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# AUCKLAND UNITARY PLAN

## Report To: Unitary Plan Political Working Party

### Report Name:

### **Setting outcomes and managing adverse effects: What are they, and how can they be used?**

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## Executive Summary

This is one of five direction – setting papers that present options for developing the Unitary Plan. This paper looks at what “outcomes planning” and “effects planning” are, and suggests how Council can use both approaches in the development of the unitary plan.

The central focus of the Resource Management Act 1991 (RMA) is the “*sustainable management of natural and physical resources*” (section 2). Section 2(c) requires that councils’ plans must promote the purpose of the RMA while “*avoiding, remedying, or mitigating any adverse effects of activities on the environment.*”

Within the private domain (i.e. land use activities not involving air discharge or natural water use), anything is allowed unless a rule in a plan requires consent to it or prevents it.

Within the public domain (i.e. activities involving air discharge or natural water use), no activities are allowed unless a rule in a plan allows them (as of right or by resource consent).

The Act therefore inherently favours a “light handed” approach to regulatory intervention in land use matters. Under section 32, the RMA requires Council to show that its intervention is the most effective and efficient way of promoting the purpose of the RMA.

Most first generation regional and district plans promoted the purpose of the RMA for land uses by having light-handed rules designed to manage the adverse effects of activities. This made for straightforward processing of development proposals, and gave good processing outcomes.

The presumption of early plans was that by avoiding adverse effects, good outcomes would follow.

In areas of little or slow change, this did not matter greatly.

In areas of rapid change, such as in much of Auckland, this approach has led to unintended outcomes that are now seen as undesirable. Councils have responded by trying different, more interventionist approaches that involve describing the outcomes they seek for different parts of their jurisdictions. By doing so, their communities of interest will better be able to influence the changes they undergo. This is described as an “outcomes” planning approach.

This involves identifying what the community likes and dislikes about its area, what its strengths and weaknesses are, and what outcomes it seeks to achieve. By aligning all Council plans and works, the probability that desired community outcomes will be achieved is greatly increased.

## Recommendation/s

- a) That the report be received.
- b) That the Unitary Plan Political Working Party adopts a mix of numeric standards and assessment against objectives and policies to achieve desired outcomes in the development of the Unitary Plan. This will involve identifying:
  - i) Communities of interest.
  - ii) The key characteristics of each area.
  - iii) What each area might become.
  - iv) What each area should look like physically and spatially.

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- v) How each area should function.
  - vi) What activities should be allowed within each area.
  - vii) Which areas are subject to rapid or significant change.
  - viii) What framework for change needs to be in place to ensure that the area achieves its potential.

## Context

### Planning and resource management prior to 1991

The Town-planning Act 1926 (17 GEO V 1926 No 52) was our first planning legislation. In its 35 sections and 14 pages, it required city and borough councils with populations over 1000 to regulate the use of land through District Schemes. Its purpose was:

*“the development of the city or borough to which it relates (including, where necessary, the reconstruction of any area therein that has been already subdivided and built on) in such a way as will most effectively tend to promote its healthfulness, amenity, convenience, and advancement”.*

Plans were to be submitted for approval to a Town-planning Board established by the Government.

By 1953, little progress had been made in producing district schemes. Government wanted progress, and passed a new Town and Country Planning Act 1953 (TCPA1953) to replace the 1926 Act. Its purpose was *the direction and control* of development.

The TCPA1953 was revised in 1977, retaining the same purpose.

### Reasons for the passage of the Resource Management Act 1991 (RMA)

As the Labour Government deregulated the New Zealand economy in the late 1980's, it turned its attention to planning legislation. It considered the “direction and control” ethos of the TCPA 1977 as involving excessive and negative intervention, contrary to the objectives of the deregulation it was promoting. The TCPA was seen as hindering development.

The purpose of the RMA is the *sustainable management of ... resources*<sup>1</sup>. *Direction and control* was discontinued. Councils are required to justify intervening in the functioning of the free market. Section 32 RMA<sup>2</sup> requires Councils to demonstrate their intervention as being the most effective and efficient means of achieving the purpose of the Act.

Under the RMA, land uses are allowed unless councils can justify regulating them. The previous Acts had the opposite presumption. Regional council matters involving “the commons” or public domain (i.e., air and water) continued under the former presumption (i.e., that activities are not allowed unless a plan provides for them).

### Planning and resource management since 1991

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<sup>1</sup> Section 5 of the RMA :

- (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 wellbeing 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.*

<sup>2</sup> Section 32 of the RMA requires councils to examine the extent to which each objective is the most appropriate way to achieve the purpose of the Act, and to evaluate the effectiveness and efficiency of the intervention.

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Drafting “first generation” district and regional plans under the RMA started from the light-handed position that regulation of the adverse effects of activities would best meet the purpose of the Act. Strategic planning for an area (which requires significant intervention and relates to uses rather than their adverse effects) became more difficult. Activities (and the community outcomes they achieved) had become less important than managing the way activities were carried out (the effects they generated).

### **What are adverse effects?**

When change in an area involves activities such as earthworks, cutting down trees, construction of buildings, changing watercourses, and building roads, adverse effects can arise.

