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

**Date:** Tuesday, 5 March 2019  
**Time:** 9.30am  
**Meeting Room:** Reception Lounge  
**Venue:** Auckland Town Hall  
301-305 Queen Street  
Auckland

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**Komiti Whakarite Mahere / Planning Committee**  
**OPEN AGENDA**

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**MEMBERSHIP**

<table>
<thead>
<tr>
<th>Chairperson</th>
<th>Cr Chris Darby</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Chairperson</td>
<td>Cr Richard Hills</td>
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<tr>
<td>Members</td>
<td>Cr Josephine Bartley</td>
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<td></td>
<td>Cr Dr Cathy Casey</td>
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<tr>
<td>Deputy Mayor Cr Bill</td>
<td>Cr Mike Lee</td>
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<td>Cashmore</td>
<td>Cr Daniel Newman, JP</td>
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<tr>
<td>Cr Ross Clow</td>
<td>Cr Greg Sayers</td>
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<tr>
<td>Cr Fa’anana Efeso</td>
<td>Cr Desley Simpson, JP</td>
</tr>
<tr>
<td>Collins</td>
<td>Cr Sharon Stewart, QSM</td>
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<tr>
<td>Cr Linda Cooper, JP</td>
<td>Cr Sir John Walker, KNZM, CBE</td>
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<td>Cr Alf Filipaina</td>
<td>Cr Wayne Walker</td>
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<tr>
<td>Cr Hon Christine</td>
<td>Cr John Watson</td>
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<tr>
<td>Fletcher, QSO</td>
<td>Cr Paul Young</td>
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<td>Mayor Hon Phil Goff,</td>
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<td>CNZM, JP</td>
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<td>IMSB Member Hon Tau</td>
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<tr>
<td>Henare</td>
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<td>Cr Penny Hulse</td>
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</tbody>
</table>

(Quorum 11 members)

**Kalinda Gopal**
Senior Governance Advisor  
28 February 2019

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
- Activities of the following Council Controlled Organisations:
  - Panuku Development Auckland
  - Auckland Transport
  - Watercare Services Limited

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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<td>17</td>
<td>Summary of Planning Committee information memos and briefings - 5 March 2019</td>
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### PUBLIC EXCLUDED

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<td>Auckland Unitary Plan (Operative in Part) – Proposed Plan Change – Volcanic Viewshafts and Height Sensitive Areas</td>
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</table>
1 Apologies

An apology from Cr L Cooper 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 February 2019 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.

5.1 Public Input - Howick Youth Council - Auckland Transport investigating a transit lane on Pakuranga Highway

Te take mō te pūrongo

Purpose of the report

1. Ben Fraser, Deputy Chair of the Howick Youth Council, will speak to the committee about Auckland Transport investigating a T2 Lane on Pakuranga Highway from Lloyd Elsmore Park to the intersection of Ti Rakau Drive and Pakuranga Highway.

Ngā tūtōhunga

Recommendation/s

That the Planning Committee:

a) receive the public input from the Howick Youth Council which requests Auckland Transport investigate a transit (T2) lane on Pakuranga Highway from Lloyd Elsmore Park to the intersection of Ti Rakau Drive and Pakuranga Highway, and thank them for attending.

Attachments

A Howick Youth Council Consultation on T2 Bus Lane and Park & Ride ..... 387
5.2 Public Input - Northern Reclamation Yacht Clubs Working Group - Auckland Marina Strategy development

Te take mō te pūrongo

Purpose of the report

1. Tony Skelton and Ron Copeland will speak to the committee about the development of an Auckland Marina Strategy.

2. The Northern Reclamation Yacht Club Working Group comprises the Ponsonby Cruising Club, Richmond Yacht Club, Royal New Zealand Yacht Squadron and the Westhaven Marina Users Association.

Ngā tūtohunga

Recommendation/s

That the Planning Committee:

a) receive the public input from Tony Skelton and Ron Copeland about the development of an Auckland Marina Strategy and thank them for attending.

5.3 Public Input - Auckland Community Housing Providers Network - the potential role of council in the delivery of affordable housing

Te take mō te pūrongo

Purpose of the report

1. Hope Simonsen, Dominic Foote and David Zussman will speak to the committee on behalf of the Auckland Community Housing Providers Network about the role of council in the delivery of affordable housing.

2. The Auckland Community Housing Providers Network has 20 members which are named in the background information (Attachment A).

Ngā tūtohunga

Recommendation/s

That the Planning Committee:

a) receive the public input from the Auckland Community Housing Providers Network about the role of council in the delivery of affordable housing and thank them for attending.

Attachments

A Background information - ACHPN delivering affordable housing in Tamaki Makaurau .......................................................... 395
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.

6.1 **Local Board Input - Albert Eden Local Board - Private Plan Change Request by Southern Cross Hospitals**

*Te take mō te pūrongo*

**Purpose of the report**

1. Peter Haynes, Chairperson Albert-Eden Local Board, will speak to the committee about the private plan change request by Southern Cross Hospitals Limited to rezone land at Brightside Road and Gillies Avenue, Epsom.

*Ngā tūtohunga*

**Recommendation/s**

a) receive the Albert-Eden Local Board regarding the private plan change request by Southern Cross Hospitals Limited to rezone land at Brightside Road and Gillies Avenue, Epsom and thank Chairperson, Peter Haynes for attending.

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.”
Te take mō te pūrongo
Purpose of the report
1. To ask the committee to endorse the Terms of Reference for the Crown and Auckland Council Joint Programme of Work on Auckland Housing and Urban Growth.

Whakarāpopototanga matua
Executive summary
2. Improving housing affordability in Auckland by increasing the supply of housing is a key strategic priority of the Government’s Urban Growth Agenda and Auckland Council’s Auckland Plan 2050.

3. On September 14, 2018 Mayor Goff, Deputy Mayor Cashmore and Cr Darby met with Minister Twyford and Minister Parker to discuss greater collaboration to deliver better housing and urban development outcomes for Auckland.

4. The parties agreed to a formalised arrangement with an agreed programme of work overseen by a Political Governance Group.

5. This report asks the committee to endorse the Terms of Reference including the initial workstreams and projects. Most of the workstreams and projects are not new in that Council and/or the Crown is already progressing work in these areas, and in most cases the Council and Crown are already collaborating. By formalising the arrangements, the programme will ensure a more coordinated effort where officials believe “greatest value add” can be achieved by working collaboratively to:
   - remove blockages/enable faster delivery of private and public projects in multiple locations where planning is already well advanced
   - focus on areas where Council and Crown agencies are strongly aligned
   - avoid spreading Council and Government resources too widely.

6. As reported to the Planning Committee on 27 November 2018 as part of the Auckland Plan update report, a key element of the programme is a spatial focus – based on the Auckland Plan Development Strategy – for joint action to unlock development.

7. The initial programme has seven workstreams, some of which have more than one project within the workstream. The workstreams are:
   - Auckland Development Programme
   - Affordable housing
   - Infrastructure funding and financing
   - Urban planning
   - Spatial planning
   - Urban development agency
   - Removing barriers to efficient delivery of housing.

8. The initial programme focuses on actions which can be delivered within a 12-month timeframe. It is envisaged that workstreams and projects will change over time as actions are delivered and new initiatives identified.
Ngā tūtohunga Recommendation/s
That the Planning Committee:

a) endorse the Terms of Reference for the Crown and Auckland Council Joint Programme of Work on Auckland Housing and Urban Growth, including the initial workstreams and projects shown as Attachment A of the agenda report.

b) request the Deputy Mayor to write to Hon Phil Twyford to inform him of the committee’s decision to endorse the Terms of Reference for the Joint Work Programme and request that he seeks a similar endorsement from central government.

Horopaki Context

9. Improving housing affordability in Auckland by increasing the supply of housing is a key strategic priority of the Government’s Urban Growth Agenda and Auckland Council’s Auckland Plan 2050.

10. The Government’s Urban Growth Agenda has the primary outcome “To improve housing affordability, underpinned by affordable urban land.” It is supported by wider objectives to:
   - improve choices for location and type of housing
   - improve access to employment, education and services
   - assist emission reductions and build climate resilience
   - enable quality built environments, while avoiding unnecessary urban sprawl.

11. Auckland Council’s Auckland Plan 2050 has a “Homes and Places” outcome “Australians live in secure, healthy and affordable homes, and have access to a range of inclusive public places”, achieved by:
   - developing a quality compact urban form to accommodate Auckland’s growth
   - accelerating the construction of homes that meet Aucklanders’ changing needs and preferences
   - shifting to a housing system that ensures secure and affordable homes for all
   - providing sufficient public places and spaces that are inclusive, accessible and contribute to urban living.

12. The Auckland Development Strategy sets out how Auckland will grow and change over the next 30 years to become a place that Aucklanders love and are proud of, a place they want to stay in or return to, and a place that others want to visit, move to or invest in.

13. The Auckland Plan has other outcomes which work together to achieve Auckland’s vision in the urban growth area. “Transport and Access” focuses on Aucklanders being able to access opportunities more easily. The “Environment and Cultural Heritage” outcome uses growth and development to protect and enhance Auckland’s natural environment. These are aligned to the wider objectives of the Urban Growth Agenda outlined above.

14. On September 14, 2018 Mayor Goff, Deputy Mayor Cashmore and Cr Darby met with Minister Twyford and Minister Parker to discuss greater collaboration to deliver better housing and urban development outcomes for Auckland. Following the meeting, Deputy Mayor Cashmore requested a formalised arrangement with an agreed programme of work overseen by a Political Governance Group.
15. Minister Twyford agreed to this approach and directed officials from the Ministry of Housing and Urban Development (MHUD) and Ministry for the Environment (MfE) to work with Council officers to develop a joint programme of work.

16. The Political Governance Group will meet quarterly. Membership is as follows:

<table>
<thead>
<tr>
<th>Auckland Council</th>
<th>Government (most relevant portfolios)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor Goff</td>
<td>Minister Twyford - Minister of Housing and Urban Development and Minister of Transport</td>
</tr>
<tr>
<td>Deputy Mayor Cashmore</td>
<td>Minister Parker - Minister for the Environment and Minister for Economic Development</td>
</tr>
<tr>
<td>Cr Darby - Chair of Planning Committee</td>
<td>Minister Salesa - Minister of Building and Construction</td>
</tr>
<tr>
<td>Cr Hulse - Chair of Environment and Community Committee</td>
<td>Minister Mahuta - Minister of Local Government and Minister for Maori Development</td>
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</tbody>
</table>

Tātaritanga me ngā tohutohu
Analysis and advice

19. This item asks the committee to endorse the proposed Terms of Reference including the initial workstreams and projects (Attachment A).

20. The terms of reference specify the purpose of the joint work programme as:

- aligning and prioritising objectives
- effective co-ordination and delivery
- improving ways of working together
- supporting new/amended policies, legislation and tools.

21. The overarching objectives are:

- increased and accelerated provision of quality, affordable housing
- increased range of housing choices (type, location, tenure and price points)
- achieving quality intensification
- growth and development that supports climate resilience and New Zealand’s climate change obligations and protects and enhances the natural environment
- funding and financing tools to enable infrastructure delivery
- coordination of Crown and Council infrastructure investment (including location of government services) to support urban growth
- integrated and well-located employment growth
- the costs of growth are understood, and existing infrastructure and zoning is optimised.
22. Most of the workstreams and projects are not new in that Council and/or the Crown is already progressing work in these areas, and in most cases the Council and Crown are already collaborating. For example, the council has been working on Affordable Housing initiatives as discussed in a report on this agenda, and officers have had discussions with MBIE staff as part of this. By formalising the arrangements, the programme will ensure a more coordinated effort where officials believe “greatest value add” can be achieved by working collaboratively to:

- remove blockages/enable faster delivery of private and public projects in multiple locations where planning is already well advanced
- focus on areas where Council and Crown agencies are strongly aligned
- avoid spreading Council and Government resources too widely.

23. The initial programme focuses on actions which can be delivered within a 12-month timeframe. It is envisaged that workstreams and projects will change over time as actions are delivered and new initiatives identified. The joint programme must also have some flexibility and agility to deal with pressing issues the Political Governance Group might agree need to be addressed.

24. As reported to the Planning Committee on 27 November 2018 as part of the Auckland Plan update report, a key element of the programme is a spatial focus – based on the Auckland Plan Development Strategy – for joint action to unlock development.

25. The joint programme does not affect other BAU activities. This includes efforts to deliver other growth areas in Auckland such as Henderson.

26. There are seven workstreams in the initial programme:

<table>
<thead>
<tr>
<th>Workstream</th>
<th>Projects</th>
<th>Summary of actions</th>
</tr>
</thead>
</table>
| 1. Auckland Development Programme | Southern growth area (immediate focus Drury) | • understanding cost and implications of releasing future urban land sooner  
• identifying and securing social infrastructure  
• providing catalysts for job growth |
| | City Centre to Māngere LRT urban growth areas (including the Auckland Housing programme in Māngere, Mt Roskill, and Oranga, and Transform Onehunga) | • clarify current infrastructure capacity situation  
• develop infrastructure funding and investment plans with asset owners and HLC/HNZC  
• identifying and securing social infrastructure  
• targeted changes to the Unitary Plan to provide for greater intensification in appropriate areas |
| | Transform Manukau | • complete joint business case  
• review investment approach and redevelopment timing of HNZC land |
<p>| | CRL development opportunities (Aotea, Karangahape and Mt Eden) | • develop a delivery framework and pursue opportunities to leverage CRL investment |</p>
<table>
<thead>
<tr>
<th>Workstream</th>
<th>Projects</th>
<th>Summary of actions</th>
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<tbody>
<tr>
<td>2. Affordable housing</td>
<td></td>
<td>• identify new non-regulatory and regulatory interventions in the housing system which increase affordable housing</td>
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<tr>
<td>3. Infrastructure funding and financing</td>
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<td>• test application of alternative financing and funding tools within priority development areas</td>
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<td></td>
<td></td>
<td>• develop with Crown Infrastructure Partners a long-term pipeline of projects</td>
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<tr>
<td>4. Urban planning</td>
<td>Quality intensification</td>
<td>• pilot study with developers to understand any RMA or Unitary Plan road blocks to fully utilising the Unitary Plan Terrace Housing and Apartment zone</td>
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<td></td>
<td></td>
<td>• use Auckland case studies to test national direction options for quality intensification</td>
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<tr>
<td>Costs and benefits of growth</td>
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<td>• work together to better understand and quantify the wider costs and benefits of urban development, in order to inform planning and investment decisions and other work programmes</td>
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<td>5. Spatial planning</td>
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<td>• use Auckland Plan experience to test and inform options to strengthen spatial planning in New Zealand</td>
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<td>6. Urban development agency</td>
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<td>• regular reporting on legislative process</td>
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<td></td>
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<td>• identify potential locations for UDA and Council to work together</td>
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<tr>
<td>7. Removing barriers to efficient delivery of housing</td>
<td>Building Act and Building Code and efficient consenting processes</td>
<td>• progress the introduction of tools and process improvements to the efficiency and performance of building consent processes at Auckland Council</td>
</tr>
<tr>
<td></td>
<td>Optimal utilisation of zoning and related infrastructure capacity</td>
<td>• investigate mechanisms that encourage optimal utilisation of zoning and infrastructure capacity</td>
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</table>
Planning Committee
05 March 2019

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views
27. The work programme involves the wider council family including Panuku, Watercare, Auckland Transport and to a lesser extent ATEED. The Political Steering Group will be supported by an Executive Steering Group. Auckland Council Chief Executive Stephen Town will represent the council group on this Executive Steering Group.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views
28. The programme includes workstreams and projects with local benefits/impacts. No specific consultation has been undertaken with local boards in developing the joint work programme, however normal processes for working with local boards will continue to be utilised at the project level. For example, Panuku works closely with local boards on all its development projects.

Tauākī whakaaweawe Māori
Māori impact statement
29. The Auckland Plan ‘Homes and Places’ outcome has a focus area to invest in and support Māori to meet their specific housing needs.
30. The programme includes workstreams and projects of interest to Māori because of their potential to deliver affordable housing and economic development opportunities as well as their potential environmental and cultural impacts. For example, the Affordable Housing report on this agenda considers how affordable housing initiatives could contribute to the Kāinga Strategic Action Plan under the “do more” option (Option 3).
31. No specific consultation has been undertaken with Māori in developing the joint work programme however processes for working with Māori will continue to be utilised at the project level. For example, the team developing the Drury Structure Plan have held regular hui with representatives from Ngai Tai Ki Tamaki, Huakina Development Trust, Ngāti Te Ata, Ngāti Tamaoho, and Te Ākitai Waiohua to help inform the development of the plan.

Ngā ritenga ā-pūtea
Financial implications
32. The joint work programme signals a more formal working relationship with government on existing workstreams and projects. Although some of the proposed actions are new, most of the programme is already underway in some form and will be funded from existing budgets at this stage.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations
33. The Political Governance Group will oversee and manage programme risks.

Ngā koringa ā-muri
Next steps
34. The Political Steering Group will oversee the joint work programme once endorsed by the Planning Committee and central government/Crown and the Planning Committee will receive regular updates on progress.
Ngā tāpirihanga
Attachments

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Ngā kaihaina
Signatories

<table>
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<tr>
<th>Author</th>
<th>Catherine Syme - Programme Mgr Urban Growth &amp; Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Penny Pirrit - Director Urban Growth and Housing</td>
</tr>
<tr>
<td></td>
<td>Megan Tyler - Chief of Strategy</td>
</tr>
</tbody>
</table>
Auckland Housing and Urban Growth

A joint programme between Government and Auckland Council to deliver shared housing and urban growth priorities

Terms of Reference

February 2019
1. Parties

For the New Zealand Government:
1.1 Hon Phil Twyford (Minister of Housing and Urban Development, Minister of Transport)
1.2 Hon David Parker (Minister for the Environment, Minister for Economic Development)
1.3 Hon Jenny Salesa (Minister for Building and Construction)
1.4 Hon Nanaia Mahuta (Minister for Maori Development, Minister of Local Government)

For Auckland Council:
1.5 Hon Phil Goff (Mayor of Auckland)
1.6 Cr Bill Cashmore (Deputy Mayor of Auckland)
1.7 Cr Chris Darby (Chair of the Planning Committee)
1.8 Cr Penny Hulse (Chair of the Environment and Community Committee)

2. Purpose

2.1 This Terms of Reference is for both parties to record their mutual intentions and understanding in relation to a joint programme on housing and urban growth in Auckland, and for this to be governed in the form of a non-contractual agreement.

2.2 The joint programme is an expression of the collaborative approach to which both parties are committed and will allow for stronger alignment across and between all systems of government.

2.3 The joint programme is designed for the purpose of:

- **aligning and prioritising objectives** – there is an aligned strategic approach that meets both the Government’s and Auckland Council’s objectives, and results in best possible housing and urban growth outcomes for Auckland, while delivering the best possible value for money for infrastructure investment;

- **effective co-ordination and delivery** – housing and urban development processes (including those within existing frameworks and legislation) include effective co-ordination between local and central government, and across the relevant entities therein, to ensure robust planning and delivery;

---

1 This will include network (transport, three waters) and social infrastructure.
improving ways of working together – building on existing processes there is greater communication, sharing of information (ensuring ‘no surprises’), use of common data and evidence, and joint engagement with stakeholders and the private sector; and

supporting new/amended policies, legislation and tools – working together to develop and implement new/amended legislation, policies, and tools that will enable the delivery of housing and urban growth (including consideration of other factors that may affect delivery, such as infrastructure funding and financing tools and the Building Act).

3. Objectives and Programme of Work

3.1 The overarching objectives for the joint programme include:

- Increased and accelerated provision of quality, affordable housing;
- Increased range of housing choices (type, location, tenure and price points);
- Achieving quality intensification;
- Growth and development that supports climate resilience and New Zealand’s climate change obligations and protects and enhances the natural environment;
- Funding and financing tools to enable infrastructure delivery;
- Coordination of Crown and Council infrastructure investment (including location of government services) to support urban growth;
- Integrated and well-located employment growth; and
- The costs of growth are understood, and existing infrastructure and zoning is optimised.

3.2 The focus will be a joint programme of work between the Government and Auckland Council that will progress actions under the Auckland Plan 2050 and the Government’s Housing and Urban Development work programme2.

3.3 The joint programme will focus on increased delivery of housing and urban development through targeted actions (including a more collaborative approach to agreed spatial priority areas) and having an ongoing platform for joined up and agile decision making. The joint programme will also ensure Auckland has the tools and resources to successfully manage growth and deliver increased housing and urban development to meet the needs of Aucklanders (including affordable, accessible and well-located homes).

3.4 Appendix A outlines the joint programme of work that parties will commit to collaborate on and deliver over the next 12 months. The work programme will be reviewed regularly, and lessons learnt fed back to support improvements and updates as appropriate.

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2 This includes, amongst other things, KiwiBuild, the Housing and Urban Development Authority and the Urban Growth Agenda.
3.5 The joint programme does not cover all of the housing and urban growth responsibilities of Auckland Council and Government, which shall continue and support the joint efforts as appropriate.

4. Governance and Signatories

4.1 The Parties will be signatories to this Terms of Reference and will form a Political Governance Group. This group will meet quarterly to provide strategic direction, review progress and agree deliverables.

4.2 The governance structure will be supported by an Executive Steering Group and Programme Steering Group that will include senior officials from both parties (including relevant Council Controlled Organisations and Government agencies).

4.3 The role of the Executive Steering Group is to also meet quarterly and to:
   i. Provide the formal interface and communication with the Political Governance Group; and
   ii. Enable resolution and/or escalation of any significant issues

4.4 The Programme Steering Group will meet monthly to monitor progress and provide day-to-day management of the joint programme of work. The main role of the group will be to:
   i. Consider the key findings of the projects and provide advice as required;
   ii. Ensure the projects are delivered to the agreed scope and timeframes; and
   iii. Ensure that the projects are aligned and integrated with other cross-agency and Auckland related work as appropriate

4.5 The governance of the joint programme will provide high level and strategic oversight of the housing and urban growth objectives and the associated work programme outlined in this Terms of Reference. For the avoidance of doubt, it will not replace any established governance arrangements and accountabilities for the individual projects outlined in the joint programme of work.

4.6 Appendix B outlines the governance structure, which shall be updated and amended as required.
<table>
<thead>
<tr>
<th>Signatories</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon Phil Twyford</td>
<td>Hon David Parker</td>
</tr>
<tr>
<td>Minister of Housing and Urban Development</td>
<td>Minister for the Environment</td>
</tr>
<tr>
<td>Minister of Transport</td>
<td>Minister for Economic Development</td>
</tr>
<tr>
<td>Hon Jenny Salesa</td>
<td>Hon Nanaia Mahuta</td>
</tr>
<tr>
<td>Minister of Building and Construction</td>
<td>Minister of Maori Development</td>
</tr>
<tr>
<td></td>
<td>Minister of Local Government</td>
</tr>
<tr>
<td>Hon Phil Goff</td>
<td>Cr Bill Cashmore</td>
</tr>
<tr>
<td>Mayor of Auckland</td>
<td>Deputy Mayor of Auckland</td>
</tr>
<tr>
<td>Cr Chris Darby</td>
<td>Cr Penny Hulse</td>
</tr>
<tr>
<td>Chair of the Planning Committee</td>
<td>Chair of the Environment and Community Committee</td>
</tr>
</tbody>
</table>
APPENDIX A

Joint Programme of Work

1.1 The joint programme will focus on our shared housing and urban growth priorities.

1.2 The programme of work below reflects a joint commitment to ensure Auckland’s growth supports the creation of thriving, affordable, inclusive and sustainable communities that provide housing, transport, employment and education opportunities to meet a wide range of needs.

1.3 The joint programme will help progress large-scale urban development and policy initiatives consistent with agreed priorities. Government and Auckland Council will achieve this by working together to share information, pursue opportunities, remove blockages and streamline regulatory and other processes.

1.4 Transport planning (including the ongoing work of ATAP and the Congestion Question) will be integrated into the joint programme where appropriate but will proceed through existing channels. Integration with transport planning will specifically focus on land use implications and opportunities for housing and urban development.

1.5 The following outlines a high-level overview of the joint programme of work. This joint programme of work will be discussed and approved by Cabinet and Auckland Council planning committee in March.
<table>
<thead>
<tr>
<th>Category</th>
<th>Workstream</th>
<th>Project Description</th>
<th>Actions</th>
<th>Sub-project</th>
<th>Timeframe</th>
<th>Achieving Urban Growth Agenda and/or Auckland Plan Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delivery</td>
<td>Auckland Development Programme</td>
<td>Unlocking joint priority urban development areas:</td>
<td>a. Drury urban growth area:</td>
<td>1. Review and revise staging</td>
<td>April 2019</td>
<td>UGA Pillar #1 Infrastructure Funding and Financing; #2 Urban Planning; #3 Spatial Planning</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Southern urban growth area</td>
<td>• Investigate cost and implications of changing the staging of infrastructure delivery and urban reconing of Future Urban land, including ways to accelerate delivery of key transport projects to address current transport issues</td>
<td></td>
<td></td>
<td>AP Homes and Places Outcome Direction #1 and #4; Focus area #1 and #5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• City Centre to Māngere Light Rail Transit (LRT)</td>
<td>• Secure land for future schools, medical facilities, social housing, parks/sports fields and community facilities required at growth area urbanised</td>
<td></td>
<td></td>
<td>AP Transport and Access Outcome, Focus area #1, #4, #5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Transform Manukau</td>
<td>• Catalyst actions are identified to enable employment and job growth in Drury</td>
<td></td>
<td></td>
<td>Auckland Development Strategy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• City Rail Link (CRL) Stations and surrounds</td>
<td>• Completing transport planning and route/site protection for Drury as part of the Supporting Growth Alliance programme (2019-2020)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>b. Southern urban growth areas:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Support structure planning and land release in other suitable future-urban zone areas</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The parties note the Government’s aspiration to undertake a wider joint spatial planning exercise for the South (including linking with North Waikato) from 2020</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- 2. City Centre to Māngere LRT urban development areas, including:  
  - Mt Roskill  
  - Māngere  
  - Orakei  
  - Onehunga

Actions designed to complement NZTA’s, HLC and AC work on the LRT corridor:
- Comparison of location and capacity of currently funded infrastructure, with intensification/priority areas.
- Clarification on infrastructure location, capacity and upgrades required for intensification of priority areas.
- Identify targeted changes to the Unitary Plan that enable better intensification outcomes.
- Develop joined up funding and investment plans with HLC/HNEC, MoF, NZTA, Kiwibuild, ACC, AT that:
  - Builds market attractiveness through providing local community facilities, schools and public amenity improvements to cater for increased people living close to LRT.
  - Enables the infrastructure required to cater for increased density in LRT corridor.
- In Onehunga urgently join up and integrate the planning for IRT and East West connections in Onehunga to ensure that community and development opportunities are optimised.
- Investigate the opportunity to leverage infrastructure projects and investment to remove the Transpower pylons as part of the transformation of Onehunga.

2015/2020
<table>
<thead>
<tr>
<th>Category</th>
<th>Workstream</th>
<th>Project</th>
<th>Actions</th>
<th>Sub-project</th>
<th>Timeframe</th>
<th>Achieving Urban Growth Agenda and/or Auckland Plan Outcomes</th>
</tr>
</thead>
</table>
| 3.               | Transform Manukau                     |         | • Complete Crown/Council Joint Business Case and resource implementation  
• Review investment approach and repriorize HNZ redevelopment in Manukau (Rata/Manukau) to unlock transformation opportunities (as part of the above). |             | March 2019  | March 2019                                                |
| 4.               | CRL development opportunities - Aotea, Karangahape Rd, Mt Eden |         | • Complete stage one work to ensure that development opportunities are optimised. Stage one includes:  
  - Current state analysis  
  - Defining desired urban outcomes for station vicinities  
  - Gap analysis including constraints and opportunities  
  - Options for development  
  - Agree stage two programme of work (including defining roles and responsibilities) for CRL1 to progress. |             | March 2019  |                                                    |
| New tools and approaches | Affordable Housing                   |         | • Investigate the effectiveness and efficiency of regulatory interventions (including retained affordable housing) and non-regulatory interventions in the housing system to identify ways to increase affordable housing |             | March 2019  | UGA - Primary Outcome  
  AP Homes and Places Outcome  
  Direction R1 and R3; Focus area #1, #2, #3, #4  
  Mayoral Taskforce |
| Infrastructure Funding and Financing | |         | • Continue to work together on new funding/financing tools and mechanisms to enable bulk and distribution infrastructure to be funded  
• Identifying the full infrastructure costs (funded and unfunded) to support housing and urban growth in the priority areas of growth  
• Testing the application of new tools and mechanisms to the priority areas, informed by the infrastructure costs, housing yields and land concentration in each area  
• Develop a medium-long term pipeline of projects which could be candidates for alternative financing and funding models | | Ongoing | UGA Pillar #1  
Auckland Plan and Auckland Council’s 10-year Budget and Infrastructure Strategy |
| Urban Planning               | 1. Quality Intensification            |         | • Address planning regulation, methods and practice that may act as roadblocks to delivery of quality housing intensification (including working with key Auckland developers to test impacts of RMA and Unitary Plan requirements on uptake in the Terrace Housing and Apartment Building zone)  
• Use the Auckland Housing programme and Auckland case studies to test national direction options for quality intensification  
• Ensure the Auckland Unitary Plan continues to support the market for quality intensification over time |             | April 2019  | UGA Pillar#2 Urban Planning; Pillar #5 Legislation  
AP Homes and Places Outcome  
Direction R1, R2, #4; Focus area #1, #3, #5 |
<p>|                              | 2. Costs and benefits of growth      |         | • Work together to better understand and quantify the wider costs and benefits of urban development, in order to inform planning |             | 2019        |                                                    |</p>
<table>
<thead>
<tr>
<th>Category</th>
<th>Workstream</th>
<th>Project</th>
<th>Actions</th>
<th>Sub-project</th>
<th>Timeframe</th>
<th>Achieving Urban Growth Agenda and/or Auckland Plan Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Spatial Planning</strong></td>
<td>June 2019</td>
<td>UGA Pillar #2 Urban Planning, #3 Spatial Planning and #5 Legislation Auckland Plan Primary Outcome</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Use the Auckland Plan experience to test and inform options to strengthen spatial planning in New Zealand</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Housing and Urban Development Agency</strong></td>
<td>April 2019</td>
<td>UGA Pillar #5 Legislation AP Homes and Places Outcome Direction #2; Focus area #1, #4</td>
<td></td>
</tr>
</tbody>
</table>
|                               |                                                 |                                                                          | • Regular reporting on legislative process and entity development  
• Identification of locations in Auckland where a UDA could be active and coordination with Auckland Council (coordination on large scale projects)                                                                                                                         | August 2019 |                |                                                            |
|                               |                                                 |                                                                          | **Removing barriers to efficient delivery of housing**  
**Including consideration of:**  
1. Building Act and Building Code  
2. Underutilisation of zoning and infrastructure capacity                                                                                                                                                                                                 | Early 2019  | UGA Pillar #5 Legislation AP Homes and Places Outcome Direction #1, #2, #3; Focus area #1; #3 |
|                               |                                                 |                                                                          | 1. Building Act and Building Code and efficiency of consenting processes  
• Support effective delivery of the existing Building and Construction work programme, informed by Auckland Council’s experience and expertise.  
• Tools and process improvements to the efficiency and performance of building consenting processes at Auckland Council                                                                                                                                 |             |                |                                                            |
|                               |                                                 |                                                                          | 2. Optimal utilisation of zoning and related infrastructure capacity  
• Investigation of tools and mechanisms that encourage optimal utilisation of zoning and related infrastructure capacity                                                                                                                                 | 2029        |                |                                                            |

Appendix A iv
APPENDIX B

Governance Structure

Political Governance Group
- Hon Phil Twyford
- Hon David Parker
- Hon Salea
- Hon Mahuta
- Hon Phil Goff
- Cr Bill Cashmore
- Cr Chris Darby
- Cr Penny Hulse

Executive Steering Group
CEs from Central Government Agencies
and Auckland Council

Programme Steering Group
Officials from Central Government
and Auckland Council

Workstreams
(Lead officers will be assigned to each)

1. Auckland Development Programme
2. Affordable Housing
3. Infrastructure Funding and Financing
4. Urban Planning
5. Spatial Planning Frameworks
6. Housing and Urban Development Agency
7. Removing Barriers to Efficient Delivery
Te take mō te pūrongo

Purpose of the report
1. To decide on Auckland Council’s position and role in affordable housing.

Whakarāpopototanga matua

Executive summary

1. Housing is increasingly unaffordable for a growing number of households in Tāmaki Makaurau. One third of Auckland renters spend more than 30 per cent of their income on housing costs. They are ineligible for social housing and cannot afford to buy their own home. They are trapped in the ‘intermediate housing market’.

2. On 27 November 2018 the Committee agreed (PLA/2018/122) to use the snapshot report “Affordable Housing in Auckland” for engagement with key stakeholders to develop a “position and role” report for this meeting.

3. Four options on council’s position and role were considered, with each option building on the previous one. Option 1 – statutory requirements, would involve doing less than the status quo and is not presented for consideration.

4. Three options are presented for consideration:
   - Option 2 – partner and influence. This is status quo. Council would continue to partner with others and influence government within existing policy and plan settings.
   - Option 3 – intervene and lead. This is ‘doing more’ by investigating levers (e.g. inclusionary zoning) and incentives, and leading and partnering for stronger collaboration.
   - Option 4 – directly deliver. This is ‘doing a lot more’ by directly providing affordable housing.

5. Option 2 – partner and influence, has the least impact on the affordable housing problem and is not recommended.

6. Staff recommend Option 3 – intervene and lead. It has the least cost for increased impact on the affordable housing problem, and best manages complexity.

7. The key trade off with Option 4 – directly deliver, is that it would have greater direct impact on the affordable housing problem, there is greater cost and uncertainty about implementation.

8. The key risk with the recommended option is reputational. If the investigated initiatives do not progress, council will be criticised for raising expectations, and not implementing its preferred position. This will be mitigated through engagement with stakeholders and communication with Aucklanders during the investigation of initiatives.

9. If the recommended option is approved staff will start investigating affordable housing levers between April - December 2019. Insights and update reporting will occur between January - June 2020.
Ngā tūtohunga
Recommendation/s
That the Planning Committee:

a) agree that Auckland Council’s preferred position and role in affordable housing is Option 3 – intervene and lead including:
   i) modelling inclusionary zoning, other planning mechanisms and incentives
   ii) improving council processes for affordable housing outcomes
   iii) concessions or grants for community housing providers
   iv) partnerships with government, iwi, community housing providers and developers
   v) retained affordability mechanisms and rental tenure security for renters
   vi) the experience and needs of people in the intermediate housing market.

Horopaki
Context
Background

Advice requested on a position and role for council to address affordable housing issues

10. In June 2017, the Mayoral Housing Taskforce Report called for the council to collaborate with central government and housing sector groups to address housing affordability issues.

11. On 27 November 2018 the Committee received “Affordable Housing in Auckland: a snapshot report”. This report introduced the problem, key themes from the literature, international experience, and current and planned Auckland initiatives.

12. The Committee agreed (PLA/2018/122) to endorse the use of the snapshot report for engagement with key stakeholders to develop a ‘position and role’ report for this meeting.

13. The scope of this report is focussed specifically on affordable housing levers and initiatives not the wider housing system (see Figure 1).
Problem definition

Growing numbers of Aucklanders are trapped in the ‘intermediate housing market’: rental costs are unaffordable, and they are unable to buy their own home

14. Affordable housing is defined as ‘a home that a household could occupy for less than 30 per cent of its income whether purchasing or renting’.

15. This definition summarises the relationship between household incomes and the prices (or rents) of homes. Prices and rents in turn reflect the balance between demand for, and supply of homes.

16. Over 40 percent of Auckland households now rent. 30 per cent of renting households spend more than that 30 per cent of their income on housing, and three quarters of them cannot afford to buy their own home. They are ineligible for social housing and are stuck in the intermediate housing market.

17. Multiple factors are causing the decline in housing affordability. Global financial trends, immigration and tax policy have all contributed to a rapid increase in demand for houses. Meanwhile land use planning, infrastructure provision and consenting, construction sector productivity and capacity, and bank lending criteria have constrained supply. This has led to rapid house price increases which has outstripped growth in Aucklanders’ income.

18. As a result, Māori, Pacific Island people, sole parents and retired renters are forced into lower quality homes, overcrowded situations, and onto the social housing waiting list. There is a sharpening divide in the incomes and wealth of renters and home owners.

19. Broad brush polices are necessary but not enough to alleviate the housing stress experienced by people in the growing intermediate housing market.
20. More targeted policies and programmes common overseas are required to:
   - increase the supply of lower cost homes
   - assist households in the private rental market
   - assist partial or progressive home ownership.

21. Secure, healthy and affordable housing is critical for whānau and tāmaki wellbeing. A lack of affordable housing brings long term costs to wellbeing.

22. The snapshot report highlighted there are no short-term, low-cost solutions to the systemic issues identified and no agency can solve Auckland's affordable housing problem alone.

23. The snapshot report also identified affordable housing policies and initiatives that warrant further investigation (see Figure 2).

**Figure 2: Policies and initiatives that provide affordable homes for the intermediate market**

<table>
<thead>
<tr>
<th>Rental</th>
<th>Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Supply</strong></td>
<td><strong>Supply</strong></td>
</tr>
<tr>
<td>• Initiatives to facilitate institutional development and management of rental properties (such as build-to-rent)</td>
<td>• A retained minimum affordable housing planning requirement with cost-offsetting incentives</td>
</tr>
<tr>
<td><strong>Assisted rental</strong></td>
<td><strong>Assisted ownership</strong></td>
</tr>
<tr>
<td>• Legislation to improve rental tenure security (noting Govt is reforming the RTA)</td>
<td>• Home deposit or mortgage assistance (subsidies or tax relief)</td>
</tr>
<tr>
<td>• Reforms to make the Accommodation Supplement more effective</td>
<td>• Partial and progressive ownership arrangements:</td>
</tr>
<tr>
<td></td>
<td>- Rent to buy</td>
</tr>
<tr>
<td></td>
<td>- Shared equity</td>
</tr>
<tr>
<td></td>
<td>- Co-housing</td>
</tr>
<tr>
<td></td>
<td>- Papakāinga housing</td>
</tr>
<tr>
<td></td>
<td>- Leasehold of public land</td>
</tr>
</tbody>
</table>

**Government and council joint work programme on Auckland Housing and Urban Growth**

24. Government plays the principle role in housing policy and the provision of social housing.

25. Many of the housing system settings (or enablers) are controlled by central government or are part of the wider economy. They include:
   - immigration policy
   - finance legislation and bank lending practices
   - tenancy legislation
   - construction sector productivity and practice.

26. Government has signaled that the new Housing and Urban Development Authority will consolidate three agencies: Housing New Zealand, HLC (Homes. Land. Community.) and KiwiBuild. This authority may have a range of statutory powers that will impact on the provision of affordable housing and the role of council.

27. Council also influences the wider housing system settings through:
   - planning, consenting and building control mechanisms
   - provision of infrastructure and development contributions
   - utilising council owned land
   - partnering and advocacy.

28. Auckland Council and government have developed a Joint Programme on Auckland Housing and Urban Growth to deliver shared housing and urban growth priorities. The committee will consider the joint work programme at this meeting.
Council can explore levers and initiatives to contribute to the joint work programme with government to get people into affordable homes

29. There is an affordable housing workstream within the joint government/council programme. Deciding the council position and role will provide clear direction for council’s contribution to the joint affordable housing workstream.

Current status

The Auckland Plan 2050 outcomes set the direction for affordable homes for all

30. The Auckland Plan 2050 Homes and Places outcome seeks improved housing and rental choices, tenure security and housing quality for Aucklanders (Focus Areas 1, 2 and 3).

31. This sets a clear direction for affordable homes for all Aucklanders.

32. Current council activities that support the aspiration of affordable homes include:
   - ‘transform’ and ‘unlock’ to deliver a mix of housing types on council surplus land
   - Haumaru housing portfolio delivers affordable rental housing for older people
   - under the Contributions Policy 2019 “social housing developers” are offered extended payment times for development contributions on a case by case basis (CP2018/24409)
   - work with government and non-government partners to develop and implement a regional cross sectoral homelessness plan - Kia Whai Kāinga Tātou Katoa
   - economic modelling and research on development feasibility
   - grants, assistance to Iwi/Māori trusts to support Papakāinga and Māori housing
   - support in principle for the Kāinga Strategic Action Plan.

Stakeholders believe council can play a stronger role in affordable housing

33. Engagement for this report took place with advisory staff from:
   - Ministry of Housing and Urban Development
   - Independent Māori Statutory Board (IMSB)
   - Property Council
   - Auckland Community Housing Providers Network
   - Te Matapihi he tirohanga mō te iwi Trust (a Māori housing organisation).

34. Stakeholders supported an enhanced role for council in affordable housing and signalled a willingness to work with council on affordable housing solutions.

35. Community housing providers play a key role in managing retained affordable housing. At a workshop with the Auckland Community Housing Providers Network in January 2019 they gave three examples of where council could take a stronger role:
   - the strategic use of council assets (Barrowcliffe Place is an example of effective partnership between council, Panuku, community housing providers and iwi)
   - changes to the Auckland Unitary Plan to include inclusionary zoning for (retained) affordable housing
   - reviewing the costs of development contributions and consenting fees for community housing providers delivering affordable housing.
Tātaritanga me ngā tohutohu
Analysis and advice

Options for Auckland Council’s position and role in affordable housing

36. Four options on the council position and role have been assessed by staff and three are presented for consideration:

- Option 2 – partner and influence: ‘status quo’ option, where council continues to partner with others and influence government within existing policy and plan settings
- Option 3 – intervene and lead: ‘do more’ option, where council investigates changes to levers (e.g. through an inclusionary zoning provision) and initiatives, and leads partnerships through a strengthened collaborative approach
- Option 4 – directly deliver: ‘do a lot more’ option, with council becoming a direct provider of affordable housing.

37. Option 1 – statutory requirements would involve doing less than the status quo. It is the least responsive to the affordable housing problem and has not been presented for consideration.

38. Each option incorporates the option before and increases the role for council in addressing affordable housing. The cost and complexity of implementation increases with each option (see Figure 3). Implementation of specific affordable housing initiatives would be subject to future decision-making.

Figure 3: Options for position and role on affordable housing
### Option 2 – Position: partner and influence

39. Option 2 - partner and influence: ensures council is working towards the Auckland Plan 2050 outcomes and enhances its contribution to affordable housing through partnerships and influence. Current work and relationships provide a platform for further work on affordable housing problems and initiatives.

<table>
<thead>
<tr>
<th>Role</th>
<th>Continue with current activities - use current work programme to partner with central government and others on a case-by-case basis. This is the status quo as described in paragraph 34.</th>
</tr>
</thead>
</table>
| Strengths | • Goes some way to enhancing and improving affordable housing outcomes.  
• Processes to deliver are already in place, and council has the capacity and capability to continue.  
• Potential new partnering opportunities. |
| Risks | • Impact on affordable housing outcomes over the longer term is unknown, and current work is unlikely to be enough to address the current problem.  
• Does not meet partner expectations for council to do more. |

### Option 3 – Position: intervene and lead

40. Option 3 - intervene and lead: would require council to maintain the status quo and begin the process of strengthening levers and initiatives (policy, planning, controls, budgets, council land and incentives). Council would form stronger partnerships and lead in some areas. This option would leverage existing capability in council.

| Role | Option 2 + strengthen levers and initiatives, and further develop and lead partnerships. This would include investigating:  
• modelling inclusionary zoning, other planning mechanisms and incentives  
• improving council processes for affordable housing outcomes  
• concessions or grants for community housing providers  
• partnerships with government, iwi, community housing providers and developers  
• retained affordability mechanisms and rental tenure security for renters  
• the experience and needs of people in the intermediate housing market. |
|---|---|
| Strengths | • Greater impact on affordable housing outcomes and the problem.  
• Council has the capability to analyse, model and design policy and plan changes.  
• Strong support from partners for council to do more. |
| Risks | • Impact on affordable housing outcomes is unknown.  
• Potential opposition to council investigating inclusionary zoning.  
• Any future regulatory work i.e. inclusionary zoning may be complex and time consuming with high cost. |
**Option 4 – Position: directly deliver**

41. Option 4 - directly deliver: council would assess and decide what services to deliver to be directly involved in affordable housing provision in partnership with others. This is balanced by high potential costs for delivery (in a financially constrained environment).

| Role | Option 3 + directly provide affordable and social housing through changes to the planning mechanisms and controls in the Long-term Plan 2018-2028. This would involve doing a lot more, and would include investigating:  
- purchasing, or making existing council land available for affordable housing  
- delivery of social housing directly, through subsidies/incentives to community housing providers  
- supporting progressive home ownership schemes such as rent-to-buy, shared equity or co-housing  
- partnerships to deliver build-to-rent developments. |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Strengths</td>
<td></td>
</tr>
</tbody>
</table>
- More levers to have a greater direct impact on affordable housing outcomes.  
- Leverages existing asset base (landholdings within our control).  
- Community housing providers support a strengthened partnership.  
- International evidence suggests a strong partnership model between local and central government and the non-governmental sector offers a promising opportunity to deliver affordable housing at scale. |
| Risks |  
- As a new service, costs to council are unknown, but would be high.  
- Requires significant budget through future Annual Plan or Long-term Plan and significantly changes to Panuku mandate  
- Significant investigative work would be required to understand costs and benefits, including alternative sources of funding. Seeking funding from private capital markets to invest could bring additional risks.  
- Time would need to be invested in strengthening partnerships.  
- May encroach on central government’s role in housing provision.  
- Community housing providers may have limited capacity to manage a large affordable housing portfolio. |

42. The options are assessed in Table 1 below against the following criteria:

- **impact on delivering affordable housing:** contribution to provision of affordable housing
- **managing complexity:** tools and approaches that respond to system complexity
- **opportunities for collaboration:** meaningful collaboration with partners to deliver affordable housing solutions
- **flexibility of approach:** flexibility to respond to new opportunities or take new directions if/when government and/or market conditions shift
- **cost effectiveness:** good value for the potential cost of implementation.

43. The criteria have been developed from the snapshot report analysis and engagement with stakeholders. The criteria reflect those variables that were considered critical in delivering affordable housing for all Aucklanders within the current uncertain context.
Table 1: Assessment of options against criteria

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Option 2 - Partner and influence</th>
<th>Option 3 - Intervene and lead</th>
<th>Option 4 - Directly deliver</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact in delivering affordable housing</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
</tr>
<tr>
<td>Managing complexity</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
</tr>
<tr>
<td>Opportunities for collaboration</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
</tr>
<tr>
<td>Flexibility of approach</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
</tr>
<tr>
<td>Cost effectiveness</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
</tr>
<tr>
<td>Key Alignment with criteria</td>
<td>Low</td>
<td>Medium</td>
<td>High</td>
</tr>
</tbody>
</table>

Staff recommend Option 3 – intervene and lead to increase council’s contribution towards addressing affordable housing

44. Option 2 - partner and influence, has the lowest cost, but the least impact on the problem, and overall lowest alignment with the criteria. It is not recommended.

45. Options 3 - intervene and lead, and Option 4 - directly deliver, have the same overall alignment when scored against the criteria.

46. The Independent Māori Statutory Board’s Kāinga Strategic Action Plan identifies outcomes that would improve the supply and quality of affordable housing for Māori and actions for Auckland Council. Implementing these actions will be explored in the next phase of work, should council endorse Option 3 - intervene and lead, or Option 4 – directly deliver.

47. The key trade-off between the two options is the potential cost.

48. Option 4 – directly deliver, signals to the community that council will take a big step up from the current approach. It has greater direct impact on affordable housing, but there is greater cost and uncertainty about implementation.

49. Staff recommend Option 3 - intervene and lead. This means continuing and increasing our current activities through investigating levers and initiatives, including inclusionary zoning. This option allows us to increase our impact on the affordable housing problem within our current capability and with greater certainty about potential costs. It presents a managed progression towards increasing our impact and provides flexibility for council to step towards Option 4 - direct delivery, in the future.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera

Council group impacts and views

50. The impact on the council group depends on both the position and role selected. Option 3 - intervene and lead, and Option 4 – directly deliver, represent the greatest potential future impact on existing council group roles.

51. The nature and scale of impact will be determined by future council decision-making about levers and initiatives to implement the preferred position and role.
Planning Committee
05 March 2019

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

52. Affordable housing is a critical issue across Tāmaki Makaurau. Making more affordable housing available in Tāmaki Makaurau will have a positive impact, particularly in local board areas with high numbers of people trapped in the intermediate housing market.

Tauākī whakaaweawe Māori
Māori impact statement

53. Affordable housing is a critical issue for Māori. Māori rates of home ownership have declined over the past 25 years and Māori are much more likely than European/Pākeha to be renters in Tāmaki Makaurau.

54. The snapshot report discussed the continual displacement of Māori on the housing ladder: as more affluent households are renting, some whānau are displaced into insecure, unhealthy rental housing and are at risk of continued transience and homelessness.

55. Making more affordable housing available in Tāmaki Makaurau, particularly good quality rental accommodation, will have a significant impact on Māori wellbeing. Focus area 4 of the Homes and Places outcome in Auckland Plan 2050 identifies investing in and supporting Māori to meet their housing aspirations.

56. Māori make up over half of the client base of community housing providers but the number and size of Māori community housing providers is very small. Growing their number, size and capability could be a focus activity of future partnership building with the sector.

Ngā ritenga ā-pūtea
Financial implications

57. The financial implications for council of the options identified are:

- Option 2 - partner and influence: activities are within existing budget
- Option 3 - intervene and lead: investigation work is within current budget and implementation of future initiatives with financial implications can be considered through future Annual Plan and Long-term Plan processes
- Option 4 - directly deliver: investigation work within current budget. Potential for new services with significant budget implications requiring business case development. Funding considered through future Annual Plan and Long-term Plan processes.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

58. Risks and mitigation measures for the recommended Option 3 – intervene and lead are:

<table>
<thead>
<tr>
<th>Risk identified</th>
<th>(High/ Medium/ Low)</th>
<th>Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is an implementation risk that any future planning changes may be controversial, complex and costly.</td>
<td>M</td>
<td>Complexity of implementation and the costs of these initiatives will be addressed in the investigation and modelling work.</td>
</tr>
<tr>
<td>There is a reputational risk that if investigated initiatives do not progress, council will be criticised for raising expectations, and not implementing its preferred position and role.</td>
<td>M</td>
<td>Engagement with stakeholders and communication with Aucklanders during the investigation of initiatives.</td>
</tr>
</tbody>
</table>
Ngā koringa ā-muri

Next steps

59. The next steps for the recommended Option 3 – intervene and lead are:

- Inclusionary zoning impact upon the availability of affordably priced homes
- Incentives, other tools for spatial inequity, supporting first home owners, key workers and community housing providers
- Updates on affordable housing workstream
- Insight reporting on partnerships, planning requirements and incentives

60. If Option 4 - directly deliver is chosen, staff will report back in July 2019 with a work programme scope and timeline for implementation decision-making.

61. Specific initiatives will be considered by the appropriate committee for decision-making.

62. Updates will be provided as part of the progress reporting for the Joint Programme on Auckland Housing and Urban Growth.

Ngā tāpirihanga

Attachments

There are no attachments for this report.

Ngā kaihaina

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Peter Chaudhry - Principal Policy Analyst</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Deborah Edwards - Senior Policy Manager</td>
</tr>
<tr>
<td></td>
<td>Kataraina Maki - GM - Community &amp; Social Policy</td>
</tr>
<tr>
<td></td>
<td>Megan Tyler - Chief of Strategy</td>
</tr>
</tbody>
</table>
Approach to marinas

File No.: CP2019/02056

Te take mō te pūrongo

Purpose of the report

1. To seek the committee’s endorsement of an approach to developing principles to assist council when it needs to make decisions related to marinas, particularly council-owned marinas.

Whakarāpopototanga matua

Executive summary

2. There are 12 marinas in the Auckland Region. Six are owned by Auckland Council. From time to time council needs to make decisions about individual marinas as proposals for the use of marina land or the improvement of facilities and services are made.

3. The three central city waterfront marinas – Westhaven, Viaduct and Silo – are well covered in terms of development plans, planning provisions and ongoing waterfront development processes. This provides a robust framework for decision making.

4. The other three council owned marinas – Gulf Harbour, Westpark (aka Hobsonville) and Half Moon Bay – do however not have the same well-canvassed future development plans. Some guiding framework is needed for council to make decisions when presented with proposals and opportunities related to these three marinas.

5. Decisions regarding use and development of the six privately owned marinas – Bayswater, Pine Harbour, Milford, Sandspit, Mahurangi and Ōrākei – are made through consenting processes as provided for in the Unitary Plan. There are council-owned parcels of land (e.g. open space or transport related) associated with these marinas, but council has no additional jurisdiction over these private land holdings other than in its regulatory capacity.

6. There have been two Planning Committee workshops to consider the best way forward for dealing with marinas and the various concerns of different user groups and communities.

7. To address the above it is proposed that a set of principles be developed that will serve as a framework for decisions on Gulf Harbour, Westpark and Half Moon Bay marinas. The principles will be generic to all three marinas, but will also be ‘tailored’ to each marina through a second level of detail. The principles could also be used to guide decisions council may need to make on council owned land associated with private marinas.

8. Principles will be developed involving representatives from all users of the marina and marina land, surrounding communities and mana whenua. As a starting point, cross-council databases will be used to identify and invite groups to be involved in the process. Relevant local boards will also be asked to assist in identifying community-based groups to be involved in the process.

Ngā tūtohunga

Recommendation/s

That the Planning Committee:

a) endorse the approach of developing principles to guide future decision-making for council owned marinas, focusing on Gulf Harbour, Westpark and Half Moon Bay marinas.

b) endorse the development of principles through a process involving all marina users, surrounding communities and mana whenua.

c) request staff to report back at the end of the process with the aim of adopting the principles.
Horopaki

Context

9. There are 12 marinas in the Auckland. The function of marinas is foremost to provide marina related facilities (moorings) and services related to those facilities. They however also provide for other activities that require access to the water and provide amenity for surrounding communities and others.

10. Six of the region’s marinas are owned by the council:

- Gulf Harbour
- Westhaven
- Half Moon Bay
- Viaduct
- Westpark, also known as Hobsonville
- Silo

11. Six marinas are privately owned:

- Bayswater
- Pine Harbour
- Milford
- Sandspit
- Mahurangi
- Ōrākei

12. Various marina user groups, communities and others with a link to marinas have expressed divergent views and concerns on the future of individual and/or all marinas.

Council owned marinas

13. Council owned marinas assets are currently held by Panuku Development Auckland. Panuku manages the relevant operational aspects of the marinas, for example administering lease agreements. They also have responsibility for future development of the marinas.

14. Proposals about the future use of council marinas are considered by the council prior to any decision being made. However, there isn’t always sufficient (and recent) context within which decisions can be made – particularly for Gulf Harbour, Westpark and Half Moon Bay marinas.

15. There are currently leaseholder development proposals for Westpark Marina as well as some public transport matters that need to be addressed. At Gulf Harbour, an Environment Court decision (regarding a lease agreement) needs to be given effect to and the long-term security of the ferry service needs to be considered. There is thus some urgency to have a framework in place against which decisions can be made.

16. On the other hand, the three central city waterfront marinas – Westhaven, Viaduct and Silo – have significant development plans and there are ongoing waterfront development processes that provide enough context and avenues for decision making.

