

Draft Proposed Plan Change X

Corrections to technical errors and anomalies
in the Auckland Unitary Plan (Operative in
part)

DRAFT SECTION 32
EVALUATION REPORT

28/08/2017

Note: Please read the 'How to guide' on the proposed plan change prior to reading any of the reports and attachments. This guide will help you to navigate through the material and find technical errors and anomalies in the proposed plan change and attachments. A plan change number will be given to this document when it is ready for public notification.

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List of abbreviations

AUP	Auckland Unitary Plan (operative in part)
Council	Auckland Council
GB	Governing Body (Auckland Council)
GB	Auckland Council Governing Body
HGMPA	Hauraki Gulf Marine Park Act 2000
HNZPTA	Heritage New Zealand Pouhere Taonga Act 2014
HSNOA	Hazardous Substances and New Organisms Act 1996
IHP (or the Panel)	Independent Hearings Panel
LGA	Local Government Act 2002
LGATPA	Local Government (Auckland Transitional Provisions) Act 2010
MHS	Residential – Mixed Housing Suburban Zone (in the AUP)
MHU	Residential – Mixed Housing Urban Zone (in the AUP)
NCPS	National Coastal Policy Statement
NESs	National Environment Standards
NPS	National Policy Statement
OS	Open Space
PAUP	Proposed Auckland Unitary Plan
PCX	Proposed Plan Change X
PLA	Planning Committee (Auckland Council)
PLA	Auckland Council's Planning Committee
RA	Reserves Act 1977
RCP	Regional Coastal Plan
RMA (or the Act)	Resource Management Act 1991
RPS	Regional Policy Statement (within the Auckland Unitary Plan)
SCRCA	The Soil Conservation and River Controls Act 1941
THAB	Residential – Terrace Housing and Apartment Buildings Zone (in the AUP)
WRHPA	Waitākere Ranges Heritage Protection Act 2008

Executive Summary

The purpose of this report is to summarise the evaluation required by section 32 of the Resource Management Act 1991 (the 'Act') which has been undertaken in the preparation of Proposed Plan Change X (PCX) to the Auckland Unitary Plan (Operative in part) (AUP).

The key objective of PCX is to correct technical errors and anomalies in all parts of the AUP (except for regional coastal provisions).

The assessment of errors concluded that there is a resource management issue to be resolved. There are technical errors and anomalies in the AUP that do not appropriately give effect to its relevant objectives and policies. These errors and anomalies create confusion and ambiguity within the AUP, which in turn impact on the functionality and integrity of the AUP. The outcome sought is to remove these technical errors and anomalies so as to remove ambiguity in the AUP.

In accordance with Part 5 of Schedule 1 and section 32 of the Act, this evaluation report has been prepared to determine the appropriateness, effectiveness, efficiency as well as costs and benefits of the PCX. This report determined a plan change to the AUP is the most appropriate option for correcting these errors and anomalies. It summarised that correcting these technical errors and anomalies together in one plan change to the AUP:

- is effective, as it better aligns with its relevant objectives, policies and purpose of the Act;
- is efficient, as the potential for users to interpret these provisions incorrectly is reduced; and
- is appropriate, as the AUP will function more efficiently and productively with the correction of these errors.

PCX is considered as the first 'administrative' plan change to the AUP.

PCX is targeted at corrections of the errors and anomalies (including updating the zoning of recently vested land where appropriate) within the existing policies, rules, zoning and other methods of the AUP. It is evident from the research and information gathered, along with the analysis conducted on the particular issue that there is a clear way to correct the technical error or anomaly in the AUP.

Majority of the technical errors and anomalies within PCX show that the nature and degree of change is limited to a specific part of the AUP that is causing ambiguity. Doing nothing is not an option recommended to be pursued.

PCX does not seek to alter the outcomes of any of the objectives and policies of the AUP. Neither does it introduce any new objectives, policies, rules, zoning, and other methods, or new additions to the maps or schedules from that which is already included in the AUP. The policy approach, their purpose and function remains unchanged, and this report does not evaluate these unchanged purposes and functions in any more detail.

Where an error requires further research and investigation, or there are various possible scenarios or correction, or where the impact of the correction is unclear, these were excluded from PCX.

This is an administrative plan change and the correction of these errors and anomalies in PCX will enable the AUP to function as it was intended, and give effect to its objectives and policies.

The PCX is shown in Attachments 31-34 and 36-40.

Note: A plan change number will be given to this document when it is ready for public notification – for now it is referenced as PCX.

1 Introduction

This report is prepared as part of the evaluation required by Section 32 of the Resource Management Act 1991 ('the Act') for proposed Plan Change X (PCX) to the Auckland Unitary Plan (Operative in Part).

1.1 Why we do a section 32 evaluation?

In achieving the purpose of the Act, the council must carry out an evaluation under section 32 of the Act before publically notifying a proposed plan change to its combined regional and district documents. In Auckland context, this is the Auckland Unitary Plan (Operative in Part) (AUP).

A section 32 evaluation report examines:

- The extent to which the *objectives* of the proposals are the most appropriate way to achieve the purpose of the Act – these are specific objectives being introduced or amended, or the purpose of the proposals (if they do not relate to specific objectives); and
- Whether the *provisions* in the proposal are the most appropriate way to achieve the objectives – these are the specific policies that implement, or give effect to, the objectives of the proposals.

This report will outline section 32 requirements in more detail. Due to the large number of sections referenced in this report and the sizes of the sections of the Act, the council recommends readers to view the Act online¹. Attachment 1 provides a web-link to the Act.

1.2 The evaluation approach

This section outlines how the PCX to amend the AUP will be evaluated. The rest of this report will follow the evaluation approach described in the table below. In accordance with section 32(6) of the Act and for the purposes of this report:

- i. the 'proposal' means the PCX
- ii. the 'objectives' means the purpose of the proposal (PCX)
- iii. the 'provisions' means the policies, rules, zoning or other methods that implement, or give effect to the objectives of the proposal.

The AUP contains existing objectives, policies, rules, zoning and other methods. The PCX is not altering the outcomes of any of the objectives and policies of the AUP. This evaluation report on the PCX is targeted at corrections of the errors and anomalies (including updating the zoning of recently vested land where appropriate) within the existing policies, rules, zoning and other methods of the AUP. The policy approach, its purpose and function remains unchanged, and this report will not evaluate these unchanged purposes and functions in any more detail.

¹ Best to view the Act and any other Acts on the New Zealand Legislation website www.legislation.govt.nz

Sections of this report	Evaluation Approach
Issues	This part of the report will explain the resource management issues and why the need to resolve them.
Objectives	This part of the report will outline the purpose of the PCX.
The development and evaluation of options	In accordance with section 32(1)(b) and (2) of the Act, this section examines which options appropriately achieve the objectives of the AUP and the sustainable management purpose of the Act. The options are assessed by its efficiency and effectiveness, costs, benefits and risks to resolve the RMA issue and considered against the s32 criteria.
Reasons for the proposed plan change	In accordance with section 32(1)(a) and (1)(b)(iii) of the Act, this part of the report examines the extent to which the objectives of the proposal is the most appropriate way to achieve the purpose of this Act. This section outlines the reasons for PCX and the scope of PCX.
Statutory evaluation	This part of the report evaluates the relevance of the PCX to Part II (sections 5-8) and other relevant sections of the Act.
National and local planning context	This part of the report evaluates the relevance of the PCX against the national and local planning context.
Development of the plan change	This part of the report outlines the methodology and development of PCX, including the information used and consultation undertaken in preparing PCX. This section includes a summary of all advice received from iwi authorities on the PCX (section 32 (4)(a) of the Act).
Evaluation of provisions	This part of the report outlines the evaluation conducted on individual issues contained within PCX.
Conclusion	This part of the report concludes that the PCX is the most efficient, effective and appropriate means of addressing the resource management issues identified.

This section 32 evaluation report will continue to be refined in relation to any consultation that occurs and with any new information received.

2 Issues

The background and assessment of errors outlined below provide context to the resource management issues identified and why the need to resolve them.

2.1 Background

Since the notification of the decision version of the Proposed Auckland Unitary Plan (**PAUP Decision Version**) in August 2016 and the AUP became operative in part on 15 November 2016, council staff and the public have identified a number of potential technical errors and anomalies in the AUP.

An email address was set up for all internal and external (public) enquiries on the Auckland Unitary Plan. Over time, staff advised members of the public and internal staff within council to send their potential errors to the email address so it could be registered with the team as a potential error for correction. All potential errors were registered, categorised and grouped by their respective chapter, section, precinct, GIS mapping layer, provision/standard and/or property in a spreadsheet.

In addition, since the Proposed Auckland Unitary Plan (**PAUP Notified Version**) was publicly notified in September 2013, a number of new land parcels around the region have been vested as “reserve”. This has typically occurred as a result of recent subdivisions. Also historic land parcels vested as reserves that have not been previously identified in either the legacy District Plans or AUP. All of which requires a corresponding change to the AUP to ensure the appropriate zoning is applied.

Over 1300 potential errors have been recorded to date and the number continues to grow as more of the public, internal staff and practitioners² using the AUP identify and send these potential errors to the Council’s Unitary Plan email address.

The errors identified are found to be in both the text and the maps of the AUP, and range from spelling and grammatical mistakes to a standard or rule not working in the way it was intended. Examples of such errors identified include:

- spelling and grammatical mistakes
- nonsensical provisions or references i.e. where a reference does not make sense and doesn’t apply to the provision
- duplicated provisions i.e. where a policy or standard has been repeated unnecessarily
- inconsistency of provisions, references or formatting
- rules or standards that don’t make sense and don’t work in the intended manner that they have been written
- key information in schedules are missing or incorrect
- where the spatial application of a zone or overlay has been clearly applied to the wrong site, either wholly or partially

² Practitioners include planners, consultants, lawyers, specialists and anyone who uses the AUP in practice i.e. for consenting, plan-making, or plan review processes.

- where the spatial application of zone does not reflect land recently vested as open space, roads and other types of reserve e.g. utility reserves.

When the Independent Hearings Panel (IHP) PAUP recommendations was released and when council was making decisions on the PAUP, a number of potential errors and inconsistencies were started to be identified by submitters involved in the development of the AUP. These submitters were property owners, planning consultancies acting on behalf of their clients, lawyers, iwi authorities, elected members and community groups involved in the development of the AUP. A chronology on the Unitary Plan development is included in Attachment 2.

When the Proposed Auckland Unitary Plan decisions version was approved in August 2016, the Auckland Council governing body made a resolution (GB/2016/201) to “*direct the Chief Executive to initiate a process for relevant plan changes to address any further technical matters and property anomalies relating to the Auckland Unitary Plan and report back to the incoming Council, no later than March 2017.*”

In response to the resolution³, Council staff formed a project workstream to assess the potential errors identified to date to determine if a plan change/s is warranted to address the technical matters (errors) and anomalies in the AUP. The assessment was to be done immediately, for council staff to report back to the Governing Body no later than March 2017.

2.2 Assessment of errors and outputs considered

From December 2016 to June 2017, the council undertook a review of all identified potential errors and considered an appropriate course of action for each of the errors.

All errors were registered, categorised and grouped by their chapter, section, precinct, property, or mapping layer in the spreadsheet. Council staff used this spreadsheet to filter and assess the errors by their relevant chapters, section, precinct, and mapping layer i.e. Chapter B, North Precincts, Schedule 12, sub-geographic mapping changes.

In summary, the assessment of errors and issues involved:

- Reviewing the original issue/error raised by the customer in the email along with any background documents or attachments provided;
- Checking if the error is already logged in the spreadsheet register; and if a recommendation has already been made and approved;
- Checking the AUP if there is an error or not;
- Checking if the error is affected by an appeal, or if there is interpretation guidance on the error;
- Reviewing any background documents, IHP reports, notified PAUP and all evidence received on the issue to understand what has happened (where the error occurred);
- Contacting the subject matter experts and if required, any internal departments or Council Controlled Organisations (i.e. Auckland Transport) to discuss the issue;

³ GB/2016/201

- Checking if the landowner is aware of the potential error and if there are any other affected parties; and
- Checking with the customer (who raised the issue) for more clarity or information if required.

All of the above was conducted to help council make recommendations on the correction of individual errors. A quality assurance was incorporated in all assessments to ensure a consistent and robust assessment was taken on the issue for management approval.

The council can amend and correct errors in the AUP through three processes in the Act:

- Clause 16(2) of Schedule 1:
- Clause 20A of Schedule 1:
- A plan change/s to the AUP.

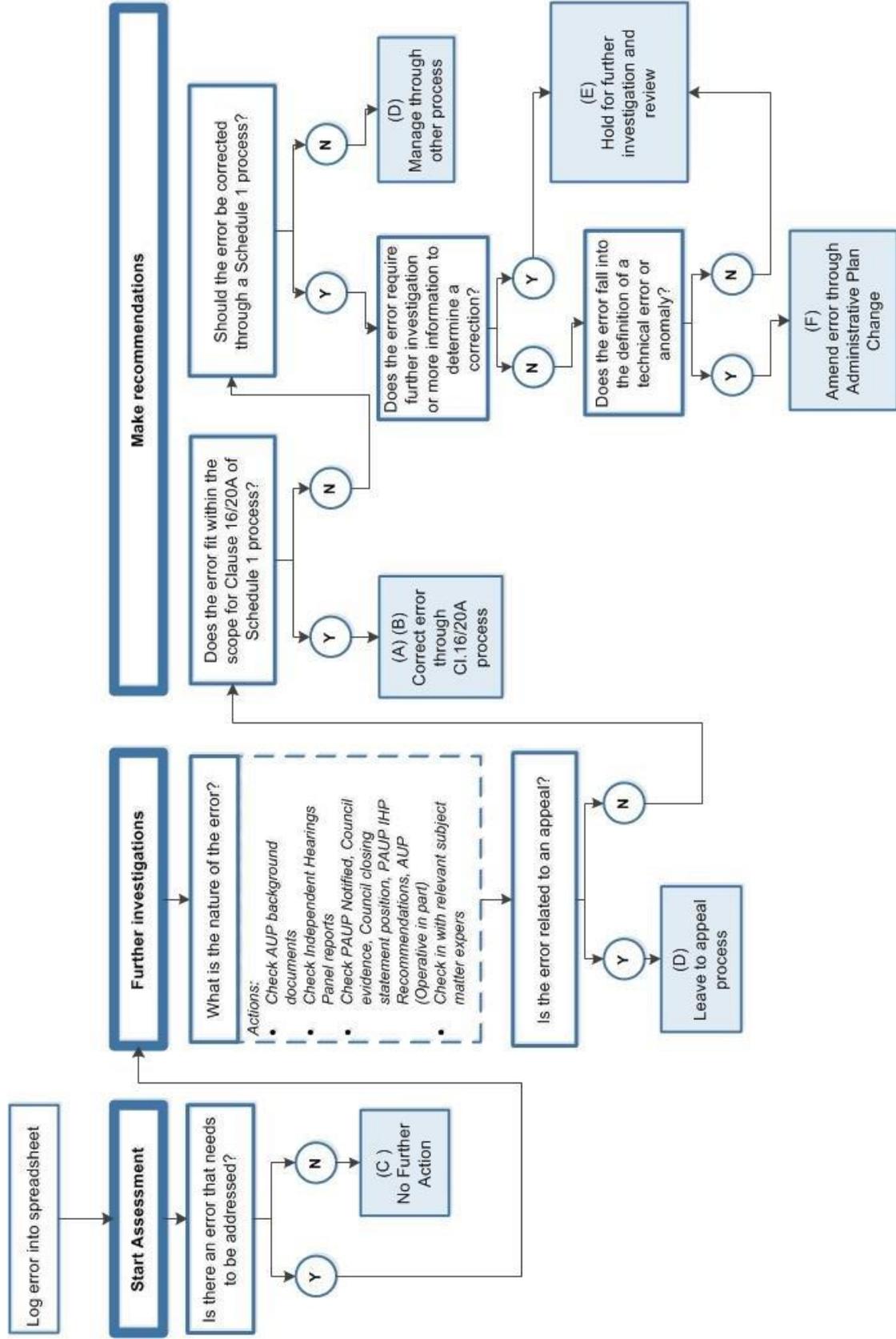
One of the following actions was recommended for each error:

- a) correct the error through Clause 16(2) of Schedule 1 of the Act: *“a local authority may make an amendment, without using the process in this schedule, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors”*;
- b) correct the error through Clause 20A of Schedule 1 of the Act: *“a local authority may amend, without using the process in this schedule, an operative policy statement or plan to correct any minor errors”*;
- c) requires ‘no further action’ as the error is not seen to be an error and the assessment has concluded nothing further is required;
- d) the error will be addressed via another process (such as the appeals process or internal interpretation/guidance/practice notes);
- e) the error requires further investigation and review, which may lead to a future potential plan change/s to the AUP; and
- f) the error is beyond the scope of clause 20A but should be amended through the first ‘administrative’ plan change as a technical matter or anomaly.

