I hereby give notice that an ordinary meeting of the Planning Committee will be held on:

**Date:** Tuesday, 7 August 2018  
**Time:** 9.30am pōwhiri, 10am meeting start  
**Venue:** Ōrākei Marae  
59b Kitemoana Street  
Ōrākei  
Auckland

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**Komiti Whakarite Mahere / Planning Committee**

**OPEN AGENDA**

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**MEMBERSHIP**

Chairperson  
Cr Chris Darby  
Cr Richard Hills  
Cr Josephine Bartley  
Cr Dr Cathy Casey  
Deputy Mayor Bill Cashmore  
Cr Ross Clow  
Cr Fa’anana Efeso Collins  
Cr Linda Cooper, JP  
Cr Alf Filipaina  
Cr Hon Christine Fletcher, QSO  
Mayor Hon Phil Goff, CNZM, JP  
IMSB Member Hon Tau Henare  
Cr Penny Hulse  
Cr Mike Lee

(Quorum 11 members)

---

**Kalinda Gopal**  
Senior Governance Advisor  
2 August 2018

Contact Telephone: (09) 367 2442  
Email: kalinda.gopal@aucklandcouncil.govt.nz  
Website: www.aucklandcouncil.govt.nz

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**Note:** The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Terms of Reference

Responsibilities

This committee guides the physical development and growth of Auckland through a focus on land use planning, housing and the appropriate provision of infrastructure and strategic projects associated with these activities. Key responsibilities include:

- Relevant regional strategy and policy
- Infrastructure strategy and policy
- Unitary Plan
- Spatial plans
- Plan changes to operative plans
- Housing policy and projects
- Special Housing Areas
- City centre development
- Tamaki regeneration
- Built heritage
- Urban design
- Environmental matters relating to the committee’s responsibilities
- Acquisition of property relating to the committee’s responsibilities and within approved annual budgets
- Initiatives of the following CCOs that have a significant impact upon the implementation of the Auckland Plan and other relevant plans, policies and strategies:
  - Panuku Development Auckland
  - Auckland Transport
  - Watercare Services Limited
  - Regional Facilities Auckland (stadia)

Powers

(i) All powers necessary to perform the committee’s responsibilities, including:
   (a) approval of a submission to an external body
   (b) establishment of working parties or steering groups.

(ii) The committee has the powers to perform the responsibilities of another committee, where it is necessary to make a decision prior to the next meeting of that other committee.

(iii) The committee does not have:
   (a) the power to establish subcommittees
   (b) powers that the Governing Body cannot delegate or has retained to itself (section 2).
Exclusion of the public – who needs to leave the meeting

Members of the public

All members of the public must leave the meeting when the public are excluded unless a resolution is passed permitting a person to remain because their knowledge will assist the meeting.

Those who are not members of the public

General principles

- Access to confidential information is managed on a “need to know” basis where access to the information is required in order for a person to perform their role.
- Those who are not members of the meeting (see list below) must leave unless it is necessary for them to remain and hear the debate in order to perform their role.
- Those who need to be present for one confidential item can remain only for that item and must leave the room for any other confidential items.
- In any case of doubt, the ruling of the chairperson is final.

Members of the meeting

- The members of the meeting remain (all Governing Body members if the meeting is a Governing Body meeting; all members of the committee if the meeting is a committee meeting).
- However, standing orders require that a councillor who has a pecuniary conflict of interest leave the room.
- All councillors have the right to attend any meeting of a committee and councillors who are not members of a committee may remain, subject to any limitations in standing orders.

Independent Māori Statutory Board

- Members of the Independent Māori Statutory Board who are appointed members of the committee remain.
- Independent Māori Statutory Board members and staff remain if this is necessary in order for them to perform their role.

Staff

- All staff supporting the meeting (administrative, senior management) remain.
- Other staff who need to because of their role may remain.

Local Board members

- Local Board members who need to hear the matter being discussed in order to perform their role may remain. This will usually be if the matter affects, or is relevant to, a particular Local Board area.

Council Controlled Organisations

- Representatives of a Council Controlled Organisation can remain only if required to for discussion of a matter relevant to the Council Controlled Organisation.
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1  **Apologies**

An apology from Mayor P Goff has been received.

2  **Declaration of Interest**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

3  **Confirmation of Minutes**

That the Planning Committee:

a) confirm the ordinary minutes of its meeting, held on Tuesday, 5 June 2018 as a true and correct record.

4  **Petitions**

At the close of the agenda no requests to present petitions had been received.

5  **Public Input**

Standing Order 7.7 provides for Public Input. Applications to speak must be made to the Governance Advisor, in writing, no later than **one (1) clear working day** prior to the meeting and must include the subject matter. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders. A maximum of **thirty (30) minutes** is allocated to the period for public input with **five (5) minutes** speaking time for each speaker.

At the close of the agenda no requests for public input had been approved.

6  **Local Board Input**

Standing Order 6.2 provides for Local Board Input. The Chairperson (or nominee of that Chairperson) is entitled to speak for up to **five (5) minutes** during this time. The Chairperson of the Local Board (or nominee of that Chairperson) shall wherever practical, give **one (1) day's** notice of their wish to speak. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders.

This right is in addition to the right under Standing Order 6.1 to speak to matters on the agenda.

At the close of the agenda no requests for local board input had been received.
7 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

(a) The local authority by resolution so decides; and

(b) The presiding member explains at the meeting, at a time when it is open to the public,

   (i) The reason why the item is not on the agenda; and

   (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting."

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

(a) That item may be discussed at that meeting if-

   (i) That item is a minor matter relating to the general business of the local authority; and

   (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but

   (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”
Lodgement of iwi management plan for Ngāti Whātua Ōrākei

File No.: CP2018/13266

Te take mō te pūrongo / Purpose of the report
1. To formally receive Te Pou o te Kāhu Pōkere, the Ngāti Whātua Ōrākei iwi management plan.

Whakarāpopototanga matua / Executive summary
2. The development of Te Pou o te Kāhu Pōkere has been a collaborative effort between Ngāti Whātua Ōrākei and Auckland Council. This is a Ngāti Whātua Ōrākei document that expresses their tikanga and who they are. Council provided technical expertise to ensure the provisions of the iwi management plan can be applied to council processes and practice.
3. Te Pou o te Kāhu Pōkere replaces the Ngāti Whātua Iwi Management Plan 2012 received by Auckland Council in 2013 as a part of correspondence with staff on the Auckland Unitary Plan.

Ngā tūtohunga / Recommendation/s
That the Planning Committee:

a) formally receive Te Pou o te Kāhu Pōkere, the Ngāti Whātua Ōrākei Māori Trust Board iwi management plan in accordance section 35A of the Resource Management Act.

Horopaki / Context

What are iwi management plans and how does the council consider them
4. Iwi Management Plans are iwi planning documents under section 35A of the Resource Management Act (the act) when they are:
   - recognised by an iwi authority, and
   - lodged with council.
5. Under section 74 of the act, council must take iwi management plans into account when preparing or changing a regional policy statement, regional plan or district plan (e.g. the Auckland Unitary Plan) to the extent that their content has a bearing on the resource management issues of the area. Council may also have regard to iwi management plans when considering resource consent applications under section 104 of the Act.
6. Iwi management plans were used in the development of the Auckland Unitary Plan. They enabled the council to understand iwi/hapū concerns about relationships with legacy councils and their aspirations and expectations for the future. The plans assisted with the preparation of Auckland Unitary Plan and influenced the direction and language in the plan.
7. Under section 35A Resource Management Act 1991, council is required to keep and maintain a record of iwi planning documents lodged with council. Seven plans have been lodged to date either with Auckland Council or the legacy councils. Some are recent, others are older. Some plans include iwi/hapū cultural, social and economic aspirations and policy directions. As such, the plans are a valuable initial resource to assist staff to identify issues, values, views and preferences for iwi with respect to council decision making more generally. They have assisted staff across the council by supporting informed engagement and enabling better engagement outcomes.
Te Pou o te Kāhu Pōkere was a collaborative effort

8. The development of Te Pou o te Kāhu Pōkere has been a collaborative effort between Ngāti Whātua Ōrākei and Auckland Council Resource Consents and Plans and Places departments. A series of workshops were held in 2017 where resource management practitioners of both organisations worked together to draft the plan.

9. The purpose of the plan is to provide a statement of Ngāti Whātua Ōrākei interests and values as they apply to resource management matters and to embed kaitiakitanga into policy. The plan is intended as a manual for resource management practitioners including developers, decision-makers, and Ngāti Whātua Ōrākei itself.

10. Through the plan Ngāti Whātua Ōrākei seek outcomes at the policy (plan making, review, and changes) and the implementation (resource consent) levels. The plan clearly articulates Ngāti Whātua Ōrākei aspirations and expectations in environmental management, why, how and when to engage with them. The plan also provides guidance on when resource consents applicants should engage with them and will help to improve the advice provided by planning staff to applicants.

11. Te Pou o te Kāhu Pōkere is a significant milestone. It marks the first collaborative effort between an iwi authority and council to develop an iwi management plan. Council staff involved in the project found the process and relationships formed rewarding. Because of this collaboration, staff have an improved understanding of resource management issues from a Ngāti Whātua Ōrākei perspective and how their cultural values can be recognised through council processes.

Provisions of Te Pou o te Kāhu Pōkere

12. In summary the plan contains:
   - a brief history of Ngāti Whātua Ōrākei
   - Ngāti Whātua Ōrākei today
   - desired outcomes
   - contacts
   - tribal boundaries
   - tikanga (including engagement protocols)
   - kaitiakitanga framework.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

13. Te Pou o Kāhu Pōkere will be a useful resource for the local boards within the Ngāti Whātua Ōrākei rohe to understand Ngāti Whātua Ōrākei history, aspirations and expectations in relation to local environmental management.

Tauākī whakaaweawe Māori / Māori impact statement

14. Lodgement of Te Pou o te Kāhu Pōkere supports recognition and acknowledgment of Ngāti Whātua Ōrākei cultural values in council processes, practices, and decision-making. It is anticipated that Te Pou o te Kāhu Pōkere will have positive outcomes for Ngāti Whātua Ōrākei and Auckland.

Ngā ritenga ā-pūtea / Financial implications

15. There are no financial implications associated with receiving this plan.

Ngā raru tūpono / Risks

16. There are no identifiable risks to this decision being made.
Ngā koringa ā-muri / Next steps

17. Ngāti Whātua Ōrākei will be invited to co-facilitate a workshop and provide an overview of Te Pou o te Kāhu Pōkere to council officers and explain how it is relevant and will support them in their work.

18. Staff will ensure the following local boards within the Ngāti Whātua Ōrākei rohe receive Te Pou o te Kāhu Pōkere – Rodney, Hibiscus and Bays, Upper Harbour, Devonport-Takapuna, Kaipātiki, Waitākere Ranges, Henderson-Massey, Whau, Puketāpapa, Albert-Eden, Waitematā, Maungakiekie-Tāmaki, and Ōrākei.

Ngā tāpirihanga / Attachments

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Ngā kaihaina / Signatories

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<tr>
<th>Author</th>
<th>Phoebe Monk - Principal Advisor Maori Responsiveness (Regulatory Services)</th>
</tr>
</thead>
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<tr>
<td>Authorisers</td>
<td>John Duguid - General Manager - Plans and Places</td>
</tr>
<tr>
<td></td>
<td>Penny Pirrit - Director Regulatory Services</td>
</tr>
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<td>Jim Quinn - Chief of Strategy</td>
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NGĀTI WHĀTUA ŌRĀKEI

TE POU O KĀHU PŌKERE
Iwi Management Plan for Ngāti Whātua Ōrākei
2018
NGĀTI WHĀTUA ĒRĀKEI

TE POU O KĀHU PŌKERE

Ngā Wāhanga o te Mātātaki reflect the stages that Ngāti Whātua Ērākei go through when laying a challenge. This is commonly referred to as a wero.

This document is a wero, a challenge, to work together to better understand the views, perspectives and priorities of Ngāti Whātua Ērākei in relation to resource management matters.

The name of this plan is taken from one of the wāhanga (stages) of the mātātaki (challenge). This is called Te Pou o Kāhu Pōkere. The Kāhu Pōkere is the black hawk and is a central figure on the front of our whare tapu, Tumutumuhenua. It is a cultural legacy of the hapū and symbolises kaitiakitanga which is the underlying principle of this work.

The purpose of this stage and for Ngāti Whātua Ērākei is to personify the role of the Kāhu Pōkere. It is elevated and holds dominion to protect those in its care, to look out to the distance, traversing and understanding ones domain and ascertaining the intention of others. Inherent in this stage and in this document is action, movement, focus and to end resolute with clarity and purpose.

Te Pou o Kāhu Pōkere is a recognised iwi planning document for the purposes of the Resource Management Act 1991.
FOREWORD

KUPU WHAKATAKI

Ko Māhūhū ki te Rangi te Waka
Ko Maungakiekie te Maunga
Ko Waitematā te Moana
Ko Ngāti Whātau te Iwi
Ko Tupeirī te Tangata
Ko Te Tāōu, Ngāoho, Te Uringutu ngā hapū
Ko Orākei te Marae
Ko Tāmaki Makaurau e ngunguru nei!

Māhūhū ki te Rangi is the waka
Maungakiekie is the mountain
Waitematā is the harbour
Tupeirī is the ancestor
Ngāti Whātau is the Iwi
Te Tāōu, Ngāoho and Te Uringutu are our sub-tribes
Orākei is our marae
Through us – Tāmaki Makaurau will flourish!

Our pepeha highlights the central markers of Ngāti Whātau Orākei identity.

Māhūhū ki te Rangi is the ocean voyaging waka that brought our ancestors to the shores of Aotearoa (New Zealand).

Maungakiekie is our sacred mountain and where tribal authority of the resources of the isthmus began in the mid-17th Century. It is named after the Kiekie plant (Freylinia banksii), just as many places in Tāmaki Makaurau are named after nature.

Waitematā is our ancestral waters. It is a harbour. Literally it is ‘waters glistening like obsidian’ and references the black obsidian matā rock where the ancestors placed the maori for fish upon arriving from Hawaiiki.

Ngāti Whātau is our Iwi, a confederation of hapū interconnected by tāiao. The rohe of Ngāti Whātau is ‘Tāmaki ki Maunganui i te Tai Hauāuru’ and ‘Tāmaki ki Manaia i te Rāwhitih’ from Tāmaki in the south to Maunganui Bluff on the west coast in the north, and Tāmaki to Whangarei Harbour on the East Coast.

Tupeirī is our ancestor from whom the hapū descend. He lived at Hikurangi Pā near the summit of Maungakiekie. Ngāti Whātau went from Maungakiekie and worked across a network of seasonal fishing villages and gardens dotted around the Waitomatā and Manukau Harbours. Encampments were established on rivers including...
Te Whau, Te Huruhuru (Henderson Creek), Te Aueurse (Oatley Creek), and Horotu (Queen Street). The 'Wetlands of Rakataura' in Mt Albert, Wai Crea (Western Springs) and Waitemata were carefully managed for fresh water resources. Pure spring water bubbled forth at Wai Ariki (Emily Place), Te Puna Rere a Maru (Secombes Spring), Te Puna a Rangi (Epsom) and pu Pakore (Mt Eden).

Te Tāoā, Ngāoho and Te Uringutu are our 3 hapū making up what is today Ngāti Whātua Ōrākei. Tuperiri is Te Tāoā and he remained in Tāmaki Makaurau to consolidate Ngāti Whātua mana whenua (customary authority). There were marriages between Ngāti Whātua and Waiohua with the descendents of these marriages later assuming the name Ngāoho and Te Uringutu.

Orākei is the marae and the centre of our universe where the community comes to heal, learn, grieve, grow, laugh, to welcome and share, debate, unite and plan. Tumutumuwhenua is the meeting house and in him are all the ancestors who’ve carved their stories into our landscape and our hearts. It is from the marae we draw strength, inspiration and direction. They remind us that our present actions will define the future for our children and our children’s children.

Our pepeha is at the heart of Ngāti Whātua Ōrākei culture and identity placing us at the heart of the Tāmaki Makaurau landscape and calls for all peoples to flourish together. Tāmaki Makaurau, e nunguru nei!

As mana whenua for central Auckland we want to play a key role in developing this city. We look forward to working in partnership with our wider Ngāti Whātua iwi, neighbouring iwi, Government, Auckland Council and our communities. The environmental issues we face are bigger than all of us. As well as tackling a legacy of environmental and cultural neglect, we face now and serious challenges, often global in nature: climate change, resource depletion and population growth. We can only deal with these by co-operation.

For real change, we must be able to reconnect with our heritage, stories and kārakia, and share our knowledge and love of our whenua. Through collaboration with our partners, greater outcomes can be achieved for the environment, the economy, members of the iwi and the wider community.

Auckland Council is the primary administrator of resource management matters in the rohe. It is the consenting authority under the Resource Management Act, and is also charged with producing statutory development plans (notably the Auckland Unitary Plan). Effective partnership with Auckland Council, in line with the core principles of Te Tiriti o Waitangi, is therefore vital in achieving many of the aims of our Iwi Management Plan.

This Iwi Management Plan has been produced in partnership with Auckland Council. A series of design workshops were held in 2017 in which resource management practitioners of both organisations worked together in the drafting of the plan. Whilst the content is the expression of Ngāti Whātua Ōrākei tikanga, Auckland Council staff have provided the technical expertise to ensure that the provisions of the plan are appropriate and workable in practice. Successful implementation of this plan will often depend on the actions of Auckland Council in daily dealings with any Resource Management Act matters.

Ngāti Whātua Ōrākei wishes to acknowledge and give gratitude for this assistance and the open spirit of partnership which Auckland Council has brought to this mahi.

Ngā mihi,

[Signature]

Marāna Royal
Chair, Ngāti Whātua Ōrākei Trust

Iwi Management Plan | 5
FROM THE
MAYOR OF AUCKLAND

I welcome this iwi Management Plan and the work Ngāti Whātua Ōrākei, supported by Auckland Council, has put into its development.

The active participation of Mana Whenua in the civic and cultural life of our city helps give Auckland its unique identity and dynamism.

It is important that Auckland Council acknowledges the special role of, and works closely with, Mana Whenua and Mātāwhēke, as well as our many other diverse groups, to build a city that respects the needs and aspirations of all Aucklanders.

I look forward to deepening our relationship with Ngāti Whātua Ōrākei and all Mana Whenua.

Phil Goff
Mayor of Auckland
WE ARE NGĀTI WHĀTUAA
KO AU, KO NGĀTI WHĀTUAA

Brief History ///

Ho aha te hau o wawa rā, e wawa rā?
He tiu, he raki, he tiu, he raki
Nāna i āmai te pūpūtarakihia ki uta
E tikina atu e au te kōtiu
Koia te pou, te pou whakeiro ka tū ki Waitemātā
Ka tū ki Waitemātā i ōku wairangi tanga
E tū nei, e tū nei!

What was the wind that was roaring and rumbling?
It was a wind in the north
A wind that exposed the nautilus shell
(symbolising both a sail and the unfolding of a new order)
And in my dreams I saw that I would fetch the ‘wind’ from the north
To support the mana whenua at Waitemātā

1.1 This tauparapara tells of the vision of the matakite (seer) Titahi, who foresaw the arrival of Pakeha settlers from the north. It foreshadows Apihai Te Kawau’s initiative in inviting Captain Hobson and his administration to relocate from Kororāke to Waitemātā. It has been transmitted orally within Ngāti Whātua for almost 200 years.

1.2 The origins of Ngāti Whātua as an iwi in Aotearoa (New Zealand) began in the far north. Over time Ngāti Whātua migrated south toward the large and bountiful Kaipara Harbour. At that point, Waiohua occupied much of Tāmaki Makaurau.

1.3 In the mid-17th century, Waiohua, led by Kiwi Tāmaki came into conflict with Ngāti Whātua. Battles were fought in Kaipara and Tāmaki Makaurau. Ngāti Whātua was victorious and displaced Waiohua from the northern part of the Tāmaki isthmus.

1.4 Ngāti Whātua, under the leadership of Tupariri, remained in Tāmaki Makaurau to consolidate Ngāti Whātua mana whenua (customary authority). There were marriages between Ngāti Whātua and Waiohua with the descendants of these marriages later assuming the name Ngāoho and Te Uringutu. From the mid 1700s mana whenua was maintained by Ngāti Whātua through occupation, use and management of the abundant resources of central Tāmaki Makaurau.
1.5 In 1840 Ngāti Whātua sent a delegation led by Apirai Te Kawau to Kororareka inviting Governor Hobson to establish a township in Tāmaki Makaurau. On 20 March 1840, Te Kawau, Te Reweti and Te Tinana signed the Treaty of Waitangi on the shores of Manukau and in 1841, Governor Hobson arrived in Okahu Bay greeted by over one thousand Ngāti Whātua people. Te Kawau invited Governor Hobson to share the land, declaring:

"Governor, Governor, welcome, welcome as a father to me,
there is my land for you, go pick the best part of the land and place your people,
at least, our people (ie. yours and mine) upon it."

1.6 Support was offered to Hobson, inviting him to ‘sit on Apirai’s knees’. Hobson accepted the invitation and an alliance with the Crown was anticipated by Ngāti Whātua. Thousands of acres were made available for Pākehā use in exchange for European education, medicine and the opportunity to trade.

1.7 However, within 20 years of signing the Treaty of Waitangi, Ngāti Whātua in Tāmaki Makaurau would lose control of the majority of our lands. Apirai Te Kawau and Ngāti Whātua in Tāmaki, wanted to protect what remained of their lands, namely the 700 acre Ōrākei Block. Apirai used the Native Land Court to confirm Ngāti Whātua’s title to the Block and ensure that it stayed in communal ownership, rather than individual title.

1.8 In 1866, Chief Judge Fenton affirmed the ownership authority of the three hapū of Ngāti Whātua in Tāmaki: Te Tai, Ngārino and Te Uringa. These 3 hapū are collectively referred to today as Ngāti Whātua Ōrākei. The Native Land Court declared that the Ōrākei Block would be "...absolutely inalienable to any person in any manner whatsoever". However, to our dismay, in 1898 the Native Land Court divided the bulk of the Ōrākei Block into individual title and tribal ownership was extinguished.

1.9 From the signing of the Treaty of Waitangi, Ngāti Whātua Ōrākei followed a strict policy of peace, law and order. Even following the extensive land alienation we continued to protest through the Courts, but this was to no avail. By 1951 our people had been evicted from their homes at Okahu Bay and relocated as tenants of 35 state houses on the hill above. The marae, homes and buildings were pulled down and burnt. The hapū were now landless except for a ¼ acre area on the Okahu Domain which comprised of the urupā (cemetery).

1.10 In 1976 the Crown moved to sell off and develop the remaining 60 acres of uncommitted land that it had taken at Ōrākei. This was part of the land that the hapū had notified interest in for the settlement of the claims to the Ōrākei Block. After over 100 years of peace, law and order, a group of Ngāti Whātua, under the leadership of Joseph Parata Hawke protested by occupying Bastion Point for 507 days. On 25 May 1978 the Government sent in a massive force of police and army, the largest mobilisation of police in New Zealand’s history, to evict the protestors. 222 people, the majority being Ngāti Whātua, were arrested for trespassing on their ancestral lands. Ngāti Whātua Ōrākei lodged a claim with the Waitangi Tribunal over the loss of the 700 acre Ōrākei Block.

1.11 The Government agreed that the Crown failed to keep its part in the Treaty of Waitangi; the promise to protect the rights and property of the hapū. It paid a measure of compensation and returned title to some of the land in Ōrākei to the Ngāti Whātua Ōrākei Māori Trust Board. The greater part of this land was set aside as public reserve to be co-managed by the hapū and Auckland City Council.
Ngāti Whātua Ōrākei Today

1.12 A final settlement for Ngāti Whātua Ōrākei historical grievances was reached with the Crown in 2011 and enacted in 2012 through the Ngāti Whātua Ōrākei Deed of Settlement.

1.13 Today, the hapū is moving forward strongly in the spirit of renaissance. These are exciting times of change and there is still much work to do. We respect our heritage whilst adapting to the future. Ōrākei Marae is the cultural hub for the hapū. It is our focal institution for the development and maintenance of cultural heritage and language. Tumutumuwhenua is our ancestor for whom the whare tupuna (ancestral house) is named. We have a strong and increasingly diverse property portfolio with significant holdings in the CBD on the Davenport Peninsula and within Ōrākei.

1.14 Ngāti Whātua Ōrākei Trust is the mandated iwi authority representing the descendants of Tuperiri and Te Tāōu. The Trust is responsible for protecting mana whenua, providing strategic direction for its subsidiaries and ensuring outcomes are achieved that improve the social, economic and cultural advancement of its people.

Ngāti Whātua Ōrākei Trust

- Ngāti Whātua Ōrākei Whai Maia
- Ngāti Whātua Ōrākei Whai Rawa

1.15 Under the Trust are two operating companies:

Ngāti Whātua Ōrākei Whai Rawa Limited is the commercial arm of the Ngāti Whātua Ōrākei Group. Whai Rawa is responsible for protecting and building the asset base of Ngāti Whātua Ōrākei. Funds generated are used to support the tribal development goals of the hapū.

Ngāti Whātua Ōrākei Whai Maia Limited is the tribal development arm, and is charged with advancing the cultural, social and environmental aspirations of Ngāti Whātua Ōrākei. It is a diverse business which encompasses environmental resource management, culture and heritage, tourism, education and learning, careers and employment, housing, health and well-being.

1.16 For further information and contact details, see: http://ngatiwhatuaorakei.com/
Purpose of the Document ///

1.17 The Iwi Management Plan is the resource management plan for Ngāti Whātua Ōrākei. It is a statement of Ngāti Whātua Ōrākei interests and values as they apply in resource management matters. It is intended to be a succinct “manual” for resource management practitioners – particularly developers and decision makers operating under the Resource Management Act 1991. This includes Ngāti Whātua Ōrākei’s own in-house activities. This is not an “Iwi Management Plan” in the widest sense, it does not cover everything relevant to tribal development. The focus is purely on land use and Resource Management Act matters.

Statutory Context ///

1.18 Iwi Management Plans have a statutory basis in the Resource Management Act 1991. Specific provisions for Iwi Management Plans in the Resource Management Act appear under the provisions of Sections 61(2A)(a), 64(2A)(a), 74(2A)(a) of the Resource Management Act, which require regional and local authorities to:

“… take into account any relevant planning document recognised by an iwi authority and lodged with a local authority…”

in the preparation of Regional Policy Statements, Regional Plans and District Plans (this includes the Auckland Unitary Plan). Iwi Management Plans may also be a relevant matter under Section 104(1)(c) in the determination of resource consent applications.

1.19 The Resource Management Act does not specify what an Iwi Management Plan should contain or the form it should take, and there is much variation between tribes in the content, format and function of their plans.

 Desired Outcomes ///

1.20 The desired outcomes set out in this document are intended to apply at two levels:

- Policy (plan making and review/plan changes) and
- Implementation (primarily via resource consents).

Policy ///

1.21 Under the Resource Management Act, the use of land and other natural resources is guided by a range of policy documents. In Auckland, the primary document is the Unitary Plan. This sets out policies and rules which are used as a basis for determining resource consents. There are other policy documents produced by Auckland Council, Central Government and other agencies, which relate to the use of land and natural resources. Together, such documents form a framework to guide decisions on individual development proposals.

1.22 The desired outcomes set out in this document are intended to inform the content of Government and Council plans. In general, this is a requirement under the Resource Management Act.
1.23 Our primary aim is to embed the ethic of kaitiakitanga into statutory plans and policy documents. We will do this by working directly with the relevant parties when such documents are being produced or reviewed (see section 3 for more detail).

1.24 In this way we hope kaitiakitanga can be “mainstreamed” into policy for the benefit of all Aucklanders.

Implementation ///

1.25 The second level of influence for this plan is in regulatory decisions, primarily relating to resource consents. It is here that policy direction is actually implemented in the ground.

1.26 Under the Resource Management Act (s104(1)(b)), this Iwi Management Plan is a relevant matter to be taken into account by decision makers (Council and the Environment Court).

Kaitiakitanga ///

1.27 We hope that by working to embed kaitiakitanga into mainstream policy documents, we will not need to be so actively involved in individual resource consents. This, however, will vary according to the type of activity and its relation to our primary areas of interest. More detail is set out in the Rohe (Area of Application) and Tikanga (Engagement Protocols) sections. Our own development activities will also follow the principles of this plan.

Contacts ///

For more information about Ngāti Whātua Ōrākei, please visit our website: http://ngatiwhatuaoarakei.com/

To discuss development proposals or find out more about this plan, please contact us at:
Tokitaloa@ngatiwhatuaoarakei.com
or telephone: 0508 NWORAKEI (0508 6967 2534)
Ngāti Whātua Ōrākei Rohe

2.1 The Ngāti Whātua Ōrākei rohe runs from Te Wai o Tāīki (the Ōrākei Basin) across the isthmus to the foothills of the Waitākere Ranges, and includes the whole of the inner Waitāmatā Harbour and the North Shore. It extends along the Manukau Harbour from its northern entrance to Onehunga and Māngere.
2.2 The rohe overlaps with interests of a number of other iwi. There are shared interests in the meurige (volcanic cones) and in a number of islands of Tikapa Moana / the Hauraki Gulf (Te Motu a I'henga, Te Rangi i Totongia a Tameakepua, Te Motu tapu a Taikahu, Motukoreia, Tiritiri Matangi).

2.3 The northern extent of the Ngāti Whātua Ōrākei rohe meets that of the closely related but distinct Ngāti Whātua o Kaipara, who have shared interests in the area through Riverhead, Coatesville, Whenuapai, Hobsonville, Greenhithe and Albany. Moving to the north-east, the rohe extends to the coast just south of Long Bay. The seas extending out from Ngāti Whātua Ōrākei lands are also part of the hapū territory.

2.4 Ngāti Whātua Ōrākei acknowledges the rohe of Te Kawerau a Maki, running along the west coast from Te Henga (Bethells Beach) to Karakare and up from those beaches into the Waitākere Ranges. We also acknowledge that Ngāti Paoa has mana whenua in the east of Tāmaki Makaurau and parts of the North Shore.

Central Isthmus ///

2.5 The central Auckland Isthmus is Ngāti Whātua Ōrākei 'heartland'. The area extends from the Waitāmata Harbour in the north, to the Manukau Harbour in the south, to Avondale in the west and embracing parts of Onehunga, Elerslea, and Remuera to the east. It includes land around the Waitāmata in the southern part of the North Shore and around the Upper Harbour area.
2.6 This is the area of Auckland that was used the most intensively by Ngāti Whātua Ōrākei ancestors from approximately 1740 onwards, having gained rights in those areas by way of conquest and ahi kā. It includes the area transferred to the Crown on 22 October 1840 to found Auckland. Ngāti Whātua Ōrākei maintains mana whenua and the ongoing connection of ahi kā with this area.

2.7 Ngāti Whātua Ōrākei is aware that a number of other iwi claim cultural interests in parts of the central isthmus (notably the maunga). Ngāti Whātua Ōrākei, whilst maintaining ahi kā and rangatiratanga, will endeavour to work with other iwi through the exercise of kotahitanga, whanaungatanga and manaakitanga, where outcomes of mutual benefit may be realised.

Orākei///
2.6 As Auckland was founded and developed through the 19th and early 20th centuries there was agreement that the core land at Orākei should remain forever inalienable as collective property of Ngāti Whātua Orākei. This agreement was reneged by the Crown in a series of Treaty breaches which are comprehensively recounted in the Report of The Waitangi Tribunal on the Orākei Claim (Wai-9, November 1987).

2.9 Whilst some of the 700 acres in Orākei held in Crown ownership were returned to tribal ownership, most of it remains lost to Ngāti Whātua Orākei through private acquisition and development. Nonetheless, we retain our spiritual and existential ties and are the kaitiaki of these lands. We expect our unique status and role in Orākei to be respected.

2.10 The present day suburb of Orākei is a mix of housing, local shops, schools, churches, sports fields with two large open spaces under Ngāti Whātua Orākei ownership; the Whenua Rangatira to the north and Pourewa Reserve to the south.

2.11 Ngāti Whātua Orākei has developed Design Guidelines and a masterplan for its Papatūānuku zoned land at Orākei. Ngāti Whātua Orākei also wishes to work with partners to develop an area plan for the entire historic 700 acre Orākei Block, seeking to integrate its landholdings and future development plans in a sympathetic manner with plans of Auckland Council, the Orākei Local Board and relevant Council Controlled Organisations (e.g. Auckland Transport) for the Orākei suburb.

2.12 The hapū is developing a vision for our landholdings within Orākei to create a ‘self-sufficient Indigenous urban village’. We wish to link these plans with Council-led planning for the wider Orākei area.

Whenua Rangatira Reserve ///

2.13 The Whenua Rangatira is a premiere location, forming a prominent gateway to the Waitakere and the city. With its cultural history and prominent location, it has potential to be of international significance. It retains a vibrant Ngāti Whātua Orākei presence and is the first co-governed public reserve in the country. The reserve includes Okahu Bay, although the Orākei Domain was excluded from the Deed of Settlement and remains under Auckland Council control. The Whenua Rangatira is guided by a Reserve Management Plan. A comprehensive masterplan for both the Whenua Rangatira and Pourewa Creek Reserve is currently in development.

Pourewa Reserve ///

2.14 Pourewa with the Whenua Rangatira provides an unparalleled significant open space close to the CBD and surrounding suburbs of Meadowbank, Remuera and Orākei. The land was returned to Ngāti Whātua Orākei under the 2011 Deed of Settlement. Like the Whenua Rangatira, the use of Pourewa is governed under a Reserve Management Plan.

2.15 The plan for the Whenua Rangatira and Pourewa will enhance the use of Pourewa for public use and enjoyment. It will enable ecological restoration and the development of a dedicated plant nursery for propagation of native vegetation.
Desired Outcomes

Ngāti Whātua Ōrākei will develop its own lands, and work with Auckland Council and other agencies to achieve the following outcomes in Ōrākei.

1. **Higher quality parks and open spaces that are more useable, with a tangible cultural identity.**

   The Whenua Rangatira and Pourewa Reserves are significant areas of public open space which are currently under-utilised. Although they are tribal lands, there is very little visible indication of this, and many visitors remain ignorant of the cultural significance.

   Ngāti Whātua Ōrākei wishes to enhance the public amenity and heritage values of the reserves by appropriate development, cultural interpretation and ecological restoration.

   This may include development of culturally appropriate tourist and visitor facilities together with quality play and recreation equipment. In particular, we wish to develop a prominent visitor attraction on the Whenua Rangatira and a multi-use sports facility in the Ōrākei Domain. We also wish to develop a strong waka culture and daily presence in Ōkahu Bay.

2. **Ecological restoration of the land through native planting, weed removal and predator control. It will be supported by a dedicated native plant nursery established at Pourewa.**

   Ecological restoration includes a catchment-based approach to improving the mauri of the waters, including daylighting and riparian planting of streams, leading to improved mauri of Ōkahu Bay.

   Restoration should also consider ecological links between the Whenua Rangatira, Pourewa valley, Kapa Bush, St John’s Bush and Ōrākei Basin ecological areas. This may include, for example, street planting that enhances ecological corridors.

3. **Improved linkages between Ōkahu Bay, Tamaki Drive, the Whenua Rangatira and Pourewa Reserve**

   Ōrākei is already blessed with a significant network of greenways. We wish to see this network developed and enhanced. There is a particular need to improve the pedestrian interface between Ōkahu Beach and Ōkahu Domain with Tamaki Drive, which currently suffers adverse impacts on amenity due to cars and car-parking.
ENGAGEMENT PROTOCOLS
TIKANGA

Priorities for Ngāti Whātua Ōrākei

3.1 Ngāti Whātua Ōrākei seek engagement on any matters which effect the lands, air and water within the rohe. In general, relevant activities fall into two classes:

**Policy and Strategy**
The establishment of frameworks (statutory or otherwise) which serve to guide subsequent decisions or particular development activities.

**Specific Development Projects**
Typically requiring some form of consent under the Resource Management Act or other statutes.

3.2 As a general principle, Ngāti Whātua Ōrākei prefers to concentrate our resources in policy and strategy development, in the expectation that these will embed our values and principles to guide subsequent specific projects.

3.3 Within the 3 layers of our rohe we wish to be engaged in the following matters:

**Wider Rohe // /**

<table>
<thead>
<tr>
<th><strong>Policy and Strategy</strong></th>
<th>All policy and strategy proposals with a city-wide application.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Specific Development Projects</strong></th>
<th>Any development proposal which is publicly notified under the provisions of the Auckland Unitary Plan.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Sites of Cultural Significance</strong></th>
<th>Any proposal within 50m of a known Ngāti Whātua Ōrākei site of cultural significance.</th>
</tr>
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</table>

**Central lehmus // /**

<table>
<thead>
<tr>
<th><strong>Policy and Strategy</strong></th>
<th>Any policy or strategy proposal which has application in the Central Isthmus (this may be locally specific or part of a wider area of application).</th>
</tr>
</thead>
</table>

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<tr>
<th><strong>Specific Development Projects</strong></th>
<th><strong>Stormwater and other discharges of contaminants:</strong> Any proposal which creates an impervious area greater than 5000m²; any other discharge of water or contaminants onto or into land and/or into water which is a discretionary activity under Auckland Unitary Plan Rules E5.4.1 (A6)</th>
</tr>
</thead>
</table>

iwi Management Plan | 17
Central isthmus ///

**Specific Development Projects**

- (Discharge not complying with relevant standards or not otherwise provided for; any other discharge of water or contaminants onto or into land and/or into water which is a controlled, restricted discretionary, or discretionary activity under Unitary Plan Rules E6.4.1 [A3-A7 inclusive])

- **Reclamation, dredging and marine structures:**
  - Any proposal which involves reclamation, dredging or structures in the coastal marine area;

- **Terrestrial Biodiversity:**
  - Any proposal which involves the removal of more than 230m² of native vegetation; or more than 25m² within a significant ecological area;

- **Earthworks:**
  - Any proposal which involves earthworks greater than 2500m³ / 2500m³ (whichever is the lesser); and any earthworks which disturb a known lava cave;

<table>
<thead>
<tr>
<th>Sites of Cultural Significance</th>
<th>Any proposal within 50m of a known Ngāti Whātua Ōrākei site of cultural significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality</td>
<td>Any proposal which falls into the non-complying use class under Auckland Unitary Plan Chapter E14 (Air Quality)</td>
</tr>
<tr>
<td>Transport</td>
<td>Any proposal involving the development of significant transport infrastructure.</td>
</tr>
</tbody>
</table>

Orākei ///

**Policy and Strategy**

Any policy or strategy proposal which has application in Orākei (this may be Orākei specific or including Orākei as part of a wider area).

**Specific Development Projects**

All development proposals within the Orākei Local Board Area.

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1. (A3) Discharge of untreated wastewater overflows onto or into land and/or into water from a wastewater network in existing urban areas (excluding wastewater treatment plants) where the discharge does not comply with Standard E6.6.1, and is not otherwise provided for by another rule in Table E6.4.1.

2. (A4) Discharge of untreated wastewater overflows onto or into land and/or into water from an existing separated wastewater network servicing existing urban areas (excluding wastewater treatment plants).

3. (A5) Discharge of untreated wastewater overflows onto or into land and/or into water from an existing combined sewer network (excluding wastewater treatment plants).

4. (A6) Discharge of treated or untreated wastewater onto or into land and/or into water from a wastewater treatment plant.

5. (A7) Any other discharge of wastewater onto or into land and/or into water from a wastewater network.

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18 | Te Pou O Kahu Pokere
Preferred Means of Engagement

3.4 Whether in policy matters, or specific development projects, the keys to successful engagement are early contact together with a proactive approach in the spirit of partnership. Too often, Ngāti Whātua Ōrākei are only consulted once a project or programme is well advanced, and opportunities for constructive participation are limited.

3.5 Early contact enables key matters to be identified before substantive investment has been made. It also allows opportunities for constructive partnerships to be identified. Ngāti Whātua Ōrākei is a major developer, landowner and asset manager in its own right, and through partnerships, opportunities for mutual benefit may be identified.

3.6 In the first instance, a simple notification of a proposed plan, programme, or project should be sent to Ngāti Whātua Ōrākei. We will then arrange an appropriate level and means of further engagement.

3.7 Ngāti Whātua Ōrākei prefers direct communication, kano ki te kano, with agencies and developers. In recent times various collective mana whenua forums have arisen to service the consultation requirements of governmental agencies, including Auckland Council and its subsidiary organisations. These forums are increasingly seen as a collective bargaining mechanism whereby a single mana whenua voice, or position, might be derived. Ngāti Whātua Ōrākei does not acknowledge or participate in such forums as they have no basis in tikanga. Substantive engagement should always occur directly between Ngāti Whātua Ōrākei and the respective agency. In this way, we commit to enabling more meaningful direct relationships with governmental agencies which respect the mana of both parties and deliver mutually beneficial outcomes.

3.8 To further these aims, Ngāti Whātua Ōrākei, wishes to establish formal partnership agreements including mana whakahono a rohe with key stakeholders including Auckland Council, Council Controlled Organisations, NZTA, the Department of Conservation and the Ministry of Fisheries.

Iwi Management Plan I 19

Lodgement of iwi management plan for Ngāti Whātua Ōrākei
Kaitiakitanga

4.1 The assertion of this Iwi Management Plan is that Mātauranga Māori values and the active exercise of kaitiakitanga into statutory plans and policy documents are essential. We will support Auckland Council to do this by working directly with the relevant parties when such documents, plans and policies are being produced or reviewed.

4.2 The Māori concept of kaitiakitanga relates to guardianship and conservation. It is about wise and enduring use, and as kaitiaki, we have a responsibility to past and future generations.

4.3 For Ngāti Whātua Ōrākei, kaitiakitanga relates to the management of resources, including their use and protection. Effectively it refers to sustainable management and the utilisation of resources in such a way and at such a rate as to ensure that they are not diminished.

4.4 Kaitiakitanga requires a reciprocal and balanced relationship with our natural world and resources, and with each other. Everything is inter-related and mutually dependent. If the land and sea is polluted then the health of the people will be affected as will the mana of the iwi.

4.5 There are opportunities to lever our vast body of mātauranga Māori, derived from our cultural knowledge systems, and based on a fundamental relationship with the ahu and their domains, detailed maramatanga, understanding of natural systems and cycles, and adapting management approaches to solve contemporary problems. This mātauranga Māori enables the exercise of our ancestral rights to harvest local kaimoana, rongoa and rawa Māori and to participate in the management of our ancestral places, whilst creating new technologies and social enterprises.

4.6 Kaitiakitanga speaks to the notion that nature and culture cannot be separated. Our role as kaitiaki requires us to protect and nurture our environment and it will in turn protect and nurture us.

