

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: The Gibbs Foundation

Organisation name: The Gibbs Foundation

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

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

Submission date: 18 April 2019

Supporting documents
AUP PC20 Submission_Gibbs Farm_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 Gibbs Foundation – 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 Gibbs Foundation**

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

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

The Gibbs Foundation 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 Gibbs Foundation manages the 353 hectare property containing an internationally-renowned sculpture park known as Gibbs Farm, plus approximately 178 hectares of rural zoned land immediately to the north. The site of Gibbs Farm on the eastern margins of the vast Kaipara Harbour (the largest in the southern hemisphere) has played a significant part in the scale of the sculptures, and the modified landscape of the property is as much a feature of the park as the artworks themselves and distinguish its character from that of adjoining rural coastal land. Sculptures are installed throughout much of the property including works within the CMA on the coastal flats within the title boundaries. The installation of artworks is ongoing and it is anticipated that this will continue for the foreseeable future.

Submission

Auckland Council Plan Change 20



Urban & Environmental

Gibbs Farm is open to public visits by arrangement involving up to 3,000 people on monthly open days. At the same time it is a family endeavour, the sustainable management of which includes the establishment of dwellings so that family members can retain a connection to the property.

Gibbs Farm is privately-owned and when it is not open for public visits it is occupied as a private residence for family members with ancillary farming activities associated with the on-going sustainable development and maintenance of the property.

The majority of the underlying zoning of land at Gibbs Farm is Rural Production with some parts of the coastal margins located in the General Coastal Marine Zone. The significance of Gibbs Farm is recognised in the Auckland Unitary Plan by the inclusion of the Kakanui Point Precinct. The purpose of the Kakanui Point Precinct is to enable the continued operation and development of the sculpture park. To that effect, the precinct provisions include a list of events and artwork related activities in activity table I514.4.1 that apply in the precinct and take precedence over the zone and Auckland-wide provisions.

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

3.2.1 Oppose

The Gibbs Foundation 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

The principal reasons for this submission are:

- a. Activities not provided for in the Rural Zone currently require 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 (the Act) also requires consideration of the proposal against the relevant objectives and policies of the Plan.

This approach applies throughout the AUP and is consistent with section 87B(1)(b) of the Act, which requires a resource consent to be obtained for a discretionary activity where 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 Council decisions on the AUP based on the Independent

Hearing Panel (IHP) recommendation and associated reasons on “Activities not provided for”.¹

In summary, 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.

- b. “Farming” is specifically provided for as a permitted activity across all Rural Zones. The definition of “farming” under Chapter J1 Definitions (refer Appendix 1) only includes specific *activities* and does not include development or accessory buildings ancillary to permitted farming activities. The “Development” category in activity table H19.8.1 – use and development does not provide an activity status for the development of new buildings or buildings accessory to permitted activities in the Rural Zone.

Based on the current form of activity table H19.8.1 and with the proposed change to introduce (AA1) to the activity table, there is potential for the development of new buildings (being an activity not otherwise provided for) to be treated as a non-complying activity. This would lead to unintended consequences because the Rural Zone contains a prescribed set of development standard for the development of new buildings (i.e. maximum height and yard setbacks etc) which clearly indicates that the development of buildings, including accessory buildings, are specifically provided for and contemplated in the Rural zone.

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 for the reasons given above.

4. DECISIONS SOUGHT

The Gibbs Foundation 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):

- 151.2 | a) Withdrawal of the proposed change to introduce standard (AA1) “Activities not provided for” as a non-complying activity in table H19.8.1.

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

Submission

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Urban & Environmental

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- 151.3 | b) Make specific provision for development associated with permitted activities in table H19.8.1.
 - 151.4 | c) Any such further or consequential changes necessary or appropriate to address the concerns expressed in this submission.

The Gibbs Foundation wishes to be heard in support of this submission.

If others make a similar submission the Gibbs Foundation 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)

5. ADDRESS FOR SERVICE

The Gibbs Foundation
C /- Barker & Associates Ltd
PO Box 1986
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AUCKLAND 1140
Attn: Karl Cook / Mary Wong

DDI: 09 375 0970 / 09 375 0916
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Email: karlc@barker.co.nz / maryw@barker.co.nz

Submission

Auckland Council Plan Change 20



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Appendix 1:

Farming

Land used for horticulture, beekeeping, or raising, caring, breeding and grazing of livestock.

Includes:

- arable, pastoral, and other forms of farming;
- keeping or training horses and facilities accessory to keeping or training horses, such as: agistment, arenas (e.g. for dressage), breeding, sand rolls, stables, provided they are not open to the public;
- conservation planting;
- viticulture;
- equestrian activities; and
- free-range poultry farming.

Excludes:

- intensive farming;
- any form of racing, show jumping, or other activity which the general public may attend free of charge, or by payment of an entrance fee;
- equestrian centres;
- forestry;
- rural commercial activities; and
- rural industries.

This definition is nested within the Rural nesting table.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Waiiti Headwaters Ltd

Organisation name: Waiiti Headwaters Ltd

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

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

Submission date: 18 April 2019

Supporting documents
AUP_PC20_Submission_Waiiti Headwaters Ltd_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



Urban & Environmental

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

Waiiti Headwaters Ltd – 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: **Waiiti Headwaters Ltd (“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. Rural “lifestyle development” is also an anticipated outcome where it avoids the fragmentation of productive land.

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

Submission

Auckland Council Plan Change 20



Urban & Environmental

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):

- 152.2 | 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.
- 152.3 | 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.
- 152.4 | c) Any such further or consequential changes necessary or appropriate to address the concerns expressed in this submission.

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

Submission

Auckland Council Plan Change 20



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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

Waiiti Headwaters Ltd
C /- Barker & Associates Ltd
PO Box 1986
Shortland Street
AUCKLAND 1140
Attn: Nick Roberts / Mary Wong

DDI: 09 375 0999 / 09 375 0916
Mobile: 029 666 8330 / 021 0310291
Email: nickr@barker.co.nz / maryw@barker.co.nz

Dear Sir/Madam,

Re: Submission on Unitary Plan - Proposed Plan Change 20 - Rural Activity Status

153.1 | 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 permitted 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-reaching.

Regards
Michael Ng
Mount Eden

Michael Ng
+64 21 767 892
mike@ngfoto.com

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Maria Jane Jones

Organisation name: Bria Property Trust

Agent's full name:

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Contact phone number:

Postal address:
47 Sinclair Road
Ararimu
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:
PC20: Rural Activity Status

Property address: 47 Sinclair Road, Ararimu, Auckland

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 oppose the specific provisions identified

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

Submission date: 18 April 2019

Supporting documents
public-notice-pc20.pdf

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: Q Invest Company Limited

Organisation name: Q Invest Company Limited

Agent's full name: Berry Simons

Email address: helen@berrysimons.co.nz

Contact phone number: 099097316

Postal address:
PO Box 3144
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:
See attached.

Property address: 74 Seagrove Road, Waiau Pa

Map or maps: See attached.

Other provisions:
See attached.

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:
See attached.

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

Submission date: 18 April 2019

Supporting documents
PPC 20 - Submission by Q Invest Limited 18 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.

IN THE MATTER of the Resource Management Act 1991 ("**The Act**")

AND

IN THE MATTER of a submission pursuant to Clause 6 of Schedule 1, of the Act in respect of **PLAN CHANGE 20** to the **AUCKLAND UNITARY PLAN (OPERATIVE IN PART)**

**SUBMISSION ON PLAN CHANGE 20 TO THE AUCKLAND UNITARY PLAN
(OPERATIVE IN PART) –
'Rural Activity Status'**

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

Name of submitter: **Q Invest Company Limited**

1. This is a submission on Plan Change 20 ("PC20") to the Auckland Unitary Plan (Operative in Part) ("AUP(OIP)").

INTRODUCTION

2. Q Invest Company Limited ("the Submitter") owns land at 74 Seagrove Road, Waiiau Pa that is affected by PC20.
3. This land is legally described as Lot 3 DP 209401 and Lot 2 DP 455646 (the "property" or "farm") and is located in the Rural – Mixed Rural Zone.
4. The property is presently used for farming activities which are specifically provided for in the Rural Activity Table H19.8.1(A1). However, the Submitter has broader concerns relating to the process undertaken by the Council in preparing PC20 and the potential for PC20 to have unanticipated adverse consequences for future proposed activities in the Rural – Mixed Rural Zone that have not been fully considered.

5. In light of this, the nature of the submission and the associated relief sought are set out below.

NATURE OF SUBMISSION

6. PC20 seeks to make activities not provided for in Table H19.8.1 a non-complying activity rather than a discretionary activity.¹
7. This issue was previously addressed by the Independent Hearings Panel ("IHP") in their 'Report to Auckland Council, Hearing topic 004, General rules'. The IHP recommended that activities not provided for be discretionary:²

"The recommended rule dealing with activities that are not otherwise provided for in the Unitary Plan makes such activities discretionary, consistent with section 87B(1)(b) of the Resource Management Act 1991 rather than non-complying as proposed in the Plan as notified.

While it may be possible to make such activities non-complying, the Panel considers that such an approach could create unnecessary difficulties when assessing applications for truly novel or unforeseen proposals under section 104D of the Resource Management Act 1991, given the nature of the threshold tests in that section. A truly novel or unforeseen proposal would be unlikely to be contemplated by the objectives and policies in the Plan and so could be considered contrary to them because of that novelty rather than for any explicit policy reason. Such a proposal may also have adverse effects that are more than minor, but the opportunity to consider it on its merits to evaluate whether it was appropriate would be foreclosed because of the statutory constraint on assessing non-complying activities.

The scope for evaluation and consideration of a discretionary activity under section 104B of the Resource Management Act 1991 normally provides sufficient breadth of control in such circumstances to enable any truly novel or unforeseen proposal to be considered on its merits, including in terms of its effects on the environment and having regard to any relevant objectives and policies.

¹ Section 32 Report, Attachment A3. Activities not provided for currently have a discretionary activity status in accordance with Rule C1.7 in Chapter C of the AUP(OIP).

² At [5.2].

In circumstances where the Panel considers it would be appropriate to require an activity to be subject to the threshold assessment in section 104D, the relevant activity tables do classify any activity that is not otherwise provided for in that activity table as a non-complying activity. Examples include the activity tables for residential zones, where the maintenance of residential amenity values warrants the use of that threshold assessment."

8. PC20 seeks to unwind the IHP's determination, apparently in response to a number of consents that have been granted for various unanticipated activities in rural zones,³ the need to protect rural zones for production purposes (specifically the protection of finite elite soils and the management of prime soils),⁴ and to manage various adverse effects in the Rural – Mixed Rural Zone.⁵

9. Further to this the Section 32 Report states:⁶

"The resource consent process has delivered, in a number of instances, outcomes not anticipated or contemplated in the rural zones. Specific examples with details are referred to in Section 5 of the report under the heading "The current potential for inappropriate activities to establish in rural zones."

10. Despite this:

- (a) Only two examples are given in Section 5 of the Section 32 Report of unanticipated activities establishing in the Rural – Mixed Rural Zone since the AUP(OIP) became operative in part in 2016⁷ (being a concrete water-tank manufacturing activity in Dairy Flat and a self-storage facility in Kumeu). More specifically:

- (i) The Hibiscus Tanks example has been taken out of context and does not acknowledge the important specific characteristics of the application (that it was servicing a rural need, was of a scale comparable to a home occupation and was located near a landfill and extensive rural buildings) which impacted the character of the area.

³ Supra Note 1 at pages 8-9.

⁴ Ibid at page 3.

⁵ Ibid at page 8.

⁶ Ibid.

⁷ Ibid.

- (ii) The self-storage example is also incorrectly used as there are a number of self-storage activities in the rural zones and they provide necessary capacity for people and businesses that live or operate in the rural zones. For example, there is a self-storage in close proximity to the submitter's land in Seagrove Road.⁸
- (b) No further examples relevant to the Rural – Mixed Rural Zone are given in Section 5 of the Section 32 Report. The *Kumeu Properties* example referred to is in the Countryside Living Zone which has a different function to the Rural – Mixed Rural zone and therefore represents an inappropriate comparison.
- (c) Issues such as infrastructure, reverse sensitivity, finite soils can all be addressed within the context of discretionary activities. None of the examples provided appear to highlight that those issues (to the extent relevant) were not considered and adequately addressed.
11. It appears that by imposing a default 'non-complying' activity status the Council is seeking to address a perceived problem regarding unanticipated activities in the Rural – Mixed Rural Zone that does not exist, or at least is not established on the information provided in the Section 32 Report.
12. Further to that, in assessing the preferred 'non-complying' option, the Section 32 Report states:⁹
- "This option is supported. By way of unanticipated activities in the rural zones being considered as a non-complying activity this would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP. In such cases activities which did not possess the quality of supporting rural production would either be declined or have to exhibit the qualities of not adversely effecting rural character and amenity, elite and prime soils and undermining existing specific zones or policy directions pertaining to urban growth and form."*
13. It is entirely unclear as to what is meant by a 'fuller assessment' of such proposals being able to be made under a non-complying activity status. While a 'non complying' activity status means the gateway test under section

⁸ This equally applies to the two other storage facilities that have been granted consent within the Rural – Mixed Rural Zone, as identified in Section 3 (page 9) of the Section 32 Report. The dental surgery that is also identified in Section 3 as having been granted consent within the Rural – Mixed Rural Zone is incorrectly used, given this was specifically provided for as a discretionary activity.

⁹ Supra Note 1 at page 12.

104D would need to be met before the application could be considered, a 'full assessment' of a proposed activity against the relevant objectives policies is still required in accordance with section 104(1)(b) where unanticipated activities retain a discretionary activity status (as set out by the IHP).

14. Further, the Section 32 Report does not demonstrate that the unanticipated activities that have established in the Rural - Mixed Rural zone would not have been granted consent, had they been assessed as non-complying activities.
15. Notably the issues previously raised by the IHP in their report on Hearing Topic 004 remain relevant and have not been addressed in the PC20 documentation.
16. In that regard, proposed PC20:
 - (a) Fails to consider the following:
 - (i) Whether additional specific activities could be identified as 'non-complying' activities to address Council's concerns (notably this is not even identified as a potential option in the Section 32 Report);
 - (ii) The issues raised in the IHP report regarding the imposition of the default 'non-complying status'; and
 - (iii) Whether the existing objective, policy and rule framework is appropriate and/or needs to be revised in light of the proposed PC20 amendments.
 - (b) Is based on an inadequate and incorrect section 32 analysis.
 - (c) Does not represent the most appropriate way to achieve or implement the relevant objectives and policies of the AUP(OIP).
17. Further, it is an abuse of process to propose a 'catch all' non-complying activity status to unanticipated activities in all rural zones, when the appropriate default classification of activities has already (and recently) been determined and there are no new objectives or policies which would justify such a change to the activity status.
18. Similarly, the proposed change from residential buildings to dwellings has been poorly thought through and does not represent the most appropriate

way to achieve or implement the relevant objectives and policies of the AUP(OIP).

DECISIONS SOUGHT

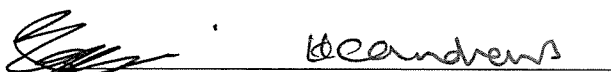
19. The Submitter seeks the following decisions from the Auckland Council:
- (a) That PC20 be declined in its entirety or declined relation to the Rural – Mixed Rural Zone; and
 - (b) Such further, other, or consequential relief as may be necessary to fully give effect to the submission and/or relief sought in this submission be granted.
20. **The Submitter could not gain an advantage in trade competition as a result of this submission.**
21. **The Submitter wishes to be heard in support of their submission.**

155.2

DATED at **AUCKLAND** this 18th day of April 2019

Q Invest Company Limited

by their solicitors and duly authorised agents
BERRY SIMONS


Andrew Braggins / Helen Andrews

Address for service of Submitter:

Berry Simons
PO Box 3144
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AUCKLAND 1140

Telephone: (09) 969 2300
Facsimile: (09) 969 2304
Email: andrew@berrysimons.co.nz / helen@berrysimons.co.nz
Contact: Andrew Braggins / Helen Andrews

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Mary Whitehouse

Organisation name: Clevedon Cares Incorporated

Agent's full name:

Email address: info@clevedoncares.co.nz

Contact phone number: 092928174

Postal address:
c/o 315 North Road
Clevedon
RD2 Papakura
Auckland 2582

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 entire Plan Modification

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:

This is a necessary Plan Modification for the reasons given in the documentation. In particular it is hoped that limiting the range of residential activities able to establish in rural areas by right or relatively easily, will assist in maintaining rural character and amenity and avoid adverse cumulative effects (something we have been raising repeatedly!). Additionally it is hoped that non-complying status means applications will be notified, so that developments do not just "happen" without the locally affected communities' knowledge or opportunity to make submissions.

156.1 | I or we seek the following decision by council: Accept 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.

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: Alexander Stuart Wolfe Murray

Organisation name:

Agent's full name:

Email address: asw.murray@gmail.com

Contact phone number:

Postal address:
111 Garvie Road
Hunua
Auckland 2513

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: N/A

Map or maps: N/A

Other provisions:
N/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? 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.

157.1 | 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.

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: shelley stevens

Organisation name:

Agent's full name:

Email address: kascade92@hotmail.com

Contact phone number:

Postal address:
PO Box 58364,
Botany
Auckland 2163

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:
All changes to: 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 life and lifestyle will have a great negative impact from these changes.

158.1 | 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: Tracey Gee

Organisation name:

Agent's full name:

Email address: Shadowg4@outlook.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:

Auckland Unitary Plan - Activity Tables for rural zones

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 oppose the proposed plan change. As I understand it, if an activity is not provided for in the Activity Tables for rural zones, the default is that it is a "Discretionary" activity. Many activities not mentioned potentially could be permitted activities and making unlisted activities 'non-complying' is too restrictive thus affecting many people's ability to participate and enjoy activities.

159.1 | 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.

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:

Auckland Unitary Plan, Proposed Plan Change 20

BAA Land Holdings Limited

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

Rural Activity Status

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

To: **Auckland Council**

1. SUBMITTER DETAILS

Name of Submitter: BAA Land Holdings Limited

This is a submission on Auckland Council's Proposed Plan Change 20.

BAA Land Holdings Limited cannot gain an advantage in trade competition through this submission.

