

Date: Thursday 13 March 2025
Time: 10.00am
Meeting Room: Reception Lounge
Venue: Auckland Town Hall
 301-305 Queen Street
 Auckland

Te Komiti mō te Kaupapa Here me te Whakamahere / Policy and Planning Committee

OPEN ATTACHMENTS

ITEM	TABLE OF CONTENTS	PAGE
8	Proposed revocation of the reserve status of 2R Ti Rakau Drive, Pakuranga	
	A. Property Details (Titles & Aerial Images)	3
	B. Hearing Panel recommendation report 19.2.2025	29
9	Hauraki Gulf Islands section of the Auckland District Plan - Proposed Plan Change - Helipads	
	A. s32 report	43
	B. Proposed plan modification	117
	C. Local Board Views	119
10	Auckland Council Group project list to be submitted to the Infrastructure Priorities Programme (Part of the National Infrastructure Plan)	
	A. Further information on the list to be submitted to the Infrastructure Priorities Programme	123
11	Priority submissions for Auckland Council Group	
	A. Priority submissions for Auckland Council Group	127

ITEM	TABLE OF CONTENTS	PAGE
12	Auckland Unitary Plan - Private Plan Change Request to Rezone Land at 70, 70A and 70B Lisle Farm Drive, Pukekohe	
	A. Assessment of options	133
	B. Zoning and Precinct Plans	139
	C. Lisle Farm Precinct	143
	D. Assessment of Environmental Effects	177
13	Auckland Unitary Plan – Making Plan Change 92 (Private) Wellsford North operative	
	A. PC92 Decision (including changes to zoning and new precinct provisions in Appendix 4)	253
15	Summary of Policy and Planning Committee information memoranda, workshops and briefings (including the Forward Work Programme) – 13 March 2025	
	A. Committee Work Programme	349

Attachment A

Property Details: Reserves at 2R Ti Rakau Drive, Pakuranga, Record of Titles and Aerials

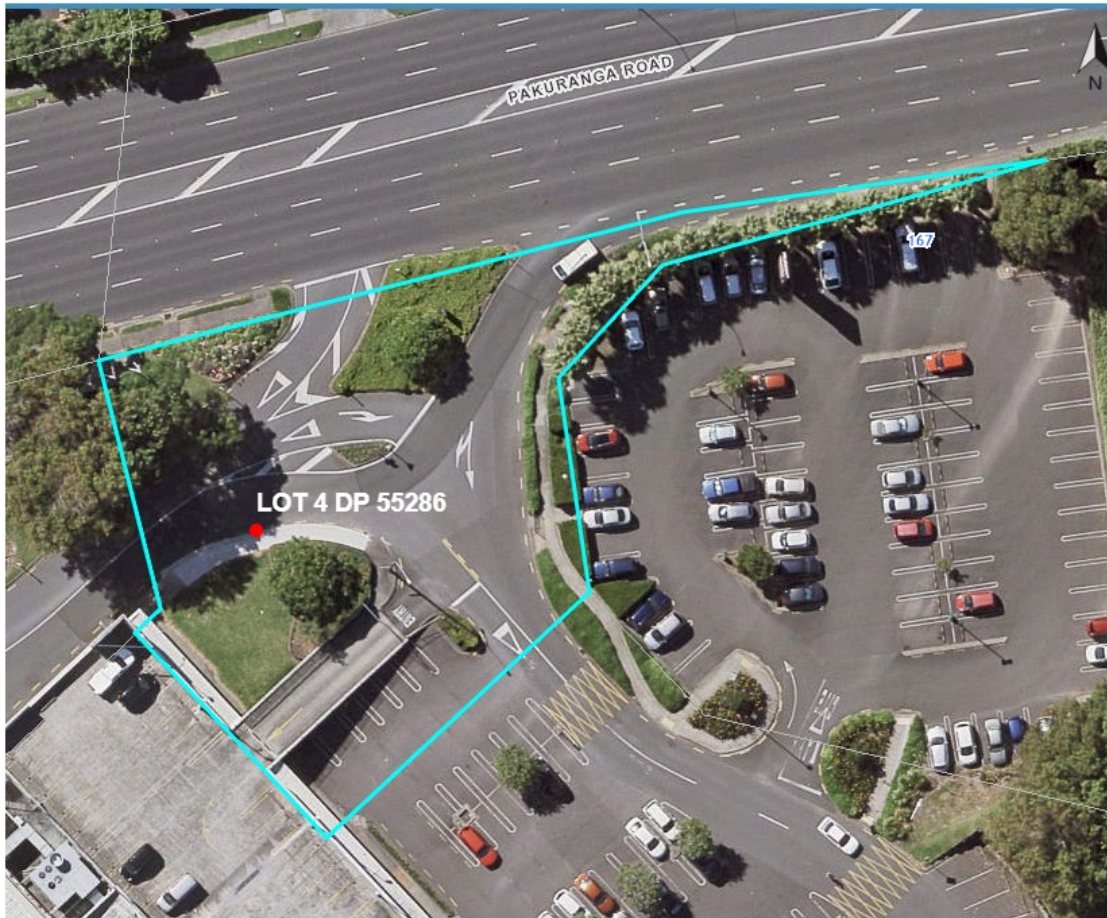
Image 1 (below): Geomaps aerial view of the reserves – the subject areas are outlined in red.



Table 1 (below): Property details with land areas

No	Legal Description	Current reserve classification	Land Area (Ha)	Record of Title
1	Lot 4 DP 55286	Local purpose (utility) reserve	0.2003	NA50B/76
2	Lot 6 DP 55286	Local purpose (utility) reserve	0.0003	NA1814/78 (part-cancelled)
3	Lot 9 DP 55286	Local purpose (utility) reserve	0.0344	NA49C/1325
4	Lot 12 DP 55286	Local purpose (utility) reserve	0.6318	NA49C/1326
5	Lot 2 DP 53672	Local purpose (utility) reserve	0.7841	NA50B/73
6	Lot 3 DP 53433	Local purpose (utility) reserve	0.7783	NA97B/90
7	Lot 11 DP 47737	Recreation reserve	0.0200	NA5C/242
8	Lot 1 DP 55585	Local purpose (utility) reserve	0.0002	NA1814/80 (cancelled)
			2.4494	

#1. Lot 4 DP 55286





RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



R. W. Muir
Registrar-General
of Land

Identifier NA50B/76
Land Registration District North Auckland
Date Issued 02 July 1981
Prior References
NA1856/77

Estate Fee Simple
Area 2003 square metres more or less
Legal Description Lot 4 Deposited Plan 55286
Purpose Utility Reserve
Registered Owners
Auckland Council

Interests

Subject to a right of way over part marked B on Plan 93910 created by Transfer B067896.7 - 24.5.1982 at 10.10 am
(Limited as to duration)

The easements created by Transfer B067896.7 are subject to Section 309 (1) (a) Local Government Act 1974

Subject to an electricity right over part marked C on Plan 159172 for the term of 100 years from 10.12.1993 created by
Transfer C588324.2 - 13.4.1994 at 2.27 pm

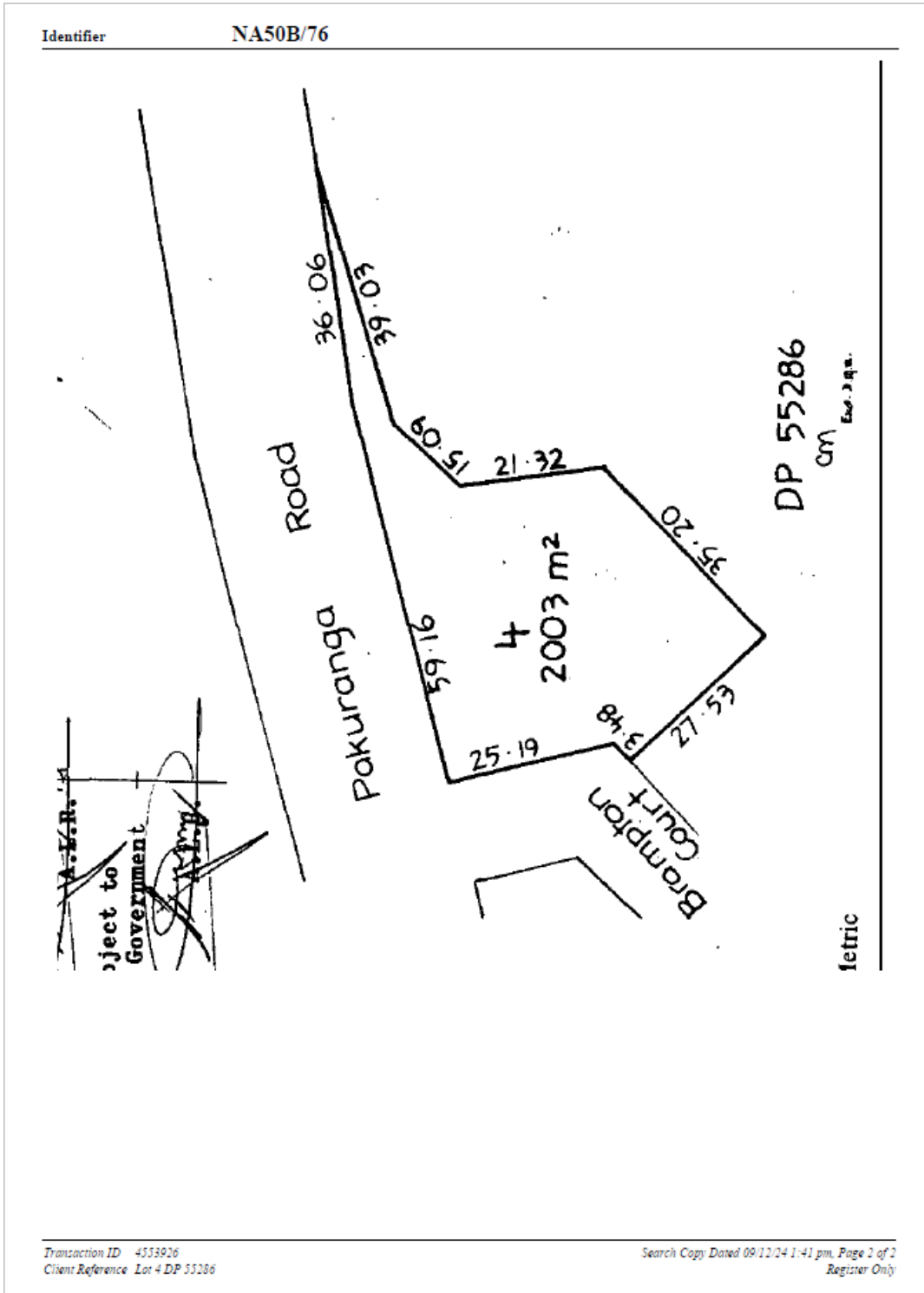
Subject to a right to supply electricity (in gross) over part marked A, and an electricity cable access and supply easement
(in gross) over part marked B on DP 326750 in favour of Vector Limited created by Transfer 6293333.1 - 28.1.2005 at
9:00 am

Transaction ID 4553926
Client Reference Lot 4 DP 55286

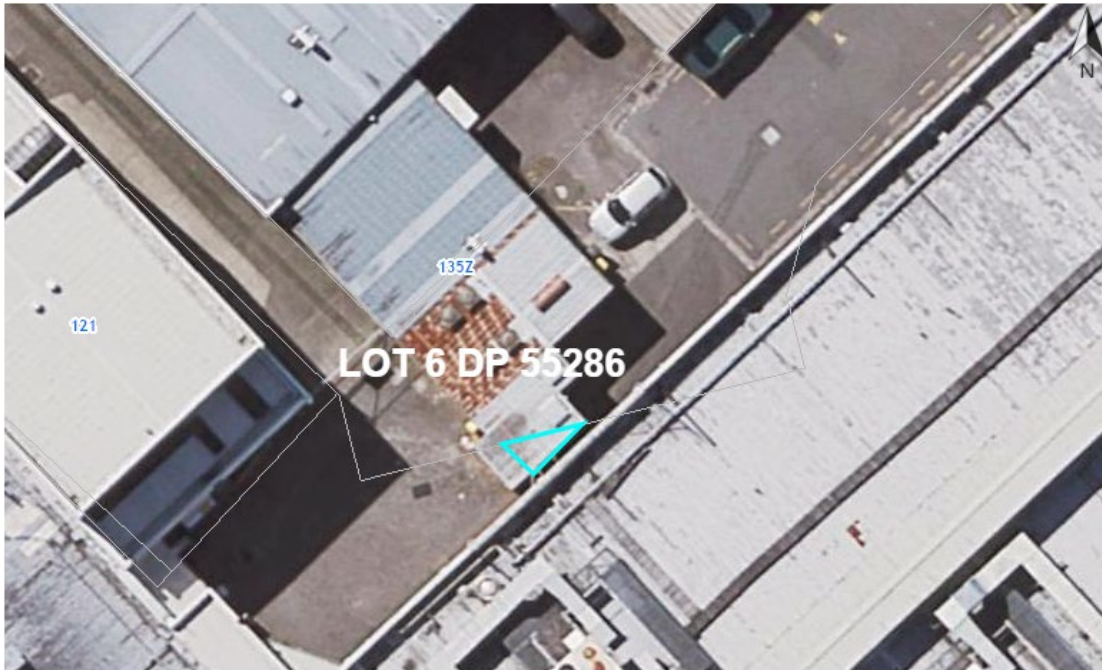
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Item 8

Attachment A



#2. Lot 6 DP 55286



Item 8

Attachment A



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
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R.W. Muir
Registrar-General
of Land

Identifier **NA1814/78**
Land Registration District **North Auckland**
Date Issued 13 July 1960