4.7 Whakapapa (genealogy) expresses our fundamental kinship with the ahu and the natural world. Whakapapa explains the origins of animals, plants, features of the landscape and our own intrinsic relationship with them. Through these kinship obligations, kaitiakitanga is concerned with maintaining a natural and appropriate balance, particularly between the needs of people and the natural world. The perpetuation of our whakapapa (genealogy) and culture is paramount. Without a healthy environment that can sustain us, we are under threat.

4.8 The goal for Ngāti Whātua Ōrākei is to ensure all activities are environmentally restorative and reflects our kaitiakitanga and guardianship roles in Tāmaki Makaurau. We acknowledge that in an urban landscape there is much to do to reverse the environmental and cultural degradation of our sacred sites, whenua, bio-diversity, waterways and air, done over nearly 200 years. This will require the use and creation of innovative approaches to solving today's environmental challenges of increasing population pressures, global warming, freshwater pollution, ocean acidification, sea level rise and biodiversity decline.
4.9 The benefit we see in kaitiakitanga being embedded and appropriately reflected into local government policy documents may result in Ngāti Whātua Ōrākei not needing to be so actively involved in individual resource consents. However, this will vary according to the type of activity and its relation to our primary areas of interest.
Desired Outcomes

4. Incorporation of Mātauranga Māori values and active exercise of kaitiakitanga in ecological reporting and in the development and implementation of initiatives for environments in the rohe.

5. Increased acknowledgement of and support for Ngāti Whātua Ōrākei values and our active exercise of kaitiakitanga. Improved strength of Ngāti Whātua Ōrākei relationships with other parties in developing and implementing initiatives to sustain cultural resources in the rohe.

6. Customary activities are protected and recognised, for example the sustainable harvesting of kaipara, waka launching and marae activities.

Climate Change

4.10 The Earth’s climate has been changing for some time, as evidenced by trends in surface temperature and sea level rise. Since the early 1900’s the mean global surface temperature has been slowly and steadily rising. Likewise, the global average sea level has been steadily rising and as of 2015, the average level was approximately nine inches higher than in 1880. Importantly, the rate of annual sea level rise has been increasing since 1980.

4.11 The implications of a continuation of these and other climate change trends are manifold: increased erosion and inundation of coastal zones, shifting ecosystems and habitat ranges, potential spread of sub-tropical disease and increased demand for energy and urban cooling solutions (poorly designed cities can be strong heat sinks).

4.12 In Auckland, the main sources of greenhouse emissions are the land transport system and electricity generation. Together, these sectors account for around two thirds of Auckland’s emissions.

4.13 For electricity generation, New Zealand is blessed with one of the highest rates of renewable energy generation in the world. Nevertheless around 27% of electricity comes from non-renewable sources and overall demand for electricity is growing rapidly, with projections indicating a potential 60% increase by 2040.

4.14 Climate change is a global issue. Each nation, community and individual carries a responsibility to minimise the climate change impacts of economic activity.

* Auckland Council Energy Resilience and Low Carbon Action Plan (July 2014)

22 | Te Pou O Kaha Pokere
Air Quality

4.15 By international standards, Auckland is blessed with relatively high general air quality standards. This is partly owing to the coastal geography, and partly to the relative absence of heavy industrial activities. The most significant air quality problems relate to emissions from transport and the burning of wood for domestic heating.

Common Issues and Solutions

4.16 Greenhouse gas emissions and air pollution share a number of common sources and solutions. The areas in which Ngāti Whātua Ōrākei will focus attention with the most immediate benefits are:

- Land Transport
- Energy Efficient Building and Urban Design
- Urban Trees and Planting

Land Transport

4.17 Auckland has largely grown around the personal transport revolution of the 20th century. This has left a legacy of car dependency and an inadequate mass transport system. This legacy also creates a number of other significant problems associated with congestion. Car dependency is one of the most serious systematic problems facing urban Auckland today.

4.18 A key priority for Ngāti Whātua Ōrākei, therefore, is to encourage and facilitate a shift towards low carbon, mass transit, transport systems.

Energy Efficient Building and Urban Design

4.19 Until recently, traditional building techniques in New Zealand have paid little attention to sustainability and energy efficiency. Insulation standards have been poor or non-existent, and scant attention has been given to design elements such as siting and passive solar control. A plentiful supply of firewood for heating has been assumed.

4.20 Matters are now improving, but building code standards remain below best practice thresholds. We also have a considerable legacy of poorly designed buildings.

4.21 Some measures which may be used to increase the energy efficiency of buildings include:

- Good-quality insulation;
- Passive solar control: careful design can enable winter sun to get into the house for heating, whilst generating shade in the summer months. Natural vegetation may also be used for shade and temperature control.
- Using water-efficient appliances and energy-efficient appliances and lighting.
- On site power generation.
- Further information may be found at the government’s Smarter Homes website:
  https://www.smarterhomes.org.nz/
4.22 Urban design can be used to promote energy efficiency by using the following principles:
- Creating compact and well-connected urban areas;
- Prioritising walking, cycling, and public transportation for access to jobs, services, and environmental amenities;
- Creating transit-oriented developments and mixed-use neighbourhoods;
- Optimising the designs of buildings and neighbourhoods to suit local climatic conditions.

4.23 The legacy of poor energy efficiency is hard to address and requires investment. Ngāti Whātua Ōrākei is committed to investment to improve the energy efficiency of its own housing stock.

Urban Trees and Planting

4.24 Planting trees is a cost-effective way to tackle urban air pollution. One recent study found that the average reduction of particulate matter near a tree was between 7% and 24%.

4.25 Urban planting can also help to regulate extremes of temperature, helping to cool the air in summer, and bringing heating costs down in winter by providing shelter. Urban trees and plants also intercept rain, encouraging infiltration and slowing runoff, thus reducing the pressure on drains. "Rain gardens" are specifically designed with these outcomes in mind.

4.26 Urban planting should maximise use of native species (see Terrestrial Biodiversity, page 26)

<table>
<thead>
<tr>
<th>Desired Outcomes</th>
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</thead>
<tbody>
<tr>
<td>7. There should be a significant shift in investment away from car based transport towards mass transit and low carbon modes including rail, bus, cycling and walking. At a city-wide scale, this means the major agencies, New Zealand Transport Agency and Auckland Transport, need to shift investment towards network infrastructure to facilitate low carbon modes of transport. We need safer, more connected and walkable streets, protected cycleways and improved public transport.</td>
</tr>
<tr>
<td>8. City-level urban design should fully integrate land use with mass transit and low carbon transport networks. New development should be located and designed around low carbon transport networks. Ngāti Whātua Ōrākei supports the compact city design objectives which underpin the Auckland Unitary Plan, in particular the intensification of development around mass transit networks and the development of green infrastructure networks to facilitate cycling and walking.</td>
</tr>
</tbody>
</table>

* The Nature Conservancy, 2016, Planting Healthy Air (https://global.nature.org/content/healthyair)
Urban Design and Spatial Planning

4.27 Spatial planning is a key tool for improving strategic planning, especially in terms of integrating land use and infrastructure provision. It goes beyond traditional land use planning to integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they function, for example sectoral policies such as transport, regional policy, flood risk management and agriculture. It is a collaborative exercise, in which key stakeholders with an interest in use of land and allied activities work together to identify optimal solutions. Crucially, spatial planning also provides an ideal vehicle to embed mātauranga Māori and enable a true partnership approach to planning, in line with the principles of Te Tiriti o Waitangi.

4.28 There is currently no provision within the Resource Management Act for spatial planning, so plans lack the statutory force of a District of Regional Plan. A notable example is the Auckland Plan, which is relegated to an “other matter” to be considered in the determination of resource consent applications. A recent report of the Productivity Commission proposed that spatial plans be made mandatory and be given statutory force under planning legislation. Ngā Whātua Īrākei supports this aim. We see active and meaningful engagement in spatial planning, undertaken with a true partnership approach, to be fundamental in enabling a step change in Māori participation.

4.29 Urban design applies similar collaborative principles at the local area or site-specific level. At heart, it is a matter of recognising and building distinctive places – developing the distinguishing characteristics of an area or place, be they social, cultural, environmental or economic. Undertaken with a kaupapa Māori model, urban design has enormous potential to create distinctive places – “places for Māori to be Māori”.

* Royal Town Planning Institute, 2014, Planning Horizons No. 1, Thinking Spatially.

Iwi Management Plan | 25
**Desired Outcomes**

11. **Ngāti Whātua Ōrākei should be fully engaged as Treaty Partners and mana whenua in Spatial Planning for Auckland.**
   
   Ngāti Whātua Ōrākei should be engaged kanohiki te kanohi as mana whenua of central Auckland.

12. **Spatial Plans should be given statutory force under the Resource Management Act.**
   
   Ngāti Whātua Ōrākei will lobby for appropriate changes to the Resource Management Act to achieve this outcome.

**Terrestrial Biodiversity**

4.30 Native plants, birds and animals are central to our beliefs, customs and practises. Traditionally, they provide the basic necessities of food (wild and cultivated), clothing, shelter, tools and transport (eg. waka). They also provide essential resources for other uses such as ceremony, medicines, cooking and storage, recreational activities and mahi toi (the arts).

4.31 Native plants and animals do not exist in isolation – they are related through whakapapa to each other and to us. The science of ecology is rapidly advancing and constantly uncovers new, often surprising, ways in which plants and animals interact in ecosystems, but this does not come close to explaining the full complexity of the web of life. Our traditions focus instead on the mauri of the habitat as a whole.

4.32 Historically, native ecology has been neglected in urban development - street, park and reserve planting has tended to favour exotic ideals and prioritise aesthetic values before ecological sustainability, reproducing Miami-style tropical palm boulevards, the English countryside or other replicas of somewhere else in the world. More recently, there has been a growing acknowledgement of the importance of native biodiversity and its place in Auckland’s identity. The Auckland Unitary Plan emphasises the importance of indigenous biodiversity and “wildlife corridors”, and there are numerous initiatives, often community-led, aimed towards “greening” the City.

4.33 In Tāmaki Makaurau today there are numerous reserves and parks, as well as, transport corridors and green networks that have great potential to sustain native species. Individual homes and gardens can also play an important role. Together we can restore the ecological well-being of our City. There are areas of established native vegetation, which are often, but not always, protected under the Auckland Unitary Plan Significant Ecological Area provisions. Even when not scheduled, these areas should be protected and enhanced wherever possible.

4.34 Sustainable architecture, building and urban design techniques incorporate ecological values by design. This involves assessing existing ecological values and seeking to preserve and enhance value where possible. With a little thought, much can be achieved in even the unlikeliest of settings - for example the recent Civic Administration Building development in Henderson incorporates rooftop planting, creating a new native wildlife sanctuary in the heart of the town.
Pest Management

4.35 Native biodiversity is under constant threat from pest species of plants and animals. To limit this threat, Auckland Council and the Department of Conservation undertake ongoing pest management programmes on their land. We encourage all landowners to undertake pest management measures to the best of their ability. Pest management programmes can also be one way of offsetting habitat losses associated with new development.

4.36 Chemical-free pest management is preferred - use of chemicals has potential to cause wider harm, especially if aquatic habitats become contaminated through leaching or surface run-off. However, it is acknowledged that there are practical limitations to ‘100% chemical-free control.

### Desired Outcomes

13. New developments should incorporate green design to maximise ecological and indigenous biodiversity values of the site, including food sources for native birds and, where possible, habitats for native animals. Development should result in an increase, or as a minimum no net loss of native vegetation. Where this is not possible on site, mitigation by way of offset planting may be appropriate.

14. Open spaces, streets and gardens should be enhanced, with priority given to establishment of native species. Existing native tree stands, significant trees, areas of ecological value and wildlife corridors should be protected.

15. Appropriate variety in companion planting should be used to enable the establishment of functioning ecosystems. Where possible, planting should include cultural resources such as karakeke, kiekie etc.

16. New native planting should come from locally sourced indigenous stock of Tāmaki Makaurau provenance that is suited to the habitat.

Ngāti Whātua Ōrākei can assist with the identification and supply of appropriate planting stock.

17. Pest control and maintenance programmes should be chemical free where possible, and should not damage the wider environment, allowing for safe harvesting of plants and animals for consumption and other uses.
Waste Management: Zero Waste

4.37 Efficient use of resources is at the heart of kaitiakitanga – the guiding principle is that we should not take more from Papatuanuku than we need. Waste is inherently abhorrent.

4.38 Today, notwithstanding increasing awareness of environmental sustainability, we still live in a throw-away society. As a result we consume more natural resources than we need and create further adverse impacts through waste disposal activities, especially landfill.

4.39 Ngāti Whātua Ōrākei wishes to see a shift towards waste reduction and better resource husbandry. In general terms, waste should be managed according to the “3-R’s” Hierarchy:
- **Reduce**: avoid the generation of waste.
- **Reuse**: reuse products either for their original or another purpose.
- **Recycle**: process waste materials to replace virgin raw materials.

4.40 Auckland Council has a headline policy to achieve zero-waste city wide by 2040. Ngāti Whātua Ōrākei supports this aim.

4.41 The Para Kore programme is designed to support marae to reduce waste. The same principles may be applied in any home or business. A wealth of information may be found online at [http://parakore.maori.nz/](http://parakore.maori.nz/)

4.42 In the public realm, street recycling facilities have started to appear in central Auckland. Ngāti Whātua Ōrākei wishes to see this extended throughout the rohe – all public spaces and buildings to be supplied with recycling facilities. Similarly, all public events should be run as zero waste events.

Construction and Demolition Waste

4.43 When talking of waste reduction, attention is often focused on household waste, but the construction industry is New Zealand’s largest user of natural resources, and produces huge amounts of waste. Waste from the construction and demolition industries make up over half of the waste sent to landfill in Auckland. This is despite the fact that much of it can easily be reduced, reused and recycled.

4.44 The bulk of construction and demolition waste is made up of timber, plasterboard and concrete. Other materials include plastic, glass and paper.

4.45 Construction and demolition is of particular interest in the context of this Iwi Management Plan as it arises as a direct consequence of development. Waste may be managed and reduced by means of a site waste management plan for development projects.

4.46 Site waste management plans can include measures to address:
- The reduction of waste (for example by taking measures to avoid over ordering)
- Re-use and reprocessing on site (for example reusing soil moved from one part of the site elsewhere on the site or the reuse of materials taken from a building demolished on site)
- Re-use and reprocessing off site (for example selling materials to a salvage yard)
- Recycling (for example sending packaging from deliveries and paper from the site office for recycling)
- Recovery (for example sending timber off cuts to be reprocessed into fuel)
4.47 Ngāti Whātua Ōrākei would like to see site waste management plans required as a condition of resource consent for major projects.

<table>
<thead>
<tr>
<th>Desired Outcomes</th>
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<tr>
<td>18. All public and commercial events run on public properties should be run as zero waste events.</td>
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<tr>
<td>19. All public spaces and buildings should be equipped with recycling facilities.</td>
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<tr>
<td>20. Site waste management plans should be required as a condition of resource consent for major projects.</td>
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Water

4.48 Since the gifting of land to Governor Hobson in 1841 and until recent times, urbanisation of Auckland has progressed with little or no real regard for the mauri of the waters. In practice, the waters have been treated variously as a free resource, a convenient means of waste disposal, or an impediment to development opportunity.

4.49 The coastlines of Tāmaki Makaurau have been significantly modified through reclamations, infrastructure and urban development. Discharges from roading, private dwellings, industries - even coastal landfill, have caused significant pollution of our waterways, coasts and harbours.

4.50 This is now recognised as a serious legacy issue for the City of Auckland. New development is now more tightly regulated through planning, building and engineering standards, and more attention is being given to potential remediation measures to address the legacy issues. Whilst this shift is welcome, Ngāti Whātua Ōrākei believes that more can, and should, be done. New development can be designed with low impact solutions. Development standards can be improved - Ngāti Whātua Ōrākei will concentrate kaitaiki efforts on working to ensure that these reflect best international practice.

4.51 Legacy issues are more difficult and expensive to address, but need to be a major focus of attention.

Water Quality

4.52 Improving water quality in Tāmaki Makaurau is a major challenge, in which we all have a duty and a role. Just as small adverse impacts have significant cumulative impacts, so our individual efforts to improve practice add up. The best results can be achieved by co-ordinated effort, and the practice of sustainable development emphasises the importance of integrated catchment management. This recognises the inherent links between freshwater, land use and moana, as well as the roles of multiple stakeholders in achieving solutions. Ngāti Whātua Ōrākei supports catchment management planning and will be an active partner in such initiatives.
Access to Coast and Waterways

4.53 Waterways, wetlands, estuaries and marine resources were fundamental for our tupuna in Tamaki Makaurau and provided rich resources - 'te pai me te wheni rano o Tamaki Makaurau' ('the wealth and abundance of Tamaki Makaurau'). Following the lunar cycle (maramataka), seasonal circuits included temporary and permanent sites for fishing, hunting and cultivating throughout the territory. In summer, well-placed coastal settlement communities would expand along with all their associated activities, including preparation of resources for storage at central pa.

4.54 Today, access to the coast and waterways is often restricted by private land or infrastructure to the detriment of our wellbeing. There are mechanisms to re-establish access, for example by the requirement of esplanade strips or reserves in new subdivisions, but progress is slow and incremental in nature. Ngāti Whātua Ōrākei considers that public access should be afforded a greater priority.

### Desired Outcomes

21. Water should be managed, and where necessary restored, to maintain or enhance mauri and to protect ecosystem, amenity, and mana whenua values. In particular:

   21.1. Water quality in streams, rivers and sea should be fit for swimming
   21.2. Water quality in streams, rivers and sea should enable safe gathering of kai
   21.3. Public access to waterways and the coast should be protected and enhanced

Ngāti Whātua Ōrākei wishes to work in partnership with Auckland Council and Watercare to ensure that policy and practice in the management of stormwater and wastewater are of the highest possible standard.

Stormwater

4.55 A particular issue is the contamination of waterways from diffuse sources. Individual sources of pollution may appear trivial (for example, a domestic parking space), and be hard to identify, but the cumulative effect of many such sources is very significant. This makes control of the problem more difficult to address. Urban stormwater management has historically been a matter of flow channeling and flood risk management, with little or no consideration to the treatment of contaminants. This problem is exacerbated by the widespread practice of engineering urban streams by culverting, channeling or piping, thus removing any natural restorative ecological capability.

4.56 The legacy of this neglect is that the health of our urban waters is generally poor health, with "most urban streams affected by inputs of metals, other contaminants and sediment".*

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* Auckland State of Environment Report 2015

30 | Te Pou O Kahu Polere
4.57 Sustainable urban design practice has introduced a range of techniques to preserve and restore urban water quality. These are generally aimed at reducing pollutants at source, ecological treatments and restoring the natural functioning of waterways. Examples include:
- Raingardens, swales and wetlands
- "Daylighting" of previously piped streams
- Restoration of natural stream morphologies
- Detention tanks/ponds, sediment traps and filter systems
- Ngāti Whātua Ōrākei supports the use of low impact urban design techniques.

### Desired Outcomes

22. New development should incorporate the use of sustainable (low impact) design practice for the management of surface water runoff

23. There should be no discharge of untreated surface water from urban areas

24. Existing waterways which have been engineered by culverting, channel modification or underground piping, should be restored where possible to a natural condition, including daylighting, channel naturalisation and increased riparian planting

### Wastewater

4.58 In practice, wastewater management in Tāmaki Makaurau can only be described as sub-standard. Investment over time has been insufficient to equip the city with the systems necessary to service its rapid growth. Parts of the city remain on a combined sewer-stormwater system. In other areas, wastewater networks are vulnerable to inundation from stormwater with consequent overflow contamination issues. Much of the infrastructure is aging and in need of upgrading. Broken pipes and faulty connections result in contamination of stormwater systems, whilst sewerage pumping stations are prone to overflow in flood events. A recent report found that one million cubic metres of wastewater and raw sewage is discharged to the harbour each year from 41 points around the inner-city suburbs¹.

4.59 Legacy issues in stormwater and wastewater management are considerable and Ngāti Whātua Ōrākei acknowledges that they will be difficult and expensive to remedy. Nonetheless, Ngāti Whātua Ōrākei contends that these issues have been neglected for too long and now need to be afforded a much higher priority in policy direction and direct investment.

4.60 As a matter of principle, Ngāti Whātua Ōrākei opposes the disposal of waste to water. Land-based treatment systems are preferred.

¹ New Zealand Herald, Jan 24 2017
**Desired Outcomes**

25. There should be a significant increase in investment at a city-wide scale to drive improvements to Auckland’s wastewater and stormwater treatment and reticulation systems and ensure full separation of the two. Wastewater management systems should be well maintained and function effectively.

26. The direct discharge of wastewater into rivers, lakes and the sea should be avoided.

27. Best practice techniques in sustainable design should be used for minimising waste and treating wastewater at source.

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**Wai Tai (Seawater) ///**

4.61 The focus of this section is on direct impacts to the moana - whilst discharges from roading, private dwellings and industries have caused major pollution of our coasts and harbours, these concerns are addressed in the preceding sections.

**Okahu Bay**

4.62 Okahu Bay was the location of the Ngāti Whātau Ōrākei pāpakāinga into the 1950s, when the community was forcibly transplanted by the Government into an inadequate number of state houses on the hill above, and the village razed. Okahu Bay is the central locus of our rohe.

4.63 Even well before the 1950s evictions, the bay had become emblematic of poor environmental practice and disregard for the culture and wellbeing of our community. The construction of a sewer pipe across the foreshore in the early 1900’s physically separated the kāinga from the bay and made it prone to flooding. The discharge of untreated waste directly into the sea poisoned local marine life and had a consequently deadly impact on the health of Ngāti Whātau Ōrākei, for whom kaimoana from the bay was a resource on which we depended. The bay’s ecological health and public usability have suffered from historic pollution events (e.g. sewer overflows), the piping of streams, ongoing contamination from boat maintenance practices and roading runoff - resulting in the diminishment of a harvestable shellfish resource. Increased private / commercial occupation (e.g. moorings) of the coastal marine area restrict use by the general public, and notably by our people who paddle and fish. The beach and Okahu Domain remain disconnected by Tāmaki Drive (built on the sewer pipe), which has further contributed to hapū obscurity.

**Reclamations and Dredging**

4.64 In the mātauranga accorded of Ngāti Whātau, the Waiomātā and Manukau Harbours are living entities, to be treated with the according respect. Each has its own meuri, which is vulnerable to degredation through physical alterations, such as reclamations and dredging this can be seen as analogous to the human body, where surgery is only undertaken as a rule for over-riding medical reasons – i.e. where the meuri of the body is otherwise threatened.)
4.65 Since colonisation, the coastlines of Tāmaki Makaurau have been significantly modified through reclamation, infrastructure and urban development. Ngāti Whātua Ōrākei is generally opposed to further reclamation and dredging activity, except where it is demonstrably in the overall interest of the mauri of the moana.

Direct contamination of moana from marine activities
4.66 The Waitematā in particular is subject to intensive recreational boating activities as well as commercial shipping. Vessels are sources of direct contamination whether from direct leaching of materials (e.g. copper), or on-board activities (such as cleaning, or waste disposal).

4.67 Ngāti Whātua Ōrākei will seek to minimise such impacts, particularly in the vicinity of Okahu Bay.

Overfishing of Kaimoana
4.68 Ngāti Whātua shares interests in the fisheries of the Waitematā and Manukau Harbours with several other tribes, and will work collectively to ensure sustainable practice.

**Desired Outcomes**

- 28. Redamations and dredging activities should be avoided.
- 29. Mooring of vessels in Okahu Bay is prohibited.
- 30. Fish habitats and fishery stocks are restored and maintained at sustainable levels.

**Cultural Heritage //**

4.69 Cultural heritage relates to people, natural or built elements, specific sites or entire landscapes. Cultural heritage links the past and present, and is central to the mauri and mana of Ngāti Whātua Ōrākei. Today’s Ngāti Whātuaatanga follows the tikanga handed down by our tupuna.

4.70 Māori cultural heritage is acknowledged to be a keystone of Auckland and New Zealand’s identity, yet there remains a general lack of knowledge and understanding within the general public about Māori cultural heritage, and its significance within the physical landscape.

4.71 Due to the increasing pressure from development on land and places of importance, cultural heritage resources are vulnerable. Many sites of significance do not have an obvious visible presence, such as remnant structures. There are also issues with informing the public about cultural values at times, due to the sensitivity of the information. This has resulted in many cultural heritage sites being physically removed from the landscape and has affected the ability to celebrate or use such sites in their cultural context.
today. Limited resources and funding to undertake assessments and keep up with all the development and activity that is occurring across the rohe has also contributed to adverse effects on some sites of special importance to Ngāti Whātua Ōrākei.

4.72 Current heritage management regimes are enabling of modification or destruction of sites and offer limited protection in accordance with kaitakitanga values. For example, the Resource Management Act 1991 and Heritage New Zealand Pouhere Taonga Act 2014 are framed to facilitate disturbance, modification and destruction of cultural heritage sites in association with development and use. As kaitaki, we therefore have a special duty of care for our heritage.

4.73 Particular sites of cultural heritage significance may be known and protected (scheduled under the Auckland Unitary Plan or Heritage New Zealand Pouhere Taonga Act 2014), known but unscheduled, or entirely unknown.

Sites of Cultural Significance

4.74 The Auckland Unitary Plan includes a schedule of Māori Sites of Cultural Interest, which receive a degree of statutory protection. The scheduled sites, however, number only a few of the actual sites of significance to Ngāti Whātua Ōrākei. Many sites are known to Ngāti Whātua Ōrākei, but lack any form of statutory protection. We are working with Auckland Council to provide for the scheduling of more sites.

4.75 Even where statutory protection is in place, there remain serious problems with the deterioration or destruction of heritage sites and landscapes and widespread loss of ancestral taonga. The regime of the Heritage New Zealand Pouhere Taonga Act 2014 is strongly based on archaeological reporting (recording) of physical artefacts. The archaeological model does not adequately manage cultural interests.
4.76 Even when a site is known and scheduled, damage or loss can also occur owing to neglect or inappropriate management, including a lack of good management plans and poor adherence to legal protections or management plans where they do exist.

4.77 Ultimately, many of the problems with sites of cultural significance stem from the severance of the people. Ngāti Whātua Īrākei is generally reliant on third parties who own, directly manage or regulate the land. This also creates problems with tribal access to significant sites. Ngāti Whātua Īrākei will seek, therefore, to return sites of cultural significance to tribal ownership wherever possible.

4.78 Early communication with Ngāti Whātua Īrākei is essential where a development proposal may affect a known site of cultural significance.

Desired Outcomes

31. Ngāti Whātua Īrākei sites of significance, and our relationships with those sites, are maintained or enhanced.

   This includes the protection and management of cultural heritage sites of interest in partnership with Auckland Council and the Historic Places Trust.

   Ngāti Whātua Īrākei will oppose development and land use that does not support, promote, protect, maintain and enhance cultural heritage values of sites and wider landscapes.

   Over time, Ngāti Whātua Īrākei will seek ownership of its heritage sites, including control of sensitive information about them. This may include transfer of powers and/or co-management arrangements under Resource Management Act s33 and s36B.

32. All known Ngāti Whātua Īrākei sites of cultural significance are registered with Heritage New Zealand Pouhere Taonga and/or scheduled in the Auckland Unitary Plan.

   This includes appropriate use and classifications in relation to Ngāti Whātua Īrākei heritage values, e.g. reserves with heritage values are classified as ‘historical’ and not ‘recreational’; ‘buffer zones’ with specific controls are created around heritage sites.

33. All applications for development affecting known sites of cultural significance should include cultural impact assessments.

   Impact assessments should be prepared either by, or in close collaboration with, Ngāti Whātua Īrākei, and include protocols / methodologies to avoid adverse effects.

34. Sites of cultural significance are promoted and actively celebrated with the focus on Ngāti Whātua Īrākei values (unless restricted for tikanga reasons).

   Many cultural sites are invisible and not celebrated. There needs to be increased recognition, knowledge, appreciation, respect and care of Ngāti Whātua heritage and values in Tāmaki Makaurau.
35. Ngāti Whātua Ōrākei should be directly involved in the management of sites of significance which remain in public ownership.

This includes in the partnership in planning for restoration, development, planting and maintenance as well as direct (contractual) engagement in the maintenance and the supply of culturally appropriate planting stock.

Sites in public ownership, including all publicly accessible land identified in the Ōrākei Act, should be managed, restored and protected according to traditional kaitiakitanga principles.

City-wide Heritage – Cultural Landscapes

4.79 Cultural heritage is not limited to particular sites – entire landscapes can have cultural significance. The kōrero of these landscapes is generally poorly known to both Aucklanders and visitors, but is a vital dimension of the city. Today, traditional place names are often the main indicator of the underlying stories.

4.80 The cultural landscape includes the visual and pedestrian links between historically connected places for example, the Aratikaheke pathway between Maungawhau and Owahau; Tauranga Waka and associated kāinga/pā such as the Te Tī portage, Manukau foreshore and Ōtāhuhu maunga.

4.81 A landscape of particular significance is the vista looking north from Maungawhau (Mt Eden), for these are the lands as identified by Apiah Te Kauw, for the foundation of Auckland. In 1841 Governor Hobson arrived in Tāmaki Makaurau and was greeted by Te Kauw and over one thousand Ngāti Whātua people at Maungawhau. Te Kauw stood with arms outstretched across the vista, and invited Governor Hobson to share the land, saying:

"Governor, Governor, welcome, welcome as a father to me. there is my land for you.. go pick the best part of the land and place your people, at least, our people [ie. yours and mine] upon it."

4.82 This land, the foundation of Auckland, is shown below.

36 | Te Pou O Kahu Polere
4.83 Connections (both physical and visual) and the relationships between heritage sites across landscapes need to be acknowledged and appropriately managed.

4.84 By contrast, planning frameworks tend to be site specific rather than taking a holistic culture-scape approach to the management of heritage sites and landscapes – they do not give full acknowledgement to cultural landscapes and their value. Ngāti Whātua Ōrākei wishes to work with Auckland Council and other agencies to develop a greater appreciation of cultural landscapes and their value to the city.

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**Desired Outcomes**

36. The cultural landscapes of Ngāti Whātua Ōrākei throughout Tāmaki Makaurau are identified, enhanced and celebrated.

37. Public access to, through and across cultural landscapes is protected, maintained and enhanced.

38. Cultural landscapes, including, maunga, streams and coastal areas are managed in partnership with Ngāti Whātua Ōrākei.
   This includes providing Ngāti Whātua Ōrākei with greater control over access to sensitive information about our heritage.

39. Key vistas between maunga, headland pā and other linked heritage places are identified and protected through the Unitary Plan.
   Development and land uses that have the potential to obstruct these key sight-lines should be avoided.

40. Access, permeability and connectivity of cultural landscapes are preserved and enhanced.
   Structures that create restrictions on human movement / access across the landscape and which disrupt connections between cultural heritage features, (dividing motorways) should be avoided.

41. Maunga, suburbs, locations, streets, buildings should be identified using traditional names and symbols / artworks, even where original sites are now invisible or removed (e.g. To Tō Pā at Victoria Park).
   Where appropriate, interpretative signage / literature / resource kits / guided walks should be used to celebrate heritage and increase public awareness.

42. Landscapes should be enhanced with appropriate cultural planting.
   This may include the establishment of native plants for cultural use at appropriate locations across Tāmaki Makaurau (e.g. creation of pā harakeke, and ‘heritage planting’ to enhance / recreate traditional sites (such as Te Uru Kerāka / Te Uru Houhi).
Accidental Discoveries

4.85 Any development which involves disturbance of the ground has potential to unearth artefacts of cultural significance. The pre-settlement history of Tāmaki Makaurau is rich and by no means fully documented. While many sites are recorded, and knowledge is continuously improving, much remains hidden in the ground.

4.86 There is a legal duty to protect artefacts under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). This applies to accidental discoveries. The Auckland Unitary Plan also contains provisions within the earthworks rules which direct procedures which must be followed in the event of a find.

4.87 Ngāti Whātua Ōrākei has a specific protocol for accidental discoveries, which should be applied where works take places close to known sites of significance to Ngāti Whātua Ōrākei. This is broadly similar to the statutory protocols, but includes provisions for Ngāti Whātua Ōrākei representatives to be given the opportunity to conduct karakia and other such cultural ceremonies and activities in accordance with tikanga.

4.88 The level of cultural awareness of site operatives is critical in the proper management of accidental discoveries. Finds are made by those people digging the ground and operating machinery. Cultural awareness training is therefore vital, and Ngāti Whātua Ōrākei can offer assistance in this field.

Desired Outcomes

43. Accidental discovery protocols are followed for all earthworks operations. Where earthworks occur within 50m of a known Ngāti Whātua Ōrākei site of significance, the Ngāti Whātua Ōrākei Accidental Discovery Protocol should be applied.

44. All site operatives should have appropriate cultural awareness training.
   This should include training in recognising potential artefacts and items of interest in the ground, as well as statutory responsibilities.

Cultural Monitoring and Practices

4.89 Where development affects a known site of cultural significance, or an accidental discovery is made, Ngāti Whātua Ōrākei representatives need to be present to observe operations and ensure that Ngāti Whātua Ōrākei tikanga is observed.

4.90 This is important, not just to ensure physical protection of artefacts, but also to ensure that safe spiritual practice is observed. This may involve karakia and other practices according to tikanga.
Desired Outcomes

45. Ngāti Whātua Ōrākei should be engaged on site to conduct cultural induction monitoring and practices in any of the following circumstances:
   - Where the project affects a known Ngāti Whātua Ōrākei heritage site (50m buffer)
   - For projects within Ōrākei or the Central Isthmus:
     - Where the project affects a known archaeological site
     - Where the project archaeologist recommends site monitoring
     - Where an accidental discovery has been made on site
Te take mō te pūrongo / Purpose of the report
1. To obtain the Planning Committee’s approval to publicly notify the Proposed Open Space Plan Change to the Auckland Unitary Plan (Operative In part).

Whakarāpopototanga matua / Executive summary
2. It is important that land intended as open space is appropriately zoned to provide for its intended use and development or protection. Conversely, land that is no longer required as open space requires an alternative zoning.
3. This plan change has four components:
   i. Rezoning of land recently vested and/or acquired open space so that the land reflects its purpose, function and intended use
   ii. Correcting open space zoning errors
   iii. Rezoning associated with Tāmaki Regeneration Project proposed land exchanges
   iv. Rezoning of 10 land parcels as part of Panuku Auckland’s land disposal and rationalisation process.
4. Approximately 100 new land parcels are either vested or acquired as reserve/open space annually and are required to be rezoned within the Auckland Unitary Plan. In addition, a small number of zoning errors associated with open space have been identified by the community and council officers. Panuku Auckland’s land disposal and rationalisation process also requires the rezoning of land (typically open space), as does the Tāmaki Regeneration Company’s urban regeneration project. From time to time requests from other council departments such as Parks, Sport and Recreation are also made to the Plans and Places department for changes to the Auckland Unitary Plan open space zones to facilitate particular recreational land uses or development.
5. To address the above matters efficiently and in a cost-effective manner, these proposed changes have been bundled together into one Open Space Plan Change.

Ngā tūtohunga / Recommendation/s
That the Planning Committee:
   a) approve notification of the proposed Open Space Plan Change (agenda report Attachment A – Proposed Open Space Plan Change Maps and agenda report Attachment B – Proposed Open Space Plan Change Section 32 evaluation report) to the Auckland Unitary Plan (Operative in Part).
   b) delegate to the Chair and Deputy Chair of the Planning Committee, the authority to approve any minor amendments to the proposed Open Space Plan Change prior to notification.
Horopaki / Context

Rezoning of recently vested or acquired open space
6. The rezoning of recently vested or acquired open space applies an appropriate open space zoning to land acquired as open space, either because of subdivision or purchase during the past year. The proposed zoning reflects the land open space qualities and intended use and development. This is the second update since the Auckland Unitary Plan was publicly notified, with Plan Change 4 updating the zoning of approximately 400 new open spaces.

Open space zoning errors
7. The Plan Change also includes a small number of zoning errors involving open space zones. These include land that has been zoned open space in error or conversely open space that requires an appropriate zoning. These errors have either been identified by the general public or by Auckland Council staff.

Tāmaki Regeneration project
8. The Tāmaki Regeneration Company (the company) is a joint venture between the Government and Auckland Council and aims to deliver 7500 homes together with new community facilities over the next 10-15 years. It is the first urban regeneration company of its kind in New Zealand.
9. There are three outcome areas for the regeneration project based on community feedback. The following outcome relates to open space:
   - Places and neighbourhoods - Connected, safe, attractive and well-used spaces with quality, healthy homes.
10. Three reserves within the Tāmaki regeneration area are the subject of the initial phase of land exchanges and rezonings. These are:
   - Taniwha Reserve
   - Maybury Reserve – West
   - Boundary Reserve.

Panuku Auckland’s Land Disposal and Rationalisation Process
11. This is the second proposed plan change involving the rezoning of open space zoned land considered surplus to requirements. Plan Change 1 involved the rezoning of eleven land parcels. Panuku in conjunction with Auckland Council’s Stakeholder and Land Advisory team in the Community Facilities department have identified a further ten council owned land parcels currently zoned open space which are surplus to requirements and have been cleared for disposal.
12. The process for determining that land is surplus to requirements involves consultation with other council departments, mana whenua and local boards. Any proposed disposal recommendations must be approved by the Panuku Board before it makes final recommendation to the Finance and Performance Committee. The Finance and Performance Committee has approved the disposal of these land parcels.
13. Where an open space zone or the identification of land as a road, as roads are not zoned, is no longer appropriate an alternative zone is required. The same zoning as the adjoining property has therefore been proposed for the surplus land parcels. The land parcels that are the subject of this proposed plan change are identified in Attachment A.
Tātaritanga me ngā tohutohu / Analysis and advice

Rezoning of Recently Vested or Acquired Open Space

14. The process for capturing newly vested land is as follows.

   i. Potential open space land parcels are identified using the Land Information New Zealand (LINZ) NZ parcel statutory actions list.

   ii. LINZ produces a table with the current statutory actions (actions authorised by a specific part or section of the Resource Management Act), recorded against those land parcels. The information contained within this table includes the action taken against the parcel including its purpose (e.g. local purpose reserve) and a gazette reference.

   iii. The statutory actions are filtered to show those land parcels with a purpose of either reserve or local purpose reserve not currently zoned open space in the Auckland Unitary Plan.

15. Council departments involved in open space acquisition and disposal (e.g. Community and Social Policy, Healthy Waters, Panuku) and the Tāmaki Regeneration Company have identified either land purchased for open space that hasn’t gone through a vesting or gazetting process or land to be disposed of or swapped that requires an alternative zoning.

16. To determine the zoning of newly vested or acquired land, the open space zone descriptions, objectives and policies and the criteria/guidelines used during the Auckland Unitary Plan hearings and developed by the Parks and Recreation Policy and Unitary Plan team were used (Attachment D). All proposed changes were reviewed by the Parks and Recreation Policy team.

Open Space Errors

17. Errors have been identified by the public or council staff. Errors typically involve privately owned land with an incorrect open space zoning. For each potential error, the ownership was checked along with the legacy District Plan zoning. Errors also relate to Council-owned land which should be but are not zoned open space. Where privately owned land is incorrectly zoned as open space, the zoning of the land in the surrounding area is typically used to determine the correct zoning.

Tāmaki Regeneration Project

18. The proposed changes to the three reserves in the Tāmaki regeneration area have been guided by the draft Tāmaki Open Space Network Plan (August 2017). That plan contains the following rationale related to the zoning/configuration of the land for zone changes:

   - Many of Tāmaki’s parks are poorly located with respect to the built environment around them. For example, many parks are located behind private residential properties. These parks generally have little street frontage, small alleyway type entrances and are bounded by high solid fences;

   - The shape and topography of much of the open space restricts its usefulness for recreation activities. Many of the parks consist of sloping ground, are fragmented by creeks and are of narrow, linear shape. Many open spaces also serve a drainage function and as a result become boggy during wet periods, reducing access and useable space;

   - There is generally an uncoordinated approach to the provision of amenities such as playgrounds and walkways within Tāmaki. The varying quality of existing assets, missing sections of path network, and poor surveillance of many parks greatly reduces the recreational potential of Tāmaki’s uniquely connected network of open spaces.
19. The draft Tāmaki Open Space Network Plan identified the following actions for the respective open spaces/reserves:

**Taniwha Reserve (page 44)**
- Implement greenways priority links path network providing a shared path between Line Road and Taniwha Street.
- Increase road frontage to Epping Street and open up views to Maungarei (Mt Wellington).

**Maybury Reserve – West (page 43)**
- Potential land exchange to remove one block of housing on the south side of Taniwha Street to improve visibility and access.

**Boundary Reserve (page 59)**
- Potential land exchange to transfer former Wainui Sea Scouts land into development.

20. Tāmaki Regeneration Company’s land exchange document prepared by Jasmax Architects provides an analysis of the existing state of each of the reserves. It also provides the urban design justification for the proposed changes as follows:

**Taniwha Reserve**

21. The proposed change involving the removal of the narrow pedestrian linkage to Harlow Place (Land exchange 1).
- This is a small, narrow alleyway entrance, bounded on one side by a high solid fence.
- It results in access to the reserve that is hidden from public view and potentially unsafe.
- Land exchange 1 in conjunction with the Line – Epping development proposes to replace the existing pedestrian path with a publicly vested extension of Delemere Place.
- This provides improved pedestrian access and sight lines into the reserve and completes a desire line from the town centre up to Maungarei (Mt Wellington).

22. The proposed change involving the rezoning of three lots fronting Epping Place to Open Space – Informal Recreation (Land exchanges C and D).
- Taniwha Reserve lacks street frontage and much of the park is located behind private residential properties.
- Increasing the Epping Street frontage opens the park more to the street and increases surveillance.
- It provides vastly improved pedestrian access from Epping Street to the reserve.
- The angle of the proposed eastern reserve boundary sets up a key sightline when approaching from the north down Epping Street and is in line with Maungarei (Mt Wellington) in the distance.
- The northern boundary of the proposed land exchange (C) provides clear sightlines from Epping Street across the reserve to Line Road.

23. The proposed change involving the rezoning some of the existing park to Terrace Housing and Apartment Buildings (Land exchange B).
- Reshapes the reserve to provide better utilisation of land which is currently under utilised open space due to its separation by Ōmaru stream and lack of access from the west.
- The resultant development block would allow for development to front both onto Line Road and Taniwha Reserve with space for vehicle access in between.
- This will provide an active western edge to the reserve and provide passive surveillance.
Maybury Reserve – West
24. The proposed change involving the rezoning the four Taniwha Street properties to Open Space – Informal Recreation.
   - Proposed land exchange to remove one block of housing on the south side of Taniwha Street.
   - This widens the street frontage for the park, provides an active street edge to the reserve and improves sightlines and access to the street.
   - The adjacent land use zoning provides the opportunity for intensive development which will provide a strong active development edge and increase surveillance of the reserve and safety.