A pictorial of the assessment process and recommended actions is shown in Figure 1.

Subsequently any new errors are logged and being held for a future assessment to determine how best they can be resolved.

Figure 1: Assessment of 'errors' and 'issues' in AUP provision



Note: the annotations of (A), (B), (C), (D), (E) and (F) relate to the recommendations and are explained in more detail on the following pages.

The council has assessed and reviewed all errors received to date (26 May 2017). A summary of the assessment process and recommendations is outlined in more detail below:

A. Clause 16(2) process of the Act

In undertaking the assessment, council identified a number of potential errors raised by the public and practitioners that could be corrected through the Clause 16(2) process of the Act.

In June 2017, council staff acting under delegated authority processed and amended 34 errors using the Clause 16(2) process of the Act. These changes were to the Regional Coastal Plan and to the sections of the AUP that is affected by the Regional Coastal Plan. The regional coastal provisions are currently not operative (awaiting approval from the Minister of Conservation).

Under the clause 16(2) process, the corrections included:

- spelling mistakes;
- grammatical errors;
- cross-references;
- numbering errors; and
- inconsistencies in the tagging of provisions to the Regional Coastal Plan that were recommended by the IHP as part of their recommendations.

These changes were all minor in nature, and the amendments did not change the application or intent of the provisions.

B. Clause 20A process of the Act

In undertaking the assessment, council identified a number of potential errors raised by the public and practitioners that could be corrected through the Clause 20A process of the Act. The council has established a 'clause 20A process' and aim to correct errors through this process every two months to the AUP.

In June 2017, council staff acting under delegated authority processed and corrected over 500 errors in the AUP using the Clause 20A process. The council determined these errors are minor errors where the intent and content matter is unchanged.

These actions included:

- correcting spelling, punctuation, plurals and grammatical errors;
- correcting numbering;
- deleting words duplicated in text;
- correcting cross referencing to the intended provisions e.g. change of cross reference from precinct plan 2 to precinct plan 1 when there is no precinct plan 2 for that particular precinct;
- deleting item from a schedule where the item does not exist and it was not included in the maps;
- correct formatting and incorrect labelling;
- correct inconsistencies in the tagging of provisions to the Regional Plan that was recommended by the IHP as part of their recommendations;

- correcting the zone of a tiny piece of a site e.g. a sliver of land that has been incorrectly zoned and the zone selected is that of the adjacent property where there is no debate;
- correcting the zoning on a diagram with the zoning in the GIS viewer, or vice versa;
- correcting the boundaries of a precinct plan to align with the boundaries on the GIS viewer to match with new subdivision boundaries, where this does not change the zone, control or precinct itself;
- correcting the boundaries of a zone, control or overlay to match with property boundaries;
- correct zoning of properties incorrectly zoned road, or incorrectly zoned public open space and not owned by council; and
- name discrepancies and schedule references between the GIS viewer and AUP provisions.

C. Errors with no further action required

In undertaking the assessment, the council determined that a number of potential errors identified by the public and practitioners were not errors in the AUP. The matter raised was intentional and no change is required to the AUP. In some limited circumstances, the error may have been resolved via another process and there is no longer an error. Therefore no change is required to the AUP.

In June 2017, the council identified 287 errors required no further action as the 'error' is not seen to be an error and the assessment has concluded nothing further needs to happen.

D. Errors will be addressed via another process

In undertaking the assessment, the council determined that a number of potential errors identified by the public and practitioners will be dealt via another process.

In June 2017, the council identified 112 errors will be resolved via another process. Another process refers to either:

- the error may be affected by provisions subject to appeals and would be resolved via the appeals process (given that there is scope and agreement to do so).
- the error can be addressed using interpretations guidance or practice notes developed by Plans and Places Department and the Resource Consents Department to ensure consistent interpretation and implementation of the rules are applied in processing consent applications.
- the error will be corrected when the AUP transitions from the PDFs to the electronic plan (e-plan software) on council's website.
- the error may relate to designations and will be dealt via that process.
- it is not an error and will monitor the provisions to determine if a change is warranted in future; as such, the errors will be added to a list and reviewed part of the council's monitoring programme.

E. Errors requires further investigation and review

In undertaking the assessment, the council identified that a number of potential errors identified by the public and practitioners will require further investigation and review that may lead to a future potential plan change/s to the AUP.

At this stage, there is a lack of information or insufficient information available about these errors to make any amendments. Extensive research and investigation will be required before determining the right course of amendments to correct these errors.

The council considers that the changes required to address these errors would be more than minor and acting without further investigation and information will carry significant risks for council.

As such, any changes will need to be processed in future stand-alone plan change/s (and they could be more than one plan change to correct these errors).

The assessment of potential errors to date has highlighted that Schedule 10 – Notable Trees Schedule (**Schedule 10**) in the AUP would benefit from a systematic and wider review and as such is separated out into another work project.

Council staff have found mapping issues (e.g. tree identification is mapped at the wrong location), incorrect information in Schedule 10 (e.g. address and/or legal description is incorrect, the number of trees is missing/incorrect, the botanical and common names are incorrect or do not align), or items missing from Schedule 10 or included by mistake. These errors are causing ambiguity for the consenting process.

In March 2017, the Auckland Council Planning Committee made a resolution (PLA/2017/40) to *“agree to develop a second plan change to make corrections to Schedule 10 Notable Trees Schedule in the Auckland Unitary Plan (Operative in Part).”*

Council staff recommended that a comprehensive review of Schedule 10 is undertaken and any corrections to Schedule 10 should be addressed in a separate plan change process. The review will ensure that Schedule 10 text and maps align, and that the information is correct and up to date. It is anticipated that this plan change will be publicly notified in mid-2018.

Similarly, the Heritage Unit has undertaken a review of Schedule 14.1 Schedule of Historic Heritage, focussing on places identified for their built values. This work has been separate into another work project with the purpose to ensure that Schedule 14.1 text and maps align, and that the information is correct and up to date. It is anticipated that a plan change on these matters will be notified before the end of 2017.

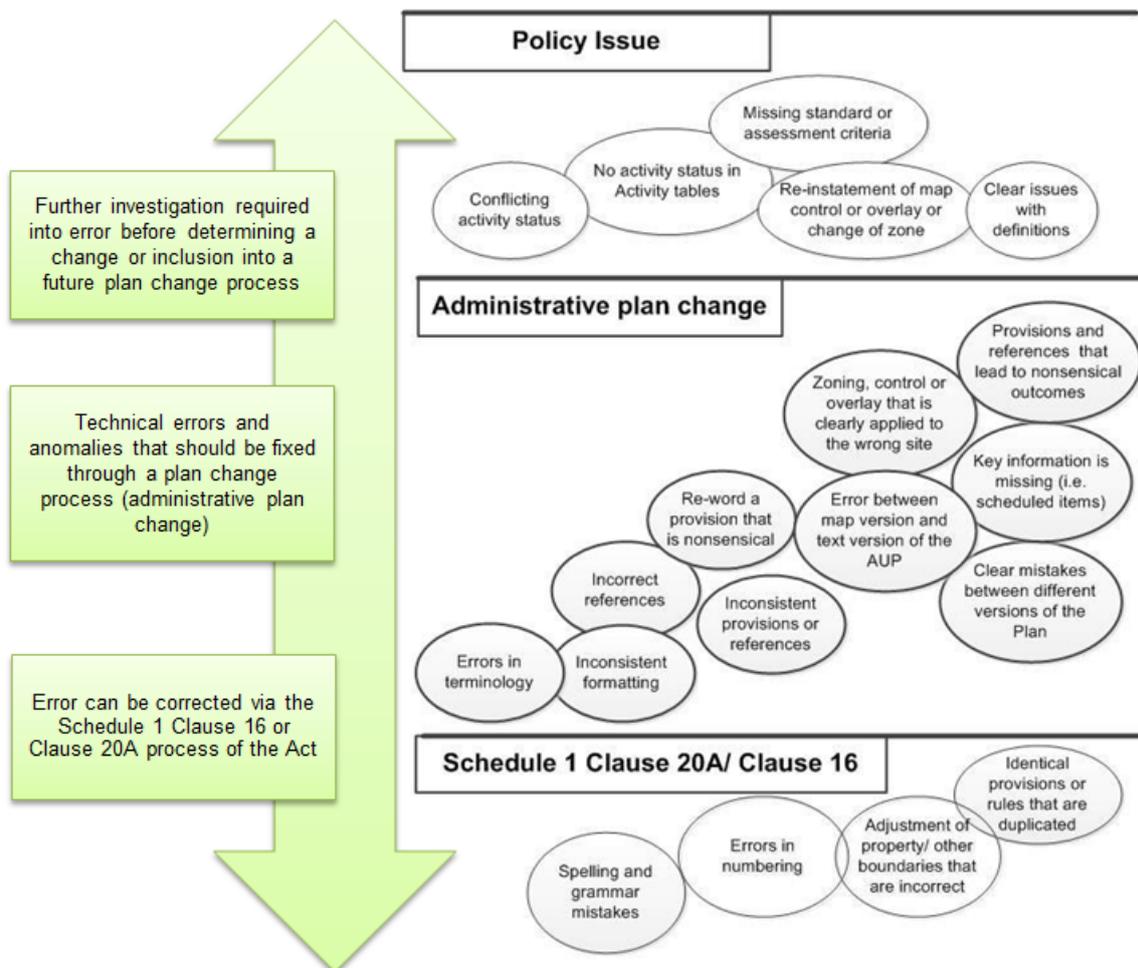
Outside of these schedule reviews, the council has identified approximately 150 errors (from the assessment process) that will require further investigation and review. At this stage, council is proposing to begin investigation on these errors in late 2017 to include any proposed amendments to the AUP in a future plan change, proposed for notification in mid-2018.

F. Correct technical errors and anomalies as part of the first 'administrative' plan change

The council's ability to make changes to an operative plan using clause 20A process of the Act is limited to situations where an alteration is "of minor effect", or a change involves the correction of a "minor error". Council staff acting under delegated authority have corrected a number of errors through Clause 20A and Clause 16(2) processes of the Act. See Figure 2 on examples.

The council has also identified through the assessment process, that there are errors within the AUP that require further investigation and review. The assessment has concluded that certain issues and errors identified require extensive research and investigation prior to determining the right course of proposed amendments to the AUP. These are often seen to be policy-related and can lead to a discussion on the options for change. See Figure 2 on examples.

Figure 2: The examples of errors in relation to the recommended course of action



However, it is evident through the assessment process that there are errors within the AUP that need to be corrected immediately and without the need for extensive/further research or

investigation. The council has found that there are a number of errors that can be identified as technical errors and anomalies for correction in the AUP. See Figure 2 on examples.

Technical errors are defined to a technical point (provision, reference, activity, rule, diagram) in which a change is required to correct the point in order for it to function in the way it was intended and does not result in a policy shift, debate or change in the intention of the provision. These are one-off errors that are not anomalies in the AUP.

Anomalies are points that are odd, peculiar, and abnormal or do not fit within the provisions of the AUP. These have either deviated from the AUP or have been incorrectly applied for no apparent reason. Therefore are inconsistent with the provisions and should be amended.

At present, these technical errors and anomalies do not appropriately give effect to the objectives and policies of the AUP, and require clarity. The issue is impacting on the functionality of the AUP where it is limiting parts of the AUP to function in the way that it was intended.

Evidence shows that there is sufficient information on the subject issue to act upon and identify the proposed amendment in the AUP to correct the technical error or anomaly in the AUP. The assessment concluded that extensive research or investigation is not required on these errors compared to errors identified in sub-section E above.

The council can amend and correct errors in the AUP through three processes via the Act:

- Clause 16(2) of Schedule 1:
- Clause 20A of Schedule 1:
- A plan change/s to the AUP.

There is a resource management issue of where there are technical errors and anomalies identified in the AUP provisions that go beyond the scope of using the Clause 20A process but have sufficient information available to make a proposed change in the AUP. Any proposed changes to the AUP beyond the use of the Clause 16 and Clause 20A process will need to be processed as part of a plan change/variation to the AUP.

As such, the council recommends an 'administrative' plan change is developed to correct these technical errors and anomalies in the AUP to enable the AUP to function in the way that it was intended, and resolve them as soon as possible.

2.3 The resource management issue to be addressed

The assessment of errors concluded that there is an issue to be resolved. The key resource management issue to correct technical errors and anomalies in the AUP. These errors and anomalies are creating confusion and ambiguity within the AUP, which in turn impacts on the functionality and integrity of the AUP. The outcome sought is to remove these technical errors and anomalies so as to remove ambiguity in the AUP.

Examples of the Issue

An example of a technical error to be corrected via a plan change process is in RPS B7.2 - Indigenous biodiversity of the AUP.

Objective B7.2(1) refers to 'Coastal Marine Area' and Policy B7.2(3) refers to the term 'Coastal environment' instead of 'Coastal Marine Area', and this is repeated in the new Policy B7.2(4) of the AUP.

The use of the terms 'coastal environment' is inconsistent with the words stated in Objective B7.2(1), where areas of indigenous biodiversity are to be protected on land, in freshwater or in the coastal marine area (and so will be protected in one of these three ways). The use of 'Coastal Marine Area' in the objective is specific and suggests that the provisions/chapter does not relate to areas landward of Mean High Water Springs (MHWS). The use of 'coastal environment' in the policies does not reflect the above intent.

The PAUP IHP recommendations version made these changes and council accepted the changes in the PAUP Decisions version, now carried through into the AUP.

The terms 'coastal environment' in policies B7.2(3) and B7.2(4) of the AUP should be replaced with the correct term of 'coastal marine area' stated in Objective B7.2(1). This will make the policies consistent with the objectives of RPS B7.2 of the AUP.

This change is beyond the scope of a clause 20A change but the information gathered shows a clear way to correct the error in the AUP. The difference between this error and an error identified for further investigation is that there is sufficient information on the subject matter and provisions to act upon and remedy the error.

There are similar examples of technical errors and anomalies in the AUP where there is sufficient information on the subject matter to act and remedy the error in the AUP.

These errors are found both in the text and the maps, and across all levels of the AUP i.e. Regional Policy Statement, Auckland-wide provisions, District Plan provisions, and the spatial GIS viewer.

Other examples that illustrate the issue are –

1. There are technical errors within Chapter L, Schedule 14.1: Schedule of Historic Heritage where:

- the extent of place is incorrectly mapped;
- primary features and / or exclusions are incorrectly identified;
- Category A places have no primary feature identified;
- a place has duplicate entries within the schedule and therefore requires to be merged; and
- minor amendments for sense and for consistency within the schedule.

There is existing information available to remedy all of the above errors in the AUP. By not correcting these errors, the places included within the schedule will not be appropriately managed by the provisions of the AUP.

2. For mana whenua, including iwi authorities, there are technical errors and/or anomalies in 51 out of 75 sites and areas of significance (Schedule 12 Sites and Places of Significance to Mana Whenua). This creates uncertainty for Plan users and council. It also does not acknowledge the cultural importance of the site or area. For example:

- where the mapped extent is too small, in the wrong location or not mapped at all, it means that there are significant sites or areas that are not protected by Schedule 12 provisions; or
- where the mapped extent is too big or in the wrong location, it means that adjoining land parcels are inadvertently affected by Schedule 12 provisions.