BAA Land Holdings Limited 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 aspect and provision of Proposed Plan Change 20 that this submission relates to is:

- a) Changes to Table H19.8.1: Rural Activity Table and all consequential changes.

3. SUBMISSION

3.1 General Submission

Proposed Plan Change 20 seeks to make the following amendments to the Rural Activity Table in Chapter H19 of the AUP (OP):

Submission:

Auckland Unitary Plan, Proposed Plan Change 20

Table H19.8.1 Activity Table – use and development [rp/dp]

Activity		Activity Status				
		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Use						
(AA1)	<u>Activities not provided for</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
Rural						

BAA Land Holdings Limited submit in opposition to these proposed amendments for the following reasons:

- BAA Land Holdings Limited do not consider that this amendment is the most appropriate way to achieve the purpose of the Resource Management Act 1991;
- BAA Land Holdings Limited do not consider that this amendment is the most appropriate way to achieve the objectives of the Auckland Unitary Plan (Operative in Part).

BAA Land Holdings Limited consider that Proposed Plan Change 20 is fundamentally flawed from a planning perspective, taking into account the matters set out below.

The purpose of the plan change is stated to be *“to consider and evaluate the best option for dealing with activities which are not contemplated in rural zones, and extend beyond those currently provided for in the rural zones in the Auckland Unitary Plan.”*

The matters discussed in the Section 32 report, however, generally relate to issues with activities that are already provided for within the Rural zones i.e. activities that are specifically listed in the Activity Table such as visitor accommodation and rural commercial activities. This contradicts the stated purpose of the plan change.

Requiring activities that are not specifically listed in the Activity Table H19.8.1 to be assessed as non-complying activities; rather than the default discretionary activity status set by the General Rules in Chapter C of the AUP (OP), for activities not provided for (C1.7(1)); will not achieve the outcome intended by the Proposed Plan Change.

Submission:**Auckland Unitary Plan, Proposed Plan Change 20**

A full assessment against the relevant objectives and policies is required for resource consent applications for both discretionary and non-complying activities. Further, Council's ability to grant, or not grant, a resource consent application does not change whether considering a discretionary activity or a non-complying activity.

The Section 32 report prepared for the Proposed Plan Change states that 'as a non-complying activity [applications] would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP'. However, we note that discretionary activities also require full assessment against the same objectives and policies. The AUP (OP) does not contain assessment criteria for discretionary activities and relies upon a full assessment of the stated objectives and policies to be undertaken for all discretionary activities listed in the Plan.

The scope of the Proposed Plan Change does not extend to include amendments to the objectives and policies of Chapter H19 Rural zones. Without any change to these objectives and policies, the assessment required for resource consent applications, regardless of a discretionary or non-complying activity status, remains the same and therefore the outcomes will remain unchanged from what can currently be achieved under the AUP (OP).

Whilst we acknowledge that it is essential for rural areas to provide for and maintain productive land uses, rural zones should also enable a range of non-rural activities, particularly where they support; or accompany rural land use activities. There are a range of activities that occur in rural zones that cannot be replicated in an urban setting, for example a restaurant associated with a vineyard, certain types of visitor accommodation activities, for example glamping; sculpture parks etc. These activities have the potential to become points for tourism. In addition, there are a range of non-productive activities which are not rural which need to be enabled in order to support the activities anticipated within the rural zones; for example, processing activities not located on the site, supporting business activities to rural production activities. Should all activities that are not provided for be made non-complying, further amendments will need to be made to Activity Table H19.8.1 to ensure that every activity that is potentially appropriate in rural zones is provided for.

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

Submission:**Auckland Unitary Plan, Proposed Plan Change 20**

provided for”¹. The IHP undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). 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 regards 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 is 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. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

There is no sound planning basis for the proposed plan change.

4. DECISIONS SOUGHT

BAA Land Holdings Limited seeks the following:

- 160.1 | a) That the amendment proposed by PPC20 to Activity Table H19.8.1 be deleted;
- 160.2 | b) Any such further or consequential changes necessary or appropriate to address the concerns expressed in this submission.

BAA Land Holdings Limited wish to be heard in support of this submission.

If others make a similar submission, then BAA Land Holdings Limited will consider presenting a joint case with them at the hearing.



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

Submission:

Auckland Unitary Plan, Proposed Plan Change 20

Barry MacDonell, MacDonell Consulting Ltd
(Person authorised to sign on behalf of submitter)

Date: 18/04/2019

5. ADDRESS FOR SERVICE

BAA Land Holdings Limited
C /- MacDonell Consulting Ltd
PO Box 35 928
Browns Bay
North Shore

Mobile: 027 228 2386

Email: barry@macdonellconsulting.co.nz

Submission:

Auckland Unitary Plan, Proposed Plan Change 20

Silverdale Estates Limited

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

Rural Activity Status

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

To: **Auckland Council**

1. SUBMITTER DETAILS

Name of Submitter: Silverdale Estates Limited

This is a submission on Auckland Council's Proposed Plan Change 20.

Silverdale Estates Limited cannot gain an advantage in trade competition through this submission.

Silverdale Estates Limited 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 aspect and provision of Proposed Plan Change 20 that this submission relates to is:

- a) Changes to Table H19.8.1: Rural Activity Table and all consequential changes.

3. SUBMISSION

3.1 General Submission

Proposed Plan Change 20 seeks to make the following amendments to the Rural Activity Table in Chapter H19 of the AUP (OP):

Submission:

Auckland Unitary Plan, Proposed Plan Change 20

Table H19.8.1 Activity Table – use and development [rp/dp]

Activity		Activity Status				
		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Use						
(AA1)	<u>Activities not provided for</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
Rural						

Silverdale Estates Limited submit in opposition to these proposed amendments for the following reasons:

- Silverdale Estates Limited do not consider that this amendment is the most appropriate way to achieve the purpose of the Resource Management Act 1991;
- Silverdale Estates Limited do not consider that this amendment is the most appropriate way to achieve the objectives of the Auckland Unitary Plan (Operative in Part).

Silverdale Estates Limited consider that Proposed Plan Change 20 is fundamentally flawed from a planning perspective, taking into account the matters set out below.

The purpose of the plan change is stated to be *“to consider and evaluate the best option for dealing with activities which are not contemplated in rural zones, and extend beyond those currently provided for in the rural zones in the Auckland Unitary Plan.”*

The matters discussed in the Section 32 report, however, generally relate to issues with activities that are already provided for within the Rural zones i.e. activities that are specifically listed in the Activity Table such as visitor accommodation and rural commercial activities. This contradicts the stated purpose of the plan change.

Requiring activities that are not specifically listed in the Activity Table H19.8.1 to be assessed as non-complying activities; rather than the default discretionary activity status set by the General Rules in Chapter C of the AUP (OP), for activities not provided for (C1.7(1)); will not achieve the outcome intended by the Proposed Plan Change.

Submission:**Auckland Unitary Plan, Proposed Plan Change 20**

A full assessment against the relevant objectives and policies is required for resource consent applications for both discretionary and non-complying activities. Further, Council's ability to grant, or not grant, a resource consent application does not change whether considering a discretionary activity or a non-complying activity.

The Section 32 report prepared for the Proposed Plan Change states that 'as a non-complying activity [applications] would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP'. However, we note that discretionary activities also require full assessment against the same objectives and policies. The AUP (OP) does not contain assessment criteria for discretionary activities and relies upon a full assessment of the stated objectives and policies to be undertaken for all discretionary activities listed in the Plan.

The scope of the Proposed Plan Change does not extend to include amendments to the objectives and policies of Chapter H19 Rural zones. Without any change to these objectives and policies, the assessment required for resource consent applications, regardless of a discretionary or non-complying activity status, remains the same and therefore the outcomes will remain unchanged from what can currently be achieved under the AUP (OP).

Whilst we acknowledge that it is essential for rural areas to provide for and maintain productive land uses, rural zones should also enable a range of non-rural activities, particularly where they support; or accompany rural land use activities. There are a range of activities that occur in rural zones that cannot be replicated in an urban setting, for example a restaurant associated with a vineyard, certain types of visitor accommodation activities, for example glamping; sculpture parks etc. These activities have the potential to become points for tourism. In addition, there are a range of non-productive activities which are not rural which need to be enabled in order to support the activities anticipated within the rural zones; for example, processing activities not located on the site, supporting business activities to rural production activities. Should all activities that are not provided for be made non-complying, further amendments will need to be made to Activity Table H19.8.1 to ensure that every activity that is potentially appropriate in rural zones is provided for.

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

Submission:**Auckland Unitary Plan, Proposed Plan Change 20**

provided for”¹. The IHP undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). 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 regards 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 is 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. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

There is no sound planning basis for the proposed plan change.

4. DECISIONS SOUGHT

Silverdale Estates Limited seeks the following:

- 161.1 | a) That the amendment proposed by PPC20 to Activity Table H19.8.1 be deleted;
- 161.2 | b) Any such further or consequential changes necessary or appropriate to address the concerns expressed in this submission.

Silverdale Estates Limited wish to be heard in support of this submission.

If others make a similar submission, then Silverdale Estates Limited will consider presenting a joint case with them at the hearing.



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

Submission:

Auckland Unitary Plan, Proposed Plan Change 20

Barry MacDonell, MacDonell Consulting Ltd
(Person authorised to sign on behalf of submitter)

Date: 18/04/2019

5. ADDRESS FOR SERVICE

Silverdale Estates Limited
C /- MacDonell Consulting Ltd
PO Box 35 928
Browns Bay
North Shore

Mobile: 027 228 2386

Email: barry@macdonellconsulting.co.nz

Hi there,

I wanted to submit a submission but can't see the form on your website.

162.1 | I believe aged care facilities need to be able to be sighted in rural areas, without additional regulation and do not support the proposed plan change.

I have first hand experience with two family members suffering from dementia. As well as belonging to a number of carer groups, I have also had experience with care facilities and the choices carers have to make for there loved ones. This has been an eye opening experience for me and I am sure most people do not realize the situation until they have a loved one needing care.

Dementia suffers are often very restless and need to keep walking or moving constantly. If they can not have this need met there behavior deteriorates and the other option is chemical restraint (i.e drugs). It is a basic human desire and need to be able to walk outside, be in the sun, get physical exercise in nature. Many people have had active lives and it is almost cruel to confine them to a building with very little outside space.

Overseas care facilities have shifted to open areas, with small residential units (6 people per unit) in a large, open, park like space, which is well fenced and secure on several acres, so people can freely walk, sit and enjoy the outdoors, unimpeded and without fear of getting lost. This ideal has been replicated in a care facility in Rotorua <https://thecarevillage.co.nz>.

Surely Auckland, with the greater population should be planning for this type of ideal with the predicted increase in dementia sufferers?

This is only possible in larger, rural lots and should be encouraged, as the building coverage is not great relative to the lot size, traffic issues can be managed as residents are not coming and going like a motel and trees and green spaces are maximized.

Being a carer is a full time, all encompassing role and so I do not expect you to get many submissions from this prospective, as even myself, wanting to put in a submission, could not find the time. It is only because my loved one recently passed away, that I am able to make this submission.

If you require any further information please do not hesitate to contact me.

Kind regards

Heather Hernandez

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Brett Ronald Jones

Organisation name: Hunterville Estate

Agent's full name:

Email address: jrb8591@hotmail.com

Contact phone number:

Postal address:
47A Sinclair Road
Ararimu
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:
PC:20 Rural Activity Status

Property address: 47A Sinclair Road, Ararimu, Auckland

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 oppose the specific provisions identified

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

Submission date: 18 April 2019

Supporting documents
[public-notice-pc20_20190418121030.208.pdf](#)

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.

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)

(Contact JOHN NEWICK, PRESIDENT)

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

STRATEGIC PROPERTY ADVOCACY NETWORK

Address for service of Submitter

email →

Telephone:

029 836 4300

Fax/Email:

john@uniformbrokers.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

SPAN 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

17/4/19

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

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.

SPAN p2/3

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” (which thus rules out all “activities” listed in chapter H) are intended to be made noncomplying eg smoking a cigarette in a Rural area without a noncomplying status resource consent. We spoke to a Council Planner on this definition of what is an (unlisted) “activity” that is to be made noncomplying but we remain none the wiser. So a question is who/how/where is it 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.

.....

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

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

- 164.2 | • **Council goes away and prepares better Objectives & Policies to guide (Discretionary) decisions.**
- 164.3 | • **Currently Non-listed activities will remain/be of Discretionary status**
- 164.4 | • **That only the specified Activities on a definitive list, would be covered**
- 164.5 | • **The nature and extent, eg by way of an explanatory note, of Existing use rights are defined.**

On behalf of Strategic Property Advocacy Network (SPAN) we advise that at a meeting of SPAN on 2 April it was agreed that we record our objection to this proposed plan change. The Waitakere Ranges are already heavily regulated, and another layer of compliance and complexity is unnecessary and undesirable.

Forcing residents to leave the 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.

John Newick
President
029 836 4300

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Tyler Schwalger

Organisation name:

Agent's full name:

Email address: tyler@turnerspanelbeating.co.nz

Contact phone number: 0272263031

Postal address:

tyler@turnerspanelbeating.co.nz

Auckland

Auckland 0610

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:

Auckland Unitary Plan Proposed 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? Yes

The reason for my or our views are:

Dear sir/madam, 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-listed activities Non-Complying is and over-reach and far to restricting . Regards, Tyler Schwalger

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

Submission date: 18 April 2019

Supporting documents
firearm and drivers license.pdf
passport_20190418130510.860.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 ON PROPOSED PLAN CHANGE 20 RURAL ACTIVITY STATUS

To: Attention: Planning Technician
Plans and Places
Auckland Council
Private Bag 92300
Auckland 2
unitaryplan@aucklandcouncil.govt.nz

I, **S M MACKY**, make the following submission on Proposed Plan Change 20: Rural Activity Status (“**the Plan Change**”) in the Auckland Unitary Plan (Operative in Part) (“**AUP**”).

Introduction

1. I own the property at 32C Te Aute Ridge Road, Te Henga. In the AUP this property (along with the properties at 32A, 32B, 34B and 34C Te Aute Ridge Road) form the I614 Wainamu Precinct (“**the Precinct**”). The underlying zoning of land within the Precinct is Rural – Rural Conservation. The Precinct is also subject to the Waitākere Ranges Heritage Area Overlay, the Ridgeline Protection Overlay and the Outstanding Natural Landscapes Overlay.
2. I could not gain any advantage in trade competition through this submission.
3. I am directly affected by the amendments proposed in the Plan Change, particularly those relating to the default activity status.

Scope of Submission

4. The submission relates to the Plan Change as a whole.

The Submission is

5. I oppose the Plan Change, for the reasons set out below.
6. In the absence of the relief sought, the Plan Change:
 - (a) Will not promote the sustainable management of natural and physical resources and is otherwise inconsistent with Part 2 of the Resource Management Act 1991 (“**RMA**”);

- (b) Will in those circumstances impact significantly and adversely on the ability of people and communities to provide for their social, economic and cultural wellbeing;
 - (c) Is contrary to the purposes and provisions of the relevant planning documents, including the Unitary Plan, in that they will not improve consistency;
 - (d) Will not avoid, remedy or mitigate adverse environmental effects; and
 - (e) Does not represent the most appropriate way to achieve the objectives of the Unitary Plan, in terms of s 32 of the RMA.
7. In particular, but without limiting the generality of the above:
- (a) The Plan Change amends the activity table for the rural zones so that any activity not specifically listed in the table becomes a Non-Complying activity. Currently, any activity not provided for is a Discretionary activity by virtue of Rule C1.9(2), consistent with s 87B(1)(b) of the RMA.
 - (b) The s 32 report clearly identifies that the Council's concern lies with applications for residential or industrial activities of a certain scale. Council refers to a number of applications for consent which have been granted in circumstances where Council considered them to be inconsistent with the rural zoning of the land, but which were granted (in part) on the basis that activity status did not indicate that they were inconsistent with that zoning.
 - (c) If Council has identified a certain type or scale of activity that it considers to be inconsistent with the zone, and which therefore be subject to the threshold assessment in s 104D, then it should confine any amendments to AUP accordingly. Amending the default activity status is a blunt tool for addressing a specific problem and has the potential to have wider (and unintended) implications for other activities which may be novel or unforeseen, but not inconsistent with the policy direction *per se*.
 - (d) Amending the activity status so that any activity not specifically provided for becomes a Non-Complying activity places an onerous

burden on landowners, and is an inefficient and ineffective way of managing the concerns identified by Council.

Relief Sought

8. I seek the following decision from Auckland Council on the Plan Change:

166.1 | (a) That the proposed provisions of the Plan Change be deleted.

166.2 | (b) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.

9. I wish to be heard in support of this submission.

10. If others make a similar submission, I would be willing to consider presenting a joint case with them at hearing.

DATED this 18th day of April 2019

ADDRESS FOR SERVICE

S M MACKY

PO Box 133 206, Eastridge, Auckland 1146

By email: Suemacky01@gmail.com

Copy to: adevine@ellisgould.co.nz

SUBMISSION ON PROPOSED PLAN CHANGE 20 RURAL ACTIVITY STATUS

To: Attention: Planning Technician
Plans and Places
Auckland Council
Private Bag 92300
Auckland 2
unitaryplan@aucklandcouncil.govt.nz

I, S C MCINTYRE make the following submission on Proposed Plan Change 20: Rural Activity Status (“**the Plan Change**”) in the Auckland Unitary Plan (Operative in Part) (“**AUP**”).

Introduction

1. I own the property at 34B Te Aute Ridge Road, Te Henga. In the AUP this property (along with the properties at 32A, 32B, 32C and 34C Te Aute Ridge Road) form the I614 Wainamu Precinct (“**the Precinct**”). The underlying zoning of land within the Precinct is Rural – Rural Conservation. The Precinct is also subject to the Waitākere Ranges Heritage Area Overlay, the Ridgeline Protection Overlay and the Outstanding Natural Landscapes Overlay.
2. I could not gain any advantage in trade competition through this submission.
3. I am directly affected by the amendments proposed in the Plan Change, particularly those relating to the default activity status.

