

2 November 2012

Auckland Council
Private Bag 92300
Auckland 1142
Attention: Tony Reidy

Dear Tony

DRAFT UNITARY PLAN PROVISIONS – SOCIAL INFRASTRUCTURE

Thank you for meeting with us this afternoon. I can confirm that the Catholic Diocese of Auckland supports the Council's overall direction for dealing with social infrastructure such as schools and churches within the Unitary Plan. In particular, the Diocese supports:

- The use of a schools/churches precinct/overlay that will permit land to be used for school and church purposes as a permitted activity, and in accordance with an underlying zoning where the land is no longer required for school or church purposes.
- The use of a "special purpose" Social Infrastructure zoning (as an alternative to a precinct or overlay approach) that will better provide for social infrastructure likes schools and churches than has historically been the case in most plans (although the precinct/overlay approach is preferred).

I have reviewed the draft rules and assessment criteria in detail and discussed them with the Diocese. I attach a marked-up copy of those provisions with our combined feedback.

Whilst the Diocese supports the overall direction of Council, we have a number of concerns over the detail of the provisions as they currently stand. Of most significance:

- The list of permitted activities is quite extensive, which is very helpful in terms of providing flexibility for schools and churches, however, it does create the possibility that a site within the zone / precinct might end up being converted to a completely different use (e.g. a shopping centre) as a permitted activity, or a combination of uses that gives the site a completely different character to what was intended. This has the potential to generate a backlash from neighbours. We have suggested in the attached document that a number of the activities currently provided for as permitted activities in their own right could be provided for instead as permitted where ancillary to another activity (i.e. an activity like a school that one could reasonably expect to locate within a Social Infrastructure zone/precinct).

- We do not see a justification for making “any activity not specified” a non-complying activity and consider that such activities should be provided for as discretionary activities. Council would still have a broad discretion over the approval of any discretionary activities, including the ability to consider consistency with the objectives and policies for the zone/precinct and the ability to decline consent if the activity is considered to be inappropriate, or the adverse effects of the activity are unable to be satisfactorily avoided, remedied or mitigated. And this would avoid the signal that “non-complying” sends to lay people (e.g. neighbours) that activities not otherwise specified should only be approved in exceptional circumstances. We would suggest deleting the two discretionary activities currently provided for in the zone (which in themselves are likely to raise a few eyebrows) and making anything not listed discretionary.
- We are of the view that the Council’s discretion when considering a non-compliance with a development control should be limited to the adverse effects of that non-compliance. So, if a building infringes the building in relation to boundary control, the Council’s assessment should be restricted to the adverse effects arising from that infringement. The current provisions appear to give Council a much broader discretion, which we consider to be unnecessary, and likely to add to the time and cost of applying for consent. We do not see this as being consistent with the Council’s objectives for the Unitary Plan and consider that this will hinder the efficient provision of the social infrastructure that Auckland needs.
- We are of the view that a number of the assessment criteria set the bar too high for applicants and will create unreasonable expectations on the part of neighbours. It is our view that this will hinder the ability of schools and churches to provide the social infrastructure that is necessary to support the Council’s growth/intensification objectives. The assessment criteria need to create a more realistic set of expectations for development. As the old adage goes, you’ve got to crack a few eggs to make an omelette.
- We do not see the justification for saying that the restricted discretionary activities currently identified should be processed on a limited notified basis. This seems completely unnecessary and will add time and cost to many consent processes where there are no adverse effects that would otherwise warrant such an approach.

The Diocese would be grateful for an opportunity to comment on the objectives and policies for the Social Infrastructure zone / Schools and Churches precinct and also to comment on the other draft provisions that could impact on schools and churches, including the provisions relating to brothels, parking, trees and heritage.

The Diocese is also keen to see the provisions that will apply to sites adjoining schools and churches. There is a significant focus on protecting activities adjoining schools from the effects of schools.

However, there is the potential for adverse effects the other way as well. The Diocese wishes to ensure that appropriate protection is provided for its schools and churches.

I hope the above and attached is useful. Please feel free to call me if you have any questions.

Yours Sincerely,

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CDA UP Ltr 12-1102