

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2016-AKL-

IN THE MATTER of the Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**) and the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of an appeal under section 156 of the LGATPA 2010 against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel (**Hearings Panel**) on the proposed Auckland Unitary Plan (**Proposed Plan**)

AND

IN THE MATTER of Proposed Plan Hearing Topic 017 RUB South (Submission No. 3866) and Topics 080 and 081 Rezoning and Precincts (Further Submission No. 496)

BETWEEN **JOHN SELF, ADRIANA SELF and ROGER CLARK**
as Trustees of **SELF FAMILY TRUST**

Appellant

AND

AUCKLAND COUNCIL

Respondent

NOTICE OF APPEAL
Dated **15** September 2016

Solicitor Acting:

D J Clark
Wilson McKay
Solicitors
PO Box 28347, Remuera
Ph: 09 520 4544
Fax: 09 524 0397
davidclark@wilsonmckay.co.nz

Counsel:

R E Bartlett QC
Barrister
PO Box 4338, Auckland
DX CX 10258
Tel: (09) 307 9827
Fax: (09) 366 1599
bartlett@shortlandchambers.co.nz

To: The Registrar
Environment Court
Auckland

1. **SELF FAMILY TRUST (the Trust)** appeals against a decision of the Auckland Council (the **Council**) on the proposed Auckland Unitary Plan (**Proposed Plan**).
2. It has the right to appeal the Council's decision under section 156(1) of the LGATPA because the Council rejected a recommendation of the Hearings Panel in relation to matters addressed in the Trust's submission (3866) on the proposed plan and its further submission (496).
3. Submission 3866 concerned all land at Puhinui Peninsula and requested that:
 - The proposed location of the Rural Urban Boundary at Puhinui Peninsula to generally follow the old MUL and the retention of Rural zonings as shown on Maps 48 and 55.
 - The references in the corresponding Historic Heritage maps to sites and places of value and sites and places of significance to Mana Whenua.
4. Submission 3866 sought that:
 - The Proposed Plan including the text and maps be amended to provide for the extension of the Rural Urban Boundary at Puhinui to follow the coastline. All land in the area should be brought within the Rural Urban Boundary and as a consequence be rezoned for a range of urban purposes including but not limited to General Business, Mixed Use and Residential. In the case of the Self land as identified in Council's structure planning process the predominant zoning should be Mixed Housing Suburban.
 - All references to sites and places of value and significance be removed from the maps and that the corresponding plan rules be removed.

5. Further Submission 496 related to the same subject matter as Submission 3866 and:
- Supported Submission 3370 – NZ Archaeological Association;
 - Opposed Submission 4485.20 – Auckland Volcanic Cones Society Incorporated;
 - Opposed Submission 6386 – Te Akitai Waiohua Waka Taua Trust.
6. The Trust is not a trade competitor for the purposes of section 308D of the RMA.
7. The Trust received notice of the decision on 19 August 2016.
8. The Trust is appealing Council’s rejection of the Independent Hearing Panel’s recommendations in report 432 concerning 3.3 (Crater Hill) and 3.4 (Puhinui Peninsula) which proposed that:

“4. Panel recommendations and reasons

In summary:

- i. the Panel recommends removal of the Rural Urban Boundary from the precinct, including from the Pukaki peninsula and around Pukaki Crater and Crater Hill;*
- ii. the Panel supports the precinct and agrees in part with the changes generally proposed by Council and in response to the submitters. The Panel recommends these changes in addition to:*
 - a. the rezoning of Sub-precincts C and H (Pukaki Peninsula) to Future Urban Zone (and the deletion of those as sub-precincts); and*
 - b. the rezoning of new Sub-precinct I around Crater Hill to Residential – Single House Zone, Residential – Mixed Housing Suburban Zone, Coastal – Coastal Transition Zone and Open Space – Conservation Zone;*

for the reasons set out in section 1.4 above.”

9. The reasons for the appeal are as follows:

General

- (1) The Council decision fails to give effect to the principle of sustainable management of resources.
- (2) The decision fails to take account of relevant case law, in particular *Central Earthmovers Ltd, Gock, Self Trust and Tam v Manukau City Council* A91/2002 and *Gavin H Wallace Ltd and Others v Auckland Council* [2012] NZEnvC 120, both of which were known to staff (but both of which had been decided against Council).
- (3) The decision was based on incomplete and inaccurate information and reached through a flawed process which constituted a denial of natural justice.

In particular, and without derogating from the generality of the above:

Process Issues – Section 290A RMA

- (4) The submitter was given no right of audience before the decision-makers who considered only a paper summarising the predetermined position of Council staff whose evidence and opinions had been rejected by the Independent Hearings Panel.
- (5) Decision-makers did not consider or have access to:
 - Council's own structure planning proposals for the subject land.
 - The appellant's submission on the Unitary Plan.
 - The appellant's further submission.
 - The evidence produced to the Independent Hearings Panel.
 - Legal submissions presented to the Independent Hearings Panel.
 - The IHP report on submissions.

- (6) The Mayor, Mr L W Brown, is recorded as saying at the meeting:

*“... the advice of our experts including Stephen Brown who is our landscape expert is that providing for residential on the flanks of Crater Hill will **compromise the values that that outstanding natural feature has** and so that is why staff are recommending against that.”*

- (7) The Mayor who has followed the Crater Hill litigation, chose not to mention to Councillors’ previous statements made on oath by Stephen Brown in the *Central Earthmovers* case and referred to in the Court Judgment as follows:

“[219] In Mr Brown’s opinion, many of the contradictions applying to Pukaki Lagoon also apply to Crater Hill. Flanked by housing across Tidal and Portage Roads, with market gardens along its northern and western flanks, a quarry excavating its southern inner wall, and the South-western Motorway cutting through the eastern side of the hill, it too is very considerably modified and compromised.

