

In the Environment Court
At Auckland

ENV-2023-AKL-

I te Kōti Taiao o Aotearoa
Ki Tāmaki Makaurau

Under the Resource Management Act 1991 (the **Act**)

In the matter of an appeal under clause 14(1) of the First Schedule of the Act

Between **BEACHLANDS SOUTH LIMITED PARTNERSHIP**

Appellant

And **AUCKLAND COUNCIL**

Respondent

NOTICE OF APPEAL

27 October 2023



Bill Loutit / Rachel Abraham
T: +64-9-977 5092
bill.loutit@simpsongrierson.com
rachel.abraham@simpsongrierson.com
Private Bag 92518 Auckland

To: The Registrar
Environment Court
Auckland

Introduction

1. Beachlands South Limited Partnership (**BSLP**) appeals against parts of a decision of the Auckland Council (**Council**) on Proposed Plan Change 80 (**PC80**) to the Auckland Unitary Plan Operative in Part (**AUP**).¹
2. BSLP made a submission on PC80 (referenced as submission number 57).
3. Independent Commissioners appointed by the Council heard BSLP’s submission.
4. BSLP received notice of the Commissioners’ decision on 14 September 2023.
5. The parts of the decision that BSLP is appealing relate to the:
 - (a) decision to reject submission points on the basis that they were not within scope of PC80;² and
 - (b) decisions to reject BSLP’s submission points seeking amendments to the provisions of PC80 that would:
 - (i) direct the Council to provide for “*at least*” sufficient development capacity to meet expected demand;³ and
 - (ii) ensure responsive planning decisions to proposals that will deliver significant development capacity;⁴

(the **Decision**).
6. BSLP is not a trade competitor for the purposes of section 308D of the Act.

1 Auckland Council *Decision following the hearing of a Plan Change to the Auckland Unitary Plan under the Resource Management Act 1991: Plan Change 80 – Regional Policy Statement* [the decision].

2 Submission points 57.4, 57.6, 57.12, 57.18; refer the decision at [48].

3 Submission points 57.4, 57.6, 57.18, and 57.34; refer the decision at [48] and [135].

4 Submission points 57.7, 57.11, and 57.12; refer the decision at [48] and [81].

General Reasons for Appeal

7. The general reasons for BSLP's appeal are that the Decision:
- (a) will not give effect to the National Policy Statement on Urban Development 2020 (**NPS-UD**), including (amongst others): Objectives 1 and 6 and Policies 1, 2 and 8;⁵
 - (b) will not manage the use and development of natural and physical resources in a way that enables people and communities to provide for their social, economic and cultural wellbeing and therefore will not promote sustainable management;⁶
 - (c) will not achieve integrated management of the use, development or protection of land and associated natural and physical resources;⁷
 - (d) will not achieve the efficient use and development of natural and physical resources;⁸
 - (e) is not the most appropriate way to achieve the purpose of the Act,⁹ having regard to the efficiency and effectiveness of the provisions and in particular the assessments of the benefits and costs of the effects that are anticipated from the implementation of the decisions;¹⁰
 - (f) represents a failure of the Council to fulfil its functions under section 30 of the Act;¹¹ and
 - (g) is contrary to good resource management practice.

5 Resource Management Act 1991 (**RMA**), section 61 and 62(3).

6 RMA, section 5.

7 RMA, section 59.

8 RMA, section 7(b).

9 RMA, section 32(1)(a).

10 RMA, section 32(1)(b)(ii).

11 RMA, section 30.

Specific Reasons for Appeal

8. Without limiting the generality of the above, further reasons for the appeal are set out below. In summary, the rejected submission points are:

- (a) Within scope of PC80; and
- (b) Appropriate and necessary to be incorporated into the RPS through PC80.

Background

- (c) The NPS-UD introduces objectives, policies and methods to achieve “well-functioning urban environments”, including directives that require local authorities to:
 - (i) provide “*at least*” sufficient development capacity at all times to meet expected demand for housing and business land over the short, medium and long terms;¹² and
 - (ii) make decisions that are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is unanticipated by RMA planning documents or out of sequence with planned land release;¹³
- (d) Local authorities must amend their RPS’s or district plans to give effect to the NPS-UD “*as soon as practicable*”.¹⁴
- (e) The Council notified three plan changes¹⁵ to give effect to the NPS-UD in various chapters of the Auckland Unitary Plan. PC80 amends the Regional Policy Statement (**RPS**).

12 National Policy Statement on Urban Development (**NPS-UD**), Policy 2.

13 NPS-UD, objective 6 and policy 8.

14 NPS-UD, clause 4.1.

15 Proposed Plan Changes 78, 79 and 80 to the Auckland Unitary Plan Operative in part 2016.

- (f) PC80 failed to include objectives and policies that give effect to two important aspects of the NPS-UD:
- (i) Direction that the Council provides “*at least*” sufficient development capacity to meet expected demand for housing and for business land over the short, medium and long term;¹⁶ and
 - (ii) Direction that the Council is responsive to plan changes that would add significantly to development capacity, even if the development capacity is unanticipated by RMA planning documents or out of sequence with planned land release.¹⁷
- (g) BSLP’s submission sought the addition of objectives and policies to give effect to these concepts within the NPS-UD. The Decision concluded that BSLP’s submission points on these matters were not within scope of PC80.¹⁸

BSLP’s submission points are within scope of PC80

- (h) BSLP’s submission points are within the scope of PC80 because:
- (i) they are reasonably within the breadth of alteration affected by the amendments proposed through PC80;
 - the scope of PC80 is very wide and properly informed by the broad suite of objectives and policies in the NPS-UD;
 - the concept of a “well-functioning urban environment” is particularly extensive and encapsulates the critical concepts of “at least” sufficient development capacity and planning responsiveness;

16 BSLP’s submission points #57.4, 57.6, 57.18, 57.34.

17 BSLP’s submission points #57.7, 57.11, 57.12.

18 BSLP submission points #57.4, 57.6, 57.12, 57.18.

- (ii) there is no risk of prejudice to any third party as a result of accepting BSLP's submission points;
 - the Council has been unable to describe any potentially prejudiced persons;
 - contrary to the Decision, the amendments cannot be described as a "*submissional sidewind*" because they are necessary to give effect to the NPS-UD, which PC80 responds to.¹⁹

BSLP's submission points should be accepted

- (i) BSLP's submission points should be accepted because the amendments are necessary to:
 - (i) ensure the PC80 provisions give effect to all parts of the NPS-UD; and
 - (ii) it would be inconsistent planning practice not to allow BSLP's submission points as the NPS-UD directives are already required to be given effect to in plan change decisions.

Relief

- 9. BSLP seeks the following relief:
 - (a) the Decision is reversed;
 - (b) BSLP's submission points addressing development capacity and planning responsiveness are accepted;

¹⁹ The decision at [45].

- (c) such other orders, relief or other consequential amendments as are considered appropriate or necessary by the Court to address the concerns set out in this appeal; and
- (d) costs of and incidental to the appeal.

10. BSLP attaches the following documents to this notice:

- (a) the suggested amendments to PC80 that it seeks to give effect to the relief sought (**Appendix 1**);
- (b) a copy of its submission on PC80 (**Appendix 2**);
- (c) a copy of the relevant decision (**Appendix 3**); and
- (d) a list of names and addresses of persons to be served with a copy of this notice (**Appendix 4**).

11. BSLP agrees to participate in mediation or other alternative dispute resolution for these proceedings.

DATED at Auckland this 27th day of October 2023



Bill Loutit / Rachel Abraham
Counsel for BSLP

Address for service of appellant:

Simpson Grierson
Solicitors
88 Shortland Street
Private Bag 92518
Auckland
Attention: Bill Loutit / Rachel Abraham

Telephone: 09 977 5092

Email: bill.loutit@simpsongrierson.com / rachel.abraham@simpsongrierson.com

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,-

1. within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in Form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
2. within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991 (the **Act**).

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see Form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the appellant's submission and the relevant decision. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Appendix 1: amendments sought by BSLP to PC80 provisions

B2.2.1 Urban Growth and Form Objectives

(3) ~~At least~~ sufficient development capacity and land supply is provided to accommodate meet residential, commercial, industrial ~~demand growth~~ and social facilities to support growth.

B2.2.2 Urban Growth and Form Policies

(1) ~~At all times, include at least sufficient development capacity land~~ within the Rural Urban Boundary that is appropriately zoned to accommodate at any one time a minimum of ~~seventen~~ years' projected growth in terms of residential, commercial and industrial demand and corresponding requirements for social facilities, ~~after allowing for any constraints on subdivision, use and development of land.~~

B2.4.1 Residential Growth Objectives

(6) ~~At least~~ sufficient, feasible development capacity for housing is provided, in accordance with Objectives 1 to 4 above, to meet the targets in Table B2.4.1 below:

...

B2.9 Explanation and principal reasons for adoption

(Paragraph 8)

In addressing the effects of growth and contributing to a well-functioning urban environment, a key factor is enabling at least sufficient development capacity in the urban area and at least sufficient land for new housing and businesses over the next 30 years.

B2.2.2 Urban Growth and Form Policies

(2) Ensure the location or any relocation of the Rural Urban Boundary identifies land suitable for urbanisation in locations that contribute to a well-functioning urban environment and that:

...

(g) is responsive to developments that would contribute significantly to development capacity

(7) Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that contribute to a well-functioning urban environment and that do all of the following:

...

(f) is responsive to development that would contribute significantly to development capacity, even if it is out-of-sequence with the staging or sequencing of development set out in Council plans and strategies.

(8) For the purpose of Policy B2.2.2(2)(g) and Policy B2.2.2(7)(f), development will be considered to contribute significantly to development capacity where it would:

(a) efficiently supply a large volume, or type, of residential and/or business land to the market in a location where there is demand for that use, and; (b) provide for the efficient delivery of the capacity in (a), in a manner that is integrated with the provision of infrastructure.

Appendix 2: BSLP's submission on PC80

SUBMISSION ON PLAN CHANGE 80: RPS WELL-FUNCTIONING URBAN ENVIRONMENT, RESILIENCE TO THE EFFECTS OF CLIMATE CHANGE AND QUALIFYING MATTERS

To: Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142
unitaryplan@aucklandcouncil.govt.nz

Name of Submitter: Beachlands South Limited Partnership (**BSLP** or **the Submitter**)

INTRODUCTION

1. This is a submission on Proposed Plan Change 80: RPS Well-Functioning Urban Environment, Resilience to the Effects of Climate Change and Qualifying Matters (**PC80** or **Plan Change**) to the Auckland Unitary Plan (Operative in Part) (**AUP**).
2. BSLP could not gain an advantage in trade competition through this submission.
3. This submission relates to the entire Plan Change.
4. BSLP supports PC80, subject to amendments being made for the reasons outlined in this submission.

BACKGROUND

5. BSLP comprises a partnership between the New Zealand Government Crown entity, the Guardians of New Zealand Superannuation Fund (**NZSF**), and parties associated with the Russell Property Group. The Russell Property Group has been appointed the manager for the landholding and its future re-zoning. The Guardians of the NZSF are charged with managing, administering, and growing the NZSF for the future benefit of all New Zealanders. The Guardians of NZSF believe that environmental, social and governance factors are material to long-term returns.
6. BSLP owns and has full control over the three Auckland coastal properties at 110 Jack Lachlan Drive and 620 and 712 Whitford-Maraetai Road, which is a collective landholding of approximately 255 hectares. It is proposing to undertake a high quality and large-scale urban development project to extend the coastal town of Beachlands.
7. BSLP is seeking approval to rezone its land to establish the pattern of land use and its integration with the transport and services network. A private plan change application was lodged on 31 March 2022 with Auckland Council seeking to rezone approximately 307 hectares of Rural – Countryside Living zoned land (BSLP's land and some adjacent properties) to a variety of urban zones. The land shares a contiguous boundary to the existing coastal town of Beachlands. A key objective of the BSLP plan change is to develop a sustainable transit adjacent development with a low carbon footprint and a diversity of housing choice.
8. The development of PC 80 and the outcomes it promotes are therefore of particular interest to BSLP.

SUMMARY OF SUBMISSION

9. The Council is required to prepare and notify an Intensification Planning Instrument (**IPI**) following the enactment of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Amendment Act**). The Council is also required to give effect to the National Policy Statement Urban Development 2020 (**NPS-UD**) that came into effect on 20 August 2020 and under which Auckland is classified as a Tier 1 Urban Environment.
10. BSLP generally supports PC80 and the efforts to integrate the concept of a well-functioning urban environments into the Urban Growth and Form chapters of the Regional Policy Statement (**RPS**). BSLP also supports the timing for PC80, which allows for the RPS amendments to be considered at the same time as amendments to the residential and business zones, which play a key role in giving effect to this part of the RPS. This is a logical and integrated approach.
11. BSLP however, considers that the amendments do not fully give effect to the requirements of the NPS-UD and a broader range of amendments to Chapter B2 are required to fully achieve this. In BSLP's view, now is the right time to address these matters given that they relate to how urban growth is managed in Auckland.

REASONS FOR SUBMISSION

12. While the Submitter is generally supportive of PC80, it is concerned that the provisions that have been proposed:
 - (a) are not the most appropriate to give effect to the purpose of the Resource Management Act 1991 (**RMA**) or the objectives and policies of the AUP;
 - (b) do not give effect to the objectives and policies of the NPS-UD;
 - (c) will not contribute to well-functioning urban environments;
 - (d) do not meet the requirements to satisfy the criteria of section 32 of the RMA;
 - (e) are not consistent with sound resource management practice; and
 - (f) will not be the most efficient or effective.
13. Without limiting the generality of the reasons above, the more specific reasons for the Submitter's proposed amendments to the Plan Change are set out below and in **Appendix 1** of this submission.

DECISIONS SOUGHT

14. BSLP seeks the following decision from Auckland Council: Grant PC80, subject to the matters addressed in this submission being adequately resolved, including but not limited to:
 - (a) Clarifying the policy relationship between the concepts of 'well-functioning urban environment', 'compact urban form' and 'quality built environment'. PC80 expresses these as different concepts, when in reality, a 'quality compact urban form' and a 'quality built environment' are a subset of the broader concept of a 'well-functioning urban environment';

- (b) Amending the urban growth policies in the operative RPS to align with the new requirements of the NPS-UD, including the need to provide 'at least' sufficient development capacity. This includes amending Policy B2.2.2(1) in particular, which is based on an Auckland Plan 2012 directive that was developed under the former National Policy Statement: Urban Development Capacity 2016, which is no longer relevant;
 - (c) Amending the urban growth policies to reference the need to promote the competitive operation of land and development markets and ensure planning decisions are responsive to proposals that provide significant development capacity. These are important and new components of the NPS-UD that Chapter B2 should address in an integrated way;
 - (d) Introducing a new 'responsive planning' policy akin to policy 8 of the NPS-UD. The Council must introduce this policy as soon as practicable pursuant to clause 4.1, and addressing this through PC80 is the most efficient way to do this;
 - (e) Amending the residential and business urban growth policies to reflect the requirements of Policy 3, Policy 6 of the NPS-UD, and the Amendment Act. This includes changes to recognise that medium residential densities will be broadly enabled throughout Auckland, with higher residential densities in more accessible locations. The amendments should also direct that centres are locations where the greatest heights and densities should be enabled given their high levels of accessibility; and
 - (f) Removing references to 'qualifying matters' throughout the RPS. This is an umbrella term used in the NPS-UD and directs additional section 32 analysis requirements. In BSLP's view, it is not appropriate to reference this term in the RPS because it does not describe those values or features that warrant lower heights and densities and therefore lacks specificity.
15. The specific provisions that are supported or opposed, and the amendments sought to the Plan Change are set out in the table attached as **Appendix 1**.
16. In addition to that specific relief, BSLP seeks such other alternative or consequential relief to give effect to the matters raised in this submission.
17. BSLP wishes to be heard in support of its submission.

18. BSLP would consider presenting a joint case if others make similar submissions.

29 September 2022



W S Loutit / S J Mitchell
Counsel for Beachlands South Limited Partnership

Address for service of submitter:

Simpson Grierson
Level 27, 88 Shortland Street
Private Bag 92518
Auckland 1141
New Zealand
Attention: Bill Loutit / Sarah Mitchell
Telephone: (09) 977 5256
Email: bill.loutit@simpsongrierson.com / sarah.mitchell@simpsongrierson.com

Appendix 1: Proposed Amendments to PC80 Changes to the Regional Policy Statement

Proposed Provision or Amendment in PC80	Support/Support in Part/Oppose	Reasons for Submission	Relief Sought
B2. Tāhuhu whakaruruhau ā-taone - Urban growth and form			
<i>B2.1 Issues</i>			
Amend B2.1 Issues	Support	The proposed amendments give effect to Objectives 1 and 8 of the NPS-UD.	That the provisions are amended as notified.
<i>B2.1 Urban growth and form</i>			
<i>B2.2.1 Objectives</i>			
Insert Objective B2.2.1(1A)	Oppose	The proposed objective is not required as it is a duplication of Objective 1 of the NPS-UD.	That the objective as notified be deleted.
Amend Objective B2.2.1(1)	Support with amendment	Minor wording amendment, which clarifies that a quality built environment is a component of a well-functioning urban environment.	That the objective be amended as: <u>A well-functioning urban environment with a quality compact urban form and well-functioning urban environment</u> that enables all of the following:
Objective B2.2.1(3)	Additional requested amendment	Amendments are proposed to this objective to give effect to Policy 2 of the NPS-UD including by enabling at least sufficient development capacity for new housing and business land over the short, medium, and long term.	That the objective be amended as: <u>At least sufficient development capacity and land supply is provided to accommodate meet residential, commercial, industrial demand growth and social facilities to support growth.</u>
Amend Objective B2.2.1(5)	Oppose	Proposed objective B2.2.1(5)(b) is not required as it is a duplication of Objective B2.2.1(1)(h).	That the amendments as notified are deleted.
<i>B2.2.2 Policies</i>			
Policy B2.2.2(1)	Additional requested amendment	Amendments are proposed to this policy to give effect to Policy 2 of the NPS-UD in accordance with Clause 3.2.	That the policy be amended as: <u>At all times, include at least sufficient development capacity and</u> within the Rural Urban Boundary that is appropriately zoned, to

Proposed Provision or Amendment in PC80	Support/Support in Part/Oppose	Reasons for Submission	Relief Sought
		Considerations of infrastructure servicing and feasibility will ensure any constraints on the subdivision, use, and development of land are appropriately managed.	accommodate at any one time a minimum of seven <u>ten</u> years' projected growth in terms of residential, commercial and industrial demand and corresponding requirements for social facilities, after allowing for any constraints on subdivision, use and development of land.
Amend Policy B2.2.2(2)	Support with amendments	Minor wording amendments and other amendments are proposed to give effect to Policy 1 and Policy 8 of the NPS-UD.	That the policy be amended as: Ensure the location or any relocation of the Rural Urban Boundary identifies land suitable for urbanisation in locations that: (a) <u>promote the achievement of a well-functioning urban environment, with a quality compact urban form;</u> (aa) contribute to a well-functioning urban environment ... <u>(ee) support the competitive operation of land and development markets in Auckland; and</u> ... <u>(g) is responsive to developments that would contribute significantly to development capacity.</u> ...
Policy B2.2.2(4)	Support	The proposed amendments give effect to Objectives 1 and 8 of the NPS-UD.	That the provisions are amended as notified.
Policy B2.2.2(5)	Additional requested amendment	Amendments are proposed to this policy to recognise the overall intensification directive of the NPS-UD and the specific directions of Policy 3, including areas where higher levels of residential intensification can be accommodated.	That the policy be amended as: Enable higher residential intensification <u>throughout Auckland and enable higher residential intensification:</u> ...