Ensuring correct information about each site, particularly name, is essential to recognise the cultural significance and mana of these sites and areas.

3. Over the past four years, a large number of land parcels across the Auckland region have been vested as 'reserve' to council and do not have the appropriate corresponding zone in the AUP. These are anomalies within the AUP that need to be appropriately zoned to enable its appropriate use, management and development in the region.

The land parcels which may potentially be Open Space have been identified using the Land Information New Zealand (LINZ) NZ Parcel Statutory Actions List. A Statutory Action is the action that is authorised by a specific Part or Section of an Act, with the table providing information about the current statutory actions as recorded against specific parcels. The information contained within this table includes the Action taken against the parcel ([Create], [Referenced]), its Purpose (e.g. Local Purpose Reserve) and a Gazette Reference (E.g. Conservation Act 1987).

To identify possible open space, the statutory actions have been filtered to include only those parcels with a "Purpose" of either Reserve or Accessway of which are not currently zoned Open Space, Road, Coastal, Water or Strategic Transport Corridor as identified in the AUP.

Through this process, council staff have identified approximately 400 land parcels that require a land use zone change in the AUP.

Why does this issue need to be addressed

Technical errors and anomalies within the AUP are creating significant confusion for practitioners using the AUP i.e. resource consents department and external planning practitioners using the AUP in consenting processes. The issue is impacting on the functionality of the AUP where it is limiting parts of the AUP to function in the way that it was intended.

When an error is found, different members of the community (i.e. planners, surveyors, environmental organisations, iwi authorities, community groups and the property owner) begin to interpret the error and intended provisions in their own way. In many cases, the errors become unclear and lead to increased risk of debate and litigation. It misleads the user to believe one thing but could be interpreted to be another thing. The error causes confusion, uncertainty and more importantly starts to undermine the whole policy approach and intent of the AUP.

As Auckland's population grows, demand on land, infrastructure and facilities will be required to support this growth. In particular additional areas of open space will be required for both informal and active recreation and sport; community facilities such as libraries, cemeteries, roads, accessway and service lanes to support new and growing communities. This land needs to be appropriately zoned to enable its appropriate use and development.

The costs to doing nothing (or not correcting the technical errors, anomalies or zoning of recently vested land) and in the absence of a proposal will lead to:

- costs to the individual property owner who cannot develop or build on their site as there is an error to the application of a property zone, overlay, or control on their property;
- higher consenting costs to resolve the matter through a consent application (i.e. the application may need to be fully notified or assessed under a different activity status);
- litigation costs for getting other professionals involved (i.e. getting a lawyer involved, going to Court);
- longer waiting time or things are put hold until the matter can be resolved via a consent application or a change to the provisions via a future plan change; and
- inappropriate use and development of land that does not align with the AUP.

All of this creates undesirable environmental, economic, social and cultural effects to all sorts of people – from the person who owns the land to the community group who want it protected and cared for. The effects vary according to the scale and significance of the error identified.

Technical errors and anomalies identified to date are impacting on the efficiency and effectiveness of the policies, rules and methods of the AUP. These errors and anomalies in provisions, do not appropriately give effect to its relevant objectives and policies. This in turn impacts on the functionality and integrity of the AUP. All of which has an impact on the ongoing monitoring of the AUP (council's requirements under section 35 of the Act).

The council needs to take appropriate action (having regard to the methods available to it under this Act) where the errors can be remedied and corrected immediately. A change is required to the AUP to remedy these impacts so as to remove ambiguity in the AUP.

In March 2017, the Auckland Council Planning Committee made a resolution (PLA/2017/40) to *“agree to develop the first administrative plan change to correct technical matters and anomalies identified in the Auckland Unitary Plan (Operative in Part).”*

In June 2017, the council concluded its assessment of the errors raised to date and identified approximately 260 errors can be amended through the first administrative plan change as a technical matter or anomaly. In addition, there are approximately 400 land parcels that have been vested as reserve that require an update to the zoning.

Council staff recommend that all of these errors should be addressed through the proposed administrative plan change, which was anticipated by the Governing Body resolution⁴.

⁴ GB/2016/201 and PLA/2017/40

Of the options identified above, 'multiple plan changes' was not considered as an option to pursue further. Multiple plan changes would encompass a plan change for each of the 400+ technical errors and anomalies. This is too resource intensive, a waste of time and not feasible.

A reduced multiple plan change option was also considered. Rather than 400+ plan changes as above, errors could be addressed within each council initiated plan change as they normally occur through the life of the AUP. This would probably result in approximately 100 otherwise progressed plan changes drawing from a folder of errors and all errors related to the provisions addressed within the particular plan change. This option has been discounted for the following reasons:

- no certainty that errors across whole plan will be addressed through the life of the AUP;
- errors that have component parts in multiple places within the AUP would only be partially addressed; and
- errors identified after a section had been reviewed (through plan change) would be left unaddressed through the remaining life of the AUP.

Further to the consideration of options above, one option considered but not listed or included is to group all errors reviewed in the assessment process (technical, anomalies and errors identified for further policy investigation) and process them together in one large plan change process to the AUP. This option is a mix of some of the options outlined above.

However it is not listed as it was considered and dismissed as part of the assessment of errors work undertaken. The assessment of all potential errors concluded that technical errors and anomalies should be separated from errors that require further investigation.

While it may be efficient to correct all errors in one plan change together, the process to reviewing, identifying and then determining a recommendation to each error would widen the scope and size of a combined errors plan change. The total amount of errors included in this plan change would be 400+ and that would not include any errors raised by submitters post notification. This is not feasible and not manageable.

The scope of such a plan change would be too wide and could result in a large number of appeals that would prevent certain provisions becoming operative, when they should be corrected immediately.

Errors identified for further policy investigation need more time and resources to determine what is the 'actual' error, and what should be the proposed amendment/s (if any) to correct the respective error. Errors identified as technical errors and anomalies should be kept separate to these errors as a proposed amendment to correct the error is evident.

Options

Four of the five options identified above were further evaluated in accordance with S32(1)(b) and (2) of the Act. These options are:

- to leave the error as it is and do not make the change (*Option 1: Status Quo*)

- to pursue non-regulatory approaches such as practice notes, guidance or interpretation notes to deal with this issue (*Option 2: Non-regulatory approaches*)
- to group the technical errors and anomalies together and undertake one regulatory plan change process to correct these types of errors (*Option 3: Pursue an 'administrative' plan change*)
- to correct the errors when the Unitary Plan is reviewed (*Option 4: Incorporate into review of Auckland Unitary Plan*)

4.2 Evaluation of options

The key resource management issue to remedy is the technical errors and anomalies in the AUP. These errors and anomalies in provisions, do not appropriately give effect to its relevant objectives and policies. This in turn impacts on the functionality and integrity of the AUP. The outcome sought is to remove these technical errors and anomalies so as to remove ambiguity in the AUP.

With this issue and outcome in mind, the five options identified are assessed on its appropriateness, efficiency, effectiveness, costs, benefits and risks, in accordance with Section 32(1)(b) and (2) of the Act. Table 1 below details the assessment criteria to assess Options 1 to 4.

Detailed assessment of options is provided in Tables 2 to 5 and a summary of options comparison is provided in Table 6.

Spatial zoning of land recently vested

With regard to the spatial zoning of land recently vested land in Council, a section 32 analysis on options were identified and assessed on its appropriateness, efficiency, effectiveness, costs, benefits and risks, in accordance with section 32(1)(b) and (2) of the Act.

The three options are:

- do not change the zoning of vested land to “align” with the purpose for which it has been vested (*Option 1: Status Quo/Do Nothing*)
- change the zoning of all vested land to an appropriate unitary plan zone or new zone if no equivalent (*Option 2: Change the zone in AUP via a plan change*)
- change the zoning of vested land to an appropriate zone where one exists (*Option 3: change the zone in AUP via a plan change*)

Both Options 2 and 3 involve rezoning vested land to an appropriate zone. Options 2 involves apply an existing zone to all vested land or if no appropriate zone exists, introducing a new zone. Option 3 involves applying a zone to vested land, only where a suitable zone existing. For example, land is sometimes vested for drainage purposes, local purposes – amenity reserve or utility reserve but this does not necessitate a change in zoning.

The section 32 analysis of the above three options is provided in Attachment 5.

Table 1: Detailed assessment criteria and ranking

Sections of the Act		Criteria
Appropriateness	s32(1)(a) and s32(1)(b) of the Act	Is this option the most appropriate way in which to address the issue at hand? In doing so, is this option the most appropriate way to meet the objective of the AUP and the purpose of the Act?
Effectiveness	s32(1)(b)(ii) of the Act	How successfully can this option address the issue? Does this option successfully meet the objectives of the AUP and the purpose of the Act?
Efficiency	s32(1)(b)(ii) of the Act	Does this option address the issue at lowest cost and highest net benefit?
Costs	s32(2) of the Act	What are the social, economic, environmental or cultural costs and/or negative impacts that this option presents?
Benefits	s32(2) of the Act	What are the social, economic, environmental or cultural benefits and/ or positive impacts that this option presents?
Risks	s32(2)(c) of the Act	What are the risks of addressing this issue? What are the risks of not addressing this issue?

Sections of the Act	Ranking		
	Poor	Moderate	Strong
Appropriateness	Not appropriate in addressing issue	Somewhat addresses the issue	Appropriate in addressing the resource management issue
Effectiveness	Not effective in addressing issue	Somewhat effective in addressing issue	Addresses the issue effectively
Efficiency	Not efficient	Somewhat efficient	Efficient in addressing issue
Costs	Poses a high cost and/or had negative impact	Moderate costs and/or negative impacts	Little cost and/or negative impacts
Benefits	Little benefit and/or positive impacts	Moderate benefits and/or positive impacts	High benefit and/or positive impacts
Risks	High risks	Moderate risks	Low risk

Table 2: Detailed analysis of Option 1: Status Quo (do nothing)

Criteria	Assessment	Option1: Status Quo (do nothing)
Description:		
Appropriateness	Not appropriate	Under this option, a plan change is not pursued and technical errors and anomalies in the AUP will remain. Under this option users of the AUP will potentially interpret the AUP differentially. This option does not address the issue, which is the ambiguity and uncertainty created by the technical errors and anomalies. This in turn impacts on the integrity of the AUP which undermines purpose of the Act. It is not appropriate in addressing the issue.
Effectiveness	Not effective	By allowing the errors and anomalies to remain, it reduces the efficacy of the provisions in meeting its relevant objective and policies and limits the functionality of the AUP. This option does not address the issue at all. The AUP will not be effective in achieving the relevant objectives and policies if errors remain and continue to be a resource management issue for council.
Efficiency	Not efficient	This option is not efficient, as users of the AUP will need to interpret and clarify technical errors and anomalies. This raises costs of consenting and undermines the efficiency of the AUP.
Costs	High costs	If users of the AUP interpret the AUP differentially because of these errors and anomalies, there is an economic and environmental cost. The economic impact is a slowing down of the consenting or an activity assessed under a different activity status. For example, costs associated the resource consent process if the zoning and the purpose for which the land has been vested do not align. Also there is potential litigation and debate over the meaning of provisions. This in turn limits the productivity of the AUP. The environmental cost is that some of these errors and anomalies are in conflict with the objectives and policies of the AUP. This in turn undermines the sustainable management purpose of the Act.
Benefits	Low benefit	As a plan change is not pursued under this option, a benefit is that more potential errors and anomalies can be discovered and potentially remedied at a later date. There is savings in staff time and resources when a plan change is not pursued. In the meantime, the issues can be monitored. Another benefit is that the correction of any error and anomaly could create more issues. With no action, this cannot be prevented.
Risks	High risk	A significant risk of this option is that users of the AUP could be interpreting provisions differentially as a result of these technical errors and anomalies. Risk of doing nothing will lead to significant interpretation issues in the implementation of the AUP. There is a legal risk of litigation if these errors are not corrected or acted upon.

Table 3: Detailed analysis of Option 2: Non-statutory approaches

Criteria	Assessment	Option 2: Non statutory approaches
Description: Under this option the technical errors and anomalies will be corrected through guidance notes, practice notes, information sheets, briefing sheets, non-statutory plans (i.e. area plans, centre plans). Guidance on these errors can form an ‘addendum to the Auckland Unitary Plan’ to be made publicly available.		
Appropriateness	Moderate	This option addresses the issue by providing guidance around the technical errors and anomalies. Also, if more errors are found, this approach can resolve the issue in a timely manner. However, the statutory standing of these guidance and practice notes limits the appropriateness of this option.
Effectiveness	Poor	The statutory standing of these guidance and practice notes is unclear, and therefore this limits the effectiveness of this option in addressing the issue. Furthermore, the remedy for these technical errors and anomalies are arguably, still open to interpretation without a robust plan change process.
Efficiency	Moderate	This option requires limited staff time and resourcing, compared to a plan change. If the guidance and practice notes can adequately address the ambiguity in the AUP, this option efficiently addresses issue. However, the potential for guidance and practice notes to be challenged undermines efficiency gains of this approach. Also as the guidance and practice notes in this option will have limited outreach –i.e. consent planners, planning consultants and some other users, more general users of the AUP might not be aware of these technical errors and anomalies. As such the broadcast and outreach of these guidance notes is limited.
Costs	Moderate	While there is limited staff time and resources involved for this option as opposed to a plan change, there are potential negative economic and environmental impacts. The economic impact is a slowing down of the consenting or an activity assessed under a different activity status. Also there is potential litigation and debate over the meaning of provisions. This in turn limits the productivity of the AUP. The environmental cost is that some of these errors and anomalies are in conflict with the objectives and policies of the AUP. This in turn undermines the sustainable management purpose of the Act.
Benefits	High	The key benefit of this option is that the technical errors and anomalies are addressed in a way that does not require extensive time. Also as these errors are being resolved in a non-statutory manner, it provides scope for any further errors to be resolved promptly.
Risks	High risk	The key risk for this approach is that the ambiguity in the AUP still exists. As any guidance notes are non-statutory and still open to different interpretations, there is still a risk that different users of the AUP might interpret the error differentially. Furthermore, a series of guidance and practice notes has the potential to impact on the integrity and public opinion of the AUP.

Table 4: Detailed analysis of Option 3: Pursue an administrative plan change

Criteria	Assessment	Option 3: Pursue an administrative plan change
Description:		Under this option, the technical errors and anomalies are grouped, to undertake one regulatory plan change, in accordance with Schedule 1 of the Act. It is called an 'Administrative Plan Change' because of the administrative nature of the issue.
Appropriateness	Good	This option can address the issue of technical errors and anomalies in the AUP, through a statutory process. The statutory process of the plan change allows for the errors to be remedied in a clear and legally robust manner that reduces the potential for ambiguity. This in turn improves the functionality of the AUP and its role in meeting the sustainable management purpose of the Act.
Effectiveness	Good	The 'Administrative Plan Change' can effectively address technical errors and anomalies as it corrects these to align to the objectives and policies in the AUP. In doing the plan change, it removes these errors and anomalies and resultant ambiguity from the AUP, so there is clarity in the meaning and purpose of the provisions in the AUP.
Efficiency	Good	It is efficient to undertake one plan change to correct errors than a series of discrete plan changes. Also with the methodology and quality assurance that accompanies each error correction, it is easier to see connections across the plan. While there is a cost in terms of staff time and resources, this option improves the efficiency of the AUP and is the most efficient way to achieve the outcome sought.
Costs	Low	At present, the Administrative Plan Change can be met through existing staff budgets and resources. There is the potential for higher costs in the future, if there are more technical errors and anomalies identified in the AUP.
Benefits	High	By removing the ambiguity in the AUP, consenting is more efficient and there is less need for users of the AUP to interpret the provisions. The AUP is more productive and functional. Also an important benefit of a plan change is that the errors and anomalies will better align to its relevant objectives and policies which will advance the sustainable management purpose of the Act.
Risks	Low	In addressing the issue through this option, there is a risk that the correction of these technical errors and anomalies could result in more errors. To alleviate this, the methodology includes a quality assurance aspect to ensure no additional errors are created. Another risk is that all possible technical errors and anomalies may not have been identified as part of this plan change process, therefore the issue of ambiguity and functionality in the AUP may not be fully resolved if more errors are found.