*[220] Mr Brown’s evidence was that the combination of housing, motorway, industry near Tidal Road and the quarrying operations mean that **the natural landscape values of Crater Hill are appreciably diluted.***

*[221] He deposed that, as a whole, **Crater Hill has modest aesthetic appeal.** It retains a relatively **low physical profile**, merges almost seamlessly into the wider landscape and is **quite difficult to differentiate from its wider setting** when viewed from any distance.*

*[222] In his view, although less distinctive in its overall scale than Pukaki Crater, it is still discernible as a volcanic feature and is one of few such remaining natural features in this part of Auckland. While its landscape values and character are **scarcely of note at the regional level**, it remains a feature of note at the sub-regional level*

and is a subtle component of the coastal environment, albeit somewhat divorced from the harbour proper.”

- (8) The Mayor’s omission to fully quote Stephen Brown had the potential to mislead members of the Governing Body of Council who may not have understood the reasons for Stephen Brown’s evidence lacking credibility and not being acted on by the IHP.
- (9) The Governing Body was not referred by staff to the further passages in the decision of the Environment Court in *Central Earthmovers Ltd*, in particular the following:

“[232] It is important to recall that, even for outstanding natural landscapes and also for the preservation of the natural character of the coastal environment, section 6(a) and (b) provide for protection from inappropriate subdivision, use and development, not absolute protection.”

- (10) The reference in the staff report to “prime soils” was unsupported by any direct evidence. The evidence produced to the Independent Hearings Panel on this matter was:

“The soils are too poor for market gardening, as outlined in Annexures to Brian Putt evidence.”

Jonathan Maplesden – 15 February 2016

“The Self family know from personal experience that the land is uneconomic for either rural or horticultural use. They are not aware of any soil testing or report that concludes that their land is of the standard of a prime soil.”

Will say statement by Jonathan Maplesden on behalf of Self Trust – 11 April 2016

- (11) The staff report was capable of giving a misleading impression as to the viability of the land for agricultural purposes. Further, the staff report did

not refer to the Best Practice Approaches for Changes to the Rural Urban Boundary which provided that any change should avoid “elite soils”.

- (12) Accordingly, given the denial of natural justice in respect of the process and the biased report presented by Council officers to the Governing Body, and the incomplete information provided by the Mayor, the Governing Body’s decision should be given no weight at all in terms of s290A RMA.

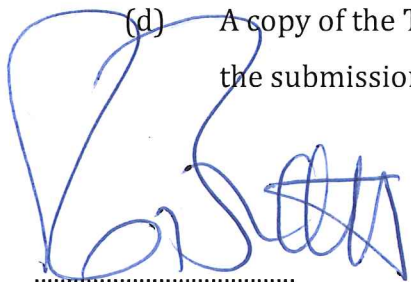
Findings ignored by Governing Body

- (13) The Governing Body failed to address the following findings of the IHP:
- **The cultural and traffic effects could be managed through suitable provisions.**
 - **The edge of the Coastal Management Area is a logical boundary and including the two Outstanding Natural Features of Pukaki Crater and Crater Hill.**
 - **The multiplicity of overlays and relevant provisions would be sufficient for the protection and management of Pukaki Crater and Crater Hill.**
 - **The Panel’s proposal was no different from many other volcanic features which exist within the Rural Urban Boundary across the region.**
 - **Arguably better protection was afforded within the Urban Zone because of the more prescriptive land use and development controls.**
 - **Leaving a relatively small pocket of land outside the Rural Urban Boundary, but surrounded by land inside the Rural Urban Boundary had little planning merits (notwithstanding the 27 hectares of elite soil on the Pukaki land).**

- **The residential zonings for the Self land coupled with the additional provisions recommended were appropriate and would ensure that the feature was protected.**
 - **As to the Pukaki Peninsula land a Future Urban Zone would provide the opportunity for a careful consideration of the appropriate land use, taking into consideration the existence of the Special Purpose – Maori Purpose Zone around Pukaki Marae, the sensitivity of the coastline and adjoining waterway, and the soils.**
10. The Court is respectfully requested to give significant weight to the recommendation of the Independent Hearings Panel which reviewed reports, heard evidence at first hand, questioned the evidence, heard cross-examination, and heard legal submissions before making its recommendation to the Governing Body.
- 11. The Trust seeks the following relief:**
- (1) That Auckland Council's decision be set aside.
 - (2) That the Independent Hearings Panel recommendation to Auckland Council concerning location of the Rural Urban Boundary at Puhinui and consequential zonings, including but not limited to the Self land, be accepted and adopted, subject to any modifications considered by the Court to be necessary and appropriate.
 - (3) Costs.
12. An electronic copy of this notice is being served today by email on the Auckland Council at unitaryplan@aucklandcouncil.govt.nz. Waivers and directions have been made by the Environment Court in relation to the usual requirements of the RMA as to service of this notice on other persons.

13. The Trust **attaches** the following documents to this notice:

- (a) A copy of the Independent Hearings Panel recommendation.
- (b) A copy of the relevant decision.
- (c) A list of names and addresses of persons to be served with a copy of this notice.
- (d) A copy of the Trust's submission and further submission (with a copy of the submission opposed or supported by its further submission).



R E Bartlett QC
Counsel for the appellant

15 SEPTEMBER 2016

Date

Address for service of appellant:

Russell Bartlett QC
Barrister
PO Box 4438, Auckland
Ph: 09 307 9827
Email: bartlett@shortlandchambers.co.nz

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may become a party to the appeal if you are one of the persons described in section 274(1) of the RMA.

To become a party to the appeal, you must, 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 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003) with the Environment Court by email (to unitaryplan.ecappeals@justice.govt.nz) and serve copies of your notice by email on the Auckland Council (to unitaryplan@aucklandcouncil.govt.nz) and the appellant.

