

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 6 Changes to Rural
Urban Boundary and rezoning

July 2016

Annexure 6 Changes to Rural Urban Boundary and rezoning

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Annexure 6 Changes to the Rural Urban Boundary

This annexure provides details of the Panel's recommendations and reasons for:

- i. not supporting changes to the Rural Urban Boundary in the Karaka Peninsula and Bombay;
- ii. supporting a shift in the Rural Urban Boundary and rezoning at 112 Simpsons Road and at 121-123 Parrs Cross Road;
- iii. not supporting the rezoning of the Redvale landfill site as Special Purpose – Landfill Zone.

1. Karaka Peninsula

1.1 Summary of Panel recommendations

That the Rural Urban Boundary not be relocated to include land on the Karaka Peninsula (generally referred to as Karaka West and North), noting that three different options for expansion were proposed by Karaka Harbourside Estate Limited, the major submitter seeking the expansion.

It is noted that while the Rural Urban Boundary has not been moved, the Panel does not consider it necessary to have a Rural Urban Boundary around the rural and coastal towns, as proposed by the Council in its stage 4 Rural Urban Boundary work. This is set out in the Panel's Report to Auckland Council - Changes to the Rural Urban Boundary, rezoning and precincts July 2016.

While the Panel has not recommended any Rural Urban Boundary expansion, it has recommended that Kingseat Village (largely reflecting Plan Change 28 of the Auckland District Plan - Franklin Section) and Karaka North Village (as proposed by Karaka North Village Limited) be able to be urbanised. This is addressed in a separate report, and no expansion is recommended. (See Annexure 4 Precincts north to the Panel's Report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts July 2016.)

It is further noted that Pararekau and Kopuahingahinga Islands (Hingaia Islands), area also addressed in a separate report, where it is recommended the Islands come within the Rural Urban Boundary. (See Annexure 4 as referenced above.)

This matter was heard as part of the hearings on Topics 016/017 and 081. The body of this report sets out the issues raised through the submission and hearing process, the Panel's response to these issues and the reasons for the response.

There were no scope issues in relation to this recommendation.

1.2 Description

The Karaka Peninsula (referred to as Karaka West and North) is generally the land to the west of the Hingaia Bridge. This area includes the areas of Karaka North and Karaka West Peninsula; Whangapouri Creek (areas adjoining Karaka Road and Linwood Road); and Elletts Beach. In this report all of these areas are referred to as Karaka North and Karaka West.

The land is currently mainly pasture, with some horticultural and equestrian activities. It also includes the existing Karaka Village.

1.3 Key issues - overview

Whether the Rural Urban Boundary should be moved to include additional land on the Karaka Peninsula (including Land at Kingseat) to indicate that it was suitable for urbanisation.

Various submitters supported the relocation of the Rural Urban Boundary to include more of the Karaka Peninsula, including additional land at Kingseat (to the east and south of the notified rural village of Kingseat). The details relating to Kingseat Rural Urban Boundary, zoning and precincts are addressed in Annexure 4 Kingseat - Rural Urban Boundary, Rezoning and Precinct.

In summary these submitters considered that Council's current proposals for accommodating growth in the southern part of the region were strategically flawed and would compromise rather than promote a quality compact city, or that particular areas, such as Kingseat, were suitable, appropriate and desirable for further urban growth.

Some submitters accepted that if more of the Karaka Peninsula was to be urbanised, this would require bulk infrastructure such as wastewater, and the Weymouth Link (bridge) for strategic transportation reasons. They also considered that the issues raised by the Council for not supporting an expansion of the Rural Urban Boundary (summarised above) could be adequately addressed.

1.3.1 The Council Position

The Council's position was not to extend the Rural Urban Boundary in the Karaka Peninsula. Legal Submissions and a closing statement were made as well as expert evidence prepared and presented by: Mr Bayliss – planning, Messrs van Schalkwyk, Keating, Lovell, MacArthur and Arbury (Auckland Transport), Messrs Blow, Allen and Stuart (Watercare); Messrs Cameron, Moores - estuarine water quality, Hillier – geotechnical; and Dr Manu Bird – ecology.

It was Council's position that Karaka West and Karaka North should not be included within the Rural Urban Boundary for the following reasons:

- i. expanding the Rural Urban Boundary is inconsistent with the Auckland Plan Development Strategy and providing for growth in a quality compact urban form;

- ii. it will create an urban form whereby urban Auckland will spread along the southern Manukau Coast affecting rural amenity of these areas;
- iii. prime soils would be lost from potential rural production and, as a result, would be contrary to the efficient and effective use of land;
- iv. it would create strong demand for establishing a bridge from Karaka to Weymouth; which would have adverse impacts on the communities of Weymouth and Manurewa as well as the Manukau Harbour environment, and be expensive (somewhere between \$737 million and \$1.215 billion) and would not otherwise be required;
- v. it would impact the values of the tidal mudflats which provide critically important habitat for marine invertebrates and wading and shore birds including international migrants and critically threatened species;
- vi. the relationship of Māori and their culture and traditions with ancestral lands would be compromised;
- vii. it would not support the efficient and feasible provision of infrastructure:
 - a. urbanisation would require infrastructure that is difficult to provide on an incremental basis and very expensive relative to areas with closer connections to existing treatment plants such as Pukekohe and Hingaia;
 - b. it would require costly upgrades of Linwood Road and Hingaia Road and Hingaia Bridge which are not currently budgeted for; and
 - c. the Karaka area currently has very limited public transport and is a significant distance from the rapid and frequent transport network; and
- viii. there is adequate future capacity for residential and business land in the south without including these areas within the Rural Urban Boundary.

1.3.2 The Karaka Option

The Panel received extensive legal submissions and expert evidence regarding the location of the Rural Urban Boundary, including from: Karaka Harbourside Estate Limited, the New Zealand Institute of Architects Incorporated (Auckland Branch), Urban Design Forum, Generation Zero; Franklin West Farmers and others and Brent Grieg.

The submitters outlined that the Council's current proposals for accommodating growth in the south were strategically flawed and would compromise rather than promote the Auckland Plan and the regional policy statement's policy of a quality compact city. The arguments advanced were that this concept is a function of the shape of and connectivity within the city as well as its density.

The submitters set out that there was no particular advantage in developing extensive areas of intensive housing in a location that is remote from employment, entertainment, community and commercial activities. The bulk of new development should be placed in locations which maximise access to other parts of the city and to employment and social nodes in particular.

Auckland's geographical and geological conditions have resulted, to date, in a relatively long (north-south) but narrow (east-west) urban area. This is the growth model that is being promoted by the Council; one based on the state highway network and rail corridor.

Submitters suggested that any greenfield development is likely to be focused in the north or south, but that it would be desirable to develop in breadth (i.e. in an easterly or westerly direction) at the periphery of the city, to the extent possible, so as to minimise the travel distance between those new areas and the existing parts of the city and, ideally, to provide multiple transport routes in those areas rather than continuing to rely on existing (congested) routes such as the Southern Motorway.

With respect to Karaka North and West the submitters outlined that strategic planning was required to ensure that new infrastructure is provided where appropriate to enable new developments to be located in the most efficient locations, and that strategic land use planning factors should drive the provision of new infrastructure, rather than being limited and driven by the current absence of infrastructure. That is, infrastructure should follow strategic planning rather than determining it. Furthermore with appropriate infrastructure, and in particular the Weymouth bridge, this would result in an opportunity to develop a city/region in breadth and to maximise the employment, economic, social and cultural contribution of the Manukau Metropolitan Centre, the surrounding industrial and commercial employment areas including those at Auckland Airport.

Mr Allan, legal counsel for Karaka Harbourside Estate Limited, supported by expert evidence including Mr Parlane (transport and traffic engineering), Mr Smith (civil engineering), Mr Easton (sedimentation), Ms Sky (ecology) and Mr Brown (planning) set out the 'the Karaka Option'. While this is addressed below the Panel notes that it requested from the submitter a map to identify what land they sought to be included within the Rural Urban Boundary. Three different options were submitted, with no preference being specified as to the preferred or most appropriate option.

The Karaka Option was that the Rural Urban Boundary be applied in a way that minimises the elongation of the Auckland urban area and maximises the efficiency of the resulting urbanised area through bridging the Manukau Harbour at Weymouth and providing for urbanisation along the southern coast of the harbour between that bridge and the existing Hingaia and Drury areas.

