

Section 32 Evaluation Report

Proposed Plan Change 60 to the
Auckland Unitary Plan (Operative in
Part) – Open Space (2020) and Other
Rezoning Matters



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1. Introduction

This report is prepared as part of the evaluation required by Section 32 of the Resource Management Act 1991 (**'the Act'**) for proposed Plan Change 60 (**PC60**) to the Auckland Unitary Plan (Operative in Part) (**Unitary Plan/AUP**).

The plan change seeks to rezone council owned sites that have been through the rationalisation process and have been identified as surplus or that there is no identified service need for, and that have been approved for disposal.

There are 26 sites included in the plan change. The majority of sites (20) were approved for disposal as part of the Auckland Council Emergency Budget 2020/2021.

Three sites are part of the Kia Puāwai a Pukekoke - Unlock Pukekohe High-Level Project plan area.

Two sites are part of Panuku Service Property Optimisations programme. A key element of this programme is that service property is 'optimised' and that sale proceeds are locally reinvested to advance approved projects or activities on a cost neutral basis.

One site is subject to a land exchange under the Reserves Act as part of a future Haumaru development area in Northcote.

The sites are predominantly undeveloped or underutilised land zoned Open Space Informal recreation in the Unitary Plan.

1.1. Section 32 Evaluation

Section 32 of the Act requires that before adopting any objective, policy, rule or other method, the Council shall carry out an evaluation to examine:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act, and
- Whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objective.

The evaluation must also take into account:

- The benefits and costs of policies, rules, or other methods; and
- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

In accordance with section 32(6) of the RMA and for the purposes of this report:

- i. the 'proposal' means this component of the plan change;
- ii. the 'objectives' means the purpose of the plan change – this is to ensure that land that has been deemed surplus to council requirements as part of the Panuku land disposal and rationalisation process is able to be sold and developed for future uses compatible with the site qualities and surrounding environment.

- iii. The 'provisions' means the method(s) used to give effect to the above objective – in this case the rezoning of land that has been approved for disposal, and the addition of other AUP overlays such as height variation controls and commercial frontages where applicable and to provide consistency with adjacent sites.

Sections of this report	Evaluation Approach
Section 2: Issues	This part of the report will explain the resource management issues and why there is a need to resolve them. It will also outline the objectives of PC60
Section 3: Sites	This part of the report details the sites included in PC60
Section 4: The development and evaluation of options	<p>In accordance with section 32(1)(b) and (2) of the RMA, this section examines whether the options appropriately achieve the objectives of the AUP and the sustainable management purpose of the RMA. The options are assessed by their efficiency and effectiveness, costs, benefits and risks to resolve the RMA issue.</p> <p>In accordance with subsections 32(1)(a) and (1)(b)(iii) of the RMA, this part of the report examines the extent to which the objectives of the proposal (PC60) are the most appropriate way to achieve the purpose of the RMA. This section outlines the reasons for PC60 and the scope of PC60</p>
Section 5: Statutory evaluation	<p>This part of the report evaluates the relevance of PC60 to Part 2 (sections 5-8) and other relevant parts / sections of the RMA.</p> <p>This part of the report evaluates the relevance of PC60 against the national and local planning context.</p>
Section 6: Development of the plan change	<p>This part of the report outlines the methodology and development of PC60, including the information used and consultation undertaken in preparing PC60.</p> <p>This part of the report outlines the evaluation conducted on individual issues contained within PC60.</p>
Section 7: Conclusion	This part of the report concludes that PC60 is the most efficient, effective and appropriate means of addressing the resource management issues identified.

2. Issue

2.1. Issue background and definition

Panuku Development Auckland (Panuku) and the council's Stakeholder and Land Advisory team in Community Facilities have an ongoing review process of the council property portfolio. When a property is identified as non-service, Panuku takes it through a multi-stage rationalisation process. The process involves historical, legal and technical analysis of the site, followed by consultation with council departments, relevant Council Controlled Organisations, local boards, ward councillors, mana whenua and the Independent Māori Statutory Board. If no service use, future-funded project or strategic purpose is identified for a property it is considered for disposal. Any disposal recommendations are approved by the Panuku Board before they are presented to the Finance and Performance Committee which has the delegated authority to approve any proposed disposals.

Sites can be disposed of as part of the Service Property Optimisation programme. Optimisation is where underperforming council service properties are identified for redevelopment. Redevelopment can involve integration of service activities from underperforming assets onto a single site and sale of the vacant assets, or it can involve sale of airspace, or it can involve direct service reinvestment where underutilised sites are sold and the proceeds from the asset sale are directly used to fund projects in the same local board area. This approach is designed to incentivise local boards to deal constructively with service assets which would not usually be released for sale but are also not fit for purpose or that lack adequate funding to maintain or upgrade. The goal of optimisation is to release latent value from underperforming service assets to fund local services while facilitating housing and/or urban regeneration. Funds generated by optimisation is ring-fenced directly back into the service component of the project itself or into other eligible local board projects. Two sites in this plan change, located in the Beachlands area of Franklin, have been identified and approved for sale as part of service property optimisation review.

Sites can also be identified for disposal or redevelopment as part of Panuku's priority area developments. These sites are specifically identified within the High-Level Project Plans for the area. Three sites in this plan change have been included as part of priority location area urban regeneration for Pukekohe.

One site included in this plan change is subject to a land exchange under the Reserves Act and requires rezoning along the new proposed boundary. It is a Haumaru Housing site in Northcote.

The majority of sites included in this plan change have been through the rationalisation process and have been approved for disposal by the Finance and Performance Committee as part of Resolution number FIN/2020/31 at the Extraordinary Finance and Performance Committee meeting of 16 July 2020 and as a result of the Emergency Budget.

