

BELL GULLY

By courier

Auckland Council
Attention: Unitary Plan Team
Mail room, Basement 1
135 Albert Street
Auckland 1010

FROM **Liam Kearns**
DDI +64 9 9168332
EMAIL liam.kearns@bellgully.com
MATTER NO. 400-4859
PARTNER Andrew Beatson
DATE 16 September 2016

Notice of Appeal - Southern Gateway (Manukau) Limited

Please find **enclosed**, by way of service, a copy of Southern Gateway (Manukau) Limited's notice of appeal to the High Court against part only of the decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel on the proposed Auckland Unitary Plan dated 19 August 2016. The relevant part of the decision is attached to the notice of appeal.

An electronic copy was sent by way of email.

Yours faithfully

Bell Gully



Liam Kearns
Solicitor

Enc.

**In the High Court of New Zealand
Auckland Registry**

CIV-2016-

In the matter of the Local Government (Auckland Transitional Provisions) Act 2010
(the Act)

and

In the matter of an appeal under s 158(1) of the Act against the Decision of Auckland
Council on the Auckland Unitary Plan dated 19 August 2016

Between

Southern Gateway (Manukau) Limited, a duly incorporated company
having its registered office at Level 1, 146-152 Great South Road, Papakura,
Auckland, New Zealand

Appellant

and

Auckland Council, a local authority constituted pursuant to the provisions of
the Local Government (Auckland Council) Act 2009 having its principal office at 135
Albert Street, Auckland

Decision-maker

Notice of appeal by Southern Gateway (Manukau) Limited

16 September 2016

BELL GULLY

BARRISTERS AND SOLICITORS

A J L BEATSON

AUCKLAND LEVEL 22, VERO CENTRE, 48 SHORTLAND STREET

PO BOX 4199, AUCKLAND 1140, DX CP20509, NEW ZEALAND

TEL 64 9 916 8800 FAX 64 9 916 8801 EMAIL ANDREW.BEATSON@BELLGULLY.COM

To: the Registrar of the High Court at Auckland

And to: Auckland Council

And to: Submitters on the Proposed Auckland Unitary Plan

This document notifies you that Southern Gateway (Manukau) Limited (**Appellant**) appeals to the High Court under s 158(1) of the Act against part only of the decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel (the **Panel**) on the proposed Auckland Unitary Plan (the **PAUP**) dated 19 August 2016 (**Decision**) on the grounds that the part of the Decision subject to this appeal is wrong in law.

Background

1. The Appellant submitted on the Puhinui Precinct provisions of the PAUP under the name 'Southern Gateway Consortium'.¹ Southern Gateway Consortium comprises James Kirkpatrick Group, Landplan Property Partners Manukau Limited, Tunicin Investments Limited, Airface Limited and Reading Properties Manukau Limited. Each of the consortium members also submitted separately on the PAUP.
2. This appeal is limited to two aspects of the Decision on the Puhinui Precinct:
 - (a) Activity Table I432.4.2, Infrastructure (A51) – 'Development which complies with Standard I432.6.1 Transport': Non-Complying in Sub-Precinct D; and
 - (b) Construction performance standards I432.6.1.1(1) and I432.6.1.1(2).

Points of Appeal

3. First Error of Law: The decision-maker erred under s 148(1)(a) and/or 148(2)(b) of the Local Government (Auckland Transitional Provisions

¹ Original submission number 4845, further submission number 1703.

Act) 2010 (the **LGATPA**) because in making its decision on the recommendations by the Panel it failed to consider, let alone implement, the uncontested expert evidence presented to the Panel which recommended a Restricted Discretionary activity status for Activity Table I432.4.2, Infrastructure (A51) – ‘Development which complies with Standard I432.6.1 Transport’.²

Grounds of appeal/particulars:

