

21 June 2024

Auckland Council  
Attn: Nicholas Lau  
Via email: [Nicholas.lau@aucklandcouncil.govt.nz](mailto:Nicholas.lau@aucklandcouncil.govt.nz)

Tēnā koe Nicholas,

### **Waitomokia Private Plan Change Request – Response 2 to Clause 23 Request for Further Information**

This letter sets out our final response to the items requested by Auckland Council for further information under Clause 23(1) to Schedule 1 of the Resource Management Act 1991 (“**RMA**”) relating to the above private plan change request.

This letter follows the ‘interim’ response submitted on 29 April 2024, and responds to specific items requested on 17 May 2024. This response is supported by the following attachments:

- Attachment 1: Correspondence from Ngāti Te Ata Waiohū
- Attachment 2: Updated Landscape and Visual Assessment prepared by Boffa Miskell
- Attachment 3: Updated Assessment of Relevant Objectives and Policies
- Attachment 4: Transport Memo prepared by Flow
- Attachment 5: Updated Acoustic Memo prepared by Marshall Day
- Attachment 6: Updated Waitomokia Precinct Provisions and Precinct Maps
- Attachment 7: Correspondence from Te Ahiwaru Waiohū

### **Responses to Council’s Second Clause 23 – Further Information Request**

The following responses are provided in response to Council’s second clause 23 request.

1(a): Māori Cultural Values (including associated geoh heritage and landscape values)

#### **Council request:**

*Concur with applicant that this further information request is still outstanding and await provision of their response after working through with Ngāti Te Ata Waiohū.*

#### **B&A Response**

Mr Karl Flavell of Ngāti Te Ata Waiohū has confirmed via email:

*‘that the concerns raised in the Ngaati Te Ata Waiohū High Level Over-view Report (October 2022) have been satisfactorily resolved, subject to ongoing engagement, agreed protocols and as part of the plan change and future development.’*

A copy of this email was provided to Council on 21 May 2024, who confirmed that this item has been adequately addressed. A copy of the email is enclosed as **Attachment 1**.

(1)(b)(i)-(iii): Māori Cultural Values (including associated geoheritage and landscape values)

**Council request:**

*Further information requests (1)(b)(i)-(iii) are still considered to be outstanding as the visualisations provided do not constitute provision of a supplementary landscape and visual effects assessment and accompanying photos (including photo simulations) which were sought for the reasons outlined in support of these further information requests. For example, while the viewpoints employed help to explain the effects that such development would have on Ihumatao village and Oruarangi Road, they do not address views from the edge of the harbour seaward of Oruarangi Road or effects in relation to the Ōtuataua maunga / ONFs of the Ōtuataua Stonefields.*

*Consequently, the Plan Change application is still deficient in terms of its assessment of landscape, natural character and amenity effects relative to:*

- *Ihumatao Village;*
- *the Ōtuataua Stonefields and its Ōtuataua maunga / ONFs; and*
- *the coastal environment above and near Oruarangi Creek.*

*Although it is acknowledged that the Visualisations would assist with informing the requested supplementary assessment, it is unclear to what extent Mana Whenua have been involved in their development, with previous email correspondence from the applicant's landscape and visual effects expert indicating that only Te Ahiwaru Waiohua had been involved in this capacity, despite Te Ākitai Waiohua and Ngāti Te Ata Waiohua also requesting visual simulations from the applicant regarding proposed built form outcomes within Sub-Precinct A. Therefore, further clarification is sought on this matter, along with the reference to photos in the aforementioned email correspondence and the extent to which these have informed the submitted Visualisations and been the subject of input by both Te Ākitai Waiohua and Ngāti Te Ata Waiohua (refer to emails dated 20-21 March and 25 March 2024 with the applicant's landscape and visual effects expert).*

**B&A response**

The visualisations have been presented to Te Ahiwaru Waiohua, Te Ākitai Waiohua and Ngāti Te Ata Waiohua. All groups were satisfied with the viewpoints presented and have not sought additional viewpoints to be prepared.

