

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: John O'Grady and Kevin O'Grady

Organisation name:

Agent's full name:

Email address: johnogrady@xtra.co.nz

Contact phone number:

Postal address:
152 Hinemoa Street
Birkenhead
Auckland 0626

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

The proposed changes to the Auckland Unitary Plan: A) add to the activity tables an activity that essentially makes any activity not provided for in the tables non-complying. B) amend references to "residential buildings" in the Rural chapter to "dwellings".

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

We write this submission as affected owners of a rural property at 33 Coutler Road Swanson. Our submission is in support of option 1 (page 10 section 4) to maintain the status quo where activities not listed in the activity table are Discretionary Activities under Chapter C General Rules, C1.7 Activities not provided for. The current policies provide Council with adequate provisions to manage the potential for inappropriate activities to establish in rural zones. Rural zones need to provide broad, sustainable, affordable and user friendly provisions to adequately provide for and manage future advancements in Innovation and Technology. The current test for Landowners in support of Resource consent applications is more sustainable and cost effective. It should not be the intent of/or objective of the Plan to provide major obstacles to business start up aligned with rural zones. Some activities not listed may be of significant benefit to a particular regional rural zone and considered on that basis.

Rural Zones require employment to maintain regional development in their local area to provide local job opportunities, reduce transport pressure and provide regional contributions to gross domestic product. New Zealand's economy relies on the small to medium size businesses model for employment. Council's submission tends to rely on isolated consents for activities not contemplated for in rural zones to support the proposed plan change. The proposed plan change document uses the term " 'may be' (Page 9, paragraph 1) that these types of activities once proposed beyond certain scale thresholds would be better assessed as a non-complying activity." The use of the term 'may be' tends to suggest that Council itself is unclear whether there is any major benefit from changing the current status where these Activities currently default to and are considered as a discretionary activities. We submit that the current Discretionary status provides sustainable tools to adequately consider these applications. More detail required on the perceived pressure from applications primarily designed to establish additional dwellings. With Auckland's current housing shortage and poor public transport model coupled with the need for regional rural zones to provide adequate local accommodation for workers and the trend of family migration back home there is a need for rural zones to adequately accommodate additional residential dwellings including minor household and minor dwellings. Without further data to prove otherwise one would assume that the number of applications to date would probably be within acceptable parameters. Summary We submit that the Unitary plan maintain the status quo where activities not listed in the activity table are Discretionary. We consider it more prudent and user friendly that the Plan seek to list inappropriate activities (such as retirement villages) in rural zones rather than the use of blanket exclusion clauses. The use of blanket exclusion clauses often have far more reaching effect than originally planned for as the intent of the policy tends to change and get lost over time. The policy change then becomes unhelpful to both the Local Authority and the Landowner with the controls used to stop activities that are currently compliant in a rural zones from been established. Non-complying applications are more likely to be declined and further control on the landowners rights and enjoyment of their land.

101.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 16 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Graeme McCarrison

Organisation name: Spark New Zealand Trading Limited

Agent's full name:

Email address: graeme.mccarrison@spark.co.nz

Contact phone number: 0274 811816

Postal address:
Private Bag 92028

Auckland 1010

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Proposed change to H19.8.1 that introduces (AA1) Activities not provided for as a non-complying activity

Property address: N/A

Map or maps: N/A

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Spark is not opposed to the proposed catch-all activity. We are concerned that for Network activities being undertaken in a Rural zones not specifically provided for by Chapter E26 Council could in practice of interpreting the status of activity apply the Rural (AA1) status of non-complying rather than the default of discretionary under E26.2.3.1 (A16). While this not the intent as E26 Infrastructure is largely a standalone section and would defeat the purpose of having E26 as a standalone chapter the practice of how the Unitary Plan widely varies among the Councils Regulatory resource consent teams. We wish to have a note added to H19.8.1 (AA1) does not apply to Chapter E26.

102.1 | I or we seek the following decision by council: Accept the plan modification with amendments

102.2

Details of amendments: We wish to have a note added to H19.8.1 (AA1) does not apply to Chapter E26.

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Mr Tony Ross Timmins

Organisation name:

Agent's full name:

Email address: tonyrosstimmins@hotmail.com

Contact phone number:

Postal address:
1400 Awhitu Rd
rd4
pollok
Waiuku
Auckland 2684
pollok
Auckland 2684

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Property address:

Map or maps:

Other provisions:
"residential buildings" to read "dwellings"

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
I believe my residential building "carport-workshop" can not be classed as a Dwelling!

103.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Dear Sir/Madam

104.1 | I oppose the proposed plan change.

Rationale.

It is my understanding that currently if an activity is not provided for in the activity Tables for Rural zones, the default is that it is a “Discretionary” activity.

As there are many activities that are not mentioned and in fact would, if they had been considered, likely be permitted activities.

Non-Complying is a lazy approach to law and over-reach.

Regards,
Mike.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: RQ and RX Family Trust

Organisation name:

Agent's full name: MIKE FOSTER-Zomac Planning Solutions Ltd

Email address: mike@zomac.co.nz

Contact phone number: 094282101

Postal address:

mike@zomac.co.nz

Whangaparaoa

Auckland 0932

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

The whole of the plan change

Property address: 109 Whitford- Maraetai Road

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

The 21.5239ha property zoned Rural- Countryside Living at 109 Whitford- Maraetai Road is very well suited for a range of land uses such as a wedding and function venue with chalets for visitor accommodation where a rural setting is the critical component of the ambience of the overall development

105.1 | I or we seek the following decision by council: Amend the plan modification if it is not declined

105.2 | Details of amendments: By retaining the discretionary activity status for land use activities not provided for in the Rural- Countryside Living Zone

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Jon Sowden

Organisation name:

Agent's full name:

Email address: jon@strangeworkshop.co.nz

Contact phone number:

Postal address:
11/1 portage road
New Lynn
Auckland 0600

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Why put optional if it's not optional?

Property address: .

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
You are screwing everyone

106.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: John Colman

Organisation name:

Agent's full name:

Email address: moo@moo.com

Contact phone number: 0210279357

Postal address:
382 West coast road
gleneden
auckland 0602

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
stop screwing everyone over you disgusting institution

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
stop screwing everyone over you disgusting institution your just running the country like a business and its disgusting. stop trying to do everything for a dollar you money hungry country ruining organization. YOU ARE THE REASON FOR THE COST OF EVERYTHING GOING UP AND MORE HOMELESS COMING AROUND. FEEL RESPONSIBLE PERSONALLY. YOU ARE WHY THIS COUNTRY IS GOING TO SHIT. KEEP AT IT YOU WONT BE ABLE TO AFFORD TO LIVE ON YOUR NICE COUNCIL WAGES. TRY DO SOMETHING TO HELP HUMANS AS A WHOLE WITH YOUR OWN TWO HANDS INSTEAD.

107.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Ross John Taylor and Nicola Mary Taylor

Organisation name:

Agent's full name:

Email address: r.n.taylorfamily@gmail.com

Contact phone number: 092360085

Postal address:

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

I support Option 2 to Introduce a Non Complying Status for any activity not specifically listed in the activity tables in the rural zones. I support the listing for "residential buildings" to be amended to "dwellings".

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Submission for Plan Change 20. I support Option 2 to Introduce a Non Complying Status for any activity not specifically listed in the activity tables in the rural zones. In support of this option, it becomes apparent when driving around the rural zones of Franklin that the Auckland Unitary Plan has in no way protected these zones despite having Objectives and Policies to do so. In reality these have achieved nothing and have resulted in the rural zones being completely trashed. Examples below. Car storage, car detailing and sale from rural properties better suited to a commercial/business zone. Wedding venues. Multiple dwelling situations on rural properties less than 40 hectares in size creating rental portfolio opportunities, some being off shore owners. Rental portfolios should be encompassed within urban areas in close proximity to public transport and facilities. Sleepouts and modified sheds further than 6 metres from the main dwelling being rented out as stand-alone dwellings and paid for under the table. An outside covered BBQ suffices as the kitchen to get around council rules and to remain under the radar. Due to rural absentee, rental portfolio property owners and others creating

urban/commercial work opportunities from rural properties there is minimal to no animal pest control of rabbits, opossums, stoats and weasels, or weeds – gorse, woolly nightshade, ragwort, Californian thistles and the brunt of pest control is falling on the shoulders of a few who do have a vested interest in the rural zones. This creates tracts of land unsuitable for any rural use and also creates a larger carbon footprint and food miles as the land is essentially not usable to feed the population of Auckland. Managed cleanfills in close proximity to neighbouring properties causing health issues from dust getting into water supplies, causing health and respiratory issues and endless non rural noise. These situations are causing distress to affected residents and there is little that can be done about it apart from going to the environment court. This ensures making a challenge, due to the thousands of dollars required is an elitist situation. Council has fallen down in ensuring all property owners are considered. There is not an issue with small home occupation, home based business/work opportunities when they are a home based business within the home or existing accessory buildings as the effects are minimal. A situation arises however when a buyer specifically goes shopping for a property in the rural production zone, specifically to build a 300m² farm shed, specifically to house heavy industrial machinery and call it a home occupation after it being in a industrial business zone for 50 years. On the same property the new larger than allowable, further from the main dwelling, subsidiary dwelling for sick, dependent, retired parents, also has its own separate home occupation/business and council's policies and objectives were completely defunct in this case. The industrial business is paying no business rates and or operating on a level playing field, all with council's blessing. There is definitely a problem. I support the listing for "residential buildings" to be amended to "dwellings". In support of this I have seen many sleepouts, farm sheds, sheds, no longer required subsidiary dwellings and downstairs flats being part of property owners "unofficial" rental portfolio opportunity, airbnb or travellers accommodation. The owners of these properties are not shouldering their fair share of the rates load for betterment of Auckland as a whole. Neither are they part of the taxation net for the betterment of New Zealand as a whole. In addition they are creating an urbanisation of rural zones for their own gain and to destroy the environment and reason why many people wish to reside in a rural zones.

108.1 | I or we seek the following decision by council: Accept the plan modification with amendments

108.2 | Details of amendments: To tighten up on definitions so that they are not so weak.

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Dear Sir/Madam,

109.1 | I oppose the proposed plan change.

Rationale

It is my understanding that currently if an activity is not provided for in the Activity Tables for Rural zones, the default is that it is a “Discretionary” Activity. As there are many activities that are not mentioned and in fact would, if they had been considered, likely be permitted activities, raising the bar to make all un-listed activities Non-Complying is a lazy approach to law and over-reach.

