

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2020-AKL-

IN THE MATTER of the Resource Management Act 1991
("the RMA")

AND

IN THE MATTER of an appeal under Clause 14 of the
First Schedule to the RMA in relation to
the decision on **PRIVATE PLAN
CHANGE 25: WARKWORTH NORTH**

BETWEEN **ROBERT WHITE**
Appellant

AND **AUCKLAND COUNCIL**
Respondent

AND **TURNSTONE CAPITAL LIMITED**
Applicant

**NOTICE OF APPEAL
Dated 11 May 2020**

TO: The Registrar of the Environment Court, Auckland
PO Box 7147
Wellesley Street
Auckland 1010

1. **ROBERT WHITE** appeals against part of the decision of Auckland Council ("the Council") dated 18 March 2020 on Private Plan Change 25: Warkworth North ("PC 25") ("the Decision").
2. Mr White made a submission on PC25 and appeared at the hearing before the independent commissioners appointed by the Council to determine the application.
3. Mr White is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 ("RMA").
4. Mr White received notice of the Decision by email on 26 March 2020.
5. The Decision was made by Auckland Council.

Part of the Decision appealed

6. The part of the Decision that Mr White is appealing is the introduction of a "Potential Future Pedestrian/Cycling Connection" shown in Precinct Plan 2 near the north-eastern corner on the boundary between the PC 25 area and Mr White's property at 44 Viv Davie-Martin Drive ("the Property").

Reasons for the appeal

7. The reasons for Mr White's appeal is that the location and nature of the proposed "Potential Future Pedestrian/Cycling Connection" ("Proposed Connection") shown in Precinct Plan 2 would have significant and irreversible adverse amenity, economic, noise and security effects on Mr White and his family. To that extent, establishment of the Proposed Connection would be:
 - (a) Contrary to sound town planning principles and practice.
 - (b) Contrary to the purpose and principles of the Resource Management Act 1991 ("the RMA"), to the extent that establishment of the Proposed Connection:
 - (i) Would be contrary to the sustainable management of the natural and physical resource that Mr White's land and neighbouring land represents.
 - (ii) Would be contrary to Mr White's cultural, social and economic wellbeing in terms of section 5(2) of the RMA.
 - (iii) Would be contrary to the maintenance and enhancement of amenity values in terms of section 7(c).
8. For the foregoing reasons, establishment of the Proposed Connection would not represent the most appropriate way to achieve the purpose of the RMA and objectives of PC25 in terms of section 32 of the RMA.
9. Without limiting the generality of the foregoing, the specific grounds of the appeal are set out below:
 - (a) Mr White purchased the Property in 2005. He and his family moved into their home on the Property in 2006. Mr White has long term plans to develop the Property for residential use by his family.
 - (b) As notified, PC 25 sought to include an indicative roading connection on the boundary near the northeast corner of Mr White's property to connect the PC25 area with Viv Davie-Martin Drive ("VDMD"). Mr White opposed the indicative roading connection on his property on the basis that it:

- (i) Was unworkable because an undesirable road alignment necessarily resulted from the challenging topography of the Property and failed to connect the PC25 area to VDMD without contemporaneous development of 56 VDMD;
 - (ii) Failed to achieve PC25's objectives because it would create transport outcomes that did not integrate well with the wider network and was not responsive to the physical characteristics of the land; and
 - (iii) Would create significant adverse effects on him, his family and his property particularly in terms of:
 - Adverse financial implications as a result of limiting the development potential of Mr White's property; and
 - Adverse impacts on Mr White's residential amenity including reduction of privacy, noise and adverse security effects.
- (c) Mr White's submissions were accepted by the independent commissioners and the indicative roading connection does not form part of the Decision. However, the Decision inappropriately introduced the Proposed Connection at the location where the indicative roading connection was located.
- (d) The Proposed Connection:
- (i) Was not included in PC25 notified plan change;
 - (ii) Was not identified or assessed as a potential option in the section 32 report, and
 - (iii) Was not raised with Mr White at any stage prior to, during or after the hearing.
- (e) Mr White is unaware of any evidence presented at the hearing in support of a potential pedestrian/cycle connection in this location and the Decision does not discuss any such evidence.
- (f) The Proposed Connection would be unworkable and fail to achieve PC25's objectives because it will not create transport outcomes that integrate well with the wider network and does not appropriately respond to the physical characteristics of the Property.
- (g) No analysis of the Proposed Connection has been undertaken to assess whether it represents the most appropriate means of achieving the objectives of PC 25.

