

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Warren MacLennan, Manager Planning – Regional, North, West & Islands

FROM Ben Willis, Policy Planner – Regional, North West and Islands Planning




DATE 10/05/2023



SUBJECT **Plan Modification to Chapter I of the Auckland Unitary Plan(AUP) Operative in part (15 November 2016)**

This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update – Plan Change 72 (Private): McKinney Road Precinct to become operative	
Chapter	Chapter I -Precincts AUP GIS Viewer
Section	I555 Warkworth McKinney Road Precinct AUP GIS Viewer
Designation only	
Designation #	N/A
Locations:	N/A
Lapse Date	N/A
Purpose	N/A
Changes to text (shown in underline and strikethrough)	Introduce a new precinct – I555 Warkworth McKinney Road Precinct Refer to Attachment B
Changes to diagrams	N/A
Changes to spatial data	Rezone land at McKinney Road from FUZ to Residential – Mixed Housing Suburban and introduce a new precinct around the plan change area. Extend the SMAF 1 overlay across the plan change area. Refer to Attachment C
Attachments	Attachment A: PC 72 Decision Attachment B: Updated text Attachment C: Updated GIS Viewer


Prepared by: Ben Willis, Policy Planner – Regional, North West and Islands Planning	Text Entered by: Harry Barnes Planning Technician
Signature: 	Signature: 
Maps prepared by: Dannica Torres Geospatial Specialist	Reviewed by: Peter Vari Team Leader
Signature: 	Signature: P Vari

Signed off by:

Warren MacLennan

Manager Planning – Regional, North, West &
Islands

Signature:

A handwritten signature in black ink that reads "Warren MacLennan". The signature is written in a cursive style with a large initial 'W' and 'M'.

Attachment A: PC 72
Decision

Decision following the hearing of a Private Plan Change to the Auckland Unitary Plan under the Resource Management Act 1991



Proposal

To rezone 8.2ha of land at McKinney Road, Warkworth from Future Urban Zone (FUZ) to Residential – Mixed Housing Suburban Zone (MHSZ) and to apply a precinct

This plan change is **APPROVED** with modifications to that notified. An Executive Summary and full reasons for **APPROVING** the plan change are set out below.

Private Plan Change:	72 – Precinct
Requestor/Applicant:	<i>Aztek Projects Limited</i>
Hearing commenced:	Wednesday, 30 November 2022, 9.30 a.m.
Hearing panel:	William Smith (Chairperson) Michael Parsonson Hugh Leersnyder
Appearances:	<p><u>For the Requestor:</u></p> <p>Asher Davidson, Legal Counsel Shane Hartley, Planning Don McKenzie – Traffic/Transportation Casey Senior - Engineering John Cull Applicant Representative</p> <p><u>For the Submitters:</u></p> <p>Roger Williams</p> <p>Auckland Transport (AT) represented by Mr Chris Freke</p> <p>Watercare (WC): Melaina Voss, Representative and Mark Iszard, Engineering (virtual)</p> <p>Mike Thorogood and Julius Yang represented by Burnette O'Connor, Planning Phillip Brown, Traffic Tony Hayman, Survey Mike Thorogood</p> <p><u>For Council (AKLC) (as regulator):</u></p> <p>Peter Vari, Team Leader Robert Scott, Reporting Planner Leo Hills, Traffic Engineer</p> <p>Nick Somerville and Patrice Baillargeon, Hearings Advisor</p> <p><u>Tabled Statements:</u> Waka Kotahi/New Zealand Transport Agency (NZTA)</p>
Hearing adjourned	12.52pm Wednesday 30 November 2022
Commissioners' site visit	21 November 2022
Hearing Closed:	12 noon on 22 December 2022

EXECUTIVE SUMMARY

1. We have set out at the key matters in this Executive Summary to provide ‘context’ when reading the substantive part of the decision.
 - We have approved the Private Plan Change with amendments.
 - The Plan Change will give effect to the National Policy Statement on Urban Development (**NPS-UD**). It also gives effect to the Regional Policy Statement (**RPS**) in terms of B2 – Urban Growth and Form and B3 – Infrastructure and transport. The amended precinct provisions are appropriate, workable and will ensure transport and other infrastructure (such as water, wastewater etc) improvements are addressed at the appropriate time.
 - Stormwater – our decision is that the SMAF1 controls should apply to the Precinct.
 - MDRS – our finding is that the MDRS should not be included in PPC72 for the reasons shown in the hearing report and as accepted by the Applicant’s Legal Counsel.

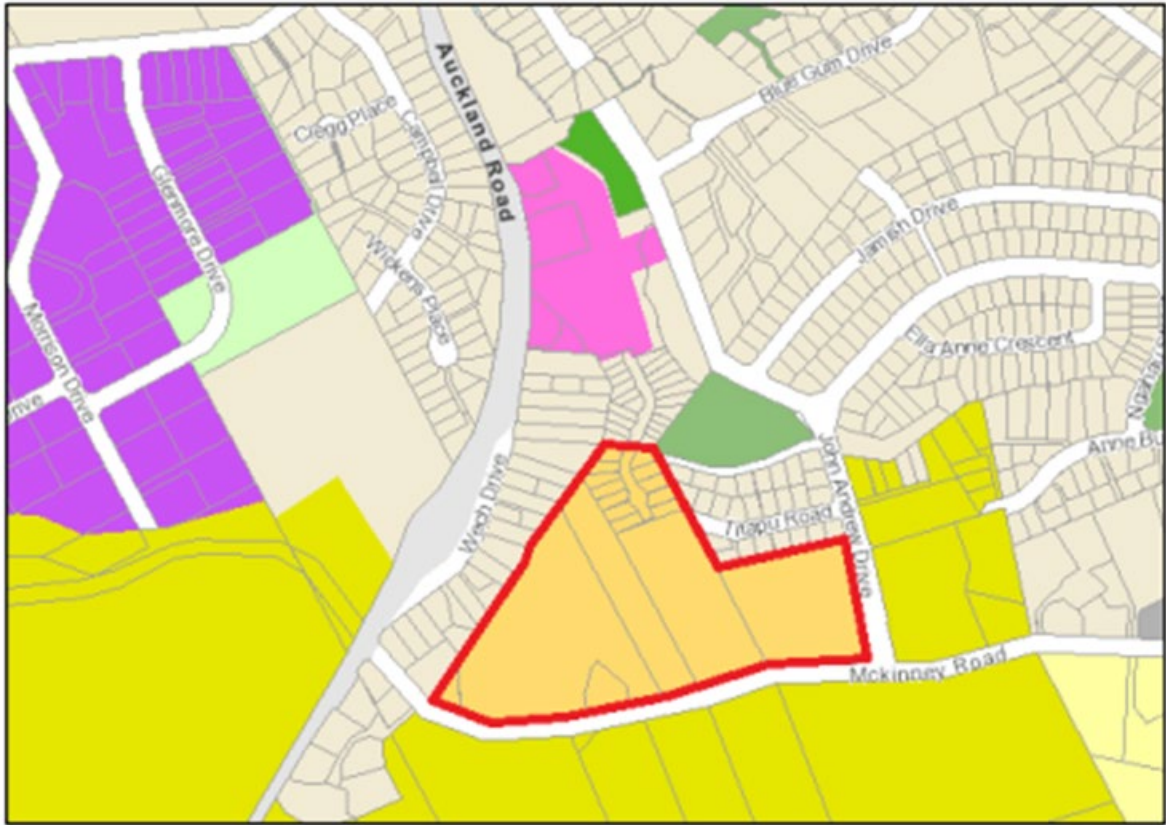
INTRODUCTION

2. The Private Plan Change request was made under Clause 21 of Schedule 1 to the Resource Management Act 1991 (**‘RMA’**) and was accepted by Auckland Council (**“the Council”**), under clause 25(2)(b) of Schedule 1 to the RMA on 3 December 2021.
3. A report in accordance with section 32 and 32AA (in relation to the changes sought) of the RMA was prepared in support of the proposed plan change for the purpose of considering the appropriateness of the proposed plan change and its precinct provisions.
4. This decision is made on behalf of the Auckland Council (**“the Council”**) by Independent Hearing Commissioners William Smith (Chairperson), Michael Parsonson and Hugh Leersnyder appointed and acting under delegated authority under sections 34 and 34A of the RMA.
5. The Commissioners have been delegated the authority by the Council to make a decision on Private Plan Change 72 (**“PPC 72”**) to the Auckland Council Unitary Plan Operative in Part (**“AUP OP”**). In making our decision we have considered all of the material put before us, including: the application, all of the submissions, the section 32 and 32AA evaluations, the Section 42A report (prepared by Mr Robert Scott, Consultant Planner), the opening legal submissions, expert and lay evidence, tabled material and closing reply evidence and closing legal submissions. All of the evidence that we have considered is on Council’s file.

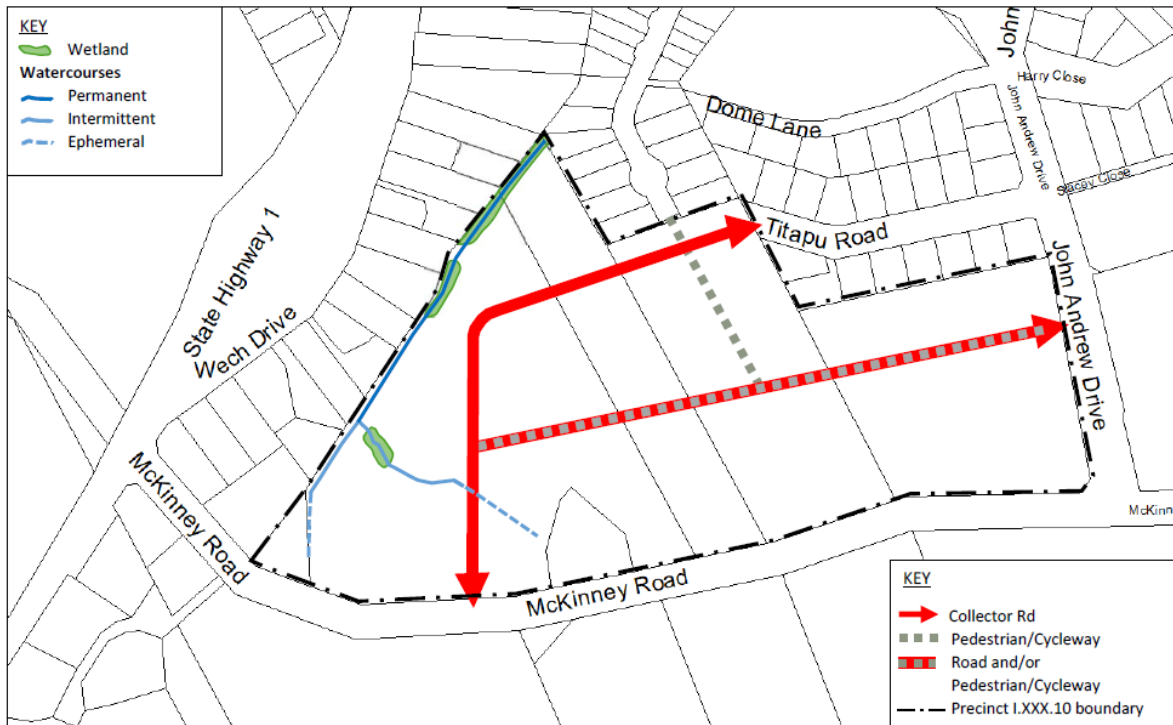
EXISTING PLAN PROVISIONS

6. The Section 42A Report provided a useful summary of existing zoning provisions and land affected by the PPC. (Figure 1 below shows the general location):

Figure 1: PPC72 Location



Section 1 (**Table 1**) of the s42A Report also included a schedule of the land affected by PPC72 and **Figure 2** (shown below) was the 'Proposed Precinct Plan (I.XXX.10 Warkworth X Precinct Plan'.



PROPOSED ZONE AND PRECINCT PROVISIONS

7. The proposed Plan Change is described in detail in the Applicant's Plan Change Request and in the Council's section 42A hearing report at Section 1.4. Figure 2 (above) shows the requested Precinct Plan.
8. PPC72 effectively seeks to change the current FUZ zoning to a MHS zoning. The MHS is the most widespread residential zoning covering many of the established suburbs and some greenfield areas of Warkworth. Mr Scott at Sections 1.4 and 1.5 of his report sets out the Proposed Zone and Precinct Provisions and we do not intend or need to repeat the full details here but have taken the details into consideration when making our decision. The purpose of, and the reasons for, PPC 72 were outlined in the Plan Change Request.

THE SITE AND SURROUNDING ENVIRONMENT

9. The Plan Change Request provided a site description of the Plan Change area and the local context. The plan change request relates to all properties that were shown in Table 1 in the s42A Report.
10. Our site visit confirmed that the PPC area is as described in the PPC documents and in the s42A Report and that the surrounding area (with the exception to the land to the south of McKinney Road) is currently either developed or being progressively developed.

