



## DECISION REPORT:

### PROPOSED PRIVATE PLAN CHANGE 13 TO THE AUCKLAND REGIONAL POLICY STATEMENT: EXTENSION TO THE METROPOLITAN URBAN LIMITS, MANGERE GATEWAY HERITAGE AREA

File Reference: R321-10

Date: 17 November 2009

#### 1 INTRODUCTION

- 1.1 Proposed Private Change 13 ("Proposed Change 13") to the Auckland Regional Policy Statement (ARPS) was the result of a request to change the ARPS lodged by the Manukau City Council (MCC). The proposed change takes the form of a request to alter the Metropolitan Urban Limits (MUL) in two separate areas in the Mangere/Puhinui area.
- 1.2 The request for Proposed Change 13 was considered by the Auckland Regional Council (ARC) on 27 August 2007. The Council agreed to accept the request in part and the request as accepted by the Council was notified on 18 October 2007. The request for further submissions was notified on 14 February 2008 with the period for receiving further submissions closing on 14 March 2008. In accepting the request the ARC did not adopt the private plan change and it has remained a private plan change.
- 1.3 In conjunction with Proposed Change 13, Manukau City Council also introduced Proposed District Plan Change 14 to the Manukau City Operative District Plan 2002.
- 1.4 The processing for considering Proposed Change 13 is set out in clause 29 of Part 2 of Schedule 1 of the Resource Management Act 1991 (RMA). Clause 29 specifies that except for the changes specified in that clause the process specified in Part 1 shall apply to the proposed plan change. Of note to this decision are the following sub clauses:
  - (3) *The person who made the request has a right to appear before the local authority under clause 8B (the hearing).*
  - (4) *After considering a plan or change, the local authority may decline, approve, or approve with modifications, the plan or change, and shall give reasons for its decision.*

#### 2 Proposed Private Change 13 to the ARPS

- 2.1 The proposed extension to the MUL is sought to provide additional urban capacity for business related development in the Mangere Gateway Heritage Area, and seeks to bring within the MUL the majority of land designated by Auckland International Airport Limited (AIAL) for Airport uses. Two areas were proposed in Proposed Change 13 as follows:

### *Kirkbride Area*

- 2.2 The Kirkbride area consists of twenty-five hectares of land to the east of the Mangere Wastewater Treatment Plant's odour buffer area and west of Kirkbride Road, between Ascot Road to the south and Creamery Road to the North.

### *Airport Area and land to the north of the Airport.*

- 2.3 The Airport area and land to the north of the Auckland International Airport Limited ("the Airport") includes the majority of land (west of Pukaki Creek) that is subject to the existing AIAL designation, and land abutting Oruarangi Creek adjacent to the existing MUL.
- 2.4 Separately to the request to extend the MUL under Proposed Change 13, MCC has notified Proposed District Plan Change 14 to the Manukau Operative District Plan 2002 (PC14). This plan change proposes the following:

- Change the zoning of land in the Kirkbride Road area from Mangere – Puhinui Rural Zone to Mangere Gateway Business Zone (Kirkbride).
- Change a part of the zoning of land in the Ihumatao area from Mangere – Puhinui Rural Zone to Mangere Gateway Business Zone (Ihumatao) and Public Open Space 5 Zone.
- Remove the existing "Oruarangi South Special Policy Area and indicative road notation" from Planning Maps 7 and 8.
- Show a new designation for Public Open Space for Passive Public Open Space on land between Ihumatao and Oruarangi Roads and the Otuaatua Stonefields Historic Reserve.
- Change the underlying zoning for designations 196 (Otuaatua Stonefields) and 225 (MCC Quarry) to Public Open Space 1 Zone from Mangere Puhinui Heritage Zone.
- Change the zoning underlying designation 231 (Auckland International Airport Landuse) from Mangere – Puhinui Rural Zone to Airport Zone and Mangere Gateway Business Zone (Ihumatao) and Business 5 Zone and show a number of indicative roads and roads to be closed.

- 2.5 Submissions on PC14 were heard at the same time as the submissions on Proposed Change 13 but the decisions on PC14 will be made by MCC commissioners.

## **3.0 Statutory framework - The Resource Management Act 1991**

### **Part 2 – Purpose and Principles**

- 3.1 The purpose of the RMA ("the Act") is to promote the sustainable management of natural and physical resources. As outlined in section 5 of the Act, this means:

*5(2) In this Act, sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*

*Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and  
Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and  
Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

- 3.2 Sections 6, 7 and 8 of the RMA outline the matters of national importance, other matters and the principles of the Treaty of Waitangi, which are integral to achieving the purpose of the Act and must be accorded specified levels of consideration by

those exercising powers under the Act. The particularly relevant parts of these sections include:

6. ...recognise and provide for the following matters of national importance -
  - (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development;*
  - (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision use and development.*
  - (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
7. ...have particular regard to -
  - (c) *The maintenance and enhancement of amenity values.*
  - (f) *Maintenance and enhancement of the quality of the environment.*
8. ...shall take into account the principles of the Treaty of Waitangi.

### **Purpose and Preparation of the Regional Policy Statement**

3.3 Section 59 of the RMA states the purpose of regional policy statements, while sections 60 to 62 set out matters relating to the preparation and content of the document. Particularly relevant parts of these sections include:

59. *The purpose of a regional policy statement is to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.*
- 60.(1) *There shall at all times be for each region one regional policy statement.....*
- 61.(1) *A regional council shall prepare and change its regional policy statement in accordance with its functions under s30, the provisions of Part 2, and its duty under s32 and any regulations.*
- 62.(1) *A regional policy statement must state - [significant resource management issues for the Region, objectives, policies and methods, principles reasons for the provisions, environmental results anticipated etc].*

### **Operative Auckland Regional Policy Statement**

3.4 The ARPS was made operative in 1999. Although the entirety of the ARPS and its objectives and policies are material considerations in our decisionmaking process, we note below a number of sections that are of particular relevance in relation to this request to extend the MUL.

#### **Chapter 2 of the ARPS**

3.5 Chapter 2 sets out the regional overview and strategic direction. The Strategic Objectives are set out in 2.5.1 and include the following:

1. *To ensure that provision is made to accommodate the Region's growth in a manner which gives effect to the purposes and principles of the Resource Management Act, and is consistent with these Strategic objectives and with the provisions of this RPS.*
2. *To maintain and enhance the overall quality of the environment of metropolitan Auckland, including its unique maritime setting, volcanic features, cultural heritage values, and public open space.*

3. To protect the soil resources, amenity values, rural character, landscape values, and mineral resources of rural areas, from the regionally significant effects of inappropriate subdivision, use or development.
4. To preserve the natural character of the coastal environment, whilst ensuring that the use of the coastal environment by those industries and activities which serve the needs of the Region and which depend on a coastal location is appropriate and efficient.
5. To protect the intrinsic values of the Region's natural resource base, and to make appropriate provision for the avoidance, remediation or mitigation of adverse effects on the Region's environment, including the identification of significant natural features and landscapes, and areas of significant indigenous vegetation and habitat, and protection of these from inappropriate subdivision use and development.
6. To promote transport efficiency, and to encourage the efficient use of natural and physical resources, including urban land, infrastructure, and energy resources.
7. To preserve and protect a representative range of the Region's heritage resources.
8. To manage the Region's natural and physical resources in an integrated manner.
9. To involve the Tangata Whenua as kaitiaki of the Region's natural resources.

3.6 In respect of changes to the MUL, Policy 2.6.1 sets out that changes to the MUL should be planned and also:

- (i) provide for urban intensification around selected nodes and along selected transport corridors;
- (ii) provide for higher intensities of urban activities at selected locations within areas of new development;
- (iii) bring about patterns of activities that will mitigate the effects of increased travel and improve the energy efficiency and convenience of urban areas (refer to Chapter 4 – Policy 4.4.1-2, and Chapter 5 – Policy 5.4.1-3);
- (iv) enable the operation of existing regional infrastructure and the provision of necessary new or upgraded regional infrastructure which is operated and developed in a manner which ensures that any adverse effects of those activities on the environment are avoided, remedied or mitigated;
- (v) facilitate efficient provision of services (including utility services, transportation facilities or services, and community facilities and services, such as schools, libraries, public open spaces) through the utilisation or upgrading of existing facilities, or the provision of new ones;
- (vi) maintain and enhance amenity values within the existing urban area, and achieve high standards of amenity in areas of new development;
- (vii) do not give rise to conflicts between incompatible land uses;
- (viii) avoids, remedies, or mitigates adverse effects on the environment.

3.7 The MUL helps to manage the impacts of development, providing sufficient opportunities for communities to grow and develop while protecting the Region's natural resources and significant heritage resources from the adverse effects of development. As a policy tool, the MUL is a response to Auckland's historical pattern of urban expansion which has resulted in significant impacts on the region's environment and has resulted in the inefficient distribution of land uses and infrastructure provision (particularly transport). The ARPS seeks to ensure growth is managed in an integrated manner, ensuring the efficient provision of infrastructure and transport in a compact and contained urban form.

3.8 The policies in Chapter 2 also seek to ensure the safe and efficient operation of existing regional infrastructure and the provision of new regional infrastructure. The social and economic well-being of the regional community are dependent on the availability and efficient operation of regionally significant infrastructure, and the Region's growth brings with it requirements to upgrade, expand or provide services. How and where this is done not only affects natural and physical resources, but can also facilitate new urban development. For this reason it is of key importance to ensure that new infrastructure is as far as is practicable, consistent with the strategic direction in the ARPS.

### **Chapter 3 of the ARPS**

- 3.9 Chapter 3 concerns matters of significance to Iwi. This chapter contains three objectives which are:

- 1. To sustain the mauri of natural and physical resources in ways which enable provision for the social, economic and cultural wellbeing of Maori.*
- 2. To afford appropriate priority to the relationship of Tangata Whenua and their culture and traditions with their ancestral taonga when this conflicts with other values.*
- 3. To involve Tangata Whenua in resource management processes in ways which:  
(i) take into account the principles of the Treaty of Waitangi, including rangatiratanga;  
(ii) have particular regard to the practical expression of kaitiakitanga.*

- 3.10 The policies in Chapter 3 recognise that is a matter of national importance to recognise and provide for the relationship of Maori with their ancestral lands, sites, water waahi tapu and other taonga under section 6(e). The policies also take into account the principles of the Treaty of Waitangi by confirming the right of Maori to live on ancestral land which is still in their possession and actively protecting the ability of Maori to use their taonga from the adverse effects of others. These principles are particularly important in the Auckland region where little Maori land remains.

### **Chapter 4 of the ARPS**

- 3.11 Chapter 4 concerns transport. The objectives of this chapter are:

- 1. To avoid, remedy, or mitigate the adverse effects of transport on the environment and, in particular:  
(i) to avoid, remedy, or mitigate the adverse effects of transport on air quality and water quality;  
(ii) to reduce the need for the transport system to use non-renewable fuels;  
(iii) to avoid, remedy, or mitigate the adverse effects of the transport system on local amenities and infrastructure.*
- 2. To develop a transport network which enables all sections of the community to gain access to community resources.*
- 3. To develop a transport network which provides an acceptable level of accessibility between important activity areas.*
- 4. To develop a transport network which is as safe as is practicable.*

- 3.12 The relevant policies of Chapter 4 require the integration of land use and transport planning and the promotion of a form of transport that creates fewer adverse effects on the environment. In the Auckland region the transport system is one of the major determinants of urban form. The way in which the transport system is developed is therefore one of the major instruments in guiding the form of urban development. If not managed properly, the transport system can promote land uses which do not support the land use outcomes sought in the ARPS. On the other hand if managed properly the transport system can provide strong leverage for promoting the ARPS land use outcomes. This includes management of public transport systems, walking, cycling, rail and road improvements which promote and support a compact urban form, which in turn attracts more people, more activity and more investment into the Region.

### **Chapter 6 of the ARPS**

- 3.13 Chapter 6 of the ARPS concerns heritage. The objectives in this chapter are:

- 1. To preserve or protect a diverse and representative range of the Auckland Region's heritage resources.*

2. *To maintain, enhance or provide public access to the Region's heritage resources consistent with their ownership and maintenance of their heritage value.*
3. *To protect and restore ecosystems and other heritage resources, whose heritage value and/or viability is threatened.*
4. *To maintain the overall quality and diversity of character of the landscapes of the Auckland Region.*

3.14 It is relevant to note that policies within this chapter support the recognition and provision of the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga in the protection of heritage. Policies also set out how subdivision and landuse shall be controlled in respect of heritage resources and sets out how significant effects can be managed. Auckland has a unique heritage and this is of fundamental importance to tangata whenua. It creates the sense of place that is Auckland and engenders a sense of belonging.

#### **Proposed Change 6 to the Operative Auckland Policy Statement**

3.15 Proposed Change 6 was notified on 31 March 2005 as a mandatory requirement of the Local Government (Auckland) Amendment Act 2004 ("the LGAAA"). The LGAAA mandates all councils in the Auckland Region to integrate their land transport and land use provisions, ensure these are consistent with the Auckland Regional Growth Strategy (the "ARGS"), give effect to its Growth Concept and contribute to the land transport and land use matters specified in Schedule 5 (s39 & s40 LGAAA).

