**Kōmiti Whakarite Mahere / Planning Committee**

**OPEN MINUTE ITEM ATTACHMENTS**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>TABLE OF CONTENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1</td>
<td>Public input - Business North harbour - Bridge to the Future report</td>
</tr>
<tr>
<td></td>
<td>A. 4 February 2020, Planning Committee - Item 5.1 Public Input - Business North Harbour - Bridge to the Future report - presentation</td>
</tr>
<tr>
<td>6.1</td>
<td>Local Board Input - Ōrākei Local Board - private helicopter and helicopter use applications in residential areas</td>
</tr>
<tr>
<td></td>
<td>A. 4 February 2020, Planning Committee - Item 6.1 Local Board Input - Ōrākei Local Board tabled document</td>
</tr>
<tr>
<td>13</td>
<td>Auckland Unitary Plan (Operative in Part) - Update on appeals and making additional parts of the Plan operative</td>
</tr>
<tr>
<td></td>
<td>A. 4 February 2020, Planning Committee - Item 13 - Auckland Unitary Plan (Operative in Part) - Update on appeals and making additional parts of the Plan operative - presentation</td>
</tr>
</tbody>
</table>

**Note:** The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
1. Advocacy for our members.
2. We want to have a seat at the table of influence BUT can't because BNH is simply not big enough nor influential enough.
3. What organisation represented the wider North Shore issues that BNH could align with to more powerfully represent its views.

NS has 413,00 people (77,000 since 2013 with continued strong Growth.)
WHAT ARE WE TRYING TO ACHIEVE?

1. Is there any real demand for such an Organisation.
2. To create a centre of influence involving all key North Shore stakeholders for Local and Central Government etc to engage and consult with at a macro level collectively.
3. Run independently of BNH and externally funded by stakeholders.
   
   **BNH has fully funded Stage 1 and Stage 2.**

WHAT SUCCESS LOOKS LIKE?

1. Key stakeholders engage with the concept.
2. The Organisation is self-funding.
3. The Organisation is externally recognized as the leading authority on North Shore issues.
4. Local and Central Government actively look to engage
   
   **BNH will shut the project down if 1 or 2 fails to eventuate.**
WHAT WE WANT YOU TO REMEMBER

1. It will take time (in 12 months we should know)

2. We want to work collaboratively and proactively with all key stakeholders, particularly Local Council, but will be representing the views of the wider North Harbour

WHAT WE WANT FEEDBACK ON FROM YOU.

1. What information or involvement could this organisation provide that would be valuable and meaningful to Auckland Council.

2. What does success of this organisation look like for you.

Do not require an answer now.
Orakei Local Board - Presentation to Planning Committee 4th February 2020

The Orakei Board notes Phil Reid’s Memo dated 30 July 2019 to the Planning Committee attached (advisory memo) titled: The management of helicopter flights and helicopter landing areas under the Auckland Unitary Plan, operative in part, 2016

Summary:
Effects management for the distinct, yet related activities is inadequate. Council can manage residential helicopter helipad development and flying activity in our urban isthmus and residential zones a LOT better than the case by case approach of Option 2 of the advisory paper (Option 2 = relying on practice notes and policy guidance for each application – pp 6-7). A key Option was excluded from the advisory memo.

Two activities and different effects assessments
The advisory memo rightly distinguishes between 1- the effects of helipads and 2 - the effects of helicopter flights in the residential environment then asks if the unitary plan "adequately manages" these public concerns.

There are different UP provisions that apply to building of pads compared to helicopter flight use. It is inadequate to assess a helipad without considering the activity it enables regardless of how frequent or noisy the flights may be.

The assessment of flight effects often relates to noise alone.

Orakei Local Board policy position
Private residential helicopter helipad activity is not ‘normal residential activity’ and should never be referenced in a Plan or by planners as a residential activity status possibility in our intensified residential isthmus.

Private helicopter travel, perhaps achievable for less than 1% of the population, does not benefit strategic transport policy either. The wide spread community feedback we hear suggests the negative effects on communities of residential helipads and Heli flights in residential areas grossly outweigh the benefits to the few applicants.

Addressing the activities as having non-complying activity status is an inadequate planning response to that gross disproportion. Helipad development and private Heli travel should be prohibited in mixed housing urban, suburban and single house residential zones. This Option was excluded in the advisory memo.