Scope of Submission

4. The submission relates to the Plan Change as a whole.

The Submission is

5. I oppose the Plan Change, for the reasons set out below.
6. In the absence of the relief sought, the Plan Change:
 - (a) Will not promote the sustainable management of natural and physical resources and is otherwise inconsistent with Part 2 of the Resource Management Act 1991 (“**RMA**”);

- (b) Will in those circumstances impact significantly and adversely on the ability of people and communities to provide for their social, economic and cultural wellbeing;
 - (c) Is contrary to the purposes and provisions of the relevant planning documents, including the Unitary Plan, in that they will not improve consistency;
 - (d) Will not avoid, remedy or mitigate adverse environmental effects; and
 - (e) Does not represent the most appropriate way to achieve the objectives of the Unitary Plan, in terms of s 32 of the RMA.
7. In particular, but without limiting the generality of the above:
- (a) The Plan Change amends the activity table for the rural zones so that any activity not specifically listed in the table becomes a Non-Complying activity. Currently, any activity not provided for is a Discretionary activity by virtue of Rule C1.9(2), consistent with s 87B(1)(b) of the RMA.
 - (b) The s 32 report clearly identifies that the Council's concern lies with applications for residential or industrial activities of a certain scale. Council refers to a number of applications for consent which have been granted in circumstances where Council considered them to be inconsistent with the rural zoning of the land, but which were granted (in part) on the basis that activity status did not indicate that they were inconsistent with that zoning.
 - (c) If Council has identified a certain type or scale of activity that it considers to be inconsistent with the zone, and which therefore be subject to the threshold assessment in s 104D, then it should confine any amendments to AUP accordingly. Amending the default activity status is a blunt tool for addressing a specific problem and has the potential to have wider (and unintended) implications for other activities which may be novel or unforeseen, but not inconsistent with the policy direction *per se*.
 - (d) Amending the activity status so that any activity not specifically provided for becomes a Non-Complying activity places an onerous

burden on landowners, and is an inefficient and ineffective way of managing the concerns identified by Council.

Relief Sought

8. I seek the following decision from Auckland Council on the Plan Change:
- 167.1 | (a) That the proposed provisions of the Plan Change be deleted.
- 167.2 | (b) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.
9. I wish to be heard in support of this submission.
10. If others make a similar submission, I would be willing to consider presenting a joint case with them at hearing.

DATED this 18th day of April 2019

ADDRESS FOR SERVICE

S C MCINTYRE

51 Church St, Devonport, Auckland 0624

By email: sarahm@vauxhall.school.nz

Copy to: adevine@ellisgould.co.nz

SUBMISSION ON PROPOSED PLAN CHANGE 20 RURAL ACTIVITY STATUS

To: Attention: Planning Technician
Plans and Places
Auckland Council
Private Bag 92300
Auckland 2
unitaryplan@aucklandcouncil.govt.nz

I, **J B WHEELER**, make the following submission on Proposed Plan Change 20: Rural Activity Status (“**the Plan Change**”) in the Auckland Unitary Plan (Operative in Part) (“**AUP**”).

Introduction

1. I own the property at 32B Te Aute Ridge Road, Te Henga. In the AUP this property (along with the properties at 32A, 32C, 34B and 34C Te Aute Ridge Road) form the I614 Wainamu Precinct (“**the Precinct**”). The underlying zoning of land within the Precinct is Rural – Rural Conservation. The Precinct is also subject to the Waitākere Ranges Heritage Area Overlay, the Ridgeline Protection Overlay and the Outstanding Natural Landscapes Overlay.
2. I could not gain any advantage in trade competition through this submission.
3. I am directly affected by the amendments proposed in the Plan Change, particularly those relating to the default activity status.

Scope of Submission

4. The submission relates to the Plan Change as a whole.

The Submission is

5. I oppose the Plan Change, for the reasons set out below.
6. In the absence of the relief sought, the Plan Change:
 - (a) Will not promote the sustainable management of natural and physical resources and is otherwise inconsistent with Part 2 of the Resource Management Act 1991 (“**RMA**”);

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 - (b) The s 32 report clearly identifies that the Council's concern lies with applications for residential or industrial activities of a certain scale. Council refers to a number of applications for consent which have been granted in circumstances where Council considered them to be inconsistent with the rural zoning of the land, but which were granted (in part) on the basis that activity status did not indicate that they were inconsistent with that zoning.
 - (c) If Council has identified a certain type or scale of activity that it considers to be inconsistent with the zone, and which therefore be subject to the threshold assessment in s 104D, then it should confine any amendments to AUP accordingly. Amending the default activity status is a blunt tool for addressing a specific problem and has the potential to have wider (and unintended) implications for other activities which may be novel or unforeseen, but not inconsistent with the policy direction *per se*.
 - (d) Amending the activity status so that any activity not specifically provided for becomes a Non-Complying activity places an onerous

burden on landowners, and is an inefficient and ineffective way of managing the concerns identified by Council.

Relief Sought

8. I seek the following decision from Auckland Council on the Plan Change:

- 168.1 | (a) That the proposed provisions of the Plan Change be deleted.
- 168.2 | (b) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.

9. I wish to be heard in support of this submission.

10. If others make a similar submission, I would be willing to consider presenting a joint case with them at hearing.

DATED this 18th day of April 2019

ADDRESS FOR SERVICE

J B WHEELER

32B Te Aute Ridge Road, Te Henga, Henderson, RD1, Auckland 0781

By email: anna@wainamu.nz

Copy to: adevine@ellisgould.co.nz

SUBMISSION ON PROPOSED PLAN CHANGE 20 RURAL ACTIVITY STATUS

To: Attention: Planning Technician
Plans and Places
Auckland Council
Private Bag 92300
Auckland 2
unitaryplan@aucklandcouncil.govt.nz

I, W S WHEELER, make the following submission on Proposed Plan Change 20: Rural Activity Status (“**the Plan Change**”) in the Auckland Unitary Plan (Operative in Part) (“**AUP**”).

Introduction

1. I own the property at 32A Te Aute Ridge Road, Te Henga. In the AUP this property (along with the properties at 32B, 32C, 34B and 34C Te Aute Ridge Road) form the I614 Wainamu Precinct (“**the Precinct**”). The underlying zoning of land within the Precinct is Rural – Rural Conservation. The Precinct is also subject to the Waitākere Ranges Heritage Area Overlay, the Ridgeline Protection Overlay and the Outstanding Natural Landscapes Overlay.
2. I could not gain any advantage in trade competition through this submission.
3. I am directly affected by the amendments proposed in the Plan Change, particularly those relating to the default activity status.

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The Submission is

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Relief Sought

8. I seek the following decision from Auckland Council on the Plan Change:
- 169.1 | (a) That the proposed provisions of the Plan Change be deleted.
- 169.2 | (b) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.
9. I wish to be heard in support of this submission.
10. If others make a similar submission, I would be willing to consider presenting a joint case with them at hearing.

DATED this 18th day of April 2019

ADDRESS FOR SERVICE

W S WHEELER

32A Te Aute Ridge Road, Te Henga, Henderson, RD1, Auckland 0781

By email: wainamu@gmail.com Copy to: adevine@ellisgould.co.nz

SUBMISSION ON PROPOSED PLAN CHANGE 20 RURAL ACTIVITY STATUS

To: Attention: Planning Technician
Plans and Places
Auckland Council
Private Bag 92300
Auckland 2
unitaryplan@aucklandcouncil.govt.nz

I, **A A WHEELER**, make the following submission on Proposed Plan Change 20: Rural Activity Status (“**the Plan Change**”) in the Auckland Unitary Plan (Operative in Part) (“**AUP**”).

Introduction

1. I own the property at 34C Te Aute Ridge Road, Te Henga. In the AUP this property (along with the properties at 32A, 32B, 32C and 34B Te Aute Ridge Road) form the I614 Wainamu Precinct (“**the Precinct**”). The underlying zoning of land within the Precinct is Rural – Rural Conservation. The Precinct is also subject to the Waitākere Ranges Heritage Area Overlay, the Ridgeline Protection Overlay and the Outstanding Natural Landscapes Overlay.
2. I could not gain any advantage in trade competition through this submission.
3. I am directly affected by the amendments proposed in the Plan Change, particularly those relating to the default activity status.

Scope of Submission

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The Submission is

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- (b) Will in those circumstances impact significantly and adversely on the ability of people and communities to provide for their social, economic and cultural wellbeing;
 - (c) Is contrary to the purposes and provisions of the relevant planning documents, including the Unitary Plan, in that they will not improve consistency;
 - (d) Will not avoid, remedy or mitigate adverse environmental effects; and
 - (e) Does not represent the most appropriate way to achieve the objectives of the Unitary Plan, in terms of s 32 of the RMA.
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 - (b) The s 32 report clearly identifies that the Council's concern lies with applications for residential or industrial activities of a certain scale. Council refers to a number of applications for consent which have been granted in circumstances where Council considered them to be inconsistent with the rural zoning of the land, but which were granted (in part) on the basis that activity status did not indicate that they were inconsistent with that zoning.
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Relief Sought

8. I seek the following decision from Auckland Council on the Plan Change:

- 170.1 | (a) That the proposed provisions of the Plan Change be deleted.
- 170.2 | (b) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.

9. I wish to be heard in support of this submission.

10. If others make a similar submission, I would be willing to consider presenting a joint case with them at hearing.

DATED this 18th day of April 2019

ADDRESS FOR SERVICE

A A WHEELER

34C Te Aute Ridge Road, Te Henga, Henderson, RD1, Auckland 0781

By email: adair.wheeler@gmail.com

Copy to: adevine@ellisgould.co.nz

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Frank Reynolds

Organisation name: Karaka Centre Ltd

Agent's full name:

Email address: mark@redmethod.co.nz

Contact phone number: 021937333

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:

Activity table H19.8.1 proposal to make any activity not provided for elsewhere an Non Complying activity status

Property address: Lot 64B1, Lot 64B2, Lot64C Parish to 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:

We seek this rule to be amended so that development of Papakainga is a permitted activity in rural zones irrespective of the ownership structure of that land.

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

171.2 | Details of amendments: Amend the table so that Papakainga is a permitted activity in rural zones

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: Warren Judd

Organisation name:

Agent's full name: Warren Judd

Email address: warjudd@gmail.com

Contact phone number:

Postal address:
598 Bull Creek Rd
RD 2 Milton
Clutha 9292

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:

to make any activity not provided for in the Auckland Unitary plan require a resource consent as a non-complying 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:

Auckland Council is new to controlling large tracts of rural land, and it remains fair to say that its main focus is on urban areas. Despite this focus, most of the area controlled by Auckland Council is rural. While micro-managing an urban area may be appropriate, it is less so in rural areas. I lived in what was once Rodney for almost 40 years so have a fair basis for an opinion. For instance, in rural areas of Rodney, it was permissible to build a non-residential building as long as it was more than 50 m from a boundary without any sort of building permit or resource consent. I strongly suspect that this is not possible under Auckland but the Unitary Plan is so vast it is difficult to find out. Having read much of the online material relevant to this proposed plan change, it seems to have been prompted by a handful of cases in which more urban or industrial activities (in the view of some council planners) have been allowed in rural areas. Who has allowed this? Auckland Council planners. So the proposed remedy is to make everything non-complying, which means that it will be subjected to more scrutiny

before being approved. Who will now do the more thorough scrutinising? Auckland Council planners, presumably those better qualified in bureaucratic tackling and obstruction. In urban areas, where presumably maintaining urban and industrial character are important (since maintaining rural character is vital in rural areas), there are green open spaces called parks. Is it going to be the end of rural NZ if there is a rest home for retired farmers in a rural area? Yesterday I drove from Queenstown to where I presently live in rural Otago through rural northern Southland. At Mandeville, a nothing place in the countryside, is a large building where old aircraft are restored, and beside it is a mess of old railway stuff, although railways have disappeared from the area. Do these add or detract from the rural character of the area? Although they are not rural activities, in my opinion they add considerably to the area. Driving past endless similar farms is not as bad as driving through a subdivision but many would still find it boring. Council seems very concerned about preserving elite soils and I fully support that, however in much of northern rural Auckland the soils are anything but elite—wet, expansile clays that are difficult to build on and difficult to farm profitably. The best activity in these considerable areas is either native or plantation forestry, or possibly sheep farming although Auckland is really too warm and humid for sheep. Farming doesn't contribute greatly to the Auckland economy so you come back to wanting to keep rural Auckland strictly rural for "amenity values" whatever that may mean. Maybe it means so that urban Aucklanders can drive through a tract of green should a few of them seek to escape the beach and mall? I suspect that this is the main "point" of rural land to urban planners. It is also a sort of expiation from the sins of the city, because regardless of council's myriad bylaws, Auckland is still the doyen of contaminated runoff, sewerage production, air pollution, noise, carbon dioxide generation, violence, congestion etc in the country, but by controlling some rural land and making sure it stays rural, you can say, "see, we're not so bad". The trouble is, that reduces rural residents to little more than zoo animals. In summary, Council should let rural Auckland do what it wants to and the odd dash of "urbanity" will likely hurt less than a puritanical zeal to keep its rural virginity unsullied.

172.1 | 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.

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: Elaine Maree Spring-Rice

Organisation name:

Agent's full name:

Email address: elainesr@hotmail.co.nz

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:

Proposed Plan Change 20 - Rural Activity Status

Property address:

Map or maps:

Other provisions:

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 unlisted activities Non-complying is a lazy approach to law & over-reach.

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:

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 unlisted activities Non-complying is a lazy approach to law & over-reach.

173.1 | 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.

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: Steve Trevor Spring-Rice

Organisation name:

Agent's full name:

Email address: dinke@hotmail.co.nz

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:

Proposed plan change 20 - Rural Activity Status

Property address:

Map or maps:

Other provisions:

Rural Activity Status

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:

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 unlisted activities Non-complying is a lazy approach to law & over-reach.

174.1 | 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.

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: Kate Keane

Organisation name:

Agent's full name:

Email address: katekeane@xtra.co.nz

Contact phone number:

Postal address:

PO Box 5,
Clevedon
Papakura 2582

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

Property address: 90 Mullins Road, Ardmore

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:

Restriction private use on rural propertys

175.1 | 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.

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)

JOHN RAMSEY

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

Address for service of Submitter

C/O ANDREW BRAGGINS, BERRY SIMONS, P.O. BOX 3144, SHORTLAND ST, AUCKLAND 1140

Telephone: 09 969 2300 Fax/Email: Andrew@berrysimons.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)

Or

Property Address

Or

Map

Or

Other (specify) PLEASE SEE ATTACHED SUBMISSION DOCUMENT

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

The reasons for my views are: PLEASE SEE ATTACHED SUBMISSION DOCUMENT

(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.

PLEASE SEE ATTACHED SUBMISSION DOCUMENT

- 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

[Signature]
Signature of Submitter
(or person authorised to sign on behalf of submitter)

18/04/2019
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.

IN THE MATTER of the Resource Management Act 1991 ("**The Act**")

AND

IN THE MATTER of a submission pursuant to Clause 6 of Schedule 1, of the Act in respect of **PLAN CHANGE 20** to the **AUCKLAND UNITARY PLAN (OPERATIVE IN PART)**

SUBMISSION ON PLAN CHANGE 20 TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART) –

'Rural Activity Status'

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

Name of submitter: **John Ramsey**

1. This is a submission on Plan Change 20 ("PC20") to the Auckland Unitary Plan (Operative in Part) ("AUP(OIP)").

INTRODUCTION

2. John Ramsey ("the Submitter") owns and farms land at 342 Clevedon-Kawakawa Road, Clevedon that is potentially affected by PC20.
3. This land is legally described as Lot 1 DP 34795, Lot 2 DP 94602, Part Urungahauhau, NA50D/1225 (the "property" or "farm") and is located in the Rural – Rural Coastal Zone.
4. The property is used for farming activities which are specifically provided for in the Rural Activity Table H19.8.1(A1). However the Submitter has broader concerns relating to the process undertaken by the Council in preparing PC20 and the potential for PC20 to have unanticipated adverse consequences for future proposed activities in the Rural – Rural Coastal Zone that have not been fully considered.

5. In light of this, the nature of the submission and the associated relief sought are set out below.

NATURE OF SUBMISSION

6. PC20 seeks to make activities not provided for in Table H19.8.1 a non-complying activity rather than a discretionary activity.¹
7. This issue was previously addressed by the Independent Hearings Panel ("IHP") in their 'Report to Auckland Council, Hearing topic 004, General rules'. The IHP recommended that activities not provided for be discretionary:²

"The recommended rule dealing with activities that are not otherwise provided for in the Unitary Plan makes such activities discretionary, consistent with section 87B(1)(b) of the Resource Management Act 1991 rather than non-complying as proposed in the Plan as notified.

While it may be possible to make such activities non-complying, the Panel considers that such an approach could create unnecessary difficulties when assessing applications for truly novel or unforeseen proposals under section 104D of the Resource Management Act 1991, given the nature of the threshold tests in that section. A truly novel or unforeseen proposal would be unlikely to be contemplated by the objectives and policies in the Plan and so could be considered contrary to them because of that novelty rather than for any explicit policy reason. Such a proposal may also have adverse effects that are more than minor, but the opportunity to consider it on its merits to evaluate whether it was appropriate would be foreclosed because of the statutory constraint on assessing non-complying activities.

The scope for evaluation and consideration of a discretionary activity under section 104B of the Resource Management Act 1991 normally provides sufficient breadth of control in such circumstances to enable any truly novel or unforeseen proposal to be considered on its merits, including in terms of its effects on the environment and having regard to any relevant objectives and policies.

In circumstances where the Panel considers it would be appropriate to require an activity to be subject to the

¹ Section 32 Report, Attachment A3. Activities not provided for currently have a discretionary activity status in accordance with Rule C1.7 in Chapter C of the AUP(OIP).

² At [5.2].

threshold assessment in section 104D, the relevant activity tables do classify any activity that is not otherwise provided for in that activity table as a non-complying activity. Examples include the activity tables for residential zones, where the maintenance of residential amenity values warrants the use of that threshold assessment."

8. PC20 seeks to unwind the IHP's determination, apparently in response to a number of consents that have been granted for various unanticipated activities in rural zones,³ the need to protect rural zones for production purposes (specifically the protection of finite elite soils and the management of prime soils),⁴ and to manage various adverse effects in the Rural – Rural Coastal Zone.⁵

9. Further to this the Section 32 Report states:⁶

"The resource consent process has delivered, in a number of instances, outcomes not anticipated or contemplated in the rural zones. Specific examples with details are referred to in Section 5 of the report under the heading "The current potential for inappropriate activities to establish in rural zones."

