

**LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004**

**RESOURCE MANAGEMENT ACT 1991**

**DECISION REPORT OF THE  
FRANKLIN DISTRICT COUNCIL**

**FDC 2 – INFRASTRUCTURE RURAL  
ISSUES**

**Decision Regarding:**

- **Proposed Change 20 to Franklin District Plan**

**On 28 June 2007 the Franklin District Council adopted the recommendations of the Joint Regional Policy Statement and District Plan Changes Hearings Panel in relation to Proposed Change 20 to the Franklin District Plan.**

**The recommendations in this report have been adopted as the decisions of the Franklin District Council.**

**31 July 2007**

**Index of submissions and further submissions addressed in Report FDC 2  
Infrastructure Rural**

Rec. Report Section No.	Sub No	Submitter	Supported by	Opposed by	Hearing Report Section No.
5.2	92/4	Anglican Diocese of Auckland	109 The Warehouse Ltd 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited	250 Auckland Regional Council 108 Progressive Enterprises Limited	6.2
5.3	250/48	Auckland Regional Council	258 Auckland Regional Transport Authority <i>193 Contact Energy Limited</i>	277 JM Hayman 93 Methodist Mission Northern 157 Federated Farmers of New Zealand (Inc) <i>193 Contact Energy Limited</i>	6.3
5.1	193/15	Contact Energy Limited			6.1
5.1	193/16	Contact Energy Limited			6.1
5.1	193/17	Contact Energy Limited			6.1
5.3	130/13	Holcim (NZ) Ltd, Aggregates Division			6.3
5.3	130/14	Holcim (NZ) Ltd, Aggregates Division			6.3
5.3	130/15	Holcim (NZ) Ltd, Aggregates Division			6.3
5.2	89/4	Huron Holdings Limited	110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd	250 Auckland Regional Council 108 Progressive Enterprises Limited	6.2
5.3	180/10	Landview Farms Ltd, Birch Hill Trust, GB & JM Morris Farms Ltd, DG & JL Loxton and Ruatotora Ltd		277 JM Hayman 196 Winstone Aggregates 250 Auckland Regional Council	6.3
5.3	180/11	Landview Farms Ltd, Birch Hill Trust, GB & JM Morris Farms Ltd, DG & JL Loxton and Ruatotora Ltd		250 Auckland Regional Council	6.3
5.2	94/4	LM and JA Barber		250 Auckland Regional Council 108 Progressive Enterprises Limited	6.2
5.2	93/4	Methodist Mission Northern	111 The National Trading Company of New Zealand Limited 110 Warehouse Stationery Limited 109 The Warehouse Ltd	250 Auckland Regional Council 108 Progressive Enterprises Limited	6.2
5.3	129/13	New Zealand Minerals Industry Association			6.3
5.3	129/14	New Zealand Minerals Industry Association			6.3
5.3	129/15	New Zealand Minerals Industry Association	196 Winstone Aggregates		6.3
5.2	90/4	Pacific Rim Builders Limited	110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd	250 Auckland Regional Council 108 Progressive Enterprises Limited	6.2
5.3	131/11	Poultry Industry Assoc. of NZ (Inc)			6.3
5.3	131/12	Poultry Industry Assoc. of NZ (Inc)			6.3
5.3	131/13	Poultry Industry Assoc. of NZ			6.3

**Index of submissions and further submissions addressed in Report FDC 2  
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<b>Rec. Report Section No.</b>	<b>Sub No</b>	<b>Submitter</b>	<b>Supported by</b>	<b>Opposed by</b>	<b>Hearing Report Section No.</b>
		(Inc)			
5.2	88/4	Schippers Cleanfill Limited	110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd <i>259 Transit New Zealand</i>	193 Contact Energy Limited 204 The Waitakere Ranges Protection Society Incorporated 250 Auckland Regional Council 108 Progressive Enterprises Limited <i>259 Transit New Zealand</i>	6.2
5.3	128/13	The Aggregate & Quarry Assoc. of NZ (Inc)		277 JM Hayman	6.3
5.3	128/14	The Aggregate & Quarry Assoc. of NZ (Inc)		277 JM Hayman	6.3
5.3	128/15	The Aggregate & Quarry Assoc. of NZ (Inc)	196 Winstone Aggregates	277 JM Hayman	6.3
5.2	91/4	Top Enterprise Group	111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd 110 Warehouse Stationery Limited	250 Auckland Regional Council 108 Progressive Enterprises Limited	6.2
5.1	185/20	Transpower New Zealand Limited	193 Contact Energy Limited 250 Auckland Regional Council	157 Federated Farmers of New Zealand (Inc)	6.1
5.1	185/21	Transpower New Zealand Limited	250 Auckland Regional Council <i>193 Contact Energy Limited</i>	157 Federated Farmers of New Zealand (Inc) <i>193 Contact Energy Limited</i>	6.1
5.1	185/87	Transpower New Zealand Limited	193 Contact Energy Limited		6.1

# RECOMMENDATION REPORT OF THE JOINT HEARINGS PANEL TO THE PLAN CHANGES NOTIFIED IN ACCORDANCE WITH THE LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004 AND THE RESOURCE MANAGEMENT ACT 1991

## PROPOSED PLAN CHANGE 20 FRANKLIN DISTRICT PLAN

### FDC 2 – INFRASTRUCTURE AND RURAL ISSUES

File Reference : Recommendation Report FDC 2

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#### 1. OUTLINE

This report is one of a series of reports that contain the recommendations of the Joint Regional Policy Statement and District Plan Changes Hearings Panel (“the Panel”) following consideration of submissions and further submissions received in relation to Infrastructure / Nature Resources / Rural / Countryside Living of the Franklin District Plan Proposed Plan Change 20 (“Plan Change 20”). Other submissions and further submissions to Plan Change 20 are dealt with in additional topic based recommendation reports.