The two sites that are part of the service property optimisation programme were approved for sale under the service property optimisation policy on 26 March 2020 by

the Franklin Local Board, and for reserve revocation at the Parks Arts Community and Events committee meeting of 13 February 2020 (PAC/2020/9).

The three sites included in the Plan Change that are in the Unlock Pukekohe project area went to the Finance and Performance committee on 18 June 2019 (FIN/2019/60) as part of the High-Level Project Plan approval.

The Northcote site at Greenslade Reserve is the subject of a land exchange under s15 of the Reserves Act. This is currently in process. The land exchange was approved by the Environment and Community committee on 10 July 2019 (ENV/2019/116).

All the sites in this plan change are currently zoned for open space purposes or are road in the AUP¹. They are therefore not zoned for future uses and development opportunities that may be compatible with their site characteristics. Because of this, development at these sites could be unnecessarily delayed by resource consenting requirements. There may also be an inconsistency between the potential future use and development of the sites and the specific objectives and policies under their current zoning. To enable appropriate development to occur, and to ensure consistency between the intended future land uses and the zoning under the AUP, a plan change to the zoning of these sites is proposed.

2.2. Objective of plan change

The objective of this plan change is to ensure that land that has been declared surplus to council requirements as part of the Panuku land disposal and rationalisation process, or the site optimisation programme, is able to be developed for future uses compatible with the sites' qualities and surrounding environment.

The method to achieve this is through zoning the sites in the AUP with a zone that is appropriate to their surroundings, anticipated future use and development potential.

Where relevant, and to provide consistency with adjacent sites, other AUP controls such as height variations will also need to be applied to rezoned sites. The proposed change to zoning will clearly signal to potential buyers and to the public the level of development considered compatible and appropriate for the site.

2.3. Scope of this plan change

The scope of this plan change is limited to addressing the issue described in Section 2.1 above. The only sites considered in scope are those listed in Section 3 below and described further in Appendix A. The plan change does not seek to alter the provisions or policy direction of the AUP, rather it proposes a suitable zone for sites identified for disposal.

¹ Noting one site is a boundary realignment along a residential / open space boundary.

3. Sites

26 sites are included in this plan change. Locational details, current zoning, proposed zoning and other background details of the sites are included in Appendix A. In brief, the sites are:

Table 1: Sites included in PC60

Address	Legal description	Current Auckland Unitary Plan zone
24R Linwood Avenue, Forrest Hill (part only)	Part of Lot 251 DP 53183	Open Space – Informal recreation
8 Magnolia Drive, Waiuku	Lot 1 DP 190074	Open Space – Informal recreation
28R Simon Owen Place Howick Auckland 2013	LOT 10 DP 144679	Open Space – Informal recreation
R 105 Stott Avenue Birkenhead 0626	Lot 3 DP 68569	Open Space - Conservation
5R Ferguson Street Mangere East Auckland 2024	LOT 46 DP 19985	Open Space – Informal recreation
31R Killington Crescent Mangere Auckland 2022	LOT 145 DP 58967	Open Space – Informal recreation
26 Princes Street Otahuhu Auckland 1062	PT ALLOT 9 SEC 1 Village ONEHUNGA	Open Space – Informal recreation
1-5 Lippiatt Road Otahuhu Auckland 1062	Lot 2 DP 189032	Open Space – Informal recreation
37 Olive Road Penrose Auckland 1061	Lot 5 DP 98115	Open Space – Informal recreation
23 Waipuna Road Mount Wellington Auckland 1060	SEC 2 SO 399704	Open Space – Informal recreation
12R Rockfield Road Ellerslie Auckland 1061	Lot 9 DP 18690	Open Space – Informal recreation
11R Birmingham Road Otara Auckland 2013	LOT 35 DP 57069	Open Space – Informal recreation
2R Keeney Court Papakura Auckland 2110	Lot 1 DP 88704	Open Space – Informal recreation
Adjacent to 45 Brandon Road Glen Eden	LOT 4 DP 49387	Open Space – Informal recreation
67A Glengarry Road Glen Eden	LOT 3 DP 57164	Road
45 Georgina Street Freemans Bay Auckland 1011	Lot 3 DP 71812	Open Space – Informal recreation
36 Cooper Street Grey Lynn Auckland 1021	Lot 1 DP 87358	Open Space – Informal recreation

30 Willerton Avenue New Lynn	LOT 4 DP 38999	Open Space – Informal recreation
Trojan Crescent New Lynn	LOT 6 DP 119411	Open Space – Informal recreation
13 Davern Lane New Lynn	LOT 13 DP 160552	Open Space – Informal recreation
67 East Street Pukekohe Auckland 2120	Lot 2 DP 88435	Open Space – Informal recreation
Adjacent to 176 Princes St West Pukekohe 2120 (part)	SEC 1 SO 430835	Open Space – Informal recreation
Adjacent to 995 Paerata Road Pukekohe	Lot 6 DP 16500	Open Space – Informal recreation
39R Pohutukawa Road Beachlands Auckland 2018	LOT 89 DP 19657	Open Space – Informal recreation and Open Space-Conservation
17W Hawke Crescent Beachlands Auckland 2018	Road	Road (Open Space – Informal recreation (PC36))
R 1 Greenslade Crescent Northcote 0626	Lot 1 DP 54824, Lot 5 DP 66691, Lot 6 DP 66691, Lot 7 DP 66691, SECT 5 SO 539305	Road Open Space- Sport and Active Recreation Residential - Terrace Housing and Apartment

4. Options

4.1. Description of options

To consider the most appropriate means to respond to the resource management issue and achieve the objective of the plan change two options have been considered. These are:

- I. Do nothing – leave the land that has been approved for disposal with its current zone. Future landowners will choose how to progress with any development on the sites through the resource consent process.
- II. Rezone land that has been approved for disposal, prior to sale, with a zone appropriate for the future development of the site and that is compatible with the land qualities and the surrounding environment characteristics. Rezoning will add value to the sites as it clearly indicates the level of development appropriate for the site through the zone, and as shown on the AUP maps. This will assist future owners and the general public.