10. Despite this:

- (a) Only two examples given for unanticipated activities establishing in the Rural – Rural Coastal Zone since the AUP(OIP) became operative in part in 2016⁷ (being a facility for exercise classes, day retreats and visitor accommodation at Mahurangi, and a cooking school at Buckleton Beach);
- (b) No further examples relevant to the Rural – Rural Coastal Zone are given in Section 5 of the Section 32 Report; and
- (c) Issues such as infrastructure, reverse sensitivity, finite soils can all be addressed within the context of discretionary activities. None of the examples provided appear to highlight that those issues (to the extent relevant) were not considered and/or adequately addressed.

³ Section 32 Report at pages 8-9.

⁴ Ibid at page 3.

⁵ Section 32 Report at page 8.

⁶ Ibid.

⁷ Ibid.

11. It appears that by imposing a default 'non-complying' activity status the Council is seeking to address a perceived problem regarding unanticipated activities in the Rural – Rural Coastal Environment Zone that does not exist, or at least is not established on the information provided in the Section 32 Report.
12. Further to that, in assessing the preferred 'non-complying' option, the Section 32 Report states:⁸

"This option is supported. By way of unanticipated activities in the rural zones being considered as a non-complying activity this would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP. In such cases activities which did not possess the quality of supporting rural production would either be declined or have to exhibit the qualities of not adversely effecting rural character and amenity, elite and prime soils and undermining existing specific zones or policy directions pertaining to urban growth and form."

13. It is entirely unclear as to what is meant by a 'fuller assessment' of such proposals being able to be made under a non-complying activity status. While a 'non complying' activity status means the gateway test under section 104D would need to be met before the application could be considered, there is no reason why a 'full assessment' of a proposed activity against the relevant objectives policies could not be made if unanticipated activities retained the 'discretionary' activity status (as set out by the IHP).
14. Notably the issues previously raised by the IHP in their report on Hearing Topic 004 remain relevant and have not been addressed in the PC20 documentation.
15. In that regard, proposed PC20:
 - (a) Fails to consider what activities may be appropriate as 'non-complying' activities;
 - (b) Fails to consider the issues raised in the IHP report regarding the imposition of the default 'non-complying status';

⁸ Section 32 Report at page 12.

- (c) Fails to consider whether the existing objective, policy and rule framework is appropriate and/or needs to be revised in light of the proposed PC20 amendments; and
 - (d) Is based on an inadequate and incorrect section 32 analysis;
 - (e) Does not represent the most appropriate way to achieve or implement the relevant objectives and policies of the AUP(OIP).
16. Further, it is an abuse of process to propose a 'catch all' non-complying activity status to unanticipated activities in all rural zones, when the appropriate default classification of activities has already (and recently) been determined and there are no new objectives or policies which would justify such a change to the activity status.
17. Similarly the proposed change from residential buildings to dwellings has been poorly thought through and does not represent the most appropriate way to achieve or implement the relevant objectives and policies of the AUP(OIP).

DECISIONS SOUGHT

18. The Submitter seeks the following decisions from the Auckland Council:
- 176.1 (a) That PC20 be declined in its entirety or declined relation to the Rural – Rural Coastal Zone; and
 - 176.2 (b) Such further, other, or consequential relief as may be necessary to fully give effect to the submission and/or relief sought in this submission be granted.
19. **The Submitter could not gain an advantage in trade competition as a result of this submission.**
20. **The Submitter wishes to be heard in support of their submission.**

DATED at **AUCKLAND** this 18th day of April 2019

John Ramsey

by their solicitors and duly authorised agents
BERRY SIMONS



Andrew Braggins / Chris Timbs

Address for service of Submitter:

Berry Simons
PO Box 3144
Shortland Street
AUCKLAND 1140

Telephone: (09) 969 2300

Facsimile: (09) 969 2304

Email: andrew@berrysimons.co.nz / chris@berrysimons.co.nz

Contact: Andrew Braggins / Chris Timbs

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Debbie White

Organisation name:

Agent's full name: Debbie White

Email address: TDWKKC@xtra.co.nz

Contact phone number:

Postal address:
74 Holdens Rd
Papakura RD 5
Papakura RD 5 2585

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:
This submission opposes the plan change in its entirety.

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 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.

177.1 | 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.

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: WAYNE DAVIES AND MICHELLE DAVIES

Organisation name:

Agent's full name: VERN WARREN

Email address: vwarren@planningnetwork.co.nz

Contact phone number: 021 950 476

Postal address:
5 Kelly Road
RIVERHEAD
AUCKLAND 0820

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 PLAN CHANGE

Property address: THE WHOLE AREA COVERED BY THE RURAL ZONES

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:
SEE ATTACHED DOCUMENT

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

Submission date: 18 April 2019

Supporting documents
Supplementary document - Wayne and Michelle Davies submission on PC20.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 OF PROPOSED PLAN CHANGE 20 TO THE AUCKLAN COUNCIL UNITARY PLAN

This is supplementary document and forms part of the submission made by Wayne and Michelle Davies in opposition to Proposed Plan Change 20 – Activity status in Rural zones.

Relief sought.

The options for relief offered in the on-line form do not enable alternatives.

178.1 | The preferred relief is to **decline** the plan change.

If not declined then PC20 should be significantly amended to:

- 178.2 | a. Identify specific activities to which Non-complying activity status will apply;
- 178.3 | b. Identify a scale of activity as well as specific activities to which Non-complying activity will apply
- 178.4 | c. Differentiate activity status between rural zones according to the environmental sensitivity of the zone. For example Non-complying (NC) status may be appropriate for particular activities in the Rural Conservation zone or the Rural coastal zone but not in the other rural zones
- d.

The reasons for our views are:

1. The rules should intervene in the use of land only to the extent necessary to give effect to the policies of the plan and to assist the Council to carry out its duties under sections 30 and 31 of the Act. In this case, the NC status is unnecessarily onerous and the default Discretionary status fully enables Council to give effect to the policies.
2. NC status will apply to all activities not provided for regardless of scale or potential type and level of effect on the environment. This will stultify innovation and efficient use of the land resource.
3. The emphasis on preserving elite and prime soils imposes more onerous consent requirements on the great majority of rural land in the district that is neither elite nor prime soils.
4. The blanket use of NC status will impose unnecessary additional cost and degree of difficulty on applicants without compensating environmental gains.
5. The unnecessary blanket use of NC status will not promote sustainable use and development of resources.
6. The s.32 evaluation does not satisfy the requirements of s.32 of the Act. Without diminishing this overall inappropriateness of the section 32 report, it is noted that:
 - a) The focus on resource consents already granted under the current discretionary activity default status as a reason for the plan change suggests that the consents were inappropriate – when due process was followed and decisions made by independent commissioners – changing that status to NC will be more onerous but will not change the objectives and policies or the effects on the environment to be evaluated.

7. The fact that consents have been granted for activities “not contemplated in the zone” is not automatically inappropriate. “Not contemplated” is somewhat pretentious. “Not provided for” would be a more factual wording. The structure of activity tables is to identify activities expected or eschewed in a zone and their status. There is flexibility in all zones for resource consents to be applied for and for the appropriateness of activities to be assessed through that process. This flexibility is fundamental in the process because no planner or council can be certain that no other suitable activities or circumstances will arise that would be justified in any particular zone.
8. There seems to be a prejudice in the commentary and assessment against retirement villages or residential care facilities in the rural zones. There is no apparent analysis in resource management terms, (including the desirability of providing for people who have previously lived in rural areas) about the benefits of providing for such facilities in rural zones.
9. Economic analysis relies on generalities rather than competent economic analysis.
10. The statement that the status quo “does not achieve the objectives of the RPS or the AUP” is not supported by analysis. A discretionary activity assessment still requires relationship of the proposal to objectives and policies to be assessed on a case by case basis. This s.32 evaluation assumes that the processing of a discretionary activity will fail to achieve the objectives. The s.32 test is *whether the provisions in the proposal are the most appropriate way to achieve the objectives*. This test is not directly carried out in the report. submitter has not seen the
11. The approval of a relatively small number of industrial or residential activities in the rural zones represents a very small percentage of the rural zones area under the AUP and the potential consequences are exaggerated in the s.32 report.
12. The main difference between a discretionary and NC status is the gateway tests of s.104D of the Act. However assessment against both objectives and policies and effects on the environment are also a mandatory part of assessing a discretionary activity. There is no identified potential for an inappropriate activity to be granted as a discretionary activity than if considered as a NC activity. There is no evaluation need for NC status

Submission:
Auckland Unitary Plan, Proposed Plan Change 20

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

Arnim Pierau – Rural Activity Status

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

To: Auckland Council

1. SUBMITTER DETAILS

Name of Submitter: Arnim Pierau

This is a submission on Auckland Council's Proposed Plan Change 20.

Arnim Pierau could not gain an advantage in trade competition through this submission.

Arnim Pierau 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 aspect and provision of Proposed Plan Change 20 that this submission relates to is:

- a) Changes to table H19.8.1: Rural Activity Table and all consequential changes.

3. SUBMISSION

3.1 Introduction

Arnim Pierau submits on the proposed amendment to Activity Table H19.8.1 which affects the assessment of a range of activities within rural zones.

3.2 General Submission

Proposed Plan Change 20 seeks to make the following amendments to the Rural Activity Table in Chapter H19 of the AUP (OP):

Submission:
Auckland Unitary Plan, Proposed Plan Change 20



Table H19.8.1 Activity Table – use and development [rp/dp]

Activity		Activity Status				
		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Use						
(AA1)	<u>Activities not provided for</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
Rural						

Arnim Pierau submits in opposition to these proposed amendments for the following reasons:

- Arnim Pierau does not consider that this amendment is the most appropriate way to achieve the purpose of the Resource Management Act 1991;
- Arnim Pierau does not consider that this amendment is the most appropriate way to achieve the objectives of the Auckland Unitary Plan (Operative in Part).

Arnim Pierau considers that Proposed Plan Change 20 is fundamentally flawed from a planning perspective, taking into account the matters set out below.

The purpose of the plan change is stated to be *“to consider and evaluate the best option for dealing with activities which are not contemplated in rural zones, and extend beyond those currently provided for in the rural zones in the Auckland Unitary Plan.”*

The matters discussed in the Section 32 report, however, generally relate to issues with activities that are already provided for within the activity table for Rural zones (i.e. visitor accommodation and rural commercial activities) contradicting the stated purpose of the plan change. There are also activities mentioned in the s32 report that are enabled by other Chapters in the AUP (OP) for example events enabled as a Temporary activity by the rules in Chapter E40. The s32 specifically mentions wedding and function venues. Depending upon scale, and compliance with standards wedding and function venues can occur as permitted activities in the rural zones.

Requiring activities that are not provided for within Activity Table H19.8.1 to be assessed as non-complying activities rather than the default discretionary activity status set by the General Rules in Chapter C of the AUP (OP) for activities not provided for (C1.7(1)) will not achieve the outcome intended by the Proposed Plan Change. A full assessment against the relevant objectives and

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policies is required for resource consent applications for both discretionary and non-complying activities. Further, Council's ability to grant, or not grant, a resource consent application does not change whether considering a discretionary activity or a non-complying activity.

The Section 32 report prepared for the Proposed Plan Change states that 'as a non-complying activity [applications] would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP'. However, we note that discretionary activities also require full assessment against the same objectives and policies. The scope of the Proposed Plan Change does not extend to include amendments to the objectives and policies of Chapter H19 Rural zones. Without any change to these objectives and policies, the assessment required for resource consent applications, regardless of a discretionary or non-complying activity status, remains the same and therefore the outcomes will remain unchanged from what can currently be achieved under the AUP (OP).

Whilst we acknowledge that it is essential for rural areas to provide for and maintain productive land uses, rural zones should also enable a range of non-rural activities. There are particular activities that occur in rural zones that cannot be replicated in an urban setting, and that have the potential to become points for tourism and other outdoor recreation – activities that assist in providing for the long-term sustainability and viability of rural areas. In addition, there are a range of non-productive activities which are not rural which need to be enabled in order to support the activities anticipated within the rural zones. Should all activities that are not provided for be made non-complying, further amendments will need to be made to Activity Table H19.8.1 to ensure that every activity that is potentially appropriate in rural zones is provided for.

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 undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). 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 regards to any objectives and policies. In addition, the IHP specifically rejected the proposition that activities not provided for

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

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should be a non-complying activity because it is 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. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

There is no sound planning basis for the proposed plan change.

3.3 Specific Submissions

3.3.1 Activity Table H19.8.1

Arnim Pierau submits on Proposed Plan Change 20 due to his concern about the content of the Section 32 report prepared for the Proposed Plan Change. The purpose of the plan change is “to consider and evaluate the best option for dealing with activities which are not contemplated in rural zones”.

However, the matters discussed in the Section 32 report place considerable focus on visitor accommodation; tourist and visitor activities; events and function centres, as activities not appropriate in rural zones, yet visitor accommodation is specifically provided for under H19.8.1(A34) and events and function centres can operate as a Temporary activity subject to scale. No changes are proposed to amend the activity status of visitor accommodation under the Proposed Plan Change or to change the provisions of Chapter E40. Further, rural tourist and visitor activities are specifically provided under H19.8.1(A43).

Arnim Pierau is concerned about the disparity between the purpose of the plan change and the content of the Section 32 report, and by extension the intent Council has for rural zones in the future.

Arnim Pierau wishes to emphasise the need and demand for these activities in rural zones. Many of these activities cannot necessarily be replicated in an urban setting. The IHP confirmed from their evaluation of the rural rules during the drafting and development phases of the AUP (OP) that these activities were deemed appropriate to occur in rural zones, hence the activity status

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that was applied to them. Arnim Pierau considers that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones.

Arnim Pierau considers the insertion of a new non-complying activity status for activities not provided for by the existing activity table for rural zones will not achieve the intent of the Proposed Plan Change as discussed in the Section 32 report, and the Plan Change will not achieve the objectives for rural zones; specifically, Objective H19.2 (1) which states:

Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.

Proposed Plan Change 20 is opposed because it works against stated objectives to further hinder a range of land use activities in rural zones; many of which are necessary for the long-term sustainability of rural areas and rural land uses in the Auckland region.

Arnim Pierau does not support any further restriction on such activities beyond that which was deemed appropriate by the IHP.

4. DECISIONS SOUGHT

Arnim Pierau seeks the following:

- a) That the amendment proposed by PPC20 to Activity Table H19.8.1 be deleted;
- b) Any such further or consequential changes necessary or appropriate to address the concerns expressed in this submission.

Arnim Pierau wishes to be heard in support of this submission.

If others make a similar submission, then Arnim Pierau will consider presenting a joint case with them at the hearing.



Burnette O'Connor, Barker & Associates Ltd
(Person authorised to sign on behalf of submitter)

Submission:
Auckland Unitary Plan, Proposed Plan Change 20

Date: 18/04/2019

5. ADDRESS FOR SERVICE

Arnim Pierau

C /- Barker & Associates Ltd

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WARKWORTH

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Mobile: 021 422 346

Email: burnetteo@barker.co.nz

Submission:
Auckland Unitary Plan, Proposed Plan Change 20

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

Blue Tides Farm Ltd – Rural Activity Status

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

To: Auckland Council

1. SUBMITTER DETAILS

Name of Submitter: Blue Tides Farm Ltd (“Blue Tides Farm”)

This is a submission on Auckland Council’s Proposed Plan Change 20.

Blue Tides Farm Ltd could not gain an advantage in trade competition through this submission.

Blue Tides Farm Ltd 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 aspect and provision of Proposed Plan Change 16 that this submission relates to is:

- a) Changes to table H19.8.1: Rural Activity Table and all consequential changes.

3. SUBMISSION

3.1 Introduction

Blue Tides Farm submit on the proposed amendment to Activity Table H19.8.1 which affects the assessment of a range of activities within rural zones.

3.2 General Submission

Proposed Plan Change 20 seeks to make the following amendments to the Rural Activity Table in Chapter H19 of the AUP (OP):

Table H19.8.1 Activity Table – use and development [rp/dp]

Activity		Activity Status				
		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Use						
(AA1)	<u>Activities not provided for</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
Rural						

Blue Tide Farm submit in opposition to these proposed amendments for the following reasons:

- Blue Tide Farm does not consider that this amendment is the most appropriate way to achieve the purpose of the Resource Management Act 1991;
- Blue Tide Farm does not consider that this amendment is the most appropriate way to achieve the objectives of the Auckland Unitary Plan (Operative in Part).

Blue Tide Farm considers that Proposed Plan Change 20 is fundamentally flawed from a planning perspective, taking into account the matters set out below.

The purpose of the plan change is stated to be *“to consider and evaluate the best option for dealing with activities which are not contemplated in rural zones, and extend beyond those currently provided for in the rural zones in the Auckland Unitary Plan.”*

The matters discussed in the Section 32 report, however, generally relate to issues with activities that are already provided for within the activity table for Rural zones (i.e. visitor accommodation and rural commercial activities) contradicting the stated purpose of the plan change. There are also activities mentioned in the s32 report that are enabled by other Chapters in the AUP (OP) for example events enabled as a Temporary activity by the rules in Chapter E40. The s32 specifically mentions wedding and function venues. Depending upon scale, and compliance with standards wedding and function venues can occur as permitted activities in the rural zones.

Requiring activities that are not provided for within Activity Table H19.8.1 to be assessed as non-complying activities rather than the default discretionary activity status set by the General Rules in Chapter C of the AUP (OP) for activities not provided for (C1.7(1)) will not achieve the outcome intended by the Proposed Plan Change. A full assessment against the relevant objectives and

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policies is required for resource consent applications for both discretionary and non-complying activities. Further, Council's ability to grant, or not grant, a resource consent application does not change whether considering a discretionary activity or a non-complying activity.

The Section 32 report prepared for the Proposed Plan Change states that 'as a non-complying activity [applications] would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP'. However, we note that discretionary activities also require full assessment against the same objectives and policies. The scope of the Proposed Plan Change does not extend to include amendments to the objectives and policies of Chapter H19 Rural zones. Without any change to these objectives and policies, the assessment required for resource consent applications, regardless of a discretionary or non-complying activity status, remains the same and therefore the outcomes will remain unchanged from what can currently be achieved under the AUP (OP).

