



# Proposed Plan Change 96 (PC96) Open Space and Other Rezoning Matters (2024)

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to the Auckland Unitary Plan (Operative in part)

## SECTION 32

### EVALUATION REPORT

**Newly vested & acquired land, open space zoning errors and anomalies, rezoning of land to better reflect the current and intended future use and development and rezoning land to enable land disposal and/or rationalisation**

**Note: there is a separate Section 32 Report for 1023 & 1039 Linwood Road, Papakura**

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## List of Attachments

Attachment 1 – Spreadsheet of newly vested & acquired land, open space zoning errors and anomalies, rezoning of land to better reflect the current and intended future use and development and rezoning land to enable land disposal and/or rationalisation

## Executive Summary

### i. The Objectives of the Plan Change

The objectives of this plan change are to:

- ensure that newly vested or acquired open spaces are protected, used and developed in a manner that reflects their environmental qualities, and function (or intended use and development);
- correct open space zoning errors or anomalies (these include realigning zone boundaries with new cadastral boundaries and rezoning privately owned land that is incorrectly zoned as open space);
- better reflect either the current or intended future use and development of land;
- enable the disposal of surplus land (typically open space) and/or to facilitate Kāinga Ora/Auckland Council land swaps/redevelopment, to improve the quality of open spaces

This Plan Change therefore has 4 components:

1. Rezoning of land recently vested or acquired as open space;
2. Rezoning of land to correct open space zoning errors or anomalies;
3. Rezoning of land to better reflect its current or intended use and/or facilitate redevelopment, and
4. Rezoning of land to enable its disposal to other parties and subsequent use and/or to facilitate redevelopment

## **ii. Land Recently Vested or Acquired as Open Space**

Since the Auckland Unitary Plan (AUP) was publicly notified in 2013 there have been several hundred land parcels either vested as reserve or acquired for open space purposes.

Plan Change 4 – Corrections to technical errors and anomalies in the Auckland Unitary Plan Operative in Part (publicly notified 28 September 2017), contained an update to the zoning of approximately 400 land parcels that had either been vested as reserve or acquired for open space purposes. In addition, a small number of zoning errors were corrected.

Plan Change 13 – Open Space (publicly notified 20 September 2018) contained an update to the zoning of approximately 100 land parcels that had either been vested as reserve or acquired for open space purposes. In addition, a small number of zoning errors were also corrected.

Plan Change 36 – Open Space (2019) (publicly notified 28 November 2019) contained an update to the zoning of approximately 200 additional land parcels across the Auckland region that had either been vested as ‘reserve’ or acquired by council and do not have the appropriate corresponding zone in the AUP. A number of additional errors or anomalies were also identified and corrected. This Plan Change also included the rezoning of land approved for disposal by Auckland Council. Eke Panuku manages this process.

Plan Change 60 – Open Space (2020) and Other Rezoning Matters contained an update to the zoning of approximately 100 additional land parcels across the Auckland region that had either been vested as ‘reserve’ or acquired by council and do not have the appropriate corresponding zone in the AUP. A number of additional errors or anomalies were also identified and corrected. This Plan Change also included the rezoning of land approved for disposal by Auckland Council. Eke Panuku manages this process.

This plan change (Proposed Plan Change 96) includes additional land parcels that have been vested or acquired for open space purposes. This includes:

- 120 Hill Road, The Gardens – additional land purchased by Auckland Council as an extension to the Regional Botanic Gardens

## **iii. Open Space Zoning Errors and Anomalies**

There are a number of land parcels that are either incorrectly zoned as open space or require an open space zoning. These are not newly vested or acquired land but are either errors or anomalies. These are contained in Attachment 1 and include the following as examples:

- 101 & 103 St Marys Road, Ponsonby – land shown as road but is part of the St Mary’s Bay reserve;
- 56 Brookview Drive & 66 Flat Bush School Road, Flat Bush – incorrectly zoned as open space under PC60;

#### **iv. Rezoning of land to better reflect its current or intended use and development**

The plan change also includes other zoning changes that are intended to better reflect either its current or future use and development. These changes include:

- 8 & 10 Link Crescent, Stanmore Bay – to provide for a future community hub
- Part of 14A and 40 Maybury Street, Point England - facilitate the redevelopment of the Ruapōtaka Marae & development of other related facilities
- Part of 31-35 Cresta Avenue, Beach Haven (Shepherds Park) - facilitate the redevelopment of the Shepherds Park Marae & development of other related facilities

#### **v. Rezoning of land to facilitate redevelopment and/or enable its disposal to other parties and subsequent use and development**

The plan change also includes other zoning changes that are intended to enable the disposal of land to other parties and its subsequent use by them. This typically includes land deemed by Auckland Council as surplus to requirements. It also includes rezoning of land to facilitate redevelopment by Kāinga Ora. This often involves land exchanges with Auckland Council.. These changes include:

- 119A May Road, Mount Roskill - surplus Plantation Reserve owned by WaterCare (to be sold to adjoining owner)
- 528 Ellerslie- Panmure Highway, Mount Wellington - property is identified as a site for redevelopment and disposal in Eke Panuku's High Level Project Plan for Panmure
- 46 Range View Road, Owairaka & Part of 117 Richardson Road – facilitate redevelopment in the Owairaka area

#### **vi. Rationale for the Plan Change**

As Auckland's population grows, land, infrastructure and facilities will be required to support this growth. In particular, additional areas of open space will be required for both informal and active recreation and sport and for community facilities such as libraries and cemeteries to support new and growing communities. This land needs to be appropriately zoned to provide for its intended use and development, or where appropriate, its protection.

An alternative option is to rely on council ownership, reserve management plans and open space and recreation policies to manage the protection, use and development of land.

The cost of doing nothing and not rezoning recently vested or acquired land for open space purposes could however result in:

- Additional costs and time delays for the council and ultimately the community as land acquired for open space cannot be used for recreational activities or developed for its intended purpose unless resource consents are obtained;
- Potential litigation costs if consents are appealed (by either Council or affected neighbours); and
- Inappropriate use and development of land that does not align with the AUP, which has the potential to threaten the policy intent of the AUP.

This can create undesirable environmental, economic, social and cultural effects and outcomes for a range of users – from the Council who owns the land to the community groups who want to use, protect and care for Auckland’s parks and reserves.

Errors and zoning anomalies also potentially impact on the efficiency and effectiveness of the policies, rules and methods of the AUP. These errors and anomalies do not appropriately give effect to relevant objectives and policies. This in turn impacts on the functionality and integrity of the AUP.

Kāinga Ora is undertaking redevelopment in neighbourhoods around Auckland. These often involve land exchanges with Auckland Council, to improve the quality of open spaces or to better reflect the intended use of land. The rezoning of land in this category facilitates the redevelopment.

Other zoning changes are intended to enable the disposal of land to other parties and its subsequent use by them. This typically includes land deemed by Auckland Council (including its CCO’s) as surplus to requirements.

## **vii. Analysis of Options**

A section 32 analysis of options to the spatial zoning of land recently vested with Council, open space zoning errors and anomalies, rezoning of land to facilitate redevelopment or to better reflect the use of land and other zoning changes that are intended to enable the disposal of land to other parties and its subsequent use by them, has been undertaken in accordance with section 32(1)(b) and (2) of the RMA. The two options analysed are:

- Do not change the zoning of recently acquired or vested land, land subject to a zoning error/anomaly, land subject to a land swap to “align” with the purpose for which it has been vested and other zoning changes that are intended to enable the disposal of land to other

parties and its subsequent use by them, and instead rely on Council ownership, reserve management plans and open space and recreation policies to guide protection, use and development (*Option 1: Status Quo/Do Nothing*)

- Change the zoning of recently acquired or vested land, land subject to a zoning error/anomaly, land subject to a land swap or land subject to disposal to other parties and its subsequent use and development by them, to an appropriate Unitary Plan zone (*Option 2: Change the zone in AUP via a plan change*)

Option 2 is the recommended option.

### **viii. Matters Outside the Scope of the Plan Change**

This plan change does not address the inconsistent application of open space zones to esplanade reserves. This will require separate investigation and a possible plan change at a later point in time. This will most likely occur when the AUP is next reviewed commencing in 2026.

There was also a cut-off date for including land in the plan change – 1 September 2023. Land that missed this cut-off date will be the subject of a future plan change.

There are several hundred newly vested or acquired “reserves that require an open space zoning. These will be the subject of a separate plan change in 2025. Resourcing constraints and the urgency to proceed with the zoning of some sites in this plan change has meant that these were unable to be assessed in time for inclusion in this plan change.

Land vested as road, pedestrian accessways between roads and service lanes is not zoned as open space in the Unitary Plan. The Unitary Plan enables automatic updates of “roads” without the need for a plan change.

For anomalies that involve a mis – match between zone boundaries and new cadastral boundaries (where lots were created by subdivision after the Unitary Plan boundaries between zones were determined), minor slivers are able to be automatically corrected. The more significant ones in some cases can be the subject of a clause 20a amendment provided the effect is neutral and it’s not a matter that anyone could reasonably be seen to want to make a submission on. Where it is possible that there is an effect or that people may want to submit, any change in zoning needs to be subject to the plan change process.



## 1.0 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 96 (**PPC96**) to the Auckland Unitary Plan (Operative in Part) (**AUP**).

This Plan Change contains four separate categories of open space or other zoning changes bundled together. One Section 32 Report has been prepared for the different components of the plan change.

A separate Section 32 Report has been prepared for the proposed rezoning of 1023 & 1043 Linwood Road, Papakura.

This Section 32 Report deals with the recently vested or acquired land for open space purposes, a number of open space zoning errors and anomalies, the rezoning of land to better reflect its current or intended future use and the rezoning of land to facilitate Kāinga Ora/Auckland Council land exchanges/redevelopment and/or other zoning changes that are intended to enable the disposal of land to other parties and its subsequent use and development by them.

### 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.

## 1.2 The Evaluation Approach

This section outlines how the proposed rezoning of recently vested or acquired land for open space purposes, the correction of open space zoning errors and anomalies and other zoning changes to facilitate redevelopment and to reflect the intended use of land components of Plan Change 60 has been evaluated. The rest of this report will follow the evaluation approach described in the table below. 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 objective of the Plan Change – that is to ensure newly acquired open space and open space zoning errors and anomalies can be managed in manner that reflects their environmental qualities, intended use and development; and
- iii. the 'provisions' means the method(s) used to give effect to the above objectives – in this case the zoning of land that has recently been vested or acquired for open space purposes, or is an error/anomaly, or the rezoning of land to facilitate Kāinga Ora/Auckland Council and Fletcher Residential/Auckland Council land exchanges/redevelopment and/or other zoning changes that are intended to enable the disposal of land to other parties and its subsequent use and development by them.