Part-Cancelled

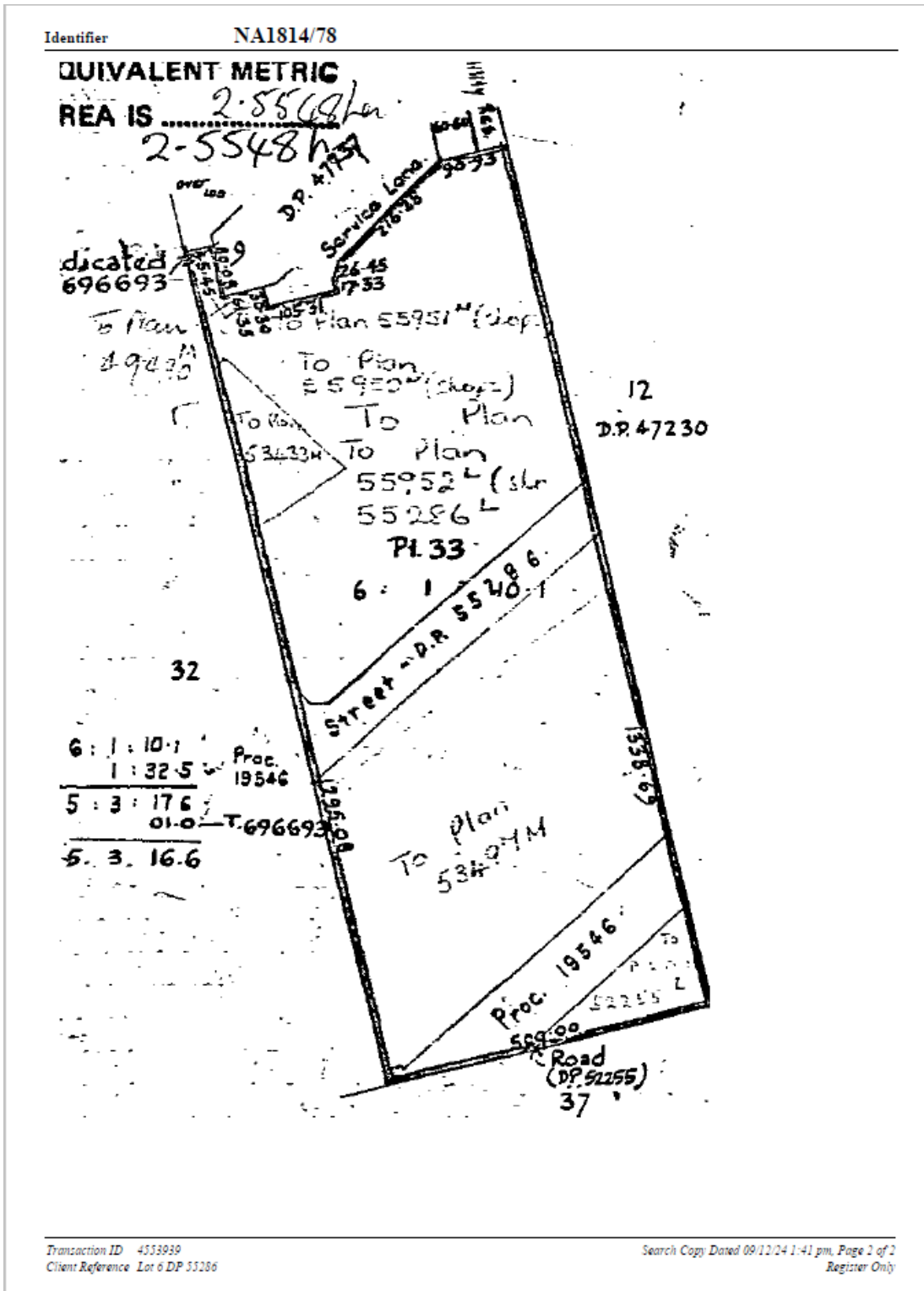
Prior References
NA662/259

Estate Fee Simple
Area 2.5548 hectares more or less
Legal Description Part Lot 33 Deposited Plan 14882

Registered Owners
The Fletcher Trust and Investment Company Limited

Interests

Pursuant to Section 352(4) Municipal Corporations Act 1954 Lot 6 DP 55286 is vested in the Mayor, Councillors and Citizens of the City of Manukau as utility reserve subject to Reserves and Domains Act 1953 (Residue)
For historic memorials see paper image of title.



Item 8

Attachment A

#3. Lot 9 DP 55286





RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Search Copy



R.W. Muir
Registrar-General
of Land

Identifier **NA49C/1325**
Land Registration District **North Auckland**
Date Issued 18 January 1982

Prior References
NA5C/97

Estate Fee Simple
Area 344 square metres more or less
Legal Description Lot 9 Deposited Plan 55286
Purpose Local purpose utility reserve

Registered Owners
Auckland Council

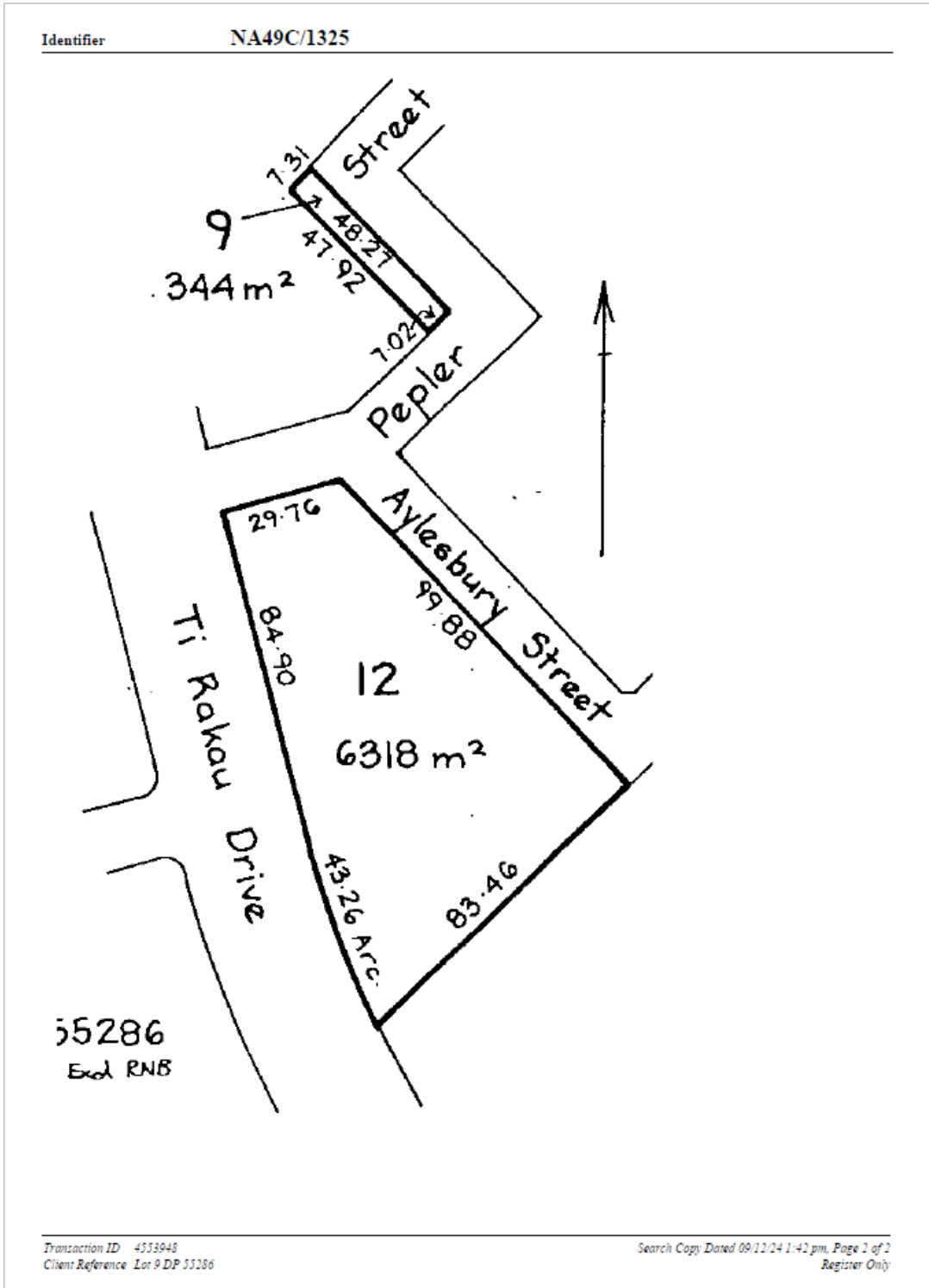
Interests
SUBJECT TO THE RESERVES ACT 1977

Transaction ID 4533948
Client Reference Lot 9 DP 55286

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Attachment A



#4. Lot 12 DP 55286





RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
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R. W. Muir
Registrar-General
of Land

Identifier **NA49C/1326**
Land Registration District **North Auckland**
Date Issued 18 January 1982

Prior References
NA5C/97

Estate Fee Simple
Area 6318 square metres more or less
Legal Description Lot 12 Deposited Plan 55286
Purpose Local purpose utility reserve

Registered Owners
Auckland Council

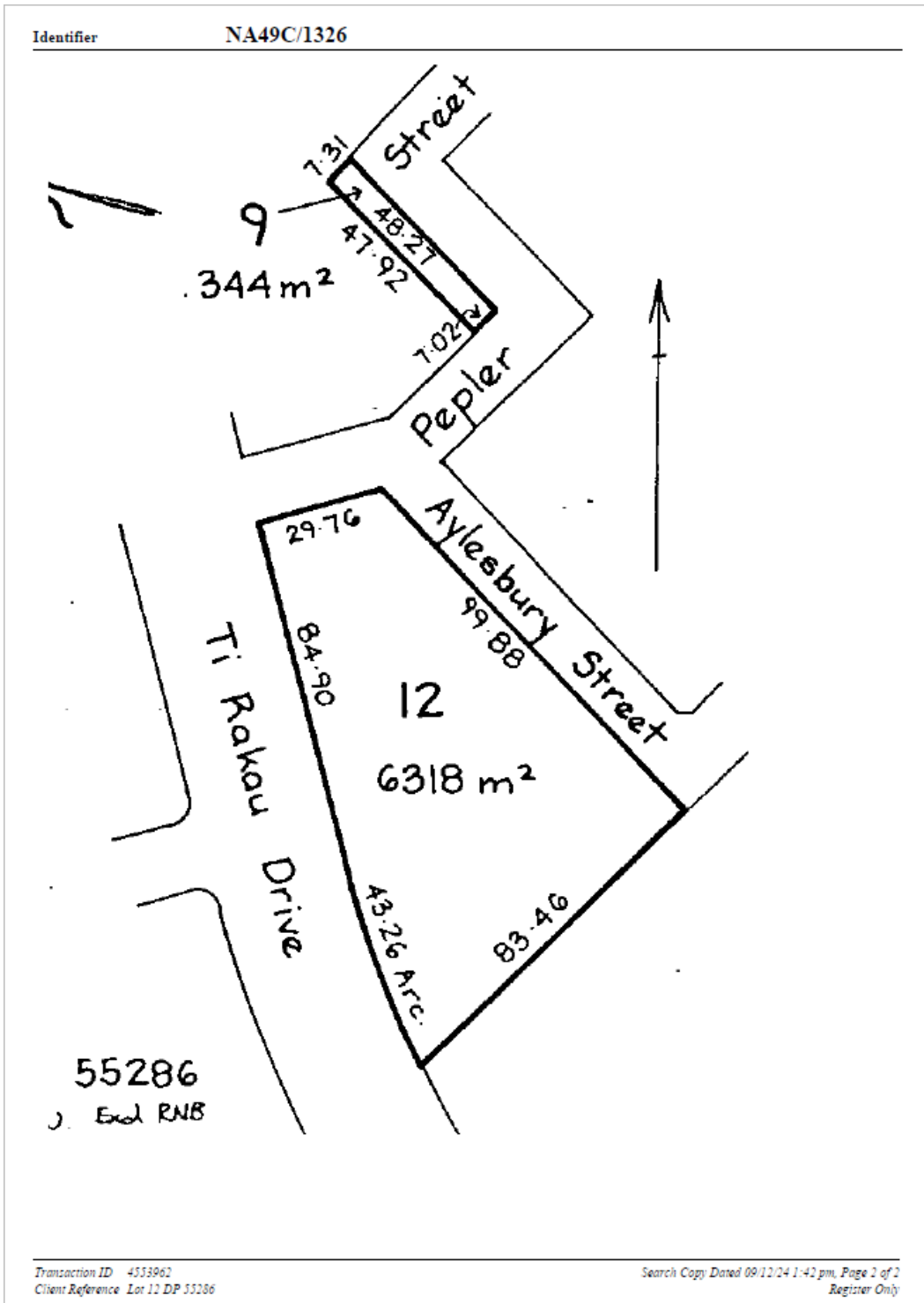
Interests

SUBJECT TO THE RESERVES ACT 1977

Subject to a right of way (limited as to duration) over parts marked C and D on Plan 156314 created by Transfer C553688.1 - 21.12.1993 at 3.00 pm

Subject to an electricity right over part marked D on Plan 159172 for the term of 100 years from 10.12.1993 created by Transfer C588324.2 - 13.4.1994 at 2.27 pm

Subject to a right of way over part marked C on Plan 156314 for the term of 200 years from 16.6.1994 created by Transfer C620233.1 - 1.7.1994 at 2.40 pm