Boffa Miskell have updated the Landscape and Visual Assessment (“**updated LVA**”) which is enclosed as **Attachment 2**. In summary, as it relates to landscape, natural character and amenity effects, the updated LVA concludes the following:

- Ihumatao Village (papakāinga):

- At a maximum, development within sub-precinct A will be 14m maximum buildings, set back set back behind the esplanade, pā, and additional 10m and 5m extents of landscape buffer planting. Landscape effects of future development in Sub-precinct A, comprising part of the outer slopes of the crater, as well as elsewhere within the Precinct, on the papakāinga is considered to be **very low**.
- Ōtuataua Stonefields, Maunga and Pukeiti:
  - Land adjacent Ōtuataua Stonefields is zoned by the operative AUP as Future Urban Zone and Residential – Mixed Housing Suburban. Zoning for the private Plan Change site is zoned by the operative AUP as Business – Light Industry. From a landscape and visual perspective, the operative AUP context anticipates a change to land use and development surrounding these sites, including the scheduled ONF. Sub-precinct A comprises the outer slopes and is the portion of the Plan Change area that is nearest Ōtuataua. The private Plan Change is considered to **reduce potential impacts** on the landscape values and the wider area. The private Plan Change seeks to better protect the values of Waitomokia and its inter relationship with the wider cultural landscape, whilst enabling appropriate industrial development, as already envisaged and enabled by the AUP.
- Coastal Environment of the Manukau Harbour:
  - The northern part of the Sub-precinct has an elevated aspect toward the harbour, across the Ōruarangi Reserve area, road and foreshore areas including further reserve land. Proposed Sub-precinct A provisions in respect of the ‘no-build’ area and reduced building height will limit building frontage toward the harbour and the scale of enabled development. Vegetation within the coastal strip of land accommodating the cycleway in the Special Purpose zone area associated with the Māngere Water Treatment Plant provides a naturalised, vegetated edge to this part of the harbour. Given the extent of physical setback, limited frontage, and 14m height control in Sub-precinct A potential adverse effects in respect of the Manukau Harbour are assessed to be **low**.

Taking account of the findings of the landscape and visual assessment and technical advice of Boffa Miskell, landscape, natural character and amenity effects of the private Plan Change area considered to be low, particularly when compared with the operative AUP statutory planning context. On this basis, adverse effects from a planning perspective are considered to be less than minor.

#### 4(b): Archaeological and historic heritage effects

##### **Council Request:**

*Further information request 4(b) is still considered to be outstanding as the historic heritage places within the plan change area are still only assessed against the HNZPT criteria, not those heritage criteria, objectives and policies set out in the AUP RPS Chapter B5, particularly B5.2.2. Consequently, the assessment in Attachment 1 to the applicant’s reply is considered to be incomplete without this further assessment having been undertaken.*

##### **B&A Response:**

The CFG has undertaken an archaeological assessment of the resources recorded on site in section 6 of that report. In summary that report concludes the following:

- Midden R11/2033: condition is ‘poor’;

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- Features and deposits on the outer slope of the tuff ring above pā R11/575: conditions unknown. Deposits on slopes are subject to erosion and soil creep;
- Haultain's house: the house no longer stands, but the foundations and ancillary features may survive in good condition beneath the surface. The exact location of these remains is unclear.

With respect to mana whenua and Māori cultural values, the CFG report appropriately defers to Mana Whenua as the appropriate group to assess the values and effects associated with these policies.

Further assessment of the B5.2.2 policies has been undertaken in **Attachment 3** and concludes, taking into account the findings of the CFG Report and notwithstanding the findings of the CVA's prepared by Te Ahiwaru Waiohua, Ngāti Te Ata Waiohua, Te Ākitai Waiohua, Te Kawerau ā Maki and Ngaati Whanaunga the Plan Change area is not considered to be a historic place in accordance with B5.2.2.

