

Before the Environment Court

ENV-2016-AKL

In the matter of the Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**) and the Resource Management Act 1991 (**RMA**)

And

In the matter of an appeal under s 156(1) of the LGATPA against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel (**Hearings Panel**) on the proposed Auckland Unitary Plan (**Unitary Plan**)

And

In the matter of Proposed Plan Hearing Topics 081 – Rezoning and Precincts (Geographic areas) and 016 and 017 – Rural Urban Boundary

Between **Weili Yang, Zhi Li and Jing Niu** of 189 Vaughans Road, Okura

Appellant

And **Auckland Council**

Respondent

Notice of Appeal

Dated 15th September 2016

McVeagh Fleming

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To: The Registrar
Environment Court
Auckland

1. **Weili Yang, Zhi Li and Jing Niu (Appellants)**, appeal against a decision of the Auckland Council (**Council**) on the proposed Auckland Unitary Plan (**Unitary Plan**).
2. The Appellants have the right to appeal the Council's decision under s 156(1) of the LGATPA because:
 - (a) Weili Yang made a submission on the Unitary Plan (submission #2514) (**Submission**) in relation to the property at 189 Vaughans Road, Okura (**Site**) as well as the wider Okura area. Zhi Li and Jing Niu are the current owners of the Site;
 - (b) The Council rejected a recommendation of the Hearings Panel in relation to a provision or matter addressed in the Submission;
 - (c) The Council decided on an alternative solution, which resulted in:
 - (i) A provision being included in the Unitary Plan, namely the zoning of the property at as Countryside Living with a 4ha minimum net site area, outside the Rural Urban Boundary;
 - (ii) A matter being excluded from the Unitary Plan, namely the zoning of the Site as Future Urban Zone, within the Rural Urban Boundary.
3. Further details of the reasons for the appeal are set out below.
4. The Appellants are not trade competitors for the purposes of s 308D of the RMA.
5. Notice of the decision was received on 19 August 2016.
6. The decision being appealed is the Council's decision to reject the Hearing Panel's recommendations:
 - (a) That the Rural Urban Boundary be extended north of the Vaughans Road ridgeline into the Okura catchment at a location east of Okura village (and area which includes the Site); and

- (b) That land to the north of Vaughans Road / east of Okura Village (which includes the Site) be rezoned to Future Urban zone.

7. The reasons for the appeal are as follows:

- (a) The Council's decision fails to achieve the purpose and principles of the RMA as set out in Part 2, in particular, but without limitation, because it fails:

- (i) To enable people and communities to provide for their social, economic and cultural wellbeing;
- (ii) To sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
- (iii) To avoid, remedy or mitigate adverse effects of activities on the environment

- (b) The Council's decision fails to fulfil the relevant statutory tests, including those in s 74 RMA.

- (c) The Council has failed to comply with its obligations under s 32 and s 32AA, and its decision is inappropriate in terms of those requirements.

- (d) The Council's decision does not represent the optimal planning outcome in respect of the Site or the surrounding area.

- (e) By contrast to the Council's decision, the Hearings Panel's recommendations as set out in paragraph 6, and the relief sought by the Appellants:

- (i) Are in accordance with the purpose and principles of the RMA;
- (ii) Meet all relevant statutory tests, including ss 74, 32 and 32AA and are appropriate in terms of those tests;
- (iii) Represent the optimal planning outcome for the Site and the surrounding area.

8. The Appellants seek the following relief:

- (a) That the Unitary Plan be amended such that the Hearings Panel's recommendations referred to in paragraph 6(a) and (b) above be reinstated in full, or to like effect; or
 - (b) That the Unitary Plan be amended as sought in the Submission;
 - (c) Any consequential relief required to give effect to the relief sought and the reasons for the appeal above;
 - (d) Costs of an incidental to this appeal.
9. An electronic copy of this notice is being served today by email on the Auckland Council at unitaryplan@aucklandcouncil.govt.nz. Waivers and directions have been made by the Environment Court in relation to the usual requirements of the RMA as to service of this notice on other persons.
10. The following documents are **attached** to this notice:
- (a) A copy of the relevant part of the Council's decision, being Decisions Report, pages 66 – 69, and Attachment A, pages 350 - 366
 - (b) A copy of the relevant part of the Hearings Panel's recommendation, being Report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts, July 2016, Annexure 4 – Precincts North, pages 85 - 91;
 - (c) A copy of the Submission;
11. No related High Court proceedings are being pursued by the Appellants.

Dated this 15th day of September 2016.

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Counsel for appellant

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Advice to recipients of copy of notice of appeal

How to become party to proceedings

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

To become a party to the appeal, you must, within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003) with the Environment Court by email (to unitaryplan.ecappeals@justice.govt.nz) and serve copies of your notice by email on the Auckland Council (to unitaryplan@aucklandcouncil.govt.nz) and the appellant.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the RMA.

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

Advice

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

Attachment A

**Copy of relevant part of Council's Decision (pages
66 – 69, Attachment A, pages 350 – 366)**



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

Decisions Report

19 August 2016

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

Panel recommendations accepted:

51.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the NORTH), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 51.2.

Panel recommendations rejected:

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

(a) The deletion of the Akoranga precinct and reliance upon the Auckland University of Technology (AUT) designation (Designation 6010)

Reasons
(i) The removal of the precinct removes important enabling aspects and controls that were important to the ongoing use of the site.
(ii) The inclusion of the precinct will ensure integrated development of the precinct, particularly in the instance that the land is not needed by Auckland University of Technology.
(iii) The precinct provides for a range of activities within the site, including complementary tertiary activities which are not accessory to tertiary education and, therefore, are not provided for by the designation. It also enables additional building height which is important to support the development within the precinct.
(iv) The provisions proposed to be included in the precinct will enable potential adverse effects on the amenity and function of nearby town centres of Northcote and Takapuna and on the local road network to be

considered through more directive assessment enabled by the inclusion of the precinct.	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

- (b) **The deletion of the Takapuna 2 precinct and reliance upon the provisions of the underlying zones (Terraced House and Apartment Buildings and Business – Metropolitan)**

Reasons	
(i) Deletion of the precinct means that less intensive development is provided for, contrary to the intent of the Panel's recommendation to provide for intensification around the Takapuna metropolitan centre.	
(ii) It is also contrary to the recommended provisions of the RPS, and is inconsistent with the application of Height Variation Controls across the rest of the Terrace Housing and Apartment Building zone surrounding the Takapuna Metropolitan Centre.	
Alternative solution	See Attachment A

(c) **The extension of the Rural Urban Boundary north of the Vaughans Road ridgeline into the Okura catchment at a location east of Okura village**

Reasons	
	(i) The Okura catchment drains into the Okura Estuary which forms part of the Long Bay-Okura Marine Reserve. Stormwater contaminants from urbanisation are likely to result in adverse effects on indigenous biological diversity within the Long Bay-Okura Marine Reserve.
	(ii) Policy 11 of the New Zealand Coastal Policy Statement 2010 (NZCPS) requires adverse effects of activities on areas set aside for full or partial protection of indigenous biological diversity under other legislation, such as the Long Bay-Okura Marine Reserve, to be avoided. Moving the Rural Urban Boundary from its notified position into the Okura catchment and the proposed urban development will not give effect to the NZCPS.
	(iii) Including the Okura Holdings Limited land within the Rural Urban Boundary and the proposed urban development is likely to result in adverse effects on the water quality, ecology and hydrology of the streams and rivers on the Okura Holdings Limited land. This is unlikely to give effect to the provisions of the National Policy Statement for Freshwater Management 2014.
	(iv) The Vaughans Road ridgeline is a strong landscape feature and is the boundary between two catchments. Retaining the Rural Urban Boundary in this location therefore gives better effect to the PAUP regional policy statement than relocating the Rural Urban Boundary into the Okura catchment as recommended by the Independent Hearings Panel.
	(v) Substantial upgrades to wider transport network would be required to service urban development within the Okura precinct. The recommended Okura Precinct does not include appropriate provisions to address transportation infrastructure requirements, the provisions of open space and the extent of sub-precincts.
Alternative solution	See Attachment A