17. Three of council’s marinas therefore need a framework for making decisions, three already have such a framework.

Privately owned marinas

18. All development on the six privately owned marinas are managed through resource consent processes, provided for in the Unitary Plan. As this is a Resource Management Act process, the council has no additional ‘jurisdiction’ over these private land holdings.

19. There are council-owned land parcels of varying size associated with all the private marinas in the form of public open space or transport related activities such as ferries and parking.

20. It may be helpful to have some additional context for decision-making about these publicly owned land parcels, but there is no immediate urgency or current need.

A region-wide issues based, demand driven marina strategy

21. The Auckland Marina Users Association (AMUA), a group formed in June 2018 representing marina users – primarily berth holders – proposed that the council should develop a region-wide issues based, demand driven marina strategy, involving all stakeholders.
22. The stated purpose is:

“The marina strategy will incorporate the concerns and future expectations of the major stakeholders and local communities and identify the long term goals over at least the next 50 years of Council and the Community for the region’s marinas and related and neighbouring land and identify the broad steps and actions necessary to achieve these goals over that time frame”. [November 2018]

23. In November 2018 all committee members received a letter from AMUA detailing their proposal.

**Tātaritanga me ngā tohutohu**

**Analysis and advice**

24. Staff recommend that the most targeted and cost-effective decision-making framework can be created through a set of ‘marina principles’ for the three marinas where it is needed most urgently.

25. Principles can be created by working with those with a direct interest in marinas. Together, a set of principles can be developed that apply to all marinas and that broadly describe the outcomes people would like from marinas. For ease of reference, this can be referred to as Level 1 principles.

26. A more detailed description, specific to each individual marina, can be added. This can address specific issues and opportunities of each marina, referred to as Level 2 principles.

27. Theoretical examples could be:

<table>
<thead>
<tr>
<th>Level 1</th>
<th>Provides amenity/public open space for communities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 2</td>
<td>For X marina this means:</td>
</tr>
<tr>
<td></td>
<td>• Public spaces that are safe and accessible for all users</td>
</tr>
<tr>
<td></td>
<td>• An unobstructed boardwalk along the entire water edge</td>
</tr>
<tr>
<td></td>
<td>• Large grassed and treed areas for multi-use</td>
</tr>
<tr>
<td></td>
<td>• Etc.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Level 1</th>
<th>Safeguards access as a current or future public transport interchange</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 2</td>
<td>For X marina this means:</td>
</tr>
<tr>
<td></td>
<td>• Busses that are able to meet ferries</td>
</tr>
<tr>
<td></td>
<td>• Sufficient bus parking and turning</td>
</tr>
<tr>
<td></td>
<td>• A convenient, weather-proof ferry terminal</td>
</tr>
<tr>
<td></td>
<td>• Etc.</td>
</tr>
</tbody>
</table>

28. Such a set of principles could then be used:

- by council to evaluate proposals or opportunities, understanding the view of users, surrounding communities and mana whenua
- by Panuku to test proposals that come to them or that they might develop themselves
- by Auckland Transport to evaluate land-use and/or investment decisions
- as a guide to / additional information for council should it have to consider matters at other council owned marinas or its land associated with private marinas. Only level 1 principles will be applicable in this case.
## Options

29. Other options were considered.

<table>
<thead>
<tr>
<th>Option</th>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 1</td>
<td>Develop principles for Gulf Harbour, Westpark and Half Moon Bay marinas</td>
<td>As set out in this report. Staff recommend this option.</td>
</tr>
<tr>
<td>Option 2</td>
<td>Develop principles for all council marinas</td>
<td>Council exercises control over council owned marinas (within existing lease agreements). Developing principles for all council marinas is therefore an option. However • there are comprehensive plans and processes in place for the 3 central city waterfront marinas • the Level 1 principles proposed can be applied to these 3 marinas as additional information should there be a need. Staff do not recommend this option.</td>
</tr>
<tr>
<td>Option 3</td>
<td>Develop principles for private marinas (in addition to council marinas)</td>
<td>Private marinas are part of Auckland’s marina ‘offering’ and provide a service to many. Principles could be developed for these marinas. However: • there is no imperative for private land owners to adhere to or take note of such principles. They could do so voluntarily • as with option 2, the Level 1 principles proposed can be applied to these marinas and/or to the council owned land associated with these marinas. Staff do not recommend this option.</td>
</tr>
<tr>
<td>Option 4</td>
<td>Develop a region wide marina strategy</td>
<td>The Nelson Marina Strategy has been suggested as a good example. A similar approach could be taken for Auckland’s marinas. The AMUA proposal essentially consists of a vision and regional principles and priorities; regional and individual marina options; implementation plans for individual marinas. However: • there is no imperative for private marinas to participate in or give effect to such a strategy. Still, they may volunteer to do so. • the Nelson strategy took around two years to finalise. This was for 1 marina – the proposal is that the Auckland strategy should cover all 12 marinas. Time-wise this will not help to address relatively urgent matters. • the cost of such a strategy would be prohibitive – even with contributions from others – and will have to be budgeted for.</td>
</tr>
</tbody>
</table>
Further, the reasoning for a comprehensive exercise is compelling. However, given the time and resources such an exercise would require, the approach could be viewed as too narrow. The bigger issue that affects many more Aucklanders is their future access to water (in all its forms). Marinas are only one part of that equation. A comprehensive strategy should arguably deal with the ‘access to water’ issue, rather than just marinas.

Staff do not recommend a regional marina strategy. Developing principles as proposed does not rule out a strategy in the future. Staff also recommend that any future strategy should be broader and concern itself with ‘access to water’.

### Process for developing principles

30. The process to develop principle for the 3 council marinas can be simple yet effective as broadly outlined in diagram 1.

31. There are essentially 4 steps:

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Setting up the process and logistics; identifying and inviting participants</td>
<td>3 weeks</td>
</tr>
<tr>
<td>2</td>
<td>Developing principles (L1 &amp; L2) through workshops for each marina; then finalising L1 principles</td>
<td>8 weeks</td>
</tr>
<tr>
<td>3</td>
<td>Getting feedback on L2; then finalising L2 principles</td>
<td>6 weeks</td>
</tr>
<tr>
<td>4</td>
<td>Closing the loop with all participants</td>
<td>1 week</td>
</tr>
</tbody>
</table>

32. The aim would be to complete the work by the end of June 2019. The approximate duration of each step is shown above. Steps two and three are however dependent on the number of participants and the degree to which the process needs to accommodate their needs.

33. Draft Level 1 principles will be provided simply to start the process and to help participants to ‘get going’ at workshops. Draft principles are shown in Attachment 1. The Auckland Plan 2050 was used as a framework given it has six outcomes that were recently consulted on with a lot of community support. The final result may look very different.
Who participates?

34. All users of marinas should be offered the opportunity to participate in the process.

35. Some users or groups are easily identified – mooring owners, the industries and service organisations associated with boating, lease holders, recreational or sports organisations with a presence at the marina, recreational boat users etc. Existing databases will be used to identify and invite these organisations or users to participate. They will also be asked to identify others where there may be gaps.

36. Users others than the above are harder to identify. This is where local boards have local knowledge and may be able to help identify organisations that would represent the interest of these users.

37. Te Ao Māori incorporates the interrelatedness of people, land and sea and therefore the responsibility of people to the marine environment. Also, decisions, and therefore the framework that guides decisions (i.e. principles), need to be understood in the context of Treaty Settlement negotiations.

38. Marinas will be important to all mana whenua authorities and an invitation to participate will be extended to all Auckland mana whenua authorities.

39. The communities that surround marinas are equally important. The marina is part of their ‘neighbourhood’, and the activities that occur at the marina impact on them both positively and negatively. The local community voice therefore needs to be in the mix. This can be achieved through local boards and representative community groups being invited.
Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views
40. This matter affects both Panuku – as the asset holder – and Auckland Transport as it relates to public transport services at marinas.
41. While this matter is being considered and, if endorsed, the process run, all decisions related to marinas are on hold.
42. Both organisations appreciate that decision makers need a context / framework to be able to make informed decisions.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views
43. Marinas are often an integral part of and used by a local community. They also attract users or visitors from outside the area. For these reasons local boards within whose areas the respective council owned marinas fall have a high interest in future decision making on their marinas.
44. Local boards need to be involved in creating the framework that will guide decisions. The proposed process provides for local board involvement.

Tauākī whakaaweawe Māori
Māori impact statement
45. The foreshore is important to Māori, both historically and today. In the past, travel by sea and other waterways was an important and necessary means of transport, especially in Auckland. The foreshore also provided sustenance for Auckland’s hapū and iwi as many whakatāuki attest to. Te Ao Māori incorporates the interrelatedness of people, land and sea and therefore the responsibility of people to the natural environment.
46. Auckland’s three harbours are subject to Treaty Settlement negotiations, which once completed are likely to have implications for Auckland Council.
47. Decisions on marinas need to be understood in this context. The nature of Auckland’s geography means that marinas will be important to all mana whenua authorities. Involving mana whenua in the process is imperative and the proposed approach provides for this.

Ngā ritenga ā-pūtea
Financial implications
48. Work on marinas is not included in any council work programme and will have financial implications. The table below shows estimated budgets that will be required for the options shown.
49. Costs are for external project management and facilitation resources, and for venue hire, materials etc.

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principles for 3 x Council marinas(recommended)</td>
<td>~ $75k</td>
</tr>
<tr>
<td>Principles for 3 x Council marinas + 6 Private marinas (as 3 council marinas already have frameworks for decision making)</td>
<td>~ $183k</td>
</tr>
<tr>
<td>Principles for 6 x Council marinas + 6 Private marinas</td>
<td>~ $210k</td>
</tr>
<tr>
<td>Region-wide marina strategy</td>
<td>See below</td>
</tr>
</tbody>
</table>
3 x Council marinas

50. Because this option is small in scale, staff can facilitate workshops. This option does therefore not include facilitator costs. This, and the lesser number of venues needed / analysis for feedback to be done account for the large difference in cost compared with other options.

51. Also, it is likely that this option can be done for less than ~$75k. Again because of its scale, project support staff could help, thereby significantly reducing the hours required from an external project manager. In that case funding for a part time project manager can be found from existing budgets.

Region-wide marina strategy

52. Costs have not been done for a regional marina strategy. Based on experience it would be significantly more than the estimated $210k to develop principles for 12 marinas.

Ngā raru tūpono me ngā whakamaurutanga

Risks and mitigations

53. The following risks are identified.

<table>
<thead>
<tr>
<th>Risk</th>
<th>Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>There are differing views on how this matter should be addressed.</td>
<td>This can be addressed by involving them in the process as is proposed.</td>
</tr>
<tr>
<td>Not all organisations will agree with the recommended approach.</td>
<td></td>
</tr>
<tr>
<td>The risk is that they may lobby, through their members, prior to</td>
<td></td>
</tr>
<tr>
<td>and after council makes a decision.</td>
<td></td>
</tr>
<tr>
<td>Delaying all decisions on marinas poses a risk, particularly for</td>
<td>This can be mitigated by ensuring council is able to make decisions as soon as possible.</td>
</tr>
<tr>
<td>Panuku and Auckland Transport, as there are current issues that</td>
<td>The recommended option puts this within a reasonable timeframe.</td>
</tr>
<tr>
<td>need to be dealt with.</td>
<td></td>
</tr>
</tbody>
</table>

Ngā koringa ā-muri

Next steps

54. Should the committee endorse the recommended option, the next action would be for staff to proceed with the steps set out in the process diagram.

55. Should the committee decide on a different option, the next step would be to scope that process. Staff would also have to prepare a budget bid to resource the work as it cannot be funded from existing budgets. Alternatively, current work will have to be stopped and staff redirected to do this work. The impacts of this will only be known once it is clear what the option entails.
Ngā tāpirihanga
Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A0</td>
<td>Draft Marina Principles</td>
<td>55</td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Jacques Victor - GM Auckland Plan Strategy and Research</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Megan Tyler - Chief of Strategy</td>
</tr>
</tbody>
</table>
## Attachment A: Draft Marina Principles

<table>
<thead>
<tr>
<th>Auckland Plan Aspect</th>
<th>Marina Principle</th>
</tr>
</thead>
<tbody>
<tr>
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**Attachment A**  
**Item 10**
Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Orakei Point Trustee Limited to rezone land at Orakei Point, Orakei Road, Orakei

File No.: CP2019/02176

Te take mō te pūrongo
Purpose of the report
1. To consider a private plan change request from Orakei Point Trustee Limited to rezone land at Orakei Point from Open Space-Informal Recreation to Business-Mixed Use.

Whakarāpopototanga matua
Executive summary
2. This matter was considered by the Planning Committee on Tuesday 05 February 2019. A vote was taken on the recommendation to accept the private plan change for processing but that motion was lost 10 votes to 11.
3. The Chair ruled that further consideration of the item was required at the next Planning Committee meeting. Resolution PLA/2019/5 was carried:
   “That the Planning Committee agree to defer further consideration of this item to the committee’s next ordinary meeting.”
4. This report attaches the original report and responses to the further information and clarification points requested by the Committee. The staff recommendation remains to accept the private plan change for processing.

Ngā tūtohunga
Recommendation/s
That the Planning Committee:

a) accept the private plan change request by Orakei Point Trustee Limited for rezoning 413m² of land at 236 Orakei Road, Orakei (included within Attachment A to the 5 February 2019 Planning Committee agenda report) for the following reasons:
   i) having regard to relevant case law the request does not meet the limited grounds for rejection under clause 25(4) of the Resource Management Act; and
   ii) it is more appropriate to accept the request rather than to adopt it or treat it as a resource consent application.

b) delegate authority to the Manager Central and South Planning to undertake the required notification and other statutory processes associated with processing the private plan change request.
Ngā tāpirihanga
Attachments

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Ngā kaihaina
Signatories

<table>
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<tr>
<th>Author</th>
<th>Bruce Young - Principal Planner</th>
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<tr>
<td>Authoriser</td>
<td>Megan Tyler - Chief of Strategy</td>
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Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Orakei Point Trustee
Limited to rezone land at Orakei Point, Orakei Road, Orakei
Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Orakei Point Trustee Limited to rezone land at Orakei Point, Orakei Road, Orakei

File No.: CP2019/24043

Te take mō te pūrongo

Purpose of the report

1. To consider a private plan change request from Orakei Point Trustee Limited to rezone land at Orakei Point from Open Space-Informal Recreation to Business-Mixed Use.

Whakarāpopototanga matua

Executive summary

2. This report considers a private plan change request (the change request) received on 20 November 2018 from Orakei Point Trustee Limited to rezone 413m² of privately-owned land at 236 Orakei Road, Orakei, from Open Space-Informal Recreation to Business-Mixed Use.

3. Under clause 25 of Part 2 of Schedule 1 to the Resource Management Act 1991 (RMA), the council is required to make a decision that either:
   a) adopts the request as if it were a proposed plan made by the Council, which must then be processed in accordance with the provisions of Part 1 of Schedule 1 (clause 25(2)(a)); or
   b) accepts the private plan change request, in whole or in part, which then triggers a requirement to notify the request, or part of the request, under clause 25 (clause 25(2)(b)); or
   c) rejects the private plan change request in whole or in part, in reliance on one of the limited grounds set out in clause 25(4); or
   d) decides to deal with the request as if it were an application for a resource consent (clause 25(3)).

4. It is recommended that the private plan change request is accepted under clause 25(2)(b) and notified for submissions.

Ngā tūtouhunga

Recommendation/s

That the Planning Committee:

a) accept the private plan change request by Orakei Point Trustee Limited for rezoning of land at 236 Orakei Road, Orakei (included as Attachment A to the agenda report) for the following reasons:
   i) having regard to relevant case law the request does not meet the limited grounds for rejection under clause 25(4) of the Resource Management Act; and
   ii) it is more appropriate to accept the request than adopt it or treat it as a resource consent application.

b) delegate authority to the Manager Central and South Planning to undertake the required notification and other statutory processes associated with processing the private plan change request.
Horopaki Context

5. Orakei Point precinct applies to approximately 5.4ha of land at Orakei Road adjoining the coastal marine area. The precinct is bisected by the North Island Main Trunk Railway (NIMT). The Auckland Unitary Plan enables a transit orientated development (TOD) around Orakei Station. The operative precinct provides for the construction of a plaza over the NIMT and substantial retail, commercial and residential development above.

6. The majority of the land in Orakei Point is zoned Mixed Use but with a strip of Open Space- Informal Recreation around the perimeter of the precinct and in particular a serrated strip along the south-western edge. The land was originally zoned Open Space to provide public access to what was intended to be the Hobson Bay walkway/cycleway and to provide landscape treatment along this part of the foreshore.

7. Circumstances have changed since the precinct was originally developed and the council’s Parks and Recreation Policy staff no longer support acquiring this land for access to the Hobson Bay walkway. The preferred Hobson Bay walkway/cycleway route is along Orakei Road and Ngapipi Road. Figure 1 below depicts the current zoning pattern at Orakei Point.

Figure 1 – existing zoning at Orakei Point precinct

Private Plan Change Request:

8. Orakei Point Trustee Limited (OPTL), which effectively owns and controls the land south of the NIMT, has obtained a resource consent to construct a 17-storey tower block containing 32 apartments on the south-western end of the precinct as stage one of a larger development proposal (LUCS0318588 & DIS60318620).
9. OBTL lodged a private plan change request on 20 November 2018 (see Attachment A) which seeks to rezone a 413m² parcel of land at 236 Orakei Road from Open Space-Informal Recreation to Business-Mixed use. Subject to a subsequent resource consent process, the proposed rezoning would enable the movement of the approved apartment building 15.75m westward.

10. The location of the approved development (black dashed outline) and the location to which OBTL proposes to relocate the development (purple outline with light grey shading) via a subsequent resource consent (should this plan change request be approved) are shown in Figure 2 below.

**Figure 2 – Approved and proposed location of development**
Figure 3 below depicts the relevant part of the Orakei Point precinct, the operative zoning, and the land sought to be rezoned from Open Space to Mixed Use.

11. OBTL has provided the following documentation in support of the request (see Attachment A):
   - Private plan change report with assessment of environmental effects
   - Section 32 evaluation
   - Landscape/Visual assessment
   - Zoning and location maps
   - Certificates of Title.

12. A copy of the decision on approved resource consent BUN60318596 (LUC60318588 and D1560318620) is also attached at Attachment A.
Tātaritanga me ngā tohutohu
Analysis and advice

Resource Management Act 1991

13. The process for considering private plan change requests is set out in Part 2 of Schedule 1 to the RMA. A request can be made to the appropriate local authority by any person under clause 21 of Schedule 1. After a request has been lodged, a local authority can request further information under clause 23, and modify a request under clause 24, but only with the applicant’s agreement.

14. Under clause 23(8), if an applicant refuses to provide any requested further or additional information, a local authority that considers it has insufficient information to enable it to consider or approve the request, may reject the request or decide not to approve the plan change requested.

15. Under clause 25, after receiving the request, receiving all required information and modifying the request (where relevant), the local authority is required to make a decision that either:
   a) adopts the request as if it were a proposed plan made by the Council, which must then be processed in accordance with the provisions of Part 1 of Schedule 1 (clause 25(2)(a)); or
   b) accepts the private plan change request, in whole or in part, which then triggers a requirement to notify the request, or part of the request, under clause 25 (clause 25(2)(b)); or
   c) rejects the private plan change request in whole or in part, in reliance on one of the limited grounds set out in clause 25(4); or
   d) decides to deal with the request as if it were an application for a resource consent (clause 25(3)).
   e) Part 2 of Schedule 1 to the RMA is set out in full in Attachment G to this report.

Options available to the council

16. The next sections of this report assess the various options available to the council under clause 25. It is considered that the applicant has provided sufficient information to enable the request to be considered, and therefore do not consider the grounds for rejection in clause 23(8) to be applicable.

Option 1 - Reject the private plan change request, in whole or in part (clause 25(4))

17. The council has the power to reject a private plan change request, in whole or in part, in reliance on one of the limited grounds set out in clause 25(4). If the private plan change request is rejected by the council, the applicant has the ability to appeal that decision to the Environment Court under clause 27 of Schedule 1.

18. The grounds for rejection under clause 25(4) are as follows:
   a) the request or part of the request is frivolous or vexatious; or
   b) within the last two years, the substance of the request or part of the request:
      i. has been considered and given effect to, or rejected by, the local authority or the Environment Court; or
      ii. has been given effect to by regulations made under section 380A; or
   c) the request or part of the request is not in accordance with sound resource management practice; or...
Clause 25(a) - If the request is frivolous or vexatious

19. The private plan change request includes a comprehensive section 32 evaluation and a planning report containing a detailed assessment of environmental effects covering landscape assessment, transport and infrastructure. The proposal is for a rezing that is consistent with the adjacent zoning pattern.

20. It is therefore recommended that the council not reject the request under clause 25(a).

Clause 25(b)(i) - If the substance of the request has been considered and given effect to or rejected by the council within the last two years.

21. These provisions largely seek to discourage repetitive private plan change requests that are substantially the same, with the associated costs to the council and the community. Orakei Point precinct was subject to submissions and hearing during the development of the Auckland Unitary Plan, however it is more than two years since the council made its decisions in response to the recommendations made by the Auckland Unitary Plan Independent Hearings Panel.

22. It therefore recommended that the council not reject the request under clause 25(b)(i).

Clause 25(b)(ii) – If the substance of the request has been given effect to by regulations made under section 360A.

23. Section 360A of the RMA relates to regulations amending regional coastal plans pertaining to aquaculture activities. The substance of this private plan change request or part of the request, being rezoning of land at Orakei Point does not relate to section 360A of the RMA.

24. It is therefore recommended that the council does not reject the request under clause 25(b)(ii).

Clause 25(c) - If the request is not in accordance with sound resource management practice.

25. The term ‘sound resource management practice’ is not defined in the RMA. The High Court in Maleny Corporation Limited v Rodney District Council (CIV-2009-404-005572), where the issue on appeal was determining the correct interpretation of clause 25(4), considered this term in light of clause 25(4)(c) of Schedule 1 and stated:

“... the words “sound resource management practice” should, if they are to be given any coherent meaning, be tied to the Act’s purpose and principles. I agree too with the Court’s observation that the words should be limited to only a coarse scale merits assessment, and that a private plan change which does not accord with the Act’s purposes and principles will not cross the threshold for acceptance or adoption.”

26. The applicant has considered the zoning options for the site and concluded that the proposed rezing will facilitate a better environmental outcome by providing a greater separation distance between the apartment building and the NIMT while ensuring that environmental effects of future development proposals are avoided, minimised or mitigated. The private plan change request includes technical reports which support the proposed rezing.

27. Consultation undertaken with mana whenua to date has not identified any matters that are unable to be resolved.

28. The private plan change request is therefore considered to be in accordance with sound resource management practice and its is recommended that the council not reject the private plan change under clause 25(c).
Clause 25(d) - If the request or part of the request would make the policy statement or plan inconsistent with Part 5 of the RMA.

29. Part 5 sets out the role and purpose of planning documents created under the RMA, including that they must assist a local authority to give effect to the sustainable management purpose of the RMA. The private plan change request will not make the Auckland Unitary Plan inconsistent with Part 5 of the RMA.

30. It is therefore recommended that the council not reject the private plan change request on the basis that the substance of the request would make the Auckland Unitary Plan inconsistent with Part 5 of the RMA.

Clause 25(e) - If the plan provisions to which the request relates have been operative for less than two years

31. The provisions of the Auckland Unitary Plan relevant to this request were made operative on 15 November 2016. The plan change request was lodged on the 20 November 2018. The provisions have therefore been operative for more than two years and the council cannot reject the private plan change request on this basis.

32. It is therefore recommended that the council not reject the private plan change request under clause 25(e).

Option 2 - Decide to deal with the request as if it were an application for a resource consent

33. The council can, in some circumstances, decide to deal with a private plan change request as if it were an application for resource consent. However, in this case, the private plan change request seeks to rezone a portion of land to facilitate the movement of an approved apartment rather than apply for a non-complying resource consent. It is considered that the most appropriate process for facilitating a consideration of this change is through a plan change process.

34. It is therefore recommended that the council not decide to deal with the request as if it were an application for resource consent.

Option 3 - Adopt the request, or part of the request, as if it were a proposed plan made by the council itself

35. The council is able to decide to adopt the request and process it as though it were a council-initiated proposed plan change. A decision to adopt triggers the process set out in Part 1 of Schedule 1, which would then require the council to consult as required in clauses 3 to 3C of Part 1.

36. Following consultation, the council would then need to notify the proposed plan change for submissions and conduct a hearing into submissions, if required. If a request is adopted, all costs associated with the plan change would rest with the council. It is relevant to note that the applicant has not requested that the council adopts the private plan change.

37. Given that the applicant has not requested that the council adopts the request, that there would be no public benefit associated with the plan change request, and that the council would need to account for all costs associated with the adopted request, it is recommended that the council not adopt the private plan change request.

Option 4 - Accept the private plan change request, in whole or in part, and proceed to notify the request, or part of the request, under clause 26

38. If the council accepts the request, in whole or in part, it must then proceed to notify the request, or part of the request under clause 26. After the submission period has closed, the council would need to hold a hearing to consider any submissions, and a decision would then be made by the council in relation to the request in accordance with Schedule 1 of the RMA. All costs associated with the request (including notification and any hearing) would rest with the applicant.
39. This is the only remaining option and is supported on the basis that the request does not meet the criteria for rejection under clause 25(4) of Schedule 1 to the RMA, having regard to relevant case law, and it is more appropriate to accept the request than adopt it or treat it as a resource consent application.

40. It is therefore recommended that the council accepts the private plan change request.

Conclusion
41. The private plan change request by OPTL seeks to rezone 413 m² of land at 236 Oakei Road, Oakei from Open Space-Informal Recreation to Business-Mixed use. OPTL has lodged technical reports in support of the plan change request. The plan change request, if accepted and successful, and subject to a subsequent resource consent process, would facilitate the movement of an approved apartment 15.75m westward.

42. Having carefully assessed the request against the relevant matters set out in the RMA and associated case law, it is recommended that council accepts the plan change request and notifies it for submissions. If the council accepts the plan change request, a further assessment by council staff would take place prior to and during the course of the subsequent hearing.

Ngā whakaaweawe me ngā tirohanga a te rōpu Kaunihera
Council group impacts and views

Wastewater and Water supply
43. There are no water or wastewater issues associated with the proposal. As such, Watercare staff have no specific feedback on the proposal.

Stormwater
44. Healthy Waters states that the change in zoning will in theory allow for an increased total maximum impervious area across the site. The open space zone has a maximum impervious area of 10% (H7.11.7) whereas the Business mixed use zone has no maximum impervious area (excepting within the riparian yard which is not relevant here) allowing development up to 100% impervious area. The Precinct rules do not add or remove any controls in relation to impervious area.

45. The effects on water quality and quantity and the mitigation of these specific to this development will need to be addressed through the resource consent process.

Transport
46. Auckland Transport staff are concerned that development of the Oakei Point Precinct will progress on an ad-hoc basis (i.e. assessed on a building-by-building basis and contrary to the outcomes sought in the Oakei Point Precinct), and that this will not result in a coordinated and integrated land use and transport response for both sides of the precinct.

47. These concerns are considered to be more relevant to an assessment at the resource consent stage rather than at the initial stage of considering this specific private plan change request.

Parks and Recreation Policy
48. The Parks and Recreation Policy unit’s position is the same as in 2016. The subject site is not a priority open space acquisition as it would not contribute or add value to the existing open space network. In addition, they do not have any fundamental concerns/issues with the proposal that would justify the private plan change request being rejected.
Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

49. After the lodgement of the private plan change request by OPTL on 20 November 2018, Plans and Places staff briefed the Orakei Local Board on 7 December 2018 formally seeking their views on the private plan change. On 14 December 2018, comments were received from Orakei Local Board:

“There is a majority view to reject this plan change proposal. The proposal rezones a small piece of land for residential rather than open space and has potential to limit public access options adjacent to the area. The Urban Design Panel (UDP) were supportive of the communal open space (the location of the proposed zone change) – in the original Tattico report and this proposal appears to negate that. We note there is no reference to the UDP or consultation in the zone change document. The proposal raises more uncertainty than obviating that to accept the proposal would make good sense. Some of that uncertainty includes a reference in the Tattico report that Kiwi Rail would ‘desire’ a wider separation to the main trunk railway. Desire does not mean essential. And if it were essential – why was it not mentioned in the original Tattico report (Oct 2017). We note also from the Council memo to OLB that Kiwi Rail have yet to confirm on the setback. It is difficult for OLB to make an informed decision or recommendation – if key stakeholder input has yet to be received.”

50. The comments from the Orakei Local Board are an assessment of the detailed merits of the request rather than a response to the matters set out in clause 25 of Schedule 1 to the RMA. While there are a number of issues that would need to be addressed if the request is accepted, these are matters properly considered through the planning assessment rather than as part of this decision to accept, reject or adopt the request under clause 25.

51. If the request is accepted, staff from the Plans and Places department will contact the Orakei Local Board again prior to the hearing to ensure that the Local Board’s views are clearly presented to the independent hearing commissioners.

Tauākī whakaaweawe Māori
Māori impact statement

52. On 17 April 2017, a number of amendments to the RMA came into force which place an increased focus on engagement and consultation with iwi authorities as part of various plan-making processes. This is particularly the case for plan change processes that are initiated or adopted by a council. In relation to private plan change requests, although engagement with mana whenua and relevant iwi authorities is encouraged before lodgement under clause 21, it is not clear whether it is a mandatory requirement under Part 2 of Schedule 1. If the council accepts a private plan change request for notification, it is not required to complete any additional pre-notification steps.

53. The applicant advises that consultation has been undertaken with Ngati Whataua o Orakei. At the time of writing this report no written feedback from Ngati Whataua o Orakei has been provided by the applicant. If the council accepts the plan change for notification, all mana whenua entities will have the opportunity to make submissions on the private plan change and be heard by the independent hearing commissioners.

54. Aside from potential impacts on mana whenua the private plan change is not considered to have any specific impacts on Māori.
Ngā ritoanga ā-pūtea
Financial implications
55. If accepted, the council's costs associated with processing the private plan change request would be met by the applicant.

Ngā rāru tūpono me ngā whakamaurutanga
Risks and mitigations
56. The only risk associated with the recommendations made in this report are a judicial review by a third party. This risk is considered to be very low and mitigated by the analysis provided in this report.

Koringa ā-muri
Next steps
57. If the private plan change is accepted for notification, the implementation of this decision will follow the process set out in clause 25 of Schedule 1 of the RMA. This requires that the private plan change is notified within four months of being accepted, unless this time frame is waived in accordance with section 37 of the RMA.

Ngā tāpirihanga
Attachments
Due to the size and complexity of Attachment A it has been published under separate cover at the following link: [http://infocouncil.aucklandcouncil.govt.nz/](http://infocouncil.aucklandcouncil.govt.nz/) > Planning Committee 5 February 2019 > attachments

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Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Bruce Young - Principal Planner</th>
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</table>
| Authorisers | John Duguid - General Manager - Plans and Places  
Jim Quinn - Chief of Strategy |
Private Plan Change Request:
Orakei Point
by Orakei Point Trustee Limited

Plan Change Request including Section 32 Report

19 November 2018
Attachment A

Item 11

Orakei Point
November 2018
Planning Committee
05 March 2019

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Appendix 1 Certificate of Title
Appendix 2 2018 Approved resource consent
Appendix 3 Hulena Assessment
INTRODUCTION

1.1 This is a request under clause 21 of the Schedule 1 of the Resource Management Act 1991 (RMA) for a private plan change to rezone a small portion of privately owned land at Orakei Point from Open Space – Informal Recreation to Business - Mixed Use. The plan change also makes amendments to the boundary of the Orakei Point Precinct and to Precinct Plans 1-5 in the Orakei Point Precinct.

1.2 The Auckland Unitary Plan – Operative in Part (Auckland Unitary Plan) targets Orakei Point for transit-oriented development (TOD) to create a key growth node around the Orakei Station. Orakei Point Trustee Limited (OPT) and its associated companies owns or controls all the private land south of the rail line on Orakei Point. Auckland Council and Ngati Whatua own land north of the Orakei rail line.

1.3 OPT and its associated companies are part way through the staged development of the southern portion of Orakei Point. The initial work has included the adaptive reuse of the former gin factory and existing industrial buildings on 228 Orakei Road to form a retail, food and beverage and arts centre (Orakei Bay Village). This work has been completed with the facility opening in 2017 and making a significant contribution to the local community.

1.4 The second stage of the development is the construction of the first apartment block which is a critical aspect to forming the TOD at Orakei Point. Resource consent has been obtained for the first building being a 7-9 level apartment building containing 32 apartments.

1.5 The zoning pattern of Orakei Point zones the significant majority of the land Business - Mixed Use but with a strip of Open Space – Informal Recreation zoned land around the periphery of the Point. In the case of the south-western shoreline of Orakei Point, this is a serrated zoning configuration reflecting a previous, now outdated, concept plan for the area. This land was zoned open space originally to provide physical public access to what was to be the Hobson Bay walkway/cyclway and to provide landscape treatment along this foreshore.

1.6 Circumstances have changed. For various reasons, the Council no longer wants this land for access to the Hobson Bay walkway. This walkway/cyclway will now either be on the northern side of the rail embankment or in fact follow the alignment of Ngapipi Road.
1.7 This application therefore seeks to rezone a narrow strip of the land adjoining the first, approved, apartment building from Open Space – Informal Recreation to Business – Mixed Use zone. The land has a total area of 431m² and extends for a distance of 15.75m. This will enable the apartment building to slide further north-west increasing the setback distance from the main trunk railway. This separation from the rail line is an aspiration of KiwiRail. It also makes more efficient use of the privately owned land.

1.8 Consequential amendments are made to include the land within boundary of the Orakei Point Precinct and to amend the text and maps within the Precinct.

1.9 A coastal landscape edge treatment is retained along the remainder of the south-western shoreline providing good visual amenity to residents and retaining the coastal character for those viewing Orakei Point over Hobson Bay.

1.10 The potential effects of the rezing and the consequential repositioning of the building are considered to be less than minor for the following reasons:

- The site is sufficiently separated from the surrounding residential development that the change will be barely perceptible;
- The rezoning will enable a balance between enabling important residential development and protecting the rail corridor;
- The coastal character of the site will be maintained by the vegetation to the be maintained and the remaining serrated edge of open space zoned land;
- There will be no impact on the provision for open space needs as the Council does not wish to own the land, it is not and it need not be open to the public and as it is not of a functional size and use of in itself;
- The plan change will have a positive effect on the rail corridor as the increased separation distance from the earthwire will enable increased safety and maintenance ability;
- The proposed rezoning will have no effect on infrastructure as no additional apartments are proposed
- There will be a positive effect on noise and vibration effects due to the increased separation from the rail corridor.

1.11 The conclusion of this report and the associated section 32 analysis is that this plan change will better deliver the objectives and policies of the Orakei Point Precinct Plan and the proposed planning methods are the best to achieve the policies. The planning analysis demonstrates that the effects of this change from
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an urban design, visual, landscape, acoustic and infrastructure perspective, are all either positive or less than minor. This proposal meets the statutory tests for a plan change. This report:

(a) sets out the requested plan change and the impact of that plan change;
(b) sets out the property ownership and land management of the southern portion of Oriake Point;
(c) highlights the strategic importance of Oriake Point as a TOU;
(d) sets out an analysis of the site and locality;
(e) sets out an analysis of key planning aspects;
(f) undertakes a statutory assessment including a section 32 analysis;
(g) outlines the consultation undertaken as part of this plan change;
(h) addresses issues of notification.

1.12 This plan change request comprises:

(a) the requested plan change (this report);
(b) planning report and section 32 analysis by Tattico (this report);
(c) visual assessment and landscape assessment by Helena Architects (Attachment 3 to this report).
REQUESTED PLAN CHANGE

Auckland Unitary Plan Operative in Part

Proposed Plan Change X

Rezoning of a Small Area of Land at Orakei Point to Business - Mixed Use zone

Public Notification: X
Close of Submissions: X

This is a privately initiated plan change under Clause 21 of the First Schedule to the RMA 1991.

Explanatory note – not part of proposed plan change

The proposed change to the Auckland Unitary Plan seeks to rezone a small portion of land from Open Space – Informal Recreation zone to Business – Mixed Use zone. The plan change also makes:

- An amendment to the boundary of the Orakei Point Precinct to include the rezoned land;
- Amendments to Orakei Point Precinct Plans 1-5 to reflect the approved development and its possible future location;
- An amendment to the Activity Table in the Orakei Point Precinct to reflect the approved development and its possible future location.
There are no proposed changes to any overlays or controls.

Plan Change Provisions

Proposed Amendments to Auckland Unitary Plan GIS Viewer (maps)

Subject Property: 136 Orakei Road, Orakei
Legal Description: Pt Lot 3 DP 112855
Current Zone: Open Space – Informal Recreation
Proposed Zone: Business – Mixed Use

1. Rezone a small portion of land which is currently zoned Open Space – Informal Recreation to Business – Mixed Use so that the zoning reflects its ownership, intended purpose and use;
2. Amend the boundary of the Orakei Point Precinct on the Auckland Unitary Plan – Maps GIS viewer so that the precinct includes the small portion of land that is to be rezoned from Open Space – Informal Recreation to Business - Mixed Use (the amended boundary of the precinct is shown below).

Proposed Amendments to Auckland Unitary Plan (Text)

1. Amend Activity Table 13.28.4.1 to insert the following line:

| (A26) | Underground parking and carpark ramps in the Open Space – Informal Recreation zone in the area dotted on Precinct Plan 5 |

2. Amend Precinct Plans 1-5 in the Orakei Point Precinct as set out below.

- Remove buildings from the north-western end of the rail corridor and show the location of the approved building albeit in its future location;
- Remove the pedestrian link from Precinct Plan adjoining the approved building on Precinct Plan 3;
- Amend the boundary of the Orakei Point Precinct on Precinct Plans 1-5 Auckland Unitary Plan – Text so that it aligns with the boundary of the precinct on the Auckland Unitary Plan – Maps GIS viewer.

The amendments set out above are shown on the plans below.
Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Orakei Point Trustee
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(i32830.3 Orakei Point Precinct - Precinct plan 3

Attachment A

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IMPACT OF THE PLAN CHANGE

The proposed change is comprised of the following amendments:

1. Rezone a small portion of land which is currently zoned Open Space – Informal Recreation to Business - Mixed Use so that the zoning reflects its ownership, intended purpose and use.

2. Amend the boundary of the Orakei Point Precinct on the Auckland Unitary Plan – Maps GIS viewer so that the precinct includes the small portion of land that is to be rezoned from Open Space – Informal Recreation to Business - Mixed Use.

3. Amend the boundary of the Orakei Point Precinct on Precinct Plans 1-5 Auckland Unitary Plan – Text so that it aligns with the boundary of the precinct on the Auckland Unitary Plan – Maps GIS viewer.

4. Amendments to Precinct Plans 1-5 in the Orakei Point Precinct so that they reflect the approved development and its possible future location.

5. Amend the Activity Table in the Orakei Point Precinct to reflect the approved development and its possible future location.

The proposed rezoning and amendments to the precinct boundary and plans have the effect of making the 431m² of land available for development and residential use (as compared to open space uses and development). This change then enables the building platform of the approved building to be slid 15.75m to the north-west. In turn, this means that there is a greater separation between the apartment building and the North Island Main Trunk Rail Corridor. KiwiRail have identified that this is desirable for maintenance and increased public safety reasons.

The rezoning and the consequential movement of the building platform will not result in more apartments or any additional storeys being added to the building. Any potential effects of sliding the building platform are less than minor as set out in the following sections of this report.
1.13 Orakei Point Context

4.1.1 The location and context of Orakei Point is set out below. There is also an aerial photo which illustrates the various locations and activities at Orakei Point.

Diagram 1: Location of Orakei Bay within Hobson Bay
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Attachment A
13.2 Diagrams 1 and 2 above illustrate that Orakei Point:

(a) is in one sense separated from the surrounding communities because of the geography of the area; and in another sense strategically centralised because of the rail network. Orakei is the first station from the Downtown Britomart Rail Station and has a travel time of 7 minutes. As such, this location is of strategic importance in terms of leveraging transit oriented development at Orakei Bay.

(b) is a small peninsula bounded on the north-west by Hobson Bay, the north-east by Purewa Creek and the south-west by Orakei Basin. The peninsula itself has an approximate area of 5.7ha.

(c) is 570m across Hobson Bay from the closest residential land in Remuera and 440m to the north from the closest residential community in Oraiki.

(d) is located adjoining the North Island Main Trunk railway. The railway corridor dissect Orakei Point dividing it into two halves— a northern half and a southern half. This line is used by both freight and passenger trains. Freight trains service the port and operate 24/7.

(e) The areas within Orakei Point can be characterised as follows:

- The north-western quadrant comprises the property at 246 Orakei Road. This is land owned by Ngāti Whātua with a perpetual lease to Remuera Views Ltd Trustee/Remuera Views Trust. This land is identified for future residential development but with significant open space along the northern and western coastline.

- The second component of this north-eastern quadrant is the Council’s park and ride facility. This is in a former cutting originally created for reclamation material to form the North Island main trunk across Hobson Bay and up Purewa Creek. It is currently used for a 186 vehicle park and ride facility.

- The south-western quadrant includes the land subject to this application. It is traditionally being used for a range of business and
retail uses in a variety of buildings. This is addressed in more detail below.

- The north-eastern quadrant comprises the convention and events facility at 231 Orakei Road. It creates an open space network around the perimeter of the Orakei Basin.
- The south-eastern quadrant comprises the parkland providing primary access to Orakei Basin.

4.1.3 Diagram 3 below shows that only a relatively small part of the communities of Remuera and Orakei are within the 400m – 800m walkability pedsheds for Orakei Station. No part of Remuera or Orakei is within the 400m pedshed.
4.2 Ownership

4.2.1 Diagram 4 below shows the land ownership of Orakei Point.

Diagram 4: Land ownership

4.2.2 There are five sites within the southern portion of Orakei Point (excluding the land owned by New Zealand Rail). These are all shown on Diagram 4.

(a) 234 Orakei Road is a freehold title owned by Auckland Council.

(b) 234A Orakei Road is owned by Ngati Whataua and on a long-term lease to Haywood Limited. This lease will expire in 2034. At that time the land will be leased to Hobson Views Ltd as trustee of Hobson Views Trust and come under the control of Orakei Bay Village (OBVL) on behalf of OPT.
(c) 234B Orakei Road is in the freehold ownership of Ngati Whatua O'Orakei with Hobson Views Ltd as trustee of Hobson Views Trust having a perpetual lease of this land. This title is currently under the management of OBVL on behalf of OPT.

(d) 228 Orakei Road is owned by ORC Ltd Trust of ORC Trust. This is the area of the existing business buildings that have been significantly upgraded for a range of retail and food and beverage activities known as Orakei Bay Village. This site is controlled by OBVL on behalf of OPT.

(e) 236 Orakei Road is the site subject to this application and in the ownership of OPT.

(f) OBVL manages the sites at 236, 228 and 234B Orakei Road. When the lease of Mr Haywood expires in 2034, OBVL will manage 234A on behalf of OPT.

4.2.4 The key point is that OBVL on behalf of OPT and the Council ultimately has management over the entire southern portion of Orakei Bay, albeit that the land is in different titles.

4.2.5 OBVL has already delivered the retail precinct on the site at 228 Orakei Road. The approved building will deliver residential development. The cumulative effect of these two developments will create the nucleus for the TOD aspired to by both the Council, OBVL and OPT.

1.3 Site description

4.3.1 The location of the site within Orakei Point is illustrated on Diagram 5 below. It can be seen that the site is accessed via a driveway off Orakei Road and contains a large area of at grade parking and the building previously occupied by Kings Plant Barn. As identified above, the northern boundary of the site runs along the North Island Main Trunk railway whilst the southern boundary is the coastal edge with Hobson Bay.
1.3.2 The property details are set out below:

(a) Legal Description: Pt Lot 3 DP 112856
(b) Land area: 7396m²,
(c) Owner: OP Trustee Limited.
(d) This land is managed by Orakei Bay Village Limited (OBVL) on behalf of OP Trustee Limited.
(e) The certificate of title is attached as Appendix 1 to this report.

1.4 Approved resource consent

4.4.1 On 12 July 2018, OPT obtained resource consent for a 32 unit apartment building on the site at 236 Orakei Road. Appendix 2 to this report has the consent and approved plans of the development.
4.4.2 If this plan change is successful, then OPT will seek a variation to realign the approved building to what, under that scenario, will be the new rezoned Mixed Use land. The building will be slid 15.75m to the north-west but will retain the same number of apartments, same building design, same height and same level of parking, albeit the basement parking layout is slightly reconfigured.

4.4.3 Diagram 6 below shows the location of the approved building (dotted) and the location of the building if it was slid to the north-west.

Diagram 6: Building Location(s)
2 STRATEGIC IMPORTANCE OF ORAKEI POINT

2.1 Orakei Point is a strategically important node on the Auckland public transport network. It is the closest station to the city with a high frequency service. However, it is the station with the lowest walkable catchment.

2.2 Orakei Point, because of its strategic location close to the city centre and its unique topography and location, means it is ideally suited for a TOD. Furthermore, it will only ever deliver a full contribution to Auckland’s growth and the public transport investment if it is developed as a TOD.

2.3 The planning reasons why development of Orakei Bay is strategically important to Auckland are:

(a) Orakei Bay is strategically located with great access to the CBD. Other stations on the rail network, Remuera, and the eastern bays.

(b) The coastal topography of Orakei Bay means it is both a high amenity location for a TOD and also separated from other adjacent neighbourhoods so that any perceived effects of high intensity development are self-contained within Orakei Point.

(c) Orakei Bay has a limited number of owners. The land is well placed for quality redevelopment.

(d) Orakei Bay is one of the few locations close to the CBD and suitable for intensive housing development.

2.4 One of the main generators of patronage for the rail network currently is the park and ride. The majority of park and ride patrons are understood to be travelling some significant distance to catch the train at Orakei. There is also a high “drop off” catchment, especially school students. A TOD is the only opportunity to create a real catchment for the Orakei station.

2.5 A key plank of the Council’s growth strategy as outlined in the Auckland Plan and set out in the Unitary Plan is to pursue an urban consolidation strategy focused around the city centre, town centres and major public transport routes. To underpin this, Auckland has invested significantly in the upgrade of the rail infrastructure. The success of the urban consolidation strategy and the significant contribution of the key public transport network, particularly rail, depends on getting high intensity development around stations.

2.6 This principle is the genesis of what was plan change 260 to the Operative Auckland City District Plan, and was subsequently carried over into the Unitary Plan as the Orakei Point Precinct.
2.7 The Orakei Precinct (and its predecessor Plan Change 260) sets out a planning framework to enable a TOD at Orakei Bay. It requires integrated comprehensive development of the area for high density housing and other mixed use development.

2.8 It was originally envisaged that this would occur with the land all under the control of a single entity, with development above the rail corridor spanning both north and south of the rail line. Logistical and other reasons have meant that the Council, Auckland Transport and KiwiRail have supported the TOD and integrated development, but have not supported the concept of building over the rail.

2.9 This means that integrated comprehensive development can still proceed, but there is a logical demarcation between the land south of the rail line and that north of the rail line.

2.10 The approved consent for 37 apartments is an important next step in enabling the development of a TOD. This plan change has a positive effect of refining the location of the approved building to give a further separation from the North Island Main Trunk Line.
3 PLANNING INFORMATION

3.1 Effective planning document

The provisions of Orakei Point are operative under the “Auckland Unitary Plan (Operative in Part)”.

3.1.2 Existing Zoning

- Business: Mixed Use (light purple) and Public Open Space Informal Recreation Zone (green).

Diagram 7: Existing Zoning

3.1.3 Designations

(a) There are no designations applying to the land.

(b) The site adjoins the North Island main trunk line to the east which is designated for railway purposes.
Diagram 6: Designations

3.1.4 Overlays/Controls

The following overlays apply to the site:

- Orakei Point Precinct (sub-precincts B-F)
- Natural hazards: coastal inundation – 1m sea level rise.
- Macroinvertebrate Community Index
Diagram 9: Auckland Unitary Plan overlays

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4. PLANNING ANALYSIS

7.1 Visual Analysis

As identified earlier in this report, this plan change rezones land from Open Space – Informal Recreation to Business – Mixed Use. If this plan change is approved, it will allow the approved building to be slid 15.75 to the north-west (if resource consent is approved).

Hulena Architects have prepared an assessment of the potential effects of moving the building to the new location (refer Attachment 3). This assessment includes a series of photos from 4 viewpoints which provide a comparison between the building in its current location and the future location if the land was rezoned. The viewpoints are shown in Diagram 10 below.

Diagram 10: Viewpoints
Attachment A

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Overall, the above views show that the rezoning and the consequential movement of the building to the north-west by 15m has minimal, less than minor, effects. This is due to the separation distance between Orakei Point from the surrounding residential development and the minimal nature of the change i.e. 15m. This view is confirmed by the following statement in the assessment prepared by Hulena Architects:
7.2 Coastal Character

This proposal rezones a small portion of land (491m²) so that it can be used for residential development rather than open space uses. This rezoning will have little effect on the coastal character of the Orakei Point for the following reasons:

- The ecological investigations undertaken as part of the approved building confirmed that there is little natural character on the site. This is due to the fact that the land is reclaimed and the vegetation was largely comprised of exotic species (which have now been removed);

- The area of land to be rezoned is small in size. This means that it will not result in a substantial change as compared to the prior to the rezoning;

- A serrated edge of open space zoning will be retained. The serrated nature of this zoning means there is provision for larger and smaller open space areas along the coastal edge. This is preferable to a small consistent strip of open space which simply creates a “fringe” with no larger areas of open space / coastal planting.

- The majority of the existing planting along the coastal edge will be retained. This coastal planting will be supplemented by the planting that will be undertaken around the approved building.

Overall, it is considered that the proposed plan change will have little effect on the coastal/landscape values of the site.

7.3 Open Space

There are a number of open space areas surrounding Orakei Point, the most notable of which is the network of paths and open spaces running adjacent to Orakei Basin and Purenwa Creek. In addition to these, there will also be a Headland Park and a coastal walkway around the northern portion of Orakei Point when this area is developed.
This plan change proposes to rezone the 431m² of land from Open Space – Informal Recreation to Business – Mixed Use. This triggers the need to consider if the proposed plan change will have potential effects on the provision of open space for recreation needs at Orakei Point.

It is considered that the proposed plan change will not have negative effects on the provision of open space for recreation needs for the following reasons:

- At the time of Plan Change 260, this land was going to be part of the open space network located around the fringe of Orakei Point and connecting into the walkway across Hobson Bay and the walkway around Orakei Basin. However, circumstances have changed. The land was offered to Council for purchase and was declined as the Council no longer see a role for this land as part of the open space network and as they are no willing to accept the maintenance obligation. A further factor is that open space use of this land would facilitate access to the electrified rail corridor which is not desirable for obvious reasons.

- Privately-owned land should not be zoned POS where the owner does not support that zoning. This principle was outlined in the decision of Dilworth Trust Board v Auckland City Council and is reflected in the provisions of open space zones and the regional policy statement within the Auckland Unitary Plan;

- The relatively small size of the land to be rezoned means that it is unlikely to be useful for an open space purpose on its own. Furthermore, the land is only accessible through private land and therefore cannot be used without permission from the landowner.

It is also noted that the Auckland Unitary Plan Independent Hearings Panel determined that the correct name for the open space zones was “open space” rather than “public open space”. This change in name was intended to reflect the fact that the zone includes public and privately owned land and that public access was not always available. Therefore, there should be no expectation that the land subject to the plan change would have been available for public use.

Overall, the fact that the Council does not wish to own this land and the fact that there is no obligation on a private landowner to provide for public recreation needs means that there will no adverse effects on open space/recreation needs as a result of this plan change.
Section 5 of this report highlighted the strategic importance of a TOD development at Orakei Point. In essence, Orakei Point offers one of very few opportunities to undertake significant intensification very close to an existing, central Auckland, rail station.

This plan change adds additional land to the Orakei Point Precinct. Adding land to the precinct is considered to be an efficient use of strategically important land, particularly as the additional land will help to achieve the objectives and policies for the Orakei Point Precinct. In particular, the rezoning will:

1. Facilitate the construction of the approved building which will contain 32 apartments. The residents of the 32 apartments will be the beginnings of creating a residential catchment for the Orakei Rail Station and the mixed use development trading as Orakei Bay Village. Essentially the residential apartment building is the critical, missing component to achieving a TOD;

2. Allow the approved apartment building to be constructed with a greater separation from the rail corridor. While the approved building meets the current setback requirements, KiwiRail has advised that they consider that a greater separation distance would be preferable to ensure that there are no risks to residents and to better enable maintenance. Protecting the rail corridor was another key tenant of the TOD / Orakei Point Precinct objectives and policies.

Given that the plan change will achieve a balance between these two important factors is it considered to have positive planning effects.
7.5  North Island Main Trunk Rail Corridor – Separation Distance

The proposed rezoning will allow the approved building to be moved 15m to the north-west (provided that resource consent is obtained for this new position). This will mean that the building will be a minimum of 3.5m from the boundary of the site as compared to the approved building which directly adjoins the boundary. This will increase the separation of the building from the rail corridor and particularly from the earthline. The site boundary and the earthline are shown on the aerial photo below.

Diagram 11: Site boundary and earthline

This increased ability for separation is considered to have positive effects in that it result in increased safety margins and will facilitate better access to the rail corridor for maintenance.
7.6 Acoustic

As identified above, the approved building is located alongside the North Island Main Trunk rail corridor. This is an operational railway with significant freight and passenger volumes.

The Orakei Point Precinct has particular provisions to ensure appropriate noise attenuation and vibration management for apartments built alongside this heavy rail network.

The 'Peninsula' building has been particularly designed to take account of these issues. In terms of managing noise intrusion, the specific noise standards for Orakei Point can be met either by using a winter garden (an indoor balcony) or by reducing the extent of glazing. This proposal chooses the “wintergarden” or loggia approach. A winter garden or loggia approach sees two glazing lines between the living space and any outdoor decks. The first is the traditional glazing line between the living space and the deck. The second is the glazing line at the outer edge of the deck itself. It is this dual glazing line which gives high levels of noise attenuation.

If a winter garden is used residents will have the choice as to either enclose the building for noise suppression reasons or to open up the area for an outdoor open environment. Obviously residents can vary the level of noise attenuation through the day and night depending on the activity within the apartment.

In terms of vibration, the installation of vibration mitigation in the form of elastomeric pads to be incorporated between pile caps and the floor slab within 22m of the railway.

If the proposed plan change is approved, and the building is subsequently moved 15m to the north-west, the above design elements will remain unchanged and the greater separation distance can only have positive effects on noise and vibration.

7.7 Infrastructure

This rezoning will in turn enable the approved apartment building to be further separated from the North Island Main Trunk Railway.