The Panel was jointly appointed by the councils of the region under the Local Government (Auckland) Amendment Act 2004 (“the LGAAA”). Following consideration of all the submissions and supporting evidence presented and/or tabled by the submitters and further submitters at the hearings, and the reporting officer’s report, the Panel now makes the recommendations contained in this report to the Franklin District Council (“FDC”).-

To reiterate, this report contains the **recommendations** to Council of the Panel on submissions that have been made during the course of the hearings. **It is not the decision of the Council.**

The suggested amendments to the Franklin District Plan (“FDP”) arising from the Panel recommendations discussed throughout this report are set out in the Panel Recommendation Version of Plan Change 20 which forms Appendix 1 to this report. Appendix 1 incorporates the amendments to Plan Change 20 resulting from all of the Panel’s recommendations.

#### 2. BACKGROUND

Plan Change 20 was notified on 31 March 2005 as a mandatory requirement of the LGAAA.

The LGAAA mandates that all councils in the Auckland Region integrate their land transport and land use provisions and ensure these are consistent with the Auckland Regional Growth Strategy (“RGS”), give effect to its Growth Concept and contribute to the land transport and land use matters specified in Schedule 5 (s39 & s40 LGAAA). This is, in effect, the purpose of Plan Change 20.

The matters that the LGAAA requires to be included in changes to statutory documents support the purpose of the Resource Management Act 1991 (“RMA”) in promoting sustainable management of natural and physical resources.

Plan Change 20 amends the text of Parts Two and Nine and consequential amendments to parts 26, 27, 29, 50, 53 and 54 of the FDP. Part Two is titled Managing the District’s Resources and Part Nine is titled Transport. The consequential changes to the other parts of the FDP are to introduce provision for Integrated Transport Assessments. These changes give effect to the LGAAA and the growth concept in the Auckland Regional Growth Strategy (ARGS).

### 3. THE PANEL AND THE HEARINGS PROCESS

#### 3.1 THE JOINT HEARINGS PANEL

The Panel was comprised of the following members:

Cr Paul Walbran (Chair)  
 Cr Wyn Hoadley (Deputy Chair)  
 Cr Carolynne Stone  
 Cr Neil Morrison  
 Cr Bill Smith  
 Lindsey Rea  
 David Hill  
 Alan Watson

The members of the Panel included regional councillors, city and district councillors, a community board chairperson and two independent commissioners.

The councils of the region jointly delegated to the Panel their powers, functions and duties to hear submissions and make recommendations (under s41(1) and (2) LGAAA, and s24A RMA) on the following 15 proposed plan changes:

<p><b>AUCKLAND REGIONAL POLICY STATEMENT</b>            Proposed Change 6 - Giving Effect to the Regional Growth Concept and Integrating Landuse and Transport.            Proposed Change 7 - Metropolitan Urban Limits</p>	<p><b>MANUKAU CITY DISTRICT PLAN</b>            Proposed Plan Change 12 - Manukau's Growth.</p>	<p><b>RODNEY DISTRICT PLAN</b>            Proposed Variation 22 to the Proposed District Plan 2000            Proposed Plan Change 97 to the Operative Transitional District Plan 1993.</p>
<p><b>AUCKLAND CITY DISTRICT PLAN – Operative Isthmus Section</b>            Proposed Plan Modification 175 - Giving Effect to the Regional Growth Concept</p>	<p><b>NORTH SHORE CITY DISTRICT PLAN</b>            Proposed Plan Change 12 - Redraft of parts of the North Shore City District Plan - Required by the Local Government (Auckland) Amendment Act 2004.</p>	<p><b>WAITAKERE CITY DISTRICT PLAN</b>            Proposed Plan Change 13 - Hobsonville Airbase;            Proposed Plan Change 14 - Hobsonville Village Centre;            Proposed Plan Change 15 - Massey North;            Proposed Plan Change 16 - Managing City Growth;            Proposed Plan Change 17 - New Lynn;            Proposed Plan Change 18 - City Wide Urban Design Rule</p>
<p><b>FRANKLIN DISTRICT PLAN</b>            Proposed Plan Change 20 - Changes Pursuant to Local Government (Auckland) Amendment Act 2004.</p>	<p><b>PAPAKURA DISTRICT PLAN</b>            Proposed Plan Change 10 - ARPS Changes to the Operative District Plan.</p>	

#### 3.2 THE HEARINGS PROCESS

The proposed plan changes were notified by local authorities by 31 March 2005, in accordance with section 39 of the LGAAA. Given the number of proposed plan changes and the predicted volume of submissions to be dealt with, the Panel agreed that submissions were to be separated into categories. The categories used are detailed in the following table:

Category	Topic	Number of Submissions	Number of submitters and further submitters
A	General Growth	1575	266
B	Infrastructure / Natural Resources / Rural / Countryside Living	1098	174
C	Business Issues & Retail Location	290	93
D	Transport	534	115
E	MUL Issues (Not Hobsonville/Massey North)	79	85
F	Housing Lobby Identical Submissions	996	520
G	Swanson / Penihana	251	229
H	MUL Hobsonville and Massey North	1041	197
I	New Lynn	332	48
J	Urban Design WCC 18	281	32
K	Howick	60	29
M	ARC Miscellaneous	8	32
W	WCC 16 & 18 (Miscellaneous)	20	12
<b>TOTAL</b>		<b>6565</b>	<b>1832</b>

Hearing Reports were generated by each local authority in the region under Schedule 1 of the RMA for each category – 50 reports in total. Public hearings were notified and held for each category, addressing all submissions deemed by the relevant Hearing Reports to fall within that category. In total, there were 46 hearing days, commencing on 27 April 2006. A further 12 days were utilised for site visits and deliberations. The Panel allocated time at the end of each hearing day to conduct preliminary deliberations. Additionally, more in-depth interim deliberations were held at the end of each topic. The last day of deliberations following the hearings was on 21 May 2007.

