

16 February 2015

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Dear Phill

RESPONSE TO DIRECTIONS IN INDEPENDENT HEARINGS PANEL PROCEDURAL MINUTES NO. 6 AND NO. 7 – REZONING AND PRECINCTS

Introduction

1. The Auckland Unitary Plan Independent Hearings Panel (the **Panel**) has directed Auckland Council (the **Council**) to report by 14 February 2015 in relation to the Council's approach to and assessment of the categorisation of the submissions concerning rezoning and precincts in the Proposed Auckland Unitary Plan (**PAUP**). The directions are set out in Procedural Minutes 6 and 7 (**Minute 6 and Minute 7**). Extracts of key paragraphs from Minutes 6 and 7 are attached in **Appendix A**.
2. This letter sets out the Council's response to the relevant parts of Minutes 6 and 7.
3. The Council has used its GIS mapping capability (known as the **GIS viewer**) to support a desk top analysis of submissions related to rezoning and precincts. The GIS viewer has been designed for use on the Council's internal IT systems. The Council is confident that this mapping tool, together with the use of spreadsheets, will support the identification of key issues or themes and enable the evaluation of submission points in a logical and efficient manner.

Executive Summary

Rezoning submissions

4. The Council received 4,276 rezoning submissions, in relation to more than 150,000 properties across Auckland. Rather than considering each request on a site-by-site basis, the Council considers that requests for residential, business, rural and future urban zones should be grouped by geographic area. The business rezoning requests do not include City Centre rezoning requests, as these have been allocated by the Panel to Topic 050. The Council considers that coastal, special purpose and public open space rezoning requests should be grouped by zone.
5. Affected properties which are the subject of rezoning requests have been grouped by the Council geographically into manageable areas, referred to as 'submission areas'. The Council

has identified and mapped 84 submission areas in its GIS viewer. These are generally based on the 2006 Census Area Units. For completeness, the special purpose and public open space rezoning requests are also identified on the submission area maps.

6. Some 10% of the rezoning submissions could not be mapped, as the submitter either did not state a clear property address, or the extent of the affected land area cannot be accurately defined. Unmapped submissions, including all coastal rezoning submissions, are captured by spreadsheet only. The submission areas maps and the spreadsheet of unmapped submissions are attached as **Appendix B and C** respectively.
7. A desktop analysis of the submission areas is underway with sub-groups being identified within each submission area, based on requests with similar attributes. This analysis is being collated into spreadsheets, and will be useful in identifying the key issues within each submission area, and the complexity of those issues. Where possible, unmapped requests will also be included in the relevant submission area spreadsheet (in addition to their inclusion in **Appendix B**).
8. Subject to the Panel's response to the submission area and sub-group approach, the Council intends to carry out site visits and undertake technical assessments for all sub-groups within all submission areas and zones (special purpose, public open space and coastal zones).

Managing submissions

9. The Council suggests that submissions with similar attributes or potential process pathways should be considered together with the aim of ensuring an efficient hearing process. Options or combinations of options the Panel may wish to consider for managing rezoning submissions include:
 - Reports to the Panel by the Council relating to requests where direct discussions, mediation and hearings are considered unnecessary (i.e. where all parties are in agreement).
 - Reports to the Panel by the Council where direct discussions have been successful.
 - Mediation where a sub-group contains a relatively small number of submitters.
 - Hearings involving submitters and/or groups of submitters, where direct discussions and/or mediation have not been able to resolve all the issues, or where mediation would be difficult due to the sheer number of submitters.
10. In terms of scheduling mediation and hearings, the Council considers that there are a number of factors to take into account, including the relationship between rezoning submissions and the submissions on the RUB. Further details are provided in the main part of this response.

Deliverables

11. A summary of all rezoning submissions and their identification either spatially or by spreadsheet (for unmapped requests) has been provided to the Panel (refer to **Appendices B and C**).
12. The Council anticipates it will be able to provide the Panel with the completed submission area spreadsheets by Monday **16 March 2015**.

