

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Warren MacLennan, Manager, Plans and Places, Regional, North, West, and Islands

FROM Alison Pye, Senior Planner, Plans and Places Regional, North, West, and Islands

DATE 5 July 2022

SUBJECT **Plan Modification to the Auckland Unitary Plan (AUP) Operative in part (15 November 2016)**



This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update – Make operative PC20 Rural Activity Status	
Chapter	H19 –Rural Zones
Section	<ul style="list-style-type: none"> • H19.2 Objectives and policies – all rural zones <ul style="list-style-type: none"> ○ 19.2.4 Policies – rural character, amenity and biodiversity values • 19.6 Rural – Rural Conservation Zone <ul style="list-style-type: none"> ○ H19.6.1 Zone description ○ H19.6.2 Objectives ○ H19.6.3 Policies • H19.7. Rural – Countryside Living Zone <ul style="list-style-type: none"> ○ H19.7.1 Zone Description
Designation only	
Designation #	N/A
Locations:	N/A
Lapse Date	N/A
Purpose	N/A
Changes to text (shown in underline and strikethrough)	Refer to Attachment A, B and C.
Changes to diagrams	N/A
Changes to spatial data	N/A
Attachments	<p>Attachment A – PC20 decision (PC20 text as amended by decisions to submissions)</p> <p>Attachment B –Environment Court Decision NZEnvC 76</p> <p>Attachment C Clause 20A further changes to text</p> <p>Attachment D <u>Updated text to AUP(OIP)</u> (Strikethrough/underlined)</p> <p>Attachment E Updated text to AUP(OIP) (Clean)</p>

<p>Prepared by: Alison Pye Senior Planner, Plans and Places Regional, North, West, and Islands</p>	<p>Text Entered by: Bronnie Styles Planning Technician</p>
<p>Signature: </p>	<p>Signature: </p>
<p>Maps prepared by: Geospatial Specialist</p>	<p>Reviewed by: Peter Vari, Team Leader, Plans and Places, Regional, North, West, and Islands</p>
<p>Signature: N/A</p>	<p>Signature: </p>
<p>Signed off by: Warren MacLennan Manager, Plans and Places, Regional, North, West, and Islands</p>	
<p>Signature: </p>	

Attachment A

Decision

Decision following the hearing of a Plan Modification to the Auckland Unitary Plan under the Resource Management Act 1991

Proposal

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

Proposed Plan Change 20 to the Auckland Unitary Plan (Operative in Part) is **approved in part** and **rejected in part**, subject to the modifications as set out in this decision and in the Plan Change 20 document attached. Submissions are **accepted** and **rejected** in accordance with the decision.

Plan modification number:	PC20
Site address:	Rural Activity Status
Hearing commenced:	Tuesday 19 and Wednesday 20 November 2019, 9.30am
Hearing panel:	Bill Smith (Chairperson) Juliane Chetham Trevor Mackie
Appearances:	<p><u>For the Council:</u> Peter Vari, Team Leader David Wren, Reporting Officer Paulette Kenihan, Senior Hearings Advisor George Greig, Hearings Advisor</p> <p><u>For the Submitters:</u></p> <p>Birch Surveyors Ltd represented by Sir William Birch</p> <p>Beef & Lamb New Zealand represented by Dylan Muggeridge</p> <p>Waiiti Headwaters Ltd represented by Russell Bartlett (counsel)</p> <p>Pipers Limited Partnership represented by Russell Bartlett (counsel)</p> <p>Kumeu Property Ltd represented by Craig Waymouth and Russell Bartlett (counsel)</p> <p>Lindsay McPhun represented by Karen Pegrume (planner)</p> <p>RQ And RX Family Trust represented by Andrew Braggins (counsel) and Michael Foster (planner)</p>

	<p>The Surveying Company represented by Andrew Braggins (counsel) and Dharmesh Chhima (planner)</p> <p>Leigh Shaw represented by Andrew Braggins (counsel) and Dharmesh Chhima (planner)</p> <p>Chanel Hargrave represented by Andrew Braggins (counsel) and Dharmesh Chhima (planner)</p> <p>Jeram and Laxmi Bhana represented by Andrew Braggins (counsel) and Dharmesh Chhima (planner)</p> <p>Q Invest Company Limited represented by Andrew Braggins (counsel) and Jane Douglas (planner)</p> <p>Arnim Pierau represented by Andrew Braggins (counsel) and Burnette O'Connor (planner)</p> <p>Paul Boocock and Moir Hill Forestry represented by Andrew Braggins (counsel) and Burnette O'Connor (planner)</p> <p>John Ramsey represented by Andrew Braggins (counsel) and Burnette O'Connor (planner)</p> <p>BAA Land Holdings Limited represented by Andrew Braggins (counsel) and Burnette O'Connor</p> <p>The Gibbs Foundation represented by Andrew Braggins (counsel) and Mary Wong (planner)</p> <p>The University of Auckland represented by Andrew Braggins (counsel) and Mary Wong (planner)</p> <p>Snowberry New Zealand Limited represented by Andrew Braggins (counsel) and Briar Belgrave (planner)</p> <p>Turners & Growers Global represented by Andrew Braggins (counsel) and Briar Belgrave (planner)</p> <p>Federated Farmers represented by Richard Gardner</p> <p>Kent Baigent represented by Julian Dawson (counsel)</p> <p>Accent Gifts & Prints Ltd represented by Douglas Ross Withers</p>
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	<p>Preserve the Swanson Foothills Society represented by Jean Berry</p> <p>Strategic Property Advocacy Network represented by John Newick</p> <p>Thomas James Benedict Hollings</p> <p>Oak Hill Vineyard Ltd represented by Anthony Grant and Tracey Morse (planner)</p> <p>Independent Māori Statutory Board represented by Helen Atkins (counsel), Elizabeth Tauroa (Principal Advisor) and Adrian Low (planning)</p> <p>Glenn Archibald</p> <p>Kirkwood Family Trust represented by Dennis Kirkwood Ngati Tamaoho Trust represented by Dennis Kirkwood</p> <p><u>Tabled statement</u> H&L Trustee Company Ltd represented by Jethro Joffe, Urban Design Group Limited.</p>
Hearing adjourned	Wednesday 20 November 2019
Commissioners' site visit	Not Applicable
Hearing Closed:	8am on Friday 13 December 2019

INTRODUCTION

1. This decision is made on behalf of the Auckland Council ("the Council") by Independent Hearing Commissioners Bill Smith (Chair), Juliane Chetham and Trevor Mackie appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 ("the RMA").
2. The Commissioners have been given delegated authority by the Council to make a decision on Plan Change 20 ("PC 20 ") to the Auckland Council Unitary Plan Operative in Part ("the Unitary Plan") after considering all the submissions, the section 32 evaluation, the reports prepared by the officers for the hearing and evidence presented during and after the hearing of submissions and the officer's response. The Commissioners will not be making a recommendation to the Council, but will be making a decision directly.
3. PC 20 is a Council-initiated plan change that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).
4. In regards to consultation we note the comments in Section 6 of the s42A Report and also the summary of consultation undertaken which was provided in the Section 32 evaluation report. We note that all iwi within the Auckland Region which had rural

zoned land within their rohe were invited to consult on the plan change, with Nga Maunga Whakahii o Kaipara recording their wish to be consulted and that they were generally in support of PC20. Consultation also occurred with the Independent Maori Statutory Board (IMSB) of the Auckland Council who requested that Papakāinga on general rural land be made a discretionary activity. As it transpired the Council did not include specific provision within PC20 for Papakāinga as a discretionary activity.

The Rodney and Franklin Local Boards were also consulted and both Boards indicated that they supported PC20.

5. The plan change was publicly notified on 21 March 2019.
6. The submission period closed on 18 April 2019. A summary of submissions was notified for further submissions on 20 June 2019 with the period for receiving further submissions closing on 4 July 2019. A total of 231 submissions (including late submissions) and 10 further submissions were made on the plan change. The vast majority of submissions were in opposition to the Plan Change.

SUMMARY OF PLAN CHANGE

7. The proposed plan change as advertised was described in detail in the hearing report and was attached as Appendix 1 to the s42A Report. We have attached as Attachment 1 to this decision a copy of PC20 amended as a result of our decisions.

HEARING PROCESS

8. As the majority of submitters to PC 20 wishing to give evidence were experts or represented by expert witnesses, the Commissioners required the pre-circulation of expert evidence.

PROCEDURAL MATTERS AND LATE SUBMISSIONS

Late Submissions

9. Four late submissions were received by the Council and were all received within six days of the closing date and these were accepted by a delegated council officer who waived the original time limit in accordance with s37 of the Act. In addition there was one late further submission in support of six submissions and this was received by council on 17 September 2019. The Reporting Officer dealt with the details of this late submission in paragraphs 47 to 48 of the S42A Report and at the start of the hearing we gave those submitters present and the council the opportunity of addressing us on whether the submission should be received. No one spoke in opposition to accepting the submission and the council officers when asked were in agreement that the submission should be accepted. The Panel agreed pursuant to section 37 of the RMA, to extend the time for receiving submissions in order to accept the late submission from Oak Hill Vineyard Limited (FS11).

RELEVANT STATUTORY PROVISIONS CONSIDERED

10. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements set out in Section 5 of the s42A Report and the section 32 assessment that forms part of the hearing report and we do not need to repeat these again in detail.
11. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submission; with that evaluation to be undertaken in accordance with section 32AA. With regard to Section 32AA, we note that the evidence presented by submitters and Council effectively represents this assessment, and that that material should be read in conjunction with this decision, where we have determined that a change to PC20 should be made.
12. There are a number of provisions of the Unitary Plan that are relevant to PC20 and these were shown in the s32 and s42A Reports.

PLANNING CONTEXT – STATUTORY AND POLICY

13. The RMA requires that unitary authorities consider a number of statutory and policy matters when developing proposed plan changes.

Resource Management Act 1991 (RMA)

14. The Section 32 Evaluation Report set out the relevant provisions of the RMA that were considered relevant to PC20, this has been read and taken into account by us and it is not necessary to repeat this material here. Section 32AA of the RMA, which requires a further evaluation for any changes that are proposed to the notified Plan Change 20 since the Section 32 Evaluation Report was completed, has been complied with in the section 42A report and the evidence presented at the hearing.
15. The Commissioners are satisfied that PC20 has been prepared and submissions considered in accordance with the relevant provisions of the RMA (and in particular Part 2 and section 32), Council's functions under the Act, and any other relevant statutory matters.

