

PART 3 - DISTRICT PLAN DEVELOPMENT

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Plan change 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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PART 3 - DISTRICT PLAN DEVELOPMENT

3.1 INTRODUCTION

This Part of the Plan explains the context in which the Council's Resource Management Strategy (set out in [PART 2 - RESOURCE MANAGEMENT](#)) is undertaken. It

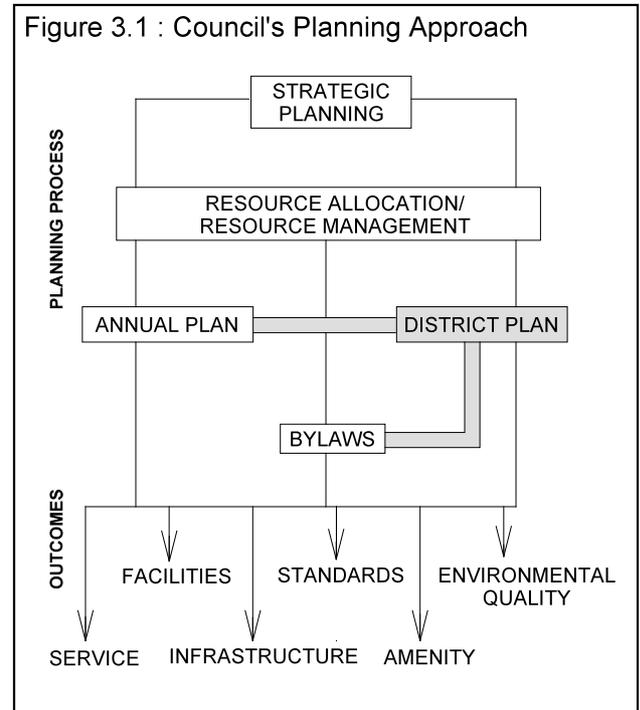
- outlines the Council's general planning approach.
- identifies the other statutory planning documents which impact on this Plan.
- sets out the process used to develop the Plan.
- states what the approach will be to Plan Changes in the future.
- sets out how the Council will undertake its monitoring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

3.2 COUNCIL'S PLANNING APPROACH

The City's Strategic Plan is at the heart of the Council's planning approach summarised in Figure 3.1. It identifies and sets the high level resource allocation and resource management strategy for Auckland.

The District Plan is an important element of the City's resource management approach which can be most effective when integrated with the Council's Annual Plan, the adopted Growth Management Strategy, Bylaws, and other Council initiatives. These initiatives include community projects, capital works, and information and education programmes.

Figure 3.1 : Council's Planning Approach



3.3 OTHER PLANNING AGENCIES

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

- National Policy Statements on matters of national significance
- National Environmental Standards in terms of natural resources
- New Zealand Coastal Policy Statements
- Regional Policy Statements and Regional Plans
- Operative Regional Scheme considerations
- Treaty of Waitangi
- Adjacent District Plans
- Iwi Authority considerations
- Management Plans and strategies prepared under other legislation
- The Hauraki Gulf Marine Park Act 2000
- Regional Growth Strategy
- Regional Land Transport Strategy



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The Act requires the Plan to comply with National and Regional Policy Statements and Plans. Other outside planning agencies will continue to influence the Plan.

The Local Government (Auckland) Amendment Act 2004 requires that all councils in the Auckland Region integrate their land transport and land use provisions in their district plans so as to give effect to the Auckland Regional Growth strategy. In particular Section 40 of that Act requires district plans, in giving effect to the growth concept to contribute, in an integrated manner to the matters specified in Schedule 5 of that Act. Schedule 5 matters, which district plans shall contribute to are;

- a) providing increased certainty in the assessment of resource consents, designations, and plan changes related to transport and urban form, and ensuring that transport and land use patterns are aligned to achieve sustainability, efficiency and liveability in the Auckland Region; and
- b) managing transport and transport infrastructure, facilitating a multimodal transport network, and facilitating integrated transport management; and
- c) reducing adverse effects of transport on the environment (including improving air and water quality, reducing noise and stormwater, improving heritage protection and reducing community disruption and transport land use), and reducing the adverse effects and increasing the positive interactions of transport and land use; and
- d) supporting compact sustainable urban form and sustainable urban land use intensification (including location, timing and sequencing issues, and associated quality, character, and values of urban form and density); and
- e) integrating transport and land use policies to reinforce metropolitan urban and rural objectives of the Auckland Regional Policy Statement, the development of a competitive and efficient economy and a high quality of life, underpinned by a quality environment and amenity.

The Regional Policy Statements, Regional Plans, and Regional Coastal Plans are particularly important to the City. Integration is required at the regional level over such broad planning issues as urban consolidation and environmental quality. The City will continue to play its part in developing a regional strategy for Auckland, and to ensure this Plan contributes to agreed regional planning approaches.

The Hauraki Gulf Marine Park Act 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 the Act, which recognise the national significance of the Hauraki Gulf and set out objectives for its management.

3.4 DISTRICT PLAN

This Plan provides for activities and development throughout the Isthmus. 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.

