Proposed National Policy Statement on Urban Development

SUBMISSION BY TŪPUNA MAUNGA O TĀMAKI MAKURAU AUTHORITY

(10 October 2019)
1. SCOPE OF SUBMISSION

1.1 This submission is made on behalf of the Tūpuna Maunga o Tāmaki Makaurau Authority (the Authority) to the discussion document on a proposed National Policy Statement on Urban Development (discussion document).

1.2 The Authority is a co-governance body with a statutory responsibility to protect 14 Tūpuna Maunga (ancestral mountain) and this includes protecting views to, from and between the Tūpuna Maunga.

1.3 The Authority’s submission is limited to how the discussion document and future revision of the National Policy Statement on Urban Development (NPS-UD) impacts on Tūpuna Maunga.

2. TŪPUNA MAUNGA O TĀMAKI MAKAURAU AUTHORITY

Governance and administration

2.1 In 2014, following five years of Te Tiriti o Waitangi settlement negotiations, 14 Tūpuna Maunga were transferred to the 13 iwi/hapū of Ngā Mana Whenua o Tāmaki Makaurau. The Tūpuna Maunga are held in Trust for the benefit of those iwi/hapū and the people of Auckland.

2.2 Governance and administration of the Tūpuna Maunga is undertaken by the Authority. This is a co-governance body with equal representation from mana whenua and Auckland Council (together with a non-voting Crown representative).

2.3 The Authority represents a new era in the governance and management of the Tūpuna Maunga, ensuring mana whenua world views and priorities are at the forefront of decision making.

2.4 In exercising its powers and carrying out its functions under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (Redress Act), the Authority must have regard to the spiritual, ancestral, cultural, customary, and historical significance of the Tūpuna Maunga to Ngā Mana Whenua. The Authority therefore has a statutory responsibility to protect the Tūpuna Maunga and this includes protecting views to, from and between the Tūpuna Maunga, and development occurring with the Tūpuna Maunga Affected Areas.

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1 Ngāi Tai ki Tāmaki; Ngāti Maru; Ngāti Pāoa; Ngāti Tamaoho; Ngāti Tamaterā; Ngāti Te Ata; Ngāti Whanaunga; Ngāti Whātua o Kaipara; Ngāti Whātua Ōrākei; Te Ākitai Waiohua; Te Kawerau ā Maki; Te Patukirikiri; hapū of Ngāti Whātua (other than Ngāti Whātua o Kaipara and Ngāti Whātua Ōrākei) whose members are beneficiaries of Te Rūnanga o Ngāti Whātua, including Te Taoū not descended from Tuperiri.

2 Auckland Council spatial overlay around the volcanic cones representing an area of interest to the Authority.
Tūpuna Maunga Integrated Management Plan

2.5 Section 58 of the Redress Act requires the Authority to prepare and approve an Integrated Management Plan (IMP) for land under its administration. Section 41 of the Reserves Act 1977 applies to the IMP. The purpose of the IMP is to establish how the Tūpuna Maunga will be cared for, managed and maintained both on an integrated basis while also identifying values specific to individual maunga.

2.6 The IMP, which was approved in June 2016, was the result of an intensive collaborative process in which the Authority went beyond the statutory requirements of the Redress Act and Reserves Act 1977 to engage with stakeholders and the public.

2.7 The IMP sets out seven values to provide the tika (correct) framework for the care and protection of the Tūpuna Maunga:

- Wairuatanga / Spiritual
- Mana Aotūroa / Cultural and Heritage
- Takotoranga Whenua / Landscape
- Mauri Pūnaha Hauropi / Ecology and Biodiversity
- Mana Hononga Tangata / Living Connection
- Whai Rawa Whakauka / Economic and Commercial
- Mana Whai a Rēhia / Recreational

3. SIGNIFICANCE OF THE TŪPUNA MAUNGA

3.1 Tūpuna Maunga represent an enduring symbolic connection between tangata whenua groups and distinctive land forms. Sometimes, these land forms are the physical embodiment of tūpuna. Thus, associations with maunga are imbued with mana and wairua that occupy the spiritual as well as the terrestrial realm. Maunga express a group’s mana and identity. This connection and expression is an integral part of Māori culture. Tūpuna Maunga are sacred to mana whenua as taonga tuku iho (treasures handed down the generations).

3.2 The Tūpuna Maunga of Tāmaki Makaurau stand as the essence of Auckland. They are central to Auckland’s identity and a point of difference around the world. They are the most significant spiritual, cultural, historical, archaeological and geological landscapes in the Auckland region.

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3.3 The Tūpuna Maunga are a part of a broader volcanic field and mana whenua and local communities wish to see the maunga and volcanic field in their entirety protected and enhanced. As set out in the IMP, the Authority’s interest in protection of the Tūpuna Maunga extended well beyond its legal boundaries, particularly where development intrudes into a volcanic viewshaft.

4. PLANNING MECHANISMS TO PROTECT THE TŪPUNA MAUNGA

4.1 Protection of the values of individual and the collective maunga for current and future generations is of upmost importance to the Authority. Fundamental to this is the ability to view the taonga from all over Auckland and from other maunga.

4.2 Since the 1970’s there has been in place two planning controls to protect views to and between volcanic cones in the Auckland region. Volcanic viewshafts protect long range views or in many cases a sequence of views of a maunga while an area around the lower slopes of the maunga protects the profile of the cone so it can be distinguished from built development and other landforms.

4.3 Auckland Council Unitary Plan – operative in part (AUP) Regional Policy Statement identifies and protects what are now known as Volcanic Viewshafts and Height Sensitive Areas. These spatial overlays apply across zones and precincts and in some cases apply more restrictive building height rules than the zone or precinct provisions for a site. These protect the remaining views to, from and between the Tūpuna Maunga.