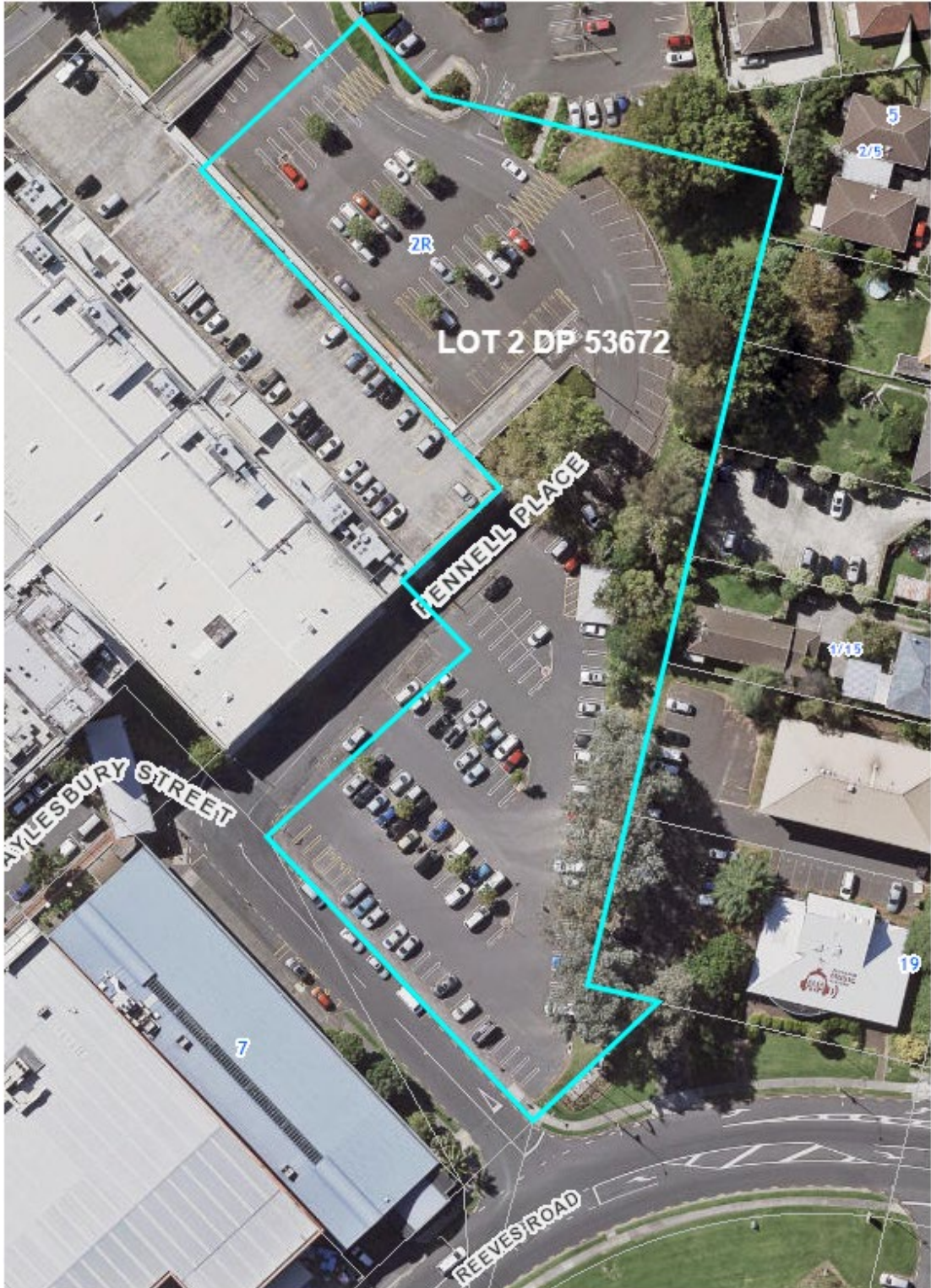
Item 8

Attachment A

Item 8

Attachment A

#5. Lot 2 DP 53672





RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
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R. W. Muir
Registrar-General
of Land

Identifier NA50B/73
Land Registration District North Auckland
Date Issued 01 July 1981
Prior References
NA1856/77

Estate Fee Simple
Area 7841 square metres more or less
Legal Description Lot 2 Deposited Plan 53672
Purpose Utility Reserve
Registered Owners
Auckland Council

Interests

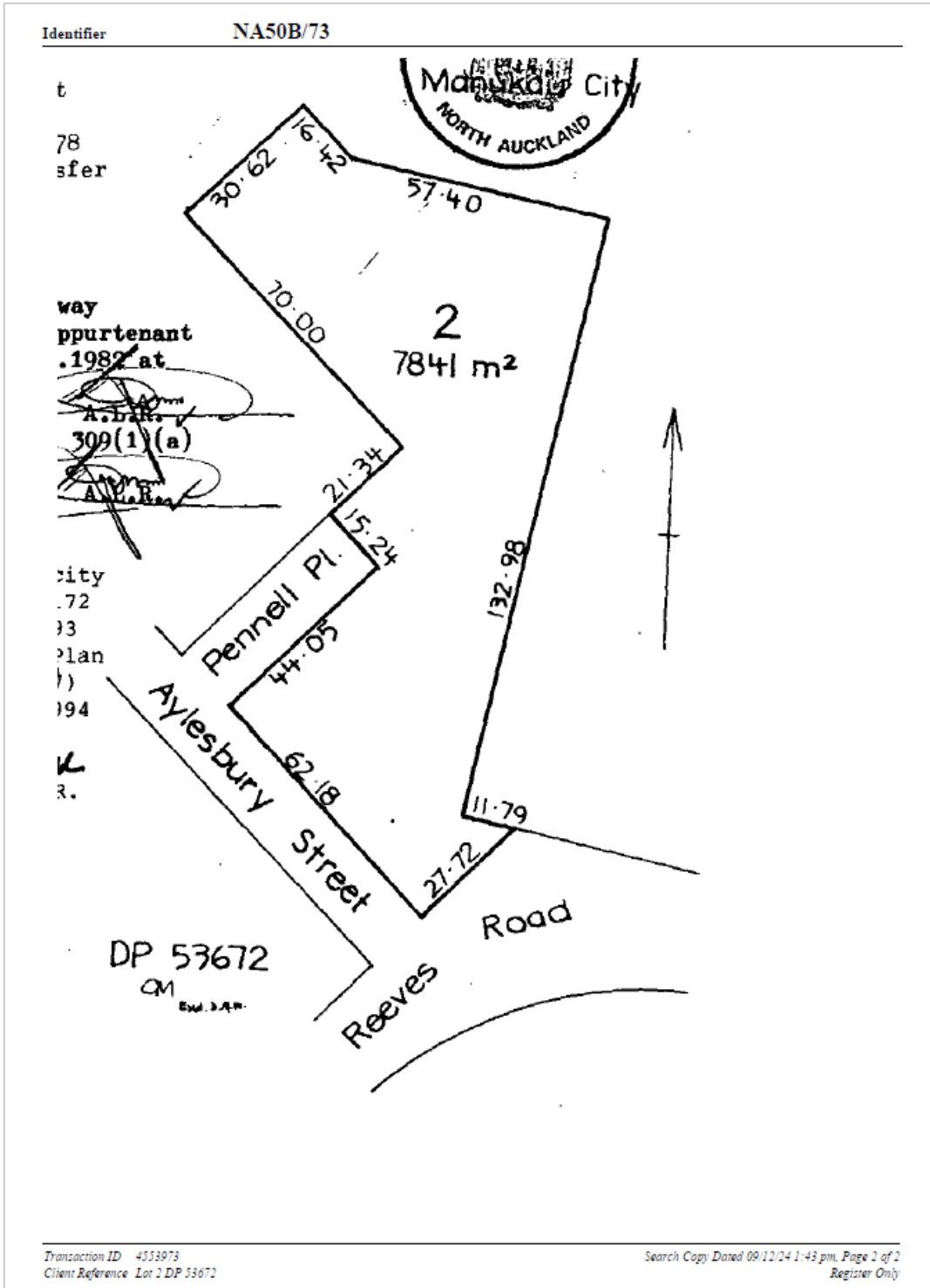
Subject to a drainage right over part coloured yellow on Plan 47230 created by Transfer 642425
Subject to a right of way over part marked A on Plan 93910 created by Transfer B067896.7 - 24.5.1982 at 10.10 am (Limited as to duration)
The easements created by Transfer B067896.7 are subject to Section 309 (1) (a) Local Government Act 1974
Subject to an electricity right over part marked F on Plan 159172 for the term of 100 years from 10.12.1993 created by Transfer C588324.2 - 13.4.1994 at 2.27 pm

Transaction ID 4533973
Client Reference Lot 2 DP 53672

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Item 8

Attachment A

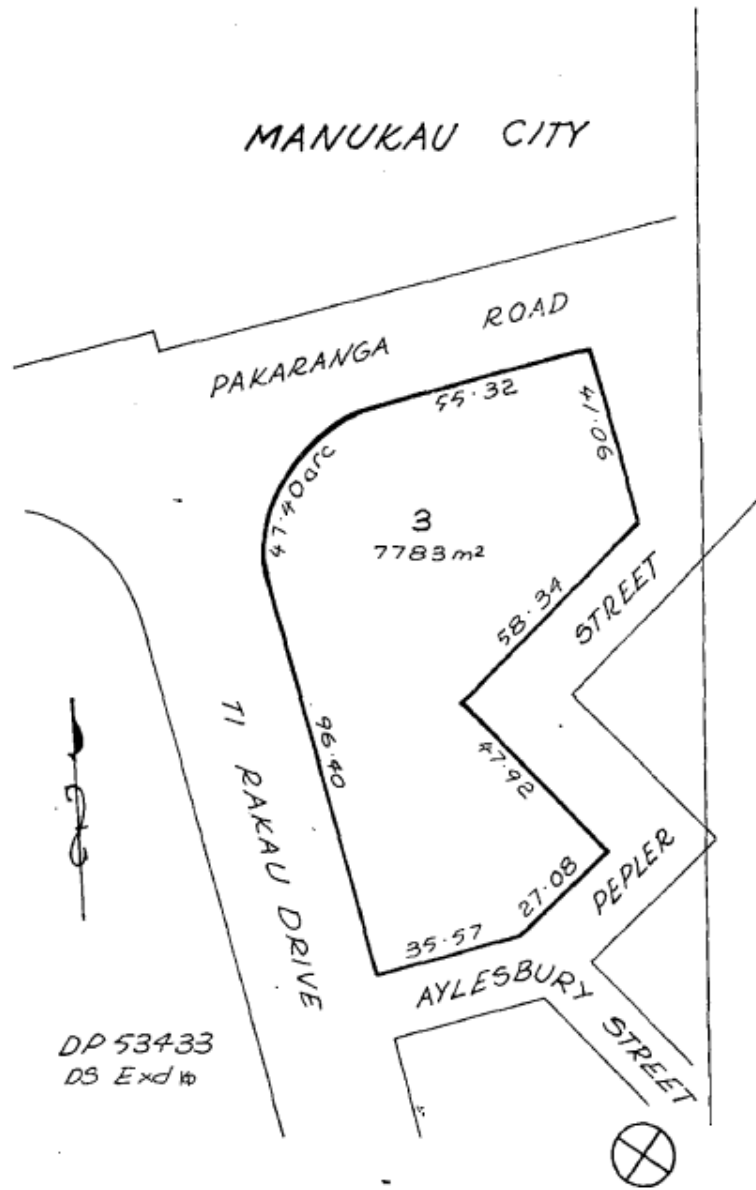


#6. Lot 3 DP 53433



	RECORD OF TITLE UNDER LAND TRANSFER ACT 2017 FREEHOLD Search Copy	
Identifier	NA97B/90	
Land Registration District	North Auckland	
Date Issued	13 April 1994	
Prior References	NA2057/24	
<hr/>		
Estate	Fee Simple	
Area	7783 square metres more or less	
Legal Description	Lot 3 Deposited Plan 53433	
Purpose	Local purpose (Utility) reserve	
Registered Owners	Auckland Council	
<hr/>		
Interests	SUBJECT TO THE RESERVES ACT 1977	
	Subject to an electricity right over part marked A on Plan 159172 for a term of 100 years from 10.12.1993 created by Transfer C588324.2 - 13.4.1994 at 2.27 pm	
<hr/>		
<i>Transaction ID</i> 4553981	<i>Search Copy Dated 09/12/24 1:43 pm, Page 1 of 2</i>	
<i>Client Reference</i> Lot 3 DP 53433	<i>Register Only</i>	

Identifier NA97B/90



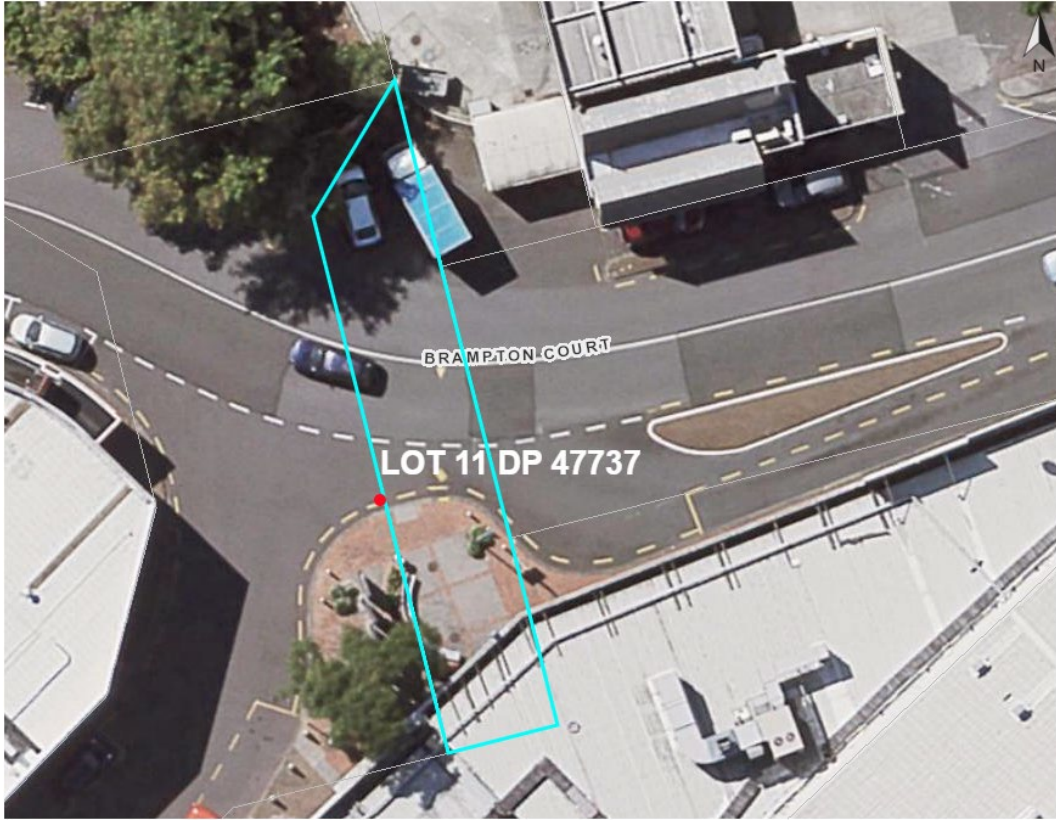
Item 8

Attachment A

Transaction ID 4700523
Client Reference

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Register Only

#7. Lot 11 DP 47737





RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Search Copy



R. W. Muir
Registrar-General
of Land

Identifier NA5C/242
Land Registration District North Auckland
Date Issued 17 March 1965
Prior References
GN 18673 NA662/259

