

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

**Report to Auckland Council
Overview of recommendations on
the proposed Auckland Unitary
Plan**

22 July 2016

Report to Auckland Council – Overview of recommendations

Contents

Foreword.....	4
Headlines.....	7
1. Executive summary.....	9
2. Introduction.....	15
2.1. The Panel's report and recommendations.....	15
2.1.1. Part 1 – the Panel's report and recommendations.....	15
2.1.2. Part 2 - Recommended Unitary Plan provisions.....	17
2.1.3. Part 3 - Recommended Unitary Plan maps.....	18
2.1.4. Special housing areas.....	19
2.2. Evaluation report - section 32AA of the Resource Management Act 1991.....	20
3. Hearing procedure.....	22
4. Scope.....	24
4.1. Summary.....	24
4.2. Relevant law.....	24
4.3. The Panel's approach to scope.....	28
4.4. Consequential changes.....	29
4.4.1. Format or language changes.....	30
4.4.2. Structural changes.....	31
4.4.3. Changes to support vertical or horizontal integration and alignment.....	32
4.4.4. Spatial changes to overlays, zonings or precincts.....	33
4.5. Out of scope recommendations.....	34
4.6. Drafting and mapping conventions.....	35
5. The Panel's overall approach.....	36
5.1. Resource management principles.....	36
5.2. The effect of the <i>King Salmon</i> decision on the drafting of objectives and policies..	38
5.3. Managing external effects.....	40
5.3.1. Jurisdiction under other legislation.....	40
5.3.2. Control of building work.....	41
5.3.3. Appropriateness of building controls under the Unitary Plan.....	42

5.3.4. Appropriateness of other internal controls under the Unitary Plan	44
5.4. Quality compact urban form	44
6. Enabling growth	47
6.1. Summary.....	47
6.2. Residential demand and supply.....	48
6.2.1. Overall demand and supply	48
6.2.2. Enabling a development pattern to meet long-term demand.....	51
6.2.3. Enabling feasible capacity for at least seven years.....	51
6.2.4. Recommended Unitary Plan promotes centres and corridors strategy.....	52
6.2.5. Recommended Unitary Plan enables more affordable housing.....	58
6.2.6. Recommended Unitary Plan does not include retained affordable housing..	58
6.2.7. The Unitary Plan is only one step in realising capacity.....	60
6.2.8. Co-ordinated provision of infrastructure	60
6.3. Commercial and industrial demand and capacity	62
6.3.1. Business - Light Industry Zone	63
6.3.2. Business - Heavy Industry Zone	63
6.3.3. Centre Zones.....	64
6.3.4. Mixed Use, General Business and Business Park Zones	64
7. The Rural Urban Boundary	65
7.1. The policy objective.....	65
7.2. The need for certainty and the location of the method	66
7.3. Section 32AA evaluation	68
8. Summary of key recommendations	70
8.1. Unitary Plan structure.....	70
8.2. Core provisions	72
8.2.1. Chapter A: Introduction (Topic 003).....	72
8.2.2. Chapter B: Regional policy statement.....	72
8.2.3. Chapter C: General rules (Topic 004).....	75
8.2.4. Objectives, policies and rules	76
8.3. Changes to overlays.....	76
8.3.1. Air quality transport corridor separation	77
8.3.2. Heavy industry air quality.....	77
8.3.3. Pre-1944 building demolition control.....	78
8.3.4. Quarry transport route	78

8.3.5. High land transport noise.....	79
8.3.6. Sites of value to Mana Whenua.....	79
8.3.7. Renaming the Special Character Overlay.....	80
8.4. Changes to parking provisions	80
8.5. Framework plans.....	82
8.5.1. Background and Environment Court declaration.....	82
8.5.2. Reasons for deletion.....	83
Appendix 1 List of hearing topic reports	86
Appendix 2 Proposed Plan – comparative table of contents.....	88
Appendix 3 Summary of recommendations out of scope.....	115
Appendix 4 List of precincts	117

Foreword

I whakarongo mātou ki ngā reo o te taiwhenua nei,
taketake mai, manene atu,
mana whenua ake, tauwi noa.

Kotahi mai rātou me ō rātou pepeha,
ō rātou mānukanuka;
ō rātou tūmanako me ō rātou moemoeā.

Ka rere ki uta, ka rere ki tai,
ka taiāwhio mei rā ko ngā maunga whakahī
e tū poupou mai nei.

I reira ka mōhio iho au:
Ehara taku toa i te toa takitahi,
engari he toa takitini.

Greetings one and all

*We listened to the voices from throughout this region,
those born of this land, those who came from afar;
those with cultural authority and those whose cultures came with them.*

*Each brought with them their aspirations and their concerns,
their hopes and their expectations.*

*They touched all things from the land to the sea,
they were as lofty and sturdy as the very mountains that surround us.*

*That is when I realised: the capacity to achieve is not through singular acts,
but through the cohesive efforts of many.*

This is the report of the Auckland Unitary Plan Independent Hearings Panel, containing its recommendations to the Auckland Council on the proposed Auckland Unitary Plan (the Unitary Plan) and the submissions made on it. The Panel is handing over to the Council the task of taking the Plan on its next stage to becoming operative as the first combined plan under the Resource Management Act 1991 for the whole of Auckland.

The Plan was notified on 30 September 2013. The Panel received the Plan, together with over 13,000 submissions on it, in September 2014. It set out on an extensive process to hear those submissions and consider them against the provisions of the Plan. By the end of the hearing process in May 2016, the Panel had considered over 10,000 items of evidence

presented during 249 days of hearings across 70 hearing topics, with over 4,000 appearances by submitters in front of the Panel.

The scale of participation in this process demonstrates the importance of the Plan to Auckland. The commitment of submitters was significant, all the more so from the many individuals and community groups who came forward to express their views directly, despite the challenges of the hearing process. This investment by all these people in the Plan establishes a foundation for it as one of the essential planning documents for Auckland. The range of contributions ensures that many different points of view have been focussed on making the Plan the most appropriate planning provisions for Auckland, by enabling people and communities to provide for their well-being while ensuring that the effects of their activities on the environment are properly addressed.

The Panel values greatly what it has learned from reading submissions and listening to submitters, including engaging constructively with the Auckland Council as the proponent of the Plan as notified. The Panel also values the willingness of many parties to enter into dialogue with one another and work through differences in mediation or in expert conferences. It is appropriate to note that the mediation and hearing schedule was very challenging due to the deadline imposed under the Local Government (Auckland Transitional Provisions) Act 2010. Notwithstanding that time pressure, submitters and their counsel and witnesses met the deadlines and other requirements set by the Panel. The Panel would like to acknowledge that it could not have completed its task in the time set by statute without the positive and helpful approach of all participants.

The Panel has read many documents and listened to many people. The Panel has taken all that it has read and heard and has weighed this carefully, its members working together over more than two years to integrate the many strands into a single document. The Panel, and each member of it, have done their best to ensure that the high-level objectives and policies of the regional policy statement flow through into the objectives and policies of the regional, regional coastal and district plans and then into the rules that govern subdivision, use and development so that the approach is consistent throughout. The Panel has tried to ensure that the provisions of the Plan are reasonably easy to navigate, understand and apply. The Panel believes that these recommended provisions will help the people of Auckland to use, develop and protect the region's resources in ways that promote the sustainable management of them.

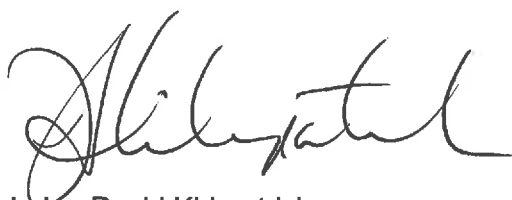
There are a number of things in the Plan as notified that the Panel recommends be retained, notwithstanding submissions that were strongly opposed to them, and also a number of things which involve significant changes from the notified Plan which were strongly supported by the Council. Some of these things are in respect of issues that have received a great deal of attention, both in the course of this process and in public commentary on it, and some are relatively technical matters which may not appear to be as significant. The reasons for the Panel's recommendations whether to keep or to change provisions are set out in the recommendations and, like the Plan itself, should be read as an integrated whole. The Overview section is intended to guide readers to finding the recommendations on the matters likely to be of interest, but it is important that the Overview be read in conjunction with the detailed narratives in the relevant topic reports.

Beyond that, the Panel has no further role in this process and so will not engage in any discussion of these recommendations.

The Panel wishes to acknowledge the hard work and dedicated commitment of its support staff to this project. The team of planners, hearing administrators, business support staff and programme manager have shown high levels of professionalism, skill and courtesy in all their dealings with the Panel, the Council, submitters and members of the public. The Panel also thanks its team of mediators and facilitators for their expertise in helping submitters work through issues before bringing them to a hearing session. The Panel could not have done its job without the help of all these people.

On behalf of all its members, I am pleased to present the Panel's unanimous recommendations on the proposed Auckland Unitary Plan to the Auckland Council. We wish the Council well as it considers these recommendations and makes decisions that will shape the future of Auckland for years to come.

22 July 2016



Judge David Kirkpatrick
Chairperson
Auckland Unitary Plan Independent Hearings Panel



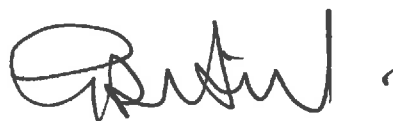
Janet Crawford



Peter Fuller



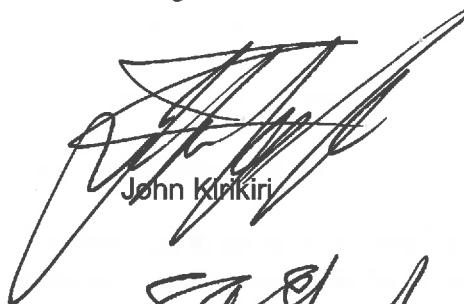
David Hill




Greg Hill



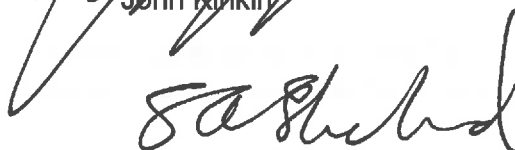
Paula Hunter



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Les Simmons



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Headlines

1. Provide a more integrated and coherent strategy for management of the region's resources.
2. Focus urban growth on centres, transport nodes and corridors to achieve a quality compact urban form.
3. Retain the Rural Urban Boundary but expand it to include 30 per cent more land and enable it to be changed by private plan changes.
4. Enable a development pattern to meet demand for the next 30 years and double the feasible enabled residential capacity to exceed 400,000 dwellings.
5. Ensure sufficient capacity for the next seven years.
6. Enable the growth and development of new or existing rural towns and villages.
7. Provide live residential and business zonings for some developments on the edge of existing urban areas.
8. Support new precincts as a place-based response to local planning issues and to enable greater and more targeted development opportunities.
9. Delete provisions for framework plans and enable comprehensive consenting processes for subdivision, including earthworks and provision of infrastructure.

10. Remove density controls in residential zones.
11. Maintain amenity values using bulk and location standards.
12. Promote good quality residential development through assessment methods.
13. Provide for affordable housing choice with a mix of dwelling types, adaptation of existing housing stock and doubling of enabled supply.
14. Protect historic heritage places and retain special character areas.
15. Delete the pre-1944 building demolition control overlay.
16. Use the statutory notification provisions in the Resource Management Act 1991 as the standard tests.

17. Ensure that assessment matters for restricted discretionary activities are in fact restricted.
18. Remove or reduce requirements for on-site parking.
19. Streamline network infrastructure provisions in one section.
20. Enable rural production activities and rural subdivision that supports rural production and the protection of biodiversity values.
21. Protect air, land, water and ecosystem resources from the adverse effects of population growth.
22. Protect identified natural, social and cultural values of significant ecological areas, outstanding natural landscapes and features, areas of outstanding and high natural character and views to and between the maunga.
23. Promote resilience to natural hazards.
24. Delete the Schedule of Sites of Value to Mana Whenua until the evidential basis for it has been assembled.
25. Delete references to cultural impact assessments and design statements and rely on the standard requirements for assessment of effects on the environment.

26. Delete plan provisions where effects are better managed by other methods.
27. Promote evidence-based methods for ongoing assessment of urban capacity (for both residential and business activities) and for identifying significant resource values.
28. Do not use plan methods (zones, overlays and Auckland-wide provisions) to duplicate controls.

These changes put forward by the Panel are described in more detail in section 8 of this report.

In all cases, the statements in this list are to be read as recommendations. The Panel wishes to stress that it has given a great deal of thought to ensuring that its recommendations are integrated and consistent. Any decision to amend or reject a recommendation should include consideration of the consequential changes that may need to be made to other parts of the Unitary Plan to maintain overall integration and consistency.

Sections 2 to 7 of this report provide the context for these changes and explain the Panel's overall approach.

1. Executive summary

The purpose of the Resource Management Act 1991¹ is a complex combination of enabling people to live their lives while protecting the natural and physical resources that support life and make it worth living. This approach involves an understanding of the social, economic and cultural dimensions of the well-being of people and communities together with their health and safety, and of the many ways in which the activities of people and communities can have effects on natural and physical resources, including the life-supporting capacity of air, water, soil and ecosystems, and on sustaining the potential of resources to meet future needs.

The functions of the Auckland Council and the purpose of its resource management planning documents² are to achieve that statutory purpose by identifying, regionally and locally, the most appropriate ways to provide for that complex combination. In Auckland's case, a constant theme in submissions was that the complexity had been addressed issue by issue separated among topics, overlays and zones, but without integration to establish a consistent framework for subdivision, use and development. The Panel recommends many amendments that are intended to provide greater integration in pursuing a coherent strategy for the management of the region's natural and physical resources.

The overarching approach to a combined resource management plan for Auckland starts with the development strategy for a quality compact urban form as set out in the Auckland Plan.³ Based on existing centres and corridors, and taking into account over 50 years of statutory planning, this strategy recognises the multi-nodal framework of urban development within Auckland's geographic constraints.

The current resource management issue of greatest significance facing Auckland is its capacity for growth. This means both physically accommodating more people and also devising planning controls which most appropriately enable growth. It is important to keep in mind that growth must be provided not only for residential purposes but also for employment, transport, recreation and cultural activities. The recommended response to this issue is to enable greater capacity both by identifying areas at the edges of the existing metropolis which are suitable for urbanisation and by allowing greater intensification of existing urban areas with a strong focus on the existing centres. By utilising several methods for greenfield development and brownfield redevelopment, this response provides multiple ways of accommodating growth. It also protects existing values of significant areas and items of natural and historic heritage and of ecological value, the taonga held closely by Mana Whenua, volcanic viewshafts and the maunga themselves, air and water quality, the natural character of the coastal environment and the special character of many places.

The Panel's recommended response to this involves many elements which, implemented together, can improve the Unitary Plan's approach to managing growth.

¹ See section 5 Resource Management Act 1991.

² See sections 30, 31, 32, 59, 63 and 72 Resource Management Act 1991.

³ See Section D, pages 36-65, Auckland Plan.

In summary, the recommendations for managing use and development to provide for growth are listed below.

- i. Affirming the Auckland Plan's development strategy of a quality compact urban form focussed on a hierarchy of business centres plus main transport nodes and corridors.
- ii. Concentrating residential intensification and employment opportunities in and around existing centres, transport nodes and corridors so as to encourage consolidation of them while:
 - a. allowing for some future growth outside existing centres along transport corridors where demand is not well served by existing centres; and
 - b. enabling the establishment of new centres in greenfield areas after structure planning.
- i. Retaining the Rural Urban Boundary (together with a substantial area of land zoned Future Urban Zone inside it) as a means of managing large-scale growth and infrastructure planning, but changing its methodology so that the location of the line is a district plan rule which can be changed more readily where required, or where any other land supply strategy made by the Council does not meet actual growth demands.
- ii. Extending the Rural Urban Boundary and the extent of land zoned Future Urban Zone in locations where there are no constraints on urbanisation to provide at least seven years' capacity for feasible, enabled urban growth.
- iii. Enabling the growth and development of new or existing towns and villages outside the Rural Urban Boundary.
- iv. Supporting proposals at Warkworth, Redhills, Ōkura, Maraetai, Wainui East, Hobsonville West, Puhinui, Pararekau Island, Kingseat and Pukekohe for operative (rather than future urban) zonings on the edge of the existing urban area where the evidence demonstrated that appropriate structure planning had been undertaken and the availability of infrastructure was not a constraint.
- v. Supporting several proposals for new precincts as a place-based response to local planning issues and to enable greater development opportunities where that is appropriate.
- vi. Supporting the Council's submission to remove density controls as a defining element of residential zones.
- vii. Revising a number of the prescriptive residential bulk and location standards to enable additional capacity while maintaining residential amenity values.
- viii. Promoting better intensive residential development through outcome-based criteria for the assessment of resource consents.
- ix. Supporting numerous submissions seeking more flexible residential zones and mixed-use zones around centres and transport nodes and along corridors to give effect to the development strategy in the Auckland Plan by:
 - a. enabling housing choice with a mix of dwelling types in neighbourhoods to reflect changing demographics, family structures and age groups; and

- b. encouraging adaptation of existing housing stock to increase housing choice.
- x. Supporting the Council's submission to revise the accessory parking approach in the Unitary Plan and reduce the extent of requirements for on-site parking where the evidence showed that such controls were inefficient and a constraint on the principal activities on a site.
- xi. Supporting the request by the Auckland Utility Operators' Group to produce a separate chapter in the Unitary Plan which collates the provisions applying to network infrastructure, so as to better address the effects of those networks while reducing compliance issues for those operators and their contractors.
- xii. Revising the Unitary Plan provisions relating to environmental risks and recommending a consistent approach which seeks to promote resilience to natural hazards, especially in greenfield areas, while reducing compliance costs for risks such as surface flooding where those are better addressed through controls on building work.

This summary only addresses the recommendations associated with managing use and development in order to provide for population growth. The Panel has also made many recommendations focussing on the protection of natural and physical resources. As well as providing for growth, the Unitary Plan must also address the adverse effects that population growth can have. These methods of addressing effects must operate both in general in relation to air, land, water and ecosystems and more specifically in relation to resources with significant natural, social and cultural values that have been identified and scheduled in the Plan.

A key concern that the Panel has, from reading the Unitary Plan provisions as notified and hearing from submitters, is that the significant values of these resources have not always been identified, evaluated and recorded in a consistent manner. Such inconsistency can result in protective provisions being rendered ineffective. The Panel's recommendations attempt to express the protective provisions in a clearer and more consistent way.

More broadly, the Panel recommends focussing the Unitary Plan's provisions on what can be done well by means of resource management objectives, policies and methods and leaving out things which are not appropriately regulated under the Resource Management Act 1991. This results in recommendations to delete material which would be better addressed by other means and should therefore be provided for in the Council's other principal planning documents or through other statutory methods. In making these recommendations, the Panel is aware that some of these other methods may involve matters controlled by other agencies, whether in central government or regionally based, and that it is not necessarily a given that these other agencies will always agree with the Council's approach. The Panel recommends that the Unitary Plan not be used simply as a default approach and that the Council continue to seek to integrate the many statutory methods which are available to it.

This more focussed approach results in a number of recommended changes throughout the Unitary Plan, including the following significant changes which are summarised here and discussed in greater detail in the Overview and the relevant topic narratives.

- i. **Zoning** is applied based on the functional objectives of each zone and its relationship to the strategy for growth at and around centres and transport nodes and routes. The Panel recommends that zoning should not be applied on the basis of factors which are addressed more directly by the overlays or Auckland-wide controls. In particular, the Residential - Single House Zone has been changed for sites where it had been applied to address site-specific constraints such as flooding or vegetation and where that zoning was otherwise inconsistent with the zoning applied in the site's neighbourhood. The constraints can be appropriately managed by the overlays or Auckland-wide controls and the downzoning of the sites would simply duplicate those controls.
- ii. **Notification** of applications for resource consent is recommended to be changed so that it is not dependant simply on activity status. As notified, the Unitary Plan typically provided that all restricted discretionary activities would be processed on a non-notified basis without regard for the nature of the effects the activity might have. The Panel recommends that the notification provisions in the Resource Management Act 1991 be the standard approach to notification. Generally, each section of the Unitary Plan has a specific notification rule or set of rules. The recommended Unitary Plan provisions are intended to provide greater focus on the nature of the effects of proposed activities and the identification of who is directly affected.
- iii. **Classification** of activities as restricted discretionary has been carefully considered by the Panel. Numerous changes have been made to the listed matters of discretion to try and focus the range of resource management issues that ought to be addressed when considering an application for resource consent. The basis for assessment of restricted discretionary activities should be clear from the relevant objectives and policies. This should assist in limiting the extent to which submissions create unnecessary complexity or delay for applicants. In a number of cases the status of activities has been changed to discretionary where the extent of the matters for discretion is in fact unrestricted.
- iv. **Framework plans** are recommended to be deleted. The Panel does not consider there are sufficient reasons to retain this consenting method when the activities to which they might apply could just as readily be the subject of an application for a bundle of consents relating to site development and provision of infrastructure. In addition, the Panel considers that the Council's proposal for framework plans to be preferred over standard applications cannot be justified, either procedurally or in terms of how the effects of activities are regulated.
- v. **The pre-1944 building demolition control overlay** is recommended to be deleted. On the evidence before the Panel, there was an insufficient basis to restrict the demolition of buildings based solely on their age. The argument that the Unitary Plan should, on an alleged precautionary basis, manage the demolition of buildings in areas that may have "unidentified significant historic heritage places or unidentified 'special' character areas" was not supported by evidence of the likelihood that such values would be identified, or that the rate of demolition required such a restriction.

- vi. **The schedule of sites of value to Mana Whenua** is recommended to be deleted. On the evidence before the Panel, the restriction of activities based solely on the archaeological database used to create this schedule is inappropriate. The Panel notes that at the end of the hearing session, in response to submitters' complaints that the schedule was not properly based on Mana Whenua values, the Council withdrew the items in the schedule that were located on privately-owned land. The Panel does not consider that ownership is an appropriate basis on which to apply a control such as this and recommends the withdrawal of all the items listed in the schedule. Notwithstanding that, the Panel does consider that a two-tier approach to the protection of sites that are special to Mana Whenua, similar to the two-tier approach to historic heritage places, is appropriate and therefore recommends that the policy framework at the regional policy statement level for the identification, evaluation and scheduling of sites of value to Mana Whenua should remain so that once the further investigation and assessment that is presently being undertaken is completed, a revised schedule can be proposed as a plan change.
- vii. References to **cultural impact assessments** as a specific method in the regional policy statement and elsewhere in the Unitary Plan have been deleted as being unnecessary. 'Environment' is defined in the Resource Management Act 1991 to include people and communities and the cultural conditions which affect people and communities. It follows that in preparing an assessment of effects on the environment to form part of an application for resource consent, an applicant must address any potential effects of a proposed activity on Mana Whenua, including their relationship with their ancestral lands, water, sites, waahi tapu, and other taonga as well as kaitiakitanga and the principles of the Treaty of Waitangi, wherever those matters may be relevant.

In the course of hearing submissions, there were several topics where it appeared to the Panel that the evidential basis for plan provisions could be improved. Three significant examples are:

- i. In relation to residential capacity and expected demand, parties approached the issues and the data in relation to the issues from several different directions. The Panel directed that the expert witnesses confer to see if they could agree on a single approach to the relevant data and the way in which that data could be used in a model to inform the Panel's deliberations on residential zoning and standards. This has resulted in the production of a very useful analytical model which should be valuable in future assessments of residential housing (both zoning and feasible development) which the recommended regional policy statement requires.
- ii. In relation to the distribution and extent of business zones (especially mixed use, general business and light industry) to accommodate future demand, the Panel directed that an assessment be made of the zonings against current use. This has informed the Panel's recommendations about a number of submissions requesting changes to business zonings. The Panel recommends that this work should be continued to see if an analytical model for the business zones can be developed to complement the residential model.

- iii. In relation to the viewshafts to and between the maunga, the Panel directed that expert witnesses confer to review the basis on which the viewshafts had been identified and evaluated, including an assessment of the extent to which the viewshafts affected the extent of development that would otherwise be enabled by the zonings of affected land. This work resulted in a comprehensive review of the visual landscape assessments of each viewshaft and a quantification of their effect on notional development opportunities. Further work needs to be done with the Tūpuna Maunga Authority to ensure an integrated management approach, including addressing the ancestral relationships of Māori with these taonga.

The Panel recommends, beyond the content of the Unitary Plan itself, that the Council adopt these methods as part of its ongoing responsibilities for identifying and assessing significant resource management issues, and to provide robust evidential foundations for its resource management objectives, policies and methods throughout the life of this Unitary Plan and in preparation for the next review of it.

In all cases, the changes are to be read as recommendations. The Panel wishes to stress that it has given a great deal of thought to ensuring that its recommendations are integrated and consistent. Any decision to amend or reject a recommendation should include consideration of the consequential changes that may need to be made to other parts of the Unitary Plan to maintain overall integration and consistency.

2. Introduction

The Overview section of the Independent Hearing Panel's report to Auckland Council is intended to help the reader to identify the main changes that the Panel has recommended to the proposed Unitary Plan and to understand what lies behind these changes. It will also help the reader to find their way around the Panel's report and recommendations to find out more about the particular matters of interest to them.

This introduction explains the structure of the Panel's report and recommendations, the process followed by the Panel to review written submissions, hear submitters and reach its recommendations on the Unitary Plan, and the general principles it has endeavoured to apply.

2.1. The Panel's report and recommendations

The Panel's report and recommendations are made up of three parts:

Part 1 is the Panel's report which sets out its recommendations and the reasons for these;

Part 2 is the Panel's recommended version of the Unitary Plan provisions;

Part 3 is the Panel's recommended version of the Unitary Plan maps, presented in the GIS viewer.

2.1.1. Part 1 – the Panel's report and recommendations

The Panel's report (Part 1) is made up of this Overview section plus separate reports on individual hearing topics. Some topics were heard together and some topic reports have been combined, where the subject matter makes this appropriate. These hearing topic reports are listed in Appendix 1 of this document.

The Overview section explains the Panel's overall approach and direction, summarises the main changes made to the Unitary Plan in terms of plan structure and major policy shifts, and sets out the Panel's approach to scope and to meeting section 32AA reporting requirements. Reading the Overview first will help the reader to find their way around the Panel's recommendations - to understand what has been changed and why, and the extent to which the changes are in scope are therefore whether they are subject to the opportunity to appeal.

The reports on individual hearing topics provide the next level of detail about the Panel's recommendations and changes. The reports provide the following:

- i. reference to the relevant provisions in the proposed Unitary Plan and the corresponding provisions in the recommended Unitary Plan;
- ii. a summary of the Panel's recommendations on this topic;
- iii. an overview of the Panel's position on this topic, including the extent of agreement with the Council and submitters and whether there are any changes considered out of scope;

- iv. a section on each of the key issues identified by the Panel, which includes a statement of the issue, the Panel's recommendations and the reasons for the recommendation;
- v. identification of any consequential changes to other parts of the Unitary Plan, or to this part of the Unitary Plan as a result of changes made elsewhere;
- vi. a list of reference documents, including the relevant hearing process documents and any evidence referred to in the hearing topic report. These references are set up as direct links to the documents on the Panel's website.

Note that the website at www.aupihp.govt.nz will remain available to enable ongoing access to the hearing documents. Any issues regarding access should be raised with Auckland Council.

The Panel's report on the site specific topics (016, 017, 080, 081 - see the Panel's Report to Auckland Council- Changes to the Rural urban Boundary, rezoning and precincts July 2016) sets out the following:

- i. the approach to the Rural Urban Boundary and the locations where the Panel has recommended that it be moved;
- ii. the overall approach to rezoning and precincts;
- iii. key changes in relation to zoning and any strategic changes to the zoning pattern;
- iv. whether precincts have been added or deleted; and
- v. where precincts have been retained, key changes in relation to precincts. Changes may be generic across a number or group of precincts. There will not be a section of narrative on every precinct, though some will warrant their own section.

Areas that are part of an operative special housing area will not be addressed by the Panel and these precincts will not be included in the clean version of the Unitary Plan. There is further discussion of the treatment of special housing areas below and in section 2.1.4

The zoning changes and the precincts will be shown on the planning maps in the Panel's version of the GIS viewer, see section 2.1.3 below.

The Panel's report and recommendations do not address individual points of relief sought in submissions. The Local Government (Auckland Transitional Provisions) Act 2010, section 144 (8) (c) requires the Panel to set out:

the reasons for accepting or rejecting submissions and, for this purpose, may address the submissions by grouping them according to—

- (i) the provisions of the proposed plan to which they relate; or
- (ii) the matters to which they relate.

Given the large number of submitters (9,361 primary submitters and 3,915 further submitters) and the volume of individual submission points (nearly 100,000 primary submission points and over one million further submission points), the Panel has grouped all of the submissions in terms of (c) (i) and (ii). While individual submissions and points may

not be expressly referred to in the reports and recommendations, all points have nevertheless been taken into account by the Panel when making its recommendations (see section 2.2 for more detail of the Panel's process).

The Panel's report and recommendations do not address any plan changes to the operative (legacy) Auckland District Plan that may have occurred contemporaneously with the Unitary Plan process. Nor does the Panel address the substance of any process under the Housing Accords and Special Housing Areas Act 2013, although the procedural aspects are addressed in section 2.1.4 below so far as they affect the Panel's recommendations. Those processes were separate to the Unitary Plan process which was conducted under the Local Government (Auckland Transitional Provisions) Act 2010 and so are outside the scope of the Panel's report and recommendations.

The Panel's report and recommendations also do not address the proposed National Policy Statement on Urban Development Capacity. This was notified after the Panel's hearings on submissions on the Unitary Plan had concluded and submissions on it closed very recently on 15 July 2016. As a proposed national policy statement, it is not yet a document to which effect must be given in a regional policy statement or regional or district plan, or to which regard must be had in preparing such lower order documents. The Panel does not consider it appropriate to comment on a proposed national policy statement for those reasons.

2.1.2. Part 2 - Recommended Unitary Plan provisions

The version of the Unitary Plan provisions recommended by the Panel has been amended on the basis of the changes set out in the Panel's report (the Overview and individual hearing topic reports.)

The process of making changes to the text of the Unitary Plan began with the submissions made on it, many of which included specific amended text as part of the relief sought. Many topics were the subject of mediation resulting in further amended text from the Council or submitters and, sometimes, versions that were agreed among the parties in attendance at mediation. During hearings both the Council and submitters often advanced further amendments. At the end of the hearing session for each topic the Council would usually present a further revised version of the text as part of its closing submissions.

In its deliberations, the Panel has worked through these various versions. In the frequent cases where a version of the text has been agreed among the parties (the Council and submitters participating in mediation and the hearing session), the Panel has respected such agreements wherever they appear to the Panel to be consistent with the Resource Management Act 1991, any relevant policy statements and the rest of the Unitary Plan. In many cases the Panel has made further amendments:

- i. in response to submissions;
- ii. to address the relevant resource management issues;
- iii. to integrate provisions better with other parts of the Unitary Plan;
- iv. to add or delete material based on sound resource management practice;
- v. to make the Unitary Plan clearer and easier to understand; and

- vi. to better achieve the purpose of the Resource Management Act 1991.

Because of the extent to which changes have been made to the text of the Unitary Plan through the submissions, hearing and deliberation processes, the use of strikethrough and underlining to show changes is impractical, and the recommendation version is provided as 'clean' text. This means it is important to read the Overview and relevant topic reports when comparing the Panel's recommended version with the notified proposed Unitary Plan.

The recommendation version of the Unitary Plan includes:

- i. the regional policy statement;
- ii. the regional coastal plan;
- iii. regional and district plan provisions, including zones and precincts;
- iv. definitions; and
- v. schedules and appendices to the Unitary Plan.

The recommendation version of the Unitary Plan does **not** include:

- i. designations – the modified designations and new notices of requirement are contained in the Panel's reports to Council for hearing topic 074 Designations, most of which were provided on 18 May 2016 and placed on the Council's website. The designations are subject to a further process with the requiring authorities;
- ii. provisions relating to precincts that have been made operative under the Housing Accords Special Housing Areas Act 2013 (see section 2.1.4 below).

Appendix 2 of this report sets out the table of contents for the recommendation version of the Unitary Plan alongside the equivalent section of the proposed Auckland Unitary Plan as notified for ease of reference.

2.1.3. Part 3 - Recommended Unitary Plan maps

The Panel has provided a full set of amended Unitary Plan maps to show its recommendations on the many submission points relating to rezoning, precincts, the location of the Rural Urban Boundary and the extent of the overlays.

The maps are presented in the Independent Hearings Panel 'recommended' version of the GIS viewer.

The Panel has altered the legend for the planning maps to better align with the table of contents for the text. The non-statutory information layer is now limited to street or road addresses to help find specific sites and the indicative coastline to show the boundary between the land area of the district and the coastal marine area of the region. The Rural Urban Boundary is shown as a separate layer and, as recommended by the Panel, is not tagged as a regional policy statement method.

The remaining layers that, were previously all called 'overlays' in the maps, are now separated into different sets of layers as follows:

- i. precincts form a single separate layer, as do designations;
- ii. a new set of layers called 'controls' contain the map layers that show the spatial extent of Auckland-wide rules;
- iii. the remaining layers identify resources associated with natural resources, natural heritage, built heritage and character, Mana Whenua, built environment and infrastructure and are shown in the "overlays" set of layers.

The designation layer shows the requirements as recommended by the Panel as well as the designations for which there were no submissions and therefore are no recommendations.

The planning maps also show plan variations associated with special housing areas under the Housing Accords and Special Housing Areas Act 2013 where these have been made operative. While these have not been part of the Unitary Plan process under the Local Government (Auckland Transitional Provisions) Act 2010, and are therefore not part of the Panel's recommendations, they have been included for clarity and to avoid showing blank areas in these maps, which would be unhelpful to users. They are tagged as 'operative' to differentiate them from recommended provisions.

The planning maps also show in outlined areas the recommended rezonings and changes to precinct boundaries that the Panel considers are out of scope of submissions.