4.2. Evaluation of options

In accordance with Clauses 32(1)(b) and 32(2) of the Act, the options have been assessed on their appropriateness, efficiency, effectiveness, costs, benefits and

risks. The results of this evaluation and a summary of the reasons for deciding on the provisions are included in this section and in the table below.

Table 2 outlines the criteria to assess the options for addressing the resource management issue and provides an evaluation of the two options against the criteria.

Table 2: Evaluation of option against the evaluation criteria

Evaluation Criteria	Option 1 – Status Quo/Do Nothing	Options 2 - Rezone the land to an appropriate zone
<p>Appropriateness</p> <p>s32(1)(a) and s32(1)(b) of the RMA</p> <p>Is this option the most appropriate way to address the issue at hand?</p> <p>Is this option the most appropriate way to meet the objective of the AUP and the purpose of the RMA?</p>	<p>This option does not address the identified resource management issue.</p> <p>Sites will still be zoned inappropriately as open space where there is no future functional or service requirement for them to have this zone.</p> <p>Open space zoning of sites identified and approved for disposal limits the development opportunities for the land. It does not align with the objectives and policy directive for open space or development in the AUP.</p>	<p>Rezoning open space sites approved for disposal directly addresses the identified issue and will provide for the sites to be appropriately developed within the policy framework of the AUP. It indicates potential uses compatible with the sites prior to sale.</p>
<p>Effectiveness and Efficiency</p> <p>s32(1)(b)(ii) of the RMA</p> <p>How successfully can this option address the issue?</p> <p>How successfully does this option meet the objectives of the AUP and the purpose of the RMA?</p> <p>Does this option address the issue at lowest cost and highest net benefit?</p>	<p>This is not an effective option for meeting the objectives of the plan change or the AUP.</p> <p>This option does not effectively enable the future use and development of land identified for disposal.</p> <p>This option requires no change so is efficient in terms of staff and council cost and time.</p> <p>Resources (staff time) can be used for other projects – so there may be greater efficiency in the overall work programme.</p> <p>While open space zoned land could be developed for other purposes through resource consents there will be associated time and cost factors for the future property owners and for council in processing these applications.</p>	<p>Rezoning is an effective option in addressing the issue as it enables the use and development of sites for uses other than open space.</p> <p>It is more efficient to deal with the issue created through the disposal process in a single plan change than for resource consenting issues associated with each site to be dealt with on a case by case basis.</p> <p>There will be greater efficiencies when land is to be used and developed for future residential or business purposes.</p>

<p>Costs</p> <p>s32(2) of the RMA</p> <p>What are the social, economic, environmental or cultural costs and/or negative impacts that this option presents?</p>	<p>Open space zoning will generally trigger the need for resource consents to use and develop the land for other uses. This will result in additional costs for projects and time delays. This could cause delays to the sale and development of sites.</p> <p>There will be additional costs for council staff time having to process resource consent applications.</p> <p>This option does not signal to potential buyers the development potential of the sites. There could be economic and social costs to this.</p>	<p>There are time and money costs associated with undertaking a plan change and resolving any subsequent appeals. These costs would be offset by avoiding the need for resource consents further on down the track</p> <p>There are opportunity costs – staff resources could be directed to other projects.</p>
<p>Benefits</p> <p>s32(2) of the RMA</p> <p>What are the social, economic, environmental or cultural benefits and/ or positive impacts that this option presents?</p>	<p>There is no cost to council of developing the plan change – this could be perceived as a benefit.</p> <p>A plan change could be done at a later date when there are more sites to consider, thus increasing the economy of scale and reducing plan change costs. This may delay the sale and development of sites.</p>	<p>Benefits of rezoning are that it will reflect the land's potential use and development opportunities. It will rectify the zoning anomalies that the disposal process creates. There is greater visibility for the general public of the development potential of the sites.</p> <p>The objectives, policies and provisions of the zones that the sites will be adopting have already been tested as part of the development of the provision under the AUP.</p> <p>Rezoning multiple disposal sites in one plan change will save money and time than undertaking separate processes for each of the sites in the future.</p> <p>Clearly indicating the appropriate level of development at a site through zoning can have environmental and social benefits.</p>
<p>Risks</p> <p>s32(2)(c) of the RMA</p> <p>What are the risks of addressing this issue? What</p>	<p>There is a reputational risk for Council in disposing of inappropriately zoned land that could lead to an onerous development process for future property owners.</p>	<p>There are risks of appeals which could delay the plan change process and add to the cost.</p> <p>Rezoning sites currently zoned open space may create</p>

<p>are the risks of not addressing this issue?</p>	<p>There is a risk that developers could propose inappropriate levels of development for sites.</p> <p>There is risk that development would not be approved as it may be inconsistent with the AUP objectives and policy framework.</p> <p>By not removing the restrictions on development and use inherent in the open space zoning the development potential of the sites may not be realised. This would not be consistent with the planning framework or the purpose of the Act.</p>	<p>a perception from the public that Council is privatising land set aside for public open space use.</p>
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4.3. Summary of evaluation table

Option 1 – ‘Do nothing’ is the least costly option for council initially as there are no plan change costs and staff time and resources can be spent on other projects. Costs, in the form of resource consent requirements, will be passed on to the future landowners and to the time of resource consent processing staff in the future.

This option does not address the inconsistencies that disposal and sale for development of these sites creates within the AUP policy framework. It also does not signal to potential owners and the public the type of development that may be considered appropriate for a site. The need to apply for additional consents to develop land may also impact on the ability to sell sites and their perceived value and this will negatively impact the broader purpose of council’s land rationalisation process. This option does not directly address the identified resource management issue.

