

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Report to Auckland Council
Hearing topic 005
Issues of regional significance
July 2016

Report to Auckland Council - Hearing topic 005 Issues of regional significance

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1. Hearing topic overview

1.1. Topic description

Topic 005 addresses the regional policy statement plan provisions of the proposed Auckland Unitary Plan relating to:

Topic	Proposed Auckland Unitary Plan reference	Independent Hearings Panel reference
Issues of regional significance	B1 issues of regional significance	B1 issues

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 issues have been comprehensively recast with a focus on the statutory planning framework under the Resource Management Act 1991
- ii. The objectives and policies have been carefully worded in light of the *King Salmon* decision to provide a coherent and integrated policy direction.

1.3. Overview

The evidence for this topic was extensive and foreshadowed substantive matters that would arise in subsequent topic hearings. The Panel learned about the merits of various issues and the relative weight seemingly attributed to them in the proposed Auckland Unitary Plan. As the hearing progressed, the Panel explored the substantive issues in more depth in light of the evidence presented in this topic. In particular, the Panel noted the way in which the issues permeated all topics and therefore saw the need for clear issue identification in the regional policy statement. The ability of the Plan to provide a strategic policy direction and an integrated framework for managing the effects of subdivision, use and development depends on clearly defined issues.

As described in the Panel's Report to Auckland Council – Overview of recommendations July 2016, the Panel has responded by recommending nine issues of regional significance (Regional policy statement B.2 – B.10) based on the purpose of enabling the social, cultural and economic well-being of people and communities while protecting scheduled resources and managing environmental risk. The regional policy statement has been re-structured to better address these issues and achieve integration between and among the various regional and district provisions of the Plan that give effect to the regional policy statement.

The Panel's approach is explained in the Overview of recommendations as follows (section 8.2.2 Chapter B: Regional policy statement):

B1 Issues (Topic 005) – This section has been comprehensively recast with a focus on the statutory planning framework under the Resource Management Act 1991. Narratives of issue statements which generally repeat the content of the Auckland Plan have been edited to deal only with resource management matters and distributed as lists of specific issues among the relevant sections below. The resource management issues have been separated out, edited and placed in the relevant sections rather than gathered together in the first section. This allows each section to contain its statement of issues, objectives, policies, explanation and principal reasons for adoption in one place and be read as an integrated whole. Descriptions of methods, cross-boundary issues, environmental results anticipated and monitoring have all been relocated here.

This report focuses on two matters that arose in the hearing on Topic 005 that the Panel considers warrant discussion because they were influential in the consideration of subsequent topics and ultimately in the Panel's approach to the regional policy statement.

A number of submitters sought inclusion of new issues or greater recognition of particular matters. For example, Federated Farmers sought inclusion of an issue 'enabling' growth in the rural areas of the region in recognition of the rural sector's contribution to the Auckland economy (submitter evidence and legal submissions, Richard Gardner, section B1).

Ms Wilkinson, planning witness for the Council, considered that it was incorrect to refer to 'growth' which is a term that should be used only in relation to population growth to avoid confusion (evidence in rebuttal, paragraph 8.4). In her opinion, 'productive potential' is a more suitable term and this is enabled in issues addressing economic well-being and sustainably managing rural environments.

The Panel agreed with both Mr Gardner and Ms Wilkinson to some extent. Issue B9.2 Rural environment now states that the contributions made by rural areas and rural communities to the well-being of the region must be acknowledged. Objective 3 in B9.2.1 enables rural production and other activities while the character, amenity, landscape and biodiversity values of rural areas are maintained. This discussion of Federated Farmers' request illustrates the way in which evidence seeking new issues has been taken into account when reviewing the issues and policy direction in the regional policy statement.

Witnesses for Todd Property were critical of the way in which the issues were framed including the use of imprecise language such as 'we' and 'our' in explanations. Mr Karl Cook, planner, said there should be a clear prioritisation of issues. In his opinion, it is evident that the various issues were prepared in silos (evidence in chief, paragraphs 4 – 16), isolated (for

the most part) from each other. The regional policy statement lacked a cohesive and integrated direction and has no mechanism for reconciling statements that are written in absolute terms without qualification (evidence in chief, Neil Donnelly, paragraph 27). These concerns were also expressed by other witnesses in this and other hearings.

For Housing New Zealand Corporation, Ms Amelia Linzey said (evidence in chief, paragraph 25):

I consider that the role of the Regional Policy Statement, and the process of Plan development should be that:

25.1 The Regional Policy Statement objectives and policies collectively address the Issues identified as being significant;

25.2 The subsequent lower order objectives, policies, rules and other methods then give effect to the objectives and policies of the Regional Policy Statement as a whole; and

25.3 The prioritisation of any conflicts, tensions or competition between objectives and policies is addressed through the careful wording of objectives and policies and through the content and application of rules, zones, precincts and overlays.

The Panel generally agrees with these witnesses and has responded to their concerns by restructuring the regional policy statement, reframing the issues to focus on outcomes (see B2.1 for an example of this approach), deleting extraneous material and choosing appropriate resource management language when writing issues, objectives and policies.

A key aim of the restructuring is to provide for each section of the regional policy statement to contain its statement of issues, objectives, policies, explanation and principal reasons for adoption in one place, and to be read as a whole (Overview of recommendations, section 8.2.2). This assists with Plan interpretation but does not go as far as priority setting which some parties sought. There is no hierarchy within the objectives and policies, apart from the wording of the objectives and policies themselves, which gives direction to what is to be done or not done as per the *King Salmon* decision. Accordingly, the Panel has been careful in its choice of words when writing provisions. Policy B2.2.2 Development capacity and supply of land for urban development (the Rural Urban Boundary policy) is an example of the Panel's approach in this regard. The Panel has been careful to ensure that the Plan 'says what it means, and means what it says'.

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.

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 3 Reference documents.

2. Consequential changes

2.1. Changes to other parts of the plan

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

- i. Numerous changes throughout the Plan are consequential to the Panel's approach to restructuring the regional policy statement and reframing the provisions.

2.2. Changes to provisions in this topic

As a result of the Panel's recommendations on other topics, there are consequential changes to the provisions in this part of the Plan as set out below.

- i. The identification and framing of issues was influenced by evidence heard in many other topics.

3. 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) 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.)

3.1. General topic documents

Panel documents

[005-Submissions Points Pathway Report - 8 Oct 2014](#)

[005-Parties and Issues Report - 8 Oct 2014](#)

Auckland Council marked up version

[Coversheet in respect of a party initiated mediation \(2 November 2014\)](#)

[Marked up version - proposed consolidated RPS Issues \(Appendix 12\) \(2 November 2014\)](#)

Auckland Council closing statement

Council closing statement – marked up version

3.2. Specific evidence

Auckland Council

[Rebuttal evidence - Linley Wilkinson](#) (2 November 2014)

Federated Farmers of New Zealand

[Hearing Evidence](#) (30 October 2014)

[Hearing evidence - opening representations](#) (2 November 2014)

Housing New Zealand Corporation

[Hearing Evidence](#) (30 October 2014)

Todd Property Group Limited

[Hearing evidence - Cook](#) (30 October 2014)

[Hearing evidence - Cook Attach A](#) (30 October 2014)

[Hearing evidence - Donnelly](#) (30 October 2014)