Therefore, it will not enable any additional development per se rather it moves the same development from one location to another. As a result there will not be any additional demand on wastewater, stormwater or other utilities.
7.5 Effects Conclusion

This plan change relates to the rezoning of a small area (131m²) of Open Space land adjoining the Orakei Point Precinct to Business – Mixed use. The ultimate outcome of the is to enable an approved apartment building to the re-positioned 15m further to the north-west (should resource consent be approved). The potential effects of the rezoning and the consequential repositioning of the building are considered to be less than minor for the following reasons:

- The site is sufficiently separated from the surrounding residential development that the change will be barely perceptible;
- The rezoning will enable and efficient use of land which will enable important residential development and also give greater protection to the rail corridor;
- The coastal character of the site will be maintained by the existing and proposed and the remaining serrated edge of Open Space zoned land;
- There will be no impact on the provision for open space needs as circumstances have changed and the Council no longer wishes to own the land and use it for open space purposes;
- The plan change will have a positive effect on the rail corridor as the increased separation distance will enable increased safety and maintenance ability;
- The proposed rezoning will have no effect on infrastructure as no additional apartments are proposed;
- There will be no noise and vibration effects as the design of the building will not be changed.

8. Statutory Assessment


Section 5 of the RMA sets out the purpose of the RMA, and requires a broad judgement as to whether a proposal would promote the sustainable management of natural and physical resources. This exercise of judgement is informed by the principles in sections 6 to 8, and considered in light of the particular circumstances of each application.

Section 6 of the RMA sets out a number of matters of national importance which need to be recognised and provided for and includes, in no order of priority, the protection of outstanding
natural features and landscapes, the protection of areas of significance indigenous vegetation and significant habitats of indigenous fauna and the protection of historic heritage.

Section 7 identifies a number of “other matters” to be given particular regard to by a territorial authority in the consideration of any assessment for resource consent and includes the efficient use of natural and physical resources and the maintenance and enhancement of amenity values.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi.

This plan change relates to land being rezoned from Open Space – Informal Recreation to the Business – Mixed Use zone. The small size of the land and the fact that it will have the same zone as the adjoining land means that the change will be barely perceptible to the wider public. Notwithstanding, the proposed plan change is considered to be consistent with Part 2 of the RMA as it provides for efficient use and development of urban land and also provides further protection to the rail corridor which is significant infrastructure. In addition, the coastal character and amenity values of the site will be maintained by serrated edge of open space which will adjoin the land and run along the south-western coastal edge.

While the loss of open space land would seemingly indicate that there may be an effect on recreation/public access to the coast, circumstances have changed and the Council no longer wishes to own this land to add it to its public open space network. Therefore, there is no impact as the public cannot access this land or the coast.

8.2 National Environmental Standards

National Environmental Standards are regulations issued under section 43 of the Resource Management Act 1991 and apply nationally. These standards are essential for maintaining a clean, healthy environment. The following standards are in force as regulations:

- National Environmental Standards for Air Quality;
- National Environmental Standards for Sources of Drinking Water;
- National Environmental Standards for Telecommunication Facilities;
- National Environmental Standards for Electricity Transmission Activities; and
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health.
National Environmental Standards on Ecological Flows and Water Levels and National Environmental Standards on Plantation Forestry currently under development by the Ministry for the Environment.

None of the above standards are relevant to this rezoning. It is noted that the National Environmental Standard for Electricity Transmission is not relevant to the earthwire in the rail corridor.

8.3 New Zealand Coastal Policy Statement

The purpose of the NZCPS is to set out policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. While the subject land does not directly adjoin the coast it is in proximity to the coastal environment.

The plan change is considered consistent with the NZCPS as it will not detract from the coastal character of the site. This is because the land to be rezoned is small in size and therefore any development to be located on the land will be barely perceptible to the wider public as compared to the existing applied zones. Furthermore, the rezoning retains a serrated edge of open space land around the coast which will not only provide a setback from the coast but can also be planted with appropriate coastal species.

As stated previously in this report, there is no impact on public access to the coast as there is currently no access to the coast through this land and there never will be as the Council has declined the opportunity to purchase it.

8.4 National Policy Statements

National Policy Statements are instruments issued under section 52(2) of the Resource Management Act 1991 and state objectives and policies for matters of national significance. There are currently four national policy statements developed by the Ministry for the Environment. These are as follows:

- National Policy Statement on Urban Development Capacity;
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National Policy Statement for Freshwater Management;
National Policy Statement for Renewable Electricity Generation; and
National Policy Statement on Electricity Transmission.

At present, the Ministry for the Environment is in the process of developing a proposed National Policy Statement for Indigenous Biodiversity.

The National Policy Statement on Urban Development Capacity is relevant to this re-zoning as the re-zoned land will be able to be used for residential development in line with the Business – Mixed Use zone. As set out previously in this report, the provision for mixed use development on this site is important as it will result in the efficient use of land and better help to achieve the TOD outcomes sought for the Orakei Point Precinct.

8.5 Hauraki Gulf Marine Park Act 2000

The Hauraki Gulf Marine Park Act 2000 (HGMPA) has the purpose of seeking the integrated management of the natural, historic and physical resources of the Hauraki Gulf, its islands and catchments. It also established the Hauraki Gulf Forum, the Park itself and the recognition of the relationship of tangata whenua with the Hauraki Gulf and its islands. The HGMPA recognises that the Hauraki Gulf and its islands are matters of national significance.

The plan change is consistent with the HGMPA as the land to be rezoned is small in size and as any development that will result from the rezoning is able to be managed in such a way that there will be no wastewater or stormwater impacts and erosion and sediment control matters can be addressed through any future resource consent process.

8.6 Auckland Regional Policy Statement

The Orakei Point Precinct seeks to achieve an intensive, mixed use development centred around an existing rail station. This is consistent with the Auckland Regional Policy Statement in a whole range of ways but particularly with the objectives and policies relating to urban growth and form. These are set out below:

(i) A quality compact urban form that enables all of the following:

- [Image]
(a) a higher-quality urban environment;
(b) greater productivity and economic growth;
(c) better use of existing infrastructure and efficient provision of new infrastructure;
(d) improved and more effective public transport;
(e) greater social and cultural vitality;
(f) better maintenance of rural character and rural productivity; and
(g) reduced adverse environmental effects.

(2) Urban growth is primarily accommodated within the urban area 2016 (as identified in Appendix 1A).

(3) Sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth.

(4) Urbanisation is contained within the Rural Urban Boundary, towns, and rural and coastal towns and villages.

(5) The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages is integrated with the provision of appropriate infrastructure.

The proposed re-zoning will add to the ability to achieve the above outcomes by enabling an apartment building with 32 dwellings. The fact that the proposed rezoning will allow the building to be further separated from the rail line is also consistent with the objectives of the Regional Policy Statement relating to infrastructure. These are set out below:

(1) Infrastructure is resilient, efficient and effective.

(2) The benefits of infrastructure are recognised, including:
   (a) providing essential services for the functioning of communities, businesses and industries within and beyond Auckland;
   (b) enabling economic growth;
   (c) contributing to the economy of Auckland and New Zealand;
   (d) providing for public health, safety and the well-being of people and communities;
   (e) protecting the quality of the natural environment; and
   (f) enabling interaction and communication, including national and international links for trade and tourism.

(3) Development, operation, maintenance, and upgrading of infrastructure is enabled, while managing adverse effects on:
   (a) the quality of the environment and, in particular, natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character;
(b) the health and safety of communities and amenity values.
(4) The functional and operational needs of infrastructure are recognised.
(5) Infrastructure planning and land use planning are integrated to service growth efficiently.
(6) Infrastructure is protected from reverse sensitivity effects caused by incompatible subdivision, use and development.
(7) The national significance of the National Grid is recognised and provided for and its effective development, operation, maintenance and upgrading are enabled.
(8) The adverse effects of infrastructure are avoided, remedied or mitigated.
9 SECTION 32 EVALUATION

9.1 Section 32 tests

Section 32 of the Act requires any proposed plan change to provide an assessment of the appropriateness, effectiveness, efficiency, costs, benefits and risks of the requested plan change including alternative options. Section 32 states:

"32 Requirements for preparing and publishing evaluation reports
(1) An evaluation report required under this Act must—
(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
(i) identifying other reasonably practicable options for achieving the objectives; and
(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
(iii) summarizing the reasons for deciding on the provisions; and
(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal."

The following section evaluates 3 options for the subject land and provides an assessment of each of the options.

9.2 Option One: Status Quo ("Do Nothing")

This option relates to retaining the current Open Space – Informal Recreation zoning on the subject land. There would be no changes to the Orakei Point Precinct or the Precinct boundary.

9.2.1 The provision is the most appropriate way to achieve the objectives

Retaining the open space zoning on the land is not the most appropriate way of achieving the objectives of the open space zone as the objectives and policies of the open space zone relate to
meeting the recreational needs of the wider community. This is demonstrated by the following objective and policy:

(1) Recreational needs are met through the provision of a range of quality open space areas that provide for both passive and active activities.

(1) Design, develop, manage and maintain open spaces to:
   (a) provide for the needs of the wider community as well as the needs of the community in which they are located;
   (b) achieve the objectives for the open space zone;
   (c) use resources efficiently and where appropriate be adaptable and multifunctional;
   (d) provide for people of differing ages and abilities;
   (e) be safe and attractive to users; and
   (f) where appropriate for the zone, reflect the natural, heritage and landscape values of the area.

The fact that this area of land is privately owned precludes the land meeting the objectives and policies above as the wider community cannot access the land for recreational needs.

9.2.2 Efficiency and Effectiveness

If the existing zoning was retained this would not be the most effective or efficient way to provide for the recreation needs of the wider public. This is because the land is not in public ownership and is therefore not available for public use. In addition the Council has confirmed that it does not wish to purchase this land, therefore it will never be available for public use.

A further factor is that the small size of the land (431m²) means that it is not functional or effective in terms of providing for recreational needs.

9.2.3 Benefits and Costs

The key benefits of this option are that:

- No changes or further work is required i.e. the existing provisions can remain in place.
- It will retain a wider strip of land along the coastline that will only have limited development potential.
The potential cost of this option is that it does not provide for the efficient use of land in that the land cannot be used for public recreation purposes as the Council does not wish to own it and yet it is not zoned for urban development.

9.2.4 Risks

As stated above, there is a risk that if the existing zoning is retained that the land will not be efficiently used. In some circumstances this may be tolerable, but not where the land is located in a strategically important urban position and where the land could better promote the TOD outcomes sought for the precinct if it was able to be efficiently developed.

9.3 Option Two: Rezone the Site Business – Mixed Use but no Precinct Plan amendments

This option relates to rezoning the subject land from Open Space – Informal Recreation to Business – Mixed Use but does not include making any amendments to either the boundary of the Orakei Point Precinct or the Precinct provisions/plans themselves.

9.2.1 The provision is the most appropriate way to achieve the objectives

If the land was rezoned Business – Mixed Use it would help to achieve the objectives of the Business – Mixed Use zone as the land would be able to be developed for a mix of uses including apartments. This would in turn help to develop Orakei Point into a strong centre which would be part of the network of centres across the region. This is in-line with the following objective from the Mixed Use zone:

(1) A strong network of centres that are attractive environments and attract ongoing investment, promote commercial activity, and provide employment, housing and goods and services, all at a variety of scales.

However rezoning to Business – Mixed Use only and not making amendments to the Orakei Point Precinct is not the most appropriate means of meeting the objectives and policies of the Orakei Point Precinct. This is because the precinct provisions would not apply i.e. the land would be outside the precinct.
Having development land located at Orakei Point but outside the precinct has the ability to creating conflicting outcomes or stymie development.

9.2.2 Efficiency and Effectiveness

It is efficient and effective to apply the Business – Mixed Use zone to the subject site as this is the zoning that is applied to the adjoining land. This means that the subject site can be developed in a comprehensive and consistent manner as part of the adjoining development.

However, it would be difficult to achieve effective and efficient development if the land was not also included in the Orakei Point Precinct. This is because the precinct provisions would not apply to the land and therefore it would be difficult to achieve the nature and form development promoted by the precinct.

9.2.3 Benefits and Costs

The benefit of this option is that the Business – Mixed Use zone would apply to the land. This would have the benefit of providing mixed use type development as compared to the open space development provided for currently.

However, the cost of this approach is that the provisions of the Orakei Point Precinct would not apply. This means that development on this land might not be entirely consistent with the development on the adjoining land.

9.2.4 Risks

The risk of this approach is that it would not enable development that is consistent with that on the adjoining land which is in the Orakei Point Precinct.

A further risk is that the land may not be developed at all due to the inconsistencies between the zoning and the precinct. This would result in an inefficient use of land.
9.4 Option Three: Rezone the Site Business – Mixed Use and amended Precinct Plan

This option relates to rezoning the subject land from Open Space – Informal Recreation to Business – Mixed Use, making amendments to include the land within the Orakei Point Precinct and amend the precinct provisions to reflect the approved building and enable it to be moved 15m to the northwest.

If this option was adopted, it would make the land more available for mixed use development (as compared to open space development) it would also mean that this land can be developed in accordance with the Orakei Point Precinct.

9.2.1 The provision is the most appropriate way to achieve the objectives

If the land was rezoned Business – Mixed Use it would help to achieve the objectives of the Business – Mixed Use zone as the land would be able to be developed as part of the mixed use development sought for the precinct. This would in turn help to develop Orakei Point into a strong centre which would be part of the network of centres across the region. This is in-line with the following objective from the Mixed Use zone:

(1) A strong network of centres that are attractive environments and attract ongoing investment, promote commercial activity, and provide employment, housing and goods and services, all at a variety of scales.

The inclusion of the subject land within the Orakei Point Precinct would be consistent with the objectives of the Orakei Point Precinct as it will help to enable mixed use development and as it will further protect the rail corridor. The relevant objectives are set out below:

(2) Ōrākei Point is comprehensively developed for mixed-use activities which integrate well with the public transport network.

(4) Adverse effects from the current and anticipated future operation of the North Island Main Trunk Railway Line are avoided and mitigated.
9.2.2 Efficiency and Effectiveness

It is efficient and effective to apply the Business – Mixed Use zone to the land as this is the zoning that is applied to the adjoining land. This means that the subject site can be developed in a comprehensive and consistent manner as part of the adjoining development.

It is also efficient and effective to include the land in the Orakei Point Precinct as this will allow the land to be developed in a manner consistent with the adjoining land (which is all subject to the Orakei Point Precinct).

9.2.3 Benefits and Costs

The benefit of this option is that the land will have the same planning provisions as the adjoining land, i.e. it will be zoned Business – Mixed Use and will also be subject to the Orakei Point Precinct. This will allow the land to be developed in a comprehensive and consistent manner.

This option will also have the benefit of enabling the approved building to be moved 15m to the north-west (provided that resource consent is obtained) and thereby providing additional separation from the rail corridor. This is because the land will be zoned appropriately and as the approved building will be shown on the precinct plans.

The cost of this approach is that the area of open space land along the coastline is reduced. This is only a cost in terms of coastal character and visual amenity (on which there is minimal effect) as the land would never be able to be used for public open space/recreation uses as the land is in private ownership.

9.2.4 Risks

The risk of this approach is that the area of open space land along the coastline is reduced. This is only a risk in terms of coastal character and visual amenity (on which there is minimal effect) as the land would never be able to be used for public open space/recreation uses as the land is in private ownership.
9.5 Monitoring

No specific monitoring other than the monitoring required by Section 35 of the RMA is proposed for the rezoning. Consent monitoring will continue to be undertaken on a case by case basis.

9.6 Section 32: Evaluation conclusion

The option of rezoning the land to Mixed Use – Business and making amendments to the Orakei Point Precinct is the most appropriate option as this option is an effective and efficient means of enabling comprehensive, mixed use development at Orakei Point. This option also recognises the approved building and enables the opportunity to make a resource consent to move the approved building 15m to the north-west. This has the benefit of providing a greater separation from the rail corridor.

Overall, rezoning the land Business – Mixed Use and including the land in the Orakei Point Precinct will be consistent with two of the key objectives of the Orakei Point Precinct in that enable residential development and contribution to the creation of a TOD whilst also further protecting the rail corridor.
10 CONSULTATION

10.1 Consultation

KiwiRail has advised OPT that they seek a greater separation between the approved building and the rail corridor, notwithstanding the fact that there is no yard setback from the rail corridor in the Auckland Unitary Plan. This plan change helps to achieve KiwiRail’s outcome as rezoning the land will help facilitate moving the building 15.75m to the north-west.

OPT consulted with Ngāti Whatua Ōrākei over the development of the Peninsula building. Ngāti Whatua formally advised OPT that they do not object to that project. Notwithstanding, it is expected that Ngāti Whatua and the other iwi groups will be notified of the plan change as part of the notification process.

The Council was consulted with extensively as part of the development of an alternative masterplan for Ōrākei Point South and the approved Peninsula Building. Notwithstanding that this rezoning only relates to a small piece of land. It is expected that the Council will be notified of this plan change also and will therefore have the opportunity to make a submission.

The other land owners within this area are all under the management of OPT. OPT is the authorised agent for these properties. For the record, the owners of 228, 234A, Ōrākei Road and the long-term leaseholder of 234B Ōrākei Road have given their written consent to this application.
11 NOTIFICATION

Clause 5A of Schedule 1 in the Resource Management Act 1991 enables limited notification of Plan Changes, but only if it is able to identify all the persons directly affected by the proposed change.

It is considered that the only parties directly affected by the plan change are the other landowners at Orakei Point. This is because:

- The area of land to be re-zoned is small and therefore the future use and development of the land will be barely perceptible from the wider environment;
- The area of land will be re-zoned to the Business – Mixed Use zone which will be the same as the adjoining and majority of land at Orakei Point. This means that development on the re-zoned land will simply be consumed into the wider development and thereby not readily noticeable;
- Circumstances have changed and the Council no longer wish for this land to be used for open space purposes. This means that there will be no effect on public recreation or access to the land as the land is not open to the public currently and will not be in the future;
- A serrated edge of open space land is retained. This will maintain the landscape and coastal character of the southern coastal edge.

The landowners on Orakei Point were set out in Section 4 above but are repeated below (along with the ownership diagram) for ease of use:
There are five sites within the southern portion of Orakei Point (excluding the land owned by New Zealand Rail):

(a) 234 Orakei Road is a freehold title owned by Auckland Council.

(b) 234A Orakei Road is owned by Ngati Whatua and on a long-term lease to Haywood Limited. This lease will expire in 2034. At that time the land will be leased to Hobson Views Ltd as trustee of Hobson Views Trust and come under the control of Orakei Bay Village (OBVL) on behalf of OPT.

(c) 234B Orakei Road is in the freehold ownership of Ngati Whatua O Orakei with Hobson Views Ltd as trustee of Hobson Views Trust having a perpetual lease of this land. This title is currently under the management of OBVL on behalf of OPT.
Planning Committee  
05 March 2019

Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Orakei Point Trustee  
Limited to rezone land at Orakei Point, Orakei Road, Orakei

(d) 228 Orakei Road is owned by ORC Ltd Trust of ORC Trust. This is the area of the existing business buildings that have been significantly upgraded for a range of retail and food and beverage activities known as Orakei Bay Village. This site is controlled by OBVL on behalf of OPT.

(e) 236 Orakei Road is the site subject to this application and in the ownership of OPT.

(f) OBVL manages the sites at 236, 228 and 234B Orakei Road. When the lease of Mr Haywood expires in 2034, OBVL will manage 234A on behalf of OPT.

4.2.4 The key point is that OBVL on behalf of OPT and the Council ultimately has management over the entire southern portion of Orakei Bay, albeit that the land is in different titles.

Given the matters set out above, it is considered that this application should be limited notified to the following parties:

- Auckland Council
- KiwiRail
- Ngati Whata.
12 CONCLUSION

This plan change relates to the rezoning of a small area (431m²) of open space land adjoining the Orakei Point Precinct to Business – Mixed Use. The ultimate outcome of the rezoning is to enable an approved apartment building to be re-positioned 15m further to the north-west should resource consent be approved. The potential effects of the rezoning and the consequential repositioning of the building are considered to be less than minor for the following reasons:

- The site is sufficiently separated from the surrounding residential development that the change will be barely perceptible;
- The rezoning will enable a balance between enabling important residential development and protecting the rail corridor;
- The coastal character of the site will be maintained by the vegetation to the be maintained and the remaining serrated edge of open space zoned land;
- There will be no impact on the provision for open space needs as the Council does not wish to own the land, it is not and it need not be open to the public and as it is not of a functional size and use of in itself;
- The plan change will have a positive effect on the rail corridor as the increased separation distance from the earthwire will enable increased safety and maintenance ability;
- The proposed rezoning will have no effect on infrastructure as no additional apartments are proposed;
- There will be a positive effect on noise and vibration effects due to the increased separation from the rail corridor.

The option of rezoning the land to Mixed Use – Business and making amendments to the Orakei Point Precinct is the most appropriate option as it is an effective and efficient method of enabling comprehensive, mixed use development at Orakei Point. This option also recognises the approved building and enables the opportunity to make a resource consent to move the approved building 15m to the north-west. This has the benefit of providing a greater separation from the rail corridor.

Overall, rezoning the land Business – Mixed Use and including the land in the Orakei Point Precinct will be consistent with two of the key objectives of the Orakei Point Precinct that enable residential...
development and contribution to the creation of a TOD whilst also further protecting the rail corridor.

John Duthie
Director
November 2018
**Planning Committee**
05 March 2019

APPENDIX 1
Certificate of Title

Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Orakei Point Trustee
Limited to rezone land at Orakei Point, Orakei Road, Orakei

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**COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952**

**Search Copy**

**Identifier**
NA63C/143

**Land Registration District**
North Auckland

**Date Issued**
21 May 1987

**Part-Cancelled**

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**Estate**
Free Simple

**Area**
5.473 square meters more or less

**Legal Description**
Lot 3 Deposited Plan 128556

**Proprietors**
CP Trustee Limited

**Interests**
Subject to Part IV A Conservation Act 1987
Subject to a right of way over parts marked B, CC, C, E, F, H, K, N, Q, G, V and FF and to a sewer right over parts marked F, Q and FF and to a stormwater right over parts marked K, CC and BB on DP 112856 specified in Easement Certificate B066666.2 - 21.5.1987 at 11:57 am
Appurtenant hereto are rights of way specified in Easement Certificate B066666.2 - 21.5.1987 at 11:57 am
C39319621 Gazette Notice acquiring part of the within land (77m²) in connection with a road and shall vest in The Auckland City Council subject to any leases registered or unregistered - 3.7.1992 at 2:20 pm
9392573.2 Mortgage to Golden Fove Limited - 17.5.2013 at 5:11 pm
9537224.1 Mortgage to Westpac New Zealand Limited - 20.12.2013 at 4:43 pm
9537224.2 Mortgage Priority Instrument making Mortgage 9537224.1 first priority and Mortgage 9392573.2 second priority - 20.12.2013 at 4:43 pm

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**tattico**
Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Orakei Point Trustee
Limited to rezone land at Orakei Point, Orakei Road, Orakei
Private Plan Change Request from Orakei Point Trustee Limited to rezone land at Orakei Point, Orakei Road, Orakei

Attachment A

Item 11
APPENDIX 2
2018 Approved resource consent
APPENDIX 3

Assessment by Hulena Architects

November 2018
Orakei Point
21 December 2016

Mr Kerry J Knight
Equinox Capital Limited
PO Box 106376
AUCKLAND 1143

Dear Kerry

Re: Orakei Bay Village development – Open space acquisition

Thank you for your correspondence dated 13 December 2016, regarding open space acquisition. As detailed in your letter there has been a long development history for the site of the proposed Orakei Bay Village development.

I am also aware that you are currently engaged with council in a resource consent application process for the development. As such I will not address any regulatory or planning matters being actively considered through this process.

Mystaff have indicated previously that the purchase of land around the southern coastal edge of Orakei Point for open space is not considered a high priority for the reasons noted in your letter.

I can confirm that council has no governance approval or intent to enter into negotiations with you (in a buyer/seller relationship) to purchase land as part of your Orakei bay Village development using open space acquisition budget.

Yours sincerely

Katereina Maki
General Manger, Community and Social Policy
Auckland Council
Orakei Bay Village

Peninsula Building

The Peninsula building gained Resource Consent approval on 12th July 2018 (refer to LUC60318588 and DIS60318620RC). The granted consent showed the building adjacent the boundary to Kiwi Rail and on the western notational setback derived by PC260. The Applicant proposes to move the building toward the western site boundary 15.750M.

When viewing an object (in this case a building) from a relatively long distance, the movement in the angle of view can be determined through simple mathematics.
Taking viewpoint 1 as an example:
the approved subject building is approx. 443.0m distant from the viewer. The proposal to move the building forward 15.75m changes the angle of view by a mere 2 degrees at this distance. See illustration.

When considering the normal field of vision is around 120deg the small 2deg difference will be scarcely noticeable.

We have compiled a series of photo montages illustrating the Peninsula Building in the approved building position and the proposed building position. They have been taken from 4 areas to illustrate the possible visual effects from various viewpoints, that we have assessed, as the more affected by the proposed forward movement of the building. The viewpoints also illustrate that the incremental shift in the consented building does not remove any particular views that could be identified as desirable to the viewer.

We will address each in the following summaries:
Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Orakei Point Trustee
Limited to rezone land at Orakei Point, Orakei Road, Orakei

Attachment A

Item 11

location plan
Location 1.
This viewpoint has been taken from the balcony of a home under construction at 29A Awarua Crescent. This is representative of the homes along this street that have an outlook over Hobson Bay and the site to the Southwest. We identify these homes as being the most affected as they are the few homes that have a direct view over the subject site. These homes along this section of Awarua Crescent are between 420m and 500m (the closest of the viewpoints shown) from the site and as illustrated with the montage there is little discernible difference between the consented location and that of the proposed.
Location 2.
This viewpoint has been taken with a drone at the intersection of Manawa Road and Lingarth Street. The drone is approx. 6.0m above the pavement to illustrate what may be seen from the balconies of surrounding homes. The building is seen some 794.0m from the viewpoint. The homes around these areas have broken views to the subject site and whilst some may be able to see the shoreline (tide levels) along the railway causeway, they do not relate to the foreshore of Hobson Bay. As illustrated with the montage there is little discernible difference between the consented location and that of the proposed.
Location 3.
This viewpoint has been taken with a drone at the intersection of Manawa Road and Victoria Avenue. The drone is approx. 8.0m above the pavement to illustrate what may be viewed from the balconies of surrounding homes. The building is seen almost 1km from this viewpoint. The homes around these areas also have broken views to the subject site and do not relate to the foreshore of Hobson Bay or subject site and the montage shows an indiscernible difference between the consented location and that of the proposed.
Location 4.
This viewpoint is taken from just east of the Hobson Bay walkway where it exits onto Shore Road and is more illustrative of what a walker or passer-by may experience. This view shows the building in its environment with the mangroves and shallow end of Hobson Bay in the foreground. It illustrates the most intrusive visual nature of the building in its consented and proposed position. Whilst we call it intrusive the difference is minimal in the wider picture of the entire environment and landscape.

consented position

proposed position

location 4

location 4
We believe that the montages from the 4 different locations represent a fair and reasonable assessment of the differences that will be experienced from the neighbouring residences. Any properties located further to the North or West would experience less discernible movement in the building given the distance and viewing angle from the respective properties. Properties located behind or South of the site toward the southern end of the Orakei Basin would likewise experience little difference for the same reasons.

In summation we suggest that by moving the building 15.750m in a north westerly direction proposes an effect that can be described as minor or even less than minor.
7.0 BACKGROUND

7.1 In 2009 Redwood Group obtained planning consent under the Mixed Use zone for an intensive residential development at 228-236 Orakei Road (the southern portion of Orakei Bay).

7.2 The then Auckland City Council had concerns about the lost opportunity at Orakei Bay for a transit oriented development.

7.3 Discussions by the Council were entered with the predecessor to OPT/OPVL over the opportunity for an integrated masterplan and comprehensive development of Orakei Bay. This involved land purchase, land exchange, building over the rail line, and a comprehensive masterplan and District Plan zone package. General agreement was reached between Redwood and the Council.

7.4 There were two fundamental workstreams. One was land assembly. The second was the District Plan provisions.

7.5 OPT effectively purchased the Kings Plant Barn site and entered into perpetual lease arrangements over the Ngati Whatua land. It also entered negotiations to purchase the air rights above the rail line and the Council ‘park and ride’.

7.6 In January 2010, the Auckland City Council notified PC260. This was for a particular form of masterplan development at Orakei Bay. In essence the plan change enabled 84,000m² of development. This comprised approximately 700 apartments and up to 10,000m² of retail and 10,000m² of office.

7.7 A special Mixed Use zone was brought down with particular provisions tailored to Orakei Bay.

7.8 PC260 was essentially approved by the Council subject to modifications.

7.9 The Council decision recognised that the masterplan relied on purchase of the air space above the rail corridor and that this air right had not been secured. Consequently, the plan change put in place a mechanism where, if the land could not be secured within 60 days of the plan becoming operative, the provisions of PC260 would fall away and the zoning would revert to the underlying Mixed Use zone.

7.10 PC260 was appealed to the Environment Court.

7.11 In the Environment Court proceedings PC260 was confirmed in a modified form including a reconfiguration of the masterplan.

7.12 PC260 relied on purchase of the air space rights above the rail line.
7.13 A review of the project by Auckland Transport and KiwiRail identified that they did not want to see development above the rail line due to the ongoing maintenance cost. This had a material effect on the masterplan. Orakei Point would now need to be developed in a comprehensive manner, but with a degree of independent development both south and north of the rail line with suitable connections to give public access to the trains.

7.14 Consequently, the opportunity for OPT/OBVL to deliver the integrated masterplan across both the north and south of Orakei Bay was lost.

7.15 Notwithstanding these land purchase issues, the Council and OPT/OBVL fully agree the importance and benefits of TOD development at Orakei.

7.16 For this reason the Proposed Unitary Plan deleted the requirement for OBVL to achieve ownership of the Council land and air rights above the rail corridor as a prerequisite to comprehensive development of Orakei Point.

7.17 The requirement for comprehensive planning remained, and the reference masterplan embodied within PC260 was still rolled over because of timing associated with the Unitary Plan.

7.18 The Independent Hearings Panel on the Unitary Plan acknowledged that the masterplan for Orakei Bay embodied within the Unitary Plan was no longer relevant because of the inability to secure air rights and build above the rail line. However, because of the timing of the Unitary Plan, the Panel recommended that the Council essentially rollover the existing PC260 provisions.

7.19 The Council have provided some flexibility in the provisions for dealing with consents that meet the objectives and policies of the Precinct, but were developed to a different masterplan. This application follows that approach.

7.20 This application is advanced on the basis that building over the rail line will not happen and essentially the Council will develop its land to the north of the rail line, and OPT/OBVL will develop the land it manages south of the rail line.

7.21 The masterplan referred to in section 8 below is advanced on the basis of the southern portion of the Orakei Bay only, but done in a way consistent with and recognising the likely form of development that the Council will masterplan in the future for its land north of the rail line.

7.22 Consequently, this application is a restricted discretionary activity because it varies from some elements of the masterplan. However issues of contamination make this consent a discretionary activity.
7.23 Through the Unitary Plan hearing process, there was a recognition by all parties that the opportunity for OIP/OBVL to purchase the air rights above the rail corridor has gone. Consequently, in some form, there needs to be a different masterplan for Orakei Bay. The key debate is to ensure that any new masterplan achieves the fundamental principles of the Orakei Point Precinct.

7.24 Notwithstanding that OBVL has indicated it cannot deliver the specifics of the masterplan because of the decisions of KiwiRail, Auckland Transport and Auckland Council that they do not want substantial buildings over the rail line; nevertheless should the Council/KiwiRail/Auckland Transport change its mind in the future, and decide they want to reinstate and develop the public good aspects of the masterplan, particularly the station plaza over the rail line, then nothing in this application compromises that proposal. This is particularly addressed in paragraphs 13.9-13.14 of this application.
Masterplan

13.9 The second issue is the masterplan and whether this development in some way compromises either the existing or future masterplan.

13.10 The key element of the existing masterplan affecting the subject site is the open space along the coastal edge. This application protects and provides for that open space. In terms of open space considerations, it is consistent with the existing masterplan.

13.11 OBVL has made it clear that because KiwiRail, Auckland Transport and Auckland Council no longer support the principle of major buildings over the rail corridor for ongoing operation, maintenance, CPTED, and safety reasons; OBVL is no longer able to deliver the masterplan shown within the Precinct Plan. Consequently OBVL has put forward a proposed masterplan for its land south of the rail corridor which, in the opinion of the consultant team forming part of this application, meets the principles of the objectives and policies of the zone and deliver a high quality TOD and planning outcomes for Orakei Point.

13.12 However, it is accepted that Auckland Council in association with Auckland Transport and KiwiRail could actually deliver the key elements of the existing masterplan should they wish to do so. The key public good elements are:

- The open space network around the peninsula. This application delivers that portion of the open space network shown on the 236 Orakei Road site.

- The plaza above the rail station giving access to the station. This land is accessed from KiwiRail land and Auckland Council land. The plaza itself straddles KiwiRail land and Auckland Council land. The subject site does not connect to or impact the station plaza other than the entranceway. OBVL has made it clear in this application that it will cooperate with any future proposal by the Council to create a plaza above the station. It will reconfigure the accessway as part of any broader approach from the Council that still gives access to the OBVL land.

- The waterfront plaza north of the rail land. This is on Auckland Council owned land.

- The road widening along Orakei Road. This application does not affect that road widening because, apart from the entranceway, does not front Orakei Road. OBVL has set aside land in terms of its management of the property at 228 Orakei Road to facilitate this road widening in the future.
• Sleewed apartments along the waterfront edge. This application retains this waterfront sleewing thus ensuring the two levels of parking within the building are not visible from the water or residential land across Waitemata Harbour.

• Creating a connection from Orakei Road to the station through the 228 property. OBVL has committed as part of this development to make this pedestrian and cycling connection available to the Council by way of easements and formed paths where (if) the Council connects the boardwalk across to the existing boardwalk connecting Shore Road to Orakei Road. The original masterplan showed a D road in this location. This was to bring buses into the plaza above the train station. Auckland Transport has currently indicated they do not want buses in this location. Nevertheless, in the future should the Council change its mind, there is nothing in this proposal that prevents or negates that access. Most of the D road alignment is on land owned by Auckland Council. The other portion is on 228 Orakei Road. There is no change to the topography of this land, ownership or development as part of this application. Should the Council reverse its decision in the future and decide it does want to implement the D road then it has every opportunity to do so.

13.13 Diagram 17 shows the approximate location of the existing application superimposed on the existing masterplan. That masterplan always envisaged sleeved apartments along this coast with the open space in front of the apartments. The same relative level is achieved, i.e. accessways in the masterplan saw the connection to the open space level at about RL 3 or 4. The plaza in the existing masterplan in the Precinct provisions has substantial basement parking but this was further back from the coast so as to prevent carpark and inactive edges along this south-western coastline.
13.14 While OBVL cannot deliver this masterplan and OBVL understands Auckland Council does not wish to deliver the masterplan, nevertheless at some stage in the future when the formal masterplan approach for Orakei Point is determined, whether or not the one suggested by OBVL is favoured or the existing masterplan is confirmed; this peninsula building is essentially consistent with both scenarios. It will enable quality development as the first part of forming the Orakei TOD. The critical difference with this application is that the open space zoned land along the foreshore, which is a key consideration of the existing masterplan, is provided in full.

Rail

13.15 The third consideration is the impact on the rail network. The analysis set out in this report emphasises the significant benefit to the rail network by further reinforcing the TOD at Orakei. However, there are other considerations that need to be managed. The critical one is issues of reverse sensitivity relating to noise and vibration. As set out in the effects analysis, significant work has gone into this aspect of the development to ensure that it fully complies with the noise and vibration controls within the precinct. These noise and vibration controls are the most severe applying throughout Auckland and, as we understand it, nationally. Reverse sensitivity is fully addressed.
13.16 The issue is then the setback from the rail line and in particular the electric lines associated with the electric suburban trains. The legal requirement of the regulations is a 2m setback from electrified lines of the KV rating of the Auckland suburban network. KiwiRail’s preference is for a 3m setback.

13.17 The development is 5m from the main power supply and 2.1m at its closest point from the earth wire. The regulations require the earth wire to be treated as live.

13.18 Unlike the primary power supply which must sit above the track itself, the earth wire is capable of being relocated or insulated. In a number of locations in tight sensitive areas, the earth wire is run from centrally located poles. In this case KiwiRail has elected to place the poles on the site boundary. Furthermore the earth wire can be insulated in critical areas without impacting its functionality.

13.19 A number of minor design improvements have been made to the building to address issues raised by KiwiRail in consultation. This has included fixed glazing on the relevant part of the closest apartment and particular treatment of the balustrade to prevent material falling off it or people sitting on the balustrade. While legal requirements are being met and practical issues addressed, KiwiRail’s retained preference is to achieve the 5m setback.

13.20 KiwiRail advanced a proposal for a 5m setback along the rail corridor to the Independent Hearing Commissioners as part of the Proposed Auckland Unitary Plan. Those Commissioners recommended against the 5m setback and instead felt that in these zones, legal compliance with the regulations was sufficient. The Council adopted the Independent Hearings Panel recommendations and thus there is no additional 5m setback. This development complies with the Unitary Plan rules and national regulations associated with setbacks from electrified rail lines. It would be unreasonable to notify or limited notify this application on the basis that an operator aspires to standards higher than the AUP requirements and normal standards; particularly when that debate has just been through a legal process and the AUP standards set. This development complies with those standards.
Attachment A

Item 11
Decision on application for resource consent under the Resource Management Act 1991

Discretionary activity

Application numbers: LUC60318588 & DIS50318620
Applicant: OP Trustee Limited ("OPT")
Site address: 236 Orakei Road, Remuera
Legal description: Pt Lot 3 DP 112856 (CT NA63C/143)

Proposal:

Resource consent to construct a new apartment building comprising 32 residential dwellings, associated earthworks, landscaping and car parking.

Resource consent is required for the following reasons:

Land use consent (s9)

Auckland Unitary Plan (Operative in Part)

In terms of the provisions of the Auckland Unitary Plan (Operative in Part) resource consent is required for the following reasons:

Unitary Plan – Mixed Use Zone

(a) A restricted discretionary activity consent is required for a new building in the Mixed Use zone under A45 of Activity Table H13.4.1.

Unitary Plan – Orakei Point Precinct

(b) A restricted discretionary activity consent is required under I328.6.11 as the proposed building does not comply with the number of storeys above podium level (as there is no podium at all) and as the Building Height is between RL 25.1 to 29.5 and 36.55 (parapet height) rather than RL 29.5 and RL 33, resulting in an infringement to maximum height. Please refer to sheet RC15B to RC22B for details of the height infringement.

(c) A restricted discretionary activity consent is required under I328.6.12 as the floor to ceiling height on the ground floor is 3.3m rather than 4m.

(d) A restricted discretionary activity consent is required as the proposed building does not provide the pedestrian link shown on Precinct Plan 3.

(e) A restricted discretionary activity consent is required under I328.6.25 as some apartments do not meet the outlook space requirement. These apartments overlook the rail line to Hobson Bay.
(f) A restricted discretionary activity consent is required under I3.28.6.29 as the staging requirements for infrastructure and public facilities has not been met.

**Unitary Plan – Auckland Wide Rules**

(g) A restricted discretionary activity consent is required under A9 of Activity Table E11.4.1 for earthworks greater than 2,500m² within a sediment control protection area within the open space and business zones.

(h) A restricted discretionary activity consent is required under A2 of E27.4.1 Activity Table as the access does not comply with the standards for access (gradient).

(i) A discretionary activity consent is required for soil disturbance. This is because lead and nickel levels exceeded the permitted activity standard.

**Natural Environmental Standard (Contamination)**

(j) A discretionary activity consent is required under the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health.

Overall, this proposal requires assessment as a discretionary activity.

Under sections 104, 104B, 105 & 107, I recommend that the application is **GRANTED.**

**12. Reasons**

The reasons for this recommendation are:

1. The granting of this resource consent is considered to be generally consistent with the expected environmental outcomes and strategic direction for the Orakei Precinct Plan and the Mixed Use zone as expressed through the relevant Objectives and Policies of the Auckland Unitary Plan (Operative in Part) which will provide for the establishment of Transit Oriented Development in this location.

2. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:

   - Following an extensive assessment of the actual and potential visual amenity and character effects, it is considered that the proposal will be acceptable. The proposal will provide for additional housing within a planned Mixed Use area that delivers a high quality architectural response while at the same time acknowledging the realities of enabling a commercially viable development. The applicant has offered a range of conditions to mitigate the effects of the proposal;

   - An extensive review of the traffic effects of this proposal has been undertaken on behalf of the Council and Auckland Transport. That review has confirmed that the proposal is acceptable, subject to conditions;
- It has been confirmed that subject to conditions, there is sufficient capacity within the infrastructure networks to accommodate the development, including wastewater, stormwater, water supply and network services;

- Conditions of consent will ensure that any adverse effects on water quality are avoided;

- Suitable conditions of consent will manage any contamination effects arising from the proposal;

- The proposal will not exacerbate any flooding issues and any overland flows will be suitably managed;

- Any noise and vibration effects arising from the proposal will be suitably managed and are in keeping with expectations of the I328 Ōrākei Point Precinct standards;

- In terms of positive effects, the proposal will provide additional housing, restore the coastal edge and create employment opportunities and enable people and communities to provide for their social wellbeing and their economic needs;

3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is generally consistent with the relevant statutory documents. In particular, the proposal will meet the relevant objectives, policies and assessment criteria of the Auckland Regional Policy Statement, the Auckland Council Auckland Unitary Plan (Operative in Part). The proposal is considered to achieve the key objectives and policies of the Ōrākei Point Precinct which seeks to achieve an integrated, comprehensive planned Transit Oriented Development that provides for a diverse range of activities and employment, and acts as a strong community focal point.

4. In accordance with an assessment under s104(1)(c) of the RMA, the following other matters are considered appropriate:

- The site will be subject to monitoring to ensure works are carried out in accordance with the approved plans and conditions;
- The Auckland Urban Design Panel has reviewed the proposal;
- The application will include a suite of conditions as offered by the applicant or suggested by various specialist reviewing the application, that will serve to avoid or mitigate the adverse effects of the proposal;
- Development contributions will be imposed on the proposed that will serve to address the effects of the growth on the wider catchment;

5. The foregoing assessment has concluded that the proposal will result in effects on the environment that are minor. As such, the proposal satisfies the first gateway test of s104D(1), and can be determined by Council under s104B of the Act. Furthermore, it is noted the proposal is generally consistent the relevant objectives and policies of the PAUP and meets the second gateway test of s104D(2).
Under section 106 of the RMA, I recommend the following conditions:

**Conditions - Applies to Landuse and Discharge Consents**

The following conditions apply to all resource consents:

1. The activity shall be carried out in general accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number LUC00318556 & DIS00316620 being:

   - Application Form, and Assessment of Environmental Effects prepared by Tattico, dated 16 April 2018, including the following:

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<th>Author</th>
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**Report/Plan title and reference**

**Attachment C: Drawings**

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Planning Committee
05 March 2019

Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Orakei Point Trustee Limited to rezone land at Orakei Point, Orakei Road, Orakei

Attachment A

Item 11

RC12 Level 6 floor plan: Huliena, C, 11/04/18
RC13 Level 7 floor plan: Huliena, C, 11/04/18
RC14 Level 8 floor plan: Huliena, B, 11/04/18
RC15 Coloured north elevation: Huliena, C, 11/04/18
RC16 Coloured west elevation: Huliena, C, 11/04/18
RC17 Coloured south elevation: Huliena, C, 11/04/18
RC18 Coloured east elevation: Huliena, C, 11/04/18
RC19 Section A: Huliena, B, 11/04/18
RC20 Section B: Huliena, B, 11/04/18
RC21 Section C: Huliena, B, 11/04/18
RC22 Section D: Huliena, B, 11/04/18
RC23 Ancillary buildings: Huliena, B, 11/04/18
RC24 Rendered elevations: Huliena, B, 11/04/18

Landscape Plans

Sheet 45 - Landscape plan: -
Sheet 46 - Coastal edge treatment: -
Sheet TA02 - Coastal edge tree survey: Thurfow, 09/17
Sheet 52 - Planting plan: -
Sheet 53 - Fencing plan: -

Previous Section 92 Information

Acoustics - 236 Orakei Road - Acoustic Advice for Building & Resource Consent: NDY, 17 Nov 17
Email Orakei Point Transportation Review: Tatico, 25 Jan 18
Survey of electrified rail line/earthwork plan: Thurfow, 08/17
Email from John Thurston: Thurston, 4 Dec 2018
Extract from BS Piling noise levels
Email from Victoria Rastelli: NDY, 26 Jan 18
Response to Kiwirail letter: Tatico, 7 Dec 17
Updated Landscape - Planting Plan: Reset, Undated
Updated Plan showing KiwiRail amendments: RC07B, Huliena, 19/07/17
Response to Local Board Queries: Tatico, 30 October 17
Response to Queries from Mr. Hayward: Tatico, 31 October 17
TDG - Response to Flow Specialist Transport Input / Update on New Design Layouts: TDG, 30 Nov 17
Sheet 14009A2B-Fig2 New Ground Level: TDG, 13.12.17
Emails Orakei Point : Accessway: Tatico, 7 June 16
Letter - Orakei Point apartments: Tatico, 11 June 16
Emails FW. Landscape assessment: Tatico, 14 June 16
Monitoring Charges

2. The consent holder shall pay the Council a consent compliance monitoring charge of $2,000 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent. (This charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent).

3. The $2,000 (inclusive of GST) charge shall be paid as part of the resource consent fee and the consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

Advice note:

The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.

Term of Consent

4. Under section 125 of the Resource Management Act 1991, this consent lapses 5 years after the date it is granted unless:

- The consent is given effect to; or
- The Council extends the period after which the consent lapses.

Specific Conditions - Landuse Consent (LUC60318588)

Design Conditions

Architectural details

5. Prior to commencement of any works (prior to the approval of Building Consent for the building other than demolition, earthworks, foundations and structural works), a finalised set of architectural detail drawings and materials specifications shall be submitted to Council for written certification by Council’s Team Leader Monitoring (Central). The information shall include the following:

   a) details of the building’s façade treatment / architectural features;
   b) materials schedule and specification;
   c) sample palettes of materials, surface finishes, and colour schemes (including colour swatches); and
   d) external / rooftop services / plants, and visual / aural screening elements.
The finalised set of drawings shall ensure that the building’s proposed architectural treatment and finished appearance is consistent with the plans and information referenced at condition 1. All works shall then be carried out with the details certified by Council, and thereafter retained and maintained, to the satisfaction of Council’s Team Leader – Central Monitoring.

**Advice note:** As part of the condition monitoring process, Council’s monitoring inspectors will liaise with members of the Council’s Auckland Design Office to ensure that the submitted details are consistent with the approved plans and information.

**Lighting**

6. Prior to commencement of any works (prior to the approval of Building Consent for the building other than demolition, earthworks, foundations and structural works), the consent holder shall provide a Lighting Plan to Council for written certification by Council’s Team Leader – Central Monitoring. This plan shall include proposed locations, lux levels and types of lighting (i.e. manufacturer’s specifications once a lighting style has been determined).

The purpose of this plan is to demonstrate that adequate lighting will be provided, particularly at the entrances to the building; and any publicly accessible areas within and around the site for the visibility and safety of residents, occupants and visitors to the premises and passers-by outside the daylight hours. The lighting shall be designed to prevent any glare or overspill to the neighbouring properties in compliance with the relevant bylaw provisions.

The finalised design details certified by Council shall be established prior to the development hereby consented being first occupied, and thereafter retained and maintained, to the satisfaction of Council’s Team Leader Monitoring (Central).

**Advice note:** As part of the condition monitoring process, Council’s monitoring inspectors will liaise with members of the Council’s Auckland Design Office to ensure that the submitted details are consistent with the approved plans and information.

**Landscaping**

7. Prior to commencement of any works, a finalised set of **Hard and Soft Landscape Plans and a Landscape Management Plan** shall be submitted to Council for written certification by the Team Leader – Central Monitoring. The finalised plans shall be consistent with the landscape design intent / objectives identified in the resource consent plans and information referenced at condition 1 and shall include:

   a) landscape plan and specifications as recommended by Wildlands (December 2016 report) including Specimen Metrosideros excelsa trees within the coastal edge (not cultivars). No exotic palms are to be planted and limited numbers of Nikau palms;
   b) details of all proposed weed management and ongoing monitoring;
   c) planting schedule (including planter boxes and green roof), detailing the specific planting species, the number of plants provided, locations, heights/Pb sizes;
   d) all restoration works should be guided by a comprehensive Ecological Management Plan (EMP).
e) pavement plan and specifications, detailing materiality and colour throughout the development site;

f) Design of pedestrian paths and routes shall be reviewed to ensure that the objectives of integrating the development into the coastal environment and/or reflecting the natural and landscape values of the coastal environment are maintained, as well as meeting CPTED principles.

g) planter box plan and specifications detailing location and materiality throughout the development site;

h) irrigation details;

i) annotated sections with key dimensions to illustrate that adequate widths and depths are provided for planter boxes, tree pits, and the podium planting beds;

j) an ongoing management/maintenance programme, addressing in particular: details of maintenance methodology and frequency; and allowance for replacement of plants, including specimen trees in case plants are severely damaged / die over the first five years of the planting being established. The ongoing landscape maintenance and weed management requirements shall be incorporated into the body corporate rules for the building; and

k) as a precautionary measure: vandalism eradication policies.

**Advice note:** As part of the condition monitoring process, Council’s monitoring inspectors will liaise with members of the Council’s Auckland Design Office to ensure that the submitted details are consistent with the conditions and approved plans and information.

The purpose of the condition is to update the October 2017 planting plan and ensure that the proposed landscape reflects the overall aim to provide a high quality environment that protects the natural and coastal character of the peninsula, including:

- Establishment of green roofs to mitigate the loss of open space and maintain amenity values; proposed indicative roof garden plant species are:
  - Acaena microphylla (Scarlet Piriiri)
  - Coprosma acerosa (sand coprosma)
  - Coprosma Taiko™
  - Disphyma australe (Native ice plant, Horokaka)
  - Festuca coxi (Chatham Is. Blue Grass)
  - Hebe pinguiifolia
  - Libertia peregrinana (NZ Iris)
  - Lobelia angulata (Panakena)
  - Muehlenbeckia axillaris (Creeping pohuehue)
  - Muehlenbeckia complexa (Pohuehue)
  - Pimelea prostrata (NZ Daphne)
  - Selliera radicans (Remuremu)

- Predominantly passive greenspace with limited buildings and structures

8. All existing trees identified on the Coastal Tree Survey shall be retained and incorporated into the plan together with the proposed new Specimen trees; except that trees may be replanted in the same general location so as to manage land decontamination issues and site levels. Any trees proposed for removal shall be justified and subject to approval by the Team Leader Monitoring. Note that level changes for structures/paths shall not be considered adequate justification for the full removal of a tree.
Fencing/Security

9. Prior to commencement of any works, finalised design details of security fencing and gate design, including locations, heights, materials, shall be submitted to Council for written certification by Council's Team Leader Monitoring (Central). The finalised details shall be consistent with the plans and information referenced at condition 1. The finalised design details certified by Council shall be established prior to the development hereby consenting being first occupied, and thereafter retained and maintained, to the satisfaction of Council's Team Leader Monitoring (Central).

Advice note:

As part of the condition monitoring process, Council's monitoring inspectors will liaise with members of the Council's Auckland Design Office to ensure that the submitted details are consistent with the approved plans and information.

Pre-Commencement

Erosion and Sediment Control Management Plan

10. Prior to the commencement of earthworks activity on the subject site, a finalised Erosion and Sediment Control Plan (ESCP) shall be prepared in general accordance with the application documents referred to under condition 1, and in accordance with GD05 and shall include, but is not limited to:

   a) Specific erosion and sediment control works for the earthworks (location, dimensions, capacity) in accordance with GD05;
   b) Methodologies for dewatering the site's excavations;
   c) Supporting calculations and design drawings;
   d) Details of construction methods;
   e) Monitoring and maintenance requirements;
   f) Catchment boundaries and contour information;
   g) Details regarding the discharge locations; and,
   h) Details relating to the management of exposed areas (e.g. grassing, mulching).

This finalised ESCP shall be submitted to the Team Leader – Central Monitoring on monitoring@aucklandcouncil.govt.nz. No earthworks activity on the subject site shall commence until confirmation from council is provided that the ESCP is satisfactory.

11. Prior to the commencement of earthworks at the site, a Chemical Treatment Management Plan (CTMP) shall be submitted for the written approval of the Team Leader – Central Monitoring. The plan shall include as a minimum:

   a) Specific design details of the chemical treatment system based on a rainfall activated methodology for the site's Decanting Earth Bund or a flow based methodology for any dewatering device used;
   b) Monitoring, maintenance (including post storm) and contingency programme (including a record sheet);
   c) Details of optimum dosage (including assumptions);
   d) Results of initial chemical treatment trial;
   e) A spill contingency plan; and
f) Details of the person or bodies that will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support this system.

12. Notwithstanding condition 11, no discharge from the subject site to the receiving environment until a clarity of 100mm has been reached. For the avoidance of doubt, the 100mm clarity will be taken from the surface of any impounded water surface.

Engineering

13. The consent holder shall provide a statement from an engineer to Auckland Council Team Leader Compliance and Monitoring – Central stating that the pumped wastewater rate to the public wastewater network from the on-site private wastewater pump station does not exceed a peak rate of 7.7 litre/second. This shall be provided prior to occupancy.

14. A copy of an updated private drainage “asbuilt” plan signed by a registered certifying drainlayer shall be provided to Auckland Council Team Leader Compliance and Monitoring – Central at the completion of the building works. The “Asbuilt” plan shall show that private stormwater drains to outfalls to the harbour.

15. The consent holder shall be advised that where mains pressure is unsuitable for consumption requirements then alternative private plumbing requirements such as pumps and storage tanks, may be required at the applicants own cost. Details shall be provided with the building consent application.

Transportation Design

16. The consent holder shall install a pedestrian and cycling refuge consistent with that required adjacent to shared use paths, at the access with Orakei Road, in a location to be agreed with Auckland Transport and in general accordance with Figure 5 of the Traffic Design Group response to further information requests, dated 30 November 2017. The central refuge is to be supported by all necessary shared path crossings located on either side of the access. All costs associated with the implementation of the refuge, shared path crossings and tie-in works shall be met by the consent holder. Prior to commencement of any works (prior to the approval of Building Consent for the building other than demolition, earthworks, foundations and structural works), the consent holder shall submit a final design for the certification of Team Leader Compliance Monitoring, Central.

17. The consent holder shall ensure there is a pedestrian connection available from the Peninsula building to any future shared path constructed on or immediately adjacent to the site by the Council or its CCO’s as part of the Hobson Bay shared path/cycleway/walkway network. A plan showing the design, and location and termination point of this path shall be submitted for the certification of Team Leader Compliance Monitoring, Central prior to its construction. If the shared path has not been designed by the time of the construction of the Peninsula building a termination point of the pedestrian connection shall be agreed with Council.

18. The consent holder shall ensure that access to the building at 234B Orakei Road shall be kept clear at all times.
19. The consent holder shall provide a plan identifying a minimum of 35 cycle parks internal to the development in a secure location. Should the secure cycle storage facility be shared with the storage of other equipment, sufficient space shall also be made available for the other equipment, such as stand up paddle boards. This plan shall be provided with the Engineering Plan Approval (EPA). The cycle parking and associated facilities shall be provided prior to the commencement of the activity.

20. No more than 70 parking spaces shall be provided within The Peninsula building.

21. The consent holder shall submit a plan for certification to the Team Leader Compliance Monitoring, Central identifying the location of at least 2 visitor cycle parking spaces in a location convenient to visitors to the apartment (in close proximity to the plaza and with a high level of surveillance). The cycle parking and associated facilities shall be provided prior to the occupation of residential units.