National and regional planning context

16. The Section 32 report and s42A Report also outlined the relevant national and regional planning documents that were considered relevant to Plan Change 20 and these are not repeated here. The Commissioners agree that Plan Change 20 is consistent with the relevant statutory requirements.
17. Having considered the evidence and relevant background documents, we are satisfied that PC 20 has been developed in accordance with the relevant statutory and policy matters, and will clearly assist the Council in its effective administration of the Unitary Plan subject to the amendments that we have made.

PC20 – SCOPE AND JURISDICTION

18. As a panel, we must satisfy ourselves that the plan change has been prepared by Council staff “in the manner set out in Schedule 1” to the Act, including that any submission is ‘on point’ in terms of the plan change. If a submitter seeks changes to the proposed plan, then the submission must set out the specific amendments sought. We must also be satisfied as to the jurisdictional issues - that proposed changes flow from the plan change – and that we can make changes to the plan arising from submissions. Two jurisdictional issues could have arisen as follows:
 - a. A submission must be ‘on’ the plan change; and
 - b. Whether there is the ability to make changes to the plan arising from submissions in terms of scope.
19. The scope of PC20 is, in our opinion, very limited and having taken into account the statutory and legal tests in relation to submissions and the actual submissions received we have considered the following issues:
 - whether each submission is on PC 20; and
 - whether any changes are fairly or reasonably within the general scope of PC20 as notified, an original submission, or somewhere in between, bearing in mind whether affected persons may have been denied the right to be heard.

SUMMARY OF EVIDENCE

20. The Council planning officer’s (Mr Wren) report was circulated prior to the hearing and taken as read. Expert evidence was pre-circulated.
21. The evidence presented at the hearing responded to the issues and concerns identified in Mr Wren’s report, the plan change and the submissions made on the plan change.
22. The hearing commenced with a brief presentation from Mr Wren on the background to the PC20 and the issues arising.
23. The hearing then proceeded on the basis that any expert witness could speak to his or her statement of evidence and any other witness could present evidence, along with any legal submissions for any submitter. Questions and matters for clarification were raised by the Commissioners as the hearing progressed.
24. The hearing was closed at 4pm on Friday 13 December 2019 after the Commissioners had satisfied themselves that they had all the information they required in order to make their decision on PC20.

RELEVANT STATUTORY PROVISIONS CONSIDERED

25. The RMA sets out an extensive set of requirements which must be addressed when considering a plan change. These requirements were set out in the section 42A report and the section 32 assessment and we do not need to repeat these again in detail, noting that section 32 clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
26. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submissions; with that evaluation to be undertaken in accordance with section 32AA. With regard to Section 32AA, we note that the evidence presented by submitters and Council staff or consultants acting for the Council effectively represents this assessment.

SUMMARY OF EVIDENCE

27. Along with the submitters' evidence, the planning officer's report was circulated prior to the hearing and taken as read. The hearing opened with the reporting officer presenting a brief presentation describing the plan change.
28. Mr Wren also tabled a copy of his response (dated 19 November 2019) to issues raised by the hearing panel in regards to additional information concerning:
 - The IHP reasons for maintaining the discretionary activity status for 'activities not provide for'.
 - How other zones in the Unitary Plan treat 'activities' not provide for.
 - How the Unitary Plan categorises Elite and Prime soils and any plan or map that shows these soils.
29. No evidence was presented by the Local Boards who had been consulted on PC20, although the s.32 report states that the Rodney and Franklin Local Boards supported the plan change.
30. The evidence tabled by submitters at the hearing is summarised below:
 - a. **H&L Trustee Company Limited** – by e-mail from Jethro Joffe, Urban Design Group Limited dated 12 November 2019, for the submitter, noting its support in its entirety of the joint planning statement filed as evidence by a number of submitters and that the submitter's position (opposition to the PC) remains unchanged.
31. The legal submissions made and evidence given at the hearing is summarised below and has (where needed) also been referred to under the heading for each issue:

32. **Birch Surveyors represented by Sir William Birch** – addressed the submission and read copy of evidence which referred to the submitter’s major concerns being the decision made by the Independent Hearing Panel (IHP) during the hearing of the Unitary Plan and its decision not to opt for non-complying activity status for non-rural activities in the AUP’s rural zones, the view that the s32 analysis appears to take the view that all rural zoned land is prime and/or elite soil and that this is demonstrably untrue, the s32 analysis appearing to take the view that rural towns and villages are not entitled to provide facilities such as retirement complex’s to allow residents to retire in their own communities and the firms view that the changes will not lead to better planning decisions with reference (including some photographs/plans) to a proposed lifestyle retirement complex in Kawakawa Bay as an example. Sir William also referred to his firms experience dealing with council staff when applying for a non-complying activity and the view of staff that a non-complying status (by default) was not allowed for in the zone and as such should be notified.
33. Beef + Lamb New Zealand (B+LNZ) represented by Dylan Muggeridge, North Island Environmental Policy Manager who advised that he was not presenting expert evidence but was speaking to Beef + Lambs submission. In general B+LNZ support the purpose of PC20 but oppose the proposal to change all activities that are not provided for in the rural activities table in section H19 of the UP as non-complying activities. Mr Muggeridge said that B+LNZ had concerns regarding farmers being allowed to undertake new activities, that non-complying activities are very difficult to obtain consent for and the risk is that farmers could be locked in to present day and mainstream practices and that it would stifle creativity and innovation to adapt to new circumstances.
34. Mr Muggeridge was of the view that full discretionary activity status does allow the Council to exercise its authority and decision making powers in accordance with the relevant policies, plans and RMA provisions. B+LNZ view was that activities not listed should default to a discretionary activity status and those provisions proposed under PC20 to make such activities non-complying should be deleted. In regards to the change of the words “Residential Buildings” with “Dwellings” B+LNZ had a neutral stance.
35. Kumeu Property Ltd, Waititi Headwaters Ltd and Pipers Ltd Partnership represented by Mr Russell Bartlett QC, counsel, tabled and read his legal submission. All three clients were in opposition to PC20. Mr Bartlett referred to the rural hierarchy in the UP, the relevant extracts from the Regional Policy Statement also referred to the relitigation of the elite/prime soil issue. Mr Bartlett also tabled a number of Environment Court decision which he did refer to from time to time.
36. Mr Bartlett also referred to the assessment of a discretionary activity, the statutory tests for non-complying and discretionary activity applications and that there were already in place provisions to deal with proposals which had adverse effects or failed to meet the objectives of the Act, the RPS and the District Plan. Mr Bartlett also referred to the significant number of activities already allowed in certain rural zones,

the weakness of the s32 report and the fact that there is no actual evidence to support the s32 evaluation. Mr Bartlett also referred to the IHP report and decisions made on various discretionary activities referred to in either the s32 Report or s42A Report and his submission was that there was no evidence or opinion before us that show that the discretionary activity objectives, policies and rules were inadequate or that the Hearing Commissioners were forced into an unsatisfactory resource consent outcome.

37. Kumeu Property Limited, Statement of evidence from Harrison Burnard which had been pre-circulated and taken as read. It referred to issues raised in the s32 and s42A reports, Rural Amenity and the Protection of elite soils. Mr Burnard also referred to the Kumeu Property Limited application and approval and that the discretionary activity status does require a robust assessment with specialist input before approval is given. Mr Burnard's conclusion was that PC20 should be declined in its entirety.
38. Mr Waymouth, Director of Kumeu Property Limited spoke in support of his firms submission in opposition to PC20 and referred to the application that had been approved and which was supported by everyone except the Council. He referred to people being able 'to age in place' and live close to their family.
39. Briana and Lindsay McPhun represented by Karen Pegrume of Better Living Landscapes Ltd referred to her written evidence that had been pre-circulated and also read her supplementary evidence in response to information provided to the Panel from Mr Wren. Ms Pegrume's evidence focussed on her clients opposition to PC20, the fact that the current UP provisions have ample opportunity for Council to assess applications on a case to case basis without wholesale changes, that there are already extensive objectives and policies in place to protect elite and prime soils, zone descriptions, changing the activity status to non-complying will lead to council staff requiring more applications to be notified and or will lead to applications not proceeding due to council staffs attitude towards non-complying activities and the processing of them.
40. RQ and RX Family Trust, The Surveying Company, Leigh Shaw, Chanel Hargrave, Jeram and Laxmi Bhana, Q Invest Company Limited, Arnim Pierau, Paul Boocock and Moir Hill Forestry, John Ramsey, BAA Land Holdings Limited, The Gibbs Foundation, The University of Auckland, Snowberry New Zealand Limited and T&G Global represented by Mr Braggins, counsel, Berry Simons. Mr Braggins tabled legal submissions and attachments (16) on behalf his clients and read his submission and referred to (from time to time) some of the 16 attachments. Mr Braggins had also arranged for the various experts representing his clients to prepare a joint statement of evidence. The joint statement was from Michael John Foster, Dharnesh Chhima, Chanel Hargrave, Jane Douglas, Burnette O'Connor, Barry Macdonell, Mary Wong and Briar Belgrave. A list of the client(s) each expert represented was shown on page 1, qualifications and experience was shown in Tab A and Site/Client specific comments shown in Tab B.

41. Mr Braggins submissions summarised the submitters' issues, a brief description of each submitter's property, the expert evidence that had been provided, the cases that have been provided and the scope of his submissions which address the relevant statutory provisions and legal principles, background to the plan change, purpose and scope of PC20, the s32 and s42A Reports and the submitters' principal submission. The Chair thanked (on behalf of the panel) Mr Braggins for co-ordinating the various submitters' and experts' and providing a consolidated expert evidence.
42. Mr Braggins referred to the Environment Court approach to choosing an activity status (less restrictive regime) and the significant burden facing the Council to show that the current AUP provisions cannot be met by the current activity status. He also referred to the use of an activity status as a deterrent and referred to a deposit of \$20,000 for a non-complying activity, the use by Council staff (if PC20 is approved) of the non-complying status to be used to justify public notification – as they have done in the past and that this will inflict unnecessary processing costs and delays on applicants. (The Panel notes that the \$20,000 deposit is for public notification, irrespective of whether the application is for a non-complying or a discretionary activity).
43. We record at this time that during their evidence a number of the experts for the submitters (some of whom had worked for various local authorities) said that Council staff do view non-complying activities as not being allowed for and that the non-complying activity status is taken into account (incorrectly) when determining whether an application should be publicly notified. They said that this approach was common and that sometimes applications do not proceed because of the applicant's uncertainty with the process.
44. Mr Braggins also referred to the objectives and policies which provide the guidance and the rules give effect to those and that if the Council wished to provide further guidance then it needs to change the objectives and policies and that this approach was not recommended in either the s32 Report and s42A Report.
45. We note, at this stage, that in paragraph 102 of his s42A Report that Mr Wren provided comment on the improvement of the objectives and policies of the Rural zones so that they are stronger about protecting elite and prime soils and conservation values and his view that there was some merit in this argument. However, he considered that it was possibly beyond scope to suggest such changes as it would essentially require a re-evaluation of all the objectives and policies of the Rural Zones.
46. Mr Braggins referred to the sufficiency of the s32 analysis which is inaccurate and the joint expert planning evidence covered this. He provided a Table showing the consents referred to by Council, comments on each consent and the view that there were few consents relevant. He referred to the Regional Policy Statement considerations, the Options that had been assessed, the s32 analysis which is based on a flawed assessment and the Council has not demonstrated that it has sufficient evidence to justify PC20. He also provided submissions on Mr Wren's s42A Report

under the headings Consent outcomes, Cost and time delays, Barrier to innovation, Activities required in rural area, existing activities and stated that some of Mr Wren's analysis was either deficient or flawed.