Proposals for improving helipad and flight management in the UP

The Orakei Local Board recommends:
• The policy intent of the Unitary Plan around helipads and helicopter landing/take-off needs strong decisive wording addressing how the two types of activity are clearly inter-related and should not be assessed in isolation (helipad development/the take-off and landing activity associated).

• A suggested basic policy setting for the current non-complying activity status would include saying: "residential helicopter pads and residential area flying activity is not anticipated in (residential...zones) and will always be considered exceptional".

• Council must act now, especially in the wake of the Rod Duke case, to ensure we do not allow a "permitted baseline" of Heli-pad development or take off/landing activity to 'creep' into planner interpretations under the existing UP policy settings.

• The best solution is robust policy setting ensuring a prohibited status for private helipad and private Heli flight activities in urban residential zones. This would end applications for such activities and yes, to the possible malaise of some of the very richest private landowners, there would be a perceived loss of property rights. Prohibited status will provide greater protection to a larger number of residents in those residential zones across the city.

Council could also work with relevant aviation agencies to require existing private, business and emergency helicopter flight minimum flying heights to be raised respectively by a further 500m from the ground to further mitigate noise effects. (so that private craft currently operating do not come lower than 1500 and emergency craft generally not below 1000)

Further consenting function proposal

• Delegated decision-making authority for a few very resource consent applications relating to helipads and flights while the status remains ‘non-complying’ must be assigned to Commissioner panels which include certified portfolio holders from the relevant local boards in which the application relates wherever possible. These applications under current UP provisions must not be determined by Council staff planners or contracted processing planners of duty Commissioners sitting alone.

Orakei Local Board
4th February 2020
The remaining appeals to the Council’s decisions on the Proposed Auckland Unitary Plan are as follows:

- “Rural Subdivision” appeals (seven appellants) – appealed to High Court
- North Eastern Investments Limited and Heritage Land Limited
- North Eastern Investments Limited
- Franco Belgiomo-Nettis
- Pukaki Peninsula (Self Family Trust and Gock)
- Auckland Council
Rural Subdivision Appeals:

- Auckland Council was successful in the High Court on 3 points of law, following the appeal of the Environment Court decision by Auckland Council.
- The matter has been remitted back to the Environment Court for reconsideration.
- There will be an Environment Court hearing in 2020.

North Eastern Investments Limited and Heritage Land Limited:

- This Environment Court appeal is currently on hold pending the determination of the related High Court proceedings – North Eastern Investments Limited v Auckland Council
- (see next slide)
North Eastern Investments Limited:

- Relates to Residential density and height in Oteha Valley Road, plus other matters relating to Mixed Use zoning and diverting local streams
- The Court of Appeal’s decision [2018] NZCA 629 (12 December 2018) allowed the appeal in relation to the High Court decision.
- Independent Hearing Panel (IHP) recommendations and the subsequent council decisions were set aside
- IHP has been reconvened to re-hear the matter

Brookby Quarry Limited:

- Regarding the Significant Ecological Areas (SEA) overlay – Brookby Quarry.
- High Court decision 17 October 2019. In summary, the High Court determined that:
  1. It would provide for a s 156(1) LGA1PA appeal right in relation to AUP objectives and policies relating to the SEA overlay as it applies to mineral extraction activities on land zoned Special Purpose – Quarry Zone.
  2. The consent order provides scope for a person to appeal the AUP objectives and policies relating to the SEA overlay as it applies to mineral extraction activities occurring on land zoned Special Purpose – Quarry Zone.
- The High Court has accepted the amended draft consent order that Council’s lawyers drafted and attached to their legal submissions.
- There will be an Environment Court hearing in 2020.
Pukaki Peninsula:

- Final judgment in the High Court (dated 26 September 2019)
- Remitted issues relating to the Pukaki Peninsula (owned by the Gocks’) back to the Environment Court
- The appeal points relating to Crater Hill (owned by the Self Family Trust) have ended
- The Judge has indicated that the appeal is to be set down for re-hearing in week of 24 February 2020
Franco Belgiorno-Nettis:

- Relates to the zoning of the properties on the “Promenade Block” and “Lake Road” in Takapuna