



SUBMISSION BY THE AUCKLAND REGIONAL CHAMBER OF COMMERCE ON THE PROPOSED AUCKLAND UNITARY PLAN

SUMMARY – KEY ISSUES

The **key issues** the Auckland Chamber of Commerce request the Auckland Unitary Plan Independent Hearings Panel **action** are:

- **To tell and format the Unitary Plan story differently:** Listen to Aucklanders as ‘customers’ and initiate a positive conversation to reinforce that the Panel’s key output – the finalised Unitary Plan – will not just be another statutory document drafted from a legalistic template, but a story about Auckland’s value as a place to be in the future.
 - A fit for purpose rule book will be drafted from the perspective of how Aucklanders want to live and work and what they value – not a planning paradigm of ‘we know what’s best for you’.
- **To streamline and put the Unitary Plan rules into plain language:** The Unitary Plan rules for delivering the 30-year Auckland Plan need to help make doing business more efficient and less costly for investors in Auckland’s economy.
 - The private sector needs certainty.
- **To integrate land and infrastructure planning rules under a single template:** Compliment the place-based focus of the document by an activity-focused overlay so that provision of critical infrastructure and utility networks (transport, water services, energy etc) are considered in the early commencement and through all planning stages of a development project, not as an add-on.
 - Auckland needs a unitary plan that allows land and infrastructure planning to be integrated and undertaken together.
- **To reinforce that the purpose of the Unitary Plan is to deliver the Auckland Plan:** Provide the document with a strong, simply worded policy and supporting rules package to reinforce that the job of the Unitary Plan is “to give effect to” the Auckland Plan.
 - This purpose statement needs to replace the existing impression that the Unitary Plan job is “to control and regulate” Auckland’s economic growth and development.
- **To streamline and simplify the Unitary Plan’s legal complexity:** Using the authority of the Resource Management Act, the complex overlay of other statutes the document must comply with (Treaty of Waitangi, Local Government, Historic Places and numerous national and regional policy statements) need reformatting to remove legal impediments creating uncertainty.

- Investors in Auckland's growth and development must be encouraged by the Unitary Plan.
- Infrastructure network providers (transport and utilities) need an enabling, consistent and workable rules framework in a self-contained section of the Plan that allows them to operate efficiently – with certainty, consistency and minimal constraints.

As well, the Chamber makes the following **recommendations**, that:

- Auckland Council in collaboration with the private sector give urgency to initiate a programme to ensure the first parcels of the proposed 1400 hectares of additional **business land** the Auckland Plan says will be needed over the next 30 years comes on stream within the next 1-2 years.
 - The Auckland Council - Government housing accord has helped accelerate solutions to housing Auckland's population. With the economic upswing now well underway, similar measured urgency is required to release new business zoned land.
- The Panel streamline, clarify and put into a single section the extensive and challenging **Mana Whenua provisions** dotted through the notified Plan.
 - With 19 iwi in Auckland and some 3600 sites of significance or value identified in the Plan, many without nominating Mana Whenua identified, plus the potential for overlap with the Historic Places Act, and lack of clear rules for infrastructure provision on or near these sites, it is possible that multiple, if not all, iwi will have to be consulted on a single development.
 - This will add complexity, cost and huge uncertainty to doing business under the Plan if the notified provisions are not radically overhauled.
- The Panel note and resolve the contradictory position on the **Ports of Auckland**:
 - On the one hand consistent with the NZ Coastal Policy Statement, the Plan strongly supports the Ports growth and development; on the other hand it proposes a Policy Statement requiring the Port to avoid further reclamation within the port precinct until completion of a study on the future operation and development of the port.
 - To resolve the contradiction, the Chamber recommends the Panel delete the Policy Statement; and notes that the Port is under no obligation to adopt the study findings.

Other key issues requiring the close attention of the Hearings Panel include:

- Adequacy of rules to shape a business-friendly city that reduces the cost of doing business and encourages scale investment, especially from offshore.
- Excessive parking restrictions in the CBD, without supporting efficient public transport provision
- Cross-boundary implications and opportunities – emerging upper North Island economy
- Adequacy of the compact city model rules to meet what the market wants and is doing.

Key point summary: The Unitary Plan sets the rules to deliver the 30-year Auckland Plan. But taking some 7000 pages to write these rules by adding layers of legal complexity which on assessment contain a significant number of errors and omissions takes the document well

beyond the understanding of most Aucklanders. We don't do ourselves any favours by producing a plan that requires a Hearings Panel led by a Judge to untangle.

