

The Registrar,
The Environment Court of New Zealand
Auckland Registry,
P. O. Box 7147,
Wellesley Street,
Auckland,
NEW ZEALAND.

Telephone 9 -372 7486

Friday, 16 September 2016

RE APPEAL IN RELATION TO THE AUCKLAND UNITARY PLAN

By: Hand
Attention: Registrar ,
Our ref: 160916 – 0052 Cover Letter re.Appeal Ronald A. Walden re Unitary Plan

Dear Registrar,

Attached is an appeal in relation to the Auckland Unitary Plan as it relates to the Rural Urban Boundary in the Hauraki Gulf.

The appeal includes the following documents:

Attachement A -

Minute of the Governing Body dated 10 August 2016,. In particular Section 6.6.1;
Recomendation on a report to Auckland Council hearing Topic 013 Urban Growth - July 2016;

Attachement B

Report to Auckland Council Hearing Topic 013 Urban Growth July 2016;

Attachement C

Report to Auckland Council – Changes to the Rural Urban boundary,
rezoning and precincts – Hearing topics 016, 017 Rural Urban Boundary ...July 2016;
(*I have been unable to find specific decisions in relation to this topic as it relates to
Waiheke Island and the Hauraki Gulf.*)

Attachement D

19 August 2016; Kirkpatrick J. Note of clarification of recommendations on the
Rural Urban Boundary for Waiheke Island.

Attachments E

Section 32 - 2.2 Rural urban boundary location - section 32 evaluation for the Proposed
Auckland - Unitary Plan

Attachment F

Submission of Ronald A Walden – Appellant in relation to the RUB

The following persons will be served with a copy of this appeal.

1. Auckland Council. - Full Copy
2. Brian Griffiths; Hauraki Gulf Islands Branch – Forest and Bird, 125 The Strand, Onetangi, Waiheke Island. brian.griffiths04@gmail.com - Limited copy
3. Ms E. M. Waters, P. O. Box 5, Oneroa, Waiheke Island. - Limited copy
4. Mr P. Lumsden, 31 Omiha Road, Rocky Bay, Waiheke Island. ptrlumsden@gmail.com - Limited copy
5. Mr Gavin Smart, 34 Tiri View Road, Waiheke Island. - Limited copy
6. Mr Michael Smart, 34 Tiri View Road, Waiheke Island. - Limited copy

Yours faithfully,

A handwritten signature in black ink, appearing to read 'R Walden', followed by a colon.

Ron Walden

IN THE MATTER OF

**An Appeal under S 156(3) of the
Local Government (Auckland
Transitional Provisions) Act 2010**

BETWEEN

Ronald A WALDEN,
73 Onetangi Road, Waiheke Island,
Retired.

Applicant

AND

Auckland Council

Civic building
1 Greys Avenue
Auckland Central

Respondent

**NOTICE OF AN APPEAL BY RONALD A WALDEN TO A DECISION OF THE
AUCKLAND COUNCIL UNDER THE LOCAL GOVERNMENT (AUCKLAND
TRANSITIONAL PROVISIONS) ACT 2010.**

Judicial Officer:

Registrar:

Next Event date:

Dated: 16th September 2016



This document is filed by Ronald A WALDEN,

The person acting in the proceeding is Ronald Alfred WALDEN

THE ADDRESS FOR SERVICE is 73 Onetangi Road, Onetangi, Waiheke Island, 1081, Auckland.

Form 6

**Notice of appeal to Environment Court against decision on proposed
Auckland combined plan**

Section 156, Local Government (Auckland Transitional Provisions) Act 2010

To the Registrar, Environment Court at Auckland

1 I, Ronald Alfred WALDEN, appeal against part of a decision of Auckland Council (the Council) on the Auckland combined plan (the proposed plan).

2 I have the right to appeal the Council's decision—

(b) under section 156(3) of the Local Government (Auckland Transitional Provisions) Act 2010 because the Council accepted a recommendation of the Hearings Panel that the Hearings Panel had identified as being beyond the scope of the submissions made on the proposed plan. The Council's decision resulted in a provision being included in the proposed plan or a matter being excluded from the proposed plan. I will be unduly prejudiced by the inclusion of the provision or exclusion of the matter.

3 I provide further details of the reasons for my appeal below.

4 I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

5 NOT APPLICABLE

6 I had notice of the decision in an Auckland Council Governing Body minute dated: 19 August 2016.

7 The decision was made by Auckland Council.

8 The part of the decision that I am appealing is as follows:

The decision to remove from the Regional Policy Statement the Rural Urban Boundary as it relates to Waiheke Island.

9 The reasons for the appeal are as follows:

a) There was not any submission or further submission to the Proposed Auckland Unitary Plan (PAUP) requesting the deletion of the Rural Urban Boundary (RUB) on Waiheke Island. Accordingly the purported decision to delete the RUB was out of scope of any submission;

b) The Independent Hearings Panel (IHP) report does not contain a Section 32AA evaluation of the matters set out in Section 32 (1) to (4) in respect of the deletion of the RUB at Waiheke Island. Those statutory provisions require a specific evaluation that was not done in respect of the RUB the subject of this appeal;

c) Deletion of the RUB at Waiheke Island does not give effect to Part 11 values including Ss 5, 6, 7 of the RMA, the Hauraki Gulf Marine Park Act 2000; and the relief sought in my submission for minor modification of the RUB at Waiheke Island, but otherwise supporting the RUB is appropriate and meets the relevant statutory tests.

10 I seek the following relief:

First: I seek that consideration of this submission be held over until a Judicial Review of this matter by the Straits Protection and Enhancement Society Incorporated, of which I am a member, is determined by the High Court.

Second; and depending on that High Court determination, I seek that the RUB at Waiheke Island be reinstated into the Regional Planning framework as notified in the Proposed Auckland Unitary Plan, subject to the minor amendments indicated in my submission.

I attach the following documents to this notice:

(a) a copy of the relevant part of the decision†:

Attachement A -

Minute of the Governing Body dated 10 August 2016,. In particular Section 6.6.1; Recommendation on a report to Auckland Council hearing Topic 013 Urban Growth - July 2016;

(b) any other documents necessary for an adequate understanding of the appeal:

Attachement B

Report to Auckland Council Hearing Topic 013 Urban Growth July 2016;

Attachement C

Report to Auckland Council – Changes to the Rural Urban boundary, rezoning and precincts – Hearing topics 016, 017 Rural Urban Boundary ...July 2016; (*I have been unable to find specific decisions in relation to this topic as it relates to Waiheke Island and the Hauraki Gulf.*)

Attachement D

19 August 2016; Kirkpatrick J. Note of clarification of recommendations on the Rural Urban Boundary for Waiheke Island.

Attachments E

Section 32 - 2.2 Rural urban boundary location - section 32 evaluation for the Proposed Auckland - Unitary Plan

Attachment F

Submission of Ronald A Walden – Appellant in relation to the RUB

(c) a list of names and addresses of persons to be served with a copy of this notice:

1. Auckland Council.
2. Brian Griffiths; Hauraki Gulf Islands Branch – Forest and Bird, 125 The Strand, Onetangi, Waiheke Island. brian.griffiths04@gmail.com
3. Ms E. M. Waters, P. O. Box 5, Oneroa, Waiheke Island.
4. Mr P. Lumsden, 31 Omiha Road, Rocky Bay, Waiheke Island. ptrlumsden@gmail.com
5. Mr Gavin Smart, 34 Tiri View Road, Waiheke Island.
6. Mr Michael Smart, 34 Tiri View Road, Waiheke Island.

(d) a copy of my submission (with a copy of the submission opposed or supported by my further submission).

*These documents must be attached and lodged with the notice in the Environment Court. The appellant does not need to attach a copy of the proposed Auckland combined plan. In addition, the appellant does not need to attach copies of the submission and decision to the copies of the notice served on other persons if the copy served lists these documents and states that copies may be obtained, on request, from the appellant.

NOTICE: A copy of the documents filed and served may be obtained from the appellant on request.

Date: 16th September 2016



Ronald A. WALDEN (appellant)

Contact details

Address for service of appellant: 73 Onetangi Road, Onetangi, Waiheke Island.

Telephone: 027 452 7486

Contact person: Ronald A. Walden

Note to appellant

1 You may appeal only if—

(a) the Council rejected a recommendation of the Hearings Panel in relation to a provision or a matter you addressed in your submission on the proposed plan and the Council decided on an alternative solution that resulted in a provision being included in the proposed plan or a matter being excluded from the proposed plan; or

(b) you will be unduly prejudiced by the inclusion of a provision in or the exclusion of a matter from the proposed plan in relation to which the Council accepted a recommendation of the Hearings Panel that the Hearings Panel had identified as being beyond the scope of the submissions made on the proposed plan.

2 Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

3 You must lodge the original notice and 1 copy of the notice with the Environment Court, and serve a copy on the Council, within 20 working days after the Council notifies its decisions in relation to the recommendations of the Hearings Panel.

4 You must pay the filing fee required by regulation 15 of the Resource Management (Forms, Fees, and Procedure for Auckland Combined Plan) Regulations 2013 at the time you lodge this notice with the Environment Court.

5 You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

6 If your appeal concerns a regional coastal plan provision, you must serve a copy of this notice on the Minister of Conservation within 5 working days after this notice is lodged with the Environment Court.

7 Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

8 However, 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 to recipients of copy of notice of appeal

How to become party to proceedings

1 You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal and you 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 within 15 working days after the period for lodging a notice of appeal ends. You must also serve a copy of that notice on the Council and the appellant within the same 15-working-day period, and serve copies on all other parties within 5 working days after that period ends.

2 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.

3 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).

How to obtain copies of documents relating to appeal

4 *Omit or modify this paragraph if some or all of the documents mentioned are attached to copies of the notice of appeal served on other persons.*

The copy of this notice served on you does not have attached a copy of the appellant's submission or the decision/part of the decision* appealed. These documents may be obtained, on request, from the appellant.

Advice

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

6.6.1 Recommendations on report to Auckland Council Hearing Topic 013 – Urban growth, July 2016

Deputy Mayor PA Hulse returned to the meeting at 9.57 am.

Cr JG Walker entered the meeting at 10.11 am.

Cr R Clow left the meeting at 10.36 am.

Cr WD Walker left the meeting at 10.39 am.

Cr WD Walker returned to the meeting at 10.45 am.

Cr R Clow returned to the meeting at 10.50 am.

Cr WD Walker left the meeting at 11.05 am.

The meeting was adjourned at 11.05am and reconvened at 11.16am.

Cr WD Walker returned to the meeting at 11.23 am.

Resolution number GB/2016/94

MOVED by Cr D Quax, seconded by Cr GS Wood:

That the Governing Body:

- a) **accept the recommendations of the Independent Hearings Panel in relation to:**
 - A. **the Rural Urban Boundary line being located at the district plan level.**
 - B. **the Rural and Urban Boundary be deleted from rural and coastal towns and villages; and growth in new and expansion of existing rural and coastal towns and villages is enabled.**
- b) **note there are appropriate objectives, policies, and methods within the Panel's recommended Proposed Auckland Unitary Plan to enable a thorough assessment of proposals to expand existing, or establish new, rural and coastal towns and villages.**

CARRIED

Note: Pursuant to Standing Order 1.8.6, Cr LA Cooper and Cr ME Lee requested that their dissenting votes be recorded.

Resolution number GB/2016/95

MOVED by Deputy Mayor PA Hulse, seconded by Cr LA Cooper:

POLICY MATTERS:

That the Governing Body:

- c) **reject the recommendation of the Independent Hearings Panel in relation to:**
 - C. **The Panel recommends the deletion of objectives and policies that seek to focus growth within the existing metropolitan area.**

Reasons for rejecting the recommendation are:

- **The lack of a specific objective and policy that indicates the primary location for growth is within the existing metropolitan area means there is little or no guidance for where future growth should be enabled and encouraged.**
- **The Panel's recommendation does not have sufficient regard to the Auckland Plan's Development Strategy resulting in a misalignment with the Council's strategic directions**
- **Focusing intensification within the existing urban area delivers the benefits of a quality compact urban form, which include better public transport, proximity to amenity and services, efficient infrastructure servicing, environmental protection and a reduced carbon footprint.**

- d) adopt the alternative solution associated with recommendation c) and accompanying section 32AA reports (where provided), which are attached to the Auckland Development Committee agenda report as Attachments B, C and D.

CARRIED

Note: Pursuant to Standing Order 1.8.6, Cr D Quax requested that his dissenting vote be recorded.

Resolution number GB/2016/96

MOVED by Deputy Mayor PA Hulse, seconded by Cr LA Cooper:

POLICY MATTERS:

That the Governing Body:

- e) reject the recommendation of the Independent Hearings Panel in relation to:
- D. The Panel recommends amendments to the policy that guides the location of the Rural Urban Boundary.

Reasons for rejecting the recommendations are:

- To support the Rural Urban Boundary at the District Plan level the policy framework needs to be sufficiently clear and certain of the outcomes to enable inappropriate proposals to be turned down
- The recommended policy does not include either providing a quality compact urban form or the importance of land use and transport integration
- Reliance on the structure plan guidelines in Appendix 1 to achieve these outcomes is inadequate because the guideline is not a policy
- The Panel's recommended policy does not reflect the Panel's position in its report that the policy applies to requests to amend the Rural Urban Boundary and must follow the structure plan guidelines in Appendix 1.