3.16 Integration is therefore required within each of the planning documents and across all planning documents in the Auckland Region. Proposed Change 6 has clearly attempted to set out the key factors in terms of integrated management. At section 2.5 (Strategic direction) it states that the key features are:

- *Auckland is the largest growth centre in New Zealand, in terms of population increase, urban development and the physical take-up of land, and nearly all of the Region's resource management issues stem from the impacts of this development on natural and physical resources.*
- *The continuing growth of urban population results in an ongoing need for more housing, jobs, regionally significant infrastructure, transport facilities, and other services, with cumulative effects on the land and water resources of the Region, and on its air quality.*
- *New development occurring in close proximity to regionally significant infrastructure can have an adverse effect on the function and operation of services necessary to support continuing population growth.*
- *The effects of urban development and a large urban population extend widely over the rural parts of the Auckland Region. These effects create pressure for urban-generated countryside living, resource-based recreation, and growing markets for rural produce.*
- *New regionally significant infrastructure and transportation and the extension of existing services can have a profound impact on the form and direction of the Region's development and consequential, as well as direct, potential impacts on the environment.*
- *Auckland's regionally significant resources, including infrastructure, and facilities and services for transport and energy are essential to the community's social and economic wellbeing. New infrastructure and the extension of existing services can have a profound impact on the form and direction of the Region's development.*
- *Auckland already has a number of serious environmental concerns which need attention. These include degradation of some waterways, air quality concerns in some urban areas and loss of natural and cultural heritage. Developmental pressures have the potential to exacerbate those problems.*

3.17 Proposed Change 6 provides specific direction in the consideration of an application to extend the MUL. This includes the strategic policies in 2.6.8 (Urban Design), 2.6.5 (Urban Structure), 2.6.11 (Land Use and Transport Integration), and 2.6.14 (Infrastructure). Proposed Change 6 intends that a proposal to extend the MUL will address both the regional (strategic) and local landuse planning matters as set out in the policies notated above. This requires the simultaneous consideration of the regional issues as well as the detailed structure planning and district plan changes. It ensures that there is integrated management and planning, and land will be used in the most efficient way which contributes to the sustainable management of the Auckland Region.

3.18 The adverse effects of urban development are managed by requiring urban activities to be contained within the MUL such that no provision is made for the expansion of urban activities outside the MUL and hence the need for the proposed change. Strategic Policy 2.6.2.2 in Proposed Change 6 provides for limited extensions to the MUL in certain circumstances. These include:

*2. Limited extensions may be made to the metropolitan urban limits shown on Map Series 1 and to the limits of rural and coastal settlements from time to time, but only where:*

*i. The strategic direction of containment and intensification is not compromised. In particular the extension does not compromise intensification within the areas identified in Schedules 1A and 1B;*

*ii. Areas with significant environmental, heritage or landscape values and areas with high natural character, including areas identified in Appendix B are avoided;*

*iii. It can be demonstrated that infrastructure and services, including utility services, roading and public transportation facilities and services, and community and health services, such as schools, libraries, public open spaces can be provided;*

*iv. The extension is:*  
*a. is contiguous with existing urban development; and*  
*b. can be efficiently connected to existing physical infrastructure or serviced by new infrastructure; and*  
*c. will support and complement existing rural and coastal settlements.*

*v. Areas prone to the impact of natural hazards such as flooding or land instability and areas which if urbanised are likely to induce flooding or instability elsewhere, are avoided;*

*vi. The new boundary provides a clear differentiation between urban and rural areas including through the use of water catchment boundaries and or visual catchment boundaries in order to reduce pressure for future urban expansion;*

*vii. It achieves a defensible long term limit to the urban area;*

*viii. Conflicts or incompatibilities between adjoining land uses are avoided or mitigated to ensure that existing activities are able to continue*

*ix. Areas of prime agricultural elite land are avoided; and*

*x. It is demonstrated that there is insufficient capacity including both vacant land and redevelopment opportunities, available within the metropolitan urban limits, or the limits of rural or coastal settlements, to cater for anticipated growth.*

*xi. An integrated transport assessment is provided in accordance with the matters*

3.19 Policy 2.6.2 provides for the containment of urban activities within the MUL. The MUL has been defined to minimise adverse effects of urban activities on regionally significant resources including:

- areas of high amenity value;
- natural heritage and cultural heritage features and areas;
- prime agricultural land;
- areas where the quality of the environment is already degraded and requires improvement;
- strategic infrastructure facilities such as airports/airfields;
- integration with the transport network.

3.20 The criteria in policy 2.6.2.2 seeks to ensure that any extension to the MUL takes account of:

- The need to promote an urban form which maximizes opportunities for the integration of land uses with transport networks;
- The amount of land available for peripheral expansion having regard to the strategic direction of urban containment and intensification;
- The need to promote the efficient use of existing infrastructure and where necessary to enable the provision of new infrastructure;

3.21 Method 2.6.3.2 in Proposed Change 6 identifies the information that must be provided in support of a request from a territorial authority to extend the MUL. This includes:

- i. An assessment of how the provisions of this RPS are addressed.*
- ii. An integrated catchment management plan.*
- iii. All relevant applications for discharge consents, including stormwater discharges.*
- iv. A report demonstrating how any environmental, including human health, issues arising from the catchment management plan and application for discharge consent will be addressed.*
- v. An assessment of how any air quality management issues and any potential health will be addressed.*
- vi. A structure plan in accordance with the matters set out in Appendix A: Structure Planning;*
- vii. District Plan policy guidance and rules to a level of detail sufficient to establish:
  - a) The types and densities of activities provided;*
  - b) The extent of potential impermeable surfaces;*
  - c) How any environmental issues arising from the catchment management plan and application for a discharge consent will be addressed;*
  - d) The sequencing and timing of the release of land for urban development;*
  - e) How urban design outcomes will be achieved.**
- viii. An open space plan having regard to the Auckland Regional Open Space Strategy;*
- ix. Where appropriate, provide a report detailing the discussions and agreements of the proposed change from the territorial local authority partners to the relevant Regional Growth Strategy Sector Agreement.*

An assessment of MCC's application against these criteria is outlined in section 5 of this report.

### **Statutory Framework: Conclusion**

3.22 A proposal to extend the MUL must address both the regional (strategic) and local land use planning matters as set out in ARPS and district plan and with particular

reference to the specific policies notated above. This requires the simultaneous consideration of the regional issues as well as the detailed structure planning and district plan changes. It ensures that there is integrated management and planning, and the land will be used in the most efficient way contributing to the sustainable management of the Auckland Region.

## **4.0 HEARING PANEL DECISIONS**

### **Basis**

- 4.1 The main findings determined by the Hearing Panel and our reasons are set out below. These have been reached after visiting and inspecting the area, considering the various documents and evidence on which Proposed Change 13 was based, the evidence and submissions heard at the hearing, and all the relevant statutory and planning provisions.

### **Should there be any expansion of the MUL at all**

- 4.2 In the ARPS the Airport is classified as regionally significant infrastructure. By its nature infrastructure of this type and scale has an important influence on the form and direction of the Region's development. It is of key importance to ensure that investment in provision, or expansion of infrastructure is consistent with the strategic direction in the ARPS, and does not undermine the integrity of the MUL. We accept the evidence provided by AIAL, that was not in our view challenged, that because of the synergistic nature of modern airports and the related need for a broader range of activities in the Airport area, it is appropriate that the land within the existing airport zonings and designations should be within the MUL. This conclusion is supported by the range of activities that can currently be established within the airport area under the current planning provisions. We also accept the submission from BARNZ that if the Airport is included within the MUL then there will need to be some changes to the text of the ARPS.
- 4.3 We accept that on the basis of the evidence there is a recognised shortage of business land in Auckland, especially in respect of those business activities that require large site sizes such as warehousing and logistics. This evidence was not challenged. We also accept that the Airport is an appropriate location for such activities being a major port for goods either being imported or exported/ goods and it is appropriate that such activities are able to locate in close proximity to the Airport.
- 4.4 We heard considerable evidence concerning the heritage of the area. We accept that the area contains a range of heritage resources including the location of archaeological sites and other sites and landscapes of significance to iwi. We accept however that the MUL expansion as proposed in the notified version of Proposed Change 13 will have no net affect on heritage, as development can largely proceed regardless of the change in the MUL, due to the provisions of the underlying Airport designation.
- 4.5 We have considered the criteria for changes to the MUL set out in the both the operative version of the ARPS and Proposed Change 6. We have concluded in general terms that some expansion of the MUL is generally consistent with these criteria in that in some of the areas considered by the Hearing Panel, the following are present:
- the expansion of the MUL will not cause adverse effects on the airport being regional infrastructure.
  - The patterns of development proposed are appropriate given the business focus of the proposed land uses and the location adjacent to the airport.
  - amenity values can be maintained and conflicts between incompatible landuses avoided through limiting the urban expansion and through appropriate district plan provisions.

- That adverse effects on the environment including adverse effects on landscape, heritage and iwi relationships can be avoided, remedied or mitigated through limiting the expansion and through appropriate district plan provisions.
- The areas proposed for extension of the MUL in this decision can be adequately serviced.
- The land is contiguous to the existing urban area.
- There is insufficient capacity within the MUL for the types of business activity proposed.
- The expansion will not give rise to adverse effects on the transport network.

Under paragraphs 4.12 – 4.49 below the subcommittee considers these matters in more detail for the various areas we heard evidence on.

- 4.6 In respect of the MUL expansion outside Proposed Change 13 as notified we have concluded on the basis of the evidence presented to us that some expansion can occur on the basis of specific provisions within PC14 that ensure open space provision along the edge of the Oruarangi Creek but that further expansion of the MUL westwards has the potential to impact on the significant heritage resources on the Otuataua Stonefields and surrounding land.
- 4.7 In respect of landscape we accept the evidence that apart from the impact of development within the AIAL Notice of Requirement (NOR) that the landscape issues were not significant. We consider that adequate protection of the Otuataua Stone Fields will be provided by the MCC NOR and that it is not appropriate to extend the MUL into the area to the south of the Stonefields. We do note that our consideration of landscape evidence did not include evidence given by the ARC (as a submitter to PC14) to the MCC commissioners.
- 4.8 We accept on the evidence presented to us that expansion of the MUL outside the existing AIAL designation area has the potential to have significant adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. This relationship is a matter of national importance that we must recognise and provide for in considering the MUL expansion. This is also a matter that we must consider under Chapter 3 of the ARPS
- 4.9 Based on the evidence presented on behalf of the Makaurau Marae we have concluded that in the regional context, and given the continuous habitation of the area by the iwi, the Marae and the relatively intact surrounding areas of significance, the Makaurau Marae is a rare, if not unique resource within the region. We consider that failing to recognise and provide for this relationship would be in conflict with our responsibilities under section 6(e) of the Act.
- 4.10 The importance of the Marae and its context is backed up by the historic, cultural and archaeological evidence we heard. We consider that the MUL expansion in this area has the potential to impact on the relationship of iwi with their ancestral lands and sites of significance.
- 4.11 Having come to these conclusions we consider that some limited expansion of the MUL is possible so long as we recognise and provide for the matters discussed above. These are discussed below.

**Expansion of the MUL to include the current Airport Designation.**

- 4.12 This includes the Airport land subject to the current airport designations. We are generally satisfied on the basis of the evidence that this change should proceed as proposed.

- 4.13 We accept that this area will be urbanised as a result of the current designations and the underlying Airport Zones. We consider that urban land should be located within the MUL. On this basis we consider that there will be no net adverse effects on heritage and landscape values of including this land within the MUL that would not already be provided for by the zones and the designations. We further accept the evidence presented, that this land will assist in alleviating the shortage of business land in the region and will provide for the continued operation of Airport, which is regionally and nationally significant.
- 4.14 We accept the submission of Mr Kirkpatrick on behalf of BARNZ that wording changes are required to the ARPS as a result of the Airport's inclusion within the MUL but consider the need for these changes should not preclude the land being included within the MUL. We further consider that the Airport can be distinguished from other airports in the region. Other airports in the Auckland Region are somewhat separated from the urban area compared to the Airport and do not attract the same range of other ancillary activities seeking to take advantage of the primacy and international scope of the Airport.

#### **Expansion of the MUL to include the North Airport Land**

- 4.15 This land (the North Airport Land) is the land immediately to the north of the current AIAL designation and south of the Oruarangi Creek. It does not include land to the west of the Waitomokia Creek or east of Airpark Drive.
- 4.16 Except at the easternmost peninsula fronting Oruarangi Creek, this land was not included within Proposed Change 13. Submissions sought the inclusion of this land within the MUL. No parties presented submissions or evidence that challenged our jurisdiction to include additional land within the MUL although it is noted that Mr Enright for Makaurau Marae reserved his position on this point. We are satisfied that we have jurisdiction to amend the MUL as sought in the submissions.
- 4.17 In the course of the hearing both MCC and AIAL clarified the district plan provisions that were proposed for this land as part of PC14. We are on balance satisfied on the basis of the evidence that this area should be included within the MUL.
- 4.18 Including this land within the MUL in the manner proposed in the submissions will provide for the operation of the Airport and provide additional business land while giving a significant degree of protection to the Oruarangi Creek and provides for a significant amount of open space. We consider the development area proposed in PC14 sufficiently avoids recorded archaeological sites.
- 4.19 The open space network proposed as part of PC14 will provide for significant public access to the coast, provide for an improved open space network and suitably provide for the safety of users. The open space provision suitably provides for the protection of the Makaurau Marae and Papakainga land by retaining open space and views along the Oruarangi Creek. We heard evidence concerning the Marae relationship with land both here and in the broader area. This evidence included waahi tapu areas and other sites of significance to the Marae together with various archaeological evidence. We consider on the basis of the evidence presented to us that this land is less impacted by such sites and that the public open space will allow for visual associations between the Marae and the environs of the Oruarangi Creek.
- 4.20 We heard evidence (unchallenged) that AIAL needed to broaden the scope of activities in the Airport area to retain the robustness and viability of its nationally important infrastructure. We accept that it is therefore appropriate to provide for these activities in the Airport area.
- 4.21 We have considered all these matters in light of Part 2 of the Act and have concluded that on balance, providing for the future viability of the Airport as

nationally important infrastructure in this area despite its impact on section 6(e), matters is consistent with sustainable management.

- 4.22 We also note that this land is subject to a network discharge consent obtained by AIAL and we are confident that it can be developed for urban purposes without additional and unplanned adverse effects on the Oruarangi Creek.