13. The Council proposes to provide the Panel with its recommendations on the extent of mediation required to progress submissions and preliminary estimates of the total likely mediation and hearing time by Monday **15 June 2015**.

Precinct submissions

14. Approximately 6,600 submission points were received on 130 precincts, excluding those precincts which have been allocated by the Panel to other hearing topics.

15. The Council has completed a desktop analysis of the submission points on precincts. The spreadsheets attached at **Appendix D** provide a summary of the key issues, complexity of the issues and additional information, including the underlying zone and whether rezoning has also been requested.

16. The Council considers that the majority of precincts should be considered individually, on the basis that each precinct represents a departure from the underlying (and surrounding) zoning to enable (or restrict) activities within the boundaries of the precinct area. However, where there are precincts in similar locations with only a small number of key issues raised in the submissions, these could be grouped together in one hearing.

17. The Council considers that in most cases submissions seeking rezoning requests should be considered prior to the submissions relating to each precinct for the following reasons:

- there is the potential for rezoning requests on land that is also the subject of a precinct, to impact on the precinct provisions if the zoning were to change; and
- precincts vary the underlying zone (and in some cases the Auckland-wide and overlay provisions) being either more restrictive or enabling, so the zoning (and zone provisions) must be considered when resolving the provisions relating to a precinct.

18. A small number of precincts would, in Council's view, be able to proceed in advance of the rezoning requests. This applies to precincts where there are no rezoning requests, and there are only a small number of discrete and relatively minor issues raised in the submissions.

19. The Council considers that direct discussions with submitters, and mediation, will be useful for addressing submissions in relation to most precincts.

Deliverables

20. A desktop analysis of all existing precincts by spreadsheet has been provided to the Panel (**refer Appendix D and E**)

21. A desktop analysis of requests by spreadsheet for new precincts and recommended reallocations will be provided on Monday **16 March 2015**.

Part 1: Council's approach to grouping rezoning submissions

Step 1 – Identify Submission Areas

22. The Council received over 20,000 rezoning requests in relation to more than 150,000 properties across Auckland. The number of requests allocated to each group is as follows:
- Central – 9,155 submission points from 2,180 submitters
 - North and Islands – 3,786 submission points from 1,433 submitters
 - West – 2,319 submission points from 254 submitters
 - South – 4,838 points from 556 submitters
 - Auckland Wide – 195 submission points from 152 submitters
 - Open Space – 935 submission points from 180 submitters
 - Special Purpose – 779 submission points from 194 submitters
 - Coastal – 280 submission points from 168 submitters.
23. Rather than considering each rezoning request on a site-by-site basis, the Council considers that rezoning requests for residential, business, rural and future urban zones should be grouped by geographic area because of the volume of requests, the often complex inter-relationships between these zones and the benefit in considering local factors in assessing the requests. City Centre zone rezoning requests have been allocated to topic 050 and are not part of the business rezoning requests. The Council considers that coastal, special purpose and open spaces zones should be grouped by zone, reflecting the smaller number of requests and their relatively straightforward nature. Many of the public open space rezoning requests relate to the Council's submission and are either technical corrections or relate to Council-owned open space land which does not have a public open space zone.
24. Affected properties, the subject of rezoning requests, have been grouped geographically into manageable areas, referred to as 'submission areas'. The Council has identified 84 submission areas that are based on the 2006 Census Area Units. Some area boundaries have been adjusted to provide for more logical boundaries (i.e. to capture whole centres or where groups of submissions should logically be heard together). For completeness, the special purpose and public open space requests are also identified in the submission area maps.
25. With regard to the mapping requests, the Council acknowledges that there are limitations to mapping of requests that have not stated a clear property address or the extent of the affected land area cannot be accurately defined. The Council estimates that approximately 10% of rezoning requests are in this category. The number of unmapped data and groupings may change as a more in depth analysis of the submissions is completed. These requests, including all coastal requests, have been captured by spreadsheet only. Maps of each submission areas and the unmapped rezoning requests spreadsheet are provided in Appendices B and C respectively.
26. Step 1 has been completed by the Council.