According to the submitter, and the Franklin West Farmers Group (represented by Sir William Birch), the Karaka Option needed to be in conjunction with the Weymouth Link, but would generate a number of transportation and planning benefits including:

- i. ensuring that none of the new Karaka urban areas will be significantly further away from the balance of the city than are the existing Papakura urban areas;
- ii. enabling the construction of extensive new residential areas in close proximity to the employment opportunities at the Airport, in the Manukau Metropolitan Centre and in the Wiri industrial area; and
- iii. enabling development of a more compact and efficient city.

Accordingly to the submitters the Weymouth Link would enable duplication of the key transport routes into Auckland from Drury, and this would reduce pressure on the existing network, in particular the Southern Motorway and the State Highway 1/State Highway 20 interchange at Manukau.

The following sections address a number of issues identified by the Council and submitters.

1.4 Key issues - specific

1.4.1 Transportation Issues

In their respective evidence statements for Karaka Harbourside Estate Limited, Mr Brown (planning) and Mr Parlane (transport) argued for the inclusion of the Karaka North and West areas in the Rural Urban Boundary, primarily on the basis that the Karaka-Weymouth connection required to service the area was necessary irrespective of whether the area is urbanised or not. In particular, they argued that:

- i. urbanisation of Karaka accompanied by a Karaka-Weymouth connection would result in a more resilient urban form; (paragraph 5.9 of Mr Brown's evidence);
- ii. an additional north-south corridor would be required irrespective of the Rural Urban Boundary options chosen on the assumption that the currently proposed transport network for the southern Rural Urban Boundary will be overwhelmed by projected quantum of growth (paragraph 5.9 of Mr Brown's evidence);
- iii. the connection would offer significant transport benefits and could be constructed relatively cost-effectively (paragraphs 13-16 of Mr Parlane's evidence and paragraph 8.6 of Mr Brown's evidence); and
- iv. the effects of additional traffic on amenity values of the existing Weymouth community would be adequately mitigated by the 30+ metre reserve widths along Weymouth and Roscommon Roads (paragraph 19 of Mr Parlane's evidence).

Mr McKenzie's evidence on behalf of the New Zealand Institute of Architects, Urban Design Forum of New Zealand and Generation Zero and Mr Grieg (expert planning evidence from Mr Comer) made similar arguments in relation to this area.

For Auckland Transport, Messrs Van Schalkwyk, Keating, Lovell and Macarthur provided a joint statement (evidence in rebuttal) in addition to that of Mr Arbury (evidence in chief, evidence in rebuttal and a summary statement). None of these witnesses supported the extension of the Rural Urban Boundary due to strategic transportation grounds.

The evidence of Messrs Van Schalkwyk, Keating, Lovell Macarthur (paragraph 5.5 of their joint evidence in rebuttal) acknowledged that a Karaka-Weymouth connection would have wider transport network and resilience benefits, but they considered based on currently available information that the currently planned transport network for the southern Future Urban Zone areas as notified would function satisfactorily without it. Accordingly in their view the connection could only be considered necessary if Karaka North and West were included in the Rural Urban Boundary.

Their views relied on the evidence of Mr Arbury. In his rebuttal evidence he explained the most recent ART3 modelling outputs as they related to the southern transport network. This showed that, assuming State Highway 1 is widened (which is currently under construction) and that Mill Road is extended south as planned, the only locations on the strategic road network in the south with a volume/capacity ratio above one by 2046 are certain motorway on-ramps. Mr Arbury concludes at paragraph 3.3 that the modelling “does not suggest that a Karaka-Weymouth crossing is necessary before 2046”.

The joint evidence of Auckland Transport goes on to state at paragraph 5.6 that the inclusion of Karaka North and West within the Rural Urban Boundary:

would significantly alter the transport investment equation insofar as the two areas respectively add 919 and 796 hectares of future urban land within the Rural Urban Boundary (in addition to other submitter requests in nearby areas such as Elletts Beach). This quantum of additional land would overwhelm the Hingaia-Linwood corridor and ultimately the State Highway1 Papakura Interchange, and would therefore necessitate the Karaka-Weymouth connection.

Auckland Transport's position is that that the Karaka-Weymouth connection would be essential to the urbanisation of the Karaka North and West land, but not to the wider transport network should this area remain outside the Rural Urban Boundary.

The submitters accept that for Karaka North and West to be urbanised would require the Karaka-Weymouth connection. Their argument is that strategically this land should be identified as suitable for urbanisation, and that infrastructure investment should follow. Auckland Transport's view is that the Karaka-Weymouth connection is not even on its long-term (30-year) plan, let alone its funding programme.

Mr Brown for Karaka Harbourside Estate Limited set out a cost estimate of \$213 million for a Karaka-Weymouth connection (paragraph 8.6 of his evidence in chief). The joint evidence of Auckland Transport witnesses disputes this stating that:

the most recent estimates undertaken internally for the Karaka-Weymouth connection were derived from unit costs developed for the PENLINK project, and applied to four scenarios which reflected various options for connecting to SH1 or Pukekohe. These have indicated a cost of between \$737 million and \$1.215 billion, with the costing of \$979 million most closely reflecting a scenario involving a connection to Pukekohe as per the estimate cited in Mr Brown's evidence. The methodology used in preparing these estimates was consistent with the NZTA's Cost Estimation Manual, and the figure of \$979 million closely corresponds to an earlier NZTA estimate of \$938 million (paragraph 5.8).

Auckland Transport's evidence was that they did not consider a case for adding nearly an additional billion dollars to the investment programme identified in the Southern Sub-Regional Area Programme has been made in the context of the current southern Rural Urban Boundary. Moreover as noted in the rebuttal evidence of Mr Arbury, the significantly higher traffic volumes induced by the connection impacting negatively on the existing community in Weymouth had not been assessed or considered.

The Council and submitters agree that the Weymouth crossing would be necessary if Karaka North and Karaka West were to be urbanised. Auckland Transport argues that the bridge is not part of their strategic network route or planning (not within the next 30 years) and is not needed and certainly not funded, and in section 32 terms is not the most appropriate as other transport options are available and planned (upgrades of State Highway 1 and Mill Road). The submitters argue that urbanising this land better enables a quality compact city, and on strategic planning grounds is a more appropriate planning outcome than that advocated by the Council.

In terms of Auckland's urban form; having regard to the Auckland Plan and the recommended regional policy statement, the Panel agrees with the Council with respect to the strategic transportation planning issues. However, the Panel notes that the mapped Rural Urban Boundary is a district plan provision, and could be moved through an application for a plan change. Any plan change would, amongst other things, clearly need to address infrastructure, in this case transport options.

1.4.2 Wastewater

The joint evidence in chief of Messrs Blow, Allen and Stuart, and evidence in rebuttal of Messrs Allen and Stuart of Watercare, confirmed the lack of any existing wastewater infrastructure in this area to service any significant further urbanisation in this area. It was their view that additional urbanisation would require significant new wastewater infrastructure at Hingaia.

The Watercare witnesses advised they were currently investigating wastewater options to support the growth of a number of settlements in the Waiuku-Kingseat-Glenbrook-Clarks Beach area, as well as being aware of the requests to provide for greater urbanisation of the Karaka Peninsula. They stated that any wastewater facility was likely to be a sub-regional facility, possibly catering for between 50,000 to 70,000 people. They stressed they were investigating options and that no discharge method or outfall had yet been determined (either to the Manukau Harbour or an ocean outfall).

The Watercare witnesses said the consenting of any wastewater discharges into this area was likely to be challenging, and that any consent application was unlikely to be lodged before the end of 2016. From Watercare's perspective, the witnesses considered the likely extent of any urbanisation would depend on results of modelling of this part of the Manukau Harbour, the capacity to deal with wastewater discharges, and whether Watercare can obtain discharge consents for this.

Karaka Harbourside Estate Limited's expert witness, Mr Smith, stated at paragraph 26 and 27 of his evidence in chief:

I disagree that WSL's cash flow should be a constraint when strategically considering whether or not land such as North and West Karaka should or should not be excluded from the Rural Urban Boundary. It seems to me that it is appropriate to expect infrastructure providers to service strategically located development, unless there is some compelling physical or financial reason why that should not occur in any given case. In contrast, it appears that a lack of current funding or planning of infrastructure

is being used as justification for the region failing to plan strategically with respect to future land use.