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 RMA.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see* form 38 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

Advice

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

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

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

Annexure 3
Precincts South

July 2016

Annexure 3 Precincts South

Contents

Part 1 Precincts supported.....	2
400 Ardmore 3 Precinct	2
403 Beachlands 1 Precinct	4
404 Beachlands 2 Precinct	7
405 Big Bay Precinct	9
406 Bombay 1 Precinct.....	12
408 Clevedon Precinct.....	14
409 Clevedon Waterways Precinct	21
410 Drury South Industrial Precinct	26
412 Flat Bush Precinct.....	29
415 Glenbrook Steel Mill Precinct.....	32
416 Karaka 1 Precinct	35
417 Karaka North Precinct and rezoning	37
418 Kingseat Precinct, Rural Urban Boundary and zoning.....	50
419 Mana Whenua Management Precinct.....	57
420 Māngere 1 Precinct.....	60
421 Māngere 2 Precinct.....	62
422 Māngere Gateway Precinct.....	64
423 Māngere Puhinui Precinct.....	67
424 Manukau 2 Precinct	69
425 Manukau Precinct	71
426 Matingarahi Precinct	73
428 Papakura Precinct	74
429 Pararēkau and Kopuaingahinga Islands (Hingaia islands) Precinct.....	76
430 Patumahoe Precinct	80
431 Pine Harbour Precinct.....	81
432 Puhinui Precinct, Rural Urban Boundary and Zoning	85
433 Pukekohe Hill Precinct and Rezoning	91
435 Pukewairiki Precinct.....	95
436 Rosella Road Precinct	97
437 Runciman Precinct.....	99
438 Takanini Precinct	102
439 Waiuku Precinct.....	106

440 Wattle Bay Precinct	107
441 Whitford Precinct	108
442 Whitford Village Precinct.....	111
Part 2 Precincts unsupported	113
Grahams Beach Precinct.....	113
Hayman Park Precinct.....	114
Karaka South Precinct.....	117
Matukutūruru Precinct.....	118
Mill Road Precinct.....	120
Ramarama 1 Precinct.....	123
Te Toro Precinct.....	126
Wesley College Precinct, Rural Urban Boundary and rezoning	127

432 Puhinui Precinct, Rural Urban Boundary and Zoning

1. Summary of recommendations

The Panel recommends deleting the proposed Rural Urban Boundary from the precinct.

The Panel supports a precinct and a number of the changes proposed by Council and/or by submitters. The Panel does not support Council's proposed zonings for Sub-precincts C and, H (Crater Hill and Pukaki peninsula) but recommends a Future Urban Zone for Sub-precinct C and Pukaki peninsula; and a mix of residential and open space zoning for new Sub-precinct I - Crater Hill.

This precinct was heard in Topic 081.

1.1 The Rural Urban Boundary

The key issues heard concerning whether the Rural Urban Boundary should be extended (i.e. removed) around Puhinui related to traffic effects (particularly on the wider State Highway network), cultural effects, and rural productivity. There was broad agreement among Council and submitters that large parts of the notified precinct should be live zoned, and the Panel heard that considerable time and effort had been put into structure planning for the area.

Submitters with an interest in this issue (and the precinct) included Auckland International Airport Limited, James Kirkpatrick Group Limited, Tunicin Investments Limited and Airface Limited, Southern Gateway Consortium, and Landplan Property Partners Manukau Limited and Reading Properties Partners Limited, Te Ākitai Waiohua Waka Taua Trust, New Zealand Transport Agency, David Tam/Lake Brunner Lodge (2005), Gock Family and Self Family Trust, as well as Council and its related organisations (Auckland Transport and Watercare).

The Panel also took into consideration the question as to whether the open space areas of Pukaki Crater and Crater Hill should be brought inside the Rural Urban Boundary if that was to be extended.

Council supported the Rural Urban Boundary being extended to a more limited extent, excluding the Pukaki Peninsula, Pukaki Crater and Crater Hill.

Infrastructural concerns raised by Te Ākitai Waiohua Waka Taua Trust regarding wastewater provision were addressed to the Panel's satisfaction by Watercare in evidence in Topic 016/017.

Having satisfied itself that both the cultural and traffic effects could be managed through suitable provisions (generally agreed), the Panel determined that the Rural Urban Boundary should be removed. Furthermore, it saw no policy impediment to removing the boundary as the edge of the Coastal Management Area is a logical boundary and including the two outstanding natural features of Pukaki Crater and Crater Hill – noting that the multiplicity of overlays and relevant provisions would be sufficient for their protection and management. The Panel noted that this was no different to many other volcanic features that exist within the Rural Urban Boundary across the region. Indeed argument was made to the effect that

better protection was afforded within the urban zone because land use and development controls are more prescriptive.

With respect to the Pukaki Peninsula, the Panel determined that leaving such a relatively small pocket of land outside the Rural Urban Boundary, but surrounded by land inside the Rural Urban Boundary, had little planning merit – notwithstanding the existence of some 27ha of land containing elite soil and the regional policy statement policy of general avoidance. On that matter Council was opposed by a number of landowners, including the Self and Gock Family Trusts, who provided planning and other technical evidence in support of a Future Urban Zone across the Pukaki peninsula. This is discussed further in the following section with respect to rezoning

2. Precinct description

The Puhinui Precinct applies to some 809ha of land west of SH20B and adjoining the Waokauri Creek. The Precinct includes six sub-precincts that provide for predominately light industrial and airport-related activities, some large lot residential development (using specific development controls and assessment criteria to guide urban development), and pockets of residential and open space zones.

Future Urban Zones are placed over:

- i. Sub-precinct C as notified, north of Puhinui Road between Orrs Road and Manukau Memorial Gardens, now removed as a sub-precinct, noting that this is different to Council's closing remarks that this should be live zoned to Business - Light Industry Zone; and
- ii. the Pukaki peninsula that was notified as part of Sub-precinct H.

The Puhinui Precinct comprises of the following six sub-precincts and zones:

- i. Sub-precinct A - Airport- Coastal and Sub-precinct B -Airport- Core – Business - Light Industry Zone and Coastal - Coastal Transition Zone;
- ii. Sub-precinct D - Business - Light Industry Zone;
- iii. Sub-precinct E – Business - Light Industry Zone;
- iv. Sub-precinct F - Tidal Road - Business - Light Industry Zone;
- v. Sub-precinct G - Retreat Drive – Residential - Large Lot Zone, Coastal - Coastal Transition Zone, Open Space – Informal Recreation Zone; and
- vi. Sub-precinct I - Crater Hill – Residential – Single House Zone and Residential - Mixed Housing Suburban Zone; Coastal – Coastal Transition Zone and Open Space – Conservation Zone;

The precinct also comprises the following zones which sit outside of any sub-precinct: Open Space – Conservation Zone, Special Purpose Zone – Māori Purpose Zone, Special Purpose Zone – Quarry Zone, Strategic Transport Corridor Zone, Future Urban Zone and Special Purpose Zone – Cemetery Zone (Manukau Memorial Gardens).