Option 2- Rezoning sites ensures the integrity of the AUP zoning regime and clearly indicates the potential future uses compatible with the sites prior to sale, to both potential developers and the general public. The initial costs of staff time and resources in developing the plan change will be offset by the reduction in costs to future landowners and council staff time in processing applications on a case-by-case bases. Although the sites have gone through robust rationalisation processes and have been approved for disposal there is a risk that rezoning could be seen as an erosion of the public open space network. This option directly addresses the identified resource management issue.

4.4. Recommendation

Option 2 is the preferred option and is the recommended course of action as it is the option that most effectively deals with the identified resource management issue.

Rezoning the land that has been approved for disposal with an appropriate zone best achieves the purpose of the RMA and the objectives of the plan change.

4.5. Risk of acting or not acting

Section 32(2)(c) of the Act requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. Consideration of risks are included in Table 2, above. I consider there is sufficient information about the sites included in this plan change for the plan change to proceed.

The section 32 evaluation will continue to be refined in relation to any new information that may arise following notification, including information arising from submissions on the plan change and during hearings on the plan change.

5. Statutory Evaluation

5.1. Resource Management Act 1991

Part 2 of the Act

Section 5 of the RMA describes the purpose of the Act:

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The issue addressed by this plan change is, what is the most appropriate method to provide for the sustainable management and future use and development of council sites currently zoned for open space that have been approved for disposal? Applying an appropriate zone will help avoid, remedy or mitigate any adverse effects on the environment of the future development of these sites.

Section 6 of the RMA outlines matters of national importance. In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) the protection of protected customary rights:*
- (h) the management of significant risks from natural hazards.*

This plan change applies the already tested zoning regime of the AUP. The matters included in Section 6, where relevant, have already been considered and apply to the sites through existing AUP overlays, particularly where sites are located in the coastal environment or there are identified significant ecological areas or built heritage values. Rezoning will not impact on these.

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) kaitiakitanga:*
 - (aa) the ethic of stewardship:*
 - (b) the efficient use and development of natural and physical resources:*
 - (ba) the efficiency of the end use of energy:*
 - (c) the maintenance and enhancement of amenity values:*
 - (d) intrinsic values of ecosystems:*
 - (e) [Repealed]*
 - (f) maintenance and enhancement of the quality of the environment:*
 - (g) any finite characteristics of natural and physical resources:*
 - (h) the protection of the habitat of trout and salmon:*
 - (i) the effects of climate change:*
 - (j) the benefits to be derived from the use and development of renewable energy.*

Section 7 - Other matters that are relevant to this plan change include the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values and any finite characteristics of natural and physical resources. By applying the already tested zoning regime of the AUP, this plan change is consistent with Section 7.

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The Treaty principles include the principles of partnership, reciprocity, active protection, equity and equal treatment. Through consultation undertaken as part of the various rationalisation processes, and the development and notification required

for the plan change, I consider that the principles of the Treaty have been, and will continue to be considered as part of the process

5.2. National and Regional Planning Context

5.2.1. Matters to be considered by a territorial authority

Sections 63-68 and 72-76 of the Act sets out the matters to be considered by a territorial authority when preparing or changing its regional and district plans. These matters include: any proposed regional policy statement, any proposed regional plan in relation to any matter of regional significance, any management plans or strategies prepared under other legislation, and any relevant entry on the New Zealand Heritage List/Rārangi Kōrero. The authority must take into account any relevant planning document recognised by an iwi authority to the extent that its content has a bearing on the resource management issues of the district and must not have regard to trade competition.

75(3) A district plan must give effect to—
(a) any national policy statement; and
(b) any New Zealand coastal policy statement; and
(ba) a national planning standard; and
(c) any regional policy statement.

A district plan must not be inconsistent with a regional plan for any matter specified in 30(1).

Section 80 of the RMA also sets out the approach to which local authorities may prepare, implement, and administer the combined regional and district documents. The Auckland Unitary Plan is a combined regional and district plan.

The AUP contains existing objectives, policies, rules and other methods that are of regional and district significance. This plan change seeks to rezone land that has been identified as surplus to council open space requirements. Land-use zones are a district plan level mechanism in the AUP, and the following sections evaluate the proposed plan change against Section 75.

5.2.2. National Policy Statements

National Policy Statements are instruments issued under section 52(2) of the Resource Management Act 1991 and state objectives and policies for matters of national significance. There are currently four national policy statements developed by the Ministry for the Environment. These are as follows:

- National Policy Statement on Urban Development 2020;
- National Policy Statement for Freshwater Management;
- National Policy Statement for Renewable Electricity Generation; and
- National Policy Statement on Electricity Transmission

The National Policy Statement on Urban Development (NPS:UD) came into effect on 20 August 2020. It is intended to improve the responsiveness and competitiveness of

land and development markets and requires local authorities to open up more development capacity, so more homes can be built in response to demand.

In particular it includes provisions that seek to provide for increased intensification in areas of high demand, close to rapid transport and town centres (Policies 3, 4 and 5), planning that is responsive to changing circumstances (Policy 8) and specific removal of minimum parking rates (Policy 11).

Council has two years from the commencement date to put specific intensification policies into effect that may alter the current zoning in the AUP. Until such time, the existing zoning pattern in the AUP has formed the basis of consideration for sites in this plan change.

This plan change seeks to enable the development of land parcels deemed to be surplus to open space requirements through rezoning. At a high level, rezoning to facilitate development of these sites will help give effect to the NPS:UD as it will provide a suitable alternative use for land that has been identified as underutilised and approved for disposal. Depending on the site location and characteristics, these uses may be residential or commercial.