Regards,
Calvin Chiew

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Nathan Murray

Organisation name:

Agent's full name:

Email address: natgt35@gmail.com

Contact phone number:

Postal address:

14b onslow rd
Papakura
Auckland 2110

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

The whole rule change around plan change for rural activities

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Council are trying to money grab on rural events and it's not right ,piss off@

110.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Hari De Alwis

Organisation name: H& L TRUSTEE COMPANY LTD

Agent's full name: Jethro Joffe

Email address: jethro@urbandesign.group

Contact phone number: 021 129 1233

Postal address:

Sandringham
Auckland 1025

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Table H19.8.1 Rule AA1 -specifying that any activities not provided for otherwise are a non complying activity

Property address: 2127 Kaipara Coast Highway Kaukapakapa

Map or maps: NA

Other provisions:

NA

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Making any activity not provided for a non complying activity is not a justifiable resource management method and runs contrary to the thrust of Part 2 RMA. It fails to reflect the cultural and socio-economic landscape of Auckland and NZ overall both now and into the future. It achieves nothing beyond what a discretionary activity status can equally achieve in RMA terms. The s32 report underpinning PC20 is a self fulfilling prophecy. The proposed non complying activity status fails to recognise the wide range of acceptable opportunities that exist in rural areas that can provide for appropriate social, cultural and economic opportunities for and the well being of people and communities.

111.1 | I or we seek the following decision by council: Amend the plan modification if it is not declined

111.2 | Details of amendments: Make any activity not provided for a discretionary activity in table H19.8.1.

Submission date: 17 April 2019

Supporting documents
20190328172121903.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

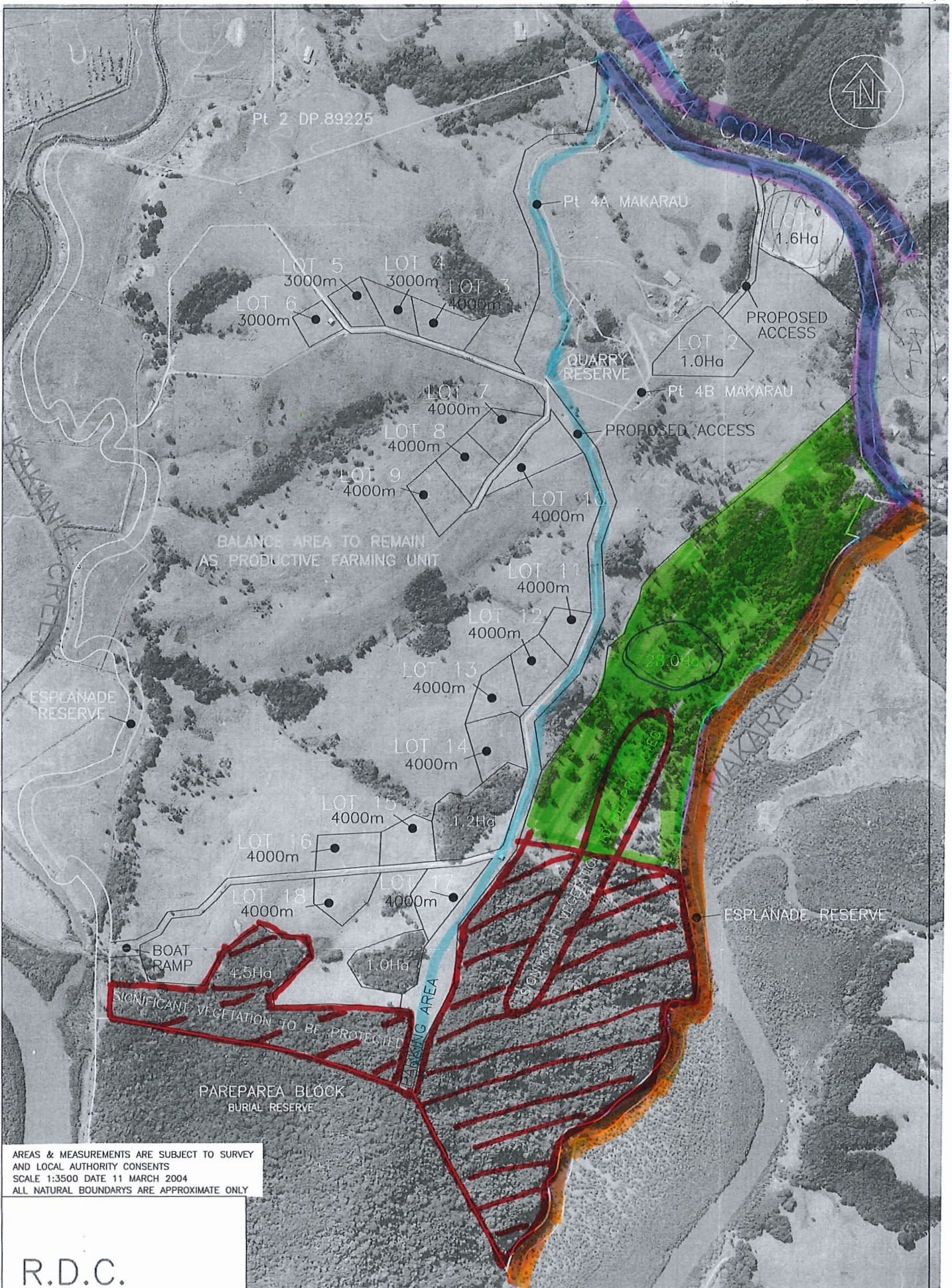
Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



AREAS & MEASUREMENTS ARE SUBJECT TO SURVEY AND LOCAL AUTHORITY CONSENTS
 SCALE 1:3500 DATE 11 MARCH 2004
 ALL NATURAL BOUNDARYS ARE APPROXIMATE ONLY

R.D.C.

LAMB & ASSOCIATES LTD
 CONSULTING LAND SURVEYORS
 234D BUSH RD - PO BOX 302-104 NTH HARBOUR
 PH (09) 415-5919 FAX (09) 415-5918

CONCEPT SUBDIVISION PLAN
OF Pt. Sec 50 BLK II
 2127 KAIPARA COAST HIGHWAY - MAKARAU BRIDGE

PREPARED FOR : GOULAND DEVELOPMENT LTD. P.O. BOX 99110 NEW MARKET	SHEET 1 OF 1 SHEET REF: P1504(CB)
----------------------------------------------------------------------------	-----------------------------------------------

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Barbara Lynn Shoop Chatfield

Organisation name: individual

Agent's full name: n/a

Email address: valleyviewnz@xtra.co.nz

Contact phone number:

Postal address:
46 Coatesville Heights,
RD 3 Albany
Auckland 0793

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

The objective of the proposed plan change is to limit residential and industrial activities in rural areas so that rural zones are predominately used for rural purposes.

Property address:

Map or maps:

Other provisions:

amends the activity table for the rural zones so that any activity not specifically listed in the table becomes a non-complying activity amends reference to "residential activities" in specific rural policies and zone descriptions to "dwellings".

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

I feel strongly the Unitary Plan - particularly the acceptance of TTR in Countryside Living was a serious mistake (reasons were presented in a formal presentation made to the Board) and I believe having items listed as "non-complying" provide residents to have the ability to express their concern when proposals for development are put forward. The use of the word "dwellings" is much more specific/accurate than "residential activities".

112.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Birch Surveyors Limited

Organisation name: Birch Surveyors Limited

Agent's full name: Sir William Birch

Email address: sirwilliam@bslnz.com

Contact phone number: 09 237 0787

Postal address:

PO Box 475

Pukekohe

Auckland 2340

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

See attached submission.

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

See attached submission.

113.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Supporting documents

Submission on PC20 (Birch Surveyors Ltd).pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Wednesday, 17 April 2019

SUBMISSION ON PROPOSED PLAN CHANGE 20 (PC20)

This is a **Submission** on the following proposed plan change:

Plan Change 20: Rural Activity Status

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland, 1142

This is a submission from:

Submitter: Birch Surveyors Limited

Birch Surveyors Limited could not gain an advantage in trade competition through this submission.

ADDRESS FOR SERVICE

Name of Agent: Sir William Birch – Birch Surveyors Limited

Address: PO Box 475, Pukekohe 2340

Phone: 09 237 0787

Email: sirwilliam@bslnz.com

1 EXECUTIVE SUMMARY

The submission is made pursuant to Schedule 1 (Section 6) of the Resource Management Act 1991 (RMA) which allows for any person to make a submission to a local authority on a proposed policy statement, plan or change with the submission required to be in the prescribed form as per Form 5 (Schedule 1) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

2 SPECIFIC PLAN CHANGE PROVISION SUBJECT TO THIS SUBMISSION

The specific provision of PC20 that this submission relates to is:

- 2.1.1 The inclusion of "Activities not provided for" in Table H19.8.1 with a Non-Complying activity status.

3 STANCE OF SUBMISSION

This submission **opposes** the inclusion of "Activities not provided for" in Table H19.8.1 with a Non-Complying activity status".

The basis for this stance is outlined in Section 4.

The relief sought is outlined in Section 5.

4 BASIS OF SUBMISSION

4.1.1 One of the key philosophies of the RMA is the regulation of effects and not of specific activities themselves. In this sense, the direction of the RMA is to be an “enabling” Act that supports intervention only when the effects of proposed activities will be inappropriate. This means that District Plans should also be administered with the direction of the RMA in mind. The enactment of PC20 represents a move that will further deviate the Auckland Unitary Plan (Operative in Part) (AUP-OP) from the essence of the RMA as focusing on the management of effects to the management of activities. Under the current arrangement, Council has the full discretion to assess applications for typically non-rural activities to be established in the rural area and this includes the components of the s104D gateway test.

(a) the adverse effects of the activity on the environment will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of the relevant plan.

The fact that PC20 highlights examples of these applications that were successful as a driver of the plan change should not be viewed as a failing of the planning system but instead as examples of applications that were granted based on their merits and their ability to avoid, remedy or mitigate any adverse effects on the environment.

4.1.2 The s32 analysis refers to the status quo (Option 1) as not achieving the objectives of the Regional Policy Statement (RPS) of the AUP-OP. Under s104(b)(v), the consent authority “must, subject to Part 2 have regard to any relevant provisions of a regional policy statement or proposed regional policy statement”. Therefore, the analysis does not adequately explain how the objectives are not achieved given the current powers of the Council allow for the RPS to be appropriately addressed when assessing applications for Discretionary activities.