There are two types of adverse effect:

- Those relating to the natural and physical environment (the “hardware” of an area), and
- Those relating to the functioning of, and people within, a host community (the “software” of an area).

### **Environmental bottom lines**

“Environmental bottom line” is a term that describes a specifically measurable environmental standard, for example, a water pollution or air quality standard. Setting environmental bottom lines for matters such as air and water pollution is a useful way of protecting the environment. Managing the effects of activities to meet environmental bottom lines seems to work satisfactorily for matters relating to the natural environment.

### **First generation RMA plans: managing adverse effects**

Most first-generation plans (prepared in the early 1990’s) were “effects-based” plans, and relied heavily on management of adverse effects through numeric performance standards to provide the following outcomes:

- High levels of certainty to applicants in relation to the development potential of individual sites, because they rely on evaluating proposals against sets of performance standards that are mostly numeric and therefore easy to implement; and
- Good process outcomes in the form of short approval times for complying subdivisions and developments.

This approach worked satisfactorily in areas of slow or limited change, and in relation to the natural world, where use of the precautionary principle<sup>3</sup> was needed. But in areas of rapid or extensive change, achieving outcomes by managing adverse effects can easily lead to:

- Unsatisfactory social or urban design outcomes;
- Inadequate socially desirable infrastructure (such as reserves, or walking and cycling connectivity);
- Lack of diversity of housing types;

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<sup>3</sup> “The precautionary principle or precautionary approach states that if an action or policy has a suspected risk of causing harm to the public or to the environment, in the absence of scientific consensus that the action or policy is harmful, the burden of proof that it is *not* harmful falls on those taking the action.” Source: Wikipedia.

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- Development that complies with minimum standard but lacks diversity;
  - Community outcomes left to chance;

because the avoidance of adverse effects through adherence to numeric standards cannot provide for outcomes (such as “good design” or “variety of housing types”) that depend on the qualitative assessment of a development proposal.

### **Outcomes-based plans**

Councils have responded to these shortcomings by introducing objectives policies and criteria that enable a more qualitative assessment of development proposals against a set of written community outcomes. Second generation plans are likely to rely more heavily on this approach. Plans will describe desirable community outcomes, and Councils will establish the framework of intervention that will give the greatest chance of achieving them.

Councils often use structure planning to set the development parameters and outcomes for development, particularly in greenfields development.

The process for drafting and monitoring an outcomes-based plan is described in Appendix 1 to this paper.

As an alternative to the process outlined in Appendix 1, council officers are undertaking an analysis of the region to identify a ‘first cut’ of outcome areas, and describing each with particular reference to themes or topics such as:

- growth/form,
- natural resources,
- values,
- networks,
- land use, and
- built form.

These descriptions will provide the basis for the development of Area Spatial Plans and these will follow through into the Unitary Plan.

### **Scope for council intervention**

Councils can intervene in three ways to influence the outcome of decisions affecting the use of land air and water.

Regulatory intervention under the RMA is usually carried out by adopting objectives, policies, and rules in regional and district policy statements and plans. Councils also intervene under the Reserves Act, Local Government Act, and other Acts.

Direct investment can include:

- Town centre upgrading works
- Roading improvements
- Bridge construction
- Buying land for new roads or reserves
- Structure Planning (sometimes jointly with a land developer)

Incentives usually take the form of plan provisions that give financial or process incentives to proposals that meet the desired outcomes. Plan provisions are structured in such a way that proposals that are in accordance with the desired outcomes gain some benefits: such as paying lesser contributions, being given a lesser activity status or being processed without notification. Generally they have an easier passage through the

resource consent process than proposals that are not in accordance with the desired outcomes.

### Characteristics and implications of outcomes-based and effects-based plans

Outcomes and effects based plans have the following characteristics and implications:

<b>Outcomes-based plans</b>	<b>Effects-based plans</b>
Contain aspirational statements about what each community of interest should look like in the future, as well as the mechanisms for avoiding, remedying or mitigating the adverse effects of activities.	Contain statements about the importance of avoiding, remedying, or mitigating the adverse effects of activities.
Identify communities of interest, and emphasise achieving specified outcomes in each. Evaluate subdivisions and developments using a mixture of numeric performance standards and qualitative assessment tools to achieve the desired outcomes.	Emphasise minimising the adverse effects of developments and resource use, as the principal means of council intervention to achieve desired social outcomes.
Identify areas (usually zones) where change is encouraged, and areas where it is discouraged. Can indicate which areas have the highest priority for change, and thus call on council resources to assist in the change process.	Identify areas (usually zones) where change is encouraged, and areas where it is discouraged.
Identify planned Council investment. This could include acquiring land for roads, reserves, construction of stormwater ponds, land to be acquired and formed for service lanes, upgrading street furniture, and the like.	Identify areas of land Council has designated for acquisition, and little other public investment.
In areas of significant or rapid change, will assess development proposals against qualitative objectives and policies, thus providing room for debate about whether they will be met. Assess whether they will assist or hinder Council investment.	In areas of significant or rapid change, will assess development proposals against performance standards geared to minimising the adverse effects (on the environment) of the proposal. Performance standards are mostly numeric, minimise opportunity for debate about whether they will be met, and provide little scope for qualitative assessment of design or other aesthetic or social factors such as CPTED <sup>4</sup> . Little assessment of whether proposal would assist or hinder Council investment. Development may cancel out Council investment.