The Puhinui peninsula is notable for its continued occupation by Te Ākitai Waiohua since pre-European times due to its proximity and access to the coast (Manukau Harbour and its

tributaries) for collecting kaimoana, fertile soils for food growing, and maunga for defence purposes. Puhinui is inextricably linked to the history, stories, whakapapa and mythology of Te Ākitai Waiohū. Te Ākitai Waiohū have a strong spiritual (taha wairua) association with Puhinui which gives its people a sense of meaning and purpose.

The Puhinui Precinct is bisected by the Waokauri Creek, a Mana Whenua Management Precinct, which recognises the Māori reservation status of the Creek under the Te Ture Whenua Māori Act 1993, for the purpose of a landing place, and place of historic, spiritual and cultural significance for the use and benefit of the local hapū of Te Ākitai and Te Ahiwaru o Wai-o-hua.

The primary purpose of the Puhinui Precinct is to enable a transition from rural to urban development, while recognising the cultural, spiritual and historical values and relationships that Te Ākitai Waiohū have with the land and sea in Puhinui as part of the Māori cultural landscape. The precinct also recognises the relationship that exists between Māori cultural landscape values and the management of natural and physical resources.

3. Key issues

Four key issues are presented by the Puhinui Precinct:

- i. the extent to which immediate development is enabled because of traffic issues relating to the wider State Highway network;
- ii. whether the land encompassed by Sub-precinct C should be live zoned;
- iii. whether the land around Crater Hill should be developed; and
- iv. what zone is appropriate for the Pukaki peninsula.

3.1 Development and Traffic

As the traffic evidence noted, for some years it has been accepted that development pressures on the network create potential problems for the development of Puhinui because major works will be required when capacity is reached around 2026. Through the hearing and expert facilitation the traffic experts (Mr Leo Hills, Mr Don McKenzie, Mr Terry Church and Ms Judith Makinson) agreed that this concern could best be managed through a development trigger based on an agreed vehicle/hour capacity threshold rather than the earlier proposed spatial threshold of 30ha of development. That trigger was agreed as 1,035vph on Puhinui Road/SH30B, above which consent would need to be sought with traffic effects being a prime consideration (and a review of the cap undertaken). The Panel accepts that solution as a practical way forward.

3.2 Sub-Precinct C

Council sought a live zoning of Business - Light Industry Zone in Sub-precinct C. That was opposed by Te Ākitai Waiohū who were concerned about uncertainties of effects (particularly discharges) on Pukaki Creek and Waokauri Creek and its Mana Whenua Management Precinct, and potential for future traffic infrastructure being required across Pukaki Creek. Te Ākitai expressed a strong preference for this area to be properly planned before live zoning ensued.

The Panel did not understand Te Ākitai to be opposed to the seemingly inevitable zoning to Business - Light Industry Zone, as it lies beneath the High Aircraft Noise Area (HANA) and Moderate Aircraft Noise Area (MANA).

Auckland International Airport Limited also had concerns related to the traffic matter discussed above, but that is resolved by means of the agreed capacity trigger.

The Panel agrees that a number of adverse effect matters can properly and appropriately be managed through the proposed (and largely agreed) control provisions. However, in this instance it considers that the Resource Management Act 1991 section 6(e) matters raised suggest that a more cautious approach be taken. Furthermore the extent of land live zoned to Business – Light Industry Zone in the overall precinct suggests that timing for this area to be developed is not so critical. The Panel therefore finds that Sub-precinct C should not be live zoned but notated as Future Urban Zone so that these matters can be addressed specifically through a subsequent structure plan process, and the sub-precinct deleted.

3.3 Crater Hill

Council proposed a Rural – Rural Production Zone around Crater Hill along with a Special Purpose - Quarry zone. The Self Family Trust proposed a mix of residential and open space zones around Crater Hill supported by landscape evidence (Mr Dennis Scott) and planning evidence (Mr Brian Putt and Ms Emily Bayley).

Having reviewed the evidence, the Panel is satisfied that the residential zonings proposed by the Self Family Trust and the additional provisions recommended (for example the 5m height limitation on dwellings on the flanks) are appropriate, while ensuring that the feature itself is protected. A new Sub-precinct I is therefore recommended.

3.4 Pukaki Peninsula

Council's position on the peninsula was largely a consequence of its position on the Rural Urban Boundary, i.e. to support a rural zoning (in this case Rural - Rural Production Zone).

This was opposed by the Self and Gock Family Trusts, which sought a Future Urban Zone within the Rural Urban Boundary. Mr Brian Putt included, as an attachment to his planning evidence of 10 February 2016, a report by Ms Lynda Hawes, a horticultural consultant, regarding the economic productivity and potential of the 58ha Gock property. That report concluded that there was a very marginal financial return despite the land comprising approximately 27ha of land containing elite class 1 soils. Ms Hawes noted that the soils had been compromised for their versatility (including by the presence of a widespread structureless layer below the topsoil limiting root penetration and impeding drainage) and were now only suitable for shallow-rooted, short-rotation summer crops. She concluded that urbanisation would represent a relatively insignificant potential loss of 39ha of productive land on the property (the elite soils loss being some 0.16% of the Auckland region's elite soils, based on Dr Curran-Cournane's figure of 4397ha).

The Panel notes that while the recommended regional policy statement policy on land containing elite soils requires 'avoidance', this is not an absolute but is in the overall context of the soil's significance for its ability to sustain food production across the values for which elite soils are protected. In this instance, and with the wider and surrounding urbanisation of

Puhinui, this area is effectively a rural island whose soils are not significant in terms of their ability to sustain food production across the versatile range that is associated with elite soils.

As the Panel has determined that the Rural Urban Boundary should be deleted, the options for zoning are either Future Urban Zone or a live zone. No evidence was presented for a live zone, and the Panel thinks that appropriate. A Future Urban Zone will provide the opportunity for a careful consideration of the appropriate land use, taking into consideration the existence of the Special Purpose – Māori Purpose Zone around Pukaki Marae, the sensitivity of the coastline and adjoining waterway, and the soils.