Boundary Road Reserve
25. The proposed change involving the rezoning the site of the former Wainui Sea Scouts to Residential – Mixed Housing Suburban.
   - The area of reserve proposed to be exchanged to residential zoning currently creates a poorly defined corner to Riverside Avenue and Tangaroa Street.
   - Boundary Reserve forms an east – west link between Pilkington Road, Riverside and Dunkirk Reserves on the Tamaki Estuary. The proposed area for land exchange, where a Sea Scouts building was serves little functional purpose (i.e. there is plenty of reserve land in this vicinity).
   - The existing boundaries of the reserve are generally formed by rear fences of properties. This provides poor edges and a lack of passive surveillance into the reserve thereby causing safety issues.
   - The proposed land exchange will provide a well-defined and actively fronted corner to Tangaroa Street, Riverside Avenue and the entrance to Boundary Reserve.

26. The proposed changes are closely aligned to the actions identified in the draft Tāmaki Open Space Network Plan. Although this plan is still in a draft state and public consultation is yet to be undertaken, the proposed changes are focused in specific areas (as opposed to the wider Tāmaki regeneration area) and will achieve the outcome of better connected, safer and more attractive open spaces. The proposed changes have been endorsed by the Maungakiekie-Tāmaki Local Board and members of the public will have the opportunity to make submissions once the changes are notified.

Panuku Auckland’s Land Disposal and Rationalisation Process
27. Panuku has requested that 10 lots be rezoned from open space zone or road to either residential or business zones. The land disposal and rationalisation process involves consultation with council departments, mana whenua, local boards and the Finance and Performance Committee. A flow chart of the process is outlined in Attachment C.

28. Rezoning the land is the final step in the process before it is sold. The Planning Committee’s approval is required to commence the plan change process.
Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

29. A memo was sent to all local boards providing a summary of the plan change on 18 July 2017. Feedback was received from one local board, the Rodney Local Board, who supported the plan change.

30. The Tāmaki regeneration project land that is proposed to be rezoned sits within the Maungakiekie-Tāmaki Local Board area. The Maungakiekie-Tāmaki Local Board Plan contains high level objectives and key initiatives around improving the quality of parks and open spaces in Maungakiekie-Tāmaki. Workshops and meetings were held between the Maungakiekie-Tāmaki Local Board and staff. The board endorsed the proposed re-zonings on 24 July 2018.

31. In relation to land disposal and acquisition, local board feedback was considered as part of the disposal process and covered in the disposal recommendation reports to the Finance and Performance Committee.

Tauākī whakaaweawe Māori / Māori impact statement

32. A draft copy of the plan change was forwarded to all Auckland’s 19 mana whenua entities as required under the Resource Management Act on 20 June 2018. Results of any feedback received will be tabled and discussed at the Planning Committee meeting.

33. Existing processes, forums and engagements occur with mana whenua. The Tāmaki Regeneration Company undertakes monthly mana whenua engagement on neighbourhood development including consultation on adjacent reserves. Mana whenua were consulted during the development of the Tāmaki Open Space Network Plan. In response to feedback received, an additional key move—reaffirming and revitalising Mana Whenua identity, was added to the draft document.

34. Panuku’s property rationalisation process involves consultation with mana whenua. Responses from mana whenua are considered as part of the disposal process and covered the disposal recommendation reports to the Finance and Performance Committee.

Ngā ritenga ā-pūtea / Financial implications

35. The costs of the plan change process are within the Plans and Places department’s operating budget. Any delays in the rezoning of land in the Tāmaki Regeneration Area could have financial implications with delays in the redevelopment of land for housing. Delays in the rezoning of land associated with Panuku Auckland’s land disposal and rationalisation process will delay the sale of the land parcels.

Ngā raru tūpono / Risks

36. There is the risk that the Tāmaki Open Space Network Plan is amended because of public feedback and one or more of the proposed changes is not in accordance with that plan. This could be addressed by providing updated information (i.e. the revised Open Space Network Plan) at the hearing if consultation has occurred by then.

37. There are also risks associated with any delay in not notifying the plan change. This may hold up not only the regeneration project but the Panuku land rationalisation process. Any delays in notifying the plan change could involve reputational risks for Auckland Council.

Ngā koringa ā-muri / Next steps

38. If approval is obtained to notify the plan change, notification will likely occur towards the end of August/early September 2018.
Note: Due to the size and complexity of agenda attachments A and B, have been published under separate cover and are available on the Auckland Council website at the following link: http://infocouncil.aucklandcouncil.govt.nz/Select Planning Committee 7 Aug 2018 > Attachments

Ngā tāpirihanga / Attachments

<table>
<thead>
<tr>
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<th>Title</th>
<th>Page</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>Proposed Open Space Plan Change Maps (Under Separate Cover)</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Proposed Open Space Plan Change section 32 evaluation report (Under Separate Cover)</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>Panuku Land Disposal and Rationalisation Process</td>
<td>61</td>
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<td>D</td>
<td>Open Space Zoning Guidelines</td>
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</table>

Ngā kaihaina / Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Tony Reidy - Team Leader Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>John Duguid - General Manager - Plans and Places</td>
</tr>
<tr>
<td></td>
<td>Jim Quinn - Chief of Strategy</td>
</tr>
</tbody>
</table>

Auckland Unitary Plan (Operative in Part) - Proposed Open Space Plan Change
### Attachment D – Open Space Zoning Guidelines

#### Table 1: Open Space Rezoning Principles

<table>
<thead>
<tr>
<th>Open space type</th>
<th>How to allocate appropriate zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessway from street to street</td>
<td>Road where it is 8m wide or less. Open Space zone consistent with use (default, OS Informal recreation) where is greater than 8m wide.</td>
</tr>
<tr>
<td>Accessway from road to park</td>
<td>Zone consistent with adjoining park</td>
</tr>
<tr>
<td>Cemeteries</td>
<td>Open for internments – Special Purpose Cemetery Closed for internments and in public ownership – OS Conservation. If the land is in private ownership, then the zoning of the surrounding land should apply.</td>
</tr>
<tr>
<td>Community buildings/facilities e.g. dog pound, library, plummet rooms, play centre, Council depôt</td>
<td>Generally, do not spot zone existing community buildings on OS Conservation, OS Informal Recreation, OS Sport and Active Recreation or OS Civic Spaces zones. If mixed zonings or spot zonings in district plan then bring through to unitary plan. If the certificate of title/gazette notice provides for community use and there is a community building on that area of land – OS Community. If there is an imminent future community building/facility planned for the site (i.e. a line item in the LTP) then spot zone the defined area to OS Community. If park/reserve is predominantly a community building/facility space – OS Community. If buildings/facilities/libraries not on a park/reserve (e.g. a community house in a residential or rural zone) – OS Community. If on land vested as Local Purpose Reserve – Community or similar, the same zoning as the surrounding land should apply. If buildings/facilities/libraries dominate the site and are located in a business or centre zone – leave zoning as business or centre zone as these zones offer much greater flexibility of land use.</td>
</tr>
<tr>
<td>Crown land reserved from sale</td>
<td>No change – status as ‘crown land reserved from sale’ does not have any implications for the zoning of the land.</td>
</tr>
<tr>
<td>Drainage reserve/works/channel</td>
<td>No change – status as a “drainage reserve or drainage channel does not affect the zoning. However, land vested as reserve and containing stormwater ponds should be zoned Open Space – Informal Recreation.</td>
</tr>
<tr>
<td>Education purposes</td>
<td>Crown land vested for education purposes should have the same zoning as the surrounding land. In most cases a designation will apply.</td>
</tr>
<tr>
<td>Esplanade reserves</td>
<td>Case-by-case basis. Consider consistency with surrounding public open space zones in assessment. Undeveloped wilderness/bush which may include tracks and paths (eg Waitakere Ranges) – PCS Conservation. Areas which have natural, ecological, biological,</td>
</tr>
<tr>
<td>Item 9</td>
<td></td>
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<tr>
<td><strong>Attachment D</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Infrastructure – e.g. waste water treatment plant</strong>, <strong>pumping stations, aerodrome site</strong></td>
<td>Infrastructure should have the same zoning as the surrounding land unless a Special Purpose zoning applies e.g. Airport. Significant infrastructure will be subject to designation.</td>
</tr>
<tr>
<td><strong>Legal Road and Reserve for road purposes – unformed and comprising part of a formed park, but there may be demand for the road to be formed in the future (e.g. road widening)</strong></td>
<td>Road.</td>
</tr>
<tr>
<td><strong>Legal road and Reserve for road purposes – unformed and comprising part of a formed park and unlikely to be formed as road in the future (e.g. road ends sloping to coast, vehicle access impracticable)</strong></td>
<td>Zone consistent with the adjoining park.</td>
</tr>
<tr>
<td><strong>Memorials – e.g. war memorials</strong></td>
<td>- If have some soft/green area(s)/useable recreational space – OS Informal Recreation. - If purely hard surfaces/paved/no usable recreational space – OS Civic Spaces.</td>
</tr>
<tr>
<td><strong>Stormwater pond/drainage</strong></td>
<td>- If stormwater pond/drainage infrastructure is part of a wider park – zone should be consistent with the rest of the park. - If the stormwater pond/drainage is the only purpose of the open space (e.g. pond adjacent to a motorway), apply the most appropriate open space zone. In most cases this will be OS Informal Recreation.</td>
</tr>
</tbody>
</table>
Request to make operative Private Plan Change 9 to the Auckland Unitary Plan (Operative in part)

File No.: CP2018/13541

Te take mō te pūrongo / Purpose of the report
1. To make operative Private Plan Change 9 to the Auckland Unitary Plan (Operative in part).

Whakarāpopototanga matua / Executive summary
2. Private Plan Change 9 (the private plan change) involves the rezoning of the site at 614-616 Great South Road, Ellerslie from Business - Business Park to Business – Mixed Use zone and the removal of the Business Park Zone Office Control - Great South Road from the site.
3. The private plan change was notified on 25 January 2018. No submissions were received. The private plan change was considered by an Independent Hearings Plan Commissioner and the council released the decision on 7 June 2018. No appeals were received, and the private plan change can now be made operative.

Ngā tūtohunga / Recommendation/s
That the Planning Committee:

a) agree to make operative Private Plan Change 9 to the Auckland Unitary Plan (Operative in Part).
b) request that the General Manager – Plans and Places, carries out the necessary steps required under Schedule 1 to the Resource Management Act, to make Private Plan Change 9 to the Auckland Unitary Plan operative.

Horopaki / Context
4. Private Plan Change 9 (the private plan change) involves the rezoning of the site at 614-616 Great South Road, Ellerslie from Business - Business Park to Business – Mixed Use zone and the removal of the Business Park Zone Office Control - Great South Road from the site. Goodman Property Trust are the owner of the property and the applicant for the private plan change.
5. The private plan change was notified on 25 January 2018. No submissions were received. The private plan change was considered by an Independent Hearings Plan Commissioner and the council released the decision on 7 June 2018. No appeals were received, and the private plan change can now be made operative.

Tātaritanga me ngā tohutohu / Analysis and advice
6. No further analysis or advice is required.
Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

7. The Maungakiekie-Tāmaki Local Board was consulted on the private plan change prior to notification but local board views were not sought for this report as making plan changes operative is a procedural matter.

Tauākī whakaaweawe Māori / Māori impact statement

8. Prior to notification, the applicant consulted with the following mana whenua groups with a known interest in the area: Ngāi Tai ki Tāmaki; Ngāti Maru; Ngāti Paoa; Ngāti Tamaoho; Ngāti Tamaterā; Ngāti te Ata; Ngaati Whanaunga; Ngāti Whatua Orakei; Te Akitai Waiohua; Te Kawerau ā Maki; Te Patukirikiri; Te Runanga o Ngāti Whatua; Ngāti Whatua o Kaipara; Waikato-Tainui; and Te Ahiwaru.

9. No concerns were raised with the private plan change and no submissions were made by mana whenua or other Māori.

Ngā ritenga ā-pūtea / Financial implications

10. The costs associated with private plan changes are recovered from applicants, as such there are no financial implications for the council.

Ngā raru tūpono / Risks

11. There are no risks associated with making the private plan change operative.

Ngā koringa ā-muri / Next steps

12. The final step in make the private plan change operative is to publicly notify the date on which it will become operative, and to update the Auckland Unitary Plan.

Ngā tāpirihanga / Attachments

There are no attachments for this report.

Ngā kaihaina / Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Roger Eccles - Planner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>John Duguid - General Manager - Plans and Places</td>
</tr>
<tr>
<td></td>
<td>Jim Quinn - Chief of Strategy</td>
</tr>
</tbody>
</table>
**Auckland Unitary Plan (Operative in Part) - Update on appeals and making additional parts of the plan operative**

**File No.:** CP2018/11794

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**Te take mō te pūrongo / Purpose of the report**

1. To update the committee on the remaining appeals against the council’s decisions on the Proposed Auckland Unitary Plan.

2. To request staff publicly notify the additional parts of the Auckland Unitary Plan (operative in part) that are no longer subject to appeal.

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**Whakarāpopototanga matua / Executive summary**

3. In September 2016, Auckland Council was served with: 67 Environment Court appeals; 41 High Court appeals; and 8 judicial review proceedings in relation to Auckland Council’s decision on the recommendations of the Independent Hearings Panel on the Auckland Unitary Plan.

4. Since the last update to this committee in June 2018, the Environment Court has issued two decisions on significant matters. The first related to the location of the Rural Urban Boundary at Ōkura. The Environment Court decision found in favour of the council’s position. The Environment Court decision has been appealed to the High Court by Ōkura Holdings Limited. The second decision related to the Rural Subdivision provisions in the Auckland Unitary Plan. The Environment Court decision was in favour of the appellant’s position. The Environment Court decision has been appealed to the High Court by the council.

5. The Planning Committee has considered reports on the status of appeals on three previous occasions – 10 October 2017, 13 February 2018 and 5 June 2018. Since the 5 June update, council officers have undertaken a full review of all appeals and the decisions and consent orders issued by the Courts (including since 5 June 2018), and identified further parts of the Auckland Unitary Plan that can be made operative. The additional resolved Auckland Unitary Plan appeals are set out in Attachment A.

6. Section 152 of the Local Government (Auckland Transitional Provisions) Act 2010 provides for those parts of the Auckland Unitary Plan that are no longer subject to appeal, either as a result of being withdrawn or determined, to have been approved by the council. Section 160 of this act requires the council to publicly notify the date on which these parts of the plan become operative.

---

**Ngā tūtohunga / Recommendations**

That the Planning Committee:

a) note that 13 appeals remain.

b) note that section 152 of the Local Government (Auckland Transitional Provisions) Act 2010 (LGATPA) deems those parts of the proposed Auckland Unitary Plan no longer under appeal to have been approved by the council under clause 17(1) of Schedule 1 of the Resource Management Act. Section 160 of the LGATPA requires the council to publicly notify the date on which those parts become operative.

c) request staff publicly notify the following parts of the Auckland Unitary Plan as operative in accordance with clause 20(1) of Schedule 1 of the Resource Management Act:
i) zoning of the sites at 55, 55A, 55B Takanini School Road to remain residential – mixed housing suburban.

ii) mapping of outstanding natural landscapes ONL78 and ONL87.

iii) chapters B10-Environmental Risk, E37-Genetically Modified Organisms and J1 – Definitions relating to genetically modified organisms.

Horopaki / Context

7. In September 2016, the council was served with 67 Environment Court appeals; 41 High Court appeals; and 8 judicial review proceedings, in relation to the council’s decision on the recommendations of the Independent Hearings Panel on the Auckland Unitary Plan.

Environment Court Appeals

8. The council was originally served with 67 Environment Court appeals on the council’s decision on the Unitary Plan. As a result of decisions of the High Court, creating an Environment Court appeal right for certain original submitters, the council was served with an additional five Environment Court appeals. The total number of Environment Court appeals to date is 72. Of these 72 appeals, 6 appeals remain.

High Court Appeals

9. The council was originally served with 41 High Court appeals on the council’s decision on the Unitary Plan. As a result of Environment Court decisions being appealed, the council was served with an additional 6 High Court appeals. The total number of High Court appeals to date is 47. Of these 47 appeals, 5 remain.

Judicial Reviews

10. The Council was served with eight Judicial Review proceedings. Of the eight judicial reviews, three have been discontinued, and five have been the subject of High Court decisions. Two of the High Court decisions have been appealed to the Court of Appeal. Each of these High Court decisions related to a judicial review proceeding and a related High Court appeal. The council was successful in each of the High Court decisions.

Status of Remaining Appeals

11. Table 1 provides a status of the remaining appeals.

Table 1: Status of remaining appeals

<table>
<thead>
<tr>
<th>Appeal</th>
<th>Topic</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENV-2017-AKL-000155 – National Trading Company of NZ</td>
<td>Redhills Precinct (alignment of arterial roads)</td>
<td>Discussions are ongoing between the parties</td>
</tr>
<tr>
<td>ENV-2017-AKL-000156 - C N Barbour Family Trust</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENV-2017-AKL-000232 - Bunnings Limited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENV-2017-AKL-000167 - Strategic Property Advocacy Network</td>
<td>Subdivision provisions in the Waitakere Ranges</td>
<td>Discussions are ongoing between the parties</td>
</tr>
<tr>
<td>ENV-2017-AKL-000213 – North Eastern Investments Limited</td>
<td>Zoning of land and precinct in Albany</td>
<td>This appeal is currently on hold pending the determination of the related High Court proceedings</td>
</tr>
</tbody>
</table>
12. The following table provides details on the parts of the Auckland Unitary Plan to be made operative, where this is relevant (i.e. where a subsequent appeal has not been lodged).

**Table 2: Unitary Plan parts no longer subject to appeal**

<table>
<thead>
<tr>
<th>Environment Court Appeals</th>
<th>Section(s) of the Unitary Plan</th>
<th>Date</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENV-2016-AKL-000238 – Housing New Zealand Corporation</td>
<td>Special Character / Historic Heritage</td>
<td>This appeal was the subject of an Environment Court decision: <em>(Housing New Zealand Corporation v Auckland Council (2017)NZEnvC120)</em>. The Environment Court decision was appealed to the High Court. The High Court decision, dated 1 March 2018, referred the matter back to the Environment Court: <em>(2018)NZHC288)</em>. Legal submissions were filed with the Environment Court on 6 June 2018. We are currently awaiting the Court’s decision.</td>
<td></td>
</tr>
<tr>
<td>High Court CIV-2016-404-2343 – Royal Forest and Bird</td>
<td>Significant Ecological areas overlaying a Quarry Zone</td>
<td>High Court order has created a right of appeal to the Environment Court for affected persons.</td>
<td></td>
</tr>
<tr>
<td>CIV-2018-404-000866 – J &amp; F Gock</td>
<td>Rural Urban Boundary and zoning of Crater Hill and Pūkaki Peninsular</td>
<td>High Court appeals (x2) against Environment Court decision: <em>Self Family Trust v Auckland Council (2018)NZEnvC49</em></td>
<td></td>
</tr>
<tr>
<td>CIV-2018-404-001236 – Okura Holdings Limited</td>
<td>Okura Rural Urban Boundary &amp; zoning</td>
<td>High Court appeal against Environment Court decision: <em>Zhi Li, Jing Niu and Weili Yang and Okura Holdings Limited v Auckland Council (2018)NZEnvC87</em></td>
<td></td>
</tr>
<tr>
<td>CIV-2018-404-001294 – Auckland Council</td>
<td>Rural Subdivision</td>
<td>High Court appeal against the Environment Court decision: <em>Cabra Rural Development &amp; Ors v Auckland Council (2018)NZEnvC90</em></td>
<td></td>
</tr>
<tr>
<td>CA287/2018 – North Eastern Investments Limited</td>
<td>Zoning of land in Albany</td>
<td>Appeal to the Court of Appeal against the High Court decision: <em>North Eastern Investments Limited v Auckland Council (2018)NZHC916</em></td>
<td></td>
</tr>
</tbody>
</table>
13. A summary of the appeals resolved since 5 June 2017 is provided in the table below. Each appeal can be accessed via the Auckland Unitary Plan website.

Table 3: Summary of appeals resolved since 5 June 2017

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Date</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Environment Court</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENV-2017-AKL-00241 – Wallace Group (zoning of land in Takanini)</td>
<td>12 June 2018</td>
<td>Environment Court decision supported appellants position</td>
</tr>
<tr>
<td>ENV-2017-AKL-00233 – Vernon (various matters throughout the plan)</td>
<td>Various dates. Final confirmation received that all parts of Vernon’s appeal resolved – 26 June 2018.</td>
<td>Consent orders &amp; withdrawal of appeals</td>
</tr>
<tr>
<td><strong>High Court</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CIV-2018-404-002299 – Federated Farmers of NZ Inc (General coastal marine zone &amp; other coastal zones)</td>
<td>20 December 2017</td>
<td>High Court decision</td>
</tr>
<tr>
<td>CIV-2018-404-002343 – Royal Forest and Bird Society of New Zealand Inc Identifies significant ecological areas on certain sites, includes a new activity for any vegetation, alteration or removal within an SEA overlaying a Quarry Zone, along with matters of discretion and assessment criteria related to this new activity.</td>
<td>8 June 2018</td>
<td>High Court decision Decision has created a right of appeal to the Environment Court</td>
</tr>
</tbody>
</table>
14. This report deals with a procedural matter – notifying the parts of the Auckland Unitary Plan identified in Attachment A of this report as operative. No analysis or additional advice is therefore required.

15. Local Boards have been involved in the development of the Auckland Unitary Plan since mid-2012. Their views were not sought for this report as it addresses factual and procedural matters.

16. The final steps in making additional parts of the Auckland Unitary Plan operative is a procedural step and therefore does not have any impact on Māori. Impacts on Māori have been considered throughout the process of developing the Auckland Unitary Plan and the resolution of appeals.

17. The cost of making the Auckland Unitary Plan operative is covered by the Plans and Places department’s operational budget.

18. The risk associated with this report is that failing to notify the date on which those additional parts of the Auckland Unitary Plan that are no longer subject to appeal, become operative, would be contrary to Section 160 of the Local Government (Auckland Transitional Provisions) Act 2010.

19. Following the Planning Committee’s consideration, staff will publish a public notice advising of the date on which further parts of the Auckland Unitary Plan will be made operative.

20. A further report will be presented to the Planning Committee when additional appeals are resolved. It is expected that all appeals will be resolved in early 2019.

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>List of Additional Unitary Plan Appeals Resolved</td>
<td>73</td>
</tr>
</tbody>
</table>

Author: Tony Reidy - Team leader - Planning
Authorisers: John Duguid - General Manager - Plans and Places
Jim Quinn - Chief of Strategy
## Attachment A - List of Additional Unitary Plan Appeals Resolved

<table>
<thead>
<tr>
<th>Environment Court Appeals</th>
<th>Status</th>
<th>Section(s) of the Unitary Plan</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENV-2017-AKL-000185 – Viaduct Harbour Holdings</td>
<td>Appeal Withdrawn</td>
<td>Not applicable</td>
<td>10 August 2017</td>
</tr>
<tr>
<td>ENV-2016-000241 – Wallace Group</td>
<td>Environment Court decision issued</td>
<td>Change the zoning of the 3 sites at 56, 56A and 55B Takarani School Road to Residential – Mixed Housing Suburban</td>
<td>12 June 2018</td>
</tr>
<tr>
<td>ENV-2016-000241 – Vemon</td>
<td>Consent orders and withdrawal of appeal points</td>
<td>No additional changes</td>
<td>26 June 2018 (date confirmation received that all appeal points had been resolved)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>High Court Appeals</th>
<th>Status</th>
<th>Section(s) of the Unitary Plan</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIV-2018-404-002299 – Federated Farmers of NZ Inc</td>
<td>High Court decision (Judgement [2017] NZHC 3217)</td>
<td>Amendments to the mapping of CNL78 and CNL87 (Refer to the annexures attached to the decision)</td>
<td>20 December 2017</td>
</tr>
<tr>
<td>Federated Farmers filed a notice of abandonment (partial), advising that Federated Farmers abandons the part described in its Notice of Appeal in paragraphs 14-25, Topic 024 (Genetically Modified Organisms). The appeal relief has been withdrawn.</td>
<td>GMO’s</td>
<td>1 May 2018</td>
<td></td>
</tr>
</tbody>
</table>
Te take mō te pūrongo / Purpose of the report
1. To approve the council's submission to the Ministry for the Environment on the first set of draft National Planning Standards.

Whakarāpopototanga matua / Executive summary
2. The first set of draft National Planning Standards (the standards), prepared under the Resource Management Act, seek to standardise the structure and form, chapter layout, spatial planning tools, zone framework, metrics for noise and vibration, and digital and mapping requirements for plans and policy statements throughout New Zealand. The standards were released on 6 June 2018 and submissions are due 17 August 2018.

3. A submission has been prepared in consultation with Auckland Transport, Watercare and the Independent Māori Statutory Board. The main points are:
   - support for the general intent of the standards to achieve consistency and improve accessibility in resource management plans
   - oppose the standards that will have a significant impact on the Auckland Unitary Plan’s regional policy statement, regional coastal plan, zone framework and definitions
   - oppose the seven-year timeframe for implementing the standards
   - request that Auckland Council be given ten years rather than seven to implement the standards.

Ngā tūtohunga / Recommendation/s
That the Planning Committee:

a) approve the submission on the draft National Planning Standards included as Attachment C to the agenda report.

b) authorise the Chair and Deputy Chair of the Planning Committee to approve any minor amendments and corrections to the submission prior to lodgement on 17 August 2018.

Horopaki / Context
4. The Resource Legislation Amendment Act 2017 (the Amendment Act) introduced a new type of national direction in the form of national planning standards. The standards seek to achieve national consistency in plans and policy statements prepared under the Resource Management Act 1991 (the Act). The content of the first set of standards by the Ministry for the Environment (the Ministry) has been developed over a two-year period as set out in Attachment A.

5. Council staff have attended numerous meetings and workshops over the past two years to provide insight on the functioning of the Auckland Unitary Plan. Staff submitted formal feedback to the Ministry on the discussion papers in August 2017. This was reported to Planning Committee on 1 August 2017 (resolution number PLA/2017/97). The focus of the feedback was to ensure that the standards are aligned with the Auckland Unitary Plan to ensure that the standards do not cause a full review of the Auckland Unitary Plan.
6. Drafts of the first set of standards were released for public submissions on 6 June 2018. Of the 18 standards, 14 are applicable for a combined plan such as the Auckland Unitary Plan. These standards are in Attachment B.

7. The Ministry identifies multiple outcomes that will improve the resource management planning system from implementing these standards. These outcomes are:
   a) less time and fewer resources will be required to prepare and use plans
   b) plan content will be easier to access, and relevant content easier to find
   c) national direction will be consistently incorporated in plans, resulting in better implementation on the ground
   d) councils will be able to focus their resources more on plan content that influences local resource management outcomes and what is important to the community
   e) good planning practice will be shared by councils or applied quickly across councils.

8. The Amendment Act mandates the content of the first set of standards to include:
   - a structure including how plans should reference national policy statements, national environmental standards, and regulations made under the Act
   - definitions
   - requirements for the electronic functionality and accessibility of plans.

9. The draft standards released on 6 June 2018 also include:
   - spatial planning tools for both regional and district plans
   - a zone framework
   - mapping
   - noise and vibration metrics.

10. The Amendment Act provides for two types of standards, mandatory and discretionary. The first set of standards are mostly mandatory standards. Incorporating these mandatory standards into the Unitary Plan cannot use a formal consultation process under the Act (Schedule 1).

11. The only discretionary standard in this first set is the Zone Chapter Structure. This Standard provides a set of zones that the council must select from. The council, then, must use a formal consultation process set out in Schedule 1 of the Act to consult on the zones selected.

12. The Amendment Act enables different timeframes to be specified to implement the standards. All the standards, with one exception, propose giving Auckland Council seven years to implement the standards from gazettal. The exception is the baseline electronic functionality and accessibility Standard which must be met within one year. Councils that have not recently concluded a major plan review have five years to implement the standards.

13. Staff have prepared a draft submission in consultation with Auckland Transport, Watercare and the Independent Māori Statutory Board. This draft submission is in Attachment C.

Tātaritanga me ngā tohutohu / Analysis and advice

14. Staff support the overall intent of the standards, which is to improve consistency in resource management plans making it easier for users to understand and access plans. However, the standards, in their current form, will significantly impact on the Auckland Unitary Plan. It is considered that the benefits of implementing the standards, within a seven-year period, would not outweigh the implementation costs.
15. The standards mandate a new structure for the Auckland Unitary Plan as well as a chapter and rule format, spatial planning tools, mapping requirements and some mandatory definitions. This would require a restructure and a reformat of the majority of the Auckland Unitary Plan. Some provisions would also need to be re-written to ensure they are integrated back into the plan after they have been relocated.

16. The standards cause significant impacts on the Auckland Unitary Plan structure and content of the plan to the extent that they would:
   - challenge its policy direction;
   - reverse agreements or decisions made in partnership with iwi or other stakeholders;
   - not reflect the outcomes currently anticipated by the Auckland community; and
   - be extremely difficult to incorporate without a significant amount of additional changes that fall outside the scope of consequential amendments.

17. The significant impacts on the Auckland Unitary Plan are described in the main section of the proposed submission in Attachment C. The regional policy statement; regional coastal plans, zone framework and definitions of the Auckland Unitary Plan are at risk of being undermined by these standards.

Consequential Amendments

18. Section 58I of the Act enables consequential amendments to be made to the Auckland Unitary Plan that are necessary to avoid duplication or conflict when giving effect to any mandatory or discretionary direction. These consequential amendments must be made without using a Schedule 1 process (i.e. a plan change process involving rights of submission and hearings).

19. Consequential amendments that go beyond the scope of duplication or conflict must use a Schedule 1 process.

20. There are some standards that will not be able to be incorporated into the Unitary Plan without substantial rework of content. Staff do not believe that the required rework will fit within the scope of consequential amendments. This rework will, therefore, need to be undertaken by a plan change. This could result in an extensive public submission and appeal process. Re-opening the debate on provisions such as the zone framework is an example of this rework triggered by the current standards.

Implementation

21. Most standards require the council to incorporate the standards into the Auckland Unitary Plan within seven years from gazettal. This is likely to be April 2026. This timeframe broadly aligns with when the council must, under the Act, start a ten-year review of the Auckland Unitary Plan.

22. The Auckland Unitary Plan was developed over a very intensive six-year period. The first three years involved building the structure, style and content. The next three years involved finalising that content through the extensive involvement of many Aucklanders. This is a plan that was built with a lot of thought and testing. It is a comprehensive and highly integrated plan that speaks to the Auckland region.

23. Since the Auckland Unitary Plan was made partly operative there have already been numerous plan modifications to fix errors, update zoning matters, to enable development and for administrative matters. More plan changes are likely to be required to correct errors and fix provisions that are creating unintended outcomes. Large plan changes planned in the next five to six years include the Hauraki Gulf Islands Plan Change and the plan change(s) required by the National Policy Statement on Freshwater Management.
24. To try and incorporate the mandatory standards and notify a plan change for the choice of zones and any changes to content that are beyond a consequential amendment, could significantly expose the plan to a lengthy appeal period or a judicial review on the scope of consequential amendments. This makes incorporating these standards as part of a rolling review of the Plan extremely difficult to do, particularly if multiple parts of the plan are in a non-operative state.

25. In addition, incorporating these mandatory standards will require a significant rework of the structure and placement of content. This will use resources (time and money) that would have been used on responding to business as usual work requirements.

Options

26. Staff believe that, unless the standards are amended, a full plan review will be the most efficient and effective way to incorporate these standards.

27. The Act requires the council to start its review of the provisions in the Auckland Unitary Plan 10 years from these provisions becoming operative. Therefore, a review of the majority of the Auckland Unitary Plan should start by November 2026. However, a full plan review, incorporating the standards, will need to be notified by April 2026. This will require starting the plan review as early as 2022 or 2023.

28. Table 1 below sets out the options for the council to consider in its submission to the Ministry for the Environment. Table 2 assesses and ranks these options using three criteria.

Table 1: Options for responding to the National Planning Standards

<table>
<thead>
<tr>
<th>Options</th>
<th>Benefits / Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 1 Amend the standards to align them with the Auckland Unitary Plan.</td>
<td>Able to incorporate the standards early without a plan change.</td>
<td>Issues could still arise that were not anticipated requiring a Schedule 1 process.</td>
</tr>
<tr>
<td></td>
<td>Removes most components of the plan from public submissions.</td>
<td>There are aspects of the structure or terms the council may want to change.</td>
</tr>
<tr>
<td></td>
<td>Ongoing plan changes able to adopt the standards from the beginning.</td>
<td>Requires additional resources/cost.</td>
</tr>
<tr>
<td></td>
<td>Enables a rolling review of the Auckland Unitary Plan.</td>
<td>GIS/eplan software upgrades required.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Potential for judicial review.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Standards have not been 'tested' so potential for ongoing corrections to standards.</td>
</tr>
<tr>
<td>Option 2 Exempt Auckland from the standards.</td>
<td>Enables the council to focus on improving the plan based on monitoring and implementation results.</td>
<td>There are aspects of our structure or definitions we may want to change.</td>
</tr>
<tr>
<td></td>
<td>Enables the council to continue to progress big plan changes (e.g. incorporating the Hauraki Gulf Islands)</td>
<td>Council is not consistent with the rest of the country potentially damaging the council’s reputation.</td>
</tr>
<tr>
<td></td>
<td>Additional resources not required.</td>
<td>Council put in a position to continually maintain our exemption status.</td>
</tr>
<tr>
<td>Option 3 Give Auckland Council more time to incorporate the standards and better align the standards to the Auckland Unitary Plan.</td>
<td>Gives Auckland community a larger 'breathing space' before a full plan review.</td>
<td>Larger plan changes will be notified and then need to be changed again to incorporate the standards when they are possibly under appeal.</td>
</tr>
<tr>
<td></td>
<td>Enables testing of the standards by other councils.</td>
<td>Will still require a full plan review.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Potential for judicial review.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>GIS/eplan software upgrades required.</td>
</tr>
</tbody>
</table>
Enables any legislation changes to be accommodated by both the Plan and the standards.

Enables the council to continue to progress big plan changes (e.g. incorporating the Hauraki Gulf Islands).

Enables the council to improve the plan based on monitoring and implementation results.

<table>
<thead>
<tr>
<th>Option 4</th>
<th>May enable early incorporation of monitoring results.</th>
<th>Will require a full plan review</th>
</tr>
</thead>
<tbody>
<tr>
<td>standards remain mostly the same and are required to be incorporated into the Auckland Unitary Plan within 7 years.</td>
<td></td>
<td>Will need to start full plan review earlier than 7 years i.e. 3 or 4 years earlier.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Delays notifying larger plan changes.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Potential for judicial review.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>GIS/eplan software upgrades required</td>
</tr>
</tbody>
</table>

29. The criteria used for assessing these options are:
   a) Ease of implementation;
   b) Minimal burden on the community; and
   c) Achieving good planning outcomes.

Ease of Implementation
   • Progressing larger plan changes (Hauraki Gulf Islands) within the timeframe required and without the need for an additional plan change to incorporate the standards.
   • The extent of the plan and amount of time that is subject to plan changes before it can be made operative.
   • Minimal amount of the Auckland Unitary Plan is ‘unpicked’ resulting in lack of integration.
   • Minimal amount of ‘content’ requiring a Schedule 1 process and opening the plan up for challenge.

Minimal burden on the community
   • The amount of time between the recent extensive plan review and the next plan review.
   • The number of plan changes requiring public submissions.
   • The burden on the public through Schedule 1 processes.

Achieving good planning outcomes
   • Consistency with the rest of the country.
   • Avoid duplication in effort on aspects of a plan that do not need local variation.
Table 2: Assessing the Options

<table>
<thead>
<tr>
<th>Options</th>
<th>Criterion 1 Ease of Implementation</th>
<th>Criterion 2 Minimal burden on the community</th>
<th>Criterion 3 Achieving good planning outcomes</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 1: Align standards to Auckland Unitary Plan</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Option 2: Exempt Auckland</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Option 3: More Time</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Option 4: Implement standards as currently drafted</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>8</td>
</tr>
</tbody>
</table>

Table 3: Explaining the rating

<table>
<thead>
<tr>
<th>Rating scale</th>
<th>Rating definitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Low impact</td>
</tr>
<tr>
<td>2</td>
<td>Medium impact</td>
</tr>
<tr>
<td>3</td>
<td>High impact</td>
</tr>
</tbody>
</table>

Recommendation

30. Staff recommend that the council’s submission to the Ministry for the Environment, request a 10 year implementation period for Auckland. Staff have also proposed, in the submission, a number of changes to the standards to minimise the impact the standards currently have on the Auckland Unitary Plan.

31. The Auckland Unitary Plan is the largest and most comprehensive in the country and is a fundamental tool for the council in addressing the development pressures in both the urban and rural areas. Auckland, therefore, cannot afford to commence a substantial review of its rule book in four or five years’ time.

Ngā whakaawawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

32. Due to the tight timeframe for making a submission, the views of local boards have not been sought. However, as described in the draft Submission, the Standard that prescribes a new zoning framework for the Auckland region is likely to have significant impacts on local communities if it is finalised in a form that does not reflect the Unitary Plan zones.

33. The draft submission, therefore, opposes the proposed zoning framework for Auckland.
### Tauākī whakaaweawe Māori / Māori impact statement

34. The standards impact on Māori in a number of ways. The standards prescribe a Part 2, after the Introduction, which will contain all existing Resource Management Act requirements relating to tangata whenua values, aspirations and provisions. This Part 2 contains three chapters: Recognition of iwi and hapū, Tangata Whenua - local authority relationships, iwi and hapū planning documents and Consultation. The council is required to move any Unitary Plan content, which addresses these matters, into these chapters.

35. Although the standards prescribe the mandatory order and headings for Tangata Whenua in Part 2, there are very little chapters or sections provided specifically for the mana whenua content that is in the Auckland Unitary Plan. The guidance provided with the standards clarify that it is intended for tangata whenua specific resource-related provisions to be integrated in the relevant theme based chapters of the regional policy statement and regional and district plan rather than as separate chapters.

36. The standards enable special topics to be created within the structure. However the Act requires a regional council to identify in their regional policy statement, as well as address, the issues of significance to tangata whenua (section 62(b) of the Act).

37. Staff support the integration of tangata whenua specific resource–related provisions throughout the regional policy statement and the plan. This is how it is done in the Unitary Plan. However, when the Auckland Unitary Plan was developed in consultation with mana whenua, it was very clear that mana whenua of Auckland should also have a specific chapter in the regional policy statement to provide the strategic policy framework for its issues of significance.

38. This would be the equivalent of B6 mana whenua in the regional policy statement section of the Unitary Plan. This section provides the overarching objectives and policies for mana whenua in the Auckland region. It also establishes the strategic policy direction for the inclusion of specific mana whenua provisions in other relevant sections of the regional policy statement, regional and district plan.

39. The draft submission requests that the standards are amended to enable the council to meet its statutory obligations and reflect the outcome reached when the Unitary Plan was developed with mana whenua.

40. The draft Definitions Standard proposes to define ‘iwi authority’, ‘kaitiakitanga’, ‘mana whenua’ and ‘tangata whenua’ as having the same meaning as these terms in the Act. The Unitary Plan does not include definitions that are the same as the Act. However, the Unitary Plan does include a definition for ‘mana whenua’.

41. Staff have not consulted with mana whenua on the impact of these standards due to the tight timeframe for the submission period.  However, staff have taken the position that generally the Unitary Plan represents the position reached with mana whenua after extensive engagement during the development of the plan and therefore these provisions should remain in content and location.

### Ngā ritenga ā-pūtea / Financial implications

42. The council has invested a significant amount of time and resources developing Auckland's first combined plan. The cost to the Auckland community and to submitters has probably been considerably more. While this cost is not necessarily going to be the same for the next full plan review, it is likely to be similar. Incorporating the standards in isolation of a plan review, or undertaking a full plan review three to four years earlier than anticipated, will compound costs given other existing planning commitments.

43. In addition, the draft Electronic Accessibility and Functionality Standard raises the risk of the council’s existing eplan software (ICON) being unable to meet the requirements of this Standard. In particular, the linking of GIS to text requirements. The procurement of a new eplan software will have implications for Plans and Places operational budget.
Ngā raru tūpono / Risks
44. The risks that these standards impose (in their current form and timeframe for implementation) have been identified above.

Ngā koringa ā-muri / Next steps
45. The council’s submission must be lodged by 17 August 2018. Once lodged, staff will contact Ministry for the Environment officials to request a meeting to further discuss the concerns raised in this submission.

Ngā tāpirihanga / Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Process for developing National Planning Standards</td>
<td>83</td>
</tr>
<tr>
<td>B</td>
<td>Planning Standards relevant for the Unitary Plan</td>
<td>85</td>
</tr>
<tr>
<td>C</td>
<td>Auckland Council Submission on Draft National Planning Standards</td>
<td>87</td>
</tr>
</tbody>
</table>

Ngā kaihaina / Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Authorisers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phill Reid - Manager Planning- Aucklandwide</td>
<td>John Duguid - General Manager - Plans and Places</td>
</tr>
<tr>
<td></td>
<td>Jim Quinn - Chief of Strategy</td>
</tr>
</tbody>
</table>
**Attachment A**

### Development Phases

**Phase 1: Research**
- This phase is now complete. The Ministry for the Environment gathered and commissioned research to explain current planning practice and emerging best practice on a wide variety of planning topics.

**Phase 2A: Initial Engagement**
- The Ministry is releasing a set of papers on Planning Standard topics for consultation and engagement, as shown in Appendix 1.

**Phase 2B: Drafting and Test Phase**
- Drafting and test phase (June 2017–April 2018)
- The Ministry will draft standards and refine them through workshops, feedback online and in person, and more technical assessments where needed.

**Phase 2C: Submissions and Standards Refinement**
- Submissions and standards refinement (May 2018–Jan 2019)
- The Minister will publicly notify the draft Planning Standards for written submissions. There won’t be a hearing, so the submissions will be important to table evidence, present positions, and request changes.

**Phase 2D: Indicative Gazette**
- Indicative Gazette (April 2019)
- After considering a report on the submissions, the Minister will approve the final standards, give notice of the approval in the New Zealand Gazette, and present it to the House of Representatives.

**Phase 3: Implementation of content**
- Implementation of content (April 2019–April 2024)
- Councils must amend their plans to incorporate the mandatory standards within one year and the discretionary content within five years of the publication of the standards in the New Zealand Gazette, unless the Planning Standards specify another timeframe.
Attachment B:

Draft National Planning Standards relevant for the Unitary Plan

<table>
<thead>
<tr>
<th>Structure standards</th>
<th>Part/Chapter standards</th>
<th>Form standards</th>
<th>Content and Metrics standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Combined Plan Structure (S-CP)</td>
<td>Introduction and General Provisions (S-IGP)</td>
<td>Electronic Functionality &amp; Accessibility (F-1)</td>
<td>Definitions (CM-1)</td>
</tr>
<tr>
<td></td>
<td>Tangata Whenua (S-TW)</td>
<td>Mapping (F-2)</td>
<td>Noise and Vibration Metrics (CM-2)</td>
</tr>
<tr>
<td></td>
<td>District Wide Matters (S-DWM)</td>
<td>Spatial Planning Tools (Region) (F-3)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Area Specific Matters (S-ASM)</td>
<td>Spatial Planning Tools (District) (F-4)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Schedules, Appendices, Maps (S-SAM)</td>
<td>Chapter Form (F-5)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Status of Rule and other Text and Numbering Format (F-6)</td>
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ATTACHMENT C

Ko te tāpaetanga o te Kaunihera o Tamaki Makaurau

Auckland Council Submission

Title: Auckland Council Submission on Draft National Planning Standards

Submission to the Ministry for the Environment 17 August 2018

1. Introduction

1.1. Auckland Council welcomes this opportunity to provide feedback on the Ministry for the Environment’s proposed draft National Planning Standards (the Standards).