The Panel obtained legal advice in relation to the scope of the hearings process and other key issues raised prior to and during the hearings.

In forming its recommendations, the Panel focussed on the purpose of the LGAAA – to integrate land use and land transport provisions to ensure consistency with the growth strategy, give effect to its Growth Concept and contribute to the matters specified in Schedule 5 of the LGAAA. Under the legislation, local authorities were mandated to notify changes to the RPS and all District Plans to achieve this purpose – a substantial process.

The LGAAA came into effect on 1 July 2004 and notification of changes was required from all local authorities by 31 March 2005. It is relevant that, while District Plans are required to give effect to the RPS, the proposed changes to the RPS were notified at the same time as the proposed amendments to the District Plans.

Due to the relatively short timeframe and substantial changes envisaged by the LGAAA, there has been a mixed approach from local authorities, with different levels of detail reflected in the various proposed plan changes. This had the potential to frustrate the purpose of the LGAAA in terms of achieving integration across planning documents. Given the ambitious task set by the LGAAA, the Panel has taken the decision to concentrate its efforts on ensuring the RPS gives effect to the Growth Concept and meets the purpose of the LGAAA. The Panel considers that, once the RPS reflects the aims of the LGAAA, the District Plans will be required to give effect to the RPS and consequential amendments to the Plans will follow accordingly.

The Panel noted that many of the submissions focussed only on the plan changes and variations notified under the LGAAA. These changes were in many instances “filling the gaps” that existed in the current planning documents. When considering the Panel’s recommendations it is necessary to take into account the changes notified under the LGAAA, the existing District Plans, and other changes that have been notified both before and during the LGAAA process. The Panel was advised that work that each council currently has in train provides an indication of each council’s longer term plans.

The Panel also noted that many of the submissions lodged under the LGAAA were made in respect of the RPS and simply stated that the District Plans should be amended to reflect any changes to the RPS. The Panel considers that the issues raised in these submissions are best addressed after local authorities release

the decision reports and any appeals to RPS Change 6 and RPS Change 7 are concluded. It will then be clear to what the District Plans must give effect.

This approach was not universal across the region or for all issues raised by the submissions. Some proposed District Plan changes were substantial, for example, those put forward by Waitakere City. In such cases, the Panel has dealt with the proposed changes in the same level of detail as the proposed RPS changes.

The Panel considers that the approach outlined above is practical and realistic, and will give local authorities time to prepare the necessary changes and carry out consultation with local communities. Ultimately, the objectives of the LGAAA can best be achieved by allowing the process in respect of the RPS to run its course, with subsequent amendments to District Plans in the context of a clear and robust RPS. Legal advice to the Panel has confirmed this approach.

### **3.3 Evidence**

The Panel has received extensive and detailed evidence from submitters during the hearings process. The Panel has carefully considered this evidence and the substantial number of submission points put before it. This recommendation report does not attempt to comprehensively summarise each submission point and/or piece of evidence as this would result in an unduly lengthy report without substantially adding to the recommendations.

### **3.4 Integration**

A key element of the LGAAA is the requirement for “integration” in a number of aspects. These include “*giving effect, in an integrated manner, to the growth concept*” and “*contributing, in an integrated manner, to the matters specified in schedule 5*”. Changes that seek to achieve these requirements must, in relation to each other, be integrated (s40 LGAAA). Schedule 5 also refers to “*facilitating integrated transport management*”, and “*integrating transport and land use policies*”.

Integration is therefore required within each of the planning instruments, and across all planning instruments in the Auckland Region. The Panel recognises the importance of integration to the LGAAA process and has been very mindful of this in its deliberations.

The Panel has made a number of recommendations on matters which provide integration across the planning documents, for example the recommendations to include material on the following:

- recommendations in relation to corridors
- recognition of regionally significant infrastructure
- integrated transport assessments
- Appendix H on densities required to support public transport

These, and other matters, are discussed further in the Panel Key Issues Recommendation Report.

## **4 PANEL KEY ISSUES RECOMMENDATION REPORT**

In response to the extensive detail and evidence presented, the Panel has produced a Panel Key Issues Recommendation Report (the “Key Issues Report”) setting out its direction on the issues it considers to be key to the LGAAA process. This report is overarching of issues and is not separated into different categories, as with the recommendation reports. The recommendation reports for each proposed plan change and category refer back to the Key Issues Report where it assists in providing the context for specific recommendations.

The Key Issues Report is attached to and forms part of this recommendation report, and should be taken to comprise Section 4 of this report. It should be read in conjunction with Section 5 – Discussion and Recommendations.

## 5 DISCUSSION AND RECOMMENDATIONS

The following discussion is the Panel's recommendation, having considered all the submissions and further submissions, both within the reporting officer's report and presented and/or tabled at the hearings.

