

3 June 2016

To: The Auckland Unitary Plan Independent Hearings Panel

From: Auckland Council

Subject: Topic 004 Chapter G General Provisions: Updated Framework Plan Provisions

1. The purpose of this memorandum is to provide the Independent Hearings Panel (**Panel**) and submitters with a copy of the revised Framework Consent provisions as they appear in Chapter G – General Provisions of the Proposed Auckland Unitary Plan (PAUP). Chapter G was addressed by the Panel as part of Hearing Topic 004 Chapter G General Provisions (**Topic 004**). This memorandum was foreshadowed in the Auckland Council's (**Council**) Closing Remarks for Topic 081 – Precincts, at paragraph 2.6 (**Closing Remarks**).
2. The Council's most recent Chapter G provisions relating to Framework Plans (now termed "Framework Consents") were attached to the Primary Evidence of Rachel Dimery for Topic 004, dated 10 November 2014. The remaining Chapter G provisions were attached to the Rebuttal Statement of Michele Perwick for Topic 004, filed on 21 November 2014.
3. As the Panel will be aware, subsequent to those provisions being filed by the Council, the Environment Court delivered its final decision on the Council's application for declarations regarding the lawfulness of the Framework Plan provisions included in the notified PAUP (**Final Decision**)¹.
4. In response to the Final Decision the Council made a number of revisions to certain precinct provisions that contained Framework Consent provisions. The Council's revisions were modelled, where possible, on the template provisions attached to the Final Decision. Those revised precinct provisions were included in the Council's Closing Remarks for Topic 081 (and included some precincts that were a part of Topic 080).
5. The Council's Closing Remarks stated, at paragraph 2.6, that a separate memorandum would be filed in relation to Topic 004 to update the Chapter G general Framework Consent provisions in response to the Final Decision.
6. Accordingly, **attached** to this memorandum are the Council's revised provisions for Topic 004 as they relate to Framework Consents. If it would assist the Panel, the Council will be able to file a full revised copy of the Chapter G provisions.

M Dickey / J Hassall
Counsel for Auckland Council
3 June 2016

¹ Re Auckland Council [2016] NZEnvC 65.

2.6 Framework plans–Consents

Introduction

Framework consents are resource consents that authorize activities associated with the first stage of urbanization and/or redevelopment of brownfield and greenfield land within identified precincts (such as roading networks, public open space, walking/cycling networks, infrastructure (e.g. stormwater and wastewater networks), earthquakes and (in some instances) building location and scale).

The purpose of framework consents is to enable the integrated development of land within the identified precincts and to authorize the key enabling works necessary for that development.

The ability to apply for framework consents is provided for within identified precincts. In those identified precincts there will be provisions that contain specific:

- objectives and policies that articulate the development outcomes for the precinct or the sub-precinct
- rules that give effect to those development outcomes
- mechanisms that incentivize the use of framework consents as a first stage process for land development
- assessment criteria that need to be addressed as part of applications for framework consents
- information requirements for applications for framework consents, as specified in clause 2.7.3, unless otherwise specified in the precinct provisions.

Applications for framework consents will generally be categorized as restricted discretionary activities that will be assessed without the need for public notification, unless special circumstances exist. The Auckland-wide provisions and rules, and any applicable overlay provisions, apply to applications for framework consents, unless otherwise specified in the identified precinct provisions.

Matters of discretion

1. Unless otherwise stated in the precinct rules, the Council will restrict its discretion to the following matters for applications for framework consents:
 - i. the location, physical extent and design of the transport network
 - ii. the location, physical extent and design of open space
 - iii. the location and capacity of infrastructure to service the land for its intended use
 - iv. integration of development with neighbouring areas, including integration of the transport network with the transport network of the wider area
 - v. earthworks and suitable land contours for development
 - vi. staging of development and the associated lapse period for applicable resource consents
 - vii. staging and funding of infrastructure and services

Assessment criteria

2. Unless otherwise specified in the identified precinct rules, applications for framework

consents will be assessed against the following assessment criteria:

- i. The location, physical extent and design of the transport network
 - The transport network (roads, public transport connections, pedestrian connections and cycle connections) is generally provided in the location identified in the precinct plan to achieve a legible street network. Where no location is identified, an integrated and efficient street and pedestrian network should be provided, including connections to existing and future streets and networks.
- ii. The location, physical extent and design of open space
 - Public open spaces are generally provided in the location(s) identified in the precinct plan to meet the needs of the local community. Where no location is identified, open space should be provided to and located to serve the future needs of the local community.
- iii. The location and capacity of infrastructure to service the intended use of the land and, in particular, significant infrastructure
 - Adequate infrastructure is provided to service the proposed development of the land, including transport, stormwater, wastewater, water supply, electricity, gas and telecommunications.
 - Stormwater management methods that use low impact stormwater design principles and improved water quality systems are encouraged.
- iv. Where applications for framework consents relate to particular sub-precincts, integration of the proposed development with neighbouring sub-precincts and the balance of the precinct generally, including integration of the transport network with the transport network of the wider area
 - Where applications for framework consents relate to a sub-precinct, the application should demonstrate how the proposed development achieves the overall objectives of the precinct, including the integration of the transport network, open spaces and other infrastructure that will serve the development.
 - Applications for framework consents should show how the results of an Integrated Transport Assessment have been taken into account.
- v. Earthworks and land contours suitable for development
 - Earthworks, including bulk earthworks for the provision of infrastructure and the final contouring of land should be consistent with the scale of development.
 - The finished land contours and scale of the earthworks should be commensurate to the amenity anticipated in the precinct.
 - The assessment criteria set out in H4.3 Land Disturbance apply.
- vi. Staging of development and the associated lapse period for the framework consent
 - Applications for framework consents should provide details of how the proposed development will be staged and how that staging coincides with provision and integration of infrastructure, bulk earthworks and services across the wider area. The council may impose conditions enabling a lapse period longer than five years.
- vii. Staging and funding of infrastructure and services
 - Applications for framework consents should provide details and information that addresses how infrastructure and services will be staged and funded to support the proposed development. The timing of infrastructure should coincide and be coordinated with the expected staging of the proposed development to facilitate integrated transport and land use planning.

2.7.3 Framework consent applications

1. Unless otherwise staged in the identified precinct rules, applications for framework consents must be accompanied by the information listed in the general information requirements (clauses 2.7-2.7.9.2) as well as plans and supporting information which demonstrate the following:
 - a. the overall context of the application area, including a site development concept plan for the relevant precinct or sub-precinct area
 - b. existing infrastructure and street pattern
 - c. details of how the development on the application site will be staged
 - d. details of how the staging of the development coincides with the provision of infrastructure and services in the wider area.

CHAPTER K – Precinct rules

[Precinct name]

The activities, controls and assessment criteria in the [specify underlying zones] and Auckland-wide rules apply to the [precinct name] precinct unless otherwise specified below.

Refer to planning maps for the location and extent of the precinct [and sub-precincts].

1. Activity table

1. The activities in the [underlying zone] apply in the [precinct name] precinct, unless otherwise specified in the activity table below.

Activity	Activity Status
Commerce/Accommodation/Industry	
[insert activities relevant to the specific precinct e.g. retail, retirement villages, offices]	[X]
Framework consents	
Applications for framework consents for land use consents for an entire precinct or sub-precinct complying with clause 3.1 below	RD
Development	
Minor cosmetic alterations to a building that does not change its external design and appearance	P
Buildings, alterations and additions to buildings	RD
<i>List each activity associated with an application for a framework consent (as set out in Clause 3) as a separate activity, using the same terminology for the activities as appears elsewhere in the PAUP.</i>	RD
Subdivision	
Subdivision	RD

2. Notification

1. The council will consider applications for the framework consents as a restricted discretionary activity without the need for public notification. However, limited notification may be undertaken, including notice being given to any owner of land within a precinct or sub-precinct who has not provided their written approval to the application.
2. The council will consider applications for buildings, alterations and additions to buildings, on sites that are the subject of an approved framework consent as a restricted discretionary activity, without the need for public notification. However, limited notification may be undertaken, including notice being given to any owner of land within a precinct or sub-precinct who has not notified their written approval to the application.
3. The council will consider applications for subdivision on sites that are the subject of an approved framework consent as a restricted discretionary activity, without the need for public notification. However, limited notification may be undertaken, including notice being given to any owner of land within a precinct or sub-precinct who has not provided their written approval to the application.
4. The council will consider applications for buildings, alterations and additions to buildings, on sites that are not the subject of an approved framework consent as a restricted discretionary activity, subject to the normal tests for notification provided by sections 95 to 95H of the Resource Management Act 1991.
5. The council will consider applications for subdivision on sites that are not the subject of an approved framework consent as a restricted discretionary activity, subject to the normal tests for notification provided by sections 95 to 95H of the Resource Management Act 1991.

3. Framework consents

Purpose: to enable the integrated development of land within identified precincts and the authorize the key enabling works necessary for that development to occur.

1. Applications for framework consents must seek land use consents for the following activities:

[Clauses a – e are provided by way of example only. The precinct provisions included in the PAUP will reflect the specific activities that require land use consent for each identified precinct. Those activities will reflect the site characteristic and development outcomes and objectives for particular precincts, as will the provisions relevant to framework consents.]

4. Development Controls

1. The development controls in the [underlying zone] apply in the [precinct name]

precinct unless otherwise specified below.