1.2. Auckland Council welcomes the opportunity for further discussion with the Ministry for the Environment on points raised in this submission,

1.3. The main contact for queries on this submission is Linley Wilkinson, Lead Planner, Plans and Places Department, Auckland Council.

1.4. This submission is in two sections. The first section discusses the significant impacts the Standards have on the Auckland Unitary Plan (the Unitary Plan) as well as the implementation issues facing Auckland Council. The second section contains detailed submission points on individual Standards (Appendix A).

2. General comments on the National Planning Standards and the Auckland Unitary Plan

2.1. The Unitary Plan is a particularly complex planning document with an integrated regional policy statement, regional coastal plan, regional plan and district plan provisions. This is the first plan in New Zealand that integrates all the plans required for a unitary council, under the Resource Management Act 1991 (the Act), and therefore truly represents a combined plan.

2.2. Auckland Council does not disagree with the intent and objectives of the Standards as set out in the Regulatory Impact Statement for these Standards. However, the incorporation of some of these Standards into the Unitary Plan will have an outcome that is contrary to these objectives.

2.3. Subsequent sections of this submission will identify the specific issues of the Standards and how these will impact on the Unitary Plan. This submission focuses
on how the Standards, in its current form, limit the Unitary Plan’s ability to meet its planning outcomes and effectiveness as a planning document.

2.4. Council recommends that the Standards address the requirements of complex fully combined plans. To proceed with the Standards, in their current state will result in compromises and a non-user friendly planning document in Auckland. This is because the Standards are aimed at a middle sized medium complexity plan.

3. Significant Impacts on the Auckland Unitary Plan

3.1. The Standards that have a significant impact on the Unitary Plan affect the structure and content of the plan to the extent that they:

- challenge its policy direction;
- reverse agreements or decisions made in partnership with iwi or other stakeholders;
- do not reflect the outcomes currently anticipated by the Auckland community; and
- will be extremely difficult to incorporate without a significant amount of additional changes that fall outside the scope of consequential amendments.

3.2. The significant impacts on the Unitary Plan are:

A reduced number of zones;

B the lack of a specific section within the regional policy statement structure for addressing a nationally significant issue (urban growth);

C the lack of specific sections within the regional policy statement for Mana Whenua;

D the definitions; and

E the coastal plan provisions.

A. Reduced number of zones

3.3. The Standards seek to achieve a balance between standardisation across regional, district and combined plans; while enabling territorial authorities the local variation necessary for achieving local planning outcomes.

3.4. However, in order to meet the requirements of some Standards, the council will have to change its policy framework, which is contrary to the intention of the Standards.
3.5. The Standard’s zoning framework set out in S-ASM challenges the Unitary Plan’s policy direction established in the regional policy statement right through to the district plan. Primarily, S-ASM does not provide sufficient choice for the complexity of zones that exists in the Unitary Plan. The number of rural, residential, business and coastal zones that will be lost will require the council to re-visit its policy framework that underlies these zones. This, we believe, is not the intent of the Standards.

3.6. A significant amount of work was undertaken in harmonising the legacy zone framework of the former territorial authorities in Auckland. Auckland Council’s preference is to continue to build upon the work that has already been completed through the Unitary Plan process, rather than re-litigating issues that came up through the development of the residential zone framework.

3.7. The names of the zones in the Standard present another issue for Auckland. This Standard proposes to name the residential zones based on the density provided for in the zones. This does not make sense in the Auckland context where three of the residential zones in the Unitary Plan have no density limit. Instead the zones are names in accordance with the housing typology provided for. Not only does this Standard remove the nuances in the residential zones, but the titles are a misnomer to the purpose and intent of the zone. Zone titles based on density could well perpetuate the ongoing use of density unnecessarily within plans.

3.8. Any change to the Unitary Plan that undermines the zoning framework has significant ramifications within the Auckland context. While, a precinct or a special purpose zone is a solution anticipated by the Standard these options will not work for the Unitary Plan. The use of precincts to differentiate character or development potential that is currently differentiated through zones does not accord with the role of a precinct which was debated through the Unitary Plan hearings process.

3.9. Including additional zones as a special purpose zone will also not be a viable option as the location of these additional zones are disconnected from the grouping of like zones. This will also be very confusing to the users of the plan.

B. The lack of specific section within the Part 3 - RPS structure for addressing a nationally significant issue (urban growth)

3.10. In the Part 3 - RPS structure set out in the Draft Combined Plan Structure Standard (S-CP) there is a mandatory section for ‘Infrastructure and energy’ but no section relating to urban growth. All councils are required to meet the requirements of the National Policy Statement on Urban Development Capacity 2016 and establish a policy framework within their policy statements and plans to address the matters in this particular national policy statement.

3.11. By not acknowledging the mandatory requirements for policy statements and plans, the Standards fail to be integrated with other national directions. This will result in councils taking an inconsistent approach in locating as well as naming policy sections required for addressing the national policy statement.
3.12. Urban growth is a significant issue for the Auckland region and to locate this topic, as a special topic, at the end of the regional policy statement or buried within the ‘land’ section (as implied by the Standard) does not reflect the status central government, as well as the council, have given this issue.

C. The lack of specific sections within the regional policy statement for Mana Whenua

3.13. The Standards prescribe the mandatory order and headings for Tangata Whenua in Part 2 but fail to provide a specific section for Tangata Whenua in Part 3 – RPS structure. This is a significant gap.

3.14. To meet the requirements of s62(b) of the Act a mandatory section for Tangata Whenua needs to be included in Part 3 – RPS that identifies, as well as addresses, the issues of significance to Tangata Whenua.

3.15. It is clear from the guidance provided with the Standards that it is intended for Tangata Whenua specific resource-related provisions to be integrated in the relevant theme based chapters of the regional policy statement and regional and district plans.

3.16. Auckland Council supports the integration of tangata whenua specific resource–related provisions throughout the regional policy statement and the plan. This is consistent with the Unitary Plan. However, when the Unitary Plan was developed in consultation with iwi it was very clear that the Mana Whenua of Auckland should also have a specific chapter in the regional policy statement to provide the strategic policy framework for its issues of significance.

3.17. The Standard enables a chapter for tangata whenua to be included as a special topic at the end of the regional policy statement. However this fails to acknowledge the statutory requirement that every council has, as well as the significance of this section for the Auckland region.

D. Definitions

3.18. The Definitions Standard provides mandatory definitions for 109 terms. This Standard is different to the other standards as it specifies content for the plan.

3.19. In principle, Auckland Council is supportive of the approach taken to standardise and provide a definition for a number of terms outlined in this Standard. The standardisation provides greater certainty around the meaning of these terms and reduces the number of variations and inconsistencies seen across resource management plans around the country.

3.20. However, the standardisation of some of these terms will have a significant impact on the Unitary Plan. While it is noted that generally all standards are not to determine policy matters, this Standard will impact on the policy approach, use and implementation of such terms in the Unitary Plan. This impact will require council to
review and re-write parts of the Unitary Plan to ensure any policy approach and rules created are consistent with the terms defined in this Standard.

3.21. Council is concerned that the amount of re-writing content will fall outside of the scope of a consequential amendment and therefore require council to undertake a schedule 1 process.

E. The Coastal Plan Provisions

3.22. The Standard on the Combined Plan Structure (S-CP), is not clear where the regional coastal plan is to sit if a combined plan includes regional plan, regional coastal plan and district plan.

3.23. This Standard states that “if the combined plan includes a regional plan, regional plan provisions may be integrated with the implementation of the General District Wide Matters Standard (S-DWM)”. Implying that the regional coastal plan would sit within the ‘coastal environment’ section which sits within the ‘natural environment values’ chapter. This would in effect ‘bury’ the regional coastal plan four levels into the plan.

3.24. Furthermore, it is unclear whether all the provisions for the coastal environment can indeed sit together as the Draft District Wide Matters Standard (S-DWM), the ‘natural environment values chapter – coastal environment’ section, seems relevant for only some regional coastal plan matters.

3.25. Multiple parts of the Unitary Plan will need to be re-organised and re-written resulting in a loss on integration. Furthermore, it is unclear whether the Standards enables the use of precincts, as a spatial planning tool, to apply both over the land and the coastal marine area. If not, then this will reduce integration with the district plan provisions for the adjacent land.

4. Consequential amendments

4.1. Section 58d of the Act enables consequential amendments to be made to the plan that are necessary to avoid duplication or conflict with the amendments required to give effect to any mandatory or discretionary direction. These consequential amendments must be made without using a schedule 1 process.

4.2. Consequential amendments that go beyond the scope of ‘duplication or conflict’ will need to use a schedule 1 process.

4.3. There are a number of Standards that will not be able to be incorporated into the Unitary Plan without substantial rework of content. Council does not believe that this required rework will fit within the scope of consequential amendments. Thus, requiring council to undertake extensive consultation with the public.

4.4. The Standards requiring this rework are the proposed zoning framework, definitions and fitting the coastal plan provisions into the proposed combined plan structure.
5. Implementation of the Standards

5.1. The majority of the Standards require Auckland Council to amend its Unitary Plan within seven years from gazetral of the Standards. This timeframe has been extended, from five years, to broadly align with the ten year review of the Unitary Plan. However, providing council with an extended timeframe has not resolved the issues that council faces.

5.2. Auckland has just completed a significant plan review that involved extensive public involvement as well as a majority of the resource management profession. A significant amount of public money was committed. Council had yet to decide whether a rolling review or a full plan review was its best option to meet its obligations under section 79 of the Act.

5.3. The Standards in their current form not only forces council into a full plan review, but will also require council to start the full plan review three or four years earlier than required. This, we do not believe is what the Auckland community would support.

5.4. It is also questionable whether this is in the national interest given that this would reduce the capacity of Auckland to undertake other necessary planning work during this time. Specifically at risk would be the incorporation of the Hauraki Gulf Island district plan provisions into the Unitary Plan, the implementation of the national policy statement and national environmental standards programme and plan changes needed to provide for growth across greenfield and brownfield locations.

6. Conclusion

6.1. Auckland Council’s submission outlines a number of areas where the Standards, as currently drafted, will have significant impact on the Unitary Plan. Council requests that the Standards are amended, as indicated in this submission, to enable council to incorporate these standards without having to review the Unitary Plan’s policy framework or to notify a plan change for the consequential amendments that are cut of scope.

6.2. In addition, Auckland Council requests that it be given ten years to implement the Standards.

6.3. Council also requests that the Ministry for the Environment provide extensive communication support to explain to the public the intent and content of the Standards.
Draft National Planning Standards Submission Appendices

Auckland Council’s submission on the draft National Planning Standards contains two supporting appendices. Appendix one contains detailed submission worksheets on specific draft National Planning Standards (the ‘Standard’s’). Appendix two contains detailed points on the proposed definition Standard (CM-1). The content page below will assist navigation of these appendices. The glossary attached below summarises commonly used terms and abbreviations in these worksheets.

Appendix 1: submission worksheets on specific standards

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Appendix 2: submission points on definition terms (CM-1)

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Glossary:

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<td>Unitary Plan</td>
<td>Auckland Unitary Plan (Operative in Part)</td>
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<td>Panel</td>
<td>Independent Hearings Panel</td>
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<td>*Individual Standards are abbreviated as such in the worksheets</td>
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Draft Introduction and General Provisions Standard (S-IGP) Part 1

Relevant Planning Standard
This section contains detailed submission points on the Draft Introduction and General Provisions Standard (S-IGP), which includes the ‘Introduction chapter’ (S-INTRO), the ‘How the Plan Works chapter’ (S-HPW), the ‘Interpretation chapter’ (S-INTER) and the ‘National Direction instrument chapter’ (S-NDI).

Summary of submission
Auckland Council has a number of submission points on the Draft Introduction and General Provisions Standard (S-IGP):

- Tables 7, 8 and 9 should be combined into one table and should be able to be located on council’s website;
- Amend the column in Tables 7, 8 and 9 “Date of update approval” to “Date the plan was updated”;
- Include a chapter in the combined plan structure for General Rules before Part 4;
- Relocate the interpretation material such as definitions to the back of the plan;
- Amend the detailed requirements of Table 14 and 15. Limit these tables to identifying the chapters or section of the plan that implement a national policy statement or a national environmental standard.

Issues
Much of the content required in this Standard is already contained in various parts of the Unitary Plan or the council’s website, and as such compliance with this draft Standard would involve shifting current chapters around to match these requirements.

Incorporation of administrative information in the front sections of the plan
This draft Standard moves administrative information to the front sections of a plan. It states that if a plan contains administrative information, such as information on plan updates, it should be located in the introduction. The Unitary Plan does not contain administrative information, by design. Instead, the front sections focus on topics to help users understand how to use the plan.

As part of the development of the Unitary Plan, the Independent Hearings Panel (the Panel) considered the extent of background and administration information that should be located
within the plan. The Panel found\(^1\) that it was more appropriate to locate most background and administration information outside of the plan because:

- the sheer length of the plan is daunting to many plan users and therefore reducing the physical size or the on-screen length of the plan is generally desirable; and
- keeping administration, background and user information in separate documents outside the plan, enables this information to be kept up to date without going through a plan change process and it can be presented in more accessible formats; and
- The material duplicates the same or similar material which the council already produces as part of the Auckland Plan and the Long term plan.

As such, the Unitary Plan update records (as contained in Table 7, 8 and 9) are located on the council’s website. The reason for this is to limit the administrative information that is in the Unitary Plan. Also, it is easier for plan users to locate this information and cross reference alongside the actual plan modifications.

Auckland Council combines all types of plan updates into a single table format, and this approach is preferred. Instead of updating information across three tables: Table 7, 8 and 9, these tables should be combined to avoid duplication across the tables, and reduce the likelihood of potential errors.

It is also recommended that the “Date of update approval” column in the tables, should be the “Date the plan was updated” as this is what the plan user needs to know, instead of the date the plan update was approved. On council’s website a link to the memo that records the “Date of update approval” is provided in the plan update table.

Similarly, interpretation material, such as definitions should be shifted to the back of the plan, to minimise adding bulk to the beginning of the plan. In an e-Plan format, definitions will all be hyperlinked and therefore it is unnecessary to locate this lengthy section at the beginning of a plan.

Adding unnecessary bulk to the front of the plan is contrary to the Standard’s intent of improving usability.

How the Plan Works includes ‘General Rules’ section

The draft S-HPW sets out that Statutory Content and General Approach of the plan must be included in the ‘How the Plan Works’ section in the Introduction.

The layout of general matters and introductory material was considered by the Panel through the development of the Unitary Plan. The Panel found that it was appropriate to include separate sections for the introduction and general rules as these sections serve very different functions.

The purpose of an introduction of a complex document is to set out information about how to use that document\(^2\). The general rules however set out a common approach on matters that can arise with any application for any activity, such as determining activity status, activities

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\(^1\) Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council – Hearing Topic 003 Chapter A Introduction

\(^2\) Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council – Hearing Topic 004 General rules
not provided for, notification etc. Having general rules provides a consistent framework for dealing with applications while avoiding duplication and the risk of inconsistency, by not repeating standard rules throughout the plan.\textsuperscript{3}

Also the Panel was concerned that the inclusion of administrative guidance with general rules, could suggest that these provisions may have the character of rules or at least a kind of advice on the meaning and effect of the rules or the procedural provisions in the Resource Management Act 1991 \textsuperscript{4}, when that was not the intent of these provisions.

The Unitary Plan, therefore, separates the introduction and general rules as these serve very different functions. The General rules are contained in Chapter C in the Unitary Plan.

Auckland Council recommends that a specific chapter for general rules is included within the combined structure standard (S-CP) and is located before Part 4.

**National Directions**

There is a benefit in the inclusion of a National Direction Instruments Chapter (S-NDI). This would be a useful reference for plan users and increases visibility of national direction instruments in the plan.

However, the requirement to include the detail on where these align, duplicate and conflict with provisions in the plan is too onerous, sets up interpretation issues and has little commensurate benefit. Instead, there is benefit in setting out the approach to implementing national direction, and identifying the chapters which includes rules relevant to the national instrument.

**Changes sought**

Auckland Council seeks the following amendments to the draft introduction and general provisions standard (S-IGP):

- Tables 7, 8 and 9 should be combined into one table and should be able to be located on council’s website;
- Amend the column in Tables 7, 8 and 9 “Date of update approval” to “Date the plan was updated”;
- Include a chapter in the combined plan structure for General Rules before Part 4;
- Relocate the interpretation material such as definitions to the back of the plan;
- Amend the detailed requirements of Table 14 and 15. Limit these tables to identifying the chapters or section of the plan that implement a national policy statement or a national environmental standard.

\textsuperscript{3} Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council – Hearing Topic 094 General rules

\textsuperscript{4} Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council – Hearing Topic 094 General rules
Draft Tangata Whenua Structure Standard (S-TW) Part 2

Relevant Planning Standard

This section contains detailed submission points on the draft Tangata Whenua Structure Standard (S-TW).

Summary of Submission

Auckland Council has a number of submission points on the draft Tangata Whenua Structure (S-TW):

- Enable statutory acknowledgments to be located in the appendix of the plan;
- Delete from F-5 Draft Chapter Form Standard the requirement for Part 2 Tangata Whenua to use the order of headings prescribed in F-5;
- Provide clarity on what is intended by “if the following matters are addressed in policy statements and plans…”

Issues

Re-locating information

Draft Standard S-TW locates a significant amount of process and background type of information in the front sections of a combined plan. These mandatory inclusions encompass information from a broad suite of plans, agreements, processes and other legislation.

The concept of combining this information into a document which can be easily accessed by plan users is supported from an efficiency perspective. Also it is sensible to use hyperlinks within the plan to keep this content updated.

For Auckland Council incorporating this Standard would involve relocating some information currently within the schedules and appendices of the Unitary Plan. For example the Standard requires “a list and explanation of what statutory acknowledgments for the district and region are.” The Unitary Plan contains all the statutory acknowledgments for the Auckland region in Appendix 21, which is 55 pages long.

Moving this amount of information to the beginning of the document will challenge the usability of the Unitary Plan. However, leaving it in the appendix is also a problem as it currently does not meet the requirements set out in the Draft Schedules, Appendices and Maps Standard (3-GAM).
Non-statutory information made statutory

A primary concern for Auckland Council is the fluid nature of many of the mandatory provisions within S-TIW and therefore any changes to these provisions will need to be updated through a Schedule 1 process. Schedule 1 plan change processes are resource intensive for the council.

Consultation with mana whenua is a dynamic process within Auckland and prescribing this in the format prescribed in the Standard may not necessarily support a flexible working relationship with Tangata Whenua. There is local variation in how consultation is undertaken between different iwi in the region and refining consultation techniques will vary across iwi and or topics.

It is also unclear what is actually meant by “If the following matters are addressed in policy statements and plans…” (Mandatory Direction 3). Some chapters of the Unitary Plan (e.g. E.1 - Water Quality – e.g. Pol (17)(b)) make specific reference to consulting with Mara Whenua in accordance with tikanga Māori. Is this equivalent to a matter covered in Part 2, being “addressed”? If so, then does that particular policy have to relocate to Part 2 (and suffer from dis-integration) or does the tikanga protocol relevant for each iwi need to be included in Part 2 (but then this would be new content and require a Schedule 1 process for incorporation)?

Format of Part 2

The Draft Chapter Form Standard (F-5) requires chapters within Part 2 Tangata Whenua to use the order of heading prescribed in that Standard. The draft Standard prescribes the format as: ‘Introduction, issues, objectives, policies, methods, rules, anticipated environmental results and monitoring’. However F-5 also states a local authority must consider whether these types of headings need to be provided for or are required. Thus, indicating that it could be optional to use for Part 2. This is unclear.

Changes sought

Auckland Council seeks the following amendments to S-TW:

- Enable Statutory Acknowledgments to be located in the appendix of the plan;
- Delete from F-5 Draft Chapter Form Standard the requirement for Part 2 Tangata Whenua to use the order of headings prescribed in F-5;
- Provide clarity on what is intended by “If the following matters are addressed in policy statements and plans…”
Draft Combined Plan Structure Standard (S-CP) - Part 3: Regional Policy Statement

Relevant Planning Standard

This section contains detailed submission points on Part 3 Regional Policy Statement structure as set out in the Draft Combined Plan Structure Standard (S-CP).

Summary of submission points

Auckland Council has a number of submission points on the proposed regional policy statement structure as set out in the Draft Combined Plan Structure Standard (S-CP):

- That the Standard either includes all s62 of the Act requirements into Part 3 – RPS structure or provides a standard approach to identifying these regional policy statement matters that sit in sections outside of Part 3 – RPS (i.e. tagged as regional policy statement provisions);
- That a mandatory section for Tangata Whenua be included in Part 3 – RPS structure;
- That an ‘urban growth’ section be included in Part 3 – RPS structure;
- That a reference (such as S-RPS) is included for Part 3 matters;
- That clarity is provided where all coastal environment provisions should be located;
- That a ‘rural environment’ section be included in Part 3 – RPS structure.

Issues

Meeting the section 62 of the Act requirements for an regional policy statement

Section 62 lists the contents that a regional policy statement must state. These include;
(b) the resource management issues of significance to iwi authorities in the region; and
(f) the principal reasons for adopting the objectives, policies, and methods of implementation set out in the statement; and
(g) the environmental results anticipated from implementation of those policies and methods; and
(h) the processes to be used to deal with issues that cross local authority boundaries, and issues between territorial authorities or between regions; and
(i) the procedures used to monitor the efficiency and effectiveness of the policies or methods contained in the statement;...

In the draft Standard a number of s62 matters (particularly those listed above) do not sit in the Part 3 – Regional Policy Statement but are located in Part 1 - Introduction and General Provisions or in Part 7 - Evaluation and Monitoring. Without any direction from the Standard...
to tag these provisions as regional policy statement, the draft Standard fails to meet the requirements of s62 of the Act.

Providing specifically for ēwi matters in the regional policy statement

The draft standards provide a specific section Part 2 – Tangata Whenua Structure Standard (S-TW). The guidance for this Standard states the regional policy statement and plan structure standards prescribe the mandatory order and heading for the tangata whenua parts and its associated chapters”. However, there is no section specifically for Tangata Whenua in Part 3 – regional policy statement. This appears to be a gap.

Whether this is a gap is confused by the Guidance also stating that outside of the matters provided for in Part 2 – Tangata Whenua ‘specific resource-related provisions should be placed in the relevant theme based chapters of policy statement/plans. This suggests that the omission of a ‘Tangata Whenua’ theme/chapter in the regional policy statement is intentional and that Tangata Whenua matters are to be addressed (i.e. integrated) throughout the other various sections such as land, water, etc. Auckland Council supports the integration of tangata whenua specific resource–related provisions throughout the regional policy statement and the Plan. This is how it is also done in the Unitary Plan. However, when the Unitary Plan was developed in consultation with ēwi it was very clear that Mana Whenua should also have a specific chapter in the regional policy statement to provide the strategic policy framework for addressing the issues of significance to Māori and to ēwi authorities in the Auckland region.

To meet the requirements of s62(b) a mandatory section for Tangata Whenua needs to be included in Part 3 – regional policy statement that identifies, as well as addresses, the issues of significance to tangata whenua. This would be the equivalent of B6 Mana Whenua in the regional policy statement section of the Unitary Plan. This section provides the overarching objectives and policies for Mana Whenua in the Auckland region. It also establishes the strategic policy direction for the specific Mana Whenua provisions in the district plan. The draft Standard enables a chapter for tangata whenua to be included as a “special topic” at the bottom of the regional policy statement. However, this fails to acknowledge the statutory requirement that every council has, as well as the significance of this section for the Auckland region.

Inclusion of a section for urban growth

The functions of regional and district councils under s30 and s31 of the Act include the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity of housing and business land. Regional councils are required to provide for the strategic integration of infrastructure with land use development under s30(1)(gb) of the Act.

In the draft regional policy statement structure there is a mandatory section for ‘Infrastructure and energy’ but no section relating to ‘development capacity’; the equivalent of B2 Urban growth and form in the Unitary Plan’s regional policy statement section. The objectives and
policies in B2 Urban growth and form of the Unitary Plan provide the policy direction for other sections of the Unitary Plan including Chapter G Rural – Urban boundary. This regional policy statement section also establishes the requirement for structure planning, and provides the basis for zones (future urban areas and areas where higher density is provided for).

In 2016 the National Policy Statement on Urban Development Capacity (Urban Policy Statement) came into effect. The objectives of this Urban Policy Statement apply to all local authorities (with differing policies applying depending on the level of urban growth). The Urban Policy Statement places a strong emphasis on planning across local authority boundaries and for collaboration between regional councils and territorial authorities (pg. 4 Urban Policy Statement). The requirements of the Urban Policy Statement and s30 and s31 of the Act are not reflected in the mandatory sections of the structure of the regional policy statement in the draft Standard. This is not a matter that fits with the category of being a ‘Special topic’ as all councils are required to address the Urban Policy Statement. Including urban growth as a sub section in the “land” section is also not an appropriate response given that urban growth is one of main issues the Auckland region is facing.

Clarity of referencing
This draft Standard includes the reference to be used for Part 1 (S-IGP) and Part 2 (S-TW) but does not include the reference to Part 3 matters. Presumably this is (S-RPS), but this should be included in the Standard for clarity.

Location of coastal provisions
It is not clear in the draft Standard (and the guidance material) whether all provisions that relate to the coastal environment should be located in the coastal environment section. For example, should coastal natural character, coastal hazards, coastal water be located in the ‘coastal environment’ section or other relevant sections such as landscape, landforms and natural character.

Missing rural environment section
The draft Standard does not provide specifically for a rural environment section. Most, if not all, regional councils will need to address resource management issues in relation to rural subdivision, rural productivity and rural activities in their regional policy statement. It is therefore strange that the two options for doing this are as a special topic or as a sub-section in the “land” section. Council’s will choose different approaches and therefore create inconsistencies.

Risks
Risks of not making the changes sought are:
1. The requirements of s32 of the Act relating to regional policy statement matters may not be met, as some regional policy statement provisions sit outside of Part 3 – RPS and the
directions for the standard do not identify the moved sections as regional policy statement provisions or provide instructions that these are to be tagged as regional policy statement provisions.

2. That important strategic regional policy statement provisions for Tangata Whenua and urban growth are included inconsistently in regional policy statement’s and plans as they are not mandatory regional policy statement sections, even though they apply to all councils and are matters that have a significant influence on other plan provisions.

Changes sought

Auckland Council seeks the following amendments to the draft Standard for Combined Plan Structure:

- That the Standard either includes all s62 of the Act requirements into Part 3 – RPS structure or provides a standard approach to identifying those regional policy statement matters that sit in sections outside of Part 3 – RPS (i.e. tagged as regional policy statement provisions);
- That a mandatory section for Tangata Whenua be included in Part 3 – RPS structure;
- That an ‘urban growth’ section be included in Part 3 – RPS structure;
- That a reference (such as S-RPS) is included for Part 3 matters;
- That clarity is provided where all coastal environment provisions should be located;
- That a ‘rural environment’ section be included in Part 3 – RPS structure.
Draft Combined Plan Structure Standard (S-CP) -
Part 4: Coastal Environment

Relevant Planning Standard
This section contains detailed submission points on Part 4 Coastal Environment as set out in the Draft Combined Plan Structure Standard (S-CP) and the Draft Spatial Planning Tools (Regional) Standard (F-3).

Summary of submission points
Auckland Council has a number of submission points on how the coastal environment is incorporated into the combined plan structure as set out in S-CP and F-3:

- That for a combined plan (that combines a regional policy statement, coastal, regional and district plans) the coastal provisions are elevated to the chapter level in Part 4 of the combined plan structure.

And in addition, clarity is provided on:

- where in a combined plan structure do regional coastal plan provisions sit (i.e. the provisions that apply below mean high water springs);
- where coastal environment provisions (i.e. provisions that are landward from and below mean high water springs) sit within the structure specified in the Standard. The Unitary Plan has coastal environment provisions in a number of Auckland-wide chapters and in the 'Chapter F Coastal' chapter. These provisions do not translate neatly into Part 4- Region wide matters in S-CP;
- whether the landward coastal environment components of the Outstanding Natural Landscapes, Outstanding Natural Features and Ecosystems Biodiversity need to be taken out of the topic sections (as they also apply to land outside of the coastal environment) and be included in the coastal environment section or sit in the topic section and be tagged as regional coastal plan;
- where the equivalent of the Unitary Plan’s coastal plan zones sit in within the structure specified in the Standard. The zones are area specific matters, but apart from a Port Zone (that is focused on the landward activities) no coastal zones are provided for;
- whether precincts can be used both over the land and the coastal marine area; and
- whether a combined plan can have a zone that covers both land and coastal marine area.

Issues
Regional coastal plan location in a combined plan
In the draft Standard on the Combined Plan Structure, it is not clear where the regional coastal plan sits if a combined plan includes a regional plan, a regional coastal plan and a district plan.
There appears to be three possible locations for a regional coastal plan.

1. In ‘Natural Environmental Values – Coastal environment’

The Direction in Part 4 – Region wide matters states that “if the combined plan includes a regional plan, regional plan provisions may be integrated with the implementation of the General District Wide Matters Standard (G-DWM)”. This Direction implies that the regional coastal plan would sit in the ‘coastal environment’ section as part of the ‘natural environment values’ chapter. It would need to be integrated with district plan provisions for the coastal environment. However, there are many aspects of a regional coastal plan that do not sit easily under a district plan framework.

Furthermore, the ‘natural environment values chapter – coastal environment’ section, as described in the Draft District Wide Matters Standard (S-DWM), seems relevant for only some regional coastal plan matters.

2. In the ‘coastal environment’ chapter

The draft Standard also states that the ‘coastal environment’ chapter must be used if the combined plan does not include a district plan. This leaves a possibility that the chapter could be used as an option if the combined plan does include a district plan. However, it suggests that the preferred option is to include a regional coastal plan within a ‘section’ as opposed to a ‘chapter’.

3. A new chapter in Part 6 – Area specific matters

The draft Spatial Planning Tools (Regional) Standard provides for zones in a regional coastal plan. The combined plan structure does not state where the provisions for these zones would be located. Presumably they could be added to Part 6 – Area specific matters as a special purpose zone?

There is no equivalent landward coastal environment section in the Unitary Plan

Some regional councils have mapped the landward extent of the coastal environment for their regions, based on the criteria of Policy 1 of the New Zealand Coastal Policy Statement and case law. This is not the case for Auckland. The only topic where the landward extent of the coastal environment has been mapped is for outstanding or high natural character areas (determined against Policy 1 and 13 New Zealand Coastal Policy Statement and from case law). Outside of natural character areas the landward extent of the coastal environment is determined on a case by case basis. There is presently no mapped landward area to which a stand-alone ‘coastal environment’ chapter would be able to apply.

All landward coastal environment matters are incorporated within regional and district plan sections for example in Chapter E Auckland-wide - E1 Water quality and integrated management, E15 Vegetation management and biodiversity, E18 Natural character of the
coastal environment, E36 Natural hazards and flooding etc. In terms of district plan zones the landward coastal environment provisions are incorporated within zone provisions, such as Chapter H7 Open Space zones. The only zone specifically relating to the coastal environment is the Rural – Rural Coastal Zone.

The Standard (or Directions) do not provide for the equivalent to the Unitary Plan zones and precincts applying in the coastal marine area

- It is not clear if the Special Purpose Port zone provided in the Standard applies in the coastal marine area or only on land.
- It is not clear if the coastal marine area could be an additional ‘Special Purpose Zone’. The Draft Area Specific Matters Standard direction 7 refers to ‘proposed land use activities’ so implies the additional special purpose zones are for district plans but the criteria could be met by coastal plan zones.
- The Draft Spatial Planning Tools (Regional) Standard specifies that in regional plans, a zone only applies to the coastal marine area. This, however, is not provided for within the combined plan standard. Nor is it clear if you can have multiple zones in the coastal marine area and/or zones that go over both the land and the coastal marine area.
- It is not clear whether precincts can be used both over the land and over the coastal marine area. Precincts are included in ‘Table 24 District plan components of combined plans and district plan spatial planning tools’ but not in ‘Table 23 Regional plans, policy statement and regional components of combined plans’. However it is noted that the Mandatory Direction 4 in the draft Spatial Planning Tools (Regional) Standard enables additional spatial planning tools to be used in a regional plan ‘if a need is not met by the functions described in table 23.’ The functions of an “Area” are very broad and therefore it is questionable whether a precinct could be introduced in the coastal marine area.

Rules for the landward part of the coastal environment

The Regional Plan Structure Standard guidance document ‘coastal environment’ section states “It is noted that objectives and policies can relate to both the coastal marine area and coastal environment while rules in regional plans can only relate to the coastal marine area.” Several coastal environment plans have included rules that relate to coastal hazards. Some regional plans combine rules for discharges to the coastal marine area and freshwater. Does this note mean that such rules are no longer possible or that they must be in another section? It is also contradictory with the ‘landscapes, landforms and natural character’ section that states regional plans can have rules. The intent may have been to refer to ‘rules’ in regional coastal plans’ rather than ‘regional plans’.

Duplication between sections

It is very unclear what goes in the coastal environment sections for matters that overlap with other sections. For example, it is not clear if esplanade reserves and strips are in the ‘coastal environment’ or ‘subdivision’; or whether coastal setbacks are in ‘coastal environment’ or zones.
The Regional Plan Structure Standard guidance document ‘historic heritage’ section states that “this chapter manages historic heritage including setting the direction for the protection and the management of historic heritage in the coastal marine area including sites and items.” Does this mean the regional coastal plan is to be in multiple chapters?

The Standards should include clear direction regarding whether other applicable sections should be cross referenced or whether they need to be duplicated.

**Complicated numbering of provisions**

The numbering will be very complicated if all the coastal provisions have to be in ‘Part 4 region wide – natural environmental values – coastal environment’ then sections within this for subdivision, built form, natural character, public access, ecosystems, reclamation, structures, dredging, disturbance, water, taking, planting, mangrove removal, discharges, aquaculture, occupation, activities and uses; and each of them having objectives, policies and rules.

The Standards should provide direction how the numbering is meant to address topics that require multiple layers or sub sections. For the regional coastal plan provisions it would be clearer to elevate them to a chapter level.

**Risks**

Multiple parts of the Unitary Plan will need to be re-organised and re-written resulting in a loss on integration. All of the regional coastal plan precincts will need to be re-written as zones or controls. This will reduce integration with the district plan provisions for the adjacent land.

The coastal environment parts of the Unitary Plan regional coastal plan sections may need to be duplicated or cross referenced in the coastal environment chapter.

This work may require out of scope consequential amendments and a significant amount of re-organising content and splitting apart the integration that was achieved in the Unitary Plan.
Changes sought

Auckland Council seeks the following amendments to S-CP:

- That for a combined plan (that combines a regional policy statement, coastal, regional and district plans) the coastal provisions are elevated to the chapter level in Part 4 of the combined plan structure.

And in addition, clarity is provided on:

- where in a combined plan structure do regional coastal plan provisions sit (i.e. the provisions that apply below mean high water springs);
- where coastal environment provisions (i.e. provisions that are landward from and below mean high water springs) sit within the structure specified in the Standard. The Unitary Plan has coastal environment provisions in a number of Auckland-wide chapters and in ‘Chapter F Coastal’ chapter. These provisions do not translate neatly into Part 4- Region wide matters in S-CP;
- whether the landward coastal environment components of the Outstanding Natural Landscapes, Outstanding Natural Features and Ecosystems Biodiversity need to be taken out of the topic sections (as they also apply to land outside of the coastal environment) and be included in the coastal environment section or sit in the topic section and be tagged as regional coastal plan;
- where the equivalent of the Unitary Plan’s coastal plan zones sit in within the structure specified in the Standard. The zones are area specific matters, but apart from a Port Zone (that is focused on the landward activities) no coastal zones are provided for;
- whether precincts can be used both over the land and the coastal marine area; and
- whether a combined plan can have a zone that covers both land and coastal marine area.
Draft Combined Plan Structure Standard (S-CP) -

Relevant Planning Standard
This section contains detailed submission points on the structure as set out in the Draft Combined Plan Structure Standard (S-CP) and the Draft Spatial Planning Tools (district) Standard (F-4).

Summary of submission points
Auckland Council has a number of submission points on the structure as set out in the Draft Combined Plan Structure Standard (S-CP) and the Draft Spatial Planning Tools (district) Standard (F-4):
- Change ‘Sites of significance to Māori’ to ‘Sites of significance to Mana Whenua’.
- Either provide an additional chapter heading for transport in Parts 3 and 4. Or alternatively change the chapter heading ‘Infrastructure and Energy’ to ‘Infrastructure, Transport and Energy’, and add three separate section headings for infrastructure, transport, and energy.

Issues

Mana Whenua
In Part 4 of the combined plan structure a section is provided ‘Sites of Significance to Māori’ in the community values chapter. There is a similar section in the Unitary Plan called ‘Sites of Significant to Mana Whenua’. Council requests that the terminology is kept consistent with the Unitary Plan as it recognises that it is Mana Whenua that identifies these places within the region.

Council also notes that the combined plan structure as proposed in Standard S-CP enables plans to have special topics within Part 4 region wide matters. Part 4 in the Standard does not currently provide for sections equivalent to the Unitary Plan’s Māori Land and Treaty Settlement Land chapters. These Unitary Plan chapters are provided as non-mapped region-wide matters, and council would like to retain this current approach.

Transport
In Part 3 and Part 4 of the combined plan structure ‘transport’ has been omitted from the chapter and section headings. The guidance to these standards state that transport is included within the infrastructure chapters. This, however, is not clear to a plan user.
Transport covers two aspects. The first is as a network utility and the second relates to managing the effects on transport from development including parking, turning, traffic generation etc.

Council seeks that either an additional chapter heading is added for transport in Parts 3 and 4. Or alternatively the chapter heading ‘Infrastructure and Energy’ is changed to ‘Infrastructure, Transport and Energy’, and then three separate section headings be given for infrastructure, transport, and energy.

**Draft Spatial Planning Tools (District) Standard (F-4)**

In this draft Standard there is a mismatch between the spatial planning tools of ‘overlays’ and ‘specific controls’ and the existing mapped controls associated with the Auckland wide rules in the Unitary Plan. For example, in the Unitary Plan’s Chapter E27 Transport there are mapped controls for arterial roads, vehicle access controls, and level crossings with sightline controls. The draft Standard requires these specific controls to be located within a zone. This should be amended to allow specific controls to be located within a district wide or region wide chapter.

Without this clarification, it appears that an overlay would need to be used to identify arterial roads, vehicle access controls, and level crossings with sightline controls. The guidance identifies that overlays can apply across zones and that the associated provisions would be located within district-wide chapters. However given the limited application of these mapped controls, the use of an overlay is not really warranted and specific controls would appear to be the more appropriate tool to use for the types of mapped controls that are currently used in the Unitary Plan in association with Chapter E27 Transport.

**Changes sought**

Auckland Council seeks the following amendments to S-CP:

- Change ‘Sites of significance to Māori’ to ‘Sites of significance to Mana Whenua’.
- Either provide an additional chapter heading for transport in both Parts 3 and 4. Or alternatively change the chapter heading ‘Infrastructure and Energy’ to ‘Infrastructure, Transport and Energy’, and add three separate section headings for infrastructure, transport, and energy.
Draft Area Specific Matters Standard (S-ASM) – Part 6: Zone Chapter

Relevant Planning Standard
This section contains detailed submission points on the proposed Zone framework as set out in the Draft Area Specific Matters Standard (S-ASM).

Summary of submission points
Auckland Council has a number of submission points on the proposed Zone framework set out in S-ASM:

- Expand the number of residential zones from four zones to six zones to enable continued use of the existing Unitary Plan zone framework or provide zones that align with this framework;
- Amend the names of the residential zones to reflect housing typology and not density;
- Amend the name of the “Neighbourhood Commercial” zone and the “Local Commercial” zone to “Neighbourhood Centre” and “Local Centre” respectively;
- Amend the names of zones or the grouping of zones to ensure that there is no duplication of terms;
- Add a Metropolitan Centre Zone;
- Expand the number of rural zones from four zones to six zones to enable continued use of the existing Unitary Plan zone framework or provide zone that align with this framework;
- Provide additional core zones rather than relying on precincts to differentiate character or development potential.
- Modify the test for introducing an additional special purpose zone so that it does not favour the use of precincts.
- Provide more flexibility within the structure of the proposed zone framework so that zones introduced as additional special purpose zones can sit with related zones.
- Delete guidance material that sets up expectations on the built form, levels of amenity activities and the location of each zone, or be clear that the guidance is optional.

Issues

Expand the number of Residential Zones
This draft Standard proposes to simplify the package of residential zones and to minimise the use of zones where other planning tools such as overlays or precincts, can be used to introduce district provisions. The reasons for adopting this zone framework broadly align with the approach taken in the Unitary Plan. The Unitary Plan seeks to achieve the policy direction for residential development through six standard residential zones, with additional area-specific local variation provided through precincts and overlays. However S-ASM has simplified the package of residential zones to four zones. This has significant implications on

1 National Planning Standards: Initial Guidance for draft National Planning Standards F-4 Spatial planning tools (district) S-ASM Area-specific matters – zone framework pg. 5
the delivery of the strategic policy approach to intensification in the Unitary Plan. It also impacts on the significant gains achieved through the process of developing the Unitary Plan, in providing for future growth and attempts at addressing housing supply.