5(j): Stormwater

**Council request:**

*Healthy Waters is currently designing a stormwater improvement project (wetland for water quality treatment) immediately downstream of the proposed discharge location through the Montgomerie Road outlet. Healthy Waters requested that the applicant provide their hydraulic model to understand the nature of stormwater discharge from the site which it is yet to receive. Healthy Waters does not have a detailed study on stormwater issues in the area and is currently not sure whether the stream channel downstream of the Montgomerie Road outlet has sufficient capacity for the intended flows. Further investigation is required from both the applicant and Healthy Waters to determine the existing discharge from the site through Montgomerie Road outlet and its impact on the downstream stream channel.*

*Healthy Waters will also follow up with the applicant's design team regarding the proposed meeting to discuss the downstream stormwater improvement projects at the Montgomerie outlet.*

**B&A Response:**

Noting that Council considers this information is not required to be resolved prior to notification, engagement with Healthy Waters is ongoing. The outcomes of this consultation will be provided prior to any hearing.

9(b)(i): Proposed Road Access

**Council request:**

*Upon reviewing the applicant's reply, further information request 9(b)(i) is still considered to be outstanding as the response provided does not contain sufficient information to verify that the future form of the new access road, including its intersection with Montgomerie Road, will be fit for fulfilling its required functions and effectively integrating with the wider transport network.*

*In support of the above determination, while the response and accompanying concept design for the new intersection layout design confirm that sufficient vehicle intervisibility can be*

achieved to comply with the requirements of Austroads Guide Part 4A, further information is still needed in relation to the form of the new access road serving the proposed precinct.

The concept design infers a road lane width of 3.5 metres for the new access, which exceeds the maximum width of 3.0 metres for a local road, as recommended in Auckland Transport's Code of Practice (ATCOP) but falls below the maximum width of 4.0 metres recommended for a Collector Road. The latter parameter is recommended for a collector road that is extensively used for freight movement and / or bus movements (for comparison, Pavilion Drive, whilst only recognised as a local road in council's hierarchy, has a typical width of around 12 metres, to cater for two-way traffic movement and parking in both directions, including a high proportion of heavy trucks).

It is therefore considered that further clarity is needed in relation to the function and form of the new access road serving the proposed precinct, including clarity over whether future form is intended to be commensurate with that of a collector road or a local road and alignment with appropriate ATCOP layout and geometric requirements. This should include an assessment to determine whether additional width is appropriate to cater for freight movements and freight parking, taking into account any proposed accommodation of onstreet parking for cars and/or freight vehicles, as is presently the case along Pavilion Drive.

Furthermore, for the reasons outlined above, Auckland Transport have requested confirmation of the following details, which relate to the proposed internal access road within the Precinct and its connections to the adjoining road network:

- confirmation of the expected speed limit for new internal road. In the event that the speed limit is to be below the default urban speed limit of 50km/hr (e.g. 30 – 40 km/hr), it would be beneficial for this road to have walking and cycling facilities and parking for staff, to encourage a safer low speed environment;
- the extent to which the proposed Precinct provisions can be amended to:
  - include upgrading of the footpath and crossing on Montgomerie Road or providing footpaths along the internal access road; and
  - further limit access to Orurarangi Road by extending the Vehicle Access Restriction (VAR) which applies along Orurarangi Road within sub-precinct B to the section in sub-precinct D as well.

#### **B&A Response:**

It is important to note that this is a private Plan Change request is sought for land that is already zoned by the operative AUP for Business – Light Industry. Chapter E27 of the operative AUP contains the relevant objectives, policies and rule framework for transport related matters. Including appropriate development standards for the construction of any vehicle entrance or crossing point at the time of development, and thresholds for new industrial developments (Table E27.6.1.1). Further, operative AUP Chapter E38 contains relevant objectives and provisions to manage subdivision, including the vesting and construction of roads. The private Plan Change request does not seek to amend the Operative AUP and any future development of the site would need to assess and accord with these.