NOTIFICATION PROCESS AND SUBMISSIONS

11. PPC 72 is a private plan change that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).
12. The plan change was publicly notified on 24 February 2022 following a feedback process involving Iwi, as required by Clause 4A of Schedule 1.
13. The date for lodging submissions closed on 24 March 2022. Seven submissions were received. The submitters and their submissions were addressed in the s42A Report and were read by us before the hearing and have been taken into account when making our decision.
14. The summary of decisions requested was notified on the 28 April 2022 with the closing date being 12 May 2022. Three further submissions were received. The Section 42A Report provided comprehensive tabulations of the issues raised by the submitters in their submissions and further submission; and the relief sought. In summary, submissions addressed:
 - Lack of detail provided;
 - Poor connectivity (vehicles, pedestrians and cycling);
 - Traffic and Transportation (poor visibility and congestion at the State Highway 1 (SH1) McKinney Road intersection, deficiencies in the transport information provided to support the PPC and Precinct provisions and the lack of funding or other

mechanisms to ensure that the transport infrastructure required to support the rezoning is provided);

- Inclusion of the Medium Density Residential Standards in the PPC;
- Services and infrastructure (sequencing of urban infrastructure with the approval of the PPC and in particular the proposed water and wastewater servicing arrangements and the effects of the PPC on the existing and planned water and wastewater networks; and
- Stormwater management.

15. We address the submitters' concerns below. Of particular significance to this decision are our findings in relation to the submissions of Auckland Transport (**AT**), NZTA/Waka Kotahi (**NZTA**) Watercare (**WC**) and Auckland Council as a submitter (**ACS**), who, as their initial position, conditionally opposed the grant of PPC 72. As a result of constructive caucusing between some of the expert witnesses for various parties, by the conclusion of the formal hearing process some positions were modified, to one of conditional support as long as the precinct provisions were amended to ensure that the required transport infrastructure upgrades were addressed and provisions dealing with the issue of wastewater infrastructure were included. We note that Watercare Services did not provide any written expert evidence for the hearing and that by the time of the hearing it still opposed the PPC due to concerns around the lack of provision of wastewater infrastructure and the tankering of wastewater from the 30 dwellings to a suitable facility for disposal.

16. During the hearing, we raised the issue of expert conferencing on planning and transportation being facilitated and there was general agreement from all parties at the hearing to take part.

17. We found that the outcome of expert conferencing was extremely constructive in both narrowing and resolving issues associated with planning and transportation. We were advised that the following parties participated in the correspondence and expert conferencing after the hearing and before the RoR was received:

- Aztek Projects Ltd (Requestor) – Shane Hartley and Don McKenzie
- AKCL – Robert Scott and Leo Hills
- Thorogood, Yang and Yang – Burnette O'Connor and Philip Brown
- AT – Chris Freeke
- NZTA/Waka Kotahi – Sarah Ho and Ian Clark.

18. As a result of the conferencing taking place the two issues identified were:

- Whether we should allow for subdivision but not allow for occupation of any dwellings prior to the opening of the Snells Beach WWTP. The Requestor's position was that 30 dwellings should be enabled as an RDA and we agree with Ms Davidson that there was no expert evidence called to dispute the appropriateness of the suggested rule.
- The appropriateness of using 30 dwellings as a trigger for DA status where more intense scrutiny of the SH1/McKinney Road intersection would be required. We

were told that Ms O'Connor considered that there was no 'effects basis' for the 30 dwellings and that the intersection upgrades identified by the traffic experts might well enable significantly more traffic to use the intersection without requiring further mitigation works. The other parties' experts considered that the reference to 30 dwellings was appropriate.

19. There was general agreement to a number of amendments to Policies, Objectives and Standards and these were shown in the Precinct Provisions provided to us. Mr Hartley had provided us with two versions of the Precinct Plan (clean and tracked) with the tracked version also showing comments at the bottom identifying the areas still in contention. We have attached two versions of the Precinct Provisions to this decision, one being a copy of Mr Hartley's clean copy with our amendments as a result of our decision shown clearly and one clean copy.

SECTION 42A – OFFICERS RECOMMENDATION

20. In preparing the Section 42A Report Mr Scott was assisted by the following 'technical inputs' from the following experts:

Matter	Reviewing specialist
Stormwater	Susan Andrews
Water Quality/Ecology	Rue Statham
Transportation/Traffic	Leo Hills

21. Mr Scott provided 'Conclusions' and 'Recommendations' in his Section 42A Report; he noted:

*"Having considered all of the information provided by the requestor, carried out an assessment of effects, reviewed all relevant statutory and non-statutory documents and made recommendations on all submissions, and subject to further evidence on matters relating to transportation effects (McKinney Road/SH1 intersection) and the provision of wastewater infrastructure (interim tankering of wastewater), I recommend that **PPC72 should be declined as notified**. Based on the PPC documentation (including further information and assessment prior to notification) presented by the requestor and the submissions and further submissions received, it is my view that PPC72 would not:*

- *assist the council in achieving the purpose of the RMA;*
- *be consistent with Auckland Unitary Plan Regional Policy Statement and in particular, policies B2.4.2(6) and B3.3.2(4)(a);*
- *be consistent with the Auckland Plan and its planned urban expansion in Decade Two, 1st half, 2028 – 2032 based on the provision of infrastructure;*
- *be consistent with the Warkworth Structure Plan."*

and

1. “That, the Hearing Commissioners accept or reject submissions (and associated further submissions) as outlined in this report.
 2. That as a result of the assessment of the plan change request and recommendations on the submissions, I recommend that PPC72 be declined and the Unitary Plan not be amended because PPC72 would not:
 - assist the council in achieving the purpose of the RMA;
 - be consistent with Auckland Unitary Plan Regional Policy Statement and in particular, policies B2.4.2(6) and B3.3.2(4)(a);
 - be consistent with the Auckland Plan and its planned urban expansion in Decade Two, 1st half, 2028 – 2032 based on the provision of infrastructure;
 - be consistent with the Warkworth Structure Plan.
 3. If the Hearing Commissioners were minded to approve PPC72, the following changes to the Unitary Plan and the proposed Warkworth X precinct plan are recommended:
 - Applying a Stormwater Management Area Flow 1 over the entire area of PPC72.
 - The inclusion of the amendments to the proposed precinct plan set out in **Attachment 5** to this report and any other amendments necessary to address the concerns outlined in this report with regard to wastewater, the McKinney Rd/SH1 intersection, and the proposed pedestrian/cycleway connection.”
22. Mr Scott, in addressing his Section 42A recommendation at the hearing and after having heard all of the evidence and submissions, modified his recommendation to one of support as long as the precinct provisions were amended to ensure that the required transport infrastructure upgrades were addressed and the provisions were amended to cater for the provision of wastewater removal. Mr Scott also indicated his willingness to confer/caucus with the planning and other experts and provide the panel with a revised and agreed (if possible) set of Precinct provisions for the panel’s consideration.

LOCAL BOARD COMMENTS

23. The section 42A Report provided a full summary (section 6) of the Rodney Local Board comments. The resolution of the Board was to oppose the PPC.
24. To the extent we are able, and in the context of submissions to PPC 72, we have had regard to the views of the Board.

EXPERT CONFERENCING

25. We were told at the hearing that following the close of the submission period, that expert conferencing on planning and transportation issues was undertaken.
26. We were also told that the expert conferencing was extremely constructive in both narrowing and resolving issues associated with planning and transportation and that the revised precinct provisions, subject to possible amendments from the hearing, were generally acceptable.

HEARING AND HEARING PROCESS

27. The Hearing for PPC 72 commenced on Wednesday 30 November 2022 and was adjourned at 12.52pm on the same day on the understanding that the Requestor (via Ms Davidson) would provide the Right of Reply (RoR) in writing by 4pm on Friday 9 November and with it a set of revised precinct provisions that the relevant experts agreed on. If there was any disagreement this was to be highlighted with the reasons shown. The panel received the RoR, the revised precinct provisions and a summary of the final precinct provisions on 13 and 16 December 2022.
28. Prior to the hearing, all the Commissioners visited the Site and the local surroundings on 21 November 2022. The hearing was closed at 12 noon on 22 December 2022.

RELEVANT STATUTORY PROVISIONS

29. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements were set out in the Section 42A Report, expert evidence and legal submissions.
30. The Requestor, in its Private Plan Change Request, provided an evaluation pursuant to section 32, and the additional information (Clause 23) requested by the Council.
31. We do not need to repeat contents of the Plan Change Request with its Section 32 Assessment Analysis in any detail, as we address the merits of those below. We accept the appropriate requirements for the formulation of a plan change have been comprehensively addressed in the material before us. However, in its evidence and at the hearing, we note that the Requestor proposed amendments to the precinct provisions in response to concerns raised by the Council and Submitters.
32. We also note that the Section 32 Assessment Report clarifies that analysis of efficiency and effectiveness of the plan change is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. Having considered the application and the evidence, we are satisfied that PPC 72 has been developed in accordance with the relevant statutory requirements.
33. Clauses 10 and 29 of Schedule 1 require that this decision must include the reasons for accepting or rejecting submissions. We address these matters below, setting out our reasons for accepting or rejecting the submissions.

34. Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified plan change after the section 32 evaluation was carried out. This further evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes. In our view this decision, which among other things, addresses the modifications we have made to the provisions of PPC 72 satisfies our section 32AA obligations.
35. In Section 3, the Section 42A Report set out the relevant policy framework which must be considered and provided a summary analysis of the proposal against the relevant provisions. The Plan Change Request also provided an analysis of the applicable statutory documents. We do not intend to repeat those analyses here.
36. As stated in the Section 42A Report, the relevant provisions are found in:
- The National Policy Statement on Urban Development 2020 (NPS-UD);
 - The National Policy Statement on Freshwater Management 2020 (NPS-FM);
 - The National Policy Statement for Highly Productive Land 2022 (NPS-HPL). However, we note that in relation to the NPS-HPL that the PPC72 land is currently zoned FUZ and is therefore excluded from the NPS-HPL mapping and subsequent protection;
 - National environmental standards or regulations (NES);
 - Auckland Regional Policy Statement (RPS); and
 - The Auckland Plan.

Other Plans and Strategies

37. Both the Plan Change Request and the Section 42A Report noted that Section 74(2)(b)(i) of the RMA requires that a territorial authority must have regard to plans and strategies prepared under other Acts when considering a plan change. The Auckland Plan 2050, prepared under section 79 of the Local Government (Auckland Council) Act 2009, is a relevant strategy document that the Council should have regard to when considering PPC72. There was general agreement that PPC72 is generally consistent with the Auckland Plan.
38. The Warkworth Structure Plan was covered in the application documents, the s42A Report and also referred to in submissions and there was general agreement that PPC72 is generally consistent with the Warkworth Structure Plan.

FINDINGS AND REASONS FOR APPROVING THE PLAN CHANGE

39. The following section addresses our overall findings on PPC 72 and why we have approved it; having heard and considered all of the material and evidence before us.
40. At the hearing we had written statement of evidence tabled before us from NZTA/Waka Kotahi who supported the Plan Change subject to the amendments dealing with the transportation/traffic issues These were addressed by the Requestor's Planner Mr Hartley

in his Evidence-in Chief, his summary evidence and his evidence at the hearing. Where Mr Hartley accepted the issues raised, they were incorporated into the precinct provisions. Mr Hartley in his Rebuttal Evidence suggested a number of additional changes to the Precinct text to give comfort to NZTA, AT, AKC and submitters. Mr Hartley did recommend further amendments after reviewing submitters' evidence and the evidence at the hearing and also undertook to confer/caucus with the relevant experts to finalise (if possible) a final set of Precinct provisions.

41. We have specifically addressed the matters raised in the hearing evidence. We have considered the changes sought that we considered were significant in the context of this decision. The provisions we have accepted are those in the precinct provisions attached to this decision. They are, in the vast majority of cases, those recommended by the Requestor's planner Mr Hartley for the reasons set out in his evidence and addressed in the Requestor's legal submissions and the Right of Reply and Precinct provisions as a result of the conferencing/caucusing between various experts after the adjournment of the hearing.
42. We also address the submissions received to PPC 72 and the relief sought in those submissions. In this respect we have dealt with those submissions under the headings that were used in the Section 42A report for consistency.
43. In reaching our decision to approve the PPC we have considered the information and evidence provided to us in relation to the other issues which had been considered by the experts – Urban Design, Landscape and Visual Amenity, Ecology, Internal Roding and Access, Stormwater, Water Supply, Geotechnical Effects, Contamination Effects, Archaeology and Cultural and our view is that the proposal is consistent with the Unitary Plan and other documents and the purpose of the RMA. In regards to these issues we did not have any expert evidence to refute the evidence before us. In relation to Stormwater, we have applied the SMAF1 to the entire area of PPC72 and in relation to a Water Supply Watercare has confirmed that there is capacity available within the water supply network to support PPC72 and that this issue will be addressed between the Applicant and Watercare at resource consent stage.
44. With respect to further submissions, they can only support or oppose an initial submission. Our decisions, on the further submissions reflects our decisions on those initial submissions having regard, of course, to any relevant new material provided in that further submission. For example, if a Further Submission supports a submission(s) that opposes the Plan Change and we have recommended that the initial submission(s) be rejected, then it follows that the Further Submission is also rejected.
45. We also note that we must include a further evaluation of any proposed changes to the Plan Change arising from submissions; with that evaluation to be undertaken in accordance with section 32AA of the RMA. With regard to that section, the evidence presented by the Requestor, Submitters and Council Officers and this report, including the changes we have made, effectively represents that assessment. All the material needs to be read in conjunction with this decision report where we have determined that changes to PPC 72 should be made.