Correlation between the Unitary Plan Residential Zones and the draft S-ASM Residential Zones

After reviewing the purpose statements for the residential zones within S-ASM it appears that both the Residential - Large Lot zone and the Residential - Rural and Coastal Settlement zone in the Unitary Plan correlate to the Low-density zone. Likewise both the Residential - Single House zone and the Residential - Mixed Housing Suburban zone in the Unitary Plan correlate generally with the Residential zone. These four zones however, serve a very different purpose in Auckland’s residential zoning framework:

Table 1: Overview of the Unitary Plan Large Lot, Rural and Coastal Settlement, Single House and Mixed Housing Suburban zones

<table>
<thead>
<tr>
<th>Zone</th>
<th>Density</th>
<th>Purpose</th>
</tr>
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</table>
| Large lot           | Density: 1 dwelling per site  
Minimum site size for Subdivision: 4000m² | The Large Lot zone has been applied in selected locations that are usually on the periphery of Auckland’s urban areas. The zone is generally located in areas with limited or no access to a reticulated wastewater network, or areas where physical limitations apply such as ground conditions or natural hazards. The zone generally forms a transition between rural land and urban land. It is designed to maintain a spacious landscape character or landscape qualities by providing for a low density character of development separated by open space and landscaping or established areas of vegetation. |
| Rural and Coastal settlement | Density: 1 dwelling per site  
Minimum site size for Subdivision: 2500m² | The RCS zone has been applied to residential properties within unserviced rural and coastal settlements across the Auckland region such as Muruwill, Leigh and Kaukapakapa. The zone provides for a “village” residential character and for onsite treatment and disposal of stormwater and wastewater as reticulated infrastructure is not available. |
| Single House        | Density: 1 dwelling per site  
Minimum site size for Subdivision: 600m² | The Single House zone reflects a more traditional residential zoning pattern with a density limit of one dwelling per 600m². There was significant debate through the hearings on the Unitary Plan over the role and purpose of the SHZ. The Panel found that the Residential - Single House Zone is an important zone and contributes to the range of living options and choices available. The Panel’s view was that the zone does not only provide for “low density suburban housing” but it also complements the amenity values based on special character informed by the past, spacious sites with large trees, a coastal setting or other factors such as neighbourhood character. Additionally the SHZ is applied in some coastal settlements e.g. Kawakawa Bay which although serviced, have significant infrastructure constraints. |
Mixed Housing suburban

The MHS zone is spatially the largest residential zone in the Unitary Plan. The zone provides for flexibility of housing choice by enabling attached and detached housing typologies at a range of densities, while retaining a relatively spacious quality consistent with a suburban residential character (including one – two storey buildings). Spatially, it is typically applied between the MHU zone and the SHZ. A number of submitters on the Unitary Plan, sought that the Residential - Mixed Housing Urban and Residential - Mixed Housing Suburban Zones should be merged. This was based on the need to provide greater residential capacity, and the submitters’ view that there was little distinction between the zones, given that density controls do not apply in either zone.

The Independent Hearings Panel found that it was important to retain two separate zones. The Residential - Mixed Housing Suburban Zone will facilitate some intensification while retaining a more suburban character, generally defined by buildings of up to two storeys. The Residential - Mixed Housing Urban Zone will provide for a more intensive building form of up to three storeys, facilitating a transition to a more urban built character over time. The Residential - Mixed Housing Urban Zone also provides for a transition in built character between suburban areas (zoned Residential - Mixed Housing Suburban Zone) and areas of higher intensification with buildings of five to seven storeys in areas zoned Residential - Terrace Housing and Apartment Buildings Zone. The difference in height and height in relation to boundary provisions, as well as the different subdivision site size standard, will assist in the transition in character described above and are important points of distinction.

### Risks

Given the very different purpose that these four zones serve in the residential zoning framework for Auckland, it is impossible to simply merge two existing zones and still meet the policy direction for residential development in Auckland. This is because the range of objectives and policies which shape the character of each zone will be reduced. Furthermore, the Unitary Plan zones that are not explicitly provided for within the S-ASM structure contain provisions that respond to the different levels of infrastructure available for servicing development in each zone. Standardising rules across these zones will result in some areas being underdeveloped to ensure areas that cannot cope with additional development are not overdeveloped. This has a very real implication of influencing the delivery of Auckland’s growth objectives. Consequently the simplified zoning framework that S-ASM seeks to impose will ultimately result in a complete review of the residential zoning framework in Auckland and how these zones are applied spatially.
A significant amount of work was undertaken in harmonising the legacy zone framework included in the legacy district plans of the former territorial authorities in Auckland which consisted of over 99 residential, business and rural zones\(^2\) into six residential zones. This bespoke set of residential zones reflects Auckland’s existing and planned residential environments and has been recommended by the Independent Hearings Panel after hearing extensive expert evidence. Auckland Council’s preference is to continue to build upon the work that has already been completed through the Unitary Plan process, rather than re-litigating issues that came up through the development of the Unitary Plan residential zone framework.

**Changes sought**

Auckland Council seeks the following amendments:

* Expand the number of residential zones to six zones to enable continued use of the existing Unitary Plan zone framework:
  * Add a Rural and Coastal Settlement zone or a zone with a similar purpose.
  * Add a Single House zone or a zone with a similar purpose.

**Naming of Zones**

This draft Standard proposes to name the residential zones based on the density provided for in the zones. This does not make sense in the Auckland context where three of the residential zones have no density limit. Within the Unitary Plan the zones are named in accordance with the housing typology provided for.

Proposing to name the residential zones based on density will result in inconsistencies across the country with how each zone is used or applied. This is because “medium density” is a very different concept in a small town compared to a large urban city such as Auckland. If zones are named by the housing typology they provide for e.g. Single House Zone this will enable zones to be used more consistently throughout the country and therefore, more likely to achieve the purpose of the National Planning Standards. Furthermore terms such as “high density” and “medium density” are planning jargon and not easily understood by the public.

\(^2\) There were a total of 99 residential, business and rural zones across the legacy district plans in Auckland. The development of the PAUP\(^7\) provided an opportunity to significantly rationalise the number of zones and simplify Auckland’s zoning framework. In order to simplify the number and complexity of zones, the Council commissioned Beca Carter Hollings and Fener Ltd (Beca) to prepare a “Legacy Zone Harmonisation Review” which was completed in February 2012. The aim of that report was to group the existing residential, business and rural zones by outcomes into a smaller number of zones.

Tables were prepared for the residential and business zones containing a summary of key performance standards and rules relative to each legacy district plan zone. Each legacy district plan zone was considered in terms of its form and function. These tables were then used to group the various legacy district plan zones by the outcomes they sought to achieve.

This exercise resulted in the proposed package of six residential zones which were notified. Submissions were received on the package of residential zones and the panel heard evidence in support of submissions. The Independent Hearings Panel recommended the retention of the proposed package of residential zones with modifications to the...
Zone names should be in plain English to enable plan users to understand more clearly the intended purpose of each zone. For example zone names such as “Terrace Housing and Apartment Building zone” and “Single House Zone” sends a very clear picture to plan users about the level of development that can be expected in each zone.

Additionally the proposed “Neighbourhood Commercial” zone and the proposed “Local Commercial” zone should be changed to “Neighbourhood Centre” and “Local Centre” respectively. Whilst centre zones are primarily commercial zones they do enable a mixture of activities. The term ‘commercial’ suggests that only business-related activity will occur in this zone and is too narrow a description for zones that enable a mix of uses including community facilities, education facilities and residential uses on the upper floors.

The proposed naming of individual zones and their groups in S-ASM duplicates terms which could cause confusion and result in interpretation issues. By using ‘residential zone’ both generically as a zone type, and also as the name of a specific zone within that category, this will lead to communication problems as to what exactly is being discussed when ‘residential zones’ is being referred to. This applies to residential zones, rural zones, and commercial zones.

**Changes sought**

Auckland Council seeks the following amendments:

- Amend the names of the residential zones to reflect housing typology and not density, an example of how this could be achieved is:
  - Rename Low Density Zone to ‘Large Lot zone’
  - Rename Residential Zone to ‘Mixed Housing Suburban zone’
  - Rename Medium Density Residential zone to Mixed Housing Urban zone’
  - Rename High Density Residential zone to Terrace Housing and Apartment Building zone

- Amend the name of the “Neighbourhood Commercial” zone and the “Local Commercial” zone to “Neighbourhood Centre” and “Local Centre” respectively.

- Amend the names of zones or the grouping of zones to ensure that there is no duplication of terms.

**Incorporate a Metropolitan Centre Zone**

The Unitary Plan incorporates a centres hierarchy which gives effect to the Auckland Plan 2012, the guiding strategy for Auckland at the time of the development of the Unitary Plan. S-ASM also adopts a centres hierarchy which incorporates a series of centre zones including City Centre, Town Centre, Local Centre and Neighbourhood centre. This broadly aligns with the Unitary Plan however it is missing one key component, the Metropolitan Centre Zone. Within the Unitary Plan the Metropolitan Centre Zone has been applied to signify areas of growth and intensification, secondary to the city centre in terms of scale and

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3 The Auckland Plan 2012 has been reviewed. Auckland Plan 2050 was adopted by the Planning Committee on 5 June 2018 and will be available online in August 2018. The Unitary Plan was developed in accordance with the Auckland Plan 2012 which was the guiding strategy at the time of the development of the Unitary Plan.
intensity. In other New Zealand cities the metropolitan centre zone may not be needed as their function is covered by a city centre zone. Given Auckland’s scale and polycentric nature, however, there are a number of centres within the region that serve a different function to town centres as sub-regional hubs that support the city centre.

Metropolitan Centre’s are defined in the Auckland Plan 2012 as:

“Metropolitan centres serve regional catchments and have strategic roles within the region. They provide a diverse range of shopping, business, cultural, entertainment and leisure activities, together with higher density residential and mixed use environments. They have good transport access and are served by high-frequency public transportation. These centres have the greatest opportunities for additional business and residential growth.”

The Business – Metropolitan Centre Zone applies to 10 centres throughout Auckland including Newmarket, Sylvia Park, New Lynn, Westgate, Henderson, Tekapuna, Albany, Botany, Manukau and Papakura. The role and function of Metropolitan Centres have been provided for within the Unitary Plan through provisions which:

- Enable a wide range of activities including commercial, leisure, intensive residential, tourist, cultural, community and civic services; and
- Generally allow for high-rise buildings to support an intense level of development in the zone; and
- Requires resource consent for buildings within the zone to ensure that they are designed to a high standard, which enhance the quality of the centre’s streets and public open spaces.

Excluding a Metropolitan Centre Zone within Auckland will impact the delivery of the Auckland Plan 2012 outcomes as it challenges the ability for the Unitary Plan to implement the strategic directions of an urban centres hierarchy. Without a Metropolitan Centre Zone available the Auckland Council will have to look at applying the City Centre or Town Centre zone to the Metropolitan Centres.

The City Centre zone is at the top of the centres hierarchy and plays a pivotal role in Auckland’s present and future success. The Business – City Centre Zone seeks to ensure the city centre is an international centre for business and learning, innovation, entertainment, culture and urban living, taking priority in this regard over all other areas. Having multiple City Centre zones significantly undermines the purpose of the zone in distinguishing the City Centre as the focal point for commercial intensification within Auckland.

The City Centre Zone is not appropriate to be applied to Auckland’s metropolitan centres as it serves a vital role in the region and the nation as the primary centre with the highest residential density in the nation and contributing 7.4% of the New Zealand’s GDP. As a result, its function is different from metropolitan centres, which in turn support the city centre.

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4 Primary Evidence of John Duguid on behalf of Auckland Council / Unitary Plan Topic 080- Rezoning/ 3 December 2015
5 The Auckland Plan pg. 253
The city centre:
- Provides for tourist economy including the port
- Is the key public transport hub of the region
- Provides the premier civic and cultural facilities in the region and nation
- Has a large evening and night time economy.

The Business – Town Centro Zone applies to suburban centres throughout Auckland, the satellite centres of Warkworth and Pukekohe, and the rural towns of Helensville and Wellsford. There are currently 43 town centres in the Auckland region. The centres are typically located on main arterial roads, which provide good public transport access. The zone provides for a wide range of activities including commercial, leisure, residential, tourist, cultural, community and civic services, providing a focus for commercial activities and growth. Town centres do provide for growth and intensification however, this is typically at a much smaller scale than Metropolitan Centres (buildings of four to eight storeys as opposed to 18 storeys). Zoning Metropolitan Centres as Town Centre Zone sends a very misleading message to the public about the scale of development anticipated within these centres.

Metropolitan centres differ from town centres in that they:
- Generally contain medium-high density, vs medium density
- Are sub-regional destinations, rather than serving local needs (e.g., cultural and civic facilities and tertiary education)
- Support high quality public transport with high trip generation
- Serve an important economic function (e.g. provide for head/regional offices vs local offices); have an evening and night economy
- Provide high quality public spaces vs local spaces that are smaller in scale
- Have a strong emphasis on employment with a higher employment-residential ratio than town centres.

Introducing a Special Purpose – Metropolitan Centre Zone is not a satisfactory option as this zone will sit at the bottom of the zone list and not within the other commercial centre zones. This is not an adequate reflection of the centres strategy for Auckland and does not enhance plan usability. See also issue 5, below, for the discussion on why a precinct is not an appropriate tool to use to replace the zones.

Risks
Any change to the Unitary Plan that undermines the centres strategy has significant ramifications within the Auckland context. The centres strategy has been operating well within Auckland and strategic work such as the Auckland Plan review relies on this strategy, it is imperative that a Metropolitan Centre zone is added.

Changes sought
Auckland Council seeks the following amendment:
- Add a Metropolitan Centre Zone.
Expand the number of Rural Zones

This draft Standard is seeking to simplify the package of rural zones and to minimise the use of zones where other planning tools such as overlays or precincts, can be used to introduce district provisions. The reasoning for adopting this zone framework broadly aligns with the approach taken in the Unitary Plan. The Unitary Plan seeks to achieve the policy direction for rural areas through five standard rural zones and the two Waitakere rural zones, with additional area-specific local variation provided for through precincts and overlays. S-ASM has simplified the package of rural zones to four zones. This has significant implications as Auckland has developed in the Unitary Plan a finely tuned and carefully nuanced approach to managing the complex mix of activities and interactions in rural areas. Reducing the number of rural zones compromises the policy framework and the intended outcomes.

Auckland will potentially lose four of its rural zones and its two Waitakere rural zones which provide for specific activities appropriate to the different nature and characteristics of these areas. These characteristics are based on current and potential land uses as well as their different physical attributes. The policy framework for the current rural zones provide for a subtle but different outcome.

Having fewer rural zones disregards distinctive features including topography, land-use and natural features. This is important particularly for the Rural Coastal Zone and the Rural Conservation Zone (and the Waitakere rural zones) because they are biophysically very different from the other rural zones. The loss of the Rural Coastal Zone is significant as it is extensive in land area and important in the way it interfaces with supporting the New Zealand Coastal Policy Statement.

Upon reviewing the purpose statements for the rural zones within the S-ASM it appears that the Rural Coastal Zone, the Rural Conservation Zone, the Waitakere Ranges Zones and the Waitakere Ranges Foothills Zone do not align with any of the proposed zones. Additionally the draft Standard proposes a Rural Settlement zone which does not correlate to any of the Unitary Plan zones.

The Waitakere rural zones could potentially be included as a special purpose zone, however, the lack of equivalent zones to the Rural Coastal zone and the Rural Conservation Zone is a significant gap in respect to Auckland’s rural zoning strategy.

Table 2: Overview of the Rural Conservation and Rural Coastal zones

<table>
<thead>
<tr>
<th>Note</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 National Planning Standards Initial Guidance for draft National Planning Standards F-4 Spatial planning tools (district) S-ASM Area-specific matters – zone framework pg. 5</td>
<td></td>
</tr>
<tr>
<td>7 The Residential – Rural and Coastal Settlement zone is primarily a residential zone and does not provide for a mix in activities.</td>
<td></td>
</tr>
<tr>
<td>8 The Waitakere Ranges zones were added by the IHP as they deleted precincts in favour of adding core zones. The area is subject to multiple layers of controls (precincts and overlays). Further investigation would be required to ascertain that a special purpose zone is the right approach.</td>
<td></td>
</tr>
</tbody>
</table>
### Risks

Given the distinct purpose these two rural zones have within the rural zoning strategy in Auckland, the S-ASM in its current form will unravel the entire rural zoning strategy.

A significant amount of work was undertaken in harmonising the legacy zone framework included in the legacy district plans of the former territorial authorities in Auckland. This bespoke set of rural zones reflects Auckland’s diverse rural environments and has been recommended by the Independent Hearings Panel after hearing extensive expert evidence. Auckland Council’s preference is to continue to build upon the work that has already been completed through the Unitary Plan process, rather than re-litigating issues that came up through the development of the Unitary Plan rural zone framework.

### Changes sought

Auckland Council seeks the following amendments:

- Expand the number of rural zones to six zones to enable continued use of the existing Unitary Plan zone framework:
  - Add a Rural Coastal Zone or a zone with a similar purpose.
  - Add a Rural Conservation Zone or a zone with a similar purpose.

### Provide additional core zones rather than using precincts to differentiate character or development potential

Using precincts to compensate for a lack of appropriate zones is not supported. This is because it would result in precincts that impose a completely different policy direction and set of provisions that bear little resemblance to the underlying zone. This does not enhance the usability of the plan as the underlying zone will be completely overridden by precincts. It
could also result in complex sub-precincts structures resulting in precincts acting as pseudo zones. There is a risk that multiple precincts might be applicable to a single site, which will lead to interpretation issues.

The use of precincts to differentiate character or development potential that is currently differentiated through zones does not accord with the role of a precinct which was debated through the Unitary Plan hearings process. Through the Unitary Plan hearings process it was agreed that the role of a precinct is to build on the underlying zone. The best practise approaches for precincts issued as interim guidance by the Independent Hearings Panel specified that:

“2.4 The purpose of the precinct can’t be achieved through the use of the underlying zone and Auckland-wide provisions.

2.6 When the proposal changes most of the underlying zone, a new zone should be created instead of a precinct.”

This approach to the role of precincts is reflected in the national planning standards as it is stated within the initial guidance that:

“Precincts apply to a defined area where the purpose of the underlying zone(s) and majority of provisions (especially objectives and policies) are still applicable and are relevant. A precinct introduces a collection of new provisions. Precincts are therefore dependent on the underlying zone(s) and their policy frameworks.”

Changes sought
Auckland Council seeks the following amendment:

- That additional core zones are provided, as identified above, rather than reifying on precincts to differentiate character or development potential.

Test for Additional Special Purpose Zones
If the zoning framework provided in the national planning standard at gazetted does not correlate with the Unitary Plan zones it is likely that the Council will have to utilise additional special purpose zones. There are two issues associated with this approach.

1) The test for introducing an additional special purpose zone favours the use of precincts; and

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9 Primary Evidence of John Duguid on behalf of Auckland Council / Unitary Plan Topic 080 - Precincts/ 3 December 2015
Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council – Changes to the Rural Urban Boundary, re-zoning and precincts
10 Auckland Unitary Plan Independent Hearings Panel Interim Guidance – Best Practice approaches to re-zoning, precincts and changes to the Rural Urban Boundary 31 July 2015
11 National Planning Standards Initial Guidance for draft National Planning Standards F-4 Spatial planning tools (district) S-ASM Area specific matters – zone framework pg. 6
2) The structure of the proposed zone framework is inflexible so zones introduced as additional special purpose zones will not sit with the groupings of related zones.

**Test for introducing an additional special purpose zone favour the use of precincts**

Within S-ASM an additional special purpose zone can only be created when the proposed land use activities and anticipated development within the defined area:

- a. are significant to the district or region
- b. could not be enabled by any other zone
- c. could not be enabled by the introduction of an overlay, precinct designation, development area, or specific control.

The issue with this proposed test is that it is very difficult to justify that a different management approach could not be enabled by a precinct. This is because the S-ASM adopts a very broad definition of a precinct:

> “A precinct spatially identifies and manages an area where two or more additional provisions apply which modify the policy approach of the underlying zone(s) or refine or modify land use outcomes.”

Favouring the use of precincts over special purpose zones will lead to a large number of precincts with little relationship to the underlying zone. For instance there is no provision for the Rural Waitakere Ranges zones within the proposed zone framework, therefore an underlying zone will need to be selected which the precinct will entirely override. As the public generally is guided by the underlying zone this could result in plans which are not user friendly or transparent to the general public.

Additionally, where a precinct is introduced in the place of a core zone it could lead to overlapping of precincts applying to a particular site. This will lead to implementation issues regarding the intended hierarchy that applies between precincts.

**The structure of the proposed zone framework is inflexible so zones introduced as additional special purpose zones will not sit with related zones**

Where an additional special purpose zone is required to provide for a zone which is included within the Unitary Plan zone framework and not A-ASM, it will be added to the bottom of the zone list. This means that it will not sit with like zones. This does not enhance plan usability and will be confusing to the public.

**Changes sought**

Auckland Council seeks the following amendments:

- That the requirements for introducing additional special purpose zones are revised to enable a special purpose zone to be used in place of a precinct.
- Provide flexibility to locate special purpose zones with “like” zones within the structure.

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Draft Area Specific Matters Standard pg. 43
Draft Area Specific Matters Standard pg. 45
Level of Guidance on Zone Purpose
The Council supports the standardisation of the proposed zone framework being limited to the zone name and the zone purpose. Within the discussion documents on the National Planning Standards, released 2017, there was a proposal to include standardised objectives and policies and bulk and location metrics. The Council provided feedback on this and supports the draft Standard which does not contain standardised objectives and policies and bulk and location metrics.

The National Planning Standards Initial Guidance for draft National Planning Standards F-4 Spatial planning tools (district) S-ASM Area-specific matters – zone framework contains specific guidance on:

- The built form and amenity provided in the zone;
- The activities provided for in the zone; and
- The location of the zone.

This level of detail is inappropriate and should be removed from the guidance material. Auckland Council is concerned that if this material remained in the guidance it could be used to ensure that the zones are used in accordance with this guidance material.

Different Councils have different approaches to how they interpret the purpose statement and locate zones based on factors specific to their particular locality. This flexibility is provided for within S-ASM which only goes as far as harmonising the zone names and purpose statements. Including more specific detail about built form, levels of amenity, activities and the location of each zone in the guidance material will create public expectation which could be used against the Council if they do not align with this. Council’s should be able to retain the flexibility to determine what is anticipated in each zone.

Changes sought
Auckland Council seeks the following amendments:

- Delete or minimise guidance material on:
  - The built form and amenity provided in the zone;
  - The activities provided for in the zone; and
  - The location of the zone.

- Alternatively make it very clear that guidance is only guidance and does not determine Council’s approach within the zones.
Draft Area Specific Matters Standard (S-ASM): Part 6 Development Areas Chapter and Precinct Chapter

Relevant Planning Standard

This section contains detailed submission points on the proposed Development Areas and the Precinct Chapters as set out in the Draft Area Specific Matters Standard (S-ASM).

Summary of submission points

Auckland Council has a number of submission points on the proposed Development Areas and the Precinct Chapters (S-Dev; S-Prec):

- Provide more clarity on the role and purpose of development areas and how these are incorporated into plans;
- Delete the development area spatial planning tool and expand the precinct tool to include development areas with their accompanying special provisions;
- If development areas are to be pursued as a spatial planning tool then simplify the process for incorporating this tool into resource management plans;
- If development areas are to be pursued as a spatial planning tool then the planning standard should be amended to recognise that if there is already an appropriate underlying zoning, development areas are not required to identify areas appropriate for re-development;
- If development areas are to be pursued as a spatial planning tool then there must be the ability for development areas to incorporate rules and override overlays, zone provisions and specific controls;
- Include a general rules section within the plan structure which outlines the hierarchy between the various spatial planning tools;
- Advocate for removal of the development plan section when development is complete by way of a non-schedule 1 process;
- Investigate the introduction of sunset clauses;
- Provide more guidance on what constitutes ‘completion’ of a development area.
- If development areas are to be pursued as a spatial planning tool the name should be revised to a term that is not currently used in the Auckland Plan 2050;
- Clarify the difference between a ‘development area’ and ‘precinct’ and remove ambiguity from the definition of ‘development area’;
- Consider imposing some further restrictions on precincts to limit their use;
- Revise the definition of ‘precinct’ so that it cannot completely modify the policy approach of the underlying zone;
- Retain the proposed approach for naming precincts and add geographical location.
**Issues**

**Development areas as a spatial tool and correlation to the Auckland Unitary Plan**

S-ASM introduces five spatial planning tools – zones, overlays, specific controls, precincts and development areas for district or combined plans.

S-DEV states that development areas are:

> A development area spatially identifies and manages areas where conceptual plans such as structure plans, framework plans, outline development plans, or growth area plans apply to determine future land use and/or development.

Based on the guidance for development areas it is the council’s view that future development areas (i.e. structure plans) are anticipated to be incorporated into plans as follows:

1. **Preparation of the development plan (non-statutory process)**
2. **Plan change 1**
   - Provides for development area section with objectives, policies, plans (showing expected land use patterns, key infrastructure) & methods other than rules
3. **Development area is completed**
4. **Plan change 2**
   - Removal of development plan section
5. **Plan change 3**
   - Modifies zone(s) & introduces other planning tools (e.g. a new precinct) where necessary

The Auckland Unitary Plan has no equivalent tool for development areas however, a number of the Unitary Plan precinct provisions perform a similar function as this proposed tool. Precincts in the Unitary Plan, like the proposed development areas tool, contain objectives, policies, plans (structure plans, concept plans etc. having been renamed as precinct plans). Unlike S-DEV however, Unitary Plan precincts also include rules to direct and manage subdivision, use and development.

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1 Under the precincts chapter (S-PREC) a precinct spatially identifies and manages an area where two or more additional provisions apply which modify the policy approach of the underlying zone(s) or refine or modify land use outcomes. In the precinct guidance it is noted that precincts are dependent.
In contrast to S-DEV no provision is explicitly made in the Unitary Plan for the removal of completed precincts.

In greenfield areas that are intended to transition to urban areas over time structure planning is undertaken in accordance with the Unitary Plan Appendix 1 Structure plan guidelines and is followed by a plan change to introduce ‘live zones’ and precinct provisions in accordance with Schedule 1 of the Act.

The Unitary Plan sets out a streamlined and robust planning process for introducing spatial planning tools to enable a transition in land use or development potential.

The Unitary Plan process is shown as follows:

- Preparation of the development area (non-statutory process)
  - Plan change 1
    - Modifies zones
    - Where necessary introduces development area as a precinct
    - Precincts may contain objectives, policies, plans (showing key infrastructure) & rules

The draft Standard is unclear how it is intended for development areas to be used, including how these are to be incorporated into a plan.

**Changes sought**

Auckland Council seeks the following amendment:

- Provide more clarity on the role and purpose of development areas and how these are incorporated into plans.

**Development areas planning process likely to slow delivery of housing and infrastructure**

The Unitary Plan planning process is more streamlined and comprehensive than that proposed for development areas as it only involves one plan change. Fast efficient planning processes are critical in Auckland for addressing its housing shortage. Poor planning processes would detrimentally impact both private sector projects and the Government’s Kiwi Build programme.

The advantage of a process that involves only one plan change is the greater certainty it affords all parties including developers, landowners, council, infrastructure providers and the

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on the underlying zoning. They are envisaged as being used for character, amenity, or development where particular activities are encouraged over others.
wider community. It removes the risk of a significant change in direction as subsequent plan changes are considered. The plan change process is subject to change through the submission, decision making and appeal processes. The more plan changes required to accomplish changes to a plan, the higher the risk and the slower it will be for implementation and delivery.

Certainty around zoning outcomes and provisions is also critical in confirming the capacity of development areas and determining the typically substantial costs of providing or upgrading infrastructure.

In addition, a process that only involves one plan change also results in lower costs on the community in terms of resources, time and money.

**Changes sought**

Auckland Council seeks the following amendment:

- If development areas are to be pursued as a spatial planning tool then simplify the process for incorporating this tool into resource management plans.

**Creates an unnecessary layer in the Unitary Plan and other resource management plans**

The proposal within S-ASM to introduce development areas creates an unnecessary layer within the Unitary Plan and other resource management plans. This is because precincts can be used to perform a similar function as development areas. Restructuring the Unitary Plan to introduce development areas involves a significant amount of work for little or no benefit.

A more efficient means of identifying areas proposed for redevelopment is for amendments to be made to the draft Standard to expand the precinct tool to include development areas with their accompanying special provisions.

This would make it easier for the public to locate the relevant provisions applying to areas proposed for redevelopment as the provisions will be located in one chapter and in one section of the plan rather than split across two chapters and two sections. While an electronic plan can ensure appropriate cross referencing, the separation of provisions to identify areas to redevelop and transition over time into separate components is unnecessary. It will create confusion for plan users to understand the intended outcomes for the area.

It is acknowledged that smaller local authorities may wish to use the S-DEV chapter to identify to their communities future land use changes. However Auckland’s strategic planning context is determined by the Auckland Plan (a spatial plan required by the Local Government (Auckland Council) Act 2009). From here, the Future Urban Land Supply Strategy identifies sequencing and timing of future urban land development readiness over 30 years. Sequences of land being live zoned are based on when necessary infrastructure will be available as determined by the Long Term Plan, Regional Land Transport Plan etc. The use of an extra layer to inform future development areas are unnecessary for Auckland.
Changes sought

Auckland Council seeks the following amendment:

- Delete the development area spatial planning tool and expand the precinct tool to include development areas with their accompanying special provisions.

It is not necessary for all development areas to be included in an resource management plan

Auckland Council has significantly up-zoned land in existing urban areas in the Unitary Plan. The challenge now is to realise and enable that additional capacity. As the underlying zoning enables increased capacity; development areas, as prescribed by the draft Standard, are not required to identify areas appropriate for redevelopment or to deliver an increase in housing.

In confirming the National Planning Standards it should be recognised that if there is already an appropriate underlying zoning, structure plans do not need to be incorporated into plans. Several large comprehensive redevelopment projects in Auckland are occurring without incorporating structure plans (completed or not) into the Unitary Plan. These are:

- Hobsonville Land Company - 23,600 new homes
- Tamaki Development Company - 7,500 new homes

Given the zoning is already in place, non-statutory structure plans are prepared by the development agency in collaboration with the council and infrastructure providers. These are aligned with infrastructure delivery mechanisms such as:

- Partnership agreements/ Memorandum of Understanding (TDC & AC / HLC & AC)
- Infrastructure funding agreements (AC, CCO, Developer, NZTA)
- Council & CCOs project funding and sequencing (LTP, RLTP etc.)
- Capital expenditure by development agency
- Supporting Growth Alliance (collaboration by NZTA, AT, AC to deliver transport networks)
- Development contributions

Working outside of the Unitary Plan where suitable zoning is already in place, structure planning, infrastructure upgrades and construction of new houses and required infrastructure can proceed at a much faster and more efficient pace than the process outlined in the S-DEV chapter. Particularly the incorporation into the Unitary Plan would be subject to submissions and legal challenge.

Auckland Council is currently investigating amending its Geo-maps website to include non-statutory information about spatial plans. This would capture non-statutory spatial plans such as those described above and also area plans, centre plans etc. This is likely to be a useful tool in building a comprehensive understanding of the development picture across Auckland.
Changes sought

Auckland Council seeks the following amendment:

- If development areas are to be pursued as a spatial planning tool then the Standard should be amended to recognise that if there is already an appropriate underlying zoning, development areas are not required to be used for areas appropriate for redevelopment.

Rules are not provided for as a method in development areas

The S-ASM states that development areas must include at least one objective and policy and also references s75(2) of the Act (which also does not enable rules). This means rules are not anticipated to be used in development areas. It is unclear how development can be undertaken and completed without appropriate underlying zones and supporting rules in place (to provide for the necessary subdivision, use and development framework) and without any supporting rule provisions in the S-DEV sections. While infrastructure delivery by designating authorities could be achieved using existing planning tools such as Notice of Requirements, this tool is not available to private developers.

Private developers, may also not get bank finance without appropriate zones being in place and thus unable to commence development or complete physical infrastructure development.

Without the ability to manage development using rules the S-DEV sections, are rendered as information only. In the Council’s experience the development sector is likely to ignore the S-DEV policy framework as it cannot be enforced.

A developer can apply for resource consent to undertake development that does not reflect the intended outcomes of the development areas and obtain approval under section 104D of the Act by proving that the development creates no more than minor adverse effects on the environment.

Having development plans incorporated into the Unitary Plan without rules, then places pressure on the council to approve non-complying subdivision and land use applications ahead of scheduled infrastructural delivery. The delivery and sequencing of infrastructure sits outside the resource management process and is subject to other strategic planning documents e.g. Regional Land Transport Plan.

If development areas are to be pursued as a spatial planning tool then there must be the ability for development areas to incorporate rules and override overlays, zone provisions and specific controls for these to be used effectively.
Changes sought

Auckland Council seeks the following amendment:

- If development areas are to be pursued as a spatial planning tool then there must be the ability for development areas to incorporate rules and override overlays, zone provisions and specific controls.

Direction in the guidelines that S-DEV provisions may override overlays, zones or specific control provisions

There is no provision in S-DEV to enable development areas to override overlays, zones or specific control provisions although the guidance for this Standard says they can. The Unitary Plan in its wider application of precincts does provide for development area type precincts to potentially override overlays, zones or specific control provisions. This is outlined in Chapter C in the Unitary Plan and can be provided for specifically within the precinct provisions.

The draft introduction and General Provisions Standard (S-IGP), as well as related guidelines, establish a “general approach” section to explain how plan provisions including zones, overlays, precincts, designations and development areas relate to each other or how applications subject to multiple zones or chapters are treated. However, there is no discussion in the S-HPW chapter (How the Plan works in Part 1) to establish this relationship. It is not appropriate to place general rules in the Introduction chapter as it is not a logical place for plan users to look.

The Unitary Plan in its wider application of precincts provides in its General Rules chapter for both these matters. As noted in the Auckland Unitary Plan Independent Hearings Panel recommendations (and accepted by council) these matters can arise with any application.

‘Having general rules helps provide a consistent framework for dealing with applications and avoiding duplication (and the risk of inconsistency) by not repeated standard rules throughout the plan.’

Explanations are not considered to offer sufficient certainty and are likely to be subject to ongoing legal challenge during the life of the plan. Hence the council support for a general rules section at the beginning of Part 4.

Changes sought

Auckland Council seeks the following amendment:

- Include a general rules section within the plan structure which outlines the hierarchy between the various spatial planning tools.
S-ASM: Draft Area Specific Matters Standard: Development Areas and Precincts

Removal of development areas once completed

Benefits
The S-ASM states within the development areas chapter “when a development area is completed, the development plan section must be removed from the plan”. This component of the standard is supported as it is good housekeeping to remove redundant material from plans. Although it is unlikely many councils have the resources to continually update their plans for this purpose.

Councils could, as the S-DEV implies undertake this via a plan change. This could either be undertaken as part of a general omnibus or a discrete plan change. However, in either case, a plan change is a needlessly cumbersome and expensive method to achieve this outcome. It would be useful for the forthcoming resource management reforms to consider removal of completed material by way of a non-schedule 1 process.

The use of sunset clauses has not been explored within the draft National Planning Standards. While not commonly used in resource management plans they could be an alternative method to plan changes. In the past, sunset clauses have not been enforced as councils do not have sufficient resources to ensure these are completed in a timely manner or due to other unexpected circumstances, development could take longer than the sunset clause to complete.

More work is needed on how they would be applied to avoid legal challenge across the country and to ensure they can be appropriately enforced.

No guidance is provided on what constitutes ‘completion’. In order to avoid legal challenges in relation to future plan changes to remove completed development areas, this direction needs further refinement.

Changes sought
Auckland Council seeks the following amendments:

- Advocate for removal of completed material by the way of a non-schedule 1 process;
- Investigate the introduction of sunset clauses; and
- Provide more guidance on what constitutes ‘completion’ of a development area.

Definitions for ‘precincts’ and ‘development areas’
While the Council does not support the introduction of development areas for the reasons outlined in above, the distinction between these two tools is not clearly explained in either the S-PREC or S-DEV chapters. While the guideline is stronger in the outcomes envisaged, greater weight will (and should be) be given to the actual standards.

For example, the Unitary Plan precincts which function as ‘development areas’ align with S-PREC and therefore can be readily classified as precincts. They satisfy the precinct definition by spatially identifying and managing an area where two or more additional provisions apply that modifies the policy approach of the underlying zone(s) or refine or modify land use outcomes.
The S-DEV chapter is also not clear over what constitutes a ‘large area’. This could create confusion as which tool (precincts or development areas) should be used. Some of the types of spatial plans referenced (framework plans, concept plans, and outline development plans) appear to relate to small developments say of several hectares (e.g. a large retail development). Thus their purpose also means the precinct definition.

Unambiguous definitions are required to ensure that precincts and development areas are used in a consistent way and do not confuse the plan user. This is particularly important as the relationship between precincts and development area could be legally challenged in the future.

In addition, the term ‘development areas’ is also used in the Auckland Plan 2050.

The Auckland Plan 2018 refers to ‘development areas’ as areas in the existing urban area that are suitable for re-development. The S-DEV takes a much broader definition and applies it to large areas of development or re-development in both a greenfield and brownfield setting.

Given that the Auckland Plan is now finalised, the continued use of this term in the Standard will result in a lot of confusion for the Auckland community.

**Changes sought**

Auckland Council seeks the following amendments:

- Clarify the difference between a ‘development area’ and ‘precinct.
- Remove the ambiguity from the definition of development area
- Amend the term ‘development areas’ so it does not conflict with the term that is currently used in the Auckland Plan 2050.

**Restrictions on the use of Precincts**

There is no restriction on the use of precincts within S-PREC other than a proposed precinct having to have two or more additional provisions. Given the limited amount of zones available it is likely that precincts will be used extensively at different scales to provide for local variation. A plan, as complex as the Unitary Plan, could become littered with precincts that resemble sub zones as there is no limit on the number of precincts or the number of controls they introduce or modify.

S-PREC does not restrict the use of precincts that modify the policy approach or land use outcomes of the underlying zone. This could lead to the introduction of precincts which provide for a land use or built outcome which is fundamentally different to the underlying zone. As the public generally is guided by the underlying zone this could make plans which are not user friendly or transparent to the general public.
Changes sought

Auckland Council seeks the following amendments:

- Consider imposing restrictions on precincts to limit their use.
- Revise the definition of ‘precinct’ so that it cannot completely modify the policy approach of the underlying zone.

Naming of Precincts

As noted in S-PREC chapter each precinct “must have a unique name indicating the purpose of the precinct.” Precinct names should also relate to the geographical location. This enables the plan user a quick reference to where the precinct is located. This is particularly important for a large district/region and/or where many precincts are used.

It is also important that company names are not used to name a precinct. This is because companies can change leaving its’ legacy of a precinct name.

This direction is generally supported as it makes it easier for the plan user to find precincts of interest but it should be expand to include its geographical location.

Changes sought

Auckland Council seeks the following amendment:

- Retain the proposed approach for naming precincts and add geographical location.
Draft Schedules, Appendices and Maps Standard (S-SAM)

Relevant Planning Standard

This section contains detailed submission points on the Draft Schedules, Appendices and Maps Standard (S-SAM).

Summary of submission points

Auckland Council has a number of submission points on the Draft Schedules, Appendices and Maps Standard:

- Amend Table 17: Schedule table to better reflect the type of information most commonly included in schedules;
- Amend the Standard to enable variations to Table 17 to be made (e.g. extra columns) as long as the mandatory fields in Table 17 are retained;
- That the Standard be amended to broaden the scope (and format) of what can be included as an appendix to the plan.

Issues

Schedules (Table 17: Schedule table)

This draft Standard requires schedules, if included in a plan, to be presented as a separate schedule table as set out in the Standard in Table 17: Schedule table.

Table 17: Schedule table

<table>
<thead>
<tr>
<th>Descriptive title</th>
<th>Site identified (eg, legal description, physical address, site name/description)</th>
<th>Site type (including description of values)</th>
<th>Reference to study/material used for identification</th>
</tr>
</thead>
</table>

The Unitary Plan has 16 Schedules most of which provide detailed information, in table form, relating to sites/areas that are identified in overlays or plan maps e.g. local view-shafts. However, some of the schedules provide information or descriptions relating to plan provisions, such as Schedule 13 Heritage Orders Schedule, Schedule 15 Special Character Schedule, Statement and Maps and Schedule 16 Waitakere Ranges Heritage Area Subdivision Scheduled Areas Sites. Schedule 11 Local Public View Schedule is comprised of maps identifying view-shafts. These schedules are not in a table format.

While some of the Unitary Plan schedules that provide information or description material could potentially be moved to the appendices, incorporating the majority of the Unitary Plan schedules into Table 17 will be problematic. Most Unitary Plan schedules include a ‘type or category’ for sites or places. Examples of Unitary Plan schedules are copied below.
Schedule 9 Volcanic Viewshfts Schedule [rcpidp]

<table>
<thead>
<tr>
<th>ID</th>
<th>Name/Location</th>
<th>PT</th>
<th>Mt Eden Circuit</th>
<th>Height (AGL - Above Ground Level)</th>
<th>NZ Map Grid</th>
<th>Volcanic viewshft category</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Northing</td>
<td>Easting</td>
<td>Northing</td>
</tr>
<tr>
<td>A1</td>
<td>Mount Albert</td>
<td>1</td>
<td>697936.3</td>
<td>294323.2</td>
<td>2</td>
<td>647605.26</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2</td>
<td>698226.9</td>
<td>295152.3</td>
<td>5</td>
<td>6477203.38</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3</td>
<td>698905.3</td>
<td>295912.9</td>
<td>3</td>
<td>6477887.82</td>
</tr>
</tbody>
</table>

Schedule 4 Significant Ecological Areas – Marine Schedule

<table>
<thead>
<tr>
<th>ID</th>
<th>Name/Location</th>
<th>Values of Significant Ecological Area - Marine</th>
<th>SEAM type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Port Albert</td>
<td>Wading bird habitat</td>
<td>SEA-M2w</td>
</tr>
</tbody>
</table>

Schedule 7 Outstanding Natural landscapes Overlay Schedule

<table>
<thead>
<tr>
<th>ONL Description</th>
<th>WES Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Schedule 14.1 Schedule of Historic Heritage

This draft standard should be amended to allow councils flexibility to add columns to Table 17: Schedule table as long as the mandatory fields are retained. This will enable the range of different information that councils include in schedules.

Table 17 proposes a column against which the study/research or which the scheduling was based on to be included for each site. Scheduled sites are usually based on information from a comprehensive study commissioned for the purpose of identifying sites against specified criteria. Assuming this is generally the case for councils it is not necessary to refer to the reference study for each site. The reference to the study/research identifying schedule sites would be better provided at the end of the table. In this case the ‘reference material’ column in Table 17 could then be more usefully be used for identifying the ‘type or category’ of scheduled site.
Taking the above matters into account it is considered that Table 17 in the Standards should be amended as follows:

**Table 17: Schedule table**

<table>
<thead>
<tr>
<th>Descriptive title</th>
<th>Site identified (Name/location (eg, legal description, physical address, site name/description))</th>
<th>Site type (including description of values): Description of values/factors</th>
<th>Reference to study/material used for identification Type or category</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The fields provided in the Table 17: Schedule table also do not match a number of the Unitary Plan schedule tables. It is suggested that Table 17 be amended to allow flexibility to add columns, as long as the mandatory information in Table 17 is retained. Councils have a range of different information to be included in schedules and there should be flexibility to add columns to Table 17 if they are needed.

**Changes sought**

Auckland Council seeks the following amendments:

- Amend Table 17: Schedule table to better reflect the type of information most commonly included in schedules (as shown below).

