

PART 2 - DISTRICT PLAN DEVELOPMENT

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Plan modification annotations - key



Indicates where content is affected by proposed plan modification x.
Refer to plan modification folder or website for details.



Indicates where the content is part of plan modification x, which is
subject to appeal.

Underlined content to be inserted.

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DISTRICT PLAN DEVELOPMENT

2.1 INTRODUCTION

Part 2 of the Plan explains the context in which the Council's Resource Management Strategy (set out in Part 3) is undertaken. Part 2:

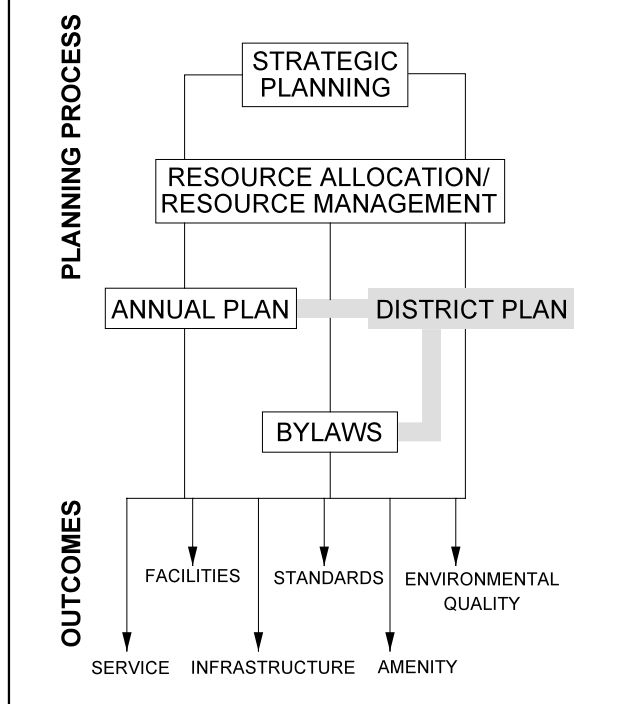
- outlines the Council's general planning approach
- identifies the other statutory planning documents which impact on this Plan
- sets out the process used to develop the Plan
- states what the approach will be to Plan changes in the future
- sets out how the Council will undertake its monitoring functions under the Act
- explains how designations and heritage orders impact on the Plan
- states how issues which directly affect both Auckland City and neighbouring councils will be dealt with
- explains the Plan's approach to financial contributions.

2.2 COUNCIL'S PLANNING APPROACH

The City's Strategic Plan is at the heart of the Council's planning approach as summarised in Figure 2.1. The Strategic Plan defines the goals and identifies and sets resource allocation and the framework for the resource management strategy for Auckland. The strategic vision has driven Council's planning for the long-term development of the City.

The District Plan is an important element of the City's approach to resource management. The District Plan is most effective when integrated with the Council's Annual Plan, bylaws, and other Council initiatives including community projects, capital works and information and education programmes.

Figure 2.1 Council's Planning Approach



2.3 FUNCTIONS AND OBLIGATIONS

The provisions in this Plan recognise and take account of the Council's functions and obligations under the Resource Management Act 1991. As a territorial local authority, the Council has a primary responsibility to give effect to the purposes and principles of the Act and to use resource management techniques to achieve balanced management of activities and development. In particular, the Council has a clear duty to formulate, implement, and review objectives, policies and other measures to give effect to the Act.

The Council has fulfilled this duty by ensuring that issues of amenity and environmental quality which underpin the approach to resource management in the Central Area are properly addressed in the context of the character of the area.

In meeting its responsibilities, the Council clearly sets out in the Plan the rationale for the adopted strategy and techniques of resource management. The reasons for the resource management strategy are based on the results of research, analysis and consultation with the community.



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The detailed provisions as expressed in objectives, policies and rules are set out in order to support the direction taken by the Council. This statement of purpose reflects the commitment of the Council to implement agreed resource management provisions.

2.4 OTHER PLANNING AGENCIES

The Plan is influenced by the planning policies of other agencies. These are set out below.

