

**IN THE ENVIRONMENT COURT  
AT AUCKLAND**

**ENV-2016-AKL-**

**IN THE MATTER** of the Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**) and the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of an appeal under section 156(1) of the LGATPA against a decision of the Auckland Council rejecting a recommendation of the Auckland Unitary Plan Independent Hearings Panel (**Hearings Panel**) on the proposed Auckland Unitary Plan (**Proposed Plan**)

**AND**

**IN THE MATTER** of Proposed Plan Hearing Topic(s):  
(a) 011 RPS Rural  
(b) 023 SEA and vegetation management  
(c) 056 & 057 Rural Objectives and Policies & Rural Activities and Controls  
(d) 064 Subdivision (Rural).

**BETWEEN** **CATO BOLAM CONSULTANTS LIMITED**

Appellant

**AND** **AUCKLAND COUNCIL**

Respondent

---

**NOTICE OF APPEAL AND ACCOMPANYING APPLICATION FOR WAIVERS  
AND DIRECTIONS**

**Dated 16 September 2016**

---

To: The Registrar  
Environment Court  
**Auckland**

This document comprises two parts:

- (a) **Part A** – Notice of Appeal; and
- (b) **Part B** – Application for Waivers and Directions.

#### **PART A – NOTICE OF APPEAL**

1. **CATO BOLAM CONSULTANTS LIMITED (CBC)** appeals against decisions of the Auckland Council on the proposed Auckland Unitary Plan (**Proposed Plan**) under section 148 of the LGATPA rejecting recommendations of the Independent Hearing Panel (**IHP**) and proposing alternative solutions.
2. CBC made submission 6073 on the Proposed Plan.
3. CBC is not a trade competitor for the purposes of section 308D of the RMA.
4. The decisions were made by the Auckland Council (**Council**) and publicly notified by the Council under section 148(4)(a) of the LGATPA on 19 August 2016.
5. The decisions CBC is appealing are in the Council’s Decision Report dated 19 August 2016 and Attachment A to that Report relating to “Topic 064 – E39 Subdivision-Rural” which comprised decisions of the IHP on multiple topics as set out below:

<b>Hearings Panel Topic</b>	<b>Specific provisions comprising Council’s alternative solution</b>
011 RPS Rural	B9.4.1 Objectives (1) and (4); B9.4.2 Policies (1), (3) and (5)
023 SEA and vegetation management	E15.3 Policy 4(a)
056 & 057 Rural Objectives and Policies & Rural Activities and Controls	H19.7.1 Zone Description (Countryside Living Zone)
064 Subdivision (Rural)	E39.2 Objectives (9), 10(c), 14(a) and 14(b); E39.3 Policies (3)(b), 11, 11(b), 11(c) (15), (16), (18), and 18(a); Activity Table E39.4.2 Subdivision in rural zones – Activities (A15), (A16), (A17), (A18), (A23), and (A24);

	<p>Activity Table E39.4.3 Subdivision in Future Urban Zone – Activity (A28);</p> <p>Standard E39.6.3.2(5);</p> <p>Standard E39.6.4.4, E39.6.4.4 (1)(a), 1(b), (2), (3), (4), (6), (7), (8), (10)(a), (b) and (c), 11, 11(a) and (b), and 12 (b), (c), (d), and (e);</p> <p>Tables E39.6.4.4.1 and E39.6.4.4.2;</p> <p>Standard E39.6.4.5, E39.6.4.5 (1)(c), (5)(a) and (b), 6(a) and (b) 7(b) and (8);</p> <p>Table 39.6.4.5.1;</p> <p>Standard E39.6.4.6, E39.6.4.6(1)(a) and (b), (2) and (2)(a) and (b);</p> <p>Table E39.6.4.6.1;</p> <p>Matters of discretion E39.8.1(6)(a)(iii), (iv), (vi) and (viii), and (7);</p> <p>Assessment criteria E39.8.2(5)(a)(ii), (6), (6)(a), (7), 7(a) and (8)(a);</p> <p>Appendix 15, 15.3.1(a) and (b), Table 15.3.1.1 – Steps (1), (2) and (5), 15.3.2(ii) and (iii), 15.5, 15.5(2)(a) and (c), 15.5(3), 15.6(1)(a), (l), (m), (n), (q) and (r), and 15.6(2)(d).</p>
--	--

6. By way of summary, the Council's decision:

- (a) Deleted the ability to identify Significant Ecological Areas (bush and wetlands) by reference to the criteria in L3 of the Proposed Plan for the purposes of protection in exchange for subdivision rights and required eligibility for such rights to be linked to the Council identified and mapped SEA's in the Proposed Plan only;
- (b) Reduced the incentives for SEA and unmapped significant indigenous vegetation protection by increasing the minimum area to be protected to 5ha and imposing a cap on the number of lots that may be protected and developed in situ (i.e., requiring lots in excess of the cap to be transferred to the Countryside Living zone);
- (c) Reduced the incentives for significant indigenous revegetation in rural areas by imposing a cap on the number of lots that may be created and developed in situ (i.e., requiring lots in excess of the cap to be transferred to the Countryside Living zone);
- (d) Reduced the eligibility for and effectiveness of restoration planting subdivision by requiring it to be connected to a Council mapped SEA, and consequently frustrating the methodology enabled by Appendices 15 and

16 of the Proposed Plan;

- (e) Reduced the incentives for wetland protection and restoration by imposing a cap on the number of lots that may be created and requiring any such lots to be transferred to the Countryside Living zone (i.e., not developed in situ);
- (f) Consequently, renamed “restoration planting” as “revegetation planting” affirming a policy shift to diminish the incentives for SEA restoration in the rural zones;
- (g) Consequently, made changes to the RPS objectives and policies, SEA and vegetation management provisions, and Countryside Living zone description in the Proposed Plan to be consistent with the reduced incentives for subdivision in the rural zones.

7. The reasons for the appeal are as follows:

- (a) Contrary to the Council's decision, in relation to the framework for rural subdivision, the IHP's recommended objectives, policies and rules:
  - (i) Enable appropriate and limited subdivision opportunities in the rural area, in ways that will not result in a loss of rural production, reverse sensitivity, rural character and amenity effects, or any potential additional demand on infrastructure in remote areas;
  - (ii) Achieve the Auckland Plan's strategic direction for the rural areas and the concept of “the compact city”, and do not threaten the rural production focus of rural areas by allowing a proliferation of rural-residential lots;
  - (iii) Appropriately provide incentives to focus rural lifestyle living in the Countryside Living zone, while enabling limited opportunities for rural living in the rural zones in exchange for environmental benefits (indigenous vegetation and wetland protection and restoration).
- (b) Contrary to the Council's decision, in relation to the prescription of environmental benefits to be accepted in exchange for rural residential subdivision, the IHP's recommended provisions:
  - (i) Will enable appropriate subdivision in the rural areas with nationally important and regionally significant environmental benefits;
  - (ii) Will not result in a “significant number” of rural residential lots being generated from wetland and revegetation planting subdivision;
- (c) By allowing only the protection of SEAs scheduled in the Proposed Plan to be acceptable in exchange for rural residential subdivision and limiting the incentives for significant indigenous revegetation and wetland restoration the Council's provisions fail to recognise and provide for sections 6(a) and (c) or have regard to sections 7(aa), (b), (c), (d) and (f) of the RMA and therefore fail to achieve the purpose of the RMA.
- (d) Contrary to the Council's decision, the IHP's recommended provisions

enabling Significant Ecological Areas (bush and wetlands) not identified in the Proposed Plan to be identified and assessed on a case by case basis by reference to the criteria in L3 of the Proposed Plan, and protected in exchange for a rural lifestyle lot as a discretionary subdivision opportunity, are appropriate and better achieve the purpose of the RMA than the Council's provisions. The criteria in L3 are entirely suited for this purpose and within the framework of a discretionary consent process will not result in "over-estimation" of the significance of sites.

- (e) The detailed reasons set out by the IHP in its recommendations on the provisions the subject of this appeal, which are hereby adopted as reasons in support of this appeal.
8. CBC seeks the following relief:
- (a) Cancel the Council's decision rejecting the Hearing Panel's recommendations and proposing alternative solutions in relation to the specific provisions identified;
  - (b) Direct the Council to amend the Proposed Plan to include the Hearing Panel's recommendations in relation to the specific provisions identified;
  - (c) Such further or other relief as may be required to give effect to this appeal;
  - (d) Costs against Council.
9. An electronic copy of this notice is being served today by email on the Auckland Council at [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz). Waivers and directions are sought in **PART B** of this notice in relation to the usual requirements of the RMA as to service of this notice on other persons.
10. The following documents are attached to this notice:
- (a) copies of our submissions and further submissions (with a copy of the submission opposed or supported by my further submission);
  - (b) a copy of the relevant decision;
  - (c) a list of names and addresses of persons served / to be served with a copy of this notice.

## **PART B – APPLICATION FOR WAIVERS / DIRECTIONS**

1. CBC applies for the following waivers and directions in respect of service of the Notice of Appeal, the operation of section 274 of the RMA, and the filing and service of any further Court documents relating to the appeal:
- (a) **Service of the Notice of Appeal**
    - (i) A waiver of the usual requirement in clause 14(5) of Schedule 1 to

the RMA, regulation 7(1)(c) and Form 7 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 (**Regulations**) to serve a copy of the Notice of Appeal on every person who made a submission on the provision or matter to which the appeal relates, and the related requirement in regulation 26 and Form 7 to give written notice to the Registrar of the Environment Court of the name, address, and date of service for each such person served.

- (ii) A direction that the Notice of Appeal be served on the Auckland Council electronically by email to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz).

**(b) Section 274 notices**

- (i) A waiver of the usual requirement to lodge a signed original and 1 copy of any section 274 notice with the Court, and a direction instead that anyone seeking to join the appeal as a section 274 party may, as an alternative to complying with the usual requirements of section 274 and Form 33, be allowed to file an electronic copy of any section 274 notices by email to the Court's dedicated email address for section 156 appeals ([unitaryplan@justice.govt.nz](mailto:unitaryplan@justice.govt.nz)), which may be signed or unsigned, in which case no hard copy need be filed with the Court.
- (ii) A waiver of the usual requirement to serve a copy of any section 274 notice on "all other parties". Instead, service of section 274 notices on "all other parties" can be effected by the Court uploading copies of section 274 notices received to the Environment Court's website. For the avoidance of doubt, an electronic copy of any section 274 notice must be served by email on the appellant and on the Council (to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)).
- (iii) For those persons who decide to file a hard copy of their section 274 notices with the Court, a waiver of the usual requirement to file an extra copy of the notice.

**(c) All other documents filed in relation to the appeal**

- (i) A direction that, unless hard copies are subsequently specifically required to be filed and/or served by the Court, all other documents relating to the appeal filed by any party may be:
  - filed electronically with the Court by email to [unitaryplan@justice.govt.nz](mailto:unitaryplan@justice.govt.nz), and
  - served electronically on the appellant and / or Council, as appropriate, by email,with service of all other parties deemed to be effected by the Court uploading the document(s) to the Court's website.

2. CBC seeks the above waivers and directions on the following grounds:

- (a) In total, 9,443 primary submissions and 3,915 further submissions were

made on the Proposed Plan.

- (b) CBC supports the Court's proposal to make use of electronic methods of filing and service for all appeals filed under section 156 of the LGATPA in view of the substantial number of submitters.
- (c) The waivers and directions proposed above will:
  - Substantially reduce the burden on the appellant and any section 274 parties, who may otherwise be obliged to serve documents on a significant number of parties;
  - Minimise the quantities of paper which would otherwise be generated by strict compliance with section 156(5) of the LGATPA, clause 14(5) of Schedule to the RMA, and regulations 7 and 26, and Forms 7 and 33 of the Regulations; and
  - Address the significant logistical issues for the Court and all parties that would otherwise arise, particularly around filing and service of documents.
- (d) On 19 August 2016, the Auckland Council:
  - Published a detailed notice in the New Zealand Herald (**NZH**) outlining appeal rights under the LGATPA, and referring to the specific arrangements proposed by the Environment Court for appeals under section 156(1) and (3) of the LGATPA; and
  - Sent a similar notice by letter to all submitters and further submitters on the Proposed Plan.
- (e) The NZH notice and letters referred to in (d) above addressed (among other matters):
  - The dedicated Environment Court email address and website established by the Court, and the Court's intention to make use of electronic methods of filing and service for section 156 appeals;
  - The purpose of the Court's dedicated website as a place where all section 156 appeals will be listed, and where all Notices of Appeal and other documents filed with the Court will be uploaded by Court staff; and
  - The availability of two Notice of Appeal templates that had been developed and approved by the Court for use by appellants, which incorporate an application for waivers and directions, including waivers in respect of most of the usual requirements for service of appeals under the RMA.
- (f) The Auckland Council intends to publish a further public notice in the NZH and send a further notice to submitters and further submitters, shortly after 16 September 2016, providing an overview of any appeals filed with the Environment Court under section 156 of the LGATPA.