Proposed Provision or Amendment in PC80	Support/Support in Part/Oppose	Reasons for Submission	Relief Sought
Amend Policy B2.2.2(6)	Support with amendments	Minor wording amendment.	<p>That the policy be amended as:</p> <p>Identify a hierarchy of centres that supports a <u>well-functioning urban environment with a quality compact urban form</u> and contributes to a well-functioning urban environment:</p>
Amend Policy B2.2.2(7)		Additional amendments reflect the requirements of Policy 1(d) and Policy 8 of the NPS-UD.	<p>That the policy be amended as:</p> <p>Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that contribute to a well-functioning urban environment and that do all of the following:</p> <p>(a) <u>contribute to a well-functioning urban environment</u> support with a quality compact urban form;</p> <p>...</p> <p>(e) <u>support the competitive operation of land and development markets in Auckland;</u></p> <p>(f) <u>is responsive to development that would contribute significantly to development capacity, even if it is out-of-sequence with the staging or sequencing of development set out in Council plans and strategies.</u></p>
New policy	Additional requested Policy	New responsive planning policy recommended in accordance with the requirements of clause 3.8(3) of the NPS-UD.	<p>That a policy be inserted as:</p> <p><u>For the purpose of Policy B2.2(2)(g) and Policy B2.2(7)(f), development will be considered to</u></p>

Proposed Provision or Amendment in PC80	Support/Support in Part/Oppose	Reasons for Submission	Relief Sought
			<p><u>contribute significantly to development capacity where it would:</u></p> <p><u>(a) supply a large volume, or type, of residential and/or business land to the market in a location where there is demand for that use, and;</u></p> <p><u>(b) provide for the efficient delivery of the capacity in in a manner that is integrated with the provision of infrastructure.</u></p>
<i>B2.3 A quality built environment</i>			
<i>B2.3.1 Objectives</i>			
Amend B2.3.1(1)	Support in Part	BSLP consider that there is duplication between the terms 'a quality built environment' and 'well-functioning urban environment'. A quality built environment is a more specific term that better describes the urban design focus of this objective, such that reference to a 'well-functioning urban environment' is not required.	A quality built environment and well-functioning urban environment where subdivision, use and development do all of the following...
<i>B2.3.2 Policies</i>			
Amend B2.3.1(1)	Support with amendments	Amendments are proposed to Policy B2.3.1(1)(g) to align with the strategic nature of matters in B2.3.1(1)(a)-(f). The provision of improved urban tree canopy cover is relevant to a proposed rule that only applies in the residential zones.	Manage the form and design of subdivision, use and development so that it contributes to a well-functioning urban environment and does all of the following: <u>(g) contributes to the community's resilience to the effects of climate change improves resilience to the effects of urban heating resulting from the effects of climate change, including by improving urban tree canopy cover;</u>

Proposed Provision or Amendment in PC80	Support/Support in Part/Oppose	Reasons for Submission	Relief Sought
<i>B2.4 Residential growth</i>			
<i>B2.4.1 Objectives</i>			
Amend Objective B2.4.1(1)	Support with amendments	Minor wording amendment.	Residential intensification supports a <u>well-functioning urban environment with a quality compact urban form</u> and contributes to a well-functioning urban environment
Insert Objective B2.4.1(1A)	Oppose	The objective lacks clarity and does not state the particular circumstances in which intensification would be limited, particularly given that the majority of qualifying matters as identified by the Council would not limit heights and densities.	That the objective as notified be deleted.
Amend Objective B2.4.1(3)	Support with amendments	Amendments are proposed to this objective to recognise the overall intensification directive of the NPS-UD and the specific directions of Policy 3, including areas where higher levels of residential intensification can be accommodated.	That the objective be amended as: Land within and adjacent to centres and corridors or in close proximity to public transport and social facilities (including open space) or employment opportunities is the primary focus for <u>efficiently used for higher residential intensification.</u>
Objective B2.4.1(6)	Additional requested amendment	Amendments are proposed to this objective to give effect to Policy 2 of the NPS-UD, including by enabling at least sufficient development capacity for new housing and business land over the short, medium, and long term.	That the objective be amended as: <u>At least sufficient</u> , feasible development capacity for housing is provided, in accordance with Objectives 1 to 4 above, to meet the targets in Table B2.4.1 below
<i>B2.4.2 Policies</i>			
Policy B2.4.2(1)	Additional requested amendment	Amendments are proposed to this objective to align with the intensification directive of the NPS-UD and remove general references to character, which are not consistent with Policy 6 and the focus on the planned character of an area.	That the policy be amended as: Provide a range of residential zones that enable different housing types <u>and an increase in the density and diversity of housing across Auckland</u>

Proposed Provision or Amendment in PC80	Support/Support in Part/Oppose	Reasons for Submission	Relief Sought
			and intensity that are appropriate to the residential character of the area.
Amend Policy B2.4.2(2)	Oppose		That the amendments as notified are deleted.
Amend Policy B2.4.2(3)	Support with amendment	Amendments required to this policy to recognise that medium density residential is enabled across all urban residential areas of Auckland.	Provide for medium residential intensities <u>in all urban residential areas</u> in areas that are within moderate walking distance to centres, public transport, social facilities and open space, whilst limiting height and/or density of urban form in areas where there are qualifying matters.
Amend Policy B2.4.2(4)	Support with amendment	<p>In relation to subpart (a), a lower residential intensity than the MDRS may only apply to the extent necessary to accommodate the qualifying matters outlined in s771 of the Act. Accordingly, the proximity of land to centres and public transport is not a qualifying matter where a lower residential intensity than the MDRS can be applied.</p> <p>In relation to subpart (b) and (c) BSLP request that the policy is amended to delete reference to qualifying matters or alternatively, amended to specify what the nature of the qualifying matters are that would limit intensification.</p>	<p>That the policy be amended as:</p> <p>Provide for lower residential intensity in areas:</p> <p>(a) That are not close to centres and public transport;</p> <p>(b) that are subject to high environmental constraints and qualifying matters</p> <p>(c) where there are qualifying matters and there are natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character</p>
Amend Policy B2.4.2(5)	Support with amendment	<p>The policy is sufficiently detailed and exhaustive as to the natural and physical resource that require protection, such that reference to qualifying matters are not required.</p> <p>The proposed amendment also seeks to recognise that intensification would be</p>	<p>That the policy is amended as:</p> <p>Avoid intensification in areas:</p> <p>(a) <u>Only</u> where there are qualifying matters and there is necessary to protect the values for which are natural and physical resources that have been scheduled in the Unitary Plan in relation to natural</p>

Proposed Provision or Amendment in PC80	Support/Support in Part/Oppose	Reasons for Submission	Relief Sought
		appropriate in these locations where the values for which the resource has been scheduled in the AUP (OP) can be protected.	heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character; or ...
Policy B2.4.2(8)	Additional requested amendment	Amendments are proposed to this policy to give effect to Policy 6 of the NPS-UD, including by recognising that the planned urban built form of a medium or high density residential character as anticipated under the NPS-UD may involve significant changes to an area.	That the policy be amended as: Residential neighbourhoods and character Recognise and provide for <u>a transition from a typical low density residential character in existing neighbourhoods, to a medium or high density residential character existing and planned neighbourhood character through the use of place-based planning tools.</u>
B2.5 Commercial and industrial growth			
B2.5.1 Objectives			
Amend Objective B2.5.1(2)	Support with amendment	Minor wording amendment.	That the objective be amended as: Commercial growth and activities are primarily focussed within a hierarchy of centres and identified growth corridors that supports a <u>well-functioning urban environment</u> with a quality compact urban form and contributes to a well-functioning urban environment.
Amend Objective B2.5.1(3)	Oppose	The reference to qualifying matters is unnecessary and refers to a method.	That the amendments to the objective as notified be deleted.
B2.5.2 Policies			
Amend Policy B2.5.2(2)	Support with amendment	References to a well-functioning urban environment is not required as it is a duplication of Objective B2.5.1(2).	That the policy be amended as: Support the function, role and amenity of centres by encouraging commercial and residential activities within centres, ensuring development

Proposed Provision or Amendment in PC80	Support/Support in Part/Oppose	Reasons for Submission	Relief Sought
		Other amendments are proposed to this policy to align with the directive of Policy 3 of the NPS-UD.	that locates within centres contributes to a well-functioning urban environment and the following: ... (b) a diverse range of activities, with the greatest mix, and concentration <u>and density</u> of activities in the city centre; ... <u>(cc) a high density of urban form that responds to a centre's accessibility to public transport, commercial activity and social facilities;</u> ...
<i>B2.6 Rural and coastal towns and villages</i>			
<i>B2.6.2 Policies</i>			
Amend Policy B2.6.2(1)	Support with amendment	It is considered that the proposed amendment is more appropriate to provide strategic direction within the RPS. Furthermore, best practices in resilience to the effects of climate are not clearly defined and are subject to change as technologies advance and emerge.	That the policy be amended as: Require the establishment of new or expansion of existing rural and coastal towns and villages to be undertaken in a manner that does all of the following: ... (h) uses best practice to improve resilience to the effects of climate change.
<i>B2.7 Open space and recreation facilities</i>			
<i>B2.7.2 Policies</i>			
Insert Policy B2.7.2(11)	Oppose	Best practices in resilience to the effects of climate are not clearly defined and are subject to change as technologies advance and emerge. Given the uncertainty in 'best practice resilience' the proposed policy is considered	That the policy as notified be deleted.

Proposed Provision or Amendment in PC80	Support/Support in Part/Oppose	Reasons for Submission	Relief Sought
		to be a duplication of proposed Objective B2.7.1(4)	
<i>B2.8 Social facilities</i>			
<i>B2.8.2 Policies</i>			
Insert Policy B2.8.2(7)	Oppose	Best practices in resilience to the effects of climate are not clearly defined and are subject to change as technologies advance and emerge. Given the uncertainty in 'best practice resilience' the proposed policy is considered to be a duplication of proposed Objective B2.8.1(4)	That the policy as notified be deleted.
<i>B2.9 Explanation and principal reasons for adoption</i>			
Amend Para 1	Support with amendment	Minor wording amendments and other amendments are proposed to align with the directive of Policy 3 of the NPS-UD, including by recognising that land in and around commercial centres, transport nodes, and along major transport corridors are anticipated to accommodate the highest levels of residential intensification.	That the text be amended as: A broad strategy is needed to address the resource management issues arising from the scale of urban growth in Auckland. The objective of a <u>well-functioning urban environment with a quality compact urban form</u> and a well-functioning urban environment is supported by a primary policy approach of focussing <u>the highest levels of residential intensification in and around commercial centres and transport nodes and along major transport corridors.</u>
Amend Para 4	Support with amendment	Minor amendments for the same reasons outlined above.	That the text be amended as: A compact urban form can deliver a range of benefits <u>for current and future generations and</u> contributes to a well-functioning urban environment-by... ...

Proposed Provision or Amendment in PC80	Support/Support in Part/Oppose	Reasons for Submission	Relief Sought
			<ul style="list-style-type: none"> limiting intensification where there are qualifying matters <p>...</p>
Para 5	Additional requested amendment	Amendments are proposed to give effect to give effect to Policy 6 of the NPS-UD, including by recognising that new buildings may involve significant changes to an area, and may improve amenity values appreciated by future generations, including by providing increased and varied housing densities and types.	That the text be amended as: A quality built environment is one which enhances opportunities for people's well-being by ensuring that new buildings respond to the existing built and natural environment in ways that promote the plan's objectives and maintain and enhance the <u>create</u> amenity values for future generations of an area . In most areas this is regulated by permitted standards and by assessment where those standards are exceeded. In centres and where higher intensity development is enabled, the design and appearance of buildings is generally assessed on a restricted discretionary basis.
Amend Para 6		Minor wording amendments and other amendments to give effect to Policy 2 of the NPS-UD, including by enabling at least sufficient development capacity for new housing and business land over the short, medium, and long term.	That the text be amended as: In addressing the effects of growth <u>and contributing to a well-functioning urban environment</u> , a key factor is enabling <u>at least sufficient development capacity in the urban area and at least sufficient land for new housing and businesses over the next 30 years and which contribute to a well-functioning urban environment</u> . <u>It is also important to ensure that urban environments are resilient to the effects of climate change...</u>
B7 Toitū te whenua, toitū te taiao – Natural resources			
B7.2.2 Policies			
Insert Policy B7.2.2(5A)		BSLP considers that the policy lacks clarity and should be deleted, or in the alternative	Delete.

Proposed Provision or Amendment in PC80	Support/Support in Part/Oppose	Reasons for Submission	Relief Sought
		amendments should be made to clarify the intent.	
<i>B10 Ngā tūpono ki te taiao - Environmental risk</i>			
<i>B10.2 Natural hazards and climate change</i>			
<i>B10.2.2 Policies</i>			
Amend Policy B10.2.2(4)	Oppose	BSLP consider that sea level rise in response to global warming is a duplication of the reference to hazards in the policies.	That the amendments to the policy as notified be deleted.

Appendix 3: decision being appealed

Decision following the hearing of a Plan Change to the Auckland Unitary Plan under the Resource Management Act 1991



Plan Change 80 – Regional Policy Statement

Proposal

To amend the Regional Policy Statement to include provisions relating to - Well functioning urban environment, Resilience to the effects of climate change, and Qualifying matters

This plan change is **APPROVED**. The reasons are set out below.

Plan Change number:	80 – Regional Policy Statement – Well functioning urban environment, Resilience to the effects of climate change and Qualifying matters.
Hearing commenced:	Tuesday 13 June, 9.30 a.m.
Hearing panel:	<ul style="list-style-type: none"> • Greg Hill (Chairperson) • Karyn Kurzeja • Juliane Chetham • Dr Stephanie Mead • Richard Knott • Kitt Littlejohn
Appearances:	<p>Auckland Council:</p> <ul style="list-style-type: none"> • Emma Manohar, Legal Counsel • Ewan David Paul, Senior Policy Planner • David Mead, Planner • Dr Len Gillman, Ecologist • Christopher Turbott, Senior Policy Planner <p>Kāinga Ora</p> <ul style="list-style-type: none"> • Jennifer Caldwell, Legal • Brendon Liggett, Corporate • John McCall, Planning <p>Beachlands South Limited Partnership</p> <ul style="list-style-type: none"> • Bill Loutit, Legal • Rachel Morgan, Planning <p>Templeton Development Ltd</p> <ul style="list-style-type: none"> • Bill Loutit, Legal • Ross Cooper, Planning

	<p>Gibbonsco Management Ltd, Shundi Tamaki Village, Avant Group, Villages of NZ, Russell Property Group, 30 Hospital Rd LP and Piper Properties Consultants Ltd</p> <ul style="list-style-type: none"> • Ross Cooper, Planning <p>Winton Land Limited</p> <ul style="list-style-type: none"> • Jeremy Brabant, Legal • Ross Cooper, Planning <p>University of Auckland, SkyCity Auckland Ltd and Precinct Properties Ltd</p> <ul style="list-style-type: none"> • Rachel Morgan, Planning <p>Oyster Capital Limited, Fulton Hogan Land Development Ltd and Fletcher Residential Ltd</p> <ul style="list-style-type: none"> • Jeremy Brabant, Legal • Rachel Morgan, Planning <p>Kiwi Property Group Ltd, Foodstuffs North Island Ltd, Viaduct Harbour Holdings Ltd and Drive Holdings Ltd</p> <ul style="list-style-type: none"> • Douglas Allan, Legal <p>North Eastern Investments Ltd</p> <ul style="list-style-type: none"> • Amanda Coats <p>Southern Cross Healthcare</p> <ul style="list-style-type: none"> • Bianca Tree, Legal • Mr Bennett, Corporate • Daniel Shaw, Planning <p>Eden Epsom Residential Protection Society Inc</p> <ul style="list-style-type: none"> • Tony Randerson, KC, Legal • Robert Speer, Planning <p>Character Coalition</p> <ul style="list-style-type: none"> • Alex Findlay, Planning <p>Auckland International Airport Ltd</p> <ul style="list-style-type: none"> • Taylor Power, Legal • Andrea Marshall, Corporate • Greg Osborne, Planning <p>Kiwi Rail</p> <ul style="list-style-type: none"> • Taylor Power, Legal • Mike Brown, Corporate • Cath Hepplethwaite, Planning <p>Dianne Giles</p>
--	---

	<p>Citadel Capital Ltd, Fortland Capital Ltd, Ellper Holdings Ltd, One Mahurangi Business Association, The Kilns Ltd, Russell Don, Charles & Nancy Liu, Matvin Group Ltd, Red Rhino Limited, Airport Rent a Car Limited</p> <ul style="list-style-type: none"> • Jeremy Brabant, Legal (Matvin Group Ltd) • Alex Erceg, Planning • Diana Bell, Planning <p>Waka Kotahi</p> <ul style="list-style-type: none"> • Louise Espin, Legal • Alastair Cribbens, Planning <p>Ports of Auckland</p> <ul style="list-style-type: none"> • Mark Arbuthnot, Planning <p>KTW Systems Limited Partnership</p> <ul style="list-style-type: none"> • Rachel Dimery <p>Geoffrey Beresford</p> <p>Hearings Advisor</p> <ul style="list-style-type: none"> • Cate Mitchell
Tabled evidence	<p>Stride Property Ltd</p> <p>Investore Property Ltd</p> <p>Fabric Property Ltd</p> <p>Transpower New Zealand Ltd</p>

INTRODUCTION

1. This decision is made on behalf of the Auckland Council (“**the Council**”) by Independent Hearing Commissioners Greg Hill (Chairperson), Juliane Chetham, Dr Stephanie Mead, Karyn Kurzeja, Kitt Littlejohn and Richard Knott appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (“**the RMA**”).
2. The Commissioners have been given delegated authority by the Council to make a decision on Plan Change 80 (“PC 80”) to the Auckland Council Unitary Plan Operative in Part (“the Unitary Plan”) after considering all the submissions, the section 32 evaluation, the reports prepared by the officers for the hearing and evidence presented during and after the hearing of submissions.
3. PC 80 is a Council-initiated plan change that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).
4. The plan change was publicly notified on 18 August 2022 following a feedback process involving Iwi, as required by Clause 4A of Schedule 1. The submission period closed 29

September 2022. A summary of submissions was notified for further submissions on 05 December 2022.

OVERVIEW OF THE PLAN CHANGE AND PURPOSE

5. Plan Change 80 (PC 80) to the Regional Policy Statement (RPS) of the Auckland Unitary Plan Operative in part (AUP) seeks to address, in part, giving effect to the National Policy Statement on Urban development 2020 (NPS-UD). PC 80 addresses:
 - Well-functioning Urban Environment,
 - Resilience to the Effects of Climate Change and
 - Qualifying Matters.
6. There were also a range of 'Other' submissions, as well a group that were 'unallocated'. We address all of these below.
7. There were 1,007 submission points and 3,204 further submission points made to PC 80. These are set out in the Parties and Issues Reports, which are attached as part of this decision.
8. The Independent Hearing Panel (IHP) split the submission points into 4 topics (003, 004, 005 and 006). Four documents were prepared by the IHP (Parties and issues reports released on 6 March 2023) to provide relevant information about these submissions and topics:
 - Hearing Topic 003 PC 80 RPS Well-functioning Urban Environments;
 - Hearing Topic 004 PC 80 Climate Change Resilience;
 - Hearing Topic 005 PC 80 RPS Qualifying matters; and
 - Hearing Topic 006 PC 80 RPS Other Matters.
9. This decision addresses each of those Hearing Topics separately. Attached to this decision is the IHP's amended RPS provisions.
10. PC 80 was progressed by the Council as a 'companion' plan change (along with proposed Plan Change 79: Amendments to the transport provisions (PC 79)) at the same time as proposed Plan Change 78: Intensification (PC 78). This was to ensure an integrated outcome in the AUP. While the majority of the hearings of PC 78 were 'paused' at Council's request, the hearing for PC 80 was always scheduled to proceed in advance of the large majority of those hearings. It is our view that the 'pause' has not impacted on the ability to proceed with this hearing and for the IHP to issue its decision on PC 80.
11. Attached to this decision is the schedule setting out the amendments we have made to the PC 80 provisions. We note that a significant number of changes were recommended to us during the course of the evidence exchange and the hearing. We have not specifically addressed every change/amendment made to the provisions, but have addressed the key themes and some of the more significant changes. The parties should review the PC 80 provisions that we have found to be the most appropriate (in section 32 and 32AA terms) to determine if and to what extent their submissions have been accepted, accepted in part or rejected.

12. This report covers all of the submissions in the Parties and Issues Reports prepared by the IHP for this topic, and as was set out in the evidence of the Council's planning witnesses (Mr Paul, Mr Mead and Mr Turbott). We have grouped all of the submissions in terms of topics set out in this decision report, and while all individual submissions and points may not be expressly referred to, all points have nevertheless been taken into account when making our decision.
13. In relation to the preceding paragraph, given the number of submissions and our findings on them (in terms of the amended PC 80 provisions), the IHP has **accepted or accepted-in-part** those submissions to the extent that the amended PC 80 provisions satisfy the relief sought in the submissions; and **rejected** those where the relief sought has not been granted. Submissions determined to be out-of-scope have been **rejected**.
14. With respect to further submissions, these can only support or oppose an initial submission. Our decisions on the further submissions reflects our decisions on those initial submissions having regard, of course, to any relevant new material provided in that further submission. For example, if a further submission supports a submission(s) that opposes the Plan Change and we have determined that the initial submission(s) be rejected, then it follows that the further submission is also rejected.

STATUTORY PROVISIONS

15. The RMA sets out a range of matters that must be addressed when considering a plan change, as identified in the section 32 report accompanying the notified plan change.
16. We also note that section 32 clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
17. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submission; with that evaluation to be undertaken in accordance with section 32AA.
18. With regard to Section 32AA, we note that the evidence presented by submitters and Council effectively represents this assessment, and that that material should be read in conjunction with this decision, where we have determined that a change to PC 80 should be made.
19. Having considered the evidence and relevant background documents, we are satisfied, overall, that PC 80 has been developed in accordance with the relevant statutory and policy matters required by the RMA.