What is not recognised in the abovementioned statement is that WSL's difficulties can be overcome where, by way of example, developers are prepared to self-fund the servicing of their land. In my experience that is commonly occurring, not least because WSL appears increasingly to be expecting developers to enter into such arrangements.

In response the Watercare witnesses set out that the nearest Watercare infrastructure to service Karaka North and Karaka West was the Hingaia Pump Station, and that this needed to be upgraded to service Future Urban Zone land proposed in the notified Plan, including the Hingaia Peninsula and Drury West. A new trunk sewer will be required to connect the existing Hingaia Pump Station to the Manurewa Pump Station at Wattle Farm Road with an estimated capital cost of \$150 million (paragraph 5.6 of the evidence in rebuttal).

Messrs Allen and Stuart estimated that the inclusion of the land in Karaka North and Karaka West would double the total cost of capital work (i.e. \$300 million) required to service this land within the Rural Urban Boundary. They acknowledged that many developers express a willingness to pay for infrastructure, but that this is usually limited to the proportion required to service their development, and not the full cost to put in bulk infrastructure.

Watercare's initial wastewater modelling results indicate that the receiving network will have capacity for the currently proposed growth aspirations for the Future Urban Zone as identified within the Rural Urban Boundary of the notified Plan. However it was the view of Messrs Allen and Stuart that the additional population demand in Karaka North and West would attract consequential upgrades in the trunk wastewater network north of Manurewa, to the Māngere Wastewater Treatment Plant, a further 16km than currently envisaged. According to them, the cost of this additional upgrade work had not yet been identified.

It is the Panel's view that prior to contemplating moving the Rural Urban Boundary the outcome of the wastewater investigations and discharge consent application should first be determined. Once this is known, this can be an input to any wider strategic decision-making on whether it is appropriate or not to enable further urbanisation and moving the Rural Urban Boundary. However, as the Panel noted under the transportation section, the mapped Rural Urban Boundary is a district plan provision, and could be moved upon application for a plan change. That plan change would clearly need to address the provision of infrastructure.

1.4.3 Impacts on the relationship of Māori and their culture, traditions and sites of significance

The assessment of Rural Urban Boundary options against the impacts on the relationship of Māori and their culture, traditions and sites of significance clearly relies on the views of Mana Whenua and their interpretation and understanding of the area. The Council advised the Panel that a series of meetings with iwi authorities with Mana Whenua interests in the Rural Urban Boundary (south) were held between October 2012 and August 2013; that is prior to the notification of the Plan. Feedback from Mana Whenua who were consulted opposed development of this area and creating demand for a bridge from Karaka West to Weymouth Peninsula. The list of meetings with Mana Whenua and the confirmed summary of feedback

is contained on pages 31-33 of the Council's Rural Urban Boundary Location section 32 Evaluation Report.

It is the Panel's view that prior to any major extension of the Rural Urban Boundary, full consultation would need to be undertaken to understand the impacts on the relationship of Māori and their culture, traditions and sites of significance. The consultation to date shows that Mana Whenua are opposed to any significant urban expansion.

1.4.4 Ecological effects

The Council evidence, particularly Messrs Moores and Cameron, Ms Myers and Dr Bird, argues that development at Karaka would have significant adverse ecological effects, particularly on the wading birds in the Manukau Harbour.

The evidence of Messrs Moores and Cameron for the Council was that urban development is likely to increase sedimentation of the harbour, and cited the Urban Planning that Sustains Waterbodies: Southern Rural Urban Boundary Case Study. The modelling of contaminants from development of these areas shows that contaminants would be spread over a wider footprint of the southern Manukau under the Karaka Option set out earlier.

The Council did accept that the effects of sedimentation are potentially able to be mitigated, if levels of stormwater treatment and earthworks management are implemented that achieve high rates of sediment detention. However Messrs Moores and Cameron consider this may require higher standards than being sought in Council's evidence on the Plan. It also relies on improvements to land management across whole catchments, such as planting and fencing of riparian areas and erosion-prone land, and better controls on activities generating sediment.

The evidence of Dr Bird set out the importance and sensitivity of the Karaka marine coastal zone as ecological habitat. He highlighted that this area retains some of the highest marine ecological values of the Manukau Harbour and important areas for marine biodiversity; especially wading and shore birds. The mangrove remnants and estuarine inlets also provide important habitat for other bird species, estuarine/freshwater species (eels, whitebait), marine/estuarine invertebrates and salt-tolerant plant species. This importance is reflected in the identification of these areas as significant ecological areas.

It was the Council's view that the scientific evidence shows additional sedimentation from urban development and extending these effects along the coastline through the facilitation of coastal development carries a strong risk of degradation or disruption of these valuable and vulnerable habitats. For this reason, including these areas within the Rural Urban Boundary is not the most appropriate way to achieve the relevant provisions within the regional policy statement and is contrary to Part 2 of the Resource Management Act.

Karaka Harbour Estates Limited disagreed with the Council. The expert ecological evidence of Ms Sky is that, while the Harbour has ecological values, appropriate effects assessment and management, as would be required during future consenting processes, would ensure that those values would not be significantly adversely affected by urban development at Karaka. In particular, she considered that sedimentation effects could be managed both through engineering techniques and through the use of open space along the coastline.

Ms Sky also acknowledged the presence and importance of those the shore and wading birds and the need to manage development so as to protect them. However her view was:

- wading birds are found throughout the Harbour including alongside the urbanised coastlines and, provided care is taken to minimise effects upon their roosting and feeding areas in particular, there is no reason to assume that urban development is incompatible with those flocks: and
- the Council has identified (by the mapped SEA-M1 area) that the key roosting and feeding areas along the southern margins of the Harbour are to the west of the Pahurehure Inlet (eg: between the Weymouth Link and Clarks Beach). Most of that area does not adjoin the Rural Urban Boundary extension proposed by KHEL. In any event, the areas that would be adjacent to urban development.

Mr Allan, for Karaka Harbour Estates Limited, submitted that Dr Bird's evidence appeared to proceed on the basis that, because development at Karaka will be in addition to that anticipated by Council, it will have a net additional adverse effect. He submitted that the relief sought by the submitters is subjected to a tougher test than the Rural Urban Boundary proposed by Council because the Council witness had assumed that the Council Rural Urban Boundary is appropriate. In cross examination of Council witnesses Ms Myers, Council's expert ecologist, acknowledged she had only been asked to consider the additional areas sought by submitters, and Dr Bird did not support the Council's position to extend the Rural Urban Boundary into Drury due to the likely adverse ecological effects.

The Council and submitters accept that there are considerable ecological values in this part of the Manukau Harbour. The Council's evidence is reinforced by modelling results which predict that without better land management practices, let alone further urbanisation, ecological values are likely to degrade. Karaka Harbour Estates Limited's expert evidence is that the effects can be managed through consenting processes.

The Panel is more persuaded by the Council's position. If this area were contemplated to be urbanised, a much greater level of assessment would be required (such as would occur in a structure plan). This level of detailed work has not been undertaken and from an ecological perspective, notwithstanding what work the council has or has not done to justify its proposed extensions to the Rural Urban Boundary, more work would be required for Karaka West and Karaka North to establish what the effects may be and to what extent they could be avoided, remedied or mitigated.

1.4.5 Prime land

The evidence of Mr Bayliss set out that 714 hectares and 914 hectares of land in Karaka West and Karaka North respectively are considered prime land (Land Use Capability 2) under the notified Plan definition. In terms of the recommended regional policy statement prime soils are to be protected as far as is possible, whereas elite soils are to be protected.

The Panel accepts that all land containing prime soils cannot be protected, and some will most likely be required in areas to be urbanised. However, at this time Karaka North and West has a number of advantages for potential rural production in that it is isolated from sensitive urban activities and does not have the same level of lifestyle block proliferation as

many locations. Parts of the area are actively being used for horticulture and others have equine facilities and related infrastructure.

It is the Panel's view that the prime soils in this area should not be compromised for non-productive potential uses at this time.