The non-statutory information layers included in the notified proposed Unitary Plan have almost all been deleted on the basis that they can give a misleading impression of having some regulatory effect. The exception is the inclusion of the indicative coastline, which serves to indicate the general location of mean high water springs and the boundary between the district of Auckland (and where district plan provisions apply) and the coastal marine area in the region of Auckland (where regional coastal plan provisions apply).

2.1.4. Special housing areas

The government established a parallel planning process to the hearings on the proposed Unitary Plan to fast-track development to boost Auckland's housing supply. The Housing Accords and Special Housing Areas Act 2013 allows people to apply for a qualifying development within a special housing area using the new planning controls in the proposed Unitary Plan, rather than the existing controls in the operative plans of the former councils. Under this legislation applicants can also seek to vary the proposed Unitary Plan provisions. The variation will usually be for a change to the zoning or precincts that may apply to the area.

The creation of a parallel process could result in potentially conflicting planning regimes. Section 75 of the legislation provides a mechanism for resolving any conflicts between the special housing area process and the Unitary Plan process.

Where the variation is determined before the proposed Unitary Plan is fully operative, the variation will prevail. Any submissions on the Unitary Plan that relate to the zoning in that area must be treated as withdrawn as the Panel does not have jurisdiction to address these matters and make a recommendation.

If the final approval of the variation is after the decisions on the zoning or precincts in the proposed Unitary Plan, then the variation will have to be withdrawn and the qualifying development has to comply with what is in the operative Unitary Plan for that area.

The Panel was able to take into account variations made operative up to and including 8 July 2016. Any variations made operative after that date, and before the Unitary Plan becomes fully operative, will not be withdrawn from the Panel's recommendations and report and will be administered by the Council.

The Panel's recommendations on the Unitary Plan do not include any provisions specifically relating to a special housing area variation. Where a precinct has been determined under the Housing Accords and Special Housing Areas Act 2013, this will be noted in the Unitary Plan text. The location and extent of special housing area variations will be shown on the Panel's version of the planning maps.

In some cases a special housing area may contain provisions which were part of the proposed Unitary Plan as notified, but which the Panel recommends be deleted, such as for example the Green Infrastructure Zone. The Panel shows these areas on its viewer but without reference in the legend or in any associated provisions in its text as these provisions are not part of its recommendation. The Panel has no authority to recommend changes to any special housing area.

2.2. Evaluation report - section 32AA of the Resource Management Act 1991

Before notifying a proposed policy statement or plan, the Council is required to prepare an evaluation report in accordance with section 32 of the Resource Management Act 1991. Such an evaluation report must, generally, examine whether the proposed objectives of the policy statement or plan are the most appropriate way to achieve the purpose of the Resource Management Act, and whether the policies, rules and other methods of the policy statement or plan are the most appropriate way to achieve the objectives.

The Panel is required to include in its recommendations a further evaluation of the proposed Auckland Unitary Plan in accordance with section 32AA of the Resource Management Act 1991. This evaluation is only for the changes that the Panel recommends be made and is undertaken at a level of detail that corresponds to the scale and significance of the changes.

The entire hearing process and the Panel's deliberations have constituted its review for the purposes of section 32AA of the Resource Management Act 1991. The hearing sessions for each topic enabled the Panel to test possible amendments to the provisions of the Unitary Plan as notified.

The Panel's evaluation is based primarily on the Council's original section 32A report, any section 32AA evaluation provided by Council or other submitters during the course of the hearings, and the information and analysis contained in submissions, responses and questions, and supporting evidence presented to the hearings.

During this process the Panel issued interim guidance on the topics for the regional policy statement and certain other topics. Submissions and evidence at subsequent hearings

sessions included responses to that guidance and this has also been considered by the Panel.

For certain topics (residential and business capacity, the provisions for the Waitākere Ranges, and the assessment of the volcanic viewshafts) the Panel directed that certain specific investigations be undertaken and reported on, and has taken these reports into account. Copies of the reports are available on the Panel's website.

The Panel's evaluation is contained in the body of its recommendation report for each topic where changes are proposed to the Unitary Plan as notified. A summary of the main changes recommended by the Panel is contained in this Overview and is part of but not the full evaluation.

3. Hearing procedure

The proposed Auckland Unitary Plan was notified on 30 September 2013. The process for developing the Unitary Plan, including the hearing of submissions, was set out in Part 4 of the Local Government (Auckland Transitional Provisions) Act 2010. The scale and significance of the Unitary Plan warranted a modified process that reduced timeframes (compared to the processes under the Resource Management Act 1991), improved decision-making and provided opportunities for engagement in the plan deliberation process. High levels of public engagement and plan decisions being made in a more streamlined manner were key objectives of the process.

Reflecting these objectives the Panel's procedures have been designed to:

- i. be inclusive and acknowledge the broad range of interests, capability and capacity represented in submissions;
- ii. where practicable promote and use collaborative and active participation processes to enhance/complement the formal hearings process, including by appointing a group of experienced mediators and facilitators to do this;
- iii. act in a fair and transparent manner in proceedings;
- iv. conduct an efficient process which minimises the costs and time to all parties involved in the hearing;
- v. provide submitters with an adequate opportunity to be heard while, where necessary, limiting the length of oral presentations and avoiding repetition of information and the presentation of irrelevant material;
- vi. give effect to the Māori Language Act 1987, and receive evidence written or spoken in Māori; and
- vii. recognise New Zealand Sign Language where appropriate, and receive evidence in New Zealand Sign Language if required.

A feature of the hearing process has been an emphasis on pre-hearing processes, to identify and resolve procedural issues, and determine whether substantive issues raised in submissions can be addressed through expert conferencing, mediation or other alternative dispute resolution processes.

One of the Panel's first tasks was to develop a document detailing its hearing procedures ([aupihp procedures](#)) which endeavoured to balance competing considerations such as ensuring that submitters who wish to be heard have a fair hearing, conducting an efficient hearing process and meeting the deadline for recommendations to the Council as set by section 146 of the Local Government (Auckland Transitional Provisions) Act 2010.

The Panel conducted pre-hearing meetings to ensure that the hearing procedures were understood by submitters, to identify the amount of hearing time likely to be required and generally to make sure that the hearings would run smoothly. Submitters responded well to this aspect of the process and after a short period most aspects of pre-hearing management were able to be done by e-mail and without the need for meetings.

Certain matters were dealt with by procedural minutes issued by the chairperson ([aupihp procedures](#)). These addressed a range of issues including: the closing dates for primary and

further submissions; dealing with issues raised in further submissions; dealing with changes sought to site-specific schedules; the format and timetabling of statements of evidence; how to apply for additional hearing time; revisions to the hearing procedures; specific hearing processes in relation to the protection of volcanic viewshafts, retirement villages and retained affordable housing; and the procedure for hearing sessions dealing with rezonings and precincts.

At an early stage the Panel considered that there might be benefit in providing interim guidance on certain hearing topics, especially where that would assist submitters in preparing for subsequent hearing sessions on related topics. This was identified as a way of improving the efficiency of the hearing process. It would also be fair and transparent to submitters by providing written statements from the Panel of its thinking and approach rather than leaving it to those who might be present at a particular hearing session to divine what approach the Panel might be taking.

After raising this and convening a conference of interested submitters, the Panel decided it would provide such interim guidance for all regional policy statement topics as well as some other specific topics. A total of 14 interim guidance documents were issued between 23 February 2015 and 1 March 2016: see [aupihp interim guidance](#).

Because of the scale and range of matters raised in submissions, the Panel chose to structure the hearings according to topics based on the way the Council grouped submission points in its Summary of Decisions Requested and the Further Submissions Report. This resulted in approximately 80 hearing topics, though as the hearing progressed some topics were combined and heard together, and some were superseded. The approach was generally to deal with topics moving from the general to the specific. Topics dealing with the regional policy statement were heard first, by the full Panel. Topics concerned with the core text of the regional, regional coastal and district plan were then heard, in many cases by four or five Panel members. After the core topics had all been heard, the Panel then heard submissions on zoning and precinct issues affecting specific sites and the location of the Rural Urban Boundary. These hearing sessions were usually conducted by three or four Panel members.

The Panel sought to ensure that transparency in its process was promoted by keeping all correspondence, evidence, and other materials relating to the hearing process on its website, being placed there as soon as possible after receiving it and providing for notice when new material had been received.

The Panel issued directions to ensure that affected persons were able to be heard. Submitters who sought the addition of properties they did not own onto one of the schedules for site protection were directed to advise what steps they had taken to notify the property owners. Further directions allowed such affected owners to lodge late further submissions and be heard.

4. Scope

4.1. Summary

The scope for the Panel's recommendations generally lies between the provisions of the Unitary Plan as notified by the Council and the relief sought in submissions on the Unitary Plan. This can include consequential amendments that are necessary or desirable to give effect to such relief. In addition, the Panel has a special power to recommend amendments even where there is no scope for that in submissions. That power must be exercised in accordance with the principles of natural justice and the requirement in the Local Government (Auckland Transitional Provisions) Act 2010 that the Panel establish a procedure for hearing sessions that is appropriate and fair in the circumstances.

The extent to which many submissions sought broad and extensive relief means that the scope for recommending changes to the Unitary Plan is very wide. The particular recommendations that are beyond the scope of submissions are identified in the recommendation reports and summarised in Appendix 3 to this overview report.

4.2. Relevant law

The Council must act in accordance with the Resource Management Act 1991 when preparing or changing a policy statement or plan. In addition, in relation to the Unitary Plan, the Council must also act in accordance with the Local Government (Auckland Transitional Provisions) Amendment Act 2010.

The starting point is that a policy statement or plan must be prepared by the relevant local authority "in the manner set out in Schedule 1" to the Resource Management Act 1991⁴. Schedule 1 has been described as a code for this process⁵ although important glosses have been added by case law as discussed below.

A careful reading of the text of the relevant clauses in Schedule 1 shows how the submission and appeal process in relation to a proposed plan is confined in scope. Submissions must be on the proposed plan in support of or in opposition to particular provisions and cannot raise matters unrelated to what is proposed. If a submitter seeks changes to the proposed plan, then the submission should set out the specific amendments sought. The publicly notified summary of submissions is an important document, as it enables others who may be affected by the amendments sought in submissions to participate either by opposing or supporting those amendments, but such further submissions cannot introduce additional matters. The Council's decisions must be in relation to the provisions and matters raised in submissions, and any appeal from a decision of a council must be in respect of identified provisions or matters. The Environment Court's role then is to hold a hearing into the provision or matter referred to it and make its own decision on that within the same framework as the Council⁶.

⁴ Sections 60(1), 64(1) and 73(1) Resource Management Act 1991

⁵ See *Re Vivid Holdings Ltd* [1999] NZRMA 467 at para (16).

⁶ Section 290 of the Resource Management Act 1991

In relation to the Unitary Plan, Schedule 1 applies except so far as it is excluded or replaced by Part 4 of the Local Government (Auckland Transitional Provisions) Act 2010. For the purposes of this discussion relating to scope, the principal amendments made to Schedule 1 by Part 4 of the Local Government (Auckland Transitional Provisions) Amendment Act 2010 relate to:

- i. the public notice requirements of clause 5 of Schedule 1⁷;
- ii. the alternative dispute resolution provision in clause 8AA of Schedule 1⁸;
- iii. the hearing process set out in clauses 8B and 8C of Schedule 1⁹; and
- iv. decisions on submissions set out in clause 10 of Schedule 1¹⁰.

Importantly, the Local Government (Auckland Transitional Provisions) Act 2010 has made a substantial change to the extent to which the Panel can make recommendations to the Council. Section 144(5) provides:

However, the Hearings Panel—

- (a) is not limited to making recommendations only within the scope of the submissions made on the proposed plan; and
- (b) may make recommendations on any other matters relating to the proposed plan identified by the Panel or any other person during the Hearing.

This means that the Panel is not constrained in making recommendations only to the boundaries of what was proposed in the Unitary Plan as notified and what was sought in submissions. While this general discretion is not subject to any express limits, the Panel has proceeded on the basis that it must adhere to a hearing procedure that is appropriate and fair in the circumstances, as required by section 136(4)(a) Local Government (Auckland Transitional Provisions) Act 2010. Even where a discretion is expressed in unlimited terms, the general law requires a statutory body which makes decisions that could affect people's rights and interests to act in accordance with the principles of natural justice.

Section 144(8)(a) of that act also requires that the Panel's report must identify any recommendation that is beyond the scope of the submissions made. This is an important requirement for informing the Council and submitters of such recommendations, as it affects the appeal rights of submitters. These appeal rights in relation to the decisions of the Auckland Council are different for those recommendations which are within the scope of submissions and those which are not. Section 156(3) of the Local Government (Auckland Transitional Provisions) Act 2010 provides for a more extensive right of appeal in respect of any decision of the Council which accepts an out of scope recommendation by the Panel. This enables any person (including a person who was not a submitter) who is unduly prejudiced by the Council's acceptance of the Panel's recommendation to appeal against that decision. To this extent Parliament has addressed the potential natural justice issue that may arise by providing a procedural balance to the Panel's ability to make a recommendation that is beyond the scope of submissions.

⁷ See section 123(4)-(6) Local Government (Auckland Transitional Provisions) Amendment Act 2010

⁸ See section 134 Local Government (Auckland Transitional Provisions) Act 2010

⁹ See sections 128-132 and 136-140 Local Government (Auckland Transitional Provisions) Act 2010

¹⁰ See sections 144 and 145 Local Government (Auckland Transitional Provisions) Act 2010

The Panel must also, in formulating its recommendations to the Council, comply with section 145 of the Local Government (Auckland Transitional Provisions) Act 2010 which sets out a number of things to which regard must be had. Among those are the provisions of the Resource Management Act 1991 (not including Schedule 1) that apply to the preparation of the Plan and the Auckland Plan, being the spatial plan for Auckland prepared and adopted under section 79 of the Local Government (Auckland Council) Act 2009.

Having set out the relevant statutory provisions, it is also important to keep in mind the case law which has interpreted and applied them, noting that the Panel has been operating under a unique regime which has not been tested through case law. Even within the parameters of Schedule 1 to the Resource Management Act 1991, the process is tempered appropriately by considerations of fairness and reasonableness.

In the leading case of *Countdown Properties (Northlands) Ltd v Dunedin City Council*¹¹ a full court of the High Court considered a number of issues arising out of the plan change process under the Act, including the decision-making process in relation to submissions. The High Court confirmed that the paramount test is whether or not the amendments are ones which are raised by and within the ambit of what is reasonably and fairly raised in submissions on the plan change. It acknowledged that this will usually be a question of degree to be judged by the terms of the proposed change and the content of the submissions. The Court observed that councils need scope to deal with the realities of the situation where there may be multiple and often conflicting submissions prepared by persons without professional help. In such circumstances, to take a legalistic view that a council could only accept or reject the relief sought would be unreal.

As observed in an oft-repeated dictum in *Royal Forest & Bird Protection Society Inc v Southland District Council*¹²:

... it is important that the assessment of whether any amendment was reasonably and fairly raised in the course of submissions, should be approached in a realistic workable fashion rather than from the perspective of legal nicety.

Since those cases were decided, subsequent case law shows that the circumstances of particular cases have led to the identification of two fundamental principles:

- i. the Court cannot permit a planning instrument to be appreciably amended without real opportunity for participation by those potentially affected (see *Clearwater Resort Ltd v Christchurch City Council*¹³); and
- ii. care must be exercised on appeal to ensure that the objectives of the legislature in limiting appeal rights to those fairly raised by the appeal are not subverted by an unduly narrow approach (see *Power v Whakatane District Council & Ors*¹⁴).

As has been observed in the case law itself, there is obvious potential for tension between these two principles. The resolution of that tension depends on ensuring that the process for

¹¹ [1994] NZRMA 145.

¹² [1997] NZRMA 408 at 413.

¹³ (unreported: High Court, Christchurch, AP34/02, 14 March 2003, William Young J) at para [66].

¹⁴ (unreported: High Court, Tauranga, CIV-2008-470-456, 30 October 2009, Allan J) at para [30].

dealing with amendments is fair not only to the parties but also to the public. Quoting from *Westfield (NZ) Ltd v Hamilton City Council*¹⁵:

[72] I agree that the Environment Court cannot make changes to a plan where the changes would fall outside the scope of a relevant reference and cannot fit within the criteria specified in ss 292 and 293 of the Act: see *Applefields, Williams and Purvis*, and *Vivid*¹⁶.

[73] On the other hand I think it implicit in the legislation that the jurisdiction to change a plan conferred by a reference is not limited to the express words of the reference. In my view it is sufficient if the changes directed by the Environment Court can fairly be said to be foreseeable consequences of any changes directly proposed in the reference.

[74] Ultimately, it is a question of procedural fairness. Procedural fairness extends to the public as well as to the submitter and the territorial authority. Adequate notice must be given to those who might seek to take an active part in the hearing before the Environment Court if they know or ought to foresee what the Environment Court may do as a result of the reference. This is implicit in ss 292 and 293. The effect of those provisions is to provide an opportunity for others to join the hearing if proposed changes would not have been within the reasonable contemplation of those who saw the scope of the original reference.

The consideration of procedural fairness was discussed in *Motor Machinists Ltd v Palmerston North City Council*¹⁷. That case was principally concerned with the related issue of whether a submission was 'on' a plan change, but Kós J examined that question in its context of the scope for amendments to plan changes as a result of submissions by reference to the bipartite approach taken in *Clearwater*:

- i. whether the submission addresses the change to the status quo advanced by the proposed plan change; and
- ii. whether there is a real risk that persons potentially affected by such a change have been denied an effective opportunity to participate in the plan change process.

Laying stress on the procedures under the Resource Management Act 1991 for the notification of proposals to directly affected people, and the requirement in section 32 for a substantive assessment of the effects or merits of a proposal, Kós J observed that the Schedule 1 process lacks those safeguards for changes to proposed plans as sought in submissions. The lack of formal notification of submissions to affected persons means that their participatory rights are dependent on seeing the summary of submissions, apprehending the significance of a submission that may affect their land, and lodging a further submission within the prescribed timeframe.

¹⁵ [2004] NZRMA 556 at 574-575.

¹⁶ *Applefields Ltd v Christchurch City Council* [2003] NZRMA 1; *Williams and Purvis v Dunedin City Council* (Environment Court, CO22/C002, 21 February 2002, Judge Smith); and *Re Vivid Holdings Ltd* [1999] NZRMA 467.

¹⁷ [2013] NZHC 1290.

In particular, his Honour noted that a core purpose of the statutory plan change process is to ensure that persons potentially affected by the proposed plan change are adequately informed of what is proposed. He observed:

[77] . . . It would be a remarkable proposition that a plan change might so morph that a person not directly affected at one stage (so as not to have received notification initially under clause 5(1A)) might then find themselves directly affected but speechless at a later stage by dint of a third party submission not directly notified as it would have been had it been included in the original instrument. It is that unfairness that militates the second limb of the *Clearwater* test.

As in the *Westfield* case, however, this approach does not set any absolute limit:

[81] . . . Yet the *Clearwater* approach does not exclude altogether zoning extension by submission. Incidental or consequential extensions of zoning changes proposed in a plan change are permissible, provided that no substantial further s 32 analysis is required to inform affected persons of the comparative merits of that change. Such consequential modifications are permitted to be made by decision makers under schedule 1, clause 10(2). Logically they may also be the subject of submission.

A further aspect of the scope for consequential change is where, as here, the regional policy statement is the subject of submissions and recommendations. Because the plans must give effect to the regional policy statement,¹⁸ it follows that submissions seeking amendments to the regional policy statement may well result in changes needing to be made to the plans. Similarly, because rules in plans must be appropriate ways to achieve objectives and policies,¹⁹ it follows that where changes are made to objectives and policies, consequential changes may need to be made to the rules.²⁰

To the extent that much of the relevant case law relates to changes to parts of operative plans rather than a review of an entire plan, or indeed the preparation of a fully combined plan, the guidance on the limits of consequential amendments needs to be considered carefully in light of the scale of the planning exercise.

4.3. The Panel's approach to scope

Against that background and conscious of its special power to make out of scope recommendations, the Panel has prepared its recommendations on the basis of having:

- i. read the plan provisions as notified, together with any relevant section 32 reports prepared by the Council;
- ii. read the submissions and further submissions;
- iii. heard the Council and other submitters and read the material lodged by them;

¹⁸ For the regional plan (including the regional coastal plan) see section 67(3)(c), and for the district plan see section 75(3)(c), of the Resource Management Act 1991

¹⁹ See sections 32(1)(b), 68(1)(b) and 76(1)(b) of the Resource Management Act 1991

²⁰ *Clark Fortune McDonald and Associates v Queenstown Lakes District Council (No 2)* Decision No C89/2002.

- iv. taken into consideration the relevant plan-making provisions of the Resource Management Act 1991, especially sections 32 and 32AA and the provisions specifically listed in section 145(1)(f) Local Government (Auckland Transitional Provisions) Act 2010;
- v. had regard to the Auckland Plan; and
- vi. applied the specialist knowledge and expertise of the members of the Panel in relation to making statutory planning documents based on sound planning principles.

While the submission process is a very important part of this planning process, it is not the only part. The purpose of the Unitary Plan is to achieve the purpose of promoting the sustainable management of natural and physical resources for the whole of Auckland. The whole includes not only all people and communities, but also future generations and all other living things that are part of the environment as broadly defined in the Resource Management Act 1991. Also important in that broad context is the identification of significant resource management issues and appropriate methods to address them in ways that achieve the purpose of the Resource Management Act 1991. As the Environment Court has noted on many occasions, addressing such issues is not simply a numbers game to be done by adding up the submissions for and against a proposed plan provision. Further, the Panel is not required to make recommendations that address each submission individually.²¹

The Panel heard submissions on the objectives, policies and rules in the proposed plan over a period of 18 months and then on rezoning issues over a further two months. In dealing with the evidence presented by the Council and other submitters on rezoning areas of the region (including applying precincts), the Panel was therefore aware of the range of resource management issues that any such rezoning or application of a precinct would raise and that must be addressed by its recommendations. These issues include not only accommodating population growth in the region, but also how to deal with different levels of effects on the quality of the environment and the amenity values of different areas of the region.

These issues are complex and any consideration of them involves a range of competing considerations. In many cases the resolution of an issue is not a binary choice between the position of the Council and that of a particular submitter. In a wide-ranging planning process, the choice is much more likely to be a synthesis of a number of submissions, together with an evaluation of the relevant provision in accordance with sections 32 and 32AA of the Resource Management Act 1991. This evaluation must include the application of the judgment of the Panel to review (and in a number of cases establish) and recommend objectives, policies and methods to achieve integrated management of the natural and physical resources of Auckland and of the effects of the use, development, or protection of land and associated natural and physical resources of Auckland.

4.4. Consequential changes

Against that background, there are at least four distinct types of consequential changes that have arisen:

²¹ See section 144(8) Local Government (Auckland Transitional Provisions) Act 2010

- i. format or language changes;
- ii. structural changes;
- iii. changes to support vertical or horizontal integration and alignment; and
- iv. spatial changes to overlays, zonings or precincts.

These types of change each need to be considered in several dimensions, being:

- i. direct effects: whether the amendment would be one that directly affects an individual or organisation such that one would expect that person or organisation to want to submit on it;
- ii. Plan context: how the submission of a point of relief within it could be anticipated to be implemented in a realistic workable fashion; and
- iii. wider understanding: whether the submission or points of relief as a whole provide a basis for others to understand how such an amendment would be implemented.

4.4.1. Format or language changes

Numerous submitters and expert witnesses sought changes to the format and language of the Unitary Plan as notified. The extent of such changes was limited to concerns about clarity of meaning and ease of use, and did not extend into substantive changes to the effect of a provision including degrees of enablement or restriction (although in many cases concerns about expression were presented together with concerns about the substance of the provisions).

The Panel accepts without hesitation that the Unitary Plan should, as far as reasonably possible:

- i. be expressed in plain English;
- ii. use consistent terms and modes of expression;
- iii. be organised, numbered and formatted or laid out consistently in a way that assists in finding specific provisions and in navigating between related provisions.

These principles are also consistent with the expectation set up in paragraph 805 of the Auckland Plan.

The extent to which accepting these submissions results in the Unitary Plan looking different to its notified version and in many places being set out and worded differently is extensive. In most cases it is not feasible simply to compare the notified version and the recommended version on a word-for-word basis. However, the Panel is satisfied that if the corresponding parts of the different versions are read in a substantive sense, then the substantive changes that are recommended will be apparent and can be understood in the context of the separate recommendation reports for each topic.

On this basis the Panel does not identify any recommendations in respect of these changes that are beyond the scope of the submissions made on the proposed Unitary Plan.

4.4.2. Structural changes

The structure of the Unitary Plan is complex. It is a combined plan pursuant to section 80 of the Resource Management Act 1991, bringing the regional policy statement, the regional plan (including the regional coastal plan) and the district plan into a single document. This plan applies to almost all of the Auckland region, excluding only the district plan provisions in respect of the land area of the Hauraki Gulf Islands. The scale of such a combined planning exercise has never before been undertaken in New Zealand.

In that context, no-one should be surprised to learn that there were many submissions relating to the structure and seeking changes generally to make the Unitary Plan easier to comprehend and to navigate. The separation of controls among overlays, zones, Auckland-wide and precinct provisions means that a single site may be subject to four or more layers of plan provisions. Identifying all provisions that may be relevant to a site or a proposal, both easily and accurately, is not a trivial task.

As well as the concerns raised by submitters, the Panel also identified a number of structural issues which it recommends be changed to improve the usability of the Unitary Plan and its overall integration. As for format and language changes, the basis for the proposed changes is that they do not, by themselves, result in any substantive change to the plan provisions.

The changes recommended by the Panel include:

- i. the tagging of specific sections or provisions as being part of the regional policy statement, the regional plan, the regional coastal plan or the district plan;
- ii. the merging or separation of sections; and
- iii. the movement of sections between plan layers (provisions for overlays, zones, Auckland-wide rules or precincts).

A common example in this category is where a provision that was notified as being a zone or precinct provision in respect of a natural or built heritage matter would be better identified as and located in the relevant overlay, or (in reverse) a development control or standard in an overlay would be better located in the zone or precinct provisions.

In a number of cases, the Panel recommends moving precinct provisions into the relevant zone, overlay or Auckland-wide layers, particularly where the precinct only addresses a limited range of resource management issues and can be deleted once the provisions are moved.

A specific example is the recommendation to include a new chapter in the Unitary Plan which consolidates a number of overlay, zone and Auckland-wide rules that are likely to relate to the establishment or maintenance of network infrastructure (E26). The Auckland Utility Operators' Group sought this change so as to improve the usability of the Unitary Plan by contractors who, on a daily basis, are likely to be undertaking excavations and vegetation clearance all over the region.

A key consideration when evaluating any such proposed structural change is to assess whether it would have any further consequential effect, such as by the operation of the general rule C1.6 which establishes the precedence of rules in different layers.

4.4.3. Changes to support vertical or horizontal integration and alignment

It is essential to the effectiveness of the Unitary Plan that it promotes the purpose of the Resource Management Act 1991 in an integrated way. As section 32 requires, the appropriateness of objectives must be evaluated in terms of achieving that purpose; then other provisions, being the policies, rules and other methods, must be evaluated in terms of achieving the objectives. This vertical relationship of the Unitary Plan with the Resource Management Act 1991 is repeated across all of the aspects of the environment in Auckland. Rather than addressing any aspect on its own, there must also be an assessment of the horizontal relationship of the provisions. In a combined Unitary Plan, this integration must also address the regional, coastal and district functions of the Council.

This context means that amendments to support integration and to align provisions where they are related could be in three dimensions:

- i. down through provisions to give effect to a policy change;
- ii. up from methods to fill the absence of a policy direction; and
- iii. across sections to achieve consistency of restrictions or assessments and the removal of duplicate controls.

Consequential amendments to achieve vertical integration and alignment tend to be within the range of each topic, except where the link is between the regional policy statement and plan level, or where the link arises through the mapping of plan controls or by way of definitions which span several topics. Given the hierarchical scheme of section 32 and Part 5 of the Resource Management Act 1991, and the logical requirement for a plan to function through these levels, these changes would normally be considered to be reasonably anticipated.

Consequential amendments to achieve horizontal alignment are more likely to depend upon scope drawn from submission points that may be outside of any particular hearing topic. Some of these submissions seek consistency across zones by scaling of intensity or by a trend of enablement or restriction, often using activity status or a progression of development controls. Changes of this kind need to be approached carefully to ensure that an apparent consistency of plan method is in fact aligned with the different types of natural or physical resource.

Changes to definitions are the single most common form of amendment which can affect horizontal alignment. These changes can therefore have their own consequential changes throughout the text of the Unitary Plan. Care has been taken to ensure that, as far as possible, a definition does not import some aspect of policy or set a standard: those matters should be done explicitly in the policies and rules. Where a review across the sections of the Unitary Plan has revealed that certain words are being used inconsistently, then this has been addressed as a consequential result of the integration process.

4.4.4. Spatial changes to overlays, zonings or precincts

It is somewhat ironic that the mapping exercise, which logically comes at the end of the statutory plan preparation process, is usually the first point of contact for users of the plan and the aspect of the plan that tends to generate the greatest number of submission points. While the hierarchy of the statutory planning documents indicates a top-down logic, the response of most people to planning controls is from a bottom-up perspective.

Mapping amendments are most frequently sought in relation to zoning, probably because those are the provisions which most directly affect individual properties. As a result of requests for zoning to be changed, the chance that consequential changes may need to be made to neighbouring properties is increased. In some instances overlays, mapped zone provisions or other layers relating to substantial groups of properties will be affected in a way that could have consequential effects but, as these are typically applied by reference to matters that are determined by resources other than property boundaries, there is usually less reason to consider consequential amendments.

Examples of a consequential amendment for a spatial change would be:

- i. where a zone change for one property raises an issue of the consistency of the zoning for neighbouring properties; or
- ii. the identification of a rational boundary to the zone when considered against a change in the character, intensity or scale of existing development or the existence of a particular development constraint or opportunity.

It is important to note that few if any submitters have sought that these boundaries be adjusted for the general reason of maintaining some rational edge or that other consequential changes be made. These are aspects of plan-making that are based on achieving the objectives of the zone and the plan generally, giving effect to the regional policy statement and sound resource management principles.

A number of submissions are couched in broad terms, creating a spectrum of options for Unitary Plan provisions. For example a submission which sought to “focus intensification in the Western Isthmus area from Mt Eden to Avondale” could be the basis of a recommendation generally to upzone business and residential land across an area presently occupied by over 300,000 people. Possibly the real intent of the submission is not so much to intensify that area, but more that intensification should not occur elsewhere. It may be relevant that few people lodged further submissions specifically in support of or opposition to that submission. As noted above, however, the issue is not to be determined by the number of submissions for or against a particular change, but in response to the resource management issues which can be identified in relation to that submission and in the context of many other submissions which are relevant to more detailed aspects of the Unitary Plan provisions affecting that area of Auckland.

More specifically, there are submissions seeking greater intensification around existing centres and transport nodes as well as submissions seeking that existing special character areas be maintained and enhanced. The greater detail of these submissions assists in understanding how the broader or more generalised submissions ought to be understood. The strategic framework of the regional policy statement also assists in evaluating how the range of submissions should be considered.

The Auckland Council presented a position at the hearings for Topics 080 and 081 Rezoning and precincts (General and Geographic Areas) which was largely consistent with the proposed zonings shown in the Unitary Plan as notified. While the Council did not pursue rezoning proposals as shown in revised maps which it considered to be out of scope, that evidence was called (by way of summonses to the witnesses) by Housing New Zealand Corporation on the basis that it was within the scope of that submitter's submissions.

As well as presenting its own case, counsel for Housing New Zealand referred to the submissions of the Minister for the Environment and the Minister for Business, Innovation and Employment in support of its own submissions seeking increased residential intensity in areas where it owns state housing and argued that these submissions provide scope for extensive rezoning of certain residential areas. Opposing views were advanced by numerous submitters, including Auckland 2040 and the Kohimarama Neighbourhood Group which presented a detailed legal argument in relation to scope.

The legal basis for the opposing arguments was essentially based on the case law summarised in section 4.2 above. The issues emerged in relation to particular areas and the content of specific submissions. Ultimately, the Panel has reviewed zoning and precinct issues by area, with reference to the submissions in relation to each area. On that basis, the recommendations are considered to be within the scope of submissions seeking rezoning or consequential to such submissions. In any particular location where the Panel's recommendation is specifically identified as being out of scope, this is identified.

Where there are good reasons to recommend in favour of a particular rezoning sought in a submission and also good reasons for that rezoning to include neighbouring properties as a consequence, the Panel's recommendations include those neighbouring properties even where there are no submissions from the owners or occupiers of them. While participation by all potentially affected persons may be desirable, the legislation governing this planning process does not require it. The Panel has sought to ensure that there should not be appreciable amendments to the Unitary Plan without real opportunity for participation by those potentially affected. The process, involving notification, submission, summarising the points of relief, further submission and the opportunity for waivers for late submissions and further submissions has provided that real opportunity which many people have taken.

4.5. Out of scope recommendations

The recommendation reports specifically identify any out of scope recommendations as required by section 144(6)(a) of the Local Government (Auckland Transitional provisions) Act 2010. These are summarised in Appendix 3 to this overview report.

The very broad range of submissions on the text of the Unitary Plan (the objectives, policies and rules) has meant that very few changes to the text are out of scope. Many amendments to the text are the result of seeking better alignment of provisions with each other and vertical and horizontal integration throughout the Unitary Plan. The Panel has provided narratives of its approach to the Unitary Plan provisions and the submissions on them. These narratives identify the issues raised in submissions and the reasons for the Panel's recommendations, whether supporting the provisions as notified or supporting the relief sought in a submission, or (as is most often the case) explaining the reasons for the amendments which are recommended to be made.

Out of scope changes to the Unitary Plan have arisen in relation to the planning maps in the topics on rezoning and precincts. In cases where a submission seeks a change to the maps, that change may be based on reasons which apply not only to the site which is the specific concern of the submitter, but also neighbouring sites. As a matter of good practice and resource management principle, the zoning of an individual site or of several separate sites in an area differently to surrounding sites is normally (and in the absence of other relevant zoning factors) not the most appropriate way to address a zoning issue. Usually, the issue is better dealt with by considering whether neighbouring sites ought to be rezoned as well.