Sections of this report	Evaluation Approach
<b>Section 2: Issues</b>	This part of the report will explain the resource management issue(s) and why there is a need to resolve them.
<b>Section 3: Objectives</b>	This part of the report will outline the purpose of PC96.
<b>Section 4: Reasons for the proposed plan change</b>	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 (PC96) are the most appropriate way to achieve the purpose of the RMA. This section outlines the reasons for and the scope of PC96.
<b>Section 5: Statutory evaluation</b>	This part of the report evaluates the relevance of PC96 to Part 2 (sections 5-8) and other relevant parts / sections of the RMA.
<b>Section 6: National and local planning context</b>	This part of the report evaluates the relevance of PC96 against the national and local planning context.

<b>Section 7: Development of the plan change</b>	This part of the report outlines the methodology and development of PC96, including the information used.
<b>Section 8: Consultation</b>	This part of the report outlines the consultation undertaken in preparing PC96. It includes a summary of all advice received from iwi authorities on PC96 (as required by section 32(4)(a) of the RMA).
<b>Section 9: The development and evaluation of options</b>	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.
<b>Section 10: Conclusion</b>	This part of the report concludes that PC96 is the most efficient, effective and appropriate means of addressing the resource management issues identified.

This section 32 evaluation report will continue to be refined in response to any consultation feedback provided to the council, and as the proposed plan change progresses through the plan change process. The Section 42a hearing report and any further Section 32AA reports, will also be part of the overall section 32 evaluation.

## 2.0 The Issue

### 2.1 The Auckland Unitary Plan

The Auckland Unitary Plan ('Unitary Plan') became operative in part <sup>1</sup>on 15 November 2016. On 28 September 2017, Plan Change 4 was publicly notified. This plan change included the rezoning of approximately 400 land parcels to an appropriate open space zoning. This was the first of an anticipated annual or biannual update to the Unitary Plan to rezone land recently vested or acquired for open space and recreation purposes. The subsequent "open space" plan changes have been:

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<sup>1</sup> There were 108 appeals to either the High Court or Environment Court at this point in time.

Plan Change 13 – Open Space, was publicly notified on 20 September 2018. The decision was notified on 23 May 2018. This plan change involved the rezoning of approximately 100 land parcels to open space, together with corrections to a small number of zoning errors and anomalies.

Plan Change 36 – Open Space (2019), was publicly notified on 28 November 2019. The decision was released on 15 January 2021. This plan change involved the rezoning of approximately 200 land parcels to open space, together with corrections to a small number of zoning errors and anomalies. It also included the rezoning of land parcels deemed surplus and deemed suitable for disposal by Auckland Council.

Plan Change 60 – Open Space (2020) and Other Rezoning Matters, was publicly notified on 28 January 2021. The decision was released on 9 September 2022. This plan change involved the rezoning of approximately 100 land parcels to open space, together with corrections to a small number of zoning errors and anomalies. Like PC36, it also included the rezoning of land parcels deemed surplus and suitable for disposal by Auckland Council.

## **2.2 The issue / problem definition**

Land has been recently vested or acquired for open space purposes, either as a result of it being vested on subdivision, or purchased by Auckland Council. This land typically does not have a zoning that reflects its environmental qualities and intended use and development as open space.

In addition, a number of errors or anomalies have been identified by the public, local boards and/or council staff. These typically involve the incorrect zoning of privately owned land as open space or the misalignment between zone and precinct boundaries and newly subdivided land.

The plan change also involves other zoning changes that are intended to reflect the current or future intended use of land and/or facilitate redevelopment. These are typically associated with Kāinga Ora/Auckland Council redevelopments in neighbourhoods around Auckland. These often involve land exchanges between Kainga Ora and Auckland Council to improve the quality of open spaces or to better reflect the intended use of land.

As a result of inappropriate zonings, future open space and recreation land use activities and /or development could be unnecessarily delayed by the need to obtain resources consents. This may not be the case (depending on what is proposed) if the land has an appropriate open space zoning.

### **2.3 The scale and significance of this issue**

The majority of land vested or acquired during the past year has a residential zoning. This does not permit recreational activities or buildings and structures associated with recreation use. Between 100-200 land parcels are acquired each year, primarily as a result of subdivision but also sometimes as a result of purchase by the Auckland Council. This plan change only involves a small number of recently acquired sites. A larger plan change involving several hundred newly vested sites will be prepared in 2025 when resources are available.

A small number of open space zoning errors and anomalies are also part of the plan change. These include privately owned land that has been incorrectly zoned as open space.

The plan change also rezones land to better reflect its current or intended future use and/or to facilitate Kāinga Ora/Auckland Council land swaps/redevelopment.

### **3.0 Objectives**

There are multiple open space objectives throughout the Unitary Plan – both at the Regional Plan and District Plan level.

This section 32 report involves analysing the most appropriate method to give effect to the Unitary Plan objectives, having regard to the requirements of the Resource Management Act and the National and Regional Planning context.

The objectives of this plan change are therefore to:

- ensure that newly vested or acquired open spaces are protected, used and developed in a manner that reflects their environmental qualities, and function (or intended use and development);
- correct open space zoning errors or anomalies (these include realigning zone boundaries with new cadastral boundaries and rezoning privately owned land that is incorrectly zoned as open space);
- better reflect either the current or intended future use of land and/or
- facilitate Kāinga Ora/Auckland Council land exchanges- /redevelopment, to assist in the redevelopment of neighbourhoods and to improve the quality of open spaces and access to them.

## **4.0 Reasons for the proposed plan change**

### **4.1 Outline of the plan change**

#### Land Recently Vested or Acquired

The Plan Change involves rezoning land parcels that have been recently vested or acquired by the Council for open space purposes to one of the five open space zones. These land parcels typically have a residential zoning when they are vested/acquired.

Guidelines (refer to section 8.3 - Methodology) developed during the Unitary Plan process along with the objectives, policies and purpose of each of the open space zones have been used to determine the appropriate zone.

#### Open Space Zoning Errors/Anomalies

The Plan Change also includes a small number of zoning errors or anomalies involving open space zones. These typically involve land that has been either zoned open space in error or conversely land that requires an appropriate open space zoning. This plan change also involves aligning and updating zone and precinct boundaries with new cadastral boundaries in the Drury area where recent subdivision of greenfields land has taken place.

The preparation of the Unitary Plan was a large and complex project, undertaken in a short timeframe. In addition, many of the legacy District Plan's open space zones had not been fully updated. Hence some errors and anomalies were carried over into the Unitary Plan and they are only now being identified.

#### Rezoning of land to facilitate redevelopment and/or to better reflect the intended use of land

The plan change also includes other zoning changes that are intended to better reflect either its current or future use and/or. The plan change also includes other zoning changes that are intended to enable the disposal of land to other parties and its subsequent use and development by them. This typically includes land deemed surplus to requirements by Auckland Council and WaterCare.

#### Rezoning of land to facilitate Kāinga Ora redevelopment and land exchanges with Auckland Council.

Kāinga Ora intends to undertake a multi-stage master-planned urban redevelopment in the Owairaka area of Mt Roskill, Auckland, which will involve construction of new healthy homes by Kāinga Ora; construction of new healthy homes by private build partners of Kāinga Ora; and associated public infrastructure including roads, services and parks.

The proposal involves land exchanges between Kāinga Ora and Auckland Council to improve pedestrian access from Cassino Terrace to Murray Halberg Park.

## **4.2 Rationale for the plan change**

The rationale for the plan change is therefore:

- The Unitary Plan adopts open space zones for the regions public (and private where the land owner agrees) open spaces. This plan change continues this approach;
- Rezoning newly vested or acquired open space enables the protection, intended use and development of the land to be undertaken efficiently (in comparison to alternative zonings which may require a resource consent for land use and development);
- An open space zoning also enables greater protection of those open spaces that have environmental constraints – by limiting the amount of earthworks and vegetation removal that can be undertaken as of right (Note: Additional constraints on the use and development of open space zone land may also be imposed by overlays);
- The need for and costs of resource consents (in both money and time delays) “further down the line” will be reduced by having an appropriate open space zoning of land intended for open space purposes;
- Identifying open spaces via open space zones enhances visibility of the open space resource (i.e. it is identified on the planning maps);
- There are a number of open space zoning errors and anomalies where land has either been incorrectly zoned as open space or open space has been given an incorrect zoning. In addition, the realignment of zone boundaries with new cadastral boundaries in greenfield areas is also required. The reasons for rezoning recently vested or acquired land as open space also apply to these errors and anomalies;
- Other zoning changes are intended to better reflect either the current or future intended use of land;
- The final category of change involves zone changes to facilitate Kāinga Ora/Auckland Council redevelopment and to improve the quality of open space and access to it.

### 4.3 What is in scope/ out of scope

Within scope of this plan change are a small number of the land parcels that have either been vested as “reserve” or acquired for reserve/open space purposes between 31 August 2020 - 1 September 2023.

A number of open space zoning errors and anomalies are also included in the plan change. These were also identified prior to 1 September 2023. There are several hundred newly vested or acquired “reserves that require an open space zoning. These will be the subject of a separate plan change later in 2025. Resourcing constraints has meant that these were unable to be assessed in time for inclusion in this plan change.

Out of scope are those additional land parcels that have been either vested as reserve or acquired as open space outside the above time period.

It is noted that there are some inconsistencies in the way “esplanade reserves” have been zoned in the AUP. This is a result of the different approaches applied by the former councils in Auckland Region to land use zoning. These differences were then carried over in the Unitary Plan zoning of esplanade reserves. All four of the following zones have been applied to esplanade reserves across the region:

- i. Open Space – Conservation zone
- ii. Open Space – Informal Recreation zone
- iii. Open Space – Conservation zone for the first 20m and then an appropriate open space zoning for the balance of the land
- iv. Open Space – Sport & Active Recreation zone – for marine based recreation facilities such as boat ramps.

This plan change does not address the inconsistent application of land use zoning to esplanade reserves. This will require separate investigation and a possible plan change at a later point in time, most likely at the next review of the Unitary Plan when the National Planning Standard zones for open space will be required to be implemented.

Land vested as road, pedestrian accessways between roads and service lanes is not zoned as open space in the Unitary Plan. The Unitary Plan enables automatic updates of “roads” without the need for a plan change.