Reasons for the Plan Change Proposal

46. We accept the Requestor's rationale for seeking to change the AUP (OP) and rezoning of the site from FUZ to MHS and to introduce a new precinct into Chapter 1. This was detailed in the Application, evidence and the Requestor's legal submissions.
47. For the reasons that follow, it is our view that the provisions of PPC 72 (as we have determined them) are more efficient and appropriate in terms of the section 32 and section 32AA of the RMA analysis than those currently in the AUP (OP) and satisfies the Part 2 provisions of the RMA. We address these matters below.
48. In addition to the position set out by the Requestor's planner and in the section 42A report, to provide a context to our commentary below we have set out (in brief) the various planners' positions at or by the time of the hearing:

Mr Scott (Section 42A Report):

Although in his s42A Report his recommendation (section 9.1) was that PPC 72 should be declined and the Unitary Plan should not be amended he changed his recommendation at the hearing to support the PPC subject to amendments to the PPC and Precinct provisions. Mr Scott confirmed that he was willing to confer/caucus with the other relevant experts in relation to providing the panel with an amended set of PPC 72 provisions.

Ms O'Connor (Planner for M J Thorogood, Julius Yang and Cheng-Kwang Yang):

Ms O'Connor's evidence was generally supportive of the PPC subject to some amendments to the provisions which she had provided with her evidence. At the hearing she confirmed her evidence and acknowledged that the amendments suggested were generally accepted and also confirmed that she was willing to confer/caucus with the other relevant experts in relation to providing the panel with an amended set of PPC 72 provisions.

Ms Ho (Planner for Waka Kotahi/NZTA):

A letter was tabled at the hearing from Ms Ho on behalf of Waka Kotahi/NZTA stating that she had worked with representatives of the Requestor and Auckland Transport and had agreed amended provisions and was supportive of the PPC as the Requestor has satisfied and addressed the points raised in the submission. We note here that Mr Hartley undertook to include Ms Ho in the caucusing of the relevant experts as she had been involved before the hearing.

Mr Hartley (Planner for Requestor)

Mr Hartley's evidence before us was supportive of the PPC and precinct provisions subject to amendments and after hearing the evidence at the hearing he was still supportive of the PPC and accepted some of the amendments suggested by submitters. Mr Hartley confirmed that he would confer/caucus with the other relevant experts and provide a set of PPC and Precinct provisions for the panel's consideration.

The Panel's Decision-Making Focus

49. We heard legal advocacy from legal counsel for the Applicant (Ms Davidson), as to the appropriate focus the panel should take in terms of its decision-making. Ms Davidson referred us to the *Middle Hill Limited v Auckland Council* decision – ENV-2020-AKL-000048 – Decision [2022] NZEnvC 162. We accept our considerations should be informed by caselaw and have done so accordingly.

Should Medium Density Residential Standards (MDSR) be incorporated into the Precinct Provisions?

50. The Resource Management (Enabling Housing Supply and Other Matters) Amendment (EHS) Bill was passed on 21 December 2021. The Applicant made a submission seeking the incorporation of the MDRS into the Precinct provisions. Mr Scott covered this issue in Section 3.4 of his Report and his opinion was that we did not have the authority to apply a zoning under PC78 as there is no scope to do so and explained why PPC72 was somewhat unique in this regard.
51. Ms Davidson in her submissions agreed with the opinion of Mr Scott and accepted on behalf of the Requestor that the MDRS could not be considered for inclusion in PPC72 and we have accepted the opinions of Mr Scott and Ms Davidson.
52. Mr Scott stated: "*The plan change must be considered on its merits under the current (MHS zone) planning provisions sought. If the plan change is approved, and made operative, the Council could then undertake a variation to PC78, that seeks to rezone the land (if required) and to incorporate the MDRS into the new residential zone.*"
53. Having approved PPC72 it is up to the Council and Requestor to consider this issue any further. We are aware that the Requestor has lodged a submission to PC78 seeking that the MDRS provisions be applied to the land if PPC72 is approved.

Mana Whenua

54. The Requestor's Plan Change Request addressed iwi consultation; noting that it had consulted with Ngati Manuhiri Settlement Trust through the Manuhiri Kaitiaki Charitable Trust which had provided a Kaitiaki Report dated 30 April 2021 and had raised concerns relating to potential impacts on wai and the whenua that might be caused by the Plan Change. The Kaitiaki Report made a number of conclusions and recommendations which were shown in Section 5.10 of the s42A Report.
55. In absence of Mana Whenua submissions or evidence we are satisfied, based on the information and evidence from the Requestor, that PPC 72 would give effect to the RPS and Part 2 in relation to Mana Whenua interests and values.

ANALYSIS OF SUBMISSIONS AND FURTHER SUBMISSIONS

56. We have addressed the relevant issues throughout this decision and we have provided a set of precinct provisions that we think appropriately address effects associated with the development and in approving the PPC we have provided a set of precinct provisions that, in our view, appropriately address the zoning change sought by the Requestor.

57. Mr Scott in his s42A Report (s7.2) discussed the relief sought in the submissions and made recommendations to us and as there were only seven primary submissions and three further submissions, he addressed them individually and in the order they were received. We have followed this format but as we have decided to approve the PPC subject to some amendments our conclusions/decisions on the submissions are different. We have not included full details of the submission as these were clearly shown in the s42A Report and in the actual submissions – which we have read. A general summary follows with a brief discussion of our findings.

Submission 1 – Roger Lewis Williams

58. This submission sought that the plan change be refused on the grounds that the documentation is poorly prepared and will result in “high density tenements with minimal amenities to maximise the financial yield”.

59. The submission raised a number of specific issues to the support the above conclusion and these are summarised as:

- The application gives no indication of the lot layout or the visual appearance of the development.
- The pedestrian and cycling connectivity is poor. The proposed pathway through to The Grange shopping centre is poor.
- Vehicle connectivity is poor with one route going to John Andrew Drive which is currently unformed and “untrafficable” and McKinney Road in a poor formation.
- The intersection with the existing State Highway has poor visibility.
- The proposed subdivision is highly car dependent only adding to the parking woes of the Warkworth Township.
- Public amenity is not addressed except by a wetland designed for stormwater attenuation.

60. Mr Williams attended the hearing and provided a power-point presentation outlining his relevant experience and his concerns and also answered questions. His conclusion in his presentation was that the PPC 72 should be delayed (although he accepts that a subdivision on the site will occur eventually) until adequate pedestrian and cycleways are in place, gradient issues are resolved especially at John Andrew Drive and that an upgraded McKinney Road/SH1 intersection is both resolved and constructed in its final form.

61. Many of the concerns raised in this submission regarding the current road formation, width and connectivity appear to be based on the current roading formation and not the proposed urban standards that would be formed and upgraded should the plan change be approved. This would apply to the current formation of John Andrew Drive and McKinney Road which would be upgraded to an urban collector road standard with pedestrian and cycleway facilities included.

62. The PPC is to rezone the land from FUZ to the MHS zone and there is no requirement or presumption that a lot layout for development should be provided and the Requestor did not include landuse/subdivision consents as part of the proposal. As we have decided to approve the PPC it will be up to the developer(s) of the land to provide subdivision plans and dwelling designs at the appropriate time.
63. The comments about public amenity not being addressed are noted but it is considered that the precinct plan provisions (as amended) require genuine protection and enhancement of riparian areas including the planting alongside the existing freshwater stream and wetlands.
64. In regards to the submission raising concerns regarding the sight distances and safety of the McKinney Road/SH1 intersection which had also been raised by AT and NZTA/Waka Kotahi, the gradient of John Andrew Drive and adequate pedestrian and cycleways these issues have either been resolved as a result of the expert conferencing/caucusing or will be dealt with as such at subdivision/development stage in line with the amended PPC provisions and other Council requirements.
65. Our decision on this submission is that the issues raised are valid, but have now been addressed to the extent that the submission to refuse the plan change is **Rejected**.

Submission 2 - KA – Waimanawa Limited

66. This submission stated that it was a neutral submission although, it sought that the PPC be approved. Although the submitter stated that it wished to be heard it did not provide further evidence and did not attend the hearing.
67. Because of our decisions on the issue regarding the upgrade or improvement to sightlines at the McKinney Road/SH1 intersection and the issue of tankering of wastewater, it is recommended that this submission is **Accepted**.

Submission 3 – Aztek Properties Limited

68. This submission was lodged by the Requestor and sought to amend the zoning provisions and/or the precinct plan provisions to allow the MDRS standards to be incorporated into residential zones.
69. This submission was lodged before the situation associated with the notification of PPC72 and the inability to include it within PC 78 was made apparent. As set out in section 3.4 above the plan change must be considered under its merits under the current (MHS zone) planning provisions sought. If the PPC is approved, and made operative, the Council could then undertake a variation to PC78, that seeks to rezone the land (if required) and to incorporate the MDRS into the new residential zone.
70. We acknowledge that Ms Davidson agreed on behalf of the Requestor that the MDRS could not be considered by us and having taken into account the opinions of Mr Scott and Ms Davidson our decision is that this submission be **Rejected**.

Submission 4 – Auckland Transport (AT) (also further submission 2)

71. The AT submission sought that the PPC be declined unless the matters set out in its submission are addressed and resolved to AT's satisfaction. The submission raised a number of transportation related matters and the issue regarding the sightlines and safety of the McKinney Road/SH1 intersection (and addressed by Mr Hills in his peer review for the Council) have been discussed in detail and Mr Scott recommended that this aspect of the AT submission be accepted unless further evidence is presented to address this issue.
72. The AT submission also discussed the incorporation of the MDRS standards. However, as we have discussed above our decision is that the MDRS cannot be incorporated into the PPC and on that basis, it is recommended that this aspect of the AT submission be **Rejected**.
73. AT also requested that a new rule be included in the precinct plan requiring consent to form a vehicle crossing across cycleways on the collector roads being: John Andrew Drive and McKinney Road. Mr Hills for the Council also supported this relief and a new rule requiring restricted discretionary activity consent had been agreed between the experts. Accordingly, our decision on that this aspect of the AT submission is that it be **Accepted**.
74. The AT submission also stated that the proposed precinct provisions were not robust enough to ensure all the infrastructure improvements needed to support the development will be delivered. The submission sought that the Precinct Plan include provisions to ensure that subdivision and development is integrated with the delivery of the transport infrastructure and services required to provide for the transport needs of the precinct, connect with the surrounding network and avoid, remedy or mitigate adverse effects. These key infrastructure improvements included but were not limited to:
- Provision of the collector road as proposed in the Warkworth X Precinct Plan;
 - Development of the active mode connections identified in the Warkworth X Precinct Plan;
 - Upgrade of the McKinney Road and John Andrew Drive Road frontages to an urban standard; and
 - Any on-road interventions required for the upgrade of the SH1 / McKinney Road intersection.
75. AT did provide further evidence on how these triggers, matters of discretion and/or assessment criteria can be incorporated into the precinct provisions. It also supported proposed Precinct X Policy 3 but sought amendment to it as follows:
- (3) *Subdivision, use and development shall provide for integrated roading, pedestrian and cycling infrastructure including safe and accessible pedestrian and cycling links to The Grange commercial centre, to achieve full connectivity of all development as shown in the Warkworth X Precinct Plan.*

76. This change was supported by Mr Scott as it reinforces the concerns raised by Mr Hills about the slope of the proposed access between the PPC land and Fairwater Drive and the need for the pedestrian and cycling infrastructure to be user friendly and frequently used. Accordingly, it was recommended by Mr Scott that Policy 3 be amended as requested by AT and that this aspect of the AT submission is **Accepted**.
77. We agree with the evidence of AT and Mr Hills and acknowledge the expert caucusing that took place before and after the hearing which did resolve most of the issues and as a result the Precinct Provisions have been generally agreed between the experts on transport/traffic related issues. We have accepted the amended precinct provisions (subject to some minor amendments which are shown in Appendix A) and are of the view (based on the expert evidence) that all transport/traffic related issues are appropriate. We therefore **Accept** this part of the submission.

Submission 5 – Watercare Services Limited (Watercare - WC)

78. The issues raised by Watercare related to the provision of wastewater infrastructure in a staged manner to align with the new Snells Beach WWTP. Watercare appeared to have supported a rule that would only allow 30 dwellings to be constructed during the first stage of development based on the tankering of wastewater to its WWTP at Rosedale. We received and heard evidence from Mr Senior on behalf of the Requestor who had carried out consultation with Watercare and who had received a letter from Watercare in September 2021 confirming that it was feasible to tanker wastewater to the Rosedale Road WWTP. The letter also stated “*The developer can proceed with the plan change application*”. The Watercare submission subsequently withdrew its support for this option based on its view that tankering is not viable. This appeared to be based on the likely availability of vehicles to perform this service.
79. Mr Scott referred to/discussed this issue in the wastewater section of his s42A report and suggested that further evidence from both Watercare and the Requestor be provided on this matter, to address whether this option is viable or whether the precinct provisions can be amended to prevent development until such time as the Snells Beach WWTP is operational.
80. Mr Senior and Mr Hartley provided written expert evidence on this issue for the hearing on behalf of the Requestor and Ms Davidson also covered this issue in her legal submissions. We did receive a written statement from Ms Voss on behalf of Watercare but no written technical evidence was received from any expert on behalf of Watercare. However, Ms Voss (briefly) and Mr Iszard did appear before us via video link and Mr Iszard outlined why Watercare opposed the PPC due to the lack of wastewater services and the feasibility of tankering wastewater to an appropriate wastewater treatment plant. Mr Iszard advised us that some tankering of wastewater to an appropriate wastewater facility was taking place in other parts of Auckland but he did have concerns around the availability and feasibility of tankering wastewater from Warkworth to the Rosedale WWTP. Mr Iszard confirmed that existing WWTPs do have capacity to receive wastewater from 30 lots if it could be feasibly tinkered to a plant.
81. Both Mr Hartley and Mr Senior were of the view that it was feasible to tanker wastewater from up to 30 dwellings, that the availability issue would come down to market forces and

we were told that the number of tanker trips required for 30 dwellings would be about Two (2) per day. We were also told that the Precinct Provisions (as amended) would mean that if tankering was not available that the appropriate consent(s) could not be issued.

