vest the land required for the Collector Road in Auckland Council. Compensation will be payable for the land required for the future upgrading to an arterial road standard (unless otherwise agreed between all parties).*

### **I552.6.2. Standard – Streams and wetlands Works within Sub-Precinct A for the Western Link Road**

Purpose:

- To ensure stream works for the construction of the WLR within sub-precinct A are provided for.
  - To achieve the necessary stream and wetland enhancement works that improve ecological values and water quality now and into the future. are necessary to support the required stream works for the construction of the WLR within Sub-precinct A.
- (1) The extent of stream works to achieve the construction of WLR shall be limited to the culverting works necessary to construct the WLR as shown on Precinct Plan 1.
  - (2) The necessary Stream and wetland enhancement necessary to support the extent of stream works to construct the WLR shall be undertaken with reference to the requirements and direction of Chapter E3 including being undertaken shall be undertaken in accordance with the best practice guidelines including Appendix 16 of the Unitary Plan; TP148 – Auckland Council Riparian Zone Management; Guidance for Water Sensitive Design (GD04) – 8.1 Riparian Buffers and Planting and Auckland Council's Strategy for Urban Ngahere (Forest).
  - (3) There shall be no net loss in biodiversity and, where practical, a net gain shall be achieved across the sub Precinct. The offsetting proposal is to be prepared in accordance with Policy E3.3(4).

### **I552.6.3. Standards for Pedestrian Connections**

Purpose:

- To achieve accessible and high-quality pedestrian connection to the Local Centre that provides positively for the needs to the local community.
- (1) Pedestrian connections shall be provided to the adjoining indicative open space areas at the time the Local Centre is developed; including, if achievable a link to Hudson Road.
  - (2) At the time of adjacent land development pedestrian connections generally as detailed in Precinct Plan 3 2 shall be provided.

### **I552.6.4. Standards for vehicle access to Western Link Road and roads with separated cycleways or shared paths**

Purpose:

- To ensure the safety of cyclists and pedestrians and facilitate public transport

- (1) Sites that front onto the Western Link Road or roads with separated cycleways or 3m shared path (pedestrian / cycle) must not have direct vehicle access to the road and must be provided with access from rear lanes (access lots) or side roads at the time of subdivision.

#### **I552.6.5. Standards for staging**

Purpose:

- To ensure staging of subdivision and development is integrated with the delivery of transport infrastructure and services
  - To ensure that the staged traffic effects of the precinct are reconsidered as the urbanisation of the land occurs.
- (1) Any subdivision or built form development within Warkworth North Precinct must be supported by a Traffic Impact Assessment that addresses the Precinct Provisions and staging sought. For clarity the exemption identified under E27.6.1.(1)(b) does not apply to the precinct.
  - (2) Built form development within the precinct must not be occupied until such time that the identified infrastructure upgrades in Table I552.6.5.1 are constructed:

**Table I552.6.5.1 Threshold for Development – Transport**

<b>Trigger</b>	<b>Infrastructure work required to exceed threshold</b>
Any built form development within <del>s</del> Sub-precinct <del>a</del> A	Provision of signals at Falls Road / Mansel Drive intersection with upgrade to connect new collector road
Any built form development outside <del>s</del> Sub-precinct <del>a</del> A	Upgrade to Great North Road (SH1) / Matakana Link Road intersection to connect new collector road  New collector road link from Falls Road / Mansel Drive To Great North Road (SH1)

#### **I552.6.6. Standards for Wastewater**

Purpose:

- To ensure efficient delivery of wastewater infrastructure for Warkworth North.
- (1) Wastewater servicing for the Warkworth North Precinct shall connect to the Watercare North East network.

### **I552.6.7. Standard for yards to adjacent to Viv Davie-Martin Drive properties**

#### **Purpose:**

- To ensure a sufficient building setback along this shared boundary to protect the visual amenity of the adjoining Viv Davie-Martin Drive sites.
- (1) A building or parts of a building which adjoin a boundary with a Viv Davie-Martin Drive site must be set back from the shared boundary by a minimum depth of 9m.

### **I552.7. Assessment – controlled activities**

There are no controlled activities in this precinct.

### **I552.8. Assessment – restricted discretionary activities**

#### **I552.8.1. Matters of discretion**

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

- (1) Transport Infrastructure and Open Space:
  - (a) Safe, efficient and effective connectivity to adjacent land;
  - (b) Appropriateness of design to fulfil the transport network and open space purposes and Precinct policy I552.3(3) and 1552.3.(10); and
  - (c) Provision for active transport modes.
- (2) Streams and wetlands:
  - (a) ~~Maintenance, and where practical enhancement of biodiversity values.~~ Refer to the matters for discretion for Restricted Discretionary Activities at E3.8.1 as relevant.
- (3) Local Centre:
  - (a) Provision of practical, safe, quality and functional connections to adjoining open space and riparian areas;
  - (b) Extent to which built development is designed to positively activate and engage with adjoining roads and public spaces.
  - (c) Landscape design.
- (4) Staging of development or timing of infrastructure and services.
  - (a) The extent of coordination with the provision of infrastructure.
- (5) Wastewater connections.
  - (a) The extent to which the proposal facilitates and enables wastewater servicing for Warkworth North to be provided in an efficient and comprehensive way.