- (d) **The application of a new precinct to the land north of Vaughans Road, Okura and rezoning of approximately 130ha of land from Countryside Living to Mixed Housing Suburban, Large Lot, Open Space Conservation and Open Space Informal Recreation zones for the reasons outlined in c) above.**
- (e) **The rezoning of approximately 30ha of land from Countryside Living to Future Urban zone on land to the north of Vaughans Road/east of Okura Village for the reasons outlined in c) above.**

Consequential Amendments

- (f) **As a consequential change amend Table E39.6.5.2.1 Minimum and minimum average net site areas, to include a minimum net site area and average net site area without transferable rural site subdivision, of 4ha to land known as Okura East**

Reasons	
<p>(i) For amending Table E39.6.5.2.1 Minimum and minimum average net site areas, and adding the Control: Subdivision Variation Control - Rural, Okura East Countryside Living – if the Countryside Living zone is to be applied instead of Independent Hearings Panel recommended "live" zoning and Future Urban zoning, the minimum 4ha site control for Okura East needs to be included in the plan to carry over the Operative Auckland Council District Plan: North Shore Section Countryside Living minimum site sizes. This is in line with the approach the Independent Hearings Panel has taken for other Countryside Living zoned areas.</p>	
Alternative solution	See Attachment A

- (g) **As a consequential change add the Control: Subdivision Variation Control - Rural, Okura East Countryside Living to the land know as Okura East for the reason outlined in f) above.**



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

Attachment A

The alternative solutions prepared by the Council for any rejected recommendations (which includes: text, diagram and map alternative solutions).

19 August 2016

AS Topic 081

1527 Okura Precinct

1527. Okura Precinct

1527.1. Precinct description

The Okura Precinct applies to land to the north of Vaughn's Road, generally bound by Long Bay Regional Park and Piripiri Point to the east, the Okura Estuary to the north and a tributary to the Okura Estuary to the west. The precinct encompasses approximately 130Ha of land of undulating topography and generally slopes from south (Vaughans Road ridgeline) to north (toward the Okura Estuary).

The precinct reflects the unique opportunity offered by the majority of the land being held by a single landowner, combined with the opportunity for a substantial waterfront reserve that will extend the Long Bay Regional Park to within 150m of the Okura village with esplanade reserves that connect with the Okura Estuary Scenic Reserve.

The spatial application of these zones has been informed by a structure planning process that has taken into account the natural, physical, cultural, and historic characteristics of the site and surrounds, with the aspiration to facilitate medium density comprehensive residential development that achieves a high level of protection and enhancement of the environment within the site and site surrounds.

The purpose of the Okura Precinct is to introduce additional provisions to enable the stream management approach developed through the structure plan process, require additional stormwater and earthworks management measures, ensure the establishment and master planning of open space zoned land, provide flexibility for limited commercial development and informal open space within the residential area and enable construction of the primary road network.

Subdivision, building, development and land use are enabled only when transport upgrades on the surrounding transport network to service development in the Okura precinct are completed. Such upgrades should include:

- Upgrade of Vaughans Road / Okura River Road
- Upgrade of Vaughans Road / Okura River Road intersection
- Completion of Vaughans Road Extension and connection to Vaughans Road
- Upgrade of East Coast Road / Okura River Road intersection
- Upgrade of East Coast Road / Glenvar Road / Lonely Track Road intersections

The underlying zoning of land within this precinct is Open Space – Conservation Zone, Open Space – Informal Recreation Zone, Residential – Large Lot Zone, and Residential – Mixed Housing Suburban Zone.

I527.2. Objectives [rp/dp]

- (1) ~~The long term improvement and enhancement of water quality and ecological integrity of the Okura Estuary.~~
- (2) ~~The overall functioning of the stream systems are enhanced while providing for land form modification.~~
- (3) ~~Public open space land with riparian planting is established in accordance with subdivision staging.~~
- (4) ~~Boundaries between residential land and open spaces are appropriately treated.~~
- (5) ~~Local commercial activity caters for the local residential population and avoids the need for vehicle-based trips to other centres.~~
- (6) ~~Subdivision, building, development and land use occurs in a manner which reflects coordination and delivery of transport infrastructure, including on the wider transport network to support the development.~~

~~The overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.~~

I527.3. Policies [rp/dp]

- (1) ~~To require additional best practice earthwork management and silt and sediment control to be undertaken during all earthworks.~~
- (2) ~~To enable a stream management approach integrated with land development and require high quality restoration and maintenance of the riparian margins of a significant proportion of the watercourses.~~
- (3) ~~To require additional stormwater management and treatment measures, and appropriate at source controls.~~
- (4) ~~Control fence and retaining wall height and permeability on residential boundaries where adjacent to a reserve or open space zoned land.~~
- (5) ~~To enable limited commercial and informal recreation uses and development in residential areas but provide flexibility in location.~~
- (6) ~~To require the master planning and vesting at no cost to Council of the open space network and enable the construction of primary roading in accordance with the structure plan.~~
- (7) ~~Require subdivision to be staged and designed to align with the provision and upgrading of transport infrastructure including on the wider transport network.~~

- (8) ~~Avoid subdivision, use and development prior to the availability of appropriate road infrastructure, including on the wider transport network, to service the development in the Okura Precinct.~~

~~The overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above.~~

1527.4. Activity table

~~The provisions in any relevant overlays, Auckland-wide provisions and the zone apply in this precinct unless otherwise specified below.~~

~~The Auckland-wide subdivision provisions in E38 Subdivision—Urban and the Auckland-wide land disturbance provisions in E11 Land disturbance—Regional and E12 Land Disturbance—District apply as well as the subdivision assessment criteria and land disturbance assessment criteria outlined below.~~

~~Table 1527.4.1—1527.4.3 specifies the activity status of land use and development activities pursuant to section 9(2) and section 9(3) of the Resource Management Act 1991, subdivision activities pursuant to section 11 of the Resource Management Act 1991 and activities in, on, under or over streams pursuant to section 13 of the Resource Management Act 1991.~~

~~A blank in Table 1527.4.1 Okura Precinct-wide below means that the provisions of the overlays, zone or Auckland-wide apply~~

Table I527.4.1 Okura Precinct-wide

Activity	Activity status
Land disturbance activities in riparian yards These rules replace the Land disturbance – district rules at E12.6.2(1) with regard to riparian yards only	
(A1)	Land disturbance in riparian yards of streams in accordance with the Precinct Plan 1 – Stream Management RD
(A2)	Land disturbance in riparian yards of streams not in accordance with the Precinct Plan 1 – Stream Management D
Stormwater management – quality	
(A3)	Installation of high contaminant yielding building materials for dwellings* NC
Stream management These rules replace those for the equivalent specified activity at Table E3.4 Activity table for Lakes, rivers, streams and wetland management with regard to streams only. The rules for activities not specified below are as provided for in E3.4 Activity table – Lakes, rivers, streams and wetlands Refer to Precinct Plan 1 – Stream Management.	
(A4)	Depositing any substance for the purposes of habitat enhancement or scientific research: -Stream Type A P -Stream Type B RD -Stream Type C D
(A5)	Depositing any substance excluding litter, refuse, other waste, and/or contaminated material: -Stream Type A D -Stream Type B RD -Stream Type C P
(A6)	Channel clearance more than 100m: -Stream Type A D -Stream Type B RD -Stream Type C P
(A7)	Diversion of a stream to a new course: -Stream Type A D -Stream Type B RD

	-Stream Type C	P
(A8)	New reclamation or drainage of streams: -Stream Type A -Stream Type B -Stream Type C	D RD P
Subdivision and Land Disturbance		
The Auckland wide subdivision provisions in E38 Subdivision – Urban and the Auckland wide land disturbance provisions in E11 Land disturbance – Regional and E12 Land Disturbance – District apply as well as the subdivision assessment criteria and land disturbance assessment criteria outlined below.		
Use and development		
All activities and development listed in Activity Tables H1.4.1 Large Lot Zone, H4.4.1 Mixed Housing Suburban Zone and H7.9.1 Open Space Zones		

***High contaminant yielding building material**

Building roofing, spouting, external wall cladding and architectural features using materials with an:

- exposed surface or surface coating of metallic zinc or any alloy containing more than 10 percent zinc unless the material has been demonstrated by testing to have a long term zinc yield of less than 30 µg/L total zinc
- exposed surface or surface coating of metallic copper or any alloy containing more than 10 percent copper, unless the material has been demonstrated by testing to have a long terms copper yield of less than 10 µg/L total copper
- exposed treated timber surface or any roof material with a copper or zinc contained algaecide, unless the material has been demonstrated by testing to have a long term copper yield of less than 10 µg/L total cooper and zinc yield of less than 30 µg/L total zinc.