Whilst we acknowledge that it is essential for rural areas to provide for and maintain productive land uses, rural zones should also enable a range of non-rural activities. There are particular activities that occur in rural zones that cannot be replicated in an urban setting, and that have the potential to become points for tourism and other outdoor recreation – activities that assist in providing for the long-term sustainability and viability of rural areas. In addition, there are a range of non-productive activities which are not rural which need to be enabled in order to support the activities anticipated within the rural zones. Should all activities that are not provided for be made non-complying, further amendments will need to be made to Activity Table H19.8.1 to ensure that every activity that is potentially appropriate in rural zones is provided for.

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 undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). 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 regards to any objectives and policies. In addition, the IHP specifically rejected the proposition that activities not provided for

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

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should be a non-complying activity because it is 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. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

There is no sound planning basis for the proposed plan change.

3.3 Specific Submissions

3.3.1 Activity Table H19.8.1

Blue Tides Farm submits on Proposed Plan Change 20 due to their concern about the content of the Section 32 report prepared for the Proposed Plan Change. The purpose of the plan change is “to consider and evaluate the best option for dealing with activities which are not contemplated in rural zones”.

However, the matters discussed in the Section 32 report place considerable focus on visitor accommodation; events and function centres, as activities not appropriate in rural zones, yet visitor accommodation is specifically provided for under H19.8.1(A34) and events and function centres can operate as a Temporary activity subject to scale. No changes are proposed to amend the activity status of visitor accommodation under the Proposed Plan Change or to change the provisions of Chapter E40. Further, rural tourist and visitor activities are specifically provided under H19.8.1(A43).

Blue Tides Farm is concerned about the disparity between the purpose of the plan change and the content of the Section 32 report, and by extension the intent Council has for rural zones in the future.

Blue Tides Farm wish to emphasise the need and demand for these activities in rural zones. Many of these activities cannot necessarily be replicated in an urban setting. The IHP confirmed from their evaluation of the rural rules during the drafting and development phases of the AUP (OP) that these activities were deemed appropriate to occur in rural zones, hence the activity status

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that was applied to them. Blue Tides Farm considers that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones.

Blue Tides Farm considers the insertion of a new non-complying activity status for activities not provided for by the existing activity table for rural zones will not achieve the intent of the Proposed Plan Change as discussed in the Section 32 report not will the Plan Change achieve the objectives for rural zones; specifically, Objective H19.2 (1) which states:

Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.

Proposed Plan Change 20 is opposed because it works against stated objectives to further hinder a range of land use activities in rural zones; many of which are necessary for the long-term sustainability of rural areas and rural land uses in the Auckland region.

Blue Tides Farm do not support any further restriction on such activities beyond that which was deemed appropriate by the IHP.

4. DECISIONS SOUGHT

Blue Tides Farm seek the following:

- 180.1 | a) That the amendment proposed by PPC20 to Activity Table H19.8.1 be deleted;
- 180.2 | b) Any such further or consequential changes necessary or appropriate to address the concerns expressed in this submission.

Blue Tides Farm wishes to be heard in support of this submission.

If others make a similar submission, then Blue Tides Farm will consider presenting a joint case with them at the hearing.



Burnette O'Connor, Barker & Associates Ltd
(Person authorised to sign on behalf of submitter)

Submission:
Auckland Unitary Plan, Proposed Plan Change 20



Date: 18/04/2019

5. ADDRESS FOR SERVICE

Blue Tides Farm Ltd

C /- Barker & Associates Ltd

PO Box 591

WARKWORTH

Attn: Burnette O'Connor

Mobile: 021 422 346

Email: burnetteo@barker.co.nz

Submission:
Auckland Unitary Plan, Proposed Plan Change 20

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

Gus and Kim McKergow – Rural Activity Status

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

To: **Auckland Council**

1. SUBMITTER DETAILS

Name of Submitter: Gus and Kim McKergow (“The McKergow’s”)

This is a submission on Auckland Council’s Proposed Plan Change 20.

The McKergow’s could not gain an advantage in trade competition through this submission.

The McKergow’s are 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 aspect and provision of Proposed Plan Change 20 that this submission relates to is:

- a) Changes to table H19.8.1: Rural Activity Table and all consequential changes.

3. SUBMISSION

3.1 Introduction

The McKergow’s submit on the proposed amendment to Activity Table H19.8.1 which affects the assessment of a range of activities within rural zones.

3.2 General Submission

Proposed Plan Change 20 seeks to make the following amendments to the Rural Activity Table in Chapter H19 of the AUP (OP):

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Table H19.8.1 Activity Table – use and development [rp/dp]

Activity		Activity Status				
		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Use						
(AA1)	<u>Activities not provided for</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
Rural						

The McKergow’s submit in opposition to these proposed amendments for the following reasons:

- The McKergow’s do not consider that this amendment is the most appropriate way to achieve the purpose of the Resource Management Act 1991;
- The McKergow’s do not consider that this amendment is the most appropriate way to achieve the objectives of the Auckland Unitary Plan (Operative in Part).

The McKergow’s consider that Proposed Plan Change 20 is fundamentally flawed from a planning perspective, taking into account the matters set out below.

The purpose of the plan change is stated to be *“to consider and evaluate the best option for dealing with activities which are not contemplated in rural zones, and extend beyond those currently provided for in the rural zones in the Auckland Unitary Plan.”*

The matters discussed in the Section 32 report, however, generally relate to issues with activities that are already provided for within the activity table for Rural zones (i.e. visitor accommodation and rural commercial activities) contradicting the stated purpose of the plan change. There are also activities mentioned in the s32 report that are enabled by other Chapters in the AUP (OP) for example events enabled as a Temporary activity by the rules in Chapter E40. The s32 specifically mentions wedding and function venues. Depending upon scale, and compliance with standards wedding and function venues can occur as permitted activities in the rural zones.

Requiring activities that are not provided for within Activity Table H19.8.1 to be assessed as non-complying activities rather than the default discretionary activity status set by the General Rules in Chapter C of the AUP (OP) for activities not provided for (C1.7(1)) will not achieve the outcome intended by the Proposed Plan Change. A full assessment against the relevant objectives and

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policies is required for resource consent applications for both discretionary and non-complying activities. Further, Council's ability to grant, or not grant, a resource consent application does not change whether considering a discretionary activity or a non-complying activity.

The Section 32 report prepared for the Proposed Plan Change states that 'as a non-complying activity [applications] would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP'. However, we note that discretionary activities also require full assessment against the same objectives and policies. The scope of the Proposed Plan Change does not extend to include amendments to the objectives and policies of Chapter H19 Rural zones. Without any change to these objectives and policies, the assessment required for resource consent applications, regardless of a discretionary or non-complying activity status, remains the same and therefore the outcomes will remain unchanged from what can currently be achieved under the AUP (OP).

Whilst we acknowledge that it is essential for rural areas to provide for and maintain productive land uses, rural zones should also enable a range of non-rural activities. There are particular activities that occur in rural zones that cannot be replicated in an urban setting, and that have the potential to become points for tourism and other outdoor recreation – activities that assist in providing for the long-term sustainability and viability of rural areas. In addition, there are a range of non-productive activities which are not rural which need to be enabled in order to support the activities anticipated within the rural zones. Should all activities that are not provided for be made non-complying, further amendments will need to be made to Activity Table H19.8.1 to ensure that every activity that is potentially appropriate in rural zones is provided for.

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 undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). 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 regards to any objectives and policies. In addition, the IHP specifically rejected the proposition that activities not provided for

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

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should be a non-complying activity because it is 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. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

There is no sound planning basis for the proposed plan change.

3.3 Specific Submissions**3.3.1 Activity Table H19.8.1**

The McKergow's submit on Proposed Plan Change 20 due to their concern about the content of the Section 32 report prepared for the Proposed Plan Change. The purpose of the plan change is "to consider and evaluate the best option for dealing with activities which are not contemplated in rural zones".

However, the matters discussed in the Section 32 report place considerable focus on visitor accommodation, events and function centres, as activities not appropriate in rural zones, yet visitor accommodation is specifically provided for under H19.8.1(A34) and events and function centres can operate as a Temporary activity subject to scale. No changes are proposed to amend the activity status of visitor accommodation under the Proposed Plan Change or to change the provisions of Chapter E40.

The McKergow's are concerned about the disparity between the purpose of the plan change and the content of the Section 32 report, and by extension the intent Council has for rural zones in the future.

The McKergow's wish to emphasise the need and demand for these activities in rural zones. Many of these activities cannot necessarily be replicated in an urban setting. The IHP confirmed from their evaluation of the rural rules during the drafting and development phases of the AUP (OP) that these activities were deemed appropriate to occur in rural zones, hence the activity status that was applied to them. The McKergow's consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones.

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The McKergow's consider the insertion of a new non-complying activity status for activities not provided for by the existing activity table for rural zones will not achieve the intent of the Proposed Plan Change as discussed in the Section 32 report, and the Plan Change will not achieve the objectives for rural zones; specifically, Objective H19.2 (1) which states:

Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.

Proposed Plan Change 20 is opposed because it works against stated objectives to further hinder a range of land use activities in rural zones; many of which are necessary for the long-term sustainability of rural areas and rural land uses in the Auckland region.

The McKergow's do not support any further restriction on such activities beyond that which was deemed appropriate by the IHP.

4. DECISIONS SOUGHT

The McKergow's seek the following:

- 181.1 | a) That the amendment proposed by PPC20 to Activity Table H19.8.1 be deleted;
- 181.2 | b) Any such further or consequential changes necessary or appropriate to address the concerns expressed in this submission.

The McKergow's wish to be heard in support of this submission.

If others make a similar submission, then the McKergow's will consider presenting a joint case with them at the hearing.



Burnette O'Connor, Barker & Associates Ltd
(Person authorised to sign on behalf of submitter)

Date: 18/04/2019

Submission:
Auckland Unitary Plan, Proposed Plan Change 20

5. ADDRESS FOR SERVICE

Gus and Kim McKergow

C /- Barker & Associates Ltd

PO Box 591

WARKWORTH

Attn: Burnette O'Connor

Mobile: 021 422 346

Email: burnetteo@barker.co.nz

Submission:
Auckland Unitary Plan, Proposed Plan Change 20

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

Snowberry New Zealand Ltd – Rural Activity Status

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

To: **Auckland Council**

1. SUBMITTER DETAILS

Name of Submitter: Snowberry New Zealand Ltd (“Snowberry”)

This is a submission on Auckland Council’s Proposed Plan Change 20.

Snowberry New Zealand Ltd could not gain an advantage in trade competition through this submission.

Snowberry New Zealand Ltd 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 aspect and provision of Proposed Plan Change 20 that this submission relates to is:

- a) Changes to table H19.8.1: Rural Activity Table and all consequential changes.

3. SUBMISSION

3.1 Introduction

Snowberry submit on the proposed amendment to Activity Table H19.8.1 which affects the assessment of a range of activities within rural zones.

3.2 General Submission

Proposed Plan Change 20 seeks to make the following amendments to the Rural Activity Table in Chapter H19 of the AUP (OP):

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Table H19.8.1 Activity Table – use and development [rp/dp]

Activity		Activity Status				
		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Use						
(AA1)	<u>Activities not provided for</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
Rural						

Snowberry submit in opposition to these proposed amendments for the following reasons:

- Snowberry does not consider that this amendment is the most appropriate way to achieve the purpose of the Resource Management Act 1991;
- Snowberry does not consider that this amendment is the most appropriate way to achieve the objectives of the Auckland Unitary Plan (Operative in Part).

Snowberry considers that Proposed Plan Change 20 is fundamentally flawed from a planning perspective, taking into account the matters set out below.

The purpose of the plan change is stated to be *“to consider and evaluate the best option for dealing with activities which are not contemplated in rural zones, and extend beyond those currently provided for in the rural zones in the Auckland Unitary Plan.”*

The matters discussed in the Section 32 report, however, generally relate to issues with activities that are already provided for within the activity table for Rural zones (i.e. visitor accommodation and rural commercial activities) contradicting the stated purpose of the plan change. There are also activities mentioned in the s32 report that are enabled by other Chapters in the AUP (OP) for example events enabled as a Temporary activity by the rules in Chapter E40. The s32 specifically mentions wedding and function venues. Depending upon scale, and compliance with standards wedding and function venues can occur as permitted activities in the rural zones.

Requiring activities that are not provided for within Activity Table H19.8.1 to be assessed as non-complying activities rather than the default discretionary activity status set by the General Rules in Chapter C of the AUP (OP) for activities not provided for (C1.7(1)) will not achieve the outcome intended by the Proposed Plan Change. A full assessment against the relevant objectives and

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policies is required for resource consent applications for both discretionary and non-complying activities. Further, Council's ability to grant, or not grant, a resource consent application does not change whether considering a discretionary activity or a non-complying activity.

The Section 32 report prepared for the Proposed Plan Change states that 'as a non-complying activity [applications] would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP'. However, we note that discretionary activities also require full assessment against the same objectives and policies. The scope of the Proposed Plan Change does not extend to include amendments to the objectives and policies of Chapter H19 Rural zones. Without any change to these objectives and policies, the assessment required for resource consent applications, regardless of a discretionary or non-complying activity status, remains the same and therefore the outcomes will remain unchanged from what can currently be achieved under the AUP (OP).

Whilst we acknowledge that it is essential for rural areas to provide for and maintain productive land uses, rural zones should also enable a range of non-rural activities. There are particular activities that occur in rural zones that cannot be replicated in an urban setting, and that have the potential to become points for tourism and other outdoor recreation – activities that assist in providing for the long-term sustainability and viability of rural areas. In addition, there are a range of non-productive activities which are not rural which need to be enabled in order to support the activities anticipated within the rural zones. Should all activities that are not provided for be made non-complying, further amendments will need to be made to Activity Table H19.8.1 to ensure that every activity that is potentially appropriate in rural zones is provided for.

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 undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). 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 regards to any objectives and policies. In addition, the IHP specifically rejected the proposition that activities not provided for

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

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should be a non-complying activity because it is 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. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

There is no sound planning basis for the proposed plan change.

3.3 Specific Submissions

3.3.1 Activity Table H19.8.1

Snowberry submits on Proposed Plan Change 20 due to their concern about the content of the Section 32 report prepared for the Proposed Plan Change. The purpose of the plan change is “to consider and evaluate the best option for dealing with activities which are not contemplated in rural zones”.

However, the matters discussed in the Section 32 report place considerable focus on visitor accommodation; tourist and visitor activities; events and function centres, as activities not appropriate in rural zones, yet visitor accommodation is specifically provided for under H19.8.1(A34) and events and function centres can operate as a Temporary activity subject to scale. No changes are proposed to amend the activity status of visitor accommodation under the Proposed Plan Change or to change the provisions of Chapter E40. Further, rural tourist and visitor activities are specifically provided under H19.8.1(A43).

Snowberry is concerned about the disparity between the purpose of the plan change and the content of the Section 32 report, and by extension the intent Council has for rural zones in the future.

Snowberry wish to emphasise the need and demand for these activities in rural zones. Many of these activities cannot necessarily be replicated in an urban setting. The IHP confirmed from their evaluation of the rural rules during the drafting and development phases of the AUP (OP) that these activities were deemed appropriate to occur in rural zones, hence the activity status that

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was applied to them. Snowberry considers that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones.

Snowberry considers the insertion of a new non-complying activity status for activities not provided for by the existing activity table for rural zones will not achieve the intent of the Proposed Plan Change as discussed in the Section 32 report, and the Plan Change will not achieve the objectives for rural zones; specifically, Objective H19.2 (1) which states:

Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.

Proposed Plan Change 20 is opposed because it works against stated objectives to further hinder a range of land use activities in rural zones; many of which are necessary for the long-term sustainability of rural areas and rural land uses in the Auckland region.

Snowberry do not support any further restriction on such activities beyond that which was deemed appropriate by the IHP.

4. DECISIONS SOUGHT

Snowberry seek the following:

- a) That the amendment proposed by PPC20 to Activity Table H19.8.1 be deleted;
- b) Any such further or consequential changes necessary or appropriate to address the concerns expressed in this submission.

Snowberry wishes to be heard in support of this submission.

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



Burnette O'Connor, Barker & Associates Ltd
(Person authorised to sign on behalf of submitter)

Submission:
Auckland Unitary Plan, Proposed Plan Change 20

Date: 18/04/2019

5. ADDRESS FOR SERVICE

Snowberry New Zealand Ltd

C /- Barker & Associates Ltd

PO Box 591

WARKWORTH

Attn: Burnette O'Connor

Mobile: 021 422 346

Email: burnetteo@barker.co.nz

Submission:
Auckland Unitary Plan, Proposed Plan Change 20



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

Southern Paprika – Rural Activity Status

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

To: **Auckland Council**

1. SUBMITTER DETAILS

Name of Submitter: Southern Paprika

This is a submission on Auckland Council's Proposed Plan Change 20.

Southern Paprika could not gain an advantage in trade competition through this submission.

Southern Paprika 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 aspect and provision of Proposed Plan Change 20 that this submission relates to is:

- a) Changes to table H19.8.1: Rural Activity Table and all consequential changes.

3. SUBMISSION

3.1 General Submission

Proposed Plan Change 20 seeks to make the following amendments to the Rural Activity Table in Chapter H19 of the AUP (OP):

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Table H19.8.1 Activity Table – use and development [rp/dp]

Activity		Activity Status				
		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Use						
(AA1)	<u>Activities not provided for</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
Rural						

Southern Paprika submit in opposition to these proposed amendments for the following reasons:

- Southern Paprika do not consider that this amendment is the most appropriate way to achieve the purpose of the Resource Management Act 1991;
- Southern Paprika do not consider that this amendment is the most appropriate way to achieve the objectives of the Auckland Unitary Plan (Operative in Part).

Southern Paprika consider that Proposed Plan Change 20 is fundamentally flawed from a planning perspective, taking into account the matters set out below.

The purpose of the plan change is stated to be *“to consider and evaluate the best option for dealing with activities which are not contemplated in rural zones, and extend beyond those currently provided for in the rural zones in the Auckland Unitary Plan.”*

The matters discussed in the Section 32 report, however, generally relate to issues with activities that are already provided for within the Rural zones i.e. activities that are specifically listed in the Activity Table such as visitor accommodation and rural commercial activities. This contradicts the stated purpose of the plan change.

Requiring activities that are not specifically listed in the Activity Table H19.8.1 to be assessed as non-complying activities; rather than the default discretionary activity status set by the General Rules in Chapter C of the AUP (OP), for activities not provided for (C1.7(1)); will not achieve the outcome intended by the Proposed Plan Change.