1.5 Panel recommendations and reasons

The Council opposes the extension of the Rural Urban Boundary, foremost on strategic planning grounds, but also due to the likely adverse effects on Mana Whenua and ecological values, as well as the loss of prime land. Much of the submitters' evidence considers that there are wider strategic benefits of including this area within the Rural Urban Boundary now and, together with a future transport link between this area and Weymouth, that these benefits outweigh the costs and environmental effects of extending the Rural Urban Boundary in this location.

The Panel agrees with the Council's position and Mr Bayliss' evidence in rebuttal where he states at paragraph 13.3 that:

the issue is not whether these areas are attractive and capable of urban development, but rather are they the best areas to deliver the Auckland Plan and Unitary Plan strategy of providing new greenfield land to meet growth to 2040 and its vision of a quality compact city, and ultimately to best achieve the sustainable management purpose of the Resource Management Act 1991.

It is the Panel's position that the Auckland Plan has set out Auckland's growth strategy and the regional policy statement, in having regard to the Auckland Plan, seeks to establish a quality compact, centres-based city/region. While submitters have set out why Karaka West and Karaka North should be included within the Rural Urban Boundary, the Panel is not persuaded to include it now due to:

- i. urbanising this area is not consistent with the Auckland Plan, nor the regional policy statement as recommended by the Panel;
- ii. if the area were to be urbanised, this would require a bridge between Karaka and Weymouth, however there is currently insufficient evidence to support the need for a bridge in the medium to long-term 30-year time horizon that the Rural Urban Boundary seeks to address;
- iii. the provision of wastewater infrastructure for this area is challenging and uncertain as consents have not yet been applied for or obtained for a new outfall,
- iv. the coastal near-shore environment around these areas is an important foraging habitat for marine invertebrates and shore, wading, and seabirds, a number of which are threatened native species and international migrants. Modelling of urban development scenarios indicates that development of these areas may have significant adverse effects on the quality and health of marine ecosystems; and
- v. development of this area is strongly opposed by Mana Whenua. This could significantly harm the relationship of Māori and their culture and traditions with

their ancestral lands, water, sites, wāhi tapu, and other taonga in terms of Part 2 of the Resource Management Act.

The Panel's overall approach to the Rural Urban Boundary and its application has been set out in the Panel's Report to Auckland Council - Overview of recommendations July 2016 and the Report on Changes to the Rural Urban Boundary as referenced above.

It is the Panel's recommendation that the Rural Urban Boundary not be moved as requested by submitters, and in this regard the Panel supports the Council's position. However it is the Panel's observation that for the longer term (beyond the 30-year horizon of the Auckland Plan) this area could be investigated for future urbanisation given its location 'as the crow flies' to the already urbanised parts of Auckland. This would require the area to be able to be serviced by bulk infrastructure (particularly roading, water supply and waste and stormwater disposal), and the concerns of Mana Whenua to be addressed, as well as the potential impacts on the significant ecological values of the Manukau Harbour.

1.6 Reference documents

Auckland Council

[016&017 Hrg - Auckland Council - 017 Area Specific Evidence South \(Ian Bayliss\) - Planning - Karaka \(16 October 2015\)](#)

[016&017 Hrg - Auckland Council - 017 Area Specific Evidence \(Ian Bayliss\) - Karaka - Planning - REBUTTAL \(18 December 2015\)](#)

[016&017 Hrg - Auckland Council - Strategic Overview Evidence \(Ian Bayliss\) - Background to the Notified Rural Urban Boundary \(14 October 2015\)](#)

[016&017 Hrg - Auckland Council - Strategic Overview Evidence \(Theunis Van Schalkwyk Evan Keating Alastair Lovell and Scott MacArthur\) - Auckland Transport - REBUTTAL \(18 December 2015\)](#)

[016&017 Hrg - Auckland Council - Strategic Overview Evidence \(Joshua Arbury\) - Strategic Transport \(14 October 2015\)](#)

[016&017 Hrg - Auckland Council - Strategic Overview Evidence \(Joshua Arbury\) - Strategic Transport - REBUTTAL \(17 December 2015\)](#)

[016&017 Hrg - Auckland Council - Strategic Overview Evidence \(Joshua Arbury\) - Strategic Transport - Summary Statement \(12 January 2016\)](#)

[016&017 Hrg - Auckland Council - Strategic Overview Evidence \(Joint Statement\) - Watercare Services Limited \(15 October 2015\)](#)

[016&017 Hrg - Auckland Council - Strategic Overview Evidence \(Chris Allen and Andre Stuart\) - Watercare - REBUTTAL \(18 December 2015\)](#)

[016&017 Hrg - Auckland Council - 017 Area Specific Evidence South \(Joint Statement\) - Estuarine Water Quality - Karaka \(15 October 2015\)](#)

[016&017 Hrg - Auckland Council - 017 Area Specific Evidence South \(J Moores & M Cameron\) - Estuarine Water Quality - REBUTTAL \(17 December 2015\)](#)

[016&017 Hrg - Auckland Council - 016 and 017 Area Specific Evidence North and South \(Robert Hillier\) - Geotechnical Overview \(15 October 2015\)](#)

016&017 Hrg - Auckland Council - 017 Area Specific Evidence (Manu Bird) - Ecology - Karaka - REBUTTAL (17 December 2015)

Submitters

016&017 Hrg - Karaka Harbourside Estate (John Parlane) - Transport (17 November 2015)

016&017 Hrg - Karaka Harbourside Estate (Michael Smith) - Civil Engineering (17 November 2015)

016&017 Hrg - Karaka Harbourside Estate - Pararekau Island (Karen Sky) - Ecology (17 November 2015)

016&017 Hrg - Karaka Harbourside Estate (Hayden Easton) - Sedimentation (17 November 2015)

016&017 Hrg - Karaka Harbourside Estate (Philip Brown) - Planning (17 November 2015)

016&017 Hrg - Karaka Harbourside Estate (Philip Brown) - Planning - Attachment (17 November 2015)

016&017 Hrg - Franklin West Farmers et al (Sir William Birch) - Summary Planning Statement (14 January 2016)

016&017 Hrg - Multiple Parties NZIA, Gen Zero, UDFNZ (Bruce McKenzie) - Landscape Evidence (17 November 2015)

2. Bombay

2.1 Summary of recommendations

The Panel does not support the rezoning requests of D and J Sutherland Ltd. and B N Balle and Sons Limited relating to land at Bombay.

The Panel does not support the Rural Urban Boundary changes and rezoning requests of Aaron Balle Family Trust, D and J Sutherland Ltd. and John Sutherland Family Trust, and D and J Sutherland Limited. and Green Fresh Produce relating to several large separate parcels in the vicinity of Bombay.

2.2 Overview

Two submitters, D and J Sutherland Limited and B N Balle and Sons Limited, have sought the rezoning of two parcels of land adjoining residentially-zoned land at Bombay from Rural-Rural Production Zone to Residential - Single House Zone.

Three submitters, Aaron Balle Family Trust, D and J Sutherland Limited and John Sutherland Family Trust, and D and J Sutherland Limited and Green Fresh Produce have sought the inclusion of several large separate parcels of land in the vicinity of Bombay within the Rural Urban Boundary and the rezoning of the land from Rural – Rural Production Zone or Rural - Mixed Rural Zone to Future Urban Zone.

The Council does not support the requests of any of the submitters.

2.3 Key issues

- i. The extension of residentially zoned land at Bombay.
- ii. The inclusion of isolated parcels of land within the Rural Urban Boundary and the rezoning of this land Future Urban Zone.

The Council's planning witnesses Mr Luong, Ms Yin and Mr Clearwater do not support the expansion of the residential zone at Bombay as sought by the submitters because:

- i. there is no wastewater capacity at Bombay and Bombay is not a 'serviced village'; and
- ii. there is existing zoned vacant land at Bombay, and the additional land sought to be zoned does not comply with the structure plan guidelines of the proposed Auckland Unitary Plan.

The Council's planning witnesses also do not support the rezoning of parcels of land in the vicinity of Bombay because:

- i. the areas sought to be rezoned are not contiguous with the existing urban area of Bombay; and
- ii. the areas are well beyond the amount of growth at Bombay anticipated in the Auckland Plan or proposed Auckland Unitary Plan.

