

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Report to Auckland Council
Hearing topics 016, 017
Changes to the Rural Urban
Boundary; 080, 081 Rezoning
and precincts

Annexure 1
Precincts Auckland-wide

July 2016

Annexure 1 Precincts Auckland-wide

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Part 1 Precincts supported

The Panel recommends the precincts below for inclusion in the Auckland Unitary Plan.

100 Boat Building Precinct

1. Summary of recommendations

The Panel recommends the retention of the Boat Building Precincts, with some changes to the precinct provisions to ensure they are used for marine-related activities, and to ensure consistency with other parts of the Plan.

This precinct was heard in Topic 080.

2. Precinct description

There are two Boat Building Precincts with underlying Business - Light Industry Zones in the notified proposed Auckland Unitary Plan. One is located at Rame Road, Greenhithe, and the other at Alnwick Street, Warkworth. These are existing areas where boat building is undertaken.

3. Key issues

- i. Boat Building Precincts - whether the precincts are retained.
- ii. Rame Road Greenhithe - whether the Boat Building Precinct is retained or replaced by an Open Space – Informal Recreation Zone.
- iii. Alnwick Street Warkworth - whether a covenant is added to the Boat Building Precinct to ensure it is used for marine-related industry only.

4. Panel recommendations and reasons

4.1 Retaining the precincts

The Panel acknowledges that the Boat Building Precinct is specific and limited in its application, and recognises existing activities. However the Panel recommends its retention as it provides for the ongoing operation of marine-related activities and continues existing planning approaches from operative district plans for these sites. The precinct also recognises the benefits to boat building of having a location that has direct access to the coastal marine area.

4.2 Rame Road Greenhithe

A submitter (Mr Robertson (3924-1)) sought to replace this Boat Building Precinct with a 'recreational reserve' (the equivalent zone in the Plan is Open Space – Informal Recreation Zone). A further submission from Mr Dunn (1715) requested the retention of commercial boat building facilities.

The Rame Road precinct site is privately owned and the Panel was advised that the Council does not intend to purchase further land in this location to expand the existing Open Space – Informal Recreation Zone adjacent to the Boat Building Precinct. The Council's parks and

recreation specialists have advised that the existing open space in this location is sufficient to provide access for water-based recreational activities with a small area of coastal land for informal recreation.

The Council has also recently 'renewed' the coastal permit for the related facilities within the coastal marine area for a further 35 years (to 2050) to enable the continued operation of activities in the Boat Building Precinct.

4.3 Alnwick Street Warkworth

Submitters R and P Williams (364-4) requested a covenant be added to the Boat Building Precinct at Alnwick Street to ensure it is used only for marine-related industry.

The Panel agrees that the Boat Building Precinct should be limited to marine-related industry. On this basis the Panel supports the changes recommended by Ms Coombes to ensure that both precinct sites are used for marine-related industry and not converted to a general light industry use. Activities such as general manufacturing or commercial activities can establish in many locations and do not require these two coastal sites.

The Panel does not recommend a covenant as requested by the submitters, as a covenant can only be put in place with the agreement of the land owner or through a subdivision. However the proposed change to the precinct provisions is appropriate. The changes are set out in the revised precinct provisions.

The Panel considers that the amendments are within the scope of the submission as they use the techniques available in a plan to achieve the outcome sought by the submitters.

4.4 Other changes

Various other amendments to the precincts were needed to ensure these are consistent with the style and format of the rest of the Plan. These changes are not significant and are consequential to ensure plan consistency.

For the reasons set out above the Panel recommends the retention of the Boat Building Precinct.

5. Reference documents

Auckland Council

[080 Ak Cncl - Coastal rezoning and precincts - Boat Building, Mana Whenua Management, Rowing and Paddling, Manukau Harbour new, Onehunga 3 new \(Port of Onehunga\), Mt Wellington 1 new \(Ports of Auckland, Gabador Place\) - \(K Coombes\) - Planning \(4 December 2015\)](#)

[080 Ak Cncl - Coastal rezoning and precincts - Boat Building, Mana Whenua Management, Rowing and Paddling, Manukau Harbour new, Onehunga 3 new \(Port of Onehunga\), Mt Wellington 1 new \(Ports of Auckland, Gabador Place\) - \(K Coombes\) - Planning - REBUTTAL \(27 January 2016\)](#)

[080 Ak Cncl - Legal submissions \(Coastal\) \(16 February 2016\)](#)

102 Rowing and Paddling Precinct

1. Summary of recommendations

The Panel recommends retaining the two existing Rowing and Paddling Precincts in the Tāmaki Estuary and Whau Rivers and recommends an additional precinct in Lucas Creek. Some minor amendments to the wording of the provisions are also supported as proposed by Ms Coombes, the Council's expert planner.