Rather, the Decision merely “recognises the advantage in providing a walking and cycling link from Viv Davie-Martin Drive to the Precinct” that would “be increasingly viable with the adoption of electric bikes capable of steeper gradients” (at 177).

- (h) The Proposed Connection is likely to crystallise into “the location” for that connection. It is not the most efficient or appropriate location for such a connection, given the likely adverse effects on Mr White and the potential for it to limit the development potential of his property.

Relief sought

- 10. Mr White seeks the following relief:
 - (a) That the “Potential Future Pedestrian/Cycling Connection” shown in Precinct Plan 2 be removed from the Property;
 - (b) Such further or other relief as may be necessary to give effect to his concerns; and
 - (c) Costs.

Attachments

- 11. The following documents are attached to his notice:
 - (a) A copy of Mr White’s submission (**Attachment A**);
 - (b) A copy of the part of the relevant decision pertaining to potential future pedestrian/cycling connection at 44 Viv Davie-Martin Drive (**Attachment B**);
 - (c) A list of names and addresses of persons to be served with a copy of this notice (**Attachment C**).

DATED this 11th day of May 2020

ROBERT WHITE by his solicitors
and duly authorised agents **BERRY SIMONS**:



S J Berry / H E Philip

ADDRESS FOR SERVICE FOR THE APPELLANT

Berry Simons
PO Box 3144
Shortland Street
Auckland 1140

Telephone: 09 909 7318

Email: heather@berrysimons.co.nz

Contact person: Heather Philip, Solicitor

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in [section 274\(1\)](#) and [Part 11A](#) of the Resource Management Act 1991.

You may apply to the Environment Court under [section 281](#) of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see [form 38](#)).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the decision appealed. The decision may be downloaded online at <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/proposed-plan-changes/docspc25decision/pc-25-decision.pdf> or obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

ATTACHMENT A
Mr White's submission on PC 25

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only	
Submission No:	
Receipt Date:	<div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED 12.15 pm 24 JUN 2019 AUCKLAND COUNCIL WARKWORTH </div>

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

ROBERT WHITE

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

44 VIV DAVIE-MARTIN DRIVE, WARKWORTH 0984

Telephone:

0278222083

Fax/Email:

robert@subgeo.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PPC25

Plan Change/Variation Name

Warkworth North

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

see attached sheets (also in Form 5 format)

Or

Property Address

Or

Map

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended

Yes

No

} see attached sheets in Form 5 format which contain my full submission
Page 1 of 9

The reasons for my views are: *see attached sheets*

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below

Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

see attached sheets

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

ROBERT V. WHITE

Signature of Submitter
(or person authorised to sign on behalf of submitter)

24-6-19
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

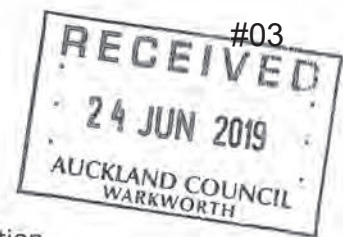
If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could / could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.



Submission on notified proposal for policy statement or plan, change or variation
Clause 6 of Schedule 1, Resource Management Act 1991
To Auckland Council

Name of submitter: **Robert White**

This is a submission on a change proposed to the following plan:

Auckland Unitary Plan Operative in part - **Plan Change 25(Private): Warkworth North.**

I could not gain an advantage in trade competition through this submission

I am directly affected by an effect of the subject matter of the submission that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

By way of introduction, I am the owner and occupier of 44 Viv Davie-Martin Drive and my house is located on the south-western boundary of the proposed plan change area. It also immediately abuts a proposed road linkage to Viv Davie-Martin Drive from the proposed plan change area, which would route straight through my property to create the said linkage.