These considerations have led to recommendations for rezoning sites which were not specifically sought in submissions but which are consequential to the rezoning of other sites. The Panel has deliberated on these, considering not only the reasons why any rezoning ought to be considered but also the potential effect on land owners or occupiers who have not made submissions.

The Panel has adopted a conservative approach to the identification of out of scope recommendations, being to treat any real issue as to scope as warranting identification of that recommendation as being out of scope. This is intended to ensure that the right of appeal in respect of out of scope recommendations conferred by section 158(3) of the Local Government (Auckland Transitional provisions) Act 2010 is available to any person who did not make a submission but may be unduly prejudiced by such rezoning.

4.6. Drafting and mapping conventions

As set out in the following sections, the Panel has made extensive changes to the structure and wording of the Unitary Plan. Best practice approaches were agreed by the Panel to ensure a high degree of precision, clarity and consistency. These were based on current planning practice, case law and submissions and evidence presented in the course of the hearings. They addressed such matters as drafting of objectives and policies, approaches to assessment criteria and cross-references, as well as how best to tag provisions to clearly identify them as regional policy statement, regional coastal plan, regional plan or district plan.

The Panel also focused on achieving a high degree of integration across the Unitary Plan and within individual sections of the Unitary Plan. This was achieved through a structured process of panel review throughout the hearings and deliberations, and other methods including testing a sample of resource consents against the provisions.

The Panel has also accepted numerous submissions which sought the Unitary Plan provisions be simplified and clarified and that its layout be amended to make it easier to find relevant provisions. In some cases (for example, the accidental discovery protocols and the earthworks and vegetation clearance provisions in relation to infrastructure) this approach has led to provisions being moved to different sections of the Unitary Plan. In other cases (for example, the Waitākere Ranges precincts and the Major Recreation Zone) this approach has led to restructuring the Unitary Plan methods to reduce the number of layers.

5. The Panel's overall approach

5.1. Resource management principles

At the outset in considering how best to approach the resource management issues, the Panel adopted certain principles of plan-making to guide its consideration of the proposed Unitary Plan and the submissions on it. It is important for the Council, to whom these recommendations are addressed, and for others who are interested in the Unitary Plan to understand what these principles are and how they have been applied.

The Panel has taken as its starting point the following statement in the Auckland Plan:

805_ *It is intended that the Unitary Plan will be administered in a new way. It will:*

- ▶ *be clear on process*
- ▶ *be simple*
- ▶ *be outcome-focused*
- ▶ *indicate what activities require public notification and what do not*
- ▶ *provide stronger and more direct objectives and policies*
- ▶ *use rules only where critical*
- ▶ *manage intensification, scale and form through urban design parameters*
- ▶ *only put proposals into the resource process if the outcome justifies this.*

While expressed as an approach to the administration of the Unitary Plan, the listed items also relate to its substance. The Panel agrees that the listed matters are important in both contexts.

To that list the Panel would add the following as principles of sound resource management practice which it has followed throughout this process.

- i. The Unitary Plan should express a clear purpose throughout its provisions, recognising that a few clear objectives are better than many unclear ones.
- ii. The statutory purpose of the Unitary Plan is to promote and achieve the sustainable management of natural and physical resources. In advancing that purpose:
 - a. enabling people's well-being requires allowing for people's choices;
 - b. constraints on choices should be based on evidentially-validated thresholds and not on the consent authority's preferences;
 - c. an assessment of a proposal is usually preferable to imposing a prior restraint on applications;
 - d. the imposition of a substantial private burden normally requires the presence of a compelling public interest and the method of imposing the burden should be the least restrictive means of serving the interest; and

- e. protecting resources, sustaining their potential to meet future needs, safeguarding the life-supporting capacity of the environment and addressing the adverse effects of human activities on the environment are as essential as enabling people's well-being.
- iii. The Resource Management Act 1991, and plans made under it, cannot do everything. The Unitary Plan should be focussed on what can most appropriately be done under the Resource Management Act 1991. The principal thing that Resource Management Act 1991 objectives, policies and rules should address is managing the effects of people's activities on their neighbours and the environment.
- iv. Under the Resource Management Act 1991, plan-making is outcome-led: it starts with the identification of objectives and then identifies policies and methods to achieve those objectives. Processes for normative or design-led place-making are different: while such approaches may be appropriate in more specific cases, they should not be treated as substitutes for or alternatives to objective planning for the sustainable management of the resources of a city or region.
- v. Resource management plans are not blueprints or prescriptive methodologies: they are intended to guide the ways in which activities are undertaken so as to promote the purpose of the Resource Management Act 1991 enabling of people's well-being while also being careful to address the adverse effects of what people do.
- vi. The integrated management of natural and physical resources and of the effects of the use, development and protection of resources requires both:
 - a. vertical integration, so that higher level provisions of the Unitary Plan (the objectives) are clearly connected to and guide lower level provisions (the policies and methods); and
 - b. horizontal integration, so that related provisions of the Unitary Plan are consistent with one another and the connections are reasonably clear.
- vii. The Council has a range of statutory tools and other methods available to it to pursue its many and various objectives such as those in the Auckland Plan, the Long-term Plan and the Regional Land Transport Plan. It should keep in mind possible use of alternative methods outside the Resource Management Act 1991 that complement the Unitary Plan's objectives in order to achieve desired outcomes rather than trying to do too much through the Plan or potentially going beyond the ambit of the Resource Management Act 1991.
- viii. Good design is based on principles rather than rules. Mere reference to good design or the listing of preferred design principles is ill-suited to a regulatory framework which imposes binary 'grant/decline' outcomes. Discretionary decision-making must be exercised on the basis of relevant and clear objectives, policies and assessment criteria rather than on subjective preferences.
- ix. The reasons for objectives, policies and rules must be based on objective evidence rather than anecdotes or subjective considerations. Information about

past subdivision, use and development should be gathered to inform the Unitary Plan and changes to it. Data from related activities should be integrated to follow the chain of causes, events and effects in relation to such activities, so that issues around capacity for growth, scale of building and development, resilience to natural hazards and protection of heritage can be assessed in terms of what has occurred and is therefore likely to occur in the future. Then options for plan methods can be evaluated in light of their costs and benefits and the most appropriate method adopted to achieve the identified outcome.

- x. The Unitary Plan must be read as a whole. All parts relevant to a resource management issue must be considered when that issue arises in relation to an application, plan change or notice of requirement. Unless expressly stated, there is no internal hierarchy within lists of objectives, policies and rules.
- xi. Taking into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi requires continuing planning and resource management effort by the Council.
- xii. The Unitary Plan will be made operative, but planning never stops. The dynamic nature of Auckland and its resource management issues means that there will be an ongoing need to consider plan changes throughout the life of the Plan. The reasons for change will include responding to legislative changes and operative national policy statements, rezoning future urban land to operative urban zonings and zone changes to enable the Plan to keep pace with changes in both land use and the capacity for a growing population.

5.2. The effect of the *King Salmon* decision on the drafting of objectives and policies

On 17 April 2014, after the proposed Unitary Plan had been notified and submissions on it had closed, the Supreme Court of New Zealand delivered its decision in *Environmental Defence Society v NZ King Salmon Ltd and others*.²² This decision was in relation to the way in which the New Zealand Coastal Policy Statement should be given effect to in considering a plan change proposal. The particular plan change in issue would have changed the activity status of marine farms in an identified outstanding natural landscape from prohibited to discretionary. The majority of the Supreme Court rejected an approach based on a broad overall judgment of all policies as that would merely involve a consideration of relevant factors. It held that the requirement to give effect to the New Zealand Coastal Policy Statement had to be considered in terms of each relevant policy. Where a particular policy is directive, such as by using the imperative 'avoid', then that direction must be followed unless it is affected by some issue of invalidity, incompleteness or uncertainty in relation to it.

The Supreme Court also confirmed that there is a hierarchy of policy documents under the Resource Management Act 1991 with the lower order documents required to give effect to the higher order documents. In this regime it is usually unnecessary to refer back to the higher order documents when applying a lower order document (such as a plan) unless

²² [2014] NZSC 38; [2014] 1 NZLR 593; [2014] NZRMA 195; (2014) 17 ELRNZ 442.

there is an issue of invalidity, incompleteness or uncertainty in respect of the lower provision which ought to be resolved by reference to a higher order provision.

That decision led to legal submissions and expert evidence from the Council and many other submitters who were concerned that the objectives and policies in the Unitary Plan, particularly those that used the word 'avoid', would need to be reconsidered and redrafted. The reason for this was said to be that the Unitary Plan had been prepared on the basis that an overall broad judgment would be applied to the interpretation of its objectives and policies. If the interpretive approach was now to be based on giving effect to directive policies, then many objectives and policies would need to be changed.

The Panel agrees that many of the Unitary Plan's objectives and policies need to be rewritten, although not just because of the effect of the Supreme Court's decision. As numerous reports on a range of topics show, many objectives and policies, as notified, were not clear and did not relate well to other objectives and policies. In some cases the drafting was inconsistent. Some uses of words and phrases were inconsistent with uses (and sometimes even definitions) in the Resource Management Act 1991. All of these matters required amendment. Focussing here on the words 'avoid' and 'appropriate', the Panel explains its approach to such amendments.

The Supreme Court held that 'avoid' means 'not allow' or 'prevent the occurrence of'. The issue in drafting the Unitary Plan is: what ought to be avoided? Too often, objectives and policies are drafted along the lines of 'avoid adverse effects of activities on the environment'. Without more detail and clarity, such an approach could result in every human activity not being allowed in a Unitary Plan.

Closely associated with this is the use of the words 'appropriate' and 'inappropriate'. The Supreme Court noted that the scope of these words is heavily affected by the context in which they are used. Where something is to be protected from inappropriate subdivision, use or development, the meaning of that should be assessed by reference to what it is that is sought to be protected.

The Panel has adopted an approach of considering the appropriateness of objectives and policies by considering them against the following questions.

- i. What is the relevant environment for the purposes of the particular objective or policy?
- ii. What particular use or activity ought to be enabled in that environment?
- iii. What particular value or values of that environment ought to be protected?
- iv. What kinds of effects of the activities are relevant to such protection of values and which of those effects are adverse in the context of the relevant environment?
- v. Are the adverse effects to be avoided absolutely or are they to be managed in terms of matters of degree?
- vi. If the adverse effects are to be managed, what are the thresholds or other parameters of appropriate management?

The related objectives and policies need to be considered together, as often the purpose of a policy is best understood by reference to a relevant objective. Just as for any other statutory instrument, the meaning of plan provisions must be understood from their text and in light of their purpose.²³ In some cases (as in the New Zealand Coastal Policy Statement) a policy may contain a statement of purpose, and in such cases it is essential to read the policy as a whole rather than by some piecemeal process.

In this way the objectives and policies should clearly identify what is to be enabled in which locations and what is to be avoided. In a number of situations, some types of development may be enabled in sensitive locations while other types of development should not be. For example, while a marine farm would be inappropriate in an outstanding natural landscape or seascape, a lighthouse may not be; or while the urbanisation of a significant ecological area should be avoided, it may be appropriate, as a reasonably practicable option, for a pipeline or transmission line to cross that area (in all cases subject to an assessment of relevant values and effects and the imposition of reasonable conditions).

In summary, the Panel has redrafted many objectives and policies to avoid the adverse effects of creating inappropriately absolute planning provisions which do not promote the sustainable management of natural and physical resources.

5.3. Managing external effects

In several topics an issue arose in relation to the proper extent of regulation under the Resource Management Act 1991 and the Unitary Plan. One aspect of the issue concerned the extent to which rules could be made in the Plan where other legislation imposed restrictions. This raises two issues: whether there is jurisdiction to include such a rule in the Unitary Plan and, even if there is such jurisdiction, whether such a rule is the most appropriate method for achieving the relevant objectives of the Plan.

5.3.1. Jurisdiction under other legislation

The broad scope of the purpose of the Resource Management Act 1991²⁴ and the broad definitions of 'effect' and 'environment'²⁵ might suggest that anything might be made subject to rules in a plan. However, the purposes of the regional plan (including the regional coastal plan) and the district plan are to assist the Council to carry out any of its functions as a regional council and as a territorial authority in order to achieve the purpose of the Act.²⁶ The requirement for a relationship between a plan provision and those listed functions places a limit on the extent to which the Council may properly make rules.²⁷ Also important is the requirement that, in making any rule, the Council must have regard to the effect on the environment of the activity.²⁸

²³ See section 5 of the Interpretation Act 1999

²⁴ See section 5 of the Resource Management Act 1991

²⁵ See section 2 of the Resource Management Act 1991

²⁶ See sections 63 and 72 of the Resource Management Act 1991

²⁷ See sections 30 and 31 of the Resource Management Act 1991

²⁸ See sections 68(3) and 76(3) of the Resource Management Act 1991

As well, section 23(1) of the Resource Management Act 1991 provides that compliance with the Act does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law, recognising that other regulatory mechanisms may apply as well as or in place of any resource management method. The evaluation of proposed plan provisions in terms of section 32 of the Resource Management Act 1991 requires that other reasonably practicable options for achieving the objectives of the Unitary Plan be examined; such options include methods outside those provided for in the Act.

The Council has many powers under a number of statutes which control what people can or cannot do. Some, such as the power to make bylaws under the Local Government Act 2002, are also broad in scope. The Council's subsidiary, Auckland Transport, has bylaw-making powers as a road controlling authority under the Land Transport Act 1998. The Council is also a building consent authority under the Building Act 2004. It is important to consider these other regulatory methods when assessing proposed resource management methods.

5.3.2. Control of building work

In relation to the control of building work, there is an important jurisdictional separation between the Building Act 2004 and the Resource Management Act 1991. Section 18 of the Building Act 2004 provides that a person who carries out building work is not required to achieve performance criteria that are additional to or more restrictive than those prescribed in the Building Code unless that is expressly provided for in another Act. The Resource Management Act 1991 only makes such express provision in sections 68(2A) and 76(2A) in relation to the protection of other property (that is, other than the site on which the building work occurs) from the effects of surface water.

This issue was reviewed in detail in Topic 022 Natural hazards and flooding in relation to proposed rules requiring finished floor levels to be higher than would otherwise be required under the Building Code. A similar issue arose in Topic 077 Sustainable design in relation to the area of windows required in habitable rooms and in relation to minimum unit sizes in the Residential - Mixed Housing Suburban Zone and Residential - Mixed Housing Urban Zone.

The Council argued in support of such rules on the basis that they are valid because they are imposed for a resource management purpose. The Council relied on the decision of a full court of the High Court in *Building Industry Authority v Christchurch City Council*.²⁹ The Court held that a district plan could include rules requiring houses close to an airport to have additional acoustic insulation to mitigate the effects of aircraft noise. The Council argued that this decision means that a rule in a plan affecting building work simply has to have a resource management purpose to be valid.

Other submitters, including the Housing New Zealand Corporation and Ports of Auckland Limited, argued that this decision did not authorise the making of rules in the Plan which require higher standards of building work to be achieved than those specifically provided for in the Building Code, except for rules protecting overland flow paths. They pointed out that the plan rule being considered by the High Court controlled something that was not controlled under the Building Code. Where a proposed plan rule addresses a matter that is

²⁹ [1997] 1 NZLR 573; [1997] NZRMA 145; (1996) 3 ELRNZ 96.

the same as that addressed by the Building Code, then section 18 of the Building Act 2004 requires that to be expressly provided for in the Resource Management Act 1991

The Panel agrees with the submitters that the Council's approach goes beyond its authority in relation to land use control under the Resource Management Act 1991 and into controls on building work which, with the exception of controls to protect other property from the effects of surface water, is solely within the ambit of the Building Act 2004 and the Building Code. The Panel notes that the purpose of the Resource Management Act 1991 is so wide that almost any plan rule could be said to be for a resource management purpose; such an approach would mean that the limitation in section 18 of the Building Act 2004 would have no effect.

The Interpretation Act 1999 requires legislation to be interpreted according to its text and in light of its purpose. The Panel takes guidance from another decision of a full court of the High Court in *Western Bay of Plenty District Council v Muir*³⁰ cautions against over-reliance on the purpose rather than the text of legislation:

[27] . . . Whilst of course the purpose of the [Resource Management] Act is sustainable management of natural [and] physical resources and as a consequence rules must be necessary to achieve the purpose of the Act, simply because such a rule might be directed towards that purpose does not of itself make the rule lawful if the rule itself is *ultra vires*.

5.3.3. Appropriateness of building controls under the Unitary Plan

The Panel's approach to examining the Unitary Plan and the submissions made on it has been to do so in light of the purpose of the Resource Management Act 1991 while staying within its text. Even on the assumption that the Council does have jurisdiction under the Resource Management Act 1991, on a purposive basis, to make rules in plans which impose higher standards than those required by the Building Code, the Panel has examined whether such rules are the most appropriate methods to achieve the objectives of the Unitary Plan. Part of that examination involves having regard to the effects of the activity which is to be the subject of the rule as required by sections 68(3) and 76(3) of the Resource Management Act 1991. The whole examination must be based on achieving the purpose of the Resource Management Act 1991, which is to promote the sustainable management of natural and physical resources.

The Panel's plan-making principles include using the Resource Management Act 1991 for what that Act, and plans made under it, do well. This means having regard to the Council's other methods, regulatory and non-regulatory, for achieving things which the Resource Management Act 1991 does not do well. The Panel's approach is based on the premise that the regulatory focus of the Resource Management Act 1991 is that people should be able to do things that they think best enable them to pursue their well-being while controlling those activities so that the potential external adverse effects are, as far as possible, internalised. In this way the person who seeks the benefits of an activity also bears the costs of it.

³⁰ [2000] NZRMA 353; (2000) 6 ELRNZ 170.

On this basis, plan rules which purport to control the internal effects of activities can go beyond the purpose of the Resource Management Act 1991. This is especially so where the effects do not affect neighbours or the environment or where other regulatory methods are in place to control those effects. Such rules can impose inappropriate costs on people beyond those costs which they ought to bear in order to internalise the costs of their effects. Such rules are also likely to be inefficient, involving unnecessary duplication of other controls, tending towards confusion for both applicants and consent authorities and imposing extra costs for little or no benefit.

Dealing specifically with the proposed controls on floor levels, the Panel is aware that there are parts of urban Auckland which flood during intense rainfall events (some more than others), although little evidence was presented about the actual effects of such flooding and no evidence was presented to show how such anecdotal information related to either the proposed Unitary Plan design standard of a one per cent annual exceedance probability (AEP) or the Building Code performance standard relating to a two per cent AEP. The Council acknowledged that its flood hazard maps were not always accurate, which was the reason why they were proposed to be located in the 'non-statutory' part of the maps despite forming the basis of the floor level controls.

The Council's proposed zoning in residential areas took a fine-grained approach based on existing flood hazard maps which resulted in spot-zoning of lots as Residential - Single House Zone where the maps showed that surface flooding occurred or might occur. The Council argued that any more intensive zoning which enabled additional dwellings on such sites would increase the flooding risk by exposing more people to such flooding. A number of submitters, with Housing New Zealand in the lead, presented evidence of the substantial reduction of development potential resulting from such spot-zoning and submitted that it would be better to leave the control of floor levels to the Building Code.

The Panel considers that the Council's assessment overstates the level of the risk posed in areas of Auckland where surface flooding occurs. The analysis placed undue emphasis on the number of dwelling units that may be added to existing residential areas and had too little regard for the methods by which surface flooding can be addressed. Building up rather than across a site was discounted by the Council out of concern that people would leave their houses in surface flooding events, but without analysis of whether a one per cent AEP standard would make any significant difference to the degree of risk such additional units would face. The extent to which developers could alleviate flooding risks by on-site works was not reviewed in evidence. Non-regulatory methods, such as improving drainage in areas known to experience flooding on a regular basis, were not examined in detail either.

The Panel considers that the zoning of land in existing urban areas should not be limited simply by the location of a site in an area shown as subject to flooding on maps outside the Unitary Plan. Where flooding occurs in existing urban areas, the options for resolving flooding issues may be more limited, but can still be considered in the course of subdivision or the design of more intensive units, leaving the design of the units themselves (and their floor levels) to assessment as part of the building consent.

For greenfield areas, as part of any proposed plan change, the structure planning process should include a thorough review of all natural hazards affecting the area including flooding (as the recommended version of Appendix 1 Structure plan guidelines sets out). The focus

of planning should be to avoid new development in greenfield areas where flooding is a hazard at least until works have been done which avoid, remedy or mitigate such flooding.

For those reasons the Panel considers, on the evidence and in light of its planning principles, that there is no good reason to set a minimum floor level in the Unitary Plan above that required by the Building Code.

5.3.4. Appropriateness of other internal controls under the Unitary Plan

Other issues which the Panel considers ought to be dealt with on the same basis as the building controls discussed above include the size of dwelling units and matters of internal building design, insulation and glazing. These are also addressed in the Panel's reports on Topics 050 City centre, 051-054 Business zones and 077 Sustainable design. In a number of cases some of these matters may arise for consideration where the construction of a new building in a centre is a restricted discretionary activity. It will be important that in the administration of the Unitary Plan the assessment of resource management issues that are relevant to the requirements for consent are properly founded on the external effects of the activity.

In relation to minimum dwelling unit sizes, the Panel recommends that regulation of minimum sizes should not be done by way of rules in the Unitary Plan. Unit size depends on the use to which the occupants intend to put the unit and has few if any external effects. Overcrowding appears, on the evidence, to be related to lack of affordability. On that basis, requiring units to be larger is likely to make the units less affordable. A better approach is to make it easier to build more units, as well as encouraging a greater range of unit sizes and typologies, so that household units of different sizes and preferences have a greater range of possible units to choose from.

The Council's building team has sufficient control available to it under the Building Code and the Housing Improvement Regulations 1947 for the purposes of an absolute minimum standard. The Panel heard evidence from the Auckland Regional Public Health Service which expressed regret that the Housing Improvement Regulations 1947 are out of date. If that is so, then the Council might join with the Service and seek to persuade the Government to update them, rather than duplicate them under the Resource Management Act 1991.

5.4. Quality compact urban form

The high level development strategy in the Auckland Plan in relation to accommodating high population and economic growth is to move to a quality compact urban form. This is repeated in the regional policy statement in a number of objectives and policies. It is important that the Panel sets out its understanding of the meaning of this strategy.

There is no definition of 'quality compact urban form' in the Auckland Plan or in the Unitary Plan as notified. The Panel does not recommend that a definition be included in the Unitary Plan because the strategy is a broad one, relevant to a large number of the resource management issues facing Auckland and taking its meaning from the contexts in which it is used. Despite that, there are aspects of the sense of the words that the Panel considers are

of assistance to understanding the Plan, and especially the regional policy statement, as a whole.

The word 'quality' is in common use with a generally understood meaning, as an adjective, of the standard or nature of something as measured against other things of a similar kind. Used on its own as an adjective, it normally signifies that the thing so described is of high quality or is excellent, but it can also be qualified by a range of comparative or superlative modifiers.

The word 'compact' is usually understood as describing something closely packed or put together, or having its parts so arranged that they are located close together and not sprawling or scattered. In the field of town planning, the word has been used for many years to describe an urban area with clearly defined boundaries in which the residential and commercial districts are relatively close together.

The word 'urban' means something that relates to a large town or city and is often understood by distinguishing it from rural or countryside areas.

The word 'form' has many meanings depending on its context. For present purposes the general meaning of the shape or configuration of a thing or the arrangement of its parts is appropriate. 'Form' also has a strong sense of the essential or expected nature, character or structure of a thing.

So, the Auckland Plan and this Unitary Plan follow a development strategy where the form of the city and main towns is characterised by its elements being of high quality and located close together.

The use of the word 'quality' implies a need to identify the range of standards and the factors by which it is measured or the criteria it is expected to meet. While it is not usually necessary to specify these things in ordinary conversation, it is important to be clear about such things in a plan which has regulatory effect. A lack of specific standards, factors or criteria can result in the assumption that the objectives and policies are intended to achieve a uniformly high or excellent standard in all locations or from all activities. While there are certainly many aspects of Auckland that are of high quality, the Unitary Plan must also address many things that, realistically, are unlikely to be described that way. Adopting such a standard is likely to create difficulties when making rules for the subdivision, use and development of resources or considering applications for resource consent.

In the setting of a large and diverse city (by demographics, economics, geography etc) containing a wide range of human activities, 'quality' will mean a range of things with differences apparent in different areas. Like 'efficiency', it is not an absolute measure and is not capable of being assessed on its own: for any meaningful sense it must be considered in the context of more than one relevant factor.

The real issue is whether the Unitary Plan provides the necessary context by setting out clear reference points to enable 'quality' to be assessed in an appropriate context. In the Panel's view, the objectives and policies should establish such context to enable people to determine whether their activity or use of resources achieves the appropriate standard of quality.

The use of the word 'compact' in planning indicates not only density but also proximity. On that basis there should be a focus on location as much as (or perhaps even more than) density. Of course density can better enable proximity by improving efficient use of land as measured in terms of people per hectare. In terms of form, proximity is also very important, enabling the benefits of agglomeration to be achieved.

By focussing on an existing urban form of centres plus transport nodes and corridors, the Unitary Plan can promote compactness. As with the concept of quality, the Panel does not consider it would be appropriate to treat this word as an absolute concept, but one which responds to the context of the existing city.

6. Enabling growth

6.1. Summary

The Auckland Plan envisages the need for approximately 400,000 additional dwellings in the Auckland region by 2041 to accommodate an increase of somewhere between 700,000 to 1 million residents over that period. Considerable demand is also expected for commercial and industrial capacity. The rate and scale of this expected growth is unprecedented for a New Zealand city.

The Auckland Plan also envisages a more quality compact urban form than is currently the case with intensification focused on centres and transport nodes, and along transport corridors (which the Panel has pursued as a centres and corridors strategy), and a wider choice of housing types and more affordable housing.

The Panel convened two expert groups to develop methods to estimate the feasible enabled capacity of the proposed Unitary Plan and of possible alternatives put to the Panel.³¹ The results identified a severe shortfall in the proposed Unitary Plan relative to expected residential demand. Shortages of commercial and industrial capacity appear less acute, except possibly for the availability of industrial-zoned land in some areas. Thus a central theme in the Panel's work has been to enable greater residential capacity, and to a lesser extent greater commercial and industrial capacity, while promoting the centres and corridors strategy, greater housing choice and more affordable housing.

The Panel considers the Unitary Plan should err toward over-enabling, as there is a high level of uncertainty in the estimates of demand and supply over the long term, and the costs to individuals and the community of under-enabling capacity are much more severe than those arising from over-enabling capacity. To provide for sufficient residential capacity the Plan needs to both enable a large step-change in capacity in the short to medium term and to provide a credible pathway to ongoing supply over the long term.

The Panel recommends the following approaches to increase residential, commercial and industrial capacity.

- i. Enable the centres and corridors strategy in line with the development strategy envisaged in the Auckland Plan. This involves significant rezoning with increased residential intensification around centres and transport nodes, and along transport corridors (including in greenfield developments).
- ii. Modify some of the objectives, policies and rules in residential, commercial and industrial zones to be more enabling of capacity (e.g. remove density rules in the more intensive residential zones and provide for greater height in some of the centres).

³¹ For the residential capacity expert group see for example "Residential capacity: Results, methodology and assumptions", Produced by Topic 013 Urban Growth Expert Conferencing Group, 4 March 2016. For the commercial and industrial expert group see "PAUP Business Land, Summary of land demand by activity and PAUP supply", by Rodney Yeoman, Tin Huang and Greg Akehurst, May 2016

- iii. Remove or moderate parking rules to allow the supply of parking to respond to what users require and to improvements in the level of public transport and changes in transport technologies, and to enable greater flexibility in how parking is supplied and traded.
- iv. Introduce, where justified by the evidence, operative urban zones (including Business - Light Industry Zones) in areas that would otherwise have been zoned Future Urban Zone.
- v. Increase the extent of land zoned Business - Heavy Industry.
- vi. Be more explicit as to the areas and values to be protected by the Unitary Plan (e.g. viewshafts, special character, significant ecological areas, outstanding natural landscapes, and so forth) and otherwise enable development and change.
- vii. Expand the Rural Urban Boundary to include 30 per cent more land area targeted for future urbanisation, and not impose a Rural Urban Boundary around smaller towns and villages so they are able to grow organically.
- viii. Locate the Rural Urban Boundary line at the district plan level, with criteria for any change set out in the regional policy statement, so that there is a firm framework for any change but that such change can be initiated by parties in addition to Council.
- ix. Increase lifestyle choices by expanding the extent of land zoned Rural - Countryside Living Zone.
- x. Include in the regional policy statement a requirement for the Council to monitor and ensure that there is always suitably zoned land to meet expected demand for residential, commercial and industrial use for at least seven years. The Panel commends as the starting point for this task the methods and models developed by the two expert groups for estimating enabled capacity.

While the Unitary Plan sets the stage to enable growth in the region it does not of itself create additional homes, offices, retail precincts, industrial parks and so forth. Growth requires substantial and ongoing investment from a wide range of land owners, developers, businesses and households, major investments in infrastructure, and expeditious consenting and plan change processes. It is imperative to the success of the region that the Council and its infrastructure subsidiaries Auckland Transport and Watercare implement expeditiously their aspects of the growth path envisaged in the Auckland Plan and enabled in the Panel's recommended Unitary Plan.

6.2. Residential demand and supply

6.2.1. Overall demand and supply

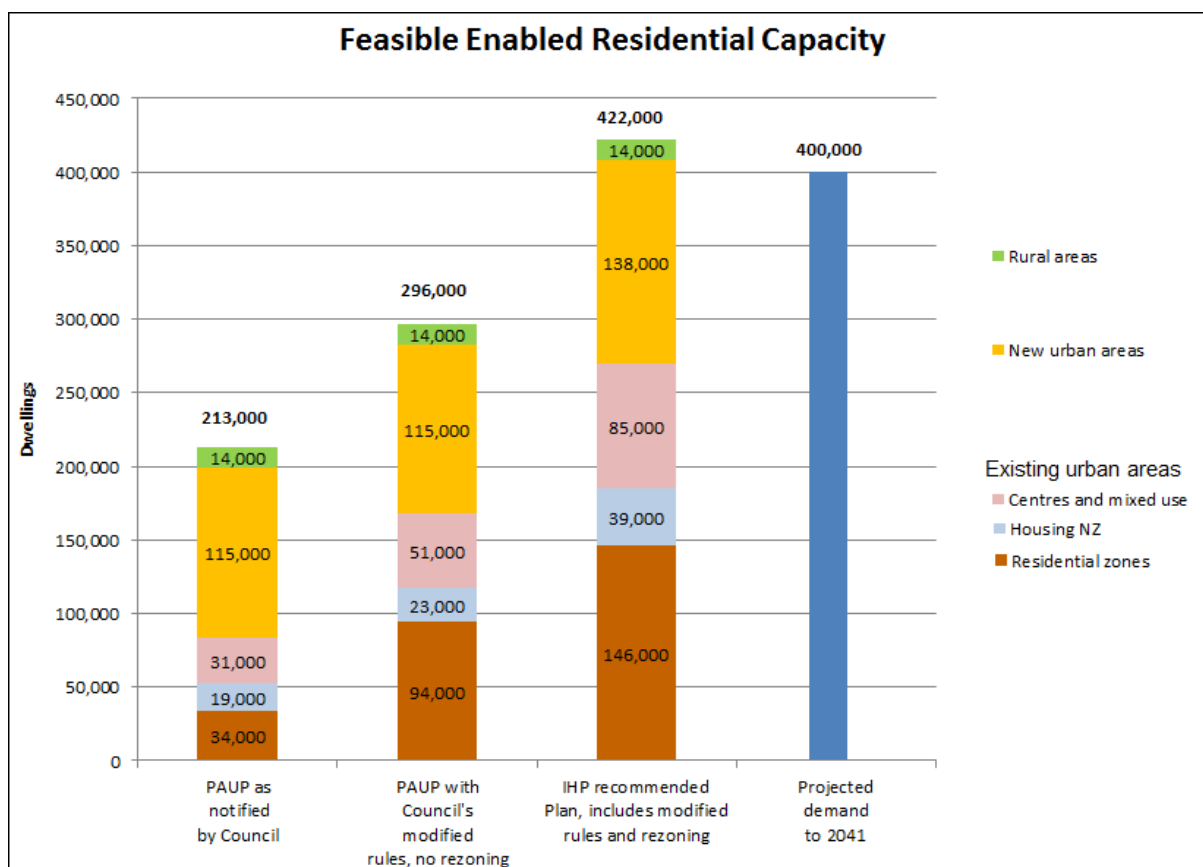
The expert group on residential capacity supported the Council's long-term demand forecasts that estimate a population in the Auckland region of around 2.5 million by 2041, with demand for additional dwellings of around 400,000 over that period. Some in the group considered these estimates to be on the high side, but they also considered in a planning

context it better to err on the high side. On this basis the Panel adopted these estimates of residential demand in its deliberations.

It became apparent early in the hearings that in the development of the proposed Unitary Plan the Council had relied on the theoretical capacity enabled by the Unitary Plan, rather than on a measure of capacity that takes into account physical and commercial feasibility, which the Panel refers to as 'feasible enabled capacity. Feasible enabled residential capacity means the total quantum of development that appears commercially feasible to supply, given the opportunities enabled by the recommended Unitary Plan, current costs to undertake development, and current prices for dwellings. The modelling of this capacity at this stage is not capable of identifying the likely timing of supply.

The Panel requested the expert group on residential capacity to develop a method for estimating feasible enabled residential capacity and the Council's Research, Investigations and Monitoring Unit (RIMU) to develop a model to implement that method. The results (set out in Figure 1 below, left hand bar) found that the feasible capacity enabled by the proposed Auckland Unitary Plan as notified at 213,000 fell well short of the long-term projections for demand for an additional 400,000 dwellings.

Figure 1 Estimated feasible enabled residential capacity



It is important to note that these numbers (and others used in this discussion of capacity) are modelled outputs and so, while apparently precise, they should be treated as indicative only.

