

# Memo

17 January 2018

To: Planning Committee Members

cc: Celia Davison, Megan Tyler, David Wong, Barry Mosley, Vanessa Leddra, Sukhdeep Singh.

From: Trevor Watson – Team Leader Central South – Plans and Places

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Subject: Auckland Unitary Plan (Operative in Part) – Private Plan Change Request from Karaka and Drury Limited – Auranga B1.

## **Purpose of the Memo**

To inform members of the details of the council's final submission on the Auranga Private Plan Change, which was considered at the Planning Committee meeting on the 5th September 2017.

## **Private Plan Change Request**

The request was lodged on 9 June and seeks to rezone 84.6 ha of rural land in the Drury area from Future Urban Zoned land within the Unitary Plan to Mixed Housing Urban and Mixed Housing Suburban zones to provide for approximately 1300 dwellings. The Auranga B1 land is immediately adjacent to the existing Bremner Road Special Housing area identified as the Drury 1 precinct in the Auckland Unitary Plan.

The application was supported by a comprehensive set of technical reports including assessments relating to stormwater, flood risk management, wastewater and water, transport and traffic, urban design and landscape, structure planning, cultural effects, archaeology, ecology, earthworks, precinct plan provisions, infrastructure, infrastructure funding and policy analysis. The proposal seeks to extend the existing Drury 1 precinct provisions to cover the new development area.

The Plan change was notified on 17 October. The period for submissions closed on 17 November with the summary of submissions notified on 30 November. The period for further submissions closed on 14 December.

## **Council's Submission on the Plan Change**

As part of officer's technical assessment of the Plan Change details and related Precinct provisions, a number of issues were identified. The majority of which are matters of detail which require clarification to ensure that the new Private Plan Change provisions are robust / up to date and accurately reflect the agreed approach within the Unitary Plan (Operative in part). In order to ensure that these issues are addressed through the forthcoming Hearing process, officers (under delegated powers), made the following points in a Council submission on the Plan Change.

### **Theme 1 – Clarity**

#### **Submission - Precinct provisions**

The private plan change seeks to extend the Drury 1 precinct provisions over an area of approximately 83.05ha. It needs to be clear as to the exact provisions which will apply to the Drury 1 precinct extension where these diverge from those of the Drury 1 precinct.

### **Relief**

Either place all the provisions that apply to the Drury 1 precinct extension within its own separate precinct or format the Drury 1 precinct provisions in a way that it is clear as to the precinct provisions that apply only to the Drury 1 precinct extension.

### **Reasons**

It is important that readers of the Auckland Unitary Plan (OIP) have certainty and clarity as to which provisions apply to the Drury 1 precinct extension as against the Drury 1 precinct.

### **Submission - Links to Overlays**

The provisions for the Drury 1 precinct extension should recognise and support the overlays that exist in the Auckland Unitary Plan. For example, the Drury 1 Precinct extension area has a natural resources overlay described as the High Use Stream Management Areas Overlay.

### **Relief**

In the precinct description outline the overlays that apply to the Drury 1 Precinct extension and provide a cross reference to the relevant sections of the Auckland Unitary Plan (Operative in part).

### **Reasons**

It is important that readers of the Auckland Unitary Plan (OIP) have certainty and clarity as to which overlays apply to the Drury 1 precinct extension.

### **Submission – Inaccurate References to Zones**

In section 6.4 Park Edge Roads of the private plan change reference is made to a Public Open Space zone. However, there is nothing specifically denoted as a “Public Open Space Zone” in the Auckland Unitary Plan (OIP) rather there are a number of zones for the purpose of providing land for different open space purposes.

### **Relief**

In the context of the Drury 1 precinct extension provisions clarify that this is a generic reference to open space zones by amending the paragraph to read:

“Where subdivision adjoins a ~~Public~~ any Open Space Zone or Future Esplanade Reserves on Precinct Plan 1 and 2, or a recreation reserve to vest then park edge roads must be provided.”

### **Reasons**

There is no reference in the Auckland Unitary Plan (OIP) to a “Public Open Space Zone”.

## **Theme 2 – Accuracy of Content**

### **Submission – National Grid**

The Drury 1 precinct contains precinct specific provisions for the National Grid. Owing to the implementation of a recent High Court consent order the National Grid Yard provisions have become outdated. Also a consent order for the National Grid subdivision corridor will make all the other National Grid provisions within the precinct outdated.

### **Relief**

Update the National Grid provisions applicable to the Drury 1 precinct extension to align with the provisions of the National Grid Corridor Overlay.

### **Reasons**

The National Grid provisions applying to the Drury 1 precinct extension should reflect any consent orders in existence at the time the decision on the private plan change is determined.