Estate Fee Simple
Area 200 square metres more or less
Legal Description Lot 11 Deposited Plan 47737
Purpose Reserve for recreation purposes
Registered Owners
Auckland Council

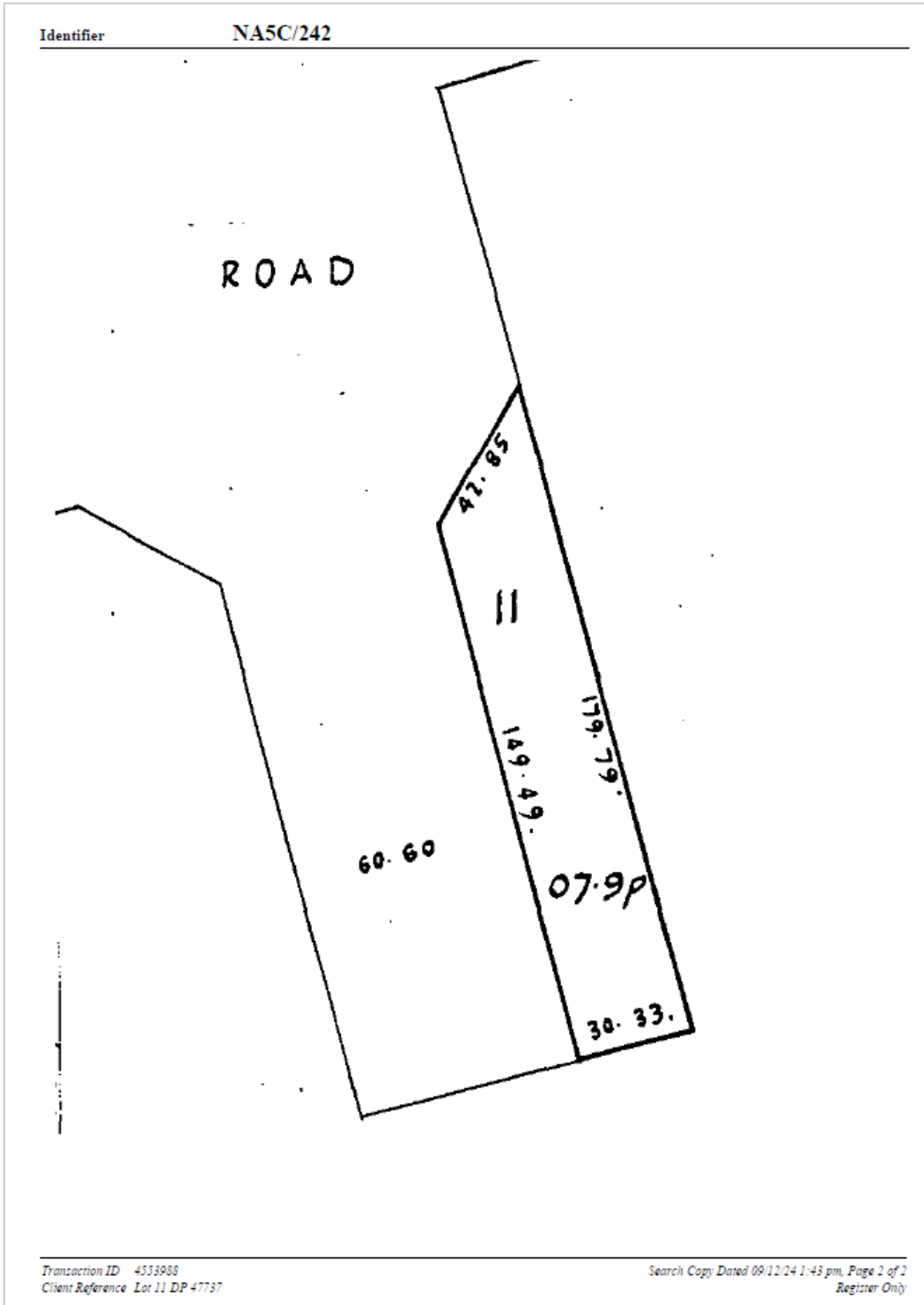
Interests
Fencing Agreement in Transfer 218297
Fencing Agreement in Transfer 269066
SUBJECT TO THE RESERVES AND DOMAINS ACT 1953
Appurtenant hereto is a drainage right created by Transfer 216092

Transaction ID 453888
Client Reference Lot 11 DP 47737

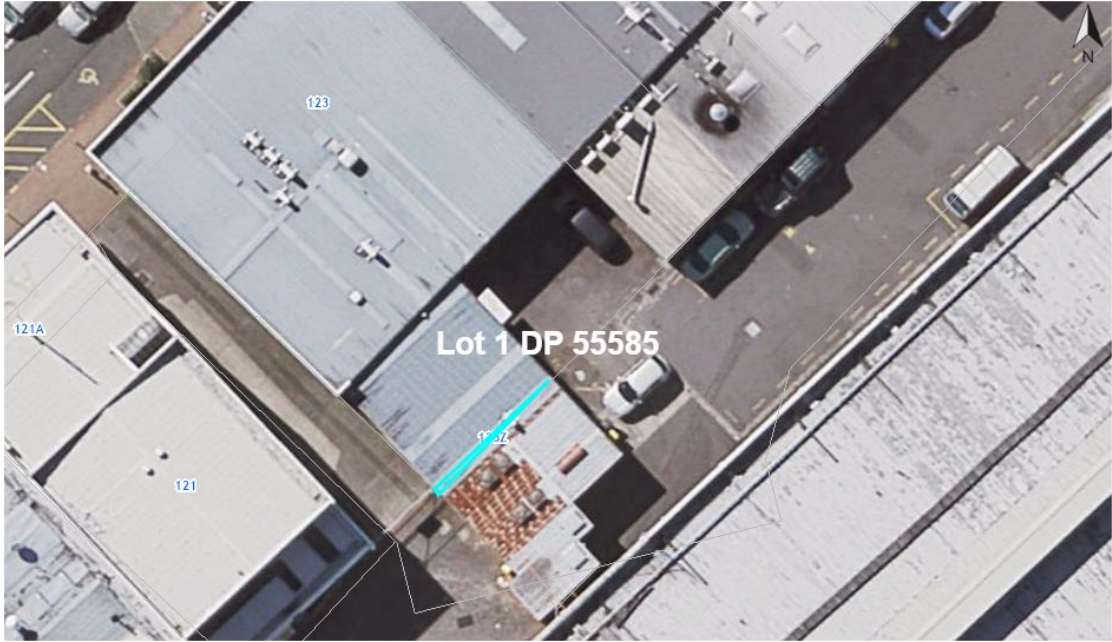
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Register Only

Item 8

Attachment A



#8. Lot 1 DP 55585



Item 8

Attachment A

CANCELLED

NEW ZEALAND

REGISTER
NORTH
Register-book
Vol. 1814, folio 80
1814 80

Land and Title - 4
FORM No. 2

Reference: Vol. 1814, Folio 65
Transfer No. 643341
Order for N/C No.

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate, dated the twenty-eighth day of July, one thousand nine hundred and sixty
under the hand and seal of the District Land Registrar of the Land Registration District of AUCKLAND WITNESSETH that
LINDSAY MINTERTON SCHUBERT company manager, DESMOND BYRON SCHUBERT company manager, ALLAN GALEY
WINTER solicitor and LINDSAY CUTHBERT WINTER public accountant all of Auckland are

seised of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial under
written or endorsed hereon, subject also to any existing right of the Crown to take and lay off roads under the provisions of any Act of the General
Assembly of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereon bordered, to-wit: be the several
admeasurements, a little more or less, that is to say: All that parcel of land containing 17.7 PERCHES more or less siting Lots 6
7 and 8 Deposited Plan 47737 and being part Fairburns Old Land Claim 266A

EQUIVALENT METRIC
AREA IS 447 m²
Il Otahuhu S.D.

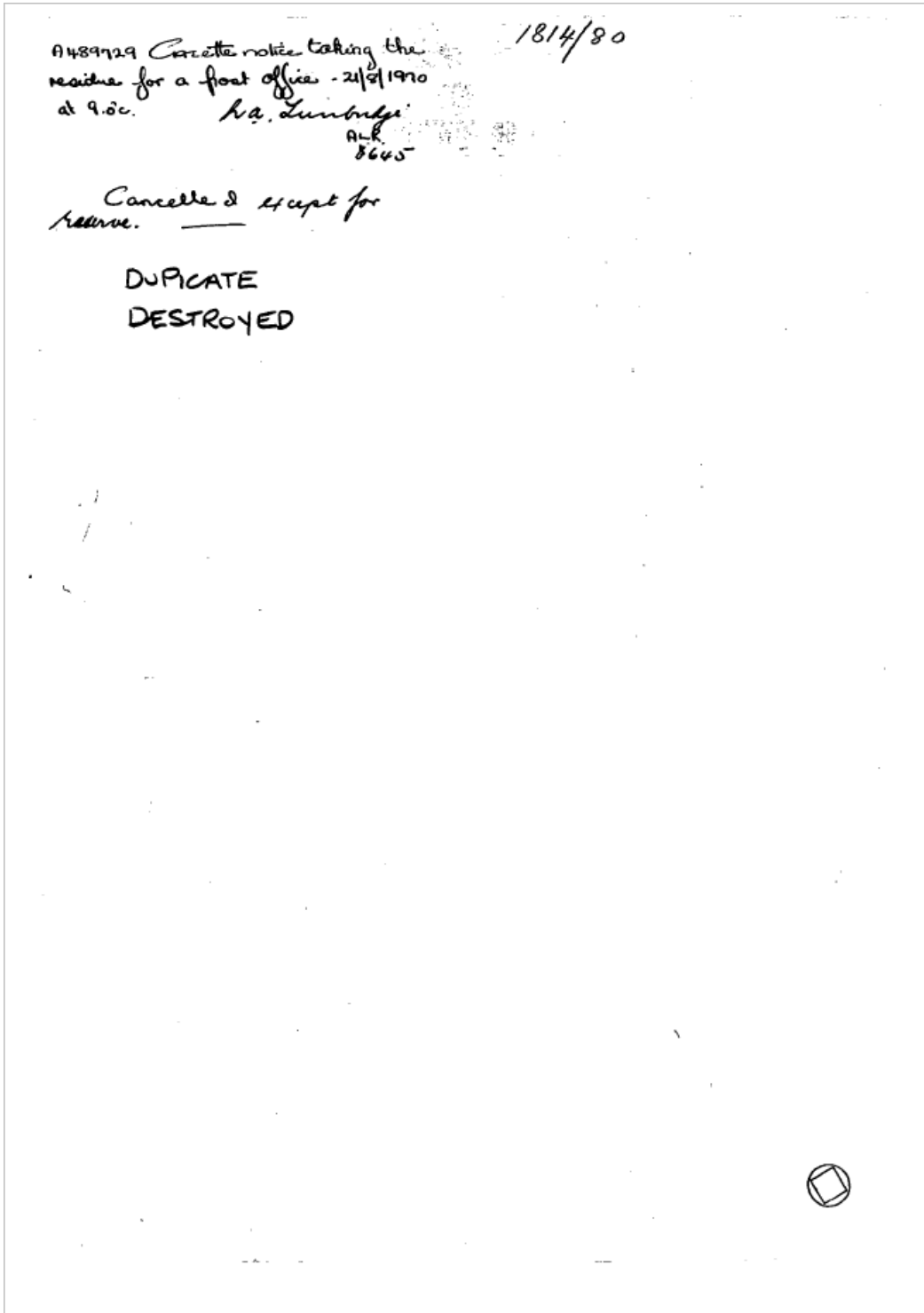
Image Quality due to Condition of Original

Appurtenant hereto are drainage rights created by
Transfer 21602
Subject to drainage rights created by
Agreement as to Easements containing in Transfer 63341
Transfer 68281 to Monday Thelston subject
Auckland company manager and dated
10.7.1962 at 11.60.7.
Transfer 64256 to M. C. Fisher Street
and Investment Company Limited
dated 11.12.1962 at 11.30.00
A 6250 Company of Auckland in the
City of Auckland
Transfer to Section 252(2) Municipal
Corporation Act 1954 (Part 1) Plan 15585
is vested in the Auckland Council
and Citizens of the City of Auckland
as Utility Reserve, subject to the
Reserve & Domain Act 1953

Total area: ~ 0 : 0 : 17.7
Scale: 50 links = 1 inch.

THIS REPRODUCTION ON A REDUCED SCALE
CERTIFIED TRUE & ACCURATE
DISTRICT LAND REGISTRAR FOR THE DISTRICT OF
AUCKLAND LAND TRANSFER ACT 1952
Richard Wilson A.L.R.

1814/80



Item 8

Attachment A

UNDER

the Reserves Act 1977 ("Act")

IN THE MATTER

of a proposed revocation of the reserve status of land at 2R Ti Rākau Drive, Pakuranga under section 24 of the Act by the Auckland Council

RECOMMENDATION OF INDEPENDENT COMMISSIONER FOLLOWING A HEARING OF A RESERVE STATUS REVOCATION PROPOSAL AND SUBMISSIONS RECEIVED

I recommend that the Council proceed to seek the Minister's consideration of the proposed reserve revocation.