The Council responded to this new information on capacity in late 2015 by filing revised objectives, policies and rules for residential zones that enabled significantly greater capacity. Notably these changes included removing density rules for the mixed housing urban and

suburban zones (above certain site sizes) and relying on bulk and location provisions to regulate for amenity. The resulting significant increases in capacity estimates from these proposed changes from Council are illustrated in the middle bar of Figure 1 (at 296,000 dwellings). The Panel used these changes as its starting point in its deliberations.

In December 2015 the Council filed revised zoning maps that resulted in more intensive zoning around centres, transport nodes and along transport corridors. Some of this revised zoning was retracted in February 2016 in locations where the Council considered the changes to be out of scope of its own and others' submissions, resulting in a revised set of Council proposed 'in-scope' changes to residential zoning.

Housing New Zealand Corporation, which is the single largest owner of housing in the Auckland region, also filed extensive submissions and evidence on residential objectives, policies and rules, and proposed zoning maps for the isthmus and other areas where it has holdings. The focus of Housing New Zealand's proposed rezoning was to more comprehensively enable the centres and corridors strategy with more intensive residential development in and around centres, transport nodes and along transport corridors. There were many other submitters on residential policies (including the Ministry of Business, Innovation and Employment and the Minister for the Environment) and on specific zoning requests. A notable group of submitters was the New Zealand Institute of Architects, the Urban Design Forum, and Generation Zero whose witnesses provided extensive and wide-ranging submissions on residential policies and zoning.

The two submissions that had the greatest potential effect on residential capacity were the Council in-scope submissions and those of Housing New Zealand as they covered large areas of the region and provided specific mapped zoning recommendations. The Panel had the proposed zoning maps from these two submitters combined into one file and requested that the expert group on residential capacity and RIMU estimate the feasible enabled capacity that this combined zoning would give rise to, using the residential zone rules from the Panel's deliberations. The result of that modelling work is depicted in the right hand bar of Figure 1. As can be seen, this result is a doubling of feasible enabled residential capacity relative to that of the notified Plan.

(Technical reports relating to the modelling are compiled in a separate annexure to this overview of recommendations. See Report to Auckland Council – Overview of recommendations Annexure 1 Enabling growth July 2016.)

Subsequent to this modelling work the Panel completed its recommended zone maps. It made some small changes to the combined Council in-scope and Housing New Zealand proposals, and made many site-specific changes requested by other submitters. In the Panel's view these changes will not have altered significantly the overall capacity results and the spatial location of this capacity. A re-run of the RIMU model with the precise recommended zone maps was not possible given the Panel's reporting deadline. In this context the Panel has adopted the modelling results as depicted in the right hand bar as a reasonable estimate of the feasible enabled residential capacity of its recommended Unitary Plan.

6.2.2. Enabling a development pattern to meet long-term demand

The capacity estimates in Table 1 above indicate, based on current information, that the recommended Unitary Plan will enable a development pattern that is capable of meeting estimated long-term demand of around 400,000 dwellings across a range of housing types.

There are compelling reasons to ensure the Unitary Plan enables a development pattern that is capable of meeting residential demand over the long term and does not limit its focus to just the next ten years or so. The first is that housing development is not readily reversible and generally has an economic life of at least 50 years, so that once an area is developed according to an existing land use plan, future plan changes to that area are unlikely to have any effect on capacity until it once again becomes economic for redevelopment. Thus it is important that the Unitary Plan is calibrated to demand over the long term, and not to just immediate concerns.

The second is the related issue of complementary investments in transport systems, water, wastewater and stormwater networks, electricity and telecommunications networks, and other infrastructure. These investments are also not readily reversible and need to be configured with the long-term development pattern in mind. The Unitary Plan is a key component in forming that long-term pattern for the region.

Lastly the implications for individuals and the community from an under-supply of enabled residential capacity (e.g. house price escalation, over-crowding, extended commuting distances, and migration out of the region) are much more severe than those of an over-supply of enabled capacity (e.g. the inefficient use for a period of land zoned for future urban use). Property markets are able to respond to the over-supply of enabled capacity by, for example, deferring the development of some land zoned for future urban, whereas markets are not able to remove the constraints and distortions from the under-supply of enabled capacity. Thus the Auckland region can be expected to perform more efficiently if the Unitary Plan errs toward an over-supply of enabled capacity than toward an under-supply. Given the level of uncertainty in the projections of demand and supply for the long term, it is neither practical nor prudent to try and target a precise level of enabled capacity.

For all the above reasons the Panel considers it critical to the long-term well-being of people and communities in the region that the Unitary Plan enables a development pattern that is capable of meeting residential demand over the long term, and that it errs toward over-enabling capacity. The Panel considers its recommendations go as far as possible toward achieving this by enabling sufficient capacity for projected long-term demand (based on current information). The recommendations also ensure flexibility in the location of the Rural Urban Boundary should it emerge that more supply, or supply in more efficient locations, is required.

6.2.3. Enabling feasible capacity for at least seven years

The Panel has recommended in the regional policy statement that the Council be required to ensure on an ongoing basis there is sufficient feasible enabled capacity to meet at least the next seven years' demand, and that the Council undertakes periodic market studies to test the extent to which this requirement is being met. It is also appropriate that this

recommended regional policy statement requirement is used to test the sufficiency of the Panel's recommended Unitary Plan.

A reasonable estimate of residential demand over the next seven years includes a current shortfall of around 40,000 dwellings³² and annual demand in the order of 13,000 dwellings³³ or 91,000 over the seven years.

This suggests total demand in the order of 131,000 dwellings.

The estimate of live zoned feasible enabled residential capacity relevant to the next seven years in the Panel's recommended Unitary Plan includes:

- i. 270,000 in existing urban areas;
- ii. 23,000 in live zoned land in new urban areas; and
- iii. 14,000 in rural zones.

This indicates feasible enabled residential capacity of around 307,000 dwellings. This estimate excludes the expected capacity in Future Urban Zones of 115,000 (which is included in the total of 422,000 in Figure 1 above) as this capacity is unlikely to be available in the next seven years. Again, it is important to note that these numbers are the results of assessments and should not be treated as precise. Nevertheless, as the amount of feasible enabled residential capacity exceeds expected demand over the next seven years, the Panel finds its recommended Unitary Plan meets this proposed regional policy statement requirement.

6.2.4. Recommended Unitary Plan promotes centres and corridors strategy

The Panel has been careful to recommend a spatial pattern of capacity that promotes the centres and corridors strategy and a more compact urban form. This pattern is a prerequisite to the success of public transport and the efficient functioning of the city. The heat maps below depict:

- i. the pattern of feasible enabled residential capacity under the notified proposed Auckland Unitary Plan;
- ii. the additional feasible residential capacity recommended by the Panel relative to that which was enabled under the proposed Plan; and
- iii. the total feasible enabled residential capacity of the Panel's recommended Plan.

In each case the shading in the heat maps depicts the intensity of capacity within a given area, with red depicting intense density and green to white indicating lower levels of intensity. Note that Statistics New Zealand meshblock areas are used to provide the basis for aggregating data spatially so the shape of areas follows the contours of meshblocks.

³² Refer to Patrick Fontein's memorandum. "An Analysis of the Current Auckland Unmet Dwelling Demand (Housing Shortfall), 5 July 2016

³³ Derived from projected demand of 400,000 dwellings over a 30-year period.

It can be seen in Figure 2 that under the proposed Unitary Plan as notified there is relatively little intensification of areas other than the CBD, Takapuna, Glen Innes and Stonefields areas, and Botany. Notably other areas on road corridors and close to railway stations, and particularly those on the isthmus close to the CBD, do not have significant enabled capacity.

Figure 3 illustrates the distribution of the Panel's recommended feasible enabled residential capacity additional to that enabled in the proposed Unitary Plan, that is it illustrates the change in enabled capacity recommended by the Panel. This capacity is located in centres and on or near road corridors and railway stations. Much but not all of this capacity is located on the isthmus and therefore is relatively close to the CBD.

Figure 4 illustrates the sum of enabled capacity depicted in Figure 2 and Figure 3, that is it illustrates the total feasible enabled residential capacity of the Panel's recommended Unitary Plan. It can be seen that the distribution of this capacity promotes the centres and corridors strategy in that most of the capacity is located on or near road corridors and railway stations (and generally in and around centres). This distribution is consistent with the development strategy maps D.1 and D.2 in the Auckland Plan. As mentioned above, this clustering of capacity is a prerequisite to the success of public transport and the efficient functioning of the city.

Figure 2 Distribution of feasible enabled residential capacity – proposed Auckland Unitary Plan as notified

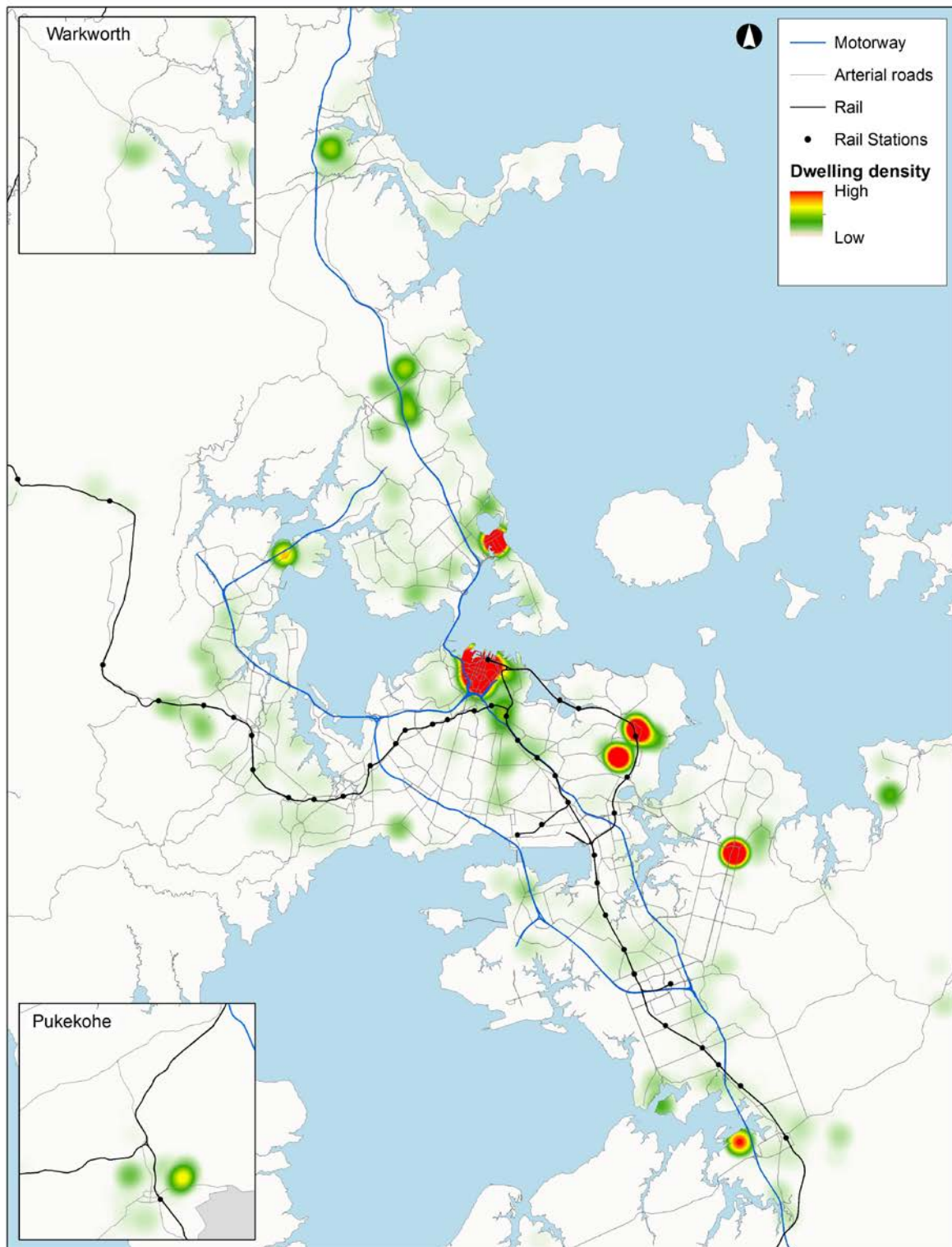


Figure 3 Distribution of Panel recommended feasible enabled residential capacity additional to that enabled in the proposed Auckland Unitary Plan as notified

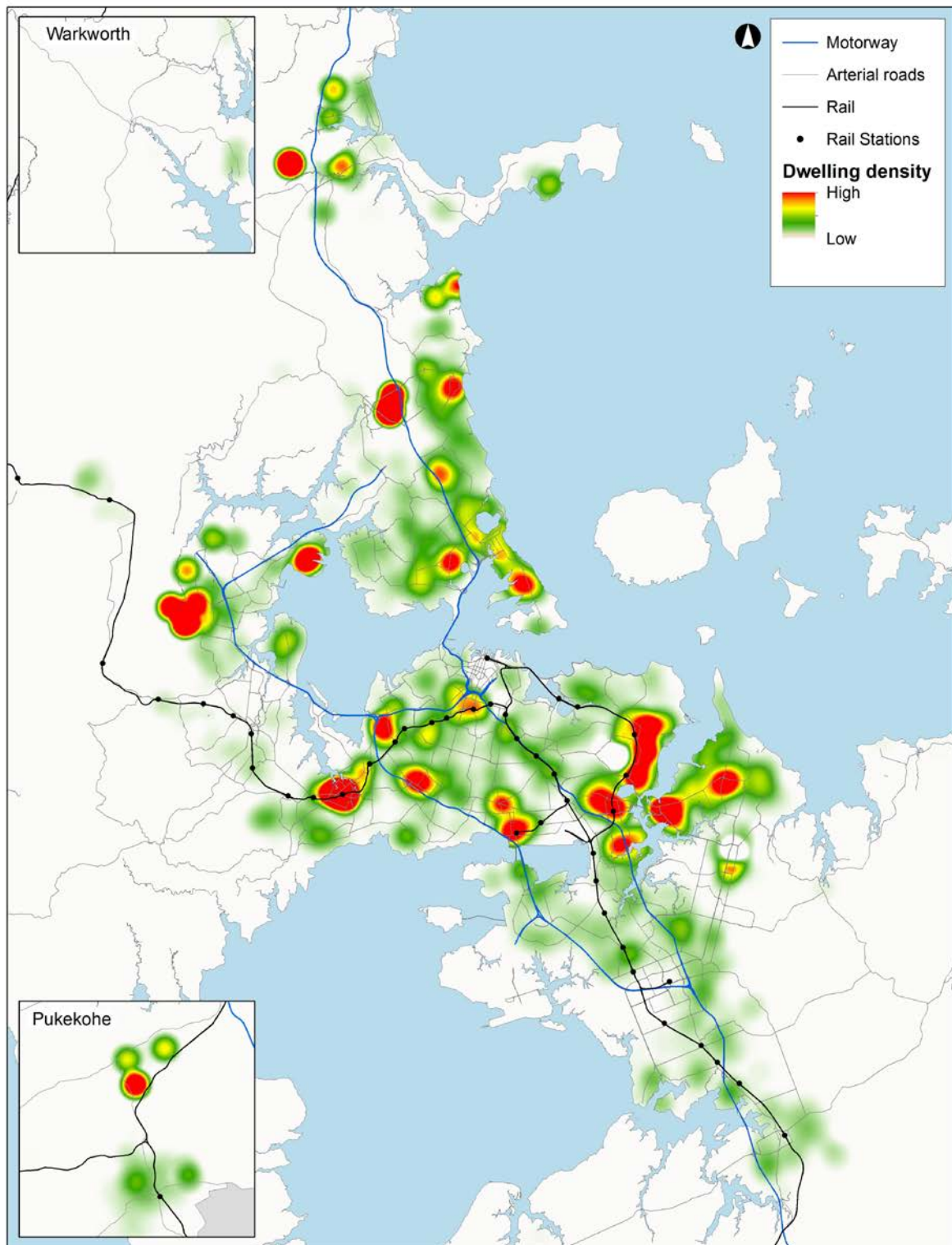
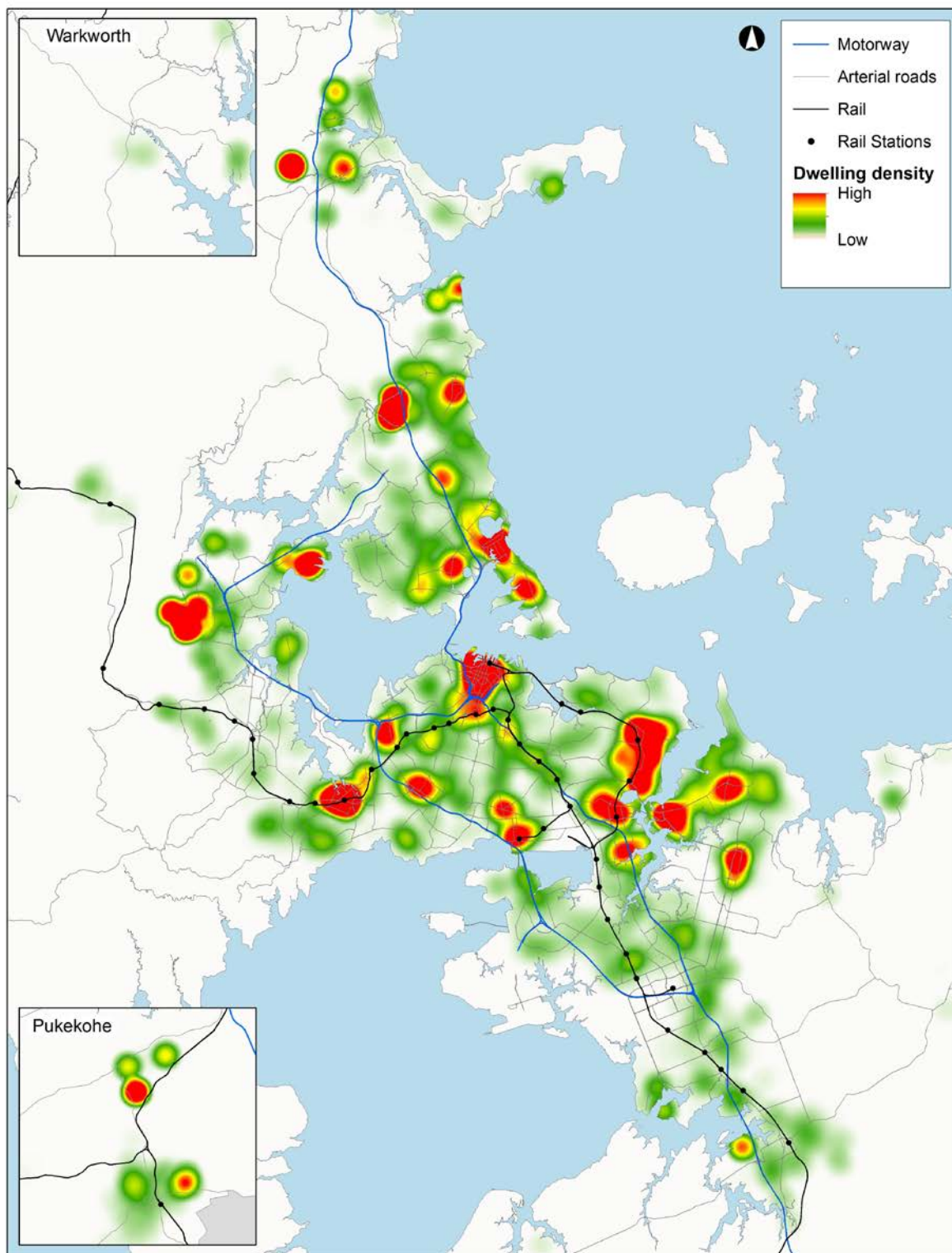


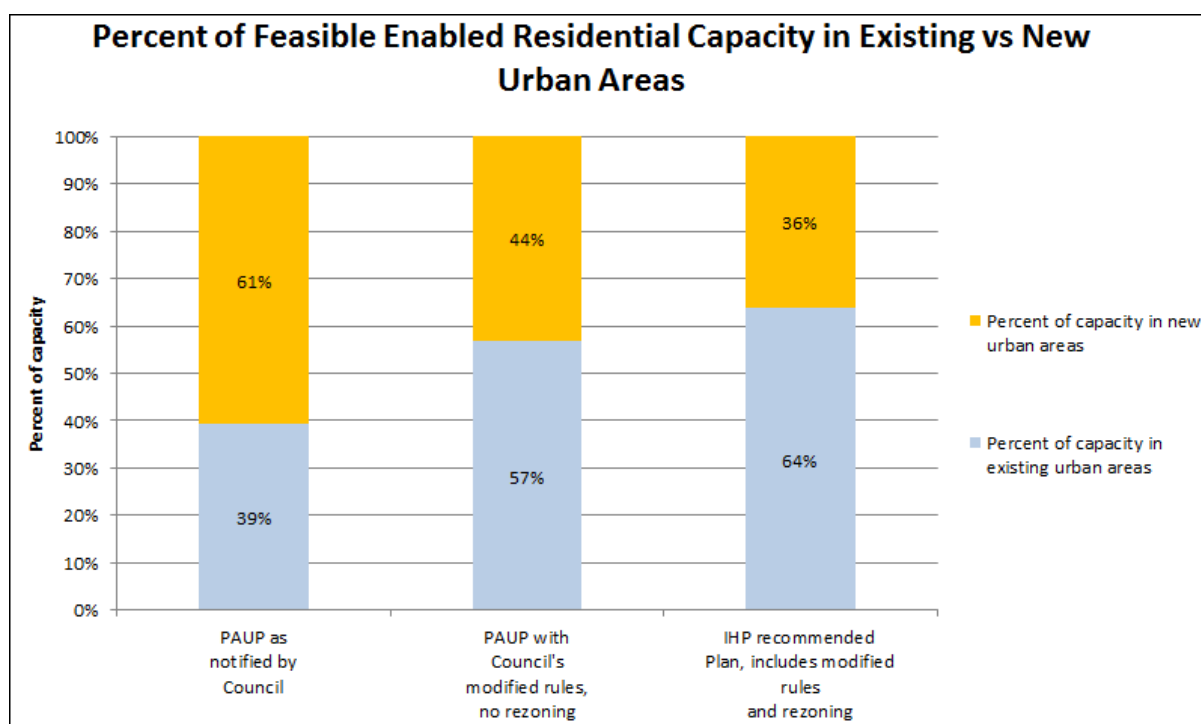
Figure 4 Distribution of total feasible enabled residential capacity of Panel's recommended Unitary Plan



The spatial pattern of enabled residential capacity can also be observed from the zoning maps. The more intensive residential zones of Residential – Terrace Housing and Apartment Buildings Zone and Residential – Mixed Housing Urban Zone are clustered around centres, transport nodes and along transport corridors, while the lower intensity zones of Residential – Mixed Housing Suburban Zone, Residential - Single House Zone and Residential - Large Lot Zone are, generally, located at a greater distance from these places.

The Auckland Plan development strategy envisages between 60 per cent to 70 per cent of the enabled residential capacity in the Unitary Plan to be located within the existing urban footprint, with the remaining capacity of 30 per cent to 40 per cent in new urban areas. Figure 5 sets out the distribution between existing and new urban areas of the projected feasible enabled residential capacity of the proposed Auckland Unitary Plan as notified, the Council’s proposed modified residential rules, and the Panel’s recommended Plan. It can be seen that the recommended Plan is consistent with this anticipated distribution, whereas the other two versions are not. In particular the proposed Auckland Unitary Plan as notified fell well short of this expectation.

Figure 5 Distribution of capacity in existing versus new urban areas



In Figure 5, ‘existing urban areas’ means as at the date the proposed Unitary Plan was notified and ‘new urban areas’ means areas enabled by the Unitary Plan. The Auckland Plan’s assessment was based on areas inside or outside the Metropolitan Urban Limit as at 2010. The main difference is this assessment includes urban areas outside the Metropolitan Urban Limit (e.g. Warkworth, Kumeu-Huapai and Pukekohe, plus rural towns and villages) whereas the Auckland Plan assessment did not. If the Auckland Plan distinction is used then the percentages inside the Metropolitan Urban Limit become (from left to right in Figure 5) 36 per cent, 51 per cent and 59 per cent respectively.

The proposed Unitary Plan as notified included a 70/40 distribution between existing urban and future urban development as an objective and policy in the regional policy statement but included no methods to achieve this. The Panel did not receive any evidence in support of this particular distribution of enabled capacity. The Panel considers it more important for the Unitary Plan to promote the centres and corridors strategy and a quality compact urban form than any particular predetermined location of this capacity. This particular distribution of capacity, if set as a regional policy statement objective and policy, may in practice impede desirable growth in some areas for no good reason.

The Panel has therefore recommended regional policy statement objectives and policies to promote the centres and corridors strategy and quality compact urban form and has deleted the reference to a predetermined 70/40 spatial distribution of that capacity.

6.2.5. Recommended Unitary Plan enables more affordable housing

The Panel has considered carefully the issue of housing affordability and how the Plan can best contribute to improving affordability of housing in the Auckland region. The Panel considers the Unitary Plan is best able to promote affordable housing by ensuring there is adequate feasible enabled residential capacity relative to demand, there is a range of housing types enabled in many locations, the Plan supports the centres and corridors strategy, and that the Plan does not impose undue implementation costs.

This approach to housing affordability locates this issue at the heart of the design of the Unitary Plan, and correctly so, as housing affordability is fundamental to the well-being of people and communities of the Auckland region. It is important that the Plan enables affordable housing and does not present obstacles to achieving affordable housing in the region. The Panel also notes the Plan on its own is not able to deliver affordable housing.

6.2.6. Recommended Unitary Plan does not include retained affordable housing

The proposed Unitary Plan as notified included objectives and policies to require residential developments of more than 15 dwellings to include provision for 'retained affordable housing' of at least 10 per cent of the units. Such housing was defined to mean dwellings sold or rented at a rate such that households on 80 to 120 per cent of the median household income for Auckland would spend no more than 30 per cent of their gross income on rent or mortgage repayments. Future transfers of these dwellings would be controlled as to price or rent by the use of encumbrances on the land, with purchasers or tenants being required to demonstrate their eligibility to meet the affordability requirements.

Auckland Council submitted that affordable housing provisions are able to be imposed legally through the Unitary Plan and that this intervention is justified on the basis that a number of other provisions in the Plan place upward price pressure on the housing market. It was submitted that this upward price pressure then generates a corresponding adverse effect on the social and economic well-being of the community that permits avoidance, remediation or mitigation through price control provisions implemented under the Resource Management Act 1991 (via the Unitary Plan).

Assuming that there is jurisdiction to include such price controls in the Unitary Plan to address price effects arising from other provisions of the Unitary Plan, the Council did not clarify how the Plan-based price effects would (or could) be distinguished from price effects from other sources (e.g. from immigration, monetary, or tax policies, or from price variations due to location or building quality). Without such a distinction there is no certainty that any price controls imposed through the Unitary Plan would address only the price effects arising from other provisions of the Unitary Plan, rather than being a price-control mechanism with general application. In the Panel's view the Resource Management Act 1991 and plans promulgated pursuant to it are not intended to include general price-control mechanisms.

The Panel was persuaded by the submissions of the Ministry for Business, Innovation and Employment and Housing New Zealand Corporation, among others, that the affordable housing provisions as proposed by the Council would likely reduce the efficiency of the housing market due to effectively being a tax on the supply of dwellings and be redistributive in their effect. The Panel is of the view that the imposition of land use controls under the Resource Management Act 1991 is not an appropriate method for such redistributive assessments and policies.

Further, the legal submissions and evidence for the Council on this topic took no account of how these affordability provisions would be integrated with other Unitary Plan provisions, especially controls on residential development both in existing urban and greenfield areas. For example, the case in support of retained affordable housing did not address the adverse effects on affordability that appear likely to result from the notified pre-1944 building demolition overlay or the limits on minimum dwelling sizes.

Accepting a number of submissions by Advance Properties Group Limited, Fletcher Residential Limited, Todd Property Group Limited and others, the Panel considers the threshold for the scheme (developments of 15 or more dwellings) would create opportunities to circumvent it and was not persuaded the retention mechanisms proposed by the Council would be effective.

The Panel accepts a number of submissions (by Advance Properties Group, Ministry for Business, Innovation and Employment, Housing New Zealand and others) that the most appropriate way for the Plan to address housing affordability in the region is by enabling a significant increase in residential development capacity and a greater range of housing sizes and types. While these measures are unlikely to resolve the issue of housing affordability in isolation, they are the primary way the Plan can contribute to address this issue.

Lastly, the Panel notes it is open to property owners to provide dwellings for rent or sale at below market values, as housing providers with social objectives routinely do. The Panel considers these choices should be left with property owners and it is not the appropriate jurisdiction of the Unitary Plan to impose these choices on property owners.

For these reasons the Panel considers that housing affordability is best addressed in the Plan as primarily housing supply and housing choice issues and that consideration of housing affordability needs to permeate the provisions throughout the Plan. This is in contrast to the retained affordable housing provisions in the notified Plan that treat affordability separately from other land use provisions. Furthermore these provisions would effectively be a tax on the supply of housing and therefore would tend to impede rather than assist an increase in that supply.

The Panel recommends a doubling of the feasible enabled residential capacity of the Plan relative to the Plan as notified, an increase of around 30per cent of the land area within the Rural Urban Boundary, and an increase in the choice of housing types to increase the supply of housing over the short and long term. The Panel recommends deletion of specific objectives, policies and methods for retained affordable housing.

6.2.7. The Unitary Plan is only one step in realising capacity

The Panel emphasises that enabling sufficient capacity in the Unitary Plan is only one step toward realising this capacity. The Unitary Plan does not of itself result in capacity being made available. Rather, realising this capacity requires substantial and ongoing investment from a wide range of land owners, developers, businesses and households, major investments in infrastructure, and expeditious consenting and plan change processes. The Council, Auckland Transport and Watercare play a pivotal role in some of these areas and a coordination role in others.

The scale of development required in the Auckland region over the next thirty years is unprecedented in New Zealand. This development will require coordinating co-investment that is required to deliver capacity in a cost effective and timely manner. For example, investment in infrastructure is required at some stage in most areas to meet expected demand, and this investment needs to be coordinated with the readiness and ability of land owners and developers in each area to bring capacity to market.

When determining the most efficient sequencing of development, aspects that should be considered include the cost to develop an area, the cost and timing to provide infrastructure servicing, the ability and readiness of land owners and developers to invest and proceed, and the market attractiveness of the area.

The Council, Auckland Transport and Watercare have direct visibility and responsibility over only one component of those considerations (the cost and timing to provide infrastructure). The Panel encourages the Council to include in its Future Urban Land Supply Strategy a method for coordinating development that exposes the cost and lead times for infrastructure, and in a manner that enables other investors in the development process (e.g. land owners, developers, house builders and businesses) to engage and interact with infrastructure providers, with a view to identifying and funding efficient and timely development pathways. These interactions may result at times in so-called 'out of sequence' development, but such sequencing may well be needed to unlock capacity and create a better functioning property market.

6.2.8. Co-ordinated provision of infrastructure

The Panel heard that there are funding constraints to service development with adequate infrastructure in Auckland and a legacy of underinvestment over past decades.

This arises not only in relation to greenfield situations with future urban and live zoning decisions, but also in the context of upzoning within the existing urban area to achieve the objective of a quality compact city. As set out in the Panel's recommendations on the regional policy statement, the efficient provision of infrastructure and its integration with land

use development are key objectives and policies. The Panel has considered this carefully in its recommendations on zoning. Some submitters suggested there was inadequate engagement with land owners and developers in the preparation of the Council's infrastructure strategy and raised concerns that the Council was attempting to use the provision of infrastructure as a de facto spatial planning tool when decisions about growth and development should be determined through the contestable planning processes of the Resource Management Act 1991. The Panel has observed that the initiatives under the Housing Accords and Special Housing Areas Act 2013 appear to have engendered an imperative on the part of Auckland Transport and Watercare to respond to meet demand for infrastructure services. There may be lessons that can be learnt from that process that are able to be applied more generally, with the aim that infrastructure investment is focused and coordinated to support the supply of capacity most in demand, and where land owners and developers are ready and able to provide that capacity and meet their share of costs.

The Panel notes that the Council and infrastructure providers do have a relatively wide range of tools to cover the capital and operational costs of providing infrastructure in Auckland including general or targeted rates, development contributions, network connection and service charges, user charges, central government funding and, potentially, private investment.

As well as these regulatory and charging methods, the Panel also observes infrastructure can be provided by agreement between the Council or its subsidiaries and developers. The Panel heard evidence that developers and landowners are often willing to provide or fund their own infrastructure and evidence of new technologies that may not be as dependent on the wider network as in the past. Examples include the motorway interchange at Millwater where ramps have been built by the land developer by agreement with and in accordance with standards set by the New Zealand Transport Agency. This type of approach demonstrates the potential benefits of being able to provide for infrastructure in ways that are not limited to the constraints of the asset management programmes of infrastructure providers.

Given the extent to which the costs of providing infrastructure can be recovered by a range of funding methods, the Panel is not persuaded that the funding of infrastructure should be allowed to determine land use planning in Auckland. There may however be situations where the high costs of servicing an area are an impediment to development and through appropriate pricing of infrastructure those costs can be made clear to developers and land owners.

A review of case law shows that the courts have taken a variety of approaches to the provision of infrastructure, and recognise that decisions about the timing of development and the relationship between zoning and infrastructure varies. The Panel wishes to emphasise that notwithstanding any zoning that provides potential opportunities for development, such development should be restricted or deferred unless necessary infrastructure services are able to be provided before or contemporaneously with that development. To realise the opportunities provided in the Unitary Plan the Council, infrastructure providers and landowners/developers will need to work together constructively.

6.3. Commercial and industrial demand and capacity

The Panel was concerned in the course of hearings on commercial and industrial topics that it did not receive a clear view from submitters on the overall demand for and supply of commercial and industrial capacity across the Auckland region. To help address this deficit the Panel commissioned a report on this topic from an expert group (PAUP Business Land).³⁴ The main focus of the report was on the Business - Light Industry Zones but it also covered demand for and supply of other commercial and industrial capacity in business zones, other than the City Centre Zone.