47. In conclusion Mr Braggins said that PC20 should not be approved as it would:
1. be inconsistent with the sustainable management purpose of the RMA.
 2. be inconsistent with relevant objectives and policies of the AUP and inconsistent with the policy direction of the RPS.
 3. be a disproportionate response to the purported problems the change seeks to address.
 4. the s32 Report is based on inadequate analysis and as such PC20 is unjustified and unnecessary.
 5. not be the least restrictive regime.
 6. not represent the "most appropriate" way to achieve the objectives of the AUP or the purpose of the RMA.
48. The Joint Statement of evidence from the various planning experts was referred to by those experts present and all confirmed that they supported the evidence as well as the Site/Client specific comments that had also been provided. The joint evidence focussed on an Executive Summary, Plan History – IHP Decision, Existing and Proposed Plan Provisions, Object of the Plan Change – Problem Definition, Statutory and Policy Framework, Analysis of Submissions and Further Submissions, Notification and Submissions – Critique of s32 Analysis and Conclusion. In their conclusion the experts agreed that:
- PC20 in its entirety is inappropriate and unnecessary.
 - The reasoning for the changes is not justified and does not appear to be particularly relevant to the outcome being sought by Council. The proposed changes will not address the dubious concerns raised in the s32 Report and will result in a default non-complying activity status that is not appropriate for all rural zones.
 - The current objective and policy framework is strong enough to counter the concerns raised by Council as justification for the Plan Change.
 - PC20 should be declined.
49. Mr Foster, Ms Chhima, Ms Hargrave, Ms Douglas, Ms O'Connor and Ms Wong all spoke in support of the relevant submission on behalf of their respective client and the joint statement of evidence that had been provided. They were all of the opinion that PC20 should be rejected and most gave evidence of their involvement with non-

complying activities, the approach of Council Officers' towards non-complying activities and the general view that they are not allowed and should be notified. Some of the experts gave evidence of their own experience working for various Council's and the attitude of Council staff towards non-complying activities, the extra costs incurred as a result of being a non-complying activity and being notified and the time delays for clients. Evidence was also given of applicant's not proceeding with a non-complying activity because of the Council staff approach to the activity status, the time delays, the extra costs and uncertainty.

50. Federated Farmers of New Zealand, represented by Mr Richard Gardner, Senior Policy Advisor. Mr Gardner tabled and read his written evidence which was generally in support of PC20 as recommended in the hearing report and confirmed that Federated Farmers accepts the advice and recommendation in the Hearing report and continues to support PC20.
51. Mr Kent Baigent (submitter 148) represented by Julian Dawson, Counsel. Mr Dawson tabled and read his legal submission and confirmed that his client was opposed to PC20. Mr Dawson's submission referred to the justification for the plan change, reference to the least restrictive regime, reference to the clumsy way to change residential to dwellings and included his opinion that the Council should deal with the particular problems. He also referred to the option of Council making a more refined amendment to the Unitary Plan as such an approach would avoid overly restrictive provisions, and conceivably better address Council's concerns and in his view the existing provisions are not broken and do not need fixing.
52. Accent and Gifts Ltd represented by Mr Douglas Ross Withers spoke in support of the original submission which was in opposition of PC20 and confirmed that he still sought that PC20 be declined as he still had concerns with the plan change, the effect on his existing business, existing use rights and his ability to grow/expand to a reasonable size.
53. Our Preserve the Swanson Foothills Society represented by Jean Berry. Evidence was tabled and read and in conclusion the Society requested that the Waitakere Ranges Foothills (Heritage area) be included in Plan Change 20 although they did acknowledge that the area is protected by the Waitakere Ranges Heritage Act 2008. Their concerns were around the lack of knowledge (by Council staff) of the area and the difficulties that have been encountered over the years trying to protect the Waitakere Ranges from unscrupulous people.
54. Strategic Property Advocacy Network, represented by John Newick, President and Thomas Hollings, Secretary. Both men spoke to the original submission which was opposed to PC20. However, the submission also raised the issue of Council preparing better objectives and policies to guide discretionary activities, in the meantime those non listed activities should remain DA, that only the specified activities on a definitive list would be covered and that the nature and the extent of existing use rights should be defined.

55. Oak Hill Vineyard Limited represented by Mr Anthony Grant (owner and creator of Sculptureum) and Tracey Morse, Planning Consultant, Envivo who both provided evidence on behalf of the submitter. Ms Morse tabled and referred to her written evidence which focused on the opposition to the plan change, her opinion that the existing activity status ensures a rigorous assessment (of any and all potential effects, as well as an assessment against all relevant objectives and policies of the plan) when considering such activities. Ms Morse also referred to the negative bias that she and her colleagues have encountered from Council staff towards non-complying activities, the view that they are outright inappropriate and that some form of notification should be anticipated based on the activity status alone. The effects on her client's property/use and the fact that if approved PC20 in its present form would result in any future consents to expand the facilities requiring consent as a non-complying activity.
56. Mr Grant read his written evidence and outlined some details of the Matakana Sculptureum tourism venture, the environment it sits within, how it is viewed by others, employment figures and his concerns for the future. He said that they were happy to work within the existing planning constraints but view the proposed constraints as deeply disturbing.
57. Independent Maori Statutory Board (IMSB) represented by Ms Atkins, Counsel, Ms Tauroa, Principal Advisor and Mr Low, Planning Consultant. Ms Atkins tabled and read her legal submissions and called Ms Tauroa and Mr Low to give evidence on behalf of the IMSB. The main thrust of the submission was that PC20 limits papakāinga development in rural areas, does not give effect to the ARPS and will make papakāinga development a non-complying activity in the rural zones as it is not provided for in the activity table. The view of the Board is that the non-complying activity status will inhibit Mana Whenua development and growth in Auckland.
58. Ms Atkins referred to Mr Wren's s42A Report which acknowledges that it is appropriate for papakāinga to be provided for as a discretionary activity but that there was still some differences between what Mr Wren has recommended and what Mr Low on behalf of the Board has recommended although both agree that papakāinga development should have a discretionary activity status. Ms Atkins confirmed that the Board endorses Mr Low's approach.
59. Ms Tauroa tabled her evidence and seven attachments. She summarised her evidence giving an overview of the Board's functions, the Maori Plan for Tamaki Makaurau, the Schedule of Issues of Significance to Mana Whenua Groups and Mataawaka, and the Kainga Strategic Action Plan. Ms Tauroa then outlined the importance of Mana Whenua occupying ancestral land, the consequences of the severance of this relationship, the importance of Mana Whenua building on general land, challenges faced in developing papakāinga, including resource consent issues for papakāinga and provided examples of difficulties establishing papakāinga on General Title land. She supported the definition to enable development of whanau

papakāinga submitted by Mr Low and proposed special information requirements to accompany the definition.

60. Mr Low tabled and summarised his evidence which focused on an overview of the IMSB key submission points, where he disagreed with Mr Wren, his recommended changes and why he does not consider the concerns raised in the s32 Report present a barrier to including the provisions. He also provided two attachments which dealt with his strikethrough version of PC20 and his s32AA analysis of his suggested relief. In general Mr Low agreed that some provision should be included for Mana Whenua papakāinga on general title land in rural zones as discretionary activity and provided wording that he considered appropriate. During questioning Mr Low did agree that he was willing to meet with Mr Wren to confer/caucus on the proposed provisions for papakāinga housing and that they could report back (via Mr Wren's response if appropriate) on what they have agreed/ or disagreed.
61. Mr Glenn Archibald spoke to his written submissions and also some evidence tabled at the hearing. This included an e-mail dated 10 October 2019 and an e-mail dated 18 November 2019. Mr Archibald spoke in support of the provision for papakāinga housing and gave background details of his involvement with similar type housing in the Papakura/Karaka area and local Trusts (including the Kirkwood Family Trust) and his work with various Council's in Auckland. He referred to other evidence that he had heard at the hearing and supported the use of discretionary activity status instead of non-complying opining that the RMA was meant to be an enabling legislation and this is what should happen. Mr Archibald stated that the three adjoining pieces of land, subject of his submission, would allow 60 papakāinga dwellings (20 each).
62. Ngāti Tamaoho Trust and the Kirkwood Family Trust, represented by Mr Dennis Kirkwood. Mr Kirkwood spoke in support of the Trusts' submissions which opposed the plan change in its present form and stated that if it was approved it should be amended to allow papakāinga development in line with what the IMSB has suggested. Mr Kirkwood summarised his family's connection with the land, how it was important to maintain this connection and have the ability for papakāinga to be delivered.
63. The council's written response was provided by Mr Wren on Friday 6 December 2019 and was circulated to the other parties for their information. It addressed the following matters:
 - a brief introduction about his response and that having heard the submissions and evidence that he considered it appropriate to make some amendments to the papakāinga provisions, but otherwise no further amendments were required and his recommendations in the s42A report remain.
 - comments on his discussions with Mr Low (representing The Independent Maori Statutory Board) in regards to how papakāinga could be included within the Rural Zones and the results of those discussions. Attached as Attachment 1 to his

response were his Recommended Changes to Papakāinga Provisions. Mr Wren and Mr Low did not agree on some of the provisions to be included.

- the primacy of Rural Production Activities, the notification of Non-complying Activities and the subject of Existing Activities.
- NPS Highly Productive Land.
- choosing an Activity Status.