82. There was a general discussion about the timeline for approval of the PPC, the issuing of any consents, earthwork and other site developments, the eventual building of any dwellings and the opening and availability of the Snells Beach WWTP and pipeline to it. Mr Hartley stated that investigations/details for the PPC started in about August 2019 – over three years ago. In a best-case scenario, he could see some dwellings being able to be built in the middle of 2024 taking into account further consents required, engineering details, earthwork seasons etc and this would mean (on present timeline) 12 to 18 months before pipeline and WWTP availability. Mr Cull suggested that this would be a best-case scenario.
83. Considering all of the evidence before us our view is that the PPC should be approved and allowance made for up to 30 dwellings to be developed on reliance of tankering the wastewater from those dwellings to an appropriate/approved facility. We do not believe that the PPC should be declined because tankering may not be feasible or available as that is something that is unknown and if not available consent will not be granted.
84. Although the submission did refer to the availability of water supply for the PPC land this issue was not pursued during the hearing by Watercare and the evidence before us was that an appropriate water supply was available for the PPC site.
85. As our decision is to approve the PPC subject to some amendments and allow up to 30 dwellings to be built, the submission from Watercare is **Rejected**.

Submission 6 - MJ Thorogood and Julius Yang and Cheng-Kwang Yang

86. The above submission was lodged on behalf of the owner of 43 McKinney Road (Lot 1 DP 550765) - being Mikel Jon Thorogood. The site has a land area of 1.608 hectares and adjoins Titapu Road to the east and extends to the southern boundary of The Grange development. This site contains the land that would be required to form a pedestrian and cycle linkage to Fairwater Drive.
87. The other party to this submission Julius Yang is representing his brother (Cheng-Kwang Yang) who owns Lot 1 DP 187649, which has an area of approximately 1.699 hectares and fronts John Andrew Drive and McKinney Road.
88. The submitters support the proposed zoning but seek greater certainty on the location of the road connection to McKinney Road given the alignment of McKinney Road and the topography of the land in the vicinity of the proposed road. The submission states that there are few locations suitable from a road safety and standards perspective that this road could be located. It also sought certainty in relation to the location of any local road connecting through to John Andrew Drive. On this matter we note that the internal roading alignments are shown as being somewhat “indicative” and may not be the exact location of future local roads.
89. The submission refers to the proposed pedestrian /cycleway connection to Fairwater Road and The Grange shopping centre. The submitters seek that this connection either

be deleted or shown as a potential with an asterisk or star. This is because there is currently no legal access over all of Fairwater Road. The submission goes on to state:

There is no legal access for pedestrians or cyclists over the portion of Fairwater Road between the residential and commercial area – Refer Attachment A. This shows that there is no public Right of Way. The land is Common Property subject to a Unit Title development and therefore public access over this area can only be provided if the owners of the land agree to create an easement in favour of Council, or the road is vested. The Precinct should make it clear that a connection only be required to the Grange if legally and practically possible. ...

90. The Requestor and the Submitters did provide evidence at the hearing on the above matter and also how connection can be provided via possible alternative locations. We are satisfied based on the evidence before us that pedestrian/cycle access can be provided to the PPC site.
91. The submission commented on the McKinney Road/SH1 intersection and the need for this to be upgraded and/or signalised. The submission stated that there is some uncertainty about how this intersection will be upgraded and whether it would remain in its current location. The submitter stated that the need to signalise this intersection is not related to development along McKinney Road and wider Warkworth area.
92. As a result of the expert conferencing/caucusing on this issue and amended Precinct Provisions provided to us it is recommended that this aspect of the submission be **Rejected**. Noting that Ms O'Connor's opinion was that the 30 dwelling limit had no "effects basis" in relation to transport/traffic matters.
93. The submission also commented on the precinct description which included wording which referenced to 20 – 30 dwellings per hectare. Ms O'Connor considered this to be unnecessary given that the MHS zone does not have a stated density and that these numbers may change should an approved MHS zone be incorporated into PC78 – Intensification to enable the MDRS.
94. Mr Scott agreed with Ms O'Connor's about the changes and we agree and **Accept** this part of the submission.
95. The submission also sought deletion of the reference to The Grange Commercial Centre from Policy 3 due to uncertainties as to the ability form a pedestrian and cycle link. Although Mr Scott accepted that there is uncertainty, he recommended that the current wording of Policy 3 remains but with the added words "the potential for" be added. We agree and this part of the submission is **Accepted in Part**.
96. The relief also sought changes to Policy 4 and a new Policy 5 clarifying the need for local and collector roads and Mr Scott supported these changes as follows. We agree and this part of the submission is **Accepted**.
97. Finally, the submission sought further clarity on the stormwater wetland to be constructed to provide for stormwater management in the Precinct and that it should be clearly labelled on the Precinct Plan with a descriptor relating to stormwater management. A marked-up version of the Precinct was provided as Attachment B to the submission.

98. Overall, our decision is that this submission be Accepted in Part to the extent outlined above and as shown in the Precinct Provisions attached as Appendices A and B.

Submission 7 – NZTA/Waka Kotahi

99. The submission by NZTA/Waka Kotahi mirrors many of the matters raised by AT with regard to the sequencing of land zoned for subdivision and development ahead of planned and necessary road infrastructure upgrades and in particular the McKinney Road/SH1 intersection.
100. We did not hear from any expert from NZTA/Waka Kotahi. However, we did receive and tabled a letter from it (via Ms Sarah Ho – Principal Planner) dated 22 November 2022 stating that based on Mr Hartley’s supplementary evidence, NZTA/Waka Kotahi was satisfied that the applicant’s proposal had addressed the points raised in its submission. We note here that Ms Ho was involved in the expert caucusing before the hearing and also after the hearing and before the RoR and amended Precinct provisions were provided to us for our consideration.
101. As set out in the discussion above on the AT submission, this issue was considered to be significant by Mr Scott, and the Requestor was invited to provide further expert evidence on the signalisation of this intersection or other measures that may be adopted (with NZTA/Waka Kotahi support) to improve the sightlines at the intersection. As a result of the evidence at the hearing and the expert caucusing undertaken, we are satisfied that the submission from NZTA/Waka Kotahi has been addressed as a result of the amendments to the PPC document and our decision is that the NZTA/Waka Kotahi submission be **Accepted in part** to the extent that the PPC document and Precinct Provisions have been amended.

Services and infrastructure

102. We are satisfied that, based on the issues and evidence before us, the matters relating to infrastructure (traffic/transport, water supply, stormwater, wastewater etc) have been appropriately addressed. On this basis we **accept** or **accept in part** those submissions which supported or sought changes which we have accepted to address infrastructure matters, and **reject** those submissions which sought changes to the provisions which we have not made.
103. The evidence before us clearly showed that the necessary infrastructure referred can be provided for the development and that the requestor has arrangements in place for the provision of such infrastructure.
104. In relation to stormwater our decision is to accept that the SMAF1 control will apply to the Precinct.
105. In regards to water supply Watercare have confirmed availability and in regards to wastewater we have accepted the evidence regarding the tankering of wastewater (based on 30 dwellings) until the Snells Beach WWTP is operational and available.

Section 32AA evaluation

106. Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified plan change after the section 32 evaluation was carried out. This further evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes. In our view this decision report, which among other things, addresses the modifications we have made to the provisions of PPC 72, satisfies our section 32AA obligations.

Part 2

107. Section 5(1) RMA provides that the purpose of the Act is to promote the sustainable management of natural and physical resources. We find that Part 2 of the RMA is met by PPC 72 for the reasons we have set out above. PPC 72 provides for the sustainable management of the PPC 72 land, in a manner that contributes to the region's ability to accommodate future growth.
108. We find that PPC 72 incorporates provisions that, in conjunction with the balance of the AUP (OP), appropriately recognises and provides for the matters of national importance listed in section 6 of the RMA and have particular regard to the other matters listed in section 7 of the RMA. We are satisfied that PPC 72 does not raise any issues in terms of section 8 of the RMA.

OVERALL DECISION

109. That pursuant to Schedule 1, Clauses 10 and 29 of the Resource Management Act 1991, that Proposed Plan Change 72 to the Auckland Unitary Plan (Operative in Part) be **approved**, subject to the modifications as set out in this decision.
110. Submissions on the plan change are accepted, accepted in part or refused in accordance with this decision.



William Smith - Chairperson
- for Commissioners Michael Parsonson and Hugh Leersnyder

Date: 17 January 2023

APPENDICES: A. Revised PPC72, McKinney Road, Warkworth, Precinct Text – Tracked
B. Revised PPC72, McKinney Road, Warkworth, Precinct Text

PRECINCT PLAN

McKinney Road, Warkworth Private Plan Change

*(~~PC72 Hearing Panel's Decision 17 January 2023~~ Final caucusing all changes adopted version 1600
131222)*

I.XXX.1. Precinct Description

The Warkworth X Precinct is located in the south of Warkworth, north of McKinney Road and to the east of State Highway 1 and applies to approximately 7.6ha of land held in six titles. State Highway 1 in this locality is to be revoked once the new section of State Highway 1 opens - Te Ara Tuhono - Puhoi to Warkworth and downgraded to an arterial route. For the purposes of this precinct it is still referred to as State Highway 1, and the provisions of this precinct will still apply to the road should the state highway status no longer apply.

Development is anticipated in accordance with the Residential – Mixed Housing Suburban zone provisions. The transport network shall be integrated across all the sites. Key pedestrian, cycle and road links, including required upgrading is provided for. Significant wetlands are identified and watercourses protected.

A comprehensive approach to managing stormwater has been designed and will be delivered in accordance with the Stormwater Management Plan for the Precinct. A new stormwater wetland to cater for stormwater from land in catchment A2 will be provided.

The land within the Precinct will be connected to the upgraded Warkworth - Snells Beach Wastewater Treatment Plant. Provision is made for limited development in advance of a wastewater network connection being available.

The zoning of the land within this precinct is Residential - Mixed Housing Suburban.

I.XXX.2. Objectives

- (1) Development shall be coordinated with the upgrading of the Snells Beach Wastewater Treatment Plant and completion of the conveyance network from Warkworth to Snells Beach to avoid adverse effects on the environment.
- (2) An integrated, low-speed transport and movement network is established with safe and convenient road, pedestrian and cycling connections within the Precinct and along State Highway 1 from Wech Drive to McKinney Road, McKinney Road, John Andrew Drive and to Fairwater Road and The Grange commercial centre.
- (3) Improvements to the safety of the transport network at the intersection of McKinney Road with State Highway 1 and the intersection of McKinney Road and John Andrew Drive to be delivered in conjunction with development in the Precinct.
- (4) Subdivision and development enhances the ecological values and water quality of the precinct including by undertaking comprehensive stormwater management in accordance with the approved Stormwater Management Plan.

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

I.XXX.3. Policies

- (1) Require subdivision and development to be in accordance with the Warkworth X Precinct Plan.

- (2) Require subdivision, use and development to align with the upgrading and provision of wastewater services, particularly the Snells Beach Wastewater Treatment Plant and a new conveyance network from Warkworth to Snells Beach.
- (3) Subdivision, use and development shall provide for integrated roading, pedestrian and cycling infrastructure, including safe and accessible separated pedestrian and cycling access to Wech Drive and the potential for safe and accessible separated infrastructure, including the potential for safe and accessible separated pedestrian and cycling links to The Grange commercial centre and Wech Drive, to achieve full connectivity of all development as shown in the Warkworth X Precinct Plan.
- (4) Deliver the required upgrading of the McKinney Road and State Highway 1 intersection to achieve a safe intersection design, and to take into account the design requirements and any necessary land vesting for a future upgrade of the McKinney Road and John Andrew DriveRoad intersection.
- (5) Require at least one vehicular local road connection from Titapu Road to McKinney Road, with an intersection on McKinney Road as indicated on the Warkworth X Precinct Plan.
- (6) Require subdivision and development to protect and enhance water quality and morphology of the streams and natural wetlands identified in the Warkworth X Precinct Plan while also preventing erosion.
- (7) Provide a new stormwater pond as indicated on the Precinct Plan to accommodate stormwater flows from Catchment A2 as provided for in the approved Stormwater Management Plan for the Precinct.

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

I.XXX.4. Activity Table

The activity tables in any relevant overlays, Auckland-wide and zones apply unless the activity is listed in Table IXXX.4.1 Activity table below.