- f) adopt the alternative solution associated with recommendation e) and accompanying section 32AA reports (where provided), which are attached to the Auckland Development Committee agenda report as Attachments B, C and D.

CARRIED

Note: Pursuant to Standing Order 1.8.6, Cr D Quax requested that his dissenting vote be recorded.

Explanatory Note:

For the avoidance of doubt, the alternative solution associated with resolution 6.6.1(c) for Hearing Topic 013 – Urban Growth refers to an appendix (Appendix 1A) that was not included as part of Attachment B to the Auckland Development Committee agenda report. Appendix 1A has been included with the alternative solutions attached to these minutes.

Resolution number GB/2016/97

MOVED by Cr C Darby, seconded by Mayor LCM Brown:

POLICY MATTERS:

That the Governing Body:

g) reject the recommendation of the Independent Hearings Panel in relation to:

E. The Panel recommends that commercial activities are enabled within centres and corridors.

Reasons for rejecting the recommendations are:

- **The 'centres-plus' commercial growth strategy has been removed. The strategy is considered to be an appropriate method to achieve land use, transport and infrastructure integration in centres, and provides a release valve that enables commercial activities in out-of-centre areas where this is appropriate.**
- **The District Plan provisions have some objectives and policies that recognise the importance of centres but there is no vertical alignment to any objective or policies in the regional policy statement provisions.**
- **The absence of a Regional Policy Statement objective and related policies greatly weakens the ability to assess the effects of dispersed commercial activity (for example, land use and transport integration, effects on centres and community social and economic wellbeing).**
- **The Panel has not provided reasons why the centres-plus strategy has been deleted.**
- **The centres-plus commercial strategy reflects the Proposed Auckland Unitary Plan mediation, where the commercial and industrial growth provisions were agreed to by all parties present, except for one. The parties agreeing to the mediated position included the 'Key Retail Group' which has been heavily involved in the centres-plus strategy formation since the notification of Change 6 to the legacy Regional Policy Statement in 2005.**

h) adopt the alternative solution associated with recommendation g) and accompanying section 32AA reports (where provided), which are attached to the Auckland Development Committee agenda report as Attachments B, C and D.

CARRIED

Note: Pursuant to Standing Order 1.8.6, Cr D Quax requested that his dissenting vote be recorded.

Resolution number GB/2016/98

MOVED by Mayor LCM Brown, seconded by Cr AJ Anae:

That the Governing Body:

i) accept all the other recommendations of the Independent Hearings Panel as contained in the Panel report entitled "Report to Auckland Council Hearing Topic 013 – Urban growth, July 2016" as they relate to the content of the Proposed Auckland Unitary Plan, and also the associated recommendations as they appear in the plan and the maps, except for the decisions above.

CARRIED

A motion foreshadowed by Cr ME Lee and seconded by Cr C Casey, as follows:

That the Governing Body:

- a) support the Independent Hearing Panel's decision on retaining the existing Rural Urban Boundary on Waiheke Island until the Hauraki Gulf Islands District Plan is reviewed.

was ruled out of order as a direct negative.

~~6.7.1 Recommendations on report to Auckland Council Topic 028 – Future Urban zone, July 2016~~

Resolution number GB/2016/99

MOVED by Deputy Mayor PA Hulse, seconded by Cr R Clow:

POLICY MATTERS

That the Governing Body:

- a) **reject the recommendation of the Independent Hearings Panel in relation to:**
 - A. **Changing the activity status of subdivision in the Future Urban zone from a Prohibited activity to a Discretionary activity.**

Reasons for rejecting the recommendation are:

 - It is an important that the Proposed Auckland Unitary Plan does not facilitate the fragmentation of land within the Future Urban zone, which might prevent or hinder efficient and well planned urbanisation with good urban form and efficient and orderly provision of infrastructure.
 - By allowing discretion, the recommended wording of the subdivision provisions in the Future Urban zone is unclear about the types of subdivision that could be promoted.
- b) **adopt the alternative solution associated with recommendation a) and accompanying section 32AA reports (where provided), which are attached to the Auckland Development Committee agenda report as Attachments B, C and D.**

CARRIED

Note: Pursuant to Standing Order 1.8.6, Cr D Quax requested that his dissenting vote be recorded.

Resolution number GB/2016/100

MOVED by Deputy Mayor PA Hulse, seconded by Cr MP Webster:

That the Governing Body:

- c) **reject the recommendation of the Independent Hearings Panel in relation to:**
 - B. **Changing the activity status of landfills in the Future Urban zone from a Non-complying activity to a Discretionary activity.**

Reasons for rejecting the recommendation are:

 - Landfills create significant long term adverse effects over a wide area, potentially irreversible changes and require detailed and careful management and should be assessed as a Non-complying activity
 - Changing the recommended discretionary activity status to Non-complying activity status is consistent with the relevant objectives and the consistent management of this activity across the Proposed Auckland Unitary Plan.

'B'

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

**Report to Auckland Council
Hearing topic 013**

Urban growth

July 2016

Report to Auckland Council – Hearing topic 013 Urban growth

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1. Hearing topic overview

1.1. Topic description

Topic 013 addresses the regional policy statement provisions of the proposed Auckland Unitary Plan relating to:

Topic	Proposed Auckland Unitary Plan reference	Independent hearings Panel reference
Urban Growth	B2 Enabling quality urban growth - Tāhuhu whakaruruhau ā-tāone	B2 Urban Growth
	Appendix 1.1	Appendix 1 Structure plan guidelines

Under the Local Government (Auckland Transitional Provisions) Act 2010, section 144 (8) (c) requires the Panel to set out:

the reasons for accepting or rejecting submissions and, for this purpose, may address the submissions by grouping them according to—

- (i) the provisions of the proposed plan to which they relate; or
- (ii) the matters to which they relate.

This report covers all of the submissions in the Submission Points Pathways report (SPP) for this topic. The Panel has grouped all of the submissions in terms of (c) (i) and (ii) and, while individual submissions and points may not be expressly referred to, all points have nevertheless been taken into account when making the Panel's recommendations.

1.2. Summary of the Panel's recommended changes to the Proposed Auckland Unitary Plan

- i. Notified B2.1 Providing for growth in a quality compact urban form and B2.3 Development capacity and supply of land for urban development have been merged as new B2.2 Urban growth and form. This section sets out the provisions for land supply and growing the city in a compact urban form.
- ii. Notified B2.2 A quality built environment in now B2.3. The objectives and policies have been re-written to focus on resource management issues and provide a clearer base for plan-level objectives and policies,
- iii. Notified B2.4 Neighbourhoods that retain affordable housing has been deleted for reasons discussed in Sections 6.2.5 and 6.2.6 of the Overview report.
- iv. A new section B2.4 Residential growth has been added. Provisions are in relation to how residential intensification will be provided for. This section also includes policies that will give effect to affordable housing.
- v. Relocated B3.1 Commercial and industrial growth to B2.5. Enable growth across the hierarchy of centres and for industrial land use.

- vi. Enabling growth and development of existing or new rural coastal towns and villages;
- vii. Open space and recreation facilities:
 - a. provide for all open space and recreation facilities whether in public or private ownership;
 - b. ensure reverse sensitivity effects between open spaces and recreation facilities and neighbouring land uses are avoided, remedied or mitigated;
- viii. Social facilities:
 - a. the definition of social infrastructure is deleted and instead the Plan refers to social facilities. Social facilities are not defined in reliance on the common meaning of the term;
 - b. ensure reverse sensitivity effects between social facilities and neighbouring land uses are avoided, remedied or mitigated;
 - c. enable the efficient and flexible use of social facilities by providing on the same site for accessory activities, and co-location of complementary residential and commercial activities.
- ix. Introduced in B2.2 criteria for shifting the location of the Rural Urban Boundary and a requirement to follow the structure planning guidelines when doing so. The mapped location of the Rural Urban Boundary has been moved to the district plan.
- x. Revised the structure planning guidelines and widened their application to include when proposing a change to the Rural Urban Boundary, rezoning from Future Urban Zone for urbanisation, and when proposing significant expansions of rural and coastal towns and villages.

1.3. Overview

There was a considerable number of submissions lodged and evidence presented on this topic which was scheduled early in the hearing sequence. The Panel subsequently heard more detailed evidence in the various topics related to urban growth and therefore was able to evaluate the Plan's issues, objectives, policies and methods as a whole before coming to a view on the structure and content of the regional policy statement.

The Panel's approach to the regional policy statement is described in the Panel's report to Auckland Council – Overview of recommendations July 2016 (Section 8.2.2 Chapter B).

The regional policy statement has been comprehensively recast with a focus on the statutory planning framework under the Resource Management Act 1991. Narratives of issue statements which generally repeat the content of the Auckland Plan have been edited to deal only with resource management matters and distributed as lists of specific issues among the relevant sections. The resource management issues have been separated out, edited and placed in the relevant sections rather than gathered together in the first section. This allows each section to contain its statement of issues, objectives, policies, explanation and principal reasons for adoption in one place and be read as an integrated whole (Overview of recommendations, Section 8.2).

Chapter B2 is the new section addressing urban growth and form. It includes:

- i. B2.1 issues;
- ii. B2.2 Urban growth and form;
- iii. B2.3 A quality built environment;
- iv. B2.4 Residential growth;
- v. B2.5 Commercial and industrial growth;
- vi. B2.6 Rural and coastal towns and villages;
- vii. B2.7 Open space and recreation facilities;
- viii. B2.8 Social facilities;
- ix. B2.9 Explanation and principal reasons for adoption.

The Panel considers that this approach to urban growth implements the growth strategy in the Auckland Plan, including promoting a compact urban form by focussing growth in and around centres, transport nodes and corridors.

1.4. Scope

The Panel considers that the recommendations in 1.2 above and the changes made to the provisions relating to this topic (see 1.1 above) are within scope of submissions.

For an explanation of the Panel's approach to scope see the Panel's Report to Auckland Council – Overview of recommendations July 2016.

1.5. Documents relied on

Documents relied on by the Panel in making its recommendations are listed below in Section 12 Reference documents.

2. Urban growth, land supply and the Rural Urban Boundary

2.1. Statement of issue

2.1.1. Urban Growth and land supply

- i. The extent to which the proposed Auckland Unitary Plan enables sufficient development capacity (market feasible capacity) as opposed to plan-enabled capacity to achieve a quality compact urban form approach to managing growth.
- ii. Whether there is a need to reference to a 'land release programme'.
- iii. Whether there should be a greater recognition of the character and amenity values of existing neighbourhoods with respect to intensification.

2.1.2. Rural Urban Boundary

- i. Whether there should be a Rural Urban Boundary, and if so, where in the Plan should it be located; and
- ii. Whether criteria for extensions to the Rural Urban Boundary should be included in the regional policy statement.

2.2. Panel recommendation and reasons

Urban growth issues permeated most topics heard by the Panel. The Panel's response to urban growth issues likewise permeates most topics in order for the recommended Plan to provide a coherent response to the growth issues facing the Auckland region. Section 6 Enabling Growth of the Panel's Overview of recommendations (as referenced above) addresses in more detail the way in which the Panel has addressed urban growth issues and the evidence provided in this topic. Due to the interrelated nature of urban growth with other topics evidence in this topic has influenced the Panel's response under other topics, for example Topic 012 Infrastructure, energy and transport, Topic 016/017 Rural Urban Boundary, Topic 043/44 Transport or Topics 059/060/062/063 Residential. What follows is an extract from the Panel's Overview of recommendations.

The Auckland Plan envisages the need for approximately 400,000 additional dwellings in the Auckland region by 2041 to accommodate an increase of somewhere between 700,000 to 1 million residents over that period. Considerable demand is also expected for commercial and industrial capacity. The rate and scale of this expected growth is unprecedented for a New Zealand city.

The Auckland Plan also envisages a more quality compact urban form than is currently the case with intensification focused on centres and transport nodes, and along transport corridors (which the Panel has pursued as a centres and corridors strategy), and a wider choice of housing types and more affordable housing.

The Panel convened two expert groups to develop methods to estimate the feasible enabled capacity (residential, commercial and industrial) of the proposed Auckland Unitary Plan and of possible alternatives put to the Panel. The results identified a severe shortfall in the

proposed Auckland Unitary Plan relative to expected residential demand. Shortages of commercial and industrial capacity appear less acute, except possibly for the availability of industrial-zoned land in some areas. Thus a central theme in the Panel's work has been to enable greater residential capacity and to a lesser extent, greater commercial and industrial capacity, while promoting the centres and corridors strategy, greater housing choice and more affordable housing.

The Panel considers the Unitary Plan should err toward over-enabling, as there is a high level of uncertainty in the estimates of demand and supply over the long term, and the costs to individuals and the community of under-enabling capacity are much more severe than those arising from over-enabling capacity. To provide for sufficient residential capacity the Plan needs to both enable a large step-change in capacity in the short to medium term and to provide a credible pathway to ongoing supply over the long term.

The Panel recommends the following approaches to increase residential, commercial and industrial capacity.