This precinct was heard in Topic 080.

2. Precinct description

The Rowing and Paddling Precinct currently involves two sites, one in the Tāmaki Estuary and one in the Whau River. Both sites provide long straight stretches of clear water (2000 metres) for kayaking, rowing and waka ama training and competitive events. The precinct discourages moorings in those areas as they would adversely affect those activities.

An additional Rowing and Paddling Precinct is proposed in Lucas Creek.

3. Key issues

Whether:

- i. to retain the existing Rowing and Paddling Precincts;
- ii. to add an additional Rowing and Paddling Precinct in Lucas Creek for rowing and paddling activities; and
- iii. (minor) amendments to the wording of the provisions as proposed by Ms Coombes in response to submissions should be made.

4. Panel recommendations and reasons

Auckland Regional Rowing Performance Centre (4435-1) and Craig Smith (4426-1) sought to retain the notified Rowing and Paddling Precincts. The Panel agrees.

Fifty Auckland sporting organisations lodged a pro-forma submission seeking to apply the Rowing and Paddling Precinct to a range of existing facilities that are not currently included in a precinct. The submitters include representative organisations such as Sport New Zealand (7862-16), Sport Auckland (3507-16), One Voice – Auckland Sport and Recreation Reference Group (9280-16), Auckland Sports Coalition (3516-16), Harbour Sport (3668-16), North Harbour Sports Council (3664-16), and College Sport (8062-16). The other submitters represent various rugby, netball and softball clubs.

The submissions do not specify which facilities they sought to include. The Council advised the Panel that contact with the representative groups led to direct discussions with representatives of waka ama in Auckland. The representatives support the retention of the two existing Rowing and Paddling precincts. They also sought the removal of the mooring area 'Tāmaki South', which is just offshore of Ian Shaw Park (the location of the largest base for waka ama in Auckland), as moorings in this location would adversely affect waka ama launching. The Panel notes that the removal of this mooring area was supported by Ms

Coombes in response to other submissions and addressed in the Moorings section of the Plan.

The Rowing and Paddling Precincts are important to enable rowing and paddling to occur (2000m of clear water space), but they do not provide for the exclusive use of rowing and paddling. The precincts recognise the significance of the area for those activities and restrict new developments such as moorings that could impact on them.

There are several different areas in Auckland used for rowing, kayaking and waka ama training. The Auckland Regional Rowing and Paddling Facilities Study (2007) noted that the majority of rowing and waka ama clubs use water space along the Tāmaki River, Lake Pupuke and the Whau River. There are also clusters of rowing clubs based on the Waikato River near Mercer, and in Lucas Creek and surrounding inlets. Single clubs are also based along Henderson Creek, Manukau Harbour and the Waitematā Harbour. The Tāmaki River has the highest concentration of rowing and waka ama clubs within the region, with three adult rowing clubs and four waka ama clubs. Up to 15 schools, and various waka ama clubs based outside the immediate area, use the Tāmaki River for training. The Tāmaki River is used by both rowing and waka ama for regattas.

There is currently no 2000m straight course on which to train or hold regattas in the region. This is partly due to moorings along several of the estuaries that are heavily used by both rowers and waka ama paddlers. The inclusion of the Tāmaki Rowing and Paddling Precinct, and amendments to the adjacent mooring areas, will address this issue.

Four other submitters (Auckland Regional Rowing Performance Centre (4435-2), North Shore Rowing Club Incorporated (3486-3), Westlake Boys High School Rowing Society Incorporated (6294-1) and Craig Smith (4426-2)) sought to include two additional areas in the Upper Waitematā Harbour as Rowing and Paddling Precincts. These are from Sanders Point to Riverhead, and in the Lucas Creek arm of the harbour.

Discussions with representatives of the North Shore Rowing Club and Westlake Boys High School Rowing Society provided further information on the use of the upper Waitematā Harbour area and what is sought by the submission. The submitters sought a precinct that is 60m wide to allow for six lanes that are each 10m wide. Of the two sites, the submitters place a priority on the Lucas Creek site over the main harbour site. Lucas Creek has potential to be used for small-scale regatta events and is more sheltered than the main harbour.

