

25 September 2014

Phill Reid  
Auckland Unitary Plan Independent Hearings Panel  
Private Bag 92300  
Victoria Street West  
Auckland 1142

Dear Phill

**RESPONSE TO DIRECTIONS IN INDEPENDENT HEARINGS PANEL PROCEDURAL MINUTE NO. 6 AND NO. 7 FOR SUBMISSIONS SEEKING TO ALTER THE RURAL URBAN BOUNDARY (RUB)**

The Auckland Unitary Plan Independent Hearings Panel (the Panel) has directed the council to report by 10 September 2014 on changes to the Rural Urban Boundary (the RUB) (Topics 0016 and 0017 from the IHP Provisional Schedule to 28 February 2015) and to provide the information outlined in paragraphs 17-19 of Procedural Minute #6 (the Minute) in particular. Although Procedural Minute #7 allows until 28 November 2014 for this information to be provided, the case teams assigned to this work were already well advanced in preparing it when Minute #7 was issued. We are now able to provide the following information in response to the Minutes:

- spatial identification and grouping of submissions
- issues raised by submissions
- scope for mediation
- estimates of mediation and hearing time required.

**Information Provided**

Information has been compiled on these matters in the form of a spreadsheet which is appended to this letter in electronic form. Council staff have also compiled a map that (where possible) identifies those requests that have been coded to “changes to the RUB” in the Summary of Decisions Requested (SDR) report. This is also provided to the Panel in electronic form. Many of the submission points within this topic are, however, not precise enough to map using GIS, so the spreadsheet provided is ultimately more reliable for use in analysing and grouping submissions.

The SDR report has been adapted and six additional columns have been added to furnish the information required. The additional columns are as follows:

1. **Theme** of each request

All submissions coded to “changes to the RUB” have been assigned one of the seven themes below to allow the Panel to distinguish between requests seeking to change only the RUB and requests seeking to change to an urban zone, or to a rural zone.

- Future Urban zone requested
- Urban zone requested
- Rural zone requested
- Retain the RUB requested
- Extend the RUB requested
- Decrease the RUB requested
- Other

2. **Location Group** spatially identifying groups of submissions

Submissions for topics 0016 and 0017 are grouped into 62 Location Groups on the basis of logical spatial groupings. In some cases this means grouping together submission points addressing a commonly identified geography (examples include Puhinui or Dairy Flat); in other cases submissions are grouped to a relevant centre (examples include Pukekohe and Albany); in others submissions are grouped to a rural or coastal settlement (examples include Matakana or Kingseat).

We would suggest that the Panel could further combine a number of these Location Groups into combined hearings to limit the number of separate RUB mapping hearings on overlapping issues. As a suggestion, the following 18 Possible Hearing Groups may be a suitable approach to dividing up the hearings on RUB location:

Sub Region	Possible Hearing Groups/Topics	Location Groups
0016 North	Silverdale, Dairy Flat, Orewa,	Silverdale, Dairy Flat, Silverdale West, Red Beach, Wainui, Orewa West, Weiti
	Combined Rural and Coastal Settlements and Urban Edges	Wellsford, Hatfields Beach Snells Beach, Matakana, Waiwera, Omaha, Point Wells, Stillwater, Leigh, Mahurangi, Puhoi, Te Hana, Sandspit, Kaipara Flats
	Standalone Hearings	Warkworth
		Albany and Paremoremo
Okura and Long Bay		
0016 West	Kumeu Huapai	Kumeu, Huapai, Riverhead
	Massey Whenuapai	Whenuapai, Massey Westgate, Hobsonville, Scott Point, Redhills,
	Waitakere	Swanson, Henderson
	Combined Rural and Coastal Settlements	Waimauku, Helensville, Taupaki, Parakai, Kaukapakapa

0016 Islands	Waiheke	Waiheke
0017 South	Central Franklin	Pukekohe Paerata, Runciman, Ramarama
	South Papakura	Drury, Drury South and Opaheke
	Manurewa East/Howick	Flat Bush, Manurewa and Point View Drive
	Combined Rural and Coastal Settlements	Karaka, Waiuku, Patumahoe, Kingseat, Maraetai, Orua Bay, Glenbrook Beach, Glenbrook, Clevedon, Bombay, Beachlands, Whitford
	Standalone Hearings	Takanini
Puhinui		
Hingaia		
Mangere		

Please note that the spreadsheet contains a number of submissions not coded to “changes to the RUB” in the original SDR report. These have been bundled with the RUB change requests for the following reasons:

- the proposed policy framework in Chapter B Section 2.5 of the PAUP requires urban activities to be contained in existing urban zones or in the RUB. An implication of this proposed approach is that changes seeking urban zones in rural areas potentially require a change to the RUB.
- there are submissions seeking that more intensification be enabled before greenfield growth options are confirmed in the PAUP which if accepted would cut across the relief sought from these zone/RUB change requests.
- there are submissions objecting to the inclusion of pieces of land within the RUB or its proposed Future Urban zoning which if granted would cut across the relief sought.