Table IXXX.4.1 Land use and subdivision activities in Warkworth X Precinct

Activity		Activity Status
(A1)	Vacant sites subdivision involving parent sites of less than or greater than 1 ha complying with Standard E38.8.3.1	RD
(A2)	Subdivision or development complying with Standard I.XXX.6.1. Wastewater infrastructure and staging, prior to the Snells Beach Wastewater Treatment Plant and the conveyance network from Warkworth to Snells Beach becoming operational	RD
(A3)	Subdivision or development that does not comply with Standard I.XXX.6.1. Wastewater infrastructure and staging prior to the Snells Beach Wastewater Treatment Plant and the conveyance network from Warkworth to Snells Beach becoming operational	NC
(A4)	Development that does not comply with Standard I.XXX.6.1 Wastewater infrastructure and staging once the Snells Beach Wastewater Treatment Plant and the conveyance network from Warkworth to Snells Beach is operational	P
(A5)	Subdivision or development complying with: Standard IXXX.6.2. Transport Connections Standard IXXX.6.3. Streams and wetlands protection and enhancement	RD

(A6)	Subdivision or development that does not comply with: Standard IXXX.6.2. Transport Connections or does not deliver the safety upgrades required for the McKinney Road / State Highway 1 intersection as determined by Special Information requirement I.XXX.9(2) Standard IXXX.6.3. Streams and wetlands protection and enhancement Standard IXXX.6.4. New Buildings and additions – High Contaminant Yielding Materials	D
(A7)	Development complying with Standard IXXX.6.4. New Buildings and additions – High Contaminant Yielding Materials	P
(A8)	Any vehicle crossing that accesses McKinney Road or John Andrew Drive	RD

I.XXX.5. Notification

- (1) Any application for resource consent for an activity listed in Table IXXX.4.1 Activity Table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991. When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

I.XXX.6. Standards

- (1) The standards in the overlays, Auckland-wide and zones apply to all activities listed in Table IXXX.4.1 Activity table in this precinct.
- (2) Activities listed in Table IXXX.4.1 Activity table must comply with the specified standards in IXXX.6.1 – XXX.6.4, and the Special Information requirements of I.XXX.9.

I.XXX.6.1. Wastewater infrastructure upgrade and staging

Purpose: To ensure development is appropriately serviced by wastewater infrastructure prior to completion of the Snells Beach Wastewater Treatment Plant and the conveyance network from Warkworth to Snells Beach.

- (1) No dwellings may be occupied within the precinct until the upgrades to the Snells Beach Wastewater Treatment Plant and a new conveyance network from Warkworth to Snells Beach are operational.
- (a) Provided that a maximum of 30 lots/dwellings may be constructed and occupied on Lot 1 DP558809 and Lot 2 DP 481942 within the precinct prior to the upgrades to the Snells Beach Wastewater Treatment Plant and a new conveyance network from Warkworth to Snells Beach becoming operational[‡].

I.XXX.6.2. Transport Connections

Purpose: To establish a safe and efficient transport network:

[‡] ~~RS notes that if Commissioners prefer the certainty of the Snells Beach WWTP being operational, then Rule (1) only can be adopted (this still allows land development and subdivision works to commence and consent for dwellings to be issued). SH(TNP) and BOC support the addition of (a) which allows occupation of up to 30 dwellings given the requirement to address any localised effects issues as a resource consent matter.~~

- (1) Road, and pedestrian and cycling links along State Highway 1 from Wech Drive to the McKinney Road Precinct boundary, McKinney Road and John Andrew Drive, and within the Precinct, as identified in the Warkworth X Precinct Plan, shall be provided:
 - (a) At subdivision or land development stage other than for boundary relocation subdivision or bulk earthworks, prior to the occupation of dwellings in the Precinct.
 - (b) In perpetuity for both private and public access.
 - (c) With separated pedestrian and cycling along internal connecting route B if this is constructed as a vehicular through-road.
- (2) The McKinney Road and State Highway 1 intersection shall be upgraded to safely accommodate precinct development at **subdivision or land development** stage, other than for boundary relocation subdivision or bulk earthworks, prior to the occupation of dwellings in the Precinct.
- (3) The requirements of (1) and (2) above will be considered to be complied with if the identified upgrade forms part of the same resource consent, or a separate resource consent which is given effect to prior to release of section 224(c) for any subdivision OR prior to occupation of any new building(s) for a land use only.

I.XXX.6.3. Streams and wetlands protection and enhancement

Purpose: To restore and enhance water quality, ecology and morphology of the streams and natural wetlands shown in the Warkworth X Precinct Plan including the prevention of stream bank erosion.

- (1) All wetlands, wetland buffers and riparian yards of the permanent and intermittent streams shown in the Warkworth X Precinct Plan (being the land comprised in Lot 1 DP558809 and Lot 2 DP 481942) must be restored and their margins planted at the time of subdivision or land development, whichever occurs first, from the stream bed to a minimum width of 10m measured from the top of the stream bank.
- (2) The planting required in Standards IXXX.6.3(1) above must:
 - a) Use eco-sourced native vegetation.
 - b) Be consistent with local biodiversity; ~~and~~
 - c) Be planted at a density of 10,000 plants per hectare.
 - d) Planting must be undertaken in accordance with the Special Information Requirements in I.XXX.9(1).
 - e) Planting shall be legally protected and maintained in perpetuity.

I.XXX.6.4. New Buildings and additions – High Contaminant Yielding Materials

Purpose: To protect water quality in streams, and the Mahurangi Catchment, by limiting the release of contaminants from building materials.

² ~~BOC seeks wording 'at the first stage of subdivision...'. SH(WK) and SH(TNP) disagree as this standard relates to implementing the required level of upgrading at any stage prior to dwelling occupation. The RD status and assessment matters and criteria apply for all stages so no "trigger" is needed. If the works are not implemented, then it is a Discretionary Activity.~~

- (1) New buildings, and additions to buildings must be constructed using inert cladding, roofing and spouting building materials that do not have an exposed surface made from contaminants of concern to water quality (i.e. zinc, copper and lead).

I.XXX.7. Assessment- controlled activities

There are no controlled activities in this precinct.

I.XXX.8. Assessment- Restricted discretionary activities

IXXX.8.1. Matters of discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) Subdivision and development:
 - a) Infrastructure and servicing, **including interim wastewater disposal methods³**
 - b) The effects of development on wastewater infrastructure timing and capacities_{:-}
 - c) The suitability of, and effects associated with the location and design of the roads and pedestrian / cycle linkages for public access_{:-}
 - d) The effects of development on the safety and performance of the McKinney Road and State Highway 1 intersection and provision for the future upgrading of the McKinney Road and John Andrew Drive intersection_{:-}
 - e) The provision and maintenance of riparian planting for streams and natural wetlands_{:-}
 - f) Management of effects of stormwater including water quality.
- (2) Any vehicle crossing that accesses McKinney Road or John Andrew Drive
 - a) The effects on the safe and efficient operation of existing or future cycleways including design, location and cumulative effects of multiple crossings.

IXXX.8.1.2. Assessment Criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions, and the information required by the Special Information requirements in I.XXX.9 below.

- (1) Subdivision and development:
 - a) The extent to which any subdivision or development is consistent with and achieves the objectives and policies of the Warkworth X Precinct Plan_{:-}
 - b) The extent to which McKinney Road and State Highway 1 Intersection achieves safe intersection design and accommodates walking and cycling_{:-}

³ As noted above, ~~RS considers this may not be necessary if I.XXX6.1 is adopted without (a).~~

- c) For development of up to 30 dwellings⁴ or non-residential activity with equivalent traffic generation within the Precinct, consideration of the combined measures used to improve safety of the McKinney Road and State Highway 1 intersection, by improving visibility for turning traffic at the McKinney Road and State Highway 1 intersection and lowering of the operating speed on State Highway 1. Measures considered should include:
- (i) Berm widening to improve visibility for traffic turning out from McKinney Road and for pedestrian and cycleway construction on the northern side of McKinney Road, and the eastern side of State Highway 1 to Wech Drive; ~~and~~
 - (ii) Intersection warning signage on State Highway 1 and measures to reduce speeds on State Highway 1, for traffic approaching the intersection from the north; ~~and~~
 - (iii) Surface treatment on State Highway 1 approaching the McKinney Road intersection from the north, to increase the surface friction of this section of State Highway and enhance safe stopping ability of vehicles leading up to the intersection.
- d) For any development beyond 30 dwellings or non-residential activity with equivalent traffic generation within the Precinct, the safety and performance of McKinney Road and State Highway 1 intersection for all modes shall be considered, which may include monitored speed reduction on State Highway 1 and/or other measures.
- e) The extent to which the location and design of the roads, intersections, and pedestrian / cycle linkages result in:
- (i) an integrated network between McKinney Road and John Andrew Drive and to The Grange; ~~and~~
 - (ii) McKinney Road and State Highway 1 Intersection upgrades,
- that meet the needs of the residents within the Precinct and the public generally.
- f) Whether the existing or any proposed road reserve provides for any necessary future upgrade of the McKinney Road and John Andrew Drive intersection.
- g) The extent to which the ecological values and water quality of existing watercourses and wetlands are maintained or enhanced by the proposed subdivision and development.
- h) Whether any subdivision or development can be served by reticulated wastewater treatment and disposal, or acceptable short term alternative methods for safe and legal disposal in advance of reticulated treatment and disposal.
- i) The extent to which subdivision and development implements stormwater management that:
- (i) Is in accordance with the approved Stormwater Management Plan and Policies E1.3 (1) - (14); ~~and~~

⁴ ~~BOC opposition to reference to 30 dwellings as it is not based on traffic assessment and the transportation environment will be changing in the foreseeable future. Imposing a trigger not based on transport assessment will unnecessarily complicate the assessment of resource consents in the future and potentially creates an irrelevant baseline in relation to the assessment of the effects of development in the Precinct on the safe operation of the McKinney / SH1 intersection. SH(TNP) disagrees as it is a threshold that the traffic experts agree will have no more than minor traffic effects subject to the identified upgrades in the Assessment Criteria. This is an acceptable threshold derived from the maximum 30 dwelling wastewater standard and is an effective and efficient method of enabling limited development to occur, along with associated improvements to the safety of McKinney Road and the SH1/McKinney Road intersection in the shorter term.~~

- (ii) Implements a treatment train approach to treat stormwater runoff from impervious surfaces so that all contaminant generating surfaces are treated, including cumulative effects of lower contaminant generating surfaces.
- (iii) The design and efficacy of stormwater devices considers the likely effectiveness, ease of access, operation and integration with the surrounding environment.
- j) For buildings that do not comply with Standard I.XXX.6.4 New Buildings and additions – High Contaminant Yielding Materials:
 - (i) Is in accordance with the approved Stormwater Management Plan and Policies E1.3 (1) - (10) and (12) - (14);
 - (ii) Implements a treatment train approach to treat runoff from impervious surfaces so that all contaminant generating surfaces are treated including cumulative effects of lower contaminant generating surfaces.
- (2) Any vehicle crossing that accesses McKinney Road or John Andrew Drive
 - a) the proposed vehicle access is able to be located, formed, and used without resulting in actual or potential conflict between road users and to protect cycle safety.

I.XXX.9. Special information requirements

- (1) Riparian Planting for streams and natural wetlands

An application for any subdivision or land development that requires the planting of a riparian yard or buffer area under Rule I.XXX.6.3 must be accompanied by the following information as a minimum:

- a) A restoration plan prepared by a suitably qualified person;
- b) The restoration 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;
 - iii) Confirm the maintenance of the planting for 5yrs, including weed and pest animal control;
 - iv) Take into consideration the local biodiversity and ecosystem extent.
- (2) Transport connections, road and intersection upgrading on McKinney Road and State Highway 1:
 - a) Any application for subdivision and / or dwellings or non-residential activity with equivalent traffic generation, other than boundary relocation subdivision and bulk earthworks, shall provide a **Traffic Assessment addressing⁵** the traffic effects of the Precinct on the intersection of McKinney Road and State Highway 1. The Assessment shall detail any intersection

⁵ ~~BOC: Considers this assessment needs to consider all of the development potential of the Precinct as it is not efficient to determine or implement upgrading works on a piecemeal basis. SH(TNP) and SH(WK): Consider that the existing wording 'the traffic effects of the precinct...' requires consideration of the whole precinct and not just a development site; it applies to all applications.~~