Table I527.4.2 Sub-precinct A – Residential

Activity	Activity status	
Commerical		
These rules are in addition to the Residential – Mixed Housing Suburban provisions in Table H4.4.1 Activity table		
(A9)	Commercial services	P
(A10)	Food and beverage	P
(A11)	Retail up to 450m ² gross floor area per tenancy	P
(A12)	Commercial services, food and beverage and retail up to 450m ² gross floor area per tenancy that meets the	P

	Standards	
(A13)	Commercial services, food and beverage and retail up to 450m ² gross floor area per tenancy that does not comply with the Standards	NC
Community		
These rules are in addition to the Residential – Mixed Housing Suburban provisions in Table H4.4.1 Activity table		
(A14)	Open space for informal recreation purposes	P
Development		
These rules are in addition to the Residential – Mixed Housing Suburban provisions in Table H4.4.1 Activity table		
(A15)	Construction of buildings for commercial services, food and beverage and retail up to 450m ² gross floor area per tenancy	RD
(A16)	Additions and alterations of buildings for commercial services, food and beverage and retail up to 450m ² gross floor area per tenancy	P
(A17)	Demolition of buildings for commercial services, food and beverage and retail up to 450m ² gross floor area per tenancy	P
(A18)	Construction of buildings for informal recreation purposes	P
(A19)	Construction of the Collector Road and Esplanade Road road network in accordance with Okura: Precinct plan 2: Roads	P
(A20)	Construction of the Collector Road and Esplanade Road road network not in accordance Okura: Precinct plan 2: Roads	D

Table I527.4.3 Sub-precinct B – Okura Open Space

Activity	Activity status
Infrastructure	
These rules are in addition to the Open Space – Conservation and Open Space – Information recreation provisions in Table H7.9.1 Activity table	
(A21)	Construction of the Collector Road and Esplanade Road road network in accordance with Precinct Plan 2 – Roads
(A22)	Construction of the Collector Road and Esplanade Road road network not in accordance with Precinct Plan 2 – Roads

1527.5. Notification

- (1) Any application for resource consent for an activity listed in Table 1527.4.1, 1527.4.2 and 1527.4.3 Activity tables above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

1527.6. Standards

The overlay, Auckland-wide and underlying zone standards apply in this precinct in addition to the following standards:

All activities listed as permitted and restricted discretionary in Table 1527.4.1, 1527.4.2 and 1527.4.3 Activity Table must comply with the following standards.

1527.6.1. Commercial services, food and beverage and retail up to 450m² in sub-precinct A

- (1) The total combined gross floor area of commercial services, food and beverage and retail activities within the Residential sub-precinct is 2000m².
- (2) Noise generated by commercial services, food and beverage and retail activities shall be subject to the following noise levels measured at or within the boundary of any property in the residential zone:

1527.6.1.1. Table 1

Monday to Saturday 7am-10pm —	55dB L _{Aeq}
Sunday 9am-6pm —	
All other times	45dBA L _{Aeq} 60dB L _{Aeq} at 63Hz 55dB L _{Aeq} at 125Hz 75dB L _{AFmax}

1527.6.2. Land disturbance activities

The Auckland-wide Land disturbance—Regional provisions and Auckland-wide Land disturbance—District provisions apply to all earthworks within the Okura Precinct except for E12.6.2(1) Land disturbance within Riparian Yards.

~~1527.6.3. Stream management—Depositing any substance for the purposes of habitat enhancement or scientific research, Depositing any substance excluding litter, refuse, other waste, and/or contaminated material, channel clearance more than 100m, diversion of a stream to a new course and new reclamation or drainage of streams~~

- ~~(1) As part of any works in Stream Types A-C in which a culvert identified in Precinct Plan 1—Stream Management is located, that culvert shall be removed in accordance with Standard E3.6.1.13—Works on structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water for the demolition or removal of existing structures~~
- ~~(2) Depositing substances for the purpose of habitat enhancement

 - ~~(a) All stream types

 - ~~(i) Any land disturbance associated with the depositing substances for the purpose of habitat enhancement is subject to the Land Disturbance—Regional provisions E11.6.2(1)-(9) and Land Disturbance—District provisions E12.6.2(2)-(7).~~~~~~
- ~~(3) Depositing any substance excluding litter, refuse, other waste, and/or contaminated material

 - ~~(a) Stream Type C

 - ~~(i) Any land disturbance associated with the substance deposition in Stream Type C is subject to the Land Disturbance—Regional provisions E11.6.2(1)-(9) and Land Disturbance—District provisions E12.6.2(2)-(7).~~~~~~
- ~~(4) Channel clearance more than 100m

 - ~~(a) Stream Type C

 - ~~(i) Any land disturbance associated with the channel clearance in Stream Type C is subject to the Land Disturbance—Regional provisions E11.6.2(1)-(9) and Land Disturbance—District provisions E12.6.2(2)-(7).~~~~~~
- ~~(5) Diversion of a stream to a new course

 - ~~(a) Stream Type C

 - ~~(i) Any land disturbance associated with the diversion of Stream Type C is subject to the Land Disturbance—Regional provisions E11.6.2(1)-(9) and Land Disturbance—District provisions E12.6.2(2)-(7).~~~~~~

(6) ~~New reclamation or drainage of streams~~(a) ~~Stream Type C~~

- (i) ~~Any land disturbance associated with the diversion of Stream Type C is subject to the land disturbance land use provisions in the Land Disturbance—Regional provisions E11.6.2(1)–(9) and Land Disturbance—District provisions E12.6.2(2)–(7).~~
- (ii) ~~The extent of stream restoration of Streams A or B within the Precinct, to compensate for the loss of aquatic habitat of Stream C, shall be determined in accordance with ARC TP 302, making use of the Stream Ecological Valuation and Environmental Compensation Ratio methodologies. A restoration plan shall be provided to the council's monitoring officer at least ten working days prior to reclamation or drainage of Stream Type C.~~

1527.6.4. Transport Infrastructure

- (1) ~~The Collector Road and Esplanade Road network shall be constructed in accordance with Okura Precinct plan 2 with regard to the road layout.~~
- (2) ~~Subdivision, building, development and land use is to be staged in accordance with the ability of the wider transport network infrastructure to service development in the Okura Precinct.~~

1527.6.5. Commercial services, food and beverage and retail up to 450m² in Sub-precinct A—Residential

- (1) ~~All new buildings and development on site(s) to be used for Commercial services, food and beverage and retail up to 450m² in 1527.6.1 above shall be subject to the Standards of the Business—Neighbourhood Centre Zone at H12.6.~~

1527.6.6. Fences on side and rear boundaries adjacent to an open space zone

- (1) ~~Fences and retaining walls located on the side and rear boundaries and yards of all sites, where they are adjacent to the open space zone, shall comply with the following development controls:~~
 - (a) ~~The maximum fence height must not exceed 1.2m.~~
 - (b) ~~The maximum retaining wall height must not exceed 0.5m.~~
 - (c) ~~The total retaining wall and fence height must not exceed 1.7m where the fence is at least 50% visually permeable.~~

1527.6.7. Rainwater

- (1) All new residential buildings within the Okura Precinct shall be fitted with dual purpose (for both attenuating peak flows and for the non-potable reuse of stormwater) rain water tanks and all associated plumbing.
- (2) The size of the raintank is to be determined by reference to the roof area of the dwelling and the nature and extent of other on-site stormwater management techniques to be used however, the minimum raintank size must be 3000L per dwelling.