The National Policy Statement on Electricity Transmission 2008 provides guidance for councils on how to recognise the national significance of the national grid in planning documents. The current provisions of the AUP, including specific National grid relevant overlays, recognise this and rezoning of any sites already subject to an overlay does not impact on this recognition. The plan change is therefore not inconsistent with this NPS.

No other National Policy Statements are particularly relevant to the proposal.

5.2.3. New Zealand Coastal Policy Statement

The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand.

This plan change does not include any sites within the coastal marine area, although the two sites in Beachlands are adjacent to the coast. Of particular relevance to these sites are Objective 5² and Objective 6³ and Policy 6⁴ of the NZCPS. As the

² To ensure that coastal hazard risks taking account of climate change, are managed by: • locating new development away from areas prone to such risks; • considering responses, including managed retreat, for existing development in this situation; and • protecting or restoring natural defences to coastal hazards.

³ To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that: • the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits

⁴ Activities in the coastal environment (1) In relation to the coastal environment: (b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment; (c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;

plan change is applying the existing AUP zoning provisions and considerations to sites, it is not inconsistent with the NZCPS.

5.2.4. National Planning Standards

The purpose of the National Planning Standards (Standards) is to improve consistency in plan and policy statement structure, format and content so they are easier to prepare, understand, compare, and comply with. The Standards will also support implementation of national policy statements and help people observe the procedural principles of the Act.

The Standards were introduced as part of the 2017 amendments to the Act and have been under development since that time. The Minister for the Environment and the Minister of Conservation approved the first set of Standards on 5 April 2019. The Standards must be implemented within the specified timeframes. Unitary councils have ten years to adopt the Standards, unless a full plan review is undertaken within this timeframe (in this case the new plan must meet the Standards when it is notified for submissions). This plan change is not required to implement them.

5.2.5. Relevant provisions of the Auckland Unitary Plan Operative in Part – Regional Policy Statement

The Regional Policy Statement (RPS) in the AUP sets out the direction for managing the use, development and protection of the natural and physical resources of the Auckland region. Issues of regional significance are identified and include:

- (1) urban growth and form;
- (2) infrastructure, transport and energy;
- (3) built heritage and character;
- (4) natural heritage (landscapes, natural features, volcanic viewshafts and trees);
- (5) issues of significance to Mana Whenua;
- (6) natural resources;
- (7) the coastal environment;
- (8) the rural environment; and
- (9) environmental risk.

Of particular relevance to this plan change are the objectives and policies related to urban growth and form. These seek to provide for growth in a quality compact urban form by providing for higher residential densities around established centres and on frequent public transport routes and near stations. The zoning proposed for the sites in this plan change give effect to the RPS by providing each site with a zone appropriate for its environmental qualities and compatible with its surroundings, thereby avoiding inappropriate or spot zoning.

5.3. Other relevant Acts and plans

5.3.1. Reserves Act 1977

The purpose of the Reserves Act 1977 (RA) is to provide for the preservation and management of areas of possessing recreational use/potential, wildlife, indigenous

flora/fauna, environmental and landscape amenity or interest or special features or value for the benefit and enjoyment of the general public.

All necessary reserve revocations under the Reserves Act 1977 will be undertaken concurrently as a separate process to this plan change. This proposed plan change is therefore not contrary to purpose of the Reserves Act 1977.

5.3.2. Local Government Act 2002

Where open space is not subject to the Reserves Act 1977, Auckland Council manages it under the Local Government Act 2002. Specific relevant sections of this Act include s138, 139 and 139 which refer to disposal of parks and the protection of regional parks. Adherence to the requirements of this Act form part of the disposal process.

5.3.3. Heritage New Zealand Pouhere Taonga Act 2014

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) sets out Council's statutory responsibility to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development within the context of the purpose of the RMA and the HNZPTA. Although several sites in this plan change are subject to heritage character overlays in the AUP none of the sites are specifically recognised as heritage sites.

5.3.4. The Auckland Plan 2050

The Auckland Plan 2050 is the council's long term non-statutory spatial plan that sets the strategic direction for the region to 2050. The plan includes six outcomes and a Development Strategy that shows how Auckland will physically grow and change over the next 30 years.

This plan change is particularly relevant to the Homes and Places outcome, that Aucklanders live in secure, healthy, and affordable homes, and have access to a range of inclusive public places.

Rezoning suitable land for development addresses one of Auckland's key challenges – population growth and its implications, by providing for development of land within the existing urban areas that has been assessed as surplus to requirements, for other uses. This will help in achieving Direction 1 of the Auckland Plan – a quality compact urban form, through the application of the AUP zoning regime.

5.3.5. Kia Puāwai a Pukekohe - Unlock Pukekohe High-Level Project Plan

Three of the sites included in this plan change are within the Kia Puāwai a Pukekohe - Unlock Pukekohe High-Level Project Plan area (HLPP). This project seeks to unlock the potential of Pukekohe's town centre. The HLPP was endorsed by the council's Planning Committee in June 2019. The plan identifies council owned sites with development potential that can work to achieve the regeneration goals of the plan.

The properties included in this plan change identified in the HLPP are the land adjacent to 995 Paerata Road, Pukekohe, 67 East Street, Pukekohe, and the land adjacent to 176 Princess St West, Pukekohe. These sites are identified as no longer

required for reserve purposes and as potential future residential development opportunities.

5.3.6. Open Space Provision Policy

The Open Space Provision Policy 2016 informs the investment decisions to create a high-quality open space network that contributes to Aucklanders' quality of life. It provides direction on the provision of open space at a network scale (across multiple open spaces rather than an individual site). Provision is considered on the basis of four inter-related factors, function; distribution; location and configuration.

Open space included in this plan change has been considered under this policy prior to approval for disposal.

5.4. Iwi Management Plans

An iwi management plan (IMP) is a term commonly applied to a resource management plan prepared by an iwi, iwi authority, rūnanga or hapū. IMPs are generally prepared as an expression of rangatiratanga to help iwi and hapū exercise their kaitiaki roles and responsibilities. IMPs are a written statement identifying important issues regarding the use of natural and physical resources in their area.

