

Auckland Unitary Plan recommendations – highlights and next steps

The Independent Hearings Panel's recommendations¹ on the proposed Auckland Unitary Plan propose bold new directions to manage Auckland's growth pains.

They propose a much less interventionist approach than the notified plan. Accordingly, they may face intense opposition from entrenched interests.

Reconciling these tensions will test the Council's courage and its political skills as it considers whether to accept or reject the recommendations over the coming days.

We outline some of the highlights from the Panel's report, the Council staff assessment² and next steps.

The recommendations

The process to this point has been exhaustive. The Panel received over 13,000 submissions, sat through 249 days of hearings and considered over 10,000 items of evidence.

As part of its work, it commissioned two expert groups to determine whether the notified Plan provided sufficiently for population and economic growth. The results identified "a severe shortfall" in residential development capacity and less acute shortfalls in commercial and industrial capacity. The Panel also took the view that the Unitary Plan "should err toward over-enabling". It saw significant uncertainty in the forward demand estimates. The risks of under-provision were viewed by the panel as greater than over-provision.

The recommendations include:

- continued adherence to a "compact urban form". This is to be achieved through enabling significant intensification around existing centres and transport nodes. 30% more land would be brought into the Rural Urban Boundary (RUB). New flexibility for development outside the RUB would be enabled through private plan changes. 64% of new residential capacity would be located in existing and 36% in new urban areas

- providing for a substantial over-supply of residential capacity. The recommendations provide for more than 400,000 new dwellings within the next 30 years – nearly twice as much as the notified plan
- reducing development control restrictions and public notification requirements for residential development, with a focus on managing neighbour amenity, rather than internal layouts and unit sizes
- doing away with various other controls and information requirements that were perceived as having potential to hinder development unnecessarily, such as blanket restrictions on demolishing pre-1944 buildings, mandatory affordable housing requirements, design statements and cultural impact assessment requirements
- rezoning business land to better reflect current activities and providing sufficient capacity for most business land zones for the next seven years, and
- streamlining network infrastructure provisions into one chapter and resolving some of the tensions between different types of infrastructure and the special natural areas they are likely to occupy due to functional and operational needs.

Council staff assessment of the recommendations

A report prepared by Council staff advises the Council to accept the majority of the Panel's recommendations, although it also suggests that around 60 individual points be rejected.

In some cases, staff have endorsed the Panel's recommendation even where it represents a policy shift from Council's position – e.g. the deletion of Framework Plans, design statement, cultural impact assessment and sustainable design requirements, and amendments to the volcanic view shaft provisions.

The areas where officers consider the Panel's recommendations should be rejected include the:

- deletion of minimum dwelling sizes in the City Centre and business zones
- deletion of provisions preventing inappropriate rural subdivision
- changes to make the RUB provisions more flexible
- changes to increase the number of dwellings permitted on a site in the Mixed Housing Suburban and Urban zones
- relaxation of some protections for heritage areas and Sites and Places of Value to the Mana Whenua, and
- changes to various technical provisions including controls on building in flood prone areas, contaminated land, air quality and stormwater.

Council may not be the final arbiter

We understand that the Auckland Development Committee is meeting on 10 August to consider the Council staff assessment of the recommendations. That Committee will make recommendations to the Governing Body, which will meet on 12 August to make Auckland Council's final decisions.

Central government has been keeping the Council's feet to the fire on this issue. It is relying on the Unitary Plan to allow Auckland to expand both up and out at pace, in order to reduce the pressure on house prices.

Recently, Finance Minister Bill English told TVNZ that the Government will legislate if the Council does not accept the Panel's recommendations and does not move far enough to accommodate the city's growing population.

This statement provides an indication of how much is at stake, not only for Auckland but for the whole of the New Zealand economy.

Where to from here?

19 August	<p>The Council's decisions are due. The Council can accept, accept in part or reject any recommendation.</p> <p>We understand the decisions version of the Unitary Plan will not include a detailed mark-up comparing the provisions to the recommended version of the Unitary Plan. The Council will release a decision report setting out each recommendation that is accepted or rejected, its reasons, and the alternative solution for each recommendation that it rejects.</p> <p>From this date, all Unitary Plan rules contained in the decisions version will have legal effect (along with the existing plans). If you have been operating under a regional plan permitted activity rule or are changing your activities or proposing development, you will need to consider the effect of the Unitary Plan rules with some urgency.</p>
16 September	<p>Any appeals against the Council's decisions must be lodged with the Environment Court or the High Court.</p> <p>The appeal context is different to typical RMA processes and complex. Appeals to the Environment Court are available only where the Council has rejected a Panel recommendation or accepted an out-of-scope recommendation that would unduly prejudice a submitter. Appeals to the High Court are restricted to points of law.</p>

Next steps

The Auckland Unitary Plan will guide development in Auckland for at least the next 10 years. Some very important decisions are at stake here. We are happy to assist you to understand the Unitary Plan recommendations and decisions, and develop your response.

Footnotes

1. <http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/ihpreportsrecommendations.aspx>
2. http://infocouncil.aucklandcouncil.govt.nz/Open/2016/08/AUC_20160810_AGN_6585_AT_SUP.PDF

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