- (a) Under section 148(1)(a) of the LGATPA Auckland Council must decide whether to accept or reject each recommendation of the Hearings Panel.
- (b) When making a decision under this section, Auckland Council must not consider any submission or other evidence unless it was made available to the Hearings Panel before the Panel made the recommendation.³
- (c) The Appellant requested a Restricted Discretionary activity status for Sub-Precincts D and E, and Non-Complying for Sub-Precinct C in the event that this sub-precinct was not deleted. This was agreed to by the decision-maker and other submitters on those provisions, and the agreement that was reached was reflected in the final version of provisions provided to the Panel by submitters on 28 April 2016.
- (d) Restricted Discretionary activity status for Sub-Precinct D was also accepted in evidence exchanged between the parties, as outlined in the Joint Traffic Statement prepared by Don McKenzie (for Southern Gateway Consortium), Judith Makinson (for Auckland International Airport Limited), Leo Hills (for the New

² In the Puhinui Precinct provisions submitted to the Panel, the corresponding provision was Activity Table 2 – Infrastructure – ‘Development which complies with Rule 3.1’.

³ Local Government (Auckland Transitional Provisions) Act 2010, s 148(2)(b).

Zealand Transport Agency) and Terry Church (for Auckland Council) on 26 February 2016.⁴

- (e) In the Decision and the recommendation, the activity status for development which complies with Standard I432.6.1 Transport is Non-Complying for Sub-Precinct D and Restricted Discretionary for Sub-Precinct E.⁵
 - (f) There was no evidential or other proper basis for the decision-maker or the Panel to specify a Non-Complying activity status for this activity in Sub-Precinct D.
 - (g) No reasons were provided in the recommendation or Decision.
 - (h) Further, neither of the Panel or the decision-maker addressed in a clear and reasoned way all matters before it. The failure to do so amounts to an error of law.⁶
4. Second Error of Law: The decision-maker erred under s 148(1)(a) and/or 148(2)(b) in making its Decision on the recommendations by the Panel, because it did not properly consider the evidence and submissions presented to the Panel which had sought that either standard of I432.6.1.1(1) or I432.6.1.1(2) be included in the Plan, rather than both of them.⁷

⁴ Supplementary Joint Evidence (Traffic) on behalf of Southern Gateway Consortium, Auckland Airport International Limited, the New Zealand Transport Agency and Auckland Council.

⁵ Activity Table I432.4.2, Infrastructure (A51) – ‘Development which complies with Standard I432.6.1 Transport’: Non-Complying in Sub-Precinct D.

⁶ *Tranz Rail Limited v Wellington City Council* [1999] NZRMA 296 (HC), at 11-12.

⁷ In the Puhinui Precinct provisions submitted to the Panel, the corresponding provision was 3.1.1 – Construction.

Grounds of appeal/particulars:

- (a) Under section 148(1)(a) of the LGATPA, the decision-maker must decide whether to accept or reject each recommendation of the Hearings Panel.
- (b) When making a decision under this section, the decision-maker must not consider any submission or other evidence unless it was made available to the Hearings Panel before the Panel made the recommendation.⁸
- (c) For the construction performance standards, the Panel was asked to consider, and the decision-maker Auckland Council was asked to decide, between two contested versions of Standard I432.6.1.1.⁹ This rule was based upon the Joint Witness Statement for the traffic provisions from Don McKenzie, Judith Makinson, Leo Hills and Terry Church.¹⁰
- (d) The version sought by the decision-maker, Auckland International Airport Limited, the New Zealand Transport Agency and Te Akitai in the Joint Witness Statement and the final set of provisions handed up the Panel is as follows:

(1) Prior to construction works commencing on sites within sub-precinct D and sub-precinct E, a new or upgraded intersection on SH20B that prioritises through traffic movements and meets the performance criteria set out in Standard I432.6.1.2(3) below must be provided.

⁸ Local Government (Auckland Transitional Provisions) Act 2010, s 148(2)(b).

⁹ In the Puhinui Precinct submitted to the Panel, the corresponding provision was 3.1.1 – Construction.

¹⁰ Supplementary Joint Evidence (Traffic) on behalf of Southern Gateway Consortium, Auckland Airport International Limited, the New Zealand Transport Agency and Auckland Council.

