

Proposed Plan Change 78 (PC78)

to the Auckland Unitary Plan (Operative in
part)

**SECTION 32 and sec77K / sec 77Q alternative process for existing
qualifying matters
EVALUATION REPORT – PORTS OF AUCKLAND AND ONEHUNGA as a
qualifying matter in accordance with sec 77I(e) and sec 77O(e)**

Table of Contents

Executive Summary.....	3
Introduction	4
Integrated evaluation for existing qualifying matters	4
Issues.....	5
Objectives and Policies (existing).....	10
Development of Options.....	14
Consequences for development potential	15
Evaluation of options	15
Overall conclusion.....	16
Information Used	18
Consultation.....	18

Executive Summary

This draft report discusses the implications of applying the Ports of Auckland and Onehunga, in the Auckland Unitary Plan (Operative in Part)(AUP), as an existing qualifying matter to the medium density residential standards (MDRS) of Schedule 3A of the Resource Management Act 1991 (RMA). And the implementation of Policy 3 of the National Policy Statement on Urban Development 2020 – updated 2022 (NPS-UD).

Introduction

This draft report is prepared as part of the evaluation required by Section 32 and Sections 77K and 77Q of the Resource Management Act 1991 (**'the Act'**) for proposed Plan Change 78 (**PC78**) to the Auckland Unitary Plan (Operative in Part) (**AUP**).

The background to and objectives of PC78 are discussed in the overview report, as is the purpose and required content of section 32 and 77K / 77Q evaluations.

This draft report discusses the implications of applying the Ports of Auckland and Onehunga as a qualifying matter to the medium density residential standards (MDRS) of Schedule 3A of the RMA and the implementation of policy 3 of the NPS-UD.

An existing qualifying matter is a qualifying matter referred to in section 77 I or 77O (a) to (i) that is operative in the relevant district plan when the IPI is notified.

- Sec 77I relates to relevant residential zones.
- Sec 77O relates to urban non-residential zones.

The Council may make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development in relation to an area within a relevant residential zone or urban non-residential zone only to the extent necessary to accommodate 1 or more of the qualifying matters listed in 77I or 77O.

Integrated evaluation for existing qualifying matters

For the purposes of plan change 78, evaluation of the Ports of Auckland and Onehunga as an existing qualifying matter has been undertaken in an integrated way that combines sec 32 and 77K / 77Q requirements. The draft report follows the evaluation approach described in the table below.

Preparation of this draft report has involved the following:

- a review of AUP processes including Independent Hearing Panel evidence and recommendations for Topics 050-054 City centre and business zones
- review of Chapters I208 Port Precinct, H8 Business – City Centre Zone, D25 City Centre Port Noise Overlay, F2 Coastal - Coastal Marine Area Zone and F5 Coastal – Minor Port Zone in the AUP
- review of National Coastal Policy Statement 2010
- review of the AUP to identify all relevant provisions that require a consequential amendment to integrate the application of this qualifying matter
- review of the AUP Maps to assess the spatial application of this qualifying matter
- section 32 options analysis for this qualifying matter and related amendments.

The scale and significance of the issues is assessed to be minor.

This draft section 32 and 77K/77Q evaluation report will continue to be refined in response to any consultation feedback provided to the council, and in response to any new information received.

Table 1 Integrated approach

Standard sec 32 steps	Plus sec 77K / 77Q steps for existing qualifying matter
<p>Issue</p> <p>Define the problem- provide overview/summary providing an analysis of the qualifying matter</p>	<p>Sec 77K or 77Q (1) (a)</p> <p>Describe the qualifying matter.</p> <p>Identify by location (for example, by mapping) where an existing qualifying matter applies</p>
<p>Identify and discuss objectives / outcomes</p>	<p>Sec 77K or 77Q(1) (c)</p> <p>Identify relevant RPS objectives and policies. Describe why the Council considers that 1 or more existing qualifying matters apply to these areas and why the qualifying matter is necessary.</p>
<p>Identify and screen response options</p>	<p>Sec 77k or 77Q (1) (b)</p> <p>Consider a range of alternative density standards for those areas having considered the particular MDRS standards and/or Policy 3 intensification requirements</p>
<p>Collect information on the selected option(s)</p>	<p>Sec 77K or Q (1) (d)</p> <p>Describe in general terms for a typical site the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been permitted by the MDRS and policy 3 having regard to the modified zone, with regard to the identified density options</p>
<p>Evaluate option(s) - environmental, social, economic, cultural benefits and costs</p>	<p>Sec 77K or Q (1) (b)</p> <p>Provide a general assessment of the benefits and costs of the options in the light of the new objectives introduced by the NPS-UD and MDRS relating to well-functioning urban environments</p>
<p>Overall judgement as to the better option (taking into account risks of acting or not acting)</p>	<p>Conclusion as to the implications of the qualifying matter for development capacity to be enabled by NPS-UD/MDRS in the areas where the qualifying matter applies</p>

