

IN THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act 1991
 (the Act) and the Local Government
 (Auckland Transitional Provisions) Act
 2010 (LGATPA)

AND of an appeal under s 156(1) of the
 LGATPA against a decision of the
 Auckland Council

BETWEEN TODD PROPERTY GROUP LIMITED
 (ENV-2016-AKL-000214)
 Appellant

AND AUCKLAND COUNCIL
 Respondent

Principal Environment Judge L J Newhook sitting alone under s 279 of the Act
In Chambers at Auckland

CONSENT ORDER

- [A] Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:
- (1) the appeal is allowed subject to the amendments set out in this order.
 - (2) the appeal is otherwise dismissed.
- [B] Under s 285 of the Resource Management Act 1991, there is no order as to costs.



REASONS

- [1] This order relates to an appeal by Todd Property Group Limited against a decision of the Auckland Council on a recommendation by the Independent Hearings Panel on the proposed Auckland Unitary Plan (now the Auckland Unitary Plan (Operative in Part)).
- [2] Todd Property appealed against the Council's decision to reject a recommendation by the Panel as it related to the Chapter B2 Urban Growth and Form provisions of the Regional Policy Statement (**RPS**).
- [3] The parties participated in Court assisted mediation on 25 January 2017. During mediation the parties agreed to revised wording of Objective 2, and Policies 2 and 4 of RPS Chapter B2 Urban Growth and Form. The map for the urban area in Appendix 1A is also to be amended to include the urban area 2016.
- [4] In making this order the Court has read and considered the notice of appeal dated 16 September 2016 and the memorandum of parties dated 19 June May 2017.
- [5] The following parties have given notice of their intention to become a party to the appeal under s 274 of the Act and have signed the memorandum supporting the proposed order:
- (a) Housing New Zealand Corporation;
 - (b) Kiwi Property Group Limited;
 - (c) Kiwi Property Holdings Limited;
 - (d) National Trading Company of New Zealand Limited;
 - (e) Stride Property Limited; and
 - (f) Stride Holdings Limited.
- [6] The Court is making this order under s 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:
- (a) All parties to the proceedings have executed the memorandum requesting this order; and



- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Act, including in particular Part 2.

Order

[7] Therefore, the Court orders the following, by consent:

- (a) The appeal by Todd Property is resolved.
- (b) The Respondent's decision is confirmed, subject to the amendments to the RPS Chapter B2 Urban Growth and Form provisions in the Auckland Unitary Plan (Operative in Part) as shown in **Schedule 1**.
- (c) The indicative map reflecting the urban area 2016, which is referred to as Appendix 1A in Objective 2 and Policy 4, and which is attached to the memorandum requesting this order, is to be finalised for inclusion in the Auckland Unitary Plan (Operative in Part) once the zoning appeals have been determined.
- (d) There are no issues as to costs.

DATED at Auckland this *23rd* day of *June* 2017



L J Newhook

L J Newhook
Principal Environment Judge

Schedule 1

RPS Chapter B2 Urban Growth and Form

B2.2 Urban growth and form

B2.2.1 Objectives

- 2 Urban growth is primarily ~~focused~~ accommodated within the ~~metropolitan-urban area 2010-2016~~ (as identified in Appendix 1A).

B2.2.2 Policies

Development capacity and supply of land for urban development

2. Ensure the location or any relocation of the Rural Urban Boundary ~~achieves a quality compact urban form~~ and identifies land suitable for urbanisation in locations that:
- a. promote the achievement of a quality compact urban form
 - ~~ab~~ enable the efficient supply of land for residential, commercial and industrial activities and social facilities;
 - ~~bc~~ integrate land use and transport supporting a range of transport modes
 - ~~ed~~ support the efficient provision of infrastructure;
 - ~~de~~ provide choices that meet the needs of people and communities for a range of housing types and working environments
 - ~~ef~~ follow the structure plan guidelines as set out in Appendix 1; while:
 - ~~fg~~ protecting natural and physical resources ...

Quality compact urban form

4. ~~Concentrate-Promote~~ urban growth and activities ~~intensification~~ within the ~~metropolitan-urban area 2010-2016~~ (as identified in Appendix 1A), enable urban growth and activities ~~intensification~~ within the Rural Urban Boundary, towns, and rural and coastal towns and villages, and avoid urbanisation outside these areas.