- (e) The version sought by Southern Gateway Consortium is as follows:

(2) Any development of land within sub-precinct D and sub-precinct E must provide the following roading infrastructure upgrades prior to construction works commencing on the site:

(a) A new or upgraded intersection on SH20B that prioritises through traffic movements and meets the relevant performance criteria for temporary traffic management during the construction period of these works as set out in the NZTA Code of Practise for Temporary Traffic Management.

- (f) The decision-maker has erred in law by failing to make a decision but has instead incorporated both versions into the rule. This was not an option that was available to the Panel or the decision-maker and the Decision creates a conflict within the Plan and an invalid Rule.

Relief Sought

5. The Appellant seeks the following relief:

That the Decision be set aside in part only, and that this Court grant such relief as may be determined by the Court in the light of its findings in this appeal, including:

- (a) Setting aside the Decision of the Auckland Council in respect of:
- (i) Activity Table I432.4.2, Infrastructure (A51) – ‘Development which complies with Standard I432.6.1 Transport’: Non-Complying in Sub-Precinct D; and
 - (ii) Construction performance standards I432.6.1.1(1) and I432.6.1.1(2).
- (b) Remedy of the error of law in the above provisions by either:
- (i) Replacing the decision of the Council with the decision of the Court in respect of the provisions; or

- (ii) Nullifying those parts of the Decision to which this appeal relates and either referring the matter back to the Independent Hearings Panel for further consideration or to the decision-maker, with direction that a recommendation or Decision be made on these matters on a lawful and proper basis;
- (c) Such further or other order, declaration, or direction as may be required to ensure that the Appellant's appeal is heard and determined in accordance with law; and
- (d) Costs.

Dated this 16th day of September 2016



A J L Beatson / L M N Kearns
Counsel for the appellant

To: the Registrar of the High Court at Auckland

And to: Auckland Council

And to: submitters on the Proposed Auckland Unitary Plan

This document is filed by Andrew J. L. Beatson, solicitor for the appellant of the firm Bell Gully. The address for service of the appellant is C/- Liam Kearns, Level 22, Vero Centre, 48 Shortland Street, Auckland.

Documents for service on the filing party may be left at that address for service or may be -

- (a) posted to Liam Kearns at PO Box 4199, Auckland; or
- (b) left for Liam Kearns at the document exchange for direction to DX CP20509, Auckland; or
- (c) transmitted to the Liam Kearns by facsimile at 09 916 8801.
- (d) emailed to Liam Kearns at liam.kearns@bellgully.com

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tamaki Makaurau

Report to Auckland Council
Hearing topics 016, 017
Changes to the Rural Urban
Boundary; 080, 081 Rezoning
and precincts

Annexure 3
Precincts South

July 2016

432 Puhinui Precinct, Rural Urban Boundary and Zoning

1. Summary of recommendations

The Panel recommends deleting the proposed Rural Urban Boundary from the precinct.

The Panel supports a precinct and a number of the changes proposed by Council and/or by submitters. The Panel does not support Council's proposed zonings for Sub-precincts C and, H (Crater Hill and Pukaki peninsula) but recommends a Future Urban Zone for Sub-precinct C and Pukaki peninsula; and a mix of residential and open space zoning for new Sub-precinct I - Crater Hill.

This precinct was heard in Topic 081.

1.1 The Rural Urban Boundary

The key issues heard concerning whether the Rural Urban Boundary should be extended (i.e. removed) around Puhinui related to traffic effects (particularly on the wider State Highway network), cultural effects, and rural productivity. There was broad agreement among Council and submitters that large parts of the notified precinct should be live zoned, and the Panel heard that considerable time and effort had been put into structure planning for the area.

Submitters with an interest in this issue (and the precinct) included Auckland International Airport Limited, James Kirkpatrick Group Limited, Tunicin Investments Limited and Airface Limited, Southern Gateway Consortium, and Landplan Property Partners Manukau Limited and Reading Properties Partners Limited, Te Ākitai Waiohua Waka Taua Trust, New Zealand Transport Agency, David Tam/Lake Brunner Lodge (2005), Gock Family and Self Family Trust, as well as Council and its related organisations (Auckland Transport and Watercare).

