I hereby give notice that an extraordinary meeting of the Governing Body will be held on:

**Date:** Tuesday, 12 November 2019  
**Time:** 9.30am  
**Meeting Room:** Reception Lounge  
**Venue:** Auckland Town Hall  
301 Queen Street  
Auckland

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### Tira Kāwana / Governing Body

**OPEN AGENDA**

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### MEMBERSHIP

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<td>Deputy Mayor Cr Bill Cashmore</td>
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</table>
| Councillors | Cr Josephine Bartley  
Cr Dr Cathy Casey  
Cr Fa’anana Efeso Collins  
Cr Pippa Coom  
Cr Linda Cooper, JP  
Cr Angela Dalton  
Cr Chris Darby  
Cr Alf Filipaina  
Cr Hon Christine Fletcher, QSO  
Cr Shane Henderson |

(Quorum 11 members)

---

Sarndra O’Toole  
Team Leader Governance Advisors

**7 November 2019**

Contact Telephone: (09) 890 8152  
Email sarndra.otoole@aucklandcouncil.govt.nz  
Website: www.aucklandcouncil.govt.nz

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

Those powers which cannot legally be delegated:

(a) the power to make a rate
(b) the power to make a bylaw
(c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long term plan
(d) the power to adopt a long term plan, annual plan, or annual report
(e) the power to appoint a chief executive
(f) the power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement
(g) the power to adopt a remuneration and employment policy.

Additional responsibilities retained by the Governing Body:

(a) approval of long-term plan or annual plan consultation documents, supporting information and consultation process prior to consultation
(b) approval of a draft bylaw prior to consultation
(c) resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of electoral officer
(d) adoption of, and amendment to, the Committee Terms of Reference, Standing Orders and Code of Conduct
(e) relationships with the Independent Māori Statutory Board, including the funding agreement and appointments to committees
(f) approval of the Unitary Plan
(g) overview of the implementation and refresh of the Auckland Plan through setting direction on key strategic projects (e.g. the City Rail Link and the alternative funding mechanisms for transport) and receiving regular reporting on the overall achievement of Auckland Plan priorities and performance measures.
Exclusion of the public – who needs to leave the meeting

Members of the public

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

Those who are not members of the public

General principles

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

Members of the meeting

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

Independent Māori Statutory Board

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

Staff

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

Local Board members

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

Council Controlled Organisations

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

His Worship the Mayor will read the affirmation.

2 **Apologies**

At the close of the agenda no apologies had been received.

3 **Declaration of Interest**

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

4 **Petitions**

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

5 **Public Input**

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

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

6 **Local Board Input**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion."
Establishment of committees and appointment of chairpersons

File No.: CP2019/04886

Te take mō te pūrongo
Purpose of the report
1. To note my decisions about committees and their chairpersons.

Whakarāpopototanga matua
Executive summary
2. I wish to create a proposed committee structure for the new council term that comprises four committees of the whole, two reporting committees and five other standing committees.
3. This committee structure will provide transparent, effective and efficient decision-making across the council group.

Ngā tūtouhunga
Recommendation/s
That the Governing Body:
a) note the decisions of the Mayor on the establishment of committees of the governing body and the appointment of chairpersons as presented in Attachment A of the agenda report.

Horopaki
Context
4. I announced, on 4 November 2019 my decisions on the committee structure and the appointment of chairpersons. This report presents my decisions for noting by the Governing Body.
5. In this term I have also announced two new initiatives which complement the committee structure:
   a) councillors will lead key portfolio areas covering Māori outcomes, homelessness, parks and open spaces, our three harbours, ethnic communities and heritage; and
   b) there will be liaison councillors for each of our five Council-Controlled Organisations.
6. Attachment A contains the committee structure with names of the chairs and deputy chairs appointed to lead each committee, and the portfolio allocation.
7. The terms of reference supporting the committee structure are attached to a different report on the agenda.

Tātaritanga me ngā tohutohu
Analysis and advice
Committee structure
8. I have designed a structure that aims to provide transparent, effective and efficient decision-making.
9. The structure comprises four committees of the whole which will take responsibility for the issues that matter most to our communities. These issues provide not only the greatest challenge for us as elected representatives, but also an important opportunity to take Auckland forward towards a better future as one of the world’s best performing cities.

10. The Planning Committee will tackle the unaffordability of housing, worsening traffic congestion, and the need for increased infrastructure funding to support growth. In addition, the sector panels (Heritage Advisory Panel, the City Centre Advisory Board and the Rural Advisory Panel) will report to this committee to create better opportunities for these panels to provide advice and engage with the governing body.

11. The Community Committee will cover community, social, sports and cultural activities, including Auckland’s beautiful parks and reserves. It will oversee community facilities, initiatives such as the Southern Initiative and the Western Initiative, and grants for regional events. In addition, our six demographic advisory panels (Disability Advisory Panel, Ethnic Peoples Panel, Pacific Peoples Advisory Panel, Rainbow Communities Advisory Panel, Seniors Advisory Panel and Youth Advisory Panel) will report to this committee.

12. The Environment and Climate Change Committee will lead the protection and enhancement of our stunning environment, including our green open spaces, harbours and natural heritage. It will also drive work on climate change, an increasingly important factor in all our decision-making.

13. The Finance and Performance Committee will control and review expenditure across the Auckland Council group and ensure prudent stewardship of the council’s resources.

14. The Value for Money Committee will ensure that council resources are used wisely and will have a mandate to review operations and expenditure across the council group to identify savings opportunities.

15. A new Council Controlled Organisation Oversight committee will focus on increased scrutiny over, and accountability of CCOs.

16. Other committees have been established to oversee civil defence emergency management, regulatory issues, strategic procurement, appointments to CCO boards and assessment of the chief executive’s performance, as well and to provide audit and risk oversight.

17. The committee structure and appointments will be reviewed in 12 months’ time.

Portfolios

18. I have assigned portfolio holders to six key areas requiring specific attention. The portfolios are:
   - Māori outcomes
   - homelessness
   - parks and open spaces
   - three harbours
   - ethnic communities
   - heritage.

19. Portfolio holders will work with the mayor and relevant committee chairs across their portfolios.

CCO Liaisons

20. I have also assigned liaison councillors to Council Controlled Organisations (Auckland Transport, ATEED, Regional Facilities Auckland, Panuku and Watercare).

21. A senior Councillor will act as a liaison to these organisations on behalf of the governing body.
Tauākī whakaaweawe āhuarangi
Climate impact statement

22. The Environment and Climate Change Committee has been established to protect and enhance our environment and to ensure that climate change is given the time, resource and focus reflecting the importance of this issue to our future. In addition, all reports to committees will now include specific consideration of the impacts of climate change in line with our obligations proposed by Auckland’s Climate Framework.

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

23. The Council Controlled Organisation Oversight Committee has been established to ensure that the council parent organisation has oversight of these organisations and to ensure their responsiveness and accountability to governing body and the public.

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

24. Local boards have not been engaged on the content of the governing body committee structure. All committees will consider the impact of decisions on local boards and their communities through the reporting process at each committee.

Tauākī whakaaweawe Māori
Māori impact statement

25. The Independent Māori Statutory Board will have representatives sitting on the following committees:
   - All Committees of the Whole
   - Appointments and Performance Review Committee (for appointments only)
   - Auckland Domain Committee
   - Audit and Risk Committee (when relevant items are on the agenda)
   - CCO Oversight Committee
   - Civil Defence and Emergency Management Committee
   - Regulatory Committee
   - Strategic Procurement
   - Value for Money Committee.

Ngā ritenga ā-pūtea
Financial implications

26. There will be no additional financial implications of the proposed committee structure on existing budgets. Meetings, and the scheduling and the resourcing of them will be covered by existing operational expenditure.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

27. There are no significant risks from the proposed committee structure. Any issues arising from the committees can be mitigated through the operational management by the chair of the committee in association with the lead officers of each committee.
Ngā koringa ā-muri
Next steps

28. A meeting schedule outlining the proposed timing of the meetings included in the new structure is included in another report on this agenda.

Ngā tāpirihanga
Attachments

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Ngā kaihaina
Signatories

| Author | Hon Phil Goff, Mayor of Auckland |
Terms of Reference for committees
File No.: CP2019/04888

Te take mō te pūrongo
Purpose of the report

Whakarāpopototanga matua
Executive summary
2. The mayor has powers to establish committees and appoint committee chairpersons. The Governing Body gives effect to the committees by delegating responsibilities and powers. The Terms of Reference contain these delegations.
3. The Terms of Reference include all committees of the Governing Body, which are either committees of the whole, reporting committees, or other standing committees that report to the Governing Body.
4. Also included are the Terms of Reference for joint committees, working parties, panels and forums. Some of these require agreement with other parties and local boards.

Ngā tūtohunga
Recommendation/s
That the Governing Body:

a) adopt the Terms of Reference in Attachment A of the agenda report and delegate those responsibilities, duties and powers to the committees as listed.

b) authorise the General Manager Democracy Services to amend the Terms of Reference by reflecting additional decisions of the Mayor and Governing Body that relate to the Terms of Reference (such as membership of committees and advisory panels) and to make any other amendments of a minor nature.

Horopaki
Context
5. The Terms of Reference implement the committee structure established by the mayor. The Mayor has the power to establish committees and to appoint their chairpersons.
6. By adopting the Terms of Reference, the Governing Body is delegating the appropriate responsibilities and powers to, and setting quorums for, the committees established by the mayor.
7. The Terms of Reference have been developed in consultation with councillors and staff from across the organisation, to ensure that reporting responsibilities align clearly with the purpose of each of the committees.
8. Ensuring that committees are delegated responsibilities ensures that staff, elected members and the public understand where decisions are made and how the Governing Body has delegated its responsibilities to more focused decision-making groups.
Tātaritanga me ngā tohutohu
Analysis and advice

9. The Terms of Reference are included as Attachment A to this report.

Committees
10. The general practice for setting quorums for committees is at one-half of the members.
11. The Local Government (Auckland Council) Act 2009 states that the mayor is an ex-officio member of all committees and Standing Order 4.1.1 states that both the mayor and deputy mayor are members of all committees.
12. The general approach to the Terms of Reference is that they set out each committee’s responsibilities in broad terms and delegate full powers relating to those responsibilities, subject to exceptions. A more prescriptive approach might result in matters being left out.
13. For more specialised committees, such as the Audit and Risk Committee and Regulatory Committee, the delegations are more specific and therefore the responsibilities are more detailed than for other committees.
14. Each committee of the whole is expected to establish an annual work programme, outlining the key focus areas, in line with its responsibilities, that will be dealt with over the year. The Governing Body will approve the work programmes of each committee to ensure distinct lines of decision-making, to focus decision making priorities and to remove duplication of matters that may cross committee responsibilities.
15. An addition to the Terms of Reference is a description of the role of chairperson and deputy chairperson to provide clarity on the roles of each.

Joint committees and working parties
16. The Auckland Domain Committee is included in the section on joint committees. The Local Government Act 2002 requires that parties to a joint committee firstly formally reach agreement. The Terms or Reference for this committee are therefore subject to the agreement with the Waitematā Local Board.
17. The Hauraki Gulf Forum is prescribed in legislation.
18. Te Tiriti o Waitangi Settlement Working Party has been a standing working party over previous terms of council. A working party does not pass resolutions or make decisions, but can make recommendations. It provides a political forum for discussion, in this case for treaty settlement matters.
19. The Joint Governance Working Party is included. At its final meeting of the previous term, the Joint Governance Working Party (JGWP) considered a possible work programme for the new term of the council. This will include continuing the review of the code of conduct, assessing the merits of Single Transferable Voting for the 2022 elections and overseeing the ongoing implementation and effectiveness of the Governance Framework Review.
20. The final Terms of Reference for Te Tiriti o Waitangi Settlement Working Party and the Joint Governance Working Party will be inserted at a later date upon confirmation of appointees.

Advisory Panels
21. Advisory panels have been included in the Terms of Reference as per the 5 November 2019 Governing Body decisions.
Tauākī whakaaweawe āhuarangi
Climate impact statement
22. This report is procedural in nature and any climate impacts attributable directly to the outcome of this report will be negligible. The decision is unlikely to result in any identifiable changes to greenhouse gas emissions. Each committee assigned delegations by the attached Terms of Reference will be required to assess the individual decisions’ implications on climate change.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views
23. The wider council family will be impacted by a new committee for the reporting and accountability of Council Controlled Organisations (CCO). The Council Controlled Organisation Oversight Committee will ensure that the council parent organisation has appropriate oversight of these organisations.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views
24. The Terms of Reference relate to committees of the governing body and local board views have not been sought, as these are procedural matters for elected members of the governing body.

Tauākī whakaaweawe Māori
Māori impact statement
25. The Independent Māori Statutory Board (IMSB) will have representatives sitting as voting members on all committees, except for the following (where they sit as ex-officio):
   - Appointments and Performance Review Committee (for appointments)
   - Audit and Risk Committee (when relevant items are on the agenda)
   - Strategic Procurement Committee
26. The Terms of Reference will be updated once the names of individual committee appointees are assigned by the IMSB.

Ngā ritenga ā-pūtea
Financial implications
27. There will be no additional financial implications of the proposed committee structure on existing budgets. Meetings, and the scheduling and the resourcing of them, will be covered by existing operational expenditure.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations
28. There are no significant risks from the proposed Terms of Reference. Any issues arising from the content of the delegations listed can be mitigated through the operational management by the chair of the committee or via amendments to the Terms of Reference when required.

Ngā koringa ā-muri
Next steps
29. A meeting schedule outlining the proposed timing of the meetings included in the new structure is included in another report on this agenda.
Ngā tāpirihanga
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Ngā kaihaina
Signatories

Authors
Warwick McNaughton - Principal Advisor - Democracy Services
Steve van Kampen - Governance Support Manager

Authorisers
Marguerite Delbet - General Manager Democracy Services
Phil Wilson - Governance Director
Stephen Town - Chief Executive
Auckland Council
Governing Body
Terms of Reference
2019-2022

Adopted by the Governing Body on 12 November 2019 (version 1)
Resolution No.
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1 INTRODUCTION

1.1 GENERAL PRINCIPLES OF DELEGATION

The document sets out the terms of reference for committees of the Governing Body. The mayor is responsible for establishing committees and appointing chairpersons. The Governing Body, through this document and subject to section 14, delegates to committees those powers necessary for them to carry out their responsibilities as set out in this document.

Section 2 sets out those matters which the Governing Body cannot legally delegate under the Local Government Act 2002 or has elected not to delegate.

The business to be transacted by the Governing Body and its committees is large and wide-ranging, dealing with the details of many Acts and Regulations, the council’s plans, bylaws, and a range of Governing Body activities and services. The terms of reference and delegations in this document are intended to reflect the principles of subsidiarity to allow the Governing Body to delegate its powers and functions to the most efficient and effective levels.

The committee to which powers are delegated will usually exercise the delegated power but is not obliged to do so. The most common circumstances where the committee with the delegation might choose not to exercise it are when the matter has become a matter of public notoriety, or the issues are contentious and finely balanced.

A decision made by a committee under delegation from the Governing Body has the same effect as if it were made by the Governing Body itself.

1.2 ESTABLISHMENT OF COMMITTEES

In accordance with section (9)(3) of the Local Government (Auckland Council) Act 2009, the mayor has the power to establish the committees of the governing body and appoint the chairperson of each committee of the governing body.

Committee includes, in relation to the Governing Body:

(a) a committee comprising all the members of the Governing Body
(b) a standing committee appointed by the Governing Body
(c) a standing committee appointed by the mayor
(d) a joint committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002
(e) any subcommittee, or reporting committee, of a committee described in items (a) (b), (c) or (d) of this definition.

Independent Māori Statutory Board: Promotes issues of significance for mana whenua groups and mataawaka of Tamaki Makaurau and ensures council compliance with statutory provisions relating to the Treaty of Waitangi. Appointees represent the Board on various committees and are included in the quorum at a committee meeting.

Ex officio member: "By virtue of the office held". An ex officio member of a committee is a member because of the office held. An ex officio member may either have full voting rights or voting rights for some of the responsibilities of the committee, as stated in the Terms of Reference. The Local Government
(Auckland Council) Act 2009 states that the mayor is an ex officio member of all committees and Standing Order 4.1.1 states that both the mayor and deputy mayor are members of all committees.

**Panels:** The role of a panel is to inform and advise the council. They have no decision-making role.

**Quorum:** Unless otherwise specified, a quorum is defined as a half, if the total number of members is even, or a majority, if the total number of members is odd.

- Ex officio members are not included in calculating the quorum but are counted towards the quorum when present; this reflects the expectation that ex officio members will not always be able to attend all committees and forums but have full voting rights when present (unless specified otherwise).
- Appointed members are included in calculating the quorum and are counted towards the quorum when present; this reflects the expectation that appointed members will attend those committees to which they are appointed.
- Vacancies are not included in calculating the quorum.
- Any member attending a meeting by way of audio link or audio-visual link and who is not physically present at the meeting can cast a vote but is not to be counted as present for the purpose of the quorum.

### 1.3 AMBIGUITY AND CONFLICT

In the event of ambiguity or conflict between the provisions of the Terms of Reference, which results in uncertainty or dispute as to which committee has delegated authority to act in respect of a particular matter, the chief executive will prepare a written report and submit it to the mayor (or the deputy mayor in the absence of the mayor) for consideration and determination. The decision of the mayor (or deputy mayor) will be final and binding.

If neither the mayor nor the deputy mayor is available, the decision of the chief executive will be final and binding.

### 1.4 CALLING IN A MATTER FOR GOVERNING BODY CONSIDERATION

The mayor may require any matter that would otherwise be reported to a committee, to be reported to the Governing Body. If that matter is already on a published agenda for a committee meeting, that meeting will not consider that matter unless invited by the mayor to make a recommendation to the Governing Body.

### 1.5 ROLE OF THE CHAIR AND DEPUTY CHAIR

Key responsibilities of the chair of a committee include:

- chairing meetings and workshops in accordance with the Standing Orders
- ensuring the meeting is planned effectively and deals with matters in accordance with the terms of reference
- developing and implementing an annual committee work programme
- being the spokesperson for the committee
• ensuring matters on the agenda are dealt with in an orderly and efficient manner
• chairing pre-agenda run-throughs.

Key responsibilities of the deputy chair of a committee include:
• chairing meetings in the absence of the chair
• chairing workshops under Standing Order 5.1.5 as the chairperson’s nominee, subject to agreement of the chairperson
• attending pre-agenda run-through and chairing them in the absence of the chair
• taking the lead on certain committee work programme topics, as agreed with the chair (such as engaging with staff and being the spokesperson on these agreed topics)
• working with the chair to establish the agreed committee work programme.

1.6 REVIEW

These terms of reference may be reviewed at any time, or within one year of the date they come into effect. Amendments will be made as and when the committee structure or delegations change.
2 GOVERNING BODY

Terms of Reference

Those powers which cannot legally be delegated:

(a) the power to make a rate
(b) the power to make a bylaw
(c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan
(d) the power to adopt a long-term plan, annual plan, or annual report
(e) the power to appoint a chief executive
(f) the power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement
(g) the power to adopt a remuneration and employment policy

Additional responsibilities retained by the Governing Body:

(h) approval of long-term plan or annual plan consultation documents, supporting information and consultation process prior to consultation
(i) approval of a draft bylaw prior to consultation
(j) resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of electoral officer
(k) adoption of, and amendment to, the Committee Terms of Reference, Standing Orders and Code of Conduct
(l) relationships with the Independent Māori Statutory Board, including the funding agreement and appointments to committees
(m) overview of and decisions relating to any CCO review including the implementation of any resulting changes to CCOs
(n) oversight of work programmes of all committees of the governing body

Quorum: 11

Frequency of meetings: Monthly

Membership:

Chairperson: Mayor Phil Goff
Deputy chairperson: Deputy Mayor Bill Cashmore
Members: All councillors
3 COMMITTEES OF THE WHOLE OF THE GOVERNING BODY

3.1 COMMUNITY COMMITTEE

Terms of Reference (Delegations)

Responsibilities
This committee deals with the development and monitoring of strategy, policy and action plans associated with community, social and cultural activities. The committee will establish an annual work programme outlining key focus areas in line with its key responsibilities, which include:

- The Southern Initiative and The Western Initiative
- sports and recreation, including parks and reserves
- community facilities and community services
- acquisition of property relating to the committee’s responsibilities and in accordance with the LTP
- grants for regional events, arts and cultural and heritage organisations, indoor sports and leisure and for the regional community development programme
- economic development
- arts and culture
- community safety
- community engagement
- community development
- homelessness
- working with the six demographic advisory panels to give visibility to the issues important to their communities and help effect change
- working with the Auckland Domain Committee to give visibility to the issues important to the Domain and to help effect change.

Powers

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

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

(iii) If a policy or project relates primarily to the responsibilities of the Community Committee, but aspects require additional reporting to the Planning Committee and/or the Environment and Climate Change Committee, then the Community Committee has the powers to make associated decisions on behalf of the other committee(s). For the avoidance of doubt, this means that matters do not need to be taken to multiple committees for decisions.

(iv) The committee does not have:
   (a) the power to establish subcommittees
   (b) powers that the Governing Body cannot delegate or has retained to itself (section 2).
### Item 9

**Quorum:** 11

**Frequency of meetings:** Bi-monthly (alternating with the Environment and Climate Change Committee)

**Membership:**

- **Chairperson:** Cr Alex Filipana
- **Deputy chairperson:** Cr Cathy Casey
- **Members:** All councillors
- **IMSB appointees (s 85 (1)):** 2
3.2 ENVIRONMENT AND CLIMATE CHANGE COMMITTEE

Terms of Reference (Delegations)

Responsibilities
This committee deals with the development and monitoring of strategy, policy and action plans associated with environmental and climate change activities. The committee will establish an annual work programme outlining key focus areas in line with its key responsibilities, which include:

- climate change mitigation and adaptation policy, and implementation (with other committee chairs where cross over of responsibilities exists)
- coastal renewals, slips and remediation
- Auckland’s Climate Action Framework
- natural heritage (including ecology, biodiversity and biosecurity matters, such as kauri dieback)
- protection and restoration of Auckland’s ecological health
- water, including Auckland’s Water Strategy
- waste minimisation
- acquisition of property relating to the committee’s responsibilities and in accordance with the LTP
- grants for regional environmental outcomes.

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

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

(iii) If a policy or project relates primarily to the responsibilities of the Environment and Climate Change Committee, but aspects require additional reporting to the Planning Committee and/or the Community Committee, then the Environment and Climate Change Committee has the powers to make associated decisions on behalf of the other committee(s). For the avoidance of doubt, this means that matters do not need to be taken to multiple committees for decisions.

Quorum: 11

Frequency of meetings: Bi-monthly (alternating with the Community Committee)

Membership:

Chairperson: Cr Richard Hills
Deputy chairperson: Cr Pippa Coom

Members: All councillors

IMSB appointees (s 85 (1)): 2
3.3 FINANCE AND PERFORMANCE COMMITTEE

Terms of Reference (Delegations)

Responsibilities

The purpose of the Committee is to:

a) advise and support the mayor on the development of the Long Term Plan (LTP) and Annual Plan (AP)

b) monitor the overall financial management and performance of the council parent organisation and Auckland Council group

c) make financial decisions required outside of the annual budgeting processes.

The committee will establish an annual work programme outlining key focus areas in line with its key responsibilities, which include:

- advising and supporting the mayor on the development of the LTP and AP for consideration by the Governing Body including:
  - local board agreements
  - financial policy related to the LTP and AP
  - setting of rates
  - preparation of the consultation documentation and supporting information, and the consultation process, for the LTP and AP

- monitoring the operational and capital expenditure of the council parent organisation and Auckland Council Group, and inquiring into any material discrepancies from planned expenditure

- approving the financial policy of the council parent organisation

- establishing and managing a structured approach to the approval of non-budgeted expenditure (including grants, loans or guarantees) that reinforces value for money and an expectation of tight expenditure control

- approve the council insurance strategy and annual insurance placement for Council

- performance measures and monitoring

- write-offs

- acquisition of property in accordance with the LTP

- disposals in accordance with the LTP\(^1\)

- recommending the Annual Report to the Governing Body

- funding for achieving improved outcomes for Māori.

Powers

(i) All powers necessary to perform the committee’s responsibilities, including:

(a) approval of a submission to an external body

(b) establishment of working parties or steering groups.

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

(iii) If a decision is a budgetary or financial decision that relates primarily to the Finance and Performance committee responsibilities, the Finance and Performance committee has the powers to make associated decisions on matters that would otherwise be decided by other committees. For

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\(^1\) Subject to any committee resolution delegating disposal decisions.
the avoidance of doubt, this means that matters do not need to be taken to multiple committees for decisions.

(ii) The committee does not have:
(a) the power to establish subcommittees
(b) powers that the Governing Body cannot delegate or has retained to itself (section

Reporting committees

- Strategic Procurement Committee
- Council Controlled Organisation Oversight Committee

Quorum: 11

Frequency of meetings: Bi-monthly (alternating with the Value for Money Committee)

Membership:

Chairperson: Cr Desley Simpson
Deputy chairperson: Cr Shane Henderson
Members: All councillors
IMSB appointees (s 85 (1)): 2
3.4 PLANNING COMMITTEE

Terms of Reference (Delegations)

Responsibilities
This committee guides the physical development and growth of Auckland through a focus on land use, transport and infrastructure strategies and policies relating to planning, growth, housing and the appropriate provision of enabling infrastructure, as well as programmes and strategic projects associated with these activities. The committee will establish an annual work programme outlining key focus areas in line with its key responsibilities, which include:

- relevant regional strategy and policy
- transportation
- infrastructure strategy and policy
- Unitary Plan, including plan changes (but not any wholesale review of the Plan)
- Resource Management Act and relevant urban planning legislation framework
- oversight of Council’s involvement in central government strategies, plans or initiatives that impact on Auckland’s future land use and infrastructure
- Auckland Plan implementation reporting on priorities and performance measures
- structure plans and spatial plans
- housing policy and projects
- city centre and waterfront development
- regeneration and redevelopment programmes
- built and cultural heritage, including public art
- urban design
- acquisition of property relating to the committee’s responsibilities and in accordance with the LTP
- working with and receiving advice from the Heritage Advisory Panel, the Rural Advisory Panel and the City Centre Advisory Board to give visibility to the issues important to the communities they represent and to help effect change.

Powers
(i) All powers necessary to perform the committee’s responsibilities, including:

(a) approval of a submission to an external body

(b) establishment of working parties or steering groups.

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

(iii) If a policy or project relates primarily to the responsibilities of the Planning Committee, but aspects require additional reporting to the Environment and Climate Change Committee and/or the Community Committee, then the Planning Committee has the powers to make associated decisions on behalf of the other committee(s). For the avoidance of doubt, this means that matters do not need to be taken to multiple committees for decisions.

(iv) The committee does not have:

(a) the power to establish subcommittees

(b) powers that the Governing Body cannot delegate or has retained to itself (section 2).
Quorum: 11

Frequency of meetings: Monthly

Membership:

Chairperson: Cr Chris Darby
Deputy chairperson: Cr Josephine Bartley
Members: All councillors
IMSB appointees (s 85 (1)): 2
4 REPORTING COMMITTEES

4.1 COUNCIL CONTROLLED ORGANISATION (CCO) OVERSIGHT COMMITTEE

Terms of Reference (Delegations)

Parent committee: Finance and Performance Committee

Responsibilities

The purpose of the committee is to:

- have a general overview and insight into the strategy, direction and priorities of all Council Controlled Organisations (CCO)
- set policy relating to CCO governance
- approve CCO Statements of Intent
- monitor performance of CCOs and other entities in which the council has an equity interest (such as CRILL, Tamaki Regeneration Company and Haumaru Housing).

Key responsibilities include:

- monitoring the financial and non-financial performance targets, key performance indicators, and other measures of each CCO and the performance of each organisation
- advising the mayor on the content of the annual Letters of Expectations (LoE) to CCOs and Ports of Auckland Limited
- exercising relevant powers under Schedule 8 of the Local Government Act 2002, which relate to the Statements of Intent of CCOs
- exercising relevant powers under Part 1 of the Port Companies Act 1988, which relate to the Statements of Corporate Intent for port companies
- exercising Auckland Council’s powers as a shareholder or given under a trust deed, including but not limited to modification of constitutions and/or trust deeds, granting shareholder approval of major transactions where required, exempting CCOs, and approving policies relating to CCO and CO governance
- approval of a work programme which includes a schedule of quarterly reporting of each CCO to balance reporting across the meetings.

Powers

(i) All powers necessary to perform the committee’s responsibilities.

Except:

(a) powers that the Governing Body cannot delegate or has retained to itself (section 2)

(b) where the committee’s responsibility is limited to making a recommendation only

(ii) Power to establish subcommittees.
Frequency of meetings: Monthly
Quorum: 11

Membership:
Chairperson: Deputy Mayor Bill Cashmore
Deputy chairperson: Cr Angela Dalton
Members: All councillors
IMSB appointees (s 85 (1)): 2
4.2 STRATEGIC PROCUREMENT COMMITTEE

Terms of Reference (Delegations)

Parent committee: Finance and Performance Committee

Responsibilities

The committee is established to assist the chief executive to undertake the management procedure of ensuring sound procurement processes are followed in relation to procurement of goods and services necessary to deliver on the work programme and operations outlined in the council’s adopted Annual Plan.

It will ensure that reasonable purchasing procedures have been followed in awarding contracts and will provide an efficient mechanism for documenting the approvals for those contracts.

Within a framework where contracts are an operational matter delegated to the chief executive, this committee will consider all contracts beyond the chief executive’s financial delegations. The chief executive may refer contracts within his financial delegations which are sensitive or may impact on the reputation of the council.

The chief executive has power to award contracts up to $20 million alone and the power to award contracts up to $22.5 million jointly with the Mayor and Finance and Performance Committee chair.

The committee has responsibility for:
- awarding contracts of $22.5 million or greater
- awarding contracts less than $22.5 million which are sensitive or may impact on the reputation of the council if the chief executive refers the matter to the committee
- oversight over the procurement processes and procedures.

From time to time the committee may advise the chief executive and the council on changes to the procurement and contracts policy procedures.

Powers

All powers necessary to perform the committee’s responsibilities.

Except:

(a) powers that the Governing Body cannot delegate or has retained to itself (section 2)
(b) where the committee’s responsibility is limited to making a recommendation only
(c) power to establish sub-committees.

Quorum: 4

Frequency of meetings: Monthly

Membership:

Chairperson: Cr Greg Sayers
Deputy chairperson: Cr John Watson
Members: Deputy Mayor Bill Cashmore Cr Alf Filipina
Cr Cathy Casey Cr Tracy Mutholland
Cr Linda Cooper
Ex officio: IMSB appointee
5 OTHER COMMITTEES

5.1 APPOINTMENTS AND PERFORMANCE REVIEW COMMITTEE

Terms of Reference (Delegations)

Responsibilities

The Appointments and Performance Review Committee is established to:

1. review the chief executive’s performance and recommend to the Governing Body the terms and conditions of the CE’s employment including any performance agreement measures and annual remuneration

2. make appointments to Council-Controlled Organisations (CCOs), Council Organisations (COs) and exempt CCOs and COs, with the exception of Ports of Auckland Limited and Auckland International Airport Limited

3. receive updates on appointments to the council organisations, Ports of Auckland Limited and Auckland International Airport Limited, as well as any relevant updates on shareholder voting undertaken at Auckland International Airport Limited annual general meetings

4. approve policies relating to the appointment of directors and trustees to CCOs and COs.

Powers

All powers necessary to perform the committee’s responsibilities.

Except:

(a) powers that the Governing Body cannot delegate or has retained to itself (section 2)
(b) where the committee’s responsibility is limited to making a recommendation only
(c) the power to establish sub-committees.

Quorum: 4

Frequency of meetings: Monthly

Membership:

Chairperson: Mayor Phil Goff
Deputy chairperson: Cr Christine Fletcher

Members:
Cr Josephine Bartley
Cr Pippa Coom
Cr Chris Darby

Ex officio: Deputy Mayor Bill Cashmore
IMSB Chair (for responsibilities 2 to 4 above)
5.2 AUDIT AND RISK COMMITTEE

Terms of Reference (Delegations)

Purpose

The purpose of the Audit and Risk Committee is to assist and advise the Governing Body in discharging its responsibility and ownership of governance, risk management, and internal control.

The committee will review the effectiveness of the following aspects of governance, risk management and internal control:

- enterprise risk management (ERM) across the Auckland Council group
- internal and external audit and assurance
- health, safety and wellbeing
- business continuity and resilience
- integrity and investigations
- monitoring of compliance with laws and regulations
- significant projects, programmes of work and procurement focussing on the appropriate management of risk
- oversight of preparation of the LTP, Annual Report, and other external financial reports required by statute.

The scope of the committee includes the oversight of risk management and assurance across the council’s CCOS and the council with respect to risk that is significant to the Auckland Council group.

To perform his or her role effectively, each committee member must develop and maintain his or her skills and knowledge, including an understanding of the committee’s responsibilities, and of the council’s business, operations and risks.

Decision-Making Powers

The committee has no decision-making powers other than those in these terms of reference.

The committee may request expert advice through the chief executive where necessary.

The committee may make recommendations to the Governing Body and/or chief executive.

Tenure

External members will be appointed for an initial period not exceeding three years, after which they will be eligible for extension or re-appointment, after a formal review of their performance, and have not already served two terms on the committee. Councillors appointed to the committee will automatically cease to hold office at the time of the local authority triennial elections. They may be eligible for re-appointment post those elections if they are returned to office and have not already served two terms on the committee.

The chief executive, and the senior management team members will not be members of the committee.

The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the council. At least one member of the committee should have accounting or related financial

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2 In regard to health and safety, all members of the Governing Body are required to discharge their responsibilities of due diligence under the Health and Safety at Work Act 2015. Staff will provide regular reports to the Governing Body to enable members to discharge their duties, and these reports will include any recommendations made by the Audit and Risk Committee in relation to council’s health, safety and wellbeing processes.
management experience, with an understanding of accounting and auditing standards in a public sector environment.

Committee’s responsibilities

The committee’s responsibilities are detailed below.

Forward Work Programme

The committee will agree and approve annually a forward work programme – which will consist of in-depth briefings and reviews of specific significant risks and assurance strategies, as contained in the ERM “Top Risks” or Auckland Council’s work plan.

Risk management

- Review, approve and monitor the implementation of the ERM policy, framework and strategy (including risks pertaining to CCOS that are significant to the Auckland Council group).
- Review and approve the council’s “risk appetite” statement.
- Review the effectiveness of risk management and internal control systems including all material financial, operational, compliance and other material controls. This includes legislative compliance (including Health and Safety), significant projects and programmes of work, and significant procurement.
- Review risk management reports identifying new and / or emerging risks, and any subsequent changes to the ERM “Top Risk” register.

Assurance

- Review annually the Assurance Charter – which confirms the authority, independence and scope of the function.
- Review and approve annually and monitor the implementation of the three-year Assurance Strategy and 12 month detailed Internal Audit Plan.
- Review the co-ordination between the risk and assurance functions – including the integration of the council’s ERM risk profile with the Internal Audit programme. This includes assurance over all material financial, operational, compliance and other material controls. This includes legislative compliance (including Health and Safety), significant projects and programmes of work, and significant procurement.
- Review the reports of the assurance functions dealing with findings, conclusions and recommendations (including assurance over risks pertaining to CCOS that are significant to the Auckland Council group).
- Review and monitor management’s responsiveness to the findings and recommendations – enquiring into the reasons that any recommendation is not acted upon.

Fraud and Integrity

- Review and approve annually, and monitor the implementation of, the Assurance Strategy, including the fraud and integrity aspects, including a detailed work programme.
- Review annually the ‘Speak Up’ and whistleblowing procedures and ensure that arrangements are in place by which staff, may, in confidence, raise concerns about possible improprieties in matters of financial reporting, financial control or any other matters, and that there is proportionate and independent investigation of such matters and appropriate follow-up action.
- Review the procedures in relation to the prevention, detection, reporting and investigation of bribery and fraud.
- Review and monitor policy and process to manage conflicts of interest amongst elected members, local board members, management, staff, consultants and contractors.
- Review reports from the Risk, Assurance, Integrity and Investigations, external audit and management related to whistle blower, ethics, bribery and fraud related incidents.

**Statutory Reporting**

Review and monitor the integrity of the Long-term Plan, interim and annual report including statutory financial statements and any other formal announcements relating to the council’s financial performance, focussing particularly on:

- compliance with, and the appropriate application of, relevant accounting policies, practices and accounting standards
- compliance with applicable legal requirements relevant to statutory reporting
- the consistency of application of accounting policies, across reporting periods, and the Auckland Council group
- changes to accounting policies and practices that may affect the way that accounts are presented
- any decisions involving significant judgement, estimation or uncertainty
- the extent to which financial statements are affected by any unusual transactions and the way they are disclosed
- the disclosure of contingent liabilities and contingent assets
- the clarity of disclosures generally
- the basis for the adoption of the going concern assumption
- significant adjustments resulting from the audit.

**External Audit**

- Discuss with the external auditor before the audit commences:
  - the nature, scope and fees of the external audit
  - areas of audit focus
  - error and materiality levels.
- Review with the external auditors representations required by elected members and senior management, including representations as to the fraud and integrity control environment.
- Review the external auditors management letter and management responses, and inquire into reasons for any recommendations not acted upon.
- Where required, the chair may ask a senior representative of the Office of the Auditor General to attend the committee meetings to discuss the office’s plans, findings and other matters of mutual interest.

**Interaction with Council Controlled Organisations**

Other committees dealing with CCO matters may refer matters to the Audit and Risk Committee for review and advice.

This committee will enquire to ensure adequate processes at a governance level exist to identify and manage risks within a CCO. Where an identified risk may impact on Auckland Council or the wider group, the committee will also ensure that all affected entities are aware of and appropriately managing the risk.

The Head of Assurance and the Chief Risk Officer are responsible for monitoring CCO risk and internal audit strategies with respect to risks and CCO risks that are significant to the Auckland Council group.
Annual Report on the work of the committee

The chair of the committee will submit a written review of the performance of the committee to the chief executive on an annual basis. The review will summarise the activities of the committee and how it has contributed to the council’s governance and strategic objectives. The chief executive will place the report on the next available agenda of the governing body.

Quorum: 3 (which must include 2 Governing Body members)

Frequency of Meetings: Quarterly, plus September meeting to review Annual Report prior to review by Finance and Performance Committee, and adoption by Governing Body

Membership:

Chairperson: Independent
Deputy chairperson: Cr Daniel Newman
Governing Body members: Deputy Mayor Bill Cashmore, Cr Shane Henderson
Independent members: 2
Ex officio: Mayor, IMSB Chair (or nominee) expected to attend for matters relevant to the IMSB
5.3 CIVIL DEFENCE AND EMERGENCY MANAGEMENT COMMITTEE

Terms of Reference (Delegations)

Responsibilities and powers

The Civil Defence Emergency Management Group Committee is a statutory committee required under S12(1) of the Civil Defence and Emergency Management Act 2002 (CDEM Act) and is responsible for:

- being Auckland’s strategic forum for civil defence and emergency management planning and policy
- establishing an emergency management structure for the Auckland region
- developing, approving, implementing and monitoring the Auckland Civil Defence Emergency Management Group Plan
- developing, approving, implementing and monitoring other relevant strategies and policies relevant to the powers and functions of the Civil Defence and Emergency Management Group as identified in the CDEM Act
- performing the statutory functions of a civil defence emergency management group
- representing Auckland in the development of national emergency management policy including approving relevant policy and legislative submissions to external bodies
- engaging with Local Boards and local board portfolio holders on civil defence and emergency management issues.

The Civil Defence Emergency Management Group Committee will exercise the statutory powers outlined in the Civil Defence Emergency Management Act 2002 and the Auckland Civil Defence Emergency Management Group Plan. The Civil Defence Emergency Management Group Committee is authorised to approve use of the established emergency funding facility provided for emergency management.

Relevant legislation includes but is not limited to:


Quorum: 3

Frequency of meetings: Quarterly

Membership:

Chairperson: Cr Sharon Stewart
Deputy chairperson: Cr Wayne Walker
Members (6): Cr Efesa Collins  Cr John Watson
Cr Tracy Mutholland

IMSB appointees (s 85 (1)): 2
5.4 PORTS OF AUCKLAND LIMITED APPOINTMENTS PANEL

Terms of Reference (Delegations)

Responsibilities

1. Make appointments to the board of Ports of Auckland Limited.

2. Report any appointments or reappointments to the Appointments and Performance Review Committee.

Powers

All powers necessary to perform the panel’s responsibilities.

The panel is not a committee and does not make decisions by majority vote. A decision is made if it is approved by all members of the panel.

Frequency of meetings: As required to make appointments

Membership:

(As agreed with Ports of Auckland Limited in the memorandum of understanding adopted on 31 May 2018 – minute number GB/2018/91).

