



Addendum Hearing Report for Proposed Private Plan Change 93: Warkworth South to the Auckland Unitary Plan (Operative in part)

Section 42A Hearing Report under the Resource Management Act 1991

Report to:	Hearing Commissioners
Hearing Date/s:	4 to 8 November 2024
File No:	Hearing Report – Proposed Private Plan Change 93 (PC93)
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Summary of Proposed Private Plan Change 93 Warkworth South: A Private Plan Change application by K A Waimanawa Limited Partnership and Stepping Toward Far Limited approximately 159ha of land located generally to the south of the existing Warkworth urban area. The proposal is to rezone land zoned Future Urban, Open Space – Conservation and Rural – Rural Production to a mix of residential, business, open space and rural zones and the introduction of two new precincts – Waimanawa and Morrison Heritage Orchard. The Plan Change also seeks a small extension to the Rural Urban Boundary. .

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Abbreviations

Abbreviations in this report include:

Abbreviation	Meaning
AUP	Auckland Unitary Plan
'the applicant'	K A Waimanawa Limited Partnership and Stepping Toward Far Limited
FDS	Future Development Strategy
FULSS	Future Urban Land Supply Strategy 2017
FUZ	Future Urban Zone
NPS-UD	National Policy Statement for Urban Development
PPC93 or 'Plan Change'	Proposed Private Plan Change 93
RMA	Resource Management Act 1991
RPS	Regional Policy Statement
S42A Report	Section 42A hearing report
VKT	Vehicle Kilometres Travelled

Attachments

Attachments	
Attachment 1	Specialist peer review addendum memoranda

Executive Summary

1. The plan change request relates to approximately 159ha of land located generally to the south of the existing Warkworth urban area. The proposal is to rezone land zoned Future Urban, Open Space – Conservation and Rural – Rural Production to a mix of residential, business, open space and rural zones and the introduction of two new precincts – Waimanawa and Morrison Heritage Orchard. The Plan Change also seeks a small extension to the Rural Urban Boundary.
2. The Section 42A hearing report (**S42A Report**) released on 13 September 2024 did not recommend that PC93 be approved because of a number of outstanding matters including:
 - The extent to which PPC93 is integrated with the provision of infrastructure and in particular the provision of water supply and wastewater disposal and treatment.
 - The inconsistency with the Future Development Strategy and the lack of an assessment against that document.
 - The appropriateness or otherwise of including rural zoning of the Morrison Heritage Orchard within the RUB.
 - A number of areas where additional assessment is considered to be required.
 - A number of changes recommended by the Council specialists.
3. Direction 2 from the Hearing Panel, issued on 5 September 2023, indicated that an addendum S42A report shall be prepared if required. The purpose of this addendum S42A report is to update the assessment, conclusions and recommendations as necessary to assist the Hearing Panel following changes proposed by the applicant. It does not address submissions.
4. This addendum S42A report has been prepared in accordance with section 42A of the RMA. The discussion and recommendations in this report are intended to assist the Hearing Panel, the requestor and those persons or organisations that lodged submissions on PC93. The recommendations contained within this report are not the decisions of the Hearing Panel.
5. This report also forms part of council's ongoing obligations to consider the appropriateness of the proposed provisions, as well as the benefits and costs of any policies, rules or other methods, as well as the consideration of issues raised in submissions on PC93.
6. On the basis of the information available at the time of preparing this addendum S42A report, acknowledging that several matters in contention have been resolved, my recommendation has not changed.

1. Proposed Plan Change

7. At the time of preparing this addendum S42A report there had been no changes made by the applicant to the overall zoning pattern or structure of PC93. However, the planning witnesses for the applicant have recommended some changes to the Precinct Plans and to the provisions within the text of the Precincts
8. The joint planning evidence of John Duthie, David Hay and Ian Smallburn attached a revised set of Precinct provisions (**precinct provisions**).
9. In summary, I consider the key amendments proposed to the notified version of PC93 to include:
 - a. Changes to the objectives and policies of the Waimanawa Precinct;
 - b. Amendments to all the activity tables to delete the third column entitled “Standards to be complied with” with the effect that all standards will be applicable unless otherwise stated;
 - c. Amendments to Activity Table I593.4.1 (all zones) to give non-complying status to development and to subdivision that does not comply with Standards I593.15(2) Transport Infrastructure and Table I593.15.1(T2) to (T6) inclusive;
 - d. Removal of specific activity status for restaurants, cafes and education facilities within the former Ransom Vineyard building and instead relying on the provisions of the underlying zone;
 - e. Activity table IXXX.4.7 Open Space – Conservation is deleted as the provisions revert to underlying zone;
 - f. Rearrangement of I593.6(2) Auckland wide standards that do not apply.
 - g. I593.6.2 Special Yards: Avic Miller Reserve – increase in special yards from 6m to 10m and 3m to 8m, introduction of external lighting control within 30m of the reserve and a requirement that any property within 300m of the reserve that keeps a cat shall have a cat proof fence.
 - h. I593.6.3 Special yard: Bat Flight Corridor – amended in respect of lighting controls.
 - i. I593.6.7 Vehicle Access Restrictions – amended to reword the standard and to delete reference to pedestrian connections.
 - j. IXXX6.8 Western Link Road – standard deleted as now covered by transport table.
 - k. I593.6.9 Wastewater and Potable Water Connections – amended to change reference to reticulated “systems” rather than “networks”. Trigger point changed from issue of 224(c) to occupation of the development;
 - l. I593.6.10 Stormwater Management – amended in line with request from healthy Waters expect for the provision of retention.
 - m. I593.6.12 Riparian yards – Amended to exclude walkways unless using impervious design.
 - n. I593.6.15 – Transport Infrastructure table amended in response to submissions;
 - o. Addition of new standard I593.6.17 in respect of noise sensitive activities;
 - p. Addition of new standards I593.6.18 and I593.6.19 in respect of non-potable water supply efficiency.

- q. Changes to matter of discretion for restricted discretionary activities roughly in line with recommendations from s42A report and additionally in respect of infringements of the proposed noise standard.
- r. Changes to the assessment criteria for restricted discretionary activities mainly to provide for new RD activities.
- s. Additional information requirements in respect of Specific Watercourse Assessment, flood modelling and assessment and tree management; and
- t. Amendments to precinct plans including:
 - Removal of Stormwater Management Area Flow 1 Control from FUZ;
 - Precinct Plan 1 Spatial Provisions to shown changes in yards Plan to identify both Height Variation Control areas are 24m;
 - Precinct Plan 2 Environment - to show changes to yards and change extent of stormwater basins;
 - Precinct Plan 3 Transport - minor amendments.
- u. Changes to the Morrison Heritage Orchard Precinct provisions mainly in the area of access to the road and for the retention of shelterbelts or their replacement.

2. Analysis of the section 32AA report and any other information provided by the applicant

10. In response to the amendments proposed to the precinct provisions through the applicant's joint planning evidence, a Section 32AA evaluation was attached to the joint planning evidence Messrs Duthie, Hay and Smallburn.²

S32 Report

11. I have reviewed the Section 32AA evaluation. The s32AA report identified scope for each of the changes proposed. I consider that the submissions identified provide scope for the majority proposed amendments to the precinct provisions. Many of the amendments proposed provide further clarity and certainty, addressing issues raised by submitters and the S42A Report. Some changes appear to rely on submissions from the applicant under a general submission 24.2 which requests "*any further or alternative relief or any consequential amendments that may be required to address the matters raised in this submission or any other related matters*". This submission point has been used to address errors or provide clarifications to the text in some cases. I consider that the applicant should further address the scope of these changes in the hearing.

Key Changes Proposed

Water and Wastewater Provision

12. In the s42A report I discussed my concerns regarding the provision of infrastructure (most notably wastewater and potable water). The applicant has supplied evidence that sets out two additional options for the provision of this infrastructure other than waiting for the Watercare provision of the required infrastructure. In respect of wastewater it has provided some detail about how a permanent or temporary stand-alone private treatment plant could work. The options for wastewater include the following;
- Option 1 - a permanent private network including pipework, a treatment plant and discharge potentially overland into the Mahurangi River, that would remain stand alone and in private hands in perpetuity;

- Option 2 - a temporary private network that would be able to be connected into the Watercare Network once sufficient treatment capacity within that system was available (i.e. circa 2040). At that time the temporary treatment plant would be removed.
13. In respect of water supply the applicant has provided evidence in respect of how an on-site water take and treatment plant could operate.
 14. I have attached to this report in Attachment 1, memoranda from Mr Cavanagh and Mr Kloppers which provide technical assessments of the options provided by the applicant's evidence. I have also read the evidence of Mr Perera from Watercare, in so far as his evidence outlines the state of the Watercare network and planning, who has also provided information concerning these systems. Based on this information, I am of the view that there may be least a temporary private option that is available to manage wastewater disposal from the plan change area, but there are technical, consenting and financial uncertainties about this. I also note that a permanent stand alone plant is not favoured for development of this type and extent by Watercare. I understand that the issues with a private network approach include a lack of integration between a private network and the remainder of Warkworth (including areas downstream), potential environment effects including of the water take and the discharge, consenting issues, effects on the future planning of Watercare infrastructure in Warkworth and the residual responsibilities of the Council/ Watercare if the private system fails. There also appear to be organisational risks, as the plan change applicant does not control all the land within the plan change area. I consider that the risks are likely to be greater with a permanent private solution. This is because longer term use will more likely bring risks of failure, and the lack of integration with the rest of infrastructure in Warkworth may create management difficulties should Watercare be required to be involved in the future.
 15. In respect of water supply, uncertainties about adequacy of the aquifer and appropriateness of treatment locations remain. I accept that the applicant is committed to, and has the resources to, implement a private water supply.
 16. As this is a plan change, there is no firm link between the applicant and the eventual developer of the land. In my experience it is not possible to link plan change provisions to a particular landowner/ developer. I also doubt that it is practicable to require the provision of a temporary private system that eventually connects into the Watercare network through plan rules, and none have been proposed by the applicant.
 17. Based on this information I have remaining concerns whether a viable and effective private alternative to an immediate upgrade of the public water and wastewater infrastructure will be achieved. In respect of a temporary solution I would have more confidence if there were agreements in place between the applicant and Watercare but there are not. For a permanent solution, I would have more confidence if there were demonstratable consents in place for both the water and wastewater aspects of the proposal.
 18. I am also concerned about the extent to which the development of private systems represent integrated planning as required by the NPS:UD and the RPS as discussed in my original s42A report. I consider that a temporary interim solution better reflects integrated planning as it is aimed at eventual integration between development and the overall provision of infrastructure in Warkworth.
 19. Another concern relates to the confidence that the Commissioners can have that the infrastructure will be provided in a timely manner and that unacceptable and even more interim solutions such as the trucking of wastewater will not be consented. In the best case scenario, the current hearing process may provide an opportunity for agreements to be reached between the applicant and Watercare. In the worst case scenario where there is no agreement, and a fully private system is implemented, the plan provisions need to be sufficiently robust to ensure that the infrastructure is provided ahead of house building.
 20. PPC93 as notified provides that development and subdivision that does not comply with the standards concerning water and waste water infrastructure provision should be a non-complying

activity. I remain in favour of this. However, the standard I1593.6.9 currently proposed by the applicant in their revised provisions, links the provision of infrastructure to the occupation of dwellings. In other words, the standard as proposed by the applicant requires that a dwelling may not be occupied until the infrastructure is available. It would appear that in this scenario a subdivision may be completed, house sites sold and houses built (but not occupied) without the provision of water and wastewater infrastructure. In my view this does not represent integration of land use and infrastructure. Further it may lead to a situation where pressure is put on the Council to consent to the trucking of waste or other generally unacceptable interim solutions if there is a lag in the provision of infrastructure behind house construction.

21. It is my preference that instead of the occupation of dwellings as the trigger in Rule I593.6.9, the issue of the s224(c) certificate on subdivision should be the trigger point for the standard. In this way every house site provided with a title will have connection to a wastewater and water supply network and every house builder or owner can be assured that there is adequate infrastructure available. It may be appropriate to amend the standard by adding another clause that addresses the situation where no subdivision is contemplated as follows;

(4) Where no subdivision is undertaken the development shall be connected to a functioning water and wastewater network with sufficient capacity to service the proposed development prior to commencement of construction.

22. I also note that the applicant does not accept the need to include objectives and policies that include avoiding development if infrastructure is not provided. I consider that clear directional objectives and policies are required to assist the assessment of resource consent applications. I also consider that any resource consent application for infringement of the trigger standards should be publicly notified (As proposed in IXXX.5(2) as attached to the s42A report) so that all people in an area have the opportunity to participate in the decision making process that may affect them.

Noise from Roads

23. The applicant has included a number of changes to implement the submissions from Auckland Transport and Waka Kotahi/ NZTA. I note that the standard proposed is different from similar standards adopted in the Drury precincts (which in some instances are different from each other) and that the Warkworth North Precinct for example does not contain a similar set of provisions despite providing for a new road similar to the WWLR.
24. I remain of the view that this issue of acoustic attenuation of noise from roads should be dealt with by a region wide standard as expressed in the s42A report.

Morrison Heritage Orchard Precinct

25. The applicant has made a number of changes to the Morrison Heritage Orchard Precinct. These include changes to the traffic access management provisions.
26. I consider that the changes do not address the fundamental issue of how to properly manage the cumulative effects of development of the Precinct and prefer the changes that I suggested in the initial s42A report. The changes proposed by the applicant have removed the trip generation standard in Rule 6.1.1 which will limit the overall development potential of activities in the Precinct. Subject to changes supported by Mr Peake¹ I prefer the provisions set out in the S42A report.
27. I also discuss the changes proposed in respect of the landscape issues identified by Ms Howdle below².

3. Assessment of effects

¹ Memorandum from M Peake – Attachment

² See section 3.4

28. The following discussion outlines issues identified in the S42A Report that have been resolved having considered the evidence submitted and highlights key outstanding issues in contention.

3.1. Mana whenua values

29. There have been no changes proposed in respect of these matters. The s42A report considered that PPC93 will adequately manage effects of the plan change on cultural values.

3.2. Land Supply and Economic matters

30. The s42A report concluded that PPC93 will have largely positive economic effects and the zoning strategy, particularly the business local centre zoning, is appropriate subject to Mr Foy's provisos about the funding of infrastructure. As discussed above the applicant has provided evidence about alternative means of providing and funding infrastructure. If these are accepted as providing viable alternatives for infrastructure provisions this matter is resolved.

3.3. Urban design

31. The joint planning evidence of Messrs Duthie, Hay and Smallburn and the urban design evidence of Mr Falconer on behalf of the applicant addresses the issues raised by Mr Stenberg.
32. PPC93 is proposed to be amended to include the matter of discretion recommended by Mr Stenberg for new buildings in the Local Centre Zone.
33. Mr Stenberg advises that generally, he has no urban design related concerns with the changes made to the plan change provisions dated 26th September 2024, noting that a number of his recommendations and others he supported have been incorporated. There remains a number of changes being sought that have not been included, these relate to Policy 20, and IXXX6.7 Purpose and further provision (5), which have been covered by Mr Stenberg's previously in the s42A report.

3.4. Landscape and Visual Effects

34. Ms Howdle recommended a number of changes in her technical memorandum the majority of which I supported. The most significant of these were in respect of the Morrison Orchard Precinct.
35. Attached in Attachment 1 is a memorandum from Ms Howdle outlining her views on the changes. By way of summary Ms Howdle considers that the changes have improved the provisions which aim to protect the significant landscape features, characteristics, and visual amenity values of the area. This includes providing appropriate setbacks and planting buffers along Avice Reserve / ONL, providing a transition between urban and rural landscapes, enhancing ridgeline characteristics through vegetation, and limiting built form, as well as retaining vegetated and open landscape areas (Morrison's Orchard) as seen from Pöhuehue Road.
36. However, the changes to the provisions within the applicant's evidence have not addressed all the matters outlined within the original landscape memorandum in respect of;
- *Identifying and including on the Morrison Orchard Precinct Plan (XXX.9.1) the permanent and intermittent streams and their margins (10m) to be retained and protected.*
 - *Identifying and including on the Morrison Orchard Precinct Plan (XXX.9.1) existing stands of native vegetation along the northern ridgeline to be retained and protected from the effects of inappropriate subdivision, use and development.*
 - *Introduction of provisions which ensure the long-term protection of the vegetation from the effects of inappropriate subdivision, use and development within Area C.*

- *Providing for a 10m riparian margin along the stream edge within Waimanawa Precinct (to the north of the local centre zoning) and within the Morrisons Heritage Orchard Precinct.*
- *Retain the maximum of ten workers accommodation units and the 25units/100 people visitor accommodation units within the Morrisons Heritage Orchard Precinct and introduce an assessment criteria / matter of discretion.*

37. I consider that these matters remain outstanding.

3.5. Ecological effects

38. Mr Statham made a number of recommendations in his technical memorandum in respect of the identification of streams and wetlands, riparian yards, planting standards, the location of walkways, bat corridors and pet ownership.
39. The applicants have made a number of changes that address some of these concerns particularly in respect of bat corridors and pet ownership standards in conjunction with DOC who submitted on these effects.
40. Mr Statham has provided a memorandum set out in Attachment 1 that explains his disagreement with some of the proposed changes.
41. There are outstanding issues in respect of ecological effects.