The RMA describes an iwi management plan as "*...a relevant planning document recognised by an iwi authority and lodged with the council*". IMPs must be taken into account when preparing or changing regional policy statements and regional and district plans (sections 61(2A)(a), 66(2A)(a), and 74(2A) of the RMA).

I am aware of the following iwi management plans:

- Ngāti Whātua Ōrākei - 2018
- Te Kawerau-a-Maki - 1995
- Ngāti Rehua Ngataiwai Ki Aotea - 2013
- Ngāti Whatua o Kaipara (South) Environmental Protection and Management Plan - 2013
- Waikato -Tainui - 2013
- Te Uri o Hau - 2011

This plan change does not seek to alter the current policy direction of the AUP and is instead addressing specific zoning issues at specific sites. Therefore, I consider it is not inconsistent with any relevant iwi management plan.

6. Development of the Plan Change

6.1. Rationalisation Process

Prior to a site being included in this plan change it has been identified as not required for any council service and has been through the rationalisation process. The sites have been approved for disposal by the Finance and Performance Committee.

The majority of sites included in the plan change were identified through the general review process and approved for disposal as part of the Emergency budget. As discussed in Section 5.3.5 above, three sites are within the Unlock Pukekohe project area and their development will work to enable regeneration in the town centre and

two sites are being disposed of as part of the service property optimisation programme in the Franklin Local Board area.

6.2. Reserve Revocation Process

Concurrent to this plan change sites subject to reserve status under the Reserves Act will need to go through the reserve revocation process. (s.24 and s.25 of the Reserves Act). The process requires public notification of the proposal to revoke reserve status in local newspapers and in the Gazette.

6.3. Process for determining proposed zoning

In many, but not all, cases the new zone proposed for a site approved for disposal has been determined by the zoning of the surrounding sites. The AUP contains existing objectives, policies and rules for zones that have been considered as part of this determination. Table 3 shows the zoning considerations that have informed the zone that is proposed as most suitable for each site:

Table 3: Zoning analysis

Site address	Current zone	Proposed zone	Zoning considerations
R 24 Linwood Avenue, Forrest Hill (part only)	Open Space – Informal recreation	Mixed Housing Suburban	This site is a small part of the wider reserve area that provides access onto Linwood Reserve from Woodstock Road. The site is located between 13 and 15 Woodstock Road. A larger, more formal access is provided approx. 60m further along Woodstock Road. An adjoining owner has previously expressed an interest in purchasing the site. Rezoning to Mixed Housing Suburban will provide consistency with adjoining residential sites.
8 Magnolia Drive, Waiuku	Open Space – Informal recreation	Mixed Housing Suburban	This site is a small undeveloped lot in a residential area. The site has a large scheduled Magnolia tree at its rear. It is proposed to rezone the site to Mixed Housing Suburban to provide consistency with the adjoining sites and surrounding area. Rezoning the site will not impact on the protection provided to, or the status of, the scheduled tree.
28R Simon Owen Place Howick Auckland 2013	Open Space – Informal recreation	Mixed Housing Suburban	This site is an undeveloped lot adjoining the adjacent large school site. It is proposed to rezone the site Mixed Housing Suburban to provide consistency with the adjoining residential properties and the enabled scale of development in the area.
R 105 Stott Avenue Birkenhead 0626	Open Space - Conservation	Single House	This site has no legal access from the road. Adjoining sites are zoned Single House and the subject site is completely within a Significant Ecological Area. An adjoining owner has previously expressed an interest in purchasing this site. Rezoning the site Single House will provide consistency with the adjacent residential sites. Rezoning will not have an impact on the existing Significant Ecological area overlay.
5R Ferguson Street Mangere East Auckland 2024	Open Space – Informal recreation	Mixed Housing Suburban	This vacant site is no longer required as road reserve. It adjoins the Transpower substation site and is subject to the National Grid Corridor Overlay - National Grid Substation Corridor 12m from the rear boundary. The wider area is zoned Mixed Housing suburban. Rezoning the site to Mixed Housing Suburban will

			provide consistency with the adjacent sites and will not impact on the substation corridor overlay.
31R Killington Crescent Mangere Auckland 2022	Open Space – Informal recreation	Mixed Housing Urban	This site backs onto George Bolt Memorial Drive near the Kirkbride Road offramp. Nearby sites on the western side of Killington Crescent and Staverton Crescent are zoned Mixed Housing Urban while on the opposite side of the road sites are zoned Terrace Housing and Apartment Building. Rezoning this site to Mixed Housing Urban will be consistent with the immediately adjacent sites and avoid the creation of a spot zone.
26 Princes Street Otahuhu Auckland 1062	Open Space – Informal recreation	Business Mixed Use	This site is located at the busy intersection of Princes Street and Atkinson Road in Otahuhu, opposite the town centre. Adjacent sites to the north and east are zoned Business Mixed Use. It is proposed to rezone this site to Mixed Use to provide consistency with immediately adjoining sites and to provide for development in keeping with its proximity to the town centre. A height variation control of 21m applies to the adjacent Mixed Use zoned sites and applying the height variation to this site would also provide consistency with adjoining sites.
1-5 Lippiatt Road Otahuhu Auckland 1062	Open Space – Informal recreation	Terrace Housing and Apartment	This is undeveloped reserve space of approx. 1369m ² with a large tree at the front boundary. It is located at the edge of, but within the extent of place of, the Lippiatt Road Pegler Brothers Housing Historic Heritage Area. Land to the north of the site is zoned Mixed Use and to the east is Terrace Housing and Apartment Building (THAB). Land to the west (and within the heritage area) is zoned Single House. The site is subject to overland flow paths and is also within a flood plain that extend east and south through the wider area. The heritage area is comprised of a number of small bungalow type houses known as Pegler houses that were constructed around the time of the Great Depression. These houses symbolise Otahuhu's second significant housing scheme (after Fencible cottages) and Lippiatt Road retains the largest cluster of Pegler houses with a cohesive 1930s character. The subject site is located at