### **I552.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlays, Auckland-wide or zones provisions:

- (1) assessment criteria for Transport infrastructure and Open Space:
  - (a) A transport network shall be developed that responds to the transportation needs of Warkworth North and the wider area now and into the future, which includes the Western Link Road and other transport infrastructure identified on Precinct Plan ~~32~~.
  - (b) The extent to which the Western Link Road can be constructed to a collector road standard as an interim measure with appropriate design and additional land set aside to enable future upgrading to an arterial standard.
  - (c) The extent to which transport connections are provided to adjacent land areas as indicated on Precinct Plan ~~32~~ and within the precinct the use of cul-de-sacs is restricted. Where cul-de-sacs cannot be avoided, the extent to which future linkages to adjacent land are not precluded.
  - (d) The provision of connected active transport modes.
  - (e) The extent to which the open space network and pedestrian and cycling network is delivered as indicated on Precinct Plan 2 and achieves Policy I552.3.(3).
- (2) assessment criteria for ~~loss of stream works s and / or wetlands~~ for the construction of the WLR within sub-precinct A only:
  - (a) Refer to the assessment criteria referenced under E3.8.2.(1) as relevant.
  - (b) The mitigation or offset measures proposed to ensure no net loss of biodiversity using the documents referred to in Policy E.3.3(4).(3)
- (3) assessment criteria for Local Centre:
  - (a) The design of the Local Centre shall achieve a connected and functional design that reflects a high quality of architectural design, landscape architecture and best practise urban design principles, including the extent to which a suitable pedestrian connection is provided between the Local Centre and the land to the south.
  - (b) The quality of design shall provide a safe useable environment that reflects urban design best practise including Crime Prevention Through Environmental Design principles.
  - (c) Planting and hard landscape elements shall enhance and reflect local character such as the values of the Mahurangi river, riparian corridors and the bush backdrop of the Dome hills.
  - (d) The extent to which land use activities complement adjoining land uses and assist in maintaining or enhancing connectivity and relationship to adjacent open space areas.

- (4) Staging or timing of transport infrastructure and services.
  - (a) The extent to which the traffic generated by the development is consistent with the Traffic Impact Assessment undertaken at the time the precinct was live-zoned and any additional traffic can be accommodated on the network.
  - (b) The extent to which any staging of development is required due to the coordination of the provision of infrastructure.
- (5) Wastewater connections.
  - (a) The extent to which the proposal facilitates and enables wastewater servicing for Warkworth North to be provided in an efficient and comprehensive way.

**I552.9. Special information requirements**

- (1) An application for subdivision or development in the Local Centre must be accompanied by:
  - a. An urban design assessment demonstrating how the development meets the matters stated in Objective I552.2(1)d; Policy I552.3(6) and Standard I552.6.3.
- ~~(2) Every application for built form development intended to be occupied in advance of the completion of the new collector road from Falls Road / Mansel Drive to Great North Road (SH1) / Matakana Link Road must submit a Traffic Impact Assessment to determine whether any staging of the development is required.~~

**I552.10. Precinct plans**

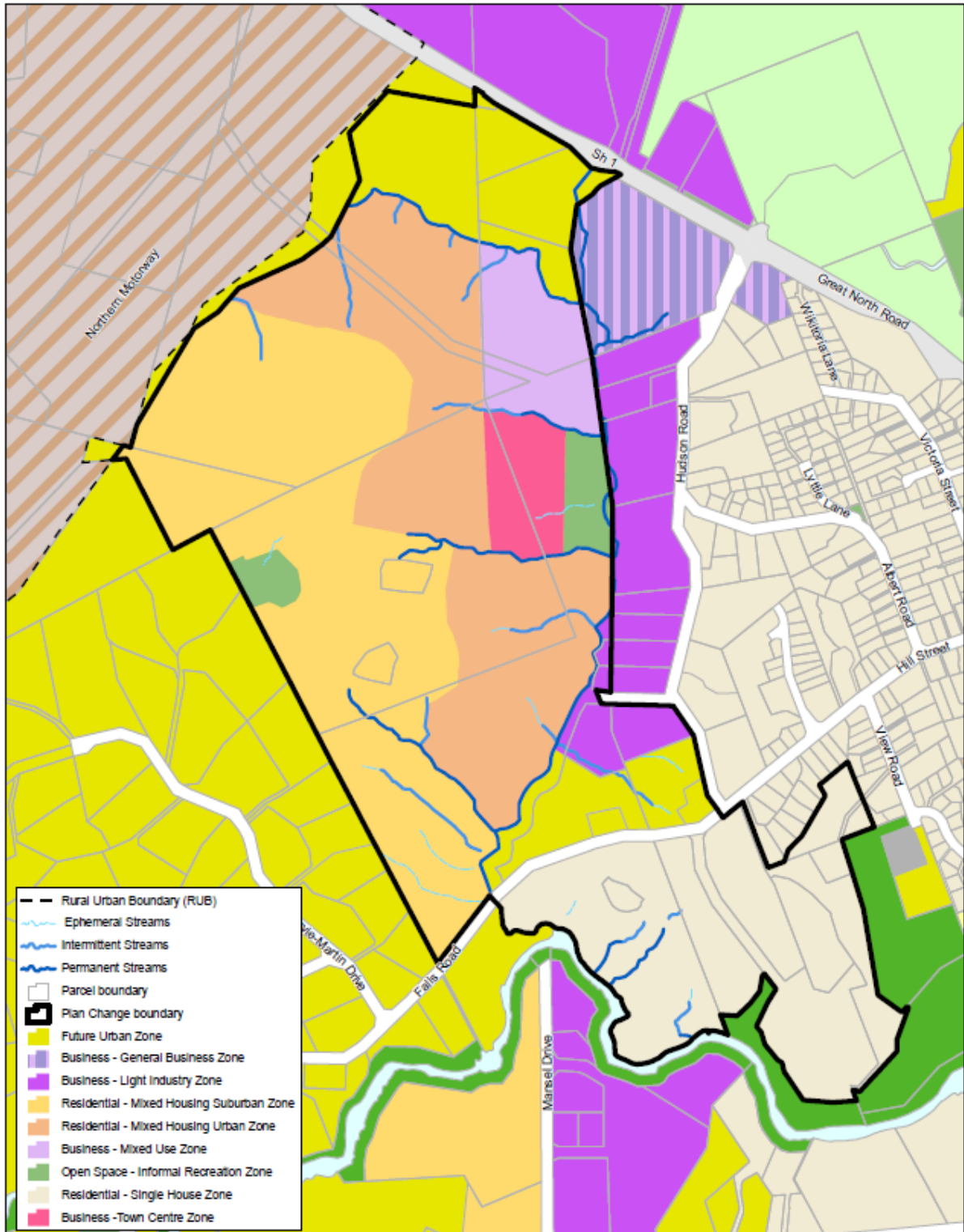
I552.10.1. Name: Precinct Plan 1 – Warkworth North Precinct Plan