3.6. Archaeology and Heritage

42. There are no issues in contention for archaeology and heritage.

3.7. Trees

43. There are no issues in contention in respect of trees.

3.8. Engineering and Site Servicing

Geotechnical

44. There are no issues in contention in respect of geotechnical matters.

Stormwater Management and flooding

45. The s42A report recommended a number of changes in respect of the provisions applying to stormwater management. The majority of these have been accepted by the applicant in its proposed revisions.
46. Other changes made by the applicant have been assessed by Amber Tsang and Danny Curtis in the memorandum contained in Attachment 1 to this report. Some of this memorandum relates to the revised SMP. It is apparent that some questions remain but it appears that these will be resolvable through the resource consent process.
47. The memorandum notes that while the majority of the Healthy Waters recommended precinct provisions have been agreed by the Applicant's experts in principle, there are disagreements on the

specific wording of the final precinct provisions. There is also a disagreement on whether the recommended stormwater quality treatment and hydrological mitigation, by way of the recommended Stormwater Management Standard I593.6.10, should apply to development in the proposed Residential – Large Lot Zone within the Waimanawa Precinct and the Morrison Heritage Orchard Precinct.

48. The details of the areas of disagreement are set out in the table within the memorandum.

Earthworks

49. There are no issues in contention in respect of earthworks

Water Supply and Wastewater

50. These are discussed above.³

Power and telecommunication

51. In the s42A report Mr Cavanagh sought clarification about the need for an additional substation to provide electricity to new growth areas in Warkworth.
52. The evidence from Messrs Verhoff and Campbell confirm that Vector are planning a Warkworth south regional zone substation, initially expected to be delivered around 2029-2030 which may be brought forward, subject to requirement and commercial agreement.
53. I consider that there are no further issues in contention in respect of power and telecommunications.

3.9. Contamination

54. There are no issues in contention in respect of contamination

3.10. Transport

55. The applicant has recommended several changes in respect of the provisions relating to transport. These have been assessed by Mr Peake in the memorandum attached in Attachment 1 to this report.
56. The details of Mr Peake's assessment are set out in the tables within the memorandum. A number of matters are agreed between Mr Peake and the applicant but a number of matters remain outstanding.

3.11. Parks and Open Space

57. Mr McCarten has reviewed the proposed changes regarding parks and open spaces. Mr McCarten notes as follows;

After reviewing the changes, I consider those of relevance to open space matters and my Section 42A memorandum are:

- 1. Changing 'reserve/reserves' to 'park/parks' in the 7th and 9th paragraphs of I593.1 Precinct description in response to my 42A comments. I support this amendment.*
- 2. Correcting the reference in I593.8.1(c) from Precinct Plan 2 to Precinct Plan 4 in response to my 42A comments. I support this amendment.*

³ Paragraphs 12 -22

3. *Amending Precinct Plan 2 to show additional 'stormwater management basin' within the area shown on Precinct Plan 4 as being 'Active sport and recreation (Suburban Park)'. I have concerns with this amendment.*

In my opinion, the changes to Precinct Plan 2 would result in conflict with the proposed Suburb Park function shown in Precinct Plan 4 and further reduce the potential area available for a Suburb Park from ~3.5 ha to ~2.7 ha in an already constrained space. The council's Open Space Provision Policy 2016 indicates that Suburb Parks are typically between 3 ha and 5 ha, and up to 10 ha for organised sports.

4. Statutory and policy framework

58. An update to my assessment of the statutory and policy framework is provided to reflect the issues discussed above. The general discussion in my s42A report remains unchanged. On the key issues I can advise as follows.

NPS-UD and FDS

59. I consider that on balance (and in my view it is finely balanced) the additional information provided in respect of water and wastewater infrastructure does not give me sufficient confidence that PC93 gives effect to the NPS-UD and the FDS. I coming to this view I have given particular consideration to the following;

NPS-UD Policy 8 which states;

Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well- functioning urban environments, even if the development capacity is:

(a) unanticipated by RMA planning documents; or

(b) out-of-sequence with planned land release.

60. The FDS sets a number of prerequisites for development ahead of time which is explained as follows on page 45;

There may therefore be cases where the timing and development of areas could be brought forward. This will however need to be considered on a case-by-case basis. While this creates a 'pathway' for development that wishes to proceed earlier, the council will only consider this where there is not a significant impact on the council's financial position and broader well-functioning urban environment outcomes can be met.

61. In respect of Warkworth South the prerequisites listed are:

- SH1 Southern Interchange
- Wider Western Link
- Southern Public Transport Interchange
- SH1 South Upgrade
- Warkworth Wastewater Growth Strategy (new pipeline, pump station, wastewater treatment plant and outfall pipe) and ancillary works

62. In respect of the NPS-UD in the s42A report I stated that I did not think that PC93 provided a well functioning urban environment due to a lack of infrastructure. The additional information shows that it may be possible to provide some infrastructure at least on an interim basis until the planned works to the existing network are carried out, and that the applicant has the means to provide the infrastructure it has proposed. However in my view uncertainty remains around consenting risks, the lack of agreements in place in respect of a temporary option, the lack of integration between a private network and the remainder of Warkworth (including areas downstream), potential environment effects including of the water take and the discharge, effects on the future planning of Watercare infrastructure in Warkworth and the residual responsibilities of the Council/ Watercare if the private system fails. I also note that the applicant's proposal to discharge wastewater (potentially over land) into the Mahurangi River is potentially at odds with the current wastewater upgrades being undertaken by Watercare which will remove discharges from the Mahurangi River. My previous view on whether PPC93 is significant remain unchanged.
63. In respect of the FDS pre-requisites and the effects on the Councils broader position I note that PPC93 will provide much of the Wider Western Link Road, and may be able to provide an interim wastewater system until the planned works are achieved. It enables (but does not provide) the Southern Public Transport Interchange and some upgrades to SH1 particularly in respect of active modes. It does not provide the SH1 Southern Interchange, this area being outside of the Plan Change Area.
64. Returning to my concern that there are no agreements with Watercare in place for temporary private infrastructure to occur. If agreements were in place or on track to be in place I would have greater confidence that land use and infrastructure provision were integrated. The FDS states⁴ that;
- For the removal of doubt, any and all options and approaches described here, or any other mechanism or solution that may be identified to provide infrastructure that enables development in future urban areas prior to when the council (and its CCOs) can or intend to provide that infrastructure, will be subject to an agreement between the council and developer prior to any development proceeding.*
65. The evidence from the applicant does not include any agreements with the Council or its CCOs in respect of the temporary private option. On the basis the development should not proceed until an agreement about the provision of infrastructure is in place, the trigger rules discussed above may be sufficient to ensure that this happens. However, once land is rezoned there will be an expectation that development can occur. I am not aware of any hard and fast edict on what degree of certainty is appropriate, and I am not advocating that full agreements need to be in place before the plan change is approved, but I would have greater confidence if the applicant and Watercare were tracking in the same direction. In respect of the permanent option (and this applies also to the temporary option) I would have more confidence if there were consents in place for the water take and the wastewater discharge.
66. My views in respect of the RPS remain the same.

4.1. Auckland Unitary Plan

67. Overall, my assessment against the key objectives and policies of the RPS remains largely unchanged. Several technical issues appear to have been resolved through the changes proposed but a number of matters remain outstanding.

5. Conclusions

68. I consider that the issue of the provision of water and wastewater infrastructure is finely balanced. I agree that it may be the case that the required infrastructure can be provided, but unresolved

⁴ FDS page 46


uncertainty remains in a number of areas. It is my considered opinion that the additional information and changes proposed to be made to PPC93 do not yet give sufficient effect to the NPS:UD and the RPS as I have discussed above.

69. In respect of the details of the Precinct provisions while many of the changes made are supported there remains differences between the applicant and the Council specialists.
70. As noted at the beginning of this addendum report, its purpose is to address the changes proposed by the applicant since notification. This is not a summary of the Council's staff or its advisors' positions on submissions, nor is it rebuttal of the applicant's evidence. It is intended that summary statement will be provided in the normal manner at the end of the hearing. That statement will address evidence including that of submitters and any questions the Commissioners may have during the course of the hearing. I have not provided an updated set of provisions but will do that with the summary statement if appropriate.

6. Recommendations

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

7. Signatories

	Name and title of signatories
Authors	 David Wren, consultant planner
Reviewer / Approved for release	P Vari Peter Vari, Team Leader Planning, Regional , North, West and Islands

Attachment 1

Memo

15 October 2024

To: David Wren
cc: Peter Vari
From: Ian Kloppers

Subject: **PC93 – Warkworth South, S42A Report**

1. Context

The PC93 – Warkworth South private plan change aims to rezone of approximately 159 ha of Future Urban, Open Space – Conservation and Rural – Rural Production zoned land on either side of the current State Highway One ("SH1"), south of Warkworth.

This private plan change request includes the creation of two new precincts – "Waimanawa" and "Morrison Heritage Orchard". This plan change and the precinct provisions generally align with the Warkworth Structure Plan including providing for the Wider Western Link Road ("WWLR"). The proposal also includes the introduction of the Stormwater management area Flow 1 (SMAF1) Overlay and an amendment to the Rural Urban Boundary (RUB) to the south of Warkworth. Wastewater services and treatment has been identified as a critical issue because of the lack of capacity in the Snells Beach Wastewater Treatment Plant (WWTP).

2. Potential treatment of wastewater

Watercare is in the process of upgrading the existing Snells Beach WWTP to accommodate for the capacity of a population of 18,000. The initial upgrade is currently forecasted for completion in 2025. The current urban areas and recently live-zoned areas (indicated in the Watercare submission) are proposed to utilise all capacity in the proposed initial upgrade to the WWTP. The ultimate upgrade for Snells Beach WWTP is forecasted for 2040 and proposes an increase in capacity to a population of 30,000. Should the Warkworth South developers intend to start their development ahead of the proposed upgrades, they will have a few possible options for consideration of to service wastewater from their developments.

Option 1

- Trucking the wastewater out of the development.
 - The wastewater will likely be trucked to the Rosedale WWTP in Albany. This capacity of Albany will need to be reviewed once the current upgrades are complete to confirm receiving capability.
 - Trucking is the least desirable outcome as this has proven to have a number of adverse environmental effects and unacceptable social outcomes.
 - The cost of this option is at the developer expense and is subject to delay of the required WWTP upgrades duration.

- Consideration may also need to be made for appropriate land to set up settlement ponds as well.

Option 2

- Another option is for the wastewater to be treated on site through a private “stand-alone” treatment facility.
 - This option is equally less desirable as it has proved to have significant adverse environmental outcomes.
 - Given the fact the solution is left to the homeowners to operate, through some kind of body corporate, after the developers has sold all the properties, it has proven problematic as a long-term solution.
 - Past experience with this option indicates that it has resulted in the requirement for Watercare to step-in and operate the asset. As they are private, there has been no review against Watercare standards and this often results in costly upgrades to standard, at the detriment of the rate payer.
 - Further to the above, the result of stand-alone private solutions is that the population serviced in the designated catchment could be excluded from Watercare’s catchment planning, financial contributions and discharge consent network. Both local network and transmission infrastructure to treatment will be allocated to the planned population. The result of this is that the future network upgrades and are unable to accommodate the excluded catchment.

Option 3

- A further option is for the wastewater to be serviced through the local network up to a specific point, normally close to the plan change border. At an agreed point the wastewater is diverted into a temporary modular treatment facility. Once treated the water is discharged onto land owned by the developers to be soaked into the ground.
 - This option is more acceptable as it is designed to form part of the eventual piped network and, when available, will be discharged to the WWTP.
 - In consideration of this option, it should be noted that this would need to be designed and approved by Watercare against the Engineering Standards and may require additional approval ahead of hand over. The proposed facility may be required to be maintained to Watercare standards until the network is connection to the public system. Watercare may require inspection of the network at that time, to ensure additional operational costs are not incurred.
 - A potential risk is the temporary treatment facility, the availability of soakage land and soakage could have some adverse environmental outcomes. This will

require mitigation through the Resource Consents process and subsequent monitoring.

- This option may require discharge consent approval for the engineering overflow point and will require the review of Healthy Waters regarding the discharge network and incident mitigation proposal.
- Disposal of the solid wastewater removed through the treatment process will also need to be considered.
- The proposed treatment facility would be at the developers' expense for both construction and operation until the network and treatment plant capacity is available.
- Suitable land location and size will need to be retained for the facility, at the developer's expense.

Option 4

- The most desirable option is to adjust the timeline for the development in line with the WWTP upgrade. This allows for the wastewater services to be planned and designed to form part of the existing local network connected to the WWTP, to be discharged as per the normal Network Discharge Consent process.

The above is the view of the Infrastructure Funding & Development Strategy team, through input by experienced wastewater major development subject matter experts.



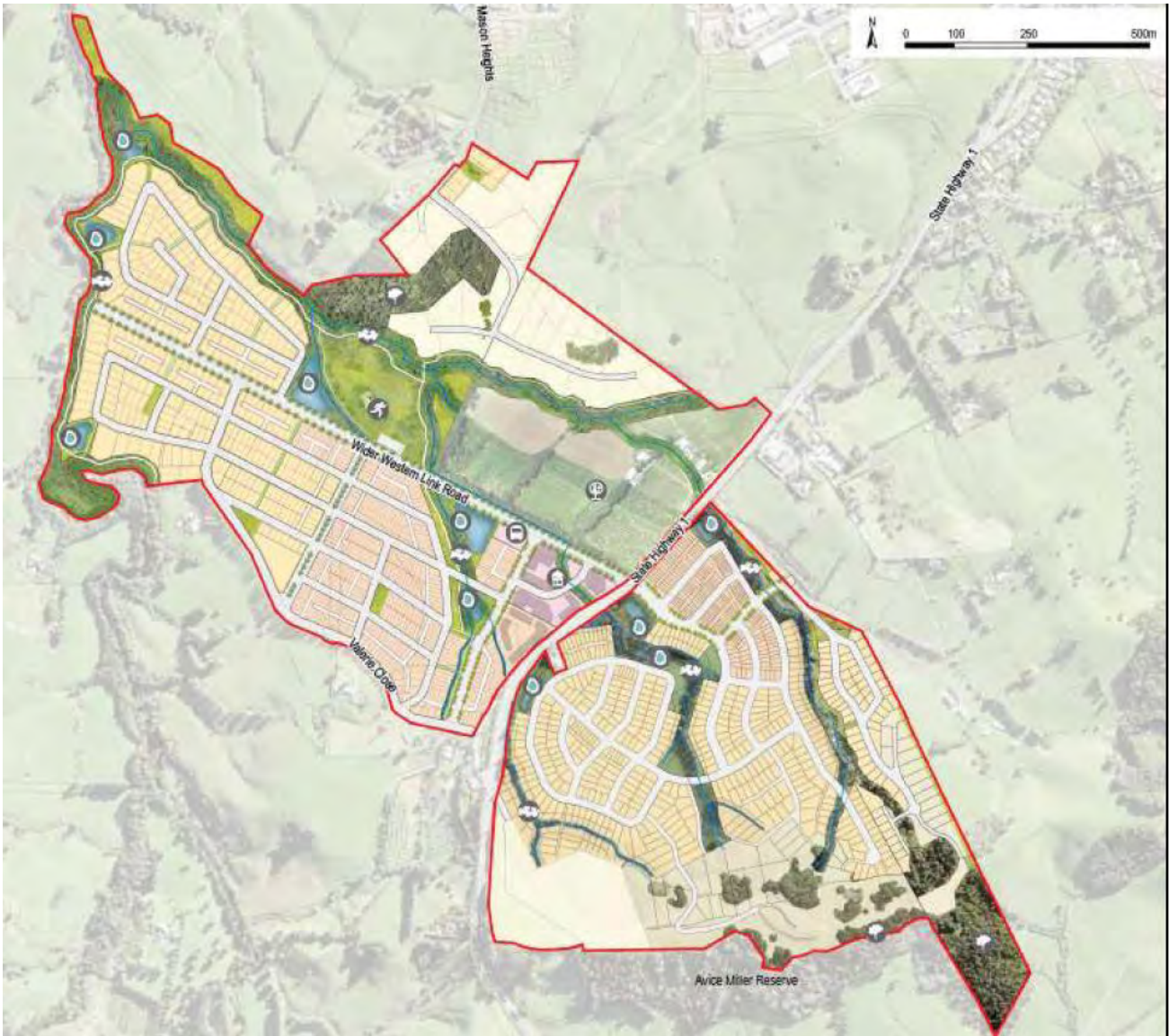
Ian Kloppers
Head of Infrastructure Funding & Development Strategy

Memo - Development Engineering Assessment

Application: WBS - D.002340.01

Site address: Warkworth South (SH1)

To	Planner <i>David Wren</i>
From	Engineer <i>Steve Cavanagh</i>
Date	Thursday, 16 March 2023 & 8 th of October 2024
Proposal	Soft Lodgement for Private Plan change to subdivide farmland to the South of Warkworth township currently on State Highway one (soon to be an AT arterial).
Applicant's name	Ka Waimanawa Limited Partnership and Stepping Towards Far Limited
Reports & Information	<p>Reports and information considered as part of assessment.</p> <ul style="list-style-type: none"> • <i>Infrastructure Report by Maven;</i> • <i>Stormwater Management Plan by Maven;</i> • <i>Geotechnical assessment by CMW.</i> • <i>Geotechnical by LDE.</i> • Traffic management report by Traffic Planning Consultants, <p>Note: The above reports reviewed in brief only as they are covered by other Council appointed Specialists eg::</p> <ul style="list-style-type: none"> • <i>Healthy Waters for Flooding and Stormwater quality;</i> • <i>Geotechnical & Geological Practice Lead, Engineering & Technical Services (Ross Roberts);</i> • <i>Traffic/Roading – Auckland Transport [</i> • <i>Traffic (Council) Martin Peake];</i> • <i>Plans.</i> <p>Earthworks:</p> <ul style="list-style-type: none"> • <i>Earthworks Management Plan by Maven Associates.</i> • <i>Geotechnical investigation, report by CMW Geosciences</i> • <i>September 2019.</i> <p>Submissions viewed:</p> <ul style="list-style-type: none"> • <i>Wetlands Polishing for Treated Effluent</i> • <i>Aquifer Capacity for Groundwater Supply for Waimanawa Precinct</i> • <i>Water and Wastewater Treatment by Dr John savage</i> • <i>Engineering by Maven</i>
Asset Groups	<p>For the purpose of this memo, these include:</p> <ul style="list-style-type: none"> • <i>Auckland Transport (AT)/ NZTA;</i> • <i>Watercare Services Limited(WSL);</i> • <i>Auckland Council Healthy Waters.</i>
Site Visit	10 th of September 2024



From TPC report: **Figure 14: Indicative Masterplan Layout – Plan Change Area**
 Source: *Reset Urban Design*

Engineering suitability for proposed use:

Transport	
Access & Rooding infrastructure	<p>The site is to be contoured to accommodate required grades suitable for development. The primary consideration is rooding grades – maximum of 1 in 8 – which ensures all other grade requirements (wait platforms, Privateways, pipe works etc.) can be accommodated. Others have covered the details of the rooding network in greater detail.</p> <p>It is noted that with the opening of the new SH1 Puhoi to Warkworth section traffic volumes have dramatically decreased on the section of Old state Highway one (now called Pohuehue Road) bisecting the Development. It is also noted that series of speed reductions have been implemented over the last year or so. The effects should be less than minor. The Maven report states this is in 2022 – could be updated.</p>
Earthworks	
Erosion control & Management	Earthworks assessment will be provided by other Specialists.