For anomalies that involve a mis – match between zone boundaries and new cadastral boundaries (where lots were created by subdivision after the Unitary Plan boundaries between zones were determined), minor slivers are able to be automatically corrected. The more significant ones in some cases can be the subject of a clause 20a amendment provided the effect is neutral and it’s not a matter that anyone could reasonably be seen to want to make a submission on. Where it is possible that there is an effect or that people may want to submit, any change in zoning needs to be subject to the plan change process.



## 5.0 Statutory Evaluation under the Resource Management Act 1991 (RMA)

### 5.1 Overall broad judgement against Part 2 of RMA

Section 5 of the RMA describes the purpose of the Act. This is:

- (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 the plan change is what is the most appropriate method to manage the protection, use and development of Auckland's open space resources. These are in the form of newly vested or acquired land for open space and recreation purposes; other zoning changes that are intended to address a small number of errors and anomalies and to better reflect the current or future intended use and development of land and/or facilitate Kāinga Ora/Auckland Council redevelopment of certain neighbourhoods.

Open space provides for people and communities social and cultural wellbeing and health. 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.*

The acquisition and zoning of land as open space is one method that is used to address all above matters of national importance. The Unitary Plan's open space zones and associated objectives, policies and rules provide protection of natural and heritage resources, facilitate public access to and along the coastal marine area, provide for customary rights and can be a tool used to manage significant risks from natural hazards such as sea level rise, flooding and land instability.

## 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:*

*(c) the maintenance and enhancement of amenity values:*

*(d) intrinsic values of ecosystems:*

*(f) maintenance and enhancement of the quality of the environment:*

*(h) the protection of the habitat of trout and salmon:*

*(i) the effects of climate change:*

The zoning of land recently vested or acquired for open space and recreation purposes will assist in achieving kaitiakitanga, the ethic of stewardship, the efficient use and development of natural and physical resources (in this case the open space resource), the maintenance and enhancement of amenity values as open space makes a significant contribution to the amenity values of an area, the maintenance and enhancement of the quality of the environment, the protection of the habitat of trout and salmon, particularly in respect of esplanade reserves, and assist in avoiding or mitigating the effects of climate change.

Addressing errors and anomalies is neutral in terms of section 7 matters.

Rezoning land to better reflect the current or future intended use and development can result in the rezoning of open space zoned land. This seeks to achieve the efficient use and development of natural and physical resources.

Rezoning land to facilitate redevelopment reflects land exchanges between Kainga Ora and Auckland Council. These typically improve the quality of open spaces and access to them.

## 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<sup>2</sup> include the following:

Partnership - the Treaty signified a partnership between the races' and each partner had to act towards the other 'with the utmost good faith which is the characteristic obligation of partnership'. The obligations of partnership included the duty to consult Māori and to obtain the full, free, and informed consent of the correct right holders in any transaction for their land.

Reciprocity - the partnership is a reciprocal one, involving fundamental exchanges for mutual advantage and benefits. Māori ceded to the Crown the kawanatanga (governance) of the country in return for a guarantee that their tino rangatiratanga (full authority) over their land, people, and taonga would be protected. Māori also ceded the right of pre-emption over their lands on the basis that this would be exercised in a protective manner and in their own interests, so that the settlement of the country could proceed in a fair and mutually advantageous manner.

Active protection - the Crown's duty to protect Māori rights and interests arises from the plain meaning of the Treaty, the promises that were made at the time (and since) to secure the Treaty's acceptance, and the principles of partnership and reciprocity. The duty is, in the view of the Court of Appeal, 'not merely passive but extends to active protection of Māori people in the use of their lands and waters to the fullest extent practicable', and the Crown's responsibilities are 'analogous to fiduciary duties'. Active protection requires honourable conduct by, and fair processes from, the Crown, and full consultation with – and, where appropriate, decision-making by – those whose interests are to be protected.

Equity - The obligations arising from kawanatanga, partnership, reciprocity, and active protection required the Crown to act fairly to both settlers and Māori – the interests of settlers could not be prioritised to the disadvantage of Māori. Where Māori have been disadvantaged, the principle of equity – in conjunction with the principles of active protection and redress – requires that active measures be taken to restore the balance.

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<sup>2</sup> Waitangi Tribunal website, [justice.govt.nz](http://justice.govt.nz)

Equal treatment - The principles of partnership, reciprocity, autonomy, and active protection required the Crown to act fairly as between Māori groups – it could not unfairly advantage one group over another if their circumstances, rights, and interests were broadly the same.

The zoning of land recently vested or acquired for open space and recreation purposes will assist in achieving, in part, the above principles of the Treaty of Waitangi. This is particularly the case for land that is zoned Open Space – Conservation to assist in the appropriate management of natural and cultural resources, where the principals of partnership, reciprocity and active protection are particularly relevant.

Rezoning land to better reflect the current or future intended use and development can result in the rezoning of open space zoned land. For this plan change two marae are proposed to be rezoned from open space to Special Purpose – Māori Purpose zone. This recognises the current use of the respective sites and enables both the ongoing use and future redevelopment.

## **5.2 The relevance of the plan change to other sections of the RMA**

There are relevant sections of the RMA that must be considered in context of the proposed plan change. These are:

- *Section 30 – Functions of regional councils under this Act*
- *Section 31 – Functions of territorial authorities under this Act*
- *Section 60 – Preparation and change of regional policy statements*
- *Section 61 – Matters to be considered by regional council (policy statements)*
- *Section 62 – Contents of regional policy statements*
- *Section 63 – Purpose of regional plans*
- *Section 65 – Preparation and change of other regional plans*
- *Section 66 – Matters to be considered by regional councils (plans)*
- *Section 67 – Contents of regional plans*
- *Section 68 – Regional rules*
- *Section 72 – Purpose of district plans*
- *Section 73 – Preparation and change of district plans*
- *Section 74 - Matters to be considered by territorial authority*
- *Section 75 – Contents of district plans*
- *Section 76 – District rules*
- *Section 79 – Review of policy statements and plans*
- *Section 80 – Combined regional and district documents*

Relevance to the above sections

Sections 30 and 31 of the RMA specify the functions of regional and territorial authorities, and the PAUP, as a combined plan, performs both of these functions. The Open Space Zones relate only to district plan functions, in terms of activities on public open space land. Some of the Open Space Zones, such as the Conservation Zone, include Significant Ecological Areas and landscape overlays, that are regulated by other rules in the Auckland Unitary Plan.

Specifically, these functions include:

- (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region;
- (b) In respect of any coastal marine area in the region, the control (in conjunction with the Minister of Conservation) of land and associated natural and physical resources;
- (c) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district; and
- (d) The control of any actual or potential effects of the use, development, or protection of land.

Section 80 of the RMA sets out the approach to which local authorities may prepare, implement, and administer the combined regional and district documents. Auckland Council has a combined regional and district plan - the Auckland Unitary Plan (AUP).

The Auckland Unitary Plan contains existing objectives, policies, rules and other methods that are of regional and district significance. Plan Change 96 seeks to rezone land that has been either vested in the council or acquired for the purposes of open space and recreation. It also includes other zoning changes that are intended to correct a number of errors and anomalies to better reflect the current or intended future use and development of land and to facilitate Kāinga Ora/Auckland Council redevelopment and improve the quality of open space and access to it in the redevelopment areas.

Plan Change 96 must have regard to the operative regional policy statement provisions and is required to give effect to the regional policy statement.

Overall, it is considered that Plan Change 96 assists the council in carrying out its functions set out in section 30 and 31 of the RMA to meet the requirements of the prescribed sections of the RMA set out above.

Under section 74(2)(b) of the RMA the Council must have regard to any management plan, including Reserve Management Plans, when preparing a district plan. Reserve Management Plans influence the zoning applied to open spaces.

## 6.0 National and Regional Planning Context

The national and regional planning documents that are relevant to the consideration of the plan change are set out below.

### 6.1 Relevance to National Policy Statements

#### ***New Zealand Coastal Policy Statement***

Given Auckland's location between two harbours, a large amount of the open space has a coastal location. The provisions of the New Zealand Coastal Policy Statement which are of particular relevance to the zoning of public open space include:

#### *Policy 18: Public Open Space:*

*Ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment.*

As discussed in Section 5.3 of this section 32 report, there are some inconsistencies in the way open space zones have been applied to esplanade reserves. This stems from the different approaches of the legacy city and district councils. Plan Change 96 does not address this inconsistency which will need to be the subject of a future plan change or most likely, the next review of the AUP when the National Planning Standards (which include open space zones) are given effect to.

The plan change does not however apply open space zone(s) to the majority of newly vested or acquired esplanade reserves. Newly vested or acquired esplanade reserve will be the subject of a future plan change in 2025 when greater resourcing is available.

#### **National Policy Statement: Urban Development**

##### Objective 1

*New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*

##### Objective 4

*New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*

## Objective 8

*New Zealand's urban environments:*

- a. *support reductions in greenhouse gas emissions; and*
- b. *are resilient to the current and future effects of climate change.*

## Policy 1

*Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

*(a) have or enable a variety of homes that:*

- (i) meet the needs, in terms of type, price, and location, of different households; and*
- (ii) enable Māori to express their cultural traditions and norms; and*

*(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*

*(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*

*(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*

*(e) support reductions in greenhouse gas emissions; and are resilient to the likely current and future effects of climate change.*

The concept of a well – functioning urban environment is particularly relevant to this plan change. Policies 1(c) and (e) above are the most relevant.

The plan change will not result in a reduction in the accessibility for all people to natural spaces and open spaces, including by way of public or active transport (e.g. walking, cycling, micromobility).

The rezoning of additional open space will support reductions in greenhouse gas emissions by enabling greater accessible to those spaces by way of active transport.

The correction of open space zoning errors or anomalies (these include realigning zone boundaries with new cadastral boundaries and rezoning privately owned land that is incorrectly zoned as open space) is neutral in terms of the NPS:UD, as these land parcels should not have been zoned open space.

The rezoning of land to better reflect either the current or intended future use and development of land will enable Māori to express their cultural traditions and norms (where existing marae are proposed to be rezoned to Special Purpose: Māori Purpose Zone) and enhance accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport (where land is proposed to be rezoned to facilitate a future community hub development).

The rezoning of land to enable the disposal of surplus land (typically open space) and/or to facilitate Kāinga Ora/Auckland Council land exchanges/redevelopment, to improve the quality of open spaces will enable a variety of homes that meet the needs, in terms of type, price, and location, of different households (where land swaps are proposed to enable future residential development). The proposed changes also enhance accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport (where access to open space is proposed to be improved).