Ms Pearson, the planning witness for the submitters (D and J Sutherland Limited) and B N Balle and Sons Limited) seeking the extensions to the Residential - Single House Zone of the Bombay Village does not agree with the Council's position. In summary Ms Pearson is of the view that:

- (a) The lack of wastewater servicing is not an issue as the development of the properties could be entirely self-sufficient in terms of the provision of onsite servicing for water, wastewater and stormwater. The recent subdivisions in Bombay are unserviced and provide for low-impact design servicing options.
- (b) Bombay has experienced quite significant growth in the past five years and all land currently zoned residential has been subdivided. The development of the properties for residential use is necessary in order to provide land supply to meet growth requirements.
- (c) Structure planning was undertaken as part of Plan Change 14 to the Operative Plan which included the Balle property. Whilst this plan change did not consider the Sutherland property, this property is equally contiguous with the existing Bombay village and I would therefore consider that similar conclusions would be made.

No evidence was presented on behalf of the submitters who have sought the rezoning of a number of large separate parcels of land zoned Future Urban Zone.

2.4 Panel recommendations and reasons

The Panel was not persuaded by the evidence supporting the extensions to the residential zone at Bombay. The rezonings would enable two large extensions to a village that has no reticulated wastewater and water services and Watercare has indicated that it has no plans to service this area in the future. While the planning witness for the submitters is proposing on-site servicing for water, wastewater and stormwater, the Panel heard no engineering evidence as the feasibility of on-site servicing and whether this would result in any adverse effects on the environment. This is of particular concern given that Ms Pearson's evidence had identified that persistent drainage and soil erosion problems are causing challenges in using the land for rural purposes.

The rezoning of the land would also result in irregular zoning patterns with pockets of rurally-zoned land being surrounded by residentially-zoned land.

It is for these reasons that the Panel recommends that the two parcels of land retain their zoning of Rural - Rural Production Zone.

No evidence was presented in support of the submission seeking the inclusion of several large separate parcels of land in the vicinity of Bombay within the Rural Urban Boundary and the rezoning of the land to Future Urban Zone.

The Panel had significant concerns about rezoning large tracts of land Future Urban Zone in the middle of rural zones and with no connection with other urban zones, especially in the absence of any evidence to support the rezoning. The Panel therefore recommends that there be no change to the zoning of these parcels of land.

2.5 Reference documents

[016&017 Hrg - Auckland Council - 017 Area Specific Evidence South \(Michael Luong Cindy Yin and Patrick Clearwater\) - Planning - Rural and Coastal Settlements South \(16 October 2015\)](#)

[016&017 Hrg - Auckland Council - 017 Area Specific Evidence \(Michael Luong and Patrick Clearwater\) - Planning - Rural and Coastal Settlements South - REBUTTAL \(18 December 2015\)](#)

[016&017 Hrg - D and J Sutherland Ltd \(Janine Pearson\) - Planning \(17 November 2015\)](#)

[016&017 Hrg - D and J Sutherland Ltd \(Janine Pearson\) - Planning - Attachments \(17 November 2015\)](#)

[016&017 Hrg - BN Balle and Sons and D and J Sutherland Ltd \(Janine Pearson\) - statement at hearing \(15 January 2016\)](#)

[016&017 Hrg - BN Balle and Sons Ltd \(Janine Pearson\) - Planning \(17 November 2015\)](#)

[016&017 Hrg - BN Balle and Sons Ltd \(Janine Pearson\) - Planning - Attachments \(17 November 2015\)](#)

[016&017 Hrg - BN Balle and Sons Ltd \(Janine Pearson\) - Planning - Attachment D \(18 November 2015\)](#)

3. 112 Simpsons Road, Oratia

3.1 Statement of issue

Ali Sher (5265) owns the land at 112 Simpsons Road, Henderson Valley. The submitter sought to include this property within the Rural Urban Boundary (see Topic 016), and sought a zoning of Residential - Single House Zone and a precinct.

The site has a total area of approximately 3.7 hectares and contains a single residential dwelling with vehicular access off Simpson Road, which bounds the western side of the site. Tasman Avenue abuts the northern boundary. See Figure 1 below.

Under the proposed Auckland Unitary Plan, the site is in the Waitākere Ranges Heritage Area Precinct, Sub-precinct A - Foothills. The underlying zone is Rural - Countryside Living Zone. The site is not subject to a significant ecological overlay but other overlays apply, including ridgeline protection. The site is within the Waitākere Ranges Heritage Area (the heritage area) established under the Waitākere Ranges Heritage Area Act 2008.

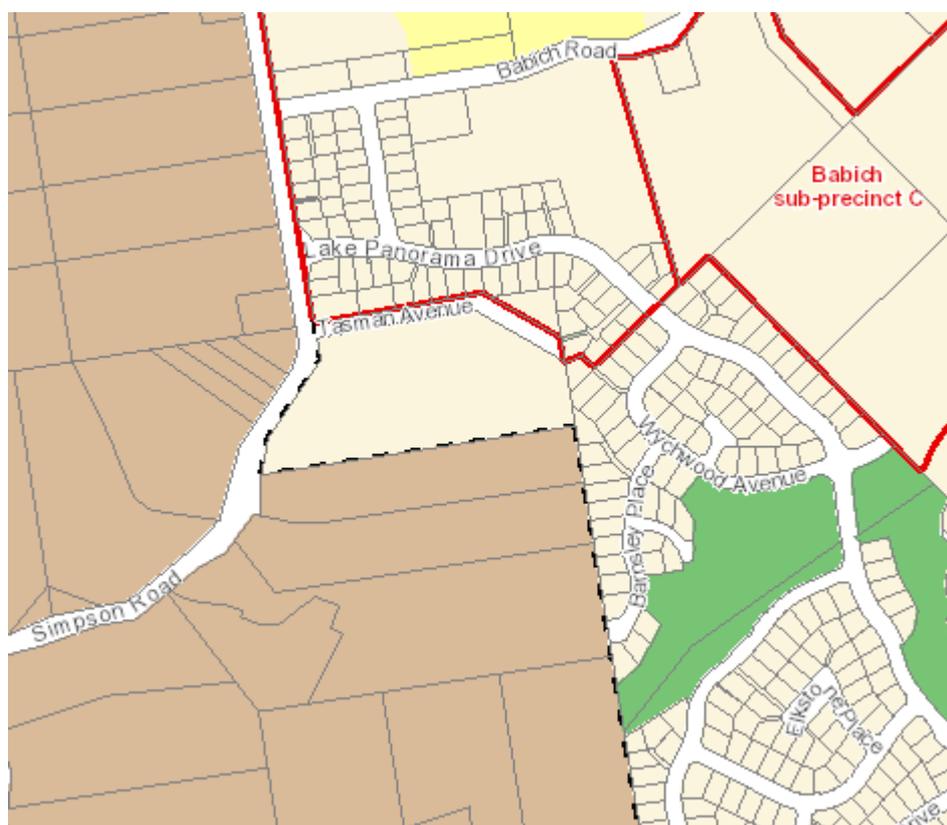


Figure 1: 112 Simpsons Road Oratia

The Council considers that the Rural Urban Boundary should align with the boundary of the Waitākere Ranges Heritage Area and therefore opposes any changes in the Foothills for the reasons stated below (evidence in chief, Eryn Shields, 016&017 Hrg Auckland Council Sub-regional evidence (Joint Statement) Planning, paragraph 10.17):

- (a) the proposed Rural Urban Boundary aligns with the boundary of the Waitakere Ranges Heritage Area and it is appropriate to avoid urban expansion into this in terms of the effects on the rural character of the foothills;
- (b) the land that is subject to the submissions does not form a defensible Rural Urban Boundary; and
- (c) the expansion of urban development into the northern and eastern foothills will not meet the requirements of the Waitakere Ranges Heritage Area Act in terms of maintaining the rural character.

The submitter contends that the site is suitable for urbanisation because of its location near the Babich Precinct, access to services and proximity to public transport and social facilities. To not urbanise this land is to underutilise its potential (legal submissions, paragraph 5). In addition (legal submissions, paragraph 32):

the site is satisfactorily able to meet both sets of [Rural Urban Boundary tests], apart from the avoidance of the Ranges area aspect, which the submitter considers unnecessary, if effective controls are proposed to manage development through change in the Rural Urban Boundary, ranges specific zoning controls or similar tools.