The main differences between the Puhinui Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. inclusion of specific objectives and policies;
- ii. Sub-precinct A, D, E, F, G and I provisions are more restrictive reflecting site-specific constraints; and
- iii. Sub-precinct B local centre provisions are more enabling.

Provisions are generally more restrictive than those provided for by the zones.

In summary, the Council's position in relation to the Puhinui Precinct is set out in the joint planning evidence of Mr Nicholas Lau and Mr David Wong (dated 28 January 2016); and the rebuttal evidence of Mr David Wong (dated 26 February 2016) and Council's closing remarks.

The Panel agreed with Council and submitters, except for the matter of zoning Sub-precinct C Future Urban Zone (and its deletion as a sub-precinct); the zoning of Sub-precinct I around Crater Hill; and the zoning of Pukaki Peninsula to Future Urban Zone and deletion of Sub-precinct H.

4. Panel recommendations and reasons

In summary:

- i. the Panel recommends removal of the Rural Urban Boundary from the precinct, including from the Pukaki peninsula and around Pukaki Crater and Crater Hill;
- ii. the Panel supports the precinct and agrees in part with the changes generally proposed by Council and in response to the submitters. The Panel recommends those changes in addition to:
 - a. the rezoning of Sub-precincts C and H (Pukaki Peninsula) to Future Urban Zone (and the deletion of those as sub-precincts), and
 - b. the rezoning of new Sub-precinct I around Crater Hill to Residential – Single House Zone, Residential – Mixed Housing Suburban Zone, Coastal – Coastal Transition Zone and Open Space – Conservation Zone;

for the reasons set out in section 1.4 above.

5. Reference documents

Auckland Council

081f Ak Cncl - South - Precincts (Puhinui) - (N Lau and D Wong) - Planning - (28 January 2016)

081f AK Cncl - South - Precincts (Mangere Puhinui) - (D Wong) - Planning - REBUTTAL - amended 16.03.2016 (16 March 2016)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 (19 May 2016) (Attachment F, page 68)

016&017 Hrg - Auckland Council - Strategic Overview Evidence (Chris Allen and Andre Stuart) - Watercare - REBUTTAL (18 December 2016)

Self Trust

081 Self Trust (D Scott) - Landscape Evidence - SUPPLEMENTARY & REBUTTAL (17 February 2016)

081 Self Trust (B Putt) - Planning (17 February 2016)

081 Self Trust (E Bayly) - Planning (17 February 2016)



**Decisions of the Auckland Council on
recommendations by the Auckland Unitary
Plan Independent Hearings Panel on
submissions and further submissions to the
Proposed Auckland Unitary Plan**

Decisions Report

19 August 2016

Contents

1. Introduction.....	2
2. Statutory Context.....	2
3. The Panel’s Recommendations.....	4
4. ‘Out of scope’ recommendations / decisions	5
5. Designations	6
6. Attachments to Decisions Report.....	8
7. Decisions of Auckland Council	9

48. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 080 (Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH)”

Panel recommendations accepted:

48.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 (Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 48.2.

Panel recommendations rejected:

48.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 080 (Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) **Removal of the Rural Urban Boundary at Crater Hill and Pukaki Peninsula, Puhinui**

Reasons	
<p>(i) The Crater Hill area is not suitable for urban development because it lies within the Outstanding Natural Feature (ONF) overlay, it is a significant geological feature and has significant cultural heritage and landscape value to Mana Whenua. It also contains prime soils.</p>	
<p>(ii) The Pukaki Peninsula is not suitable for urban development because it has significant cultural heritage and landscape value to Mana Whenua, lies partly within the ONF overlay for Pukaki Crater, and contains significant areas of elite soils, all of which would be extensively compromised by urban development.</p>	
<p>(iii) Part of the Pukaki Peninsula is under the proposed High Aircraft Noise Area (HANA) and Moderate Aircraft Noise Area (MANA) for the future northern runway as proposed by Auckland International Airport. These noise areas restrict the establishment of urban activities sensitive to aircraft noise such as dwellings.</p>	
Alternative solution	See Attachment A



**Decisions of the Auckland Council on
recommendations by the Auckland Unitary
Plan Independent Hearings Panel on
submissions and further submissions to the
Proposed Auckland Unitary Plan**

Attachment D

A list of the Panel's Recommendations that have
been rejected by the Council.

19 August 2016

Attachment D – Panel’s recommendations rejected by the Council

Hearing Topic Number	Rejected Recommendation
Hearing topic 006 and 035 Air quality	Deletion of the Auckland Ambient Air Quality Standards
Hearing topic 010/029/030/079 Special character and pre 1944	The deletion of the objective that provides for management of heritage values in the Regional Policy Statement
Hearing topic 011 Rural environment	The deletion of objectives and policies for rural subdivision that: <ul style="list-style-type: none"> (i) Prevent inappropriate subdivision (ii) Promote the significant enhancement of indigenous biodiversity (iii) Facilitate transfer of titles only into the Countryside living zone.
Hearing topic 012 Infrastructure, energy and transport	The deletion of policies which encourage land use and transport integration and in particular, the location of higher intensity activities where those activities are served by key public transport services and routes.
Hearing topic 013 Urban growth	The deletion of objectives and policies that seek to focus growth within the existing metropolitan area
	Amendments to the policy that guides the location of the Rural Urban Boundary
	The enablement of commercial activities within centres and corridors
Hearing topic 022 Natural hazards and flooding and 026 – General others	Replacing the 1 per cent annual exceedance probability (AEP) flood hazard with the 2 per cent annual exceedance probability (AEP) flood hazard in urban areas
	No controls for buildings within floodplains to prevent the exacerbation of flood hazards
	No controls to manage a change of use to more vulnerable activities in existing buildings within floodplains
	Amending the definition of coastal storm inundation 1 per cent annual exceedance probability plus 1 metre of sea level rise to not include reference to maps
	No consent requirements for new buildings in the activity table for the coastal storm inundation 1 per