<sup>4</sup> CPTED: Crime prevention through environmental design. Is a multi-disciplinary approach to deterring criminal behavior through environmental design. CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts. As of 2004, most implementations of CPTED occur solely within the built environment. Source: Wikipedia.

In areas of little or incremental change, will assess development proposals against mostly numeric performance standards. Such standards will leave little scope for argument about whether they will be met.	In areas of little or incremental change, will assess development proposals against performance standards. Such standards will leave little scope for argument about whether they will be met.
Holistic community based planning undertaken by council, in consultation with communities of interest.	Site specific planning by landowner against rule framework set out in plans.
Qualitative assessment that takes into account the wider context or the site if it is within an area of rapid or significant change.	Pragmatic, easily measurable standards that do not take into account the wider context of the site, irrespective of whether the area is subject to rapid or significant change.
Potential scope for disagreement about whether proposals comply with the plan. Plans place greater emphasis on qualitative evaluation in areas of rapid or significant change, and use numeric performance standards mostly for science-based topics relating to the natural environment.	Minimise disagreement about whether proposals comply with the plan. Plans place greater emphasis on using a checklist of performance standards, most of which are numeric.
Significant resources required for preparation of outcomes based plans: public consultation, identification of areas where change should occur, and preparing structure plans ahead of development.	Council recovers processing costs of private plan change applications, property market decides which areas will have significant or rapid change.
Council pro-active in developing plans for its area, ahead of development occurring. Broad range of social and environmental matters considered.	Council responds to private development proposals, plan change applications, evaluating them against simple, largely numeric standards.
Greater council intervention – public notification, resource consents required for assessments often by hearing panel, uncertain outcomes for applicant.	Minimum Council intervention in application process, non-notification of applications common, decisions delegated to staff, minimum number of hearings. High level of certainty for applicants.
Greater number of resource consent applications arise out of need for qualitative assessments. Council required to respond to greater number of applications. Additional resources required for consent processing. Recovery of processing costs is possible.	Number of resource consents largely dependent on buoyancy of property market and construction activity, and willingness of those developing property to challenge council rules. Recovery of processing costs is possible.
Potentially more frequent public involvement, notification, submissions, hearings. Relatively large number of building consents may also require	Non-notified processes dominate. Relatively small proportion of building consents will also require resource consent.

resource consent.	
Qualitative assessment of development proposals can take longer than assessment against numeric standards as the approach involves greater discretion. However the council would still need to meet the timeframes set out in the Act.	Short processing time for applications assessed against numeric standards.
	Limiting intervention to the avoidance of adverse effects means plans can be relatively concise.
	Monitoring plan quality and effectiveness can be straightforward if limited principally to numeric matters relating to natural world. If social outcomes and adverse effects monitored, then can require significant public expenditure on monitoring.
<p><b>Example of outcomes-based plan monitoring:</b> Monitoring effectiveness of indigenous vegetation protection provisions.</p> <p>Monitor how many hectares of indigenous vegetation have been covenanted, whether areas link up with each other, whether they are in the locations sought, and whether the biodiversity contained within them is thriving.</p>	<p><b>Example of effects-based plan monitoring:</b> Monitoring effectiveness of indigenous vegetation protection provisions.</p> <p>Monitor how many hectares of indigenous vegetation have been covenanted.</p>

## Conclusions

In areas of rapid or significant change, plans that rely on avoiding, remedying, or mitigating the adverse environmental effects of subdivision and development as their principal management tool are likely to leave community outcomes to chance.

In order to manage change effectively, Councils should establish a framework of intervention (including the Unitary Plan) that focuses on describing in detail desired community outcomes, and providing the framework of intervention and resources to achieve them.

This is an holistic, “whole of council” approach. Council and other public agency investment in the area should be part of the planning framework, and reinforce the stated outcomes.

An “outcomes-based” Unitary Plan may incorporate numeric and effects-based rules where they are the most effective and efficient way to achieve the desired outcomes. These are most likely to be effective in areas not subject to rapid or significant change. But it will also require qualitative assessment of subdivision and development.

## Relevant Issues

There are three inter-related matters that need to be considered when deciding how the Unitary Plan might best be drafted to achieve the desired outcomes for different parts of Auckland:

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**1. Will planning that focuses on community outcomes rather than managing adverse effects result in measurably better communities?**

The original pattern of land subdivision and house types will endure for a very long time. Subsequent change can be slow and incremental or widespread and rapid, but either way usually occurs within the pattern of infrastructure laid out when the area was first developed.

Defining outcomes for greenfields and rapidly redeveloping areas in Area Plans and structure plans, is an effective way of ensuring that community outcomes are not left to chance. The quality of urban design is generally better because it is qualitatively assessed through resource consents.

Defining outcomes in areas where little redevelopment is anticipated is also desirable, but intervention can be more limited to light-handed regulation, and management of adverse effects. This will more appropriately balance planning burden with planning gain than extensive use of resource consents.