The submitter's evidence was first presented in Topic 016 Rural Urban Boundary and augmented in Topic 081 by evidence in rebuttal. The Council's evidence focused on the Rural Urban Boundary issue and did not address-site specific aspects of the proposal.

3.2 Panel recommendations and reasons

The Panel is satisfied that the submitter's evidence demonstrates that this property is suitable for residential development because it has easy access to services and public road access on its northern and western frontages (evidence in chief, Ehtesham Owais, paragraph 1.4). It is near the existing Residential – Single House Zone in reasonable proximity to public transport and social facilities and would supply housing. Based on land area alone, the site would yield up to 60 houses. Having said that, the Panel acknowledges the opinion of Ms Aukett, planning witness for the submitter, that a lower level of development is more appropriate on this site given its environmental and physical constraints (summary of evidence in rebuttal, Topic 081, paragraph 12). In her opinion, this lower level of development should be provided for by a precinct.

The Panel has considered all of the evidence relating to the proposed change to the Rural Urban Boundary. On the one hand, the Council's planning witness, Mr Shields, supported the notified Rural Urban Boundary on policy grounds i.e. consistency with the Waitākere Ranges Heritage Area boundary. On the other hand, Mr Barry Kaye, planning witness for the submitter, disagreed and concluded that there is no lack of alignment, or inconsistency, with the outcomes sought under the Waitākere Ranges Heritage Area Act. He came to this view based on his site visit and the submitter's evidence. In particular, he relied on the landscape evidence of Ms Bayly which showed how this site could be developed in a manner that achieved the purposes of the Act (evidence in rebuttal, Topic 081, paragraph 3.8). Mr Kaye also considered there was strategic merit in up-zoning land in this location in terms of the regional policy statement and Auckland Plan objectives.

The Panel prefers the submitter's evidence because it addresses all of the relevant Rural Urban Boundary, zoning and precinct matters. In particular, the Panel agrees with Ms Bayly's evidence in rebuttal (paragraph 6 18) evaluating the indicative development in terms of landscape issues, such as the importance of retaining the ridgeline protection overlay and the opportunities afforded to enhance the bush living environment by revegetation. The Panel also agrees with Ms Parulian, planning witness for the submitter, that:

While the Act talks about preventing urban sprawl, the objectives as set out in Part 8 of the WRHAA do not prevent development, but require development within the WRHA to be suitable development, acknowledging that additional residential development is limited by the geography, topography and the sensitive landscape (summary statement in rebuttal, paragraph 5.)

In the Panel's view, the indicative proposal demonstrates that it is possible to achieve the purposes of the Waitākere Ranges Heritage Area Act 2008 while providing for residential development of this site.

The Panel considers that a precinct is not necessary in order to achieve the outcomes sought by the Waitākere Ranges Heritage Area Act. The restructured provisions for the Waitākere Ranges now provide for a Waitākere Ranges Heritage Area Overlay. The objectives, policies and assessment criteria of this overlay, together with the Auckland-wide subdivision provisions and other relevant overlay provisions, provide an adequate policy framework for decision-making. Site-specific solutions tailored to the conditions and circumstances are able to be judged on their merits. The Panel considers that the outcomes shown on the indicative development plan are achievable within this policy framework. There is no need for any additional controls.

For the above reasons, the Panel supports the inclusion of 112 Simpson Road within the Rural Urban Boundary and that the Residential - Single House Zone is the most appropriate in this context.

3.3 Reference documents

Auckland Council

[016&017 Hrg - Auckland Council - Strategic Overview Evidence \(Chloe Trenouth\) - Strategic Planning Overview](#) (14 October 2015)

[016&017 Hrg - Auckland Council - Sub-regional Evidence \(Joint Statement\) - Planning](#) (20 October 2015)

[081d Ak Cncl – West – Rezoning and Precincts – Sub Regional Overview \(E Shields\) – Planning](#) (28 January 2016)

[081d Ak Cncl - West - Rezoning - Massey, Ranui, Non-Rural Swanson \(R Maharjan\) - Planning](#) (26 January 2016)

Submitters

[081 Ali Sheer \(J Parulian\) - Planning - Summary Statement](#) (29 March 2016)

[081 Ali Sheer \(B Kaye\) - Planning - REBUTTAL](#) (25 February 2016)

[081 Ali Sheer \(B Kaye\) - Planning – Summary Statement](#) (29 March 2016)

081 Ali Shear (G Bayly) - Landscape - REBUTTAL (25 February 2016)

081 Ali Sheer (G Bayly) - Landscape - Summary Statement (29 March 2016)

016&017 Hrg - Ali Sheer (Geraldine Bayly) - Landscape Evidence - LATE (updated 21 Dec 2015) (21 December 2015)

016&017 Hrg - Ali Sheer (Geraldine Bayly) - Supplementary Evidence - Summary Statement Landscape (28 January 2016)

016&017 Hrg - Ali Sheer (Kim Aukett) - Planning Evidence - LATE (20 November 2015)

016&017 Hrg - Ali Sheer (Kim Aukett) - Supplementary Evidence - Summary Statement Planning (28 January 2016)

081 Ali Sheer (K Aukett) - Planning - Summary Statement (29 March 2016)

081 Ali Sheer (K Aukett) - Planning - REBUTTAL (25 February 2016)

016&017 Hrg - Ali Sheer (Don McKenzie) - Traffic Evidence - LATE (19 November 2015)

016&017 Hrg - Ali Sheer (Don McKenzie) - Supplementary Evidence - Summary Statement Traffic (28 January 2016)

016&017 Hrg - Ali Sheer (Ehtesham Owais) - Development Engineering Evidence - LATE

016&017 Hrg - Ali Sheer (E Owais) - Supplementary Evidence - Summary Statement Development Engineering (29 January 2016)

016&017 Hrg - Ali Sheer (Ehtesham Owais) - Development Engineering Evidence - LATE (20 November 2015)

016&017 Hrg - Ali Sheer (Hans Dieter-Bader) - Supplementary Evidence - Summary Statement Heritage (29 January 2016)

016&017 Hrg - Ali Sheer (Hans-Dieter Bader) - Heritage Evidence - LATE (20 November 2015)

016&017 Hrg - Ali Sheer (Melanie Dixon and Sarah Whitwell) - Ecology Evidence - LATE (20 November 2015)

016&017 Hrg - Ali Sheer (Melanie Dixon) - Supplementary Evidence - Summary Statement Ecology (29 January 2016)

081 Ali Sheer– LEGAL SUBMISSIONS (29 March 2016)

016&017 Hrg - Waitakere Ranges Protection Society Inc (James Hook) - Planning - REBUTTAL (17 December 2015)

081 Waitakere Ranges Protection Society (J Hook) - Planning - REBUTTAL (24 February 2016)

4. 121-123 Parrs Cross Road

4.1 Statement of issue

Oratia Foothills Limited (5264) owns the land at 121-123 Parrs Cross Road, Sunnyvale. The submitter sought to include the property within the Rural Urban Boundary with a sub-precinct matching the Residential – Single House Zone. The site is described in the planning evidence in chief of Ms Jessica Parulian for Topic 016/017 (paragraph 12) and shown in Figure 2 below.

The property has a total area of approximately 1.67ha and contains a single building connected to water, wastewater and stormwater reticulation with main vehicular access off Parrs Cross Road and potential secondary access off West Coast Road. There are other dwellings located on its southern and eastern boundaries. The Kaurimu Stream, a tributary of the Oratia Stream, traverses the north-western boundary and the fall of the land (approximately 20m) is towards the north-western corner.

Under the proposed Auckland Unitary Plan, the land is zoned Rural – Countryside Living Zone. It is within the Waitākere Ranges Heritage Area Sub-Precinct A – Foothills and the Indicative Stream Overlay applies. It was part of the Oratia Structure Plan area.