Evidence

20. There was a significant amount of evidence filed to PC 80. However, many of the briefs of evidence were identical as a few expert witnesses represented a number of submitters. Mr Paul, in his evidence-in-chief, grouped a number of submissions based on the planning consultancies, for efficiency reasons. He set out the following¹:

There are groups of virtually identical submissions from parties represented by the same consultant planners. For efficiency, I have grouped these parties by their planning consultancy. The first submitter group is represented by Tattico. The submission point numbers are the same for all of the submitters in this group. The submitters in this group are (the Tattico group)²:

- *Avant Group Limited*
- *Piper Properties Consultants Limited*
- *Russell Property Group*
- *Hospital Road Limited*
- *Villages of New Zealand Limited*
- *Gibbonsco Management Limited*
- *Shundi Management Limited*
- *Sonn Group*
- *Winton Land Limited*
- *Templeton Group Limited.*

The second submitter group is represented by Barker & Associates (the Barker group³). Most submissions are identical though in some instances, the submissions cover slightly different points. The Barker group submitters are:

- *Fletcher Residential Limited*
- *Fulton Hogan Land Development*
- *Oyster Capital*
- *Precinct Properties New Zealand Limited*
- *Sky City Auckland Ltd*
- *The University of Auckland*
- *Beachlands South Limited Partnership*

The third submitter group is represented by the Planning Collective (the TPC submitters⁴). In some instances, the submissions are slightly different, and this is noted but the general thrust of the submissions is the same. The TPC submitters are:

- *Citadel Capital Limited*
- *Fortland Capital Limited*
- *Ellper Holdings Limited*

¹ Paragraph 4.8 of Mr Paul's evidence

² Mr Cooper

³ Ms Morgan

⁴ Mr Erceg, Ms Bell and Ms O'Connor

- *One Mahurangi Business Association (OMBA)*
- *The Kilns Limited*
- *Russell Don*
- *Matvin Group Ltd*
- *Red Rhino Limited and Airport Rent A Car Limited*
- *Charles and Nancy Liu.*

21. We have adopted the same approach in this decision.

EXPERT CONFERENCING

22. Expert Conferencing was held on PC 80. We were provided with a number of Joint Witness Statements (JWS) which we have taken into account in making our decisions. They were also addressed in the evidence of a number of the experts who appeared before us. We address the JWS's in the hearing topics below.

TOPIC – 006 “OTHER MATTERS” - SCOPE OF PC 80.

23. We have addressed and determined the scope of PC 80 at the outset. This was a major issue of contention between the Council and a number of submitters. We have found, mostly agreeing with the Council (and those submitters who agreed with the Council), that the scope of PC 80 is relatively confined. On this basis we find that the submissions addressed by this topic are out of scope. Our reasons are set out below.
24. As addressed earlier, PC 80 proposes amendments to the RPS to integrate the concepts of “well-functioning urban environment”, “resilience to the effects of climate change”, and “qualifying matters” to give effect to aspects of the NPS-UD (and provides the higher order context for PC 78).
25. We find that PC 80 is a relatively confined plan change and has three components as summarised in Auckland Council’s legal submissions⁵:
- *amending existing RPS provisions in Chapter B2 Tāhuhu whakaruruhau ā-taone – Urban Growth and Form of the AUP and including new proposed issues, objectives and policies and explanatory provisions relating to the well-functioning urban environment;*
 - *amending existing RPS provisions and including new proposed objectives in Chapter B2.2 (Urban growth and form) to B2.5 (Commercial and industrial growth) and explanatory provisions in B2.9 (Explanation and principal reasons for adoption) to refer to qualifying matters. This will provide the higher order policy framework for and integration between the RPS and district plan level provisions in Chapter A Introduction, Chapter C1 General Rules and Chapter D Overlays of the AUP; and*
 - *amending existing RPS provisions in Chapters B2 Tāhuhu whakaruruhau ā-taone – Urban Growth and Form, B7 Toitū te whenua, toitū te taiao – Natural Resources, B8 Toitū te taiwhenua – Coastal Environment and B10 Ngā tūpono ki te taiao –*

⁵ Paragraph 10

Environmental Risk and including new proposed issues, objectives and policies and explanatory provisions addressing resilience to the effects of climate change.

26. We find that those submissions seeking to provide for a range of other matters - including – provisions on planning responsiveness that would add significant development capacity and transport related provisions, urbanisation outside the rural urban boundary, infrastructure upgrade cost effectiveness and reference to the national planning standards, are not within the scope of PC 80.

Scope (legal tests) – and Topic 006

27. Hearing Topic 006 relates to submissions that the Council considered fell outside the three topics that PC 80 addressed. The IHP Parties and Issues reports summarised this hearing topic as relating to submitters' proposals to include additional matters in the RPS, which generally sought to ensure development capacity was more responsive to market demands and where it would result in significant development capacity.
28. Fifty-seven submission points by 19 submitters and 282 further submission points from 34 further submitters were coded to this topic. The full range of submissions were addressed in the evidence-in-chief of Mr Paul.
29. The issue of the scope of submissions (if they are “on” the plan change) has been well canvassed in legal submissions and evidence before the IHP, from both the Council and various submitters in this and other ‘related’ plan changes (e.g. PC 78).
30. The legal principles relevant to determining whether a submission is “on” a plan change (in scope) are well-settled. We addressed the ‘legal tests’ in relation to scope in some detail in our Interim Guidance on PC 78⁶. As the majority of submitters to PC 80 (certainly those who appeared before us) are the same/similar as those to PC 78, we have not repeated those ‘legal tests’ in any detail here. However, very briefly, determining the issue of scope involves addressing the following two questions (also referred to as ‘limbs’):
- (a) Whether the submission addresses the change to the status quo advanced by the plan change; and
 - (b) Whether there is a real risk that persons potentially affected by such a change have been denied an effective opportunity to participate in the plan change process.
31. Determining the first question requires an understanding of the status quo affected by the plan change. This must be derived from a review of the relevant section 32 report and the changes actually proposed to the plan. Although local authorities promoting discrete changes to their plans invariably focus on the specific changes proposed, with the objective of limiting the scope of the plan change and thus submissions that are permissible under the first limb, the actual status quo that is being addressed must be determined by reference to the nature and context of the notified change.

⁶ Refer to our PC 78 Interim Guidance on this matter

32. In the case of PC 80, we have already set out the nature of the changes proposed – and they relate to discrete parts of the RPS. It is those amendments to the RPS – AUP that in our view define the status quo being changed and the nature of the changes. Submissions seeking relief of a similar kind (add, delete or amend those provisions) to the same part of the RPS will be “on” the plan change for the purposes of the first test in the IHP’s view.
33. As noted above, a number of submitters sought to give broader effect to the NPS-UD)⁷. The main issue raised in those submissions (covered by Topic 006) relate to the provisions on responsiveness to plan changes that would add significant development capacity. Those submissions sought that the RPS respond to - NPS-UD Policy 2, Policy 8 and the implementation requirements of subpart 2 clause 3.8 of the NPS-UD. Other submissions coded to this topic included requests for transport related provisions, urbanisation outside the rural urban boundary, infrastructure upgrade cost effectiveness and reference to the national planning standards, and Chapter B4.
34. It was Mr Paul’s opinion, for the reasons set out in his evidence in chief, that the submissions were not “on” PC 80 and therefore out-of-scope. He stated⁸:

I do not support a number of submissions as, in my opinion, they relate to matters that are out of scope to PC80. In particular, a number of submissions considered that the issues raised in the NPS-UD in relation to responsiveness and significant development capacity criteria should be included in the RPS. As PC80 did not address the issue, in my opinion, it should be dealt with through a separate plan change.

35. In his rebuttal evidence⁹, Mr Paul again set out what he considered would be needed before the requested changes to the RPS could be made.
36. Council’s legal submissions, supporting Mr Paul’s position, stated that: “*This is something that the Council will do in due course but the submission requests are significantly beyond the scope of PC80*”¹⁰.
37. Furthermore, the Council’s Legal Reply Submissions stated that¹¹:

PC80 has a very specific purpose, it was not notified as part of the IPI but as a companion plan change to it. Even so the IPI is only giving effect to NPS-UD policies 3 and 4. PC80 is narrower than that.

38. We agree with the Council’s submissions.

⁷ E.g. - Kāinga Ora, Fletcher Residential Limited, Oyster Capital Limited, Kiwi Property Group Ltd, The University of Auckland, Sky City Auckland Ltd, Precinct Properties New Zealand Ltd, Beachlands South Limited Partnership and Fulton Hogan Land Development Limited, Templeton Group, Winton Land Limited, Gibbonsco Management Limited, 30 Hospital Road Limited Partnership, Shundi Tamaki Village Limited’, Russell Property Group’, Avant Group, Villages Of New Zealand, Piper Properties Consultants Limited

⁸ Paragraph 1.6

⁹ Paragraphs 8.1 to 8.8

¹⁰ Paragraph 66

¹¹ Paragraphs 6.1

39. We also agree with the Council, again contrary to the view of some submitters, that while the concept of a well-functioning urban environment is a broad one; and that significant development capacity may contribute to a well-functioning urban environment, that is not a certainty. This is clear from the wording of clause 3.8(2) of the NPS-UD¹² which states:

(2) Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:

(a) would contribute to a well-functioning urban environment; and ...

40. It is apparent from the text of the NPS-UD that development capacity can, but will not always, contribute to a well-functioning urban environment. We accept that they are not one in the same. On this basis we do not find there is scope to address development capacity in PC 80 as proposed by a number of submitters.

41. Furthermore, the matter of significant development capacity was not addressed in the section 32 analysis accompanying the plan change and, in our view (and addressed in more detail below) would have likely generated significant interest beyond those who have made submissions on PC 80.

42. For the reasons set out above (i.e., the confined nature of PC 80 - as notified) we find the submissions that seek to address other parts of the RPS (e.g. provisions on responsiveness to plan changes that would add significant development capacity and transport related provisions, urbanisation outside the rural urban boundary, infrastructure upgrade cost effectiveness and reference to the national planning standards) are not “on” PC 80 and fail the first limb of the case law¹³.

43. Given it is our finding that the first limb is not met, we do not necessarily need to make a finding in relation to the second limb. However, in the event that we are wrong on the first limb, we address the second limb below.

44. Whether or not the submission relief passes the second limb, involves other ‘natural justice’ factors. That is, on a case-by-case basis, the potential for a ‘*submissional sidewind*’, i.e. a without notice impact on a third party’s rights, may nonetheless render an otherwise fairly and reasonably made submission point unable to be accepted.

45. It is our view that, for the reasons set out in the Council’s Reply Submissions, that there would be a submissional sidewind if we agreed to the submitters’ request to broaden the scope of PC 80. Those reasons are¹⁴:

There would be significant interest in the amendments sought and not only are they well beyond the ambit of PC80, but there is a real risk that people who may be directly affected by the decision sought in the submissions have been denied an effective opportunity to respond to what the submissions seek.

¹² The clause that addresses responsive planning

¹³ Palmerston North City Council v Motor Machinists Limited [2013] NZHC 1290 at [80]-[82].

¹⁴ Paragraphs 6.2 - 6.6 of the Council’s Reply Submissions

Contrary to the submissions by Kāinga Ora and others, provisions of the Regional Policy Statement (RPS) can adversely affect parties. This is clear from the provisions of the RMA. By way of example, the provisions of the RPS must be given effect to by private plan change requests and Council initiated plan changes and need to be had regard to when assessing the merits of resource consent applications under section 104 of the RMA. If nothing else, the involvement of the development parties as submitters in this plan change process illustrates that.

*While it is accepted that there are a range of development interests participating in and aligned in this process, with respect, that is just one sector. When looking at the relief sought about significant development capacity, particularly where there are amendments being sought to Policy B2.2.2(2) relating to the location and relocation of the Rural Urban Boundary, there are significant sectors not represented in the PC80 plan change process. These include the rural sector (including rural interest groups such as Federated Farmers), environmental interest groups such as Forest and Bird and other housing and infrastructure groups and providers. Those parties would likely have been involved had the relief sought been within scope of PC80 as notified. There appeared to be an acknowledgement from counsel for Kāinga Ora that participation by the development parties alone in this proceeding was not enough to pass that second limb of the *Palmerston North City Council v Motor Machinists Limited* tests.*

As addressed by Mr Cribbens for Waka Kotahi and Ms Dimery [KTW Systems Limited Partnership] at the hearing, the importance of infrastructure being provided as part of delivering significant development capacity is an additional significant element to be considered which is an issue that has not yet been fully engaged with or addressed.

The issues proposed to be addressed through the relief sought are a very significant policy decision that needs to be widely consulted on. Large parts of the community who may have a legitimate interest in the development capacity issue are not involved in this process.

46. As an example of this reasoning applying, we note the evidence prepared by Mr Erceg, Ms Bell and Ms O'Connor on behalf of TPC submitters. That evidence, among other things, “*endorsed and supported*” the proposed amendments in relation to provisions on responsiveness to plan changes that would add significant development capacity by Ms Morgan (the Barker submissions).
47. We asked Mr Erceg and Ms Bell if there was scope within the submissions they had lodged to support the changes sought by Ms Morgan. In response to the IHP’s question, Mr Erceg filed a Memorandum on scope¹⁵. He set out why he considered there was scope to support Ms Morgan’s recommended changes. With respect to Mr Erceg, we find he draws a very long bow that there was scope. We do not think there is scope. The point we are making is that it is clear other parties would be interested in those provisions. To grant the relief

¹⁵ Memorandum of Scope Alexander (Alex) Murray Erceg 18 June 2023

sought in those submissions would, in our view, give rise to ‘submissional sidewind’ concerns; and on this basis we are not satisfied that they pass the second limb.

Decision

48. Submissions coded to Hearing Topic 006¹⁶ are **rejected** as they are not within the scope of PC 80.

HEARING TOPIC 003 - WELL-FUNCTIONING URBAN ENVIRONMENTS

49. PC 80 proposes to add references to well-functioning urban environment at the following places in the RPS in section B2. Tāhuhu whakaruruhau ā-taone - Urban growth and form. The changes relate to the following sections of the RPS:
- B2.1 Issues;
 - B2.2 Urban Growth and Form;
 - B2.3 A quality built environment;
 - B2.4 Residential growth;
 - B2.5 Commercial and industrial growth;
 - B2.7 Open space and recreation facilities;
 - B2.8 Social facilities; and
 - B2.9 Explanation and principal reasons for adoption.
50. Three hundred and thirteen submission points by 44 submitters and 33 further submitters with 820 further submission points were coded to this topic by the IHP. These are set out in the Parties and Issues report and in Mr Paul’s evidence-in-chief (grouped by themes). We note that the large majority of the submission points sought the retention of the provisions as notified, or the retention of the term well-functioning urban environments, but its re-ordering within the provisions. A number of submitters sought fewer references to “Well-functioning Urban Environments”.
51. In terms of expert conferencing, and the JWS, one of the key matters agreed related to “well-functioning urban environment”; that the term “well-functioning urban environment” should be included in the RPS and that the provisions should be amended to add it before references to “a quality compact urban form” i.e. “a quality compact urban form” is part of a “well-functioning urban environment”.
52. This amendment was sought in a significant number of submissions including the Tattico and Barker groups, Kiwi Property Group, and BARNZ (Board of Airline Representatives New Zealand Inc).
53. The reason given in the submissions is that “well-functioning urban environment” is a key concept in the NPS-UD that should be reflected in the RPS, and it should appear before a quality compact urban form which they considered was a subset of a well-functioning urban environment.

¹⁶ See the Parties and Issues Report

54. We agree with the reasoning in the JWS (and the evidence before us) to this wording and agree that a quality compact urban form is a subset of a well-functioning urban environment.
55. It was also agreed at the expert witness conferencing (and recorded in the JWS) that the policy on the competitive operation of the land and development market be added at two places in the RPS. This was sought in several submissions including the Barker group submissions. Again, we agree with the reasoning in the JWS (and the evidence before us) to the amended provisions.
56. Another matter agreed at the expert witness conferencing (and recorded in the JWS) related to adding to Objective B2.2.1 wording relating to good accessibility, including by improved and more efficient public transport and/or active transport. Again, we agree with the reasoning in the JWS (and the evidence before us) to the amended provisions. We have retained it and, for clarity, added in “*for all people*”.
57. There were a number of matters that were not agreed at expert conferencing which we now address.
58. Submitters supported and opposed the inclusion of Objective B2.2.1(1A) which is:
- (1A) 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.*
59. Some submitters (e.g. the Tattico and Barker groups - the evidence of Mr Cooper and Ms Morgan both of whom sought the deletion of the proposed Objective) considered that the objective is not required as it was a duplication of Objective 1 of the NPS-UD.
60. We accept that the objective is a wide-ranging one, but helps explain a well-functioning urban environment as it addresses all of the well beings and is a high-level objective. However, we acknowledge that this objective is the same as Objective 1 set out in the Resource Management (Enabling Housing Supply Other Matters) Amendment Act 2021¹⁷. Under that Act the objective must be added to the District Plan in the Council’s intensification planning instrument to incorporate the MDRS.
61. We agree with Mr Paul and the other submitters who supported its inclusion, as in our view it needs to be included in the RPS (as well as the District Plan) so as to set up an objective framework for well-functioning urban environment and is complementary to the existing RPS provisions. Without it, we find there would be a ‘policy gap’ in the RPS.
62. Some submitters, notably the TPC submitters, sought that the RPS provide further guidance on what a well-functioning urban environment is, e.g., access to open space, multi modal connections, protection of natural environment, sustainable built form. Those submitters considered that sole reliance on Policy 1 of the NPS-UD was insufficient and would not necessarily guide appropriate planning decisions for Auckland.

¹⁷ Schedule 3A clause 6(1)

63. It is our view, agreeing with Mr Paul, that the RPS already adequately addresses the matters that go to a well-functioning urban environment. These include the matters listed above and, for example, the objectives and policies on open space in B2.7, multi modal connections in B2.2.2 and B2.3.2, and the natural environment in B2.2.2, B7 Natural Resources, and B8 Coastal Environment. We also consider that the amended wording we have included in B2.9. Explanation and principal reasons for adoption adds greater clarity to what is a “well-functioning urban environment” for the purposes of the RPS.
64. We therefore do not consider that any further guidance is required, and reject or accept in part (to the extent the submissions accept the amendments to B2.9. assist in providing greater guidance) the submissions accordingly.
65. Some submitters e.g., Screaton Ltd (78-1, 78-2) and Acanthus Ltd (85-1, 85-2) sought additional provisions regarding “Maximising Intensification” – notably the addition of objectives and policies in B2.3 - A quality built environment. The rationale for the changes given in the submission (but no evidence) was that as a result of the NPS-UD objectives 3 and 4 it was necessary for all of urban Auckland to have the maximum zoned intensity as possible.
66. We do not consider that a section on the quality built environment is the correct place to add quantity based objectives and policies. Moreover, there are specific policies on intensification under B2.4.2 21 Residential growth such as Policy (2) which was notified in PC 80.
67. Waka Kotahi (Mr Cribbens) supported the introduction of the concept and term ‘Well-Functioning Urban Environment’ but opined that further amendments were required to properly give effect to the concept in accordance with the NPS-UD. Of significance, Mr Cribbens set out that given transport and land use are inextricably linked, it was his opinion that this connection was not reflected sufficiently in PC 80 as notified - and that further changes were required to the transport chapter of the RPS. This was to properly give effect to the NPS-UD and the objectives of the plan change.
68. In relation to Objective B2.2.1(1)(d) (which we have addressed earlier) and Policy B2.2.2(7), we have made a number of changes, largely based on the evidence of Mr Paul, Mr Cribbens and Ms Morgan. However, we do not agree with the need to add reference to housing, jobs, community services, natural spaces, and open spaces as these are already addressed in Policy B2.2.2(7)(b) and have to be provided for. Nor do we agree with the deletion of “efficient” as any new transport network needs to be efficient. We do not agree with Mr Cribbens' reasons for deleting the reference to “improved” and have retained it. Ms Morgan also suggested adding the word “efficient” after “effective” and we have agreed with this addition.
69. Furthermore, we find that the amendments we have made to section B2.9 (Explanation) in terms of better defining ‘well-functioning urban environments’ (already discussed above) helps to explain the relationship between the NPS-UD and the RPS – and we do make further changes as recommended by Mr Cribbens.

70. Some submitters sought amendments to the provisions relating to Open Space and Social Facilities. We agree with Mr Paul, for the reasons set out in his evidence-in-chief¹⁸. On that basis we have not made any additional changes – and reject the submissions accordingly. We address Social Facilities below.