- i. Enable the centres and corridors strategy in line with the development strategy envisaged in the Auckland Plan. This involves significant rezoning with increased residential intensification around centres and transport nodes, and along transport corridors (including in greenfield developments).
- ii. Modify some of the objectives, policies and rules in residential, commercial and industrial zones to be more enabling of capacity (e.g. remove density rules in the more intensive residential zones and provide for greater height in some of the centres).
- iii. Remove or moderate parking rules to allow the supply of parking to respond to what users require and to improvements in the level of public transport and changes in transport technologies, and to enable greater flexibility in how parking is supplied and traded.
- iv. Introduce, where justified by the evidence, operative urban zones (including Business - Light Industry Zones) in areas that would otherwise have been zoned Future Urban Zone.
- v. Increase the extent of land zoned Business - Heavy Industry.
- vi. Be more explicit as to the areas and values to be protected by the Unitary Plan (e.g. viewshafts, special character, significant ecological areas, outstanding natural landscapes, and so forth) and otherwise enable development and change.
- vii. Expand the Rural Urban Boundary to include 30 per cent more land area targeted for future urbanisation, and not impose a Rural Urban Boundary around smaller towns and villages so they are able to grow organically.
- viii. Locate the Rural Urban Boundary line at the district plan level, with criteria for any change set out in the regional policy statement, so that there is a firm framework for any change but that such change can be initiated by parties in addition to Council. Refer to redrafted Policy B2.2.2. See also the discussion in section 7 of the Overview report.

- ix. Increase lifestyle choices by expanding the extent of land zoned Rural - Countryside Living Zone.
- x. Include in the regional policy statement a requirement for the Council to monitor and ensure that there is always suitably zoned land to meet expected demand for residential, commercial and industrial use for at least seven years. The Panel commends as the starting point for this task the methods and models developed by the two expert groups for estimating enabled capacity.
- xi. Notified B2.1 Providing for growth in a quality compact urban form and B2.3 Development capacity and supply of land for urban development have been merged as new B2.2 Urban growth and form. This section sets out the provisions for land supply and growing the city in a compact urban form.
- xii. Amendments have been made to notified B.2.2 A quality built environment which is now B2.3. The provisions seek to manage the form and design of subdivision, use and development.
- xiii. Removed provisions relating to the 70/40 to provide a quality urban city as the Panel considered this to be a method rather than a policy.
- xiv. Removed reference to a land release programme. This is because the land release programme is currently not complete and therefore not available for review, there will be little public and stakeholder input as the process under which the land release programme is being prepared sits outside of the Resource Management Act 1991 and the programme represents a return to "failed growth policies of the past" and could be used as a means by the Council for constraining growth in the Future Urban Zone.

While the Unitary Plan sets the stage to enable growth in the region it does not of itself create additional homes, offices, retail precincts, industrial parks and so forth. Growth requires substantial and ongoing investment from a wide range of land owners, developers, businesses and households, major investments in infrastructure, and expeditious consenting and plan change processes. It is imperative to the success of the region that the Council and its infrastructure subsidiaries Auckland Transport and Watercare implement expeditiously their aspects of the growth path envisaged in the Auckland Plan and enabled in the Panel's recommended Unitary Plan.

3. Residential capacity

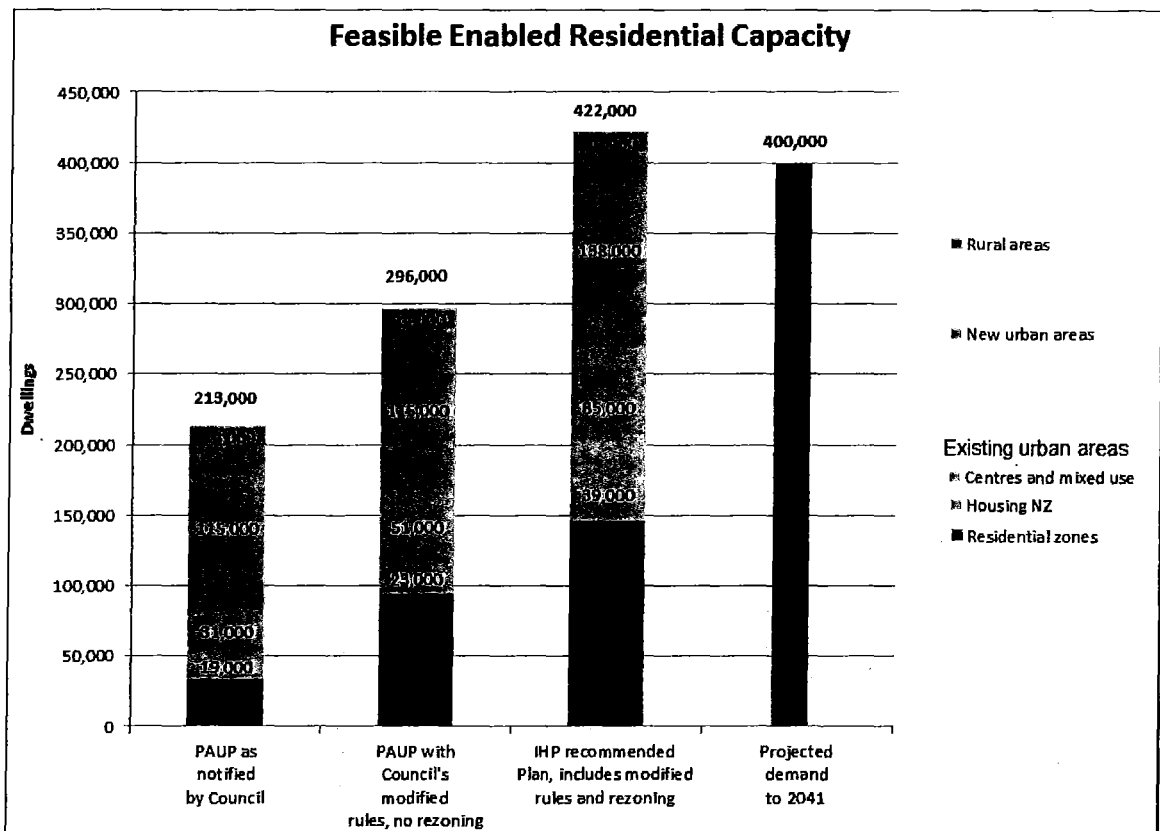
3.1. Statement of issue

A policy gap in the regional policy statement was identified by the Panel to address the need for additional dwellings in the Auckland region by 2041 as noted in Section 2 above.

3.2. Panel recommendation and reasons

Figure 1 below sets out estimates of the feasible enabled residential capacity of the proposed Auckland Unitary Plan (left hand bar), of the changed objectives, policies and rules (but no changes to zoning) as proposed by the Council in late 2015 (middle bar), and of the Panel's recommended Plan (right hand bar).

Figure 1 Estimated feasible enabled residential capacity



The Panel considers it critical to the long-term well-being of people and communities in the region that the Unitary Plan enables a development pattern that is capable of meeting residential demand over the long term, and that it errs toward over-enabling capacity. The Panel considers its recommendations go as far as possible toward achieving this by enabling sufficient capacity for projected long-term demand (based on current information). The recommendations also ensure flexibility in the location of the Rural Urban Boundary should it emerge that more supply, or supply in more efficient locations, is required.

The Panel has recommended in the regional policy statement that the Council be required to ensure on an ongoing basis there is sufficient feasible enabled capacity to meet at least the next seven years' demand, and that the Council undertakes periodic market studies to test the extent to which this requirement is being met. It is also appropriate that this recommended regional policy statement requirement is used to test the sufficiency of the Panel's recommended Unitary Plan.

A reasonable estimate of residential demand over the next seven years includes a current shortfall of around 40,000 dwellings and annual demand in the order of 13,000 dwellings or 91,000 over the seven years.

This suggests total demand in the order of 131,000 dwellings.

The estimate of live zoned feasible enabled residential capacity relevant to the next seven years in the Panel's recommended Unitary Plan includes:

- i. 270,000 in existing urban areas;

- ii. 23,000 in live zoned land in new urban areas; and
- iii. 14,000 in rural zones.

This indicates feasible enabled residential capacity of around 307,000 dwellings. This estimate excludes the expected capacity in Future Urban Zones of 115,000 (which is included in the total of 422,000 in Figure 1 above) as this capacity is unlikely to be available in the next seven years. As the amount of feasible enabled residential capacity exceeds expected demand over the next seven years, the Panel finds that its recommended Unitary Plan meets this proposed regional policy statement requirement.

A new Section B2.4 Residential growth has been added because this has been identified as a policy gap in the regional policy statement. There are provisions in the regional policy statement in relation to how centres will be provided for. However, policy direction in relation to how residential intensification will be provided for was missing. This section also includes policies that will give effect to affordable housing.

4. A quality built environment

4.1. Statement of issue

- i. How should the Unitary Plan address issues of quality?
- ii. Whether functional and operational need are both required?

4.2. Panel recommendation and reasons

A quality built environment was addressed in Section B2.2. With the reorganisation of the regional policy statement it is now Section B2.3.

The single objective in the proposed Auckland Unitary Plan as notified is recommended to be amended by:

- i. re-ordering the four components to reflect the order of related sections of the regional policy statement;
- ii. merging the first and fourth components;
- iii. splitting the second component so that choice and opportunity is separate from adapting to changing needs; and
- iv. adding a component to maximise resource and infrastructure efficiency.

The Panel also recommends adding objectives to encourage design to address environmental effects and to promote health and safety.

The policies in the proposed Auckland Unitary Plan as notified are recommended to be substantially rewritten to reduce them from eleven to five. The intention is to gather the elements for form and design into one policy and for health, safety and well-being in another, together with separate policies to enable a range of built forms, balance the functions of streets as public places and as transport routes and mitigate effects through appropriate design.

The recommended amendments to the wording of the policies are intended to focus on resource management issues and provide a clearer base for the corresponding objectives and policies at the level of the regional plan, regional coastal plan and district plan. Some words and phrases that appeared to have subjective meanings and were difficult to define or explain in objective terms have been amended to provide clearer wording to guide the drafting of the Unitary Plan. For example, the phrase 'sense of place' in the objective is capable of a very broad range of meanings, not all of them relevant to the control of the effects of subdivision, use and development. The Panel recommends focussing the first objective on the intrinsic qualities and physical characteristics of sites and areas, including their settings. This provides a clearer framework for design and for the assessment of a design. Some qualifiers have also been deleted or amended, such as replacing 'rich' by 'diverse' in relation to the mix of choices and opportunities that the Plan enables.

The issue of what 'quality' means in the context of the strategy of a 'quality compact urban form' is discussed in Section 5.4 of the Panel's Overview of recommendations. That discussion is also relevant here. The Panel recognises the challenges of promoting quality in a complex and diverse environment such as Auckland through a resource management planning document. Those challenges are increased when the standards of quality are not made explicit. In submissions the Council argued that the relevant provisions of the Auckland Plan supported a design-led approach based on concepts of identity, diversity, integration and efficiency. The Panel considers that the purpose of the Resource Management Act 1991 and its framework for the regional policy statement and plans involves an objective-led approach, with design, shaped by policies and in appropriate circumstances limited by rules, being a method by which the objectives can be achieved. The concepts of identity and diversity, as explained in the Auckland Plan, diverge with the former seeking to maintain character while the latter seeks to encourage differences. The concept of efficiency, like quality, is one that requires some specified objectives to hold any clear meaning.

This approach has led the Panel to recommend changes to this section of the Unitary Plan, and a number of others, which seek to promote the enablement of people's choices within a clearly defined framework of provisions that seek to control the adverse external effects of those choices.

An issue that arose in mediation and the hearing session was whether, in Policy B2.3.2(1)(e), reference to both the functional and the operational needs of a use were relevant to the form and design of subdivision, use and development. The Council argued that 'functional' and 'operational' were synonymous, while a number of other submitters considered that those words conveyed different meanings, both of which should be recognised by the policy. The Panel agrees with the other submitters that there is a relevant difference between functional and operational in the context of need for resource management purposes. A functional need relates to the existence of the use in a particular location, while an operational need relates to the relative efficiency or effectiveness of the manner of use in that location. So a port has a functional need to be in the coastal environment and operational needs for the size of its structures and the transport, noise, lighting and water and air quality effects it has on the neighbouring environment. The Panel accordingly recommends that both words be used in this policy and elsewhere in the Unitary Plan where an assessment of need is relevant and appropriate.

5. Affordable housing

5.1. Statement of issue

Should the Unitary Plan regulate retained affordable housing?

5.2. Panel recommendation and reasons

The affordable housing provisions as notified (B2.4 Neighbourhoods that retain affordable housing) have been deleted as these are not resource management matters. Instead policies to enable a range of housing typology to contribute to affordable housing is now included in B2.3.

The reasons for this are set out in Sections 6.2.5 and 6.2.6 of the Panel's Overview of recommendations. The Panel recommends deletion of all the provisions in the proposed Auckland Unitary Plan as notified which dealt with 'retained affordable housing' for the reasons set out in the Overview.

In place of that section of the regional policy statement, the Panel recommends objectives and policies that focus on intensification of residential areas in ways that support the quality compact urban form strategy. This includes promoting increases in housing capacity and housing choice. It also promotes quality development in the context of the planned built character of areas – that is, recognising that different neighbourhoods and different zones are likely to have differences in built form and style.

This section complements Section B2.2 Urban growth and form, which focuses on broader issues of capacity, by being more specific about the ways in which the residential zones should be used to help achieve those growth and form objectives.

The Panel recommends a policy for affordability in Section B2.3 which promotes sufficient supply and a diverse range of dwelling types and sizes to meet the housing needs of different people and communities.

6. Commercial and industrial capacity

6.1. Statement of issue

Appropriate policies for commercial and industrial growth, integrated with residential growth.