### Abbreviations Used In This Report

Auckland Regional Council – ARC  
 Auckland Regional Policy Statement – ARPS / RPS  
 Auckland Regional Growth Strategy – RGS  
 Local Government (Auckland) Amendment Act 2004 – LGAAA  
 Metropolitan Urban Limits – MUL  
 Resource Management Act 1991 – RMA  
 Territorial Authorities – TA / TAs

## Infrastructure

### Submissions

Number	Submitter	Summary of Decision Sought	Further Submitter/s
185/20	Transpower New Zealand Limited	Amend to insert the following paragraph to the end of the text in Section 2.10.2: "The failure to recognise and provide for core energy related infrastructure runs the real risk of undermining the ability to achieve the envisaged urban form. Energy related infrastructure, including transmission corridors, is an important strategic asset that is affected by increased demands and by under-building, and which impacts upon the scale, nature and form of future land development. The operation, maintenance, upgrading and extension of energy related infrastructure can be seriously constrained as a result of urban growth. The future development of land must be managed to ensure it does not adversely affect existing infrastructure and does not preclude the ability to upgrade infrastructure to meet demand."	<b>Supported By:</b> 193 Contact Energy Limited, 250 Auckland Regional Council  <b>Opposed By:</b> 157 Federated Farmers of New Zealand (Inc)
185/21	Transpower New Zealand Limited	Amend to insert a new Issue, Objective, Policy and four new Methods into Section 2.10.4 as follows: Issue: Growth occurring in close proximity to regionally significant infrastructure, including high voltage transmission lines, can adversely affect security of supply (including capacity issues) and can lead to serious environmental consequences, including consequences on the natural and physical environment, and on the ability of people and communities to provide for their social and economic wellbeing and their health and safety. Objective:  To recognise that energy distribution and transmission is fundamental to achieving the desired urban form.  Policy: Growth should be managed to ensure that the current or future efficient and effective operation of strategic infrastructure, including infrastructure corridors, is not compromised including by managing the design and location of new subdivision and development to address its potential to adversely affect the operation, maintenance, upgrading and extension of	<b>Supported By:</b> 250 Auckland Regional Council  <b>Opposed By:</b> 157 Federated Farmers of New Zealand (Inc)  <b>Support and Opposed By:</b> 193 Contact Energy Limited

		regionally significant infrastructure.  Methods: Identification of strategic infrastructure on Town and Structure Plans Include objectives, policies and methods (including rules) to provide for infrastructure corridors, including managing activities which will generate effects that affect their operation, maintenance, upgrading and extension. Require consultation with the asset owner for works undertaken within infrastructure corridors. Reference to relevant codes of practice / regulations applying to the development of land	
185/87	Transpower New Zealand Limited	Amend the Plan Change 20 to reflect the strategic issues pertaining to regionally significant infrastructure, in particular the National Grid (and see also submissions 185/20 -21).	<b>Supported By:</b> 193 Contact Energy Limited
193/15	Contact Energy Limited	Amend 2.10.4 to insert the following text in italics: "Growth occurs in a manner which results in desirable communities, good accessibility and a high quality natural and physical environment <i>including the provision of infrastructure to support growth.</i> "	
193/16	Contact Energy Limited	Amend 2.10.4(i) to insert the following text in italics: "Where the urban growth of Franklin's .....business land capacity, <i>enable expansion of utility services or essential infrastructural services</i> and locational choice."	
193/17	Contact Energy Limited	Amend the definition of Network & Other Utilities by inserting the following underlined clause to ensure consistency with other submissions (193/15, 193/16): "NETWORK AND OTHER UTILITIES means any activity relating to: i. .... iii. <u>generation of electricity, or</u> iv. <u>the transmission and distribution</u> ....."	

#### Discussion:

Submitter 185, Transpower New Zealand Limited, seeks amendments to Part 2.10.2 and Part 2.10.4 of Plan Change 20 that generally highlight that a failure to recognise core energy infrastructure may lead to undermining the urban form of the Growth Concept and that growth management practice can adversely affect the energy infrastructure. Submitter 193, Contact Energy, seeks that Part 2.10.4 is changed to allow for the consideration of infrastructure requirements of growth and that the definition of Network and Other Utilities is changed to add reference to generation of electricity. Both of these submitters presented evidence at the hearing.

The purpose of the "Local Government (Auckland) Amendment Act 2004" (LGAAA) is to integrate land use activities with transport systems, and to give effect to the Growth Concept of the Auckland Regional Growth Strategy; the scope of integration is set out in Schedule 5 of the LGAAA. Plan Change 20 is Franklin District Council's direct response to the LGAAA.

In terms of Franklin land, being mainly a rural district, the Growth Concept focuses on compact urban form. It does not provide much policy direction in regard to rural development, including countryside living. The Growth Concept contains a number of references to countryside living and rural growth capacity. Transpower seeks that the future management of land does not limit their ability to provide regionally significant

infrastructure to the Auckland Region and in particular the Metropolitan Urban area of Auckland. Yet the Growth Concept appears to provide for countryside living and rural development.

The National Electricity Transmission Grid and other energy corridors are reflected in the Franklin District Plan. The Franklin District Plan allows for operation and maintenance of transmission lines established before the notification of the Franklin District Plan, on 31 May 1994, as a permitted activity. Also, underground transmission and transmission above ground that do not exceed 110kV or a total capacity of 100 MVA, and that do not exceed a height to average cross section of the structure rule are also a permitted activity. This means that these submitters are able to carry out a range of activities and develop new infrastructure at a similar scale as currently exists without a land use consent. Transmission activities that exceed these standards are Restricted Discretionary or Discretionary Activities. Transpower is also currently progressing their designation process for the Waikato to Auckland transmission line.

Transpower made an extensive submission to Plan Change 14. The Decision version of Plan Change 14 has been amended as a result of Transpower's submission. This includes provision for the management of subdivision within 20 metres of 110kVA high voltage power lines and the additions are as follows.

"Part 22.8 Matters over which Council will exercise control

- o The effect of subdivision that creates new allotments within an area measured 20 metres either side of the centre point of a "National Grid Transmission Line" (as shown on the Planning Maps).
- o The effect of any planting on adjacent property and roads.
- o The avoidance or mitigation of the potential effects of natural hazards.
- o Amenity and mitigation planting".

