

## **Before an Independent Hearings Panel**

### **The Proposed Auckland Unitary Plan**

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Under the Resource Management Act 1991 (the RMA) and the Local Government (Auckland Transitional Provisions) Amendment Act 2013

In the matter of a submission by the New Zealand Transport Agency (submitter number 1725) on the Proposed Auckland Unitary Plan

and in the matter of Topic 016 and Topic 017: RUB North/West and RUB South

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### **Legal submissions for the New Zealand Transport Agency in relation to Topic 016: RUB North/West and Topic 017: RUB South**

Dated 13 January 2016

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## Introduction

- 1 The New Zealand Transport Agency ('**Agency**') lodged numerous further submissions in opposition to extensions of the Rural Urban Boundary ('**RUB**') in the Proposed Auckland Unitary Plan ('**PAUP**').
- 2 Following the lodgement of submissions, and receipt of the Council and submitter evidence, the Agency has refined its position regarding the RUB extensions sought in submissions. The Agency, and its transportation experts, have reviewed the areas where Council's witnesses have recommended extending the RUB.
- 3 The Agency generally supports the position of the witnesses for Auckland Council ('**Council**') and Auckland Transport ('**AT**'), both in terms of the areas where the RUB is to proposed be extended as a result of submissions, and where they consider the RUB should not be extended.
- 4 Since there is a high degree of alignment with the witnesses for the Council and AT, these submissions focus on the following outstanding matters:
  - a The new Policy B2.1;
  - b Wellsford;
  - c Dairy Flat and Postman's Road; and
  - d Puhinui.

## Evidence to be presented

- 5 In order to assist the Hearing Panel, the Agency has asked to appear twice in relation to Topics 016 and 017. Today, the Agency will address its general position with the following witnesses appearing:
  - a **Mr Buckley** is a Planning Advisor in the Planning and Investment team at the Agency's Auckland Regional Office. Mr Buckley's evidence addresses the use of the RUB as a planning tool, the

application of the Future Urban Land Supply Strategy and outlines the process the Agency completes to obtain funding for infrastructure projects.

- b **Ms Heppelthwaite** from Eclipse Group Limited has prepared planning evidence on the RUB provisions, and in particular has suggested amendments to Ms Trenouth's proposed new policy B2.1.
- c **Ms Crafer** a Director of Flow Transportation Specialists Limited, has provided transportation evidence in relation to the effect of the expansion to the RUB in the Wellsford and Postman Road/Dairy Flat South areas.
- d **Mr Hills** a Director of Commute Transportation Consultations Limited, has provided transportation evidence in relation to the effect of expansions to the RUB in the Puhinui area.

6 On 20 January 2016, the following witnesses will appear in support of the Agency's position in relation to the location of the RUB in the Puhinui area:

- a **Mr Wood** an Acting Principal Planning Advisor in the Planning and Investment team at the Agency's Auckland Regional Office, will address the management and future plans for State Highway 20B; and
- b **Mr Hills** will provide specific traffic and transportation evidence in relation to the Puhinui area.

### **Statutory Framework**

7 I have reviewed the analysis of the statutory framework in Council's legal submissions and Ms Trenouth's primary evidence and agree with that assessment.

## **Proposed new RPS policy B2.1**

8 Ms Heppelthwaite has suggested a number of amendments to the proposed new policy B2.1.<sup>1</sup> Ms Trenouth does not support Ms Heppelthwaite's proposed amendments on the basis that they would reduce flexibility.<sup>2</sup> However, Ms Heppelthwaite disagrees and continues to support her proposed changes (including a change in the location of the proposed policy from B2.1 to B2.3).