Social Facilities

71. Southern Cross Healthcare Ltd (Southern Cross) sought the addition of a new objective and policy to, in its view, ensure the RPS (and AUP) gives effect to the NPS-UD by enabling sufficient land and appropriate zones to provide for social facilities to meet the future needs of the community to support well-functioning urban environments.
72. Mr Shaw on behalf of Southern Cross stated in his evidence that the issue of providing sufficient land for social facilities needed to be explicitly addressed in the policies in B2.8 Social Facilities in a similar way to how it is addressed for residential and industrial zones/activities. Mr Paul and Eden Epsom Protection Society Inc (the Society), in its legal submissions and planning evidence, disagreed.
73. The Society opposed the Southern Cross submissions to provide additional policy direction in the RPS relating to capacity and appropriate zoning for social facilities. The Society supported the view of Mr Paul that the existing objectives and policies in B 2.2 already address the provision of social facilities and the supply of land for that purpose.
74. In our view, agreeing with Mr Paul¹⁹ and the Society, that social facilities are different to residential and industrial land in that they tend to be on discrete areas of land which the district plan generally cannot identify in advance without a specific development proposal, such as a hospital. It is our view, contrary to that of Mr Shaw, that the RPS already adequately addresses the provision of social facilities; and no other changes are necessary.

Existing and planned built character

75. A number of submissions (e.g. Waka Kotahi, Southern Cross Healthcare and the Tattico Group) sought that Policy B2.4.2(10) be amended to remove reference to the existing built character. Mr Paul for the Council, Ms Findlay for the Character Coalition and Mr Speer for Eden Epsom Protection Society Inc opposed its deletion. Mr Paul addressed this issue in his rebuttal evidence²⁰; we have not repeated it here, but agree with him.

76. The policy is:

Provide for ~~Require~~ non-residential activities and require them to be of a scale and form that are in keeping with the existing and planned built character of the area.

77. We agree with Mr Paul agree that the reference should not be deleted. This policy applies Auckland wide and not just to the zones where higher levels of intensification are to be

¹⁸ Paragraphs 6.50 to 6.59

¹⁹ Paragraphs 7.46 –7.49 and 7.1–7.5 of Mr Paul’s evidence-in-chief and rebuttal evidence respectively.

²⁰ Section 5

enabled resulting in a likely change from the existing to planned built character. On this basis deleting “existing” would be a significant change and not one likely to have been contemplated by the public at large.

78. Furthermore, in the IHP’s questioning, those witnesses who sought the removal of “existing” considered that this would not change the policy direction, as the word ‘planned’ captured situations where intensification was not planned (i.e. planned built character is the existing built character in that scenario). We do not agree. Rather, we agree with the Council’s Reply submissions that: “*The Council remains of the view that the retention of the word ‘existing’ is critical to this policy and that there is a difference between existing and planned built character*”.

Supporting Submissions

79. Some submissions supported PC 80. Three submitters Carolyn Nimmo, Royal Forest and Bird Protection Society of New Zealand Inc and Eden Epsom Residential Protection Society Incorporated supported the plan change provisions on well-functioning urban environment without amendment.
80. We accept those submissions in part to the extent that we have made changes to the notified provisions.

Decision

81. That submissions coded to **Hearing Topic 003 - Well-functioning Urban Environments**²¹ are **accepted or accepted-in-part** to the extent that the amended PC 80 provisions satisfy the relief sought in the submissions, or where the submissions supported this aspect of PC 80; and **rejected** where the relief sought has not been granted.

HEARING TOPIC 004 - CLIMATE CHANGE RESILIENCE

82. Topic 004 relates to submissions on Climate Change Resilience aspects proposed to be included in the RPS via PC 80.
83. Forty-three submitters with 352 submission points, and 30 further submissions, with 987 further submission points were coded to this topic by the IHP. These are set out in the Parties and Issues report and in Mr Turbott’s evidence-in-chief.
84. As part of giving effect to the NPS-UD, specifically the direction contained in Objective 8 and Policies 1 and 6 of the NPS-UD, the RPS was reviewed for gaps. As set out in the evidence of Mr Turbott, following that review, the Council determined to amend the RPS to fill those identified gaps and strengthen or clarify the existing matters in the relevant sections of the RPS on urban resilience to the effects of climate change.

²¹ See the Parties and Issues Report

85. The inclusion of reference to resilience to the effects of climate change was included in the following provisions:
- B2.1 Issues;
 - B2.2 Urban growth and form;
 - B2.3 A quality built environment;
 - B2.4 Residential growth;
 - B2.5 Commercial and industrial growth;
 - B2.6 Rural and coastal towns and villages;
 - B2.7 Open space and recreation facilities;
 - B2.8 Social facilities;
 - B2.9 Explanation and principal reasons for adoption;
 - B7.2 Indigenous biodiversity;
 - B7.3 Freshwater systems
 - B7.4 Coastal water, freshwater and geothermal water;
 - B8.2 Natural character;
 - B8.3 Subdivision, use and development;
 - B8.4 Public access and open space;
 - B10.2 Natural hazards and climate change; and
 - B10.3 Land - hazardous substances
86. As an overview it was clear to us, and as set out in Mr Turbott's evidence-in-chief, that the general 'flavour' of the submissions was less opposed to generalised open-ended statements on climate resilience, but there was stronger opposition where the amendments required a specific action or approach to urban climate change resilience.
87. With respect to expert conferencing, agreement in principle was only reached on one matter and at a general level; that being that the inclusion of sea level rise over the next 100 years as part of natural hazard assessment and management was appropriate. However, no specific wording was agreed²². No other agreements were recorded.
88. We accept that climate change resilience is a significant and important topic that needs to be addressed. That said, the Council's approach has been to 'identify and fill gaps' rather than undertake a more fundamental and fulsome review of provisions to address climate change resilience in terms of what can be achieved under the RMA. We acknowledge that as part of the resource management reform the Government is seeking to enact the Climate Change Adaptation Bill. This will likely require a more fulsome review of statutory planning documents.
89. In response to the submissions on this topic, Mr Turbott in his evidence-in-chief, recommended a number of amendments to the notified provisions, including:
- a change in Objective B2.2.1(1)(h) from 'improves resilience' to 'improved resilience';
 - a change to B2.3.2 to rephrase and combine policies B2.3.2(1)(g) and (h) into a single policy;
 - a change to Policy B2.4.2(5)(b) to re-order the amended provision text;

²² Joint Witness Statement, Topic 004, 3 April 2023.

- the addition of the word 'management' following biodiversity in policy B2.7.2(11); and
- a relocation of the amendments in Policy B10.2.2(13) relating to managed retreat from (b) to a new standalone (c).

90. In his rebuttal statement, Mr Turbott recommended further refinements in response to evidence of submitters with minor amendments to Policy B2.4.2(5)(b) and Policy B10.2.2(13)(c).
91. In respect of the submissions seeking inclusion of references to the reduction or consideration of greenhouse gas emissions (the TPC submitters), following amendments to the RMA that came into effect on 30 November 2022, this is something that the Council can now consider for subsequent plan changes. However, PC 80 was notified in August 2022, prior to those amendments coming into effect, and this plan change could not have expressly addressed the issue²³.
92. In addition, as the issue of the reduction of greenhouse gas emissions was not included in PC 80 as notified, or in the accompanying section 32 analysis, the relief sought would be beyond the scope of PC 80.
93. There was discussion between the IHP and Mr Turbott and a number of submitters on the proposed amendments to Policy B2.3.2(1)(g) and Policy B10.2.2(13) – and in particular the directiveness of climate change resilience provisions. Those amendments as recommended by Mr Turbott were set out in Mr Paul’s consolidated set of recommended provisions. We address these in some detail below.

Policy B2.3.2

94. In respect to Policy B2.3.2 (g) the IHP acknowledges the expert evidence of Dr Gillman on urban heat island and stormwater effects. Dr Gillman set out that, in his opinion, the world is entering a time of catastrophic climate change that is producing an increasing intensity and frequency of storm events and heightened maximum temperatures. He stated (summary of his evidence) ²⁴:

The heat island effect which is caused by loss of tree canopy compounds increasing higher maximum temperatures. Mitigation of the heat Island effect requires an increase in tree canopy cover.

Global atmospheric heating has, and will continue to, intensify rain events and consequential flooding. Again, increasing tree canopy cover can mitigate some of the effects caused by increasing stormwater volumes. Trees have additional health benefits for people. In my view, therefore, tree canopy loss, as a result of urban intensification, must be reversed by direction through Auckland regional policies.

²³ Schedule 12, clause 26 of the RMA.

²⁴ Paragraphs 1.1 – 1.3

Rainwater harvesting can also contribute to mitigating stormwater effects due to the increasing frequency and intensity of extreme weather events and again, this should be directed through Auckland regional policies.

95. In his section - Mitigation of heat island effects - he opined that high temperatures have serious impacts on human health and that these will continue to increase due to global atmospheric warming. However, one form of mitigation of the heat island effect that has shown to be effective is planting trees.
96. Dr Gillman's evidence was uncontested; and we accept it.
97. Mr Turbott, relying on the evidence of Dr Gillman, recommended the amendments to Policy B2.3.2. The proposed amendments, as drafted, were very specific in its 'methods' of directing the form and design of subdivision, use and development – that, among other things, sought to improve resilience to the effects of climate change (of which, one effect is urban heat islands) by "*improving urban tree canopy cover, safe water reuse, safe rainwater collection and use*".
98. While the IHP (and a number of the other planning witnesses) do not doubt the intent of the policy, we questioned whether it was appropriate to specifically identify "heat islands" and methods (improving urban tree canopy cover, safe water reuse, safe rainwater collection and use) at the RPS level. That is – should the RPS be this specific; or should those matters be more appropriately addressed at the plan level of the AUP?
99. Notwithstanding the above, in respect of the detail, the recommended policy is then substantially 'watered down' by the inclusion of "*and other methods*". In our view, it is inappropriate to include such a general and wide-open statement alongside the other very explicit wording.
100. It is our finding that the policy in its recommended form is not appropriate in the RPS; and it is the "*improves resilience to the effects of climate change*" that is appropriate. It is regional and district plan provisions that will then implement and give effect to this direction by setting out how those improvements are to be achieved with additional specificity where relevant as to what methods (regulatory and non-regulatory) are engaged and could include improving urban tree canopy cover, safe water reuse, safe rainwater collection and use to address heat island effects.
101. Furthermore, and in a more general sense across PC 80, (and specifically in terms of Objective B2.3.1 and Policy B2.3.2), we have adopted "*improves*" resilience to the effects of climate change. This provides consistency to the PC 80 provisions.

Policy B10.2.2(13) – Coastal Hazards

102. As mentioned above the Panel engaged with the parties over "managed retreat" and what the statutory planning response would be to it. We address this below.

103. The Council's Reply Submissions set out²⁵:

In respect of Policy B10.2.2(13) addressing managed retreat, while the Council appreciates and acknowledges that there are challenges within the current legislative framework as to how managed retreat is actually implemented, and that issues in respect of private property rights, cost and insurance remain, it is respectfully submitted that those matters do not mean that the Council should shy away from the challenge, nor is it for the RPS to solve those issues prior to inclusion of such a provision. In fact, the RPS already recognises managed retreat in policy B10.2.2(2) as follows:

(9) Encourage activities that reduce, or do not increase, the risks posed by natural hazards, including any of the following: ...

We accept that the risk of sea level rise remains a real one and the Council in its role as a regional council has obligations under the RMA to address it²⁶. Managed retreat itself, is already part of the RMA framework. It referenced in Objective 5 and Policy 25 of the New Zealand Coastal Policy Statement 2010 (NZCPS), is also a concept included in the climate adaptation plan and is already included in the RPS. The Council is required to give effect to (b) managing retreat by relocation, removal or abandonment of structures; the NZCPS, and the Council will need to 'have regard to' the climate adaptation plan in planning decisions²⁷. It is appropriate to include the provision within the RPS for the reasons set out by Mr Turbott. ...

104. We accept that managed retreat is already part of the RMA framework and addressed in the NZCPS and the RPS. We also accept that the operative RPS (policy 9 quoted above) gives effect to the NZCPS. The issue before the IHP is whether or not the provisions proposed in PC 80 and recommended by Mr Turbott (in light of the submissions and evidence) are the most appropriate. We set this out below.

105. Prior to addressing the IHP's decision on the amended wording, we think it is useful to set out the general understanding the IHP gained (from its questioning of Council officers and submitters), as to what 'managed retreat' was in a statutory planning sense. In summary, it appears to us it is 'down zoning' of land affected by coastal hazards and/or prohibiting development within the relevant zone. However, importantly, we think that managed retreat is a response to the threat of, or actual effects from, natural hazards; and to be effective would likely require financial compensation (presumably from a public agency) alongside those planning provisions.

106. The questions this raised for the IHP was – does policy 13 already enable managed retreat to occur (i.e. - (a) avoid changes in land use that would increase the risk of adverse effects from coastal hazards; (b) not increase the intensity of activities that are vulnerable to the effects of coastal hazards beyond that enabled by the Plan, and (c) in the event of redevelopment, minimise natural hazard risks through the location and design of

²⁵ Paragraphs 14 and 15

²⁶ Section 6(h), section 30(1)(c) of the RMA and Objective 5 and Policy 25 of the NZCPS.

²⁷ Section 61(2)(e), 66(2)(g) and 77(2)(e) of the RMA.

development). We find that the current policy would not preclude managed retreat if that was determined to be appropriate.

107. With respect to the policy, and managed retreat, the Council officers proposed the following:

consider managed retreat and a reduction in development density ~~intensity for development~~ where it is at high risk from coastal hazards and apply managed retreat if it is found to be the best option, except where (e) applies to infrastructure²⁸.

108. We did not find the phrase “consider managed retreat.....” to be appropriate. The term “consider” is vague and unhelpful. Also unhelpful in our view was the term “high risk”; it being unclear what high risk was in terms of the policy. Furthermore, this clause within the policy did not ‘fit’ comfortably within the overall construction of the policy for the reasons given but also due to the overarching direction: “do all of the following”.

109. Mr Osborne’s evidence set out²⁹:

I support the provisions within PC80 which will embed more specific consideration of the effects of climate change and ensure development is undertaken in a way that ensures it is resilient to the effects of climate change. However, I consider that specific amendments are required to Policy B10.2.2(13) in order to ensure it more appropriately gives effect to the NZCPS. These amendments are also required to reflect that in some cases, particularly for large-scale infrastructure like Auckland Airport, managed retreat may not be appropriate or feasible. In those circumstances, clear policy direction enabling a focus on appropriate mitigation and protection of assets is necessary.

I support the intention of the PC80 amendments to Policy B10.2.2(13) where they provide a policy framework for managing development in high-risk areas from climate change, but I consider they are overly narrow and prescriptive as to how risk for existing infrastructure in those areas should be managed. In the case of Auckland Airport, which is nationally significant infrastructure that could not feasibly be moved to another location, it is important the policy appropriately enables other methods of dealing with climate change such as the construction of seawalls and stormwater improvements.

While there is clearly encouragement of the location of infrastructure away from areas of coastal hazards where practicable in Policy 25 of the NZCPS, I do not consider that this is practicable in the case of large-scale and long-term items of infrastructure such as Auckland Airport where there has been very significant investment over many years. I note that Policy 25(c) of the NZCPS clearly indicates managed retreat is just one option for reducing the risk of adverse effects from coastal hazards. I therefore

²⁸ Noting that (c) above was the wording recommended by Mr Osborne for AIAL.

²⁹ Paragraphs 6.1 - 6.3 of Mr Osborne’s evidence-in-chief

consider that the notified PC80 amendments to Policy B.10.2.2(13)(b) in referring only to implementing managed retreat do not adequately give effect to NZCPS Policy 25.

110. Mr Osborne's evidence went on to state:³⁰:

The difficulty with this interpretation of clause (d) of Policy B.10.2.2(13) is that the introductory sentence of that policy is as follows (emphasis added):

Require areas potentially affected by coastal hazards over the next 100 years to do all of the following: ...

The requirement "to do all of the following" means, in my view, that infrastructure providers must implement all of the actions specified in of the clauses (a) to (d) in the notified version of PC80, including those requiring managed retreat. For Mr Turbott's interpretation of Policy 13 to be correct, I consider that the introductory sentence of the policy would need to be changed to remove the direction to implement all of the actions that follow. This would be my preference, but if this cannot be achieved within the scope of PC80 and the subsequent submissions, then I consider that amendments would still need to be made to Policy 13 to ensure that managed retreat is not, by default, the only prescribed option for nationally significant infrastructure.

111. Mr Arbuthnot for the POAL essentially agreed with Mr Turbott that RPS Policy B10.2.2(13)(e) appropriately recognised the need for some infrastructure, such as the Port of Auckland, to locate in coastal hazard areas. While we accept B10.2.2(13)(e) appears to recognise the need for some infrastructure (airport, port, rail and other significant infrastructure) to locate in coastal hazard areas, we agree with Mr Osborne that the phrase "do all of the following" means that clause (e) cannot 'stand-alone'.

112. We have found that "do all of the following" renders the policy unachievable. Mr Osborne's attempt to redraft the policy so that it could be achievable is laudable, but it is our view that notwithstanding his suggested amendments (which he accepted was sub-optimal) the issues of "do all of the following" prevailed.

113. It is our finding that, for the reasons set out above, the policy wording we have provided, which includes deleting "to do all of the following", is within scope, gives effect to the requirements of the NZCPS and NPS-UD and in section 32 and section 32AA terms, is the most appropriate.

³⁰ Paragraphs 6.6 and 6.7 of Mr Osborne's evidence-in-chief

Decision

114. That submissions coded to **Hearing Topic 004 - Climate Change Resilience**³¹ are **accepted or accepted-in-part** to the extent that the amended PC 80 provisions satisfy the relief sought in the submissions, or where the submissions supported this aspect of PC 80; and **rejected** where the relief sought has not been granted.

HEARING TOPIC 005 - QUALIFYING MATTERS -

115. Hearing Topic 005 relates to submissions on the inclusion of reference to qualifying matters in the relevant provisions of the RPS.
116. PC 80 seeks to add references to qualifying matters in the RPS in Chapter B2, namely in the following places:
- B2.2 Urban growth and form;
 - B2.4 Residential growth;
 - B2.5 Commercial and industrial growth; and
 - B2.9 Explanation and principal reasons for adoption.
117. Fifty-six submitters with 123 submission points, and 38 further submitters with 1,113 further submission points were coded to this topic by the IHP³². These were set out in the Parties and Issues report and in Mr Mead’s evidence-in-chief.
118. We note that many of the submission points sought changes to provisions that were not being amended by PC 80. In the Council’s legal submissions, these were described as outside the scope of PC 80.
119. Through expert conferencing a range of matters were discussed; however, no agreement was reached on any issue.³³
120. The most significant issue raised by submissions, notably the Tattico, Barker and Kāinga Ora submissions, were that the references to “qualifying matters”, including “special character”, should be either deleted altogether or the extent to which they were referenced reduced. Some sought the widening of the references (e.g. Waka Kotahi).
121. Ms Morgan stated in her Summary Statement (and this essentially reflected the opinion of those other experts seeking the deletion or reduction of references to qualifying matters)³⁴:

With respect to qualifying matters, I do not support additional generic references to qualifying matters in the RPS. The RPS already contains sufficient policy guidance on the Council’s proposed qualifying matters – adding new policies for qualifying matters

³¹ See the Parties and Issues Report

³² Mr Mead, in his evidence, refers to 252 submission points and 372 further submission points coded to this topic. He explained the discrepancy between submission point numbers in his evidence.

³³ Joint Witness Statement, Topic 005, 4 April 2023.

³⁴ Paragraph 5.1 of Ms Morgan’s Summary Statement

therefore adds further complexity and jargon to the RPS without any corresponding policy benefit.

122. As set out in PC 80 (and in Mr Mead's evidence) PC 80 does not determine what and how qualifying matters are to be applied (which is the role of the currently notified PC 78 or other subsequent plan changes), but to reference them as 'methods' by which development may be managed, limited or constrained where qualifying matters can be 'justified'.
123. We acknowledge that qualifying matters are being addressed by PC 78, however they may also be addressed in subsequent plan changes. We also acknowledge that many qualifying matters are already part of the AUP (such as Overlays)³⁵, and Chapter A of the AUP will list relevant qualifying matters.
124. We further acknowledge that the RPS already makes reference to a number of factors that may lead to the modification of residential and business densities (such as scheduled items and natural resources) as a result of the existence of a qualifying matter but does not directly refer to these factors as being qualifying matters.
125. We agree with Mr Mead and those other submitters³⁶ who supported generic as opposed to specific references to qualifying matters, and that there should be references to qualifying matters in the RPS. We find this is appropriate and necessary as a result of the NPS-UD specifically including the term (and policy provisions) regarding "qualifying matters" as well as the amendments to the RMA that require the AUP to be modified to implement the Medium Density Residential Standards (MDRS) and Policy 3 requirements of the NPS-UD. The amended RMA makes it clear that the building height and density and urban form enabled by the MDRS and Policy 3 can only be moderated to the extent necessary to accommodate a qualifying matter.
126. We also agree with Mr Osborne's evidence and rebuttal evidence – as it best 'sums up' the IHP's findings. We particularly agree with his rebuttal evidence where he rebuts the evidence of Mr Cooper³⁷, Ms Morgan³⁸ and Mr McCall³⁹. Of particular note with reference to Mr Cooper, Mr Osborne stated⁴⁰:

I agree with Mr Cooper that RPS objectives and policies only need to acknowledge the concept of qualifying matters at a high level, but I do not see how his recommended deletion of all references to qualifying matters achieves this outcome as there would then be no acknowledgment of the concept within the RPS.