- National Policy Statements
- National Environmental Standards (in terms of natural resources)
- National Coastal Policy Statements
- Regional Policy Statements and Regional Plans
- Treaty of Waitangi
- Adjacent District Plans
- Iwi authority considerations
- Management plans and strategies prepared under other legislation.
- The Hauraki Gulf Marine Park Act 2000

The Act requires the Plan to comply with national and regional policy statements and plans. The regional policy statements, regional plans, and regional coastal plans are particularly important to the City. At the regional level integration of the broader planning issues of urban consolidation and environmental quality is required. The City will continue to play its part in developing a regional strategy for Auckland, and to ensure the Central Area Section of the Plan is consistent with agreed regional planning approaches.

The Hauraki Gulf Marine Park Act 2000 requires that the District Plan does not conflict with it in its recognition of the national significance of the Hauraki Gulf and its stated objectives for the integrated management of the Hauraki Gulf, its islands, and catchments.

2.5 CENTRAL AREA SECTION OF THE DISTRICT PLAN

This Plan provides for activities and development in the Central Area. The Plan, despite being written in parts, should be read as a whole so that the common themes for the various parts of the district can be understood.

The resource management process as applied to the Central Area Section of the Plan is illustrated in general terms in Figure 2.2.

In order to achieve the desired environmental outcomes and manage the resources of the Central Area, the resource management method adopted has three primary elements:

- strategic management areas
- overlay rules
- precincts or quarters

The relationship between these elements is illustrated in Figure 2.3.