"Part 22.9 General Assessment Criteria

- o Where it is proposed to subdivide land to create new allotments within an area measured 20 metres either side of the centre point of a "national Grid Transmission Line" (as shown on the Planning Maps), the subdivision design should have particular regard to the following matter:
- o The require minimisation of risk or injury and/or property damage from such line, and
- o The outcome of any consultation with the utility operator, and
- o The extent to which any earthworks and the construction of any subsequent buildings will comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP;342001, or any subsequent amendment thereof), and
- o The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid Transmission Lines."

Note: the National Grid Transmission Lines are now shown in the District Plan Maps.

The Panel recommends that Transpower's submissions are not accepted as:

- o Plan Change 20 has been developed in direct response to the LGAAA,
- o The Panel did not wish to elevate particular activities,
- o The Growth Concept allows for some rural development,
- o It is considered that the Franklin District Plan regime allows for a number of the submitters' activities as permitted,
- o The Plan Change 14 decision has considered the submitter's activities and has been amended to give greater consideration to their activities, and
- o Plan Change 14 is the more appropriate policy document to consider the submitters' concerns.

It may also be more appropriate for this submitter to continue with the Plan Change 14 process, if not satisfied with this recommendation. Changes to Plan Change 20 would not be very fruitful for the submitter as Part Two of the Franklin District Plan is strategic policy unlike sections within Plan Change 14 with contains rules.

Contact Energy sought amendments to text of Plan Change 20 that were directly influenced by text of the Growth Concept. Therefore the Panel recommends that these provisions are not changed, as the LGAAA requires Local Territorial Authorities of the Auckland Region to give effect to the Growth Concept and it is considered that it is not appropriate to add the 'generation of electricity' to this definition as it would not result in any rules changing because of the way in which Part 15 is set out, and therefore is unnecessary.

**Recommendation:**

5.1. The Panel recommends:

5.1.1. That submissions 185/20, 185/21, 185/87, 193/15, 193/16 and 193/17 are rejected.

5.1.2. That the further submissions made in support of or in opposition to the submission/s above are accepted or rejected accordingly.

**Metropolitan Urban Limit, Rural Settlements and Rural Developments  
Submissions**

<b>Number</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
88/4	Schippers Cleanfill Limited	Reject the proposed amendments to the Regional Policy Statement and District Plans in their entirety and notify new plan changes/variations to the Regional Policy Statement and District Plans which maintain the metropolitan urban limit and the extent of rural settlements/centres to ensure: Urban/commercial activities requiring a rural location, or serving the rural community, or already established within the rural area, or requiring proximity to consumers/users/markets or existing business or commercial areas, or requiring large areas of land, are not limited by the proposed policies on urban containment; and That the expansion of legally established urban activities in rural zones are not limited by the proposed policies on urban containment, or overly prescriptive structure plan provisions; and That expansion of rural settlements/centres is provided for. Without the need for structure plans; and New countryside living areas are not restricted from being established in rural areas.	<b>Supported By:</b> 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd  <b>Opposed By:</b> 193 Contact Energy Limited 204 The Waitakere Ranges Protection Society Incorporated 250 Auckland Regional Council 108 Progressive Enterprises Limited  <b>Support and Opposed By:</b> 259 Transit New Zealand
89/4	Huron Holdings Limited	Reject the proposed amendments to the Regional Policy Statement and District Plans in their entirety and notify new plan changes/variations to the Regional Policy Statement and District Plans which maintain the metropolitan urban limit and the extent of rural settlements/centres to ensure: - Urban/commercial activities requiring a rural location, or serving the rural community, or already established within the rural area, or requiring proximity to consumers/users/markets or existing business or commercial areas, or requiring large areas of land, are not limited by the proposed policies on urban containment; and - That the expansion of legally established urban activities in rural zones are not limited by the proposed policies on urban containment, or overly prescriptive structure plan provisions; and - That expansion of rural settlements/centres is provided for. Without the need for structure plans; and - New countryside living areas are not restricted from being established in rural areas.	<b>Supported By:</b> 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd  <b>Opposed By:</b> 250 Auckland Regional Council 108 Progressive Enterprises Limited
90/4	Pacific Rim Builders Limited	Reject the proposed amendments to the Regional Policy Statement and District Plans in their entirety	<b>Supported By:</b> 110 Warehouse Stationery