A full assessment against the relevant objectives and policies is required for resource consent applications for both discretionary and non-complying activities. Further, Council’s ability to grant,

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or not grant, a resource consent application does not change whether considering a discretionary activity or a non-complying activity.

The Section 32 report prepared for the Proposed Plan Change states that ‘as a non-complying activity [applications] would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP’. However, we note that discretionary activities also require full assessment against the same objectives and policies. The AUP (OP) does not contain assessment criteria for discretionary activities and relies upon a full assessment of the stated objectives and policies to be undertaken for all discretionary activities listed in the Plan.

The scope of the Proposed Plan Change does not extend to include amendments to the objectives and policies of Chapter H19 Rural zones. Without any change to these objectives and policies, the assessment required for resource consent applications, regardless of a discretionary or non-complying activity status, remains the same and therefore the outcomes will remain unchanged from what can currently be achieved under the AUP (OP).

Whilst we acknowledge that it is essential for rural areas to provide for and maintain productive land uses, rural zones should also enable a range of non-rural activities, particularly where they support; or accompany rural land use activities. There are a range of activities that occur in rural zones that cannot be replicated in an urban setting, for example a restaurant associated with a vineyard, certain types of visitor accommodation activities, for example glamping; sculpture parks etc. These activities have the potential to become points for tourism. In addition, there are a range of non-productive activities which are not rural which need to be enabled in order to support the activities anticipated within the rural zones; for example, processing activities not located on the site, supporting business activities to rural production activities. Should all activities that are not provided for be made non-complying, further amendments will need to be made to Activity Table H19.8.1 to ensure that every activity that is potentially appropriate in rural zones is provided for.

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 undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). The IHP concluded that the scope for evaluation and

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

Submission:
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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 regards 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 is 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. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

There is no sound planning basis for the proposed plan change.

3.2 Specific Submission

Southern Paprika undertake horticultural activities within the Auckland Region. This includes New Zealand's largest single site glasshouse growing of capsicums at their Warkworth land holding.

There are a range of activities within Rural zones that are necessary to support rural production activities and which fall outside of the strict definition of the activities provided for within the Activity Table H19.8.1 for Rural Zones. The range of activities are however are still necessary to support other rural production activities. Examples of these activities include yards and pack houses. In particular it is noted that the definition of Rural commercial services specifically excludes pack houses and whilst many of the other excluded activities are provided for in the Rural industries listing pack houses are not specifically listed in the Rural industries definition; although it should be covered by that definition.

Southern Paprika oppose the change to activity Table H19.8.1 proposed by Plan Change 20 as it does not achieve the objectives for rural zones; specifically, Objective H19.2 (1) which states:

Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.

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Proposed Plan Change 20 is opposed because it works against stated objectives to further hinder a range of land use activities in rural zones; many of which are necessary for the long-term sustainability of rural areas and rural land uses in the Auckland region.

Southern Paprika will not support any further tightening or restriction on rural and non-productive activities that are necessary to support rural activities and rural communities, outside what was deemed appropriate by the IHP and incorporated into the current operative provisions in the AUP (OP) for rural zones.

4. DECISIONS SOUGHT

Southern Paprika seek the following:

- 183.1 | a) That the amendment proposed by PPC20 to Activity Table H19.8.1 be deleted;
- 183.2 | b) Any such further or consequential changes necessary or appropriate to address the concerns expressed in this submission.

Southern Paprika wish to be heard in support of this submission.

If others make a similar submission, then Southern Paprika will consider presenting a joint case with them at the hearing.

Burnette O'Connor

Burnette O'Connor, Barker & Associates Ltd
 (Person authorised to sign on behalf of submitter)

Date: 18/04/2019

5. ADDRESS FOR SERVICE

Southern Paprika
 C /- Barker & Associates Ltd
 PO Box 591

WARKWORTH

Attn: Burnette O'Connor
 Mobile: 021 422 346
 Email: burnetteo@barker.co.nz

Submission:
Auckland Unitary Plan, Proposed Plan Change 20



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

T&G Global – Rural Activity Status

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

To: Auckland Council

1. SUBMITTER DETAILS

Name of Submitter: T&G Global (“T&G”)

This is a submission on Auckland Council’s Proposed Plan Change 20.

T&G could not gain an advantage in trade competition through this submission.

T&G 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 aspect and provision of Proposed Plan Change 20 that this submission relates to is:

- a) Changes to table H19.8.1: Rural Activity Table and all consequential changes.

3. SUBMISSION

3.1 General Submission

Proposed Plan Change 20 seeks to make the following amendments to the Rural Activity Table in Chapter H19 of the AUP (OP):

Submission:
Auckland Unitary Plan, Proposed Plan Change 20



Table H19.8.1 Activity Table – use and development [rp/dp]

Activity		Activity Status				
		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Use						
(AA1)	<u>Activities not provided for</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
Rural						

T&G submit in opposition to these proposed amendments for the following reasons:

- T&G do not consider that this amendment is the most appropriate way to achieve the purpose of the Resource Management Act 1991;
- T&G do not consider that this amendment is the most appropriate way to achieve the objectives of the Auckland Unitary Plan (Operative in Part).

T&G consider that Proposed Plan Change 20 is fundamentally flawed from a planning perspective, taking into account the matters set out below.

The purpose of the plan change is stated to be *“to consider and evaluate the best option for dealing with activities which are not contemplated in rural zones, and extend beyond those currently provided for in the rural zones in the Auckland Unitary Plan.”*

The matters discussed in the Section 32 report, however, generally relate to issues with activities that are already provided for within the Rural zones i.e. activities that are specifically listed in the Activity Table such as visitor accommodation and rural commercial activities. This contradicts the stated purpose of the plan change.

Requiring activities that are not specifically listed in the Activity Table H19.8.1 to be assessed as non-complying activities; rather than the default discretionary activity status set by the General Rules in Chapter C of the AUP (OP), for activities not provided for (C1.7(1)); will not achieve the outcome intended by the Proposed Plan Change.

A full assessment against the relevant objectives and policies is required for resource consent applications for both discretionary and non-complying activities. Further, Council’s ability to grant,

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or not grant, a resource consent application does not change whether considering a discretionary activity or a non-complying activity.

The Section 32 report prepared for the Proposed Plan Change states that ‘as a non-complying activity [applications] would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP’. However, we note that discretionary activities also require full assessment against the same objectives and policies. The AUP (OP) does not contain assessment criteria for discretionary activities and relies upon a full assessment of the stated objectives and policies to be undertaken for all discretionary activities listed in the Plan.

The scope of the Proposed Plan Change does not extend to include amendments to the objectives and policies of Chapter H19 Rural zones. Without any change to these objectives and policies, the assessment required for resource consent applications, regardless of a discretionary or non-complying activity status, remains the same and therefore the outcomes will remain unchanged from what can currently be achieved under the AUP (OP).

Whilst we acknowledge that it is essential for rural areas to provide for and maintain productive land uses, rural zones should also enable a range of non-rural activities, particularly where they support; or accompany rural land use activities. There are a range of activities that occur in rural zones that cannot be replicated in an urban setting, for example a restaurant associated with a vineyard, certain types of visitor accommodation activities, for example glamping; sculpture parks etc. These activities have the potential to become points for tourism. In addition, there are a range of non-productive activities which are not rural which need to be enabled in order to support the activities anticipated within the rural zones; for example, processing activities not located on the site, supporting business activities to rural production activities. Should all activities that are not provided for be made non-complying, further amendments will need to be made to Activity Table H19.8.1 to ensure that every activity that is potentially appropriate in rural zones is provided for.

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 undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). The IHP concluded that the scope for evaluation and

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

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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 regards 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 is 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. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

There is no sound planning basis for the proposed plan change.

3.2 Specific Submission

T&G undertake horticultural activities within the Auckland region. This includes growing under glass house cover, packing depots, the accommodation of horticultural workers and general administration and office functions. T&G also undertaken the import and export of fresh produce and the operation of various MPI approved transitional facilities.

T&G have established a range of activities within rural zones and some of the activities undertaken fall outside of the strict definition of the activities provided for within the Activity Table H19.8.1 for Rural Zones. The range of activities are however are still necessary to support other rural production activities. Examples of these activities include yards and pack houses. In particular it is noted that the definition of Rural commercial services specifically excludes pack houses and whilst many of the other excluded activities are provided for in the Rural industries listing pack houses are not specifically listed in the Rural industries definition; although it should be covered by that definition.

T&G oppose the change to activity Table H19.8.1 proposed by Plan Change 20 as it does not achieve the objectives for rural zones; specifically, Objective H19.2 (1) which states:

Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.

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Proposed Plan Change 20 is opposed because it works against stated objectives to further hinder a range of land use activities in rural zones; many of which are necessary for the long-term sustainability of rural areas and rural land uses in the Auckland region.

T&G will not support any further tightening or restriction on rural and non-productive activities that are necessary to support rural activities and rural communities, outside what was deemed appropriate by the IHP and incorporated into the current operative provisions in the AUP (OP) for rural zones.

4. DECISIONS SOUGHT

T&G seek the following:

- 184.1 | a) That the amendment proposed by PPC20 to Activity Table H19.8.1 be deleted;
- 184.2 | b) Any such further or consequential changes necessary or appropriate to address the concerns expressed in this submission.

T&G wish to be heard in support of this submission.

If others make a similar submission, then T&G will consider presenting a joint case with them at the hearing.



Burnette O'Connor, Barker & Associates Ltd
(Person authorised to sign on behalf of submitter)
Date: 18/04/2019

5. ADDRESS FOR SERVICE

T&G Global
C /- Barker & Associates Ltd
PO Box 591
WARKWORTH
Attn: Burnette O'Connor

Submission:
Auckland Unitary Plan, Proposed Plan Change 20



Mobile: 021 422 346

Email: burnetteo@barker.co.nz

Submission:
Auckland Unitary Plan, Proposed Plan Change 20

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

Paul Boocock and Moir Hill Forestry Limited – Rural Activity Status

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

To: **Auckland Council**

1. SUBMITTER DETAILS

Name of Submitter: Paul Boocock and Moir Hill Forestry Limited

This is a submission on Auckland Council's Proposed Plan Change 20.

Neither Paul Boocock or Moir Hill Forestry Limited could gain an advantage in trade competition through this submission.

Paul Boocock and Moir Hill Forestry Limited are 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 aspect and provision of Proposed Plan Change 20 that this submission relates to is:

- a) Changes to Table H19.8.1: Rural Activity Table and all consequential changes.

3. SUBMISSION

3.1 General Submission

Proposed Plan Change 20 seeks to make the following amendments to the Rural Activity Table in Chapter H19 of the AUP (OP):

Submission:
Auckland Unitary Plan, Proposed Plan Change 20

Table H19.8.1 Activity Table – use and development [rp/dp]

Activity		Activity Status				
		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Use						
(AA1)	<u>Activities not provided for</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
Rural						

Paul Boocock and Moir Hill Forestry Limited submit in opposition to these proposed amendments for the following reasons:

- Paul Boocock and Moir Hill Forestry Limited do not consider that this amendment is the most appropriate way to achieve the purpose of the Resource Management Act 1991;
- Paul Boocock and Moir Hill Forestry do not consider that this amendment is the most appropriate way to achieve the objectives of the Auckland Unitary Plan (Operative in Part).

Paul Boocock and Moir Hill Forestry Limited consider that Proposed Plan Change 20 is fundamentally flawed from a planning perspective, taking into account the matters set out below.

The purpose of the plan change is stated to be *“to consider and evaluate the best option for dealing with activities which are not contemplated in rural zones, and extend beyond those currently provided for in the rural zones in the Auckland Unitary Plan.”*

The matters discussed in the Section 32 report, however, generally relate to issues with activities that are already provided for within the Rural zones i.e. activities that are specifically listed in the Activity Table such as visitor accommodation and rural commercial activities. This contradicts the stated purpose of the plan change.

Requiring activities that are not specifically listed in the Activity Table H19.8.1 to be assessed as non-complying activities; rather than the default discretionary activity status set by the General Rules in Chapter C of the AUP (OP), for activities not provided for (C1.7(1)); will not achieve the outcome intended by the Proposed Plan Change.

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A full assessment against the relevant objectives and policies is required for resource consent applications for both discretionary and non-complying activities. Further, Council's ability to grant, or not grant, a resource consent application does not change whether considering a discretionary activity or a non-complying activity.

The Section 32 report prepared for the Proposed Plan Change states that 'as a non-complying activity [applications] would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP'. However, we note that discretionary activities also require full assessment against the same objectives and policies. The AUP (OP) does not contain assessment criteria for discretionary activities and relies upon a full assessment of the stated objectives and policies to be undertaken for all discretionary activities listed in the Plan.

The scope of the Proposed Plan Change does not extend to include amendments to the objectives and policies of Chapter H19 Rural zones. Without any change to these objectives and policies, the assessment required for resource consent applications, regardless of a discretionary or non-complying activity status, remains the same and therefore the outcomes will remain unchanged from what can currently be achieved under the AUP (OP).

Whilst we acknowledge that it is essential for rural areas to provide for and maintain productive land uses, rural zones should also enable a range of non-rural activities, particularly where they support; or accompany rural land use activities. There are a range of activities that occur in rural zones that cannot be replicated in an urban setting, for example a restaurant associated with a vineyard, certain types of visitor accommodation activities, for example glamping; sculpture parks etc. These activities have the potential to become points for tourism. In addition, there are a range of non-productive activities which are not rural which need to be enabled in order to support the activities anticipated within the rural zones; for example, processing activities not located on the site, supporting business activities to rural production activities. Should all activities that are not provided for be made non-complying, further amendments will need to be made to Activity Table H19.8.1 to ensure that every activity that is potentially appropriate in rural zones is provided for.

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

Submission:**Auckland Unitary Plan, Proposed Plan Change 20**

provided for”¹. The IHP undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). 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 regards 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 is 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. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

There is no sound planning basis for the proposed plan change.

4. DECISIONS SOUGHT

Paul Boocock and Moir Hill Forestry Limited seek the following:

- a) That the amendment proposed by PPC20 to Activity Table H19.8.1 be deleted;
- b) Any such further or consequential changes necessary or appropriate to address the concerns expressed in this submission.

Paul Boocock and Moir Hill Forestry Limited wish to be heard in support of this submission.

If others make a similar submission, then Paul Boocock and Moir Hill Forestry will consider presenting a joint case with them at the hearing.



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

Submission:
Auckland Unitary Plan, Proposed Plan Change 20

Burnette O'Connor, Barker & Associates Ltd
(Person authorised to sign on behalf of submitter)

Date: 17/04/2019

5. ADDRESS FOR SERVICE

Paul Boocock and Moir Hill Forestry Limited

C /- Barker & Associates Ltd

PO Box 591

WARKWORTH

Attn: Burnette O'Connor

Mobile: 021 422 346

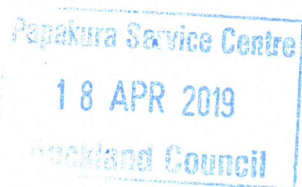
Email: burnetteo@barker.co.nz

Before you fill out the attached submission form, you should know:

You need to include your full name, an email address, or an alternative postal address for your submission to be valid. Also provide a contact phone number so we can contact you for hearing schedules (where requested).

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one 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.



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)

Jay Calvey

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

Address for service of Submitter

*800 Pipewhara Clivedon Road
ARDMORE*

Telephone:

021 669922

Fax/Email:

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)

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

The reasons for my views are:

Non complying activities is too broad NZ is built on
Kiwi ingenuity and these are changing times, with
global warming the future is unsure and flexibility is
required more than ever.

(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.

- 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

Signature of Submitter *John Calway*
(or person authorised to sign on behalf of submitter)

Date 18/04/2019

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.

IN THE MATTER**PROPOSED PLAN CHANGE 20
RURAL ACTIVITY STATUS****TO**

Auckland Council,
Level 24, 135 Albert Street
Private Bag 92-300,
Auckland 1142
unitaryplan@aucklandcouncil.govt.nz

NAME OF SUBMITTER

Lloyd & Susan Morris
47A Donaldson Drive
RD 3, Albany
Auckland 0793
Lloyd@jkgl.co.nz

Over view

- 1 This is a Submission by a rural land owner, that objects to proposed Plan Change 20.

Rural Activity

- 2 There are a multitude of reasons why persons' reside in the rural environment, and to try to categorise those reasons and compartmentalise them into a prescriptive schedule, that becomes a detailed, rigid unyielding and enforceable Activity Table is to try to 'straight jacket' the very essence of what constitutes the rural environment. Most rural inhabitants by their occupancy of the rural space recognise, empathise with and become 'guardians' of their environment by default, much more so than in the city, and can achieve the very conceptual outcomes that the Plan Change is seeking within the current Unitary Plan prescriptive rule set.
- 3 The RPS, in our view, already defines and offers sufficient guidance to ensure that rural activities, and land with high productive potential, and that future growth & form under the urban, residential, commercial & industrial, rural & coastal towns and villages is suitably described and that there are mechanisms in place to apply for activities and for those applications to be tested and ruled upon with confidence, in fairness and reasonably. We are of a view that overly complex applications are rare and that the existing 'rule set' is fit for purpose.
- 4 The Plan Change 20 amendments appears to be more about Auckland Council Town Planning veto control over application outcomes. This approach will likely lead to lazy, dictatorial Town Planning under the guise of reverse sensitivity, amenity and bio-diversity concerns, loss of productive soils, and concern to ensure the "in & up" residential development form is maintained, and to reduce the number of rural buildings in applications.
- 5 There are circumstances where persons who have lived their life, worked in a community, on the land and become part of the fabric of that community over a long period of time, also wish to retire in such an environment. In our view that is not an unreasonable desire and there will be legitimate circumstances where catering for rural retirement is appropriate. Provision should be made to cater for the diversity of rural living without making it so restrictive that it becomes nigh on impossible. We appreciate that city dwellers have become accustomed to being supplied with and even expecting a high level of service provision, for which they pay in their rates, whereas the reality of living in a rural environment has always required a level of self sufficient independence, with the need to supply your own stormwater, sewerage, water and rubbish disposal

facilities. Such provision is not difficult and with continually advancing technology service options are continually expanding.