Figure 2.2 Central Area Resource Management Process

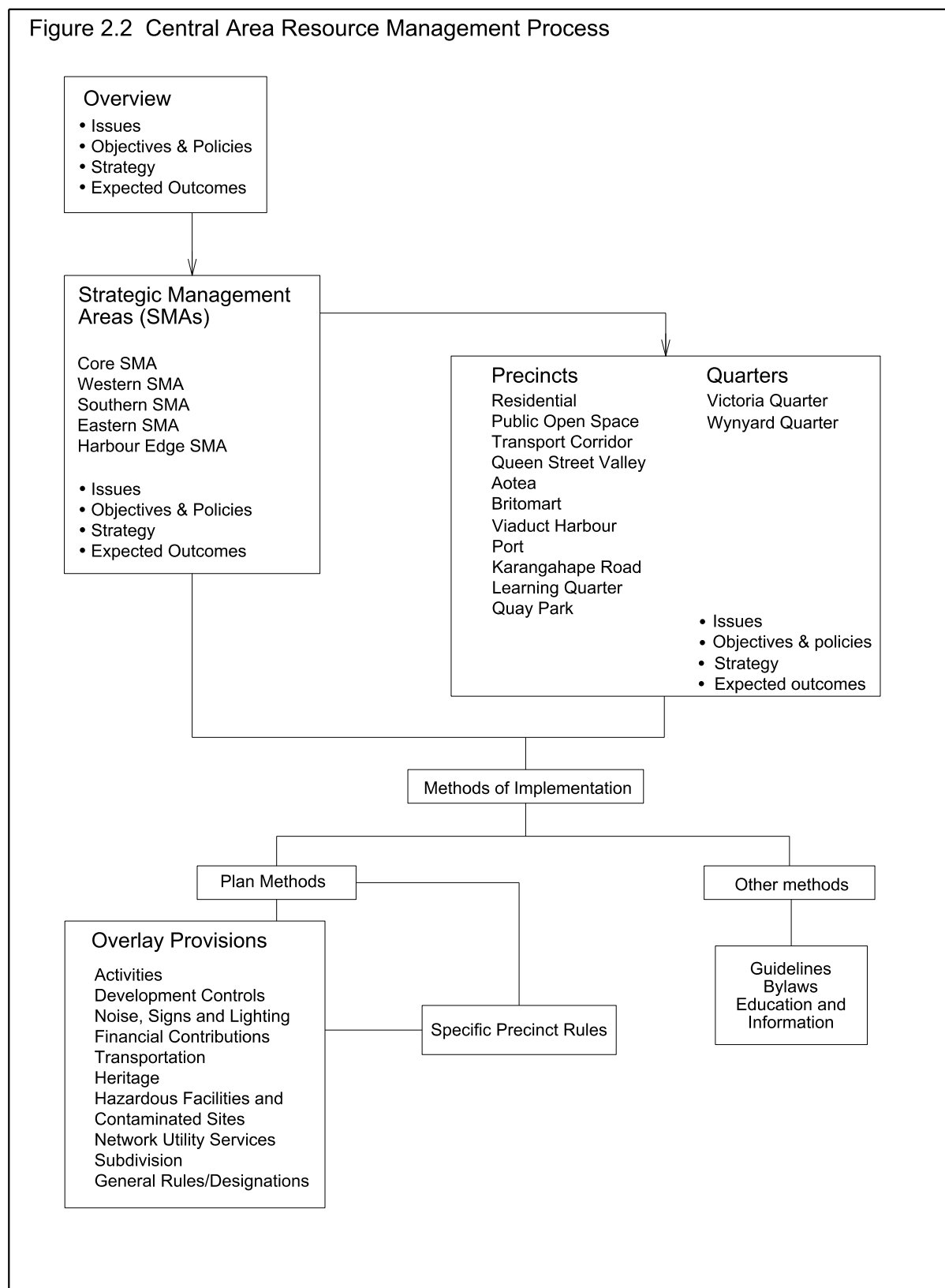
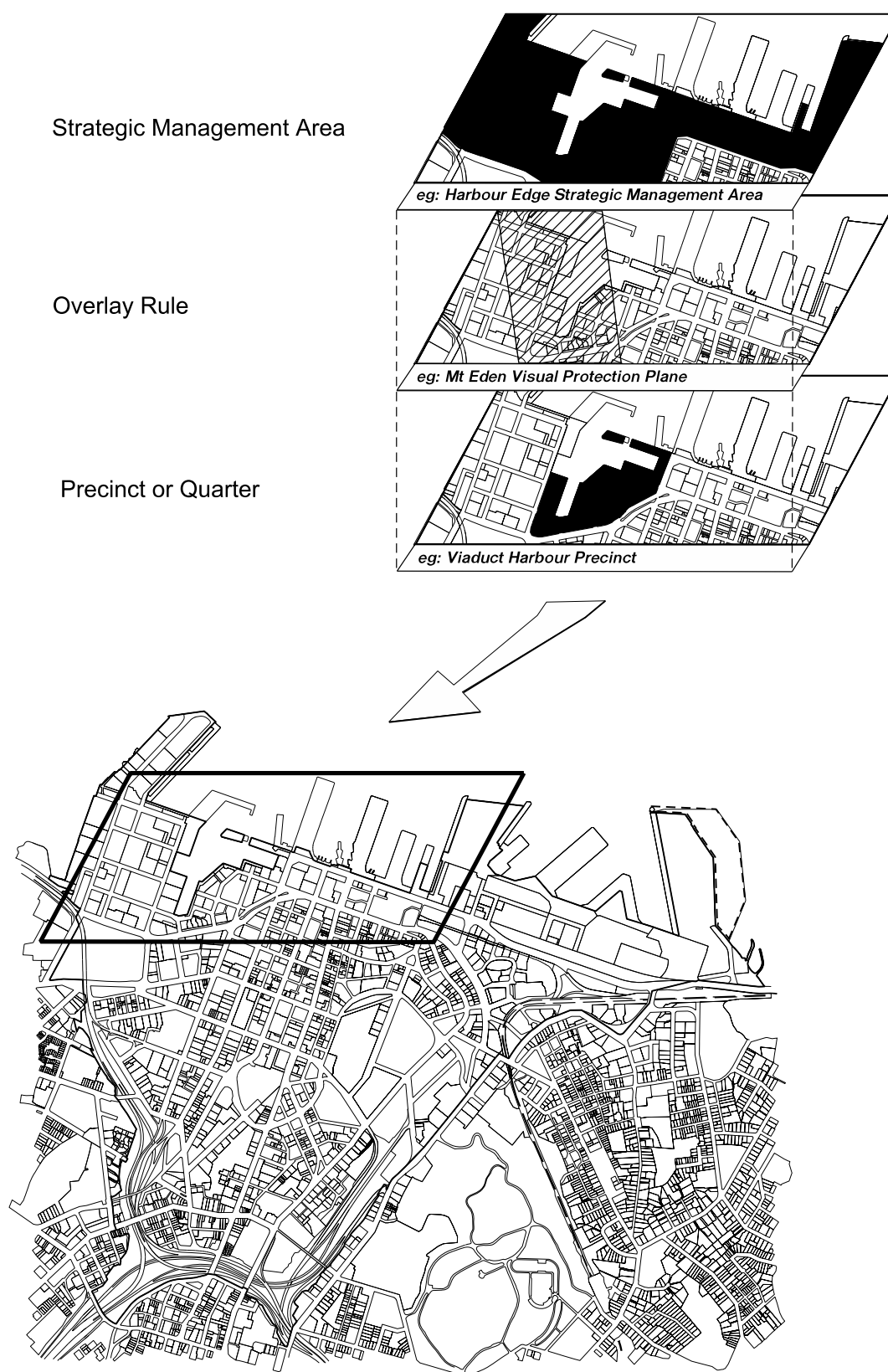