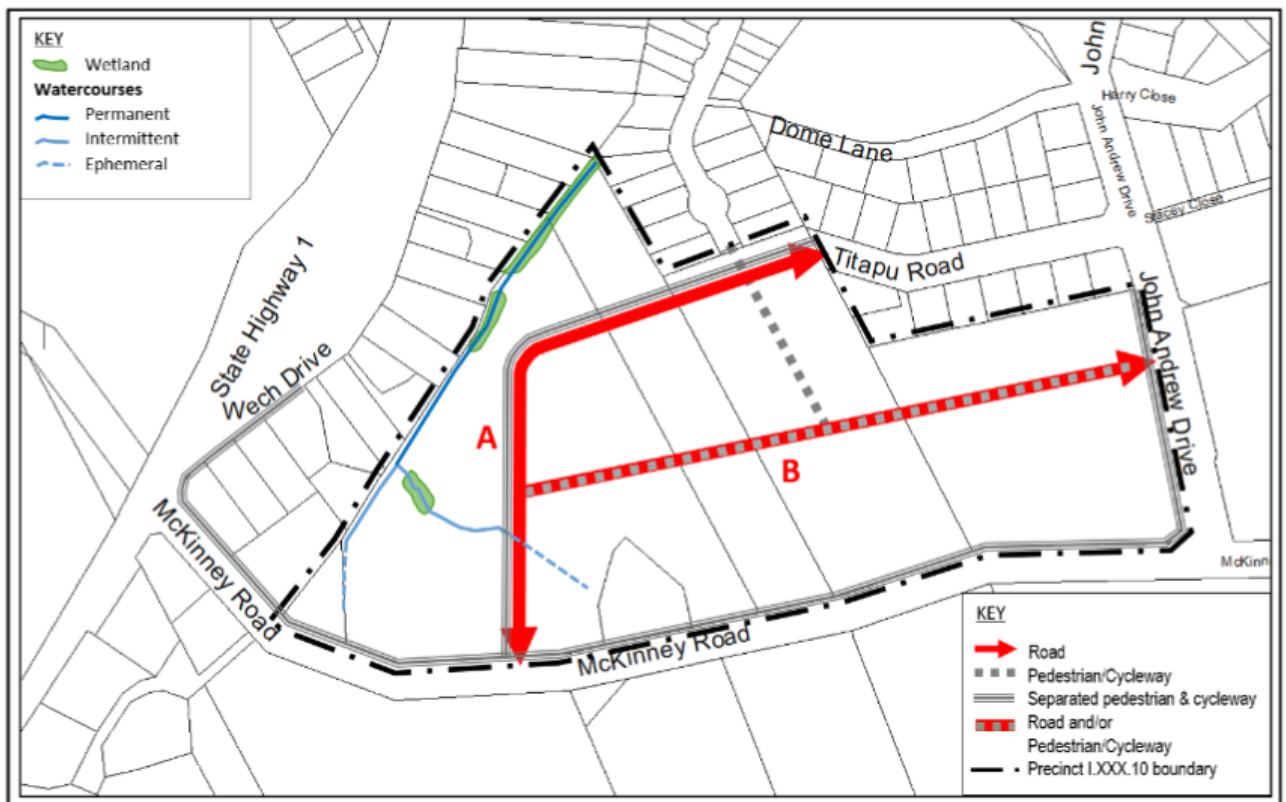
upgrading works required to ensure the intersection is safe for traffic associated with development in the Precinct:

- b) A Transport Design Report and Concept Plans prepared by a suitably qualified transport engineer must be provided confirming the location and design of any road and its intersection(s) supports the safe and efficient function of the existing and future (ultimate) transport network and can be accommodated within the proposed or available road reserves. This may be included within a transport assessment supporting land use or subdivision consents. In addition, when an interim upgrade is proposed, information must be provided, detailing how the design allows for the ultimate upgrade to be efficiently delivered.

(3) Subdivision or land development of Lot 1 DP 187649

An application for any subdivision or land development of Lot 1 DP 187649 must be supported by a Transport Design Report and Concept Plans prepared by a suitably qualified transport engineer confirming the proposed or available road reserve at the intersection of McKinney Road and John Andrew Drive can accommodate a future safe and efficient intersection in accordance with the applicable standards for these roads.

I.XXX.10 Warkworth X Precinct Plan



PRECINCT PLAN

McKinney Road, Warkworth Private Plan Change

(PPC72 Hearing Panel's Decision 17 January 2023)

I.XXX.1. Precinct Description

The Warkworth X Precinct is located in the south of Warkworth, north of McKinney Road and to the east of State Highway 1 and applies to approximately 7.6ha of land held in six titles. State Highway 1 in this locality is to be revoked once the new section of State Highway 1 opens - Te Ara Tuhono - Puhoi to Warkworth and downgraded to an arterial route. For the purposes of this precinct it is still referred to as State Highway 1, and the provisions of this precinct will still apply to the road should the state highway status no longer apply.

Development is anticipated in accordance with the Residential – Mixed Housing Suburban zone provisions. The transport network shall be integrated across all the sites. Key pedestrian, cycle and road links, including required upgrading is provided for. Significant wetlands are identified and watercourses protected.

A comprehensive approach to managing stormwater has been designed and will be delivered in accordance with the Stormwater Management Plan for the Precinct. A new stormwater wetland to cater for stormwater from land in catchment A2 will be provided.

The land within the Precinct will be connected to the upgraded Warkworth - Snells Beach Wastewater Treatment Plant. Provision is made for limited development in advance of a wastewater network connection being available.

The zoning of the land within this precinct is Residential - Mixed Housing Suburban.

I.XXX.2. Objectives

- (1) Development shall be coordinated with the upgrading of the Snells Beach Wastewater Treatment Plant and completion of the conveyance network from Warkworth to Snells Beach to avoid adverse effects on the environment.
- (2) An integrated, low-speed transport and movement network is established with safe and convenient road, pedestrian and cycling connections within the Precinct and along State Highway 1 from Wech Drive to McKinney Road, McKinney Road, John Andrew Drive and to Fairwater Road and The Grange commercial centre.
- (3) Improvements to the safety of the transport network at the intersection of McKinney Road with State Highway 1 and the intersection of McKinney Road and John Andrew Drive to be delivered in conjunction with development in the Precinct.
- (4) Subdivision and development enhances the ecological values and water quality of the precinct including by undertaking comprehensive stormwater management in accordance with the approved Stormwater Management Plan.

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

I.XXX.3. Policies

- (1) Require subdivision and development to be in accordance with the Warkworth X Precinct Plan.

- (2) Require subdivision, use and development to align with the upgrading and provision of wastewater services, particularly the Snells Beach Wastewater Treatment Plant and a new conveyance network from Warkworth to Snells Beach.
- (3) Subdivision, use and development shall provide for integrated roading, pedestrian and cycling infrastructure, including safe and accessible separated pedestrian and cycling access to Wech Drive and the potential for safe and accessible separated pedestrian and cycling links to The Grange commercial centre , to achieve full connectivity of all development as shown in the Warkworth X Precinct Plan.
- (4) Deliver the required upgrading of the McKinney Road and State Highway 1 intersection to achieve a safe intersection design, and to take into account the design requirements and any necessary land vesting for a future upgrade of the McKinney Road and John Andrew Drive intersection.
- (5) Require at least one vehicular local road connection from Titapu Road to McKinney Road, with an intersection on McKinney Road as indicated on the Warkworth X Precinct Plan.
- (6) Require subdivision and development to protect and enhance water quality, ecology and morphology of the streams and natural wetlands identified in the Warkworth X Precinct Plan..
- (7) Provide a new stormwater pond as indicated on the Precinct Plan to accommodate stormwater flows from Catchment A2 as provided for in the approved Stormwater Management Plan for the Precinct.

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

I.XXX.4. Activity Table

The activity tables in any relevant overlays, Auckland-wide and zones apply unless the activity is listed in Table IXXX.4.1 Activity table below.

Table IXXX.4.1 Land use and subdivision activities in Warkworth X Precinct

Activity		Activity Status
(A1)	Vacant sites subdivision involving parent sites of less than or greater than 1 ha complying with Standard E38.8.3.1	RD
(A2)	Subdivision or development complying with Standard I.XXX.6.1. Wastewater infrastructure and staging, prior to the Snells Beach Wastewater Treatment Plant and the conveyance network from Warkworth to Snells Beach becoming operational	RD
(A3)	Subdivision or development that does not comply with Standard I.XXX.6.1. Wastewater infrastructure and staging prior to the Snells Beach Wastewater Treatment Plant and the conveyance network from Warkworth to Snells Beach becoming operational	NC
(A4)	Development that does not comply with Standard I.XXX.6.1 Wastewater infrastructure and staging once the Snells Beach Wastewater Treatment Plant and the conveyance network from Warkworth to Snells Beach is operational	P
(A5)	Subdivision or development complying with: Standard IXXX.6.2. Transport Connections Standard IXXX.6.3. Streams and wetlands protection and enhancement	RD
(A6)	Subdivision or development that does not comply with:	D

	Standard IXXX.6.2. Transport Connections or does not deliver the safety upgrades required for the McKinney Road / State Highway 1 intersection as determined by Special Information requirement I.XXX.9(2) Standard IXXX.6.3. Streams and wetlands protection and enhancement Standard IXXX.6.4. New Buildings and additions – High Contaminant Yielding Materials	
(A7)	Development complying with Standard IXXX.6.4. New Buildings and additions – High Contaminant Yielding Materials	P
(A8)	Any vehicle crossing that accesses McKinney Road or John Andrew Drive	RD

I.XXX.5. Notification

- (1) Any application for resource consent for an activity listed in Table IXXX.4.1 Activity Table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991. When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

I.XXX.6. Standards

- (1) The standards in the overlays, Auckland-wide and zones apply to all activities listed in Table IXXX.4.1 Activity table in this precinct.
- (2) Activities listed in Table IXXX.4.1 Activity table must comply with the specified standards in IXXX.6.1 – XXX.6.4, and the Special Information requirements of I.XXX.9.

I.XXX.6.1. Wastewater infrastructure upgrade and staging

Purpose: To ensure development is appropriately serviced by wastewater infrastructure prior to completion of the Snells Beach Wastewater Treatment Plant and the conveyance network from Warkworth to Snells Beach.

- (1) No dwellings may be occupied within the precinct until the upgrades to the Snells Beach Wastewater Treatment Plant and a new conveyance network from Warkworth to Snells Beach are operational.
- (a) Provided that a maximum of 30 lots/dwellings may be constructed and occupied on Lot 1 DP558809 and Lot 2 DP 481942 within the precinct prior to the upgrades to the Snells Beach Wastewater Treatment Plant and a new conveyance network from Warkworth to Snells Beach becoming operational.

I.XXX.6.2. Transport Connections

Purpose: To establish a safe and efficient transport network:

- (1) Road, and pedestrian and cycling links along State Highway 1 from Wech Drive to the McKinney Road Precinct boundary, McKinney Road and John Andrew Drive, and within the Precinct, as identified in the Warkworth X Precinct Plan, shall be provided:
- (a) At subdivision or land development stage other than for boundary relocation subdivision or bulk earthworks, prior to the occupation of dwellings in the Precinct.
- (b) In perpetuity for both private and public access;

- (c) With separated pedestrian and cycling along internal connecting route B if this is constructed as a vehicular through-road.
- (2) The McKinney Road and State Highway 1 intersection shall be upgraded to safely accommodate precinct development at subdivision or land development stage, other than for boundary relocation subdivision or bulk earthworks, prior to the occupation of dwellings in the Precinct.
- (3) The requirements of (1) and (2) above will be considered to be complied with if the identified upgrade forms part of the same resource consent, or a separate resource consent which is given effect to prior to release of section 224(c) for any subdivision OR prior to occupation of any new building(s) for a land use only.

I.XXX.6.3. Streams and wetlands protection and enhancement

Purpose: To restore and enhance water quality, ecology and morphology of the streams and natural wetlands shown in the Warkworth X Precinct Plan including the prevention of stream bank erosion.

- (1) All wetlands, wetland buffers and riparian yards of the permanent and intermittent streams shown in the Warkworth X Precinct Plan (being the land comprised in Lot 1 DP558809 and Lot 2 DP 481942) must be restored and their margins planted at the time of subdivision or land development, whichever occurs first, from the stream bed to a minimum width of 10m measured from the top of the stream bank.
- (2) The planting required in Standards IXXX.6.3(1) above must:
 - a) Use eco-sourced native vegetation;
 - b) Be consistent with local biodiversity;
 - c) Be planted at a density of 10,000 plants per hectare;
 - d) Planting must be undertaken in accordance with the Special Information Requirements in I.XXX.9(1);
 - e) Planting shall be legally protected and maintained in perpetuity.

I.XXX.6.4. New Buildings and additions – High Contaminant Yielding Materials

Purpose: To protect water quality in streams, and the Mahurangi Catchment, by limiting the release of contaminants from building materials.

- (1) New buildings, and additions to buildings must be constructed using inert cladding, roofing and spouting building materials that do not have an exposed surface made from contaminants of concern to water quality (i.e. zinc, copper and lead).

I.XXX.7. Assessment- controlled activities

There are no controlled activities in this precinct.

I.XXX.8. Assessment- Restricted discretionary activities

IXXX.8.1. Matters of discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) Subdivision and development:
 - a) Infrastructure and servicing, including interim wastewater disposal methods;
 - b) The effects of development on wastewater infrastructure timing and capacities;
 - c) The suitability of, and effects associated with the location and design of the roads and pedestrian / cycle linkages for public access;
 - d) The effects of development on the safety and performance of the McKinney Road and State Highway 1 intersection and provision for the future upgrading of the McKinney Road and John Andrew Drive intersection;
 - e) The provision and maintenance of riparian planting for streams and natural wetlands;
 - f) Management of effects of stormwater including water quality.

- (2) Any vehicle crossing that accesses McKinney Road or John Andrew Drive
 - a) The effects on the safe and efficient operation of existing or future cycleways including design, location and cumulative effects of multiple crossings.

IXXX.8.2. Assessment Criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions, and the information required by the Special Information requirements in I.XXX.9 below.