Issues

The qualifying matter being evaluated is the Ports of Auckland and Onehunga under the following sections of the RMA:

Residential zones:

- 77I(e) – a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure, is identified as a qualifying matter. The definition of ‘nationally significant infrastructure’ includes (i) ‘the port facilities (but the facilities of any ancillary commercial activities) of each port company referred to in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act 2002; and 77I(b) a matter required in order to give effect to the New Zealand Coastal Policy Statement 2010.
- 77K – Chapters I208. Port Precinct, D25 City Centre Port Noise Overlay, H8 – Business – City Centre Zone, and Chapter F5 Coastal – Minor port zone, which provides for the activity status of land use and development activities, and manages effects, including noise reverse sensitivity effects, are existing provisions, which support the ports as qualifying matters, in the district plan section of the AUP. Therefore, Section 77K alternative process for existing qualifying matters is appropriate for the Section 32 assessment.

Non-residential zones:

- 77O(e) - a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure, is identified as a qualifying matter. The definition of ‘nationally significant infrastructure’ includes (i) ‘the port facilities (but the facilities of any ancillary commercial activities) of each port company referred to in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act 2002; and 77O(b) a matter required in order to give effect to the New Zealand Coastal Policy 2010.
- 77Q - Chapters I208. Port Precinct, D25 City Centre Port Noise Overlay, H8 – Business – City Centre Zone, and Chapter F5 Coastal – Minor port zone, which provides for the activity status of land use and development activities, and manages effects, including noise reverse sensitivity effects, are existing provisions, which support the ports as qualifying matters, in the district plan section of the AUP. Therefore, Section 77Q alternative process for existing qualifying matters is appropriate for the Section 32 assessment.

Overview of the qualifying matter

The Ports of Auckland and Onehunga are nationally and regionally significant components of Auckland and New Zealand’s transport infrastructure and trade network. These facilities are important in serving and supporting local, regional, and national business opportunities, and providing for the social and economic well-being of Auckland. Both ports are managed by Ports of Auckland Limited (POAL).

Policy 9 of the New Zealand Coastal Policy Statement 2010 requires recognition ‘that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connections with other transport modes’. This includes:

- ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes (Policy 9)
- considering where, how, and when to provide in regional policy statements and in plans for the efficient and safe operation of these ports, the development of their capacity for shipping, and their connections with other transport modes (Policy 9)
- when considering proposed reclamations, have particular regard to the extent to which the reclamation and intended purpose would provide for the efficient operation of infrastructure, including ports (Policy 10)
- management of discharges from ports to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems, and habitats that is more than minor (Policy 23).

The provisions of the AUP which support the Ports of Auckland and Onehunga provide for the integrated management of activities and development of marine and port facilities and associated works. And enable the efficient use, operation and management of the port activities while avoiding, remedying, or mitigating potential adverse effects on the environment. There are also provisions to maintain, enhance or provide, public access to the CMA where it does not adversely affect the efficient and safe operation of the port activities and facilities.

Ports of Auckland

The Ports of Auckland is managed under the following parts of the AUP:

- I208 – Port Precinct – consists of land and coastal areas owned or controlled by the Ports of Auckland Limited (POAL) and provides for use and development of the port while avoiding, remedying, or mitigating adverse effects.
- D25 – City Centre Port Noise Overlay – manages noise reverse sensitivity effects on land near the port which may have buildings accommodating activities sensitive to noise.
- H8 – Business – City Centre Zone – objectives, policies and standards enable the efficient use and development of the port
- F2 Coastal – General Coastal Marine Zone – provides for use and development in the coastal marine areas (CMA), in particular those forms of use and development that have a functional or operational need to be undertaken or located in the CMA.