<p>Geotech, Soils & Ground Stability</p>	<p>Geotechnical investigation, report by CMW Geosciences (West) and LDE (East)</p> <p>The CMW report concludes the development is suitable for development. I note it identifies groundwater disposal (soakage) is not permissible.</p> <p>The LDE report covers issues such as expansivity, Pakiri soils and infrastructure in greater detail – it also concludes that it is suitable for subdivision.</p> <p>Both reports base their conclusions on the proposed modification of the land geotechnically where required.</p> <p>Charlie Brightman and Frank Havel were Councils Geotechnical Specialist responsible for the Warkworth South Plan change assessment however have subsequently left Council and the Principal Nicole Li is now the Specialist involved in reviewing the CMW report.</p>
<p>Services</p>	
<p>Stormwater and Flooding</p>	<p>There is a complex network of overland flow paths. The analysis and methods for protection of these will be covered by other specialists. It is anticipated there will be various forms of mitigation provided for the proposed roading (by way of (Regulatory) Engineering Approval); and the individual lots (likely by way of Consent notice) to be enacted at time of building consent. Any large infrastructure e.g. ponds or Wetlands created for Stormwater attenuation would be vested in Auckland Council or Auckland Transport. I note there is Flooding downstream as identified on GeoMaps. The applicant is suggesting not to apply extended detention – this needs to be addressed. The Specialists involved have raised the issue of “passing flows forward” (2.6 of S92). The hydrology has been covered by Healthy Waters. I note here that subsequent to the proposal for private wastewater there looks to be some overlap dealing with the proposed wastewater system in terms of the <i>Wetland polishing for effluent treatment. This should be raised with the speicailist involved with the SW/flooding.</i></p>
<p>Wastewater</p>	<p>Option 1 – Municipal disposal with Watercare Services (WSL):</p> <p><i>2023: The applicant proposes to provide the necessary pipe infrastructure to the various pumpstations (Falls Rd, McKinny Rd) they refer to pump stations as far as I can tell as pump station 2 and have raised this with Maven. They are to check and verify along with estimated date for the completion of the Watercare Services limited rising man from Warkworth to Snells Beach, (Lucy Moore Park to Hamatana treatment facility). The current projection is 2025 (and we have requested information from WSL on this at the time of writing) the Maven report states 2024.</i></p> <p><i>The general network as required for subdivision would be constructed under Engineering Approval and as accepted by WSL.</i></p> <p><i>These works would need to be completed prior to issue of 224c for the subdivision.</i></p> <p>2024: The above dates look to be unattainable (WSL). The applicant now proposes both private water supply and wastewater disposal. They have advised that they have applied for a discharge consent. The wastewater proposal consists of a Membrane Bio-Reactor (MBR) and Wetlands for polishing.</p> <p>We are advised that WSL is constructing an MBR at the new Snells Beach Plant which will also now cater for the Warkworth Township area. The applicant has demonstrated the size and costs of installation and some maintenance and monitoring costings. They state that the system will be less expensive per person than the current wastewater charges. It would be good to see the breakdown of the total cost comparison, in my opinion, as provided the system was well managed and monitored it should provide some benefits:</p> <ul style="list-style-type: none"> • It utilises low pressure sewer (LPS) which in itself should reduce infiltration and by doing so reduce the risk of wet weather flow discharging partially treated effluent to the environment. We normally apply on an average wet weather flow increase of seven times the volume of dry weather flows. • It is some distance from the Mahurangi inlet, and provided adequate monitoring and design for arresting overflows is undertaken it is likely any overflows can be stopped and remediated prior to entry to the environment downstream. • Due to it’s conciseness it minimises piping infrastructure and hence reduce further risk of infiltration/overflows downstream. It also reduces power applied on a per volume basis i.e. in this case energy is applied to the movement of untreated effluent (and any SW component e.g. infiltration) not merely to Warkworth now but all the way to the new Snells Beach treatment plant.

	<p>The proposal will require an operations and maintenance manual to which should be referenced on the titles to ensure prospective purchasers understand what is required for ongoing supply. This needs to include what treatment is required and the parties who can administer this.</p> <p>Some disadvantages I understand are:</p> <ul style="list-style-type: none"> • MBR’s require a constant flow at a moderate level to keep the system operating with reasonable maintenance costs. Flows too low or high look to jeopardise this. When the development is in its early stages in terms of new dwellings, it will provide sporadic flows to the MBR. I don’t recall seeing anything on this. • Again as advised MBR power consumption is high in terms of treatment. The property owner will foot this bill through the residents association and also the additional costs associated with LPS – which is pump maintenance/ replacement and power. <p>So in conclusion provided the above is considered carefully during the resource consent and Engineering Approval phases the effects should be less than minor.</p>
Water Supply	<p>2023: Reference is made to the <i>western reservoir</i> which can mean the one proposed uphill from the Stubbs farm development or the exiting one on View Road.</p> <p>WSL have proposed new Reservoirs in the district, but timeframes are unclear.</p> <p>2024: there are some capacity issues regarding the Sanderson Road bore operated by WSL.</p> <p>The applicant has elected to propose bores (2) to service the development. I have read the reports provided. They have advised that they have applied for a discharge consent.</p> <p>The report provided advises there is sufficient capacity and quality from the aquifer that crosses the site. In discussing the proposal onsite the Applicants Engineer advises that a reservoir will installed on the hills to the southeast of the site. This will better enable a more constant supply when interruption does or may occur e.g. pump/generator maintenance etc. The proposal will require an operations and maintenance manual to which should be referenced on the titles to ensure prospective purchasers understand what is required for ongoing supply. This needs to include what treatment is required and the parties who can administer this.</p> <p>In conclusion provided the above is considered carefully during the resource consent and Engineering Approval phases the effects should be less than minor.</p>
Power & Telco	<p>2023 - Little has been provided for here – comments such as “To date correspondence with Vector and Chorus has been positive” - as this requires significant infrastructure (I understand including a new substation) and it has been sometime since this report, has anything been progressed?</p> <p>From their report page 24:</p> <p>Vector have indicated that there planning is based on the unitary plan zoning, although Vector already have large infrastructure in Warkworth – a existing 11kV reticulation along SH1 alignment. Vector has indicated that a new substation is required to service the PCA. Subsequently, extensions into any subdivision will be detailed as scheme plans are developed in coordination with Vector and North power. Chorus have also preliminarily confirmed that they have infrastructure suitable in the general land area and road networks surrounding the proposed precinct, further detail, indicative lots numbers and staging of the development were requested to further the design and ensure serviceability to and beyond the precinct extents. All power and telecommunication utilities are appropriately addressed through the existing provisions.</p> <p>2024 update: Vector have advised they expect capacity to be available to service the proposal.n various consenting phases. Vector state an upgrade is to be undertaken – advised as 2029/2030. See the Vectorletter provided on the 3rd of October 2024.</p>

Other Specialists involved:

Ruben Naidoo – Contamination

Megan Walker – Heritage

Gerard McCarten – Parks

Derek Foy – Economics

John Stenberg - Urban Design

Nicole Li - Geotech

Healthy waters

Martin Peake - Traffic

Gabrielle Howdle - landscape

URBAN DESIGN ADDENDUM

To: David Wren, Consultant Planner on behalf of Council

From: John Stenberg, Principal Urban Designer
Tāmaki Makaurau Design Ope

Date: 207.10.2024

Applicant: KA Waimanawa Limited Partnership and Stepping Towards Far Limited

Application: D.002340.02
Warkworth South

Proposal: Private Plan Change – Rezoning and Precinct Provisions for Waimanawa and the Morrisons Heritage Orchard areas.

Dear David,

Generally, I have no urban design related concerns with the changes made to their plan change provisions dated 26th September 2024, noting that a number of my recommendations and others I supported have been incorporated.

There remains a number of changes being sought that have not been included, these relate to Policy 20, and IXX6.7 Purpose and further provision (5), which have been covered by my previous report.

Kind Regards,

John STENBERG | Principal Urban Designer
Tāmaki Makaurau Design Ope
Chief Planning Office

Waea pūkoro / Phone M +64 21 227 3750

BEFORE THE INDEPENDENT HEARINGS PANEL

Under	the Resource Management Act 1991 (RMA)
In the matter	of an application for Private Plan Change 93: Warkworth South to the Auckland Unitary Plan Operative in Part (AUP) by KA Waimanawa Limited Partnership and Stepping Towards Far Limited.

STATEMENT OF GABRIELLE KATARINA HOWDLE ON BEHALF OF AUCKLAND COUNCIL (LANDSCAPE) 9 October 2024

1.0 Introduction

- 1.1 My full name is Gabrielle Katarina Howdle, I am currently a Principal Landscape Architect in the Tāmaki Makaurau Design Ope, Planning and Resource Consents at Auckland Council. I hold a Bachelor of Landscape Architecture (*Hons*).
- 1.2 I have undertaken a review of the private plan change on behalf of Auckland Council in relation to potential landscape effects.
- 1.3 The following addendum is in addition to my initial specialist memo (Landscape Memo, dated 22nd March 2024). This memo addresses the relevant landscape elements within the applicants pre-circulated evidence and proposed changes.
- 1.4 I have reviewed the applicant's statements of evidence, specifically, the following:
 - Planning – Part A: Strategic Planning prepared by John Duthie, David Hay, and Ian Smallburn, dated 26th September 2024.
 - Planning – Part B: Statutory Planning Assessment prepared by John Duthie, David Hay, and Ian Smallburn, dated 26th September 2024.
 - Urban Design, Landscape and Visual Effects prepared by Garth Falconer, dated 26th September 2024.

2. Landscape Summary

- 2.1 In my review of the notified version of PC93 I considered that it would be relatively consistent with the Warkworth Structure Plan and the relevant regional policy statement objectives and policies from a landscape perspective. However, I considered that the proposal as notified would result in moderate-high adverse effects on the landscape values of the Morrisons Heritage Orchard area, and moderate adverse effects on landscape values within the Waimanawa Precinct area.
- 2.2 To help manage the potential adverse landscape character and visual amenity effects, I recommended a number of changes / additions. This included:
 - Protection of permanent and intermittent streams and margins within the Morrison Orchard area,
 - Retention of the shelterbelts along the boundaries and native vegetation on the northern ridgeline within the Morrisons Orchard area,
 - Provision for a continuous 10m riparian margin along the stream within Waimanawa local centre area and Morrisons Orchard boundary,

- Introduction of a restricted discretionary activity status for accessory dwellings within the eastern escarpment area,
- Retention of the 3m wide vegetated buffer and 6m wide yard form Avice Scenic Reserve / Outstanding Natural Landscape, and
- Limiting workers accommodation to ten and visitor accommodation units to 25 or 50 people within the Morrisons Orchard area.

3. Landscape comments on proposed changes to PC93 as outlined within the applicant's evidence.

3.1 A number of changes have been proposed in response to the recommendations within Council's S42A Report and within the applicant's evidence, including the introduction of new or partially altered objectives, policies, standards, and assessment criteria. The key landscape and visual amenity changes include an increase in setback and planting area to Avice Miller Reserve / Outstanding Natural Landscape, requirements for tree management, protection of the shelterbelt planting or replacement in kind within the Morrisons Orchard site.

3.2 From a landscape perspective I generally consider that the changes will result in improved landscape character and visual amenity outcomes compared to the notified PC93. I provide brief comments on the key changes below.

General Policy Changes

3.3 I support the wording changes to Policy I593.3 (9) recommended within Councils S42a Report, replicated below.

(9) Require subdivision and development to protect the **ecological** and landscape values of the flanks of the northern and eastern escarpments (as shown on Precinct Plan 1 and 2) and to promote the retention of existing native vegetation ~~of~~ and the **native** revegetation of these escarpments.

Avice Miller Reserve

3.4 The special yard setback proposed along the boundary of Avice Miller Reserve (ONL) and future lots has been increased from 6m to 10m (replicated below). The planting strip has also been changed from a 3m wide planted buffer to an 8m wide planted buffer, to be planted with species that can grow to 10m high, changed from 5m high.

I593.3.6.2 Special Yards: Avice Miller Reserve

Purpose:

- to provide a buffer adjacent to the Avice Miller Reserve.
- (1) A building or parts of a building must be set back from the legal boundary with Avice Miller Reserve by 10m where sites are subject to the Special Yard: Avice Miller Reserve on ~~DOC 10 - Precinct Plan 1~~. All public walking tracks must be setback from the legal boundary with Avice Miller by a minimum of 3m.
- (2) A 8m wide strip of the Special Yard measured from the boundary of the Avice Miller Reserve shall be planted with indigenous vegetation that attain a height of at least 5.10m when mature, except where a public walking track is constructed within the 8m yard.
- (3) The 8m wide strip of the Special Yard shall be legally protected by a covenant or consent notice providing for the maintenance and protection of the landscaped area, the prevention of dumping of rubbish and garden waste, the management of noxious weeds, and a prohibition on the keeping of domestic cats ~~for properties containing the special yard~~.
- (4) This yard does not apply to any bulk potable water reservoir. Any bulk water reservoir shall be set back a minimum of 3m from the Avice Miller Reserve boundary.
- (5) All external lighting within 30m of Avice Miller Reserve shall not exceed 0.3 lux when measured 1m above ground level and be dimmable with controls in place to prevent uplighting in order to provide an appropriate buffer with Avice Miller Reserve and possible bat flight corridors. Streetlights and temporary lighting associated with the maintenance of Watercare assets are exempt from provision I593.6.2(5).

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

- 3.5 While this change was in response to concerns from Department of Conservation, I agree with the comments within the Applicants Statement of Evidence: Planning – Part B that these standards better recognise the sensitivity of Avice Miller Reserve and provides for an appropriate transition between the future urban environment and the rural landscape.
- 3.6 Standard I593.6.2 (3) requires the ongoing management of the planted buffer within the Avice Miller Reserve special yard. I am supportive of this condition, as it provides an additional layer of protection and consideration the areas of bush / trees to be retained as part of any future land-use consents.
- 3.7 I consider that the increase in the essentially ‘no build’ setback and increased planted buffer, combined with the height controls and colour controls will help to better ensure that the landscape and visual amenity values of the eastern escarpment are maintained and continue to contribute to the character of the area.

Morrison Orchard

- 3.8 The Morrison Orchard area was identified by some submitters as an area within Warkworth that they value for its visual and cultural / social amenity. In the initial plan change and urban design, landscape, and visual effects assessment the existing shelterbelts along the boundaries of the orchard were relied on to help manage effects on visual amenity values. However, the shelterbelts were not recognised as a feature to be retained and / or valued within the provisions of PC93 as notified.
- 3.9 In response to the landscape concerns, the applicant has introduced a new standard ‘IXXX6.13 Shelterbelt Landscape Protection (Orchard Road Boundaries)’, as well as additional matters of discretion and assessment criteria (replicated below). The additional standard is quite prescriptive with regards to how the replacement of trees is to occur. This includes plant arrangement / set out and species and use of a 4m high wind break wall (mesh fence). It will be important that the removal of the mesh fence is enforced, as while not uncommon in productive landscapes such as vineyards, a height of 4m for the entire boundary length could have adverse visual amenity effects.

IXXX.6.13 Shelterbelt Landscape Protection (Orchard Road Boundaries)

Purpose:

- To protect visual landscape values provided by the existing shelterbelts along the existing and future road boundaries of the Orchard.
 - To require the retention, maintenance and replacement, where required, of the shelterbelt trees and associated protective fencing to maintain visual landscape values on a permanent basis.
- (1) The existing shelterbelts shown on the General Arrangement Plan in Rule XXX.9.2 below shall be permanently retained and maintained, including the replacement of trees when necessary, in general accordance with the relevant Section 1 and 2 plans.
- (2) The shelterbelts shall be retained and/or established in general accordance with the details in the relevant Section 1 and 2 plans, including the provision of post and wire, and post and
- (5) **Non-compliance with IXXX.6.12 Shelterbelt Landscape Protection (Orchard road boundaries)**
- (a) The maintenance of visual landscape values currently provided by the existing shelterbelts along the existing and future road boundaries of the Orchard and associated protective fencing.