Figure 2.3 Resource Management Approach



2.6 PLAN METHODS

2.6.1 OBJECTIVES, POLICIES AND RULES

The controls of the Plan are based on objectives, policies and rules. The objectives of each part indicate the desired end result that the Council wishes to achieve. The policies identify the proposed actions of the Council in administering the Plan to achieve those objectives. The rules are the precise planning controls which govern the use and development of resources.

This section briefly describes the general characteristics of these elements and their relationship to each other, as well as the expected environmental effects of their implementation.

2.6.2 STRATEGIC MANAGEMENT AREAS

Strategic Management Areas (SMAs) are distinct areas within the Central Area to which planning strategy can be applied. They are differentiated by their inherent qualities, form and functions. The objectives and policies for each SMA within the Central Area are contained in Part 4 of the District Plan, and provide a considered and coherent basis for managing the effects of the use, development and protection of the natural and physical resources of the area through the application of attribute overlays and rules controlling development.

2.6.3 OVERLAY RULES

Attribute overlay techniques differ from traditional zoning. Whereas all planning controls within a zone share a common boundary, the overlay technique may establish different boundaries for each of the various planning attributes. For example the boundaries that manage activities may differ from those that determine building bulk. In this way layers of management are built up.

Overlay boundaries normally follow roads or site boundaries, but not always. Where any uncertainty arises as to the precise location of the zone boundary, this will be determined by the Council. Regard will be given to the indicated location of the boundary, the scale of the planning maps and the express purposes of the Plan. Where a site is affected by an attribute boundary, the

provisions of each of the particular attributes concerned will be applied independently to each part of the site.

2.6.4 PRECINCTS OR QUARTERS

Precincts or Quarters are areas that have distinct environmental characteristics which require special management, such as the Lorne Street/High Street area, the Port and Viaduct Harbour Precincts and Wynyard Quarter. Some have a distinct character while others contain types of activities that cannot be managed effectively by the general rules of the Plan. The higher level policies and rules will be complemented by applying specific lower level controls to these identified areas. It is not expected that the whole of the Central Area will be covered by Precinct or Quarter areas.

Precinct or Quarter boundaries may cross over Strategic Management Area and attribute boundaries. The Precincts or Quarters identify particular local circumstances so that development and land use activities can be defined in order to achieve specific results.

2.7 ANTICIPATED ENVIRONMENTAL RESULTS

Within the overlying pattern of attribute overlays and precincts or quarters, the Plan provides opportunity and guidance for sensitive and responsible development. This approach is based on a careful evaluation of environmental, amenity and infrastructure opportunities and constraints. Consequently, if the rules are observed, satisfactory environmental outcomes will result. In particular, adherence to the rules will ensure that the circumscribed environmental limits will not be exceeded.

Any proposals which do not comply with the rules will be assessed in terms of the relevant provisions of the Plan. The objectives and policies of the Plan will be the yardsticks for assessing the acceptability of activities or development which challenge the resource management framework established by the Rules. The environmental outcomes of proposals requiring resource consents will be closely monitored to ensure that the Council upholds its responsibilities to both applicants and the community.