1527.7. Assessment—controlled activities

There are no controlled activities in this precinct.

1527.8. Assessment—restricted discretionary activities

1527.8.1. Matters of discretion

The council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) for subdivision:
 - (a) the provision of adequate access to existing and new infrastructure and provision of appropriate management of effects of stormwater;
 - (b) the matters in E.38.12.1(5)(a)—Subdivision establishing esplanade reserves; and
 - (c) the staging of subdivision, building, development and land use in accordance with the availability of transport infrastructure on the wider transport network to service the Okura Precinct.
- (2) for land disturbance:
 - (a) the matters in E12.8.1(1); and
 - (b) the matters in E11.8.1(1).
- (3) for land disturbance in riparian yards:
 - (a) the matters in E12.8.1(1).
- (4) for stream management—Depositing any substance for the purposes of habitat enhancement or scientific research, Depositing any substance excluding litter, refuse, other waste, and/or contaminated material, channel clearance more than 100m, diversion of a stream to a new course and new reclamation or drainage of streams:
 - (a) the matters in E3.8.1(1) do not apply instead the following matters apply:

- (i) ~~the effects on the quality and ecological values of the affected streams reached;~~
 - (ii) ~~the effects on aquatic and riparian habitat;~~
 - (iii) ~~the effects on indigenous riparian and/or wetland vegetation;~~
 - (iv) ~~the silt control and sediment control and land stabilisation methods;~~
~~and~~
 - (v) ~~the effects of stream bed and channel loss and/or disturbance.~~
- (5) ~~for construction of buildings for commercial services, food and beverage and retail up to 450m² gross floor area per tenancy:~~
- (a) ~~the matters in H12.8.1(3)—new buildings and alterations and additions to buildings not otherwise provided for.~~
- (6) ~~for fences on side and rear boundaries adjacent to an open space zone:~~
- (a) ~~the effects of the location and design of the fence on an open space zone.~~
- (7) ~~for rain water:~~
- (b) ~~the effects of stormwater runoff on the environment.~~

1527.8.2. Assessment criteria

The council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) ~~for subdivision:~~
 - (a) ~~for the provision of adequate access to existing and new infrastructure and provision of appropriate management of effects of stormwater—the subdivision assessment criteria at E.38.12.2(7) applies in addition to the following:~~
 - (i) ~~the extent to which the amount of stormwater to be generated from the future development of any sites created takes into account existing and future stormwater flows;~~
 - (ii) ~~whether the subdivision incorporates the principles of low impact design;~~
 - (iii) ~~whether sufficient space has been provided for the required stormwater mitigation measures whether they be on private lots or within the public realm;~~
 - (iv) ~~whether practical controls maintain or enhance ground water to stability; and~~
 - (v) ~~the extent to which stormwater mitigation devices will be maintain in the long term.~~

- (b) ~~for subdivision establishing esplanade reserves—the subdivision assessment criteria at E38.12.2(5)(a) applies in addition to the following:~~
 - (i) ~~the extent to which riparian planting is used for all retained streams;~~
 - (ii) ~~the extent to which indigenous species are incorporated;~~
 - (iii) ~~whether there is adequate access to existing and new infrastructure provided;~~
 - (iv) ~~implementation and staging;~~
 - (v) ~~the vesting at no cost to Council of each portion of the land zoned Open Space—Conservation; and Open Space—Informal Recreation; and~~
 - (vi) ~~whether the location of public access and community amenity facilities should not adversely affect the amenity values and visual character of the precinct and adjacent sites.~~
- (c) ~~for subdivision and development, demonstrate whether all necessary transport infrastructure, including on the wider transport network can be provided in a timely and co-ordinated manner to service the precinct.~~
- (d) ~~where transport infrastructure is required on the wider transport network as identified in an integrated transport assessment, the preparation of infrastructure agreement or other such measure must be agreed with service providers to ensure that the infrastructure required to service the subdivision can be funded in a time manner.~~
- (2) ~~for land disturbance:~~
 - (a) ~~In addition to the assessment criteria E12.8.2(1) and E11.8.2(1) general earthworks for sediment and erosion control the following applies:~~
 - (i) ~~the extent to which progressive stabilisation of earthworked areas occur as soon as final contours are established and/or when the exposed area will not be worked on for four weeks or more;~~
 - (ii) ~~whether additional contingency interception measures such as additional down slope earth bunds, super silt fencing and stormwater ponds (pre-commissioning) as may be appropriate; and~~
 - (iii) ~~whether features such as larger volume to increase retention time, floating decants, a forebay pond, a wide level spreader at the inlet and a discharge rate of 3 litres per second per hectare of catchment draining to the pond have been considered in pond design.~~
- (3) ~~for land disturbance in riparian yards:~~
 - (a) ~~The assessment criteria listed in E12.8.2(1).~~
- (4) ~~for stream management:~~

The assessment criteria in E3.8.2(1) does not apply, instead the following assessment criteria applies:

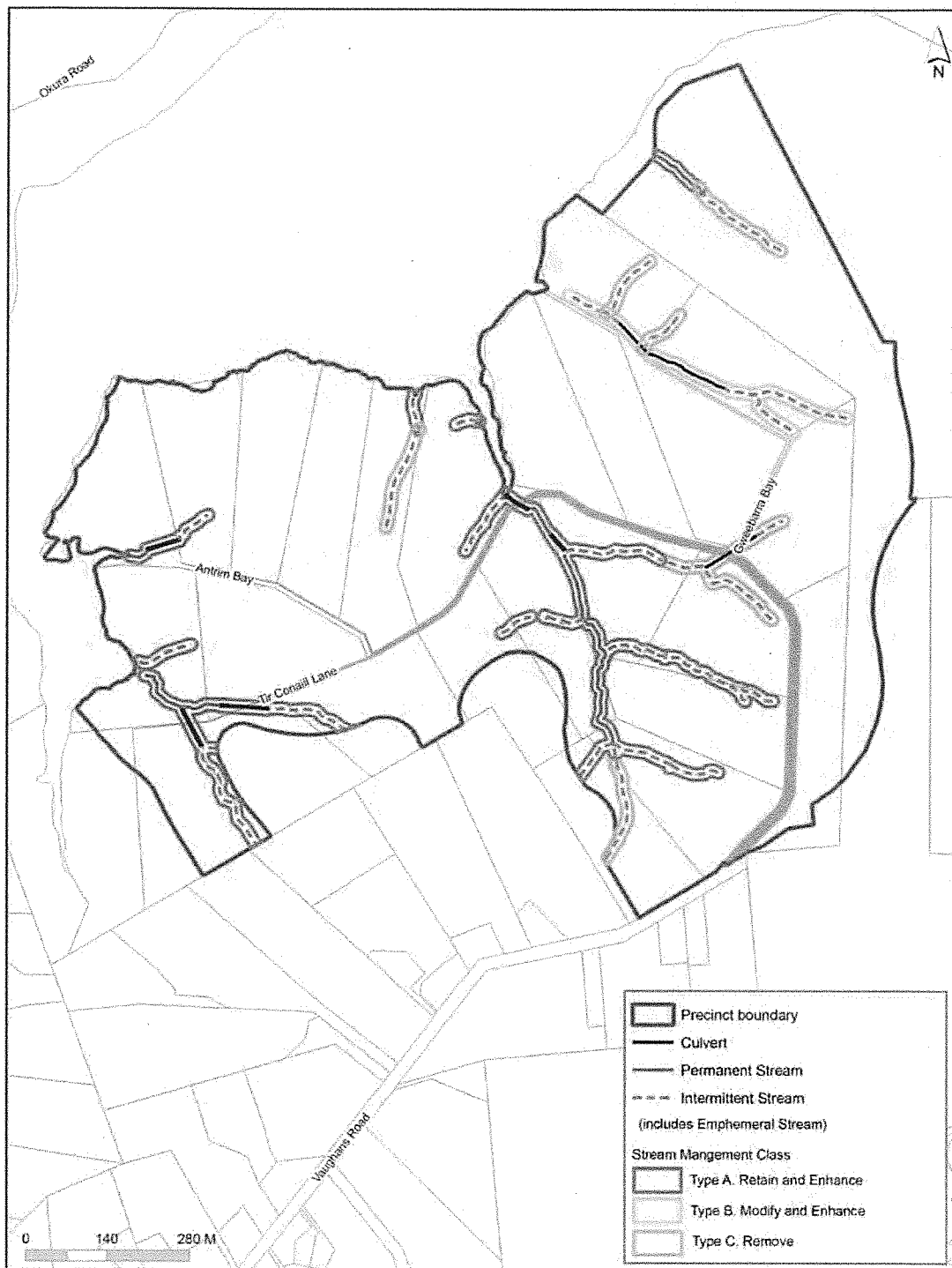
- (a) Deposition, channel clearance, diversion to a new course, or new reclamation or drainage of Stream Type B:
 - (i) whether any adverse effects on the quality and ecological values of the affected stream reached;
 - (ii) the extent to which mitigation is proposed for the loss of aquatic and riparian habitat from Stream Type B;
 - (iii) the extent to which the quality and ecological values of any indigenous riparian and/or wetland vegetation is removed from Stream Type B in undertaking deposition, clearance, diversion or reclamation;
 - (iv) the extent to which silt and sediment control and land stabilisation methods are to be used during diversion, reclamation or drainage; and
 - (v) the extent to which there is stream bed and channel loss and/or disturbance associated with the activity and any positive outcomes of channel modifications.
- (5) for construction of buildings for commercial services, food and beverage and retail up to 450m² gross floor area per tenancy:
 - (a) the assessment criteria in H12.8.2(3) — new buildings and alterations to buildings not otherwise provided for.
- (6) for fences on side and rear boundaries adjacent to an Open Space Zone:
 - (a) the extent to which the scale and form of fencing and retaining maintains open sightlines between the residential site and the open space zone;
 - (b) whether the scale and form of fencing and retaining is in keeping with the scale and form continuity of adjoining fencing/retaining to the open space zone; and
 - (c) whether vegetation planting in front of the fencing/retaining is able to be planted and maintained on the residential site.
- (7) for rainwater:
 - (a) the extent to which the building or site incorporates other effective methods of rain water collection and reuse.