Step 2 – Factual assessments of requests

27. For each submission area the Council is compiling information on all requests to provide background and context about the affected property and the outcome sought by the submitter(s). The information is being collated into spreadsheets and records the following:
- Submitter number(s) where there is more than 1 submitter to a particular property
 - Locality (central, north, west or south)
 - Submission area
 - Sub-group reference
 - Submission summary
 - Change requested
 - PAUP zone
 - Theme /issue
 - Relevant overlays
 - Precinct
 - Unmapped requests.
28. The Council considers that the use of spreadsheets provides a valuable grouping and filtering tool for subsequent analysis.
29. Within each submission area, the Council considers that requests can be further divided into smaller 'sub-groups' of requests with similar attributes. These attributes may include a group of submissions in close proximity to a centre or other important land use, or groups of submissions seeking a similar outcome.
30. The Council considers that the number of sub-groups will depend on the complexity of each submission area. The sub-groups will be used to identify key themes or issues arising in a submission area, enabling a comparison of themes between sub-groups in other submission areas and across Auckland. Submission areas can be amalgamated or divided into additional areas, as an understanding of the key rezoning issues develops.
31. The Council is currently in the process of completing Step 2 to enable the submission area spreadsheets to be forwarded to the Panel on **Monday 16 March 2015**.

Future steps

32. Subject to the Panel's response to the submission area and sub-group approach, once Step 2 is completed, the Council intends to undertake site visits and technical assessment of the sub-groups within each submission area. Requests would be evaluated against a set of criteria.
33. The Council would then provide the Panel with its recommendations on the extent of mediation required to progress submissions and preliminary estimates of the total likely mediation and hearing time by Monday **15 June 2015**.

Options for managing rezoning requests

34. The Council suggests that the Panel may wish to consider the following or combination of options for managing the approximately 20,000 rezoning requests.

Direct reports to the Panel

35. Three types of reports are proposed and discussed below.

36. Compilation of a list of rezoning requests in the Council's submission that are identified as either an error and/or are supported or not challenged by a further submitter. The Council suggests that mediation, and/or hearing time is not required for these rezoning requests. A report to the Panel, providing the details of this category of rezoning requests will be provided.

37. Compilation of a list of submitters who own the affected properties and where the Council supports the requests and these requests are not challenged by further submitters. The Council suggests that mediation and/or hearing time is not required for these rezoning requests. A report to the Panel, providing the details of this category of rezoning requests will be provided.

38. Compilation of a list of submitters who do not wish to be heard and where these requests are not challenged by further submitters and are supported by the Council. A report to the Panel, providing the details of this category of rezoning requests will be provided. The report can identify any third parties such as landowners if this information would be of use to the Panel.

Direct discussions

39. Direct discussions with submitters and/or small groups of submitters in the submission area sub-groups. The purpose of the discussions is to elicit additional information on the background and context of the request and to potentially reach an agreement. Where direct discussions have been successful, the Council will provide a report to the Panel, with documentation of the agreed outcomes from the relevant submitters. Where direct discussions are unsuccessful, the submitters would be directed to either mediation or hearings.

Mediation

40. Mediation with submitters and/or groups of submitters in the submission area sub-groups, where a sub-group contains a relatively small number of submitters. It is considered that mediation is generally of limited benefit where there are large numbers of submitters.

41. A report would be prepared for the Panel by the mediator in the normal way.

Hearings

42. Hearings with submitters and/or groups of submitters, where direct discussions and/or mediation have not been able to resolve all the issues.