			<p>the far eastern end of the identified heritage area where it is identified as a non-contributing site to the heritage significance.</p> <p>I support THAB zone for this site for the following reasons:</p> <p>The site is approx. 300m from Otahuhu Town centre and approx. 900m from Otahuhu Train station. It adjoins sites zoned for more intensive residential and mixed-use development to the north and east, including directly adjoining THAB zoned sites to the east. It is therefore not creating a spot zone. THAB at this site is also consistent with the general 'stepped down' zoning pattern of the AUP.</p> <p>Rezoning to THAB will have no effect on the site's inclusion in, or the values of the wider heritage area. The AUP Historic Heritage Policy D17.3(6) specifically enables use and development of contributing and non-contributing sites or features within a Historic Heritage Area where it is compatible with the historic heritage values of the area. Therefore, the heritage values of the area will form a key component of the design consideration for any development at the site and a key consenting issue consideration. The response to these heritage issues can be managed at the design and consenting stage of future development.</p> <p>The presence of a flood plain and overland flow path should also not impact on zoning. Rather these are also matters that will need to be considered as part of any future development design. I note that land to the east of the site, on the south side of Hall Avenue is also within the flood plain and is also zoned for THAB.</p> <p>With a site area of 1369m², and within a walkable catchment of Otahuhu town centre zone and transport networks, this site is able to support development at a scale commensurate with THAB zone.</p>
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37 Olive Road Penrose Auckland 1061	Open Space – Informal recreation	Business Light Industry	This site is known as Tanner Reserve and is located in a wider industrial area. At present the site is landscaped with trees, planted beds and seating. Parks have confirmed that the site is not required as part of the open space network and it has been approved for disposal. Rezoning the site to Light Industry will provide consistency with the adjoining sites and enable the development of the site for further light industrial uses. The wider area is subject to view shafts to One Tree Hill however rezoning this site will have no impact on these overlays.
23 Waipuna Road Mount Wellington Auckland 1060	Open Space – Informal recreation	Terrace Housing and Apartment	This site is on a busy street intersection and is landscaped with some trees, planted beds and seating. It is approx. 200m east of Local Centre zone on Mt Wellington Highway and 300m north of the Sylvia Park Metropolitan centre. Adjoining sites are zoned THAB with an additional height variation control of 22.5m. It is proposed to rezone this site to THAB, and to also apply the height variation control to provide consistency with the immediately adjoining sites and to provide for redevelopment at a scale appropriate given its location.
12R Rockfield Road Ellerslie Auckland 1061	Open Space – Informal recreation	Mixed Housing Suburban	This site is landscaped with paving, a rock wall, plantings and mature trees. The trees are not scheduled in the AUP. Surrounding sites are predominantly residential and it is proposed to rezone the site Mixed Housing Suburban to provide consistency with the zone and scale of development enabled in the surrounding area.
11R Birmingham Road Otara Auckland 2013	Open Space – Informal recreation	Business Light Industry	This is a large vacant site of 2527m ² in a wider Light Industrial area that is not required for open space uses. Rezoning the site for light industrial activities will align with the wider area activities and uses and provide for light industrial uses while avoiding the creation of a 'spot' zone.
2R Keeney Court Papakura Auckland 2110	Open Space – Informal recreation	Mixed Housing Urban	Adjacent sites are zoned Mixed Housing urban and this zone is also proposed for this site to align with the adjacent sites and to provide development at a scale appropriate for the site's proximity to the Papakura Metropolitan centre and transport network.
Adjacent to 45 Brandon Road Glen Eden	Open Space – Informal recreation	Terrace Housing and Apartment Building	The adjoining sites to this accessway are predominantly Terrace Housing and Apartment zone on Brandon Road and Westward Ho Road, while the properties on Westtech Place to the east of the walkway are zoned for Light industrial

			uses. THAB is considered the more appropriate zone for this site due to its frontage onto Brandon Road.
67A Glengarry Road Glen Eden	Road	Mixed Housing Urban	This accessway is road in the AUP. Immediately adjoining land to the north is an access to a rear site and is zoned Mixed Housing urban. To the south the site directly adjoins two sites that are zoned Mixed Housing suburban. Mixed Housing urban is proposed for this narrow site and is considered more appropriate due to the layout and orientation of the adjoining sites.
45 Georgina Street Freemans Bay Auckland 1011	Open Space – Informal recreation	Single House	This small piece of vacant land was originally acquired for street widening. The adjacent sites are zoned Single House and are subject to the Special Character Areas Overlay Residential and Business - Residential Isthmus A overlay that sits over the majority of Ponsonby and Freemans Bay. Single House is also proposed for this site due to its size and the zoning of the adjacent sites.
36 Cooper Street Grey Lynn Auckland 1021	Open Space – Informal recreation	Single House	This site is located within the Historic Heritage Overlay Extent of Place - Cooper Street Historic Heritage Area where the site is identified as a non-contributing site. Single House zone is proposed at this site due to its size and in keeping with the zone of the adjacent sites in the area. Rezoning will not affect the site's inclusion in the wider heritage area (albeit as a non-contributing site) but its inclusion in the overlay will raise heritage considerations as part of the consenting of any future development of the site.
30 Willerton Avenue New Lynn	Open Space – Informal recreation	Mixed Housing Urban	This is a large undeveloped site that is not required as part of the open space network. There is an overland flow path adjacent to the northern boundary of the site and most of the site is within a flood plain. These are considerations for any future development of the site but should not impact on the zoning proposed.