PRINCIPAL ISSUES IN CONTENTION

64. Having considered PC20, the s32 Report, the submissions and further submissions received, the hearing report, the evidence presented at the hearing, the Council officers' written response to questions and the legal submission on behalf of the IMSB which was circulated with Mr Wren's response, the following principal issues in contention have been identified:

- Changes to the Rural Activity Table
- Amendment/Replacement of word "residential" to "dwellings" in a number of zone descriptions, objectives and policies
- Possible Changes to Papakāinga Provisions
- Productive soils

Changes to the Rural Activity Table – Activities not provided for Discretionary or Non-complying

Evidence

65. A number of the submitters, planning experts and legal counsel considered that Council planners and consent processing had a view that Non-complying means the activity is not allowed for in the zone, and that such applications should be notified, with consequential higher deposit and processing costs. In some cases that approach had stalled applications or even discouraged their initiation.
66. Evidence was received, from both the Council reporting planner and planning witnesses for the submitters, that the Non-complying activity status is used as a signal or indication that a use is unsuitable within a zone, contrasted with a Discretionary activity which may possibly be suitable within the zone but not necessarily on every site. The s.104D gateway tests mean being contrary to objectives and policies and having effects more than minor would prevent a merits-based assessment of a Non-complying proposal. Evidence and legal submissions based on case law proposed that the 'least restrictive activity status' must be applied to each activity. The Council's reply considered that the 'more appropriate' activity status should apply, with the degree of restriction only one of the matters to be taken into account in determining the most appropriate way to achieve the objectives of the AUP OP.

67. Adequacy of the objectives and policies to manage activities not provided for in the zone, as discretionary activities, was subject of much of the evidence. The submitters generally agreed that the current objectives and policies were capable of managing activities, including non-rural production activities, supporting the discretionary activity classification for activities not otherwise provided for.
68. The Council reporting planner, Mr Wren, considered that the PC20 and submissions did not provide scope to change the objectives and policies further, as that would require a full re-evaluation. Objective and policy amendment was an option rejected by the s.32 consideration of alternatives (Option 3 – Section 32 Evaluation Report). One reason given for rejecting that option was that it is not possible to anticipate every out of zone activity which could wish to establish in rural zones.
69. Submitters, particularly farming-related, were concerned that lawfully established activities would have difficulty changing, innovating or expanding their operations if the activity were classified as non-complying. Such changes or expansions are treated in the same manner as the activity classification of the principal activity. This is beyond the scale or intensity of existing use rights.

Amendment/Replacement of term ‘residential’ to ‘dwellings’ in a number of zone descriptions, objectives and policies

Evidence

70. Evidence was presented, for the submitters, that the intensity of residential activity in rural zones is controlled by the objectives and policies of the zone, regardless of the dwelling density rules. For a discretionary activity the rural character and amenity can be maintained by design and scale of the development and associated mitigations such as landscape planting, bunding and traffic management. Changing ‘residential activities’ to ‘dwellings’ was seen as a policy shift for the rural zones.
71. Some of the submitters suggested that there is a right for elderly people to live in a rural lifestyle location, including in a retirement village, and that rural and coastal towns and villages, and other rural locations, should be able to provide such a choice.
72. Evidence for the Council stated that the dwelling density rules resulted from the objectives and policies limiting residential intensity in rural zones. Higher intensity residential activities such as visitor accommodation and retirement villages were intended to be managed on their effects and the objectives and policies of the individual rural zones and the general rural objectives and policies. The definitions’ nesting table J1.3.5 Residential includes the full intensity range, from dwellings to retirement village and visitor accommodation.
73. There was little evidence, from Council reporting planner or on behalf of the submitters, on the number of rural sites used for residentially-focused intensive development such as retirement villages, nor on the relative economic returns of land used for functions venues, retirement villages and rural residential individual

dwellings. A map was provided, at the request of the Commissioners, showing the extent of elite and prime soils.

74. Several of the submitters questioned the primacy given to rural production activities within the rural zones, in the s.32 report. Mr Wren addressed that matter, referring to Policy H19.2.2(1), which applies to all land zoned Rural:

H19.2.2(1) Enable activities based on use of the land resource and recognise them as a primary function of rural areas.

75. Mr Wren considered that it is clear that rural production type activities that rely on use of the land are to be considered as a primary use of the rural areas. The RPS provisions that are enabling of rural production (Objectives B9.2.1 and Policies B.9.2.2) reinforce its primacy in rural areas.

Possible Changes to Papākāinga Provisions

76. Mr Wren and Mr Low agreed that a non-complying activity status for papakāinga development in rural zoned areas was an unintended consequence of PC 20. Both drafted provisions to provide for papakāinga as a discretionary activity. Mr Wren and Mr Low sought to provide policy guidance so that any development claiming papakāinga status genuinely aligns with the broader concept of whenua Maori.
77. Both had noted that Papākāinga was not a defined term in the AUP and defining it for the purposes of PC20 would result in difficulties and complexities due to differences in meaning amongst mana whenua groupings and potential flow on effects to other parts of the AUP.
78. At our direction, at the adjournment of the hearing we tasked Mr Low and Mr Wren with meeting to further discuss possible policy wording. They were able to agree on a new policy, the proposed additional wording for the activity table and associated special information requirements as follows:

H19.2.2 (8) "Enable papakāinga on land which is not in Maori Title or on Treaty Settlement Land, where there is a clear and demonstrated whakapapa relationship of the applicant whanau/hapu to the subject land."

Activity table addition: *"Papakāinga development on general title land by Mana Whenua which have whakapapa connection to that land comprising a maximum 1 dwelling per 4000m² and no more than 20 dwellings per site"* as discretionary across all rural zones.

Special information requirement; H.19.X.

(1) An application for a papakāinga development under Rule A56A must be accompanied by documentation which demonstrates the applicant and their whanau who will have beneficial use and enjoyment of the proposed papakāinga are signed-up beneficiaries of an iwi group or entitled to be a beneficiary of an iwi group with whakapapa connection to the land.

79. Where their opinions diverged was chiefly on how scale and cumulative effects of papakāinga development would be managed. For proposed new Policy H19.2.2(9) Mr Wren proposed the following wording:

“Papakāinga, located on land which is not in Maori Title or Treaty Settlement Land, must be small in scale and shall avoid the creation of adverse cumulative effects particularly those resulting from the establishment of multiple papakāinga in close proximity to each other.”

80. Mr Low considered the proposed wording for Policy H19.2.2(9) put forward by Mr Wren to be overly directive (ie. requiring avoidance) and a difficult test for papakāinga to satisfy, particularly given the subjective and uncertain nature of the reference to “small in scale” and cumulative effects of concern not being defined. He suggested the Māori Land and Treaty Settlement Land provisions already provide an appropriate framework to utilise for the new rule, which both he and Mr Low had adopted for the activity table, meaning the scale of the development that could be a discretionary activity would comprise a maximum of 1 dwelling per 4,000 m² with no more than 20 dwellings per site. Therefore the additional policy direction on the matter is considered unnecessary. Mr Low’s recommended wording states:

“Papakāinga, located on land which is not in Māori Title or Treaty Settlement Land, shall be designed to avoid, remedy or mitigate adverse cumulative effects on rural character and amenity values resulting from the establishment of multiple papakāinga in close proximity to each other.”

Productive soils

Evidence

81. A Council and s.32 report reason for the PC20 was to better protect elite and prime soils. Extensive evidence and legal submission was given on behalf of the submitters, that elite and prime soils are adequately protected by the current AUP OP provisions.

FINDINGS ON THE PRINCIPAL ISSUES IN CONTENTION

- Changes to the Rural Activity Table
- Amendment/Replacement of word “residential” to “dwellings” in a number of zone descriptions, objectives and policies
- Possible Changes to Papakāinga Provisions
- Productive soils

Changes to the Rural Activity Table – Activities not provided for Discretionary or Non-complying

82. No evidence was presented on non-complying activity applications being more likely to be notified by the Council, but only anecdotal information on pre-lodgement meetings and a purported Council consent processing culture. We find that the tests for notification are the same for discretionary and non-complying activities in relation

to land zoned Rural. We also find that the Rural zone activity table uses the full range of activity classifications, from Permitted through to Prohibited. This indicates a conscious allocation of the Discretionary and Non-complying status across the various Rural zones, rather than a reliance on a default activity status.

83. The Council considered that the objectives and policies had not proven capable of managing intensive residential and other 'urban' proposals in the rural zone case studies, the decisions on which had been made by Independent Commissioners or the Environment Court. However, the PC20 approach was to classify activities not otherwise provided for as Non-complying, and to clarify the rural zone descriptions. Some activities of the case studies were distractingly already classified as Discretionary activities, such as visitor accommodation and self-storage facilities. Further to this, many of the case studies, being Commissioner or Environment Court decisions and the existing or proposed activities detailed for the submitters' land, included uses which could have been anticipated as seeking rural sites, with many already existing within the rural areas of Auckland. These included retirement villages, concrete tank manufacturing, tourism ventures based on rural activities or site products, wedding and event venues, exercise classes and retreats, cooking schools, art and craft galleries, education facilities, and visitor accommodation and self-storage. Precincts are also used to provide for innovative or non-standard activities.
84. The Resource Management Act presumes the activity status, of activities not otherwise provided for, to be Discretionary. The Independent Hearing Panel, in its recommendations to Auckland Council, was clear that there needed to be a good reason to make the default activity status Non-complying, in order to avoid stifling innovation and change. Protection and enhancement of residential amenity is that reason within the Residential zones. We have not found a similar reason within the Rural zones. Rural character and amenity are part of the Rural zone policy structure. Novel or innovative activities may have effects greater than minor, and would then be prevented by the objectives and policies if the activity status were Non-complying. The case studies did not describe particularly novel or innovative activities.
85. Wedding and function venues within Rural zones was a distinctively unclassified activity. There are a number within Auckland's Rural zones, some relying on the rural or horticultural production character and amenity as part of the appeal of the event setting. They contain elements of bar and restaurant, places of assembly, recreation and community facility (used by the community although as a commercial operation so perhaps commercial services), and visitor accommodation. If defaulting to Non-complying these elements would each have effects and policy issues, but if Discretionary the activity would be able to be considered on the basis of overall effects management. In general these activities use a minor proportion of their site area, with the rural production providing a landscape setting. We find that the more appropriate activity status for this activity would be Discretionary, whether specifically listed or as a default for activities not otherwise provided for.
86. Activities not otherwise provided for, defaulting to discretionary activity status, would allow change and expansion of existing uses to occur, and we find that would be the

more appropriate activity status. There may be more than minor but acceptable effects generated by lawfully established existing uses, or infringement of activity or development standards, which will be part of change and expansion. Even if the activity status were Non-complying, there would be a pathway to consent by demonstrating that the activity is not contrary to the objectives and policies of the plan, or that adverse effects on the environment would be minor.

