



Auckland
Regional Council
TE RAUHĪTANGA TAIAO

LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004

RESOURCE MANAGEMENT ACT 1991

**DECISION REPORT OF THE
AUCKLAND REGIONAL COUNCIL
ARC 9 – MISCELLANEOUS ISSUES**

Decision Regarding:

- **Proposed Change 6 and 7 to the Auckland Regional Policy Statement.**

On 14 June 2007 the Auckland Regional Council adopted the recommendations of the Joint Regional Policy Statement and District Plan Changes Hearings Panel in relation to Proposed Change 6 to the Auckland Regional Policy Statement.

The recommendations in this report have been adopted as the decisions of the Auckland Regional Council.

31 July 2007

**Index of submissions and further submissions addressed in Report ARC 9
Miscellaneous Issues**

Rec. Rpt s5: sub-section no.	Sub No.	Submitter Name	Supported by	Opposed by	Hearing Report section No.
2	86/12	Cornerstone Ltd	1223 Steven Wong 1222 Raymond John Hrstich 1211 Robert George Woolley 1212 Wendy O'Flaherty 1213 Evan Kemp 1214 Karepiro Investments Limited 1215 Christopher and Christine Carter 1216 Barfoot & Thompson Commercial 1217 Malcolm & Kathleen Bradley 1218 Wilks Holdings Limited 1220 Ill Soo Han and Boo Ja Han 1221 Silverdale Highway Limited 1230 Bon-Tae Yi & Mi Hyang Cho 1197 The Pohutukawa Family Trust 1201 Nina Hsu	256 Rodney District Council 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 254 North Shore City Council 259 Transit New Zealand	5.2
1	340/1	Grant Smith			5.1
3	579/2	P Roberts & A McLachlan; L & P Vreede and S Grosse	254 North Shore City Council		5.3
5	276/5	Pohutukawa Coast Community Association		69 Project Consultancy Group Limited	5.5
7	124/2	The James Trust		107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 254 North Shore City Council 259 Transit New Zealand	5.7
6	195/2	The Kumeu-Huapai Executive Group (KEG)		76 Ivan & Milka Selak 74 Roy Wigg 75 Steve Nuich	5.6
7	125/2	Tunic Investments Ltd		107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 254 North Shore City Council	5.7
4	181/11	William Calvert and John Calvert		107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 254 North Shore City Council 259 Transit New Zealand	5.4

RECOMMENDATION REPORT OF THE JOINT HEARINGS PANEL TO THE PLAN CHANGES NOTIFIED IN ACCORDANCE WITH THE LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004 AND THE RESOURCE MANAGEMENT ACT 1991

AUCKLAND REGIONAL POLICY STATEMENT PROPOSED CHANGE 6 AND 7

ARC 9 – MISCELLANEOUS ISSUES

1. OUTLINE

This report is part of a series of reports that contain the recommendations of the Joint Regional Policy Statement and District Plan Changes Hearings Panel (“the Panel”) following consideration of submissions and further submissions received in relation to several miscellaneous items regarding the Auckland Regional Policy Statement Proposed Change 6 (“RPS Change 6”) and Proposed Change 7 (“RPS Change 7”). Other submissions and further submissions to RPS Change 6 and 7 are dealt with in additional topic based recommendation reports.

The Panel was jointly appointed by the councils of the region under the Local Government (Auckland) Amendment Act 2004 (“the LGAAA”). Following consideration of all the submissions and supporting evidence presented and/or tabled by the submitters and further submitters at the hearings, and the reporting officer’s report, the Panel now makes the recommendations contained in this report to the Auckland Regional Council (“ARC”).

To reiterate, this report contains the **recommendations** to Council of the Panel on submissions that have been made during the course of the hearings. **It is not the decision of the Council.**

There are no amendments to the RPS Change 6 or RPS Change 7 resulting from the Panel recommendations discussed throughout this report.

2. BACKGROUND

RPS Change 6 and 7 were notified on 31 March 2005 as a mandatory requirement of the LGAAA.

The LGAAA mandates that all councils in the Auckland Region integrate their land transport and land use provisions and ensure these are consistent with the Auckland Regional Growth Strategy (“RGS”), give effect to its Growth Concept and contribute to the land transport and land use matters specified in Schedule 5 (s39 & s40 LGAAA). This is, in effect, the purpose of RPS Change 6 and 7.