- (g) The notice referred to at (d) and (e) above was reproduced on the Auckland Council Unitary Plan webpage<sup>1</sup>. The Council has confirmed that it also intends to:
- reproduce the further notice referred to at (f) above on the same webpage; and
  - upload copies of all Notices of Appeal to its website.
- (h) The NZH notices and letters described in (d) to (f) above, together with the further publicity concerning appeals on the Council's website as described at (g) above, will assist in addressing any concerns that might otherwise arise from the proposal to waive the usual RMA service requirements.
- (i) The Auckland Council consents to the above waivers and directions.

**Signature:**

**CATO BOLAM CONSULTANTS LIMITED** by  
its authorised agent:



---

**K R M Littlejohn**

**Date:**

16 September 2016

**Address for service:**

K R M Littlejohn  
Quay Chambers  
Level 7, 2 Commerce Street  
P O Box 106215  
**AUCKLAND CITY 1143**

**Telephone:**

(09) 374 1669 or 021 657 376

**Email:**

littlejohn@quaychambers.co.nz

### **Note to appellant**

You may appeal under section 156(1) of the LGATPA only if—

- you referred in your submission or further submission to the provision included in, or matter excluded from, the Proposed Plan that is the subject of your appeal; and
- the provision included in, or matter excluded from, the Proposed Plan resulted from the Council's rejection of a recommendation of the Hearings Panel; and
- your appeal complies with the limitation specified in section 156(2) of the LGATPA; and
- your appeal does not seek withdrawal of the Proposed Plan as a whole.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the RMA.

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B), may consider only the question of law raised.

You must lodge the original and 1 copy of this notice with the Environment Court no later than 20 working days after the Auckland Council publicly notifies its decisions under section 148(4)(a) of the LGATPA (i.e. by no later than **16 September 2016**). The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve a copy of this notice on the Auckland Council (by email to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)) by 16 September 2016, and on the Minister of Conservation (if the subject matter of the appeal relates to the coastal marine area) no later than 5 working days after the notice is lodged with the Environment Court.

### **Advice to recipients of copy of notice of appeal**

#### *How to become party to proceedings*

You may become a party to the appeal if you are one of the persons described in section 274(1) of the RMA.

To become a party to the appeal, you must, within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court by email (to [unitaryplan@justice.govt.nz](mailto:unitaryplan@justice.govt.nz)) and serve copies of your notice by email on the Auckland Council (to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)) and the appellant.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the RMA.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

#### *Advice*

If you have any questions about this notice, contact the Environment Court in Auckland.

**ANNEXURE (a) – SUBMISSIONS**

#6073  
Vol 1

**Astrid Caldwell**

---

**From:** donotreply@aucklandcouncil.govt.nz  
**Sent:** Friday, 28 February 2014 12:01 a.m.  
**To:** Unitary Plan  
**Cc:** mylesg@catobolam.co.nz  
**Subject:** Proposed Auckland Unitary Plan Submission - Myles Goodwin

Thank you for your submission to the proposed Auckland Unitary plan.

You should receive an acknowledgement within 10 working days. Please retain this as your copy. If you do not receive this, could you email [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or phone 09 301 0101.



---

#### Submitter details

**Full name:** Myles Goodwin  
**Organisation:** Cato Bolam Consultants Ltd  
**Postal address:** PO Box 157, Orewa  
**Email address:** [mylesg@catobolam.co.nz](mailto:mylesg@catobolam.co.nz)  
**Post code:** 0946  
**Local board:** Rodney local board  
**Contact Person:** Myles Goodwin  
**Date of submission:** 28-Feb-2014

---

#### Scope of submission

The specific provisions that my submission relates to are:

**Provision(s):**  
Part 1 Chapter B Section 4.3.4 (SEA) Policy 1(a)

**Property address:**

**Map:**

**Other:**

#### Submission

Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.

**I wish to have the provisions identified above amended:**

Yes

**The reasons for my views are:**

Policy 1(a) is not clear. We cannot determine what is meant by the statement "provide cumulatively for at least 10 per cent of the natural extent of each ecosystem type"

**I seek the following decision by Council:**

Accept the Proposed Plan with amendments as outlined below

**If the Proposed Plan is not declined, then amend it as outlined below:**

Add further explanation to the policies to make it clear what is meant.

**I wish to be heard in support of my submission:**

Yes

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

Yes

**Telephone:** 0274 933022

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 not gain an advantage in trade competition through this submission**

**Astrid Caldwell**

---

**From:** donotreply@aucklandcouncil.govt.nz  
**Sent:** Friday, 28 February 2014 3:48 p.m.  
**To:** Unitary Plan  
**Cc:** mylesg@catobolam.co.nz  
**Subject:** Proposed Auckland Unitary Plan Submission - Myles Goodwin

Thank you for your submission to the proposed Auckland Unitary plan.

You should receive an acknowledgement within 10 working days. Please retain this as your copy. If you do not receive this, could you email [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or phone 09 301 0101.



---

**Submitter details**

**Full name:** Myles Goodwin  
**Organisation:** Cato Bolam Consultants Ltd  
**Postal address:** PO Box 157, Orewa  
**Email address:** [mylesg@catobolam.co.nz](mailto:mylesg@catobolam.co.nz)  
**Post code:** 0946  
**Local board:** Rodney local board  
**Contact Person:** Myles Goodwin  
**Date of submission:** 28-Feb-2014

---

**Scope of submission**

The specific provisions that my submission relates to are:

**Provision(s):**

Part 1, Chapter H, Section 5 Rule 2.3.3 (Rural Zones) Table 10, South Rodney

**Property address:**

**Map:**

**Other:**

**Submission**

**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 wish to have the provisions identified above amended:**

No

**The reasons for my views are:**

The identified Countryside Living areas are suitable for the proposed 1ha average site size through the use of Transferrable Titles.

**I seek the following decision by Council:**

Accept the Proposed Plan with amendments as outlined below

**If the Proposed Plan is not declined, then amend it as outlined below:**

Retain the Ability to utilise transferrable titles in South Rodney, Wellsford, Kaukapakapa and Helensville to obtain a 1ha average site size.

2.

Confirm the South Rodney area includes Riverhead, Coatesville, Dairy Flat and the Stillwater/Okura areas.

**I wish to be heard in support of my submission:**

Yes

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

Yes

**Telephone:** 0274 933 022

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 not gain an advantage in trade competition through this submission**

#6073  
VOL 3

## Proposed Auckland Unitary Plan

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010  
Clause 6 of First Schedule, Resource Management Act 1991

Attn: Unitary Plan Submission Team  
Auckland Council  
Freepost Authority 237170  
Private Bag 92300  
Auckland 1142

*Submission lodged via email*

For office use only
Submission No: <b>AUCKLAND COUNCIL</b>
Receipt Date: <b>28 FEB 2014</b>

Local Board Area:

### Submitter Details

**Full Name of Submitter or Agent (if applicable)**

Cato Bolam Consultants Ltd

**Address for service of the Submitter**

c/- Myles Goodwin  
Principal  
Cato Bolam Consultants  
PO Box 21-355  
Henderson  
Auckland 0605

Email: [mylesg@catobolam.co.nz](mailto:mylesg@catobolam.co.nz)  
Phone: 09 427 0072

### Scope of submission

This is a submission to the Proposed Auckland Unitary Plan on Rule 2.3.3 of Chapter H, Section 5. It outlines our view that some provision should be retained for the creation of new titles in the rural zone as a result of protecting significant bush and wetland areas.

Section	Submission	Relief sought
---------	------------	---------------

<p>Rule 2.3.3, Table 5. Transferrable Rural Title Subdivision</p>	<p>The ability to create a new title on a rural property as a result of protecting Significant Ecological Areas (via specific individual assessment) should be retained. Step 1(b) of table 5 therefore needs to be altered to also allow the receiver site to be the property containing the ecological area, or another property in the rural production or mixed rural zone. There is a need, and an obvious demand for new titles in the rural areas that cannot be supplied through the existing title pool. The majority of existing undeveloped titles are either not for sale, located in areas where accessibility is a significant issue, or where there are other access or development issues.</p> <p>We believe concerns in regard to landscape and amenity values, as well as the loss of agricultural land can be addressed with more specific controls in regard to the placement of the new sites, and more flexibility in regard to minimum lot sizes. A rural site does not need to be a minimum of 1ha, and a 0.4ha sites allows plenty of development room while minimising the loss of rural land and not creating additional landscape issues. So long as the lot is not in a cluster of more than two, it makes no difference in regard to dwelling density and landscape and amenity values whether the sites are 0.4ha or 1ha. There should be flexibility to go to a 0.4ha site size. Additional controls can also be placed on title placement, with the preference being a dwelling site that is both fixed at the time of subdivision, and screened as far as possible by topography or existing vegetation to be protected from public places. There should also be a requirement for new lots to be placed, as far as practical, on the less agriculturally productive parts of a property to minimise the loss of rural land.</p> <p>A limit on the number of titles that can be created on each parent site as a result of natural area protection would also be appropriate. Another submission supports the retention of the existing lot yields as outlined in Rodney Plan Rules. We believe that for a property of under 10ha, one new site would be appropriate. Once over 20ha, the creation of two new titles would be appropriate, over 40ha, three new titles, and over 100ha, four new titles. These new lots should also be restricted to a single household unit to further minimise effects on rural character and amenity. Any title yield over and above this that may arise from the protection of the bush and wetland would be required to transfer off the site under the proposed transferrable title rules. While this allows for more sites than proposed for sites that transfer onto a property, these titles relate to natural features already on the property.</p> <p>There is also an issue in regard to the placement of new dwellings in close proximity to the natural areas being protected under plan rules. Present rules do not require any separation and allow the new lot to contain the bush or wetland areas being protected, with building sites in close proximity to the natural areas. We believe a minimum separation distance between the fixed dwelling site and the natural area is appropriate. We believe a 150m separation would be appropriate, unless a natural separation such as a river or ridgeline provides separation. This separation will significantly reduce the influence from a dwelling on the natural areas being protected through noise or physical disturbance. It would also eliminate the current ability to place the new titles within the natural areas being protected. There should also be a ban on cats on all new rural lots.</p>	<p>Retain the ability to create new sites in the Rural Production or Mixed Rural zones.</p> <p>Allow 1 new site on a property under 10ha, 2 on a property over 20ha, 3 on a property over 40ha and 4 on a property over 100ha.</p> <p>Have a minimum site size of 0.4ha in the Rural Production and Mixed Rural zones.</p> <p>Ban cats on all new rural lots.</p> <p>Maintain a separation distance of 150m between any new dwelling and any natural area being protected.</p> <p>Only allow one dwelling per new site.</p> <p>Allow for the movement of sites resulting from natural area protection from Rural Production to Rural Production, or from Rural Production to Mixed Rural.</p>	<p>3.</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p>
---	---	---	---

	<p>Sites resulting from the protection of significant natural areas on rural properties should also be able to transfer from one Rural Production site to another, or into Mixed Rural, up to the limits of title creation per property proposed when receiving sites. This is likely to lead to the natural movement of titles from outlying areas to the more central areas. It is logical to have this provision in a proposal to retain the ability to create new titles in the Rural Production and Mixed Rural zones.</p>	
--	---	--

**I wish to be heard in support of my submission**

**Please note that your contact details and phone number will be 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.**

Signature of Submitter  Date *28/2/2014*

*(or person authorised to sign on behalf of submitter. A signature is not required if you make your submission by electronic means)*

**Notes to person making submission:**

If you make your submission by electronic means, the email address from which you send the submission will be treated as an address for service.

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 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 this submission that:

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

**Astrid Caldwell**

---

**From:** donotreply@aucklandcouncil.govt.nz  
**Sent:** Friday, 28 February 2014 4:53 p.m.  
**To:** Unitary Plan  
**Cc:** mylesg@catobolam.co.nz  
**Subject:** Proposed Auckland Unitary Plan Submission - Myles Goodwin

Thank you for your submission to the proposed Auckland Unitary plan.

You should receive an acknowledgement within 10 working days. Please retain this as your copy. If you do not receive this, could you email [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or phone 09 301 0101.



---

**Submitter details**

**Full name:** Myles Goodwin  
**Organisation:** Cato Bolam Consultants Ltd  
**Postal address:** PO box 157, Orewa  
**Email address:** [mylesg@catobolam.co.nz](mailto:mylesg@catobolam.co.nz)  
**Post code:** 0946  
**Local board:** Rodney local board  
**Contact Person:** Myles Goodwin  
**Date of submission:** 28-Feb-2014

---

**Scope of submission**

The specific provisions that my submission relates to are:

**Provision(s):**  
Pt 3, Chapter H, Section 5, 2.1 General Controls - Esplanade reserves

**Property address:**

**Map:**

**Other:**

**Submission**

**Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.**

I oppose the specific provisions identified above

I wish to have the provisions identified above amended:

**The reasons for my views are:**

There should be no requirement to vest esplanade reserves on properties of over 4ha. On a larger rural property being subdivided this could result in a very large loss of land due to either many streams or a large coastal edge.