Council expenditure is more effective if the potential of developments to complement or hinder Council's investment in the area.

**2. Are the perceived benefits of outcomes-based plans sufficient to justify the additional public and private costs they impose, and if so, where?**

The greatest benefits of stating community outcomes and establishing an holistic framework of intervention occur in areas of rapid or significant change, irrespective of whether these are greenfields or redevelopment areas.

If Council requires development proposals to be assessed against qualitative rather than just numeric criteria, the principal benefit is that the community shapes change and can reject proposals that do not advance the desired community outcomes. All aspects of development proposals, including urban design, can be considered.

In areas of limited change, this is less important, however there are still benefits in clearly defining outcomes for all parts of Auckland.

The process of developing detailed outcomes for areas of change can impose greater public cost than developing effects-based, principally numeric standards and terms, the long-term benefits are that better social outcomes will result, and council will be able to keep expenditure on infrastructure in step with subdivision and development.

**3. Should the outcomes stated in the Unitary Plan be pursued by a mix of numeric and qualitative plan rules?**

Area Plans can identify those parts of Auckland within which rapid or extensive change will be provided for, and those areas identified as stable with little change. Area Plans will state outcomes sought for both types of area, and these can be incorporated within the Unitary Plan. In areas identified for little change, the outcomes stated in the Unitary Plan can be given effect to by simple, primarily numeric effects-based rules that will to achieve the stability sought. Within areas identified for significant or rapid change, the outcomes stated in the Unitary Plan can be given effect to by rules that require subdivisions and developments to be assessed against objectives and policies, and the discretion involved in this process can be used to ensure they align with the desired outcomes (for change).

Because not all areas will have completed Area Plans prior to notification of the Unitary Plan, the Unitary Plan can incorporate objectives policies and rules that maintain the approaches (though not necessarily the specific rules) used under



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current operative plans. If necessary, the Unitary Plan can be changed later on to align with Area Plans as these are completed.

## Options

1. **Status quo:** draft Unitary Plan as an amalgam of the existing plans, harmonising their objectives policies and rules where possible. This will mean continuing with a mix of principally effects-based numeric standards and some discretionary rules that assess against objectives and policies. The Plan will have as its principal implementation method rules designed to avoid, remedy, or mitigate the adverse effects of subdivision and development. Community outcomes will be left largely to chance, and Council will respond to adverse public opinion about unpopular developments by awaiting private plan changes from members of the community, initiating plan changes, investing in infrastructure, or purchasing land to remedy the situation.
2. **Mix of numeric standards and assessment against objectives and policies to achieve desired outcomes.** Draft Unitary Plan incorporating Area Plans analyses of which areas will be subject to significant or rapid change, and which will change only incrementally (stable areas). Adopt harmonised current plan provisions to set outcomes for areas where Area Plans have not been completed. Use Area Plans where available to set outcomes. Unitary Plan should identify scale of change provided for in all areas. In areas of little change, principally use effects-based numeric provisions for assessing subdivision and development. In areas of significant or rapid change, Unitary Plan should identify outcomes and incorporate structure plans and rules which require assessment of subdivision and development proposals through the resource consent process against the Unitary Plan objectives and policies. Continue to use numeric effects-based provisions for matters that lend themselves to this mechanism (e.g. air and water pollution). Attempt as much as possible to match planning burden to planning gain.
3. **Mostly use assessment against objectives and policies in all areas.** Give effect to Area Plans' identification of areas of change and stability. Use to form basis of Unitary Plan structure plans, zoning, and rules. Zones to provide simple rules requiring subdivision and development proposals to be assessed against objectives and policies. Minimise the use of numeric, effects-based rules. Do not attempt to match planning burden to planning gain, and rely on streamlined resource consent processing for simple applications. Planning burden will outweigh planning gain where minor or straightforward subdivisions and development is proposed. The plan will be relatively simple because it will not contain extensive numeric rules or attempt to anticipate all situations.

## Evaluation of options

### Option 1: Status quo – roll over existing provisions

Benefits/Advantages	Costs/Disadvantages
<p>Plan provisions known, understood, recently been through public process.</p> <p>Less work, cost, and time involved in producing Unitary Plan.</p> <p>Likely to be fewer submissions for new provisions adopted without change.</p> <p>Least number of resource consent applications once plan operative.</p>	<p>Lost opportunity to incorporate best practice provisions in the new Unitary Plan.</p> <p>Continue to have developments that provide less than acceptable amenity values.</p> <p>Community outcomes left to chance.</p> <p>Private development may cancel out benefits of public investment.</p>

### Option 2: Use a mix of numeric standards, objectives and policies to assess development proposals. Develop desired outcomes for defined areas, starting with areas of greatest change. Use to guide Council investment and assist in evaluating proposals.

