

**IN THE ENVIRONMENT COURT  
AT AUCKLAND**

**ENV-2016-AKL-**

**IN THE MATTER** of the Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**) and the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of an appeal under section 156(1) of the LGATPA against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel (**Hearings Panel**) on the proposed Auckland Unitary Plan (**Proposed Plan**)

**AND**

**IN THE MATTER** of Proposed Plan Hearing Topic 028 (Future Urban Zone)

**BETWEEN** **G M WELSFORD FAMILY TRUST**  
Appellant

**AND** **AUCKLAND COUNCIL**  
Respondent

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**NOTICE OF APPEAL**

**Dated 15 September 2016**

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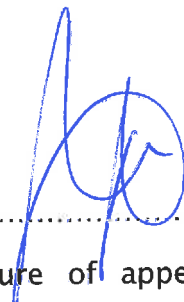
To: The Registrar  
Environment Court  
**Auckland**

1. The GM Welsford Family Trust (**Trust**), appeals against a decision of the Auckland Council (**Council**) on the Proposed Auckland Unitary Plan (**Plan**).
2. The Trust has the right to appeal the Council's decision (**Decision**) under section 156(1) of the LGATPA because the Council rejected a recommendation of the Panel in relation to a provision or matter the Trust addressed in its submission on the proposed plan number 5985-1. The Council decided on an alternative solution, which resulted in a provision being included in the proposed plan or a matter being excluded from the Proposed Plan.
3. The Trust provides further details of the reasons for its appeal below.
4. The Trust is not a trade competitor for the purposes of section 308D of the RMA.
5. The Trust received notice of the decision on 19 August 2016.
6. The Decision (*or* part of the decision) that the Trust is appealing is:
  - (a) The Decision to reject the discretionary activity status for rural subdivision (in the future urban zone) and to have a non-complying activity status instead;
  - (b) The Topic number is 028; and
  - (c) The specific provision is the activity status of subdivision in the rural zone.
7. The reasons for the appeal include that:
  - a. The Decision fails to give effect to the principle of sustainable management;
  - b. The Decision was based on incomplete and inaccurate information and reached through a flawed process which constituted a denial of natural justice,

In particular, and without derogating from the generality of the above:

8. The Council failed under s290A of the RMA to have consideration to relevant documents including (but not limited to) Council's own structure planning for the Trust's land; and the Trust's submission and evidence before the Independent Hearings Panel (**Panel**).
9. The Council also failed to have proper regard for the Panel's recommendations and reasons.
10. The Trust seeks the following relief:
  - a. That the Decision be set aside;
  - b. That the Panels' recommendation to the Council be adopted and accepted; and
  - c. Costs.
11. An electronic copy of this notice is being served today by email on the Auckland Council at [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz). Waivers and directions have been made by the Environment Court in relation to the usual requirements of the RMA as to service of this notice on other persons.
12. The Trust attaches the following document to this notice:
  - (a) a copy of the list of the Panel's recommendations rejected by the Council (ref Topic 028 Future Urban Zone on page 2 of 8) and a copy of the decisions version of the Plan with the marked up change;
  - (b) a list of names and addresses of persons to be served with a copy of this notice; and

(c) a copy of the Trust's submission.

  
.....  
Signature of appellant (or person  
authorised to sign on behalf of  
appellant) ALAN G W WEBB

.....  
Date: 15 September 2016

Address for service of appellant: C/- Alan Webb, Quay Chambers, PO Box  
106215, Auckland 1143  
Telephone: 09 374 1653  
Email: webb@quaychambers.co.nz  
Contact person: Alan Webb

**Note to appellant**

You may appeal only if—

(a) the Council rejected a recommendation of the Hearings Panel in relation to a provision or a matter you addressed in your submission on the proposed plan and the Council decided on an alternative solution that resulted in a provision being included in the proposed plan or a matter being excluded from the proposed plan; or

(b) you are, were, or will be unduly prejudiced by the inclusion of a provision in or the exclusion of a matter from the proposed plan in relation to which the Council accepted a recommendation of the Hearings Panel that the Hearings Panel had identified as being beyond the scope of the submissions made on the proposed plan.

Your right to appeal may be limited by the trade competition provisions in

Part 11A of the RMA.

You must lodge the original notice with the Environment Court, and serve a copy on the Council (by email to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)), within 20 working days after the Council notifies its decisions in relation to the recommendations of the Hearings Panel under section 148(4)(a) of the LGATPA (i.e. by no later than **16 September 2016**).

You must pay the filing fee required by regulation 15 of the Resource Management (Forms, Fees, and Procedure for Auckland Combined Plan) Regulations 2013 at the time you lodge this notice with the Environment Court.