87. We find that the activity table shall not be changed. Activities not provided for will remain discretionary activities.

Amendment/Replacement of term ‘residential’ to ‘dwellings’ in a number of zone descriptions, objectives and policies

88. The PC20 has limited scope in changing ‘residential activity’ to ‘dwellings’, being confined to the Rural – Countryside Living zone description; Rural – Conservation zone description and Objective 3 and Policy 3; and the Rural – character, amenity and biodiversity Policy (1)(b). It clarifies the appropriate protection of the Rural – Conservation land; general protection for low density rural lifestyle in the Rural – Countryside Living zone; and a policy approach to rural character and amenity accommodating dwellings.
89. There are opportunities for elderly people to live in rural zones, in dwellings, minor dwellings, rural residential sites, small-scale supported care, and retirement villages established as discretionary activities, and within low density rural and coastal settlements. The rural and coastal settlements are classified as residential rather than rural zones and have provision for Integrated Residential Development (which includes retirement villages) as a discretionary activity. There is no presumption of a right to build apartment buildings in rural zones, in order to ensure the full range of residential choice in those locations.
90. A reading of the residential nesting table could lead to an expectation that the full range of residential types can occur within any zone description or policy reference to ‘residential’. We find that either the nesting table should be clarified or that more careful use should be made of the term ‘residential’. In this case the PC20 is amending ‘residential’ to ‘dwellings’ to provide that clarification. Although a number of submitters stated that people wished to retire within the area where they previously lived, there was no evidence provided on the proportion of local residents retiring locally, retiring to other locations closer to family, or for other location choices.
91. The Environment Court decision on Kumeu Property Limited (Kumeu Property Limited v. Auckland Council ENV-2017-AKL-44) was made on the basis of the provisions of the AUP OP and the environmental effects of the proposal, eventually reduced in scale and intensity to ensure consistency with rural character and environment. At that time the residential nesting table included retirement villages, which was taken to mean that retirement villages were contemplated within the Rural – Countryside Living zone as part of the range of housing choice, and the proposal would have been considered a residential activity. This appears to be the basis of the Council’s problem definition, with the nesting table grouping providing some policy support for all residential activities.

92. The limited evidence on the number of rural sites used for intensive development, such as retirement villages, has not been provided to support or oppose a change of policy direction on the basis of a proliferation of urban-type development in rural zones. There has not yet been a substantial undermining of the principal purposes of the rural zones, although there are areas where many sites have land uses and development other than rural production and rural dwelling. The case studies, and their associated litigation, have demonstrated a need for clarification of the rural zones' purposes and better alignment with the Regional Policy Statement. Without further objective or policy changes we find that discretionary activity classification for more intensive residential activities would be appropriate. Amending the term 'residential' to 'dwellings' provides better alignment with the RPS objectives and policies in respect of, elite and prime soils, urban growth and form, residential growth and intensification, commercial and industrial growth, rural lifestyle development, rural production and rural character and amenity.
93. Although commercial activities such as function venues and retirement villages may provide significantly greater economic returns than a rural lifestyle dwelling, and make those uses more likely to occur, we received insufficient evidence to come to that conclusion. The case studies referred to individual examples rather than any clusters or strips of those development types. The map provided showing the extent of elite and prime soils had insufficient interpretation to explain the extent of non-rural production uses or any match of Rural – Countryside Living zone with highly productive soils. The Rural – Countryside Living zone appears to have been applied to small rural blocks without much consideration of soil quality.
94. We find that there is a primacy given to rural production activities within the rural zones, within the rural general objectives and policies and within the RPS objectives and policies enabling rural production. That primacy does not appear to apply to the Rural – Countryside Living zone, which has a focus on rural lifestyle living rather than rural production, albeit with some low-level rural productivity. The Rural – Countryside Living zone would be particularly vulnerable to conversion to more intensive residential and commercial land uses, if the zone description and policy structure were not sufficiently clear as to the zone purpose.

Possible Changes to Papakāinga Provisions

95. After considering all the material presented to us on this matter, we concur with the reporting officer, IMSB witnesses, Ngāti Tamaoho and Kirkwood Family Trust that Papakāinga becoming a non-complying activity as a result of PC20 would conflict with Policy B6.4.2(1) and Policy B6.4.2(2) of the RPS.

B6.4.1. Objectives (1) Māori economic, social and cultural well-being is supported. (2) Mana Whenua occupy, develop and use their land within their ancestral rohe.

B6.4.2. Policies (1) Provide for papakāinga, marae, Māori customary activities and commercial activities across urban and rural Auckland to support Māori economic, social and cultural well-being. (2) Enable the integration of mātauranga and tikanga Māori in design and development.

96. Evidence from Ms Beth Tauroa and Dennis Kirkwood was particularly helpful in emphasizing the importance of mana whenua having the ability to reconnect with and establish papakāinga on ancestral land in general title and provided context on the inherent difficulties and complexities involved.
97. Had we decided to amend the activity table for the rural zones so that any activity not specifically listed in the table becomes a non-complying activity, we agree that specific discretionary activity provisions for papakāinga would be required to give effect to the RPS provisions outlined above. Having considered the draft provisions put forward by Mr Wren and Mr Low, we prefer the wording proposed by Mr Low for new Policy H19.2.2(9) and we accept the legal submissions of Ms Atkins in her response dated 6 December 2019 setting out the reasons why Mr Wren's proposed wording unnecessarily restricts the ability for Māori to develop fit for purpose papakāinga.
98. Given our findings in 87 above to reject PC20's proposed amendments to the activity table, we find that at this point in time the status quo will continue to provide for papakāinga development in the Auckland region as envisaged by the RPS. However, after hearing the material presented to us, we question the adequacy of the current AUP OP policy framework to provide clear and consistent direction with regard to development of mana whenua papakāinga on general title land in rural zones going forward. It is apparent that this is an area where more work could be done to provide clear policy direction indicating that papakāinga are contemplated in these zones. The draft provisions put forward by IMSB with some finessing provide a starting point.
99. Special information requirements reference to iwi groups was not consistent with other parts of the plan which refers to whanau, hapu, iwi. The proposal by Mr Wren and Mr Low did not appear capable of managing effects of cumulative, larger settlements. Mr Archibald stated an expectation that the three adjoining properties he was concerned with would have a capacity of 60 dwellings. They are adjacent to property represented by Mr Kirkwood, with each title apparently having a capacity of twenty dwellings. Mr Wren proposed an overly directive policy and Mr Low did not deal with cumulative effects of multiple adjacent sites.
100. Papakāinga will have a different meaning within tikanga of some iwi and hapu, and that is the reason that '*Papakāinga development on general title land by Mana Whenua which have whakapapa connection to that land comprising a maximum 1 dwelling per 4000m² and no more than 20 dwellings per site*' has been proposed by Mr Wren and Mr Low. That does not fully address provision for papakāinga, but is merely a starting point allowing for dwellings. In our view, papakāinga enabling policy and provisions should deal with the full range of papakāinga types. For example, this may include associated marae development and employment associated with the settlement.

Productive soils

101. The elite and prime soils are provided with some protection, avoidance of effects and where practicable avoidance of effects respectively. This is within the RPS and the subdivision and Rural zone provisions. This protection is less visible within the

individual Rural zone provisions, but applies within the rural general objectives and policies which apply to all of the Rural zones. The Rural – Countryside Living zone appears to be applied to land blocks of less than economically productive area, regardless of the soil quality. Within the case studies some activities were proposed on parts of the site which had lower quality soils, and allowed for current or future productive uses to be established on the protected elite and prime soil parts of the site. That soil quality distinction would be raised through the resource consent process. There is no guarantee that such productive uses would be established or sustained in the long term, but they could be protected against being built or paved over.

102. Some of the non-rural production case studies were not on elite or prime soils, or were on Rural - Countryside Living zoned land, or involved only a small proportion of their sites, such as wedding venues or visitor accommodation. In area terms they are ancillary uses rather than the primary use of the site, irrespective of whether they provide a greater economic return.
103. In relation to any further change to development and land uses on elite or prime soils, it may be appropriate to await the National Policy Statement – Highly Productive Land for the national direction it is to provide. Private and public plan changes to re-zone Future Urban or Rural zoned land for urban purposes, already have a policy structure in place within the AUP OP, to protect productive soils.
104. We find that the protection of productive soils will be achieved by the amendments proposed to the rural zone descriptions and policies, and will not be lost by activities not otherwise provided for remaining Discretionary.

STATUTORY PROVISIONS

105. The RMA sets out a range of matters that must be addressed when considering a plan change, as identified in the section 32 report accompanying the notified plan change. We note that section 32 clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
106. Having considered the evidence and relevant background documents, we are satisfied, overall, that PC20 has been developed in accordance with the relevant statutory and policy matters, including consideration of the submissions received.

DECISION

107. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, that Proposed Plan Change 20 to the Auckland Unitary Plan (Operative in Part) be approved in part and rejected in part, subject to the modifications as set out in this decision and in the Plan Change 20 document attached.
108. Submissions on the plan change are accepted and rejected in accordance with this decision.

109. The reasons for the decision are that Plan Change 20 as amended:
- a. will assist the Council in achieving the purpose of the RMA;
 - b. is in accordance with s31 RMA functions of the Auckland Council;
 - c. is consistent with the provisions of Part 2 of the RMA;
 - d. is supported by necessary evaluation in accordance with section 32 and meets the various tests and requirements of s32 RMA;
 - e. will help with the effective implementation of the plan; and
 - f. is consistent with the Auckland Regional Policy Statement;

A handwritten signature in black ink, appearing to read 'WS' followed by a stylized flourish.

Chair - William (Bill) Smith on behalf of Juliane Chetham and Trevor Mackie – Independent Hearings Commissioners.

Date: 4 February 2020

Attachment 1

Auckland Unitary Plan Operative in Part

PLAN CHANGE 20

Rural Activity Status

Text Amendments

[As amended by Decisions on Submissions]

This is a Council initiated plan change

Plan Change 20 Text Amendments to the Auckland Unitary Plan (Operative in Part) Following Decisions on Submissions

Note:

1. Amendments to the AUP are underlined for new text and ~~strikethrough~~ where existing text is to be deleted.
2. The use of Indicates that there is more text, but it is not being changed. These are used when the whole provisions are too long to be included.
3. Some existing text is shown to place the changes in context.