Benefits/Advantages	Costs/Disadvantages
<p>Effects based numeric provisions are known, understood, have recently been through public process. Straightforward to apply these to areas where there will be little change. Minimise submissions within these areas. Opportunity to harmonise existing legacy Council provisions.</p> <p>Only those areas where change is anticipated need to have more resource consents.</p> <p>Less work, time and cost involved in producing Unitary Plan than adopting option 3.</p> <p>Zone boundaries can be adapted to match Area Plan boundaries, therefore likely to be more effective than existing boundaries.</p> <p>Zone provisions can be tweaked if indicated by Area Plans.</p> <p>Designations for new works can be incorporated in the Plan, based on Area Plans.</p> <p>Most closely matches planning burden with planning gain.</p> <p>Option most likely to provide a balanced plan in terms of simplicity, certainty, and reduction in red tape, while providing better social outcomes than option 1.</p>	<p>Subdivision and development proposals consistent with desired community outcomes can be assessed against simple numeric standards, and meet desired community outcomes.</p> <p>However, if subdivision and development proposals are inconsistent with desired community outcomes, then it is important to have stated desired outcomes so proposal can be assessed against them.</p> <p>Plan changes are needed to incorporate Area Plans into the Unitary Plan</p> <p>Plan preparation involves more work than simply rolling-over existing provisions (option 1), but less work than developing outcomes for all areas (option 3) and developing.</p>

**Option 3: Develop desired outcomes for all areas. Develop objectives and policies that will guide development toward achieving them.**

Benefits/Advantages	Costs/Disadvantages
<p>Opportunity grasped to implement best practice for Unitary Plan drafting, as based on outcomes identified in Area Plans.</p> <p>Greatest guidance (from Area Plans) for drafting objectives and policies in Unitary Plan.</p> <p>Better outcomes for communities of interest.</p> <p>Best chance to improve amenity values within communities.</p> <p>Urban design given higher profile, expression in plans.</p> <p>Incorporates the results of Area Plans.</p> <p>Consultation and research carried out for preparation of Area Plans may not need to be repeated for preparation of Unitary Plan.</p> <p>Possible to draft a relatively simple plan as virtually all subdivision and development proposals assessed against a suite of objectives and policies.</p>	<p>Highest costs and greatest delays for preparing the Unitary Plan, drafting structure plans and integrating outcomes from Area Plans.</p> <p>New provisions are likely to draw greatest number of submissions, be new and untested, their effects more uncertain.</p> <p>Unintended effects more likely when outcomes based provisions that replace well known plan provisions.</p> <p>Plan more time consuming to administer, so applications may take more time and cost more to process.</p> <p>Plan more difficult to monitor because of qualitative nature of rules.</p> <p>Area Plans may express desired outcomes that are unattainable or don't take into account the true cost of public works required to give effect to them.</p>

## Summary of evaluation

Basing unitary plan rules on rolling over existing effects based numeric provisions (option 1) is an attractive option, because the provisions:

- are already in existence, and
- can be harmonised and merged into the new Unitary Plan without being “reinvented”.

However, we will lose the opportunity to get the most out of the Area Spatial Plans process. We will also lose the opportunity to set community outcomes and carry out structure planning, unless these already exist in plans and can be carried forward.

Basing unitary plan objectives, policies, and rules on desired outcomes stated in the new area plans is also attractive (option 3). However, preparing area spatial plans for the entire Auckland Council area will take considerable time. Option 3 will therefore lead to the greatest delay in releasing the unitary plan. It will rely least on numeric zone rules and most on resource consents. It will require more consents staff than options 1 and 2, although in practice the difference may be relatively minor as in many areas existing district plans include both effects based rules and qualitative rules (which require resource consent).

The short and long term benefits of adopting option 2 are that in areas of little change, the unitary plan will be able to be prepared relatively quickly as many of the existing plan rules can be harmonised and included. In areas of rapid or significant change, subdivision and development

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proposals that comply will be able to be processed relatively quickly and with the least council intervention.

In areas of rapid or significant change, the unitary plan can rely on and give effect to the Area Spatial Plans.

Option 2 will strike a useful balance between assessing subdivision and development proposals in areas of little change against the simpler numeric, effects based rules, and assessing proposals in areas of change against the more discretionary, qualitative provisions.

Option 2 will therefore provide communities with the best and earliest opportunity to manage and influence the process of change with the least regulatory intervention, to get the best:

- urban design outcomes;
- value from public expenditure;
- transport linkages, especially walking and cycling;
- public realm, with higher amenity reserves and more attractive streets;
- understanding of whether communities are achieving the outcomes their members want;
- and most “liveable” communities.

Option 2 is therefore recommended.

## **Impact on Maori**

First generation district and regional plans were often developed with greater emphasis on lower levels of regulation, a focus on on-site effects management and non-notification of resource consents. This had implications in terms of the impacts on the more holistic Maori world view of resource management and the desire of iwi for greater involvement in the decision making process. Iwi groups often sought a level of consultation on resource consents that was at odds with district and regional councils’ requirements for processing efficiency.

Options 2 and 3 will enable a more holistic view of resource management in the region than option 1. The development of Area Plans will provide opportunities for consultation with iwi, and for outcomes to incorporate iwi perspectives. A Unitary Plan that combines regional and district planning functions together should enable better consideration of the inter-relationships between all parts of the natural world. It is also anticipated that some of the higher level governance relationships and strategic decisions will be addressed through the Auckland Plan process. If clear directives emerge from the Auckland Plan, the Unitary Plan can implement these through appropriate policies. It is likely that these provisions will assist the protection of important natural areas (land and water).