6.2. Panel recommendation and reasons

This section has been relocated from Section B3.1 in the proposed Auckland Unitary Plan as notified. The Panel considers that the growth of the city has as much to do with growing employment choices and opportunities as it does with ensuring that people have places to live. The growth objectives and policies of the regional policy statement should therefore be located together and integrated.

These provisions contain some amendments to the wording to clarify issues.

The main objective for commercial and industrial zones is the centres and corridors policy, which is a principal component of the quality compact urban form strategy. This policy provides locations for the concentration of more intensive growth areas.

These objectives and policies also address the issues that arise at the interface between different types of zones, especially where there are adverse effects that may be difficult to contain within a site, such as the noise and air quality effects that can be produced by heavy industry. While seeking to contain those adverse effects as far as practicable, the Unitary Plan also recognises that heavy industry provides benefits for the economic and social well-being of people and communities and therefore seeks to protect existing areas of heavy industry from the effects of reverse sensitivity, where residential or commercial growth might result in complaints leading to the closure or relocation of industrial activities.

From the evidence before the Panel there appears to be sufficient commercial and industrial capacity in the region for the next seven years (and the Panel's recommendations add to that capacity), however the Panel is cautious about drawing definitive conclusions on the sufficiency of this capacity. The Panel encourages the Council to develop further the approach developed as part of the hearing process to estimate demand of and supply for commercial and industrial land uses, and to monitor regularly demand and supply to inform future plan changes. In the interim the Panel encourages the Council to respond expeditiously to any requests for operative Business - Light Industry or Business - Heavy Industry Zones in the Future Urban Zones.

7. Rural and coastal towns and villages

7.1. Statement of issue

Whether new towns and villages are to be avoided outside the Rural Urban Boundary.

7.2. Panel recommendation and reasons

Towns and villages throughout the region providing different housing choices and support for rural communities and activities.

The principal changes recommended by the Panel are:

- i. to remove the distinction between serviced and un-serviced villages;
- ii. not to require the Rural Urban Boundary around rural and coastal towns and villages; and
- iii. to enable new towns and villages and extensions to existing towns and villages within clear circumstances.

On the evidence presented, the main issue in relation to whether villages are serviced or not is the adequacy of the sizes of sites (and the nature of the soil) to accommodate on-site wastewater treatment and discharge facilities. As part of the consideration of rural subdivision, the Council presented evidence which acknowledged that this can be properly assessed as part of subdivision applications. On that basis there is no need to differentiate villages for this purpose in the regional policy statement.

The evidence also showed that the lists of serviced and un-serviced villages were not completely accurate and in some cases villages contain both serviced and un-serviced sites. In these circumstances site specific analysis in the context of an application for resource consent is more efficient than fixing the status of the villages in the Unitary Plan.

A secondary issue was that the growth of rural towns and villages posed a challenge to the quality compact urban form strategy by enabling growth outside the Rural Urban Boundary. At the outset of the hearings the Council was proposing that further work would need to be done to identify locations where such a boundary should be placed, beyond its primary location around the main urban areas of Auckland, Warkworth and Pukekohe.

As explained in the Panel's Report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts July 2016, the Panel does not recommend that the Rural Urban Boundary be placed around the rural and coastal towns and villages. The purpose of the control is to address the growth issues of those urban areas by identifying areas for future urbanisation. There is no evidence that this purpose needs to be addressed at the smaller towns and villages in the region. A better approach to controlling the growth of these towns and villages is by a combination of the restrictions on the intensity of rural subdivision and the expectation that any change of zoning, and in particular any change from a rural to an urban zone, will involve a structure planning process done in accordance with the structure plan guidelines in the Plan (see Appendix 1 Structure plan guidelines).

This approach would apply with even greater force in the event that there was a proposal for a new rural or coastal town or village. In the proposed Auckland Unitary Plan as notified, such a possibility was prohibited. The Panel does not recommend that approach be continued. Instead, the Panel considers that the policy and zoning structure of the Unitary Plan is sufficiently robust to address any such proposal and to see whether, in the particular circumstances of an area, a new town or village, or a substantial increase in the extent of one, can be achieved.

The Panel, the Council and submitters agree that the notified provisions of B2.5 clearly conflict each other, with Objective 4 being 'New towns and villages are avoided outside the RUB' and Policy 3 requiring any proposal for a new town or village outside of the Rural Urban Boundary go through a plan change process and demonstrate that it met certain criteria.

Council's strategic policy position is that new towns and villages outside the Rural Urban Boundary should be avoided and, as such, Council proposed a new policy to express this strategic approach in B2.1 (B2.2 in the recommended version of the Plan) because it represents a policy response to the objectives of providing for growth in a quality compact urban form with a clear defensible limit and containing urban growth within the Rural Urban Boundary.

The Panel, after hearing the regional policy statement submissions and evidence of the Council and submitters considers that it is appropriate and necessary to provide for new towns and villages outside of the Rural Urban Boundary. The redrafted provisions at B2.5 include:

- i. requiring the establishment of new or expansion of existing rural and coastal towns and villages provided the development meets criteria such as avoiding elite soils;
- ii. avoiding locating new or expanding existing rural and coastal towns and villages in or adjacent to areas that contain significant natural and physical resources, unless the growth and development protects and enhances resources i.e. public access;
- iii. enable the establishment of new or significant expansions of existing rural and coastal towns and villages through the structure planning and plan change processes in accordance with Appendix 1 Structure plan guidelines.
- iv. enable small-scale growth of and development in rural and coastal towns and villages without the need for structure planning
- v. enable the development and use of Mana Whenua's resources for the economic well-being.

8. Open space and recreation facilities

8.1. Statement of issue

Address all open space and recreation facilities and not just publicly owned land and buildings.

8.2. Panel recommendation and reasons

These issues are also addressed in the Panel's Reports to Auckland Council for Topic 058 Open space and 076 Major recreation facilities.

These provisions of the regional policy statement are as important to the strategy for growth as the sections on residential and commercial and industrial growth.

Intensification within the urban area will place pressure on open space and increase the demand for buildings to be erected on public reserves. In Topic 058 Open Space, the Panel concluded that open space, particularly in public ownership, should remain as open as possible. Greater use of resource consents is required to determine the appropriate range of activities (Panel's report to Auckland Council – Hearing topic 058 Open Space, Section 3.2).

Buildings and activities on open space and neighbouring land uses are susceptible to reverse sensitivity effects, particularly when intensification occurs. A new objective ensures that reverse sensitivity effects are avoided, remedied or mitigated (Objective 3 in B2.7.1).

The section has been rewritten to clarify its objectives and policies, but there are no significant changes in the overall approach.

The heading for this section is recommended to be amended to refer to all open space, as many areas zoned 'public' open space are not owned by the Council or the Crown.

9. Social facilities

9.1. Statement of issue

Provide for social facilities in their own right and not as sub-set of infrastructure.

9.2. Panel recommendation and reasons

These issues are also addressed in the Panel's Report to Auckland Council – Hearing topic 055 Social facilities July 2016.

The issue of what is infrastructure is addressed in the Panel's reports to Auckland Council for topics 042 Infrastructure and 065 Definitions. The Panel recommends that the term 'infrastructure' be used in a manner that is consistent with its definition in the Resource Management Act 1991. This refers to activities which provide support for other activities through connected networks for transport, water and wastewater, energy and telecommunications.

In contrast, the activities in this section are activities in their own right, which do not exist for the purpose of serving other activities. The Panel considers it surprising that so many of these activities sought to be described as 'infrastructure' and makes it clear that these social facilities are equally as important to the well-being of people and communities as residential and business activities. In working through the topics for residential and business provisions, the Panel has generally sought to recommend that more enabling provision be made for social facilities. As well, the structure plan guidelines in Appendix 1 have been reviewed to ensure that proper account is taken of the need for social facilities in any structure planning process.

The amendments also seek to maintain the clear link between the scale or intensity of social facilities and the location of them in the centres and corridors framework of the Unitary Plan.

With intensification, there is a need to address two matters; more efficient use of existing social facilities and reverse sensitivity effects. In B2.8.2, new Policy 5 enables the efficient and flexible use of social facilities by providing on the same site for accessory activities and co-location of complementary residential and commercial activities. A new objective recognises the need to avoid, remedy or mitigate reverse sensitivity effects between social facilities and neighbouring land uses (Objective 3 in B2.8.1). Both amendments facilitate the provision for and management of social facilities particularly around centres and along corridors.

10. Structure plan requirements

10.1. Statement of issue

Nature and application of structure planning.

10.2. Panel recommendation and reasons

It became increasingly apparent during the hearing of submissions on Topic 013 Urban growth that the process for urbanisation needs to be done carefully and with attention to all

relevant matters. The integrated management of the natural and physical resources of the region and of the effects of the use, development, or protection of land and associated natural and physical resources of the district requires a comprehensive approach.

The proposed Auckland Unitary Plan as notified included in Appendix 1.1 Structure plan requirements for future urban zoned greenfield land and brownfield land. These requirements closely followed the format and content of existing structure plan requirements.

It became evident in the hearings that there were other stages in the use, development and protection of land where structure planning was also required, and in particular with any proposal to shift the Rural Urban Boundary, and for any proposal to expand significantly rural and coastal towns and villages. The application of the structure planning guidelines has been expanded to include these other stages.

Changes to the requirements include renaming them 'guidelines' and clarifying the documents that need to be considered in the structure planning process.

11. Consequential changes

11.1. Changes to other parts of the plan

B2 Urban growth contains fundamental objectives and policies affecting almost all resource management issues in the region. The Panel's recommendations on this topic influenced its approach to all other hearing topics.

11.2. Changes to provisions in this topic

There are no changes to provisions in this topic as a result of the Panel's recommendations on other hearing topics.

12. Reference documents

The documents listed below, as well as the submissions and evidence presented to the Panel on this topic, have been relied upon by the Panel in making its recommendations.

The documents can be located on the aupihp website (www.aupihp.govt.nz) on the hearings page under the relevant hearing topic number and name.

You can use the links provided below to locate the documents, or you can go to the website and search for the document by name or date loaded.

(The date in brackets after the document link refers to the date the document was loaded onto the aupihp website. Note this may not be the same as the date of the document referred to in the report.)

12.1. General topic documents

013 - Submission Points Pathway Report - 19 June 2015

013-Submission Point Pathway Report - 18 December 2014 (19 December 2014)

013- Parties and Issues Report- 2 December 2014

013- Parties and Issues Report- 2 December 2014 (3 December 2014)

Mediation Statements

013- B2.7 Social Infrastructure -Mediation Joint Statement (5 November 2014)

013 - B2.7 Social Infrastructure - Track changes (5 November 2014)

013- B.2.1 and B.2.3 Capacity for growth and Compact Urban Form-Mediation Record (11 November 2014)

013-B.2.3 Future Urban and Structure Plan-Mediation Joint Statement (19 November 2014)

013-B.2.6 Public open space and recreation facilities- Mediation Joint Statement (10 November 2014)

013-B2.2 Quality Built Environment- Mediation Joint Statement (14 November 2014)

013-B2.4 Affordable Housing- Mediation Joint Statement (18 November 2014)

Mediated outcome on B.3.1 for Industries group - 27 November 2014 (1 December 2014)

Mediated outcome on B.3.1 for Commercial group- 28 November 2014 (1 December 2014)

Expert Conference

013- B.3.1 Commercial and Industrial growth Expert Conference joint statement (1 December 2014)

013 - Expert Conference - Urban Economics - Urban Feasibility Model for Housing (23 July 2015)

013 - Expert Conference - Urban Economics - Urban Feasibility Model Methodology and Applications (23 July 2015)

Final Draft Residential Capacity Report 013 Expert Group - Round 3 2016-03-03 (4 March 2016)

Auckland Council marked up version

000- Auckland Council- Conferencing Statement - David Mead 2 February 2015 (3 February 2015)

Auckland Council closing statement

B.3.1 Closing Statement (16 February 2016)

Closing Statement (B2.1, B2.3, B2.5 and Appendix 1.1) - Annexure A (16 February 2015)

Closing Statement (B2.6 and B2.7) (16 February 2015)

Panel Interim Guidance

013 Urban Growth - PAUP Sections B2.1 and B2.3 (PDF 183KB) (24 February 2015)

013 Urban Growth - PAUP Sections B2.2, B2.4, B2.5, B2.6, B2.7 and B3.1 (PDF 1.71MB)
(20 March 2015)

Memo

22nd August 2016

To: The Mayor,
All Councillors
Waiheke Local Board Chair and Local Board members

cc: Penny Pirrit, Director Regulatory Services
Jim Quinn, Chief of Strategy

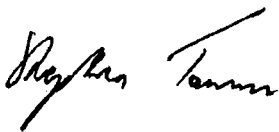
From: Stephen Town, Chief Executive

Subject: Clarification over the Independent Hearings Panel's recommendation regarding the Rural Urban Boundary on Waiheke Island

As many of you will be aware, the decision by the Governing Body to accept the recommendation of the Independent Hearings Panel (the Panel) to shift the Rural Urban Boundary to a district plan rule has resulted in no rural urban boundary applying to Waiheke Island. This is because the Unitary Plan district plan rules do not at this time apply to Waiheke.