43. In terms of scheduling mediation and hearings, the Panel may wish to consider the following:

- coastal rezoning hearings could be held at any time from June 2015, after the April 2015 conclusion of the parent topic (district and regional provisions)

- central submission areas should ideally be held first, followed by the northern, western and southern submission areas. (in no particular order of preference) The parties involved with the latter areas may also be involved in the RUB hearings (Topics 016 and 017) and the RUB outcome is a critical component for submission areas on the edge of the metropolitan area
- allocating special purpose rezoning requests to be heard with their parent topic due to the small numbers and/or relatively straightforward nature of the rezoning requests
- within each zone, managing requests by combining a number of sub-groups from a range of submission areas which raise the same themes.
- managing requests by submission area
- managing requests by a combination of theme based mediation /hearings and submission area based mediation/hearings

Part 2: Update on submissions related to precincts

44. The submissions received in relation to precincts include approximately 6,600 submission points on 130 precincts (excluding those which have been allocated to other hearing topics, i.e. 033 General Coastal Marine, 034 Other coastal zones, 045 Airports, 050 City Centre, 075 Waitakere Ranges, and 076 Major Recreation zone).
45. The number of submission points allocated to each group is as follows:
- Central – 1054 submission points from 863 submitters
 - North and Islands – 3585 submission points from 1415 submitters
 - West – 262 submission points from 60 submitters
 - South – 739 submission points from 239 submitters
 - Auckland-wide & Coastal –196 submission points from 107 submitters
 - General – 56 submission points from 54 submitters
46. The interdependencies with the zone and Auckland-wide provisions as well as the spatial allocation of zones adds to the complexity of the task. These interdependencies mean that a substantive analysis of precincts submissions cannot begin until the Council has formed its position on the underlying zone and ideally the PAUP provisions. An exception to this is where there are precincts with few submissions that raise discrete issues that can be dealt with independently of the zone and Auckland-wide provisions.

Existing Precincts

47. A desktop analysis of the submissions on the precincts has been completed. This analysis has been collated in a spreadsheet attached as **Appendix D**. The spreadsheet is based on the Summary of Decisions Requested report and includes the following additional information in response to the directions in the Minute:
- Precinct name
 - Area (Central, North and Islands, West, South, Auckland-wide, Coastal, General)
 - Precinct type - broad grouping based on underlying zone(s)
 - Underlying zoning and whether any rezoning requests have been received

- Number of submission points and number of primary submitters, including whether Auckland Council is a submitter
- Number of submission points (primary)
- Number of further submission points
- A summary for each precinct of the key issues raised
- The complexity of the issues raised, based on the range and complexity of issues, nature and number of submitters

48. The analysis is not based on a substantive assessment of the merits of the requests and the following caveats apply:

- Limited reference has been made to the original submissions, where the intent of the request is not clear on the face of the summary.
- The analysis does not draw on the reasons/explanations provided in submissions.
- No research has been undertaken.

49. The analysis has also identified a number of submission points that should, in the Council's view, be reallocated. These will be provided to the Panel by 16 March 2015.

New Precincts

50. Maps of requests for new precincts are provided at **Appendix E**. As for the mapping of requests relating to rezoning, the Council acknowledges that there are limitations to mapping of requests that have not stated a clear property address, or the extent of the affected land area cannot be accurately defined. Approximately 30% of requests for new precincts are in this category and could not be mapped.

51. Further work on requests relating to new precincts is underway in order to group and classify the submission points according to complexity. This work will also identify interdependencies such as whether rezoning has been requested to the underlying zone. The Council anticipates it will be able to provide the Panel with the completed analysis for new precincts by **Monday 16 March 2016**.

Direct discussions

52. Direct discussions with submitters and/or small groups of submitters may be undertaken in some cases. Where direct discussions are successful, the Council will provide a report to the Panel, with documentation of the agreed outcomes from the relevant submitters. Where direct discussions are unsuccessful, mediation and/or hearing time would obviously be required.

Mediation

53. It is considered that the level of complexity, as identified in the spreadsheet at **Appendix D**, can be used to estimate the total mediation time required. On this basis, the following may be used as a guide to estimate total mediation time required (where mediation is confirmed by the Panel as an appropriate pathway):

- Low – a maximum of half a day, noting that precincts with similar key issues and locations could be grouped together
- Medium – one to two days' mediation time, again noting that precincts with similar key issues and locations could be grouped together

- High – three to five days’ mediation time, noting that it is not recommended that precincts in this category are heard together.