		<p>and notify new plan changes/variations to the Regional Policy Statement and District Plans which maintain the metropolitan urban limit and the extent of rural settlements/centres to ensure:</p> <ul style="list-style-type: none"> <li>- Urban/commercial activities requiring a rural location, or serving the rural community, or already established within the rural area, or requiring proximity to consumers/users/markets or existing business or commercial areas, or requiring large areas of land, are not limited by the proposed policies on urban containment; and</li> <li>- That the expansion of legally established urban activities in rural zones are not limited by the proposed policies on urban containment, or overly prescriptive structure plan provisions; and</li> <li>- That expansion of rural settlements/centres is provided for. Without the need for structure plans; and</li> <li>- New countryside living areas are not restricted from being established in rural areas.</li> </ul>	<p><i>Limited</i>  111 The National Trading Company of New Zealand Limited  109 The Warehouse Ltd</p> <p><b>Opposed By:</b>  250 Auckland Regional Council  108 Progressive Enterprises Limited</p>
91/4	Top Enterprise Group	<p>Reject the proposed amendments to the Regional Policy Statement and District Plans in their entirety and notify new plan changes/variations to the Regional Policy Statement and District Plans which maintain the metropolitan urban limit and the extent of rural settlements/centres to ensure:</p> <ul style="list-style-type: none"> <li>- Urban/commercial activities requiring a rural location, or serving the rural community, or already established within the rural area, or requiring proximity to consumers/users/markets or existing business or commercial areas, or requiring large areas of land, are not limited by the proposed policies on urban containment; and</li> <li>- That the expansion of legally established urban activities in rural zones are not limited by the proposed policies on urban containment, or overly prescriptive structure plan provisions; and</li> <li>- That expansion of rural settlements/centres is provided for. Without the need for structure plans; and</li> <li>- New countryside living areas are not restricted from being established in rural areas.</li> </ul>	<p><b>Supported By:</b>  111 The National Trading Company of New Zealand Limited  109 The Warehouse Ltd  110 Warehouse Stationery Limited</p> <p><b>Opposed By:</b>  250 Auckland Regional Council  108 Progressive Enterprises Limited</p>
92/4	Anglican Diocese of Auckland	<p>Reject the proposed amendments to the Regional Policy Statement and District Plans in their entirety and notify new plan changes/variations to the Regional Policy Statement and District Plans which maintain the metropolitan urban limit and the extent of rural settlements/centres to ensure:</p> <ul style="list-style-type: none"> <li>- Urban/commercial activities requiring a rural location, or serving the rural community, or already established within the rural area, or requiring proximity to consumers/users/markets or existing business or commercial areas, or requiring large areas of land, are not limited by the proposed policies on urban containment; and</li> <li>- That the expansion of legally established urban activities in rural zones are not limited by the proposed policies on urban containment, or overly prescriptive structure plan provisions; and</li> <li>- That expansion of rural settlements/centres is provided for. Without the need for structure plans; and</li> <li>- New countryside living areas are not restricted from being established in rural areas.</li> </ul>	<p><b>Supported By:</b>  109 The Warehouse Ltd  110 Warehouse Stationery Limited  111 The National Trading Company of New Zealand Limited</p> <p><b>Opposed By:</b>  250 Auckland Regional Council  108 Progressive Enterprises Limited</p>

93/4	Methodist Mission Northern	<p>Reject the proposed amendments to the Regional Policy Statement and District Plans in their entirety and notify new plan changes/variations to the Regional Policy Statement and District Plans which maintain the metropolitan urban limit and the extent of rural settlements/centres to ensure:</p> <ul style="list-style-type: none"> <li>- Urban/commercial activities requiring a rural location, or serving the rural community, or already established within the rural area, or requiring proximity to consumers/users/markets or existing business or commercial areas, or requiring large areas of land, are not limited by the proposed policies on urban containment; and</li> <li>- That the expansion of legally established urban activities in rural zones are not limited by the proposed policies on urban containment, or overly prescriptive structure plan provisions; and</li> <li>- That expansion of rural settlements/centres is provided for. Without the need for structure plans; and</li> <li>- New countryside living areas are not restricted from being established in rural areas.</li> </ul>	<p><b>Supported By:</b>  111 The National Trading Company of New Zealand Limited  110 Warehouse Stationery Limited  109 The Warehouse Ltd</p> <p><b>Opposed By:</b>  250 Auckland Regional Council  108 Progressive Enterprises Limited</p>
94/4	LM and JA Barber	<p>Reject the proposed amendments to the Regional Policy Statement and District Plans in their entirety and notify new plan changes/variations to the Regional Policy Statement and District Plans which maintain the metropolitan urban limit and the extent of rural settlements/centres to ensure:</p> <ul style="list-style-type: none"> <li>- Urban/commercial activities requiring a rural location, or serving the rural community, or already established within the rural area, or requiring proximity to consumers/users/markets or existing business or commercial areas, or requiring large areas of land, are not limited by the proposed policies on urban containment; and</li> <li>- That the expansion of legally established urban activities in rural zones are not limited by the proposed policies on urban containment, or overly prescriptive structure plan provisions; and</li> <li>- That expansion of rural settlements/centres is provided for. Without the need for structure plans; and</li> <li>- New countryside living areas are not restricted from being established in rural areas.</li> </ul>	<p><b>Opposed By:</b>  250 Auckland Regional Council  108 Progressive Enterprises Limited</p>

**Discussion:**

Submitters 88, Schippers Cleanfill Limited, 89, Huron Holdings Limited, 90, Pacific Rim Builders Limited, 91, Top Enterprise Group, 92, Anglican Diocese of Auckland, 93, Methodist Mission Northern and 94, LM and JA Barber seek that all of the “Local Government (Auckland) Amendment Act 2004” (LGAAA) District Plan Changes, including Plan Change 20 and the Auckland Regional Council’s Change 6 to the Auckland Regional Policy Statement, are withdrawn and new changes notified. These submitters seek that the notified changes are rewritten and re-notified to maintain the extent of the Metropolitan Urban Limits and Rural Settlements<sup>1</sup> to: ensure that urban activities requiring rural locations and/or with pre-existing rights to expansion of rural settlements and countryside living areas are not restricted by urban containment policies and structure planning provisions. Evidence was presented at the hearing on behalf of Pacific Rim Builders Limited, Anglican Diocese of Auckland and Methodist Mission Northern.

The submitters seek that the plan changes do not restrict, through urban containment policies, legally established commercial activities in the rural areas. The purpose of the LGAAA is to integrate land use

<sup>1</sup> The Auckland Regional Policy Statement considers that Franklin’s towns and village are “rural settlements”.

activities with transport systems and to give effect to the Growth Concept of the Auckland Regional Growth Strategy. The Growth Concept has a focus on well-designed urban environments with much of the development potential centred on “nodes” and transport “corridors”, and within the “Metropolitan Urban Limits” of Auckland and Rural Settlements. It is therefore likely that some form of urban containment policy will result. This means that the submitter’s policy pertaining to future business planning in rural areas may need to be reconsidered. The submitter’s lawfully established businesses will however have pre-existing rights and will be able to continue with their current activities.