127. Ms Dimery for KTW Systems questioned the absence of any direct reference to water and wastewater infrastructure as a qualifying matter. She proposed additional policy wording and provided a section 32AA evaluation to support her view that it was necessary to add provisions relating to managing the form and design of subdivision, use and development

³⁵ But not specifically expressed as qualifying matters

³⁶ E.g. Mr Osborne for AIAL, Ms Findlay for the character Coalition and Mr Speer for the Eden Epsom Protection Society.

³⁷ Mr Osborne's paragraphs 2.5 - 2.12

³⁸ Mr Osborne's paragraphs 3.3 – 3.10

³⁹ Mr Osborne's paragraphs 4.5 – 4.11

⁴⁰ Mr Osborne's paragraphs 2.9

so that it contributes to a well-functioning urban environment where, among other things, this “occurs only in areas where there is planned or existing water and wastewater infrastructure with no known capacity constraints”.

128. Mr Mead addressed Ms Dimery’s evidence in some detail in his rebuttal evidence. He largely agreed with Ms Dimery, but suggested alternative policy wording to B2.4 – Residential growth as the more appropriate location. It was his recommendation that Policy 6, which already stated: Ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification, be amended by adding: “including, as a qualifying matter, limiting intensification prior to upgrade of capacity in areas of known water and wastewater infrastructure constraints”.
129. We agree with Ms Dimery to the extent that we agree with and have adopted Mr Mead’s addition to policy 6.
130. We also specifically address “special character” as a sub set of “qualifying matters” as it was addressed by a significant number of submissions, and expert evidence. Some submitters sought deletion of references to special character in existing provisions of the RPS, while others sought its retention.
131. Special character is an “other” qualifying matter under 77I(j) of the RMA. Moreover, the RPS already recognises special character as a reason to take a less enabling approach to intensification (see Chapter B5.3. Special character). We note PC 80 did not seek to amend any of these provisions, and therefore this raised a scope issue with respect to their removal⁴¹.
132. For the same reasons as set out above we have retained references to special character, and agree with Mr Mead’s evidence (as well as Ms Findlay for the Character Coalition⁴² and Mr Speer for the Eden Epsom Residential Protection Society Inc)⁴³.

The Regional Policy Statement already refers to Special Character Areas as important resources that should be protected by preserving appropriate lower densities. The statement recognises the important role Special Character Areas have alongside other scheduled resources such as Significant Ecological Areas or protected views to the maunga/volcanic cones. The retention of these references within the relevant policies (B2.4.2(4) and (5)) is supported to protect Special Character Areas, and should remain in Plan Change 80.

And

The Society’s position is that it generally supports Council in their proposals to introduce limited amendments to the Regional Policy Statement (RPS) that reflect the intention of the Resource Management Act (Enabling Housing Supply and Other

⁴¹ We have not advanced this further as we agree that references to “special character” as a qualifying matter needs to remain in the RPS.

⁴² Paragraph 18 of Ms Findley’s evidence

⁴³ Paragraphs 1 and 2 of Mr Speer’s evidence

Matters) Amendment Act 2021 (the Amendment Act) and the National Policy Statement on Urban Development (NPS-UD).

In particular, the Society supports the need for recognition of qualifying matters to reduce intensification in selected areas including low density residential, and to avoid intensification in special character areas.

133. It is our view that it is appropriate to include and retain the references to special character in the RPS. This is because references at the RPS level (as a qualifying matter) is important in achieving alignment between the RMA, NPS-UD and the RPS to ensure this is implemented by the district plan provisions.
134. Overall, it is our view that to ensure alignment between the RPS and district level provisions, it is both appropriate and necessary for PC 80 to add references to qualifying matters into Chapter B2.4 and B2.5 (dealing with residential and business development, respectively). We have retained those references in PC 80; largely including the wording “identified” qualifying matters.

Decision

135. That submissions coded to **Hearing Topic 005 - Qualifying matters**⁴⁴ are **accepted or accepted-in-part** to the extent that the amended PC 80 provisions satisfy the relief sought in the submissions, or where the submissions supported this aspect of PC 80; and **rejected** where the relief sought has not been granted.

UNALLOCATED SUBMISSIONS TO TOPICS 003, 004, 005, 006

136. A group of submissions had not been allocated to any of the topics 003, 004, 005 or 006 but refer to PC 80. They were coded in the Council’s Summary of Decisions Requested (SDR) as decline the plan change, support the plan change, are blank or are coded to Other Plan Change. These submissions were not included in the Parties and Issues Report.
137. The submissions relate to the following:
- Decline the Plan Change – 17
 - Support the Plan Change - 1
 - Other Plan Change – 2 (FS 2)
 - Blank in the SDR – 3 - while these submissions refer to PC 80 they seek no relief on PC 80
138. The submissions were identified in Mr Paul’s evidence-in-chief at Attachment 5 - Submissions not allocated to Topics 003, 004, 005 or 006.
139. Mr Paul listed and evaluated the submissions in section 8 of his evidence-in-chief. We note that none of the submitters provided any further evidence or information in support of their submissions. None attended the hearing.

⁴⁴ See the Parties and Issues Report

140. It was Mr Paul's opinion that:
- The submission by Fire and Emergency New Zealand Limited (21) supported PC 80 without any amendments – and on this basis be accepted. We agree.

141. In respect of all of the other submissions, he set out⁴⁵:

In my opinion all the submissions seeking that the PC80 be declined should be rejected. The Council is required to give effect to a national policy statement and the section 32 analysis provides support for the amendment to the RPS in PC80.

The submissions by Amy Parlane should in my opinion also be rejected as they do not seek specific relief in respect of PC80 and relate to a level of detail that is not addressed in the RPS.

The submissions that seek no relief in relation to PC80 should also be rejected.

142. We agree with Mr Paul.

Decision

143. That the submission by Fire and Emergency New Zealand Limited be **accepted**.
144. That all other submissions **unallocated to topics 003, 004, 005, 006** (and identified in Attachment 5 - Submissions not allocated to Topics 003, 004, 005 or 006 to Mr Paul's evidence-in-chief) be **rejected**.

OVERALL DECISION

145. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, that Proposed Plan Change 80 to the Auckland Unitary Plan (Operative in Part) be approved, subject to the amended RPS set out in this decision – Attachment 1 sets out the amended RPS provisions. The reasons for this are those set out above.
146. With respect to the amended RPS provisions, the notified PC 80 provisions did not necessarily include the full text of those objectives and policies (i.e. only those parts to be modified were included). We have followed the same format in our decision. As we have added to, deleted, or amended some of those provisions, this has meant (in some cases) the conjunctive “and” or “or” in the provisions no longer ‘appear’ in the correct place. While we have attempted to show them in the correct place, for the avoidance of doubt, we record that the Council (when incorporating the PC 80 provisions into the RPS) follow the “and” or “or” convention of the operative RPS.

⁴⁵ Paragraphs 8.14 – 8.16

147. Submissions on the plan change are accepted, accepted in part and rejected in accordance with this decision.

Chairperson

A handwritten signature in black ink, appearing to read "Greg Hill", followed by a period.

Greg Hill

Date: 30 August 2023

Attachment 1 –PC 80 Provisions.

Attachment 1

PC 80 - Amendments to the RPS Auckland Unitary Plan (Operative in Part) following the hearings of Hearing Topics 003 to 006.

August 2023

Chapter B Regional Policy Statement

B2. Tāhuhu whakaruruhau ā-taone - Urban growth and form

...

B2.1. Issues

...

Growth needs to be provided for in a way that does all of the following:

...

(1A) contributes to well-functioning urban environments;

(1B) improves resilience to the effects of climate change;

...

B2.2.1. Objectives

(1A) 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.

(1) A well-functioning urban environment with a quality compact urban form that enables all of the following:

...

(d) good accessibility for all people, including by improved and more effective efficient public or active transport;

...

(f) better maintenance of rural character and rural productivity; ~~and~~

(g) reduced adverse environmental effects; and

(h) improved resilience to the effects of climate change.

(5) The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages;

(a) Is is integrated with the provision of appropriate infrastructure; and

(b) Improves resilience to the effects of climate change.

B2.2.2. Policies

...

(2) Ensure the location or any relocation of the Rural Urban Boundary identifies land suitable for urbanisation in locations that contribute to a well-functioning urban environment and that:

(a) promote the achievement of a quality compact urban form;

...

(e) provide choices that meet the needs of people and communities for a range of housing types and working environments; ~~and~~

(ee) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and

...

(l) avoiding areas with significant natural hazard risks and where practicable avoiding areas prone to natural hazards including coastal hazards and flooding, including the effects of climate change and sea level rise on the extent and frequency of hazards; and

...

(n) Limits or avoids urbanisation where a “qualifying matter” justifies that limitation or avoidance of urbanisation.

(4) Promote urban growth and intensification within the urban area 2016 (as identified in Appendix 1A), enable urban growth and intensification within the Rural Urban Boundary, towns, and rural and coastal towns and villages, in a way that contributes to a well-functioning urban environment and avoid urbanisation outside these areas.

...

(6) Identify a hierarchy of centres that contributes to a well-functioning urban environment which supports a quality compact urban form:

...

(7) Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that contribute to a well- functioning urban environment and that do all of the following:

...

(c) integrate with the provision of infrastructure; ~~and~~

(caa) provide good accessibility, including by way of efficient and effective public or active transport.

(ca) incorporate improved resilience to the effects of climate change;

(d) follow the structure plan guidelines as set out in Appendix 1-; and

(e) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets.

B2.3. A quality built environment

B2.3.1. Objectives

(1) A well-functioning urban environment with a quality built environment where subdivision, use and development do all of the following:

...

(f) ~~respond and adapt~~ has improved resilience to the effects of climate change.

...

B2.3.2. Policies

(1) Manage the form and design of subdivision, use and development so that it contributes to a well-functioning urban environment and does all of the following:

...

(e) meets the functional, and operational needs of the intended use; ~~and~~

(f) allows for change and enables innovative design and adaptive re-use-; and

(g) improves resilience to the effects of climate change.

...

B2.4. Residential

growth B2.4.1.

Objectives

(1) Residential intensification contributes to a well-functioning urban environment and supports a quality compact urban form.

(1A) Residential intensification is limited in some areas to the extent necessary to give effect to identified qualifying matters.

(2) Residential areas are attractive, healthy, ~~and~~ safe and have improved resilience to the effects of climate change with quality development that is in keeping with the planned built character of the area.

...

B2.4.2. Policies

Residential intensification

...

- (2) Enable higher residential intensities in areas closest to centres, the public transport network, large social facilities, education facilities, tertiary education facilities, healthcare facilities and existing or proposed open space, which contribute to a well-functioning urban environment.

...

- (4) Provide for lower residential intensity in areas:

...

(c) where there are natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character; ~~and~~

(d) where there is a suburban area with an existing neighbourhood character; and

(e) where, there are other qualifying matters listed in Chapter A that justify that limitation.

- (5) Avoid intensification in areas:

(a) where there are natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character; or

(b) that are subject to significant natural hazard risks; including where the frequency and extent of the natural hazards are being affected by climate change; or

(c) where there are other qualifying matters listed in Chapter A which justify avoidance of intensification;

where such intensification is inconsistent with the protection of the scheduled natural or physical resources or with the avoidance or mitigation of the natural hazard risks or is necessary to give effect to identified qualifying matters.

- (6) Ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification, including, as a qualifying matter, limiting intensification prior to upgrade of capacity in areas of known water and wastewater infrastructure constraints.

...

- (10) ~~Require~~ Provide for non-residential activities and require them to be of a scale and form that are in keeping with the existing and planned built character of the area.

...

(11) Enable a sufficient supply and diverse range of dwelling types, ~~and sizes~~ and locations, that meet the housing needs of people and communities, including:

- (a) households on low to moderate incomes; and
- (b) people with special housing requirements.

B2.5. Commercial and industrial growth

B2.5.1. Objectives

...

(2) Commercial growth and activities are primarily focused within a hierarchy of centres and identified growth corridors that ~~supports~~ contribute to a well-functioning urban environment and a compact urban form.

(2A) Commercial and industrial activities are resilient to the effects of climate change.

B2.5.2 Policies

(2) Support the function, role and amenity of centres by encouraging commercial and residential activities within centres, ensuring development that locates within centres contributes to a well-functioning urban environment and the following:

(aa) a high density urban form that responds to a centre's accessibility by public transport, commercial activity and community facilities;

(a) ...

(b) a diverse range of activities, with the greatest mix, ~~and~~ concentration and density of activities in the city centre;

...

(g) high-quality street environments including pedestrian and cycle networks and facilities; ~~and~~

(h) development does not compromise the ability for mixed use developments, or commercial activities to locate and expand within centres-; and

(i) a scale and form of development that is necessary to achieve any relevant identified qualifying matters.

...

(3) Enable new metropolitan, town and local centres which contribute to a well-functioning urban environment following a structure planning process and plan change process in accordance with Appendix 1 Structure plan guidelines, having regard to all of the following:

...

- (g) any significant adverse effects on the environment or on natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage, ~~or~~ special character, or other identified qualifying matters.

...

(10A) Require commercial, retail and industrial activities to be located, designed and developed to improve their resilience to the effects of climate change.

B2.6. Rural and coastal towns and villages

B2.6.1. Objectives

- (1) Growth and development of existing or new rural and coastal towns and villages is enabled in ways that:

...

(ca) are resilient to the effects of climate change; and

...

B2.6.2. Policies

- (1) Require the establishment of new or expansion of existing rural and coastal towns and villages to be undertaken in a manner that does all of the following:

...

(f) is compatible with natural and physical characteristics, including those of the coastal environment; ~~and~~

(g) provides access to the town or village through a range of transport options including walking and cycling; and

(h) improves resilience to the effects of climate change.

B2.7. Open space and recreation facilities

B2.7.1. Objectives

- (1) Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities which contribute to a well-functioning urban environment.

...

- (4) Open space and recreation facilities are resilient to the effects of climate change.

B2.7.2. Policies

- (1) Enable the development and use of a wide range of open spaces and recreation facilities to provide a variety of activities, experiences and functions and which contribute to a well-functioning urban environment.

...

- (11) Provide for improved resilience to the effects of climate change in open space and associated recreation and biodiversity management.

B2.8. Social facilities

B2.8.1. Objectives

- (1) Social facilities that meet the needs of people and communities, including enabling them to provide for their social, economic and cultural well-being and their health and safety and which contribute to a well-functioning urban environment.

...

- (4) Social facilities are resilient to the effects of climate change.

B2.8.2. Policies

- (1) Enable social facilities that are accessible to people of all ages and abilities to establish in appropriate locations which contribute to a well-functioning urban environment as follows:

...

- (4) In growth and intensification areas identify as part of the structure plan process where social facilities will be required and enable their establishment in appropriate locations which contribute to a well-functioning urban environment.

...

- (7) Require social facilities to provide for improved resilience to the effects of climate change.

B2.9. Explanation and principal reasons for adoption

[Paragraph 1]

A broad strategy is needed to address the resource management issues arising from the scale of urban growth in Auckland. ~~The objective of a quality compact urban form is supported by a primary policy approach of focussing residential intensification in and around commercial centres and transport nodes and along major transport corridors.~~

The National Policy Statement on Urban Development 2020 (NPSUD) includes objectives and policies on a well-functioning urban environment; and sets out matters that are to be addressed, as a minimum, to achieve this. Achieving a well-functioning urban environment is reflected by a wide range of objectives and policies across the entire Regional Policy Statement (RPS). A well-functioning urban environment is a high-level concept and is an overarching objective of the RPS.

The objectives of a well-functioning urban environment and a quality compact urban form are supported by a primary policy approach of focusing the greatest levels of residential intensification in areas with good accessibility, including by public or active transport, and around commercial centres and transport nodes and along major transport corridors.

...

[Paragraph 4]

A well-functioning urban environment and compact urban form can deliver a range of benefits for current and future generations by:

- ...
- limiting or avoiding intensification where there are qualifying matters that justify that limitation or avoidance of intensification;
- promoting an integrated approach to land use and transport; ~~and~~
- providing investment certainty about use and development strategies; and
- improving resilience to the effects of climate change.

...

[Paragraph 6]

In addressing the effects of growth, and contributing to a well-functioning urban environment, a key factor is enabling sufficient development capacity in the urban area and sufficient land for new housing and businesses over the next 30 years. It is also important to ensure that urban environments have improved resilience to the effects of climate change. ...

[Paragraph 7]

Housing affordability is a significant issue in Auckland. These objectives and policies, as one component of the many things that need to be done to address this issue, seek to enable urban growth, improve development capacity and encourage a variety of housing types, ~~and sizes~~ and locations as resource management methods to improve housing affordability.

...

B7. Toitū te whenua, toitū te taiao – Natural resources

B7.2.2 Policies

...

(5A) Improve the resilience of areas listed in the Schedule 3 of Significant Ecological Areas – Terrestrial Schedule and of Schedule 4 Significant Ecological Areas – Marine Schedule to the effects of climate change.

...

B7.3.2 Policies

...

(5) Manage subdivision, use, development, including discharges and activities in the beds of lakes, rivers, streams, and in wetlands, to do all of the following:

(a) ...

(aa) improve resilience to the effects of climate change;

...

B7.4.2 Policies

...

(9) Manage stormwater by all of the following:

(a) requiring subdivision, use and development to

(i) minimise the generation and discharge of contaminants; ~~and~~

(ii) minimise adverse effects on freshwater and coastal water and the capacity of the stormwater network; and

(iii) improve resilience to the effects of climate change;

...

B7.7 Explanation and principal reasons for adoption

[Paragraph 3]

Areas containing threatened ecosystems and species require effective management to protect them, and enhance their resilience which is important for the long-term viability of indigenous biodiversity and to help respond to the ~~potential~~ effects of climate change. Effectively addressing these issues requires a combination of regulatory and voluntary efforts.

B8. Toitū te taiwhenua - Coastal environment

B8.2.2 Policies

...
(4) ...

(4A) Provide for the natural systems that support natural character to respond in a resilient way to the effects of climate change including sea level rise over at least 100 years.

...

B8.3.1. Objectives

...

(7) In areas potentially affected by coastal hazards, including sea level rise over at least 100 years, subdivision, use and development avoid increasing the risk of social, environmental and economic harm.

...

B8.4.2 Policies

(1) Subdivision, use and development in the coastal environment must, where practicable, do all of the following:

...

(d) take into account the likely impact of coastal processes and climate change, including sea level rise over at least 100 years, and be set back sufficiently to not compromise the ability of future generations to have access to and along the coast.

B10. Ngā tūpono ki te taiao - Environmental risk

B10.2. Natural hazards and climate change

B10.2.1. Objectives

...

(4) The effects of climate change on natural hazards, including effects on sea level rise, over at least 100 years and on the frequency and severity of storm events, is recognised and provided for.

...

B10.2.2. Policies

(1) Identify areas potentially affected by natural hazards, giving priority to those at high risk of being affected, particularly in the coastal environment, and including areas susceptible to coastal inundation and erosion as a result of sea level rise over at least 100 years.

...

(4) Assess natural hazard risks:

...

(b) across a range of probabilities of occurrence appropriate to the hazard, including, at least, a 100-year timeframe for evaluating

flooding and coastal hazards, including sea level rise in response to global warming.

...

- (6) Adopt a precautionary approach to natural hazard risk assessment and management in circumstances where:
- (a) the effects of natural hazards and the extent to which climate change will exacerbate such effects are uncertain but may be significant, including the possibility of low-probability but high potential impact events, and also sea level rise over at least 100 years; or

...

(12) Minimise the risks from natural hazards to new infrastructure which functions as a lifeline utility by:

- (a) assessing the risks from a range of natural hazard events including sea level rise, and low probability but high potential impact events such as tsunami, earthquake and volcanic eruptions

...

(13) Require areas potentially affected by coastal hazards over the next 100 years to ~~do all of the following:~~

- (a) avoid changes in land use that would increase the risk of adverse effects from coastal hazards;
- (b) ~~do not increase, or reduce,~~ the intensity of activities that are vulnerable to the effects of coastal hazards beyond that enabled by the Plan;
- (c) in the event of redevelopment, minimise natural hazard risks through the location and design of development; or and
- (d) where it is impracticable to locate infrastructure outside of coastal hazard areas, then ensure coastal hazard risks are mitigated.