Notwithstanding this, Flow have prepared a further response which is provided as **Attachment 4**. In summary, Flow concludes the following:

- The form of any internal road, as indicated on the proposed precinct plan will be a no-exit road and will not have a road connection to Ōruarangi road.
- Given the cul-de-sac design, the internal road will only serve the immediate catchment (i.e., the plan change area). As such the road would likely be a local road.
- Speed limits of any future internal roads will be confirmed at detailed design as part of any resource consent proposal. More than likely, this would be 50km/hr, as is consistent with the other local roads in this industrial area.
- The form of the road will be confirmed at detailed design, but is intended to provide for active users and footpaths.
- The provisions of on street parking are subject to further design and will be confirmed at detailed design as part of any resource consent proposal, noting that indicative horizontal curves and need for access will likely limit on-street parking provision in order to maintain acceptable sight distance for vehicles travelling along the road and about vehicle access locations.
- The concept designs provided as part of the first clause 23 response clearly indicate that the intersection has been designed to cater to large semi-trucks, with supporting modelling showing sufficient capacity being available.

With respect to extending the vehicle access restriction to sub-precinct D. This is not proposed, given the land within that area only has frontage to Ōruarangi Road. Further, Goodman does not own the land within sub precinct D and legal access to Ōruarangi is necessary to safeguard the continued use and development of this site.

## 12: Noise – reverse sensitivity effects

### Council request:

#### *Advice Notes:*

- *As recommended in the noise assessment, precinct provisions are included in I1.6.9 Noise Levels for Sensitive Activities in Sun-Precinct C. However, Table 3 incorrectly refers to an internal noise level of 55 dB LAeq for childcare centres (this only applies to the outdoor play area). Also, an internal level for childcare centres should be specifically included in the Table 3.*
- *Further, Table 3 should include reference to visitor accommodation/dwelling units and noise sensitive spaces having to be designed, constructed and maintained to meet internal noise levels set out in E25.6.10.*

### B&A Response:

Noted. Refer to updated private Plan Change standard I1.6.9 Noise Levels for Sensitive Activities in Sub-Precinct C. The updated private Plan Change provisions are provided as **Attachment 6**.

With respect to cross referencing E25.6.10 for visitor accommodation/dwelling units. This is considered unnecessary given the Plan Change provisions clearly indicate that compliance with other district wide, overlay and zone provisions unless specified otherwise.

### 13: Open Space

#### Council request:

*Upon reviewing the above response, further information request 13 is still considered to be outstanding. While it is understood that the underlying zoning is not proposed to be changed, the applicant's response has not detailed how the proposed precinct's objectives and policies are consistent with the Open Space outcomes relevant to the underlying Business – Light Industry Zone and referenced in associated AUP provisions, particularly in relation to the amenity of adjacent Open Spaces and how the proposed precinct development will maintain the existing amenity of directly adjacent Historic and Esplanade Reserves.*

#### B&A Response

**Attachment 3** provides an updated response to demonstrate how the private Plan Change continues to accord with the relevant Business – Light Industry Objective H17.2(4) and Policy H17.3(4) of the AUP.

Given open space is not a specific Māori cultural value identified by mana whenua, this is not something specifically addressed by the private Plan Change. The private Plan Change does not include specific objectives to manage open space values, and relies on the underlying zone to continue to manage open space values at the Industrial Zone – Open Space Zone interface.

#### Other Matters – Mana Whenua Engagement

As outlined in the Section 32 Report and record of consultation, Goodman's approach to engagement with Mana Whenua is ongoing and iterative.