4.1.3 The s32 analysis identifies the risk of Option 1 as “more resource consents granted for activities not contemplated in the Rural zones”. This is an unsupported statement to make without evidence and cannot be said with any certainty. Applications for activities not anticipated in the Rural zones will still be subject to the full discretion of Council whom will have the power to either grant or decline the application based on its merits. The wide scope of assessing Discretionary activities as per s104 essentially canvases the components of both of the gateway tests. It appears that the Non-Complying activity status is more of an indicator that certain activities have not been anticipated for in the Rural zones. However, from a merits perspective, Council has adequate power to deal with applications that do not comply with the provisions of the District Plan and RPS without attempting to make the AUP-OP even more restrictive.

5 RELIEF SOUGHT & SUPPORTING RATIONALE

5.1 RELIEF SOUGHT

On behalf of Birch Surveyors Limited, the following decision from Auckland Council is sought:

113.2 | 5.1.1 Retention of Table H19.8.1 as-is with no inclusion of the proposed change regarding "activities not provided for" as a Non-Complying activity.

6 SUMMARY

Any opportunity to discuss this submission further with Council is welcomed.

Birch Surveyors Limited wish to be heard in support of this submission.

If others make a similar submission, Birch Surveyors Limited will consider presenting a joint case with them at a hearing.

Yours sincerely



Sir William Birch

Project Manager

RPSurv

FNZIS

Dear Sir/Madam,

My full name is Andrew James Keith.

My contact email is akh805@actrix.co.nz

I live in Takapuna

114.1 | I oppose the proposed plan change.

Rationale

It is my understanding that currently if an activity is not provided for in the Activity Tables for Rural zones, the default is that it is a “Discretionary” Activity.

As there are many activities that are not mentioned and in fact would, if they had been considered, likely be permitted activities, raising the bar to make all un-listed activities Non-Complying is a lazy approach to law and over-reach.

Regards,

Andrew Keith

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Radiata Properties Ltd

Organisation name: Radiata Properties Ltd

Agent's full name: Brian Putt Metro Planning Ltd

Email address: brian@metroplanning.co.nz

Contact phone number: 3033457

Postal address:
P O Box 4013 Shortland Street

Auckland 1140

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Proposed Plan Change 20 in its entirety

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

1. the proposed changes to the rules in Ch H19 are contrary to the Environment Court decision of Judge Smith in relation to the rural zones. 2. by making activities not provided for a non complying activity the AUP prevents good ideas and innovation occurring within the rural environment. 3. fundamentally this is an approach to land use planning which in contrary to the purpose of the RMA 1991 because it fails to promote the sustainable use of rural resources.

115.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Kirkwood Family Trust

Organisation name:

Agent's full name:

Email address: dennis.raniera@gmail.com

Contact phone number: 0274827168

Postal address:
78B Whatapaka Road
RD1
Papakura
Auckland 2580

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Change in Papakainga activity status from Discretionary to Non-complying on general rural land.

Property address: Lot64B1, Lot 64B2, Lot 64B3 Parish of Karaka.

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The Kirkwood Whanau have a long association with the land that this submission relates to. This land was left to us by our tupuna whose wishes were for us to have the right to establish ourselves on this whenua. Despite many hardships over the years, we have managed to retain the whenua because there is no other like it, we want to fulfill tupuna wishes by taking up our rightful place now and in future. We have no intention to sell the land. We may develop it but not in the traditional western development sense. We just want to live on it. Current regulations already make it difficult and costly for us. Plan change 20 will make it virtually impossible because papakainga will be entangled in the restrictive provisions making resource consent much more difficult to obtain - even if our activities were to manage the affects on the environment appropriately. This will happen because of the change of status for papakainga on general title land from discretionary to non-complying and; Amending the references to "residential" in a number of rural zone descriptions, objectives and policies to refer to

"dwellings". The Kirkwood whanau therefore: Decline PC20 proposed amendments but; Will support the plan if papakainga development on Maori lands in general title retain discretionary activity status in the rural zones. We also support the submission(s) from: Independent Maori Statutory Board and; Ngati Tamaoho Trust

116.1 | I or we seek the following decision by council: Accept the plan modification with amendments

116.2 | Details of amendments: That papakainga development on Maori lands in general title retain discretionary activity status in the rural zones.

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Dennis Kirkwood

Organisation name: Ngati Tamaoho Trust

Agent's full name:

Email address: dennis@tamaoho.maori.nz

Contact phone number: 0274827168

Postal address:
PO BOX 61 156
Otara
Auckland 2159

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Adding to the rural zone activity tables a rule that states that any activity not provided for in the AUP requires a resource consent as a non-complying activity and; amending references in the rural chapter to "residential buildings" to read "dwellings".

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Maori whanau who own land under general title should not be subjected to the provisions that this plan change will impose on them.

117.1 | I or we seek the following decision by council: Accept the plan modification with amendments

117.2 | Details of amendments: That papakainga development on lands in general title retain discretionary activity status in the rural zones.

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

THOMAS JAMES BENEDICT HOLLINGS

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

PO Box 104 016
AUCKLAND 0654

Telephone:

09 378 7001

Fax/Email:

tom@hrm.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number PC 20

Plan Change/Variation Name Rural Activity Status

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s) all PC20

Or Property Address

Or Map

Or Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

P1/3

The reasons for my views are:
see attached page 3

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below

Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

see attached page 3

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

T J Hollings
Signature of Submitter
(or person authorised to sign on behalf of submitter)

17/4/19
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could / could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

P 2/3

Plan Change 20 The reasons for our views are;

To require any "activity" in an Auckland Rural area that is not-provided for in the Plan to require a resource consent as non-complying would;

- add a large layer of, cost, restriction and/or delay (eg consultants & experts & hearings) plus of compliance and complexity
- be unnecessary and undesirable.
- Be especially inappropriate in the Waitakere Ranges and associated Rural areas which are already heavily over-regulated
- Further coerce residents to leave our area each morning, and adding to pollution and congestion is not smart thinking, but if development is made any more difficult this will exacerbate an already unsatisfactory situation.

We therefore submit that the plan change should not proceed as per Option 1 in the s32.

Our further comments against PC20 are;

It runs counter to the RMA that all "Activities" should have to get a consent

When the RMA was created the intent was that on land it would be an effects based law that managed adverse effects, not activities. Activities is too broad. Also presumption on land is things (activities and effects) are allowed unless specifically disallowed by specific plan rule. A presumption of not allowed is a marine concept in the RMA and as noted is the opposite of the intention for land. Only in the marine area (RMA s.12(3)) is an activity not allowed unless OK by a Rule in a Plan or by a Consent and even then the presumption is such in-nominate activities are Discretionary not Non-complying.

What activities to get Consent ie how decided ?

Presumably not all unlisted activities are intended to be made noncomplying eg smoking a cigarette in a Rural area without a noncomplying status resource consent. So a question is who/how is it to be defined whether an unspecified (non-provided for) activity will require a non-complying consent.

Consent status to be noncomplying

Noncomplying means that if to get a consent either the effects must;

- Either, be minor (undefined) and any compensating positive effects are not to be considered thus cutting off the RMA s5 third option of "mitigation" from effects being; avoided &/or remedied &/or mitigated,
- OR, not be contrary to the Ak Plan with its voluminous and complex requirements.

Existing use Rights

RMA s10 has Existing use rights, and RMA s20A(2)(c) may also apply however these expire if not exercised for 12 (or 6?) months and may soon require a noncomplying consent application etc., for a whole range of existing activities.

.....

118.1 | **We seek that the Plan Change 20 be Declined, or preferably dropped by AC.**

118.2 | **If Plan Change 20 is not Declined or dropped, we seek that;**

- **Currently Non-listed activities are made of Discretionary status**
- **That only the Activities on a definitive list, would be covered**
- **The nature and extent, eg by way of an explanatory note, of Existing use rights are defined.**

118.4

p3/3

FORM 5

**SUBMISSION ON NOTIFIED PROPOSAL FOR
POLICY STATEMENT OR PLAN, CHANGE OR VARIATION**

Clause 6 of Schedule 1, Resource Management Act 1991

To Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

Name **Independent Māori Statutory Board**

1. This is a submission on the following:

The Auckland Unitary Plan: Proposed Plan Change 20 – Rural Activity Status (“**the proposal**”)

2. The Independent Māori Statutory Board (the Board) could not gain an advantage in trade competition through this submission.

3. The specific provisions of the proposal that the Board submission relates to are:

- adding to the rural zone activity tables a rule that states that any activity not provided for in the Auckland Unitary Plan requires a resource consent as a non-complying activity; and
- amending references in the Rural Chapter to “residential buildings” to read “dwellings”.

4. The Board submission is:

This submission is concerned with how the proposal will impact on the establishment of Papakāinga by Mana Whenua on general title land in the Rural Zones.

More detail is provided below on the following:

- A. The Submitter – Independent Māori Statutory Board.
- B. The importance and locational constraints of Papakāinga.
- C. The provision for Papakāinga in Rural Zones in the Unitary Plan.
- D. The additional restriction the proposal will place on development of Papakāinga in rural zones.

A. THE SUBMITTER - INDEPENDENT MĀORI STATUTORY BOARD

Establishment and Role

The Board was constituted under the Local Government (Auckland Council) Act 2009 (“**Auckland Council Act**”).

The Independent Māori Statutory Board is an independent board comprising nine members; seven representatives of Mana Whenua of Tāmaki Makaurau and two representatives from Mataawaka of Tāmaki Makaurau. All nine members of the Board are selected by a committee comprising representatives from all Mana Whenua groups of Tāmaki Makaurau which is established by the Minister of Māori Affairs. The number of Mana Whenua groups which formed this committee was 19.

Purpose and functions of the Board

The purpose and functions of the Board are set out in Part 7 of the Auckland Council Act.

The purpose of the Board is to assist the Auckland Council to make decisions, perform functions and exercise powers by:

- (a) Promoting cultural, economic, environmental and social issues of significance for Mana Whenua groups and Mataawaka of Tāmaki Makaurau; and
- (b) Ensuring Council acts in accordance with statutory provisions referring to the Treaty of Waitangi.

The general functions of the Board are to:

- (a) Act in accordance with its purpose and functions;
- (b) Develop and maintain a schedule of cultural, economic, environmental and social issues for Mana Whenua groups and Mataawaka;
- (c) Advise Council on matters affecting Mana Whenua groups and Mataawaka; and
- (d) Work with Council on the design and execution of documents and processes to implement Council statutory responsibilities towards Mana Whenua groups and Mataawaka.

This function in (d) above is particularly relevant to the Auckland Unitary Plan and the proposal.

A specific function of the Board is to appoint a maximum of 2 persons to Auckland Council's committees that deal with the management and stewardship of natural and physical resources.