REASONS

INTRODUCTION

1. By resolution number RSCCC/2024/57,¹ I have been appointed by the Regulatory and Community Safety Committee of Auckland Council (**Council**) to consider public submissions received regarding Auckland Council's proposal to revoke the reserve status of 2R Ti Rākau Drive, Pakuranga and to make a recommendation, in accordance with the Reserves Act 1977, for consideration of the Planning, Environment & Parks Committee.
2. Although not expressly stated in the minutes of my appointment resolution, I have assumed that the recommendation to be made is whether or not the Council should proceed with the reserve revocation process it has commenced.

Procedural matters

3. I conducted a hearing of the reserve revocation proposal and submissions received on 27 November 2024.
4. In advance of the hearing, I was provided with a report dated 1 November 2024 (**Hearing Report**), prepared by Gulina Monroe and Gary Jackson, both of whom are employed by Eke Panuku Development Auckland, the Council controlled organisation charged with progressing the reserve revocation proposal. The Hearing Report was comprehensive and included a number of relevant attachments all of which I read prior to the hearing. The Hearing Report was also provided to all submitters who had indicated that they wished to be heard in advance of the hearing.
5. In accordance with pre-hearing directions I issued on 19 September 2024, submitter Pakuranga Plaza Limited (**PPL**), filed evidence from the Development and Property

¹ Hearing Report, Attachment 16.

managers of its parent company (Eunice Lee and Jaki Recchia, respectively) on 20 November 2024. This evidence set out in detail the background to PPL's relationship to the reserve lands and its concerns with the proposed revocation of that reserve status.

6. Legal submissions by Mike Doesburg on behalf of PPL, and by Alison Arthur-Young, on behalf of General Distributors Limited (**GDL**), another submitter on the proposed reserve revocation, were also provided to me in advance of the hearing.
7. At the hearing, assisted by counsel Michael Wood, Mr Jackson summarised the key aspects of the Council's revocation proposal set out in the Hearing Report and responded to questions. Mr Doesburg, assisted by David Biggio KC, then presented PPL's detailed legal submissions in opposition to the proposed revocation. Finally, Ms Arthur-Young presented legal submissions for GDL.
8. After hearing from submitters, Mr Wood for the Council replied to a number of points made, but also sought leave to file more detailed reply submissions. After considering concerns raised by the submitters, leave was granted, subject to submitters being entitled to respond to any new matters raised in those reply submissions.²
9. A detailed written reply was received from the Council on 11 December 2024, and further submissions, responding to new matters raised in those submissions, were received from PPL and GDL on 18 December 2024.
10. The hearing was formally closed on 13 January 2025.
11. I record that I have considered in detail all the evidence and submissions presented in relation to the proposed reserve revocation. I also record that I undertook a visit to the site, to familiarise myself with the various parcels of reserve status land affected by the proposed revocation.

Collateral civil proceedings

12. The Hearing Report brought to my attention the fact that PPL has brought proceedings against the Council in the High Court seeking a declaration that it has the benefit of an equitable easement across the Council's land, rights to the land under the Public Works Act 1981, and that the Council is estopped from denying that the land is to provide ongoing public car parking to service the Plaza. The Council is defending those proceedings.
13. No injunctive relief preventing the reserve revocation process from proceeding has been sought by PPL. At the hearing both the Council and PPL accepted that the private rights claimed in respect of the land by PPL are not affected by, and are independent of, the reserve status. That is, if established, those rights would exist even if the land was no longer classified as reserve under the Act.
14. These concessions helpfully made, I do not intend to comment further on the High Court proceedings.

² Minute to the parties dated 27 November 2024.

THE PROPOSAL

15. The Council owns the land at 2R Ti Rākau Drive, Pakuranga. The land consists of eight lots, with a total area of 2.4494 hectares, seven of which are classified as local purpose (utility) reserve, and one as a recreation reserve. All of the lots are held as reserve and are subject to the Reserves Act 1977. The location of the lots is shown on Plan 1.



Plan 1 – Location of Local Purpose Utility Reserves & Recreation Reserve – 2R Ti Rākau Drive

16. The land was vested as reserve in predecessors of the Council (Manukau County Council prior to 1965 and Manukau City Council between 1965 and 2010), when the Pakuranga site was developed in the 1960s. The vestings occurred on the deposit of survey plans of subdivision at different stages of that development, pursuant to section 35(4) of the Counties Amendment Act 1961 or section 352(4) of the Municipal Corporations Act 1954 (depending on the relevant date of deposit), with one lot vested by section 13 of the Land Subdivision in Counties Act 1946. All the allotments were vested subject to the Reserves and Domains Act 1953.
17. Apart from the small area of recreation reserve, all of the parcels were vested for the purpose³ of “utility reserve” and were subsequently developed for use as public car

³ See section 12 of the Reserves and Domains Act 1953.

parking by the developer of the land. These parcels became re-classified as “local purpose (utility) reserve” on the enactment of the Reserves Act 1977, by reason of section 16(11)(b)(iv) of that Act. The area of recreation reserve was deemed to be classified for recreation purposes by section 16(11)(b)(i) of the Act.

18. The Council proposes revoking the reserve status of the land parcels because it considers that they do not have any or sufficient value as reserve land when assessed in terms of the Act and that holding them under that statute is therefore no longer necessary or appropriate. Instead, the Council contends that community benefit will be better served by holding the land free of the Act’s restrictions and using it as part of programme of urban regeneration, which it says will be taking place alongside the development of the Eastern Busway.

RESERVES ACT 1977 – RESERVE REVOCATION PROCESS

19. Revocation of reserve status is governed by section 24 of the Act. Ultimately, revocation is at the discretion of the Minister of Conservation after considering a request to do so from the relevant local authority or administering body. In making that request, the relevant local authority or administering body is only required to notify the commissioner appointed by the Director-General of Conservation that it considers the reserve status should be revoked and the reasons for that view.
20. Before the Minister can consider the revocation request, the following process must be completed:
 - (a) The administering body of the reserve must publicly notify the proposed revocation of reservation, specifying the reason or reasons for the proposal (section 24(2)(b));
 - (b) Persons claiming to be affected by the proposed revocation may make objections to the proposal and set out the grounds for those objections (section 24(2)(c));
 - (c) The administering body must consider the objections, make a resolution in relation to them, and then forward copies of both the objections and its resolution thereon, to the Commissioner (section 24(2)(c)); and
 - (d) The Minister must then consider the revocation proposal, the objections made to it, and the administering bodies’ resolution in relation to them (section 24(2)(e)).
21. Section 24 of the Act is silent as to the threshold or test to be met to justify revocation of reserve status, and I was not referred to any case law directly on point. In this situation, I agree with counsel that when a revocation proposal is advanced under section 24, the relevant legal context to assess that proposal is the purpose of the Act as set out in section 3.⁴ That is, to provide a sound basis for revocation the proponent administering body ought to be able to establish that neither the land, nor the use to

⁴ PPL Legal Submissions, 27 November 2024, at [3], [15] and [16]; Council Reply Submissions, 11 December 2024, at [4.4].

which the land is being put, have the characteristics of reserve warranting continued protection in terms of the purposes in section 3 of the Act. Section 3 provides:

3 General purpose of this Act

(1) It is hereby declared that, subject to the control of the Minister, this Act shall be administered in the Department of Conservation for the purpose of—

(a) providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing—

(i) recreational use or potential, whether active or passive; or

(ii) wildlife; or

(iii) indigenous flora or fauna; or

(iv) environmental and landscape amenity or interest; or

(v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value:

(b) ensuring, as far as possible, the survival of all indigenous species of flora and fauna, both rare and commonplace, in their natural communities and habitats, and the preservation of representative samples of all classes of natural ecosystems and landscape which in the aggregate originally gave New Zealand its own recognisable character:

(c) ensuring, as far as possible, the preservation of access for the public to and along the sea coast, its bays and inlets and offshore islands, lakeshores, and riverbanks, and fostering and promoting the preservation of the natural character of the coastal environment and of the margins of lakes and rivers and the protection of them from unnecessary subdivision and development.

22. Because the land areas subject to the proposed revocation exhibit few, if any, of the biological or physical characteristics described in section 3 (i.e., they are predominantly hard paved and used for car parking and manoeuvring areas), it follows that their ongoing preservation and management as reserve must be because they possess “community ... value” for the purposes for which they have been reserved (i.e., “utility”).

THE COUNCIL’S REASONS FOR REVOCATION

23. In the Hearing Report, the current use of the land is described as follows:
22. *All the parcels classified as local purpose (utility) reserve are zoned Business-Town Centre under the Auckland Unitary Plan. The parcel classified as recreation reserve is zoned as road.*
23. *The land mainly comprises sealed car parks and accompanying accessways. As*

the location map ... shows, the land is bisected by legal road...

24. *The carparks are available to anyone needing to park their car in the area, but this will mainly be shoppers at the Plaza and people who work at the Plaza.*
 25. *As Council land, the Council manages and maintains the car parking. Parking is subject to a 180-minute time limit, enforced by Auckland Transport on behalf of Council.*
 26. *Apart from the car parking, an area of Lot 4 DP 55286 in the north-east of the site contains the easternmost extent of Brampton Court and a vehicular access point from Pakūranga Road. Most of Brampton Court is legal road.*
 27. *Lot 4 DP 55286 and Lot 2 DP 53672 contain ramps providing access to and from an area of above-structure car parking owned by PPL.*
 28. *An area of the recreation reserve, Lot 11 DP 47737, is traversed by Brampton Court and used as road, however this is not legal road.*
 29. *Lot 1 DP 55585, Lot 6 DP 55286, and an area of Lot 11 DP 47737 have been built over. The overlying structures are either Plaza owned or within the footprint of legal road.*
 30. *The Council's understanding is that the land has generally been used as described above since the shopping centre was opened in the 1960s.*
24. The Hearing Report also notes that the Eastern Busway and accompanying transport improvements are being constructed on areas of the land, and that the areas required permanently for the Eastern Busway will be taken under section 114 of the Public Works Act 1981 regardless of whether their reserve status is revoked or not.
 25. The Hearing Report states that the reserve revocation is being pursued because, by reference to section 3 of the Act, the Council does not consider that the land has any or sufficient "reserve" value to justify continuing to hold it subject to the Act. It says that neither the land, not its use for car parking, exhibit any characteristics or attributes of reserve land warranting protection in terms of that statutory purpose, and that its proposed revocation is consistent with the Department of Conservation's Reserves Act Guide (2006) which advises that: "*Revocation can take place for any reason considered advisable and consistent with the purposes of the Reserves Act.*"
 26. While the Council accepts that the land presently provides a benefit in the form of car-parking areas for staff and customers of the Pakuranga Plaza shops, and users of associated public services, it says that this does not mean it has 'local purpose reserve' or 'utility reserve' value.
 27. In relation to the allotment that is classified as recreation reserve, referring to section 17(1) of the Act, the Council considers that use of that land for car parking or road is not fulfilling a recreation purpose.
 28. Finally, the Hearing Report notes that even if a utility reserve developed for car

parking purposes was considered appropriate when the land was originally vested in the Council in the 1960s, "... the Council does not now believe it to be necessary, or in the public interest, to retain land as reserve, or use public funds to provide reserves whose main purpose is car parking. This is especially where the car parking mainly benefits commercial operators and their customers (the Plaza owners and their tenants). The reserve status of such land is somewhat of an historical anomaly, which would not occur today".⁵

29. In conclusion, the Hearing Report summarises the Council's position as:

"In the absence of any intrinsic Reserves Act attributes, the Council considers that it can better "promote the social, economic, environmental, and cultural well-being of [its] communities in the present and for the future", in accordance with its statutory purpose, if the land is held free of the Reserves Act restrictions".⁶

and

"In the Council's view, it is no longer necessary for the land to have the special status of reserve (if it ever was). The provision of car parking for (mainly) private benefit is not a justifiable Reserves Act purpose, and comparable land is not held subject to the Reserves Act."⁷

SUBMISSIONS IN OPPOSITION

30. The Council received 33 objections to the reserve revocation proposal from the public by the November 2023 deadline, and one submission in support of the proposal. Most of the objections were made by the owner and tenants of Pakuranga Plaza. A number of those objections were similar and pro-forma in nature. There were no objections from mana whenua.
31. A detailed summary of the objections received was included in Table 2 of the Hearing Report. Having read the submissions, I agree with the observation in the report that the most common matter raised by objectors in opposition to the proposed revocation is the assumption that it will lead to a loss of car parking for customers visiting the businesses at the Plaza, and this would adversely impact those submitters' reliance on those car parks for their business activities.
32. Two submitters elected to accept Council's invitation to present their objections to an independent commissioner hearing, namely PPL and GDL. The case for PPL was fulsome and included evidence and detailed legal submissions. GDL also presented legal submissions, generally aligning with and supporting the case in opposition presented by PPL.
33. PPL helpfully summarised four issues it considered I needed to determine in order to make my recommendation to the Council. I therefore propose to discuss these issues as put forward, summarise Council's reply to them, and then set out my findings in

⁵ Hearing Report, at [41].

⁶ Hearing Report, at [43].

⁷ Hearing report, at [61].

relation to them. As GDL's submissions raise the same arguments as PPL, I do not propose to comment separately about them.

Procedural Issue: Has the Council's process complied with the Act?

31. PPL contends, first, that the Council failed to specify the reason or reasons for the proposed revocation in its public notice and has thus breached section 24(2)(b) of the Act, which requires reasons to be given.
32. The reason for the proposed revocation set out in the public notice dated 18 October 2023 is that the reserve land the subject of the notice is "*largely used as car parking and as road*" and the Council intends "*to revoke the reserve status to enable future divestment and development of the land as part of urban regeneration proposed for Pakuranga*".⁸
33. After concerns were raised by submitters that the public notice did not contain sufficient reasons for the proposed revocation, the Council provided further information.⁹ This information eventually explicitly stated that the Council's reason for revocation was that it no longer considered the land to have reserve value under the Act and was better used for other activities.¹⁰ However, this information was only sent to persons who had already made a submission and did not form part of the public notice.
34. Second, PPL contends that the Council had a broader obligation to consult with potentially affected parties about the proposed revocation, and that it failed to do so, or do so properly, before notifying it for public submission.
35. In reply, counsel for the Council submits that my role is confined to considering the substantive matters raised in the objections and then making a recommendation on the merits of the proposal: it is not to conduct a review of the Council's processes. It says that if PPL has an issue with the Council's process to this point its remedy lies in the High Court by way of application for judicial review. Notwithstanding this submission, in response to the procedural complaints raised, the Council (in summary) says:¹¹
 - a. That the notice complied with section 24(2)(b) of the Act by providing reasons why the land did not have sufficient 'reserve' value to justify continued use for car parking, and this was clearly understood by submitters;
 - b. It was implicit in the notice that the Council did not consider the continued use of the reserve land for car parking and road was required;
 - c. The public notice requirements in the Act were met;

⁸ Hearing Report, Attachment 10.