Table 5: Detailed analysis of Option 4: Correct errors at a later date, as part of a full AUP review

Criteria	Assessment	Option 4: Correct errors at a later date, as part of a full AUP review
Description: Under this option, the technical errors and anomalies are corrected when the AUP is reviewed.		
Appropriateness	Good	This is a holistic approach as the technical errors and anomalies are addressed as part of a wider policy and structural review of the AUP.
Effectiveness	Moderate	As this option involves a comprehensive review of the AUP, these errors and other potential errors can be comprehensively reviewed at the same time. However, this option postpones the remedy of these errors to a 5-10 year timeframe; it is not an effective approach as the errors will remain unresolved for a while.
Efficiency	Good	It is efficient to correct the errors as part of a wider review of the AUP. However, these efficiencies will not be realised until the AUP is reviewed in 5-10 years.
Costs	High	As the technical errors and anomalies will remain until the AUP is reviewed, in the immediate term, the economic and environmental costs of the errors remain. The economic impact is a slowing down of the consenting or an activity assessed under a different activity status. Also there is potential litigation and debate over the meaning of provisions. The environmental cost is that the errors can be in conflict with the objectives and policies of the AUP, which in turn undermine the sustainable management purpose of the Act.
Benefits	Low	This option is efficient in that it can correct the technical errors and anomalies as part of a wider review of the AUP. However, the benefit is not realised for a while as the timeframe for the review is approximately 5-10 years. In the meantime the cost of the technical errors and anomalies will significantly outweigh the benefits.
Risks	High	As timeframe for a comprehensive review of the AUP and therein the correction of errors is 5-10 years away, current risks whereby users of the AUP interpret these errors differently, can pose a legal, environmental and economic risk.

Table 6: Summary comparison of Options 1 to 4

	Option1 Status Quo (do nothing)	Option 2 (non-statutory approaches)	Option 3 (pursue a plan change to correct errors)	Option 4 (correct errors as part of AUP statutory review, in 5-10 year timeframe)
Appropriateness	Does not address the issue	Unclear of statutory standing of guidance and practice notes	Adequately resolves the issue- the errors will be removed and resolved	Addresses the issue in the context of the policy and structural review of the AUP
Effectiveness	Does not address the issue	Guidance and practice notes can be open to interpretation without a robust plan change process	Effective and prompt resolution of issue	Effective to review it holistically, but timeframe is 5-10 years away
Efficiency	Lowest cost, however it is the option with the lowest net benefit	Lower cost without a plan change. But limited outreach to users of AUP	Higher cost, but highest net benefit	Resource savings if the whole AUP is reviewed and corrected at the same time
Costs	Lowest monetary costs, but higher environmental cost and loss of productivity – as it does not address the issue	Lower monetary cost, but higher environmental cost and loss of productivity	Higher monetary cost, but lower environmental, economic cost	In the immediate term, the costs are high- there is a high environmental cost and loss in productivity
Benefits	Lower monetary costs, but higher environmental cost and loss of productivity	Can resolve errors promptly and further errors can be quickly resolved	Removes ambiguity and improves the productivity of the AUP. Better meets environmental objectives	While a holistic review is beneficial for savings, the net environmental and economic cost of the errors undermines this benefit
Risks	Differential interpretation from users of the AUP and legal risks	Ambiguity still exists as the statutory standing of practice notes is unclear. Also the integrity of the AUP is at risk	Legal risk in the immediate term is removed. However, there is a risk that more errors will be found	Differential interpretation from users of the AUP and legal risks
Summary	Do not recommend	Do not recommend	Recommended option	Do not recommend

Summary of options analysis

Overall, the plan change approaches (i.e. Option 3 and Option 4), are better options in addressing the issue of technical errors and anomalies in the AUP. A plan change approach removes the errors and anomalies in its entirety.

However, the key difference between Option 3 and 4 is that of timeframes. While Option 4 is more holistic and cost efficient, in the immediate term, the issue remains unresolved. Timeliness is an important dimension in addressing this issue, as the costs and risks posed by these technical errors and anomalies are significant (i.e. it does not meet the purpose of the Act and there are different interpretations).

The non-statutory approach, such as guidance a notes in Option 2, is not recommended as it does not effectively achieve the outcome sought. The statutory standing of any potential guidance and practice notes is unclear. Furthermore, it poses a reputational risk to the integrity of the AUP.

Option 1, which is to do nothing, is not recommended. The technical errors and anomalies cause users to interpret the plan differently, delay consenting and overall impacts on the productivity of the AUP.

Option 3, which is an 'Administrative Plan Change' to correct the technical errors and anomalies, is the recommended approach. It brings about a swifter resolution in improving the functionality of the AUP, while meeting the objectives and policies in the plan, and its sustainable management purpose in the Act.

With regard to the spatial zoning of land recently vested land in Council, Option 3 identified in Attachment 5 strikes the best balance between aligning the purpose for which the land has been vested with the appropriate zone while recognising that some "types" of vested land do not require an equivalent Unitary Plan zoning. This will correct the appropriate land use zoning for land recently vested into council to the AUP, and can be included into the Administrative Plan Change as zoning mapping anomalies for correction.

5 Reasons for the proposed plan change

5.1 Reasons for the preferred option

The evaluation of options concludes that a plan change is most appropriate option to address the issue of technical errors and anomalies in the AUP. This option groups all technical errors and anomalies into one 'administrative' plan change, rather than pursuing individual plan changes for each error in provisions.

The administrative plan change (PCX) will directly address the resource management issue (i.e. technical errors and anomalies); realign these errors and anomalies with its relevant objectives and policies in the AUP; and is the most appropriate to meet the sustainable management purpose of the Act.

The administrative nature of the plan change clarifies that no new objectives and policies are being proposed. PCX seeks to realign the errors and anomalies to existing objectives and policies in the AUP, rather than alter or introduce new objectives and policies.

As such the scale and significance of the PCX is limited, to the existing objectives, policies and outcomes envisioned in the AUP. However, there are positive economic and environmental impacts of PCX. As the technical errors and anomalies are interpreted and implemented differently by different users of the AUP, this negatively impacts on the consistent administration of the AUP that in turn causes productivity and efficiency losses to the plan users and the implementation of their proposals (development). Also, as the errors and anomalies do not properly align with the current objectives and policies, this in turn impacts on the sustainable management intent of the AUP.

Overall, the correction of these errors and anomalies positively impacts on the integrity of the AUP and helps it function as it is intended to.

5.2 Scope of PCX

The scope of PCX is to correct technical errors and anomalies in all parts of the AUP (except for regional coastal provisions) to ensure that the provisions that give effect to its objectives and policies are operating in the way that they should.

The PCX has a narrow focus in correcting technical errors and anomalies that ***enables the AUP to function the way that it was intended***. For instance, clear errors or discrepancies that may have arisen between mediation, Council's closing statement position, PAUP IHP recommendations, and the Decision Version and the Operative in Part Version of the AUP.

The PCX is targeted at corrections to technical errors and anomalies found within the existing AUP provisions. The AUP policy approach, its purpose and function remains unchanged, and this PCX does not evaluate these in any detail.

As such the scope of PCX includes:

- a) technical corrections where it is clear from the IHP PAUP recommendations that their intentions have not been carried forward into the AUP;

- b) corrections to reflect agreements reached between a submitter and the council through mediation where the Panel accepted the agreements and recommended they be implemented but this is not reflected in the AUP;
- c) technical amendments to the provisions to correct information where it does not change the policy or intent of the provision;
- d) corrections to an overlay, precinct, zone or control where the spatial application has clearly been applied to the wrong land (and this is clearly seen to be a technical error or anomaly and does not lead to a substantive argument / debate of the proposed change in any form);
- e) corrections to the schedules where there is clear discrepancy between council's closing statement evidence and the AUP and the matter has been agreed between the parties and/or is silent in terms of the Panel's recommendations;
- f) corrections to anomalies within the AUP where it has either deviated from the AUP or have been incorrectly applied for no apparent reason, and thereby is inconsistent with the provisions and should be amended; and
- g) updating the GIS viewer to land recently vested as open space, roads and other types of reserve e.g. utility reserves.

PCX does not seek to alter the outcomes of any of the objectives and policies of the AUP. Neither does it seek to introduce any new objectives, policies, rules, zoning or other methods, or new additions to the maps or schedules, from that which is already included in the AUP.

Errors in Schedule 12

In relation to Schedule 12: Sites and Places of Significance to Mana Whenua, the following matters are included and in scope of PCX:

- overlay mapping error: where the mapped extent does not match the legacy District Plan or legacy Regional Plan; the location description; or, information provided by mana whenua or within historic records. This is deemed to be an anomaly.
- schedule 12 content: where there is incorrect, unclear or missing information, spelling or formatting errors as well as missing macrons. These are technical errors for correction.

Matters that are considered out of scope and not included in PCX are:

- adding new sites or removing existing sites;
- amendments to the schedule to reflect nominating Iwi (one or more) in relation to individual sites; and
- amendments where there is insufficient information to verify type and extent of error e.g. Site 002 (possible errors to mapped extent, site name, location description and site description).

These will be addressed via a future plan change process to the AUP.

Errors in Schedule 14.1

The Heritage Unit within council have undertaken a review of Schedule 14.1 Schedule of Historic Heritage, focused on places identified for its built values. This work has been divided into a separate work programme, with the purpose to ensure that Schedule 14.1 text and maps align, and that the information is correct and up to date.

Technical errors within Schedule 14.1: Schedule of Historic Heritage is included in PCX where:

- the extent of place is incorrectly mapped;
- primary features and / or exclusions are incorrectly identified;
- Category A places have no primary feature identified; and
- a place has duplicate entries within the schedule and therefore requires to be merged and minor amendments for sense and for consistency within the schedule.

The Heritage Unit has introduced a principle of “refining management”. This is defined as making the management of the place appropriate to the specific values and significance of that place. This may involve:

- i. the review of a category A* place to clarify if it is category A or category B;
- ii. identification of a primary feature;
- iii. correction/updating of any other column, including name, legal description, exclusions, and historical values, as required; and/or
- iv. revising, or where required identifying, the mapped extent of place.

As PCX is only for the correction of errors as defined in the sections above, this principle of refining management was unable to be implemented. Therefore some historic heritage places identified as having errors have been excluded from PCX and will be included within a future amendments plan change. This has occurred so the correction of the identified error and the refining of the management of the place can occur through a single process.

It is anticipated that a plan change to implement these amendments will be notified before the end of 2017.

Zoning of land recently vested to council

The vesting of land as a “reserve” requires a corresponding zone in the AUP to ensure the appropriate zoning is applied. The change to subject sites is included in PCX.

For example, when land is vested as an esplanade reserve, the zoning needs to be changed from, typically a residential or business zoning, to an open space zoning to reflect the land qualities and intended use and development. Not all vested land however will require a change to its zoning. For example “crown land reserved from sale” will not require a corresponding zone change.

Each land parcel that has been vested as reserve (using the Land Information New Zealand (LINZ) NZ Parcel Statutory Actions List) was checked to determine whether a change in zoning or a change to road was required. Where a change was required, the appropriate

zoning was determined and included in PCX. There are approximately 400 land parcels included in PCX for a zoning change.

We note that there are some inconsistencies in the way “esplanade reserves” have been zoned in the Auckland Unitary Plan (Operative in Part). This is, historically, based on the various approaches applied by the former councils in Auckland Region to land use zoning. All four zones have been applied to esplanade reserves across the region:

- i. Open Space – Conservation zone
- ii. Open Space – Informal Recreation Zone
- iii. Open Space – Conservation zone for the first 20m and then an appropriate open space zoning for the balance of the land
- iv. Open Space – Sport & Active recreation – for marine based recreation facilities such as boat ramps.

It is not the intention of this PCX to address the inconsistent application of land use zoning to esplanade reserves. This will require a separate investigation and possible plan change at a later point in time.

5.3 Out of scope of PCX

Where an error requires further research and investigation, or there are various possible scenarios or corrections, or where the impact of the correction is unclear, these will be excluded from PCX. The errors will be put forward into a list for further investigation and considered for possible future plan change/s to the AUP.

Section 5.2 of this report has outlined what is in scope of the PCX and what is not in scope of the PCX for Schedules 12 and 14 and zoning of land recently vested to Council. Council is pursuing and preparing five proposed plan changes to the AUP to address some of these issues:

Proposed Plan Change	Notification Date
<p>Addition of historic heritage places to Schedule 14 Schedule, Statements and Maps</p> <p>The proposed plan change seeks to add approximately 60 places and potentially three areas to Schedule 14.1 Schedule of Historic Heritage.</p> <p>The addition of areas will also require information to be added to Schedule 14.2 Historic Heritage Areas – Maps and statements of significance. The exact number of additions is subject to further research and each addition proposed must meet the threshold for scheduling.</p>	<p>Anticipated that a plan change to implement these amendments will be notified before the end of 2017.</p>

<p>Amendments to Schedule 14.1 Schedule of Historic Heritage</p> <p>This plan change seeks to correct errors and update columns in Chapter L, Schedule 14.1 Schedule of Historic Heritage for approximately 150 places. The exact number of places is subject to further research. This plan change is to places already on the schedule that have been scheduled for their known built heritage values.</p> <p>Examples of the types of changes proposed in the plan change include:</p> <ul style="list-style-type: none"> - correctly naming the place; - accurately describing the location of the place; - adding legal descriptions; - listing the primary feature (the key component of the place's identified values); - listing exclusions, if any; and - correctly mapping the extent of the place. 	<p>Anticipated that a plan change to implement these amendments will be notified before the end of 2017.</p>
<p>Corrections to Schedule 10 Notable Trees Schedule</p> <p>The proposed plan change will address the anomalies and errors contained in Schedule 10 of the AUP.</p> <p>These anomalies include incorrectly described trees, irregularities in the number of trees listed and inconsistencies in terms of listed addresses where scheduled trees are located.</p>	<p>Proposed for notification in early 2018.</p>
<p>Inclusion of additional sites to Schedule 12 Sites and Places of Significance to Mana Whenua</p> <p>The proposed plan change is part of the Māori Cultural Heritage Programme that is intended to improve the understanding of Māori cultural heritage and to provide appropriate planning responses to its long-term protection and management.</p>	<p>To be considered by the Council's Planning Committee for public notification in mid-late 2018.</p>
<p>Enhancements to the AUP plan change</p> <p>The proposed plan change will improve the AUP without changing the policy direction. Amendments proposed as part of this plan change will enhance the performance of the AUP where there are current issues or gaps in the provisions which are leading to outcomes that do not align with the policy direction of the AUP. Additional amendments proposed will improve the workability of the AUP where the current wording of provisions is not clear.</p>	<p>Proposed for notification in mid-2018.</p>

Where an error is found to be within these respective plan changes, the error will be considered out of scope, excluded from PCX and will be put forward for consideration into the relevant proposed plan change.

Provisions subject to appeals

Where an error is found in a section affected by provisions subject to appeals, the error will be considered out of scope, excluded from PCX and will be put forward to the relevant appeals process for consideration (given that there is scope and agreement to do so).

These errors are then tracked to confirm that they have been corrected. Where this does not occur they are reinserted into the admin plan change or set aside for future admin plan changes, if the opportunity for inclusion has passed.

Regional Coastal Plan provisions

There are very few errors identified in the PCX subject to the Regional Coastal Plan provisions. Most of the coastal plan is in 'Chapter F Coastal'. There are also regional coastal plan provisions in nine overlay chapters, 15 Auckland-wide chapters, 18 precincts, 9 schedules and six appendices. They are all marked in the plan as [rcp].

The regional coastal plan component of the AUP was sent to the Minister of Conservation for approval on 14 July 2017. The special status of the coastal marine area as "common land" means a regional coastal plan has an additional approval step compared to other plans prepared under the Act. When a regional coastal plan is no longer subject to submissions or appeals, the council adopts it by affixing the council seal, and then refers it to the Minister of Conservation for approval.