#### **Expansion of the MUL to include the Bianconi land**

- 4.23 This area includes the land to the north east of Ihumatao Road, east of Oruarangi Road, south of the Papakainga area and west of the North Airport land identified in paragraphs 4.15-4.22 above. A number of submissions sought that this area be included within the MUL.
- 4.24 We are satisfied on the basis of the evidence that this area should not be included within the MUL.
- 4.25 The main reasons for the requests to include this land relate mainly to the need for additional business land in the area and the unreasonableness and un-usability of small isolated areas of rural land that will result from Proposed Change 13.
- 4.26 We consider that the inclusion of this land in the MUL and its subsequent development will have adverse effects on the heritage resources of the area (including the Otuataua Stonefields) and will not appropriately provide for the relationship between the Makaurau Marae (and its peoples relationship) with their ancestral lands. We consider that the Makaurau Marae is a rare if not unique resource in the Auckland Region as its relationship with its ancestral land is largely intact. The surrounding land has not been significantly developed and we recognise that this relationship is under pressure from development in the airport area. We heard considerable evidence from the Marae about the importance of the Marae peoples' relationship with the area and its landscape that was not challenged in our view.
- 4.27 While the expansion of the MUL in the North Airport area may be justified on the basis of providing for nationally important infrastructure that is not the case with the Bianconi land. We consider that in terms of Part 2 of the Act, sustainable management is not achieved by providing for additional business land in this area given the limited resource of the Marae and its immediate environment. Although we acknowledge that a scarcity of business land in the Region currently exists, we note that it is less scarce than the rare resource that the Makaurau Marae juxtaposed against their ancestral land, sites, waahi tapu represents. Section 6(e) of the Act requires that we recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. This is an active obligation placed on us that we must be cognisant of in our decisionmaking. In the present case, we consider that it requires us not just to strike a balance between urban development and the maintenance of section 6(e) values and attempt to tailor a specific design solution through a buffer or setback area. Instead we consider that it is a more fundamental issue of according appropriate priorities. While there has been some modification to the area in the past as rural zoned land, urbanisation is of a quantum far greater in its effects on these resources. The people Makaurau Marae will be significantly affected by the urban development proposed in the vicinity of their Papakainga and we consider that the inclusion of this land within the MUL would not sufficiently provide for these matters of national importance as required by section 6(e).
- 4.28 We are also concerned that there is no stormwater infrastructure proposed for this area and that there is no network discharge consent or application that would allow for the urban development of this area - particularly given that the receiving waters

(Oruarangi Creek), which have received considerable public investment in the creek's recent restoration, are under significant stress.

- 4.29 Commissioner Councillor Burrill does not agree with the above assessment and finding. Councillor Burrill has provided the following dissenting opinion:

*“Dissenting opinion relating to the Metropolitan Urban Limits line relating to the Eastern boundary of the Bianconi land out to Ihumatao Road in Mangere which results in that estate being left as approximately 30Ha of rural land sandwiched between airport commercial land (Mangere Gateway Heritage) and Manukau City reserve land designated to the West of Oruarangi Road. I consider it more appropriate that the MUL be along the centre of Oruarangi Road and include this estate.*

*This is in my view a defensible boundary clearly distinguishing Manukau City reserve land from Mangere Gateway Heritage Zone commercial land. The panel heard extensive evidence from representatives of Makaurau Marae, Graeme Murdoch, and others, indicating historic cultivation but no waahi tapu sites on this land.*

*Adequate provision is proposed in the Manukau District Plan along the South bank of the Oruarangi Creek and with the approval of the Manukau city Council designation of land west of Oruarangi Road adjoining the Marae and the Otuataua Stonefields reserves.*

*Manukau City Council and Auckland Regional Council plans clearly indicate a lack of industrial land and particularly large commercial sites. There is clear evidence of demand for sites in this area, and evidence was provided of a proposed large site purchaser should the land be available at the hearing.*

*Manukau City Council is aware of and able to manage an appropriate interface providing a reserve separation from the Makaurau Marae in the north.*

*I consider the MUL should be along the middle of Oruarangi Road and joining the line agreed to the coast in the west.*

*I support paragraph 4.28 as stated above.*

*Councillor Bill Burrill”*

#### **Expansion of the MUL to include the land subject to the AIAL NOR**

- 4.30 This land includes that land subject to the NOR from AIAL for airport purposes.
- 4.31 We are satisfied on the basis of the evidence that this area should not be included within the MUL.
- 4.32 We consider on the basis of the evidence that urban development on this land has the potential to have adverse effects on the landscape and heritage values in the area and fails to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
- 4.33 We acknowledge that the land is likely to be developed with large buildings as a result of the proposed designation, however the underlying zoning will remain a rural zone and the AIAL retains the ability to withdraw the NOR/designation at any time. While the purpose of the Act may be met by using this land for nationally significant infrastructure, we consider this is outweighed by the section 6 considerations relating to the nature and significance of the heritage values in this area. In our view releasing this land for general urban development will not achieve the purpose of the Act. This

land can also be distinguished from other land subject to the existing Airport designations and zoning, in that the other land can be developed for a range of urban activities while the use of the subject land is limited by the conditions of the NOR to core, functional airport uses.

- 4.34 We consider that not including the NOR land within the MUL will in no way hinder the operation of the airport or affect the proposed uses outlined in evidence by AIAL for the land.

#### **Expansion of the MUL to include the land west of Oruarangi Road**

- 4.35 This land includes all that land presently outside the MUL to the west of Oruarangi Road and the current AIAL designations to the coast, but south of the outlet of Oruarangi Creek, including the Otuataua Stonefields.
- 4.36 We are satisfied on the basis of the evidence that this land should remain outside of the MUL. We consider that urban development on this land has the potential to have adverse effects on the landscape and heritage values in the area.
- 4.37 We also consider that the inclusion of this land will have adverse effects on the heritage resources of the area and specifically on the relationship between the Makaurau Marae and its relationship (and their peoples' relationship) with their ancestral lands. We consider that the Makaurau Marae is a unique resource in the Auckland Region in that its relationship with its ancestral land is largely intact and we recognise that this relationship is under pressure from development in the Airport area. We heard considerable evidence from the Marae about this relationship that was not challenged in our view.
- 4.38 We also consider that the landscape values associated with the coastal edge in this area together with the location and relationship of the Otuataua Stonefields are such that inclusion of the land within the MUL is not warranted.
- 4.39 We are also satisfied that we were not presented with any convincing evidence concerning the need for this land to be included within the MUL and note that a portion of this land is used as a quarry, the consent for which has some time yet to run. This activity is not compatible with urban development in our view.
- 4.40 We are also concerned that there is no stormwater infrastructure proposed for this area and that there is no ICMP or network discharge consent that would allow for the urban development of this area while avoiding, remedying or mitigating adverse environmental effects on the receiving waters.

#### **Expansion of the MUL to include the Florapak land.**

- 4.41 The land requested to be included within the MUL is a 4.4208ha site located on the western side of Oruarangi Rd at its juncture with Ascot Road. The site contains a glasshouse and office complex and is used for indoor plants. This land is totally isolated from other rural land. The land to the east of the site is located within the MUL and is mostly developed for business activities. To the north of the site lies the Watercare wastewater treatment plant, and to the west, the Manukau Harbour, including an area of the harbour which was part of the sewage treatment pond complex which has now been removed.
- 4.4.2 The submissions seeking the inclusion of this land in within the MUL provided a number of reasons for including the site within the MUL including that the land is a rural island surrounded by urban land, that development will not affect Watercare's waste water plant, that there is strong demand for land business land, that the site has locational advantages, that the site is suitable for tourist activities or for the headquarters of a large organisation and there are no topographical, servicing or geotechnical constraints to its development.

- 4.4.3 We are satisfied on the basis of the evidence that this land should be included within the MUL.
- 4.44 This site is somewhat of an anomaly in that keeping the land outside the MUL would have left a small single site as rural. In general terms, we consider that the MUL should be located along Oruarangi Road so that open land is located on the western side of the road to the coast providing extensive views of the Manukau Harbour and the future habitat area.
- 4.45 Manukau City Council is proposing a specific zone for this site. This zoning gives protection to the views through the site and ensures development will appropriately address the road, and the walkway that runs along the Watercare land to the rear. We are satisfied that the provisions proposed to be included within PC14 are adequate and ensure an appropriate site-specific design response.
- 4.46 We note that there is no ICMP or network discharge consent for this land, matters which should be properly considered prior to urbanisation. The ARC does not normally accept a MUL change in the absence of these matters. Based on the circumstances outlined above, we consider that the Florapak site is unique and we note that the stormwater discharge from this land will be small and the discharge will be into a relatively large open body of water and not a small enclosed sensitive water body. We consider that these features indicate that sustainable management of stormwater is very unlikely be an impediment to the use of this area for urban purposes. We note that under the Proposed Regional Plan: Air, Land, & Water, redevelopment of this land cannot occur until a network discharge consent has been obtained.

#### **Expansion of the MUL to include the Kirkbride land**

- 4.47 This land includes the land in Kirkbride Road included in Proposed Change 13 as notified.
- 4.48 We are satisfied on the basis of the evidence that this land should be included within the MUL. Given the location and nature of this land and the location of Watercare odour buffer area the proposed MUL boundary is appropriate.
- 4.49 We note that this area does not have a network discharge consent but that the ARC's decision to decline that consent is currently under appeal. Under the Proposed Regional Plan: Air, Land, & Water, redevelopment of this land cannot occur until a network discharge consent has been obtained.

### **5. Consideration of Requested Plan Change 13**

- 5.1 The applicant Council has identified a number of relevant considerations in light of this section. These include the following and have been addressed in the assessment provided with the request to alter the MUL.
- (a) Part II of the RMA
  - (b) The functions of the ARC under s30 of the RMA
  - (c) Section 32 of the RMA
  - (d) Relevant regulations including Regional Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins and Other Toxics) Regulations 2004.
  - (e) Management plans and strategies prepared under other Acts including;
    - Regional Land Transport Strategy prepared under the Land Transport Management Act.
    - Auckland Regional Growth Strategy – Local Government Act.
    - Southern Sector Agreement – Auckland Regional Growth Strategy.
  - (f) Historic Places Register

- (g) Regional policy statements and plans of adjacent regional councils.
- (h) Planning documents recognised by an iwi, lodged with the council
- (i) Consultation
- (j) First Schedule of the RMA
- (k) Fourth Schedule of the RMA
- (l) Local Government Act 2002
- (m) Documents prepared in response to the Local Government (Auckland) Amendment Act 2004.

5.2 A number of these matters have been discussed in sections 2-4 above. The following sets out our views on those matters not discussed above. The assessment by MCC sets out a number of reasons for the MUL extension. The reasons put forward can be summarised as follows.

- (a) In the Airport area, the Airport has a statutory right to expand and operate as per its designation and accordingly extending the MUL is consistent with the development that is actually taking place. For the purposes of this MUL extension, which is north of the noise control area in MCC's district plan, reverse sensitivity related issues around noise are now not relevant as it has been shown that the expansion of the MUL (being the creation of further business land) in this area is not related to aircraft noise.
- (b) In the Kirkbride area, the MUL should be altered to align with the edge of the Odour Buffer Designation as it currently stands given the changes to the Mangere Wastewater Treatment Plant.

5.3 The following outlines our assessment of the MUL alteration provided by MCC.

#### **Part 2 of the RMA**

5.4 On the basis of the evidence we are satisfied that the Proposed Change 13 is consistent with Part 2 of the RMA.

#### **Section 30 – Functions of Regional Councils**

5.5 We consider that the request is consistent with section 30 to the extent that the MUL is an appropriate method to achieve the integrated management of natural and physical resources and falls within the range of functions available to the ARC.

#### **National Standards for Air Quality**

5.6 We consider that the alteration of the MUL is consistent with the national standards given the proposed underlying zoning, the Airport designation and the provisions of the Auckland Proposed Regional: Air, Land and Water Plan.

#### **Regional Land Transport Strategy**

5.7 Manukau City Council provided an integrated transport assessment in support of Proposed Change 13. Transit NZ (now NZTA) made a submission on Proposed Change 13 that expressed some concerns with this assessment and the effects of the MUL shift on the state highway network. We address these and similar submissions in section 8 of this report.

#### **Auckland Regional Growth Strategy**

5.8 The purpose of the Auckland Regional Growth Strategy (ARGS) is to ensure that growth is accommodated in a way that meets the best interest of the inhabitants of the Auckland region. The strategy provides a vision for what Auckland could look like in 2050 with a population of two million people. The vision is to sustain:

- Strong supportive communities

- A high quality living environment
  - A region that is easy to get around
  - Protection of the coast and surrounding natural environment.
- 5.9 The ARGS contains a number of outcomes and principles for evaluating growth alternatives and map of how growth could be accommodated in the region to 2050 (the "Growth Concept Map"). The principles are arranged in three parts, the first being principles to be applied over the whole region with second containing principles to be applied to new urban areas. The third part contains principles to be applied to areas of urban intensification and not directly relevant to this assessment.
- 5.10 We consider that the proposal as notified is generally consistent with the ARGS. The airport land is identified as Infrastructure on the Growth Concept Map while the land proposed for urban expansion to the immediate north of the Airport is identified as future urban. The Airport, with its present and future use as the major entry point into New Zealand, together with the full range of associated activities that go with a major airport has more in character with an urban use than a rural use.
- 5.11 The ARGS does not include the Kirkbride area. The Kirkbride area has only become available for urban development following the upgrading of the Mangere Sewage Treatment Plant. Given the shape, size and location of this land and its infrastructural links we consider that urbanisation is appropriate at this time. Given the nature of existing business activity at the northern end of this land and the nature of use on the land adjacent to the west (Watercare) it is considered that business activity is an appropriate use for this land, provided that any adverse effects on the residential areas to the east are minor, as managed by the controls in MCC's PC14.
- 5.12 In respect of the principles for evaluating growth we consider that Proposed Change 13 is in accord with the principles to be applied to new urban areas. This is because most of the area to be included with the MUL avoids the most sensitive areas of the coast and heritage areas generally to the west. The exception to this is that part of the Airport area located near the coast. However this land is already set aside for airport development or is already developed for airport uses and we consider that the additional environmental effects of including the land in the MUL will be minor.
- 5.13 For the reasons outlined above, and because Proposed Change 13 provides for additional business activity and the transport aspects of the MUL shift are adequate (see section 8 for a fuller discussion of these matters) we consider that Proposed Change 13 is also consistent with the principles applying to the whole region. A number of the principles in the ARGS relating to residential activity are not relevant to this assessment.