(6) **Non-compliance with IXXX.6.12 Shelterbelt Landscape Protection (Orchard road boundaries)**

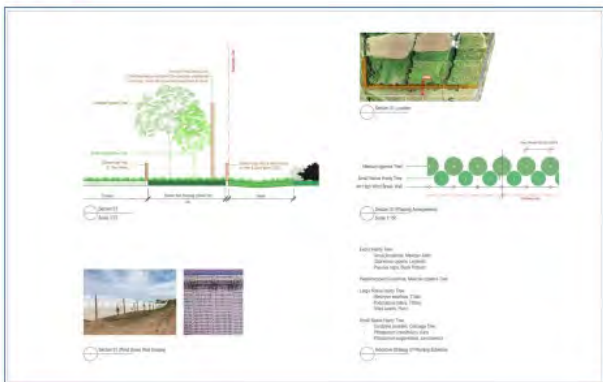
- (a) Whether there are constraints or other factors present which make it impractical to comply with the required standards;
- (b) Whether there are alternative measures to maintain and protect the visual landscape values provided by the existing shelterbelts not able to be achieved by their retention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

XXX.9.2 Morrison Orchard: Shelterbelt Plans

General Arrangement Plan



Section 1 Plan



Section 2 Plan



3.10 I recognise that the Auckland Wide controls will apply to the streams within the Morrison Orchard area, I remain of the view that PC93 does not equally express the importance of the streams and vegetation on site, as has been identified and included within the plans and objectives for the proposed Waimanawa Precinct.

3.11 While the introduction of the shelter belt protection and / or reimplementation has been introduced, I retain my view that collectively all the proposed permitted uses / activities within the Morrisons Heritage Orchard Precinct could weaken the values of the site and not achieve the heritage rural character which is said to be retained. I support the recommendation within Councils S42A Report which proposed to change the permitted activity status of Table XXXX.X.1

Activity table (A3) – (A5) and (A7) – (A13) as restricted discretionary activities to manage the potential combined effects on the landscape and historic cultural and amenity values.

4. Conclusion

4.1 I consider that the changes have improved the provisions which aim to protect the significant landscape features, characteristics, and visual amenity values of the area. This includes providing appropriate setbacks and planting buffers along Avice Reserve / ONL, providing a transition between urban and rural landscapes, enhancing ridgeline characteristics through vegetation, and limiting built form, as well as retaining vegetated and open landscape areas (Morrison's Orchard) as seen from Pōhūehue Road.

4.2 However, the changes to the provisions within the applicant's evidence have not addressed all the matters outlined within my original landscape memo.

- *Identify and include on the Morrison Orchard Precinct Plan (XXX.9.1) the permanent and intermittent streams and their margins (10m) to be retained and protected.*
 - *Introduce provisions which ensure the long-term protection of the streams from inappropriate subdivision, use and development.*
- *Identify and include on the Morrison Orchard Precinct Plan (XXX.9.1) existing stands of native vegetation along the northern ridgeline to be retained and protected from the effects of inappropriate subdivision, use and development.*
 - *Introduce provisions which ensure the long-term protection of the vegetation from the effects of inappropriate subdivision, use and development within Area C.*
- *Require and update Waimanawa Precinct Plan 1 – Spatial Provisions and Precinct Plan 2 Environment (XXX.10.1 and XX.10.2) to provide for a 10m riparian margin along the stream edge within Waimanawa Precinct (to the north of the local centre zoning) and within the Morrison's Heritage Orchard Precinct.*
- *Retain the maximum of ten workers accommodation units and the 25units/100 people visitor accommodation units within the Morrison's Heritage Orchard Precinct and introduce an assessment criteria / matter of discretion which allows the assessment of cumulative effects of subdivision, development and use within the MHOP to ensure the landscape (including visual and cultural /social) values are retained.*

Kind Regards
Gabrielle Howdle
Principal Landscape Architect
Tāmaki Makaurau Design Ope
Auckland Council

Appendix A: Reset Urban Design LVE – 7-point rating scale.

very low	low	low-moderate	moderate	moderate-high	high	very high
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Ecological Advice Memo

Response to Evidence from Ka Waimanawa Limited Partnership And Stepping Towards Far Limited

8 October 2024

To: David Wren (Planning Consultant and Resource Management Commissioner)

From: Rue Statham

Subject: Private Plan Change 93 (Warkworth South) to the Auckland Unitary Plan

1.0 Introduction and experience

1.1 My name is Rupert Edward George Statham (Rue Statham)

1.1 My qualifications and experience are set out in my evidence in chief (EiC), section (1).

2.0 Code of conduct

2.1 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving evidence before the Hearings Commissioners. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

3.0 Key Ecology Matters

3.1 In writing this memo, I have reviewed the Expert Evidence provided by the Applicant, with particular focus on evidence from:

- Chris Wedding (Terrestrial Ecology)
- Treffery Barnett (Freshwater Ecology)
- John Duthie, David Hay & Ian Smallburn (Planning)
- Garth Falconer (Urban Design - Landscape and Visual)

3.2 Key outstanding matters include.

- The lack of additional survey for wildlife pursuant of the original Clause 23 request, and the overreliance of desktop analysis.

- Bat analysis, including building setback, lighting and bat-flight corridors.
- Significant Ecological Areas.
- Constructed wetland
- Riparian margins
- National Policy Statement for Indigenous Biodiversity.

4.0 Assessment of ecological related evidence and management methods.

- 4.1 Disagreement remains regarding the ecological assessment and outcomes presented by the applicant as noted by Mr Wedding [para 9.6].
- 4.2 The applicant and their consultants have not engaged in dialogue with Council as to resolve outstanding matters of disagreement, although Mr Wedding [para. 9.7] states that a meeting was held with Department of Conservation. It is unclear as to why Council specialists were not invited to attend.
- 4.3 Appendix 1 of the AUP (OP), Section 1.4.2, states that the plan change must demonstrate how the development will protect, maintain and enhance indigenous biodiversity values. Without appropriate survey, and an over reliance of desktop analysis this, in my opinion, cannot be met. Simply, if a consultant has not identified biodiversity values and where they are located, how then can they demonstrate their protection, and or enhancement, including but not limited to appropriate planting schedules.

Long-tailed Bats

- 4.4 The use of bat recorders (DOC AR4s) is limited in the results that can be deduced. They are the simplest of recorders only being able to detect presence or absence and are omnidirectional. The recording are incapable of ascertaining behaviours, e.g. feeding, roost chatter, movement/migration.
- 4.5 Presence-absence data is a term in ecology which refers to survey data which records whether species are present or absent from surveyed areas. A large body of international scientific literature exists about this type of data. Presence-absence data is known to present several limitations.
- 4.6 As MacKenzie (2005)¹ states, “*A key issue is that a species may be declared “absent” from a landscape unit simply as a result of not detecting the species using the prescribed*

¹ MacKenzie, D.I. 2005. What are the issues with presence–absence data for wildlife managers? Special Section: The Value and Utility of Presence–Absence Data to Wildlife Monitoring and Research. *Journal of Wildlife Management* 69(3):849–860

sampling methods. The effect of this imperfect detection is that parameter estimates will be biased, and any modelling of the data provides a description of the surveyors' ability to find the species on the landscape, not where the species is on the landscape. The reliability of so-called "presence-absence" data for making sound management decisions and valid scientific conclusions could therefore be questioned." As Mr Wedding writes, and I agree, Long-Tailed Bats are a highly mobile species.

- 4.7 I also note that the additional survey were undertaken in Summer. It is generally accepted to fully understand bats and their range, that surveys for bats are best undertaken in spring, repeated in summer and again in autumn. This is to account for the wider range of behaviours applicable to bats, such as the emergence from hibernation roosts, through to migrations of young pups in autumn to form new or join existing colonies. As the DOC guidance states, "*To improve chances of encountering bats, surveys should only be undertaken on fine, relatively warm nights (e.g. when dusk temperature is $\geq 7^{\circ}\text{C}$) and preferably between October and March, the months when bats are most active.*"²
- 4.8 It is unclear as to how the bat-flight corridor has been identified, other than it aligns with the main river; it does not extend to all tributaries or areas of SEAs, or other habitat potentially utilised by bats. Given the presence of bats at the Avic Millar Reserve I question why a bat flight corridor has not been identified in this location or why planting and the *Proposed Covenanted Bush*. Does not extent the full length of the Reserve.
- 4.9 The bat flight corridor is located from the edge of the river, not from edge of the riparian and/or SEA vegetation. Given that the riparian habitat is mostly 20m, the recommended lighting restrictions will mostly be limited to the esplanade area, therefore the imposition will be to Auckland Council Community Facilities. Lighting emanating from adjacent dwellings is still likely to have adverse effects on bat behaviours and that of their prey.
- 4.10 The actual and potential effects of bats in context of urban development has been well traversed in caselaw, notably *Weston Lea Limited v Hamilton City Council* [2021] NZEnvC149. Not only was restoration planting canvassed related to esplanade areas and walkway design, but as were the effects of development and vehicle movement. Appropriate development setbacks were provided and planted buffering between open space (refer to Section 6) and park edge roads. Limitations were made on lighting including lux levels and surety that roadside buffer planting would diffuse and mitigate vehicle head lights (e.g. conditions 134a – 134c). In my opinion the applicant could incorporate all the recommendations and outcomes of *Weston Lea* development into this Plan Change.

² <https://www.doc.govt.nz/globalassets/documents/science-and-technical/inventory-monitoring/im-toolbox-bats/im-toolbox-bats-introduction-to-bat-monitoring.pdf>

- 4.11 Mr Wedding [para7.8] states that Watercare Assets will be exempt from any lighting restrictions. I note that the recent NOR application for Watercare assets (Whenuapai) agreed to the same lighting and noise design restriction as the adjacent Spedding Road Plan Change 69.
- 4.12 Cat fencing and restrictions. I am unable to agree with Mr Wedding [para 7.8(b)]. The fencing that the applicant proposes (Standard I593.6.2(6)) does not have any prescription of the type or style of construction. Predator proof fences such as those surrounding wildlife sanctuaries, and incorporate design specific to cats exclusion, would be similar in height required by this standard, accepting there are numerous designs available. Whilst I leave the visual effects to other specialists to discuss and assess, these fences will need be in the order of 2m in height, or greater. Cats naturally want to roam and explore due to their inquisitive nature and desire to hunt, so they will need to be stout and fully secure.
- 4.13 Cats can and do roam much further than the suggested limitation by Mr Wedding. Mr Wedding acknowledges this in his evidence [para 7.11]. I note that additional research has shown that cat roaming ranges can have “*average length of 6.34 km for males and 3.83 km for females; only large males crossed the river*” (Journal of Ecology Vol. 9). The latter is especially important as it does dispel the theory that cats are unlikely to cross rivers through the northern part of the Plan Change area, noting the proposed arterial road and the bridge crossing which any cat could readily utilise.
- 4.14 The research that Mr Wedding cites does also show that cats are drawn to biodiversity areas when roaming. As S.A Morgan concludes, “*home ranges of cats living adjacent to the wetland tended to be skewed towards the wetland, which suggests that they were being attracted to it by prey availability*”.
- 4.15 Cats can be extremely territorial, which also suggests that cats outside of the 300m limitation are likely to travel further due to competition by other felines, especially in areas of higher population density.
- 4.16 The cat fencing requirement is only placed on lower density development, when statistically higher density housing is likely to have a much higher density of cats, resulting in higher predation of wildlife.
- 4.17 It is unclear to me, other than to appease the specific DOC submission, as to why restrictions would be placed on only those properties near to the Avic Millar Reserve and not anywhere else. Cats are known to predate on most wildlife found in urban areas³, as Mr Wedding acknowledges [para 7.8]. The site is known to have regionally threatened

³ M. J. Gaby. What do owned free-ranging domestic cats get up to? Research Project 2014.

species which I will discuss later, including within the critically endangered WF7 Pūriri forest ecosystem.

- 4.18 I accept that companion animal ownership, and particularly domestic cats, is a highly emotive issue, however I do not consider that the standards and rationales put forward by the applicant are well thought through. Nor do I consider that they have such validity that they will provide any meaningful benefits to indigenous wildlife, especially given that the wildlife surveys thus far are not thorough and extend mostly to bats or desktop analysis.
- 4.19 The applicant does not discuss how any restriction would be enforced and effectively will put the imposition on Council resources; investigations and enforcement officers are notoriously overstretched. Whilst I am aware of specific, and mostly bespoke subdivisions or areas of Auckland that have cat-ownership restrictions (e.g. Omaha north), and in general I do agree with enforceable restrictions, I would question the legality of any provision where local / regional by-laws or biosecurity laws do not prohibit cat ownership. I would suggest further scrutiny on this matter and how potentially the applicant believes Council has the resources to enforce the provision.

Significant Ecological Areas.

- 4.20 Mr Wedding and Mr Duthie refer to each other on the identification and scheduling of SEA's, and that additional areas of habitat meet SEA Factors. I disagree for the following reasons.
- 4.21 Mr Wedding evidence, (figure 1, Pg8) is not complete with regards to indigenous vegetation. My own observations on site identified contiguous riparian vegetation extending along all waterways of the main river and tributaries, include riparian planting.
- 4.22 The presence of protected covenant areas means that all the riparian vegetation / habitat meets SEA Factor 4(b) and 4(b)(i). Furthermore, the river and its tributaries is known to contain several regionally threatened freshwater species.

SEA 4(a) It is an example of an indigenous ecosystem, or habitat of indigenous fauna that is used by any native species permanently or intermittently for an essential part of their life cycle (e.g. known to facilitate the movement of indigenous species across the landscape, haul-out site for marine mammals) and therefore makes an important contribution to the resilience and ecological integrity of surrounding areas.

SEA 4(b) It is an example of an ecosystem, indigenous vegetation or habitat of indigenous fauna, that is immediately adjacent to, and provides protection for, indigenous

biodiversity in an existing protected natural area (established for the purposes of biodiversity protection).

SEA 4(b)(i) it is an area identified as significant under the ‘threat status and rarity’ or ‘uniqueness’ criteria. This includes areas of vegetation (that may be native or exotic) that buffer a known significant site. It does not include buffers to the buffers.

- 4.23 Mr Wedding [Para 6.4] identifies “*that the entire length of the Mahurangi River riparian should be considered to have potential to be used by bats, given that they are a highly mobile species and are known to use linear habitat features*”. The riparian habitat could contain Forest Gecko as they are known with SEA at 83 Valerie Close. In my opinion, and notwithstanding the above SEA factors, entire riparian area meets SEA Factor 2(b). Noting that the Factor is not reliant on indigenous habitat.

SEA 2(b) It is a habitat that supports occurrences of a plant, animal or fungi that has been assessed by the Department of Conservation and determined to have a national conservation status of threatened or at risk.

- 4.24 The presence of any indigenous lizards in habitat on the site, would mean that those areas meet SEA Factor 2(b)(i) as all herpetofauna in Auckland have a regional threatened conservation status⁴, as do the birds listed below.

SEA 2(b)(i) it is assessed as having a regional threatened conservation status including Regionally Critical, Endangered and Vulnerable and Serious and Gradual Decline.

- 4.25 Noting, as I did previously, that there is a lack of robust / systematic targeted surveys for anything other than long-tailed bat, meaning there is likely further areas of ecological significance, either through the presence of indigenous fauna or areas of indigenous vegetation (such as wetland). My EIC [para 4.12] noted additional streams and wetland not identified on the Precinct Plan.

- 4.26 The wetland habitat (the one in contention) is an example of a restored indigenous wetland; accepting it did not obtain RMA s224(c) for the purposes of Rural Subdivision. The wetland meets at least two SEA Factors, 2(d) and 4(b). Neither Mr Wedding nor Ms Barnett have made specific comment on this matter, therefore I assume the wetland meeting SEA Factors is not challenged.

SEA 2(d) It is any indigenous vegetation or habitat of indigenous fauna that occurs within an indigenous wetland or dune ecosystem.

- 4.27 The WF7 Pūriri forest, within 83 Valerie Close, (a registered covenant) is a critically endangered ecosystem. Council has identified this as a [Biodiversity Focus Area](#) (BFA),

⁴ <https://www.knowledgeauckland.org.nz/media/2324/tr2022-03-conservation-status-reptile-species-auckland.pdf>

which are prioritised areas of ecological significance. The identification of BFAs guides the Council supported delivery of conservation activity, including through the [Natural Environment Targeted Rate](#) (NETR). Whilst BFA's are not statutory in the context of the AUP (OP), these areas protect a representative range of all indigenous species and ecosystems in Tāmaki Makaurau / Auckland.

4.28 The proposed Precinct Provisions, which I discuss in more detail later, could undermine the conservation importance of the ecosystem. The ecological reporting and Mr Weddings stance regarding public access and potential covenant alteration is not consistent with the outcomes expect by NETR.

4.29 I have reviewed Council databases, and they reveal the presence regionally threatened species in the rivers, streams, riparian / wetland habitats of the Mahurangi river, tributaries, and the site. These include

- *Nertera scapanioides*: At Risk - Regionally Declining (2022) [wetland plant⁵]
- *Anguilla dieffenbachii*⁶, Longfin eel, Tuna: At Risk - Regionally Declining (2023)
- *Gobiomorphus huttoni*, Redfin bully, Kōkopu urutira whero: At Risk - Regionally Declining (2023)
- *Mokopirirakau granulatus*, Forest gecko, Pāpā Ngahere: At-Risk Regionally Declining (2022)
- *Phalacrocorax carbo*⁷, Black shag, Black cormorant, Māpunga: Threatened - Regionally Critical (2023) [I have observed on site]
- *Chroicocephalus novaehollandiae scopulinus*, Red-billed gull, Silver gull, Tarāpunga: Threatened - Regionally Vulnerable (2023)

Constructed wetland

4.30 Ms Barnett continues in her opinion that the wetland, the one to be utilised for SW attenuation and treatment and would be partially removed for the proposed roading alignment, is entirely constructed. I disagree for the following reasons.

- There are no obvious signs of any earthworks or land modifications within the wetland.
- There is no evidence through historical aerial photography of any land modification or alterations.