	cent annual exceedance probability (AEP) plus 1 metre of sea level rise area
Hearing topic 025 Trees	The deletion of scheduled items from the Schedule of Notable Trees which does not comply with section 76(4A) – (4D) of the Resource Management Act 1991
	The deletion of 18 scheduled items from the Schedule of Notable Tree with no explanation or reasoning.
	The trimming of up to 20 per cent of a notable tree's live growth as a permitted activity, subject to complying with specific standards.
Hearing topic 028 Future urban zone	Changing the activity status of subdivision in the Future Urban zone from a Prohibited activity to a Discretionary activity.
	Changing the activity status of landfills in the Future Urban zone from a Non-complying activity to a Discretionary activity.
Hearing topic 032 Schedule of historic heritage	The deletion of the Symonds Street flats, 44 Symonds Street, City Centre from the schedule
Hearing topic 033/034 General coastal marine zone	Amendment to the activity table for identifying which standards apply to discharges of hull bio-fouling organisms.
	Including in the definition of marine and port facilities reference to 'sea walls'
Hearing topic 038 Contaminated land	The inclusion of contaminated land in accidental discovery control provisions
	Changes to rules for discharges of contaminants from disturbing soil on land containing elevated levels of contaminants
	The deletion of the definition of land containing elevated levels of contaminants
Hearing topic 039 Hazardous substances and industrial and trade activities	Amendments to the definition of clean fill material which removes differentiation between clean fill and managed fills
Hearing topic 041 Earthworks and minerals,	The deletion of kauri dieback provisions
Hearing topic 042 Infrastructure	Increase the extent of the National Grid Corridor overlay, as it relates to the area 32m each side of 110kv lines and 37m each side of the centerline of 220kv lines
	No objective to manage the adverse effects of infrastructure in the District Plan provisions for

	infrastructure
	The tagging of the infrastructure objectives and policies as regional coastal provisions
	Electric vehicle charging stations should be Permitted activities in roads
	Deletion of the standards for minor infrastructure upgrading in the standards for activities in roads
	No default activity status for minor infrastructure upgrading where an upgrade to an existing network utility exceeds the specified standard
	Increasing the permitted threshold for the trimming and alteration of trees in streets and public open spaces subject to meeting specific standards including an agreed tree management plan
	Extending standards on vegetation removal within a Significant Ecological Area to roads
	The inclusion of standards relating to earthworks (filling) within a floodplain associated with road works
	The inclusion of standards relating to earthworks (filling) within overland flow paths associated with road work
	Specific limitations on earthworks within overlays for road network activities
Hearing topic 043/044 Transport	Amendment of the parking rates for the Metropolitan Centre, Town Centre, Local Centre, Mixed Use and Terrace Housing and Apartment Buildings zones to remove maximum and minimum parking rates for all activities within these zones with the exception of retail and commercial service activities
	Parking rates for residential and non-residential activities in the City Centre zone of 1:125m ² for non-residential activities within a proposed 'Outer core' parking area while applying a rate of 1:200m ² within a proposed 'Inner core' parking area. A maximum rate of 1.5 car parks per dwelling (regardless of dwelling size) is proposed for residential activities.
Hearing topic 046/047/048/049 Water quality and quantity, lakes, rivers and streams, aquifers and ground water and discharges of stormwater and wastewater	Inserting a permitted activity land use rule for stormwater runoff into the stormwater network and combined sewer network
	Amending to a Permitted activity status for sites that do not discharge to a stream or discharge below RL 2m in a Stormwater Management Areas Flow (SMAF).
	Amending the activity status for roads within a Stormwater Management Areas Flow (SMAF).
	Deleting the default activity status for roads/motorways

	within a Stormwater Management Areas Flow (SMAF).
	Amending the general standards in E10.6.11 and associated rules in E10.6.3.1 to refer to "site" which, as defined, does not include a road.
	Amending the hydrology mitigation requirements for some roading projects.
	Deleting the definition of "redevelopment of a road"
Hearing topic 050-054 City centre and business zones	Wynyard Precinct – the deletion of framework plans has resulted in a consequential amendment to the height and gross floor area controls in the Wynyard Precinct
	Queen Street Valley Precinct – the deletion of the pre – 1940 building demolition control from the Queen Street Valley Precinct
	The deletion of the minimum dwelling size standard in the City Centre and business zones
	The application of a Height in Relation to Boundary control within the Mixed Use Zone and between the Mixed Use Zone and the General Business Zone
	A recession plane indicator diagram which is inconsistent with the Height in Relation to Boundary controls in all business zones
	The deletion of specific standards to manage development within natural hazards areas within the Port Precinct
Hearing topic 058 Open space	Amending the activity status for new buildings and additions, and the height and gross floor area standards for the Open Space zones
Hearing topic 059 to 063 Residential zones	That Integrated Residential Developments are provided for as a Restricted Discretionary activity within the Single House Zone
	Amending the threshold for requiring resource consent from three or more dwellings to five or more dwellings in the Mixed Housing Suburban and Mixed Housing Urban zones (MHU)
	The deletion of the minimum dwelling size standard.
	Amending the Height in Relation to Boundary Controls in the Mixed Housing Suburban, Mixed Housing Urban and Terrace Housing and Apartment Building zones.
	Amendments to apply the Height in Relation to Boundary Control and the Alternative Height in Relation to Boundary Control to the front boundary within the Terrace Housing and Apartment Building zone. The Height in Relation to Boundary adjoining lower intensity zones is recommended to apply to the front boundary within the Mixed Housing Urban and Terrace Housing and Apartment Building zones.
	The deletion of a standard relating to reticulated water supply and wastewater network capacity and moving the matter to assessment criteria
	The deletion of the definition of building coverage