The Panel also took into consideration the question as to whether the open space areas of Pukaki Crater and Crater Hill should be brought inside the Rural Urban Boundary if that was to be extended.

Council supported the Rural Urban Boundary being extended to a more limited extent, excluding the Pukaki Peninsula, Pukaki Crater and Crater Hill.

Infrastructural concerns raised by Te Ākitai Waiohua Waka Taua Trust regarding wastewater provision were addressed to the Panel's satisfaction by Watercare in evidence in Topic 016/017.

Having satisfied itself that both the cultural and traffic effects could be managed through suitable provisions (generally agreed), the Panel determined that the Rural Urban Boundary should be removed. Furthermore, it saw no policy impediment to removing the boundary as the edge of the Coastal Management Area is a logical boundary and including the two outstanding natural features of Pukaki Crater and Crater Hill – noting that the multiplicity of overlays and relevant provisions would be sufficient for their protection and management. The Panel noted that this was no different to many other volcanic features that exist within the Rural Urban Boundary across the region. Indeed argument was made to the effect that

better protection was afforded within the urban zone because land use and development controls are more prescriptive.

With respect to the Pukaki Peninsula, the Panel determined that leaving such a relatively small pocket of land outside the Rural Urban Boundary, but surrounded by land inside the Rural Urban Boundary, had little planning merit – notwithstanding the existence of some 27ha of land containing elite soil and the regional policy statement policy of general avoidance. On that matter Council was opposed by a number of landowners, including the Self and Gock Family Trusts, who provided planning and other technical evidence in support of a Future Urban Zone across the Pukaki peninsula. This is discussed further in the following section with respect to rezoning

2. Precinct description

The Puhinui Precinct applies to some 809ha of land west of SH20B and adjoining the Waokauri Creek. The Precinct includes six sub-precincts that provide for predominately light industrial and airport-related activities, some large lot residential development (using specific development controls and assessment criteria to guide urban development), and pockets of residential and open space zones.

Future Urban Zones are placed over:

- i. Sub-precinct C as notified, north of Puhinui Road between Orrs Road and Manukau Memorial Gardens, now removed as a sub-precinct, noting that this is different to Council's closing remarks that this should be live zoned to Business - Light Industry Zone; and
- ii. the Pukaki peninsula that was notified as part of Sub-precinct H.

The Puhinui Precinct comprises of the following six sub-precincts and zones:

- i. Sub-precinct A - Airport- Coastal and Sub-precinct B -Airport- Core – Business - Light Industry Zone and Coastal - Coastal Transition Zone;
- ii. Sub-precinct D - Business - Light Industry Zone;
- iii. Sub-precinct E – Business - Light Industry Zone;
- iv. Sub-precinct F - Tidal Road - Business - Light Industry Zone;
- v. Sub-precinct G - Retreat Drive – Residential - Large Lot Zone, Coastal - Coastal Transition Zone, Open Space – Informal Recreation Zone; and
- vi. Sub-precinct I - Crater Hill – Residential – Single House Zone and Residential - Mixed Housing Suburban Zone; Coastal – Coastal Transition Zone and Open Space – Conservation Zone;

The precinct also comprises the following zones which sit outside of any sub-precinct: Open Space – Conservation Zone, Special Purpose Zone – Māori Purpose Zone, Special Purpose Zone – Quarry Zone, Strategic Transport Corridor Zone, Future Urban Zone and Special Purpose Zone – Cemetery Zone (Manukau Memorial Gardens).

The Puhinui peninsula is notable for its continued occupation by Te Ākitai Waiohū since pre-European times due to its proximity and access to the coast (Manukau Harbour and its

tributaries) for collecting kaimoana, fertile soils for food growing, and maunga for defence purposes. Puhinui is inextricably linked to the history, stories, whakapapa and mythology of Te Ākitai Waiohū. Te Ākitai Waiohū have a strong spiritual (taha wairua) association with Puhinui which gives its people a sense of meaning and purpose.

The Puhinui Precinct is bisected by the Waokauri Creek, a Mana Whenua Management Precinct, which recognises the Māori reservation status of the Creek under the Te Ture Whenua Māori Act 1993, for the purpose of a landing place, and place of historic, spiritual and cultural significance for the use and benefit of the local hapū of Te Ākitai and Te Ahiwaru o Wai-o-hua.