Proposed changes that result in land being rezoned to open space to provide for stormwater management will add greater resilience to the likely current and future effects of climate change.

## **National Policy Statement for Freshwater Management 2020 (Amended in February 2023)**

### *1.3 Fundamental concept – Te Mana o te Wai*

#### *Concept*

*(1) Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.*

*(2) Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in this National Policy Statement.*

#### *2.1 Objective*



- (1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:*
- (a) first, the health and well-being of water bodies and freshwater ecosystems*
  - (b) second, the health needs of people (such as drinking water)*
  - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

## *2.2 Policies*

*Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.*

*Policy 2: Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.*

*Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.*

*Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.*

*Policy 5: Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.*

...

*Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.*

## *3.5 Integrated management*

*(1) Adopting an integrated approach, ki uta ki tai, as required by Te Mana o te Wai, requires that local authorities must:*

- (a) recognise the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to hāpua (lagoons), wahapū (estuaries) and to the sea; and*
- (b) recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments; and*
- (c) manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and*
- (d) encourage the co-ordination and sequencing of regional or urban growth.*

*(2) Every regional council must make or change its regional policy statement to the extent needed to provide for the integrated management of the effects of:*

- (a) the use and development of land on freshwater; and*
- (b) the use and development of land and freshwater on receiving environments.*

*(3) In order to give effect to this National Policy Statement, local authorities that share jurisdiction over a catchment must co-operate in the integrated management of the effects of land use and development on freshwater.*

The proposed zone changes that result in land being rezoned to open space to provide for stormwater management will assist in achieving the above Te Mana o te Wai objectives and policies.

In addition, proposed new areas of open space (where land is to be zoned as open space) will assist in the integrated management of land and water resources.

## **6.2 Relevance to any particular Acts i.e. Hauraki Gulf Marine Park Act, Waitakere Ranges Heritage Area Act**

### ***Reserves Act 1977***

Auckland Council manages a large proportion of its open spaces under the Reserves Act 1977. Part 3 of the Act sets out the classification and purpose of the reserves. Where appropriate, consideration of the reserve classification and resulting purpose listed in gazette notices has been taken into account when determining the most appropriate open space zone.

### ***Local Government Act 2002***

Where open space is not subject to the Reserves Act 1977, Auckland Council manages open space under the Local Government Act 2002. Specific sections on open space include s138, 139 and 139 which refer to disposal of parks and the protection of regional parks under Orders in Council. Other sections include s205 and 206, which outline the use of development contributions for reserves. The Local Government Act does not provide a specific classification system for open space.

### ***Waitakere Ranges Heritage Area Act 2008***

Under the Waitakere Ranges Heritage Area Act 2008 the Waitakere Ranges are identified as a heritage area. When preparing District Plans, under s11, council must give effect to the purpose of the Act and its objectives. Of particular relevance are:

Section 3 sets out the purpose of the Act:

*(1) The purpose of this Act is to—*

- (a) recognise the national, regional, and local significance of the Waitakere Ranges heritage area; and*
- (b) promote the protection and enhancement of its heritage features for present and future generations.*

*(2) To this end, the Act—*

- (a) establishes the Waitakere Ranges heritage area; and*

- (b) states its national significance; and*
- (c) defines its heritage features; and*
- (d) specifies the objectives of establishing and maintaining the heritage area; and*
- (e) provides additional matters for the Auckland Council and certain other persons to consider when making a decision, exercising a power, or carrying out a duty that relates to the heritage area.*

The zoning of additional land as open space within the Waitakere Ranges heritage area (where it has either been vested as reserve or acquired for open space purposes) will assist in achieving the purpose of the act, particularly the protection and enhancement of its heritage features for present and future generations.

### **Hauraki Gulf Marine Park Act**

Section 3 sets out the purpose of the Act:

The purpose of this Act is to—

- (a) integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:*
- (b) establish the Hauraki Gulf Marine Park:*
- (c) establish objectives for the management of the Hauraki Gulf, its islands, and catchments:*
- (d) recognise the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands:*
- (e) establish the Hauraki Gulf Forum.*

Section 7 recognises the national significance of the Hauraki Gulf and that the interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.

Section 8 outlines the management objectives of the Hauraki Gulf which are:

- (a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments:*
- (b) the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:*
- (c) the protection and, where appropriate, the enhancement of those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship:*
- (d) the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources:*

(e) the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand:  
 (f) the maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand.

Section 32 outlines the purposes of the Hauraki Gulf Marine Park which are:

- (a) to recognise and protect in perpetuity the international and national significance of the land and the natural and historic resources within the Park:
- (b) to protect in perpetuity and for the benefit, use, and enjoyment of the people and communities of the Gulf and New Zealand, the natural and historic resources of the Park including scenery, ecological systems, or natural features that are so beautiful, unique, or scientifically important to be of national significance, for their intrinsic worth:
- (c) to recognise and have particular regard to the historic, traditional, cultural, and spiritual relationship of tangata whenua with the Hauraki Gulf, its islands and coastal areas, and the natural and historic resources of the Park:
- (d) to sustain the life-supporting capacity of the soil, air, water, and ecosystems of the Gulf in the Park.

The acquisition and appropriate management (via zoning) of open space within the catchment of the Hauraki Gulf is one of the methods available to achieve the purpose of the Act and the purpose of the Hauraki Gulf Marine Park.

### 6.3 Relevance to the Auckland Plan 2050

The table below list the priorities and directives of the Auckland Plan 2050 (Auckland’s non-statutory spatial planning document) which was approved by Auckland Council on 5 June 2018.

**Table 1: Auckland Plan Directives and Focus Areas**

Outcome	Directives and Focus Areas	Relevance to Open Space Plan Change - i.e. how does rezoning land to open space assist in achieving the relevant directives and focus areas
Outcome: Belonging and Participation	<i>Directive 2: Improve health and wellbeing for all Aucklanders by reducing harm and disparities in opportunities.</i> <i>Focus area 1: Create safe opportunities for people to meet, connect, participate in, and enjoy community and civic life.</i>	Rezoning land as open space will enable these “spaces” to be used and developed for recreation purposes, thereby enhancing the quality of life.  Conversely, rezoning land that has been incorrectly zoned as open space will enable its use and development for its

	<p><i>Focus area 2: Provide accessible services and social and cultural infrastructure that are responsive in meeting peoples evolving needs.</i></p> <p><i>Focus area 7: Recognise the value of arts, culture, sport and recreation to the quality of life.</i></p>	<p>intended purposes. Note: This comment applies to all the rows below but is not repeated.</p> <p>The rezoning of land (for existing marae and future community facilities) will better reflect its current and/or future intended use and development. Note: This comment applies to all the rows below but is not repeated.</p> <p>The rezoning of land to facilitate Kāinga Ora's /Auckland Council's land exchanges/redevelopment will also result in improved quality of open space/access to open space with wider &amp; safer accessways. Note: This comment applies to all the rows below but is not repeated.</p>
Outcome: Environment and cultural heritage	<p><i>Direction 1: Ensure the environment is valued and cared for.</i></p> <p><i>Focus area 2: Focus on restoring environments as Auckland grows.</i></p> <p><i>Focus area 4: Protect Auckland's significant natural environments and cultural heritage from further loss.</i></p>	Rezoning land as open space will assist in protecting Auckland's significant natural environments and cultural heritage (note: an open space zone is one method or tool that can be used to protect such features if they are on public land).
Outcome: Homes and places	<p><i>Direction 4: Provide sufficient public places and spaces that are inclusive, accessible and contribute to urban living.</i></p> <p><i>Focus area 5: Create urban places for the future.</i></p>	Rezoning land as open space will enable it to be used for recreation and sporting activities (where this is appropriate).
Outcome: Transport and access	<p><i>Direction 1: Better connect people, places, goods and services.</i></p> <p><i>Direction 2: Increase genuine travel choices for a healthy, vibrant and equitable Auckland.</i></p> <p><i>Direction 3: Maximise safety and environmental protection.</i></p> <p><i>Focus area 4: Make walking, cycling and public transport preferred choices for many more Aucklanders.</i></p> <p><i>Focus area 7: Develop a sustainable and resilient transport system.</i></p>	Rezoning land as open space will facilitate the development of walking and cycling infrastructure (which is a permitted activity across all open space zones)

## 6.4 Relevance to Auckland Unitary Plan Regional Policy Statement

Table 2 below identifies the relevant Auckland Unitary Plan Regional Policy Statement objectives and policies relating to open space and recreation and assesses the relevance of rezoning land to open space, against each objective or policy.

**Table 2: Auckland Unitary Plan RPS Objectives and Policies**

RPS Chapter	Relevant objective or policy	Relevance to Open Space Plan Change - i.e. how does rezoning land to open space assist in achieving the relevant objectives and policies
<b>B2.7 Open space and recreation facilities</b>	<b>B2.7.1(1)</b> <i>Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities.</i>	<p>Provision of open space is one way of meeting the recreation needs of people and communities.</p> <p>Conversely, rezoning land that has been incorrectly zoned as open space will enable its use and development for its intended purposes. Note: This comment applies to all the rows below but is not repeated.</p> <p>The rezoning of land (for existing marae and future community facilities) will better reflect its current and/or future intended use and development . Note: This comment applies to all the rows below but is not repeated.</p> <p>The rezoning of land to facilitate Kāinga Ora's/Auckland Council's land swaps/redevelopment will also result in improved quality of open space/access to open space with wider &amp; safer accessways. Note: This comment applies to all the rows below but is not repeated.</p>
	<b>B2.7.1(2)</b> <i>Public access to and along Auckland's coastline, coastal marine area, lakes, rivers, streams and wetlands is maintained and enhanced.</i>	The rezoning of land to open space enables access to and along Auckland coastline, lakes, rivers and stream. Note: this plan change does not involve new esplanade reserves. These will be the subject of a subsequent plan change in 2025.
	<b>B2.7.2(1)</b> <i>Enable the development and use of a wide range of open spaces and recreation facilities to provide a variety of activities, experiences and functions.</i>	The rezoning of land to open space provides for a variety of activities, experiences and functions.
	<b>B2.7.2(2)</b>	The rezoning of land to open space provides physical connections that allow people and wildlife to move around.