1527.9. Special information requirements

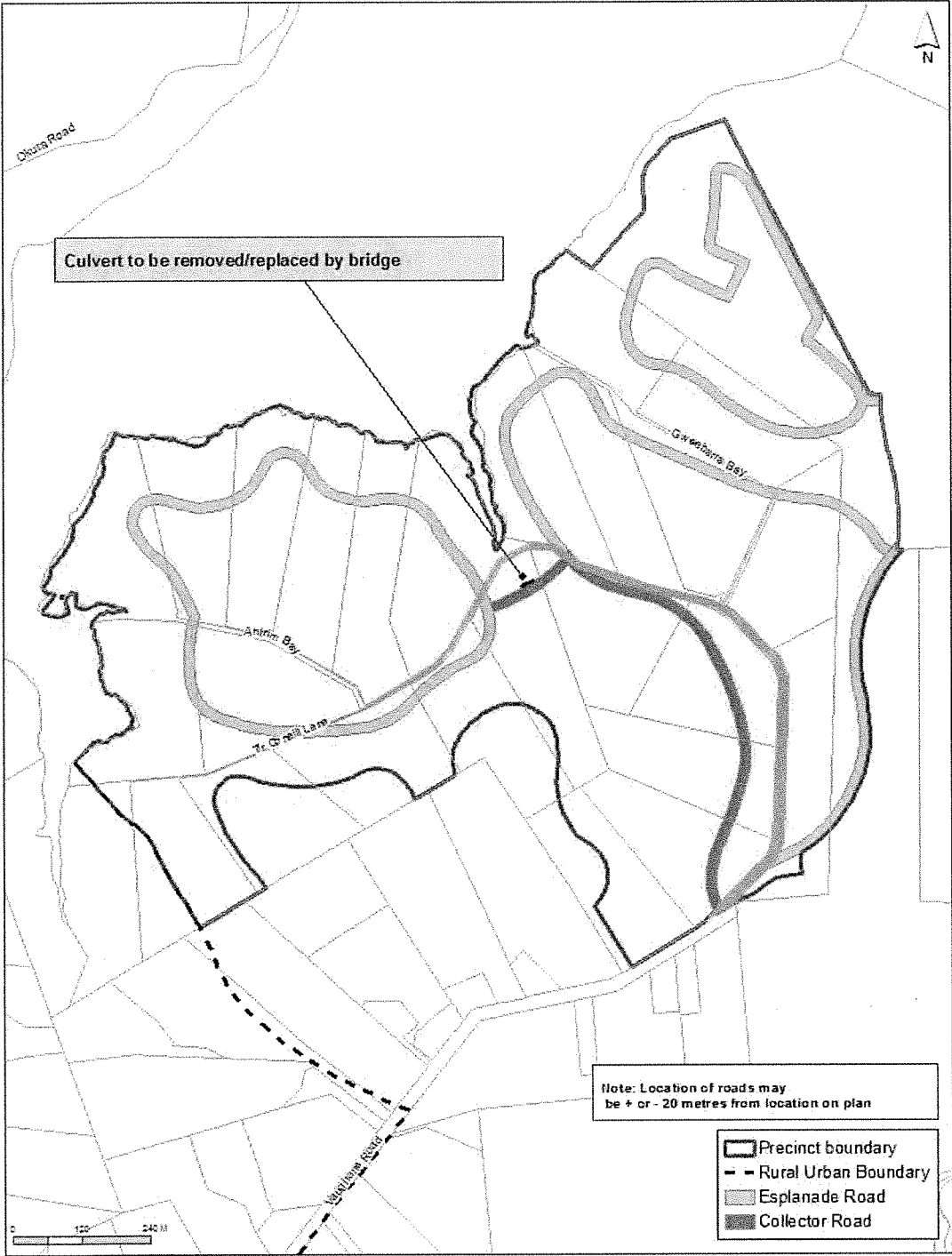
An integrated transport assessment shall be prepared as part of the first subdivision resource consent application or land use resource consent application to determine the transport infrastructure required on the wider transport network to support the development and to determine the appropriate staging of provision of the transport infrastructure.