B10.3.2. Policies

...

- (2) Manage the use and development of land for hazardous facilities:
- (a) so that such facilities are resilient to the effects of natural hazards, including sea level rise over at least 100 years;

...

Attachment 2 – Parties and Issues Reports

National Policy Statement Urban Development

Independent Hearings Panel

Auckland

Hearing Topic 003 PC 80 RPS Well-functioning Urban Environments

Draft Parties and Issues Report

Released on 6 March 2023

The purpose of this Parties and Issues Report (PIR) is to provide the Panel with information prior to the hearing about the parties to the topic or subtopic, the issues that have arisen or been resolved through Alternative Dispute Resolution and links to the hearing evidence. The PIRs are living documents that will be updated as changes occur. Parties reading these documents should look for the most up to date version of the document.



Table of Contents

1. Hearing topic information	2
1.1 The Hearing Topic or subtopic	2
2. Submissions received and proposed hearing pathway	3
2.1. Parties to this topic.....	3
2.2. Submission coding topics and subtopics	3
2.3 Panel Directions	4
2.3.1 Direction for all submitters	4
2.3.2 Direction for Auckland Council.....	4
3 Documents from the pre-hearing events	4
3.1 Topic pre-hearing documents.....	4
3.2 Independent expert evidence	5
4 Summary of pre-hearing event outcomes	5
4.1 Expert conferencing outcomes	5
4.2 Mediation outcomes	6
4.3 Agreements reached between parties outside of formal mediation or expert conference pathway	6
4.4 Aligned pre-hearing outcomes from other topics	6
5 Hearing Session/s	7
Appendix 1: List of parties	7

1. Hearing topic information

1.1 The Hearing Topic or subtopic

The information provided below outlines the subject, Proposed Auckland Unitary Plan provisions and relevant matters to be considered for this topic.

Table 1: Topic description

HEARING TOPIC 003 Well-functioning Urban Environments		
<i>This hearing topic relates to submissions on the Well-Functioning Urban Environments aspects proposed to be included in the Regional Policy Statement (RPS).</i>		
Proposed Auckland Unitary Plan Provisions IPI		
<i>Within the Auckland Unitary Plan there is a clear policy cascade from the Regional Policy Statement (Chapter B) to the district plan chapters (Chapter C onwards), with close integration between regional and district plan matters. Therefore, the changes relating to ‘well-functioning urban environments’ proposed by Plan Change 80 to Chapter B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form, relate closely to many of the changes proposed by the Intensification Planning Instrument (IPI) Plan Change 78.</i>		
Proposed Auckland Unitary Plan Provisions Non IPI		
<i>Chapter B Regional Policy Statement</i>	<i>B2. Tāhuhu whakaruruhau ā-taone - Urban growth and form</i>	<i>B2.1. Issues</i> <i>B2.2. Urban growth and form</i> <i>B2.3. A quality built environment</i> <i>B2.4. Residential growth</i> <i>B2.5. Commercial and industrial growth</i> <i>B2.7. Open space and recreation facilities</i> <i>B2.8. Social facilities</i> <i>B2.9. Explanation and principal reasons for adoption</i>
Related topic provisions		

Topic 004 PC 80 Climate Change Resilience

Topic 005 PC 80 Qualifying Matters

Topic 006 PC 80 RPS Other Matters

2. Submissions received and proposed hearing pathway

2.1. Parties to this topic

The following table provides an overview to the submissions made to this topic. **Appendix 1** contains a list of the names of all parties to this topic.

Table 2.1: Parties to the topic

Total number of primary submitters	44
Total number of primary submission points	313
Total number of primary submitters who wish to be heard	41
Total number of further submitters	32
Total number of further submission points	820
Total number of further submitters who wish to be heard	32

2.2. Submission coding topics and subtopics

The Panel has directed that this hearing topic will address the submission point grouping listed in the table below. The allocation of a submission point to a matter listed in the table below was determined by the council's coding framework (see council website for more details).

Table 2.2: Topic coding

Topic	Subtopic
003 Well-Functioning Urban Environment	WFUE B2.1. Issues
	WFUE B2.2. Urban growth and form
	WFUE B2.3. A quality built environment

	WFUE B2.4. Residential growth
	WFUE B2.5. Commercial and industrial growth
	WFUE B2.7. Open space and recreation facilities
	WFUE B2.8. Social facilities
	WFUE B2.9. Explanation and principal reasons for adoption
	WFUE Miscellaneous

2.3 Panel Directions

This section sets out any direction or procedural minutes related to this topic issued by the Panel.

See hearing page for details: <https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/find-nps-ud-hearing.aspx>

2.3.1 Direction for all submitters

[Direction 22 February 2023 - ADR Process](#)

2.3.2 Direction for Auckland Council

N/A

3 Documents from the pre-hearing events

3.1 Topic pre-hearing documents

This section includes the mediation statements and joint witness statements for this topic. This table will be updated prior to the hearing for this topic.

Table 3.1: Pre-hearing documents

Pre-hearing documents	Date	Link to www.intensificationhearingsakl.co.nz webpage for documents
Mediation 1 attendance sheet		
Mediation 2 attendance sheet		
Mediation Joint Statement 1		

Pre-hearing documents	Date	Link to www.intensificationhearingsakl.co.nz webpage for documents
Expert Witnesses Joint Statement		
Hearing evidence		<p>Refer to this link</p> <p>https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/find-nps-ud-hearing.aspx</p> <p>for copies of evidence submitted prior to hearing. <i>Note - evidence may continue to be provided to the Hearings Panel after the preparation of this report.</i></p>

3.2 Independent expert evidence

The Panel may request independent expert evidence to assist in the understanding of hearing topics. If the independent evidence is obtained a copy of the evidence will be made available from the link provided below.

Table 3.2: Independent expert advice

Matter on which independent evidence sought:	
Date evidence requested:	
Date evidence received:	

4 Summary of pre-hearing event outcomes

4.1 Expert conferencing outcomes

Note: Expert conferencing may not be undertaken for all topics, in which case N/A has been recorded.

Table 4.1: Expert conferencing outcomes

Matters raised	
Summary of matters agreed	

Summary of matters outstanding	
Other matters	

4.2 Mediation outcomes

Note: Mediation may not be undertaken for all topics, in which case N/A has been recorded.

Table 4.2: Mediation outcomes

Matters raised	
Summary of matters agreed	
Summary of matters outstanding	
Other matters	

4.3 Agreements reached between parties outside of formal mediation or expert conference pathway

This section records the agreements reached between parties which were submitted to the Panel prior to the hearing.

Table 4.3: Outcomes of agreements reached between parties outside of formal pre-hearing events

Topic or subtopic	
Parties to the agreement	
Outcomes	Summary of matters raised
Date received	Summary of matters agreed
	Summary of matters outstanding
	Other matters

4.4 Aligned pre-hearing outcomes from other topics

The outcomes resulting from other topic pre-hearing events may play a part in understanding outcomes for this topic.

The connections between outcomes that need to be considered for this topic are:

- *No connections identified at this stage*

Note: This is not a definitive list and does not prevent any party to raising matters in this regard.

5 Hearing Session/s

Table 5: Hearing sessions

Topic 003 Well-Functioning Urban Environments	
This topic will be heard by a Full Panel	
Date hearing commenced:	
Date hearing completed:	

Appendix 1: List of parties

Submission Number	Submitter Name
05	Carolyn Nimmo
10	Ian McManus
11	Royal Forest and Bird Protection Society of New Zealand Inc Forest and Bird
14	Citadel Capital Limited
15	Fortland Capital Limited
16	Geoffrey John Beresford
17	Auckland International Airport Limited
18	Avant Group Limited
19	BARNZ
20	Eden Epsom Residential Protection Society Incorporated
22	Fletcher Residential Limited
23	Fulton Hogan Land Development
24	Kāinga Ora - Homes and Communities
25	Kiwi Property Group Limited
26	KiwiRail Holdings Ltd
28	Oyster Capital
29	Piper Properties Consultants Limited
31	Russell Property Group
33	Sky City Auckland Ltd
34	Southern Cross Healthcare Limited
36	Transpower New Zealand Limited
37	Villages of New Zealand Limited
38	Waka Kotahi NZ Transport Agency
39	30 Hospital Road Limited
42	Ellper Holdings Limited
43	Gibbonsco Management Limited
45	KTW Systems LP
49	One Mahurangi Business Association OMBA
51	Shundi Management Limited
52	Sonn Group
54	The Kilns Limited
55	Hannah and Colin Thomson
56	Winton Land Limited
57	Beachlands South Limited Partnership
65	Russell Don
70	Charles and Nancy Liu
71	Matvin Group Ltd
72	North Eastern Investments Limited NEIL
75	Precinct Properties New Zealand Limited
76	Red Rhino Limited and Airport Rent A Car Limited
78	Screaton Ltd
80	Templeton Group Limited
82	The University of Auckland
85	Acanthus Limited

Further Submission Number	Further Submitter Name
FS01	Metlifecare Limited
FS02	Eden Epsom Residential Protection Society Incorporated
FS04	New Zealand Defence Force
FS05	Character Coalition Incorporated
FS06	Kāinga Ora
FS07	Wellsford Welding Club
FS08	Foodstuffs North Island Limited
FS09	Kiwi Property Group Limited
FS12	Drive Holdings Limited
FS13	Viaduct Harbour Holdings Limited
FS14	Mark Dolling Andrews
FS15	Alan Clive Stokes
FS16	Citizens Against The Housing Act
FS17	Shildon Ltd
FS19	Auckland International Airport Limited
FS20	Herne Bay Residents Association Inc.
FS21	Transpower New Zealand Limited
FS22	Mariposa Ltd
FS23	Craigieburn Range Trust
FS24	Euroclass Limited
FS25	Highbrook Living Limited
FS26	Investore Property Limited
FS29	Mission Bay Kohimarama Residents Association Incorporated
FS30	North Eastern Investments Limited
FS31	NZ Storage Holdings Limited
FS32	Rock Solid Holdings Limited
FS33	Southern Cross Healthcare Limited
FS34	Stonehill Trustee Limited
FS35	Waka Kotahi NZ Transport Agency
FS36	Fletcher Residential Limited
FS37	Stride Property Limited
FS40	Fabric Property Limited

National Policy Statement Urban Development

Independent Hearings Panel

Auckland

Hearing Topic 004

PC80 Climate Change Resilience

Draft Parties and Issues Report

Released on 6 March 2023

The purpose of the Parties and Issues Report (PIR) is to provide the Panel with information prior to the hearing about the parties to the topic or subtopic, the issues that have arisen or been resolved through Alternative Dispute Resolution and links to the hearing evidence. The PIRs are living documents that will be updated as changes occur. Parties reading these documents should look for the most up to date version of the document.



Table of Contents

1. Hearing topic information	2
1.1 The Hearing Topic or subtopic	2
2. Submissions received and proposed hearing pathway	4
2.1. Parties to this topic.....	4
2.2. Submission coding topics and subtopics	4
2.3 Panel Directions	6
2.3.1 Direction for all submitters	6
2.3.2 Direction for Auckland Council.....	6
3 Documents from the pre-hearing events	6
3.1 Topic pre-hearing documents.....	6
3.2 Independent expert evidence	7
4 Summary of pre-hearing event outcomes	7
4.1 Expert conferencing outcomes	7
4.2 Mediation outcomes	7
4.3 Agreements reached between parties outside of formal mediation or experts conference pathway	8
4.4 Aligned pre-hearing outcomes from other topics	8
5 Hearing Session/s	8
Appendix 1: List of parties	9

1. Hearing topic information

1.1 The Hearing Topic or subtopic

The information provided below outlines the subject, Proposed Auckland Unitary Plan provisions and relevant matters to be considered for this topic.

Table 1: Topic description

HEARING TOPIC 004 PC80 Climate Change Resilience		
<i>This hearing topic relates to submissions on Climate Change Resilience aspects proposed to be included in the Regional Policy Statement (RPS) via Plan change 80.</i>		
Proposed Auckland Unitary Plan Provisions IPI		
<i>Within the Auckland Unitary Plan there is a clear policy cascade from the Regional Policy Statement (Chapter B) to the district plan chapters (Chapter C onwards), with close integration between regional and district plan matters. Therefore, the changes relating to 'Climate change - Resilience' proposed by Plan Change 80 to Chapter B relate closely to many of the changes proposed by the Intensification Planning Instrument (IPI) Plan Change 78.</i>		
Proposed Auckland Unitary Plan Provisions– Plan Change 80 Non IPI		
<i>Chapter B Regional Policy Statement</i>	<i>B2. Tāhuhu whakaruruhau ā-taone - Urban growth and form</i>	<i>B2.1 Issues B2.1(1B)</i>
		<i>B2.2 Urban growth and form B2.2.1(1), B2.2.1(5) B2.2.2(2)(l), B2.2.2(7)</i>
		<i>B.2.3. A quality built environment B2.3.1(1)(f) B2.3.2(1)</i>
		<i>B.2.4. Residential growth B2.4.1(1A), 2.4.1(2) B2.4.2</i>
		<i>B2.5. Commercial and industrial growth B2.5.1(2A), B2.5.1(3) B2.5.2 (4), B2.5.2(10A)</i>
		<i>B2.6. Rural and coastal towns and villages B2.6.1(1) B2.6.2(1)</i>

		<p><i>B2.7. Open space and recreation facilities</i> <i>B2.7.1(4)</i> <i>B2.7.2(11)</i></p>
		<p><i>B2.8. Social facilities</i> <i>B2.8.1(4)</i> <i>B2.8.2(7)</i></p>
		<p><i>B2.9. Explanation and principal reasons for adoption</i></p>
	<i>B7. Toitū te whenua, toitū te taiao – Natural resources</i>	<p><i>B7.2. Indigenous biodiversity</i> <i>B7.2.2(5A)</i></p>
		<p><i>B7.3. Freshwater systems</i> <i>B7.3.2(5)</i></p>
		<p><i>B7.4. Coastal water, freshwater and geothermal water</i> <i>B7.4.2(9)</i></p>
		<p><i>B7.7. Explanation and principal reasons for adoption</i> <i>Para 3</i></p>
	<i>B8. Toitū te taiwhenua - Coastal environment</i>	<p><i>B8.2. Natural character</i> <i>B8.2.2(4A)</i></p>
		<p><i>B8.3. Subdivision, use and development</i> <i>B8.3.1(7)</i></p>
		<p><i>B8.4. Public access and open space</i> <i>B8.4.2(1)(d)</i></p>
	<i>B10. Ngā tūpono ki te taiao - Environmental risk</i>	<p><i>B10.2 Natural hazards and climate change</i> <i>B10.2.1(4)</i> <i>B10.2.2(1)</i> <i>B10.2.2(4)</i> <i>B10.2.2(6)</i> <i>B10.2.2(12)</i> <i>B10.2.2(13)</i></p>
		<p><i>B10.3 Land - hazardous substances</i> <i>B10.3.2(2)</i></p>

Related topic provisions
<i>Topic 003 PC80 – Well-functioning Urban Environment</i>
<i>Topic 005 PC 80 – Qualifying Matters</i>
<i>Topic 006 PC 80 – RPS Other Matters</i>

2. Submissions received and proposed hearing pathway

2.1. Parties to this topic

The following table provides an overview to the submissions made to this topic. **Appendix 1** contains a list of the names of all parties to this topic.

Table 2.1: Parties to the topic

Total number of primary submitters	43
Total number of primary submission points	352
Total number of primary submitters who wish to be heard	43
Total number of further submitters	30
Total number of further submission points	987
Total number of further submitters who wish to be heard	30

2.2. Submission coding topics and subtopics

The Panel has directed that this hearing topic will address the submission point grouping listed in the table below. The allocation of a submission point to a matter listed in the table below was determined by the council's coding framework (see council website for more details).

Table 2.2: Topic coding

Topic	Subtopic
004 PC80 Climate Change Resilience	Climate Change Resilience - miscellaneous
	Climate Change Resilience B2.1. Issues
	Climate Change Resilience B2.2. Urban growth and form
	Climate Change Resilience B2.3. A quality built environment
	Climate Change Resilience B2.4. Residential growth
	Climate Change Resilience B2.5. Commercial and industrial growth
	Climate Change Resilience B2.6. Rural and coastal towns and villages
	Climate Change Resilience B2.7. Open space and recreation facilities
	Climate Change Resilience B2.8. Social facilities
	Climate Change Resilience B2.9. Explanation and principal reasons for adoption
	Climate Change Resilience B7.2. Indigenous biodiversity
	Climate Change Resilience B7.3. Freshwater systems
	Climate Change Resilience B7.4. Coastal water, freshwater and geothermal water
	Climate Change Resilience B7.7. Explanation and principal reasons for adoption
	Climate Change Resilience B8.2. Natural character
	Climate Change Resilience B8.3. Subdivision, use and development
	Climate Change Resilience B8.4. Public access and open space
	Climate Change Resilience B10.2 Natural hazards and climate change
	Climate Change Resilience B10.3 Land - hazardous substances

2.3 Panel Directions

This section sets out any direction or procedural minutes related to this topic issued by the Panel.

See hearing page for details: <https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/find-nps-ud-hearing.aspx>

2.3.1 Direction for all submitters

[Direction 22 February 2023 - ADR Process](#)

2.3.2 Direction for Auckland Council

N/A

3 Documents from the pre-hearing events

3.1 Topic pre-hearing documents

This section includes the mediation statements and joint witness statements for this topic. This table will be updated prior to the hearing for this topic.

Table 3.1: Pre-hearing documents

Pre-hearing documents	Date	Link to www.intensificationhearingsakl.co.nz webpage for documents
Mediation 1 attendance sheet		
Mediation 2 attendance sheet		
Mediation Joint Statement 1		
Expert Witnesses Joint Statement		
Hearing evidence		Refer to this link https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/find-nps-ud-hearing.aspx for copies of evidence submitted prior to hearing. <i>Note - evidence may continue to be provided to the Hearings Panel after the preparation of this report.</i>

3.2 Independent expert evidence

The Panel may request independent expert evidence to assist in the understanding of hearing topics. If the independent evidence is obtained a copy of the evidence will be made available from the link provided below.

Table 3.2: Independent expert advice

Matter on which independent evidence sought:	
Date evidence requested:	
Date evidence received:	

4 Summary of pre-hearing event outcomes

4.1 Expert conferencing outcomes

Note: Expert conferencing may not be undertaken for all topics, in which case N/A has been recorded.

Table 4.1: Expert conferencing outcomes

Matters raised	
Summary of matters agreed	
Summary of matters outstanding	
Other matters	

4.2 Mediation outcomes

Note: Mediation may not be undertaken for all topics, in which case N/A has been recorded.

Table 4.2: Mediation outcomes

Matters raised	
Summary of matters agreed	

Summary of matters outstanding	
Other matters	

4.3 Agreements reached between parties outside of formal mediation or experts conference pathway

This section records the agreements reached between parties which were submitted to the Panel prior to the hearing.

Table 4.3: Outcomes of agreements reached between parties outside of formal pre-hearing events

Topic or subtopic	
Parties to the agreement	
Outcomes	Summary of matters raised
Date received	Summary of matters agreed
	Summary of matters outstanding
	Other matters

4.4 Aligned pre-hearing outcomes from other topics

The outcomes resulting from other topic pre-hearing events may play a part in understanding outcomes for this topic.

The connections between outcomes that need to be considered for this topic are:

- *No connections identified at this stage*

Note: This is not a definitive list and does not prevent any party to raising matters in this regard.