I552.10.2 Name: Precinct Plan 2 – Warkworth North Streams

I552.10.3 2. Name: Precinct Plan 23 – Multi Modal Transportation Connections and Open Space



# Appendix 3 – Warkworth North Zoning Map, Precinct Plans, Stormwater Management and Control Plan, and Significant Ecological Area Overlay

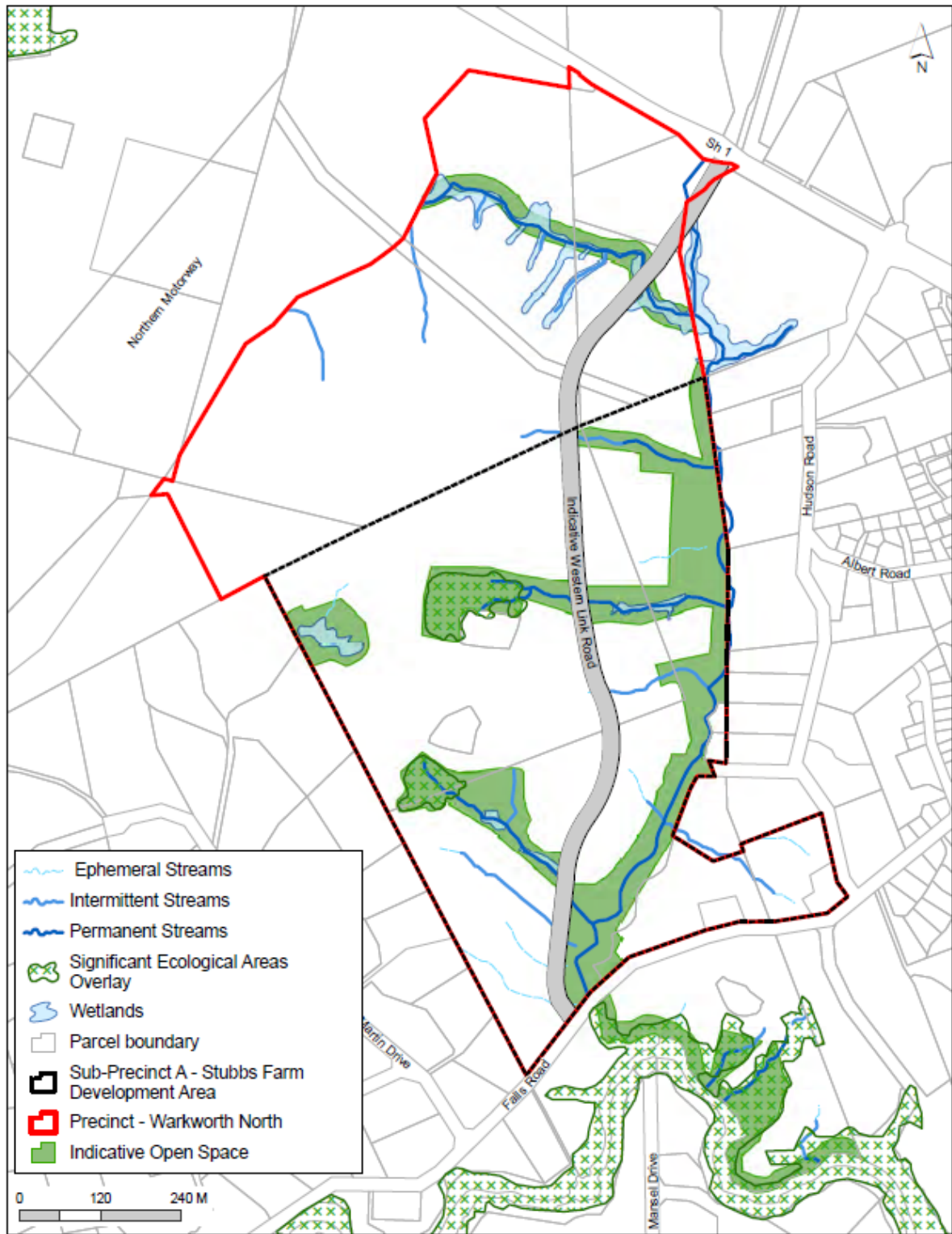


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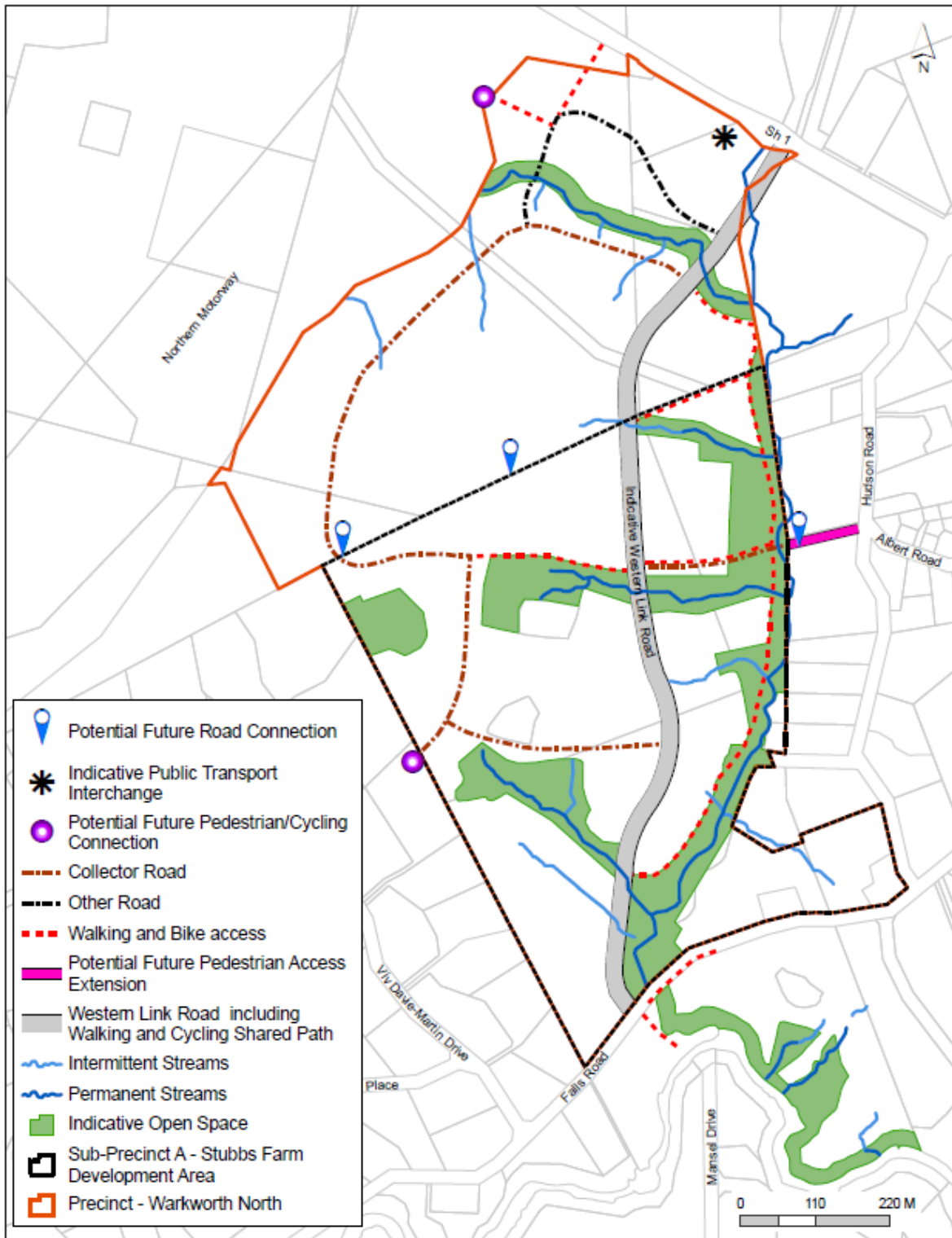
Warkworth North Plan Change  
Plan 1 - Zoning Map