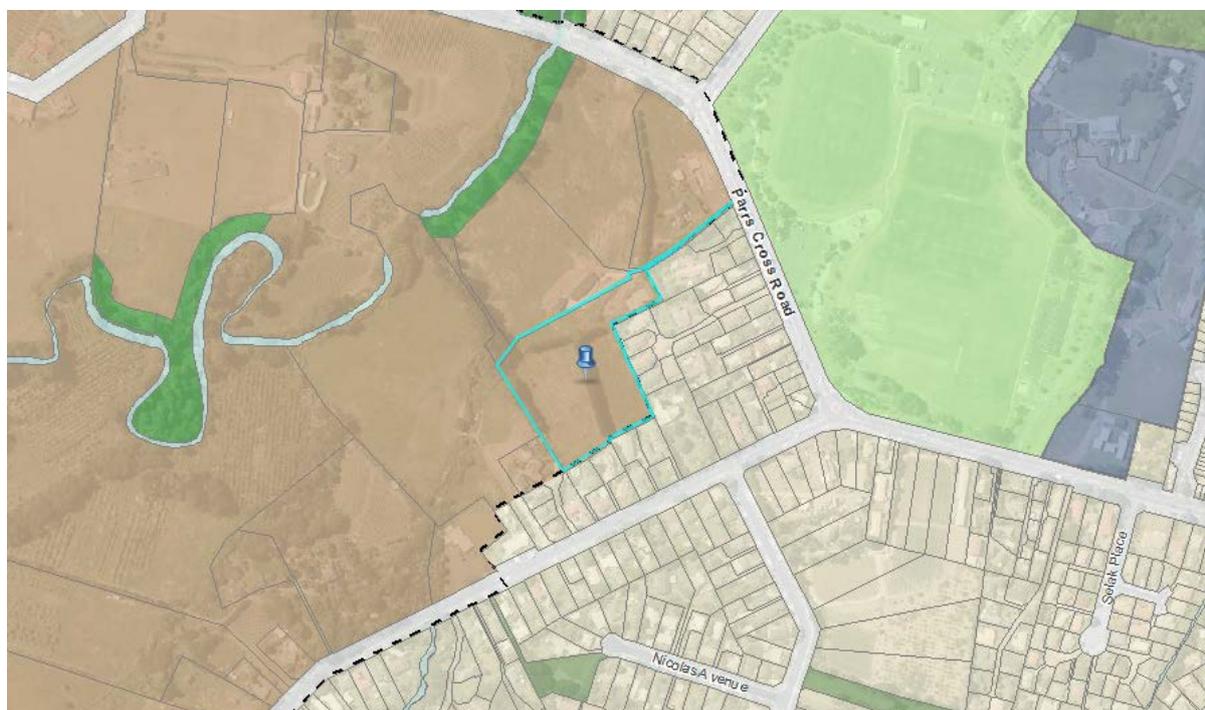


Figure 2: 121-123 Parrs Cross Road (map sourced from planning evidence in chief, Jessica Parulian)

The issue is whether the Rural Urban Boundary is placed around 121-123 Parrs Cross Road and the land is rezoned for residential purposes with a sub-precinct or precinct.

The Council considers that the Rural Urban Boundary should align with the boundary of the Waitākere Ranges Heritage Area and therefore opposes any changes in the Foothills for the

reasons stated below (016&017 Hrg Auckland Council Sub-regional evidence (Joint Statement) Planning paragraph 10.17):

- (a) the proposed Rural Urban Boundary aligns with the boundary of the Waitakere Ranges Heritage Area and it is appropriate to avoid urban expansion into this in terms of the effects on the rural character of the foothills;
- (b) the land that is subject to the submissions does not form a defensible Rural Urban Boundary; and
- (c) the expansion of urban development into the northern and eastern foothills will not meet the requirements of the Waitakere Ranges Heritage Area Act in terms of maintaining the rural character.

The submitter contends that the site is able to satisfy both the Council's tests for inclusion within the Rural Urban Boundary and the Panel's interim guidance (apart from avoiding the Ranges). Residential development is not necessarily inconsistent with the Waitākere Ranges Heritage Area, particularly protection of rural character (legal submissions, Topic 016, paragraphs 15-21).

4.2 Panel recommendations and reasons

The Panel was satisfied from the evidence provided by Oratia Foothills Limited that this property is suitable for residential development to density levels similar to those enabled in the Residential – Single House Zone. It is fully serviced, there is access (or potential access) from two roads and these roads have the capacity to carry additional traffic. The land is close to public transport and social facilities and forms a logical extension of the existing urban area. There do not appear to be any practical impediments to urbanisation and there is a small benefit from increasing the supply of housing in a suitable location.

Therefore the key matter to determine is whether urban development of this property can be achieved while protecting the heritage features of the Waitākere Ranges Heritage Area, particularly its rural character.

In this regard, the Panel agrees with the landscape and visual effects assessment of Ms Geraldine Bayly for the submitter (evidence in chief and evidence in rebuttal, Topic 081d). The floodplain of the Kaurimu Stream forms a clear delineation between the proposed new urban and existing rural residential uses as sought in the Oratia Structure Plan (evidence in rebuttal, paragraph 12). There is a fall of 20m to the north-west which means that much of the land is not visible from the road or public vantage points. Ms Bayly concluded that, from a landscape and visual perspective, there is capacity for future development on the property providing that the landscape/heritage features can be enhanced and protected in accordance with the Waitākere Ranges Heritage Area Act (summary of rebuttal, paragraph 11). She provided an indicative development illustrating how this might be achieved.

The Panel asked questions about rural character in this hearing and in Topic 075 Waitākere Ranges because the Foothills are in transition from the traditional 1930s orchards and horticulture to other uses. In the Panel's view, rural character is no longer primarily a function of productive farming and horticultural land uses in the Foothills. Rather, it is more likely a result of the retention of large sites containing a mix of pasture and bush. Many of these sites are now used for dwellings and there is consequently a 'bleeding' of residential densities in a spatial transect from urban to countryside living rather than a clear distinction

based on activities. To achieve the protection of rural character in these circumstances, it is sometimes necessary to create a clear contrast between land that is developed to urban densities and the Foothills. Based on Ms Bayly's evidence, the Panel agrees that the indicative development proposal shows that a clear contrast can be achieved when developing 121-123 Parris Cross Road, thereby protecting and enhancing 'rural character' in the Foothills while allowing residential development contiguous to the existing urban area.

The Panel considers there is no presumption for aligning the Rural Urban Boundary with the boundary of the Waitākere Ranges Heritage Area now and into the future. The two boundaries serve different purposes and these purposes do not always align 'on the ground'. As observed by Mr Barry Kaye (summary statement of evidence in rebuttal, Topic 081d, paragraph 9), "the PAUP as notified does not reflect a detailed analysis of the potential suitability of small parcels of land along the WRHA/RUB boundary to be zoned as urban". Such an analysis by the Council may well have led to the conclusion that the Panel has reached i.e., there are some opportunities in West Auckland to amend the Rural Urban Boundary. Done carefully, these developments have the potential to protect the heritage features and create a clear contrast between the urban area and the rural character of the Foothills.

As the Panel recommends a Waitākere Ranges Heritage Area Overlay and a new Rural – Waitākere Foothills Zone to replace several precincts, the submitter's suggested sub-precinct is redundant. In the Panel's view, the Residential - Single House Zone enables an appropriate level of development. Any application for subdivision consent will have to satisfy the objectives, policies and assessment criteria of the Waitākere Ranges Heritage Area Overlay in addition to the Auckland-wide subdivision provisions. Site-specific solutions tailored to the conditions and circumstances are able to be judged on their merits. The Panel considers that the outcomes shown on the indicative development plan are achievable within this policy framework. There is no need for any additional controls.

For these reasons, the Panel supports inclusion of 121-123 Parris Cross Road within the Rural Urban Boundary and supports a zoning of Residential – Single House Zone.