The matters that the LGAAA requires to be included in changes to statutory documents support the purpose of the Resource Management Act 1991 (“RMA”) in promoting sustainable management of natural and physical resources.

Auckland Regional Policy Statement Proposed Change 6 amends the text of Chapter 1– Introduction, Chapter 2 – Regional Overview and Strategic Direction, and Chapter 4 – Transport and Appendix A and D, to give effect to the LGAAA. RPS Change 6 incorporates the Growth Concept into the RPS and provides a policy framework for the location and density of urban, rural, coastal towns and countryside living growth throughout the region. The Change also introduces a schedule identifying areas suitable for accommodating further urban development, with reference to desired densities of development.

RPS Change 7 is comprised of three maps illustrating the proposed shifts to the Metropolitan Urban Limits in the areas of Hobsonville and Massey North.

3. THE PANEL AND THE HEARINGS PROCESS

3.1 The Joint Hearings Panel

The Panel was comprised of the following members:

Cr Paul Walbran (Chair)
Cr Wyn Hoadley (Deputy Chair)
Cr Carolynne Stone
Cr Neil Morrison
Cr Bill Smith
Lindsey Rea
David Hill
Alan Watson

The members of the Panel included regional councillors, city and district councillors, a community board chairperson and two independent commissioners.

The councils of the region jointly delegated to the Panel their powers, functions and duties to hear submissions and make recommendations (under s41(1) and (2) LGAAA, and s24A RMA) on the following 15 proposed plan changes:

Auckland Regional Policy Statement

Proposed Change 6 - Giving Effect to the Regional Growth Concept and Integrating Landuse and Transport.

Proposed Change 7 – Metropolitan Urban Limits

Auckland City District Plan –

Operative Isthmus Section
Proposed Plan Modification 175 - Giving Effect to the Regional Growth Concept

Franklin District Plan

Proposed Plan Change 20 - Changes Pursuant to Local Government (Auckland) Amendment Act 2004.

Manukau City District Plan

Proposed Plan Change 12 – Manukau's Growth.

North Shore City District Plan

Proposed Plan Change 12 - Redraft of parts of the North Shore City District Plan - Required by the Local Government (Auckland) Amendment Act 2004.

Papakura District Plan

Proposed Plan Change 10 – ARPS Changes to the Operative District Plan.

Rodney District Plan

Proposed Variation 22 to the Proposed District Plan 2000
Proposed Plan Change 97 to the Operative Transitional District Plan 1993.

Waitakere City District Plan

Proposed Plan Change 13 – Hobsonville Airbase;
Proposed Plan Change 14 – Hobsonville Village Centre;
Proposed Plan Change 15 – Massey North;
Proposed Plan Change 16 – Managing City Growth;
Proposed Plan Change 17 – New Lynn;
Proposed Plan Change 18 – City Wide Urban Design Rule

3.2 The Hearings Process

The proposed plan changes were notified by local authorities by 31 March 2005, in accordance with section 39 of the LGAAA. Given the number of proposed plan changes and the predicted volume of submissions to be dealt with, the Panel agreed that submissions were to be separated into categories. The categories used are detailed in the following table:

Category	Topic	Number of Submissions	Number of submitters and further submitters
A	General Growth	1575	266
B	Infrastructure / Natural Resources / Rural / Countryside Living	1098	174
C	Business Issues & Retail Location	290	93
D	Transport	534	115
E	MUL Issues (Not Hobsonville/Massey North)	79	85
F	Housing Lobby Identical Submissions	996	520
G	Swanson / Penihana	251	229
H	MUL Hobsonville and Massey North	1041	197
I	New Lynn	332	48
J	Urban Design WCC 18	281	32
K	Howick	60	29
M	ARC Miscellaneous	8	32
W	WCC 16 & 18 (Miscellaneous)	20	12
TOTAL		6565	1832

Hearing Reports were generated by each local authority in the region under Schedule 1 of the RMA for each category – 50 reports in total. Public hearings were notified and held for each category, addressing all submissions deemed by the relevant Hearing Reports to fall within that category. In total, there were 46 hearing days, commencing on 27 April 2006. A further 12 days were utilised for site visits and deliberations. The Panel allocated time at the end of each hearing day to conduct preliminary deliberations. Additionally, more in-depth interim deliberations were held at the end of each topic. The last day of deliberations following the hearings was on 21 May 2007.

The Panel obtained legal advice in relation to the scope of the hearings process and other key issues raised prior to and during the hearings.