The specific provisions of the proposal that my submission relates to are:

1. The provisions relating to the proposed change to the zoning of the land within the plan change area abutting my land, namely the provisional zonings on the western boundary in the zoning map of Appendix 1 of the plan change and the proposed precinct provisions for Warkworth North precinct set out below the zoning maps; and

2. The provisions relating to proposed transportation linkages between the land in the proposed private plan change and Viv Davie-Martin Drive, namely:

- I1.10.1.1 Precinct Plan 1 – Warkworth North Plan Change dated 18/1/2019.
- I1.2 Objective (1)(a) which is to provide key road connections securing an east west link to connect with the Mansel Drive extension;
- I1.3 Policies (transport connections are mentioned regarding zoning and open space also the need for an indicative western link route is a policy but need for linkages beyond the site to other roads outside the sub precinct is not mentioned;
- the provisions set out in Activity Table 10.4.1 (A2), which makes a restricted discretionary activity of *subdivision or development of land including or adjacent to "future road connections" indicated on the Warkworth North Precinct Plan;*
- the matters for discretion in I1.8.1(1) and assessment criteria for restricted discretionary activities in I1.8.2(1) for Roading infrastructure that takes into account the extent the transportation needs of Warkworth North and the wider area and takes into account the extent to which roading connections are provided to adjacent land areas as indicated on Precinct Plan 1 – Warkworth North Precinct.
- 3. The planning maps and supporting information relating to zoning and roading matters for the sub-precinct, for example Appendix 9 Neighbourhood Design Statement and Appendix

12 Integrated Transport Assessment and the Warkworth North Plan Change Section 32 Report.

My submission is:

- I oppose the specific provisions referred to above relating to the transportation linkages to Viv Davie-Martin Drive (hereinafter referred to as VDMD), for the reasons set out below; specifically, the proposed transportation linkages to VDMD are not demonstrated to be required for sound transportation planning and urban design purposes in this particular location and disadvantage me strongly.
- I oppose the specific provisions referred to above relating to the zoning to be located on my north-eastern boundary for the reasons set out below; specifically, that the lack of a buffer between the interface of the plan change area and its western boundary sets up reverse sensitivity issues for existing land uses in VDMD and also will adversely affect my residential and general amenity to a significant degree.
- I support the general layout except to the extent set out specifically below with regard to the proposed neighbourhood centre and potential new open space on the western boundary of the plan change area.

1.0 Zoning .

1.1 While it is acknowledged that the land in Viv Davie-Martin Drive (VDMD) is proposed to be zoned Single House zone under the Warkworth Structure Plan and potentially with an overlay/subdivision variation control to allow for larger site sizes reflecting its already fully developed residential nature, it is also likely that it will be one of the last areas within that structure plan to be redeveloped.

1.2 This assertion is in no small part due to the nature of the ownership structures within VDMD, the fact that the subdivision is fully realised and consists of an established community and also because of the private covenants on the titles intended to retain the type of amenity the proposed change of zoning will inadvertently compromise.

1.3 When or if a re-development of this discrete community eventually occurs, there is still a likelihood of an "Area for potential increase to minimum site size" overlay which would increase the minimum lot size from the standard 600m² to somewhere between 1,500m² – 2,500m² (exact size to be determined at the plan change stage) – source: Auckland Council's Warkworth Draft Structure Plan Response to feedback on draft plan document dated May 2019 at 2.2.6. and Figure 1 Warkworth Structure Plan June 2019 – Land Use Plan.

1.4 The VDMD subdivision is fully developed and a spacious semi-rural lifestyle has been created for and by its residents, which was reflected in its original zoning of Countryside Living. Council planning staff have acknowledged as much in the Structure Plan feedback document, noting the "compromised nature of this area to achieve standard urban development (i.e. fragmented land

parcels, multiple different owners, covenanted bush areas, geotechnical issues, limited road access) and also acknowledges the current spacious residential amenity of the area”.

1.5 This residential amenity, particularly on its eastern boundary, will be severely compromised if the proposed zoning on the western boundary of the private plan change area is Single House zone or Mixed Housing Suburban zone. This is because the bulk and location standards under the Unitary Plan zoning rules mean that large houses on small lots can be sited at that boundary with rear and side yard setbacks of only one metre.