54. Whether or not a precinct should proceed to mediation will, however, depend on a substantive analysis of the submissions. As previously stated, it is considered that mediation is generally of limited benefit where there are large numbers of submitters with disparate views.

55. A report could be presented to the Panel indicating whether or not the Council considers that mediation would be an appropriate pathway for each of the precincts that are subject to submissions; however this could not be produced until the second half of 2015.

Hearings

56. It is considered that the level of complexity, as identified in the spreadsheet at **Appendix D**, may be used to estimate the hearing time required as follows:

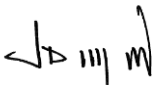
- Low – a maximum of half a day hearing time, noting that precincts with similar key issues and locations could be grouped together in one hearing
- Medium – one days’ hearing time, again noting that precincts with similar key issues and locations could be grouped together in one hearing
- High – two to three days’ hearing time, noting that it is not recommended that precincts in this category are heard together.

Recommendations

57. Following the receipt of this letter we respectfully request that the Panel, as soon as practicable provide confirmation of the proposed rezoning, precinct approach and deliverables.

If you have any queries, please contact myself or Celia Davison, Team Leader Unitary Plan.

Yours sincerely



John Duguid
Unitary Plan Manager

APPENDIX A – EXTRACTS FROM PROCEDURAL MINUTES 6 AND 7

Minute 6

17. *The single largest group of submissions identified through the Summary of Decisions requested is that containing all those submitters who seek a change to the zoning or precinct applicable to their property or seek to bring their property inside the RUB. We see these matters as a significant issue (both in terms of the time required to address them and in terms of their significance to submitters). We need to get a better idea of how many issues are raised to help determine the scale of this hearing topic, what issues may be able to be mediated and how many hearing days are likely to be required:*

18. *We understand that the Council is developing a spatial mapping tool to identify those properties where site specific changes are requested to the zoning or precinct which is proposed to be applied under the PAUP. We further understand that the Council is uncertain how complete this mapping tool may be detailed analytical use in the near future and therefore has concerns about publicly releasing it. We have not had any access to the tool ourselves.*

19. *If such a mapping tool is sufficient for the Council at least to be able to do the work we envisage, then we think the following information is needed:*

- i. a summary of all re-zoning requests and their identification spatially, whether by list, table or map*
- ii. a scheme for potential grouping of issues (whether spatially or by PAUP provision);*
- iii. a preliminary assessment of the significance of the issue according to nominated criteria, which we envisage would include: areas of widespread concern; site-specific v street, neighbourhood or community changes; and addition of new zones or new zoning provisions;*
- iv. the extent to which mediation is likely to be useful to progress the submission;*
- v. an estimate of the total likely mediation and hearing time required; and*
- vi. indicative responses by the Council as to its view of the merits of the requests.*

Minute 7

4. *For clarification we are not directing the Council to undertake a full re-assessment of each of the thousands of sites which are the subject of such submissions. We are asking whether the Council's mapping tool may be sufficiently powerful to enable a desktop analysis of the range of submissions which would produce an indicative summary of how this large group of submission (of the order of 9,000 separate primary submissions) might best be marshalled so that the issues arising from them can be addressed in some logical and methodical way, rather than simply site-by-site. If, following on from that, the Council is able to indicate its views as to the best method for considering and potentially resolving such issues, including the non-exclusive options of mediation or direct discussion with submitters, then it would help us a great deal to know sooner rather than later what those views are.*

58. Paragraph 25 of Minute 7 directs the Council to respond to the Panel by 28 November 2014 on changes to the RUB and by 14 February 2015 on its approach to and assessment of the categorisation of the submissions on rezoning and changes to the precincts.

APPENDIX B - SUBMISSION AREA MAPS (TO BE ATTACHED)

APPENDIX C - UNMAPPED ZONING REQUESTS SPREADSHEET (TO BE ATTACHED)

APPENDIX D - DESKTOP ANALYSIS OF EXISTING PRECINCTS (TO BE ATTACHED)

APPENDIX E – MAPS OF NEW PRECINCTS REQUESTED (TO BE ATTACHED)