

Submission on Proposed Auckland Combined Plan

Section 123 of the Local Government (Auckland Transitional Provisions) Act 2010 and Clause 6 of Schedule 1 to the Resource Management Act 1991

To: Auckland Council
By: Council Webform

Name of submitter: **WAITAKERE RANGES PROTECTION SOCIETY INCORPORATED**
("the Society")

Submission No. 1: Process and Structure

Introduction

1. The Society makes this submission on the proposed Auckland combined plan ("the **Unitary Plan**").
2. The Society could not gain an advantage in trade competition through this submission. In any event, the Society is directly affected by an effect of the subject matter of the submission that:
 - (a) adversely affects the environment; and
 - (b) does not relate to trade competition or the effects of trade competition.
3. This submission relates to the structure of the whole of the Unitary Plan and the process for hearing submissions. In particular the submission raises concerns with the relationship between the provisions in:
 - (c) PART 1 Chapter B: Regional Policy Statement ("**RPS**").
 - (d) PART 2: Regional and District Objectives and Policies.
 - (e) PART 3: Regional and District Rules.
4. This submission (*Waitakere Ranges Protection Society Incorporated – Submission No. 1: Process and Structure*) is one of a series of submissions made by the Society in relation to various parts of the Unitary Plan affecting the Waitakere Ranges.

Background

5. The Society is a community based organisation with a membership of over 600 individuals and families. The Society has been in existence for over 40 years since 1973.

6. Its aims include to protect and conserve the natural environment in the Waitakere Ranges; to raise awareness of the importance and value of the Waitakere Ranges to New Zealand's environmental heritage, preservation and wellbeing; to promote any scheme or activity that may benefit or help protect or preserve the Waitakere Ranges; and to oppose any scheme or activity which might significantly adversely affect the natural ecosystems and landscape of the Waitakere Ranges.
7. The Society has spent thousands of hours of mostly voluntary work preparing and presenting submissions in national, regional and district planning processes and resource consent applications pursuant to the Resource Management Act 1991 ("RMA") along with other decision making processes relating to the Waitakere Ranges.
8. The Society actively promoted the passage of the Waitakere Ranges Heritage Area Act 2008 ("**WRHAA 2008**"). The WRHAA which establishes the Waitakere Ranges Heritage Area, (which includes the Waitakere Ranges Regional Park, the residential areas around Titirangi, the foothills of the Ranges, coastal villages such as Piha, Karekare, Huia and parts of former south-west Rodney district) and recognises that the Heritage Area is of national significance and identifies the heritage features that contribute to its national significance.

Unitary Plan Structure and Process

9. The Society's submission is as follows:
 - (a) Provided the relief sought in this submission is granted, the Unitary Plan:
 - (i) Will be consistent with the purpose and principles of the RMA and will otherwise be consistent with Part 2 of the Resource Management Act 1991.
 - (ii) Will be appropriate in terms of section 32 of the RMA.
 - (iii) Will warrant being implemented in terms of both the RMA and sound resource management principles and practice.
 - (b) In the absence of such amendments, the Unitary Plan will fail to meet the purpose and principles of the RMA, will allow the generation of significant adverse effects on the environment in particular on the Waitakere Ranges, and will fail to meet the requirements of Part 5 of the RMA.

In particular, without limiting the generality of the above:

- (c) The Society's view is that it is essential that the Unitary Plan affords the Waitakere Ranges with at least the same level of protection as is currently provided in the operative regional and district planning instruments, in particular the Auckland Regional Policy Statement and the Auckland District Plan (Waitakere Section).

- (d) In order to achieve this outcome, the Society considers that there needs to be a clear regional and district planning hierarchy articulated within the Unitary Plan:
- (i) In terms of the requirements for regional policy statements, regional and coastal plans and district plans under the RMA, it is insufficient to simply identify in the margin whether a provision is a provision of one, some or all of those types of planning instruments.
 - (ii) The Unitary Plan needs to clearly articulate the relationship between provisions in PART 1 Chapter B RPS, PART 2: Regional and District Objectives and Policies, and PART 3: Regional and District Rules by identifying which Regional Plan, Coastal Plan and District Plan provisions give effect to particular RPS provisions.
 - (iii) Similarly, there needs to be certainty as to which rules are intended to implement which policies and which policies are intended to implement the rules. Further, in the case of the Waitakere Ranges, the Unitary Plan also needs to identify how specific provisions implement the WRHAA.
- (e) The purpose of this specificity is to ensure that the Unitary Plan is a workable document for plan users such as the Society particularly in relation to how higher order planning instruments and the relevant objectives, policies and rules will apply to subsequent plan changes and resource consent applications.
- (f) In practice, the Society considers that it will not be possible to achieve these outcomes unless the provisions of the RPS are settled first.

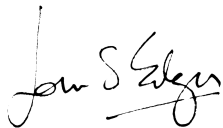
Relief Sought

10. The Society seeks the following decision from Auckland Council:

- (a) That the Unitary Plan be amended as follows:
 - (i) Restructure the Unitary Plan to ensure that:
 - PART 2: Regional and District Objectives and Policies and PART 3: Regional and District Rules provisions identify which Regional Plan, Coastal Plan and District Plan provisions give effect to particular RPS provisions.
 - There is clarity and certainty as to which rules are intended to implement the policies and which objectives are intended to implement the rules.
 - In relation to the Waitakere Ranges there is clarity and certainty as to how specific provisions implement the WRHAA.

- (b) Hear and make decisions on submissions on the PART 1, Chapter B:1 RPS provisions of the Unitary Plan prior to making decisions on Part 2: Regional and District Objectives and Policies.
 - (c) Hear and make decisions on submissions on PART 2: Regional and District Objectives and Policies prior to making decisions on PART 3: Regional and District Rules.
 - (g) Such other relief or other consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission.
11. The Society wishes to be heard in support of its submission.
12. If others make a similar submission, the Society will consider presenting a joint case with them at a hearing.

DATED 27 February 2014



John Edgar
Authorised Signatory for the **WAITAKERE**
RANGES PROTECTION SOCIETY INCORPORATED.

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