22. The two mobility spaces and loading bay shall be located as shown on Sheet RC03. These two mobility spaces and loading bay shall be retained in this location in perpetuity unless they need to be relocated to enable further redevelopment of the site. If they are to be relocated, the new location shall not be more than 50m from the Peninsula building.

Contaminated Land

23. The Team Leader Compliance Monitoring, Central, shall be informed in writing, at least ten (10) working days prior to the start date of the works authorised by this consent.

24. The procedures in the Remedial Action Plan (RAP), Orakei Bay Village Site Development, 226, 234, 234A, 234B and 236 Orakei Road, Remuera (Coffey, 7 June 2017) shall be implemented during the further investigation, remediation and development earthworks on the site. The RAP shall be updated with the results of additional sampling to be undertaken prior to earthworks, and the corresponding implications for soil management and/or remediation. Any revisions to the RAP shall be provided to the Team Leader Compliance Monitoring, Central for review and approval prior to earthworks.

25. During earthworks any necessary action shall be taken to prevent dust generation and sufficient water shall be available to dampen exposed soil, and/or other dust suppressing measures shall be available to avoid dust formation. The consent holder shall ensure that dust management generally complies with the Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions, ME (2001).

26. In the event of the accidental discovery of contamination which has not been previously identified, including asbestos material, underground tanks, buried drums and non-aqueous phase liquids, the consent holder shall immediately cease the works in the area of the discovery, notify the Team Leader Compliance Monitoring, Central, and engage a Suitably Qualified and Experienced Professional (SQEP) to assess the situation (including possible sampling and testing) and decide in conjunction with a council compliance officer on the best option for managing the material.

27. Soil shall only be re-used on site if it complies with the high density residential Soil Contaminant Standard in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.
28. Any material excavated during the earthworks which is not re-used on site, shall be disposed of at an appropriate facility, licensed to accept the levels of contamination identified. The consent holder shall ensure that the contamination level of any imported soil complies with cleanfill criteria as outlined in the Ministry for the Environment Guide for Managing Cleanfills (2002).

29. Documentation that the remedial and development earthworks works have been carried out according to the Remedial Action Plan (RAP), Orakei Bay Village Site Development, 228, 234, 234A, 234B and 236 Orakei Road, Remuera (Coffey, 7 June 2017) and conditions of consent shall be prepared by a Suitably Qualified and Experienced Professional (SQEP) in the form of a Site Validation Report (SVR) and provided to the Team Leader Compliance Monitoring, Central for review and approval within 3 months of completion of the works, and prior to further site development. The SVR will include the following items as a minimum:

- A summary of all works undertaken, with a photographic log and confirmation on whether the works complied with the RAP;
- Site plans showing areas of cut and fill;
- Site plans showing the location of any remaining soil contamination;
- Details and results of all testing undertaken and interpretation of the results in the context of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health;
- The volume of soil disposed off-site and evidence of landfill disposal; and Reports of any complaints, health and safety incidents related to contamination, and/or contingency events during the remediation.

Advice notes:

If you are demolishing any building that may have asbestos containing materials (ACM) in it:

- You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.
- Work may have to be carried out under the control of person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.
- If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016.
- Information on asbestos containing materials and your obligations can be found at www.worksafe.govt.nz.

If ACM is found on site following the demolition or removal of the existing buildings you may be required to remediate the site and carry out validation sampling. Dependent on the amount of soil disturbance a further consent application may be required.

30. Prior to commencement of earthworks activity, a final Site Management Plan (SMP) shall be prepared to the approval of the Team Leader Compliance Monitoring, Central. The SMP shall include the following points:

   a) A suitably qualified and experienced contaminated land specialist shall be engaged to monitor the earth works.

   b) All earth works shall be managed to avoid potential cross contamination of the materials to occur, in particular movement of contaminated soil around the site and/or deposition of contaminated soil on other parts of the site shall be avoided.
c) If evidence of new contamination, including the presence of asbestos containing material is discovered during the earth-works the consent holder shall immediately cease work and provide a site contamination report to the satisfaction of the Team Leader Compliance Monitoring, Central.

d) The mixing of top soils and underlying natural soils shall be avoided.

e) Where soils are identified for off-site disposal, they shall be loaded directly for removal and all materials shall be covered during transportation.

f) Soil take away in the course of the activity shall be disposed of to an authorised facility/landfill site.

g) No contaminated material from the site shall be used as fill material.

h) Imported fill materials shall be tested in compliance with clean fill criteria as outlined in the Ministry for the Environment Guide for Managing Clean fills (2002), and evidence thereof provided to the Team Leader – Central Monitoring

i) The consent holder shall at all times control any dust form the site in accordance with the Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions, Ministry for the Environment (2001).

j) Stockpiling shall be avoided if possible. If required, stockpiles shall be placed within the excavation foot print and fully covered with polythene or equivalent impermeable material and anchored at the edges.

k) Good housekeeping of the works site shall be maintained to avoid the spread of potentially contaminated material outside the construction site boundary, including tracking and spilling on roadways.

l) Erosion and sediment controls shall be put in place to ensure that the generation of potentially contaminated sediment and storm water is minimised and managed, according to a site specific erosion and sediment control plan.

m) Following completion of earth works, the consent holder shall provide to the satisfaction of the Team Leader – Central Monitoring, a site validation report, which shall include but not limited to the following.

   i. Soil test results for any imported soils
   ii. Total Volume of excavated soil disposed off-site
   iii. Waste transfer notes of soils disposed to a licensed facility/landfill

n) All necessary Work-Safe NZ approvals and requirements relating to health and safety of workers should be obtained from Work-Safe NZ and kept on site all the time.

31. Any perched groundwater, or surface water encountered within the excavation area requiring removal shall be considered potentially contaminated, and shall either:

   a. be disposed of by a licenced liquid waste contractor; or
   b. pumped to sewer, providing the relevant permits are obtained; or
   c. discharged to the stormwater system or surface waters provided testing demonstrates compliance with the Australian and New Zealand Environment Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000) for the protection of 80 percent of marine water species, with the exception of benzene where the 95 percent level shall apply.
32. Upon the completion of the proposed excavation/remediation works, site validation testing shall be undertaken in the areas identified for remediation in accordance with the Remedial Action Plan (RAP), Oraeki Bay Village Site Development, 228, 234, 234A, 234B and 236 Oraeki Road, Remuera (Coffey, 7 June 2017). It shall include testing of the soil and groundwater remaining within the excavation area for lead, nickel and any other contaminant of concern identified during the additional soil sampling required by condition 29. The site validation testing shall be undertaken in accordance with the Ministry for the Environment’s Contaminated Land Management Guidelines, No.5: Site Investigation and Analysis of Soils, revised 2011.

33. Within three months of the completion of the soil disturbance and remediation activities on site, a Site Validation Report (SVR) shall be provided to the Team Leader Central Monitoring, Compliance, Auckland Council. The SVR shall be prepared by a suitably qualified and experienced contaminated land practitioner in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on contaminated sites in New Zealand, revised 2011.

34. The Site Validation Report required shall contain sufficient detail to address the following matters:
   i. a summary of the works undertaken, including a statement confirming whether the excavation of the site has been completed in accordance with the application reports listed in Condition 1.
   ii. the location and dimensions of the excavations carried out, including a relevant site plan.
   iii. a summary of any testing undertaken, including tabulated analytical results, and interpretation of the results in the context of the contaminated land rules of the Auckland Unitary Plan (Operative in Part).
   iv. copies of the disposal docket for the material removed from the site.
   v. evidence that all imported fill material complies with the definition of ‘cleanfill material’, as per the definition set out in the Auckland Unitary Plan (Operative in Part).

Construction Noise Management Plan

35. At least 10 days prior to construction works commencing, the consent holder shall prepare and submit, to the satisfaction of Team Leader Compliance Monitoring, Central, a Construction Noise Management Plan (CNMP). The CNMP shall include details of all proposed screening and mitigation measures to ensure compliance with the relevant consent conditions and noise limits in Rule E25.6.27. The CNMP shall be prepared with reference to Annex E of NZS 6803.1999 Acoustics – Construction Noise and shall also address the following matters:

   i. The construction noise limits for the project;
   ii. Specifications and locations for acoustically effective barriers on site;
   iii. Procedures for response to neighbour’s concerns and dealing with any complaints;
   iv. Procedures for noise and monitoring during works close to neighbouring buildings;
   v. Details of further noise mitigation measures to be used (which may vary depending on the final construction methods and plant being used);
   vi. A process for facilitating the timing of high noise and / or vibration works to coincide with the least sensitive times for proximate receivers;
vii. Details for ensuring the machinery operators are aware of the potential for noise and vibration effects on neighbours and procedures for the minimisation of noise and vibration as far as practicable.

36. The consent holder shall advise the occupants (businesses and residences) of all neighbouring sites within 100 m of the site, in writing, 10 days prior to the commencement of earthworks on site. The written advice shall set out a brief overview of the construction works, the expected duration of the project, the mitigation to be implemented, availability of monitoring where concerns about noise or vibration are raised, the working hours, and a contact phone number for any concerns regarding noise and vibration.

37. Noise monitoring shall be undertaken when any piling rig/crane mounted auger is first used on site (or beforehand if practicable) to confirm that the noise emissions of the equipment does not exceed the reference sound level of Leq 79 dBA at 10 metres or if it does how else noise levels can mitigated to comply with the noise limits under Rule E25.6.27 Construction Noise of the Auckland Unitary Plan – Operative in Part. All construction noise shall be measured and assessed in accordance with the Standard NZS 6803:1999 Acoustics – Construction Noise.

38. Prior to the issuing of Building Consent, the consent holder shall provide a detailed design report prepared by a suitably qualified and experienced acoustic expert demonstrating that the bedrooms and habitable rooms have been designed so that they can comply with the acoustic requirements under the Auckland Operative Plan – Operative in Part, Orakei Point Precinct Rule I328.6.19 (1) based on train noise as detailed under part (2)(a) of the same rule and noise emissions from other properties within the Orakei Point Precinct under Table I328.6.20.1.; whichever is the greater. Note: a like-for-like conversion between measurement metrics is to be applied for LA10/L10 to LAeq/Leq i.e. LA10 60 dB = LAeq 60 dB.

39. Where a habitable room is constructed and the internal noise limits in condition 38 can only be complied with when doors or windows to those rooms are closed, those rooms must as a minimum:

1. Be mechanically ventilated and/or cooled to achieve an internal temperature no greater than 25°C based on external design conditions of dry bulb 25.1°C and wet bulb 20.1°C. Mechanical cooling must be provided for all habitable rooms with at least one mechanical cooling system servicing every level of a dwelling that contains a habitable room; or

2. Provide a high volume of outdoor air supply to all habitable rooms with an outdoor air supply rate of no less than:

   i. 8 air changes per hour for rooms with less than 30% of the facade area glazed;
   ii. 15 air changes per hour for rooms with greater than 30% of the facade area glazed;
   iii. 3 air changes per hour for rooms with facades only facing south (between 120 degrees and 240 degrees) or where the glazing in the façade is not subject to any direct sunlight.

3. All habitable rooms shall be provided with relief for equivalent volumes of spill air;

   i. Mechanical ventilation and / or cooling systems must be individually controllable across the range;
ii. The mechanical ventilation and/or cooling systems must generate a noise level no greater than $L_{Aeq}$ 35 dB when measured 1m from the diffuser at the minimum air flows required to achieve the design temperatures and air flows in (1) and/or (2) above.

40. Prior to the occupation of the residential dwellings the consent holder shall submit a report, prepared by a suitably qualified acoustics specialist, to the satisfaction of Team Leader Compliance Monitoring, Central, demonstrating that the units have been constructed to comply with conditions 38 and 39.

41. Prior to the issuing of Building Consent for the building, the consent holder shall provide a detailed design report prepared by a suitably qualified and experienced acoustic expert demonstrating that the winter gardens have been designed so that they can comply with the acoustic requirements of Orakei Point Precinct Rule I328.6.19 (5) under the Auckland Unitary Plan – Operative in Part whilst concurrently maintaining a maximum internal temperature no greater than 25°C based on external design conditions of dry bulb 25.1°C and wet bulb 20.1°C in accordance with the requirements of condition 39.

Note: The design shall assume that the windows of the winter gardens are closed at all times, that the provision of ventilation and air conditioning to the winter gardens shall not compromise the noise limits for habitable rooms and that the ventilation and air conditioning system(s) provide sufficient fresh air for occupants of the winter gardens.

42. The consent holder shall engage a suitably qualified and experienced person to undertake vibration measurements on the completed pile caps (at the completion of piling works) to determine the vibration levels arising from at least 20 freight train passbys on the NIMT. The results of the measurements shall be used to inform the design of the building to ensure that the vibration limits in Rule I328.6.26 of the AUP-OP are achieved. Compliance with these limits shall take into account the potential for vibration levels to increase as a result of foreseeable variations in and degradation of the condition of the rail track between track maintenance events. The results of the vibration measurements and consultation with KiwiRail to determine the current and future condition of the track and the concomitant factor of safety in the building design shall be provided to the satisfaction of the Team Leader Compliance Monitoring, Central prior to Building Consent being issued.

Construction Traffic Management Plan

43. Prior to commencement of construction, a Construction Traffic Management Plan (CTMP) shall be prepared and submitted to Team Leader Compliance Monitoring, Central. The CTMP shall contain specific details relating to the construction and management of the approved works, including:

a) Contact details of the appointed contractor or project manager (phone number, e-mail, postal address).

b) A general outline of the construction programme for each stage of development.

c) Measures to be adopted to maintain areas of the site that are visible from public spaces and private property in a tidy condition in terms of rubbish disposal, storage and unloading of materials, etc.
d) Plans showing areas where stockpiles, equipment (including contractor parking) will occur so that there is no obstruction of public spaces (e.g. roads).

e) Plans showing the location of any site offices, staff facilities and staff car parking required during the construction period.

f) An overview of measures that will be adopted to prevent unauthorised public access during the construction period.

g) Procedures for controlling sediment run-off, dust, and the removal/ introduction of soil, debris, and materials. (See Condition 51).

h) Dust mitigation/ suppression measures to ensure that there is no airborne or deposited dust beyond the subject site as a result of the earthworks activity that is noxious, offensive or objectionable.

i) Procedures for ensuring that the owners and/or occupants in the immediate vicinity of the construction area are given prior notice of the commencement of construction activities and are informed about the expected duration of works and potential effects of the works (e.g. noise and temporary traffic associated with construction activities, timings of temporary partial and full closures of the access way). Access to adjacent properties and business shall be safely maintained throughout the construction period during retail and business hours.

j) Temporary protection measures that will be installed to ensure that there shall be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public assets as a result of the earthworks and construction activities.

The approved CTMP shall be implemented to the satisfaction of Team Leader Compliance Monitoring, Central.

Pre-Construction Meeting

44. Prior to the commencement of the earthworks activity, the consent holder shall hold a pre-start meeting that:

- is located on the subject site;
- is scheduled not less than five days before the anticipated commencement of earthworks;
- includes Auckland Council Monitoring Advisor(s); and,
- includes representation from the contractors who will undertake the works.

The meeting shall discuss the erosion and sediment control measures, the earthworks methodology and shall ensure all relevant parties are aware of and familiar with the necessary conditions of this consent.

The following information shall be made available at the pre-start meeting:

- Timeframes for key stages of the works authorised under this consent;
- Resource consent conditions;
- Erosion and Sediment Control Plan (required by condition 10);
- Chemical Treatment Management Plan (required by condition 11);
- Site Management Plan (Required by condition 30);
- Construction Noise Management Plan (required by condition 35);
- Construction Traffic Management Plan (required by condition 43);
**Advice Note:** To arrange the pre-start meeting required by Condition (44) please contact the Team Leader Compliance Monitoring, Central to arrange this meeting on monitoring@aucklandcouncil.govt.nz, or 09 301 0101. The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting.

**Development in Progress Conditions**

**Erosion and Sediment Control**

45. Prior to earthworks commencing, a certificate signed by a suitably qualified person shall be submitted to the Team Leader Compliance Monitoring, Central, to certify that the erosion and sediment controls have been constructed in accordance with the approved Erosion and Sediment Control Plan (condition 10) and GD05.

46. Certified controls shall include the stabilised construction entrance, clean water diversion bunds, and decanting earth bunds. The certification for these measures shall be supplied immediately upon completion of their construction. Information supplied if applicable, shall include:

   a) Contributing catchment area;
   b) Volume of structure (dimensions of structure);
   c) Position of inlets/outlets;
   d) Stabilisation of the structure; and,
   e) Retention volume of the structure (measured to the invert of the emergency spillway).  
   f) Stabilisation of the structure.

47. All decanting earth bunds utilised during earthworks shall be designed to ensure that they:

   a) Have at a minimum one percent storage capacity, being at least one cubic metre of impoundment volume for every 100m² of contributing catchment;
   b) Have a level invert and two layers of geotextile covering and pinned securely to the emergency spillway to prevent erosion;
   c) Use floating decant devices that discharge at a rate of 3 litres per second, per hectare of contributing catchment;

**Advice Note:** The decanting earth bunds required by condition (48) should be constructed in accordance with Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

48. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required as a condition of resource consent or by the Erosion and Sediment Control Plan referred to in Condition 10 shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.

49. There shall be no deposition of earth, mud, dirt or other debris on any road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.
Advice Note: In order to prevent sediment laden water entering waterways from the road, the following methods may be adopted to prevent or address discharges should they occur:

- provision of a stabilised entry and exit(s) point for vehicles
- provision of wheel wash facilities
- ceasing of vehicle movement until materials are removed
- cleaning of road surfaces using street-sweepers
- silt and sediment traps
- catchpits

In no circumstances should the washing of deposited materials into drains be advised or otherwise condoned.

It is recommended that you discuss any potential measures with the Council’s monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader Compliance Monitoring, Central for more details.

50. The site shall be progressively stabilised against erosion at all stages of the earthwork activity, and shall be sequenced to minimise the discharge of contaminants to groundwater or surface water in accordance with Erosion and Sediment Control Plan.

Advice Note: In accordance with condition (30) earthworks shall be progressively stabilised against erosion during all stages of the earthwork activity. Interim stabilisation measures may include:

- the use of waterproof covers, geotextiles, or mulching
- top-soiling and grassing of otherwise bare areas of earth

It is recommended that you discuss any potential measures with the Council’s monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader Compliance Monitoring, Central or email monitoring@aucklandcouncil.govt.nz for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

51. No bulk earthworks on the subject site shall be undertaken between 30 April and 1 October in any year, without the submission of a ‘Request for winter works’ to the Team Leader Compliance Monitoring, Central. All requests must be renewed annually, and must be submitted at least 10 days prior to 30 April each year. No works shall occur until written approval has been received from the Team Leader Compliance Monitoring, Central. All winter works will be assessed monthly to ensure that adverse effects are not occurring in the receiving environment.

Advice Note: Any ‘Request for winter works’ submitted in accordance with condition (28) will be assessed against criteria in line with the information required to assess a comprehensive application. Principally that will focus on the level of risk, the propensity to manage that risk with contingency planning and a ‘track record’ of good compliance with consent requirements. Each ‘Request for winter works’ submitted, should include the following:

- Description of works proposed to be undertaken between 30 April and 1 October and the duration of those works.
• Details of proposed measures to prevent sediment discharge from these specific works, particularly during periods of heavy rainfall.
• Details of area(s) already stabilised.
• Revised erosion and sediment control plan detailing stabilisation to date and time line/staging boundaries showing proposed progression of stabilisation.
• Contact details for contractor who will undertake stabilisation of the site including date(s) expected on site.
• Alternatives/contingencies proposed if the contractor referred to above becomes unavailable.
• Details of site responsibilities, specifically who is responsible for erosion and sediment controls and stabilisation processes over the specified period.

52. The sediment and erosion controls at the site of the works shall be inspected on a regular basis and within 24 hours of each rainstorm event that is likely to impair the function or performance of the erosion and sediment controls. A record shall be maintained of the date, time and any maintenance undertaken in association with this condition which shall be forward to the Team Leader Compliance Monitoring, Central.

Dust Control

53. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks/construction activity, that in the opinion of the Senior Compliance Advisor, DPC, is noxious, offensive or objectionable.

Construction (Geotechnical) Standards

54. Prior to the commencement of any earthworks, the Team Leader Compliance Monitoring, Central, shall be provided with written certification from a suitably qualified professional that all permanent earth bunds, retaining walls, excavations and building foundations have been designed in accordance with the recommendations of the following report Coffey – The peninsula residential apartment building at Orakei Village, 236 Orakai Road, Remuera - GENZAUCK16524AC – Dated 5 December 2016.

A registered engineer shall be responsible for the supervision of all construction to ensure that all works are carried out in accordance with approved plans and report under condition 1 of the consent. Site monitoring and inspections may be delegated to a suitably qualified engineering professional.

The engineer or his representative shall carry out sufficient and regular inspections and shall provide to the Council certification that the works have been carried out in accordance with the standards as required by this consent, and in accordance with the conditions of approved Engineering Plans and good engineering practice.

This may be in the form of a Producer Statement – PS4 Construction Review or Engineer Statement outlining the level and details of Construction Monitoring undertaken (as defined by IPENZ).

55. All earthworks and excavations shall be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. If a collapse or instability does occur, it shall immediately be rectified.
Construction (Lighting) Standards

56. During construction any temporary artificial lighting shall meet the Unitary Plan lighting standards.

Contaminated Land

57. All site works shall be undertaken in accordance with the approved Site Management Plan (refer condition 30).

Construction Noise

58. The approved CNMP (refer condition 36) shall be implemented throughout the construction phase of the Project.

59. All noise generating activities associated with the implementation of this resource consent on, or in the vicinity of, the subject site (which can include (but is not limited to) any demolition, earthworks and construction activities, and ancillary activities (such as deliveries, loading and unloading goods, transferring tools, etc)) shall not exceed the noise limits stipulated within NZS 6803:1999 Acoustics - Construction Noise (or any subsequent revision), and may only be carried out:

1. between the hours of 7.30 am and 6.00 pm, Monday to Friday, and
2. 8:30 am and 2:00 pm Saturday; and
3. must not be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed).

60. Piling activities associated with the implementation of this resource consent shall only be carried out between the hours of 7.30 am and 6.00pm, Monday to Friday and Saturday 8.30am to 2.00pm.

61. The applicant shall adopt the best practicable option to address appropriate acoustic mitigation during the construction period. This shall include the erection of temporary acoustic walls as required in advance of construction.

62. If works on the site create vibrations, that may exceed the noise limits stipulated within NZS 6803:1999 Acoustics - Construction Noise (or any subsequent revision), the consent holder shall engage a suitably qualified expert to undertake monitoring of the works and provide confirmation that peak particle velocities measured on any foundation or uppermost full storey of any building not located on the subject site, do not exceed the limits set out in Table 1 of German Standard DIN 4150 Part 3:1998 “Structural Vibration in Buildings – Effects on Structures.”

63. The consent holder shall engage a suitably qualified acoustic engineer (at the consent holder’s expense) to monitor the vibration levels to determine compliance or otherwise with the provisions of DIN 4150-3:1999 “Structural vibration – Effects of vibration on Structures”.

64. Noise monitoring shall be performed when the first piling works are undertaken on the site. The results of those measurements shall be used to establish what, if any, mitigation is required for subsequent piling. If impact piling is to take place, vibration monitoring shall also be performed.
Construction Traffic:

65. The approved Construction Traffic Management Plan (refer condition 43) shall be implemented throughout the construction phase of the Project.

66. Prior to the commencement of earthworks activity warning the public of vehicle movements shall be erected. This shall include methods to protect pedestrians. These measures shall remain in place for the duration of the construction activity.

Ecological

67. A suitably qualified and experienced ecologist/herpetologist acceptable to the Team Leader Compliance Monitoring, Central, shall be onsite to supervise all and any habitat removal in order to search for and rescue any native lizards found and relocate them to a suitable alternative location on the site.

68. Upon completion of works, all findings resulting from the search and rescue during habitat removal (condition 67) shall be recorded by a suitably qualified and experienced ecologist/herpetologist approved by the council on an Amphibian/Reptile Distribution Scheme (ARDS) Card (or similar form that provides the same information) and sent the Team Leader Monitoring (Central).

Advice note: All native lizards are totally protected under the Wildlife Act 1953. It is an offence to deliberately disturb or destroy native lizards and their habitat.

Accidental Discovery Protocol

69. If, at any time during site works, potential kowki (human remains), archaeology or artefacts are discovered, then the following discovery protocol is to be followed:

   a. All earthworks will cease in the immediate vicinity (at least 10m from the site of the discovery) while a suitably qualified archaeologist is consulted to establish the type of remains.

   b. If the material is identified by the archaeologist as human, archaeology or artefact, earthworks must not be resumed in the affected area (as defined by the archaeologist). The consent holder must immediately advise the Team Leader Compliance Monitoring Central, Heritage New Zealand Pouhere Taonga and Police (if human remains are found) and arrange a site inspection with these parties.

   c. If the discovery contains kowki, archaeology or artefacts of Maori origin, representatives from the relevant Mana Whenua group are to be provided information on the nature and location of the discovery.

   d. The consent holder shall not recommence works until approved by the Team Leader Compliance Monitoring Central.

Post-construction and ongoing conditions

Stormwater

70. Prior to occupation, the consent holder shall provide an Operation and Maintenance Manual for any private storm-water device to Team Leader Compliance Monitoring, Central.
71. A copy of an updated private drainage "Asbuilt" plan signed by a registered certifying drainlayer shall be provided to Team Leader Compliance Monitoring, Central at the completion of the building works. The "Asbuilt" plan shall show that private stormwater drains to outfalls to the harbour.

Earthworks

72. Upon completion or abandonment of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of Team Leader Compliance Monitoring, Central.

Advice Note: Should the earthworks be completed or abandoned, bare areas of earth shall be permanently stabilised against erosion. Measures may include:

- the use of mulching
- top-soiling and grassing of otherwise bare areas of earth
- aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward

Transportation

73. Prior to the occupation of residential units, a Traffic Management Plan (TMP) shall be prepared and submitted to the Council (Team Leader Compliance Monitoring, Central). The TMP shall contain specific details relating to the management of transport matters on site, including:

a. Details on refuse collection times, highlighting the need for refuse trucks to reverse manoeuvre on the ground floor and the safety impacts of this to users of the ground floor during collection times.

b. Details of the bike storage facility, highlighting the need for the facility to remain secure and for the use of residents only.

c. Details of the loading bay, including procedures on how the loading bay is to be used for periods greater than 5 minutes

d. Operational arrangement of the basement access. Entering vehicles will have right of way. Exiting vehicles shall wait when signalled in the designated waiting area. The speed limit internal to the building shall be 5 km/hr.

e. All motorists entering and leaving the apartment parking areas are to ensure the safety of all Precinct users, in particular about the Precinct car park and internal car park; and

f. A review methodology.

74. As part of the operation of the basement car park, signage and a warning system shall be provided to the satisfaction of the Council (Resource Consents Monitoring Leader) that ensure the safety of all users of the basement parking area. The basement car park shall include the following safety measures:

a. 5 km/hr speed limit signs
b. Signs warning motorists to look out for pedestrians
c. A warning light to inform exiting vehicles that a vehicle is entering the basement
d. Road markings for exiting vehicles to safely wait and allow an entering vehicle to pass
e. A convex mirror and lighting to improve visibility for vehicles entering and leaving the basement car park
All activities associated with the use of the apartments shall be in accordance with the approved NMP.

Landscaping

75. All hard and soft landscaping shall be implemented, as detailed on the approved Hard and Soft Landscape Plans and the approved Landscape Management Plan required by condition 7 above, in the first planting season immediately following the completion of works. The landscaping shall be maintained thereafter in accordance with the maintenance programme approved under condition 7 above to the satisfaction of Team Leader Compliance Monitoring, Central.

76. The consent holder shall ensure that planter boxes or private garden terrace plantings shown on the approved plans are maintained as detailed in the approved Hard and Soft Landscape Plans and in accordance with the approved Landscape Management Plan.

77. The consent holder shall ensure that the 32 apartments within the building shall only be used for residential purposes and not for retail, office or other business purposes, or other non-residential activity (other than a permitted home occupation).

78. The consent holder shall enter into a section 108 Resource Management Act 1991 covenant in favour of Auckland Council for the application site. The consent holder shall contact the council’s Team Leader Compliance Monitoring, Central to initiate the preparation of the covenant. A copy of the updated Computer Register (certificate of title) showing that the covenant has been registered shall be provided to the Team Leader Compliance Monitoring, Central prior to commencement of the activity.

The covenant shall:

(a) Require ongoing compliance with:
(i) the residential activity condition 77; and,
(b) be drafted by the council’s nominated Solicitor at the consent holder’s cost; and
(c) be registered against the Computer Register(s) (certificate(s) of title) to the affected land by the consent holder at their cost; and
(d) require the consent holder to:
(i) be responsible for all legal fees, disbursements and other expenses incurred by the council in connection with the covenant, and procure its solicitor to give an undertaking to the council for payment of the same; and
(ii) indemnify the council for costs, fees, disbursements and other expenses incurred by the council as a direct or indirect result of the council being a party to this covenant.

Easement in gross for public access

79. An easement in gross instrument in favour of Auckland Council for public access shall be prepared by Applicant’s solicitor in consultation with Auckland Council’s Legal Team, and shall be registered against the Certificate of Title for 228 and 236 Orakei Road (or any successor in title) at the cost of the consent holder. The easement instrument shall include but not be limited to:
a) The easement shall ensure that safe public access is provided from the southern coastal walkway through 228 and 236 Orakei Road to the Rail Main Line train station and Orakei Road.

b) The consent holder shall also obtain an agreement from the owner of 228 Orakei Road to enable the Council to connect any future boardwalk across Hobson Bay from the 'Shore Road to Orakei Road' boardwalk and to connect into the western end of 228 Orakei Road and further connect through to the rail station.

c) This agreement shall ensure that any such future work will provide a safe, legible walkway. This walkway can also connect to the residential and retail activity on Orakei Point.

d) The owner of 228 and 236 Orakei Road can determine the final alignment of the walkway within the site, provided it is a dedicated path, external to any buildings (but maybe under a verandah cover), in a logical reasonably direct alignment, and provides a safe connection overlooked by active uses for CPTED reasons. The path maybe through or alongside a carpark provided the path is clearly demarcated from vehicle areas.

e) The owner(s) of the lot is responsible for the maintenance of this easement.

f) The easement shall be registered against the title prior to occupation of the building.

No Complaints Covenant (Noise)

80. Prior to the occupation of the building, the consent holder shall register a restrictive encumbrance on the title to the property or a binding agreement of encumbrance, in favour of New Zealand Railways Corporation and Ports of Auckland Limited. by the landowner (and binding successors in title) not to complain as to the effects generated by the lawful operation of the North Island Main Trunk railway, all to the satisfaction of Council's solicitor.

Review Condition

81. The Council may review the conditions of this consent pursuant to sections 128 of the Resource Management Act 1991 for any of the following reasons. The actual and reasonable costs of any review undertaken will be charged to the consent holder in accordance with s36(1) of the Resource Management Act.

Reasons for review:

1) To deal with any adverse effect on the environment which may arise from the exercise of this consent, which it is appropriate to deal with at that time, or which became evident after the date of issue. This may include effects on the safety and efficiency of the transport network from regular informal loading along the frontage of Orakei Road associated with the activity and to review pedestrian safety for users of the shared drive.

2) To require the adoption of the best practicable option to remove or reduce any effects on the environment relating stormwater and vegetation management.

3) To modify any monitoring programme, or to require additional monitoring if there is evidence that current monitoring requirements are inappropriate or inadequate.
Specific Conditions - Discharge Consent (DIS60318620)

82. At least ten (10) days prior to earthworks and remediation commencing on site, further sampling as described in the document titled Orakei Bay Village Site Development, 228, 234, 234A, 234B and 236 Orakei Road, Remuera, Remedial Action Plan, dated 7 June 2017, prepared by Coffey Services (NZ) Ltd shall be undertaken.

83. At least ten (10) days prior to remediation earthworks commencing on site, the results of the additional soil investigation required by Condition 82. shall be provided to the Team Leader Compliance Monitoring, Central for review.

84. At least ten (10) days prior to earthworks and remediation commencing on site, either an updated Remedial Action Plan or confirmation of the adequacy of the Remedial Action Plan shall be provided to the Team Leader Compliance Monitoring, Central for review.

85. All disturbance and remediation works shall be overseen by a suitably qualified and experienced contaminated land practitioner, who shall ensure that all management options and contingency measures outlined in the document titled Orakei Bay Village Site Development, 228, 234, 234A, 234B and 236 Orakei Road, Remuera, Remedial Action Plan, dated 7 June 2017, prepared by Coffey Services (NZ) Ltd or any updated version as required by Condition 84 and all relevant consent conditions are adhered to.

86. All sampling and testing of contamination on the site, shall be overseen by a suitably qualified and experienced contaminated land practitioner. All sampling shall be undertaken in accordance with Contaminated Land Management Guidelines, No.5 - Site Investigation and Analysis of Soils, Ministry for the Environment, revised 2011.

Advice Note:

All testing and analysis should be undertaken in a laboratory with suitable experience and ability to carry out the analysis. For more details on how to confirm the suitability of the laboratory please refer to Part 4: Laboratory Analysis, of Contaminated Land Management Guidelines No.5.

87. The Team Leader Compliance Monitoring, Central, shall be informed in writing about the commencement of the works at least two (2) working days prior to commencement.

Advice Note:

Please contact the Team Leader Compliance Monitoring, Central at monitoring@aucklandcouncil.govt.nz to advise of the start of works. The following details should also be provided:

- name and telephone number of the project manager and the site owner;
- site address to which the consents relate;
- activity to which the consents relate; and
- expected duration of the works.
88. All excavation in the work areas shall be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water from beyond subject site to either land, stormwater drainage systems, watercourses or receiving waters. Erosion and sediment controls shall be installed along the boundaries of the disturbance areas in accordance with the Auckland Regional Council Technical Publication No. 90 Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region. The excavation areas shall be dampened during the day to suppress the generation of dust during the works. Filter cloths or cover mats shall be installed over the stormwater cesspits in the vicinity of the excavation areas.

Advice Note:
Discharge from the site includes the disposal of water (eg. perched groundwater or collected surface water) from the remediation area.

89. The soils and/or fill material identified for off-site disposal shall primarily be loaded directly into trucks and shall be covered during transportation off site. If required, temporary stockpiles shall be located within an area protected by erosion and sediment controls, and be covered with tarpaulins anchored at the edges outside working hours and during periods of heavy rain. All soil removed from the land disturbance area shall be deposited at a disposal site that holds a consent to accept the relevant level of contamination.

Where it can be demonstrated that the soil has been fully characterised and found to meet definition of 'Cleanfill material', set out in the Auckland Unitary Plan (Operative in Part), the removal to a consented disposal site is not required. In such circumstances, the Team Leader Compliance Monitoring, Central shall be advised prior its removal from the subject site.

90. Any perched groundwater, or surface water encountered within the excavation area requiring removal shall be considered potentially contaminated, and shall either:

   a. be disposed of by a licenced liquid waste contractor; or
   b. pumped to sewer, providing the relevant permits are obtained; or
   c. discharged to the stormwater system or surface waters provided testing demonstrates compliance with the Australian and New Zealand Environment Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000) for the protection of 80 percent of marine water species, with the exception of benzene where the 95 percent level shall apply.

91. All imported fill shall:

   a. Comply with the definition of ‘Cleanfill material’, as per definition set out in the Auckland Unitary Plan (Operative in Part); and
   b. Be solid material of an inert nature; and
   c. Not contain hazardous substances or contaminants above natural background levels of the receiving site.

Advice Note:
Background levels for the Auckland Region can be found in the Auckland Regional Council technical publication TP153, Background concentrations of inorganic elements in soils from the Auckland Region, (2001).
Under the AUP (OP) Definitions, cleanfill cannot contain more than 5% by volume of inert manufactured materials (e.g. concrete, brick, and tiles).

92. Upon the completion of the proposed excavation/remediation works, site validation testing shall be undertaken in the areas identified for remediation. It shall include testing of the soil and groundwater remaining within the excavation area for lead, nickel and any other contaminant of concern identified during the additional soil sampling required by condition 84. The site validation testing shall be undertaken in accordance with the Ministry for the Environment’s Contaminated Land Management Guidelines, No.5: Site Investigation and Analysis of Soils, revised 2011.

93. Within three months of the completion of the soil disturbance and remediation activities on site, a Site Validation Report (SVR) shall be provided to the Team Leader Central Monitoring, Compliance, Auckland Council. The SVR shall be prepared by a suitably qualified and experienced contaminated land practitioner in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on contaminated sites in New Zealand, revised 2011.

The Site Validation Report required shall contain sufficient detail to address the following matters:

i. a summary of the works undertaken, including a statement confirming whether the excavation of the site has been completed in accordance with the application reports listed in Condition 1.

ii. the location and dimensions of the excavations carried out, including a relevant site plan.

iii. a summary of any testing undertaken, including tabulated analytical results, and interpretation of the results in the context of the contaminated land rules of the Auckland Unitary Plan (Operative in Part).

iv. copies of the disposal docket for the material removed from the site.

v. evidence that all imported fill material complies with the definition of “cleanfill material”, as per the definition set out in the Auckland Unitary Plan (Operative in Part), in records of any unexpected contamination encountered during the works, if applicable.

vi. details regarding any complaints and/or breaches of the procedures set out in the Remedial Action Plan, and the conditions of this consent.

94. Where contaminants are identified that have not been anticipated by the application, works in the area containing the unexpected contamination shall cease and be notified to the Team Leader Compliance Monitoring, Central. Works shall not recommence until confirmation has been received from the Team Leader Central Monitoring that disturbance of the unexpected contamination is within the scope of this consent. Any unexpected contamination and contingency measures shall be documented in the Site Validation Report required by Condition 93.

Advice Note:

In accordance with Condition (93) any unexpected contamination, may include contaminated soil, perched water or groundwater. The consent holder is advised that where unexpected contamination is significantly different in extent and concentration from that anticipated in the original site investigations, handling the contamination may be outside the scope of this consent. Advice should be sought from the Team Leader Central Monitoring as to whether carrying out any further work in the area of the unexpected contamination is within scope of this consent.
Advice Notes (applies to all consents)

1. The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and the Historic Places Act 1993. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007), regulations, relevant Byelaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004. Please note that the approval of this resource consent, including consent conditions specified above, may affect a previously issued building consent for the same project, in which case a new building consent may be required.

2. A copy of this consent should be held on site at all times during the establishment and construction phase of the activity. The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to the Team Leader Central Monitoring and include the following details:
   - name and telephone number of the project manager and the site owner;
   - site address to which the consent relates;
   - activity to which the consent relates; and
   - expected duration of works.

3. The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within neighbouring properties, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve Council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising. To obtain sign-off for the resource consent, the services described by the conditions above are required to be in place to the satisfaction of Council.

4. Compliance with the consent conditions will be monitored by Council. This will typically include site visits to verify compliance (or non-compliance) and documentation (site notes and photographs) of the activity established under the Resource Consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. Only after all conditions of the Resource Consent have been met, will Council issue a letter or request of the consent holder.

5. Development contributions levied under the Local Government Act 2002 are payable in relation to this application. The consent holder will be advised of the development contributions payable separately from this resource consent decision. Further information about development contributions may be found on the Auckland Council website at [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz).

6. All new applications for new water and wastewater connections shall be lodged through connections@water.co.nz in conjunction with the building consent. Watercare Services Limited have advised that at the time of application for a water and/or wastewater connection (or application for demand increase), completed in conjunction with a building consent, a water and wastewater Infrastructure Growth Charge per additional equivalent unit shall apply. Details of the charge are available on the website [www.watercare.co.nz](http://www.watercare.co.nz).
7. Any amendments made to any of the existing or proposed public lines on site will require the submission of an engineering plan approval to Council for approval in writing.

8. This development involves new connections to Watercare’s water and wastewater networks. The consent holder will be responsible for contacting Watercare regarding the connection, construction and acceptance testing. See Watercare’s website (www.watercare.co.nz) for more information.

9. If any archaeological features are uncovered on the site, works should cease and the Team Leader Central Monitoring and Heritage New Zealand Pouhere Taonga (09 307 9920) should be notified immediately. The Heritage New Zealand Pouhere Taonga Act 2014 provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. It is an offence under this Act to destroy, damage or modify any archaeological site without an authority from Heritage New Zealand Pouhere Taonga. An archaeological site is defined as a place associated with pre-1900 human activity where there may be evidence relating to history of New Zealand. Archaeological features may include old whaling stations, ship wrecks, shell middens, hangi or ovens, pit depressions, defensive ditches, artefacts, or kiwi tangata (human skeletal remains), etc. For guidance and advice on managing the discovery of archaeological features, contact the Team Leader Cultural Heritage Implementation on 09 301 0101.

10. Myrtle Rust (Austropuccinia psidii) has been found in New Zealand and it is now necessary to take all practicable measures to prevent the establishment and spread of myrtle rust. Under the Biosecurity Act it has legal status as a Notifiable and Unwanted Organism. Myrtle Rust affects the Myrtaceae family, including pohutukawa. NZ Plant Producers Inc (see http://www.nzppi.co.nz/news/4-58/myrtle-rust-update) have comprehensive, authoritative advice on protocols and precautions for growing, transporting and planting Myrtaceae species. Please ensure that your nursery supplier, transporter, site planting and management follows this advice.

Delegated decision maker:

Name: Quentin Budd
Title: Principal Project Lead, Premium, Resource Consents

Date: 12th July 2018
Clause 25, Schedule 2, Resource Management Act 1991

25 Local authority to consider request

(1) A local authority shall, within 30 working days of—
   (a) receiving a request under clause 21; or
   (b) receiving all required information or any report which was commissioned under clause 23, or
   (c) modifying the request under clause 24—
       whichever is the latest, decide under which of subclauses (2), (3), and (4), or a combination of subclauses (2) and (4), the request shall be dealt with.

(1A) The local authority must have particular regard to the evaluation report prepared for the proposed plan or change in accordance with clause 22(1)—
   (a) when making a decision under subclause (1); and
   (b) when dealing with the request under subclause (2), (3), or (4).

(2) The local authority may either—
   (a) adopt the request, or part of the request, as if it were a proposed policy statement or plan made by the local authority itself and, if it does so,—
       (i) the request must be notified in accordance with clause 5 or 5A within 4 months of the local authority adopting the request; and
       (ii) the provisions of Part 1 or 4 must apply; and
       (iii) the request has legal effect once publicly notified; or
   (b) accept the request, in whole or in part, and proceed to notify the request, or part of the request, under clause 26.

(2AA) However, if a direction is applied for under section 80C, the period between the date of that application and the date when the application is declined under clause 77(1) must not be included in the calculation of the 4-month period specified by subclause (2)(a)(i).

(2A) Subclause (2)(a)(iii) is subject to section 868.

(3) The local authority may decide to deal with the request as if it were an application for a resource consent and the provisions of Part 6 shall apply accordingly.

(4) The local authority may reject the request in whole or in part, but only on the grounds that—
   (a) the request or part of the request is frivolous or vexatious; or
   (b) within the last 2 years, the substance of the request or part of the request—
       (i) has been considered and given effect to, or rejected by, the local authority or the Environment Court; or
       (ii) has been given effect to by regulations made under section 360A; or
(c) the request or part of the request is not in accordance with sound resource management practice; or

(d) the request or part of the request would make the policy statement or plan inconsistent with Part 5; or

(e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years

(5) The local authority shall notify the person who made the request, within 10 working days, of its decision under this clause, and the reasons for that decision, including the decision on notification.
Memo

To: Planning Committee

cc: Bruce Young, Principal Planner - Plans and Places

From: Bruce Young, Principal Planner - Plans and Places

Subject: Orakei Point Private Plan Change

1. This memo is in response to further information requested at the Planning Committee on 5 February 2019 for a private plan change request by Orakei Point Trustee Limited (OPTL) seeking to rezone 431m² of land at 236 Orakei Road from Open Space-Informal Recreation zone to Business-Mixed Use zone.

2. The Planning Committee is required to make a decision to accept, adopt, reject for notification or deal with the request as a resource consent under clause 25 of Part 2 of the Schedule 1 to the Resource Management Act 1991 (RMA). Other than a broad assessment as to whether it is contrary to sound resource management, the committee is not required to make an assessment of the merits of the request.

3. Further information was sought by the Planning Committee on:
   - Climate Change (sea level rise)
   - Open Space Strategy
   - Walkway history
   - Iwi consultation

   **Climate Change (sea level rise)**

4. The applicant has verified that the design of the consented building includes consideration of the 2017 Ministry for the Environment Guidelines on Climate Change and in particular sea level rise concurrent with a storm surge and king tide.

5. Further, the land subject to rezoning for the proposed location of the apartment building is also clear of the areas identified in the council’s GeoMaps system as being subject to coastal inundation (1% Annual Exceedance Probability plus 1m sea level rise).

**Open Space Strategy**

6. Council’s Parks and Recreation Policy unit have provided information on the Open Space Strategy for the Orakei Local Board Area.

7. In summary, there are four acquisition criteria used to assess open space suitability:
   - **Meeting community needs, now and in the future**: The size of the area to be rezoned from open space is too small; the location has no public access; other open space better serves the community needs
   - **Connecting parks and open spaces**: The preferred walking/cycling route is along Orakei/Ngaipipi Roads; the coastal edge is landlocked and further restricted by the railway line; an approved walkway/cycle easement has been approved for safe public access through 228 and 236 Orakei Road to provide public access to the southern coastal walkway (refer to Figure 2).

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1 Report CP2018/24043
• Protecting and restoring Auckland’s unique features and meanings—There are no known significant ecological, historic heritage, landscape, geological or cultural values on this piece of land (236 Orakei Road).

• Improving the parks and open spaces we already have—The land would not improve the accessibility or functionality of existing parks that serve a medium density area.

8. Overall, Parks and Recreation Policy staff do not consider the land subject to rezoning as a priority for acquisition.

Hobson Bay Walkway

9. A key driver for open space zoning on Orakei Point was to enable a cycleway / walkway from Orakei Point across Hobson Bay to Judges’s Bay along the southern side of the railway embankment.

10. Consequently, open space zoning was created along this foreshore with the intention the Council would purchase this land and develop the walkway.

11. Because of issues of how and where to cross the electrified rail line, decisions were made to remove the proposed walkway from the southern side of the rail embankment and make the connection between Tamaki Drive and Orakei Point by a shared path walkway / cycleway following the Ngapipi Road alignment.

12. Council’s Parks and Recreation Policy department has confirmed that the preferred walking and cycling route is along Orakei Road (Route 7.0) and Ngapipi Road (Route 6.0), not along the railway embankment or through the subject site. (see Figure 1 below)

Figure 1 -Orakei Greenways Plan 2016

13. As part of the Peninsula Apartment consent, the future route of the Hobson Bay walkway has been protected (condition 79 of the resource consent) to enable a boardwalk and a further connection through to the railway station. The onus is on the owner of 223 and 236 Orakei Road to determine the final alignment of the walkway and construction of a clear delineated path (see Figure 2).
14. Figure 2 shows the approximate location of the approved building (green), the plan change site (red) and the easement for the future walkway (yellow dashed line).

15. Therefore, the land subject to the plan change request is surplus to requirements for the Hobson Bay public walking/cycling route and will not compromise the Orakei Greenways Plan 2016.

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**Figure 2**- diagram showing the proposed easement in yellow.
Iwi consultation

16. Orakei Point Trustee Limited has attempted to contact Ngāti Whatua Orakei to comment on the private plan change request. At the time of writing this report, there had been no response. However, the applicant has indicated they will meet with Ngāti Whatua Orakei prior to the consideration of this matter by the Planning Committee and will let Council officers know in time to verbally report this matter on the 5 March 2019.

Assessment

17. The issues discussed in this memo do not raise matters that warrant rejection under clause 25 of the RMA and are matters that can be addressed through a merit assessment in the Hearings process.

18. Having assessed all information provided for the private plan change under clauses 22 and 23 of the RMA, my recommendation remains to accept the private plan change for processing as set out in the Planning Committee report CP2018/24043.
Te take mō te pūrongo

Purpose of the report

1. To consider a private plan change request from Southern Cross Hospitals Limited to rezone land at 3 Brightside Road and 149, 151 and 153 Gillies Avenue, Epsom from Mixed Housing Suburban and Single House Zones to Special Purpose – Healthcare Facility and Hospital Zone; remove the special character overlays from the sites; and amend transport provisions to specify the parking requirement for the hospital.

Whakarāpopototanga matua

Executive summary

2. This report considers a private plan change request (the request) received on 1 February 2019 from Southern Cross Hospitals Limited to rezone privately-owned land at 3 Brightside Road and 149, 151 and 153 Gillies Avenue, Epsom from Residential - Mixed Housing Suburban and Single House zones to Special Purpose – Healthcare Facility and Hospital zone; remove the special character overlays from the sites; and amend transport provisions to specify the parking requirement for the hospital.

3. Under clause 25 of Part 2 of Schedule 1 to the Resource Management Act 1991 (RMA), the council is required to make a decision that either:

   a) adopts the request as if it were a proposed plan made by the Council, which must then be processed in accordance with the provisions of Part 1 of Schedule 1 (clause 25(2)(a)); or
   
   b) accepts the private plan change request, in whole or in part, which then triggers a requirement to notify the request, or part of the request, under clause 25 (clause 25(2)(b)); or
   
   c) rejects the private plan change request in whole or in part, in reliance on one of the limited grounds set out in clause 25(4); or
   
   d) decides to deal with the request as if it were an application for a resource consent (clause 25(3)).

4. It is recommended that the private plan change request be accepted under clause 25(2)(b) and notified for submissions.
Ngā tūtohunga
Recommendation/s

That the Planning Committee:

a) agree to accept the private plan change request by Southern Cross Hospitals Limited to rezone land at 3 Brightside Road and 149, 151 and 153 Gillies Avenue, Epsom from Residential - Mixed Housing Suburban and Single House zones to Special Purpose – Healthcare Facility and Hospital zone; remove the special character overlays from the sites; and amend transport provisions to specify the parking requirement for the hospital included as Attachment A to the agenda report pursuant to clause 25(2)(b) of Schedule 1 to the Resource Management Act for the following reasons:
   i) having regard to relevant case law the request does not meet the limited grounds for rejection under clause 25(4);
   ii) it is more appropriate to accept the request than ‘adopt’ it or treat it as a resource consent application.

b) delegate authority to the Manager Central and South Planning to undertake the required notification and other statutory processes associated with processing the private plan change request pursuant to Schedule 1 to the Resource Management Act.

Horopaki
Context

Sites and Surrounding Area

5. The sites subject to the request comprise four properties and are owned by Southern Cross Hospitals Limited. These include 3 Brightside Road and 149, 151 and 153 Gillies Avenue. The total combined area of the sites is 9,273m².

6. The site at 3 Brightside Road has a total land area of 5,245m² and contains a three-storey hospital, known as Brightside hospital, which has operated since the late 1990s. There is a large Pohutukawa tree located towards the eastern side of the site. The tree is scheduled as a notable tree in the Auckland Unitary Plan. The site is currently zoned Residential - Mixed Housing Suburban.

7. Properties at 149, 151 and 153 Gillies Avenue adjoin 3 Brightside Road to the east. They were purchased by Southern Cross Hospitals Limited between 2015 and 2017. The sites are all zoned Residential – Single House zone and are subject to the Special Character Areas Overlay - Residential. The Special Character Areas Overlay – Residential seeks to retain and manage the special built character values of specific residential areas.

8. 149 Gillies Avenue is square in shape and has a total area of 2,208m². It contains a two-storey building and is currently occupied by Everdell Guest House. The site adjoins residential properties at 30, 30A, 32A Owens Road and 147 Gillies Avenue to the north.

9. 151 Gillies Avenue has a total area of 971m² and is occupied by a two-storey house located towards the rear of the site. 153 Gillies Avenue is the smallest site with a total area of 849m². It is located at the corner of Brightside Road and Gillies Avenue and is also occupied by a two-storey house. 151 and 153 Gillies Avenue have an old stone boundary wall interfacing Brightside Road and Gillies Avenue. Both dwellings are currently vacant.
10. The surrounding properties to the subject sites comprise a mix of residential dwellings with different styles and periods, including older character dwellings, more recent detached houses and a number of multi-unit flats. The area to the south of the subject sites, around Shipherds and Marama Avenue, is predominantly occupied by detached dwellings built before 1940. The area is an established urban area characterised by large mature trees.

11. There are a number of healthcare facilities located in the vicinity of the proposed plan change area, including Dilworth Hearing Epsom at 160 Gillies Avenue, Endoscopy Auckland at 148 Gillies Avenue, One Six One Medical Group at 161 Gillies Avenue and Auckland Medical Specialists at 183 Gillies Avenue.

12. Brightside Road is a short local road that runs between Gillies Avenue and Owens Road. It provides access to residential properties on Brightside Road and Shipherds Avenue. Gillies Avenue is a busy arterial road that connects Epsom to Newmarket and the City Centre.

13. The subject sites are affected by the volcanic viewshafts and height sensitive area overlays. Viewshafts E14 (to Mount Eden) impose height restrictions between 12.5m (3 Brightside Road only) up to 40m (see Figure 3). The underlying zones permit height up to 9m in both Single House and Mixed Housing Suburban zones.

**Figure 1: Locality Plan - 3 Brightside Road, 149, 151 and 153 Gillies Avenue and surroundings**
Private Plan Change Request

14. The request was lodged on 1 February 2019 (refer to Attachment A). It seeks to rezone 3 Brightside Road, 149, 151 and 153 Gillies Avenue from Residential – Mixed Housing Suburban and Single House zones to Special Purpose – Healthcare Facility and Hospital zone, remove a special character areas overlay on 149, 151 and 153 Gillies Avenue, and amend transport provisions to specify parking requirements as 1 space per 64m².

15. Southern Cross Hospitals Limited has provided the following documents in support of the request:
   - Private plan change report with a section 32 analysis and assessment of environmental effects
   - Brightside hospital growth analysis report
   - Design statement and mass analysis
   - Traffic assessment
   - Civil engineering assessment for stormwater, wastewater and water supply
   - Visual effects assessment
   - Urban design assessment
   - Special character assessment
   - Acoustic assessment
   - Information on other healthcare facility and hospital zoned sites

16. Further information has been requested from the applicant in relation to visual effects and special character assessments.

17. It is considered that the information lodged is sufficient for the Council to consider the request under clause 23(6) given the scale and significance of the actual and potential effects anticipated from the development through the private plan change.
Figure 2: Existing zoning of 3 Brightside Road, 149, 151 and 153 Gillies Avenue under the Auckland Unitary Plan (operative in part)
Figure 3: 3 Brightside Road, 149, 151 and 153 Gillies Avenue and Mount Eden and Mount Wellington viewshafts that apply on the subject sites

Volcanic viewshafts

Note: The line that goes across the subject sites is the edge of Mount Eden (E14) viewshafts.

Tātaritanga me ngā tohutohu
Analysis and advice

Resource Management Act 1991
18. The process for considering private plan change requests is set out in Part 2 of Schedule 1 to the RMA. A request can be made to the appropriate local authority by any person under clause 21 of Schedule 1.