Two meetings have been held with Te Ahiwaru Waiohua, Te Ākitai Waiohua, Ngāti Te Ata Waiohua, and one meeting with Te Kawerau ā Maki. The purpose of these meetings was to provide an update on the Plan Change, present the visualisations prepared by Boffa Biskell, and progress specific relationship agreements with each of the groups. All groups were satisfied with the visualisations prepared by Boffa Biskell and considered that this resolved their earlier request that Goodman prepare visualisations of potential development enabled by the proposed Waitomokia Precinct Provisions ("**Plan Change**").

Following a recent meeting held with members of Te Ahiwaru's board and kaitiaki representatives on 5 June 2024, it was confirmed via email that the Plan Change includes values and protections of significant sites for the long term preservation of Waitomokia and Te Ahiwaru's goals. A copy of the email correspondence is enclosed as **Attachment 7** of this letter.

A number of attempts to meet with Ngāti Tamaoho and Ngāti Whanaunga were made, however, due to availability of their kaitiaki / representatives no meetings were held.

Further to the above, it is highlighted the Plan Change provisions have been updated to accommodate a new location for 'Community Facilities'. The 'new location' has been discussed with Te Ahiwaru Waiohua, Te Ākitai Waiohua, Ngāti Te Ata Waiohua, and Te Kawerau ā Maki and enables community facilities to

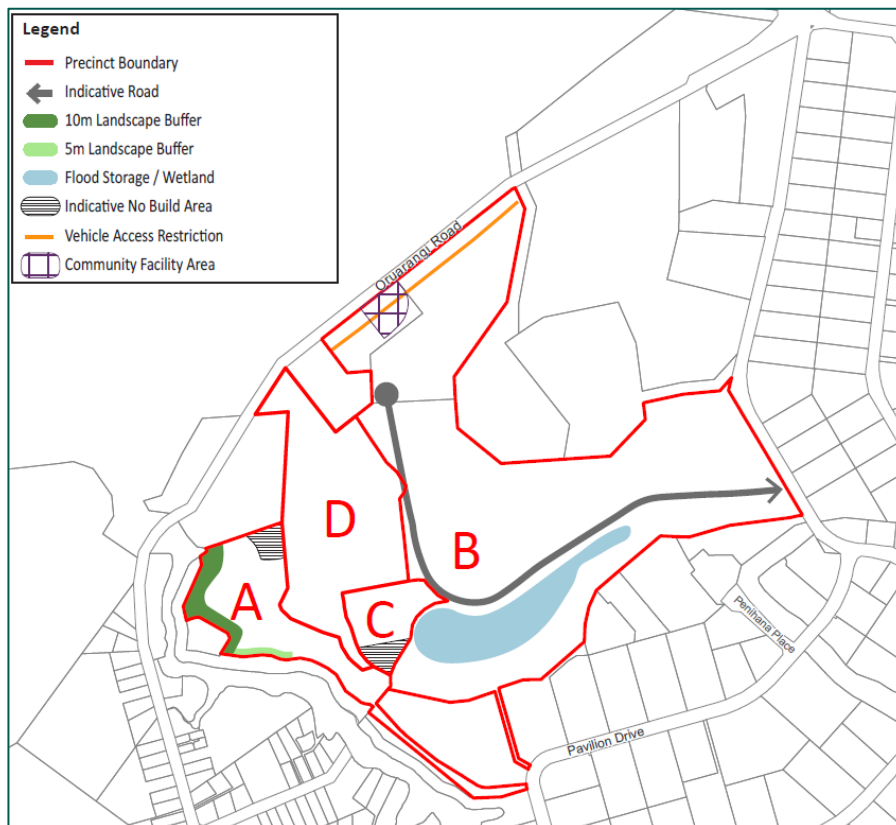
establish as a permitted activity. This is discussed below and are an outcome of ongoing engagement with Mana Whenua.