4.4 Volcanic Viewshafts and Height Sensitive Areas were extensively evaluated as part of the Proposed Auckland Unitary Plan. In response to directions from the Auckland Independent Hearings Panel (AIHP) significant further analysis on a largely collaborative basis was undertaken. This included evaluation of the economic costs of Viewshafts and Height Sensitive Areas. In its report to the Auckland Council, the AIHP recommended:

The contribution that the confirmed viewshafts and height sensitive areas make to the social and cultural well-being of the people and communities of Auckland is considered to be greater than the value of development potential forgone due to the restrictions imposed on the height of buildings.

4.5 Buildings and structures within the volcanic viewshafts and around the lower slopes of maunga area can impact on the outstanding natural feature, the relationship of Māori with their ancestral lands and taonga, and historic heritage values.

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4 AIHP Report to Auckland Council Hearing topic 020 Viewshafts, July 2017, section 2.3.1
5 AIHP Report to Auckland Council Hearing topic 020 Viewshafts, July 2017, section 1.2
6 Section 6(b) of the RMA
7 Section 6(e) of the RMA
8 Section 6(f) of the RMA
4.6 Views to and between Tūpuna Maunga have been compromised by obtrusive buildings and landform modification. Past practices of quarrying has also reduced the height and profile of many of the Tūpuna Maunga. Protection of what remains is a matter of regional, national and potentially international significance. Commensurate with this significance, buildings that intrude into Volcanic Viewshafts and Height Sensitive Areas are non-complying activities and must be publicly notified under the AUP.

5. SUBMISSION DETAILS

5.1 This submission is limited to those matters in the discussion document that may impact on the Tūpuna Maunga. Headings following those used in the discussion document.

Section 4 Future Development Strategy

5.2 The Authority supports amendments to the Future Development Strategy that:

a. identify where urban development should be avoided e.g. sites of significance to Māori including wāhi tapu, areas of significant indigenous biodiversity and Tūpuna Maunga;

b. take into account issues of concern to iwi and hāpu, including those expressed in relevant planning documents;

c. identify how hapū and whānau aspirations for urban development on whenua Māori will be taken into account; and

d. give local iwi and hapū opportunities to identify the resource management issues of concern/significance to them relating to urban environments.

Section 5 Making room for growth

• Describing quality urban environments

5.3 The economic cost of Volcanic Viewshafts and Height Sensitive Areas on plan enabled development is perennially raised and the NPS-UD 2016 cited as rationale for their removal. Amendment to or deletion of Volcanic Viewshafts and Height Sensitive Areas is an easy target despite this thoroughly evaluated by the AIHP.

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9 For a number of years, the Auckland Council has promoted a bid for World Heritage inscription of the Auckland Volcanic Field, which includes the Tūpuna Maunga. If successful, the Tūpuna Maunga would be part of an internationally significant heritage place of which there are only 1,092 in the world.

10 Rules D14.4.1 and D14.5 of the AUP
The Authority supports amendments to NPC-UD objectives and policies that:

a. recognise growth must not be at the expense of well-functioning, vibrant urban and natural environments; and

b. require growth to minimise its negative impact on quality urban environments.

The Authority is concerned that amendments to NPC-UD objective O2, O3 and policies P2A and P2B regarding quality urban environments:

a. focus on amenity values (section 7 of the RMA) and no reference is proposed to matters of national importance (section 6 of the RMA);

b. consign matters of national importance to a preamble with no legal weight; and

c. give inadequate weight to matters of historical, cultural and natural heritage, which are fundamental to making Auckland a quality urban environment.

- **Amenity values in urban environments**

The Authority supports amendments that give appropriate weight to the types of amenity that benefit the whole community. However, the Authority is concerned that amendments to objective O4 and policy P3A regarding amenity values changing overtime could eventually result in a loss or erosion values to be protected and enhanced.

- **Enabling opportunities for development**

The Authority is concerned that amendments to policy P4G requiring consideration of all other options for increasing development capacity may result in re-litigation of matters settled through recent plan-making e.g. the Regional, National and International significance of Auckland’s Volcanic Cones.

- **Ensuring plan content provides for expected levels of development**

The Authority is concerned that amendments to policies P5B and P5C imply development capacity within each zone must be taken up. This approach takes no account of overlays, such as Volcanic Viewshafts and Height Sensitive Areas, that can constrain development by limiting building height and/or excavation.

- **Providing for intensification – options for directing intensified development**

The Authority opposes P6C option 1 (descriptive) and option 2 (prescriptive) if this cannot take account overlays that may constrain the ability to achieve maximum density provided for by the zone.

Option 2 and its prescriptive approach of zoning all residential and mixed use areas within 1.5 km of city centres for high-density development would include the Tūpuna Maunga of Maungawhau. The proposed wording of this option makes no exception for
this level of intensification despite evidence demonstrating intensification should not be enabled within Volcanic Viewshafts and Height Sensitive Areas.

- **More directive intervention to enable quality urban development**

5.11 The Authority opposes the use of national tools e.g. national environmental standard or a national planning standard to either prescribe a minimum building height e.g. 3-4 storeys or prevent Auckland Council from imposing a height limit to protect Volcanic Viewshafts and Height Sensitive Areas.

5.12 These are necessary rules that have been developed using precise survey coordinates taking into account topographical variances. It is difficult to understand how a national direction can be imposed in these instances and be consistent with Part 2 of the RMA.

- **Taking into account issues of concern to iwi and hapū**

5.13 The Authority supports proposed amendments to objective O9 and P9A and P9B to ensure urban development takes into account the issues of concern to iwi and hapū.

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Tūpuna Maunga o Tāmaki Makaurau Authority

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