The submitters refer to the structure planning exercise as a negative aspect of the Auckland Regional Council’s Change 6. Structure Planning is entrenched in the Franklin District Plan and is considered an important tool to provide quality development for the community whether residential or business. Franklin District Council is currently progressing business land Structure Plans for the benefit of the community and has a number of earlier Structure Plans in the District Plan. The submitters might find that with Council providing business land adjacent to Franklin’s Towns and Villages they can consider these locations rather than rural ones. The structure plan process provides an opportunity to consider the wider context, infrastructure, open space, integration, staging, provisions and so on. Structure Planning provides an opportunity for any developer to ensure that their development is of a high quality and an asset to the community that it serves, not to be cumbersome or a huge process, just good development practice. These business expansions are separate from Plan Change 20 and the LGAAA process but are cognisant of the LGAAA’s directive.

The submitters state that to limit countryside living is unjustified. The directive of the LGAAA is totally sufficient justification to manage the location, the form and the extent of countryside living, let alone other environmental effects of poorly planned countryside living. Plan Change 20 does not contain any provisions that directly relate to countryside living. However, Franklin District Council’s Plan Change 14 contains provision for countryside living where environmental protection occurs or where Transferable Development Rights are used. Plan Change 14 sets out to manage countryside living appropriately throughout the District. It is noted that the submitters raise concerns that expansion of settlements can affect the expansion of their own activities yet they seek unrestricted countryside living.

For the above reasons the Panel recommended rejecting these submissions.

**Recommendation:**

- 5.2. The Panel recommends:
  - 5.2.1. That submissions 88/4, 89/4, 90/4, 91/4, 92/4, 93/4 and 94/4 are rejected.
  - 5.2.2. That the further submissions made in support of or in opposition to the submission/s above are accepted or rejected accordingly.

**Mineral and Rural Activities, Reverse Sensitivity, and Countryside Living.**

**Submissions**

Number	Submitter	Summary of Decision Sought	Further Submitter/s
128/13	The Aggregate & Quarry Assoc. of NZ (Inc)	Amend to recognise that mineral extraction and processing are appropriate activities within the rural area and a planning regime that enables the establishment of mineral extraction and processing activities, provided that the adverse environmental effects of these activities can be avoided, remedied or mitigated.	<b>Opposed By:</b> 277 JM Hayman
129/13	New Zealand Minerals Industry Association	Amend to recognise that mineral extraction and processing are appropriate activities within the rural area and a planning regime that enables the establishment of mineral extraction and processing activities, provided that the adverse environmental	

		effects of these activities can be avoided, remedied or mitigated.	
130/13	Holcim (NZ) Ltd, Aggregates Division	Amend to recognise that mineral extraction and processing are appropriate activities within the rural area and a planning regime that enables the establishment of mineral extraction and processing activities, provided that the adverse environmental effects of these activities can be avoided, remedied or mitigated.	
131/11	Poultry Industry Assoc. of NZ (Inc)	Amend to recognise that intensive farming is an appropriate activity within the rural area and a planning regime that enables the establishment of intensive farming activities, provided that the adverse environmental effects of these activities can be avoided, remedied or mitigated.	
128/14	The Aggregate & Quarry Assoc. of NZ (Inc)	Amend to recognise the potential for reverse sensitivity on lawfully established activities in the rural area, from Countryside Living opportunities.	<b>Opposed By:</b> 277 JM Hayman
129/14	New Zealand Minerals Industry Association	Amend to recognise the potential for reverse sensitivity on lawfully established activities in the rural area, from Countryside Living opportunities	
130/14	Holcim (NZ) Ltd, Aggregates Division	Amend to recognise the potential for reverse sensitivity on lawfully established activities in the rural area, from Countryside Living opportunities.	
131/12	Poultry Industry Assoc. of NZ (Inc)	Amend to recognise the potential for reverse sensitivity on lawfully established activities in the rural area, from Countryside Living opportunities	
128/15	The Aggregate & Quarry Assoc. of NZ (Inc)	Amend to discourage Countryside Living both to reduce the potential for reverse sensitivity effects to occur and to ensure that the provisions of the LGAAA and ARGS are met through intensification of residential activities in existing rural areas.	<b>Supported By:</b> 196 Winstone Aggregates <b>Opposed By:</b> 277 JM Hayman
129/15	New Zealand Minerals Industry Association	Amend to discourage Countryside Living both to reduce the potential for reverse sensitivity effects to occur and to ensure that the provisions of the LGAAA and ARGS are met through intensification of residential activities in existing rural areas.	<b>Supported By:</b> 196 Winstone Aggregates
130/15	Holcim (NZ) Ltd, Aggregates Division	Amend to discourage Countryside Living both to reduce the potential for reverse sensitivity effects to occur and to ensure that the provisions of the LGAAA and ARGS are met through intensification of residential activities in existing rural areas.	
131/13	Poultry Industry Assoc. of NZ (Inc)	Amend to discourage Countryside Living both to reduce the potential for reverse sensitivity effects to occur and to ensure that the provisions of the LGAAA and ARGS are met through intensification of residential activities in existing rural areas.	
250/48	Auckland Regional Council	Amend the plan change so that Rural Zone provisions: Explicitly recognise, as methods of achieving the proposed strategy to manage growth, the containment of urban activities to within the rural settlements; and Provide that non-residential activities on sites located outside of rural settlements be non-complying or prohibited activities. Include additional, strong, succinct policies that discourage urban activities from locating within rural areas and only provide for rural residential development and the expansion of rural settlements in a manner consistent with the Auckland Regional Policy Statement, including proposed Plan Change 6.	<b>Supported By:</b> 258 Auckland Regional Transport Authority <b>Opposed By:</b> 277 JM Hayman, 93 Methodist Mission Northern, 157 Federated Farmers of New Zealand (Inc) <b>Support and Opposed By:</b> 193 Contact Energy Limited
180/10	Landview Farms Ltd, Birch Hill Trust, GB & JM	Amend by making provision for specific purpose built countryside living areas that would not be compromised by urban or town or village growth or	<b>Opposed By:</b> 277 JM Hayman 196 Winstone Aggregates