**I seek the following decision by Council:**

Accept the Proposed Plan with amendments as outlined below

**If the Proposed Plan is not declined, then amend it as outlined below:**

Remove the requirement to vest an esplanade reserve on properties of over 4ha.

10

**I wish to be heard in support of my submission:**

Yes

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

Yes

**Telephone:** 09 427 0072

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 not gain an advantage in trade competition through this submission**

**Astrid Caldwell**

---

**From:** donotreply@aucklandcouncil.govt.nz  
**Sent:** Friday, 28 February 2014 4:04 p.m.  
**To:** Unitary Plan  
**Cc:** mylesg@catobolam.co.nz  
**Subject:** Proposed Auckland Unitary Plan Submission - Myles Goodwin

Thank you for your submission to the proposed Auckland Unitary plan.

You should receive an acknowledgement within 10 working days. Please retain this as your copy. If you do not receive this, could you email [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or phone 09 301 0101.



---

**Submitter details**

**Full name:** Myles Goodwin  
**Organisation:** Cato Bolam Consultants  
**Postal address:** PO box 157, Orewa  
**Email address:** [mylesg@catobolam.co.nz](mailto:mylesg@catobolam.co.nz)  
**Post code:** 0946  
**Local board:** Rodney local board  
**Contact Person:** Myles Goodwin  
**Date of submission:** 28-Feb-2014

---

**Scope of submission**

The specific provisions that my submission relates to are:

**Provision(s):**  
Chapter H, Section 4.2 (earthworks)

**Property address:**

**Map:**

**Other:**

**Submission**

Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.

**I wish to have the provisions identified above amended:**  
Yes

**The reasons for my views are:**

Retain the ability to do up to at least 1,000m<sup>3</sup> of earthworks as a permitted activity in the rural zone, and 200m<sup>3</sup> within the Countryside Living zone. This allows for small scaleworks on a building site or other small project to proceed with little beauracrcy while having little risk of environemental effects.

Support the ability to do earthworks in a flood plan as a permitted activity, subject to the outlined controls

**I seek the following decision by Council:**

Accept the Proposed Plan with amendments as outlined below

**If the Proposed Plan is not declined, then amend it as outlined below:**

Retain the ability to do up to at least 1,000m<sup>3</sup> of earthworks as a permitted activity in the rural zone, and 200m<sup>3</sup> within the Countryside Living zone.

Support the ability to do earthworks in a flood plan as a permitted activity, subject to the outlined controls

**I wish to be heard in support of my submission:**

Yes

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

Yes

**Telephone:** 09 427 0072

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 not gain an advantage in trade competition through this submission**

11  
12

13

#6073  
Vol. 6

## Proposed Auckland Unitary Plan

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010  
Clause 6 of First Schedule, Resource Management Act 1991

Attn: Unitary Plan Submission Team  
Auckland Council  
Freepost Authority 237170  
Private Bag 92300  
Auckland 1142

*Submission lodged via email*

For office use only
Submission No:
Receipt Date:



Local Board Area:

### Submitter Details

**Full Name of Submitter or Agent (if applicable)**

Cato Bolam Consultants Ltd

**Address for service of the Submitter**

c/- Myles Goodwin  
Principal  
Cato Bolam Consultants  
PO Box 147  
Orewa  
Auckland 0946

**Email:** [mylesg@catobolam.co.nz](mailto:mylesg@catobolam.co.nz)  
**Phone:** 09 427 0072

### Scope of submission

**This is a submission to the Proposed Auckland Unitary Plan. It provides comments on Section 2.3.3**

Section	Submission	Relief sought
<i>Chapter H: Section 5 Subdivision – Rule 2.3.3 Rural Zones</i>		
1(c)(i)	There is no need for a specified building area to be half a hectare in size.	Retain the current 1,000m <sup>2</sup>
1(c)(ii)	There is no need for the area clear of yards to be 2,000m <sup>2</sup> . Most dwellings are a maximum of 300 – 400m <sup>2</sup> .	An area of 1,000m <sup>2</sup> is more than adequate and has been working well in practice. Retain this area
2(c)	More clarity needed. Is a valuable natural feature the same as a significant ecological area?	Use consistent wording

14  
15  
16

1/7

<p>3(b)(i) Table 5</p>	<p>In this it is stated that the indigenous vegetation or wetland must be within an identified SEA not already subject to legal protection. We do not see why this should be the case. In the current operative Rodney Plan the Council identified SNA (Significant Natural Areas) during a study for the development of the plan. However, due to the difficulty of identifying all significant areas, significant errors were made with large areas being left out, and very poor quality areas being included. Plan rules stated subdivision rights could be obtained from covenanting SNA, with no further assessment. This led to a situation where applications were made based on pine forest, wattle forest and even open areas that were gorse that had been mistakenly identified as SNA. This led to a quick rule change to say that all natural areas needed to be subject to independent assessment. It would seem that Council is repeating the same mistakes. From even a cursory look at the identified SEA areas, it is apparent that significant errors have occurred, with even existing acknowledged good quality covenants failing to be identified as SEA. For example, on the writers property near Kaukapakapa there is a 6ha bush covenant dating back almost ten years, and a more recent wetland covenant. Neither are identified as SEA. We are aware of other similar situations. This leads to serious questions about the reliability of the study given the huge significance Council are placing on it. Theoretically the SEAs are existing good quality areas. Therefore while the protection of areas not yet under covenant is to be encouraged, there is a complete failure to encourage the restoration of degraded areas. This will lead to a situation where some covenants remain isolated with there being no chance of future connections and linkages as there is no provision or encouragement to restore degraded intervening areas, even if they could be restored to high quality natural areas with relatively little effort, as is the case for many degraded wetland areas. There is also no encouragement to restore degraded more isolated wetland systems or areas of native bush.</p> <p>National Policy Statement Biodiversity</p> <p>The objective of the National Policy Statement, which the Unitary Plan needs to be in accordance with, includes the following statement "and to encourage protection and enhancement of biodiversity values more broadly while - -".</p> <p>Policy 6 of the National Policy Statement states the following.</p> <p>6(c) Encourage the retention of existing vegetation, whether indigenous or not (but not including recognised plant pests) that provides:</p> <ol style="list-style-type: none"> <li>I. Habitat for indigenous species</li> <li>II. Seasonal food sources for indigenous species</li> <li>III. Ecological linkage between areas and habitats identified in accordance with Policy 4</li> <li>IV. A buffer to indigenous vegetation for areas and habitats identified in accordance with Policy 4</li> </ol> <p>6(e) encourage the planting of naturally occurring, locally sourced indigenous species and the creation of habitats for indigenous species as well as plant and animal pest control.</p>	<p>Retain the need for individual assessment of the quality of an SEA, and remove the requirement for a bush or wetland area to be identified as SEA in order to allow protection to gain a transferrable title right.</p> <p>17.</p>
------------------------	---	---

	<p>6(f) Encourage the establishment of additional indigenous riparian vegetation as a means of increasing connectivity and enhancing freshwater habitat for indigenous species.</p> <p>6(h) Consider both regulatory incentives (such as bonus development rights in exchange for protection and enhancement of vegetation and habitats) and non-regulatory incentives (such as technical advice and practical help) to support and encourage landowners to make appropriate land management decisions.</p> <p>Therefore it is clear the National Policy Statement encourages both the enhancement of biodiversity values, the creation of ecological linkages, the planting of indigenous vegetation, and encourages increased connectivity and the enhancement of freshwater habitat. I do not see the proposed provisions of the Unitary Plan as giving effect to the above policies, as while the protection of areas is covered, the enhancement of degraded areas is overlooked. All that will be achieved (while acknowledging its value) is the ongoing protection of existing, often discreet natural areas.</p> <p>Giving proper effect to the National Policy Statement would involve rules that allow for the restoration of natural areas, either through planting as outlined in the NPS, natural regeneration or a combination. Simply retaining current requirements for having an independent assessment by a qualified person prior to accepting an application based on Natural Area protection would better give effect to the NPS as background work involving planting and enhancement, often over a period of several years, could occur prior to a natural area being presented to Council for review. At the same time, this approach of having each area individually assessed removes the risk of below standard areas that may have been included as SEA automatically qualifying for subdivision rights with no further assessment possible by Council.</p>	
4(a)(iii)	We see no reason for a minimum site area of 1ha for a donor site. A site much smaller than that can readily accommodate a dwelling and associated development, and many such examples exist. A house in the rural area, whether on 1ha or 2ha, has exactly the same effect on rural character and amenity values.	Remove the requirement for a donor site to be a minimum of 1ha.
4(a)(iv)	We are not sure what this rule is saying. Does the 40ha include only land involved in the application, or adjoining surrounding land not involved? There needs to be further explanation as to what this rule is trying to achieve. How can amalgamating sites increase the density of dwellings? Or is it saying that the donor sites combined must have an area totalling 40ha?	Provide a better explanation of the intent
4(c)(iii)	This rule outlines the areas where the new site cannot be placed. Rather than the site itself, effects arise from the new dwelling. Therefore rather than the site not being able to be in the identified areas, we believe it should be the dwelling site that cannot be in the identified areas.	Alter this rule to specify that the dwelling site must be located outside the identified areas.
4(c)(iv)	A requirement for a minimum site size of 2ha for a new title in the rural zone seems an inefficient use of land. Many buyers are after less than, and the smaller the title, the less land is lost from larger scale rural production. If in the Rural Production zone, only one title may transfer onto any existing title, so clusters of smaller titles are not possible under proposed rules, and whether a dwelling is on 1ha or 2ha, there is no difference in regard to amenity and landscape effects.	Reduce the minimum site size to 1ha or less

18

19

20

21

4(c)(viii)	The blanket application of this rule does not seem needed. Over larger areas soil classes are well known, and having to commission a report to state the obvious is a significant waste of resources that will only add unneeded extra expense to the consent application.	Amend the rule so it only applies when there is a known possibility of the new title being on elite land.
4(c)(x)	We believe that there should be a scale, with more receiver sites being possible as a title gets larger. Under the rule as proposed a 4ha site is treated the same way as a 400ha site. A rule related to site size can ensure new titles can be accommodated with less than minor effects.	Include a scale that provides for more new titles as a parent title gets larger. We would suggest that at over 40ha, two additional could be created, over 100ha, it would be three, with one more for each 100ha of parent site size.
5(a)(i)	We disagree with this proposed rule for reasons outlined earlier. This does not give effect to the NPS and cements errors into the Unitary Plan, with the only possibility for correction being a Plan change.	Retain the need for individual assessment of the quality of an SEA, and remove the requirement for a bush or wetland area to be identified as SEA in order to allow protection to gain a transferrable title right.
5(a)(ii)	The fifth paragraph states that the title plan must deposit after the creation of covenants. This is going to add significant extra costs to the survey process due to having to deal with LINZ twice, once to create covenants, and then again to create the titles. At present the covenants are created contemporaneously with the creation of the titles, and this gives Council the certainty needed that titles cannot be created without the registration of the covenants.	Allow for the contemporaneous creation of covenants and the new titles
5(a)(iii)	The rule also discusses the maintenance of planting, but no guidelines are supplied that outline when planting is likely to be appropriate. Wetland planting is discussed, but no rule seems to require the planting of wetlands. Such guidelines are needed to provide applicants with some knowledge of what may be required during an application. At present the rule requires the protection of the SEA.	Provide guidelines as to when planting or other enhancement work is expected when applying to covenant an SEA.
5(a)(iv)	<p>This rule lists items that must be completed prior to S224(c) issuing. For wetland planting it states the plants must be in for three years, while for bush there must be 80% canopy closure, which could take four years. This is an overly onerous timeframe to wait for the S224(c) to allow for a transferrable title.</p> <p>At present bonds can be in place to allow for the early release of the S224(c) and these work well in practice. With native revegetation planting, when undertaken on a large scale (over 6ha), a years delay from the time of planting is implemented. However, bonding is deemed suitable for smaller areas. These mechanisms should be retained.</p>	Retain the ability for bonding to allow for the early release of the S224(c) for applications that involve planting.
Table 8	There is a comment in the final line referring to table 3 above, but there does not seem to be any table 3. We are unsure what this comment means. Presumably consents obtained under legacy Plans will remain valid and could either be actioned, or have transferrable titles sold in accordance with Proposed Rule 4(a)(v).	Provide additional explanation to the final comment in table 8, and confirm that consents issued under legacy plans can have titles sold as ttrs.

22.

23.

24.

25.

26.

27.

28.