Relationship with Mana Whenua and Mataawaka

The Board promotes issues of significance for Mana Whenua and Mataawaka of Tāmaki Makaurau and ensures that Council acts in accordance with statutory provisions referring to the Treaty of Waitangi. The Board is independent from Auckland Council, Mana Whenua groups and Mataawaka of Tāmaki Makaurau.

The Board approach in the context of the proposal, and the Auckland Unitary Plan more generally, has been to promote matters of application to all Mana Whenua and Mataawaka. Many Mana Whenua groups will seek to promote matters of more specific importance to them (for example, geographic areas of particular importance) or provide more refined consideration where necessary.

B. THE IMPORTANCE AND LOCATIONAL CONSTRAINTS OF MANA WHENUA PAPA KĀINGA

Importance

Papakāinga have the potential to become a model for community/village development. Like marae, papakāinga are an important extension of who iwi are, where they come from and their aspirations for future development. Enhancing opportunities for existing papakāinga and establishing new papakāinga continue to be important matters for iwi. Papakāinga present an opportunity for an integrated approach to community or village development. This requires coordinated support mechanisms to integrate funding, health and education initiatives, and economic development

This is recognized in the current, and previous iterations of the Auckland Plan which include several provisions which recognise and seek to provide for the importance of papakāinga to Mana Whenua in Auckland.

Need for a Rural Location

For Mana Whenua, the definition of papakāinga is linked to their ancestral rohe as well as traditional Kāinga and Mana Whenua tūrangawaewae (ancestral lands).

There are numerous and different tikanga which dictate the appropriate location for a Mana Whenua papakāinga within their ancestral rohe¹, and collectively this tikanga often dictates:

- That papakāinga in Auckland will often require a location which does not fit comfortably with western planning ideals for where residential style activities should be located; and
- This location will often be rural and / or coastal.

The Need for Papakāinga to Locate on General Title Land

Land-loss and alienation (or confiscation) of productive Māori lands to the Crown and settlers, means only a very small percentage of Mana Whenua tūrangawaewae is in Mana Whenua ownership. Much of this remains under collective ownership and held pursuant to the Te Ture Whenua Māori Act 1993, however, historic circumstances also mean that some Mana Whenua tūrangawaewae owned by Mana Whenua is in general title.²

Some general title land has also been returned to iwi authorities through Te Tiriti o Waitangi settlements.

For these reasons it is important that the Unitary Plan contains a framework which facilitates the establishment of appropriately designed Mana Whenua papakāinga on Māori Land, Treaty Settlement land and general title land in the Auckland's rural areas.

C. PROVISION FOR PAKAKĀINGA IN THE RURAL ZONES IN THE UNITARY PLAN

RPS

The s32 report accompanying the proposal contains a summary of the Unitary Plan's Regional Policy Statement ("**RPS**") objective and policy direction for activities in the rural zones, including provisions which address:

- a) Rural Activities
- b) Land with High Productive Potential

¹ These could include for example:

- Orientation and connection to features important to the Mana Whenua groups such as maunga, awa, or the moana;
- Orientation towards the spiritual homeland of Hawaiiki (in some cases north, and in some this may be east);
- Orientation or connection to 'ara wairua' (spiritual pathways of the dead), and connection to any local ara wairua features (eg, toka or streams which are part of 'ara wairua');
- Connection to customary places and resources which the hapu have special affiliations with (eg, some hapū affiliate with the coast, eg 'nga papaka' and some affiliate to the bush);
- Location of any kaitiaki, or taniwha;
- Whether there was any ancestral kainga in the past and the desire to connect with the whenua of the ancestors;
- Adjoining or connecting to urupa;
- Connection to sites of historical events important to the whanau or hapū.

² This includes but is not limited to land converted from Māori freehold land title under the Māori Affairs Act 1967.

- c) Urban Growth & Form
- d) Residential Growth
- e) Commercial & Industrial Growth
- f) Rural & Coastal Towns and Villages

These are all relevant when considering land use in Auckland's rural areas. However, also of significance are the RPS Mana Whenua objectives and policies, particularly:

- The objective which seeks that Mana Whenua occupy, develop and use their land within their ancestral rohe;³ and
- The associated policy direction that:
 - Papakāinga, marae, Māori customary activities and commercial activities be provided for across urban and rural Auckland to support Māori economic, social and cultural well-being;⁴ and
 - enables the integration of mātauranga and tikanga in that development.⁵

It is important to note these RPS directions apply to ancestral lands whether they be Māori land or in general title. This contrasts for example with the RPS policy direction addressing development of papakāinga and marae in overlay areas (Significant Natural Areas / Outstanding Natural Features and Landscape etc.), which only applies to Māori Land (recognising the unique locational constraints which apply to Māori land).

It is also important to note that when the full suite of RPS provisions is considered, the establishment of Mana Whenua papakāinga in Auckland's rural zones sits comfortably with the Unitary Plan's RPS chapter.

District Plan Provision for Papakāinga on Māori Land and Treaty Settlement Land

The Unitary Plan includes a comprehensive and enabling planning framework for development of Mana Whenua papakāinga on Māori Land⁶ and Treaty Settlement Land⁷ in Auckland's rural zones.

³ Objective B.6.4.1(2).

⁴ Policy B.6.4.2(1).

⁵ Policy B.6.4.2(2).

⁶ **Māori Land** - Has the same meaning as section 129 of Te Ture Whenua Māori Act 1993.

⁷ **Treaty settlement land**

Property which is either:

- vested with claimant groups by the Crown as a result of Treaty settlement legislation and final deeds of settlement; or
- acquired by a claimant group from the Crown pursuant to a right of first refusal process provided that the properties were specifically identified by reference to site or title in Treaty settlement legislation enacted prior to the date on which the Unitary Plan became operative as Right of First Refusal land for that claimant group.

Includes:

- cultural redress properties;
- commercial redress properties including:
 - properties returned via deferred selection,

Key elements of that planning framework are:

- An objective that Mana Whenua have flexibility to use and develop this land in accordance with mātauranga and tikanga while ensuring appropriate health, safety and amenity standards are met.
- Policy direction to:
 - Provide for an appropriate character, scale, intensity and range of development on this land across Auckland, including in coastal areas and outside the Rural Urban Boundary;
 - Provide for a range of activities on this land, including dwellings for papakāinga, marae and associated facilities;
 - Avoid, remedy or mitigate adverse effects of development of this land on neighboring properties while recognising that the provisions facilitate a scale, intensity and range of activities that may not be anticipated in the zone of the site;
 - Provide for the integration of appropriate mātauranga and tikanga in determining the scale, intensity, range of activities, layout and location of development on this land;
 - Require appropriate provision for the treatment and disposal of stormwater, wastewater and the provision of water and electricity supply on this land – but to enable alternative approaches to site access and infrastructure provision where the occupation, use and development of Treaty settlement land is constrained by access or the availability of infrastructure.
- Permissive activity status for the establishment of multiple dwellings on a site.

However, this framework does not apply to Mana Whenua tūrangawaewae which is owned by Mana Whenua but in general title, and papakāinga on this land are subject to the normal Unitary Plan zone provisions.

-
- o properties transferred to other iwi, hapū or whānau entities associated or affiliated with the claimant group; and
 - o properties transferred to a company in which the claimant group holds a controlling interest.

Excludes:

- unspecified properties within geographic areas over which claimant groups have been awarded Right of First Refusal in Treaty settlement legislation;
- any properties over which claimant groups have been awarded Right of First Refusal in Treaty settlement legislation enacted after the date on which the Unitary Plan became operative;
- properties covered by Statutory Acknowledgement or Deed of Recognition but not owned by claimant groups;
- properties in which the claimant group, or an iwi, hapū or whānau entity associated or affiliated with the claimant group, no longer retains a legal freehold interest; • properties leased by the claimant group to an unrelated entity for a term which, including renewals, is or could be more than 35 years; and
- properties transferred to a company in which the claimant group has a minority interest.

District Plan Provision for Papakāinga on Māori Land in General Title

The development of papakāinga on Mana Whenua tūrangawaewae which is owned by Mana Whenua but in general title is subject to the normal Unitary Plan provisions for the rural zones.

Under those provisions papakāinga are not explicitly provided for, but:

- papakāinga is afforded discretionary activity status under the Chapter C “General Rules”, because papakāinga are an activity not provided for in Table H19.8.1; and
- there is no policy barrier to granting resource consent for a Mana Whenua papakāinga which appropriately manages its effects on the environment.

D. THE ADDITIONAL RESTRICTION THE PROPOSAL WILL PLACE ON DEVELOPMENT OF PAKAKĀINGA IN RURAL ZONES.

Papakāinga have not been identified as one of the activities of concern which the proposal is intended to prevent.

However, papakāinga will inadvertently be caught by the proposal’s more restrictive provisions, and the changes would make obtaining resource consent for a Mana Whenua papakāinga on general title land in the rural zone much more difficult and potentially impossible – even if the activity were to appropriately manage its effects on the environment.

This will occur via:

1. the proposal changing the activity status for Mana Whenua papakāinga on general title land from discretionary to non-complying.
2. the proposal amending references to “residential” in a number of rural zone descriptions, objectives and policies to refer to “dwellings”.

5. The Board seek the following decision from the local authority:

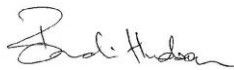
- 119.1 | ➤ That Plan Change 20 be deleted; or
- 119.2 | ➤ That Mana Whenua papakāinga development on ancestral lands in general title retain discretionary activity status in the rural zones; and
- 119.3 | ➤ That explicit policy provision be included which makes it clear that Mana Whenua papakāinga development on ancestral lands is contemplated in the rural zones, and is in keeping with the character and amenity values anticipated for the rural zones; and

- All necessary and consequential amendments, including any amendments to the provisions themselves or to other provisions linked to those provisions submitted on, and including any cross references in other chapters; and
- All further relief that is considered necessary to give effect to the concerns described in this submission.