	Morris Farms Ltd, DG & JL Loxton and Ruatotoro Ltd	in turn compromise the growth of settlements whether they be urban, town or village in character, form and scale.	250 Auckland Regional Council
180/11	Landview Farms Ltd, Birch Hill Trust, GB & JM Morris Farms Ltd, DG & JL Loxton and Ruatotoro Ltd	Amend by recognising and providing for countryside living as set out in the application for a plan change and in the submissions on Plan Change 14 by the landowners at Bush Park that have been made to Franklin District Council prior to 31 March 2005.	<b>Opposed By:</b> 250 Auckland Regional Council

**Discussion:**

Submitters 128, The Aggregate & Quarry Assoc. of NZ (Inc), 129, New Zealand Minerals Industry Association, 130, Holcim (NZ) Ltd, Aggregates Division, and 131, Poultry Industry Assoc. of NZ (Inc) seek recognition and a planning regime that considers mineral extraction and processing, and extensive farming as appropriate in rural areas. They also seek that reverse sensitivity from countryside living is recognised in regard to their activities and that further countryside living is discouraged and that growth is directed to urban areas [Note: clarification has been sought from the submitter in terms of directing growth to urban and not rural areas.] Evidence was tabled by the Poultry Industry Association of NZ (Inc).

Submitter 250, Auckland Regional Council, seeks that Rural Zone provisions are amended to contain urban activities to within Rural Settlements<sup>2</sup> and strong but succinct policies that discourage urban activities from locating within rural areas. The ARC seek that these policies are consistent with the Auckland Regional Policy Statement, including proposed Plan Change 6. The Auckland Regional Council presented evidence at the hearing.

Submitter 180, Landview Farms Ltd, Birch Hill Trust, GB & JM Morris Farms Ltd, DG & JL Loxton and Ruatotoro Ltd, (who presented evidence at the hearing) seek that Plan Change 20 provides for specific countryside living areas and that their separate application for an area of countryside living is recognised. The Panel considered that these submissions are outside the directive of the “Local Government (Auckland) Amendment Act 2004” (LGAAA) and Plan Change 20, which is a strategic change. The submitters have submitted in detail to the Plan Change 14 process and also lodged a private plan change request seeking to rezone their land for countryside living, which is currently not being progressed by the submitters. The Panel considered that it was inappropriate to accept this submission (180/11) due to the nature and scope of Plan Change 20 and the LGAAA, and because of other planning processes that these submitters are involved in. The Panel considered that specific development proposals should be rejected. Refer to the Key Issues Report.

Plan Change 20 is a strategic change intended to give effect to the LGAAA and does not address specific activities in the rural areas. Submitters 128, 129, 130 and 131 sought that Plan Change 20 recognises mineral extraction and poultry farming. However, considering the entire Franklin District Plan regime, including Plan Change 14, which is a significant rewrite of the rural issues, objectives and policies and provisions pertaining to minerals and aggregates and their extraction, and rural land use and subdivision, the Franklin District Plan recognises and provides for mineral and poultry activities. Some of these submitters have made submissions to Plan Change 14 and are involved in this process.

Plan Change 20 is Franklin District Council’s initial response to the LGAAA, which directs the local territorial authorities of the Auckland Region to integrate land use planning and transport planning, and to give effect to the Growth Concept of the Auckland Regional Growth Strategy (ARGS). The Growth Concept (while on the whole has a focus on compact urban form) sets out that some growth capacity will be achieved through countryside living.

In terms of amendments to Rural Zone provisions as sought by the Auckland Regional Council (250/48) and submitters 128, 129, 130 and 131 to Plan Change 20, it is more appropriate that these submitters continues through the Plan Change 14 process if not satisfied with the Plan Change 14 decision. This is because Plan Change 20 does not address land use and subdivision provision, or rezoning of land, whereas Plan Change 14 does.

<sup>2</sup> In terms of the Auckland Regional Growth Strategy Franklin’s Towns and Villages are referred to as rural settlements.

The Panel considers that it is not appropriate to accept the above submissions given the direction of the Growth Concept in regard to countryside living, the scope of Plan Change 20 and that the issues addressed in the Plan Change 14 process consider matters covering the submitters' concerns and most of these submitters have had an opportunity to participate in the Plan Change 14 process as submitters. A Council decision on Plan Change 14 has been public since mid July 2006.

**Recommendation:**

5.3. The Panel recommends:

5.3.1. That submissions 128/13, 128/14, 128/15, 129/13, 129/14, 129/15, 130/13, 130/14, 130/15, 131/11, 131/12, 131/13, 180/10, 180/11 and 250/48 are rejected.

5.3.2. That the further submissions made in support of or in opposition to the submission/s above are accepted or rejected accordingly.

## Appendix 1

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Recommended AMENDMENTS to Plan Change 20

Additions shown underlined and deletions in ~~strikethrough~~.

Submission numbers in [ ] indicate the submission/s that proposed amendment arises from.

*[Note: there are no amendments to Proposed Plan Change 20 arising from the Panel's recommendations in this report, FDC 2]*

[See the attached Panel Recommendation Version of Plan Change 20 which forms Appendix 1 to this report. Appendix 1 incorporates the amendments to Plan Change 20 resulting from all of the Panel's recommendations.]