2.8 THE PLANNING PROCESS

The planning process involves wide public participation. To ensure that the Plan has fully addressed the concerns and aspirations of the community, the plan preparation has



followed a programme of consultation. This has included the presentation of the resource management issues and possible strategies to the public and interest groups, and the active canvassing of input into the preparation of the document from those groups. In addition the Council has consulted with government and other statutory agencies to ensure that the Plan is consistent with the resource management responsibilities of regional and central government and other statutory bodies.

2.9 CHANGES TO THE PLAN

The Council is committed to a plan which is current and relevant and which addresses issues and concerns as they arise. Therefore, the provisions may be varied as necessary. Such change may be in response to revised or updated national or regional policy statements, regional plans or regional coastal plans. As development of the Central Area continues to take place, the Plan will be subject to continuous review by the Council so that the ongoing and evolving resource management requirements of the community may be acknowledged and provided for.

Any person may formally request the Council to change the Plan. The procedure is set out in the First Schedule of the Act. Applications must clearly define the proposed change so that it can be readily understood, and describe the environmental results anticipated from the implementation of the change.

Applicants must also provide the following supporting information, to the satisfaction of the Council:

- a) The extent to which the change is necessary in achieving the purpose of the Act, and any relevant objective or policy in this Plan.
- b) Alternative means of achieving the purpose of the Act or any relevant objective or policy in this Plan.
- c) Reasons for and against the adoption of the Plan change, and the consequence of taking no action.
- d) An evaluation of the likely benefits and costs of the principal alternative means and the likely implementation and compliance if the Plan change is adopted.

The Council will consider any such requests and either:

- a) agree to publicly notify the requested Plan change so that it may be debated; or
- b) adopt the Plan change with or without modification and publicly notify it as a Council Plan change; or
- c) refuse the request.

The basis on which a council can refuse a request is set out in the First Schedule of the Act. Applicants have the right of appeal to the Environment Court.

A request for a Plan change to remove an item from the Schedule of Buildings, Objects, Heritage Properties or Places of Special Value will not be refused on the grounds that the Plan has not been operative for two years.

Where a request has been made for a change and when requested by the applicant, the Council may, at any time prior to its decision on any submission, give its decision as if the application were made for a resource consent.

2.10 MONITORING

The Council has greater responsibilities for gathering information, monitoring and maintaining records on resource management matters. These responsibilities provide the Council with the opportunity to consider refinements to the content of the Plan as well as enabling the community to be informed about how the provisions of the Plan are performing.

The monitoring process of the Council has three components:

- a) Compliance with the provisions of the Plan and compliance with conditions of consent. In particular the Council will monitor compliance with approved resource consents. Where appropriate, the consent conditions will be reviewed as provided for in Section 128 of the Act.
- b) The state of the environment.
- c) The suitability and effectiveness of the provisions of the Plan. If necessary, the provisions of the Plan will be updated or improved by way of Plan change procedures.

The Council's annual programme for monitoring the state of the City's natural and physical resources will be set out in the Annual Plan and the documents accompanying that plan. The findings of this monitoring process will be published in the Council's Annual Report.

2.11 DESIGNATIONS

A designation is a form of land use control which derives from a requirement for a public work or project made by a requiring authority. A requiring authority is a Minister of the Crown, a local authority or a network utility operator approved by the Minister for the Environment for a particular public works project. The Plan also makes provision for Council designations.



A requirement gives notice of a designated purpose and generally limits the use of the land. The planning maps indicate which sites are subject to designations and the appendices describe the designated purpose. The effect of a designation on a site is to override the provisions of the Plan and any resource consent, in favour of the designated purpose. Rules relating to requirements and designated land are found in Part 15.

Designated land is also shown subject to attribute overlays to indicate the purposes for which the land could be used if it was not designated. The attribute overlays will apply to the construction of any building or to any activity which is not part of the designated work but which is undertaken by the requiring authority or with its consent.

When the Council has been given notice of a requirement, Part VIII of the Act prohibits the carrying out of any activity in relation to the land; any subdivision; or any change of character, intensity or scale of a use of the land, which will prevent or hinder the public work or project, unless the prior written consent of the requiring authority is obtained.

Where an approval is obtained from the requiring authority, the activity must comply with either the designation or the District Plan rules.