Chairperson: Mayor

Members: Chair of Board of Ports of Auckland Limited
Chief Executive of Auckland Council (or representative)
5.5 REGULATORY COMMITTEE

Terms of Reference (Delegations)

Responsibilities

The committee is responsible for regulatory hearings (required by relevant legislation) on behalf of the council. The committee is responsible for appointing independent commissioners to carry out the council's functions or delegating the appointment power (as set out in the committee's policy). The committee is responsible for regulatory policy and bylaws. Where the committee's powers are recommendatory, the committee or the appointee will provide recommendations to the relevant decision-maker.

The committee's key responsibilities include:

- decision-making (including through a hearings process) under the Resource Management Act 1991 and related legislation
- hearing and determining objections under the Dog Control Act 1996
- decision-making under the Sale and Supply of Alcohol Act 2012
- hearing and determining matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002 (this cannot be sub-delegated)
- hearing and determining matters arising under bylaws
- appointing independent hearings commissioners to a pool of commissioners who will be available to make decisions on matters as directed by the Regulatory Committee
- deciding who should make a decision on any particular matter including who should sit as hearings commissioners in any particular hearing
- monitoring the performance of regulatory decision-making
- where decisions are appealed or where the committee decides that the council itself should appeal a decision, directing the conduct of any such appeals
- considering and making recommendations to the Governing Body regarding the regulatory and bylaw delegations (including to Local Boards)
- recommending bylaws to the Governing Body for consultation and adoption
- reviewing local board and Auckland water organisation proposed bylaws and making recommendations to the Governing Body
- appointing panels to hear and deliberate on public feedback related to regulatory policy and bylaw matters
- deciding regulatory policies that are not otherwise the responsibility of another committee
- deciding regulatory policies, standards and controls associated with bylaws including those delegated to the former Regulatory and Bylaw Committee, under resolution GB/2014/17 (dogs) and GB/2014/121 (alcohol)
- receiving local board feedback on bylaw and regulatory policy development and review
- adopting or amending a policy or policies and making any necessary sub-delegations relating to any of the above areas of responsibility to provide guidance and transparency to those involved.

Not all decisions under the Resource Management Act 1991 and other enactments require a hearing to be held and the term “decision-making” is used to encompass a range of decision-making processes including through a hearing. “Decision-making” includes, but is not limited to, decisions in relation to applications for resource consent, plan changes, notices of requirement, objections, existing use right certificates, certificates of compliance, regulatory policy and bylaws and also includes all necessary related decision-making.
In adopting a policy or policies and making any sub-delegations, the committee must ensure that it retains oversight of decision-making and that it provides for councillors to be involved in decision-making in appropriate circumstances.

For the avoidance of doubt, these delegations confirm the existing delegations (contained in the chief executive’s Delegations Register) to hearings commissioners and staff relating to decision-making under the RMA and other enactments mentioned below but limits those delegations by requiring them to be exercised as directed by the Regulatory Committee.

Relevant legislation includes but is not limited to:

All Bylaws
Biosecurity Act 1993
Building Act 2004
Dog Control Act 1996
Fencing of Swimming Pools Act 1967
Gambling Act 2003
Health Act 1956
Land Transport Act 1998
Local Government Act 1974
Local Government Act 2002
Local Government (Auckland Council Act) 2009
Maritime Transport Act 1994
Psychoactive Substances Act 2013
Resource Management Act 1991
Sale and Supply of Alcohol Act 2012
Waste Minimisation Act 2008

Related Regulations

Powers
(i) All powers necessary to perform the committee’s responsibilities.

Except:
(a) powers that the Governing Body cannot delegate or has retained to itself (section 2)
(b) where the committee’s responsibility is limited to making a recommendation only.

(i) Power to establish subcommittees.

Quorum: 6

Frequency of meetings: Monthly

Membership:

Chairperson: Cr Linda Cooper
Deputy chairperson: Cr Josephine Bartley

Members:
Cr Cathy Casey
Cr Efeso Collins
Cr Shane Henderson
Cr John Watson
Cr Paul Young

Ex officio: Deputy Mayor Bill Cashmore

IMSB appointees (s 85 (1)): 2
5.6 VALUE FOR MONEY COMMITTEE

Terms of Reference (Delegations)

Purpose

The Value for Money Committee ensures the pro-active assessment of money saving opportunities and considers the cost-effectiveness of the governance, funding and delivery across the Auckland Council Group, including those opportunities beyond the scope of s17A. Responsibilities include:

1. approving the s17A Local Government Act 2002 review forward work programme.
2. monitoring and reporting on the implementation of s17A reviews, and the recommendations arising from those reviews.
3. approving the terms of reference for individual s17A reviews
4. receiving and making recommendations on the outcome of individual reviews.
5. requesting reports on Auckland Council parent and CCO value for money and cost effectiveness-focused initiatives that are beyond the scope of s17A reviews.

Powers

All powers necessary to perform the committee’s responsibilities.

Except:

(a) powers that the Governing Body cannot delegate or has retained to itself (section 2)
(b) where the committee’s responsibility is limited to making a recommendation only
(c) the power to establish sub-committees.

Quorum:

4

Frequency of meetings:

Bi-monthly (alternating with the Finance and Performance Committee)

Membership:

Chairperson: Cr Desley Simpson
Deputy chairperson: Cr Tracy Mutholland

Members: Mayor Phil Goff
Deputy Mayor Bill Cashmore
Cr Angela Dalton
Cr Shane Henderson
Cr Paul Young
Chair of the Independent Reference Panel for the Value for Money Review Programme

IMSB appointee (s 85 (1)): 1

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6 WORKING PARTIES

6.1 JOINT GOVERNANCE WORKING PARTY

To be inserted at a later date upon confirmation of appointees.
6.2 TE TIRITI O WAITANGI / TREATY OF WAITANGI SETTLEMENT WORKING PARTY

To be inserted at a later date upon confirmation of appointees.
7 JOINT COMMITTEES

7.1 AUCKLAND DOMAIN COMMITTEE

Terms of Reference

Background

The Auckland Domain is an important regional park and also has areas within it managed by the Waitamata Local Board. This committee is set up jointly by the Governing Body and Waitamata Local Board to co-ordinate decisions relating to the Domain.

Responsibilities

Decision-making responsibility for parks, recreation and community services and activities in Auckland Domain including those anticipated in the Auckland Domain Act 1987, which are the responsibility of the Governing Body or the Waitamata Local Board.

Powers

All powers of the Governing Body and Waitamata Local Board necessary to perform the committee’s responsibilities including those powers conferred on Auckland Council pursuant to the Auckland Domain Act 1987.

Except:

(a) powers that the Governing Body cannot delegate or has retained to itself (section 2)
(b) where a matter is the responsibility of another committee or local board
(c) the approval of expenditure that is not contained within approved budgets
(d) the approval of expenditure of more than $2 million
(e) the approval of final policy
(f) deciding significant matters for which there is high public interest, and which are controversial.

Frequency of meetings: Quarterly (or as determined by the committee)

Membership:

Chairperson: Cr Desley Simpson (Governing Body)
Deputy Chairperson: Richard Northe (Waitamata Local Board)

Members:
Governing Body: Cr Pippa Coom Cr Sharon Stewart
Waitamata Local Board: 2
IMSB appointees (s 85 (1)): 2 (including the IMSB Chair)
7.2 HAURAKI GULF FORUM

Terms of Reference

The Hauraki Gulf Forum is established under the Hauraki Gulf Marine Park Act 2000 with the following purpose, functions, powers and membership.

Purpose (Hauraki Gulf Marine Park Act 2000, s 15)

- Integrate the management and, where appropriate, to promote the conservation and management in a sustainable manner, of the natural, historic and physical resources of the Hauraki Gulf, its islands, and catchments, for the benefit and enjoyment of the people and communities of the Gulf and New Zealand.
- Facilitate communication, cooperation, and coordination on matters relating to the statutory functions of the constituent parties in relation of the Hauraki Gulf, its islands and catchments and the forum.
- Recognise the historic, traditional, cultural and spiritual relationship of tangata whenua with the Hauraki Gulf, its islands, and where appropriate, its catchments.

Functions (Hauraki Gulf Marine Park Act 2000, s 17)

- Prepare a list of strategic issues, determine a priority for action on each issue, and regularly review that list.
- Facilitate and encourage co-ordinated financial planning, where possible, by the constituent parties.
- Obtain, share, and monitor information on the state of the natural and physical resources.
- Receive reports on the completion and implementation of deeds of recognition.
- Require and receive reports from constituent parties on the development and implementation of policies and strategies to address the issues identified under paragraph (a).
- Receive reports from the tangata whenua of the Hauraki Gulf on the development and implementation of its management or development plans.
- Prepare and publish, once every 3 years, a report on the state of the environment in the Hauraki Gulf, including information on progress towards integrated management and responses to the issues identified in accordance with paragraph (a).
- Promote and advocate the integrated management and, where appropriate, the sustainable management of the Hauraki Gulf, its islands, and catchments.
- Encourage, share, co-ordinate where appropriate, and disseminate educational and promotional material.
- Liaise with, and receive reports from, persons and groups having an interest in the Hauraki Gulf and business and community interests to promote an interest in the purposes of the forum.
- Commission research into matters relating to the functions of the forum.

When carrying out its functions, the forum must have particular regard to the historic, traditional, cultural, and spiritual relationship of tangata whenua with the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments.

Powers (Hauraki Gulf Marine Park Act 2000, s 18):

- consider issues related to its purpose
- receive reports from constituent parties
- make recommendations to constituent parties
- advise any person who requests the forum’s advice
• commission or undertake those activities that are necessary to achieve its purpose.

The forum must not:
(a) appear before a court or tribunal other than as a witness if called by a party to proceedings
(b) take part in a decision-making process under any enactment other than to advise when requested to do so.

Joint committee (Hauraki Gulf Marine Park Act 2000, s 16)

(2) The forum consists of the following representatives:
(a) 1 representative appointed by the Minister of Conservation
(b) 1 representative appointed by the Minister of Fisheries
(c) 1 representative appointed by the Minister of Māori Affairs
(ca) 7 representatives appointed by the Auckland Council
(d) 1 representative appointed by each of the following local authorities:
   (iv) Hauraki District Council
   (v) Matamata-Piako District Council
   (ix) Thames-Coromandel District Council
   (x) Waikato District Council
   (xi) Waikato Regional Council
(c) 5 representatives of the tangata whenua of the Hauraki Gulf and its islands appointed by the Minister, after consultation with the tangata whenua and the Minister of Māori Affairs.

(2A) The representatives appointed in accordance with subsection (2)(ca) must—
(a) be members of —
   (i) the Auckland Council, or
   (ii) a local board of the Auckland Council elected in accordance with the Local Electoral Act 2001 and
(b) include 1 member of each of the Great Barrier Island and Waiheke Island local board

Frequency of meetings: Quarterly or as determined by the forum

Membership:

Auckland Council representatives (5):

Members: Cr Pippa Coom Cr Wayne Walker
         Cr Christine Fletcher Cr John Watson
         Chair of the Ōrākei Local Board
8 ADVISORY PANELS

Chief liaison Councillor: Or Cathy Casey

8.1 TERMS OF REFERENCE FOR DEMOGRAPHIC ADVISORY PANELS

The following is a summary of the Terms of Reference that apply to the six demographic advisory panels listed below. The full terms of reference are available as a separate document.

Demographic advisory panels

The demographic advisory panels of Auckland Council in the 2019-2022 term are the:

- Disability Advisory Panel
- Ethnic Peoples Advisory Panel
- Pacific Peoples Advisory Panel
- Rainbow Communities Advisory Panel
- Seniors Advisory Panel
- Youth Advisory Panel.

Purpose

As one of council’s engagement mechanisms with diverse communities, the demographic advisory panels provide advice to the governing body and council staff within the remit of the Auckland Plan on the following areas:

- Auckland Council’s regional policies, plans and strategies
- regional and strategic matters including those that Council-Controlled Organisations deal with
- any matter of particular interest or concern to diverse communities.

Selection Process

The selection process of panel members is open for applications. The members of the panels are selected on the basis of their:

- individual competencies
- lived experience with relevant diverse communities
- ability to offer policy and strategic advice
- understanding of diverse communities of Auckland
- understanding of Te Tiriti O Waitangi.

The mayor appoints panel members with the endorsement of the governing body to give effect to the membership of the panels. If members need to be replaced during the term, the mayor can make the appointment in consultation with the Chief Liaison Councillor and the panel liaison councillor.

Frequency of meetings

Monthly
Membership

Each panel has between eight and twelve members.

Members of the Youth Advisory Panel should be aged between 14 and 24 at the time they are appointed.

Panels should have at least two members with lived experience in Te Ao Māori and knowledge of the contemporary issues facing Māori communities. The representation of Māori members may not be applicable to the Ethnic Peoples Advisory Panel or the Pacific Peoples Advisory Panel.

8.2 DISABILITY ADVISORY PANEL

Membership:

Chairperson:
Deputy chairperson:

Members:

Councillor liaison: Cr Josephine Bartley

8.2 ETHNIC PEOPLES ADVISORY PANEL

Membership:

Chairperson:
Deputy chairperson:

Members:

Councillor liaison: Cr Paul Young
8.3 PACIFIC PEOPLES ADVISORY PANEL

Membership:

Chairperson:
Deputy chairperson:

Members:

Councillor liaison: Cr Efeso Collins

8.4 RAINBOW COMMUNITIES ADVISORY PANEL

Membership:

Co-chairperson:
Co-chairperson:

Members:

Councillor liaison: Cr Richard Hills

8.5 SENIORS ADVISORY PANEL

Membership:

Chairperson:
Deputy chairperson:

Members:

Councillor liaison: Cr Tracy Mulholland
8.6 YOUTH ADVISORY PANEL

Membership:

Chairperson:
Deputy chairperson:

Members:

Councillor liaison: Cr Shane Henderson
8.7 RURAL ADVISORY PANEL

Terms of reference

(Summary – full terms of reference available as a separate document)

Purpose:

As one of council’s engagement mechanisms with the rural sector in Auckland, the Rural Advisory Panel provides advice to the council within the remit of the Auckland Plan on the following areas:

- council policies, plans and strategies relevant to rural issues
- regional and strategic matters relevant to rural issues
- any matter of particular interest or concern to rural communities.

Outcomes

The panel’s advice will contribute to improving the outcomes of the rural sector as set out in the Auckland Plan. The panel will provide advice through its agreed work programme.

Selection process

The Mayor appoints panel members in consultation with the chair of the panel and council staff.

Panel members are selected on the basis of their:

- association with a rural sector group or organisation
- ability to provide expert advice on rural issues
- understanding of the rural sector of Auckland
- understanding of Te Tiriti O Waitangi.

Frequency of meetings        Bi-monthly

Membership

The panel will have between 15 and 21 members.

The panel may have up to five elected members to act as conduits to the governing body, local boards and the council’s relevant committees.

The panel must have at least two members with lived experience in Te Ao Māori and knowledge of the contemporary issues facing Māori communities.

If the panel has less than 15 members, the council must appoint additional members to meet the minimum number of members.

The panel’s term ends one month prior to the next local government elections in 2022.

Chairperson:        Deputy Mayor Bill Cashmore
Deputy chairperson:  Cr Greg Sayers

Members:  

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8.8 AUCKLAND CITY CENTRE ADVISORY BOARD

Terms of Reference

(Summary – full terms of reference available as a separate document)

Purpose

The board advises Auckland Council on the alignment of the city centre targeted rate investment portfolio to the needs of the city centre, provides advice on council’s strategies, policies, plans, bylaws and programmes in relation to city centre development, as well as key issues and opportunities to support city centre outcomes.

Auckland Council includes:

- the governing body and its relevant committees
- Waitāmatā Local Board
- the wider council group.

Outcome

The Auckland City Centre Advisory Board will contribute to growing and consolidating the city centre’s international reputation as:

- one of the largest generators of Gross Domestic Product (GDP) in New Zealand
- a high quality living urban environment
- one of the most popular destinations for Aucklanders and visitors to the region
- a world class centre for education, research, innovation and development.

Role of the Auckland City Centre Advisory Board

The role of the Auckland City Centre Advisory Board is to:

- advise on council strategies and plans that impact on Auckland city centre
- advise on the priorities of the City Centre Targeted Rate investment portfolio
- recommend any proposed changes to the Auckland City Centre Targeted Rate policy.
- advise on issues and opportunities to support city centre outcomes and its success
- as appropriate, members may participate on behalf of the board, as part of stakeholder reference groups to provide feedback to city centre projects and initiatives
- work with the council group staff to achieve shared outcomes for the city centre.

Membership

The board will have between 15 and 21 members at all time including three elected members.

The board must have at least two members with lived experience in Te Ao Māori and knowledge of the contemporary issues facing the Auckland city centre.

The board will have one member from the City Centre Resident Group and one member from another residents’ association in the Auckland city centre.

The Waitāmatā Local Board will select its representative to the Auckland City Centre Advisory Board.

The board’s term ends one month prior to the next local government elections in 2022. The council will review the membership of the board before or after the end of the current term.
Selection process

The Mayor invites members of the city centre community to participate on the board having considered their:

- association with an Auckland city centre group or organisation
- ability to provide expert advice on Auckland city centre issues
- understanding of Auckland city centre issues
- commitment to the board.

All board members are representatives of sector groups or organisations and have a city centre focus. Board members may send a proxy if they are unavailable to attend a meeting.

Frequency of meetings

Monthly

Membership

Members: Mayor Phil Goff Cr Pippa Coen
Alternate: Cr Chris Darby
8.9 HERITAGE ADVISORY PANEL

Terms of reference

(Summary – full terms of reference available as a separate document)

Purpose

As one of council’s engagement mechanisms with the heritage sector in Auckland, the Heritage Advisory Panel provides advice to the governing body and council staff within the remit of historic heritage issues on the following areas:

- council policies, plans, processes and strategies
- regional and strategic matters
- any matter of particular interest or concern to heritage communities.

Note: specific resource consents applications are not within the scope of the panel’s advice

Outcomes

The panel’s advice will contribute to the promotion and management of historic heritage of Auckland. The panel will advise through their agreed work programme on heritage matters that may be brought before the panel.

Councillor involvement

The mayor will appoint a liaison councillor for the Heritage Advisory Panel. The role of a liaison councillor is to:

- ensure that the governing body is aware of the panel’s feedback on council issues and its advice on historic heritage
- help align the panel’s strategic agenda with governing body priorities
- actively engage in panel meetings and workshops
- engage with the panel chair and the lead officer for meeting agendas

The panel will mainly engage with the governing body through an appropriate committee. The panel may also engage with other committees considering regional plans and strategies on which it has provided advice.

Selection process

Panel members are appointed through an open selection process. The members of the panel are selected on the basis of their:

- association with a heritage sector group or organisation or
- ability to provide expert advice on built and cultural heritage issues, and
- understanding of the heritage sector of Auckland.

Frequency of meetings

Bi-monthly

Membership

The panel will have between 10 and 16 members. The members must reside in Auckland.

The panel must have at least two members with lived experience in Te Ao Māori and knowledge of the contemporary issues facing Māori communities in Auckland.
When the panel has less than 10 members, the council must appoint additional members to meet the minimum number of members.

The panel’s term ends one month prior to the next local government elections in 2022.

**Chairperson:**

**Deputy chairperson:**

**Members:**

**Councillor liaison:** Cr Wayne Walker
Te take mō te pūrongo
Purpose of the report
1. To make appointments to Local Government New Zealand (LGNZ).

Whakarāpopototanga matua
Executive summary
2. Due to meetings occurring in the November and December 2019 period, appointments to LGNZ National Council, the Metropolitan Sector Group and the Regional Sector Group need to be made at this meeting. The Metropolitan Sector Group met on 1 November 2019. The Regional Sector met on 8 November 2019. The National Council is due to meet on 6 December 2019.

3. The LGNZ National Council generally comprises representatives of the Zones and Sector Groups, and three representatives from Auckland Council: the Mayor (or an alternate member of the Governing Body appointed in writing by the Mayor), one governing body member and one local board member.

4. The LGNZ constitution was changed at the 2019 LGNZ Annual General Meeting and as a result Auckland Council is not a member of any zone anymore. It may be a member of the Metropolitan Sector Group and the Regional Sector Group meetings, but may not vote for appointments to the National Council in both sector groups as the constitution allows member authorities to vote in only one sector group.

5. Although not a member of an LGNZ zone group, it is recommended that Auckland Council schedule meetings with the president and chief executive (or their representatives) of LGNZ as if it was a zone group. Such meetings could be co-chaired by the councillor and local board member who are appointed to the LGNZ national council, to facilitate consistency and ensure more meaningful participation by local boards.

6. The Governing Body has previously delegated to the mayor the ability to make, or second, nominations for the sector group chairs and appointments to the National Council.

Ngā tūtohunga
Recommendation/s
That the Governing Body:

a) note that the Local Government New Zealand constitution provides for the mayor to be a member of the Local Government New Zealand National Council, and that the mayor may appoint an alternate in writing for the meetings the mayor is unable to attend

b) appoint one councillor to the Local Government New Zealand National Council

c) note that local boards will appoint a local board member to the Local Government New Zealand National Council, and request local boards to confirm this appointment before 6 December 2019 or as agreed with Local Government New Zealand

d) appoint the Mayor to represent Auckland Council at meetings of the Local Government New Zealand Metropolitan Sector Group and note that he will appoint an alternate if unavailable
e) appoint a councillor to represent Auckland Council at meetings of the Local Government New Zealand Regional Sector group

f) agree to hold at least bi-annual meetings of Auckland Council with the president and chief executive of Local Government New Zealand (or their representatives), with the arrangements for such meetings decided by the three Auckland Council representatives who are members of the Local Government New Zealand National Council

g) agree that such meetings be co-chaired by the councillor and local board member who are appointed to the Local Government New Zealand National Council

h) confirm the delegation to the Mayor to make, or second, nominations and to make any other decisions on behalf of the Auckland Council in relation to the election of chairs to the zones and sector groups

Horopaki Context

What is Local Government New Zealand (LGNZ)

7. LGNZ is constituted as an incorporated society (New Zealand Local Government Association Inc). The members of the society are individual councils.

8. The objectives of LGNZ, under the constitution, are summarised as:
   - promote the national interests of local government
   - advocate on matters affecting the national interests of local government
   - dialogue with government, parliamentarians and government agencies
   - provide information to members
   - research matters on behalf of member authorities
   - provide advice and training opportunities
   - hold conferences.

9. The components of LGNZ are:
   - National Council, which is the governing body of LGNZ
   - National Council Committees, to guide best practice
   - Zones, which are geographical groups of councils and Auckland Council
   - Sector Groups, which are groups of councils based on local government sectors (metropolitan, provincial, regional, rural).

10. The president and vice-president are elected at an annual general meeting (AGM) by ballot of members.

11. The National Council comprises the president and 17 members who are generally appointed by zones and sectors. Provision has been made in the LGNZ constitution for three members of Auckland Council on the National Council. The National Council employs the chief executive.

12. Zones and sectors generally:
   - make appointments to the National Council
   - provide advice to the National Council
   - disseminate information to members
   - assist the National Council with dealing with issues.
13. The Zones and Sector Groups make their appointments to the National Council by ballot conducted by LGNZ.

14. Auckland Council gets a number of benefits from its interactions with LGNZ. These benefits include keeping abreast of national issues affecting local government, influencing local government issues on the national agenda, providing sector leadership, and elected representatives being able to connect and network with their peers from across the country.

**Make up of the National Council**

15. The National Council comprises:
   - the President
   - the chair of Te Maruata
   - one member elected by each of zones 1, 2, 3, 4, 5, 6
   - three members elected by the Metropolitan Sector Group (except Auckland Council)
   - two members elected by the Regional Sector Group
   - one member appointed by each of provincial and rural groups
   - the Mayor of Auckland
   - one elected member appointed by the Auckland Council governing body
   - one elected member appointed by the Auckland Council local boards.

16. Of the groups Auckland Council belongs to, the Metropolitan Sector Group appoints three members and the Regional Sector Group appoints two members. An Auckland Council elected member cannot be appointed by the Metropolitan Sector Group to the National Council. These appointments must take place within eight weeks following a triennial election. Nominations are submitted in advance of the Zone or Sector Group meetings and representatives elected by postal vote or electronic vote.

17. Committees of the National Council include:
   - the governance and strategy advisory group
   - the policy advisory group
   - the audit and risk committee
   - the chief executive’s forum
   - Te Maruata
   - the young elected members’ committee
   - the community board executive committee (an advisory committee).

18. Local Government New Zealand will issue a request for nominations to the two advisory groups after the December National Council meeting. The National Council will also confirm the membership of the chief executive’s forum at that meeting.

19. Positions on the Audit and Risk are by invitation.

20. For Te Maruata, the Roopu Whakahaere will be chosen at the first Hui of Māori elected members, which is scheduled for late February in Parihaka.

21. The young elected members’ committee is scheduled to decide the process to establish its membership on 13 December.
Tātaritanga me ngā tohutohu
Analysis and advice

Auckland Council meetings with LGNZ
22. Following the 2019 LGNZ AGM changes to the constitution, Auckland Council no longer belongs to a zone group. Previously, Auckland Council was a member of Zone 1 with Kaipara District, Whangarei District, Far North District and Northland Regional councils.

23. The role of a zone includes receiving reports from LGNZ about matters of national interest to local authorities and communicating to LGNZ their issues and concerns. The key item of interest at zone meetings is the national update from LGNZ. The president and chief executive of LGNZ (or their representatives) attend to present the update.

24. Although not expressly set out in the changes to the constitution, there is an understanding that Auckland Council will continue to meet with the president and chief executive of LGNZ (or their representatives) on a regular basis and at least twice a year, to ensure an ongoing regional dialogue and identify and advise LGNZ on issues and concerns affecting the Auckland region.

25. It is recommended that the Auckland Council / LGNZ meetings be co-chaired by the councillor and local board member appointed to the LGNZ national council. A co-chair approach recognises the role of local boards.


Metropolitan Sector Group
27. The Metropolitan Sector Group comprises member councils having populations exceeding 90,000. It has an electoral function in terms of appointments to the National Council and addresses issues of relevance to the Metropolitan Sector Group.

28. In the past term the council’s representative was the Mayor, with the Deputy Mayor attending some of the meetings on his behalf. Given the size of Auckland and the expectation that council representatives at Metropolitan Sector Group meetings would be at the level of Mayor and Chief Executive, it is recommended that the Governing Body appoint the Mayor to represent the council at meetings of the Metropolitan Sector Group.

29. The Metropolitan Sector Group has three seats on the National Council. Auckland Council can vote in the election of the Metropolitan Sector Group representatives on the National Council, however none of these can be a member of Auckland Council.

30. The first meeting was held on 1 November 2019.

Regional Sector Group
31. The Regional Sector Group comprises all regional and unitary councils. In the past term, the council’s representative was Deputy Mayor Bill Cashmore.

32. It is recommended that the Governing Body appoint a councillor to represent the Auckland Council at meetings of the Regional Sector Group.

33. The Regional Sector Group has two seats on the National Council. Note that Auckland Council can only vote for representatives on the National Council in one sector group.

34. The first meeting was held on 8 November 2019.

Representation
35. The members of LGNZ are the councils themselves. From time to time meetings of zones or sector groups will pass resolutions. Those representing a council at such times need to vote in a way that reflects the council position and, if the council position on a matter is unknown, may need to refrain from voting.
Tauākī whakaaweawe āhuarangi
Climate impact statement
36. In June 2019, Auckland Council formally recognised the urgency for action on climate change by declaring a climate emergency. Our membership of LGNZ is an opportunity for Auckland Council to demonstrate leadership and ensure ongoing collaboration on a national level to address future challenges.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views
37. The changes to the LGNZ constitution do not impact the wider council group.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views
38. The changes to the LGNZ Rules and the designated seat on the LGNZ National Council acknowledges the role of local boards and gives it greater recognition in LGNZ.
39. Local board chairs were briefed on anticipated changes at the May 2019 Chairs’ Forum.
40. The amended rules were confirmed at a meeting of the LGNZ National Council in September. Due to the elections and end of term timeframes, staff were unable to seek the views of local boards on the process for appointing a representative.
41. The appointment of a local board representative to the LGNZ National Council will need to be decided by local boards soon. Options being considered include forming a selection panel made up of representatives from each local board, or seeking a vote/preference from each local board through a formal report and resolution. Local boards will consider these options in due course to enable a selection process that meets the timeframes for appointment.

Tauākī whakaaweawe Māori
Māori impact statement
42. The LGNZ National Council has a sub-committee, Te Maruata, which role is to promote increased representation of Māori as elected members of local government, and of enhancing Māori participation in local government processes. It also provides support for councils in building relationships with Iwi, Hapu and Māori groups. Te Maruata provides Māori input on development of future policies or legislation relating to local government. Appointments to Te Maruata are not made by councils, but Councillor Alf Filipaina was a member of the sub-committee in the previous term. The Chair of Te Maruata is a member of the LGNZ National Council.

Ngā ritenga ā-pūtea
Financial implications
43. Auckland Council’s annual subscription for 2019/2020 is $340,148 excluding GST.
44. The establishment of Auckland Council/LGNZ meetings will incur expenses currently unbudgeted for. Staff from the Governance Division will support the first meeting using existing resources. There are small savings due to not attending Zone 1 meetings in remote locations.
45. As the Auckland Council/LGNZ meetings are expected to bring together all elected members from across the region including the islands, this will impact on governance administration budgets over time.
46. We recommend that the Mayor, in the event he cannot attend the first meeting of the LGNZ National Council on 6 December 2019, notify LGNZ in writing of an alternate representative.

47. Once the Governing Body has appointed members, staff will assist with the arrangements for Auckland Council/LGNZ meetings.

There are no attachments for this report.

Author
Kieran O’Callaghan - Privacy Programme Manager

Authorisers
Marguerite Delbet - General Manager Democracy Services
Phil Wilson - Governance Director
Stephen Town - Chief Executive
Te take mō te pūrongo
Purpose of the report
1. To make urgent appointments to several entities.

Whakarāpopototanga matua
Executive summary
2. The body of the report gives details about appointments to:
   a) Aircraft Noise Community Consultative Group (ANCCG)
   b) Auckland Town Hall Organ Trust
   c) Friends of the Auckland Botanic Gardens Incorporated
   d) Kaipara Moana Working Party.
3. These appointments need to be made now due to meetings of the bodies concerned coming up in the near future. Appointments to other bodies will be made when appropriate and possibly through a committee having this responsibility.
4. Delegations to local boards in relation to making appointments to local organisations are attached for confirmation.

Ngā tūtohunga
Recommendation/s
That the Governing Body:

a) appoint Councillor Alf Filipaina and an alternate to the Aircraft Noise Community Consultative Group for a term of three years and delegate to the mayor the responsibility to agree with Auckland International Airport Limited (AIAL) the chairperson of the Aircraft Noise Community Consultative Group
b) appoint Councillor Desley Simpson to the Auckland Town Hall Organ Trust for a further three years
c) nominate Councillor Daniel Newman for appointment to the Trust Board of the Friends of the Auckland Botanic Gardens Incorporated and confirm the delegation to the Manurewa Local Board to make one appointment
d) appoint Councillor Linda Cooper and Councillor Greg Sayers to the Kaipara Moana Working Party and confirm the delegation to the Rodney Local Board to make one appointment
e) confirm the delegations to local boards for the appointment to local organisations if required, as attached in Attachment A to the agenda report.
5. The council can become involved in making appointments to other organisations in a number of ways, including:
   a) through a provision in legislation
   b) under a trust deed, incorporated society constitution or another constitutional document
   c) as a requirement of a resource consent or some other planning instrument.

6. The ANCCG is an independently chaired group that makes recommendations to Auckland International Airport Limited (AIAL) on aircraft noise issues and concerns that arise from the airport's operations and activities.

7. The ANCCG was set up under the conditions of Auckland Airport’s designation in the Auckland Council Unitary Plan. The ANCCG resulted from proposals for a second runway and was formed as a requirement of Designation 231 Auckland International Airport Limited: Land Use Condition 9a and Attachment A Terms of Reference.

8. The Governing Body is responsible for appointing one councillor and jointly agreeing with AIAL on the independent chair. The current chair is Catherine Harland.

9. The Māngere-Ötāhuhu, Otara-Papatoetoe, Manurewa, Howick, Franklin, Maungakiekie-Tāmaki, Albert-Eden, Puketāpapa, Whau, Ōrākei, Waitākere Ranges and Papakura Local Boards also make one appointment each. The term of appointment is three years.

10. In the previous term the Governing Body appointed Councillor Alf Filipaina, with Councillor Denise Lee as alternate.

11. The Governing Body is asked to appoint Councillor Alf Filipaina and an alternate to the Aircraft Noise Community Consultative Group for a term of three years and delegate to the Mayor the responsibility to agree with AIAL the chairperson of the Group.

12. The next meeting of the group is on 9 December 2019.

13. The trust was established in 2006. The purpose of the trust is the proper management of the reinstatement of the organ, the ongoing repair and maintenance of the organ and the availability of the organ for use in events, and by organ students, for the benefit of the public.

14. The trust deed provides for up to two trustees to be appointed by Auckland Council. There is no requirement that they be members of the Auckland Council.

15. The appointment by the Governing Body for the previous term was Councillor Desley Simpson.

16. The Governing Body is asked to appoint Councillor Desley Simpson to the Auckland Town Hall Trust.

17. The next meeting of the Trust is on 27 November 2019.
Friends of the Auckland Botanic Gardens Incorporated

18. This is an incorporated society established to promote and support the development of the Auckland Botanic Gardens. The management of the society rests in a board of trustees (policy and financial matters) and an executive committee (day-to-day operations).

19. There is provision for up to two appointments made by Auckland Council on the trust board. The appointees must be elected members. The term of office ends at the following local government elections.

20. The Botanic Gardens are a regional facility located in Hill Road in Manurewa. The Governing Body has previously resolved to delegate the appointment of one of the Auckland Council appointees to the Manurewa Local Board (minute GB/2016/239). In 2016, the Governing Body appointed Councillor Daniel Newman to the trust board.

21. The Governing Body is asked to nominate Councillor Daniel Newman for appointment to the Trust Board of the Friends of the Auckland Botanic Gardens Inc.

22. The next meeting is on Monday 18 November 2019.

Kaipara Moana Working Party

23. The Crown is in Treaty settlement negotiations with Ngāti Whātua iwi/hapū to settle outstanding historical Treaty claims over the Kaipara Harbour. Redress proposed by the Crown includes a co-governance regime involving councils and iwi.

24. In November 2015 the Governing Body agreed to establish a joint working party with the Northland Regional Council, the Kaipara District Council and the Whangarei District Council to better coordinate engagement with the Crown and Ngāti Whātua during Treaty settlement negotiations. A memorandum of understanding between councils was signed in January 2016 confirming this agreement and setting out the shared aspirations of councils. Decision-making powers are retained by the respective councils.

25. The Kaipara Moana Working Party met four times in 2019, including with Ngāti Whātua. It is expected to meet next in December 2019.

26. The Governing Body previously appointed two representatives to the working party: Councillor Greg Sayers and Councillor Linda Cooper. The Governing Body delegated authority to the Rodney Local Board to make one appointment. The Northland Regional Council, Kaipara District Council and Whangarei District Council each appoint one or two representatives.

27. The Governing Body is asked to appoint Councillor Greg Sayers and Councillor Linda Cooper to the Kaipara Moana Working Party and delegate to the Rodney Local Board the responsibility to make one appointment.

Tauākī whakaaweawe āhuarangi
Climate impact statement

28. These appointments are procedural in nature and any climate impacts will be negligible. The decision is unlikely to result in any identifiable changes to greenhouse gas emissions. The effects of climate change will not impact the decisions’ implementation.

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

29. The new appointments to organisations do not impact upon the wider council group.

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

30. One of the functions of local boards is to communicate with community organisations within their areas. Local board members often attend meetings of community organisations to facilitate that communication.
31. Where a document, such as a trust deed, provides for the Auckland Council to make an appointment to an organisation, the appointment is the responsibility of the Governing Body unless it is delegated.

32. Attached is a schedule of appointments made by local boards. The Governing Body is asked to confirm delegations to the relevant local boards.

**Tauākī whakaaweawe Māori**

**Māori impact statement**

33. The Crown has committed to provide Treaty settlement redress over Kaipara Moana to mana whenua, including Ngāti Whātua o Kaipara, Te Uri o Hau, Ngāti Whātua Ōrākei and Te Runanga o Ngāti Whātua. Continued representation and engagement from council is essential to allow this settlement redress to be finalised, including to help promote environmentally beneficial outcomes for the harbour.

**Ngā ritenga ā-pūtea**

**Financial implications**

34. There are no financial implications to making these appointments.

**Ngā raru tūpono me ngā whakamaurutanga**

**Risks and mitigations**

35. These appointments ensure adequate council representation to community organisations.

**Ngā koringa ā-muri**

**Next steps**

36. These appointments need to be made immediately due to upcoming meetings of the respective organisations.

**Ngā tāpirihanga**

**Attachments**

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Delegations to Local Boards to make appointments on behalf of Auckland Council to local organisations if required:</td>
<td>71</td>
</tr>
</tbody>
</table>

**Ngā kaihaina**

**Signatories**

<table>
<thead>
<tr>
<th>Author</th>
<th>Kieran O’Callaghan - Privacy Programme Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Marguerite Delbet - General Manager Democracy Services</td>
</tr>
<tr>
<td></td>
<td>Phil Wilson - Governance Director</td>
</tr>
<tr>
<td></td>
<td>Stephen Town - Chief Executive</td>
</tr>
</tbody>
</table>
Delegations to Local Boards to make appointments on behalf of Auckland Council to local organisations if required:

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Local Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>East City Community Trust</td>
<td>Orakei</td>
</tr>
<tr>
<td>Friends of Arataki and Waitakere Ranges Regional Parkland Inc</td>
<td>Waitakere Ranges</td>
</tr>
<tr>
<td>Glen Eden Playhouse Theatre Trust</td>
<td>Waitakere Ranges</td>
</tr>
<tr>
<td>Glen Eden Railway Station Restoration Trust Incorporated</td>
<td>Waitakere Ranges</td>
</tr>
<tr>
<td>Hunua Quarry Ecological Trust</td>
<td>Franklin</td>
</tr>
<tr>
<td>Merton Trust</td>
<td>Papakura</td>
</tr>
<tr>
<td>Mt Eden Methodist Church Charitable Trust</td>
<td>Albert-Eden</td>
</tr>
<tr>
<td>Mt Roskill Sports and Recreation Trust</td>
<td>Puketapapa</td>
</tr>
<tr>
<td>Sir Peter Blake Marine Education and Recreation Board</td>
<td>Hibiscus and Bays</td>
</tr>
<tr>
<td>Tamaki College Community Recreation Centre Trust</td>
<td>Maungakiekie-Tamaki</td>
</tr>
<tr>
<td>Waiheke Recreation Centre Trust (charitable entity)</td>
<td>Waiheke</td>
</tr>
<tr>
<td>Whitford Landfill Committee</td>
<td>Franklin</td>
</tr>
<tr>
<td>Whitford Quarry Community Committee</td>
<td>Franklin</td>
</tr>
</tbody>
</table>
Appointments to Co-governance and Co-Management entities

File No.: CP2019/04891

Te take mō te pūrongo
Purpose of the report
1. To make urgent appointments to the below entities.

Whakarāpopototanga matua
Executive summary
2. The body of the report gives details about appointments to:
   a) Mutukaroa (Hamlins Hill) Management Trust
   b) Ngāti Whātua Ōrākei Reserves Board
   c) Te Poari o Kaipātiki ki Kaipara (Parakai Recreation Reserve Board)
   d) Tūpuna Maunga o Tāmaki Makaurau Authority (Tūpuna Maunga Authority).
3. These appointments are reported now due to meetings of the entities concerned coming up in the near future.

Ngā tūtohunga
Recommendation/s
That the Governing Body:
   a) invite the Maungakiekie-Tāmaki Local Board to nominate a member to the
      Mutukaroa (Hamlins Hill) Management Trust.
   b) acknowledge Cr Josephine Bartley is in her second year of a five year term as an
      Auckland Council nominated trustee of the Mutukaroa (Hamlins Hill) Management
      Trust (having previously been nominated by the Governing Body) and note that this
      appointment continues for the remainder of the electoral term.
   c) appoint two members to the Ngāti Whātua Ōrākei Reserves Board for a term of three
      years and appoint one of them as deputy chairperson and confirm the delegation to
      the Ōrākei Local Board to make the one remaining Auckland Council appointment.
   d) appoint a councillor to Te Poari o Kaipātiki ki Kaipara (the Parakai Recreation
      Reserve Board) for a term of three years (from the date of this decision) and confirm
      the delegation to the Rodney Local Board to make the two remaining Auckland
      Council appointments.
   e) confirm that Auckland Council elected membership on the Tūpuna Maunga Authority
      comprise three governing body and three local board members and appoint three
      governing body members to the Tūpuna Maunga Authority and delegate to the chairs
      of the eight local boards within whose area the maunga are located, the ability to
      appoint three members to the Tūpuna Maunga o Tāmaki Makaurau Authority.
Horopaki

Context
4. The council can become involved in making appointments to other organisations in a number of ways, including:
   a) through a provision in legislation
   b) under a trust deed, incorporated society constitution or another constitutional document
   c) as a requirement of a resource consent or some other planning instrument.