The primary purpose of the Puhinui Precinct is to enable a transition from rural to urban development, while recognising the cultural, spiritual and historical values and relationships that Te Ākitai Waiohū have with the land and sea in Puhinui as part of the Māori cultural landscape. The precinct also recognises the relationship that exists between Māori cultural landscape values and the management of natural and physical resources.

3. Key issues

Four key issues are presented by the Puhinui Precinct:

- i. the extent to which immediate development is enabled because of traffic issues relating to the wider State Highway network;
- ii. whether the land encompassed by Sub-precinct C should be live zoned;
- iii. whether the land around Crater Hill should be developed; and
- iv. what zone is appropriate for the Pukaki peninsula.

3.1 Development and Traffic

As the traffic evidence noted, for some years it has been accepted that development pressures on the network create potential problems for the development of Puhinui because major works will be required when capacity is reached around 2026. Through the hearing and expert facilitation the traffic experts (Mr Leo Hills, Mr Don McKenzie, Mr Terry Church and Ms Judith Makinson) agreed that this concern could best be managed through a development trigger based on an agreed vehicle/hour capacity threshold rather than the earlier proposed spatial threshold of 30ha of development. That trigger was agreed as 1,035vph on Puhinui Road/SH30B, above which consent would need to be sought with traffic effects being a prime consideration (and a review of the cap undertaken). The Panel accepts that solution as a practical way forward.

3.2 Sub-Precinct C

Council sought a live zoning of Business - Light Industry Zone in Sub-precinct C. That was opposed by Te Ākitai Waiohū who were concerned about uncertainties of effects (particularly discharges) on Pukaki Creek and Waokauri Creek and its Mana Whenua Management Precinct, and potential for future traffic infrastructure being required across Pukaki Creek. Te Ākitai expressed a strong preference for this area to be properly planned before live zoning ensued.

The Panel did not understand Te Ākitai to be opposed to the seemingly inevitable zoning to Business - Light Industry Zone, as it lies beneath the High Aircraft Noise Area (HANA) and Moderate Aircraft Noise Area (MANA).

Auckland International Airport Limited also had concerns related to the traffic matter discussed above, but that is resolved by means of the agreed capacity trigger.

The Panel agrees that a number of adverse effect matters can properly and appropriately be managed through the proposed (and largely agreed) control provisions. However, in this instance it considers that the Resource Management Act 1991 section 6(e) matters raised suggest that a more cautious approach be taken. Furthermore the extent of land live zoned to Business – Light Industry Zone in the overall precinct suggests that timing for this area to be developed is not so critical. The Panel therefore finds that Sub-precinct C should not be live zoned but notated as Future Urban Zone so that these matters can be addressed specifically through a subsequent structure plan process, and the sub-precinct deleted.

3.3 Crater Hill

Council proposed a Rural – Rural Production Zone around Crater Hill along with a Special Purpose - Quarry zone. The Self Family Trust proposed a mix of residential and open space zones around Crater Hill supported by landscape evidence (Mr Dennis Scott) and planning evidence (Mr Brian Putt and Ms Emily Bayley).

Having reviewed the evidence, the Panel is satisfied that the residential zonings proposed by the Self Family Trust and the additional provisions recommended (for example the 5m height limitation on dwellings on the flanks) are appropriate, while ensuring that the feature itself is protected. A new Sub-precinct I is therefore recommended.

3.4 Pukaki Peninsula

Council's position on the peninsula was largely a consequence of its position on the Rural Urban Boundary, i.e. to support a rural zoning (in this case Rural - Rural Production Zone).