#### **Southern Sector Agreement**

- 5.14 The proposed MUL expansion is not addressed in the SSA. It appears that the SSA does not generally provide for the expansion of the MUL for business activities apart from those associated with residential growth. This theme is recognised in the Auckland Regional Business Land Strategy 2006 which notes that:

*"Since the adoption of the Regional Growth Strategy, a range of agencies, led by the Regional Growth Forum, have been implementing this vision. From early on, it became apparent that the Regional Growth Strategy focuses primarily on managing residential growth, and that an additional strategy was required to cater specifically for the growth of business in the region."*

- 5.15 Given that it has been recognised that business land demand may not have been fully addressed in the SSA, we consider that consistency with that agreement should be measured more by assessing the proposal against the requirements in the SSA

for an MUL shift, rather than just against the areas identified for expansion. These requirements include the following;

- An MUL shift must be discussed with the other agreement partners before a request is made to the ARC.
- A structure or concept plan of the area must be developed.
- The district plan provisions must be consistent with the principles of the APGS.

5.16 We consider that the request is consistent with these.

#### **Historic Places Register**

5.17 The Historic Places Trust register contains one Historic Place within the proposed MUL expansion being the Rennie/Jones House at 200 Ihumatao Road. This house, while scheduled in MCC's district plan, is subject to relocation when the Airport designation works commence. We consider that Proposed Change 13 will have no additional effects on this building.

#### **Regional Plans**

5.18 We consider that the MCC assessment of the proposal against the Proposed Regional Plan, Air Land and Water, Sediment Control Plan and Farm, Dairy Discharges Plan adequately addressed the relevant issues.

5.19 The MCC assessment notes that there are a number of features in the area protected by the Regional Plan Coastal including the iwi management area in the Pukaki and Waikaru Creeks, a conservation area at the end of Renton Road and an area of landscape significance at the western end of the Ihumatao Peninsula. It notes that these features are either outside of the proposed MUL expansion area or are within or adjoining the area of the Airport designation and hence could be developed currently.

#### **Other Matters**

5.20 The MCC assessment provides an adequate assessment of the proposed MUL shift against the Local Government Act 2002 and outlines consultation undertaken.

#### **Environmental Effects**

5.21 On the basis of evidence presented and the background material on which the request was based we are satisfied that the environmental effects on the natural and physical environment of the MUL request as notified, are likely to be as set out in the MCC assessment. We consider that Proposed Change 13 will not result in any additional effects on these matters.

5.22 With respect of cultural and social effects we specifically note that Proposed Change 13, as amended in accordance with our recommendations, will not result in any additional effects

#### **Section 32**

5.23 Following the hearing MCC's application and submissions we are satisfied that the proposal adequately meets the requirements of section 32 of the Act.

#### **Conclusion on justification for the MUL shift**

5.24 Following the hearing of MCC's application and submissions we are satisfied that the MCC has provided an adequate justification for the MUL shift as notified. We are satisfied on the basis of the evidence presented to us that Proposed Change 13 is

generally consistent with the ARPS and Proposed Change 6 to the ARPS. The landscape and heritage effects will be the same as provided for currently under the existing zoning and designations, the area can be adequately serviced and the land is contiguous with the urban area. Much of the boundary is defensible and subject to our conclusions in respect of the North Airport land addition we consider an appropriate boundary for the MUL is able to be achieved.

## 6. Discussion of submissions

6.1 The following sections of the decision report sets out our specific responses to individual submissions and further submissions. The submissions and further submissions are grouped under the following six topic areas:

- Submissions in opposition to Proposed Change 13;
- Traffic submissions;
- Submissions seeking further expansion of the MUL;
- Submissions specific to the Airport area;
- Submissions in support of Proposed Change 13;
- Miscellaneous submissions.

## 7. Submissions in opposition to Proposed Change 13

Submitter	No.	Decision Requested	Further Submitter
Waitakere City Council	9/1	Seeks the withdrawal of Proposed Change 13 in its entirety,(refer points 2-10)	<p><b>Supported</b> by FS2/9/1 BARNZ</p> <p><b>Supported</b> by FS11/9/1 The Band Hall No 16 Waipouri Rd</p> <p><b>Opposed</b> by FS16/9/1 Kilroy Investments</p> <p><b>Opposed</b> by FS17/9/1 Bianconi Investments Ltd</p> <p><b>Opposed</b> by FS20/9/1 Auckland International Airport Ltd</p> <p><b>Opposed</b> by FS21/9/1 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd &amp; Johnson Trust Quarry</p>
Waitakere City Council	9/2	There was insufficient consultation with the Regional Growth Forum members and adjacent Territorial Authorities in the Auckland Region, particularly Waitakere City Council.	<p><b>Supported</b> by FS2/9/2 BARNZ</p> <p><b>Supported</b> by FS11/9/2 The Band Hall No 16 Waipouri Rd</p> <p><b>Opposed</b> by FS16/9/2 Kilroy Investments</p> <p><b>Opposed</b> by FS17/9/2 Bianconi Investments Ltd</p> <p><b>Opposed</b> by FS20/9/2 Auckland International Airport Ltd</p>

Submitter	No.	Decision Requested	Further Submitter
Waitakere City Council	9/3	The area proposed to be urbanised is unclear as there are discrepancies between the text and the maps (see 1.1.7) in Proposed Change 13.	<p><b>Supported</b> by FS2/9/3 BARNZ</p> <p><b>Supported</b> by FS11/9/3 The Band Hall No 16 Waipouri</p> <p><b>Opposed</b> by FS16/9/3 Kilroy Investments</p> <p><b>Opposed</b> by FS17/9/3 Bianconi Investments Ltd</p> <p><b>Opposed</b> by FS20/9/3 Auckland International Airport Ltd</p>
Waitakere City Council	9/4	A decision to urbanise the subject land is premature and may pre-empt pending Environment Court decisions regarding recent decisions by the ARC to shift the MUL in north-west Auckland. In particular, Proposed Change 13 is unclear as to the extent which there is a regional shortage of business land and how the MUL shift proposed by Proposed Change 13 will effect development of other business land in the region.	<p><b>Supported</b> by FS2/9/4 BARNZ</p> <p><b>Supported</b> by FS11/9/4 The Band Hall No 16 Waipouri</p> <p><b>Opposed</b> by FS16/9/4 Kilroy Investments</p> <p><b>Opposed</b> by FS17/9/4 Bianconi Investments Ltd</p> <p><b>Opposed</b> by FS20/9/4 Auckland International Airport Ltd</p>
Waitakere City Council	9/5	A shift to the MUL is unnecessary to allow for the continuation of activities to support regional infrastructure.	<p><b>Supported</b> by FS2/9/5 BARNZ</p> <p><b>Supported</b> by FS11/9/5 The Band Hall No 16 Waipouri</p> <p><b>Opposed</b> by FS16/9/5 Kilroy Investments</p> <p><b>Opposed</b> by FS17/9/5 Bianconi Investments Ltd</p> <p><b>Opposed</b> by FS20/9/5 Auckland International Airport Ltd</p>
Waitakere City Council	9/6	Proposed Change 13 is inconsistent with the policies and objectives of the ARPS, in particular but not limited to the following: <ul style="list-style-type: none"> <li>- There is no significant capacity shortage in the southern part of the region for the activities proposed.</li> <li>- Mangere Gateway is not identified in Schedule 1 of the ARPS and such urban expansion will impact on the ability to achieve intensification in Manukau City centres.</li> <li>- The proposal will adversely impact on regionally significant soils.</li> <li>- There is no comprehensive assessment to determine whether the land would be better utilised for the provision of social infrastructure</li> <li>- the extended MUL boundary is not defensible</li> <li>- The proposal will generate more cross regional traffic and associated environmental impacts.</li> </ul>	<p><b>Supported</b> by FS2/9/6 BARNZ</p> <p><b>Supported</b> by FS11/9/6 The Band Hall No 16 Waipouri Rd</p> <p><b>Opposed</b> by FS16/9/6 Kilroy Investments Ltd</p> <p><b>Opposed</b> by FS17/9/6 Bianconi Investments Ltd</p> <p><b>Opposed</b> by FS20/9/6 Auckland International Airport Ltd</p>

Submitter	No.	Decision Requested	Further Submitter
Waitakere City Council	9/7	The Section 32 benefits as outlined in Proposed Change 13 do not necessitate a shift to the MUL and do not consider wider regional options for airport and business activities.	<b>Supported</b> by FS2/9/7 BARNZ <b>Supported</b> by FS11/9/7 The Band Hall No 16 Waipouri <b>Opposed</b> by FS16/9/7 Kilroy Investments <b>Opposed</b> by FS17/9/7 Bianconi Investments Ltd <b>Opposed</b> by FS20/9/7 Auckland International Airport Ltd
Waitakere City Council	9/8	Proposed Change 13 is inconsistent with the Auckland Regional Growth Strategy and in particular the "Employment Choice Outcomes".	<b>Supported</b> by FS2/9/8 BARNZ <b>Supported</b> by FS11/9/8 The Band Hall No 16 Waipouri <b>Opposed</b> by FS16/9/8 Kilroy Investments <b>Opposed</b> by FS17/9/8 Bianconi Investments Ltd <b>Opposed</b> by FS20/9/8 Auckland International Airport Ltd
Waitakere City Council	9/9	Urban expansion, as sought in Proposed Change 13 is not provided for in the Southern Sector Agreement.	<b>Supported</b> by FS2/9/9 BARNZ <b>Supported</b> by FS11/9/9 The Band Hall No 16 Waipouri <b>Opposed</b> by FS16/9/9 Kilroy Investments <b>Opposed</b> by FS17/9/9 Bianconi Investments Ltd <b>Opposed</b> by FS20/9/9 Auckland International Airport Ltd
Waitakere City Council	9/10	For the reasons identified in their submission, Proposed Change 13 is inconsistent with the purpose and principles of the Resource Management Act 1991 and is contrary to sound resource management practice.	<b>Supported</b> by FS2/9/10 BARNZ <b>Supported</b> by FS11/9/10 The Band Hall No 16 Waipouri <b>Opposed</b> by FS16/9/10 Kilroy Investments <b>Opposed</b> by FS17/9/10 Bianconi Investments Ltd <b>Opposed</b> by FS20/9/10 Auckland International Airport Ltd
Waitakere City Council	9/11	Also seeks such decisions from the local authority as may be necessary to give effect to their submission, including those incidental to the relief sought in the submission.	<b>Supported</b> by FS2/9/11 BARNZ <b>Supported</b> by FS11/9/11 The Band Hall No 16 Waipouri <b>Opposed</b> by FS16/9/11 Kilroy Investments <b>Opposed</b> by FS17/9/11 Bianconi Investments Ltd <b>Opposed</b> by FS20/9/11 Auckland International Airport Ltd

Submitter	No.	Decision Requested	Further Submitter
The Band Hall No 16 Waipouri Rd (Roger Gummer & Delwyn Roberts)	11/1	Oppose MUL Kirkbride area, Airport area and land. Want to see as public reserve and become similar to Ambury Farm or recent acquisition of the Pukaki basin for public space.	<b>Opposed</b> by FS20/11/1 Auckland International Airport Ltd
The Band Hall No 16 Waipouri Rd (Roger Gummer & Delwyn Roberts)	11/2	Support the local iwi and other residences to maintain and improve their quality of life which will be destroyed.	
Makaurau Marae Environment Committee	14/1	Oppose the amendment of the location of the Metropolitan Urban Limit.	<b>Supported</b> by FS2/14/1 BARNZ <b>Supported</b> by FS11/14/1 The Band Hall No 16 Waipouri Rd <b>Opposed</b> by FS16/14/1 Kilroy Investments Ltd <b>Opposed</b> by FS17/14/1 Bianconi Investments Ltd <b>Opposed</b> by FS20/14/1 Auckland International Airport Ltd
Makaurau Marae Environment Committee	14/2	Opposes the relief sought by Manukau City Council because it: - fails to provide for the cultural wellbeing of the people of Makaurau Marae. - fails to recognise the visual, social, cultural and heritage connection between the Ihumatao Papakainga and the tuataua Stonefields Historic Reserve and all other cultural icons within its vicinity. - fails to take into account the principles of the Treaty of Waitangi, the relationship of the people of Makaurau Marae and their culture, traditions and connection with the land. In particular the very distinctive cultural and heritage characteristics that are unique to this part of Auckland. - will result in rural land adjacent to the Ihumatao Papakainga being urbanised for business and residential uses and will generate significant adverse effects on the people of Makaurau Marae. - will result in a scale and type of development that is socially, culturally, spiritually and environmentally unsustainable.	<b>Supported</b> by FS2/14/2 BARNZ <b>Supported</b> by FS11/14/2 The Band Hall No 16 Waipouri Rd <b>Opposed</b> by FS16/14/2 Kilroy Investments Ltd <b>Opposed</b> by FS17/14/2 Bianconi Investments Ltd <b>Opposed</b> by FS20/14/2 Auckland International Airport Ltd
Miri Sherilee Clegg, Lucy Moana Williams & Reginald Tahinga Williams	15/1	Oppose Proposed Change 13 - no change, should remain rural	<b>Supported</b> by FS11/15/1 The Band Hall No 16 Waipouri Rd <b>Opposed</b> by FS20/15/1 Auckland International Airport Ltd
Miri Sherilee Clegg, Lucy Moana Williams & Reginald Tahinga Williams	15/2	A tourist route sign would be sufficient rather than rezoning the entire area.	<b>Supported</b> by FS11/15/2 The Band Hall No 16 Waipouri Rd <b>Opposed</b> by FS20/15/2 Auckland International Airport Ltd
Evelyn Mendelssohn	24/1	Oppose Proposed Change 13 - no change	

## 7.1 Comments

### 7.1.1 Topic

These submissions relate to the entirety of Proposed Change 13.