**Warkworth North: Precinct plan 1**

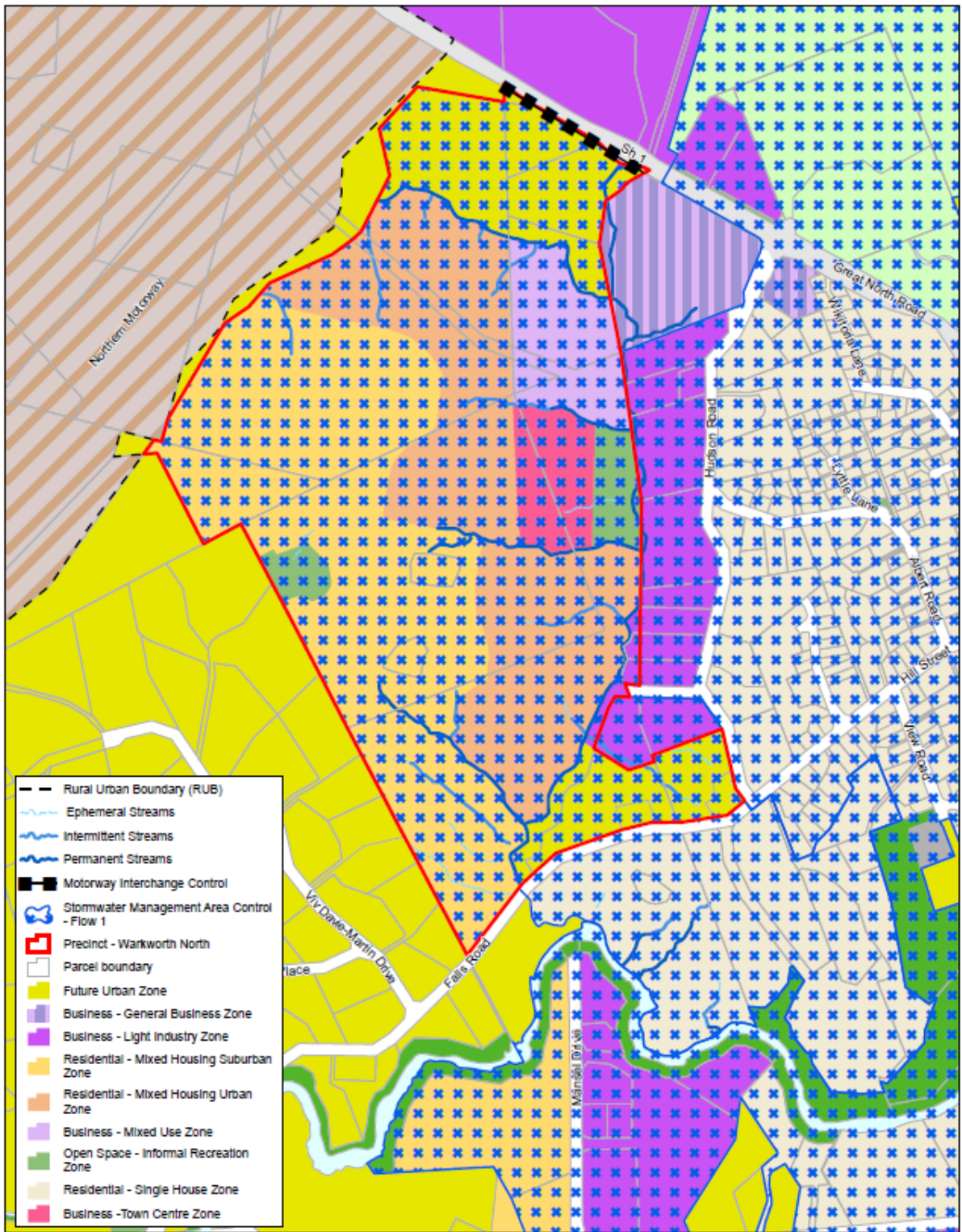
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**Warkworth North: Precinct plan 2**  
**- Multimodal Transportation Connections and Open Space**

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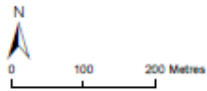
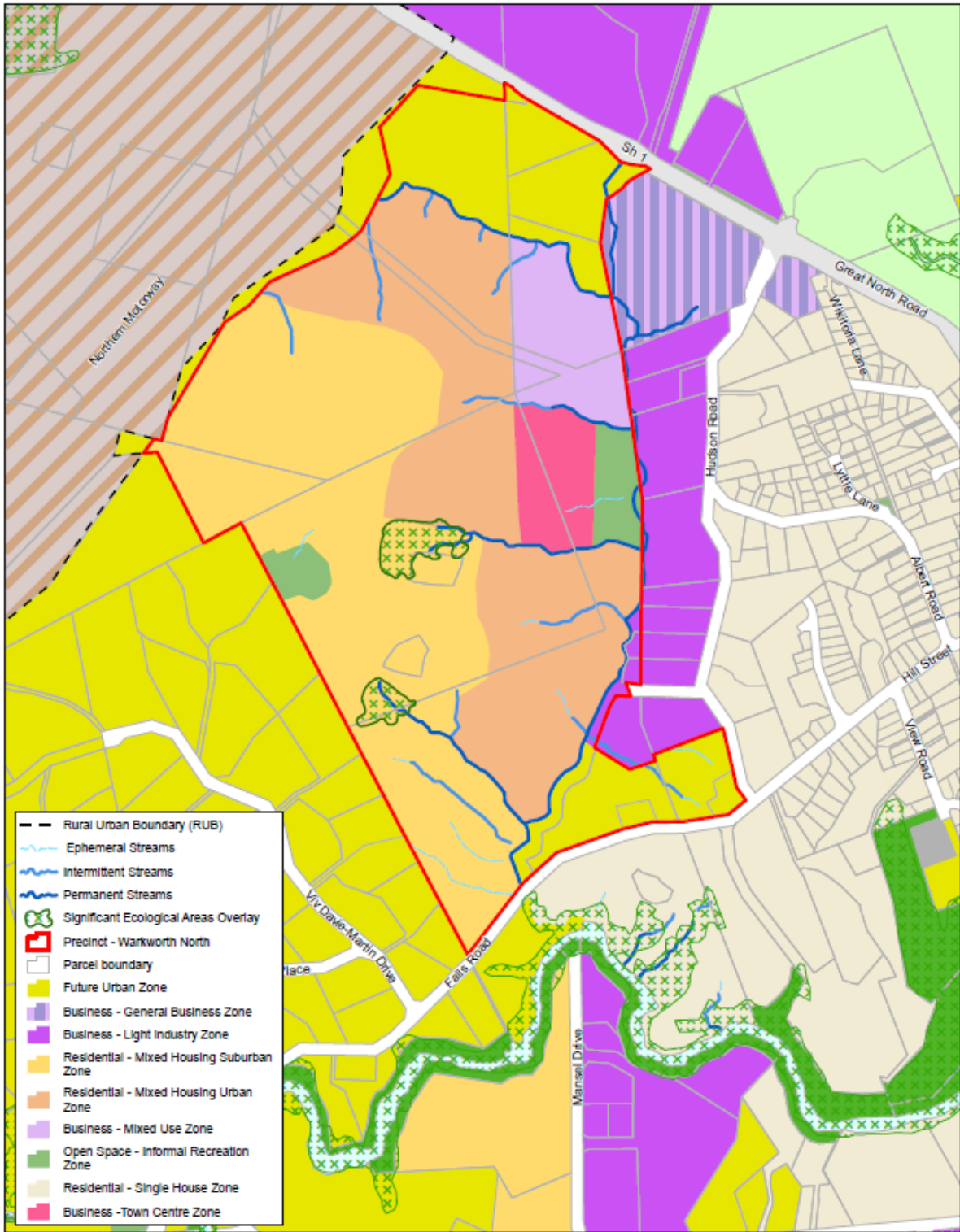