#### Other Matters – Updated Waitomokia Precinct Provisions

It is highlighted to Council that the Plan Change provisions have been updated to enable ‘community facilities’ as a permitted activity within a specified location as shown on Precinct Plan 3 and **Figure 1** below. Enabling community facilities is a specific outcome sought by Mana Whenua, and was raised early in the engagement process by several mana whenua groups. As a result of this spatial change, consequential amendments to Table IO.4.1 Activity table rules (A3), (A17), (A21), and development standards I1.6.1. Building Height – Table 1, and I1.6.8. Roading and Access.

Due to targeted amendments to the proposed Waitomokia Precinct Provisions, it is not considered necessary to update the Section 32 Report. The Plan Change objectives remain unchanged and are considered to be the most appropriate in achieving sustainable management purpose of the RMA as demonstrated in section 8.2 of the Section 32 Report, and the further analysis of the Plan Change against the relevant objectives and policies enclosed as **Attachment 3**. Reasonable practical alternatives have been assessed and the policies and methods (provisions) are still considered to be the most appropriate to achieve the objectives. Overall, the proposed Plan Change enables the urban development and use of the land more efficiently, while ensuring the natural resources and Mana Whenua values are appropriately managed through the protection of key features through the use of development controls for earthworks, stormwater management, access, bulk and location controls, landscaping requirements and through the requirement of resource consent for all new buildings in the precinct.





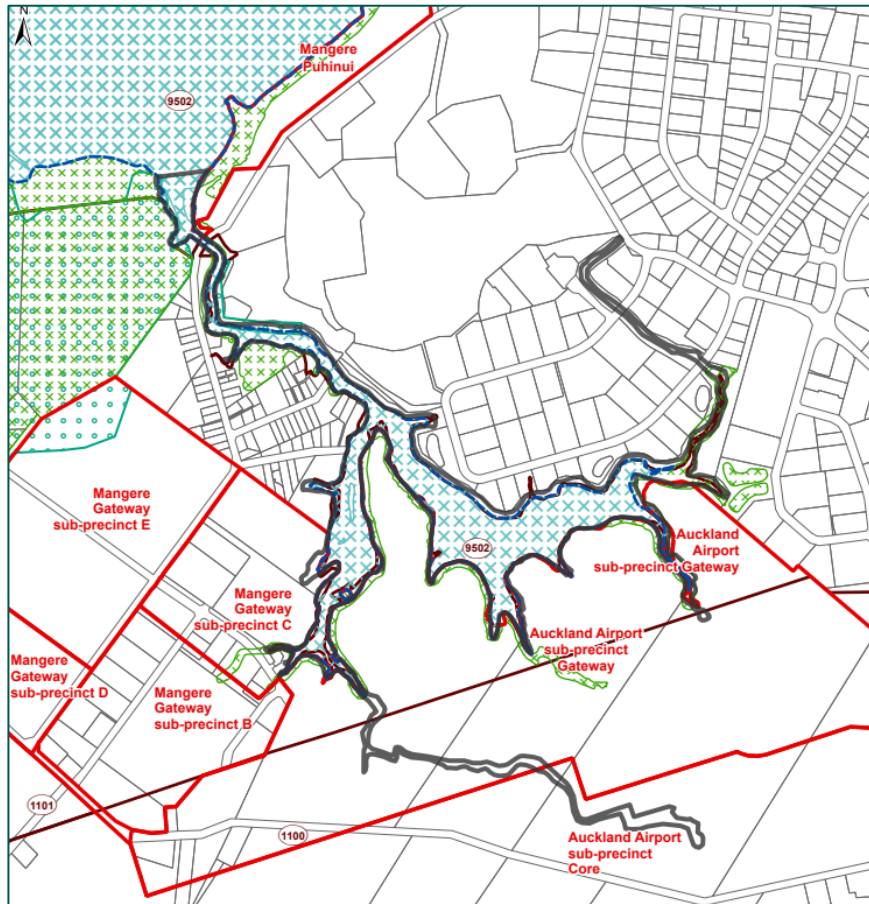
**Figure 1: Updated Precinct Plan 3 showing new location for Community Facilities (purple hash).**

Updated private Plan Change provisions are provided as **Attachment 6**.