Table 8	The yield of transferrable titles from the bush and wetland areas is not sufficient encouragement to generate ttrs, especially for the owners of large areas of uncovenanted bush. It is not unusual to find areas of 40 – 50ha uncovenanted in places. Given the substantially greater costs for fencing larger areas of either bush or wetland, and the much lower expected returns from ttrs, versus titles sold in-situ, there is effectively greater discouragement for landowners to protect what are the more valuable larger areas. We believe that retaining the scaling system used for the current Rodney District Plan, when larger areas are involved, would provide the necessary encouragement for the owners of larger natural areas to get then fenced off and under legal protection.	Retain the current scale of title yield as it relates to bush or wetland area as currently outlined in the operative Rodney Plan.	29.
Table 8	The 20m buffer zone outlined is also very onerous to most farmers and there will be significant concern over the large loss of land involved. For say a typical 400m long wetland, a 20m buffer zone either side amounts to 1.6ha of land, in addition to the say 0.5ha of wetland, for a total area under covenant of 2.1ha. Therefore three quarters of such a covenant is going to buffer area, rather than the core wetland. The current 10m requirement works well, but having the 10m and perhaps a requirement for native planting in the buffer area would be preferable to most potential applicants than requiring a 20m buffer either side, of often what will be some of the best, most productive low lying land on the property.	Retain a 10m buffer zone, but require the establishment of native plants within it at 2m centres.	30.
Table 8	The bush scale should start at 2ha as areas of this size have significant ecological value in regard to preserving local biodiversity, as stepping stones, protection of catchments and watercourses and many other values. Putting the initial threshold up to 5ha means the majority of the smaller, but still very ecologically valuable bush areas will never become subject to protection and will continue to degrade, when there could have been the opportunity to preserve them. Again, this is not meeting the intent of the NPS where the protection of such areas is encouraged. Council have considered a 2ha area, or even smaller in the Franklin District, to be ecologically valuable for at least the past 20 years. Given this, Council have obviously seen a 2ha area as having significant ecological value, and we do not believe that this needs to change.	Retain a 2ha bush area as a minimum size for the creation of a transferrable title right	31
5(a)(viii)	There should be clarity in regard to a bush protection subdivision protecting only the bush, and a wetland protection subdivision protecting only the wetland. If this does not occur we will see, for example, cases of Council planners trying to covenant all bush and wetland during an application related solely to bush.	Clarify that an application for bush protection protects only bush, and that a wetland protection application only involves the protection of wetland.	32.
5(a)(ix)	Point 1 requires the permanent protection of the site. We believe it would be more appropriate if the protection was restricted to the identified natural area on the site.	Restrict protection to the identified natural area.	33.
5(a)(x)	This rule requires the covenants to be placed prior to the creation of the new titles. We believe it will be much more efficient, with no more risk, for there to be a contemporaneous creation of covenants and the issue of titles.	Allow for the contemporaneous creation of covenants and the issue of titles.	34.
6(a)(iv)	This rule states that the 224(c) can only issue after the effective implementation of an animal pest management plan. The implementation of such a plan to remove or greatly reduce pest numbers can take years. We believe the rule should require the <u>initial</u> implementation of an approved pest management strategy, with it being clear that the full long term implementation is not expected prior to 224(c).	Have a requirement for the <u>initial</u> implementation of an animal pest management plan.	35

7(a)	We note that boundary adjustments of more than 10% of the area of the smaller site is proposed as Prohibited. This is too extreme. Boundary adjustments assist in the management of rural land by allowing farmers to buy and sell land, for example when one is retiring and wishes to downsize, while another wishes to increase their landholding, Typically larger farms are more efficient. The proposed rule will effectively prevent larger farms from being created, as does occur under current rules. There does not seem to be any apparent reason for this and it is a backward step that will decrease the efficiency of the rural sector. It means that farmers wishing to retire will have to retain their land, and probably work it less intensively that if it could be transferred to a neighbour. The Prohibited nature of this seems out of step with a boundary change that creates a new title, which is simply Non-Complying. Something that creates a new title is effectively a subdivision of the land, not a boundary change.	Remove the reference to a 10% area, or have a Discretionary activity status.	36 37 38 39 40
8(c)(iii) Table 10  Country side Living zones	We note that transferrable title subdivision is currently available in Kumeu/Huapai Countryside Living (town) zones, and that most areas have been subdivided to their final density of a 1ha average. We therefore find it odd that the Unitary Plan proposes to not allow further transferrable title subdivision in Kumeu/Huapai. It is a bit late for this now given that the majority of subdivision has already occurred.	Retain the ability to use transferrable titles in the Kumeu/Huapai area	37
Table 10	In regards to the Okura, we are assuming that part of this relates to the Okura Policy area outlined in the Operative Rodney Plan. This currently allows for subdivision to a 2ha average site size. The PAUP proposes to only allow subdivision to a 4ha average site size, effectively removing existing subdivision rights.	Retain a 2ha average site size in the Okura area. <i>unless provisions do allow the smaller 1ha site size</i>	38
8(d)(ii)	A 1,000m2 area for building is more than adequate, rather than the 2,000m2 stated. Geotechnical requirements only need to relate to a 1,000m2 area building area, as is currently the case.	Retain a 1,000m2 building area in regard to geotechnical requirements.	39
9(b)	This rule makes any subdivision of less than 150ha a prohibited activity. It effectively prohibits all transferrable title right and Countryside Living subdivision as outlined in earlier rules.	Remove the prohibited activity status.	40

I wish to be heard in support of my submission

Please note that your contact details and phone number will be 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.

Signature of Submitter

Date

28/2/2014

(or person authorised to sign on behalf of submitter. A signature is not required if you make your submission by electronic means)

#6073

**Notes to person making submission:**

If you make your submission by electronic means, the email address from which you send the submission will be treated as an address for service.

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 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 this submission that:

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

7/7

#6073  
vol 7

**Astrid Caldwell**

---

**From:** donotreply@aucklandcouncil.govt.nz  
**Sent:** Friday, 28 February 2014 4:18 p.m.  
**To:** Unitary Plan  
**Cc:** mylesg@catobolam.co.nz  
**Subject:** Proposed Auckland Unitary Plan Submission - Myles Goodwin

Thank you for your submission to the proposed Auckland Unitary plan.

You should receive an acknowledgement within 10 working days. Please retain this as your copy. If you do not receive this, could you email [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or phone 09 301 0101.



---

#### Submitter details

**Full name:** Myles Goodwin  
**Organisation:** Cato Bolam Consultants Ltd  
**Postal address:** PO Box 157, Orewa  
**Email address:** [mylesg@catobolam.co.nz](mailto:mylesg@catobolam.co.nz)  
**Post code:** 0946  
**Local board:** Rodney local board  
**Contact Person:** Myles Goodwin  
**Date of submission:** 28-Feb-2014

---

#### Scope of submission

The specific provisions that my submission relates to are:

**Provision(s):**  
Part 1 Chapter B Section 8.3 (rural subdivision)

**Property address:**

**Map:**

**Other:**

#### Submission

Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.

**I wish to have the provisions identified above amended:**  
Yes

1/2

**The reasons for my views are:**

Introduce Objectives and Policies to allow for the creation of new titles in rural zones as a result of natural area protection. There is a demand and a need for the ability to create a limited supply of new titles in the rural zones. The ability to do this should be retained.

**I seek the following decision by Council:**

Accept the Proposed Plan with amendments as outlined below

**If the Proposed Plan is not declined, then amend it as outlined below:**

Introduce new objectives and policies that provide for the ability to create new titles in the rural production and mixed rural zones, or alter existing ones to achieve the same effect.

61

**I wish to be heard in support of my submission:**

Yes

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

Yes

**Telephone:** 09 427 0072

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 not gain an advantage in trade competition through this submission**

**Astrid Caldwell**

---

**From:** donotreply@aucklandcouncil.govt.nz  
**Sent:** Friday, 28 February 2014 4:46 p.m.  
**To:** Unitary Plan  
**Cc:** mylesg@catobolam.co.nz  
**Subject:** Proposed Auckland Unitary Plan Submission - Myles Goodwin

Thank you for your submission to the proposed Auckland Unitary plan.

You should receive an acknowledgement within 10 working days. Please retain this as your copy. If you do not receive this, could you email [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or phone 09 301 0101.



---

**Submitter details**

**Full name:** Myles Goodwin  
**Organisation:** Cato Bolam COnsultants Ltd  
**Postal address:** PO Box 157, Orewa  
**Email address:** [mylesg@catobolam.co.nz](mailto:mylesg@catobolam.co.nz)  
**Post code:** 0946  
**Local board:** Rodney local board  
**Contact Person:** Myles Goodwin  
**Date of submission:** 28-Feb-2014

---

**Scope of submission**

The specific provisions that my submission relates to are:

**Provision(s):**  
Chapter H Section 5 Rule 2.3.3 (Rural zones)

**Property address:**

**Map:**

**Other:**

**Submission**

**Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.**

**I wish to have the provisions identified above amended:**

Yes

**The reasons for my views are:**

We see no need for a plan that identifies all other natural features on a property when they are outside what Rules will require be protected

**I seek the following decision by Council:**

Accept the Proposed Plan with amendments as outlined below

**If the Proposed Plan is not declined, then amend it as outlined below:**

Remove the requirement for a plan identifying the features outlined in Rule 2(a)(i - iv)

If the above does not occur, then confirm that Rule 2(a)(i - iv) will not result in any requirement for the natural features identified to be included as protected areas.

62

**I wish to be heard in support of my submission:**

Yes

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

Yes

**Telephone:** 09 427 0072

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 not gain an advantage in trade competition through this submission**

#6073  
Vol. 9

**Astrid Caldwell**

---

**From:** donotreply@aucklandcouncil.govt.nz  
**Sent:** Friday, 28 February 2014 4:23 p.m.  
**To:** Unitary Plan  
**Cc:** mylesg@catobolam.co.nz  
**Subject:** Proposed Auckland Unitary Plan Submission - Myles Goodwin

Thank you for your submission to the proposed Auckland Unitary plan.

You should receive an acknowledgement within 10 working days. Please retain this as your copy. If you do not receive this, could you email [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or phone 09 301 0101.



---

#### Submitter details

**Full name:** Myles Goodwin  
**Organisation:** Cato Bolam Consultants Ltd  
**Postal address:** PO Box 157, Orewa  
**Email address:** [mylesg@catobolam.co.nz](mailto:mylesg@catobolam.co.nz)  
**Post code:** 0946  
**Local board:** Rodney local board  
**Contact Person:** Myles Goodwin  
**Date of submission:** 28-Feb-2014

---

#### Scope of submission

The specific provisions that my submission relates to are:

**Provision(s):**

**Property address:**

**Map:**  
Map of west coast and Kaipara Harbour

**Other:**

#### Submission

Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.

**I wish to have the provisions identified above amended:**  
Yes

**The reasons for my views are:**

The Rodney Council have in the past tried to introduce the equivalent of the Rural Coastal zone over the area now proposed. It has been rejected by an overwhelming majority of the local population. Trying to re-introduce it over the known objections of the residents is not appropriate.

**I seek the following decision by Council:**

Accept the Proposed Plan with amendments as outlined below

**If the Proposed Plan is not declined, then amend it as outlined below:**

Remove the rural coastal zone from the Kaipara Harbour and South Head areas

43

**I wish to be heard in support of my submission:**

Yes

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

Yes

**Telephone:** 09 427 0072

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 not gain an advantage in trade competition through this submission**

**ANNEXURE (b) – DECISIONS OF AUCKLAND COUNCIL**



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

---

**Decisions Report**

---

**19 August 2016**

## **Contents**

1. Introduction .....	2
2. Statutory Context .....	2
3. The Panel's Recommendations .....	4
4. 'Out of scope' recommendations / decisions .....	5
5. Designations .....	6
6. Attachments to Decisions Report .....	8
7. Decisions of Auckland Council .....	9

# 1. Introduction

- 1.1 This “**Decisions Report**” sets out the decisions made by the Auckland Council (**Council**) on the recommendations for the Proposed Auckland Unitary Plan (**PAUP**) that were provided to the Council on 18 May 2016<sup>1</sup> and 22 July 2016<sup>2</sup> by the Auckland Unitary Plan Independent Hearings Panel (**Panel**).
- 1.2 This Decisions Report has been prepared in accordance with section 148 of the Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**). Section 148 sets out how the Council is to consider the “**Panel’s Recommendations**” and make and notify its decisions on them. In summary, the Council must decide whether to accept or reject each of the Panel’s Recommendations, and must publicly notify those decisions no later than 20 working days after it is provided with the reports containing the Panel’s Recommendations (or, if there is more than one report, the last of the reports). Where any of the Panel’s Recommendations are proposed for rejection, the Council must provide reasons supporting the rejection and an alternative solution to the Panel’s Recommendation that has been rejected.
- 1.3 The Council made its decisions on the Panel’s Recommendations during a series of Governing Body (**GB**) meetings held between 10 and 15 August 2016, at which the Panel’s Recommendations were considered alongside several reports which set out the proposed staff response to the Panel’s recommendations.
- 1.4 In accordance with section 148(4) of the LGATPA, the Council is required to:
  - a) publicly notify its decisions no later than 20 working days after it is provided with the reports containing the Panel’s Recommendations (or, if there is more than one report, the last of the reports).
  - b) electronically notify its decisions on designations to requiring authorities.