## **Wellsford**

9 The Council's planning witnesses have, in response to submissions, recommended the inclusion of additional land at Wellsford within the RUB.<sup>3</sup> Ms Crafer does not support the proposed expansion of the RUB in Wellsford due to its remoteness from other urbanised areas which will generate longer and more vehicle trips than if located close to urban areas and regular transport services.<sup>4</sup>

10 However, Ms Crafer does not oppose the inclusion of 17, 17A and 19 Matheson Road, Wellsford within the RUB as these sites are within walking distance of Wellsford's commercial strip with an existing footpath.<sup>5</sup>

## **Dairy Flat South and Postman Road**

11 In response to submissions, the Council's witnesses have recommended the inclusion of land at Dairy Flat South and Postman Road within the RUB.<sup>6</sup> Ms Crafer does not oppose the extension of the RUB at Dairy Flat South and Postman Road in Albany. However, she considers the Future Urban Zone ('FUZ') should be applied to this area to ensure structure planning is completed, including provision for appropriate transportation infrastructure, prior to the introduction of a 'live zoning'.<sup>7</sup>

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<sup>1</sup> Ms Heppelthwaite's primary statement, 16 November 2015, paragraphs 27-31.

<sup>2</sup> Ms Trenouth's rebuttal evidence, 21 December 2015, paragraphs 5.4-5.5.

<sup>3</sup> Mr Bradley's primary statement, 15 October 2015, paragraph 8.9.

<sup>4</sup> Ms Crafer and Mr Hills' primary statement, 16 November 2015, paragraph 31.

<sup>5</sup> Ms Crafer and Mr Hills' rebuttal evidence, 17 December 2015, paragraphs 12-14.

<sup>6</sup> Auckland Transport's Joint Statement, 14 October 2015, paragraph 8.6.

<sup>7</sup> Ms Crafer and Mr Hill's primary statement of evidence, 16 November 2015, paragraphs 34-36.

## **Puhinui**

- 12 The Council's witnesses have, in response to submissions, recommended the inclusion of part of this area within the RUB.<sup>8</sup> Mr Wood and Mr Hills will be appearing separately to discuss the Agency's position in relation to the location of the RUB at Puhinui when the submissions in relation to that area are heard. More detail about the Agency's position in relation to Puhinui will be provided at that time.
- 13 In the meantime and by way of a brief summary, Mr Hills considers that it is likely to be feasible, at least from a high level design perspective, to design a transportation solution that would enable the development of the Puhinui area.<sup>9</sup> On this basis, the Agency does not oppose the inclusion of the Puhinui area in the RUB, provided that no more than 30 hectares is included as a 'live zone' and the remaining area is zoned FUZ.

## **Other matters**

### **Warkworth**

- 14 Better Living Landscapes seeks to extend the RUB at Warkworth between Matakana Road and Sandspit Road, and provided supporting transportation evidence from Mr Mitchell. However, as outlined by Mr Hills, Mr Mitchell's evidence is based on 2013 traffic modelling completed for the Agency's analysis for the Puhoi to Warkworth project, prior to notification of the PAUP and before FUZ land was identified in Warkworth.<sup>10</sup> Mr Hills does not support Better Living Landscapes proposed extension on transportation grounds.
- 15 The Agency continues to support the Council witnesses' position on the location of the RUB at Warkworth.

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<sup>8</sup> Auckland Transport's Joint Statement, 14 October 2015, paragraph 9.4.

<sup>9</sup> Ms Crafer and Mr Hills' primary statement, 17 November 2015, paragraphs 50-63.

<sup>10</sup> Ms Crafer and Mr Hills' rebuttal evidence, 16 December 2015, paragraphs 15-17.

### **Orewa West Investments Limited submission**

- 16 Mr Buckley's evidence clarifies the Agency's position in relation to Orewa West Investment Limited's request for an extension to the RUB for its property at Grand Drive, Orewa.<sup>11</sup>
- 17 While the Agency has provided affected party approval for a 105 lot subdivision, it has not been provided with any information about, or provided any feedback in relation to, the 500-600 lot subdivision now proposed. Accordingly, the Agency does not support the extension of the RUB in this location at this time.

**Christina Sheard**  
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<sup>11</sup> Mr Buckley's rebuttal evidence, 17 December 2015, paragraphs 7-13.