	The deletion of front fence rule and deleting policies relating to streetscape from the Single House, Mixed Housing Suburban, Mixed Housing Urban and Terrace House and Apartment Building zones.
Hearing topic 064 Subdivision – rural	The inclusion of objectives, policies and rules that enable sporadic and scattered rural subdivision
	The inclusion of provisions that allow for minimal environmental benefits to be accepted in exchange for rural-residential subdivision
	Absence in recommending specific site sizes for Countryside Living subdivision in the Caldwell's Road area in Whitford
Hearing topic 065 Definitions	Amendment to the definition of 'Height' makes the structures exempted from the definition subject to width and height limits that are unworkable for some structures.
Hearing topic 075 Waitakere ranges	Double-tagging [rp/dp] the activity tables in the Rural – Waitakere Ranges Foothills zone and the Rural – Waitakere Ranges zone sites.
Hearing topic 080 Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH)	Removal of the Rural Urban Boundary at Crater Hill and Pukaki Peninsula, Puhinui
Hearing topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the WEST)	No mechanisms within the Redhills precinct relating to the provision of transport infrastructure
	No indicative roading pattern required to achieve an effective transport network in the Westgate Precinct.
Hearing topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in RODNEY)	No mechanisms within the new Wainui precinct for the provision of transport infrastructure
	The rezoning of the Kumeu Showgrounds from Mixed Rural to Countryside Living.
	The application of the Large Lot zone at 47-61 Dawson Road, Snells Beach
Hearing topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts	The deletion of the Akoranga precinct and reliance upon the Auckland University of Technology (AUT) designation (Designation 6010)

(Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the NORTH)	
	The deletion of the Takapuna 2 precinct and reliance upon the provisions of the underlying zones (Terraced House and Apartment Buildings and Business – Metropolitan)
	The extension of the Rural Urban Boundary north of the Vaughans Road ridgeline into the Okura catchment at a location east of Okura village
	The application of a new precinct to the land north of Vaughans Road, Okura and rezoning of approximately 130ha of land from Countryside Living to Mixed Housing Suburban, Large Lot, Open Space Conservation and Open Space Informal Recreation zones
	The rezoning of approximately 30ha of land from Countryside Living to Future Urban zone on land to the north of Vaughans Road/east of Okura Village
	As a consequential change, amend Table E39.6.5.2.1 Minimum and minimum average net site areas, to include a minimum net site area and average net site area without transferable rural site subdivision, of 4ha to land known as Okura East
	As a consequential change add the Control: Subdivision Variation Control - Rural, Okura East Countryside Living to the land know as Okura East
Hearing topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in CENTRAL)	Deletion of the Sylvia Park precinct and reliance on the underlying Metropolitan Centre zone

Names and Addresses of Persons to be Served

Auckland Council

Email: unitaryplan@aucklandcouncil.govt.nz

Auckland Volcanic Cones Society Incorporated

C/- Linda Vink

Email: lindavink@xtra.co.nz

Te Akitai Waiohua Waka Taua Trust

C/- Nick Barker

Barker & Associates Ltd

Email: nickr@barker.co.nz

NZ Archaeological Association

C/- Simon Bickler

Email: submissions@nzarchaeology.org

From: donotreply@aucklandcouncil.govt.nz
Sent: Wednesday, 16 July 2014 2:21 p.m.
To: Unitary Plan
Cc: jon@landsolutions.co.nz
Subject: Online Submission of Form 3 - Further Submission - John Owen Self and Adriana Self and Roger Clark
Attachments: A_furthersubmissionselftam.doc

Thank you for your submission to the proposed Auckland Unitary plan.

You should receive an acknowledgement within 10 working days. Please retain this as your copy. If you do not receive this, could you email unitaryplan@aucklandcouncil.govt.nz or phone 09 301 0101.



Submitter details

Full name: John Owen Self and Adriana Self and Roger Clark
Contact name if different from above:
Organisation or company: Land Solutions

Address for service of person making further submission:

Address: PO Box 276147
Suburb: Manukau City
Phone: 09 917 5134
Fax: 09 917 5135
Email address: jon@landsolutions.co.nz
Local board: Mangere-Otahuhu local board

2. Interest in the submission

I am(selected options)

A person who has an interest in the Proposed Auckland Unitary Plan that is greater than the interest the general public has

Grounds for saying that I come within the selected category are:

Affected landowner

3. Request to be heard in support of further submission:

I do wish to be heard in support of my further submission
If others make a similar submission, I will consider presenting a joint case with them at a hearing: Yes

A) I support/oppose the original submission of:

FS#496

Original submitter name and address:

Name: Auckland Volcanic Cones Society Incorporated

Address:

Suburb:

The particular parts of the original submission I support/oppose are: Oppose

Submission number: 4485

Submission point: 20 0

Provision No. of the Proposed Auckland Unitary Plan:

The reasons for my support/opposition are:

See attached

I seek that the whole/part of the original submission be allowed/disallowed:

Disallowed

Specify precise details:

FileName: A_furthersubmissionselftam.doc

0/4²

Further Submission in support of, or opposition to, submission on the Proposed Auckland Unitary Plan

Section 123 Local Government (Auckland Transitional Provisions) Act 2010;
 Clause 8 of Schedule 1, Resource Management Act 1991
 FORM 3 Resource Management (Forms, Fees, and Procedure for Auckland Combined Plan)
 Regulations 2013



FJ #496

I support or oppose (circle your choice) the original submission of:	The particular parts of the original submission I support or oppose are: (list one submission point per box)	Provision No. of the Proposed Auckland Unitary Plan	The reasons for my support or opposition are:	I seek that the whole or part of the original submission be allowed or disallowed:
Original submitter name and address Geoscience Society of New Zealand	Submission number 93 Point 172 <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	-	Oppose for reasons included in the primary submission of Self Family Trust and David Tam	Select one- <input type="checkbox"/> Allowed <input checked="" type="checkbox"/> Disallowed Specify precise details: _____
I support or oppose (circle your choice) the original submission of:	The particular parts of the original submission I support or oppose are: (list one submission point per box)	Provision No. of the Proposed Auckland Unitary Plan	The reasons for my support or opposition are:	I seek that the whole or part of the original submission be allowed or disallowed:
Original submitter name and address Geoscience Society of New Zealand	Submission number 93 Point 10 <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	-	Oppose for reasons included in the primary submission of Self Family Trust and David Tam	Select one- <input type="checkbox"/> Allowed <input checked="" type="checkbox"/> Disallowed Specify precise details: _____
I support or oppose (circle your choice) the original submission of:	The particular parts of the original submission I support or oppose are: (list one submission point per box)	Provision No. of the Proposed Auckland Unitary Plan	The reasons for my support or opposition are:	I seek that the whole or part of the original submission be allowed or disallowed:
Original submitter name and address Geoscience Society of New Zealand	Submission number 93 Point 128 ^b <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	-	Oppose for reasons included in the primary submission of Self Family Trust and David Tam	Select one- <input type="checkbox"/> Allowed <input checked="" type="checkbox"/> Disallowed Specify precise details: _____