Our submission expands and elaborates these key issues and recommendations below.

INTRODUCTION

1. The Auckland Regional Chamber of Commerce and Industry appreciates the opportunity to make a submission on the Proposed Auckland Unitary Plan.
2. **The Auckland Chamber confirms that it wishes to be heard in support of this submission.**
 - Address for service: Charlie Park, Personal Assistant to Auckland Chamber chief executive Michael Barnett at cpark@chamber.co.nz.
3. The Auckland Regional Chamber has a corporate membership of more than 6000, including many businesses that expect their views to be forcefully represented in this Submission.
4. The Auckland Chamber is dedicated to the strengthening of the Auckland's status as New Zealand's pre-eminent commercial, industrial and communications region and to assisting the development of the region in creating a desirable environment for its 1.4 million citizens. To this end, the Chamber has sought to establish a partnership relationship with central and local government organisations to help achieve shared delivery of the vision for Auckland.

APPROACH

5. The Auckland Unitary Plan process is the largest and most complex planning exercise ever undertaken in New Zealand. It will determine the future of New Zealand's largest city.
6. The notified Auckland Unitary Plan document compresses some 7000 pages plus many maps. It is extremely complex and raises numerous key issues covering both policy and technical matters.
7. The documents complexity is reinforced by the fact that the finalised Unitary Plan will be a statutory document which is intended to give effect to the 30-year Auckland Plan which is NOT a statutory document. At the same time the Unitary Plan must also give effect to a complex overlay of other statutes, including the Principles of the Treaty of Waitangi, Resource Management Act (RMA), Local Government Act, Historic Places Act and NZ Coastal Policy Statement.
8. Reinforced by public discussion confirming many resource management and planning experts and organisations are having difficulty in clearly understanding the implications and complexities of the notified version of the Plan, the Chamber has decided to take a

cautionary but hopefully constructive approach at this first stage of the 3-year consultation process.

9. Part of the difficulty in forming a firm view on the document stems from its structure and organisation. The Plan is problematic as drafted in some areas, especially in regard to infrastructure services and Mana Whenua provisions. There are unclear linkages between the policy framework and implementation methods that are dotted through the document and which add to the challenge to form a definite conclusion as to their purpose and/or make a firm recommendation. We elaborate these concerns below.
10. The approach taken in this submission, therefore, is to identify key issues that we would like the Commission to consider and indicate why they are important. In some instances, our submission will offer possible approaches to their solution and make recommendations.
11. We note that there will be a further opportunity to make submissions, with a focus on responding to other submissions, and especially those of the Auckland Council governing body and associated organisations. This opportunity will enable the Chamber to be more definitive on some of the key issues of importance to the business and wider community which we raise below.
12. We believe there is practical value in taking this approach. As indicated above, a number of statutes and in particular the RMA will sit over the finalised Plan. The relationship and compliance of the notified Plan to other statutes suggests that the legal complexity of the document will be among key issues requiring the Commission's attention, possibly early in the consultation process.
13. For example, we are advised that under Part 2 of the RMA, the Act's so-called 'engine room,' there is a methodology that could be useful for interpreting and prioritising the notified Plan's obligations under the RMA and associated national and regional policy statements and other statutes, and which could help guide submitters in making sense of the notified Plan's complexity.
14. In summary, the Chamber understands that the purpose of the submission process is for submitters to request alterations to the proposed plan; to state reasons for those alterations; to make representations and provide evidence to show that those alterations would be appropriate; and/or to show that alterations requested by another submitter would not be appropriate.
15. In essence, we support a constructive approach and process, designed to lead to improvements to the proposed Plan. Given the critical role that the finalised UP or rule book will have to 'control' or 'enable' Auckland's growth and development as an attractive and prosperous city to live, work, invest or visit, our submission is shaped not just to serve our members but reflect a public good. There is a lot at stake. The Chamber wishes to encourage and support the Commission in every practical way it can to arrive at the best possible outcome for Auckland.

