

# AUCKLAND UNITARY PLAN INDEPENDENT HEARINGS PANEL

*Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau*

## IHP Conference Outcomes

<b>Topic:</b>	<b>Meeting on re-zonings and precincts</b>
<b>Panel:</b>	Judge David Kirkpatrick Jan Crawford Peter Fuller Greg Hill Paula Hunter John Kirikiri Des Morrison Stuart Shepherd
<b>IHP Officers:</b>	Phill Reid Julie McKee
<b>When:</b>	Tuesday, 24 March 2015
<b>Where:</b>	Hearing room 1, Level 16, 205 Queen Street, Auckland CBD
<b>Time:</b>	2:00pm – 3:25pm

### Panel Direction

The Panel directs Auckland Council to provide its recommended pathways for the rezoning and precincts submission points by **Monday 15 June 2015**. See section 7 below for further details. The information will be placed on the IHP website once it is received.

The Panel will resume a meeting with the Auckland Council on rezoning and precincts matters at **2pm Friday 3 July 2015**. Submitters are welcome to participate and attend this meeting.

### 1. Background

In September 2014 the Panel issued procedural minutes 6 and 7 regarding site specific submissions (refer to paragraph 19 of [PM6](#) and paragraph 4 of [PM7](#)). Auckland Council responded on rezoning and precinct submission points on 16 February 2015. The following information was provided:

- Letter to Panel dated 16 February 2015;
- Submission area maps;
- Unmapped zoning request spreadsheets;
- Desktop analysis of existing precincts;
- Maps of new precincts requested.

The above information is available on the IHP website [here](#).

Additional spreadsheets supporting the submission area maps were received on 16 March 2015 and included the following:

- a) Desktop analysis of rezoning requests by spreadsheets;
- b) Updated maps incorporating corrections to rezoning submissions;
- c) Updated unmapped zoning requests spreadsheet;
- d) A desktop analysis of requests for new precincts;
- e) New map showing geographical location of all new precinct requests (and also showing those where a rezoning submission has been made) and existing precincts with submissions.

## **2. Purpose of the meeting**

This meeting was to discuss a way forward with Auckland Council in relation to the rezoning and precincts submission points. This was not a prehearing or a meeting for these submission points.

Auckland Council provided a large amount of information however a way forward is still uncertain and further analysis is required. The Panel appreciates the work that the Council has done to date. The Panel invited the Council to comment on its process from here, share any recurring themes and locations that could go to hearings earlier in the process and any other concerns it may have.

## **3. Auckland Council's presentation**

Melinda Dickey represented council at the meeting and gave a summary and key findings of the information provided to the Panel to-date. Council also provided suggested ways forward, identified thematic groups of submissions points that could proceed now i.e. ahead of completion of the hearings for zone provisions, and the further work that is required to schedule the timetable for the rezoning and precincts topics.

The following provides a summary of Council's presentation at the meeting.

### Rezoning

There are a number of factors to take into account when determining or when setting a schedule:

- a) Completion of the capacity/supply/demand further economic experts conference which is presently in progress – due for report in mid July 2015;
- b) Completion of all hearings in relation to the rural, business and residential zones. It is not until those submissions against those zone provisions are heard that positions will be finalised in terms of zone objectives and policies and development controls.
- c) Completion of the survey work into the pre-1944 Demolition Overlay.
- d) Completion of hearings on the requests to change the RUB. These hearings could potentially occur in November/December 2015.

The Council noted that rezoning requests for the coastal, public open space and some special purpose zones could be heard in isolation from the hearings on rural, business and residential zones.

The council confirmed that approximately 21% of submission across all areas would benefit from direct discussion, 17% would benefit from mediation and 62% will require hearings time.

## Existing Precincts

Council considered that in most cases rezoning submissions should be considered prior to the submissions relating to precincts for the following reasons:

- There is the potential for rezoning requests on land that is also the subject of a precinct. It will impact on the precinct provisions if the zoning of the site was to change;
- Precincts vary the underlying zone (and in some cases the Auckland – wide and overlay provisions) being either more restrictive or enabling, so the zoning (and zone provisions) must be considered when resolving the provisions relating to a precinct.

There are a small number of precincts that could proceed in advance of the rezoning requests. Council confirmed that submissions on precincts will benefit from direct discussion, mediation and hearing.

## Themes – rezoning

Council has identified and mapped 84 submission areas and the submission points have been collated into spreadsheets. Further analysis will be required to identify key issues within each submission area and the complexity of those issues. At this point the Council has themed submission-points by up-zone, down-zone, retain, change of use, amend, or business change.