Due to this process, council has excluded substantive errors relating to the regional coastal plan provisions. Any such errors will be parked for consideration into a future plan change process.

The Minister's legal team are reviewing the provisions. When approval is received, the council will issue a public notice with the date when the plan will be operative in part.

Some parts of the regional coastal plan provisions are still subject to appeals. These relate to Outstanding Natural Landscapes, Genetically Modified Organisms, two Significant Ecological Area sites, and the definition of 'height'. Any errors identified in these sections will also be considered out of scope and put forward to the relevant appeals process for consideration (given that there is scope).

6 Statutory Evaluation under Part II and relevant sections of the Resource Management Act (the Act)

6.1 Part II of the Act

The Act provides a legislative framework for the sustainable management of natural and physical resources in New Zealand. Due to the large scale of PCX, the council describes the relevance of the PCX to Part II (Sections 5-8) the Purpose and Principles of the Act as a whole (to all of the issues covered in the PCX). See Attachment 1.

RMA 1991 (the Act)	Relevance to the PCX
<i>S5 Purpose</i>	PCX is consistent with Part 2 of the Act, in particular with the purpose of the Act as it seeks to provide for the sustainable management of natural and physical resources in the Auckland region. PCX is correcting technical errors and anomalies within the AUP. By correcting these errors, PCX is managing the use, development, and protection of natural and physical resources in a way, or at a rate which enables people and communities to provide for their social, economic, and cultural well-being, and for their health and safety.
<i>S6 Matters of national importance</i>	In respect of section 6 of the Act, all sub-clauses are considered relevant to the PCX. There are errors within the PCX that relates to the various matters of national importance. By correcting these errors, PCX is recognising and providing for the matters of national importance, which is achieving the purpose of the Act.
<i>S7 Other matters</i>	In terms of section 7 of the Act, all of the sub-clauses are considered relevant to the PCX. There are errors within the PCX that have particular regard to s7 other matters. By correcting these errors, PCX is having particular regard to other matters, which is achieving the purpose of the Act.
<i>S8 Treaty of Waitangi</i>	There are errors within the PCX that affect the principles of the Treaty of Waitangi. By correcting these errors, PCX has taken into account the principles of the Treaty of Waitangi, which is achieving the purpose of the Act.

Therefore it is considered that this PCX gives effect to the purpose and principles within Part II of the Act.

6.2 Relevant sections of the Act

There are relevant sections of the Act that must be considered in context of the proposed plan change:

- *Section 30 – Functions of regional councils under this Act*
- *Section 31 – Functions of territorial authorities under this Act*
- *Section 60 – Preparation and change of regional policy statements*
- *Section 61 – Matters to be considered by regional council (policy statements)*
- *Section 62 – Contents of regional policy statements*
- *Section 63 – Purpose of regional plans*
- *Section 65 – Preparation and change of other regional plans*
- *Section 66 – Matters to be considered by regional councils (plans)*

- *Section 67 – Contents of regional plans*
- *Section 68 – Regional rules*
- *Section 72 – Purpose of district plans*
- *Section 73 – Preparation and change of district plans*
- *Section 75 – Contents of district plans*
- *Section 76 – District rules*
- *Section 79 – Review of policy statements and plans*
- *Section 80 – Combined regional and district documents*

Due to the large number of sections referenced in this report and some of the sizes of the sections of the Act, the council recommends readers to view the Act online. Attachment 1 provides a web-link to the Act. The council has reviewed the above sections of the Act together for all issues included in PCX.

Relevance to the above sections

Sections 30 and 31 of the Act states that a function of council is to control any actual or potential effects of the use, development or protection of land and associated natural and physical resources of the district and regional level.

Section 80 of the Act sets out the approach to which local authorities may prepare, implement, and administer the combined regional and district documents. Auckland Council has a combined regional and district plan called the Auckland Unitary Plan (AUP).

In preparing the PCX, the council must apply the requirements of section 80 of the Act. In particular subsection 6A *'in preparing or amending a combined document, the relevant local authority must apply the requirements of this Part, as relevant to the documents comprising of the combined document'*. The AUP contains a regional policy statement, a regional plan, a regional coastal plan and a combined district plan for the Auckland region.

Sections 60, 61, 62, 63, 65, 66, 67, 68, 72, 73, 75, 76, and 79 of the Act are relevant to the preparation and implementation of PCX.

In addition to the above sections, section 80(6B) of the Act, *'the relevant local authorities may also, in preparing the provisions of a regional plan or a district plan, as the case may be, for a combined document that includes a regional policy statement – (a) give effect to a proposed regional policy statement; and (b) have regard to an operative regional policy statement.'*

The AUP contains existing objectives, policies, rules and other methods that are of regional and district significance. PCX is correcting technical errors and anomalies within the AUP. By correcting these errors, PCX will have regard to the operative regional policy statement provisions and will give effect to any proposed amendments to the regional policy statement.

Overall, it is considered that PCX assists the council in carrying out its functions set out in section 30 and 31 of the Act to meet the requirements of the prescribed sections of the Act set out above.

It is important to note that the PCX is not altering or re-litigating any of the objectives and policies of the AUP. PCX is targeted at corrections to the errors and anomalies within the existing policies, rules, or other methods of the AUP. The policy approach, their purpose and function remains unchanged, and this report will not evaluate these parts in any more detail.

6.3 Sections 86B–86G of the Act

Sections 86B to 86G of the Act specify when a rule in a proposed plan has legal effect. See Attachment 1 on link to the legislation.

When deciding the date a plan change takes effect, the Act provides in section 86B(1) that *‘a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified’*.

Exceptions are provided for in section 86B(3), *‘a rule in a proposed plan has immediate legal effect if the rule –*

- (a) protects or relates to water, air, or soil (for soil conservation); or*
- (b) protects areas of significant indigenous vegetation; or*
- (c) protects areas of significant habitats of indigenous fauna; or*
- (d) protects historic heritage; or*
- (e) provides for or relates to aquaculture activities.’*

Certain types of rules in the AUP have immediate legal effect from notification of the PCX. This is required under section 86B(3) of the RMA. Immediate legal effect means that a rule must be compiled with from the day the rule is notified within a plan change.

Table 7 identifies the rules that are in PCX and will have immediate legal effect on and from the date on which the PCX is publicly notified.

Attachment 31 contains PCX provisions that have immediate legal effect from notification of PCX. Rules that have immediate legal effect from notification are annotated in the AUP with a blue annotation bar and text ‘PCX s86B(3) Immediate legal effect (see modifications)’.

The key implication of this relates primarily to the amendments to the overlays:

- Sites or areas not currently protected by the schedule provisions (e.g. where the current mapped extent is too small, in the wrong location or not mapped at all) will be protected; and
- Adjoining land parcels which are inadvertently affected by items in the schedule provisions (e.g. where the current mapped extent is too big or in the wrong location) will no longer be affected by the schedule provisions.

The remaining proposed amendments in PCX (Attachments 32-34 and 36-40) will not have legal effect until after the conclusion of the PCX process. These are annotated in the AUP with a blue annotation bar and text ‘PCX (see modifications)’.

The operative regional and district provisions within the AUP remain to apply until the proposed rules are operative (e.g. decisions released and any appeals resolved).

Table 7: List of rules (subject to amendments) in PCX that will have immediate legal effect on and from the date on which the PCX is publicly notified

Section of the AUP	Specific Rule/s (abbreviated)*
D12 Waitākere Ranges Heritage Area Overlay (including maps)	Table D12.4.2 Activity table D12.6.3.4 D12.6.3.5 D12.6.4.19 D12.6.4.23 Figure D12.10.2 Numbering change for Figures D12.10.10-D12.10.18
D14 Volcanic Viewshafts and Height Sensitive Areas Overlay (including maps)	D14.6.1 D14.6.3
D17 Historic Heritage Overlay (including maps)	Table D17.4.1 Activity table Table D17.4.3 Activity table D17.6.4 D17.6.6
D18 Special Character Areas Overlay - Residential and Business	Table D18.4.1 Activity table D18.8.2.2
D19 Auckland War Memorial Museum Viewshaft Overlay	Figure D19.6.1.1 Figure D19.6.1.2 Figure D19.6.1.3
E7 Taking, using, damming and diversion of water and drilling	E7.4.1 Activity table E7.6.1.4
E11 Land disturbance - Regional	E11.4 Activity table
E12 Land disturbance - District	Table E12.4.1 Activity table Table E12.4.2 Activity table
E15 Vegetation management and biodiversity	Table E15.4.1 Activity table E15.6.4 E15.6.8 E15.6.9 E15.8.2
E31 Hazardous substances	E31.4.3
E38 Subdivision – Urban	E38.8.2.6 Table E38.8.2.6.1
H20 Rural – Waitākere Foothills Zone	Table H20.4.1 Activity table
Chapter J Definitions	Definition of 'Pest Plant removal' and new definition on 'Vegetation alteration or removal'
Schedule 6 Outstanding Natural Features Overlay Schedule	Outstanding Natural Feature Overlay ID 80
Schedule 12 Sites and Places of Significance to Mana Whenua Schedule; and AUP GIS Viewer – Sites and Places of Significance to Mana Whenua Overlay	There are multiple changes to the schedule and overlay in AUP GIS viewer outlined in Attachment 31
Schedule 14.1 Schedule of Historic Heritage; AUP GIS Viewer – Historic Heritage Overlay Place; AUP GIS Viewer – Historic Heritage Overlay Extent of Place	There are multiple changes to the schedule (table 1 places) and overlay in AUP GIS viewer outlined in Attachment 31
Schedule 14.2 Historic Heritage Areas – Maps and statements of significance	Map 14.2.12.1

Section of the AUP	Specific Rule/s (abbreviated)*
Schedule 15 Special Character Schedule, Statements and Maps	15.1.7.1
AUP GIS Viewer – Natural Stream Management Areas Overlay	Remove overlay on specific properties listed in Attachment 31
AUP GIS Viewer – Waitākere Ranges Heritage Area Overlay	Adjust the Waitākere Ranges Heritage Area Overlay to five areas outlined in Attachment 31
AUP GIS Viewer – Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay	Introduce a Height Sensitive Area to a specific property listed in Attachment 31

*Due to the large number of rules, Table 7 has abbreviated and listed the specific rule number or given reference to an attachment. Attachment 31 contains the full content and name of the specific rules listed above along with the proposed amendments marked up and subject to PCX.

7 National and Regional Planning Context

In addition to the statutory evaluation detailed in Section 6.0 of this report, there are a number of other Act's, regulations, national directives, policies and plans that are of relevance to PCX.

7.1 National Coastal Policy Statement

Sections 62(3), 67(3) and 75(3) of the Act require that a regional policy statement, regional plan and district plan must give effect to the New Zealand Coastal Policy Statement (NZCPS). See Attachment 1.

The AUP contains existing objectives, policies, rules, zoning and other methods that give effect to the NZCPS.

PCX is focused on corrections to technical errors and anomalies (including updating the zoning of recently vested land where appropriate) within the existing policies, rules, zoning and other methods of the AUP. PCX is not altering or re-litigating any of the objectives and policies of the AUP. The policy approach, their purpose and function remains unchanged. The outcome sought in PCX is to correct these technical errors and anomalies so as to remove ambiguity in the AUP.

Overall, PCX is considered consistent with the purpose and principles of the NZCPS.

7.2 National Policy Statements

National policy statements are instruments issued under section 52(2) of the Act and state objectives and policies for matters of national significance. There are four 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

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 sets out a desire to provide for urban environments that enable the social, economic, cultural and environmental wellbeing of current and future generations as well as provide opportunities for development of housing and business land to meet demand.

Sections 62(3), 67(3) and 75(3) of the Act require that a regional policy statement, regional plan and district plan must give effect to any national policy statements. See Attachment 1.

PCX is focused on corrections to technical errors and anomalies (including updating the zoning of recently vested land where appropriate) within the existing policies, rules, zoning and other methods of the AUP. PCX is not altering or re-litigating any of the objectives and

policies of the AUP. The policy approach, their purpose and function remains unchanged. The outcome sought in PCX is to correct these technical errors and anomalies so as to remove ambiguity in the AUP.

Overall, PCX is considered to be consistent with the purpose and principles of the national policy statements listed above.

7.3 National Environment Standards

National environmental standards (NES) are standards for maintaining a clean, healthy environment. These are issued under s43 of the Act and apply nationally. The government sets standards where appropriate so everyone in our country has clear air to breathe, clean water to drink, and clean land to live on. NES can prescribe technical standards, methods or other requirements for environmental matters. Each regional, city or district council must enforce the same standard. In some circumstances, councils can impose stricter standards.

The following standards are in force as regulations:

- National Environmental Standards for Air Quality
- National Environmental Standard for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Electricity Transmission Activities
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

The following standards are at various stages of development, ranging from initiating consultation to being legally drafted.

- Proposed National Environmental Standard on Ecological Flows and Water Levels
- Proposed National Environmental Standard for Marine Aquaculture
- Proposed National Environmental Standard for the Outdoor Storage of Tyres

The previously proposed National Environmental Standard for Measurement of Water Takes is now regulations under section 360(1)(d) of the RMA. The National Environmental Standard on Plantation Forestry has now been published and will come into effect on 1 May 2018.

Section 44A of the Act requires local authority to recognise national environmental standards. See Attachment 1.

PCX is focused on corrections to technical errors and anomalies (including updating the zoning of recently vested land where appropriate) within the existing policies, rules, zoning and other methods of the AUP. PCX is not altering or re-litigating any of the objectives and policies of the AUP. The policy approach, their purpose and function remains unchanged. The outcome sought in PCX is to correct these technical errors and anomalies so as to remove ambiguity in the AUP.

Overall, PCX is considered to be consistent with the national environment standards listed above.

7.4 National Planning Standards

The purpose of the National Planning Standards (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 also support implementation of national policy statements and help people observe the procedural principles of the Resource Management Act 1991 (RMA).

The Standards have been introduced as part of the 2017 amendments to the Resource Management Act 1991. The development of the National Planning Standards is enabled by sections 58B–58J of the RMA.

Section 58I of the Act requires local authority to give effect to any provision in a national planning standard in their regional policy statement, proposed regional policy statement, a proposed plan, plan, variation and change. See Attachment 1.

At the time of notification, there are no national planning standards in place.

7.5 Other Acts

7.5.1 Hauraki Gulf Marine Park Act 2000

The Hauraki Gulf Marine Park Act 2000 (HGMPA) has the purpose of seeking the integrated management of the national, historic and physical resources of the Hauraki Gulf, its islands, and catchments. See Attachment 1 on a link to the HGMPA to view online. It also established the Hauraki Gulf Forum, the Park itself and the recognition 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, s6 of the RMA.

PCX is focused on corrections to technical errors and anomalies (including updating the zoning of recently vested land where appropriate) within the existing policies, rules, zoning and other methods of the AUP.

Applying an open space zoning to land vested as reserve will assist in achieving the purpose of the act, in particular integrating the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, and recognising the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands.

PCX is not altering or re-litigating any of the objectives and policies of the AUP. The policy approach, their purpose and function remains unchanged. The outcome sought in PCX is to correct these technical errors and anomalies so as to remove ambiguity in the AUP.

Overall, it is considered that PCX is consistent with the purpose of HGMPA and section 6 of the Act (recognition of the national significance of the Hauraki Gulf, and its islands).

7.5.1 Waitākere Ranges Heritage Protection Act 2008

The purpose of the Waitākere Ranges Heritage Protection Act 2008 (WRHPA) is to recognise the national, regional and local significance of the Waitākere Ranges heritage area and promote its protection and enhancement for present and future generations. See Attachment 1 on a link to the WRHPA to view online.

To achieve this, the WRHPA established the Waitākere Ranges area as a matter of national significance (s6 of the RMA) and defines its heritage features. Furthermore, it provides additional matters for the council and other parties to consider when making decision, exercising a power or carrying out its duty that relate to the heritage area.

PCX is focused on corrections to technical errors and anomalies (including updating the zoning of recently vested land where appropriate) within the existing policies, rules, zoning and other methods of the AUP. PCX is not altering or re-litigating any of the objectives and policies of the AUP. The policy approach, their purpose and function remains unchanged.