19. After a request has been lodged, a local authority can request further information under clause 23, and modify a request under clause 24, but only with the applicant’s agreement. If an applicant refuses to provide any requested further or additional information, a local authority that considers it has insufficient information to enable it to consider or approve the request, may reject the request or decide not to approve the plan change requested under clause 23(6).
Planning Committee  
05 March 2019

20. Under clause 25, after receiving the request, receiving all required information and modifying the request (where relevant), the local authority is required to make a decision to either:
   a) adopt the request as if it were a proposed plan made by the council, which must then be processed in accordance with the provisions of Part 1 of Schedule 1 (clause 25(2)(a)); or
   b) accept the private plan change request, in whole or in part, which then triggers a requirement to notify the request, or part of the request, under clause 25 (clause 25(2)(b)); or
   c) reject the private plan change request in whole or in part, in reliance on one of the limited grounds set out in clause 25(4); or
   d) decide to deal with the request as if it were an application for a resource consent (clause 25(3)).

21. See Attachment B for the full wording of the clauses that make up Part 2 of Schedule 1 to the RMA.

Options available to the council

22. Council staff consider that the applicant has provided sufficient information to enable the request to be considered, and so do not consider the ground of rejection in clause 23(6) to be available. The next sections of this report assess the various options available to the council under clause 25.

23. The grounds for rejection under clause 25(4) are as follows:
   a) the request or part of the request is frivolous or vexatious; or
   b) within the last two years, the substance of the request or part of the request:
      i) has been considered and given effect to, or rejected by, the local authority or the Environment Court; or
      ii) has been given effect to by regulations made under section 360A; or
   c) the request or part of the request is not in accordance with sound resource management practice; or
   d) the request or part of the request would make the policy statement or plan inconsistent with Part 5; or
   e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than two years.

Option 1 – Reject the request

Is the request frivolous or vexatious?

24. The private plan change request includes a comprehensive section 32 evaluation and a planning report containing a detailed assessment of environmental effects covering a wide range of issues including, hospital growth, special character, visual amenity, urban design, transport, acoustic and infrastructure. The plan change aims to amend the plan provisions to better provide for the existing use on 3 Brightside Road and to better enable extension of this hospital use on the adjoining sites at 149, 151 and 153 Gillies Avenue. These aims are not considered frivolous or vexatious.

25. It is therefore recommended that the council not reject the private plan change request on the basis of this ground of rejection.
Has the substance of the request been considered and given effect to or rejected by the council within the last two years?

26. These provisions largely seek to discourage repetitive private plan change requests that are substantially the same, with the associated costs to the council and the community. The zoning and special area overlay provisions have been operative on the sites from November 2016. Various provisions relating to the zones and special character area overlay have been considered by the council since becoming operative but none are material to this request. Therefore, the substance of this private plan change request has not been considered within the last two years.

27. It is therefore recommended that the council **not reject** the request on the basis of this ground of rejection.

Has the substance of the request been given effect to by regulations made under section 360A?

28. Section 360A of the RMA relates to regulations amending regional coastal plans pertaining to aquaculture activities. The substance of this private plan change request being the rezoning of land at 3 Brightside Road, 149, 151 and 153 Gillies Avenue does not relate to section 360A of the RMA.

29. It is therefore recommended that the council **not reject** the request on the basis of this ground of rejection.

Is the request in accordance with sound resource management practice?

30. The term “sound resource management practice” is not defined in the RMA. The High Court in *Malory Corporation Limited v Rodney District Council* (CIV-2009-404-005572), where the issue on appeal was determining the correct interpretation of clause 25(4), considered this term in light of clause 25(4)(c) of Schedule 1 and stated:

   “… the words “sound resource management practice” should, if they are to be given any coherent meaning, be tied to the Act’s purpose and principles. I agree too with the Court’s observation that the words should be limited to only a coarse scale merits assessment, and that a private plan change which does not accord with the Act’s purposes and principles will not cross the threshold for acceptance or adoption.”

31. The private plan change request includes a number of technical reports, which support the proposed rezoning. The proposed rezoning of the site to the Special Purpose – Healthcare Facility and Hospital is considered sound as the zone is currently included in the Auckland Unitary Plan which applies to several of Auckland’s hospital and healthcare facilities. The zone enables a range of healthcare related activities.

32. The applicant has considered the alternative options for the sites and concluded that the proposed rezoning will enable a hospital development that will contribute to the social, economic, health and wellbeing of people in Auckland, while adverse effects of future development can be managed through the provisions of the Auckland Unitary Plan (Operative in part).

33. Having reviewed the applicant’s planning and specialist reports and taken the purpose and principles of RMA into account, the private plan change request is considered to be in accordance with sound resource management practice. It is therefore recommended that the council **not reject** the private plan change on the basis that it is contrary to sound resource management practice.

Would the request or part of the request make the policy statement or plan inconsistent with Part 5 of the RMA?

34. Part 5 sets out the role and purpose of planning documents created under the RMA, including that they must assist a local authority to give effect to the sustainable management purpose of the RMA. The private plan change request will not make the Auckland Unitary Plan inconsistent with Part 5 of the RMA.
35. It is therefore recommended that the council not reject the private plan change request on the basis that the substance of the request would make the Auckland Unitary Plan inconsistent with Part 5 of the RMA.

Has the district plan to which the request relates been operative for less than two years?
36. The district plan provisions of the Auckland Unitary Plan relevant to this request were made operative on 15 November 2016. The provisions have therefore been operative for more than two years. The proposed rezoning was not subject to the Auckland Unitary Plan hearing process. As the proposal relates to a zone change, provisions in the Auckland Unitary Plan that were made operative in part on 15 November 2016 will not be affected.

37. It is therefore recommended that the council not reject the private plan change request on the basis that the relevant parts of the Auckland Unitary Plan have been operative for more than two years.

38. It is concluded that the council not reject the private plan change request based on the grounds for rejection under option 1.

**Option 2 - Decide to deal with the request as if it were an application for a resource consent**
39. The council can, in some circumstances, decide to deal with a private plan change request as if it were an application for resource consent. However, in this case, the private plan change request seeks to rezone the subject sites from Residential - Mixed Housing Suburban and Single House zones to Special Purpose – Healthcare Facility and Hospital zone, remove the special character areas overlay and amend transport provisions. Rezoning, uplifting of the overlay and amendments to the parking provisions cannot be achieved through a resource consent process.

40. It is therefore recommended that the council not decide to deal with the request as if it were an application for resource consent.

**Option 3 - Adopt the request, or part of the request, as if it were a proposed plan made by the council itself**
41. The council is able to decide to adopt the request and process it as though it were a council-initiated plan change. If a request is adopted, all costs associated with the plan change would rest with the council. It is relevant to note that the applicant has not requested that the council adopts the private plan change.

42. There is no public interest in these provisions that would make the council adopt the request nor the applicant has requested that the council adopts the request. If the council adopts the request it would be responsible for all costs associated with the adopted request. It is not recommended that the council decide to adopt the private plan change request.

**Option 4 - Accept the private plan change request, in whole or in part, and proceed to notify the request, or part of the request, under clause 26**
43. If the council accepts the request, in whole or in part, it must then proceed to notify the request, or part of the request under clause 26. After the submission period has closed, the council would need to hold a hearing to consider any submissions, and a decision would then be made by the council in relation to the request in accordance with Schedule 1 of the RMA. All costs associated with the request (including notification and any hearing) would rest with the applicant.

44. This is the only remaining option and is supported on the basis that the request does not meet the criteria for rejection under clause 25(4) of Schedule 1 to the RMA, having regard to relevant case law, and it is more appropriate to accept the request than adopt it or treat it as a resource consent application.

45. It is therefore recommended that the council accepts the private plan change request.
Conclusion

46. The private plan change request by Southern Cross Hospitals Limited seeks to rezone land at 3 Brightside Road, 149, 151 and 153 Gillies Avenue, Epsom from Residential - Mixed Housing Suburban and Single House zones to Special Purpose – Healthcare Facility and Hospital zone, remove the special character overlays from the sites and amend transport provisions to specify the parking requirement for the hospital. The plan change is supported by comprehensive technical reports.

47. Having carefully assessed the request against the relevant matters set out in the RMA and associated case law, it is recommended that council accepts the plan change request and notifies it for submissions.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera

Council group impacts and views

Wastewater and Water supply

48. The applicant’s infrastructure report indicates that there are no water or wastewater issues associated with the proposal. Watercare has been sent a copy of the private plan change request and has not raised any issues.

Stormwater

49. The proposed rezoning will allow for an increased total maximum impervious area across the sites. The residential zone has a maximum impervious area of 60% whereas the Special Purpose – Healthcare Facility and Hospital zone has a maximum impervious area of 80%. Healthy Waters has advised that the applicant’s infrastructure report adequately addresses the key matters in relation to stormwater management and flooding.

50. The effects on water quality and quantity and the mitigation of these specific to the future development can be addressed through the resource consent process.

Transport

51. Auckland Transport has advised there are no significant issues of concern in relation to the private plan change request. Generally, Auckland Transport supports the proposed amendments to the transport provisions which specify one parking space per 64m$^2$ gross floor area of the hospital. This means the proposal will result in less onsite parking as the minimum onsite parking requirement for hospitals in the Auckland Unitary Plan is one parking space per 50m$^2$.

52. Auckland Transport has raised a number of issues relating to construction traffic and general traffic effects from the proposed hospital extension and suggests that these matters be addressed at the resource consent stage.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe

Local impacts and local board views

53. The applicant has advised that they met and provided information on the proposed private plan change request and potential future resource consent application for the future hospital development to the Albert-Eden Local Board in October 2018. The local board raised some matters including consideration of alternative sites, traffic, noise, building height and construction effects. The applicant indicates in their private plan change request that some of these questions are addressed by the information provided in the private plan change request.
54. Council’s planners presented the private plan change information to the Albert-Eden Local Board on 12 February 2019. The board indicated it did not support the request. The board preferred a resource consent approach where the proposal would need a non-complying resource consent so that the public is able to discuss the merits of the proposal. The board reluctantly supported the staff recommendation to accept the private plan request but strongly opposed the merits of the application and want to be part of a council submission.

**Tauākī whakaaweawe Māori**

**Māori impact statement**

55. On 17 April 2017, a number of amendments to the RMA came into force which place an increased focus on engagement and consultation with iwi authorities as part of various plan-making processes. This is particularly the case for plan change processes that are initiated or adopted by a council. In relation to private plan change requests, although engagement with mana whenua and relevant iwi authorities is encouraged before lodgement under clause 21, it is not clear whether it is a mandatory requirement under Part 2 of Schedule 1. If the council accepts a private plan change request for notification, it is not required to complete any additional pre-notification steps.

56. The applicant advises that it has engaged the relevant 11 iwi groups within the plan change area (see below). The proposed rezoning information including plans were sent to the iwi groups via email, providing opportunity for queries and feedback on 17 September 2018, before the plan change request was lodged with the council. Ngāi Tai ki Tāmaki have no objection to the proposal. No responses have been received from other iwi groups to date.

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<td>Waikato - Tainui</td>
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57. If the council accepts the private plan change for notification, the iwi groups engaged by the applicant will have the opportunity to make submissions on the private plan change on issues that are important to them.

**Ngā ritenga ā-pūtea**

**Financial implications**

58. If accepted, the council’s costs associated with processing the private plan change request would be met by the applicant.
Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

59. The only risk associated with the recommendations made in this report are a judicial review of the process by a third party. This risk is considered to be very low and mitigated by the analysis provided in this report.

Ngā koringa ā-muri
Next steps

60. If the private plan change is accepted, the implementation of this decision will be that the process set out in clause 26 of Schedule 1 of the RMA will follow. This requires that the private plan change is notified within four months of being accepted, unless this time frame is waived in accordance with section 37 of the RMA.

Ngā tāpirihanga
Attachments

Due to the size and complexity of Attachment A it has been published under separate cover at the following link:
http://infocouncil.aucklandcouncil.govt.nz/ > Planning Committee 5 March 2019 > attachments

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<td>Private Plan Change Request (101 pages) (Under Separate Cover)</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Extract from Clause 25 RMA</td>
<td>201</td>
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Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Panjama Ampanthong - Principal Planner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>John Duguid - General Manager - Plans and Places</td>
</tr>
<tr>
<td></td>
<td>Megan Tyler - Chief of Strategy</td>
</tr>
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Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Southern Cross Hospitals Limited to rezone land at 3 Brightside Road and 149, 151 and 153 Gillies Avenue, Epsom
Clause 25, Schedule 2, Resource Management Act 1991

25 Local authority to consider request:

(1) A local authority shall, within 30 working days of—
   (a) receiving a request under clause 21; or
   (b) receiving all required information or any report which was commissioned under clause 23; or
   (c) modifying the request under clause 24—

whichever is the latest, decide under which of subclauses (2), (3), and (4), or a combination of subclauses (2) and (4), the request shall be dealt with.

(1A) The local authority must have particular regard to the evaluation report prepared for the proposed plan or change in accordance with clause 22(1)—

(a) when making a decision under subclause (1); and

(b) when dealing with the request under subclause (2), (3), or (4).

(2) The local authority may either—

(a) adopt the request, or part of the request, as if it were a proposed policy statement or plan made by the local authority itself and, if it does so—

   (i) the request must be notified in accordance with clause 5 or 5A within 4 months of the local authority adopting the request; and

   (ii) the provisions of Part 1 or 4 must apply; and

   (iii) the request has legal effect once publicly notified; or

(b) accept the request, in whole or in part, and proceed to notify the request, or part of the request, under clause 26.

(2AA) However, if a direction is applied for under section 80C, the period between the date of that application and the date when the application is declined under clause 77(1) must not be included in the calculation of the 4-month period specified by subclause (2)(a)(i).

(2A) Subclause (2)(a)(iii) is subject to section 86B.

(3) The local authority may decide to deal with the request as if it were an application for a resource consent and the provisions of Part 6 shall apply accordingly.

(4) The local authority may reject the request in whole or in part, but only on the grounds that—

(a) the request or part of the request is frivolous or vexatious; or

(b) within the last 2 years, the substance of the request or part of the request—

   (i) has been considered and given effect to, or rejected by, the local authority or the Environment Court; or

   (ii) has been given effect to by regulations made under section 360A; or
Planning Committee
05 March 2019

(c) the request or part of the request is not in accordance with sound resource management practice; or

(d) the request or part of the request would make the policy statement or plan inconsistent with Part 5; or

(e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.

(5) The local authority shall notify the person who made the request, within 10 working days, of its decision under this clause, and the reasons for that decision, including the decision on notification.
Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Woolworths New Zealand Limited at 2 Te Napi Drive, Conifer Grove

File No.: CP2019/02094

Te take mō te pūrongo
Purpose of the report
1. To consider a private plan change request from Woolworths New Zealand Limited to rezone land at 2 Napi Drive, Conifer Grove from Residential - Mixed Housing Urban to Business - Local Centre in the Auckland Unitary Plan (Operative in Part).

Whakarāpopototanga matua
Executive summary
2. This report considers a private plan change request (the request) received on 31 December 2018 from Woolworths New Zealand Limited. The request seeks to rezone 1.92ha of land at 2 Napi Drive, Conifer Grove from Residential - Mixed Housing Urban to Business – Local Centre in the Auckland Unitary Plan (Operative in Part).
3. Under clause 25 of Part 2 of Schedule 1 to the Resource Management Act 1991 (RMA), the council is required to make a decision that either:
   a) adopts the request as if it were a proposed plan made by the Council, which must then be processed in accordance with the provisions of Part 1 of Schedule 1 (clause 25(2)(a)); or
   b) accepts the private plan change request, in whole or in part, which then triggers a requirement to notify the request, or part of the request, under clause 25 (clause 25(2)(b)); or
   c) reject the private plan change request in whole or in part, in reliance on one of the limited grounds set out in clause 25(4); or
   d) decide to deal with the request as if it were an application for a resource consent (clause 25(3)).
4. It is recommended that the private plan change request is accepted under clause 25(2)(b) and notified for submissions.

Ngā tūtohunga
Recommendation/s
That the Planning Committee:
   a) accept the private plan change request by Woolworths New Zealand Limited for the rezoning of land at 2 Te Napi Drive, Conifer Grove (comprising 1.92ha) included as Attachment A to the agenda report pursuant to clause 25(2)(b) of Part 2 of Schedule 1 to the RMA for the following reasons:
      i) having regard to relevant case law the request does not meet the limited grounds for rejection under clause 25(4); and
      ii) it is more appropriate to accept the request than ‘adopt’ it or treat it as a resource consent application.
   b) delegate authority to the Manager Central and South Planning to undertake the required notification and other statutory processes associated with processing the private plan change request by Woolworths New Zealand Limited pursuant to Schedule 1 to the RMA.
Horopaki

Context

Site and Surrounding Area

5. The site subject to the request is located on part of 2 Te Napi Drive, Conifer Grove, at the corner of Te Napi Drive and Great South Road (refer to Figure 1). The site contains an area of 1.92 hectares and is currently vacant and grassed. The land is generally flat, with a gentle slope towards the northern boundary.

6. The site is defined by a drainage reserve with an engineered channel at the northern boundary, which sits between the site and the road reserve of Great South Road. The eastern boundary of the site adjoins the existing Manurewa - Takanini northern on and offramps to State Highway 1. West of the site is Te Napi Drive, a recently constructed road and to the south is Periko Way, a new road currently under construction.

7. Currently, the site is bounded by industrial and commercial activities on Great South Road, the State Highway 1 motorway interchange to the east, and the Papakura Stream to the northwest. Beyond the immediate surrounds lies established residential suburbs of Conifer Grove, Wattle Downs and Manurewa.

8. Once complete, a key component of the surrounds will be the Waiata Shores residential development located southeast of the site. The applicant notes that this development will eventually accommodate 2,000 or more residents in 650 - 750 dwellings, in a mix of detached and medium density attached housing.

9. The site is served by public transport, including Te Mahia Train Station located some 450m walking distance from the site, and various bus routes that operate on Great South Road.
Private Plan Change Request

10. The request was lodged on 31 December 2018 (see Attachment A) and seeks to rezone part of 2 Te Napi Drive, Conifer Grove from Residential - Mixed Housing Urban to Business - Local Centre. No further amendments to the Auckland Unitary Plan (Operative in Part) are sought.

11. The applicant has provided documentation relating to the following in support of the request:

- Private Plan Change Request
- Certificates of Title
- Proposed plan change zone map
- Section 32 evaluation report
- Integrated Transport Assessment
- Retail Impact Assessment
- Urban Design Statement
12. The private plan change seeks to establish Business - Local Centre zone to provide an appropriately scaled commercial centre to provide for the needs of the surrounding residential catchment, in terms of retail offering, commercial services, community focus and amenity, and employment opportunities.

13. The proposed rezoning of land at 2 Te Napi Drive is shown in Figure 2 below.

**Figure 2: Proposed rezoning of land at 2 Te Napi Drive under the Auckland Unitary Plan (Operative in Part)**
Tātaritanga me ngā tohutohu
Analysis and advice

Resource Management Act

14. The process for considering private plan change requests is set out in Part 2 of Schedule 1 to the RMA. A request can be made to the appropriate local authority by any person under clause 21 of Schedule 1. After a request has been lodged, a local authority can request further information under clause 23, and modify a request under clause 24, but only with the applicant's agreement.

15. Under clause 23(6), if an applicant refuses to provide any requested further or additional information, a local authority that considers it has insufficient information to enable it to consider or approve the request, may reject the request or decide not to approve the plan change requested.

16. Under clause 25, after receiving the request, receiving all required information and modifying the request (where relevant), the local authority is required to make a decision to either:
   a) adopt the request as if it were a proposed plan made by the council, which must then be processed in accordance with the provisions of Part 1 of Schedule 1 (clause 25(2)(a)); or
   b) accept the private plan change request, in whole or in part, which then triggers a requirement to notify the request, or part of the request, under clause 25 (clause 25(2)(b)); or
   c) reject the private plan change request in whole or in part, in reliance on one of the limited grounds set out in clause 25(4); or
   d) decide to deal with the request as if it were an application for a resource consent (clause 25(3)).

17. See Attachment B for the full wording of the clauses that make up Part 2 of Schedule 1 to the RMA.

Options available to the council

18. Council staff consider that the applicant has provided sufficient information to enable the request to be considered, and so do not consider the ground of rejection in clause 23(6) to be available. The next sections of this report assess the various options available to the council under clause 25.

Option 1 - Reject the private plan change request, in whole or in part (clause 25(4))

19. The council has the power to reject a private plan change request, in whole or in part, in reliance on one of the limited grounds set out in clause 25(4). If the private plan change request is rejected by the council, the applicant has the ability to appeal that decision to the Environment Court under clause 27 of Schedule 1.

20. The grounds for rejection under clause 25(4) are as follows:
   a) the request or part of the request is frivolous or vexatious; or
   b) within the last two years, the substance of the request or part of the request:
      i. has been considered and given effect to, or rejected by, the local authority or the Environment Court; or
      ii. has been given effect to by regulations made under section 360A; or
   c) the request or part of the request is not in accordance with sound resource management practice; or
   d) the request or part of the request would make the policy statement or plan inconsistent with Part 5; or
Item 13

21. The private plan change request contains a comprehensive section 32 report evaluation, including a robust assessment of the Auckland Unitary Plan (Operative in Part) objectives and policies, and a sufficiently detailed assessment of environmental effects. The request is also accompanied by a range of specialist assessments in relation to the key matters considered to be material to the request, including transport, economic effects and urban design. The request enables the nature of the plan change and its effects to be reasonably understood.

22. It is therefore recommended that the council **cannot reject** the private plan change request on the basis that it is frivolous or vexatious.

23. These provisions largely seek to discourage repetitive private plan change requests that are substantially the same, with the associated costs to the council and the community. A similar request (to rezone the same land to the Business-Mixed Use Zone) was considered during the Auckland Unitary Plan hearings process. However, it has been more than two years since the council made its decisions in response to the recommendations made by the Auckland Unitary Plan Independent Hearings Panel.

24. It is therefore recommended that the council **not reject** the request on the basis of this ground of rejection.

25. Section 360A of the RMA relates to regulations amending regional coastal plans pertaining to aquaculture activities. The substance of this private plan change request or part of the request, being rezoning land from a residential to a business zone does not relate to section 360A of the RMA.

26. It is therefore recommended that the council **not reject** the request on the basis of this ground of rejection.

27. The term "sound resource management practice" is an often used planning term but is not defined in the RMA. The High Court in Malory Corporation Limited v Rodney District Council (CIV-2009-404-005572), where the issue on appeal was determining the correct interpretation of clause 25(4), considered this term in light of clause 25(4)(c) of Schedule 1 and stated:

"... the words "sound resource management practice" should, if they are to be given any coherent meaning, be tied to the Act's purpose and principles. I agree too with the Court's observation that the words should be limited to only a coarse scale merits assessment, and that a private plan change which does not accord with the Act's purposes and principles will not cross the threshold for acceptance or adoption."

28. The private plan change request includes a number of technical reports, which support the proposed rezoning. The council's specialists consider that the potential effects of the rezoning can be resolved through the notification and hearings process.

29. Having reviewed the applicant's planning and specialist reports and taken the purpose and principles of RMA into account, the private plan change request is considered to be in accordance with sound resource management practice. It is therefore recommended that the council **not reject** the private plan change on the basis that it is contrary to sound resource management practice.
Would the request or part of the request make the policy statement or plan inconsistent with Part 5 of the RMA?

30. Part 5 sets out the role and purpose of planning documents created under the RMA, including that they must assist a local authority to give effect to the sustainable management purpose of the RMA. The private plan change request will not make the Auckland Unitary Plan inconsistent with Part 5 of the RMA.

31. It is therefore recommended that the council not reject the private plan change request on the basis that the substance of the request would make the Auckland Unitary Plan inconsistent with Part 5 of the RMA.

Has the district plan to which the request relates been operative for less than two years?

32. The district plan provisions of the Auckland Unitary Plan relevant to this request were made operative on 15 November 2016. The provisions have therefore been operative for more than two years.

33. It is therefore recommended that the council not reject the private plan change request on the basis that the relevant parts of the Auckland Unitary Plan have been operative for more than two years.

Option 2 - Decide to deal with the request as if it were an application for a resource consent

34. The council can, in some circumstances, decide to deal with a private plan change request as if it were an application for resource consent. However, in this case, the private plan change request seeks to rezone the site from Residential - Mixed Housing Urban to Business - Local Centre zone. It is considered that the most appropriate process for achieving rezoning for commercial development of the site is through a plan change process.

35. It is therefore recommended that the council not decide to deal with the request as if it were an application for resource consent.

Option 3 - Adopt the request, or part of the request, as if it were a proposed plan made by the council itself

36. The council is able to decide to adopt the request and process it as though it were a Council initiated proposed plan change. A decision to adopt triggers the process set out in Part 1 of Schedule 1, which would then require the council to consult as required in clauses 3 to 3C of Part 1.

37. Following consultation, the Council would then need to notify the proposed plan change for submissions and conduct a hearing into submissions, if required. If a request is adopted, all costs associated with the plan change would rest with the council. It is relevant to note that the applicant has not requested that the council adopts the private plan change.

38. Given that the applicant has not requested that the council adopts the request and that the council would need to account for all costs associated with the adopted request, officers do not recommend that the council decide to adopt the private plan change request.

Option 4 - Accept the private plan change request, in whole or in part, and proceed to notify the request, or part of the request, under clause 26

39. If the council accepts the request, in whole or in part, it must then proceed to notify the request, or part of the request under clause 26. After the submission period has closed, the council would need to hold a hearing to consider any submissions, and a decision would then be made by the council in relation to the request in accordance with Schedule 1 of the RMA. All costs associated with the request (including notification and any hearing) would rest with the applicant.
40. This is the only remaining option and is supported on the basis that the request does not meet the criteria for rejection under clause 25(4) of Schedule 1 to the RMA, having regard to relevant case law, and it is more appropriate to accept the request than adopt it or treat it as a resource consent application.

41. It is therefore recommended that the council accepts the private plan change request.

Conclusion

42. The private plan change request by Woolworths New Zealand Limited seeks to rezone 1.92ha of land at 2 Te Napi Drive, Conifer Grove from Residential - Mixed Housing Urban to Business - Local Centre zone. The plan change is supported by comprehensive technical reports.

43. Having carefully assessed the request against the relevant matters set out in the RMA and associated case law, it is recommended that council decide to accept the request and notify it for submissions. If accepted, a further assessment by council staff would take place prior to and during the course of the subsequent hearing.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera

Council group impacts and views

44. Veolia Limited has advised that in principle there do not appear to be any water or wastewater constraints that would prevent the rezoning of the site.

45. Auckland Transport have reviewed the private plan change request and have not identified any fundamental constraints preventing the plan change from being accepted.

46. Healthy waters have reviewed the request and consider that further information is required in relation to overland flow paths and stormwater quantity and quality. However, these concerns are not considered material to the decision to accept the plan change, and can be resolved through hearing of this plan change request, and through subsequent resource consent processes.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe

Local impacts and local board views

47. The applicant engaged in workshops with the Papakura and Manurewa Local Boards on 13 and 14 February 2019 respectively.

48. The Papakura Local Board provided a memo following the workshop, supporting the private plan change request being accepted for the following reasons:
   - Currently Waiata Shores residents travel to Manurewa or Takanini via Great South Road or other residential streets to go to the supermarket;
   - A local centre at this location would effectively create a noise barrier for the residential subdivision; and
   - Potential issues related to transport, noise and stormwater can be resolved at the resource consent stage.

49. The Manurewa Local Board provided a response on 21 February 2019, noting their support for the private plan change for the following reasons:
   - The proposed development will bring economic and employment opportunities for residents; and
   - It is anticipated that there will be opportunities to work with the developers to improve access to transport in the area.
Tauākī whakaaweawe Māori
Māori impact statement

50. On 17 April 2017, a number of amendments to the RMA came into force which place an increased focus on engagement and consultation with iwi authorities as part of various plan-making processes. This is particularly the case for plan change processes that are initiated or adopted by the Council.

51. The applicant has advised that it has engaged with nine iwi groups to determine whether they wish to provide feedback on the private plan change. Ngāti Tamaoho, Ngāti Te Ata and Te Ākitai Waiohua confirmed they wished to be engaged with and subsequently attended a hui with the applicant on 31 January 2019. A further workshop between the applicant and the interested iwi groups is to be organised.

52. If the council accepts the plan change for notification, council staff will work with the applicant to ensure that all potentially affected iwi groups are provided with a draft of the plan change prior to notification, and that any feedback received is considered and reflected in the final version of the association section 32 evaluation report.

Ngā ritenga ā-pūtea
Financial implications

53. If accepted, the council’s costs associated with processing the private plan change request would be met by the applicant.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

54. The only risk associated with the recommendations made in this report is a judicial review of the process by a third party. This risk is considered to be very low and is mitigated by the analysis provided in this report.

Ngā koringa ā-muri
Next steps

55. If the private plan change is accepted for notification, the implementation of this decision will follow the process set out in clause 26 of Schedule 1 of the RMA. This requires that the private plan change is notified within four months of being accepted, unless this time frame is waived in accordance with section 37 of the RMA.

Ngā tāpirihanga
Attachments

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<tr>
<td>Sanjay Bangs - Planner</td>
<td>John Duguid - General Manager - Plans and Places</td>
</tr>
<tr>
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<td>Megan Tyler - Chief of Strategy</td>
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Request for Private Plan Change
Proposed Plan Change 18 (Private): Waiata Shores Local Centre

Woolworths New Zealand Limited
For land on the corner of Te Napi Drive and Great South Road, Conifer Grove

Prepared by:
Philip Brown
Director
Campbell Brown Planning Ltd

Date of Issue:
14 February 2019
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1.0 Private Plan Change Applicant and Property Details

Applicant: Woolworths New Zealand Limited

Address for Service: C/- Campbell Brown Planning Limited
P O Box 147001
Ponsonby
AUCKLAND 1144

Attention: Philip Brown

Email: philip@campbellbrown.co.nz
(all written correspondence via email please)

Site Location: Land on the corner of Te Napi Drive and Great South Road, Conifer Grove (part of 2 Te Napi Drive)

Legal Description: Part Lot 1009 DP 526321

Site Area: 1.9191 hectares

Current Unitary Plan Zoning: Mixed Housing Urban Zone

Unitary Plan Overlays: Natural Resources: High-Use Aquifer
Management Areas Overlay – Clevedon West
Waitemata Aquifer

Controls: Macroinvertebrate Community Index – Urban

Designations: Airspace Restriction Designations – ID 200,
Ardmore Airport – Height Restrictions. Ardmore
Airport Ltd

Unitary Plan Modifications: Notice of Requirements, NoR 7: Proposed
Northern Runway, Airspace Restriction
Designations, Notified, 15/02/2018

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2.0 Summary of Plan Change Request

It is proposed that the GIS mapping layer of the Auckland Unitary Plan Operative in Part (‘AUP’) be amended to rezone the site from Mixed Housing Urban zone to Local Centre zone.

3.0 Site Location

![Figure 1: Site location (in pink)](image)

4.0 Description of the Site and Surrounding Environment

4.1 The Site

The site has an area of 1.9191 hectares and is located on the corner of Great South Road and Te Napi Drive at the entrance to the ‘Waiaata Shores’ residential development. Waiaata Shores is currently being developed by Fletcher Living. The land was formerly part of the Manukau Golf Club course and is located between Wattle Downs and Conifer Grove (refer Figure 1 above). The site is currently vacant and grassed.

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The site is bounded on all sides by roads, with the northern boundary running parallel to Great South Road (which is identified as an arterial road). The western and southern boundaries are defined by local roads, being Te Napi Drive to the west and Periko Way to the south. Te Napi Drive is built and in use and Periko Way is currently under construction. The eastern boundary of the site adjoins the existing Manurewa-Takanini northern on and off ramps to State Highway 1 (refer aerial photograph, at Figure 2).

The northern boundary is also defined by a drainage reserve with an engineered channel, which sits between the site and the road berm. Certificates of Title for the site (as it currently exists) and the drainage reserve are attached at Appendix A.

![Figure 2: Site and surrounding area](image)

### 4.2 Surrounding Environment

The surrounding area as it relates to the site is principally that of the Walata Shores residential development. When complete, it is anticipated that the Walata Shores community will be home to 2,000 or more residents. At present, the site is largely separated from other adjacent residential communities either by stream corridors, industrial zoning, or by major roads such as SH1 and Great South Road.

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To the north of the site are properties developed for industrial purposes. These sites are defined by Great South Road to the south and by the railway corridor to the north. To the west, on the opposite side of the Papakura Stream, is another group of industrial land uses.

4.3 Zoning and Overlays

The site is currently zoned Mixed Housing Urban, as is the remainder of the Waiata Shores development to the south. Existing zoning of the site and surrounding area is illustrated in Figure 3.

Figure 3: Existing AUP zoning of the site and surrounding area

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The site is subject to a High-Use Aquifer Management Areas Overlay and a designation imposing airspace height restrictions in respect of Ardmore Airport. Neither of these impose any material restrictions on the use or zoning of the land.

A 'Vehicle Access Restriction Control – Motorway Interchange Control’ extends along the northern boundary of the site, being its Great South Road frontage. In any event, direct access to Great South Road is not possible from that part of the site due to the physical barrier of the drainage channel and given that the land it sits within is a separate title vested in the Council as drainage reserve.

5.0 Background

A resource consent application has also been lodged by Woolworths New Zealand Limited to enable development of the land for commercial purposes. The development would include a 4,000m² supermarket and other retail stores, together with healthcare facilities, commercial services, offices, and a café.

The resource consent application is premised on this request for a private plan change being confirmed and reaching a point in the statutory process where it is beyond challenge. An offered condition of consent would ensure that any resource consent that is granted would not commence until the plan change has reached such a point.

The resource consent application has been lodged with a request for public notification, so that the two related processes can be advanced concurrently and considered at a combined hearing under s103(2) RMA. This approach has been followed for reasons of efficiency and so that potential submitters can understand the likely implications of the private plan change request.

6.0 Private Plan Change Request

6.1 Introduction

Woolworths New Zealand Limited (the ‘applicant’) makes this request, seeking a private plan change to the Auckland Unitary Plan Operative in Part.
The private plan change is referred to as ‘Proposed Plan Change 18 (Private): Waiaata Shores Local Centre’ (‘PC18’).

6.2 Requirements of the Act

Part 2 of Schedule 1 to the RMA sets out the procedure to be followed when making a request to change a Plan. Key elements of the process, in the context of this proposal, are noted below:

- Any person may request a change to the AUP;
- The request shall be in writing to the Council;
- The request shall explain the purpose of the proposed plan change and the reasons for the change;
- The request shall include an evaluation report prepared in accordance with s32 RMA;
- The request shall include a description of the environmental effects anticipated from implementation of the plan change;
- The Council can require the applicant to provide further information;
- The Council shall either adopt the request, accept the request, deal with the request as if it were an application for resource consent, or reject the request;
- Notification of the Plan Change will occur if the Council decides to adopt or accept the request, and any submissions will be considered by the Council at a hearing;
- The Council may decline the plan change, approve it, or approve it with modifications.

An important part of the plan change process is the s32 RMA requirement to undertake an evaluation of the costs and benefits of alternatives. The most relevant parts of s32 in terms of process are set out in clauses (1) - (3), which state as follows:

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1 Clause 21(1), Schedule 1, RMA
2 Clause 22(1), Schedule 1, RMA
3 Clause 22(1), Schedule 1, RMA
4 Clause 22(1), Schedule 1, RMA
5 Clause 22(1), Schedule 1, RMA
6 Clause 23, Schedule 1, RMA
7 Clause 25, Schedule 1, RMA
8 Clause 29(4), Schedule 1, RMA

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32 Requirements for preparing and publishing evaluation reports

(1) An evaluation report required under this Act must—
   (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
   (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
      (i) identifying other reasonably practicable options for achieving the objectives; and
      (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
      (iii) summarising the reasons for deciding on the provisions; and
   (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

(2) An assessment under subsection (1)(b)(ii) must—
   (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
      (i) economic growth that are anticipated to be provided or reduced; and
      (ii) employment that are anticipated to be provided or reduced; and
   (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
   (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

(3) If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—
   (a) the provisions and objectives of the amending proposal; and
   (b) the objectives of the existing proposal to the extent that those objectives—

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(i) are relevant to the objectives of the amending proposal; and
(ii) would remain if the amending proposal were to take effect.

PC18 is simple in its form, as it seeks only to change the zone of the land from one established AUP zone to another. The change relates only to the GIS map layer of the AUP and no changes are proposed to the objectives, policies, rules or other written provisions.

In this context the ‘proposal’ means the nature of the change, being to re-identify the land in question from Mixed Housing Urban zone to Local Centre zone. The ‘objectives’ of the proposal refers to its purpose, which is to enable and facilitate the use of the land for a local centre to serve the surrounding area. The ‘provisions’ is the re-identification of the land from Mixed Housing Urban zone to Local Centre zone.

Based on this explanation of the PC18 proposal and its objectives, s32 requires the following assessment:

- Whether the use of the land for a local centre is the most appropriate way to achieve the purpose of the RMA;
- Whether PC18 is the most appropriate means to provide for a local centre in this location, considering other possible options and questions of efficiency and effectiveness;
- Evaluation of the costs and benefits of the effects anticipated from the implementation of PC18, including opportunities for economic growth and employment;
- Quantification of benefits and costs if practicable; and
- Assessment of the risks associated with proceeding or not proceeding with PC18.

The s32 evaluation relating to PC18 is contained in section 7.0 of this report.

6.3 Nature and Purpose of PC18

PC18 relates only to the planning maps contained in the Auckland Council’s GIS viewer. There are no changes proposed to the text of the AUP.

The proposed changes to the planning maps are as follows:
• Change the zoning of part of Lot 1001 DP 510615 from Residential - Mixed Housing Urban zone to Business - Local Centre zone, as indicated in Figure 4 and Appendix B; and

• Any consequential amendments to the planning maps to appropriately reconcile the zoning with the boundaries of the applicant’s land.

Figure 4: Proposed AUP zoning of the site (Local Centre zone)
6.4 PC18 Conclusion

Based on the evaluation contained in section 7.0 of this report, it is considered that PC18 is the most appropriate means to achieve the purpose of the RMA. It would be the best available option to enable and facilitate the use of the land for a local centre to serve the surrounding area.

7.0 Section 32 Evaluation

7.1 Scope and Purpose

This s32 evaluation report is prepared to fulfil the statutory requirements of s32 RMA in respect of PC18.

PC18 seeks to amend the AUP planning maps contained within the Council’s GIS mapping layer, so that the site is re-identified from Mixed Housing Urban zone to Local Centre zone. PC18 seeks to enable and facilitate the use of the site for commercial and employment activities in order to support the surrounding community including a substantial new residential growth area.

Section 32 RMA requires that before adopting any objective, policy, rule or other method, regard shall be had to the extent to which each objective is the most appropriate way to achieve the purpose of the RMA, and whether the policies and rules or other methods are the most appropriate way of achieving the objectives. A report must be prepared summarising the evaluation and giving reasons for the evaluation.

In accordance with s32(6) RMA and for the purposes of this report:

- the ‘proposal’ means PC18;
- the ‘objectives’ means the purpose of the proposal/PC18; and
- the ‘provisions’ means the change to the zone of the land that implements, or gives effect to the objectives of the proposal.

The AUP uses the technique of zoning for achieving the purpose of the RMA, and contains a number of established zones to apply to land. PC18 seeks to use one of these existing zones (Local Centre zone). This evaluation report on PC18 relates solely to the
change of zone proposed for the land, and sits within the existing policy framework of the AUP which will remain unchanged.

This s32 evaluation will continue to be refined in relation to any consultation that occurs, and in relation to any new information or changes that may arise, including through submissions and during the hearing. This approach of further evaluation is anticipated under the requirements of s32AA RMA.

7.2 Development of Options

In addition to consideration of the extent to which the objectives of PC18 are the most appropriate way to achieve the purpose of the RMA, s32 requires an examination of whether the provisions in PPC18 are the most appropriate way to achieve the objectives of the proposed plan change by identifying other reasonably practical options for achieving the objective. In the preparation of PC18, the following options have been identified:

- **Option 1** – do nothing/retain the status quo
- **Option 2** – re-identify as Neighbourhood Centre zone
- **Option 3** – re-identify as Local Centre zone
- **Option 4** – re-identify as Town Centre zone

7.3 Evaluation of Options

In accordance with s32(1)(b) and 32(2) of the RMA, the options have been assessed on their appropriateness, efficiency, effectiveness, costs, benefits and risks. The results of this evaluation are discussed in this section and summarised in table form in Appendix C. There are no realistic non-regulatory methods that could deliver the outcome sought by PC18.

**Option 1 – Adopt a ‘do nothing’ approach/retain the status quo**

The ‘do nothing’ option would mean that the zoning of the land would remain unchanged, such that the parcel of land would be retained as Mixed Housing Urban zone.

This will provide for the land that is in the applicant’s ownership to be used for residential purposes, but will not enable the establishment of any significant commercial...
or employment activities to serve the surrounding residential area. It is estimated that
development of the site under a Mixed Housing Urban zone would deliver
approximately 60 dwellings.

Option 2 – re-identify as Neighbourhood Centre zone

This option would change the zoning of the land from Mixed Housing Urban zone to
Neighbourhood Centre zone. Any significant residential use of the site would be unlikely
to occur and the majority of the site would become available for development as a small scale shopping strip meeting the convenience retail needs of the immediate residential
neighbourhood.

Option 3 – re-identify as Local Centre zone

This option would change the zoning of the land from Mixed Housing Urban zone to
Local Centre zone. Residential use of the site would be unlikely to occur and it would
become available for development as a small centre providing for the local convenience
needs of surrounding residential areas, including local retail, commercial services,
offices, food and beverage, and appropriately scaled supermarkets.

Option 4 – re-identify as Town Centre zone

This option would change the zoning of the land from Mixed Housing Urban zone to
Town Centre zone. Significant residential use of the site would be unlikely to occur and
it would become available for development as a suburban town centre providing for a
wide range of activities including commercial, leisure, residential, tourist, cultural,
community and civic services, providing a focus for commercial activities and growth.

7.4 Risk of Acting or Not Acting

Section 32(2)(c) RMA requires this evaluation to assess the risk of acting or not acting if
there is uncertain or insufficient information about the subject matter of the provisions.
It is considered that there is sufficient information about the proposed replacement
zone to proceed with PC18. The change from Mixed Housing Urban zone to Local Centre
zone is neither unclear or uncertain. This s32 evaluation will continue to be refined in
relation to any new information that may arise following notification, including during
hearings.

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7.5 Reasons for the Preferred Option

The objective of the proposal is to provide an appropriately scaled commercial centre to provide for the needs of the surrounding residential catchment, in terms of retail offering, commercial services, community focus and amenity, and employment opportunities.

Retention of the existing residential zone would not achieve this outcome. Residents of Waikata Shores would need to access everyday services at other existing centres, all of which are located a significant distance from their homes. Private motor vehicles would be the predominant transport mode, meaning that these trips would contribute additional vehicles to already congested roads, generate pollution from vehicle use, and impose a social cost from unnecessary time spent away from home undertaking such trips. These outcomes do not align with the AUP’s intention to work towards creation of a quality compact city. The amenity of the site is compromised for residential use due to its proximity to The motorway, Great South Road, and the industrial area to the north.

The Neighbourhood Centre zone would provide for some of the outcomes that are sought by the proposal, but not to the extent that is required to optimise benefits to the community. Most of the residents’ daily or weekly shopping needs would still need to be met by travel to other centres, creating inefficiencies in travel patterns and demands on time. Significant additional resource consents would be required if an appropriately scaled supermarket was to be established on the site, which is an inefficient approach to provision of required services and achieving the objectives of the proposal.

Applying a Town Centre zone to the site would enable a substantial centre to establish, out of scale with the needs of the community and potentially able to undermine the functioning and amenity of other existing centres. The nature and scale of possible development may compromise residential amenity for the closest neighbours within Waikata Shores.

Of the three possible commercial zones that have been evaluated, the Local Centre zone is considered to be the best fit in terms of the scale of centre that is required and the services that it can offer.

The Local Centre zone would address the lack of local centres in the vicinity, a situation which likely exists because the large area of former Manukau Golf Course land was previously not used for residential purposes. The zone provisions would facilitate
provision of a supermarket and small retail convenience shops and services to serve this community, together with opportunities for a café that can act as a social hub and meeting space, and small offices within which local residents may establish businesses. The economic assessment that has been prepared estimates that up to 300 jobs could be provided within the centre. The proximity of the site to the rail network and frequent bus routes would facilitate trips to and from the development by public transport, which may be of particular benefit in terms of employees’ travel.

The location of the site, close to good public transport options, is consistent with the AUP’s Local Centre zone description where it states that “The centres are generally located in areas of good public transport”.

Built development that could occur on the site under a Local Centre zone would provide an appropriate transition and effective buffer between the residential areas to the south and Great South Road to the north.

The evaluation of options undertaken in this report demonstrates that the preferred option for meeting the objectives of PC18 is a plan change to the AUP to rezone the site to Local Centre zone. In accordance with section 32(1)(a), the objectives of the proposal are considered to be the most appropriate way to achieve the purpose of the RMA.

The Local Centre zone is the most efficient and effective means of achieving the objectives of the proposal.

8.0 Resource Management Framework

8.1 Part 2 of the RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources, as defined in section 5(2) of the Act. Part 2 matters relevant to PC18 include:

- enabling people and communities to provide for their social, economic, and cultural well-being (s5(2));
- avoiding, remediying, or mitigating any adverse effects of activities on the environment (s5(2)(c));
- the efficient use and development of natural and physical resources (s7(b)); and

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the maintenance and enhancement of amenity values (s7(c)).

PC18 is considered to be aligned with Part 2 of the RMA as it seeks to provide for the social and economic well-being of the community in a way that mitigates adverse effects, maintains amenity values, and uses land efficiently.

8.2 Other Relevant Sections of the RMA

Section 31(1)(a) of the RMA states that a function of the Council is “the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district”. It is considered that PC18 assists the Council to carry out its functions as set out in section 31.

Section 31(1(aa) is of particular relevance to PC18 in that it states that a function of territorial authorities is also “the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district”. PC18 assists in fulfilling this function as it provides for additional business land to meet the demands of the surrounding community, the closest parts of which are growing rapidly as a result of the AUP’s rezoning for intensive residential development.

Section 75(3) of the RMA sets out the matters to be given effect to by a district plan:

- any national policy statement;
- any New Zealand coastal policy statement;
- a national planning standard; and
- any regional policy statement

It is also noted that a territorial authority must not have regard to trade competition or the effects of trade competition in preparing or changing its district plan (s74(3)).

It is proposed that PC18 would have legal effect only once a decision on submissions is made, as is the default position under section 868(1).
8.3 National Policy Statements

National policy statements ("NPS") are instruments issued under section 52(2) of the RMA and state objectives and policies for matters of national significance. There are currently five national policy statements in place:

- National Policy Statement on Urban Development Capacity
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy Statement on Electricity Transmission
- New Zealand Coastal Policy Statement

The only NPS of relevance to PC18 is the National Policy Statement on Urban Development Capacity ("NPS-UDC"). The NPS-UDC sets out the objectives and policies for providing development capacity under the RMA, and recognises the national significance of well-functioning urban environments. Particular focus is on ensuring that local authorities, through their planning, enable urban environments to grow and change in response to the changing needs of existing communities and future generations, and provide sufficient development capacity for residential and business growth.

PC18 accords with many of the objectives and policies of the NPS-UDC, as it seeks to provide further capacity for business growth in a location that will serve the rapidly growing new residential community that surrounds it. An emphasis of the NPS-UDC is on the need for councils to be responsive to changes that occur in urban environments as a result of growth. Particular objectives and policies that support, or are relevant to, PC18 are noted below:

**OA2:** Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses.

**OA3:** Urban environments that, over time, develop and change in response to the changing needs of people and communities and future generations.

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OC2: Local authorities adapt and respond to evidence about urban development, market activity and the social, economic, cultural and environmental wellbeing of people and communities and future generations, in a timely way.

OD1: Urban environments where land use, development, development infrastructure and other infrastructure are integrated with each other.

PA3: When making planning decisions that affect the way and the rate at which development capacity is provided, decision-makers shall provide for the social, economic, cultural and environmental wellbeing of people and communities and future generations, whilst having particular regard to:

a) Providing for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses;

b) Promoting the efficient use of urban land and development infrastructure and other infrastructure; and

c) Limiting as much as possible adverse impacts on the competitive operation of land and development markets.

PA4: When considering the effects of urban development, decision-makers shall take into account:

a) The benefits that urban development will provide with respect to the ability for people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing; and

b) The benefits and costs of urban development at a national, inter-regional, regional and district scale, as well as the local effects.

8.4 National Environmental Standards

National environmental standards (‘NES’) are regulations that prescribe standards for environmental matters. There are currently six NES in force as regulations, but none of these are relevant to the proposal to change the zoning of the site.
8.5 National Planning Standards

The purpose of the National Planning Standards is to improve consistency in plan and policy statement structure, format and content so they are easier to prepare, understand, compare and comply with. The Standards will also support implementation of national policy statements and help people observe the procedural principles of the RMA. National Planning Standards must be given effect to by district plans, in accordance with s75(3) RMA.

The Standards, which were introduced as part of the 2017 amendments to the Act, are currently under development. The first set of draft Standards were publicly notified for submissions in June 2018, and are currently being reviewed and refined in response to the submissions received. It is expected that the first Standards will be approved and gazetted in April 2019.

The final form of the Standards is unknown at this stage and, in any event, there is a significant period of time following confirmation before councils are required to modify district plans. Furthermore, there will clearly be many other zoning situations in the AUP that are substantially similar to that enabled by PC18 and those would also be subject to any amendments that may arise as a result of implementing the Standards. For these reasons, it is considered that the Standards will have no effect on the development of PC18 at the current time.

8.6 Other Legislation

There is no other legislation that is of direct relevance to PC18. It is noted that the Hauraki Gulf Marine Park Act 2000 does not apply to the site as it falls outside the catchment for the Hauraki Gulf (as identified in Schedule 3 of that Act).

8.7 The Auckland Plan

The Auckland Plan 2050 is a long-term spatial plan for Auckland for the next 30 years.

The development strategy contained in the Auckland Plan addresses the supply of business land and supporting infrastructure. Growth is to be managed to build strong urban centres and neighbourhoods. The Auckland Plan notes that centres are at the heart of neighbourhoods and are focal points for the surrounding community. Centres are supported by a surrounding (typically residential) area that is within easy walking
distance, usually thought of as 10 minutes. The majority of the rapidly growing WaiaTa
Shores residential community will reside within a 10-minute walk of the proposed Local
Centre.

This is supported by the ‘Homes and Places’ Direction 1, which seeks to develop a quality
compact urban form to accommodate Auckland’s growth, and the ‘Transport and
Access’ Direction 1 to better connect people, places, goods and services.

8.8 The Auckland Unitary Plan – Regional Policy Statement

When preparing or changing a district plan, Council must give effect to any Regional
Policy Statement (‘RPS’). The RPS seeks to achieve the purpose of the RMA by providing
an overview of the resource management issues for the region, and establishing policies
and methods to achieve integrated management of the region’s natural and physical
resources.

The RPS contains a number of higher order objectives and policies that are relevant to
the assignment of zoning to land. Those of most relevance in this respect are set out
below:

8.2.2. Urban growth and form

8.2.2.1. Objectives

(1) A quality compact urban form that enables all of the following:

(a) a higher-quality urban environment;
(b) greater productivity and economic growth;
(c) better use of existing infrastructure and efficient provision of new
infrastructure;
(d) improved and more effective public transport;
(e) greater social and cultural vitality;
(f) better maintenance of rural character and rural productivity; and
(g) reduced adverse environmental effects.

(2) Urban growth is primarily accommodated within the urban area 2016 (as
identified in Appendix 1A).

* s75(3)(c) RMA
(3) Sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth.

**82.2.2. Policies**

**Quality compact urban form**

(4) Promote urban growth and intensification within the urban area 2016 (as identified in Appendix 1A), enable urban growth and intensification within the Rural Urban Boundary, towns, and rural and coastal towns and villages, and avoid urbanisation outside these areas.

(5) Enable higher residential intensification:
   (a) in and around centres;
   (b) along identified corridors; and
   (c) close to public transport, social facilities (including open space) and employment opportunities.

(6) Identify a hierarchy of centres that supports a quality compact urban form:
   (a) at a regional level through the city centre, metropolitan centres and town centres which function as commercial, cultural and social focal points for the region or sub-regions; and
   (b) at a local level through local and neighbourhood centres that provide for a range of activities to support and serve as focal points for their local communities.

(7) Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that do all of the following:
   (a) support a quality compact urban form;
   (b) provide for a range of housing types and employment choices for the area;
   (c) integrate with the provision of infrastructure; and
   (d) follow the structure plan guidelines as set out in Appendix 1.

**82.4. Residential growth**

**82.4.1. Objectives**

(1) Residential intensification supports a quality compact urban form.

(2) Residential areas are attractive, healthy and safe with quality development that is in keeping with the planned built character of the area.

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(3) Land within and adjacent to centres and corridors or in close proximity to public transport and social facilities (including open space) or employment opportunities is the primary focus for residential intensification.

(4) An increase in housing capacity and the range of housing choice which meets the varied needs and lifestyles of Auckland’s diverse and growing population.

(5) Non-residential activities are provided in residential areas to support the needs of people and communities.

B2.4.2. Policies

Residential intensification

(1) Provide a range of residential zones that enable different housing types and intensity that are appropriate to the residential character of the area.

(2) Enable higher residential intensities in areas closest to centres, the public transport network, large social facilities, education facilities, tertiary education facilities, healthcare facilities and existing or proposed open space.

B2.5. Commercial and industrial growth

B2.5.1. Objectives

(1) Employment and commercial and industrial opportunities meet current and future demands.

(2) Commercial growth and activities are primarily focussed within a hierarchy of centres and identified growth corridors that supports a compact urban form.

B2.5.2. Policies

(4) Enable new metropolitan, town and local centres following a structure planning process and plan change process in accordance with Appendix 1 Structure plan guidelines, having regard to all of the following:

(a) the proximity of the new centre to existing or planned medium to high intensity residential development;

(b) the existing network of centres and whether there will be sufficient population growth to achieve a sustainable distribution of centres;

(c) whether the new centre will avoid or minimise adverse effects on the function, role and amenity of the city centre, metropolitan and town centres, beyond those effects ordinarily associated with trade effects on trade competitors;

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(d) the form and role of the proposed centre;
(e) any significant adverse effects on existing and planned infrastructure;
(f) a safe and efficient transport system which is integrated with the centre; and
(g) any significant adverse effects on the environment or on natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character.

It is considered that PC18 would give effect to the RPS in that it:

- Provides for rezoning of land within the Rural Urban Boundary that supports a quality compact urban form and provides for a range of employment choices (B2.2.2(7));
- Provides for non-residential activities to support the needs of the surrounding residential community (B2.4.1(5));
- Enables a new local centre in close proximity to a high intensity residential development (B2.5.2(4)(a));
- Will not undermine the sustainable distribution of existing local centres in the wider surrounding area because the proposed rezoning responds to a new area of intensive residential growth that was not enabled prior to the AUP (B2.5.2(4)(b));
- Minimises any amenity effects on town centres, metropolitan centres and the city centre (B2.5.2(4)(c)); and
- Is ideally located close to significant public transport networks (B2.5.2(4)(f)).

Further assessment of PC18, in the context of the specific matters set out in Policy B2.5.2(4) of the RPS, is provided in Appendix D.