**Table 17: Schedule table**

<table>
<thead>
<tr>
<th>Descriptive title</th>
<th>Site identified (Name/location (eg, legal description, physical address, site name/description))</th>
<th>Site type (including description of values): Description of values/factors</th>
<th>Reference to study/material used for identification Type or category</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Amend the Standard to enable variations to Table 17 to be made (e.g. extra columns) as long as the mandatory fields in Table 17 are retained.
Appendices

Issues

The Unitary Plan has 22 Appendices which contain a range of information including:

- information relating to the interpretation of specific rules (e.g. Appendix 2 River and stream minimum flow and availability);
- information to support best practice (e.g. Appendix 16 Guideline for native revegetation plantings);
- reference to publications that are referred to in the plan e.g. Appendix 17 Documents incorporated by reference (legally required to be).

The draft Standard limit appendices to information required to meet a rule or identify areas subject to a control. This would require the ‘information’ or guidance appendices to sit outside of the plan.

As discussed above for the schedules, several of the schedules that relate to rules (e.g. sightlines, subdivision controls) will need to be moved to the appendix section.

Appendix 17 Documents Incorporated by Reference is legally required to be incorporated into the Plan by Schedule 1 Part 3 of the Act. This does not fit the draft Standard’s direction. Therefore, it is not clear where this should sit in the Combined Plan structure standard.

Changes sought

Auckland Council seeks the following amendments:

- That the Standard be amended to broaden the scope (and format) of what can be included as an appendix to the plan.
Draft Form Standard: Electronic Functionality & Accessibility (F1)

Relevant Standard
This section contains detailed submission points on the requirements for electronic accessibility and functionality standard (F1).

Summary of submission
Auckland Council has a number of submission points on the Draft electronic functionality and accessibility standard (F1):
- to retain its current approach of side bar annotation and notes to satisfy Standard F1-15.

Issues
Auckland Council supports eplan functionality and intends to meet all requirements outlined in the Standard. Further research is yet to be undertaken regarding which software application will best meet these requirements.

Baseline plan accessibility and functionality
Draft Standard F1-15 requires a clear differentiation between proposed, decisions made, appealed and operative provisions within the plan.

The Unitary Plan currently uses side bar annotation against provisions which are subject to a plan change; have immediate legal effect; and if there is an appeal (with relevant plan change numbers and case numbers attached).
Auckland Council would like to retain its current approach of using side bar annotation and notes to meet this baseline functionality requirement (F1-15).

Changes sought
Auckland Council seeks the following:
- to retain its current approach of side bar annotation and notes to satisfy Standard F1-15.
Draft Form Standards: Mapping Standard (F2)

Relevant Planning Standard
This section contains detailed submission points on the draft Mapping Standard (F2)

Summary of submission
Auckland Council would like to make the following submission points on the draft mapping standard (F2):

- amend zoning colour palette to ensure one distinct colour palette for each parent group of zones
- amend symbology for heritage item to be more relevant to the New Zealand context
- amend symbology for protected tree to a more simple and smaller symbol
- amend symbology for protected tree group to polygon rather than a point
- use the same colour for heritage item and heritage area
- reduce the line width for heritage area and designations
- amend polygon line colour for designations and hazards, blue to be reserved for water features
- amend symbology of the National Grid Line to the use of polygons.

Issues
There are benefits in standardising matters such as the colour palette for zones and key symbology, as it enables easy comparison of plans. Also a standard data schema will assist in creating a consistent data set.

However, the draft Mapping Standard (F2) needs further refinement to enable that ease of comparison. The zoning colour scheme and the symbology used does not improve usability.

Auckland Council’s submission on these mapping standards is focused on Table 21 and 22 in the draft Standard F2.

Zoning colours (Table 21)
The proposed zone colour palette in Table 21 does not sufficiently differentiate zone groupings and zone hierarchies, which results in a map that is less intuitive to the user.

For instance, the proposed colour palette has different colours for rural production (i.e. green) and rural residential (i.e. yellow). However, rural should be the parent grouping with one colour, e.g. brown, and different types of rural zones represented by different shades of brown. The following table visually illustrates this point.
<table>
<thead>
<tr>
<th>Proposed standard FT</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential – yellows</td>
<td></td>
</tr>
<tr>
<td>Commercial-pinks</td>
<td></td>
</tr>
<tr>
<td>Industrial-purples</td>
<td></td>
</tr>
<tr>
<td>Rural- browns</td>
<td></td>
</tr>
<tr>
<td>Open space - greens</td>
<td></td>
</tr>
</tbody>
</table>

By using one colour palette for a zone grouping (e.g. pinks for commercial) and graduations of that shade indicates different zones in that grouping, the user can more easily distinguish different land uses and clusters of land uses at a glance.

The Standard’s current colour palette does not enable this intuitive reading of a map. It is recommended that this colour palette is revised with a focus on ensuring one distinct colour palette for each parent group of zones as follows:

- residential - shades of yellow/orange
- commercial - shades of red/pinks
- industrial - shades of purples
- open space - shades of greens
- special purpose - shades of grey
Symbology (Table 22)
Where symbology includes large block picture symbols and think lines, there is the potential to overlap with other symbols, and parcel lines at certain scales compromising the legibility of the map. The use of simple symbols can more accurately represent a surveyed location.

The following table includes submission points on Table 22 Symbology Table.

<table>
<thead>
<tr>
<th>Name</th>
<th>Submission point</th>
<th>Outcome sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heritage item</td>
<td>The heritage symbol is not appropriate to the New Zealand context. This picture symbol is too large and has potential to overlap with other symbols. (Example included in Figure 1 below)</td>
<td>Use a simple marker symbol for a Heritage item. The colour used for a Heritage item should be the same as the Heritage area.</td>
</tr>
<tr>
<td>Heritage area</td>
<td>The heritage item (points) and heritage area (polygons) should be the same colour to illustrate similar theme. The polygon width of 5 is too thick and does not work well at smaller scales.</td>
<td>Use a finer line width for Heritage area. The colour used for the Heritage area should be the same as the Heritage area.</td>
</tr>
<tr>
<td>Marae</td>
<td>The Marae symbol is too large and has the potential to overlap with other symbols at certain scales.</td>
<td>Use a simple marker symbol for Marae.</td>
</tr>
<tr>
<td>Protected tree</td>
<td>The picture symbol used for Protected Trees is too large has potential to overlap with other symbols at certain scales A simpler marker symbol more accurately represents a surveyed position Use a colour that is not black (Example included in Figure 1 below)</td>
<td>Use a simple marker symbol of a defined colour for Protected Tree item Preferably a green ‘dot’ point to symbolise a Protected Tree.</td>
</tr>
<tr>
<td>Protected tree group</td>
<td>The Protected Tree group needs to be represented by a polygon feature rather than points, so that it accurately defines the extent of the tree group Use a defined colour, but this should match the colour of the Protected Tree item (Example included in Figure 2 below)</td>
<td>Use a polygon feature for Protected Group of Trees and use the same defined colour as Protected Tree item</td>
</tr>
<tr>
<td>National grid line</td>
<td>The National Grid is shown as multiple polygons, in the Unitary Plan, to represent yard rules. A single line symbol is not going to work because it doesn’t enable properties to be selected.</td>
<td>Enable the use of polygons rather than a single line</td>
</tr>
<tr>
<td>National grid underground cable</td>
<td>Agree with the symbology for National grid underground cable.</td>
<td>None</td>
</tr>
<tr>
<td>Designation</td>
<td>Designation line is too thick and does not translate well at certain scales The colour blue is inappropriate as blue should be reserved for water features</td>
<td>Use a more appropriate line thickness and use another colour</td>
</tr>
</tbody>
</table>
**Attachment C**

**Item 12**

### F-2: Draft Mapping Standard

<table>
<thead>
<tr>
<th>Name</th>
<th>Submission point</th>
<th>Outcome sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coastal hazard</td>
<td>Blue is inappropriate for hazard symbology as it is more commonly associated with water features</td>
<td>Use a more appropriate colour</td>
</tr>
<tr>
<td>Flood hazard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Volcanic hazard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fault hazard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fault line hazard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noise contours</td>
<td>No comments</td>
<td>None</td>
</tr>
<tr>
<td>Coastal environment</td>
<td>No comments</td>
<td>None</td>
</tr>
<tr>
<td>Statutory acknowledgement areas</td>
<td>No comments</td>
<td>None</td>
</tr>
</tbody>
</table>

**Figure 1 Example of protected tree item and heritage item in F2**

Heritage and Protected trees items overlap

Symbols are indistinguishable

Blue symbols are associated with water features and likely to be confusing in this context

Thick lines for designations does not translate well at this scale

**Figure 2 Example of Protected tree group under F2**

F2 point marker for Protected tree group

Suggested symbology for Protected tree group
Changes sought

Auckland Council seeks the following amendments:

- amend zoning colour palette to ensure one distinct colour palette for each parent group of zones
- amend symbology for heritage item to be more relevant to the New Zealand context
- amend symbology for protected tree to a more simple and smaller symbol
- amend symbology for protected tree group to polygon rather than a point
- use the same colour for heritage item and heritage area
- reduce the line width for heritage area and designations
- amend polygon line colour for designations and hazards, blue to be reserved for water features
- amend symbology of the National Grid Line to the use of polygons.
Draft Chapter Form Standard (F-5)

Relevant Planning Standard
This section contains detailed submission points on the draft Chapter Form Standard (F-5).

Summary of submission points
Auckland Council has a number of submission points on the draft chapter form as set out in F-5:
- Retain the chapter form prescribed in F-5 in relation to the introduction, objectives and policies;
- Remove the requirement for Part 2 Tangata Whenua to use the order of headings prescribed in F-5;
- Remove Tables 25, 26 and 27 or provide flexibility to accommodate an integrated rule framework;
- Enable additional components required for assessing rules, such as assessment criteria, to be included in a rule framework;
- Provide a numbering system that enables referencing of specific provisions.

Issues
Chapter form broadly reflects current Unitary Plan chapter structure
The chapter form outlined in F-5 broadly reflects the current structure of the Unitary Plan, in terms of setting the scene (i.e. Introduction) to the objectives and policies. The council therefore supports this structure.

However, it is noted that the draft Standard states that Part 2 Tangata Whenua must use the order of headings below. This seems contrary to the type of provisions that are intended to go in Part 2. Part 2 appears to contain background information as well as process information in relation to tangata whenua. This type of information will be difficult to be represented in objectives and policies.

Tables 25, 26 and 27 do not work well with complicated rule frameworks
Whilst the basic structure of Tables 25, 26 and 27 work well to simplify a rule structure and contents of a single activity for the plan user, these tables in Standard F-5 do not work well for plans with complicated rule frameworks. For example, plans that have multiple exception clauses for activities or where there are integrated and aligned activities within a single chapter.

In the Auckland-wide and the Coastal chapters of the Unitary Plan provisions that regulate across many overlays or zones are set out in a single activity table. See example below taken from Chapter F - coastal.
This method allows the plan user to understand the requirements for the activity in all applicable overlays and zones without having to refer to several parts of the plan. Sometimes it is necessary to see all related provisions together because the site can sit across multiple zones and overlays. Or when the activities apply to a specific operator (e.g., network utilities providers), then it is easier to put all the activities relating to a specific operator which are regulated across multiple zones and overlays into a single chapter.

The Unitary Plan integrates all related provisions either for a certain use or activities within a single logical place for plan users. For example the:

- transport operator or network utility operator activities are all placed within chapter E26; and
- earthworks activities for all overlays are within chapter E12 – Land disturbance – district.

Table 29 requires the activity status for activities, standards to comply with, notification and matters to be located within a single table. This table format will remove the integration that is currently in the Unitary Plan. Rule tables will become unnecessarily large and lengthy. Activities and their associated matters (e.g., standards to comply with, notification) will be repeated unnecessarily across the different locations i.e., zone, overlay.

Also, similar activities may have the same matters of discretion that will be repeated throughout the table. Repetition within rule tables is risky. This is because if one part of the rule changes it is important to track which other parts of the plan contain the same rules to accommodate that change. There is less risk if the matters of discretion are mentioned once and cross referenced when they are used again.

For example, the Unitary Plan E26 infrastructure chapter consists of 14 sub-sections and a number of these complex activity tables. Permitted activity standards and notification clauses also apply to activities in the infrastructure chapter. Restructuring this chapter in accordance with the Standard will unbundle sections that are integrated and aligned. A comprehensive rewrite will be required. This will not create added benefit to plan users.

For a simpler plan, the proposed rule table would be useful for plan users because it will enable all related standards, notification and matters to be included in a single table. However, for the Unitary Plan, the rule table will be large, complex and will not be able to be displayed on a moderate sized screen.

In council’s experience, a large rule table in an e-plan is difficult for linking when integrating spatially the text with the GIS. The activity table and standards in the Unitary Plan can be linked easily.
Given the broad variation in the way rules are written across the country, particularly between a regional and a district plan, a standard proposing a single format for a rule framework is unworkable. In addition, the complexities of some standards (rule requirements) cannot easily be incorporated into a table e.g. diagrams.

Reformatting a complex plan as prescribed by Tables 25–27, will create significant amount of work and potentially many unintended consequences. Council recommends that more flexibility is provided to accommodate an integrated rule framework.

**Essential components of a rule section missing**

The standards do not include a specific section for assessment criteria. The rule requirement table, Table 27, does not provide enough flexibility for complicated rules, to list additional criteria for consideration or to guide decision making. The structure implies that assessment criteria cannot be included.

**Numbering of provisions**

Tables 26 and 27 do not address how activities, related matters and the standards are to be numbered within these tables. Particularly where there are multiple rules within a single table. This is likely to be the scenario in highly complex plans. Developing a reference or numbering system for these tables will be problematic based on the alpha-numeric system proposed in Standard F-6.

**Changes sought**

Auckland Council seeks the following amendments:

- Retain the chapter form prescribed in F-5 in relation to the introduction, objectives and policies;
- Remove the requirement for Part 2 Tangata Whenua to use the order of headings prescribed in F-5;
- Remove Tables 25, 26 and 27 or provide flexibility to accommodate an integrated rule framework;
- Enable additional components required for assessing rules, such as assessment criteria, to be included in a rule framework;
- Provide a numbering system that enables referencing of specific provisions.
Draft Status of Rules & Numbering Form Standard (F-6)

Relevant Standard
This section contains detailed submission points on the Draft Status of Rules and Other Text and Numbering Form Standard (F-6).

Summary of submission points
Auckland Council has a number of submission points on the draft standard for Status of Rules and Numbering Form (F6). These are:

- remove the requirement to specifically identify rules that have no effect until the proposed plan becomes operative;
- remove the requirement to specifically identify provisions required by the national planning standard, national policy statement or a national environmental standard;
- remove the requirement to specifically note updates and legal status of provisions (aside from legal status required by s86D of the Act);
- reconsider the alpha-numeric numbering system to take into account a more complex rule framework;
- introduce a standard approach in the numbering for showing additions and deletions introduced in plan changes;
- retain the ability to use similar methods such as side bar annotation and text note instead of highlights or shading; and
- reconsider the use of pop up boxes and shading to a method that is less intrusive on the plan text.

Issues
F-6 Highlighting of policy statement and plan text
This draft Standard requires shading boxes or other similar method be used, to differentiate plans and policy statements, between when they are notified until they are operative for a specific list of purposes (a-f).

Current practice for annotation in Unitary Plan
Council currently uses side bar annotation and a text note against any provisions that are under appeal, subject to a variation, or have an effect earlier than a decision on a plan change, i.e. matters F6 1(c), (e) and (f). The current practice of council is to:

- place a blue side bar annotation and a text note for provisions that are subject to a council-initiated plan change, or have immediate legal effect
- place a black side bar annotation and text note for provisions that are subject to an Environment or High Court appeal.
When a decision on a plan change is made and no appeals received, council resolves under clause 20 to make the plan operative. Seal page complete, plan update process followed and plan updated.

No operative text in the Unitary Plan is changed when a plan change is notified. Instead, all documents relating to plan changes (private or council-initiated) are found on council’s website. The plan change only gets incorporated into the operative plan text when these provisions become operative.

Under this method, if provisions in the Unitary Plan are not annotated, the plan text is operative.

Standard F6-1 (d, e and f): Highlighting of policy statement/plan text
The draft Standard implies that plan changes should be incorporated into the operative plan when the plan change has been notified and then tracked from notification to the appeal stage within the operative plan. This method does not make sense. Incorporating plan changes from notification with a “tracking system” is going to make the operative plan extremely messy to work with. It will clutter the operative plan unnecessarily because the majority of the plan change provisions will have limited legal weight and are still to undergo potentially significant change through the submission and appeal phase.

This Standard has limited benefit to plan users, as the information required for resource consents (i.e. provisions subject to plan change, immediate legal effect etc.) are already annotated in the plan.

Due to its size, Auckland Council has many plan changes at any one time (i.e. at present, about 10 plan changes are found on the plan change modifications page). There is more value in directing users to a plan change modification page (on the council’s website), where effected provisions from plan changes can be clearly articulated, rather than peppered throughout the plan.

Auckland Council is moving to ease the customer journey for proposed plan changes. The focus of this is to maintain much of the plan change documents outside of the Unitary Plan and to click through to make an online submission.

Standard F6 1(a) (b): Highlighting of policy statement/plan text
Standard F6 1(a) and (b) requires the shading, or similar method, to differentiate text if it is required by national planning standards and cannot be amended; or similarly is required by national policy statement and/or national environmental standard.

Depending on the method that is used for identifying the text, over time this is going create a lot of clutter in a plan and potentially make the plan very difficult to read.

As described above, Auckland Council uses side bar annotation and text notes for matters under section 86D of the Act, but not for national policy statements and/or national environmental standards.

There are two key issues with this Standard. These are:

- that the requirement to detail provisions that relate to national direction instruments is a complicated and onerous task that can lead to interpretation issues; and
• the requirement to highlight plan text is too disruptive to the plan’s readability (as outlined above in submission point for F6.1(d)).

These points are expanded in turn.

As required by standard F6.1 (a) to (f) the shading or similar method to outline plan text is disruptive when reading the text as it clutters plan text. This is also true for plans in e-plan format.

This is especially so for plan users who are not accustomed to national direction instruments. As such, it is a small number of users of the Unitary Plan who will benefit from this requirement.

Auckland Council’s submission on Standard S-Intro explained that the requirement to summarise detail on how national direction instruments (refer to S-NDI) is too onerous a task and sets up potential interpretation issues. Provisions that implement national policy statements and national environmental standards can be well threaded into the plan, that it also gives effect to regional policy statements etc. Therefore it will be difficult to ascertain that a provision only gives effect to national directions.

As such Auckland Council recommends Standard F6-1(a) and (b) is reconsidered for inclusion into these National Planning Standards. Also, council recommends that in requiring any shading, highlighting or other method to highlight provisions under Standard F6-1, that the readability and visual connectedness of the plan text remains important.

**F-6.2 to 5 Legal status and update ‘date’ of policy statements/ plan provisions**

Draft Standard F-6: 2 and 3 require that the legal status of provisions and the reason for that status be provided as a pop up box or some other means, when text is selected.

Draft Standard F6: 4 and 5 require that the date the text was last updated, is included in a pop up box or some other means. It is unclear if this requirement applies to Clause 16 and Clause 20A of Schedule 1 updates.

In its totality, F6.2 to 5 will make plan text visually distracting and difficult to read, particularly for a large plan, such as the Unitary Plan. This is a similar issue to F6 (1), where these standards will:

• negatively impact on the visual connectedness of the plan text
• potentially confuse and disrupt reading for most plan users

Auckland Council will comment on F6.2, given its intention to move to an e-plan format. The Unitary Plan currently uses a side bar annotation with a note where a provision is under appeal to the Environment Court or the High Court; where it is subject to a plan change and/or has immediate legal effect under a plan change. If a provision does not have side bar annotation, its status is operative.
F-6 Alpha-Numeric numbering

Table 28, Numbering table in Standard F6, outlines the alpha-numeric numbering required under the Standards.

This proposed numbering system will completely change the current numbering approach in the Unitary Plan. There are matters that this alpha numeric numbering system does not consider. These include:

- that the numbering system does not take into account specific rule provisions
- it becomes difficult to use where there are multiple sub-levels within a section (example included below in Figure 3)
- a standardised way to show additions or deletions through plan changes.

Changes sought

Auckland Council seeks the following amendments:

- remove the requirement to specifically identify rules that have no effect until the proposed plan becomes operative;
- remove the requirement to specifically identify provisions required by the national planning standard, national policy statement or a national environmental standard;
- remove the requirement to specifically note updates and legal status of provisions (aside from legal status required by s86D of the Act);
- reconsider the alpha-numeric numbering system to take into account a more complex rule framework;
- introduce a standard approach in the numbering for showing additions and deletions introduced in plan changes;
- retain the ability to use similar methods such as side bar annotation and text note instead of highlights or shading;
- reconsider the use of pop up boxes and shading to a method that is less intrusive on the plan text.
Draft Definitions Standard (CM-1)

Relevant Planning Standard
This section contains detailed submission points on the draft definitions Standard (CM-1).

Summary of submission points
Auckland Council has a number of submission points on the proposed definition Standard CM-1. These are:

- that further guidance and advice is required to clarify what constitutes a locally defined term (see point on Mandatory Direction 3(d)).
- that the format of the definitions table under CM-1 should include alphabetical headers to ease navigation (see point on Mandatory Direction 3(e)).
- that council is able to include diagrams for some definitions included in this Standard, particularly if it assists in the local interpretation of the term (see point on Mandatory Direction 3(g)).
- that the principles that underpin the drafting of these definitions (CM-1) are included as mandatory directions to ensure any locally defined term by councils is defined in a consistent way.
- That the terms are amended or deleted as outlined in appendix 2 to this submission.
- amend the Standard to enable councils to incorporate existing definition ‘matters’, such as an exclusion/inclusion lists, into other plan provisions as part of a consequential amendment.
- provide more direction and guidance on the threshold for consequential amendments under a non-Schedule 1 process including what is beyond the scope of a consequential amendment.

Issues
In principle, Auckland Council is supportive of the approach taken to standardise and provide a definition for a number of terms outlined in this Standard. The standardisation provides greater certainty around the meaning of these terms and reduces the number of variations and inconsistencies seen across planning documents around the country.

However, the Council wishes to express that the standardisation of these terms will have a significant impact on the Unitary Plan. While it is noted that generally the standards are not intended to determine policy matters, this Standard will have a wide impact across the Unitary Plan wherever these terms or similar terms are used. This impact will require the Council to review and re-write parts of the Unitary Plan to ensure any policy approach and rules are consistent with the terms defined in this Standard.

As such, the Council recommends amendments, additions, and deletions to a number of terms in the Standard to help reduce the impact and support the future implementation of the mandatory terms into the Unitary Plan.
### Mandatory directions of Standard CM-1

This section outlines Auckland Council’s submission points on mandatory directions 2 to 3 (a) to (h) of definitions Standard CM-1. These are outlined in the following table.

<table>
<thead>
<tr>
<th>Mandatory Directions</th>
<th>Comments</th>
<th>Auckland Council’s position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directions 3(a) and 3(b)</td>
<td>Council supports the format of the definitions table as set out in Table 29 of CM-1</td>
<td>Support</td>
</tr>
<tr>
<td>Direction 3(c)</td>
<td>Council supports the ability to provide subcategories and a narrower application of a term in the proposed definition. This is particularly important to council as it enables the incorporation of a wider suite of definitions in the Unitary Plan, and helps it to maintain the cascaded definition framework currently used in the Unitary Plan</td>
<td>Support</td>
</tr>
<tr>
<td>Direction 3(d)</td>
<td>The council accepts in principle that no synonyms of a term defined in this Standard should be included. However, there are several terms in the Unitary Plan where it is not a direct synonym of a term in CM-1. It is unclear if this term should be deleted or can be retained as a ‘locally-defined’ term. For example, ‘mineral extraction activities’ are defined in the Unitary Plan and in this Standard the terms ‘mining’ and ‘quarry’ are separately defined. The definitions of ‘mining’ and ‘quarry’ are closely aligned to the Unitary Plan definition of ‘mineral extraction activities’. However it is unclear whether ‘mineral extraction activities’ can remain as a stand-alone definition in the Unitary Plan. This term, ‘mineral extraction activity’, is included in the regional policy statement, regional plan and district plan provisions. If this term is regarded as a synonym of the terms ‘mining’ and ‘quarry’ then all references to ‘mineral extraction activities’ will need to be replaced and amended to the new terms. The cascade effect of implementing this direction will create a number of consequential amendments that go beyond the scope of</td>
<td>Provide guidance to territorial authorities (see changes sought section)</td>
</tr>
</tbody>
</table>

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Page 58
<table>
<thead>
<tr>
<th>Mandatory Directions</th>
<th>Comments</th>
<th>Auckland Council’s position</th>
</tr>
</thead>
<tbody>
<tr>
<td>amendments and Schedule 1 of the Act will need to be used.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Direction 3(e)</strong></td>
<td>Council supports this approach, however suggests that letter headers (A-Z) are included as part of the formatting specifications. Letter headers make it easier to navigate. An example of this change is included in the Changes Sought section</td>
<td>Amend</td>
</tr>
<tr>
<td><strong>Direction 3(f)</strong></td>
<td>Council supports this approach as it does not require the plan user to go to another document to find a definition. All relevant definitions are accessible within the plan, and therefore more user friendly. Council also supports the inclusion of the legislation reference and definition (from legislation) to provide context to the user.</td>
<td>Support</td>
</tr>
<tr>
<td><strong>Direction 3(g)</strong></td>
<td>Council supports the use of diagrams in definitions. However, certain mandatory definitions in this Standard do not have diagrams, while the Unitary Plan contains diagrams for those terms. For example, there is no diagram for ‘site’ under the Standard, but the Unitary Plan contains a diagram on site and refers the reader to see additional definitions provided in the plan i.e. entrance strip, rear site, access site. front site. (see below Figure J1.4.8 Site taken from the Unitary Plan). This diagram helps the reader to understand their site type i.e. whether it is a front site, rear site, or corner site. The distinguishing of site type determines the type of development controls and rules applicable to the owner. Council request some clarity on whether the use of diagrams and references to diagrams in the plan, can be used in clarifying definitions under Standard CM-1.</td>
<td>Provide clarity to territorial authorities (see changes sought section)</td>
</tr>
<tr>
<td><strong>Direction 3(h)</strong></td>
<td>Council supports the provision of guidance on how definitions relate to one another in the context of these Standards. This is particularly so for nesting tables</td>
<td>Support</td>
</tr>
</tbody>
</table>
Changes sought for mandatory directions 3 (a) to (h)

Auckland Council seeks the following amendments to CM-1:

- For mandatory direction 3(d), clarification is needed on the extent to which terms such as ‘mineral extraction activities’ can remain as a locally defined term and are not considered a synonym of a term already defined. Other cases are set out in Appendix 2 to this submission. It is unclear as to what ‘locally defined term’ means – is it a geographic unique variable or a local plan variable relative to the planning context? The full extent and meaning of ‘locally defined terms’ is not clear in the mandatory directions. Such clarification should be outlined in mandatory direction and not in guidance or supporting documents. This will achieve consistency.

- For mandatory direction 3(e), include alphabetical, i.e. A-Z headers, as outlined in the example table below (change highlighted in yellow):
For mandatory direction 3(g), enable territorial authorities to include diagrams for mandatory definitions, or enable the ability to provide a reference to other definitions and diagrams in the plan to assist with clarification and interpretation.

**Missing content in mandatory directions**

In reviewing the Proposed National Planning Standards evaluation report 2018; Part 2C – Definitions, and the Draft National Planning Standards Consultation Document, the council found that there are a number of principles used in drafting the definitions that are not included in the mandatory directions of the Standard. Council considers that these principles should be in the Standard to ensure any locally defined term by councils is defined in a consistent way.

**Changes sought**

Auckland Council seeks that a number of the principles used for drafting the definitions in Standard (CM-1) should be included as mandatory directions. These are:

- Definitions should avoid containing (or becoming) de facto rules. A key principle in the drafting of the Standard definitions is that rules and performance standards should manage the outcome, not the definition.
- Definitions should be clear and concise, and avoid using subjective language, such as ‘high quality’, ‘appropriate’ or ‘approximate’.
- Definitions should not give interpretation rights exclusively to one person or organisation.

---

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>abrasive blasting</td>
<td>means the cleaning, smoothing, roughening, cutting or removal of part of the surface of any article by the use, as an abrasive, of a jet of sand, metal, shot or grit or other material propelled by a blast of compressed air or steam or water or by a wheel</td>
</tr>
<tr>
<td>accessory building</td>
<td>means a detached building, the use of which is ancillary to the use of the principal building, buildings or activity on the same site, but does not include any minor residential unit</td>
</tr>
<tr>
<td>access strip</td>
<td>has the same meaning as in section 2 of the RMA (as set out in box below)</td>
</tr>
<tr>
<td></td>
<td>means a strip of land created by the registration of an easement in accordance with section 337B for the purpose of allowing public access to or along any river, or lake, or the coast, or to any esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered, or managed under the Conservation Act 1987 and the Acts named in Schedule 1 of that Act)</td>
</tr>
<tr>
<td>addition</td>
<td>means any works undertaken to an existing building which has the effect of increasing the gross floor area of that building</td>
</tr>
</tbody>
</table>
CM-1 Draft Definitions Standard

- Metrics are not allowed in definitions and must go in standards/rules.

- Where a definition contains the word ‘includes’ and is followed by a list, the list is non-exhaustive, and if a definition ‘excludes’ a list of matters, this list is exhaustive.

**Comments on mandatory terms outlined in Standard CM-1**

The council has reviewed each term and definition listed in the Standard. A copy of this analysis is provided in Appendix 2 to this submission and a summary of the review is outlined below.

Of the 109 terms outlined in CM-1, Auckland Council:

- supports 64 terms as outlined in Table 29 of CM-1;
- seeks amendments to 42 terms in Table 29 of CM-1; and
- seeks the deletion of two terms in Table 29 of CM-1

For the 42 terms that council seeks amendments; these are to refine or address gaps, alignment with, or distinguish from, other definitions, and improve the overall meaning and application of these terms in planning documents. Refer to Appendix 2 for details.

The two definitions that council would like deleted include ‘swale’ and ‘mana whenua’ and reasons for this are outlined in Appendix 2.

Several definitions provided in the Standard are similar and align with definitions in the Unitary Plan. While others present a significant variance or departure from the Unitary Plan approach which will require the council to change its policy approach and use of the terms in the Unitary Plan.

The words ‘principal’ or ‘principally’ are used a number of times in the Standard. It appears the use of these terms provide flexibility but does bring into question how this will be determined and interpreted at a local level.

It is noted that there are a number of definitions where there is variation between the definition set out in the Standard and Appendix 2 proposed definition text of the section 32 report. For example, this has been identified in relation to ‘net floor area’, where the section 32 report does not refer to ‘(iv) required parking areas’. Similarly, the variance is seen on the definition of ‘footprint’ between the Standard and Section 32 report.

**Implications for implementing and adopting the mandatory terms into the Auckland Unitary Plan (Unitary Plan)**

Under this Standard it is unclear whether councils must incorporate all 109 definitions in its plans or only incorporate those definitions that currently exist in its plan. This Standard needs to have similar wording as contained within other Standards, which is: ‘If the following definitions are included in the Plan then the following definitions must be used’, if it seeks to effect the latter.

There is also the question of whether council has to include a term in CM-2, if it uses that term in the Unitary Plan but does not include a definition for that term.
In implementing the mandatory defined terms, the Unitary Plan will need to be amended substantially to align with the Standard. This will require multiple consequential amendments.

Apart from formatting and putting the definitions into a table, all definitions currently listed in the Unitary Plan will need to be amended to follow a similar style and format, as set out in the mandatory directions. This will include removal of any metrics, moving any inclusions and exclusions as part of a definition into other provisions and amending the nesting tables to reflect new terms and definitions provided in this Standard.

Inclusions and exclusions currently used in the Unitary Plan

The principle of removing inclusions and exclusions as part of a definition into other plan provisions, including rules, will involve quite a lot of rewrite and repition in the Unitary Plan. The example below illustrates the scale and extent that a Unitary Plan definition will need to be amended to give effect to the mandatory directions of this Standard.

Example of amendment to Unitary Plan definition

**Building** *(term currently in Unitary Plan)*

means any structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed

*(Definition under Standard CM-1)*

**Green text below outlines changes required to Unitary Plan:**

On land for the purposes of district plan provisions, “building” includes the following types of structures listed in Table J1.4.1, only where they meet the qualifying dimensions or standards:

**Table J1.4.1: Buildings**

<table>
<thead>
<tr>
<th>Type of structure</th>
<th>Qualifying dimension or standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decks, steps or terraces</td>
<td>Over 1.5m high</td>
</tr>
<tr>
<td>Fences or walls</td>
<td>Over 2.5m high</td>
</tr>
<tr>
<td>Flagpoles, masts or lighting poles</td>
<td>Over 7m higher than its point of attachment or base support</td>
</tr>
<tr>
<td></td>
<td>Cross-sectional dimension does not exceed 1.2m</td>
</tr>
<tr>
<td>Grandstands, stadia or other structures that provide seating or standing accommodation (whether or not open or covered or enclosed)</td>
<td>Over 1m high</td>
</tr>
<tr>
<td>Retaining walls or breastwork</td>
<td>Over 1.5m high or located within 1.5m of the boundary of a road or public place</td>
</tr>
<tr>
<td>Satellite dishes</td>
<td>Over 1m diameter</td>
</tr>
</tbody>
</table>
### Attachment C

#### Item 12

<table>
<thead>
<tr>
<th>Stacks or heaps of materials</th>
<th>Over 2m high. Do not exist for more than one month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Free-standing sign</td>
<td>Over 1.5m high</td>
</tr>
<tr>
<td>Swimming pools or tanks, including retention tanks, spa pools, swirl pools, plunge pools or hot tubs</td>
<td>Over 1m high More than 25,000L capacity Supported directly by the ground or supported not more than 1m above the ground</td>
</tr>
<tr>
<td>Structures used as a dwelling, place of work, place of assembly or storage, or that are in a reserve or camping ground</td>
<td>Over 1.5m high In use for more than 32 days in any calendar year</td>
</tr>
<tr>
<td>Verandahs, bridges or other constructions over any public open space</td>
<td>Above ground level</td>
</tr>
</tbody>
</table>

and excludes the following types of structures:
- any scaffolding or falsework erected temporarily for construction or maintenance purposes;
- roads, road network structures, manoeuvring areas, parking areas (other than parking buildings) and other paved surfaces;
- any film set, stage or similar structures less than 5m high that exist for less than 30 days; and
- roof mounted chimneys, aerials and water overflow pipes.

In the coastal marine area for the purposes of the regional coastal plan, “building” includes any covered or partially covered permanent or temporary structure, whether or not it is enclosed.

The Unitary Plan inclusion and exclusions are used both to clarify which activities fall or do not fall within that definition as well as to provide metrics and other such qualifiers.

In some instances, inclusions and exclusions currently listed under a definition such as “building” will need to be repeated and inserted as rules (or other provisions) in every section that refers to “building”. Despite being an e-plan, this will increase the number of rules or provisions, and create large amounts of repetition. One benefit of containing such content in a definition, as in the Unitary Plan, is that it remains within one centralised location.

Not all current inclusion and exclusions will be able to be transferred directly to other provisions and some will need to be completely re-written.

The council considers these changes are not within the scope of a consequential amendment and therefore a Schedule 1 process will be required. This could result in significant re-litigation for some terms. Council requests that the Standard is amended to
enable council to incorporate matters from their existing definitions into other Plan provisions when incorporating the standardised terms.

**Nesting Tables used in Unitary Plan**

Council supports the Standard enabling the use of nesting tables. However, most of the existing nesting tables found in the Unitary Plan will need to be amended to give effect to this Standard. The example below illustrates the scale and extent of changes to existing nesting tables of the Unitary Plan, for one core term – ‘Rural industry’.

**Table J1.3.6 Rural**

<table>
<thead>
<tr>
<th>Rural Industry</th>
<th>Industrial Activity</th>
<th>Produce sales</th>
</tr>
</thead>
</table>
| Primary Production Farming | Manufacturing, fabricating, processing, packing, storing, maintaining or repairing goods  
On-site primary produce manufacturing   
Research laboratories 
Yard-based storage, distribution and logistics activities 
Training facilities to support rural industrial activities | Intensive poultry farming 
Conservation planting 
Post-harvest facilities 
Animal breeding or boarding 
Free-range poultry farming 
Poultry hatcheries 
Quarries – farm or forestry |

**Primary Production Farming**

<table>
<thead>
<tr>
<th>Primary Production Farming</th>
<th>Intensive Primary Production Farming</th>
<th>Intensive poultry farming</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural</td>
<td>Conservation planting</td>
<td></td>
</tr>
<tr>
<td>Pastoral</td>
<td>Post-harvest facilities</td>
<td></td>
</tr>
<tr>
<td>Forestry</td>
<td>Animal breeding or boarding</td>
<td></td>
</tr>
<tr>
<td>Horticultural</td>
<td>Free-range poultry farming</td>
<td></td>
</tr>
<tr>
<td>Any land and auxiliary buildings used to produce the products in primary production</td>
<td>Poultry hatcheries</td>
<td></td>
</tr>
</tbody>
</table>
Consequential changes to the Unitary Plan to enact mandatory directions

The council considers that to give effect to the Definitions Standard will require a significant number of consequential amendments to the Unitary Plan that will go beyond the scope of amendments authorised by section 581(3)(d) of the Act.

Council also believes that, amending the Unitary Plan to include the mandatory definitions will affect its policies and rules where such terms are currently used.

For example, the Standard provides a definition for ‘rural industry’, ‘industrial activity’ and ‘primary production’. The Unitary Plan provides a definition for ‘rural industries’, ‘rural commercial services’ and ‘rural production activities’. If the Definition Standard is gazetted, in its current form, the council will need to replace all existing terms i.e. ‘rural industries’, ‘rural commercial services’ and ‘rural production activities’ in the Unitary Plan with the Standard terms of ‘rural industry’, ‘industrial activity’ and ‘primary production’. The council cannot retain the existing terms and definitions in the Unitary Plan as these would be considered synonyms of terms provided in the Standard. They are also not considered to be a subcategory or narrower application as most of the words and meaning align to the definitions in the Standard.

The definition of rural industry is in itself quite different to the definition of ‘rural industries’ in the Unitary Plan. Replacing the term ‘rural industries’ with ‘rural industry’ alone will change how this term is used and the associated rules.

The new Standard definition on ‘rural industry’ broadens the activities and uses provided for. Currently in the Unitary Plan, certain terms and activities defined under ‘rural industries’ have different activity statuses and associated rule provisions. The council is not able to do a direct replace/amendment.

In reviewing whether such change meets the legislation to ‘avoid duplication or conflict’, the council is of the view that replacing the term with the Standard ‘rural industry’ will trigger a change to the policy approach and application. This is considered to go beyond the scope of consequential amendments and will trigger a merits-based policy discussion on whether the new activities and uses provided for under the ‘rural industry’ should have the same activity status and provisions as currently provided or whether the activity status should change under different zones and precincts.

It is not clear on what is considered an appropriate consequential amendment that can be made under a non-Schedule 1 process. before it triggers the need to do a full Schedule 1 process. Section 581(3)(d) of the Act is vague and open to interpretation.

In the council’s view, any consequential amendment that triggers a change in policy approach, rules, or requires a merits-based evaluation on options, goes beyond the scope of what can be carried out as a consequential amendment to the Unitary Plan.