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### Warkworth North Plan Change - Controls Map





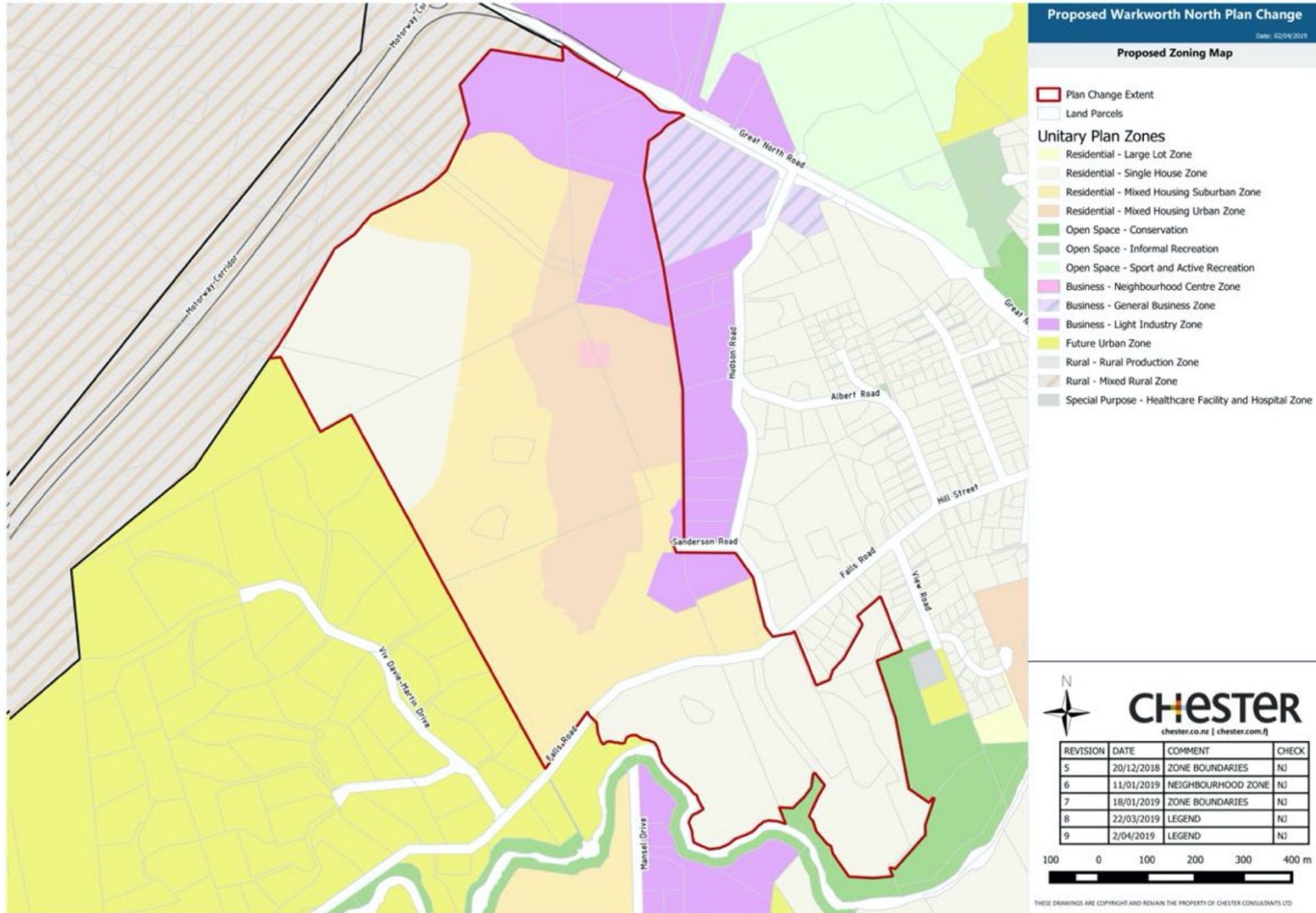
Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