OVERVIEW

16. The Chamber supports the development of a single unitary plan or rule book for Auckland. However, we strongly believe that to have practical and credible value it must be a reader-friendly document whose thrust is to help enable Auckland's growth and development, rather than simply control or regulate it. We elaborate these points below.
17. We agree that the notified unitary plan is an advance on the legacy environment of some 14 documents setting out rules and regulations for the region. But there is room for a lot more improvement.
18. Key issue: To make the document better and easier to understand – and doing business less costly for investors in Auckland's economy - we suggest that it be streamlined and simplified using the top-down, overarching lens or overlays provided by the RMA.
19. For example, in terms of a development such as a shopping centre, as well as having to have regard to the various overlays – RMA, Treaty, Historic Places etc – the notified plan provisions relegate infrastructure providers to a secondary role; to have input once land planning decisions have been taken. They should be an integral part of the development decision-making.
20. We suggest that the rule book should enable and encourage all infrastructure and utilities to be part of the original development proposal, not be taken into account as an afterthought.
21. That is, a key issue is the need for the place-based focus of the document to be complemented or supplemented by an activity-focused overlay. We expand this suggestion in the following paragraphs:
22. First, the place-based focus is reflected through themes set out in what is termed in the document as a concept of overlays. These include precincts and sub-precincts to reflect and safeguard local flavour, as well as overlays for other factors such as heritage protection, stormwater and volcanic viewshafts.
23. Second, the provision of infrastructure is expected to be fitted into an area where it has already been decided that growth will occur and after the consideration has been given to the various overlay factors noted above; only then will provision of infrastructure activities (electricity, water, transport etc) become a consideration.
24. As well, the document seeks to manage growth through a range of initiatives such as the Rural Urban Boundary (RUB).
25. Outcomes: The Chamber submits that the likely response to having to take account of these many overlays and complexity will be for developments to be sited at the easiest place to put something, rather than seek the most optimal outcome.

26. Key issue: At a policy level, Auckland needs a unitary plan that allows land and infrastructure planning to be integrated and undertaken together. Auckland's major infrastructure corridors are a critical overlay that should form a key guide to where development occurs.

Purpose of the notified Unitary Plan - "to give effect to the Auckland Plan"

27. The Auckland Plan makes clear that the job of the Unitary Plan is "to give effect to the Auckland Plan" (see page 341). A whole chapter is devoted to explaining how the Council will align its internal operations, actions and investments to achieve "the promise" of the Auckland Plan and that it is no longer business as usual (Chapter 14). The Auckland Plan's 'promise' involves achieving a number of transformational objectives embracing economic aspirations such as living standards, business, attracting investment along with a number of social and environmental aspirations.
28. The test, then, of the adequacy of the notified document is to assess how well or otherwise the key transformational objectives such as housing, transport and economic growth (and others in social and environmental areas) in the Auckland Plan are likely to be enabled and given effect to through the rules detailed in the document.
29. There are lot of issues associated with how the document is arranged as well as technical issues and gaps that need to be fixed. While the document acknowledges the need to allow for growth; e.g. expanded as well as new residential and commercial areas, and expansion of retail centres, the complex, legalistic rules sections need to be re-assessed and presented in plain language to show how they help 'give effect to' the Auckland Plan's transformational goals and in particular, for business, in the areas of housing, transport and economic growth. We identify some of these issues in the next section below.
30. Key point summary: The Unitary Plan sets the rules to deliver the 30-year Auckland Plan. But taking some 7000 pages to write these rules by adding layers of legal complexity which on assessment contain a significant number of errors and omissions has taken the document well beyond the understanding of most Aucklanders. We don't do ourselves any favours by producing a plan that requires a Hearings Panel led by a Judge to untangle.

Key role for central Government and private sector

31. Another area where the document falls short relates to how it gives effect to the Auckland Plan's acknowledgement that the progress of Auckland needs to involve collaboration between Auckland Council, central Government and private sector organisations. Auckland Council can't do it alone, and the extent of the issues and gaps in the UP reinforces this assessment.