The report assessed demand for and supply of commercial capacity in terms of floor area and assessed the level of supply of capacity with respect to 'contemporary development' and 20 per cent of 'theoretical development' as enabled by the zone rules. 'Contemporary development' refers to using existing development patterns in an area to guide the likely extent of development in the future. 'Theoretical development' refers to using the Unitary Plan constraints as the extent of development in the future, whether or not such development is physically or commercially feasible.

The report assessed demand for and supply of light and heavy industry capacity in terms of land area and assessed the level of supply of capacity with respect to 'vacant land' and 'vacant potential land'. 'Vacant' refers to parcels of land with no buildings. 'Vacant potential land' refers to parcels that have unusually large areas vacant (in terms of buildings). This difference in approach reflects the ability for commercial capacity to build up in height (e.g. for offices) whereas for light and heavy industry (e.g. warehousing, manufacturing and processing) it is usually not practical or cost-effective to build multi-storey facilities. Large format retail outlets are also usually constructed on one level.

There was insufficient time in the hearings process to test and develop the methods and models for estimating commercial and industrial capacity to the same extent as the residential methods and models. Further, it appears more difficult to generalise about capacity across locations in relation to commercial and industrial requirements as those requirements are, for example, often bespoke in terms of co-location with other operators (and particularly so with heavy industry), have in some cases very large contiguous land area requirements (e.g. warehousing), or very particular location and exposure requirements (e.g. some retail).

While the report indicates there is sufficient commercial and industrial capacity in the region for the next seven years (and the Panel's recommendations add to that capacity), the Panel is cautious about drawing definitive conclusions from this report for the longer term. The Panel encourages the Council to develop further the approach used in the PAUP Business Land report to monitor demand for and supply of this capacity in order to inform future plan changes, and in the interim to respond expeditiously to any requests for operative Business - Light Industry or Business - Heavy Industry Zones in the Future Urban Zones.

³⁴ Ibid, "PAUP Business Land, Summary of land demand by activity and PAUP supply"

6.3.1. Business - Light Industry Zone

A shortfall in supply relative to demand for light industry-zoned capacity appears to be the most acute on the isthmus and just north of the harbour bridge (Urban Central and Urban North areas of the report). This is unsurprising as these areas are where the competition from other higher value uses is likely to be the strongest. All areas appear to have sufficient supply for the next seven years, provided the land identified as 'vacant potential land' on the isthmus is indeed available to the market and suitable.

The Panel heard from a number of submitters whose land was zoned Business – Light Industry Zone but who considered their activities did not match those of this zone. The PAUP Business Land report found that while this mismatch of activity with zoning existed in some pockets, in general (about 86 per cent) of the land zoned Business - Light Industry Zone was matched with activities appropriate to that zone.

The Panel recommends retaining Business - Light Industry Zones in locations where that zone continues to reflect the dominant activities, in order to not erode the supply of enabled land zoned Business - Light Industry Zone. Where however the dominant activity has moved to another use (usually to general business or mixed use) the Panel recommends rezoning accordingly to recognise the changed nature of the area. In these situations this rezoning does not diminish light industry capacity but rather more correctly identifies and reflects the reality as it is.

The Panel also took opportunities to apply an operative Business - Light Industry Zone to areas that would otherwise have been zoned Future Urban Zone, where the evidence supported doing so. The primary examples of this are at Puhinui (approximately 450 ha, but with transport infrastructure constraints), Warkworth (approximately 60 ha) and Pukekohe (approximately 80 ha). This increase in area compares with projected annual demand for land zoned light and heavy industry of between 60 to 80 hectares.³⁵

While there appears to be sufficient supply for the next seven years of land zoned Business - Light Industry Zone within existing urban areas and the new areas that the Panel recommends have operative Business - Light Industry zoning, there is likely to be a shortage of this land in the longer term. As mentioned above, the Panel encourages the Council to develop further the approach used in the PAUP Business Land report to monitor demand for and supply of this capacity in order to inform future plan changes, and in the interim to respond expeditiously to any requests for operative Business - Light Industry Zones in the Future Urban Zones.

6.3.2. Business - Heavy Industry Zone

A number of submitters with activities consistent with the Business - Heavy Industry Zone, but located in notified Business - Light Industry Zones, contended that their zoning should reflect the nature of their activities. The Panel considers it important that heavy industry activity is zoned accordingly given the external effects from such activities (usually some combination of noise, dust and odour) on the surrounding area and the need to buffer such

³⁵ See Table 3.3, page 34 of the PAUP Business Land report

areas with Business - Light Industry Zones where the activities are not as sensitive to such effects. In most cases the Panel recommends the rezoning of these areas as Business - Heavy Industry Zone.

The PAUP Business Land report identified likely long term shortages in the supply of land zoned Business- Heavy Industry Zone on the isthmus and in the west (Urban Central and Urban West in the report). There appears to be sufficient supply for the next seven years.

The Panel expects most heavy industry will expand or migrate over time to the periphery of the city where large areas of flat land, buffered by light industry and with good transport connections, are in greater supply. This expected trend reinforces the need for Council to ensure that there is adequate supply of land zoned Business - Heavy Industry Zone in these areas. Some heavy industry activities however need to be located near demand (e.g. asphalt supply and concrete batching plants) or other related activities, or have high sunk costs in plant and equipment, and therefore are not able to readily shift.

As with land zoned Business - Light Industry Zone, the Panel encourages the Council to develop further the approach used in the PAUP Business Land report to monitor demand for and supply of this capacity in order to inform future plan changes, and in the interim to respond expeditiously to any requests for operative Business - Heavy Industry Zones in the Future Urban Zones.

6.3.3. Centre Zones

The PAUP Business Land report assessed demand and supply for each of the centre categories, using the metric of floor space.

For Metropolitan Centres and Town Centres there appears to be sufficient capacity for the next seven years and beyond. For Local Centres there appears to be sufficient capacity for the next seven years, and in the longer term for those other than on the isthmus (i.e. in Urban Central in the report).

For Neighbourhood Centres, there appear to be immediate shortfalls in all areas other than in Rural North and South. However the Panel notes that these centres are generally focused around and constrained to a small set of shops or other commercial activities and therefore it is not surprising that some of these centres are unable to meet significant additional demand for floor-space.

6.3.4. Mixed Use, General Business and Business Park Zones

For areas zoned Business - Mixed Use Zone there appears to be sufficient capacity for the next seven years and beyond except on the isthmus (Urban Central). The Panel recommends rezoning significant areas Business - Mixed Use Zone on the isthmus that were notified in the proposed Auckland Unitary Plan as Light Industry (where the dominant use in the area already reflects Business - Mixed Use Zone activities) and this would increase the capacity of Business - Mixed Use Zones in this area.

For Business - General Business Zones and for Business - Business Park Zones there appears to be sufficient capacity for the next seven years and beyond.

7. The Rural Urban Boundary

7.1. The policy objective

A central issue before the Panel in relation to identifying the most appropriate resource management methods to deal with population growth and its effects was the role of the proposed Rural Urban Boundary. The purpose of the Rural Urban Boundary as identified by the Council in its evaluation report prepared pursuant to section 32 of the Resource Management Act 1991 is stated to be:

The RUB is intended to be a defensible, permanent rural-urban interface and not subject to incremental change.³⁶

As set out in the Plan as notified, the Rural Urban Boundary would be provided for in the regional policy statement both in terms of its policy and as a method. This is a similar arrangement to the operative provisions for a metropolitan urban limit. Both methods are intended to set a clear boundary between the part of Auckland that is planned to be urbanised and the part that is intended to remain rural. A significant difference between the Metropolitan Urban Limit and the Rural Urban Boundary is that the former is located at the edge of existing urbanised areas while the latter is proposed to be located some distance away, with the area between it and the existing urban edge zoned as 'future urban' to serve as a reservoir of land for growth over the next 30 years.

The role of the Metropolitan Urban Limit was summarised in evidence before the Panel during the hearing session in Topic 013 by Mr Hugh Jarvis, an expert planning consultant who had been a senior manager in the Auckland Regional Council responsible for administering this policy and the implementation of it. Mr Jarvis stated:³⁷

The MUL was being used as a limiting tool to control the speed of peripheral expansion of greenfield areas in order to place sufficient tension to encourage intensification within the MUL, particularly around centres and corridors - a role that is now sitting with the proposed land release strategy. As a result the RUB has a longer time horizon and contains a larger geographical area of greenfields land than the MUL.

The main thrust of his evidence was to increase the supply of land located inside the Rural Urban Boundary to provide for growth in the south. His evidence went on to identify the risk that insufficient land inside the Rural Urban Boundary would drive up land prices, thereby affecting housing affordability. It would also put more pressure on sensitive environmental resources inside the Rural Urban Boundary due to strict planning controls limiting the development of alternative less environmentally-sensitive land outside the Rural Urban Boundary.

³⁶ Section 2.1 Urban form and land supply, page 4.

³⁷ Jarvis statement of evidence in Topic 013 for submitters Frank and Juliet Reynolds, 10 November 2014, paragraph 22(b).

The most comprehensive study of the impact of planning constraints on land values in Auckland was done in 2007 by Grimes and Liang.³⁸ That study concluded that evidence of a ten-fold differential in land prices inside and outside the metropolitan urban limit demonstrated that this planning control was having a very significant impact on land values. This finding was consistent with Mr Jarvis' evidence of the way that the policy was being administered. Mr Jon Maplesden and other submitters highlighted the social and economic harm to people, including increased social inequities, caused by land price inflation in Auckland.

The Council's section 32 evaluation report for the Rural Urban Boundary acknowledged the Grimes and Liang study in the following way:³⁹

Research on land value differentials inside and outside the MUL further suggest significant demand for land at the periphery if it were made available.

While this observation is an evident consequence of the analysis in the Grimes and Liang study, the Panel notes that this was not the primary conclusion of that study. The following statement appears to the Panel to encapsulate the real conclusion:

Our data indicate that Auckland house prices as a whole have risen substantially relative to other urban (Hamilton and Wellington) prices in the North Island. This rise in relative values is likely to reflect, at least in part, the increasingly binding impact of the MUL over time.⁴⁰

But the other aspect of the assessment of the policy for a metropolitan urban limit is whether it achieved the objective of intensification. In answer to questions from the Panel, Mr Adam Thompson, an expert witness on property development matters, stated that in his opinion the metropolitan urban limit had not achieved its objective of greater intensification within the existing urban area to the extent expected. He expressed the opinion that because the price of land is a significant cost input for development, escalating land prices have meant that less development occurs because there are fewer people who can afford the final built products.

7.2. The need for certainty and the location of the method

In presenting its case in support of the Rural Urban Boundary as notified, the Council laid great stress on the need for planning certainty, especially in relation to programming and funding infrastructure to serve growth and newly urbanised areas.

In response to questions from the Panel about the possibility of providing greater flexibility for the location of the boundary so that it could respond better to the dynamics of growth and the choices that developers and residents might want to make about where to build or live, the Council responded that its 'hard' location of the Rural Urban Boundary would be more appropriate than a more easily moved or 'soft' location as its principal witness, Dr Doug

³⁸ Grimes and Liang - *Spatial Determinants of Land Prices in Auckland: Does the Metropolitan Limit Have an Effect?* - August 2007 – available at http://motu-www.motu.org.nz/wpapers/07_09.pdf.

³⁹ Section 2.1 Urban form and land supply, page 2.

⁴⁰ Grimes and Liang, page 32.

Fairgray described it. In response to questions about the extent to which the Council could foresee how growth might occur around the region over 30 years, the Council's witnesses on urban growth referred to its work on a land release programme. This was not available at the time of the first hearing session in Topic 013 on urban growth, but was produced in the form of the Future Urban Land Supply Strategy during the overview hearing session of Topics 016 and 017 on the Rural Urban Boundary.

The future urban land supply strategy, as described by the Council's planning witness Ms Dawne McKay, is not a resource management planning document. It has been prepared under the Local Government Act 2002 and has been consulted on through the special consultative procedure under that Act. She said that it will provide certainty for the community, including developers, on the Council's programme of land use planning (structure plans and plan changes) and infrastructure planning and delivery. Some flexibility for amendments to the strategy is based on a comprehensive monitoring programme.⁴¹

While the desire of the Council to achieve planning certainty about growth over the next 30 years is understandable, the Panel does not consider that it promotes the purpose of sustainable management to lock in land supply and infrastructure decisions over such a long period when the environment and the needs of people are constantly changing. Resource management planning needs to be responsive to the dynamic processes of urban growth. While providing certainty can promote efficiency by reducing future process requirements, overly or unnecessarily rigid application of rules can be a hurdle or barrier to efficiency by creating additional costs.

The Panel considers that methods aimed at sustainably providing for housing in an efficient manner should be designed to discourage undesirable behaviours, such as land banking, and encourage desirable outcomes, such as creating alternative and competitive development opportunities to meet the needs of people. A Rural Urban Boundary that is permanent for the next 30 years, subject only to the unilateral power of the Council (or a Minister) to move it, would not provide sufficient planning flexibility to adapt to changing circumstances.

For these reasons the Panel recommends that the Rural Urban Boundary should remain as a method in the Unitary Plan but should be moved from the regional policy statement to the district plan. While the policy for its location should remain in the regional policy statement to maintain its strategic direction over a longer term, the location of the boundary itself should be able to be changed by a plan change at the district plan level, which can be the subject of an application by any person.

During the hearing sessions on urban growth (Topic 013) and the Rural Urban Boundary (Topics 016 and 017) a number of submitters referred the Panel to the landmark decision in *Auckland Regional Council v North Shore City Council*.⁴² The argument appeared to be that because the Court of Appeal had found that a regional policy statement could have a metropolitan urban limit in it, the Rural Urban Boundary in the Unitary Plan should also sit at the regional policy statement level.

⁴¹ McKay statement of evidence in Topic 016/017 for Auckland Council, 14 October 2014, paragraph 1.3.

⁴² [1995] 3 NZLR 18; [1995] NZRMA 424; (1995) 1B ELRNZ 426 (CA)

The Panel does not question that it is lawful for the regional policy statement section of the Plan to contain an urban boundary such as the Rural Urban Boundary as notified. However, it is also important to note that the Court of Appeal did not pass judgement on the merits of the Metropolitan Urban Limit:

Even although the Auckland Regional Council (by contrast with the former Auckland Regional Authority) is not the provider of services such as sewerage and transport, it has a regional planning role: a responsibility for evolving policies and methods to achieve integrated management of the natural and physical resources of the whole region (s.59 [RMA]). The need for a true regional relationship is crucial to and a limitation on the formulation of regional policy. But nothing has been placed before this Court to suggest that this responsibility has not been approached properly in the proposed regional policy statement. Its contents remain open to contest on the merits. In this proceeding the Court should not intrude into such a contest. (Emphasis added.)

This process for considering submissions on the Unitary Plan is one where the contents of the regional policy statement are open to contest on the merits.

The Council also submitted that there were no submissions specifically seeking the relocation of the Rural Urban Boundary as a method from the regional policy statement to the district plan. The submissions of the Minister for the Environment and the Ministry of Business Innovation and Employment sought changes to the Unitary Plan to increase the Plan's flexibility to provide capacity for growth.⁴³ The Panel considers that its recommendation gives effect to those submissions and is accordingly within the scope of them.

7.3. Section 32AA evaluation

The Council's section 32 evaluation report addresses the costs and benefits of the policy in its section 2.1.3, focussing on an orderly, timely and planned land delivery approach. This is characterised as being more proactive, enabling and integrated than either the operative provisions or a less regulated approach, and as providing greater certainty about the timing and location of growth while ensuring that environmental safeguards are in place.

The analysis in section 3 identified three alternatives: the status quo of a statutory urban boundary able to be amended by plan changes; the Council's proposed method of a long-term boundary with targets for dwellings and orderly, timely and planned development; and a laissez-faire expansive approach with no growth management relying on plan changes to accommodate growth in whatever form it may present itself.

The Panel considers that these alternatives do not adequately identify distinct alternatives. The analysis should start with recognition that reorganisation of local government has profoundly altered the role of the Council which is now a unitary authority and no longer has to contend with inter-council disputes about growth management. In that context the status quo is not really the same as it was when the metropolitan urban limit was first made

⁴³ See submission points 318-1 by the Minister for the Environment and 6319-1, 4, and 7 by the Ministry of Business, Innovation and Employment.

operative. It follows that the first two alternatives are insufficiently differentiated in the analysis to enable the remaining difference, the provision of a reservoir of land for growth, to be fully evaluated.

The third option is cast by the Council in such pejorative terms as a complete abandonment of growth planning and management that the Panel considers it cannot usefully function as a realistic option to test against the other two and quite probably could never meet the purpose of the Resource Management Act 1991.

The option of enabling changes to the Rural Urban Boundary to be more responsive to changing circumstances, including by the method of private plan changes, was not considered by the Council as an alternative. The alternatives do not address the manner in which the growth of a city may be viewed as an organic process, driven by internal factors, as distinct from the outcomes resulting from a programmatic approach which seeks to control development, rather than enable it while addressing its external effects.

No empirical research into viable alternative growth management methods was presented in evidence. There appears to have been an assumption that where there is considered to be enough capacity inside the Rural Urban Boundary for growth, then there is no need to undertake any detailed analysis of the impacts of the policy itself. During the hearing session on Topic 013 Urban growth, the Panel directed extensive analytical work and modelling of feasible capacity to be done and this showed that the initial assumptions about capacity were incorrect. The Resource Management Act 1991 requires such assessment in order to demonstrate the appropriateness of plan provisions such as these. In particular, while the proposed Rural Urban Boundary, as notified, could provide a high degree of certainty about the future location of key infrastructure, the value of that certainty is substantially diminished in the absence of detailed analysis to show whether a permanent Rural Urban Boundary would address the conclusions in the study by Grimes and Liang as to land price inflation, or how it may promote or hinder the provision of affordable housing built on affordable land.

For these reasons the Panel does not recommend that the Unitary Plan include the Rural Urban Boundary provisions as notified. The Panel supports the inclusion of a policy in the regional policy statement along the lines advanced by the Council's planner, Ms Chloe Trenouth, which sets out the basis on which the location of the Rural Urban Boundary should be identified. However, the method of the Rural Urban Boundary, that is, the line shown on the planning maps, should be a district plan method which can be the subject of a private plan change.

The Rural Urban Boundary is a useful planning tool to manage growth and infrastructure servicing and should not be removed entirely. However, the Panel does not consider that the weight of evidence supports the Rural Urban Boundary method being located in the regional policy statement. A contestable Rural Urban Boundary with a robust foundation against which to assess proposals to move it best avoids the adverse social, economic and environmental effects that the evidence indicates have been and are being caused by the operative Metropolitan Urban Limit. Locating the Rural Urban Boundary method in the district plan will best promote the purpose of the Resource Management Act 1991 and provide for the social and economic well-being of people and communities in the region.

8. Summary of key recommendations

This section provides a summary of the key recommendations of the Independent Hearings Panel about the provisions of the proposed Unitary Plan and submissions made on it. This section mainly addresses changes to the Unitary Plan's structure and to the first three chapters being the introduction (chapter A), the regional policy statement (chapter B), and the general rules (chapter C). As well, this section highlights the reasons for recommending the deletion of a number of overlays and retaining the special character overlays, outlines the changes to the parking policies and rules and explains the reasons for the deletion of the provisions for framework plans.

It is intended to help readers by giving them an overview of the proposed restructuring of the Unitary Plan and of both the principal provisions that should remain and the main changes as recommended by the Panel. This section is not a substitute for the recommended text of the Unitary Plan which represents the Panel's recommendations to the Auckland Council, or for the detailed reasons in the recommendation reports for each hearing topic which accompany the recommended text of the Unitary Plan and which provide any necessary evaluation for the purposes of section 32AA of the Resource Management Act 1991.

Unless otherwise stated, the starting point and basis for comparison of the recommended text is the proposed Unitary Plan as notified on 30 September 2013. In some cases, as noted in individual topics, substantial changes were made through mediation processes and the Panel's recommendations are based on the versions of Unitary Plan provisions submitted by the Council at the end of the relevant hearing session for that topic.

In all cases, the statements in this list are to be read as recommendations. The Panel wishes to stress that it has given a great deal of thought to ensuring that its recommendations are integrated and consistent. Any decision to amend or reject a recommendation should include consideration of the consequential changes that may need to be made to other parts of the Unitary Plan to maintain overall integration and consistency.

8.1. Unitary Plan structure

The focus of Part 4 of the Local Government (Auckland Transitional Provisions) Act 2010 is to create the first combined plan under the Resource Management Act 1991 for Auckland. A combined plan is one which combines the regional and district documents under the latter Act.⁴⁴ It appears clear that the statutory intention is that this be a single document that meets the statutory requirements of a regional policy statement, a regional plan including a regional coastal plan, and a district plan.

As a result of reorganisation on 1 November 2010, the Council has been administering fourteen resource management planning documents. The desirability of integrating those is obvious. However, while combining the sections of the regional plan together and having a single district plan present no conceptual difficulties, the combination of the four main layers of a regional policy statement, a regional plan including a regional coastal plan, and a district plan is not as straightforward.

⁴⁴ See section 80 of the Resource Management Act 1991

The regional policy statement is distinct from the plans in that it does not contain rules and must be given effect to by the plans which do contain rules. It is thus a higher order planning document than the plans. Because of this, the Panel considers that it is important that the regional policy statement be written and presented in a manner that enables it to be a distinct component of the Unitary Plan.

Within the regional policy statement, the Panel recommends several structural changes to clarify the roles and relationships among its various elements. These are discussed in detail below in relation to the core provisions.

The Unitary Plan as notified separated the objectives and policies from the rules, placing them in separate chapters for Auckland-wide, zone, overlay and precinct provisions with an additional chapters G for the general rules. The Panel recommends that a better structure would be to have the objectives, policies and rules for each layer of the Unitary Plan and each topic within the layers in the same place. While it may be that some users would only want to refer to the rules that affect their activities, the consideration of any application for resource consent will require consideration of the objectives and policies that relate to those rules. The Panel also considers it important that the rules for permitted activities, as well as those for activities requiring resource consent, should be read in the context of the relevant objectives and policies.

This reorganisation of the objectives, policies and rules results in the general rules being brought forward and placed in Chapter C. As discussed in the narrative for topic 004 – Chapter G (which is where they were located in the Unitary Plan as notified), these rules have been edited to remove explanatory material that does not consist of rules.

The numbering system in the text is recommended to be changed to better relate to the structure and also to reduce the number of levels so that the reference number for a provision is shorter. The Panel has tried to make the structure of each section consistent so that the order of the subsections is the same throughout. This results in any Chapter X having its sections ordered and numbered in this way:

- X.1 Background
- X.2 Objectives
- X.3 Policies
- X.4 Activity table
- X.5 Notification statement
- X.6 Standards
- X.7 Matters of control and assessment criteria for controlled activities
- X.8 Matters of discretion and assessment criteria for restricted discretionary activities
- X.9 Special information requirements

Where there is no provision for a sub-section, that is stated. If in the future a provision is added in that subsection, the numbering system remains intact.

Within each activity table, separate activities are each given numbers to assist in making reference to them individually.

Within the rules for each section, the land use and development controls for activities are now all referred to as standards.

As a consequence of the Panel's recommendation that the Rural Urban Boundary method be relocated from the regional policy statement to the district plan, Chapter G now contains that rule. The boundary is identified on the planning maps, which are themselves plan rules as the illustration of the spatial extent of rules in the text.

In response to a submission by the Auckland Utility Operators' Group, the objectives, policies and rules which relate to earthworks, tree trimming and vegetation clearance for infrastructure have been copied into a new Chapter H – Infrastructure. This is intended to provide a single reference section for network utility operators and their contractors and to assist in a more efficient way of presenting the plan for this purpose.

Material which is not relevant to resource management issues or otherwise has no effect under the Resource Management Act 1991 of the provisions of the Unitary Plan has been removed. This has resulted in the deletion of sections of text throughout the Unitary Plan and the deletion of the "Non Statutory Information" from the maps and GIS viewer. The Panel recommends that guidance material would be better located outside the Unitary Plan in pamphlets or online where it can be adapted to suit the particular needs of different types of users and kept up to date without requiring a change to the Unitary Plan.

8.2. Core provisions

8.2.1. Chapter A: Introduction (Topic 003).

This section is substantially rewritten and reduced in length. It now focuses on information to guide new users of the Unitary Plan and does not repeat narrative or advisory material found in the Auckland Plan (pursuant to section 79(4) Local Government (Auckland Council) Act 2009) or other plans and materials produced by the Council. Background and strategic framework material is accordingly deleted. It does not contain any policy or regulatory material. The section setting out the legal effect of the Unitary Plan rules is deleted as being spent.

8.2.2. Chapter B: Regional policy statement

The regional policy statement has been amended to focus better on identified Resource Management Act 1991 issues and to align policies by subject matter.

B1 Issues (Topic 005) – This section has been comprehensively recast with a focus on the statutory planning framework under the Resource Management Act 1991. Narratives of issue statements which generally repeat the content of the Auckland Plan have been edited to deal only with resource management matters and distributed as lists of specific issues among the relevant sections below. The resource management issues have been separated out, edited and placed in the relevant sections rather than gathered together in the first section. This allows each section to contain its statement of issues, objectives, policies, explanation and principal reasons for adoption in one place and be read as an integrated

whole. Descriptions of methods, cross-boundary issues, environmental results anticipated and monitoring have all been relocated here.

B2 Urban growth and form (Topic 013) – This section now includes commercial and industrial growth. Policies on retained affordable housing are deleted as the Panel recommends that this method of addressing housing issues is not as appropriate as other methods in the Unitary Plan. Social infrastructure is renamed social facilities.

B3 Infrastructure, transport and energy (Topic 012) – This section was called “enabling economic well-being” and is renamed as policies on commercial growth have been relocated to section 2. Both in this section and in a number of other topics, the terminology associated with infrastructure is recommended to be changed. The definition of infrastructure in the Unitary Plan should be amended to be essentially the same as the definition in the Resource Management Act 1991, with the inclusion of bulk storage facilities for gas and petroleum, water supply storage and treatment facilities, municipal landfills, defence facilities and air quality and meteorological facilities. The term “infrastructure” is used to describe works that enable other activities to occur rather than activities which may be undertaken for their own sake. On that basis, social facilities should not be called “infrastructure”. As well, no distinction is made of infrastructure based on “significance”. Typically, and especially for inter-connected networks, the whole system is essential for its overall function. After watching many infrastructure providers, and many others, strive to demonstrate that their “significance” is greater than others, the Panel found no resource management reason to differentiate infrastructure on such a basis.

B4 Natural heritage (Topics 019 and 020) – This was a section dealing with both natural and built heritage. It is now split into Section 4 - natural heritage and Section 5 - built heritage and character). The sub-section on the natural character of the coastal environment is now relocated to the coastal section. Biodiversity is relocated to the natural resources section. Volcanic viewshafts, together with regionally and locally significant public views, are now given their own sub-section. Further work with the Tūpuna Maunga Authority will need to be undertaken to address cultural and spiritual values associated with the maunga, including the viewshafts.

B5 Built heritage and character (Topic 010) – The sub-section on historic heritage is focused on scheduled sites, buildings and extent of places. Policies purporting to protect unidentified historic heritage, including the Pre-1944 building demolition control overlay, are deleted. The sub-section on special character is focused on maintaining the amenity values of identified areas and neighbourhoods. The relief sought by the Council of recasting special character as historic character is not recommended.

B6 Mana Whenua (Topic 009) – No significant changes are proposed to these policies. However, other recommendations affecting Unitary Plan provisions relating to Mana Whenua should be noted. The Panel recommends retaining text which refers to Mana Whenua rather than tangata whenua as this aligns with the approach in the Local Government (Auckland Council) Act 2009. The Panel recommends retention of express provisions addressing resource management issues relating to Māori and both their ancestral and their on-going relationships with natural and physical resources in accordance with sections 6(e), 7(a) and 8 (as well as other enabling provisions) of the Resource Management Act 1991. Some distinctions, such as provisions for cultural impact assessments and consideration of cultural landscapes, are deleted as being unnecessary given that the former is already part of the

required content of assessments of environmental effects (see clause 7(1)(a) of Schedule 4 to the Resource Management Act 1991) and the latter simply reflects that landscape values (and choices about which of those are important) are all inherently cultural in origin. The Schedule of sites and places of value to Mana Whenua has been deleted: while the Panel supports a two-tier scheduling regime as for historic heritage sites, there was no sufficient basis for the items on this schedule which was simply a copy of the New Zealand Archaeological Association list of sites for further investigation.

B7 Natural resources (Topic 006) – Several water sub-sections (including coastal water quality) are gathered together here. The sub-section on biodiversity is relocated here from the section on natural heritage. The sub-sections on natural hazards, hazardous substances, contaminated land and genetically modified organisms are relocated to Section 9 – environmental risks.

B8 Coastal environment (Topic 008) – The sub-section on the natural character of coastal environment is relocated here from the section on natural heritage. The sub-section on areas of degraded water quality is moved to the section on natural resources.

B9 Rural (Topic 011) – The policies on rural subdivision are amended to enable some additional opportunities consistent with the character of the rural environment and in a manner that does not allow for urbanisation in rural zones.

B10 Environmental Risks (Topics 006 and 007) – In the Unitary Plan as notified this was focused on climate change. It is now recast more broadly as dealing with environmental risks and includes subsections on natural hazards (including the risks of climate change), hazardous substances, contaminated land and genetically modified organisms (all relocated from the section on natural resources).

Schedules

The policies in the regional policy statement relating to schedules have generally been recast to require identification and evaluation in terms of specified factors before including items in schedules. Generalised provisions suggesting that unidentified items should be protected in the same way as identified items have been deleted as being uncertain and lacking an evidential foundation. Accidental discovery of significant items is now subject to Auckland-wide rules for earthworks.

Having established the basis for the schedules in the regional policy statement, policies which describe mechanisms for managing the schedules (some of which are very detailed and extensive) are relocated to the regional, regional coastal and district plans, as appropriate. This maintains an appropriate separation of the focus of the regional policy statement on overview and strategic matters, and the role of the regional and district plans on implementing and giving effect to the regional policy statement.

“Non-statutory” information is generally recommended to be deleted from the Unitary Plan (including the maps). Notwithstanding the label “non-statutory” and despite acknowledgement by the Council that much of the information is indicative rather than definitive, the evidence of submitters consistently showed that it was treated in the consenting process as being part of the regulatory regime. That can be avoided by removing the material from the regulatory documents and viewers. To the extent that the Council holds large amounts of useful information that can assist people using the Unitary Plan, the Panel

considers that relocating this information to other, clearly non-regulatory, documents and viewers will retain its accessibility and usefulness.

The Rural Urban Boundary (Topics 013, 016 and 017)

The provision for a Rural Urban Boundary around the main urban areas (including a substantial provision for future urban zones) is supported by the Panel subject to the amendments discussed above and in more detail in the Panel's Report to Auckland Council – Hearing topic 013 Urban growth July 2016. This will assist the Council, developers, infrastructure providers and property owners by providing a foundation for investment decisions.

It is important that this provision be considered in its own terms, as it is substantially different than the operative regional policy statement method for a metropolitan urban limit. This reflects the position of the Auckland Council as a unitary authority and not faced with the potential for contention that can arise between a regional council and territorial authorities.

The location of the Rural Urban Boundary is recommended to be recast as a district plan rule rather than a method in the regional policy statement. The regional policy statement establishes the existence of the Rural Urban Boundary and the basis on which its location is to be determined. The recast district plan rule for its location is in a new Chapter G (with the general rules of the Unitary Plan being relocated to Chapter C). This change substantially alters the nature of the Rural Urban Boundary and is a significant change which is expected to have important consequences. This enables the line of the Rural Urban Boundary to be relocated by way of a private plan change. Without this, the Rural Urban Boundary could only be relocated by a change to the regional policy statement which only the Council or a Minister of the Crown can initiate.

This change will enable a process of preparing land for urbanisation which is generally available rather than being solely controlled by the Council. While the Council's strategy for urban growth is stated in its Future Urban Land Supply Strategy, this method of providing for the location of the Rural Urban Boundary in the District Plan avoids the risk that the Future Urban Land Supply Strategy fixes positions which may not reflect the choices of developers and future residential and business landowners.

The Panel heard evidence of cases where major items of infrastructure have been or are to be provided by private developers (for example, the motorway ramps at Wainui Road to serve Millwater) and recommends that such options be encouraged by the Council and public infrastructure providers.

The Rural Urban Boundary must be considered together with the use of the Future Urban zone as a transitional stage from greenfield land to urbanisation. The Future Urban zone helps identify potential growth areas in advance and protects such areas from *ad hoc* or piecemeal developments which could compromise sub-regional or structure planning.

8.2.3. Chapter C: General rules (Topic 004)

This was notified as Chapter G. With the restructuring to merge the chapters containing objectives and policies with the chapters containing rules, this has been relocated. These rules apply across the entire Unitary Plan except where a more specific rule provides

otherwise. Administration material (which was advisory and non-regulatory in nature) has been deleted. The further section setting out the legal effect of the plan rules is deleted as being no longer needed. The general rules have been rewritten to clarify their meaning and effect. Specific matters that were in issue among submitters are addressed as follows.

- i. The bundling of activities for assessment purposes is based on whether the effects of the activities overlap and is discretionary rather than mandatory.
- ii. The overall activity status of a proposal is based on the most restrictive rule applicable to the proposal, with rules in overlays taking precedence ahead of zone, Auckland-wide and precinct rules.
- iii. The activity status of an activity not otherwise provided for is discretionary.
- iv. Land use and development controls are termed standards and infringements of standards are to be assessed against relevant considerations.
- v. Notification is generally to be considered under the normal tests for notification under the Resource Management Act 1991. The activity status of a proposal is not the determining factor when considering whether or not to notify an application for resource consent.
- vi. Accidental discovery protocols are addressed by rules for earthworks.
- vii. Framework plans/consents are deleted as not being the most appropriate method for dealing with future proposals.

8.2.4. Objectives, policies and rules

Generally, objectives, policies and rules are grouped together in chapters addressing overlays, Auckland-wide rules, coastal provisions, the Rural Urban Boundary, zones and precincts. In the Unitary Plan as notified, there were separate chapters for the objectives and policies for each of these layers, and separate chapters for the rules. The Panel recommends this restructuring to assist users of the Unitary Plan to locate and refer to the relevant rules which implement the objectives and policies, and to locate and refer to the relevant objectives and policies on which the rules are based. It will better support the establishment, implementation and review of Unitary Plan provisions by locating them according to their subject matter rather than by separating them into different parts of the Unitary Plan.