⁵ <https://knowledgeauckland.org.nz/media/egzhyd1g/tr2022-19-conservation-status-of-vascular-plant-species-in-auckland.pdf>

⁶ <https://knowledgeauckland.org.nz/media/1lmfeidy/tr2023-13-conservation-status-of-freshwater-fishes-in-auckland.pdf>

⁷ <https://knowledgeauckland.org.nz/media/zmilqh2l/tr2024-05-conservation-status-of-birds-in-tāmaki-makaurau-auckland.pdf>

- The small farm pond existed prior to the wetland restoration and has not caused the extent of hydrological changes that Ms Barnett suggests (noting the obvious flooding extent throughout this low-lying area, e.g. crop damage and plant loss).
- Any earthworks or land modification to ‘*construct*’ this wetland must have obtained District (Rodney Council) and Regional (Auckland Regional Council) resource consents. There are no applications or authorisations on file that I can find, which allowed the alleged construction. For avoidance of doubt, any construction must have involved earthworks with riparian margins to affect hydrological change to the extent that this wetland is entirely constructed.
- From my own experience, there was minor modifications to the farm pond to improve fish passage downstream to the Mahurangi tributary; this was a permitted activity and aligns to the Freshwater Fisheries Regulations (1983) that requires online structures to maintain fish passage, unless specifically authorised.
- Two prior independent reports (legacy rural subdivision report and subsequent Council review) concluded that the wetland met Significant Natural Area criteria of the Auckland Council District Plan (Rodney Section) 2011.

4.31 Ms Barnett, other than addressing National Environment Standards for Freshwater (NES-F) matters has not provided detailed evidence of land modification, including but not limited to, schematics that demonstrate how these construction works have brought about the extent of hydrological changes necessary for this wetland to exist.

4.32 Ms Barnett has not provided opinion and contradictory review of the rural subdivision reports that demonstrated that this wetland complex was anything other than a good example of wetland restoration.

4.33 I am aware of recent alternate evidence from Ms Barnett involving obvious and evident construction activities; these works were in part prohibited. In Ms Barnett's opinion, these works resulted in the formation of natural inland wetland (induced). I am unsure as to how [in the case of] obvious and admitted illegal earthworks has resulted in natural inland wetland, but in the absence of any construction activities (obvious or otherwise) natural wetland is not present.

4.34 As noted previously the wetland meets at least two SEA Factors.

4.35 The proposed arterial roading alignment and stormwater utilities would need to demonstrate that there is a functional need for the activity to take place within the wetland and can only take place in that location (NES-F Regulation 45(6)), irrespective of any *significant national or regional benefits*. *Functional Need* is defined in NPS-FM Clause 3.21. The applicant, other than a preferential arterial road alignment and utility locations has not demonstrated that alternatives exist.

Streams, Riparian margins and walkways.

- 4.36 It is unclear why the Open-Space Conservation Zone is not attributed to all the Mahurangi River and its tributaries. Although zoning such as this will require, presumably, consultation and agreement with Community Facilities as its acquisition and future use. I leave for another specialist to comment.
- 4.37 Mr Wedding supports the inclusion of more permissible standards than the AUP(OP) currently provides for the creation of walkways in covenants and SEAs. In my EIC [para 4.42], I note that the effects of which have not been quantified or analysed by the applicant or Mr Wedding.
- 4.38 Cutting, damaging and removing riparian vegetation within an SEA is already provided for as a discretionary activity and is found in Table E15.4.2 activity (A43). Council can consider appropriate walkways in Public Reserves (Open Space) and would be subject to application standards in Chapters E16 and possibly E26 as the latter relates to infrastructure. Creation of walkways would also like require earthworks as most of the riparian areas are too steep to provide flat walkways without significant benching or boardwalk construction.
- 4.39 In my opinion, there is no reason to include additional or more permissible standards into the Precinct, especially where the assessment of effects has not been quantified and covenant changes would be required. Noting that any loss of vegetation will require mitigation.
- 4.40 Ms Barnett [para8.1] states that the planting along ‘some streams’ is support by Auckland Council’s Technical Publication 148. This is not a statutory document and is not promoted by Auckland Council. This is an older legacy Auckland *Regional* Council document that is now being revised and will be superseded, in part by Te Haumanu Taiao. [emphasis added]
- 4.41 It is accepted that Te Haumanu Taiao also is not a statutory document except where specified in specific Precincts, but it has been complied using all available and up to date literature, with considerable stakeholder engagement and in conjunction with Mana Whenua.
- 4.42 As I note in para 1.4 of this evidence, I have recently undertaken an extensive review of riparian management documents and scientific research / literature for the Policy Team of Auckland Council, supported by Mr Matt Bloxham (Senior Regional Advisor (Freshwater)). I have been unable to find any literature (including TP148) or current research that concludes that less than 10m of riparian planting in both rural and urban settings is appropriate for the following reasons.

Riparian margins:

- Protect the quality of the water we drink.
- Intercept non-point source pollutants carried by surface water runoff and remove excess nitrogen, phosphorus and other substances that can pollute water bodies.
- Stabilize streambanks and minimize erosion.
- Prevent sedimentation of waterways.
- Decrease the frequency and intensity of flooding and low stream flows.
- Provide food and habitat for terrestrial fauna and allow for wildlife movement within vegetated corridors.
- Maintain local and catchment scale biodiversity.
- Contribute large wood elements (from senescent trees) that deposit in streams.

Large wood and tree roots:

- Influence channel form and promote instream heterogeneity (including depth variation).
- Create growing surfaces for biofilms (which supercharge stream food webs) and three-dimensional daytime cover and flood flow refugia for aquatic fauna.
- Through shading, reduce swings in stream temperatures and prevent elevated temperatures harmful to aquatic life. A reduction in light levels also helps suppress the proliferation of nuisance periphyton and macrophytes.

4.43 Ms Barnett [para 8.4] presses that the reduced riparian margin is to allow for a '*more efficient roading alignment provision of both cycle and walking access*'. This is not an ecological consideration. The same applies to Mr Wedding evidence relating to walkways [para 9.17].

4.44 The stream adjacent to the Morrison Orchard is steeply incised and has permanent flow. A reduction to a 4m riparian margin/yard cannot and will not achieve the outcomes sought by wider areas of planting as I detail in para 3.43. The planting of shade trees will not be possible and will likely cause ongoing maintenance issues with growth of roots under the pathway. The riparian planting will be limited to low-growing ground covers; shrubs will most certainly encroach on to the footpaths and cycles ways as evident along many Auckland reserves. I am aware that Auckland COP Landscape Chp7 restricts the planting available along walkways to ensure safe and open access.

4.45 Contrary to Ms Barnett's assertion [para 8.5], the wider riparian margins sought by Council, and consistently adopted through other precincts, seems mostly related to weed control. Ms Barnett's assertion that weed ingress is minimal unless adjacent to pasture is unfounded. Walking around Auckland reserves that are not adjacent to pasture provides

the observer plenty of opportunity to see invasive weeds or unwanted botanical organisms, including escapees from urban gardens.

- 4.46 I also note that the existing riparian margins at the site are adjacent and in close proximity to covenants and SEAs. Both contain invasive weeds that can and will be spread by wind and dispersed by fauna (notably birds). This aligns and highlights the necessity of wider margins noting the quotation from Ms Barnett (re: TP148.)
- 4.47 In my opinion and without supporting evidence (scientific etc.) her conclusion that this stream will have ‘*excellent aquatic ecological outcomes*’ is unfounded and unqualified.
- 4.48 Whether the stream has shallow water or not, Storey et al. (2011a)⁸ summarised that, “*the overwhelming evidence shows that in New Zealand freshwater systems, overall, instream community composition, structure, and invertebrate metrics of ecosystem health were not significantly different between perennial stream habitats and the smaller headwater habitats, e.g. intermittent streams and seepages.*” The depth of water and its flow is not a metric to consider lower aquatic value.
- 4.49 Furthermore, even if the stream was found to have low ecological value this is not justification to reduce the riparian margin. The 2008 Long Bay Structure Plan Environment Court decision⁹ provides direction. The Court accepted that current poor stream health associated with current poor management of streams is not a valid baseline against which to determine environmental effects.
- 4.50 I reiterate from para 3.36, the applicant has not demonstrated that a revised alignment of the arterial road is not possible. The location of the road is a preferred one, based on the *conceptual* development model.
- 4.51 In my EIC I point to the potential loss of wetland [para 6.3 – 6.4]. My evidence showed that the applicant has not demonstrated functional need, and that such evidence will be required at the time of land use consent.
- 4.52 *Functional need* also applies to all potential stream reclamation, as I detail in EIC paras 5.7 - 5.7.4; NES-F Clause 57. Importantly this clause does not extend to consideration of significant national or regional benefits, or well-functioning urban environments.
- 4.53 The proposed Precinct Standards only extends to the protection of stream specifically annotated on the Precinct Plans, and therefore the applicant is wishing Council to tacitly accept all other stream reclamation and predisposes any argument to the contrary. In my

⁸ Storey, R.G.; Parkyn, S.; Neale, M.W.; Wilding, T.; and Croker, G. (2011a). Biodiversity values of small headwater streams in contrasting land uses in the Auckland region. *New Zealand Journal of Marine and Freshwater Research* 45:231-248.

⁹ Long Bay-Okura Great Park Society Incorporated v North Shore City Council Decision No 078/2008

opinion the conceptual plans supplied have not fully considered NPS-FM or NES-F regulations.

- 4.54 The proposed public walkway adjacent to Avice Millar Reserve will be through private property. This seems a considerable imposition on private landowners, especially given they will be ultimately responsible for the maintenance of the proposed revegetation planting, and obligations with protective covenants. If the planting and walkway is to be a Public asset (possibly vested), I leave this discussion to other specialist in Community Facilities, although from experience there are limitations in Open Space acquisition policy for areas promoted solely for the purpose of biodiversity protection.

National Policy Statement for Indigenous Biodiversity

- 4.55 My EiC [para 4.45 - 4.48] stated that I believe the applicant had not demonstrated, thoroughly, the policies set out in the NPS document.
- 4.56 Mr Wedding [para 9.12] contends that he has, and that the application is consistent with taking a precautionary approach. I disagree.
- 4.57 Mr Wedding continuous with his opinion that desktop surveys and analysis is an acceptable to this Plan Change, other than the additional long-tailed bat surveys.
- 4.58 I continue to emphasise, that an applicant and their consultant cannot have regard to indigenous biodiversity if they are unsure or simply cannot confirm presence (or absence) of threatened species, or other indigenous biodiversity. Biodiversity that should be maintained, protected or enhanced by development.
- 4.59 The development without specific knowledge of indigenous biodiversity cannot respond positively, or in my opinion, take a precautionary approach, especially if the Precinct provisions are more permissive than existing AUP standards, or do not have regard to appropriately enhancing habitats of indigenous species where applicable. I detail this further below.

5.0 Plan Provisions

- 5.1 The following section relates to the Planning evidence and the revised Precinct Provisions, Part B - Statutory Planning Assessment - Joint SoE, dated 26 September 2024
- 5.2 In my EiC [para 6.5] I highlight that there are no standards for the Morrison Orchard Precinct; my opinion remains unchanged. In my opinion the proposed Precinct Provisions do not address the AUP (OP) Appendix 1 outcomes where there is a lack of

acknowledgement of maintain, protecting and improving indigenous biodiversity values, including freshwater. I do not agree with the applicants position and further revision and precinct provision inclusions are requested.

5.3 Mr Wedding in his evidence suggests [para 9.15] that the Precinct Standards will be effective and will not relax AUP standards; I disagree. For example the standards provide for an overly permissive level of modification, above that which the Unitary Plan already provides for. Furthermore, the Restricted Discretionary assessment criteria has little or no regard to terrestrial biodiversity values, notably fauna.

- I593.8.2 Assessment criteria (b) is highly subjective, and mostly relates to aquatic values, e.g. (vi) & (vii), or is focused on the “*practicality of constructing*”, and “*the amenity that would be provided to users...*”. This essentially means that Council must agree if engineering can be overcome, because the focus is on the amenity of infrastructure not the impact to indigenous biodiversity (including fauna).

5.4 The assessment criteria do not provide discretion on the Cat Proof fencing, nor do they provide Council any directive on how it is to be constructed. Especially important for developers and prospective homeowners. If this is to be progressed I suggest the applicant engages with Council and stakeholders to find resolution.

5.5 Assessment of adverse effects on Highly Mobile Species (bats) are not included; not do they relates to other fauna, such as birds and lizards. I suggest the applicant engages with Council and stakeholders to find resolution.

5.6 Notwithstanding the above, I suggest the following specific changes to Precinct Provisions (underline inclusions, strike through deletion). The following provisions have been removed either partially or entirely pursuant of agreement of appropriate wording between Council and applicant, with additional comment provided in brackets [....].

Objective

(11) Subdivision and development within the precinct provides for the protection and enhancement of ~~identified~~ landscape features, the protection and enhancement of the ecological values of streams, natural wetlands and areas of indigenous vegetation including riparian habitat and the ~~retention~~ creation of a bat flight corridor.

Policy

(8) Require subdivision and development to protect, maintain, and enhance riparian habitats, natural inland wetlands, and permanent and intermittent streams. ~~identified on Precinct Plan 2~~

(9) Require subdivision and development to maintain, enhance and protect the ecological and landscape values of the flanks of the northern and eastern escarpments. ~~(as shown on Precinct Plan 1 and 2)~~ and Require to promote the maintenance and protection ~~retention~~ of existing native indigenous vegetation ~~or~~ and the any native indigenous revegetation of these escarpments.

(11) Require subdivision and development to retain and enhance through appropriate revegetation and planted buffers ~~the~~ Bat flight corridor alongside ~~part of~~ the Mahurangi River and its tributaries.

(18) Require esplanade reserve and riparian yard planting for water quality, biodiversity, stormwater management, ecological and bat flight corridor ~~and amenity purposes~~.

Table I593XXX.4.1 All zones

Standard		Activity Status	Specialist Comment
(A45) [rp/dp]	Removal of any native vegetation shown as covenanted, proposed covenanted bush or areas of significant vegetation on Precinct Plan 2, not otherwise provided for except this shall not preclude: (i) removal of deceased or damaged limbs or trees that could create a fall hazard; and/or (ii) clearing of bush up to 2m wide to create or maintain consented walking tracks.	NG	Provided for elsewhere in the Unitary Plan
(A67)	Public walkways within a riparian yard or esplanade reserve.	RD	Provided for elsewhere in the Unitary Plan

I593XXX.6.2 Special Yards: Avic Miller Reserve

[The Avic Millar Reserve Special Yard does not appear on Precinct 1 Plan but is not required. Maturity could be subjective, as a tree or shrub is considered mature when it is able to fruit, long before it achieves a height of 10m]

~~(1) A building or parts of a building must be set back from the legal boundary with Avice Miller Reserve by 106m where sites are subject to the Special Yard: Avice Miller Reserve on IXXX.10.1 Precinct Plan 1. All public walking tracks must be setback from the legal boundary with Avice Miller by a minimum of 3m.~~

~~(2) An 83m wide strip of the Special Yard measured from the boundary of the Avice Miller Reserve, and must extend for its entire boundary length, shall must be planted with indigenous vegetation that overall will attain a height of at least 510m after 10yrs. when mature, except where a public walking track is constructed within the 38m yard.~~

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

Until agreement is made to the location and appropriate design of the bat flight corridor the following standard is not agreed.

I593xxx.6.3 Special Yard: Bat Flight Corridor

~~Purpose: to provide an unobstructed, dark space, flight corridor for Bats.~~

~~(1) No dwellings, accessory buildings or light standards (over 1m high) are to be constructed within the Special Yard: Bat Flight Corridor as shown on Precinct Plan 5.~~

~~(2) Any new landscaping which is established in the Special Yard: Bat Flight Corridor (as shown on Precinct Plan 5) is to have a maximum height at maturity of 2m.~~

~~(3) Lighting shall not exceed 0.3 lux when measured 1m above the ground level at any point. All external lighting within or along the external boundary of the area identified as Special Yard: Bat Flight Corridor as shown on Precinct Plan 5 shall not exceed 0.3 lux when measured 1m above ground level and be downlit with controls in place to prevent uplifting.~~

The following standard in my opinion, is overly permissive and is not consistent with the majority of other Precincts. Notably if a stream does not have a defined bank, it is either unlikely to be a stream or could be a wetland. Also noting that the bank can easily be extrapolated from upstream and downstream bank features.

I agree with integrating the Local Centre with the stream corridor

I593xxx.6.12 Riparian Yards for Streams and Natural Inland Wetlands

Purpose:

- ~~€~~To protect and enhance water quality and ecology of the riparian areas, streams and natural wetlands and their buffers ~~shown on Precinct Plan 12 while preventing erosion.~~
- ~~€~~To integrate the watercourse within the Local Centre.
- ~~€~~To integrate the section of watercourse along the Wider Western Link Road within a wide road berm or as a separate open space integrated with the road berm.

(1) The riparian yards of ~~retained~~ permanent or intermittent stream must be planted at the time of subdivision or land site development to the minimum width of 10m ~~shown on Precinct Plan 12~~ measured from the top of the stream bank ~~or, where the stream edge cannot be identified by survey, from the centre line of the stream.~~ All existing vegetation adjacent to streams must be retained. This standard does not apply to that part of a riparian yard where a road or public walkway crosses perpendicular over the stream ~~and/or passes through or along within the riparian yard.~~

(2) The riparian yards of any natural inland wetland ~~shown on Precinct Plan 2~~ must be planted at the time of subdivision or land site development to a minimum width of 10m measured from the wetland's fullest extent (identified by use of MFE wetland delineation protocols). All existing vegetation adjacent to wetlands must be retained. This standard does not apply to that part of a wetland buffer riparian yard where a road or ~~consented~~ public walkway ~~that~~ crosses perpendicular over the wetland and associated riparian buffer area, ~~and/or generally passes across a stream and associated riparian area, or along within the riparian yard.~~

In my opinion it is more appropriate to direct planting standards to a published guidance document, including one if it is to be incorporated in the future Unitary Plan framework (AUP(OP)). I suggest the following changes.