	<i>Promote the physical connection of open spaces to enable people and wildlife to move around efficiently and safely.</i>	
	<b>B2.7.2(3)</b> <i>Provide a range of open spaces and recreation facilities in locations that are accessible to people and communities.</i>	The rezoning of land to open space assists in providing a range of open spaces that are accessible to people and communities.
	<b>B2.7.2(4)</b> <i>Provide open spaces and recreation facilities in areas where there is an existing or anticipated deficiency.</i>	The rezoning of land to open space assists in providing open space and/or recreation facilities where there is an existing or anticipated deficiency.
	<b>B2.7.2(9)</b> <i>Enable public access to lakes, rivers, streams, wetlands and the coastal marine area by enabling public facilities and by seeking agreements with private landowners where appropriate.</i>	The rezoning of land to open space alongside lakes, rivers, streams and the coast enables public access to lakes, river and streams.
<b>B8.2 Natural Character</b>	<b>B8.2.1(1)</b> <i>Areas of the coastal environment with outstanding and high natural character are preserved and protected from inappropriate subdivision, use and development.</i>	The rezoning of land to open space assists in preserving and protecting areas of the coastal environment with outstanding and high natural character.
	<b>B8.2.1(2)</b> <i>Subdivision, use and development in the coastal environment are designed, located and managed to preserve the characteristics and qualities that contribute to the natural character of the coastal environment.</i>	The rezoning of land to open space assists in preserving the characteristics and qualities that contribute to the natural character of the coastal environment. Note: this plan change does not involve new esplanade reserves. These will be the subject of a subsequent plan change in 2025.
	<b>B8.2.2(3)</b> <i>Preserve and protect areas of outstanding natural character and high natural character from inappropriate subdivision, use and development by:</i>	The rezoning of land to open space assists in preserving and protecting areas of outstanding natural character and high natural character.

	<p><i>(a) avoiding adverse effects of activities on natural character in areas of the coastal environment scheduled as outstanding natural character; and</i></p> <p><i>(b) avoiding significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment.</i></p>	
	<p><b>B8.2.2(4)</b>  <i>Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on natural character of the coastal environment not identified as outstanding natural character and high natural character from inappropriate subdivision, use and development.</i></p>	<p>The rezoning of land to open space assists in avoiding significant adverse effects on natural character of the coastal environment. Note: this plan change does not involve new esplanade reserves. These will be the subject of a subsequent plan change in 2025.</p>
<p><b>B8.3 Subdivision, use and development</b></p>	<p><b>B8.3.1(3)</b>  <i>The natural and physical resources of the coastal environment are used efficiently and activities that depend on the use of the natural and physical resources of the coastal environment are provided for in appropriate locations.</i></p>	<p>The rezoning of land to open space assists in providing spaces for activities that depend on the use of the natural and physical resources of the coastal environment.</p>
	<p><b>B8.3.2(1)</b>  <i>Recognise the contribution that use and development of the coastal environment make to the social, economic and cultural well-being of people and communities.</i></p>	<p>The rezoning of land to open space assists in contributing to the use and development of the coastal environment for the social, economic and cultural well-being of people and communities. Note: this plan change does not involve new esplanade reserves. These will be the subject of a subsequent plan change in 2025.</p>
	<p><b>B8.3.2(3)</b>  <i>Provide for use and development in the coastal marine area that:</i></p> <p><i>(a) have a functional need which requires the use of the natural and physical resources of the coastal marine area;</i></p> <p><i>(b) are for the public benefit or public recreation that cannot practicably be located outside the coastal marine area;</i></p>	<p>The rezoning of land to open space provides for appropriate use and development in the coastal marine area – those activities that have a functional relationship (e.g. boat ramps), those that are for public benefit or public recreation, those that have an operational need for a location in the coastal marine area and to enable Māori cultural activities and customary uses. Note: this plan change does not involve new esplanade reserves. These will be the subject of a subsequent plan change in 2025.</p>



	<p><i>(c) have an operational need making a location in the coastal marine area appropriate and that cannot practicably be located outside the coastal marine area; or</i></p> <p><i>(d) enable the use of the coastal marine area by Mana Whenua for Māori cultural activities and customary uses.</i></p>	
	<p><b>B8.3.2(7)</b>  <i>Set back development from the coastal marine area, where practicable, to protect the natural character and amenity values of the coastal environment.</i></p>	<p>The rezoning of land to open space assists in providing setbacks from the coastal marine area to protect the natural character and amenity values of the coastal environment. Note: this plan change does not involve new esplanade reserves. These will be the subject of a subsequent plan change in 2025.</p>
<p><b>B8.4 Public access and open space</b></p>	<p><b>B8.4.1(1)</b>  <i>Public access to and along the coastal marine area is maintained and enhanced, except where it is appropriate to restrict that access, in a manner that is sensitive to the use and values of an area.</i></p>	<p>The rezoning of land to open space provides for public access along the coastal marine area in the form of esplanade reserves. Note: this plan change does not involve new esplanade reserves. These will be the subject of a subsequent plan change in 2025.</p>
	<p><b>B8.4.1(3)</b>  <i>The open space, recreation and amenity values of the coastal environment are maintained or enhanced, including through the provision of public facilities in appropriate locations.</i></p>	<p>The rezoning of land to open space assists in maintaining or enhancing the open space, recreation and amenity values of the coastal environment through the provision of public facilities. Note: this plan change does not involve new esplanade reserves. These will be the subject of a subsequent plan change in 2025.</p>
	<p><b>B8.4.2(1)</b>  <i>Subdivision, use and development in the coastal environment must, where practicable, do all of the following:</i></p> <p><i>(a) maintain and where possible enhance public access to and along the coastal marine area, including through the provision of esplanade reserves and strips;</i></p> <p><i>(b) be designed and located to minimise impacts on public use of and access to and along the coastal marine area;</i></p> <p><i>(c) be set back from the coastal marine area to protect public open space values and access; and</i></p>	<p>The rezoning of land to open space assists in maintaining &amp; enhancing public access to and along the coastal marine area, minimises impacts on public use of and access to and along the coastal marine area, protects public open space values and take into account likely impact of coastal processes and climate change. Note: this plan change does not involve new esplanade reserves. These will be the subject of a subsequent plan change in 2025.</p>

	<i>(d) take into account the likely impact of coastal processes and climate change, and be set back sufficiently to not compromise the ability of future generations to have access to and along the coast.</i>	
<b>B2.2. Urban growth and form</b>	<p><b>B2.2.1. Objectives</b>  <i>(1) A quality compact urban form that enables all of the following:</i>  <i>(a) a higher-quality urban environment;</i>  <i>(b) greater productivity and economic growth;</i>  <i>(c) better use of existing infrastructure and efficient provision of new infrastructure;</i>  <i>(d) improved and more effective public transport;</i>  <i>(e) greater social and cultural vitality;</i>  <i>(f) better maintenance of rural character and rural productivity; and</i>  <i>(g) reduced adverse environmental effects.</i></p>	<p>The proposed zone changes to either residential or business involve land inside the RUB.</p> <p>Note: one proposed change, Part of 500 Island Road, Mangere Bridge involves a slight realignment of the rub to a more logical boundary.</p>
	<p><b>B2.2.2. Policies</b>  <i>(4) Promote urban growth and intensification within the urban area 2016 (as identified in Appendix 1A), enable urban growth and intensification within the Rural Urban Boundary, towns, and rural and coastal towns and villages, and avoid urbanisation outside these areas.</i></p>	<p>The proposed zone changes to either residential or business involve land inside the RUB. This will enable urban growth and intensification within the RUB.</p> <p>Note: one proposed change, Part of 500 Island Road, Mangere Bridge involves a slight realignment of the rub to a more logical boundary.</p>
	<p><b>B2.2.2. Policies</b>  <i>(7) Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that do all of the following:</i>  <i>(a) support a quality compact urban form;</i>  <i>(b) provide for a range of housing types and employment choices for the area;</i>  <i>(c) integrate with the provision of infrastructure;</i>  <i>and</i>  <i>(d) follow the structure plan guidelines as set out in Appendix 1.</i></p>	<p>The proposed zone changes to either residential or business involve land inside the RUB. This will enable urban growth and intensification within the RUB.</p> <p>Note: one proposed change, Part of 500 Island Road, Mangere Bridge involves a slight realignment of the rub to a more logical boundary.</p>

<p><b>B2.5. Commercial and industrial growth</b></p>	<p><b>B2.5.1. Objectives</b>  <i>(2) Commercial growth and activities are primarily focussed within a hierarchy of centres and identified growth corridors that supports a compact urban form.</i>  <i>(3) Industrial growth and activities are enabled in a manner that does all of the following:</i>  <i>(a) promotes economic development;</i>  <i>(b) promotes the efficient use of buildings, land and infrastructure in industrial zones;</i>  <i>(c) manages conflicts between incompatible activities;</i>  <i>(d) recognises the particular locational requirements of some industries; and</i>  <i>(e) enables the development and use of Mana Whenua’s resources for their economic well-being.</i></p>	<p>The proposed zone changes to either commercial or industrial land involve one of the following:</p> <ul style="list-style-type: none"> <li>• the rezoning of “road” that is no longer required; or</li> <li>• the alignment of zone and precinct boundaries with newly created lots resulting from subdivision; or</li> <li>• the rezoning of redundant sports fields as a result of the realignment and further development of SH18 through Rosedale; or</li> <li>• the sale of land to an adjacent business.</li> </ul>
	<p><b>B2.5.2. Policies</b>  <i>(1) Encourage commercial growth and development in the city centre, metropolitan and town centres, and enable retail activities on identified growth corridors, to provide the primary focus for Auckland’s commercial growth.</i></p>	<p>The proposed zone changes to either commercial or industrial land are consistent with the zoning of land in the vicinity – whether it be industrial or town centre.</p>
	<p><i>(7) Enable the supply of land for industrial activities, in particular for land-extensive industrial activities and for heavy industry in areas where the character, scale and intensity of the effects from those activities can be appropriately managed.</i>  <i>(8) Enable the supply of industrial land which is relatively flat, has efficient access to freight routes, rail or freight hubs, ports and airports, and can be efficiently served by infrastructure.</i></p>	<p>The proposed zone changes to industrial land will result in a small increase in the industrial land supply in locations that are already zoned Business – Light or Heavy Industry.</p>
<p><b>B2.8. Social facilities</b>  (Note: Social facilities are not defined)</p>	<p><b>B2.8.1. Objectives</b>  <i>(1) Social facilities that meet the needs of people and communities, including enabling them to provide for their social, economic and cultural well-being and their health and safety.</i>  <i>(2) Social facilities located where they are accessible by an appropriate range of transport modes.</i></p>	<p>The rezoning of land to Open Space – Community Zone will assist the development of a community hub in Whangaporoa.</p> <p>The rezoning of two sites from Open Space to Special Purpose – Māori Purpose Zone will assist in the redevelopment and ongoing use of those sites as marae and associated activities.</p>