Tātaritanga me ngā tohutohu

Analysis and advice
5. It is suggested that the following general criteria be considered when appointing members of co-governance and co-management entities:
   a) a strong interest in and commitment to the key principles that underpin the co-governance relationship, being a relationship of partnership with its foundations in Te Tiriti o Waitangi/the Treaty of Waitangi
   b) a track record or commitment to managing whenua consistent with mana whenua values
   c) a good understanding of the local communities surrounding the land managed through the entity
   d) a good understanding of tikanga Māori and traditions linked to the land managed through the entity
   e) promoting continuity in the boards of each entity.

Mutukaroa Management Trust
6. The Mutukaroa (Hamlins Hill) Management Trust (trust) was set up by trust deed in 1996 by the Crown to make decisions on that part of Mutukaroa which is owned by the Crown and leased by the trust to Auckland Council as a regional park. The trust is set up to support and contribute to the management and protection of the park.

7. The trust deed provides for six trustees two of whom are to be nominated by Auckland Council. Three other trustees are nominated by the Ngāti Whātua Ōrākei Trust, Ngāti Paoa Trust Board and Waikato Tainui Te Kauhanganui Incorporated. The Maungakiekie Member of Parliament is automatically deemed to be a trustee.

8. In 2018 the Governing Body nominated Councillor Josephine Bartley (GB/2018/38) to the trust. Councillor Bartley was then formally appointed on 26 March 2018. This appointment stands for five years (or more) depending on when a threshold for change is met (which includes a trustee being appointed by reason of their office and they no longer hold that office). As Councillor Bartley has retained her position on the Governing Body, following the 2019 local government elections she also retains her seat on the trust.

9. The other Auckland Council position was held by Maungakiekie-Tāmaki Local Board member Alan Verrall. As member Verrall didn’t stand in the local government elections he is deemed to have vacated his role in accordance with the trust deed.

10. In keeping with past practice and the co-governance make up of Auckland Council it is recommended that the Governing Body invite the Maungakiekie-Tāmaki Local Board to nominate a member to the trust to represent council alongside Councillor Josephine Bartley.

Ngāti Whātua Ōrākei Reserves Board
11. The Ngāti Whātua Ōrākei Reserves Board (reserves board) is established under the Ngāti Whātua Ōrākei Claims Settlement Act 2012. It is the administering body for the Whenua
12. The reserves board has six members (or such greater even number as may be agreed between Ngāti Whātua Ōrākei Trust (trust) and Auckland Council). The Auckland Council appoints half of the reserves board members and the trust appoints the other half. The term is three years and reserve board members may be reappointed. The trust must appoint the chair and council must appoint the deputy chair.

13. By previous resolution (GB/2016/239) the Governing Body has delegated the appointment of one member to the Ōrākei Local Board. The Auckland Council members for the previous term were:
   
   (i) Councillor Desley Simpson, who was also appointed as the Deputy Chair
   (ii) Councillor Linda Cooper
   (iii) Member Kit Parkinson (appointed by the Ōrākei Local Board).

14. It is recommended that the Governing Body confirm the existing delegation to the Ōrākei Local Board to make one appointment to the reserves board. It is also recommended that the Governing Body appoint two members to the Ngāti Whātua Ōrākei Reserves Board for a term of three years and appoint one of them as deputy chairperson.

Te Poari o Kaipātiki ki Kaipara (Parakai Recreation Reserve Board)

15. The Ngāti Whātua o Kaipara Claims Settlement Act 2013 came into force in June 2013. Under that Act the administration of Kaipātiki (formerly the Parakai Recreation Reserve) is carried out by Te Poari o Kaipātiki ki Kaipara (officially known in the legislation as the Parakai Recreation Reserve Board), a co-governance entity that was also established by the Act. The Reserve includes the Parakai Springs, a geothermal pool complex (managed by a private lessee) and a campground.

16. The board consists of six members, half of whom are appointed by the Auckland Council. The current Auckland Council appointed members are Brenda Steele (Deputy Chair and Rodney Local Board member), Phelan Pirrie (Rodney Local Board), and Councillor Greg Sayers (appointed by the Governing Body). The Ngāti Whātua o Kaipara appointed members have been Margaret Kawharu (Chair), Tracey Hill and Trisya Hemana. The maximum term of office of members is three years, although they may be re-appointed.

17. The term of the current Auckland Council appointments end on 9 November (Governing Body appointed member, see GB/2016/255) and 17 November (Rodney Local Board appointed members, RD/2016/146). Appointments are for three years and will commence the date appointments are made by the Governing Body and Rodney Local Board.

18. We recommend following the same composition as the previous term by appointing a councillor from the Governing Body to the Reserve Board and confirming the delegation to the Rodney Local Board to make the additional two appointments. This composition reflects the fact that Kaipātiki is an important reserve locally.

Tūpuna Maunga o Tāmaki Makaurau Authority

19. Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 transferred the ownership of 14 Tūpuna Maunga to Ngā Mana Whenua o Tāmaki Makaurau (Ngā Mana Whenua). The Act also established the Tūpuna Maunga o Tāmaki Makaurau Authority (Tūpuna Maunga Authority), a bespoke co-governance entity, to administer the Tūpuna Maunga.

20. The Tūpuna Maunga Authority is a bespoke co-governance entity established through a historical Treaty of Waitangi settlement to administer the Tūpuna Maunga. It is independent of Auckland Council.
21. Under s109 of the Act, “In exercising its powers and carrying out its functions in relation to the maunga, the Maunga Authority must have regard to the spiritual, ancestral, cultural, customary, and historical significance of the maunga to Ngā Mana Whenua o Tāmaki Makaurau”. It is responsible for setting the vision for the future of the Tūpuna Maunga.

22. The Tūpuna Maunga Authority has developed a set of Values that outline the vision for the Tūpuna Maunga, and which provides the strategic architecture of the Integrated Management Plan approved in 2016. This Integrated Management Plan sets the future direction for the management of the Tūpuna Maunga.

23. Importantly, the Tūpuna Maunga Authority has created its own tikanga (cultural practice) that reflect the partnership model, its independent status and clear statutory purpose. The statutory purpose has enabled consensus decision making that is in the best interests of the maunga and, reflecting the mana whenua worldview, is intergenerational in nature. The Tūpuna Maunga Authority exemplifies best practice in contemporary resource management approaches to our important taonga tuku iho (treasures to be handed down the generations).

24. The following table outlines the location of the Tūpuna Maunga administered by the Tūpuna Maunga Authority and notes the local board and ward area:

<table>
<thead>
<tr>
<th>Tūpuna Maunga</th>
<th>Local board area</th>
<th>Ward area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maungawhau / Mt. Eden</td>
<td>Albert-Eden</td>
<td>Albert-Eden-Roskill</td>
</tr>
<tr>
<td>Ōwairaka / Mt. Albert</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Te Kōpuku – Tītīkōpuku / Mt. St. John</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pukewīwi – Puketāpapa/ Mt. Roskill</td>
<td>Puketāpapa</td>
<td></td>
</tr>
<tr>
<td>Te Tātua-a-Riukiuta / Big King</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maungauika / North Head</td>
<td>Devonport-Takapuna</td>
<td>North Shore</td>
</tr>
<tr>
<td>Takarunga / Mt. Victoria</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ōhuiarangi / Pigeon Mountain</td>
<td>Howick</td>
<td>Howick</td>
</tr>
<tr>
<td>Maungakiekie / One Tree Hill</td>
<td>Maungakiekie-Tāmaki</td>
<td>Maungakiekie-Tāmaki</td>
</tr>
<tr>
<td>Maungarei / Mt. Wellington</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ītāhuhu / Mt. Richmond</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Māngere Mountain</td>
<td>Māngere-Ītāhuhu</td>
<td>Manukau</td>
</tr>
<tr>
<td>Matukutūruru / Wiri Mountain</td>
<td>Manurewa</td>
<td>Manurewa-Papakura</td>
</tr>
<tr>
<td>Ōhinerau / Mt. Hobson</td>
<td>Örākei</td>
<td>Örākei</td>
</tr>
</tbody>
</table>

25. The membership of the Tūpuna Maunga Authority consists of two members appointed by each of the three rōpū entities to which the 13 iwi and hapū constituting Ngā Mana Whenua associate, six members appointed by council and one non-voting member appointed by the Minister for Arts, Culture and Heritage.

26. The members appointed by the rōpū entities must appoint the chairperson and the members appointed by council must appoint the deputy chairperson.

27. It is proposed that the Governing body confirm its previous resolution that council membership on the Tūpuna Maunga Authority consist of three governing body and three local board members. This mirrors the composition of the Tūpuna Maunga Authority since its inaugural term (from 2014 to present), which has proven to be a successful model. This composition will:

   a) enable shared representation from the Governing body and local boards that reflects council’s shared decision-making model
b) allow for Governing body members to account for the views from a regional perspective

c) allow local board members to reflect views from a local perspective, whilst also being responsible for taking a region-wide perspective in the administration of the maunga

d) enables stronger links and information sharing between the Tūpuna Maunga Authority and local communities, many of whom take a very active interest in the stewardship of the maunga.

28. It is proposed the eight local boards affected continue with their delegation to appoint three members to the Maunga Authority on behalf of the Governing body.

Tauākī whakaaweawe āhuarangi
Climate impact statement

29. The decisions on appointments are procedural in nature and any climate impacts will be negligible. The decisions are unlikely to result in any identifiable changes to greenhouse gas emissions. The effects of climate change will not impact the implementation of the decisions on appointments.

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

30. The Auckland Council has strong relationships with its co-governing partners within the co-governance and co-management entities. The entities themselves are independent to the council and connect with other parts of the council group as required.

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

31. One of the functions of local boards is to communicate with community organisations within their areas. Local board members often attend meetings of community organisations to facilitate that communication.

32. Where a document, such as a trust deed, provides for the Auckland Council to make an appointment to an organisation, the appointment is the responsibility of the Governing Body unless it is delegated.

33. Where an appointment is delegated to local board members this reflects council’s shared decision-making model and provides a useful bridge between local communities and the work of the co-governance and co-management entities.

Tauākī whakaaweawe Māori
Māori impact statement

34. The entities described in this report all have express mana whenua representation. The Mutukaroa (Hamlins Hill) Management Trust was established by trust deed. The remaining co-governance entities are the result of a historical Treaty settlements negotiated with mana whenua. They are co-governance entities that embody a Treaty-based partnership, enabling mana whenua to share decision-making authority over the subject lands.

35. The entities that are the subject of this report are vehicles through which the mana whenua worldview and historical, cultural and spiritual connections with the subject lands are given visibility and guide decision-making for the health and wellbeing of these important taonga.

Ngā ritenga ā-pūtea
Financial implications

36. There are no additional financial implications attached to the making of this decision.
Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations
37. No particular risks are identified.

Ngā koringa ā-muri
Next steps
38. These appointments need to be made immediately due to upcoming meetings of the respective entities or the local boards with delegations to make appointments.

39. Staff will enact any appointment in terms of the governing legislation or trust deed as the case may be.

Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Dominic Wilson - Head of Co-governance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Phil Wilson - Governance Director</td>
</tr>
<tr>
<td></td>
<td>Stephen Town - Chief Executive</td>
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</table>
Recruitment process for independent District Licensing Committee members and independent resource management commissioners in 2019-2020

File No.: CP2019/17957

Te take mō te pūrongo
Purpose of the report
1. To approve the recruitment process and timeline for District Licensing Committee members and approve the extension of the independent resource management commissioners’ contracts.

Whakarāpopototanga matua
Executive summary
2. Auckland Council contracts two pools of independent decision-makers. The District Licensing Committee (DLC) members hear and decide applications relating to alcohol licensing. The independent resource management commissioners (independent commissioners) hear and make decisions under delegated authority on a range of resource management matters. The contracts for all members and commissioners are due to expire on 30 June 2020.

3. In the 2017 recruitment process, both commissioner pools were recruited at the same time. This report seeks approval to commence the recruitment process for DLC members in November 2019 and to extend the resource management commissioners’ term of appointment by six months to 31 December 2020. A report to the Regulatory Committee in May 2020 would seek approval to commence the recruitment process and appointments of independent commissioners.

4. This report seeks approval to appoint a selection panel for DLC interviews comprising two councillors, a member of the Independent Māori Statutory Board, two senior staff members and an independent DLC chair from a council other than Auckland Council. In the previous recruitment process, a chair of the District Licensing Committee at Hamilton City Council provided the panel with independent subject matter expertise. This configuration is similar to previous recruitment processes.

5. Staff propose that the District Licensing Committee’s structure comprises approximately five chairs and five to seven members. This is a smaller number than the current structure, because of a recent change in the Sale and Supply of Alcohol Act 2012 which reduces the members’ workload for temporary authorities.

Ngā tūtohunga
Recommendation/s
That the Governing Body:

a) approve the recommended process for recruiting approximately 10 to 12 District Licensing Committee chairs and members by 30 June 2020, including using a selection panel to finalise selection criteria, shortlist and interview candidates and make recommendations to the Regulatory Committee for final appointments.

b) appoint a District Licensing Committee selection panel comprising two councillors, a member of the Independent Māori Statutory Board, the General Manager Democracy Services, the Manager Public Law and a District Licensing Committee chair from another council.
c) delegate authority to the Regulatory Committee to approve the appointment of approximately five District Licensing Committee chairs, one of whom would be appointed to the role of Chief Commissioner, and five to seven members, for the period 1 July 2020 to 30 June 2023.

d) approve a six-month extension of the contracts held by independent commissioners, to 31 December 2020.

e) delegate authority to the Regulatory Committee to approve the selection process and appointments of independent resource management commissioners for 2021 to 2024.

Horopaki

Context

District Licensing Committee members
6. Auckland Council contracts District Licensing Committee chairs and members to hear and make decisions on applications for alcohol licences and managers’ certificates, as required by the Sale and Supply of Alcohol Act 2012. Sections 189-193 of the Act set out the required composition of licensing committees.

7. The current pool comprises members who represent communities across the Auckland region from Waiuku to Wellsford. The pool size is now 15 (six chairs and nine members), following the recent resignation of a panel member.

Resource management commissioners
8. Auckland Council currently holds contracts with 51 independent commissioners who sit on hearing panels and make decisions under delegated authority for a range of resource management matters. A smaller number of commissioners within the pool also act as duty commissioners and determine applications which do not require a hearing.

9. Both District Licensing Committee and independent hearing commissioner contracts expire on 30 June 2020 and the processes to recruit new pools must start now.

Tātaritanga me ngā tohutohu

Analysis and advice

Staggering the recruitment process
10. On 23 February 2017, the previous Governing Body approved the process for recruiting approximately 15 district licensing committee chairs and members and 52 independent hearing commissioners (CP2016/22653). It also appointed selection panels to review applications, shortlist and interview candidates and present recommendations to the Regulatory Committee for appointment.

11. Selection panels interviewed 89 candidates for both pools during the 2017 recruitment process, February to May 2017. Democracy Services staff had to prepare 70 contracts at the same time and then induct and support both pools concurrently. This proved extremely busy and time-consuming for the interview panel and staff.

12. In early 2020, Democracy Services will roll out a new software programme called Nexus to the District Licensing Committee and independent hearing commissioners so that hearings can become paperless. The roll-out and training will be resource intensive and not able to be managed easily within current staffing levels if done all at the same time.
13. For these reasons, staff recommend that the appointment process for both pools occurs successively rather than concurrently. Staff propose that the appointment process for the District Licensing Committee occurs between November 2019 and June 2020, and the appointment process for independent commissioners occurs between May and December 2020.

14. To enable the recruitment process to be staggered, the contracts of independent commissioners will be extended to 31 December 2020. The council’s procurement team has confirmed this approach and will work through the procurement plan required for both the extensions and the procurement process for the new contracts.

15. As a result, District Licensing Committee chairs and members would be appointed for a three year period from 1 July 2020 to 30 June 2023. Independent commissioners would be appointed for a three year period from 1 January 2021 to 31 December 2024.

16. The reason why staff propose to proceed with the appointment of the District Licensing Committee and delay the appointment of independent commissioners, and not the opposite scenario, is that the independent commissioner pool is stable, high-performing and reliable and able to continue for a further six months. The District Licensing Committee has been less consistent and subject to some negative publicity and community concerns due to the focus on alcohol harm in the region. There is therefore more urgency in refreshing the pool using robust recruitment criteria.

Appointing a chief commissioner

17. Staff propose the appointment of a chief commissioner for each pool. We have considered ways of assessing the performance of each pool and, over time, the engagement with senior commissioners has been an important component for measuring the quality and effectiveness of individuals’ and panels’ practice. A senior commissioner in a lead role in each pool would contribute to the consistency of decision-making by chairs and panel members.

Chief commissioner, District Licensing Committee

18. The chief commissioner of the District Licensing Committee would work with Democracy Services and other members to develop panel performance criteria at hearings and achieve a consistent Auckland Council approach. The chief commissioner would provide mentoring and guidance to committee members, contribute to training and forum events, develop practice notes and minutes and monitor the quality and consistency of decisions by the District Licensing Committee. The chief commissioner would also provide technical feedback and assist staff with performance issues. The chief commissioner’s role is expected to require a commitment of 20 hours per month at the chairs rate of $78 per hour, plus mileage. This equates to about $18,700 per annum and would be funded from existing budgets.

District Licensing Committee recruitment process and numbers

19. Staff have developed a robust recruitment process to ensure that DLC roles are fully-contestable and that interviews can be run within reasonable timeframes.

20. In the Sale and Supply of Alcohol Act 2012, s192 of the Act requires that DLC members have experience relevant to alcohol licensing matters, and s193 states that chairs must have good standing in the community and the necessary knowledge, skill and experience relating to matters that are likely to come before the committee. DLC chairs and members must not be appointed if they have such an involvement or appearance of involvement with the alcohol industry that they could not perform their duties without actual or perceived bias; or the person is a constable, a Medical Officer of Health, an inspector, or an employee of a territorial authority.
21. In 2017, 24 interviews were held for District Licensing Committee candidates – 11 interviews for chairs and 13 interviews for panel members. An independent District Licensing Committee chair from Hamilton City Council provided independent subject matter expertise on the selection panel for elected members and added technical value to the recruitment process. Therefore, we propose to include again an independent interviewer with similar knowledge and experience in this process.

22. Staff propose that approximately five chairs and five to seven members be recruited for the District Licensing Committee. This is a smaller number than the current structure. We have based these numbers on the following:

- The number of applications received between 2017 and 2019, which indicate that a maximum of one per cent of the applications received each year will require a public hearing before the Committee.
- A recent change in the Sale and Supply of Alcohol Act 2012, which will reduce the workload for temporary authorities. Currently temporary authorities are granted by a panel of three members. Under the new legislation a chair alone will be able to grant them.
- The need to allow for peaks in workload and the occasional unavailability of members.

Selection panel membership

23. The proposed membership of the selection panel is set out below. The panel structure is designed to ensure that the panels have a strong understanding of the requirements of District Licensing Committee members, and expertise in te Tiriti o Waitangi and kaupapa Māori.

<table>
<thead>
<tr>
<th>DLC selection panel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two councillors (one councillor on panel, one as a backup)</td>
</tr>
<tr>
<td>Independent Māori Statutory Board member</td>
</tr>
<tr>
<td>General Manager Democracy Services</td>
</tr>
<tr>
<td>Manager Public Law</td>
</tr>
<tr>
<td>Independent DLC Chair (elected member interviews)</td>
</tr>
</tbody>
</table>

24. The General Manager Democracy Services and the Manager Public Law will not sit on interviews with elected members and will be replaced by an independent DLC Chair.

Recruitment timeline

25. The proposed timeline for the DLC recruitment process is outlined in the table below.

<table>
<thead>
<tr>
<th>What</th>
<th>Who</th>
<th>When</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approve recruitment process and establishment of selection panel</td>
<td>Governing Body</td>
<td>12 November 2019</td>
</tr>
<tr>
<td>Agree criteria for DLC candidate selection</td>
<td>Selection panel</td>
<td>November 2019</td>
</tr>
<tr>
<td></td>
<td>Relevant staff</td>
<td></td>
</tr>
<tr>
<td>Advertise for DLC applications</td>
<td>Relevant staff</td>
<td>November 2019</td>
</tr>
<tr>
<td>Shortlist applications</td>
<td>Selection panel</td>
<td>December 2019</td>
</tr>
<tr>
<td>What</td>
<td>Who</td>
<td>When</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Interview candidates</td>
<td>Selection panel</td>
<td>February 2020</td>
</tr>
<tr>
<td>Finalise recommendations for appointment</td>
<td>Selection panel</td>
<td>March 2020</td>
</tr>
<tr>
<td>Approve appointments</td>
<td>Regulatory Committee</td>
<td>April 2020</td>
</tr>
<tr>
<td></td>
<td>Chief Executive</td>
<td></td>
</tr>
<tr>
<td>Offer and award contracts</td>
<td>Democracy Services</td>
<td>May-June 2020</td>
</tr>
<tr>
<td>New contracts commence</td>
<td>DLC chairs and members</td>
<td>1 July 2020</td>
</tr>
<tr>
<td>Induction and training occur</td>
<td>Training team</td>
<td>July-August 2020</td>
</tr>
<tr>
<td></td>
<td>DLC chairs and members</td>
<td></td>
</tr>
</tbody>
</table>

**Tauākī whakaaweawe āhuarangi**

**Climate impact statement**
26. Appointing chairs and members to the District Licensing Committee has no impact on climate.

**Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**

**Council group impacts and views**
27. The recruitment for the District Licensing Committee chairs and members and for the independent resource management commissioners is an Auckland Council process. The proposed decisions in this report do not impact on other parts of the council group.

**Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe**

**Local impacts and local board views**
28. Local Boards are able to object to applications for alcohol licences. Local boards can provide general information to their local community about licensing matters and District Licensing Committee practices. They can also speak at a hearing whether they object or not.

29. The local boards will be an important resource for circulating recruitment information to prospective candidates who represent the diverse communities in Auckland and they will be advised of the application dates.

30. We anticipate we will receive applications from elected members again. These will be evaluated on merit. Local board members can sit on DLCs, however conflicts of interest can arise when applications for licences are in a local board member’s area or an adjacent board area. For this reason elected members who are also DLC members do not sit on hearings and make decisions on applications in their own local area.

**Tauākī whakaaweawe Māori**

**Māori impact statement**
31. All DLC members are expected to have a grounding in matters of importance to Māori and an understanding of tikanga relating to hearings. The interview process will test candidate knowledge on these matters.

32. Staff recommend that there be a member of the Independent Māori Statutory Board on the interview panel.
Ngā ritenga ā-pūtea

Financial implications

33. Section 186 of the Sale and Supply of Alcohol Act 2012 requires territorial authorities to appoint a District Licensing Committee. The costs of the Auckland District Licensing Committee are met by the council.

34. The members of the DLC are paid only for the decision-making work that they carry out arising from applications to the council. The hourly rates for DLC members are set by the Minister of Justice and are recovered through alcohol licensing fees.

35. The cost of advertising and recruiting new DLC members will be met within existing operational budgets.

36. As outlined in paragraph 18, appointing a chief commissioner will have a minor financial impact, which will be covered from existing budgets.

Ngā raru tūpono me ngā whakamaurutanga

Risks and mitigations

37. The risks are the flow-on effects that would occur if the Governing Body did not approve staggering the recruitment process: insufficient staff resources could cause undue pressure; the quality of the selection process could be compromised; deadlines may not be met due to pressure on resources.

Ngā tāpirihanga

Attachments

There are no attachments for this report.

Ngā kaihaina

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Jessica Carter - Principal Advisor Hearings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Marguerite Delbet - General Manager Democracy Services</td>
</tr>
<tr>
<td></td>
<td>Phil Wilson - Governance Director</td>
</tr>
<tr>
<td></td>
<td>Stephen Town - Chief Executive</td>
</tr>
</tbody>
</table>
Update on the New Zealand International Convention Centre Fire Response

File No.: CP2019/18900

Te take mō te pūrongo
Purpose of the report

1. To provide an update on Auckland Emergency Management’s response to the fire at the New Zealand International Convention Centre.

Whakarāpopototanga matua
Executive summary

2. A significant fire incident occurred at the New Zealand International Fire Convention Centre on Tuesday 22 October 2019.

3. This report summarises the Auckland Council Emergency Management response as a briefing to elected members. Further detail will be provided at the meeting, as the situation continues to evolve.

Ngā tūtohunga
Recommendation/s

That the Governing Body:

a) receive the preliminary update from Auckland Emergency Management on the response to the fire at the Zealand International Convention Centre.

Horopaki
Context

4. The fire started just after 1.00pm on Tuesday 22 October 2019. Fire and Emergency New Zealand was the lead agency for response, with Auckland Council and other responders being the supporting agencies.

5. The size and scale of the fire escalated from a level 4 alarm to a level 6 alarm within a short timeframe. Workers had been evacuated from the construction site soon after the fire started, but other nearby employers subsequently chose to evacuate staff as the fire spread and smoke continued.

6. Auckland Emergency Management initially activated to monitor the situation and to support the lead agency with public information and any immediate welfare response.

7. During the course of the event, the responsibilities of managing council’s emergency response was led by the Acting General Manager, Auckland Emergency Management. As the event escalated, responsibility transitioned to the Group Controller.

8. The Crisis Management Team was also activated to manage impact to council business.

9. Agencies involved included the New Zealand Police, Auckland Transport Operations Centre, St John Ambulance Service and Auckland Regional Public Health Service.
Analysis and advice

Coordination
10. Regular cross-agency meetings were held to share information. A liaison officer was deployed from council’s Emergency Coordination Centre to the Incident Control Point. Both were effective coordination measures.

Fire effects
11. Initial concerns about evacuated workers and their need for assistance were addressed by the construction companies, so a welfare response was not needed.
12. The effects of the fire, particularly smoke effects, spread to other local buildings, and concerns about smoke effects were raised by the public, elected members and media. Further detail will be provided in the meeting.
13. Further detail will also be provided on water quality concerns, arising from fire-fighting runoff accumulating in the building’s basement. These concerns were addressed robustly.
14. Road closures to provide a safe environment for the required fire-fighting measures, led to traffic congestion in the city centre. Both the New Zealand Police and Auckland Transport were involved in implementing emergency response measures with road closures and bus diversions implemented. These closures remained in place until Fire and Emergency New Zealand concluded their response at the site.

Auckland Council staff and property
15. Auckland Council closed down air conditioning systems in the central city buildings to prevent smoke intake. Staff were advised to work from home and other council locations outside the city centre to minimise congestion as well as to minimise discomfort. All Auckland Council essential services remained running as normal.
16. Following air quality testing and system cleansing, council’s affected buildings were reopened.

Climate impact statement
17. At present the climate impact of the fire is not understood.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views
18. Auckland Emergency Management worked collaboratively with the Auckland Council Group including Auckland Transport, Watercare and Regional Facilities Auckland during the course of the event.

Local impacts and local board views
19. All local boards were advised of the event. In addition, all elected members received regular updates during the course of the event, using council’s Emergency Management system. Local Board queries were addressed specifically as they arose.

Māori impact statement
20. Due to run-off water concerns noted above, Auckland Council’s Healthy Waters team engaged with Ngāti Whātua Ōrākei in regard to water quality and testing.
Financial implications

21. Financial implications for this event will be reported in due course.

Risks and mitigations

22. The risk causes are being determined by the lead agency. All agencies including Auckland Emergency Management will be undertaking an action evaluation and lessons learnt process, including a joint evaluation across the Civil Defence and Emergency Management Coordinating Executive Group for Auckland.

Next steps

23. Fire and Emergency New Zealand returned the New Zealand International Convention Centre site to Fletcher Construction at 5.00pm on 1 November 2019.

24. A key part of emergency response is a Recovery Plan, which is mandated by the Civil Defence and Emergency Management legislation. Auckland Emergency Management and Fire and Emergency New Zealand are working together on recovery planning.

25. An evaluation action plan workshop will be scheduled for Civil Defence and Emergency Management Coordinating Executive Group to share joint lessons learnt.

26. Auckland Emergency Management will be meeting Waitematā Local Board to follow-up on the fire effects on the local community.

Attachments

There are no attachments for this report.

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Sarah Sinclair – Acting General Manager Auckland Emergency Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Stephen Town - Chief Executive</td>
</tr>
</tbody>
</table>
Te take mō te pūrongo

Purpose of the report

1. To adopt a schedule of meeting dates and times for the governing body and its committees for November and December 2019.

Whakarāpopototanga matua

Executive summary

2. The governing body needs to adopt a meeting schedule and give advance notice to members of when it will meet.

3. Ordinary meetings of the governing body and its committees can commence from 22 November 2019. This is the earliest date a meeting (other than an extraordinary meeting) can be held allowing for the required public notice period.

4. The requirements to give notice of meetings to members are contained in the Local Government Act 2002. Notice must not be less than 14 days prior to the meeting, or if a schedule is adopted, not less than 14 days prior to the first meeting on the schedule. Where this notice cannot be given, meetings are called under the provisions for extraordinary meetings.

5. The requirements to give notice of meetings to the public are contained in the Local Government Official Information and Meetings Act 1987 (LGOIMA). A schedule of meetings to be held in a month may be notified not more than 14 days and not less than five days before the end of the prior month. Alternatively, a meeting falling on or after the 21st of a month may be notified not more than 10, not less than five working days prior to the meeting. Using this latter provision, it is possible for committees to commence meeting from 22 November 2019.

6. From 22 November 2019, the Governing Body can commence meetings that will be properly notified under LGOIMA.

7. It is important that a meeting schedule is set for the remainder of 2019. A full three year meeting schedule will be considered by the governing body at its 26 November 2019 meeting.

8. A meeting schedule has been created for the period 25 November 2019 to 12 December 2019, taking into account the work that needs to be conducted prior to the Christmas break. The schedule is appended as Attachment A.

9. Please note that there is no pattern to this schedule of meetings.

Ngā tūtohunga

Recommendation/s

That the Governing Body:

a) adopt the schedule of meetings for the governing body and its committees for the period 25 November 2019 to 12 December 2019.

b) note that a three year schedule of meetings will be considered as part of the governing body meeting on 26 November 2019.
Ngā tāpirihanga
Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Schedule of meetings for the governing body 25 November 2019 to 12 December 2019</td>
<td>91</td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Sarndra O'Toole - Team Leader Governance Advisors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Marguerite Delbet - General Manager Democracy Services</td>
</tr>
<tr>
<td></td>
<td>Stephen Town - Chief Executive</td>
</tr>
</tbody>
</table>
## Draft Meeting Schedule November 2019 and December 2019

### NOVEMBER 2019

<table>
<thead>
<tr>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
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<tbody>
<tr>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
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<tr>
<td>11</td>
<td>12</td>
<td>13</td>
<td>14</td>
<td>15</td>
</tr>
<tr>
<td>18</td>
<td>AT Board Meeting</td>
<td>19</td>
<td>20</td>
<td>21</td>
</tr>
<tr>
<td>25</td>
<td>26</td>
<td>27</td>
<td>28</td>
<td>29</td>
</tr>
</tbody>
</table>

**9.30am 25 November**
- GB/MSB Joint Mtg
- GB/LB Chairs Mtg

**1.30pm 25 November**
- GB/LB Joint Mtg

**9.30am 26 November**
- Governing Body 
  - Full Council (All Day)

**9.30am 27 November**
- Workshop Day

**9.30am 28 November**
- Environment & Climate Change 
  - (Half Day)
**1:30pm 29 November**
- Regulatory
### Attachment A

#### Governing Body Meeting Schedule for November and December 2019

<table>
<thead>
<tr>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>9.30am</td>
<td>Finance &amp; Performance (Mayoral Proposal – Annual Budget) (All Day)</td>
<td>9.30am Committee of the Whole Workshop</td>
<td>9.30am Planning (Half Day)</td>
</tr>
<tr>
<td>3</td>
<td>1.30pm</td>
<td>CCO Oversight</td>
<td>1.30pm Appointments and Performance Review</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>1.30pm</td>
<td>Audit and Risk Workshop</td>
<td>9.30am Civil Defence &amp; Emergency Management Committee</td>
<td>9.30am Governing Body Full Council (All Day)</td>
</tr>
<tr>
<td>10</td>
<td>2.15pm</td>
<td>Audit and Risk</td>
<td>1.30pm Strategic Procurement</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>9.30am</td>
<td>Finance &amp; Performance followed by Extraordinary Governing Body Annual Budget: Consultation Items</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>NO MEETINGS</td>
<td>NO MEETINGS</td>
<td>16</td>
<td>NO MEETINGS</td>
</tr>
<tr>
<td>17</td>
<td>NO MEETINGS</td>
<td>NO MEETINGS</td>
<td>17</td>
<td>NO MEETINGS</td>
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<tr>
<td>18</td>
<td>NO MEETINGS</td>
<td>NO MEETINGS</td>
<td>19</td>
<td>NO MEETINGS</td>
</tr>
<tr>
<td>23</td>
<td>NO MEETINGS</td>
<td>NO MEETINGS</td>
<td>20</td>
<td>NO MEETINGS</td>
</tr>
<tr>
<td>24</td>
<td>NO MEETINGS</td>
<td>NO MEETINGS</td>
<td>25</td>
<td>CHRISTMAS DAY</td>
</tr>
<tr>
<td>30</td>
<td>NO MEETINGS</td>
<td>NO MEETINGS</td>
<td>26</td>
<td>BOXING DAY</td>
</tr>
<tr>
<td>31</td>
<td>NO MEETINGS</td>
<td>NO MEETINGS</td>
<td>27</td>
<td>NO MEETINGS</td>
</tr>
</tbody>
</table>
Decisions made under delegation during the 2019 election period  

File No.: CP2019/18888

Te take mō te pūrongo  
Purpose of the report
1. To note the decisions made under delegation during the 2019 election period.

Whakarāpopototanga matua  
Executive summary
2. At its meeting on 25 July 2019, the Governing Body resolved as follows:

Resolution number GB/2019/75
That the Governing Body:

a) note that the final Governing Body meeting will be held on 26 September 2019 and that all committee meetings will have ceased by the end of September 2019

b) delegate to any two of either the Mayor, Deputy Mayor and a chairperson of a committee of the whole, the power to make, on behalf of the Governing Body, urgent decisions that may be needed between the final Governing Body meeting and the day the term of office of current members ends

c) note that during the period from the commencement of term of office of new members following the elections until the inaugural meeting of the Governing Body on 1 November 2019, decision-making will be undertaken by the Auckland Council Chief Executive under current delegations.

3. This is an information only report which aims to provide greater visibility and outlines the decisions that were made under those delegations.

4. The following decisions were made under delegation by any two of either the Mayor, Deputy Mayor and a chairperson of a committee of the whole:

<table>
<thead>
<tr>
<th>Date</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/10/19</td>
<td>Delegation to allow settlement: Environment Court Appeal against refusal to grant resource consent - CONFIDENTIAL</td>
</tr>
<tr>
<td>10/10/19</td>
<td>Auckland Council Submission to the Ministry for Primary Industry on the Proposed National Policy Statement on Highly Productive Land</td>
</tr>
<tr>
<td>10/10/19</td>
<td>Auckland Council’s submission on the proposed National Policy Statement on Urban Design</td>
</tr>
</tbody>
</table>

5. The following decisions were made under delegation by the Chief Executive:

<table>
<thead>
<tr>
<th>Date</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>24/10/19</td>
<td>Auckland Council, Auckland Transport and Watercare’s submission to “A vision for hydrogen in New Zealand” green paper</td>
</tr>
<tr>
<td>1/1/19</td>
<td>ASB Classic Landowner Approval for Resource Consent Submission</td>
</tr>
<tr>
<td>1/1/19</td>
<td>Waitākere Ranges Golf Club Licence Renewal</td>
</tr>
</tbody>
</table>
6. Note that, unlike an agenda report, **staff will not be present to answer questions about the items referred to in this summary.** Governing Body members should direct any questions to the authors.

**Ngā tūtohunga**

**Recommendation/s**

That the Governing Body:

a) note the decisions made under delegation by any two of either the Mayor, Deputy Mayor and Chairperson of the Committee of the Whole or the Chief Executive during the 2019 election period.

**Ngā tāpirihanga**

**Attachments**

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
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<tr>
<td>A</td>
<td>Auckland Council Submission to the Ministry for Primary Industry on the Proposed National Policy Statement on Highly Productive Land</td>
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<tr>
<td>B</td>
<td>Auckland Council’s submission on the proposed National Policy Statement on Urban Design</td>
<td>173</td>
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<tr>
<td>C</td>
<td>Auckland Council, Auckland Transport and Watercare’s submission to “A vision for hydrogen in New Zealand” green paper</td>
<td>215</td>
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<tr>
<td>D</td>
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**Ngā kaihaina**

**Signatories**

<table>
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<tr>
<th>Author</th>
<th>Sarndra O'Toole - Team Leader Governance Advisors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Stephen Town - Chief Executive</td>
</tr>
</tbody>
</table>
Summary of submission

The main points of the Auckland Council submission are summarised below. While the council generally supports the National Policy Statement on Highly Productive Land, there are a number of matters where the council that seeks the National Policy Statement to be more directive to give more certainty for the Highly Productive Land areas.

The Auckland Council:

- Supports the introduction of national direction to protect Highly Productive Land through the proposed National Policy Statement (‘NPS’) on Highly Productive Land. This is in light of the threats to Highly Productive Land in Auckland, the alignment of the NPS Highly Productive Land with council plans and policies, the benefits of national direction, and the importance of local food production.

- Supports the definition of Highly Productive Land to exclude urban areas and Future Urban zoned areas. This is because the urban areas are already compromised for primary production and significant planning and investment is already occurring in the Future Urban zoned area for future urban uses.

- Supports the definition of Highly Productive Land to include the Countryside Living zone as parts of this zone may not be yet be compromised for primary production.

- Requests the strengthening of Policy 4 to essentially preclude rural lifestyle development or zoning on Highly Productive Land as it impacts negatively on primary production and is an inefficient form of development.

- Requests that the tests for urban expansion onto Highly Productive Land be significantly strengthened to recognise the value of this finite resource.

- Requests that stronger links are made between the NPS Highly Productive Land, the NPS Urban Development, and NPS Freshwater to recognise the inter-relationships between these national directions.

- Requests that the government actively consider a nationally coordinated approach to ensure that the Highly Productive Land identification exercise is carried out consistently across the country.

- Supports the first list of criteria to identify Highly Productive Land as these relate to the physical land resource itself.
- Opposes the second list of criteria to identify Highly Productive Land that relate to temporal matters that are subject to change over time (e.g. water availability, transport routes). The council also requests that additional criteria for identifying Highly Productive Land are added around Māori land and existing Countryside Living zones.

- Requests further clarification of what is meant by 'inappropriate' use and development on Highly Productive Land and the provision of clear direction on the issue of soil harvesting.

- Requests that further national direction be provided on the types of primary production activities and effects that should be anticipated and tolerated in rural areas and also in relation to methods to avoid reverse sensitivity effects.

- Request that a 'buffer area' be included in the Highly Productive Land identification exercise to protect Highly Productive Land from reverse sensitivity issues around its edges.

- Requests that the NPS contain wording to clarify that all rural land has value and potential for different types of rural production activities to prevent rural land outside Highly Productive Land areas being seen as only having low value.

- Requests that Policies 6 and 7 be reviewed to provide a consistent approach as to how the NPS Highly Productive Land applies to resource consents and private plan changes.

- Requests that as much of the NPS content as is reasonable be directed by the NPS to bypass the First Schedule process.

- Requests that the definition of primary production be amended so that Highly Productive Land is protected only for primary production that relies on the soil resource.

Further explanation and detail of the Auckland Council’s submission is outlined in the sections below and additional supporting information is included in the appendices.

Councillor Bill Cashmore
(Deputy Mayor of Auckland)
Date: 10 October 2019

Councillor Chris Darby
(Chair of the Planning Committee)
Date: 10 October 2019
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Introduction

This is Auckland Council’s submission in response to the Ministry for the Environment and Ministry for Primary Industry’s discussion document entitled “Valuing Highly Productive Land” and the Proposed National Policy Statement on Highly Productive Land (‘HPL’) contained within that document.

This submission has been approved by the Deputy Mayor of Auckland and the Chair of the Planning Committee.

About Auckland

Auckland is New Zealand’s most populous region with a current population of 1.57 million people (2018 Census), an increase of 11 per cent since 2013. Auckland accounted for 34 per cent of New Zealand’s population increase between 2013 and 2018, according to latest Census data. Auckland is estimated to grow to around 2.4 million residents by 2050.

Auckland’s urban area covers approximately 20 per cent of Auckland’s land mass. It is home to over 90 per cent of its residents, many of whom live along a narrow axis stretching from Ōrewa in the north to Drury in the south. The urban area is surrounded by extensive rural areas, containing numerous towns and villages.

About the Auckland Council

Auckland Council is a unitary authority, and largest local government organisation in Australasia. The council has a governing body, which consists of the Mayor and 20 councillors, and 21 local boards. Auckland Council also has several council-controlled organisations, which it gives direction to through its statement of intent.