# 2. Statutory Context

- 2.1 The statutory context within which the Panel was required to provide recommendations on the PAUP to the Council, and which then requires the Council to make its decisions on the Panel’s Recommendations, is found in Part 4 of the LGATPA.
- 2.2 As outlined in earlier reports to the Council<sup>3</sup>, Part 4 of the LGATPA was enacted by the Government to provide a streamlined, unique process for the preparation of the PAUP. It is the Part 4 process which requires the Council to make and publicly notify its decisions on the Panel’s Recommendations, and notify requiring authorities of decisions on their designations, by way of this Decisions Report.

---

<sup>1</sup> In relation to a majority of designations, except for Auckland International Airport, Kiwirail designations heard on 2 May 2016, and NZ Transport Agency designation 6727 (Newmarket Viaduct) heard on 2 May 2016.

<sup>2</sup> In relation to the remaining designations and the balance of the PAUP.

<sup>3</sup> Reports 1, 2 and 3 dated 10 August 2016. Report 1 provided information about the process used to develop the PAUP and the statutory framework around the PAUP process and the decision-making requirements placed on the Council by the LGATPA.

- 2.3 The Panel was required to provide its recommendation report(s) to the Council by no later than 22 July 2016.
- 2.4 After receiving the Panel's Recommendations the LGATPA requires the Council to make decisions, specifically deciding whether to accept or reject each recommendation made by the Panel<sup>4</sup>. Where the Council decides to reject any recommendation, there are additional requirements for the Council, including preparing an "alternative solution" which, in accordance with section 148(1)(b):
- a) may or may not include elements of both the PAUP as notified and the Panel's Recommendation in respect of that part of the PAUP; but
  - b) must be within the scope of the submissions.
- 2.5 After making its decisions, the Council must, by no later than 19 August 2016, publicly notify its decisions in a way that sets out the following information<sup>5</sup>:
- a) each Panel recommendation that it accepts; and
  - b) each Panel recommendation that it rejects and the reasons for doing so; and
  - c) the alternative solution for each rejected recommendation.
- 2.6 In relation to designations (discussed further below), the Council must, again by no later than 19 August 2016, electronically notify each requiring authority affected by the decisions of the Council of the information referred to in paragraph (2.5) above that specifically relates to the decision recommending that the authority confirm, modify, impose conditions on, or withdraw the designation concerned<sup>6</sup>.

### ***Decision-making by the Council***

- 2.7 In making its decisions the Council must either accept or reject the Panel's Recommendations.
- 2.8 For the Panel's Recommendations that it decides to **accept**, the Council will be able to fulfil its decision-making obligations by considering the Panel's Recommendations and reasons only. This is because the Panel, in making its recommendations, was required to comply with all the requirements of section 145 of the LGATPA, including obligations on the Panel to:
- a) ensure that if the Council accepts each/any/all of the Panel's Recommendations, all relevant requirements (and legal tests) of the RMA,

---

<sup>4</sup> See section 148, LGATPA.

<sup>5</sup> See section 148(4), LGATPA.

<sup>6</sup> See section 148(4)(b), LGATPA. While this requirement also applies to heritage orders, all heritage orders in the PAUP 'rolled over' without modification or submissions, meaning that section 144(6) of the LGATPA applies (pursuant to that provision, the Panel must not make a recommendation on any existing designation or heritage order that is included in the PAUP without modification and on which no submissions were received).

and other enactments which apply to the Council's preparation of the PAUP, are complied with<sup>7</sup>; and

- b) prepare, and include with its recommendations, a further evaluation in accordance with section 32AA of the RMA<sup>8</sup>.

2.9 Where however, the Council decides to **reject** any of the Panel's Recommendations, there are additional requirements that must be satisfied before that decision can be publicly notified. If the Council decides to **reject** a recommendation, it must provide reasons supporting that rejection and also prepare an **alternative solution** for that rejected Panel recommendation<sup>9</sup> (which, given the way in which the Panel's Recommendations have been formulated, could be any matter or provision recommended by the Panel), together with a **section 32AA assessment** supporting the rejection, where necessary. No new section 32AA assessment has been undertaken by the Council, where section 32 / 32AA assessment relating to all alternative solution has already been prepared as part of development of the PAUP<sup>10</sup> and / or the Council's case team evidence for the hearings before the Panel.

2.10 There are specific requirements relating to the preparation of alternative solutions, which are set out in subsections (1) and (2) of section 148 of the LGATPA. In short, the Council must decide an alternative solution which:

- a) **May or may not** include elements of both the PAUP as notified and the Panel's Recommendations in respect of that part of the PAUP (and which therefore may be a combination of the two); **but**
- b) **Must** be within the scope of the submissions.

### 3. The Panel's Recommendations

3.1 As outlined in the background information report prepared by staff for the GB decision-making meetings<sup>11</sup>, the Panel's Recommendations were provided to the Council in three parts:

- a) **Part 1** - The Panel's Recommendation Reports: these comprise an overview report dated July 2016, which generally addresses all of the Panel's Recommendations, and 58 separate recommendation reports, relevant to the topics that were heard before the Panel (albeit with some of those hearing topics being combined together in one Panel recommendation report). In addition, the Panel provided a series of designation reports, including a similar introductory / overview report on designations;
- b) **Part 2** - The Recommended Plan: which comprises a "clean" version of the Panel's recommended text for the PAUP; and

<sup>7</sup> See section 145(1)(f), LGATPA.

<sup>8</sup> See section 145(1)(d) and (f)(i) and (ii), LGATPA.

<sup>9</sup> See section 148(1)(b), LGATPA.

<sup>10</sup> E.g. in the Auckland Unitary Plan Evaluation Report prepared by the Council under section 32.

<sup>11</sup> Report 1.

- c) **Part 3** - The Recommended Maps / GIS Viewer: which comprises the Panel's recommended version of the PAUP planning maps, created in the Panel's GIS viewer.

Collectively, the above reports have been referred to by the Council as the "**Panel's Recommendations**".

- 3.2 The Panel's Recommendations (including on designations), Recommended Plan, and Recommended Maps / GIS Viewer can all be viewed on the Council's website: [www.aucklandcouncil.govt.nz/unitaryplan](http://www.aucklandcouncil.govt.nz/unitaryplan).
- 3.3 It is noted that the Panel's Recommendations contain a number of separate hearing topic reports, and that recommendations are often provided throughout the body of each report (including the overview reports referred to at paragraph 3.1(a) above). As a result, where the Council has made a decision which accepts all of the Panel's Recommendations in relation to a specific hearing topic / designation, this Decisions Report will need to be read in conjunction with the related hearing topic report provided to the Council as part of the Panel's Recommendations as well as the decisions (and recommended) version of the PAUP text and maps.

## 4. 'Out of scope' recommendations / decisions

- 4.1 The Part 4 process for the preparation of the PAUP allowed the Panel to make recommendations that are beyond the scope of submissions made on the PAUP<sup>12</sup> ("out of scope recommendations"). Where the Council accepts any out of scope recommendations made by the Panel in relation to provisions / matters in the PAUP, there is a specific right of appeal to the Environment Court for any person that "is, was, or will be unduly prejudiced by the inclusion of the provision or exclusion of the matter"<sup>13</sup>.
- 4.2 The overview report dated July 2016 included with the Panel's Recommendations contained a detailed section that addressed "scope" and, as required by section 144(8) of the LGATPA, the Panel identified recommendations that the Panel considered to be beyond the scope of submissions on the PAUP.
- 4.3 The identification of the Panel's out of scope recommendations was set out in Appendix 3 to the overview report dated July 2016 – "*Summary of recommendations out of scope*" – which listed the hearing topics where the Panel had provided out of scope recommendations to the Council, and identified the out of scope recommendations in question. The Panel's Appendix 3 is reproduced as **Attachment C** to this Decisions Report.
- 4.4 While the Panel's Appendix 3, as reproduced at Attachment C, should be referred to, in summary, the Panel has identified out of scope recommendations in relation to the following topics: 006 – *Natural Resources*, 027 – *Artworks, signs and temporary activities*, 028 – *Future Urban*, 032 – *Historic heritage schedules*, 080 – *Rezoning and precincts (general)* and 081 – *Rezoning and precincts (geographical areas)*, with numerous individual precincts containing out of scope recommendations.

---

<sup>12</sup> Section 144(5), LGATPA.

<sup>13</sup> Section 156(3), LGATPA.

- 4.5 In order to identify out of scope recommendations as they relate to the GIS Viewer (the PAUP spatial component, e.g. zoning) the Panel outlined the properties associated with out of scope recommendations with a bold black line on the GIS Viewer. This outline can be seen on the Panel's recommended version of the GIS Viewer.
- 4.6 In order to identify the Panel's out of scope spatial (zoning) recommendations that have been accepted, the Council has retained the same bold black line on its decisions version of the GIS Viewer.
- 4.7 For ease of reference for users of this Decisions Report the Council has also printed and **attached** ten separate maps showing the accepted Panel out of scope recommendations as they relate to the GIS Viewer. These maps, which are included as **Attachment C**, show out of scope decisions made in the following areas: Albany; Glen Eden, Greenlane, Mangere Bridge, Milford, Newmarket, Otahuhu, Te Atatu South, Warkworth and Whangaparoa. The address details of the properties associated with those decisions have not been provided by the Council.

## 5. Designations

- 5.1 Under the RMA (and the special legislation applying to the PAUP), while designations included as part of a plan review are subject to submissions and a hearing, there is a different process for who makes the decisions on the recommendations from the Panel.
- 5.2 For the Council's own designations, the Council must make a decision on the recommendations provided by the Panel. For designations owned by other requiring authorities however, the Council's decisions are treated as recommendations to those requiring authorities on their designations<sup>14</sup>. The requiring authorities themselves will make the final decisions (subject to appeal) on whether they will accept or reject the Council's recommendations.
- 5.3 In relation to designations included in the PAUP, the Council's GB made decisions on the following aspects:
- a) decisions relating to Chapter G1.3 and Part 7 Designations of the PAUP;
  - b) decisions relating to the Council's own designations included in the PAUP; and
  - c) decisions relating to the recommendations it will make to other requiring authorities in respect of their designations included in the PAUP.
- 5.4 The Council did not oppose any designations included in the PAUP, and did not have an active role in the assessment of third party submissions on designations; other

---

<sup>14</sup> See section 151(1), LGATPA. As noted at paragraph 2.3(i) above, the Council is required to electronically notify each requiring authority affected by the decisions of the Council of the information that specifically relates to the decision recommending that the authority confirm, modify, impose conditions on, or withdraw the designation.

than where the Council's own designations were involved, or where the Council was also a submitter. In addition, the LGATPA did not allow the Panel to make recommendations on designations (or heritage orders) that were 'rolled over' without modification that did not attract any submissions and the Council does not have a decision making role in relation to those 'rolled over' designations (and heritage orders<sup>15</sup>). These 'rolled over' designations will be included in the Council's decisions version of the PAUP and are deemed to have been approved by the Council<sup>16</sup>.

- 5.5 Council staff recommended that the GB, in making its decision on the Panel's Recommendations as they relate to designations, accept all the Panel's Recommendations on designations. Those designations were identified in an attachment to a report entitled "Proposed Auckland Unitary Plan Report 3 - Response to Recommendations from the Auckland Unitary Plan Independent Hearings Panel Relating to Designations" which was prepared for committee meetings on 10 August 2016. That same attachment has been included as Attachment E to this Decisions Report as it contains the Council's decisions in relation to designations.

---

<sup>15</sup> As noted earlier, all heritage orders rolled over without modification / submissions.

<sup>16</sup> Under clause 17(1) of Schedule 1 to the RMA. See s152(5) of the LGATPA.

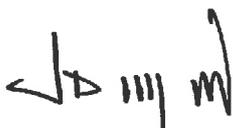
## 6. Attachments to Decisions Report

6.1 A number of attachments have been included as part of this Decisions Report, as follows:

- a) **Attachment A** - The alternative solutions prepared by the Council for any rejected recommendations (which includes: text, diagram and map alternative solutions).
- b) **Attachment B** – The section 32AA assessment reports prepared, where necessary, as part of any rejection.
- c) **Attachment C** – A list of the Panel's out of scope recommendations that have been accepted by the Council, including maps which show the out of scope recommendations within the GIS Viewer.
- d) **Attachment D** – A list of the Panel's Recommendations that have been rejected by the Council.
- e) **Attachment E** – Designations (Parts 1, 2 and 3).

Approved for release:

John Duguid - General Manager - Plans and Places



Penny Pirrit - Director Regulatory Services



pre 1944), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 12.2.

**Panel recommendations rejected:**

12.2 The Council has rejected the Panel’s recommendations in relation to Hearing Topic 010/029/030/079 (Special character and pre 1944), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **The deletion of the objective that provides for management of heritage values in the Regional Policy Statement**

<b>Reasons</b>	
(i) The Special Character Areas overlay – Residential and Business District Plan provisions and character statements recommended by the Panel identify the amenity and heritage values of the areas that are to be addressed in the District Plan provisions. However the cascade down from the RPS to District Plan is not evident, with no corresponding RPS objective, resulting in a disconnect between the RPS and District Plan.	
<b>Alternative solution</b>	See Attachment A

**13. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 011 (Rural environment), July 2016”**

**Panel recommendations accepted:**

13.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topics 011 (Rural environment), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 13.2.