1593~~xx~~.9.2 Riparian planting plan

An application for any subdivision or development that requires the provision and planting of revegetation planting, an esplanade reserve or riparian yard under 1593~~xx~~.6.12 Riparian Yards for Streams and Natural Inland Wetlands must be accompanied by the following information as a minimum:

- 1) A planting plan prepared by a suitably qualified person
- 2) The planting plan must;
 - i) Identify the location, species, planting bag size and density of the plants;

- ii) ~~Confirm detail on the eco-sourcing proposed for the planting; and Be in accordance with expected ecosystem improvements and species selection as detailed in Te Haumanu Taiao and Auckland Code of Practice for Land Development and Subdivision Chapter 7.~~
- iii) ~~Must include a planting and maintenance schedule which will run for a period of no less than 5yrs. Take into consideration the local biodiversity and ecosystem extent.~~

The following precinct provision is unnecessary as the AUP(OP) provides for adequate consideration of vegetation alteration and/or removal in SEAs, riparian areas etc. through E15, E16 and E26. Removal of covenanted habitat is a Discretionary Activity under existing covenant obligations. Furthermore the assessment is only limited to trees, not sub-canopy, shrubs, groundcover or herbaceous layers, and has no regard to fauna. I suggest the following deletion.

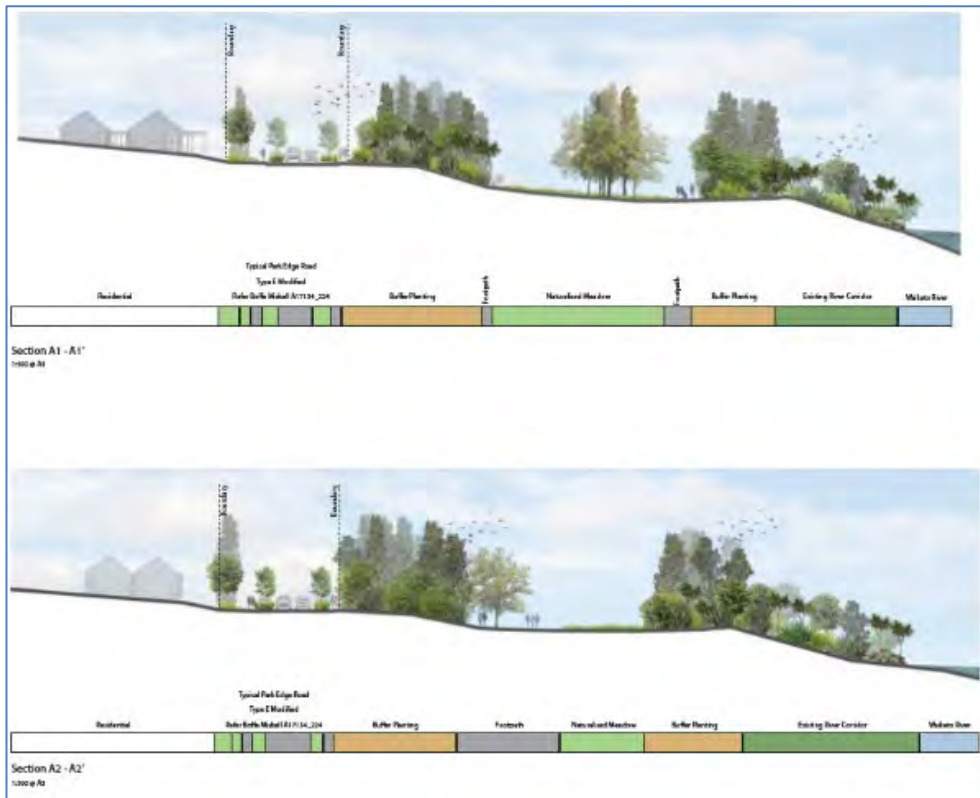
~~1593.9.7 Tree Management Plan~~

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

- ~~a) Landscape Protection Areas~~
- ~~b) Covenants to be Retained~~
- ~~e) Proposed Covenanted Bush~~
- ~~d) Significant Vegetation~~

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

6.0 Appendices



Private Plan Change (PPC) 93 – Warkworth South

Specialist Memo (Stormwater and Flooding) for Council's section 42A Addendum Report

9 October 2024

To: David Wren – Consultant Reporting Planner (on behalf of Auckland Council)
From: Amber Tsang – Consultant Planner (on behalf of Auckland Council Healthy Waters)
Danny Curtis – Consultant Engineer (on behalf of Auckland Council Healthy Waters)

Introduction

1. This memo has been jointly written by Ms Amber Tsang, Senior Associate Planner at Jacobs and Mr Danny Curtis, Technical Director – Stormwater at Harrison Grierson.
2. Mr Curtis is providing stormwater engineering assessment on behalf of Auckland Council Healthy Waters in Ms Kedan Li's absence. Mr Curtis has reviewed the stormwater and flooding assessment provided in the previous section 42A Technical Specialist Memo and supports the conclusions and recommendations outlined by Ms Li and Ms Tsang.
3. Mr Curtis joined Harrison Grierson in 2023 as the Technical Director for Stormwater, and prior to that held the role of Principal Stormwater Specialist for Catchment Planning at Auckland Council Healthy Waters for four years. He has over 25 years stormwater experience in New Zealand, United Kingdom, India and the Middle East. Mr Curtis graduated from Cardiff University (UK) in 1996 with an honours degree in Civil Engineering and is a certified Project Management Professional (PMP) through the Project Management Institute (Reg: 1828274).
4. We (Mr Curtis and Ms Tsang) have reviewed the primary evidence prepared by Mr Brendon Verhoff and Mr Lucan Campbell (engineering) and Mr John Duthie, Mr David Hay and Mr Ian Smallburn (planning) on behalf of the Applicant, the revised Stormwater Management Plan (SMP)¹ and the updated Flood Modelling Report² attached to the engineering evidence, and the latest proposed precinct provisions in relation to stormwater.
5. The purpose of this memo is to provide our comments on PPC 93 following the latest changes proposed in relation to stormwater and flooding. Our comments are provided in the sections below.

Feasibility of the proposed communal wetlands

6. Further design information relating to the proposed communal wetlands has been included in the revised SMP. This includes the sample design of Wetland 1 within Sub-catchment XXVII of Stormwater Management Zone A to demonstrate that the construction of the wetland incorporating necessary maintenance access is feasible³.
7. It is accepted that communal wetlands are feasible for Stormwater Management Zone A of PPC 93. Additional information will still be required at the resource consent stage.
8. Some of the proposed wetlands are located within the 1% AEP floodplain. Whilst this is not ideal, Mr Curtis advises that because the devices are not providing an attenuation function for

¹ Prepared by Maven, revision F, dated 26/09/2024.

² Prepared by Maven, revision H, dated 26/09/2024, included in Appendix D of the SMP.

³ Refer to Appendix C of the Post Development Catchment Analysis Report, prepared by Maven, revision B, dated Sep 2024, included in Appendix E of the SMP.

flood management they can be located within the floodplain provided that the detailed design considers velocities across the device to minimise contaminant resuspension.

9. What is not understood is the placement of the proposed wetlands with respect to the 10% AEP floodplain. Healthy Waters will not accept water quality devices within the 10% floodplain due to the risk of contaminants being conveyed downstream on a relatively frequent basis. To some degree, the 10% AEP floodplain will be defined by the earthworks required to facilitate development. This will need to be demonstrated in future resource consent applications to confirm the feasibility of the stormwater management presented in the SMP.

At source stormwater management devices for Stormwater Management Zones B, C and D

10. The revised SMP gives little direction on the preferred stormwater management to be provided for Stormwater Management Zones B, C and D of PPC 93 and instead relies on general stormwater management principles (Section 7.1 of the SMP) and a high-level toolbox (Table 8 of the SMP).
11. Whilst a stormwater management solution is proposed to manage the varying land uses and development scenarios covered by Zones B, C and D the SMP provides no implementation direction to future users of the SMP. There is a real risk that future users will incorrectly apply a stormwater management approach that does not meet the requirements of Schedule 4 of the Auckland Council Healthy Waters' Regionwide Network Discharge Consent (NDC) and lead to consenting and asset vesting issues.
12. Schedule 4 of the NDC requires stormwater quality treatment of all impervious surfaces, and this includes roof areas regardless of inert building materials being used. In the greenfield environment this is especially relevant as development will create new surfaces that have not existed and hence must be treated unless proven that there is no significant benefit downstream.
13. Section 7.1 of the SMP, outlining the stormwater management principles to be achieved, presents the NDC requirements and enables a future user to develop a Best Practicable Option (BPO) for stormwater quality treatment. However, there is no guidance provided on what this BPO assessment will need to consider. In addition, Table 8 of the SMP suggests that inert building materials with leaf guard for (sic) rainwater reuse tank provides appropriate treatment. To ensure correct implementation (i.e. an appropriate level of treatment is provided in line with Schedule 4 of the NDC), the toolbox should provide the definition of acceptable reuse.
14. Whilst at source management can be acceptable in certain applications, the SMP should promote the use of communal devices to provide appropriate stormwater management where possible. In addition, the fragmented small device approach is likely to require discussions and agreements with Third Parties (such as Auckland Transport) as the future owners of the devices. This engagement should be completed at the plan change stage so that Auckland Transport has the opportunity to provide feedback and input into the future design process. It is not clear if Auckland Transport have been consulted with regard to the stormwater management proposed for Stormwater Management Zones B, C and D.
15. It is acknowledged that Stormwater Management Zone A represents the largest stormwater management area within PPC 93 and is demonstrated that an acceptable level of stormwater management can be provided. Stormwater Management Zone D relates solely to Pohuehue Road and the interchange development. It is not clear why stormwater management for this discreet zone cannot be provided for in the SMP. Stormwater Management Zone C relates to the area of land currently operating as an orchard. It is not clear why this area of land is not

considered for communal stormwater management at this stage of the SMP. Stormwater Management Zone B represents the remnants of the plan change area that either drain direct to the streams or cannot be drained into the proposed wetlands. In this instance, a case-by-case approach to stormwater management is considered appropriate. However, the principles need to be prescriptive of what is to be provided for stormwater management.

16. It is important that future users of the SMP have clear direction on what stormwater management is required (i.e. clear principles of what is to be achieved, together with direction on what can be implemented to achieve the principles and performance standards required). The inclusion of some BPO as a valid option for future areas without any guidance on how to define the BPO establishes potential issues in future consenting phases or resulting in the requirement that SMPs will be required for each resource consent application to demonstrate why a BPO is the correct approach.

Roof water reuse

17. In multiple sections the SMP identifies that reuse tanks are to be implemented for at source management as a BPO for water quality treatment and to provide the necessary hydrology mitigation.
18. Where reuse tanks are being promoted for treatment benefits (as an acceptable alternative to the treatment requirements of Schedule 4 of the NDC), it is necessary to specify that tanks must be for non-potable internal reuse such as toilet flushing and not just for garden water applications.
19. Geotechnical advice provided in the SMP states that infiltration is not recommended, which will result in reuse tanks being detention only (up to the 50% AEP event). This is considered acceptable.

Flood effects on the Woodcocks Road bridge

20. The modelling that has been undertaken to support the SMP considers a free discharge (or unrestrained) flow at the downstream boundary. This may not be correct once water levels in the Mahurangi River may create backwater effects on discharges from the plan change catchment. As a result, it is not possible to confirm flood effects on the Woodcocks Road Bridge. It is recommended that flood modelling is updated at the resource consent stage to better reflect the downstream boundary conditions and enable engagement with Auckland Transport with regard to flood effects on the bridge where it occurs.

Precinct Provisions

21. While the majority of our recommended precinct provisions have been agreed by the Applicant's experts in principle, there are disagreements on the specific wording of the final precinct provisions. There is also a disagreement on whether the recommended stormwater quality treatment and hydrological mitigation, by way of the recommended Stormwater Management Standard I593.6.10, should apply to development in the proposed Residential – Large Lot Zone within the Waimanawa Precinct and the Morrison Heritage Orchard Precinct.
22. In our opinion, future development in the proposed Residential – Large Lot Zone (in Stormwater Management Zones B and C) forms part of the overall greenfield development enabled by PPC 93. The development will increase imperviousness, result in new stormwater discharges, and increase the flow rates and volume of runoff into streams. Without appropriate mitigation, the development has the potential to negatively impact water quality in the receiving environment (including the Significant Ecological Area (SEA) within the Mahurangi River) and accelerate stream bank erosion in the local streams. Therefore, the recommended Stormwater Management Standard I593.6.10 should apply to development in

the proposed Residential – Large Lot Zone within the Waimanawa Precinct and the Morrison Heritage Orchard Precinct.

23. The precinct provisions recommended in the s42A Technical Specialist Memo, the Applicant's latest proposal and our comments in response to the Applicant's latest proposal are provided in the table below.


Precinct provision	S42A recommendation	Applicant's latest proposed provisions as outlined in Mr Duthie, Mr Hay, and Mr Smallburn's evidence	Comments
New Objective I593.2 (15)	Stormwater quality and quantity is managed to maintain the health and well-being of the receiving environment and is enhanced over time in degraded areas.	Stormwater quality and quantity is managed to maintain the health and well-being of the receiving environment and is enhanced over time in degraded areas.	All in agreement with Objective I593.2 (15).
Policy I593.3 (17)	Manage stormwater runoff from all impervious areas in the precinct through a treatment train approach consistent with any approved stormwater management plan which assists in maintaining high water quality and enhances poor water quality within this upper catchment of the Mahurangi River.	Manage stormwater runoff from all impervious areas in the precinct through a treatment train approach consistent with any approved stormwater management plan which assists in maintaining high water quality and enhances poor water quality within this upper catchment of the Mahurangi River.	All in agreement with Policy I593.3 (17).
Stormwater Management Standard I593.6.10 (1)	<p>Purpose</p> <ul style="list-style-type: none"> To ensure that stormwater is managed and treated to maintain and enhance the health and ecological values of streams and to avoid exacerbating flood hazards. <p>(1) Stormwater runoff from all impervious surfaces must be treated with a stormwater management device(s) meeting the following standards:</p> <p>(a) the communal device or system must be sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or</p> <p>(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'.</p>	<p>Purpose</p> <ul style="list-style-type: none"> To ensure that stormwater is managed and treated to maintain and enhance the health and ecological values of streams and to avoid exacerbating flood hazards. <p>(1) Stormwater runoff from all impervious surfaces must be treated with a stormwater management device(s) meeting the following standards:</p> <p>(a) the communal device or system must be sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or</p> <p>(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; <u>or</u></p>	<p>Disagree with the proposed inclusion of substandard (1)(c) as the requirement for all impervious surfaces to receive a level of stormwater quality treatment in accordance with GD01 as per substandard (1)(a) and (b) is considered appropriate to mitigate water quality effects. This is also the requirement of the Auckland Council Healthy Waters' Regionwide Network Discharge Consent (NDC) for greenfield developments. In addition, the revised SMP still does not meet the conditions of the NDC and cannot be approved for the reasons outlined above.</p> <p>Substandard (1)(c) is not considered necessary and is recommended to be deleted:</p> <p>(1) Stormwater runoff from all impervious surfaces must be treated with a stormwater management device(s) meeting the following standards:</p> <p>(a) the communal device or system must be sized and designed in accordance with 'Guidance</p>

Precinct provision	S42A recommendation	Applicant's latest proposed provisions as outlined in Mr Duthie, Mr Hay, and Mr Smallburn's evidence	Comments
		<p><u>(c) those outlined within the stormwater management plan approved by the network utility operator.</u></p>	<p>Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or</p> <p>(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'. or</p> <p>(c) those outlined within the stormwater management plan approved by the network utility operator.</p>
<p>Stormwater Management Standard I593.6.10 (2)</p>	<p>Development of new impervious areas must provide stormwater detention for 50% AEP (i.e. 2-year ARI) storm events on top of the E10 SMAF 1 requirements.</p>	<p>Development of new impervious areas must provide stormwater detention for 50% AEP (i.e. 2-year ARI) storm events on top of the E10 SMAF 1 requirements <u>or be in accordance with the approved stormwater management plan.</u></p>	<p>Disagree with the proposed inclusion of the reference "or be in accordance with the approved stormwater management plan" as this is not considered necessary. The SMP should be providing direction to future users on what is to be provided and therefore the added wording creates a cyclic argument for future users. Stormwater detention for 50% AEP (i.e. 2-year ARI) storm events has been agreed with and is considered an appropriate mitigation to reduce the risk of erosion in the watercourses within and immediate downstream of the plan change area as per Mr Verhoff and Mr Campbell's evidence (refer to para 13.5 of their evidence).</p> <p>The added reference to I593.6.10 (2) is recommended to be deleted:</p> <p>Development of new impervious areas must provide stormwater detention for 50% AEP (i.e. 2-year ARI) storm events on top of the E10 SMAF 1</p>