In forming its recommendations, the Panel focussed on the purpose of the LGAAA – to integrate land use and land transport provisions to ensure consistency with the growth strategy, give effect to its Growth Concept and contribute to the matters specified in Schedule 5 of the LGAAA. Under the legislation, local authorities were mandated to notify changes to the RPS and all District Plans to achieve this purpose – a substantial process.

The LGAAA came into effect on 1 July 2004 and notification of changes was required from all local authorities by 31 March 2005. It is relevant that, while District Plans are required to give effect to the RPS, the proposed changes to the RPS were notified at the same time as the proposed amendments to the District Plans.

Due to the relatively short timeframe and substantial changes envisaged by the LGAAA, there has been a mixed approach from local authorities, with different levels of detail reflected in the various proposed plan changes. This had the potential to frustrate the purpose of the LGAAA in terms of achieving integration across planning documents. Given the ambitious task set by the LGAAA, the Panel has taken the decision to concentrate its efforts on ensuring the RPS gives effect to the Growth Concept and meets the purpose of the LGAAA. The Panel considers that, once the RPS reflects the aims of the LGAAA, the District Plans will be required to give effect to the RPS and consequential amendments to the Plans will follow accordingly.

The Panel noted that many of the submissions focussed only on the plan changes and variations notified under the LGAAA. These changes were in many instances “filling the gaps” that existed in the current planning documents. When considering the Panel’s recommendations it is necessary to take into account the changes notified under the LGAAA, the existing District Plans, and other changes that have been notified both before and during the LGAAA process. The Panel was advised that work that each council currently has in train provides an indication of each council’s longer term plans.

The Panel also noted that many of the submissions lodged under the LGAAA were made in respect of the RPS and simply stated that the District Plans should be amended to reflect any changes to the RPS. The Panel considers that the issues raised in these submissions are best addressed after local authorities release the decision reports and any appeals to RPS Change 6 and RPS Change 7 are concluded. It will then be clear to what the District Plans must give effect.

This approach was not universal across the region or for all issues raised by the submissions. Some proposed District Plan changes were substantial, for example, those put forward by Waitakere City. In such cases, the Panel has dealt with the proposed changes in the same level of detail as the proposed RPS changes.

The Panel considers that the approach outlined above is practical and realistic, and will give local authorities time to prepare the necessary changes and carry out consultation with local communities. Ultimately, the objectives of the LGAAA can best be achieved by allowing the process in respect of the RPS to run its course, with subsequent amendments to District Plans in the context of a clear and robust RPS. Legal advice to the Panel has confirmed this approach.

3.3 Evidence

The Panel has received extensive and detailed evidence from submitters during the hearings process. The Panel has carefully considered this evidence and the substantial number of submission points put before it. This recommendation report does not attempt to comprehensively summarise each submission point and/or piece of evidence as this would result in an unduly lengthy report without substantially adding to the recommendations.

3.4 Integration

A key element of the LGAAA is the requirement for “integration” in a number of aspects. These include “giving effect, in an integrated manner, to the growth concept” and “contributing, in an integrated manner, to the matters specified in schedule 5”. Changes that seek to achieve these requirements must, in relation to each other, be integrated (s40 LGAAA). Schedule 5 also refers to “facilitating integrated transport management”, and “integrating transport and land use policies”.

Integration is therefore required within each of the planning instruments, and across all planning instruments in the Auckland Region. The Panel recognises the importance of integration to the LGAAA process and has been very mindful of this in its deliberations.

The Panel has made a number of recommendations on matters which provide integration across the planning documents, for example the recommendations to include material on the following:

- recommendations in relation to corridors
- recognition of regionally significant infrastructure
- integrated transport assessments
- Appendix H on densities required to support public transport

These, and other matters, are discussed further in the Panel Key Issues Recommendation Report.

4. PANEL KEY ISSUES RECOMMENDATION REPORT

In response to the extensive detail and evidence presented, the Panel has produced a Panel Key Issues Recommendation Report (the “Key Issues Report”) setting out its direction on the issues it considers to be key to the LGAAA process. This report is overarching of issues and is not separated into different categories, as with the recommendation reports. The recommendation reports for each proposed plan change and category refer back to the Key Issues Report where it assists in providing the context for specific recommendations.

The Key Issues Report is attached to and forms part of this recommendation report, and should be taken to comprise Section 4 of this report. It should be read in conjunction with Section 5 – Discussion and Recommendations.