Further Submission in support of, or opposition to, submission on the Proposed Auckland Unitary Plan

Section 123 Local Government (Auckland Transitional Provisions) Act 2010;
 Clause 8 of Schedule 1, Resource Management Act 1991
 FORM 3 Resource Management (Forms, Fees, and Procedure for Auckland Combined Plan)
 Regulations 2013



FCH496

I support or oppose (circle your choice) the original submission of:	The particular parts of the original submission I support or oppose are: (list one submission point per box)	Provision No. of the Proposed Auckland Unitary Plan	The reasons for my support or opposition are:	I seek that the whole or part of the original submission be allowed or disallowed:
Original submitter name and address <u>NZ Archaeological Association</u>	Submission number 3370 Point All <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	-	Support for reasons given in primary submission of Self Trust and David Tam	Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed Specify precise details: _____
I support or oppose (circle your choice) the original submission of:	The particular parts of the original submission I support or oppose are: (list one submission point per box)	Provision No. of the Proposed Auckland Unitary Plan	The reasons for my support or opposition are:	I seek that the whole or part of the original submission be allowed or disallowed:
Original submitter name and address <u>Auckland Volcanic Cones Society Incorporated</u>	Submission number 4485 Point 20 <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	-	Impractical and inappropriate. Vast amounts of Public Open Space in the locality already. Otherwise, for reasons given in the original submission of Self Trust and David Tam	Select one- <input type="checkbox"/> Allowed <input checked="" type="checkbox"/> Disallowed Specify precise details: _____
I support or oppose (circle your choice) the original submission of:	The particular parts of the original submission I support or oppose are: (list one submission point per box)	Provision No. of the Proposed Auckland Unitary Plan	The reasons for my support or opposition are:	I seek that the whole or part of the original submission be allowed or disallowed:
Original submitter name and address <u>Te Akitai Waiohau Waka Tāua Trust</u>	Submission number 6386 Point All <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	-	Generally oppose – for reasons stated in the original submission of Self Trust and David Tam. Position as Manu Whenua highly respected and landowner willing to consult and negotiate a way forward. There is no "Public Open Space Conservation Zone" in the PAUP to be retained, as implied in the submission	Select one- <input type="checkbox"/> Allowed <input checked="" type="checkbox"/> Disallowed Specify precise details: _____

Astrid Caldwell

From: donotreply@aucklandcouncil.govt.nz
Sent: Thursday, 27 February 2014 3:09 p.m.
To: Unitary Plan
Cc: bartlett@shortlandchambers.co.nz
Subject: Proposed Auckland Unitary Plan Submission - Russell Bartlett
Attachments: Self Trust - PAUP submission - 27 February 2014.pdf

Thank you for your submission to the proposed Auckland Unitary plan.

You should receive an acknowledgement within 10 working days. Please retain this as your copy. If you do not receive this, could you email unitaryplan@aucklandcouncil.govt.nz or phone 09 301 0101.



Submitter details

Full name: Russell Bartlett
Organisation: Self Trust
Postal address: C/- R Bartlett, Barrister, PO Box 4338, Auckland 1140
Email address: bartlett@shortlandchambers.co.nz
Post code: 1010
Local board: Mangere-Otahuhu local board
Contact Person: Russell Bartlett
Date of submission: 27-Feb-2014

Scope of submission

The specific provisions that my submission relates to are:

Provision(s):
See attached submission

Property address:

Map:

Other:

Submission

Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.

I wish to have the provisions identified above amended:

The reasons for my views are:

I seek the following decision by Council:

If the Proposed Plan is not declined, then amend it as outlined below:

I wish to be heard in support of my submission:

If others make a similar submission, I will consider presenting a joint case with them at a hearing:

Telephone:

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act 1991

**PROPOSED AUCKLAND UNITARY PLAN
SUBMISSION**

To: Unitary Plan Submission Team
Auckland Council
Freepost Authority 237170
Private Bag 92300
Auckland 1142

1. **Submitter details:** Self Trust

2. **Address for service:**

C/o Russell Bartlett
Barrister
Shortland Chambers
PO Box 4338, Auckland 1140
Ph: 09 307 9827
Fax: 09 366 1599
Email: bartlett@shortlandchambers.co.nz

3. **Scope of submission:**

The specific provisions that its submission relates to are:

- (1) The proposed location of the Rural Urban Boundary at Puhinui Peninsula to generally follow the old MUL and the retention of Rural zonings as shown on Maps 48 and 55.
- (2) The references in the corresponding Historic Heritage maps to sites and places of value and sites and places of significance to Mana Whenua.

4. The Self Trust **opposes** the specific provisions identified in 3 above.

5. It wishes to have the provisions identified above amended or removed.

6. It seeks that the Proposed Plan including the text and maps be amended to provide for the extension of the Rural Urban Boundary at Puhinui to follow the coastline. All land in the area should be brought within the Rural Urban

Boundary and as a consequence be rezoned for a range of urban purposes including but not limited to General Business, Mixed Use and Residential. In the case of the Self land as identified in Council's structure planning process the predominant zoning should be Mixed Housing Suburban.

12

7. The submitter is concerned that Council's proposal to leave the Puhinui land in rural zoning outside the Rural Urban Boundary had no justification in terms of s32 of the Resource Management Act 1991.

8. The submitter seeks that all references to sites and places of value and significance be removed from the maps and that the corresponding plan rules be removed.

13
14

9. The Self Trust wishes to be heard in support of its submission.

10. If others make a similar submission, Self Trust will consider presenting a joint case with them at a hearing.



R E Bartlett
Counsel for the Self Trust

27 February 2014

4/4