Concerns have been expressed by some in the Waiheke community that council staff are not correctly interpreting the Panel's recommendations. In order to avoid ongoing confusion Judge Kirkpatrick was asked to clarify the Panel's recommendation on this matter. The decision to approach the Judge was not taken lightly as there are a number of matters that have been identified that may benefit from greater clarity from the Panel. However, this matter is different from the rest as it is not site specific (any clarification does not benefit a particular submitter) and it has the potential to cause unnecessary cost to the Waiheke community if not clarified.

His written response is attached. The response confirms that the Panel did recommend the removal of the rural urban boundary from Waiheke as part of its recommendation to shift the rural urban boundary control to a district plan rule. The response does not alter the decisions of the Governing Body. A copy of the Judge's response will be placed on the Council's website.



Stephen Town
Chief Executive

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AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

**Report to Auckland Council -
Changes to the Rural Urban
Boundary, rezoning and precincts**

**Hearing topics 016, 017 Rural Urban
Boundary, 080 Rezoning and precincts
(General) and 081 Rezoning and precincts
(Geographic areas)**

July 2016

3.6. The Rural Urban Boundary should aim to follow property boundaries.

Supporting information required

3.7. A summary of the layers in the Proposed Auckland Unitary Plan (PAUP) that apply to the site.

3.8. The proposed change is supported by a pdf map marked up to show:

- a. address(s)
- b. the Rural Urban Boundary line (current and the changes you seek)
- c. any property boundaries

that are the subject of your submission. If you have GIS software provide this map as both a pdf and shape file.

3.9. If the Rural Urban Boundary change (and any related zone changes) relates to someone else's land, provide details of your consultation with the owner and their position on the proposed change.

The Panel observes that all parties generally agreed with this overall approach and took careful notice of this interim guidance, indeed many reading it as a prescription (and certainly as an assessment checklist). It was, however, published as 'guidance' and, as observed by Mr Duguid for Council with reference to the precinct/overlay relationship, the circumstances of a particular matter could, and if properly construed and justified, ought to be able to depart from that guidance. While the Panel has not generally accepted those instances where Council has proposed a subordinate relationship between precinct and overlay, it agrees with the principle as stated.

On 1 March 2016 the Panel issued further interim guidance regarding rezonings and precincts sought in greenfield situations proposed to be located within the Rural Urban Boundary. It cautioned that given the extensive submissions made and the time available to it, the Panel might not be able to satisfactorily resolve all outstanding Resource Management Act 1991 matters and be in a position to make a detailed recommendation in support of adopting the precinct at this time. Following receipt of legal submissions on this interim guidance, further clarification was given at the hearing on 7 March 2016.

2. Rural Urban Boundary

2.1. Summary of recommendations

The Panel recommends the location of the Rural Urban Boundary as notified in the Proposed Auckland Unitary Plan remain except in the following situations:

- i. extended in Warkworth to the east in the direction of Sandspit Road, to the west to the new motorway designation, to the southeast to Thompson Road and to include Valerie Close;
- ii. extended north at Hatfields Beach (reasons in Annexure 4);

- iii. extended to the west of Orewa from the Grand Drive motorway interchange and south to Wainui;
- iv. extended between Wainui and Dairy Flat Highway to include the Pine Valley Road area;
- v. extended at Dairy Flat to include the land bounded by Wilks Road, Postman Road and the Dairy Flat Highway, and including land at the intersection of Kahikatea Flat Road and Dairy Flat Highway;
- vi. extended at Dairy Flat east of the motorway to include an area around and to the north of the Penlink designation;
- vii. extended south at Dairy Flat;
- viii. extended north at Albany Village;
- ix. extended to the northwest at Long Bay to include a portion of Okura (reasons in Annexure 4);
- x. extended to the north of Kumeu-Huapai to align with the Kumeu River (reasons in Annexure 4);
- xi. retracted in the west of Kumeu-Huapai to align with a ridge line;
- xii. extended to the north west at Riverhead to align with the Wautaiti Stream;
- xiii. extended west of Henderson Valley to include three small areas (reasons for the extension at Christian Road are in Topic 075 Waitakere Ranges and otherwise are in Annexure 6);
- xiv. extended at Takanini/Alfriston to the west of Mill Rd, and to the east of Cosgrove Road and north of Old Wairoa Road;
- xv. expanded around Puhinui (reasons in Annexure 3);
- xvi. expanded to include the Pararekau and Kopuahingahinga Islands (reasons in Annexure 3).
- xvii. expanded to include the 'wing' near Wesley College, Paerata (reasons in Annexure 3).
- xviii. extended east at Pukekohe and retracted from an area close to Pukekohe Hill.

The Panel's reasons for each of these changes are either in the relevant annexure where the area is discussed in relation to precincts or zoning (marked 'reasons in Annexure' above), or set out below.

The notified Proposed Auckland Unitary Plan included approximately 10,100 hectares of land zoned Future Urban Zone (almost all of which was within the Rural Urban Boundary) and the Council in evidence proposed an increase to that area. The changes to the Rural Urban Boundary recommended above would result in an expansion of those areas to approximately 13,000 hectares (an increase of about 30 per cent relative to the Proposed Auckland Unitary Plan as notified). Within those areas the Panel recommends live zones for

approximately 1,900 hectares (all within the recommended Rural Urban Boundary) and that the remaining 11,100 hectares be zoned Future Urban Zone.

As discussed in the Panel's report to Auckland Council – Overview of recommendations July 2016, the Panel considers the Rural Urban Boundary an appropriate planning tool to define the extent of the large urban areas (including the satellites of Warkworth and Pukekohe). The Panel recommends also placing the Rural Urban Boundary around Kumeu-Huapai because its proximity to the main urban area of Auckland puts it under particular growth pressure. The Panel does not consider it appropriate to place the Rural Urban Boundary around rural and coastal towns and villages because they do not exhibit the same growth pressures. Instead, the Panel considers that structure planning of any proposed change from rural zones to urban zone should adequately address growth issues.

2.2. Scope

The Panel considers that all its recommendations on the location of the Rural Urban Boundary are within scope of submissions.

2.3. Criteria for determining Rural Urban Boundary location

The Panel has included in B2.2.2 (2) of the regional policy statement a policy, with criteria, for determining when it is appropriate to shift the location of the Rural Urban Boundary. During the life of the Plan these criteria would need to be used, along with structure planning, to determine any changes in the location of the Rural Urban Boundary. The Panel used these same criteria when determining its recommended changes to the location of the Rural Urban Boundary.

The Council's expert witnesses, Ms Trenouth and Dr Fairgray, considered the location of the Rural Urban Boundary should be determined with a view to supporting the development of a compact urban form (i.e. intensification) within the existing metropolitan area. This view led to Dr Fairgray recommending that the Rural Urban Boundary should be set to attempt to match the supply of future urban land with the estimated demand for that land over the next thirty years. Dr Fairgray considered the Council's proposed Rural Urban Boundary location would satisfy estimated demand and that significant extensions of the Rural Urban Boundary would undermine the development of a compact urban form in the existing metropolitan areas.

The Panel was not convinced that the location of the Rural Urban Boundary of itself is an appropriate planning tool to support development of a compact urban form in the existing metropolitan area. The Panel considers the planning tool to best achieve that form of development is the appropriate zoning to enable intensification in and around centres and transport corridors (the Centres and Corridors strategy). It appears to the Panel the only meaningful way in which the Rural Urban Boundary could be used to support compact urban development is to signal a tight and firm restriction on the supply of future urban land, with a view to forcing more intensive use of the existing metropolitan areas than otherwise would be the case. Mr Thompson and Mr Norgrove provided evidence that such an approach would drive urban land prices higher than otherwise would be the case and would be

contrary to the objective of promoting more affordable access to appropriately-zoned land for housing, commercial and industrial use. The Panel agrees.

The Panel was also not convinced by the related proposition that the Rural Urban Boundary should be located so as to attempt to match the supply of future urban land with estimated demand (and no more) over the next thirty years. The Panel simply does not have available to it the necessary information or a recognised method to attempt to match with any confidence the supply of urban land with its estimated demand across the Auckland region over the next ten years (let alone for thirty years). The Panel also received evidence, which it accepts, that the costs to people and communities of under-enabling supply are much more severe than those arising from over-enabling supply.

Council staff, assisted by other experts, prepared very useful demand and supply estimates for land use (residential, commercial and industrial) within the Auckland region, focusing on the next ten years but extending for thirty years. These estimates were improved considerably over the course of the hearings and the Panel appreciated the effort and expertise that was invested in them. The Panel has used these estimates to indicate the minimum amount of land that needs to be contained within the Rural Urban Boundary. That is, the Panel has treated these estimates as a floor (and not as a cap). The Panel considers it imprudent to interpret such forecasts as a cap or maximum amount of land that should be within the Rural Urban Boundary. The important thing is to ensure sufficient land for the long term (thirty years) is enabled for urban use (i.e. is within the Rural Urban Boundary).

Thus when assessing requests to change the location of the Rural Urban Boundary the Panel used the criteria from B2.2.2 (2) and considered each request on its merits. The Panel did not consider it needed to, or should restrain the resulting total area within the Rural Urban Boundary to a particular amount.

The estimates on supply and demand for urban land uses for the next thirty years indicate that the Panel's recommended location of the Rural Urban Boundary should provide for sufficient supply, but not with a large margin. This outcome reinforces the Panel's view that proposals to change the location of the Rural Urban Boundary in the future should be open to private plan changes (as well as to Council's) should the quantum of supply prove inadequate or if more efficient land supply is identified. This would be achieved if the Rural Urban Boundary is defined (i.e. mapped) in the district plan, with the objectives and policies related to it in the regional policy statement.

2.4. Reasons for specific Rural Urban Boundary changes

This section provides the Panel's reason for the changes to the Rural Urban Boundary, except for those changes that are associated with a precinct or zoning change. In those cases, the reasons are provided in the relevant annexure with precinct or zoning reasons.

In making these recommendations the Panel records that it has taken into account all the submissions seeking changes to the Rural Urban Boundary, noting that these submissions are many and varied and relate to locations across the Auckland area. In addition, the Panel has taken account of the evidence of the Council. The detailed nature of this material from submitters and the Council means it is not practical in this report to include commentaries on

all the points raised but they have nonetheless been considered in the Panel's recommendations.

In all cases the Panel concluded that the areas recommended to be included within the Rural Urban Boundary satisfy the regional policy statement policy criteria regarding shifts to the Rural Urban Boundary. They also meet the Panel's Best Practice Approaches for Changes to the Rural Urban Boundary. There are three areas west of Henderson Valley that extend into the Wāitakere Ranges Heritage Area and in Puhinui a small area of compromised elite soil is included. These recommendations are explained in the relevant Annexures or reports.

2.4.1. Extensions at Warkworth

This extension includes land to the west, east and south of the existing urban area in order to provide for the continuation of the growth occurring at Warkworth and that expected from the improved link to the city from the approved State Highway 1 realignment from Puhoi through to Warkworth. That realignment will serve to reinforce the extent of the Rural Urban Boundary by providing a defined western and north-western edge defined by the resultant roading pattern.

The land areas forming the extension are readily developable, provide for substantial growth to meet demand and also provide options at Warkworth regarding where that growth can occur. The areas are contiguous with the existing urban development, thereby supporting the development of a compact urban form, and can be provided with the required infrastructure to support significant extensions to the settlement of Warkworth.

The extensions avoid areas identified as having significant values, those including Māori, natural character and landscape values along with areas affected by natural hazards.

There were submissions seeking additional land to be included within the Rural Urban Boundary but the Panel is of the view that the reasonably foreseeable future needs for urban growth at Warkworth are provided for in the extended areas.

2.4.2. Extensions at Orewa, Wainui, Pine Valley and Dairy Flat

These areas form the basis of a substantial new urban area which will assist in meeting the demand for continuing growth north of the city. The areas are close to the urban areas of Orewa and Silverdale and are located:

- i. West of Orewa - on the western side of State Highway 1 and opposite Grand Drive motorway interchange, and south to Wainui;
- ii. along Pine Valley Road;
- iii. at Dairy Flat - immediately west of the Dairy Flat airfield, and an area to the south and lying either side of SH17 at Dairy Flat;
- iv. to the eastern side of motorway – adjacent to the Penlink designation route to the Whangaparāoa Peninsula.

The land is typically of easy topography and is situated close to the motorway. It has largely been subdivided in a manner more than would normally be expected in a rural area, that being a function of its proximity to the existing urban areas and also being readily developable. The overall area is contained by the motorway to the east (excepting for that portion east of the motorway) and by steeper hill country to the west.

The respective land units make up an extensive area which can provide for large scale development and the opportunity for it to be planned and developed in a coherent manner, linking with the existing urbanised areas. Infrastructure services are feasible.

Much of this area was included in the Proposed Auckland Unitary Plan as notified and the Council supported significant expansions to these boundaries in its evidence and closing comments. The resulting boundaries established a major new urban area. The main reason the Council did not expand this area further was that it considered there was already sufficient land area within the Rural Urban Boundary for long-term demand. As mentioned above the Panel is not convinced that is the case and furthermore the Panel considers it should err on providing more rather than less land area within the Rural Urban Boundary than is projected to be demanded over the long term. The Panel therefore included within the Rural Urban Boundary those areas that it considered meet the criteria in the regional policy statement for shifting the Rural Urban Boundary and which are consistent with its best practice approaches.

The above extensions to the areas included in the Rural Urban Boundary are consistent with many of the requests from submitters within the wider area.