Precinct provision	S42A recommendation	Applicant's latest proposed provisions as outlined in Mr Duthie, Mr Hay, and Mr Smallburn's evidence	Comments				
			requirements. or be in accordance with the approved stormwater management plan.				
Stormwater Management Standard I593.6.10 (3)	Roof runoff must be directed to a tank sized for the minimum of 5mm retention volume for non-potable reuse within the property.	<p>Note: the recommended Stormwater Management Standard I593.6.10 (3) has not been accepted but a new Non-potable Water Supply Efficiency I593.6.18 has been proposed.</p> <p><u>Purpose:</u></p> <ul style="list-style-type: none"> <u>to ensure new dwellings adopt minimum water efficiency measures to provide cost, comfort and health benefits to their occupants, and sustainability benefits to the wider community.</u> <u>to enhance the stormwater management solution and to avoid exacerbating flood hazards and stream erosion.</u> <p><u>(1) All new dwellings are designed to have non-potable water requirements (for outdoor use such as landscaping and gardens) supplied by rainwater tanks (or bladders) sized in accordance with Table I593.6.18.1. Rain tank/bladder capacity for attached housing typologies can be provided in either individual or as communal rainwater systems.</u></p> <p><u>The minimum sizes for rainwater tanks (or bladders) in Table I593.6.18.1 apply to all detached and attached housing.</u></p> <p><u>Table I593.6.18.1 All dwellings except apartments</u></p> <table border="1" data-bbox="936 1257 1520 1374"> <thead> <tr> <th><u>Dwelling type</u></th> <th><u>Minimum tank (or bladder)</u></th> </tr> </thead> <tbody> <tr> <td><u>1 bedroom (includes Studio)</u></td> <td><u>1000L</u></td> </tr> </tbody> </table>	<u>Dwelling type</u>	<u>Minimum tank (or bladder)</u>	<u>1 bedroom (includes Studio)</u>	<u>1000L</u>	<p>Whilst reuse tanks providing reuse for outdoor activities (such as garden watering) may be applicable for tanks providing hydrology mitigation only, they do not provide an appropriate level of water quality management to meet the requirements of Schedule 4 of the NDC.</p> <p>For Stormwater Management Zones B and C the SMP suggests that at-source management is proposed, the reuse tanks must provide an internal non-potable reuse in order to meet the water quality objectives.</p> <p>Stormwater Management Zone D is a road and reuse is not considered appropriate or possible and Table 8 of the SMP directs bioretention to be the method of management.</p> <p>It is not clear from the proposed standard how reuse volumes for landscaping / garden watering relate to the number of bedrooms supplied.</p> <p>Based on the above, the recommended Stormwater Management Standard I593.6.10 (3) is still considered necessary but amended wording is recommended:</p> <p>A minimum of 5mm roof runoff must be reused internally for non-potable applications (such as toilet flushing and washing machines) and detention volume of equivalent to the 50% AEP runoff attenuated to pre-development peak flowrates minus the reuse volume.</p>
<u>Dwelling type</u>	<u>Minimum tank (or bladder)</u>						
<u>1 bedroom (includes Studio)</u>	<u>1000L</u>						

Precinct provision	S42A recommendation	Applicant's latest proposed provisions as outlined in Mr Duthie, Mr Hay, and Mr Smallburn's evidence	Comments								
		<table border="1" data-bbox="936 296 1520 496"> <tr> <td>2 bedroom</td> <td>2000L</td> </tr> <tr> <td>3 bedroom</td> <td>3000L*</td> </tr> <tr> <td>4 bedroom</td> <td>5000L (roof area up to 110m²) 3000L (roof area greater than 110m²)</td> </tr> <tr> <td>5 bedroom</td> <td>5000L</td> </tr> </table> <p data-bbox="936 512 1520 552">*All attached dwellings to be 3000L maximum</p>	2 bedroom	2000L	3 bedroom	3000L*	4 bedroom	5000L (roof area up to 110m ²) 3000L (roof area greater than 110m ²)	5 bedroom	5000L	
2 bedroom	2000L										
3 bedroom	3000L*										
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5 bedroom	5000L										
Assessment criteria 1593.8.2(1)(e)(i)	Development is in accordance with the approved Stormwater Management Plan and policies E1.3(1) – (14).	Development is in accordance with the approved Stormwater Management Plan and policies E1.3(1) – (14).	All in agreement with Assessment criteria 1593.8.2(1)(e)(i).								
Assessment criteria 1593.8.2(1)(e)(ii)	The design and efficacy of infrastructure and devices with consideration given to the likely effectiveness, ease of access, operation, ongoing viability and maintenance, and integration with the surrounding environment including the road corridor where relevant.	The design and efficacy of infrastructure and devices with consideration given to the likely effectiveness, ease of access, operation, ongoing viability and maintenance, and integration with the surrounding environment including the road corridor where relevant.	<p data-bbox="1543 711 2157 807">This assessment criterion was requested by Auckland Transport (submission point 20.67) and was considered appropriate.</p> <p data-bbox="1543 823 2157 919">If the word “ongoing viability” is intended to cover cost related matters, it is recommended the term “life-cycle cost” can be used in replacement to provide clarity:</p> <p data-bbox="1543 935 2157 1142">The design and efficacy of infrastructure and devices with consideration given to the likely effectiveness, ease of access, operation, <u>life-cycle cost</u> and maintenance, and integration with the surrounding environment including the road corridor where relevant.</p>								
Special information requirements 1593.9.5	<p data-bbox="327 1174 913 1206">Site Specific Watercourse Assessment</p> <p data-bbox="327 1222 913 1386">An application for any land modification, subdivision or development which adjoins a permanent or intermittent stream must be accompanied by a Site Specific Watercourse Assessment prepared by a suitably qualified person. The assessment must</p>	<p data-bbox="936 1174 1520 1238">Site Specific Watercourse Assessment (<u>Stormwater Effects Assessment</u>)</p> <p data-bbox="936 1254 1520 1386">An application for any land modification, subdivision or development which adjoins a permanent or intermittent stream <u>identified on Precinct Plan 2</u> must be accompanied by a Site Specific Watercourse</p>	<p data-bbox="1543 1174 2157 1238">Do not oppose to the proposed inclusion of the reference “Stormwater Effects Assessment”.</p> <p data-bbox="1543 1254 2157 1386">The recommended Site Specific Watercourse Assessment should apply to all streams, not just the ones that are identified on Precinct Plan 2. Therefore,</p>								

Precinct provision	S42A recommendation	Applicant's latest proposed provisions as outlined in Mr Duthie, Mr Hay, and Mr Smallburn's evidence	Comments
	<p>include a stream reach assessment identifying any erosion hotspots, stream bank erosion and appropriate erosion mitigation measures.</p>	<p>Assessment prepared by a suitably qualified person. The assessment must include a stream reach assessment identifying any erosion hotspots, stream bank erosion and appropriate erosion mitigation measures.</p>	<p>the proposed inclusion of the reference "identified on Precinct Plan 2" is recommended to be deleted:</p> <p>Site Specific Watercourse Assessment (Stormwater Effects Assessment)</p> <p>An application for any land modification, subdivision or development which adjoins a permanent or intermittent stream identified on Precinct Plan 2 must be accompanied by a Site Specific Watercourse Assessment prepared by a suitably qualified person. The assessment must include a stream reach assessment identifying any erosion hotspots, stream bank erosion and appropriate erosion mitigation measures.</p>
<p>Special information requirements 1593.9.5</p>	<p>Flood modelling and Assessment</p> <p>A detailed flood modelling and assessment must be undertaken when subdivision or development requiring resource consent is proposed to be undertaken on land which may be subject to the 1 per cent annual exceedance probability (AEP) floodplain or overland flow paths. Modelling limitation must include but is not limited to:</p> <ul style="list-style-type: none"> • Modelling boundary condition. • Aerial Reduction Factor (ARF) used in the modelling. • Terrain detail for proposed development. • Unknown factor regarding the post processing of the flood plain results. 	<p>Flood modelling and Assessment</p> <p>A detailed flood modelling and assessment must be undertaken when subdivision or development requiring resource consent is proposed to be undertaken on land which may be subject to the 1 per cent annual exceedance probability (AEP) floodplain or overland flow paths. Modelling limitation must include but is not limited to:</p> <ul style="list-style-type: none"> • Modelling boundary condition. • Aerial Reduction Factor (ARF) used in the modelling. • Terrain detail for proposed development. • Unknown factor regarding the post processing of the flood plain results. 	<p>All in agreement with Special information requirements 1593.9.5.</p>

Precinct provision	S42A recommendation	Applicant's latest proposed provisions as outlined in Mr Duthie, Mr Hay, and Mr Smallburn's evidence	Comments
<p>Waimanawa Precinct Plan 2 – Environment</p>	<p>The Waimanawa Precinct Plan 2 – Environment is amended to include a minimum of 10-meter riparian yard along the stream within Sub-catchment XXXI and the two streams within Sub-catchment XXVII (refer to snapshot below).</p> 	<p>The recommended amendments have not been accepted.</p>	<p>It is still unclear as to why no riparian yard is shown and/or proposed for the stream within Sub-catchment XXXI and the two streams within Sub-catchment XXVII on Precinct Plan 2.</p> <p>It should be noted that a 10-meter riparian yard is shown and proposed for a number of other streams identified on Precinct Plan 2 except for those highlighted in our recommendation.</p> <p>Paragraph 24.87 of the Mr Duthie, Mr Hay, and Mr Smallburn's evidence stated that "For streams not shown on Precinct Plan 2, the standard underlying zone (standards) applies." This implies that for streams that are shown on Precinct Plan 2, the standard underlying zone standard doesn't apply. This interpretation is also reflected in the proposed Standards I593.6(2)(a) and I593.6.12(1) (quoted below).</p> <p><i>Standard I593.6(2)(a)</i></p> <p><i>The following Auckland-wide and zone standards do not apply to the activities listed in activity tables above:</i></p> <p>(a) <i>Activity Table 1593.4.1 All zones:</i></p> <ul style="list-style-type: none"> • <i>The riparian yards in Tables H1.6.5.1, H3.6.8.1, H5.6.8.1, H6.6.9.1 and H11.6.4.1 do not apply where:</i> <ul style="list-style-type: none"> • <i>Standard I593.6.12 Riparian Yards for Streams and Natural Wetlands applies.</i> <p><i>Standard I593.6.12(1)</i></p> <p><i>The riparian yards of retained permanent or intermittent stream must be planted at the time of</i></p>

Precinct provision	S42A recommendation	Applicant's latest proposed provisions as outlined in Mr Duthie, Mr Hay, and Mr Smallburn's evidence	Comments
			<p><i>subdivision or site development to the minimum width shown on Precinct Plan 2 measured from the top of the stream bank or, where the stream edge cannot be identified by survey, from the centre line of the stream. This standard does not apply to that part of a riparian yard where a road or public walkway crosses over the stream and/or passes through or within the riparian yard.</i></p> <p>To avoid confusion, we recommend that the Waimanawa Precinct Plan 2 – Environment is amended to include a minimum of 10-meter riparian yard along the stream within Sub-catchment XXXI and the two streams within Sub-catchment XXVII.</p>

Technical Specialist Memo – Traffic and Transportation

To: David Wren, Reporting Planner

From: Martin Peake - Director, Progressive Transport Solutions Ltd

Date: 11 October 2024

**Subject: Private Plan Change 93 – Warkworth South
Traffic And Transportation Addendum**

1.0 Introduction

1.1 I have undertaken a review of the expert evidence submitted by the Applicant for Warkworth South Private Plan Change 93 (**PPC93**) as it relates to traffic and transport.

1.2 In addition, I have reviewed the evidence of Mr Hartley, a submitter on the Plan Change in relation to the Morrison Heritage Orchard Precinct. This submitter has provided expert planning evidence on recommended changes to the Precinct Provisions to the Morrison Heritage Orchard Precinct.

1.3 The purpose of this Memorandum is to provide comment on the traffic and transportation aspects of changes to the Precinct Provision proposed by the Applicant for PPC93 as well as the changes proposed by Mr Hartley for the Morrison Heritage Orchard Precinct.

Involvement with Private Plan Change 93 – Warkworth South

1.4 I was engaged by Auckland Council in December 2022 to review the Private Plan Change to determine whether the information provided was sufficiently detailed and accurate to understand the traffic and transportation effects of the proposal.

1.5 I reviewed and assessed the application in relation to traffic and transportation and I prepared the Technical Memorandum dated 26 March 2024 which was included with the Reporting Planner's s42A report.

Expert Witness Code of Conduct

1.6 I have read the Code of Conduct for Expert Witnesses, contained in the Environment Court Consolidated Practice Note (2023) and I agree to comply with it. I can confirm that the issues addressed in this Memo are within my area of expertise and that in preparing this Memo I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2.0 Scope of this Memorandum

2.1 As a result of Direction #1 provided by the Panel Chair on 3 September 2024, the applicant provided amendments to the Precinct Provisions as a result of submissions. In the Applicant's expert evidence, further changes were made to the Precinct Provisions to respond to the s42A report. A consolidated set of Precinct Provisions with tracked changes from 3 September and 26 September 2024 were included as Appendix 2 to the planning evidence of Mr Duthie, Mr Hay, and Mr Smallburn.

2.2 The scope of this memorandum is as follows:

- a) Section 3.0 provides comments on the Waimanawa Precinct; and
- b) Section 0 provides comments on the Morrison Heritage Orchard Precinct.

2.3 For brevity, I have not provided comments on every single amendment in relation to traffic and transportation, but on the key changes.

3.0 Waimanawa Precinct

3.1 Set out in Table 1 are my comments and recommendations on the changes to the Waimanawa Precinct as they relate to traffic and transportation. Where I have recommended wording changes to the Precinct Provisions these are shown in **blue text** and **underlined**. I have also included the wording changes from the evidence version of the Precinct Provisions. Where the Applicant has made changes, these are shown in **green underline**.

Table 1 - Comments on Amendments to Waimanawa Precinct Provisions

Section	Comment	Recommendation
I593.1 Precinct Description	No comments on the changes to the Precinct Description.	-
I593.2 Objectives (2), (3), (9), (10), (12), (13), and (14)	I support the proposed changes to the objectives.	-
I593.3 Policies (2), (3), (4), (13), (14), (21)	I support the proposed changes to these policies.	-
I593.3 Policy (12)	Policy 12 relates to Objective (9) which requires subdivision and development to be coordinated with the provision of transport infrastructure. Transport is not included within Policy 12.	Include Transport in the list of infrastructure in Policy 12.
I593.3 Policy (15)	The amendments conflict with the amendments detailed in the changes included in the response to Direction #1 and with the Auckland Transport's submission. The evidence version of the Precinct Provisions include reference to the Wider Western Link Road being constructed to "a collector road standard in the interim," whilst this was not the case in the version attached to Direction #1. I do not support this reference as I do not consider it is necessary	Delete the proposed addition of "a collector road standard in the interim" in Policy 15.

Section	Comment	Recommendation
	as the road will be constructed to the same 24m wide road reserve width regardless of the function of the road as a collector or arterial road.	
I593.3 Policy (16)	<p>This policy on restricting direct vehicle access to roads includes Collector Road 1 but not Collector Road 2. All collector roads are intended to have cycling facilities, and the vehicle access restrictions are proposed for cycle safety and to assist in promoting cycling.</p> <p>I understand from the evidence¹ that Collector Road 2 has been omitted from the restriction as the masterplan includes streams which would prevent rear lanes. As the design of the subdivision has yet to be confirmed and the masterplan does not form part of the Precinct, I consider that the restriction should be applied to all collector roads. Non-compliance with the vehicle access restriction should be assessed at the time of consent.</p> <p>I support the other changes to the policy.</p>	The Policy 16 should apply to all collector roads and not just Collector Road 1.
Table I593.4.1 Activity Table – All Zones (A9)	<p>I support the addition of (A10) for non-compliance with the relevant Transport Infrastructure standard and table subject to the comments below.</p> <p>I consider that (A9) should also apply to the transport infrastructure (T1) as this intersection is complex in nature and there is no certainty that speed limits along Pohuehue Road will be reduced due to changes in current policy settings, as was expected at the time that the plan change was lodged.</p>	Amend Activity (A9) to include activity (T1).
Table I593.4.1 Activity Table – All Zones	I support the addition of Activity (A10) as a restricted discretionary activity where it relates to Table I593.6.15.2. However, the reference to standard I593.6.15(2) could be	Amend Standard I593.6.15 to provide a separate subclause that relates to Table I593.6.15.2 Road Function

¹ Primary Evidence: Planning Part B: Statutory Planning Assessment of Mr Duthie, Hays and Smallburn, Para 3.67

Section	Comment	Recommendation
(A10)	confusing and conflicts with Activity (A9) as this standard refers to Table I593.6.15.1.	and Design Elements Table and amend Activity (A10) to refer to the new sub-clause. The following wording is suggested for <u>a new subclause to I593.6.15</u> <u>(3) Subdivision and development (including construction of any new road) must comply with the Standards in Table I593.6.15.2</u> Subclause (2) should be amended to delete reference to Table I593.6.15.2.
Table I593.4.1 Activity Table – All Zones (A11)	I do not consider that Activity (A11) is required as this would be covered by activity (A10) as recommended to be amended above.	Subject to the recommendations for Activity (A10), delete Activity (A11).
Table I593.4.1 Activity Table – All Zones (A22), (A23), (A24)	The comments and recommendations for (A9), (A10) and (A11) are applicable to activities (A22), (A23), (A24) where they relate to subdivision.	Adopt the recommendations for (A9) in relation to (A22), for (A10) in relation to (A23) and delete (A24).
Table I593.4.3 Activity Table – Single House Zone (A5)	I support the non-compliant activity status of non-compliance with Standard I593.6.7 Vehicle Access Restrictions.	-
Table I593.4.4 Activity Table – Mixed Housing Suburban Zone (A1), (A2), (A6), (A7)	I support the deletion of Activities (A1), (A2), (A6) and (A7) as the traffic and transport effects of these activities (restaurant/café and education facilities) have not been assessed.	-

Section	Comment	Recommendation
Table I593.4.4 Activity Table – Mixed Housing Suburban Zone (A6), (A8)	I support the non-compliant activity status of non-compliance with Standard I593.6.7 Vehicle Access Restrictions.	-
Table I593.4.4 Activity Table – Mixed Housing Suburban Zone (A7), (A9)	These activities should be deleted as Standard I593.6.8 Wider Western Link Road has been deleted.	Delete Activity (A7) and (A9) from Table I593.4.4
Table I593.4.5 Activity Table – Terraced Housing and Apartment Building Zone (A4), (A6)	I support the non-compliant activity status of non-compliance with Standard I593.6.7 Vehicle Access Restrictions.	-
Table I593.4.5 Activity Table – Terraced Housing and Apartment Building Zone (A5), (A7)	These activities should be deleted as Standard I593.6.8 Wider Western Link Road has been deleted.	Delete Activity (A5) and (A7) from Table I593.4.5.
Table I593.4.6 Activity Table – Business – Local Centre (A1), (A4), (A8)	I support the changes to activities (A1), (A4) and (A8).	-
Table I593.4.6 Activity Table – Business – Local Centre (A5), (A9)	These activities should be deleted as Standard I593.6.8 Wider Western Link Road has been deleted.	Delete Activity (A5) and (A9) from Table I593.4.6.