⁹ Hearing Report, Attachments 13 and 14.

¹⁰ Hearing Report, Attachment 14, at [5].

¹¹ Council Reply Submissions, 11 December 2024, Section 7.

- d. The Act does not require 'pre-consultation' with potentially affected parties before a section 24 notice is given: the objections process is the means of engaging with the public about proposals to revoke reserve status.

Finding

36. There is some force in the Council's submission that my role is confined to considering the substantive matters raised in the objections and then making a recommendation on the merits of the proposed revocation, and that I have no power to conduct a review of the Council's processes. However, to the extent that the Council has requested me to make a recommendation as to whether it should proceed (or not) with the revocation process, my assessment of whether it has followed due process to this point is relevant. For example, there would be no benefit in recommending that the Council proceed with the revocation on the merits, if the evidence demonstrated that its process was procedurally flawed and susceptible to challenge. For this reason, I intend to address the procedural challenge rather than disregard it on a jurisdictional basis as suggested by the Council.
37. After considering all the evidence and legal submissions, I am satisfied that the revocation process to date has been lawfully progressed. Although the initial public notice could have been drafted better and explicitly refer to "reasons", I consider that the notice clearly expressed the Council's intention. That is, that it wanted to use this land for an activity other than car parking and proposed to revoke the reserve status of it to allow that outcome. This interpretation of the notice is supported by a review of the many submissions that were made against the proposal, which clearly understood that the Council wished to revoke the reserve status of the land and discontinue its use for car parking so that it could use the land for other purposes.
38. With respect to PPL's contention that the Council owed a broader public law duty to consult with potentially affected parties prior to advancing the public notification and submission process, I agree with the submission for the Council. Section 24 of the Act is a code which does not require 'pre-consultation' (as it was referred to). While it does not preclude an administering body from undertaking such an exercise, it does not require it. There is therefore no basis to criticise Council's process to this point for failing to consult prior to giving public notice of the proposed revocation.
39. Based on these findings, I see no grounds to recommend to the Council that it conduct the pre-Ministerial revocation process over again, but in a different way.

Substantive Issue 1: is the original purpose of the utility reserve for car parking relevant?

40. PPL submits that the original purpose of the reserve classification as "utility reserve" for car parking is relevant to the issue of whether the land still holds value as reserve and thus whether it is appropriate to revoke its status. It says that because the utility reserve classification was specifically for the purpose of car parking, and the land is still used for that purpose, it still holds value as reserve and its status as such should not be revoked. After referring to the original classification of the reserves as "utility reserve" under section 12(1) of the Reserves and Domains Act 1953, and its evolution

into a “local purpose (utility) reserve” under section 23 of the Act, via section 16(11) of that Act, PPL argues that nothing has changed to alter the original purpose of the reserve for car parking.

41. In response, the Council says that PPL’s argument is premised on a false assumption, namely that the original classification of the land was for “car parking”. Rather, it notes that apart from the small area of recreation reserve, all vestings were as “utility reserve” and that was the purpose shown on the plans that were deposited. As such, that established the reserve purpose in terms of section 35(4) of the Counties Amendment Act 1961 and section 352(3) of the Municipal Corporations Act 1954. For the purposes of section 12 of the 1953 Act “utility reserve” was therefore the purpose for which the land was required to be held and administered and the fact that it was subsequently developed and used for public car parking, a use that was within the classified purpose of the land, is not relevant to the issue of whether the reserve status should be revoked. In the Council’s submission, the documents referred to by PPL in support of its position are simply part of the factual background, and do not, and cannot, affect the content of the subdivision consent or the approved plans that were deposited, which make no reference to “car parking”.
42. In response to PPL’s argument, the Council further submits that there is no power to look behind the reserve classification which was in fact given. There is nothing in either the Reserves and Domains Act 1953 or the Act for identifying a “specific utility” for which the land was vested as reserve. To the contrary, it says, adding a car parking “gloss” to the utility purpose of these parcels is precluded by the statutory provisions under which the land vested, which provide that land vesting as reserve does so free of encumbrances. It follows, in the Council’s submission, that the land must also vest free of any qualifications to the express reserve purpose.
43. Turning to the 1977 Act, the Council notes that the parts of the land vested as “utility reserve” became “local purpose (utility) reserve” on the enactment of the Act, by reason of section 16(11)(b)(iv) of that Act and the area of recreation reserve is deemed to be classified for recreation purposes by section 16(11)(b)(i) of that Act. In respect of the areas of local purpose reserve, section 23 of the Act provides that *“the appropriate provisions of this Act shall have effect, in relation to reserves classified as local purpose reserves, for the purpose of providing and retaining areas for such local purpose or purposes as are specified in any classification of the reserve”*. Based on this language, and relying on case law,¹² the Council observes that the “specific purpose” being referred to here is “utility”, not “car parking”, and that PPL’s argument cannot therefore be sustained. Any change of the reserve classification from “utility” to “car parking” would require a change in classification under section 24A of the Act, and that has not occurred.
44. In its rejoinder on this response, PPL argues that the Council’s reading of predecessor legislation is unduly narrow and that a broader contextual approach ought to be taken. On that approach, the use of the reserve land for public car parking is relevant to the issue of whether the reserve status should be revoked.

¹² *Friends of Turitea Reserve Society Inc v Palmerston North City Council* [2008] 2 NZLR 661 at [4].

Findings

45. In my assessment this issue is more about the weight to be given to the historic factual matrix, rather than its relevance. The historical factual matrix is undoubtedly relevant as it explains how the parcels in question are “utility” and “recreation” reserves that are used for car parking and vehicle maneuvering. However, in the context of the section 24 revocation process, I find that the car parking use can be given little weight. This is because, for the purposes of the relevant statutes, the classification and purpose of the parcels is as “utility” and “recreation”; it is not for “car parking”. Its use for car parking has not and cannot operate, effectively, to reclassify the parcels to a different purpose. While the historical circumstances may have given rise to private law rights (about which I express no view), they are of limited weight in determining whether the parcel ought to be retained with a reserve status under the Act.

Substantive Issue 2: Do the reserves hold ‘reserve value’ under the Act?

46. Under this issue, PPL contends that “car parking” is a “reserve value” because it is a “functional activity” that falls within the concept of “community...features or value[s]” in section 3 of the Act and within “local purpose” in section 23, on the same basis as described in the case of *Friends of Turitea*.¹³ It says that the reserve has served a local community purpose for 59 years and continues to do so. This is a value, it submits, that was integral to the purpose of its vesting and a value that remains relevant under the Act.
47. In response, the Council says that the purpose of the Act “*has very much a conservation and public recreation emphasis*”¹⁴ and that there is nothing special about the land per se that provides such a community or other special feature or value as to warrant continued reservation under the Act. Similarly, although the historical (and continued) use of the land as car parking provides various benefits to the public, bearing in mind the purpose of the Act, that is not sufficient to warrant its continued protection as reserve.
48. In its rejoinder, PPL submits that the Councils reliance on a ‘broad purpose’ interpretation of the Act as being for conservation and public recreation purposes is misplaced and that the Act identifies a range of qualities that areas of New Zealand might possess. As use of the reserve land for car parking has community benefit, it is therefore land that falls within the section 3 purpose of the Act.

Finding

49. I find PPL’s argument as to the “reserve value” of the land relies too heavily on the use to which the land is being put (i.e., car parking). I accept that this use is longstanding, but it is not the use (or purpose) for which the land is classified under the Act. While there is no dispute that car parking is a use that can fit within the “utility” purpose of the reserve, so too could other uses. As the Council points out, the car

¹³ PPL Legal Submissions, 27 November 2024, at [57].

¹⁴ Council Reply Submissions, 11 December 2024, at [4.2].

Komiti mō te Kaupapa Here me te Whakamahere / Policy and Planning Committee
Forward Work Programme 2025

This committee deals with setting the direction for the physical development and growth of Auckland through a focus on land use and policies relating to planning, growth, infrastructure, housing (as well as programmes and strategic projects associated with these activities). It also deals with the development and monitoring of policy associated with community, social, cultural and environment matters (including climate change activities). The full terms of reference can be found here: [Auckland Council Governing Body Terms of Reference](#)

Note: Annual Budget decisions may affect the work programme.

Item 15

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Expected timeframes Highlight the month(s) this is expected to come to committee in 2023											
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Planning – Unitary Plan and Land Use Planning														
Consideration of plan change – Intensification Planning and Resource Consents Policy, Planning and Governance	Statutory requirement	To whiwhi / receive updates on progress. Progress to date:												
Consideration of plan change for notification – Natural hazards Planning and Resource Consents Policy, Planning and Governance	Strengthened Auckland Unitary Plan natural hazards management. Statutory basis is section 6H of the Act.	To kohuki /consider a plan change. Progress to date: Plan change preparation continuing with engagement focused on risk tolerance. Confidential committee workshop held on 11 December 2024. Work on track for March 2025 subject to government signalled changes to the RMA. Clarity for committee reporting should become clear early in 2025 Workshop will be held on 12 March 2025..												
Consideration of plan change for notification – Helipad management: Amend Hauraki and Gulf Islands District Plan Planning and Resource Consents Policy, Planning and Governance	Direction of the Planning, Environment and Parks Committee to prepare a plan change to amend Rule 13.8.2 of the Hauraki Gulf Island District Plan to add the NZ Coastal Policy Statement as a matter of discretion to be considered in helipad consent applications. (PEPCC/2024/14).	To kohuki /consider a plan change. Progress to date:												

Attachment A

Item 15

Attachment A

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			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<p>Consideration of plan change for notification – Sites and Places of Significance to Mana Whenua Tranche 2b</p> <p>Planning and Resource Consents Policy, Planning and Governance</p>	Statutory requirement	<p>To kohuki /consider a plan change.</p> <p>Progress to date: A consultant is assisting with the preparation of this tranche. Six sites have been identified: Pukapuka, Te Uru Tapu, Turakirae, Pukekooiwiriki, Te Aparangi, and Te Maketuu.</p> <p>The analysis of some of these sites is more progressed than others and it is currently being considered whether to progress the more advanced and most at-risk sites ahead of others.</p> <p>The earliest report back to the committee would be April 2025 (two sites), subject to landowner engagement. We are working towards notification in April/May 2025.</p> <p>Tranche 3 is currently being resourced.</p>												
<p>Southern Rural Strategy</p> <p>Policy Policy, Planning and Governance</p>	Priority implementation action of the adopted Future Development Strategy	<p>To whakaae / approve the final Southern Rural Strategy.</p> <p>Progress to date: The Draft Southern Rural Strategy was endorsed by the Policy and Planning Committee for public consultation on 7 October 2024.</p> <p>Public consultation runs from 29 October 2024 and 1 December 2024.</p> <p>Iwi engagement is ongoing through early 2025. To date nine out of 10 iwi have confirmed their interest in the Strategy, and staff are yet to meet with two iwi with an interest in the south.</p> <p>Seeking adoption of the final Southern Rural Strategy from the Policy and Planning Committee is planned in April 2025.</p>												

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			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Whenuapai Structure Plan Update Planning and Resource Consents Policy, Planning and Governance	Statutory requirement	To whakaae / approve the updated Whenuapai Structure Plan. Progress to date: Approval to prepare an update to the Whenuapai Structure Plan 2016 including new areas of Red Hills North and Whenuapai West – 23 May 2024. Link to decision Note: Public engagement was to happen in last quarter of 2024. A draft plan will be presented to the Upper Harbour and Henderson-Massey Local Boards then to this committee for public engagement, followed by an item to the boards and then to this committee for approval for the final version. Iwi consultation has commenced, and a workshop is to be held with the Henderson-Massey and Upper Harbour Local Boards. Preliminary discussions have been held with relevant council departments, CCOs and Government departments. A draft structure plan and engagement plan will be prepared for the March committee meeting.												
Making plan changes operative Planning and Resource Consents Policy, Planning and Governance	Statutory requirements	To whakaae / approve plan changes as requests are received. Progress to date: See completed plan changes at the end of this document. Members will be updated via memo on any private plan changes being accepted under delegated authority. Current plan changes that could potentially be made operative during the current year (depending on appeals): <ul style="list-style-type: none"> <input type="checkbox"/> Private Plan Change 92: Wellsford North (3 August 2023, Link to decision) <input type="checkbox"/> Private Plan Change 93: Warkworth South. (7 September 2023, Link to decision) <input type="checkbox"/> Private Plan Change 94: Wairaka Precinct <input type="checkbox"/> Plan Change 96: Open Space and Other Rezoning Matters (2024). (30 November 2023, Link to decision). <input type="checkbox"/> Private Plan Change 98: 47 Golding Road and 50 Pukekohe East Road, Pukekohe (15 February 2024, Link to decision) <input type="checkbox"/> Private Plan Change 99: 13 Cresta Avenue and 96 Beach Haven Road, Beach Haven <input type="checkbox"/> Private Plan Change 100: Riverhead <input type="checkbox"/> Private Plan Change 101: Pilkington Park and Point England 	As required											