4.3 Reference documents

Auckland Council

[016&017 Hrg - Auckland Council - Sub-regional Evidence \(Joint Statement\) - Planning](#) (20 October 2015)

[081d Ak Cncl – West – Rezoning and Precincts – Sub Regional Overview \(E Shields\) – Planning](#) (28 January 2016)

Submitters

[016 - Pre Hrg Mtg - Setareh Masoud-Ansari](#) (22 July 2015)

[016&017 Hrg - Oratia Foothills \(Hans-Dieter Bader\) - Heritage Evidence - LATE](#) (25 November 2015)

[016&017 Hrg - Oratia Foothills Limited \(Ehtesham Owais\) - Development Engineering Evidence - LATE](#) (20 November 2015)

[016&017 Hrg - Oratia Foothills Limited \(Geraldine Bayly\) - Landscape Evidence - LATE \(updated 21 Dec 2015\) \(21 December 2015\)](#)

[016&017 Hrg - Oratia Foothills Limited \(Jessica Parulian\) - Planning Evidence - LATE \(20 November 2015\)](#)

[016&017 Hrg - Oratia Foothills Limited \(Melanie Dixon and Sarah Whitwell\) - Ecology Evidence - LATE \(20 November 2015\)](#)

[016&017 Hrg - Oratia Foothills Ltd \(Don McKenzie\) - Traffic Evidence and Annexures - LATE \(19 November 2015\)](#)

[016&017 Hrg - Oratia Foothills Ltd. \(Don McKenzie\) - Summary Statement Traffic \(22 January 2016\)](#)

[016&017 Hrg - Oratia Foothills Ltd. \(Ehtesham Owais\) - Summary of Evidence \(22 January 2016\)](#)

[016&017 Hrg - Oratia Foothills Ltd. \(Geraldine Frances Bayly\) - Summary of Evidence \(22 January 2016\)](#)

[016&017 Hrg - Oratia Foothills Ltd. \(Hans-Dieter Bader\) - Summary Statement \(22 January 2016\)](#)

[016&017 Hrg - Oratia Foothills Ltd. \(Jessica Parulian\) - Summary of Evidence \(22 January 2016\)](#)

[016&017 Hrg - Oratia Foothills Ltd. \(Melanie Dixon\) - Summary of Evidence \(22 January 2016\)](#)

[016&017 Hrg - Oratia Foothills Ltd. \(Setareh Masoud-Ansari\) - Legal Submission \(22 January 2016\)](#)

[081 Oratia Foothills – LEGAL SUBMISSIONS \(29 March 2016\)](#)

[081 Oratia Foothills \(B Kaye\) - Planning – Summary Statement \(29 March 2016\)](#)

[081 Oratia Foothills \(G Bayly\) - Landscape - Summary Statement \(29 March 2016\)](#)

[081 Oratia Foothills \(J Parulian\) - Planning - Summary Statement \(29 March 2016\)](#)

[081 Oratia Foothills Ltd \(B Kaye\) - Planning - REBUTTAL \(25 February 2016\)](#)

[081 Oratia Foothills Ltd \(G Bayly\) - Landscape - REBUTTAL \(25 February 2016\)](#)

[081 Oratia Foothills Ltd \(J Parulian\) - Planning - REBUTTAL \(25 February 2016\)](#)

5 Redvale Landfill zone

5.1 Statement of issue

The Redvale Landfill is located at Dairy Flat in a former limestone quarry. It is operated by Waste Management New Zealand (877) and is the largest landfill in the Auckland region with a landfill footprint of 69 hectares and a total refuse volume of approximately 20 million cubic metres per annum. A number of resource consents primarily relating to discharges govern its operation (planning evidence in chief, Andrea Brabant, paragraphs 16-18).

It is zoned Rural – Mixed Use Zone in the proposed Plan.

The issue is whether there should be a new special purpose zone for the Redvale Landfill.

Waste Management New Zealand considers that a Special Purpose – Landfill Zone is vitally important to:

- i. recognise the importance of landfilling infrastructure to the Auckland region;
- ii. inform the community of the existence of Redvale Landfill in the Unitary Plan;
- iii. assist in managing reverse sensitivity effects; and
- iv. enable efficient use of the Redvale Landfill resource.

In particular, a zone would address misunderstandings in the community about the permanency of the landfill. There will be a post-closure period of active aftercare that will last approximately 30 years and this should be provided for (legal submissions, paragraphs 2 and 10).

The Redvale Environmental Protection Society (FS3850) generally agrees with the Council and Waste Management New Zealand that “there is some benefit in the Redvale Landfill being in a specific zone, so that it is no longer ‘invisible’ in the Rural – Mixed Use zone” (summary statement, Dr Mark Bellingham, paragraph 1). However, the Society’s planning witness, Dr Bellingham, raised a number of issues with respect to the treatment of odour, noise and dust which are regional rules. He also addressed the duration of the landfilling activities and the need to separately provide for the more permanent activities, such as site remediation, versus the temporary activities such as landfilling. Consistency of approach with other landfills around the region was also queried (evidence in rebuttal, paragraphs 5 – 13).

The Council’s position was set out in the planning evidence in chief and evidence in rebuttal of Mr Bain Cross. Mr Cross proposed a new Special Purpose – Landfill Zone in his evidence in chief and the provisions evolved as the hearing progressed. A final version of the proposed new Special Purpose – Landfill Zone was attached to the Council’s closing remarks dated 12 April 2016.

5.2 Panel recommendations and reasons

The Panel acknowledges the point made by all the parties that this is a major land use with the potential for reverse sensitivity effects to arise as the urban area expands into Dairy Flat later this century. Recognising this activity with a special purpose zoning is an attractive approach to making it more 'visible' in the Plan. However the Panel has a number of concerns regarding the proposed provisions and in particular, their integration with Auckland-wide standards and regional plan matters.

The following discussion identifies several matters that the Panel considers need further attention. There was insufficient time within the hearing process to resolve these concerns.

There appears to be little difference between the provisions of the Rural – Mixed Use Zone as adopted by the Panel and the proposed provisions. Similar land use activities are provided for in both zones, except that landfills are discretionary in the Special Purpose – Landfill Zone whereas they are non-complying in the Rural –Mixed Use Zone. As the landfill is consented until 2028 and will continue to operate under various regional consents, there is little to gain from this change in activity status. Waste management facilities are not provided for in the Rural – Mixed Use Zone but, as now provided for in C General rules, they become discretionary activities in that zone (uses not provided for).

A new zone will require integration with the rest of the Auckland-wide provisions. The Council has proposed that the land disturbance, infrastructure and air quality provisions for the landfill zone are to mirror those of the Special Purpose – Quarry Zone. However, the Special Purpose - Quarry Zone provisions recommended by the Panel are now fairly enabling compared to the Council's closing remarks version. The Panel is concerned that the recommended quarry zone standards may be inappropriate for a landfill. To deal with this concern, specific standards for land disturbance activities are required in the proposed Special Purpose - Landfill Zone and these are not available at present.

There is also a need to consider the remainder of the Auckland-wide provisions, for example vegetation management, transport, noise and so on. At this stage, without the time and resources to understand the potential effects of the landfill and how the proposed zoning provisions will interact with the resource consents granted for the landfill, it is a difficult task to integrate the proposed Special Purpose – Landfill Zone with the rest of the core provisions. For example, the infrastructure provisions are very specific in terms of the standards applicable to each zone.

Aftercare activities for a closed landfill are a regional consenting matter and will be subject to further applications for resource consent in due course. Thus aftercare cannot be provided for in a district plan zone.

Overall, the Panel considers that the main benefit of the Special Purpose – Landfill Zone is recognition within the Plan. In terms of managing environmental effects, this is achieved by a suite of resource consents addressing both land use and discharge matters, including duration. Given the limited benefit arising from recognition in the Plan, and the fact that the provisions need further work in order to fit with the Panel's recommended core provisions, the Panel does not support the proposed Special Purpose – Landfill Zone for the Redvale Landfill.

5.3 Reference documents

Auckland Council

[080 Ak Cncl - New Special Purpose Landfill Zone \(B Cross\) - Planning - LATE](#) (08 December 2015)

[080 Ak Cncl - Other - New Special Purpose Landfill Zone \(B Cross\) - Planning - REBUTTAL](#) (27 January 2016)

[080 Ak Cncl - Special Purpose Landfill Zone \(Redvale Landfill\) - CLOSING REMARKS - UPDATED 12 April 2016](#) (12 April 2016)

Submitters

[080 Waste Management New Zealand \(Ian Kennedy\) - REBUTTAL](#) (26 January 2016)

[080 Waste Management New Zealand \(A Brabant\) - Planning](#) (19 December 2015)

[080 Waste Management New Zealand \(Andrea L Brabant\) - REBUTTAL](#) (26 January 2016)

[080 Redvale Environmental Protection Society \(M Bellingham\) - Planning](#) (15 December 2015)

[080 Redvale Environmental Protection Society \(M Bellingham & A Brabant\) - Planning - REBUTTAL](#) (26 January 2016)

[080 Redvale Environmental Protection Society \(M Bellingham\) - Summary Statement](#) (24 February 2016)