2.4.3. Extension at Albany

This is an area at the bottom of the Albany Hill where future development would be an extension of the Albany Village. It is of easy topography and readily developed without impacting on the bush covered slopes to the north which provide a natural boundary for future development. It is easily accessible and infrastructure services can be extended readily to the area given its close proximity to the Village.

The Panel has therefore agreed with submitters in relation to this area.

2.4.4. Retraction at Kumeu-Huapai

The Council's planning witness Mr Ryan Bradley and its landscape expert Mr Stephen Brown recommended retracting a portion of the western Rural Urban Boundary north of Trigg Road and south of state highway 16 to at least the ridge line. They considered this ridgeline would provide a more defensible visual boundary and would better contain this edge of Kumeu-Huapai. Some other submitters supported this retraction while others requested the Rural Urban Boundary be extended to Foster Road. The Panel preferred the evidence of Messrs Bradley and Brown and recommends retracting the Rural Urban Boundary to the ridge line in this area.

2.4.5. Extension at Riverhead

The Proposed Auckland Unitary Plan as notified included at Riverhead a Rural Urban Boundary and future urban-zoned area to the west of Cambridge Road. Aberdeen Adventures Limited and others requested this Rural Urban Boundary be extended north-west to the Wautaiti Stream to include an additional area of about eight hectares. Engineering evidence was provided to demonstrate how this additional area could be used to more efficiently develop this and the adjoining areas and improve the amenity of development in this area. The Panel was persuaded by this evidence and recommends an extension of the Rural Urban Boundary to include this area.

2.4.6. Extensions at Takanini/Alfriston

D E Nakhle Investment Trust and others sought movement of the Rural Urban Boundary west of Mill Road and in the vicinity of Ardmore Airfield. That request was not supported by Council, particularly because stormwater modelling for the area is not yet completed and the Council sees no immediate need for further expansion. At the hearing the submitters and Council recorded their agreement on the issues to be resolved and, on that basis, the submitters accepted Council's proposed Rural Urban Boundary as the interim location.

The Panel generally accepts the position reached except that it sees merit in an expansion of the Rural Urban Boundary in the southern corner adjacent to Takanini Sub-precinct C, east of Cosgrove Road and north of Old Wairoa Road, and also west of Mill Road. Accordingly those areas are recommended to be included within an expanded Rural Urban Boundary.

2.4.7. Retraction and extension at Pukekohe

The Panel recommends the removal of about 170 hectares of land on Pukekohe Hill (south-east Pukekohe) from within the Rural Urban Boundary and its rezoning from Future Urban Zone to Rural - Rural Production Zone. Horticulture New Zealand and the Pukekohe Vegetable Growers' Association sought this area of land be excluded from the Rural Urban Boundary as notified in the notified Plan. The land contains elite and prime soils. The Council supported this change and the Panel agrees.

The Panel recommends about 230 hectares of land between Grace James Drive and Runciman Road in north-east Pukekohe be included within the Rural Urban Boundary and be rezoned from Rural - Countryside Living Zone to Future Urban Zone.

P L and R M Reidy, A J and P M Kloeten and Ruatotara Limited (the Reidys) sought that this land be included in the Rural Urban Boundary and be rezoned from Rural - Countryside Living Zone to Future Urban Zone. Horticulture New Zealand supported the relief sought by the Reidys. The Grace James Road residents did not support this change. The Council did not support the relief sought by the Reidys on the basis of the lack of need for the development capacity and perceived issues with the future servicing of the land.

Mr Hodgson provided planning evidence for the Reidys as to why the area is suitable for urban development. His reasons included that the area does not contain the same high quality land values as Pukekohe Hill, is currently used for countryside living but not of

sufficient lot sizes to enable urbanisation, is well served by roads and has linkages to arterials, has linkages to the Rural - Countryside Living Zone and a school, contains contours and natural features that would be attractive in an urban setting, and avoids the Pukekohe Tuff Ring. Mr Hodgson also provided an assessment of the proposed Rural Urban Boundary extension against the Panel's interim guidance on best practice approaches to changes to the Rural Urban Boundary.

The Panel was persuaded that the area requested to be included within the Rural Urban Boundary satisfies the regional policy statement criteria regarding shifts to the Rural Urban Boundary and meets the Panel's best practice approaches. The Panel recommends its inclusion within the Rural Urban Boundary.

2.5. Reasons for not supporting specific requests to change the Rural Urban Boundary

There were a number of requests for changes to the Rural Urban Boundary that the Panel does not support. The Council also did not support these changes (for a summary of the Council's views see its closing comments on Topic 016/017 of 19 February 2016). The Panel considered these requests and the supporting evidence and concluded they did not meet the recommended criteria in the regional policy statement for changes to this boundary and the Panel's best practice approaches. On this basis the Panel's view concurs with the Council's position.

The Panel's reasons for not supporting three areas, namely Karaka Peninsula, Bombay and the extensions to Kingseat (that were not part of Plan Change 28 to the Auckland Council District Plan – Operative Franklin section) are in Annexure 6 (for Karaka and Bombay) and Annexure 3 (for Kingseat).

A small number of submitters requested changes to the Rural Urban Boundary on Waiheke Island. As noted above the Panel recommends the Rural Urban Boundary be located in the district plan and the district plan in the recommended Plan does not cover Waiheke Island or the other Hauraki Gulf Islands. Within this context the Panel considers any changes to the Rural Urban Boundary on Waiheke Island are best left to a district plan review for the Hauraki Gulf Islands, at which time such possible changes can be considered in the wider context of other district plan issues. The Panel therefore has not recommended changes to the Rural Urban Boundary on Waiheke Island.

3. Rezoning and precincts

3.1. Overview

Having heard and considered the extensive evidence and representations made on rezoning and precincts, the Panel further refined the approach signalled in its interim guidance. The main elements of the Panel's approach are explained in section 3.3 below

Where Council and all other affected parties were in agreement on a precinct or rezoning matter, other than satisfying itself that the provisions meet the relevant requirements of the

(The date in brackets after the document link refers to the date the document was loaded onto the auihp website. Note this may not be the same as the date of the document referred to in the report.)

5.1. Rural Urban Boundary (Topics 016, 017)

The Submission Points Pathway report

016 - Submission Points Pathway Report - 15 September 2015 (16 September 2015)

017 - Submission Points Pathway Report - 3 December 2015 (04 December 2015)

The Parties and Issues Report

016 - Parties and Issues Report - 15 September 2015 (UPDATED VERSION) (15 September 2015)

016 - Parties and Issues Report - 17 November 2014 (15 July 2015)

017 - Parties and Issues Report - 15 September 2015 (UPDATED VERSION) (15 September 2015)

017 - Parties and Issues Report - 17 November 2014 (15 July 2015)

017 - Parties and Issues Report - 5 August 2015 (UPDATED VERSION) (05 August 2015)

Panel Interim Guidance

Interim guidance Urban Growth February 2015

Best practice approaches to changes to the RUB rezoning and precincts 31 July 2015

Council closing statement

016&017 Hrg - Auckland Council - CLOSING COMMENTS (20 February 2016)

Expert Conference Statements,

016 - Expert Conference Joint Statement (Okura) - 15 October 2015 (16 October 2015)

017 - Expert Conference Joint Statement (RUB South Puhunui) - 5 November 2015 (10 November 2015)

Other

016 - Auckland Council - Memorandum - 8 October 2015 (09 October 2015)

017 - Record of Discussions (RUB South Puhunui) - 30 October 2015 (12 November 2015)

016 - RUB Changes v3 25 Sept 2014 (15 July 2015)

016 - RUB mapped Submissions North, West and Waiheke Island (15 July 2015)

016&017 - Procedural minute 6 (15 July 2015)

016&017 - Procedural minute 7 (15 July 2015)

016&017 - Council response to Procedural minute 6 and 7 (15 July 2015)

017 - RUB Changes v3 25 Sept 2014 (15 July 2015)

017 - RUB Place based Submissions South_ps (15 July 2015)

Auckland Council

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

016&017 Hrg - Auckland Council - Strategic Overview Evidence - Chloe Trenouth - Planning - REBUTTAL (21 December 2015)

016&017 Hrg - Auckland Council - Strategic Overview Evidence (Dr Douglas Fairgray) - Economic (20 October 2015)

016&017 Hrg - Auckland Council - Strategic Overview Evidence (Douglas Fairgray) - Economics - REBUTTAL - AMENDED MAPS 11 Jan 2016 (11 January 2016)

016&017 Hrg - Auckland Council - Strategic Overview Evidence (Douglas Fairgray) - Economics - REBUTTAL (18 December 2015)

5.2. Rezoning and precincts (Topics 080, 081)

The Submission Points Pathway report

080 - Submission Point Pathway Report - 10 Nov 2015

081 - Submission Point Pathway Report - 12 Nov 2015

The Parties and Issues Report

080 - Parties and Issues Report - 12 October 2015

081 - Parties and Issues Report - 12 October 2015

Council evidence

080 Ak Cncl - Precincts (J Duguid) - General statement (5 December 2015)

080 Ak Cncl - Rezoning (J Duguid) - General statement (5 December 2015)

Council closing statement

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

080 Ak Cncl - Retirement Villages - CLOSING REMARKS (18 March 2016)

080 Ak Cncl - Special Purpose Landfill Zone (Redvale Landfill) - CLOSING REMARKS (18 March 2016)

080 Ak Cncl - Strategic Overview Matters and Auckland-Wide Zoning - CLOSING REMARKS (18 March 2016)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – General - Updated - 19 May 2016 (19 May 2016)

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

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 and 2 – Guide to changes made – 19 May 2016 (19 May 2016)

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AUCKLAND UNITARY PLAN INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Proposed Auckland Unitary Plan

Clarification of recommendation on the Rural Urban Boundary for Waiheke

In its report on changes to the Rural Urban Boundary¹ delivered to the Auckland Council on 22 July 2016, at page 15, the Panel stated:

2.5. Reasons for not supporting specific requests to change the Rural Urban Boundary

There were a number of requests for changes to the Rural Urban Boundary that the Panel does not support. The Council also did not support these changes (for a summary of the Council's views see its closing comments on Topic 016/017 of 19 February 2016). The Panel considered these requests and the supporting evidence and concluded they did not meet the recommended criteria in the regional policy statement for changes to this boundary and the Panel's best practice approaches. On this basis the Panel's view concurs with the Council's position.

The Panel's reasons for not supporting three areas, namely Karaka Peninsula, Bombay and the extensions to Kingseat (that were not part of Plan Change 28 to the Auckland Council District Plan – Operative Franklin section) are in Annexure 6 (for Karaka and Bombay) and Annexure 3 (for Kingseat).

A small number of submitters requested changes to the Rural Urban Boundary on Waiheke Island. As noted above the Panel recommends the Rural Urban Boundary be located in the district plan and the district plan in the recommended Plan does not cover Waiheke Island or the other Hauraki Gulf Islands. Within this context the Panel considers any changes to the Rural Urban Boundary on Waiheke Island are best left to a district plan review for the Hauraki Gulf Islands, at which time such possible changes can be considered in the wider context of other district plan issues. The Panel therefore has not recommended changes to the Rural Urban Boundary on Waiheke Island.

During the course of debate at the meeting of the governing body of the Auckland Council on the Panel's recommendations, the meaning of the final sentence of that section was questioned. It was suggested that this sentence may mean that the Rural Urban Boundary, as notified on 30 September 2013 as part of the proposed Auckland Unitary Plan, remains part of the Regional Policy Statement in relation to the Hauraki Gulf Islands, even though it is recommended to be removed from the Regional Policy Statement in respect of the rest of the Auckland Region and relocated as a rule in the District Plan provisions.

The Chairperson of the Panel has been asked by the Auckland Council whether this sentence is an error which requires correction. Reviewing the Panel's report and considering the suggested interpretation in consultation with other members of the Panel, the Chairperson does not consider that there is any error, although it is possible that the report could be misinterpreted. On that basis, this clarification is made. If authority is required for it, then reliance is placed on section 13 of the Interpretation Act 1999 for the purpose of dealing with an omission.

¹ Changes to the Rural Urban Boundary, rezoning and precincts - Hearing topics 016, 017 Rural Urban Boundary, 080 Rezoning and precincts (General) and 081 Rezoning and precincts (Geographic areas)

The suggestion that the Panel's recommendation is intended to leave the Rural Urban Boundary in place as a method in the Regional Policy Statement is incorrect. Such a suggestion is inconsistent with the other recommendations as set out in this section of this report, and with the general recommendations in relation to the Rural Urban Boundary in section 7 of the Overview section of the report. Such a suggestion is also not supported by either the recommended text or the recommended maps of the Unitary Plan, which contain nothing to indicate that the Rural Urban Boundary is to be treated differently on the Hauraki Gulf Islands from how it is recommended to be treated on the mainland of the region.

The removal of the Rural Urban Boundary as a method from the Regional Policy Statement and the addition of it as a rule in the District Plan, coupled with the Panel's jurisdiction being limited to exclude consideration of district planning matters in the Hauraki Gulf Islands, has resulted in the recommended maps showing no Rural Urban Boundary on Waiheke. As the recommendation quoted above makes clear, this is a matter that may be addressed in the next review of the district plan for the Hauraki Gulf Islands.

Accordingly the final sentence "The Panel therefore has not recommended changes to the Rural Urban Boundary on Waiheke Island" is correct, as no change could be recommended in relation to the Hauraki Gulf Islands section of the District Plan.