Item 15

Attachment A

Item 15

Attachment A

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			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		<ul style="list-style-type: none"> <input type="checkbox"/> Plan Change 102: Sites and Places of Significance to Mana Whenua Tranche 2a. Pre-hearing submitter discussions are largely concluded pending a follow up discussion with Ngāti Whātua Ōrakei on some points of their submission. (11 April 2024, Link to decision). Hearing date set for 12 and 19 February 2025. <input type="checkbox"/> Private Plan Change 103: Silverdale West Industrial Area. (13 June 2024, Link to decision) <input type="checkbox"/> Private Plan Change 104: Remuera Precinct <input type="checkbox"/> Private Plan Change 105: Waitomokia Precinct <input type="checkbox"/> Plan Change 106: Filming on Sites and Places of Significance to Mana Whenua. (8 December 2022, Link to decision). <input type="checkbox"/> Plan Change 108: Papakura. (10 December 2024, Link to decision). <input type="checkbox"/> Plan Change 109: Whenuapai Green/Totara Road. (10 December 2024, Link to decision). <input type="checkbox"/> Private Plan Change 9, 33 and 49 Heights Road, Pukekohe (20 February 2025, Link to decision) <input type="checkbox"/> Private Plan Change 84-100 Hobsonville Road, Hobsonville Grove, (20 February 2025, Link to decision) 												
<p>Clause 25, Schedule 1 of the Resource Management Act - Determination</p> <p>Planning and Resource Consents Policy, Planning and Governance</p>	Statutory requirement	<p>To kohuki /consider private plan changes that may require a clause 25 determination by this committee in 2025.</p> <p>List of possible clause 25 determinations:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 485 and 467 Puhinui Rd; 5,10 and 11 Campana Road <input type="checkbox"/> 290 Victoria Street West, Pukekohe <input type="checkbox"/> 70A and 70B Lisle Farm Drive, Pukekohe <input type="checkbox"/> 2 Wastney Road 'Alfriston Village' (KO/Windermere) <input type="checkbox"/> 55 Cosgrave Road, Winton <input type="checkbox"/> Karaka North Peninsula: Fortland Capital Limited – (Various) rural zones to Future Urban Zone 	As required											

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			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Legislative Reform														
Resource Management Act – Replacement legislation Policy; Planning and Resource Consents Policy, Planning and Governance	An opportunity to influence government reforms and national policy changes, and to advocate for effective affordable housing measures.	To whakaae / approve the council submission and tautapa / delegate approval for final version of submissions on the bills to replace the RMA to be introduced in mid-2025 , premised on the enjoyment of property rights as a guiding principle. Progress to date: Memorandum: Resource Management Act reform phase two and three: Government’s recent announcements, 18 October 2024, Link to memorandum .												
Legislation changes Policy Policy, Planning and Governance	An opportunity to influence government reforms and national policy changes.	To whakaae / approve submissions and tautapa / delegate approval for final version of submission. To whakaae / approve priority submissions for Auckland Council Group. List of possible submission opportunities: <ul style="list-style-type: none"> <input type="checkbox"/> Principles of the Treaty of Waitangi Bill – Submission close 7 January 2024 <input type="checkbox"/> Climate Adaptation Framework – Draft Bill expected early 2025 <input type="checkbox"/> National Infrastructure Plan – Draft Plan expected 2025 <input type="checkbox"/> Building System Changes <input type="checkbox"/> Public Works Act Review <input type="checkbox"/> Waste Minimisation Act 2008 and Litter Act 1979 replacements 												

Item 15

Attachment A

Item 15

Attachment A

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			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Resource Management Act – Amendment Bills Policy; Planning and Resource Consents Policy, Planning and Governance	An opportunity to influence government reforms and national policy changes, and to advocate for effective affordable housing measures.	To whakaae / approve the council submissions and tautapa / delegate approval for final version of submission on: Second Resource Management Act Amendment Bill – to be introduced before the end of 2024. Submissions likely due in late Feb/Mar 2025. National direction discussion documents (4) – consultation on seven new national direction instruments, and amendments to fourteen existing ones. Expected to be released in Feb 2025. To kohuki /consider matters relating to Going for Housing Growth. Progress to date: Memorandum: Auckland Council submission on the Fast-track Approvals Bill, 5 April 2024, Link to memorandum Auckland Council submission on the Fast-track Approvals Bill, 22 April 2024. Link to submission Auckland Council submission on the Resource Management (Freshwater and Other Matters) Bill, June 2024 – Link to submission Memorandum: Going for Housing Growth: Government’s recent announcements, 18 July 2024 - Link to memorandum Memorandum: Resource Management Act reform phase two and three: Government’s recent announcements, 18 October 2024, Link to memorandum . Memorandum: Fast-track Approvals Bill update – Environment Select Committee’s report, November 2024, Link to memorandum . Update on Going for Housing Growth by memo and input to submission due February - March 2025.													
Urban Regeneration															
Central Wharves Masterplan – Preparation and Development City Centre Major Projects Eke Panuku Development Auckland	Delivery of Long-term Plan 2024-2034 Mayoral Proposal recommendation.	To make decisions on the central wharves master-planning exercise to better accommodate public space, cruise facilities and ferry services while maintaining port operations. Progress to date: Timing still to be confirmed.													

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			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
City Centre Masterplan – City Centre Action Plan implementation update City Centre Lead Agency Eke Panuku Development Auckland	Information update.	To whiwhi / receive updates on the City Centre Action Plan. Progress to date:													
Process to confirm new priority locations – Urban regeneration programme Strategy and Planning Eke Panuku Development Auckland	Delivery of Statement of Intent 2023-2026 – Add new locations to the Eke Panuku urban regeneration programme.	To whakaae / approve a process for selecting two to three new locations for addition to the Eke Panuku urban regeneration programme. Progress to date:													
Climate change															
Climate Action Transport Targeted Rate Governance and Oversight Group Chief Sustainability Office Group Strategy and Chief Executive Office	Governance and oversight of the Climate Action Transport Targeted Rate.	To kohuki / consider any matters relating to the Climate Action Transport Targeted Rate Governance and Oversight Group. Progress to date:													
C40 Cities – Decision on membership Chief Sustainability Office Group Strategy and Chief Executive Office	Reapplication for C40 membership.	To whakaae / approve a preferred option on C40 membership. Progress to date:													

Item 15

Attachment A

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			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Resilient Tāmaki Makaurau Policy Policy, Planning and Governance	Resolution of the Planning, Environment and Parks Committee (PEPCC/2023/81) to endorse 'Accelerating a Resilient Tāmaki Makaurau'.	To ohia / endorse: <ul style="list-style-type: none"> principles for guiding a regional approach prioritisation process for guiding how the council will identify and prioritise communities and decide appropriate support. Progress to date:												
Snapshot of progress of Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan Chief Sustainability Office Group Strategy and Chief Executive Office	Reporting update.	To whiwhi / receive a snapshot of progress of Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan. Progress to date: Information to inform the progress update will not be received until <u>October 2025</u> , therefore the snapshot will be presented to the relevant committee of council at the earliest availability.												
Shoreline Adaptation Plan programme Engineering, Assets and Technical Advisory Resilience and Infrastructure	The Shoreline Adaptation Plan programme is planning for the future of Auckland's 3,200km of shorelines (beaches, cliffs, harbours and estuaries) in response to the impacts of climate change, erosion and flooding.	To whakaae / approve the Shoreline Adaptation Plans as they are completed. Progress to date: See completed adaptation plans at the end of this document.												
Water														
Access to affordable water - Adopt an Auckland Council position statement Policy Policy, Planning and Governance	Opportunity to enable a coordinated response to the water access issues across the council group and deliver a commitment through the Auckland Water Strategy (2022-2050).	To kohuki / consider a position statement on access to affordable water to enable a coordinated response across the council group. Progress to date: Adoption of the Auckland Water Strategy – 10 March 2022 Link to decision Timing to be confirmed.												

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Expected timeframes Highlight the month(s) this is expected to come to committee in 2023												
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
<p>Achieving better environmental outcomes for the Manukau Harbour</p> <p>Policy Policy, Planning and Governance</p>	<p>Opportunity to provide strategic direction for achieving better environmental outcomes for the Manukau Harbour.</p>	<p>To whiwhi / receive updates on council’s actions to achieving better environmental outcomes for the Manukau Harbour.</p> <p>Progress to date:</p> <p>Achieving better outcomes for the Manukau Harbour – Environment and Climate Change Committee, 12 November 2020 Link to decision</p> <p>Memorandum – Update on achieving better outcomes for the Manukau Harbour- Environment and Climate Change Committee, 2 August 2022 Link to memorandum</p> <p>Achieving better environmental outcomes for the Manukau Harbour – progress update – 7 February 2024 Link to memorandum</p> <p>Public Input: The Onehunga Enhancement Society/Manukau Harbour Restoration Society – rebuilding the Manukau Harbour and whether it needs a better management plan – 15 February 2024 Link to presentation</p> <p>Strategic direction for achieving better environmental outcomes for the Manukau Harbour – 13 June 2024 Link to decision</p> <p>Note: Iwi/committee members hui proposal considered and approved by delegated authorisers in February 2025 for purpose of engaging with mana whenua representatives in March 2025</p>													
<p>Annual Update on delivery of the Auckland Water Strategy</p> <p>Policy Policy, Planning and Governance</p>	<p>Reporting update.</p>	<p>To whiwhi / receive the Auckland Water Strategy (2022-2050) Annual Progress report.</p> <p>Progress to date:</p> <p>Annual update on delivery of the Auckland Water Strategy – 7 September 2023 Link to decision</p> <p>Auckland Water Strategy annual implementation update – 12 September 2024 Link to decision</p>													

Item 15

Attachment A

Item 15

Attachment A

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			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
National Policy Statement for Freshwater Management Planning and Resource Consents Policy, Planning and Governance	Statutory requirement	To whiwhi / receive updates on progress. Progress to date: The Government has extended the statutory deadline for notifying freshwater planning instruments to 31 December 2027 (from late 2024), which will impact work on Auckland Unitary Plan plan change and action plans. Outcomes from issues and options reports (April 2025). Responding to revised NPS-FM (September 2025)												
Updating Demand Targets - Auckland Water Strategy Policy Policy, Planning and Governance	Updating targets to reduce gross per capita consumption that would be embedded in the Auckland Water Strategy.	To whakaae / approve updated water demand targets (reducing gross per capita consumption) for Auckland Progress to date: Adoption of the Auckland Water Strategy and associated demand targets – 10 March 2022 Link to decision												
Watercare Metropolitan Water and Wastewater Servicing Strategy Policy Policy, Planning and Governance Watercare	Watercare’s development of a Metropolitan Servicing Strategy and Watercare’s engagement approach.	To kohuki / consider any matters relating to Watercare’s development of a Metropolitan Servicing Strategy (long-term vision for water and wastewater) and engagement approach. Progress to date: Workshop scheduled to be held in February 2025.												

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Expected timeframes Highlight the month(s) this is expected to come to committee in 2023												
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Water quality targeted rate programme Healthy Waters and Flood Resilience and Infrastructure	Targeted rate programme for projects that will ensure cleaner beaches, streams and harbours.	Annual report for information. Will be provided with the Natural Environment Targeted Rate and Regional Pest Management Plan implementation annual reporting update. Progress to date: Natural environment and water quality targeted rates annual report 2022/2023 – 2 November 2023 Link to decision Report likely ready for October/November 2025.													
Waste															
Proposal for fortnightly rubbish collection (trial) Waste Solutions Resilience and Infrastructure	A decision is needed on a proposed trial of fortnightly kerbside rubbish collections, proposed through Auckland's Waste Minimisation and Management Plan 2024.	A decision is required on whether to proceed with a trial following planned consultation with households and ratepayers affected by the proposal in late October/November 2025. Adoption of the Auckland Waste Management and Minimisation Plan 2024, 10 October 2024, Link to decision for a trial Progress to date:													
Council strategies															
Auckland Plan 2050 - Annual Monitoring report 2025 Policy, Planning and Governance	Reporting update.	To whiwhi / receive the Auckland Plan 2050 - Annual Monitoring Report 2025. Progress to date: Auckland Plan 2050 - Annual Monitoring Report, 10 October 2024 Link to decision Report is likely to be ready in <u>October 2025</u> and will be reported to the relevant committee. Note: Full review/refresh of the Auckland Plan 2050 will be considered once the Resource Management reform/legislation is confirmed.													