	<i>(3)Reverse sensitivity effects between social facilities and neighbouring land uses are avoided, remedied or mitigated.</i>	
	<p><b>B2.8.2. Policies</b></p> <p><i>(1)Enable social facilities that are accessible to people of all ages and abilities to establish in appropriate locations as follows:</i></p> <p><i>(a)small-scale social facilities are located within or close to their local communities; (b)medium-scale social facilities are located with easy access to city, metropolitan and town centres and on corridors; (c)large-scale social facilities are located where the transport network (including public transport and walking and cycling routes) has sufficient existing or proposed capacity.</i></p> <p><i>(2)Enable the provision of social facilities to meet the diverse demographic and cultural needs of people and communities.</i></p> <p><i>(3)Enable intensive use and development of existing and new social facility sites.</i></p>	<p>The proposed community hub in Whangaporoa is adjacent to the town centre and on public transport routes.</p> <p>The existing Ruapōtaka Marae is located adjacent to the Glen Innes town centre and in close proximity to public transport routes (both bus and rail).</p> <p>The existing marae at Shepherds Park is located in close proximity to the Beach Haven local centre and on a public transport (bus) route.</p> <p>Collectively, the provision of these social/cultural facilities will meet the needs of the local iwi and communities. Rezoning the sites to an Open Space: Community Zone and to Special Purpose: Māori Purpose Zone will better enable development and use.</p>

## 7.0 Development of the Plan Change

### 7.1 How the Auckland Unitary Plan's open space zones were developed

The legacy District Plan's had a total of 27 different open space zones. These were consolidated into 5 Open Space zones – Conservation, Informal Recreation, Sport & Active Recreation, Civic Spaces and Community, through the development of the Auckland Unitary Plan.

For Franklin District (one recreation zone), Papakura City (one reserve zone) and Waitakere City (one open space zone), each reserve was individually assessed to determine which of the five Unitary Plan Open Space zones was appropriate. For the remaining cities that made up the Auckland Region the best fit between the legacy zone and the new Unitary Plan zone was selected.

Informal Feedback on a draft Unitary Plan was called for during March to May 2013. This feedback was used to refine the plan.

The proposed Auckland Unitary Plan was publicly notified in September 2013. Submissions and further submissions were received on the notified Unitary Plan, including a Council submission on the zoning of open space (these were land parcels that were missing an open space zoning or had been incorrectly zoned open space). A number of the legacy district plans had not been updated for several years and hence the need for the submission.

Hearings were conducted by the Independent Hearings Panel (IHP) from September 2014 to May 2016 with evidence submitted by the council and submitters. The IHP delivered its recommendations on the Proposed Auckland Unitary Plan (PAUP) to the council on 22 July 2016. Auckland Council accepted the vast majority of recommendations, including all relating to the zoning of open space and notified its decision on 16 August 2016. There were limited appeal rights to the Environment Court and High Court under the Local Government (Auckland Transitional Provisions) Act 2010.

## **7.2 Plan Change 4**

Plan Change 4 – Administrative Plan Change was publicly notified in Aug 2017. Hearings took place in January 2018 and the decision was released in May 2018. This plan change addressed a number of minor errors associated with the Unitary Plan. It also included approximately 400 land parcels which had either been vested as reserve or acquired for open space purposes that required an open space zoning.

## **7.3 Plan Change 13**

Plan Change 13 – Open Space Plan Change was publicly notified on 20 September 2018. Hearings took place in March 2018 and the decision was released on 23 May 2019. This plan change included approximately 100 land parcels which had either been vested as reserve or acquired for open space purposes that required an open space zoning. It also corrected a small number of open space zoning errors and included 11 land parcels from Eke Panuku which were the subject of rezoning and disposal.

## **7.4 Plan Change 36**

Plan Change 36 – Open Space (2019) was publicly notified on 28 November 2019. A hearing took place on 7 October 2020. The decision was released on 15 January 2021. This plan change included approximately 200 land parcels which had either been vested as reserve or acquired for open space purposes that required an open space zoning. It also corrected a small number of open space zoning errors and included 9 land parcels from Eke Panuku on behalf of Auckland Council which were the subject of rezoning and disposal.

## **7.5 Plan Change 60**

Plan Change 60 – Open Space (2020) and Other Rezoning Matters was publicly notified on 28 January 2021. A hearing took place on 26 May 2022. The decision was released on 9 September 2022. This plan change included approximately 100 land parcels which had either been vested as reserve or acquired for open space purposes that required an open space zoning. It also corrected a small number of open space zoning errors and included 24 land parcels from Eke Panuku on behalf of Auckland Council which were the subject of rezoning and disposal.

## **7.6 Methodology**

### **7.6.1 Recently Vested Land**

The process for capturing newly vested land is as follows:

1. Each land parcel that has been vested as reserve (using the Land Information New Zealand (LINZ) NZ Parcel Statutory Actions List) was checked to determine whether a change in zoning was required. Where a change was required, the appropriate zoning was determined in accordance with the criteria in (3) below and included in the plan change.
2. The land parcels which may potentially be Open Space have been identified using the Land Information New Zealand (LINZ) NZ Parcel Statutory Actions List. A Statutory Action is the action that is authorised by a specific Part or Section of an RMA, with the table providing information about the current statutory actions as recorded against specific parcels. The information contained within this table includes the Action taken against the parcel ([Create], [Referenced]), its Purpose (e.g. Local Purpose Reserve) and a Gazette Reference (E.g. Conservation Act 1987).
3. To identify possible open space, the statutory actions have been filtered to include only those parcels with a “Purpose” of either Reserve or Local Purpose Reserve of which are not currently zoned Open Space, as identified in the AUP.
4. In addition, land still in private ownership has been excluded.

There are several hundred newly vested or acquired “reserves” from the most recent Land Information New Zealand (LINZ) NZ Parcel Statutory Actions List that require an open space zoning. These will be the subject of a separate plan change later in 2025. Resourcing constraints and the urgency to notify PC96 has meant that these were unable to be assessed in time for inclusion in this plan change.

This plan change therefore only involves a small number of land parcels that have been recently purchased by Auckland Council.

### **7.6.2 Newly Acquired Land for Open Space and Recreation Purposes**

Council departments involved in open space acquisition (e.g. Parks Policy, Healthy Waters (in respect of stormwater ponds), have identified land purchased for open space that requires an open space zoning.

### **7.6.3 Open Space Errors and Anomalies**

A number of open space zoning errors and anomalies have been identified by either the general public through the Unitary Plan enquiries, local boards, or council staff in either Plans and Places or Parks and Recreation Policy. These errors include privately owned land incorrectly zoned open space or open space land without an appropriate open space zoning or requiring a different open space zone. In addition, the realignment of zone and cadastral boundaries with new cadastral boundaries is sometimes required in greenfield areas where these do not align.

Some of these errors have been carried over from legacy District Plans. Due to the size and timeframe for preparing the Unitary Plan, there was insufficient time to check each of the 4000 plus reserves for accuracy. As a result, any error in a legacy district plan was often carried over into the Unitary Plan.

### **7.6.4 Rezoning of land to better reflect the current or future intended use and development**

The plan change includes a number of changes have also been undertaken to better reflect the current and future use and development of land. The changes include:

- 8 & 10 Link Crescent, Stanmore Bay – to provide for a future community hub
- Part of 14A and 40 Maybury Street, Point England - facilitate the redevelopment of the Ruapōtaka Marae & development of other related facilities
- Part of 31-35 Cresta Avenue, Beach Haven (Shepherds Park) - facilitate the redevelopment of the Shepherds Park Marae & development of other related facilities

### **7.6.5 Rezoning of land to facilitate redevelopment and/or enable its disposal to other parties and subsequent use and development**

The plan change also includes other zoning changes that are intended to facilitate Kāinga Ora/Auckland Council land exchanges and redevelopment. This will improve the quality of open spaces and the access to open space by replacing narrow accessways with wider and safer accessways. In addition, the plan change also includes other zoning changes that are intended to enable the disposal of land to other parties and its subsequent use by them. This typically includes land deemed by Auckland Council as surplus to requirements. These changes include:

- 119A May Road, Mount Roskill - surplus Plantation Reserve owned by WaterCare (to be sold to adjoining owner)
- 528 Ellerslie- Panmure Highway, Mount Wellington - property is identified as a site for redevelopment and disposal in Eke Panuku's High Level Project Plan for Panmure

## 7.7 Guidelines to Determine Zoning

Table 3 below along with the objectives, policies and purpose of each of the open space zones provide guidance on determining the appropriate zoning for newly vested or acquired reserves. These guidelines were developed to assist in applying the Unitary Plan's open space zones and formed part of Auckland Council's evidence to the Independent Hearings Panel.