**Panel recommendations rejected:**

13.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 011 (Rural environment) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **The deletion of objectives and policies for rural subdivision that:**
  - (i) Prevent inappropriate subdivision
  - (ii) Promote the significant enhancement of indigenous biodiversity

(iii) Facilitate transfer of titles only into the Countryside living zone.

<b>Reasons</b>	
The Panel's recommended approach would:	
(i) Enable inappropriate subdivision of the rural area through a proliferation of rural-residential lots across the production focussed rural zones (resulting in loss of rural production, reverse sensitivity, rural character and amenity and potential additional demands on infrastructure in remote locations).	
(ii) Undermine the Auckland Plan's strategic direction for rural areas.	
(iii) Does not support the concept of the compact city that inherently has as a benefit the retention and protection of rural areas (rather than their subdivision for rural-residential uses).	
(iv) Undermine focus of rural lifestyle living in the Countryside Living zone	
<b>Alternative solution</b>	See Attachment A

**14. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 012 (Infrastructure, energy and transport), July 2016"**

**Panel recommendations accepted:**

14.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 012 (Infrastructure, energy and transport), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 14.2.

**Panel recommendations rejected:**

14.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 012 (Infrastructure, energy and transport) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

<p>requirements are included for new buildings within the same area (of any size). This is inconsistent with the Policy (9) which refers to both new buildings and substantive alterations to existing buildings.</p>	
<p>(ii) The application of the rule to only additions and alterations to existing buildings and not new buildings will pose problems for implementing the policy and rule framework. No explanation of this is given in the Panel's report. Given the issues that the rule in its current form will cause when applied to development within this area, an amendment is proposed to ensure it applies consistently</p>	
<p><b>Alternative solution</b></p>	<p>See Attachment A</p>

**20. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 023 (Significant ecological areas and vegetation management), July 2016”**

**Panel recommendations accepted:**

- 20.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 023 (Significant ecological areas), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**21. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 024 (Genetically Modified organisms), July 2016”**

**Panel recommendations accepted:**

- 21.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 024 (Genetically modified organisms), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

- (f) **The deletion of specific standards to manage development within natural hazards areas within the Port Precinct.**

<b>Reasons</b>	
(i) The lack of bespoke port provisions result in them being unworkable in relation to enabling the port activities to take place within natural hazard areas in the Port precinct.	
<b>Alternative solution</b>	See Attachment A

- 37. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 055 (Social facilities), July 2016”**

**Panel recommendations accepted:**

- 37.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 055 (Social facilities), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

- 38. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 056,057 (Rural zones), July 2016”**

**Panel recommendations accepted:**

- 38.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topics 056, 057 (Rural zones), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**41. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 064 (Subdivision – urban), July 2016”**

**Panel recommendations accepted:**

- 41.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 064 (Subdivision - urban), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**42. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 064 (Subdivision – rural), July 2016”**

**Panel recommendations accepted:**

- 42.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 064 (Subdivision - rural), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 42.2.

**Panel recommendations rejected:**

- 42.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 064 (Subdivision – rural) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) **The inclusion of objectives, policies and rules that enable sporadic and scattered rural subdivision**

<b>Reasons</b>	
(i)	The Panel's recommended provisions will enable inappropriate subdivision of the rural area through a proliferation of rural-residential lots across the production focussed rural zones (resulting in loss of rural production, reverse sensitivity, rural character and amenity and potential additional demands on infrastructure in remote locations).
(ii)	The provisions undermine the Auckland Plan's strategic direction for the rural areas.
(iii)	The provisions do not support the concept of the compact city that inherently has as a benefit the retention and protection of rural areas (rather than their subdivision for rural-residential uses).
(iv)	The provisions do not make it clear that the focus of rural lifestyle living is the Countryside Living zone.
<b>Alternative solution</b>	See Attachment A

(b) **The inclusion of provisions that allow for minimal environmental benefits to be accepted in exchange for rural-residential subdivision**

<b>Reasons</b>	
(i)	The provisions would enable potentially inappropriate subdivision of the rural area with the minimal environmental gains.
(ii)	<p>The provisions enable subdivision of sites with Significant Ecological Area (SEA) factors as opposed to identified SEAs. The SEA factors are not suitable to be used for rural subdivision assessment as they:</p> <ul style="list-style-type: none"> <li>• Were made for a different purpose (assessing significance for vegetation protection – not for assessing whether the ecological value of an area would mitigate rural subdivision).</li> <li>• Were designed to be applied in a single, comprehensive manner across the region, not in isolation on a case by case basis. Site by site assessment in isolation will result in over-estimation of the significance of sites.</li> </ul>

(iii) The provisions will enable a potentially significant increase in the number of rural-residential lots that can be generated (particularly in relation to wetland and revegetation planting subdivision).	
<b>Alternative solution</b>	See Attachment A

- (c) **Absence in recommending specific site sizes for Countryside Living subdivision in the Caldwell's Road area in Whitford.**

<b>Reasons</b>	
(i) The minimum site size for the Caldwell's Road area was agreed with the submitter (Camperdown Holdings Limited) during the hearings process as an appropriate alternative mechanism to a Precinct.	
(ii) The Panel's report is silent on this matter and it may be an omission.	
<b>Alternative solution</b>	See Attachment A

# Topic 064

## E39 Subdivision-Rural

## E39. Subdivision – Rural

### E39.1. Introduction

Subdivision is.....

### E39.2. Objectives

- (1) Land is....
- (9) The productive potential of rural land is enhanced through the amalgamation of smaller existing land holdings sites, particularly for sites identified in Appendix 14 Land amalgamation incentivised area, and the transfer of titles to ~~areas of lower productive potential in certain Rural – Countryside Living Zone areas.~~
- (10) Fragmentation of rural production land by:
  - (a) subdivision of land containing elite soil is avoided; ~~and~~
  - (b) subdivision of land containing prime soil is avoided where practicable; ~~and~~
  - (c) subdivision of land avoids contributing to the inappropriate, random and wide dispersal of rural lifestyle lots throughout rural and coastal areas.
- (11) Subdivision avoids....
- (12) Rural lifestyle subdivision is primarily limited to the Rural – Countryside Living Zone, and to sites created by protecting, ~~restoring~~ or creating significant areas of indigenous vegetation or wetlands.
- (13) Subdivision of any...
- (14) Subdivision is provided for by either:
  - a. Limited in-situ subdivision ~~or by through the protection of significant indigenous vegetation and/or through indigenous revegetation planting; or~~
  - b. Transfer of titles, through the protection ~~or enhancement~~ of indigenous vegetation and wetlands and/or through ~~restorative~~ or indigenous revegetation planting to Countryside Living zones.
- (15) .....

### E39.3. Policies

- (1) Provide....
- (2) Require .....
- (3) Manage rural subdivision and boundary adjustments to facilitate more efficient use of land for rural production activities by:

(a) restricting further subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone for a range of rural production activities; and

(b) providing for the transfer of titles to ~~areas of lower productive potential, in particular areas zoned~~ certain Rural – Countryside Living Zones.

(4) Require subdivisions.....

(11) Restrict in-situ subdivision for rural lifestyle living to where:

(a) the site is located in the Rural – Countryside Living Zone;

(b) the site is created through the protection ~~or enhancement~~ of indigenous vegetation ~~and wetlands~~; or

(c) the site is created through ~~restorative~~ or indigenous revegetation planting.

(12) Enable....

*Protection of indigenous vegetation and wetland and revegetation planting*

(15) Enable limited in-situ subdivision ~~or the transfer of titles~~ through the protection of indigenous vegetation ~~or wetlands~~ identified in the Significant Ecological Areas Overlay and indigenous revegetation planting ~~or areas meeting the factors for Significant Ecological Areas in Policy B7.2.2(1) and in terms of the descriptors contained in Schedule 3 Significant Ecological Areas – Terrestrial Schedule.~~

(16) Encourage the transfer of titles through the protection of indigenous vegetation or wetlands identified in the Significant Ecological Areas Overlay and indigenous revegetation planting.

~~(16)~~ (17) Require indigenous vegetation or wetland within a site being subdivided to be legally protected in perpetuity.

~~(17)~~ (18) Provide limited opportunities for in-situ subdivision in rural areas while ensuring that:

(a) there will be significant environmental protection ~~or restoration~~ of indigenous vegetation;

(b) subdivision .....

**E39.4. Activity table**

Tables E39.4.1 to E39.4.5 specify.....

**Table E39.4.1 Subdivision for specified purposes**

Activity		Activity status
(A1)...	Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease, or unit title subdivision is not involved	P

**Table E39.4.2 Subdivision in rural zones (excluding Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone)**

Activity		Activity status
(A10)....	Subdivision for open spaces, reserves or road realignment	D
(A15)	In-situ subdivision creating additional sites through protection of indigenous vegetation <del>or wetland</del> identified in the Significant Ecological Areas Overlay, and complying with Standard E39.6.4.4	RD
(A16)	In-situ subdivision creating additional sites through protection of indigenous vegetation <del>or wetland</del> identified in the Significant Ecological Areas Overlay not complying with Standard E39.6.4.4	NC
<del>(A17)</del>	<del>In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and complying with Standard E39.6.4.4</del>	<del>RD</del>
<del>(A18)</del>	<del>In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and not complying with Standard E39.6.4.4</del>	<del>NC</del>
<del>(A19)</del> <del>(A17)</del>	<del>In-situ subdivision creating additional sites through establishing revegetation planting and complying with Standard E39.6.4.5</del>	<del>RD</del>
<del>(A20)</del> <del>(A18)</del>	<del>In-situ subdivision creating additional sites through establishing revegetation planting not complying with Standard E39.6.4.5</del>	<del>NC</del>
<del>(A24)</del> <del>(A19)</del>	<del>Transferable rural sites subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay complying with Standard E39.6.4.6</del>	<del>RD</del>
<del>(A22)</del> <del>(A20)</del>	<del>Transferable rural sites subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay not complying with Standard E39.6.4.6</del>	<del>NC</del>
<del>(A23)</del>	<del>Transferable rural sites subdivision through protection of</del>	<del>RD</del>

	indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and complying with Standard E39.6.4.6	
{A24}	Transferable rural sites subdivision through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and not complying with Standard E39.6.4.6	NC
{A25} (A21)...	Transferable rural sites subdivision through establishing revegetation planting complying with Standard E39.6.4.6	RD
{A30} (A26)	Any other subdivision not provided for in Tables E39.4.1 or E39.4.2	NC

Table E39.4.3 Subdivision in Future Urban Zone

Activity		Activity status
(A27)	Subdivision for open spaces, reserves or road realignment	D
{A31} (A28)	Any other subdivision not provided for in Table E39.4.1	<del>D</del> NC

Table E39.4.4 Subdivision in Special Purpose – Quarry Zone

Activity		Activity status
{A32} (A29)	Any other subdivision not provided for in Table E39.4.1	D

Table E39.4.5 Subdivision in Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone

Activity		Activity status
{A33}... (A30)...	Subdivision in the Rural – Waitākere Foothills Zone creating site size with a minimum site size of 4ha complying with Standard E39.6.3.2	C

### E39.5. Notification

(1) An application.....

### E39.6. Standards

Subdivision listed in Tables E39.4.1 to E39.4.5 must comply with the relevant standards in E39.6.1 General standards, and the relevant standards for permitted, controlled, restricted discretionary and discretionary activities in E39.6.2 to E39.6.5.

#### E39.6.1. General standards

**E39.6.1.1. Specified building area**

- (1) A specified building.....

**E39.6.2. Standards – permitted activities**

Subdivision listed....

**E39.6.3. Standards - controlled activities**

Subdivision listed....

**E39.6.3.1. Amendments to...**

**E39.6.3.2. Boundary adjustments that do not exceed 10 per cent of the original site size**

- (1) All sites...

(5) If any boundary adjustment under this control creates the potential for additional subdivision or dwellings over and above what was possible for each site prior to the boundary adjustment a legal covenant or consent notice under s. 221 of the RMA is to be registered on the titles prohibiting;

(a) any further subdivision; and/or

(a) new dwellings.

**E39.6.4. Standards – restricted discretionary activities**

**E39.6.4.1. Subdivision establishing an esplanade reserve**

- (1) Any subdivision.....

**E39.6.4.2. Subdivision of a site within the two per cent annual exceedance probability floodplain**

- (1) Each proposed site....

**E39.6.4.3. Subdivision of land which may be subject to coastal hazards**

- (1) Each proposed site.....

**E39.6.4.4. In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay; and in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay meeting the Significant Ecological Area factors identified in Policy B7.2.2(1)**

Refer to Appendix 15 Subdivision information and process for further information in relation to in-situ subdivisions.