If your appeal concerns a regional coastal plan provision / the coastal marine area, you must serve a copy of this notice on the Minister of Conservation within 5 working days after this notice is lodged with the Environment Court.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

### **Advice to recipients of copy of notice of appeal**

#### *How to become party to proceedings*

You may become a party to the appeal if you are one of the persons described in section 274(1) of the RMA.

To become a party to the appeal, you must, within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003) with the Environment

Court by email (to [unitaryplan.ecappeals@justice.govt.nz](mailto:unitaryplan.ecappeals@justice.govt.nz)) and serve copies of your notice by email on the Auckland Council (to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)) and the appellant.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the RMA. You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

### *Advice*

If you have any questions about this notice, contact the Environment Court in Auckland.

**A – COPY OF:**

- A) THE REPORT TO AUCKLAND COUNCIL on HEARING TOPIC 028 FUTURE URBAN ZONE;**
- B) A LIST OF THE PANEL'S RECOMMENDATIONS REJECTED BY THE COUNCIL; and**
- C) DECISIONS VERSION ALTERNATIVE SOLUTION FOR TOPIC 028 – E39.4.3 SUBDIVISION FUTURE URBAN ZONE ACTIVITY TABLE**





AUCKLAND UNITARY PLAN  
INDEPENDENT HEARINGS PANEL

*Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau*

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**Report to Auckland Council**  
**Hearing topic 028**  
**Future Urban Zone**  
**July 2016**

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# Report to Auckland Council - Hearing topic 028 Future Urban Zone

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# 1. Hearing topic overview

## 1.1. Topic description

Topic 028 addresses the district plan provisions of the proposed Auckland Unitary Plan relating to:

Topic	Proposed Auckland Unitary Plan reference	Independent Hearings Panel reference
028 Future Urban	D4 Future Urban zone I5 Future Urban zone Indicative Roads and Open Space overlay Green Infrastructure Corridor Zone	H18 Future Urban Zone

Under the Local Government (Auckland Transitional Provisions) Act 2010, section 144 (8) (c) requires the Panel to set out:

the reasons for accepting or rejecting submissions and, for this purpose, may address the submissions by grouping them according to—

- (i) the provisions of the proposed plan to which they relate; or
- (ii) the matters to which they relate.

This report covers all of the submissions in the Submission Points Pathways report (SPP) for this topic. The Panel has grouped all of the submissions in terms of (c) (i) and (ii) and, while individual submissions and points may not be expressly referred to, all points have nevertheless been taken into account when making the Panel's recommendations.

## 1.2. Summary of the Panel's recommended changes to the proposed Auckland Unitary Plan

- i. The Future Urban Zone should be applied to land which does not have major constraints to urbanisation, although it may include areas with lesser constraints where those can be accommodated by appropriate subdivision and development.
- ii. Objectives and policies for the Future Urban Zone amended to make the transitional nature of the zone clear, enabling ongoing rural use while preventing subdivision, use and development which might prevent or hinder sustainable urbanisation at an appropriate time in the future.

- iii. Major constraints to urbanisation should be explicit in the Plan: that is, they should be mapped with clear boundaries and subject to clear controls on subdivision, use and development.
- iv. The rules for the Future Urban Zone are based closely on the corresponding rules for the Rural Production Zone, except intensive activities that will require substantial infrastructure and buildings to support are not provided for as such structures could prevent or hinder urbanisation.
- v. Additional subdivision controls for the Future Urban Zone to avoid pre-emptive urbanisation.
- vi. The primary method for managing the transition from rural to urban land use is to require careful planning of any substantial change, following the structure planning guidelines as set out in Appendix 1 to the Unitary Plan.
- vii. The Green Infrastructure Corridor Zone is deleted. Any such provision should be assessed during structure planning.
- viii. Deletion of indicative roads and open space overlays. Any such provision should be assessed during structure planning.

### 1.3. Overview

The Future Urban Zone is applied to over 11,000 ha of land on the periphery of existing urban areas. The most extensive areas are located on the edge of the metropolitan area:

- i. in the north along State Highway 1 at Dairy Flat, Silverdale and Wainui
- ii. in the northwest:
  - a. adjacent to the metropolitan area at Redhills, Westgate, Birdwood, Hobsonville and Whenuapai;
  - b. further out at Kumeu, Huapai and Riverhead;
- iii. in the south:
  - a. along the southern edge of Flat Bush
  - b. on the eastern side of Takanini;
  - c. to the south and west of Papakura and around Drury at Hingaia, Karaka and Runciman.

There are also significant areas around the satellite towns of Warkworth and Pukekohe (including Paerata). There are smaller areas adjacent to rural towns and settlements of Wellsford, Algies Beach, Helensville, Kingseat, Clark's Beach, Glenbrook Beach. There are some infill areas at Red Beach and Māngere.

For the areas at the edge of the metropolitan area and around the satellite towns, the outer boundary of the Future Urban Zone coincides with the Rural Urban Boundary. The smaller areas were notified without a Rural Urban Boundary and the infill areas do not require one.