There is however potential conflict between the desire for the Unitary Plan to be user-friendly, innovative and outcome focussed by the use of more targeted regulation, and the potential aspiration of iwi authorities to have a greater involvement in resource consent decision making. Greater use of the non-notification provisions of the RMA to manage resource consent proposals may be seen by iwi as restricting their level of participation.

Option 1 would have the least opportunity for iwi participation, because it involves the fewest resource consent applications. Options 2 and 3 would provide the greatest opportunities for iwi participation because of the greater number of resource consent applications.

## **Implementation Issues**

- 1 The development of the Unitary Plan is reliant on clear outcomes coming from the Auckland (Spatial) Plan to provide an agreed strategic direction. This is particularly important where there are clear trade-offs to be made between different growth management options or resource uses.
- 2 The Unitary Plan has to be developed within the framework set by the RMA, with its purpose of sustainable management of natural and physical resources. Not all matters addressed in

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the Auckland Plan can be successfully implemented through the Unitary Plan. For example, giving effect to social welfare outcomes is difficult through the RMA.

- 3 The Unitary Plan would be assisted by the delivery of clear outcomes from Area Plans. However it is unlikely that all these local plans will be completed within the timeframe necessary for the first draft of the Unitary Plan, and where Area Plans are produced with outcomes different from the Unitary Plan, the Unitary Plan will need to be changed to incorporate them.
- 4 Resource consents staff can provide valuable feedback to the unitary plan team on the effectiveness of draft provisions, whichever option is chosen. Their support will be necessary to apply a regulatory approach involving more discretion and assessment of proposals against objectives and policies, rather against principally numeric rules aimed at avoiding, remedying or mitigating adverse effects.
- 5 There is a significant workload to develop a draft Unitary Plan by December 2012, whichever option is chosen.

## Attachments

**ATTACHMENT 1:** Examples of the outcomes approach.

**ATTACHMENT 2:** Process for drafting and monitoring an outcomes – based plan.

## Signatories

Authors	Bain Cross, Principal Planner
Authorisers	Phill Reid, Manager Unitary Plan
Authorisers	John Duguid, Manager Plan Development

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## **ATTACHMENT 1: EXAMPLE OF THE OUTCOMES APPROACH**

### **Management areas, Franklin District Plan, Rural Plan Change 14.**

After an analysis of the opportunities and constraints for the use and enjoyment of rural resources, the rural areas in Franklin District were divided into management areas. Natural resources would be managed differently within each management area, and different outcomes identified for each. Outcomes are called “anticipated environmental results” (see final paragraph of excerpt, below).

The management areas approach provides the opportunity to provide specific objectives policies and outcomes for each management area, taking into account the issues, opportunities and constraints for each. There are nine management areas. As an example of a plan that defines the outcomes for particular areas, the Manukau Harbour Fringe Management Area is set out below. The description, issues, objectives, policies, and anticipated environmental results (outcomes) are set out below.

#### **17E.8.1 DESCRIPTION OF MANUKAU HARBOUR FRINGE MANAGEMENT AREA**

*The Management Area encompasses the harbour fringe from the Manukau Harbour entrance to Hingaia. Geomorphologically, the coastal margin is diverse with a wide variety of coastal environments including beaches, headlands, cliffs and estuarine ecosystems.*

*The southern margin between Clarks Beach and Papakura includes low-lying rural flatlands, low terraces and rolling topography - deeply indented by various estuarine creeks (Waiuku River, Taihiki and Clarks Creeks, Pahurehure Inlet including Drury Creek) with extensive mangroves and productive intertidal estuarine wetlands.*

*The western margin of the harbour borders Awhitu Peninsula (a Pleistocene dune feature) with terraces backed by higher and steeper areas. The coastal margin is indented, consisting of a succession of inlets and headlands - particularly to the south of Matakawau and within the Waiuku River. Biologically productive estuarine wetlands commonly occur within the sheltered inlets, with upper reaches often lined with mangroves.*

*Beaches and coastal cliffs also occur in many areas along the western and southern coasts.*

*Settlements occur at Clarks, Waiau and Glenbrook beaches. Other villages are scattered, typically traditional bach areas such as Graham’s Beach and Matakawau Point. Areas closer to the southern Motorway such as Karaka are also coming under pressure for rural lifestyle development.*

*However, much of the coast remains relatively free of dwellings in close proximity to the coastline and retains a high level of natural character.*

#### **17E.8.2 MANUKAU HARBOUR FRINGE ISSUES**

- 1. Lack of information on coastal flooding and vulnerability to sea level rise.*
- 2. Beach and cliff erosion and slumping in some locations such as Clarks Beach.*
- 3. Coastal protection works in some locations have seriously degraded coastal natural character and amenity.*

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4. *Subdivision, use and development can adversely affect the remaining high natural character that exists in many locations and potentially destroy some areas having outstanding natural character.*
  5. *Limitation of public access to ensure protection of wader bird habitat and Waahi Tapu.*
  6. *Significant cultural sites and places are present which can be adversely affected by development.*
  7. *The Management Area contains agriculture and horticulture activities, mineral extraction sites, rural industry and major industrial activities which may be adversely affected by more intensive settlement patterns and potential reverse sensitivity issues.*

