



The adequacy of Auckland region's residential land supply

Appendix G: Detailed Application of Regulatory Processes in the Auckland Region

Statutory Framework

The ARC and TAs also advocate the compact city approach, and peripheral urban growth is managed in a similar manner to the Australian examples, principally through the Regional Policy Statement (RPS) and the use of the MUL.

Section 40 (1) of the Local Government (Auckland) Amendment Act 2004 (LGAAA) directs the Regional Policy Statement to give effect, in an integrated manner to the "Growth Concept" in the Auckland Regional Growth Strategy. The Growth Concept seeks that growth is managed by promoting quality, compact urban environments with the intensification of selected high density centres and corridors. The RPS and the Region's District Plans were amended by a suite of Plan Changes in 2005 to comply with these LGAAA requirements.

The Growth Concept envisages that (approximately 70% of) growth is to be contained within the existing metropolitan area with development outside current MUL only where environmental, accessibility and community principles can be met and where land use and transport provisions can be integrated.

The MUL itself delineates the boundary between the rural area and the urban area and is illustrated on a series of maps which form part of the RPS. The urban area includes both the built up area as well as areas that are committed for future urban expansion, such as the Future Development Zone in Flatbush (Manukau City) and the Orewa West Structure Plan area in Rodney District.

To support the management of growth in the region, the ARC formed the Auckland Regional Growth Forum. The Forum is constituted of representatives of the Auckland Regional Council and the Region's constituent territorial local authorities, and functions as a standing committee of the Auckland Regional Council. Its role is to implement the Regional Growth Strategy.

A Memorandum of Understanding (MoU) commits territorial local authorities in the Auckland Region to the Regional Growth Strategy including its vision, outcomes and principles as well as a sector-based planning approach to provide detail on how the Strategy will be implemented at a local level.

Along with the LGAAA and the Auckland Regional Policy Statement, Sector Agreements are a key tool for implementing the Regional Growth Strategy, and identify high density centres and corridors where the ARC and TA's wish urban intensification to occur. These agreements include the form, sequencing and location of growth opportunities, and the planned capacity for residential, recreational, business and commercial expansion.

The MUL is intended to help to manage the impacts of development, providing sufficient capacity to cater for growth while protecting the Region's natural resources and significant heritage resources from the adverse effects of development.

The RPS provides for the containment of urban activities within the metropolitan urban limits and the limits to rural and coastal settlements.

The RPS provides a framework for limited extensions to the MUL and to the limits of rural and coastal settlements. This framework is based upon not compromising the general direction of containment and intensification and compromising the achievement of intensification within areas that have already been identified for growth.

MUL Extensions in Practice

In practice, extensions to the MUL, and the accompanying rezoning of land that has been included within the MUL, is initiated by either TA's or by TA's in partnership with property owners.

The inclusion of Flatbush (in Manukau City) in the MUL, and the more recent inclusion of Hobsonville Airbase, Hobsonville Village and Massey North are instances where the extensions were initiated by TA's. The extensions at Takanini and Hingaia (in Papakura District) are instances where landowners have worked in partnership to initiate the extensions.

The process for extending the MUL and rezoning land is lengthy, and can typically take in the order of 5 years from initial feasibility investigations to the issue of decisions on the Plan Change applications. However, this is not out of step with international practice as seen in the Australian examples above.

The RPS requires that structure plans and Catchment Management Plan (for stormwater) be prepared for new urban areas as a prerequisite for inclusion within the MUL and rezoning.

There are several generic tasks which are required in the MUL extension process:

1. Landowner Consensus (this applies to landowner initiated MUL extensions only)
2. Feasibility / Technical Investigations
3. Memorandum of Understanding
4. Structure Plan
5. Consultation
6. Plan Changes and Section 32 Reporting

1. Landowner Consensus and Funding

For Council to respond to landowner/developer pressures for rezoning, that is presently not contemplated (either in terms of timing, or in principle), it will be important that Council is satisfied that, in cases where there are multiple owners, landowners are united in a common goal or outcome.

It is our experience that the less problematic and litigious rezonings occur if there is significant shared interest by affected landowners. In this regard, Council can place some reliance in diverting resources to assist the 'public interest' in knowing that the risk of doing so is minimised and can be managed.

Landowners or landowner groups fund the process of technical investigations and the rezoning process in a collective form. This takes place within the framework of each landowner being a member of an Incorporated Society (or similar) to advance the interests of its landowner members.

Note that this step is not simply relevant for private plan changes. It is relevant for a public plan change where the affected owners are financing the technical work and inputs required. Otherwise this step is optional for the TA.

2. Feasibility / Technical Investigation

This task forms the important technical basis for subsequent structure plan and zone change. It identifies all pertinent issues, constraints and opportunities, required technical investigations and planning processes with results presented one document with appropriate recommendations. The outcome is a preliminary structure plan and supporting design visualisation. This is available to advance the growth and statutory processes with the Councils. Identified inputs would include:

- Land Supply / Demand Analysis
- Planning
- Stormwater Management
- Geotech Investigations
- Traffic Engineering
- Wastewater
- Services
- Landscape Assessment
- Urban Design
- Project Management.

The RPS includes a schedule of areas which have been identified as appropriate for future urbanisation together with the timing of release of these lands. Some of these are already within the MUL and are subject to Future Development Zones (i.e. differed zonings), while others are outside the MUL. Future development zones such as Flat Bush and Takanini already have had a significant take up of land to provide for residential dwellings. It is therefore necessary to include these areas as part of the modelling exercise to determine real available capacity.

