

Auckland Unitary Plan Independent Hearings Panel
Private Bag 92300,
Victoria Street West,
Auckland 1142

1 September 2014

Attention: Phill Reid

Response to directions in Independent Hearings Panel Procedural Minute No. 6 (dated 5 August 2014).

Introduction

The Independent Hearings Panel (**Panel**) directed the Auckland Council (**Council**) to report to the Panel by 1 September 2014 in relation to the Council's approach and assessment of the categorisation of the submissions on the Proposed Auckland Unitary Plan (**PAUP**) on scheduled items, as set out in paragraphs 1 and 13 of the Independent Hearings Panel Procedural Minute No. 6 (**Minute**).

Paragraphs 1 and 13 of the Minute provide:

1. *A significant number of the submissions on the Proposed Auckland Unitary Plan (PAUP) include site specific requests to modify or add items to or delete items from the schedules of the PAUP. This includes:*
 - *Heritage items*
 - *Significant ecological areas*
 - *Outstanding natural landscapes and features*
 - *Trees*
 - *Volcanic cone / viewshafts*

13. *On a preliminary basis, we would group these submissions into four categories, noting that in many cases a submission may fit into the first category as well of one of the other three:*
 - i. *those that do not have approval or support from the owner(s) of the item;*
 - ii. *those where the submission contains adequate information which shows that the item meets the relevant plan criteria as proposed in the PAUP;*
 - iii. *those where the item nearly meets the relevant criteria as proposed in the PAUP, such that it may be appropriate to seek more information in respect of specific aspects of the submission to see if the item does indeed meet the criteria; and*
 - iv. *those which are unsupported by detailed information in relation to the relevant criteria as proposed in the PAUP.*

The Council has adapted information from the Summary of Decisions Requested (SDR) report and added additional columns to address the information requested in paragraph 13 of the Minute. In these additional columns, the Council identifies whether land owner support or approval has been provided, and the level of information that has been provided with a submission.

This is represented in the following manner in **Annexure A**:

Owner approval/support	
The submitter details are not the same as the land owner(s) and no approval and or support from the land owner has been explicitly included in the submission details.	No
The submitter details correspond with that of the land owner(s) (according to Auckland Council GIS information) and/or approval or support has been explicitly provided with the submission.	Yes
The submitter is the landowner(s) for a portion but not the full extent of the area to which the proposed item applies.	Partial

Information	
Those where the submission contains a level of information which corresponds with the relevant plan criteria as proposed in the PAUP. <u>Please note</u> that the analysis of the information provided is limited to the amount of information supplied with the submission, and no qualitative analysis has been undertaken in assessing whether the item meets the criteria and should as a result be scheduled.	ii.
Those where the item partly corresponds to the relevant criteria as proposed in the PAUP, such that it may be appropriate to seek more information in respect of specific aspects of the submission to see if the item does indeed meet the criteria.	iii.
Those which are unsupported by detailed information in relation to the relevant criteria as proposed in the PAUP.	iv.
Commentary	
This provides opportunity for comment with respect to submission details or to draw attention to an item which may be subject to additional considerations.	

General Assumptions

In order to define a list of proposed additions to the schedule, the SDR report has been analysed and the following assumptions have been made in defining data.

Data Source:

The data provided in this report has been collected and collated from the Council's SDR report.

Data Filtering:

In sorting the data provided in the SDR report, Council staff have utilised data filters to sort items. The Council recognises the potential for errors to occur as a result of this form of data filtering.

Errata:

Data has been sorted and filtered initially using the Summary columns of the SDR reports. The Errata report (that relates to errors in the SDR report) and the reallocation of mis-coded submission points have not been incorporated into this information response.

Land Owner Approval:

In order for a submission point to be considered to have land owner approval or support where the submitter is not the owner of the land, evidence is required to be provided with the submission.

Further Submissions:

Further submissions have been excluded from the response and analysis that is attached at **Annexure A** as further submissions are still being coded against the original submissions in the SDR report. Insufficient time has prevented the analysis of further submission points which may provide additional information in relation to land owner(s) support or opposition for proposed items. As such the response addresses only the detail provided in original submissions and land owner support/ approval as represented in these submissions.

Clarity of Submissions:

In some instances it is unclear from the original submission as to the schedule an item is proposed to be added to. In these circumstances submission points may be coded to multiple places.

Expansion of Existing Overlays (SEA, ONF, ONL, O/HNC):

Some original submissions seek to expand the extent of areas identified in the notified version of the PAUP such as Significant Ecological Area (**SEA**), Outstanding Natural Feature (**ONF**), Outstanding Natural Landscape (**ONL**), and Outstanding/High Natural Character (**O/HNC**). Where a submission point is unclear or no specific detail is provided to confirm if the submitter is seeking that a new area be added, or an existing area is expanded, the proposed submission points have been included. Submission points seeking to increase the extent of existing features (rather than seeking to add new features) have been excluded from this data set as the analysis of submission points seeking additions of new areas has been prioritised for this exercise to enable the Council to meet the 1 September 2014 timeframe.