Section	Comment	Recommendation
I593.6.7 Vehicle Access Restrictions (2)	<p>As stated above in relation to Policy 16, this Standard only refers to Collector Road 1 and not all collector roads in relation to restricting direct vehicle access.</p> <p>All collector roads are intended to have cycling facilities, and the vehicle access restrictions are proposed for cycle safety and to assist in promoting cycling. The evidence states² that Collector Road 2 has been omitted as the masterplan includes streams which would prevent rear lanes. As the design of the subdivision has yet to be confirmed and the masterplan does not form part of the Precinct, I consider that the restriction should be applied to all collector roads. Non-compliance with the vehicle access restriction should be assessed at the time of consent.</p> <p>I consider that that the reference to access being via rear lanes or side roads should be retained.</p> <p>I support the other amendments and additions to this standard.</p>	<p>Standard I593.6.7(2) should apply to all collector roads and not just Collector Road 1. I recommend the following wording:</p> <p><i>(2) Sites that front onto the Wider Western Link Road, Green Avenue, Collector Road—1 and/or Pohuehue RoadState Highway One must not have direct vehicle access to the road <u>and access must be provided from rear lanes (access lots) or side roads at the time of subdivision.</u> <u>(This standard does not apply where direct vehicle access is required to service any public transport interchange or site zoned Residential – Large Lot or Open Space areas identified on Precinct Plan 4. This standard does not apply to any vehicle crossing that exits onto Pohuehue Road at the time the Precinct is made operative), and must be provided with access from a rear driveway, rear lanes (access lots) or side roads at the time of subdivision.</u></i></p>
I593.6.8 – Wider Western Link Road	<p>This standard has been deleted.</p> <p>I support the deletion of the standard as this is not necessary as this is addressed by Standard I593.6.15 Transport Infrastructure.</p>	<p>-</p>
I593.6.14 – Greenways and Cycling Infrastructure	<p>I support the minor amendments as this clarifies that the standard is in relation to off-road cycle facilities and not cycle facilities within the road reserve.</p>	<p>-</p>

² Primary Evidence: Planning Part B: Statutory Planning Assessment of Mr Duthie, Hays and Smallburn, Para 3.67

Section	Comment	Recommendation
<p>I593.6.15 – Transport Infrastructure Purpose & Table I593.6.1 (T3)</p>	<p>The Standard’s purpose and row (T3) provide a brief description of the pedestrian / cycling facility required along Pohuehue Road between the Wider Western Link Road and McKinney Road. The description refers to the northern extent as being “to McKinney Road” [emphasis added]. Whilst a footpath/cycle facility may have been provided along Wech Drive, there would remain a gap between the proposed interim facility and the Wech Drive path. A facility to enable pedestrians and cyclists to cross McKinney Road would also be required. I consider that the description should refer to the connection extending to Wech Drive.</p> <p>Furthermore, I consider that the description of (T3) should also refer to the requirement to provide a pedestrian crossing facility on Pohuehue Road to connect the proposed facilities on the western and eastern sides of the road. Whilst the evidence of Mr Langwell has included a concept design which includes a crossing, there is no requirement for such a facility to be provided within the Precinct Provisions. Therefore, to provide greater certainty that this would be provided, I consider that the description should refer to a pedestrian crossing facility.</p>	<p>Amend the description of the extent of the pedestrian and cycle connection along Pohuehue Road in the purpose to:</p> <p>‡To provide a pedestrian and cycle connection along the McKinney Road/Pohuehue Road State Highway One Intersection to McKinney Road Wech Drive.</p> <p>Amend the description in (T3) to:</p> <p>“Construction of the <u>pedestrian interim pedestrian/cycle path on the eastern side of Pohuehue Road State Highway One from the Wider Western Link Road/Pohuehue Road State Highway One Intersection to McKinney Road Wech Drive, including a crossing facility over McKinney Road, and a safe formal pedestrian crossing facility over Pohuehue Road.</u>”</p>
<p>I593.6.15 – Transport Infrastructure Table I593.6.1 (T7)</p>	<p>The amendments to (T7) address concerns that there may be gaps in the pedestrian facilities along Mason Heights. I support the proposed amendments.</p>	<p>-</p>
<p>I593.6.15 Transport Infrastructure Table I593.6.1 triggers</p>	<p>Various amendments to the triggers in the tables have been made which have resulted in inconsistencies as to when the triggers apply in relation to subdivision and / or development. As development could occur in the form of integrated residential development, it is possible that development may occur without subdivision thereby resulting in the trigger not applying. For</p>	<p>Amend the triggers so that these apply in the case of both subdivision and development. These should apply to all rows in the table (rows (T1) to (T7)).</p>

Section	Comment	Recommendation
	consistency and to ensure that the transport infrastructure is provided, the triggers should apply in both the case of subdivision and development.	
I593.6.15 – Transport Infrastructure Table I593.6.2	The table has been amended such that Access Restrictions for the Collector Roads 1 and 2 only apply to Collector Road 1. I do not support this as stated above. For consistency with my recommendations above, the Access Restriction should apply to all collector roads.	Amend Table I593.6.2 so that the Access Restriction applies to all collector roads, not just Collector Road 1.
I593.6.15 – Transport Infrastructure Table I593.6.2 Note 3	A consequential amendment is required to Note 3 for the description on the extent of the pedestrian / cycle facility along Pohuehue Road which should extent to Wech Drive.	Amend the description in Note 3 to read: “... <u>interim cycling and walking facility from the Wider Western Link Road / Pohuehue Road intersection to Wech Drive</u> the McKinney Road / Pohuehue Road intersection. ”
I593.7.2 Assessment Criteria – Controlled Activities (1)	I support the minor amendment to the assessment criteria.	-
I593.8.1 Matters of Discretion – Restricted Discretionary Activities (1)(d) and (l)	I support the additions to the matters of discretion. However, I note that these matters only relate to Subdivision. Should super lots be created then there may be matters that are dealt with at a later stage once consent is sought for development of the super lot.	The matters of discretion should apply to development as well as subdivision.
I593.8.2 Assessment Criteria – Restricted Discretionary Activities (1)(a)(i)	The assessment criteria refers to particular policies (Policies 1 to 13). It is not clear why the assessment would draw particular attention to only the highlighted policies.	Provide a general reference to all policies in I593.3 rather than limiting it to specific policies.

Section	Comment	Recommendation
I593.8.2 Assessment Criteria – Restricted Discretionary Activities (1)(d)	<p>A new Assessment Criteria has been added for non-compliance with Table I593.6.15.2 Road Function and Design Elements.</p> <p>I support the addition of the assessment criteria.</p>	<p>-</p>
I593.9.1 – Special Information Requirements - Transport and Safety	<p>Auckland Transport in their submission (submission point 20.69) requested alternative wording to the Special Information Requirements to provide consistency with other Precinct Provisions that have recently been developed.</p> <p>I support the Auckland Transport submission and consider the alternative wording sought by Auckland Transport would provide for a more robust assessment of the necessary transport infrastructure.</p>	<p>Amend the Special Information Requirement as sought by Auckland Transport in their submission point 20.69.</p>

4.0 Morrisons Heritage Orchard Precinct

4.1 Set out in Table 2 are my comments on the changes to the Morrison Heritage Orchard Precinct as they relate to traffic and transportation. Where I have recommended wording changes to the Precinct Provisions these are shown in blue text and underlined. I have also included the wording changes from the evidence version of the Precinct Provisions. Where the Applicant has made changes, these are shown in green underline.

Table 2 - Comments on Amendments to Morrisons Heritage Orchard Precinct Provisions

Section	Comment	Recommendation
XXX.2 Objectives (5)	I support the addition of Objective (5) for the effective, efficient, and safe access to the precinct.	-
XXX.3 Policy (5)	<p>I partially support policy 5. I consider that the policy should refer to the access being at the Approved Entrance Point to Pohuehue Road as shown on the Precinct Plan. Whilst the normal AUP rules with respect to Vehicle Access Restrictions would apply to access to Pohuehue Road, as this is an arterial road, I consider that there is no reason the Morrison Heritage Orchard should not be consistent with the access restrictions in the Waimanawa Precinct onto Pohuehue Road. This is primarily for cycle safety either with the interim upgrades to Pohuehue Road or once the full upgrade to Pohuehue Road is complete.</p> <p>The policy refers to “<i>necessary safety and efficiency improvements.</i>” It is assumed that these measures are the transport infrastructure listed in Table IXXX.6.1.1A. As I note below in relation to (T1) of this table, the setting of speed limits is outside of the scope of the RMA and therefore it is not appropriate for these to be included as an upgrade. For this reason and as outlined above, I consider that the reference to the safety and efficiency improvements should be deleted in the policy.</p>	<p>Amend the wording of Policy 5:</p> <p><u>(5) Avoid vehicle access to the Wider Western Link Road and restrict vehicle access to old State Highway 1 Pohuehue Road to the Approved Entrance Point shown on the Precinct Plan until necessary safety and efficiency improvements have been implemented.</u></p>
Activity Table XXX.4.1 (A15)	This activity relates to activities which do not comply with Standards IXXX6.1.1 and IXXX6.1.1A and is a Restricted Discretionary activity.	<p>Not-complying with Standard IXXX6.1.1 should be Non-Complying.</p> <p>Reference to Standard IXXX6.1.1A – Table</p>

Section	Comment	Recommendation
	<p>IXXX.6.1.1 relates to access to the Wider Western Link Road and to Pohuehue Road. This is inconsistent with the Waimanawa Precinct which has access to these roads as Non-Complying. Furthermore, Activity (A22) for subdivision in the Morrison Heritage Orchard Precinct is non-complying when subdivision is non-compliant with this standard. Activities not-complying with Standard IXXX6.1.1 should be Non-Complying.</p> <p>With regards to the reference to standard IXXX.6.1.1A - Table IXXX6.1.1A(T1), as I discuss below, the setting of speed limits is outside of the control of the RMA and has other statutory processes. Therefore, I consider that the row (T1) in the table should be deleted and thus the reference to this table in Activity (A15) should also be deleted.</p> <p>Standard IXXX6.1.2 relates to noise and this is outside of my area of expertise so I cannot comment on the appropriate activity status for not complying with this standard.</p>	IXXXX6.1.1A (T1) should be deleted.
Activity Table XXX4.1 (A16)	<p>This activity relates to non-compliance with Standard IXXX6.1.1A - Table IXXX6.1.1A(T2) and is a Discretionary Activity.</p> <p>This contrasts with subdivision which in (A22) is non-complying. This results in inconsistency in the activity statuses. I consider that for consistency with (A22) and Waimanawa that Activity (A16) should be non-complying. This is necessary to ensure that the appropriate transport infrastructure is provided to support the activity.</p>	Activity (A16) should be amended to be Non-Complying.
Activity Table XXX4.1 (A22)	Subdivision not complying with Standards IXXX6.1.1 and 6.1.1A are non-complying. I support this activity status.	-
Standard IXXX6.1.1 – Access and	I support the wording of this standard as it relates to restricting access to the Wider Western Link Road and Pohuehue Road.	The Precinct Provisions should be amended to ensure that the cumulative

Section	Comment	Recommendation
traffic generation standard	<p>The standard deletes the cumulative trip generation limit. I note that a new Assessment Criteria for trip generation (XXX7.2(5)) and a Special Information Requirement (IXXX8.1.1) has been added. I assume that this is in place of the trip generation limit in the standard.</p> <p>Mr Langwell's evidence³ has provided an assessment of the operation of the access from the Morrison Heritage Orchard onto Pohuehue Road and this indicates that the access can accommodate a total of approximately 290 vehicles.</p> <p>Whilst I acknowledge the assessment from Mr Langwell, I am concerned that the cumulative effects of different activities within the Precinct would not be appropriately assessed. Given the range of different activities, it is possible that different resource consent applications are lodged at different times which individually may not result in the trip generation threshold in E27 being exceeded but that cumulatively activities would result in traffic volumes that would impact on the safe and efficient operation of the transport network (including the site access onto Pohuehue Road). I therefore do not support the deletion of the trip generation threshold from the standard and the associated proposed assessment criteria and Special Information Requirements.</p>	<p>traffic generation effects of development within the Morrison Heritage Orchard Precinct are assessed. This could include retention of the trip generation standard but with inclusion of appropriate Matters of Discretion, Assessment Criteria and Special Information Requirements.</p>
Table IXXX6.1.1A – Transport Infrastructure upgrade requirements for subdivision and development (T1)	<p>The transport infrastructure upgrade is for “<i>Maximum speed limit on Pohuehue Road reduced to 60km/hr or lower.</i>”</p> <p>Changes to speed limits have statutory processes and are outside of the RMA and not within the control of developers. It is the responsibility of Road Controlling Authorities to set or change speed limits. I consider that it is not appropriate to include a reduced speed limit within the transport upgrades.</p>	<p>Delete (T1) from Table IXXX.6.1.1A and make consequential changes to the precinct provisions where there is reference to this standard.</p>

³ Primary Evidence, Mr Langwell, Traffic, paras 5.23 to 5.26

Section	Comment	Recommendation
Table IXXX6.1.1A – Transport Infrastructure upgrade requirements for subdivision and development (T1)	The trigger / threshold for the maximum speed limit reduction excludes activity (A3) Camping Ground. There does not appear to be any particular reason this activity is not a trigger.	If the speed limit upgrade is retained within the required transport infrastructure, then the trigger should include for Activity (A3) Camping Ground.
IXXX7.1 Matters of Discretion (4) and IXXX7.2 Assessment Criteria (4)	<p>These matters of discretion and assessment criteria relate to vehicle access to Pohuehue Road.</p> <p>I do not support the inclusion of these items in light of my recommendations on the activity status of non-compliance with Standard IXXX6.1.1 to be Non-Complying (as discussed above) and therefore I consider they should be deleted.</p> <p>In the event that these are retained, I consider that criteria XXX.7.2(4)(b)(ii) should be expanded to include reference to approved plan changes in addition to the Warkworth Structure Plan, as the structure plan provides only an estimate of what development may occur, whilst the plan changes would be more up to date and reflect would what is more likely to occur.</p>	<p>Delete Matters of Discretion IXXX.7.1(4) and Assessment Criteria IXXX.7.2(4).</p> <p>In the event that these are retained, amend IXXX.7.2(4)(b)(ii) as follows:</p> <p><u>“Existing cyclists, and estimated future cyclists having regard to the level of development envisaged by the Warkworth Structure Plan (and any approved plan changes and/or development); and”</u></p>
Assessment Criteria IXXX.7.2(5) and Special Information Requirements IXXX8.1.1	The assessment criteria and Special Information Requirements for the assessment of trip generation do not take into account the potential cumulative effects of trip generation should separate resource consent applications be lodged for different activities. I discussed this above in relation to the amendments to Standard IXXX6.1.1.	The Precinct Provisions should ensure that the cumulative traffic generation effects of development within the Morrison Heritage Orchard Precinct are assessed. These should support the retention of the trip generation standard as recommended above.

Martin Peake

11 October 2024

To: David Wren, Auckland Council Consultant Planner

From: Gerard McCarten, Sentinel Planning Ltd
on behalf of Parks Planning, Parks & Community Facilities

Subject: **Private Plan Change 93 (Warkworth South)**
Comments on changes to plan change contained in the Requestor's evidence

1.0 Introduction

- 1.1 The Requestor's evidence contains an amended version of Plan Change 93, as attached to the joint statutory planning expert evidence of Messrs Duthie, Osborne and Smallburn.
- 1.2 I have been asked to provide comments on any changes that are relevant to open space matters and the comments I provided in my 17 July memo attached to the council's Section 42A report.
- 1.3 I understand the scope of my comments is limited to providing an updated assessment to reflect those changes, as may be necessary, and not to provide rebuttal to any of the pre-circulated expert evidence of the Requestor or any submitter.

2.0 Comments on changes relevant to open space matters

- 2.1 After reviewing the changes, I consider those of relevance to open space matters and my Section 42A memorandum are:
 1. Changing 'reserve/reserves' to 'park/parks' in the 7th and 9th paragraphs of I593.1 Precinct description in response to my 42A comments. I support this amendment.
 2. Correcting the reference in I593.8.1(c) from Precinct Plan 2 to Precinct Plan 4 in response to my 42A comments. I support this amendment.
 3. Amending Precinct Plan 2 to show additional 'stormwater management basin' within the area shown on Precinct Plan 4 as being 'Active sport and recreation (Suburban Park)'. I have concerns with this amendment.
- 2.2 In my opinion, the changes to Precinct Plan 2 would result in conflict with the proposed Suburb Park function shown in Precinct Plan 4 and further reduce the potential area available for a Suburb Park from ~3.5 ha to ~2.7 ha in an already constrained space. The council's Open Space Provision Policy 2016 indicates that Suburb Parks are typically between 3 ha and 5 ha, and up to 10 ha for organised sports.