### **17E.8.3 MANUKAU HARBOUR FRINGE OBJECTIVES**

1. *To preserve and protect the high natural character of the Manukau Harbour shoreline, with particular attention to special areas identified with Outstanding Natural Character.*
2. *To promote and provide for the enhancement and protection of the identified wader bird habitats and Waahi Tapu areas along the Manukau Harbour shoreline consistent with the enhancement and protection of natural character and wildlife and landscape values.*
3. *To manage subdivision, use and development in the villages in a way that recognises coastal hazards, natural character and the amenity values of coastal margins and beaches.*
4. *To avoid subdivision, use and development within critical coastal margins, where there is high natural character, significant landscape or wildlife values and risk of coastal flooding or erosion.*
5. *To recognise the significance of Clarks Beach (including Waiau Beach and Glenbrook Beach) in the context of the District's growth management.*
6. *To avoid, remedy or mitigate the adverse effects of reverse sensitivity between agriculture and horticulture activities, rural industry, major industrial activities and countryside living opportunities.*

### **17E.8.4 MANUKAU HARBOUR FRINGE POLICIES**

1. *Identify the Special Coastal Character Areas on the Planning Maps and provide for their protection. The special character areas are in the following locations:*
  - *Clarks Beach to Seagrove and Ellets Beach*
  - *Pollok Spit*
  - *Awhitu Regional Park and Environs*
  - *Waipipi Creek Roosts*
  - *The Western Needles Promontory*
  - *Kelly's Landing Headland*
  - *Dickey's Landing Headland / Kauri Point Headland*

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- *Kauri Road Headland*
  - *Andrew Pye Road Headland*
  - *Mako Point Headland*
  - *Headland between Wattle Bay and Orua Bay*
2. *Carry out further investigations into coastal flooding and sea level rise, with a view to refining coastal protection setbacks and floor levels for houses.*
  3. *Identify strategic locations for public access to the harbour margins excluding identified wader bird and Waahi Tapu areas.*
  4. *Ensure public access is provided through esplanade and other reserves and that it is vested upon subdivision.*
  5. *Ensure environmental protection, enhancement or restoration is carried out or provided for, in structure planning processes.*
  6. *Promote the establishment of community based beach care groups.*
  7. *Recognise and provide for the protection of Maori cultural values, especially the protection of sites of significance.*
  8. *Provide for the managed and integrated expansion of Clarks Beach through a Structure Plan area that improves infrastructure and services for the existing Clarks Beach, Glenbrook Beach and Waiau Beach villages.*
  9. *That the presence of agriculture and horticulture activities, rural industry and major industrial activities be included as a relevant consideration in making resource management decisions.*
  10. *Prevent the transfer of Rural Lot Transfers into the Manukau Harbour Fringe Management Area.*

#### **17E.8.5 ANTICIPATED ENVIRONMENTAL RESULTS FOR MANUKAU HARBOUR FRINGE MANAGEMENT AREA**

1. *Protection and enhancement of the wader bird habitats and Waahi Tapu.*
2. *Enhanced public access to the coast and an increase in esplanade reserves.*
3. *Sustainable development in conjunction with environmental enhancement.*
4. *Protection and management in perpetuity of Special Coastal Character Areas.*
5. *Vibrant and attractive villages.*
6. *Expansion of Clarks Beach, Glenbrook Beach and Waiau Beach and the provision of improved infrastructure.*
7. *The potential for reverse sensitivity issues is recognised in relation to the activities of agriculture and horticulture, rural industry and major industrial activities and the needs and aspirations of new and existing residents.*



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## **ATTACHMENT 2: PROCESS FOR DRAFTING AND MONITORING AN OUTCOMES – BASED PLAN**

### **Identifying issues by engaging with communities of interest**

Communities of interest are made up of three distinct components:

- The community of service providers
- The community of landowners and stakeholders in the area, and
- The community of residents, workers, and citizens.

These groups define the existing spaces of the area. Issues<sup>5</sup> derive from meaningful engagement with these communities. Communities therefore need to define:

- What “sustainable management” means to them
- The extent to which they will need to intervene to influence the location, layout, and design of new development and new uses to achieve the outcomes they want, and
- The means available to them to influence change.

From this engagement, a composite picture of the area will emerge. Analysis of the issues will enable Council to define:

- What the area is,
- What it might become, and
- What framework for change needs to be in place to ensure that the area achieves its potential.

The engagement process needs to be robust yet rapid, to enable communities to express:

- What they should look like physically
- How they should function, and
- What activities should be allowed within them.

### **Defining outcomes for a planning framework**

Defining community outcomes requires plan writers to examine the:

- Hardware of the area (the existing and proposed roads, spaces, urban and rural areas, i.e., the “building blocks” of the area), and the
- Software of the area (the activities of people, supporting amenities, economy, communities and organisations, and local and strategic institutions involved)

that enable communities to participate in civic life, and to shape change (rather than being shaped by it).