## **Theme 3 – Alignment to the Auckland Unitary Plan (OIP)**

### **Submission – Riparian Issues**

The Drury 1 precinct extension is an area subject to an Auckland Unitary Plan (OIP) natural resources overlay, namely the High –Use Stream Management Areas Overlay. The policy direction for this overlay area is to ensure that water continues to be available from high use streams within limits while safeguarding the life supporting capacity and amenity values of any stream. Furthermore, the policy emphasis for this overlay area in the Auckland Unitary Plan (OIP) is also to avoid effects of other uses on streams as practicable, otherwise it is necessary to remedy or mitigate effects.

### **Relief**

Either:

1. Provide a cross reference to Chapters D3 High-use Stream Management Areas Overlay and E3 Lakes, Rivers, Streams and Wetlands in the precinct provisions for the Drury 1 Precinct extension.
2. Delete policy 14 as set out below:-  
  
~~Where offset mitigation is required to address adverse effects on ecology values, the preference is for this to be directed to the Drury Creek Islands Recreation Reserve~~
3. Provide a policy framework for riparian issues which safeguards the life supporting capacity and amenity values of streams in Drury 1 Precinct extension area and is aligned to the general direction of the Auckland Unitary Plan (OIP).

### **Reasons**

The Auckland Unitary Plan (OIP) clearly establishes a directive that adverse effects on streams is in the first instance to be avoided. If avoidance is not possible then measures to address adverse effects on streams must focus on remediation or direct mitigation. Offset mitigation can only be contemplated when other possible options of avoidance, remediation and mitigation are not practicable.

## **Theme 4 – Objectives and Policies**

### **Submission – Equity References and Objectives 8, 9 and Policies 16 and 17**

A number of objectives and policies have an emphasis on the equitable funding of infrastructure. The timely provision, co-ordination and funding of physical infrastructure is a resource management issue. The proportionality or equitable nature or otherwise of funding is not a resource management issue. The Unitary Plan template does not have a category called “Other methods”. The use of other methods should be described in the precinct description.

### **Relief**

Amend the following objectives and policies to focus on the appropriate resource management issue in regard to the provision of infrastructure as detailed below:

#### **Objective 9**

Infrastructure serving the precinct is funded and implemented in a timely, equitable, integrated and coordinated manner.

#### **Policy 16**

Where subdivision relies on infrastructure capacity that has not been funded ~~by network utility operators~~, delay subdivision until the capacity has been equitably funded.

#### **Policy 17**

~~Enable subdividers who fund or provide third party infrastructure to limit the ability of other subdividers to connect to that infrastructure until such time as they contribute equitably to the funding of the infrastructure.~~

#### ~~Other Methods~~

~~Infrastructure Funding Agreements and/or Development Agreements for infrastructure~~

#### **Reasons**

The relevant resource management issues in regard to infrastructure relate to the provision of infrastructure in a timely, integrated and co-ordinated way. The proportionality of funding in any case, matters related to equity of funding, or the ability to limit who benefits from infrastructure under different funding models are not matters for plans developed under the Resource Management Act 1991.

#### **Submission – Affordable Housing**

There is an absence of objectives and policies in the Drury 1 precinct as these would apply to the Drury 1 precinct extension and the provision of affordable housing.

There is a need to establish a spatial reference point at which point the creation of affordable housing is required in the Drury 1 precinct extension.

#### **Relief**

Insert objectives, policies and rules framework to deliver affordable housing.

#### **Reasons**

There needs to be a clear link from affordable housing objectives and policies to those rules which apply to affordable housing in the Drury 1 precinct extension. Furthermore, it needs to be clear at which point [a trigger] the affordable housing rules will apply in the Drury 1 precinct extension.

The affordable housing provisions require a robust trigger to ensure that affordable houses are constructed. The current Drury 1 precinct provisions focus on individual sites. This could result in lost opportunities to provide affordable housing. The provision of an affordable housing macro target for the Drury 1 precinct extension area provides a greater level of certainty that some housing stock will be affordable.

#### **Submission – Staging of Development**

The implementation of Drury 1 precinct has highlighted the need for a staging plan to provide an integrated framework for implementation.

#### **Relief**

Insert a staging plan for the implementation of Drury 1 extension area, including any other associated provisions to ensure its delivery.

#### **Reasons**

There is a need for an integrated staging plan to avoid piece meal development, and ensure integrated delivery of infrastructure.

Subsequent to the lodging of the submission there have been initial discussions with iwi and the applicants with regard to proposed offset issues, (Theme 3 – Policy 14 issues refer) where as compensation the applicant is proposing to restore the Drury Creek Islands Recreation Reserve, a proposal that is supported by the Department of Conservation and local iwi.

## Hearing Date

Hearing dates of 12<sup>th</sup> 13<sup>th</sup> and 18<sup>th</sup> April have now been set for consideration of the Plan Change proposals. Officers will continue dialogue with the applicants with a view to resolving as many of the outstanding issues as possible prior to the Hearing.

Should you have any questions in relation to the matters raised please feel free to contact either myself, or Celia Davison in the first instance.



Team Leader Central South – Plans and Places