Based on the evidence, the Panel considers it appropriate to include a new Rowing and Paddling Precinct in Lucas Creek. The significance of the Lucas Creek site was noted in the 2007 study. It is effective to identify the area as a Rowing and Paddling Precinct as giving certainty for rowers that a 2000m length will be maintained clear of moorings. It also gives greater clarity to people seeking consent for new moorings regarding what is anticipated for this area.

5. Reference documents

Auckland Council

[080 Ak Cncl - Coastal rezoning and precincts - Boat Building, Mana Whenua Management, Rowing and Paddling, Manukau Harbour new, Onehunga 3 new \(Port of Onehunga\), Mt Wellington 1 new \(Ports of Auckland, Gabador Place\) - \(K Coombes\) - Planning \(4](#)

[December 2015](#)) (See attachment F, section 1.8 (page 16) for changes to the text of the precinct and see page 146 for map showing the new precinct in Lucas Creek.)

[080 Ak Cncl - Legal submissions \(Coastal\)](#) (16 February 2016)

[080 Ak Cncl - Mooring zone, Marina zone, Rowing & Paddling Precinct \(C Moss\) - Harbourmaster's opinion](#) (3 December 2015)

Part 2 Precincts unsupported

Mana Whenua Management Precinct

1. Summary of recommendations

The Panel supports the retention of the two existing precincts and the changes as proposed by Council in response to submitters. See Annexure 3, Precincts South, Precinct 419 Mana Whenua Management Precinct.

The Panel agrees with Council in recommending that the proposed new precincts not be accepted.

This precinct was heard in Topic 080.

2. Precinct description

The Mana Whenua Management Precinct replaces the Tangata Whenua Management Areas in the operative Auckland Regional Plan: Coastal. The precinct applies to two inlets of the Manukau Harbour (Whātāpaka Creek and Pūkaki-Waiokauri Creek) which the Waitangi Tribunal recommended be reserved for the exclusive use of the hapū of the adjacent marae. In 1992, the Māori Land Court established the inlets as Māori reservations under the Māori Affairs Act 1953 (replaced by the Te Ture Whenua Māori Act 1993).

The precinct provides, among other things, that the direct discharge of sewage into the waters within the precinct is a prohibited activity. This replicates a similar provision in the operative Auckland Regional Plan: Coastal.

3. Key issues

3.1. Proposed amendments to objectives and policies

The existing Mana Whenua Management Precincts were sought to be retained by two submitters: Ms Elva Conroy and Te Ākitai Waiohū Waka Taua Trust. Amendments to the precinct provisions were sought by Auckland International Airport Limited and the Kingseat Group. No party sought the deletion of the precinct.

Auckland International Airport Limited proposed a number of amendments to the precinct and the Kingseat Group sought a specific change to a policy. Ms Coombes, the Council's expert planner, suggested some changes in response to Auckland International Airport Limited's request, but did not accept the request from the Kingseat Group.

Auckland International Airport Limited supported the Mana Whenua Management Precinct, but sought several amendments to the provisions including:

- i. a new paragraph in the precinct description;
- ii. a new objective;
- iii. amendment to Policy 3;
- iv. amendment to Policy 4;
- v. a new policy;

- vi. amendment to the activity table; and
- vii. amendment to the notification rule.

The Kingseat Group sought that Policy 3 relating to discharges be amended to be more permissive.

Ms Coombes for Auckland Council fully addressed all of these matters in section 26 of her evidence in chief. In response to Auckland International Airport Limited, Ms Coombes recommended a number of changes including:

- i. adding a precinct description and a policy in recognition of the airport, particularly in light of the provisions in chapter 23 of the operative Auckland Regional Plan: Coastal, which specifically recognise the need to manage the adverse effects of airport activities on the values of the Pukaki-Waikauri Creek; and
- ii. amending Policy 3 to recognise that 'direct' point discharges should be avoided and that stormwater treatment using stormwater ponds (and subsequent indirect discharges) should be promoted.

In relation to a new objective, Ms Coombes considered that it was unnecessary to include a new objective as the existing objective addressed the matter of concern to the submitter.

Ms Coombes did not support the Kingseat Group's request, as the policy change does not place sufficient importance on the need to restrict untreated discharges to the Mana Whenua Management Precinct.

3.2. Additional precincts

Wahanga Manaakitanga o Te Tai Ao supports the existing precincts and sought consideration of additional precincts in consultation with Ngāti Whātua o Kaipara, noting that they could be applied to Kaipara, Mahurangi and other coastal areas. Twelve other submitters (the Independent Māori Statutory Board and various iwi) submitted seeking new Mana Whenua management areas for marae and papakāinga areas and areas of customary importance throughout the region, where supported by Mana Whenua.