Other Matters – Proposed Plan Change 102 – Sites and Places of Significance to Mana Whenua - Tranche 2a to the Auckland Unitary Plan (Operative in Part) 2016

Auckland Council notified Proposed Plan Change 102 – Sites and Places of Significance to Mana Whenua - Tranche 2a to the Auckland Unitary Plan (Operative in Part) 2016 (“**PC102**”) on 23 May 2024. PC102 is the second of a series of plan changes that seek to recognise mana whenua cultural values of identified sites and places within the Auckland Region. PC102 introduces nine new Sites and Places of Significance to Mana Whenua (SSMW) to Schedule 12 of the AUP(OP).

Of particular relevance to this private Plan Change request is nominated site ‘*Te Wai o Ruarangi / Oruarangi Awa and Waitomokia Creek Site ID – 0125*’ as shown in **Figure 2** below.



**Figure 2: PC102 - Nominated Site Te Wai o Ruarangi / Oruarangi Awa and Waitomokia Creek Site ID – 0125 (source PC102)**

Te Wai o Ruarangi / Oruarangi Awa and Waitomokia Creek was nominated by Te Ahiwaru Waiohau. An assessment of the Awa is outlined in Attachment 3 – Cultural Values Assessment to PC102. The assessment notes that the mana and mauri of Te Wai o Ruarangi / Oruarangi Awa and Waitomokia Creek is of paramount importance of the papakāinga, Te Ahiwaru, and Makaurau Marae.

It is considered that PC102 reinforces the relevance and importance of the private Plan Change request. While the Plan Change area does not include Te Wai o Ruarangi / Oruarangi Awa and Waitomokia Creek, it recognises the importance and significance of this awa to Te Ahiwaru and other Mana Whenua groups in this area. The proposed Plan Change objectives 1, 2, 3, and 4 are all considered to recognise the Māori cultural, spiritual and historic values of mana whenua associated with Ōruarangi awa and seek to ensure that development within the Plan Change area is managed in a manner that avoids, remedies or mitigates adverse effects. In particular, Plan Change Objective 4 seeks that development is managed to maintain or enhance water quality within the receiving environment, including with the integration of mana whenua values, mauri, mātauranga and tikanga Māori associated with freshwater and coastal water resources.

Plan Change policy 1 seeks to recognise, protect and where appropriate enhance the mauri of Ōruarangi Awa and Te Manukanuka o Hoturoa. The Plan Change proposes specific development controls to ensure stormwater runoff is managed to ensure runoff and quality is of a high standard.

The proposed stormwater management approach for the Plan Change has been discussed at length with mana whenua, including Te Ahiwaru. The Plan Change introduces specific stormwater management provisions that incorporate best engineering practice to achieve high quality treatment and flow management to ensure the mauri of Ōruarangi Awa and Te Manukanuka o Hoturoa is maintained.

An assessment of the Plan Change against the relevant AUP B6 RPS and D21 objectives and policies has been undertaken in **Attachment 3**, and concludes the proposed Plan Change is considered to accord and give effect with these.

### Conclusion

Council's further information request have been comprehensive, and in some instances considered to be beyond the level necessary when compared with the scale and significance of this private Plan Change request. However, the Applicant has endeavoured to address the further information request matters raised by Council to resolve these.

It is reiterated that the land subject to the Plan Change request is already zoned Business – Light Industry under the AUP. The Plan Change request does not seek to amend the operative zoning, and instead proposes a precinct that includes targeted controls to manage future urban development in a manner that recognises and respects the identified Māori cultural values of Waitomokia.

We trust that the information provided resolves these further information request by Council, and on this basis request that this private Plan Change request be accepted and notified in accordance with Part II Schedule 1 of the RMA.

Yours sincerely | Nā māua noa, nā

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