8.9 The Auckland Unitary Plan – Objectives and Policies

Local Centre zone

PC18 seeks to identify the land as Local Centre zone. Relevant AUP objectives and policies for this zone are:

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H11.2 Objectives

Local Centre zone objectives

(6) Local centres enable commercial activity which primarily services local convenience needs and provides residential living opportunities.

(7) The scale and intensity of development within local centres is in keeping with the planning outcomes identified in this Plan for the surrounding environment.

(8) Local centres are an attractive place to live, work and visit.

H11.3 Policies

General Policies for all centres

(1) Reinforce the function of the city centre, metropolitan centres and town centres as the primary location for commercial activity, according to their role in the hierarchy of centres.

Local Centre zone policies

(16) Enable activities for the local convenience needs of the surrounding residential area, including retail, commercial services, office, food and beverage and small scale supermarkets.

(17) Enable large scale commercial activity where this:

(a) supports:

(i) a diversity of activities within the local centre; and

(ii) the centre’s on-going ability to provide for the local convenience needs of its surrounding community;

(b) does not significantly adversely affect the function, role and amenity of the Business - City Centre Zone, Business – Metropolitan Centre Zone and Business – Town Centre Zone beyond those effects ordinarily associated with trade effects on trade competitors; and
Planning Committee  
05 March 2019

Woolworths New Zealand Limited – Private Plan Change Request  
Rezoning of Land on the corner of Te Napi Drive and Great South Road, Conifer Grove  

(c) manages adverse effects on the safe and efficient operation of the transport network including effects on pedestrian safety and amenity.

(19) Recognise:
(a) the positive contribution supermarkets make to centre vitality and function;
(b) the functional and operational requirements of these activities; and
(c) where preferred built form outcomes are not achieved, the supermarket needs to achieve a quality built environment by positively contributing to public open space, including the activation of streets.

The primary focus of the Local Centre zone is to provide for the local convenience needs of the surrounding residential areas, including local retail, commercial services, offices, food and beverage, and appropriately scaled supermarkets\(^\text{10}\).

The objectives and policies follow the direction of the RPS and reinforce the use of a hierarchy approach to centres. The role of the local centre is identified as providing primarily convenience activities which both “support and serve as focal points for their local communities”\(^\text{11}\). Any development within the zone needs to be commensurate with the planning outcomes identified by the AUP for the surrounding environment.

PC18 will give effect to the relevant AUP objectives and policies as:

- It will enable commercial activity which primarily services the local convenience needs of the surrounding residential area, which will be developed intensively in accordance with its Mixed Housing Urban zoning;
- It will not undermine the function, role or amenity of any town centre, metropolitan centre or the city centre; and
- It will not give rise to any adverse effects on the safe and efficient operation of the transport network.

\(^{10}\) AUP H11.1 Zone description
\(^{11}\) AUP Objective H11.2(5)(a)
9.0 Environmental Effects

A number of specialist reports have been obtained to understand the likely effects of the proposed zone change and, where relevant, to satisfy the requirements of AUP Appendix 1 – Structure Plan Guidelines. Those reports are as follows:

- An Integrated Transport Assessment, prepared by Stantec (Appendix E);
- A Retail Impact Assessment, prepared by Market Economics (Appendix F);
- An Urban Design Statement, prepared by Harrison Grierson (Appendix G);
- An Acoustic Assessment, prepared by Marshall Day Acoustics (Appendix H);
- A Site Development Plan, prepared by ASC Architects (Appendix I); and
- A Landscape Strategy, prepared by Harrison Grierson (Appendix J).

The latter two documents illustrate the physical nature of likely site development under a Local Centre zone, and are considered to be the ‘structure plan’ in respect of PC18.

The AUP structure plan guidelines note that the level of analysis required needs to be appropriate to the type and scale of development, and these reports and structure plan are considered to appropriately relate to the simple zone change proposed for a single site. Nonetheless, an assessment of PC18 in respect of each of the relevant matters set out in Appendix 1 of the AUP is attached at Appendix K.

It is noted that some of these reports also contain information and assessment relating to the site-specific detail of the resource consent application, given that the reports were commissioned to address issues at both the zone change and resource consent level.

The reports have comprehensively considered the potential environmental effects of PC18, and demonstrate that the zone change will not give rise to any significant adverse environmental effects. Any potential effects at the proposed plan change level would relate to economic, transport or acoustic matters, where it is concluded in particular that:

- The proposed Waiaata Shores Local centre would result in no more than minor effects on other centres in Auckland. Any adverse effects would not go beyond trade competition effects, and there would be no grounds for seeking to prevent the proposed Local centre due to indirect impacts on centres in the study area;

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The proposed development would also result in some benefits, including improving accessibility to Local centre retail and services supply in an area that is not well served by in-centre floorspace at present, including to act as the Local centre for Waiaata Shores, Conifer Grove and Wattle Downs. The centre is appropriately sized to play that local role for that catchment;

- The proposed Local centre is consistent with the intent of the AUP in terms of Local centre provision and the approach to centres generally, and is consistent with the RPS’s objectives around urban form. Because the centre would provide Local centre provision in a place where that is lacking, the proposal is considered to be a better way of meeting those planning objectives and policies than the status quo zoning;

- The traffic modelling has demonstrated that the surrounding road network is readily able to accommodate the additional traffic generated by the proposed Local Centre, such that the traffic effects of the proposed Plan Change can be accommodated by the road network without requiring any further upgrades of the existing road network;

- The proposed re-zoning of the site to Local Centre zone is supportive of applicable land use and transportation policies; and given its location, and the nature of activities that are provided for within the zone, will positively contribute to the residential catchments that it will serve; and

- The measured existing ambient noise levels in the vicinity of the most affected residential receivers were up to 5 decibels over the relevant AUP limits due to traffic from SH1. The proposal to rezone the site from Mixed Housing Urban to Local Centre zone (thereby raising the noise limits by 5 decibels) is considered appropriate.

On the basis of the technical information that has been provided, it is concluded that PC18 will not generate any significant adverse environmental effects.

### 10.0 Consultation

In preparing PC18, the applicant has commenced consultation and engagement with a number of parties, including iwi, NZTA, Auckland Transport, Fletcher Living, local boards, and adjacent property owners.

A summary of consultation undertaken to date is included within Appendix L. That appendix will be updated as additional responses are received.

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At this stage, no concerns have been raised although consultation is ongoing and some parties have not yet had an opportunity to respond. Council will be advised of all responses received as the PC18 process moves forward.

11.0 Conclusion

It is considered that the proposed rezoning of the site to Local Centre zone is the most appropriate means to achieve the purpose of the RMA. It would be the best available option to enable and facilitate the use of the land for a local centre to serve the surrounding residential area.

PC18 assessment undertaken by:

Philip Brown
Director
Campbell Brown Planning Limited

(For and on behalf of Woolworths New Zealand Limited)
25 Local authority to consider request

(1) A local authority shall, within 30 working days of—

(a) receiving a request under clause 21; or

(b) receiving all required information or any report which was commissioned under clause 23; or

(c) modifying the request under clause 24—

whichever is the latest, decide under which of subclauses (2), (3), and (4), or a combination of subclauses (2) and (4), the request shall be dealt with.

(1A) The local authority must have particular regard to the evaluation report prepared for the proposed plan or change in accordance with clause 22(1)—

(a) when making a decision under subclause (1); and

(b) when dealing with the request under subclause (2), (3), or (4).

(2) The local authority may either—

(a) adopt the request, or part of the request, as if it were a proposed policy statement or plan made by the local authority itself and, if it does so,—

(i) the request must be notified in accordance with clause 5 or 5A within 4 months of the local authority adopting the request; and

(ii) the provisions of Part 1 or 4 must apply; and

(iii) the request has legal effect once publicly notified; or

(b) accept the request, in whole or in part, and proceed to notify the request, or part of the request, under clause 26.

(2AA) However, if a direction is applied for under section 80C, the period between the date of that application and the date when the application is declined under clause 77(1) must not be included in the calculation of the 4-month period specified by subclause (2)(a)(i).

(2A) Subclause (2)(a)(iii) is subject to section 86B.

(3) The local authority may decide to deal with the request as if it were an application for a resource consent and the provisions of Part 8 shall apply accordingly.
(4) The local authority may reject the request in whole or in part, but only on the grounds that—

(a) the request or part of the request is frivolous or vexatious; or

(b) within the last 2 years, the substance of the request or part of the request—

(i) has been considered and given effect to, or rejected by, the local authority or the Environment Court; or

(ii) has been given effect to by regulations made under section 360A; or

(c) the request or part of the request is not in accordance with sound resource management practice; or

(d) the request or part of the request would make the policy statement or plan inconsistent with Part 5; or

(e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.

(5) The local authority shall notify the person who made the request, within 10 working days, of its decision under this clause, and the reasons for that decision, including the decision on notification.
Auckland Unitary Plan (operative in part) - proposed private plan change request - Smales Farm business park, Takapuna

File No.: CP2019/01845

Te take mō te pūrongo

Purpose of the report

1. To consider a private plan change request from Northcote RD1 Holdings Ltd to change the Auckland Unitary Plan to accommodate residential and ancillary activities at the Smales Farm business park in Takapuna.

Whakarāpopototanga matua

Executive summary

2. Northcote RD1 Holdings Limited has made a private plan change request (plan change) to modify the Smales 1 Precinct provisions applying to the Smales Farm business park (Smales Farm). The site is at the corner of Northcote and Taharoto Roads, Takapuna and is just under 11 hectares in area, immediately adjacent to the Smales Farm bus station on the northern busway. Refer to Attachment A (private plan change request); Attachment B (North Shore context); Attachment C (Concept masterplan); Attachment D (aerial of concept masterplan).

3. The plan change would enable a significant amount of residential development, along with a proportionate increase in ‘ancillary’ floor space, including retail, to provide for the needs of workers and new residents at Smales Farm. No reduction in office floor space is proposed from that presently provided for. The plan change request is supported by a number of expert reports and an assessment of environmental effects. Refer to Attachments F to L (Note: the A3 size ‘Urban Design And Landscape Assessment Drawing Package’ Annexure 6 to the plan change is available electronically on request; it is too large to attach).

4. Various high rise buildings are to be provided for, in order to achieve the intensity of land use intended to achieve a ‘mixed use transit oriented’ form of development. The concept masterplan is indicative only of how the development might unfold over a 20 to 30 year period under the modified Smales 1 Precinct (refer Attachments A, C and D).

5. The council is required to make a decision under clause 25 of the First Schedule to the Resource Management Act 1991 (the Act) to either adopt it as a council plan change, accept the plan change for processing, reject it, or require it to be subject to resource consent processes.

6. The council decision at this stage is largely a process one and does not involve a full evaluation of the merits of the plan change. However, part of the decision involves being satisfied that the request does not fail on grounds the Act sets out enabling its rejection: The most pertinent in this case is being ‘not contrary to sound resource management practice’.

7. An analysis has concluded that the plan change should not be rejected; it need not be adopted by council nor made subject to resource consent processes.

8. If the plan change is accepted, it would be prepared for notification, and then proceed to a hearing, at which point the detailed merits of the plan change would be fully evaluated.
Ngā tūtohunga
Recommendation/s
That the Planning Committee:

a) agree to accept the private plan change request by Northcote RD1 Holdings Limited for various changes to the Smales 1 Precinct of the Auckland Unitary Plan (operative in part) pursuant to clause 25(2)(b) of the First Schedule of the Resource Management Act 1991 for the following reasons:
   i) having regard to relevant case law the request does not meet the limited grounds for rejection under clause 25(4);
   ii) it is more appropriate to accept the request than ‘adopt’ it or treat it as a resource consent application.

b) authorise the Manager North, West and Islands to undertake the required notification and other statutory processes associated with processing the Smales Farm business park plan change request by Northcote RD1 Holdings Ltd pursuant to the First Schedule of the Resource Management Act 1991.

Horopaki
Context

General context

9. The Smales Farm business park site is a strategic one on the North Shore of Auckland, located adjacent to the Northcote interchange of the northern motorway, and adjoining the Northern Busway and Smales Farm Station. This location supports a high intensity of development. The site is currently developed to no more than 40 percent of its footprint potential.

10. Northcote RD1 Holdings Limited has made a request to modify the Auckland Unitary Plan’s (operative) “Smales 1 Precinct” provisions applying to Smales Farm (a plan change). The Smales Farm business park site at 68-94 Taharoto Road is immediately adjacent to the Smales Farm bus station on the northern busway. The site is approximately 11 hectares in area, is zoned “Business Park”. See Attachments A and C.

11. Neither the Business Park zoning nor the Smales 1 Precinct provide for residential accommodation (other than ‘visitor accommodation and boarding houses’) and this is the primary purpose of the plan change – to enable residential, apartment type developments, in addition to the office and ancillary uses currently enabled.

12. The locality is best described as a mixed use corridor, with a variety of non-residential uses nearby, including the North Shore Hospital, Westlake Girls’ High School and health-related businesses and services (refer to aerial photo below). The applicant considers that the lack of nearby residential areas creates the opportunity for greater land use intensity and height with little or no potential for adverse effects.
13. The wider locality has shopping centres, light industrial, employment and recreational areas and the social and physical infrastructure needed to accommodate a greater intensity of both workers and residents at the site. The Taharoto Road and Shakespeare Road corridors have extensive areas zoned Business - Mixed Use and this zoning provides for a mix of commercial and residential uses, but to a lesser intensity than what is provided for in Takapuna and Milford or as proposed under the requested plan change (refer to Auckland Unitary Plan zoning of locality below).
Statutory and planning context

14. The council is required to make a process decision under clause 25 of the First Schedule to the Resource Management Act 1991 (the Act) to either adopt the private plan change as a council plan change, accept it for processing, reject it, or require it to be subject to resource consent processes. Council is required to have particular regard to the evaluation report lodged with the application, setting out the purpose of, and reasons for the plan change.

15. This process decision does not involve a full evaluation of the planning merits of the provisions of the plan change (and its intended environmental outcomes). Primarily, the council must be satisfied that the plan change is not inappropriate (as to timing or purpose) and does not fail on various grounds the Act sets out.

Tātaritanga me ngā tohutohu
Analysis and advice

16. The Act provides that council may adopt the plan change as its own. This would generally only be appropriate where wider public interest factors are at stake, or significant public benefits might accrue, and the processing costs can justifiably be borne by the council. While the plan change for a ‘mixed use transit oriented development’ at this site is consistent with a ‘compact city’ vision, it is not considered to have broader public interest value. The benefits would accrue principally to the landowner/developer and so it should remain a private plan change with the costs of processing borne by the applicant. Accordingly, ‘adoption’ of the plan change is not recommended.

17. At the other end of the spectrum is a ‘reject’ decision. The Act provides that the council may reject the plan change, in whole or in part, in reliance on one of the grounds set out in clause 25(4) of the First Schedule to the Act. An applicant is able to appeal against a ‘reject’ decision to the Environment Court.
18. The limited and specific grounds for rejection of a requested plan change under clause 25(4) are:
   - a) the request or part of the request is frivolous or vexatious; or
   - b) within the last two years, the substance of the request or part of the request:
      i) has been considered and given effect to, or rejected by, the local authority or the Environment Court; or
      ii) has been given effect to by regulations made under section 360A; or
   - c) the request or part of the request is not in accordance with sound resource management practice; or
   - d) the request or part of the request would make the policy statement or plan inconsistent with Part 5 (sustainable management); or
   - e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than two years.

Is the request frivolous or vexatious?

19. The request is also not considered frivolous or vexatious. It is a new consideration for the site and the plan change has been well researched and is supported by various technical reports prepared by experts in environmental planning. The purpose of and reasons for the plan change are considered by staff and council experts to be aligned in principle with the strategic directions of the relevant planning documents.

Has the substance of the request been considered and given effect to or rejected by the council with the last two years or given effect to by regulations?

20. The Auckland Unitary Plan became substantially operative on 15 November 2016 and the request has not been considered (or given effect to or rejected) in the last two years, by the Independent Hearings Panel or the council, nor given effect to by ‘regulations’.

Is the request in accordance with sound resource management practice or would it make the policy statement or plan inconsistent with Part 5 of the RMA?

21. The key test in this case is whether the plan change is in accordance with sound resource management practice, but also whether it would render the Auckland Unitary Plan inconsistent with part 5 of the Act (sustainable management).

22. The statements in the plan change application that the proposal is generally consistent with the regional policy statement of the Auckland Unitary Plan are accepted by staff and council’s experts and are not disputed. A transit oriented, mixed use development at the site is considered by the applicant to be in line with numerous urban growth objectives and priorities, thereby promoting a ‘compact city’ (refer to Attachment E for the key provisions of relevance, from the regional policy statement and the district plan sections of the Auckland Unitary Plan - operative in part).

23. The plan change would also promote some key ‘directions’ and ‘focus areas’ of the newly adopted Auckland Plan 2050. The Auckland Plan reflects the earlier Devonport-Takapuna Area Plan which defines a ‘Greater Takapuna strategic growth and development opportunity area’, as depicted below, where the Smales Farm business park and bus station are an important north western ‘bookend’.
24. Accordingly, the plan change request is considered to be in accordance with sound resource management practice and consistent with part 5 of the Act.

Should the request be considered as if it were an application for resource consent?

25. The final consideration under clause 25(4) of the First Schedule to the Act is whether the request should be subject to resource consent processes. The proposal is for a long term, mixed use development of a large strategically located site. The applicant’s ‘concept masterplan’ is but one development scenario. In the same way that Smales Farm has developed over many years but departed from its original concept layout, the same is likely to happen in the future. It is ‘sound resource management practice’ for a large, long term development proposal that will occur in stages to be enabled by Auckland Unitary Plan provisions where each significant stage is subject to a resource consent application and detailed evaluation in terms of structuring elements, urban design criteria and residential and business park amenity factors. A plan change is the appropriate process to set up this framework.

26. The conclusion therefore is that the plan change should be accepted so as to proceed to notification and a detailed assessment of its planning merits.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera

Council group impacts and views

27. The relevant council departments and agencies, including Auckland Transport, have reviewed the requested plan change for adequacy of information and have not identified any insurmountable issues at this stage. There are issues that will require to be closely analysed as part of a merits assessment, a key one being the fact that the site is on a very busy road corridor (as well as a rapid transit corridor). However, at this stage Auckland Transport is not opposed in principle to the land use concept the proposed change aims to enable at this site.
Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

28. Bearing in mind that the committee’s decision is a process one and not a detailed merits or outcomes one, it is nevertheless appropriate to note that the applicant and council’s experts have identified that the plan change could have a range of potential environmental effects, both positive and negative. These would impact both locally and further afield and include visual, landscape, urban design, transport and economic matters. All matters would be fully evaluated in the course of processing the plan change (if it is accepted).

29. Of note is that the plan change provides for residential apartment structures up to 75 metres in height, with some parts of these structures up to 100 metres in height (akin to the Sentinel in Takapuna central). This is a significant difference to the current 25 metres (6 to 7 storeys) enabled under the operative provisions. The visual dominance and design of tall structures, and their assessment under the plan change provisions, is but one of many important factors that a greater intensity of development at Smales Farm gives rise to, necessitating careful consideration.

30. The Devonport-Takapuna Local Board considered the plan change request at its meeting on 19 February 2019 and passed the following resolutions:
   
   That the Devonport-Takapuna Local Board:

   a) Advise the Planning Committee that the private plan change request by Northcote RD1 Holdings Limited for Smales Farm should be accepted in terms of the Resource Management Act 1991 (DT/2019/8)

   b) Notes that if the plan change is accepted by the Planning Committee, it will be prepared for public notification as outlined within the agenda report at paragraph 7 (item 11, file number CP2019/00076)." (DT/2019/9)

31. The board will have the opportunity to comment on the merits of the plan change once it is notified (if it is accepted by the committee).

Tauākī whakaaweawe Māori

Māori impact statement

32. There are 13 mana whenua groups that have an interest in the locality in which Smales Farm is located. These are:

   a) Ngāi Tai ki Tāmaki
   b) Te Patukirikiri
   c) Ngāti Paa
   d) Te Ākitai Waiohua
   e) Te Rūnanga o Ngāti Whātua
   f) Ngāti Whanaunga
   g) Te Kawerau Ā Maki
   h) Ngāti Whātua o Kaipara
   i) Ngāti Whātua Ōrākei
   j) Ngāti Tamaterā
   k) Ngāti Te Ata
   l) Ngāti Maru
   m) Ngāti Tamaoho
33. The applicant wrote to all of these groups in November 2018. To date the applicant advises that there have not been any responses. Any response that comes forward prior to the committee meeting will be tabled or reported verbally.

34. The Act’s relatively new clause 4A to the First Schedule anticipates that a draft plan change will be pre-circulated to all mana whenua groups (iwi authorities) for comment, giving adequate time to consider the plan change before it is formally notified and submissions called for. This process will be followed in consultation with the applicant.

35. It is also anticipated that if the plan change is ‘accepted’ there will be discussions with the applicant about the extent to which Te Aranga Design Principles can be incorporated into the provisions of the plan change. This may however need to be the subject of a council submission.

36. If the plan change is notified, it is expected that any interested group will make known its concerns by way of a formal submission.

Ngā ritenga ā-pūtea
Financial implications

37. There are no significant financial implications for council arising from this plan change process decision. If the plan change is ‘accepted’ all actual and reasonable costs of processing the plan change are recoverable from the applicant.

38. In the event of a ‘reject’ decision, which is appealable by the applicant, there may be legal costs in defending the decision at the Environment Court.

39. The other potential cost is in respect of a possible council submission on the plan change, once it is notified. This would involve some unrecoverable costs to council. A potential submission would be reported to the Planning Committee.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

40. There are not considered to be any significant risks other than Environment Court costs to council in the event of a ‘reject’ decision, as identified above.

Ngā koringa ā-muri
Next steps

41. If the recommendation to ‘accept’ is supported, the council and the applicant will work together to prepare for public notification. The Act provides four months for this. Following notification and submissions the matter proceeds to a hearing and a determination, at the applicant’s expense. If the plan change succeeds, it would be reported back to the council for final confirmation and the setting of a ‘plan change operative’ date. The plan change cannot have any interim or other legal effect until the day it is made operative.
Ngā tāpirihanga
Attachments

Due to the size and complexity of Attachments F - L they have been published under separate cover at the following link:
http://infocouncil.aucklandcouncil.govt.nz/ > Planning Committee 5 March 2019 > attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
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<td>A</td>
<td>Smales Farm - Application (private plan change request)</td>
<td>257</td>
</tr>
<tr>
<td>B</td>
<td>Smales Farm - North Shore context</td>
<td>281</td>
</tr>
<tr>
<td>C</td>
<td>Smales Farm - Concept masterplan</td>
<td>283</td>
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<tr>
<td>D</td>
<td>Smales Farm - Aerial of concept masterplan, looking east</td>
<td>285</td>
</tr>
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<td>E</td>
<td>Smales Farm - Key Unitary Plan provisions</td>
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<td>F</td>
<td>Smales Farm - Annexure 1, Planning AEE (80 pages) (Under Separate Cover)</td>
<td></td>
</tr>
<tr>
<td>G</td>
<td>Smales Farm - Annexure 2, Geotechnical report (21 pages) (Under Separate Cover)</td>
<td></td>
</tr>
<tr>
<td>H</td>
<td>Smales Farm - Annexure 3, Engineering report (21 pages) (Under Separate Cover)</td>
<td></td>
</tr>
<tr>
<td>I</td>
<td>Smales Farm - Annexure 4, Transportation report (90 pages) (Under Separate Cover)</td>
<td></td>
</tr>
<tr>
<td>J</td>
<td>Smales Farm - Annexure 5, Urban Design report (64 pages) (Under Separate Cover)</td>
<td></td>
</tr>
<tr>
<td>K</td>
<td>Smales Farm - Annexure 7, Landscape Visual report (22 pages) (Under Separate Cover)</td>
<td></td>
</tr>
<tr>
<td>L</td>
<td>Smales Farm - Annexure 8, Economics report (28 pages) (Under Separate Cover)</td>
<td></td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Ewen Patience - Principal Planner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>John Duguid - General Manager - Plans and Places</td>
</tr>
<tr>
<td></td>
<td>Megan Tyler - Chief of Strategy</td>
</tr>
</tbody>
</table>

Auckland Unitary Plan (operative in part) - proposed private plan change request - Smales Farm business park, Takapuna
Auckland Unitary Plan (Operative in Part)
Application for Private Plan Change

Smales Farm

Northcote RD 1 Holdings Limited

July 2018
Proposed Private Plan Change – Smales Farm

Application for Changes to the Auckland Unitary Plan – Operative in Part
by Northcote RD 1 Holdings Ltd

Northcote RD 1 Holdings Ltd hereby applies pursuant to clause 21 of Schedule 1 of the Resource Management Act 1991 (RMA) for changes to the provisions of the Auckland Unitary Plan – Operative in Part ("Unitary Plan") in accordance with the details set out below.

The legal description and ownership of the land subject to this application is set out in Schedule 1 to which is attached a copy of the relevant Certificates of Title. The land subject to the application is known as “Smales Farm” and is situated at 68 – 94 Takapuna Road, Takapuna.

The Site is marked on the Location Plan attached as Schedule 2.

The amendments sought by the applicant to the Unitary Plan provisions are as follows:

i) The amendment of two policies in H15 Business – Business Park Zone as detailed in Schedule 3.

ii) The introduction of new provisions and precinct plans, and the amendment of some existing provisions, in IS38 Smales 1 Precinct as detailed in Schedule 4.

iii) Any other alterations to the Unitary Plan required as a consequence of these changes;

iv) Such further or other alterations to the Unitary Plan as the Council considers appropriate in order to give effect to enabling the development of a Transit Oriented Development on the Site as described in this application.

Schedule 5 is a list of the documents attached to this application being the documents required to address the relevant provisions of the Act.

Dated this 25th day of July 2018

NORTHCOTE RD 1 HOLDINGS LTD
by its authorised agent Vaughan Smith Planning Limited

Vaughan Smith

The address for service of the applicant is:

Vaughan Smith Planning Limited
PO Box 3425
Shortland Street
Auckland 1140
Attention: Vaughan Smith
Phone: 021 378 827
SCHEDULE 1

LEGAL DESCRIPTION AND OWNERSHIP

Legal Description:
Lot 1 Deposited Plan 204794
Lot 2 Deposited Plan 204794

Ownership:
Northcote RD 1 Holdings Limited
Attachment A
## COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952

**Search Copy**

<table>
<thead>
<tr>
<th>Identifier</th>
<th>Land Registration District</th>
<th>Date Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAI33B/142</td>
<td>North Auckland</td>
<td>15 March 2001</td>
</tr>
</tbody>
</table>

**Part-Cancelled**

### Prior References

- NAI3097/10

### Estate

**Fee Simple**

### Area

7.0032 hectares more or less

### Legal Description

Lot 2 Deposited Plan 204794

### Proprietors

Northcote RD 1 Holdings Limited

### Interests

- Subject to an electricity right (in gross) over part marked G on DP 204794 in favour of The Waiheke Electric Power Board created by Transfer A276678 - 11.3.1968 at 9.30 am
- Subject to an electricity right (in gross) over part marked F on DP 204794 in favour of The Waiheke Electric Power Board created by Transfer 693213.1 - 11.5.1978 at 10.55 am
- Appurtenant hereto is a right of way and electricity, water, gas, telecommunications, sewer drainage and stormwater drainage rights specified in Easement Certificate D579852.3 - produced 14.2.2001 at 3:32 pm and entered 15.3.2001 at 9:00 am
- 5881309.1 Notice pursuant to Section 18 Public Works Act 1981 - 30.1.2004 at 9:00 am
- 5881310.2 Notice pursuant to Section 18 Public Works Act 1981 - 30.1.2004 at 9:00 am
- 6163973.1 Notice pursuant to Section 23 Public Works Act 1981 - 28.8.2004 at 9:00 am
- 6163973.2 Notice pursuant to Section 23 Public Works Act 1981 - 28.8.2004 at 9:00 am
- 6352761.1 Gazette Notice (No 52 p 1326) pursuant to Public Works Act 1981, hereby declares part (4572m2) Section 2 SO 330581 to be taken for road purposes and to vest in the Crown on the 14th day from 7/7/2005 subject to an electricity right in gross created by Transfer A276678 - 31.3.2005 at 9:00 am
- 6352761.1 CT2:0279 issued - 31.3.2005 at 9:00 am
- 6352761.2 Gazette Notice (No 52 p 1327) pursuant to Public Works Act 1981, hereby declares part 9621(m2) Section 1 SO 330581 to be taken for road purposes and to vest in the North Shore City Council on the 14th day from 17/3/2005 subject to an electricity right in gross created by Transfer A276678 and 693213.1 - 31.3.2005 at 9:00 am
- 6352761.2 CT2:0280 issued - 31.3.2005 at 9:00 am
- 6616188.9 Mortgage to (now) Wespac New Zealand Limited - 19.10.2005 at 9:00 am
- 6924743.1 Encumbrance to Transit New Zealand - 28.6.2006 at 9:00 am
- 8402856.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 - 4.2.2010 at 1:36 pm
- 8718347.1 Gazette Notice 2011 p 777 acquiring part within land (698m2) now known as Section 1 SO 428514 for use in connection with road widening and vesting the same in the Auckland Council CT 549955 issued - 14.3.2011 at 11:45 am
- 9302480.2 Variation of Mortgage 6616188.9 - 23.4.2013 at 8:26 am
- 10359988.1 Mortgage to Betty Lesia Holdings Limited and Shea Investments Limited - 5.5.2016 at 10:02 am
Attachment A
Item 14

Planning Committee
05 March 2019

Auckland Unitary Plan (operative in part) - proposed private plan change request - Smales Farm business park, Takapuna

Page 264

Item 14
SCHEDULE 3

H15 BUSINESS – BUSINESS PARK ZONE
PROPOSED AMENDMENTS TO POLICIES

Policy H15.3(18)
Amend as follows

(18) Require a plan change for new business parks and any amendment to the provisions of existing business parks, to:

... 

(b) limit retail to those services such as food and beverage and convenience goods which meet the day to day needs of workers, residents and visitors to the zone;

(c) except within the Smales 1 Precinct, limit residential activity (except for apart from visitor accommodation).

...
SCHEDULE 4

I538 SMALES 1 PRECINCT
PROPOSED NEW AND AMENDED PROVISIONS (TRACK CHANGE)
I538. Smales 1 Precinct

I538.1. Precinct description

The zoning of land within the precinct Smales 1 Precinct is the Business - Business Park Zone.

The Smales 1 Precinct (Smales Farm) is located on the corner of Takanini and Northcote roads, and is adjacent to State Highway 1 and the Northern Busway. The precinct permits non-residential activities (subject to a maximum gross floor area for), residential activities, a maximum number of car parking spaces, and provides for some accessory activities to address demand from those employed on the site, residents, and visitors to the precinct.

I538.2. Objectives

1. The intensive development of the Smales 1 Precinct as a vibrant mixed-use Transit Oriented Development is enabled.
2. Ongoing development of the Smales Farm Technology Office Park 1 Precinct as an employment node is enabled while managing significant adverse effects on the safe and efficient operation of the transport network, on the amenity of neighbouring zones, and on the function and amenity of the Business – Metropolitan Centre Zone and Business – Town Centre Zone.
3. Residential development is enabled to use the land more efficiently, increase housing capacity and choice, particularly for employees of businesses at the Smales 1 Precinct and other nearby business areas, and to take advantage of the proximity of the Smales Farm station on the Northern Busway.
4. The Smales 1 Precinct is an attractive place to live, work and visit.

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

I538.3. Policies

The Auckland-wide and underlying zone policies apply in this precinct in addition to those specified below.

1. Require office activity development over 102,000m² gross floor area of business activity in the Smales 1 Precinct to demonstrate that significant adverse effects on the amenity of neighbouring zones will be managed and that the function and amenity of the Business – Metropolitan Centre Zone and Business – Town Centre Zone will not be significantly adversely affected.

2. Enable the development of intensive residential activities at the Smales 1 Precinct and require it to be designed to provide privacy and outlook; and have access to daylight and sunlight.

3. Require landscaped open space and pedestrian connections to be provided or maintained with each stage of development to ensure an appropriate level of amenity for residents, workers and visitors to the Smales 1 Precinct.
(2)(4) Limit Provide for accessory activities to those which meet the immediate needs of office workers and visitors to Smales Farm, residents and visitors to the Smales 1 Precinct while limiting the extent of those activities to manage potential adverse effects on the function and amenity of the Business – Metropolitan Centre Zone and Business – Town Centre Zone.

(3)(5) Require business development over 162,000m² gross floor area of business activity in the Smales 1 Precinct to demonstrate that they the activity will not significantly adversely affect the safe and efficient operation of the transport network, or that such effects will be mitigated.

(6) Limit the supply of on-site parking over time to recognise the accessibility of the Smales 1 Precinct to public transport services, while supporting the planned growth of non-residential activities and acknowledging the need for an appropriate supply of parking on the site in the short term to encourage that growth.

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

I538.4. Activity table

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

Table I538.4.1 specifies the activity status of land use activities in the Smales 1 Precinct pursuant to section 9(3) of the Resource Management Act 1991.

Table I538.4.1 Activity table Smales 1 Precinct

<table>
<thead>
<tr>
<th>Activity</th>
<th>Activity status</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>D</td>
</tr>
<tr>
<td>(A1)</td>
<td>Activities exceeding the maximum 162,000m² gross floor area in Standard I538.6.1.</td>
</tr>
<tr>
<td>(A2)</td>
<td>Activities exceeding the gross floor area limit in Table I538.6.1.1</td>
</tr>
<tr>
<td>(A3)</td>
<td>Activities exceeding the limits in Standard I538.6.2</td>
</tr>
<tr>
<td>(A4)</td>
<td>Activities exceeding the limits in Standard I538.6.4</td>
</tr>
<tr>
<td>Use</td>
<td></td>
</tr>
<tr>
<td>(A5)</td>
<td>Dwellings</td>
</tr>
<tr>
<td>(A6)</td>
<td>Conversion of a building or part of a building to dwellings, integrated residential development, visitor accommodation or boarding</td>
</tr>
<tr>
<td>(A7)</td>
<td>Integrated residential development</td>
</tr>
<tr>
<td>(A8)</td>
<td>Supported residential care</td>
</tr>
</tbody>
</table>
### I536 Smales 1 Precinct

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>A9</td>
<td>Visitor accommodation and boarding houses</td>
<td>P</td>
</tr>
<tr>
<td>A10</td>
<td>Conference facilities</td>
<td>P</td>
</tr>
<tr>
<td>A11</td>
<td>Entertainment facilities</td>
<td>D</td>
</tr>
<tr>
<td>A12</td>
<td>Retail</td>
<td>P</td>
</tr>
<tr>
<td>A13</td>
<td>Service stations</td>
<td>NG</td>
</tr>
<tr>
<td>A14</td>
<td>Supermarkets up to 2,000m² gross floor area per tenancy</td>
<td>P</td>
</tr>
<tr>
<td>A15</td>
<td>Supermarkets greater than 2,000m² gross floor area per tenancy</td>
<td>D</td>
</tr>
<tr>
<td>A16</td>
<td>Drive-through restaurants</td>
<td>RD</td>
</tr>
</tbody>
</table>

#### Community

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>A17</td>
<td>Community facilities</td>
<td>P</td>
</tr>
<tr>
<td>A18</td>
<td>Education facilities</td>
<td>P</td>
</tr>
<tr>
<td>A19</td>
<td>Tertiary education facilities</td>
<td>P</td>
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</tbody>
</table>

#### Development

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>A23</td>
<td>Temporary structures that are established for less than 21 days</td>
<td>P</td>
</tr>
</tbody>
</table>

#### Signs

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>A25</td>
<td>Comprehensive development signage that is further than 30m from the Shakespeare Road, Takaroto Road and Northcote Road frontages</td>
<td>P</td>
</tr>
</tbody>
</table>

#### Temporary Activities

**Temporary Activities – General**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>A26</td>
<td>Temporary activities for up to 21 consecutive days</td>
<td>P</td>
</tr>
</tbody>
</table>

**Specific Temporary Activities**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>A27</td>
<td>Noise events</td>
<td>P</td>
</tr>
</tbody>
</table>

### I538.5. Notification

1. Any application for resource consent for any restricted discretionary, discretionary or non-complying activity listed in Table I538.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

2. When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### I538.6. Standards

The standards applicable to the underlying zone and Auckland-wide apply in this precinct, except the following:
I538 Smales 1 Precinct

- Policy Standard E27.3(2) Integrated transport assessment 6.1 Trip generation for non-residential development up to 405,162,000m² gross floor area (see Standard I538.6.3);
- Standard E27.6.1 Trip generation for residential development up to 105,000m² gross floor area (see Standard I538.6.3); and
- Standard E27.6.2(5);
- Standard H16H15.6.1 Building height;
- Standard H15.6.3 Yards; and
- Standard H15.6.7 Outlook space.

All activities in the Smales 1 Precinct must comply with the following standards.

I538.6.1 Gross floor area (GFA)

1. The maximum gross floor area in the precinct for non-residential activities is 162,000m² subject to the following in Table I538.6.1.1(2) below:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Gross floor area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial services</td>
<td>Must not exceed 3,800m² plus a cumulative gross floor</td>
</tr>
<tr>
<td></td>
<td>area of 500m² for every 10,000m² of gross floor area</td>
</tr>
<tr>
<td></td>
<td>of offices over 0.120m² including development already</td>
</tr>
<tr>
<td></td>
<td>established in the Smales 1 Precinct</td>
</tr>
<tr>
<td>Food and beverage</td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td></td>
</tr>
<tr>
<td>Service stations</td>
<td></td>
</tr>
<tr>
<td>Care centres</td>
<td></td>
</tr>
<tr>
<td>Community facilities</td>
<td></td>
</tr>
<tr>
<td>Repair and maintenance services</td>
<td></td>
</tr>
</tbody>
</table>

2. The Gross Floor Area occupied by retail and commercial services activities must not exceed 3,800m² plus a cumulative gross floor area of 500m² for every 10,000m² of gross floor area of development over 41,120m² including development already established in the Smales 1 Precinct.

I538.6.2 Parking

1. The number of parking spaces accessory to non-residential activities must not exceed:
   (a) 1936 car parking spaces for the first 44,770m² gross floor area;
   (b) an additional one car parking space per 31.8m² gross floor area for development between 44,770m² and 105,000m² gross floor area; and
   (c) an additional one car parking space per 45.1m² gross floor area for development in excess of 105,000m² gross floor area to a maximum of 5094 spaces

2. No minimum or maximum parking requirements apply to residential activity.
I538.6.3. Trip generation

(1) Development of non-residential development up to 10,518,000 m² gross floor area, and residential development, will not be subject to the following:

(1) Policy E27.3(2) Integrated transport assessment; and

(2) Standard E27.6.1 Trip generation.

I538.6.4. Building height

(1) Buildings must not exceed RL 48.5 m in height, the heights in the following table (expressed as an RL - Reduced Level above Mean Sea Level):

<table>
<thead>
<tr>
<th>Height Area as identified on Precinct Plan 1</th>
<th>RL</th>
<th>Height above average GL at Taharoto Road frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>50.4</td>
<td>27 m</td>
</tr>
<tr>
<td>2</td>
<td>123.4</td>
<td>100 m</td>
</tr>
</tbody>
</table>

(2) Notwithstanding I538.6.4(1) the cumulative area of the largest floor plate in each building in Height Area 2 above a height of RL 98.4 (75 m above average GL at the Taharoto Road frontage) must not exceed 3,000 m². For clarity, this standard does not constrain the total gross floor area of buildings above RL 98.4.

I538.6.5. Maximum tower dimension and tower separation

(1) The maximum plan dimension of that part of a building above 27 m must not exceed 35 m.

(2) The maximum plan dimension of that part of a building above 75 m must not exceed 35 m.

(3) The maximum plan dimension is the horizontal dimension between the exterior faces of the two most separate points of the building.

(3) Above a height of 27 m, a minimum distance of 20 m must be provided between buildings.

Figure I538.6.5.1 Maximum tower dimension plan view
I538.6.6. Outlook space

(1) Refer to H9 Business – Metropolitan Centre Zone, Standard H9.6.10.

I538.6.7. Minimum dwelling size

(1) Refer to H9 Business – Metropolitan Centre Zone, Standard H9.6.11.

I538.6.8. Noise events

(1) Refer to E40 Temporary activities, Standards E40.6.1 and E40.6.4.

I538.6.9. Pedestrian Plaza

(1) No later than the completion of 125,000m² GFA of development in the Smales 1 Precinct, a pedestrian plaza shall be provided approximately in the location shown on Precinct Plan 2. The pedestrian plaza shall:
   (a) have a minimum area of 400m²,
   (b) receive adequate winter sun between the hours of 11am and 2pm,
   (c) be appropriately sheltered from the south-westerly wind,
   (d) be designed having regard to CPTED principles,
   (e) incorporate hard and soft landscaping.

I538.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I538.8. Assessment – restricted discretionary activities

I538.8.1. Matters of discretion

The activities and development that are restricted discretionary activities in the Smales 1 Precinct, the Council will restrict its discretion to all of the following matters...
when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Business — Business Park zone and the Auckland-wide or zone provisions:

1. (1) refer Activities exceeding the limits in Standard I538.6.2
   (a) Refer to E27 Transport and H16 Business — Business Park Zone, Rule E27.8.1(b) for the matters for activities that do not comply with the above standards.

2. Activities exceeding the limits in Standard I538.6.4
   (a) The effects of the infringement on the amenity of neighbouring sites.
   (b) The effects of the infringement on on-site amenity.
   (c) The location of the site in relation to its suitability for high buildings.
   (d) The contextual relationship of the building with adjacent buildings and the wider landscape.

3. Conversion of a building or part of a building to dwellings, integrated residential development, visitor accommodation or boarding houses
   (a) Refer to H9 Business — Metropolitan Centre zone, Rule H9.8.1(5).

4. Drive-through restaurants
   (a) Refer to H9 Business — Metropolitan Centre zone, Rule H9.8.1(1).

5. New buildings, and additions and alterations not comply with the above standards, otherwise provided for
   (a) Consistency with Precinct Plan 2.
   (b) Building design.
   (c) The design of ground floor residential activity.
   (d) The provision and design of landscaped open space.
   (e) Pedestrian amenity, safety and access.
   (f) The design of tall buildings.

I538.8.2. Assessment criteria

The activities and development that are restricted discretionary activities in the Smales 1 Precinct, the Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland-wide or zone provisions:

1. (1) refer to E27 Transport and H16 Business — Business Park Zone for the relevant assessment criteria for activities that do not comply with the above standards, zone and the Auckland-wide rules.
   (a) Refer to E27 Transport, Rule E27.8.2(4)(b) to (h).

2. Activities exceeding the limits in Standard I538.6.4.
(a) The extent to which the amenity of neighbouring sites is adversely affected.

(b) The extent to which the Smales 1 Precinct can accommodate higher buildings without generating significant adverse effects on the wider environment.

(c) The extent to which the height of a new building is appropriate in the context of the height of buildings on adjacent land and within the wider landscape.

(3) Conversion of a building or part of a building to dwellings, integrated residential development, visitor accommodation or boarding houses

(a) Refer to H9 Business – Metropolitan Centre zone, Rule H9.8.2(5).

(4) Drive-through restaurants

(a) Refer to H9 Business – Metropolitan Centre zone, Rule H9.8.2(1).

(5) New buildings, and additions and alterations not otherwise provided for

(a) Consistency with Precinct Plan 2

The extent to which development is generally consistent with the structuring elements identified on Precinct Plan 2. Note: Key Pedestrian Linkages need not be linear.

(b) Building design

The extent to which:

- Building design is of high quality.
  - Features such as façade modulation and articulation, and/or the use of materials and finishes, are used to manage visual amenity effects of building bulk and scale, and to create visual interest.
  - The roof profile is part of the overall building form and rooftop plant and equipment is integrated into the building design.

(c) Ground floor residential activity

Where ground floor residential activity adjoins a publicly accessible area of public access, the extent to which the design of the public/private interface:

- Addresses the privacy of occupants of dwellings.
- Provides appropriate levels of passive surveillance of the adjoining area of public access.
- Maintains the visual and pedestrian amenity of the adjoining area of public access.

(d) Landscaped open space

The extent to which:

- Landscaped open space is provided or maintained with each stage of development.
I538 Smales 1 Precinct

- the design of hard and soft landscaping integrates with and appropriately enhances the design and configuration of buildings and the amenity of public places within the site for the various users of the Smales 1 Precinct.

(e) Pedestrian amenity, safety and access.

The extent to which:

- Legible pedestrian routes are provided within and through the site linking each of the main entrances from the surrounding street network and the bus station to the location of the future pedestrian plaza.
- The design of a building contributes to pedestrian vitality and interest where it fronts an area of significant pedestrian activity.
- Building entrances are easily identifiable and accessible, and provide pedestrian shelter.
- Separate pedestrian entrances are provided for residential activity that are clearly located and legible for public access and provide a sense of address for residents and visitors.
- The design of development has regard to pedestrian and personal safety.
- Parking, loading and service areas are located and screened (as necessary) to maintain pedestrian amenity.

(f) Buildings extending above RL 50.4m

The extent to which:

- the building maintains the visual amenity of the overall development on the site as viewed from residential zones and public places outside the Smales 1 precinct.
- the building makes a positive contribution to the collective skyline of the Smales 1 Precinct, including architectural expression to the rooftops and upper levels of tall towers.
- the building responds and relates appropriately to the scale and form of neighbouring buildings within the Smales 1 Precinct.
- adverse off-site effects of tall buildings, in particular wind, shadowing, dominance and privacy effects, are mitigated.

I538.9. Special information requirements

There are no special information requirements in this precinct.

I538.10. Precinct plans

I538.10.1 Smales 1 Precinct: Precinct Plan 1 – Maximum Height
I538.10.2 Smales 1 Precinct: Precinct Plan 2 – Structuring Elements
### SCHEDULE 5

**LIST OF ANNEXURES**

1. Explanation, Assessment of Environmental Effects and Section 32 Analysis - prepared by Vaughan Smith Planning Limited

2. Geotechnical Assessment - prepared by Tonkin & Taylor Limited

3. Civil Engineering Assessment - prepared by Riley Consultants Limited

4. Integrated Transportation Assessment - prepared by Stantec

5. Urban Design Assessment - prepared by Boffa Miskel Limited

6. Drawing Package for Urban Design and Landscape/ Visual Assessment - prepared by Boffa Miskel Limited. (Refer to Separate Volume.)

7. Landscape and Visual Assessment - prepared by Boffa Miskel Limited

8. Assessment of Economic Effects - prepared by Insight Economics
Attachment B
Smales Farm plan change request – North Shore context
Attachment C

Smales Farm plan change request – Concept masterplan

Item 14
Attachment D

Smales Farm plan change request

Aerial of concept masterplan
(looking east)
REGIONAL POLICY STATEMENT

B2.2. Urban growth and form

B2.2.1. Objectives
(1) A quality compact urban form that enables all of the following:
   (a) a higher-quality urban environment;
   (b) greater productivity and economic growth;
   (c) better use of existing infrastructure and efficient provision of new infrastructure;
   (d) improved and more effective public transport;
   (e) greater social and cultural vitality;
   (f) better maintenance of rural character and rural productivity;
   (g) reduced adverse environmental effects.

B2.2.2. Policies

Quality compact urban form

(5) Enable higher residential intensification:
   (a) in and around centres;
   (b) along identified corridors; and
   (c) close to public transport, social facilities (including open space) and employment opportunities.

B2.3. A quality built environment

B2.3.1. Objectives

(1) A quality built environment where subdivision, use and development do all of the following:
   (d) ... 
   (e) ....
   (f) contribute to a diverse mix of choice and opportunity for people and communities;
   (g) maximise resource and infrastructure efficiency.

B2.4. Residential growth

B2.4.1. Objectives

(1) Residential intensification supports a quality compact urban form.
(2) ......
(3) Land within and adjacent to centres and corridors or in close proximity to public transport and social facilities (including open space) is the primary focus for residential intensification.
(4) An increase in housing capacity and the range of housing choice which meets the varied needs and lifestyles of Auckland’s diverse and growing population.
Attachment E

....continued

Key Auckland Unitary Plan provisions
Smales Farm private plan change application

REGIONAL POLICY STATEMENT (continued)

B3. Infrastructure, transport and energy
B3.3.2 Policies (Transport)

Integration of subdivision, use and development with transport

(5) Improve the integration of land use and transport by:

(a) ...........

(b) encouraging land use development and patterns that reduce the rate of
growth in demand for private vehicle trips, especially during peak periods;

UNITARY PLAN - DISTRICT PLAN

Business – Business Park Zone objectives

(6) Existing business parks are efficiently and effectively developed.

(7) New business parks for office-based employment are enabled where they:

(a) are comprehensively planned;
(b) achieve high amenity;
(c) avoid adverse effects on the function and amenity of the Business – City
Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre
Zone and neighbouring zones; and
(d) are easily accessible to public transport.

(8) Retail activities which support intensive employment activities are enabled
Development of Papakāinga in Rural Areas

File No.: CP2019/01311

Te take mō te pūrongo
Purpose of the report
1. To update the Planning Committee on discussions with the Independent Māori Statutory Board regarding the manner in which the Auckland Unitary Plan provides for papakāinga in rural areas.

Whakarāpopototanga matua
Executive summary
2. In October 2018 the Planning Committee considered a proposed plan change to limit urban activities in rural areas. A consequence of this was that papakāinga would have its activity status changed from Discretionary to Non-Complying on general rural land. The Independent Māori Statutory Board raised concerns with this and several meetings were held with the Chair and Deputy Chair of the Planning Committee and the Chair of the Independent Māori Statutory Board. They have jointly agreed to request the Committee to ask staff to investigate a proposed plan change to provide for papakāinga as a discretionary activity in rural zones.

Ngā tūtohunga
Recommendation/s
That the Planning Committee:

a) request staff to consider whether papakāinga can be provided for as a discretionary activity in rural zones in response to submissions on the rural activities plan change.

b) request staff, in the event that papakāinga cannot be provided for as a discretionary activity in response to submissions on the rural activities plan change, to prepare a draft plan change to achieve this outcome.

Horopaki
Context
3. In the Proposed Auckland Unitary Plan, the Council’s default position for any land use activity not included in any zone was one of a non-complying activity. The Independent Hearings Panel recommended changing the default position to a discretionary activity. In response Council modified the zone land use tables in the decision version of the Auckland Unitary Plan so that any activity not provided for is a non-complying activity, but unfortunately changes to the rural zone land use table were missed.

4. The effect of this has been that unintended urban land uses such as industrial activities and retirement villages are being approved in rural areas.

5. The Council therefore initiated a proposed Rural Activities plan change to limit such activities in rural areas by making them non-complying rather than discretionary. As papakāinga is not listed in the Rural Zones activity table, the proposed plan change would see papakāinga treated as an activity not provided for on general rural land, and would therefore have its activity status changed from discretionary to non-complying. Papakāinga provisions on Treaty Settlement land and in the Māori Purposes Zone remain unchanged.
At the 2 October 2018 Planning Committee meeting, concerns about this change in activity status were raised by the IMSB representatives and the Planning Committee resolved to:

a) Approve the notification of a plan change to the Auckland Unitary Plan (Operative in Part) to make activities not provided for in rural zones a non-complying activity and replace references in the rural chapter to “residential activities” with “dwellings” as Attachment A on the agenda report subject to a further consideration on whether papakāinga should remain a discretionary activity in rural zones.

b) Endorse the section 32 evaluation report as Attachment B on the agenda report.

c) Delegate to the chair, deputy chair and a member of the Independent Māori Statutory Board the authority to approve any final changes to the plan change and section 32 evaluation report prior to notification.

Since then several meetings have been held with the Chair and Deputy Chair of the Planning Committee and the Chair of the Independent Māori Statutory Board towards accommodating concerns. On 1 February 2019 the delegated group agreed as follows:

i) That the Rural Activities plan change be publicly notified together with the section 32 report as tabled on 1 February 2019.

ii) That staff be requested to prepare a scoping report in consultation with the Independent Māori Statutory Board to the 5 March Planning Committee proposing that a draft plan change be prepared to enable papakāinga to be developed in rural areas.

Tātaritanga me ngā tohutohu

Analysis and advice

Papakāinga in rural zones on Māori land or Treaty Settlement land is currently:

• A permitted activity for one dwelling per hectare, with no more than ten dwellings per site;

• A restricted discretionary activity for one dwelling per 4,000m², with no more than 20 dwellings per site;

• A discretionary activity for integrated Māori development which can include a greater number of dwellings, amongst other things.

There is also a Māori Purposes zone which applies to 21 marae, seven of which are within the rural area, which also allows for dwellings as a permitted or discretionary activity. However, no specific provision is made for papakāinga on general title in rural areas.

Relevant documents include:

• The Auckland Plan 2050 contains a section on ‘Homes and Places’ with an outcome to:
  Invest in and support Māori to meet their specific housing aspirations, and one identified measure for doing this is ensuring regulatory and consenting processes are effective and responsive to Māori developers and iwi organisations.

• The Auckland Unitary Plan Regional Policy Statement (RPS) contains an objective seeking that mana whenua be able to occupy, deliver and use their land within their ancestral rohe and an associated policy direction that:
  Papakāinga, marae, Māori customary activities and commercial activities be provided for across urban and rural Auckland to support Māori economic, social and cultural well-being.

These policies recognise that there is little Māori land remaining in Auckland and that it is also necessary to provide for mana whenua and mataawaka to support their aspirations through development on land held in general title.

It is important to note that these RPS provisions apply to ancestral land whether they be Māori land or in general title. There is no explicit policy direction for papakāinga in the district planning provisions of the Auckland Unitary Plan.
13. The option of doing nothing would mean that it will be more difficult for Māori to develop papakāinga on general rural land.

14. A more enabling approach as envisaged by the Chair and Deputy Chair of the Planning Committee and the Chair of the Independent Māori Statutory Board is to continue to explore the issue in the context of submissions on the Rural Activities plan change, and to carry out further work to prepare a draft plan change for the consideration of the Planning Committee if necessary. The draft plan change would need to provide specific objectives, policies and rules for papakāinga in rural areas while at the same time ensuring that the compact city model is retained, elite soils are preserved and other environmental matters taken into account.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera

Council group impacts and views

15. As part of any further work, Auckland Transport and Watercare Services Ltd. will be consulted.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe

Local impacts and local board views

16. Should a proposed plan change be necessary and supported by the Planning Committee, all rural local boards will be consulted prior to the proposed plan change being brought back to the Planning Committee.

Tauākī whakaaweawe Māori

Māori impact statement

17. The Independent Māori Statutory Board is concerned that the Rural Activities plan change makes it more difficult for Māori to develop papakāinga on general rural land. The IMSB, mana whenua and other Māori organisations and individuals will have an opportunity to make a submission on the Rural Activities plan change. This may provide the scope to consider the matter further during the hearings process.

18. Should an additional plan change be necessary, in accordance with the Resource Management Act, all iwi authorities will be provided with a copy of the draft plan change and given the opportunity to provide feedback prior to public notification. They will also be notified as a directly affected party.