However some high level regional themes have been identified which could include coastal, public open spaces, RUB and rezoning, heavy industry and light industry, flooding, live zones and future urban zones, and site specific zones. The following groups could proceed (subject to further analysis by June 2015) to direct discussions, mediation and hearings ahead of the remaining rezoning submissions:

- Public open space zones
- Coastal zones
- Other special purpose zones

A thematic based approach cannot be applied to precinct submissions.

## Suggested ways forward

Council also suggested the following ways forward:

- Direct discussion with every major submitter to clarify their submission points.
- Errors in the rezoning submission points could be dealt with on the papers e.g. 50% of the open space rezoning submission points are errors and can be directly reported.
- Direct discussion with submitters to resolve matters outside the hearings process.
- Rezoning and related precincts submission points could proceed together. Note – there are a total of 68 existing precincts that have rezoning submission points. Refreshed data on new precincts with the rezoning submission points will be provided by 15 June 2015.

### Other relevant matters

- Hearings for rezoning and precincts matters cannot occur until the hearing proceedings for the zone provisions and the relevant overlays are completed.
- Site specific submission points on the RUB to be heard after the completion of the zone provisions.
- Approximately 40% of the rezoning submissions by major submitters have not provided sufficient information in their original submissions.
- The analysis completed to-date has yet to consider further submitters to rezoning and precinct submission points.

#### **4. Panel's response**

At the meeting, the chairperson provided the following response to Council's presentation:

- For submission points with a lack of information – it may be best to address these as future plan changes. Solid evidence will be required to process submissions seeking changes to zones. Sufficient time will need to be provided to owners of adjacent properties if they are affected.
- The Panel encourages offline discussions and where there are agreements between council and parties, the Panel would accept these agreements as evidence provided that it does not relate to other affected land owners or environmental matters.
- Direction to attend direct discussion – if there submitters are reluctant to engage the Panel can use its power to direct submitters to attend.
- Council asked in its analysis to take account of issues that impact only on a small area only and to consider consolidation of overlapping layers.

#### **5. Presentation from other parties**

The following parties spoke at the meeting. A summary of their comments / questions are provided below.

##### Housing New Zealand represented by Dr Claire Kirman

HNZ submitted on the properties of its entire portfolio which equates to approximately 9000 submission points. The submission requested rezoning and changes in zoning for properties and sites. Dr Kirman confirmed that each point could involve more than one property. There are over 90 further submitters that have submitted on the whole of the HNZ submission. HNZ requested to have a prehearing meeting with these further submitters to clarify their further submissions. The Panel advised that mediator Alan Watson has been working with these 90 further submitters to determine whether these submissions can become more focused. This work is due for completion in late April and will be communicated to HNZ.

##### OI New Zealand and Downer representative

Representative clarified that the rezoning submission process is different to the air quality and zoning issues workshop which is held as part of the hearings topic 035 Air Quality.

### Mr Alan Webb

Mr Webb was unclear about how zone and precinct provisions are applied under the PAUP. Currently he is unclear what precincts do as some precincts upzone and some downzone properties. Council advised that the information provided in June will identify the zones and precincts that can be considered together.

Mr Webb asked to what extent the Panel might take into account recent plan changes that impact on precincts. The Panel's response was that this will depend on whether the situation has since changed or new evidence is provided.

### Ms Cherie Lane

Ms Lane would like to discuss with Council's staff submissions that are errors. She would like the extent of the use of clause 16 to be clarified as soon as possible.

### Mr Karl Schweder

Requested clarification from Council in relation to the submission points from neighbours and are not identified in the maps for rezoning request. Chairperson asked Mr Schweder to send the information to Ms Dickey for confirmation.

## **6. Parties attended**

An attendance record has not been completed for this meeting. Other parties that spoke at this meeting have been recorded in section 5 above.

## **7. Further analysis due 15 June 2015**

Auckland Council to provide the following further analysis:

- Identify the 'thematic groups' with the related rezoning submission points and the precinct submission points that can go to hearings prior to the completion of the hearing topics for zone provisions.
- Finalise and identify the submission points requesting 'new precincts'.
- Identify those rezoning and precinct submission points that can proceed together.
- Identify the rezoning and precinct submission points that are errors and can be completed on the papers.
- Identify the rezoning and precinct submission points that could benefit from direct discussion.
- Identify the major submitters that could benefit from prehearing meetings to clarify their concerns and to hear from related further submitters.
- The extent of direct discussion and mediation required to progress both rezoning and precinct submission points.
- Estimates of the likely mediation and hearing time for both rezoning and precincts.