## **1.4. Scope**

The Panel considers that the recommendations in 1.2 above and the changes made to the provisions relating to this topic (see 1.1 above) are within scope of submissions.

Matters considered by the Panel to be beyond the scope of submissions are:

- i. deletion of the Green Infrastructure Corridor Zone;
- ii. deletion of indicative roads and open space overlays.

For an explanation of the Panel's approach to scope see the Panel's Report to Auckland Council – Overview of recommendations July 2016.

## **1.5. Documents relied on**

Documents relied on by the Panel in making its recommendations are listed below in section 9 Reference documents.

## 2. Reasonable use

### 2.1. Statement of issue

The main purpose of the Future Urban Zone is to identify its transitional status. While its existing development and use is rural, it is applied to areas that are expected to become urban sometime in the next 30 years. It is the bulk of the greenfield (as defined in the Unitary Plan) land in the region. This transitional purpose creates a number of issues where the potentially conflicting interests of strategic planning and property rights meet:

- i. pre-emption of structure planning balanced against enabling reasonable use on an interim basis;
- ii. efficient development overall can be hindered by small-scale ad hoc developments;
- iii. end-use development can be disconnected from bulk infrastructure;
- iv. limited heritage/hazard assessment;
- v. urbanisation without full information.

### 2.2. Panel recommendation and reasons

During the period before urbanisation occurs (which may be as long as 30 years) the degree of restriction on the use and development of the land must not render it incapable of reasonable use (see section 85 Resource Management Act 1991). In broad terms, landowners and occupiers must still be able to use the land generally for rural purposes. In that sense, and notwithstanding the firm assertions of Mr Philip Brown, the Council's planning witness, the Future Urban Zone is really a rural zone: the land is not able to be used for urban purposes until an urban zone is applied to it.

The Panel considered a range of options to address the issues relating to the Future Urban Zone, including:

- i. delete the Future Urban Zone entirely and rely on the Rural Urban Boundary and zone changes to manage transition and urbanisation – requires amendment of rural zone activity and subdivision rules to create inside/outside Rural Urban Boundary differences;
- ii. use the Future Urban Zone together with the Rural Urban Boundary and zone changes to add transitional layer based on subdivision; and
- iii. use special housing area-type processes for all Future Urban Zone proposals (including business as well as residential areas).

The Panel's preferred option is the second: to use the Future Urban Zone together with the Rural Urban Boundary and zone changes. This method helps identify areas suitable for urbanisation, providing clear signals to landowners, infrastructure providers and developers. This approach is adaptable to circumstances where there is no Rural Urban Boundary. Clarification of objectives and policies for urban growth, together with structure planning guidelines, provide clear thresholds for rezoning proposals.

### **3. Capacity for urbanisation**

#### **3.1. Statement of issue**

An essential characteristic of land zoned future urban is that it must be capable of being urbanised. This involves both the intrinsic capacity of the land itself to be developed for urban uses and its extrinsic capacity to fit into the existing urban form and to be efficiently provided with infrastructure.

#### **3.2. Panel recommendation and reasons**

The Future Urban Zone should be applied to land which does not have major constraints to urbanisation, although it may include areas with lesser constraints where those can be accommodated by appropriate subdivision and development. Such constraints should be explicit in the Plan: that is, they should be mapped with clear boundaries. For example, an intrinsic constraint may be identified by an existing overlay in the planning maps such as one of those used to show the location of an outstanding natural landscape or an area which is or is likely to be subject to coastal inundation as a result of sea level rise. Constraints at a major level should be avoided by not zoning the area Future Urban and leaving it with a rural or open space zoning.

Such avoidance will not normally extend to local constraints (e.g. significant ecological areas or minor floodplains) which could be addressed through structure planning and incorporated within the urban area albeit potentially with a zoning which reflected its lower capacity for development.

In relation to infrastructure, an extrinsic constraint may be identified in terms of connection or capacity constraints or economic feasibility in the Unitary Plan or in any spatial plan prepared in accordance with Part 6 of the Local Government (Auckland Council) Act 2009. In practical terms, the infrastructure providers themselves can determine areas to be urbanised by identifying areas of service or areas with constrained capacity.

### **4. Avoidance of pre-emptive urbanisation**

#### **4.1. Statement of issue**

Uncoordinated small-scale or ad hoc subdivision and development for urban purposes are likely to create cumulative adverse effects on urban form, compromising its sustainability.

#### **4.2. Panel recommendation and reasons**

The objectives and policies for the Future Urban Zone are designed to make the transitional nature of the zone clear, enabling on-going rural use while preventing subdivision, use and development which might prevent or hinder sustainable urbanisation at an appropriate time in the future. The rules for the Future Urban Zone are based closely on the corresponding rules for the Rural - Rural Production Zone, with some restrictions on activities and subdivision to give effect to the policies as discussed above.