Comments on the NPS from the Franklin Local Board, Aotea Great Barrier Local Board, Manurewa Local Board, Maungakiekie-Tamaki Local Board, Papakura Local Board, Puketapapa Local Board, Waiheke Local Board, and the council’s Rural Advisory Panel are appended to the end of this submission (Appendix 9).
Auckland’s Highly Productive Land

The Auckland region contains around 126,000ha of Land Use Capability (‘LUC’) 1-3 land\(^1\) which covers around a quarter of Auckland’s land area. LUC 1 (21,500ha) is defined as ‘elite’ land in the Auckland Unitary Plan while LUC 2-3 (104,500ha) is defined as ‘prime’ land. The elite and prime land definitions in the Auckland Unitary Plan reflect the interim definition of HPL in the NPS which is for all LUC 1-3 land. A map showing all the mapped LUC1-3 land in Auckland is shown in Appendix 2.

The Auckland Council currently seeks to protect HPL from urban expansion, fragmentation, reverse sensitivity, and inappropriate uses through various methods. Further detail on these is included in Appendix 4.

Submission overview

Auckland Council welcomes the opportunity to submit on the proposed NPS-HPL. The Council generally supports the proposed NPS-HPL but has feedback on a number of detailed aspects of the proposal. The key issues for the Auckland Council are listed below and each is expanded further in the following sections of this submission.

1. General support for the National Policy Statement
2. Implications for Urban, Future Urban, and Countryside Living zoned land
3. Rural lifestyle development and fragmentation of Highly Productive Land
4. Urban expansion onto Highly Productive Land
5. Exercise to identify Highly Productive Land
6. Criteria to identify Highly Productive Land
7. Inappropriate use and development on Highly Productive Land
8. Reverse sensitivity
9. The value of rural land outside identified areas of Highly Productive Land
10. Application of the NPS to resource consents and private plan changes
11. Implementing the NPS into the Auckland Unitary Plan
12. Definitions
13. Integration with other national direction

\(^1\) Based on the FARMLUC dataset – see Appendix 3 for further information on FARMLUC.
1. General support for the National Policy Statement

The Council generally supports the introduction of national direction to protect HPL through the proposed NPS-HPL. The council considers there is a need for the NPS-HPL based on the reasons under the below headings.

1.1 Threats to Highly Productive Land in Auckland

There are a number of ongoing threats to HPL in the Auckland area including urban expansion, lifestyle development, ad-hoc development, and climate change.

Urban expansion onto Auckland’s HPL was set in train under previous land use planning regimes and also through the Auckland Unitary Plan. Using the New Zealand Land Resource Inventory (‘NZLRI’) as a baseline, 14% of LUC 1 land has been or will be encroached upon for various forms of urban development, as well as 31% of LUC 2 and 18% of LUC 3 land. While Auckland represents only 2% of New Zealand’s land area, it has a disproportionate amount of HPL. Auckland has a highly productive outdoor vegetable sector, contributing over 20% of the nation’s outdoor potato, onion, lettuce, broccoli, cabbage and cauliflower production primarily as a result of highly productive land and frost-free climate.

Development pressures not only exist in terms of urban expansion, but also through the subdivision of rural land for lifestyle properties. Small parcels of land occupy a significant proportion of the remaining versatile land in Auckland with the average site size being 10.2ha. In Auckland 21% of all the lifestyle blocks are located on HPL. These lifestyle blocks cover 35% of all HPL in the region.

In addition to urban expansion and lifestyle development, the HPL in Auckland is also under threat from ad-hoc, non-rural type developments such as self-storage sheds, industrial activities, schools, and churches. These developments take the HPL

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3 Ibid
4 Based on sites within Auckland in the five main Auckland Unitary Plan rural zones (I-19) that fall within the definition of HPL in the NPS-HPL.
resource out of productive use and in some cases create the potential for reverse sensitivity.

Another threat to the availability of HPL for primary production is climate change with some HPL areas being substantially exposed to sea level rise. LUC 1-3 land is disproportionately affected; it is more exposed to sea level rise than non-arable soils (LUCs 5-7) in terms of both total area and proportion. Under various scenarios approximately 5% of Auckland’s HPL is exposed to sea level rise by mid-century, more than 8% by end of the century, and more than 8% next century. This is an important consideration in the context of the other threats to HPL as identified above and places further value on the remaining HPL in Auckland.

1.2 Alignment with council plans and policies
The intent of the NPS is aligned with the Auckland Council’s position on protecting HPL. As outlined in some detail in Appendix 4, Auckland Council has a number of plans and policies that recognise the value of HPL – seeking to protect it and retain it for productive uses. The council has developed several planning tools such as the Rural Urban Boundary and subdivision rules/incentives to safeguard HPL and prevent urban and lifestyle development on it.

1.3 Need for national direction
The NPS-HPL will elevate the importance of protecting HPL and it will bring the issue to the front of mind for RMA decision makers. The proposed NPS should result in more consistent decision making around development, use and subdivision proposals on HPL.

Auckland Council’s recent experience is that despite the range of strong objectives and policies in the Auckland Unitary Plan seeking to protect HPL (outlined in Appendix 5), the issue of protecting HPL is generally just one of many issues an RMA decision maker considers – and it often is down the list of priorities. A range of resource consents have been granted on HPL in Auckland recent years and most

resource consent decision reports do not specifically discuss HPL. Those that do
demonstrate how the loss of HPL is balanced against other factors such as:

- the area of HPL being relatively small (in the context of the site or the wider
  area);
- the area of HPL being deemed unsuitable for primary production for various
  reasons including a ‘lifestyle’ size;
- offsetting the loss of HPL through improvements to primary production
  logistics (e.g. transport);
- mitigating the loss of HPL by using soil harvesting to transfer the soil to
  another area or site;
- the benefits of the proposed development on HPL to the rural community;
- the soils being only prime (LUC 2-3) and not elite (LUC 1);
- the land being able to be built on anyway as a permitted activity by a dwelling
  or accessory buildings; and
- the HPL not making a significant contribution to productive rural activities.

The creation of national direction on identifying and protecting HPL will give greater
certainty to farmers, developers, and the general public as to areas of land that are
specifically set aside for primary production.

The direction at the national level will assist councils by reducing the number of
higher level debates around the value of HPL during resource consent, private plan
change, and plan making processes (with an associated saving in compiling and
presenting evidence in each case).

1.4 The importance of local food production

Taking a precautionary approach, the protection of Auckland’s food supply areas is in
the long term regional and national interests. New Zealand is currently a net exporter
of locally produced food so there is no current food security issue. However, the
world’s population is growing and the demand for primary produce will significantly
increase in the future.

“By 2050 a global population of 10 billion will demand 70% more food than is
consumed today. With the focus moving toward a plant based protein
economy, the focus is going to be squarely on vegetables and crops to meet
this need. Feeding this expanded population nutritiously and sustainably will
require substantial improvements to the global food system – one that provides livelihoods for farmers as well as nutritious products for consumers.\footnote{Eskesen, Alison. Abstract of Grow Asia: a multi-stakeholder approach to food security: The business of food security: profitability, sustainability and risk. The Crawford Fund, 2015 Annual Parliamentary Conference, Canberra (2015).}

A later section of this submission will raise issues with the economic cost-benefit approach. However, it is still relevant to acknowledge that Auckland’s rural production sector has economic value to the region and nation. Just the Pukekohe area (while only 3.8% of New Zealand’s land in vegetable and fruit production) contributes 26% of the country’s vegetable production by revenue. It is estimated that in 2043 the demand for fruit and vegetables in Auckland will be about 33% higher than today.\footnote{Page 3 from New Zealand’s Food Story – The Pukekohe Hub, Deloitte - prepared for Horticulture New Zealand. (August 2018).}

While HPL areas can have a range of primary production activities it is noted that horticulture is often located on HPL and in 2017 the New Zealand horticulture industry generated $5.68 billion in value. Export revenue has grown nearly 50% in five years, illustrating the trust the world places in New Zealand-grown food, and the country’s ability to meet that demand\footnote{Page 2 from New Zealand’s Food Story – The Pukekohe Hub, Deloitte - prepared for Horticulture New Zealand. (August 2018).}

A general trend in food consumption is that locally grown food is becoming more desirable for environmental and social reasons. In addition, the growing influence of food as a significant part of the tourism experience means that culinary tourism could provide increased tourism spending in Auckland. One of Auckland’s unique selling points for culinary tourism is the food grown locally around the fringes of the city\footnote{Recommendations for an Auckland Culinary Strategy Framework – Final Report. ESP Culinary Consulting – prepared for Auckland Tourism, Events and Economic Development (ATEED) (2019).}.\footnote{9}
While the Auckland Council generally supports the proposed NPS-HPL, it is noted that further tools are necessary to achieve the desired outcome of successful primary production activities occurring on HPL.

The Auckland Council would support amendments to the RMA to include the protection of HPL as a matter of national importance to work in conjunction with the NPS-HPL. The council would also support investigations into possible ‘right to farm’ legislation to protect farmers from nearby landowners who try to stop or reduce farming operations that they perceive as a nuisance.

2. Implications for Urban, Future Urban, and Countryside Living zoned land

The Auckland Council supports the definition of HPL to exclude urban areas and Future Urban zoned areas, and to include Countryside Living zoned areas.

The definition of HPL specifically states that HPL excludes both urban areas and areas that have been identified as future urban zones in district plans. Countryside Living zones are not specifically excluded (and are therefore included within the definition).

It is noted that excluding the urban and Future Urban zones from the definition of HPL would remove around 18 per cent of the mapped LUC 1-3 areas of Auckland from receiving the protections under the NPS-HPL. Excluding these ‘compromised’ areas still leaves 82 per cent (around 103,000ha) of HPL in Auckland that is generally available for primary production and would be protected by the NPS-HPL.

2.1 Urban areas

As New Zealand’s original NZLRI LUC mapping was carried out in the 1970s, around 13 per cent of the mapped LUC 1-3 land in Auckland (around 16,000ha) has since been consumed by urban expansion. Suburbs such as Albany, Mangere, Hobsonville, and Dannemora now sit on this land.

It is clear that urbanisation has now removed any potential for rural production activities to occur on this land through intensively fragmented land parcels, high capital investment in dwellings and commercial premises, and a large proportion of impermeable surfaces such as roads, driveways and buildings.
2.2 Future Urban zones

Auckland Council has identified around 15,000ha of land for future growth areas. Around 10,500ha of this is zoned Future Urban with the rest being ‘live’ zoned (and therefore covered under ‘urban areas’ in section 2.1 of this submission).

The submission of Auckland Council to support the exclusion of Future Urban zones from the definition of HPL has not been arrived at without serious debate and it is acknowledged that a significant amount of HPL (around 8,750ha) will be permanently lost as this land is urbanised. This decision flows through to the rest of the council’s submission where generally more directive and tighter wording is sought to prevent further loss of the HPL resource.

Background to Future Urban zone

During the Proposed Auckland Unitary Plan process, the Independent Hearings Panel recommended that the Rural Urban Boundary be defined to avoid elite soils where they are significant for food production, but only to avoid ‘where practicable’ prime soils.

In light of this, the Future Urban zone within the Rural Urban Boundary includes large areas of prime soils (e.g. Pukenake-Paera, Whenua-pai, Kumeu-Huapai, Opaheke-Drury, Takanini) as shown on the map in Appendix 2.

It is noted that the process to establish the Future Urban zone went through a statutory process that included extensive public consultation and enabled challenges to the zoning through submissions, further submissions, and hearings.

The HPL within the Future Urban zone makes up around five per cent of Auckland’s mapped HPL. Within the Future Urban zone itself, close to two-thirds of it sits on HPL.

While the Future Urban zone is not yet urbanised (which would completely preclude rural production activities), there are significant implications for Auckland of including the Future Urban zoned areas within the definition of HPL.

The reasons why the Auckland Council supports the Future Urban zone being excluded from the definition of HPL are outlined under the headings below.

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Auckland’s housing capacity

As currently drafted, the NFS-HPL does not have any impact on Auckland’s planned long-term housing capacity. Auckland’s future housing capacity is created through both urban intensification and planned greenfield expansion into identified Future Urban zones. As the definition of HPL excludes the Future Urban zone, the NPS will not have any impact on Auckland’s planned long-term housing capacity.

If the HPL definition did include the Future Urban zone then in the order of 62,000 future dwellings\textsuperscript{12} could potentially be removed from Auckland’s long-term planned capacity. This would have significant implications for the Auckland Council’s obligations under the NPS – Urban Development Capacity.

Public planning and investment in the Future Urban zone

Planning and investment for the urbanisation of the Future Urban zoned areas is already well advanced. The council has completed structure planning for Whenuapai, Drury-Opaheke, Warkworth, Pupekohe-Paerata, and a structure plan is underway for Silverdale West.

The structure planning process is the first step in the urbanisation of the Future Urban zone and the structure plans establish the pattern of land use and supporting infrastructure networks for the area. The structure planning process for each of these areas has taken around 18-24 months of work including technical studies and a number of phases of public consultation.

Infrastructure providers are also well into planning for and investing in the Future Urban zone areas. For example:

- Te Tupu Ngātahi (the Supporting Growth Alliance) is a collaboration between the NZ Transport Agency and Auckland Transport. The alliance is around halfway into a five year project to identify and route protect the preferred transport networks required in the Future Urban zones across Auckland. The indicative strategic transport networks for these areas has been completed and the alliance is now preparing detailed business cases for the transport projects. It will then seek route protection for the transport network in a staged manner across all growth areas.

\textsuperscript{12} Based on 64% of the Future Urban zone which was in total anticipated to accommodate 97,000 dwellings in the Future Urban Land Supply Strategy (Future Urban zone totals calculated by excluding the ‘live’ zoned “Actuals, contracted or planned” areas in the Future Urban Land Supply Strategy).
- Watercare has been involved in the council’s Future Urban Land Supply Strategy and structure planning and the timing of their funding (via the Asset Management Plan) is aligned with these planning initiatives. Based on this Watercare has invested in various projects to service the Future Urban zone with water and wastewater such as:
  
  o Implementing the Warkworth-Snells Beach Conveyance Network which will enable the growth of Warkworth including the Future Urban zoned area (to be completed by 2022).
  
  o Bringing forward (under the Housing Infrastructure Fund) funding for the Northern Interceptor Phase 2 and the Brigham Creek Pump Station to cater for growth in the Whenuapai Future Urban zone and the Redhills area (which is ‘live’ zoned but relies on the infrastructure through the Whenuapai Future Urban zoned land) (to be completed by 2023).
  
  o Planning for a new transmission wastewater pump station to cater for growth in Pukekohe including the Future Urban zone area.
  
  o Investing to get bulk servicing into Silverdale West including upsizing the wastewater infrastructure in Milldale to cater for the Silverdale West Future Urban zone.

- The Ministry of Education is actively acquiring sites in the Future Urban zone for new schools.

If the Future Urban zone was included in the definition of HPL then the areas of Future Urban zoning may need to be revised and some of the above infrastructure projects would need to be reviewed and possibly stopped.

*Land in the Future Urban zone*

The Proposed Auckland Unitary Plan identified the proposed Future Urban zone in 2013 and the final area of the zone (some 10,500ha) was made operative in 2016. As noted above, there was extensive public consultation through the development of the Auckland Unitary Plan. Over 250 meetings and 21,000 pieces of written feedback were received on the draft Auckland Unitary Plan. 9,500 submissions were received through formal consultation on the Proposed Auckland Unitary Plan and 3,800 further
submissions were received. There were 249 days of hearings in front of an
Independent Hearings Panel over a 20-month period.

The council also produced a Future Urban Land Supply Strategy (2015 and 2017
editions) showing the sequencing of the different areas of Future Urban zone. That
is, when each Future Urban zoned area would be ‘development ready’ (structure
planned, rezoned, and serviced by bulk infrastructure).

The purpose of the Rural Urban Boundary (and the associated Future Urban zone)
was to provide certainty for landowners on both sides of the urban boundary, as well
as to infrastructure providers and the wider public. The Future Urban Land Supply
Strategy was to give further certainty around the sequencing of this land. Many
investors and developers have made decisions to purchase land in the Future Urban
zone during this time.

If the Future Urban zone was included in the definition of HPL, then a wide-scale
review of the Future Urban zone could have immediate implications for the
development of the areas of the Future Urban zone sequenced first. Plan Changes to
rezone the Future Urban zone to ‘live’ zones are currently underway in Whenuapai
and Warkworth North. If the NPS-HPL applies to this land it could add uncertainty,
complexity, delay, and cost to these processes.

2.3 Countryside Living zones

The Auckland Council supports the Countryside Living zone being included in the
definition of HPL.

Background to the Countryside Living zone

Due to the Independent Hearings Panel’s recommended wording in the Auckland
Unitary Plan to avoid Countryside Living zones on prime land only ‘where
practicable’, some large areas of Auckland’s prime land were rezoned to the
Countryside Living zone during the Auckland Unitary Plan process (e.g. Taupaki,
Riverhead, Coatesville).

The Countryside Living zone in Auckland includes many areas that are already highly
fragmented (making it more difficult to use productively) and built on (taking land out
of productive uses and creating reverse sensitivity impacts). However, there are also
other areas in the Countryside Living zone that have not yet been overly fragmented
or developed and where productive rural activities are still occurring. Around 22% of the Countryside Living zone is being used for primary production purposes. Land not already compromised

In Auckland, some HPL in the Countryside Living zone may not be yet be compromised for primary production and most of the issues identified for the Future Urban zone in the above section are not applicable to the Countryside Living zone.

The council’s HPL identification exercise should enable compromised areas of the Countryside Living zone to be excluded from the HPL areas and those still with the potential for primary production to be included (see section 6.4 of this submission). Those areas that are included in the HPL areas would then logically require a rezoning from Countryside Living to a productive rural zoning (e.g. Rural Production, Mixed Rural).

Potential consenting issues for Countryside Living zones

It is noted that the interim definition will create consenting uncertainty for Countryside Living landowners on HPL. If a landowner on HPL in the Countryside Living zone wishes to subdivide/develop their land for lifestyle purposes, then there will be some tension between the Auckland Unitary Plan zoning and the NPS-HPL. This is because the Countryside Living zone enables lifestyle block development whereas the NPS-HPL directs lifestyle blocks away from HPL.

This submission offers no solution to this issue but simply seeks to make the Ministry for the Environment aware of it. There is no easy solution as the interim definition is required to prevent a ‘gold-rush’ effect and the council supports the interim definition applying to the Countryside Living zone to enable the council’s HPL identification exercise to consider areas of the zone suitable to be covered by the protections of the NPS-HPL.

Clustering of rural lifestyle development on Highly Productive Land

For Countryside Living areas that are on HPL but are determined through the council’s HPL identification exercise to be already compromised, the NPS could consider some further guidance to require any further rural lifestyle subdivision in the

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13 21% in the entire Future Urban zone and 22% on the HPL in the Future Urban zone based on rates assessment data (combining Dairying, Forestry, Horticulture, and Pastoral uses) – See Appendix 6.
Countryside Living zone to be designed in such a way as to keep as much of the HPL out of development as possible (i.e. clustering of built development).

3. Rural lifestyle development and fragmentation of Highly Productive Land

The Auckland Council requests the strengthening of Policy 4 in the NPS-HPL to essentially preclude rural lifestyle development or zoning on HPL.

While the Auckland Council accepts that urban expansion onto HPL can be considered in some cases (see section 4 of this submission), the council does not support rural lifestyle blocks being developed on HPL.

3.1 Issues with rural lifestyle development

It is acknowledged that there is a generally high demand for lifestyle living around the fringes of Auckland, including on areas of HPL. However, lifestyle development is an inefficient growth pattern and has negative outcomes for HPL including taking land out of commercial production (for consumptive purposes at best), increasing land prices (making primary production activities less economically viable), and creating potential reverse sensitivity issues.

Assuming sensitive activities can be impacted by rural production activities to a distance of around 250m\(^{14}\), then just one lifestyle block of 1ha could have reverse sensitivity impacts on farm operations covering an area of 35ha. This is illustrated in Figure 1 below.

\(^{14}\) This distance needs to be refined and justified based on further evidence. The 250m distance is based on half of the minimum separation distance of 500m recommended for intensive farming from sensitive activities (Emission Impossible Ltd (2012a). Separation Distances for Industry, A discussion document prepared for Auckland Council, 9 July 2012, Auckland).
Figure 1: Area of potential impacts from a lifestyle block on surrounding farmland

Even using a buffer of just 100m could impact 8ha of neighbouring farmland. Nationwide, rural lifestyle development has been reported to be a bigger threat to HPL than urban expansion.\(^1\)

Any argument seeking to enable further fragmentation of HPL to accommodate families and workers needed for agriculture operations on HPL is weak considering that most district plans (including the Auckland Unitary Plan) already enable a level of development to accommodate farm workers\(^2\).

It is also noted that rural lifestyle development is a poor precursor to any possible future urbanisation as it highly fragments the land, raises land prices, and makes efficient infrastructure and good urban design outcomes difficult to achieve.

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\(^2\) The Auckland Unitary Plan enables workers' accommodation and minor household units in the productive rural zones. A second and third dwelling are also permitted on large sites (over 40 and over 100ha respectively).
The Auckland Council seeks that Policy 4 of the NPS should include very directive wording to essentially exclude the possibility of new rural lifestyle development or zoning being located on HPL.

The wording for Objective 3 should be amended as below (new text underlined) or to wording that achieves the same effect:

"...

- Avoiding new rural lifestyle subdivision, use and development and rural lifestyle zoning on or adjacent to highly productive land.
- avoiding other subdivision and land fragmentation that compromises the use of highly productive land for primary production."

The wording for Policy 4(c) should be amended as below (new text underlined) or to wording that achieves the same effect:

"...Directing new rural lifestyle development and zonings away from areas of highly productive land to avoid any new rural lifestyle development on or adjacent to highly productive land."

4. Urban expansion onto Highly Productive Land

The Auckland Council supports the intent of Policy 3 that urban expansion onto HPL should be able to be considered if certain tests are met. However, as HPL is a finite resource and Auckland has already lost (and will lose through zoning) a significant amount of this resource, the council considers that the tests for urban expansion onto HPL should be significantly strengthened.

It is noted that the Auckland Council currently has no plans to identify additional greenfield areas for urban expansion as there is still sufficient capacity in the Future Urban zone to provide for Auckland’s long-term growth (out to 2050). Therefore, Policy 3 does not hinder the current growth plans of Auckland Council. However, despite this there are still significant development pressures for resource consents and private plan changes to expand Auckland’s urban area onto rural land (beyond the Future Urban zone).

Comments on each of the ‘tests’ under Policy 3 are provided below.
4.1 **Shortage of capacity**

The council considers that the first test in Policy 3(a) around demonstrating a shortage of development capacity is appropriate. However, clarification is sought as to what timeframe this is referring to (e.g. a short-term shortage would seem to be most appropriate).

4.2 **Cost-benefit analysis**

*Is it the right tool?*

While a cost-benefit analysis generally provides a good framework for decision-making, it has shortcomings which mean it may not be suitable for this type of decision relating to a finite resource. These shortcomings include the challenges associated with irreversibility, the comparison of long- and short-term costs and benefits, and the non-substitutability of resources by providing a quantitative comparison in a common metric\(^\text{17}\). It is the recurring costs that highlight the real loss of the broader array of ecosystem services and the option value of this land where decisions are irreversible. Arguably it is these costs that should drive development decisions, not one-time costs, especially where decisions are irreversible.

The Auckland Council requests that the government investigate what other decision-making tools could be used for the analysis of urbanising HPL.

The NPS-HPL discussion document states that “marginal analysis based on comparison of land-use outcomes in financial terms at a single parcel level is heavily weighted toward favouring change away from primary production activities. This is because the financial returns from residential and business uses are, in almost all instances, greater than those from primary production activities using highly productive land. Similarly, the value of land for rural lifestyle development is usually several times that of land used for primary production activities\(^\text{18}\).”

The Auckland Council’s experience supports this finding. During the Auckland Unitary Plan process many rural landowners sought rezonings of their land to


\(^{18}\) Page 23 of Valuing highly productive land – a discussion document on a proposed national policy statement for highly productive land, MPI and MFE, 2019.
Countryside Living and provided evidence to demonstrate that the land was unviable for continued productive use and/or that a greater economic benefit could be achieved through lifestyle blocks.

Amendments if retaining the cost-benefit approach

If a cost-benefit analysis is to be retained in the NPS it should also provide further clarification in the text to overcome the common criticism of cost-benefit analyses – that they do not try to quantify, proxy or even describe harder to measure benefits or costs (e.g. intangibles), and therefore do not fairly represent the true costs and benefits of different policies or decisions.

For example, in the case of protecting HPL one of the key arguments is retaining the option to use the HPL land for different purposes; once it is developed it is effectively never again going to be possible to undertake agricultural activity there at scale. This option value, as well as other factors such as changing preferences of people to retain agricultural landscapes and eat locally grown food, and the cultural and social values people place on connection to agricultural land, are all valid components of the benefits side of land being used for agriculture. These factors must be given adequate consideration and a fair weighting in any decision on whether to develop HPL.

Lifting an economic assessment to a macro level (as mentioned in the discussion document) can also assist in providing a fairer assessment of the trade-offs. The time period of any economic assessment should also be very long term (i.e. 100 years) so that short term benefits do not out weigh the long term/permanent costs of losing HPL.

4.3 Environmental, economic, social and cultural benefits

It is not clear how the second bullet point of Policy 3(b) relates to the cost-benefit analysis. Based on the above discussion in section 4.2 of this submission, if a cost-benefit analysis is retained in the wording of the NPS, the types of matters mentioned in this second bullet point should be considered in such an assessment. Therefore, the Auckland Council requests that these two bullet points be under Policy be merged into one.
4.4 Feasibility of alternative locations

While the Auckland Council supports the intention of this test, the wording is relatively light and a more robust test around alternatives is considered necessary before urban expansion occurs on HPL. The Auckland Council seeks that strong direction is provided in the NPS wording to ensure that the full range of alternative options are considered.

This could be through a sequential test that guides urban development towards intensification locations first, then urban expansion into areas without HPL, and only when neither of these are feasible can urban expansion onto HPL be considered.

The wording of Objective 3 should be amended as below (new text underlined, deleted text struck-through) or to wording that achieves the same effect:

“...avoiding uncoordinated urban expansion on highly productive land where alternative options are feasible that has not been subject to a strategic planning process; and...”

The wording of Policy 3(b) should be amended as below (new text underlined, deleted text struck-through) or to wording that achieves the same effect:

“b. it is demonstrated that this is the most appropriate option based on a consideration of:

...”

- The feasibility of alternative locations and options to provide for the required demand; including intensification of existing urban areas shortage of development capacity as assessed through a sequential test as follows:
  - Urban intensification within the existing urban zoned area; then
  - Urban intensification within the existing urban zoned area of one or more other settlements within the region; then
  - Urban expansion outside HPL around the zoned urban area; then
  - Urban expansion outside HPL around one or more of the other settlements within the region; then
  - Development of new urban settlement(s) outside of HPL within the region.
5. Exercise to identify Highly Productive Land

The Auckland Council generally supports the exercise of identifying HPL. However, the council requests that the government actively consider a nationally coordinated approach to ensure that the Highly Productive Land identification exercise is carried out consistently across the country.

5.1 Areas of support

The Auckland Council supports the approach in Policy 1 of the NPS to enable regional councils to undertake an exercise to identify HPL for their regions. While this exercise is being carried out, the Auckland Council supports the interim approach of defining HPL as the LUC 1-3 areas. This interim approach will avoid the 'gold-rush' effect for rural subdivision etc which is a high likelihood in Auckland based on previous experience with changes to rural subdivision provisions.¹⁹

The Auckland Council supports the interim approach in the NPS of classifying all LUC 1-3 land as HPL, rather than the Auckland Unitary Plan approach of differentiating between LUC 1 and LUC 2-3 with lesser protection of the latter. There is very little physical difference between LUC 1 and LUC 2 land which is also realised where farm profitability is considered.²⁰ It is also noted that 'cohesive' areas of HPL

¹⁹ There was a spike in rural subdivision applications in Auckland in August/September 2013 from an average of twelve per month over the previous year to 32 in August and 64 in September. This spike was likely related to the Auckland Unitary Plan being notified on 30 September 2013 and landowners being concerned about tighter subdivision controls in the Auckland Unitary Plan that had been signalled in the draft version of the plan earlier that year. There was another spike in rural subdivision applications from May to August 2016 where the monthly totals were 30, 36, 57 and 55. This spike was likely related to the impending council decisions on the Auckland Unitary Plan in August 2016 and landowners being concerned that the final plan would result in tighter rural subdivision rules (as the council's evidence to the Independent Hearings Panel sought).

will need to contain a range of LUC classes (as the soil types can vary within a few metres).

The Auckland Council supports the identification of HPL areas to be mapped in the Regional Policy Statement where it will not be subject to private plan changes.

5.2 Undertaking the exercise to identify Highly Productive Land

The Auckland Council requests that the government actively consider a nationally coordinated exercise to map the HPL areas across the country. This will ensure consistency across the different councils and assist smaller councils where the costs would be prohibitive. It is noted that the Land Monitoring Forum Special Interest Group would be well placed to help establish a national framework for the consistent application of the criteria and mapping of HPL at appropriate scales.

While the costs to the government of a national exercise are acknowledged\textsuperscript{21}, the aggregate costs to each council of undertaking this exercise along with the challenges by landowners to it would be very significant.

If a national exercise is not carried out the Auckland Council requests that further detailed guidance (scale of mapping and ground-verifying), assistance (expertise from government departments), and funding be provided to councils for this exercise. An extended timeframe of 5 years is requested to carry out this exercise. The 3 year timeframe would be insufficient for councils to do a mapping exercise at scales in and around 1:10,000 (if this is what is required).

It is also noted that through the NPS Essential Freshwater there are requirements to produce Farm Plans and submit these to the council. The Auckland Council requests that the government investigate whether it would be fair, reasonable, and efficient for a LUC assessment to be part of each Farm Plan and the outcome of this assessment given to the council for peer review and approval. This would supply a detailed source of data to the council on LUC in the region and would assist in a HPL identification exercise.

\textsuperscript{21} In 2006, Manderson and Palmer reported that a stratified programme at scales of 1:10,000 for versatile land; 1:25,000 for other agricultural land etc would cost $280 million Manderson, A. and A. Palmer (2006). "Soil information for agricultural decision making: a New Zealand perspective." *Soil Use and Management* **22**: 393-400.
If the identification exercise is done at a regional level, it is requested that wording be included in Policy 1 to require neighbouring regional councils to work together in determining the HPL close to the regional boundaries (to ensure a consistent approach across regional borders).

6. Criteria to identify Highly Productive Land

The Auckland Council supports the criteria to identify HPL that relate to the physical land resource in Policy 1 Appendix A ((a) and (b)). The council seeks clarification as to the intent of criteria (c) around the size and cohesiveness of the area.

The council opposes the second list of criteria that relate to temporal matters that are subject to change over time (e.g. water availability, transport routes). The council requests that additional criteria are added around Maori land and existing Countryside Living zones.

6.1 Size and cohesiveness

The third criterion under Policy 1(c) is interpreted by the Auckland Council as relating not to the specific site sizes of parcels, but rather the higher-level size of the HPL area. This criterion is assumed to encourage larger areas of HPL to be identified rather than small, remote areas of LUC 1-3 being identified as HPL. It is also assumed to enable the boundaries of a HPL area to be taken to logical geographic boundaries (i.e. the coast, roads, topographical features). This could thereby include some areas of lower quality land in exchange for the benefits of identifying cohesive areas of HPL. The Auckland Council supports this approach and requests that the wording of criterion (c) be amended to make this interpretation more explicit. It is noted that developers seeking to rezone HPL areas in Auckland have recently contacted the council and have interpreted this criterion differently to council – they have interpreted it as being related to the parcel size.

The wording of Policy 1(c) should be amended as below (new text underlined) or to wording that achieves the same effect:

"c. the size and cohesiveness of the area of land to support primary production (using logical geographic boundaries that may result in some lower classes of land being included within the wider area of highly productive land)…"
6.2 Temporal factors

The Auckland Council does not support the second list of criteria to identify HPL under Policy 1. This list contains temporal factors that have the ability to change through further investigation, technology, new infrastructure etc over a 50-100-year timescale. The land itself is the finite resource and the NPS is intended to enable its long-term protection. The NPS should be recognising the potential of this resource, even if it is not currently able to be used to its full potential.

It is acknowledged that this second list of criteria is not a requirement as it is headed with the words “may consider”. However, the Auckland Council sees a high risk in landowners and developers using the second list of criteria to attempt to exclude areas of land from HPL during the council’s HPL identification exercise.

As an example, at the publication of the NPS-HPL the council was contacted by the proponent of a potential private plan change (to rezone areas of LUC 1-3 to Countryside Living) highlighting the criterion on water availability (currently limited in the locality) and seeking to push forward with the Countryside Living rezoning based on the current lack of water availability.

The wording of these criteria is also likely to create issues with phrases such as “access to appropriate labour markets” in criterion (c). In an area with HPL and high incomes such as Omaha Flats in the Rodney Local Board area, arguments are likely to be put forward that this area does not have an ‘appropriate’ labour market as the wages for agricultural workers are significantly lower\(^\text{22}\) than the average in the wider area\(^\text{23}\).

Criterion (e) is broad and not entirely clear while criterion (f) could potentially disqualify significant areas of HPL based on the standards in the Proposed NPS Essential Freshwater.

The Auckland Council would prefer that the second set of criteria either be removed entirely or changed to relate the list only to the assessment of lower classes of land. If retained, the wording of Policy 1 Appendix A should be amended as below (new text underlined) or to wording that achieves the same effect:

\(^{22}\) $34,000 based on median personal income in the Agriculture, Forestry and Fishing industry in Auckland (Census 2013).

\(^{23}\) $51,700 based on the median personal income in the Rodney Local Board for full-time employees (Census 2013).
"...When identifying areas of highly productive land, local authorities may also consider the following factors for lower classes of land not in LUC 1-3:..."

6.3 Maori land
The NPS-HPL discussion document mentions the constraints related to Maori land but the wording of the NPS does not pick up on these issues. The Auckland Council supports additional wording in Policy 1 that enables the constraints on Maori land to be considered when identifying HPL.

The wording of Policy 1 Appendix A should be amended as below to add text to the first list of criteria (new text underlined) or to wording that achieves the same effect:

"...d. the constraints that already apply to Maori land in multiple ownership."

6.4 Existing Countryside Living zoned land
The council exercise to identify HPL will look at existing Countryside Living zones (as they are not excluded from the HPL definition). As discussed in section 3 of this submission, there are some areas of Auckland’s Countryside Living zones that are still being productively used and could be identified as HPL (with likely rezoning following). However, there are also significant areas of Auckland’s Countryside Living zones that have already been largely compromised for primary production through fragmentation down to small lots, significant built development, and high land values.

Policy 1 Appendix A requires the addition of a criterion to be able to specifically exclude these compromised Countryside Living zoned areas during the identification exercise, while not enabling this criterion to be used in rural areas outside the Countryside Living zone. It is critical that this criterion is not able to be applied to the wider rural areas as it would create a very broad avenue to argue for much of the HPL in Auckland to be excluded.

The wording of Policy 1 Appendix A should be amended as below to add text to the first list of criteria (new text underlined) or amended to wording that achieves the same effect:

"...e. the current land use, level of fragmentation, and amount of built residential development and other sensitive uses within rural lifestyle zones only."
6.5  **The potential of Highly Productive Land**

The Auckland Council considers that HPL should not only apply to land that is highly productive at present, but also to land that has the potential to be highly productive in the future.

The wording of Policy 1 Appendix A should be amended as below to add text to the first list of criteria (new text underlined) or to wording that achieves the same effect:

“…a. the capability, and versatility, and future potential of the land to support primary production based on the Land Use Capability classification system;…”

7. **Inappropriate use and development on Highly Productive Land**

The Auckland Council requests further clarification in the NPS-HPL of what is meant by ‘inappropriate’ use and development on HPL. The council specifically seeks that additional wording be added to Policy 2 to identify examples of inappropriate use and development, address the issue of rural industries and services, and provide clear direction on soil harvesting. The council also seeks that Policy 2(b) provides clearer direction to protect HPL.

7.1  **Identifying inappropriate use and development**

Policy 2(c) of the NPS requires councils to identify inappropriate subdivision, use and development of HPL and (d) requires HPL to be protected from this. The Auckland Council requests that the NPS contains further wording to explain what is meant by inappropriate use and development in Policy 2(c) (noting that subdivision is specifically covered in Policy 4).

While there may be some regional differences in determining what is inappropriate on HPL, there are also a range of activities that would not be appropriate on HPL anywhere in New Zealand. Having specific and directive wording on this in the NPS gives greater weight for councils to be able to exclude such activities from HPL through their district plans.
There is pressure in the rural zones around Auckland for ad-hoc rural sites to be converted into urban activities such as industrial and yard activities, trucking depots, contractors’ yards, trade supply depots, commercial storage facilities, retail plant nurseries, churches, and schools. These activities remove HPL production on a site by site basis and can potentially create reverse sensitivity issues. Such developments would be difficult to define as ‘urban expansion’ so would not come under Policy 3 and most do not involve subdivision so are not covered by Policy 4. Therefore, they need to be covered under Policy 2.

Even with the strong objective and policy framework for elite and prime land in the Auckland Unitary Plan, resource consents have been granted on HPL land in Auckland recently (see section 1.3 of this submission) for activities including self-storage units, transport depots, vehicle storage facilities, a church and school, and a large childcare centre. Therefore, the Auckland Council seeks that the NPS is more specific and directive on what is ‘inappropriate’ use and development.

The wording of Policy 2(c) should be amended as below to include specific examples of inappropriate use and development (new text underlined) or to wording that achieves the same effect:

“...c. identify inappropriate subdivision, use and development of highly productive land (including but not limited to rural lifestyle development, activities sensitive to agriculture, and activities that would normally locate in urban zones (e.g. industrial activities); and...”

7.2 Rural industries and services

The Auckland Unitary Plan recognises that some ‘industrial’ or ‘commercial’ type activities can be located in the rural zones where their principal function is to provide services to rural production activities24. These are defined as Rural Industries and Rural Commercial Services in the Auckland Unitary Plan and include activities such as freight or transportation services, meat processing, dairy factories, servicing of farm machinery, and fencing contractors. Many district plans across New Zealand will have similar definitions and the National Planning Standards also includes a definition of Rural Industry25. It is noted that the definition in the National Planning Standards

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24 Through the definitions of Rural Industries and Rural Commercial Services.

25 Rural industry means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.
Standards is likely to enable a wider range of activities than the Auckland Unitary Plan definitions.

These activities in the Auckland Unitary Plan can be used as an avenue to locate commercial or industrial activities in the rural zones when the activities are in fact far better suited to an urban zone. Examples of recent resource consent applications in Auckland seeking that industrial activities be classified as ‘Rural industries’ or ‘Rural commercial services’ include a concrete batching plant and a directional drilling service26. There is often no compelling reason why these activities need to be located in the rural area (except that the land is cheaper for the business owner and the sites can be large enough to manage effects onsite). Due to the size of Auckland’s metropolitan area and the number of towns and villages throughout the district there are very few places in Auckland that are not close to urban zones.

The Auckland Council requests that the NPS gives strong direction that general industrial, commercial activities (as noted in section 7.1 above) cannot locate in HPL areas and that Rural Industries and Rural Commercial Services must go through a sequential test before they can locate on HPL.

The wording of Policy 2 should be amended as below to include specific examples of inappropriate use and development (new text underlined) or to wording that achieves the same effect:

"...e. Require any new Rural Industry on highly productive land to firstly assess the feasibility of alternative locations and options through a sequential test as follows:

- An urban zone in the vicinity; then
- An urban zone further away; then
- A rural zone outside an HPL area.

Only after these alternatives are fully considered can a Rural Industry be considered on HPL."

26 LUC60066560, 63 Richards Rd and LUC60339009, 41 Eden Road
7.3 Soil harvesting

Soil harvesting is where a landowner acknowledges their land is HPL but seeks to mitigate the effects of a development by scraping the topsoil off the site and transporting it to another site – and thereby ‘saving’ the resource.

This approach has been seen in resource consent applications to the Auckland Council. The soil harvesting approach is not scientifically supported as a mitigation method because the site characteristics (e.g. easy contour, good drainage, favourable climate) cannot be scraped up and transported to another site. Additionally, the soil ecosystem services at the site where the soil is to be redepoted are unknown and uncertain so not only is the soil at the excavated site being destructed but the destruction of the soil at the receiving site will also ensue resulting in the net loss of soil ecosystem services of HPL.

To prevent the soil harvesting approach being used in HPL areas the Auckland Council seeks that the NPS include some specific wording that sends down a national direction on this matter.

The wording of Policy 2 should be amended as below (new text underlined) or to wording that achieves the same effect:

“…d. protect highly productive land from the identified inappropriate subdivision, use and development (soil harvesting is precluded from being a protection method under this policy).”

7.4 Direction to protect Highly Productive Land

Policy 2(b) provides a high level of discretion as to whether councils should give greater protection to areas of HPL. Firstly, greater protection must only be "considered" and only then for the "land that makes a greater contribution to the economy and community."

The Auckland Council is concerned that such wording will enable landowners and developers to successfully argue against protection of HPL areas if they are currently under-utilised for primary production. The council considers that it is the productive potential of HPL that should be protected, not just any current productive use.