Ngā ritenga ā-pūtea

Financial implications

19. This work can be carried out within the existing Plans and Places budget.

Ngā raru tūpono me ngā whakamaurutanga

Risks and mitigations

20. There are no risks associated with the recommendations made in this report.

Ngā koringa ā-muri

Next steps

21. The first step is to determine whether there is scope within the submissions and hearings process to give further consideration to the manner in which papakāinga is provide for in rural zones. Should this not be possible, a draft plan change will be prepared and brought back to the committee for further consideration.
Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Warren Maclennan - Manager Planning - North/West</th>
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<tbody>
<tr>
<td>Authorisers</td>
<td>John Duguid - General Manager - Plans and Places</td>
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<td></td>
<td>Megan Tyler - Chief of Strategy</td>
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Making operative parts of the Auckland Unitary Plan - Plan Change 4 - Administrative Plan Change

File No.: CP2019/00307

Te take mō te pūrongo
Purpose of the report
1. To make additional parts of Plan Change 4: Administrative Plan Change operative.

Whakarāpopototanga matua
Executive summary
3. In September 2018, the Committee resolved to make proposed amendments under Plan Change 4: Administrative Plan Change, operative in part (Resolution: PLA/2018/85). However, proposed amendments subject to appeal, and those that relate to the regional coastal plan, were not made operative.
4. Two appeals were received on Plan Change 4, from Pine Harbour Marina Limited and Housing New Zealand Corporation, on separate matters.
5. Following discussions with Pine Harbour Marina Limited, all parties have agreed that this appeal can be settled by consent. Subsequently, the Environment Court issued a consent order to amend the following development standards I431.6.4 and I431.6.7 in Chapter I431 - Pine Harbour Precinct.
6. The relevant parts of Plan Change 4 can now be made operative.

Ngā tūtohunga
Recommendation/s
That the Planning Committee:
   a) approve further parts of Plan Change 4 as they relate to the consent order on the appeal by Pine Harbour Marina Limited (ENV-2018-AKL-000148), as identified in Attachment A of the agenda report.
   b) request staff to complete the necessary statutory processes to publicly notify the date on which these further parts of Plan Change 4 become operative as soon as practicable.

Horopaki
Context
8. Technical errors and anomalies include matters such as incorrect references and provisions that led to nonsensical outcomes. Any remedies of an error or anomaly that require a shift in policy position, or where the solution to an error is unclear; were excluded from the scope of Plan Change 4.
9. In September 2018, the council received two Environment Court appeals on the proposed amendments in Plan Change 4. These appeals were from Pine Harbour Marina Limited (‘PHML’) and Housing New Zealand Corporation (‘HNZC’).
10. In September 2018, the Planning Committee (the ‘Committee) resolved to make proposed amendments in Plan Change 4, operative in part (Resolution number PLA/2018/85).

11. Proposed amendments subject to appeal and amendments to the regional coastal plan, are not yet operative.

12. The appeal from PHML is now resolved following appeal discussions. Council will be required to update the Auckland Unitary Plan in line with the consent order from the Environment Court (Attachment A).

Appeal from Pine Harbour Marina Limited
13. PHML is a landowner within the Pine Harbour Marina Precinct. PHML’s appeal relates to various provisions in Chapter I431 – Pine Harbour Precinct. In its submission, PHML proposed changes that were not proposed for change under Plan Change 4.

14. Staff did not support the proposals put forward by PHML as these were outside the scope of Plan Change 4. Also, some of the proposals required more comprehensive consultation with affected parties.

15. In its decision report, the Hearings Commissioners agreed with staff, that submission points from PHML were not within the scope of the Plan Change and should be pursued as a separate plan change. PHML appealed this decision.


17. Following discussions on the issues under appeal, all parties reached an agreement about the basis upon which they consider the appeal can be settled. Parties then sought the Court’s approval to amend two development standards in Chapter I431- Pine Harbour Precinct.

18. Accordingly, the consent order by the Environment Court amends the following development standards in Chapter I431- Pine Harbour Precinct:
   - Standards I431.6.4 – that relate to ground floor and footpath distances
   - Standard I431.6.7- that relate to yard setbacks

19. These amendments are minor wording adjustments that seek to clarify the application of these standards and do not adversely affect any other parties.

20. A copy of the consent order from the Court is contained in Attachment A.

Proposed amendments that are not yet operative
21. The proposed amendments under Plan Change 4 that cannot be made operative yet include:
   - provisions subject to an ongoing appeal from Housing New Zealand Corporation
   - the proposed amendments to the regional coastal plan provisions, awaiting Ministerial approval.

Tātaritanga me ngā tohutohu
Analysis and advice
22. As this report is procedural in nature, no further analysis and advice is required.

Ngā whakaawea we me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views
23. Relevant organisations within the council group have been involved in the development of Plan Change 4. This consent order requires a minor wording amendment and does not impact the wider council group.
Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views
24. Staff will update the Franklin Local Board on the resolution of the PHML appeal.

Tauākī whakaaweawe Māori
Māori impact statement
25. Consultation and engagement with iwi authorities had been conducted as part of Plan Change 4. This consent order requires a minor wording amendment and does not have specific impacts on Māori.

Ngā ritenga ā-pūtea
Financial implications
26. There are no financial implications associated with making the relevant parts of the plan change operative.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations
27. There are no risks associated with making the relevant parts of the plan change operative.

Ngā koringa ā-muri
Next steps
28. Following a resolution from this Committee, staff will publicly notify the date on which the relevant parts of the plan change become operative and update the Auckland Unitary Plan (operative in part), in accordance with Schedule 1 of the Resource Management Act 1991.

Ngā tāpirihanga
Attachments

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Ngā kaihaina
Signatories

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<tr>
<td>Authors</td>
<td>Jasmin Kaur - Planner</td>
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<td>Sisira Jayasinghe - Planner</td>
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BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIIO O AOTEAROA

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14(1) of Schedule 1 of the RMA

BETWEEN PINE HARBOUR MARINA LIMITED
(ENV-2018-AKL-000148)

Appellant

AND AUCKLAND COUNCIL

Respondent

Principal Environment Judge L J Newhook sitting alone under s 279 of the Act
In Chambers at Auckland

CONSENT ORDER

[A] Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

(1) the appeal is allowed subject to the amendments set out in Appendix 1 to this order;
(2) the appeal is otherwise dismissed.

[B] Under s 285 of the Resource Management Act 1991, there is no order as to costs.
REASONS

Introduction


[2] The key objective of PC4 to the Auckland Unitary Plan Operative in part (AUP) is to correct technical errors and anomalies within the AUP (except for the regional coastal plan provisions). PC4 is the first ‘administrative’ plan change to the AUP.

[3] PHML’s appeal on PC4 relates to various provisions in Chapter 1431 - Pine Harbour Precinct (Pine Harbour Precinct) of the AUP. PHML is a landowner within the Pine Harbour Precinct.

[4] The Pine Harbour Precinct provisions in the AUP are intended to reflect the planning regime that applied to land within the Precinct under Chapter 17.15 - Pine Harbour Marina of the legacy Auckland Council District Plan - Operative Manukau Section 2002 (Legacy Plan).

[5] Following discussions, the parties have agreed that PHML’s appeal can be settled by consent. Specifically, the parties have agreed that the appeal can be disposed of by amending two development standards in the Chapter 1431 - Pine Harbour Precinct provisions.

[6] The first amendment proposed by the parties is to Standard 1431.6.4 in Chapter 1431 - Pine Harbour Precinct. The second amendment to the Pine Harbour Precinct provisions proposed by the parties is to Standard 1431.6.7 Yards. Clause (3) of Standard 1431.6.7.

[7] In making this order the Court has read and considered the appeal and the joint memorandum of the parties dated 20 December 2018.

[8] The Pine Harbour Parade Residents Action Group gave notice of its intention to become a party to the appeal under s 274 of the Act, and has signed the memorandum of the parties setting out the relief sought.
[9] No other person has given notice of an intention to become a party under s 274 of the Act.

[10] The Court is making this order under s 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

(a) All parties to the proceedings have executed the memorandum requesting this order.

(b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Resource Management Act 1991, including in particular Part 2.

Order

[11] Therefore, the Court orders, by consent, that Standard I431.6.4. and Standard I431.6.7. in Chapter 1431. Pine Harbour Precinct of the Auckland Unitary Plan Operative in part are amended as set out in Appendix 1 to this Consent Order.

[12] The appeal is otherwise dismissed.

[13] There is no order for costs.

DATED at Auckland this 21st day of December 2018

[Signature]

L J Newhook
Environment Judge
APPENDIX 1: PROPOSED AMENDMENTS TO THE AUCKLAND UNITARY PLAN
OPERATIVE IN PART

New text is shown as underlined and deleted text as strikethrough

Amend Standard I431.6.4. Threshold condition in Chapter I431. Pine Harbour Precinct, as follows:

I431.6.4. Threshold condition (ground floor or above adjacent footpath)

(1) For sub-precincts D and E the minimum must be 0.5m and the maximum is 1.25m.

Amend Standard I431.6.7 Yards in Chapter I431. Pine Harbour Precinct, as follows:

I431.6.7. Yards

(1) Buildings within sub-precincts B – G must meet the following yard setback requirements as outlined in Table I431.6.7.1 below.

(2) For garages within sub-precincts B and C, the front yard setback requirement is 0.5m from the building frontage and 5m minimum setback from the front boundary.

(3) The separation distance between balconies or windows of primary living spaces in directly opposing buildings within sub-precincts D and E must be greater than 20m and must otherwise be not less than 15m. Facades with no glazing must be greater than 10m apart.

(4) Buildings within sub-precinct G must not be located beyond the building restriction line as identified on Pine Harbour Precinct plan 1.

Table I431.6.7.1 Yards

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<td>B</td>
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<tr>
<td>Front yard set back</td>
<td>Minimum – 2m</td>
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<td>Maximum – 5m</td>
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<td></td>
<td>Also see standard I431.6.7(2)</td>
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<tr>
<td>Rear yard set back</td>
<td>Minimum – 0m</td>
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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 workshop schedule March 2019 (Attachment A)
   - Auckland Monthly Housing Update February 2019 (Attachment B)

4. The following memos are attached:
   - 22 February 2019 – Court of Appeal Decision North Eastern Investments Limited and Heritage Land Limited v Auckland Council (Attachment C)
   - 28 February 2019 – Government and Auckland Council Joint Programme of Work on Auckland Housing and Urban Growth (Attachment D)
   - 28 February 2019 – Update on Venue Development Strategy and stadia (Attachment E)

5. The following letters are attached:
   - 1 February 2019 – Increasing Public Transport Patronage in Auckland (Attachment F)
   - 14 February 2019 – Public Transport in Auckland (response to 1 February letter) (Attachment G)

6. The following workshop information is attached:
   - 31 January 2019 – Regional Public Transport Plan (Attachment H)

7. Note that staff will not be present to answer questions about the items referred to in this summary. 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 – 5 March 2019.
Planning Committee
05 March 2019

Ngā tāpirihanga
Attachments

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<td>Planning Committee workshop schedule March 2019</td>
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<tr>
<td>B</td>
<td>Auckland Monthly Housing Update February 2019</td>
<td>305</td>
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<tr>
<td>C</td>
<td>Memo on Court of Appeal Decision North Eastern Investments Limited and Heritage Land Limited v Auckland Council</td>
<td>323</td>
</tr>
<tr>
<td>D</td>
<td>Memo on Government and Auckland Council Joint Programme of Work on Auckland Housing and Urban Growth</td>
<td>355</td>
</tr>
<tr>
<td>E</td>
<td>Memo on Venue Development Strategy and stadia</td>
<td>357</td>
</tr>
<tr>
<td>F</td>
<td>1 February letter to Minister for Transport about increasing public transport patronage in Auckland</td>
<td>359</td>
</tr>
<tr>
<td>G</td>
<td>14 February Letter from the Minister for Transport regarding public transport in Auckland</td>
<td>361</td>
</tr>
<tr>
<td>H</td>
<td>Regional Public Transport Plan workshop minutes</td>
<td>363</td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Kalinda Gopal - Senior Governance Advisor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Megan Tyler - Chief of Strategy</td>
</tr>
<tr>
<td>Date</td>
<td>Time</td>
</tr>
<tr>
<td>-----------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Tuesday, 5 March 2019</td>
<td>3pm - 4.30pm</td>
</tr>
<tr>
<td></td>
<td>(or at the conclusion of the Planning Committee meeting)</td>
</tr>
<tr>
<td>Wednesday, 6 March 2019</td>
<td>1pm - 4pm</td>
</tr>
<tr>
<td>Tuesday, 19 March 2019</td>
<td>3pm - 5pm</td>
</tr>
<tr>
<td></td>
<td>(or at the conclusion of the Finance and Performance Committee meeting)</td>
</tr>
<tr>
<td>Tuesday, 26 March 2019</td>
<td>10am - 12.30pm</td>
</tr>
</tbody>
</table>
Auckland Monthly Housing Update
February 2019

Attachment B
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Auckland Monthly Housing Update – February 2019

Attachment B
1. Summary

Produced by the Auckland Council Research and Evaluation Unit (RIMU), the Auckland Monthly Housing Update brings together a number of significant Auckland housing related statistics.

The report includes:

- dwellings – consented, by type, and with CCCs issued
- residential parcels – created, and inside Rural Urban Boundary (RUB)
- permanent and long-term migration
- median residential sales price.
2. Highlights

- 638 dwellings were consented in December 2018.
- In the year ending December 2018, 12,862 dwellings were consented in the region.
- 45 per cent of new dwellings consented in December 2018 were houses, 27 per cent were apartments and 28 per cent were townhouses, flats, units, retirement units, or other types of attached dwellings.
- 127 dwellings were consented on Housing New Zealand or Tamaki Regeneration Company owned land in December 2018.
- 38 per cent of dwellings consented in December 2018 were within 1500m walking distance of a rapid transport station(s).
- 92 per cent of dwellings consented in December 2018 were inside the RUB. Over the past 12 months, 93 per cent of new dwellings consented were inside the RUB.
- 669 dwellings were 'completed' by having a Code Compliance Certificate (CCC) issued in December 2018.
- In the year ending December 2018, 10,637 dwellings had a CCC issued.
- 730 new residential parcels under 5000m² were created in January 2019 and over 95 per cent of them were under 1000m².
- In the past 12 months, 7921 new residential parcels under 5000m² were created; that was an average of 660 each month.
- 664 new residential parcels of all sizes were created inside the RUB.
- Net migration data was not available for December 2018.
- Median residential sales price in December 2018 was $820,000 (District Valuation Rolls sales records).
3. Dwellings consented

In December 2018, 938 dwelling consents were issued, which saw 12,862 consents issued for the past 12 months.

<table>
<thead>
<tr>
<th>Month</th>
<th>December 2017</th>
<th>September 2018</th>
<th>October 2018</th>
<th>November 2018</th>
<th>December 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec 17</td>
<td>876</td>
<td>854</td>
<td>1,077</td>
<td>1,172</td>
<td>938</td>
</tr>
</tbody>
</table>

![Dwellings consented graph]

Data source: Statistics New Zealand
4. Dwellings consented by type

Of all the dwellings consented in December 2018, 425 were houses. 513 were apartments, townhouses, flats, units or other types of attached dwellings.

Data source: Statistics New Zealand
5. Dwellings consented on Housing New Zealand or Tāmaki Regeneration Company owned land

In December 2018, 127 dwellings (13.5 per cent of total dwellings consented) were consented on Housing New Zealand (HNZ) or Tāmaki Regeneration Company (TRC) owned land. These included 18 apartment units, 36 houses and 73 townhouses, flats, and other attached dwelling types.

<table>
<thead>
<tr>
<th></th>
<th>Dec 17</th>
<th>Sep 18</th>
<th>Oct 18</th>
<th>Nov 18</th>
<th>Dec 18</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. HNZ/TRC dwellings consented</td>
<td>-</td>
<td>85</td>
<td>94</td>
<td>159</td>
<td>127</td>
</tr>
<tr>
<td>Percentage of total dwellings consented</td>
<td>-</td>
<td>10.0%</td>
<td>8.7%</td>
<td>13.6%</td>
<td>13.5%</td>
</tr>
</tbody>
</table>

Dwellings consented by type

Data sources: Statistics New Zealand and Auckland Council
6. Dwellings consented inside RUB

In December 2018, 865 dwellings consented were inside the RUB\(^1\), and the proportion for the last 12 months was 93 per cent.

<table>
<thead>
<tr>
<th>Dec 17</th>
<th>Sep 18</th>
<th>Oct 18</th>
<th>Nov 18</th>
<th>Dec 18</th>
</tr>
</thead>
<tbody>
<tr>
<td>805</td>
<td>790</td>
<td>1004</td>
<td>1102</td>
<td>865</td>
</tr>
</tbody>
</table>

**Dwellings consented by inside/outside RUB**

Data source: Statistics New Zealand

\(^1\) The Rural Urban Boundary has been adopted for dwelling consent analysis from February 2019 onwards. Back data has been amended.
7. Dwellings consented along rapid transport network

In December 2018, 360 dwellings (38 per cent of total dwellings consented) were consented within 1500m walking distance of a rapid transport station(s).

<table>
<thead>
<tr>
<th></th>
<th>Dec 17</th>
<th>Sep 18</th>
<th>Oct 18</th>
<th>Nov 18</th>
<th>Dec 18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings consented within</td>
<td>265</td>
<td>193</td>
<td>240</td>
<td>379</td>
<td>360</td>
</tr>
<tr>
<td>1500m rapid transport stations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage of total dwellings</td>
<td>30.3%</td>
<td>22.8%</td>
<td>22.3%</td>
<td>32.3%</td>
<td>38.4%</td>
</tr>
<tr>
<td>consented</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Spatial distribution of dwelling consents in December 2018

Data sources: Statistics New Zealand and Auckland Council
8. Dwellings with CCCs issued (completions)

815 dwelling units had received CCCs in December 2018. Ninety-four per cent of the CCCs were issued to dwelling units that had building consents granted within the past two years.

<table>
<thead>
<tr>
<th>CCCs issued</th>
<th>Dec 17</th>
<th>Sep 18</th>
<th>Oct 18</th>
<th>Nov 18</th>
<th>Dec 18</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2 years</td>
<td>324</td>
<td>813</td>
<td>825</td>
<td>858</td>
<td>815</td>
</tr>
<tr>
<td>3-4 years</td>
<td>67</td>
<td>107</td>
<td>36</td>
<td>23</td>
<td>51</td>
</tr>
<tr>
<td>4+ years</td>
<td>16</td>
<td>14</td>
<td>4</td>
<td>6</td>
<td>3</td>
</tr>
</tbody>
</table>

Dwellings with CCCs issued

Data source: Auckland Council Building Control Department.

CCC data has been updated to reflect current system records.
9. Residential parcels created

In January 2019, the total number of residential parcels under 5000m$^2$ created was 730. Over 95 per cent of the residential parcels were less than 1000m$^2$.

<table>
<thead>
<tr>
<th>Parcel size category</th>
<th>Jan 18</th>
<th>Oct 18</th>
<th>Nov 18</th>
<th>Dec 18</th>
<th>Jan 19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1000 m$^2$</td>
<td>516</td>
<td>695</td>
<td>505</td>
<td>686</td>
<td>697</td>
</tr>
<tr>
<td>1000 m$^2$ to 1990 m$^2$</td>
<td>92</td>
<td>31</td>
<td>24</td>
<td>33</td>
<td>19</td>
</tr>
<tr>
<td>2000 m$^2$ to 2999 m$^2$</td>
<td>6</td>
<td>28</td>
<td>9</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>3000 m$^2$ to 3999 m$^2$</td>
<td>2</td>
<td>9</td>
<td>2</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>4000 m$^2$ to 4999 m$^2$</td>
<td>3</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Total number of residential parcels &lt; 5000m$^2$</td>
<td>619</td>
<td>784</td>
<td>544</td>
<td>734</td>
<td>730</td>
</tr>
</tbody>
</table>

New residential zoned parcels < 5000 m$^2$

Data source: RIMU and Land Information New Zealand
10. Residential parcels inside RUB

664 of new residential parcels of all sizes created in January 2019 were inside the RUB.

<table>
<thead>
<tr>
<th>Jan 18</th>
<th>Oct 18</th>
<th>Nov 18</th>
<th>Dec 18</th>
<th>Jan 19</th>
</tr>
</thead>
<tbody>
<tr>
<td>417</td>
<td>613</td>
<td>426</td>
<td>559</td>
<td>664</td>
</tr>
</tbody>
</table>

Residential parcels by inside/outside 2010MUL and RUB

Data source: RMU and Land Information New Zealand

*The Rural Urban Boundary has been adopted for residential parcel creation analysis from February 2019 onwards. Back data has not yet been updated.*
11. Permanent and long-term migration

Net migration to Auckland data was not available due to the abolishment of departure cards starting from November 2018. A new methodology was developed by Statistics New Zealand, however, no output was released for December.

<table>
<thead>
<tr>
<th>Month</th>
<th>Dec 17</th>
<th>Sep 18</th>
<th>Oct 18</th>
<th>Nov 18</th>
<th>Dec 18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrivals</td>
<td>4,303</td>
<td>4,840</td>
<td>4,815</td>
<td>3,970</td>
<td>2,613</td>
</tr>
<tr>
<td>Departures</td>
<td>2,293</td>
<td>1,969</td>
<td>1,550</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Net Change</td>
<td>2,010</td>
<td>2,871</td>
<td>3,265</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Data source: Statistics New Zealand
12. Median residential sales price

The median residential sales price from REINZ in December 2018 was $862,000. It was five per cent higher than same period last year. The district valuation roll (DVR) sales records suggested that the median sales price was $820,000.

<table>
<thead>
<tr>
<th>Data source</th>
<th>Dec 17</th>
<th>Sep 18</th>
<th>Oct 18</th>
<th>Nov 18</th>
<th>Dec 18</th>
</tr>
</thead>
<tbody>
<tr>
<td>REINZ</td>
<td>$820,000</td>
<td>$850,000</td>
<td>$865,000</td>
<td>$867,000</td>
<td>$862,000</td>
</tr>
<tr>
<td>DVR Sales*</td>
<td>$860,000</td>
<td>$769,650</td>
<td>$797,539</td>
<td>$825,000</td>
<td>$820,000</td>
</tr>
</tbody>
</table>

* Back data has been updated to reflect the latest sales records captured in Council’s District Valuation Roll database. Although conveyancers are required to inform council within 30 days after transactions have occurred, the monitoring team has identified the reporting process has not been thoroughly implemented. It should be noted that there is no penalty if a conveyancer fails to report to council within the 30 days period. As a result, the reporting lag varies from as short as one working day to as long as six months.
13. Notes on data and analysis

Dwellings consented and dwellings consented by type
Monthly building consent information is sourced from Statistics New Zealand’s InfoShare online portal, which includes counts of number of new dwellings consented, by type of dwelling.

Dwellings consented inside Rural Urban Boundary
Monthly data for individual building consents is supplied by Statistics New Zealand and mapped to properties by RIMU. This data is then analysed against its location relevant to the RUB.

Dwellings with CCCs issued (completions)
Monthly building consent completions data is supplied by Auckland Council Building Control. The data shows the total number of dwelling units which have had Code Compliance Certificate (CCC) issued in that month. This gives an estimation of the number of dwellings being "completed", or "released to the market".

Residential parcels created and residential parcels created inside Rural Urban Boundary
Parcel data is sourced from Land Information New Zealand (LINZ). A new dataset is downloaded from the LINZ Data Service by RIMU monthly. A list of parcels created in the previous month is also downloaded; this is used to extract new parcels created in the previous month. The new parcels created data is then analysed for size, the Auckland Unitary Plan (decisions version) zone it falls in and its location relevant to the RUB.

Permanent and long-term migration
Migration data is sourced from Statistics New Zealand’s InfoShare online portal; arrivals, departures and net change is estimated for Auckland.

Median residential sales price
The Real Estate Institute of New Zealand (REINZ) produces monthly statistics on the median house price sales for Auckland from data provided to it by its members. This data is available on the REINZ website.
Memorandum

To: Auckland Council - Planning Committee; Julia Parfitt (Hibiscus & Bays Local Board)

From: Corina Faesenkolot, Principal Solicitor, Auckland Council

Date: 22 February 2010


1. On 21 December 2018, the Court of Appeal issued a decision in relation to the appeal by North Eastern Investments Limited and Heritage Land Limited against a decision of the High Court in relation to a High Court appeal and Judicial Review proceedings by North Eastern Investments Limited (North Eastern Investments Limited v Auckland Council [2018] NZHC 916).

2. The Court of Appeal decision North Eastern Investments Limited and Heritage Land Limited v Auckland Council – [2018] NZCA 629 (attached as Attachment 1) allowed the appeal by North Eastern Investment Limited and Heritage Land Limited. The appeal relates to land at 56 Fairview Avenue, Fairview Heights 0632, and in particular the process by which the Independent Hearings Panel reached its findings in relation to the most appropriate zoning for the land.

3. The Court of appeal decision states that the Independent Hearings Panel recommendations dated 22 July 2016 (provided in its report to Auckland Council July 2016, Changes to Rural Urban Boundary, Rezoning and Precincts, Annexure 4 Precincts North, at page 158), and subsequent Council decision dated 19 August 2018 to accept those recommendations, are both set aside, insofar as they relate to:
   a. The Council’s decision not to adopt the Albany 5 Precinct; and
   b. The Council’s decision not to zone the land within the proposed Albany 5 Sub-Precinct B Business – Mixed Use.

4. The Council will not be appealing the decision of the Court of Appeal. Any appeal would need to have been lodged by 14 February 2019.

What happens next?

5. The Court of Appeal decision directs the Independent Hearings Panel to make new recommendations on the matters in 3a and 3b above pursuant to section 144 of the Local Government (Auckland Transitional Provisions) Act 2010 (LGATPA), following a process that addresses the error identified in the judgement.
6. This means that the Independent Hearings Panel needs to be reconvened to reconsider these matters.

7. This situation is provided for in the LGATPA, at section 165: "The Hearings Panel exists until it has completed the performance or exercise of its functions and powers in relation to the Hearing, including any appeals in relation to the Hearing that are filed in any court."

8. The Chair of the Independent Hearings Panel has issued a Minute (attached as Attachment 2) that directs the parties to liaise and file a joint memorandum (or separate memoranda if the parties are not agreed) by 11 February 2019 in relation to the 10 matters listed in the Minute. Following a request from counsel for North Eastern Investments Limited, that date has been extended to 8 March 2019.

9. The Council’s lawyers, Simpson Grierson, will liaise with the legal counsel for Housing New Zealand Corporation and for North Eastern Investments Limited to ensure that any memoranda are filed by 9 March 2019 as directed.

10. Following the filing of a joint memorandum or separate memoranda on 8 March 2019, the Independent Hearings Panel will likely issue directions for a hearing to address the matters in 3a and 3b above.

11. Following the hearing, the Independent Hearings Panel will make a recommendation to the Council pursuant to section 144 of the LGATPA.

12. Following receipt of the recommendation from the Independent Hearings Panel, the Auckland Council (Governing Body) will need to make a decision on those recommendations pursuant to section 148 of the LGATPA.

13. A further update will be provided to the Planning Committee, when the joint memorandum or separate memoranda are filed with the Independent Hearings Panel on or before 8 March 2019.

Corina Faesenkleboet
Principal Solicitor
IN THE COURT OF APPEAL OF NEW ZEALAND

I T E K Ī T I P Ī R A O A O T E A R O A

BETWEEN

NORTH EASTERN INVESTMENTS LIMITED AND HERITAGE LAND LIMITED
Appellants

AND

AUCKLAND COUNCIL
First Respondent

HOUSING NEW ZEALAND CORPORATION
Second Respondent

Hearing: 13 November 2018 (further submissions received 19 November 2018)

Court: Asher, Lang and Moore JJ

Counsel: J W Maassen for Appellants
H J Ash and W M Bangma for First Respondent
C E Kimman and A K Devine for Second Respondent

Judgment: 21 December 2018 at 10 am

JUDGMENT OF THE COURT

A The appeal is allowed.

B The Panel’s recommendations dated 22 July 2016 (provided in its Report to Auckland Council July 2016, Changes to Rural Urban Boundary, Rezoning and Precincts, Annexure 4 Precincts North, at page 158), and subsequent Council decision dated 19 August 2016 to accept those recommendations, are both set aside, insofar as they relate to:

(a) the Council’s decision not to adopt the Albany 5 Precinct; and

NORTH EASTERN INVESTMENTS LIMITED AND HERITAGE LAND LIMITED v AUCKLAND COUNCIL [2018] NZCA 629 [21 December 2018]
(b) the Council’s decision not to zone the land within the proposed
Albany 5 Sub-Precinct B Business — Mixed Use.

C The Panel is directed to make new recommendations pursuant to s 144 of
the Local Government (Auckland Transitional Provisions) Act 2010 in
respect of the matters set out in orders B(a) and (b), following a process
that addresses the error identified in this judgment.

D Following receipt of the Panel’s recommendations on the matters set out
in orders B(a) and (b), the Council is directed to make a new decision
under s148 of the Local Government (Auckland Transitional

E The costs orders made in the High Court as between the appellants and
the first respondent are set aside. Costs are to be determined by the
High Court as between those parties in accordance with the outcome of
this appeal.

F The costs order made in the High Court as between the appellants and the
second respondent is not disturbed.

G The appellants must pay the second respondent costs for a standard
appeal on a band A basis and usual disbursements. We certify for
two counsel.

H The first respondent must pay the appellants one set of costs for a
standard appeal on a band A basis and usual disbursements.

REASONS OF THE COURT
(Given by Lang J)

[1] This appeal raises issues regarding the procedure adopted in relation to a
hearing conducted by a sub-committee of the Auckland Unitary Plan Independent
Hearings Panel (the Panel) on 20 April 2016.

[2] Following the hearing the Panel made a recommendation to the
Auckland Council (the Council) relating to the zoning of two blocks of land situated
near Albany on Auckland’s North Shore. The land in question is owned and being developed by the appellants in this proceeding (together referred to as North Eastern).\(^1\) The Panel also recommended that the Council reject North Eastern’s proposal that the land be designated a precinct for planning purposes. The Council subsequently adopted both recommendations.

[3] North Eastern contends the Panel breached important principles of natural justice in making its recommendations because it took into account material provided by a Council planner, Ms Terry Conner. North Eastern says it was entitled to conclude as a result of events that occurred prior to and at the hearing that neither the Council nor the Panel would be relying on the material from Ms Conner. As a result, North Eastern contends it did not have an opportunity to challenge the material or to make submissions in relation to it.

[4] North Eastern applied to the High Court for judicial review of the Panel’s recommendations and the Council’s decision. Woolford J dismissed North Eastern’s application in a judgment delivered on 2 May 2018.\(^2\) North Eastern appeals against the Judge’s decision.

**Overview**

[5] The hearing before the Panel took place using the procedure adopted to hear submissions from parties affected by a combined planning instrument known as the Proposed Auckland Unitary Plan (the proposed plan). The Council prepared this document following the amalgamation of the Auckland City Council with several other local councils in the Auckland region. It did so pursuant to its obligations under the Resource Management Act 1991 and the Local Government (Auckland Transitional Provisions) Act 2010 (LGATPA). The Council publicly notified the proposed plan on 30 September 2013, and provided affected parties with the opportunity to make submissions on the plan until July 2014.

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\(^1\) Heritage Land Ltd owns the land and North Eastern Investments Ltd is developing it.

\(^2\) North Eastern Investments Ltd v Auckland Council [2018] NZHC 916.
[6] North Eastern proposes to develop approximately 7.8 hectares of land situated at 56 Fairview Avenue and 129 Oteha Valley Road near Albany. The proposed plan provided for North Eastern’s land to be zoned Residential — Mixed Housing Urban (MHU) and Residential — Mixed Housing Suburban (MHS).

[7] North Eastern lodged a submission challenging the proposed zoning of its land in February 2014. It sought a rezoning of most of its land to Residential — Terrace Housing and Apartment Buildings (THAB). This type of zoning permits a significantly more intensive form of residential development than MHU and MHS. North Eastern sought a Business — Mixed Use zoning in relation to the balance of its land. This comprised a strip of land approximately 350 metres in length fronting onto Oteha Valley Road. Oteha Valley Road is a main arterial route leading from the Northern Motorway towards the Albany Town Centre.

[8] North Eastern also sought the overlay of a precinct for the land (the Albany 5 Precinct). It said this would provide a supplementary planning method that would enable the Council to provide objectives and policies specific to the special features of North Eastern’s land. These would recognise the potential of the land for residential development to a higher intensity than that set as a general benchmark for residential development within a THAB zone. This could occur, for example, through building height controls permitting residential buildings considerably higher than would ordinarily be permitted on land with a THAB zoning. North Eastern viewed the precinct method as providing a mechanism that would ensure an integrated development of its land.

The procedure adopted by the Panel

[9] The Council received 9,400 primary submissions relating to the proposed plan. From these it identified 93,600 primary submission points. These were summarised in a report entitled “Summary of Decisions Requested Report”. After this report had been circulated, submitters were given an opportunity to make further submissions. The Council then received 3,800 further submissions containing 1.4 million submission points. In relation to zoning alone, the Council received more than 20,000 rezoning requests that related to more than 80,000 properties.
The procedures adopted in relation to the hearing and determination of issues raised in the submissions were prescribed primarily by the LGATPA. Section 115 of that Act provides a convenient overview of the procedures to be adopted:

115 Overview of this Part

(1) This Part sets out the following process for the preparation of the first Auckland combined plan:

(a) the Auckland Council prepares a proposed plan for Auckland that meets the requirements of a regional policy statement, a regional plan, including a regional coastal plan, and a district plan:

(b) the plan is prepared in accordance with this Part and, to the extent provided for by this Part, the RMA:

(c) the plan is not required to include district plan provisions in relation to the Hauraki Gulf Islands (the district plan provisions of the former Auckland City Council in relation to those islands will become operative as part of an existing separate process):

(d) the Council prepares its reports on the proposed plan under sections 32 and 165H(1A) of the RMA and makes them available for public inspection, and provides the reports to the Ministry for the Environment for audit:

(e) the Council notifies the proposed plan and calls for submissions:

(f) the Council notifies a summary of submissions and calls for further submissions:

(g) the Council then forwards all relevant information obtained up to this point to a specialist Hearings Panel appointed by the Minister for the Environment and the Minister of Conservation:

(h) the Hearings Panel holds a Hearing into submissions on the proposed plan by means of hearing sessions conducted in accordance with the procedural and other requirements of this Part:

(i) the Council must attend the hearing sessions and otherwise assist the Hearings Panel with the task of the Hearing:

(j) no later than 50 working days before the expiry of 3 years from the date the Council notifies the proposed plan, the Hearings Panel must make recommendations to the Council on the proposed plan (unless that period is extended by the Minister for the Environment by up to 1 year):
(j) the Hearings Panel may make recommendations to the Council in respect of a particular topic once it has finished hearing submissions on that topic;

(k) after it has received all of the Hearings Panel’s recommendations, the Council must make decisions on the recommendations within 20 working days (unless that period is extended by the Minister for the Environment by up to a further 20 working days) and publicly notify the recommendations of the Hearings Panel and the Council’s decisions on the recommendations;

(l) the proposed plan is amended in accordance with the Council’s decisions on the recommendations and is deemed, subject to the appeal rights of submitters, to be approved or adopted, as the case may be;

(m) submitters on the proposed plan may appeal to the Environment Court on those recommendations of the Hearings Panel that the Council rejects;

(n) submitters on the proposed plan may appeal to the High Court, on a point of law only, on those recommendations of the Hearings Panel that the Council accepts;

(o) once all appeals are determined, the Council must then publicly notify the operative date of the proposed plan.

(2) This section is only a guide to the general scheme and effect of this Part. It does not affect the interpretation or application of the other provisions of the Part.

[11] Section 136 prescribes the procedure to be adopted at each hearing conducted before a Panel. It provides as follows:

136 Hearing procedure

(1) At each hearing session, no fewer than 2 members of the Hearings Panel must be present.

(2) If the chairperson is not present, he or she must appoint another member as chairperson for the purposes of the hearing session.

(3) At the hearing session, the Hearings Panel——

   (a) may permit a party to question any other party or witness; and

   (b) may permit cross-examination; and

   (c) must receive evidence written or spoken in Māori, in which case the Te Ture mo Te Reo Māori: 2016/the Māori Language Act 2016 applies as if the hearing session were legal proceedings before a tribunal named in Schedule 2 of that Act.
(4) Otherwise, the Hearings Panel must establish a procedure for hearing sessions that—

(a) is appropriate and fair in the circumstances (including in respect of the granting to a person of any waiver of the requirements of the Hearings Panel); and

(b) avoids unnecessary formality; and

(c) recognises tikanga Māori where appropriate.

(5) The Hearings Panel must keep a full record of the hearing sessions and any other proceedings.

[12] In addition to these procedural directions, s 138(1) of the LGATPA provides that several provisions in the Commissions of Inquiry Act 1908 are to apply to each hearing session as if the Panel were a Commission of Inquiry and the hearing were an inquiry under the Commissions of Inquiry Act. These include the power under s 4B to receive such evidence as the Panel thinks fit whether or not it would be admissible in a court of law. The Panel was also given the power under s 4D to summon witnesses.

[13] Sections 139 and 140 give the Panel the power to make directions relating to the provision of briefs of evidence within specified time limits and the power to direct the manner in which hearing sessions are to be conducted.

[14] Section 146 requires the Panel to provide its reports to the Council no later than 50 working days prior to the expiry of three years from the date on which the Council notified the proposed plan. Section 148(1) then requires the Council to consider the recommendations made by the Panel and decide whether to accept or reject each recommendation. It is required to publicly notify its decisions no later than 20 working days after it was provided with the last of the reports from the Panel.  

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[15] Section 164 provides the Panel with functions and powers as follows:

164 Functions of Hearings Panel

The Hearings Panel has the following functions and powers for the purposes of holding a Hearing into the submissions on the proposed plan and any variation permitted by section 124(4):

(a) to hold hearing sessions; and

(b) for the purposes of paragraph (a),—

(i) to hold or authorise the holding of pre-hearing session meetings, conferences of experts, and alternative dispute resolution processes; and

(ii) to commission reports; and

(iii) to hear any objections made in accordance with section 154; and

(c) to make recommendations to the Auckland Council on the proposed plan and any variation; and

(d) except as expressly provided by this Part, to regulate its own proceedings in the manner it thinks fit; and

(e) to carry out or exercise any other functions or powers conferred by this Part or that are incidental and related to, or consequential upon, any of its functions and powers under this Part.

[16] The Panel also published its own Procedures Manual setting out the procedures the Panel would follow. This incorporated both matters contained in the Act as well as those that the Panel had itself determined as being appropriate using the discretion vested in it to establish its own procedures.

[17] The LGAIPA did not specify how documents and other information relevant to hearing sessions were to be provided to and by the Panel and other parties. The Procedures Manual dealt with these issues, including the service of documents and delivery of communications to and from the Panel. The Panel used its website as a primary mechanism for communications between the Panel and individual submitters as well as for submitters wishing to communicate with each other. This meant the Panel did not communicate directly with most submitters. Instead, the procedure placed the onus on parties affected by the submissions to keep abreast of procedural developments that may affect or be of interest to them.
North Eastern does not take issue with the general procedures adopted by the Panel in relation to the hearing and determination of submissions. This reflects our own view that the procedures adopted by the Panel were entirely consistent with those prescribed by the Act. The use of the website as the primary means of communication was also essential given the vast number of parties with whom the Panel was required to communicate throughout the submissions process.

The issues that have arisen in the present case are not generic to all cases heard by the Panel. They stem from a series of events that occurred before North Eastern’s submissions were heard by the Panel on 20 April 2016. They continued because of the manner in which the hearing on that date proceeded, and culminated in the matters the Panel relied on in its decision. We emphasise that the issues raised by the present case do not call into question in any way the procedures generally used by the Panel to carry out its statutory functions.

**Ms Conner’s evidence**

Ms Conner provided a statement dated 26 January 2016 regarding submissions received by the Council in relation to proposed zoning in the Albany and Greenhithe areas. Ms Conner did not support the rezoning of North Eastern’s land to THAB as sought by North Eastern because of concerns she held regarding access to this area. Instead, Ms Conner proposed that the existing Residential — MHU zone be retained because she considered it was the most appropriate way to give effect to the Regional Policy Statement.

Ms Conner was also a co-author of a report to the Panel (dated 26 January 2016) on submissions received by the Council in relation to requests for new precincts. These included the precinct that North Eastern proposed for its land. The report concluded that the proposed precinct provisions would conflict with the intent of the underlying zones by permitting a greater intensity of residential activities in circumstances where the effects of those activities were not governed by appropriate provisions of the proposed plan to manage effects.

Ms Conner’s statement was uploaded to the Panel’s website on 28 January 2016. From that point it could be accessed by all parties who visited the
website. At that point it formed part of the evidence the Council was likely to call at hearings of the Panel involving zoning issues in the Albany and Greenhithe areas.

A major issue arises

[23] A major issue arose in late January and early February 2016 after the Council posted the evidence it proposed to adduce in relation to the submissions it had received. At this point it became clear that the Council had proposed zoning changes that had not been raised in submissions on the proposed plan. This issue, and the consequences that flowed from it, undoubtedly played a significant role in the events that have led to the present proceedings.

[24] The Council’s approach attracted widespread comment and considerable criticism. This resulted from the fact that parties who had filed submissions in relation to the proposed plan considered they had been denied the opportunity to make submissions on the new zoning proposals.

[25] The Council endeavoured to deal with the issue by resolving at an Extraordinary Meeting held on 24 February 2016 to withdraw certain evidence it had provided to the Panel in relation to the new zoning proposals. These became known as “out of scope” residential zoning changes. Zoning changes that were contained in the proposed plan were referred to as “in scope” residential zoning changes.

[26] On 29 February 2016, the Council filed a memorandum with the Panel seeking leave to withdraw its evidence to the extent that it related to out of scope residential zoning changes. The report provided by Ms Conner in relation to the underlying zoning for North Eastern’s land did not fall within this category. Her report did, however, make out of scope recommendations in relation to other land on Auckland’s North Shore.

[27] The Panel responded to the Council’s memorandum on 1 March 2016. It directed that parties could present their cases as they wished, and noted that expert witnesses would be giving evidence on an independent basis and unaffected by the position of the parties by whom they had been called. This led some submitters to
seek to rely for their own purposes on recommendations made by Council employees and experts in relation to out of scope proposals.

[28] This development raised a further issue for the Council. It was not comfortable with the concept of its own employees or experts giving evidence that was effectively on behalf of other parties. In addition, such evidence was likely to conflict with the Council’s stated policy position in relation to zoning issues.

[29] The Panel began hearing submissions on the topic of rezoning and precincts (designated as Topic 081) on 8 March 2016. The Council dealt with the issue that had arisen in relation to out of scope zoning in its opening submissions as follows:

2.3 At this point, it is appropriate to record that a number of statements of evidence were filed on the Council’s behalf on or after 26 January 2016. The Council’s decision to withdraw those parts of the evidence as they relate to the out of scope residential zoning changes, except evidence addressing minor changes covering technical errors and anomalies (Out of Scope Residential Changes) has meant that the authors of those evidence reports have had to carefully consider whether they can appear in support of the Remaining Evidence. They have determined that they cannot. They will accordingly not be called to confirm that evidence.

2.4 We acknowledge therefore that the weight the Panel can give to that evidence is a matter for it to determine. We do however note that the Local Government (Auckland Transitional Provisions) Act 2010 enables the Panel, inter alia, to receive any information and advice that is relevant and reasonably necessary to make its recommendations under s 144. As such, it would be open to the Panel to consider the Remaining Evidence as such information or advice for several reasons:

(a) First, it is submitted that the Remaining Evidence provides a thorough summary of the themes raised in submissions and an analysis of those themes and submission points against the rezoning principles developed by the Council and addressed in Mr Dagold’s reasoning evidence. To the extent that that analysis is not challenged in the evidence of submitters, we submit that it is information on which the Panel may decide to place some reliance. We acknowledge that this is a matter for the Panel.
(c) Thirdly, the evidence may be seen by the Panel procedurally as an important reference point, keeping in mind that many submitters may have referred to aspects of it in their subsequent evidence filed in response.

(Footnote omitted.)

[30] North Eastern was not represented at the hearing on 8 March 2016. In common with other parties, however, it could access the Council’s submissions on the Panel’s website. It is noteworthy, however, that the submissions dealt with the issue of whether the Panel could have regard to out of scope zoning evidence. North Eastern did not need to confront that issue because Ms Conner’s statement, insofar as in concerned North Eastern’s land, related to in scope zoning issues.

[31] On 9 March 2016 the Council filed a further memorandum with the Panel. This recorded that the Panel had requested a list of witnesses whom the Council would not be calling as part of its rezoning evidence for Topic 081. The memorandum listed the names of the witnesses the Council no longer proposed to call. Ms Conner’s name was on that list.

[32] Parties who wished to rely on evidence given by Council witnesses who would not be called to give evidence were now required to decide how to protect their interests. The second respondent, Housing New Zealand Corporation (HNZC), wished to rely on statements made by Ms Conner in relation to out of scope zoning issues. It therefore applied to the Panel for a witness summons to be issued compelling Ms Conner to produce her statement containing her recommendations on those issues in relation to HNZC’s submission. This issue was ultimately resolved by agreement between HNZC, the Council and the Panel. It resulted in Ms Conner filing her statement with the Panel on 18 March 2016. The Panel then posted the statement on its website under the file dealing with HNZC’s submission.

[33] In the High Court, North Eastern challenged the validity of the witness summons obtained by HNZC. Woolford J held the summons to be valid. The issue is of significant practical importance to HNZC and it is anxious to obtain this Court’s opinion regarding the validity of the summons. During the hearing before us, however,

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4 North Eastern Investments Ltd v Auckland Council, above n 2, at [31].
Mr Maassen effectively abandoned this ground of appeal so it is no longer before us. As a result, the finding of the High Court on this point remains intact.

Further events leading up to the hearing on 20 April 2016

[34] Prior to the hearing on 20 April 2016 several other noteworthy events also occurred.

[35] On 29 February 2016 North Eastern filed a request with the Panel seeking leave to cross-examine four of the Council’s witnesses, including Ms Conner. On 7 March 2016, North Eastern received an email from the Panel seeking confirmation that it still required time to cross-examine the Council’s witnesses at the hearing on 20 April 2016.

[36] The Council filed separate legal submissions relating to rezoning and precincts on or about 3 March 2016. The rezoning submissions did not rely on Ms Conner’s statement and made no direct reference to the appellants or their land.

[37] The Council’s legal submissions in relation to the proposed Albany 5 Precinct relied, however, on Ms Conner’s report on rezoning. It also relied on a report prepared by another Council planner, Mr Ewen Patience. Mr Patience’s report relied in part on findings contained in Ms Conner’s statement on rezoning.

[38] On 9 March 2016 Judge Kirkpatrick granted North Eastern’s application to cross-examine Council witnesses subject to express time limits. This was the same day that the Council filed its memorandum with the Panel advising that Ms Conner would not be called at hearings to confirm her statement.

[39] On 18 March 2016 Ms Erin Woolley, who was acting as counsel for the Council in relation to the precinct issue, filed a memorandum with the Panel seeking a direction that Ms Conner would not be required for cross-examination as she was not a co-author of the joint statement relating to the proposed Albany 5 Precinct. Mr Maassen filed a memorandum in response pointing out that the Panel had already granted North Eastern’s request to cross-examine Ms Conner. He also pointed out Ms Conner was the author of a report on the THAB zone submission point.
Ms Julie McKee, the Unitary Plan Hearings Team Leader, advised Ms Woolley and Mr Maassen by email on 20 March 2016 that Judge Kirkpatrick had determined that North Eastern could cross-examine Council witnesses at the hearing but would need to observe the time limits imposed on 9 March 2016.

[40] Mr John Farquhar, a consultant for North Eastern, contacted Ms McKee on 5 April 2016 to discuss the proposed cross-examination of Council witnesses. Ms McKee told Mr Farquhar that Ms Conner would not be attending the hearing on 20 April. Based on this advice Mr Farquhar told Ms McKee that North Eastern would not be cross-examining Ms Conner at the hearing.

[41] Following this discussion Mr Farquhar sent an email containing the following advice to the team responsible for making North Eastern’s submission to the Panel:

1. attach a memorandum of AC [Auckland Council] containing a list of AC Planners that HAVE NOT BEEN CALLED in relation to rezoning 081.

This list includes:

Joseph Jefferies
Terry Conner
Ewen Patience,

NOTE: Ewen Patience evidence for Albany 5 PRECINCT has been presented.

What this means (following a conversation with Julie McKee) is:

1. We may not cross examine Terry Conner for Rezoning
2. The Panel will rely on the Planning Evidence filed by the submitter (the AC evidence remains on the AUP [Auckland Unitary Plan] website, it has been read but that is the extent of it).
3. As far as she is aware, AC did not put forward any experts for rezoning.
4. AC have structured their Planning response to be fed through legal submissions and legal counsel.

[42] It is apparent that from this point, North Eastern’s team proceeded on the basis that the Council was no longer relying on Ms Conner’s report on the issue of zoning their land. It took that approach based on Ms McKee’s advice that Ms Conner would not be attending the hearing on 20 April 2016.
[43] Ms McKee was cross-examined before Woolford J at the hearing in the High Court. The Judge accepted Ms McKee’s evidence that she did not tell Mr Farquhar that the Panel would only be relying on the evidence provided by North Eastern at the hearing on 20 April.\textsuperscript{5} Ms McKee also acknowledged, however, that she told Mr Farquhar North Eastern would not be able to cross-examine Ms Conner because she was not attending the hearing. She said she told Mr Farquhar this as a statement of fact.

The hearing on 20 April 2016

[44] The sub-committee of the Panel that heard North Eastern’s submission on 20 April 2016 comprised Messrs Des Morrison, Les Simmons and Alan Watson. North Eastern was represented by Mr Maassen and Ms Woolley appeared as counsel representing the Council.

[45] In his introductory remarks the Panel Chairperson, Mr Morrison, advised Mr Maassen that the Panel considered its role was to focus on the precinct issue. Mr Maassen confirmed this was consistent with his view of matters.

[46] On two occasions during his opening submissions Mr Maassen drew the attention of the Panel to the fact that Ms Conner’s evidence had been withdrawn. Those submissions obviously reflected Mr Maassen’s belief at that time based on the events that had occurred prior to the hearing.

[47] Mr Maassen then advised the Panel that he proposed to cross-examine Mr Patience regarding the precinct proposal. He pointed out that Mr Patience was not put forward by the Council to deal with the issue of zoning although resolution of the zoning issue in North Eastern’s favour underpinned its argument for a precinct. At the beginning of his cross-examination Mr Maassen asked Mr Patience to answer questions about the proposed precinct based on the assumption that the Panel would agree THAB and Mixed Use zonings were appropriate. Later in the cross-examination Mr Patience said he disagreed with the assumption that Mixed Use zoning was appropriate for the strip of land fronting Oteha Valley Road. Neither Mr Maassen nor

\textsuperscript{5} At \textsuperscript{[44]}--\textsuperscript{[45]}.  

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Mr Patience referred at any stage during the cross-examination to Ms Conner’s statement.

[48] At no stage during the hearing did Ms Woolley advise the Panel that the Council still relied on Ms Conner’s statement regarding the zoning issue. Furthermore, the Panel did not raise with Mr Maassen the possibility that the Panel might take Ms Conner’s statement into account in making its recommendation to the Council regarding the issue of either zoning or the precinct.

The Panel’s recommendation

[49] Despite this background, the material contained in Ms Conner’s report featured in the Panel’s recommendation in the following passage:

3. Key issues

The key issue between the Council and North Eastern Investments Limited related to the zoning of the land and the height and intensity of future development.

The Council’s position was summarised in the joint planning evidence on precincts (Albany 1, 3, 4, 5 etc) dated 26 January 2016 in the table at paragraph 7.9, as set out below:

The underlying zone of the proposed new precinct under the notified PAUP is MHS and MHU. The MHS and MHU zones provide for a maximum building height of 8m and 11m respectively, and yard controls ranging from 1.3m to 2.5m.

The proposed new precinct would more than double the maximum building height limits from those proposed in the underlying zones. The zone controls for building height and yards are set at levels that are appropriate for the zone.

A proposal to exceed the height limits can be pursued through a resource consent application. The resource consent process would involve assessment of any dominance, privacy and shading effects on the surrounding neighbourhood.

The evidence of Terry Conner (Topic 081) explains why the change of zoning sought by the submitter from MHS and MHU to THAB is not supported. In summary, it is inappropriate to encourage more intensive residential development in this area without appropriate assessment of the effects.
Ms Conner's evidence also dated 26 January 2016 on Resoning — North Shore — Albany and Greenhithe on page 32, as set out below.

Do not support change to THAB of either site, due to access concerns but support an alternative change for 39 Fairview Ave from SH/MHS to solely MHS to avoid split zoning. MHS is an appropriate zone for properties not close to centres and the RFN to recognise the planned suburban built character of the area. MHU is proposed to be retained on 56 Fairview. Access to much of this area is constrained by a 1 lane bridge and is not conducive to a safe pedestrian walk to public transport. Retention of the respective zones and the proposed change to MHS are the most appropriate ways to achieve the objectives of the MHS and MHU zones and gives effect to the RPS.

The outcome of the Environment Court hearing of the proposed AT requirement for improvements at the Medallion Road, currently underway, may have a material impact on this issue.

(Emphasis added.)

[50] The Panel did not accept Ms Conner’s views regarding the issue of zoning for the bulk of North Eastern’s land. It accepted North Eastern’s submissions in relation to that issue. The Panel did not, however, accept North Eastern’s submissions regarding the Business — Mixed Use zone for the strip of land fronting Oneha Valley Road or the proposed precinct. The Panel observed:

The Panel agrees with the submitter that this site has considerable potential for residential development but was not convinced by the evidence that a precinct as proposed is necessary or appropriate. The Panel supports the evidence on behalf of the Council in opposing the precinct provisions.

The Panel has instead agreed with the submitter that a more intensive zoning is appropriate and has recommended that the entire eight hectare site be rezoned Residential — Terrace Housing and Apartment Buildings Zone. The proposed Business — Mixed Use Zone for a portion of the land is not supported in this location which is relatively close to but physically separated from the nearby metropolitan centre at Albany. If any future specific proposal seeks to exceed the height provisions of that zoning the Panel considers that such a proposal would need to be tested by way of a resource consent application.

The Panel is confident that the Auckland-wide provisions, together with the provisions of the Residential — Terrace Housing and Apartment Buildings Zone, will appropriately enable the future development of this site, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.
[51] This led the Panel to make the following recommendation:

The Panel having regard to the submissions the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the Albany 5 Precinct not be adopted. The rezoning of the land within the proposed precinct to Residential—Terrace Housing and Apartment Buildings Zone is considered the most appropriate way to enable the development of the proposed precinct site and to give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

The appeal

[52] Mr Maassen’s overall submission was that the Panel breached the principles of natural justice by relying upon material from Ms Conner’s report in circumstances where North Eastern was entitled to believe the material was not being relied upon by the Council and would not be relied upon by the Panel.

[53] Mr Maassen also developed a more technical submission to the effect that Ms Conner’s statement was never available to the Panel as evidence because Ms Conner had not appeared before the Panel to confirm it. We do not consider that submission to be tenable because the Panel had a wide power under s 4B(1) of the Commissions of Inquiry Act to receive as evidence:

… any statement, document, information, or matter that in its opinion may assist it to deal effectively with the subject of the inquiry, whether or not it would be admissible in a Court of law.

We have already recorded that Ms Conner’s report had been posted on the Panel’s website on 28 January 2016 as part of the Council’s response to issues raised by submitters. It therefore constituted a statement, document, information or matter the Panel was entitled to receive under s 4B regardless of whether it would have been admissible in a court.