6. The Board wish to be heard in support of its submission.

7. If others make a similar submission, the Board will consider presenting a joint case with them at a hearing.

Signature:



Brandi Hudson

Date: 17 April 2019

Electronic address for Service: Brandi.Hudson@imsb.maori.nz

Telephone: 021 818 301

Postal address (or alternative method of service under section 352 of the Act):

Independent Māori Statutory Board

Private Bag 92311

Auckland 1142

Contact person: Brandi Hudson

Note to person making submission

If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: KATHLEEN STEAD

Organisation name:

Agent's full name:

Email address: katwstead@gmail.com

Contact phone number: 0278108625 092924082

Postal address:

133 John Hill Road RD.3 Papakura 2583

Hunua

Auckland 2583

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

My submission relates to the meaning of being "rural" and all that encompasses the meaning of "rural". Since the sub-divisions of land we have seen an increase in flooding due to the change in the contour of land where once before the natural flow of water was able to get away more rapidly and now stays longer, water levels are rising higher and increasing further damage to property's. The once natural flows of flood waters in flood zones could get away. My family are the earliest settlers to Hunua and I have become increasingly aware the once iconic Hunua is no longer a place that can be called "rural" as land disappears and development takes over. The meaning of "rural" requires lands to be untouched by development and Hunua has become less "rural" and more for housing. The increasing housing is well out of touch with the character in a rural setting. I oppose any further land being sub-divided leading to further damage to other properties while the contour of lands change at a rapid pace without considering the effects it has on other people's properties. I understand the need for housing development to go somewhere, but Hunua is a retreat where people go to relax and take in the views of the native bush etc. As you drive through Hunua now all you see is houses that do not suit the meaning of "rural" and see "our rural" community becoming a housing development that it cannot cater for. As a child I was told of the fault line that runs beneath Cossey's dam and if it were to burst then the development that is rapidly being built along White Road/Falls Road and in the lower areas will be lost. My ancestors were pioneers in developing the lands for farming and connecting Hunua to Papakura cutting the Hunua Gorge which is still being used today. I feel the meaning of "rural" is being lost and so is the archaeological history of the lands and buildings that were built from pit sawn timber from the surrounding bush areas. The protection status of these have not been looked into as the history of Hunua is carved up by development and it cannot sustain sub-division as rapidly as the result of mixing town with rural does not mix. The meaning of "rural" should be protected and not be easy for the sub-division of land that has a history and a meaning behind it. Hunua stands for something and those that have passed have left a history and connection to the land and it should be remembered as the land wars in Hunua are part of the history and once you loose the status of "rural" and the meaning behind "being rural" a community cannot refer or identify themselves as being "rural".

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The meaning of rural means more to individuals, communities and the connection with lands has not been adequately addressed in my view

120.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Dale Badham

Organisation name:

Agent's full name:

Email address: naughtyporker@gmail.com

Contact phone number:

Postal address:
8 Prebble Place
Kohimarama
Auckland 1071

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

It will ensure that unintended uses like urban industrial activities and retirement villages cannot be established in rural zones unless a rigorous assessment process (via a resource consent application) is undertaken. This will reduce the potential for creating adverse effects such as the loss of rural character and amenity

Property address:

Map or maps:

Other provisions:

It amends the activity table for the rural zones so that any activity not specifically listed in the table becomes a non-complying activity.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The rule seems anti-expansionist. Ultimately there is only so much land available within city limits, to limit activities to urban areas may not be affordable for those running them; and provided their actions aren't unlawful they should be allowed to continue with them without costly council consents or intervention. Secondly; "It amends the activity table for the rural zones so that any activity not specifically listed in the table becomes a non-complying activity." This is far too black and white. Some activities may not be suitable in some areas but perfectly fine in others.

121.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Andrew and Hayley Duncan

Organisation name:

Agent's full name:

Email address: askandyduncan@gmail.com

Contact phone number: 0212405040

Postal address:
188 Forest Hill Road
Waiaatarua
Auckland 0612

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

The plan change aims to amend references in the Rural Chapter to "Residential Buildings" to read "Dwellings".

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

The current wording has been "Residential Building" for many years and is sufficient. It applies to buildings. Changing it to "Dwelling" could apply to tents, caravans, mobile homes etc, it's all too encompassing. Too many restrictions already apply to land/property owners in this area. The restrictions need lifting not increasing. We are very concerned Rate Payers who do not support this especially if it brings further cost to people on their own personal purchases.

122.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Leon Law

Organisation name:

Agent's full name:

Email address: ileonlaw@gmail.com

Contact phone number:

Postal address:

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Plan Change 20

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

These proposed changes will affect more than just the future building of residential developments on what is currently zoned rural land. It will also have a very negative effect on future sports or recreational facility proposals. Facilities such as race tracks and show grounds already cost vastly large sums of money in consent and construction, this plan change will push those cost even higher for no acceptable reason. These changes don't really appear to seek to stop this type of development, more so that they provide a justification to significantly increase the costs of consent for such projects. This reads that any family on rural land in the future who wish to assist newer generations of family to come in battling Aucklands current and future housing crisis, by offering affordable housing through the development of a communal or community type of housing arrangement on their land, would under the plan changes, be faced with exorbitant fees for consent, reducing or completely eliminating any chance of affordable housing to their extended family or friends.

123.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: John Tiongco

Organisation name:

Agent's full name:

Email address: john.tiongco@gmail.com

Contact phone number:

Postal address:
14 Pennygale Close
Flat Bush
Auckland 2016

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Property address: 297 Tuhirangi Road, Makarau

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The proposed changes are in violation of the Auckland City Council charter. If an activity is not provided for in the 'Activity Tables' for Rural zones the default thus becomes a 'Discretionary' activity. Given that there are many activities that are not mentioned, your raising the standards to make all unlisted activities 'non-complying' is a very indolent approach to the application of the law. This gives Auckland council far reaching powers that I am very uncomfortable with, e.g., if someone in a key position is personally opposed to an activity this bias can be applied to the detriment of the community.

124.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Gregory Harold Young

Organisation name:

Agent's full name:

Email address: young@youngs.net.nz

Contact phone number:

Postal address:
353b Gelling road
hunua
papakura 2583

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Property address: 353d Gelling Road Hunua

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Already significant restrictions on local land owners

125.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Paul Talyancich

Organisation name:

Agent's full name:

Email address: paul@talico.nz

Contact phone number: 0212464905

Postal address:
96 Forest Hill road
Henderson Waitakere
Auckland 0618

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Plan change 20 residential building to read dwellings and resource consent for any activity

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
I see no need for the proposed plan change in the area. Help in other more important issues within the area is needed such as homeless and illegal dumping of rubbish to name a few and other sections of the current unitary plan that needs to be changed and updated prior to this. I see it as a waste of rate payers funds were it can be spent in other more important areas.

126.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? Yes

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Mark Eisig

Organisation name:

Agent's full name:

Email address: markeisig@mac.com

Contact phone number:

Postal address:

P.O.Box 105
Clevedon
Auckland 2248

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

This submission opposes the plan change in its entirety. The reasons for this view are: Chapter A1.7.5 (Non-complying activity) lists a number of reasons where such an activity status is required. This includes where they are likely to have significant adverse effects on the existing environment or where the existing environment is regarded as delicate or vulnerable. In this case, not all rural areas are considered to be delicate or vulnerable and there are a number of activities not provided for in the rural zone (such as small-scale retail activities servicing the rural community) that could be established without significant adverse effects on the environment. It is therefore not appropriate to default all activities not provided for in the rural zone to a non-complying status. The section 32 report suggests that a discretionary activity status for activities not associated with rural production in rural zones is 'at odds' with the policy direction of the Regional Policy Statement (RPS) and District Plan objectives. In this case, the section 32 report fails to recognise a number of objectives and policies in the AUP that support the establishment of activities that are not necessarily associated with rural production in the rural zone. This includes the following objectives and policies: RPS Objective B9.2.1(3) "Rural production and other activities that support rural communities are enabled while the character, amenity, landscape and biodiversity values of rural areas, including within the coastal environment, are maintained." This objective is supported by the following policy: RPS Policy B9.2.2(1) "Enable a diverse range of activities while avoiding significant adverse effects on and urbanisation of rural areas, including within the coastal environment, and avoiding, remedying, or mitigating other adverse effects on rural character, amenity, landscape and biodiversity values." Objective H19.2.1(1) "Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions." The above objective and policies make it clear that activities which support rural communities, but are not necessarily associated with rural production, can be appropriate in the rural zone. While there are also objectives and policies that focus on the protection of elite soil and management of rural production land, there is an acknowledgment that non-productive activities can be supported, particularly where those activities maintain the values of the area and locate on land with low productive potential. A discretionary activity status for activities not provided for in the rural zone is appropriate and is further supported by

objective H19.2.5(3) which states: “The rural economy and the well-being of people and local communities are maintained or enhanced by social, cultural and economic non-residential activities, while the area’s rural character and amenity is maintained or enhanced.” It is also noted that in a number of local rural communities, there is insufficient land zoned or available for the development of residential and non-residential activities that support these areas. Simply defaulting activities not provided for to a non-complying status does not support the growth and well-being of rural communities where there is a need for services not already provided for in the AUP and where there is a lack of appropriate zoning around these settlements. This is also inconsistent with the abovementioned objectives and policies. In light of all of the above comments, the amendment sought to policy 19.2.4 is also inappropriate and invalid. Overall, the reasoning for the proposed changes are not justified and a non-complying status should not be generically applied across all rural zones, and in particular adjacent to rural settlements. Furthermore, the plan change is not supported by the abovementioned objectives and policies. On this basis, the plan change should be declined.

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

This submission opposes the plan change in its entirety. The reasons for this view are: Chapter A1.7.5 (Non-complying activity) lists a number of reasons where such an activity status is required. This includes where they are likely to have significant adverse effects on the existing environment or where the existing environment is regarded as delicate or vulnerable. In this case, not all rural areas are considered to be delicate or vulnerable and there are a number of activities not provided for in the rural zone (such as small-scale retail activities servicing the rural community) that could be established without significant adverse effects on the environment. It is therefore not appropriate to default all activities not provided for in the rural zone to a non-complying status. The section 32 report suggests that a discretionary activity status for activities not associated with rural production in rural zones is ‘at odds’ with the policy direction of the Regional Policy Statement (RPS) and District Plan objectives. In this case, the section 32 report fails to recognise a number of objectives and policies in the AUP that support the establishment of activities that are not necessarily associated with rural production in the rural zone. This includes the following objectives and policies: RPS Objective B9.2.1(3) “Rural production and other activities that support rural communities are enabled while the character, amenity, landscape and biodiversity values of rural areas, including within the coastal environment, are maintained.” This objective is supported by the following policy: RPS Policy B9.2.2(1) “Enable a diverse range of activities while avoiding significant adverse effects on and urbanisation of rural areas, including within the coastal environment, and avoiding, remedying, or mitigating other adverse effects on rural character, amenity, landscape and biodiversity values.” Objective H19.2.1(1) “Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.” The above objective and policies make it clear that activities which support rural communities, but are not necessarily associated with rural production, can be appropriate in the rural zone. While there are also objectives and policies that focus on the protection of elite soil and management of rural production land, there is an acknowledgment that non-productive activities can be supported, particularly where those activities maintain the values of the area and locate on land with low productive potential. A discretionary activity status for activities not provided for in the rural zone is appropriate and is further supported by objective H19.2.5(3) which states: “The rural economy and the well-being of people and local communities are maintained or enhanced by social, cultural and economic non-residential activities, while the area’s rural character and amenity is maintained or enhanced.” It is also noted that in a number of local rural communities, there is insufficient land zoned or available for the development of residential and non-residential activities that support these areas. Simply defaulting activities not provided for to a non-complying status does not support the growth and well-being of rural

communities where there is a need for services not already provided for in the AUP and where there is a lack of appropriate zoning around these settlements. This is also inconsistent with the abovementioned objectives and policies. In light of all of the above comments, the amendment sought to policy 19.2.4 is also inappropriate and invalid. Overall, the reasoning for the proposed changes are not justified and a non-complying status should not be generically applied across all rural zones, and in particular adjacent to rural settlements. Furthermore, the plan change is not supported by the abovementioned objectives and policies. On this basis, the plan change should be declined.