The Port of Onehunga

The Port of Onehunga is managed under the following part of the AUP:

- F5 Coastal – Minor Port Zone – provides for integrated and efficient operation and development of particular minor ports, including Onehunga, in the Auckland region.

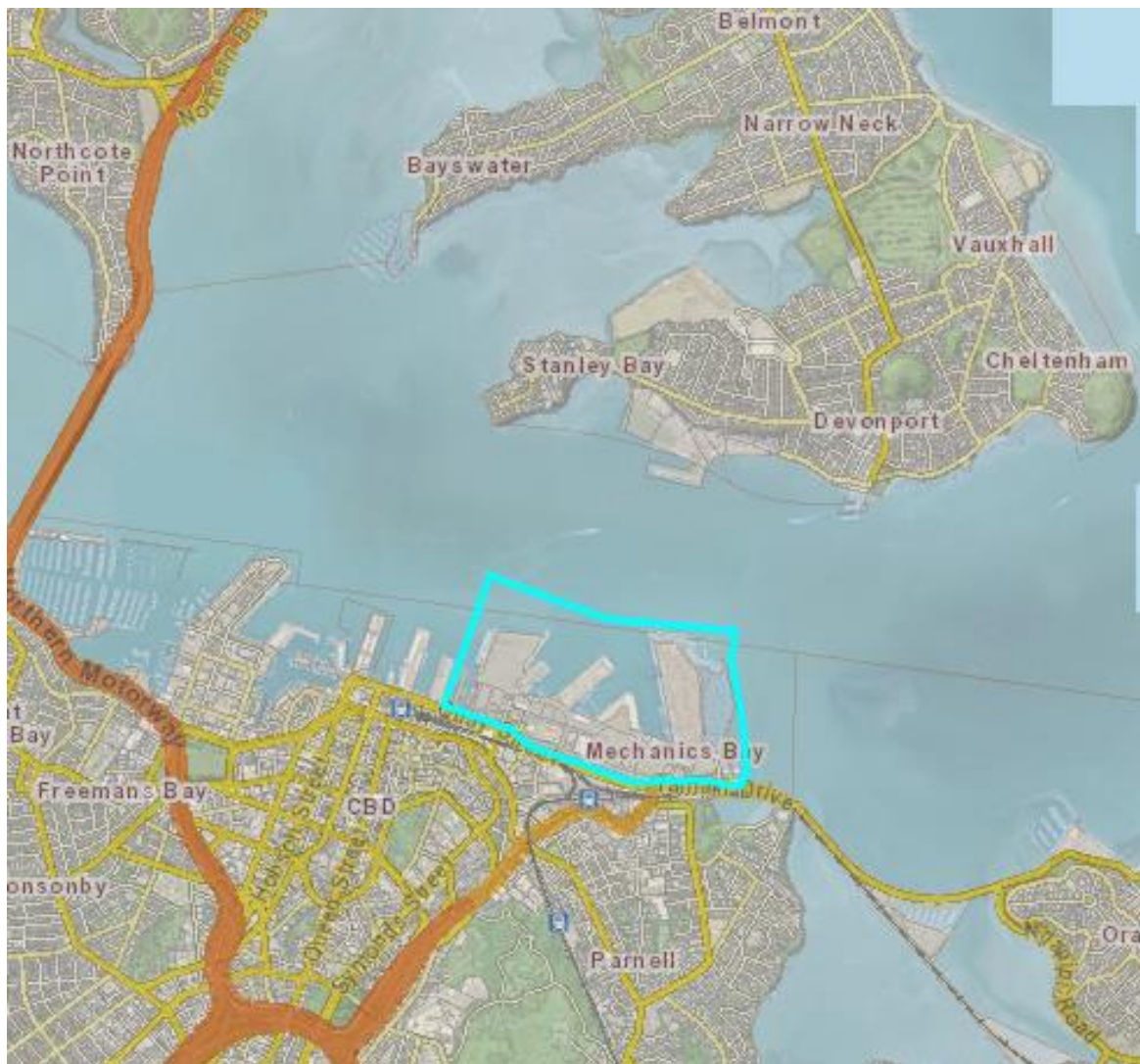
The description section of Chapter F5 states that the Port of Onehunga provides for general port operations (including for cargo handling and general wharf operations), fishing fleet

operations, and marine services (such as towage, pilotage, and line handling), storing and warehousing. These activities are supported by a range of services including logistics, port infrastructure, and port security. And that the port is traditionally an important base for the Auckland west-coast based fishing industry.