[54] Mr Maassen also advanced a submission that it was unfair for the Panel to take Ms Conner’s report into account after it had been posted on the Panel’s website as a result of the summons obtained by HNZC. He pointed out that North Eastern was not involved in the submission made by HNZC and could not reasonably expect to have known the Panel would also use the report to assist it in determining North Eastern’s submission. This submission overlooks the fact that the report was already on
the Panel’s website before it was re-posted after HNZC obtained its summons. We consider the fact that the report was subsequently posted on the website on a second occasion is immaterial to the issues raised by the present appeal.

[55] We take the view that the appeal should instead be determined on the wider ground advanced by North Eastern. The key issue under that ground is whether the Panel was obliged to put North Eastern on notice that it might rely on material contained in Ms Conner’s statement even though she did not appear at the hearing.

The Judge’s decision

[56] The argument relating to procedural unfairness was one of four grounds advanced by North Eastern at the trial in the High Court. It is not necessary to refer to the remaining grounds because they have not been pursued on appeal. The Judge expressed his conclusion in relation to the argument based on procedural unfairness as follows:6

[47] Mr Farquhar seems to have assumed that because Ms Conner’s report was no longer being relied upon by the Council as part of its case, then it could not be evidence before the Panel or have any relevance to the hearing. I am of the view that assumption was mistaken, but that mistake was not the result of anything said by Ms McKee or other Panel staff, but because of a misapprehension on Mr Farquhar’s part about the nature of the hearing process. This misapprehension continues when NEIL (North Eastern) submits that it was significant that the Panel never advised NEIL that it intended to rely on Ms Conner’s evidence. I am of the view that as a matter of principle it is not the responsibility of a decision-maker to advise a submitter or a party of the evidence to which it must respond. Rather, it is for the submitter or party to inform itself as to the issues which it may wish to address in terms of its own evidence or submissions.

[48] I am therefore of the view that any reliance by the Panel on Ms Conner’s report was, in all the circumstances, not unfair. I am also not persuaded that if Ms Conner was cross-examined the Panel may have made a different recommendation to Council. The Panel did not in fact agree with Ms Conner on the underlying zone, preferring the evidence of the NEIL experts who sought a Terrace Housing and Apartment Buildings zone for most of the land. It stated:

The Panel has instead agreed with the submitter that a more intensive zoning is appropriate.

6 North Eastern Investments Ltd v Auckland Council, above n 2.
The Panel did not support NEIL’s position only in respect of part of the land — the rezoning of a strip of the land fronting Orakei Valley Road as Mixed Use. The Panel gave reasons which had nothing to do with Ms Conner’s evidence. She favoured retention of the Residential — Mixed Housing Urban zoning.

The Council’s argument

Ms Ash for the Council supports the Judge’s reasoning. She also submits that the email sent by Mr Farquhar to other members of the North Eastern team on 5 April 2016 demonstrates that North Eastern knew the Panel had read the material, including Ms Conner’s statement, on the Panel’s website. She submits North Eastern should also have known the Panel might take the material into account in making its recommendation.

Ms Ash points out that Ms Conner’s statement did not contain out of scope recommendations in relation to North Eastern’s submission. She says North Eastern should therefore have known the Council had never withdrawn the material to the extent that it related to North Eastern’s submission. In addition, North Eastern ought to have known the Panel had the power to receive material that would not be admissible as evidence in a court. These facts should have alerted North Eastern to the prospect that the Panel might receive and take into account the material in Ms Conner’s statement.

Ms Ash is also critical of the steps, or lack of steps, taken by North Eastern to keep abreast of events that occurred prior to the hearing on 20 April 2016. She points out that North Eastern had an obligation to check the Panel’s website regularly to ensure it knew what evidence the Council proposed to rely on at the hearing. Had it done so, it would have realised the material remained on the website and was therefore available for the Panel to take into account. Ms Ash contends that North Eastern only has itself to blame for not anticipating the Panel might take that step.

HNZC supports the stance taken by the Council although its focus is on the issues relating to the witness summons it obtained to enable it to use Ms Conner’s statement in support of its own submission.

1 Set out above at [41].
Our assessment:

[61] We begin by observing that the only reasonable conclusion to be drawn from the whole of the evidence is that by the time of the hearing on 20 April 2016 the Council was no longer relying on Ms Conner’s statement in relation to the issue of zoning. Were that not the case, the Council would have referred to her statement in its legal submissions regarding that issue, and it would also have complied with the Judge’s direction that she be available for cross-examination at the hearing.

[62] More importantly, Ms Woolley would have corrected Mr Maassen when he referred twice during his opening submissions to the fact that the Council had withdrawn Ms Conner’s evidence. Ms Woolley was prepared to object on one occasion during Mr Maassen’s cross-examination of Mr Patience when she considered he was asking questions that were not relevant to the issues before the Panel. We have no doubt she would similarly have corrected Mr Maassen if she considered he was providing the Panel with an incorrect statement of the Council’s position regarding Ms Conner’s statement.

[63] The events that occurred between 9 March and 5 April 2016 persuade us that the Council decided at some stage during this period not to rely on Ms Conner’s statement in relation to the issue of zoning. It signalled that fact, albeit not overtly, by advising Ms McKee that Ms Conner would not be attending the hearing even though Judge Kirkpatrick had already given North Eastern leave to cross-examine her. We therefore take a different view to the Judge on the issue of whether Mr Farquhar was mistaken in his assumption that the Council was no longer relying on Ms Conner’s statement by the time of the hearing. We consider Mr Farquhar was correct to reach that conclusion.

[64] We accept that the Panel had the power under s 4B of the Commissions of Inquiry Act to receive Ms Conner’s statement even though she did not appear as a witness to confirm it. We also accept, in general terms, the correctness of Woolf J’s observation that it is not for a decisionmaker such as the Panel to advise a submitter of the issues to which it should respond.8 It will ordinarily be the responsibility of

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8 North Eastern Investments Ltd v Auckland Council, above n 2, at [47].
the submitter to make its own decision regarding those issues. We consider the position changes, however, where a party such as the Council decides not to rely on the evidence of its own witness. If the Panel considered it might rely on the evidence even though the Council did not, it had an obligation to advise North Eastern of that possibility. This would have enabled North Eastern to take such steps as it considered appropriate to protect its position.

[65] Had he appreciated what might occur, Mr Maassen could have asked additional questions of his own witnesses and he could have addressed Ms Conner’s statement in his submissions. He may also have insisted on exercising the right to cross-examine Ms Conner in accordance with the permission given by Judge Kirkpatrick on 9 March 2016. Woolford J was clearly of the view that cross-examination of Ms Conner would probably not have caused the Panel to alter the recommendation it ultimately made to the Council. That may well be the case but the focus in judicial review proceedings is on process rather than substantive outcome. The real point for present purposes is that North Eastern was denied the opportunity to take appropriate steps because it did not know the Panel might take into account Ms Conner’s statement.

[66] We consider this amounts to reviewable procedural unfairness.

Should relief be granted?

[67] The issue of whether relief should be granted is more problematic. On one view, the Panel may not have placed weight on Ms Conner’s statement. The Panel clearly rejected her view regarding the THAB issue and favoured in large part the outcome advanced by North Eastern. Furthermore, it did not accept either party’s argument in relation to the precinct issue and chose a middle ground instead. Its decision regarding the precinct issue also appears to have been grounded largely, if not exclusively, on the proximity of North Eastern’s land to the Albany Town Centre rather than the factors relied upon by North Eastern and the Council. We therefore accept it is arguable that the procedural error may not have had any appreciable effect on the ultimate outcome.
The problem, however, is that it is now not possible to say with any degree of certainty that the error did not affect the ultimate outcome. The Panel clearly took Ms Conner’s views into consideration because it cited them in its recommendation. The zoning and precinct issues are also clearly intertwined. This is demonstrated by Mr Maassen’s cross-examination of Mr Patience and the fact that Mr Patience relied on Ms Conner’s zoning conclusions in preparing his report on the precinct issue. These factors persuade us there is a real risk the Panel’s decision regarding the precinct issue was influenced by information contained in Ms Conner’s statement regarding zoning issues. We therefore consider North Eastern should be granted relief.

Form of relief

Counsel advised us during the hearing that the Panel remains in existence and could re-hear North Eastern’s submission if the appeal was to succeed. At the end of the hearing we asked counsel to endeavour to reach agreement regarding the orders we should make should that be the case. Regrettably counsel have not been able to agree. The issue in dispute relates to the terms on which the Panel is to re-hear North Eastern’s submission.

Mr Maassen submits we should direct the Panel to re-hear the submission in the following terms:

1. The Panel’s recommendations dated 22 July 2016 (provided in its Report to Auckland Council July 2016, Changes to Rural Urban Boundary, Rezoning and Precincts, Annexure 4 Precincts North, at page 158), and subsequent Council decision dated 19 August 2016 to accept those recommendations, are both set aside, insofar as they relate to:

   (a) The Council’s decision not to adopt the Albany 5 Precinct; and

   (b) The Council’s decision not to zone the land within the proposed Albany 5 Sub-Precinct B Business — Mixed Use.

2. The matters in 1 are to be reheard by the Panel and procedural matters, and the parameters of that hearing are matters to be determined by the Panel in the light of this decision.
[71] Ms Ash submits the Court should make the following direction:

2. The Panel is directed to make new recommendations pursuant to section 144 of the LGATPA in respect of the matters set out in paragraphs 1(a) and (b), following a process that addresses the errors identified by the Court of Appeal.

[72] We prefer the approach suggested by the Council because we consider it is more certain in its terms but still provides the Panel with a significant degree of flexibility regarding the procedure it will use to re-hear North Eastern’s submission.

Result

[73] The appeal is allowed.

[74] The Panel’s recommendations dated 22 July 2016 (provided in its Report to Auckland Council July 2016, Changes to Rural Urban Boundary, Rezoning and Precincts, Annexure 4 Precincts North, at page 158), and the subsequent Council decision dated 19 August 2016 to accept those recommendations, are both set aside, insofar as they relate to:

(a) the Council’s decision not to adopt the Albany 5 Precinct; and

(b) the Council’s decision not to zone the land within the proposed Albany 5 Sub-Precinct B as Business — Mixed Use.

[75] The Panel is directed to make new recommendations under s 144 of the LGATPA in respect of the matters set out in paragraphs [74(a)–(b)], following a process that addresses the errors identified by this judgment.

[76] Following receipt of the Panel’s recommendations on the matters set out in paragraphs [74(a)–(b)], the Council is directed to make a new decision under s 148 of the LGATPA.
Costs

[77] The costs orders made in the High Court as between North Eastern and the Council are set aside. Costs are to be determined by the High Court as between those parties in accordance with the outcome of this appeal.

[79] HNZC was required to prepare submissions and participate in the present appeal because it validly assumed North Eastern maintained its ground of appeal relating to the validity of the summons issued by HNZC for the purpose of ensuring Ms Conner’s statement was before the Panel when it heard a submission by HNZC. As recorded earlier, Mr Maassen’s abandonment of that ground effectively evolved during the hearing. For that reason the costs order in the High Court as between North Eastern and HNZC is not disturbed. HNZC is entitled to an award of costs in this Court against North Eastern. North Eastern must pay HNZC costs for a standard appeal on a band A basis and usual disbursements. We certify for two counsel.

[78] The Council must pay North Eastern one set of costs for a standard appeal on a band A basis and usual disbursements.

Solicitors:
Wadham Partners, Palmerston North for Appellants
Simpson Grierson, Auckland for First Respondent
Ellis Gould, Auckland for Second Respondent

---

9 At [33].
AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL
Te Paeae Kahwāwā Motuhake o te Mahere Koahitanga o Tanaki Makaurau

MINUTE TO PARTIES
NORTH EASTERN INVESTMENTS LIMITED
and HERITAGE LAND LIMITED
v
AUCKLAND COUNCIL and
HOUSING NEW ZEALAND CORPORATION

The Panel has been informed of the decision of the Court of Appeal in this proceeding delivered on 21 December 2018 (citation: [2018] NZCA 629) which:

a. at [74], sets aside the Panel’s recommendations in relation to changes to the Rural Urban Boundary, Rezoning and Precincts, Annexure 4 Precincts North at page 158 of its recommendations to the Auckland Council dated 22 July 2016 insofar as they relate to the Albany 5 Precinct; and

b. at [75], directs the Panel to make new recommendations pursuant to s 144 Local Government (Auckland Transitional Provisions) Act 2010 in respect of those matters, following a process that addresses the errors identified in the Court’s decision.

Steps are now being taken to reconvene the Panel and to make preparations for a process to make such new recommendations.

As far as practicable, the Chairperson expects that the Panel’s Hearing Procedures as they stood in 2016 will apply to this process unless there is a particular reason why those procedures should be amended for this process.

In order to assist the Panel in its preparations, the Chairperson directs the parties to confer and advise the Panel, by a joint memorandum if possible and otherwise by separate memoranda, of their views on the following matters:

1. The particular errors identified in the decision, by reference to the relevant paragraph number, which any process of the Panel must address;

2. The most appropriate process for addressing such errors, including but not limited to the parties’ views on the matters which follow;

3. Whether any other person should be notified of this process, such as submitters whose submissions addressed the Albany 5 Precinct or some other matter directly related to it;

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2

4. Whether the process should be confined to a review of the relevant material before the Panel when it conducted hearings in 2016 or whether the process should include consideration of any new material (evidence or submissions) to be presented by the parties.

5. In either case, what particular material that was before the Panel in 2016 is relevant to this process;

6. If new material is to be presented, what that material will consist of and a suitable timetable for that to be exchanged and lodged with the Panel;

7. On the basis that a hearing before members of the Panel will be required, how much hearing time is likely to be required;

8. Whether any party is likely to want to cross-examine any witness and if so, which witness, on what particular topics and for how long;

9. Any constraints which any party may have for timetabling purposes, including the availability of witnesses and counsel; and

10. Any matter not listed which any party believes should be addressed prior to this process commencing.

Any memorandum is to be filed with the Panel no later than 11 February 2019 by e-mail to the Panel’s Hearings Advisor, Larissa Rew:
larissa.rew@aucklandcouncil.govt.nz

Ms Rew may also be contacted on 09-860 5216.

If necessary, the Chairperson may convene a conference with counsel to discuss these matters.

Dated: 27 January 2019

For the Panel:

[Signature]

D A Kirkpatrick
Environment Judge
Chairperson, Auckland Unitary Plan Independent Hearings Panel
Memorandum

28 February 2019

To: Planning Committee

Subject: Government and Auckland Council Joint Programme of Work on Auckland Housing and Urban Growth

From: Penny Piriti, Director Urban Growth and Housing

Purpose
1. To explain the background to the Government and Auckland Council Joint Programme of Work on Auckland Housing and Urban Growth being reported to the Planning Committee on 5 March 2019.

Context/Background
2. On 14 September 2018, Mayor Goff, Deputy Mayor Cashmore and Councillor Darby met with Minister Twyford and Minister Parker to discuss greater collaboration to deliver better housing and urban development outcomes for Auckland. Following the meeting, Deputy Mayor Cashmore requested a formalised arrangement with an agreed programme of work overseen by a Political Governance Group.
3. Minister Twyford agreed to this approach and directed officials from the Ministry of Housing and Urban Development (MHUD) and Ministry for the Environment (MFE) to work with Council officers to develop a joint programme of work.

Discussion
4. Crown and Council officials have worked together to develop a proposed Terms of Reference and initial programme of work.
5. An item on the 5 March 2019 Planning Committee agenda asks the committee to endorse the proposed Terms of Reference including the initial workstreams and projects.
6. By formalising the arrangements, the programme will ensure a more coordinated effort where officials believe ‘greatest value add’ can be achieved by working collaboratively to:
   - remove blockages/enable faster delivery of private and public projects in multiple locations where planning is already well advanced
   - focus on areas where Council and Crown agencies are strongly aligned
   - avoid spreading Council and Government resources too widely.
7. The terms of reference specify the purpose of the joint work programme as:
   - aligning and prioritising objectives
   - effective co-ordination and delivery
   - improving ways of working together
   - supporting new/amended policies, legislation and tools.

Next steps
8. The agenda item provides more detail on the Terms of Reference, initial workstreams and projects, and composition of the political governance group.
Memo

28 February 2018

To: Planning Committee
From: Megan Tyler, Chief of Strategy

Subject: Update on Venue Development Strategy and stadia

Further to the recent workshop and discussions with Regional Facilities Auckland, an extraordinary meeting to consider the Venue Development Strategy was set for Wednesday 20 February. As a result of the questions and concerns raised by some councillors and with the agreement of the Chair, that meeting was cancelled in order to obtain some further information and to provide for further work to be done.

The purpose of this memo is to provide a brief update on what is occurring in relation to the Venue Development Strategy and stadia in the next few months:

- Reports and decisions around Eden Park will be considered by the Finance and Performance Committee in March;
- Stephen Town is about to write to key stakeholder contacts to obtain their response to the Venue Development Strategy;
- Next steps around speedway will be considered by the Finance and Performance Committee in April;
- A report back to the Planning Committee on this work and the next steps for the Venue Development Strategy is expected in May.
1 February 2019

Hon Phil Twyford
Minister of Transport
Parliament Buildings
Wellington

By email: p.twyford@ministers.govt.nz

Dear Phil

INCREASING PUBLIC TRANSPORT PATRONAGE IN AUCKLAND

We suggest that the consideration of options to rapidly accelerate mode shift from private car use to public transport and active modes in Auckland becomes a major line of inquiry within the ATAP “next steps” exercise.

The recent increase in Auckland public transport fares by an average of 1.9%, but in some cases up to 7%, has led to a debate about the impact of fares on our joint efforts to encourage people to move from private vehicles to public transport.

The Government, through the New Zealand Transport Agency (NZTA), requires Auckland Transport to recover 50% of the cost of public transport from fares. We invite you to consider the appropriateness of maintaining this policy, and whether the Government has the means to hold fares while also extending its investment in the transport network and improving its quality. If public transport could be funded to achieve all three objectives, we could further accelerate the shift of more people from private vehicles to public transport.

Notwithstanding the impressive progress over recent years in improving service frequency, convenience and patronage – particularly in peak hours – Auckland’s population and economic growth will result in a significant growth in road congestion if we cannot achieve even higher levels of patronage. This underlies the urgency of deploying every reasonable tool to increase the supply of, and demand for, public transport.

We accept that a range of other factors influence public transport patronage. Key drivers include service levels (frequency, convenience and reliability), economic factors (fare box, income, fuel costs) and levels of private vehicle ownership. Understanding how these different factors interact and influence patronage is critical to achieving the best possible outcomes from public investment in new public transport services and networks, service frequency, and subsidies to moderate the adverse effects of the fare box.

We understand that you have commissioned NZTA (supported by Auckland Transport) to develop proposals to accelerate public transport patronage and active modes (cycling, walking). We are keen for this work to be incorporated into the ATAP “next steps” exercise so that all the key agencies and stakeholders can collaborate on the generation of insights, assessment of options and development of recommendations.
Given the urgency of this work, the timing of final recommendations on how to accelerate public transport patronage could be treated as an early deliverable from the ATAP “next steps” exercise.

We are happy to discuss this further with you at a mutually convenient time.

Yours sincerely

Phil Goff  
Mayor of Auckland

Councillor Chris Darby  
Chair, Planning Committee

Councillor Richard Hills  
Deputy Chair, Planning Committee

Copy to: Dr Lester Levy, Chair, Auckland Transport
Hon Phil Twyford

MP for Te Atatu
Minister of Housing and Urban Development
Minister of Transport

14 FFR 2019

Hon Phil Goff
Mayor
Auckland Council

Dr Lester Levy
Chair
Auckland Transport

Dear Phil and Lester

I am writing to you to update you on the Government’s Transport work programme, and to reply to the letter of 1 February 2019 I received regarding increasing public transport patronage via mode shift.

Encouraging mode shift from private vehicles to walking, cycling and public transport is a key Government transport priority. Mode shift contributes to critical outcomes, including:

- a more efficient transport system that requires fewer vehicles and less space in urban areas
- improved travel choices, to reduce costs, better meet travel needs, increase resilience to disruption, as well as reduce social inequality and isolation
- reduced negative impacts on public health and the environment (including reduced greenhouse gas emissions)
- vibrant and liveable urban environments.

Auckland Mode Shift Programme

Over recent months, the NZ Transport Agency (NZTA) has begun work on developing a mode shift strategy. A key part of this work is to develop and agree a more detailed programme of initiatives to accelerate mode shift in Auckland.

A wide variety of factors influence mode shift, including both transport and land-use decisions. This means it will be important for Auckland Council, Auckland Transport and the NZTA to work together closely in developing this programme. To ensure collective decision making, the programme could be reported to the ATAP Governance Group, and to the Minister of Transport and the Mayor of Auckland as the ATAP political sponsors.

To progress this work, I would like to arrange a workshop between Auckland Council, Auckland Transport, the NZTA and the Ministry of Transport (both senior officials and political/board representatives) towards the end of March this year. The intention of this workshop would be to discuss an initial version of the Auckland mode shift programme and provide feedback to inform its finalisation by the middle of the year.
Finally, I am also aware that the NZTA is reviewing the existing nationwide farebox recovery policy, with the intention of aligning the policy more closely with regional processes for developing regional public transport plans, including regional fare policies as per the 2013 changes to Land Transport Management Act, which set out the requirements for regional public transport plans.

I have asked the NZTA to begin preparations for a workshop, and I look forward to working with you to accelerate mode shift in Auckland.

Yours sincerely,

Hon Phil Twyford
Minister of Transport

Copy to:  
Cr Chris Darby  
Chair, Planning Committee  

Cr Richard Hills  
Deputy Chair, Planning Committee
Planning Committee Workshop:
Regional Public Transport Plan
MINUTES

Minutes of a workshop held in Room 1, Level 26, 135 Albert St, on Thursday 31 January 2019 at 11.39am.

PRESENT
Chairperson Cr Chris Darby
Cr Josephine Bartley
Cr Cathy Casey
Deputy Mayor Bill Cashmore
Cr Linda Cooper
Cr Ali Filipaina
Cr Christine Fletcher
Mayor Phil Goff
IMSB Member Tau Henare
Cr Richard Hills
Cr Penny Hulse
Cr Daniel Newman
Cr Greg Sayers
Cr Sharon Stewart
Cr Wayne Walker
Cr John Watson
Cr Paul Young

APOLOGIES
Cr Ross Clow
Cr Efeso Collins
Cr Mike Lee
IMSB Member Liane Ngamane
Cr Desley Simpson

ABSENT
Cr John Walker

ALSO PRESENT
Andrew McGill - Head of Integrated Network Planning, Auckland Transport
Pete Moth - Manager, Manager Network Development, Auckland Transport
Hamish Burn - Group Manager, Integrated Network Planning, Policy & Sustainability, Auckland Transport
Phil Haizelden - Team Leader Transport Strategy

Minutes
Note: No decisions or resolutions may be made by a workshop, unless the Governing Body or Committee resolution establishing it specifically instructs such action.

<table>
<thead>
<tr>
<th>Purpose of workshop</th>
</tr>
</thead>
<tbody>
<tr>
<td>• To update the Planning Committee about submitter feedback from the recent consultation on the draft RPTP 2018-2028, outline proposed changes to the RPTP and the next steps.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Declarations of Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Cr Daniel Newman declared that he wrote a submission to the public consultation held in 2018.</td>
</tr>
</tbody>
</table>

Notes
• Andrew McGill, Head of Integrated Network Planning, and Pete Moth, Manager Network Development, Auckland Transport, gave a PowerPoint presentation.
• A summary of the public feedback received in the consultation was provided.
• A summary of the proposed changes as a result of the feedback was provided.
• AT staff also provided a summary of their response to Auckland Council’s submission on the RPTP, including: more focus on and links to the Auckland Plan; more long-term strategic planning; linking challenges with policies; Park and Ride; more ambitious targets; and coverage vs patronage.
• Discussions were held around fare increases; coverage in rural or isolated areas; central government funding; public transport marketing; and amenities around terminals and interchanges.

Next steps:
• Bus lanes on shoulders on the North West motorway – AT will discuss this with NZTA and provide feedback to the Committee after the workshop.
• AT will provide feedback to the Planning Committee on the following:
  o Changes to routes in the north-west region
  o HOP card plan for retailers/machines
  o Public transport marketing
  o Feedback regarding Manakau Harbour ferries
• AT will provide briefings to Cr Cooper on an ongoing basis on the north-west light rail project.
• Staff will seek approval for the RPTP at the Auckland Transport Board meeting on 12 February.
• A joint Planning Committee and Finance and Performance Committee workshop will be held on 19 February 2019, to discuss Auckland Transport Operational Expenditure.

The workshop closed at 1.13pm.
Memorandum

To: Planning Committee
Subject: Regional Public Transport Plan (RPTP) 2018-2028
From: Andrew McGill, Integrated Network Planning Manager, Auckland Transport

Purpose
1. To update the Planning Committee about submitter feedback from the recent consultation on the draft RPTP 2018-2028, outline proposed changes to the RPTP and the next steps.

Summary
- The RPTP lays out a 10-year plan for public transport (PT) in Auckland. It identifies all PT services in the Auckland region that are integral to the PT network and that receive financial support from Auckland Transport (AT). It also describes some exempt services that are considered integral to the PT network. It contains the policies, projects and key focus areas that will guide the development of the PT network over the next 10 years.
- Public consultation on the draft RPTP was undertaken between 19 November and 14 December 2018. Submitters were able to provide feedback via an online feedback form, written submission or attend the four drop-in sessions held in different parts of Auckland. During the consultation period presentations to various groups occurred, including the Auckland Council Seniors Advisory Panel, Auckland Transport’s Passenger Transport Advisory Group, and several well-attended Auckland Transport staff lunch time learning sessions.

Discussion
2. Around 460 submissions were received on the RPTP, most via the online feedback form and 38 written submissions. The draft Plan was generally very well received by submitters, which provides confidence that the planned improvements to public transport are meeting customer expectations. In terms of requests for more public transport services by mode, ferry was the most requested area for additional services, followed by bus. Additional provision for bikes and pedestrians was the most requested item of infrastructure in relation to public transport. The key areas of feedback through the public consultation period and proposed changes to the draft RPTP will be outlined in the slide pack.
3. One of the key issues confronting the achievement of future public transport service level aspirations outlined in the RPTP is the constrained operational funding environment, as well as the fact that not all desired public transport capital projects can receive funding within the next decade. The funding environment and supporting capital projects ultimately determine the rate at which service levels for ferries, buses and trains can be increased or expanded into new areas.
4. Auckland Transport will continue to work with Auckland Council and New Zealand Transport Agency over the next 10 years to achieve the level of funding to support service aspirations. Where the required funding cannot be achieved, funding for services will be prioritised. A new section on how services will be prioritised has been introduced into the final version of the Plan.
Local board / Manu whenua engagement

5. Two rounds of engagement were undertaken with local boards in the development of the RPTP. The first cluster workshops occurred in July 2018, followed up by another round in October 2018. Sessions with individual local boards were also held as requested. Sixteen out of 21 local boards provided submissions on the RPTP.

6. Two rounds of Mana Whenua hui on the RPTP have been undertaken, the first round in late 2017 and then the second round in August / September 2018. No submissions were received from Manu Whenua during the consultation period.

Financial implications & risks

7. The financial implications of the RPTP are based on the outcomes agreed through the Long Term Plan / Regional Land Transport Plan statutory processes.

8. The risks are assessed as moderate. The next three years will focus on the consolidation of the public transport network. Beyond 2021, the next in a series of ‘step changes’ will occur as major city-shaping projects begin to come online. Given this, there is a risk that public transport improvement is seen as slowing down. Instead the focus must be on addressing any issues associated with the New Bus Network, making some key improvements and preparing for the next series of major changes.

Next steps

8. Following approval by the AT Board on 12 February, the RPTP (2018 – 2028) will be desktop published and made available publicly on the Auckland Transport website and hard copies distributed to key stakeholders. A media release will be sent out at this time. In addition, a close-out letter will be sent to all submitters who have provided contact details.

Attachments

- RPTP 2018 – 2028 slide presentation will be available prior to the workshop.
Attachment H

Item 17

Purpose of paper

- Update the Auckland Council Planning Committee on Regional Public Transport Plan (RPTP) consultation
- Summarise submitter feedback
- Outline changes to the RPTP in response to feedback
- Note that the RPTP goes to AT Board for approval and release in February.
RPTP: Background & context

- Statutory document
- Reviewed every 3 years
- Key purpose:
  1. Outline vision for public transport and 4 focus areas for this RPTP:
     - expand & enhance rapid & frequent networks
     - improve customer access to PT
     - improve Maori responsiveness
     - harness emerging technologies
  2. Outline policies and key actions
  3. Outline all proposed public transport services by route for 2021 and 2028
  4. Essentially sets out our plan for the development of the PT network, with particular emphasis on the next three years
Timeline

- July - Sep
- Oct
- 19 Nov - Dec
- 14 Dec
- 12 Feb

We are here

- Finalise draft Plan + AC
- Consultation: Local Boards, Mana whenua, Operators
- Public feedback
- Analyse feedback & revise Plan
- Approve final plan
- Publish
Public consultation overview

- Held over 4 weeks, mid Nov to mid Dec 2018
- Received feedback from 424 respondents on the website
- Also received 38 submissions from individuals, groups and organisations, including from 16 local boards, as well as a submission from Auckland Council and the NZ Transport Agency

The document was generally well received, including by local boards, with a strong theme of ‘go faster’.

The following slides outline key results.
Who submitted

- By Local Board area

- Submitter’s use of PT

<table>
<thead>
<tr>
<th>Local Board</th>
<th>Use of PT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rodney</td>
<td>I use public transport to travel to/from work</td>
</tr>
<tr>
<td>Albany</td>
<td>I use public transport to travel to/from school/tertiary institute</td>
</tr>
<tr>
<td>North Shore</td>
<td>I use public transport in the week</td>
</tr>
<tr>
<td>Waitakere</td>
<td>I use public transport in the weekends</td>
</tr>
<tr>
<td>Waitemata</td>
<td>I never use public transport</td>
</tr>
<tr>
<td>Albert, Eden, Roskill</td>
<td>I occasionally use public transport (less than once a week)</td>
</tr>
<tr>
<td>Whau</td>
<td>Other</td>
</tr>
<tr>
<td>Orakei</td>
<td>Other</td>
</tr>
<tr>
<td>Maungakiekie Tamaki</td>
<td>Other</td>
</tr>
<tr>
<td>Manukau</td>
<td>Other</td>
</tr>
<tr>
<td>Howick</td>
<td>Other</td>
</tr>
<tr>
<td>Manurewa Papakura</td>
<td>Other</td>
</tr>
<tr>
<td>Franklin</td>
<td>Other</td>
</tr>
<tr>
<td>Other</td>
<td>Other</td>
</tr>
</tbody>
</table>
Key areas of comment

<table>
<thead>
<tr>
<th>Area</th>
<th>Number of Submitters</th>
</tr>
</thead>
<tbody>
<tr>
<td>More ambitious/faster expansion</td>
<td>40</td>
</tr>
<tr>
<td>Park n Ride</td>
<td>50</td>
</tr>
<tr>
<td>Environmental</td>
<td>50</td>
</tr>
<tr>
<td>Maori responsiveness</td>
<td>20</td>
</tr>
<tr>
<td>Accessibility</td>
<td>30</td>
</tr>
<tr>
<td>Frequency</td>
<td>20</td>
</tr>
<tr>
<td>PT further prioritised</td>
<td>10</td>
</tr>
<tr>
<td>Technology</td>
<td>30</td>
</tr>
<tr>
<td>Journey Planning/wayfinding</td>
<td>20</td>
</tr>
<tr>
<td>Fares &amp; Ticketing</td>
<td>30</td>
</tr>
<tr>
<td>Safety</td>
<td>20</td>
</tr>
<tr>
<td>Heavy rail to airport</td>
<td>10</td>
</tr>
<tr>
<td>Rail to Hamilton/Waikato</td>
<td>10</td>
</tr>
</tbody>
</table>

Approx. 430 online submissions
Requests for types of Infrastructure

- Roads
- Train Stations
- Bus Stop
- Pedestrian
- Bus lane
- Bike
- Other

Number of submitters
Desire for changes to service, by mode

- General
- Bus
- School buses
- Light Rail
- Rail
- CRL
- Ferry
- Feeder Services
- Active Modes
- e scooters
- MaS

Legend:
- Requests for service (new/improved)
- Requests for old service
- Opposition to service
## Feedback on focus areas

<table>
<thead>
<tr>
<th>Focus Area</th>
<th>Feedback</th>
</tr>
</thead>
</table>
| 1. Expanding & enhancing rapid and frequent network | • Overwhelmingly supportive of improvements to date & future enhancements to the rapid and frequent networks  
• Strong support for better connections with ferry services and extending ferry services / rollout of bus priority |
| 2. Improving customer access to public transport  | • Support for safer conditions for walking and cycling to PT  
• Some submitters wanted more secure cycle storage at stations, improvements to PnR, better wayfinding |
| 3. Improving Maori responsiveness                 | • Strong support from local boards for te reo announcements on PT, signage and design input from mana whenua |
| 4. Harnessing emerging technologies               | • Local boards and some business associations expressed interest in on-demand services in areas difficult to serve by conventional PT, or as a supplement to it  
• Local boards support initiatives to reduce carbon and other harmful emissions |
## Summary - Proposed changes

<table>
<thead>
<tr>
<th>Issue</th>
<th>Proposed Change</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ferries</strong></td>
<td>Text included to confirm timing of service improvements and fare integration. This is planned for 2021. Text will also clarify that investigations for new services (Ferry Strategy - Stage 2) in new growth areas will continue, and that the outcome will be included in the next Plan.</td>
</tr>
<tr>
<td>(#1 most commented area)</td>
<td>Text included noting that our ability to address other issues is constrained by legislation.</td>
</tr>
<tr>
<td>Very strong desire to see:</td>
<td></td>
</tr>
<tr>
<td>1) AT control ferries</td>
<td></td>
</tr>
<tr>
<td>2) more ferry services</td>
<td></td>
</tr>
<tr>
<td>3) fares more like buses/train</td>
<td></td>
</tr>
<tr>
<td>4) competition between operators</td>
<td></td>
</tr>
<tr>
<td><strong>LRT</strong></td>
<td>Text has been added to explain that the Light Rail Transit project is led by the New Zealand Transport Agency and is a Central Government priority that we are reflecting as a key part of the broader network. A link to the New Zealand Transport Agency’s Light Rail Transit website will be included as well.</td>
</tr>
<tr>
<td>Request for more information and consultation</td>
<td></td>
</tr>
<tr>
<td><strong>Low emissions</strong></td>
<td>A new section has been added covering the Low Emission Bus roadmap, including its planned timing, and the ongoing low emission bus trials.</td>
</tr>
<tr>
<td>lots of support, but desire to see implementation earlier than 2025</td>
<td></td>
</tr>
<tr>
<td><strong>Aspirations</strong></td>
<td>Text has been added about working with Auckland Council and the New Zealand Transport Agency over the next 10 years to achieve the level of funding to support service aspirations.</td>
</tr>
<tr>
<td>desire for the plan to be more ambitious in its proposals</td>
<td></td>
</tr>
</tbody>
</table>
### Summary - Proposed changes

<table>
<thead>
<tr>
<th>Issue</th>
<th>Proposed Change</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Train frequencies</strong></td>
<td>Text has been added to explain the revised train frequencies and note that further clarification on the post-<em>City Rail Link</em> network will be provided in the 2021 Plan. The service list in the appendices has also been amended to reflect a lower frequency for Onehunga.</td>
</tr>
<tr>
<td><strong>Wayfinding</strong></td>
<td>Additional text has been added about the key improvement areas for the next 3 years.</td>
</tr>
<tr>
<td><strong>Accessibility</strong></td>
<td>The Plan has been amended to better articulate the importance of accessibility for public transport.</td>
</tr>
<tr>
<td><strong>Improving Maori responsiveness</strong></td>
<td>No change has been made. This section has been retained as an adopted approach and Key Focus Area.</td>
</tr>
<tr>
<td><strong>Fares</strong></td>
<td>Text has been added to explain that AT reviews fare levels annually and makes necessary adjustments to balance operating costs and revenue consistent with the fare recovery target. The Government has indicated a review of recovery rules and Financial Assistance Rates and the latest information on this has been included.</td>
</tr>
</tbody>
</table>
### Summary - Proposed changes

<table>
<thead>
<tr>
<th>Issue</th>
<th>Proposed Change</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>On-demand services</strong> support for more on-demand services</td>
<td>A greater level of explanation has been added around how on-demand services could complement, supplement or replace the existing public transport services in different contexts.</td>
</tr>
<tr>
<td><strong>Technology</strong> support for broader capabilities of AT App, also want tech. strengthened and made to work better</td>
<td>This section has been broadened to include more on approach to technology and to align with the relevant sections of the Statement of Intent.</td>
</tr>
<tr>
<td><strong>Safety</strong> desire to see more emphasis on safety monitoring</td>
<td>Additional references to safety have been added where relevant and the Plan explains that new safety metrics will be developed and added to the performance monitoring of public transport.</td>
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<tr>
<td><strong>Inter-regional PT services</strong> support for more on-demand services</td>
<td>The text in this section has been modified to be more flexible and to enable ongoing discussions with surrounding districts.</td>
</tr>
<tr>
<td><strong>New area growth</strong> desire to see stronger/clearer statement of intention to put services into new areas</td>
<td>More has been added on the Supporting Growth programme, including linking readers to their website. The AT aspiration is to provide public transport services early in the development phases to influence travel behaviour and examples of this have been added, noting the financial imperative as well.</td>
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</table>
## Summary - Proposed changes

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<tr>
<td><strong>Patronage versus Coverage</strong></td>
<td>The text now provides a better definition of patronage-oriented services and Coverage-oriented services, with examples, and explains the rationale behind their performance.</td>
</tr>
<tr>
<td>desire to see this service split to be better defined</td>
<td></td>
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<tr>
<td><strong>Prioritisation process</strong></td>
<td>The new Plan introduces additional explanatory text outlining the service investment prioritisation process.</td>
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<td>need to show how we prioritise services better, especially in funding constrained context for patronage and coverage services.</td>
<td></td>
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<tr>
<td><strong>Rollout of bus priority</strong></td>
<td>No change to text is required.</td>
</tr>
<tr>
<td>strong support</td>
<td></td>
</tr>
<tr>
<td><strong>Park and Ride</strong></td>
<td>No change to text is required</td>
</tr>
<tr>
<td>desire for more sites but strong support for keeping them on the fringes</td>
<td></td>
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Next steps

- AT Board consider / approve the proposed changes & final RPTP 12 Feb
- Publish final RPTP By end of Feb
Exclusion of the Public: Local Government Official Information and Meetings Act 1987

That the Planning Committee

a) exclude the public from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

<table>
<thead>
<tr>
<th>C1</th>
<th>Auckland Unitary Plan (Operative in Part) – Proposed Plan Change – Volcanic Viewshafts and Height Sensitive Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reason for passing this resolution in relation to each matter</td>
<td>Particular interest(s) protected (where applicable)</td>
</tr>
<tr>
<td>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</td>
<td>s7(2)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to damage the public interest. In particular, the report contains statutory options available to council on matters of a future plan change to the Auckland Unitary Plan (Operative in Part).</td>
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</tbody>
</table>

s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege. In particular, the report contains statutory options available to council on matters of a future plan change to the Auckland Unitary Plan (Operative in Part).
## ATTACHMENTS

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<th>Attachment</th>
<th>Description</th>
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<td>Howick Youth Council Consultation on T2 Bus Lane and Park &amp; Ride</td>
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<td>5.3</td>
<td>A</td>
<td>Background information - ACHPN delivering affordable housing in Tamaki Makaurau</td>
<td>395</td>
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Howick Youth Council Consultation on T2 Bus Lane and Park & Ride

Background

AMETI is an Auckland Transport project aiming to create a congestion-free rapid busway between Panmure, Pakuranga, and Botany. The project is currently in its Panmure to Pakuranga stage where a busway is being constructed on the northern side of Pakuranga Road between Pakuranga Plaza and Panmure.

As part of a traffic management strategy, Auckland Transport wants to introduce a westbound T2 Bus Lane on Pakuranga Road from Highland Park to Ti Rakau Drive through the stage’s two-year construction period. Auckland Transport also wants to introduce shuttles operating between Lloyd Elsmore Park and Panmure Station, transforming Lloyd Elsmore into a park and ride facility.

With transportation and public transportation being an area of interest to youth in the community, the Howick Youth Council wanted to ensure their thoughts were being heard. Public consultation via online form was held between January 29 and February 9, 2019. This document presents a range of viewpoints from the consultation regarding the T2/bus lane and the introduction of shuttles and park and ride facilities at Lloyd Elsmore. We collected data on the participants’ thoughts, the type of transportation they use the most on Pakuranga Road, age bracket, and suburb of residence.
Summary of Results

T2/Bus Lane

70% of all 97 respondents supported the introduction of a westbound T2/bus lane on Pakuranga Road.

76% of the 56 respondents aged 13-24 supported the introduction of a westbound T2/bus lane on Pakuranga Road.

56% of the 59 respondents who mainly drive on Pakuranga Road supported the introduction of a westbound T2/bus lane on Pakuranga Road.

93% of the 28 respondents who mainly bus on Pakuranga Road supported the introduction of a westbound T2/bus lane on Pakuranga Road.

Of the 7 respondents who mainly cycle on Pakuranga Road, 6 supported the introduction of a westbound T2/bus lane on Pakuranga Road.

Lloyd Elsmore Park and Ride and Shuttles

72% of all 97 respondents supported the introduction of a westbound T2/bus lane on Pakuranga Road.

77% of the 56 respondents aged 13-24 supported the introduction of a westbound T2/bus lane on Pakuranga Road.

69% of the 59 respondents who mainly drive on Pakuranga Road supported the introduction of a westbound T2/bus lane on Pakuranga Road.

75% of the 28 respondents who mainly bus on Pakuranga Road supported the introduction of a westbound T2/bus lane on Pakuranga Road.

Of the 7 respondents who mainly cycle on Pakuranga Road, 5 supported a park and ride and shuttle service from Lloyd Elsmore to Panmure Station.
Findings: T2/Bus Lane on Pakuranga Road

- **Do you support a westbound T2/Bus lane on Pakuranga Road from Highland Park to Ti Rakau Drive?** (97 responses)
  - Yes: 70%
  - No: 30%

- **Do you support a westbound T2/Bus lane on Pakuranga Road from Highland Park to Ti Rakau Drive?** (13-24 age range) (66 responses)
  - Yes: 75%
  - No: 25%

- **Do you support a westbound T2/Bus lane on Pakuranga Road from Highland Park to Ti Rakau Drive?** (Car users on Pakuranga Road) (59 responses)
  - Yes: 64%
  - No: 36%

- **Do you support a westbound T2/Bus lane on Pakuranga Road from Highland Park to Ti Rakau Drive?** (Bus users on Pakuranga Road) (28 responses)
  - Yes: 93%
  - No: 7%
Encouraging the use of public transport

A number of respondents who supported the introduction of a westbound T2/bus lane saw the lane as a way to encourage carpooling and public transport use to reduce the number of cars on the road. They also saw it as a way to reduce car dependency and improve travel times via public transport. For these reasons, some respondents were interested in having the T2 lane for longer than the Pakuranga to Panmure stage's 2-year construction period.

However, some respondents who did not support the introduction of a westbound T2/bus lane said workplaces not accessible by public transport would receive limited benefit.

Congestion

Some saw the T2/bus lane as a way to reduce the number of cars on the road by encouraging carpooling and public transport use, thus lessening congestion.

A number of respondents who did not support the introduction of a westbound T2/bus lane said the lane would be an ineffective way to manage traffic on Pakuranga Road, or contribute to further traffic if the T2/bus lane were to take up an existing lane.

Improved cycling options

Respondents who cycled on Pakuranga road saw the T2/bus lane as a way to increase cycling safety. Almost all respondents who mainly cycled on Pakuranga Road were supportive of the lane's introduction.
"I don’t see how congestion could be reduced without aiming to increase the number of people per vehicle. Therefore, I welcome this as a way to efficiently [by making it T2 AND bus] reduce congestion, especially for those willing to use alternative transport i.e. carpooling or bussing (or other)." - Bucklands Beach resident, regularly travels on Pakuranga Road by bus.

"I think that while the lanes on Pakuranga Road are limited, reserving one of them for T2 and bus use would encourage people to carpool and use public transport which are better options for our environment. While inconvenient for many drivers, I think this would be great motivation." - Botany resident, regularly travels on Pakuranga Road by car.

"The benefits to cyclists are going to be huge. If the T2 lane trial is extended beyond the two years then it could provide much needed PT and cycling connection to AMETI - basically the missing link to get cyclists there more safely." - Howick resident, regularly travels on Pakuranga Road by bike.

"Pakuranga Road is already very congested and a a T2/Bus lane will make things impossible. Also, not everyone traveling to work can get there by catching a train in Panmure. So, focussing on that alone will not resolve the traffic problems of East Auckland." - Bucklands Beach resident, regularly travels on Pakuranga Road by car.

"I think the introduction of these lanes will cause major traffic congestion as the traffic in the mornings trying to get across from Glenmore Rd causes enough issues - adding T2 lanes is going to be terrible." - Howick resident, regularly travels on Pakuranga Road by car.

"Why fix something that isn’t broken?" - Pakuranga resident, regularly travels on Pakuranga Road by car.
Findings: Park & Ride and Shuttle Buses

‘Other’ responses included support of the shuttle buses if it lined up with trains and ensuring park and ride security.

Do you support a Park and Ride at Lloyd Elsmore Park, with frequent shuttle buses to Panmure Train Station? (97 responses)

- Yes: 72%
- No: 6%
- Other: 7%
- Other: 21%

Do you support a Park and Ride at Lloyd Elsmore Park, with frequent shuttle buses to Panmure Train Station? (13-24 age range) (66 responses)

- Yes: 77%
- No: 6%
- Other: 6%
- Other: 17%

Do you support a Park and Ride at Lloyd Elsmore Park, with frequent shuttle buses to Panmure Train Station? (Car users on Pakuranga Road) (59 responses)

- Yes: 69%
- No: 7%
- Other: 6%
- Other: 24%

Do you support a Park and Ride at Lloyd Elsmore Park, with frequent shuttle buses to Panmure Train Station? (Bus users on Pakuranga Road) (28 responses)

- Yes: 75%
- No: 11%
- Other: 14%
- Other: 11%
An increase in frequency for 72 route buses

A number of respondents suggested increasing the frequency or capacity (through the use of double decker buses) of routes 72M, 72C, and 72X instead of introducing a frequent shuttle system.

One respondent said the introduction of frequent shuttles will add to the congestion on Pakuranga Road.

“So many uni students live around the area, a shuttle bus seems a great idea.” - Sunnyhills resident, regularly travels on Pakuranga Road by bus.

“Yes if the park and ride was secure and safe; with regular patrol for security as that car park isn’t a frequently visited one so could be prone to theft.” - Pakuranga resident, regularly travels on Pakuranga Road by car.

“I would much prefer double decker buses for the 72 bus routes from Panmure to Howick from 3pm as busses are far too congested picking up students after school which also becomes a health and safety hazard.” - Pakuranga resident, regularly travels on Pakuranga Road by bus.

“They tried [a shuttle system] with the bus to ferry at Lloyd Elsmore and the bus always missed the ferry. I would like to know also if AT has the capacity to cope with extra people if everyone did decide to catch the train. Peak times are already jammed. We need a system like Hong Kong has. An underground.” - Highland Park resident, regularly travels on Pakuranga Road by car.

“I think introducing more buses such as park and ride will increase traffic congestion overall.” - Half Moon Bay resident, regularly travels on Pakuranga Road by bus.
Respondents by Demographic

Respondents by age (97 responses)

Respondents by their most frequent mode of transport on Pakuranga Road (97 responses)

Illustrations by freepik.com
Delivering affordable housing in Tamaki Makaurau
Who delivers new affordable housing?

- **HNZC (and with HLC)?**
  No, Social housing concentrated in large blocks, with KiwiBuild
  and market priced housing concentrated in separate blocks

- **KiwiBuild?**
  Affordable for households earning > $120,000
  Housing sold at predetermined price points, any subsidy in the
  house goes to the first buyer

- **The Government’s Crown Land sale programme?**
  No, Govt requires developers to supply social housing, market
  affordable and higher priced market priced houses

- **Private Sector?**
  No, costs money and requires long term social investment

- **Auckland Council Unitary Plan and Panuku?**
  Not in the Unitary Plan & Panuku not instructed to require it

So who is delivering affordable housing in Auckland?
**ACHPN members (own or lease 6000 affordable homes)**

- Accessible Properties
- Auckland Community Housing Trust
- Bays Community Housing Trust
- Chinese New Settlers Society Foundation
- Compass Housing Services
- CORT Community Housing
- Emerge Aotearoa
- Habitat for Humanity (Akld)
- Haumaru Housing
- Homes of Choice
- Housing Foundation
- Lifewise Trust and Airedale Property Trust
- LinkPeople
- Monte Cecilia Housing Trust
- Ngati Whatua ki Orakei Whai Maia
- Penina Health Trust
- Tamaki Housing Association
- The Salvation Army
- Whangarei Accessible Housing Trust
- VisionWest Community Trust
DNA of Auckland’s CHPs:

- Provide **affordable rental and home ownership** housing not provided by Govt, Council, Mkt (6000 homes in Akld!)
- **Independent and non-profit**: All surpluses reinvested in homes and communities
- Affordable housing is **retained and not lost** for private gain
- Provide **supports services** so households can **sustain** their housing, minimise “community churn”
- **Community driven**: Supply housing that people need to stay in their community, helping to create sustainable communities
- Housing tenure is **blind, integrated and inclusive**
- **Regulated** by Government
- Natural Partners: Housing affordability issues are too complex and large to be solved in isolation
What is affordable?

- Affordability is determined by what the household can afford
- Housing is affordable when households spend around 30% of their gross income on their housing costs
- Housing affordability is not determined as a discount to market prices - this is just another market setting
- Affordable housing reflects household size (“right sizing” households to their homes)
- Affordability won’t be solved by setting housing supply targets: Housing supply targets rarely align with housing demand.
- Focusing solely on new housing numbers in existing communities will result in communities being forcibly changed and socially cleansed

Need for affordable housing exists because of Government and Council policy settings
CHPs: affordable housing and communities

- CHPs are about communities, supplying housing needed in the community and growing communities through new housing
- CHPs are long term investors in communities, affordable housing is retained within the community and becomes a key element of community infrastructure
- Existing residents are vital– meaningful consultation and participation – ideally with a decision making / governance role
- Deliberately engineer the location and design of new housing to ensure community inclusion & diversity
- CHPs link with other community infrastructure such as health, welfare, education, employment,
Examples of how other Councils support the delivery of affordable housing:

**Christchurch City Council**
- Development contribution grant programme for charitable, not for profit organisations
- Provided a loan to local community housing trust to support development of new affordable housing
- Provided preferential land sale to a consortium of community housing providers

**Wellington City Council**
- First homebuyer rates rebate of $5,000
- Master leasing apartments in the CBD for key workers and limiting rent increases to CPI
- Continuing regeneration of its council housing portfolio
Examples: of how other Councils support the delivery of affordable housing

Queenstown Lakes District Council

- Fast track planning approvals only for developers contributing 10% of units as retained affordable
- On-going support to local community housing trust, including land/units contributed by developers above
How Auckland Council can support the delivery of affordable housing (3 examples)

1. Strategic use of Council assets
CHPs to partner with Panuku on Council assets in support of Transform, Unlock and Support regeneration programmes,

Example: Barrowcliffe Place (Puhinui Place)
- Key part of Transform Manukau:
  - Deliver >300 new affordable homes.
  - Owned and developed by a partnership of CHPs and Iwi: informed by community needs and Council requirements

Would the private sector move as fast, deliver housing needed by the community and be a catalyst for transformation during a down turn in the market?
2. AUP lacks inclusionary zoning for (retained) affordable housing

• Auckland Council voted 2016 to delete inclusionary zoning from the Unitary Plan,
• Applied correctly inclusionary zoning requiring the provision of (retained) affordable housing can be a zero cost requirement of developers.
• Plenty of good overseas examples –USA, UK, Australia – all with varying degrees of success, but success in delivering new affordable housing
• Inclusionary zoning goes a long way to ensuring communities and households get access to the affordable housing they need to stay in their communities
Item 5.3

Attachment A

In Auckland Council, fees (incl. Watercare) are up to 25% of affordable housing.

Contributions policy to support the delivery of retained Council not charging CHPs, Fees and DCS on new retained development.

In Auckland Council recently voted not to amend its Development Contributions policy to differentiate between retained and disengaged affordable housing and market housing with its fee charging strategies.

Council refuses to differentiate between retained and disengaged affordable housing.

3. Review DCS and Council Fees on the additional cost of delivering affordable housing.

Income building 100 new retained affordable houses per $5m of reduced income per built affordable house.

Affordable Housing means Council loses approx. $50’000 of Council not charging CHPs, Fees and DCS on new retained development costs.
Case study: Waimahia Inlet, Weymouth Auckland

CHP owned and managed development
295 new houses, 270 being affordable, range of affordable tenures, from rent to ownership
6 CHPs own houses in the development
Green field site, developed and completed within four years
Auckland Council's first SHA development (#1 on the list)
Wouldn't have happened so quickly without proactive Council and Govt support at Political and Officer level
OUTCOMES: Waimahia case study: Independent residents survey in 2018
Life is good at Waimahia

Both new arrivals and longer-term residents report good or extremely good Quality of Life since moving to Waimahia

90% of households say they have a good or extremely good quality of life
81% of households say their quality of life has improved
Huge improvement in keeping winter illnesses at bay
Households experience reduction in winter illnesses

KEEPING WINTER ILLNESSES TO A MINIMUM

BEFORE WAIMAHIA [N=136]
- Poor: 35%
- Fair: 26%
- Good: 18%
- Very good: 16%
- Excellent: 5%

AT WAIMAHIA 2018 [N=124]
- Poor: 6%
- Fair: 15%
- Good: 38%
- Very good: 40%

78% of households experienced a significant improvement in health since moving to affordable housing in Waimahia
Residents agree that there is a "sense of community" at Waimahia.

84% of households agree there is a sense of community at Waimahia, compared with 25% feeling that way previously.
Planning Committee
05 March 2019

Attachment A

Item 5.3

What do people like about living in Waimahia?

-- Key Themes from verbatims
- Sense of community
- Like minded neighbours
- Look out for each other
- Kids play together
- Good communication
- Pride in their homes
- Safe
- Community events
- Ability to own quality home
- Location – close to shops, work, and whanau
- Parks and playgrounds, reserve, open spaces

Housing affordability is not a big issue
What does this presentation and survey mean?

Communities at the centre of investment and housing decisions.
Blending tenures (affordable, social, market) and right size housing throughout a development creates positive outcomes.

Results in families with less stress, who can contribute socially and economically to their communities and Auckland.

Affordable housing will not be supplied by the market or Govt.

Community Housing providers know what they are doing, and have long term investment in communities.

Auckland Council has the ability to be proactive: e.g.

- Proactively use Council land to ensure affordable housing is supplied.
- Introduce inclusionary zoning for affordable housing in to the AUP.
- Reduce regulatory costs & contributions for affordable housing delivered by CHPs.
Item 5.3

Communities are about people and housing is about people and communities. We need the right policy settings to ensure people and communities can access housing they can afford. Focus must be on both our current and future generations.