1.6 The existing housing pattern on VDMD and its orientation and proximity to boundaries of what was until recently an expansive farm means that the use and amenity of the VDMD sites abutting the private plan change area will be adversely affected. The houses were never built to abut urban density to that degree and also many of the holdings are farmlets and run stock. There is no buffer proposed of a planted recreational strip or other amenity-saving devices.

1.7 My house is close to that interface and will be one of the most severely affected. Like many of my neighbours I also run cattle on my land and intend to keep doing so. There is potential for reverse sensitivity effects to arise which are not acknowledged in the s32 report for the plan change on the basis that VDMD is changing to a residential zoning in the future. Having the western edge of the plan change area where it interfaces with VDMD residential lots changed to Large Lot zone would assist as a buffer because the rear yard setback is 6m rather than 1m.

1.8 An alternative to Large Lot zoning would be to provide an interface buffer of recreational space. By zoning a sufficient strip of land from the plan change’s proposed residential zone to open space zone or similar on that western edge to accommodate a planted strip, a buffer could be achieved. This buffer between single house or Mixed Housing Suburban zone and the lifestyle blocks of VDMD would not necessarily reduce the number of houses but would allow for smaller yard setbacks without loss of amenity, and if Mixed Housing Suburban zone were utilised in conjunction with it, more flexibility of housing.

1.9 This open space zoned buffer could be of benefit to the future residents of the plan change area by offering an informally walkable area. In other words, it does not necessarily require the formation of elaborate footpaths or planting but could be kept slightly wilder yet traversable. This would serve to fulfil some of the recreational, ecological habitat, green space and amenity needs for the plan change area without compromising the present on-site amenity enjoyed by the VDMD residents. Not all green space needs to be intensively managed and in suburban areas today “waste green space” for exploration and unstructured play by children is often a missing element.

1.10 A further potentially acceptable alternative, is for provisions to be added to the Precinct Plan so that at subdivision stage a restrictive covenant is placed on the titles of the lots immediately adjacent to my property at 44 VDMD. The restrictive covenant would need to specify that no building is to be constructed within 6m of the rear boundary.

2.0 Roading

2.1 It is acknowledged that the protection of key transportation linkages is vital in a planning process such as this one and the proposed plan change achieves this with the protection of a proposed Western Link Road, a key transport connection.

2.2 The Pacific Environments NZ Ltd Neighbourhood Design Analysis of Appendix 9 sets out constraints and opportunities, of which the compatibility of adjacent edges is a constraint and potential external connections to the existing movement network are opportunities. However, unlike Albert Rd and Sanderson Rd connections, VDMD is not a part of the movement network and not shown on Fig 17 (pg 16) as an opportunity.

2.3 Aside from the Western Link Road, the proposed route to undeveloped land in the north, and the need for internal roading layout that is safe, workable and well connected within the plan change area itself, linkages to land off-site to the western life style block area of VDMD do not appear to be key, or indeed at all necessary on a traffic network or transportation basis.

2.4 Instead, protection of such unnecessary connections and the potential resulting upgrading of VDMD to a collector road imposes uncertainty and adverse effects on the landowners affected by such protection, potentially until the next 10-year planning horizon. Enabling people and communities to provide for their social, economic and cultural well-being can mean allowing people the freedom to enjoy their land unencumbered by unnecessary indicative road protections which are not justified on a resource management basis.

2.5 Appendix 19 of the PPC documents contains the Objectives and policies assessment table. Policies of the Unitary Plan include c) integrating land use and transport supporting a range of transport modes (d) support the efficient provision of infrastructure. The comment is that a precinct is proposed to secure key road connections, providing an indicative route for the Western Link Road and also future local road connections to adjacent land. Yet nowhere is it stated that the future road connections to VDMA are actually key – it is a box ticked to make the sub precinct PPC look complete for planning purposes, even if it is not necessary (or able to be cost-effectively developed) and is at the expense of some VDMD landowners.