### 7.1.2 Decision

- (i) That submissions and further submissions **(9/1), (FS02/9/1), (FS11/9/1), (9/2), (FS02/9/2), (FS11/9/2), (9/3), (FS02/9/3), (FS11/9/3), (9/4), (FS02/9/4), (FS11/9/4), (9/5), (FS02/9/5), (FS11/9/5), (9/6), (FS02/9/6), (FS11/9/6), (9/7), ((FS02/9/7), (FS11/9/7), (9/8), (FS02/9/8), (FS11/9/8), (9/9), (FS02/9/9), (FS11/9/9), (9/10), (FS02/9/10), (FS11/9/10), (9/11), (FS02/9/11), (FS11/9/11), (11/1), (11/2), (14/1), (FS02/14/1), (FS11/14/1), (14/2), (FS02/14/2), (FS11/14/2), (15/1), (FS11/15/1), (24/1), (15/2) and (FS11/15/2) be rejected.**
- (ii) That further submissions **(FS16/9/1), (FS17/9/1), (FS20/9/1), (FS16/9/2), (FS17/9/2), (FS20/9/2), (FS16/9/3), (FS17/9/3), (FS20/9/3), (FS16/9/4), (FS17/9/4), (FS20/9/4), (FS16/9/5), (FS17/9/5), (FS20/9/5), (FS16/9/6), (FS17/9/6), (FS20/9/6), (FS16/9/7), (FS17/9/7), (FS20/9/6), (FS16/9/8), (FS17/9/8), (FS20/9/8), (FS16/9/9), (FS17/9/9), (FS20/9/9), (FS16/9/10), (FS17/9/10), (FS20/9/10), (FS16/9/11), (FS17/9/11), (FS20/9/11), (FS20/11/1), (FS16/14/1), (FS17/14/1), (FS20/14/1), (FS16/14/2), (FS17/14/2), (FS20/14/2), (FS20/15/1), (FS11/15/2) and (FS20/15/2) be accepted.**

### 7.1.3 Reasons for Decision

In respect of the submission from the Waitakere City Council (WCC), the reasons for the submission can be broken down into procedural type concerns and secondly into more substantive concerns.

Turning to procedural concerns, WCC raises concerns about the extent of consultation with other Regional Growth Forum Members and that the MUL shift is premature given their own proposals for the expansion of the MUL for business purposes in Waitakere are currently the subject to appeals.

In respect of consultation, MCC's request to the ARC sets out the consultation undertaken by MCC. This included preliminary meetings with landowners and interested parties including the ARC and Transit NZ. In 2005, a draft plan change was developed and pre-notification informal consultation took place in late 2005. Comments and feedback were received from 94 groups and individuals.

Consultation took place with various iwi groups including Ngati te Ahiwaru, Ngati te Akatai, and Ngati te Ata. MCC also reported the matter to the Mana Whenua Forum.

In addition to the above individual consultation took place with AIAL, the Southern Sector partners (i.e. Papakura District Council, Franklin District Council and the ARC), the Department of Conservation, Ministry for the Environment and Watercare Services Ltd.

It appears that WCC was not directly consulted by MCC on Proposed Change 13 or PC14. The ARGS implies that consultation should occur with all Forum members involved in the development of the various sector agreements. This has led to more focused consultation taking place on a sector basis with regional consultation being undertaken at ARC level. Notwithstanding this, the notification of Proposed Change 13 has provided a suitable opportunity to the WCC to make formal comment on the MUL shift.

We consider that this proposal should not be held up on the basis of uncertainty over the extension of the MUL in Waitakere. The Auckland Regional Business Land Strategy indicates that there is a significant shortage of business zoned land in the Auckland region and changes in Manukau are not likely to have implications for changes in Waitakere given that most of the land subject to the MUL shift could be

developed under the Airport designation. The strategy also notes that there is a need to provide employment close to where people live, thereby providing further work opportunities for people in the central and south Auckland areas of the region.

We note that WCC is concerned that the MUL expansion would exacerbate an existing subregional imbalance which sees a net long distance commute from the northwest to the south with consequent effects on Auckland's transport network and quality of life for those concerned. WCC's point here is that MCC did not do any analysis around the land use and transport integration issues generated by this imbalance. WCC is correct in this latter respect and we agree MCC is to be taken to task for this in this decision report as these matters need comprehensive consideration for future MUL shifts. While we agree that is a matter that should have been thoroughly assessed, we accept the evidence of Dr McDermott, that in this particular instance, net adverse effects on regional travel work patterns will be minor. Much of the business activity provided for within the request is already provided for within the Airport designation. The MUL shift (as notified), will not have a significant effect on the actual distribution of business land.

We also consider that even if there was an interrelationship between the MUL extension in Waitakere City and this proposal, that the current process should not be delayed. The RMA allows for MUL extensions to be made and each request should be considered on its substantive merits. Delaying the consideration of Proposed Change 13 could potentially mean that any other request to extend the MUL in the Region should be delayed until the previous request has been dealt with.

The more substantive concerns include;

- The maps are not clear
- The MUL shift is unnecessary to allow for the continuation of activities to support regional infrastructure.
- The Plan Change is inconsistent with the policies and objectives of the ARPS.
- The s32 benefits do not necessitate a shift in the MUL.
- The MUL shift is inconsistent with the Auckland Regional Growth Strategy and in particular the "Employment Choice Outcomes".
- Urban expansion is not provided for in the Southern Sector Agreement.
- The Plan Change is inconsistent with the purpose and principles of the Resource Management Act.

We are satisfied that Proposed Change 13 is clear and the maps are clear.

In respect of regional infrastructure, particularly transport infrastructure, this matter has been the subject of additional modelling work in conjunction with Transit NZ which had similar concerns to this aspect of the WCC submission. This matter is discussed more fully in section 8 of this decision. Overall we are satisfied that the additional traffic generated can be adequately catered for by the transport infrastructure.

The submitter states that Proposed Change 13 will lead to a proliferation of inappropriate development around the airport. We are satisfied that the types of activities provided for in PC14 are generally appropriate.

As set out in section 5 of this report we are satisfied that the proposal is consistent with the ARPS and the s32 Report is adequate. We are also satisfied that the proposal is generally consistent with the ARGS. The reasons for this view are also discussed in section 5 of this report.

The proposed MUL expansion is not addressed in the SSA. It appears that the SSA does not generally provide for the expansion of the MUL for business activities apart

from those associated with residential growth. This theme is recognised in the Auckland Regional Business Land Strategy 2006 which notes that;

*“Since the adoption of the Regional Growth Strategy, a range of agencies, led by the Regional Growth Forum, have been implementing this vision. From early on, it became apparent that the Regional Growth Strategy focuses primarily on managing residential growth, and that an additional strategy was required to cater specifically for the growth of business in the region.”*

We consider that since business land demand may not have been fully addressed in the SSA, consistency with that agreement can be measured more by assessing the proposal against the requirements for an MUL shift in the SSA rather than just the areas set out for expansion. These requirements include the following;

- An MUL shift must be discussed with the other agreement partners before a request is made to the ARC.
- A structure or concept plan of the area must be developed.
- The district plan provisions must be consistent with the principles of the APGS.

We are satisfied that Proposed Change 13 meets these.

The submissions from Roger Gummer and Delwyn Roberts (The Band Hall No 16), Miri Sherilee Clegg and others oppose the expansion of the MUL. The Manukau Marae Environmental Committee also opposes the expansion of the MUL on the basis that new development will have adverse effects on the iwi regarding culture and traditions of maintaining their relationships with ancestral lands, wahi tapu and other taonga in connection with the land, the Papakainga, Oruarangi Creek, the haupapa, the Manukau harbour and the Otuataua Stonefields. E Mendelssohn is opposed to any change to the MUL.

We have given considerable thought to these submissions and acknowledge the concerns of these submitters and the potential effects of an MUL shift in this area on landscape, cultural and heritage matters raised in submissions. However as discussed in detail in section 4 of this report we consider that the extent of the MUL shift, as notified under Proposed Change 13 and modified to include the land between the existing AIAL designation and the Oruarangi Creek (the North Airport Land) is appropriate.

#### 7.1.4 Amendments to Proposed Change 13

No amendments resulting from this decision.

### 8. Traffic submissions

Submitter	No.	Decision Requested	Further Submitter
Transit New Zealand	5/1	Concerned about the lack of specific transportation information provided to support Proposed Change 13, in particular relating to impacts on the State highway network. At this stage Transit opposes Proposed Change 13 due to the lack of a comprehensive transportation assessment as outlined in their submission.	<p><b>Supported</b> by FS2/5/1 BARNZ</p> <p><b>Supported</b> by FS11/5/1 The Band Hall No 16 Waipouri Rd</p> <p><b>Opposed</b> by FS20/5/1 Auckland International Airport Ltd</p> <p><b>Supported</b> by FS24/5/1 Auckland Regional Transport Association</p>

Submitter	No.	Decision Requested	Further Submitter
Transit Zealand New	5/2	No analysis has been provided to substantiate the statement that there is sufficient capacity in the planned roading network to accommodate this increase.	<b>Supported</b> by FS2/5/2 BARNZ <b>Supported</b> by FS11/5/2 The Band Hall No 16 Waipouri <b>Opposed</b> by FS20/5/2 Auckland International Airport Ltd <b>Supported</b> by FS24/5/2 Auckland Regional Transport Association
Transit Zealand New	5/3	Submitter notes that although the Auckland State Highway Strategy identifies the Kirkbride Rd interchange as a project, it has been given low priority and construction is not confirmed in Transit's 2007/08 to 2016/17 State Highway Forecast. It is therefore premature to rely on this unconfirmed project as providing the basis for stating that there is sufficient capacity in the roading network to support development in the Kirkbride area.	<b>Supported</b> by FS2/5/3 BARNZ <b>Supported</b> by FS11/5/3 The Band Hall No 16 Waipouri <b>Opposed</b> by FS20/5/3 Auckland International Airport Ltd <b>Supported</b> by FS24/5/3 Auckland Regional Transport Association
Transit Zealand New	5/4	Transit considers that the ARC should request Manukau City Council to provide the following information in order to demonstrate that the existing roading network can adequately accommodate the extra traffic generation resulting from Proposed Change 13: 1. Trip generation from this new zone (Kirkbride area) 2. Trip distribution - % of traffic travelling to/from the North to Kirkbride zone and to/from the South to Kirkbride zone. 3. Consequently, the impacts on these State highway interchanges: (a) Walmsley Road Interchange (b) Kirkbride Road/SH20A intersection	<b>Supported</b> by FS2/5/4 BARNZ <b>Supported</b> by FS11/5/4 The Band Hall No 16 Waipouri <b>Opposed</b> by FS20/5/4 Auckland International Airport Ltd <b>Supported</b> by FS24/5/4 Auckland Regional Transport Association
Transit Zealand New	5/5	The timing of the land use development may not match the new proposed road network, ie rezoning and subsequent development may occur prior to any change to the road network. Therefore there is a need to assess the rezoning impacts from Proposed Change 13 on the existing road network rather than assuming the future road network will accommodate the land use changes.	<b>Supported</b> by FS2/5/5 BARNZ <b>Supported</b> by FS11/5/5 The Band Hall No 16 Waipouri <b>Opposed</b> by FS20/5/5 Auckland International Airport Ltd <b>Supported</b> by FS24/5/5 Auckland Regional Transport Association
Transit Zealand New	5/6	The north of airport assessment also references the grade separation of Kirkbride/SH20 project influencing the upgrade of the Ascot/Kirkbride intersection. (as outlined in submission point 4) the construction of the Kirkbride upgrade has not been confirmed in Transit's work programme therefore it should not be used as the basis for determining other local Council network upgrades.	<b>Supported</b> by FS2/5/6 BARNZ <b>Supported</b> by FS11/5/6 The Band Hall No 16 Waipouri <b>Opposed</b> by FS20/5/6 Auckland International Airport Ltd <b>Supported</b> by FS24/5/6 Auckland Regional Transport Association

Submitter	No.	Decision Requested	Further Submitter
Transit New Zealand	5/7	Transit considers that the ARC should request Manukau City Council to provide the following information in order to demonstrate that the existing roading network can adequately accommodate the extra traffic generation resulting from Proposed Change 13: 1. Trip generation from north of the airport 2. Trip distribution - % of traffic access through Montgomerie Rd/George Bolt Memorial Dr intersection and % of traffic access through the new roundabout on George Bolt Memorial Dr (Sth of Westney Rd) 3. Consequently the impacts on these intersections (a) Montgomerir Rd/George Bolt Memorial Dr intersection (b) The new roundabout on George Bolt Memorial Rd (Sth of Westney Rd) which commences in late 2007.	<b>Supported</b> by FS2/5/7 BARNZ <b>Supported</b> by FS11/5/7 The Band Hall No 16 Waipouri Rd <b>Opposed</b> by FS20/5/7 Auckland International Airport Ltd <b>Supported</b> by FS24/5/7 Auckland Regional Transport Association
Transit New Zealand	5/8	General assessment of impacts on the SH20A and SH20B traffic operations resulting from Plan Change 13 should also be provided.	<b>Supported</b> by FS2/5/8 BARNZ <b>Supported</b> by FS11/5/8 The Band Hall No 16 Waipouri <b>Opposed</b> by FS20/5/8 Auckland International Airport Ltd <b>Supported</b> by FS24/5/8 Auckland Regional Transport Association
Transit New Zealand	5/9	A general assessment of any consequential improvements to the State highways and their interchanges/intersection (if required) should also be provided.	<b>Supported</b> by FS2/5/9 BARNZ <b>Supported</b> by FS11/5/9 The Band Hall No 16 Waipouri <b>Opposed</b> by FS20/5/9 Auckland International Airport Ltd <b>Supported</b> by FS24/5/9 Auckland Regional Transport Association
Transit New Zealand	5/10	In some instances, proposed developments bring forward in time the need to undertake road improvement measure, such as intersection upgrades. In these circumstances, it may be appropriate for the mitigation costs to be shared between transit, the developer and other parties. Dependent on the results of further information sought in their submission, Transit may seek a further contribution from the Council if a requirement for State highway improvements are identified as a result of Proposed Change 13.	<b>Supported</b> by FS2/5/10 BARNZ <b>Supported</b> by FS11/5/10 The Band Hall No 16 Waipouri <b>Opposed</b> by FS20/5/10 Auckland International Airport Ltd <b>Supported</b> by FS24/5/10 Auckland Regional Transport Association
Gavin H Wallace	10/2	The ARC should assist the Manukau City Council to realign Oruarangi Rd further north to provide more direct access to the Otuataua Stonefields, protect the safety and amenities of those living in Makarau Marae Village and provide the motoring public with a view of the Manukau Harbour and Heads and the Waitakeres.	<b>Supported</b> by FS21/10/2 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry

## 8.1 Comments

### 8.1.1 Topic

These submissions relate to the traffic effects of expanding the MUL.