**Table 3: Guidelines to Determine Open Space Zones**

Open space type	How to allocate appropriate zone
Accessway from street to street	<ul style="list-style-type: none"> <li>• Road where it is 8m wide or less</li> <li>• Public Open Space zone consistent with use (default, as Informal recreation) where is greater than 8m wide</li> </ul>
Accessway from road to park	<ul style="list-style-type: none"> <li>• Zone consistent with adjoining park</li> </ul>
Cemeteries	<ul style="list-style-type: none"> <li>• Open for interments – Special Purpose Cemetery</li> <li>• Closed for interments – POS Conservation</li> </ul>
Community buildings/facilities	<ul style="list-style-type: none"> <li>• Generally, do not spot zone existing community buildings on POS Conservation, POS Informal Recreation, POS Sport and Active Recreation or POS Civic Spaces zones</li> <li>• If mixed zonings or spot zonings in district plan then bring through to unitary plan</li> <li>• If the certificate of title/gazette notice provides for community use and there is a community building on that area of land – POS Community</li> <li>• If there is an imminent future community building/facility planned for the site (i.e. a line item in the LTP) then spot zone the defined area to POS Community</li> <li>• If park/reserve is predominantly a community building/facility space – POS Community</li> <li>• If buildings/facilities/libraries not on a park/reserve (e.g. a community house in a residential or rural zone) – POS Community.</li> </ul>



	<ul style="list-style-type: none"> <li>• If buildings/facilities/libraries dominate the site and are located in a business or centre zone - leave zoning as business or centre zone as these zones offer much greater flexibility of land use.</li> </ul>
Esplanade reserves	<ul style="list-style-type: none"> <li>• Case-by-case basis</li> <li>• Consider consistency with surrounding public open space zones in assessment</li> <li>• Undeveloped wilderness/bush which may include tracks and paths (eg Waitakere Ranges) – POS Conservation</li> <li>• Areas which have natural, ecological, biological, landscape, cultural or historic heritage values (identified through PAUP overlays and local knowledge) – POS Conservation</li> <li>• Developed, with e.g. lawn, pathways, landscaping; boat ramps/jetties with no associated club building – POS Informal Recreation</li> <li>• Developed, with specific water-related recreational facilities (e.g. sailing club building with associated boat ramps/jetties) and/or infrastructure (e.g. hardstand/boat maintenance areas) – POS Sport and Active Recreation</li> </ul>
<p>Legal Road and Reserve for road purposes – unformed and comprising part of a formed park, but there may be demand for the road to be formed in the future (eg road widening)</p> <p>Legal Road and Reserve for road purposes – unformed and comprising part of a formed park and unlikely to be formed as road in the future (eg road ends sloping to coast, vehicle access impracticable)</p>	<ul style="list-style-type: none"> <li>• Road</li> <li>• Zone consistent with the adjoining park</li> </ul>
Memorials – e.g. war memorials	<ul style="list-style-type: none"> <li>• If have some soft/green area(s)/useable recreational space – POS Informal Recreation</li> <li>• If purely hard surfaces/paved/no usable recreational space – POS Civic Spaces</li> </ul>
Stormwater pond/drainage	<ul style="list-style-type: none"> <li>• If stormwater pond/drainage infrastructure is part of a wider park – zone should be consistent with the rest of the park</li> <li>• If the stormwater pond/drainage is the only purpose of the open space (e.g. pond adjacent to a motorway), apply the most appropriate open space zone. In most cases this will be POS Informal Recreation</li> </ul>

## 7.8 Information Used

The list of reports, documents and evidence that have been used in the development of this section 32 report are listed below:

**Table 4: Information Used**

Name of document, report, plan	How did it inform the development of the plan change
Land Information New Zealand (LINZ) NZ Parcel Statutory Actions List	Identifies the newly vested reserves.
Joint evidence report of Carol Anne Stewart, Anthony Michael Reidy, Lucy Clarke Deverall, Juliana Marie Cox on Topic 080: Rezoning, Public Open Space Zones - 3 December 2015	Evidence contains the open space zoning guidelines (on how to apply the various open space zones).
Auckland Plan 2050 (refresh)	A refresh of Auckland’s high level strategic plan – contains directives and focus areas that are relevant to open space and recreation. Used to assess the appropriateness of the recommended option.
The following Legislation: Resource Management Act 1991 New Zealand Coastal Policy Statement 2010 National Policy Statement on Urban Development 2020 National Policy Statement for Freshwater Management (2020, revised 2023) Hauraki Gulf Marine Park Act 2000 Waitakere Ranges Heritage Area Act 2008 Reserves Act 1977	Relevant sections of the legislation are used to assess the appropriateness of the plan change options.

## 8.0 Consultation

### 8.1 Relevant Sections of Resource Management Act and Local Government Act

Schedule 1 of the Resource Management Act 1991 contains the process for the preparation, change and review of policy statements and plans.

Section 1A – Mana Whakahono a Rohe, requires that a proposed policy statement or plan must be prepared in accordance with any applicable Mana Whakahono a Rohe.

At the time of preparing this plan change, Auckland Council had not entered into any Mana Whahono a Rohe with iwi. One request had been received however from Nga Tai Ki Tāmaki and a Mana Whakahono a Rohe is in the process of being developed.

During the preparation of a proposed policy statement or plan, the local authority concerned shall consult—

- (a) the Minister for the Environment; and*
  - (b) those other Ministers of the Crown who may be affected by the policy statement or plan; and*
  - (c) local authorities who may be so affected; and*
  - (d) the tangata whenua of the area who may be so affected, through iwi authorities; and*
  - (e) any customary marine title group in the area.*
- (2) A local authority may consult anyone else during the preparation of a proposed policy statement or plan.*
- (4) In consulting persons for the purposes of subclause (2), a local authority must undertake the consultation in accordance with section 82 of the Local Government Act 2002.*

Section 82 of the Local Government Act outlines the principles of consultation. These are:

*82(1) Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:*

- (a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:*
- (b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority:*
- (c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:*
- (d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:*

*(e) that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:*

*(f) that persons who present views to the local authority should have access to a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made.*

(2) A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1).

Section 4A Further pre-notification requirements concerning iwi authorities

*(1) Before notifying a proposed policy statement or plan, a local authority must—*

*(a) provide a copy of the relevant draft proposed policy statement or plan to the iwi authorities consulted under clause 3(1)(d); and*

*(b) have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.*

*(2) When a local authority provides a copy of the relevant draft proposed policy statement or plan in accordance with subclause (1), it must allow adequate time and opportunity for the iwi authorities to consider the draft and provide advice on it.*

## **8.2 Consultation with Mana whenua / iwi authorities**

Clause 3(1)(d) of Schedule 1 to the RMA, states that local authorities shall consult with tangata whenua of the area who may be so affected, through iwi authorities, during the preparation of a proposed policy statement or plan.

Due to the nature and scale of PC 96 and the fact that it affects the entire region, all iwi were consulted with on the content of the plan change.

Clause 4A of Schedule 1 to the RMA states that local authorities must:

- Provide a copy of a draft proposed policy statement or plan to iwi authorities to consider
- Have regard to feedback provided by iwi authorities on the draft proposed policy statement or plan
- Provide iwi authorities with sufficient time to consider the draft policy statement or plan.

And in addition to the above, recent legislation changes to the RMA introduced section 32(4A):

*(4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—*

*(a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*

*(b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*

*(c) a summary of all advice received from iwi authorities on the PC (section 32 (4)(a) of the RMA).*

A draft copy of the plan change was forwarded to all Auckland's 19 iwi as required under Section 4A of the first schedule above.

No feedback was received from iwi.

Specific consultation was also undertaken with Ngāi Tai & Ngāti Pāoa as these iwi have been directly involved in the redevelopment of the Ruapōtaka Marae and related facilities.

### **8. 3 Local Board and Community Consultation**

The relevant local boards, (where a change in zoning was proposed), were sent a copy of the proposed plan change maps for their consideration and feedback. Feedback was received from:

Waitakere Ranges Local Board – requesting the removal of two lots (14 and 20 Glen Esk Road Piha) from the plan change. The lots were removed and will be the subject of the 2025 plan change which will include a number of lots that require rezoning due to flooding and or land instability issues;

Kaipatiki Local Board – queried the zone boundaries for the Shepherds Park Marae. The boundaries were based on the concept plan for the development. The lease boundaries were not available at the time of notification but the matter can be addressed if required through the submission process;

The rezoning of land that has been recently vested or acquired as open space is largely a procedural change that follows either the vesting of land as reserve upon subdivision or the purchase of land for open space.

Many of the open space zoning errors have been identified by the affected land owners. Adjacent land owners are to be directly notified of the proposed changes.

While no consultation has occurred with the community, directly affected and adjacent land owners will be directly notified of the proposed changes in addition to the general public notice.

Advice was also sought from Parks and Recreation Policy on the appropriate zoning of the land recently vested or acquired and from Healthy Waters on the zoning of land vested primarily for stormwater management purposes.

## 9.0 Development and Evaluation of Options

### 9.1 Description of options

The criteria used to select options for consideration to address the resource management issue and achieve the objective were:

- I. Achievable/able to be implemented;
- II. Acceptable RMA practice;
- III. Timeliness – able to be implemented in a timely manner;
- IV. Addresses the RMA issue.

There are essentially two options:

- Do not change the zoning of recently acquired or vested land, land subject to a zoning error/anomaly, land subject to a land swap to “align” with the purpose for which it has been vested and other zoning changes that are intended to enable the disposal of land to other parties and its subsequent use by them, and instead rely on Council ownership, reserve management plans and open space and recreation policies to guide protection, use and development (*Option 1: Status Quo/Do Nothing*)
- Change the zoning of recently acquired or vested land, land subject to a zoning error/anomaly, land subject to a land swap or land subject to disposal to other parties and its subsequent use and development by them, to an appropriate Unitary Plan zone (*Option 2: Change the zoning in AUP via a plan change*)

The assessment of possible options against the selection criteria is outlined in the table below:

**Table 5: Assessment of possible options against the selection criteria**

<b>Criteria</b>	<b>Option 1 – Do Nothing</b>	<b>Option 2 – Rezone the land</b>
<i>Achievable/able to be implemented</i>	<i>Requires no change so is easily implemented. There are however implementation issues when land is to be used for open space/recreation purposes.</i>	<i>Requires a plan change. Can be implemented but will take time.</i>
<i>Acceptable RMA practice</i>	<i>Some plans around the country do not have an open space zone (or equivalent) e.g. Dunedin City's first generation District Plan and open space in rural areas in the second generation District Plan, the District Plans for Matamata &amp; Te Aroha (Matamata – Piako District). Management of land for open space purposes therefore relies on Council as land owner, reserve management plans and relevant open space and recreation policies and the zoning of the land.</i>	<i>Majority of New Zealand's District plans have an open space zone (or equivalent) applied to open spaces. Further, the National Planning standards envisage three open space zones. Reserve management plans and open space and recreation policies are complementary to RMA provisions.</i>
<i>Timeliness – able to be implemented in a timely manner</i>	<i>No plan change under this option so timeliness is not an issue for recently vested or acquired open spaces. There will however be issues with the time required to achieve subsequent resource consents to use and develop the land for open space and recreation purposes.</i>	<i>Simply plan changes invariably take 9mths – 1 year, excluding appeals which can take considerably longer.</i>
<i>Addresses the RMA issue</i>	<i>Doesn't directly address the RMA issue, although management of the land can occur through other means e.g. Council ownership, reserve management plans, open space and recreation policies. This will mean however that resource consents are required for the use and development of land for recreation purposes.</i>	<i>Does address the RMA issue by allocating an appropriate open space zone to land acquired for open space purposes, or an alternative zone where an open space zone is no longer appropriate. This will negate the need for resource consents for the use and development of land for recreation purposes for a large number of activities and small scale development.</i>

Both the options are valid RMA approaches and both have strengths and weaknesses as outlined above.