2.6 In B3.3 Transport objectives and policies the same is repeated. Proposed road connections are stated to be secured by the precinct to ensure that future connections to adjacent land can be provided. It is not acknowledged that such protection comes at a cost. In fact, the burden of maintaining the potential connection in question is basically falling on existing residential landowner's such as myself.

2.7 The Integrated Transport Assessment in Appendix 12 of the plan change does not shed further light on the need for the proposed connections to VDMD based on sound transportation reasons. The links are stated to "ensure the permeability and integrity of walking, cycling and roading connections is maintained". Aside from the fact that there are no existing permeable and integral linkages to maintain, it misses the point that there needs to be a resource management justification for the creation and future protection of proposed linkages to an adjoining subdivision.

2.8 VDMD as a subdivision is unlikely to ever achieve significant residential density even if re-developed, because it is steep, has an established housing pattern, restrictive covenants and a body corporate associated with land tenure, and has geotechnical and other challenges. Its existing connection with Falls Road is considered perfectly adequate because the reality is that the increase in residents and thus traffic generation for this particular enclave is unlikely to increase dramatically. Unless there is a unanimous decision of all landowners of the body corporate to change the rules, it will not be able to be further subdivided or become significantly more populated.

2.9 In terms of amenity, there is no advantage to the VDMD residents accessing the proposed plan change area via a new local road connection. It is just as easy to drive to the neighbourhood centre or other areas by the established road network if they so desired. Reliance on private transport will still be required for VDMD residents due to the terrain and the lack of requisite population density for public transit. The proposed local/neighbourhood centre is no more proximate and considerably less useful to residents of VDMD than the nearby retail and commercial centres of Warkworth central and Woodcocks Rd. In short, while connectivity and permeability are laudable concepts there are places, such as VDMD, where it is neither key nor particularly needed.

2.10 On the precinct side of the fence, the developer will achieve more housing fronting a road, not a cul de sac, but the road will effectively remain an awkwardly terminated cul de sac anyway if the connection to VDMD is not made.

2.11 What the protection of these proposed connections does do is disadvantage existing landowner such as myself in VDMD. In the most likely event that the land including and surrounding the link is not further intensified, we are imposed upon by development controls that require resource consent for all development on our land.

2.12 The type of development that would require consent would include additions and alterations to my dwelling and also the construction of new residential accessory buildings, such as a potting shed or an implement shed, which are currently a permitted activity in the Future Urban zone provided a 6m side yard setback and other bulk and location controls are met.

2.13 The Unitary Plan provides for a minor household unit as a restricted discretionary activity, which I could in theory apply for on my land for my retirement. I assume the amendment of any private covenant requiring the consent of the landowners in VDMD but in the circumstances (the proposed urban zoning to occur on VDMD) I am confident that this would be agreed to for my site. I could at the present time meet all the controls but now, with a potential road shown through the easiest and least constrained part of my property, there would be little change of success because it would not meet policy H18.3.6, which requires development not to compromise future local transport network or hinder or prevent future urban development. Without a proposed road, probably never to be constructed, I would likely be able to further develop my land for my retirement.

2.14 In the event that I chose instead to sell, I also suffer the disadvantage of a route shown on planning documents that makes the land less attractive to be on-sold. People do not want to buy a property that has a potential road shown through the middle of the only usable, well contoured and least constrained area on the site. Or, in the case of my neighbour's property, potentially through his house.

2.15 So, although it is easy to put lines on plans showing connectivity and thereby tick a planning or urban design outcome box, this aspect of compliance with general policies is not value neutral and is not imposed without burden. In this case the burden is on me and the benefit is on the developer of the adjacent land.

3.0 Other

3.1 I generally support the layout of the proposed plan change but I have concerns that the neighbourhood centre is too small for the proposed population of the area and that a local centre would be more appropriate. Council's reasoning in the Structure Plan as to why only a small neighbourhood centre is required does not take into account that this centre will service future planned development as well as surrounding existing residential development such as that in Albert Road, Hill St and potentially Victoria St, Hudson Rd and Falls Road.