For land that is not in this schedule, or for land that is on the schedule but identified for a later release date, it would be necessary to show both a need for this additional or earlier

release of land, and also that the release of the land would not compromise the achievement of the Region's Compact City Strategy.

This is a critical stage of the process which will establish the merits or otherwise for the rezoning in principle and provides a basis for establishing TA and ARC support or otherwise.

In the case of landowner initiated MUL extensions, it has been our experience that TA support, and agreement in principle to support plan changes has been formalised through memoranda of understanding (MoU). Typically an MoU would involve, at the least, the principal landowners concerned either individually or in a collective form (i.e. incorporated society). Each party would nominate a representative to attend meetings and to give their respective undertakings.

3. Structure Plan / Catchment Plan

The RPS requires that Structure Plans and Stormwater Catchment Management Plans be prepared as part of the rezoning process.

The structure plan is the technique used to identify and manage the effects of development envisaged for an area and the sequencing of development with respect to infrastructure provision. It has a number of components that establish the policy justification and setting for the associated Plan Change (rezoning).

A Structure Plan would typically utilise urban design processes in order to bring together the following elements:

- Activity patterns, densities and associated effects and possible (e.g. zones)
- Costing, staging and sequencing of development
- Transport and roading infrastructure - internal and contextual
- Wastewater disposal
- Potable water and other services e.g. power
- Stormwater management measures
- Neighbourhood / Riparian reserves
- Landscape, ecological values
- Cultural values
- Stakeholder inputs

An example of a well constructed structure plan is that prepared for Pyes Pa in the Bay of Plenty. The Pyes Pa Structure Plan can be viewed on the link to the Quality Planning website: <http://www.qualityplanning.org.nz/plan-topics/structure-planning/pyes-pa-structure-plan.php>

This structure plan provides a mix of uses including residential, business and commercial to approximately 200ha of land in Tauranga. In 2004, the Pyes Pa Structure project was



awarded the Resource Management Law Association Documentation Award, for innovation and taking a collaborative approach to urban planning.

4. Consultation

Consultation with stakeholders is required (in practical terms) throughout the rezoning process. The following consultation would be typical (clearly this varies depending on whether the MUL extension is TA initiated or landowner/developer initiated).

- T.A. Officer liaison, meetings and correspondence with the landowners/landowners agents. Typically, these meetings would discuss among other matters, yields, timeframes and/or negotiate outcomes – such as the provision of open space, infrastructure, roading, financial and development contributions.
- A.R.C. Officer liaison, meetings and correspondence with land owners/landowners agents. Similar to the above, but also to confirm among other matters, meeting RPS requirements, types of regional consents (such as discharge consents).
- Workshops with Council Officers and Politicians
- Presentations to Councils, Sector Working Party, Growth Forum
- Dialogue with identified stakeholders including Iwi, government departments, press, neighbouring landowners
- Review of documents with Council Officers
- Review of documents with legal advisors
- Preparation of newsletter and associated publicity material
- Submissions and inputs into Long Term Council Community Plan (L.T.C.C.P.) and Annual Plan Process

5. Change to Regional Policy Statement and District Plan

The statutory (RMA) component of an extension to the MUL involves an amendment to the RPS to amend the MUL location on its maps, together with an amendment to the District Plan to rezone the land. The latter can take the form of either the application of existing zones or the application of new tailor-made zones. Applications to extend the MUL can only be made by TA's and hence in the case of landowner/developer initiated extensions, establishing TA support is critical.

The Local Government (Auckland) Amendment Act 2004 gives the ARC the right of veto over any extension to the MUL, and accordingly ARC support is also critical.

The form and content of District Plan Changes requires careful preparation and discussion with Councils as an iterative process. It would need to introduce the resource management issues, objectives, policies, methods, and rules to implement the structure plan and integrate with the rest of the District Plan. The time involved in these plan changes can vary widely, depending on whether existing zones are applied, or tailor-made zones (and rules) are developed and applied.



The statutory process involves the notification of the Plan Change applications and call for submissions and further submissions, followed by the hearings and possible appeal processes. The Environment Court is a specialist court operating under the RMA. The Environment Court has the same powers as the District Court and considers appeals on council decisions on a number of matters including resource consents, enforcement cases, proposed district and regional plans and regional policy statements.

Section 32 of the RMA also requires the TA to prepare a report documenting the reasons, justification, costs, benefits, efficiencies and effectiveness of the proposed MUL extension and District Plan Change. Specialist reports/inputs from the Structure Plan would also be needed as a technical basis to support a specific resource management approach.

Table G.1 below sets out the typical timeframes for these processes, together with the subsequent subdivision and construction timeframes.

A total period of 5 years from initiation to the release of sections is shown, however this could vary between 4 and 7 year depending on circumstances.

Table G.1: Typical Plan Change and Planning Consent Timeframes

Year	Year 1				Year 2				Year 3				Year 4				Year 5			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Quarter																				
1. Feasibility and Setup	█	█	█	█																
2. Structure Plan			█	█	█	█	█	█												
3. Consultation	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█				
4. Plan Change/Variation																				
i. Preparation						█	█	█												
ii. Pre-notification Processing								█												
iii. Notification Periods									█											
iv. Officers Report										█										
v. Hearing & Decision											█									
vi. Appeals												█	█	█						
5. Masterplan													█	█						
6. Resource Consents															█	█	█	█		
7. Construction (subdivision only)																			█	█