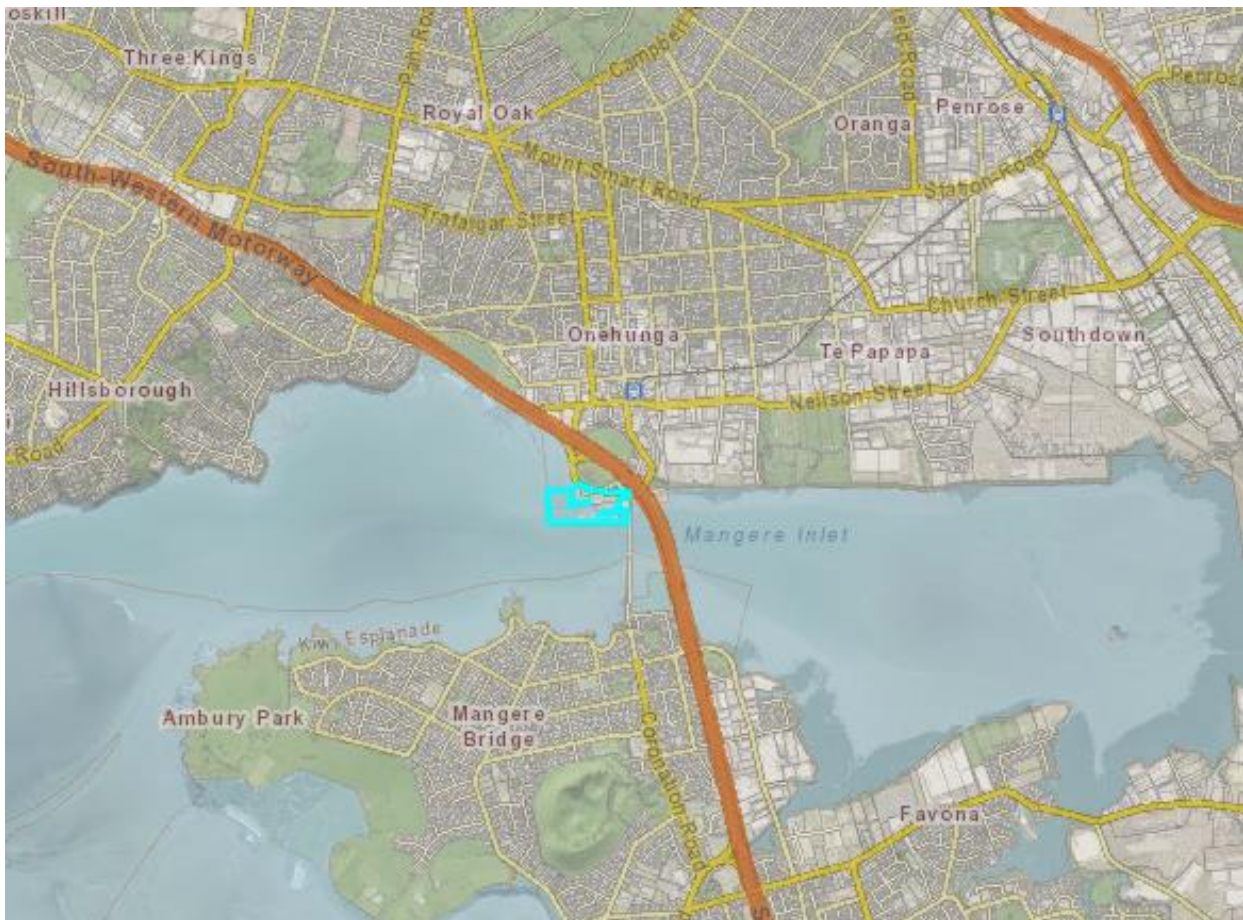
While the Port of Onehunga still has some port-type activities occurring on the site, this is not intended to be its future use. Further discussion on the Port of Onehunga and its future uses is provided in the Development of Options section of this report.