32. The Auckland Plan clearly states that “Auckland expects that its economic growth will be transformational built on innovation ... and a business-friendly attitude ...”. We agree and expect nothing less; it is not business as usual. We therefore have reviewed the UP against these expectations: Will the rules on the key themes help move Auckland forward faster? Is the document ‘business-friendly’ - the term is barely mentioned! Does it go out of its way to provide a set of regulations designed to give effect to the transformational goals on housing, transport and the economy and in other areas set out in the Auckland Plan?
33. Our view is that the document falls well short in fulfilling its core purpose to be the enabler of the Auckland Plan. Instead, in its current state it will make it more difficult and costly for business to do things, not easier.
34. In summary, at a high level the Chamber submits that key issues in the notified UP requiring the Commission’s close attention include that the document:
- Lacks specificity – the overlays of statutes that have to be taken into account are in potential conflict with each other, invite considerable legal litigation and give the document a high level of uncertainty.
 - Lacks assessment of cost benefits and ramifications of achieving the density targets.
 - This in turn makes the document less than business-friendly and likely to add considerable time and cost to doing business.
 - There is an underlying weakness in that the document reads as primarily a set of rules that aim to control and regulate growth and development activity, when it should be focused on enabling and encouraging Auckland’s growth and development.
35. Accordingly, the Chamber **strongly recommends** that in its work to reshape the document into a credible, user-friendly set of rules that will encourage and facilitate Auckland’s economic growth, the Hearings Panel specifically address the following key issues, which we have grouped under four headings:
- Enabling the economy
 - Supportive and integrated infrastructure provision
 - Process issues
 - Telling the story

Enabling the economy

36. As noted above, a strong theme of the Auckland Plan is to promote, facilitate, and speed up, Auckland’s economic growth. A key goal is to increase Auckland economic growth to around 5% pa, to bring per capita GDP up to the level of Australian cities over the period of the Plan.
37. Little of this important area of the Auckland Plan is reflected or given effect to in the UP document. The proposed Regional Policy Statement (RPS) claims to provide a resource management framework that delivers certainty to Aucklanders, lower compliance costs and enable investment and growth.

38. However, this intention is not supported. Instead, the document is dotted with rules and regulations mainly aimed at managing the effects and impacts of economic growth – some examples are provided in the infrastructure section below. If the notified UP was really trying to give effect to the Auckland Plan, in our view the RPS economic growth imperatives would be given prominence and be supported by enabling rules and processes. Instead, the recurring pattern created is of a document that has lots of policies and strategies to control or manage economic growth because of its perceived harmful effects.
39. Key issue: The omission of a strong policy and supporting rules package in the UP to enable achievement of the Auckland Plan's economic growth objective and targets is a significant strategic mistake needing the Panel's close attention.
40. First, the Auckland Plan is a non-statutory document. It has no status under the RMA. Council is free to change the Auckland Plan whenever they want, without any consultation. However, while the UP document is supportive of economic growth in the policy section, the failure to reinforce this outcome in the details of rules and processes of the draft UP - a Statutory document – means that it continues to be problematic for major infrastructure providers, and any developments that fall outside of the normal planning rules. The needed certainty of a set of rules showing Auckland is a business-friendly city supportive of investment to grow the economy is missing.
41. Second, as noted above, the Auckland Plan (and Long-term Plan) clearly state that the finalised UP would be "critical" to giving effect to the Auckland Plan. The notified UP should therefore go out of its way to deliberately encourage, facilitate and enable regulatory reform to promote the economic goals and targets in the Auckland Plan. It should bring a new paradigm to the rules; to reinforce the buy-in to Council's (new) business-friendly culture and that, reflecting the degree of change required to achieve the transformational economic goals and targets in the Auckland Plan, 'business as usual' no longer applies.
42. The Council publication "Shaping a business-friendly city" prepared in support of the notified UP shows that Auckland Council wants to be responsive to the needs of business and provide an environment in which business can grow and prosper. We now need to work at converting this intention into best practice.
43. Key issue: To reinforce that Auckland is serious about lifting its economic growth performance, the proposed UP RPS should include the relevant economic objectives contained in the Auckland Plan, and the economic growth 'controlling' rules redrafted and aligned to show how they support the core objective to enable economic growth activities, not simply manage and/or control its effects.
44. The rules needed to shape Auckland for economic growth need to include the rural and marine areas, as well as providing for sufficient business-zoned land, and the full suite of supporting infrastructure and utility services required for Auckland to be a vibrant, efficient and attractive city.