5 Hearing Session/s

Table 5: Hearing sessions

Topic 004 Climate Change Resilience	
This topic will be heard by a Full Panel	
Date hearing commenced:	

Date hearing completed:	
-------------------------	--

Appendix 1: List of parties

Topic 004 – PC80 Climate Change and Resilience	
Sub #	Submitter Name
08	Martin and Margaret Evans
10	Ian McManus
11	Royal Forest and Bird Protection Society of New Zealand Inc Forest and Bird
14	Citadel Capital Limited
15	Fortland Capital Limited
17	Auckland International Airport Limited
18	Avant Group Limited
19	BARNZ
20	Eden Epsom Residential Protection Society Incorporated
22	Fletcher Residential Limited
23	Fulton Hogan Land Development
24	Kāinga Ora - Homes and Communities
25	Kiwi Property Group Limited
26	KiwiRail Holdings Ltd
28	Oyster Capital
29	Piper Properties Consultants Limited
30	Ports of Auckland Limited
31	Russell Property Group
33	Sky City Auckland Ltd
36	Transpower New Zealand Limited
37	Villages of New Zealand Limited
38	Waka Kotahi NZ Transport Agency
39	30 Hospital Road Limited
40	Aedifice Development Limited
42	Ellper Holdings Limited
43	Gibbonsco Management Limited
48	Motu Design
49	One Mahurangi Business Association OMBA
51	Shundi Management Limited
52	Sonn Group
55	Hannah and Colin Thomson

56	Winton Land Limited
57	Beachlands South Limited Partnership
64	Diane Giles
65	Russell Don
70	Charles and Nancy Liu
72	North Eastern Investments Limited NEIL
75	Precinct Properties New Zealand Limited
76	Red Rhino Limited and Airport Rent A Car Limited
80	Templeton Group Limited
82	The University of Auckland
84	Squirrel Trust
87	Amy Margaret Parlane

Topic 004 – PC80 Climate Change Resilience	
Further Sub #	Further Submitter
FS06	Kāinga Ora
FS07	Wellsford Welding Club
FS08	Foodstuffs North Island Limited
FS09	Kiwi Property Group Limited
FS10	Russell Don
FS11	The Kilns Limited
FS12	Drive Holdings Limited
FS13	Viaduct Harbour Holdings Limited
FS16	Citizens Against The Housing Act
FS17	Shildon Ltd
FS18	John Gray
FS19	Auckland International Airport Limited
FS21	Transpower New Zealand Limited
FS22	Mariposa Ltd
FS23	Craigieburn Range Trust
FS24	Euroclass Limited
FS25	Highbrook Living Limited
FS26	Investore Property Limited
FS27	Charles and Nancy Liu
FS28	Matvin Group Limited
FS29	Mission Bay Kohimarama Residents Association Incorporated
FS30	North Eastern Investments Limited
FS31	NZ Storage Holdings Limited

FS32	Rock Solid Holdings Limited
FS34	Stonehill Trustee Limited
FS36	Fletcher Residential Limited
FS37	Stride Property Limited
FS38	Ellper Holding Limited
FS39	Red Rhino Limited and Airport Rent A Car Limited
FS40	Fabric Property Limited

National Policy Statement Urban Development

Independent Hearings Panel

Auckland

Hearing Topic 005 PC 80 RPS Qualifying matters

Draft Parties and Issues Report
Released on 6 March 2022

The purpose of the Parties and Issues Report (PIR) is to provide the Panel with information prior to the hearing about the parties to the topic or subtopic, the issues that have arisen or been resolved through Alternative Dispute Resolution and links to the hearing evidence. The PIRs are living documents that will be updated as changes occur. Parties reading these documents should look for the most up to date version of the document.



Table of Contents

1. Hearing topic information	2
1.1 The Hearing Topic or subtopic	2
2. Submissions received and proposed hearing pathway	5
2.1. Parties to this topic.....	5
2.2. Submission coding topics and subtopics	6
2.3 Panel Directions	6
2.3.1 Direction for all submitters	6
2.3.2 Direction for Auckland Council.....	6
3 Documents from the pre-hearing events	7
3.1 Topic pre-hearing documents.....	7
3.2 Independent expert evidence	7
4 Summary of pre-hearing event outcomes	8
4.1 Expert conferencing outcomes	8
4.2 Mediation outcomes	8
4.3 Agreements reached between parties outside of formal mediation or experts conference pathway	8
4.4 Aligned pre-hearing outcomes from other topics	9
5 Hearing Session/s	9
Appendix 1: List of parties	9

1. Hearing topic information

1.1 The Hearing Topic or subtopic

The information provided below outlines the subject, Proposed Auckland Unitary Plan provisions and relevant matters to be considered for this topic.

Table 1: Topic description

HEARING TOPIC 005 Plan Change 80 Regional Policy Statement Qualifying Matters		
<i>This hearing topic relates to submissions concerning the inclusion of references to Qualifying Matters in the Regional Policy Statement (RPS).</i>		
Proposed Auckland Unitary Plan Provisions IPI		
<i>References to ‘qualifying matters’ have been added to the RPS through proposed Plan Change 80 to align with concepts introduced in the National Policy Statement on Urban Development. There is a policy cascade from the Regional Policy Statement (Chapter B) to the district plan chapters (Chapter C onwards), with close integration between regional and district plan matters. The references to ‘qualifying matters’ in proposed Plan Change 80 relate to references to ‘qualifying matters’ which occur throughout Intensification Planning Instrument – Plan Change 78.</i>		
<i>The following sections refer specifically to qualifying matters:</i>		
<i>Chapter A Introduction</i>	<i>A1.4.8 Identification of qualifying matters in the Plan</i>	<i>Table A1.4.8.1 Table A1.4.8.2</i>
<i>Chapter D Overlays</i>	<i>Chapter D8 Wetland Management Areas Overlay Chapter D9 Significant Ecological Areas Overlay Chapter D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay D11 Outstanding Natural Character and High Natural Character Overlay D12 Waitākere Ranges Heritage Area Overlay</i>	<i>All provisions D9.1.1. Significant Ecological Areas – Terrestrial (SEA-T) All provisions for subsequent chapters</i>

	<p><i>D13 Notable Trees Overlay</i></p> <p><i>D14 Maunga Viewshafts and Height and Building Sensitive Areas Overlay</i></p> <p><i>D15 Ridgeline Protection Overlay</i></p> <p><i>D16 Local Public Views Overlay</i></p> <p><i>D17 Historic Heritage Overlay</i></p> <p><i>D18 Special Character Areas Overlay</i></p> <p><i>D19 Auckland War Memorial Museum Viewshaft Overlay</i></p> <p><i>D20A Stockade Hill Viewshaft Overlay</i></p> <p><i>D21 Sites and Places of Significance to Mana Whenua Overlay</i></p> <p><i>D24 Aircraft Noise Overlay</i></p> <p><i>D26 National Grid Corridor Overlay</i></p>	
<i>Chapter H Zones</i>	<i>All zones</i>	<i>All provisions relating to qualifying matters</i>
<i>Chapter L Schedules</i>	<p><i>Schedule 1 Wetland Management Areas Schedule</i></p> <p><i>Schedule 3 Significant Ecological Areas – Terrestrial Schedule</i></p>	<i>All provisions</i>

	<p><i>Schedule 6 Outstanding natural Features Overlay Schedule</i></p> <p><i>Schedule 7 Outstanding Natural Landscapes Overlay Schedule</i></p> <p><i>Schedule 8 Outstanding Natural Character and High Natural Character Overlay Schedule</i></p> <p><i>Schedule 9 Maunga Viewshafts Schedule</i></p> <p><i>Schedule 10 Notable Tree Schedule</i></p> <p><i>Schedule 11 Local Public View Schedule</i></p> <p><i>Schedule 12 Sites and Places of Significance to Mana Whenua Schedule</i></p> <p><i>Schedule 14.1 Schedule of Historic Heritage and Schedule 14.2. Historic Heritage Areas – Maps and statements of significance and Schedule 14.3 Historic Heritage Place maps</i></p> <p><i>Schedule 15 Special Character Schedule, Statements and Maps</i></p> <p><i>Schedule 16 Waitākere Ranges Heritage Area Overlay Subdivision Scheduled Areas / Sites</i></p>	
<p>Proposed Auckland Unitary Plan Provisions Non IPI</p>		

<i>Plan Change 80 Chapter B2 Tāhuhu whakaruruhau ā-taone- Urban growth and form</i>	<i>B2.4. Residential Growth</i>	<i>B2.4.1. (1A) B2.4.2. (2), B2.4.2. (3), B2.4.2. (4), B2.4.2. (5)</i>
	<i>B2.5 Commercial and industrial growth</i>	<i>B2.5.1. (3)(c) B2.5.2.(4)(g)</i>
	<i>B2.9. Explanation and principal reasons for adoption</i>	<i>Paragraph 4</i>
Related topic provisions		
<i>Topic 003 Plan Change 80 Well functioning urban environment</i>	<i>Entire section</i>	
<i>Topic 004 Plan Change 80 Climate change resilience</i>	<i>Entire section</i>	
<i>Topic 006 Plan Change 80 Regional Policy Statement other matters</i>	<i>Entire section</i>	

2. Submissions received and proposed hearing pathway

2.1. Parties to this topic

The following table provides an overview to the submissions made to this topic. **Appendix 1** contains a list of the names of all parties to this topic.

Table 2.1: Parties to the topic

Total number of primary submitters	56
Total number of primary submission points	123

Total number of primary submitters who wish to be heard	50
Total number of further submitters	38
Total number of further submission points	1113
Total number of further submitters who wish to be heard	38

2.2. Submission coding topics and subtopics

The Panel has directed that this hearing topic will address the submission point grouping listed in the table below. The allocation of a submission point to a matter listed in the table below was determined by the council's coding framework (see council website for more details).

Table 2.2: Topic coding

Topic	Subtopic
Qualifying Matters	QM – B2.4 Residential Growth
	QM – B2.5 Commercial and industrial growth
	QM – B2.9. Explanation and principal reasons for adoption
	QM - Miscellaneous

2.3 Panel Directions

This section sets out any direction or procedural minutes related to this topic issued by the Panel.

See hearing page for details: <https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/find-nps-ud-hearing.aspx>

2.3.1 Direction for all submitters

[Direction 22 February 2023 – ADR Process](#)

2.3.2 Direction for Auckland Council

N/A

3 Documents from the pre-hearing events

3.1 Topic pre-hearing documents

This section includes the mediation statements and joint witness statements for this topic. This table will be updated prior to the hearing for this topic.

Table 3.1: Pre-hearing documents

Pre-hearing documents	Date	Link to www.intensificationhearingsakl.co.nz webpage for documents
Mediation 1 attendance sheet		
Mediation 2 attendance sheet		
Mediation Joint Statement 1		
Expert Witnesses Joint Statement		
Hearing evidence		<p>Refer to this link</p> <p>https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/find-nps-ud-hearing.aspx</p> <p>for copies of evidence submitted prior to hearing. <i>Note - evidence may continue to be provided to the Hearings Panel after the preparation of this report.</i></p>

3.2 Independent expert evidence

The Panel may request independent expert evidence to assist in the understanding of hearing topics. If the independent evidence is obtained a copy of the evidence will be made available from the link provided below.

Table 3.2: Independent expert advice

Matter on which independent evidence sought:	
Date evidence requested:	

Date evidence received:	
--------------------------------	--

4 Summary of pre-hearing event outcomes

4.1 Expert conferencing outcomes

Note: Expert conferencing may not be undertaken for all topics, in which case N/A has been recorded.

Table 4.1: Expert conferencing outcomes

Matters raised	
Summary of matters agreed	
Summary of matters outstanding	
Other matters	

4.2 Mediation outcomes

Note: Mediation may not be undertaken for all topics, in which case N/A has been recorded.

Table 4.2: Mediation outcomes

Matters raised	
Summary of matters agreed	
Summary of matters outstanding	
Other matters	

4.3 Agreements reached between parties outside of formal mediation or experts conference pathway

This section records the agreements reached between parties which were submitted to the Panel prior to the hearing.

Table 4.3: Outcomes of agreements reached between parties outside of formal pre-hearing events

Topic or subtopic	
--------------------------	--

Parties to the agreement	
Outcomes	Summary of matters raised
Date received	Summary of matters agreed
	Summary of matters outstanding
	Other matters

4.4 Aligned pre-hearing outcomes from other topics

The outcomes resulting from other topic pre-hearing events may play a part in understanding outcomes for this topic.

The connections between outcomes that need to be considered for this topic are:

- *No connections identified at this stage*

Note: This is not a definitive list and does not prevent any party to raising matters in this regard.

5 Hearing Session/s

Table 5: Hearing sessions

Topic 005 Plan Change 80 Regional Policy Statement Qualifying Matters	
This topic will be heard by a Full Panel	
Date hearing commenced:	
Date hearing completed:	

Appendix 1: List of parties

Submission Number	Submitter Name
03	Robert Mark Graham
06	Simon Nicolaas Peter Onneweer
08	Martin and Margaret Evans
09	Jane Neill
10	Ian McManus
12	John Mackay
13	The Fuel Companies
16	Geoffrey John Beresford
17	Auckland International Airport Limited
18	Avant Group Limited
19	BARNZ
20	Eden Epsom Residential Protection Society Incorporated
22	Fletcher Residential Limited
23	Fulton Hogan Land Development
24	Kāinga Ora - Homes and Communities
25	Kiwi Property Group Limited
26	KiwiRail Holdings Ltd
27	Mariposa Ltd
28	Oyster Capital
29	Piper Properties Consultants Limited
31	Russell Property Group
32	Shildon Ltd
33	Sky City Auckland Ltd
35	The Coalition for More Homes
36	Transpower New Zealand Limited
37	Villages of New Zealand Limited
38	Waka Kotahi NZ Transport Agency
39	30 Hospital Road Limited
43	Gibbonsco Management Limited
44	Alan and Jamie Hellyer
45	KTW Systems LP
46	Trevor Lund
47	Elliot Bryan McCullough
48	Motu Design
50	Catherine Rae
51	Shundi Management Limited
52	Sonn Group
55	Hannah and Colin Thomson
56	Winton Land Limited
57	Beachlands South Limited Partnership
59	Caroline Patricia Boyle
61	Lynne Butler
62	The Chloride Trust
67	First Gas Group Ltd
70	Charles and Nancy Liu
72	North Eastern Investments Limited NEIL
75	Precinct Properties New Zealand Limited
76	Red Rhino Limited and Airport Rent A Car Limited
78	Screaton Ltd
80	Templeton Group Limited
82	The University of Auckland

83	Keith Vernon
85	Acanthus Limited
87	Amy Margaret Parlane
88	Zeo Limited

Further Submission Number	Further Submitter Name
FS01	Metlifecare Limited
FS02	Eden Epsom Residential Protection Society Incorporated
FS03	Seaview Road Residents Group
FS04	New Zealand Defence Force
FS05	Character Coalition Incorporated
FS06	Kāinga Ora
FS07	Wellsford Welding Club
FS08	Foodstuffs North Island Limited
FS09	Kiwi Property Group Limited
FS10	Russell Don
FS11	The Kilns Limited
FS12	Drive Holdings Limited
FS13	Viaduct Harbour Holdings Limited
FS14	Mark Dolling Andrews
FS15	Alan Clive Stokes
FS16	Citizens Against The Housing Act
FS17	Shildon Ltd
FS18	John Gray
FS19	Auckland International Airport Limited
FS20	Herne Bay Residents Association Inc.
FS21	Transpower New Zealand Limited
FS22	Mariposa Ltd
FS23	Craigieburn Range Trust
FS24	Euroclass Limited
FS25	Highbrook Living Limited
FS26	Investore Property Limited
FS27	Charles and NancyLiu
FS28	Matvin Group Limited
FS30	North Eastern Investments Limited
FS31	NZ Storage Holdings Limited
FS32	Rock Solid Holdings Limited
FS34	Stonehill Trustee Limited
FS35	Waka Kotahi NZ Transport Agency
FS36	Fletcher Residential Limited
FS37	Stride Property Limited
FS38	Ellper Holding Limited
FS39	Red Rhino Limited and Airport Rent A Car Limited
FS40	Fabric Property Limited

The National Policy Statement Urban Development

Independent Hearings Panel

Auckland

Hearing Topic 006 PC80 RPS Other Matters

Draft Parties and Issues Report
Released on 6 March 2023

The purpose of this Parties and Issues Report (PIR) is to provide the Panel with information prior to the hearing about the parties to the topic or subtopic, the issues that have arisen or been resolved through Alternative Dispute Resolution and links to the hearing evidence. The PIRs are living documents that will be updated as changes occur. Parties reading these documents should look for the most up to date version of the document.



Table of Contents

1. Hearing topic information	2
1.1 The Hearing Topic or subtopic	2
2. Submissions received and proposed hearing pathway	4
2.1. Parties to this topic.....	4
2.2. Submission coding topics and subtopics	4
2.3 Panel Directions	4
2.3.1 Direction for all submitters	4
2.3.2 Direction for Auckland Council.....	4
3 Documents from the pre-hearing events	5
3.1 Topic pre-hearing documents.....	5
3.2 Independent expert evidence	5
4 Summary of pre-hearing event outcomes	6
4.1 Expert conferencing outcomes	6
4.2 Mediation outcomes	6
4.3 Agreements reached between parties outside of formal mediation or experts conference pathway	6
4.4 Aligned pre-hearing outcomes from other topics	7
5 Hearing Session/s	7
Appendix 1: List of parties	7

1. Hearing topic information

1.1 The Hearing Topic or subtopic

The information provided below outlines the subject, Proposed Auckland Unitary Plan provisions and relevant matters to be considered for this topic.

Table 1: Topic description

HEARING TOPIC 006 PC80 RPS Other matters		
<i>This hearing topic relates to submitters' proposals to include additional matters in the Regional Policy Statement (RPS). These generally seek to ensure development capacity is more responsive to market demands.</i>		
Proposed Auckland Unitary Plan Provisions IPI		
<i>This topic does not directly relate to any proposed Auckland Unitary Plan Provisions (IPI). The policy cascade from the RPS to the district / regional plan chapters (Chapter C onwards) mean that any changes from this topic may require consequential considerations in other chapters of the AUP.</i>		
Proposed Auckland Unitary Plan Provisions Non IPI		
<i>Chapter B Regional Policy Statement</i>	<i>B2. Tāhuhu whakaruruhau ā-taone - Urban growth and form</i>	<i>B2.1 Issues</i> <i>B2.2 Urban growth and form</i> <i>B2.3 A quality built environment</i> <i>B2.4 Residential growth</i> <i>B2.5 Commercial and industrial growth</i> <i>B2.6 Rural and coastal towns and villages</i> <i>B2.7 Open space and recreation facilities</i> <i>B2.8 Social facilities</i> <i>B2.9 Explanation and principal reasons for adoption</i>
	<i>B3 Ngā pūnaha hanganga, kawekawe me</i>	<i>B3.3 Transport</i>

	<p><i>ngā pūngao - Infrastructure, transport and energy</i></p> <p><i>B4 Te tiaki taonga tuku iho - Natural heritage</i></p> <p><i>B7. Toitū te whenua, toitū te taiao – Natural resources</i></p> <p><i>B8. Toitū te taiwhenua - Coastal environment</i></p> <p><i>B10. Ngā tūpono ki te taiao - Environmental risk</i></p>	<p><i>B4.3 Viewshafts</i></p> <p><i>B7.2 Indigenous biodiversity</i></p> <p><i>B7.3 Freshwater systems</i></p> <p><i>B7.4 Coastal water, freshwater and geothermal water</i></p> <p><i>B7.7 Explanation and principal reasons for adoption</i></p> <p><i>B8.2 Natural character</i></p> <p><i>B8.3 Subdivision, use and development</i></p> <p><i>B8.4 Public access and open space</i></p> <p><i>B10.2 Natural hazards and climate change</i></p> <p><i>B10.3 Land – hazardous substances</i></p>
--	--	--

Related topic provisions

Topic 003 PC80 Well-functioning Urban Environment

Topic 004 PC 80 Climate Change Resilience

Topic 005 PC 80 Qualifying Matters

2. Submissions received and proposed hearing pathway

2.1. Parties to this topic

The following table provides an overview to the submissions made to this topic. **Appendix 1** contains a list of the names of all parties to this topic.

Table 2.1: Parties to the topic

Total number of primary submitters	19
Total number of primary submission points	57
Total number of primary submitters who wish to be heard	19
Total number of further submitters	34
Total number of further submission points	282
Total number of further submitters who wish to be heard	34

2.2. Submission coding topics and subtopics

The Panel has directed that this hearing topic will address the submission point grouping listed in the table below. The allocation of a submission point to a matter listed in the table below was determined by the councils coding framework.

Table 2.2: Topic coding

Topic	Subtopic
RPS Other matters	RPS - Other matters/Miscellaneous

2.3 Panel Directions

This section sets out any direction or procedural minutes related to this topic issued by the Panel.

See hearing page for details: <https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/find-nps-ud-hearing.aspx>

2.3.1 Direction for all submitters

[Direction 22 February 2023 - ADR Process](#)

2.3.2 Direction for Auckland Council

Not applicable.

3 Documents from the pre-hearing events

3.1 Topic pre-hearing documents

This section includes the mediation statements and joint witness statements for this topic. This table will be updated prior to the hearing for this topic.

Table 3.1: Pre-hearing documents

Pre-hearing documents	Date	Link to www.intensificationhearingsakl.co.nz webpage for documents
Mediation 1 attendance sheet		
Mediation 2 attendance sheet		
Mediation Joint Statement 1		
Expert Witnesses Joint Statement		
Hearing evidence		<p>Refer to this link</p> <p>https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/find-nps-ud-hearing.aspx</p> <p>for copies of evidence submitted prior to hearing. <i>Note - evidence may continue to be provided to the Hearings Panel after the preparation of this report.</i></p>

3.2 Independent expert evidence

The Panel may request independent expert evidence to assist in the understanding of hearing topics. If the independent evidence is obtained a copy of the evidence will be made available from the link provided below.

Table 3.2: Independent expert advice

Matter on which independent evidence sought:	
Date evidence requested:	

Date evidence received:	
--------------------------------	--

4 Summary of pre-hearing event outcomes

4.1 Expert conferencing outcomes

Note: Expert conferencing may not be undertaken for all topics, in which case N/A has been recorded.