In the meantime, the Panel recommendations, if accepted, mean that there is no Rural Urban Boundary on Waiheke. In that regard, it is important to note that the absence of a Rural Urban Boundary does not mean that there is no constraint on the urbanisation of areas of Waiheke that are presently not urban. The provisions of the Hauraki Gulf Islands section of the Auckland District Plan, including the zoning controls, still apply and any urbanisation proposal located in rural areas of Waiheke (that is, outside of the area which is currently bounded by the Metropolitan Urban Limit under the operative Regional Policy Statement) would be determined in accordance with those provisions.. Any proposal for a change to the District Plan to rezone any such area to enable urban development would be required to give effect to the Regional Policy Statement, and the provisions of the both the operative and the proposed Regional Policy Statement set high thresholds for any such change. For those reasons, the Panel did not consider that there was any gap or lacuna in its recommendations resulting from the shifting of the Rural Urban Boundary maps from the Regional Policy Statement to the District Plan.

19 August 2016



Judge David Kirkpatrick
Chairperson
Auckland Unitary Plan Independent Hearings Panel

Proposed Auckland Unitary Plan Submission Form
Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act
2010
Clause 6 of First Schedule, Resource Management Act 1991.

**Auckland
Council**



FORM 2

**Attention: Unitary Plan Submission
Team
Auckland Council.**
Freepost Authority 237170,
Private Bag 92300,
Auckland 1142

For office use only Submission No: Receipt Date:	<div style="border: 2px solid black; padding: 5px; transform: rotate(-5deg);"> AUCKLAND COUNCIL 28 FEB 2014 </div>
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Name of Agent:

Mr B. KAYE of Barry Kaye Associates Ltd

Organisation Name:

Address for Service of the Submitter.

Barry Kaye Associates Ltd
Town and Country Planners
493 New North Road, Kingsland, Auckland 1021

The Specific Submissions

Re: RUB on Waiheke Island

This is a submission on the Proposed Auckland Unitary Plan (the proposal).

The submitter could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that the submission relates to are:

The Proposed Auckland Unitary Plan (PAUP) is located in **Maps Rural 13**

AND

Provision(s): 1, B, 2, 2.1 – R.P.S Providing for quality urban growth.

Property Address:

(a) **Western Waiheke.** - East / West and Zone Walden lands as "Future urban Lands"

(b) **Walden Lands** 73 Onetangi Road, Onetangi, Waiheke Island. Part Lots 17, 18, 31 DP 11657.

AND

Lands in Seaview Road as marked on the attached maps,

AND

Land in Tiri Road Oneroa as marked on the attached map.

AND Zone all above as "Future urban Lands"

- (c) **Walden Lands** 73 Onetangi Road, Onetangi, Waiheke Island. Part Lots 17, 18, 31 DP 11657. and zone Walden lands as "Future urban Lands"

Map: 1 Sheet 23 Waiheke location of Metropolitan Urban Limits.

My submission is:

I oppose the proposed plan in relation to the Rural Urban Boundary (**RUB**) on Waiheke Island. I wish to have the provisions identified as the Rural Urban Boundary as in this submission adopted and I propose that the Rural map 13 be amended to show the RUB as follows. .

- (a) My first preference is that the RUB as in the Third Operative Waiheke District Scheme 1991 (AC Archives Reference COW 115/78) is adopted as the RUB. And that the WALDEN land are marked "Future Urban Development." | 24
- (b) My second preference is that the WALDEN property and other steep lands in Seaview Road and Tiri Road are zoned within the RUB and marked "Future urban Lands". | 25
- (c) My final preference is for the lands in Onetangi as in the attached maps be zoned are within the RUB, and marked "Future urban Lands" | 26

I seek that the Auckland Council move the RUB to give effect to the above submission at a) and zone the Walden land as "Future Urban Land", lands and the lands on Onetangi Road, Onetangi, marked in GREEN and cross hatched \\\ and the lands similarly in GREEN and cross hatched \\\ on Seaview Road and Tiri Road Oneroa on the attached map, placing the lands within the RUB and to zone those lands for "Future Urban Development".

My Reasons are:

Option a) above. This PAUP is the only time Waiheke people have had to submit on a change from the East / West boundary. It is a natural divide between the more settled lands of the Western Waiheke and the rural (countryside living type) lands of the Eastern End of Waiheke Island.

Option b) and c) The proposed option b) and c) above are lands which are serviced by existing main roads, The Onetangi and Seaview Road lands are on public transport routes, the Tiri Road land is within 20 minutes walking distance of public transport. All lands are in Western Waiheke Island and contiguous to existing villages. The lands are not suitable for agriculture or horticulture, they are located inland from the coast and will not adversely impact on the coastal landscapes. The lands in Seaview Road and Tiri Road are steep. The placing the lands within the RUB will not adversely affect the visual amenity and will integrate those lands with the existing urban settlements. The lands should be zoned "Future Urban Development"

In the alternative that the Auckland Council does not agree to bring the lands on Seaview Road and Tiri Road within the RUB, I submit that the lands in Onetangi be located within the RUB and zoned Future Urban Development.

Historical Background WALDEN Land.

The Walden land in Onetangi was, when Onetangi was subdivided in the 1920's, also prepared for subdivision along with the rest of Onetangi. Surveying was carried out, the land pegged and detailed plans produced. The sections on Onetangi Road, Waiata Road, Woollams Road and Trigg Hill Road were sold off. I believe reserve contribution for those was taken as the Pukeatua Reserve at the end of Trigg Road. Whilst the survey plans are no longer relevant or relied upon beyond indicating a continuity of planning in the 1920's, the historical placing of lands as suitable for being within the RUB (or MUL as it was more recently, is relevant).

The Waiheke District Plan of 1991, (Third Operative Waiheke District Scheme 1991) and marked Rural Zone Boundary (AC Archives Reference COW 115/78) showed the land within what is now described as the RUB. The MUL as notified in 1994 in the notified planning maps, did not make any reference to Waiheke Island, nor were there any maps produced which showed the MUL on Waiheke Island. In 1995, a map series was produced and a map 1A appeared in a reprint of the Notified Regional Plan Maps of 1995. I have searched the archives and been unable to find any record of notification of this change for the inclusion of 1A in the 1995 Notified Regional Plan Maps

Relief Sought - I seek the following decision from Auckland Council:

- 1 - I seek in the first instance the proposed RUB revert to the traditional West / East line as marked in the Third Operative Waiheke District Scheme 1991 (AC Archives Reference COW 115/78).

Pages from the maps relating of the Third Operative Waiheke District Scheme 1991 are annexed and the line is marked in Yellow to the western side, with the Walden property lightly cross hatched. Should that approach be adopted I seek that the Walden lands be marked "Future Urban Lands"

Or

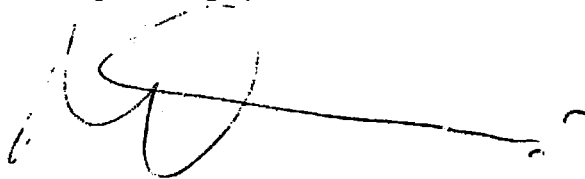
- 2 - If the first option is not acceptable, then amend the RUB as in the map of Waiheke from the PAUP to show either the three locations as being within the RUB and zone the land as "Future Urban Zone"

Or

- 3 - If either of the two above options is not acceptable, then it is submitted the Walden property in Onetangi as being suitable to be placed within the RUB and zoned as "Future Urban Zone"

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.



DATE: THURSDAY, 27 FEBRUARY 2014

RONALD A WALDEN

*Signature: (submitter/person authorised to sign on behalf of submitter†)

Attachments. - Map showing the proposed placing of the RUB as a result of this submission.
 Map and legend showing the East West boundary marked in the Third Operative Waiheke District Scheme 1991 (AC Archives Reference COW 115/78)
 3 maps showing site specific locations of the proposed RUB, with the cross hatching and marked in green being the land to be marked "Future Urban Land"

#5529

4/9

PLANNING MAP KEY

RURAL ZONES

RURAL 1	Ru 1
RURAL 2	Ru 2
RURAL 3	Ru 3
RURAL 4	Ru 4
RURAL 5	Ru 5
RURAL 6	Ru 6
RURAL 7	Ru 7
RURAL 8	Ru 8

RESIDENTIAL ZONES

RESIDENTIAL 1	Re 1
RESIDENTIAL 2	Re 2
RESIDENTIAL 3	Re 3

COMMERCIAL ZONES

COMMERCIAL 1	Co 1
COMMERCIAL 2	Co 2
COMMERCIAL 3	Co 3
COMMERCIAL 3A	Co 3A
COMMERCIAL 4	Co 4

INDUSTRIAL ZONES

INDUSTRIAL 1	In 1
INDUSTRIAL 2	In 2
INDUSTRIAL 3	In 3




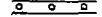





RECREATION ZONES

RECREATION 1	Rn 1
RECREATION 2	Rn 2
RECREATION 3	Rn 3
RECREATION 4 MOTUTAPU & MOTUHE I.	Rn 4
RECREATION 5 RANGITOTO I.	Rn 5

ROTOROA ISLAND ZONE	R.I.Z.
PAKATOA ISLAND ZONE	P.I.Z.
GULF ISLAND ZONE	G.I.Z.
WHARF ZONE	Wh
MAORI PURPOSES ZONE	M.P.Z.

SYMBOLS

DESIGNATIONS AND OTHER CONTROLS

-  Proposed Service Lane
-  Building Line Restrictions
-  Principal Roads
-  Distributor Roads
- ITEMS, OBJECTS, BUILDINGS, SIGNIFICANT AREAS AND TREES LISTED IN THE SCHEDULE FOR PROTECTION AND PRESERVATION. (REFER ORDINANCES APPENDICES)
 - *)
- [D. O. C.] Department of Conservation
- P.C.P. Proposed Car Park
-  Roads to be Closed
-  Proposed Road
-  Rural Zone Boundary
-  Proposed Reserve
-  Foreshore Yard

NB: See also Appendices

SCALE 1 : 10 000

SHEET

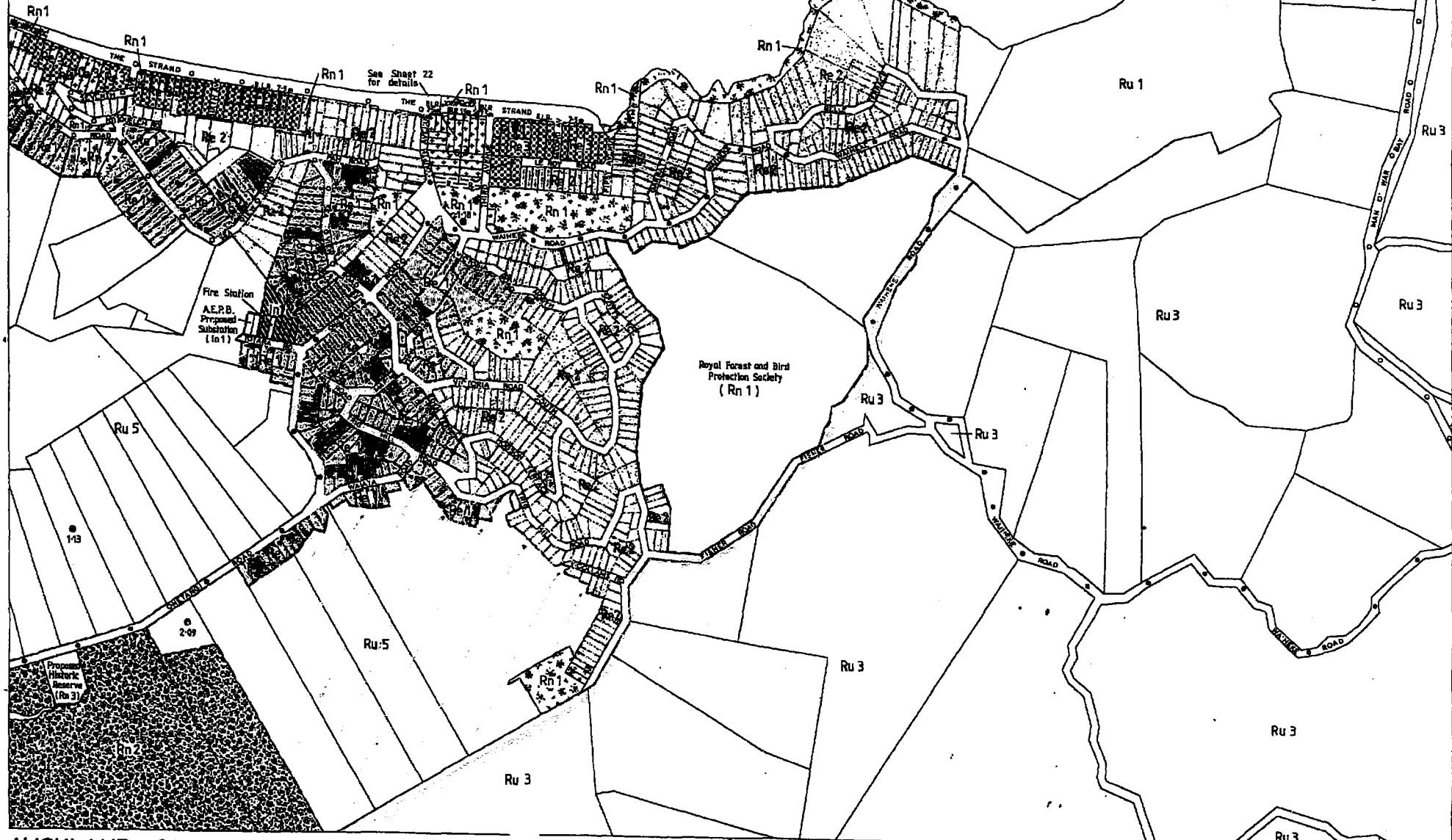
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Note -
For Full Details of Development
Concepts in the Commercial 3 Zone (Onetangi)
see Appendix E.5.