8.3. Changes to overlays

The following overlays are recommended to be removed because the Panel considers that the evidence does not demonstrate that they are the most appropriate method of achieving the objectives of the Unitary Plan:

- i. air quality transport corridor separation;
- ii. heavy industry air quality;
- iii. pre-1944 building demolition control;
- iv. quarry transport route;

- v. high land transport noise; and
- vi. sites of value to Mana Whenua.

The Panel also recommends that the Special Character Overlay remain named as such and not be renamed as the Historic Character Overlay.

8.3.1. Air quality transport corridor separation

The Air quality transport corridor separation overlay (Topic 035) is intended to address the adverse effects that exhaust emissions from motor vehicles have on human health. The regulatory approach of the overlay is to identify major arterial routes and then provide a setback distance within which childcare facilities should not be established or expanded.

The basis for restricting childcare facilities is that young children are particularly sensitive to vehicle emissions. In the Panel's view after considering the submissions and evidence, this form of overlay is not appropriate. Other types of activities, such as schools, healthcare facilities and retirement villages, are also places where people with particular sensitivity to air quality are likely to be located. The overlay is extensive and additional restrictions on the location of education, healthcare and residential activities would significantly affect the ability to locate those activities close to public transport to a degree that would be contrary to the Unitary Plan's objectives.

The evidence of all submitters (including the Council) showed that the main sources of air pollution (especially particulates) in Auckland are from vehicle (including ship) emissions and domestic fires. These sources are not proposed to be subject to controls under the Resource Management Act 1991. Industrial sources, which are the focus of the Unitary Plan's controls on discharges of contaminants to air, contribute only around 10 per cent of the emissions and are closely controlled by the air discharge rules.

It appears to the Panel that the Council has not fully considered pursuing an advocacy role to seek better controls on vehicle emissions through rules under the Land Transport Act 1998 or by other methods which would more directly address the adverse effects of using motor vehicles. In addition, the Panel notes that the Council has considered further controls on domestic fires by way of bylaws.

8.3.2. Heavy industry air quality

The Heavy industry air quality overlay (Topic 035) (also referred to as the sensitive activity restriction overlay) is intended to address the adverse effects of heavy industry (which is characterised by emissions from combustion processes) on neighbouring residential areas and also to address potential reverse sensitivity effects of residential areas on heavy industry. It would apply a 500m buffer around areas zoned Business – Heavy Industry Zone.

The competing issues of protecting heavy industry for its employment and economic growth benefits and providing reasonable standards of air quality in residential areas are both very important. On balance, the Panel considers that it is more appropriate to remove this overlay and to rely on the consenting and monitoring of heavy industrial air discharges at their

source, together with clarifying relevant objectives and policies in the relevant zones to ensure that reverse sensitivity issues may be assessed in any change of zoning.

8.3.3. Pre-1944 building demolition control

The Pre-1944 building demolition control overlay (Topics 029, 030 and 079) is applied to extensive areas of urban Auckland. In many areas, this overlay covers any houses not otherwise identified as subject to the special character overlay so that the two overlays together cover entire suburbs. It is mapped as a historic heritage overlay but the associated rules are grouped with the special character overlay.

As presented by the Council during hearings, it is intended to be a control to recognise and provide for the protection of historic heritage in terms of section 6(f) of the Resource Management Act 1991. The basis for this overlay was stated to be a “precautionary” one, where the Council admitted that it had not undertaken sufficient investigations to ascertain the nature and extent of historic heritage in the mapped areas, but said that the potential to find historic heritage was sufficient to warrant a building demolition control.

The evidence before the Panel was that the areas and buildings protected did not meet the standards set by the Unitary Plan for significant historic heritage but were valued for their contribution to local amenity values, being matters to which particular regard must be had in terms of section 7(c) of the Resource Management Act 1991. The particular aspects of local amenity that submitters valued were the frontages of buildings and the quality of the streetscape (including trees and other vegetation).

The evidence also did not demonstrate any robust basis for determining the number of demolitions and removals of older houses, so that the risk of adverse effects was not quantified. The Panel was left with the impression that the control was a response to anecdotal incidents. While such incidents may gain a high profile when they occur, they are insufficient to justify substantial restrictions on property owners of the scale that this overlay control would have.

The Panel does not consider this overlay to be an appropriate approach to Unitary Plan controls and found very little evidence to justify it, especially given the extent of scheduling of historic heritage places and areas and of special character areas which have been identified and assessed.

8.3.4. Quarry transport route

The Quarry transport route overlay (Topic 041) is applied to roads serving eight existing quarries in the region. It is a new provision intended to address potential reverse sensitivity effects of increased residential activity on roads used by heavy quarry traffic by applying a 40m buffer on each side of specified lengths of the roads. The Panel considers that applying this regulatory constraint on the reasonable use and development of land without compensation to be too onerous to be appropriate in this situation.

8.3.5. High land transport noise

The high land transport noise overlay (Topic 044) is applied to major arterial routes and the railway lines. It would require any new habitable rooms or classrooms to be designed and built to achieve specified internal noise levels while still achieving the ventilation requirements of the Building Code.

The overlay is even more extensive than the Air quality transport corridor separation overlay and would apply to all new residential development. The additional controls on either the location or the cost of construction of residential and education activities would significantly affect the ability to locate those activities close to public transport to a degree that would be contrary to the Unitary Plan's objectives.

8.3.6. Sites of value to Mana Whenua

The Sites and Places of Value to Mana Whenua Overlay (Topic 037) is linked to the Sites and Places of Significance to Mana Whenua Overlay, both based on policies set out in the regional policy statement. The approximately 3600 sites and places of value to Mana Whenua were identified using the New Zealand Archaeological Association database of archaeological sites, rather than by a comprehensive identification of Mana Whenua values or the degree of significance of those values.

The Council's basis for this approach was stated to be 'precautionary'. There were a large number of submissions opposing this overlay on the basis that insufficient investigation had been undertaken. In evidence at the hearings the Council advised that a programme of work had been established to review the scheduled items and assess them in terms of their values to Mana Whenua.

The Panel supports the approach of having two distinct layers of protection for particular sites with which Mana Whenua have ancestral relationships. This is similar to other natural and physical resources for which the Unitary Plan provides two layers of protection.

However, the Panel does not consider there to be a sufficient evidential basis for the schedule at this stage and therefore recommends the deletion of this overlay. The re-application of the overlay can be considered once the values of Mana Whenua and the sites that are important to them in relation to these values have been identified following appropriate consultation and research. This may include a review of the New Zealand Archaeological Association database (and other identified sites).

The Panel notes that, in its reply on this topic, the Council withdrew many of the sites that had been scheduled as being of value to Mana Whenua where these were located on privately owned land. The Panel considered whether such a half-way position was an appropriate method, but concluded that the basis of the effects is the same whoever owns the land, so it would be more appropriate to ensure that all sites of value are properly identified, assessed and scheduled.

8.3.7. Renaming the Special Character Overlay

The Council sought to rename the Special Character Overlay as the Historic Character Overlay (Topics 010, 029-032 and 079). The central issues are the statutory foundation for heritage and character protection in sections 6(f) and 7(c) of the Resource Management Act 1991 and the subject matter of the overlays for historic heritage, special character areas and the pre-1944 building demolition control.

In the Unitary Plan as notified, the overlay maps for “Built environment” include the special character overlay while the maps for “Historic heritage” include the pre-1944 building demolition control, yet in the text, the rules for the special character overlay are separate from the historic heritage overlay rules but include the pre-1944 building demolition control. The treatment of these provisions did not demonstrate any consistent approach to the distinct identification of historic heritage and amenity values such as special character.

As held by the Environment Court in *NZ Heavy Haulage Assn v Auckland Council*⁴⁵ (the final decision on Plan Change 163 to the operative Isthmus section of the District Plan), the word ‘historic’ is not appropriate in describing places which are to be protected principally for their character. The Panel considers that to warrant protection under section 6(f) requires the identification of some element of the item which is important because of one or more of the qualities listed in the definition of “historic heritage” in section 2 of the Resource Management Act 1991. The word “historic” is not an appropriate qualifier of ‘character’ in general terms and there was no evidence which demonstrated that the character areas met the thresholds identified in the plan for significant historic heritage worthy of specific protection.

Having considered the legal submissions and expert evidence presented by a number of submitters (including the Council) the Panel considers that it is clear that historic heritage is quite different to special character as an element of amenity values, as those terms are defined in section 2 and listed in sections 6(f) and 7(c) of the Resource Management Act 1991.

On that basis the Panel recommends that the special character overlay remain so called but that the name be amended to clarify that it covers both residential and business areas: the Special character areas overlay – residential and business.

8.4. Changes to parking provisions

The overall approach to accessory parking (parking directly linked to other activities, as opposed to parking facilities as an activity in their own right) is:

- i. **In the Business – City Centre Zone** – To continue the established policy of setting limits on the maximum amount of permitted accessory parking, with a maximum of 1.5 spaces per dwelling and, for all other activities, maximum rates of 1 space per 200m² gross floor area in an inner parking zone and 1 space per 125m² gross floor area in an outer parking zone, noting that a maximum rate of

⁴⁵ [2013] NZEnvC 145

1 space per 60m² gross floor area applies to offices in the Centre Fringe Office Control area to address potential spillover effects in that area.

- ii. **In the other Centre zones, the Business - Mixed Use Zone and Residential - Terrace Housing and Apartment Buildings Zone and the Centre Fringe Office Control area** – To adopt a new approach of not requiring a minimum or set a maximum amount of parking for most activities in most locations but to leave it to developers to provide accessory parking (or not) as they consider appropriate. For offices there is no minimum requirement but there is a maximum rate of 1 space per 30m² gross floor area other than in the Centre Fringe Office Control area, where the maximum rate is 1 per 60m² gross floor area. The main exception in these zones is in respect of retail and commercial services activities, where submitters demonstrated that spill-over effects would likely result in free-riding by some retailers on provision made by others. To address this, minimum rates of accessory parking are set, being a minimum generally of 1 space per 30m² gross floor area.
- iii. **In all other areas** – Minimum rates continue to apply in accordance with the likely demand of different types of activity, and no parking maximum is set except for offices, which are subject to a minimum rate of 1 space per 45m² gross floor area and a maximum rate of 1 space per 30m² gross floor area. This limit is expected to reduce the extent to which office development occurs outside of centres.

To remove the requirement for minimum accessory parking where the activity is in a historic heritage building or special character area or does not involve building work exceeding 100m² gross floor area.

This overall approach is expected to improve development opportunities and support public transport and alternative modes of transport in and around centres rather than commit resources to potentially inefficient use as car parking, while retaining parking requirements outside of centres to ensure that the amenity values of those areas are maintained. The exemption for heritage buildings and special character areas is so that parking does not override identified heritage and character. The exemption for building work less than 100m² is so that minor redevelopment is not unduly burdened by a parking requirement.

In order for this shift in parking requirements to work well in practice, roadside parking will need to be managed, priced and enforced in a manner that avoids developers, retailers and others substituting the provision of adequate on-site parking for congested road-side parking. Auckland Transport submitted its strategic approach to roadside parking which aims to manage, price and enforce this parking resource in a manner that will complement and support these new requirements.

8.5. Framework plans

8.5.1. Background and Environment Court declaration

The Unitary Plan as notified included a method called “framework plans.” This method was included in a number of proposed precincts as a means of promoting comprehensive and integrated development of those precincts through the resource consent process rather than by Unitary Plan provisions. A feature of the provisions was that the status of an activity in a precinct could change depending on whether there was a framework plan in place or not. Another feature was that a criterion for the assessment of any subsequent consent was its consistency with any prior framework plan.

After the Unitary Plan was notified but before the Panel commenced hearing submissions, two related decisions of the Environment Court in *Queenstown Airport Corporation Ltd v Queenstown Lakes District Council*⁴⁶ were delivered which held that the status of an activity could not be determined by a rule that required compliance with a resource consent: that is, the status of an activity should be determinable from the provisions of the relevant plan. In light of this decision, the Council reviewed the proposed provisions and presented amendments at a hearing session for Topic 004 – Chapter G (General rules) in November 2014.

The Panel had concerns about the lawfulness of the amended provisions and sought advice from Dr R Somerville QC. The brief to counsel was made publicly available, as was the advice received on 13 March 2015. The advice was to the effect that even with the amendments proposed by the Council, the proposed framework plan provisions were in several respects likely to be unlawful being *ultra vires* or beyond the power conferred under the Resource Management Act 1991. The Panel convened a conference of interested parties on 13 April 2015 to consider how to proceed in light of this advice. At that conference the Council proposed to initiate declaration proceedings in either the High Court or the Environment Court to resolve the issue of lawfulness.

The application for declarations was ultimately lodged with the Environment Court in October 2015 and heard on 12 February 2016 with further materials and submissions being lodged up to 8 March 2016. The Court delivered an interim decision on 24 March 2016 (*Re an application by Auckland Council*⁴⁷) affording the Council a further opportunity to revise its proposed framework plan/consent provisions. The Court’s final decision was delivered on 15 April 2016 (*Re an application by Auckland Council*⁴⁸). Reference should be made to both decisions to understand the full extent of the issues raised, the arguments presented and the Court’s findings and reasons.

In brief summary, the decisions resulted in a declaration that the Unitary Plan may lawfully include a provision enabling an application for a bundle of land use consents which authorise the key enabling works necessary for development associated with the first stage of urbanisation and/or redevelopment of brownfield and greenfield land within precincts in the

⁴⁶ [2014] NZEnvC 93 and 197

⁴⁷ [2016] NZEnvC 56]

⁴⁸ [2016 NZEnvC 65]

form set out in attachments to the final decision. The Court refused to make a declaration that in assessing and determining a resource consent application for an activity in a precinct, the consistency of that activity with a framework plan for that precinct is a matter to which regard must be had by the consent authority. The Court also refused to make a declaration endorsing the template provisions submitted by the Council as it did not have evidence of the actual application of such provisions, nor evidence addressing the effects on the environment of the activities that would be subject to them. The Court noted that the merits of such provisions could be a matter to be recommended on by the Panel.

Consequent on these decisions, the Council lodged further revised framework consent provisions with the Panel on 3 June 2016 in relation to Topic 081 – Rezoning and Precincts. The Panel has taken these into account when making its recommendations.

8.5.2. Reasons for deletion

The Panel respectfully acknowledges the decisions of the Environment Court as being decisions by a Court of competent jurisdiction on issues relating to matters before the Panel. The Panel accordingly accepts the decisions as determining the questions before the Court in their terms. On that basis the Panel accepts the declaration made in the final decision, summarised above, as stating the lawful scope for framework plan provisions in the Unitary Plan as a bundle of land use consents authorising key works that enable urban development or redevelopment. The Panel has accordingly proceeded to consider the submissions on the Unitary Plan and the evidence presented to it on the basis that the further revised framework provisions presented by the Council are a lawful method of seeking to achieve the objectives of the Unitary Plan.

The Panel is grateful for the detailed legal submissions and evidence it received on framework plans/consents. There was support for the Council's position from several submitters who submitted that framework consents would contribute to achieving the integrated management of natural and physical resources on larger sites and better co-ordinate development over time.

However, due to concerns about how these provisions would work in practice, the Panel recommends that such provisions not be included in the Unitary Plan as the framework plan/consent method is not the most appropriate way of achieving the objectives of the Unitary Plan. The reasons for this recommendation are set out below.

- i. The objective of promoting comprehensive and integrated development generally requires, in its own terms, a broad and wide-ranging assessment. Except in those cases where a very large area is owned by a single person or entity (including a corporate entity made up of various landowners), the existence of multiple landowners presents planning problems which are likely to be better addressed through plan provisions that apply to everyone rather than framework consents which only apply to the consent holder.
- ii. There is no statement in the revised provisions about whether the applicant for a framework plan consent must own all the affected land. The activity table says that a framework consent must be for an entire precinct or sub-precinct.

There are no machinery provisions to address a situation where land in a precinct is owned by more than one person.

- iii. Where a single owner (including a corporate entity made up of various landowners) owns a very large area, the capacity of that person or entity to make an application for a bundle of land use consents which authorise the key enabling works necessary for development associated with large scale development exists in any event.
- iv. The incentives for using the framework plan provisions appear to rest mainly on giving the original application for a framework consent and any subsequent alteration to it the status of a restricted discretionary activity and then providing that all such restricted discretionary activities should be processed on a non-notified basis. The Panel does not support this approach.
- v. In relation to activity status, it appears to be axiomatic that the extent of the effects of activities that would be authorised by a framework plan consent would not be known prior to an application being made. That lack of knowledge raises a question as to how the restriction on matters of discretion could be understood and fixed, as required by sections 87A(3) and 104C of the Resource Management Act 1991.
- vi. As amended during the course of the declaration proceedings, the scope of framework consents appeared to reduce to the location of infrastructure, roads, open space and pedestrian linkages. These are typical land use activities associated with subdivision proposals and they, together with their effects and any proposed staging, can be considered as part of a subdivision application. The Panel is satisfied that the recommended provisions of the Unitary Plan in relation to subdivision enable that to be done.
- vii. Examples of framework plan provisions in precincts indicate that even quite fundamental controls such as those for the bulk and location of buildings might change depending on whether there is an approved framework consent in place. The Panel considers that it is not good resource management practice, nor is it consistent with the requirement in section 76(3) of the Resource Management Act 1991 to make rules having regard to the effects of an activity, to apply different standards to the same activity on the basis of whether a resource consent exists or not.
- viii. In relation to notification, the lack of knowledge of the effects of activities also raises a question as to how the Council as consent authority could be satisfied that no such application could have effects on the environment (including people) beyond the immediate vicinity of the site or in relation to the objectives and policies of the Unitary Plan.
- ix. Buildings and subdivision on sites where there is no framework consent are subject to the normal notification tests. That appears to be the main “incentive” to using them. It is not apparent to the Panel that there would necessarily be any difference in the effects of any such building or subdivision based merely on the existence or not of a framework consent.
- x. The matters for discretion and assessment criteria include just about everything that might be involved in designing a building or a subdivision.

As a result the Panel does not support Framework Plan consents and recommends that they be removed from the general rules and from precinct provisions.

The Panel holds this view regardless of whether the proposed rule, or a version of it, is lawful. The Panel considers that the status of an activity should be determined by the Unitary Plan and should not be amended by a resource consent. There is an overarching public interest in ensuring that statutory planning is open and transparent, so that any person can ascertain what rules apply to a site or area of land.

It appears from the evidence that the primary argument in support of such a rule on its merits is that it enables changes to the controls applicable to development on a site more quickly than a plan change. This argument does not address the policy behind sections 65 and 73 of and Schedule 1 to the Resource Management Act 1991, and in particular the idea that the basis for enabling tertiary legislation to control the rights not only of landowners but also their neighbours (and those with an interest in the environment as a whole) depends on a transparent regime and the opportunity for affected persons to participate in decisions which directly affect them.

The acknowledged problems relating to plan changes (time and resource cost, procedural complexity) are proposed to be addressed by improvements to Appendix 1- Structure Plans. These will obviously have to be supported by practice and procedure improvements in processing plan changes (whether initiated by the Council or privately).

While no submissions specifically sought the deletion of Section G2.6 – Framework Plans from Chapter G, many submissions sought changes to the general framework plan provisions and the provisions for them in precincts, including seeking to remove the notification rule, to amend the change in activity status and to remove framework plans from activity tables. The Panel considers that its recommendation gives effect to those submissions, with consequential changes for consistency throughout the Unitary Plan, and is accordingly within the scope of them.

Appendix 1 List of hearing topic reports

Overview of recommendations	
Overview Annexure 1 Enabling growth	
Introduction and whole of plan	
IHP 001	Auckland-wide
IHP 002	ePlan and miscellaneous
IHP 003	Introduction
IHP 004	General rules
Regional policy statement	
IHP 005	Issues of regional significance
IHP 006/035	Air quality
IHP 006/010	Natural resources and biodiversity
IHP 007	Climate change
IHP 008	Coastal environment
IHP 009	Mana Whenua
IHP 010	Historic heritage
IHP 010	Special character
IHP 011	Rural environment
IHP 012	Infrastructure, energy and transport
IHP 013	Urban growth
IHP 016,017	Rural Urban Boundary – combined with 080/081
IHP018	Regional policy statement general – addressed in Overview
IHP 018	Monitoring and environmental results anticipated
Regional, regional coastal and district plan	
IHP 019	Natural features, landscape and character
IHP 020	Volcanic viewshafts
IHP 022/026	Natural hazards and flooding
IHP 023	Significant ecological areas and vegetation management
IHP 024	Genetically modified organisms
IHP 025	Trees
IHP 027	Artworks, signs and temporary activities
IHP 028	Future Urban Zone
IHP 029/030/079/010	Heritage, special character, pre-1944
IHP 031	Historic heritage
IHP 032	Historic heritage schedules
IHP 033 /034	Coastal zones
IHP 035	Air quality - see 006/035 combined report
IHP 036/037	Maori Land and Treaty/Mana Whenua sites

IHP 038	Contaminated land
IHP 039	Hazardous substances
IHP 040	Lighting, noise and vibration
HP 041	Earthworks and minerals
IHP 042	Infrastructure
IHP 043/044	Transport
IHP 045	Airports
IHP 045	Auckland Airport Designations 1100-1102
IHP 046/047/048/049	Water
IHP 050/051/052/053/054	City Centre and business zones
IHP 055	Social facilities
IHP 056/057	Rural zones
IHP 058	Open space
IHP 059/060/062/063 (061)	Residential zones
IHP 061	No separate report – see Overview and Residential zones
IHP 064	Subdivision - rural
IHP 064	Subdivision - urban
IHP 065	Definitions
IHP 074	Designations - May 2016
IHP 074	Designations - July 2016
	KiwiRail Designations 6300-6305, R6307
	KiwiRail minor matters
	New Zealand Transport Agency Designation 6727
IHP 075	Waitākere Ranges
IHP 076	Major recreation zone and precincts
IHP 077	Sustainable design
IHP 078	Additional height controls - no separate report
IHP 079	Combined report - see 029/030/010
Site specific topics	
IHP 016/017, 080,081	Changes to the Rural Urban Boundary, rezoning and precincts
Annexure 1	Precincts - Auckland-wide
Annexure 2	Precincts - central
Annexure 3	Precincts - south
Annexure 4	Precincts - north
Annexure 5	Precincts - west
Annexure 6	Changes to the Rural Urban Boundary and rezoning

Appendix 2 Proposed Plan – comparative table of contents

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
Chapter A: Introduction	Chapter A: Introduction	003 Chapter A Introduction
Chapter B: Regional Policy Statement - Kupu Kaupapa ā-Rohe		
B1 Issues	Chapter B: 1. Issues of regional significance AND Chapter B: 10 Methods AND Chapter B: 11 Cross-boundary issues	005 RPS Issues and 018 RPS General
B2 Urban growth	Chapter B: 2. Enabling quality urban growth AND Chapter B: 3.1 Commercial and industrial growth AND Appendix 1: Structure plan requirements and Metropolitan Urban Area 2010	013 RPS Urban Growth
B3 Infrastructure, transport and energy	Chapter B: 3.2 Significant infrastructure and energy AND Chapter B3.3 Transport	012 RPS Significant Infrastructure, Energy and Transport
B4 Natural heritage	Part of Chapter B: 4. Protecting our historic heritage, special character and natural heritage B4.3 Natural heritage	006 RPS Natural Resources and 010 RPS Heritage and Special Character
B5 Built heritage and character	Part of Chapter B: 4. Protecting our historic heritage, special character and natural heritage B4.1 Historic heritage and B4.2 Special character	010 RPS Heritage and Special Character
B6 Mana Whenua	Chapter B: 5. Addressing issues of significance to Mana Whenua	009 RPS Mana Whenua
B7 Natural resources	Chapter B: 6. Sustainably managing our natural resources AND Chapter B: 9 Responding to climate change – He tīkapa ki te āhuarangi	006 and 007 RPS Natural Resources and RPS Climate Change and 035 Air Quality
B8 Coastal environment	Chapter B: 4 Protecting our historic heritage, special character and natural heritage – Te tiaki taonga tuku iho AND Chapter B: 7. Sustainably managing our coastal environment	008 RPS Coastal
B9 Rural environment	Chapter B: 8. Sustainably managing our rural environment	005 RPS Issues AND 006 and 007 RPS Natural Resources and RPS Climate Change AND 011 RPS Rural
B10 Environmental risk	Chapter B: 9. Responding to climate change	007 RPS Climate Change

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
B11 Monitoring and environmental results anticipated	Chapter B: 12. Environmental results anticipated AND Chapter B: 13. Monitoring and review procedures	018 RPS General
Chapter C: General rules	Chapter G: General provisions AND Part 3: REGIONAL AND DISTRICT RULES	004 Chapter G General Provisions
C1 General rules	Chapter G: General provisions AND Part 3: REGIONAL AND DISTRICT RULES	004 Chapter G General Provisions
Chapter D: Overlays		
Natural Resources	Chapter B: 4 Protecting our historic heritage, special character and natural heritage – Te tiaki taonga tuku iho	023 SEA and vegetation management
D1 High-use Aquifer Management Areas Overlay	Chapter C: 5.14 Lakes, rivers, streams, and wetland management, 5.15 Water and 5.16 Onsite wastewater AND Chapter E: 7.1 High-use Aquifer Management Areas and 7.2 Quality sensitive Aquifer Management Areas AND Chapter H: 4.15 Onsite Wastewater, 4.16 Wastewater network management and 4.17 Taking, using, damming and diversion of water and drilling	046 Water quality and quantity; 047 lakes, rivers and streams; 048 aquifers and groundwater; and 049 discharges of stormwater and wastewater
D2 Quality-sensitive Aquifer Management Areas Overlay	Chapter C: 5.14 Lakes, rivers, streams, and wetland management, 5.15 Water and 5.16 Onsite wastewater AND Chapter E: 7.1 High-use Aquifer Management Areas and 7.2 Quality sensitive Aquifer Management Areas AND Chapter H: 4.15 Onsite Wastewater, 4.16 Wastewater network management and 4.17 Taking, using, damming and diversion of water and drilling	046 Water quality and quantity; 047 lakes, rivers and streams; 048 aquifers and groundwater; and 049 discharges of stormwater and wastewater
D3 High-use Stream Management Areas Overlay	Chapter C: 5.14 Lakes, rivers, streams, and wetland management, 5.15 Water and 5.16 Onsite wastewater AND Chapter E: 7.3 High-use Stream Management Areas AND Chapter H: 4.15 Onsite Wastewater, 4.16 Wastewater network management	046 Water quality and quantity; 047 lakes, rivers and streams; and 049 discharges of stormwater and wastewater
D4 Natural Stream Management Areas Overlay	Chapter C: 5.14 Lakes, rivers, streams, and wetland management, 5.15 Water and 5.16 Onsite wastewater AND Chapter E: 7.4 Natural Stream Management Areas AND Chapter H: 4.15 Onsite Wastewater, 4.16 Wastewater network management	046 Water quality and quantity; 047 lakes, rivers and streams; and 049 discharges of stormwater and wastewater

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
D5 Natural Lake Management Areas Overlay	Chapter C: 5.14 Lakes, rivers, streams, and wetland management, 5.15 Water and 5.16 Onsite wastewater AND Chapter E: 7.6 Natural Lake Management Areas AND Chapter H: 4.15 Onsite Wastewater, 4.16 Wastewater network management	046 Water quality and quantity; 047 lakes, rivers and streams; and 049 discharges of stormwater and wastewater
D6 Urban Lake Management Areas Overlay	Chapter C: 5.14 Lakes, rivers, streams, and wetland management, 5.15 Water and 5.16 Onsite wastewater AND Chapter E: 7.7 Urban Lake Management Areas AND Chapter H: 4.15 Onsite Wastewater, 4.16 Wastewater network management	046 Water quality and quantity; 047 lakes, rivers and streams; and 049 discharges of stormwater and wastewater
D7 Water Supply Management Areas Overlay	Chapter C: 5.14 Lakes, rivers, streams, and wetland management, 5.15 Water and 5.16 Onsite wastewater AND Chapter E: 7.8 Water Supply Management Areas AND Chapter H: 4.15 Onsite Wastewater, 4.16 Wastewater network management	046 Water quality and quantity; 047 lakes, rivers and streams; and 049 discharges of stormwater and wastewater
D8 Wetland Management Areas Overlay	Chapter C: 5.14 Lakes, rivers, streams, and wetland management, 5.15 Water and 5.16 Onsite wastewater AND Chapter E: 7.9 Wetland Management Areas AND Chapter H: 4.15 Onsite Wastewater, 4.16 Wastewater network management	046 Water quality and quantity; 047 lakes, rivers and streams; and 049 discharges of stormwater and wastewater
D9 Significant Ecological Areas Overlay	Chapter J: 8.1 Significant Ecological Areas (SEAs) – Marine 1 and 2 AND Chapter B: 6. Sustainably managing our natural resources	023 SEA and vegetation management
Natural Heritage		
D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay	Chapter J: 6.1 Outstanding Natural Features (ONF) AND part of Chapter J: 6.2 Outstanding Natural Landscapes (ONL) and Outstanding and High Natural Character (ONC and HNC)	019 Natural features, Landscape and Character
D11 Outstanding Natural Character and High Natural Character Overlay	Part of Chapter J: 6.2 Outstanding Natural Landscapes (ONL) and Outstanding and High Natural Character (ONC and HNC)	019 Natural features, Landscape and Character
D12 Waitākere Ranges Heritage Area Overlay	Chapter F: 7.9 Waitākere Ranges Heritage Area AND Chapter K: 7.9 Waitākere Ranges Heritage Area	075 Waitakere Ranges
D13 Notable Trees Overlay	Chapter E: 6.1 Notable Trees AND Chapter J: 6.4 Notable Trees	025 Trees
D14 Volcanic Viewshafts and Height Sensitive Areas Overlay	Chapter J: 6.3 Volcanic Viewshafts and Heightsensitive Areas	020 Viewshafts

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
D15 Ridgeline Protection Overlay	Chapter E: 4.3 Ridgeline Protection AND Chapter J: 4.3 Ridgeline Protection	020 Viewshafts
D16 Local Public Views Overlay	Chapter E: 4.6 Local Public Views	020 Viewshafts
Built Heritage and Character		
D17 Historic Heritage Overlay	Chapter C: 3 Historic Heritage AND Chapter E: 2 Historic Heritage AND Chapter J: 2 Historic Heritage	031 Historic Heritage
D18 Special Character Areas Overlay – Residential and Business	Chapter E: 3.1 Business and residential special character areas AND Chapter J: 3.1 3.4 Special Character AND Chapter F: 5.34 Puhoi AND Chapter K: 5.34 Puhoi	029 and 030 Special Character and Pre-1944 AND 079 Special Character and Pre-1944 Mapping
D19 Auckland War Memorial Museum Viewshaft Overlay	Chapter E: 4.1 Auckland War Memorial Museum Viewshaft AND Chapter J: 4.1 Auckland War Memorial Museum Viewshaft	020 Viewshafts
D20 Dilworth Terrace Houses Viewshaft Overlay	Chapter D: 3.2 City Centre zone AND Chapter I: 4 City Centre zone	051-054 Centre Zones, Business park and industries zones, Business activities and Business Controls
Mana Whenua		
D21 Sites and Places of Significance to Mana Whenua Overlay	Chapter E: 5.1 Sites and Places of Significance to Mana Whenua AND Chapter J: 5.2 Sites and Places of Significance to Mana Whenua	036 Maori Land and Treaty AND 037 Mana Whenua Sites
Built Environment		
D22 Identified Growth Corridor Overlay	Chapter E: 4.5 Identified Growth Corridor	051-054 Centre Zones, Business park and industries zones, Business activities and Business Controls
Infrastructure		
D23 Airport Approach Surface Overlay	Chapter E: 1.1 Airport Approach Path AND Chapter J: 1.1 Airport Approach Path	045 Airport
D24 Aircraft Noise Overlay	Chapter E: 1.2 Aircraft Noise AND Chapter J: 1.2 Aircraft Noise	045 Airport
D25 City Centre Port Noise Overlay	Chapter E: 1.3 City Centre Port Noise AND Chapter J: 1.3 City Centre Port Noise	042 Infrastructure
D26 National Grid Corridor Overlay	Chapter E: 1.4 Electricity Transmission Corridor AND Chapter J: 1.4 Electricity Transmission Corridor	042 Infrastructure

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
D27 Quarry Buffer Area Overlay	Chapter E: 1.6 Quarry Buffer Area AND Chapter J: 1.6 Quarry Buffer Area	041 Earthworks and mineral
Chapter E: Auckland-wide	Chapter C: Auckland-wide objectives and policies	
Natural Resources	Chapter C: 5 Natural resources AND Chapter H: Auckland-wide rules	023 SEA and vegetation management
E1 Water quality and integrated management	Chapter C: 5.15.1 Water quality and integrated management	046 Water quality and quantity
E2 Water quantity, allocation and use	Chapter C: 5.15.2 Water quantity, allocation and use AND Chapter B: 6.3 Freshwater and Geothermal Water AND Chapter B: 7.3 Areas of degraded water quality	046 Water quality and quantity AND 006 RPS Natural Resources and 010 RPS Heritage and Special Character
E3 Lakes, rivers, streams and wetlands	Chapter C: 5.14 Lakes, rivers, streams and wetland management AND Chapter H: 4.13 Lakes, rivers, streams and wetland management AND Chapter B: 7.3 Areas of degraded water quality	047 Lakes, rivers and streams AND 006 RPS Natural Resources and 010 RPS Heritage and Special Character
E4 Other discharges of contaminants	Chapter H: 4.15 Onsite Wastewater, 4.16 Wastewater network management, 4.18 Other discharges of contaminants	049 Discharges, stormwater and wastewater
E5 On-site and small scale wastewater treatment and disposal	Chapter C: 5.16 On-site wastewater AND Chapter H: 4.15 On-site Wastewater, 4.16 Wastewater network management	049 Discharges, stormwater and wastewater
E6 Wastewater network management	Chapter H: 4.15 Onsite Wastewater, 4.16 Wastewater network management	049 Discharges, stormwater and wastewater
E7 Taking, using, damming and diversion of water and drilling	Chapter H: 4.17 Taking, using, damming and diversion of water and drilling AND Chapter B: 6.3 Freshwater and Geothermal Water AND Chapter B: 7.3 Areas of degraded water quality AND Chapter E: 7.1 Highuse Aquifer Management Areas AND 7.2 Qualitysensitive Aquifer Management Areas	048 Aquifers and groundwater AND 006 RPS Natural Resources and 010 RPS Heritage and Special Character
E8 Stormwater – Discharge and diversion	Chapter H: 4.14 Stormwater management, 4.15 Onsite Wastewater, 4.16 Wastewater network management	049 Discharges, stormwater and wastewater
E9 Stormwater quality – High contaminant generating car parks and high use roads	Chapter H: 4.14 Stormwater management, 4.15 Onsite Wastewater, 4.16 Wastewater network management	049 Discharges, stormwater and wastewater