3.2 Like many who gave feedback to the Warkworth spatial plan, I agree with having additional small-scale local centres allowing for a growing population to have community resources which offer a better outcome for social and community cohesion. A local centre will also reduce the pressure on the existing Warkworth town centre, which is constrained by the existing planning provisions limiting the size of premises and heights as well as historic site development and ownership patterns.

3.3 I disagree with the neighbourhood centre as it is too small and would not allow a diversity of activity to occur. However, I agree with its location.

3.4 I also feel that a local centre is not likely to compete with Warkworth town centre. If anything is to compete with or undermine the town centre it will be big box retail on the periphery, allowing free parking and essentially taking custom from small shops in the town centre. The lure of one-stop shopping with free parking is strong, particularly in a township like Warkworth where walkability from surrounding areas is not ideal.

I seek the following decision from the local authority:

- 3.1 1. That the area immediately opposite my rear boundary of 44 VDMD be provided with a 6m wide buffer for the length of my property or more. This could be achieved by a number of mechanisms such as zoning the land residential large lot zone, not single lot zone nor Mixed Housing Suburban zone. Alternatively, that a strip of land between the boundary of VDMD and the plan change area's western boundary of a minimum 6m in width be zoned Open Space or be otherwise formally protected for recreation purposes and planted out as a buffer between the two residential land areas; or that provisions in the Precinct Plan are added to require restrictive covenants to be placed at subdivision stage on the titles of any proposed lots immediately adjacent to my property at 44 VDMD. The restrictive covenants would need to specify that no building is to be constructed within 6m of the rear boundary; and
- 3.2 2. That the indicative road linkages to VDMD be deleted from the Precinct Plan.
- 3.3 3. That the indicative road linkages to VDMD be deleted from the Warkworth North Structure Plan.
- 3.4 4. That the proposed Neighbourhood Centre change to a Local Centre.

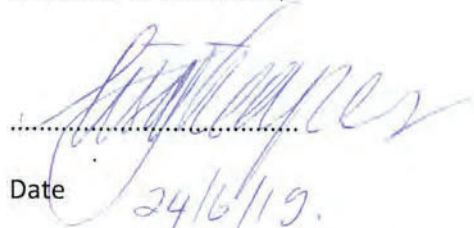
I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter

(or person authorised to sign

on behalf of submitter)


.....

Date

24/6/19.

LISA CAPES
PLANNING CONSULTANT.
FOR ROBERT WHITE AND AUTHORISED
BY HIM TO SIGN ON
HIS BEHALF

Electronic address for service of submitter: robert@subseco.co.nz

Telephone: 0278 222 083

Postal address: 44 Viv Davie-Martin Drive, Warkworth, Auckland

Contact person: Robert White, landowner

ATTACHMENT B
Relevant excerpts from the decision

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



Proposal¹: 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 centre² of 3,000m². 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.

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

¹ Note – significant elements were revised through TCL’s submission on the lodged PPC25, as explained in the decision.

² Revised to 2.5ha in McDermott, Reply Statement, para 37.

<p>Appearances:</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"> - David Haines – Planner - Graham Collie – Corporate Watercare Service Ltd represented by Andre Stuart Warkworth Properties represented by Alex Devine – Counsel Aaron Roger represented by: <ul style="list-style-type: none"> - Jonathan Cutler – Planner - Aaron Rogers – Owner Robert White represented by: <ul style="list-style-type: none"> - Heather Philip – Legal - Richard Knott – Urban Designer - Robert White – Owner Auckland Council (as submitter) represented by: <ul style="list-style-type: none"> - Christopher Turbott - Planner - Katja Huls – Healthy Waters Middle Hill Limited represented by: <ul style="list-style-type: none"> - Peter Fuller – Legal - Matthew Civil – Director/Landowner - Wesley Edwards – Traffic - Adam Thompson - Economics <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>
----------------------------	--

	<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>
Commissioners' site visit	Wednesday, 6 November 2019
Hearing adjourned	21 November 2019
Hearing Closed:	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 concluded³ 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.