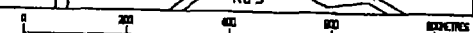


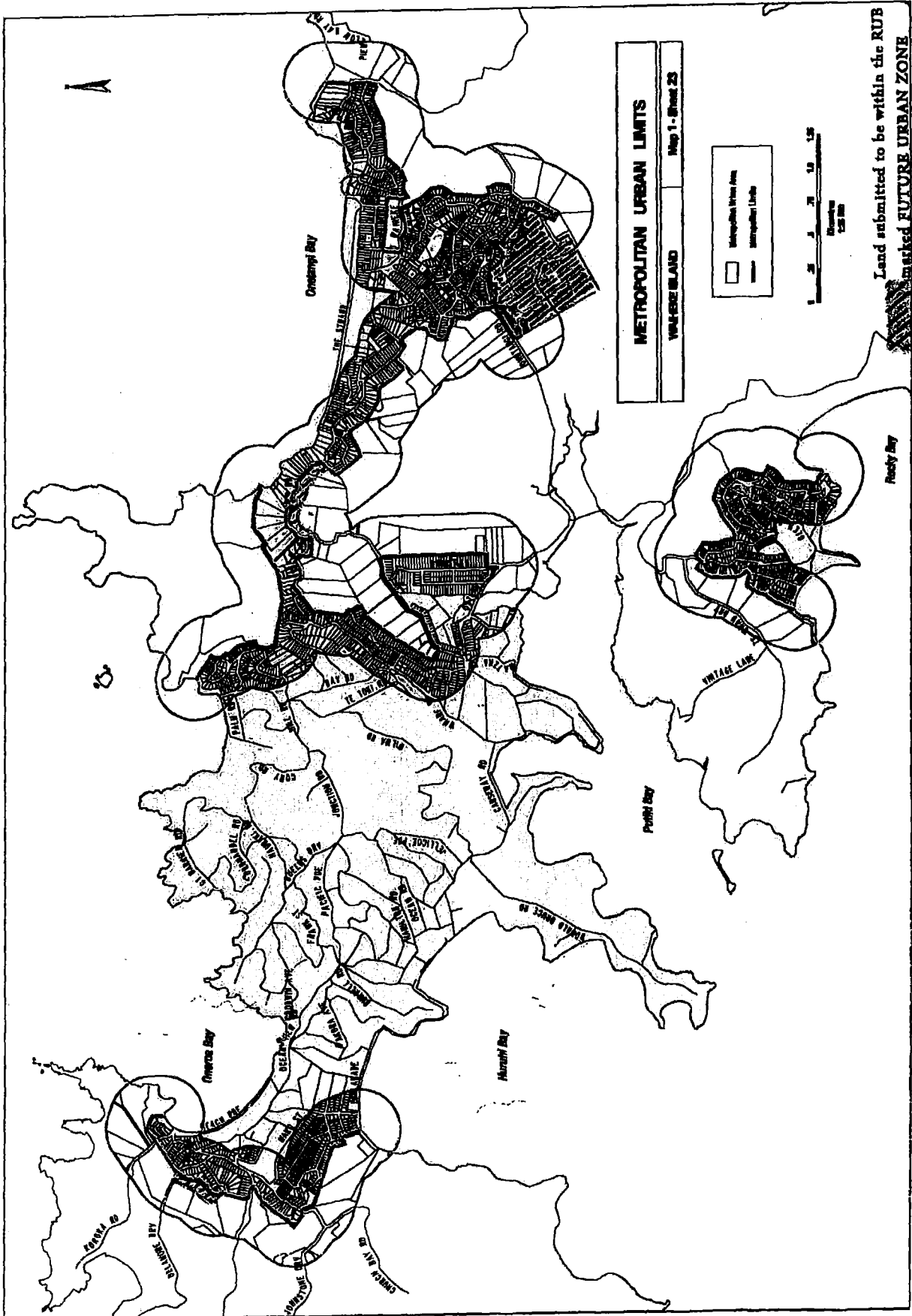
ONETANGI BAY

PIEMELON BAY



AUCKLAND CITY COUNCIL - OPERATIVE WAIHEKE DISTRICT SCHEME





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Delamore Drive

Delamore Drive

Karu Street

Beach Parade

Korora Road

Tiri Road

Naikare Road

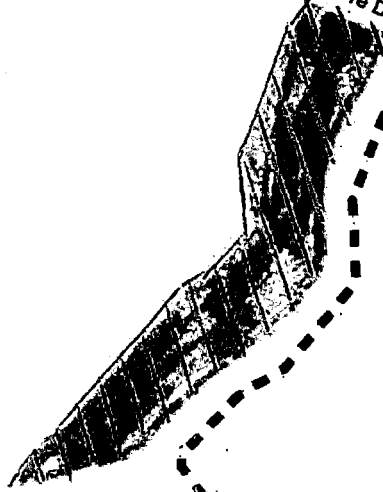
Beach Parade

Ocean View Road

Kuaka Road

Ove Road

Oneroa Village Lane



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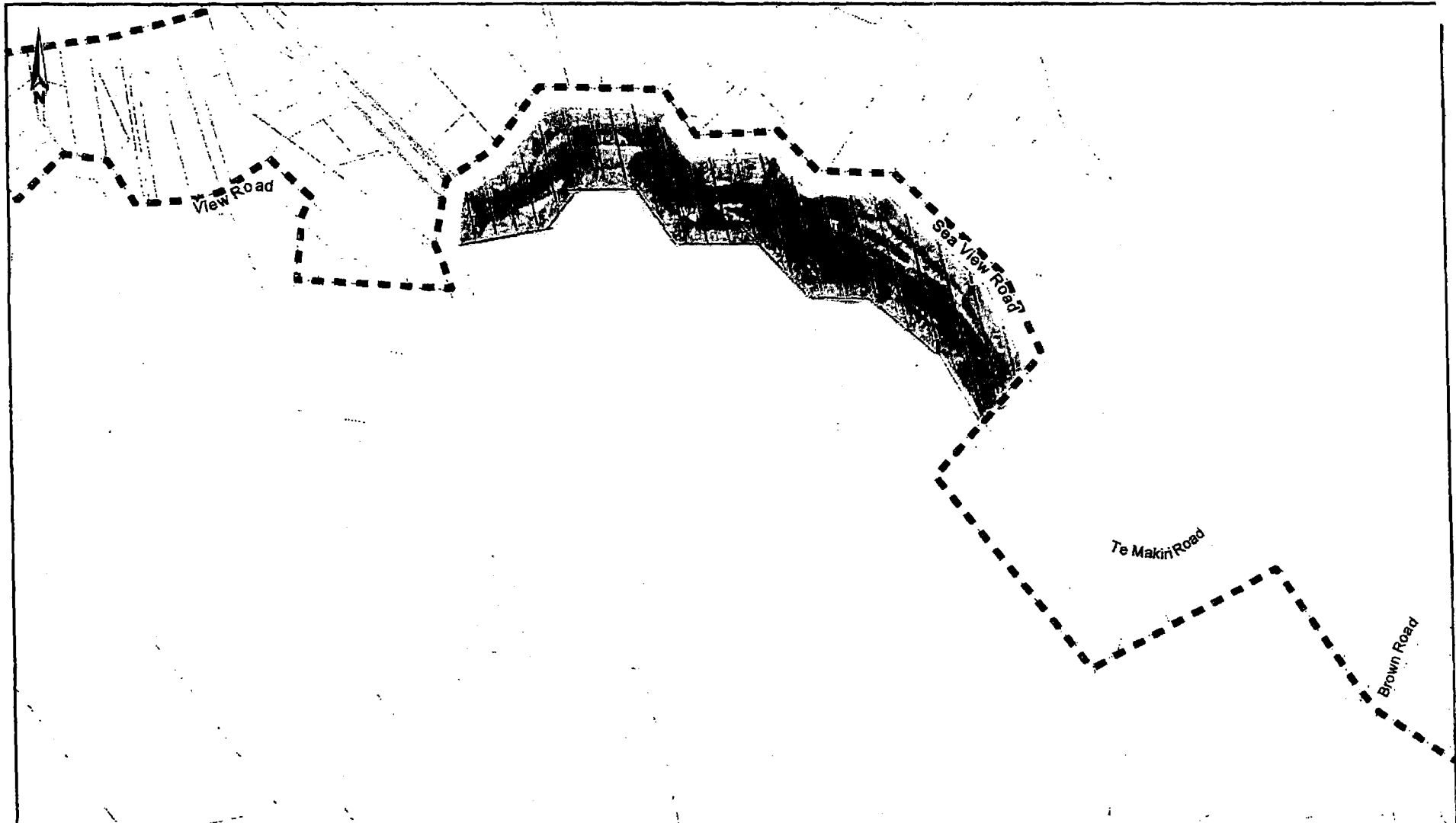
Rural Urban Boundary

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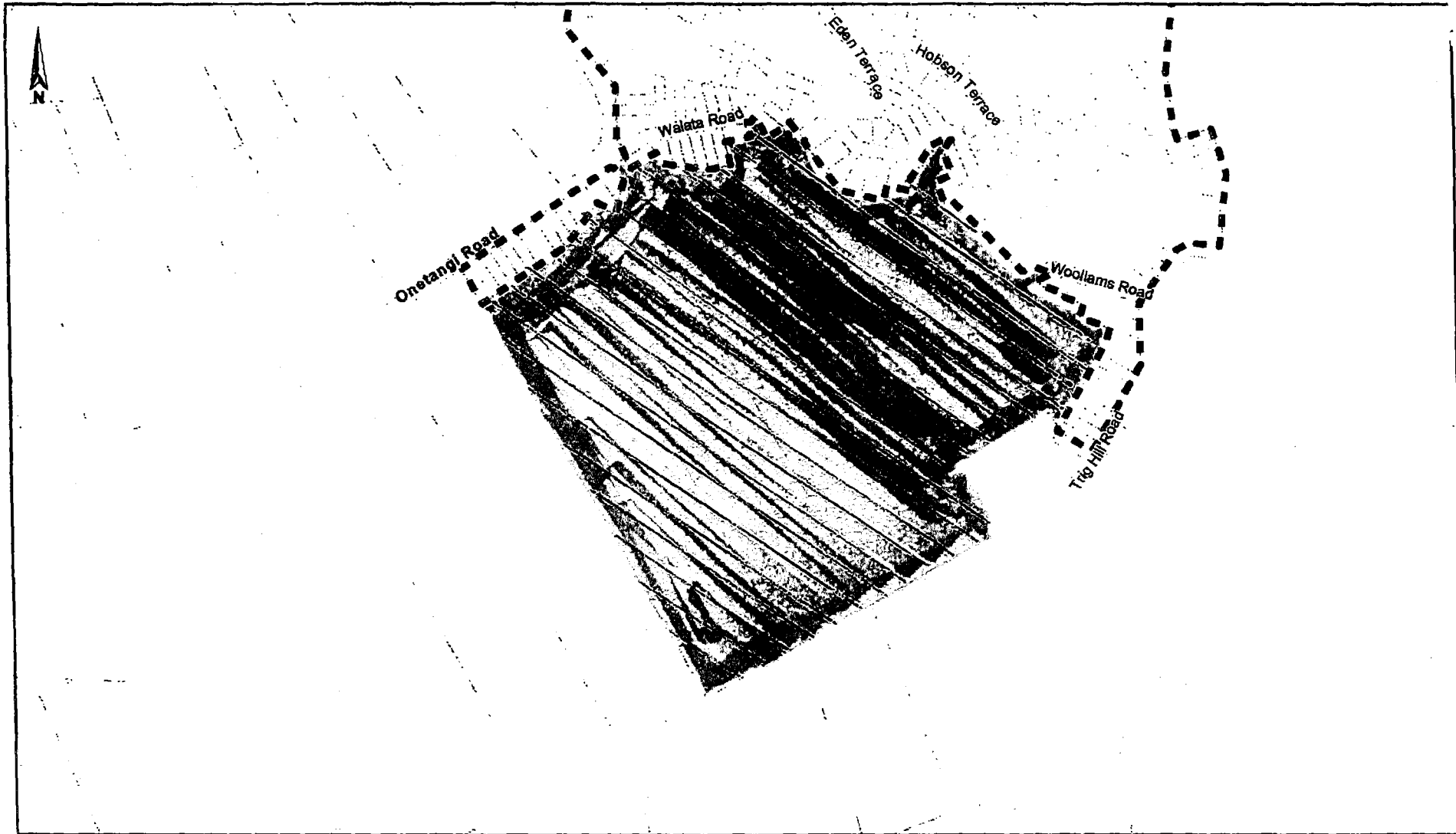
1:5,000 Auckland Council
 Plan Created: 25/2/14

Rural Urban Boundary



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Rural Urban Boundary

1:8,000 Auckland Council
Plan Created: 25/2/14



F

2.2 Rural urban boundary location - section 32 evaluation for the Proposed Auckland Unitary Plan

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