1527.10. Precinct plans

1527.10.1. Okura: Precinct plan 1 – Stream Management



1527.10.2. Okura: Precinct plan 2—Roads



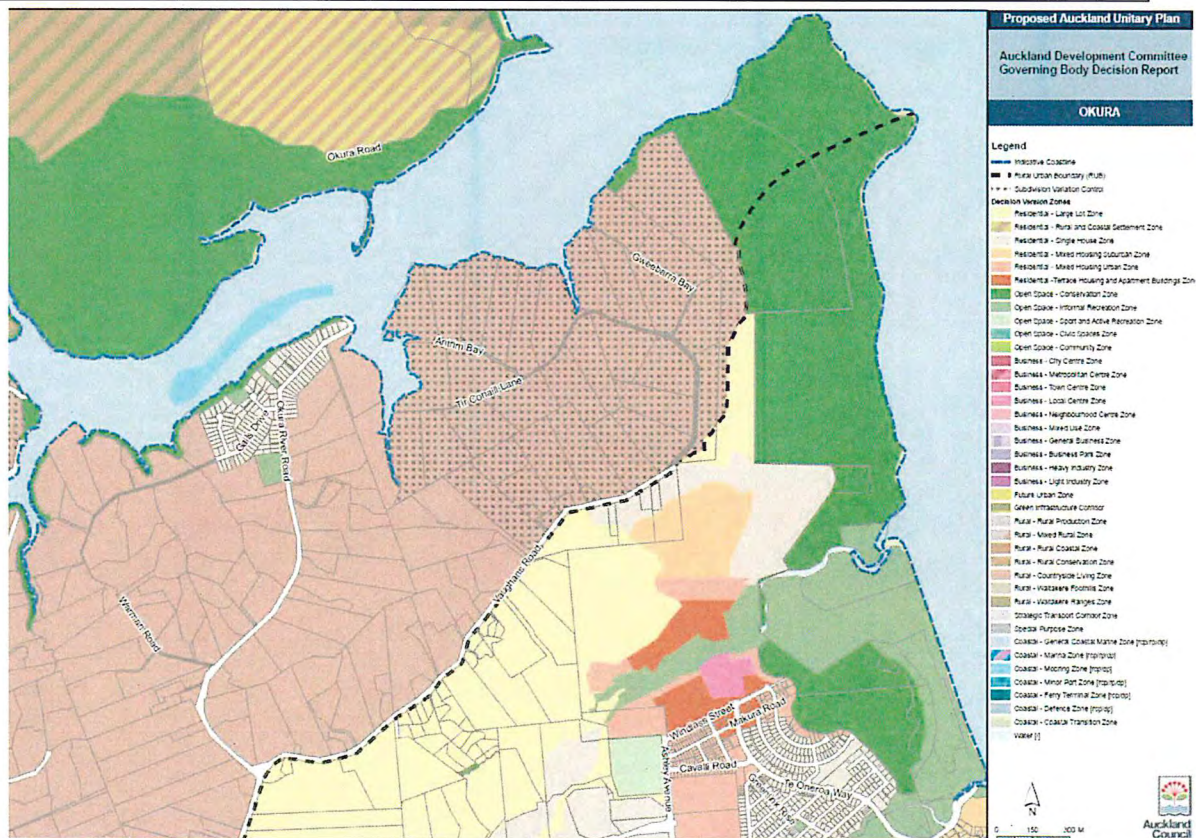
Consequential Changes:

i. Add Okura East to the bottom of Table E39.6.5.2.1:

Table E39.6.5.2.1 Minimum and minimum average net site areas

Location of Rural – Countryside Living Zone	Minimum net site area and average net site area without transferable rural site subdivision	Minimum net site area and average net site area with transferable rural site subdivision
...		
<u>Okura East</u>	<u>Minimum: 4ha</u>	<u>N/A</u>

Topic Number	Topic Name	Change requested to planning maps
Topic 016, 017, 080, 081	Rural Urban Boundary, rezoning and precincts (North)	Delete the Okura Precinct in its entirety. Retain the Rural Urban Boundary along Vaughans Road. Rezone the land north of Vaughans Road Countryside Living. Place a subdivision variation control over the land known as Okura East.



Attachment B

**Copy of relevant part of Hearing Panel's
Recommendation**

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

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

Annexure 4
Precincts North

July 2016

527 Ōkura Precinct, Rural Urban Boundary and rezoning

1. Summary of recommendations

The Panel supports this precinct as requested by Ōkura Holdings Limited. The precinct is however amended to only relate to the 130 hectares of land owned by Ōkura Holdings Limited and to exclude the 20 hectares of land not owned by Ōkura Holdings Limited.

Key issues in relation to the Ōkura Holdings Limited land were firstly, whether or not the land should be included within the Rural Urban Boundary, and secondly, if it were to be within the Rural Urban Boundary, whether the land should be zoned Future Urban Zone or whether 'live urban' zonings should be applied.

The Council, the Long Bay-Ōkura Great Park Society and the Ōkura Environmental Group did not support a shift in the Rural Urban Boundary, nor did they support any 'live urban' zonings for the proposed Ōkura Precinct.

The Panel agrees with Ōkura Holdings Limited that it is appropriate to relocate the Rural Urban Boundary and also recommends 'live urban' zonings that include approximately 75 hectares of Residential – Large Lot and Residential – Mixed Housing Suburban zoned land and approximately 55 hectares of Open Space – Conservation and Open Space – Informal Recreation zoned land.

This precinct was heard in Topic 081.

2. Precinct description

The Ōkura Precinct applies to 130 hectares of land to the north of Vaughan's Road, generally bound by Long Bay Regional Park and Piripiri Point to the east, the Ōkura Estuary to the north and a tributary to the Ōkura Estuary to the west. The amended precinct excludes approximately 20 hectares of land not owned by Ōkura Holdings Limited because the detailed structure planning undertaken by Ōkura Holdings Limited, and the evidence in support of the proposed precinct, related only to the Ōkura Holdings Limited land. There was insufficient evidence presented to the Panel in relation to the additional 20 hectares of land to support it being included in the precinct or rezoning.

The precinct reflects the opportunity offered by the land being held by a single landowner, combined with the opportunity for a substantial waterfront reserve that will extend the Long Bay Regional Park to within 150 metres of the Ōkura Village with esplanade reserves of between 70 and 170 metres in width that connect with the Ōkura Estuary Scenic Reserve.

The Ōkura Precinct comprises land zoned Open Space – Conservation Zone, Open Space – Informal Recreation Zone, Residential – Large Lot Zone, and Residential – Mixed Housing Suburban Zone. The spatial application of these zones has been informed by a structure planning process that has taken into account the natural, physical, cultural, and historic characteristics of the site and surrounds, with the aspiration to facilitate medium-density, comprehensive residential development that achieves a high level of protection and enhancement of the environment within the site and site surrounds.

The purpose of the Ōkura Precinct is to introduce additional provisions to enable the stream management approach developed through the structure plan process to be implemented; to

require additional stormwater and earthworks management measures; to ensure the establishment and master planning of land zoned open space; to provide flexibility for limited commercial development and informal public open space within the residential area; and to enable construction of the primary road network.

3. Key issues

The zoning of this land was the key issue in contention. The Panel was fully aware of the earlier Environment Court decisions in relation to the Ōkura and Long Bay area and previous proposals seeking more intensive zoning within the Ōkura catchment.

As discussed in the Council's opening legal submissions, a number of new precincts have been proposed by submitters within the Ōkura catchment. The precincts are in the vicinity of the Ōkura Estuary which forms part of the Long Bay-Ōkura Marine Reserve. None of the proposed Ōkura precincts were included in the proposed Auckland Unitary Plan Unitary Plan as notified and none of these precincts was supported by the Council for inclusion following the hearing of evidence presented by submitters.

Mr Fox in his evidence on behalf of the Council for Topic 016 set out the background to the location of the Ōkura/Long Bay Rural Urban Boundary as follows:

8.1 The RUB in the PAUP as notified is in the same location as the Metropolitan Urban Limit (**MUL**) in the operative RPS which runs along East Coast Road, Ōkura River Road and Vaughans Road as shown in **Figure 1**. In 1996 the Environment Court considered appeals on the position of the MUL in the locality of Long Bay/Ōkura (North Shore City Council & Ors v Auckland Regional Council Decision No A86/96), and in 2003 (Keep Ōkura Green Society Inc & Ors v North Shore City Council Decision No A95/03) the Environment Court considered appeals on the subdivision provisions that should apply for subdivision and associated development within the Ōkura Catchment. The location of the MUL and the type of rural development in the Ōkura Catchment to the north of this limit follows this history of litigation.

8.2 The Ōkura/Long Bay area sits at the northern edge of the former North Shore City Council district. Long Bay is home to the popular coastal Long Bay Regional Park and Long Bay-Ōkura Marine Reserve, shown in **Figure 2**, with an adjacent large scale residential and commercial development by Todd Property Limited, which is currently under development. This development area has a number of urban zones under the PAUP along with a precinct to reflect the comprehensive and mixed use nature of the Long Bay development.

8.3 The Vaughans Road ridge forms the catchment boundary between Long Bay and Ōkura. Ōkura is a rural area of largely lifestyle blocks and also includes the small village of Ōkura (135 existing dwellings). The Ōkura Catchment drains into the Ōkura Estuary which forms part of the Long Bay-Ōkura Marine Reserve. The Ōkura village has a Rural and Coastal Settlement zoning and the surrounding area is zoned Countryside Living in the PAUP as notified.