As a rural zone, the Future Urban Zone provides for rural uses on an interim basis. There is a limited range and extent of subdivision. While the range and extent of subdivision outside



the Rural Urban Boundary is limited, there are further restrictions proposed for the rural land inside the Rural Urban Boundary. The focus of these additional subdivision controls is on the avoidance of pre-emptive urbanisation: ad hoc creation of relatively small-scale urban development which would hinder larger-scale urban zoning.

The primary method for managing the transition from rural to urban land use is to require careful planning of any substantial change, with full assessment of both the most appropriate methods and the effects (both positive and adverse) of urbanisation in advance of urban zoning. The format of structure planning, as set out in Appendix 1 of the Panel's recommendation version of the Plan (Appendix 1 - Structure plan guidelines), is the recommended guideline for such a planning exercise.

In very broad terms the key control required is to avoid the pre-emption of sustainable urban form resulting from irreversible changes to the current rural environment before there has been a process of planning for urbanisation. In differentiating uses according to the degree of reversibility, it is also important to pay close attention to potential subdivision which may hinder future urbanisation by fragmenting parcels of land and creating roads (whether formed or not) in ways that can result in urban form with poor amenity values and low levels of efficiency. This method must be considered in terms of its relationship with other methods in the Plan, including the Rural Urban Boundary and zoning. It is also relevant to consider the Council's proposal to create a Future Urban Land Supply Strategy as a non-statutory planning document.

## **5. Contestable methods of managing growth**

### **5.1. Statement of issue**

Options for providing land for urban development should be generally contestable so as to enable choices and reassure people and communities that restrictions on urbanisation will not result in the undersupply of land for urban purposes.

### **5.2. Panel recommendation and reasons**

The methods to manage transition from rural to urban discussed in section 4 above are closely related to the issue of managing Auckland's growth. On the evidence before it, the Panel is convinced it is essential that these methods be fully responsive to the effects they seek to address as well as to the effects which the methods themselves have on growth and on the environment overall. In that context a key issue for these related methods is whether they are generally contestable, that is, whether they are able to be initiated or challenged by any person with an interest in the management of urban growth, including not only the Council but also landowners, developers, infrastructure providers and people or groups with particular interests in the protection of matters of national importance and the maintenance and enhancement of the quality of the environment.

In considering the range of methods, one may question why more than one layer of regulation is required to achieve the objectives of the Plan? If the Rural Urban Boundary is an appropriate method for managing growth (and the Panel thinks it is for the reasons set out in relation to Topic 013) and is located appropriately in a manner that provides a

defensible boundary for urban growth and for protection of the rural environment, then why not simply manage the transition from rural to urban based on that boundary?

There appear to be two main reasons why the Rural Urban Boundary is insufficient by itself:

- i. because the rural environment must be managed differently depending on which side of the Rural Urban Boundary it is on – rural land outside Rural Urban Boundary is to remain rural in the longer term, but inside the Rural Urban Boundary is to change in the short to medium term;
- ii. because while the transition is identified now, the medium timeframe of up to 30 years is sufficiently long that an intermediate regime is appropriate to control decision-making pending a change of zoning.

It is therefore important to consider the Future Urban Zone and the Rural Urban Boundary as complementary methods of managing urban growth and the process of urbanisation. In other recommendations (see the Panel's Report to Auckland Council – Overview of recommendations July 2016 and Report to Auckland Council – Hearing topic 013 Urban growth July 2016), the Panel recommends making the Rural Urban Boundary a method in the district plan rather than keeping it as a policy in the regional policy statement. The Panel thinks this is the most appropriate place for it, to enable changes to the Rural Urban Boundary by changes to the district plan and therefore potentially by private plan change.

The Panel makes this recommendation notwithstanding the urgings of counsel for the Auckland Council and several witnesses called by her, most notably Dr Fairgray who argued strenuously against what he described as a 'soft' Rural Urban Boundary, that is, one that could be changed by private plan change. With great respect, the Panel does not accept that there is anything 'soft' about the requirements of demonstrating that the Rural Urban Boundary should be moved, no matter who proposes it, the need for a full evaluation of a proposed change in terms of section 32 of the Resource Management Act 1991 in a way that gives effect to the regional policy statement will ensure that any change is properly considered.

If the Council is concerned about poor proposals wasting its resources in processing private plan changes, the Panel thinks it has broad powers under clause 25 of Schedule 1 to the Resource Management Act 1991 to reject such applications. The Panel thinks it is far more important that the location of the Rural Urban Boundary be properly contestable so that one of the principal options for enabling greenfield land to be identified is available to anyone who can make a case for it, and not limited to the Council.