- (1) The indigenous vegetation or wetland to be protected must either be:  
(a) identified in the Significant Ecological Areas Overlay; or

(a)

(b) ~~must be assessed by a suitably qualified and experienced person (e.g. for example, ecologist) who must determine that it meets one or more of the Significant Ecological Areas factors identified in Policy B7.2.2(1) and detailed in the factors and sub-factors listed in Schedule 3 Significant Ecological Areas—Terrestrial Schedule. A report by that person must be prepared and must be submitted to support the application.~~

(2) ~~The maximum number of sites created from the protection of an indigenous vegetation or wetland must comply with Table E39.6.4.4.1 and Table E39.6.4.4.2.~~

**Table E39.6.4.4.1 Maximum number of new rural residential sites to be created from the protection of indigenous vegetation either identified in the Significant Ecological Areas Overlay or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1)**

<b>Areas of indigenous vegetation or wetland to be protected</b>	<b>Maximum number of rural residential sites that may be created</b>
Minimum of 2.0ha	1
2.0001ha – 11.9999ha	2
12.0ha – 21.9999ha	3
22.0ha – 31.9999ha	4
32.0ha – 41.9999ha	5
42.0ha – 51.9999ha	6
52.0ha – 61.9999ha	7
62.0ha – 71.9999ha	8
72.0ha – 81.9999ha	9
82.0ha – 91.9999ha	10
92.0ha – 101.9999ha	11
102.0ha – 111.9999ha	12

<b><u>Areas of indigenous vegetation to be protected</u></b>	<b><u>Maximum number of rural residential sites that may be created for Transferable Rural Site Subdivision</u></b>	<b><u>Maximum number of rural residential sites that may be created for in-situ subdivision</u></b>
<u>5ha – 9.9999ha</u>	<u>1</u>	<u>1</u>
<u>10ha – 14.9999ha</u>	<u>2</u>	<u>2</u>
<u>15ha – 20ha</u>	<u>3</u>	<u>3 (maximum)</u>
<u>For every 10ha increment of SEA (indigenous vegetation) which is protected</u>	<u>No maximum</u>	

beyond the protection of 20ha		
-------------------------------	--	--

**Table E39.6.4.4.2 Maximum number of new sites to be created from the protection of wetland either identified in the Significant Ecological Areas Overlay or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1)**

Area of wetland to be protected	Maximum number of rural residential sites that may be created
Minimum 5,000m <sup>2</sup>	1
5,001m <sup>2</sup> —1.9999ha	2
2.001ha—3.9999ha	3
4.001ha—7.9999ha	4
8.0ha—11.9999ha	5
12.0ha—15.9999ha	6
16.0ha—19.9999ha	7
20.0ha—24.9999ha	8
25.0ha or more	9 plus one additional site for each 5ha of wetland above 30ha

- (3) A 20 metre buffer is to be applied to the perimeter of the indigenous vegetation ~~or wetland~~ and included as part of the protected area.
- (4) The additional sites must be created on the same site as the indigenous vegetation ~~or wetland~~ subject to protection.
- Note: Standard E39.6.4.6 provides a separate subdivision option to enable the transfer of additional lots created via Standard E39.6.4.4.
- (5) The additional sites must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.
- (6) Any indigenous vegetation ~~or wetlands~~ proposed to be legally protected in accordance with Appendix 15 Subdivision information and process must be identified on the subdivision scheme plan.
- (7) Areas of indigenous vegetation ~~or wetland~~ to be legally protected as part of the proposed subdivision must not already be subject to legal protection.
- (8) Areas of indigenous vegetation ~~or wetland~~ to be legally protected as part of the proposed subdivision must not have been used to support another transferable rural site subdivision or subdivision under this Plan or a previous district plan.
- (9) The subdivision resource consent must be made subject to a condition requiring the subdivision plan creating the sites to be deposited after, and

not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation or wetland.

(10) All applications must include all of the following:

(a) a plan that specifies the protection measures proposed to ensure the indigenous vegetation ~~or wetland~~ and buffer area remain protected in perpetuity. Refer to legal protection mechanism to protect indigenous vegetation, wetland or ~~revegetated~~ revegetation planting as set out in Appendix 15 Subdivision information and process for further information;

~~(b) the planting plan for restorative planting must follow the specifications as set out in Appendix 15 Subdivision information and process that specifies any restoration measures proposed to be carried out within or adjacent to the indigenous vegetation or wetland proposed to be protected; and~~

~~(c)~~ (b) the plans required in E39.6.4.4(10)(a) ~~and (b)~~ must be prepared by a suitably qualified and experienced person.

(11) Indigenous vegetation ~~or wetland~~ to be protected must be made subject to a legal protection mechanism meeting all of the following:

(a) protection of all the indigenous vegetation ~~or wetland and wetland~~ buffer existing on the site at the time the application is made, even if this means protecting vegetation or a wetland larger than the minimum qualifying area; and

(b) consistent with the legal protection mechanism to protect indigenous vegetation, wetland or ~~revegetated~~ revegetation planting as set out in Appendix 15 Subdivision information and process.

(12) All applications must include a management plan that includes all of the following matters, which must be implemented prior to the Council issuing a section 224(c) certificate:

(a) the establishment of secure stock exclusion;

~~(b) the maintenance of plantings, which must occur until the plantings have reached a sufficient maturity to be self-sustaining, and have been in the ground for at least three years for wetlands, or have reached 80 per cent canopy closure for other ecosystem types. The survival rate must ensure a minimum 90 per cent of the original density and species;~~

~~(c) the maintenance of plantings must include the ongoing replacement of plants that do not survive;~~

~~(b)~~ (d) the maintenance of the indigenous vegetation plantings must ensure that all invasive plant pests are eradicated ~~from the planting~~

~~site both at the time of planting and on an ongoing basis to ensure adequate growth; and~~

- ~~(c)~~ (e) the maintenance of the indigenous vegetation plantings must ensure animal and plant pest control occurs.

**E39.6.4.5. In-situ subdivision creating additional sites through establishing native-indigenous revegetation planting**

- (1) Any established revegetation planting must meet all of the following:
- (a) not be located on land containing elite soil or prime soil;
  - (b) be located outside any Outstanding Natural Character, High Natural Character or Outstanding Natural Landscape overlays; and
  - (c) be contiguous with existing indigenous vegetation identified in the Significant Ecological Area Overlay.
- ~~(c)~~(d) the criteria as set out in Appendix 16 Guideline for native revegetation plantings.
- (2) The maximum number of new sites created through establishing revegetation planting must comply with Table E39.6.4.5.1.

**Table E39.6.4.5.1 Maximum number of new sites from establishing native revegetation planting (to be added to existing indigenous vegetation identified in the Significant Ecological Area Overlay) subject to protection**

<b>Minimum area of established native revegetation planting <u>(to be added to an existing indigenous vegetation identified in the Significant Ecological Area Overlay)</u> subject to protection</b>	<b>Maximum number of new sites for <u>Transferable Rural Site Subdivision</u></b>	<b>Maximum number of new sites for <u>in-situ subdivision</u></b>
5ha – 9.9999ha	1	<u>1</u>
10ha – 14.9999ha	<u>2</u>	<u>2</u>
15ha or more	3 (maximum)	3 (maximum)
Every additional 5ha	4	

- (3) Any new site must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.
- (4) Any established revegetation planting proposed must be legally protected.
- (5) Areas subject to revegetation planting must be subject to a legal protection mechanism that:

- (a) protects all the existing indigenous vegetation on the site at the time of application as well as the additional area subject to any revegetation ~~restoration~~ planting; and
  - (b) meets the requirements as set out in Appendix 15 Subdivision information and process.
- (6) All applications must include all of the following:
- (a) a plan that specifies the protection measures proposed to ensure the indigenous vegetation ~~or wetland~~ and buffer area remain protected in perpetuity. Refer to the legal protection mechanism to protect indigenous vegetation, wetland or ~~revegetated~~ revegetation planting as set out in Appendix 15 Subdivision information and process for further information;
  - (b) a planting plan for ~~restorative~~ revegetation planting which outlines the restoration measures proposed to be carried out within or adjacent to the indigenous vegetation ~~or wetland~~ proposed to be protected in accordance with Appendix 15 Subdivision information and process and Appendix 16 Guideline for native revegetation plantings ; and
  - (c) the plans required in E39.6.4.5(6)(a) and (b) must be prepared by a suitably qualified and experienced person.
- (7) All applications must include a management plan that includes all of the following matters, which must be implemented prior to the Council issuing a section 224(c) certificate:
- (a) the establishment of secure stock exclusion;
  - (b) the maintenance of plantings that must occur until the plantings have reached a sufficient maturity to be self-sustaining and ~~have been in the ground for at least three years for wetlands, or~~ have reached 80 per cent canopy closure ~~for other ecosystem types~~. The survival rate must ensure a minimum 90 per cent of the original density and species;
  - (c) the maintenance....
- (8) The subdivision resource consent must be made subject to a condition that requires the subdivision plan creating the sites to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation ~~or area of restoration planting~~ to be protected ~~as applicable~~.

**E39.6.4.6. Transferable rural sites subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay; ~~or transferable rural sites subdivision~~**

~~through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1); or transferable rural sites subdivision through establishing revegetation planting~~

Refer to Appendix 15 Subdivision information and process and Appendix 16 Guideline for native revegetation plantings for further information on transferable rural sites subdivisions and revegetation planting.

- (1) All transferable rural sites subdivisions applications involving protection of indigenous vegetation ~~or wetlands~~ must meet all of the standards that are (a) applicable for the protection of indigenous vegetation ~~or wetland~~ identified in the Significant Ecological Areas Overlay as set out in Standard E39.6.4.4.
- (b) ~~the protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) as set out in Standard E39.6.4.4; or~~
- (a) ~~(e)~~ the creation of sites through establishing revegetation planting as set out in Standard E39.6.4.5.
- (2) All transferable rural sites subdivisions applications involving protection of wetlands must meet:
- (a) Clauses 1 and 3-12 in E39.6.4.4 as if references to indigenous vegetation are references to wetlands;
- (b) The maximum number of new sites created through the protection of wetlands must comply with Table E39.6.4.6.1.

**Table E39.6.4.6.1 Maximum number of new sites to be created from the protection of wetland identified in the Significant Ecological Areas Overlay**

<u>Area of wetland to be protected</u>	<u>Maximum number of rural residential sites that may be created for Transferable Rural Site Subdivision</u>	<u>Maximum number of rural residential sites that may be created for in-situ subdivision</u>
Minimum 5,000m <sup>2</sup>	1	No in-situ subdivision
<u>1,000m<sup>2</sup> – 1.9999ha</u>	(2) (maximum)	

~~(3)~~(2)A donor site.....

**E39.6.4.7. Transferable rural site subdivision through the amalgamation of donor sites, including sites identified in Appendix 14 Land amalgamation incentivised area**

(1) Prior to amalgamation.....

**E39.6.5. Standards – discretionary activities**

**E39.6.5.1. Subdivision in....**

**E39.6.5.2 Subdivision in the Rural – Countryside Living Zone**

**Table 39.6.5.2.1 Minimum and minimum average net site area**

<b>Location of Rural – Countryside Living Zone</b>	<b>Minimum net site area and average net site area without transferable rural site subdivision</b>	<b>Minimum net site area and average net site area with transferable rural site subdivision</b>
Rural – Countryside Living Zone areas not identified below...	Minimum: 2ha	N/A
Whitford (excluding <u>Caldwells Road</u> ) Precinct	Minimum: 2ha Minimum average: 4ha	N/A
<u>Whitford – Caldwells Road</u>	<u>Minimum: 1ha</u> <u>Minimum average: 2ha</u>	<u>N/A</u>
Papakura...	Minimum: 1ha	N/A

**E39.7. Assessment – controlled activities**

**E39.7.1. Matters of control**

The Council will...

**E39.7.2. Assessment criteria**

The Council will consider the relevant assessment criteria for controlled activities from the list below:

- (1) all controlled activities:
  - (a) compliance .....
  - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:
    - (i) the extent to...
    - (ii) whether...
    - (iii) refer to Policy E39.3(~~24~~)(25), (~~25~~)(26) and (~~26~~)(27);
  - (c) the effects of infrastructure provision:

(i) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and

(ii) refer to Policy E39.3(27)(28) and (31)(32).

(d) the effects...

(2) Subdivision in the Rural – Waitākere Foothills Zone:

(a) Policies E39.3(1), (4), (6), (10), (11), (13), (16),(17), (19)(20), (24)(25) and (27)(28) - (32)(33).

### **E39.8. Assessment – restricted discretionary activities**

#### **E39.8.1. Matters of discretion**

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application:

(1) subdivision of a site...

(6) in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay; ~~in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay areas but meeting the Significant Ecological Area factors in Policy B7.2.2(1);~~ in-situ subdivision creating additional sites through establishing revegetation planting:

(a) effects associated with...