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
E10 Stormwater management area – Flow 1 and Flow 2	Chapter E: 7.5 Stormwater Management Area Flow AND Chapter H: 4.14 Stormwater management, 4.15 Onsite Wastewater, 4.16 Wastewater network management	049 Discharges, stormwater and wastewater
E11 Land disturbance – Regional	Chapter C: 5.2 Earthworks AND Chapter H: 2 Mana Whenua, 4.2 Earthworks AND Chapter G: 2.5.2 Mana Whenua cultural heritage	041 Earthworks and mineral AND 036 Maori Land and Treaty AND 037 Mana Whenua Sites AND 038 Contaminated Land
E12 Land disturbance – District	Chapter C: 5.2 Earthworks AND Chapter H: 2 Mana Whenua, 4.2 Earthworks AND Chapter G: 2.5.2 Mana Whenua cultural heritage	041 Earthworks and mineral AND 036 Maori Land and Treaty AND 037 Mana Whenua Sites AND 038 Contaminated Land
E13 Cleanfills, managed fills and landfills	Chapter C: 5.5 Cleanfills, managed fills and landfills AND Chapter H: 4.4 Cleanfills, managed fills and landfills	039 Hazardous substances and ITA
E14 Air quality	Chapter C: 5.1 Air quality AND Chapter E: 7.10 - 7.12 Air Quality AND Chapter H: 4.1 Air quality AND Chapter J 7.1 Air Quality – Transport Corridor Separation	035 Air Quality
E15 Vegetation management and biodiversity	Chapter C: 5.3 Vegetation management AND Chapter H: 4.3 Vegetation management AND Chapter B: 4.3.4 Biodiversity	023 SEA and vegetation management AND 006 RPS Natural Resources and 010 RPS Heritage and Special Character
E16 Trees in open space zones	Chapter C: 4.1 Trees in streets and public open space AND Chapter H: 3.1 Trees in streets and public open places	025 Trees
E17 Trees in roads	Chapter C: 4.1 Trees in streets and public open space AND Chapter H: 3.1 Trees in streets and public open places	025 Trees
E18. Natural character of the coastal environment	New. Chapter J: 6.1 Outstanding Natural Features (ONF), 6.2 Outstanding Natural Landscapes (ONL) and Outstanding and High Natural Character (ONC and HNC)	019 Natural features, Landscape and Character
E19 Natural features and natural landscapes in the coastal environment	New. Chapter J: 6.1 Outstanding Natural Features (ONF), 6.2 Outstanding Natural Landscapes (ONL) and Outstanding and High Natural Character (ONC and HNC)	019 Natural features, Landscape and Character
Mana Whenua		
E20 Māori Land	Chapter C: 2.1 Māori land AND Chapter H: 2.1 Māori Land	036 Maori Land and Treaty AND 037 Mana Whenua Sites
E21 Treaty Settlement Land	Chapter C: 2.2 Treaty settlement land AND Chapter H: 2.2 Treaty settlement land	036 Maori Land and Treaty AND 037 Mana Whenua Sites
Built Environment		

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
E22 Artworks	Chapter C: 7.1 Artworks	027 Artworks, signs and temporary activities
E23 Signs	Chapter C: 7.4 Signs AND Chapter H:6.3 Signs	027 Artworks, signs and temporary activities
E24 Lighting	Chapter C: 7.2 Lighting AND Chapter H: 6.1 Lighting	040 Lighting, noise and vibration
E25 Noise and vibration	Chapter C: 7.3 Noise and vibration AND Chapter H: 6.2 Noise and vibration	040 Lighting, noise and vibration
Infrastructure		
E26 Infrastructure	Chapter C: 1.1 Infrastructure, 1.3 Use of designations within the road corridor AND Chapter H: 1 Infrastructure AND Chapter E: 5 Mana Whenua	042 Infrastructure AND 036 Maori Land and Treaty AND 037 Mana Whenua Sites
E27 Transport	Chapter C: 1.2 Transport AND Chapter H: 1.2 Transport AND Chapter E: 4.4 City Centre Fringe Office AND Chapter D: 4.5 City Centre Fringe Office AND Chapter G: 2.7.9 Integrated transport assessment	043 and 044 Transport Objectives and Policies and Transport Rules and Other
E28 Mineral extraction from land	Chapter C: 5.4 Mineral extraction from land AND Chapter I: 20 Special Purpose Quarry zone AND Chapter B: 6.2 Minerals	041 Earthworks and mineral AND 006 RPS Natural Resources and 010 RPS Heritage and Special Character
E29 Emergency management area - Hazardous facilities and infrastructure	New.	042 Infrastructure AND 039 Hazardous substances and ITA
Environmental Risk		
E30 Contaminated land	Chapter C: 5.6 Contaminated land AND Chapter H: 4.5 Contaminated land	038 Contaminated Land
E31 Hazardous substances	Chapter C: 5.7 Managing hazardous substances AND Chapter H: 4.6 Managing hazardous substances	039 Hazardous substances and ITA
E32 Biosolids	Chapter C: 5.8 Biosolids AND Chapter H: 4.7 Biosolids	038 Contaminated Land AND 039 Hazardous substances and ITA
E33 Industrial and trade activities	Chapter C: 5.9 Industrial and trade activities (ITA) AND Chapter H: 4.8 Industrial and trade activities (ITA)	039 Hazardous substances and ITA
E34 Agrichemicals and vertebrate toxic agents	Chapter C: 5.10 Agrichemicals and Vertebrate Toxic Agents (VTAs) AND Chapter H: 4.9 Agrichemicals and Vertebrate Toxic Agents (VTAs)	038 Contaminated Land

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
E35 Rural production discharges	Chapter C: 5.11 Rural production discharges AND Chapter h: 4.10 Rural production discharges	038 Contaminated Land
E36 Natural hazards and flooding	Chapter C: 5.12 Natural hazards AND Chapter C: 5.13 Flooding AND Chapter H: 4.11 Natural hazards AND Chapter H: 4.12 Flooding AND Chapter G: 2.7.5 Natural hazards	022 Natural hazards and flooding
E37 Genetically modified organisms	Chapter C: 5.17 Genetically modified organisms AND Chapter H: 4.19 Genetically modified organisms	024 GMO's
Subdivision		
E38 Subdivision – Urban	Chapter C: 6 Subdivision AND Chapter H: 5 Subdivision	064 Subdivision
E39 Subdivision – Rural	Chapter C: 6 Subdivision AND Chapter H: 5 Subdivision	064 Subdivision
Temporary Activities		
E40 Temporary activities	Chapter C: 7.5 Temporary activities AND Chapter H: 6.5 Temporary activities	027 Artworks, signs and temporary activities
Chapter F: Coastal	Chapter I: Zone rules	
F1 Introduction to the regional coastal plan	Chapter D: 5 Coastal zones AND Chapter E: Overlay Objectives and Policies (SEA- M) AND Chapter F: Precinct Objectives and Policies (some) AND Part 3 - Regional Rules	033 and 034 General Coastal Marine zone and activities AND Other Coastal zones
F2 Coastal – General Coastal Marine Zone	Chapter D: 5.1 General Coastal Marine zone AND Chapter I: 6 Coastal - General Coastal Marine zone AND Chapter E: Overlay Objectives and Policies (SEA- M) AND Chapter F: Precinct Objectives and Policies (some) AND Part 3 - Regional Rules	033 and 034 General Coastal Marine zone and activities AND Other Coastal zones
F3 Coastal – Marina Zone	Chapter D: 5.2 Marina zone AND Chapter I: 7 Coastal - Marina zone AND Chapter E: Overlay Objectives and Policies (SEA- M) AND Chapter F: Precinct Objectives and Policies (some) AND Part 3 - Regional Rules	033 and 034 General Coastal Marine zone and activities AND Other Coastal zones
F4 Coastal – Mooring Zone and moorings outside the Coastal – Mooring Zone	Chapter D: 5.3 Mooring zone AND Chapter I: 8 Coastal - Mooring zone AND Chapter E: Overlay Objectives and Policies (SEA- M) AND Chapter F: Precinct Objectives and Policies (some) AND Part 3 - Regional Rules	033 and 034 General Coastal Marine zone and activities AND Other Coastal zones

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
F5 Coastal – Minor Port Zone	Chapter D: 5.4 Minor Port zone AND Chapter I: 9 Coastal - Minor Port zone AND Chapter E: Overlay Objectives and Policies (SEA- M) AND Chapter F: Precinct Objectives and Policies (some) AND Part 3 - Regional Rules	033 and 034 General Coastal Marine zone and activities AND Other Coastal zones
F6 Coastal – Ferry Terminal Zone	Chapter D: 5.5 Ferry Terminal zone AND Chapter I: 10 Coastal - Ferry Terminal zone AND Chapter E: Overlay Objectives and Policies (SEA- M) AND Chapter F: Precinct Objectives and Policies (some) AND Part 3 - Regional Rules	033 and 034 General Coastal Marine zone and activities AND Other Coastal zones
F7 Coastal – Defence Zone	Chapter D: 5.6 Defence zone AND Chapter I: 11 Coastal - Defence zone AND Chapter E: Overlay Objectives and Policies (SEA- M) AND Chapter F: Precinct Objectives and Policies (some) AND Part 3 - Regional Rules	033 and 034 General Coastal Marine zone and activities AND Other Coastal zones
F8 Coastal – Coastal Transition Zone	Chapter D: 5.7 Coastal Transition zone AND Chapter I: 12 Coastal - Coastal Transition zone AND Chapter E: Overlay Objectives and Policies (SEA- M) AND Chapter F: Precinct Objectives and Policies (some) AND Part 3 - Regional Rules	033 and 034 General Coastal Marine zone and activities AND Other Coastal zones
F9 Vehicles on beaches	Chapter C: 7.6 Vehicles on beaches AND Chapter E: Overlay Objectives and Policies (SEA- M) AND Chapter F: Precinct Objectives and Policies (some) AND Part 3 - Regional Rules	033 and 034 General Coastal Marine zone and activities AND Other Coastal zones
Chapter G: Rural Urban Boundary (RUB)		016 and 017 RUB North/West and RUB South
G1 Rural Urban Boundary	New.	016 and 017 RUB North/West and RUB South
Chapter H: Zones	Chapter D: Zone objectives and policies	
H1 Residential – Large Lot Zone	Chapter D: 1.2 Large Lot zone AND Chapter D: 1.1 General objectives and policies for the residential zones AND Chapter I: 1 Residential zones	059, 060, 062, 063 Residential objectives and policies, activities, development controls and controls and assessment AND 061 Retirement and affordability (in Part)
H2 Residential – Rural and Coastal Settlement Zone	Chapter D: 1.3 Rural and Coastal Settlement zone AND Chapter D: 1.1 General objectives and policies for the residential zones AND Chapter I: 1 Residential zones	059, 060, 062, 063 Residential objectives and policies, activities, development controls and controls and assessment AND 061 Retirement and affordability (in Part)

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
H3 Residential – Single House Zone	Chapter D: 1.4 Single House zone AND Chapter D: 1.1 General objectives and policies for the residential zones AND Chapter I: 1 Residential zones	059, 060, 062, 063 Residential objectives and policies, activities, development controls and controls and assessment AND 061 Retirement and affordability (in Part)
H4 Residential – Mixed Housing Suburban Zone	Chapter D: 1.5 Mixed Housing Suburban zone AND Chapter D: 1.1 General objectives and policies for the residential zones AND Chapter I: 1 Residential zones	059, 060, 062, 063 Residential objectives and policies, activities, development controls and controls and assessment AND 061 Retirement and affordability (in Part)
H5 Residential – Mixed Housing Urban Zone	Chapter D: 1.6 Mixed Housing Urban zone AND Chapter D: 1.1 General objectives and policies for the residential zones AND Chapter I: 1 Residential zones	059, 060, 062, 063 Residential objectives and policies, activities, development controls and controls and assessment AND 061 Retirement and affordability (in Part)
H6 Residential – Terrace Housing and Apartment Buildings Zone	Chapter D: 1.7 Terrace Housing and Apartment Buildings zone AND Chapter E: 4.4 City Centre Fringe Office AND Chapter D: 4.5 City Centre Fringe Office AND Chapter D: 1.1 General objectives and policies for the residential zones AND Chapter I: 1 Residential zones AND Chapter J: 4.2 Additional Zone Height Control	059, 060, 062, 063 Residential objectives and policies, activities, development controls and controls and assessment AND 061 Retirement and affordability (in Part)
H7 Open Space zones		058 Public open space
<ul style="list-style-type: none"> Open Space - Conservation Zone 	Chapter D: 2.1 Conservation zone AND Chapter I: 2 Public open space zones	058 Public open space
<ul style="list-style-type: none"> Open Space - Informal Recreation Zone 	Chapter D: 2.2 Informal Recreation zone AND Chapter I: 2 Public open space zones	058 Public open space
<ul style="list-style-type: none"> Open Space - Sport and Active Recreation Zone 	Chapter D: 2.3 Sport and Active Recreation zone AND Chapter I: 2 Public open space zones	058 Public open space
<ul style="list-style-type: none"> Open Space -Civic Spaces Zone 	Chapter D: 2.4 Civic Spaces zone AND Chapter I: 2 Public open space zones	058 Public open space
<ul style="list-style-type: none"> Open Space - Community Zone 	Chapter D: 2.5 Community zone AND Chapter I: 2 Public open space zones	058 Public open space
H8 Business – City Centre Zone	Chapter D: 3.2 City Centre zone AND Chapter I: 4 City Centre zone AND Chapter D: 3.1 General objectives and policies for centres and Mixed use zones and the General Business and Business Park zone	050 City Centre

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
H9 Business – Metropolitan Centre Zone	Chapter D: 3.3 Metropolitan Centre zone AND Chapter I: 3 Business zones AND Chapter D: 3.1 General objectives and policies for centres and Mixed use zones and the General Business and Business Park zone AND Chapter J: 4.2 Additional Zone Height Control	051-054 Centre Zones, Business park and industries zones, Business activities and Business Controls
H10 Business – Town Centre Zone	Chapter D: 3.4 Town Centre zone AND Chapter I: 3 Business zones AND Chapter D: 3.1 General objectives and policies for centres and Mixed use zones and the General Business and Business Park zone AND Chapter J: 4.2 Additional Zone Height Control	051-054 Centre Zones, Business park and industries zones, Business activities and Business Controls
H11 Business – Local Centre Zone	Chapter D: 3.5 Local Centre zone AND Chapter I: 3 Business zones AND Chapter E: 4.4 City Centre Fringe Office AND Chapter D: 4.5 City Centre Fringe Office AND Chapter D: 3.1 General objectives and policies for centres and Mixed use zones and the General Business and Business Park zone AND Chapter J: 4.2 Additional Zone Height Control, 4.5 City Centre Fringe Office	051-054 Centre Zones, Business park and industries zones, Business activities and Business Controls
H12 Business – Neighbourhood Centre Zone	Chapter D: 3.6 Neighbourhood Centre zone AND Chapter I: 3 Business zones AND Chapter D: 3.1 General objectives and policies for centres and Mixed use zones and the General Business and Business Park zone AND Chapter J: 4.2 Additional Zone Height Control	051-054 Centre Zones, Business park and industries zones, Business activities and Business Controls
H13 Business – Mixed Use Zone	Chapter D: 3.7 Mixed Use zone AND Chapter I: 3 Business zones AND Chapter E: 4.4 City Centre Fringe Office AND Chapter D: 4.5 City Centre Fringe Office AND Chapter D: 3.1 General objectives and policies for centres and Mixed use zones and the General Business and Business Park zone AND Chapter J: 4.2 Additional Zone Height Control, 4.5 City Centre Fringe Office	051-054 Centre Zones, Business park and industries zones, Business activities and Business Controls
H14 Business – General Business Zone	Chapter D: 3.8 General Business zone AND Chapter I: 3 Business zones AND Chapter D: 3.1 General objectives and policies for centres and Mixed use zones and the General Business and Business Park zone AND Chapter J: 4.2 Additional Zone Height Control	051-054 Centre Zones, Business park and industries zones, Business activities and Business Controls
H15 Business – Business Park Zone	Chapter D: 3.9 Business Park zone AND Chapter I: 3 Business zones AND Chapter D: 3.1 General objectives and policies for centres and Mixed use zones and the General Business and Business Park zone AND Chapter J: 4.2 Additional Zone Height Control	051-054 Centre Zones, Business park and industries zones, Business activities and Business Controls

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
H16 Business – Heavy Industry Zone	Chapter D: 3.11 Heavy Industry zone AND Chapter I: 3 Business zones	051-054 Centre Zones, Business park and industries zones, Business activities and Business Controls
H17 Business – Light Industry Zone	Chapter D: 3.10 Light Industry zone AND Chapter I: 3 Business zones AND Chapter J: 4.2 Additional Zone Height Control	051-054 Centre Zones, Business park and industries zones, Business activities and Business Controls
H18 Future Urban Zone	Chapter D: 4 Future Urban zone AND Chapter I: 5 Future Urban zone	028 Future Urban
H19 Rural zones	Chapter D: 6 Rural zones AND Chapter I: 13 Rural zones AND Chapter D: 6.1 General objectives and policies	056 and 057 Rural Objectives and Policies & Rural Activities and Controls
<ul style="list-style-type: none"> Rural – Rural Production Zone 	Chapter D: 6.2 Rural Production zone AND Chapter I: 13 Rural zones AND Chapter D: 6.1 General objectives and policies	056 and 057 Rural Objectives and Policies & Rural Activities and Controls
<ul style="list-style-type: none"> Rural – Mixed Rural Zone 	Chapter D: 6.3 Mixed Rural zone AND Chapter I: 13 Rural zones AND Chapter D: 6.1 General objectives and policies	056 and 057 Rural Objectives and Policies & Rural Activities and Controls
<ul style="list-style-type: none"> Rural – Rural Coastal Zone 	Chapter D: 6.4 Rural Coastal zone AND Chapter I: 13 Rural zones AND Chapter D: 6.1 General objectives and policies	056 and 057 Rural Objectives and Policies & Rural Activities and Controls
<ul style="list-style-type: none"> Rural – Rural Conservation Zone 	Chapter D: 6.5 Rural Conservation zone AND Chapter I: 13 Rural zones AND Chapter D: 6.1 General objectives and policies	056 and 057 Rural Objectives and Policies & Rural Activities and Controls
<ul style="list-style-type: none"> Rural – Countryside Living Zone 	Chapter D: 6.6 Countryside Living zone AND Chapter I: 13 Rural zones AND Chapter D: 6.1 General objectives and policies	056 and 057 Rural Objectives and Policies & Rural Activities and Controls
H20 Rural – Waitākere Foothills Zone	Chapter F: Waitākere Ranges Heritage Area AND Chapter K: Waitākere Ranges Heritage Area	075 Waitakere Ranges
H21 Rural – Waitākere Ranges Zone	Chapter F: Waitākere Ranges Heritage Area AND Chapter K: Waitākere Ranges Heritage Area	075 Waitakere Ranges
H22 Strategic Transport Corridor Zone	Chapter D: 7 Strategic Transport Corridor AND Chapter I: 14 Strategic Transport Corridor zone	043 and 044 Transport Objectives and Policies and Transport Rules and Other
H23 Special Purpose – Airports and Airfields Zone	Chapter D: 8.1 Airport zone AND Chapter I: 15 Special Purpose - Airport zone	045 Airport
H24 Special Purpose – Cemetery Zone	Chapter D: 8.2 Cemetery zone AND Chapter I: 16 Special Purpose - Cemetery zone	055 Social infrastructure

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
H25 Special Purpose – Healthcare Facility and Hospital Zone	Chapter D: 8.3 Healthcare Facility zone AND Chapter I: 17 Special Purpose Healthcare Facility zone AND Chapter J: 4.2 Additional Zone Height Control	055 Social infrastructure
H26 Special Purpose – Major Recreation Facility Zone	Chapter D: 8.4 Major Recreation Facility zone AND Chapter I: 18 Special Purpose Major Recreation Facility zone	076 Major Recreation zone and precincts
H27 Special Purpose – Māori Purpose Zone	Chapter D: 8.5 Māori Purpose zone AND Chapter I: 19 Special Purpose - Māori Purpose zone	036 Maori Land and Treaty AND 037 Mana Whenua Sites
H28 Special Purpose – Quarry Zone	Chapter D: 8.6 Quarry zone AND Chapter I: 20 Special Purpose - Quarry zone	041 Earthworks and mineral
H29 Special Purpose – School Zone	Chapter D: 8.9 School zone AND Chapter J: 4.2 Additional Zone Height Control	055 Social infrastructure
H30 Special Purpose – Tertiary Education Zone	Chapter D: 8.10 Tertiary Education zone	055 Social infrastructure
Chapter I: Precincts		
I1. Financial contributions	Chapter C: 7.9 Financial Contributions	026 General - others
Auckland-wide		
I100 Boat Building Precinct	Chapter F: 1.1 Boat Building AND Chapter K: 1.1 Boat Building	080 Rezoning and Precincts (General)
I101 Motorsport Precinct	Chapter F: 1.5 Motorsports AND Chapter K: 1.5 Motorsports	076 Major Recreation zone and precincts
I102 Rowing and Paddling Precinct	Chapter F: 1.8 Rowing and Paddling AND Chapter K: 1.8 Rowing and Paddling	080 Rezoning and Precincts (General)
I103 Waitemata Navigation Channel Precinct	Chapter F: 1.11 Waitematā Navigation Channel AND Chapter K: 1.11 Waitematā Navigation Channel	033 and 034 General Coastal Marine zone and activities AND Other Coastal zones
City Centre		
I200 Arts, Civic and Entertainment Precinct	Chapter F: 3.1 Arts, Civic and Entertainment	050 City Centre
I201 Britomart Precinct	Chapter F: 3.2 Britomart AND Chapter K: 3.1 Britomart	050 City Centre
I202 Central Wharves Precinct	Chapter F: 3.3 Central Wharves AND Chapter K: 3.2 Central Wharves	050 City Centre

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
I203 City Centre Residential Precinct	Chapter F: 3.11 Residential AND Chapter K: 3.10 Residential	050 City Centre
I204 Cook Street Depot Precinct	Chapter F: 3.4 Cook Street Depot AND Chapter K: 3.3 Cook Street Depot	050 City Centre
I205 Downtown West Precinct	Chapter F: 3.5 Downtown West AND Chapter K: 3.4 Downtown West	050 City Centre
I206 Karangahape Road Precinct	Chapter F: 3.6 Karangahape Road AND Chapter K: 3.5 Karangahape Road	050 City Centre
I207 Learning Precinct	Chapter F: 3.7 Learning AND Chapter K: 3.6 Learning AND Chapter F: 2.15 Old Government House AND Chapter K: 2.15 Old Government House	050 City Centre
I208 Port Precinct	Chapter F: 3.8 Port AND Chapter K: 3.7 Port	050 City Centre
I209 Quay Park Precinct	Chapter F: 3.9 Quay Park AND Chapter K: 3.8 Quay Park	050 City Centre
I210 Queen Street Valley Precinct	Chapter F: 3.10 Queen Street Valley AND Chapter K: 3.9 Queen Street Valley	050 City Centre
I211. Viaduct Harbour Precinct	Chapter F: 3.12 Viaduct Harbour AND Chapter K: 3.11 Viaduct Harbour	050 City Centre
I212 Victoria Park Market Precinct	Chapter F: 3.13 Victoria Park Market AND Chapter K: 3.12 Victoria Park Market	050 City Centre
I213 Westhaven - Tamaki Herenga Waka Precinct	Chapter F: 3.14 Westhaven AND Chapter K: 3.13 Westhaven	050 City Centre
I214 Wynyard Precinct	Chapter F: 3.15 Wynyard AND Chapter K: 3.14 Wynyard	050 City Centre
Central		
I300 Alexandra Park Precinct	Chapter F: 2.1 Alexandra Park AND Chapter K: 2.1 Alexandra Park	076 Major Recreation zone and precincts
I301 ASB Showgrounds Precinct	Chapter F: 1.10 Stadiums and Showgrounds AND Chapter K: 1.10 Stadiums and Showgrounds	076 Major Recreation zone and precincts
I302 ASB Tennis Arena Precinct	Chapter F: 1.10 Stadiums and Showgrounds AND Chapter K: 1.10 Stadiums and Showgrounds	076 Major Recreation zone and precincts
I303 Auckland War Memorial Museum Precinct	Chapter F: 2.2 Auckland Museum AND Chapter K: 2.2 Auckland Museum	080 Rezoning and Precincts (General)

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
I304 Auckland Zoo Precinct	Chapter F: 2.24 Zoo and MOTAT AND Chapter K: 2.24 Zoo and MOTAT	076 Major Recreation zone and precincts
I305 Avondale 1 Precinct	Chapter F: 7.1 Avondale 1 AND Chapter K: 7.1 Avondale 1	081 Rezoning and Precincts (Geographical Areas)
I306 Avondale 2 Precinct	Chapter F: 7.2 Avondale 2 AND Chapter K: 7.2 Avondale 2	081 Rezoning and Precincts (Geographical Areas)
I307 Avondale Racecourse Precinct	Chapter F: 1.6 Racing AND Chapter K: 1.6 Racing	076 Major Recreation zone and precincts
I308 Central Park Precinct	Chapter F: 2.4 Central Park AND Chapter K: 2.4 Central Park	081 Rezoning and Precincts (Geographical Areas)
I309 Cornwall Park Precinct	Chapter F: 2.5 Cornwall Park AND Chapter K: 2.5 Cornwall Park	080 Rezoning and Precincts (General)
I310 Eden Park Precinct	Chapter F: 1.10 Stadiums and Showgrounds AND Chapter K: 1.10 Stadiums and Showgrounds	076 Major Recreation zone and precincts
I311 Ellerslie 1 Precinct	Chapter F: 2.6 Ellerslie 1 AND Chapter K: 2.6 Ellerslie 1	081 Rezoning and Precincts (Geographical Areas)
I312 Ellerslie 2 Precinct	Chapter F: 2.7 Ellerslie 2 AND Chapter K: 2.7 Ellerslie 2	081 Rezoning and Precincts (Geographical Areas)
I313 Ellerslie Racecourse Precinct	Chapter F: 1.6 Racing AND Chapter K: 1.6 Racing	076 Major Recreation zone and precincts
I314 Epsom Precinct		080 Rezoning and Precincts (General)
I315 Gabador Place Precinct		080 Rezoning and Precincts (General)
I316 Grafton Precinct		080 Rezoning and Precincts (General)
I317 Hillsborough Precinct		080 Rezoning and Precincts (General)
I318 Monte Cecilia Precinct	Chapter F: 2.8 Monte Cecilia AND Chapter K: 2.8 Monte Cecilia	080 Rezoning and Precincts (General)
I319 MOTAT Precinct	Chapter F: 2.24 Zoo and MOTAT AND Chapter K: 2.24 Zoo and MOTAT	076 Major Recreation zone and precincts
I320 Mount Albert 2 Precinct	Chapter F: 2.10 Mount Albert 2 AND Chapter K: 2.10 Mount Albert 2	080 Rezoning and Precincts (General)
I321 Mount Smart Stadium Precinct	Chapter F: 1.10 Stadiums and Showgrounds AND Chapter K: 1.10 Stadiums and Showgrounds	076 Major Recreation zone and precincts
I322 Mount Wellington 5 Precinct		080 Rezoning and Precincts (General)
I323 Observatory Precinct	Chapter F: 2.13 Observatory AND Chapter K: 2.13 Observatory	080 Rezoning and Precincts (General)

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
I324 Ōkahu Bay Precinct		080 Rezoning and Precincts (General)
I325 Ōkahu Marine Precinct	Chapter F: 2.14 Okahu Marine AND Chapter K: 2.14 Okahu Marine	081 Rezoning and Precincts (Geographical Areas)
I326 Ōrākei 1 Precinct	Chapter F: 2.16 Ōrākei 1 AND Chapter K: 2.16 Ōrākei 1	081 Rezoning and Precincts (Geographical Areas)
I327 Ōrākei 2 Precinct	Chapter F: 2.17 Ōrākei 2 AND Chapter K: 2.17 Ōrākei 2	081 Rezoning and Precincts (Geographical Areas)
I328 Ōrākei Point Precinct	Chapter F: 2.18 Ōrākei Point AND Chapter K: 2.18 Ōrākei Point	081 Rezoning and Precincts (Geographical Areas)
I329 Saint Heliers Precinct	Chapter F: 2.19 Saint Heliers AND Chapter K: 2.19 Saint Heliers	081 Rezoning and Precincts (Geographical Areas)
I330 Saint Lukes Precinct	Chapter F: 2.20 Saint Lukes AND Chapter K: 2.20 Saint Lukes	081 Rezoning and Precincts (Geographical Areas)
I331 St John's Theological College Precinct		081 Rezoning and Precincts (Geographical Areas)
I332 Tāmaki Precinct	Chapter F: 2.22 Tāmaki AND Chapter K: 2.22 Tāmaki	080 Rezoning and Precincts (General)
I333 Three Kings Precinct		081 Rezoning and Precincts (Geographical Areas)
I334 Wairaka Precinct	Chapter F: 2.23 Wairaka AND Chapter K: 2.23 Wairaka	080 Rezoning and Precincts (General)
I335 Western Springs Stadium Precinct	Chapter F: 1.10 Stadiums and Showgrounds AND Chapter K: 1.10 Stadiums and Showgrounds	076 Major Recreation zone and precincts
South		
I400 Ardmore 3 Precinct		081 Rezoning and Precincts (Geographical Areas)
I401 Ardmore Airport Precinct	Chapter F: 6.1 Ardmore 1, 6.2 Ardmore 2 AND Chapter K: 6.1 Ardmore 1, 6.2 Ardmore 2	045 Airport
I402 Auckland Airport Precinct	Chapter F: 6.3 Auckland Airport AND Chapter K: 6.3 Auckland Airport	045 Airport
I403 Beachlands 1 Precinct	Chapter F: 6.4 Beachlands 1 AND Chapter K: 6.4 Beachlands 1	081 Rezoning and Precincts (Geographical Areas)
I404 Beachlands 2 Precinct		081 Rezoning and Precincts (Geographical Areas)
I405 Big Bay Precinct	From Franklin: Chapter F: 6.7 Franklin AND Chapter K: 6.7 Franklin	081 Rezoning and Precincts (Geographical Areas)
I406 Bombay 1 Precinct		081 Rezoning and Precincts (Geographical Areas)
I407 Bruce Pulman Park Precinct	Chapter F: 1.9 Sports AND Chapter K: 1.9 Sports	076 Major Recreation zone and precincts

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
I408 Clevedon Precinct	Chapter F: 6.5 Clevedon AND Chapter K: 6.5 Clevedon	081 Rezoning and Precincts (Geographical Areas)
I409 Clevedon Waterways Precinct		081 Rezoning and Precincts (Geographical Areas)
I410 Drury South Industrial Precinct		081 Rezoning and Precincts (Geographical Areas)
I411 ECOLight Stadium Precinct	Chapter F: 1.10 Stadiums and Showgrounds AND Chapter K: 1.10 Stadiums and Showgrounds	076 Major Recreation zone and precincts
I412 Flat Bush Precinct	Chapter F: 6.6 Flat Bush AND Chapter K: 6.6 Flat Bush	081 Rezoning and Precincts (Geographical Areas)
I413 Franklin A&P Showgrounds Precinct	Chapter F: 1.10 Stadiums and Showgrounds AND Chapter K: 1.10 Stadiums and Showgrounds	076 Major Recreation zone and precincts
I414 Franklin Trotting Club Precinct	Chapter F: 1.6 Racing AND Chapter K: 1.6 Racing	076 Major Recreation zone and precincts
I415 Glenbrook Steel Mill Precinct	Chapter F: 6.18 Mill Road AND Chapter K: 6.18 Mill Road	081 Rezoning and Precincts (Geographical Areas)
I416 Karaka 1 Precinct	Chapter F: 6.8 Karaka 1 AND Chapter K: 6.8 Karaka 1	081 Rezoning and Precincts (Geographical Areas)
I417 Karaka North Precinct	Chapter F: 6.9 Karaka 2 AND Chapter K: 6.9 Karaka 2	081 Rezoning and Precincts (Geographical Areas)
I418 Kingseat Precinct	Chapter F: 6.11 Kingseat AND Chapter K: 6.11 Kingseat	081 Rezoning and Precincts (Geographical Areas)
I419 Mana Whenua Management Precinct	Chapter F: 1.4 Mana Whenua Management AND Chapter K: 1.4 Mana Whenua Management	080 Rezoning and Precincts (General)
I420 Māngere 1 Precinct	Chapter F: 6.12 Māngere 1 AND Chapter K: 6.12 Māngere 1	081 Rezoning and Precincts (Geographical Areas)
I421 Māngere 2 Precinct	Chapter F: 6.13 Māngere 2 AND Chapter K: 6.13 Māngere 2	081 Rezoning and Precincts (Geographical Areas)
I422 Māngere Gateway Precinct	Chapter F: 6.15 Māngere Gateway AND Chapter K: 6.15 Māngere Gateway	081 Rezoning and Precincts (Geographical Areas)
I423 Māngere Puhinui Precinct	Chapter F: 6.16 Māngere Puhinui AND Chapter K: 6.16 Māngere Puhinui	081 Rezoning and Precincts (Geographical Areas)
I424 Manukau 2 Precinct		080 Rezoning and Precincts (General)
I425 Manukau Precinct	Chapter F: 6.17 Manukau AND Chapter K: 6.17 Manukau	081 Rezoning and Precincts (Geographical Areas)