Rural Economy

45. A large proportion of Auckland comprises rural land. The Chamber agrees with the UP statement that the interrelationship between urban and rural Auckland needs to be recognised and managed, to provide for existing and future generations.
46. Rural production, from livestock to viticulture, is a key contributor to both our domestic and export economy. As a direct result of the high quality fertile soils in certain parts of Auckland, the rural economy is a significant contributor to Auckland's food and beverage export-based sector. Rural land also offers places for recreation, tourism and important open space.
47. These factors mean that Auckland's rural areas are important places where people and communities want to live, work and play.
48. However, we note that the UP regulatory provisions for rural areas mainly focus on managing the competing nature of activities on rural land, and the impact of urban growth and the desire to live in rural areas.
49. Key issue: The Chamber recommends a re-appraisal of the regulatory provisions to ensure they provide stronger and more direct support to 'giving effect to' the objectives in the Auckland Plan to encourage and enable the production of primary produce, food and beverage products for export and local consumption being able to continue and increase its contribution to the regional and national economy.

Business land

50. A challenge set out in the Auckland Plan is to accommodate over the next 30 years at least 1400 hectares of additional business land. The notified UP sets the rules to help Auckland meet this growth challenge, with the focus for most activity to be in three broad areas – the southern area, the north-west and Warkworth/ Silverdale.
51. There is a total of 10 business zones set out in the notified UP, and which the rules governing their development and use encourage intensification; e.g. in the city centre, metropolitan and town centres, the airport and elsewhere.
52. We question whether sufficient assessment of future business land requirements has been undertaken, and also whether Council can ensure that adequate business land is able to be provided when and where needed; e.g. as close as possible to key transport infrastructure and services for moving people and goods – public transport and/or good roading for people getting to-from work conveniently and close to supporting infrastructure such as the motorways north and south of the city, Ports of Auckland, Auckland Airport, MetroPort rail hub and distribution centres for moving goods efficiently around Auckland and beyond.
53. As Auckland's population grows appropriate and sufficient land for business will be needed to support Auckland's economic and resulting employment growth. As well as to

deliver the scaled-up actions proposed in the Auckland Plan to incentivize and grow Auckland's economy, initiatives will be needed to ensure new business land is available to enable Auckland to take full advantage of the emerging acceleration of the business cycle. **The private sector needs certainty** as to when new business zoned land will become available. This requirement is basic for attracting new and or existing (offshore) businesses to locate.

54. Key issue: The Chamber has concerns that the 3-years consultation process that the Commission has to finalise the UP will dilute the urgency we believe is necessary to address this matter. The housing accord between Auckland Council and Government has injected needed acceleration into housing Auckland's population increase. We submit that Council, in collaboration with the private sector, needs to be proactive to ensure that the first of the proposed new business zoned land comes on stream within the next 1-2 years.
55. The initiative is needed now, not simply to take advantage of the economic upswing but as part of an overall strategy to showcase Auckland as a business-friendly, attractive city location with a council that backs its policies with action.

Supportive and integrated infrastructure provision

56. As noted above, work is needed to reshape the notified UP to show that consideration is being given to making needed connections or 'joining up the dots' between the place-based or land zones and the linear activity-based infrastructure services that criss-cross the city – transport, water services, electricity and other utilities.
57. Key issue: Network utilities need to be subject to an enabling, consistent and workable rule framework in a self-contained section of the Plan.
- 58.
59. Significant amendment is needed to link the essential connections between the overlays sections of the document with the utility provision sections of the document. Every place-based development involves provision of utilities, and which should be an integral part of the planning process from the start of the process.
60. As evidenced by the public discussion of the draft UP, there is a strong impression that the notified document maintains a culture of silo planning by land planners on the one hand, transport providers on another and other utilities such as electricity and water also doing their own 'planning' or retro-fitting to a plan presented to them.
61. Key issue: Considerable work is required to ensure that urban intensification proposals are not only acceptable to residents but that they are planned and implemented in association with supporting services, especially transport and other utility services, and provide for the expansion of schools, shopping centres, health services and recreation areas etc, all of which will be needed for the extra 1 million-plus people expected to continue to be attracted to Auckland in coming years.