There are corrections to technical errors and anomalies within the AUP that relates to the Waitākere Ranges area. The outcome sought in PCX is to:

- correct technical errors within D12 Waitākere Ranges Heritage Area Overlay provisions so as to remove ambiguity in the AUP;
- correct the spatial mapping of the Waitākere Ranges Heritage Area Overlay to match with the area identified in WRHPA; and
- apply an open space zone to land vested as reserve in the Waitākere Ranges area, which assists in achieving the purpose of the act, in particular recognising the national, regional, and local significance of the Waitākere Ranges heritage area; and promoting the protection and enhancement of its heritage features for present and future generations.

Overall, it is considered that PCX is consistent with the purpose of WRHPA and section 6 of the Act (recognition of the national significance of the Waitākere Ranges and its heritage features).

7.5.2 Local Government Act 2002

Council's functions and powers are derived from the purpose of the Local Government Act 2002 (LGA). The LGA mandates the purpose, funding, and governance duties of the council. With additional responsibilities for Auckland Council under the provisions of the Local Government (Auckland Council) Act 2009, including the preparation of a Spatial Plan. See Attachment 1 on a link to the LGA to view online.

Section 12 of the LGA states that a local authority has full capacity to carry on or undertake any activity or business, do any, or enter into any transaction with full rights, powers and privileges subject to any other enactment and the general law.

PCX is prepared under the RMA and overall considered to be consistent with the LGA.

7.5.3 Local Government (Auckland Transitional Provisions) Act 2010

The purpose of the Local Government (Auckland Transitional Provisions) Act 2010 (LGTPA) is to resolve further matters relating to the reorganisation of local government in Auckland begun under the Local Government (Tāmaki Makaurau Reorganisation) Act 2009 and continued under the Local Government (Auckland Council) Act 2009.

In s3(2)(d) of the LGTPA it states this Act “*provides a process for the development of the first combined planning document for Auckland Council under the RMA*”.

Part 4 (sections 115-171) of the LGTPA outlines the process for development of the combined plan for Auckland Council. The development of the first combined plan followed the legislation set out in LGTPA, and the Hearings Panel (also known as IHP) was set-up under the LGTPA.

A chronology on the development of the first combined plan – the Unitary Plan – for Auckland Council is included in Attachment 2 of this report.

PCX is correcting technical errors and anomalies that have arisen from the development of the first combined plan process. The council is referring to the material developed in this process to support the proposed amendments included in PC, which includes evidence and reports:

- developed by council on the development of the PAUP, pre, during and post hearings and in any decision-making processes including the PAUP Decisions Version and AUP;
- developed by submitters on the PAUP, pre, during and post hearings including any submissions; and
- developed by the Hearings Panel (also known as IHP) pre, during and post hearings including the IHP recommendations to council on the PAUP.

As the AUP is operative in part, PCX is prepared under the RMA and overall considered to be consistent with the LGTPA.

7.5.4 Reserves Act 1977

The purpose of the Reserves Act 1977 (RA) is to provide for the preservation and management of areas of possessing recreational use/potential, wildlife, indigenous flora/fauna, environment and landscape amenity or interest or special features or value for the benefit and enjoyment of the general public. See Attachment 1 on a link to the RA to view online.

PCX is focused on corrections to technical errors and anomalies (including updating the zoning of recently vested land where appropriate) within the existing policies, rules, zoning and other methods of the AUP. PCX is not altering or re-litigating any of the objectives and policies of the AUP. The policy approach, their purpose and function remains unchanged.

In PCX, the rezoning of vested land to an appropriate Unitary Plan zone (typically an open space zone) will assist in achieving the purpose of the RA. There are also corrections to

spatial anomalies within PCX where land not considered a reserve have been incorrectly zoned open space in the AUP. PCX will correct the zoning of these properties.

Overall, it is considered that PCX is consistent with the purpose of RA.

7.5.5 Heritage New Zealand Pouhere Taonga Act 2014

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) purpose is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand, whilst the Act's principles include recognising that historic places have lasting value in their own right. See Attachment 1 on a link to the HNZPTA to view online.

The Act provides for the New Zealand Heritage List/Rārangi Kōrero (NZHL/RK), comprising historic places, historic areas, wāhi tapu, wāhi tapu areas, and wāhi tūpuna, as a means for recognising heritage values, and, through its regulatory functions, prohibits the modification or destruction of an archaeological site unless an authority is obtained from Heritage New Zealand.

Overall, PCX is consistent with the purpose and principles of this Act. Within the AUP, the RPS sets out the historic heritage evaluation criteria and thresholds against which places are to be evaluated to determine whether they warrant inclusion in the Schedule. The identification of places and the threshold or inclusion for scheduling is generally aligned with this Act. The use of a Schedule within the UP is generally complementary to, and compatible with, the NZHL/RK, and so too are the corrections proposed through PCX.

7.5.6 Hazardous Substances and New Organisms Act 1996

The Hazardous Substances and New Organisms Act 1996 (HSNOA) purpose is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. See Attachment 1 on a link to the HSNOA to view online.

Section 5 of the RMA is *to promote the sustainable management of natural and physical resource, which includes managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

PCX is focused on corrections to technical errors and anomalies within the existing policies, rules, zoning and other methods of the AUP. PCX is not altering or re-litigating any of the objectives and policies of the AUP. The policy approach, their purpose and function remains unchanged.

In PCX, there is a correction to E31 Hazardous substances of the AUP. The outcome sought in PCX is to correct the anomaly so as to remove ambiguity in the AUP. Overall, it is considered that PCX is consistent with the purpose of HSNOA and section 5 of the Act.

7.5.7 Soil Conservation and Rivers Control Act 1941

The Soil Conservation and Rivers Control Act 1941 (SCRCA) purpose is to make provision for the conservation of soil resources, the prevention of damage by erosion and to make better provision for the protection of property from damage by floods. See Attachment 1 on a link to the SCRCA to view online.

The AUP contains existing objectives, policies, rules, zoning and other methods that give effect to the SCRCA.

PCX is focused on corrections to technical errors and anomalies within the existing policies, rules, zoning and other methods of the AUP. PCX is not altering or re-litigating any of the objectives and policies of the AUP. The policy approach, their purpose and function remains unchanged. The outcome sought in PCX is to correct these technical errors and anomalies so as to remove ambiguity in the AUP.

Overall, it is considered that PCX is consistent with the purpose of SCRCA.

7.6 The Auckland Plan

The Auckland Plan was released in 2012 by Auckland Council. It is a spatial plan for the Auckland region. A non-RMA document prepared under the Local Government (Auckland Council) Act 2009 represented the council's and its community aspirations for Auckland's growth and development over the course of the next 30 years. The full text of the Auckland Plan can be viewed on council's website.

For the purpose of guidance on the long term planning outcomes sought by Auckland, the Auckland Plan has been a primary starting point for the development of approaches within the AUP. There are a number of strategic directions and long term goals of the Auckland Plan that are relevant to PCX. Overall, PCX is considered to be consistent with the objectives of the strategic directions and directives of the Auckland Plan.

7.7 Auckland Unitary Plan (Operative in part version) (AUP)

The AUP replaces the previous district plans, regional plans and regional policy statement to provide one comprehensive planning framework for the Auckland region. The statutory purpose of the AUP is to give effect to the sustainable management purpose of the Act. More specifically:

- To provide an overview of the resource management issues of the region and policies and methods to achieve integrated management of natural and physical resources; and
- To assist council and the Minister of Conservation achieve the purpose of the Act in relation to the coastal marine area; and

- To assist council carry out its functions as a regional and territorial authority to achieve the purpose of the Act.

The AUP is structured in a manner that sets out the Regional Policy Statement, Overlay provisions, Auckland-wide provisions, Zone provisions, and Precinct provisions.

Regional Policy Statement (RPS) in the AUP

The AUP contains existing objectives, policies, rules and other methods that are of regional significance. The RPS sets out the direction for managing the use, development and protection of the natural and physical resources of the Auckland region. The strategic objectives and policies of the RPS provide a framework to achieve the integrated, consistent and co-ordinated management of the region's resources.

In the context of PCX, all RPS provisions must be considered and give effect to:

- *B1 Ngā take matua ā-rohe - Issues of regional significance*
- *B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form*
- *B3 Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure, transport and energy*
- *B4 Te tiaki taonga tuku iho - Natural heritage*
- *B5 Ngā rawa hanganga tuku iho me te āhua - Built heritage and character*
- *B6 Mana Whenua*
- *B7 Toitū te whenua, toitū te taiao - Natural resources*
- *B8 Toitū te taiwhenua - Coastal environment*
- *B9 Toitū te tuawhenua - Rural environment*
- *B10 Ngā tūpono ki te taiao - Environmental risk*
- *B11 Monitoring and environmental results anticipated*

Full text of the relevant objectives and policies of the RPS can be viewed on council's website.

Relevance to the PCX

PCX is correcting technical errors and anomalies within the AUP. By correcting these errors, PCX will have regard to the operative RPS provisions and will give effect to any proposed amendments to the regional policy statement.

PCX is not re-litigating any of the objectives and policies of the RPS. PCX is focused on corrections to the errors and anomalies within existing policies, rules, zoning and other methods of the AUP. The policy approach, their purpose and function remains unchanged. The outcome sought in PCX is to correct these technical errors and anomalies so as to remove ambiguity in the AUP. Overall, it is considered that PCX is consistent with the RPS provisions of the AUP.

7.8 Māori Plan for Tāmaki Makaurau 2014

The Māori Plan was developed by the Independent Māori Statutory Board with Tāmaki Māori (mana whenua and matawaka). It is non-statutory, long term plan based on Māori values and outcomes and intended to guide how council and other agencies can act more responsively towards Māori. This includes taking issues of importance to Māori in Tāmaki Makaurau into account and acting in accordance with the principles of Te Tiriti o Waitangi.

The Māori Plan also provides a framework to monitor outcomes and measure changes to Māori wellbeing. This will show the Auckland Council and other agencies where they can act more responsively towards Māori.

It is a thirty year plan based on Māori objectives and is a unique document that complements, and does not replace, strategic and planning documents prepared by Mana Whenua and Mataawaka.

Of relevance to PCX is the following Māori Plan Outcome, “Māori heritage of Tāmaki Makaurau is valued and protected”. In this case, PCX will ensure that Māori heritage identified within Schedule 12 will be valued and protected, particularly in relation to those sites where corrections are proposed to the mapped extent.

8 Development of the Proposed Plan Change

8.1 Assessment of errors

As outlined in Section 2.0 of this report, council staff and the public identified and sent in potential errors and anomalies found in the AUP to the council's Unitary Plan email address. These errors were logged into a spreadsheet for investigation.

In December 2016 to June 2017, the council undertook a review of all identified potential errors and considered an appropriate course of action for each of the errors. Through this assessment, it was identified that errors considered technical errors and anomalies, beyond the scope of clause 20A of the Act, should be corrected through a plan change process, which is considered as the first administrative plan change to the AUP.

Council found that there is existing information that shows the proposed amendment and correction required to each of the errors. As such, the council recommended an 'administrative' plan change is developed to correct these technical errors and anomalies in the AUP to enable the AUP to function in the way that it was intended, and resolve them as soon as possible. This recommendation is what was anticipated by the Governing Body resolution⁵.

In June 2017, the assessment concluded that 260 errors can be amended as a technical error or anomaly through the administrative plan change. The definition of what is a technical error or anomaly is defined in Section 2.0 (sub-section F) of this report.

8.2 Methodology and development of PCX

After completing the assessment, council began to prepare PCX for public notification and in doing so, undertook the following methodology outlined in Section 8.2.1 of this report, see below. In addition to the overall methodology, specific steps were undertaken in preparing the development of PCX with relation to technical errors and anomalies identified under Schedule 12, Schedule 14.1 and recently vested land of PCX. This is described later in this section.

8.2.1 Overall methodology

Step 1: Form register of errors for PCX

Council copied errors from the original spreadsheet identified for the first administrative plan change into a new spreadsheet register. This spreadsheet would contain all errors within PCX.

In the original spreadsheet, errors were registered, categorised and grouped by their chapter, section, precinct, property or mapping layer and recommended course of action. Council used the original spreadsheet to identify the errors for PCX.

⁵ GB/2016/201 and PLA/2017/40

The errors are kept in their original groupings, that is, the relevant chapters, section, precinct, and mapping layer (i.e. Chapter B, North Precincts, Schedule 12, sub-geographic mapping changes) in PCX. The groupings align with the AUP structure and table of contents.

Note that not all sections of the AUP are listed, as there are no errors identified for correction in PCX for those sections. These groupings help to navigate the user in finding errors and proposed amendments in PCX. See Attachment 3 on the list of groupings.

Step 2: Develop the scope statement of PCX

Council developed a statement on the scope of the PCX. This is outlined in Section 5.0 of this report. The statement on scope provided the criteria to determine which errors will remain and be included in PCX.

Step 3: Review existing errors against scope of PCX

Council staff reviewed the existing 260 errors identified for the administrative plan change from the existing assessment list and determined if these remain to be within the scope of the PCX.

Council staff removed any errors that did not fall within the scope of the PCX from the spreadsheet and redirected the error to the most appropriate course of action (i.e. correct error through the Clause 20A/Clause 16 processes, will be addressed in another process such as appeals, or be parked for further investigation and review).

On the completion of this review, 233 errors were identified to remain within scope of PCX and are included in PCX.

Step 4: Identify errors by the type of category and sub-categories

Within PCX, there are two main categories of errors; these are technical errors and anomalies. Council further categorised these into sub categories to help with the analysis. The sub-categories are outlined in Attachment 4.

Step 5: Quality assurance

A quality assurance or quality control process was undertaken to ensure all errors were identified to the appropriate category and sub-category.

Step 6: Gathering information and evidence

Council then gathered and reviewed existing reports, evidence and versions to help support the inclusion of an error in PCX. This information was gathered and used in the analysis and reasoning to how the error has been made and why it should be included in the PCX for correction.

Step 7: Complete section 32 analysis on the particular error / issue

Council captured the relevant information from its list of documents and filled out and started the section 32 analysis on the various errors included in PCX. This evaluation is outlined in Section 9.0 of this report and shown in Attachments 6-30.

Step 8: Quality assurance

A quality assurance or quality control process was again undertaken to ensure all analysis was completed.

Step 9: Collation of proposed amendments for PCX

Council then captured the proposed amendments for PCX and inserted them into the following documents:

- Attachment 31 – this shows PCX changes to the text and diagrams of the AUP that has immediate legal effect under section 86B(3) of the Act upon notification;
- Attachment 32 – this shows PCX changes to the text and diagrams of the AUP;
- Attachment 33 – this shows PCX spatial mapping changes to the AUP GIS viewer;
- Attachment 34 – this shows PCX consequential amendments to other parts of the AUP;
- Attachment 35 – contains the Drury South Industrial Precinct Appendix of PCX; and
- Attachments 36-40 – this shows PCX spatial mapping zoning changes of land recently vested as open space in Council.

More detail of the content of PCX can be found in these attachments.

Step 10: Consultation

Council undertook consultation on the draft PCX and section 32 reports. The consultation is outlined in Section 8.4 of this report.

Step 11: Finalise draft PCX for notification

Feedback received from the consultation was used to amend and finalise the draft PCX for notification. Feedback and changes made are summarised in section 8.4 of this report.

Step 12: Notify PCX – *The Planning Committee approved PCX for public notification on X date and the PCX was notified on X date (subject to Planning Committee approval sought on 5 September 2017).*

8.2.2 Review of technical errors and anomalies in Schedule 12 for inclusion into PCX (methodology)

Further to the methodology used above in Section 8.2.1 of this report, the council undertook the following steps in reviewing technical errors and anomalies identified in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule:

1. Comparative analysis between Schedule 12 (overlay and schedule) to ensure the mapped extent matched the location description within Schedule 12.
2. Comparative analysis between Schedule 12 and operative plans prepared by the former councils in Auckland to ensure the mapped extent as well as name, location and type descriptions were correct.
3. Identification of spelling errors and missing macrons.