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
I426 Matingarahi Precinct	From Franklin: Chapter F: 6.7 Franklin AND Chapter K: 6.7 Franklin	081 Rezoning and Precincts (Geographical Areas)
I427 Pacific Events Centre Precinct	Was named Vodafone Events Centre. Chapter F: 1.10 Stadiums and Showgrounds AND Chapter K: 1.10 Stadiums and Showgrounds	076 Major Recreation zone and precincts
I428 Papakura Precinct	Chapter F: 6.19 Papakura AND Chapter K: 6.19 Papakura	081 Rezoning and Precincts (Geographical Areas)
I429 Pararēkau and Kōpuahingahinga Islands Precinct	Chapter F: 6.20 Pararēkau and Kōpuahingahinga Islands AND Chapter K: 6.20 Pararēkau and Kōpuahingahinga Islands	081 Rezoning and Precincts (Geographical Areas)
I430 Patumahoe Precinct	From Franklin: Chapter F: 6.7 Franklin AND Chapter K: 6.7 Franklin	081 Rezoning and Precincts (Geographical Areas)
I431 Pine Harbour Precinct	Chapter F: 6.21 Pine Harbour AND Chapter K: 6.21 Pine Harbour	081 Rezoning and Precincts (Geographical Areas)
I432 Puhinui Precinct		081 Rezoning and Precincts (Geographical Areas)
I433 Pukekohe Hill Precinct	Chapter F: 6.22 Pukekohe Hill AND Chapter K: 6.22 Pukekohe Hill	081 Rezoning and Precincts (Geographical Areas)
I434 Pukekohe Park Precinct	Was Counties Racing Club. Chapter F: 1.6 Racing AND Chapter K: 1.6 Racing	076 Major Recreation zone and precincts
I435 Pukewairiki Precinct	Chapter F: 6.26 Waiouru AND Chapter K: 6.26 Waiouru	081 Rezoning and Precincts (Geographical Areas)
I436 Rosella Road Precinct	Chapter F: 6.23 Rosella Road AND Chapter K: 6.23 Rosella Road	081 Rezoning and Precincts (Geographical Areas)
I437 Runciman Precinct	Chapter F: 6.24 Runciman AND Chapter K: 6.24 Runciman	081 Rezoning and Precincts (Geographical Areas)
I438 Takanini Precinct	Chapter F: 6.25 Takanini AND Chapter K: 6.25 Takanini	081 Rezoning and Precincts (Geographical Areas)
I439 Waiuku Precinct	Chapter F: 6.27 Waiuku AND Chapter K: 6.27 Waiuku	081 Rezoning and Precincts (Geographical Areas)
I440 Wattle Bay Precinct	From Franklin: Chapter F: 6.7 Franklin AND Chapter K: 6.7 Franklin	081 Rezoning and Precincts (Geographical Areas)
I441 Whitford Precinct	Chapter F: 6.28 Whitford AND Chapter K: 6.28 Whitford	081 Rezoning and Precincts (Geographical Areas)
I442 Whitford Village Precinct	Chapter F: 6.29 Whitford Village AND Chapter K: 6.29 Whitford Village	081 Rezoning and Precincts (Geographical Areas)
North		
I500 Albany 3 Precinct	Chapter F: 5.4 Albany 3 AND Chapter K: 5.4 Albany 3	081 Rezoning and Precincts (Geographical Areas)
I501 Albany 9 Precinct		080 Rezoning and Precincts (General)
I502 Albany Centre Precinct	Chapter F: 5.5 Albany Centre AND Chapter K: 5.5 Albany Centre	081 Rezoning and Precincts (Geographical Areas)

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
I503 AUT Millennium Institute of Sport Precinct	Chapter F: 1.9 Sports AND Chapter K: 1.9 Sports	076 Major Recreation zone and precincts
I504 Bayswater Marina Precinct	Chapter F: 5.6 Bayswater Marina AND Chapter K: 5.6 Bayswater Marina	081 Rezoning and Precincts (Geographical Areas)
I505 Chelsea Precinct	Chapter F: 5.8 Chelsea AND Chapter K: 5.8 Chelsea	081 Rezoning and Precincts (Geographical Areas)
I506 Dairy Flat Precinct	Chapter F: 5.9 Dairy Flat AND Chapter K: 5.9 Dairy Flat	081 Rezoning and Precincts (Geographical Areas)
I507 Devonport Naval Base Precinct	Chapter F: 5.10 Devonport Naval Base AND Chapter K: 5.10 Devonport Naval Base	081 Rezoning and Precincts (Geographical Areas)
I508 Devonport Peninsula Precinct	Chapter F: 5.11 Devonport Peninsula AND Chapter K: 5.11 Devonport Peninsula	081 Rezoning and Precincts (Geographical Areas)
I509 Greenhithe Precinct	Chapter F: 5.12 Greenhithe AND Chapter K: 5.12 Greenhithe	081 Rezoning and Precincts (Geographical Areas)
I510 Gulf Harbour Marina Precinct	Chapter F: 5.14 Gulf Harbour Marina AND Chapter K: 5.14 Gulf Harbour Marina	081 Rezoning and Precincts (Geographical Areas)
I511 Hatfields Precinct		081 Rezoning and Precincts (Geographical Areas)
I512 HMNZ Dockyard Precinct	Chapter F: 5.15 HMNZ Dockyard AND Chapter K: 5.15 HMNZ Dockyard	081 Rezoning and Precincts (Geographical Areas)
I513 Kaipara Flats Airfield Precinct	Chapter F: 6 South AND Chapter K: 6 South	045 Airport
I514 Kakanui Point Precinct	Chapter F: 5.19 Kakanui Point AND Chapter K: 5.19 Kakanui Point	081 Rezoning and Precincts (Geographical Areas)
I515 Kawau Island Precinct	Chapter F: 5.20 Kawau Island AND Chapter K: 5.20 Kawau Island	081 Rezoning and Precincts (Geographical Areas)
I516 Kumeū Precinct	Chapter F: 5.21 Kumeu AND Chapter K: 5.21 Kumeu	081 Rezoning and Precincts (Geographical Areas)
I517 Kumeū Showgrounds Precinct		081 Rezoning and Precincts (Geographical Areas)
I518 Leigh Marine Laboratory Precinct	Chapter F: 5.22 Leigh Marine Laboratory AND Chapter K: 5.22 Leigh Marine Laboratory	080 Rezoning and Precincts (General)
I519 Long Bay Precinct	Chapter F: 5.23 Long Bay AND Chapter K: 5.23 Long Bay	081 Rezoning and Precincts (Geographical Areas)
I520 Martins Bay Precinct	Chapter F: 5.24 Martins Bay AND Chapter K: 5.24 Martins Bay	081 Rezoning and Precincts (Geographical Areas)
I521 Matakana 1 Precinct	Chapter F: 5.25 Matakana 1 AND Chapter K: 5.25 Matakana 1	081 Rezoning and Precincts (Geographical Areas)

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
I522 Matakana 2 Precinct	Chapter F: 5.26 Matakana 2 AND Chapter K: 5.26 Matakana 2	081 Rezoning and Precincts (Geographical Areas)
I523 Matakana 3 Precinct	Chapter F: 5.27 Matakana 3 AND Chapter K: 5.27 Matakana 3	081 Rezoning and Precincts (Geographical Areas)
I524 North Harbour Stadium and Domain Precinct	Chapter F: 1.10 Stadiums and Showgrounds AND Chapter K: 1.10 Stadiums and Showgrounds	076 Major Recreation zone and precincts
I525 North Shore Airport Precinct		045 Airport
I526 North Shore Events Centre Precinct	Chapter F: 1.10 Stadiums and Showgrounds AND Chapter K: 1.10 Stadiums and Showgrounds	076 Major Recreation zone and precincts
I527 Ōkura Precinct		081 Rezoning and Precincts (Geographical Areas)
I528 Ōmaha South Precinct	Chapter F: 5.29 Omaha South AND Chapter K: 5.29 Omaha South	081 Rezoning and Precincts (Geographical Areas)
I529 Ōrewa 1 Precinct	Chapter F: 5.30 Orewa 1 AND Chapter K: 5.30 Orewa 1	081 Rezoning and Precincts (Geographical Areas)
I530 Ōrewa 2 Precinct	Chapter F: 5.31 Orewa 2 AND Chapter K: 5.31 Orewa 2	081 Rezoning and Precincts (Geographical Areas)
I531 Ōrewa 3 Precinct	Chapter F: 5.32 Orewa 3 AND Chapter K: 5.32 Orewa 3	081 Rezoning and Precincts (Geographical Areas)
I532 Pinewoods Precinct		081 Rezoning and Precincts (Geographical Areas)
I533 Red Beach Precinct		081 Rezoning and Precincts (Geographical Areas)
I534 Riverhead 3 Precinct	Chapter F: 5.37 Riverhead 3 AND Chapter K: 5.37 Riverhead 3	081 Rezoning and Precincts (Geographical Areas)
I535 Rodney Landscape Precinct	Chapter F: 5.40 Rodney Landscape AND Chapter K: 5.40 Rodney Landscape	081 Rezoning and Precincts (Geographical Areas)
I536 Silverdale 2 Precinct	Chapter F: 5.43 Silverdale 2 AND Chapter K: 5.43 Silverdale 2	081 Rezoning and Precincts (Geographical Areas)
I537 Silverdale 3 Precinct		081 Rezoning and Precincts (Geographical Areas)
I538 Smales 1 Precinct	Chapter F: 5.45 Smales 1 AND Chapter K: 5.45 Smales 1	081 Rezoning and Precincts (Geographical Areas)
I539 Smales 2 Precinct	Chapter F: 5.46 Smales 2 AND Chapter K: 5.46 Smales 2	081 Rezoning and Precincts (Geographical Areas)
I540 Takapuna 1 Precinct	Chapter F: 5.47 Takapuna 1 AND Chapter K: 5.47 Takapuna 1	081 Rezoning and Precincts (Geographical Areas)
I541 Te Arai North Precinct	Chapter F: 5.49 Te Arai North AND Chapter K: 5.49 Te Arai North	081 Rezoning and Precincts (Geographical Areas)

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
I542 Te Arai South Precinct	Chapter F: 5.50 Te Arai South AND Chapter K: 5.50 Te Arai South	081 Rezoning and Precincts (Geographical Areas)
I543 Waimana Point Precinct	Chapter F: 5.51 Waimana Point AND Chapter K: 5.51 Waimana Point	081 Rezoning and Precincts (Geographical Areas)
I544 Wainui Precinct		081 Rezoning and Precincts (Geographical Areas)
I545 Waiwera Precinct	Chapter F: 5.54 Waiwera AND Chapter K: 5.54 Waiwera	081 Rezoning and Precincts (Geographical Areas)
I546 Warkworth 3 Precinct	Chapter F: 5.57 Warkworth 3 AND Chapter K: 5.57 Warkworth 3	081 Rezoning and Precincts (Geographical Areas)
I547 Wēiti Precinct	Chapter F: 5.58 Weiti AND Chapter K: 5.58 Weiti	081 Rezoning and Precincts (Geographical Areas)
I548 Whangaparāoa Precinct		081 Rezoning and Precincts (Geographical Areas)
West		
I600 Babich Precinct	Chapter F: 7.3 Babich AND Chapter K: 7.3 Babich	081 Rezoning and Precincts (Geographical Areas)
I601 Bethells Precinct	Chapter F: 7.9 Waitākere Ranges Heritage Area AND Chapter K: 7.9 Waitākere Ranges Heritage Area	075 Waitakere Ranges
I602. Birdwood Precinct	Chapter F: 7.4 Birdwood AND Chapter K: 7.4 Birdwood	081 Rezoning and Precincts (Geographical Areas)
I603 Hobsonville Corridor Precinct	Chapter K: 5.16 Hobsonville Corridor	081 Rezoning and Precincts (Geographical Areas)
I604 Hobsonville Marina Precinct		081 Rezoning and Precincts (Geographical Areas)
I605 Hobsonville Point Precinct	Chapter K: 5.17 Hobsonville Point	081 Rezoning and Precincts (Geographical Areas)
I606 Lincoln Precinct	Chapter F: 7.5 Lincoln AND Chapter K: 7.5 Lincoln	080 Rezoning and Precincts (General)
I607 New Lynn Precinct	Chapter F: 7.6 New Lynn AND Chapter K: 7.6 New Lynn	081 Rezoning and Precincts (Geographical Areas)
I608 Oratia Village Precinct	Chapter F: 7.9 Waitākere Ranges Heritage Area AND Chapter K: 7.9 Waitākere Ranges Heritage Area	075 Waitakere Ranges
I609 Penihana North Precinct	Chapter F: 7.7 Penihana North AND Chapter K: 7.7 Penihana North	081 Rezoning and Precincts (Geographical Areas)
I610 Redhills Precinct		081 Rezoning and Precincts (Geographical Areas)
I611 Swanson North Precinct	Chapter F: 7.8 Swanson North AND Chapter K: 7.8 Swanson North	081 Rezoning and Precincts (Geographical Areas)
I612 Te Henga Precinct	Chapter F: 7.9 Waitākere Ranges Heritage Area AND Chapter K: 7.9 Waitākere Ranges Heritage Area	075 Waitakere Ranges

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
I613 Trusts Arena Precinct	Chapter F: 1.10 Stadiums and Showgrounds AND Chapter K: 1.10 Stadiums and Showgrounds	076 Major Recreation zone and precincts
I614 Wainamu Precinct	Chapter F: 7.9 Waitākere Ranges Heritage Area AND Chapter K: 7.9 Waitākere Ranges Heritage Area	075 Waitakere Ranges
I615 Westgate Precinct	Chapter F: 7.10 Westgate AND Chapter K: 7.10 Westgate	081 Rezoning and Precincts (Geographical Areas)
Chapter J: Definitions	PART 4 – DEFINITIONS	065 Definitions
Chapter K: Designations	PART 7 – DESIGNATIONS	074 Designations AND 045 Airport
Chapter L: Schedules		
Schedule 1 Wetland Management Areas Schedule	Appendix 5.3 Schedule of wetland management areas	047 Lakes, rivers and streams
Schedule 2 Natural Lake Management Areas Schedule	Appendix 5.4 Schedule of natural lake management areas	047 Lakes, rivers and streams
Schedule 3 Significant Ecological Areas – Terrestrial Schedule	Appendix 5.1 Schedule of Significant Ecological Areas – land	023 SEA and vegetation management
Schedule 4 Significant Ecological Areas – Marine Schedule	Appendix 6.1 Schedule of Significant Ecological Areas – Marine	023 SEA and vegetation management
Schedule 5 Significant Ecological Areas – Marine where mangroves are a minor component or absent	Appendix 6.5 Significant Ecological Areas – marine where mangroves are a minor component or absent	023 SEA and vegetation management AND 033 and 034 General Coastal Marine zone and activities AND Other Coastal zones
Schedule 6 Outstanding Natural Features Overlay Schedule	Appendix 3.1 Schedule for the Outstanding Natural Features overlay	019 Natural features, Landscape and Character
Schedule 7 Outstanding Natural Landscapes Overlay Schedule	Appendix 3.2 Schedule of Outstanding Natural Landscapes	019 Natural features, Landscape and Character
Schedule 8 Outstanding Natural Character and High Natural Character Overlay Schedule	Appendix 6.2 Schedule of Outstanding and High Natural Character – Coastal	019 Natural features, Landscape and Character
Schedule 9: Volcanic Viewshafts Schedule	Appendix 3.3 Volcanic viewshafts survey coordinates	020 Viewshafts

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
Schedule 10: Notable Trees Schedule	Appendix 3.4 Schedule of notable trees	025 Trees
Schedule 11: Local Public View Schedule	Appendix 3.5 Local public views	020 Viewshafts
Schedule 12: Sites and Places of Significance to Mana Whenua Schedule	Appendix 4.1 Schedule of sites and places of significance to Mana Whenua	036 Maori Land and Treaty AND 037 Mana Whenua Sites
Schedule 13: Heritage Orders Schedule	Appendix 8 Schedule of heritage orders	032 Historic heritage Schedules
Heritage order number 1: Bluestone store	Appendix 8.1 Bluestone store	032 Historic heritage Schedules
Heritage order number 2: Courtville Annexe building, middle flats	Appendix 8.2 Courtville Annexe building, middle flats	032 Historic heritage Schedules
Heritage order number 3: Courtville - corner flats	Appendix 8.3 Courtville – corner flats	032 Historic heritage Schedules
Heritage order number 4: Bank of New Zealand	Appendix 8.4 Bank of New Zealand	032 Historic heritage Schedules
Heritage order number 5: Civic Theatre	Appendix 8.5 Civic Theatre	032 Historic heritage Schedules
Heritage order number 6: Terrace of shops	Appendix 8.6 Terrace of shops (Queen Street associated retail use2004)	032 Historic heritage Schedules
Heritage order number 7: Wong Doo (canvas 2005) building	Appendix 8.7 Wong Doo building	032 Historic heritage Schedules
Heritage order number 8: Ranchhod Chambers (formerly Gilfillan's Store)	Appendix 8.8 Ranchhod Chambers (formerly Gilfillan's Store)	032 Historic heritage Schedules
Schedule 14: Historic Heritage Schedule, Statements and Maps	Appendix 9 Significant Historic Heritage Places	032 Historic heritage Schedules
Schedule 14.1: Schedule of Historic Heritage	Appendix 9.1 Schedule of Significant Historic Heritage Places	032 Historic heritage Schedules

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
Schedule 14.2: Historic Heritage Areas - Maps and statements of significance	Appendix 9.2 Historic Heritage area statements of significance AND Appendix 9.3 Historic Heritage maps	032 Historic heritage Schedules
Schedule 14.2.1: Ardmore Road, Wanganui Avenue, Albany Road and Trinity Street Historic Heritage Area	Appendix 9.2 Historic Heritage area statements of significance AND Appendix 9.3 Historic Heritage maps	032 Historic heritage Schedules
Schedule 14.2.2: Burnley Terrace and King Edward Street Historic Heritage Area	Appendix 9.2 Historic Heritage area statements of significance AND Appendix 9.3 Historic Heritage maps	032 Historic heritage Schedules
Schedule 14.2.3: Cooper Street Historic Heritage Area	Appendix 9.2 Historic Heritage area statements of significance AND Appendix 9.3 Historic Heritage maps	032 Historic heritage Schedules
Schedule 14.2.4: Elgin Street Historic Heritage Area	Appendix 9.2 Historic Heritage area statements of significance AND Appendix 9.3 Historic Heritage maps	032 Historic heritage Schedules
Schedule 14.2.5: Herne Bay Road Historic Heritage Area	Appendix 9.2 Historic Heritage area statements of significance AND Appendix 9.3 Historic Heritage maps	032 Historic heritage Schedules
Schedule 14.2.6: Lippiatt Road Peglar Brothers Housing Area Historic Heritage Area	Appendix 9.2 Historic Heritage area statements of significance AND Appendix 9.3 Historic Heritage maps	032 Historic heritage Schedules
Schedule 14.2.7: Monte Cecilia Park Historic Heritage Area	Appendix 9.2 Historic Heritage area statements of significance AND Appendix 9.3 Historic Heritage maps	032 Historic heritage Schedules
Schedule 14.2.8: Railway Workers Housing Area Historic Heritage Area	Appendix 9.2 Historic Heritage area statements of significance AND Appendix 9.3 Historic Heritage maps	032 Historic heritage Schedules
Schedule 14.2.9: Part of Renown Estate Subdivision Historic Heritage Area	Appendix 9.2 Historic Heritage area statements of significance AND Appendix 9.3 Historic Heritage maps	032 Historic heritage Schedules
Schedule 14.2.10: Princes Street Historic Heritage Area	Appendix 9.2 Historic Heritage area statements of significance AND Appendix 9.3 Historic Heritage maps	032 Historic heritage Schedules
Schedule 14.2.11: Renall Street Historic Heritage Area	Appendix 9.2 Historic Heritage area statements of significance AND Appendix 9.3 Historic Heritage maps	032 Historic heritage Schedules

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
Schedule 14.2.12: Karangahape Road Historic Heritage Area	Appendix 9.2 Historic Heritage area statements of significance AND Appendix 9.3 Historic Heritage maps	032 Historic heritage Schedules
Schedule 14.3: Historic Heritage Place maps	Rest of Appendix 9.3 Historic Heritage maps	032 Historic heritage Schedules
Schedule 15: Special Character Schedule, Statements and Maps	Appendix 10 Special Character statements	029 and 030 Special Character and Pre-1944
Schedule 15.1: Special character statements - Business	Appendix 10.1 Special character statements – Business	029 and 030 Special Character and Pre-1944
Schedule 15.2: Special character statements - General	Appendix 10.2 Special character statements – General	029 and 030 Special Character and Pre-1944
Schedule 15.3: Special character statements - Residential - Helensville	Appendix 10.3 Special character statements – Residential – Helensville	029 and 030 Special Character and Pre-1944
Schedule 15.4: Special character statements - Residential - Isthmus	Appendix 10.4 Special character statements – Residential – Isthmus	029 and 030 Special Character and Pre-1944
Schedule 15.5: Special character statements - Residential - North Shore	Appendix 10.5 Special character statements – Residential – North Shore	029 and 030 Special Character and Pre-1944
Schedule 16: Waitākere Ranges Heritage Area Overlay Subdivision Scheduled Areas / Sites		075 Waitakere Ranges
Chapter M: Appendices		
Appendix 1: Structure plan guidelines	Appendix 1 Structure plan requirements and Metropolitan Urban Area 2010	013 RPS Urban Growth
Appendix 2: River and stream minimum flow and availability	Appendix 5.2 River and stream minimum flow and availability	048 Aquifers and groundwater
Appendix 3: Aquifer water availabilities and levels	Appendix 5.5 Aquifer water availabilities and levels	048 Aquifers and groundwater

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
Appendix 4: Surf breaks	Appendix 6.3 Schedule of Significant Surf Breaks	033 and 034 General Coastal Marine zone and activities AND Other Coastal zones
Appendix 5: Wading bird areas	Appendix 6.6 Significant wading bird areas	023 SEA and vegetation management AND 033 and 034 General Coastal Marine zone and activities AND Other Coastal zones
Appendix 6: Coastal protection yard	Appendix 6.7 Coastal protection yard	033 and 034 General Coastal Marine zone and activities AND Other Coastal zones
Appendix 7: Coastal marine area boundaries	Appendix 6.4 Schedule of coastal marine area (CMA) boundaries	033 and 034 General Coastal Marine zone and activities AND Other Coastal zones
Appendix 8: Biodiversity offsetting	New. Chapter B: 4.3.4 Biodiversity	023 SEA and vegetation management AND 010 RPS Heritage and Special Character
Appendix 9: Business – City Centre Zone sight lines	Appendix 7.1 Sight lines	050 City Centre
Appendix 10: Business – City Centre Zone building in relation to boundary	Appendix 7.2 Building in relation to boundary	050 City Centre
Appendix 11: Business – City Centre Zone sunlight admission into public places	Appendix 7.3 Sunlight admission to public places	050 City Centre
Appendix 12: Airport approach surface	Appendix 2.1 Airport approach path	045 Airport
Appendix 13: Hazardous substances classification		039 Hazardous substances and ITA
Appendix 14: Land amalgamation incentivised area	Appendix 12.1 Receiver site exclusion area	064 Subdivision
Appendix 15: Subdivision information and process	Appendix 12 Subdivision	064 Subdivision
Appendix 16: Guideline for native revegetation plantings		064 Subdivision
Appendix 17: Documents incorporated by reference		

Recommended proposed Auckland Unitary Plan July 2016	Proposed Auckland Unitary Plan September 2013	Hearing topic
Appendix 18: Qualifications required for the application of agrichemicals and vertebrate toxic agents		038 Contaminated Land
Appendix 19: Auckland Airport Future Aircraft Noise Contours (FANC) – Aircraft Noise Overlay	Appendix 2.1 Airport approach path	045 Airport
Appendix 20: Volcanic Viewshafts and Height Sensitive Areas – Values Assessments		020 Viewshafts
Appendix 21: Treaty Settlement Legislation – statutory acknowledgements	Appendix 4.3 Treaty Settlement legislation	036 Maori Land and Treaty AND 037 Mana Whenua Sites
Appendix 22: Consented existing high risk industrial or trade activities		065 Definitions
Chapter N: Glossary of Maori Terms	Part 4: Māori terms	065 Definitions

Appendix 3 Summary of recommendations out of scope

Topic	Matter(s) that is out of scope
006 Natural Resources	Objective 1 - Minerals objective. The Panel has redrafted the Objective from “Auckland’s mineral needs are met largely from within Auckland” to “an objective requiring that mineral resources are effectively and efficiently utilised”
027 Artworks, signs and temporary activities	Exemption to definition of ‘billboard’ for election signage approved under the Auckland Transport Election Signs Bylaw 2013
028 Future Urban	Deletion of the Green Infrastructure Corridor Zone Deletion of indicative roads and open space overlays
032 Historic heritage schedules	Amendments to Schedule 14.1 Historic Heritage: inclusion of the interior of the Corban's Estate Winery homestead; exclusion of the 1960s shed and rear pavilion
080 Rezoning and precincts (general)	See below for precincts
081 Rezoning and precincts (geographical areas)	See below for precincts
Precinct	Matter(s) that is out of scope
Bombay 1	Include BP service centre at 216 Mill Road as sub-precinct A (Council)
Greenhithe	Extension of sub-precinct B into A
Hayman Park	Deletion of Precinct
Karaka North	Relief sought by Karaka North Village Limited not as in the original submission.
Matakana 2	Relief sought following Environment Court decision on Plan Change 148 and after the close of submissions on the notified proposed Auckland Unitary Plan
Newmarket 2	Deletion of precinct - rezoned wider area to Metropolitan Centre
Papakura	Reduction in the extent of the precinct.
Silverdale North	Deletion of precinct not sought in original submission of

	Highgate Business Park Limited but proposed at hearing.
Swanson North	Amend Precinct Plan 1 to remove the subdivision allocation number from 37 and 44 Crow's Road and 39 Sunnysdale Road

Appendix 4 List of precincts

Number	Precinct names	Location	Hearing topic
Auckland-wide			
100	Boat Building Precinct	Auckland-wide	80
101	Motorsport Precinct	Auckland-wide	76
102	Rowing and Paddling Precinct	Auckland-wide	80
103	Waitematā Navigation Channel Precinct	Auckland-wide	33
City Centre			
200	Arts, Civic and Entertainment Precinct	City Centre	50
201	Britomart Precinct	City Centre	50
202	Central Wharves Precinct	City Centre	50
203	City Centre Residential Precinct	City Centre	50
204	Cook Street Depot Precinct	City Centre	50
205	Downtown West Precinct	City Centre	50
206	Karangahape Road Precinct	City Centre	50
207	Learning Precinct	City Centre	50
208	Port Precinct	City Centre	50
209	Quay Park Precinct	City Centre	50
210	Queen Street Valley Precinct	City Centre	50
211	Viaduct Harbour Precinct	City Centre	50
212	Victoria Park Market Precinct	City Centre	50
213	Westhaven - Tamaki Herenga Waka Precinct	City Centre	50
214	Wynyard Precinct	City Centre	50
Central			
300	Alexandra Park Precinct	Central	81
301	ASB Showgrounds Precinct	Central	76
302	ASB Tennis Arena Precinct	Central	76
303	Auckland War Memorial Museum Precinct	Central	80
304	Auckland Zoo Precinct	Central	76
305	Avondale 1 Precinct	Central	81
306	Avondale 2 Precinct	Central	81
307	Avondale Racecourse Precinct	Central	76

Number	Precinct names	Location	Hearing topic
308	Central Park Precinct	Central	81
309	Cornwall Park Precinct	Central	80
310	Eden Park Precinct	Central	76
311	Ellerslie 1 Precinct	Central	81
312	Ellerslie 2 Precinct	Central	81
313	Ellerslie Racecourse Precinct	Central	76
314	Epsom Precinct	Central	80
315	Gabador Place Precinct	Central	80
316	Grafton Precinct	Central	80
317	Hillsborough Precinct	Central	80
318	Monte Cecilia Precinct	Central	80
319	MOTAT Precinct	Central	76
320	Mount Albert 2 Precinct	Central	80
321	Mount Smart Stadium Precinct	Central	76
322	Mount Wellington 5 Precinct	Central	80
323	Observatory Precinct	Central	80
324	Ōkahu Bay Precinct	Central	80
325	Ōkahu Marine Precinct	Central	81
326	Ōrākei 1 Precinct	Central	81
327	Ōrākei 2 Precinct	Central	81
328	Ōrākei Point Precinct	Central	81
329	Saint Heliers Precinct	Central	81
330	Saint Lukes Precinct	Central	81
331	St John's Theological College Precinct	Central	80
332	Tāmaki Precinct	Central	80
333	Three Kings Precinct	Central	81
334	Wairaka Precinct	Central	80
335	Western Springs Stadium Precinct	Central	76
South			
400	Ardmore 3 Precinct	South	80
401	Ardmore Airport Precinct	South	45
402	Auckland Airport Precinct	South	45
403	Beachlands 1 Precinct	South	81

Number	Precinct names	Location	Hearing topic
404	Beachlands 2 Precinct	South	81
405	Big Bay Precinct	South	81
406	Bombay 1 Precinct	South	81
407	Bruce Pulman Park Precinct	South	76
408	Clevedon Precinct	South	81
409	Clevedon Waterways Precinct	South	81
410	Drury South Industrial Precinct	South	81
411	ECOLight Stadium Precinct	South	76
412	Flat Bush Precinct	South	81
413	Franklin A&P Showgrounds Precinct	South	76
414	Franklin Trotting Club Precinct	South	80
415	Glenbrook Steel Mill Precinct	South	81
416	Karaka 1 Precinct	South	81
417	Karaka North Precinct	South	81
418	Kingseat Precinct	South	81
419	Mana Whenua Management Precinct	South	80
420	Māngere 1 Precinct	South	81
421	Māngere 2 Precinct	South	81
422	Māngere Gateway Precinct	South	81
423	Māngere Puhinui Precinct	South	81
424	Manukau 2 Precinct	South	80
425	Manukau Precinct	South	81
426	Matingarahi Precinct	South	81
427	Pacific Events Centre Precinct	South	76
428	Papakura Precinct	South	81
429	Pararēkau and Kopuahingahinga Islands Precinct	South	81
430	Patumahoe Precinct	South	81
431	Pine Harbour Precinct	South	81
432	Puhinui Precinct	South	81
433	Pukekohe Hill Precinct	South	81
434	Pukekohe Park Precinct	South	76
435	Pukewairiki Precinct	South	81

Number	Precinct names	Location	Hearing topic
436	Rosella Road Precinct	South	81
437	Runciman Precinct	South	81
438	Takanini Precinct	South	81
439	Waiuku Precinct	South	81
440	Wattle Bay Precinct	South	81
441	Whitford Precinct	South	81
442	Whitford Village Precinct	South	81
North			
500	Albany 3 Precinct	North	81
501	Albany 9 Precinct	North	80
502	Albany Centre Precinct	North	81
503	AUT Millennium Institute of Sport Precinct	North	76
504	Bayswater Marina Precinct	North	81
505	Chelsea Precinct	North	81
506	Dairy Flat Precinct	North	81
507	Devonport Naval Base Precinct	North	81
508	Devonport Peninsula Precinct	North	81
509	Greenhithe Precinct	North	81
510	Gulf Harbour Marina Precinct	North	81
511	Hatfields Precinct	North	81
512	HMNZ Dockyard Precinct	North	81
513	Kaipara Flats Airfield Precinct	North	45
514	Kakanui Point Precinct	North	81
515	Kawau Island Precinct	North	81
516	Kumeū Precinct	North	81
517	Kumeū Showgrounds Precinct	North	81
518	Leigh Marine Laboratory Precinct	North	80
519	Long Bay Precinct	North	81
520	Martins Bay Precinct	North	81
521	Matakana 1 Precinct	North	81
522	Matakana 2 Precinct	North	81
523	Matakana 3 Precinct	North	81
524	North Harbour Stadium and Domain	North	76

Number	Precinct names	Location	Hearing topic
	Precinct		
525	North Shore Airport Precinct	North	45
526	North Shore Events Centre Precinct	North	76
527	Ōkura Precinct	North	81
528	Ōmaha South Precinct	North	81
529	Ōrewa 1 Precinct	North	81
530	Ōrewa 2 Precinct	North	81
531	Ōrewa 3 Precinct	North	81
532	Pinewoods Precinct	North	81
533	Red Beach Precinct	North	81
534	Riverhead 3 Precinct	North	81
535	Rodney Landscape Precinct	North	81
536	Silverdale 2 Precinct	North	81
537	Silverdale 3 Precinct	North	81
538	Smales 1 Precinct	North	81
539	Smales 2 Precinct	North	81
540	Takapuna 1 Precinct	North	81
541	Te Arai North Precinct	North	81
542	Te Arai South Precinct	North	81
543	Waimana Point Precinct	North	81
544	Wainui Precinct	North	81
545	Waiwera Precinct	North	81
546	Warkworth 3 Precinct	North	81
547	Wēiti Precinct	North	81
548	Whangaparāoa Precinct	North	81
West			
600	Babich Precinct	West	81
601	Bethells Precinct	West	75
602	Birdwood Precinct	West	81
603	Hobsonville Corridor Precinct	West	81
604	Hobsonville Marina Precinct	West	81
605	Hobsonville Point Precinct	West	81
606	Lincoln Precinct	West	80

Number	Precinct names	Location	Hearing topic
607	New Lynn Precinct	West	81
608	Oratia Village Precinct	West	75
609	Penihana North Precinct	West	81
610	Redhills Precinct	West	81
611	Swanson North Precinct	West	81
612	Te Henga Precinct	West	75
613	Trusts Arena Precinct	West	76
614	Wainamu Precinct	West	75
615	Westgate Precinct	West	81