³ S42A report, para 500 and Recommendation 2

10. In her s42A report Ms Daniels helpfully provided a summary comparison⁴ of the changes sought by TCL in its submission to the notified PPC25, as follows:

PPC25 (As Notified)	Turnstone submission
Business Zones	
Light Industry zone	
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.
Heavy Industry zone	
Not provided for.	Not provided for.
General Business zone	
Outside of PC area.	Small new area of GB zone extended north to the future alignment of the Western link road.
Business Mixed use zone	
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.
Neighbourhood centre zone	
3,000m ² centre provided in central location surrounded by Mixed Housing Urban zone.	Not provided for.
Local centre zone	
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.
Residential	
Provide for 1,000-1,200 dwellings.	Not known.
Single House zone	
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.
Mixed Housing Suburban zone	
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.
Mixed Housing Urban zone	
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.
Open Space Conservation zone	
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.
Open Space Informal Recreation zone	

⁴ 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.
--	--

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 opening⁵ 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.

⁵ 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 noted⁶ 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

⁶ 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 us⁷ 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

⁷ 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' evidence⁸ (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 2026⁹.
 - 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;

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

⁹ 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.

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 notes¹⁰ that there are 16 owners across the PPC25 area.

PRINCIPAL ISSUES IN CONTENTION

41. The s42A report identified¹¹ 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;

¹⁰ S42A Report, para 416.

¹¹ 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)¹² 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 Carruthers¹³, 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

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

¹³ See for example, section 3 of her Closing legal submissions.

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 Collins⁶⁰ 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

⁶⁰ 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 3⁶¹ 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.

⁶¹ 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.

- 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 1⁶⁶ 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

⁶⁶ 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
Subdivision and development [dp]			
(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
Streams and wetlands [rp]			
(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

Trigger	Infrastructure work required to exceed threshold
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.

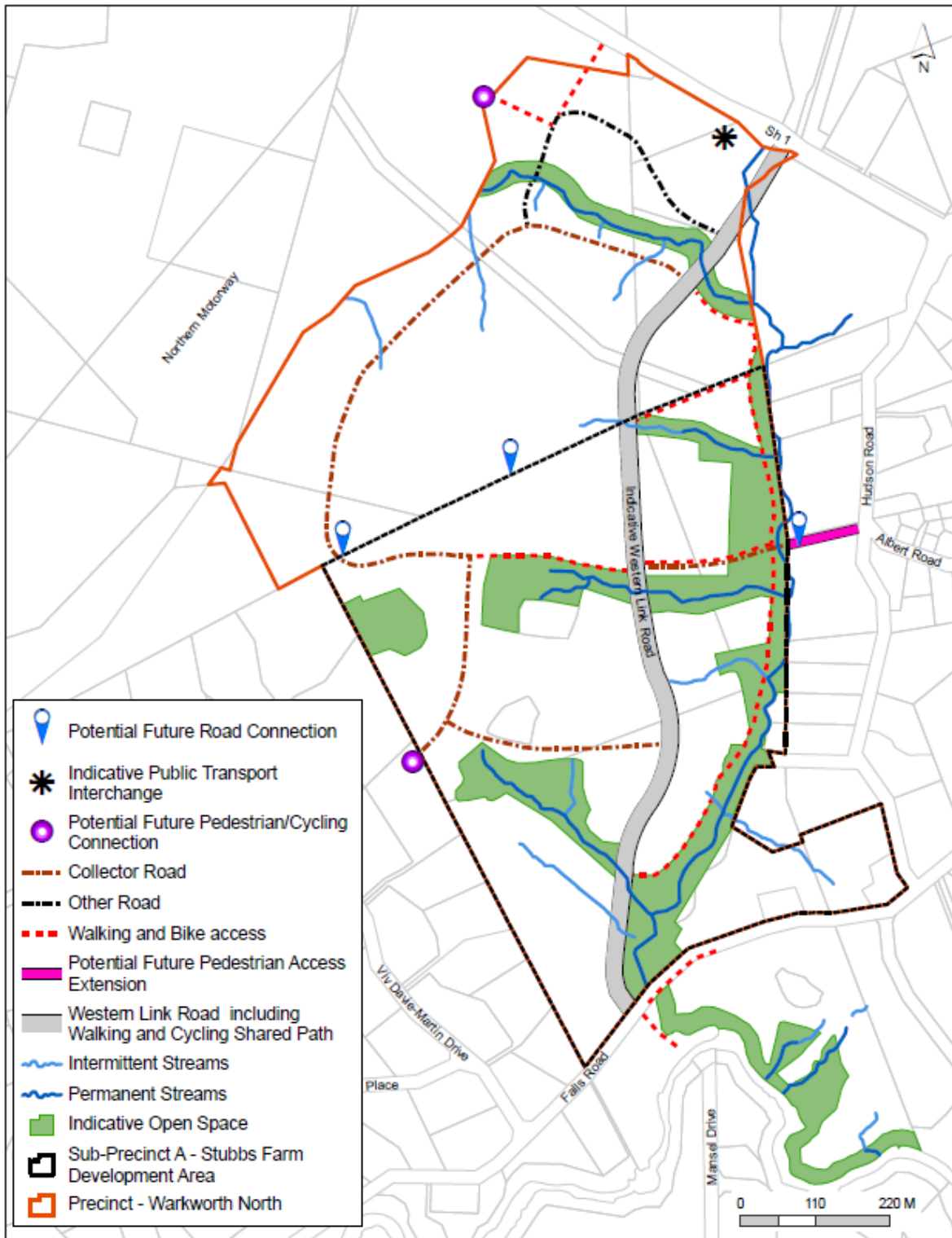
I552.9. Special information requirements