This means that any such change will need to be carried out using the Schedule 1 process that would allow for a merits-based evaluation to take place and give people an opportunity to submit and comment on the proposed amendments.
Changes sought

Auckland Council seeks the following amendment:

- amend the Standard to enable councils to incorporate existing definition ‘matters’, such as an exclusion/inclusion lists, into other plan provisions as part of a consequential amendment.
- provide more direction and guidance on the threshold for consequential amendments under a non-Schedule 1 process including what is beyond the scope of a consequential amendment.
## Appendix 2

<table>
<thead>
<tr>
<th>National Planning Standards proposed term</th>
<th>Relevant Unitary Plan Term(s)</th>
<th>Council's position [Support / Oppose / Amend]</th>
<th>Reasons</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>abrasive blasting</td>
<td>There are no similar term(s) defined in the Unitary Plan.</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>access strip</td>
<td>There are no similar term(s) defined in the Unitary Plan. There are associated terms defined in the Unitary Plan: Estate and Access site.</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form. Agree it is appropriate in this instance to default to the definition in section 2.5 of the Resource Management Act 1991.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>accessory building</td>
<td>There is a similar term defined in the Unitary Plan: Accessory building. There are associated terms defined in the Unitary Plan: Accessory activities, and Building.</td>
<td>Amend</td>
<td>Support standardisation of the term and definition. However, it is not clear whether an accessory building can be ancillary to a use on site when it is not the primary use. For example, if there is an ancillary use on the site such as home occupation, it is unclear if the accessory building can be accessory to that ancillary use rather than the primary use. Similarly, the same question is raised with storage units for home business. Clarification on this matter is required. It is also sought that the draft definition includes a reference to a vacant site. The Unitary Plan definition includes site and vacant site. It does not appear this can necessarily be sufficiently provided for, through standards or rules.</td>
<td>Refine and amend definition to take into consideration: • If there was an ancillary use on the site, clarify if the accessory building can be accessory to that ancillary use, rather than the primary use • In addition, include provision for vacant sites. Insert wording such as: ...or on a vacant site, a building that is incidental to any use which may be permitted on that site.</td>
</tr>
<tr>
<td>addition</td>
<td>There are no similar term(s) defined in the Unitary Plan. There are associated terms defined in the Unitary Plan: Gross floor area and Building coverage.</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>allotment</td>
<td>There are no similar term(s) defined in the Unitary Plan. There is an associated term defined in the Unitary Plan: Site.</td>
<td>Amend</td>
<td>Support standardisation of the term and definition. It is appropriate in this instance to default to the definition in section 2.18 of the Resource Management Act 1991. It is requested however that interpretation material clarifies that the term ‘lot’ has the same meaning as allotment, for the avoidance of doubt.</td>
<td>Include in the definitions standard and request that any interpretation material clarifies that the term ‘lot’ has the same meaning as allotment, for the avoidance of doubt.</td>
</tr>
<tr>
<td>amenity values</td>
<td>There are no similar term(s) defined in the Unitary Plan.</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2.1 of the Resource Management Act 1991. Support the inclusion of this definition as set out in the draft National Planning Standards June 2018 document.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>ancillary activity</td>
<td>There is a similar term defined in the Unitary Plan: Accessory activities. There is an associated term defined in the Unitary Plan:</td>
<td>Amend</td>
<td>Support standardisation of the term and definition in principle. However it is noted that, the use of subsidiary in this definition is important. Subsidary can be read to mean ‘subordinate or secondary’. In legacy Auckland plans some councils used subsidiary with reference to accessory buildings so that the building could not be bigger than the principal building. The</td>
<td>Refine and amend definition to take into consideration: • the use of the word subsidiary and its flow on linkages to the definitions of accessory building and minor residential unit.</td>
</tr>
<tr>
<td>National Planning Standards proposed term</td>
<td>Relevant Unitary Plan Term(s)</td>
<td>Council's position [Support / Oppose / Amend]</td>
<td>Reasons</td>
<td>Recommendation</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-----------------------------</td>
<td>---------------------------------------------</td>
<td>---------</td>
<td>----------------</td>
</tr>
<tr>
<td>Accessory building.</td>
<td></td>
<td></td>
<td>definition of accessory buildings does not contain the term 'subsidiary' so it is misleading and creates confusion as to whether the use must be smaller than the principal use but the building housing the use does not have to be. This is a use versus development issue. Clarification is required to the definition. Additional commentary is provided on 'minor residential unit' as it is a similar issue with this definition of 'ancillary activity'.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>aquifer</td>
<td>There is a similar term defined in the Unitary Plan: Aquifer.</td>
<td>Support</td>
<td>Support the inclusion and standardisation of the term in Standards, as it is written out in the draft National Planning Standards June 2018 document. The definition allows for aquifers to be recognised for a range of purposes, including ecological and cultural. The definition aligns better with the implementation of the National Policy Statement for Freshwater Management.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>bed</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this definition as set out in the draft National Planning Standards June 2018 document.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>best practicable option</td>
<td>There is a similar term defined in the Unitary Plan: Best practicable option.</td>
<td>Support</td>
<td>The term is already in Chapter J Definitions of the Unitary Plan and refers to the reader to the same meaning of 'best practicable option' as in section 2 of the Resource Management Act 1991. Support the inclusion of this definition as set out in the draft National Planning Standards June 2018 document.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>bore</td>
<td>There is a similar term defined in the Unitary Plan: Bore. There are associated terms defined in the Unitary Plan: Stormwater, Dam, Damming, Drilling and Landfills.</td>
<td>Amend</td>
<td>Support standardisation of the term and definition. It is noted that there is a New Zealand drilling Standards for 'bore', we suggest ME may wish to review these standards in review of the definition of 'bore'. The Unitary Plan uses the term &quot;drilled&quot; whereas the Standard is simply referring to a hole. A bore tends to be lined to meet certain engineering standards. Suggest that the Standards should refer to 'bore' and 'hole'. It is also noted that (ii) could be interpreted to imply that wastewater disposal trenches were a 'bore' under this definition and would require consideration as a bore.</td>
<td>Refine and amend definition to take into consideration: - NZ drilling standards for 'bore'; and - differentiate and include 'bore' and 'hole' in definition.</td>
</tr>
<tr>
<td>boundary</td>
<td>There are no similar term(s) defined in the Unitary Plan. There is an associated term defined in the Unitary Plan: Site.</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form. The proposed NPS definition is clear and concise.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>boundary adjustment</td>
<td>There is a similar term defined in the Unitary Plan: Boundary adjustment. There is an associated term in the Unitary Plan: Subdivision.</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form. The definition is similar in meaning to the Unitary Plan definition of boundary adjustment.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>National Planning Standards proposed term</td>
<td>Relevant Unitary Plan Term(s)</td>
<td>Council's position [Support / Oppose / Amend]</td>
<td>Reasons</td>
<td>Recommendation</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>------------------------------</td>
<td>----------------------------------------------</td>
<td>---------</td>
<td>---------------</td>
</tr>
<tr>
<td>building</td>
<td>There is a similar term defined in the Unitary Plan: Building.</td>
<td>Amend Support standardisation of the term and definition. However, the definition is a significant change in approach. Most aspects of the Unitary Plan definition are not covered in the Definitions Standard but these can be covered through modifying rules and standards throughout the Unitary Plan. It is requested however, that some changes are made and interpretation aspects are considered.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1) There is too much uncertainty about what ‘enclosed’ means in the draft definition. Something with 2 walls is not ‘enclosed’ so the definition does not follow a plain English meaning. It is not clear if it is the ‘enclosed’ or the ‘2 or more walls and a roof’ that is the primary determinant? Several examples to illustrate the lack of clarity with the choice of words are:  
- If a carport has a roof and one wall, is it a building?  
- Is a covered walkway or a bus stop a building because it has a roof and transparent walls?  
- If a shelter has walls and a hipped roof is it a building?  
- Is a garage door considered ‘similarly enclosed’?  
- Would a water tank be ‘similarly enclosed’?  
2) It is also not clear whether all the clauses need to be met to be a building.  
3) A third amendment is sought in relation to partial versus fully covered roofs. The legacy coastal plan and Unitary Plan have, ‘in the coastal marine area for the purposes of the regional coastal plan, “building” includes any covered or partially covered permanent or temporary structure, whether or not it is enclosed’. This uses the word ‘covered’ not ‘enclosed’. Like the point raised directly above, does the draft definition apply if there is a partial roof? It is therefore sought that the definition is changed to recognise being covered as well as enclosed, including being partially covered by a roof. This may reads as:  
Building means any structure, whether temporary or permanent, moveable or fixed, that is partially or fully enclosed, and with 2 or more walls, and covered or partially covered by a roof, or any structure that is similarly enclosed.  
It is concurred with that reverting to the Building Act 2004 definition of ‘building’ is not suitable for a planning context and not supported.  
Amend definition as follows:  
Building means any structure, whether temporary or permanent, moveable or fixed, that is partially or fully enclosed, and with 2 or more walls, and covered or partially covered by a roof, or any structure that is similarly enclosed.  |
| building damage from vibration           | There are no similar term(s) defined in the Unitary Plan | Support Support the inclusion of this term in the National Planning Standards, in its present form.  
Do not change the name of this definition to ‘building damage from noise vibration’ or ‘noise building damage’. The standard is not all about noise and not all vibration is linked to noise. | Include in definitions standard |
<table>
<thead>
<tr>
<th>National Planning Standards proposed term</th>
<th>Relevant Unitary Plan Term(s)</th>
<th>Council's position [Support / Oppose / Amend]</th>
<th>Reasons</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>cleanfill</td>
<td>There are similar terms defined in the Unitary Plan: Cleanfill and Cleanfill material</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>There are associated terms defined in the Unitary Plan: Managed fill, Managed fill material, Landfill and Mineral extraction activities.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Amend</td>
<td>Support standardisation of the term and definition in principle, but it is critical that the Unitary Plan is able to retain the associated definitions of 'managed fill', and 'cleanfill material' as they comprise of different waste materials and have different effects on receiving water, which are linked to activity statuses in the Unitary Plan. Our view is that these are not synonyms of 'landfill' or 'cleanfill' as defined in the draft Definitions Standard, and if our associated definitions are considered synonyms then this current definition of 'cleanfill' will be of significant concern. Clarification is sought that these two definitions could remain as distinctly separate definitions within the Unitary Plan as locally defined terms and not synonyms of the term 'cleanfill'.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Clarification is sought if the related term 'cleanfill material' can remain as a locally defined term in a Plan. This is not considered a synonym of 'cleanfill' both in terms of the definition name but the technical definition content. Clarification is also sought that 'managed fill' and 'managed fill material' could remain as distinctly separate definitions within the Unitary Plan.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| coastal marine area                    | There is a similar term defined in the Unitary Plan: Coastal marine area. |
|                                       | Amend                            | In the Unitary Plan, the definition on 'coastal marine area' provides additional clarification for where the line of mean high water springs crosses a river. Appendix 7 lists 252 rivers with a Topo map grid reference for the coastal marine area (CMA) boundary. The draft definition means that the reference to Appendix 7 in the Unitary Plan will need to be removed. A new definition could be added to correspond to the RMA definition of 'mouth'. That definition allows for agreements between councils and the Minister of Conservation on defining the landward boundary of the CMA at river mouths prior to notification of a regional coastal plan. A new definition could be "Mouth – for the purpose of defining the landward boundary of the coastal marine area, means the mouth of the river at the points listed in Appendix 7". The alternative is to amend the draft definition as follows: "has the same meaning as in section 2 of the RMA (as set out in the box below) with any agreed coastal marine area boundary points at rivers identified in the DQX section of the Plan." |
|                                       | Amend                            | Amend the definition of 'coastal marine area' to note how a regional coastal plan identifies any cross-river coastal marine area boundaries (as agreed with territorial authorities and the Minister of Conservation in accordance with the RMA definition of 'mouth'). Amendments to the definition as follows: "has the same meaning as in section 2 of the RMA (as set out in the box below) with any agreed coastal marine area boundary points at rivers identified in the DQX section of the Plan." |

| coastal water                          | There are no similar term(s) defined in the Unitary Plan |
|                                       | Support                           | Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form. |
|                                       | Include in definitions standard    | |

| commercial activity                    | There is a similar term defined in the Unitary Plan: Commercial activities. |
|                                       | There are associated terms defined in the Unitary Plan: Commercial services, Offices, Retail, Large format retail, and Business activities (these are only a selected number; there are more in the Unitary Plan). |
|                                       | Amend                            | Support standardisation of the term and definition. However it is noted that experience with the inclusion of 'primary purpose' within Unitary Plan definitions has been problematic. Interpretation issues are likely to occur in relation to what 'primary purpose' constitutes and clarification is required to whether it includes offices (within the word 'services'). Support the approach to allow Councils to provide subset of activities captured by this definition. The Unitary Plan contains a range of associated terms with definitions (i.e. subset of activities) that fall under the term 'commercial activity'. |
|                                       | Refine and amend definition to take into consideration: - whether 'offices' are included or it is considered within the word 'services'. This needs to be spelt out in the definition.
<table>
<thead>
<tr>
<th>National Planning Standards proposed term</th>
<th>Relevant Unitary Plan Term(s)</th>
<th>Council's position</th>
<th>Reasons</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>community facility</td>
<td>There is a similar term defined in the Unitary Plan: Community facilities.</td>
<td>Amend</td>
<td>Support standardisation of the term and definition in principle, but raise that an activity such as libraries may not be sufficiently and explicitly encompassed within this definition and that ‘similar community purposes’ may be too vague for an activity such as libraries. Seek clarification and whether the words ‘learning’ or ‘educational’ need to be encompassed into the definition. This change may need to be considered in relation to the term ‘educational facility’ defined in the Standards.</td>
<td>Refine and amend definition to take into consideration: - if libraries is a community facility and if so, what subterm in the definition will capture such activities. Consideration to words such as ‘learning’ or ‘educational’ may need to be included in the definition.</td>
</tr>
<tr>
<td>contaminant</td>
<td>There are no similar term(s) defined in the Unitary Plan.</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this definition as set out in the draft National Planning Standards June 2018 document.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>contaminated land</td>
<td>There are no similar term(s) defined in the Unitary Plan.</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>coverage</td>
<td>There is a similar term defined in the Unitary Plan: Building coverage.</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>discharge</td>
<td>There are no similar term(s) defined in the Unitary Plan.</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this definition as set out in the draft National Planning Standards June 2018 document.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>National Planning Standards proposed term</td>
<td>Relevant Unitary Plan Term(s)</td>
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| drain                                    | There are no similar term(s) defined in the Unitary Plan | Amend | Support standardisation of the term and definition. Important that the definition links to 'artificial watercourse' and includes pipes as the PMA definition of 'water' excludes water in pipes. In addition, it can be hard to distinguish 'farm' drains and straighten natural watercourses from the definition of drain. | Refine and amend definition to take into consideration:
- links to artificial watercourses;
- includes pipes;
- distinguish 'farm' drains and straighten natural watercourses (what is excluded from the definition of drain). |
<p>| drinking water                           | There are no similar term(s) defined in the Unitary Plan | Support | Support the inclusion of this term in the National Planning Standards, in its present form. | Include in definitions standard |
| dry abrasive blasting                    | There are no similar term(s) defined in the Unitary Plan | Support | Support the inclusion of this term in the National Planning Standards, in its present form. | Include in definitions standard |
| dust                                     | There are no similar term(s) defined in the Unitary Plan | Support | Support the inclusion of this term in the National Planning Standards, in its present form. | Include in definitions standard |
| earthworks                               | There is a similar term defined in the Unitary Plan: Earthworks. There are associated terms defined in the Unitary Plan: Land disturbance, trenching, ancillary farming, earthworks, cultivation, and ancillary forestry earthworks. | Amend | The draft definitions proposed for both 'earthworks' and 'land disturbance' are not supported. The proposed definition of 'earthworks' is very broad and focuses on the end result (land contour and level) rather than the processes and activities involved. This approach is confusing and reading between the two definitions, certain critical aspects will be missed out that are currently provided for in the Unitary Plan definitions of 'earthworks' and 'land disturbance'. For example, there are a number of the inclusions in the Unitary Plan definition of 'earthworks' comprising of boring, ripping, trenching and thrashing that are not covered under the Standard definition of 'earthworks', as the Standard definition is solely restricted to changes in contour or ground level. This is of significant concern to Auckland Council. It is unclear for example, where the act of creating a trench to put in stormwater pipes then refilling would sit – land disturbance or earthworks? It is also not clear what the underlying intention of this definition is. If the intention is to look at the change in the character of an area rather than the effects caused by land disturbance then this should be explicitly stated, otherwise it should be deleted and concentrate on refinements to the land disturbance definition. Seek clarification and amendments to the definition to address concerns raised. | Refine and amend both definitions - 'earthworks' and 'land disturbance' to address concerns raised. |</p>
<table>
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<tr>
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<th>Council's position [Support / Oppose / Amend]</th>
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</tr>
</thead>
<tbody>
<tr>
<td>educational facility</td>
<td>There is a similar term defined in the Unitary Plan: Education facility. There are associated terms defined in the Unitary Plan: Tertiary education facility, Care centre, Student accommodation and Community use of education and tertiary facilities.</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form. However, it is noted that a new definition of secondary education facility is likely to be required in the Unitary Plan.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>effect</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 3 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>environment</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>esplanade reserve</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>esplanade strip</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>fertiliser</td>
<td>There is a similar term defined in the Unitary Plan: Fertiliser. There are associated terms defined in the Unitary Plan: Agrichemical, Treated effluent, Dairy effluent and Biosolids.</td>
<td>Amend</td>
<td>Support standardisation of the term and definition, but disagree with approach to not provide for animal effluent as a form of fertiliser. Animal effluent can be a significant and important source of nutrients. It is requested that this be incorporated into the definition.</td>
<td>Refine and amend definition to include animal effluent as a form of fertiliser.</td>
</tr>
<tr>
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<tr>
<td>footprint</td>
<td>There are no similar term(s) defined in the Unitary Plan. There is an associated term defined in the Unitary Plan: Building coverage.</td>
<td>Amend</td>
<td>Support standardisation of the term and definition in principle, however clarification is sought. Based on the current wording, it is not clear whether elements such as, an entrance which is between the ground level and the underground basement area to a car park constitutes ‘at ground floor level’? There is likely to be ambiguity around what ‘directly’ above the ground means in application. It is also noted that, the definition wording in the Section 32, Evaluation Report on the Draft Definitions Standard (Part 2C) is different to the draft National Planning Standards document. The section 32 version is preferred because it does not refer to “any section of those structures...”</td>
<td>Refine and amend definition: - Clarify through wording refinements what ‘directly’ above the ground constitutes.</td>
</tr>
<tr>
<td>freshwater</td>
<td>There are no similar term(s) defined in the Unitary Plan There are associated terms defined in the Unitary Plan Freshwater systems.</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>functional need</td>
<td>There is a similar term defined in the Unitary Plan: Functional need.</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form. The draft definition is similar to the Unitary Plan definition. Minor differences are grammatical sentence structure only, not technical.</td>
<td>Include in definitions standard</td>
</tr>
</tbody>
</table>
| green infrastructure                    | There are no similar term(s) defined in the Unitary Plan. | Amend | Support standardisation of the term and definition in principle.  
Inclusion of this term as a mandatory definition supports the use of green infrastructure and how it has the potential to integrate into the environment and community differently to traditional infrastructure. It is noted however that as currently written, ‘green infrastructure’ would include many wastewater systems that rely on natural processes - oxidation ponds, work based systems and bacteria based systems. It is not clear if this is the intention. Clarification is sought. | Clarification is sought to whether ‘green infrastructure’ would include many wastewater systems that rely on natural processes - oxidation ponds, work based systems and bacteria based systems. Clarity is required or amendments to the definition to remove confusion. |
<p>| greywater                                | There are no similar term(s) defined in the Unitary Plan | Support | Support the inclusion of this term in the National Planning Standards, in its present form. | Include in definitions standard |
| gross floor area                         | There is a similar term defined in the Unitary Plan: Gross floor area. There are associated terms defined in the Unitary Plan: Not internal floor area, Floor area ratio and Average floor area. | Amend | Support standardisation of the term and definition in principle. The core aspect of this draft definition, relating to the sum of the total area of all floors of all buildings on the site, measured from the exterior faces of exterior walls or from the centre lines of walls separating 2 buildings is workable, and can be accepted. It is requested that voids such as, service shafts, lifts or stairwells should not however contribute towards the gross floor area. Clarification is sought more generally to whether basements and areas below ground are intended to be included. The definition refers to buildings ‘on’ the site. This language may lead a reader to interpret that gross floor area relates to only above ground portions of buildings. | Refine and amend definition to address concerns raised. |</p>
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<td>ground level</td>
<td>There is a similar term defined in the Unitary Plan: Ground level.</td>
<td>Amend</td>
<td>Support standardisation of the term and definition in principle. There is concern however that enforcement issues may arise with ground level being able to be modified in breach of plan provisions and parties applying the existing surface level of the ground. This is a different approach to the Unitary Plan. It is suggested that a word such as ‘lawful’ may need to be included as a qualifier for (b), if the ground level cannot be identified. It is also noted that in relation to trees, the Unitary Plan definition of ‘ground level’ includes a specific explanation for the measurement of the girth of a tree, whereby ground level must be taken from the uphill side of the tree trunk. The draft definition would not be the best fit for the measurement of trees. Clarification is sought that a definition of ‘measurement of ground level for tree girth’ could be introduced, if not, it is considered important that, in relation to the measurement of the girth of a tree, ground level must be taken from the uphill side of the tree trunk.</td>
<td>Refine and amend definition to address concerns raised.</td>
</tr>
<tr>
<td>groundwater</td>
<td>There is no similar term of ‘groundwater’ in the Unitary Plan. There are associated terms, defined in the Unitary Plan: Groundwater diversion, infiltration and receiving waters.</td>
<td>Amend</td>
<td>Support standardisation of term and definition. The definition should provide clarity and be explicit to either include or exclude geothermal water whilst it is in the ground, from the definition.</td>
<td>Refine and amend definition to provide clarity and be explicit to either include or exclude geothermal water whilst it is in the ground, from the definition.</td>
</tr>
<tr>
<td>habitable room</td>
<td>There is a similar term defined in the Unitary Plan: Habitable room.</td>
<td>Amend</td>
<td>Support standardisation of term and definition but recommend including boarding houses as it appears this is missing, but is an important inclusion.</td>
<td>Amend definition as follows: means any room in a residential unit, visitor accommodation, educational facility, commercial activity, boarding house or healthcare facility used for the purposes of teaching or respite care or used as a living room, dining room, sitting room, bedroom, or similarly occupied room.</td>
</tr>
<tr>
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<tr>
<td>hazardous substance</td>
<td>There is a similar term defined in the Unitary Plan: Hazardous substance.</td>
<td>Amend</td>
<td>While it is considered appropriate to default to the definition in section 2 of the Resource Management Act 1991, it is recommended the definition of “hazardous substances” is expanded to also include substances with radioactive properties or high biological oxygen demand more than a specific amount. This would relate to any substance with one or both of the following intrinsic properties: • radioactivity; and • high biological oxygen demand (BOD5) more than a specified amount (recommended to be set at 10,000mg/l). While measurements are discouraged under the Standard definitions, there is a metric in the definition of “small scale renewable electricity generation” and in this instance measurements are appropriate and necessary. Recommend not to default to the definition in the RMA but to provide additional clarification and words requested above.</td>
<td>To ensure consistency in approach, it is recommended that the further definition/interpretation text within the definition box for “hazardous substances” under section 2 (Interpretation) of the Hazardous Substances and New Organisms Act 1996 is explicitly set out, for the avoidance of doubt, and to be consistent with CM-1. 3f.</td>
</tr>
<tr>
<td>height [in relation to a regional plan or regional policy statement or a combined plan that includes a regional plan or regional policy statement]</td>
<td>see below</td>
<td></td>
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</tr>
<tr>
<td>height [in relation to a district plan]</td>
<td>There is a similar term defined in the Unitary Plan: Height.</td>
<td>Amend</td>
<td>Support this definition in part in part. Council requests that the option of applying the average height method as well as the rolling height method is included in the definition. The Section 32 Evaluation Report for Draft Definitions Standard (Part 2C) has outlined that it is considered that better environmental outcomes are often achieved when the form of development reflects the contour of slope where it is located. This is not always considered to be the case, especially in the Auckland planning context. This may end up with peculiar outcomes where sites are not well contoured but are steep. Providing for both solutions can enable more design solutions and environmental outcomes.</td>
<td>Refine and amend definition to enable height to be measured using the average height as well as the rolling height methodology.</td>
</tr>
<tr>
<td>height in relation to boundary</td>
<td>There is a similar term defined in the Unitary Plan: Height in relation to boundary. There is an associated term in the Unitary Plan: Height.</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form. The draft definition sufficiently addresses the core aspects contained within the Unitary Plan definition and provides a sound technical definition.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>Item 12</td>
<td>National Planning Standards proposed term</td>
<td>Relevant Unitary Plan Term(s)</td>
<td>Council’s position [Support / Oppose / Amend]</td>
<td>Reasons</td>
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<tr>
<td>historic heritage</td>
<td>There are no similar terms defined in the Unitary Plan. There are associated terms defined in the Unitary Plan: Non-contributing buildings, structures or features; Contributing buildings, structures or features. Archaeological investigations and archaeological site.</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>home business</td>
<td>There is a similar term defined in the Unitary Plan: Home occupation.</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form. This draft definition sufficiently addresses the core aspects contained within the Unitary Plan definition.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>industrial activity</td>
<td>There is a similar term defined in the Unitary Plan: Industrial activity. There are associated terms defined in the Unitary Plan: Industrial laboratory, Light manufacturing and servicing and Industrial or trade activity.</td>
<td>Amend</td>
<td>Support standardisation of term and definition. It is sought that the definition is expanded to also include 'the processing of raw materials and other accessory activities', as per the Unitary Plan definition. Amend definition as follows: means an activity for the primary purpose of—(a) manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods; or (b) research laboratories used for scientific, industrial or medical research; or (c) yard-based storage, distribution and logistics activities; or (d) any training facilities for any of the above activities; or (e) the processing of raw materials and other accessory activities.</td>
<td></td>
</tr>
<tr>
<td>infrastructure</td>
<td>There is a similar term defined in the Unitary Plan: Infrastructure.</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>intensive primary production</td>
<td>There is a similar term defined in the Unitary Plan: Intensive farming. There are associated terms defined in the Unitary Plan: Animal feedlots, Intensive poultry farming and Animal breeding or boarding.</td>
<td>Amend</td>
<td>Support standardisation of term and definition in part. However not sure on the use of 'principally' as this can be subjective. Similar subjective issues have arisen with the current Unitary Plan definition of 'intensive farming' in relation to using the words 'limited dependence'. This has resulted in difficulty in an enforcement context and various interpretations. It is suggested that the definition is made clearer around intensive primary production including such farming activities outside of buildings i.e. 'feedlots' and 'feed pads'.</td>
<td>Refine and amend definition to address concerns raised.</td>
</tr>
<tr>
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<tr>
<td>iwi authority</td>
<td>There is no definition of 'iwi authority' in the Unitary Plan. 'Iwi' is in the Glossary section of the Unitary Plan.</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>kaitiakitanga</td>
<td>There is no definition of 'Kaitiakitanga' in the Unitary Plan. The term 'Kaitiakitanga' is in the Glossary section of the Unitary Plan.</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>LA90</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Defaults to the definition provided in New Zealand Standard 6801:2008 Measurement of Environmental Sound. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>LAeq</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Defaults to the definition provided in New Zealand Standard 6801:2008 Measurement of Environmental Sound. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>LAF(max)</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Defaults to the definition provided in New Zealand Standard 6801:2008 Measurement of Environmental Sound. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>lake</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>land</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>land disturbance</td>
<td>There is a similar term defined in the Unitary Plan: Land disturbance. There are associated terms defined in the Unitary Plan, ancillary fencing, earthworks, ancillary forestry earthworks, and earthworks.</td>
<td>Amend</td>
<td>The definitions proposed for both 'earthworks' and 'land disturbance' are not fully supported. There is concern that the draft definition of 'earthworks' excludes many things the Unitary Plan includes, which could not readily be inserted as a standard or rule, and are more appropriate kept within the definition. The Unitary Plan uses these two definitions the other way round. The Unitary Plan definition of earthworks links to the associated defined Unitary Plan term of 'ancillary fencing earthworks' and 'ancillary forestry earthworks'. It is critical that these can remain as they are.</td>
<td>Refine and amend both definitions - 'earthworks' and 'land disturbance' to address concerns raised, before including these terms into the Standards.</td>
</tr>
<tr>
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<tr>
<td>Landfill</td>
<td>There is a similar term defined in the Unitary Plan: Landfill. There are associated terms defined in the Unitary Plan: Cleanfill, Cleanfill material, Managed fill, Managed fill material and Aftercare</td>
<td>Amend</td>
<td>Support standardisation of term and definition in principle, however, it is critical that the Unitary Plan is able to retain the definition of ‘managed fill’, and ‘cleanfill material’ as they comprise of different waste materials and have different effects on receiving water, which is also linked to activity statuses in the Unitary Plan. It is of the view that these are not synonyms of ‘landfill’ or ‘cleanfill’ as defined in the draft Definitions Standard, and if the Unitary Plan associated definitions are considered synonyms then this current definition would be of significant concern. Clarification is sought that these two definitions could remain as distinctly separate definitions within the Unitary Plan as locally defined terms and not synonyms of the term ‘landfill’.</td>
<td>Clarification is sought that ‘managed fill’ and ‘managed fill material’ can remain as distinctly separate definitions within the Unitary Plan.</td>
</tr>
<tr>
<td>Ldn</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Defaults to the definition provided in New Zealand Standard 6801:2008 Measurement of Environmental Sound. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>Lpeak</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Defaults to the definition provided in New Zealand Standard 6801:2008 Measurement of Environmental Sound. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>National Planning Standards proposed term</td>
<td>Relevant Unitary Plan Term(s)</td>
<td>Council's position [Support / Oppose / Amend]</td>
<td>Reasons</td>
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<tr>
<td>mana whenua</td>
<td>There is a similar term defined in the Unitary Plan: Mana Whenua. The term ‘mana whenua’ is also in the Glossary section of the Unitary Plan.</td>
<td>Oppose</td>
<td>Council disagrees with defaulting to the Resource Management Act 1991 definition. In the Unitary Plan, the definition for mana whenua was developed, and agreed, with the Auckland iwi authorities. The Unitary Plan definition is: “Mana Whenua - Māori with ancestral rights to resources in Auckland and responsibilities as kaitakū over their tribal lands, waterways and other taonga. Mana Whenua are represented by iwi authorities.” This term is also in the glossary. “Mana Whenua - The people of the land who have mana or customary authority, their historical, cultural and genealogical heritage are attached to the land and sea.” This definition was debated during the Unitary Plan Hearings. The term is defined in the Local Government (Auckland Council) Act 2009 to refer to iwi or hapū groups who are mana whenua in Auckland. In the Auckland context, mana whenua is represented by iwi authorities. The Independent Hearings Panel accepted that based on the inclusion of this term in the Local Government (Auckland Council) Act 2009, the term “Mana Whenua group” and “Mana Whenua” have generally been used in Auckland’s planning documents to refer to iwi or hapū groups who are mana whenua in Auckland. This is discussed and outlined in H&amp;P Report to AC on Topic 009 Mana whenua 2016-07-22, pages 9-9. There has been significant debate on this matter in previous hearings processes and with iwi authorities in Auckland. National generalisation of the term makes sense for the glossary but not in the definitions section. Council opposes standardisation of this term and instead councils should be allowed to define mana whenua in their relevant areas.</td>
<td>Delete term and definition from the Standards.</td>
</tr>
<tr>
<td>mining</td>
<td>There is no similar term(s) defined in the Unitary Plan. There are associated terms defined in the Unitary Plan: Mineral exploration, Mineral extraction activities and Mineral prospecting.</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>National Planning Standards proposed term</td>
<td>Relevant Unitary Plan Term(s)</td>
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<tr>
<td>minor residential unit</td>
<td>There is a similar term defined in the Unitary Plan: Minor Dwelling. There are associated terms defined in the Unitary Plan: Building and Accessory building.</td>
<td>Amend</td>
<td>Support standardisation of term and definition in principle, however disagree with the use of the word 'ancillary' within the draft definition for 'minor residential unit'. The Section 32 Evaluation Report for Draft Definitions Standard (Part 2C) notes that there is a desire to steer away from 'smaller and secondary' however the use of the word ancillary, which means subordinate or secondary is not considered to sufficiently overcome that. Support the second half of the definition in terms of the minor residential unit being held in common ownership with the principal residential unit on the same site, and clarifying within the definition that the minor unit can be attached to the principal building or be a detached stand-alone building. The Section 32 commentary notes that floor area limits can achieve the same result through a permitted standard. While this may be the case, based on the framework of most activity rules tables, a breach of that standard is generally not a prohibited activity, and applications can therefore be made to breach the permitted standard. This can result in a 120m² minor residential unit. Conversely, if embedded within a definition, a failure to meet the specific size results in a building simply not meeting the definition and therefore, become a second dwelling, subject to wider considerations. While metrics in definitions is discouraged, it is noted that in instances such as this simply placing the metric into a standard does lead to the potential for quite different outcomes. As a minor non-technical matter, it is noted that a full stop is present at the end of this term. This is not consistent with the style used throughout all the other definitions and this typo should be deleted.</td>
<td>Refine and amend definition to address concerns raised.</td>
</tr>
<tr>
<td>natural and physical resources</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>natural hazard</td>
<td>There are no similar term(s) defined in the Unitary Plan. There are associated terms that fall under the category of 'natural hazard' that is defined in the Unitary Plan: coastal erosion hazard area, coastal storm inundation, flood plain, land which may be subject to land instability.</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>National Planning Standards proposed term</td>
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<tr>
<td>net floor area</td>
<td>There is a similar term defined in the Unitary Plan: Net internal floor area. There are also associated terms defined in the Unitary Plan: Average floor area and Gross floor area</td>
<td>Amend</td>
<td>Support standardisation of term and definition in principle, however, it appears it is directed first and foremost to commercial buildings and activities, it should also provide for residential activities with specific inclusions and exclusions, such as, the exclusion of decks and balconies. It is also noted that the Section 32 Evaluation Report on the Draft Definitions Standard (Part 2C) version of the definition does not refer to “c)(iv) required parking areas”. The inclusion of “c)(iv)” in the definition is supported.</td>
<td>Refine and amend definition to address concerns raised.</td>
</tr>
<tr>
<td>net site area</td>
<td>There is a similar term defined in the Unitary Plan: Net site area. There are associated terms defined in the Unitary Plan: Access site and Site.</td>
<td>Amend</td>
<td>Support standardisation of term and definition in principle, but there is concern with the use of ‘primarily’ in the context of this definition. As with the use of ‘principally’ and ‘primarily’ in other definitions, there is a level of subjectivity that can be undesirable. Clarity required.</td>
<td>Refine and amend definition to address concerns raised.</td>
</tr>
<tr>
<td>network utility operator</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 188 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>noise</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>notional boundary</td>
<td>There is a similar term defined in the Unitary Plan: Notional boundary</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form. The draft definition is similar to the Unitary Plan definition.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>official sign</td>
<td>There are no similar term(s) defined in the Unitary Plan. There are associated terms defined in the Unitary Plan: Sign, Billboard, Changeable message signage, Comprehensive development signage, and Free standing sign.</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form. Further consideration may need to be given to signs otherwise related to aspects of public safety.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>National Planning Standards proposed term</td>
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<tr>
<td>outdoor living space</td>
<td>There is a similar term defined in the Unitary Plan: Outdoor living space. There are also associated terms defined in the Unitary Plan: Dwelling, Minor Dwelling and Building.</td>
<td>Support</td>
<td>Support the Inclusion of this term in the National Planning Standards, in its present form. The definition provides a clear description of what outdoor living space constitutes and is written in such a way this can relate not just to outdoor living space at ground level. As commented in the section 32 document, outdoor living space to be at ground floor level is clearly unachievable in relation to many apartments.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>peak particle velocity</td>
<td>There is a similar term defined in a number of specific designations of the Unitary Plan, but not in the definitions section of the Unitary Plan: peak particle velocity.</td>
<td>Support</td>
<td>Support the Inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>primary production</td>
<td>There are similar terms defined in the Unitary Plan: Rural production activities and Farming. There are also associated terms defined in the Unitary Plan: Rural commercial services, Rural industries, On-site primary produce manufacturing, Forestry, Horticulture, and Farming and multiple others definitions.</td>
<td>Amend</td>
<td>The definition of primary production proposed in the Standard is of significant concern for several reasons. In the context of the Unitary Plan, it consumes farming within its definition, instead of providing for ‘farming’ and ‘primary production’ as two distinct definitions. The draft definition in practice, could mean activities with only a limited underlying relationship with the rural environment may be able to fall under this definition. While the current draft definition is supported by some of the rural sector (as referred to in the Section 32 Evaluation Report on the Draft Definitions Standard), it is not considered to be the most effective or appropriate definition wording for “primary production”. It is sought that the definition is refined to explicitly state that these activities need to have a functional need for a rural location. Without this qualifier embodied within the definition, there is concern that this could lead to inappropriate activities. There is also no inclusion of ‘intensive primary production’ within the definition. This is currently provided for in the Unitary Plan rural production definition, and does not appear to be a subset included under any of the associated terms. Furthermore, it is not concurred with that it is consistent to use the term auxiliary rather than ancillary just because it is used in the Act definition of production land. The same term used elsewhere in the definitions section should be set out.</td>
<td>Refine and amend definition to address concerns raised.</td>
</tr>
<tr>
<td>quarry</td>
<td>There is no similar term defined in the Unitary Plan. There are also associated terms defined in the Unitary Plan: Mineral, Mineral exploration, Mineral extraction activities and Mineral prospecting.</td>
<td>Amend</td>
<td>Support standardisation of term and definition in principle, but not clear what is intended by “other solid natural substances”. Clarification required.</td>
<td>Refine and amend definition to address concerns raised on what is intended by “other solid natural substances”. Clarification required.</td>
</tr>
<tr>
<td>National Planning Standards proposed term</td>
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<td>raft</td>
<td>The term ‘raft’ is mentioned as an inclusion to the ‘coastal marine area structure’ definition in the Unitary Plan. There is no definition of raft in the Unitary Plan.</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>rating level</td>
<td>There is a similar term defined in the Unitary Plan: Noise (rating level).</td>
<td>Support</td>
<td>Default to the definition provided in New Zealand Standard 6802:2008 Measurement of Environmental Sound. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>reclamation</td>
<td>There is a similar term defined in the Unitary Plan: Reclamation.</td>
<td>Amend</td>
<td>Support standardisation of term and definition in principle, however the draft standard should be qualified. Reference to “bed of lake or river or part of a waterbody” should be removed, as the term “waterbody” definition includes lakes and rivers. “Part of a waterbody” is included twice. The term “to create permanent land” is misleading. The RMA definition of land includes land in the Coastal Marine Area and reclamation is about creating dry land. Dry is needed because the RMA definition of “land” can include land in the CMA. Several coastal plans specify that reclamation does not include structures, particularly seawalls. Northland, Bay of Plenty and Auckland also specify that reclamation does not include breakwaters. It is confusing for the planning standards to now include embankments and causeways. An embankment could be a revetment along a shoreline. Normally these are not reclamation. The inclusion of “embankment” in reclamation should be qualified. The dictionary definition of embankment is “A wall of earth or stone built to prevent a river flooding an area.” A secondary definition is “A bank of earth or stone to carry a road or railway over and area of low ground (railway embankment).” The definition also refers to “permanent.” We have proposals for temporary reclamation, often associated with construction activities. Question how do these fit into the definition. The word “permanent” of course stems from the unlimited duration afforded to reclamation. Amend definition to read as follows: Reclamation means the filling of any part of a waterbody, bed of lake or river or part of a waterbody or coastal marine area, to create permanent dry land, and includes any embankment or causeway constructed to create permanent dry land, but does not include beach re-nourishment or any deposition of material or filling that is not permanent, or structures such as boat ramps, rubble mound breakwaters, mole, groynes or sea walls, or culverts in rivers that are parallel to the direction of water flow.</td>
<td>Proceed to include in the final Standard and provide further separate clarification on matter raised.</td>
</tr>
<tr>
<td>residential activity</td>
<td>There are no similar term(s) defined in the Unitary Plan. There are associated terms provided through various types of residential activities under the residential nesting table (Table J1.3.5 Residential) such as, Dwelling.</td>
<td>Amend</td>
<td>Support standardisation of term and definition in principle. Clarification is required if an activity is separately defined then it cannot be considered as part of the definition of “residential activity” for example retirement village premises. This is a use versus development question. Clarification is needed on this.</td>
<td>Proceed to include in the final Standard and provide further separate clarification on matter raised.</td>
</tr>
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<tr>
<td>residential unit</td>
<td>There is a similar term defined in the Unitary Plan: Dwelling. There is an associated term defined in the Unitary Plan: Minor dwelling.</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 226A of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>retirement village premises</td>
<td>There is a similar term defined in the Unitary Plan: Retirement village. There is an associated term defined in the Unitary Plan: Supported residential care.</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 226A of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>reverse sensitivity</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Amend</td>
<td>Support standardisation of term and definition. Much of the draft definition appears to have come from the notified Proposed Auckland Unitary Plan definition of reverse sensitivity (with variation to the last part of the draft definition). This definition was not followed through into the Unitary Plan. The view of the Panel was that: Reverse sensitivity has been identified in case law as a type of effect. While the proposed definition does describe the nature of that effect, the Panel does not consider it appropriate to include a definition of this in the Plan as it is not a thing which can be specified by these words for types of cases and all the circumstances that may arise. This statement can be found in TIP Report to AC Topic 065 Definitions 2016-07-27, pages 12 - 13. There is concern that the use of ‘existing activity’ captures consented but unimplemented activities, which have not lapsed. It is sought that consideration be given to what the most appropriate wording is.</td>
<td>Refine and amend definition to address concerns raised.</td>
</tr>
<tr>
<td>river</td>
<td>There is a similar term defined in the Unitary Plan: River or stream. There are associated terms defined in the Unitary Plan: Riparian margin, permanent river or stream, ephemeral stream, intermittent stream, and natural stream management area.</td>
<td>Amend</td>
<td>Reliance on the RUA definition raises a concern around ephemeral streams. Be clear that the term ‘rivers’ excludes ephemeral streams and includes all activities within streams. In the Auckland context, the Unitary Plan definition excludes ephemeral streams as many people define them as intermittent, and the Unitary Plan definition refers to ‘rivers and streams’ instead of the RUA definition of ‘river’ as it reflects the Auckland situation i.e. lots of streams not many rivers and the Unitary Plan definition alerts people that streams are managed as many people think streams are not rivers.</td>
<td>Amend the definition to ensure it is clear that the term ‘rivers’ excludes ephemeral streams and includes all activities within streams.</td>
</tr>
<tr>
<td>road</td>
<td>There is a similar term defined in the Unitary Plan: Road.</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form. The term is already in Chapter J Definitions of the Unitary Plan and refers the reader to the same meaning of ‘road’ as in section 315 of the Local Government Act 1974, and includes motorways.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
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<td>root protection area</td>
<td>There is a similar term defined in the Unitary Plan: Protected root zone.</td>
<td>Amend</td>
<td>Support standardisation of term and definition. The proposed definition aligns with the current Unitary Plan definition and is adequate to generally protect the root area of trees. As the root distribution of individual trees varies considerably, there will always be some deficiency in a simplified root protection area applicable to all situations, as this may not necessarily take account of very tall columnar species or those with multiple stems. However, there is a balance between imposing simpler standardised methodologies which are easier to understand and implement and protect the majority of a tree’s root area, against complex ones which are difficult and complex to implement but may result in maximum protection. An amendment is sought to the diagrams. Propose separate diagrams for circular and columnar trees are produced as part of the Standard. The Unitary Plan definition takes account of the columnar tree, as it specifies columnar root area to be half the height of the tree.</td>
<td>Refine and amend definition to address concerns raised.</td>
</tr>
<tr>
<td>rural industry</td>
<td>There is a similar term defined in the Unitary Plan: Rural industries. There are associated terms defined in the Unitary Plan: New aquaculture, Experimental aquaculture activities, Lawfully established aquaculture activities, Rural production activities, Rural commercial services, Rural industries and Farming and On-site primary produce manufacturing.</td>
<td>Amend</td>
<td>Support standardisation of term and definition in principle, however, the wording “principal function” is not as strong as the current language in the Unitary Plan definition. Expanding upon this with the inclusion of wording such as, ‘a clear connection to’ is sought to ensure the activities linking back to this definition have a defensible link back to needing it to be in a rural environment/zone.</td>
<td>Refine and amend definition to address concerns raised.</td>
</tr>
<tr>
<td>setback</td>
<td>There is a similar term defined in the Unitary Plan: Yard. There are associated terms defined in the Unitary Plan: Front yard, Rear yard, Side yard, Coastal protection yard, Lakeside yard, National Grid yard, Riparian yard, Transport storage yard and Building link restriction.</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form. The draft definition sufficiently addresses the core aspects contained within the Unitary Plan definition. Particular sections, such as the current Unitary Plan yard exclusions can be redeveloped into setback standards.</td>
<td>Include in definitions standard</td>
</tr>
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<td>sewage</td>
<td>There is a similar term defined in the Unitary Plan: Sewage. There are associated terms defined in the Unitary Plan: Biosolids and Sewage sludge.</td>
<td>Amend</td>
<td>Support standardisation of term and definition in principle, but disagree with the use of the word “water” in the definition. Sewage should be differentiated from “water”. It is a waste and a contaminant. Suggest to replace ‘water’ with ‘liquid’. Agree the definition is simple, however it misses out on: -(c) drainage from spaces containing living animals from the definition of ‘sewage’ provided in the Resource Management (Marine Pollution) Regulations 1998; whereby the proposed definition on ‘sewage’ should include a reference to any excrement from animals from a working farm/ural environment; and -(d) need to recognise that there is an existing definition in Marine Pollution Regulations for ships and offshore installations. The definition should be amended to include a reference to the regulations for the coastal marine area.</td>
<td>Refine and amend definition to take into consideration: - sewage should be differentiated from water; replace the term ‘water’ with ‘liquid’; - include a reference to any excrement from animals from a working farm/ural setting; and - include a reference to the regulations for the coastal marine area.</td>
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<tr>
<td>sign</td>
<td>There is a similar term defined in the Unitary Plan: Sign. There are associated terms defined in the Unitary Plan: Billboard, Free standing sign, Changeable message signage and Comprehensive development signage.</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form. It sufficiently aligns with the Unitary Plan definition of sign. All associated Unitary Plan definitions are not synonyms and should be able to remain within the Unitary Plan Definitions chapter.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>site</td>
<td>There is a similar term defined in the Unitary Plan: Site. There are associated terms defined in the Unitary Plan: Rear site and Front site.</td>
<td>Amend</td>
<td>Support standardised definition in principle, however it is noted that reference made under (d) of the draft definition to the Unit Titles Act 1972 is incorrect. This was repealed on 1 October 2012, by section 218 of the Unit Titles Act 2010 (2010 No 22)). The definition of ‘site’ in the Unitary Plan includes a diagram to identify the additional definitions provided in the plan i.e. entrance strip, rear site, access site, front site, corner site (see Figure J1.4.8 in Chapter J Definitions in the Unitary Plan). This diagram helps in the interpretation of which development controls and rules apply to the site.</td>
<td>Amend definition to reflect the most up to date legislation. Include a diagram to illustrate the types of ‘site’ defined in the plan.</td>
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<tr>
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<tr>
<td>small scale renewable electricity generation</td>
<td>There are similar terms defined in the Unitary Plan: Small scale electricity generation, and Community scale electricity generation.</td>
<td>Amend</td>
<td>We note that the Board of Enquiry for the NPSREG did not agree with putting a fixed amount of MW in the definition of small or community scale electricity generation, as the national planning standards propose to do. [114] The Board is not satisfied that the limit of what is to be regarded as small and community-scale distributed REG should be arbitrarily fixed at 4 MW, or even 10 MW, as suggested by some submitters. The difficulty with fixing a capacity cut-off is that the adverse environmental effects of different technologies may vary considerably. The advances of technology over 15 years will also allow for the provision of more electricity output from the same or fewer adverse environmental effects. (<a href="http://www.mfes.govt.nz/sites/default/files/nps-reg-board-of-inquiry.pdf">http://www.mfes.govt.nz/sites/default/files/nps-reg-board-of-inquiry.pdf</a>) We note the NPS-REG definition is wide. In the Unitary Plan, there are metrics that define small scale electricity generation in the form of permitted activity standards (height of small electricity turbines etc E25.2.5.3(13), (14), numbers of turbines (15), noise (16), and setbacks (21). There is also a height limit for the community scale wind turbine, which is higher than the small scale ones (17). The height of solar panels above the roof is also limited (20).</td>
<td>Propose a definition for ‘community-scale electricity generation’ is included into the Standards with a definition on “small-scale electricity generation”. This will provide more clarity to the NPS-REG definition in plans and policies. The reference to 20MW provides a certain limit, however we question the limit as expressed by the Board of Enquiry for NPSREG. As this is a national standard, any differentiation to what is considered a ‘community or small scale’ electricity generation should be left to local plans whereby performance standards and rules can be used to manage any bulk, location or plan-specific matters.</td>
</tr>
<tr>
<td>special audible characteristic</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Defaults to the definition provided in New Zealand Standard 6802:2008 Measurement of Environmental Sound. Support the inclusion of this definition as set out in the draft National Planning Standards June 2018 document.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>stormwater</td>
<td>There is a similar term defined in the Unitary Plan: Stormwater. There are associated terms defined in the Unitary Plan: Infiltration, Overland stormwater and Runoff</td>
<td>Amend</td>
<td>Disagree with the definition proposed. The key element that makes stormwater different to runoff or sheet flow (which is how the proposed definition reads) is that the runoff is diverted and discharged to a receiving environment. The act of diverting and discharging is key in stormwater and also sets the scene for stormwater management provisions. The description of receiving environments is also too narrow as it would exclude situations where stormwater may be diverted to land.</td>
<td>Recommend that the definition be reworded to include diversion and discharge and to widen the receiving environments to land and water.</td>
</tr>
<tr>
<td>structure</td>
<td>There are no similar term(s) defined in the Unitary Plan. There are associated terms defined in the Unitary Plan: Building, Vessel and Houseboat.</td>
<td>Amend</td>
<td>The draft definition is a significant change from the Unitary Plan approach, which provides structures within the definition of building. The draft definition will provide a significant degree of streamlining. This will require quite a lot of re-working throughout the Unitary Plan, but is generally supported. It is noted that there is a slight discrepancy in wording between the Section 32 Evaluation Report on the Draft Definitions Standard (Part 2C) wording and CMI-1. The wording in the draft National Planning Standards is preferred over the Section 32 version.</td>
<td>Retain the draft definition as stated in the draft Standard.</td>
</tr>
<tr>
<td>National Planning Standards proposed term</td>
<td>Relevant Unitary Plan Term(s)</td>
<td>Council's position [Support / Oppose / Amend]</td>
<td>Reasons</td>
<td>Recommendation</td>
</tr>
<tr>
<td>------------------------------------------</td>
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</tr>
<tr>
<td>subdivision</td>
<td>There are no similar term(s) defined in the Unitary Plan.</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 218 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>sustainable management</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 5 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>swale</td>
<td>The term &quot;swale&quot; is mentioned as an inclusion to the &quot;stormwater management devices&quot; definition in the Unitary Plan</td>
<td>Oppose</td>
<td>The purpose of including this specific definition is unclear. The definition of Green Infrastructure would include swales. If swales ware to be defined then there would be many other green infrastructure devices that should be defined too (e.g. rain gardens, green roofs, infiltration trenches, etc). A swale has been designed to have treatment qualities, usually by the inclusion of vegetation to trap and filter contaminants. It is also considered that the term ‘watersource’ should not be used. The Unitary Plan approach is to define stormwater management devices which lists a number of green infrastructure device types as well as proprietary devices. It is considered that a definition for swale is unnecessary and should be deleted from the Standards.</td>
<td>Delete term and definition from the Standards.</td>
</tr>
<tr>
<td>tangata whenua</td>
<td>There is no definition of ‘tangata whenua’ in the Unitary Plan. The term ‘tangata whenua’ is in the Glossary section of the Unitary Plan.</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 5 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>Territorial Authority</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>visitor accommodation</td>
<td>There is a similar term defined in the Unitary Plan: Visitor accommodation.</td>
<td>Amend</td>
<td>Support standardisation of term and definition in principle. However we agreed that Air BnB and BooksBach are significant issues and remains unresolved from providing this definition. The Section 32 Evaluation Report on the Draft Definitions Standard (Part 2C) notes that, ‘primarily for accommodating non-residents’ allows for the scale and frequency of the activity to be considered. The openness of the word ‘primarily’ is subjective, which can be problematic in a definition. While this is intended to enable different plans the ability to decide flexibility, it may generate significant interpretation issues, especially where it is being debated if the activity in question is a permitted activity. The provision for a tariff being paid is considered to be an important part of the definition and this aspect of the definition is supported.</td>
<td>Refine and amend definition to address concerns raised.</td>
</tr>
<tr>
<td>wastewater</td>
<td>There is a similar term defined in the Unitary Plan: Wastewater.</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>National Planning Standards proposed term</td>
<td>Relevant Unitary Plan Term(s)</td>
<td>Council's position [Support / Oppose / Amend]</td>
<td>Reasons</td>
<td>Recommendation</td>
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<tr>
<td>water</td>
<td>There are no similar terms defined in the Unitary Plan to &quot;water&quot;. There are associated terms defined in the Unitary Plan: Receiving waters.</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>water sensitive design</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form. The definition is supported in principle and similar to a definition presented by Auckland Council as part of Topic 063 Definitions hearings evidence on the proposed Unitary Plan. It is noted that the definition of water sensitive design did not however proceed into Recommendations version of the Unitary Plan by the Independent Hearings Panel. Judge Kilkpatrick Chair of the Independent Hearings Panel, queried whether the definition could be limited to just the first sentence, as the rest in the Judges opinion imparted a policy determination not seen as suitable for inclusion in a definition. The Judge had concern that the definition with the list of inclusions was undefined and would be defined by officers. The definition did not get carried through to the Decisions version and now Operative in part version of the Auckland Unitary Plan.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>waterbody</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>wet abrasive blasting</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
<tr>
<td>wetland</td>
<td>There are no similar term(s) defined in the Unitary Plan</td>
<td>Support</td>
<td>Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.</td>
<td>Include in definitions standard</td>
</tr>
</tbody>
</table>
Development of core targets with central government for Auckland Plan 2050