The council’s legal advisors will shortly be communicating with the Panel about a number of these submission points, which could be better dealt with alongside requests for zone changes rather than changes to the RUB.

No groupings distinguish between requests to the change the RUB on the basis of the level of information contained in submissions. This is because it is clear from correspondence with a number of submitters that the content of submissions does not give any reliable indication of the intentions of submitters to contest the Proposed RUB and support their requests with evidence at the hearings.

### 3. **List of Issues Arising** from requests

These lists of issues are compiled for each Location Group rather than for each submission point. They are a preliminary estimate of the issues that could be a focus of evidence at a hearing regarding the RUB in this location. This is based on a brief desktop review and often limited information contained in the submissions. It is likely

that additional issues would arise in any expert conferencing, mediation or in preparing evidence on the RUB in these locations. It is equally likely to transpire that some of the identified issues may not require evidence at a hearing.

4. Preliminary view on **Scope for Mediation** for each Location Group

We note that the Panel's Preliminary Schedule does not include time for mediation for topics 0016 and 0017. The council has concerns that proceeding straight to an exchange of evidence and a formal (but abridged) hearing of these requests, without a preliminary hearing or mediation that identifies and explores key issues and matters of dispute is problematic for all parties. The level of information the council holds is highly variable on pertinent issues for many of these requests, and as already noted, very limited information is provided in the submissions themselves. An opportunity to identify the evidence that is going to be provided by submitters to support their requests, and to identify issues and matters in dispute, would be highly beneficial, and indeed vital for an efficient hearing process.

Council officers have indicated in the attached tables, which location groups could benefit from mediation. A total of 25 Location Groups out of the 62 identified Location Groups are proposed for mediation. These estimates are made on the basis that in many cases the location of the RUB has been considered in detail and it is unlikely the council would support a change to the RUB in this location based on information available at this time. Such cases are on the face of it not considered suitable for mediation.

The preliminary view on whether there is any scope for mediation is based on a desktop review of the location and the initial submissions. Whether council experts consider there is scope for mediating particular aspects of these requests may well alter as the work of the case teams progresses, as the intentions of submitters become clearer and as further details about these requests are provided.

5. **Estimate of Mediation Time** for each Location Group

The Panel may wish to consider whether meetings with submitters to explain the council's position on their request could potentially be of benefit in clarifying matters to submitters, could avoid the need for certain evidence by narrowing issues and potentially avoid the need to hear some requests.

This could be in a less formal process or one led by the Panel, but will require time and resources either way. The work program for staff and experts preparing evidence for topics 0016 and 0017 cannot accommodate the council holding informal meetings with all parties independently of the Panel. Given the scale of the task, the earliest that the council will be in a position to mediate is 25 November 2014. The evidence exchange timetable set out in Fact Sheet 6 – Evidence for the Unitary Plan hearing process requires evidence to be provided to the Panel on 9 December 2014 and 14 January 2015.

Council officers have estimated the mediation time required for the 25 Location Groups where it is expected that mediation could be beneficial. Where the issues are more complex, the estimate is for one day, and all others are for a half-day. A conservative estimate of the total days of mediation proposed is at least 15 days.

6. **Estimate of Hearing Time** for each Location Group

By convention, submitters to plan changes and plan reviews do not outline their evidence or give any indication of what evidence they wish to bring in making submissions. Therefore, how much evidence is likely to be produced and therefore the potential length of any associated hearings depends largely on the intention of submitters. Estimates of hearing time from the council, based on the extent of information contained in, or missing from submissions, and from guesswork about the intentions of the parties involved are unavoidably problematic at this time. We note that pre-hearing meetings are set down for 15 and 16 October and it is anticipated that these will provide a clearer understanding of the evidence to be presented. We would be happy to provide a revised set of timing estimates for hearings and mediation following the conclusion of pre-hearing meetings if that would assist the Panel.

Our other suggestion with respect to hearing time is that the case teams formed to provide evidence on the RUB location consider that the 10 days of hearing time set down for all RUB location-related requests is not sufficient to hear what could amount to more than 60 separate sub-hearings, addressing a wide range of complex matters.

If the combining of Location Groups outlined in Point 2 above is adopted for the hearing of these matters, our conservative estimate is that approximately 26 days of hearing time (See Appendix 2 for details) could potentially suffice to address the location of the RUB, but again, this will depend greatly on how many individual submitters wish to be heard, the evidence submitters intend to present, and how much cross examination is allowed by the Panel.

The council acknowledges that if the mediations proposed by the council proceed, then issues could be settled or narrowed, but also the hearing time proposed in late January and February 2015 may need to be rescheduled until a later date.

