

17 May 2024

Auckland Council  
Plans and Places Department  
Attention: Dave Paul ([dave.paul@aucklandcouncil.govt.nz](mailto:dave.paul@aucklandcouncil.govt.nz))

Dear Dave

**SILVERDALE WEST INDUSTRIAL PRECINCT – RESPONSE TO COUNCIL’S REQUESTS UNDER CLAUSE 24 OF SCHEDULE 1 OF THE RESOURCE MANAGEMENT ACT 1991**

I write on in response to the recent requests for changes to the Silverdale West Industrial Precinct Private Plan Change (PPC) request sought by Council under clause 24 of Schedule 1 to the Resource Management Act 1991 (RMA), as listed below:

- Significant Ecological Area (email from Dave Paul dated 8 May 2024)
- Stormwater / flooding (attached to email from Dave Paul dated 14 May 2024)
  - Healthy Waters tracked change version of ‘Appendix 3 – SWIP’
  - Healthy Waters tracked change version of ‘Further information sought under cl23(2) – Applicant response – 15 April 2024’
- Open Space
  - Parks Planning, cl24 comments (attached to email from Dave Paul dated 10 May 2024)
- Planning
  - Plans and Places, tracked change version of ‘Appendix 3 – SWIP version WW rev – 10 May’ (attached to email from Dave Paul dated 10 May 2024)
- Wastewater / water infrastructure
  - Tracked changes to SWIP, set out in the body of an email from Dave Paul dated 15 May 2024

Attached is a finalised version of the plan change (Appendix 3 – SWIP – cl24 version – 17 May 2024) that includes each of those recent requests that are accepted and now form part of the Plan Change request. We attached a clean version of the plan change provisions and a tracked change version that highlights in yellow the recent accepted changes.

For the avoidance of doubt, the attached finalised version includes pursuant to clause 24, Schedule 1 of the RMA, changes made at the request of Council through the clause 23(1) and 23(2) process since lodgement of the PPC on 24 August 2023. The attached version shows by tracked change the further revisions made since the clause 23(2) response dated 18 April 2024, being those listed above.

In summary of key reasons for not accepting several of the requests from Council, we note following responses in relation to key themes raised.

### **Stormwater / flooding (Healthy Waters)**

#### Bank erosion

- Bank erosion is an Auckland-wide matter and is addressed in the Stormwater Management Plan (**SMP**) to be adopted under the Region-wide Stormwater Network Discharge Consent (**NDC**). Healthy Waters make the decision on the SMP and do not need these outcomes stated in the Precinct in order to require them.
- We reiterate our approach of relying on Auckland-wide and zone provisions where possible and keeping the Precinct as focussed and simple as we can. The intention is to avoid duplication of process.

#### Riparian margins

- Regarding the 20m riparian yard sought by HW, the Precinct provisions do not prevent this outcome however 10m is a more appropriate minimum requirement. This also aligns and reconfirms the distinction between Esplanade Reserves and riparian yards.

#### IX.6.10 – Stormwater quality (and associated criteria)

- This standard relates to Stormwater Management Area - Flow requirement which is introduced through the plan change and addressed in the precinct provisions. The Council's request to broaden the standard to address flooding downstream creates duplication with other provisions in the Unitary Plan that are addressed at the time of subdivision and development.
- Also note reliance on the NDC is optional, and that the provisions in Chapter E8 enable developers to apply for their own NDC.

#### Matters of discretion and criteria

- The requested expansion of the matters of discretion and criteria are not consistent with the provisions in other precincts, and it is not clear the basis on which those changes and not others (such as reference to other policies) is appropriate.

### **Open space (Council Parks)**

#### Open space network

- There is a lack of statutory basis in relation to the request for proposed widening of the intended scope of open space network given that it is through an industrial area.
- The relevant outcomes are intended to be achieved through the esplanade reserve and riparian area framework, with an associated function of supporting active mode movements consistent with the intent of the structure plan.

Ownership where there is a public access function

- The provisions as drafted to not preclude private ownership; however, they are clear that where there is a public access function the expectation is that the land will be publicly owned. This could be as a reserve or as a road. The provisions do not prescribe that riparian areas will be public, but do allude to that being an option if Council agrees.

Standard IX.6.2(b) – Streams and natural wetlands

- Recognising and making provision for walking and cycling within riparian margins beyond the first 10m is appropriate to enable the active mode outcome identified in the structure plan.

Purpose of esplanade reserves

- An additional benefit of esplanade reserves and riparian margins is that they do create separation to land use activities. While the purpose is set out at s229 of the RMA, for the purposes of precinct provisions and integrated planning, and in the context within which it is used within the precinct, it is appropriate to recognise this.

**Planning (Plans and Places)**

Wastewater

- It is acknowledged that a connection to the public network should be the baseline, and if the network is available and has capacity then it should be used. On the basis of telephone discussions with Dave Paul on 16 May 2024, we understand the Council supports the Non-complying activity pathway for alternative wastewater infrastructure where no public network is available.
- On the basis that the word ‘bulk’ in Council’s requested policy (7) undermines the Non-complying activity process, we have not included the word ‘bulk’ in the policy but otherwise accept the Council’s requested changes. This ensures that the policy enables ‘non-public’ infrastructure to be a legitimate pathway for development and subdivision where the public network is not available or does not have capacity.

On the basis of the above, we request that the Council complete its reporting under clause 25 of the First Schedule of the RMA and progress the Plan Change request through to the agenda for the 13 June 2024 committee meeting for consideration.

Please contact me should you require any clarification or further information.

Yours faithfully

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