4. Where issues were identified, background information was reviewed to verify the error and determine the requirement correction(s). Background information was sourced internally and through an online repository for the AUP. Information was also sourced through Council Archives regarding former councils in Auckland treatment of waahi tapu and Māori cultural heritage and iwi engagement.
5. Site specific memos were then prepared for those sites with identified errors.

This process confirmed 51 sites with errors, 23 relating to the mapped extent to be included as part of PCX.

In all cases, the recommended amendments do not change the intent of the Schedule or Overlay. Where there is an error to the mapped extent, it means that the AUP provisions in relation to Schedule 12 will apply to the correct area.

8.2.3 Review of technical errors and anomalies in Schedule 14.1 for inclusion into PCX (methodology)

Further to the methodology used above in Section 8.2.1 of this report, the council undertook the following steps in reviewing technical errors and anomalies identified in Schedule 14.1 Schedule of Historic Heritage.

The purpose of this review was to correct errors in Schedule 14.1. This review focussed on ensuring places had been correctly identified and mapped, being in accordance with the RPS Policy B5.2.2 and the Methodology for Evaluating Historic Heritage Significance⁶ and that the information is correct and up to date.

Through this process, errors to 21 places within the schedule were identified that fit the definition of an error for PCX, as defined within Section 2.2 (sub-section F) of this report. These errors have been classified as technical errors and under the sub-category of 'amendments to schedules'.

These errors consist of:

- mapping errors where the extent of place is to be extended (two places) or is to be reduced (two places);
- primary features and / or exclusions are incorrectly identified (nine places);
- Category A places have no primary feature identified (nine places);
- a place has duplicate entries within the schedule and therefore requires to be merged (one place); and
- minor amendments for sense and for consistency within the schedule (two places).

Errors within the schedule, resulting in historic heritage places incorrectly identified and/or mapped, mean the provisions of the Historic Heritage Overlay may not apply appropriately to the place, and therefore place is not appropriately protected and managed. The risk of not acting, being the retention of the identified errors, is the potential for the reduction in significance and the loss of historic heritage value to the subject place.

⁶ Current version 7.5 – dated October 2013.

This process confirmed 21 places with errors, four relating to the mapped extent to be included as part of PCX. In all cases, the recommended amendments do not change the intent of the Schedule or Overlay. Where there is an error to the mapped extent, it means that the Unitary Plan provisions in relation to Schedule 14.1 will apply to the correct area.

8.2.4 Review of recently vested land for a proposed zone change in PCX (methodology)

Further to the methodology used above in Section 8.2.1 of this report, the council undertook the following steps in reviewing recently vested land for a zone change in PCX:

1. Determine the purpose for which the land has been vested (i.e. the statutory action contains a description of the purpose of the vested land);
2. Determine if the vested land requires a change to the zone(s)
3. If a change is not required, leave the current zoning in place; and
4. If a change in zoning is required, assess the appropriate zone against the following guiding principles.

Open Space

The broad principles guiding the application of a zone to land vested as reserve are summarised as follows. (Note: these were the same principles used to assess zoning requests through the Unitary Plan process):

- (a) When considering rezoning of sites, have regard to the impacts on regionally and nationally significant infrastructure to ensure that these are appropriately protected from incompatible development and reverse sensitivity effects;
- (b) Avoid split and spot zones on one property unless there is planning justification for this. Generally, it is not appropriate to spot zone small parts of a large Public Open Space with a different Public Open Space zone, unless there is clearly a distinct difference in reserve purpose and usage and clear reasoning to provide specifically for this;
- (c) Zone boundaries should generally follow cadastral boundaries and be separated by streets or clearly distinguishable land-uses;
- (d) A rezoning was proposed as part of plan changes under operative plans. Land is only zoned Open Space if there is formal agreement to vest land to council or for council to purchase;
- (e) Privately owned “open space” is generally only zoned Open Space in agreement with the landowner; and
- (f) As a general principle, Open Space zones should align with the zone descriptions and objectives set out in PAUP Chapter D2.

Table 8 below summarises Open Space rezoning principles relating to specific types of open space and/or facilities:

Table 8: Open Space Rezoning Principles

Open space type	How to allocate appropriate zone
Accessway from street to street	Road where it is 8m wide or less. Open Space (OS) zone consistent with use (default, as Informal recreation) where is greater than 8m wide.
Accessway from road to park	Zone consistent with adjoining park.
Cemeteries	<p>Open for internments – Special Purpose Cemetery.</p> <p>Closed for internments and in public ownership – OS Conservation zone.</p> <p>If the land is in private ownership, then the zoning of the surrounding land should apply.</p>
Community buildings/facilities e.g. dog pound, library, plunket rooms, play centre, Council depot	<p>Generally, do not spot zone existing community buildings on OS Conservation, OS Informal Recreation, OS Sport and Active Recreation or OS Civic Spaces zones.</p> <p>If mixed zonings or spot zonings in district plan then bring through to unitary plan.</p> <p>If the certificate of title/gazette notice provides for community use and there is a community building on that area of land –OS Community Zone.</p> <p>If there is an imminent future community building/facility planned for the site (i.e. a line item in the LTP) then spot zone the defined area to OS Community Zone.</p> <p>If park/reserve is predominantly a community building/facility space –OS Community Zone.</p> <p>If buildings/facilities/libraries not on a park/reserve (e.g. a community house in a residential or rural zone) –OS Community Zone.</p> <p>If on land vested as Local Purpose Reserve – Community or similar, the same zoning as the surrounding land should apply.</p> <p>If buildings/facilities/libraries dominate the site and are located in a business or centre zone - leave zoning as business or centre zone as these zones offer much greater flexibility of land use.</p>
Crown land reserved from sale	No change – status as “crown land reserved from sale” does not have any implications for the zoning of the land.
Drainage reserve/works/channel	No change – status as a “drainage reserve or drainage channel does not affect the zoning . However, land vested as reserve and containing stormwater ponds should be zoned OS – Informal Recreation.

Open space type	How to allocate appropriate zone
Education purposes	Crown land vested for education purposes should have the same zoning as the surrounding land. In most cases a designation will apply.
Esplanade reserves	<p>Case-by-case basis. Consider consistency with surrounding open space zones in assessment.</p> <p>Undeveloped wilderness/bush which may include tracks and paths (e.g. Waitākere Ranges) – OS Conservation Zone.</p> <p>Areas which have natural, ecological, biological, landscape, cultural or historic heritage values (identified through PAUP overlays and local knowledge) – OS Conservation Zone.</p> <p>Developed, with e.g. lawn, pathways, landscaping; boat ramps/jetties with no associated club building –OS Informal Recreation Zone.</p> <p>Developed, with specific water-related recreational facilities (e.g. sailing club building with associated boat ramps/jetties) and/or infrastructure (e.g. hardstand/boat maintenance areas) – OS Sport and Active Recreation Zone.</p>
Infrastructure – e.g. waste water treatment plant, pumping stations, aerodrome site	Infrastructure should have the same zoning as the surrounding land unless a Special Purpose zoning applies e.g. Airport. Significant infrastructure will be subject to designation.
Legal Road and Reserve for road purposes – unformed and comprising part of a formed park, but there may be demand for the road to be formed in the future (e.g. road widening)	Road.
Legal road and Reserve for road purposes – unformed and comprising part of a formed park and unlikely to be formed as road in the future (e.g. road ends sloping to coast, vehicle access impracticable)	Zone consistent with the adjoining park.
Memorials – e.g. war memorials	<p>If have some soft/green area(s)/useable recreational space –OS Informal Recreation Zone.</p> <p>If purely hard surfaces/paved/no usable recreational space –OS Civic Spaces Zone.</p>
Stormwater pond/drainage	<p>If stormwater pond/drainage infrastructure is part of a wider park – zone should be consistent with the rest of the park.</p> <p>If the stormwater pond/drainage is the only purpose of the open space (e.g. pond adjacent to a motorway), apply the most appropriate open space zone. In most cases this will be OS Informal Recreation Zone.</p>

This process confirmed approximately 400 land parcels require a zone change and are included as part of PCX.

Excluded from the PCX are Roads

In reviewing recently vested land for a zone change in PCX, the council excluded roads from PCX. The Panel's Interim Guidance on Best practice approaches to re-zoning and precincts, dated 31 July 2015, endorsed the approach to not zone roads or having a road zone in the PAUP notified version.⁷ The PAUP notified Version adopted the approach and did not zone roads or having a road zone, except for State Highways and motorways which are zoned "Strategic Transport Corridor".

Road is defined in the PAUP notified Version as "having the same meaning as in s.315 of the Local Government Act 1974 but excludes the Strategic Transport Corridor zone". The Local Government Act's definition of road includes:

The whole of any land which is within a district, and which –

...

*(c) is laid out by the council as a road or street after the commencement of this Part; or
(d) is vested in the council for the purpose of a road as shown on a deposited survey plan; or*

(e) is vested in the council as a road or street pursuant to any other enactment

...

The criteria used in the PAUP notified version for determining whether a land parcel or area is identified in the planning maps as "road" includes:

- (a) The land being vested in the council as road reserve; and/or
- (b) The land in question having no owner or legal description, noting that:
 - i. For corner splays (i.e. land taken for road widening) the final gazetting may not have occurred – so many of these are not vested as "road"; and
 - ii. For pedestrian accessways, the legacy councils used different approaches.

The approach adopted in the PAUP notified version is that where a pedestrian accessway provides access between roads, it has been shown as "road". Where a pedestrian accessway provides access from a road to a reserve, then it has been identified on the planning maps as an area of Open Space.

The above approach used in the PAUP notified version was adopted into IHP PAUP recommendation and Council's AUP version. In addition, the IHP inserted a rule into their PAUP recommendations version, to providing for the automatic update of the plan where land is vested as road.

E26.2.3 Activity Table

(3) Any zoning (including precinct provisions) ceases to have effect from the time the land is vested or dedicated as a road.

It is thereby, the zone change of vested roads can occur outside of the plan change process.

⁷ IHP PAUP Interim Guidance: Best practice approaches to re-zoning, precincts and changes to the Rural Urban Boundary (RUB) 31 July 2015, p.1

8.3 Information Used

The following documents have been used to help with the assessment of the errors included in PCX:

Abbreviation	Name of document, report, plan
PAUP Notified Version	Proposed Auckland Unitary Plan (September 2013)
Council evidence	All rebuttal evidence and evidence prepared by council
Submitters evidence	All rebuttal evidence and evidence prepared by submitters
Council closing statement position	Closing statements from council, including the tracked change version available on the IHP website
PAUP IHP recommendations Version	Recommendations from the Panel received on 22 July 2016
IHP report	The reports to explain Panel recommendations received on 22 July 2016
PAUP Decision Version	Decisions following recommendations from the IHP and staff – this is August 2016
Auckland Unitary Plan (Operative in part)	Operative in part version of the AUP – November 2016
LINZ	Land Information New Zealand (LINZ) NZ Parcel Statutory Actions List
Legacy District Plan	Operative district plan prepared by the former councils in Auckland
Legacy Regional Plan	Operative regional plan prepared by the former councils in Auckland

In some limited circumstances, operative plans prepared by the former councils in Auckland (district and regional plans) may have been used in the development of the plan change. Where relevant, this is referenced and included in an individual error / issue analysis.

There are also a number of subject matter expert reports, research and correspondence by various parties (Council, IHP, submitters) that may have been used in the development of the plan change. Where relevant, these are also referenced and included in an individual error / issue analysis.

8.4 Consultation

In accordance with clause 3 of Schedule 1 of the Act, during the preparation of a proposed policy statement or plan, the local authority shall consult with:

- a) *the Minister for the Environment; and*
- b) *those other Ministers of the Crown who may be affected by the policy statement or plan; and*
- c) *local authorities who may be so affected; and*
- d) *the tangata whenua of the area who may be so affected, through iwi authorities; and*
- e) *any customary marine title group in the area.*

A local authority may consult anyone else during the preparation of a proposed policy statement or plan.

8.4.1 Summary of general consultation undertaken

Due to the administrative focus and avoidance of policy implications of PCX, no prior consultation was undertaken with the community.

After notification of the PAUP decisions version, an email address was set up for all internal and external (public) enquiries on the AUP. Staff advised members of the public and internal staff within the council to send their potential errors to the email address (unitaryplan@aucklandcouncil.govt.nz) so it could be registered with the team as a potential error for correction.

In June 2017, letters were sent to customers who had sent potential errors to the Unitary Plan inbox email address to advise them on the outcome of the errors assessments. A number of these customers were advised that their potential error will be addressed as part of the first administrative plan change process. New letters will be sent to these customers to advise and confirm the error is part of PCX.

Letters will also be sent out to owners and occupiers of the sites of which spatial changes are being proposed. These letters will be sent prior to notification and provide information on the plan change process.

Council will be sending a copy of the PCX to statutory bodies and parties specifically affected by amendments in PCX (such as the Ministry for the Environment).

8.4.2 Consultation with iwi authorities

In accordance with Clause 3(1)(d) of Schedule 1 of the Act, states that local authority shall consult with tangata whenua of the area who may be so affected, through iwi authorities, during the preparation of a proposed policy statement or plan.

Due to the nature and large scale of the PCX, staff have identified, through the mana whenua-defined rohe maps, the following iwi authorities with whom the council must consult with on this matter:

- *Te Runanga o Ngati Whatua*
- *Te Uri o Hau*
- *Ngati Manuhiri*
- *Ngati Wai Trust Board*
- *Ngati Rehua*
- *Te Kawerau a Maki*
- *Ngati Whatua o Kaipara*
- *Ngati Whatua Orakei*
- *Ngai Tai ki Tamaki*
- *Ngati Tamaoho*
- *Te Ahiwaru-Waiohua*
- *Ngati Te Ata*
- *Te Akitai ki Waiohua*
- *Waikato-Tainui*
- *Ngati Paoa*
- *Ngaati Whanaunga*
- *Ngati Maru*
- *Ngati Tamatera*
- *Te Patukirikiri.*

Clause 4A of Schedule 1 of the Act states that local authorities must:

- provide a copy of a draft proposed policy statement or plan to iwi authorities to consider
- have regard to feedback provided by iwi authorities on the draft proposed policy statement or plan
- provide iwi authorities with sufficient time to consider the draft policy statement or plan.

And in addition to the above, recent legislation changes to the Act introduced section 32(4A):

(4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—

- (a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*
- (b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*
- (c) a summary of all advice received from iwi authorities on the PCX (section 32 (4)(a) of the Act).*

In June 2017, council staff informed iwi authorities about the PCX and that a draft copy will be provided for feedback. Nine out of the 19 iwi authorities indicated an interest to see a draft copy of the plan change prior to notification. Accordingly, a draft copy of PCX was provided to iwi authorities in the Auckland region on 21 August 2017. Advice from iwi authorities is expected by 13 September 2017.

It is recommended that advice received from iwi authorities on the draft PCX is reported back to the Chair and Deputy Chair of the Planning Committee and a Member of the Independent Māori Statutory Board.

All feedback received from iwi authorities will be summarised and incorporated into this evaluation report, and any amendments to the PCX will be incorporated subject to the approval of the Chair and Deputy Chair of the Planning Committee and a Member of the Independent Māori Statutory Board.