- (1) Subdivision and development:
 - a) The extent to which any subdivision or development is consistent with and achieves the objectives and policies of the Warkworth X Precinct Plan;
 - b) The extent to which McKinney Road and State Highway 1 Intersection achieves safe intersection design and accommodates walking and cycling;
 - c) For development of up to 30 dwellings or non-residential activity with equivalent traffic generation within the Precinct, consideration of the combined measures used to improve safety of the McKinney Road and State Highway 1 intersection, by improving visibility for turning traffic at the McKinney Road and State Highway 1 intersection and lowering of the operating speed on State Highway 1. Measures considered should include:
 - (i) Berm widening to improve visibility for traffic turning out from McKinney Road and for pedestrian and cycleway construction on the northern side of McKinney Road, and the eastern side of State Highway 1 to Wech Drive;
 - (ii) Intersection warning signage on State Highway 1 and measures to reduce speeds on State Highway 1, for traffic approaching the intersection from the north;
 - (iii) Surface treatment on State Highway 1 approaching the McKinney Road intersection from the north, to increase the surface friction of this section of State Highway and enhance safe stopping ability of vehicles leading up to the intersection

- d) For any development beyond 30 dwellings or non-residential activity with equivalent traffic generation within the Precinct, the safety and performance of McKinney Road and State Highway 1 intersection for all modes shall be considered, which may include monitored speed reduction on State Highway 1 and/or other measures.
- e) The extent to which the location and design of the roads, intersections, and pedestrian / cycle linkages result in:
 - (i) an integrated network between McKinney Road and John Andrew Drive and to The Grange;
 - (ii) McKinney Road and State Highway 1 Intersection upgrades,
 that meet the needs of the residents within the Precinct and the public generally.
- f) Whether the existing or any proposed road reserve provides for any necessary future upgrade of the McKinney Road and John Andrew Drive intersection.
- g) The extent to which the ecological values and water quality of existing watercourses and wetlands are maintained or enhanced by the proposed subdivision and development.
- h) Whether any subdivision or development can be served by reticulated wastewater treatment and disposal, or acceptable short term alternative methods for safe and legal disposal in advance of reticulated treatment and disposal.
- i) The extent to which subdivision and development implements stormwater management that:
 - (i) Is in accordance with the approved Stormwater Management Plan and Policies E1.3 (1) - (14);
 - (ii) Implements a treatment train approach to treat stormwater runoff from impervious surfaces so that all contaminant generating surfaces are treated, including cumulative effects of lower contaminant generating surfaces.
 - (iii) The design and efficacy of stormwater devices considers the likely effectiveness, ease of access, operation and integration with the surrounding environment.
- j) For buildings that do not comply with Standard I.XXX.6.4 New Buildings and additions – High Contaminant Yielding Materials:
 - (i) Is in accordance with the approved Stormwater Management Plan and Policies E1.3 (1) - (10) and (12) - (14);
 - (ii) Implements a treatment train approach to treat runoff from impervious surfaces so that all contaminant generating surfaces are treated including cumulative effects of lower contaminant generating surfaces.
- (2) Any vehicle crossing that accesses McKinney Road or John Andrew Drive
 - a) the proposed vehicle access is able to be located, formed, and used without resulting in actual or potential conflict between road users and to protect cycle safety.

I.XXX.9. Special information requirements

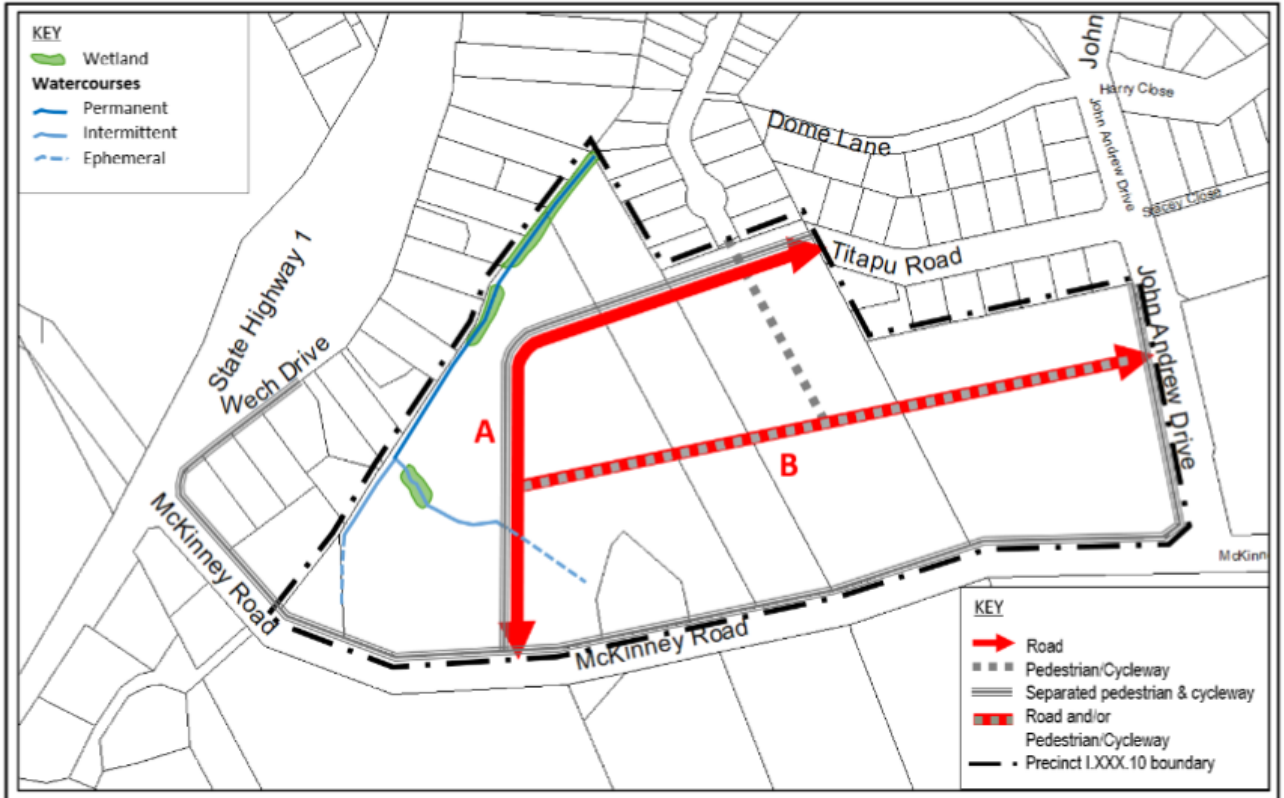
- (1) Riparian Planting for streams and natural wetlands

An application for any subdivision or land development that requires the planting of a riparian yard or buffer area under Rule I.XXX.6.3 must be accompanied by the following information as a minimum:

- a) A restoration plan prepared by a suitably qualified person.
 - b) The restoration 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;
 - iii) Confirm the maintenance of the planting for 5yrs, including weed and pest animal control;
 - iv) Take into consideration the local biodiversity and ecosystem extent.
- (2) Transport connections, road and intersection upgrading on McKinney Road and State Highway 1:
- a) Any application for subdivision and / or dwellings or non-residential activity with equivalent traffic generation, other than boundary relocation subdivision and bulk earthworks, shall provide a Traffic Assessment addressing the traffic effects of the Precinct on the intersection of McKinney Road and State Highway 1. The Assessment shall detail any intersection upgrading works required to ensure the intersection is safe for traffic associated with development in the Precinct;
 - b) A Transport Design Report and Concept Plans prepared by a suitably qualified transport engineer must be provided confirming the location and design of any road and its intersection(s) supports the safe and efficient function of the existing and future (ultimate) transport network and can be accommodated within the proposed or available road reserves. This may be included within a transport assessment supporting land use or subdivision consents. In addition, when an interim upgrade is proposed, information must be provided, detailing how the design allows for the ultimate upgrade to be efficiently delivered.
- (3) Subdivision or land development of Lot 1 DP 187649

An application for any subdivision or land development of Lot 1 DP 187649 must be supported by a Transport Design Report and Concept Plans prepared by a suitably qualified transport engineer confirming the proposed or available road reserve at the intersection of McKinney Road and John Andrew Drive can accommodate a future safe and efficient intersection in accordance with the applicable standards for these roads.

I.XXX.10 Warkworth X Precinct Plan



Attachment B: Updated text

I555. Warkworth McKinney Road Precinct

I555.1. Precinct Description

The Warkworth McKinney Road Precinct is located in the south of Warkworth, north of McKinney Road and to the east of State Highway 1 and applies to approximately 7.6ha of land held in six titles. State Highway 1 in this locality is to be revoked once the new section of State Highway 1 opens - Te Ara Tuhono - Puhoi to Warkworth and downgraded to an arterial route. For the purposes of this precinct it is still referred to as State Highway 1, and the provisions of this precinct will still apply to the road should the state highway status no longer apply.

Development is anticipated in accordance with the Residential – Mixed Housing Suburban zone provisions. The transport network shall be integrated across all the sites. Key pedestrian, cycle and road links, including required upgrading is provided for. Significant wetlands are identified and watercourses protected.

A comprehensive approach to managing stormwater has been designed and will be delivered in accordance with the Stormwater Management Plan for the Precinct. A new stormwater wetland to cater for stormwater from land in catchment A2 will be provided.

The land within the Precinct will be connected to the upgraded Warkworth - Snells Beach Wastewater Treatment Plant. Provision is made for limited development in advance of a wastewater network connection being available.

The zoning of the land within this precinct is Residential - Mixed Housing Suburban.

I555.2. Objectives

- (1) Development shall be coordinated with the upgrading of the Snells Beach Wastewater Treatment Plant and completion of the conveyance network from Warkworth to Snells Beach to avoid adverse effects on the environment.
- (2) An integrated, low-speed transport and movement network is established with safe and convenient road, pedestrian and cycling connections within the Precinct and along State Highway 1 from Wech Drive to McKinney Road, McKinney Road, John Andrew Drive and to Fairwater Road and The Grange commercial centre.
- (3) Improvements to the safety of the transport network at the intersection of McKinney Road with State Highway 1 and the intersection of McKinney Road and John Andrew Drive to be delivered in conjunction with development in the Precinct.
- (4) Subdivision and development enhances the ecological values and water quality of the precinct including by undertaking comprehensive stormwater management in accordance with the approved Stormwater Management Plan.

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

I555.3. Policies

- (1) Require subdivision and development to be in accordance with the Warkworth McKinney Road Precinct Plan.
- (2) Require subdivision, use and development to align with the upgrading and provision of wastewater services, particularly the Snells Beach Wastewater Treatment Plant and a new conveyance network from Warkworth to Snells Beach.
- (3) Subdivision, use and development shall provide for integrated roading, pedestrian and cycling infrastructure, including safe and accessible separated pedestrian and cycling access to Wech Drive and the potential for safe and accessible separated pedestrian and cycling links to The Grange commercial centre , to achieve full connectivity of all development as shown in the Warkworth McKinney Road Precinct Plan.
- (4) Deliver the required upgrading of the McKinney Road and State Highway 1 intersection to achieve a safe intersection design, and to take into account the design requirements and any necessary land vesting for a future upgrade of the McKinney Road and John Andrew Drive intersection.
- (5) Require at least one vehicular local road connection from Titapu Road to McKinney Road, with an intersection on McKinney Road as indicated on the Warkworth McKinney Road Precinct Plan.
- (6) Require subdivision and development to protect and enhance water quality, ecology and morphology of the streams and natural wetlands identified in the Warkworth McKinney Road Precinct Plan.
- (7) Provide a new stormwater pond as indicated on the Precinct Plan to accommodate stormwater flows from Catchment A2 as provided for in the approved Stormwater Management Plan for the Precinct.

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

I555.4. Activity table

The activity tables in any relevant overlays, Auckland-wide and zones apply unless the activity is listed in Table **I555.4.1** Activity table below.

Table I555.4.1 Land use and subdivision activities in Warkworth McKinney Road Precinct

Activity		Activity status
(A1)	Vacant sites subdivision involving parent sites of less than or greater than 1 ha complying with Standard E38.8.3.1	RD
(A2)	Subdivision or development complying with Standard I555.6.1. Wastewater infrastructure and staging, prior to the Snells Beach Wastewater Treatment Plant and the conveyance network from Warkworth to Snells Beach becoming operational	RD

(A3)	Subdivision or development that does not comply with Standard I555.6.1. Wastewater infrastructure and staging prior to the Snells Beach Wastewater Treatment Plant and the conveyance network from Warkworth to Snells Beach becoming operational	NC
(A4)	Development that does not comply with Standard I555.6.1 Wastewater infrastructure and staging once the Snells Beach Wastewater Treatment Plant and the conveyance network from Warkworth to Snells Beach is operational	P
(A5)	Subdivision or development complying with: Standard I555.6.2. Transport Connections Standard I555.6.3. Streams and wetlands protection and enhancement	RD
(A6)	Subdivision or development that does not comply with: Standard I555.6.2. Transport Connections or does not deliver the safety upgrades required for the McKinney Road / State Highway 1 intersection as determined by Special Information requirement I555.9(2) Standard I555.6.3. Streams and wetlands protection and enhancement Standard I555.6.4. New Buildings and additions – High Contaminant Yielding Materials	D
(A7)	Development complying with Standard I555.6.4. New Buildings and additions – High Contaminant Yielding Materials	P
(A8)	Any vehicle crossing that accesses McKinney Road or John Andrew Drive	RD

I555.5. Notification

- (1) Any application for resource consent for an activity listed in Table I555.4.1 Activity Table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991. When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

I555.6. Standards

- (1) The standards in the overlays, Auckland-wide and zones apply to all activities listed in Table I555.4.1 Activity table in this precinct.
- (2) Activities listed in Table I555.4.1 Activity table must comply with the specified standards in I555.6.1 – I555.6.4, and the Special Information requirements of I555.9.