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27 BUN0302486, 166 Waiuku Road and LUC0307744, 167 Riverhead Road
28 Clother, B. (2009), "Evidence in Chief before the Environment Court in the matter of the Resource Management Act 1991 and the matter of an Appeal under Section 120 of the Resource Management Act 1991 between Bunnings Limited (appellant) and Hastings District Council (respondent) APPEAL: ENV-2009-WLG-0182"
The wording of Policy 2(b) should be amended as below (new text underlined) or to wording that achieves the same effect:

“...b. consider giving greater protection to areas of highly productive land that make a greater contribution to the economy and community.”

8. Reverse sensitivity

The Auckland Council requests that further national direction be provided on the types of primary production activities and effects that should be anticipated and tolerated in rural areas. The council also requests that more directive wording be included in Policy 5 around new sensitive activities on HPL. Further national direction is also sought in relation to methods to avoid reverse sensitivity effects. The council also request that a ‘buffer area’ be included in the HPL identification exercise.

8.1 Types of activities sensitive to primary production
Policy 5(a) tasks local councils with determining the typical activities and effects associated with primary production. While there may be some regional variation, there is generally a commonly accepted list of effects that are associated with primary production including odour, noise, truck movements, etc. The council requests that the NPS include further details on these so that more directive guidance is given to councils. The alternative is that each council determines these activities and effects which can then be challenged through the plan making process across the country.

8.2 New sensitive activities on Highly Productive Land
Policy 5(b) requires councils to only “restrict” new sensitive uses and incompatible activities on HPL. It is not clear why the NPS-HPL would be developed to still anticipate allowing sensitive activities on HPL that may compromise the efficient operation of primary production activities. The council requests that the wording should be made more directive (i.e. “avoid”).

The wording of Policy 5(b) should be amended as below (deleted text struck through, new text underlined) or to wording that achieves the same effect:
“...b. restrict avoid new sensitive and potentially incompatible activities on or adjacent to highly productive land to ensure these do not compromise the efficient operation of primary production activities;”

8.3 Methods to avoid reverse sensitivity effects
Further national direction is sought under Policy 5 (c) and (d) around appropriate setback distances between sensitive uses and primary production. The council also requests that the onus on the setback should generally be on the land that is not part of the HPL area. Clear direction is also sought that avoiding sensitive uses locating on or adjacent to HPL in the first and best tool to address potential reverse sensitivity.

8.4 ‘Buffer areas’ around Highly Productive Land
The Auckland Council requests that Policy 1 include some wording to require that a buffer area (e.g. around 250m29) be included around the landwards edge of each HPL area. Some text should then be added to state what the purpose of the buffer area is (e.g. to avoid reverse sensitivity effects around the edge of HPL) and what the NPS controls in the buffer areas (i.e. setbacks and the establishment of new sensitive activities).

The wording of Policy 1 should be amended as below (new text underlined, deleted text struck-through) or to wording that achieves the same effect:

“...map each area of highly productive land and also map a XXXm buffer around each area; and...”

Consequential changes should be made to Policy 5 so that the reverse sensitivity matters are also applied to the buffer areas.

29 This distance needs to be refined and justified based on further evidence. The 250m distance is based on half of the minimum separation distance of 500m recommended for intensive farming from sensitive activities (Emission Impossible Ltd (2012a). Separation Distances for Industry, A discussion document prepared for Auckland Council, 9 July 2012, Auckland).
9. The value of rural land outside identified areas of Highly Productive Land

The Auckland Council requests that the NPS contain wording to clarify that all rural land has value and potential for different types of rural production activities.

While the Auckland Council generally supports the NPS-HPL, there is a concern that it may inadvertently promote a ‘two-tiered’ approach to the rural area. That is, the HPL land is given such special status that it casts a shadow over the remaining rural areas and they are subtly viewed as ‘second-rate’ and not being useful for rural production. They could then be viewed as an appropriate location for lifestyle subdivision and/or urban type activities that are restricted from being located on HPL.

This would likely be evidenced in applications to councils for lifestyle subdivision and urban type activities where applicants will state that they ‘tick the box’ of avoiding HPL and therefore have satisfied the issue the government and council are seemingly focussed on.

The Auckland Council requests that wording be added to the NPS to state that all rural land has value and potential for different types of rural production activities. This could be done in a similar way that the Auckland Unitary Plan addresses this issue in the sections around protecting elite and prime land. While these sections obviously include objectives and policies around elite and prime land, they also include some objectives and policies relating to other rural land. These policies are included in Appendix 8.

The wording of the NPS-HPL should be amended to include an additional objective and policy as below (new text underlined) or to wording that achieves the same effect:

“...Objective 4: To recognise the productive potential of rural land that is not identified as highly productive land.”

“Policy X: Territorial authorities must recognise the productive potential of rural land that is not identified as highly productive land through appropriate methods.”

10. Application of the NPS to resource consents and private plan changes

The Auckland Council requests that Policies 6 and 7 be reviewed to provide a consistent approach as to how the NPS-HPL applies to resource consents and private plan changes.
Policies 6 and 7 appear to be inconsistent in their wording and criteria. However, it is not clear why the NPS-HPL should be applied differently to resource consents and private plan changes.

Policies 6 and 7 only mention requests or applications for subdivision and urban expansion. This means that the array of other ‘inappropriate’ use and development activities in Policy 2 would not be captured. Policy 7 for private plan changes uses the wording “have regard to” whereas s55 of the RMA requires council plans to ‘give effect’ to national policy statements. Policy 7 requires a LUC assessment while Policy 6 does not.

Overall, the Auckland Council requests that these two sections be reviewed with a view to potentially combining them and simplifying the text to relate back consistently to the other sections of the NPS-HPL.

11. Implementing the NPS into the Auckland Unitary Plan

The Auckland Council requests that the NPS give clear direction as to what parts of the NPS-HPL can be inserted into the Auckland Unitary Plan without using the First Schedule of the RMA.

The Auckland Council considers that the council exercise to identify HPL in the region should go through the First Schedule to enable public feedback and submissions as to the location of the HPL areas.

However, aside from this the Auckland Council seeks that as much of the NPS content as is reasonable be directed by the NPS to bypass the First Schedule process (e.g. Policy 1.2, Policy 2, Policy 4, Policy 5). This is due to the ability for the public to be involved through this NPS consultation, the ability for the public to be involved in the HPL area identification exercise, the national importance of this matter, and the mandate\(^\text{30}\) that the government has on this issue to take action.

12. Definitions

The Auckland Council requests that the definition of primary production be amended so that HPL is protected only for primary production that relies on the soil resource. The council requests that the definition of Highly Productive Land be amended to enable Auckland Council to utilise the FARMLUC system. The council also supports the exclusion of urban areas and the Future Urban zone from the definition of HPL as outlined in section 2 of this submission.

12.1 Primary production relying on the soil resource

The purpose of the NPS-HPL is to protect HPL from urban expansion, lifestyle development and other inappropriate uses so that it can be used for primary production. The definition of primary production used in the NPS-HPL is nearly the same as that in the National Planning Standards (but excludes mining and quarrying activities).

The NPS does not use the term ‘intensive indoor primary production’ from the National Planning Standards so it can be assumed that the NPS-HPL does not anticipate activities such as intensive pig, chicken, or mushroom farms being suitable in HPL areas. Clarification on this matter would be useful.

However, it is not entirely clear which definition would cover an activity such as a glasshouse that grows plants without using the soil of the site. The definition of primary production does not specifically exclude activities that do not rely on the productive capacity of the underlying soil (e.g. growing in soilless media). It is therefore assumed that a horticulture operation not utilising the soil of the site would fall under the definition of primary production.

It does not seem logical to protect the HPL soil resource from being paved over from urban expansion, but then allow it to be paved over for a horticulture operation that uses soilless media. Such an activity does not rely on the productive capacity of the soil and therefore does not need to be located on HPL. The NPS-HPL should be protecting the full HPL resource including the soil. The purpose of the NPS-HPL is not to protect areas of flat land for large scale, industrial-type growing, but rather to protect the land resource which includes the soil.
As the NPS-HPL has already slightly altered the definition of primary production from the one used in the National Planning Standards, it is appropriate to further refine this definition for the purposes of the NPS-HPL.

The wording of the definition of primary production should be amended to exclude activities that do not rely on the underlying soil resource (new text underlined) or to wording that achieves the same effect:

"Primary production means:

a. any agricultural, pastoral, horticultural, or forestry activities that rely on the productive capacity of the soil of the site; and…"

12.2 NZLRI and FARMLUC

The definition of highly productive land specifically refers to the NZLRI whereas the Auckland Council now uses the FARMLUC database (see Appendix 3). It is requested that the definition be amended to enable the FARMLUC database to be used in determining LUC 1-3 land in Auckland. There are other councils (e.g. Tasman District Council) that also have their own, more refined systems.

The wording of the definition of Highly Productive Land should be amended to enable Auckland Council’s FARMLUC database to be used (new text underlined) or to wording that achieves the same effect:

"…b. where a local authority has not identified highly productive land…as mapped by the New Zealand Land Resource Inventory, a more refined regional or district database, or by more detailed site mapping; but…"

13. Integration with other national direction

The Auckland Council requests that stronger links are made between the NPS-HPL, the NPS Urban Development, and NPS Freshwater to recognise the inter-relationships between these national directions.
13.1 **NPS Urban Development**

The key link between the NPS-HPL and NPS Urban Development is through the NPS Urban Development’s requirement for councils to prepare a Future Development Strategy and through that process identify “areas where evidence shows that urban development must be avoided” (P1D(a)).

However, it is suggested that this linkage should be made more explicit and the NPS Urban Development policy should provide examples of the types of land to be avoided for greenfield development including HPL. This matter is covered in further detail in the Auckland Council’s submission on the NPS Urban Development.

Notwithstanding Auckland Council’s request to amend Objective 3 (see section 4 of this submission), another more direct linkage could be provided to the NPS Urban Development by referring specifically to a Future Development Strategy rather than a generic ‘strategic planning process’ in the second bullet point under Objective 3.

There is some tension between the NPS-HPL and the NPS Urban Development regarding the price differential of urban and rural land. The NPS Urban Development seeks that this differential must be reduced. However, it needs to be recognised that in identifying HPL and placing appropriate restrictions on its use outside of primary production, the value of this land will be significantly lower than urban land. This is because the value of this land for speculative future urban or lifestyle development will be significantly reduced. This tension should be resolved in the two NPS’s.

13.2 **NPS Essential Freshwater**

There are clear tensions between the NPS-HPL and the NPS Essential Freshwater. On one hand the NPS-HPL directs that areas of HPL must be maintained for their productive potential now and for future generations by protecting them from inappropriate land use, subdivision and development.

On the other hand, the NPS Essential Freshwater requires current and future land managers to meet significantly higher standards for sediment and nutrient run-off. Achieving these standards could restrict the ability/viability for primary production activities to occur on this land.

The Auckland Council suggests recognising these inherent conflicts with the NPS Essential Freshwater and that flexibility and support is provided in how the higher standards are achieved and in the timeframes.
Appendix 1 - Acronyms and shortenings used in this submission

LUC – Land Use Capability


NPS – (Proposed) National Policy Statement

HPL – Highly Productive Land

NPS-HPL – The proposed National Policy Statement on Highly Productive Land

NZLRI – New Zealand Land Resource Inventory

Auckland Unitary Plan – Auckland Unitary Plan Operative in Part (2016)
Appendix 2 – Map of Auckland’s Highly Productive Land
Appendix 3 - New Zealand Land Resource Inventory and Auckland’s FARMLUC

The land use capability (‘LUC’) classification system describes eight classes of land across New Zealand. The versatility of the land decreases as you move from LUC class 1 through the scale towards class 8. LUC class 1 land is defined as being highly versatile with negligible physical limitations for arable or rural farming use, whereas LUC class 8 is classified as land which has very severe to extreme physical limitations making it unsuited to agricultural, horticultural or plantation forestry use.

The New Zealand Land Resource Inventory (‘NZLRI’) system represents the national LUC unit coverage and comprises mapping from between 1973 and 1979. A new LUC classification for Auckland has been developed known as FARMLUC and provides a regionally consistent, robust and more detailed LUC classification for the region than the NZLRI system.

Auckland’s new FARMLUC classification system has revealed that some classes of land are not as they initially appeared to be at the NZLRI regional scale with large increases of LUC 1 and LUC 5 land and corresponding decreases in LUC 2 and LUC 6 land.

Further information on the FARMLUC system can be found at http://www.knowledgeauckland.org.nz/assets/publications/ARPB-004-05May-21-2018-FARMLUC-classification.pdf
Appendix 4 – Auckland Council’s current approach to protecting Highly Productive Land

*Auckland Plan 2050 (2018):*

The Auckland Plan is the long-term spatial plan for Auckland that looks ahead to 2050. It considers how to address Auckland’s key challenges of high population growth, shared prosperity, and environmental degradation.

*Rural Auckland*

The Auckland Plan recognises that Auckland’s rural areas are a mix of cultivated, natural and built environments that contribute significantly to Auckland’s identity and character. Rural Auckland is home to a diverse range of economic activities including agriculture, forestry, horticulture, quarrying and the services that support them.

Auckland’s rural area has a unique combination of temperate climate and frost-free fertile land. The southern rural area has natural fertile land which enables a wider range of vegetables to be grown for longer periods than other areas of the country. This makes a significant contribution to Auckland’s and New Zealand’s food supply. The north and northwest have an increasing focus on rural tourism, vineyards and niche food production.

The challenges in rural Auckland include population growth, increased demand for rural living, stressed natural systems, and changing land values create pressures and tensions between different activities. Conversely, the commercial production of locally-grown food, as well as tourism, recreation and productive activities are made possible by the proximity of urban Auckland.

Population growth has resulted in a decrease in the number of commercial rural production properties, and an increase in the number of lifestyle properties across rural Auckland. For example, from 1996 to 2016, the number of rural production properties decreased by around 40 per cent, which represents a 25 per cent loss in area, while the number of lifestyle properties increased by around 50 per cent (35 per cent in area).
Auckland’s horticultural production

Over 7,000 hectares of land in Auckland is used for horticultural production. Auckland’s main horticultural produce includes onions, potatoes, kiwifruit, lettuce, broccoli, wine grapes, cabbage, olives, cauliflower, pumpkin, carrots, avocados and strawberries. Horticultural production relies on access to fresh water, versatile land, labour, and other supporting services (i.e. packhouses).

Franklin in the south has a large proportion of Auckland’s HPL and a significant proportion of Auckland’s horticultural produce is grown here. Vineyards are becoming a feature of Auckland horticulture – there are now over 100 vineyards in Auckland, including notable activity in Matakana, Kumeū, Clevedon and Waiheke Island. Due to the nature of the crop they tend to locate on less versatile land.

Technological change, such as enhanced harvesting efficiency, packaging and sorting, has resulted in productivity gains in the horticultural industry. In the medium to long-term, more technological change is expected. This will impact on how food is grown and processed, and will meet a growing demand for safe, fresh and healthy foods. It will also enable the production of larger volumes of food at a lower price.

Quality compact city

Direction 1 of the Auckland Plan is to ‘Develop a quality compact urban form to accommodate Auckland’s growth’. A compact Auckland means future development will be focused in existing and new urban areas within Auckland’s urban footprint.

Around 62 per cent of development over the next 30 years is anticipated to be within the existing urban area. The remaining development is anticipated to occur largely within future urban areas (32 per cent) with a small amount allocated to rural areas – including towns and villages (6 per cent).

One of the key benefits of the quality compact city approach is that it helps to maintain Auckland’s rural productivity by limiting urban sprawl. Encouraging growth within urban areas helps to protect rural environments from urban encroachment and maintains the productive capability of the land and its rural character.
Growth in rural Auckland

The Auckland Plan’s approach to rural growth is to focus residential growth mainly in the towns which provide services for the wider rural area, particularly the rural nodes of Pukekohe and Warkworth. Less residential growth is anticipated in the smaller towns and villages.

Rural lifestyle growth will be focused into those areas already zoned as ‘Countryside Living’, and only a small amount of growth is anticipated in the wider rural area. This growth is likely to relate to incentive based subdivision for environmental enhancement and/or the amalgamation of existing vacant lots.

To ensure that rural production can continue and develop, land fragmentation and reverse sensitivity must be minimised to safeguard Auckland’s land and soil resources, particularly elite soils and prime soils.

Draft Auckland Climate Action Framework (2019):

The draft Auckland Climate Action Framework sets a pathway to net zero emissions by 2050 and to build resilience across the region to the ongoing impacts of climate change.

Core to the framework are 11 Key Moves that in addition to driving climate action will deliver a range of important benefits including healthier people and environment, and stronger communities and economy.

The framework prioritises the protection and health of soils through land use planning and land management practices to: ensure food security for future generations; support a local, low carbon food system for Auckland; protect and enhance the natural environment; and protect and enhance the carbon sequestering potential of the land.

- Key Move 2 – Enhance, restore and connect our natural environments
- Action 5. Apply circular economic principles to land use and land use changes
- Action 6. Change to a land management approach that creates, preserves and enhances healthy, viable soils
- Key Move 11 – Grow a low-carbon and resilient food system
- Action 2. Protect our productive soils and use regenerative management to increase food security and carbon sequestration.
Franklin Local Board Plan (2017)

The Franklin Local Board Plan is a strategic document reflecting community priorities and preferences. It guides the local board activity, funding and investment decisions and influences local board input into regional strategies and plans.

A common theme during feedback on the draft plan was support for the protection of productive soils. This is reflected in the final plan through ‘Outcome 4: Growth is dealt with effectively’. It states that “protecting our fertile soils used for local horticulture and agriculture is a key priority” and a key initiative in the plan is to “Plan for growth in the right places, centred on local and town centres, to protect productive soils used for local agriculture and horticulture.”

Auckland Unitary Plan Operative in Part (2016):

The Auckland Unitary Plan will help implement the Auckland Plan 2050 by determining what can be built and where, how to create a higher quality and more compact Auckland, how to provide for rural activities, and how to maintain the marine environment.

Most of the Auckland region’s land is rural and contains extensive, productive and valuable areas used for farming (agriculture, horticulture and grazing), rural service industries, forestry and rural recreation. HPL is addressed in the Unitary Plan through the following definitions:

‘Land containing elite soil’ – “Land classified as Land Use Capability Class 1…”

‘Land containing prime soil’ – “Land identified as land use capability classes two and three…”

The Regional Policy Statement (B9) within the Auckland Unitary Plan recognises that specific issues in the Auckland region are:

- protecting the finite resource of elite quality soils from urban expansion;
- managing subdivision to prevent undue fragmentation of large sites in ways that restrict rural production activities;
- addressing reverse sensitivity effects which rural-residential development can have on rural production activities; and
- managing the opportunities for countryside living in rural areas in ways that provide for rural-residential development in close proximity to urban areas and the larger rural and coastal towns and villages while minimising the loss of rural production land.
The Auckland Unitary Plan seeks to protect HPL from urban expansion, fragmentation, reverse sensitivity, inappropriate uses, and also seeks to enable increased rural production in HPL areas through incentivised title amalgamation subdivision.

Protecting Highly Productive Land from urban expansion

The Auckland Unitary Plan tool of the Rural Urban Boundary provides protection of HPL by containing urban expansion into identified areas of Future Urban zoned land. The Rural Urban Boundary provides certainty as to the long term urban expansion areas of Auckland so that rural landowners can invest in their farming operations in the knowledge that they are not in the pathway of urban expansion.

However, it is noted that the Rural Urban Boundary is a district plan level provision and therefore subject to potential shifts through private plan changes. The Regional Policy Statement section of the Auckland Unitary Plan contains a number of objectives and policies\(^{31}\) that seek to protect HPL when the Rural Urban Boundary is relocated, rural and coastal settlements are expanded, or new settlements are created.

The wording of the provisions is to “avoid elite soils and avoid where practicable prime soils which are significant for their ability to sustain food production”. The council had interpreted this to mean ‘avoid’ for elite soils and ‘avoid where practicable for prime soils which are significant’. However, this provision has been challenged in the High Court\(^{32}\) and the court’s interpretation is weaker than council’s with both elite and prime soils needing to be ‘significant for their ability to sustain food production’. The council has accepted the court’s interpretation and the matter is to go back to the Environment Court for further hearings to determine whether the elite and prime land subject to the appeal (Pukaki Peninsula) is ‘significant’.

The wording ‘significant for their ability to sustain food production’ is problematic as it is not clear what ‘significant’ means; significant to whom (locally, regionally, nationally) and based on what (size, output, location, other factors, or a combination)? In any case, relatively small areas of land (such as that subject to the appeal) will likely put up an argument that they are

\(^{31}\) B2.2.2(2)(j), B2.6.1(1)(b), B2.6.2(1)(d), B9.2.1(2)

\(^{32}\) CIV2018-404-866 Joe Gock & Anor v Auckland Council
not significant when viewed against all the HPL across Auckland and New Zealand and this could result in an incremental loss of the resource.

Protecting Highly Productive Land from fragmentation

The Auckland Unitary Plan contains a number of objectives and policies\textsuperscript{33} that seek to avoid the fragmentation of HPL, particularly in relation to lifestyle blocks. There is two-tiered approach with the term ‘avoid’ being used for elite land and ‘avoid where practicable’ used for prime land.

The rural zones also direct smaller lots to be established in the Countryside Living zone rather than the productive rural zones. The average minimum site size in the Countryside Living zone is generally 2ha with the ability to subdivide down to 8,000m\textsuperscript{2} if transferable rural site subdivision is used to bring in titles from other rural zones.

The standard subdivision rules in the Rural Subdivision section (E39) of the plan specify large minimum average site sizes for the productive rural zones (Rural Production 100ha, Mixed Rural and Rural Coastal 50ha). This is not specifically related to HPL but applies across the zones irrespective of their LUC class. The large minimum site size is intended to prevent standard subdivision from fragmenting the productive rural areas.

It is noted that there are environmental enhancement subdivision provisions in the Auckland Unitary Plan that do enable small (1-2ha) lifestyle blocks to be created in the rural production areas. In these cases, the plan relies on the objectives and policies to direct those new lots away from HPL.

Protecting Highly Productive Land from reverse sensitivity

There are no provisions in the Auckland Unitary Plan on reverse sensitivity that are specific to HPL. However, there are a number of objectives and policies\textsuperscript{34} throughout the plan around preventing or managing reverse sensitivity in the rural area generally.

The plan also seeks to separate out potential sensitive land uses from rural production areas through the use of the Countryside Living zone\textsuperscript{35}. The Countryside Living zone incorporates

\textsuperscript{33} B9.2.1(2), B9.3.2(1), B9.4.1(2), B9.4.2(4)(c) and (d), E39.2(10)(a) and (b), E39.3(8)
\textsuperscript{34} B9.2.1(2), B9.2.2(2)(a) and (b), H19.2.4(2)(a), (b) and (d), H19.4.3(2), E39.2(11), E39.2(13), E39.2(18)(f)
\textsuperscript{35} Although note that the Countryside Living also contains areas of HPL (LUC 1-3)
a range of rural lifestyle developments characterised as low density residential development on rural land. The zone is intended as the main location for lifestyle block development in the rural area and is the only ‘receiver’ area for transferable rural site subdivision from other rural zones.

The plan also contains a minimum yard setback requirement\textsuperscript{36} and a minimum separation distance for buildings housing animals\textsuperscript{37}. The purpose of these standards is to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise the opportunities for reverse sensitivity effects to arise.

\textit{Protecting Highly Productive Land from inappropriate uses}

The Auckland Unitary Plan contains a number of objectives and policies\textsuperscript{38} that seek to protect HPL from inappropriate uses. These mostly relate to encouraging activities that do not depend on the HPL to locate outside these areas so that it is retained for rural production activities. Rural enterprises that are not dependent on the soil can locate on HPL where there are economic and operational benefits from being in specific rural localities.

The plan relies on these objectives and policies being considered during resource consent applications as the rural activity tables (H19.8) do not differentiate any activity status based on HPL locations.

\textit{Enabling increased rural production in Highly Productive Land areas through incentives}

The Auckland Unitary Plan contains a subdivision incentive\textsuperscript{39} targeting latent titles (existing vacant titles that can have a house as a permitted activity) on HPL to specifically encourage HPL land to be preserved for rural production. This tool is intended to prevent new lifestyle development and create larger, more economically viable sites for agriculture. This subdivision incentive is important as there are hundreds of latent titles around the region where development (e.g. dwellings) are permitted to occur on HPL due to historical land subdivision.

\textsuperscript{36} H19.10.3
\textsuperscript{37} H19.10.4
\textsuperscript{38} B9.2.1(2), B9.3.1(1) and (2), B9.3.2(2) and (4), H19.2.1(3), H19.2.2(3)
\textsuperscript{39} E39.6.4.7
The subdivision incentive works by allowing landowners on HPL with latent titles to amalgamate their vacant title with a neighbouring title. Both titles must be between 1ha and 20ha and contain at least 90% HPL.

The landowner can then sell their forgone development rights from the extinguished site to a landowner in the Countryside Living zone. These rights are sold on the open market and are attractive for Countryside Living zone landowners as it allows them to subdivide down smaller than the standard minimum site size (2ha down to 1ha average or 8,000m² minimum), resulting in a greater financial return for them.

The importance of the Pukekohe area for rural production is recognised through a “Land Amalgamation Incentivised Area”\textsuperscript{40} (see Figure 2) where landowners get a bonus title when they amalgamate sites within this area. This means if they extinguish one title on HPL within the incentive area, they receive two transferable titles to sell.

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\textsuperscript{40} Appendix 14 of the Auckland Unitary Plan
Appendix 5 – Relevant objectives and policies from the Auckland Unitary Plan

Protecting Highly Productive Land from urban expansion

B2.2.2. Policies

Development capacity and supply of land for urban development

(2) Ensure the location or any relocation of the Rural Urban Boundary identifies land suitable for urbanisation in locations that:

…

while:

(j) avoiding elite soils and avoiding where practicable prime soils which are significant for their ability to sustain food production;

B2.6. Rural and coastal towns and villages

B2.6.1. Objectives

(1) Growth and development of existing or new rural and coastal towns and villages is enabled in ways that:

(b) avoid elite soils and avoid where practicable prime soils which are significant for their ability to sustain food production; and

B2.6.2. Policies

(1) Require the establishment of new or expansion of existing rural and coastal towns and villages to be undertaken in a manner that does all of the following:

(d) avoids elite soils and avoids where practicable prime soils which are significant for their ability to sustain food production;
Protecting Highly Productive Land from fragmentation

B9.3.2. Policies

(1) Avoid new countryside living subdivision, use and development on land containing elite soil and discourage them on land containing prime soil.

B9.4. Rural subdivision

B9.4.1. Objectives

(2) Subdivision does not undermine the productive potential of land containing elite soils.

B9.4.2. Policies

(4) Provide for new rural lifestyle subdivision in locations and at scales and densities so as to:

...  

(c) avoid land containing elite soil;

(d) avoid where practicable land containing prime soil;...

E39.2. Objectives

(10) Fragmentation of rural production land by:

(a) subdivision of land containing elite soil is avoided;

(b) subdivision of land containing prime soil is avoided where practicable;

E39.3. Policies

(8) Avoid the fragmentation by subdivision of land containing elite soil and avoid where practicable fragmentation by subdivision of land containing prime soil.
Protecting Highly Productive Land from reverse sensitivity

B9.2.2. Policies

(2) Minimise the potential for reverse sensitivity effects by:

(a) preventing sensitive activities (such as countryside living) from establishing in areas where rural production activities could be adversely affected; or

(b) requiring sensitive activities (such as new countryside living) to adopt onsite methods to avoid reverse sensitivity effects on rural production activities; and...

H19.2.4. Policies – rural character, amenity and biodiversity values

(2) Recognise the following are typical features of the Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone and will generally not give rise to issues of reverse sensitivity in these zones:

(a) the presence of large numbers of farmed animals and extensive areas of plant, vine or fruit crops, plantation forests and farm forests;

(b) noise, odour, dust, traffic and visual effects associated with use of the land for farming, horticulture, forestry, mineral extraction and cleanfills;

...

(d) accessory buildings dot the landscape, particularly where farming activities are the dominant activity; and...

H19.4.3. Policies

(2) Manage reverse sensitivity effects by:

(a) limiting the size, scale and type of non-rural production activities;

(b) retaining the larger site sizes within this zone;

(c) limiting further subdivision for new rural lifestyle sites; and
(d) acknowledging a level of amenity that reflects the presence of:

(i) rural production and processing activities that generate rural odours, noise from stock and the use of machinery, and the movement of commercial vehicles on the local road network; and

E39.2. Objectives

(11) Subdivision avoids or minimises the opportunity for reverse sensitivity effects between agriculture, horticulture, mineral extraction activities, rural industry, infrastructure and rural lifestyle living opportunities.

E39.3. Policies

(10) Require any proposal for rural lifestyle subdivision to demonstrate that any development will avoid or mitigate potential reverse sensitivity effects between it and any rural production activities, mineral extraction activities, rural industries and infrastructure.

(13) Manage reverse sensitivity conflicts between rural lifestyle living and countryside living and rural production activities by the design and layout of subdivisions and locations of identified building areas and house sites.

(18) Provide limited opportunities for in-situ subdivision in rural areas while ensuring that:

(f) reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production.
Protecting Highly Productive Land from inappropriate uses

B9.2. Rural activities

B9.2.1. Objectives

(2) Areas of land containing elite soil are protected for the purpose of food supply from inappropriate subdivision, urban use and development.

B9.3. Land with high productive potential

B9.3.1. Objectives

(1) Land containing elite soils is protected through land management practices to maintain its capability, flexibility and accessibility for primary production.

(2) Land containing prime soil is managed to enable its capability, flexibility and accessibility for primary production.

B9.3.2. Policies

(2) Encourage activities that do not depend on using land containing elite and prime soil to locate outside these areas.

(4) Provide for non-soil dependent rural enterprises (including post-harvest facilities) on land containing elite or prime soil where there are economic and operational benefits associated with concentrating such enterprises in specific rural localities.

H19.2 Objectives and policies – all rural zones

H19.2.1. Objectives – general rural

(3) Elite soil is protected, and prime soil is managed, for potential rural production.

H19.2.2. Policies – general rural

(3) Enable rural production activities on elite and prime soil and avoid land-use activities and development not based on, or related to, rural production from locating on elite soil and avoid where practicable such activities and development from locating on prime soil.
Appendix 6 – Map showing current land uses in the Countryside Living zone
Appendix 7 – Diagrams illustrating the sequential test for urban expansion onto Highly Productive Land

[Diagram showing Highly Productive Land, Other Land, and major transport routes]

Legend:
- Green: Highly Productive Land
- Pink: Other rural land
- Gray: Urban area
- Red: Major transport route
- Yellow: Area for urban growth
1. Urban intensification within the existing urban zoned area

2. Urban intensification within the existing urban zoned area of one or more other settlements within the region

3. Urban expansion outside HPL around the zoned urban area
4. Urban expansion outside HPL around one or more of the other settlements within the region

5. Development of new urban settlement(s) outside of HPL within the region

6. Only after these alternatives are fully considered can urban expansion onto HPL within the region be considered
Appendix 8 – Auckland Unitary Plan objectives and policies on the value of rural land that is outside LUC 1-3

B9.3. Land with high productive potential

B9.3.1. Objectives

(3) The productive potential of land that does not contain elite or prime soil is recognised

B9.3.2. Policies

(3) Recognise the productive potential of land that does not contain elite or prime soil and encourage the continued use of this land for rural production.

H19.2.2. Policies – general rural

(4) Enable and maintain the productive potential of land that is not elite or prime soil but which has productive potential for rural production purposes, and avoid its use for other activities including rural lifestyle living except where these are provided for or enabled by Policy H19.2.2(5).
Appendix 9 – Feedback from the Franklin Local Board, Aotea Great Barrier Local Board, Manurewa Local Board, Maungakiekie-Tamaki Local Board, Papakura Local Board, Puketapapa Local Board, Waiheke Local Board, and the council’s Rural Advisory Panel
Franklin Local Board urgent decision on feedback for inclusion in the Auckland Council submission on the Proposed National Policy Statement on Highly Productive Land

Te take mō te pūrongo

Purpose
1. To seek an urgent decision from the chair and deputy chair to provide formal local board feedback for inclusion in the Auckland Council submission on the Proposed National Policy Statement on Highly Productive Land (Proposed NPS).

Te tikanga whakataukinga wawe

Urgent decision-making process
2. At its meeting on 22 November 2019 the Franklin Local Board resolved (FR/2019/1) the following in relation to urgent decision-making:
   That the Franklin Local Board:
   a) delegate authority to the Chair and Deputy Chair or any person acting in these roles to make an urgent decision on behalf of the local board.
   b) adopt the following urgent decision process for matters that require a decision where it is not practical to call the full board together and meet the requirement of a quorum:
      - Confirmation that the local board has the delegation to make the decision.
      - Consideration of advice provided that meets the quality advice standards, including the significance of the decision and whether the urgent decision process is appropriate.
      - Authorisation by the Relationship Manager to commence the process.
      - Joint approval of the decision by the Chair and Deputy Chair, or any person acting in these roles.
   c) The urgent decision is reported to the next ordinary meeting of the local board for information.

3. The relationship manager has signed off the authorisation memo, authorising the use of the urgent decision-making process on this matter on Thursday 28 August 2019.

Te take me whakataukinga

Reason for urgency
4. The board has expressed interest at its workshop on 27 August 2019 to provide formal local board feedback for inclusion in the Auckland Council submission on the Proposed NPS.

5. The deadline for providing feedback is Thursday 12 September 2019.

6. The board’s next scheduled business meeting is Tuesday 17 September 2019.

7. An urgent decision is required because the deadline for providing feedback to be considered for inclusion in the Auckland Council submission is prior to the next scheduled business meeting.

Te horopaki

Context
8. The Ministry for Primary Industries (MPI) and the Ministry for the Environment have released a discussion document on national direction for protecting Highly Productive Land, including proposed wording for a National Policy Statement (NPS). The need for the national direction
has arisen from concerns over the loss of New Zealand’s elite soils through urban encroachment and rural lifestyle development.

9. On 21 August 2019 all local boards were notified that Auckland Council is proposing to make a submission on the Proposed NPS.

10. The Franklin Local Board subsequently requested a workshop from staff developing the submission on the basis that protection of elite soils in the Pukekohe area is of significant local interest noting that a number of communities are experiencing and anticipating significant local development.

11. The board support the protection of elite soils and have advocated for national direction on this issue, which is aligned with current local board plan outcomes developed in consultation with communities within the Franklin Local Board area;

   Outcome 4: Growth is dealt with effectively
   Objective: Well planned growth areas
   initiative: Plan for growth in the right places, centred on local and town centres, to protect productive soil used for local agriculture and horticulture.

12. Local boards are invited to provide feedback to be considered for the Auckland Council submission.

13. The proposed council submission, including local board feedback, will be considered and workshoped by the Planning Committee in mid-September. The final submission will be signed off by delegated councillors (resolution GB/2018/75) by 7 October 2019.


Tātaritanga me nga tohutohu
Analysis and advice

15. The government has identified the loss of New Zealand’s elite soils through urban encroachment and rural lifestyle development as a matter of national importance, and is most notably an issue in Pukekohe where highly productive land has been, and is being, urbanised.

16. The proposed NPS will direct councils to protect Highly Productive Land from inappropriate subdivision use and development and maintain their availability for primary production.

17. Highly Productive Land will need to be defined by councils for their regions. In the interim, the NPS will use the Land Use Classification (LUC) system classes 1-3 as a ‘placeholder’ for Highly Productive Land.

18. The proposed wording of the NPS states that Highly Productive Land does not include existing urban areas or areas zoned Future Urban in a District Plan.

19. In Auckland, the Future Urban Zone’s have already excluded highly productive land for the next 50 years of planned urban expansion (into the Future Urban zone).

20. The NPS direction will not therefore generate changes to the existing framework, however will inform any challenges to the the planning framework e.g. plan change applications.
21. The board considered the advice at a workshop on 27 August 2019 and provided their feedback to ensure the rural perspective was adequately represented, and agreed that they would formalise their position through this urgent decision.

Ngā mahi ā-muri

Next steps

22. If the recommendations are adopted the next steps are:
   a) for the recommendations to be forwarded as feedback to Ryan Bradley, Principal Planner for incorporation into or attachment to the Auckland Council submission.
   b) to report to the next business meeting for information the associated authorisation memo and this urgent decision.

Ngā tūtohunga

Recommendation/s

That the Franklin Local Board:
   a) support a NPS on Highly Productive Land as the best tool to protect highly productive land
   b) suggest a review mechanism is established, as farming and land use may change over time
   c) recognise the NPS is solely focused on protecting primary production in soil; and suggest a complimentary legislation that acknowledges the ‘right to farm’, which is similar to recent legislation passed in New South Wales, Australia.

Ohiautanga

Approval

The chair and deputy chair acting under delegated authority (FR/2016/2) confirm they have made this urgent decision on behalf of the Franklin Local Board.

Authorised for release:

Signed by Nina Sirens
Relationship Manager, Franklin Local Board

Date

Signatories

06/09/2019

Angela Fulliam
Chair, Franklin Local Board

Date
Item 16

Andrew Baker
Deputy Chair, Franklin Local Board

05/03/2019
Date
Aotea / Great Barrier Local Board feedback on the proposed
National Policy Statement on Highly Productive Land

Context

- Aotea Great Barrier Island lies 90km east of Auckland City in the Hauraki Gulf and is
  Auckland Council’s most remote and isolated area.
- Over 80% of the island is Department of Conservation (DoC) estate; 43% of which is
  the Aotea Conservation Park.
- The island has a permanent population of 950 residents (2013 Census).
- Almost half (44%) of households are one-person households (2013 Census).
- The island has no reticulated power nor water.
- Transport and freight to and from the island is by either plane, a 35-minute flight one
  way, or by ferry a four-and-a-half-hour trip one way.

Feedback

1. Aotea / Great Barrier Local Board supports the intent of the proposed National Policy
   Statement to protect Highly Productive Land from inappropriate subdivision, use and
   development and maintain their availability for primary production.

2. Aotea is a resilient island community. We need to safeguard our highly productive
   land to ensure food production is produced on the island so we don’t rely on freight
   from the mainland. This assists in meeting our biosecurity and low carbon
   initiatives.

3. We are currently working on an Area Plan for the island to assist in its transition from
   the Hauraki Gulf Island District Plan to the Unitary Plan. Seeking ideas for what could
   be determined as highly productive land for Aotea / Great Barrier Island will be part of
   this process.

4. There is potential that much of our highly productive land will be low lying and
   affected by climate change. We support the priority and protection of highly
   productive land, not just from subdivision and infrastructure, but from climate change
   impacts as well.

5. While we support the intent to protect highly productive land, we note that
   landowners may not consider it worthwhile to produce food on their land. We request
   that central government and council look into ways that food producers can be
   incentivised to continue to produce food on our highly productive land.
Resolution number MR/2019/1

MOVED by Chairperson A Dallon, seconded by Member J Allan:

That the Manurewa Local Board:

a) provide the following feedback on the discussion document on the proposed National Policy Statement on Highly Productive Land.

   i) support the view that protection for highly productive land and soil is a matter of national significance.

   ii) support a National Policy Statement on Highly Productive Land as the best option to protect highly productive land and soil and maintain its availability for future generations.

   iii) support the using soil capability, climate, and the size and cohesiveness of the area as criteria for councils to identify highly productive land.

   iv) support the requirement to restrict new urban development on highly productive land unless it can be shown to be the most appropriate option.

   v) recommend that the restriction on urban development on highly productive land be strengthened by requiring a sequential test to show that no other option is available.

   vi) support restrictions on rural subdivision to prevent fragmentation of highly productive land.

   vii) support encouraging the creation of setback and buffers between areas of highly productive land and adjacent residential and rural residential areas to manage reverse sensitivity issues.

CARRIED
Feedback on:
The Ministry for Primary Industries and the Ministry for the Environment proposed National Policy Statement on Highly Productive Land
10 September 2019

For clarifications and questions, please contact:
Mei Ahmu
Local Board Advisor – Maungakiekie-Tāmaki Local Board

Context
1. The Ministry for Primary Industries (MPI) and the Ministry for the Environment have released a discussion document on national direction for protecting Highly Productive Land, including proposed wording for a National Policy Statement (NPS).
2. The need for the national direction has arisen from concerns over the loss of New Zealand’s elite soils through urban encroachment and rural lifestyle development.
3. The Proposed NPS will direct councils to protect Highly Productive Land from inappropriate subdivision, use and development and maintain their availability for primary production. Highly Productive Land will need to be defined by councils for their regions. In the interim, the NPS will use the Land Use Classification (LUC) system classes 1-3 as a placeholder for Highly Productive Land. A map of the Auckland region showing the areas of ‘Elite’ and ‘Prime’ land as defined by the Unitary Plan (Land Use Capability classes 1-3).
4. The proposed wording of the NPS states that Highly Productive Land does not include existing urban areas or areas zoned Future Urban in a District Plan. This means that for Auckland, the next 30 years of planned urban expansion (into the Future Urban zone) is not impacted by this NPS.
5. At the Maungakiekie-Tāmaki Local Board’s 27 August 2019 business meeting, it delegated authority to Chairperson, Chris Masiione and Deputy Chairperson, Debbie Burrow to input into Auckland Council’s submission on the Ministry for Primary Industries and the Ministry for the Environment proposed National Policy Statement on Highly Productive Land (resolution: MT/2019/134).
6. Local board feedback is due on 12 September 2019.