5. Control [X]

6. Assessment – Restricted discretionary activities

6.1 Matters of discretion

For development that is a restricted discretionary activity in the [precinct name] precinct, the council will restrict its discretion to the following identified matters and the matters specified for the relevant restricted discretionary activities in the underlying zone”

1. Applications for framework consents

- a. The matters of discretion in clause 2.6.1 of the general provisions apply.
- b. The overall development layout, being the layout and design of roads, pedestrian linkages, open spaces, earthworks areas and land contours, and infrastructure location.
- c. *[Specify relevant matters of discretion in addition to clause 2.6.1 for the specific precinct.]*

2. Buildings, alterations and additions to buildings

- a. The matters of discretion in [clause X] of the underlying zone rules for new buildings and/or alterations and additions to buildings apply.
- b. The location, bulk and scale of buildings relative to overall development, including the layout and design of roads, pedestrian linkages, open spaces, earthworks areas and land contours, and infrastructure location.
- c. Design, bulk and location of buildings.
- d. The matters of discretion in clause 2.6.1 of the general provisions apply.

3. Subdivision

- a. The matters of discretion in [clause X] of the underlying zone rules [or clause X of the subdivision rules in H5].
- b. The proposed subdivision layout relative to the overall development, including the layout and design of roads, pedestrian linkages, open spaces, earthworks areas and land contours, and infrastructure location.

[Insert matters of discretion for other activities that are classified as restricted discretionary activities in the activity table, such as: roads; pedestrian linkages; earthworks; water, wastewater and stormwater network infrastructure; earthworks, landscaping and construction of parks infrastructure for the purpose of establishing open space. The following are provided by way of example

- x. Roads
- xx. *The location, physical extent and design of the transport network]*

6.2 Assessment Criteria

Unless otherwise specified below, for development that is a restricted discretionary activity, the following assessment criteria apply in addition to the criteria specified in the underlying zone rules:

1. Applications for framework consents
 - a. The assessment criteria in clause 2.6.2 of the general provisions apply.
 - b. The relationship of the matters requiring consent to activities authorized by other resource consents granted in respect of the precinct or sub-precinct.
 - c. [Specify relevant assessment criteria for specific precinct]
2. Buildings, alterations and additions to buildings
 - a. The assessment criteria in [clause X – include a cross reference to Part 2 of the Unitary Plan which provides the specific provisions] of the underlying zone rules for buildings and/or alterations and additions to buildings apply.
 - b. The proposed building, alteration or addition relative to the location of infrastructure servicing the area and open space should result in an integrated network that is adequate to meet the needs of the overall development area.
 - c. The relationship of the matters requiring consent to activities authorized by other resource consents granted in respect of the precinct or sub-precinct.
3. Subdivision
 - a. The assessment criteria in [clause X] of the underlying zone rules [or clause X of the subdivision rules in H5].
 - b. The location of infrastructure servicing the area, and open space, should result in an integrated network that is adequate to meet the needs of the overall development area.
 - c. The relationship of the matters requiring consent to activities authorized by other resource consents granted in respect of the precinct or sub-precinct.

[Insert assessment criteria for other activities that are classified as restricted discretionary activities in the activity table, such as roads; pedestrian linkages; earthworks; water, wastewater and stormwater network infrastructure; earthworks, landscaping and construction of parks infrastructure for the purpose of establishing open space. The following are provided by way of example

- d. Roads
 - i. The transport network (roads, public transport connections, pedestrian connections and cycle connections) is generally provided for in the location identified in the precinct plan to achieve a legible street network. Where no location is identified, an integrated and efficient street and pedestrian network should be provided, including connections to existing and future streets and networks.
 - ii. The physical extent and design of the transport network should be multimodal, providing for cycle and pedestrian movement.
 - iii. Block layout and design should enable the creation of sites which can meet the development controls of the precinct and relevant underlying zone provisions.]

7. Special information requirements

1. Applications for framework consents must be accompanied by the following information:
 - a. [Insert information requirement relevant to the specific precinct.]

[The following are provided by way of example only]

- b. where changes to site contours are intended, the relationship of those site contours to existing and proposed streets, lanes, any adjacent coastal environment, and, where information is available, public open space
- c. the location, width, design and function of proposed streets, cycle routes and pedestrian routes
- d. the location, dimension, design and function of public open spaces
- e. the location of stormwater, wastewater, and water supply, electricity, gas and telecommunications infrastructure
- f. the landscaping concept for the application area
- g. the location of any historic heritage or natural features
- h. the location and volume of earthworks and intended final contours]

2. Buildings, and alterations and additions to buildings and subdivision on sites that are not the subject of an approved framework consent must provide the following information:

- a. A compilation and assessment of approved resource consents relevant to the application site.