I555.6.1. Wastewater infrastructure upgrade and staging

Purpose: To ensure development is appropriately serviced by wastewater infrastructure prior to completion of the Snells Beach Wastewater Treatment Plant and the conveyance network from Warkworth to Snells Beach.

- (1) No dwellings may be occupied within the precinct until the upgrades to the Snells Beach Wastewater Treatment Plant and a new conveyance network from Warkworth to Snells Beach are operational.
 - (a) Provided that a maximum of 30 lots/dwellings may be constructed and occupied on Lot 1 DP558809 and Lot 2 DP 481942 within the precinct prior to the upgrades to the Snells Beach Wastewater Treatment Plant and a new conveyance network from Warkworth to Snells Beach becoming operational.

I555.6.2. Transport Connections

Purpose: To establish a safe and efficient transport network:

- (1) Road, and pedestrian and cycling links along State Highway 1 from Wech Drive to the McKinney Road Precinct boundary, McKinney Road and John Andrew Drive, and within the Precinct, as identified in the Warkworth McKinney Road Precinct Plan, shall be provided:
 - (a) At subdivision or land development stage other than for boundary relocation subdivision or bulk earthworks, prior to the occupation of dwellings in the Precinct.
 - (b) In perpetuity for both private and public access;
 - (c) With separated pedestrian and cycling along internal connecting route B if this is constructed as a vehicular through-road.
- (2) The McKinney Road and State Highway 1 intersection shall be upgraded to safely accommodate precinct development at subdivision or land development stage, other than for boundary relocation subdivision or bulk earthworks, prior to the occupation of dwellings in the Precinct.
- (3) The requirements of (1) and (2) above will be considered to be complied with if the identified upgrade forms part of the same resource consent, or a separate resource consent which is given effect to prior to release of section 224(c) for any subdivision OR prior to occupation of any new building(s) for a land use only.

I555.6.3. Streams and wetlands protection and enhancement

Purpose: To restore and enhance water quality, ecology and morphology of the streams and natural wetlands shown in the Warkworth McKinney Road Precinct Plan including the prevention of stream bank erosion.

- (1) All wetlands, wetland buffers and riparian yards of the permanent and intermittent streams shown in the Warkworth McKinney Road Precinct Plan (being the land comprised in Lot 1 DP558809 and Lot 2 DP 481942) must be restored and their margins planted at the time of subdivision or land development, whichever occurs

first, from the stream bed to a minimum width of 10m measured from the top of the stream bank.

(2) The planting required in Standards I555.6.3(1) above must:

- (a) Use eco-sourced native vegetation;
- (b) Be consistent with local biodiversity;
- (c) Be planted at a density of 10,000 plants per hectare;
- (d) Planting must be undertaken in accordance with the Special Information Requirements in I555.9(1);
- (e) Planting shall be legally protected and maintained in perpetuity.

I555.6.4. New Buildings and additions – High Contaminant Yielding Materials

Purpose: To protect water quality in streams, and the Mahurangi Catchment, by limiting the release of contaminants from building materials.

- (1) New buildings, and additions to buildings must be constructed using inert cladding, roofing and spouting building materials that do not have an exposed surface made from contaminants of concern to water quality (i.e. zinc, copper and lead).

I555.7. Assessment – controlled activities

I555.7.1. Matters of control

There are no controlled activities in this precinct.

I555.8. Assessment – restricted discretionary activities

I555.8.1. Matters of discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

(1) Subdivision and development:

- (a) Infrastructure and servicing, including interim wastewater disposal methods;
- (b) The effects of development on wastewater infrastructure timing and capacities;
- (c) The suitability of, and effects associated with the location and design of the roads and pedestrian / cycle linkages for public access;
- (d) The effects of development on the safety and performance of the McKinney Road and State Highway 1 intersection and provision for the future upgrading of the McKinney Road and John Andrew Drive intersection;

- (e) The provision and maintenance of riparian planting for streams and natural wetlands;
 - (f) Management of effects of stormwater including water quality.
- (2) Any vehicle crossing that accesses McKinney Road or John Andrew Drive
- (a) The effects on the safe and efficient operation of existing or future cycleways including design, location and cumulative effects of multiple crossings.

I555.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions, and the information required by the Special Information requirements in I555.9 below.

(1) Subdivision and development:

- (a) The extent to which any subdivision or development is consistent with and achieves the objectives and policies of the Warkworth McKinney Road Precinct Plan;
- (b) The extent to which McKinney Road and State Highway 1 Intersection achieves safe intersection design and accommodates walking and cycling;
- (c) For development of up to 30 dwellings or non-residential activity with equivalent traffic generation within the Precinct, consideration of the combined measures used to improve safety of the McKinney Road and State Highway 1 intersection, by improving visibility for turning traffic at the McKinney Road and State Highway 1 intersection and lowering of the operating speed on State Highway 1. Measures considered should include:
 - (i) Berm widening to improve visibility for traffic turning out from McKinney Road and for pedestrian and cycleway construction on the northern side of McKinney Road, and the eastern side of State Highway 1 to Wech Drive;
 - (ii) Intersection warning signage on State Highway 1 and measures to reduce speeds on State Highway 1, for traffic approaching the intersection from the north;
 - (iii) Surface treatment on State Highway 1 approaching the McKinney Road intersection from the north, to increase the surface friction of this section of State Highway and enhance safe stopping ability of vehicles leading up to the intersection
- (d) For any development beyond 30 dwellings or non-residential activity with equivalent traffic generation within the Precinct, the safety and performance of McKinney Road and State Highway 1 intersection for all modes shall be

considered, which may include monitored speed reduction on State Highway 1 and/or other measures.

(e) The extent to which the location and design of the roads, intersections, and pedestrian / cycle linkages result in:

(i) an integrated network between McKinney Road and John Andrew Drive and to The Grange;

(ii) McKinney Road and State Highway 1 Intersection upgrades,

that meet the needs of the residents within the Precinct and the public generally.

(f) Whether the existing or any proposed road reserve provides for any necessary future upgrade of the McKinney Road and John Andrew Drive intersection.

(g) The extent to which the ecological values and water quality of existing watercourses and wetlands are maintained or enhanced by the proposed subdivision and development.

(h) Whether any subdivision or development can be served by reticulated wastewater treatment and disposal, or acceptable short term alternative methods for safe and legal disposal in advance of reticulated treatment and disposal.

(i) The extent to which subdivision and development implements stormwater management that:

(i) Is in accordance with the approved Stormwater Management Plan and Policies E1.3 (1) - (14);

(ii) Implements a treatment train approach to treat stormwater runoff from impervious surfaces so that all contaminant generating surfaces are treated, including cumulative effects of lower contaminant generating surfaces.

(iii) The design and efficacy of stormwater devices considers the likely effectiveness, ease of access, operation and integration with the surrounding environment.

(j) For buildings that do not comply with Standard I555.6.4 New Buildings and additions – High Contaminant Yielding Materials:

(i) Is in accordance with the approved Stormwater Management Plan and Policies E1.3 (1) - (10) and (12) - (14);

(ii) Implements a treatment train approach to treat runoff from impervious surfaces so that all contaminant generating surfaces are treated including cumulative effects of lower contaminant generating surfaces.

(2) Any vehicle crossing that accesses McKinney Road or John Andrew Drive

- (a) the proposed vehicle access is able to be located, formed, and used without resulting in actual or potential conflict between road users and to protect cycle safety.

I555.9. Special information requirements

(1) Riparian Planting for streams and natural wetlands

An application for any subdivision or land development that requires the planting of a riparian yard or buffer area under Rule I555.6.3 must be accompanied by the following information as a minimum:

- (a) A restoration plan prepared by a suitably qualified person.
- (b) The restoration 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;
 - (iii) Confirm the maintenance of the planting for 5yrs, including weed and pest animal control;
 - (iv) Take into consideration the local biodiversity and ecosystem extent.

(2) Transport connections, road and intersection upgrading on McKinney Road and State Highway 1:

- (a) Any application for subdivision and / or dwellings or non-residential activity with equivalent traffic generation, other than boundary relocation subdivision and bulk earthworks, shall provide a Traffic Assessment addressing the traffic effects of the Precinct on the intersection of McKinney Road and State Highway 1. The Assessment shall detail any intersection upgrading works required to ensure the intersection is safe for traffic associated with development in the Precinct;
- (b) A Transport Design Report and Concept Plans prepared by a suitably qualified transport engineer must be provided confirming the location and design of any road and its intersection(s) supports the safe and efficient function of the existing and future (ultimate) transport network and can be accommodated within the proposed or available road reserves. This may be included within a transport assessment supporting land use or subdivision consents. In addition, when an interim upgrade is proposed, information must be provided, detailing how the design allows for the ultimate upgrade to be efficiently delivered.

(3) Subdivision or land development of Lot 1 DP 187649

An application for any subdivision or land development of Lot 1 DP 187649 must be supported by a Transport Design Report and Concept Plans prepared by a suitably qualified transport engineer confirming the proposed or available road reserve at the

intersection of McKinley Road and John Andrew Drive can accommodate a future safe and efficient intersection in accordance with the applicable standards for these roads.



I555.10. Warkworth McKinley Road Precinct Plan



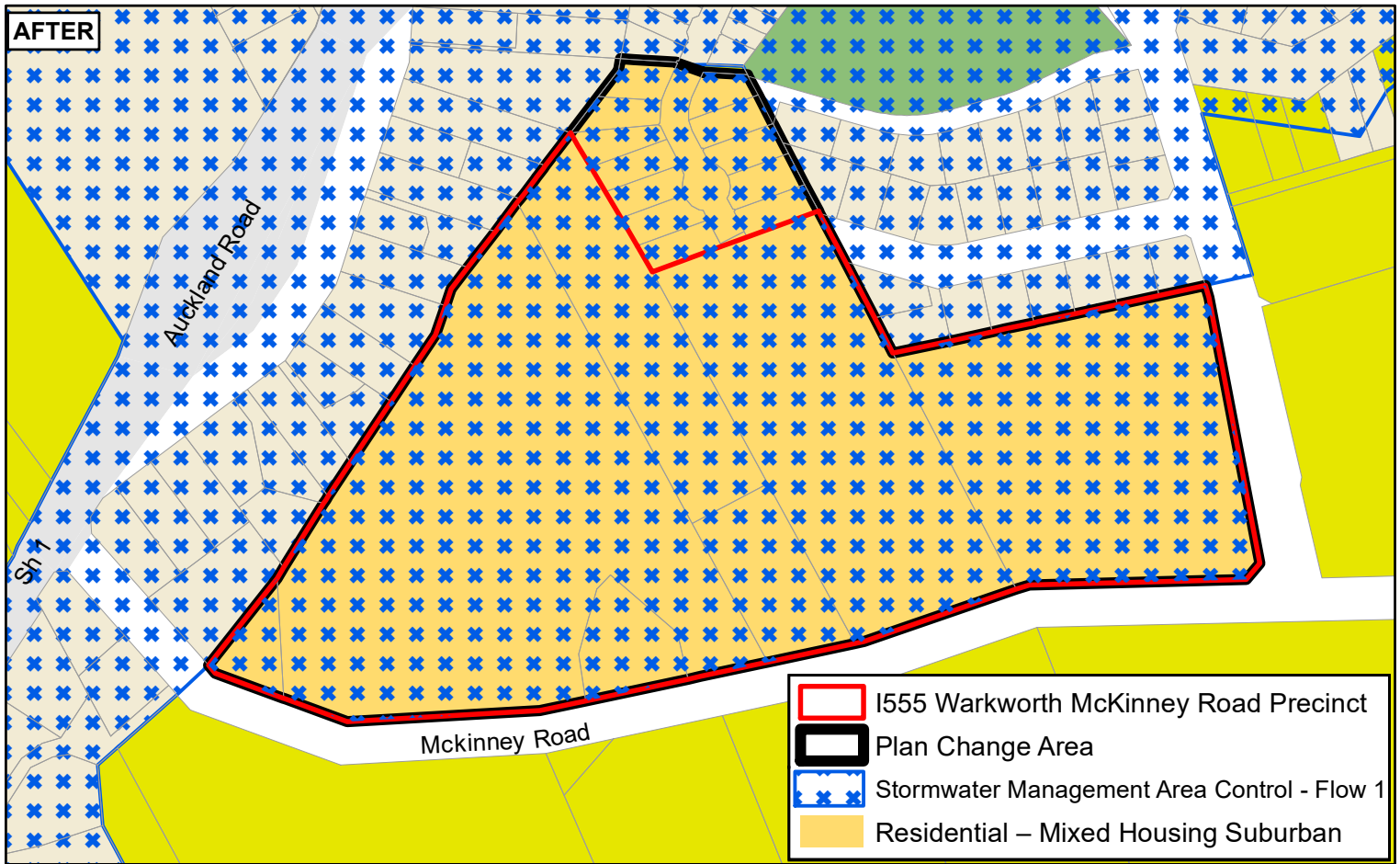
Attachment C: Updated GIS Viewer





BEFORE



-  Stormwater Management Area Control - Flow 1
-  Future Urban Zone

AFTER



-  1555 Warkworth McKinney Road Precinct
-  Plan Change Area
-  Stormwater Management Area Control - Flow 1
-  Residential – Mixed Housing Suburban

0 30 60 120 Metres

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

Date: 19/05/2023

Private Plan Change 72