Location of qualifying matter

The location of the Port of Auckland and Port of Onehunga are shown below in Map 1 and 2 respectively:



Map 1: Location of Port of Auckland (outlined in blue) (Auckland Council Geomaps 17 May 2022).



Map 2: Location of Port of Onehunga (outlined in blue) (Auckland Council Geomaps 17 May 2022).

Effects the qualifying matter seeks to manage

The effects that the AUP sections relevant to the Ports of Auckland and Onehunga manage, amongst other matters, include:

- ensuring the efficient operation, growth and intensification of port activities (I208 Port Precinct)
- that the use of non-port related activities do not compromise the existing or future operation of the ports (I208 Port Precinct)
- that adverse effects arising from port activities and development are avoided, remedied or mitigated (I208 Port Precinct)
- that the port is protected from adverse reverse sensitivity effects arising from activities sensitive to noise (D25 City Centre Port Noise Overlay)
- public access to the CMA which does not affect the efficient and safe operation of port activities and development (I208 Port Precinct)
- inappropriate subdivision, use and development which may compromise the ability to operate safely and efficiently (F5 Coastal – Minor Port Zone)
- conflicts between activities in the CMA (F2 Coastal – General Coastal Marine Zone).

Auckland Council considers that the appropriate zoning to apply is one which includes the MDRS. This is because I208 Port Precinct, D25 City Centre Port Noise Overlay, F5 Coastal – Minor Port Zone, and F2 Coastal – General Coastal Marine Zone are appropriate methods to manage land use and development as they manage the effects listed above in the previous paragraph.

The Port of Onehunga is not located within a relevant residential zone and is therefore not affected by the MDRS.

The Port of Auckland in Auckland’s CBD is zoned H8 Business – City Centre Zone which is subject to Policy 3 of the NPS-UD. However, the precinct provisions provide for height not the zone and therefore is not affected by Policy 3 of the NPS-UD. The precinct provisions take precedence over the zone provisions which do not apply unless otherwise specified in the precinct.

Objectives and Policies (existing)

Relevant AUP objectives and policies

The relevant AUP objectives and policies, that support the Ports of Auckland and Onehunga as a qualifying matter are as shown in the table below:

AUP Chapter	Objective/Policy	Summary of matter addressed
B3 Infrastructure - Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure, transport and energy [rps]	Objective B.3.2.1(1)	Infrastructure is resilient, effective and efficient
	Objective B.3.2.1(2)	The benefits of infrastructure are recognised
	Objective B3.2.1(3)	Development, operation, maintenance, and upgrading of infrastructure is enabled, while managing adverse effects.
	Objective B3.2.1(4)	The functional and operational needs of infrastructure are recognised.
	Objective B3.2.1(6)	Infrastructure is protected from reverse sensitivity effects
I208. Port Precinct [rcp/dp]	Objective I208.2(1) Policy I208.3(1) Policy I208.3(2) Policy I208.3(7)	Efficient operation, growth and intensification of marine and port activities and marine and port facilities, including the development of the Port’s capacity for shipping and its connections with other transport modes. And avoid, remedy or mitigate potential adverse effects.

	Objective I208.2(2) Policy I208.3(3)	The use and development of non-port related activities and buildings do not compromise the existing or future operation of the precinct.
	Objective I208.2(3) Policy I208.3(4)	Adverse effects arising from activities and development are avoided, remedied or mitigated.
	Objective I208.2(4) Policy I208.3(5)	Adverse reverse sensitivity effects on the efficient and safe operation of marine and port activities are avoided, remedied or mitigated.
	Objective I208.2(5) Policy i207.3(8)	Buildings adjacent to Quay Street complement and enhance gateway to city centre, while recognising any functional and operational requirements of marine and port activities.
	Objective I208.2(6) Policy I208.3(6)	Public access to the CMA is maintained or enhanced provided it does not adversely affect efficient and safe operation of marine and port activities and development of the precinct.
	Policy I208.3(9)	Limit max. building height to appropriate scale to provide a transition in height between city centre core and the harbour with exception of specifically identified contained and cargo-handling facilities, vessels, structures and equipment associated with marine and port activities.
H8 – Business – City Centre Zone	Policy H8.3(21)	Enable the efficient use of the Port of Auckland and identified marine and port activity areas.
D25 – City Centre Port Noise Overlay [rcp/dp]	Objective D25.2(1)	The port is protected from reverse sensitivity effects arising from activities sensitive to noise.
	Policy D25.3(1)	Requires activities sensitive to noise within the overlay to protect themselves from noise arising from the operation of the port.