These considerations are also relevant in considering the Future Urban Land Supply Strategy. As it exists presently, this is a policy document created by the Council under the Local Government Act 2002. While adopted following a special consultative procedure, its creation was not contestable in the same way as a statutory planning document created under the Resource Management Act 1991. The Future Urban Land Supply Strategy has no regulatory effect, but does appear to describe, in very general terms, where and when greenfield areas will be urbanised.

The Panel thinks there is a danger that the description of the process of urbanisation in the Future Urban Land Supply Strategy will, over time, be treated as a method of controlling the process, effectively by directing when and how essential infrastructure will be provided. This

could inhibit or even prevent meritorious proposals for greenfield development without a full assessment of those merits. While the Future Urban Land Supply Strategy may be a relevant policy document for consideration in a structure planning process, the Panel does not think it should formally be treated at the same level as the Rural Urban Boundary and the Future Urban Zone because of its lack of contestability.

## **6. Green Infrastructure Corridor Zone**

### **6.1. Statement of issue**

The extent to which the Green Infrastructure Corridor Zone is an appropriate policy response and whether the outcome sought by this zone can best be achieved by other resource management means.

### **6.2. Panel recommendation and reasons**

The Panel recommends the deletion of this zone. The purpose of this zone as notified applies to land that needs to be set aside from development and used primarily for stormwater and flood hazard mitigation purposes. The Panel recommends these matters should be addressed in the structure plan and a live zoning with less capacity could be applied to these areas. Hence, a Green Infrastructure Corridor Zone is not required.

While there are no submissions seeking to delete this zone, the Panel considers its deletion is a consequential change arising from the application of the Future Urban Zone and the Panel's growth management method.

## **7. Indicative roads and open space overlays**

### **7.1. Statement of issue**

Some submitters sought the deletion from the Future Urban Zone of indicative roads and open space overlays

### **7.2. Panel recommendation and reasons**

The Panel supports the relief sought by these submitters and recommends the deletion of indicative roads and open space overlays from the Future Urban Zone on the grounds that these are not section 6 and 7 Resource Management Act 1991 matters.

The Panel finds that the inclusion of indicative roads and open space overlays is unhelpful and does not assist land owners to plan for future development of their land. Both indicative roads and open space overlays are unnecessary because during a structure plan process the location of indicative roads and open space will be identified and the appropriate open space zoning can be applied. The location and alignment of roads are usually further refined at time of subdivision.

## 8. Consequential changes

### 8.1. Changes to other parts of the plan

As a consequence of the Panel's recommendations on this topic, there are consequential changes to other parts of the Plan as listed below:

- i. deletion of the Green Infrastructure Corridor Zone as a result of application of the Future Urban Zone and the Panel's growth management method, see section 6 above.

### 8.2. Changes to provisions in this topic

There are no changes to provisions in this topic as a result of the Panel's recommendations on other hearing topics.

## 9. Reference documents

The documents listed below, as well as the submissions and evidence presented to the Panel on this topic, have been relied upon by the Panel in making its recommendations.

The documents can be located on the aupihp website ([www.aupihp.govt.nz](http://www.aupihp.govt.nz)) on the hearings page under the relevant hearing topic number and name.

You can use the links provided below to locate the documents, or you can go to the website and search for the document by name or date loaded.

(The date in brackets after the document link refers to the date the document was loaded onto the aupihp website. Note this may not be the same as the date of the document referred to in the report.)

### 9.1. General topic documents

#### **Panel documents**

[028 Submission Point Pathway Report \(8 December 2014\)](#) (8 December 2014)

[028 Parties and Issues Report \(17 February 2015\)](#) (5 March 2015)

[028 Joint Mediation Statement \(9 February 2015\)](#) (2 March 2015)

#### **Auckland Council marked up version**

[Markup Version of Green Infrastructure Zone](#) (4 February 2015)

[Markup Version of Objectives and Policies](#) (4 February 2015)

[Markup Version of Rules](#) (4 February 2015)

[Markup Version of Indicative Roads and Open Space Overlay - Objectives and Policies](#) (5 February 2015)

[Markup Version of Indicative Roads and Open Space Overlay - Rules](#) (5 February 2015)

#### **Auckland Council closing statement**

[Closing statement \(20 March 2015\)](#)

[Closing statement - Attachment A \(20 March 2015\)](#)

[LATE Closing statement - Indicative Roads \(23 April 2015\)](#)

## **9.2. Specific evidence**

### **Auckland Council**

[Hearing evidence \(Douglas Fairgray\) - Economic \(20 February 2015\)](#)

[Hearing evidence \(Philip Brown\) - Planning \(20 February 2015\)](#)



Topics 028  
E39.4.3 Subdivision FUZ  
Activity Table

## Attachment A

ID	Botanical Name	Common Name	Auckland district	Number of Trees	Location/Street Address	Legal Description
<u>2189</u>	...					
<u>2416</u>		<u>Native Group containing Pohutukawa, Rata, Rimu, Puriri.</u>	<u>Rodney</u>	<u>5</u>	<u>24 Pulham Road Warkworth</u>	<u>Lot 1 DP 62427</u>
<u>2417</u>	...					
<u>2914</u>		<u>Grove of native trees containing Pohutukawa, Totara, Karaka, Rata, Puriri.</u>	<u>North Shore</u>		<u>16 &amp; 18 Waterview Road</u>	<u>Pt Lot 30 Allot 30 Sec 2 Parish of Takapuna</u>
<u>2915</u>	...					