Table 4.1: Expert conferencing outcomes

Matters raised	
Summary of matters agreed	
Summary of matters outstanding	
Other matters	

4.2 Mediation outcomes

Note: Mediation may not be undertaken for all topics, in which case N/A has been recorded.

Table 4.2: Mediation outcomes

Matters raised	
Summary of matters agreed	
Summary of matters outstanding	
Other matters	

4.3 Agreements reached between parties outside of formal mediation or experts conference pathway

This section records the agreements reached between parties which were submitted to the Panel prior to the hearing.

Table 4.3: Outcomes of agreements reached between parties outside of formal pre-hearing events

Topic or subtopic	
Parties to the agreement	
Outcomes	Summary of matters raised
Date received	Summary of matters agreed
	Summary of matters outstanding
	Other matters

4.4 Aligned pre-hearing outcomes from other topics

The outcomes resulting from other topic pre-hearing events may play a part in understanding outcomes for this topic.

The connections between outcomes that need to be considered for this topic are:

- *No connections identified at this stage.*

Note: This is not a definitive list and does not prevent any party to raising matters in this regard.

5 Hearing Session/s

Table 5: Hearing sessions

Topic 006 PC80 RPS Other Matters	
This topic will be heard by a full panel	
Date hearing commenced:	
Date hearing completed:	

Appendix 1: List of parties

Sub #	Submitter Name
08	Martin and Margaret Evans
20	Eden Epsom Residential Protection Society Incorporated
22	Fletcher Residential Limited
23	Fulton Hogan Land Development
24	Kāinga Ora - Homes and Communities
25	Kiwi Property Group Limited
27	Mariposa Ltd
28	Oyster Capital
32	Shildon Ltd
33	Sky City Auckland Ltd
34	Southern Cross Healthcare Limited
38	Waka Kotahi NZ Transport Agency
53	St John
57	Beachlands South Limited Partnership
72	North Eastern Investments Limited NEIL
73	NZ Police
75	Precinct Properties New Zealand Limited
81	Tūpuna Maunga o Tāmaki Makaurau Authority Maunga Authority
82	The University of Auckland

Further Sub #	Further Submitter
FS01	Metlifecare Limited
FS02	Eden Epsom Residential Protection Society Incorporated
FS05	Character Coalition Incorporated
FS06	Kāinga Ora
FS07	Wellsford Welding Club
FS08	Foodstuffs North Island Limited
FS09	Kiwi Property Group Limited
FS10	Russell Don
FS11	The Kilns Limited
FS12	Drive Holdings Limited
FS13	Viaduct Harbour Holdings Limited
FS14	Mark Dolling Andrews
FS15	Alan Clive Stokes
FS16	Citizens Against The Housing Act
FS17	Sildon Ltd
FS20	Herne Bay Residents Association Inc.
FS22	Mariposa Ltd
FS23	Craigieburn Range Trust
FS24	Euroclass Limited
FS25	Highbrook Living Limited
FS26	Investore Property Limited
FS27	Charles and NancyLiu
FS28	Matvin Group Limited
FS30	North Eastern Investments Limited
FS31	NZ Storage Holdings Limited
FS32	Rock Solid Holdings Limited
FS33	Southern Cross Healthcare Limited
FS34	Stonehill Trustee Limited
FS35	Waka Kotahi NZ Transport Agency
FS36	Fletcher Residential Limited
FS37	Stride Property Limited
FS38	Ellper Holding Limited
FS39	Red Rhino Limited and Airport Rent A Car Limited
FS40	Fabric Property Limited

Appendix 4: list of names and addresses of persons to be served with a copy of this notice

Auckland Council

C/o- Christian Brown
Manager Litigation and Regulatory
Legal Services
Private Bag 92300, Victoria Street
Auckland 1142

E: christian.brown@aucklandcouncil.govt.nz

30 Hospital Road Limited Partnership

C/o – Ross Cooper, Tattico Limited
PO Box 91562, Victoria Street
Auckland 1142

E: ross.cooper@tattico.co.nz

Acanthus Limited

C/o – Lance William Hessell, Civix Planning
PO Box 5204, Wellesley Street
Auckland 1141

E: lance@civix.co.nz

Aedifice Development Limited

C/o – Jessica Esquilant, Civix Planning
PO Box 5204, Wellesley Street
Auckland 1141

E: jessica@civix.co.nz

Alan Clive Stokes

1 Pukeora Avenue
Remuera
Auckland 1050

E: alanstokesnz@outlook.com

Auckland International Airport

C/o – Taylor Mitchell, Russell McVeagh
Level 30 Vero Centre
48 Shortland Street
Auckland

E: taylor.mitchell@russellmcveagh.com

Mark Dolling Andrews

704 Remuera Road
Remuera
Auckland 1050

E: Mda1@xtra.co.nz

Stan Augustowicz

7 Fowler Ave
Mt Albert

E: s.augustowicz@gmail.com

Avant Group Limited
C/o – Mark Vinall, Tattico Limited
PO Box 91562, Victoria Street
Auckland 1142
E: mark.vinall@tattico.co.nz

Board of Airline Representatives New Zealand Incorporated (BARNZ)
C/o – Cath O'Brien, Executive Director, BARNZ
PO Box 2779
Auckland 1140
E: cath@barnz.org.nz, gillian@chappell.nz

Geoffrey John Beresford
Beresford Law, Level 6, 20 Waterloo Quadrant
Auckland, 1010
E: geoff@beresfordlaw.co.nz

Joanna Louise Beresford
Beresford Law, Level 6, 20 Waterloo Quadrant
Auckland, 1010
E: joanna@beresfordlaw.co.nz

Caroline Patricia Boyle
C/o – Nina Muller
1/155 Gillies Avenue
Epsom
Auckland 1023
E: npsmuller@gmail.com

Richard Brabant
48 Ventnor Road Remuera
Auckland 1050
E: richard@brabant.co.nz

Lynne Diane Butler
1a Ireland Street
Freemans Bay
Auckland
E: lynneb1@xtra.co.nz

Citadel Capital Limited
C/o – Burnette O'Connor, The Planning Collective Limited
PO Box 591
Warkworth 0941
E: burnette@thepc.co.nz

Valarie Cole
21 Peel Street
Westmere
Auckland 1022
E: v.cole-planner@xtra.co.nz

Citizens Against the Housing Act
C/o – Michael Kampkes
E: catha21@inovay.co.nz

Character Coalition Incorporated
C/o – John Burns
E: jburns@xtra.co.nz

Craigieburn Range Trust
C/o – Sukhi Singh, Babbage Consultants Limited
Level 4, 68 Beach Road
Auckland 1010
E: sukhi.singh@babbage.co.nz

Adam de Hamel and Amy de Hamel
C/o – Joanna Beresford, Beresford Law
Level 6, 20 Waterloo Quadrant
Auckland, 1010
E: joanna@beresfordlaw.co.nz

Russell Don
C/o – Diana Bell, The Planning Collective Limited
PO Box 591
Warkworth 0941
E: diana@thepec.co.nz

Drive Holdings Limited
C/o – Douglas Allan, Ellis Gould
Ellis Gould, Solicitors, Level 31
Vero Centre, 48 Shortland Street
PO Box 1509
Auckland
E: dallan@ellisgould.co.nz, jgoodyer@ellisgould.co.nz

Eden Epsom Residential Protection Society Incorporated
C/o – Robert Speer
PO Box 67 063, Mt Eden
E: suzanne@speer.co.nz

Ellper Holdings Limited
C/o – Diana Bell, The Planning Collective Limited
PO Box 591
Warkworth 0941
E: diana@thepec.co.nz

Euroclass Limited
C/o – Sukhi Singh, Babbage Consultants Limited
Level 4, 68 Beach Road
Auckland 1010
E: sukhi.singh@babbage.co.nz

Martin Evans and Margaret Evans
Warkworth
Auckland 0920
E: maevans@actrix.co.nz

Fabric Property Group

C/o – Bianca Tree, Amy Dresser, MinterEllisonRuddWatts

PO Box 105249

Auckland 1143

E: bianca.tree@minterellison.co.nz, amy.dresser@minterellison.co.nz

Foodstuffs North Island Limited

C/o – Douglas Allan, Alex Devine, Ellis Gould

Ellis Gould, Solicitors, Level 31

Vero Centre, 48 Shortland Street

PO Box 1509

Auckland

E: dallan@ellisgould.co.nz, adevine@ellisgould.co.nz

Fire and Emergency New Zealand

C/o – Nola Smart, BECA Limited

21 Pitt Street

Auckland 1010

E: nola.smart@beca.com

First Gas Group Limited

C/o – Pamela Unkovich

Private Bag 2020

New Plymouth 4340

E: pam.unkovich@firstgas.co.nz

Fletcher Residential Limited

C/o Aidan Donnelly, General Manager, Development

Private Bag 99922

Newmarket

Auckland 1149

E: kbergin@frl.co.nz

Fortland Capital Limited

C/o – Burnette O'Connor, The Planning Collective Limited

PO Box 591

Warkworth 0941

E: burnette@thepec.co.nz

Fulton Hogan Land Development

C/o – Nick Roberts, Rebecca Sanders, Barker and Associates Ltd

PO Box 1986, Shortland Street

Auckland 1140

E: nickr@barker.co.nz, rebeccas@barker.co.nz

Gibbonsco Management Limited

C/o – Ross Cooper, Tattico Limited

PO Box 91562, Victoria Street

Auckland 1142

E: ross.cooper@tattico.co.nz

Diane Giles

PO Box 183 Clevedon

Auckland 2248

E: d.giles990@hotmail.com

Robert Mark Graham
38A Washington Avenue, Glendowie
Auckland 1071
E: rob.graham@kaingaora.govt.nz

John Martin Gray
44 Moana Road
Kelburn
Wellington, 6012
E: johnmartingray@gmail.com

Herne Bay Residents Association Incorporated
C/o – Marian Kohler
54 Marine Parade
Herne Bay
Auckland 1011
E: mariankohler03@gmail.com

Alan Hellyer and Jamie Hellyer
C/o – Tracy Smith, Parallax Consultants Ltd
PO Box 266 Warkworth
Warkworth 0941
E: tracy@pclsurvey.co.nz

Highbrook Living Limited
C/o – Sukhi Singh, Babbage Consultants Limited
Level 4, 68 Beach Road
Auckland 1010
E: sukhi.singh@babbage.co.nz

Kāinga Ora – Homes and Communities
C/o – Christina Gawne
PO Box 74598, Greenlane
Auckland 1051
E: developmentplanning@kaingaora.govt.nz

Susan Elizabeth Keaney
C/o – Joanna Beresford, Beresford Law
Level 6, 20 Waterloo Quadrant
Auckland, 1010
E: joanna@beresfordlaw.co.nz

Kiwi Property Group
C/o – Douglas Allan, Alex Devine, Ellis Gould
Ellis Gould, Solicitors, Level 31
Vero Centre, 48 Shortland Street
PO Box 1509
Auckland
E: dallan@ellisgould.co.nz, adevine@ellisgould.co.nz

KiwiRail Holdings Limited
C/o – Michelle Grinlinton-Hancock
PO Box 593
Wellington 6011
E: michelle.grinlinton-Hancock@kiwirail.co.nz

KTW Systems LP
C/o – Rachel Dimery, Dimery Consulting Limited
Level 3, 43 High Street
Auckland Central
Auckland 1010
E: rachel@dimery.co.nz

Charles Liu and Nancy Liu
C/o – Jessica Andrews, The Planning Collective Limited
PO Box 591
Warkworth 0941
E: jessica@thepec.co.nz

Trevor Richard Lund
1a Ireland Street
Freemans Bay
Auckland
E: trevorlund@xtra.co.nz

John Mackay
1401/18 Beach Road
Auckland 1010
E: john@urbs.co.nz

Mariposa Limited
C/o – Madeleine Wright, Barrister
Level 1, 189 Hardy Street
Nelson
E: madeleine@sallygepp.co.nz

Matvin Group Limited
C/o – Burnette O'Connor, The Planning Collective Limited
PO Box 591
Warkworth 0941
E: burnette@thepec.co.nz

Elliot Bryan McCullough
9 Melody Lane
Otahuhu
Auckland
E: elliottbryanmccullough@gmail.com

Ian McManus
PO Box 47020
Ponsonby
Auckland 1144
E: iain@civitas.co.nz

Investore Property Limited
C/o – Bianca Tree / Amy Dresser, MinterEllisonRuddWatts
PO Box 105249
Auckland 1143
E: bianca.tree@minterellison.co.nz, amy.dresser@minterellison.co.nz

Metlifecare Limited

C/o – Bianca Tree, MinterEllisonRuddWatts

PO Box 105249

Auckland 1143

E: bianca.tree@minterellison.co.nz, holly-marie.noone@minterellison.co.nz

Mission Bay Kohimarama Residents Association Incorporated

C/o – Kathy Davies

PO Box 55 265

Eastridge

Auckland 1146

E: chair@missionbaykohi.co.nz

Oliver Moss

E: oliver.moss7@gmail.com

Motu Design

C/o – Tracy Ogden-Cork

PO Box 78710

Grey Lynn

Ponsonby 1245

E: t_ogdencork@motudesign.co.nz

Jane Neill

Birkenhead

Auckland 0626

E: janeneill@xtra.co.nz

Julia Neville

E: jneville71@gmail.com

Carolyn Nimmo

E: nimmoc5@gmail.com

North Eastern Investments Limited

C/o – Amanda Coats, Proarch Consultants Limited

PO Box 1105

Palmerston North

E: amanda@proarch.co.nz, johnnyfarquhar@gmail.com

NZ Defence Force

C/o - Karen Baverstock, Tonkin + Taylor

PO Box 5271 Victoria Street West

Auckland 1142

E: lucy.edwards@nzdf.mil.nz, kbaverstock@tonkintaylor.co.nz

NZ Police

C/o - Inspector Grant Tetzlaff

Private Bag 92 022

Auckland 1142

E: gregory.rawbone@police.govt.nz

NZ Storage Holdings Limited
C/o – Sukhi Singh, Babbage Consultants Limited
Level 4, 68 Beach Road
Auckland 1010
E: sukhi.singh@babbage.co.nz

One Mahurangi Business Association
C/o – Burnette O'Connor, The Planning Collective Limited
PO Box 591
Warkworth 0941
E: burnette@thepec.co.nz

Simon Nicolaas Peter Onneweer
61 Seafield View Road Grafton
Auckland 1023
E: piet88@yahoo.com

Oyster Capital
C/o – Nick Roberts, Rebecca Sanders, Barker and Associates Ltd
PO Box 1986, Shortland Street
Auckland 1140
E: nickr@barker.co.nz, rebeccas@barker.co.nz

Amy Margaret Parlane
28 Hill Road, Hillpark
Auckland 2102
E: A_parlane@yahoo.com

Piper Properties Consultants Limited
C/o – Tom Morgan, Tattico Limited
PO Box 91562, Victoria Street
Auckland 1142
E: tom.morgan@Tattico.co.nz, layne@bastiongroup.co.nz

Ports of Auckland Limited
C/o Mark Arbuthnot, Bentley & Co Limited
PO Box 4492, Shortland Street
Auckland 1140
E: marbuthnot@bentley.co.nz

Precinct Properties New Zealand Limited
C/o Karl Cook, Barkers and Associates
PO Box 1986 Shortland Street
Auckland 1140
E: karlc.@barker.co.nz

Catherine Rae
E: dyndns@finalyse.co.uk

Red Rhino Limited and Airport Rent A Car Limited
C/o – Diana Bell, The Planning Collective Limited
PO Box 591
Warkworth 0941
E: diana@thepec.co.nz

Rock Solid Holdings Limited
C/o – Sukhi Singh, Babbage Consultants Limited
Level 4, 68 Beach Road
Auckland 1010
E: sukhi.singh@babbage.co.nz

Royal Forest and Bird Society of New Zealand Incorporated
C/o – Carl Morgan
34A Charlotte Street, Eden Terrace
Auckland 1021
E: c.morgan@forestandbird.org.nz

Russell Property Group
C/o – Vijay Lala, Tattico Limited
PO Box 91562, Victoria Street
Auckland 1142
E: Vijay.lala@tattico.co.nz

Screaton Limited
C/o – Andrew Braggins, The Environmental Lawyers
Level 4, The B:Hive
72 Taharoto Road
Takapuna
E: andrew@telawyers.co.nz

Shildon Limited
C/o – Madeleine Wright, Barrister
Level 1, 189 Hardy Street
Nelson
E: madeleine@sallygepp.co.nz

Shundi Tamaki Village Limited
C/o – Ross Cooper, Tattico Limited
PO Box 91562, Victoria Street
Auckland 1142
E: ross.cooper@tattico.co.nz

Sky City Auckland Limited
C/o Karl Cook, Barkers and Associates
PO Box 1986 Shortland Street
Auckland 1140
E: karlc.@barker.co.nz

Sonn Group
C/o – Mark Vinall, Tattico Limited
PO Box 91562, Victoria Street
Auckland 1142
E: mark.vinall@tattico.co.nz

Southern Cross Healthcare Limited
C/o – Bianca Tree, Amy Dresser, MinterEllisonRuddWatts
PO Box 105249
Auckland 1143
E: bianca.tree@minterellison.co.nz, amy.dresser@minterellison.co.nz

Squirrel Trust
C/o – Gill Chappell
P O Box 3320, Shortland Street
Auckland 1140
E: gillian@chappell.nz

St John
C/o – Glenn Metcalfe, District Operations Manager
E: graham.ferguson@stjohn.org.nz

Stonehill Trustee Limited
C/o – Sukhi Singh, Babbage Consultants Limited
Level 4, 68 Beach Road
Auckland 1010
E: sukhi.singh@babbage.co.nz

Stride Property Limited
C/o – Bianca Tree / Amy Dresser, MinterEllisonRuddWatts
PO Box 105249
Auckland 1143
E: bianca.tree@minterellison.co.nz, amy.dresser@minterellison.co.nz

Templeton Group Limited
C/o – Mark Vinall, Tattico Limited
PO Box 91562, Victoria Street
Auckland 1142
E: mark.vinall@tattico.co.nz

The Chloride Trust
C/o – David Whitburn
L1, 169 Manukau Road, Epsom
Auckland
E: david@whitburngroup.co.nz

The Coalition for More Homes
C/o – Miller Adams
306/3 Rose Garden Lane, Albany
Auckland 0632
E: Morehomesnz@gmail.com

The Fuel Companies
C/o – Sarah Westoby
201 Victoria Street West
Auckland Central
Auckland 1142
E: sarahw@4sight.co.nz

The Kilms Limited
C/o – Burnette O'Connor, The Planning Collective Limited
PO Box 591
Warkworth 0941
E: burnette@thepec.co.nz

The Seaview Road Residents Group

C/o – Christine Caughey

E: christine.caughey@gmail.com, suehaigh@xtra.co.nz, kelly.quinn@bankside.co.nz

The University of Auckland

C/o - Karl Cook, Barkers and Associates

PO Box 1986 Shortland Street

Auckland 1140

E: karlc.@barker.co.nz

Hannah Thomson and Colin Thomson

65 Matija Place

Red Beach

E: redbeachtomos@gmail.com

Transpower New Zealand Limited

C/o – Pauline Whitney

PO Box 1021

Wellington 6140

E: environment.policy@transpower.co.nz

Tūpuna Maunga o Tāmaki Makaurau Authority Maunga Authority

C/o – Dominic Wilson

Private Bag 92300, Victoria Street West

Auckland 1142

E: dominic.wilson@aucklandcouncil.govt.nz

Keith Vernon

E: kvernon@xtra.co.nz

Villages of New Zealand Limited

C/o – Tom Morgan, Tattico Limited

PO Box 91562, Victoria Street

Auckland 1142

E: tom.morgan@Tattico.co.nz

Waka Kotahi NZ Transport Agency

C/o – Sarah Ho

E: Sarah.ho@nzta.govt.nz, environmentalPlanning@nzta.govt.nz

Tony Watkins

Karaka Bay

Glendowie

Auckland 1071

E: tony@tony-watkins.com

Viaduct Harbour Holdings Limited

C/o – Douglas Allan, Alex Devine, Ellis Gould

Ellis Gould, Solicitors, Level 31

Vero Centre, 48 Shortland Street

PO Box 1509

Auckland

E: dallan@ellisgould.co.nz, adevine@ellisgould.co.nz

Wellsford Welding Club

C/o – Rebecca Sanders, Barker and Associates Ltd
PO Box 1986, Shortland Street
Auckland 1140

E: rebeccas@barker.co.nz

Winton Land Limited

C/o – Ross Cooper, Tattico Limited
PO Box 91562, Victoria Street
Auckland 1142

E: ross.cooper@tattico.co.nz

Zeo Limited

C/o – David Whitburn
L1, 169 Manukau Road, Epsom
Auckland

E: david@whitburngroup.co.nz