It was not clear if the submissions sought additional coastal marine areas to be included in the Mana Whenua Management Precinct or a different type of precinct for marae and papakāinga areas on land. The submitters were asked to provide further information on what it was they were seeking. As advised by the Council no information was provided and as a result they were listed in Mr Duguid's evidence for hearing topics 080 and 081 as new precincts which have failed the 'gateway test'.

4. Panel recommendations and reasons

The Panel, having considered the submissions and evidence, agrees with the recommendations made by Ms Coombes and considers that, in terms of section 32 and 32AA, the provisions as amended are now efficient and effective in achieving the purpose of the precinct, that is, the provisions are the most appropriate. The Panel supports the retention of the precinct with the amendments suggested by Ms Coombes in her primary evidence.

The Panel accepts the position of Council in not recommending the new precincts proposed by submitters.

5. Reference documents

Auckland Council

[080 Ak Cncl - Coastal rezoning and precincts - Boat Building, Mana Whenua Management, Rowing and Paddling, Manukau Harbour new, Onehunga 3 new \(Port of Onehunga\), Mt Wellington 1 new \(Ports of Auckland, Gabador Place\) - \(K Coombes\) Planning \(4 December 2015\)](#)

[080 Ak Cncl - Precincts \(J Duguid\) - General statement \(5 December 2015\)](#)

[080 Ak Cncl - Legal submissions \(Coastal\) \(16 February 2016\)](#)

Regional Parks Precinct and zone

1. Summary of recommendations

The Panel does not support retention of the Regional Parks Precinct nor does it support a separate Regional Parks Zone.

These matters were heard under Topic 058 Public Open Space and Topic 080 Rezoning and Precincts (General). Relevant evidence was also heard in Topic 075 Waitākere Ranges.

2. Precinct description

Friends of Regional Parks (3727) supported retention of the notified Regional Parks Precinct or the creation of a new Regional Park Zone.

The Council's position altered during the course of proceedings.

Prior to the hearing, the Council's planning witness, Ms Juliana Cox, proposed that the Regional Parks Precinct be deleted, as the precinct provisions were a duplication of other proposed Auckland Unitary Plan provisions and not necessary (evidence in chief, section nine). Ms Cox proposed consequential amendments to the open space zone provisions where there was no duplication.

In its hearing statement, Friends of Regional Parks confirmed its preference for retention of the Regional Parks Precinct subject to amendments. In the event that the precinct is deleted, the group requested the creation of a new Regional Park Zone and proposed its own provisions (hearing statement, paragraph 2.6).

In its closing remarks, the Council confirmed its support for retention of the Regional Parks Precinct with some modifications, rather than the creation of a new Regional Parks Zone (Council's closing remarks, Topic 080, paragraph 11.4).

During the course of the hearing, these options (variously amended) were discussed between Friends of Regional Parks and the Council. The parties did not reach agreement.

3. Key issues

The issue is whether there should be a Regional Parks Precinct in addition to the application of the standard Open Space – Conservation Zone and Open Space – Informal Recreation Zone to regional parks, or a purpose-designed Regional Parks Zone.

4. Panel recommendations and reasons

Friends of Regional Parks were concerned that the special attributes of the regional parks were not provided for within the proposed Auckland Unitary Plan. They considered the structure of applying one of two zones with a precinct was cumbersome and could lead to difficulties for individual parks. The precinct however was an indicator of the special qualities of regional parks and allowed for modification of underlying rules to address their unique attributes (hearing statement, paragraphs 4.1-4.3). In paragraph 4.10, Friends of Regional Parks listed a number of shortcomings in the proposed Open Space – Conservation Zone and Open Space - Informal Recreation Zone that needed to be addressed. In the group's view, the structure proposed by the Council will result in uses and developments that are

completely inappropriate in regional parks (paragraph 4.11). If the precinct is removed, the group considers that it should be replaced with their proposed Regional Parks Zone.

The Council's planning witness, Ms Cox, identified the multiple layers of controls applicable to regional parks as follows (evidence in chief, paragraph 8.5):

- i. designations (for 23 out of 26 regional parks);
- ii. overlays;
- iii. Regional Parks Precinct;
- iv. public open space zones;
- v. Regional Parks Management Plan 2010; and
- vi. individual reserve management plans.