The Council's position was that the Rural Urban Boundary should remain in its notified location and Ōkura should not therefore be urbanised. The primary reasons for this were, in the Council's view, that the Ōkura urbanisation proposals:

- i. will not give effect to the New Zealand Coastal Policy Statement 2010 due to the likely adverse effects of stormwater contaminants on the indigenous biodiversity in the Long-Bay Ōkura Marine Reserve;
- ii. will not give effect to the National Policy Statement for Freshwater Management 2014; and
- iii. do not provide a defensible boundary of the Rural Urban Boundary for future urban expansion.

The Council also submitted that even if it was appropriate to include the Ōkura land within the Rural Urban Boundary, it would be premature to live zone the Ōkura Holdings Limited land and a Future Urban Zone would be the most appropriate zoning in this circumstance. It was the Council's submission that the joint statement of Mr Peake and Mr Clark dated 20 April 2016 in relation to transport upgrades demonstrated that significant roading upgrades will be required to service the level of development proposed by Ōkura Holdings Limited. These upgrades are listed in table 1 of the joint statement. The joint statement also clearly states that no committed funding is available for these upgrade works.

The Council sought the retention of the notified Countryside Living zoning. The Long Bay-Ōkura Great Park Society and the Ōkura Environmental Group proposed a new countryside living development precinct that would apply to the Ōkura Holdings Limited land and the land zoned Countryside Living Zone further to the west. The notified Countryside Living Zone enabled 4 hectare site sizes and the proposed new countryside living development precinct also enabled 4 hectare sites for the Ōkura Holdings Limited land with 2 hectare average site sizes, with a minimum 0.5 hectare lot sizes for the land further to the west. The Council did not support this proposed countryside living development precinct.

The key conclusions of the evidence presented by Ms Brigid Kelly, on behalf of Ōkura Holdings Limited, were that:

- (a) The proposal is based on a well-researched Structure Plan that provides for a functional, sustainable new residential neighbourhood and community that offers the opportunity for a better outcome than developing the site merely into separate 4 hectare lots. It has high amenity value and protects cultural, ecological and historic attributes of the site and is highly sympathetic to its context.
- (b) Having undertaken a full statutory assessment, Mr Cook considered the Ōkura Holdings Limited proposal is the most appropriate.
- (c) Dr Green was confident in the accuracy of the NIWA modelling work and that it is fit for purpose.
- (d) Drs Lohrer, Townsend and De Luca considered the model is robust and confirmed at the Topic 016 hearing that they have undertaken a dispassionate and robust assessment using the best information available. They considered there will be no effects on biodiversity of the Marine Reserve as a result of Ōkura Holdings Limited's proposal:

...the size of the potentially impacted area is predicted to be very small, and as such, **will not have any detectable adverse effects** on the biodiversity of the Ōkura Estuary as a whole or on the functioning of the Marine Reserve.

(e) Overall, from an ecological perspective, the Ōkura Holdings Limited proposal will have a significantly positive and far better outcome than the likely outcomes of the present Countryside Living use.

(f) Stormwater infrastructure will incorporate Water Sensitive Design principles. Ōkura Holdings Limited's experts were confident that, subject to detailed engineering design, matters such as providing base flow for streams can readily be incorporated. Ōkura Holdings Limited and its experts were confident that medium density is realistic. Similarly, appropriate erosion and sediment control can be readily incorporated.

(g) Ms de Lambert considered that the values and attributes that make the Ōkura Estuary an ONL will not be affected by the proposal and that the Estuary will remain an ONL post development. Furthermore, she recognised the potential for an improvement to the Regional Park as a result of the public open space network and coastal park Ōkura Holdings Limited proposes to vest in Council.

(h) Transportation and other infrastructure capacity issues have been addressed and there is sufficient capacity and no feasibility issues.

(i) The proposal will result in a net gain in both public access and recreational opportunities that will be significant at the local, regional and potentially national level. The proposal for public access to the coastal margin is supported by the Te Araroa Trust (New Zealand Trail) and the NZ Walking Access Commission. (Paragraph number 2.2.)

The Panel notes in particular the evidence of Mr Neil Donnelly in Topic 016 in relation to the experience gained from the development of the adjoining Long Bay land. Mr Donnelly states as follows:

7. The Long Bay Ōkura Marine Reserve was established in the mid 1990's and includes the receiving environments for both the Long Bay and Ōkura land. In this respect many of the considerations relating to the development of the Long Bay Structure Plan are applicable to Ōkura. This includes risk to receiving environments, the importance of stream retention and the impact of creating impervious surfaces through urbanisation and how to mitigate and minimise this.

8. A key factor in taking the risk, including time, cost and uncertainty of outcome in seeking a development outcome different from the sell down scenario once the coastal property market returned was the knowledge and experience gained from earthworking at Long Bay and the years of monitoring results we have observed there. In essence, the design and management of Long Bay as an earthworking site has led to outcomes that exceeded our expectations and given Todd Property the confidence that the Ōkura land can be developed while retaining the ecological values and functioning of the Ōkura Estuary. The ecological protection of the estuary was, and is, a bottom line for Todd Property. Simply put, we do not want to be known as an organisation that is responsible for the degradation of a national Marine Reserve.

9. Long Bay is one of, if not the, most heavily monitored earthworking sites in Auckland. In this regard the knowledge base of earthworking similar soil types, ground conditions and Marine Reserve receiving environment as Ōkura is large and allows informed decision making. Continuous monitoring and testing at Long Bay has proven that efficiencies of greater than 95% (ie less than 5% of

sediment generated during earthworks is discharged) are continually achieved. This compares to the 60-70% efficiency estimates used in the Environment Court proceedings when determining the initial location of the Metropolitan Urban Limit some twenty years ago (Env A86/96). More importantly than the actual quantum of sediment being generated, the effects of this are well understood through monitoring and observation with no discernible impact on the Marine Reserve as I understand it.

10. The Long Bay experience has also provided us with significant knowledge and understanding of Water Sensitive Urban Design (WSUD) principles, and of greater relevance, how to implement these. This includes measures such as stream retention, peak flow mitigation at a household level, bio-treatment of contaminant discharge at source and polishing through 'end of pipe' devices also designed to provide amenity and aesthetic benefit. It was always anticipated that a similar range of measures will be used at Ōkura and Todd Property is at the forefront of the implementation of these in greenfields areas. I would expect even better results to be achieved at Ōkura than at Long Bay with respect to post development run-off as we are constantly improving and learning as we develop Long Bay in small technical areas that makes a difference such a filtration media in rain gardens and relative effectiveness of different planting species.

Mr Donnelly's evidence was supported by the erosion and sediment control evidence of Mr Graeme Ridley, the estuarine modelling evidence of Dr Malcolm Green (the Principal Scientist for Coastal and Estuarine Physical Processes at the National Institute of Water and Atmospheric Research), the marine ecology evidence of Dr Sharon De Luca, Dr Andrew Lohrer and Dr Michael Townsend and the freshwater ecology evidence of Mr Edward Sides.

The Panel heard extensive and detailed evidence on behalf of the Council, Ōkura Holdings Limited, the Long Bay-Ōkura Great Park Society and the Ōkura Environmental Group. The Panel notes that there were other submitters who did not present evidence who had similar concerns to the Council and the submitters opposing any zoning of land within the Ōkura catchment. Apart from those submitters like Ōkura Holdings Limited and the Ōkura Rural Landowners Group who sought an extension to the Rural Urban Boundary, the other submitters were seeking the retention of the Rural Urban Boundary as notified and the retention of countryside living zonings.

4. Panel recommendations and reasons

The Panel, after carefully considering all of the evidence for and against any changes to the Rural Urban Boundary and zoning of land at Ōkura, recommends rezoning and a precinct for the Ōkura Holdings Limited land.

The primary reason for this recommendation is that the structure planning undertaken and the evidence supporting the proposal have been comprehensive and consistent with the approach contemplated by the regional policy statement.