## 9.2 Evaluation of options

Table 6 below outlines the criteria to assess the options for addressing the resource management issue – i.e. ensuring the zoning of open space reflects its environmental qualities and intended use and development.

**Table 6: Criteria for the evaluation of options**

Sections of the RMA		Criteria
<b>Appropriateness</b>	s32(1)(a) and s32(1)(b) of the RMA	Is this option the most appropriate way in which to address the issue at hand? In doing so, is this option the most appropriate way to meet the objective of the AUP and the purpose of the RMA?
<b>Effectiveness</b>	s32(1)(b)(ii) of the RMA	How successfully can this option address the issue? Does this option successfully meet the objectives of the AUP and the purpose of the RMA?
<b>Efficiency</b>	s32(1)(b)(ii) of the RMA	Does this option address the issue at lowest cost and highest net benefit?
<b>Costs</b>	s32(2) of the RMA	What are the social, economic, environmental or cultural costs and/or negative impacts that this option presents?
<b>Benefits</b>	s32(2) of the RMA	What are the social, economic, environmental or cultural benefits and/ or positive impacts that this option presents?
<b>Risks</b>	s32(2)(c) of the RMA	What are the risks of addressing this issue? What are the risks of not addressing this issue?



Table 7 below contains an evaluation of the two possible options against the selection criteria

Evaluation Criteria	Option 1 – Status Quo/Do Nothing	Options 2 - Rezone the land to an appropriate open space zoning or an alternative zoning if an open space zoning is inappropriate
Appropriateness	<p>Some district plan around the country do/did not have an open space zone (or equivalent) – e.g. Dunedin (first generation plan), Matamata - Piako District Plans.</p> <p>Use and development of open spaces under these plans relies on a combination of Council ownership, management plans, and/or reserve and recreation policies and the zoning of the land.</p> <p>For the protection of land, relevant overlays are already in place to manage SEA's, outstanding natural features etc.</p>	<p>Majority of the country's district plans, including the Auckland Unitary Plan apply an open space zone(s), or equivalent, to land acquired for open space purposes.</p> <p>Further, the National Planning standards envisage three open space zones.</p> <p>Open Space zonings reflects the land's environmental characteristics, existing or intended use and development.</p> <p>Conversely, rezoning land that has been incorrectly zoned as open space or is no longer required as open space will enable its use and development for its intended purpose (e.g. residential, community or business uses).</p>
Effectiveness	<p>Not as effective as Option 2 in enabling the protection, use and development of land for open space purposes.</p> <p>Inappropriate objectives, policies and standards will apply to the use and development of the land.</p>	<p>More effective than Option 1 in enabling the protection, use and development of land for open space purposes.</p> <p>The appropriate objectives, policies and standards will apply to the use and development of the land.</p> <p>If the land is not appropriately zoned as open space then the appropriate objectives, policies and standards associated with the new zone will apply to the use and development of the land.</p>

<p>Efficiency</p>	<p>Requires no plan change so is efficient in terms of cost and time.</p> <p>Resources (staff time) can be used for other priority projects – so there is greater efficiency in achieving the department’s overall work programme.</p> <p>There will be less efficiencies when land is to be used and developed for open space or recreation purposes as typically a resource consent will be required because of the mismatch between zoning and proposed use.</p>	<p>There are time and money costs associated with undertaking a plan change and resolving any subsequent appeals.</p> <p>There will however be greater efficiencies when land is to be used and developed for open space or recreation purposes, (or other uses if an open space zoning is not appropriate) as typically a resource consent will not be required.</p> <p>In addition, over 30 additional land parcels will have the appropriate zoning under this option.</p>
<p>Costs</p>	<p>The non - open space zoning of open space land may trigger the need for resource consents to use and develop the land (depending on what the zoning is and what is proposed). This will result in additional costs for projects and time delays.</p> <p>Not rezoning land on the other hand will mean that staff resources can be directed to other priority projects.</p>	<p>There are time and financial costs of undertaking a plan change (although these are lessened to some extent by bundling several changes into one plan change).</p> <p>Opportunity costs – staff resources could be directed to other priority projects.</p> <p>These costs are offset by avoiding the need for resource consents further on down the track (for development of both open space zoned land and land that is not appropriately zoned as open space).</p>
<p>Benefits</p>	<p>This is a no cost option.</p> <p>A plan change could be done at a much later date when more land requires an open space zoning thus increasing the “economy of scale” and reducing plan change process costs (e.g. every 3-5 years).</p>	<p>An open space zoning reflects the land’s intended use and development.</p> <p>There is greater visibility (i.e. as indicated on the planning maps) on what is/ isn’t land for open space purposes.</p> <p>Conversely, rezoning land that has been incorrectly zoned as open space or is no longer required as open space will enable its use and</p>

		development for its intended purpose (e.g. residential, community or business uses).
Risks	<p>Open space and recreation objectives for the land may be frustrated by delays and costs associated with the need to obtain resource consent for minor works e.g. such as playground equipment.</p> <p>The land is not readily perceived as “public open space” by the public (because of the absence of an appropriate open space zone).</p> <p>Environmental objectives may not be as readily achieved – e.g. a residential zoning is more permissive in terms of earthworks and vegetation removal in comparison with an Open Space – Conservation zoning.</p>	<p>There are risks of appeals which delay the plan change process (although those parts not appealed can be deemed to be operative) and add to the cost.</p> <p>Unitary Plan Overlays restrict the use and development of some open space zoned land (if an overlay applies) in any case so protection may already be afforded to significant natural resources and landscapes.</p> <p>Some of the proposed rezonings are required so that sale and purchase or development agreements can proceed. Delays to the plan change process (including an appeals) could affect these agreements.</p>

**Table 7: Evaluation of possible options against the selection criteria**

### 9.3 Summary of analysis

A summary of the analysis of both options is:

- Do not change the zoning of recently acquired or vested land, land subject to a zoning error/anomaly, land subject to a land swap to “align” with the purpose for which it has been vested and other zoning changes that are intended to enable the disposal of land to other parties and its subsequent use by them, and instead rely on Council ownership, reserve management plans and open space and recreation policies to guide protection, use and development. Land can be managed through Council’s role as land owner, reserve management plans and open space and recreation policies. Staff resources and department budgets can be utilised on other priority projects. This option does not however enable the use and development of land for open space purposes unless a resource consent is obtained, nor ensure protection of the environmental qualities of the land (unless environmental overlays apply). Under this option, a

plan change could still be undertaken at a much later date (say every 3-5 years) when more land requires an open space zoning thus increasing the “economy of scale” and reducing plan change process costs. (*Option 1: Status Quo/Do Nothing*)

- Change the zoning of recently acquired or vested land, land subject to a zoning error/anomaly, land subject to a land swap or land subject to disposal to other parties and its subsequent use and development by them, to an appropriate Unitary Plan zone. Rezoning the land that has been acquired for open space purposes with an appropriate open space zone, best achieves the RMA objective. The majority of district/unitary plans around the country, including the Auckland Unitary Plan apply an open space zone(s) to land acquired for open space and recreation purposes. This option will enable the protection, use and development of land for open space purposes and/or ensure protection of the environmental qualities of the land. Conversely, land that is not open space will be zoned an appropriate alternative zone. This will enable the use and development of the land in accordance with the alternative zoning. There are time and financial costs of undertaking a plan change (although these are lessened/spread to some extent by bundling several changes into one plan change) but these are offset somewhat by negating the need for resource consents later in the process (which Option 1 would typically require). (*Option 2: Change the zone in AUP via a plan change*)

#### **9.4 Recommendation**

Option 2- Rezone the land that has been acquired for open space purposes and open space zoning errors with an appropriate open space zone (or in the case of errors, anomalies, land swaps and land disposals, an appropriate alternative zone), is the preferred option and is the recommended course of action.

### **10.0 Conclusion**

This plan change seeks to ensure that newly vested or acquired open space can be used, developed or protected in a manner that reflects their environmental qualities and function. It also corrects open space zoning anomalies and includes other zoning changes to better reflect the current or intended future use of land and/or to facilitate Kāinga Ora/Auckland Council land exchnages/redevelopment. A small number of land parcels involve rezoning to enable their disposal to other parties and subsequent use and development.

The Plan Change has four components:

1. Rezoning of land recently vested or acquired as open space;
2. Rezoning of land to correct open space zoning errors or anomalies;
3. Rezoning of land to better reflect its current or intended use and/or facilitate redevelopment, and

4. Rezoning of land to enable Kāinga Ora/Auckland Council land exchanges/redevelopment and/or its disposal to other parties and subsequent use and development.

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.

A section 32 analysis of options to the spatial zoning of land recently vested with Council has been undertaken in accordance with section 32(1)(b) and (2) of the RMA. The two options analysed are:

- Do not change the zoning of recently acquired or vested land, land subject to a zoning error/anomaly, land subject to a land swap to “align” with the purpose for which it has been vested and other zoning changes that are intended to enable the disposal of land to other parties and its subsequent use by them, and instead rely on Council ownership, reserve management plans and open space and recreation policies to guide protection, use and development (*Option 1: Status Quo/Do Nothing*)
- Change the zoning of recently acquired or vested land, land subject to a zoning error/anomaly, land subject to a land swap or land subject to disposal to other parties and its subsequent use and development by them, to an appropriate Unitary Plan zone (*Option 2: Change the zone in AUP via a plan change*)

Option 2 is the recommended option.

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;

- National Policy Statement for Freshwater Management 2020 (revised 2023)
- Reserves Act 1977;
- Local Government Act 2002;
- Waitakere Ranges Heritage Area Act 2008;
- Hauraki Gulf Marine Park Act 2000;
- The Auckland Plan 2018;
- The Unitary Plan's Regional Policy Statement 2016.

PC 96 is the most efficient, effective and appropriate means of addressing the resource management issue identified.

## List of Attachments

Attachment	Name of Attachment
1	Spreadsheet of Newly vested & acquired land, open space zoning errors and anomalies, rezoning of land to better reflect the current and intended future use and development and rezoning land to enable land disposal and/or rationalisation
2	Proposed Zoning Changes - Maps

**Attachment 1 - Newly vested & acquired land, open space zoning errors and anomalies, rezoning of land to better reflect the current and intended future use and development and rezoning land to enable land disposal and/or rationalisation**

*(see attached spreadsheet)*



**Attachment 2 – Proposed Zoning Changes - Maps**

*(see attached proposed plan change maps)*