(i) the number of sites created, site size, building platforms locations, access;

(ii) the rural character, landscapes and amenity;

(iii) the location of the indigenous vegetation, ~~wetland~~ and/or revegetation planting relative to proposed new sites and to existing vegetation;

(iv) the quality of the indigenous vegetation, ~~wetland~~ and/or revegetation planting to be protected;

(v) the compliance with Auckland-wide rules;

(vi) any management plans for the ongoing protection and management of indigenous vegetation, ~~wetland~~ or ~~restorative~~ revegetation planting;

(vii) the provision of adequate access to existing and new infrastructure and provision of appropriate management of effects of stormwater;

(viii) the legal protection for indigenous vegetation, ~~wetland~~ or revegetation planting;

(ix) any reverse sensitivity effects; and

(x) the location of identified building areas platforms relative to areas of significant mineral resources.

(7) transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay; ~~transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors in Policy B7.2.2(1);~~ transferable rural sites subdivision through establishing revegetation planting:

(a) effects associated....

### E39.8.2. Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

(1) subdivision of a site .....

(5) subdivision establishing an esplanade reserve:

(a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features:

(i) the extent to which the design purpose and location of the esplanade reserve enables public access and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features; and

(ii) Policies E39.3(1), ~~(20)(21), (21)(22) and (22)(23).~~

(6) in-situ subdivision creating additional sites through protection of indigenous vegetation ~~or wetland~~ identified in the Significant Ecological Areas Overlay; ~~in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay areas but meeting the Significant Ecological Area factors in Policy B7.2.2(1);~~ in-situ subdivision creating additional sites through establishing revegetation planting:

(a) Policies E39.3(1), (15), (16), ~~(17), (23) — (26) and (28) to (30).~~ (17), (18), (24) – (27) and (29) to (31).

(7) transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay; ~~transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors in Policy B7.2.2(1);~~ transferable rural sites subdivision through establishing revegetation planting:

(a) Policies E39.3(1), (11), (12), (13), (15), (16) and ~~(17), (23) – (26) and (28) to (30).~~ (17), (18), (24) – (27) and (29) to (31).

(8) transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area:

(a) Policies E39.3(1), (3), (9), (11), (12), (13), (15), (16), (17), (17)–(18) and ~~(28) to (30).~~ (29) to (31).

**E39.9. Special information requirements**

There are no special information requirements in this section.

**Consequential Changes to other parts of the Plan:**

---

## **B9. Toitū te tuawhenua- Rural environment**

### **B9.1. Issues**

The Auckland region is not just...

### **B9.4. Rural subdivision**

#### **B9.4.1. Objectives**

(1) Further fragmentation of rural land by sporadic and scattered subdivision for urban and rural lifestyle living purposes is prevented.

(1) ~~(2)~~ Subdivision does not undermine the productive potential of land containing elite soils.

(2) ~~(3)~~ Subdivision of rural land avoids, remedies or mitigates adverse effects on the character, amenity, natural character, landscape and biodiversity values of rural areas (including within the coastal environment), and provides resilience to effects of natural hazards.

(3) ~~(4)~~ Land subdivision protects and enhances significant indigenous biodiversity ~~and degraded land~~.

#### **B9.4.2. Policies**

(1) Enable the permanent protection and enhancement of areas of significant indigenous biodiversity ~~and rehabilitation of degraded land through subdivision~~.

(2) Enable subdivision for the following purposes:

(a) the creation of parks and reserves, including esplanade reserves;

(b) the establishment and operation of infrastructure;

(c) rural production purposes;

(d) marae, papakāinga, urupā and other activities that support Māori relationships with their land where this land is managed by the Te Ture Whenua Māori Land Act 1993; and

(e) special circumstances that provide for significant benefit to the local rural community, and that cannot be met through the use of existing titles.

(3) Provide for and encourage the transfer of the residential development potential of rural sites to Countryside Living zones to reduce the impact of fragmentation of rural land from in-situ subdivision from one place to another, as well as the rearrangement of site boundaries to:-

(a) promote the productivity of rural land;

(b) manage the adverse effects of population growth across all rural areas;

(c) improve environmental outcomes associated with the protection of identified areas of high natural values;

(d) improve the management of reverse sensitivity conflicts; and

(e) avoid unplanned demand for infrastructure in remote areas, or across areas of scattered development.

(4) Provide for....

(5) ~~Encourage~~ Provide the amalgamation and transfer of rural sites to Countryside Living zones to remedy the impact of past fragmentation of rural land from in-situ subdivision areas that can best support them.

#### **B9.5. Principal reasons for adoption**

The purpose of sustainable management includes safeguarding the life-supporting capacity of natural resources now and in the future. This includes protecting the productive potential of the land to provide for present and future generations as well as significant indigenous biodiversity. It is also to maintain or enhance the character of rural areas for their contribution to regional amenity values, particularly the landscape and natural character...

The subdivision policies also enable and encourage the transfer of the residential development potential ~~of new and existing from sites from in one place~~ productive rural zones to Countryside Living Zones ~~another~~, and for title boundaries to be amalgamated and a residential development right adjusted or relocated to locations where they will more usefully enable the rural development potential to be realised in Countryside Living Zones.

---

## **E15. Vegetation management and biodiversity**

### **E15.1. Background**

Vegetation contributes to a range of ecosystem services ...

### **E15.3. Policies [rcp/rp/dp]**

(1) Protect areas...

(4) Protect, restore, and enhance biodiversity when undertaking new use and development through any of the following:

(a) using transferable rural site subdivision to protect areas that ~~meet the one or more of the factors referred to in B7.2.2(1) and~~ in Schedule 3 Significant Ecological Areas -Terrestrial Schedule;

(b) requiring legal protection, ecological restoration and active management techniques in areas set aside for the purposes of mitigating or offsetting adverse effects on indigenous biodiversity; or

(c) linking biodiversity outcomes to other aspects of the development such as the provision of infrastructure and open space.

(5) Enable activities which...

## Appendix 15 Subdivision information and process

### 15.1 Introduction

This appendix...

### 15.3. Transferable rural site subdivision

#### 15.3.1. Process

(1) A Transferable Rural Site Subdivision (TRSS) is the transfer of the rural - residential development potential of rural sites from one location to the Countryside Living Zone ~~another~~ through a subdivision process. This process may be carried out in the following ways:

(a) through the protection of indigenous vegetation or wetland ~~either identified in the D9 Significant Ecological Areas Overlay or meeting Significant Ecological Areas factors as set out in the regional policy statement,~~ and established ~~re-vegetated~~ revegetation planting meeting relevant criteria; or

(b) through the amalgamation of donor sites: amalgamating two existing and abutting rural zoned sites (excluding a Rural - Countryside Living Zone site), and transferring the development potential of the 'amalgamated' site to the Countryside Living Zone ~~land in another location~~

(2).....

**Table 15.3.1.1 Transferable rural site subdivision process**

Step	Transferable rural site subdivision process through the amalgamation of donor sites	Transferable rural site subdivision process through the protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay <del>or meeting the Significant Ecological Areas factors</del> or established <del>re-vegetated</del> <u>revegetation</u> planting meeting
------	---	--

		relevant criteria
1	<p>Identify the following:</p> <p>a. two donor sites abutting each other, one of which is vacant;</p> <p>b. a site zoned Rural - Countryside Living Zone identified as suitable as a receiver site for TRSS – see Table E39.6.5.2.1 Minimum and minimum average net site areas in E39 Subdivision - Rural</p>	<p>Identify the following:</p> <p>a. an area of indigenous vegetation or wetland (on the donor site) that:</p> <ul style="list-style-type: none"> <li>- is identified in the Significant Ecological Areas overlay;</li> <li><del>– meets the Significant Ecological Areas factors as set out in Policy B7.2.2(1); or</del></li> <li>- is established with <del>re-</del><u>vegetated revegetation</u> planting meeting relevant criteria.</li> </ul> <p>b. a site zoned Rural - Countryside Living Zone identified as suitable as a receiver site for TRSS – see Table E39.6.5.2.1 Minimum and minimum average net site areas in E39 Subdivision - Rural.</p>
2	<p>Application made to Council:</p> <p>a. to amalgamate two donor sites into one new site; and</p> <p>b. to subdivide the receiver site.</p>	<p>Application made to Council:</p> <p>a. subdivide the property containing indigenous vegetation, <u>wetland or revegetation planting</u> to create the residential development opportunity; and</p> <p>b. transfer the residential development opportunity to the receiver site <u>in a Countryside Living Zone</u>.</p>
3	Gain subdivision ...	
...5	<p>Apply to Land Information New Zealand to:</p> <p>a. issue one new certificate of title in place of the original donor sites; and</p> <p>b. issue two new certificates of title for the new sites created from the receiver site after the title for the donor sites has been issued.</p>	<p>Apply to Land Information New Zealand to:</p> <p>a. attach an appropriate legal protection mechanism to the donor site for the protection of the indigenous vegetation, wetland or <del>re-</del><u>vegetated revegetation</u> planting; and</p> <p>b. issue two new certificates of title for the new sites created from the receiver site.</p>

### 15.3.2. Explanation of terms

(1) A donor site may be one of the following:

- (a) two abutting rural sites being amalgamated;
- (b) a rural site containing rural-residential development potential created from one of the following situations:

(i) a site containing indigenous vegetation or wetland identified in the D9 Significant Ecological Areas Overlay;

~~(ii) a site containing an indigenous vegetation area or wetland meeting the Significant Ecological Areas factors as identified in Policy B7.2.2(1); or~~

~~(ii) (iii) a site establishing re-vegetated~~ revegetation planting.

(2) A receiver site is a Rural - Countryside Living zoned site identified on the planning maps by the Subdivision Variation Control.

#### **15.4. Protection of existing indigenous vegetation**

(1) All subdivision plans...

#### **15.5. Legal protection mechanism to protect indigenous vegetation, wetland or ~~revegetated~~ revegetation planting:**

(1) The legal...

(2) Where the Plan refers to indigenous vegetation or wetland to be subject to a legal protection mechanism, that mechanism must include the following:

(a) legal protection of the indigenous vegetation or wetland and any area of required ~~restoration~~ revegetation plantings in perpetuity. An agreement to the satisfaction of the council regarding an encumbrance, bond, consent notice, covenant or vesting as reserve must be entered into before the issue of the section 224(c) certificate under the Resource Management Act 1991;

(b) where applicable the legal protection mechanism must be in accordance with the relevant terms of the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977. The legal instrument must provide protection in perpetuity, and must include enforcement and penalty provisions;

(c) where ~~re-vegetated~~ revegetation planting is required as a condition of the subdivision consent, the section 224(c) certificate will be issued only after the required works have been undertaken and the planting has satisfied the required

(d) The...

(3) The indigenous vegetation or wetland and any area of required ~~re-vegetated~~ revegetation plantings to be protected must be maintained free of livestock through appropriate stock proof fencing, or if livestock access to the vegetation is prevented by topographical or natural features then stock proof fencing may not be required.

#### **15.6. Restorative Revegetation planting**

(1) A planting plan for any ~~restorative~~ revegetation planting is required ~~prior to a section 224(c) certificate being issued~~ at the time of subdivision consent application and must identify the following:

(a) the ecological district.....

(l) how ~~restoration~~ revegetation planting will be ecologically linked to an area of contiguous Significant Ecological Areas (indigenous vegetation) and if possible any other additional existing ecological corridors or connections;

(m) how ~~restoration~~ revegetation planting will provide robust and high value ecological connections without gaps to the Significant Ecological Areas;

(n) how ~~restoration~~ revegetation planting will buffer the Significant Ecological Areas and ensure long term viability and resilience of the Significant Ecological Areas;

(o) site planting, including species to be planted, size and spacing of plants and where they are to be planted, requirements for replacement of pest plants with appropriate native species and measures to minimise reinvasion of pest plants;

(p) measures for the maintenance of planting, including releasing plants, fertiliser, plant and animal pest control and mulching and replacement of plants which do not survive, and measures for animal and plant pest control;

(q) protective measures proposed to ensure the Significant Ecological Areas (indigenous vegetation) and any proposed ~~restoration~~ revegetation planting remain protected in perpetuity;

(r) details confirming that ~~restoration~~ revegetation planting is only to be carried out contiguous to the Significant Ecological Areas (consisting of indigenous vegetation)

(s) confirmation that the assessment of whether the maintenance of plantings has been achieved shall be undertaken by a suitably qualified independent ecologist according to a quantitative monitoring programme

(2) The location and species composition of the restoration planting is to achieve the following:

(a) provide necessary.....

(d) provide a sustainable, potentially significant forest, ~~wetland~~ or shrubland.

(3) The following matters...

---

## H19. Rural zones

### H19.1 Background

There are five rural zones: ...

## **H19.7 Rural – Countryside Living Zone**

### **H19.7.1. Zone description**

This zone provides for rural lifestyle living in identified areas of rural land which are generally closer to urban Auckland or rural and coastal towns. There is a diversity of topography, land quality and landscape character within the zone which results in a diversity of site sizes. The zone is the main-receiver area for transferable rural site subdivision from other zones.

This zone incorporates a range of...

**ANNEXURE (c) – NAMES AND ADDRESSES OF PERSONS TO BE SERVED**

Auckland Council  
Private Bag 92300  
**AUCKLAND**

[Refer application for waiver in relation to method of service of other persons]