- 6 Rural living is different to city living and the accompaniment of buildings and structures reasonably required in the country as part of a package are not always reflected in city living. The changes to the wording of what constitutes residential buildings' (plural) to dwelling (singular) means that the often normal package of buildings that might constitute a rural occupancy would now likely not be approved. The time and cost and employment of professionals to burrow into that level of detail is quite clearly out of proportion to the activity approval sought.
- 7 Rural character and amenity embodies an 'essence' that the proposed prescriptive rule making suggests it is trying to protect, yet will in fact stifle, restrict, impose, not allow and indeed will attempt to remove. We are clearly of a view that the proposed tinkering will lead to unintended consequences the reverse of those articulated.

We seek the following decision from the Hearings Panel :

187.1

- 8 That Unitary Plan S32 Report Rural Activity Option 1 be adopted, that is the 'status quo' remain, with activities not listed in the activity table remaining as Discretionary Activities under Chapter C General Rules, C1.7 Activities not provided for.
- 9 We wish to be heard in support of our submission.
- 10 If others make a similar submission we would be prepared to consider presenting a joint case with them at any hearing.
- 11 We would not gain an advantage in trade competition through this submission.

Address for Service: Lloyd Morris
47A Donaldson Drive
RD 3, Albany
Auckland 0793

Attention: Lloyd Morris

Mobile: 021 49 33 60

E-mail: Lloyd@jkgj.co.nz

Date 17th April 2019

Lloyd & Susan Morris

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Brooklands TMT Partnership

Organisation name:

Agent's full name: Blundell Planning Consultants

Email address: ian@blundellplanning.nz

Contact phone number: 021655984

Postal address:
16 Aramoana Avenue
Devonport
Auckland 0624

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 Activity Table – use and development AA1) “Activities not provided for (Non Complying) 19.2.4 Policies – rural character, amenity and biodiversity values, • 19.6 Rural – Rural Conservation Zone H19.6.1 Zone description, • H19.6.2 Objectives, • H19.6.3 Policies, and • H19.7.Rural – Countryside Living H19.7.1 Zone Description

Property address: 600 North Road, Clevedon

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:
See attached

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

Submission date: 18 April 2019

Supporting documents

Submission on Proposed Plan Change 20 - Brooklands TMT Partnership - 600 North Road
Clevedon.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 on Publicly Notified Plan Change 20 (Rural Activity Status) to the Auckland
Unitary Plan – Operative in Part 2016

TO: Auckland Council
Private Bag 92300
Auckland

1. Submitters Details

This submission is made by Brooklands TMT Partnership (the Submitter), the owners of the properties at

600 North Road, Clevedon

comprising the following titles:

CT678045 (Lot 1 Deposited Plan 482225)

CT678050 (Lot 7 Deposited Plan 482225)

CT678051 (Lot 8 Deposited Plan 482225)

Brooklands TMT Partnership
c/ - Blundell Planning Limited
16 Aramoana Avenue
Devonport
Auckland
0624

Phone: 0212469011

Email: ian@blundellplanning.nz

2. Scope of submission

This submission relates to Plan Change 20 – Rural Activity Status, in particular as it relates to the proposed change from discretionary to non-complying activity status for activities not provided for within the rural zone. Table H19.8.1 Activity Table – use and development AA1) Activities not provided for (Non Complying) and changes to the policies and objectives to restrict residential use to dwellings only.

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

Non-complying Activity Status

The submitter opposes the various provisions of PC20 specifically the addition to Table H19.8.1 to change to the activity status for activities not provided for, to non-complying and wishes to have them amended to remove proposed addition to Table H19.8.1 Activity Table – use and development AA1) “Activities not provided for (Non Complying)”.

Reasons for submission:

The Submitter is concerned about the proposed changes and the effects it will have on their operations. The ability to undertake a wide variety of uses of the land subject to avoiding,

remedying or mitigating adverse effects on the environment was a key reason the site was selected.

Applying a non-complying activity status to activities not provided for is an inconsistent approach to the rest of the Unitary Plan where activities not provided for are discretionary under the Chapter C General Rule C1.7 .This blanket approach to activities not provided for could reduce the ability for rural landowners to provide for the social and economic wellbeing.

Non complying activity status for activities not provided for creates less certainty about intended planning outcomes for the rural zones.

Changes to policies and objectives to specify dwellings only

- 19.2.4 Policies – rural character, amenity and biodiversity values,
- 19.6 Rural – Rural Conservation Zone H19.6.1 Zone description,
- H19.6.2 Objectives,
- H19.6.3 Policies, and
- H19.7.Rural – Countryside Living H19.7.1 Zone Description

Reasons for submission:

The proposed changes to the objectives and policies limit the ability for landowners to provide for their social and economic wellbeing by restricting residential buildings, development and activities to dwellings only. There may be other forms of residential development that are appropriate in a rural zone.

4. The relief sought is:

That either:

The plan change be rejected in its entirety.

or:

188.2 | Remove proposed addition to Table H19.8.1 Activity Table – use and development AA1) “Activities not provided for (Non Complying)”

188.3 | Retain existing wording of 19.2.4 Policies – rural character, amenity and biodiversity values, 19.6 Rural – Rural Conservation Zone H19.6.1 Zone description, H19.6.2 Objectives, H19.6.3 Policies, and H19.7.Rural – Countryside Living H19.7.1 Zone Description or other relief the satisfied the submitter.

188.4 | or alternative relief that satisfies the submitter.

5. Trade competition

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

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

7. The submitter may consider presenting a joint case with others.

Signature: Blundell Planning Consultants Limited

A handwritten signature in black ink, appearing to read 'Ian Blundell', is positioned below the printed name.

Ian Blundell
Planner / Director
For and on behalf of Brooklands TMT Partnership

Date: 18 April 2019

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Jess Rose

Organisation name: Ministry of Education

Agent's full name: Beca Ltd

Email address: jess.rose@beca.com

Contact phone number:

Postal address:
Beca House
21 Pitt Street
Auckland Central
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:
See attached submission

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:
See attached submission

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

Submission date: 18 April 2019

Supporting documents
MoE Submission Auckland Unitary Plan - Plan Change 20.pdf

Attend a hearing

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

Declaration

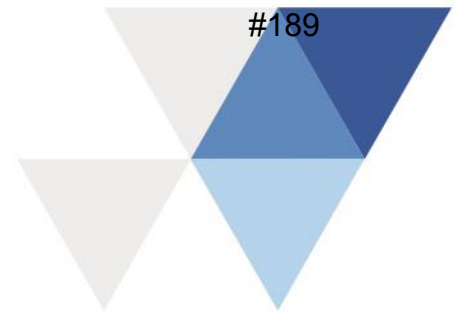
Could you gain an advantage in trade competition through this submission? No

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.



FORM

Submission on publicly notified proposal for policy statement or plan, change or variation under Clause 6 of Schedule , Resource Management Act

To: Auckland Council

Name of submitter Ministry of Education (“the Ministry”)

Address for service: C/- Beca Ltd
21 Pitt Street
Auckland 1010

Attention: Jess Rose

Phone: (09) 308 4565

Email: jess.rose@beca.com

This is a submission on the Proposed Plan Change 20 – Rural Activity Status to the Auckland Unitary Plan (“the Proposed Plan Change”)

The specific parts of the Proposed Plan Change that the Ministry of Education’s submission relates to are

The overall aims and objectives of the plan change and the retention of ‘Education facilities’ as a Discretionary activity under Chapter H19 Rural Zones (for the Countryside Living Zone, Rural Coastal Zone, Mixed Rural Zone and Rural Production Zone).

Background

The Ministry is the Government’s lead advisor on the New Zealand education system, shaping direction for education agencies and providers and contributing to the Government’s goals for education. The Ministry has responsibility for all education property owned by the Crown. This involves managing the existing property portfolio, upgrading and improving the portfolio, purchasing and constructing new property to meet increased demand, identifying and disposing of surplus State school sector property and managing teacher and caretaker housing.

The Ministry is therefore a key stakeholder in terms of activities that may impact on educational facilities and assets in the Auckland region. Most of the Ministry’s properties are subject to designations under the Resource Management Act (RMA), and therefore not subject to the provisions of underlying land use zoning. However, given the Ministry’s mandate, it does have a special interest in how education facilities in general are managed within district and unitary plans, with the aim of promoting education opportunities in general.

The Ministry of Education’s submission is:

Among other amendments, the Proposed Plan Change seeks to amend Chapter H19 of the Auckland Unitary Plan to add a rule that makes any activity not provided for in the existing tables Non-complying.

The Ministry **supports** the aims and objectives of Auckland Council for undertaking this plan change, being that they wish to have greater authority over how and where non-rural activities not otherwise provided for within Chapter H19 are established in rural zones.

Education facilities are defined by the Auckland Unitary Plan (Operative in Part) as the following:

Education facility:

facility used for education to secondary level.

includes

- *schools and outdoor education facilities and*
- *accommodation, administrative, cultural, religious, health, retail and communal facilities accessory to the above.*

includes

- *care centres and*
- *tertiary education facilities.*

Education facilities are provided for in Table H19.8.1 as Discretionary activities (except for within the Rural Conservation Zone where they are classified as Non-complying activities). The Ministry **supports** the retention of these activity statuses for education facilities. The Discretionary activity status enables an appropriate level of assessment of education facilities within rural zones. Many education facilities (for example, outdoor education facilities) would be most appropriately placed in the rural zone.

The Ministry of Education seeks the following decision from the consent authority

189.2

The Ministry requests that the Council retain the existing activity status for education facilities in the Rural Zones subject to the Proposed Plan Change, being Discretionary in the Countryside Living Zone, Rural Coastal Zone, Mixed Rural Zone and Rural Production Zone, and Non-complying in the Rural Conservation Zone.

The Ministry of Education does not wish to be heard in support of its submission



Jess Rose
Planner – Beca Ltd

Consultant to the Ministry of Education

Date 18 April 2019

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Pakari Limited

Organisation name:

Agent's full name: Blundell Planning Consultants Ltd

Email address: ian@blundellplanning.nz

Contact phone number: 021655984

Postal address:
16 Aramoana Avenue
Devonport
Auckland 0624

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 Activity Table – use and development AA1) “Activities not provided for (Non Complying) 19.2.4 Policies – rural character, amenity and biodiversity values, • 19.6 Rural – Rural Conservation Zone H19.6.1 Zone description, • H19.6.2 Objectives, • H19.6.3 Policies, and • H19.7.Rural – Countryside Living H19.7.1 Zone Description

Property address: 211 Ellett Road, 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:
see attached

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

Submission date: 18 April 2019

Supporting documents

Submission on Proposed Plan Change 20 - 211 Ellett Road Karaka - Pakari Limited.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 on Publicly Notified Plan Change 20 (Rural Activity Status) to the Auckland
Unitary Plan – Operative in Part 2016

TO: Auckland Council
Private Bag 92300
Auckland

1. Submitters Details

This submission is made by Pakari Limited (the Submitter), the owner of the properties at
211 Ellett Road, Karaka

comprising the following titles:

CT597561 (Lot 2 Deposited Plan 458678)
CT552625 (Lot 1 Deposited Plan 442726)

Pakari Limited
c/ - Blundell Planning Limited
16 Aramoana Avenue
Devonport
Auckland
0624

Phone: 0212469011
Email: ian@blundellplanning.nz

2. Scope of submission

This submission relates to Plan Change 20 – Rural Activity Status, in particular as it relates to the proposed change from discretionary to non-complying activity status for activities not provided for within the rural zone. Table H19.8.1 Activity Table – use and development AA1) Activities not provided for (Non Complying) and changes to the policies and objectives to restrict residential use to dwellings only.

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

Non-complying Activity Status

The submitter opposes the various provisions of PC20. Specifically the addition to Table H19.8.1 to change to the activity status for activities not provided for, to non-complying and wishes to have them amended to remove proposed addition to Table H19.8.1 Activity Table – use and development AA1) “Activities not provided for (Non Complying)”.

Reasons for submission:

The Submitter is concerned about the proposed changes and the effects it will have on their operations. The ability to undertake a wide variety of uses of the land subject to avoiding, remedying or mitigating adverse effects on the environment was a key reason the site was selected.

Applying a non-complying activity status to activities not provided for is an inconsistent approach to the rest of the Unitary Plan where activities not provided for are discretionary under the Chapter C General Rule C1.7 .This blanket approach to activities not provided for could reduce the ability for rural landowners to provide for the social and economic wellbeing.

Non complying activity status for activities not provided for creates less certainty about intended planning outcomes for the rural zones.

Changes to policies and objectives to specify dwellings only

- 19.2.4 Policies – rural character, amenity and biodiversity values,
- 19.6 Rural – Rural Conservation Zone H19.6.1 Zone description,
- H19.6.2 Objectives,
- H19.6.3 Policies, and
- H19.7.Rural – Countryside Living H19.7.1 Zone Description

Reasons for submission:

The proposed changes to the objectives and policies limit the ability for landowners to provide for their social and economic wellbeing by restricting residential buildings, development and activities to dwellings only. There may be other forms of residential development that are appropriate in a rural zone.

4. The relief sought is:

That either:

The plan change be rejected in its entirety.

or:

190.2 | Remove proposed addition to Table H19.8.1 Activity Table – use and development AA1) “Activities not provided for (Non Complying)”

190.3 | Retain existing wording of 19.2.4 Policies – rural character, amenity and biodiversity values, 19.6 Rural – Rural Conservation Zone H19.6.1 Zone description, H19.6.2 Objectives, H19.6.3 Policies, and H19.7.Rural – Countryside Living H19.7.1 Zone Description or other relief the satisfied the submitter.

190.4 | or alternative relief that satisfies the submitter.

5. Trade competition

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

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

7. The submitter may consider presenting a joint case with others.

Signature: Blundell Planning Consultants Limited

A handwritten signature in black ink, appearing to read 'Ian Blundell', is centered below the signature line.

Ian Blundell
Planner / Director
For and on behalf of Pakari Limited

Date: 18 April 2019

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)

Organisation Name if submission is made on behalf of Organisation
The Surveying Company

Address for service of Submitter

PO Box 466, Pukekohe 2340

Telephone:

09-238-9991

Fax/Email:

Leigh@subdivision.co.n

Contact Person: (Name and designation, if applicable) Leigh Shaw (The Surveying Company)

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) Refer to attached comments.

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

The reasons for my views are: Refer to attached comments.

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

- 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

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

18/4/19
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 sub ect matter of the submission that

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

17th April 2019

Auckland Council
Private Bag 92300
AUCKLAND 1142

The Surveying Company LTD
17 Hall Street
PO Box 466 Pukekohe 2340
Phone 09 238 9991
Fax 09 238 9307
email: info@subdivision.co.nz
web: www.subdivision.co.nz

SUBMISSION ON PROPOSED PLAN CHANGE 20: RURAL ACTIVITY STATUS – TO THE AUCKLAND UNITARY PLAN

Our submission opposes the plan change in its entirety. The reasons for our view are:

The section 32 report makes numerous references to the discretionary activity status of an application as having resulted in outcomes not anticipated or contemplated in the rural zones. The report also uses the example of a self-storage facility to justify amending the status of such activities to non-complying as a means to assist in providing stronger guidance as to the types of activities anticipated in the rural zones. It is not clear from the report why a non-complying status as sought by the plan change would provide further guidance on the activities anticipated when Chapter A1.7.4 (Discretionary activity) of the AUP already confirms that discretionary activities are not generally anticipated to occur in a particular environment, location or zone etc.

The section 32 report (page 12) also supports the introduction of a default non-complying activity status for ‘*unanticipated activities*’ as ‘*this would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP*’. However, we do not see this as a valid reason for supporting this option for change (Option 2) as discretionary activities are also subject to a full assessment of objectives and policies. The other justifications referred to under this option are also equally applicable to discretionary activities and therefore we do not see how these reasons support the proposed change. We also note that Chapter A1.7.4 of the AUP states that for a Discretionary activity, a full assessment is required to determine whether the activity, subject to conditions, would be appropriate in terms of the Plan etc.

Furthermore, 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, we do not consider all rural areas 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 we believe 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, we note that there are a number of Discretionary activities listed in the Chapter H19.8 that are not associated with rural production that would under

the plan change continue to be assessed as a discretionary activity. We also note that 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 policy:

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 objectives and policy 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.

We consider the general purpose of the objectives and policies is to avoid urbanisation in the rural zones, rather than default all activities not provided for (as mentioned above) to a non-complying status. Furthermore, objective B9.2.1(4) refers to protecting Auckland’s rural areas from inappropriate urban use and development which we consider relates to activities that do not contribute to the social, economic or cultural well-being of rural communities. This is supported further 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.”

The section 32 report refers to a number of specific activities that it considers would be better assessed as a non-complying activity once proposed beyond a certain scale. In this case, the section 32 report appears to correctly acknowledge that these specific activities are already largely provided for as Discretionary activities, however it is unclear from the report as to how these activities could be assessed as non-complying when the plan change only affects activities not provided for. It is our understanding that the activities referred to in the section 32 report would still be considered as a Discretionary activity regardless of the plan change. Furthermore, the scale of these activities is only

limited by the standards in H19.10 relating to building height and yard setback, and therefore it is unclear as to how the plan change would default these activities to a non-complying status based on 'scales of operation' or 'scale thresholds' as referred to in the section 32 report.

The section 32 report (page 15) states that: 'A key reason for this plan change is the potential for reverse sensitivity effects'. In this case, a non-complying activity status will not provide any further assessment on reverse sensitivity effects (or any other effects) than a discretionary activity status. As a result, it will not add anything to the resource consent process to address this concern. Likewise, the assessment of objectives and policies will not be advanced by a change from a discretionary to non-complying status. We consider that the current default Discretionary activity status provides sufficient certainty for Council to consider all effects and objectives and policies associated with a resource consent application.

There is insufficient detail provided in the section 32 report to establish whether the approved consents/specific activities referred to in the report would have been non-complying under the proposed plan change, and if so, whether they would have passed the 'gateway test' under section 104D of the RMA. As discussed above, it appears that these activities (being largely discretionary activities) would retain the same activity status under the plan change. However, in the event that they were able to be considered as a non-complying activity, it is not clear whether section 104D would have had any bearing on the overall outcome/determination reached in each of these cases.

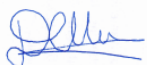
Page 19-20 of the section 32 report refers to the plan change as assisting in addressing the concerns of iwi by increasing the likelihood that intensive forms of residential development in rural zones will require an appropriately higher level of public notification. It is our understanding that the proposed change to default all activities not provided for to a non-complying status does not increase the potential for public notification. It is also noted that A1.7 (Activity Status) of the AUP states that the class of an activity status does not determine whether an application for consent will be notified or not.