This was opposed by the Self and Gock Family Trusts, which sought a Future Urban Zone within the Rural Urban Boundary. Mr Brian Putt included, as an attachment to his planning evidence of 10 February 2016, a report by Ms Lynda Hawes, a horticultural consultant, regarding the economic productivity and potential of the 58ha Gock property. That report concluded that there was a very marginal financial return despite the land comprising approximately 27ha of land containing elite class 1 soils. Ms Hawes noted that the soils had been compromised for their versatility (including by the presence of a widespread structureless layer below the topsoil limiting root penetration and impeding drainage) and were now only suitable for shallow-rooted, short-rotation summer crops. She concluded that urbanisation would represent a relatively insignificant potential loss of 39ha of productive land on the property (the elite soils loss being some 0.16% of the Auckland region's elite soils, based on Dr Curran-Cournane's figure of 4397ha).

The Panel notes that while the recommended regional policy statement policy on land containing elite soils requires 'avoidance', this is not an absolute but is in the overall context of the soil's significance for its ability to sustain food production across the values for which elite soils are protected. In this instance, and with the wider and surrounding urbanisation of

Puhinui, this area is effectively a rural island whose soils are not significant in terms of their ability to sustain food production across the versatile range that is associated with elite soils.

As the Panel has determined that the Rural Urban Boundary should be deleted, the options for zoning are either Future Urban Zone or a live zone. No evidence was presented for a live zone, and the Panel thinks that appropriate. A Future Urban Zone will provide the opportunity for a careful consideration of the appropriate land use, taking into consideration the existence of the Special Purpose – Māori Purpose Zone around Pukaki Marae, the sensitivity of the coastline and adjoining waterway, and the soils.

The main differences between the Puhinui Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. inclusion of specific objectives and policies;
- ii. Sub-precinct A, D, E, F, G and I provisions are more restrictive reflecting site-specific constraints; and
- iii. Sub-precinct B local centre provisions are more enabling.

Provisions are generally more restrictive than those provided for by the zones.

In summary, the Council's position in relation to the Puhinui Precinct is set out in the joint planning evidence of Mr Nicholas Lau and Mr David Wong (dated 28 January 2016); and the rebuttal evidence of Mr David Wong (dated 26 February 2016) and Council's closing remarks.

The Panel agreed with Council and submitters, except for the matter of zoning Sub-precinct C Future Urban Zone (and its deletion as a sub-precinct); the zoning of Sub-precinct I around Crater Hill; and the zoning of Pukaki Peninsula to Future Urban Zone and deletion of Sub-precinct H.

4. Panel recommendations and reasons

In summary:

- i. the Panel recommends removal of the Rural Urban Boundary from the precinct, including from the Pukaki peninsula and around Pukaki Crater and Crater Hill;
- ii. the Panel supports the precinct and agrees in part with the changes generally proposed by Council and in response to the submitters. The Panel recommends those changes in addition to:
 - a. the rezoning of Sub-precincts C and H (Pukaki Peninsula) to Future Urban Zone (and the deletion of those as sub-precincts), and
 - b. the rezoning of new Sub-precinct I around Crater Hill to Residential – Single House Zone, Residential – Mixed Housing Suburban Zone, Coastal – Coastal Transition Zone and Open Space – Conservation Zone;

for the reasons set out in section 1.4 above.

5. Reference documents

Auckland Council

081f Ak Cncl - South - Precincts (Puhinui) - (N Lau and D Wong) - Planning (28 January 2016)

081f AK Cncl - South - Precincts (Mangere Puhinui) - (D Wong) - Planning - REBUTTAL - amended 16.03.2016 (16 March 2016)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 (19 May 2016) (Attachment F, page 68)

016&017 Hrg - Auckland Council - Strategic Overview Evidence (Chris Allen and Andre Stuart) - Watercare - REBUTTAL (18 December 2016)

Self Trust

081 Self Trust (D Scott) - Landscape Evidence - SUPPLEMENTARY & REBUTTAL (17 February 2016)

081 Self Trust (B Putt) - Planning (17 February 2016)

081 Self Trust (E Bayly) - Planning (17 February 2016)



**Decisions of the Auckland Council on
recommendations by the Auckland Unitary
Plan Independent Hearings Panel on
submissions and further submissions to the
Proposed Auckland Unitary Plan**

Decisions Report

19 August 2016

48. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 080 (Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH)”

Panel recommendations accepted:

48.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 (Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 48.2.

Panel recommendations rejected:

48.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 080 (Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):