A planning framework is an umbrella structure used to draw together a set of ideas. A planning framework will usually be:

- Spatial in nature
- Based on, and expressed in terms of, urban or rural structure (layout)

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<sup>5</sup> An “issue” is an existing or potential problem that must be addressed, or something requiring positive action, to promote the purpose of the RMA.

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- Able to reflect the urban or rural grain of the area (the scale and pattern of the urban or rural building blocks)
  - Able to express the desired density and mix of urban or rural land uses, and building scale, height, and massing, and
  - Able to describe what will happen in the public realm.

Defining outcomes first enables councils to identify which specific assets and resources in each individual community, and in all the communities combined, have the greatest potential to be creatively used to:

- Deliver better services to, and
- Enable better outcomes for people in those communities.

### **Drafting a planning framework**

Drafting a planning framework begins by developing a concept or series of concepts which take a joined-up look at how a particular area might develop spatially, and as a set of related communities.

The Future Planning Framework (FPF) process, (for example as used by Auckland City Council), has great potential as a planning tool. It takes the sense of place as the starting point and tries to find ways in which this can tangibly shape change. It can use design not as an outcome but as a means of enabling various ideas, conflicting interests, and perceptions of what the area is and could be, to be brought together and shaped into something that produces outcomes. It uses design as the means of testing the art of the possible.

Three things are needed to make this work:

- A commitment to working with the story of the place,
- A willingness to engage with design and spatial structure, and
- A willingness to accept and work with the authentic outcome of discussions with communities.

### **Role of urban design**

The renaissance of urban design in the last 10 years has occurred partly in response to the need for improvements in the quality of the environment and the recognition that outcome focussed plans can better deliver the quality and certainty that communities and councils are seeking. This approach also has the advantage of enabling infrastructure planning and the provision of community facilities and services to be undertaken with greater certainty.

Negotiating good urban design outcomes through the resource consent process will require an understanding of, and advocacy for, good urban design. Long Term Council Community Plans can, with the allocation of the necessary financial resources, provide the opportunity for good urban design to be recognised as a useful contribution toward, and means of achieving, desired community outcomes.

Examples of this urban design driven, holistic approach are the Future Planning Framework (former Auckland City Council), structure plans for Flat Bush (former Manukau City), Addison (former Papakura District), and Long Bay (former North Shore City). These planning exercises have engaged all facets of Council.

### **Example: Future Planning Framework, Auckland City Council**

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Auckland City Council carried out an exercise similar to that described above, to produce an FPF for the Isthmus. This identified and described in detail outcomes the communities of interest sought to achieve.

The overarching strategic direction of the Framework was based on the Council's six "outward facing strategies": Transport Choices, Quality Built Environment, Quality Natural Environment, Lifestyle Choices, Economic Development and Strong and Healthy Communities.

The strategic direction identified the following as the key outcomes:

- Enhance the CBD and waterfront;
- Develop lively centres;
- House our growing population well;
- Be economically competitive;
- Connect communities; and
- Green the city and protect our heritage.

In order to achieve these, the Council identified a series of land use outcomes relating to the following issue topics:

- Outcomes for centres and corridors
- Residential outcomes
- Business outcomes
- Mixed use outcomes
- Open space/natural features/heritage outcomes
- Heritage items
- Transport outcomes
- Key sites
- Specific uses

The FPF analysis included a detailed description of the characteristics of each issue topic, and the various typologies for each.

For example, for residential areas, the FPF outcomes balanced the existing environment and future aspirations for residential change and development. The residential outcomes were based on identifying, within each community of interest, five housing typologies:

- Single house/single lot,
- Single house/small site,
- Low rise apartment/terrace,
- Medium rise apartments, and
- High rise apartments.

Determination of these housing typologies was made in advance of analysis of each community of interest.

By codifying the important qualities associated with each typology, saying how important each was to the particular housing type, and referencing the value placed on each through the consultation process, the FPF was able to define potential future environments.

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The important qualities included location assessment criteria, and the FPF ranked their importance to each typology (low, medium, high). The location assessment criteria chosen were:

- Access to community facilities
- Access to business and shop areas
- Access to open space
- Access to public transport
- Access to arterial roads
- Existing predominant traditional subdivision

Identifying monitoring indicators for each enabled the Council to record progress towards achieving each, and together to discover how successful the community had been at achieving the desired outcomes.

### **Monitoring community outcomes**

Monitoring is a critical aspect of planning for community outcomes. Monitoring can provide a picture of:

- Whether the changes taking place in an area are likely to result in the desired outcomes being achieved
- Whether change is improving the area or degrading it
- Whether it is likely the direction will change.

If it seems the outcomes will not be achieved, then Council can re-evaluate:

- The outcomes
- Whether further or other intervention is required
- How close the community has come to achieving the outcomes, and
- What responses may be needed to ensure the desired outcomes will be achieved.

### **Monitoring indicators**

Monitoring indicators can help tell us how well we are doing. To be effective and valuable, it is essential that indicators are well developed.

A widely applied framework for developing indicators is SMRTA (Specific, Measurable, Responsive, Time bound and Analytically valid). The SMRTA framework produces good quality indicators but does so within constraints. The cost of data collection and availability of information will invariably restrict what and how we choose to monitor.