Topic Number	Topic Name	Change requested to planning maps
Topic 025	Trees	Reinsert notable trees in the Notable Tree Overlay (to align with the amendments to Schedule 10 Notable Trees Schedule).





**Decisions of the Auckland Council on  
recommendations by the Auckland Unitary  
Plan Independent Hearings Panel on  
submissions and further submissions to the  
Proposed Auckland Unitary Plan**

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**Attachment D**

A list of the Panel's Recommendations that have  
been rejected by the Council.

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**19 August 2016**

## Attachment D – Panel’s recommendations rejected by the Council

Hearing Topic Number	Rejected Recommendation
Hearing topic 006 and 035 Air quality	Deletion of the Auckland Ambient Air Quality Standards
Hearing topic 010/029/030/079 Special character and pre 1944	The deletion of the objective that provides for management of heritage values in the Regional Policy Statement
Hearing topic 011 Rural environment	The deletion of objectives and policies for rural subdivision that: <ul style="list-style-type: none"> <li>(i) Prevent inappropriate subdivision</li> <li>(ii) Promote the significant enhancement of indigenous biodiversity</li> <li>(iii) Facilitate transfer of titles only into the Countryside living zone.</li> </ul>
Hearing topic 012 Infrastructure, energy and transport	The deletion of policies which encourage land use and transport integration and in particular, the location of higher intensity activities where those activities are served by key public transport services and routes.
Hearing topic 013 Urban growth	The deletion of objectives and policies that seek to focus growth within the existing metropolitan area
	Amendments to the policy that guides the location of the Rural Urban Boundary
	The enablement of commercial activities within centres and corridors
Hearing topic 022 Natural hazards and flooding and 026 – General others	Replacing the 1 per cent annual exceedance probability (AEP) flood hazard with the 2 per cent annual exceedance probability (AEP) flood hazard in urban areas
	No controls for buildings within floodplains to prevent the exacerbation of flood hazards
	No controls to manage a change of use to more vulnerable activities in existing buildings within floodplains
	Amending the definition of coastal storm inundation 1 per cent annual exceedance probability plus 1 metre of sea level rise to not include reference to maps
	No consent requirements for new buildings in the activity table for the coastal storm inundation 1 per

	cent annual exceedance probability (AEP) plus 1 metre of sea level rise area
Hearing topic 025 Trees	The deletion of scheduled items from the Schedule of Notable Trees which does not comply with section 76(4A) – (4D) of the Resource Management Act 1991
	The deletion of 18 scheduled items from the Schedule of Notable Tree with no explanation or reasoning.
	The trimming of up to 20 per cent of a notable tree's live growth as a permitted activity, subject to complying with specific standards.
Hearing topic 028 Future urban zone	Changing the activity status of subdivision in the Future Urban zone from a Prohibited activity to a Discretionary activity.
	Changing the activity status of landfills in the Future Urban zone from a Non-complying activity to a Discretionary activity.
Hearing topic 032 Schedule of historic heritage	The deletion of the Symonds Street flats, 44 Symonds Street, City Centre from the schedule
Hearing topic 033/034 General coastal marine zone	Amendment to the activity table for identifying which standards apply to discharges of hull bio-fouling organisms.
	Including in the definition of marine and port facilities reference to 'sea walls'
Hearing topic 038 Contaminated land	The inclusion of contaminated land in accidental discovery control provisions
	Changes to rules for discharges of contaminants from disturbing soil on land containing elevated levels of contaminants
	The deletion of the definition of land containing elevated levels of contaminants
Hearing topic 039 Hazardous substances and industrial and trade activities	Amendments to the definition of clean fill material which removes differentiation between clean fill and managed fills
Hearing topic 041 Earthworks and minerals,	The deletion of kauri dieback provisions
Hearing topic 042 Infrastructure	Increase the extent of the National Grid Corridor overlay, as it relates to the area 32m each side of 110kv lines and 37m each side of the centerline of 220kv lines
	No objective to manage the adverse effects of infrastructure in the District Plan provisions for