Transparent rules to enable transport

62. **Key issue:** As with the rules for utilities, transport providers need to be subject to an enabling, consistent and workable rule framework in a self-contained section of the Plan.
63. A strong theme of the Auckland Plan is around addressing current congestion problems. A key goal is to integrate all transport components using a single system approach. As with housing, this requires strategic investment and close cooperation and shared leadership between the Council and central government.
64. The UP needs to provide transport providers and stakeholders (Auckland Transport, NZTA, KiwiRail, POAL, Auckland Airport, rail, bus, freight and ferry operators as well as central government) with:
 - An enabling regulatory framework
 - Objectives, policies and rules that facilitate transport investments and improvements
 - Land use and environmental controls that are practical, reasonable and achievable.
65. While there is a high level policy statement that operating the network efficiently and as a single system requires a combined and coordinated approach across many parties, the document has transport related provisions in at least 30 different subsections, with the freight related provisions alone in around 20 different subsections. Also, there is no single transport governance arrangement in place to enable the 'many parties' to combine their resources, expertise and deliver a coordinated approach as the policy statement suggests is required.
66. Key issue: To help the Panel produce a user-friendly document the Chamber recommends that the transport related provisions of the UP and associated bylaws be consolidated into a single section, and be made available to transport stakeholders to review at the next stage of the consultation process.
67. Doing this would help ensure the transport regulatory sections of the finalised UP have been beefed up sufficiently to ensure they will enable and help give effect to the transport objectives in the Auckland Plan.
68. **Related key issue:** A second high level area of concern in respect of transport that the Panel needs to consider relates to the disclosure of a disconnect between the Auckland Plan and the recently published Integrated Transport Programme (ITP) which gives details of the projects needed to implement the transport projects listed in the Auckland Plan.
69. According to the ITP, the \$60 billion spend proposed in the Auckland Plan on transport projects over the next 30 years will not measurably reduce current congestion; instead, over time the level of congestion will rise to levels higher than currently exists in cities like Melbourne and Sydney.

70. This disclosure casts serious doubt over the transformational transport objectives in the Auckland Plan, and by implication the adequacy of the proposed rules to enable the transport as well as the land development outcomes that the UP is supposed to enable. The Chamber will have more to submit on this critical issue at later stages of the consultation process.

Enabling rules for repair and replacement of infrastructure

71. The maintenance, repair and replacement of essential infrastructure are just as important as new builds. The Chamber submits that the ability to upgrade existing infrastructure with modern configurations should be a permitted activity.
72. Key issue: We strongly submit that utility companies such as Watercare and Vector and others should be able to operate and maintain their services including undertake immediate repairs where necessary and do so under a rules regime that keep costs to the minimum. This requires rules that provide for operations with certainty, consistency, and minimal constraints.

PROCESS ISSUES

73. Among process issues in the notified UP that the Chamber has reserved commenting on until it sees the submissions of key organisations, and in particular those of Auckland Council and associated organisations are the following:
- Adequacy of rules to shape a business-friendly city
 - Complicated requirements making for a high risk development environment, with potential to deter scale investment, including and especially from offshore.
 - Lacks assessment of cost benefits and ramifications of achieving the density targets.
 - Prescriptive sustainability rules for buildings such as Greenstar ratings compliance costs
 - Parking restrictions in the CBD, without supporting efficient public transport provision
 - Cross-boundary implications and opportunities – emerging upper North Island economy
 - The adequacy of the compact model rules to meet what the market want/ is doing.
74. Three important process issues that stand out immediately however include:

Port Management Area

75. **Key** issue: The Chamber notes that the notified UP adopts a contradictory position in respect of the Ports of Auckland.
76. On the one hand, it is generally supportive of port growth. The objectives and policies relating to the port encourage 'The efficient operation, growth and intensification of marine and port activities and marine and port facilities' and the rules 'Enable the

consolidation, intensification, redevelopment and growth of the precinct for a wide range of marine and port activities and associated structures’.

77. However, the proposed provisions for reclamation are entirely inconsistent with this thrust. A UP Policy requires the Port to: “Avoid further reclamation within the precinct until the results of a study on the future operation and development of the port clearly identifies whether and when further reclamation is required to enable that future operation”.
78. This in turn is inconsistent with the NZ Coastal Policy Statement which sits over the UP and requires an efficient national network of ports, and that regional policy statements and plans must therefore provide for the efficient and safe operation of ports and the development on their capacity for shipping.
79. Key issue: The Chamber notes that the Mayor advised some months ago that the terms of reference for the Stage 2 study would be agreed late in 2013 and be underway in January 2014 and completed mid-year, but that to date no progress has been made, and further that POAL is under no obligation to adopt the findings of any study (other than if pressure is applied through the ownership structure).
80. Accordingly, the Chamber strongly recommends that the Commission addresses this contradictory situation. This can easily be achieved by deleting the so-called Policy reference paragraph in respect of avoiding further reclamation until the results of the study are known.