Although it is not the council's preference, the Panel may consider a hearing schedule that achieves the 10 days of hearing time in the Provisional Schedule to 28 February 2015 through:

- a) dividing the Panel into two and running topics 0016 and 0017 in tandem. This is likely to be problematic because of the extent to which staff, advisers and experts overlap on topics 0016 and 0017
- b) modifying the Panel's procedures for the hearings on these topics.

**Evidence**

The council's case team for this topic is concerned that it is not possible to prepare detailed evidence considering the relative merits of each of the requests under this topic in the time available under the IHP Provisional Schedule. It is likely to be inefficient to prepare detailed technical evidence responding to all requests before clarifying if and how submitters wish to proceed. In the council's view, attempting to provide detailed evidence on all requests would not provide the best assistance to the Panel.

It would therefore be of highly beneficial if the Panel would provide advice on the level of detail to which the council is expected to investigate the merits of requests where submitters may well have no evidence to support their requests to change the proposed RUB.

Significant efficiencies could be achieved through the Panel directing the council to prepare detailed evidence on matters in relation to particular submissions after an initial exploratory hearing or mediation.

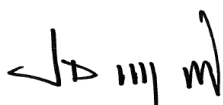
### **Publishing this information**

If this information is to be made publically available, we wish to stress the following points:

- The information has been compiled through a preliminary desktop analysis only and for the most part represents a set of informed guesses to assist the Panel.
- By necessity the information on RUB related submissions in the Summary Map of Changes to the RUB attached as Appendix 3 is a 'map where possible' spatial representation of the requests that have been coded to RUB changes, and cannot be used without reference to the submissions themselves. Many submissions are not specific about the land affected by the relief they are seeking, and where descriptions are vague this has not been captured in the spatial mapping of submissions. Also, many rural properties are divided into multiple parcels and zones and many submissions seek different zonings for different parts of properties. These submission points have not been mapped.
- None of the information additional to the SDR report has been endorsed by the relevant council committee. It should not be interpreted as an indication of the views of the council, officers or appointed experts on the merits of these requests.
- The information has been compiled from general knowledge of staff and from readily available published information on plan changes and the March 2013 Draft Auckland Unitary Plan and September 2013 Proposed Auckland Unitary Plan, including published section 32 material. The information compiled has been provided in full and there are no background reports underpinning it.
- We have not analysed submissions on this topic that are very general in nature.

If you have any queries, please contact myself or Celia Davison, Team Leader Unitary Plan on email [celia.davison@aucklandcouncil.govt.nz](mailto:celia.davison@aucklandcouncil.govt.nz).

Yours sincerely



John Duguid  
**Manager Unitary Plan**

#### Attachments included

Appendix 1. Master RUB Change request excel spreadsheet

Appendix 2. Preliminary Hearing Time Estimates

Appendix 3. Summary Map of Changes to the RUB

cc: James Hassall, Corina Faesenkloet, Heather Ash, Diana Hartley

## Appendix 2. Preliminary Hearing Time Estimates

Sub Region	Possible Hearing Groups/Topics	Location Groups	Preliminary Estimate of Hearing Time (minimum)
0016 North	Silverdale Orewa	Silverdale, Dairy Flat, Silverdale West, Red Beach, Wainui, Orewa West, Weiti	3 days
	Combined Rural and Coastal Settlements and Urban areas	Wellsford, Hatfields Beach Snells Beach, Matakana, Waiwera, Omaha, Point Wells, Stillwater, Leigh, Mahurangi, Puhoi, Te Hana, Sandspit, Kaipara Flats	3 days
	Standalone Hearings	Warkworth	1 day
		Albany and Paremoremo	2 days
		Okura and Long Bay	3 days
0016 West	Kumeu Huapai	Kumeu, Huapai, Riverhead	1 day
	Massey Whenuapai	Whenuapai, Massey Westgate, Hobsonville, Scott Point, Redhills	2 days
	Waitakere	Swanson, Henderson	1 day
	Combined Rural and Coastal Settlements	Waimauku , Helensville, Parakai, Kaukapakapa, Taupaki	1 day
0016 Islands	Waiheke	Waiheke	½ day
0017 South	Central Franklin	Pukekohe Paerata, Runciman, Ramarama	2 days
	South Papakura	Drury, Drury South and Opaheke	1 day
	Manurewa East/Howick	Flat Bush, Manurewa and Point View Drive	½ day
	Combined Rural and Coastal Settlements	Karaka, Waiuku, Patumahoe, Kingseat, Maraetai, Orua Bay, Glenbrook Beach, Glenbrook, Clevedon, Bombay, Beachlands, Whitford	3 days
	Standalone Hearings	Takanini	1 day
		Puhinui	1 day
		Hingaia	½ day
Mangere		½ day	