In light of all of the above comments, we also consider that the amendment sought to policy H19.2.4 is inappropriate and invalid. Overall, the reasoning for the proposed changes are not justified and do not appear to be particularly relevant to the outcome sought by Council. The proposed changes will not address the concerns raised in the section 32 report, and will result in a default non-complying activity status that is not appropriate for all rural zones and which is not supported by the abovementioned objectives and policies. We seek that Council decline the plan change.

Yours faithfully

THE SURVEYING COMPANY LIMITED

Prepared by:



DHARMESH CHHIMA

Resource Management Planner

Authorised by:



JOHN GASSON

Director

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
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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)

Organisation Name if submission is made on behalf of Organisation

Hunua, Ararimu and Paparimu Valleys Residents Association

Address for service of Submitter

PO Box 466, Pukekohe 2340

Telephone:

09-238-9991

Fax/Email:

Neil@subdivision.co.nz

Contact Person: (Name and designation, if applicable) Neil Crispe (The Surveying Company)

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)

Refer to attached comments.

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

The reasons for my views are: Refer to attached comments.

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

192.1 Decline the proposed plan change / variation

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

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

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

18/4/19
Date

Notes to person making submission

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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 sub ect matter of the submission that

a adversely affects the environment and

b does not relate to trade competition or the effects of trade competition

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 policy:

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 objectives and policy 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 default 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.

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

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FORM 5



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For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent if applicable

Mr/Mrs/Miss/Ms (Full Name) Luke Sullivan

Organisation Name if submission is made on behalf of Organisation

Address for service of Submitter

PO Box 466, Pukekohe 2340

Telephone: Fax/Email:

Contact Person: (Name and designation, if applicable) Neil Crispe (The Surveying Company)

Scope of submission

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

Plan Change/Variation Number

Plan Change/Variation Name

The specific provisions that my submission relates to are:

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

Plan provision(s)

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

The reasons for my views are: Refer to attached comments.

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

193.1 Decline the proposed plan change / variation

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

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

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

18/4/19
Date

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I am am not directly affected by an effect of the sub ect matter of the submission that

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b does not relate to trade competition or the effects of trade competition

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 policy:

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 objectives and policy 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 default 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.

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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) Jeram and Laxmi Bhana

Organisation Name if submission is made on behalf of Organisation

Address for service of Submitter

PO Box 466, Pukekohe 2340

Telephone: Fax/Email:

Contact Person: (Name and designation, if applicable) Leigh Shaw (The Surveying Company)

Scope of submission

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

Plan Change/Variation Number

Plan Change/Variation Name

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

Plan provision(s)

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

The reasons for my views are: Refer to attached comments.

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

194.1 Decline the proposed plan change / variation

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

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

18/4/19

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

Date

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I am am not directly affected by an effect of the sub ect matter of the submission that

a adversely affects the environment and

b does not relate to trade competition or the effects of trade competition

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 policy:

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 objectives and policy 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 default 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.

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

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



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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)

Organisation Name if submission is made on behalf of Organisation

Balle Bros Group

Address for service of Submitter

PO Box 466, Pukekohe 2340

Telephone:

09-238-9991

Fax/Email:

John@subdivision.co.nz

Contact Person: (Name and designation, if applicable) John Gasson (The Surveying Company)

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)

Refer to attached comments.

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

The reasons for my views are: Refer to attached comments.

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

195.1 Decline the proposed plan change / variation

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

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

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

18/4/19
Date

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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 sub ect matter of the submission that

a adversely affects the environment and

b does not relate to trade competition or the effects of trade competition

17th April 2019

Auckland Council
Private Bag 92300
AUCKLAND 1142

The Surveying Company LTD
17 Hall Street
PO Box 466 Pukekohe 2340
Phone 09 238 9991
Fax 09 238 9307
email: info@subdivision.co.nz
web: www.subdivision.co.nz

SUBMISSION ON PROPOSED PLAN CHANGE 20: RURAL ACTIVITY STATUS – TO THE AUCKLAND UNITARY PLAN

Our submission opposes the plan change in its entirety. The reasons for our view are:

The section 32 report makes numerous references to the discretionary activity status of an application as having resulted in outcomes not anticipated or contemplated in the rural zones. The report also uses the example of a self-storage facility to justify amending the status of such activities to non-complying as a means to assist in providing stronger guidance as to the types of activities anticipated in the rural zones. It is not clear from the report why a non-complying status as sought by the plan change would provide further guidance on the activities anticipated when Chapter A1.7.4 (Discretionary activity) of the AUP already confirms that discretionary activities are not generally anticipated to occur in a particular environment, location or zone etc.

The section 32 report (page 12) also supports the introduction of a default non-complying activity status for ‘*unanticipated activities*’ as ‘*this would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP*’. However, we do not see this as a valid reason for supporting this option for change (Option 2) as discretionary activities are also subject to a full assessment of objectives and policies. The other justifications referred to under this option are also equally applicable to discretionary activities and therefore we do not see how these reasons support the proposed change. We also note that Chapter A1.7.4 of the AUP states that for a Discretionary activity, a full assessment is required to determine whether the activity, subject to conditions, would be appropriate in terms of the Plan etc.

Furthermore, 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, we do not consider all rural areas 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 we believe 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, we note that there are a number of Discretionary activities listed in the Chapter H19.8 that are not associated with rural production that would under

the plan change continue to be assessed as a discretionary activity. We also note that 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 policy:

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 objectives and policy 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.

We consider the general purpose of the objectives and policies is to avoid urbanisation in the rural zones, rather than default all activities not provided for (as mentioned above) to a non-complying status. Furthermore, objective B9.2.1(4) refers to protecting Auckland’s rural areas from inappropriate urban use and development which we consider relates to activities that do not contribute to the social, economic or cultural well-being of rural communities. This is supported further 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.”

The section 32 report refers to a number of specific activities that it considers would be better assessed as a non-complying activity once proposed beyond a certain scale. In this case, the section 32 report appears to correctly acknowledge that these specific activities are already largely provided for as Discretionary activities, however it is unclear from the report as to how these activities could be assessed as non-complying when the plan change only affects activities not provided for. It is our understanding that the activities referred to in the section 32 report would still be considered as a Discretionary activity regardless of the plan change. Furthermore, the scale of these activities is only

limited by the standards in H19.10 relating to building height and yard setback, and therefore it is unclear as to how the plan change would default these activities to a non-complying status based on 'scales of operation' or 'scale thresholds' as referred to in the section 32 report.

The section 32 report (page 15) states that: 'A key reason for this plan change is the potential for reverse sensitivity effects'. In this case, a non-complying activity status will not provide any further assessment on reverse sensitivity effects (or any other effects) than a discretionary activity status. As a result, it will not add anything to the resource consent process to address this concern. Likewise, the assessment of objectives and policies will not be advanced by a change from a discretionary to non-complying status. We consider that the current default Discretionary activity status provides sufficient certainty for Council to consider all effects and objectives and policies associated with a resource consent application.

There is insufficient detail provided in the section 32 report to establish whether the approved consents/specific activities referred to in the report would have been non-complying under the proposed plan change, and if so, whether they would have passed the 'gateway test' under section 104D of the RMA. As discussed above, it appears that these activities (being largely discretionary activities) would retain the same activity status under the plan change. However, in the event that they were able to be considered as a non-complying activity, it is not clear whether section 104D would have had any bearing on the overall outcome/determination reached in each of these cases.

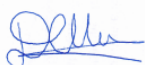
Page 19-20 of the section 32 report refers to the plan change as assisting in addressing the concerns of iwi by increasing the likelihood that intensive forms of residential development in rural zones will require an appropriately higher level of public notification. It is our understanding that the proposed change to default all activities not provided for to a non-complying status does not increase the potential for public notification. It is also noted that A1.7 (Activity Status) of the AUP states that the class of an activity status does not determine whether an application for consent will be notified or not.

In light of all of the above comments, we also consider that the amendment sought to policy H19.2.4 is inappropriate and invalid. Overall, the reasoning for the proposed changes are not justified and do not appear to be particularly relevant to the outcome sought by Council. The proposed changes will not address the concerns raised in the section 32 report, and will result in a default non-complying activity status that is not appropriate for all rural zones and which is not supported by the abovementioned objectives and policies. We seek that Council decline the plan change.

Yours faithfully

THE SURVEYING COMPANY LIMITED

Prepared by:



DHARMESH CHHIMA
Resource Management Planner

Authorised by:



JOHN GASSON
Director

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

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Submitter details

Full Name or Name of Agent if applicable

Mr/Mrs/Miss/Ms(Full Name) P Sain, PJ Sain and VP Sain

Organisation Name if submission is made on behalf of Organisation

Address for service of Submitter

PO Box 466, Pukekohe 2340

Telephone: Fax/Email:

Contact Person: (Name and designation, if applicable) John Gasson (The Surveying Company)

Scope of submission

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

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The specific provisions that my submission relates to are:

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

Plan provision(s)

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Property Address

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Map

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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

The reasons for my views are: Refer to attached comments.

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

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

I wish to be heard in support of my submission

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Signature of Submitter
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18/4/19
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17th April 2019

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AUCKLAND 1142

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Fax 09 238 9307
email: info@subdivision.co.nz
web: www.subdivision.co.nz

SUBMISSION ON PROPOSED PLAN CHANGE 20: RURAL ACTIVITY STATUS – TO THE AUCKLAND UNITARY PLAN

Our submission opposes the plan change in its entirety. The reasons for our view are:

The section 32 report makes numerous references to the discretionary activity status of an application as having resulted in outcomes not anticipated or contemplated in the rural zones. The report also uses the example of a self-storage facility to justify amending the status of such activities to non-complying as a means to assist in providing stronger guidance as to the types of activities anticipated in the rural zones. It is not clear from the report why a non-complying status as sought by the plan change would provide further guidance on the activities anticipated when Chapter A1.7.4 (Discretionary activity) of the AUP already confirms that discretionary activities are not generally anticipated to occur in a particular environment, location or zone etc.

The section 32 report (page 12) also supports the introduction of a default non-complying activity status for ‘*unanticipated activities*’ as ‘*this would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP*’. However, we do not see this as a valid reason for supporting this option for change (Option 2) as discretionary activities are also subject to a full assessment of objectives and policies. The other justifications referred to under this option are also equally applicable to discretionary activities and therefore we do not see how these reasons support the proposed change. We also note that Chapter A1.7.4 of the AUP states that for a Discretionary activity, a full assessment is required to determine whether the activity, subject to conditions, would be appropriate in terms of the Plan etc.

Furthermore, 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, we do not consider all rural areas 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 we believe 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, we note that there are a number of Discretionary activities listed in the Chapter H19.8 that are not associated with rural production that would under

the plan change continue to be assessed as a discretionary activity. We also note that 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 policy:

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 objectives and policy 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.

We consider the general purpose of the objectives and policies is to avoid urbanisation in the rural zones, rather than default all activities not provided for (as mentioned above) to a non-complying status. Furthermore, objective B9.2.1(4) refers to protecting Auckland’s rural areas from inappropriate urban use and development which we consider relates to activities that do not contribute to the social, economic or cultural well-being of rural communities. This is supported further 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.”

The section 32 report refers to a number of specific activities that it considers would be better assessed as a non-complying activity once proposed beyond a certain scale. In this case, the section 32 report appears to correctly acknowledge that these specific activities are already largely provided for as Discretionary activities, however it is unclear from the report as to how these activities could be assessed as non-complying when the plan change only affects activities not provided for. It is our understanding that the activities referred to in the section 32 report would still be considered as a Discretionary activity regardless of the plan change. Furthermore, the scale of these activities is only

limited by the standards in H19.10 relating to building height and yard setback, and therefore it is unclear as to how the plan change would default these activities to a non-complying status based on 'scales of operation' or 'scale thresholds' as referred to in the section 32 report.

The section 32 report (page 15) states that: 'A key reason for this plan change is the potential for reverse sensitivity effects'. In this case, a non-complying activity status will not provide any further assessment on reverse sensitivity effects (or any other effects) than a discretionary activity status. As a result, it will not add anything to the resource consent process to address this concern. Likewise, the assessment of objectives and policies will not be advanced by a change from a discretionary to non-complying status. We consider that the current default Discretionary activity status provides sufficient certainty for Council to consider all effects and objectives and policies associated with a resource consent application.

There is insufficient detail provided in the section 32 report to establish whether the approved consents/specific activities referred to in the report would have been non-complying under the proposed plan change, and if so, whether they would have passed the 'gateway test' under section 104D of the RMA. As discussed above, it appears that these activities (being largely discretionary activities) would retain the same activity status under the plan change. However, in the event that they were able to be considered as a non-complying activity, it is not clear whether section 104D would have had any bearing on the overall outcome/determination reached in each of these cases.

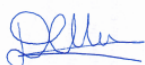
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In light of all of the above comments, we also consider that the amendment sought to policy H19.2.4 is inappropriate and invalid. Overall, the reasoning for the proposed changes are not justified and do not appear to be particularly relevant to the outcome sought by Council. The proposed changes will not address the concerns raised in the section 32 report, and will result in a default non-complying activity status that is not appropriate for all rural zones and which is not supported by the abovementioned objectives and policies. We seek that Council decline the plan change.

Yours faithfully

THE SURVEYING COMPANY LIMITED

Prepared by:



DHARMESH CHHIMA
Resource Management Planner

Authorised by:



JOHN GASSON
Director

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 :

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For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent if applicable

Mr/Mrs/Miss/Ms(Full Name) P Sain and C Powell

Organisation Name if submission is made on behalf of Organisation

Address for service of Submitter

PO Box 466, Pukekohe 2340

Telephone: Fax/Email:

Contact Person: (Name and designation, if applicable) John Gasson (The Surveying Company)

Scope of submission

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

Plan Change/Variation Number

Plan Change/Variation Name

The specific provisions that my submission relates to are:

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

Plan provision(s)

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

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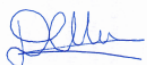
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Mr/Mrs/Miss/Ms(Full Name) Chanel Hargrave

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Telephone: Fax/Email:

Contact Person: (Name and designation, if applicable) Chanel Hargrave (The Surveying Company)

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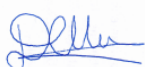
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2.25pm
HENDERSON

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Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

(use)
Jean Ilse Gladys BERRY

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

Preserve the Swanson Foothills Society

Address for service of Submitter

5 Coulter Rd.
Swanson 0614

Telephone:

027-287-7555

Fax/Email:

jean.jigby@gmail.com

Contact Person: (Name and designation, if applicable)

As above

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)

Apply the new conditions to Waitakere Ranges

Or

Property Address

Heritage Area (Foothills - Swanson, Henderson

Or

Map

Valley.)

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

Amend the PC20 to apply to the Swanson + Henderson Valley Foothills for further protection from unscrupulous development.
(REFER TO SUBMISSION)

The reasons for my views are:

Refer to submission as it includes reasons

(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

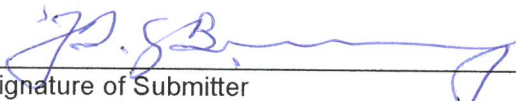
199.1 If the proposed plan change / variation is not declined, then amend it as outlined below.

As on page 1

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


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.

Unitary Plan proposed Plan Change 20 Submission

Our Preserve the Swanson Foothills Society wish to make a submission on the above proposal that seeks to:-

- 199.2 | • Add a rule that states that any activity not provided for in the Auckland Unitary Plan requires resource consent to be a non-complying activity in *the rural zone and we request that it applies to the Waitakere Ranges Heritage Area too.*
- 199.3 | • Amend references to “residential buildings” to read “dwellings” and request that it also apply to the Waitakere Ranges Heritage Area.

When referring to the supplied information from Auckland Council, there is no reference to the Waitakere Ranges Heritage Area at all, as it is considered that protection is adequate with the Waitakere Ranges Heritage Act 2008. As local residents, we are already concerned at some of the activities that are receiving resource consent in the old Swanson Foothills area (1200 hectares) which is now part of the Waitakere Ranges Heritage Area.

As examples I refer to:-

- a) the Sweet as Home Backpackers home stay complex at 21 Christian Road, the proposed CDL 48 housing development at 7-11 Christian Road and Tramway Road (urban) together some development at 32 Christian Road.
- b) Several additional buildings and secondary housing development on Coulter Road at the North. These are mostly retrospective and formerly disallowed additions from the Swanson Structure Plan from up to 2012.
- c) Proposals for developments on O’Neills Road adjoining Drower Road.

These are only a few of the additional proposals from residents in the Heritage Area. Some of the new people have known that they live in a Heritage area, but have intentions to develop their land sooner than later.

We need to remember that once these proposals are achieved, there is no turning back. We are close to losing the last of the Waitakere Ranges Foothills to some form of development and I suspect that a lot of the bush land that is suffering from neglect may be included in the future.

As another example, the plans for attending to septic tank cleaning in a very expensive and poorly conceived manner is a new bizarre idea of the Auckland Council. All they need to do is to police existing septic tank care conscientiously and the problem would not exist.

We support Rule Change 20 for rural zones but desire that the Waitakere Ranges Heritage Area to be included too. Some organisations consider that we are already adequately protected from retrospective subdivision and similar proposals by the Waitakere Ranges Heritage Act 2008. Unless we are included officially in Plan Change 20 there is a major danger that stealthy building and unauthorised activities will be increasing in the Foothills. Consequently part of the Foothills will disappear.

The approvals will come from Council Staff that have little or no knowledge of past difficulties over the 10 years that the local residents have had, in order to save the Waitakere Ranges and Foothills from varying forms of development by unscrupulous people.

Please include the Waitakere Ranges Foothills (Heritage Area) in Plan Change 20.

Jean Berry

President
Preserve the Swanson Foothills Society

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Reg Nevill-Jackson

Organisation name: Heritage Collection Waitakere Estate

Agent's full name: Reg Nevill-Jackson

Email address: reg@waitakereestate.co.nz

Contact phone number: 098149622

Postal address:

reg@waitakereestate.co.nz

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 current provisions and criteria in relation notifications are adequate and notification of all applications is draconian adding to an already expensive process for applicants.

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 current provisions in relation to notification are adequate.

200.1 | 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