F2 Coastal – General Coastal Marine Zone [rcp]	Policy F2.2.3(3)	Provision for reclamation and works that are necessary to enable the construction and/or efficient operation of infrastructure, including ports.
F5 Coastal – Minor Port Zone [rcp/dp]	Objective F5.2(1) Policy F5.3(3)	Efficient and safe operation is continued for water transport facilities for freight and business including at Port of Onehunga.
	Objective F5.2(2) Policy F5.3(1)	Existing water transport facilities for freight and business are protected from inappropriate subdivision, use and development
	Objective F5.2(3) Policy F5.3(2)	Public access to CMA is maintained provided this does not adversely affect efficient and safe operation of marine and port activities/marine and port facilities.
	Objective F5.2(5) Policy F5.3(4) Policy F5.3(5)	Potential adverse effects of activities on neighbouring areas are avoided, remedied or mitigated.
	Policy F5.3(11) Policy F5.3(12)	Avoid office and residential activities, except where there are ancillary to marine and port activities; avoid retail land use activities, except for convenience-type retail servicing the local workers.

The management approach in the AUP, to provide for the Ports of Auckland and Onehunga includes through:

- provisions in Chapter I – I208 Port Precinct and identification of the precinct in AUP maps
- provisions in D25 City Centre Port Noise Overlay and identification of the overlay in the AUP maps
- provisions in H8 Business – City Centre Zone, Chapter F2 Coastal – General Coastal Marine Zone, and Chapter F5 Coastal – Minor Port zone.

As stated above, the objectives, policies, activity statuses, and standards of the above chapters of the AUP provide for the efficient and safe operation of the Ports while mitigating the adverse effects from the port activities. And in the case of Port of Auckland, managing reverse sensitivity effects from buildings which contain activities sensitive to noise, adjacent to the precinct.

Permitted works in the CMA or land within the precinct include, but not limited to:

- maintenance/repair of a reclamation/drainage system
- worker accommodation
- offices accessory to marine/port activities
- Emergency services
- Marine and port activities, including the landing and taking off of helicopters associated with loading and unloading of cargo
- Maritime passenger facilities
- New buildings and alterations/additions to buildings (within specific area in precinct)
- Maintenance, repair and reconstruction of existing coastal marine area structures or buildings.

The land and water use standards in the Coastal – General Coastal Marine Zone apply unless otherwise specified in the precinct provisions. Exceptions include noise and vibration, lighting and parking on coastal marine structures for loading and unloading passengers and cargo to vessels.

The standards of Chapter H8 Business – City Centre Zone also do not apply unless specified in the precinct provisions. The specified standards in the precinct relate to the following:

- lighting
- noise
- parking
- maintenance or repair of a lawful reclamation or drainage system
- public access
- natural hazards and flooding
- building height.

Chapter F5 Coastal – Minor Port Zone applies to the Port of Onehunga. Similarly, the activities, standards and assessment criteria in the Coastal – General Coastal Marine Zone apply unless otherwise specified in the provisions of Chapter F5. Along with the activities, standards and assessment criteria in the Business – Light Industry Zone which applies to any land in the Coastal – Minor Port Zone.

Amendments required to district plan objectives and policies

No amendments are required to AUP objectives, policies or rules in response to the MDRS.

Auckland Council considers that the appropriate zoning to apply for this qualifying matter is one which includes the MDRS and Policy 3 of the NPS-UD. This is because the relevant chapter provisions which support the Ports of Auckland and Onehunga are appropriate to manage the use and development of the ports, and mitigation of potential adverse environmental effects. In addition, the Port of Onehunga is not located within a relevant residential zone and therefore is not affected.

Development of Options

As set above, the Ports of Auckland and Onehunga are existing qualifying matters in terms of sections 77K and 77Q of the RMA as they are:

- a matter required to give effect to the New Zealand Coastal Policy Statement 2010¹
- a matter required for the purpose of ensuring the safe and efficient operation of nationally significant infrastructure² (as provided for in the definition of 'nationally significant infrastructure')
- is currently in the AUP and continue to have effect as part of an operative plan.