5. DISCUSSION AND RECOMMENDATIONS

The following discussion is the Panel's recommendation, having considered all the submissions and further submissions, both within the reporting officer's report and presented and/or tabled at the hearings.

Abbreviations Used In This Report

Auckland Regional Policy Statement – ARPS / RPS
Auckland Regional Growth Strategy – RGS
Local Government (Auckland) Amendment Act 2004 – LGAAA
Metropolitan Urban Limits – MUL
Resource Management Act 1991 – RMA
Territorial Authorities – TA / TAs

RPS Change 6

1 Intensification

No.	Submitter	Summary of Decision Sought	Further Submitter(s)
340/1	Grant Smith	Retain intensification of urbanised areas	

Discussion:

Section 3 of the LGAAA requires that the RPS and District Plans prepared under the RMA, be changed to integrate the land transport and land use provisions, to be consistent with the RGS. A key feature of the Growth Concept under the RGS is that growth is managed by promoting quality, compact urban environments (intensification). This is consistent with the relief sought by the submitter.

While amendments to the RPS are recommended in response to other submissions, in general it is recommended that RPS Change 6 be retained.

Recommendation:

5.1 The Panel recommends:

- 5.1.1 That submission **340/1** is accepted, with no further changes recommended to the RPS.

RPS Change 7

2 MUL Extension – Rodney District

No.	Submitter	Summary of Decision Sought	Further Submitter(s)
86/12	Cornerstone Ltd	Amend maps by adding an additional map that shows an extension of the Metropolitan Urban Limits for Silverdale West as shown on the attached plan (Attachment 1).	Supported By: 1201 Nina Hsu 1211 Robert George Woolley 1212 Wendy O'Flaherty 1213 Evan Kemp 1214 Karepiro Investments Limited 1215 Christopher and Christine Carter 1216 Barfoot & Thompson

No.	Submitter	Summary of Decision Sought	Further Submitter(s)
			Commercial 1217 Malcolm & Kathleen Bradley 1218 Wilks Holdings Limited 1219 Beverley Palmer 1220 Ill Soo Han and Boo Ja Han 1221 Silverdale Highway Limited 1230 Bon-Tae Yi & Mi Hyang Cho 1197 The Pohutukawa Family Trust 1223 Steven Wong 1222 Raymond John Hrstich Opposed By: 254 North Shore City Council 259 Transit New Zealand 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited 256 Rodney District Council

Discussion:

This submission seeks to amend the RPS to allow a shift to the MUL boundary of the Rodney District at Silverdale.

Silverdale North and South are already programmed and listed as Future Urban Areas (Schedule 1B) under *Schedule 1. High Density Centres & Corridors and Future Urban Areas*; for 2005 – 2010. It would be inappropriate to pre-empt the imminent structure planning for this future urban area, particularly given that the proposal has not yet been promulgated or supported by Rodney District Council or the ARC, as required under the RMA and the LGAAA. For this reason, it would be inappropriate to accept this submission.

Recommendation:

5.2 The Panel recommends:

5.2.1 That submission **86/12** is rejected.

5.3 That the further submissions made in support of or in opposition to the submission noted in 5.2.1 above, are accepted or rejected accordingly.

3 Retain RPS Change 7

No.	Submitter	Summary of Decision Sought	Further Submitter(s)
579/2	P Roberts & A McLachlan; L & P Vreede and S Grosse	Retain Proposed RPS Change 7 as low density housing and associated infrastructure within MCC has severely depleted the rural landscapes in the area and taken little regards of the natural environment or historical sites.	Supported By: 254 North Shore City Council

Discussion:

The Panel notes this submission relates to RPS Change 7 (Massey North & Hobsonville in Waitakere City) which is not in Manukau City. For this reason, the Panel recommends that RPS Change 7 be retained and submission **579/2** be rejected.

Recommendation:

5.4 The Panel recommends:

5.4.1 That submission **579/2** is accepted in part, with no further changes recommended to the RPS.

5.5 That the further submission made in support of the submission noted in 5.4.1 above, is accepted in part accordingly.

4 MUL Extension - Waitakere City

No.	Submitter	Summary of Decision Sought	Further Submitter(s)
181/11	William Calvert and John Calvert	Amend the RPS Change 7 Map Series to include the map attached to the submission showing an extension of the Metropolitan Urban Limit to take in the Crows Road Urban Concept Area.	Opposed By: 254 North Shore City Council 259 Transit New Zealand 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

Discussion:

The above submission seeks to amend the RPS to allow for urban development in Waitakere City in an area that is currently not within the MUL boundaries.