- (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



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

©/PR/2018 Auckland Council

ATTACHMENT C
Persons served with a copy of this notice

Party	Contact
Turnstone Capital Limited (applicant)	burnetteO@barker.co.nz; bcarruthers@shortlandchambers.co.nz
Auckland Council (as territorial authority)	Ila.Daniels@aucklandcouncil.govt.nz
Auckland Council (as submitter)	Christopher.Turbott@aucklandcouncil.govt.nz; phill.reid@aucklandcouncil.govt.nz
Joan and Ian Civil	icivil@xtra.co.nz
Chad Ranum and Carly Ranum	chadranum@hotmail.com
Maxine Hatfull	hatfull@xtra.co.nz
Ma and Pa Commercial Limited Attn Pauline Preen	paulinekelly7@icloud.com
Patricia Sullivan	paddysullivan@gmail.com
Ross Brereton	rbrereton@slingshot.co.nz
Dr Isobel Topham	isobel.topham@gmail.com
Barry Woolsey	barry_woolsey@bnz.co.nz
Robert and Maryanne Sikora	r.sikora@xtra.co.nz
Middle Hill Ltd as Trustee for Tyne Trust	peter.fuller@quaychambers.co.nz; harrison@mhg.co.nz
Goatley Holdings Limited	pamelas@barker.co.nz
Warkworth Properties (2010) Limited	dallan@ellisgould.co.nz; adevine@ellisgould.co.nz
Auckland Transport	katherine.dorofaeff@at.govt.nz
Warwick and Hueline Massey	masseyw930@gmail.com
Summerset Villages (Warkworth) Ltd	andrew@scottwilkinson.co.nz
Atlas Concrete Limited	kaaren.rosser@hainesplanning.co.nz
David Oliver	warkwortholivers@gmail.com
NZ Transport Agency	Evan.Keating@nzta.govt.nz
Royal Forest and Bird	ropeworth@gmail.com
Warkworth Area Liaison Group	ropeworth@gmail.com
Aaron Rodgers	aaronrodgers29@hotmail.com
Allison and Steve Haycock	steve@stevehaycockconstruction.co.nz
Manuhiri Kaitiaki Charitable Trust	p.tuinder@ngatimanuhiri.iwi.nz
Diana Mei	stevendianaliang@hotmail.com
Watercare Services Limited	ilze.gotelli@water.co.nz; lindsay.wilson@water.co.nz
Terri Walkington	aaronrodgers29@hotmail.com
Lily Anne Rodgers	aaronrodgers29@hotmail.com
Macy Anne Rodgers	aaronrodgers29@hotmail.com
Ngahine Rodgers	ngahine1@hotmail.com
Steven Liang	lnj.steven@gmail.com
Mahurangi Action Incorporated	secretary@mahurangi.org.nz