A number of options have been considered in regard to the Section 32 assessment of the Ports of Auckland and Onehunga.

The options for MDRS and Policy 3 include:

1. Do not apply the Ports of Auckland and Onehunga as qualifying matters i.e. remove provisions which support them and only apply MDRS and Policy 3.
2. Apply MDRS and Policy in a modified form to support the Ports of Auckland and Onehunga
3. Apply the Ports of Auckland and Onehunga as a qualifying matter in full i.e. retain the current Ports of Auckland and Onehunga provisions and apply a zone which includes MDRS and Policy 3.

Option 3 is the preferred option, for the application of the MDRS and Policy as the AUP provisions that support the Ports of Auckland and Onehunga are appropriate and required to provide for the safe and efficient operation of the ports. And to mitigate any effects from port activities or reverse sensitivity effects on adjacent activities.

Applying the provisions of the MDRS and Policy 3 in full will not affect the operational and functional requirements of the ports. In regard to the Port of Auckland, the precinct provisions and the City Centre Port Noise Overlay takes precedence over the underlying Business – City Centre Zone (which is subject to Policy 3 of the NPS-UD). However, this does not affect height or density for residential development as this is not currently provided for within the precinct. The activities, standards and assessment criteria of the underlying zoning that provide for residential development do not apply to the land in the Port Precinct. And is not being proposed to be included as it is an inappropriate activity which would affect the safe and efficient operation of the port.

In regard to the Port of Onehunga, the underlying zoning of Coastal – Minor Port Zone is not a relevant residential zone.

¹ Resource Management Act, ss 77I(b) and 77O(b).

² Resource Management Act, ss 77I(e) and 77O(e).

Consequences for development potential

As identified above in the Issues section, the Ports of Auckland and Onehunga are in specific locations.

The difference between the residential development capacity provided by the existing provisions of the AUP which support the Ports of Auckland and Onehunga and that provided for by the MDRS and Policy 3 of the NPS-UD is not significant. Residential development is an incompatible activity within the area of the Ports of Auckland managed by the precinct provisions and would constrain the safe and efficient operation of the port. The Port of Onehunga is not within a relevant residential zone or affected by Policy 3 of the NPS-UD.

While the Port of Onehunga still has some port-type activities occurring on the site, this is not intended to be its future use. The Ports of Onehunga wharf is located within Auckland Council's urban regeneration area as a 'Transform Location'; a location for future residential, public space and associated land uses and activities e.g. cafes, retail, as part of the wider revitalisation of Onehunga³. With further opportunities to create residential linkages in the area, currently zoned Business – Light Industry, between the port and the township of Onehunga. However, this will require future plan changes and will result in the Port of Onehunga no longer being identified as a qualifying matter as it will not meet the definition of being 'nationally significant infrastructure'.

Evaluation of options

Qualifying matter	Status Quo	Option 2	Option 3
Costs of applying the QM – broader social, economic, environmental, cultural	<i>Low/medium/high?</i> Applying MDRS/Policy 3 may enable the density sought in relation to the Ports of Auckland. However, residential is an incompatible activity and would compromise the operational and functional requirements of the port.	<i>Low/medium/high?</i> Applying an amendment MDRS/Policy 3 may still not enable the development capacity. However, it would potentially provide for the operational and functional requirements of the Port of Auckland	<i>Low/medium/high?</i> Ports have been identified within the definition of 'nationally significant infrastructure'. And is critical in contributing to a well-functioning environment. This option also gives effect to the National Coastal Policy Statement 2010.
Costs of applying QM – housing supply / capacity	<i>Low cost</i> The provisions of the AUP which manage the Ports applies to a relatively small area of land within Auckland's urban environment. The	<i>Low cost</i> The Port of Auckland and Port of Onehunga are in specific locations within Auckland's urban environment.	<i>Low cost</i> The Port of Auckland and Port of Onehunga are in specific locations within Auckland's urban environment.