Item 15

Attachment A

Item 15

Attachment A

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Expected timeframes Highlight the month(s) this is expected to come to committee in 2023												
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Community facilities and open space – Use non-use values Policy Policy, Planning and Governance	Information update.	To whiwhi / receive findings of updated use non-use values Aucklanders place on community facilities and open space. Progress to date:													
Community Facilities Network Plan Improvement Programme Policy Policy, Planning and Governance	Action 170 of the Community Facilities Network Plan is a strategic action. It was requested by 11 local boards when the action plan was refreshed in 2022.	To seek approval for an improvement programme for the Community Facilities Network Plan 2015 following completion of Action 170 of the Community Facilities Network Plan Action Plan: Carry out a fit-for-purpose assessment of the Community Facilities Network Plan. Progress to date: Aquatic network review: Key findings and next steps, 20 February 2025 Link to decision													
Manaaki Tāmaki Makaurau (Draft Open Space, Sport and Recreation Strategy) Policy Policy, Planning and Governance	Resolution of the Parks, Arts, Community and Events Committee [PAC/2022/68]	To seek adoption of the strategy following engagement. Progress to date: Staff have been delivering a programme of work to refresh and consolidate five plans and strategies related to open space, sport and recreation. The work has been directed by a Joint Political Working Group. A background paper that outlines eight key challenges and opportunities for the draft strategy to consider was reported to the committee and local board members in April 2024. July 2024: workshop with the committee, local board chairs and political working group on the investment principles and open space provision options. October 2024: workshop with the committee, local board chairs and political working group on the open space provision options. Draft Auckland Open Space, Sport and Recreation Strategy (Part One/Part Two), 10 December 2024 Link to decision													

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			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Infrastructure Priorities Programme - Auckland Council inputs Policy Policy, Planning and Governance	Infrastructure Priorities Programme.	To ohia / endorse a project list for the Infrastructure Priorities Programme which feeds into the National Infrastructure Plan. Progress to date: Link to NZ Infrastructure Commission Website. A workshop was held on 26 February 2025.													
	Monitoring report	To receive a monitoring report of the recent open space acquisitions and future pipeline of planned investment assessed against existing open space policies. Progress to date:													
Māori Outcomes framework and implementation															
Cultural Initiatives Fund Marae and Papakāinga Development Applications Ngā Mātārae	Review of the funding grants.	To whakaae / approve Cultural Initiatives Funding grants for marae development and papakāinga/Māori housing for the 2025/2026 financial year. Progress to date: Cultural Initiatives Fund FY 2023-2024 Marae and Papakāinga Development Applications – 3 August 2023 Link to decision Cultural Initiatives Funding 2024/2025 Marae and Papakāinga Development – 25 July 2024 Link to decision													

Item 15

Attachment A

Item 15

Attachment A

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			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Review and refresh of Māori Outcomes Fund Ngā Mātārae	Review of the fund.	To whakaae / approve the revised approach for the Māori Outcomes Fund which responds to the specific directives outline in the Mayoral Proposal on Auckland Council’s Long-Term Plan 2024 – 2034. Progress to date: Review of the Cultural Initiatives Fund and the Marae and Papakāinga Development as part of the planned review of the Māori Outcomes Fund – 25 July 2024 Link to decision As part of the review of the Māori Outcomes Fund, input will be sought from the existing Māori Outcomes Political Working Group, which includes membership from the Governing Body and Houkura – 25 July 2024 Link to decision												
Refresh of Kia Ora Tāmaki Makaurau, Māori Outcomes performance measurement framework Ngā Mātārae	Review of the framework.	To whakaae / approve the refreshed approach of Kia Ora Tāmaki Makaurau, Māori Outcomes performance measurement framework. Progress to date:												
Te Pūrongo a Te Kaunihera o Tāmaki Makaurau Ngā Huanga Māori 2023-2024: Auckland Council Group Māori Outcomes Report 2022-2023 Ngā Mātārae	Monitoring report.	To whiwhi / receive the annual Auckland Council Group Māori Outcomes Report: Te Pūrongo a Te Kaunihera o Tāmaki Makaurau Ngā Huanga Māori 2024-2025. Progress to date: Te Pūrongo a Te Kaunihera o Tāmaki Makaurau Ngā Huanga Māori 2023-2024: Auckland Council Group Māori Outcomes Report 2023-2024 – 14 November 2024 Link to decision												

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			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Environment														
Annual report on the council's operational plan for implementing the Regional Pest Management Plan 2020-2030 Environmental Services Community	Under section 100B of the Biosecurity Act, the council is required to report annually on its operational plan for implementing the Regional Pest Management Plan.	To whiwhi / receive the annual report for information. Will be provided with the Natural Environment Targeted Rate and Water Quality Targeted Rate annual reporting update. Progress to date: Natural environment and water quality targeted rates annual report 2022/2023 – 2 November 2023 Link to decision Report likely ready for <u>October/November 2025</u> .												
Natural environment targeted rate programme Environmental Services Community	Targeted rate will support projects that help protect the environment and tackle the pests, weeds and diseases that are threatening the native species.	To whiwhi / receive the annual report for information. Will be provided with the Water Quality Targeted Rate and Regional Pest Management Plan implementation annual reporting update. Progress to date: Natural environment and water quality targeted rates annual report 2022/2023 – 2 November 2023 Link to decision Report likely ready for <u>October/November 2025</u> .												
Regional Pest Management Plan 2030-2040 Environmental Services Community	Statutory requirement.	To receive updates and provide direction to inform the development of the proposed plan. Progress to date: The outcome of the deliberative democracy session shared December 2024. A summary of submissions will be provided to the Policy and Planning Committee in mid-2025. Local boards will also receive a summary of submissions relevant to their area, and an opportunity to provide formal feedback to inform the drafting of the proposed plan												

Item 15

Attachment A

Item 15

Attachment A

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			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Other														
Helicopter management – Options analysis report Planning and Resource Consents Policy, Planning and Governance	Helicopter Compliance and Monitoring Project initially considered at the Planning Committee – 5 May 2022	To whakarite / provide direction on options for the management of helicopter activity as part of the Auckland Unitary Plan review. Progress to date: Options analysis for helicopter management will be further developed as part of the review of the Auckland Unitary Plan scheduled to commence in 2026.												
Review of committee forward work programme* Governance and Engagement Policy, Planning and Governance	Regular reporting.	To whai / adopt the committee work programme. To whiwhi / receive updates (monthly) To arotake / review the content of the forward work programme six-monthly. Progress to date: Planning, Environment and Parks Committee Forward Work Programme – 2 March 2023 Link to decision Review of the Forward Work Programme - Planning, Environment and Parks Committee – 7 September 2023 Link to decision Review of the Forward Work Programme – Planning, Environment and Parks Committee – 15 February 2024 Link to decision												

Completed

Area of work and Lead Department	Committee role	Whakatau / Decision
Plan Changes Planning and Resource Consents		<p>Auckland Unitary Plan - Making operative Plan Change 25 – Warkworth North – 5 October 2023 - Link to decision</p> <p>Private Plan Changes 48, 49, 50, 51 and 61 in Drury East and Drury West to the Auckland Unitary Plan (Operative in Part) operative – 8 December 2022 - Link to decision</p> <p>Auckland Unitary Plan - Making operative Private Plan Change 55 - Patumahoe South – 29 June 2023 - Link to decision</p> <p>Private Plan Change 59 - Albany 10 Precinct to the Auckland Unitary Plan (Operative in Part) Operative – 8 December 2022 - Link to decision</p> <p>Auckland Unitary Plan - Making operative in part Plan Change 60 - Open Space (2020) and Other Rezoning Matters – 2 March 2023 - Link to decision</p> <p>Auckland Unitary Plan – Making Plan Change 60 – Open Space and Other Rezoning Matters (2020) Fully Operative – 2 November 2023 - Link to decision</p> <p>Auckland Unitary Plan (operative in Part) – 30 March 2023 - Link to decision</p> <p>Private Plan Change 63 – 911-975 New North Road, Mount Albert operative – 8 December 2022 Link to decision</p> <p>Private Plan Change 64 - 953 New North Road, Mt Albert to the Auckland Unitary Plan (Operative in Part) operative – 8 December 2022 - Link to decision</p> <p>Plan Private Plan Change 69 – Spedding Block to the Auckland Unitary Plan (Operative in Part) (operative in Part) – 30 March 2023 - Link to decision</p> <p>Auckland Unitary Plan (Operative in Part) - Request to make operative Private Plan Change 70 (751 and 787 Kaipara Coast Highway, Kaukapakapa) – 2 March 2023 Link to decision</p> <p>Auckland Unitary Plan (operative in Part) - Making operative further parts of the Auckland Unitary Plan – Crater Hill/Ngā Kapua Kohuora and Pūkaki Peninsula -2 March 2023 - Link to decision</p> <p>Auckland Unitary Plan – consideration of private plan change request – Riverhead South – 4 May 2023 - Link to decision</p> <p>Memorandum – Update on the Environment Court decision on an appeal against an Auckland Council decision to reject a private plan change request – 17 May 2024 - Link to memorandum</p> <p>Auckland Unitary Plan – Consideration of private plan change request – Beachlands South Limited Partnership – 8 December 2022 - Link to decision</p> <p>CONFIDENTIAL: Auckland Unitary Plan - Beachlands South Private Plan Change Decision (Plan Change 88) – 23 May 2024 - Link to restatement</p> <p>CONFIDENTIAL: Plan Change 88 Beachlands South – Proposed settlement of appeal by Auckland Council (as Submitter) ENV-2024-AKL000106 – 12 September 2024 - Link to restatement</p> <p>Auckland Unitary Plan - Making private plan change operative - Plan Change 88 (Beachlands South) – 10 December 2024 - Link to decision</p> <p>Auckland Unitary Plan and Hauraki Gulf Islands District Plan - Making operative Plan Change 71 and Plan Modification 14 - Removal of Car Parking Minimums – 7 September 2023 - Link to decision</p> <p>Auckland Unitary Plan – Making operative Private Plan Change 72 – McKinney Road, Warkworth – 4 May 2023 - Link to decision</p> <p>Auckland Unitary Plan – Making operative Private Plan Change 74 - Golding Meadows and Auckland Trotting Club – 30 November 2023 - Link to decision</p> <p>Auckland Unitary Plan – Making private plan change operative – Plan Change 75 (Mason Clinic) – 10 October 2024 - Link to decision</p> <p>Auckland Unitary Plan - Making operative Private Plan Change 76 - Kohe in eastern Pukekohe – 29 June 2023 - Link to decision</p> <p>Auckland Unitary Plan – Making operative Private Plan Change 77 – Pakuranga Golf Club – 4 May 2023 - Link to decision</p> <p>Auckland Unitary Plan - Making operative Plan Change 80 - Regional Policy Statement Well-functioning urban environment, Resilience to the effects of climate change and Qualifying matters – 14 November 2024 - Link to decision</p> <p>Auckland Unitary Plan - Making Operative Plan Change 81 - Additions to Historic Heritage operative Plan Change 82 - Amendments to Historic Heritage operative in part – 12 September 2024 Link to decision</p> <p>Auckland Unitary Plan - Making Operative Plan Change 83 - Additions and amendments to Schedule 10 Notable Trees Schedule – 30 November 2023 - Link to decision</p> <p>Auckland Unitary Plan – Making operative Private Plan Change 85 – 48 Esmonde Road, Takapuna – 30 November 2023 - Link to decision</p> <p>Auckland Unitary Plan – Making operative Private Plan Change 86 – 41-43 Brigham Creek Road, Whenuapai – 15 August 2024 - Link to decision</p>

Item 15

Attachment A

		<p>Auckland Unitary Plan - Making operative Private Plan Change 89 - Clevedon Quarry – 25 July 2024 - Link to decision</p> <p>Auckland Unitary Plan - Making operative Private Plan Change 90 - 8 Sparky Road, Ōtara – 10 December 2024 - Link to decision</p> <p>Auckland Unitary Plan - Making operative Private Plan Change 91 - 80 McLarin Road, Glenbrook Beach – 25 July 2024 - Link to decision</p> <p>Auckland Unitary Plan - Making Operative Private Plan Change 95 - Lot 3 DP 185893 Golding Road, Pukekohe – 10 December 2024 - Link to decision</p> <p>Auckland Unitary Plan - Making Operative Private Plan Change 97 - Redwood Park Golf Club – 10 December 2024 - Link to decision</p>
<p>Shoreline Adaptation Plans Infrastructure and Environmental Services</p>	<p>To whakaae / approve the Shoreline Adaptation Plans as they are completed.</p>	<p>Shoreline Adaptation Plan Kahawairahi ki Whakatīwai / Beachlands and East Pilot Report – 2 March 2023 – Link to decision</p> <p>Shoreline Adaptation Plan: Āwhitu Report – 3 August 2023 - Link to decision</p> <p>Shoreline Adaptation Plan Shoreline Adaptation Plan: Manukau South Report – 3 August 2023 - Link to decision</p> <p>Approval of the Pahurehure Inlet Shoreline Adaptation Plan – 10 October 2024 - Link to decision</p> <p>Approval of the Manukau Harbour East Shoreline Adaptation Plan – 10 October 2024 - Link to decision</p>
<p>Structure Plans Planning and Resource Consents Policy, Planning and Governance</p>	<p>To whakaae / approve structure plans.</p>	<p>Approval to prepare an update to the Whenuapai Structure Plan 2016 including new areas of Red Hills North and Whenuapai West – 23 May 2024 - Link to decision</p>
<p>Adoption or review of policies and strategies</p>		<p>Adoption of the Future Development Strategy – 2 November 2023 - Link to decision</p> <p>I am Auckland three year review – 5 October 2023 - Link to decision</p> <p>Infrastructure Strategy 2024: Long-term issues for Auckland’s infrastructure – 30 March 2023 - Link to decision</p> <p>Endorsement to prepare Auckland’s Southern Rural Strategy – 11 April 2024 - Link to decision</p> <p>Southern Rural Strategy – 10 October 2024 - Link to decision</p>
<p>Submissions Policy, Planning and Governance</p>	<p>An opportunity to influence government reforms and national policy changes.</p>	<p>Resource management reform: Natural and Built Environment Bill and Spatial Planning Bill – 8 December 2022 Link to decision</p> <p>Approval of Auckland Council submission on the Spatial Planning Bill and the Natural Built Environment Bill – 2 February 2023 (meeting held on 9 February 2023) Link to decision</p> <p>Auckland Council’s Submission – Spatial Planning Bill, dated 17 February 2023 Link to submission</p> <p>Auckland Council’s Submission – Natural and Built Environment Bill, dated 17 February 2023 Link to submission</p> <p>Resource management system reform: report of the Environment Select Committee on the Natural and Built Environment Bill and the Spatial Planning Bill, dated 20 July 2023 Link to memorandum</p> <p>Resource management system reform: Transitional National Planning Framework, dated 3 October 2023 Link to memorandum</p> <p>Memorandum - Resource management reform: transitional National Planning Framework – 21 December 2023 Link to memorandum</p> <p>Memorandum - Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 – 1 February 2024 Link to memorandum</p> <p>Auckland Council submission on the Fast-track Approvals Bill – 11 April 2024 Link to decision</p> <p>Memorandum – Auckland Council’s submission on the Fast-track Approvals Bill, 5 April 2024 Link to memorandum</p> <p>Council submission on Resource Management (Freshwater and Other Matters) Amendment Bill – 13 June 2024 Link to memorandum</p> <p>Auckland Council feedback on Making it Easier to Build Granny Flats – 25 July 2024 Link to decision</p> <p>Auckland Council technical staff submission on proposed temporary closures under Section 186A Link to submission</p>

		<p>Auckland Council's submission on the Resource Management (Freshwater and Other Matters) Amendment Bill Link to draft submission Link to final submission</p> <p>Going for housing growth: Government's recent announcement – 18 July 2024 Link to memorandum</p> <p>Draft submission on New Zealand's second emissions reduction plan – 15 August 2024 Link to decision</p> <p>Auckland Council's submission on proposed amendments to the Biosecurity Act – 14 November 2024 Link to decision</p>
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