127.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Paulette Talijancich

Organisation name:

Agent's full name: paulette talijancich

Email address: paulettegt@hotmail.com

Contact phone number: 098385627

Postal address:
96 Foresthill road henderson waitakere
auckland
auckland 0612

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
proposed plan change 20 rural activitys

Property address:

Map or maps:

Other provisions:
I oppose this change to this the plan and believe funds can be spent better in other areas. I want residential buildings to remain the same and no need for resource consents for activity's.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
I see no need to change and infringing human rights, this money can be spent in more important areas.

128.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Graeme John Nicolson

Organisation name: Kaki and Grove Family Trust Partnership

Agent's full name: Graeme Nicolson

Email address: nicolson_tribe@xtra.co.nz

Contact phone number: 0274333114

Postal address:
77 Barrett Road
RD 3
Albany
Auckland 0793

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

The whole thing. We are a persimmon orchard, been operating in excess of 30 years. We use to be rated rural 1 and our agricultural business was allowed under this rating system. Our rating system was changed by the council and now we seem to not comply with the new rules???

Property address: 77 Barrett Road

Map or maps: 77 Barrett Road

Other provisions:

Any changes to our previous Rural 1 rating system.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

We want to continue to operate our agricultural business as we have done for the past 17 years.

129.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Chelsea Barbra Tarati

Organisation name:

Agent's full name:

Email address: chelsea_paki@hotmail.com

Contact phone number: 09 814 9694

Postal address:

Waiatarua
Waitakere 0612

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

PC20 Rural Chapter. Proposal to change wording from 'residential buildings' to 'dwellings'.

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The change to the word 'dwelling' can easily apply to caravans, mobile homes and tents, and therefore I do not agree with this change.

130.1 | I or we seek the following decision by council: Amend the plan modification if it is not declined

130.2 | Details of amendments: Exemption for caravans, mobile homes, and tents.

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Lilian May Douglas

Organisation name:

Agent's full name:

Email address: lil.douglas@hotmail.com

Contact phone number:

Postal address:

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

PC20: Rural Activity Status

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Why change something that has worked well, and still works well. If it's not broken why fix it?

131.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Jennifer Brewerton

Organisation name:

Agent's full name:

Email address: jenb.nz@hotmail.co.nz

Contact phone number:

Postal address:
940 Paparimu Road
Rd1 Pokeno
Auckland 2471

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Plan Change 20

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

There is a bulk haulage company operating 14 Kenworths across from our farm on Paparimu Road. One of their trucks has already written off our family car due to inadequate road conditions. Our rural infrastructure needs attention well before consideration is given to supporting this proposal

132.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Lorenzo Jay Marari Tarati

Organisation name:

Agent's full name:

Email address: tarati.lorenzo@gmail.com

Contact phone number:

Postal address:

Waiaatarua
Henderson 0612

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Word change to dwelling

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The dictionary states a dwelling as meaning a place of residence, including a mobile home and livable trailer. Your proposal is too general by using the word dwelling. And so I oppose the change.

133.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Olivia Troost

Organisation name:

Agent's full name:

Email address: olivia_troost@yahoo.de

Contact phone number:

Postal address:
106 Sowerby Heights
Hunua RD3
Papakura 2583

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Plan change 20

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

This change will basically make many activities we might want to carry out in our rural area & on life style blocks a non-complying activity & will require resource consent which is very costly and time consuming Apparently all survey companies & their professiorestrictive & make dealing with council even more costly & cumbersome

134.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Christopher Brian Alexander

Organisation name:

Agent's full name:

Email address: chris@stech.co.nz

Contact phone number:

Postal address:
238 Irwin rd
Karakā
Auckland 2679

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
A

Property address: A

Map or maps: A

Other provisions:
A

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
Resource consent is a money grabbing campaign. A waste of time and penalises hard working New Zealanders

135.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Hamish David Bell

Organisation name:

Agent's full name:

Email address: hamish.bell@think.org.nz

Contact phone number:

Postal address:
39 McMurray Rd
RD4 Papakura
Auckland 2584

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Property address: 39 McMurray Rd, Hunua

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

This change will make many activities we might want to carry out in our rural area & on life style blocks a non-complying activity & will require resource consent & notification.

136.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Yiping Lin

Organisation name:

Agent's full name:

Email address: joewei9281@hotmail.com

Contact phone number:

Postal address:
11 Vazey Way
Hobsonville
Auckland 0618

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Rules

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

This will affect the housing market it will lead to shortage in demand which might lead to increase in house price, it will make the house become unaffordable.

137.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Fangqin Wang and Cheng You

Organisation name:

Agent's full name:

Email address:

Contact phone number:

Postal address:
21 Hughs Way
Flatbush
Auckland 2019

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

1. Add to the rural zone activity tables a rule that any activity not provided for Auckland Unitary Plan requires a resource consent as a non-complying activity ;and 2.amend references in the Rural Chapter to "residential buildings" to "dwelling"

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

This prosped plan modification will limit the house supply in the future, which may cause huge increase in the house price.

138.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Samuel Roger Williams

Organisation name:

Agent's full name:

Email address: sam@nzwilliams.net

Contact phone number:

Postal address:
224a Sinclair Road
RD3 Drury
Auckland 2579

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Plan Change 20. Rural activity status.

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

Rural activities are by their nature wide and varied. Having a "catch all" clause to make any activity not specifically listed, a non-complying activity far overreaches the authority of the council and will result in bureaucratic nightmares for people wanting to perform normal rural activities on their properties. The Auckland unitary plan was extensively consulted on during its development and there was plenty of opportunity for this change to have been proposed at that time. Therefore it is not appropriate to try to change it now.

139.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 17 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Mr Joe Gock

Organisation name:

Agent's full name: Alan Webb

Email address: webb@quaychambers.co.nz

Contact phone number: 021629964

Postal address:

webb@quaychambers.co.nz

Auckland City

Auckland 1010

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Plan Change 20 in its entirety

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

the proposed rules in ch 19 are contrary to the decision of Environment Court recently settling rural subdivision proceedings the non complying status is contrary to the objectives and policies of the chapter and the unitary plan generally the plan change approach does not achieve the sustainable purpose of the resource management act and is contrary to the provisions of that act the s32 analysis does not correctly identify this approach as the best option for this zone the proposed provisions are onerous and unduly restrictive

140.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Chris Young

Organisation name:

Agent's full name: Chris Young

Email address: retro1@slingshot.co.nz

Contact phone number: 0211516507

Postal address:
44a toroa street torbay
North shore
Auckland 0630

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Property address:

Map or maps:

Other provisions:

Any provision in the plan changes impacting on my ability to build structures such as animal shelters, equipment sheds and second dwellings.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

My concerns as an owner of a 16 acre block is whether the changes will effect my ability to: Build a small second dwelling to live in while i build the main dwelling on the property. Effect my ability to build structures such as animal shelters and impliment sheds on my property. Yours sincerely Chris young

141.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Ian Albert Bailey and Leigh Mary Bailey

Organisation name:

Agent's full name:

Email address: ilbaileynz@gmail.com

Contact phone number:

Postal address:
144 markham Rd
R.D.3 Drury
Auckland 2579

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

It amends the activity table for the rural zones so that any activity not specifically listed in the table becomes a non-complying activity. It also amends the reference to "residential activities" in specific rural policies and zone descriptions to "dwellings".

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The intent and wording of the proposal is too general and not well thought through. If there are issues identified, such as retirement villages or industrial activities, they should be dealt with specifically. There is the real potential for the plan as written to impact severely on rural activities and the enjoyment and freedoms of rural dwellers.

I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Jacqueline

Organisation name:

Agent's full name: Jacqueline Suzanne Julian

Email address: jackie@julian.kiwi

Contact phone number: 0275448664

Postal address:
62 Batkin Rd Hunua RD4
Papakura
Auckland 2584

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Plan Change 20 - Rural Activity Status

Property address: 62 Batkin Rd Hunua

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

This submission opposes the plan change in its entirety. The reasons for this view are: Chapter A1.7.5 (Non-complying activity) lists a number of reasons where such an activity status is required. This includes where they are likely to have significant adverse effects on the existing environment or where the existing environment is regarded as delicate or vulnerable. In this case, not all rural areas are considered to be delicate or vulnerable and there are a number of activities not provided for in the rural zone (such as small-scale retail activities servicing the rural community) that could be established without significant adverse effects on the environment. It is therefore not appropriate to default all activities not provided for in the rural zone to a non-complying status. The section 32 report suggests that a discretionary activity status for activities not associated with rural production in rural zones is 'at odds' with the policy direction of the Regional Policy Statement (RPS) and District Plan objectives. In this case, the section 32 report fails to recognise a number of objectives and policies in the AUP that support the establishment of activities that are not necessarily associated with rural

production in the rural zone. This includes the following objectives and policies: RPS Objective B9.2.1(3) "Rural production and other activities that support rural communities are enabled while the character, amenity, landscape and biodiversity values of rural areas, including within the coastal environment, are maintained." This objective is supported by the following policy: RPS Policy B9.2.2(1) "Enable a diverse range of activities while avoiding significant adverse effects on and urbanisation of rural areas, including within the coastal environment, and avoiding, remedying, or mitigating other adverse effects on rural character, amenity, landscape and biodiversity values." Objective H19.2.1(1) "Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions." The above objective and policies make it clear that activities which support rural communities, but are not necessarily associated with rural production, can be appropriate in the rural zone. While there are also objectives and policies that focus on the protection of elite soil and management of rural production land, there is an acknowledgment that non-productive activities can be supported, particularly where those activities maintain the values of the area and locate on land with low productive potential. A discretionary activity status for activities not provided for in the rural zone is appropriate and is further supported by objective H19.2.5(3) which states: "The rural economy and the well-being of people and local communities are maintained or enhanced by social, cultural and economic non-residential activities, while the area's rural character and amenity is maintained or enhanced." It is also noted that in a number of local rural communities, there is insufficient land zoned or available for the development of residential and non-residential activities that support these areas. Simply defaulting activities not provided for to a non-complying status does not support the growth and well-being of rural communities where there is a need for services not already provided for in the AUP and where there is a lack of appropriate zoning around these settlements. This is also inconsistent with the abovementioned objectives and policies. In light of all of the above comments, the amendment sought to policy 19.2.4 is also inappropriate and invalid. Overall, the reasoning for the proposed changes are not justified and a non-complying status should not be generically applied across all rural zones, and in particular adjacent to rural settlements. Furthermore, the plan change is not supported by the abovementioned objectives and policies. On this basis, the plan change should be declined.