Specific Interest to Mana Whenua Engagement

While the draft PCX has been provided to iwi authorities, some specific feedback is sought from mana whenua in relation to the following sites:

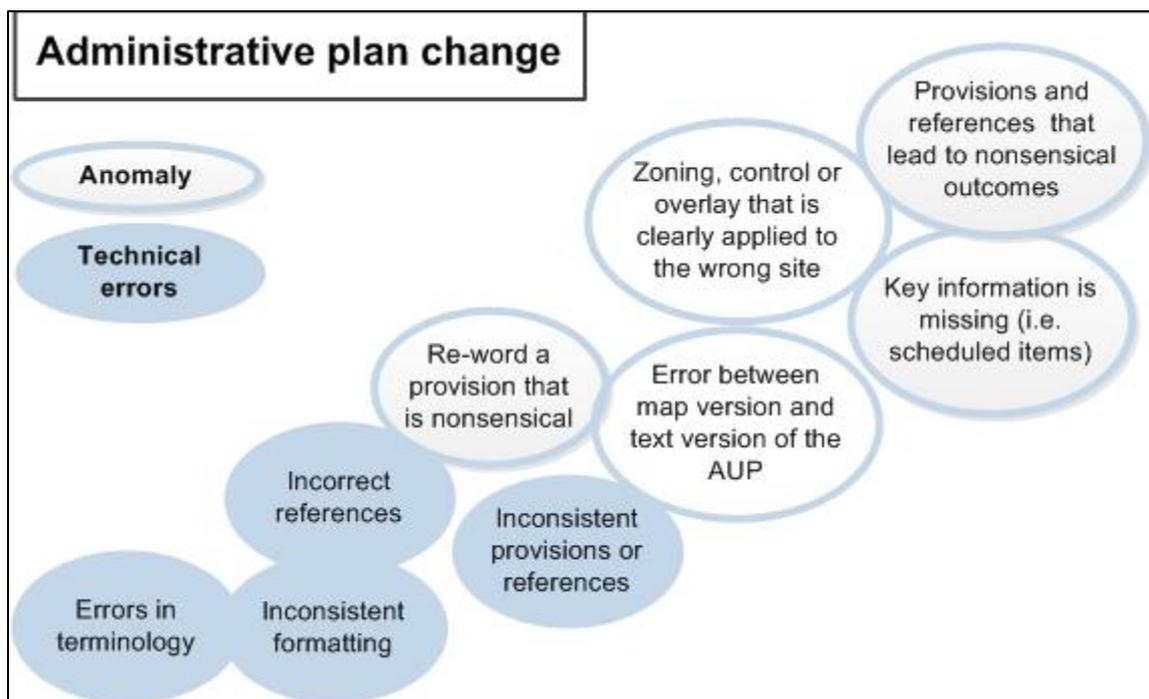
Site	Name	Purpose
005	One-Maru	Confirm spelling of name (e.g. One-Marua or One Maru)
010	Te Horo Roa	Confirm wording for description of type of site
022	Urupā	Confirm correct mapping extent (e.g. current vs recommended) with Ngāti Paoa and Ngāi Tai
052	Kohimaramara / Bastion Rock	Confirm extent of site (e.g. current vs recommended) with Ngāti Whātua o Ōrākei
055	Te Tō Waka Ōtāhuhu	
056	Pou Hawaiki Owhatihue	
058	Urupa	
060	Te Rua a Rangimarie	
061	Waitaramoa	

9 Evaluation of individual issues and provisions

In accordance with S32(1)(b) of the Act, an evaluation report is required to examine whether the provisions in PCX is the most appropriate way to achieve the objectives of the PCX and therein, the purpose of the Act.

PCX has grouped technical errors and anomalies, rather than pursuing individual plan changes for each error in provisions (as discussed in Section 4). The technical errors and anomalies are grouped as outlined in Figure 3.

Figure 3 – Technical errors and anomalies identified in PCX



An assessment of the appropriateness, efficiency, effectiveness, benefits, costs and risks of correcting technical errors and anomalies has been done as a whole package (PCX) rather than at individual issues. Section 4 of this evaluation report summarised that correcting these technical errors and anomalies together in one plan change to the AUP:

- is effective, as it better aligns with its relevant objectives, policies and purpose of the Act
- is efficient, as the potential for users to interpret these provisions incorrectly is reduced
- is appropriate, as the AUP will function more efficiently and productively with the correction of these errors.

Council has not identified options or conducted an assessment of the appropriateness, efficiency, effectiveness, benefits, costs and risks in relation to each individual issue (technical error or anomaly) identified in PCX.

It is evident from the research and information gathered, along with the analysis conducted on the particular issue that there is a clear way to correct the technical error or anomaly.

Majority of the technical errors and anomalies within PCX show that the nature and degree of change is limited to a specific part of the AUP that is causing ambiguity. Doing nothing is not an option recommended to be pursued. Evidence shows that there is an error and a proposed amendment to correct the error.

This is an administrative plan change in which PCX does not introduce or alter objectives or policies in the AUP, but seeks to remedy these technical errors and anomalies in the provisions. The correction of these errors and anomalies will enable the AUP to function as it was intended.

Previous sections of this report have explained the type of errors and anomalies and the methodology used to develop the PCX. All of this information supports the analysis and evaluation of the technical errors and anomalies.

The evaluation of individual technical errors and anomalies been kept together with their relevant chapter / sub-sections of the AUP i.e. Chapter B, Chapter D, Chapter E and so forth, and were done in a spreadsheet form. List of groupings are outlined in Attachment 3.

The spreadsheets are found in Attachments 6-30. The structure and content of what is contained in the spreadsheet is outlined in Table 9 below. You can find specific issues and amendments by their relevant groupings.

This evaluation process was done for all technical errors and anomalies in PCX, excluding zoning of land recently vested as a reserve.

Table 9: Explanation of the spreadsheets

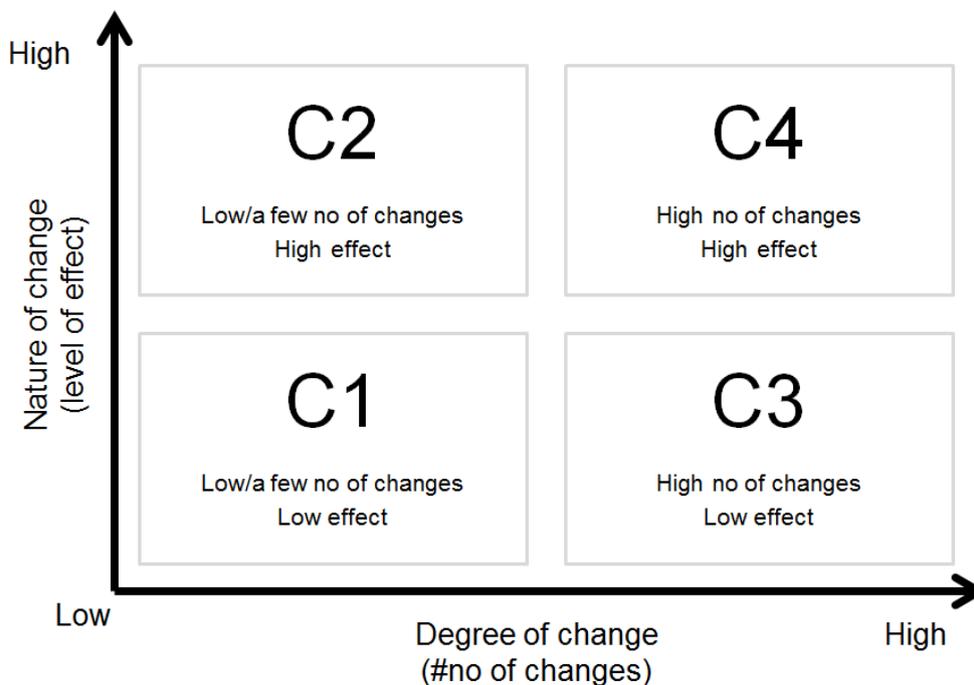
Column heading	Reason
Type of error	Whether this is a technical error or anomaly (two main categories of errors).
Sub-category of error	Further categorises the error into sub-categories (see list provided in Attachment X).
Nature and degree of change	Identify the nature and degree of change to one of the four graph quadrants – this is explained in more detail below.
Sub-section of the AUP	The section name and number of the AUP that the error is within.
Specific provision reference of the AUP	The specific provision name and number of the AUP that the error is within.
Current issue	Summarise the error and issue.
Proposed Recommendation	State the recommendation and where possible, shown with underline / strikethrough. A copy of PPX is in Attachments 31-34.
Rationale	The reasons for change and where relevant this includes discussion on the appropriateness of the change to the objectives and policies of the AUP, and if any previous work was developed to help interpret the issue.

Column heading	Reason
Consequential changes on other parts of the AUP including the viewer	This lists any consequential changes in the AUP as a result of the proposed amendment.
Which attachment shows the proposed recommendation	This lists the attachment that you will be able to find the proposed recommendation / change in PCX.

PCX is shown in Attachments 31-35 and Attachments 36-40.

Nature and degree of change

In completing the evaluation of individual technical errors and anomalies, a graph was developed to identify the nature and degree of change per issue.



The horizontal line of the graph is the degree (numbers) of change and the vertical side of the graph is the nature of change (the level / scale of effects). The graph is used to identify the number of change/s proposed by an issue against the level of effect it will make in the AUP. This is used to describe the issue and proposed change against the status quo of the AUP. It shows the nature and degree of change for each issue in the PCX.

The graph is then defined into four quadrants, identified as C1, C2, C3 and C4:

C1	Low or a few number of changes across the AUP and the nature of change is low
C2	Low or a few number of changes across the AUP and the nature of change is high, where it affects more parts of the AUP
C3	High number of changes across the AUP and the nature of change is low
C4	High number of changes across the AUP and the nature of change is high, where it affects more parts of the AUP

Council assessed and identified each issue to a quadrant that it fits best. Categories C1 to C4 are all within scope of the recommended PCX.

Changes to open space

Previous sections of this report have explained the methodology used to identify land recently vested as a reserve for a propose zone change. This information is the evaluation of the issue.

Attachment 36 contains a spreadsheet with the details of all vested land to be rezoned. There are four headings in the spreadsheet – north, west, central and south – representing the geographical areas of the location of the vested land.

The spreadsheet contains the following information:

- map number,
- geographic area,
- legal description (or appellation),
- owner,
- address,
- current zoning,
- proposed new zone and
- notes on the reasons for the change.

Each proposed change has an accompanying map depicting the area of change. Attachments 37-40 show the proposed spatial mapping changes of land recently vested as open space in the AUP of PCX, by the sub-geographic areas (North, Central, South and West).

10 Conclusion

The purpose of PCX is to correct technical errors and anomalies in the AUP. PCX is the most efficient, effective and appropriate means of addressing the resource management issues identified. The main conclusions of the evaluation under Part 2 and section 32 of the Act are summarised below:

1. PCX is consistent with the purpose of sustainable management in section 5 and the principles within Sections 6, 7, 8 and within Part 2 of the Act.
2. PCX assists the council in carrying out its functions set out in sections 30 and 31 of the Act.
3. PCX is consistent with the objectives and policies of the AUP Regional Policy Statement.
4. The evaluation undertaken in accordance with section 32 concluded:
 - i. The use of the existing objectives of the AUP would be the most appropriate way to achieve the purpose of the Act.
 - ii. The existing policies, rules and methods (including the changes set out in Attachments 31-34) are the most appropriate means of achieving the objectives identified in Section 3.0 of this report.

List of Attachments

Attachment	Name of Attachment	Attachment in Planning Committee Agenda
1	Links to relevant legislation	C
2	Chronology on the development of the Unitary Plan	
3	List of Groupings	
4	Sub-categories of errors	
5	S32 analysis on the proposed re-zoning of land recently vested in Council	
	Attachments 6-30: The evaluation of individual technical errors and anomalies been kept together with their relevant chapter / sub-sections of the AUP i.e. Chapter B, Chapter D, Chapter E and so forth, and were done in a spreadsheet form. The structure and content of what is contained in the spreadsheet is outlined in Table 9 below of this report.	
6	Chapter B RPS	D
7	Chapter D Overlays	
8	Chapter E Auckland wide	
9	Chapter H Zones	
10	Chapter I Precincts – Auckland wide	
11	Chapter I Precincts – City Centre	
12	Chapter I Precincts – Central	
13	Chapter I Precincts – South	
14	Chapter I Precincts – North	
15	Chapter I Precincts – West	
16	Chapter I Precincts – Special Housing Areas	
17	Chapter J Definitions	
18	Schedule 6 Outstanding Natural Features Overlay Schedule	
19	Schedule 12 Sites and Places of Significance to Mana Whenua Schedule	
20	Schedule 14.1 Schedule of Historic Heritage	
21	Schedule 14.2 Historic Heritage Areas – Maps and statements of significance	
22	Schedule 15 Special Character Schedule, Statements and Maps	
23	AUP GIS Viewer Mapping Overlays	
24	AUP GIS Viewer Mapping Controls	
25	AUP GIS Viewer Mapping Precincts	
26	AUP GIS Viewer Mapping Zoning – Central	
27	AUP GIS Viewer Mapping Zoning – South	
28	AUP GIS Viewer Mapping Zoning – North	
29	AUP GIS Viewer Mapping Zoning – West	
30	AUP GIS Viewer Mapping Zoning – Open Space	

Attachment	Name of Attachment	Attachment in Planning Committee Agenda
	Attachments 31-34: PCX	
31	PCX changes to the text and diagrams of the AUP that has immediate legal effect under section 86B(3) of the Act upon notification	E
32	PCX changes to the text and diagrams of the AUP	F
33	PCX spatial mapping changes to the AUP GIS viewer	G
34	PCX Consequential amendments to other parts of the AUP	H
35	PCX - Drury South Industrial Precinct Appendix	I
	Attachments 36-40: Shows PCX spatial mapping changes of land recently vested as open space in Council	
36	Spreadsheet Index of all land vested as reserve and proposed for zoning changes	J
37	PCX spatial open space zoning map changes of vested land in the North	K
38	PCX spatial open space zoning map changes of vested land in the Central	L
39	PCX spatial open space zoning map changes of vested land in the South	M
40	PCX spatial open space zoning map changes of vested land in the West	N

Glossary

Auckland Plan – the spatial plan for Auckland as mandated in s79 and s80 of the Local Government (Auckland Council) Act 2009

Auckland Unitary Plan (Operative in part) (AUP) – Operative in part version of the AUP – November 2016

Council closing statement position – Closing statements from council, including the tracked change version available on the IHP website

Council evidence – All rebuttal evidence and evidence prepared by council

IHP report – The reports to explain Panel recommendations received on 22 July 2016

Part 2 RMA – the purpose and principles of the Resource Management Act 1991

PAUP – Proposed Auckland Unitary Plan, the combined regional policy statement, regional plan and district plan for Auckland, but excludes the Hauraki Gulf Islands section of the District Plan

PAUP Decision Version – Decisions following recommendations from the IHP and staff – this is August 2016

PAUP IHP recommendations Version – Recommendations from the Panel received on 22 July 2016

PAUP Notified Version – Proposed Auckland Unitary Plan (September 2013)

s32 – section 32 of the RMA, which sets out the evaluation required under the Act in relation to a proposed policy statements, proposed plans, changes or variations to policy statements or plans, and regulations.

Glossary of Māori Terms

The following Māori terms are provided to assist with interpretation of terms used within this report and PCX. They are not intended to be used as definitions.

Hapū – A number of whānau related through a common ancestor – section of a large kinship group

Iwi – A number of hapū related through a common ancestor

Kaitiaki – Guardian

Kaitiaki contacts – Contacts within iwi and hapū organisations authorised to take RMA and consent application enquiries

Kaupapa – Topic, issue

Mana – Authority, status, prestige

Mana Whenua – The people of the land who have mana or customary authority – their historical, cultural and genealogical heritage are attached to the land and sea

Māori – Mana Whenua and Mataawaka.

Mataawaka – Māori who live in Auckland and are not within a mana whenua group.

Mātauranga – Knowledge

Maunga – Mountain, mount or peak. Also refers to volcanic cones

Pā – Māori settlements and villages

Rohe – Region, district or area

Rohe moana – Marine region or area

Tāmaki Makaurau – The Māori name for Auckland

Tangata whenua – Indigenous people of the land

Te Tiriti o Waitangi – The Treaty of Waitangi which is the document upon which the British and Māori agreed to found a nation state and build a government

Tikanga – Customary lore and practice, Māori protocols

Wāhi tapu – Sacred ancestral sites and places of significance to iwi, hapū or whanau

Whenua – Land, country, earth, ground

A full glossary of Māori terms can be viewed online within the **N1 Glossary of Māori terms** of the

AUP: <http://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20N%20Glossary%20of%20Māori%20terms/N1%20Glossary%20of%20Māori%20Terms.pdf>