### 8.1.2 Decision

- (i) That submissions and further submissions (5/1), (FS02/5/1), (FS11/5/1), (FS24/5/1), (5/2), (FS02/5/2), (FS11/5/2), (FS24/5/2), (5/3), (FS02/5/3), (FS11/5/3), (FS24/5/3), (5/4), (FS02/5/4), (FS11/5/4), (FS24/5/4), (5/5), (FS02/5/5), (FS11/5/5), (FS24/5/5), (5/6), (FS02/5/6), (FS11/5/6), (FS24/5/6), (5/7), (FS02/5/7), (FS11/5/7), (FS24/5/7), (5/8), (FS02/5/8), (FS11/5/8), (FS24/5/8), (5/9), (FS02/5/9), (FS11/5/9), (FS24/5/9), (5/10), (FS02/5/10), (FS24/5/10), (10/2) and (FS21/10/2) be rejected.
- (ii) That further submissions (FS20/5/1), (FS20/5/2), (FS20/5/3), (FS20/5/4), (FS20/5/5), (FS20/5/6), (FS20/5/7), (FS20/5/8), (FS20/5/9) and (FS20/5/10) be accepted.

### 8.1.3 Reasons for Decision

In response to the NZTA submission AIAL commissioned Beca Infrastructure to assess the future traffic impacts of Proposed Change 13 and PPC14 on SH20A and Kirkbride Road. This report was developed in conjunction with Manukau City officers.

- The objective of the study was to determine how the change in land use proposed under the plan changes will impact on SH20A and key arterial routes in the vicinity of the area.

The report concluded as follows;

*“An assessment of the performance of the SH20A / Kirkbride intersection showed the at-grade intersection is at capacity in 2015 in the “without development” scenario, and that PC13/14 is expected to cause some additional average delays. The largest increase is expected in the PM peak, with around 11 seconds of additional overall delay (in addition to the average delay of 1 minute 32 seconds in the “without development” scenario).*

*In 2022 the model predicts that the development will increase traffic volumes on state highways on the approach to the airport (SH20A and SH20B) of between 5 – 10%. We consider this a relatively minor increase (237 veh per hour at maximum) compare with the relatively large increases in traffic demands on SH20, SH20A and SH20B as a result of regional growth and airport passenger demands.*

*This investigation shows that key elements of the network will be approaching capacity in 2022 specifically with grade separation of the SH20 / Kirkbride intersection required at around 2015. However we do not believe that the traffic impacts of PC13/14 will materially change the need and hence timing of the SH20A / Kirkbride interchange grade separation.*

*It is anticipated that a separate investigation will be conducted into the impacts of the plan change on the local road network, particularly the road network servicing the commercial area adjacent to Ascot Road.*

*We consider that this study has adequately considered the traffic effects of the plan change on the adjacent network. However, we note that NZTA are also undertaking a study of the state highways in the vicinity of the airport (particularly the performance of the SH20 interchanges with SH20A and SH20B). As we understand that model extends further to the north and south along SH20, it is recommended that the demands predicted by this report are reconciled with those on the corresponding sections of state highway in the NZTA SH20 access study so that the two studies remain consistent.”*

On the basis of this and the evidence presented we are satisfied that the expansion of the MUL will have acceptable effects on the state highway network.

We further consider that the submission from Gavin Wallace goes beyond the scope of Proposed Change 13 as the ARC is unable to develop roads as part of a response to an ARPS change request.

8.1.4 Amendments to Proposed Change 13

No amendments resulting from this decision.

**9. Submissions seeking further expansion of the MUL**

**9.1 Inclusion of land at 1 Oruarangi Road**

Submitter	No.	Decision Requested	Further Submitter
Florapak Partnership	1/1	Inclusion of the subject site (1 Oruarangi Road, Lot 2 DP 43557) within the boundaries of Proposed Private Change 13 and the MUL.	
Florapak Partnership	1/2	Or the immediate introduction of a variation or the notification of a private plan change to include the subject site within the MUL.	

10.1.1 Topic

These submissions relate to land at 1 Oruarangi Road.

10.1.2 Decision

(i) That submissions **(1/1)** be **accepted** and **(1/2)** **rejected**.

10.1.3 Reasons for Decision

The reasons for this decision are set out in paragraphs 4.41-4.46 of this decision.

10.1.4 Amendments to Proposed Change 13

Proposed Change 13 is amended to include the land at 1 Oruarangi Road within the MUL.

**9.2 Inclusion of land at 8 Kirkbride Road**

Submitter	No.	Decision Requested	Further Submitter
Workforce Auckland Inc	3/1	The Workforce site is zoned Main Residential with the operation consented via a resource consent. Workforce seeks that the site be incorporated into the rezoning and hence the MUL be extended.	

9.2.1 Topic

This submission relates to land already within the MUL.

9.2.2 Decision

(i) That submission (3/1) be rejected.

9.2.3 Reasons for Decision

The site at 8 Kirkbride Road is already located within the MUL. Therefore the MUL cannot be expanded to include it.

#### 9.2.4 Amendments to Proposed Change 13

No amendments resulting from this decision.

### 9.3 Inclusion of land on the western side of Oruarangi Road and north of Ihumatao Road

Submitter	No.	Decision Requested	Further Submitter
Yashonda Developments Ltd	7/1	Submitter opposes the Proposed Private Change 13 because it does not include the Submitter's property at 619 Oruarangi Rd	
Yashonda Developments Ltd	7/4	Seeks that the Proposed Private Change 13 be refused until the same more properly accommodates the Submitter's requirements. The submitter specifically and without limiting relief, to give effect to the concerns stated in their submission that the Proposed Private Change 13 be refused. In the alternative that the same be modified to extend the MUL to incorporate the Submitter's land.	
Gavin H Wallace	10/1	The ARC should facilitate meaningful consultation amongst the local iwi, local landowners, Auckland Airport Company, business interests and Manukau City Council with a view to rationalising the varying needs of the parties and so assisting in both developing a competitive and efficient economy while promoting a quality local environment and the amenities.	<b>Supported by</b> FS21/10/1 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
Gavin H Wallace	10/3	The rationalisation of an oversupply of passive recreational land in the area and an undersupply of business land especially that related to airport purposes is a matter requiring action by both the ARC and the Manukau City Council.	<b>Supported by</b> FS21/10/3 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
Gavin H Wallace	10/4	The function of the MUL in this particular part of Mangere requires reviewing.	<b>Supported by</b> FS21/10/4 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
Gavin H Wallace	10/6	The proposed Mangere Gateway Business Zone to include land to the north of the Airport designation and east of the re-aligned Oruarangi Rd.	<b>Supported by</b> FS21/10/6 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
David Credin	22/2	The MUL should be extended to apply to all of the land presently zoned as Mangere Puhinui Rural (and in particular the land located at 325 Ihumatao Rd).	<b>Supported by</b> FS21/22/2 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
David Credin	22/3	Limiting the extension of the urban limits to include only the areas proposed is inefficient and unwarranted.	<b>Supported by</b> FS21/22/3 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
Gail Selby Brown	23/3	Sufficient area for Business development. If however the MCC insists on taking more area north of Ihumatao Rd for business zone, the submitter considers that that the area left would be insufficient to meet the requirements of a tourist heritage area, in which case the entire area (minus the stone	

Submitter	No.	Decision Requested	Further Submitter
		fields) should be zoned Business.	

### 9.3.1 Topic

These submissions relate to land not proposed to be included within Proposed Change 13

### 9.3.2 Decision

**That submissions and further submissions (7/1), (7/4), (10/1), (FS21/10/1), (10/3), (FS21/10/3), (10/4), (FS21/10/4), (10/6), (FS21/10/6), (22/2), (FS21/22/2), (22/3), (23/3) and (FS21/22/3) be rejected.**

### 9.3.3 Reasons for Decision

The reasons for this decision are set out in paragraphs 4.35-4.40 of this decision report.

### 9.3.4 Amendments to Proposed Change 13

No amendments resulting from this decision

## 9.4 **Inclusion of land to the west of the airport and south of Ihumatao Road**

Submitter	No.	Decision Requested	Further Submitter
S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry	21/1	Proposed Change 13 is contrary to the purpose and principles of the Resource Management Act 1991,	
S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry	21/2	Proposed Change 13 in its current form is inconsistent with the Regional Growth Strategy.	
S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry	21/3	Proposed Change 13 in its current form is not the most appropriate way to achieve the purpose of the Act and the method is not the most appropriate for achieving the objectives.	

Submitter	No.	Decision Requested	Further Submitter
S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry	21/4	The proposed position of the MUL fails to, or takes inadequate consideration of the provisions of the Local Government Amendment Act 2002.	
S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry	21/5	The s32 analysis relied on cannot support the proposed position of the MUL in the Proposed Plan Change as notified.	
S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry	21/6	Proposed Change 13 takes no or insufficient account of: (i) The shortage of business land in Auckland and particularly in Manukau City. (ii) The uneconomics of agricultural activity in the area. (iii) The planned expansion of Auckland International Airport and the resulting urban and commercial development that will arise around the airport. (iv) the lack of a need for a buffer zone for reverse sensitivity between the airport and Ihumatao Quarry, particularly as the noise impacts of the airport are now better understood.	
S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry	21/7	Seeks that the MUL proposed in Proposed Change 13 be extended to include the submitters' properties.	
S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry	21/8	Seeks that in particular that Alternative 3 on Map 2A in the s32 analysis for Proposed Change 13 be adopted.	
S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry	21/9	Seeks such further and/or alternative relief as may be necessary to address the submissions as out lined.	

#### 9.4.1 Topic

These submissions relate to land not proposed to be included within Proposed Change 13.

#### 9.4.2 Decision

That submissions **(21/1), (21/2), (21/3), (21/4), (21/5), (21/6), (21/7), (21/8) and (21/9) be rejected.**

#### 9.4.3 Reasons for Decision

The reasons for this decision are set out in paragraphs 4.35-4.40 of this decision report.

9.4.4 Amendments to Proposed Change 13

No amendments resulting from this decision

**9.5 Inclusion of land to the north of the Airport designation and to the east of Waitomokia Creeks (The North Airport Land) and the land subject to AIAL NOR.**

Submitter	No.	Decision Requested	Further Submitter
Auckland International Airport Ltd	20/2	To the extent that AIAL does not consider that Proposed Change 13 goes far enough in extending the MUL, AIAL opposes that part of Proposed Change 13.	<b>Opposed</b> by FS2/20/2 BARNZ <b>Supported</b> by FS16/20/2 Kilroy Investments Ltd <b>Supported</b> by FS17/20/2 Bianconi Investments Ltd <b>Supported</b> by FS21/20/2 Selwyn Hetherington & Joel Johnson as trustees of the Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Slaes Ltd & Johnson Trust Quarry
Auckland International Airport Ltd	20/4	Seeks that in order to better achieve the purposes of the RMA, Proposed Change 13 be further extended to AIAL's satisfaction to align the extension of the MUL directly in line with the relief sought by AIAL in its submissions on PPC14, including all consequential or other relief necessary.	<b>Opposed</b> by FS2/20/4 BARNZ <b>Supported</b> by FS21/20/4 Selwyn Hetherington & Joel Johnson as trustees of the Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Slaes Ltd & Johnson Trust Quarry

9.5.1 Topic

These submissions relate to land not proposed to be included within the MUL.

9.5.2 Decision

- (i) That further submissions, **(FS02/20/2)** and **(FS02/20/4)** be **rejected**
- (ii) That further submissions **(20/2)**, **(FS21/20/2)**, **(FS16/20/2)**, **(FS17/20/2)**, **(20/4)** and **(FS21/20/4)** be **accepted in part**.

9.5.3 Reasons for Decision

The reasons for this decision are set out in paragraphs 4.15– 4.22 and 4.30-4.34 of this decision report.

9.5.4 Amendments to Proposed Change 13

That the MUL be expanded to include the North Airport Land as set out in the Plan attached to this decision in Attachment 1.

**9.6 Inclusion of the Bianconi Land (Land to the northeast of Ihumatao Road, east or Oruarangi Road, south of the Papakianga and west of the North Airport land.**

Submitter	No.	Decision Requested	Further Submitter
Kilroy Investment Group	16/1	Unreasonable to expect landowners of these rural zoned parcels to invest in limited rural land use permitted activities while paying rates on properties with urban land use expectations.	<b>Supported</b> by FS8/16/1 Landplan Property Partners Ltd <b>Supported</b> by FS21/16/1 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
Kilroy Investment Group	16/2	Understand that the Manukau City Council undertook significant consultation with iwi and the local community on the development of the plan change and the decision by the ARC not to fully extend the MUL appears to override and conflict with the needs and aspirations of the local community.	<b>Supported</b> by FS8/16/2 Landplan Property Partners Ltd <b>Supported</b> by FS21/16/2 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
Kilroy Investment Group	16/3	Seeks approval to the zoning and other planning provisions as proposed in Proposed Plan Change 14 to the Manukau City District Plan in the areas north of Auckland International Airport and east of the mangere Wastewater Treatment Plant.	<b>Supported</b> by FS8/16/3 Landplan Property Partners Ltd <b>Supported</b> by FS21/16/3 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
Kilroy Investment Group	16/4	Seeks the rezoning of the following Certificates of Title to Mangere Gateway Business Zone under the Manukau City District Plan, to provide for new business activities with a focus on warehousing and distribution, food and beverage and visitor activities; - NA119B/884 Lot 4 DP 189594 - NA119B/883 Lot 3 DP 189594	<b>Supported</b> by FS8/16/4 Landplan Property Partners Ltd <b>Supported</b> by FS21/16/4 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
Kilroy Investment Group	16/6	Seeks the extension of the Metropolitan Urban Limits defined in the Auckland Regional Policy Statement to also include the following Certificates of Title: - NA119B/884 Lot 4 DP 189594 - NA119B/883 Lot 3 DP 189594	<b>Supported</b> by FS8/16/6 Landplan Property Partners Ltd <b>Supported</b> by FS21/16/6 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
Bianconi Investments Ltd	17/1	Unreasonable to expect landowners of these rural zoned parcels to invest in limited rural land use permitted activities while paying rates on properties with urban land use expectations.	<b>Supported</b> by FS16/17/1 Kilroy Investments Ltd <b>Supported</b> by FS17/17/1 Bianconi Investments Ltd <b>Supported</b> by FS21/17/1 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust
Bianconi Investments Ltd	17/2	Understand that the Manukau City Council undertook significant consultation with iwi and the local community on the development of the plan change and the decision by the ARC not to fully extend the MUL appears to override and conflict with the needs and aspirations of the local community.	<b>Supported</b> by FS16/17/2 Kilroy Investments Ltd <b>Supported</b> by FS17/17/2 Bianconi Investments Ltd <b>Supported</b> by FS21/17/2 S Hetherington, N

			Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
Bianconi Investments Ltd	17/3	Seeks approval to the zonings and other planning provisions as proposed in Proposed Plan Change 14 to the Manukau City District Plan in the areas north of Auckland International Airport and east of the Mangere Wastewater Treatment Plant.	<b>Supported</b> by FS16/17/3 Kilroy Investments Ltd <b>Supported</b> by FS17/17/3 Bianconi Investments Ltd <b>Supported</b> by FS21/17/3 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
Bianconi Investments Ltd	17/4	Seeks the rezoning of the following Certificates of Title to Mangere Gateway Business Zone under the Manukau City District Plan, to provide for new business activities with a focus on warehousing and distribution, food and beverage and visitor activities; - NA63A/355 Lot 2 DP 111988 - NA104C/268 Lot 1 DP 171070 - NA119B/882 Lot 2 DP 189594 - NA1929/10 Pt ALLT 180 PARO Manurewa - NZ 100D/584 Lot 1 DP 166239	<b>Supported</b> by FS16/17/4 Kilroy Investments Ltd <b>Supported</b> by FS17/17/4 Bianconi Investments Ltd <b>Supported</b> by FS21/17/4 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
Bianconi Investments Ltd	17/6	Seeks the extension of the Metropolitan Urban Limits defined in the Auckland Regional policy Statement to also include the following Certificates of title: - NA63A/355 Lot 2 DP 111988 - NA104C/268 Lot 1 DP 171070 - NA119B/882 Lot 2 DP 189594 - NA1929/10 Pt ALLT 180 PARO Manurewa - NZ 100D/584 Lot 1 DP 166239	<b>Supported</b> by FS17/17/6 Bianconi Investments Ltd <b>Supported</b> by FS21/17/6 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
Bianconi Investments Ltd	18/1	The decision to not include the submitters land (generally north of Ihumatao Rd and east of Oruarangi Rd) does not have sufficient regard to the crisis in availability of Business zoned land in the Auckland Region and the vicinity of Auckland International Airport in particular.	<b>Supported</b> by FS21/18/1 Selwyn Hetherington & Joel Johnson as trustees of the Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Slaes Ltd & Johnson Trust Quarry
Bianconi Investments Ltd	18/2	Proposed Change 13 does not give sufficient regard to the wealth of data and consultation provided to Auckland Regional Council by Manukau City Council, in seeking the MUL amendment.	<b>Supported</b> by FS21/18/2 Selwyn Hetherington & Joel Johnson as trustees of the Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Slaes Ltd & Johnson Trust Quarry
Bianconi Investments Ltd	18/3	The proposal gives inappropriate and in fact inadequate regard to the Auckland Regional Growth Strategy 1999.	<b>Supported</b> by FS21/18/3 Selwyn Hetherington & Joel Johnson as trustees of the Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Slaes Ltd & Johnson Trust Quarry
Bianconi Investments Ltd	18/4	Seeks extension of the MUL at least to the alignment of Oruarangi Rd as sought originally by Manukau City Council and consequential changes to the Planning Maps Sheet 14.	<b>Supported</b> by FS21/18/4 Selwyn Hetherington & Joel Johnson as trustees of the Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Slaes Ltd & Johnson Trust Quarry

Bianconi Investments Ltd	18/5	Seeks initiation of meaningful consultation with iwi, all affected landowners in the locality, Auckland Airport Company and Manukau City Council as to the permanent outcomes sought for the locality. These include but are not confined to: - Papakainga Housing and other Iwi activity. - Airport needs having regard to the Northern runway. - The needs for public open space and in particular the relationship with the Otuataua Stonefields. - Provision to reasonably satisfy demand for suitability zoned Business land in the area, having specific regard to tourism, food bowl initiatives and the like.	<b>Supported by</b> FS21/18/5 Selwyn Hetherington & Joel Johnson as trustees of the Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Slaes Ltd & Johnson Trust Quarry
Bianconi Investments Ltd	18/6	A coordinated and proactive approach in this regard would be widely welcomed by the stakeholders, who have generally felt that their interests have been overlooked, without any form of adequate explanation.	<b>Supported by</b> FS21/18/6 Selwyn Hetherington & Joel Johnson as trustees of the Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Slaes Ltd & Johnson Trust Quarry
Tunicin Investments Ltd	19/1	The decision to not include the submitters land (generally north of Ihumatao Rd and east of Oruarangi Rd) does not have sufficient regard to the crisis in availability of Business zoned land in the Auckland Region and the vicinity of Auckland International Airport in particular.	<b>Supported by</b> FS8/19/1 Landplan Property Partners Ltd <b>Supported by</b> FS21/19/1 Selwyn Hetherington & Joel Johnson as trustees of the Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Slaes Ltd & Johnson Trust Quarry
Tunicin Investments Ltd	19/2	Proposed Change 13 does not give sufficient regard to the wealth of data and consultation provided to Auckland Regional Council by Manukau City Council, in seeking the MUL amendment.	<b>Supported by</b> FS8/19/2 Landplan Property Partners Ltd <b>Supported by</b> FS21/19/2 Selwyn Hetherington & Joel Johnson as trustees of the Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Slaes Ltd & Johnson Trust Quarry
Tunicin Investments Ltd	19/3	The proposal gives inappropriate and in fact inadequate regard to the Auckland Regional Growth Strategy 1999.	<b>Supported by</b> FS8/19/3 Landplan Property Partners Ltd <b>Supported by</b> FS21/19/3 Selwyn Hetherington & Joel Johnson as trustees of the Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Slaes Ltd & Johnson Trust Quarry
Tunicin Investments Ltd	19/4	Seeks extension of the MUL at least to the alignment of Oruarangi Rd as sought originally by Manukau City Council and consequential changes to the Planning Maps Sheet 14.	<b>Supported by</b> FS8/19/4 Landplan Property Partners Ltd <b>Supported by</b> FS21/19/4 Selwyn Hetherington & Joel Johnson as trustees of the Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Slaes Ltd & Johnson Trust Quarry

Tunicin Investments Ltd	19/5	Seeks initiation of meaningful consultation with iwi, all affected landowners in the locality, Auckland Airport company and Manukau city Council as to the permanent outcomes sought for the locality. These include but are not confined to: - Papakainga Housing and other Iwi activity. - Airport needs having regard to the Northern runway. - The needs for public open space and in particular the relationship with the Otuataua Stonefields. - Provision to reasonably satisfy demand for suitability zoned Business land in the area, having specific regard to tourism, food bowl initiatives and the like.	<b>Supported by</b> FS8/19/5 Landplan Property Partners Ltd <b>Supported by</b> FS21/19/5 Selwyn Hetherington & Joel Johnson as trustees of the Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Slaes Ltd & Johnson Trust Quarry
Tunicin Investments Ltd	19/6	A coordinated and proactive approach in this regard would be widely welcomed by the stakeholders, who have generally felt that their interests have been overlooked, without any form of adequate explanation.	<b>Supported by</b> FS8/19/6 Landplan Property Partners Ltd <b>Supported by</b> FS21/19/6 Selwyn Hetherington & Joel Johnson as trustees of the Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Slaes Ltd & Johnson Trust Quarry

#### 9.6.1 Topic

These submissions relate to land not proposed to be included within the MUL.

#### 9.6.2 Decision

- (i) That submissions and further submissions, (16/1), (FS/08/16/1), (FS21/16/1), (16/2), (FS/08/16/2), (FS21/16/2), (16/3), (FS/08/16/3), (FS21/16/3), (16/4), (FS/08/16/4), (FS21/16/4), (16/6), (FS/08/16/6), (17/1), (FS21/17/1), (FS16/17/1), (FS17/17/1), (17/2), (FS21/17/2), (FS16/17/2), (FS17/17/2), (17/3), (FS21/17/3), (FS16/17/3), (FS17/17/3), (17/4), (FS21/17/4), (FS16/17/4), (17/6), (FS21/17/6), (18/1), (FS21/18/1), (FS21/18/2), (18/3), (FS21/18/3), (FS21/18/4), (18/5), (FS21/18/5), (18/6), (FS21/18/6), (19/1), (FS/08/19/1), (FS21/19/1), (19/2), (FS/08/19/2), (FS21/19/2), (19/3), (FS/08/19/3), (FS21/19/3), (19/4), (FS/08/19/4), (FS21/19/4), (19/5), (FS/08/19/5), (19/6), (FS/08/19/6), (FS21/19/6) be rejected

#### 9.6.3 Reasons for Decision

The reasons for this decision are set out in paragraphs 4.23– 4.28 of this decision report. Commissioner Councillor Burrill does not agree with the above assessment and his dissenting opinion is outlined in paragraph 4.29.

#### 9.6.4 Amendments to Proposed Change 13

No amendments resulting from this decision

### 9.7 **Non-specific inclusion of land located outside the MUL application area**

Submitter	No.	Decision Requested	Further Submitter
Landplan Property Partners Manukau Ltd	8/1	Supports Manukau City Council's request to the ARC in so far as it relates to a shift of the Metropolitan Urban Limit in the Mangere Gateway Heritage Area to include two separate areas which currently lie outside the MUL and are currently zoned Mangere-Puhinui Rural in the Manukau Operative District Plan 2002 (the <b>request</b> ).	<b>Supported by</b> FS21/8/1 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry

Submitter	No.	Decision Requested	Further Submitter
Landplan Property Partners Manukau Ltd	8/2	Opposes Proposed Change 13 as: (a) Proposed Change 13 does not extend sufficiently to address the shortage of vacant business land in the district. (b) concerned that the request should form part of a cohesive and comprehensive review of appropriate land use across the entire Mangere-Puhinui Rural Zone and the correlating position of the MUL. (c) considers that Proposed Change 13 will initiate a piecemeal approach to zoning in the Mangere-Puhiui area and, ultimately could compromise future growth in the area. (d) a comprehensive approach to the review of the purpose and future use of the wider Mangere-Puhinui rural Zone id required to address the imminent shortage of vacant business land in the Manukau. (e) a comprehensive and co-ordinated approach to the review of the wider mangere-Puhinui Rural Zone is in keeping with promoting sustainable development as well as the purpose and principles of the resource Management Act 1991.	<b>Opposed</b> by FS20/8/2 Auckland International Airport Ltd <b>Supported</b> by FS21/8/2 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Quarry
Landplan Property Partners Manukau Ltd	8/3	Submitter seeks: (a) to reject Proposed Change 13 in its entirety or (b) to initiate a comprehensive review of the position of the MUL and future land use in the wider Mangere-Puhinui Rural Zone and subsequently re-notify as amended the Proposed Change; or (c) other amendments or relief as may be required to give effect to their submission.	<b>Opposed</b> by FS20/8/3 Auckland International Airport Ltd

#### 9.7.1 Topic

These submissions relate to land not included within Proposed Change 13.

#### 9.7.2 Decision

- (i) That submissions and further submissions **(8/2), (FS21/8/2) (8/3) and (8/3) be rejected.**
- (ii) That submissions and further submissions **(8/1), (FS21/8/1), (FS20/8/2) and (FS20/8/3) be accepted.**

#### 9.7.3 Reasons for Decision

We are satisfied that insufficient evidence was provided to the hearing that would enable us to include this additional land within the MUL. Indeed at the hearing, in his evidence, Mr Childs did not pursue the inclusion of additional land and supported the expansions sought by others and discussed above.

#### 9.7.4 Amendments to Proposed Change 13

No amendments resulting from this decision.

## 10.0 Submissions specific to the Airport area

Submitter	No.	Decision Requested	Further Submitter
BARNZ	2/1	The MUL was originally positioned to deliberately exclude the airport from the urban area of Auckland. The reasons for that have not changed. If anything, the issues of encroachment and reverse sensitivity have become more acute in recent times.	<b>Supported</b> by FS8/2/1 Landplan Property Partners <b>Supported</b> by FS11/2/1 The Band Hall No 16 Waipouri Rd Ltd <b>Opposed</b> by FS20/2/1 Auckland International Airport <b>Opposed</b> by FS21/2/1 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
BARNZ	2/2	The submitter cannot see any justification for extending the MUL to incorporate the airport. It is contrary to the Strategic Direction of the ARPS and the particular objectives and policies in relation to significant infrastructure and managing effects on such infrastructure.	<b>Supported</b> by FS8/2/2 Landplan Property Partners Ltd <b>Supported</b> by FS11/2/2 The Band Hall No 16 Waipouri Rd Ltd <b>Opposed</b> by FS20/2/2 Auckland International Airport <b>Opposed</b> by FS21/2/2 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd
BARNZ	2/3	Ask that the ARC reject Proposed Change 13 to the RPS the MCC/AIAL proposal to include the airport in the MUL.	<b>Supported</b> by FS8/2/3 Landplan Property Partners Ltd <b>Supported</b> by FS11/2/3 The Band Hall No 16 Waipouri Rd Ltd <b>Opposed</b> by FS20/2/3 Auckland International Airport <b>Opposed</b> by FS21/2/3 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd

### 10.1 Comments

#### 10.1.1 Topic

These submissions relate to the inclusion of the Auckland International Airport within the MUL.

#### 10.1.2 Decision

- (i) That submissions and further submissions (2/1), (FS11/2/1), (2/2), (FS11/2/2), (2/3), (FS11/2/3), (FS08/2/1), (FS21/2/1), (FS20/2/1), (FS08/2/2), (FS21/2/2), (FS20/2/2), (FS08/2/3), (FS21/2/3) and (FS20/2/3) be accepted in part.