Relevance to the local board
7. Local boards are responsible for decision-making on local issues, activities and services and providing input into regional strategies, policies and plans. Local boards also have a role in representing the views of their communities on issues of local importance.
8. Every three years local boards set their strategic direction through a local board plan. The proposed National Policy Statement on Highly Productive Land has relevance to the following outcomes and objectives the 2017 Maungakiekie-Tāmaki Local Board Plan:

<table>
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<tr>
<th>Outcomes</th>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maungakiekie-Tāmaki is a community that cares about its environment</td>
<td>Demonstrate environmental leadership and support community sustainability initiatives.</td>
</tr>
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<td></td>
<td>Clean, beautiful waters and waterbody areas</td>
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1
Maungakiekie-Tāmaki Local Board feedback on the Ministry for Primary Industries and the Ministry for the Environment proposed National Policy Statement on Highly Productive Land:

The Maungakiekie-Tāmaki Local Board provides the following input:

a) Note that the Maungakiekie-Tāmaki Local Board area is home to five volcanic cones covering the local board area in fertile soil, that was historically used to grow fresh produce

b) Note that the Unitary Plan does not identify any highly productive land identified in the Maungakiekie-Tāmaki Local Board area

c) Endorse in principle the national direction on highly productive land as it will strengthen local governments ability to protect highly productive land from inappropriate use and development.

Chris Makare
Chair
Maungakiekie-Tāmaki Local Board

Debbie Barrows
Deputy Chair
Maungakiekie-Tāmaki Local Board

End.
Papakura Local Board Feedback on the Proposed National Policy Statement on Highly Productive Land

Background

The Ministry for Primary Industries (MPI) and the Ministry for the Environment have released a discussion document on national direction for protecting Highly Productive Land, including proposed wording for a National Policy Statement (NPS). The need for the national direction has arisen from concerns over the loss of New Zealand's elite soils through urban encroachment and rural lifestyle development.

The Proposed NPS will direct councils to protect highly productive land from inappropriate subdivision, use and development and maintain their availability for primary production. Highly productive land will need to be defined by councils for their regions. In the interim, the NPS will use the Land Use Classification (LUC) system classes 1-3 as a placeholder for highly productive land.

The proposed wording of the NPS states that highly productive land does not include existing urban areas or areas zoned Future Urban in a District Plan. This means that for Auckland, the next 30 years of planned urban expansion (into the Future Urban zone) is not impacted by this NPS.

Public submissions are open from 14 August to 10 October 2019. Local Board input is required by 12 September 2019 to be included with the Auckland Council submission that will be signed off by delegated councillors (resolution GB/2019/79).

Papakura Local Board feedback

1. The board support a National Policy Statement on Highly Productive Land as the best tool to protect highly productive land and soil.

2. The board believe the National Policy Statement should not apply to land already zoned for development.

3. The board believe the productivity of the land and soil should be taken into account when planning for lifestyle block subdivisions.

4. The board suggest a review mechanism is established, as farming and land use may change over time.

5. The board support a tiered approach to identifying and protecting highly productive land based on land use classification (e.g.: higher levels of protection to Land Use Classification (LUC) 1 and 2 land compared to LUC 3 land). This would give a clear indication of expectations in terms of land use and potentially allow for different types of development on different types of land.

35 Coles Crescent, Papakura | Private Bag 62350, Auckland 1142 | PapakuraLocalBoard@auckcouncil.govt.nz | Ph: 09 255 1375
6. The board recognise the NPS is solely focused on protecting primary production in soil; and suggest a complimentary legislation that acknowledges the 'right to farm', similar to the recently developed New South Wales, Australia 'right to farm policy' which brings together a collection of actions including:
- reinforcing rights and responsibilities
- establishing a baseline and ongoing monitoring and evaluation of land use conflicts
- strengthening land use planning
- ensuring ongoing reviews of relevant environmental planning instruments include consideration of options to ensure best land use outcomes and to minimise conflicts
- improving education and awareness on management of land use conflicts
- considering potential future legislative options, should additional Government intervention be required.

7. The board believe that green space buffers should be required between urban development and productive land to minimise reverse sensitivity conflicts.

Brent Catchpole  
Chairperson  
Papakura Local Board

Date: 11 Sept 2019

Felicity Aua'a  
Deputy Chairperson  
Papakura Local Board
23 Feedback on Proposed National Policy Statement on Highly Productive Land

Ben Moimoi – Local Board Advisor was in attendance to speak to the report.
Resolution number: 2019/203

MOVED by Chairperson H Doig, seconded by Member S Kaurial:

That the Pukekāpua Local Board:

a) support the need for a national policy statement for highly productive land, noting that highly productive land:
   i) is a valuable and limited resource
   ii) should be maintained for future generations
   iii) needs protection from inappropriate subdivision, use and development.

b) note that highly productive land allows New Zealand to grow its own food, which is important in reducing ‘food miles.’

c) request that councils be required to review their designations of highly productive land at set times in response to changes due to climate change and technology, both of which may change what is considered highly productive land in the future.

d) note that a national policy statement on highly productive land must be considered along with current and future policy and legislation that aims to protect fresh water. Riparian planting and waterway margins are important ways of protecting water and intercepting run off which may carry agricultural chemicals and waste from highly productive land.

a) note that highly productive land should be utilised for the production of essential produce rather than for luxury products.

f) support a process for Auckland Council to identify highly productive land for Auckland (based on criteria), rather than making the Interim Land Use Capability 1-3 (LUC 1-3) method permanent, recognising that there are other factors which are not considered under the LUC system, including:
   i. the size of the property
   ii. water availability
   iii. access to transport routes and appropriate labour markets.

g) support a degree of development on highly productive land if it has negligible effect on the ability (size and cohesiveness) of that land to support primary production or where such development increases the productivity of the land.

h) note g) potentially provides loopholes that will need to be carefully managed

i) support retaining the countryside living zone in the definition of highly productive land

j) thank Ben Moimoi for his attendance.

CARRIED
Waiheke Local Board Feedback on a proposed national policy statement (NPS) on highly productive land

The proposed NPS is focused on maintaining highly productive land for “primary production” into the future to ensure that the NPS does not favour a particular primary sector at the expense of others. It is primarily directed at regional policy statements (RPS) and district plans and sets out the considerations and requirements to be included in these policies to manage urban development and subdivision on highly productive land. The issue is relevant to Waiheke as there are a number of highly productive lots on the rural side of the Rural Urban Boundary which in particular support the island’s hill country farms and world-renowned wine industry.

According the 2017 Local Board Plan (p.15), the board recognises “Essentially Waiheke as our community voice and as a guide for future planning and development. We expect it to be at the forefront of decision-making for our islands, and we are committed to ensuring its values and principles are considered and central to the Hauraki Gulf Islands District Plan and succeeding planning documents.”

Adopted in 2000, and refreshed in 2016, the Essentially Waiheke strategy sets out a community-approved framework for achieving sustainable development and environmental outcomes.

The Essentially Waiheke 2016 Refresh states the Waiheke community wishes to maintain the existing land use pattern of discrete villages surrounded by areas of rural land and a clear distinction between urban and rural environments. Activities aimed at protecting the environment and reducing the impact of development are encouraged including sustainable farming, local crop production systems which will improve island food security.

The previous Essentially Waiheke 2000/2005 documents included a goal to maintain minimum lot sizes for subdivision to preserve rural character.

Themes for feedback

Is there support in principle for national direction on highly productive land?

Agreed, the Waiheke Local Board supports the principle of preserving highly productive land for primary production, which is consistent with community feedback through progressive Essentially Waiheke consultations. Highly productive land needs to be protected for the future food security of the island and to ensure the ongoing sustainability of the wine industry and other land-based activities with economic potential.

The protection of productive land on Waiheke will result in the retention of local jobs in primary production, additional prosperity in associated support industries and spin-off effects for tourism through brand recognition internationally.
Is a National Policy Statement the best tool?

Agreed, the NPS is the best overarching tool as it can provide clear direction on preservation of productive land whilst giving council the flexibility to respond to local conditions.

However, this must be followed up with changes to the Resource Management Act in due course, which should introduce stronger protections for productive land. Wine grape production should be specifically mentioned in a national policy statement to recognise that the wine industry, and certain other primary industries such as olives, do not require the most fertile land.

Should any National Policy Statement apply to existing urban zoned land / Future Urban zoned land / Countryside Living zoned land?

No comment on this question.

Is there support for some scope for the council to enable urban and/or lifestyle development on highly productive land or do you prefer an absolute protection of it?

No comment on this question.

Is there support for the process of Auckland Council identifying highly productive land for Auckland (based on criteria) or do you prefer the approach of using the interim LUC1-3 method being made permanent?

The board believes that Auckland Council should identify highly productive land using the Land Use Classification System as one input but should include other regionally relevant criteria such as lot size, availability of water, soil type, access to transport routes and labour, and any special environmental attributes which require protection. Note that Waikato Island vineyard soils are not classified as LUC1, 2, or 3 and so the classification system does not recognise the unique considerations of quality soils when related to wine grape production.

What other areas outside LUC1-3 would you consider might be worthy of being covered by the National Policy Statement (i.e., what criteria would you use to define highly productive land)?

For Waikato, the board would define highly productive land as any land which has the potential to grow crops which would improve the food security of the island and land which has soil and fertility profiles which make it suitable for other types of primary production.

What sort of buffers might be necessary around identified highly productive land?

In order to mitigate the effects of spraying and other horticultural or agricultural impacts, the board recommends that buffer zones be required which will be made up of fast-growing native species to support reforestation.

Waikato Winegrowers Association Feedback

The Waikato Winegrowers Association offered the attached feedback on the NPS which the board supports.

20 September 2019
Auckland Council’s Rural Advisory Panel feedback

Decisions made under delegation during the 2019 election period

Attachment A

Page 168

74
Decisions made under delegation during the 2019 election period

Page 169

Summary Comments

1. The RFP could apply to other future Urban Forest land where urban development would be a negative impact on the real productive values of that land.

2. There should be a process for urban forest development on urban lands, that for urban areas, this needs to be defined for urban areas, while maintaining a balance between urban development and maintaining urban forest values.

3. The process for urban forest development should be a collaborative and participatory process involving all stakeholders.

4. The process should ensure that the urban forest values are maintained, while also allowing for urban development.

5. The process should be transparent and accountable, with regular reporting to the governing body.
Item 16

Summary comments:
A summary of the necessary and relevant comments.

Table: Attachment A

<table>
<thead>
<tr>
<th>Setback from boundary</th>
<th>Setback between</th>
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<tbody>
<tr>
<td>Avenue of access</td>
<td>Avenue of access</td>
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<tr>
<td>Minimum setback</td>
<td>Minimum setback</td>
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<tr>
<td>Road width</td>
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<td>setbacks</td>
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Examine carefully the boundaries for new roads and setbacks. The minimum setback by the other use is 0m. The setback by the other use is 0m.
Reversal sensitivity is a very real threat to our production and especially in areas of high quality output. Buffers can be added to the system to minimize the effects on production.
10 October 2019

Auckland Council's submission on the proposed National Policy Statement on Urban Development

Attention: Minister Twyford and Minister Parker

Thank you for providing Auckland Council with the opportunity to make a submission on the proposed National Policy Statement on Urban Development (‘NPS UD’).

Attached is Auckland Council’s submission on the Planning for Successful Cities discussion document and the proposed NPS UD. It includes the views of council COOs Watercare, Auckland Transport, Panuku and ATEED as well as the Independent Maori Statutory Board. Five local boards have also provided comments on the discussion document which are attached as Appendix 2.

This submission is endorsed by the Deputy Mayor of Auckland and Chair of the Planning Committee, with delegation on behalf of the Governing Body.

Please contact Amanda Harland (Amanda.Harland@aucklandcouncil.govt.nz), Lead Specialist – Growth and Spatial Strategy, if you have any questions or queries regarding Auckland Council’s submission.

Kind regards,

Cr Bill Cashmore
Deputy Mayor of Auckland

Cr Chris Darby
Chair of the Planning Committee
Auckland Council submission to the Proposed National Policy Statement on Urban Development

10 October 2019
PART 1: Introduction

This is Auckland Council’s submission in response to the discussion document “Planning for successful cities” and the proposed National Policy Statement on Urban Development (‘NPS UD’). It includes the views of council CCOs Watercare, Auckland Transport, Panuku, and ATEED, as well as the Independent Māori Statutory Board.

Comments on the proposed NPS UD from the following Local Boards are appended to the end of this submission as Appendix 2:

- Mangakakahi-Tamaki
- Manurewa
- Papakura
- Puketapapa
- Waitakere

The National Policy Statements on Highly Productive Land and the Essential Freshwater Management Package currently being consulted on have an impact on and direct relation to the NPS UD. The council is submitting separate feedback on these. We have however ensured feedback between all three is aligned.

This submission is endorsed by the Deputy Mayor of Auckland and Chair of the Planning Committee with delegation on behalf of the governing body.

Overview and key feedback

Auckland Council supports the overall intention, but not all the content, of the proposed National Policy Statement on Urban Development, aimed at helping local authorities plan for how their cities develop.

The council strongly supports the broadened focus from the National Policy Statement on Urban Development Capacity (“NPD UDC 2016”) beyond urban development capacity, to include other matters that contribute to well-functioning urban environments. Through various consultations, Aucklanders have said they want successful communities where people can connect, with a mix of housing, employment opportunities, parks and open spaces, a healthy environment, a choice of public and active transport and safe, walkable streets.

These matters are crucially important. Housing alone does not create a community, and an urban environment is more than its parts. It is an interconnected system and the NPS UD will ultimately fail current and future New Zealanders if it does not recognise and adequately provide for this.

Auckland Council believes there are four main issues that require a fundamental rethink in the final drafting of the NPS UD.

1. Complementary national and local roles

Auckland Council supports an NPS UD which provides clear national direction that describes the outcomes sought for our growing urban areas. However, cities are not all the same, nor are the
communities within a city. Local authorities must retain flexibility in how they achieve the outcomes described in national direction through their planning and investment, accounting for those differences and local context (such as natural values, flooding hazards, topography, mana whenua values or amenity). National direction that specifies the ‘how’ and ‘where’ will have many unintended consequences undermining the outcomes sought.

2. Balancing competing responsibilities

Local authorities enable new development through well-considered, long-term land use planning and providing network infrastructure.

Long-term land use planning informs infrastructure providers and the development sector of local government’s investment intentions. This allows all parties to make informed and effective investment decisions. Land use planning is also a key tool used to ensure the many factors that make a city highly livable for its residents are well considered and planned for over the long term.

Local government also funds and/or provides the bulk and network infrastructure that underpin new development. While individual developers may provide and fund local infrastructure, the magnitude of the costs associated with bulk infrastructure is normally far greater than what they can bear individually – the private sector model does not function without public investment. Local authorities have a critical role as stewards of public investment in bulk infrastructure and have to ensure such investments achieve the greatest overall benefit for their cities.

Local authorities therefore need the ability to strike a balance between being responsive to individual developments, ensuring investment certainty for the wider development sector, and achieving the greatest return on publicly funded infrastructure investment.

For instance, it is estimated that the costs of bulk infrastructure in the future urban areas in Auckland will be three quarters funded by the tax payer and ratepayer under current funding practices. This is effectively a public subsidy of private development. Utmost prudence in ensuring the greatest return on investment is the responsibility of both central and local government.

Auckland Council therefore strongly opposes proposals in the NPS UD that support out of sequence and new unplanned greenfield development. This is because infrastructure costs are never fully funded by the private sector. Scarce public resources are diverted for private gain under the auspices of increasing development capacity, when in fact it reduces development capacity in planned areas.

Given the extent of infrastructure funding required across New Zealand to service growth, and the obligations placed upon councils through this NPS UD, it cannot be silent about funding. This has to be addressed.

3. Responding to the needs of a growing city/region

Auckland is on track to consent 100,000 dwellings over the 2012 – 2022 period. This was a target in the Auckland Plan 2012. In reaching 100,000 dwellings, intensification continues to be an important policy feature in the Auckland Plan 2050.
Recent monitoring results\(^1\) indicate a significant uptake of intensification within the existing urban area in response to the Auckland Unitary Plan’s up-zoning.

A total of 14,000 dwellings were consented in the 2018/2019 year, of which 83 per cent were in the existing urban area and 10 per cent in the future urban area\(^2\).

The council must be able to continue to support this intensification direction. At the same time, Council is under significant pressure to respond to development in greenfields. The magnitude of bulk infrastructure costs for these greenfields (around $21 billion) means that constant and ad hoc changes to priorities will result in additional costs to ratepayers and tax payers and potentially result in sub-optimal outcomes for development yields.

Council needs the ability to plan how it most efficiently balances the ratepayer funded costs associated with intensification and greenfield development.

Council continues to improve its evidence base through monitoring and policy work (such as the Future Urban Land Supply Strategy and factors such as urban-rural land differentials). Council must be able to respond to findings from evidence to provide the development community and infrastructure providers with an appropriate level of certainty. As it stands, the NPS UD undermines this certainty.

Again, Auckland Council therefore strongly opposes proposals in the NPS UD that support out of sequence and new unplanned greenfield development.

4. Workable solutions

While Council supports the need for a Future Development Strategy and for it to be regularly updated, it believes that a three-yearly updating cycle as proposed in the NPS UD is unachievable. Council strongly suggests that a six-yearly update to the Future Development Strategy is a more workable solution. This longer policy review cycle would improve the ability to understand the implications of policy through monitoring and evidence. This would provide more certainty to the development community, particularly to infrastructure providers.

There are various detail-level proposals that are highly prescriptive, taking no account of local context. The council believes these are unworkable and are addressed throughout this submission.

Auckland facts

To understand how national guidance can best assist local councils in enabling enough development capacity and delivering quality urban environments, it is important to understand that regions, cities and places are unique and that these differences should be acknowledged. Like other New Zealand cities, Auckland has unique characteristics.

Auckland’s strategic direction and spatial plan is the Auckland Plan 2050\(^3\). It was first adopted in 2012 and refreshed in 2018, both times with significant public engagement. The purpose of the

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Auckland Plan is to contribute to Auckland’s social, economic, environmental and cultural wellbeing through a long-term growth and development strategy. It provides the ability to coordinate land use and infrastructure planning and provision to match Auckland’s rapid growth. It gives greater certainty to other parties, such as central government and infrastructure providers, for the investment decisions they need to make.

Auckland population is projected to reach approximately 2.4 million people by 2048. In recent years, annual growth in the region has exceeded 40,000 people. Auckland accounted for 34.1 per cent of New Zealand’s population increase between 2013 and 2018, and its economy contributed 38 per cent of New Zealand’s total economic output to the year ended 2018.

Auckland’s success is dependent on how well its prosperity is shared. There are considerable outcome disparities across education, employment, health and wellbeing, and housing. The spatial and generational effects of inequality are increasingly a part of the discussion on access, mobility, housing, infrastructure, employment and economic issues.

Population growth places increasing pressure on Auckland’s already stressed environment. Auckland’s attractiveness is in part based on a unique natural environment. Significant features in our landscape contribute to Auckland’s identity, but are known to be vulnerable to degradation from the side-effects of the region’s functioning and development.

Significant change is necessary to accommodate the scale of growth anticipated with an additional 313,000 dwellings and 263,000 jobs required over the next 30 years. This will mean overcoming numerous challenges, particularly in terms of aligning investment and planning decisions as well as infrastructure delivery required to accommodate this growth.

The Auckland Unitary Plan enables growth through both intensification and new greenfields (which needs to be used efficiently). It allows for higher density housing choices such as apartments, especially near transit corridors and around town centres.

Since the Auckland Unitary Plan became operational, there has been a large increase in consents granted for housing and additional business floor space\(^4\). Since this time, most of Auckland’s housing growth has occurred within existing urban areas\(^5\). This means that both jobs and houses are being delivered across Auckland at increasing rates.

Furthermore, the map in Appendix 3 to this submission shows a pattern of larger developments within the Rapid Transit Networks (RTN). The graph below shows that while only 2.6 per cent of Auckland’s land area falls within 1500m walk of a Rapid Transit Network (RTN) station, 41 per cent of all multi-unit developments consented 2017/2018 was located in the RTN catchments.

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\(^1\) Section 79 of the Local Government (Auckland Council) Act 2009 requires Auckland Council to prepare and adopt a spatial plan for Auckland.

\(^4\) Business floor space increased by almost 30 per cent in 2018/2019 compared with the previous reporting year and 14,032 new residential dwellings were consented in 2018/2019, an increase of 13 per cent from the previous reporting year.

This is a strong indication that both employment space and housing is being delivered across Auckland at increasing pace, and in accessible locations that provide for housing choice.

PART 2: Summary of feedback

Introduction

The provisions proposed in the NPS UD broadly support and assist with the implementation of the council's development strategy in the Auckland Plan 2050. However, some key issues require rethinking and/or additional work. There are also proposed policy directions under the NPS UD that do not align with Auckland’s direction. These are highlighted below.

Further detailed comments are provided in Part 3 of this submission which address each section of the NPS UD document.

Achieving a workable solution

Auckland Council wishes to maintain a dialogue with MFE and MHUD post the NPS UD submission period to assist with the development of workable and practical solutions to achieving some of the policies proposed in the NPS UD, including the consideration of definitions and timing.

The NPS UD discussion document proposes a number of requirements that all have three-yearly policy cycles. As well as the requirements for producing or updating Future Development Strategies and Housing and Business Assessments, local authorities would also have to integrate with other related policy and implementation requirements such as the Long-term Plan. Council’s experience is that a longer timeframe (such as six years) for reviewing and updating Future Development Strategies would be more appropriate and would provide more opportunity to see trends and assess policy implications through monitoring, before embarking on further change.

National direction and local intervention

The council is concerned about the balance between the level of national direction and the level of local intervention through requirements of the NPS UD. Some of the proposed objectives and policies go to a level of detail that directs local authorities to make decisions or changes to planning documents on issues that ignore local context (for example, location and density of intensification, removal of car parking requirements). The council is of the strong view that this level of prescriptive detail does not belong in an NPS and will undermine the very outcomes sought. An NPS that is descriptive of the outcomes enables local context to be applied and will ultimately achieve all of the outcomes sought, not just some. These detailed prescriptions should be removed from the final NPS UD.

Providing for quality

Council agrees with the intent of the NPS UD to include quality urban environment outcomes in addition to the requirements to provide enough capacity for growth. However, the concept of a quality urban environment is currently not well defined. This could undermine achieving the goals of the NPS UD.

In providing enough capacity, council and its CCOs acknowledge the importance of land use and integrated infrastructure coordination and are investing accordingly. However, more clarification is required to ensure that other factors vital to quality urban environments are also adequately
considered in decisions. Significant work on understanding quality urban environments has been achieved through processes such as MFE’s Urban Design Protocol and Auckland Council’s Urban Design Manual.

In the discussion document, Council is particularly concerned about the disconnect between the level of detail provided in the explanation (preamble) of a quality urban environment and what is reflected in the objectives (particularly 02) and policies which focus more on development capacity. The summary of the proposal for describing quality urban environments (pg 26) states that the NPS UD would give direction on what is meant by this through an objective that sets out a non-exhaustive description of the features of a quality urban environment. However, this does not follow through into the draft objectives. Therefore, there is uncertainty as to how much weight will be given to quality as opposed to capacity in the final NPS UD.

The NPS UD also needs to take account of the many competing demands on local government resources. It needs to acknowledge the inevitable trade-offs that must occur to protect residents from current and future hazards, protect significant landscapes such as maunga or limited special character areas, protect the option value of productive agricultural land against an unknown climate future, and to provide sufficient housing and business development capacity close to jobs and transport access. The NPS UD should provide guidance on how to better weigh up trade-offs against the goals of the NPS.

The council wants to work with MFE and MHUD on developing NPS guidance, which needs to consider definitions and the practicalities of achieving some of the policies proposed.

**Recognition of Te Tiriti o Waitangi and matters of national importance**

The NPS UD needs to acknowledge Te Tiriti o Waitangi and the rights and interests of Māori affirmed by articles two and three. The inclusion of reference to Te Tiriti o Waitangi in the pre-amble would strengthen the context of iwi, hapū and whānau and ensure that development does not compromise the aspirations of tangata whenua. The Treaty principle of active protection places an obligation on the Crown and local authorities to provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. The Treaty principle of partnership should ensure that iwi and hapū are engaged in a manner that meets the threshold of partnership as opposed to being engaged as stakeholders.

Mana whenua participation and the integration of mātauranga Māori and tikanga in strategic land use planning and resource management decision-making and practice are of paramount importance to ensure a sustainable future for iwi, hapū and whānau and for Aotearoa as a whole. The NPS UD must reflect Māori aspirations in regards to their cultural, social and economic development, and their ability to enact kaitiakitanga.

**Housing affordability**

A key purpose of the NPS UD is to reduce regulatory barriers to the supply of housing and employment land to achieve greater housing affordability. As noted in the council’s submission to the Productivity Commission in 2015, the supply of land is only one part of a range of solutions needed across multiple areas to address housing affordability such as; funding and financing constraints, increased construction costs and the capacity and capability of the building industry.
As a result, the council advocates for a suite of tools to address the housing affordability challenge and argues that regulatory change on its own will not make a significant impact on housing affordability.

**Ad hoc development and infrastructure funding**

The funding/financing of infrastructure to support additional housing supply is fundamental to achieving the long-term outcomes outlined by the NPS UD. The council faces significant funding challenges, both in the short and long term. Council is very concerned about the level of proposed prescription that provides for ‘out of sequence’ growth and/or proposals outside the areas that have already been identified for urban growth. Auckland’s new greenfield areas were assessed against comprehensive criteria and subject to extensive community and land owner engagement. Certainty has been given to landowners and infrastructure providers that it will be these areas where council will fund and provide bulk infrastructure in a staged manner.

There are three related issues of concern associated with the enablement of out of sequence development:

**High capital and operational costs associated with the provision of infrastructure**

The magnitude of cost associated with providing bulk infrastructure is beyond even the financial ability of New Zealand’s largest developers. Bulk infrastructure is a public good and its provision needs to achieve the greatest public good rather than enable individual development benefit. Out of sequence or ad-hoc greenfield development proposals do not engender the greatest public good.

**Investment certainty**

Good planning followed by committed infrastructure investment over time allows the development of an infrastructure investment pipeline that gives certainty to the development market. Constant changes to respond to out of sequence development reduce investment certainty and divert benefits from the community to the individual.

**Climate change and resilience**

Auckland, in its commitment to the 2016 Paris Agreement has set a target to limit its average temperature increase to 1.5°C Celsius. Notwithstanding, extreme weather events such as high intensity rainfall and storm surges are likely to become more frequent, resulting in significant impacts and strains upon Auckland properties, regional infrastructure, coastlines, agriculture and local fisheries.

Auckland’s infrastructure has not been designed to manage the impacts of climate change and will require significant upgrading to absorb the effects of climate change on top of the anticipated growth. Also, emission targets will not be achieved if car dependant housing and development remains the norm.

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6 aligned with the Climate Change Response (Zero Carbon) Amendment Bill and C40 Cities Climate Leadership Group
Council recognises that a future regime that requires it to actively respond to out of sequence development may benefit some individual developers, but it does not believe that the development community as a whole, or ultimately the amount of housing supply, would benefit due to the potential diversion of actual infrastructure investment and the lack of infrastructure investment certainty that would result.

As proposed, the NPS UD also has the real potential to significantly detract from achieving its own intensification objectives and intensification of Auckland’s brownfield areas as resources are diverted away to address ad hoc, unplanned greenfield development.

Housing and Business Assessments

The additional requirements of the HBA are complex and generally considered to be unworkable. The Ministry for the Environment needs to be mindful of the ability of local government to resource the additional requirements being introduced through the NPS UD.

Specific and detailed comments and suggestions for amendments are provided in the Appendix to this submission. The council wants to work with MFE and MHUD on refining these.

Alignment with other national direction

Auckland Council is submitting separate feedback on the proposed National Policy Statement on Highly Productive Land (NPS HPL) and the Essential Freshwater Management package. It is aware that central government is also working on discussion documents for a proposed National Policy Statement for Indigenous Biodiversity (NPS-IB) and a proposed National Environmental Standard for air quality (NES air quality) for consultation later this year. There also needs to be consideration of alignment with initiatives through the urban growth agenda including Resource management reforms and National planning standards.

Council supports national direction instruments being compatible and aligned to enable good decision-making that provides for New Zealand’s environmental, social, cultural and economic wellbeing. Integration between national instruments is absolutely critical to achieving the outcomes and, as drafted, the various instruments are not consistent.

The main inconsistency between the NPS UD and NPS HPL relates to the price differential of urban and rural land. The NPS UD seeks that this differential must be reduced. However, in identifying highly productive land and placing appropriate restrictions on its use outside of primary production, the value of this land will be significantly lower than urban land. This is because the value of this land for speculative future urban or lifestyle development will be significantly reduced. This tension should be resolved between the two NPS’s. Part 3 to this submission, provides more detail on this issue.

In relation to the essential fresh water management proposals, Council considers there is an opportunity to better reflect its aspirations in the NPS UD through inclusion of additional policies that require councils to:

- use urban development to protect and enhance natural environments
- ensure that future urban development is future-proofed (e.g. adapting to a changing water future)
- incorporate Te Mana o te Wai as a key principle for urban development planning.
- incorporate a requirement to avoid, remedy or mitigate any proposed stream loss through infilling when developing future development strategies and assessing resource consent applications.
Part 3: Consultation questions

This part of Council’s submission provides feedback on specific proposals suggested in the document. Where appropriate, amendments have been suggested. Further technical detail, particularly on the HBA proposals, is provided in Part 4: Appendix to this submission where required.

Question 1
Do you support a National Policy Statement on Urban Development that aims to deliver quality urban environments and make room for growth? Why/Why not?

Auckland Council supports a National Policy Statement on Urban Development where the intent is to facilitate long term strategic planning to accommodate growth and deliver quality urban environments. Council also supports monitoring and maintaining an evidence base to inform the location and form of growth needed along with the required supporting infrastructure.

Council is, however, of the strong view that the NPS UD should not prescribe urban outcomes at the local level as this is more appropriately addressed through regional and district plans and other mechanisms outside the Resource Management Act, where local context can be taken into account.

There is an opportunity through the NPS UD to have a strong directive that requires quality urban outcomes to be achieved. However, as noted in Part 2 of this submission, the meaning of ‘quality urban environment’ must be clearly defined. There is already a significant body of knowledge on quality urban environments been built up through research and design projects such as MFE’s Urban Design Protocol and Auckland Council’s Urban Design Manual. Council also has experience in contributing to quality urban environments through initiatives such as structure planning processes, running Urban Design Panels and integrating Te Aranga design principles. Council welcomes the opportunity to help define quality urban environments.

Council can also help to facilitate a dialogue between central government and Tamaki Makaurau Māori on issues relating to how mana whenua values are integrated through national policy direction under the Resource Management Act.

Question 2
Do you support the approach of targeting the most directive policies to our largest and fastest growing urban environments? Why/why not?

Most high growth councils are already on the way to achieving many objectives of the NPS UD. Through the Auckland Unitary Plan, Auckland Council has already enabled one million more dwellings in existing residential zones and almost another million in the city centre, town centres and mixed use zones. For Auckland Council, and possibly other high growth councils, challenges exist not in planning but in how to equitably fund bulk infrastructure (social and physical) to cater for growth. It is neither desirable nor logical to simply enable more homes in the absence of the things that allow communities to have a quality of life.
Question 3

Do you support the proposed changes to Future Development Strategies (FDSs) overall? If not, what would you suggest doing differently?

Council supports the overall concept of requiring Auckland to produce a Future Development Strategy (FDS).

Council adopted its first Future Development Strategy (FDS), under the NPS UDC, in June 2018. The council’s FDS was developed as part the Auckland Plan 2050 process which refreshed Auckland’s first spatial plan (the 2012 Auckland Plan).

The Auckland Development Strategy meets the requirements of both the Local Government (Auckland Council) Act (LGACA) and the NPS UDC. It covers the four well-being, focused on a quality compact approach to growth. This goes further than development capacity as required by the NPS UDC and covers issues of quality as proposed by the NPS UD.

The council supports aligning planning processes. The 2012 Auckland Plan provided a strategic, 30-year view which the council was then able to use as a basis for developing policy, in particular the Auckland Unitary Plan. Policy development has continued with the development of the Future Urban Land Supply Strategy in 2015 (refreshed in 2017). This sequenced the 30-year supply of greenfield land identified in the Auckland Unitary Plan. Council is therefore able to address on-going greenfield capacity by planning and coordinating the provision and funding of bulk infrastructure for future communities, primarily through its Long-term Plan.

The council timed its refresh of the Auckland Plan with the development of the 2018 Long-term Plan. This aligned thinking on infrastructure provision through council’s 30-year Infrastructure Strategy and provided efficiencies in terms of integrating direction on planning and infrastructure provision with funding. The size of Auckland’s network infrastructure investment (estimated at over $21 billion for bulk infrastructure in future urban areas) means that council has to think carefully about where it will get the greatest public return for its investment. A Future Development Strategy is helpful in this regard.

Council would also like to highlight that funding considerations include both capital and operational investment. Ongoing funding for maintenance of infrastructure, or providing services associated with that infrastructure, is a major budget component for local government. Greater visibility of what infrastructure (network and social) is required, and when it is required, creates opportunities for economies of scale when multiple areas of growth are planned. A Future Development Strategy is again helpful in this regard.

The digital nature of Auckland’s Development Strategy means aspects of the strategy (e.g. monitoring) can be updated on an on-going basis, retaining its currency.

However, the council suggests the proposed triennial review period (Policy13) of the FDS should be six-yearly. Council’s experience in developing two versions of the Auckland Plan Development Strategy is that a three-year cycle of review/updated would be too frequent as:

- it does not allow sufficient time to embed consequent policy (such as Auckland Unitary Plan provisions, and funding through the Long-term Plan)
policy changes will not be based on sufficient trend analysis
it is not long enough to understand, through monitoring, the impacts of major changes to strategy/policies
potentially re-orienting strategy may hinder delivery of bulk infrastructure which requires long lead-in times and support from associated regulatory processes or LTPs.

The proposed review process for FDS has the potential to be resource hungry. Clarification is sought as to what is required for updates and the level of work, on scenarios particularly, that would be needed to meet requirements. Rather than engaging in continual review of the FDS, it would be better to put resources into longer term monitoring and integrating planning and infrastructure provision. This will provide greater certainty for councils, infrastructure providers, developers and the wider community. It will most likely also result in more actual, ready to develop capacity.

The council also requires clarification on the weight that will be given to FDS under RMA processes. This is because FDS’s provide the strategic approach to be taken into account as part of considering RMA proposals, such as plan changes.

**Question 4**

Do you support the proposed approach of the NPS UD providing national level direction about the features of a quality urban environment? Why/why not?

Council generally supports a descriptive approach of the NPS UD providing national level direction about the features of a quality urban environment at a regional and district level. This would allow local authorities to determine quality aspects at a local level, taking account of local context. Council is of the view that the list suggested for the preamble should be expanded to be more holistic and in particular reflect sustainable design-based considerations such as:

- promoting quality-built form
- providing broader connectivity outcomes
- integrating land use and transport.

Council considers that the suggested Objectives 2 and 3, together with Policies 2A and 2B, bear little relationship to how to achieve a quality urban environment as described on pages 26 and 27 of the discussion document. As currently drafted, the provisions will add considerable complexity, cost and time to consent processes and not actually achieve the intent of the proposal which is to give direction on what is meant by quality urban environments, both existing and future.

Policy 2A introduces the concept of “limiting as much as possible the adverse impacts on the competitive operation of land and development markets”. It is very unclear how this policy would be interpreted and implemented in decision making.

Council considers that Objective 3 sets up a subjective/qualitative approach to enabling development. Auckland Council strongly suggests that the objectives and policies for describing quality urban environments require redrafting to provide clear guidance on what is meant by this.

**Question 5**

Do you support the inclusion of proposals to clarify that amenity values are diverse and change over time? Why/why not?
Council supports a policy framework that acknowledges that many areas of Auckland will grow and intensify and therefore change over time as development happens.

Where a concept such as amenity value is defined in the RMA, the NPS UD should provide consistency with this approach.

In the regulatory environment, being able to move beyond the focus on current amenity values to consider future amenity values has the potential to unlock development potential and community outcomes. For example, in Auckland the Mixed Housing zones and Terraced Housing and Apartment Buildings zone do not have limitations on density. Rather, building envelopes are defined by relevant development standards and the attributes of individual sites. Planning assessments generally ignore the future planned amenity and only assess effects of development upon the existing amenity values of neighbouring sites. This results in misalignment with the strategic vision of the city, the anticipated built form described in the zone descriptions and constrains development.

Auckland Council therefore agrees that there should be recognition that amenity values will change over time, and allow for the future amenity of areas identified for redevelopment at scale to be accommodated today. However, the council believes the location of such redevelopment areas is a matter of planning at the local level. In these areas, amenity values should be flexible to meet the future amenity as intended for the zone.

A blanket approach to creating development capacity, as parts of the NPS UD currently propose, will however come at the expense of residents’ future enjoyment of a city or region’s unique and established amenity values. Auckland Council therefore advocates that achieving a balance between retaining aspects of the established amenity values in some locations and creating the future planned amenity values in other locations under the umbrella of quality, will lead to successful outcomes.

Council is therefore strongly of the view that the NPS UD should describe and set national direction regarding amenity value and the outcomes sought. However, how and where this is to be applied is a matter to be determined at a local level. Council would like to work with central government to determine where the line is drawn between what sits at the national policy level and what is retained at local decision making level.

Question 6

Do you support the addition of direction to provide development capacity that is both feasible and likely to be taken up? Will this result in development opportunities that more accurately reflect demand? Why/why not?

Council does not support adding the requirement to provide development capacity based on the concept of “likely to be taken up” for reasons as follows.

The concept of ‘likely to be taken up’ is not sufficiently explained nor defined. Council does not understand how we could realistically forecast development capacity that is likely to be taken up. Council’s view is that ‘take up’ is not a planning issue but an implementation matter, influenced by factors such as infrastructure funding and financing, a softening property market, construction costs, lack of scale/capacity in the developer/construction sector etc. Using past building consents as an indicator is also not indicative of the likelihood of future development and cannot be used to predict ‘take up’.

The concept of feasible development capacity used in the NPS UDC 2016 is carried forward into the proposed NPS UD. Council is of the view, and has indicated so previously, that the concept of
feasible development capacity should be approached with caution and should not be used to project medium and long term demands for dwellings and business land.

Furthermore, council does not support introducing ‘bottom lines’ to replace targets as a requirement to be included in plans.

This amendment will not improve the management of demand for development capacity. The revision of policies and plans to address shortfalls, which are based only on planning factors, may not achieve desired outcomes. Council has particular concerns regarding the implications for funding of infrastructure to support growth when based on housing and building development capacity assessments only. As discussed above, many reasons could be contributing to shortfalls. All these factors should be considered in the discussions with the minister proposed under Policy P4B of the NPD UD.

For more information, please refer to Part 4 of this submission.

**Question 7**

**Do you support proposals requiring objectives, policies, rules, and assessment criteria to enable the development anticipated by the zone description? Why/why not?**

Council supports zone descriptions providing clear direction on future anticipated built environments. These descriptions must serve as a benchmark to ensure that development will be consistent with the desired outcomes of the specific zone.

Aligning with the council’s view on proposed National Planning Standards, each zone description must have a degree of flexibility in what the zone seeks to achieve, to accommodate outcomes sought by place-specific provisions. The National Planning Standards provide for ‘overlays’ and ‘zone-specific layers’. The resulting future anticipated/planned built environment may well be a combination of all of these layers.

**Question 8**

**Do you support policies to enable intensification in the locations where its benefits can best be achieved? Why/why not?**

Council supports the intent behind policies to enable intensification in the locations where its benefits can best be achieved. Enabling intensifications in locations that have attributes such as access to transport, employment and education has long been a focus of Auckland Council planning. It is articulated through the Auckland Plan and the concept of a ‘quality compact Auckland’ has been translated into the Auckland Unitary Plan.

The Auckland Unitary Plan has a number of zones where high density typologies are anticipated, and plan controls enable intensification in these zones. This does not mean that there may not be additional locations suitable for intensification zoning, nor that plan provisions could not allow more development capacity in some locations. In this regard, Auckland Council continues to monitor the implementation of the Auckland Unitary Plan rules to ascertain whether they are achieving the anticipated outcomes. An example is the recent work with MFE on the Terraced Housing and Apartment Building zone. The council also continues to undertake various forms of spatial and master planning to identify and enable intensification and optimise community outcomes.

Council supports P6C Option 1: Descriptive Approach. It aligns to the approach taken by council at a local level. This enables territorial authorities to undertake a suite of spatial planning exercises that consider and respond/reflect the many unique qualities of their diverse environments. For example, Auckland has a number of centres adjoining coastal locations that are low lying and subject to exposure as a result of the effects of climate change. There are equally centres, such as Titirangi,
that have very steep topography immediately surrounding the centre. This is where local context and decision making needs to lead over national directives.