143.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Barry Graham Hinton

Organisation name:

Agent's full name: Johanna Hinton

Email address: johannahinton@gmail.com

Contact phone number: (09)810 9977

Postal address:

johannahinton@gmail.com

Waitakere

Auckland

Waitakere

Auckland 0816

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

plan change 19 [any activity not provided for in the A.U.P requires a resource consent as a non complying activity. Amending references in the Rural Chapter to "residential buildings" to read "dwellings"

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

28 days is not enough time to asses all the implications of these changes ,Council has been working on this for many months [consulted iwi mid 20018] and we have to wade through trying to find relevant information in between our full time jobs and commitments. But previous experience has proven we will lose rites and/or gain excessive costs[RESOURCE CONSENT]

144.1 | I or we seek the following decision by council: Amend the plan modification if it is not declined

Details of amendments: To be advised

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Stephen Rex Forrest

Organisation name:

Agent's full name: 100 Middleton Road, Hunua, AUckland 2583

Email address: stephen@esvin.co.nz

Contact phone number:

Postal address:
100 Middleton Road
Hunua
AUckland 2583
Hunua
Auckland 2583

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Plan Change 20

Property address: 100 Middleton Road Hunua, Auckland 2583

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

They provisions are onerous and in practical terms it means consents may be required that were not previously required. this is intrusive, expensive and unnecessary

145.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Michael John Phillilps

Organisation name:

Agent's full name:

Email address: mariaandmikep@gmail.com

Contact phone number:

Postal address:
643 Woodcocks Road
RD1
Warkworth 0981

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Rural activity status

Property address: 643 Woodcocks Road Warkworth

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Called Rural production but you can't generalise an entire region. Each property should be assessed on its own merits to determine if its productive or not. If a council wants to uphold rural character, again each property needs to be assessed as complying or non-complying activities could either enhance or detract from the character depending on the design. The size of the property does not determine productivity again individual assessment needs to be undertaken to consider layout, existing property features, gradients, etc. e.g. residential housing, for example my property at 643 Woodcocks Road, Warkworth should not be considered Rural Production Zone. This property size is not productive in today's economy, no viable rural activities could be undertaken, needs unrealistic financial investment versus the cost of the land in order to achieve returns. It is worth noting many of the surrounding properties are residential (as are many rural properties). My property is under joint family ownership this is often due to significant investment involved when these properties are first obtained. There needs to be some provision under certain circumstances (retirement clause rest

home requirement) for property division to occur to allow for division of the asset in most cases this is the only assets all parties own and will create financial hardship if certain provisions aren't considered when a property is no longer productive. How the plan is intended to work is not dissimilar to driving your car down a street of shops & determining by size which ones are making money. If the council insists on determining a properties future productivity, the council should provide a full report of potential uses, costs to implement and without this no-one can determine potential productivity.

146.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Gerard Piaggi

Organisation name:

Agent's full name:

Email address: gerardpiaggi@gmail.com

Contact phone number:

Postal address:

49 Gelling road Ararimu

2583

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Rural activity status

Property address: 49 Gelling road

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

This plan change only adds time and costs to property owners and in no way improves the rural living zone.

147.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Mr Kent Baigent

Organisation name:

Agent's full name: Mr Julian Dawson

Email address: julian@rmalawyer.co.nz

Contact phone number: 0274200223

Postal address:
PO Box 531

Whangarei 0140

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
The entirety of Plan Change 20

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
As attached

I or we seek the following decision by council: Amend the plan modification if it is not declined

Details of amendments: As attached

Submission date: 18 April 2019

Supporting documents
Kent Baigent - Submission PC20 (final).pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

To: AUCKLAND COUNCIL

Name of submitter: MR KENT BAIGENT

This is a submission on: PROPOSED PLAN CHANGE 20 (RURAL ACTIVITY STATUS) TO THE AUCKLAND UNITARY PLAN (“ **PC20** ”):

1. I could NOT gain an advantage in trade competition through this submission.
2. **The specific provisions of the proposal that my submission relates to are** the entirety of PC20.
3. **My submission is that I OPPOSE PC20:**
4. **The reasons for my submission are:**
 - 4.1 PC20 places an unnecessary and inappropriate restriction on non-rural activities within the Rural Zones of the Unitary Plan.
 - 4.2 Activities that are not specifically provided for within the Rural Zones of the Unitary Plan should be evaluated on their merits without a presumption that they are inappropriate, or should not be consented, by a non-complying status.
 - 4.3 A non-complying status for activities not specifically provided for, imposes a gateway to consent (under s104D of the Act) that is not necessary to manage and protect the rural resource.
 - 4.4 Removal of reference to “residential activities” and instead to “dwellings” fails to recognise that there a range of residential related activities and buildings, that are complimentary, and ancillary to dwellings, which should be provided for within the Rural Zones. These include such things as sheds, storage buildings, out buildings, tennis courts, paved areas, swimming pools, helipads, and the like which routinely accompany “dwellings” and which are necessary and expected. However, PC20 introduces a significant limitation in recognising that only dwellings should be recognised, and provided for.
 - 4.5 Recognition, and protection, of elite soils and prime soils that are important to rural production activities will be achieved by the current objectives and policies of the

rural zones (for example H19.2.1(2), (3) and (4); H19.2.2(1),(2),(3),(4),(5),(7); H19.2.4(1),(2); H19.2.5), such that a non-complying status is not necessary or justified. In fact, these concerns feature clearly, and strongly in the existing provisions.

- 4.6 Recognition of coastal and rural character, including cumulative adverse effects, and non-residential activities are properly and appropriately recognised by the current objectives and policies of the rural zones (for example, H19.2.2(1),(5),(6); H19.2.4(1), (2); H19.2.5(2); H19.4.2(1)-(3); H19.4.3(1); H19.5.2(1), (2),(3),(5)(6); H19.5.3(1), (5)). Indeed, the current provisions and policy framework, strongly recognise these issues.
- 4.7 Some residential activities, that a more than a single dwelling, could be appropriate in rural areas, and may, in fact, provide a greater amenity in these locations.
- 4.8 The section 32 assessment references specific concerns from resource consent outcomes (Section 2 -Clause 3) such as additional dwellings, minor household units, minor dwellings and aged care facilities at Kumeu and Riverhead. Other specific examples are given. It is not clear, why if these examples were consented on their merits, an Auckland Wide non-complying status for all activities not specifically provided for in the rural zones, together with limiting residential activities to only “dwellings” is now justified. That appears, to be an over reach.
- 4.9 The section 32 assessment does not consider the option of dealing more specifically with activities, that may have a residential flavour (such as retirement villages), but which are commercial in nature. In other words, there is no consideration of a more refined approach to the specific concerns highlighted; instead a throw the “baby out with the bathwater” approach is favoured. Restricting “residential activities” now to only dwellings, may itself result in a perverse outcome not anticipated.
- 4.10 The resource consent outcomes cited are specific examples. With a refined and careful consideration, the provisions of the Unitary Plan could be tweaked to provide a clearer policy direction. However, reverting to a non-complying status is an over-reaction. Limiting residential activity to only dwellings, unreasonably, and inappropriately curtails elements and facilities that are routinely considered necessary and integral to a dwelling.

5. I seek the following decision from the local authority:

148.1

5.1 Plan Change 20 be declined in its entirety; or alternatively

148.2

5.2 that it be amended to address only the specific resource consent outcomes of concern relied on in the section 32 assessment at Section 2, Clause 3.

6. I wish to be heard in support of my submission.

A handwritten signature in blue ink, appearing to read 'J.C. Dawson'.

For and on behalf of Mr Kent Baigent

J.C Dawson – Barrister

Dated: 18th April 2019

Electronic address for service of submitter:

Mr Kent Baigent

c/ Mr Julian Dawson - Barrister

Telephone: (0274) 200 223

Postal address: PO Box 531

Whangarei 0140

Email: julian@rmalawyer.co.nz

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: The University of Auckland

Organisation name: The University of Auckland

Agent's full name: Barker & Associates - Mary Wong

Email address: maryw@barker.co.nz

Contact phone number: 021 0310291

Postal address:
PO Box 1986
Shortland Street
Auckland
Auckland 1140

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Refer attachment

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Refer attachment

I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Supporting documents
AUP_PC20_Submission_University of Auckland_April 2019_Final.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission

Auckland Council Plan Change 20



Urban & Environmental

Submission on Proposed Plan Change 20 to the Auckland Unitary Plan (Operative in Part)

The University of Auckland – Chapter H19 Rural Zone Activity Status

Clause 6 of Schedule 1, Resource Management Act 1991 (Form 5)

To: **Auckland Council**

1. SUBMITTER DETAILS

Name of Submitter: **The University of Auckland (the University)**

This is a submission on Proposed Plan Change 20 to the Auckland Unitary Plan – Operative in Part (AUP).

The University could not gain an advantage in trade competition through this submission.

The University is directly affected by effects of the subject matter of the submission that:

- a) Adversely affect the environment; and
- b) Do not relate to trade competition or the effects of trade competition.

2. SCOPE OF SUBMISSION

The specific aspects and provisions of Proposed Plan Change 20 that this submission relates to are:

- a) Table H19.8.1 Activity Table – use and development [rp/dp]; and
- b) H19.8.1(AA1) – Activities not provided for in the Rural zone as a non-complying activity.

3. SUBMISSION

3.1 Introduction

The University of Auckland is New Zealand's largest university, with over 41,000 students and more than 6,000 staff. The contribution to New Zealand's economy generated by the University has been estimated at over \$NZ6 billion per annum. The University has significant investment in land and buildings in Auckland and is part way through a billion dollar redevelopment programme. Buildings, plant and infrastructure are valued at \$3.2 billion.