	infrastructure
	The tagging of the infrastructure objectives and policies as regional coastal provisions
	Electric vehicle charging stations should be Permitted activities in roads
	Deletion of the standards for minor infrastructure upgrading in the standards for activities in roads
	No default activity status for minor infrastructure upgrading where an upgrade to an existing network utility exceeds the specified standard
	Increasing the permitted threshold for the trimming and alteration of trees in streets and public open spaces subject to meeting specific standards including an agreed tree management plan
	Extending standards on vegetation removal within a Significant Ecological Area to roads
	The inclusion of standards relating to earthworks (filling) within a floodplain associated with road works
	The inclusion of standards relating to earthworks (filling) within overland flow paths associated with road work
	Specific limitations on earthworks within overlays for road network activities
Hearing topic 043/044 Transport	Amendment of the parking rates for the Metropolitan Centre, Town Centre, Local Centre, Mixed Use and Terrace Housing and Apartment Buildings zones to remove maximum and minimum parking rates for all activities within these zones with the exception of retail and commercial service activities
	Parking rates for residential and non-residential activities in the City Centre zone of 1:125m <sup>2</sup> for non-residential activities within a proposed 'Outer core' parking area while applying a rate of 1:200m <sup>2</sup> within a proposed 'Inner core' parking area. A maximum rate of 1.5 car parks per dwelling (regardless of dwelling size) is proposed for residential activities.
Hearing topic 046/047/048/049 Water quality and quantity, lakes, rivers and streams, aquifers and ground water and discharges of stormwater and wastewater	Inserting a permitted activity land use rule for stormwater runoff into the stormwater network and combined sewer network
	Amending to a Permitted activity status for sites that do not discharge to a stream or discharge below RL 2m in a Stormwater Management Areas Flow (SMAF).
	Amending the activity status for roads within a Stormwater Management Areas Flow (SMAF).
	Deleting the default activity status for roads/motorways

	within a Stormwater Management Areas Flow (SMAF).
	Amending the general standards in E10.6.11 and associated rules in E10.6.3.1 to refer to "site" which, as defined, does not include a road.
	Amending the hydrology mitigation requirements for some roading projects.
	Deleting the definition of "redevelopment of a road"
Hearing topic 050-054 City centre and business zones	Wynyard Precinct – the deletion of framework plans has resulted in a consequential amendment to the height and gross floor area controls in the Wynyard Precinct
	Queen Street Valley Precinct – the deletion of the pre – 1940 building demolition control from the Queen Street Valley Precinct
	The deletion of the minimum dwelling size standard in the City Centre and business zones
	The application of a Height in Relation to Boundary control within the Mixed Use Zone and between the Mixed Use Zone and the General Business Zone
	A recession plane indicator diagram which is inconsistent with the Height in Relation to Boundary controls in all business zones
	The deletion of specific standards to manage development within natural hazards areas within the Port Precinct
Hearing topic 058 Open space	Amending the activity status for new buildings and additions, and the height and gross floor area standards for the Open Space zones
Hearing topic 059 to 063 Residential zones	That Integrated Residential Developments are provided for as a Restricted Discretionary activity within the Single House Zone
	Amending the threshold for requiring resource consent from three or more dwellings to five or more dwellings in the Mixed Housing Suburban and Mixed Housing Urban zones (MHU)
	The deletion of the minimum dwelling size standard.
	Amending the Height in Relation to Boundary Controls in the Mixed Housing Suburban, Mixed Housing Urban and Terrace Housing and Apartment Building zones.
	Amendments to apply the Height in Relation to Boundary Control and the Alternative Height in Relation to Boundary Control to the front boundary within the Terrace Housing and Apartment Building zone. The Height in Relation to Boundary adjoining lower intensity zones is recommended to apply to the front boundary within the Mixed Housing Urban and Terrace Housing and Apartment Building zones.
	The deletion of a standard relating to reticulated water supply and wastewater network capacity and moving the matter to assessment criteria
	The deletion of the definition of building coverage

	The deletion of front fence rule and deleting policies relating to streetscape from the Single House, Mixed Housing Suburban, Mixed Housing Urban and Terrace House and Apartment Building zones.
Hearing topic 064 Subdivision – rural	The inclusion of objectives, policies and rules that enable sporadic and scattered rural subdivision
	The inclusion of provisions that allow for minimal environmental benefits to be accepted in exchange for rural-residential subdivision
	Absence in recommending specific site sizes for Countryside Living subdivision in the Caldwells Road area in Whitford
Hearing topic 065 Definitions	Amendment to the definition of 'Height' makes the structures exempted from the definition subject to width and height limits that are unworkable for some structures.
Hearing topic 075 Waitakere ranges	Double-tagging [rp/dp] the activity tables in the Rural – Waitakere Ranges Foothills zone and the Rural – Waitakere Ranges zone sites.
Hearing topic 080 Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH)	Removal of the Rural Urban Boundary at Crater Hill and Pukaki Peninsula, Puhinui
Hearing topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the WEST)	No mechanisms within the Redhills precinct relating to the provision of transport infrastructure
	No indicative roading pattern required to achieve an effective transport network in the Westgate Precinct.
Hearing topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in RODNEY)	No mechanisms within the new Wainui precinct for the provision of transport infrastructure
	The rezoning of the Kumeu Showgrounds from Mixed Rural to Countryside Living.
	The application of the Large Lot zone at 47-61 Dawson Road, Snells Beach
Hearing topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts	The deletion of the Akoranga precinct and reliance upon the Auckland University of Technology (AUT) designation (Designation 6010)

(Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the NORTH)	
	The deletion of the Takapuna 2 precinct and reliance upon the provisions of the underlying zones (Terraced House and Apartment Buildings and Business – Metropolitan)
	The extension of the Rural Urban Boundary north of the Vaughans Road ridgeline into the Okura catchment at a location east of Okura village
	The application of a new precinct to the land north of Vaughans Road, Okura and rezoning of approximately 130ha of land from Countryside Living to Mixed Housing Suburban, Large Lot, Open Space Conservation and Open Space Informal Recreation zones
	The rezoning of approximately 30ha of land from Countryside Living to Future Urban zone on land to the north of Vaughans Road/east of Okura Village
	As a consequential change, amend Table E39.6.5.2.1 Minimum and minimum average net site areas, to include a minimum net site area and average net site area without transferable rural site subdivision, of 4ha to land known as Okura East
	As a consequential change add the Control: Subdivision Variation Control - Rural, Okura East Countryside Living to the land know as Okura East
Hearing topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in CENTRAL)	Deletion of the Sylvia Park precinct and reliance on the underlying Metropolitan Centre zone





## **B – PERSONS TO BE SERVED**

- a) Auckland Council – [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)



**C - COPY OF SUBMISSION**



## **Submission on the Proposed Auckland Unitary Plan**

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010  
Clause 6 of the First Schedule, Resource Management Act 1991

To: **Unitary Plan Submission Team, Auckland Council**  
**Freepost Authority 237170**  
**Private Bag 92300**  
**Auckland 1142**

### **1. Submitter Details**

GM Welsford Family Trust  
96 Frost Road  
RD5  
Warkworth 0985

### **2. We wish to be heard on this submission**

### **3. Scope of Submission**

The specific provisions that this submission relates to are:

- (a) The proposed Residential – Large Lot zone affecting 8 Stevensens Crescent CT-18/809 - Pt Allot 27 Parish of PAREMOREMO, Pt Allot 299 Parish of PUKEATUA - 2.68 Ha.

### **4. Reasons for Submission**

My submission is:

- (a) Ms Welsford and her husband purchased the subject property 51 years ago in 1963. The Trustees include Ms Welsford, her three children and her brother. Ms Welsford is 89 years old.
- (b) The existing District Plan zone is split with the lower part of the property being zoned Residential 1 and the upper part being zoned Rural 2. As a controlled activity, the lower Residential 1 portion of the site could be developed with 3 residential units. Altogether it appears that the existing development right is for 4 residential units, including 1 unit for the Rural 2 portion.
- (c) The PAUP proposes that the property be entirely zoned Residential – Large Lot. This allows for only 1 dwelling per site and represents an unreasonable downzoning and erosion of existing development rights.
- (d) We support the approach to apply a unified zone to the property under the PAUP, however consider that the appropriate zone is Residential – Mixed Housing Suburban. The reasons for this include:
  - a. The property is located on western fringe of the Albany centre and within the Rural Urban Boundary (RUB);
  - b. The adjacent Albany residential area is zoned Residential – Mixed Housing Suburban;

- c. Some 500 metres northeast extensive residential development has taken place on land located with a similar relationship to the Albany Centre and will be zoned Single House Residential;
- d. Infrastructure servicing is suitably close to be made available when needed;
- e. A zone to create a transition of intensity between the residential and rural land uses is not warranted at this site as it is generally not visible from public vantage points and the surrounding bush and rural zones effectively provide such a transition;
- f. The property has potential to provide much needed land for development to provide for the urgent housing needs of Auckland;
- g. There will be no precedent or pressure on nearby surrounding land that might result in development creep due to defined areas of bush on nearby sites that create natural limitations to urban development creep.

**6. Relief Sought**

- (a) 8 Stevensens Crescent Albany Heights to be zoned Residential – Mixed Housing Suburban
- (b) Such further, other or consequential amendments as may be required to give effect to the submission, including the relief sought.

**7. Trade Competition Matters**

I could not gain an advantage in trade competition through this submission.



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**By authorised agent  
Max Dunn**

28 February 2014

Address for service of the submitter:  
**Andrew Stewart Ltd  
PO Box 911310  
Victoria St West  
Auckland 1142**

**Attention: Max Dunn - Manager Planning Services**

**Phone 09 3030311  
Email maxd@andrewstewart.co.nz**