³ <https://www.panuku.co.nz/onehunga>

	Port of Onehunga is not located within a relevant residential zone or affected by Policy 3 so there would be no change in the development capacity provided. The Port of Auckland is in a specific location where residential development is an incompatible activity within the area covered by the AUP precinct provisions. Applying MDRS/Policy 3 will have little effect in providing additional residential development capacity and be incompatible with the safe and efficient operation of the port.	There would only be a minor cost in terms of housing supply/capacity.	There would only be a minor cost in terms of housing supply/capacity
Benefits of the QM – broader social, economic, environmental, cultural	<p>Low benefit</p> <p>Applying the MDRS and Policy 3 could result in the constraint of the safe and efficient operation of the Port of Auckland.</p> <p>It would also have little effect in increasing development capacity given the specific location of the ports.</p>	<p>Medium benefit</p> <p>The safe and efficient operation of the Ports would likely be provided for. The ports are critical infrastructure which contribute to a well-functioning urban environment, enabling people and communities to provide for their social, economic, and cultural wellbeing.</p>	<p>High benefit</p> <p>The ports are critical infrastructure which contribute to a well-functioning urban environment through enabling people and communities to provide for their social, economic, and cultural wellbeing.</p>

Risk of acting or not acting

Section 32(2)(c) of the RMA requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. The information about the Ports of Auckland and Onehunga as qualifying matters, including information about the purpose of the two ports and the location of them is already provided in the AUP. It is considered that this information is certain and sufficient having been through a thorough statutory process to be included in the AUP.

Overall conclusion

In accordance with the MDRS and NPS-UD, the Ports of Auckland and Onehunga are qualifying matters for the purpose of ensuring the safe and efficient operation of critical infrastructure and in order to give effect to the New Zealand Coastal Policy Statement 2010. And contributes to a well-functioning urban environment that enables all people and

communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

If the MDRS and Policy 3 are applied, the retention of the AUP provisions which support the Ports of Auckland and Onehunga will ensure that the operational and functional requirements of the ports are not affected. And, in the case of the Port of Auckland, will continue to ensure that reverse sensitivity noise issues will be managed through the overlay. The Port of Onehunga is not affected as the underlying zone of Coastal – Minor Port Zone, is not a relevant residential zone.

The impact of the Ports of Auckland and Onehunga on the level of development potential enabled by the MDRS and Policy 3 is likely to be minor.

Information Used

1. The following reports, documents, evidence, and plan versions were used to help the development of the plan change and assess the Ports of Auckland and Onehunga as qualifying matters.

Name of document, report, plan	How did it inform the development of the plan change
Auckland Unitary Plan (Operative in Part) 2016	Chapters I208 Port Precinct, H8 Business – City Centre Zone, D25 City Centre Port Noise Overlay, F2 Coastal - Coastal Marine Area Zone and F5 Coastal – Minor Port Zone provide for port activities and facilities. The AUP maps show the locations and relevant provisions of the AUP that apply to the Ports of Auckland and Onehunga.
AUP Independent Hearing Panel Evidence and recommendations including for Topics 050-054 City Centre and business zones	Recommendations support the use of precincts, zones, and overlays to provide for the operation, maintenance etc. of the two ports. And manage effects on, and from in the case of Auckland Port, adjacent activities.
New Zealand Coastal Policy 2010	Policy 9 of the New Zealand Coastal Policy Statement 2010 requires recognition ‘that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connections with other transport modes’.

Consultation

Schedule 1 of the Act sets out the relevant consultation requirements. Mana whenua have been engaged in the preparation of the IPI plan change at various stages in the process as required by Schedule 1 of the Act.

The Council provided an opportunity to the Auckland community to comment on its ‘preliminary response’ proposals during the period April 19 to May 9, 2022. The consultation documentation included Information #6: Qualifying matters (Part 1).

This information sheet described what a qualifying matter is and which qualifying matters were specifically identified by the government in the NPS-UD and the RMA. And that these specifically identified qualifying matters may make the MDRS and policy 3 less enabling of development in relation to an area within a relevant residential zone only to the extent necessary to accommodate 1 or more of the listed qualifying matters. The government-specified qualifying matters include 77I(b) to give effect to the New Zealand Coastal Policy Statement and 77I(e) ‘a matter required for the purpose of ensuring the safe and efficient operation of nationally significant infrastructure’.

The information sheet also provided a corresponding list of AUP provisions which relate to the specifically identified qualifying matters which includes the Ports of Auckland and Onehunga.