P&G Option 2 is not supported as it will compromise local urban development outcomes.

Prescriptive policies for enabling intensification should not be set through an NPS. Having prescriptive policies for intensification could, in the short term, override the controls of district plans with developers using the NPS UD to then override the unitary plan policies. This will result in adverse effects in certain localities where such development is not feasible, nor desirable. For instance, some areas of Auckland have stormwater and wastewater constraints and are not able to sustain high levels of development without substantial investment in upgraded infrastructure. The NPS UD should not provide ‘justification’ for such development until this infrastructure is provided.

The council supports the NPS UD providing clear direction to local authorities to ensure that urban development opportunities are provided around frequent public transport services. However, what ‘frequent’ means to an individual area is best determined at the local level. The council does not support using a ‘one size fits all’ approach to defining Frequent Transit Network. The NPS needs to acknowledge there are local differences in public transport provision across the country. For instance, Auckland differentiates between rapid and frequent services.

**Question 9**

Do you support inclusion of a policy providing for plan changes for out-of-sequence greenfield development and/or greenfield development in locations not currently identified for development?

Council does not support providing for out of sequence or new greenfield development as proposed.

Development opportunities in future urban areas (greenfields) are an important part of Auckland’s strategy to accommodate growth. The council has done significant work to identify the amount and location of land needed for future urban development over the next 30 years.

The Auckland Unitary Plan identifies greenfield land for development at scale (15,000 ha), enough for at least 30 years of growth. Further, the Auckland Unitary Plan already enables private plan changes for urban development in rural areas, subject to assessment against a range of criteria in the Regional Policy Statement.

To ‘release’ land identified for future urbanization efficiently, Council adopted a future urban land supply strategy (“the FULSS”) in 2017. It sequences and times these areas for live zoning with the necessary bulk infrastructure in place. The FULSS was widely consulted on and is a valuable tool for infrastructure providers, the council, landowners and developers. Council must have the ability to continue to comprehensively plan and invest, particularly through the FULSS and LTP processes.

Providing all infrastructure (including the three waters, transport, health, education and open space) is key to enabling successful urban outcomes. Capital and operational costs associated with this are significant and beyond the financial ability of even New Zealand’s largest developers. Bulk infrastructure costs for these future urban greenfield areas are estimated to be at least $21 billion.

To date, the costs associated with providing this infrastructure have been largely borne by council. It is estimated that under current funding practices, the costs of infrastructure in the future urban areas will be three quarters funded by the taxpayer and rate payer. There are already shortfalls in funding infrastructure. For example, in Auckland’s south there is an immediate transport funding
shortfall of over two billion dollars. Promoting out of sequence or new greenfield development will simply exacerbate this issue.

In Auckland, debt ceiling limitations mean that the forward infrastructure work programme to support growth has little margin for change without major implications. Bringing a contest of locations forward through this policy will almost immediately affect the council’s balance sheet. It will also divert infrastructure from other areas, impacting housing yields in those areas.

The argument used that special purpose vehicles separate these costs from the council’s balance sheet does not escape the fact that very rarely can costs associated with otherwise unplanned development be ring fenced and apportioned completely away from the general ratepayer.

Also, of the 14,000 dwellings consented in Auckland in the 2018/2019 year, 83 per cent were in the existing urban area and 10 per cent in the future urban area. As proposed, the NPS UD has the real potential to significantly detract from achieving its own intensification objectives in brownfield areas through resources being diverted away from these areas to address ad hoc, unplanned greenfield development.

Council is concerned that an NPS level of greenfield policy, may have the effect of redirecting resources in an ad-hoc way and will undermine a robust and comprehensive approach to future urban growth.

Good planning followed by committed infrastructure investment over time allows the development of an infrastructure investment pipeline that gives certainty to the development market.

Question 10
Do you support limiting the ability for local authorities in major urban centres to regulate the number of car parks required for development?

Auckland Council considers that this level of prescription proposed in the NPS UD is inappropriate as this level of detail is better determined at a local decision making level. Council supports an NPS that describes the outcomes to be achieved.

Question 11
Do you think that central government should consider more directive intervention in local authority plans?

Directive policies to enable quality urban development should not be set through a National Policy Statement. A blanket national approach will have many unintended consequences at a local level.

Council recognises that changes to the Auckland Unitary Plan, such as enablement of higher-densities and increased height provisions may be required as a result of national direction, but how and where this is achieved must be determined at a local level.

The suite of standards for development in district plans work together as a package to ensure quality outcomes, at all scales, from catchment level to individual sites. Amending one element of this package will impact other elements. For example, site coverage rules have a correlation with stormwater and the infrastructure solutions required. Council’s need to retain their discretion over the package of standards, particularly in higher density zones, to ensure catchment, inter-site and on-site impacts are reasonably managed.
Question 12
Do you support requirements for all urban environments to assess demand and supply of development capacity, and monitor a range of market indicators? Why/why not?

Council supports the requirements for all urban environments to assess demand and supply of development capacity and monitor a range of market indicators. This will add to the body of information required for making decisions on the amount and type of urban development needed in different locations. Data, information and evidence bases are currently limited in the urban development space.

The information gathered should inform spatial delivery strategies and will help local authorities understand their local housing and business markets. It will also be useful information for preparing plan changes required to respond to growth in urban areas.

Council considers that equivalent evidence should be collected on business so that both are given equal weight when decisions are being made. There is a risk that the objectives of the NPS UD will be undermined if council’s are not required to collect an appropriate level of evidence on business. Points b-e in PBB should therefore also apply to business land with e) relating to the affordability of business land.

Auckland Council does not believe that the lessons from the first generation of HBAs have been adequately translated into the proposal in the NPS UD discussion document. A section 32 report, providing the technical basis on which the HBA provisions have been justified particularly the proposed changes, would enable more informed feedback on the requirements.

Council considers that there could be value in setting up a specific working group of central government and council officials to focus on agreeing practical and workable solutions for the requirements of the Housing and Business Assessment section of the NPS UD. Any monitoring framework required under the NPS UD would need to be kept simple and practical to ensure that councils are able to adequately resource and fund this work.

Specific comments on policies relating to HBA’s are included in Appendix 1 to the submission.

Question 13
Do you support inclusion of policies to improve how local government works with iwi, hapū and whānau to reflect their values and interests in urban planning?

Council supports the intent to improve how local government works with iwi, hapū and whānau to enable their development aspirations. Development aspirations should be broadly defined to encompass development that enables iwi, hapū and whānau cultural, social and economic wellbeing, while enabling kaitiakitanga.

Strategies, policies and plans should reflect Māori interests, values, aspirations and customary rights as opposed to being narrowly focused on issues of concern.

There needs to be an awareness of the contextual differences of each Māori group in reference to the different articles of Te Tiriti o Waitangi. Article 2 recognises the place of iwi and hapū who are mana whenua in the area. Mataawaka or Māori communities represent a significant proportion of
the Māori population of Auckland. Many have a desire to connect to their culture and traditions in an urban setting.

The rangatiratanga of iwi and hapū needs to be recognised as well as the right of all Māori to express Māoritanga, as affirmed by Articles 2 and 3 of the Treaty. Local authorities should engage with iwi and hapū at strategic decision-making levels. The wording of the objectives and policies could be clarified to take into account the following points:

- enabling iwi and hapū to give effect to their responsibilities as kaitiaki in an efficient and effective manner
- Māori being able to see themselves and their values reflected in the urban environment.

**Question 14**

Do you support amendments to existing NPS UDC 2016 policies to include working with providers of development and other infrastructure, and local authorities cooperating to work with iwi/hapū? Why/why not?

Auckland Council supports amendments to the NPS UDC 2016 to include working with providers of development and other infrastructure, and local authorities cooperating to work with iwi and hapū.

**Question 15**

What impact will the proposed timing for implementation of policies have?

The NPS UDC suggests specific timeframes in which its various provisions are to be implemented.

Of particular concern to council is the proposal that HBA’s, Future Development Strategies and policies setting bottom lines are updated every three years. In answering question 3 of this submission, the council suggests the proposed three-yearly review period for FDS and HBA’s should be six-yearly. A three-yearly cycle of review/updating would be too frequent as it does not allow enough time to understand the impacts of policies before they would need to be reviewed again.

Quarterly timeframes are also suggested for monitoring housing indicators. Council has, through the NPS UDC, provided quarterly updates on required indicators. However, it is noted that some indicators require QV information which is only updated nationally on a three-year rotating basis. This is discussed further in Appendix 1 of this submission.

**Question 16**

What kind of guidance or support do you think would help with the successful implementation of the proposed NPS UD?

As discussed in Part 2 and the answer to question 4 of this submission, clarification is required on how to define quality urban environments. This includes clarification to ensure that other factors vital to quality urban environments, such as promoting quality built form, proving broader connectivity outcomes and integrating land use and transport are adequately considered in decisions. The NPS UD should also provide guidance on how to better weigh up trade-offs against the goals of the NPS UD.
Not a matter of guidance, but as discussed in Part 1 of this submission, the extent of infrastructure funding required across New Zealand to service growth, along with the obligations placed upon councils through this NPS UD, will need to be addressed.

Council also seeks that Good Practice Guidance documents be developed with supporting case studies demonstrating how to foster successful partnerships between iwi, hapū, whanau and local authorities. For the NPS UD to be effectively implemented, this guidance will assist local authorities in understanding how iwi and hapū are to be appropriately resourced in developing their capacity and capability to effectively participate in the plan development and resource management decision-making processes. This includes the development of iwi management plans.

Questions 17 and 18

Do you think there are potential areas of tension or confusion between any of these proposals and other national Direction? If so, please identify these areas and include any suggestions you have for addressing these issues.

Do you think a national planning standard is needed to support the consistent implementation of proposals in this document? If so, please state which specific provisions you think could be delivered effectively using a national planning standard.

Auckland Council is submitting separate feedback on the proposed National Policy Statement on Highly Productive Land (NPS HPL) and the Essential Freshwater Management package. It is aware that central government is also working on discussion documents for a proposed National Policy Statement for Indigenous Biodiversity (NPS-IB) and a proposed National Environmental Standard for air quality (NES air quality) for consultation later this year.

Council supports national direction instruments being compatible and aligned to enable good decision-making that provides for New Zealand’s environmental, social, cultural and economic well-being. Integration between national instruments is absolutely critical to achieving the outcomes and, as drafted, the various instruments are not consistent.

The main inconsistency between the NPS UD and NPS HPL relates to the price differential of urban and rural land. The NPS UD seeks that this differential must be reduced. However, in identifying highly productive land and placing appropriate restrictions on its use outside of primary production, the value of this land will be significantly lower than urban land. This is because the value of this land for speculative future urban or lifestyle development will be significantly reduced. This tension should be resolved between the two NPS’s.

The key link between the NPS’s is through the NPS UD’s requirement for councils to prepare a FDS and through that process identify “areas where evidence shows that urban development must be avoided” (P1D[a]). However, it is suggested that this linkage should be made more explicit and the policy should provide examples of the types of land to be avoided for greenfield development, including HPL. For more detail on this matter please refer to section 13 of Auckland Council’s submission of the NPS HPL.

In relation to the essential fresh water management proposals, Council considers there is an opportunity to better reflect its aspirations in the NPS UD through inclusion of additional policies that require councils to:
- use urban development to protect and enhance natural environments
- ensure that future urban development is future-proofed (e.g. adapting to a changing water future)
- incorporate Te Mana o te Wai as a key principle for urban development planning.
- incorporate a requirement to avoid, remedy or mitigate any proposed stream loss through infilling when developing future development strategies and assessing resource consent applications.

**Definition of Development Infrastructure (Appendix 2)**

Council suggests that Appendix 2 of the NPS UD includes a comprehensive and clear definition of ‘development infrastructure’. As currently proposed, the definition does not adequately distinguish between ‘bulk’ and ‘local’ infrastructure and what infrastructure is provided by the developer as opposed to council/infrastructure providers.

The definition requires clarification with respect to how it is used in Policy P4A under Making Room for Growth: Enabling opportunities for development.
Part 4: Appendices
Appendix 3: Technical feedback on HBA provisions

Preparing a Housing Business Development Capacity Assessment (HBA) (Appendix 3)

Overall policy framework

Council supports the overall intent of the Housing and Business Assessment (HBA) however there are a number of issues that will need to be resolved before the requirements will be workable and practical.

Housing and Business Development Capacity Assessments (HBA’s) are currently required as part of the NPS UDC and the discussion document proposes to build on those requirements. These assessments are a fundamental part of the policy framework proposed as part of the discussion document.

Auckland Council has significant experience in considering and applying the assessment findings to decision making and plan development, infrastructure planning and spatial planning, and then defending these approaches and processes in Environment Court and similar contestable processes.

Technical experts within council consider there are significant areas within the proposed NPS UD provisions for HBAs that need to be clarified or amended to make them workable. These views are based on our extensive experience of developing, explaining and applying similar provisions in both evidence development and decision-making practice.

Council is of the view that the processes and criteria proposed in the body of the NPS UD are heavily dependent on the requirements of the HBA. In particular, they form the basis for the FDS requirements. The changes made to the HBA in Appendix 3 of the Discussion Document are, in council’s view, significant and some requirements will be extremely difficult to satisfy.

The HBA product needs to be fit for purpose, understandable and provide a valuable resource for making policy decisions.

Development of the first generation HBAs (under the NPS UDC) required councils to dedicate significant resources (time, expertise and budget) to the task. As a large council Auckland was able to apply in-house knowledge. It also supplemented this with work from consultants to address specific technical requirements where council did not have the technical expertise. We are aware that many of the smaller councils had to rely heavily on consultants.

Larger centres have already addressed many of the concerns raised through the NPS UD in a way that reflects their local context. Therefore, the cost to major urban centres will mainly be in complying with the detail embedded in the HBA polices, of which the net benefits are unclear. Council considers that costs aside, there has been insufficient consideration of the potential ability of non-major urban centres to comply with the proposed requirements, not the benefits they will gain from it.
Frequency of developing/updating an HBA

Council proposes that Future Development Strategies are reviewed every six years, (see discussion on Achieving workable solutions in Part 2 of this submission). To align with this there would be merit in updating Housing and Business assessment reports on the same six-yearly basis with more regular monitoring of appropriate indicators (for example through quarterly monitoring requirements) to understand changing market factors and trends that could feed into FDS and HBA reviews.

Affordability

Council considers that supply side provisions alone are not sufficient to improve affordability and that urban planning requires linkages across all policy areas. Even if all regulations are removed, the NPS UD does not address how a competitive market will deliver affordable housing.

Council strongly supports providing RMA provisions that could directly address affordability, which may include inclusionary zoning for example. Experience and evidence show that the market alone cannot and will not deliver “affordable housing”.

Working with stakeholders

The council supports collaborative ways of working. The discussion document states that “in carrying out the HBA, local authorities must seek and use input from the property development sector, (including major landowners and social housing providers where relevant), requiring authorities, and the providers of development infrastructure and other infrastructure.” The input from all the stakeholders mentioned would add to the robustness of the HBA. However, it is suggested that the term ‘use’ be replaced with ‘take into account,’ which is the more accepted RMA term. This better reflects the balancing of potentially conflicting or contrary information and views that the council will have to undertake.

Specific comments regarding concepts in AP1 – AP17

The main areas of concern, in policies AP1-AP17, are discussed in the sections below. The council is concerned about the inclusion of the following concepts:

- bottom lines to replace targets
- scenarios
- arbitrary margins
- current feasibility as a 30-year forecasting tool
- introducing the term ‘likely to be taken up’
- land differentials as an indicator.

Our concerns are how these individual concepts are framed and used within the HBA policies. They have cumulative impacts that magnify the amount of information required to be provided by councils beyond what is reasonable and practical. The HBA policy requirements need to be simpler, understandable and fit for purpose.

Replacing targets with bottom lines

Council would like to reiterate that it favours the use of ‘targets’ over ‘bottom lines’ (see discussion in answer to question 15 of this submission) and suggest that the table is amended to reflect this.

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Requirements for scenarios

There is merit in councils considering the appropriateness of using a high, medium or low growth scenario as part of their strategic planning. This would align with other strategic planning that council are required to do, particularly infrastructure provision through the 30-Year Infrastructure Strategy and Long-term Plans.

However, the need to develop and test multiple population growth scenarios with a range of variations, as envisaged in this policy, is excessive. For example, three population growth scenarios, each with three household formation assumptions, each with three future income variables would result in a possible 27 demand ‘scenarios’, all of which would need to be modelled and compared with potentially as many supply responses.

A critical point is that major infrastructure and planning requires long lead times and once committed can rarely be altered without significant additional costs (and rarely without significant additional delays).

The important step in the process is how to choose the most appropriate scenario to take forward in planning. The policy as proposed leaves open the question of how the main scenario would be selected - irrespective of the range or total number of scenarios.

The council suggests that the requirements for scenarios (AP2) are amended to require that:

*Every HBA must provide the rationale for the population growth projection chosen (i.e. high, medium or low).*

Appropriateness of the margins proposed

Council is of the view that, while the proposed margins (15% and 20%) are the same as those used in the HPS UDC 2016, they are arbitrary. The council suggests that more work needs to be done to determine an appropriate buffer or any alternatives.

With regard to price differential-based triggers, council considers that the Urban: Rural price differentials do not provide insight into relative supply/demand pressures within the urban (or rural) land markets. Given limitations on methodology and data availability (i.e. inputs to determine the differential) council is of the view that the measures may be unsuitable for the stated purpose. Council therefore does not support their use.

The consideration of high, medium or low projections (AP2) together with the addition of margins as required by the proposed HBA have a real-world implication on council funding and delivery of infrastructure. Given the direction in other policies (e.g. AP2) to use a range of scenarios and the arbitrary nature of the margins, the council questions whether the range of scenarios, as well as a margin, is necessary.

Current feasibility as a 30-year forecasting tool

Council has previously provided comment on using current feasibility (today’s ‘market’) to forecast over 30 years. It is suggested that amendments are made to the Table in AP4 to provide some flexibility for councils in how this information is used in relation to bottom lines.
Introducing the term ‘Likely to be taken up’

The concept of ‘likely to be taken up’ is a significant addition to the NPS UD. However, this concept has not been explained or defined.

The suggestion of using past building consent information is not helpful as it does not indicate the likelihood of future development. If the past rate of building consents is not sufficient to meet future demand, the outcome will presumably predict a future shortfall. The argument then becomes circular because it will be challenging to break the under-build cycle.

An alternative perverse outcome is that a past rate of consents provides an expected ‘minimum’ or baseline level of future development, regardless of the actual ‘sufficiency’ of development capacity or market interest to deliver this.

It is not possible to make a robust, repeatable, objective, and dependable forecast of ‘what is going to happen’ over any timeframe beyond the immediate future. Past examples of the difficulty of undertaking this type of forecasting can be found in case law on Financial Contributions (Rodney District Council) and early Development Contributions (North Shore City Council).

Council is of the view that this concept should not be taken forward into the final NPS UD.

Price efficiency indicators

The use of various indicators, and other methods, to determine how planning may affect supply and dwelling prices is supported in principle. Council considers that the main purpose is to examine changes over time and for these indicators to be useful tools in understanding efficiency of land use comparative over time.

However, council does not support the compulsory use of the price efficiency indicators proposed in the NPS UD. In their current form they are not robust and would not provide insights helpful in understanding the impacts of the market and how it interplays with planning:

Council considers that there are issues with both the data and methodology proposed:

- there is no post-Auckland Unitary Plan evidence that the Rural Urban Boundary imposes a price premium.
- analyses do not account for the net area and cost requirements of converting larger sites into smaller ones. For instance, larger sites within the same zone are generally worth less on an average value per square metre rate than smaller sites. There is a need to account for differences between the retail price of ‘subdivided, developed sections less the land under roads and reserves’ and the price of ‘raw materials’ for all those things, being un-serviced rural land.
- the price differential can only be updated using comprehensive valuation data. This is collected nationally, on a staggered three-yearly cycle. Therefore, the indicator will remain constant for three years and may not align to the proposed HBA cycle.
- valuations are not a true reflection of actual sales prices of the land.
- the basis for premiums on building consent prices proposed are not robust.
- no account is taken of infrastructure costs that are not borne by the developer (i.e. bulk infrastructure).
the peri-urban (lifestyle) nature of much of the area adjacent to Auckland’s rural urban area boundary.

- the flawed method used for the price-cost ratio i.e. using stand-alone residential sales data only and the imperfect value data associated with building consents.

- the relationship between household income and house price is only relevant to first home buyers who do not already have equity, and even in these relatively simple cases is only indirectly related to actual weekly/monthly housing expenditure (see for example the MHUD HAM measure and AC SAM measures).

- changes in interest rates, LVRs, mortgage terms and bank appetite for risk can all play a much larger and dynamic role than planning in this space. This may be significantly negatively affected by attempts to effectively strip wealth/equity (bank security), by reducing house and land prices. Debt to income or repayment to income measures will be required to determine such impacts and are all retrospective.

- accurately forecasting future interest rates over a 30-year period is not realistic.

Council considers that price differentials do not necessarily indicate a flaw in the planning system. Applying the information from such indicators in their present form could lead to a short-term policy approach that does not incorporate future value or potential. For example, where industrial land has specific locational requirements is ‘protected’ from encroachment by land uses which do not have such specific needs (e.g. residential). Measures, if any, should take account of current planning rules, be based off actual sales rather than QV values, account for amenities such as proximity to jobs, the water or public transport, and account for the full cost of infrastructure that makes greenfield land developable. Measures (proposed in the discussion document) do not do this and instead assign all difference to ‘regulation’.

Research on how plans constrain or enable supply should be undertaken by councils prior the HBA’s. Furthermore, scientific evidence should be developed relating to whether there is a correlation between more land supply and improved affordability. This claim has to date been proved to be misleading relative to the NPSU DC (refer Fernandez (2019)) and therefore focus in the NPS UD is too narrow. It is suggested that links be made with other policies such as Kiwibuild and inclusionary zoning.

Given these issues above, council suggests that central and local government work together to develop a fit for purpose set of price efficiency measures that isolate the role or impact of ‘planning’ from other explanatory or confounding impacts.

Price differentials are also raised in the NPS HPL discussion document, where increases in Urban: Rural price differentials are an expected outcome of the NPS HPL and speculative future urbanisation values attributed to peri-urban land would be rolled back to the underlying agricultural production value.

Tensions and alignment in the approach between the NPS HPL and the NPS UD are covered in Part 3 of the submission to the NPS UD.
Industrial zone price differentials

It will be difficult to objectively determine demand for different business tenures given that an individual's business decisions are influenced through the process of trading off relative benefits and dis-benefits, costs and flexibility to lease (requiring a willing landlord), own and occupy or design and build. These trade-offs will be business (and business owner) specific.

There is also no planning rationale, rules or policies which could be altered to modify current tenure mix or limit or encourage different types of tenure even if ‘demand’ could be determined. The plan enabled development capacity of various locations exists independent of tenure – the planning rules, infrastructure (and market signals) are the same.

Work undertaken for the AUP feasibility assessment and for the NPS UDC (2016) specifically recognised that even calculating development feasibility in and of itself was considerably more complex than the ‘buy, develop, sell’ actor that is the basis of most residential feasibility models.

This is because the ‘feasibility’ calculations of a large supermarket chain or new store development would be quite different to that of, for example, a popular main street coffee shop, a spec industrial roller door developer, a 3PL company looking for temporary overflow storage or a tech start up.

To address the issues raised above, the following amendment to AP15 is recommended:

- that tenure be removed as a criterion for analysis (see also housing where tenure is not incorporated).

With regard to industrial land price differentials, the council recommends that the requirement to use these (AP16) is removed from the NPS UD as they do not provide insight to the current feasibility of the development of land.

Irrespective of the potential utility of the price differentials, industrial land price differentials are not relevant to non-industrial business land considerations.

To address these issues, the following amendment to AP16 is recommended:

AP16: Every HBA must to assess the plan enabled development capacity and commercial feasibility for business land over the short, medium and long term.

Suggestions to revise AP4

The table in AP4 is at the heart of many of the issues that have been raised about the revised HBA provisions. Bearing in mind the feedback in the above sections, the following amendments are suggested as a starting point for a conversation about how these provisions could be made more practical and achievable.

Council raises the following points related to the short, medium and long term in the table in AP4.

In the short term:

- only development infrastructure currently in place can be included – this would preclude infrastructure currently under construction or soon to be completed that could be available within the short term.
In the medium term:
- development infrastructure funded or financed by an external party is a much lower test than the LTP for councils. The linkage to the relevant policies (Providing for intensification and greenfields) should be made explicit.
- commercial feasibility should be added.

In the long term:
- incorporates a medium-term infrastructure definition which is problematic.

There is also a need to amend the proposed Objectives and Policies AP1 – AP17 as appropriate to clarify that:
- the policy applies to residential dwellings and not future urban and existing urban areas as stated
- the HBA assessment locations should be determined by the authority producing the HBA
- that medium and long-term feasibility can use scenarios, particularly those which include changes in costs and profits as the feasibility output.

Taking into account the above feedback, the following amendments to the table and text are suggested as follows:

<table>
<thead>
<tr>
<th>Time</th>
<th>Plan enabled capacity</th>
<th>Supported by development infrastructure</th>
<th>Feasible</th>
<th>Take-up</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short term (within 3 years)</td>
<td>The cumulative effect of all zoning, objectives, policies, rules, spatial layers and existing designations in operative plans for permitted, controlled or restricted discretionary activities. The actual development infrastructure in place or under construction.</td>
<td>Commercially viable to a developer based on the current relationship between costs and revenues.</td>
<td>&quot;likely to be taken up&quot;</td>
<td></td>
</tr>
<tr>
<td>Medium term (3–10 years)</td>
<td>As above plus additional development capacity in a notified plan. As above plus additional development infrastructure funded in an LTP</td>
<td>Commercially viable to a developer based on the current relationship between costs and revenues, adjusted to account for reasonably expected changes in costs and revenues resulting from changes to planning and the balance between supply and demand</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Long term (10–30 years)</td>
<td>As above plus additional capacity identified in an FDS. As above plus additional development infrastructure identified in an infrastructure strategy prepared under the Local Government Act 2002.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix 2: Feedback from Local Boards
Manurewa Local Board feedback on the proposed National Policy Statement on Urban Development

The board supports the overall direction of the National Policy Statement. However, we have concerns about the implications of the NPS for local decision-making and growth infrastructure funding.

We believe that the final version of the NPS must ensure that local decision-making is retained. For this reason, we do not agree with the proposal to remove or limit local authority decision-making on car parking. We would prefer that the NPS take the approach of being descriptive rather than prescriptive wherever possible. The NPS should promote a community-driven planning process.

The board is concerned about the implications of the proposal to enable more out-of-sequence greenfield development. Such development should only be allowed where there is infrastructure to support it. The discussion documents for the NPS state that the intention is “to allow for growth ‘up’ and ‘out’ in locations that have good access to existing services and infrastructure”. To allow for out-of-sequence greenfield development in areas that do not have such infrastructure would not be aligned with this principle, and could incur significant costs in requiring new infrastructure that has not been budgeted for.

The NPS does not address the question of funding growth infrastructure, which is one of the most significant problems constraining urban growth. We strongly believe that any new Government regulation that creates cost for local authorities should be funded by Government.

We support strengthening requirements for quality urban design. However, we are concerned that the quality urban environment provisions of the proposed NPS are vague. We would prefer to see a clear description that addresses issues such as urban design and the build environment, and for these principles to be reflected in policies as well as objectives.

The board supports the inclusion of policies to improve how local government works with iwi, hapu and whanau to reflect their values and interests in urban planning. However, we feel that there is room to strengthen this in the final version of the NPS.

This feedback is authorised in accordance with Manurewa Local Board resolution MR/2019/173–19 September 2019.

Angela Dalton, Chairperson
24 September 2019
On behalf of the Manurewa Local Board
Waitematā Local Board Feedback on the National Policy Statement – Urban Development

The Waitematā Local Board welcomes the emphasis on ‘quality urban environments’ but more clarity is needed on what that means. This definition should include explicit consideration of and reference to:

- urban design
- the built environment
- urban form and function
- access to public transport
- access to parks and open space
- access to community facilities
- placemaking

The main concern at the Local Board level is the removal of Council’s ability to make decisions locally. Although we appreciate the need to develop more intensive housing close to the city, Auckland has just completed a years-long process in the formation of the Unitary Plan to balance this need with the protection and enhancement of our built and natural heritage. We are particularly concerned about the potential to weaken or abolish Unitary Plan overlays protecting special character, historic heritage and volcanic viewpoints.

We strongly support the ‘descriptive’ over the ‘prescriptive’ approach to where and how intensification occurs. For example the ‘prescriptive’ approach example in the discussion document of intensified zoning within a 1.5 km locus of the Auckland city centre would include the heritage suburbs of Parnell, Ponsonby, Grey Lynn and Herne Bay. This blunt instrument, one-size-fits-all approach would be entirely inappropriate to these areas. An approach in which intensification along transport corridors has been included in the Unitary Plan has been negotiated in a way that balances significant intensification with the preservation of the unique character of these inner suburbs.
Feedback on:
Central Governments proposed National Policy Statement on Urban Development
22 September 2019

For clarifications and questions, please contact:
Mal Atumu
Local Board Advisor – Maungakiekie-Tāmaki Local Board

Context
2. This will replace the National Policy Statement on Urban Development Capacity 2016 (NPS UDC).
3. The NPS UD broadens the focus of the NPS UDC 2016 beyond urban development capacity, to include other matters that contribute to well-functioning urban environments. It will build on many of the existing requirements to provide greater development capacity but will broaden its focus and add significant new content.
4. The NPS UD is part of a package that will work with other initiatives from central government including a National Policy Statement on Highly Productive Land and Essential Freshwater.
5. At the Maungakiekie-Tāmaki Local Board’s 27 August 2019 business meeting, it delegated authority to Chairperson, Chris Makoare and Deputy Chair, Debbie Burrows to input into Auckland Council’s submission on the Ministry for Primary Industries and the Ministry for the Environment proposed National Policy Statement on Highly Productive Land (resolution: MT/2019/134).
6. Due to the coordinated nature between the National Policy Statement on Highly Productive Land with the National Policy Statement on Urban Development and the Essential Freshwater package, the delegation for the Chair and Deputy Chair to provide local board feedback has been extended to enable the local board to input into the Auckland Council submission.
7. The due date for submissions to Central Government is 10 October 2019. On 19 September 2019 there will be a workshop with the Planning Committee and Local Board Chairs to discuss the three national directions that have been proposed (NPS on Highly Productive Land, Urban Development and Fresh Water). Following this the draft Auckland Council submission will be signed off by delegated councillors (GB/2019/75). To meet these timeframes local board feedback is due by 24 September 2019.

Relevance to the Local board
8. Local boards are responsible for decision-making on local issues, activities and services and providing input into regional strategies, policies and plans. Local boards also have a role in representing the views of their communities on issues of local importance.
9. Every three years local boards set their strategic direction through a local board plan. Central Governments proposed National Policy Statement on Urban Development has relevance to the following outcomes and objectives in the 2017 Maungakiekie-Tāmaki Local Board Plan:

<table>
<thead>
<tr>
<th>Outcomes</th>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maungakiekie-Tāmaki is an active and engaged community</td>
<td>Our young people are engaged in the community and have access to a wide range of opportunities.</td>
</tr>
<tr>
<td>Maungakiekie-Tāmaki is a community that cares about its environment</td>
<td>Demonstrate environmental leadership and support community sustainability initiatives.</td>
</tr>
<tr>
<td>Clean, beautiful waters and waterside areas</td>
<td></td>
</tr>
</tbody>
</table>
Maungakiekie-Tāmaki Local Board feedback on Central Governments proposed National Policy Statement on Urban Development:

The Maungakiekie-Tāmaki Local Board provides the following input:

a) note that the Maungakiekie-Tāmaki Local Board area has a large number of urban development planned and currently in progress. This is highlighted in the Maungakiekie-Tāmaki Local Board Plan that seeks to achieve a quality urban environment that attracts people from all over Auckland and beyond to live, do business and play

b) endorse the direction and intent of the National Policy Statement on Urban Development to help create development capacity for housing

c) recommend ensuring that making room for growth includes sufficient open space based on population density, to create healthy and quality urban environments for our communities

d) recommend that the national policy statement should be a descriptive approach, providing guidance on development capacity for housing rather than directly prescribing how this should be done. Noting that this will retain local governments ability to undertake local decision making relevant to its local context

e) recommend that central government:
   i) ensure local government has capacity to deliver on additional requirements if prescribed
   ii) consider new funding options to support the infrastructure required to support housing development in Auckland.
Feedback on:
The National Policy Statement for Urban Development
24/09/2019

Puketapapa Local Board feedback on the National Policy Statement for Urban Development:

That the Puketapapa Local Board:

a) support the intent of a National Policy Statement for Urban Development to help create development capacity for housing.

b) note that a national policy statement should provide guidance on development capacity for housing rather than directly prescribing how this should be done.

c) note that central government should consider new funding options to support the infrastructure required to support housing development in Auckland.

End.
Papakura Local Board feedback on the National Policy Statement for Urban Development

Background

The Ministry of Housing and Urban Development and the Ministry for the Environment have released a discussion document on a proposed National Policy Statement on Urban Development (NPS UD). This will replace the National Policy Statement on Urban Development Capacity 2016 (NPS UDC).

The NPS UD broadens the focus of the NPS UDC 2016 beyond urban development capacity, to include other matters that contribute to well-functioning urban environments. It will build on many of the existing requirements to provide greater development capacity, but will broaden its focus and add significant new content.

The NPS UD is part of a package that will work with other initiatives from central government including a National Policy Statement on Highly Productive Land (NPS HPL).

NPS UD is proposed to contain objectives and policies in four key areas:

- **Future Development Strategy** – requires councils to carry out long-term planning to accommodate growth and ensure well-functioning cities.
- **Making room for growth in RMA plans** – requires councils to allow for growth ‘up’ and ‘out’ in a way that contributes to a quality urban environment, and to ensure their rules do not unnecessarily constrain growth.
- **Evidence for good decision-making** – requires councils to develop, monitor and maintain an evidence base about demand, supply and process for housing and land, to inform their planning decisions.
- **Processes for engaging on planning** – ensures council planning is aligned and coordinated across urban areas, and issues of concern to iwi and hapu are taken into account.

The NPS UD is part of a package that will work with other initiatives from central government including a National Policy Statement on Highly Productive Land (NPS HPL). Submissions on this document also close on 10 October 2019. The National Policy Statement on Fresh Water is yet to be released. All three documents will be discussed at a Planning Committee workshop on 19 September 2019.

The local board feedback deadline is 16 September 2019.

Submissions to the NPS UD discussion document close on Thursday, 10 October 2019.

Papakura Local Board feedback

1. The Papakura Local Board agree with planning for the future and setting high level expectations of what local authorities should be seeking to achieve.

2. Auckland Council also has design guidelines for development which should be given more of a statutory status.

3. The Papakura Local Board can understand why the national policy statement might want to require major urban centres to meet more stringent requirements, however, other

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35 Coles Crescent, Papakura | Private Bag 92300, Auckland 1142 | PapakuraLocalBoard@aucklandcouncil.govt.nz | Ph 09 295 1376
mechanisms used like structure plans processes are already in place. The structure planning process should be given statutory status so councils can monitor alignment of private plan changes to the original structure plan.

4. Development must happen in line with local authority planning. To force development where infrastructure cannot keep pace is a concern and potentially adds a greater burden on the local authority.

5. Local authorities struggle to keep within their debt servicing levels to provide infrastructure for growth.

6. Consideration needs to be given to the link with protecting highly productive land, sites of significance to Māori including wāhi tapu, indigenous biodiversity and impacts of climate change in relation to where growth occurs.

7. The Papakura Local Board support the proposed changes to Future Direction Strategies and agree with the proposal to align the documentation to the Long-term Plan cycle.

8. Design guidelines developed by local authorities should be given statutory status to ensure enforcement.

9. The board support, in principle, the proposed approach of the NPS Urban Development providing national level direction about the features of a quality urban environment.

10. Consideration should also be given to:
   
   - standardising an increased minimum road width – in current developments in Auckland the road widths are far to narrow.
   - Increasing the requirement for green spaces to add to amenity
   - Requiring communal places to grow food in intensive developments as this contribute to building a Community.

11. In the Auckland context the board does not support central government having more directive intervention in Auckland Council’s plans.

12. The board support the inclusion of policies to improve how local government works with iwi, hapu and whanau to reflect their values and interests in urban planning.

Brent Catchpole  
Chairperson  
Papakura Local Board  

Date: 11 Sept 2019  

Felicity Auva’a  
Deputy Chairperson  
Papakura Local Board
Appendix 3: Map showing residential building consents issued in 2017/2018 within Rapid Transit Networks (RTN’s)
24 October 2019

Ministry of Business, Innovation and Employment
15 Stout Street
Wellington 6011
New Zealand

By email: hydrogen@mbie.govt.nz

To whom it may concern

Re: Auckland Council, Auckland Transport and Watercare's submission to "A vision for hydrogen in New Zealand" green paper

Please find attached Auckland Council, Auckland Transport and Watercare’s submission on the Ministry of Business, Innovation and Employment’s green paper "A vision for hydrogen in New Zealand".

The submission does not have input from local boards due to the timeframes and proximity of the local government elections.

Stephen Town, the Chief Executive of Auckland Council, is the designated signatory of this submission.

Auckland Council, Auckland Transport and Watercare support the green paper. We would welcome the opportunity to discuss the matters raised in this submission.

Ngā mihi

[Signature]

Stephen Town
Chief Executive
Submission
A vision for hydrogen in New Zealand

October 2019
Mihi

Ka mihiakea ki ngā here kōrero,
Ki ngā pari whakarongo tai,
Ki ngā awa tuku kiri o ēna manawhenua,
Ēna mana ā-iwi taketake mai, tau/iwi atu.
Tāmaki – makau a te rau, mūrau a te tini,
Wenerau a te mano.
Kāhore tō rite i te ao.

I greet the mountains, repository of all that has been said of this place,
there I greet the cliffs that have heard the ebb and flow of the tides of time,
and the rivers that cleansed the forebears of all who came those born of this land and the newcomers among us all.
Auckland – beloved of hundred, famed among the multitude, envy of thousands.
You are unique in the world.

Introduction

1. Auckland Council and its Council-Controlled Organisations (CCOs), Auckland Transport and Watercare, thank the Ministry of Business, Innovation and Employment (MBIE) for the opportunity to provide feedback on the green paper, “A vision for hydrogen in New Zealand”. This response is a submission from Auckland Council, Auckland Transport and Watercare (CCOs), jointly referred to in this submission as Auckland Council.

2. In November 2018, Auckland Council committed the Auckland region to limiting global heating to no more than 1.5 degrees Celsius above pre-industrial levels. Auckland Council also declared a Climate Emergency in June 2019, in response to the call for greater urgency in Auckland’s transition to a net zero carbon future. Both these actions demonstrate Auckland’s commitment to climate action and an alignment with the overarching purpose of the green paper.

3. To deliver on Auckland’s climate action commitments, Auckland Council is currently developing Te Tāruke-ā-Tāwhiri: Auckland’s Climate Action Framework (ACAF), which outlines climate change mitigation and adaptation actions in line with a 1.5 degrees Celsius commitment, while ensuring the region is resilient to the impacts of climate change. Auckland Council, partnering with mana whenua of Tāmaki Makaurau, has worked with the Ministry for the Environment in the development of the framework and aims to secure long-term commitment and leadership across public, private and voluntary sectors.

4. The draft framework has 11 key moves which speak to Auckland’s needs and address the future challenges. A key focus of the foundational key move is upholding Te Tiriti o Waitangi/Treaty of Waitangi in climate change decision making, and ensuring that custodianship of matauranga Māori knowledge systems, practices and teaching inform and underpin climate response, actions and decisions. It is important for matauranga Māori to be reflected in New Zealand’s vision for hydrogen. Within ACAF there is an action on identifying additional opportunities for hydrogen use to lower emissions, using learnings from Auckland’s first hydrogen fuel production plant at Ports of Auckland. There are additional areas of interest for Auckland Council, Auckland Transport and Watercare in hydrogen.

5. Auckland Council has an interest in relation to local and national resilience, as outlined in our Auckland Civil Defence and Emergency Management Group Plan “Working together to build a resilient Auckland”. This plan meets the statutory requirements of the Civil Defence and
Emergency Management (CDEM) group plan for Auckland, and has specific goals for Auckland: reduction, readiness, response, recovery and resilience. Hydrogen could impact on Auckland's resilience, which is addressed in this submission.

6. Auckland Transport’s role as a transport provider is rapidly evolving to deliver transport choices for a growing, vibrant Auckland. The operation of the bus fleet contributes to 85 per cent of Auckland Transport’s greenhouse gas emissions.

7. As part of Auckland Transport’s sustainability agenda, the Low Emission Bus Roadmap was developed and endorsed by the Auckland Transport board in December 2018. The roadmap sets the direction for achieving a zero-emission bus fleet by 2040, and its implementation is instrumental to reducing these emissions. To achieve this Auckland Transport is exploring both battery electric and hydrogen options. Auckland Transport has trialled battery electric buses on various routes across the region, with noted success in reducing operating costs and greenhouse gas emissions. Auckland Transport will be trialling hydrogen buses in partnership with bus operators and Ports of Auckland. Trials are expected to commence in September 2020. This will provide Auckland Transport, along with its operators and stakeholders, evidence of real-world application of low emission technologies in addition to battery electric.