File No.: CP2018/13251

Te take mō te pūrongo / Purpose of the report
1. To establish a political working group to provide guidance during the development of core targets, in collaboration with central government, for the Auckland Plan 2050.
2. To confirm target areas and agree general criteria for the setting of targets.

Whakarāpopototanga matua / Executive summary
3. Through the course of developing the Auckland Plan 2050, housing, transport, the natural environment and social wellbeing were identified as areas on which Auckland Council could collaborate with central government on developing core targets.
4. As part of the 5 June Planning Committee resolution (PLA/2018/62) to adopt the Auckland Plan 2050, it was agreed that staff commence a process to develop an implementation approach with core targets that relate to existing measures and priorities in the Auckland Plan, in collaboration with central government.
5. Since the adoption of the Auckland Plan 2050, discussions between council staff and central government officials have been held regarding an approach for developing targets.
6. Staff are seeking from the Planning Committee:
   i. approval to establish a political working group to provide guidance on the development of core targets in anticipation of the need for timely input due to the dynamic nature of discussions at times during the process
   ii. confirmation of the proposed target areas
   iii. agreement on the general criteria for setting targets as the basis for engagement with central government officials.
7. It is proposed that a progress update on the development of targets be brought to the Planning Committee on 6 November.

Ngā tūtohunga / Recommendation/s
That the Planning Committee:

a) establish a political working group consisting of the chair and deputy chair of the Planning Committee, the chairs of the Environment and Community Committee and the Finance and Performance Committee, the Deputy Mayor, local board representation and a member of the Independent Māori Statutory Board to provide direction on the development of joint targets with central government.

b) confirm target areas as housing, transport, natural environment and social wellbeing

c) agree the general criteria to guide the setting of targets:
   i) attribution - contribution of the targets to addressing the three big challenges identified in Auckland Plan 2050, and
   ii) spatial context - the ability to achieve the targets through a spatial response.
Horopaki / Context

8. In response to feedback received through the formal consultation process, the Planning Committee resolved that “the commencement of a process to develop an implementation approach with core targets that relate to existing measures and priorities in the Auckland Plan, in collaboration with central government, be undertaken” (resolution number PLA/2018/62).

9. At the start of the Auckland Plan refresh, central government officials identified housing and transport and how they related to the Development Strategy, as areas of particular focus. As the refresh of the Auckland Plan evolved, the Development Strategy remained the focal point for collaboration with central government although conversations included consideration of how the strategy contributed to the broader outcomes.

10. As such, staff recommended the following four areas are best suited for developing targets with central government: housing, transport, the natural environment and social wellbeing.

11. These four target areas have provided the basis for discussions with central government officials since the adoption of the Auckland Plan 2050.

Tātaritanga me ngā tohutohu / Analysis and advice

12. It is proposed that a political working group be established to provide direction throughout the development of the targets. Considering the subject matter and potential funding implications of setting targets, it is proposed that all the committees of the whole be represented on the working group.

13. Staff have identified the following criteria as a starting point to develop targets across the four areas.

   I. The target must demonstrate improvement against the three key challenges defined in Auckland Plan 2050:
      - Population growth and its implications
      - Sharing prosperity with all Aucklanders
      - Reducing environmental degradation

   II. Achievement in reaching the target must fundamentally be driven through a spatial response based on how and where we grow.

14. Through Planning Committee approval of the general criteria, staff will be able to commence development of targets from a confirmed council position.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

15. Although the targets are to be set at the regional level, it is anticipated that they will be analysed at a local board level once set.

16. Local boards representatives were invited to all of the Auckland Plan workshops and some provided feedback on the need for high level targets through formal resolutions to the Planning Committee.

17. It is proposed that local board members be included in the political working group.

Tauākī whakaaweawe Māori / Māori impact statement

18. The principle of developing targets has no specific impact on Māori. The nature of the targets may however have specific impacts. An assessment of any such impacts must therefore be carried out through the development of targets.

19. Targets will relate to existing measures and priorities in Auckland Plan 2050. Engagement with Māori informed these measures and priorities during the development phases of the Plan.
20. In addition, the IMSB paid specific attention to the measures as part of its input to the Plan. The next step is for the IMSB to carry this through in its representation on the political working group.

**Ngā ritenga ā-pūtea / Financial implications**

21. The finalisation of targets and the funding commitment required to achieve them should be considered as part of their development.

22. Any new funding commitments will be addressed through the Annual Plan 2018/19 process, and/or subsequent planning processes.

**Ngā raru tūpono / Risks**

23. Through the Planning Committee workshops, members highlighted the risk that targets are not set in the long-term interests of the Auckland Plan. The political working group will help mitigate that risk. There is no legislative requirement to set targets in the Auckland Plan 2050 so either party can withdraw from the process if they wish to.

**Ngā koringa ā-muri / Next steps**

24. Establishment of political working group.

**Ngā tāpirihanga / Attachments**

There are no attachments for this report.

**Ngā kaihaina / Signatories**

<table>
<thead>
<tr>
<th>Author</th>
<th>Richard Hughes – Principal Specialist Auckland Plan Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Denise O'Shaughnessy - Manager Strategic Advice</td>
</tr>
<tr>
<td></td>
<td>Jacques Victor - GM Auckland Plan Strategy and Research</td>
</tr>
<tr>
<td></td>
<td>Jim Quinn - Chief of Strategy</td>
</tr>
</tbody>
</table>
Impacts of the Unitary Plan on residential development

File No.: CP2018/13912

Te take mō te pūrongo / Purpose of the report
1. To provide evidence on the impacts of the Unitary Plan and its effects on the building types and locations of new dwelling consents.

Whakarāpopototanga matua / Executive summary
2. The Unitary Plan became operative in part on 15 November 2016. It took approximately nine months to begin to see the Plan affecting what and where new dwellings were consented.
3. In the 10 months since new dwelling consents began to surge in August 2017, total dwellings consented are up 27 per cent compared to a year earlier. Almost all of the growth in consents have been in brownfield (existing urban) areas, reversing the trend toward more greenfield development over the previous seven years.
4. More intensive typologies, specifically apartments and terraced/townhouses, have grown to account for 54 per cent of all new dwellings consented, compared to 37 per cent two years ago. A disproportionate share of this denser development is around the rapid transit network.
5. This analysis provides an antidote to the view that relaxing development restrictions on the fringes of the urban area is necessarily the best way to reduce the housing shortage. People by and large prefer to live closer to jobs, infrastructure that works, public transport, schools, shops and other amenities. As a result, developers are showing a preference for delivering development in brownfield areas.
6. Land on the fringes is significantly cheaper. But once the lack and/or value of infrastructure and proximity to amenities is accounted for, the market is displaying a strong preference for brownfield development.

Ngā tūtohunga / Recommendation/s
That the Planning Committee:
a) receive the report.

Horopaki / Context
7. The Unitary Plan (the Plan) became operative in part on 15 November 2016, more than 20 months ago. It up-zoned thousands of brownfield (existing urban) properties across the city, allowing for intensification as well as growth in greenfield areas. Altogether, the Plan provided capacity for up to one million new dwellings although at the time, only an estimated 422,000 were deemed to be commercially feasible for development. This feasible growth was anticipated to be spread across brown and greenfield areas in a roughly 2:1 ratio.
8. As the Plan became operative just before Christmas 2016, and given the time required to get resource and building consents, the Chief Economist Unit had estimated an upturn in new residential building consents would begin around April or May 2017. However, growth in new dwellings consented did not occur until August 2017 but since then growth has been strong.
9. There appears to be little information in the public realm about the effects of the Plan on development patterns. This report provides information to support future discussions and decisions about important issues such as whether to remove or relax the Rural Urban Boundary.

**Tātaritanga me ngā tohutohu / Analysis and advice**

10. Building consents for new dwellings grew remarkably steadily from 2012 through to April 2016 (see Figure 1). This pattern broke and growth plateaued six months before the Plan became operative in part. Anecdote suggested that many investors had bought brownfield land in advance of the Plan becoming operative and were waiting to lodge consents for more intensive development once the Plan was operative.

Figure 1 Annual new dwellings consented, 2012 to 2018

11. During the period from November 2016 to July 2017, the first few months of the Plan being operative, consent growth was even weaker, against the backdrop of a housing shortage approaching 40,000 in Auckland at the time. The data indicates that this was because developers were still making plans for more intensive development.

12. Residential construction began to surge in August 2017. The number of new dwellings consented in the 10 months to May 2018 is up 27 per cent over the same 10 months the year before, and annual consents were only 5 per cent below the all-time peak in June 2004. This annual total is despite a much tighter 2005 Building Code regulatory regime and building consent authorities’ response to the leaky buildings crisis.

13. There is significant evidence to suggest the sudden resurgence in consenting activity is the result of the Plan beginning to work.

   i) **Brownfield areas dominate consents growth**: 90 per cent of all growth in new dwellings consented in the 10 months to May 2018 (since the upturn began in August 2017) is in brownfield areas where the Plan delivered the bulk of potential for greater development (see Figure 2).
ii) **The trend toward green and away from brownfield growth has been reversed**: The share of total new dwellings consented in brownfield areas in the 10 months since August 2017 has grown from 62 to 69 per cent. This has reversed a trend of declining brownfield development as a share of building consents over the previous seven years (see Figure 2 above).

iii) **More intensive building typologies enabled by the Plan are being adopted**: Terraced houses and apartments were 54 per cent of new dwellings consented in the 10 months to May 2018. In the 10 months to May 2016 (i.e. the comparator 10-month period before the Plan was passed), it was just 37 per cent.
iv) **In the urban areas, the desired compact city is emerging:** In the urban area (UA, 2016 definition) around 66 per cent of new dwellings are multi-units, precisely what the Plan aimed to deliver.

14. Further, a disproportionately large number of dwellings are being consented in rapid transit network catchment areas—defined as living within 1500 metres of a train station or northern busway bus stop. This highlights that people value rapid transit access, and that development enabled by the Plan is responding:

i) The share of multi-unit dwellings consented in rapid transit network areas is 16 times higher than the catchment’s share of Auckland’s land area. The rapid transit network catchment covers only 2.6 per cent of Auckland’s land area, but accounts for 42 per cent of all multi-unit dwellings consented in the last 10 months (see Figure 3 and Figure 4).

Figure 3 Where consents are being issued, relative to share of Auckland’s land area

<table>
<thead>
<tr>
<th>Dwellings consented by type and area, 10 months to May 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Stand-alone</strong></td>
</tr>
<tr>
<td>-------------------</td>
</tr>
<tr>
<td>In RTN Catchment</td>
</tr>
<tr>
<td>In UA but not in Catchment</td>
</tr>
<tr>
<td>Not in UA</td>
</tr>
</tbody>
</table>

Source: Chief Economist Unit, Auckland Council

ii) 11 per cent of stand-alone homes were consented in rapid transit network catchments. This is 4.3 times more than the catchment’s share of land area.

iii) 81 per cent of all dwellings consented in rapid transit network catchments in the last year were multi-unit, helping to deliver the intensification that characterises transit-oriented development.

iv) Overall, 40 per cent of all dwellings consented in the urban area were in the rapid transit network catchments, even though the catchments account for only a quarter of Auckland’s urban area.

15. This analysis highlights that people by and large prefer to live closer to jobs, infrastructure that works, public transport, schools, shops and other amenities. As a result, developers have revealed a preference for delivering development in brownfield areas.

16. These findings provide evidence that counter the view that relaxing development restrictions on the fringes of the region, where few amenities exist, is the best way to reduce the housing shortfall. Land on the fringes is cheaper. But once the lack and/or value of infrastructure and geographic proximity to amenities is accounted for, the market is displaying a strong preference for brownfield development.
Figure 4 New dwellings consented in RTN catchments, the urban area, and beyond
Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

17. Analysis of new dwelling consents identifies, as one would expect, that stand-alone dwellings are most popular further from the central city and other amenities, where land is cheaper. But as Figure 5 highlights, lower-density multi-unit developments (terrace or townhouse style housing) are becoming increasingly common across the region. Apartments are still primarily in the central city (Waitematā) and its fringes. e.g. Albert-Eden or just across the harbour bridge. e.g. Takapuna-Devonport. The exception is Upper Harbour, where all three types of development is occurring.

Figure 5 Dwellings consented, by type and location

Dwellings consented by local board and type (Aug '17 - May '18)

Tauākī whakaaweawe Māori / Māori impact statement

18. There are relatively large numbers of multi-unit dwellings being consented in the southern isthmus and southern Local Board areas. This suggests increased delivery of typologies in areas with larger Māori populations. Multi-unit developments are often cheaper on a per-unit basis than stand-alone housing, which may provide greater access to warm, dry modern housing for Māori in those areas.

Ngā koringa ā-muri / Next steps

19. Staff will continue to monitor changes in development and could report back if desired by elected members in six or 12 months.
Ngā tāpirihanga / Attachments
There are no attachments for this report.

Ngā kaihaina / Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>David Norman - Chief Economist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Jim Quinn - Chief of Strategy</td>
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</tbody>
</table>
Te take mō te pūrongo / Purpose of the report

1. To receive a summary and provide a public record of memos or briefing papers that have been distributed to committee members.

Whakarāpopototanga matua / Executive summary

2. This is a regular information-only report which aims to provide greater visibility of information circulated to committee members via memo/briefing or other means, where no decisions are required.

3. The following information items are attached:
   - Planning Committee work programme (Attachment A)
   - Schedule of workshops August 2018 (Attachment B)
   - National Policy Statement on Urban Development Capacity Quarterly Monitoring Report June 2018 (Attachment C)

4. The following memos are attached:
   - 13 June 2018 – Environment Court Decision – Rural Subdivision appeals (Auckland Unitary Plan) (Attachment D)

5. The following workshops/briefings have taken place:
   - 28 May 2018 – Auckland Plan refresh workshop 26 (Attachment E)
   - 30 May 2018 – Transpower’s Emerging Strategy for Auckland (Attachment F)

6. This document can be found on the Auckland Council website, at the following link: [http://infocouncil.aucklandcouncil.govt.nz/](http://infocouncil.aucklandcouncil.govt.nz/)
   Select Planning Committee 7 Aug 2018 > Extra Attachments
   o at the top of the page, select meeting “Planning Committee” from the drop-down tab and click ‘View’;
   o under ‘Attachments’, select either the HTML or PDF version of the document entitled “Extra Attachments”.

7. Note that [staff will not be present to answer questions about the items referred to in this summary](http://infocouncil.aucklandcouncil.govt.nz/). Committee members should direct any questions to the authors.

Ngā tūtohunga / Recommendation/s

That the Planning Committee:

a) receive the Summary of Planning Committee information memos and briefings – 7 August.
### Ngā tāpirihanga / Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
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<tbody>
<tr>
<td>A</td>
<td>Planning Committee forward work programme 7 August 2018</td>
<td>199</td>
</tr>
<tr>
<td>B</td>
<td>Schedule of August Planning Committee workshops <em>(Under Separate Cover)</em></td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>Memo on Environment Court Decision – Rural Subdivision appeals (Auckland Unitary Plan) <em>(Under Separate Cover)</em></td>
<td></td>
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<tr>
<td>E</td>
<td>Auckland Plan refresh workshop 26 documents <em>(Under Separate Cover)</em></td>
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<tr>
<td>F</td>
<td>Transpower’s Emerging Strategy for Auckland workshop minutes <em>(Under Separate Cover)</em></td>
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### Ngā kaihaina / Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Kalinda Gopal - Senior Governance Advisor</th>
</tr>
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<tbody>
<tr>
<td>Authoriser</td>
<td>Jim Quinn - Chief of Strategy</td>
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</table>
# PLANNING COMMITTEE FORWARD WORK PROGRAMME 2018

This committee guides the physical development and growth of Auckland through a focus on land use planning, housing and the appropriate provision of infrastructure and strategic projects associated with these activities.

## Priorities for the second 12 months are:
- Auckland Plan refresh
- Strategic infrastructure planning
- City Centre and Waterfront development

<table>
<thead>
<tr>
<th>Lead</th>
<th>Area of work</th>
<th>Reason for work</th>
<th>Planning Committee role (decision or direction)</th>
<th>Expected timeframes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auckland Council</td>
<td>Auckland Housing Accord monitoring and National Policy Statement requirements</td>
<td>All decisions on Special Housing Areas have been completed in the last council term. This relates to ongoing monitoring of the outcomes of the Housing Accord and the requirements of the National Policy Statement on Urban Development Capacity.</td>
<td>Direction: Completion of Housing Accord obligations and assessment of effectiveness of interventions.</td>
<td>Jul-Sep: 3 Jul 7 Aug 4 Sep; Oct-Dec: 2 Oct 6 Nov 27 Nov; Jan-Mar: 5 Feb 5 Mar; Apr-Jun: 2 Apr 7 May 4 Jun</td>
</tr>
<tr>
<td>Auckland Council</td>
<td>Implementation of Housing Taskforce</td>
<td>The Housing Taskforce is led by His Worship the Mayor. The taskforce is likely to recommend actions to council and some of these actions may fall under the Planning Committee remit. Actions may include strategic overview and spatial outcomes of council’s role in housing.</td>
<td>Direction: Provide strategic direction and oversight of council’s role in housing to ensure the remedying of any impediments to effective housing supply</td>
<td>Q1</td>
</tr>
<tr>
<td>Auckland Council</td>
<td>Auckland Housing Programme</td>
<td>Housing New Zealand Limited, HLC and Auckland Council are working together to speed up the delivery of housing in Auckland. Some initiatives will also include the delivery of affordable housing. Auckland Council’s role focuses on the delivery of infrastructure which enables delivery of housing. Staff are currently working with Housing New Zealand Limited and HLC to determine what actions and decisions are required from Council. There may be</td>
<td>Direction: Provide strategic direction and decisions as required</td>
<td>Q1</td>
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## HOUSING

**Direction**
- Review and update of Housing Accord Aug 2017 PLA/2017/82
- Update on affordable housing in Special Housing Areas Oct 2017 PLA/2017/132
- National Policy Statement on Urban Development Capacity initial assessment results PLA/2017/156 and high-level findings of housing capacity assessment reported Nov 2017 PLA/2017/157
- Quarterly reporting on NPS-UDC in Feb and Jun 2018

**Progress to date**
- Workshop with Housing NZ and HLC March 2018

## HOUSING

**Direction**
- Provide strategic direction and oversight of council’s role in housing to ensure the remedying of any impediments to effective housing supply

**Progress to date**
- Workshop with Housing NZ and HLC March 2018
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<th>Lead</th>
<th>Area of work</th>
<th>Reason for work</th>
<th>Planning Committee role (decision or direction)</th>
<th>Expected timeframes Highlight financial year quarter and state month if known</th>
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<td>Jul-Sep 3 Jul 7 Aug 4 Sep Oct-Dec 2 Oct 6 Nov 27 Nov Jan-Mar 5 Feb 5 Mar Apr-Jun 2 Apr 7 May 4 Jun</td>
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<td>Q1 Q2 Q3 Q4</td>
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<td><strong>Reason for work</strong></td>
<td><strong>Planning Committee role (decision or direction)</strong></td>
<td><strong>Expected timeframes</strong> Highlight financial year quarter and state month if known</td>
</tr>
<tr>
<td>Auckland Council</td>
<td>Auckland Plan Implementation</td>
<td>The Auckland Plan, Auckland 2050, will be adopted in June 2018. Focus is now on implementation of the plan. A decision will be sought on the overall framework and priority initiatives for implementation. Update reports will be provided at 6-monthly intervals, highlighting both progress on initiatives as well as emerging issues and trends impacting on Auckland 2050 including central government policy and legislation.</td>
<td>Direction and Decision Adoption of the Auckland Plan 2050. Approval and oversight of implementation of Auckland 2050. Baseline monitoring report to be presented in Q3 followed by six-monthly update reports.</td>
<td>Q1 Q2 Q3 Q4</td>
</tr>
<tr>
<td>Auckland Transport</td>
<td>Auckland Transport Alignment Project implementation (including the Congestion Question)</td>
<td>The second version of the Auckland Transport Alignment Project strategic approach was adopted by Government and Council in April 2018. Any consideration of transport should be for the purpose of informing future Long-term Plans.</td>
<td>Direction Regional strategy and policy relating to infrastructure, land use and housing. Auckland Transport and Central Government have decision-making responsibilities. Financial recommendations made to Finance and Performance Committee</td>
<td>Q1 Q2 Q3 Q4</td>
</tr>
<tr>
<td>Auckland Council</td>
<td>Auckland Unitary Plan appeals</td>
<td>The Auckland Unitary Plan is Operative in Part until all current appeals are resolved.</td>
<td>Decision Decisions on council's position on the current Auckland Unitary Plan appeals as required. Once the current appeals are resolved, the Regulatory Committee will be responsible for future appeals.</td>
<td>Q1 Q2 Q3 Q4</td>
</tr>
<tr>
<td>Auckland Council</td>
<td>Auckland Unitary Plan Monitoring of Performance</td>
<td>The development of an internal strategy to identify key performance measures of the Auckland Unitary Plan together with establishing Plan effectiveness monitoring and reporting is being progressed.</td>
<td>Direction Reporting on project progress</td>
<td>Q1 Q2 Q3 Q4</td>
</tr>
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<tr>
<td>Auckland Council</td>
<td>Auckland Unitary Plan plan changes</td>
<td>The Auckland Unitary Plan is Operative in Part until all appeals are resolved. The council may decide to promulgate public plan changes at any time. Council can decide not accept or reject private plan changes within the first 2 years</td>
<td>Decision Decisions on Auckland Unitary Plan plan changes</td>
<td>Q1 Q2 Q3 Q4</td>
</tr>
<tr>
<td>Auckland Transport</td>
<td>Mass transit - airport</td>
<td>Agree strategic direction with Auckland Transport through its consideration of options for mass transit to the Auckland International Airport.</td>
<td>Direction Strategic direction relating to infrastructure and land use. Auckland Transport has responsibility for the provision of public transport in Auckland.</td>
<td>Q1 Q2 Q3 Q4</td>
</tr>
<tr>
<td>Auckland Transport</td>
<td>Mass transit – light rail</td>
<td>Agree strategic direction with Auckland Transport through its consideration of options for light rail on the isthmus.</td>
<td>Direction Strategic direction relating to infrastructure and land use. Auckland Transport has responsibility for the provision of public transport in Auckland.</td>
<td>Q1 Q2 Q3 Q4</td>
</tr>
<tr>
<td>Auckland Transport and City Rail Link Limited</td>
<td>City Rail Link (public realm)</td>
<td>Provide direction to Auckland Transport on the public realm works associated with the City Rail Link.</td>
<td>Direction Strategic direction relating to infrastructure and land use. CRL Company has responsibility for the delivery of the City Rail Link. Auckland Transport has responsibility for the road corridor</td>
<td>Q1 Q2 Q3 Q4</td>
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Auckland Unitary Plan enhancements plan change and corrections to the Schedule of Notable Trees plan change will be presented to the Planning Committee in Q1/Q2 of the 2019 financial year.
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| Auckland Transport Auckland Council | Additional Waitemata Harbour Crossing | Provide strategic direction to Auckland Transport as it considers the Additional Waitemata Harbour Crossing project. Provide strategic direction to the New Zealand Transport Agency as it develops the Additional Waitemata Harbour Crossing project. | Direction To Auckland Transport relating to public transport options  
Decision Approve Auckland Council's submission on the consent applications made by New Zealand Transport Agency | Q1 | Q2 | Q3 | Q4 |
| Auckland Transport | Active Transport (Walking and Cycling) | Delivery of active transport initiatives | Direction Feedback to Auckland Transport on the plans and programmes | Q1 | Q2 | Q3 | Q4 |
| Auckland Council Auckland Transport | Supporting growth Delivering transport networks | Delivery and route protection phase of the former Transport for Future Urban Growth process jointly undertaken by Auckland Council/Auckland Transport and New Zealand Transport Agency | Direction Reporting on project progress | Q1 | Q2 | Q3 | Q4 |
| Auckland Council | Technical Guidance Programme | To deliver a programme of technical guidance documents to facilitate development to comply with the Unitary Plan and Auckland Council’s infrastructure standards | Decision Approval of some documents | Q1 | Q2 | Q3 | Q4 |

**PLACE-BASED LAND USE AND INFRASTRUCTURE**

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<td>Jul-Sep</td>
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</table>
| Auckland Council | Spatial Planning Work Programme | Spatial Planning is an important placemaking tool that enables the integration of land use aspirations with the identification of the necessary supporting infrastructure. | Decision Approve the proposed spatial planning work programme  
Progress to date Approval of additional place-based planning projects and preparation of structure plans Formation of Political Reference group Aug 2017 PLA/2017/95 | Q1 | Q2 | Q3 | Q4 |
<p>| Auckland Council | Drury-Opaheke and Paerata structure plans | The Drury-Opaheke and Paerata structure plans will provide specific spatial planning for this area and assist with infrastructure investment decisions | Decision Approve the Drury-Opaheke and Paerata Structure Plans | Q1 | Q2 | Q3 | Q4 |
| Auckland Council | Silverdale and Warkworth structure plans | The Silverdale and Warkworth structure plans will provide specific spatial planning for these areas and assist with infrastructure investment decisions | Decision Approve the Silverdale and Warkworth structure plans | Q1 | Q2 | Q3 | Q4 |</p>
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<tr>
<td>Auckland Council</td>
<td>Port Future Study</td>
<td>The Port Future Study was recommended to this council by the previous council. In conjunction with the Governing Body this committee will need to decide the next steps with this study.</td>
<td>Direction&lt;br&gt;Likely to recommend actions to the Governing Body for decision</td>
<td>FY19&lt;br&gt;</td>
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<td>Progress to date&lt;br&gt;Decision to undertake further scoping work on an alternative port location and identifying related triggers/constraints PLA/2017/126 Technical review of Ports of Auckland Draft 30-year Plan. Ongoing collaboration with council, POAL and central government on the Upper North Island Supply Chain Strategy requested as well as oversight of the capital expenditure programme as approved by the Finance and Performance Committee May 2018 PLA/2018/53 - PLA/2018/56</td>
<td>Q1</td>
</tr>
<tr>
<td>Panuku</td>
<td>Tamaki redevelopment</td>
<td>Panuku leads council’s involvement in the Tamaki redevelopment programme. There are some decisions of council required from time to time. This is part of the Spatial Priority Area programme.</td>
<td>Decision&lt;br&gt;Regional strategy and policy relating to infrastructure, land use and housing.</td>
<td>Q1</td>
</tr>
<tr>
<td>Panuku</td>
<td>Transform Manukau</td>
<td>The previous council approved the High Level Project Plan for Transform Manukau, covering 600 hectares around the Manukau metropolitan centre.</td>
<td>Direction&lt;br&gt;Feedback on the Framework Plan and priorities for Manukau. Panuku has responsibility for the delivery of Transform Manukau.</td>
<td>Q1</td>
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**LEGISLATION/CENTRAL GOVERNMENT PROGRAMMES**

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<tr>
<td>Auckland Council</td>
<td>National Planning Standards</td>
<td>The Resource Legislation Amendment Act 2017 introduced national planning standards to improve the consistency of resource management plans and policy statements under the Act. Council will have the opportunity to make a formal submission in July – August 2018.</td>
<td>Decision&lt;br&gt;Approve Auckland Council Submission.</td>
<td>Q1</td>
</tr>
<tr>
<td>Auckland Council</td>
<td>Urban Development Authorities</td>
<td>Urban Development Authorities legislation is planned to be introduced by the end of 2018.</td>
<td>Decision/Direction&lt;br&gt;Approve Auckland Council submission.</td>
<td>Q1</td>
</tr>
<tr>
<td>Auckland Council</td>
<td>Tax Working Group</td>
<td>The Tax Working Group has been directed by government to advise on a number of specific challenges including taxation as it relates to housing affordability. The Tax Working Group will produce an interim report and draft recommendations to government in September 2018. There will be an opportunity for submissions. This work may sit under the Finance and Performance Committee. However, its scope is very broad.</td>
<td>Decision/Direction&lt;br&gt;Approve Auckland Council submission.</td>
<td>Q1</td>
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### Item 15

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<th><strong>Lead Area of work</strong></th>
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<th><strong>Expected timeframes Highlight financial year quarter and state month if known</strong></th>
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<tbody>
<tr>
<td>Auckland Council</td>
<td>Resource Management Act reforms</td>
<td>The Government has indicated that Resource Management Act reform will be a focus from November 2018. Opportunities may arise to provide feedback to early discussion papers.</td>
<td>Decision/Direction Approve Auckland Council submission.</td>
</tr>
<tr>
<td>Auckland Council</td>
<td>Local Government Act 2002 Amendment Bill</td>
<td>The Local Government and Environment Select Committee reported back on this bill in Jun 2017. The bill provides greater flexibility for councils to collaborate on service delivery, new processes for council-led reorganisations, and a more proactive role for the Local Government Commission. There is no formal timeframe for the bill’s progression.</td>
<td>Decision/Direction Approve Auckland Council submission</td>
</tr>
<tr>
<td>Auckland Council</td>
<td>National Environmental Standards</td>
<td></td>
<td>Decision/Direction As required</td>
</tr>
<tr>
<td>Auckland Council</td>
<td>National Policy Statements</td>
<td></td>
<td>Decision/Direction As required</td>
</tr>
<tr>
<td>Auckland Council</td>
<td>Transform and Unlock programmes</td>
<td>Panuku produces High Level Project Plans which outline redevelopment projects and the delivery of initiatives in areas assessed against specific criteria i.e. scale of development based on council-owned land area, proximity to transport, potential for partnerships, infrastructure readiness and commercial opportunities.</td>
<td>Finance and Performance Committee decision for Panuku to consider additional areas for inclusion in the Transform and Unlock Programmes, including Manurewa, Takanini and Papakura and workshop these with the Planning Committee. Mar 2018 FIN/2018/40</td>
</tr>
<tr>
<td>Auckland Council</td>
<td>Urban Forest Strategy</td>
<td>The Environment and Community Committee approved the Urban Forest Strategy, a strategic approach to delivering on the wider social, economic and environmental benefits of a growing urban forest in the context of rapid population growth and intensification.</td>
<td>The Environment and Community Committee requested a report on the results of the LIDAR (Light Detection and Ranging) survey, an implementation plan for the Urban Forest Strategy including costs and benefits and funding sources, by Aug 2018 Env/2018/12 Planning Committee decision to include resource consents data in the report to the Environment and Community Committee Apr 2018 PLA/2018/41</td>
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### Auckland Council

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<tr>
<td>Auckland Council</td>
<td>Manurewa/Takanini/Papakura Integrated Area Plan</td>
<td>The Manurewa/Takanini/Papakura Integrated Area Plan is part of the Spatial Priority Area programme. It provides specific spatial planning of the area and assists with infrastructure investment decisions.</td>
<td>Decision to endorse the Manurewa/Takanini/Papakura Integrated Area Plan Nov 2017 PLA/2017/153</td>
</tr>
<tr>
<td>Panuku</td>
<td>Transform Onehunga</td>
<td>Panuku completed the High Level Project Plan for Transform Onehunga in 2017 (slightly delayed because of the East West Link proposal).</td>
<td>Decision to adopt the High Level Project Plan for Transform Onehunga Mar 2017 PLA/2017/34</td>
</tr>
<tr>
<td>Panuku</td>
<td>Unlock Henderson</td>
<td>Panuku completed the High Level Project Plan for Henderson which outlines the delivery of initiatives for the Henderson metropolitan centre.</td>
<td>Decision to adopt the Unlock Henderson High Level Project Plan May 2017 PLA/2017/53</td>
</tr>
<tr>
<td>Panuku</td>
<td>Unlock Papatoetoe</td>
<td>Panuku completed the High Level project for Papatoetoe which outlines redevelopment projects and the delivery of initiatives in Papatoetoe.</td>
<td>Decision to adopt the Unlock Papatoetoe High Level Project Plan Jul 2017 PLA/2017/78</td>
</tr>
<tr>
<td>Panuku</td>
<td>Unlock Panmure</td>
<td>Panuku completed the High Level Project Plan for Panmure which outlines the delivery of initiatives for the Panmure metropolitan centre.</td>
<td>Decision to endorse the Unlock Panmure High Level Project Plan Mar 2018 PLA/2018/21</td>
</tr>
<tr>
<td>Panuku</td>
<td>Unlock Avondale</td>
<td>Panuku completed the High Level Project Plan for Avondale which outlines the delivery of initiatives for the Avondale town centre. This is part of the Spatial Priority Area programme.</td>
<td>Decision to endorse the Unlock Avondale High Level Project Plan Nov 2017 PLA/2017/142</td>
</tr>
<tr>
<td>Auckland Council</td>
<td>Seachange – Tai Timu Tai Pari</td>
<td>The marine spatial plan for the Hauraki Gulf – Seachange Tai Timu Tai Pari – was completed by the independent stakeholder working group in November 2016. Staff reported on implications of the plan and options for Auckland Council implementation.</td>
<td>Decision to establish a political reference group to provide direction to council on how to implement the plan, propose a work programme of activities and collaborate with other agencies. Further reporting referred to the Environment and Community Committee. May 2017 PLA/2017/50</td>
</tr>
<tr>
<td>Auckland Council</td>
<td>Unit Titles Act review</td>
<td>The Government released the Unit Titles Act discussion document in December 2016. Auckland Council submission March 2017 on regional strategy and policy relating to infrastructure, land use and housing.</td>
<td>Decision to approve Auckland Council submission Mar 2017 PLA/2017/18</td>
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<tr>
<td>Auckland Council</td>
<td>Whenuapai structure plan</td>
<td>The Whenuapai Structure Plan provides specific spatial planning for these areas and assists with infrastructure investment decisions.</td>
<td>Decision to adopt the Whenuapai structure plan adopted by Auckland Development Committee Sep 2016 AUC/2016/117</td>
</tr>
</tbody>
</table>
| Auckland Council Panuku | City Centre and Waterfront development | A refresh of the 2012 City Centre Master Plan will ensure that it remains current and will inform Long-term Plan prioritisation and budget decisions. Panuku is leading the refresh of the spatial planning for the Wynyard Point area in Wynyard Quarter, and a refresh of the Central Wharves strategy which was deferred while the Port Future Study was undertaken. | Decision to update the City Centre Master Plan Mar 2017 PLA/2017/31
In principle approval of Queens Wharf inner dolphin Mar 2017 PLA/2017/32
Decision to approve updated implementation of City Centre Master Plan and Waterfront Plan Sep 2017 PLA/2017/111 |
| Auckland Council | Local Government (Community Well-being) Amendment Bill | The Local Government (Community Well-being) Amendment Bill seeks to reinstate the purpose of local government to promote the social, economic, environmental and cultural well-being of communities and restore the power to collect development contributions for a wider group of infrastructure projects. | Decision/Direction to establish a political working group to provide direction and approve Auckland Council submission May 2018 PLA/2018/58 |