2.12 HERITAGE PROTECTION ORDERS

A heritage protection order is issued to protect features and places of national and local importance, or which are significant to the tangata whenua. When a requirement has been issued on the Council by a heritage protection authority in terms of Part VIII of the Act, no person may do anything that would nullify its effect. A heritage order is expressed in the Plan by way of map identification on Planning Overlay Map 6 and listed in Appendix 1, Schedule C.

2.13 INTER-DISTRICT ISSUES

The Act requires the Plan to state the process to be used to deal with issues which cross territorial boundaries (Section 75 (2)(f)). The boundary of the Central Area abuts the Waitemata Harbour which is the responsibility of the Auckland Regional Council in terms of the Resource Management Act. The Central Area is linked by the harbour bridge to the North Shore, which is the responsibility of North Shore City Council.

Issues which may arise include:

- Land use activities and development strategies which may give rise to adverse environmental effects in a neighbouring jurisdiction.
- Roading and transportation matters, drainage systems, and utility services which start in one jurisdiction and cross over into others.
- Resource consent matters which are primarily the concern of the Regional Council that may impinge on two or more territorial local authority districts.

In considering these issues, the Council will be guided by the contents of the Regional Policy Statement and any regional plan and the broad objectives and strategies of all parts of this Plan

The Council will consider significant resource management issues arising in the district of an adjacent local authority which affect the City. In appropriate cases, submissions will be prepared and lodged with that local authority in relation to such issues.

Where the Council receives an application for a land use consent which is notified, and the activity may give rise to adverse environmental effects in a neighbouring jurisdiction, landowners in that jurisdiction and the appropriate local authority will be notified.

The Council will, where appropriate, participate in joint hearings with other territorial Councils as provided for by Section 102 of the Act in situations where:

- the land use consent concerns roading, drainage systems or utility services or any similar network use which extend into a neighbouring jurisdiction; or
- a requirement notice for such matters has been served on the Council; or
- the land use consent also relates to a coastal permit in the coastal marine area; a discharge consent; a land use consent for earthwork activities; a resource consent to take, use, dam or divert water; or for natural hazards mitigation; being processed by the Auckland Regional Council.

2.14 ECONOMIC INSTRUMENTS

As an alternative or supplement to development controls, economic instruments may be used to achieve the Plan's objectives. Financial contributions may be required from land use activities and subdivisions where it can be shown that such contributions can be used to avoid or mitigate effects on the infrastructure, particularly with respect to the public open space network, roading network and drainage capacity. They may also be required where adverse effects on the community or amenities of an area are likely to arise.



Rules relating to financial contributions are contained in Part 8.

The Plan also adopts measures and incentives to encourage development in particular areas, or to secure the protection of significant environmental features or the provision of amenities in the Central Area. The rules in Part 6 detail the specific bonus elements and incentives that are obtainable in this regard.

2.15 THE HAURAKI GULF MARINE PARK ACT 2000

Considerable portions of the area within the Auckland City territorial boundary, including all of the Central Area, are subject to the provisions of the Hauraki Gulf Marine Park Act 2000 ("HGMPA 2000"). The purpose of the HGMPA 2000 is to -

- a) integrate the management of natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:
- b) establish the Hauraki Gulf Marine Park:
- c) establish objectives for the management of the Hauraki Gulf, its islands, and catchments:
- d) recognise the historic, traditional, cultural, and spiritual relationship of the Tangata Whenua with the Hauraki Gulf and its islands:
- e) establish the Hauraki Gulf Forum.

The HGMPA 2000 requires the Council to ensure that any part of the District Plan that applies to the Hauraki Gulf, its islands, and catchments does not conflict with sections 7 and 8 of that Act, which recognise the national significance of the Hauraki Gulf and set out objectives for its management.

In accordance with sections 9(5) and 10 of the HGMPA 2000, the provisions of section 55 of the Resource Management Act 1991 apply as though sections 7 and 8 of the HGMPA 2000 were a national policy statement.

The HGMPA 2000 also requires the Council, when considering an application for a resource consent for the Hauraki Gulf, its islands, and catchments, to have regard to the matters set out in sections 7 and 8 of the HGMPA 2000.

The provisions of the District Plan accord with those of the HGMPA 2000. The Council will have regard to section 7 and 8 of the HGMPA 2000 when considering an application for a resource consent.