19.2.4 Policies – rural character, amenity and biodiversity values

(1) Manage the effects of rural activities to achieve a character, scale, intensity and location that is in keeping with rural character, amenity and biodiversity values, including recognising the following characteristics:

- (a) a predominantly working rural environment;*
- (b) fewer buildings of an urban scale, nature and design, other than ~~residential buildings~~ dwellings and buildings accessory to farming; and*
- (c) a general absence of infrastructure which is of an urban type and scale.....*

19.6 Rural – Rural Conservation Zone

H19.6.1 Zone description

This zone comprises biophysically distinctive areas in rural Auckland. The zone has important natural values requiring maintenance and protection. They are largely in private ownership and are used for a range of purposes including ~~residential~~ dwellings, low-impact recreational activities, conservation and open space....

The purpose of this zone is to adopt a conservative approach to new subdivision, use and development so that the natural values of the zone are maintained and protected while enabling established rural ~~and residential~~ activities and dwellings to continue.

H19.6.2 Objectives

.....

- (3) Existing rural ~~and residential~~ activities and dwellings are provided for but further development in the zone is limited to that which maintains and where appropriate enhances the values of the zone....*

H19.6.3 Policies

.....

- (3) *Enable the continued use of established rural ~~and residential~~ activities and dwellings and provide for new activities only where adverse effects are avoided or mitigated....*

H19.7.Rural – Countryside Living

H19.7.1 Zone Description

.... This zone incorporates a range of rural lifestyle developments, characterised as low-density rural lifestyle development dwellings on rural land. These rural lifestyle sites include scattered rural ~~residential~~ dwelling sites, farmlets and horticultural sites, ~~residential~~-bush dwelling sites and papakāinga.....

Attachment B
Environment Court Decision
[2022] NZEnvC 076

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2022] NZEnvC 076

IN THE MATTER OF

appeals under cl 14 of Schedule 1 of the
Resource Management Act 1991

BETWEEN

PIPERS LIMITED PARTNERSHIP

(ENV-2020-AKL-000031)

WEITI HEADWATERS LIMITED

(ENV-2020-AKL-000032)

Appellants

AND

AUCKLAND COUNCIL

Respondent

KUMEU-HUAPAI RESIDENTS AND
RATEPAYERS ASSOCIATION INC

Section 274 Party

Court: Environment Judge MJL Dickey
Environment Commissioner RM Bartlett
Environment Commissioner ACE Leijnen

Hearing: 3 – 4 May 2021
Last case event: closing submissions received 11 May 2021

Appearances: R Bartlett QC for Pipers Limited Partnership and Weiti
Headwaters Ltd
D Hartley/ A Buchanan for Auckland Council
P Sinton, lay representative of Kumeu-Huapai Residents and
Ratepayers Association Inc

Date of Decision: 11 May 2022

Date of Issue: 11 May 2022



DECISION OF THE ENVIRONMENT COURT

- A: Save as outlined below, the appeals are dismissed and costs reserved. Any application for costs is to be made within 14 days, with replies to be filed seven days after that.
- B: The Decisions version of Plan Change 20 is confirmed, save for the amendment outlined in paragraph [139].

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REASONS

A. Plan Change 20

[1] Two concerns led the Council to notify Plan Change 20: Rural Activity Status to the Auckland Unitary Plan (**AUP** or **Plan**). The first was that leaving activities not included in the Plan's rural zone activity table as discretionary activities risked inappropriate development in the rural zone. The second was that inclusion of the term 'residential' in the rural zone descriptions, objectives and policies could encourage a range of activities in the rural zone that had not been intended. This could include the development of retirement villages and other larger scale residential developments that could give rise to greater environmental effects in rural areas, such as on rural character, landscape and amenity values, as well as having the potential to create reverse sensitivity issues if more intensive residential development took place.

[2] Plan Change 20 (**Plan Change**) was notified on 21 March 2019 and sought to amend the rural zone activity table so that any activity not specifically listed in the table would become a non-complying activity, and to amend the references to 'residential' in specific rural policies and zone descriptions to 'dwelling' or 'dwellings'.

[3] The Commissioners' decision confirmed the changes relating to the 'residential' terminology. However, it rejected the proposal to add to the activity tables a default non-complying activity status for activities not provided for.

Appeals

[4] The appellants challenged only the decision to change the references relating to 'residential'. The basis of their challenge is that the proposed rewording is intended to and could have the effect of inappropriately limiting the range of residential activity, despite there being no statutory planning basis, Plan objective or policy, or any factual evidence to support imposing such limitations.

[5] The Council argues that leaving the reference to 'residential' in the objectives and policies could encourage a range of activities in the rural zones that had not been intended, such as retirement villages. The Kumeu-Huapai Residents and Ratepayers

Association provided qualified support for the Council's position.

[6] While the words at issue are contained in several of the rural zones, the appellants' focus was on the Rural - Countryside Living Zone.

Key issues

[7] The key issues for determination are:

- (a) Should the rural zone objectives and policies support all residential activities, or only those specified in the activity tables?
- (b) Are the Plan Change amendments appropriate, having regard to the objectives of the Plan and purpose of the Act?

[8] We first address the statutory considerations which guide our decision and the relevant provisions of national policy statements, the Regional Policy Statement (**RPS**) and district plan.

B. Statutory matters applying to plan changes

[9] The relevant sections of the RMA include Part 2, ss 31 - 32 and 72 – 76.¹ The tests we are required to apply have been well-traversed.² They are:

- (a) whether the plan provisions at issue:
 - are designed to accord with and assist the Council to carry out its functions for the purpose of giving effect to the RMA;
 - accord with Part 2 of the RMA;
 - give effect to the AUP RPS;
 - give effect to a national policy statement or the New Zealand Coastal

¹ Ms Hartley advised that Plan Change 20 was notified in March 2019, before the Resource Management Amendment Act 2020 was passed. That Act made limited changes of relevance to the district plan changes primarily in relation to climate change and these do not apply to these appeals (opening submissions at Part 5).

² ED Wren evidence-in-chief (**EIC**) at [63].

Policy Statement;

- have regard to the Auckland Plan 2050 (being a strategy prepared under another Act).
- (b) under s 32 of the RMA, decision-makers must consider whether the objectives are the most appropriate way to achieve the purpose of the RMA and whether the other provisions are the most appropriate way to achieve the objectives by:
- identifying other reasonably practicable options for achieving the objectives; and
 - assessing the efficiency and effectiveness of the provisions in achieving the objectives; including by:
 - a. identifying and assessing the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for:
 - (i) economic growth that are anticipated to be provided or reduced; and
 - (ii) employment that are anticipated to be provided or reduced; and
 - b. if practicable, quantifying the benefits and costs; and
 - c. assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

[10] Further, the Court must have regard to the decision of the Council (referred to as the ‘Commissioners’ decision’ hereafter).

[11] As well, certain principles have been derived from case law which assist in the implementation of the statutory criteria. First, there is no presumption that the Plan

Change provisions are appropriate.³ Second, the Court's task is to seek to obtain the optimum planning solution within the scope of the matters before it based on an evaluation of the totality of the evidence given at the hearing, without imposing a burden of proof on any party.⁴

C. Statements and plans

[12] With these statutory considerations in mind we summarise the relevant provisions of the RPS and district plan and the changes made by the Plan Change.⁵ The RMA provides for a hierarchy of planning documents. Sitting at the top are national policy statements, followed by national environmental standards, regional policy statements (and regional plans) and district plans. The lower order documents must give effect to the higher order documents. As no issue was raised about the national documents, we focus on the RPS and the district plan.

National policy statements

[13] We record that we have considered the National Policy Statement on Urban Development 2020 and the New Zealand Coastal Policy Statement 2010. Mr Wren, the planning witness for Auckland Council, was of the opinion that Plan Change 20 is consistent with both. We agree with his view.

RPS

[14] Certain provisions of the RPS were highlighted by the planning witnesses as being the most relevant to the Plan Change. They agreed that parts of Chapter B2 relating to urban growth and form and Chapter B9 relating to the rural environment are relevant. They disagreed on the emphasis to be given to the provisions. We address these matters later in this decision at [91]-[96].

³ *Briggs v Christchurch City Council* NZEnvC Christchurch C45/08, 24 April 2008 at [26].

⁴ *Eldamos Investments Ltd v Gisborne District Council* NZEnvC Wellington W47/05, 22 May 2005 at [129], affirmed by the High Court in *Gisborne District Council v Eldamos Investments Ltd* HC Gisborne CIV-2005-548-1241, 26 October 2005.

⁵ Other chapters relate to regional planning matters but are not relevant to this appeal.

District plan

General rules

[15] The General Rules in Chapter 3 apply across the entire Plan, except for the RPS and where a rule specifically provides otherwise (Rule C1.1(1)). Rule C1.7(1) states that an activity that is not specifically classed as a permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activity is a discretionary activity unless otherwise specified. Further, Rule C1.10(1) states that each activity listed in an activity table must “be read, interpreted and applied in conjunction with the relevant heading or sub-heading of the part of the activity table in which it is listed”.

[16] The Plan uses nesting tables, which are intended to simplify the way in which activities are provided for by gathering specific activities into five general groups including residential and rural. Where an activity table lists a general activity in a nesting table, that general activity includes all of the nested specific activities unless otherwise specified in that activity table.⁶

[17] We address the way in which the residential nesting table and the rural zone activity tables interact later in this decision.

Rural zones

[18] The structure of Chapter H19 – Rural⁷ moves from the general to the specific in terms of the objectives and policies for the five rural zones in the Plan, which are, formally:

- Rural - Rural Production Zone (H19.3);
- Rural - Mixed Rural Zone (H19.4);
- Rural - Rural Coastal Zone (H19.5) (further divided into specific identified coastal areas);

⁶ Rule J1.1.1.

⁷ Which is the district plan component of the AUP.

- Rural - Rural Conservation Zone (H19.6);
- Rural - Countryside Living Zone (H19.7).

We refer to the zones without their 'Rural' prefix hereafter.

[19] The general provisions in H19.2 which apply to all the rural zones are followed by objectives and policies relevant to each specific zone and need to be read together (along with the Auckland-wide objectives and policies for rural subdivision).

[20] Following the objectives and policies are the activity tables for the rural zones. These tables specify the activity status of land use, development and subdivision.

Rural zone: general objectives and policies

[21] The general objectives and policies cover a range of topics, such as: describing rural areas as areas where people work, live, recreate and where there are services to support these functions; rural production activities throughout the rural zones; the importance and management of the environmental effects of development and activities; protection and management of elite and prime soils and productive rural land; and the need for the separation of incompatible activities. Subdivision is limited, and subject to the management and planned provision of infrastructure.

[22] Other directives address the management of reverse sensitivity constraints and enable appropriate intensive farming. Noted specifically, in terms of activities not directly linked to the productive nature of the land, is provision for tourism and activities related to the rural environment.⁸

[23] Certain objectives and policies are specific to rural character, amenity and biodiversity values,⁹ and to rural industries, rural commercial services and non-residential activities.¹⁰ Then follow objectives and policies specific to each rural zone.