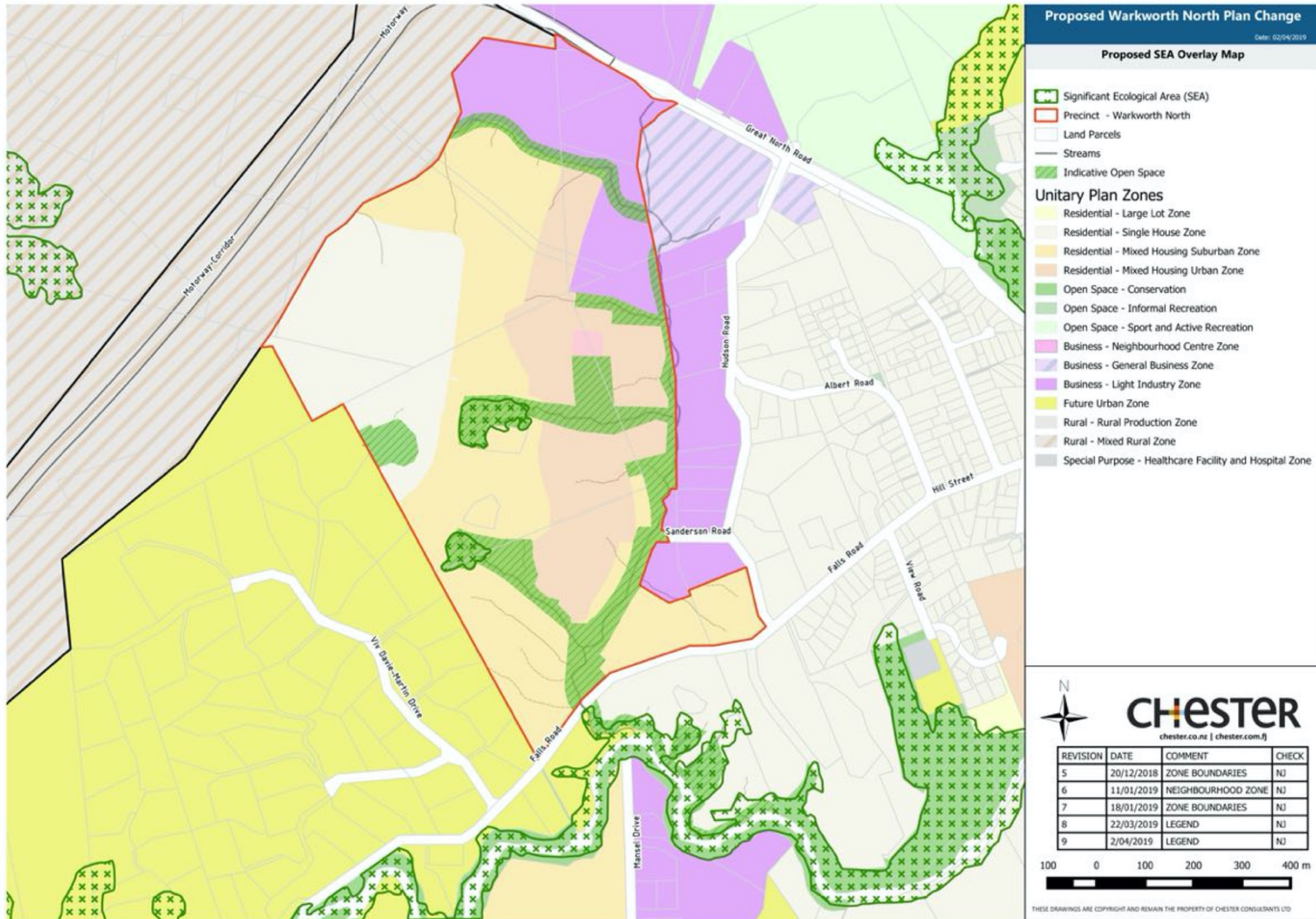
### Warkworth North Plan Change - SEA Overlay Map





