**Date:** Tuesday, 5 February 2019  
**Time:** 9.30am  
**Meeting Room:** Room 1  
**Venue:** Level 26, 135 Albert Street  

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**Komiti Whakarite Mahere / Planning Committee**

**OPEN MINUTE ITEM ATTACHMENTS**

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<td>A. 5 February 2019, Planning Committee: Item 12 - Auckland Unitary Plan (Operative in Part) - Update on appeals and making additional parts of the Plan operative, additional appeal</td>
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**Note:** The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Area that will be within the Variation, based on the new noise contour boundaries

Area within the black boundary
### Changes in housing yields*

<table>
<thead>
<tr>
<th></th>
<th>Plan Change 5 enabled capacity</th>
<th>Increased total capacity enabled by variation</th>
<th>No. of enabled lots and dwellings where development will be restricted until 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential lots</td>
<td>4039</td>
<td>4162 (123 additional)</td>
<td>410 of 4162</td>
</tr>
<tr>
<td>Residential dwellings</td>
<td>6444</td>
<td>6818 (374 additional)</td>
<td>410 of 6818</td>
</tr>
</tbody>
</table>

* = Approximate yield figures
Timeline for the Variation

- **February 2019**: Prepare variation
- **Early-March**: Draft variation to iwi
- **Mid-March**: Variation to delegates for approval to notify
- **Late-August 2019**: Decision
- **Mid-July**: Hearing
- **Late-March**: Variation publicly notified
Additional information
Engine testing locations

Taxiway D
Taxiway F
What is 57 dB Ldn and 65 dB Ldn

- Day/night level (known as Ldn) is used in New Zealand to establish the relationship between noise and community annoyance.
- Ldn is used to measure engine testing noise, averaged over 24 hours. The longer the engine testing takes place, the greater the annoyance. I.e. one test for 10 minutes will be much less annoying than one test for 2 hours.
- Engine testing of a C-130 Hercules is estimated to be 85-100 decibels between the 57dB Ldn and 65dB Ldn noise boundaries (Scenario 5).
- At 85 decibels, you can converse with someone 1m away without raising your voice.
- At 95 decibels, you have to shout to be heard by someone 1m away.
Section 3 of the Resource Management Act 1991 provides the meaning of "effect" as follows:

In the context of this Act, unless the context otherwise requires, the term effect includes:

(a) any positive or adverse effect; and
(b) any temporary or permanent effect; and
(c) any past, present, or future effect; and
(d) any cumulative effect which arises over time or in combination with other effects regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
(e) any potential effect of high probability; and
(f) any potential effect of low probability which has a high potential impact.

Meaning of "effect" under the RMA

Attachment A
19 December 2018

Auckland Council  
Private Bag 92 300  
Victoria Street West  
AUCKLAND 1142

Attention: Michele Perwick – Principal Planner

Dear Michele,

**RE: Warkworth North Private Plan Change Process for Notification**

As discussed at today’s meeting Turnstone Capital agrees to a process whereby notification of the Plan Change request will follow the close of submissions on the Auckland Council Structure Plan for Warkworth.

As advised by Council it is intended that the draft Structure Plan will be notified for public comment / submissions on or about the 25th February 2019. The time period for public comment will be one month. Therefore the public comments time frame would end thereabouts the 25th March 2019, thereby enabling notification of the plan change application at the end of March 2019 or early April 2019.

Also as discussed, Auckland Council staff will be recommending that the Plan Change be accepted. Turnstone Capital would therefore like confirmation from Auckland Council, that should the Plan Change be accepted at the Planning Committee meeting on 5th February 2019, that the administrative tasks required for notification would be progressed immediately to avoid any further delay in the process.

I trust that the above provides you with sufficient certainty to address the Council concerns about timing. We are close to full agreement on the proposed zoning layout. By the time the Plan Change is notified Council will have a clear direction from the community, through submissions, on the Council led Warkworth Structure Plan. This also provides the opportunity for minor amendments to the Plan Change, if agreed between the parties to align the Plan Change with the Structure Plan. Given this opportunity the timing and nature of the Plan Change request is in keeping with sound resource management principles.
If you require any further information please do not hesitate to contact me.

Yours faithfully
Barker & Associates Limited

Burnette O’Connor
Senior Associate
Mob: 021 42 346
Email: burnetteo@barker.co.nz
Summary of the private plan change request

- 99 hectares proposed to be rezoned from Future Urban to a mix of residential and business zones
- provides for approximately 1,000-1,200 dwellings
- 13 hectares of light industrial land
- a new neighbourhood centre of 3,000m²
- the applicant has prepared a structure plan for 130 hectares
Decision required

The council is required to make a decision to:

• adopt the private plan change as its own
• accept the private plan change request
• decide to deal the private plan change request as a resource consent application
• reject the private plan change request.
Reasons to reject a private plan change request

The council can only reject a private plan change request if one or more of the following apply:

- the relevant part of the Auckland Unitary Plan has been operative for less than two years
- the substance of the request has been considered by the council within the past two years
- the request is frivolous or vexatious
- the request is contrary to sound resource management practice.
- the request makes the policy statement or plan inconsistent with Part 5 of the RMA
# Auckland Council’s Warkworth Structure Plan current timeframes

<table>
<thead>
<tr>
<th>Timeframe</th>
<th>Step</th>
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</thead>
<tbody>
<tr>
<td>25 February - 25 March 2019</td>
<td>Release draft structure plan for feedback</td>
</tr>
<tr>
<td>April - May 2019</td>
<td>Review feedback and make any required amendments to the structure plan</td>
</tr>
<tr>
<td>May - June 2019</td>
<td>Adoption of Warkworth Structure Plan by the Planning Committee</td>
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<tr>
<td>Bulk infrastructure</td>
<td>Status</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Water supply upgrade</td>
<td>Delivery phase</td>
</tr>
<tr>
<td>Wastewater</td>
<td>Delivery phase</td>
</tr>
<tr>
<td>Stormwater</td>
<td>Delivery phase</td>
</tr>
<tr>
<td>Transport – State Highway 1 (Puhoi to Warkworth)</td>
<td>Delivery phase</td>
</tr>
<tr>
<td>Transport – Matakana Link Road</td>
<td>Delivery phase</td>
</tr>
<tr>
<td>Transport – Western Link Road</td>
<td>Delivery phase</td>
</tr>
<tr>
<td>Transport – Park and Ride</td>
<td>Delivery phase</td>
</tr>
</tbody>
</table>
Is the request contrary to sound resource management practice?

- requires a broad assessment of the merit of the proposal
- can include an assessment of process issues as well as the content of the private plan change request
- while a better approach to rezoning the land is for the council to prepare and notify a plan change covering this and other parts of the Warkworth North area, the private plan change request is not considered to be contrary to sound resource management practice for the following key reasons:

  - the proposal does not undermine the Auckland Plan 2050 or the Future Urban Land Supply Strategy in terms of the general timing of development and provision of bulk infrastructure
  - significant elements of the bulk infrastructure required for the Warkworth North area are well-advanced
  - the applicant has prepared a structure plan to inform the plan change in accordance with Appendix 1 Structure Plan Guidelines of the Auckland Unitary Plan
  - the council can make a submission on the private plan change to seek it aligns with the council’s Warkworth Structure Plan and address any outstanding infrastructure issues
  - the council’s own plan change process for Warkworth North may ultimately join or supersede the private plan change.
Additional unresolved Environment Court appeal

ENV-2017-AKL-000187 Strategic Property Advocacy Network (SPAN) v Auckland Council