⁸ H19.2.2(5)(e).

⁹ H19.2.3 and H19.2.4.

¹⁰ H19.2.5 and H19.2.6.

Policy – rural character, amenity and biodiversity values (H19.2.4(1)(b))

[24] This policy is one of many policies concerning all the rural zones described earlier. It addresses rural character, amenity and biodiversity values. It is one of the provisions that has been amended by the Plan Change.

[25] The Plan Change replaced the term ‘residential buildings’ with ‘dwellings’ as highlighted below:¹¹

- (1) Manage the effects of rural activities to achieve a character, scale, intensity and location that is in keeping with rural character, amenity and biodiversity values, including recognising the following characteristics:
 - (a) a predominantly working rural environment;
 - (b) fewer buildings of an urban scale, nature and design, other than ~~residential buildings~~ **dwellings** and buildings accessory to farming; and
 - (c) a general absence of infrastructure which is of an urban type and scale.

[26] The change would indicate *dwellings* of an *urban scale, nature and design* are anticipated along with buildings ancillary to farming, but there will be “fewer” other buildings of an *urban scale, nature and design*. It is a general policy applying to all zones.

Policies – general rural

[27] Other general rural policies referred to us, such as Policies H19.2.2(4) and (5), lend greater support for other activities, including rural lifestyle living, by enabling a range of rural production activities and a limited range of other activities by various means; including by separating potentially incompatible activities (such as rural production and rural lifestyle living) into different zones, avoiding or restricting rural subdivision for activities not associated with rural production in areas other than where it is provided for.

Countryside Living Zone

[28] The zone description for the Countryside Living Zone (H19.7.1) shows how that zone differs from other rural zones in that it anticipates a range of potential rural

¹¹ Additions shown in bold and deletions in strikethrough.

lifestyle living as follows.

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 receiver area for transferable rural site subdivision from other zones.

This zone incorporates a range of rural lifestyle developments, characterised as low-density **rural lifestyle development dwellings** on rural land. These rural lifestyle sites include scattered rural ~~residential~~ **dwelling** sites, farmlets and horticultural sites, ~~residential~~ bush **dwelling** sites and papakāinga.

Some parts of the zone reflect historical subdivision patterns, while other areas were established on rural land that did not have significant rural production values, and was often associated with steep topography and poor soils. Bush lots enabled the protection of indigenous vegetation cover as part of the subdivision process.

[29] Reading the zone description without the amendments, it provides for ‘rural lifestyle developments’ (a term not defined in the Plan) in identified areas, that is, on land zoned Countryside Living. The developments are characterised as low density development on rural land.

[30] Such development is characterised now as ‘rural lifestyle dwellings’ (also not defined) on rural land. The range of rural lifestyle sites referred to in the second paragraph include ‘rural dwelling sites’ as opposed to ‘rural residential sites’, ‘bush dwelling sites’ as opposed to ‘residential bush sites’, farmlets, horticultural sites and papakāinga. Those are the types of sites that might be present in this zone, and this is not a complete description as it uses the term ‘include’.

[31] While the zone description is amended by the Plan Change there are no corresponding amendments to the objectives and policies for the zone.

[32] There is reference to ‘rural lifestyle living’ in the first objective (H19.7.2(1)):

Land is used for rural lifestyle living as well as small-scale rural production

and in the last policy (H19.7.3(5)):

Acknowledge ... its predominant use for rural lifestyle living rather than for rural production activities...

[33] A detailed policy (H19.7.3(1)) requires that the location and design of subdivision and development maintain and enhance rural character and amenity values and avoid an urban form and character, with reference to certain listed matters.

Rural Conservation Zone

[34] The Rural Conservation Zone description (H19.6.1) with the Plan Change amendments is as follows:¹²

H19.6.1. Zone description

This zone comprises biophysically distinctive areas in rural Auckland. The zone has important natural values requiring maintenance and protection. They are largely in private ownership and are used for a range of purposes including ~~residential dwellings~~, low-impact recreational activities, conservation and open space.

Most areas have significant indigenous vegetation cover, are important wildlife habitats or contain important natural features such as dune lakes. Most have been identified as Significant Ecological Areas, Outstanding Landscapes, Outstanding Natural Character and High Natural Character overlays in the Plan.

The purpose of this zone is to adopt a conservative approach to new subdivision, use and development so that the natural values of the zone are maintained and protected while enabling established rural ~~and residential~~ activities **and dwellings** to continue.

[35] Objective H.19.6.2(3) with amendments is:

- (2) Existing rural ~~and residential~~ activities **and dwellings** are provided for but further development in the zone is limited to that which maintains and where appropriate enhances the values of the zone.

[36] It is clear there is a conservative approach towards new development while certain established activities can continue. Apart from the changes to the Countryside Living Zone description set out above, this is the only other change to a named rural zone subject to appeal.

Rural Coastal Zone

[37] In the Rural Coastal Zone there is reference to 'existing scattered rural lifestyle development' in the zone description. It notes that parts of the zone are under

¹² Deletions shown in strikethrough, additions in bold.

significant development pressure from coastal town and village settlement and for further rural lifestyle opportunities, among others. The general objectives limit rural lifestyle subdivision across the zone, and control dwellings and other buildings. For specific coastal areas, there are other objectives and policies.

Rural Production and Mixed Rural Zones

[38] There is no reference to residential activities in the Rural Production Zone description or its objectives and policies. In the Mixed Rural Zone there is an emphasis on rural production activities while still ensuring good amenity for residents who use their land for rural lifestyle purposes.

[39] With these provisions in mind we look at the activity tables and nesting tables.

Activity tables and nesting tables

[40] The activity tables for the rural zones set out permitted, restricted discretionary, discretionary and non-complying activities. In determining the issues raised by the appeals we need to look at the way in which the tables provide for *Accommodation*, and the way in which they interact with the Plan's nesting tables.

[41] We described earlier what nesting tables are. The Plan describes how they are to be used:

J1.1.2. Application of nesting tables

- (1) Where an activity is included in a nesting table, the class or activity status of that activity in any activity table also applies to the nested activities set out to the right of that activity in the nesting table, unless an activity table expressly provides otherwise for a particular overlay, zone, Auckland-wide or precinct.

(emphasis added)

[42] Nesting tables list activities (things that one might want to do and that might require resource consent) in named groups that may have sub-groups, or other like activities, 'nested' within them, with all of the items in the nested groups being subject to the same activity status. Activity tables specify the 'activity status' of various activities (for example, permitted, discretionary, non-complying).

[43] The Plan’s residential nesting table (*Table J1.3.5 - Residential*) includes larger scale developments such as retirement villages, integrated residential developments and boarding houses as well as dwellings. All are defined in the Plan. However, in the activity tables for the rural zones there is no specific reference to residential activities or to those larger-scale developments. What support there is for them in the rural zones (prior to the Plan Change amendments) is through the inclusion of the term ‘residential’ or ‘residential activity’ in certain objectives, policies and zone descriptions.

[44] Instead of using the nesting table categories in the activity tables for the rural zones a different approach has been used, selecting only certain groups of activities.

[45] The residential nesting table provides for the following (showing student accommodation nested within boarding houses):

Table J1.3.5 Residential

Dwellings	
Home occupations	
Visitor accommodation	
Camping grounds	
Boarding houses	Student accommodation
Integrated residential development	
Retirement village	
Supported residential care	

[46] Boarding houses, integrated residential development, retirement village and supported residential care appear in the residential nesting table but do not appear in the part of the rural zone activity table set out below (*Table H19.8.1 Activity table – use and development*). In that table, under the heading ‘Accommodation’ (which is not defined and does not appear in the residential nesting table) provision is made for dwellings (three categories), workers’ accommodation and home occupation (two categories each), camping grounds and visitor accommodation.

Table H19.8.1 Activity table – use and development

		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Use						
Accommodation						
(A26)	Dwellings	Refer to Activity Table H19.8.2				
(A27)	Minor dwellings	RD	RD	RD	RD	RD
(A28)	Minor dwellings that do not comply with Standard H19.10.11	NC	NC	NC	NC	NC
(A29)	Workers' accommodation	NC	NC	RD	RD	RD
(A30)	Workers' accommodation that does not comply with Standard H19.10.12	NC	NC	NC	NC	NC
(A31)	Home occupations	P	P	P	P	P
(A32)	Home occupations that do not comply with Standard H19.10.13	NC	NC	NC	NC	NC
(A33)	Camping grounds	RD	NC	RD	RD	RD
(A34)	Visitor accommodation	NC	D	D	RD	D

[47] The activity status of dwellings is provided in a second rural zone activity table, (*Table H19.8.2 Activity table – number of dwelling and activity status in rural zones*). This details the number of dwellings allowed in each rural zone and their activity status but there is no reference to any of the other activities listed in the residential nesting table. Table H19.8.2 is contained in **Annexure 1**.

[48] Activities that are listed in the residential nesting table but not in Table H.19.8.1 are simply a class of activity not provided for. Activities not provided for in the activity table are captured by the default rule in the Plan, and are discretionary activities as previously described.

[49] With the Plan provisions in mind the matters for the Court to determine are clear; the question is primarily one of plan architecture, and the consistency of the directions contained in the higher order provisions of the RPS through to the district plan's rural general objectives and policies and then to the zone descriptions, objectives, policies and rules (which include the activity tables).

Definitions

[50] To assist our understanding of these provisions, we have kept in mind the definitions that inform them, being the definitions of a *dwelling*, a *retirement village*, an *integrated residential development* and a *unit*. In summary these are as follows:

- A *dwelling* is living accommodation for a single residential household in one or more buildings with a kitchen or food preparation facility.
- A *retirement village* is defined as ‘a managed comprehensive residential development used to provide accommodation for aged people’ and includes the units that provide the accommodation. It explicitly excludes *dwellings*. A *unit* is a defined part of a building under different ownership, including apartments and separate leased areas within a building.
- An *integrated residential development* requires a site of at least 2000m² and a range of activities to be included in it, including supporting commercial facilities such as recreation, supported residential care and medical facilities. While it is possible a *dwelling* might be included in this activity (because it is not excluded in the way it is for a *retirement village*), the range of activities which make up the whole goes beyond that of a *dwelling*.

[51] With these provisions in mind we now address the parties’ arguments and evidence.