Provision of information for sites of significance and sites of value to Mana Whenua:

In some cases limited information may be available both in historic record and due to cultural sensitivities. As such, where a submitter confirms that a site is of significance or value to Mana Whenua and has provided a level of information to accord with the description of the respective overlays contained at Chapter E 5.1 and 5.2 of the PAUP, the Council has tentatively considered that the information corresponds with the relevant plan criteria.

Criteria for Assessment

The criteria contained within the PAUP against which the level of information provided with original submissions in support of proposed additions has been assessed are listed at **Annexure B**.

Auckland Council Submission: Information Provided to Landowners

The Council has, through its submission on the PAUP sought to add further scheduled items and overlay areas. The Council sent letters to landowners of properties where the Council's submission was proposing a spatial change i.e. change in zoning or adding/removing an overlay/precinct/designation. Letters were also sent to land owners affected by the local board views section of the Council submission. The letters varied depending on whether the Council submission sought changes to:

- Zones
- Overlays
- Precincts
- Designations

A copy of the template used for the letters is attached at **Annexure C**.

In addition to the above letters, the Council sent letters to the residents of Kawau Island advising that the Council's submission proposed to introduce a new SEA on Kawau Island. A copy of the letter is provided at **Annexure D**.

Additional Commentary for Specific Items

Appendix 3.4 Schedule of notable trees

The Council prepared a form for submitters to use where they proposed the scheduling of trees or groups of trees (through an original submission on the PAUP). This form contained the relevant PAUP criteria required to be met in order for an item to be considered as a 'notable item'. Many submitters have used this Council form in their submissions. A copy of this form is attached at **Annexure E**.

Appendix 9.1 Schedule of Significant Historic Heritage Places

Council Initiated Evaluations

Where the Council has identified submission points as category ii*, the Council has undertaken a formal evaluation that demonstrates that the item/place meets the relevant criteria set out in the PAUP to be considered as a scheduled significant historic heritage place. This information is not set out within the submission, but is available on request. For this reason, these submissions have been categorised as ii* as opposed to iv.

Associated submissions

A number of individual original submissions on the PAUP have sought heritage area recognition of the Hill Park, Manurewa area. A residents association for this area has also made an original submission providing supporting information. Individual submissions, that do not include supporting information, have been annotated as category iv (however, also note the associated submission of relevance, providing a greater level of supporting detail). Other links between submissions have also been identified, in the commentary column where there is a related submission that has provided substantially more evaluative information.

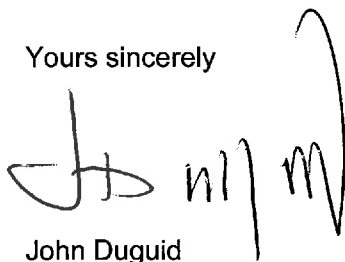
Plan Change 38 to the Auckland Council District Plan (North Shore Section)

Plan Change 38 (**PC 38**) proposed to add additional historic heritage items to the schedule (Appendix 11A of the Operative District Plan). The Plan Change was initiated under Auckland Council, with hearings taking place on release of the Proposed Auckland Unitary Plan (PAUP) (30 September 2013).

The Commissioners decision on PC 38, dated 28 January 2014, is referred to as '*Proposed Plan Change 38 – Changes to Heritage Appendix 11a – North Shore Section of the Auckland Council District Plan*'. This decision identified a final list of items for inclusion in Appendix 11A of the Operative Auckland Council District Plan (North Shore Section). The Hearing Commissioners also directed that the items be included in the Council submission on the PAUP to enable the final list of items to be included in the schedule under the PAUP.

The final list of items in PC 38 were evaluated under both the Auckland Council District Plan (North Shore Section) criteria and the PAUP criteria. The 68 new places determined under PC 38, have been identified as category ii*. The Council sent a copy of the PC 38 decision to all submitters on PC 38 and to land owners affected by the final list of items, which informed them that the Council was proposing to add the PC 38 places to the schedule in the Council submission on the PAUP. The timing of the Council decision on PC38 enabled affected land owners to make an original, or further, submission on the PAUP.

Yours sincerely



John Duguid
Manager Unitary Plan

Annexure A

Summary of Decisions Requested: Data Set for Scheduled Items and Overlays

Annexure B

PAUP Criteria for Assessment

Annexure C

Auckland Council Submission: Communications with Land Owners

Annexure D

Kawau Island: Communications with Residents

Annexure E

Notable Tree Submission Form