The University carries out its activities and has extensive property holdings through the wider Auckland region. It manages, maintains and develops its property holdings with reference to a long term strategic plan – *The University of Auckland Strategic Plan 2013-2020*. This strategic plan includes objectives which are designed to address the changing demands of the tertiary education sector, which require efficient use of buildings and the

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ability to make the necessary changes to buildings, structures and campus layouts over time to respond to new technologies and teaching practices.

Within the Auckland Council boundaries, the University has campuses in the City, Grafton, Newmarket, Epsom, Ardmore, Waiheke and its “Marine Campus” at the Leigh Marine Laboratory. It also provides and maintains facilities, including student accommodation, on land and buildings in other parts of the city. In the rural setting of the University’s landholdings, activities undertaken are usually activities accessory to tertiary education facilities which include scientific research and outdoor experimental projects for education purposes.

The University submits on one aspect of proposed Plan Change 20 that affects its activities.

3.2 Chapter H: Zones – H19 Rural Zone –, Table H19.8.1 Activity Table – use and development [rp/dp]

3.2.1 Oppose

The University opposes the proposed change to Table H19.8.1 to introduce standard (AA1) “Activities not provided for” as a non-complying activity across all Rural zones under Proposed Plan Change 20.

3.2.2 Reasons

Activities not provided for in the Rural Zone currently requires discretionary activity pursuant to standard C1.7(1) in the AUP. This discretionary activity status appropriately provides Council full discretion to assess any actual and potential adverse effects of an activity proposed in the Rural Zone, and section 104 of the Resource Management Act 1991 (Act) also requires consideration of the proposal against the relevant objectives and policies of the Plan.

“Education facilities” are provided for in the Rural zones as a non-complying activity in the Rural Conservation Zone, and as a discretionary activity in all other Rural zones. This specific provision of education facilities in the Rural zone activity table provides indication that such education related facilities (and ancillary activities) may be appropriate in the Rural zones but a full consideration of adverse effects and assessment against the matters in section 104 of the Act is required. However, the definition of “Education facility” under Chapter J1 Definitions only includes education facilities to the secondary level and specifically excludes tertiary education facilities.

The approach to discretionary status in standard C1.7(1) in the AUP applies throughout the AUP and is consistent with section 87B(1)(b) of the Act requires a resource consent to be obtained for a discretionary activity but the Plan does not classify the activity as a controlled, restricted discretionary or non-complying activity.

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The proposed introduction of standard H19.8.1(AA1) to the Rural zone activity table will be contrary to the Independent Hearing Panel (IHP) recommendation and reasons on “Activities not provided for”.¹ The IHP concluded that the scope for evaluation and consideration of a discretionary activity under section 104B of the Act provides sufficient breadth of control in such circumstances to enable any novel or unforeseen proposal to be considered on its merits in terms of its effects on the environment and having regard to any objectives and policies. In addition, the IHP specifically rejected the proposition that activities not provided for should be a non-complying activity because it considered that such an approach would create unnecessary difficulties when assessing applications for truly novel or unforeseen proposals under section 104D of the Act. These recommendations of the IHP were accepted by the Council and no recommendations by the IHP on this matter were rejected by the Council.

The Council proposed change is opposed as it would be inconsistent with the approach taken throughout the AUP and in the Act, and would lead to unintended consequences.

4. DECISIONS SOUGHT

The University seeks the following relief from Auckland Council (or other relief or other consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission):

- 149.1 | a) Withdrawal of the proposed change to introduce standard (AA1) “Activities not provided for” as a non-complying activity in table H19.8.1 in its current form, or a similar change that addresses the submission.
- 149.2 | b) Any such further or consequential changes necessary or appropriate to address the concerns expressed in this submission.

The University wishes to be heard in support of this submission.

If others make a similar submission the University will consider presenting a joint case with them at the hearing.

Date: 18 April 2019

 Karl Cook / Mary Wong, Barker & Associates Ltd
 (Persons authorised to sign on behalf of submitter)

¹Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council Hearing Topic 004, General Rules, July 2016.

Submission

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5. ADDRESS FOR SERVICE

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The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Pipers Limited Partnership

Organisation name: Pipers Limited Partnership

Agent's full name: Barker & Associates - Mary Wong

Email address: maryw@barker.co.nz

Contact phone number: 021 0310291

Postal address:
PO Box 1986
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Auckland
Auckland 1140

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Refer attachment

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Refer attachment

150.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Supporting documents
AUP_PC20_Submission_Pipers Limited Partnership_April 2019.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission

Auckland Council Plan Change 20



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Submission on Proposed Plan Change 20 to the Auckland Unitary Plan (Operative in Part)

Pipers Limited Partnership – Chapter H19 Rural Zone Activity Status

Clause 6 of Schedule 1, Resource Management Act 1991 (Form 5)

To: **Auckland Council**

1. SUBMITTER DETAILS

Name of Submitter: **Pipers Limited Partnership (“the submitter”)**

This is a submission on Proposed Plan Change 20 to the Auckland Unitary Plan – Operative in Part.

The submitter could not gain an advantage in trade competition through this submission.

The submitter is directly affected by effects of the subject matter of the submission that:

- a) Adversely affect the environment; and
- b) Do not relate to trade competition or the effects of trade competition.

2. SCOPE OF SUBMISSION

The specific aspects and provisions of Proposed Plan Change 20 that this submission relates to are:

- a) Table H19.8.1 Activity Table – use and development [rp/dp];
- b) H19.8.1(AA1) – Activities not provided for in the Rural zone as a non-complying activity.
- c) Amend references in the Rural Chapter from residential “buildings” to read residential “dwellings”.

3. SUBMISSION

3.1 Chapter H: Zones – H19 Rural Zone –, Table H19.8.1 Activity Table – use and development [rp/dp]

3.2.1 Oppose

The submitter opposes the proposed change to Table H19.8.1 to introduce standard (AA1) “Activities not provided for” as a non-complying activity across all Rural zones under Proposed Plan Change 20.

3.2.2 Reasons

Activities not provided for in the Rural Zone currently requires discretionary activity pursuant to standard C1.7(1) in the AUP. This discretionary activity status appropriately provides Council full discretion to assess any actual and potential adverse effects of an activity proposed in the Rural Zone, and section 104 of the Resource Management Act 1991 (Act) also requires consideration of the proposal against the relevant objectives and policies of the Plan.

The approach to discretionary status in standard C1.7(1) in the AUP applies throughout the AUP and is consistent with section 87B(1)(b) of the Act requires a resource consent to be obtained for a discretionary activity but the Plan does not classify the activity as a controlled, restricted discretionary or non-complying activity.

The proposed introduction of standard H19.8.1(AA1) to the Rural zone activity table will be contrary to the Independent Hearing Panel (IHP) recommendation and reasons on “Activities not provided for”.¹ The IHP concluded that the scope for evaluation and consideration of a discretionary activity under section 104B of the Act provides sufficient breadth of control in such circumstances to enable any novel or unforeseen proposal to be considered on its merits in terms of its effects on the environment and having regard to any objectives and policies. In addition, the IHP specifically rejected the proposition that activities not provided for should be a non-complying activity because it considered that such an approach would create unnecessary difficulties when assessing applications for truly novel or unforeseen proposals under section 104D of the Act. These recommendations of the IHP were accepted by the Council and no recommendations by the IHP on this matter were rejected by the Council.

The Council proposed change is opposed as it would be inconsistent with the approach taken throughout the AUP and in the Act, and would lead to unintended consequences.

4 Amend references in the Rural Chapter from residential “buildings” to read residential “dwellings”

4.2.1 Oppose

The submitter opposes the proposed change to replace the word residential “buildings” with “dwellings” and seeks withdraw of the proposed change.

4.2.2 Reasons

The objectives for all Rural zones clearly contemplate that rural zoned areas as places for people to live and a range of activities and services are enabled to support these functions.

¹Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council Hearing Topic 004, General Rules, July 2016.

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Rural “lifestyle development” is also an anticipated outcome where it avoids the fragmentation of productive land.

The proposed change by Council purports that “dwellings” is the only appropriate form of residential accommodation in Rural zones which, in our view, is in tension with the overarching Rural zone objectives which seek to provide places for people to live that include “lifestyle developments”.

“Lifestyle developments” in Rural zones can take shape in more than just dwellings. Other forms of buildings accommodating residential activities, such as those listed in the residential nesting table J1.3.5, could also establish in a rural environment where it can be demonstrated that the design and external appearance of those buildings maintain or enhance the rural character and amenity values of the particular area. This is consistent with the Environment Court’s conclusion² where the Court ruled that “rural lifestyle developments” refers not to just rural residential dwellings.

For example, the section 32 report suggests that “visitor accommodation” as a form of residential activity included in the residential nesting table J1.3.5 is an inappropriate resource consent outcome for Rural zones. However, it is noted that “visitor accommodation” is specifically provided under standard H19.8.1(A34) of the Rural Zone activity table as restricted discretionary, discretionary and non-complying activities depending on the specific rural zone. In our view, this signals that “visitor accommodation” as a form of residential development can be accommodated in the Rural zones where it can be demonstrated that it satisfies the relevant statutory tests and considerations under section 104 of the Resource Management Act (the “Act”) 1991. As such, the Council’s proposed change from residential “buildings” to residential “dwellings” would be inappropriate.

The Council’s proposed change represents a significant policy shift which discourages other forms of residential developments in rural zones. The Council proposed change is opposed as it would be inconsistent with the objectives and anticipated outcomes for the Rural zones and lead to unintended consequences.

5. RELIEF SOUGHT

The submitter seeks the following relief from Auckland Council (or other relief or other consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission):

150.2

- a) Table H19.8.1 - Withdrawal of the proposed change and retain table H19.8.1 in its current form, or a similar change that addresses the submission.

² Kumeu Property Limited and Auckland Council, ENV-2017-AKL-44, Decision No. {2018} NZEnnC 27, paragraph 46.

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Auckland Council Plan Change 20

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- 150.3 | b) Withdraw of the proposed amendments in the Rural Chapter referring to residential “buildings” to residential “dwellings”, or a similar change that addresses the submission.
- 150.4 | c) Any such further or consequential changes necessary or appropriate to address the concerns expressed in this submission.

The submitter wishes to be heard in support of this submission.

If others make a similar submission the submitter will consider presenting a joint case with them at the hearing.



Date: 18 April 2019

 Nick Roberts / Mary Wong, Barker & Associates Ltd
 (Persons authorised to sign on behalf of submitter)

5. ADDRESS FOR SERVICE

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