The MUL shifts proposed by submission **181/11** have not been included or considered in the development of Schedule 1 of the RPS. Hence they have not been considered through the *Northern & Western Sector Agreement (NWSA)* – a document by which RDC, NSCC and WCC agree on the appropriate means to provide for growth, its sequencing and timing; in accordance with the growth strategy.

Consequently, the proposed MUL shift suggested by the above submission has not yet been assessed as appropriate against the relevant criteria of the RPS, in particular policies 2.6.2, methods 2.6.3 and reasons 2.6.4. Nor have they been supported/accepted for promulgation by the relevant Territorial Authority or the Auckland Regional Council. Until such time as this analysis has been undertaken, the panel considers it would be inappropriate to accept the requests and pre-empt an MUL shift in these locations.

Recommendation:

5.6 The Panel recommends:

5.6.1 That submission **181/11** is rejected.

5.7 That the further submission made in opposition to the submission noted in 5.6.1 above, is accepted accordingly.

5 Retain Rural Open Spaces

No.	Submitter	Summary of Decision Sought	Further Submitter(s)
276/5	Pohutukawa Coast Community Association	Amend to retain the 'Green Belt' of Rural 1 land between Beachlands/Maraetai and Whitford/Otara/Botany/Howick and Clevedon	Opposed By: 69 Project Consultancy Group Limited

Discussion:

The above submission seeks to retain the large open space provided by the Rural 1 zoning between the Beachlands and Maraetai Beach areas, and the Whitford/Otara/Botany/Howick & Clevedon areas.

Strategic policies 2.6.17 Rural Areas of RPS Proposed Change 6 support the use, development and protection of natural and physical resources, and restrict the subdivision of land outside the MUL and the limits of rural/coastal settlements. While minor amendments to the RPS are recommended in response to other LGAAA submissions, in general the Panel recommends that RPS Change 6 and these strategic policies be retained. As such, submission **276/5** is adequately addressed in RPS Change 6 and no amendments are recommended to RPS Change 7 as a result of this submission.

Recommendation:

5.8 The Panel recommends:

5.8.1 That submission **276/5** is accepted, with no further changes recommended to the RPS.

5.9 That the further submission made in opposition to the submission noted in 5.8.1 above, is rejected accordingly.

6 Limit urban activities outside urban areas

No.	Submitter	Summary of Decision Sought	Further Submitter(s)
195/2	The Kumeu-Huapai Executive Group	Retain the concept of limiting urban activities outside urban areas	Opposed By: 76 Ivan & Milka Selak 74 Roy Wigg 75 Steve Nuich

Discussion:

Strategic policies 2.6.2 Urban Containment and 2.6.17 Rural Areas of RPS Change 6 support the concept of limiting urban activities outside urban areas.

Subject to minor amendments recommended in response to other LGAAA submissions, in general the Panel recommend that RPS Change 6 be retained. The Panel considers that submission **195/2** is adequately addressed in RPS Change 6 and no amendments are recommended to RPS Change 7 as a result of this submission.

Recommendation:

5.10 The Panel recommends:

5.10.1 That submission **195/2** is accepted, with no further changes recommended to the RPS.

5.11 That the further submissions made in opposition to the submission noted in 5.10.1 above, is rejected accordingly.

7 Amend MUL – Manukau City

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
124/2	The James Trust	Amend MUL to include the parcels of land in Puhinui Rd and Price Rd as shown in the submission.	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 254 North Shore City Council 259 Transit New Zealand
125/2	Tunicic Investments Ltd	Amend MUL to include the parcels of land in Puhinui Rd and Price Rd as shown in the submission.	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 254 North Shore City Council

Discussion:

These submissions are identical to submission points **124/1** and **125/1** and the Panel's discussion and recommendation on these points are set out in Recommendation Report ARC 7: Metropolitan Urban Limits – General issues, at pages 7-8 (recommendation 5.5).

Recommendation:

5.12 The Panel recommends:

5.12.1 That submissions **124/2** and **125/2** are rejected.

5.13 That the further submissions made in opposition to the submissions noted in 5.12.1 above, are accepted accordingly.

There are no amendments to RPS Change 6 or RPS Change 7 resulting from the recommendations in this report