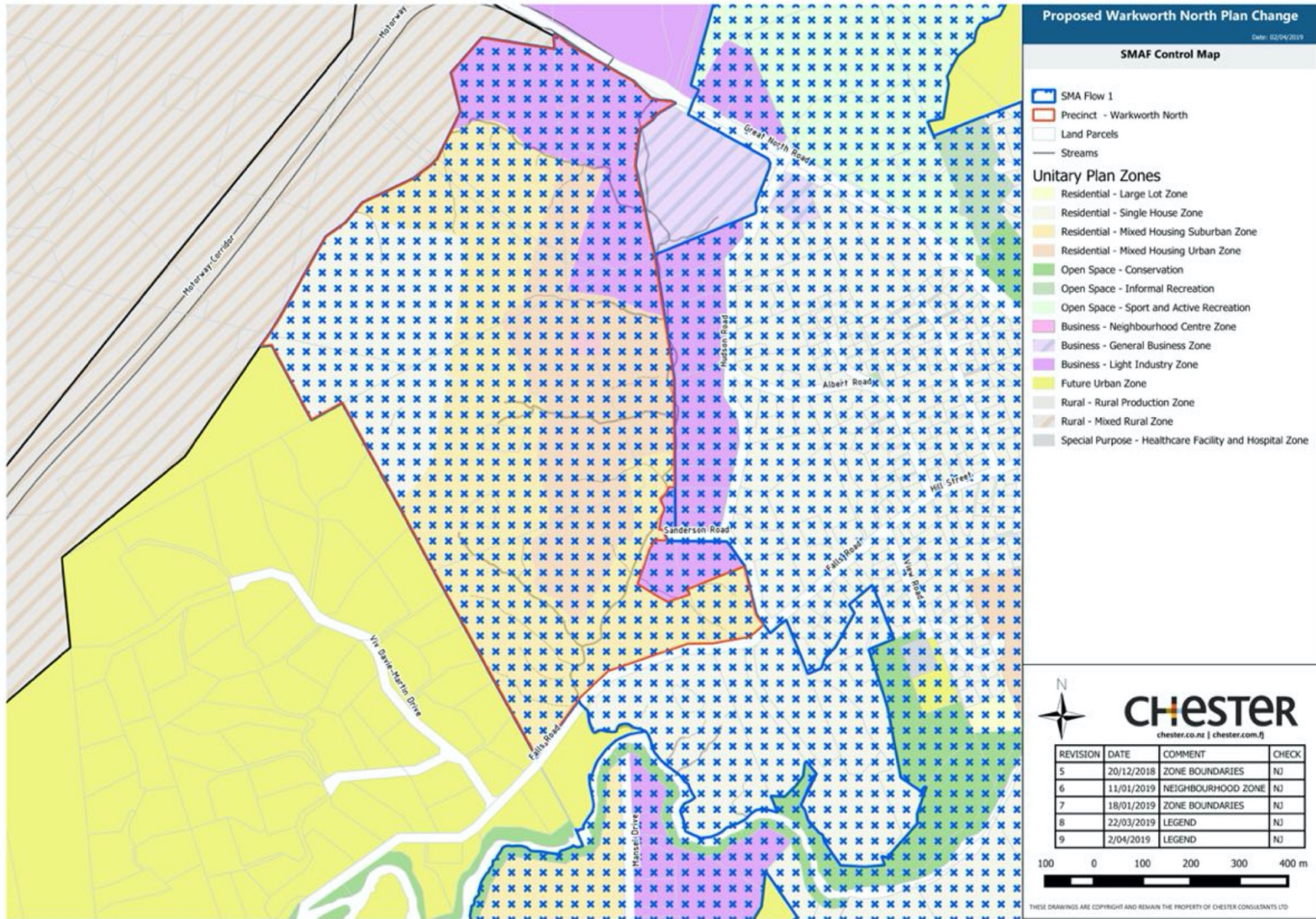
## Appendix 4 – Notified Plan Change Maps Replaced / Deleted





Plan Change 25 (Private): Warkworth North





Plan Change 25 (Private): Warkworth North



## Appendix 5 – Summary of Decisions on Submission Points

<b>Sub No.</b>	<b>Submitter</b>	<b>Submission Points</b>	<b>Accept/ Accept in Part or Reject</b>
1	Joan and Ian Civil	1.1	Reject
2	Chad Ranum and Carly Ranum	2.1-2.5	Accept in part
3	Robert White	3.1-3.4	Accept in part
4	Maxine Hatfull	4.1	Accept in part
5	Ma and Pa Commercial Limited,	2.1	Accept in part
6	Number not in use		
7.	Patricia Sullivan	7.1-7.3	Reject
8.	Ross Brereton	8.1-8.5	Accept in part
9.	Dr Isobel Topham	9.1-9.6	Accept in part
10.	Barry Woolsey	10.1-10.3	Accept in part
11.	Robert and Maryanne Sikora	11.1-11.2	Accept in part
12.	Auckland Council	12.1 – 12.37	Accept in part
13.	Middle Hill Ltd as Trustee for Tyne Trust	13.1-13.7	Accept in part
14.	Goatley Holdings Limited	14.1-14.4	Accept in part
15.	Warkworth Properties (2010) Limited	15.1-15.3	Accept in part
16.	Auckland Transport	16.1-16.22	Accept in part
17.	Warwick and Hueline Massey	17.1-17.2	Accept in part
18.	Z Energy Limited	18.1	Reject
19.	Summerset Villages (Warkworth) Limited	19.1-19.3	Accept in part
20.	Atlas Concrete Limited	20.1	Reject
21	David Oliver	21.1-21.2	Accept in part
22	NZ Transport Agency	22.1-22.16	Accept in part
23	Turnstone Capital Limited	23.1-23.3	Accept in part
24	Warkworth Area Liaison Group	24.1-24.6	Accept in part
25	Forest and Bird Warkworth Area	24.1-24.6	Accept
26	Aaron Rodgers	26.1-26.2	Accept in part
27	Allison and Steve Haycock	27.1-27.3	Accept
28	Number not in use		
29	Manuhiri Kaitiaki Charitable Trust	29.1-29.3	Accept in part
30	Diana Mei	30.1-30.2	Accept
31	Watercare	31.1-31.3	Accept
32	Terri Walkington	32.1	Accept in part
33	Lily Anne Rodgers	33.1-33.2	Accept in part
34	Macy Anne Rodgers	34.1-34.2	Accept in part
35	Ngahine Rodgers	35.1-35.2	Accept in part
36	Steven Liang	36.1-36.2	Accept in part
37	Mahurangi Action Incorporated	37.1	Reject