8. Watercare’s primary role is delivering safe, reliable water and wastewater services for Auckland, and has an objective of being an industry leader in multiple fields. Watercare’s “Climate Change Mitigation and Adaptation Strategy” was released in January 2019 and was developed in accordance with its “Fully Sustainable” strategic priority and the United Nations Sustainable Development Goal 13 – "Climate Action". The release of this strategy marks a significant milestone in Watercare’s climate change mitigation and adaptation journey.

9. Watercare has a well-established energy efficiency programme, which started in 2016. Current and future projects are anticipated to deliver annual efficiency gains of 8 GWh per year. Watercare is planning to achieve energy neutrality at Watercare’s two largest wastewater treatment plants by 2025 while also investigating initiatives to improve pumping efficiencies.

10. Auckland is actively investing in a sustainable future, with the Ports of Auckland currently applying for a consent to construct Auckland’s first hydrogen production refuelling facility. The plant is planned to be operational by mid to late 2020 and will support the use of hydrogen fuel vehicles (e.g. buses, port equipment, cars). The pilot plant provides an opportunity to better understand the potential for hydrogen to support low carbon solutions, such as zero emission buses.

11. The resource consent application for this facility is currently being processed. Due to this first-hand experience, Auckland Council can provide insights and feedback on the current challenges of processing a resource consent for a hydrogen facility.

12. Auckland Transport has recently procured hydrogen buses and is able to provide feedback on specific procurement issues relevant to a New Zealand context. Feedback from Auckland Council and Auckland Transport on these issues is outlined below, including emergency management considerations.
Summary of submission key points

General points

13. The Auckland Council supports MBIE’s vision for hydrogen. It covers a wide range of hydrogen applications and addresses the complementary role for hydrogen and electricity in achieving a net zero carbon future. Our submission addresses the questions outlined in the green paper and highlights additional key points relevant to an Auckland context.

14. We see a critical role for government to guide the transition to a low emissions economy in order to improve New Zealand’s productivity and environmental sustainability. This role should include the adoption of best-practice industry standards regarding the production, transportation and storage of hydrogen as well as the use of policy tools (including incentives and disincentives) that accelerate the adoption of sustainable energy and transport technologies.

15. We support the development of hydrogen in New Zealand and the transition to green hydrogen generation. Currently the total global emissions from hydrogen production are 830 MtCO₂eq. per year, with only 2 per cent produced via electrolysis. It is essential that the emissions associated with hydrogen production are transparent and certified, otherwise the highly energy-intensive production and storage of hydrogen will negate New Zealand’s natural advantages in renewable electricity generation. This may undermine efforts to achieve net zero emissions by 2050, with no material economic or environmental gain over the existing use of fossil fuels. We recommend that green hydrogen is prioritised, and brown hydrogen only used during a transition phase. The phase out of brown hydrogen should be set over a clear timeline. The vision paper focuses on the end use of hydrogen, but there is limited focus on hydrogen generation.

16. We agree with the emphasis placed on the complementary role of electricity and hydrogen. We consider that a diversified energy network will be beneficial in the transition to a net zero carbon future. In particular, there are good opportunities for hydrogen and electricity to complement each other in transport, emergency management and industrial processes.

Opportunities and concerns of hydrogen use to Māori

17. We support Māori representation on all decision-making authorities related to the vision for hydrogen in New Zealand in respect of the treaty relationship between the Crown and Māori. We also support a dual process (based on the Treaty of Waitangi) to give national direction to local government authorities regarding hydrogen. This includes mapping and identifying processes and the use of cultural indicators and monitoring.

18. We express concern regarding the impacts on water, its usage and allocation for the generation of hydrogen. The Māori World view and Treaty of Waitangi is incorporated within the vision paper, however requires further consideration, specifically regarding the use and allocation of water. Māori are kaitiaki, stewards to safeguard the use and quality of Aotearoa’s water. It is essential that water allocations and any potential discharges from the production and use of hydrogen are aligned with the Māori World view. We recommend that Government partner with Tangata...

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Whenua to address these issues. Auckland Council has relationships and commitments under the Treaty of Waitangi/Te Tiriti o Waitangi and our legislative obligations to the 19 mana whenua groups in the area that Auckland Council covers.

19. There are potential economic and social opportunities for Māori businesses and investments in hydrogen, if the concerns outlined above (and within the Safety & Resilience section below) are adequately resolved and align with the Māori World view. These opportunities are highlighted through projects such as the Tuaropaki Trust pilot project. It is important that these opportunities are supported with clear direction and partnership between the crown and Māori, to enable Māori communities to benefit from growth in hydrogen generation and use.

**Operational Considerations**

20. There is concern around investing in a technology that may lead to stranded assets through future technology development. Hydrogen and electric vehicles both use an electric motor, with different power methods (e.g. battery or fuel cell) to propel the vehicles. Therefore, if a specific technology was to overtake another, it would be possible to replace a vehicle’s power source and reduce the likelihood of stranded ineffective assets. Hydrogen is an important consideration at an operational level for the Auckland Council.

21. Auckland Transport procured a hydrogen bus for 2020, to test hydrogen’s role and capability in the public transport fleet. Barriers and opportunities from the hydrogen bus procurement are outlined further in the transport section, with a key barrier being lack of legislation or standards that reflect the use of hydrogen as a fuel.

22. Watercare is interested in the potential of hydrogen as a low emissions energy source. It is a generator of renewable energy and a potential supplier of treated water and wastewater for use in electrolysis. In 2018 to 2019, Watercare generated 46 GWh from hydroelectricity, solar photovoltaics and cogeneration using methane biogas from wastewater treatment. There are opportunities to increase energy production, with initial estimations that 1.3 tonnes of hydrogen could be produced per day from the Mangere Wastewater Treatment Plant. This could be sold to domestic transport users or exported overseas. Hydrogen has significant potential to provide clean energy for Watercare to help reduce its net emissions, advance a ‘circular economy’ approach to resource use and provide a source of revenue to help reduce costs to customers.

**Safety & Resilience**

23. A major concern with hydrogen is the real and perceived safety hazards associated with its use. Mana whenua are kaitiaki (stewards) of Tāmaki Makaurau, and it is important that safe hydrogen use reflects this role. Hydrogen technology has existed for a long period, however safety control measures for hydrogen are not as advanced as other flammable liquids, such as liquefied petroleum gas (LPG). An invisible flame to the naked eye and difficulties odourising hydrogen increase the challenges for safe handling. However, other flammable fuels have proven that these risks can be safely mitigated and accepted by the general public. It is therefore important to demonstrate safe use and application, to increase user confidence. Education and safety awareness projects are important for the general public to be aware of the dangers and to help reduce their safety concerns.
24. In addition to safety concerns, the emergency provisions around hydrogen storage, in terms of security, safe zones and evacuation zones need to be articulated. This could include evacuation plans, such as those required for large dams, and appropriate security measures. Such requirements would ideally be legislated for, which in the future will likely come into MBIE’s purview as lead agency for energy emergencies.

25. Hydrogen, if it can be stored and distributed safely, can also aid Auckland’s resilience in emergency situations as an alternative fuel source during shortages. Hydrogen powered generators could provide an alternative to diesel generators for decentralised energy during an outage on the national network without the carbon monoxide poisoning risk that diesel generators can pose if misused. However, hydrogen powered generators may introduce other risks that would need to be further assessed.

26. If hydrogen fuel becomes an important part of the fuel supply system, it is important for hydrogen suppliers and distributors to be listed as lifeline utilities under the Civil Defence and Emergency Management Act to ensure these resources can be managed during an emergency.

Resource Consenting

27. Auckland Council is currently processing a resource consent application for the Ports of Auckland demonstration hydrogen production and refuelling plant. The plant is the first of its type in Auckland and highlighted the consenting challenges under the current resource management framework of the Auckland Unitary Plan. This resulted in an extended resource consent application process.

28. The risks associated with hydrogen generation and storage facilities need to be adequately controlled. We recommend for the Government to develop a National Environment Standard for the production and storage of hydrogen, with specific standards, rules and consenting triggers. For example, this could include rules relating to proximity to occupied dwellings and risk management measures for storage, so that risks are appropriately controlled in a consistent manner across the country.

29. Hydrogen fuel stations could benefit from a template design to control risks and support efficient consenting. Establishing the risk and resource management framework for these facilities could avoid the inconsistent management and adverse effects experienced with petroleum facilities. Since the 2017 Resource Management Act (RMA) amendments, the obligation to regulate hazardous substances was removed from local and regional councils and WorkSafe NZ now has greater oversight through the Health and Safety at Work (Hazardous Substances) Regulations 2017. It would be appropriate for the WorkSafe programme to control the majority of risks associated with hydrogen generation and storage facilities.

Storage and distribution

1a. What is the role of Government in developing hydrogen for storage and distribution?

30. We recommend that the Government develops regulations for the use of hydrogen as a fuel. Currently, hydrogen is controlled by different jurisdictions depending on its application. Hydrogen in its gaseous state falls under the Gas Act and the purview of MBIE, however as a transport fuel it falls under the jurisdiction of New Zealand Transport Agency (NZTA) and the Ministry of
Transport (MoT). It is important that suitable standards are adopted for hydrogen’s use as a fuel, as a special case adoption of the international standard EC79 was required for Auckland Transport’s hydrogen bus procurement. It is important for a future standard for hydrogen fuel to specify the required quality of hydrogen production. A standardised and consistent quality of hydrogen produced throughout New Zealand would increase the resilience of a future hydrogen network, with the ability to refuel hydrogen vehicles in emergency and civil defence situations from any source. The purity of hydrogen required for transport use is higher than for industrial use.

31. Auckland Council’s recommendation, from our experience of processing a resource consent for a hydrogen plant, is for the Government to develop a National Environment Standard (refer to paragraph 28) which outlines specific standards, rules and consenting triggers. Currently, it is difficult to understand how a hydrogen facility fits within the policies and definitions of the Auckland Unitary Plan, or how it might be managed as a potential hazard under the Resource Management Act. This is a result of the Auckland Unitary Plan being developed without consideration for hydrogen facilities.

32. Hydrogen could play a role in the future of New Zealand’s resilience and emergency management. It is important that this vision for hydrogen is linked to the National Resilience Strategy and it is recommended that hydrogen suppliers are listed as lifeline utilities to be managed in emergencies. This would enable access to energy when electricity may be unavailable and increase resilience during an emergency event.

1b. What are the challenges for using hydrogen for storage and distribution?

33. Batteries are currently a preferred solution over hydrogen for short-term energy storage due to lower energy losses and cost with easier storage ability. Hydrogen is potentially a better solution for long-term storage capacity. Hydrogen has low energy density and needs to be stored at high pressures. It is important for storage facilities to be adequately designed for these high pressures, although hydrogen dissipates quickly in unconfined spaces which reduces its explosion risk.

34. We are concerned about the potential use of toluene for long-distance transport. The vision paper does not address the hazards associated with the application of toluene to bond with hydrogen to create methylcyclohexane for transportation. The environmental risks of transporting methylcyclohexane require further analysis, such as toluene discharges into the natural environment if incorrectly handled which poses a risk to human health and ecosystems. It is essential that the application and use of toluene reflects the Māori worldview. The separation of toluene from hydrogen should follow legislation related to hazardous substances and discharges from industrial processes in the RMA. Current hazardous substance frameworks should be applicable to the separation process, but it is important to consider the use of toluene for transportation carefully.

35. As noted above, the land use implications for developments around such facilities, and the safety and security implications associated with such facilities should be considered.

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1c. What are the opportunities for using hydrogen for storage and distribution?

36. Hydrogen is a potential substitute for coal and gas to deal with intermittent renewable energy generation and could be used as long-term seasonal energy storage. With the 2035 target for 100 per cent renewable energy in New Zealand, this will need to be met with intermittent energy generation methods such as wind and solar. It is important to identify storage solutions for intermittent energy generation to meet peak power demands. Batteries and hydrogen can play a complementary role in this solution, with batteries providing short-term storage and hydrogen providing long-term storage (e.g. seasonal usage). Hydrogen should only be generated when renewable energy is in surplus, as it is more efficient to store energy in a hydro system than convert it to hydrogen.

37. Hydrogen offers a potential opportunity to increase national resilience in response to a large natural disaster that could damage the HVDC inter-island cable. A significant seismic event could damage the HVDC cable, and the ability to transfer electricity between the South and North Island plays an important role in managing security of electricity supply. A storage of hydrogen, produced to a standardised quality during surplus energy supply, could increase resilience during a national emergency.

38. Hydrogen is a hazardous and explosive substance, like many commonly used fuels such as LPG. These fuels have successful risk mitigation measures to ensure they can be safely handled, and there are numerous existing regulations and safety measures for flammable/explosive gases. We acknowledge that hydrogen has a transparent flame and is difficult to odourise, but it is possible to work with existing frameworks for hazardous substances to mitigate the risks associated with hydrogen.

Complementary role of electricity and hydrogen

39. We consider the complementary role of electricity and hydrogen as essential for the future vision for hydrogen. Electricity and hydrogen have complementary strengths in multiple areas, including storage, transport and industrial processes. Currently, hydrogen vehicles are suitable for heavy, long-distance travel while battery electric technology is well suited to light vehicles and standard buses travelling shorter distances. The same complementary role is applicable to process heat, where low temperatures (<200°C) can be transitioned to electricity, and hydrogen is potentially suitable for high temperature process heat (>200°C).

2a. What is the role of Government in developing the complementary role of electricity and hydrogen?

40. We commend the Government for its vision paper on hydrogen and the recent progress towards incentivising low emission vehicles. Any government approach to promote hydrogen should not hinder or delay electrification (or other low carbon technologies), for example as a result of waiting for technology to develop around hydrogen. This includes avoiding deferment of investment in distribution networks and charging points for electric vehicles; particularly light passenger vehicles and standard buses. We believe there is a strong complementary role for both forms of energy but emphasise that it is critical that the promotion of one form of technology does not hinder another’s progress.
2b. What are the challenges for achieving this complementary role of electricity and hydrogen?

41. It is important to have a clear, long-term view of the transition to a net zero carbon future, and to provide the emissions budgets and implementation plans as defined within the Climate Change Response (Zero Carbon) Amendment Bill. A lack of future direction could lead companies to deter procurement of zero emission solutions, for example, bus operators holding off investing in hydrogen or electric buses due to a lack of market certainty. It is important that there is a clear, visible timeline, which could be accompanied (and aided) by additional incentive schemes.

2c. What are the opportunities for this complementary role of electricity and hydrogen?

42. Hydrogen offers an alternative energy supply for generators. This could enable remote communities to have a clean energy supply option and offer Auckland a resilient alternative to provide power to priority facilities during power shortages. Currently there is a reliance on fossil fuel generators to provide a back-up energy, and it is important to find a suitable transition fuel for this application.

43. A key barrier to adopt zero emission buses, specifically battery electric, is the current vehicle dimension and mass (VDAM) regulations. These regulations have a tight limit on allowable weight for axles, due to the capability of New Zealand’s roading network and the impact of heavy vehicles on this infrastructure. The lower weight of hydrogen buses (and trucks) provide a zero-emission solution without cargo loss within the current regulations, which is an advantage over electric buses.

44. Refuelling depots for buses, trains and trucks are currently distributed across the region. This land could be adapted to provide low emissions charging depots and/or hydrogen refuelling stations. Converting the depots will reduce disruption to the freight systems and enable a phase-in approach for a zero-emission fleet. It is important to keep this opportunity open.

45. Over the past few years, Auckland Council has focussed on increasing the energy efficiency of its building profile. The programme was successful, and some buildings are operating with a 22 per cent reduction in energy demand. This enables spare capacity within the building assets, which can be utilised for charging infrastructure or hydrogen refuelling stations.

Transport

3a. What is the role of Government in supporting hydrogen use for the transport sector?

46. We support the preference for multiple clean technology solutions in the transport sector, as highlighted in MoT’s recent Green Freight report\(^3\). It is important that MBIE’s vision for hydrogen, MoT’s Green Freight project and MFE’s Climate Change Response (Zero Carbon) Amendment Bill are strongly linked to optimise the transition towards a net zero carbon future. It is also important that these papers promote a complementary role for clean technology solutions in the transport sector, and do not create competition for funding or prioritisation. This means policy and investment should focus on areas of relative strength for each technology.

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\(^3\) [https://www.transport.govt.nz/multi-modal/climatechange/green-freight-project/](https://www.transport.govt.nz/multi-modal/climatechange/green-freight-project/)
47. We see the development of a hydrogen economy in the transport sector, where it is used to power heavy vehicles such as trucks, trains, light commercial vehicles and forklifts. Government should avoid choosing between Battery Electric Vehicles (BEVs) and Fuel Cell Electric Vehicles (FCEVs), with the former already proving to be suitable for private transportation and recharging at home using existing electrical infrastructure. FCEVs will likely have weight and cargo-carrying advantages over BEVs in the heavy vehicle space. Therefore, a complementary approach is necessary, and we support MOT’s position that no single alternative fuel can address emissions for the freight sector, including rail and shipping.

48. Alternative fuels such as hydrogen will not be subject to excise tax; accordingly, it is anticipated that low emission vehicles will eventually become subject to road-user charges. We recommend that generalised costs of transport and their potential associated effects on demand travel are studied. If travel is cheaper using hydrogen or other alternative lower-emission fuels, road-based vehicles kilometres travelled may increase, which may have unintended negative externalities.

3b. What are the challenges when using hydrogen for mobility and transport?

49. Auckland Transport’s procurement of a hydrogen bus provides insight into the challenges of procuring hydrogen vehicles. Hydrogen buses currently available internationally are not built to suitable standards and set up for an Auckland context. They are designed for a UK context, with an average speed of 30 km/h in the urban environment. Auckland buses reach travel speeds of up to 80 km/h on some busways, and modelling performance of hydrogen buses at higher speeds shows it would be uneconomical due to a high consumption rate. Auckland’s steep topography is another challenge. The purpose of the hydrogen bus trial is to identify a suitable application of hydrogen buses in an Auckland specific context and inform design changes to be fit for purpose in New Zealand.

50. Hydrogen fuel cell buses are not classified as electric vehicles under the Road User Charges (RUC) Rule due to the wording of the relevant exemption and are therefore not automatically exempt from RUC until December 2025. Hydrogen and electric vehicles both use an electric motor to propel the vehicle and should therefore both be exempt from RUC. The lack of exemption for hydrogen buses creates unintended behaviours from designers and operators. For example, to meet the criteria of the exemption, a hydrogen bus requires a plug-in system to charge a battery from an external power source. Modifying bus specification in this way results in unnecessary additional costs to manufacture hydrogen buses. We recommend that the RUC exemption criteria is reviewed to address these issues and allow for the inclusion of hydrogen vehicles. There is also an opportunity to review and update other regulations to promote the uptake of hydrogen vehicles.

51. Another challenge is the required refuelling process for vehicles. Hydrogen is a new fuel and will require safety measures for its use. We request clarification whether the refuelling process can be performed by vehicle drivers or only by a certified refueller. This will require workforce upskilling in maintaining, operating and servicing hydrogen vehicles.

3c. What are the opportunities for using hydrogen for mobility and transport?

52. Co-benefits, such as public health and climate mitigation, are neither consistently evaluated nor fully accounted for in business or economic cases. Clean transport modes will result in a reduction in particulate matter and nitrous oxide emissions, which are linked to increased morbidity and
mortality. This will have a positive impact on the health of our region, specifically for vulnerable communities. Green transport will improve air quality, specifically in the Auckland’s city centre, and reduce Auckland’s emissions. These co-benefits reduce costs on society (e.g. reduced morbidity) and reinforce the value of investment and prioritisation of low emission transport modes.

53. We support a diverse, low emission public transport fleet. The combination of hydrogen and electrical modes in the system increases its resilience to system shocks. It is important that the public transport network is safe and reliable to increase its usage, and a blended fleet has lower risk for major disruption to the network.

54. Hydrogen ferries are an additional mode of transport to be considered. Auckland has an extensive coastline and multiple islands that can only be accessed via ferries. The length of ferry trips varies across the region, highlighting the potential complementary role of hydrogen and electrification. Due to the weight of electric ferries they have a restricted travel distance range and could be a viable option for shorter routes with hydrogen used to access more remote areas. A challenge for hydrogen ferries however is the feasibility of refuelling (with green hydrogen) in remote communities. This requires further investigation.

Industrial processes

4a. What is the role of Government in encouraging the use of hydrogen for industrial processes including process heat supply?

55. We recommend that Government provides investment or incentivisation schemes into research and development for the application of hydrogen in the industrial process space. While transport is being actively investigated for hydrogen applications, the use of hydrogen as a low carbon fuel for industrial processes, including process heat supply, is essential for New Zealand’s transition to a net zero carbon future.

4b. What are the challenges for using hydrogen in industrial processes?

56. Industrial processes and product use, as well as process heat, are a significant part of Auckland’s greenhouse gas inventory, contributing to approximately 39 per cent of the region’s emissions. While there are currently technologies available to transition low temperature process heat to electric heat pumps, there are challenges for high temperature process heat. High temperature process heat accounts for approximately 62 per cent of Auckland’s process heat demand (19.6 PJ) and emits a total of 1,259 ktCO₂e annually. These mainly come from industries connected to the reticulated gas network or using coal for metal production.

57. Auckland Council uses process heat, in some of its buildings such as swimming pools and leisure centres. Most of the Auckland Council specific process heat can be converted to electric heat pump systems, but there are challenges with facilities such as crematoriums.

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4 2018 Auckland council report "Process Heat Emissions & Energy Use in the Auckland Region"
4c. What are the opportunities for the use of hydrogen in industrial processes?

58. While some industrial processes have current technologies available to transition, other areas (such as high temperature process heat) do not have commercially available low carbon solutions. Using a blended reticulated gas network of 20 per cent hydrogen would be a way to reduce natural gas use while investing into research and development to identify viable, long-term solutions that are 100 per cent renewable.

Decarbonisation of natural gas

5a. What is the role of Government in encouraging hydrogen uptake for decarbonisation of our natural gas users?

59. We are not responding to this question.

5b. What are the challenges for hydrogen to decarbonise the applications using natural gas?

60. It is important to clarify if MBIE’s future intention is to replace only 20 per cent of the reticulated gas network for hydrogen or the long-term goal of 100 percent hydrogen in a reticulated gas network. While both scenarios are beneficial, they have specific challenges that would need to be addressed.

61. To upgrade the network to 100 percent hydrogen requires large investment in extensive infrastructure. Most of Auckland’s major gas pipes are steel, which is incompatible with hydrogen and will require replacement. The embodied carbon of the infrastructure would need to be accounted for. A reticulated network would be an important solution for industrial processes, however it would be more appropriate to electrify residential gas usage. A reticulated hydrogen network for residential use poses safety risks as people’s use or understanding of the dangers associated with hydrogen is difficult to control. We emphasise that a cautious approach should be taken, and have outlined additional risks of a 100 percent reticulated gas network:
   - Increase in usage due to a lack of associated emissions
   - Safety concerns during an emergency event, such as an earthquake
   - Additional education and behaviour change required for safe use

62. If the intention is to only implement 20 per cent hydrogen into the reticulated gas network, then it is important to prevent locking in new and future development with a reticulated gas network and a fossil fuel dependent future, when other low carbon alternatives are available.

63. An additional challenge is Auckland’s large industrial sector, which manufactures a wide range of products from steel to sugar. It is essential for these businesses to have a secure and consistent quality of gas supply for their operational functions. Any shortages or inconsistent quality in supply could be detrimental to their operations. It is essential that if hydrogen is to be injected into the reticulated gas network, it will be of a consistent quality and adequate supply to meet demand.

5c. What are the opportunities for hydrogen to decarbonise our gas demand?

64. Auckland has a reticulated gas network and a large proportion of New Zealand industry is located here; it would be a suitable location to test and apply a blended hydrogen and natural gas mix.
Auckland’s gas network fuels most of the medium and high temperature heat applications in the region, so a blended mix could produce a reduction in natural gas use of up to 20 per cent from those applications in the transition to net zero carbon future.

Export

6a. What is the role of Government in producing hydrogen in sufficient volumes for export?

65. Large-scale hydrogen production could be beneficial to New Zealand’s economic future in a low emission global economy. However, it is important that the Government regulates hydrogen stocks to ensure adequate capacity is maintained within New Zealand. The global market may present attractive prices for exporting green hydrogen, but higher national resiliency to market shocks and natural disasters should be prioritised. Government will need to reduce the risk of limited availability within New Zealand due to competitive international pricing.

6b. What are the challenges for hydrogen if produced for export?

66. The purpose of exporting green hydrogen, aside from the financial gains, is to address global greenhouse gas emissions. It is important to consider the entire lifecycle impacts of green hydrogen, including transportation to its points of use. A lifecycle analysis would be required to determine if exporting hydrogen by shipping it long distances is a suitable approach for reducing global emissions, or if generating hydrogen from renewable energy close to its point of use should be prioritised.

6c. What are the opportunities for hydrogen if produced for export?

67. We recognise there are potentially significant opportunities for exporting green hydrogen. Ports of Auckland are currently trialling a hydrogen production plant, which will build the capability, expertise and experience of storing and working with hydrogen. This presents an opportunity for Ports of Auckland to be a viable export port for green hydrogen in the future.

68. Investment into hydrogen production could also have additional benefits to encourage more renewable energy generation capacity as the over-supply would be utilised for hydrogen production. This would increase the resilience of New Zealand’s energy network and support New Zealand’s commitment to the Paris Agreement.

69. Hydrogen offers businesses and utilities the opportunity to produce hydrogen as a fuel and earn revenue from domestic sales to hydrogen users and/or for export. Water utilities already produce low-cost inputs for hydrogen fuel cells from wastewater treatment (e.g. methane and water).

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ASB Classic Landowner Approval for Resource Consent Submission

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Te take mō te pūrongo

Purpose of the report

1. To seek approval in principle for the ASB Classic tennis event to set up and operate in part of the Auckland Domain for approximately one month over Christmas each year from 2021-2026. This report also recommends that the General Manager Community Facilities is delegated authority to provide final landowner consent for the event, year by year, for the same period.

Whakarāpopototanga matua

Executive summary

2. The ASB Classic tennis event has occupied a corner of Auckland Domain (domain), between Stanley Street, Lower Domain Road and Grafton Mews, for approximately one month over Christmas for the last few years.

3. The event continues to grow and develop as a tournament that is fit for purpose and meets all regulatory requirements including resource and building consents as part of their event permit each year.

4. The event is run by the Hobson Group who wish to apply for a resource consent for five years from 2021-2026. Auckland Council's Resource Consent department has advised that the event must submit this consent six months prior to the current consent lapsing in March 2020. Approval in principle would mean the event can process their resource consent in time for their ASB Classic 2021 event.

5. In 2018 the event was requested to develop an access signage plan to show access routes through the domain while the event is on to ensure a clear public route to and through the domain. This was approved for the 2019 event.

6. Feedback on the 2019 event outlined some improvements that needed to be made to ensure that on the ground signage was more clearly visible. Therefore, in taking on the feedback, 'you are here' locator points will be added to each sign to more clearly orient users. This piece of work was developed by the event in close consultation with the event facilitator from ATEED who facilitates the event permitting process.

Ngā tūtohunga

Recommendation/s

That the Auckland Domain Committee:

a) grant approval in principle to the ASB Classic event (Auckland Tennis) to occupy Auckland Domain between Stanley Street, Lower Domain Road and Grafton Mews for no more than one calendar month over Christmas each year from 2021 through to 2025.

b) delegate authority to the General Manager Community Facilities to provide landowner consent for the event, year by year, for the years 2021-2025.
Horopaki Context

7. The ASB Classic tennis event has occupied a corner of Auckland Domain, between Stanley Street, Lower Domain Road and Grafton Mews, for approximately one month over Christmas for the last few years. This has enabled the event to extend their hospitality area outside of their current lease footprint. The general event area is shown in the draft site below:

Draft Site plan:

8. The current ASB Classic Resource Consent expires after the 2020 tournament and the need for the resource consent to renew is essential from March 2020.

9. The ASB Classic intends to apply for consent to occupy the same footprint of land as the existing resource consent provides for. This includes the use of the hillside going up into the domain from the Grafton Mews footpath entry. The event has yet to utilise this portion of land but the intent is for the event to include it in their future plans and for the entrance to The Serve (being the name of the hospitality area) to be relocated here at some point during the timeframe of the next consent. Initial plans indicate this will be used for live entertainment for free public viewing.

10. Approval in principle for the event is required in order for the event to apply for resource consent. The resource consent application will be in line with the Auckland Domain Event Guidelines and will show how the event will meet all requirements year on year in close consultation with relevant staff.
Tātaritanga me ngā tohūtohu
Analysis and advice

11. The Auckland Domain Act provides for closure for setting aside or allowing use of the domain for activities in a specified part of domain. Event guidelines provide further guidance on the use of the domain for events and this event complies with the guidelines.

12. The event area is fully fenced and exclusive to people holding tickets to the event. The impact of this is that public access to the public road, pathways and open space area that is part of and around the event area is not available.

13. Mitigating factors, to offset these constraints on free public access are:
   - the event happens at a time of year when there commuter traffic through the domain is minimal and a lot of the community is out of the region for summer holidays.
   - the domain is 72 hectares the bulk of which is still available for free public access.
   - for the 2020 event and beyond improved signage is being produced and ‘you are here’ locators are being added to clearly show where you can walk within the domain.

14. Resource Consent is required so the event can continue to build ‘The serve’, an event area that is extension to the existing lease footprint. This offers an important experiential element to the event. The creation of ‘The Serve’ area is an enhancement that plays an important role in attracting more people to experience tennis and in turn appreciate some of the green arbor of the domain.

15. The ASB Classic is an important showpiece for tennis in New Zealand and offers Auckland a chance to promote and tell Auckland’s narrative to an audience identified in the ATEED Major Event strategy.

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

16. Upon review of the unitary plan and the Auckland Domain Committee event guidelines the ASB Classic works closely with ATEED to align with council values and ensure the impacts on the domain are minimised and mitigated where possible. The landowner approval will be submitted to Auckland Council’s Resource Consent via Hobson Group planners. Auckland Domain Committee last year were in close communication with ATEEDs Major Event Facilitator in finalising the signage plan that is an example of the collaboration and communication across the teams to ensure the Domain’s values are respected year on year.

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

17. All previous feedback through the local board and Auckland Domain Committee has been heard and met. The previous Deputy Chair of the Auckland Domain Committee, Pippa Coom, along with relevant staff have met to work through expectations around minimising the impact of the event on the whenua (land) and on public access.

18. Community Facilities set detailed conditions to protect the park environment and assets which the event have delivered upon as required.

19. The event continues to minimise the impact on neighbors and provides wide communication to ensure the event is safe for all.

Tauākī whakaaweawe Māori
Māori impact statement

20. It is acknowledged that the Auckland Domain is of great importance to iwi across the region and beyond. The Auckland Domain is a historic site of conflict and peace. The memorial on Pukekarao and the displays and interpretation managed by the Auckland War Memorial Museum pay tribute to significant events and the importance of the site to iwi.
Nov 12 2019

21. ASB Classic works closely with the local iwi who are in close consultation with ATEED working on developing and presenting our Maori heritage and culture into the event. Some elements of this include Te Reo language used during broadcast, cultural motif designs incorporated into trophy design, overall design and layout of player lounge and player activities.

Ngā ritenga ā-pūtea

Financial implications

22. There is no cost to Council from a land management perspective in running this event. The costs are borne by the event organiser and all costs of making the site good and returning it to a fit for purpose state, including repairing any damage, is borne by the event organiser.

23. The loss of the tournament to Auckland has both economic and reputational impacts to the city. To continue to host the event at the ASB Tennis Arena, the event is seeking landowner approval to support their resource consent application. Auckland Council has approved a $3.5m upgrade to the stadium in order to create a higher-level experience for visitors to the event.

Ngā raru tūpono me ngā whakamaurutanga

Risks and mitigations

24. Approval in principle to run the event on Auckland Domain from 2021-2026 will provide less risk on the build time and resource consent process. Works for the 2021 event will begin in May 2020. The event is only at risk if the approval is not given prior in November 2019.

Ngā koringa ā-muri

Next steps

25. The ASB Classic event will apply for a five-year resource consent for their ASB Classic Tournament held in Parnell annually.

Ngā tāpirihanga

Attachments There are no attachments for this report.

Ngā kaihaina

Signatories

<table>
<thead>
<tr>
<th>Authors</th>
<th>Monique Lawry, Major Events Facilitator, ATEED</th>
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<tr>
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<td>Jane Aickin, Head of Co-governance, Māori outcomes and Pukekawa</td>
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Te take mō te pūrongo
Purpose of the report
1. To seek approval from the Environment and Community Committee to renew the license for Waitākere Golf Club Limited to occupy and use 41.63 hectares of land in the Cascade Kauri area of the Waitākere Ranges Regional Park (Attachment A).

Whakarāpopototanga matua
Executive summary
1. On the 27 September 2010 a reduced quorum of the Auckland Regional Council Parks and Heritage Committee resolved to grant the Waitākere Golf Club Limited a license to occupy 41.63 hectares in the Cascade Kauri area of the Waitākere Ranges Regional Park (PO17-09-01/Attachment B).
2. The decision to grant a license followed a public consultation process which included formal public notification of the intent to grant a license.
3. The License was granted for a five-year term with a right of renewal for three further terms of ten years being a total of thirty-five years subject to several conditions including; ‘subject to Auckland Transition Agency approval’.
4. Approval from the Auckland Transition Agency was not gained prior to its cessation in late October 2010.
5. The Waitākere Golf Club Incorporated license expired on the 3 December 2010. The golf club have continued to operate since without a license agreement. The Regional Parks team wish to resolve this issue and formalise the license agreement as per the conditions approved by the Auckland Regional Council Parks and Heritage Committee.

Ngā tūtohunga
Recommendation/s
a) approve the granting of a license to the Waitākere Ranges Golf Club as per the conditions set out in the Auckland Regional Council Parks and Heritage Committee resolution.

b) note that this license period will start from 01 January 2011.

Report recommendations accepted under delegation of the Chief Executive as per Governing Body resolution GB/2019/75 made on 25 July 2019.

Stephen Town
Chief Executive

Horopaki
Context
6. The Waitākere Golf Club (the club) has operated a golf course and clubrooms within the Waitākere Ranges Regional Park in the Cascade Kauri area at Falls Road for the past sixty-three years; having originally been granted a lease to clear and develop 88.79 hectares of
land in the northern Waitākere Ranges by Auckland City Council for a twenty-one year term in 1948.

7. The lease included a single twenty-one year renewal term to be granted at the club's request upon the expiry of the initial term in 1969. However, rather than take up the renewed term in 1969, the club and the Council agreed that the club would surrender its existing lease in favor of a new lease which the council undertook to grant the club. This new lease provided a term of twenty years and six months (being the unexpired term of the surrendered lease), commencing on 1 January 1970, with a further single renewal term.

8. The 1948 lease provided to the club a total area of 219 acres (88.79 hectares) of bush and scrub covered land in two parcels, held subject to the provisions of the Reserves Act 1977. The club was required to develop at least 100 acres of the total land area, taking all reasonable steps to layout at least a nine-hole golf course within the first year of the lease term and to achieve an eighteen-hole course by the end of the second year. The Links is to be open to the public for play, subject only to payment of the club's green fees. The club is entitled to graze cattle or to cultivate any of the leased land it does not develop for course purposes, subject to it gaining the prior approval of the council to plant species proposed to be cultivated.

9. Upon the expiry of the lease all improvements on the land are to revert to the council's ownership, without compensation being payable to the club for its improvements. This is a requirement under the Reserves Act 1977.

10. The Parks and Heritage Committee of the Auckland Regional Council considered the options for the future use of the golf links at Cascade Kauri Park, following a report on 7 October 2009. The resolution was:

“That the Waitākere Golf Club Incorporated be invited to apply for a new licence to operate a golf links at Cascade Kauri Park in the Waitākere Ranges Regional Park and that providing such application meets expectations outlined in this report, and in all other respects is complying, that this application be publicly notified.”

(PO-17-08-01)

11. On 14 July 2010 the club lodged an application for the club to be granted a new license to enable them to continue to operate a golf course and clubrooms on the park.

12. The application was notified on Saturday 14 August 2010 in the New Zealand Herald, with stakeholders and residents also notified and information posted in several areas including council’s website, on the notice board at Cascades Kauri Park and available at the Arataki Visitor Centre. A total of ten submissions were received all in general support of the application. Seven submissions came from club members, one from an ex-board member and two came from local residents.

13. The club's application also included a letter of support from North Harbour Golf Association. A further letter of support came from the chairperson of Ark in the Park, noting that the club had been of great assistance to the Ark in the Park project in many ways; and has shown support, tolerance and understanding in this interface between conservationists and sportspeople.

14. A reduced Quorum of the Auckland Regional Council's Parks and Heritage Committee considered the application and supporting documentation on the 27th of September 2010 and resolved to grant the license subject to several conditions.

15. Although advice was that this licence would not require ATA approval the resolution included a phrase 'subject to Auckland Transition Agency approval'.

16. While this new license has not been formalised, the Waitākere Golf Club Limited have continued to operate in general accordance with the proposed license terms, including giving effect to some of the conditions identified in the report to the Auckland Regional Council, Parks and Heritage Committee such as adjusting the out of bounds area adjacent to the Parks Depot and house.
Tātaritanga me ngā tohutohu
Analysis and advice

17. The Auckland Regional Council Parks and Heritage Committee resolution to renew the license with Waitakere Golf Club Limited required Auckland Transition Authority approval. The Auckland Transition Authority has since been dissolved and staff have been advised to seek approval from the Environment and Community Committee to formalise the license agreement.

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

18. The Waitakere Golf Club Limited are currently occupying an area of the Waitakere Ranges Regional Park. The Regional Parks team support the formalisation of the license agreement with the club.

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

19. The intent to renew the Waitakere Golf Club Limited license was publicly notified in 2010 and engagement was carried out with more immediate neighbours. Following public notification seven submissions came from club members, one from an ex-board member and two came from local residents, all were in support of a license being issued.

20. Tauākī whakaaweawe Māori
Māori impact statement

21. The Waitakere Ranges Heritage Area Act 2008 recognises Ngati Whatua and Te Kawerau a Maki as the tangata whenua of the Waitakere Ranges area.

22. Both Ngati Whatua and Te Kawerau a Maki were consulted on the intention to renew the golf club license in 2010 and raised no objection to the lease being renewed.

Ngā ritenga ā-pūtea
Financial implications

23. The most significant resourcing implication identified in 2010 for the Council in adopting the recommendations to renew the license was the need to address the golf ball strikes on the park depot and ranger residence. Work has subsequently been undertaken to minimise this risk.

24. Part of the license agreement ensures that the club shall pay reasonable costs and disbursements incurred in granting the license. Fees and charges for the club will be set in accordance with council’s current fee structure for discretionary activities of this nature.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

25. The renewal of this license will formalise the current occupancy of the area and will ensure appropriate conditions are in place to ensure the activities associated with the license are undertaken in a way that is compatible with management of the regional park.

Ngā koringa ā-muri
Next steps

26. Staff will commence the license renewal with Waitakere Golf Club Limited as per the terms of the Auckland Regional Council Parks and Heritage Committee 2010 resolution.
Ngā tāpirihanga
Attachments
Attachment A - Aerial plan of license area
Attachment B - Minutes of reduced quorum

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Signatories

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Te take mō te pūrongo

Purpose of the report
1. To receive a summary and provide a public record of memoranda or briefing papers that may have been distributed to Governing Body members.

Whakarāpopototanga matua

Executive summary
2. This is a regular information-only report which aims to provide greater visibility of information circulated to Governing Body members via memoranda/briefings or other means, where no decisions are required.
3. Any information circulated to other committee’s and their members after the last ordinary meeting of those committees has also been included.
4. The following memos were circulated to members of the Governing Body:

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<tr>
<th>Date</th>
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<tr>
<td>16/10/19</td>
<td>Auckland Unitary Plan appeals update – Court of Appeal decision – Franco Belgiorno-Nettis</td>
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<tr>
<td>22/10/19</td>
<td>AUPIHP Recommendations – The Promenade and Lake Road Blocks Takapuna - Erratum</td>
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<tr>
<td>30/10/19</td>
<td>Region wide stormwater network discharge consent</td>
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<td>31/10/19</td>
<td>Draft Golf Investment Plan</td>
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5. These documents can be found on the Auckland Council website, at the following link: http://infocouncil.aucklandcouncil.govt.nz/
   o at the top left of the page, select meeting/Te hui “Governing Body” from the drop-down tab and click “View”;
   o under ‘Attachments’, select either the HTML or PDF version of the document entitled ‘Extra Attachments’.

6. Note that, unlike an agenda report, staff will not be present to answer questions about the items referred to in this summary. Governing Body members should direct any questions to the authors.

Ngā tūtohunga

Recommendation/s
That the Governing Body:

Ngā tāpirihanga
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<td>Stephen Town - Chief Executive</td>
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