The overlays include viewshafts, significant ecological areas, coastal natural character and outstanding natural landscapes. The new Waitākere Ranges Heritage Area Overlay also applies within the boundary of the Waitākere Ranges Heritage Area (see the Panel's Report to Auckland Council – Hearing topic 075 Waitākere Ranges July 2016).

The Council's final version of the Regional Park Precinct provisions is attached to the closing remarks (pages 103-110).

The Panel's starting position is the open space provisions as amended through the hearing on Topic 058 (see the Panels' Report to Auckland Council – Hearing topic 058 Open space July 2016). In summary, the Panel found that:

- i. having so few zones has created issues for the appropriate management of all open space across Auckland (section 1.3 of the Panel's report);
- ii. it is inappropriate to link what is permitted in the Reserves Management Plans to those activities permitted in the open space zones of the Unitary Plan (section 2.2);
- iii. open space, particularly that which is publicly owned, should remain as open as possible, and that greater use of resource consents is required to determine the appropriate range of activities within areas zoned open space (section 3.2); and
- iv. activities and buildings should be separated for clarity to enable better assessment of effects on the environment (section 3.2).

In addition, the Panel concluded elsewhere that the normal notification tests should apply to applications for resource consent (see the Panel's Report to Auckland Council- Hearing topic 004 General rules July 2016).

In light of the multiple layers of management applicable to regional parks under the Resource Management Act 1991 and Reserves Act 1977, and the minor differences in activity status between the amended open space zone provisions and the Council's version of the precinct, the Panel is not persuaded that a Regional Parks Precinct is required. For example, changes to the definition of 'parks infrastructure' and to the activity tables and standards in the relevant open space zones address some of the submitter's concerns, for example by enabling more buildings on regional parks. The Panel also notes that the

majority of parks are designated, which provides a more enabling regime for undertaking works and development in the parks.

The Panel agrees with Friends of Regional Parks that there is a structural weakness in the proposed Auckland Unitary Plan with respect to regional parks and their management. However, the Panel does not consider that the solution comes down to a simple choice of a precinct or zone. Regional parks differ widely in scale (40-17,000 hectares), purpose and level of development. They enable individual and community well-being and serve an important function in environmental protection. Further, regional parks are an integral component of the Plan's urban growth strategy because they meet some of the increasing need for recreation and also direct urbanisation away from significant natural and coastal areas. Providing for this wide range of regional parks in their equally varied settings requires planning provisions that are a better fit than the limited range of zones currently available in the Plan.

Accordingly, the Panel considers there may be alternative approaches to their management that are worth consideration. One potential model is the approach taken to major recreation facilities (see the Panel's Report to Auckland Council – Hearing topic 076 Major Recreation Zone and precincts July 2016). Like regional parks, major recreation facilities vary widely in their scale, purpose and level of development and occur all over the region. The Plan provides for these disparate activities by having one Special Purpose - Major Recreation Facility Zone containing overarching objectives and policies, accompanied by individual precincts enabling the relevant activities subject to standards designed to take into account both the nature of the main facility and its effects on the receiving environment. That is, the precinct provisions are tailored to the circumstances of each individual recreation facility in the context of a cohesive set of objectives and policies. Another model is to have separate regional parks zones targeting, say, clusters of similar regional parks, for example those in coastal locations. The most apt model would depend on well-designed and well-executed policy analysis, information that was not available to the Panel in this process.

Merits aside, the Panel is reluctant to recommend the new Regional Park Zone proposed by the submitter because this was produced at a late stage in the hearing. The Council's witnesses did not have time to properly consider the proposal until after the hearing. Furthermore, there is widespread public interest in regional parks, both from neighbours and the general community. Any change in zoning should be progressed using the Schedule 1 process in the Resource Management Act 1991.

In the Panel's view, the designations and Open Space – Conservation Zone and Open Space – Informal Recreation Zone as amended through the hearings on Topic 058, together with reserve management plans, will provide a satisfactory level of management until the necessary comprehensive planning review is completed.

For these reasons, the Panel does not support retention of the Regional Parks Precinct, amended or otherwise, nor does it support a separate Regional Parks Zone.

5. Reference documents

Auckland Council

080 Ak Cncl - Public Open Space - Regional Parks, Monte Cecilia, Waitemata Gun Club, Mt Wellington 5 (J Cox) - Planning (7 December 2015)

080 Ak Cncl - Public Open Space, Tertiary (excl Wairaka), Schools, Maori, Major Rec & Coastal - CLOSING REMARKS (18 March 2016)

080 Friends of Regional Parks (B Burrill & B Turner) (19 February 2016)