			The wider area is zoned Mixed Housing Urban and rezoning this site to MHU will provide consistency with the enabled scale of development proposed in the surrounding area.
Trojan Crescent New Lynn	Open Space – Informal recreation	Mixed Housing Urban	This is a flat grassed site with numerous small trees planted across it. The surrounding area (known as 31 Trojan Crescent) is owned by Kāinga Ora and is zoned Mixed Housing Urban. Rezoning this site to MHU will provide consistency with the adjacent site zoning and provide for appropriate density of development across the area.
13 Davern Lane New Lynn	Open Space – Informal recreation	Mixed Housing Urban	This site is relative flat with several mid-sized bushes/trees planted across it. The wider area is zoned Mixed Housing Urban and rezoning to MHU will provide consistency with the surrounding sites and the enabled scale of development proposed in the surrounding area.
67 East Street Pukekohe Auckland 2120	Open Space – Informal recreation	Single House	East Street is a key entrance road into Pukekohe Town centre. Sites on the south side of the road in the vicinity of this site are zoned Single House while to the north they are zoned Mixed Housing Suburban. Single house is proposed at this site and will provide consistency with the wider area and avoid the creation of a spot zone.
Adjacent to 176 Princes St West Pukekohe 2120 (part)	Open Space – Informal recreation	Mixed Housing Suburban	The portion of the wider reserve site subject to this plan change has existing residential developments on the east and west boundaries. The wider area is live zoned Mixed Housing Suburban although land to the west is yet to be developed. Mixed Housing suburban is appropriate for this site as part of the wider development potential enabled in the area.
Adjacent to 995 Paerata Road Pukekohe	Open Space – Informal recreation	Single House	This site is adjacent to Single House zoned existing dwellings. The wider area is Future Urban zoned to the immediate north, east and west, while further to the north is live zoned Mixed Housing Urban and forms part of the Paerata structure plan development area. Single House zone is considered appropriate at this site given the surrounding existing development and zoning.
39R Pohutukawa Road Beachlands Auckland 2018	Open Space – Informal recreation and	Single House	This vacant site is zoned Open Space Informal Recreation at the street frontage and Open Space conservation at the cliff edge (generally from the fenced cliff edge north). Surrounding sites are generally large, single residential dwelling

	Open Space- Conservation		sites. It is proposed to rezone this site to Single House zone, in keeping with the anticipated nature and scale of development in the surrounding area.
17W Hawke Crescent Beachlands Auckland 2018	Road Open Space – Informal recreation (PC36)	Single House	This site was included in PC36 where it was proposed to rezone from road to Open Space - Informal recreation. It is now proposed to rezone the site to Single House zone for disposal, in keeping with the zoning and scale of development enabled in the surrounding site. There is a Significant Ecological area and a coastal inundation control along the coastal edge of the site, however rezoning the site for residential uses will not impact on these existing AUP considerations.
R 1 Greenslade Crescent Northcote 0626	Road Open Space – Sport and Active recreation Residential – Terrace Housing and Apartment	Residential – Terrace Housing and Apartment Open Space – Sport and Active recreation	This site is currently subject to a land exchange under the Reserves Act, and a boundary adjustment subdivision. The proposed new zonings are consistent with the existing zones for the sites into which the land is to be incorporated. As the walkway is stopped road it will be rezoned THAB under the existing provisions of the AUP. Where the currently residential land is proposed to be incorporated into the open space the height variation control (of 19.5m) that currently applies to this part of the site will need to be removed. For all the land proposed to be rezoned to THAB, the height variation control should be applied to provide for consistency with the wider site and for redevelopment at appropriate scale given the site's strategic location adjacent to the Northcote town centre.

6.4. Consultation

As part of the rationalisation process consultation has been undertaken with the relevant local boards and mana whenua groups for each site included in this plan change prior to their approval for disposal from the Finance and Performance Committee.

The revocation of reserve statuses, where relevant, will be undertaken concurrently with this plan change and will require a further public notification process. This is separate to the plan change process⁵.

Further consultation will be undertaken as required under the RMA for the wider open space plan change.

7. Conclusion

The purpose of this plan change is to ensure that land that has been declared surplus to council requirements as part of the Panuku land disposal and rationalisation process, and approved for disposal as part of the Emergency Budget or programme of urban regeneration for the Panuku priority location Pukekohe, is able to be developed for future uses compatible with the site qualities and surrounding environments.

The rezoning of sites (Option 2) is the most appropriate method for addressing the planning related issues associated with land disposals. To provide consistency with adjacent sites Auckland Unitary plan height variation controls are also proposed where relevant.

The rezoning of sites will avoid ad-hoc additional consenting processes for future landowners when they develop the properties. This will provide benefits to both council and future owners.

This option will ensure consistency of future land uses with the AUP planning framework by providing consistency between the objectives and policies of the zones and the future uses.

This option best achieves Part 2 of the Resource Management Act and the purpose or objectives of relevant national and regional planning documents. These include:

- New Zealand Coastal Policy Statement 2010;
- National Policy Statement on Urban Development 2020
- Reserves Act 1977;

⁵ Panuku process under s24 of the Reserves Act 1977 is as follows:

1. Resolution to dispose of property subject to satisfactory completion of required statutory processes.
2. Iwi notification – 2 month notification period (this is not part of the Reserves Act)
3. Public notification (notice in local paper and on Council website, plus letters to adjoining owners) – 1 month notification period
4. Assess any objections received
5. Report to PACE committee to recommend forwarding request to revoke to DoC
6. Publication of Gazette Notice
7. New title issued

- The Auckland Plan 2018;
- The Unitary Plan's Regional Policy Statement 2016.

It is my opinion that PC60 is the most efficient, effective and appropriate means of addressing the resource management issue identified.