3.4.1 THE PLAN'S METHOD

Objectives

The controls of the Plan are based on objectives, policies and rules. The objectives of each part of the Plan indicate the desired end result that the Council wishes to achieve. The policies identify the proposed action 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.

Zoning

The concept of zoning as the basic technique of land use control is retained in the Plan. Although this is less directive than in the past, the adopted technique of "activity areas" continues the practice of grouping areas of similar character. This technique recognises the present-day pattern of activities and allows a range of future opportunities for development in keeping with the character and amenities of those areas. Within activity areas, there is flexibility which allows for the location of a range of activities which can be serviced by the infrastructure in the area, and which are compatible with its character and amenities.

Roads are not zoned, but their airspace and subsoil may be. Zone boundaries normally follow roads or site boundaries. Split zoning (ie the division of a site by a zone boundary) is generally avoided. Where it occurs and any uncertainty arises as to the precise location of the zone boundary, this will be determined by the Council. In doing this regard will be had to the apparent indicated location of the boundary, the scale of the Planning Maps and the express purposes of the Plan. Where a site is affected by split zoning, the provisions of each of the particular zones concerned will be applied independently to each part of the site with a different zoning.

Development

Within the overlying pattern of activity areas, the Plan provides opportunity and guidance for sensitive and responsible development based on a careful evaluation of environmental, amenity and infrastructure opportunities and constraints. Consequently if the rules are observed satisfactory environmental outcomes will result.

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 critically monitored to ensure that the Council upholds its responsibilities to both applicants and the community at large.

3.4.2 THE PLAN'S PROCESS

The planning process involves wide public participation. To ensure that the Plan has fully addressed the concerns and aspirations of the community, its preparation has followed an extensive 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 extensively 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.

3.5 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 of the Plan 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. Further, as the development of the Isthmus takes 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 or to apply any floating zone or overlay zone prescribed in this Plan to a locality or site (Section 73 (2) of the Act). The procedure is set out in the First Schedule to 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 information in support of their Plan Change, to the satisfaction of the Council:

- The extent to which the change is necessary in achieving the purpose of the Act, and any relevant objective or policy in this Plan;
- Alternative means of achieving the purpose of the Act or any relevant objective or policy in this Plan;

- Reasons for and against the adoption of the Plan Change, and the outcome of taking no action;
- An evaluation, of the likely benefits and costs of the principle alternative means and the likely implementation and compliance if the Plan Change is adopted;

The Council will consider any such requests and either:

- agree to publicly notify the requested Plan Change so that it may be publicly debated; or
- adopt a modified Plan Change and publicly notify it as a Council Plan Change; or
- refuse the request.

The basis on which a Council can refuse a request is set out in the First Schedule of the Act. There is a 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 and a request for a Plan Change to adopt a Concept Plan for any Special Purpose 2 zone will not be refused on the grounds that the Plan has not been operative for more than 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.

3.6 MONITORING

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

The monitoring process of the Council has three components:

- 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;
- The state of the environment;
- 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.

3.7 DESIGNATIONS

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 or territorial 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 the designated purpose and generally limits the use of the land. The Planning Maps indicate which sites are subject to designations. A description of the designated purpose is contained in the Appendices to the Planning Maps. 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 Clause [4A.3 DESIGNATIONS](#).

Designated land is also zoned to indicate the purposes for which the land could be used if it was not designated. This is commonly referred to as "underlying" zoning and is illustrated on Planning Map No. 1. The underlying zoning 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 doing of anything in relation to the land, any subdivision, or any change of character, intensity or scale of a use, 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 underlying zoning.

3.8 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 and description. (Refer also [PART 5C - HERITAGE](#)).

3.9 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 City's district abuts the districts of Waitakere City to the north-west and Manukau City to the south. It is linked by a harbour bridge to North Shore City. An adjacent local authority is Franklin District Council on the southern shores of the Manukau Harbour.

Issues which may arise include:

1. Land use activities and development strategies which may give rise to adverse environmental effects in a neighbouring jurisdiction;
2. Roothing and transportation matters, drainage systems, and utility services which start in one jurisdiction and cross over into other jurisdictions;
3. Resource consent matters primarily the concern of the Regional Council which may impinge on two or more territorial 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 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. However, the Council will consult informally with the adjacent local authority, in the first instance, to seek to resolve such issues.

Where the Council receives an application for a land use consent which is to be 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

- i) the land use consent concerns roading, drainage systems or utility services or any similar networked use which extend into a neighbouring jurisdiction, or
- ii) a requirement notice for such matters has been served on the Council.



3.10 THE HAURAKI GULF MARINE PARK ACT 2000

The district includes considerable areas which are subject to the provisions of the Hauraki Gulf Marine Park Act 2000 (“the HGMPA 2000”). The purpose of the HGMPA 2000 is to -

- a) integrate the management of the 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.

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 the sections 7 and 8 of the HGMPA 2000 when considering any application for a resource consent that may reasonably impact on the Hauraki Gulf, its islands and catchments”.