Mana Whenua provisions

81. The Chamber notes that extensive and potentially demanding Mana Whenua consultation requirements are dotted through the proposed UP. With 19 iwi in Auckland it is possible that multiple, if not all, iwi will have to be consulted on a single development. This will add complexity and cost to doing business under the finalised UP.
82. Key issue: The Chamber strongly recommends the narrowing and consolidating of the challenging Mana Whenua provisions. The provisions need to be narrowed to make it clear that, as with any submission to a proposal, iwi will submit against a notified timeline and process – not after the fact. Second, as submitted above in respect of transport and other utility provisions, the Mana Whenua requirements need to be brought together in a single document overlay and made transparent and specific, and provided with a clear and efficient management process.
83. The Chamber's scan of the notified document indicates that of the approximate 3600 sites or places of significance and sites and places of value that have been indicated, many have not been clearly identified spatially, information on the values to be protected has not been detailed and the nominating Mana Whenua entities have mostly not been named. There is also:

- Lack of clarity over the relationship between Mana Whenua provisions and sites that might also overlap with the Historic Places Act; and,
- Lack of clarity of the implications for critical infrastructure on or near sites and places of significance or value to Mana Whenua; e.g. the volcanic cones and many other areas across Auckland.

Overlap with the Building Act

84. **Key issue:** Significant cost implications will arise for building owners and tenants in respect of rules proposed for office and industrial buildings to meet Green Star standards and other new impositions they are facing in respect of seismic strengthening, fire codes, and insurance as well as, in some cases, development and other costs.
85. We strongly urge a rethink of the merits of retaining these potentially onerous and costly rules in the finalised document, and make two suggestions for the Commission to consider:
86. First, we suggest that the Commission undertake an assessment of whether Green Star and other 'best practice' standards should be mandated under the Building Act rather than the UP. Doing this would help remove potential for duplication and simplify compliance requirements and costs.
87. Second, we see a need for a business-based assessment of how this package of rules will help, if at all, to achieve the Auckland Plan economic growth objectives to attract investors/ investment to Auckland.
88. With respect to the sustainable development (Green Star) requirements, instead of imposing a heavily prescriptive regime on the industry through the UP, the Chamber suggests that an approach be undertaken to collaborate and engage with the sector to achieve a mutual, progressive and affordable sustainability best-practice code that can be part of an overall strategy to showcase the city as a business-friendly; an attractive, inviting city with a progressive council - not a council that imposes dictatorial potential high-cost changes regardless.
89. This suggestion leads directly to another important aspect that we strongly encourage the Commission to consider – the need to tell and format the story differently.

TELLING THE STORY – LISTEN TO AUCKLANDERS AND DELIVER THEIR PLAN

90. **Key issue:** The Chamber **strongly recommends** that the Hearings Panel consider a communications approach from the outset motivated by a need to ensure that Panel's key output – the finalised UP document – should not simply be viewed as just another statutory document drafted from a legalistic template, but tell a story about Auckland's value as a place to be in the future from the perspective of Auckland citizens and residents as the 'customers' of Auckland Council.

91. Underlying much of the criticism of the draft UP and the notified document has been that they are overly prescriptive and too focused on what Council 'planners' want Aucklanders to do and how we should behave.
92. In our view, there is an opportunity for the Panel to engage with Aucklanders by listening to them and responding in an informed, constructive conversation that encourages people to engage and be positive about Auckland's future. It can do this by emphasising that it will deliver a fit for purpose set of rules and processes for taking Auckland forward; that they will be drafted from the perspective of how Aucklanders want to live and work and what they value – not a planning paradigm of 'we know what's best for you'.

CONCLUDING COMMENTS

93. Auckland and New Zealand deserves the best possible outcome from the establishment of the Auckland Plan and supporting UP rules. The outcome of the Commission's work should be a fit for purpose rule book, and which wins the confidence and certainty of Aucklanders.
94. The bottom line is that as well as giving effect to the Auckland Plan, the finalised UP must align with and enable aspirations of central government for NZ, and it must enable the business sector to get on with doing business efficiently and with certainty.
95. The extent of the issues, errors and omissions exposed in the notified UP, prompts a conclusion that council needs all the help it can get. We strongly encourage the Commission to listen and take on board what changes to the document Aucklanders are saying are required. The issues are far too critical to be allowed to be swept under the carpet.

Michael Barnett

Chief Executive
Auckland Chamber of Commerce
26 February 2014