#### 10.1.3 Reasons for Decision

The submission stated that there is no justification for extending the MUL to incorporate the Airport area. The submitter states that the MUL was deliberately positioned to exclude the airport from the urban area and that issues of encroachment of other activities and reverse sensitivity have become more acute in recent times. The submission raises the following concerns:

- expansion is contrary to parts of the ARPS
- need for protection of the Airport as significant infrastructure
- adverse effects of urban encroachment on the airport
- opening the way to the disposal of airport land
- foreclosing on strategic development options
- likely adverse economic and social effects

At the hearing, Counsel for the submitter (Mr Kirkpatrick) altered this position somewhat to requesting changes to the text of the ARPS that would specifically address the reverse sensitivity issues on which the original line of the MUL was based, which is appropriate protection for aircraft operations at the airport.

Following a request from the Hearings Panel, Mr Kirkpatrick agreed to provide some suggested wording for the ARPS that would meet the submitter's concerns. This was provided in a memorandum to the panel on 20 July 2009.

We accept that the wording provided by Mr Kirkpatrick (subject to a number of changes) is necessary to ensure that the ARPS retains internal consistency and that adequate long term protection is given to the operations of the Airport. This ongoing protection is necessary given the regional and national significance of the airport.

We also accept Mr Kirkpatrick's view that these amendments are within the scope of the BARNZ submission.

#### 10.1.4 Amendments to Proposed Change 13

The amends to the ARPS resulting from this decision are set out in Attachment 2.

### 11.0 Submissions in support

Submitter	No.	Decision Requested	Further Submitter
Filmore Trusts Partnership Ltd	4/1	Supports the proposed change because of the inclusion of the Kirkbride Rd sites within the MUL, particularly given the urban characteristics of much of the area and the intended business re-zoning in accordance with proposed Plan Change 14 to the Manukau City District Plan 2002.	
Filmore Trusts Partnership Ltd	4/2	Submitter is supportive of the consistency between the district and regional planning instruments including non-statutory instruments such as the Auckland Regional Growth Strategy.	
Filmore Trusts Partnership Ltd	4/3	Approve the plan change as notified.	
Filmore Trusts Partnership Ltd	4/4	All consequential or alternative relief to give effect to the matters as noted (points 1 and 2).	
Peter Sax No 2 Trust	6/1	Support between Greenwood and Kirkbride Rd.	
John Frank Mclvor, Maureen Millicent Mclvor & David Barry Mclvor	12/1	Support shifting the MUL as proposed.	<b>Supported by</b> FS20/12/1 Auckland International Airport Ltd <b>Supported by</b> FS12/12/1 John Mclvor
Alan Mules	13/1	Support Kirkbride Rd area.	

Submitter	No.	Decision Requested	Further Submitter
Auckland International Airport Ltd	20/1	Supports the provisions of Proposed Change 13 as it will provide for additional urban capacity for business related development on some of the Airport land, as well as bring within the MUL the majority of land designated by AIAL for airport purposes.	<b>Opposed</b> by FS2/20/1 BARNZ <b>Supported</b> by FS21/20/1 Selwyn Hetherington & Joel Johnson as trustees of the Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Slaes Ltd & Johnson Trust Quarry
Evelyn Mendelssohn & David Credin	22/1	Supports Proposed Change 13.	<b>Supported</b> by FS21/22/1 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
Gail Selby Brown	23/2	Support extension to MUL as proposed in Proposed Change 13.	
Auckland International Airport Ltd	20/3	Seeks as a minimum, Proposed Change 13 be adopted as notified.	<b>Opposed</b> by FS2/20/3 BARNZ <b>Supported</b> by FS21/20/3 Selwyn Hetherington & Joel Johnson as trustees of the Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Slaes Ltd & Johnson Trust Quarry
Kilroy Investment Group	16/5	Seeks approval to the extension of the Metropolitan Urban Limits defined in the Auckland Regional Policy Statement as proposed in Proposed Private Change 13 to the Auckland Regional Policy Statement.	<b>Supported</b> by FS8/16/5 Landplan Property Partners Ltd <b>Supported</b> by FS21/16/5 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
Bianconi Investments Ltd	17/5	Seeks approval to the extension of the Metropolitan Urban Limits defined in the Auckland Regional Policy Statement as proposed in Proposed Private Change 13 to the Auckland Regional Policy Statement.	<b>Supported</b> by FS16/17/5 Kilroy Investments Ltd <b>Supported</b> by FS17/17/5 Bianconi Investments Ltd <b>Supported</b> by FS21/17/5 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry

## 11.1 Comments

### 11.1.1 Topic

These submissions chiefly relate to the entire proposed change.

### 11.1.2 Decision

- (i) That submissions and further submissions (4/1), (4/2), (4/3), (4/4), (6/1), (12/1), (FS20/12/1), (FS25/12/1), (13/1), (16/5), (FS8/16/5), (FS21/16/5), (17/5), (FS16/17/5), (FS17/17/5), (FS21/17/5), (20/1), (FS21/20/1), (20/3), (FS21/20/3), (22/1), (FS21/22/1) and (23/2) be accepted
- (ii) That further submissions (FS02/20/1) and (FS02/20/3) be rejected.

### 11.1.3 Reasons for Decision

These submissions largely support Proposed Change 13. We consider that Proposed Change 13 in modified form as set out in the preceding paragraphs should be approved for the reasons outlined in this report. Therefore subject to these provisos the submissions giving general support should be accepted.

#### 11.1.5 Amendments to Proposed Change 13

No amendments resulting from this decision

### 12.0 Miscellaneous submissions

Submitter	No.	Decision Requested	Further Submitter
Yashonda Developments Ltd	7/2	Submitter objects to the proposal to ensure a new designation for passive public open space for the Submitter's property.	
Yashonda Developments Ltd	7/3	Submitter opposes the proposed notice of requirement by Auckland International Airport for a new designation in the area around Renton Rd	<b>Opposed by</b> FS20/7/3 Auckland International Airport Ltd
Gavin H Wallace	10/5	Property owners adversely affected by designation and particularly those who have suffered in the past should be fairly and promptly compensated on the acquisition of their properties.	<b>Supported by</b> FS21/10/5 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
Gavin H Wallace	10/7	No further land should be acquired for passive recreational use in the area.	<b>Supported by</b> FS21/10/7 S Hetherington, N Johnson- Trustees of Ernest Ellett Ryegrass Trust, T R Ellett, Scoria Sales Ltd & Johnson Trust Quarry
Gail Selby Brown	23/1	Is a special area worthy of retaining as open space.	

### 12.1 Comments

#### 12.1.1 Topic

These submissions are considered to relate to matters outside Proposed Change 13.

#### 12.1.2 Decision

- (i) That submissions and further submissions **(7/2), (7/3), (FS20/7/3), (10/5), (FS21/10/5), (10/7) and (FS21/10/7), (23/1) be rejected.**

#### 12.1.3 Reasons for Decision

It is considered that these submissions do not relate to Proposed Change 13 as they concern designations and zoning by MCC and the designation by AIAL. These matters are outside the MUL issue (and area) as such. It is therefore necessary to recommend that these submissions be rejected.

#### 12.1.4 Amendments to Proposed Change 13

No amendments resulting from this decision.

## **Attachment 1 – Plan of MUL**



## ATTACHMENT 2 – CHANGES TO ARPS TEXT

### Operative Version

Amend Chapter 2 issue 2.3.2 “Urban development in the region threatens several environmental qualities and thresholds” and in the subheading of “The South Mangere-Puhinui Area”, as follows: (Additions underlined – ~~deletions struckthrough~~)

*Although originally located outside the urban area, some of this area has now been placed inside ~~outside~~ the metropolitan urban limits. In order to enable the continued operation of the Auckland International Airport and the Mangere Sewage treatment Plant and to protect these regionally significant infrastructure from the adverse effects of reverse sensitivity caused by potential new urban development, there are specific provisions in Strategic Objective 2.5.1.10 and Policy 2.6.7 which identify the need to protect this infrastructure from such effects. In addition, this the exclusion of some of this area from within the MUL will protect regionally significant heritage values (including the Puhinui estuary and wildlife areas) and features of significance to Iwi, and will protect new urban development from adverse environmental effects arising from the operation of existing quarries.*

Amend Policy 2.6.1 2(iv) and (vii) as follows; (Additions underlined – ~~deletions struckthrough~~).

*(iv) enable the operation of existing regional infrastructure and the provision of necessary new or upgraded regional infrastructure which is operated and developed in a manner which ensures that any adverse effects of those activities on the environment are avoided, remedied or mitigated and, where that infrastructure is within the metropolitan urban limits, that those activities are protected from reverse sensitivity;*

*(vii) do not give rise to conflicts between incompatible land uses, including the creation of reverse sensitivity effects on regional infrastructure;”*

Amend 2.6.3 7<sup>th</sup> bullet point under the heading Urban Containment as follows; (Additions underlined – ~~deletions struckthrough~~)

- *strategic infrastructural facilities such as airports/ airfields except Auckland International Airport which is otherwise specifically protected.*

Amend 2.6.3 11<sup>th</sup> bullet point under the heading Urban Containment as follows; (Additions underlined – ~~deletions struckthrough~~)

- *the incompatibility of urban uses with activities such as airports (unless otherwise specifically protected, as in the case of Auckland International Airport), intensive horticulture or activities storing or processing hazardous substances.*

Amend 2.5.1 – Strategic Objectives by adding a new Objective 2.5.1.10 as follows; (Additions underlined – ~~deletions struckthrough~~)

*2.5.1.10 To protect Auckland International Airport from the reverse sensitivity and other adverse effects of the land use and subdivision activities that could compromise their future operations.*

Amend 2.6.7 Policy: Regionally significant infrastructure or services by adding the following; (Additions underlined – ~~deletions struckthrough~~)

- *Subdivision and land use activities are designed in such a way as specific attention is given to recognising and avoiding or mitigating any potential for significant adverse effects or reverse sensitivity on the operations of the Auckland International Airport.*

#### **4. Schedule of submitters heard**

##### **Submitters**

- 4.1 The panel heard from the following submitters. At the hearing some submitters made submissions on both the Regional Plan Change and the Manukau City matters. Where an individual's appearance related to both ARC and Manukau matters they have been recoded below with the PROPOSED CHANGE 13 matters having being considered. Where an individual's statement related only to Manukau matters they have not been considered and are not recorded below.

##### **19 March 2009**

- 4.2 Prior to the site visit the panel listened to a presentation from Melinda Dickey (Counsel for MCC) and Peter Reaburn (Planner MCC)

##### **24 March 2009**

- 4.3 Matthew Twose – Introduction of ARC officer report.  
D Nolan – Legal submissions Auckland International Airport Limited (AIAL).  
John McShane – Environment and Planning manager AIAL  
Peter Alexander –General Manager Property – AIAL  
Ian Munro – Airbiz

##### **25 March 2009**

- 4.4 John Goodwin – Landscape Architect AIAL  
Graham McIndoe - AIAL  
JDM Fairgray – Economist AIAL  
Tabled evidence from Maree McNeilly - ARTA

##### **30 March 2009**

- 4.5 Louise Furey – Heritage AIAL  
Barry Mein - Strategic Transport AIAL  
Andrew Murray – Transport AIAL  
Greg Osbourne – Planner

##### **31 March 2009**

- 4.6 Bianconi Investments, Kilroy Investment Group and Tunic Investments Ltd  
Paul Cavanagh – legal Counsel  
Daniel Nakhle – Submitter  
Nick Rae – Urban Design

##### **1 April 2009**

4.7 Nick Rae - continued

Bryce Hall - Traffic

Dennis Scott

Brian Putt - Planner

**3 April 2009**

4.8 Karl Cook – Planner – Filmore Trusts partnerships

Stephen Havill – Planner – Workforce Auckland

Kitt Littlejohn - - Counsel – Evelyn Mendelssohn and David Credin

Douglas Allen – Counsel – Florapak Partnership

Graham Power – Planner – Florapak Partnership

Julie Harker – Counsel – Landplan Property Partners Manukau Ltd.

John Childs – Planner - Landplan Property Partners Manukau Ltd

David Kirkpatrick - Counsel - BARNZ

John Beckett - BARNZ

**6 April 2009**

4.9 Bruce Cliffe

George Fistonich

Roger Gummer

Matt Casey – Counsel –Arranmore Developments Ltd and Gavin H Wallace Ltd

Robert Carter

John Blackwell

Jon Maplesden

**7 May 2009**

4.10 Te Warena Taua – Makaurau Marae Committee

Robert Enright – Counsel – Makaurau Marae

Saul Roberts

Fabian Yukich

Graeme Murdoch – Heritage Consultant

**8 May 2009**

4.11 Paul Cavanagh

Phillip Kean – Property Consultant – Bianconi Investments Ltd and Kilroy Investment Group

N Farac (s42)

Delwyne Roberts – Band Hall

Paul Cavanagh – Counsel – TR Ellett, Scoria Sales Ltd, The Johnston Trust Quarry and The Ernest Ellett Ryegrass Trust.

T.R. Ellett

Gary D Marshall – Landscape Architect.

B W Putt – Planner

**14 May 2009**

- 4.12 Graeme McIndoe – Supplementary (Bianconi Investments).

Greg Osbourne – Planner – AIAL

Peter Alexander – AIAL

Louise Furey – AIAL

Greg Osbourne - AIAL

**30 June 2009**

- 4.13 Tabled evidence from Delwyne Roberts

Douglas Allen – Counsel Florapak

Graeme Power – Planner Florapak

Robert Enright – Counsel Makaurau Marae

Saul Roberts

Graeme Murdoch – supplementary statement.

**20 July 2009**

- 4.14 Matthew Heale and Sarah Kernohan – Planners – Waitakere City Council

**17 August 2009**

- 4.15 Melinda Dickey – Counsel – MCC

Philip McDermot – Economist – MCC

Jon Styles – Acoustic Consultant – MCC

Steve Wrenn – Transport Planner – MCC

Jan McCredie – Urban Designer – MCC

Melean Absolum – Landscape Architect – MCC

Peter Reaburn – Planner ARC

Paul Moon – Heritage ARC – tabled

Matthew Twose – Auckland Regional Council.