With respect to the most contentious issue, being the extent of adverse effects on the biodiversity of the Ōkura Estuary as a whole or on the functioning of the Marine Reserve, the evidence on behalf of Ōkura Holdings Limited was preferred to the evidence presented by other parties. The primary reasons for this are that the Ōkura Holdings Limited evidence has been based on the specific National Institute of Water and Atmospheric Research modelling

work for the Ōkura Holdings Limited land and the erosion and sediment control experience gained from the recent Long Bay development. In addition specific provisions have been included within the Ōkura Precinct to enable the stream management approach developed through the structure plan process to be implemented and to require additional stormwater and earthworks management measures over and above the Auckland-wide standards contained within the proposed Auckland Unitary Plan Unitary Plan.

In relation to the location of the Rural Urban Boundary the Panel accepts a tributary to the Ōkura Estuary as the recommended western edge of the Rural Urban Boundary at Ōkura. With respect to the Ōkura Precinct, the Panel recommends a zoning of Future Urban for the land within the Rural Urban Boundary that is not owned by Ōkura Holdings Limited that has not been structure planned to the same level of detail as the Ōkura Holdings Limited land. Additionally, instead of following cadastral boundaries, the Future Urban zoning is recommended in relation to the southernmost portions of the Ōkura Holdings Limited land that had been identified through the structure planning process for Residential - Mixed Housing Suburban zoning. The Panel recommends that this land be structure planned in association with the remaining land within the Rural Urban Boundary to enable the integrated development of all of this land.

With respect to the transportation and other infrastructure capacity issues, in this case the Panel envisages that the upgrades and appropriate funding can be reprioritised once the Unitary Plan is operative and the Council's Long-term Plan is reviewed. The Panel has noted in the legal submissions on behalf of Ōkura Holdings Limited that "Mr Donnelly is in ongoing discussions with Auckland Transport in relation to possible funding arrangements."

In terms of an overall broad judgement, and weighing the positive outcomes of the proposed precinct against any adverse effects on the existing environment, including both the land and marine environments, the Panel agrees with the conclusions reached by Mr Karl Cook as set out below.

Inclusion of the Ōkura land within the RUB would be the most appropriate way, in my view, to achieve the RPS objectives relating to quality urban growth, protecting historic heritage, historic character and natural heritage, addressing issues of significance to tangata whenua, and sustainably managing the coastal environment.

This relates primarily to the extent to which the subject land is contiguous with the urbanised area at Long Bay, can be adequately serviced by infrastructure, is free of identified ecological, natural or heritage features while providing a waterfront park of 70-170m depth from the estuary boundary and enabling the protection of the ecological and tangata whenua features that exist in this margin. (Paragraph 8).

A number of other changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan and more minor changes are made to the provisions to improve their functionality and for clarity.

The Panel, having regard to the submissions, the outcomes of mediation, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the provisions of the Ōkura Precinct be adopted, the Rural Urban Boundary be relocated to include the Ōkura Precinct and land within the precinct be rezoned as described in Section 1.2 above. Once amended further by best practice approaches outlined above these

provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

5. Reference documents

- 081 Ak Cncl – LEGAL SUBMISSIONS (PRECINCTS ONLY) (3 March 2016) (page 40)
- 081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 (19 May 2016) (Attachment B, page 33)
- 081b Ak Cncl - Rodney - Precincts (Ōkura) - (A Fox) - Planning (2 February 2016)
- 081b Ak Cncl - Rodney - Precincts (Ōkura) - (A Fox) - Planning - REBUTTAL (2 March 2016)
- 016&017 Hrg - Auckland Council - Ōkura - (Austin Fox) - Planning (3 November 2015)
- 016&017 Hrg - Auckland Council - 016 Area Specific Evidence - Austin Fox - Planning - Ōkura - REBUTTAL (23 December 2015)
- 081b Ak Cncl - Rodney - Precincts (Ōkura) - (M Peake) - Transport - REBUTTAL (1 March 2016)
- 016&017 Hrg – Ōkura Holdings Limited - Legal Submissions (26 January 2016)
- 016&017 Hrg - Ōkura Holdings Ltd (Andrew Lohrer & Michael Townsend) - Marine Ecology (27 November 2015)
- 016&017 Hrg - Ōkura Holdings Ltd (Edward Sides) - Freshwater Ecology (27 November 2015)
- 016&017 Hrg - Ōkura Holdings Ltd (Karl Cook) - Planning (27 November 2015)
- 016&017 Hrg - Ōkura Holdings Ltd (M Green) - Supplementary Evidence - Summary Statement Estuarine Modelling (27 January 2016)
- 016&017 Hrg - Ōkura Holdings Ltd (Malcolm Greene) - Estuary Modelling (27 November 2015)
- 016&017 Hrg - Ōkura Holdings Ltd (Neil Donnelly) - Corporate (27 November 2015)
- 016&017 Hrg - Ōkura Holdings Ltd (Rachel Lambert) - Landscape (27 November 2015)
- 016&017 Hrg - Ōkura Holdings Ltd (Sharon de Luca) - Marine Ecology (27 November 2015)
- 081 Ōkura Holdings Limited (B Kelly) - Legal Submissions (21 April 2016)
- 081 Ōkura Holdings Limited and Auckland Council (I Clarke, M Peake) - Transportation - Joint hearing statement (20 April 2016)

As well as the evidence listed above, the extensive evidence and legal submissions of the Long Bay Ōkura Great Park Society and Ōkura Environmental Group to Topic 081 and Topic 016 were relied on by the Panel and can be viewed on the Panel's website under each of these topics.

Attachment C

Copy of Submission

#2514

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
FORM 2



Correspondence to :
Attn: Unitary Plan Submission Team
Auckland Council
Freepost Authority 237170
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

24 FEB 2014

29 FEB 2014

Submitter details

Full Name of Submitter or Agent (if applicable)

Weili Yang

Address for service of the Submitter

189 Vaughans Rd, Okura
(P O Box 65050, Mairangi Bay 0754)

Email: hollyauckland@hotmail.com

I live in the following Local Board area (if known) Hibiscus Bays

Contact Person: (Name and designation if applicable)

John Deng

Scope of submission

This is a submission to: Proposed Auckland Unitary Plan

The specific provisions that my submission relates to are:
Please identify the specific parts of the Proposed Plan

Minimum and average net site areas for subdivision in Countryside Living Zones (Table 10) part 3. Regional and District Rules.

- o Rule 2.3.3 Rural zones. The specific provision is the minimum net site area requirement of 4 ha applying to the Okura Countryside Living zone.

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes

The reasons for my views are:

The proposed 4 hectare minimum subdivisional site area fails to recognize the existing character of the Okura Countryside Living area wherein the majority of rural residential land holdings are already substantially less than 4 hectares in size. This pattern of subdivision reflects the extensive subdivision which has occurred under the minimum 2 hectare subdivision provisions applying to much of Okura in the current Operative Auckland Plan (North Shore) over the past two decades. Significant opportunities exist to allow this progressive intensification of rural landholdings to continue without loss of the natural and physical character of the landscape.

1/3

#2514

I seek the following decision from Auckland Council:

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

Amend the 4 hectare minimum site area in Okura (Table 10) to 4,000m² minimum site area. This minimum site area of 4,000m² will allow for continued rural residential development but at a sufficiently low density as to protect the natural and physical environment particularly in respect of:

- Reducing the amount of sedimentation generated at development stage
- Providing for sites large enough to allow unsewered residential development
- Retaining the overall character of the landscape particularly the low density character of the western most parts of the Okura area north of the Vaughans Road ridgeline
- Providing for a transition from the Long Bay Urban development to Rural development north of the Okura River Estuary.

The attached plan outlines the area of Okura which is subject to this amendment proposal.

I wish to be heard in support of my submission-

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

Telephone- 021-658618

Please note that your contact details and phone number will be publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

Signature of Submitter
(or person authorised to sign on behalf of submitter. A signature is not required if you make your submission by electronic means)

Yangwedli

Date 23/2/2014

Notes to person making submission:

If you make your submission by electronic means, the email address from which you send the submission will be treated as an address for service.

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

~~I could~~ I **could not** gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

2/3



Okura Countryside Living Area

Okura Countryside Living Area
Subject of Submission seeking amendment of minimum Subdivisional Site Area
from 4 ha to 4,000m2



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1:15,000 Auckland Council
Plan Created: 18/09/12