D. Arguments from each party

Council

[52] The Council is concerned that having the term ‘residential’ in the rural zone descriptions, objectives and policies can be interpreted as providing Plan support for larger-scale residential activity not provided for in the zone’s activity tables. This is inconsistent from a planning perspective, it said, and appears to encourage more development within those zones. Ms Hartley submitted that the key issue before the Court is “whether there should be policy support and zone description support for a wide range of residential activities, including more intensive residential activities in the

Chapter H19 rural zone provisions, as opposed to simply dwellings”.¹³

[53] Removing reference to the term ‘residential’ in the relevant objective and policies is seen by the Council as better supporting regional policy directives and the relevant district plan activity table, by eliminating reference to the full suite of activities that ‘residential’ covers. That means that not all residential activities in the residential nesting table in the Plan are provided with specific policy support. The Council submitted that this arrangement would achieve ‘vertical and horizontal integration’ in the Plan, such that the higher aspirational objectives and directive policies (for example, RPS and general district plan rural provisions) are supported by more specific zone policies which the rules implement. Such clarity then assists the decision maker when presented with a resource consent application under the rules.

[54] Activities not provided for in the zone and which have discretionary status only by default would be unlikely to find that clear path from objective to policy to rule. Discretionary activities that have been identified in the rural zone activity table are more likely to have been identified in the objectives and policy framework for the zone. Given the nesting table’s broad definition applied to the term ‘residential’, the use of this term in the finer-grained district plan objectives and policies was seen by the Council as broadening the support applied to default discretionary activities in a way that did not provide vertical integration.

[55] The Council does not consider, as it said the appellants do, that such policy support should apply to all the residential activities in the residential nesting table and particularly retirement villages.¹⁴

[56] The position of the Council was, at least in part, a response to the decision of the Environment Court in *Kumeu Property Ltd v Auckland Council (Kumeu)* where consent was granted for the development of a supported residential care facility.¹⁵ In short, the issue perceived by the Council was that, as noted in *Kumeu*, the use of ‘residential’ in the policy provisions (based on the nesting tables) meant retirement

¹³ Council opening submissions at [3.1].

¹⁴ Council opening submissions at [4.29].

¹⁵ *Kumeu Property Ltd v Auckland Council* [2018] NZEnvC 27.

villages and supported residential care facilities were contemplated, and thus are supported by the Plan provisions.

[57] The Council does not want a policy-supported pathway for all ‘residential’ activities, even though any application would attract consideration of all the relevant objectives and policies which would apply to a discretionary activity. The Council’s view is that without the Plan Change 20 changes the RPS is not supported by the lower level provisions and the Council would therefore not be meeting its obligations under s 31, s 74(1)(a) and (b), and s 75(3)(c) of the RMA whereby the district plan must give effect to the RPS.

[58] In its reply submissions, the Council addressed a number of matters raised in the hearing.¹⁶ We have considered the following matters, but do not find these assist us greatly:

- (a) use of the term ‘dwellings’ in Plan Change 20 (and its definition);
- (b) evidence before the Court (and in particular responding to Mr Bartlett’s submissions that the Plan Change has not been driven by some public outcry arising from application of the district plan in its current form, or by any evidence of adverse environmental effects);
- (c) the Council’s Plan Change 20 decision (the relevance of that part of the decision to approve amendments to the objectives, policies and zone descriptions, but not to adopt a non-complying ‘default’ activity status);
- (d) relevance of the Environment Court's previous decision in *Cornerstone Group Ltd v Rodney District Council* (concerning an application for a restaurant/ café and function centre on a farm owned by Cornerstone);¹⁷
- (e) the number of transferable rural site subdivision receiver sites that could be accommodated at 1114 East Coast Road, Glenvar (the site of a recently consented retirement village); and

¹⁶ Council closing submissions at [1.2].

¹⁷ *Cornerstone Group Ltd v Rodney District Council* NZEnvC Auckland A081/09, 08 September 2009. Council closing submissions at [7.1]-[7.5].

- (f) the relevance of the Auckland Unitary Plan Independent Hearings Panel's *Report to Auckland Council on Hearing Topic 013 Urban Growth July 2016* (and the report's estimated feasible enabled residential capacity of 14,000 lots in the rural zones).

[59] There remained the two other matters addressed in reply.

Leaving the issues to be dealt with at the resource consent stage

[60] The Council submits that the appellants' suggested approach of leaving effects to be addressed at the resource consent stage does not reflect the reality that the plan provisions provide the frame or lens through which the effects of an activity are assessed.¹⁸ Given that the Chapter H19 provisions will be relevant to how any particular application for a residential activity is assessed, it submitted that explicit support for residential activities should be carefully circumscribed.

Singling out the Countryside Living Zone for different treatment

[61] Counsel reiterated the Council's position that there should be no explicit objective, policy and zone description support for more intensive residential activities in provisions that apply to any of the five zones in Chapter H19, including the Countryside Living Zone.

Kumeu -Huapai Residents and Ratepayers Association Inc

[62] The Association expressed some support for the Plan Change. It said that the Countryside Living Zone and landowners / occupiers in that zone support the adjacent commercial and industrial zones. As the first zone surrounding Future Urban Zone land there is no requirement on the Council to extend services to new infrastructure, and no rules as to how that is to take place.

[63] The submissions suggested discretionary activity 'tests' for the Countryside Living Zone such as rules that activities must meet to qualify for approval, with the

¹⁸ Council closing submissions at [4.4], referring to Transcript, page 87, Lines 28-31.

intention that such rules would narrow down the design issues of scale, appearance and form so that there would be no need for professional interpretation of what constitutes urban form, rural character and amenity. Plan Change 20 does not give certainty as to the uses that qualify for each site or for all uses authorised in the nesting tables for the Countryside Living Zone. Development of that zone is occurring now, and the Association considers that now is the time to provide such certainty.

[64] We note that the scope of the appeals is limited to the appellants' desire to retain 'residential' in the rural zone provisions. We are therefore unable to address the Association's proposals.

Pipers and Weiti

[65] The appellants want to retain the reference to 'residential' in the rural zone provisions. Their evidence focussed on retirement villages, and their submissions were informed by the *Kumenu* decision and a recent application for a small retirement village on land owned by Weiti. The activity status of retirement villages is discretionary by default and will remain so, whether or not the wording changes are made. The appellants see no need for a change in wording because, as expressed by Mr Bartlett at the conclusion of his opening submissions, all of the concerns raised by the Council's witnesses are able to be, and have been, addressed by consent authorities when considering an application for discretionary activities in the Countryside Living Zone.¹⁹

[66] The appellants' opening submissions focussed first on countering the argument that residential activities (such as retirement villages) were unanticipated and that they would have adverse environmental effects on the rural environment. Mr Bartlett referred to the *Kumenu* case in which the applicant described to the Court the successful operation of two other retirement villages in the rural zone, demonstrating the lack of adverse environmental effects generated by those existing activities. In addition, there had been no serious argument as to cumulative effects in opposition to that case.

¹⁹ Appellants' opening submissions at [47].

[67] Much of the submission was critical of the Council's handling of the Plan Change 20 process, arguing that the reason Plan Change 20 was introduced was not driven by any evidence of adverse environmental effects in the rural zones but rather by staff concerns and opposition to consents being granted for 'unanticipated activities'. Other 'alarming' language used to describe activities for which consents had been granted in previous cases (such as the *Kumeu* case) had crept into the Council's reports, elevating 'unanticipated' to 'not contemplated' and 'inappropriate'.²⁰

[68] Mr Bartlett expressed concerns about the way in which the need for a plan change was presented to Auckland Council's Governing Body for approval saying that, among other issues, the Council's s 32 report unreasonably and incorrectly raised the spectre of the loss of elite soils, did not provide any detail on the scale or environmental effects of these 'unanticipated activities' nor whether a trend was developing that had the potential to threaten rural amenity or lifestyles. The Council's analyses focussed on the RPS's "strong emphasis on Rural Zones being primarily for Rural Production purposes" with only occasional mention of the Countryside Living Zone, whereas, in relation to that zone, Policy H19.7.3(5) stated:

Acknowledge that the rural character and amenity values associated with this zone reflect its predominant use for rural lifestyle living rather than for rural production activities.

[69] Counsel also made reference to the Auckland Plan 2050 and its approach to rural growth, noting that provision for residential growth will be focused in the existing Countryside Living Zone.²¹

[70] In relation to the Commissioners' decision, Mr Bartlett noted that the definition of dwellings relates to the functioning rather than the form of a household, summarising the definition by saying a dwelling is simply "a place where you live and cook".²² Mr Bartlett submitted that the Commissioners had not properly considered the meaning of 'dwelling' as defined in the Plan and appeared to think of it as a 'single

²⁰ Appellants' opening submissions at [19], [21] and [30].

²¹ There are references to 'residential growth' at page 208 of the Auckland Plan, and to 'rural lifestyle growth' at page 234.

²² Orally, in the appellants' opening submissions.

detached house'.²³ 'Dwellings' must include components of an apartment building he said,²⁴ as, for example, in the Residential-Terrace Housing and Apartment Buildings Zone, 'H6.6.17 Minimum dwelling size' has the purpose of ensuring that dwellings are functional and of a sufficient size to provide for the day-to-day needs of residents. H6.6.17(1) then sets a minimum internal floor area for 'dwellings' in that zone.

[71] Concluding, Mr Bartlett submitted that when consent applications are processed by Council staff this includes consideration of site suitability and the particular design being promoted as well as consideration of conditions that assist in achieving compliance with objectives and policies. While the Council's witnesses expressed concerns about potential negative effects if decision-making goes awry, that is not the issue before the Court: "it is the efficacy and utility of the provisions as they stand and the ability of those provisions to deliver a result in accord with the principles and purposes of the Act and its subsidiary instruments including the operative District Plan".²⁵

[72] The Council supported its case with evidence on planning matters and landscape and urban design. The appellants called evidence on planning matters.

E. Landscape and urban design

[73] Landscape evidence was called by the Council from Ms M J Absolum. She is an experienced landscape architect with experience in the design and implementation of a number of rest home and integrated residential developments around Auckland.

[74] Ms Absolum concluded²⁶ that, while rural character and amenity values vary considerably across the region, their maintenance and enhancement is required by the Plan in all the rural zones. Some of the more intensive residential activities included in the Residential Nesting Tables, such as retirement villages and integrated residential developments, have the potential to undermine that character and amenity and lead to urbanisation of rural areas. Ms Absolum supports the proposed amendments

²³ Appellants' opening submissions at [44].

²⁴ Appellants' opening submissions at [46].

²⁵ Appellants' opening submissions at [48].

²⁶ M J Absolum EIC at [8.1]-[8.3].

because they make it clear that, while dwellings are anticipated the more intensive residential activities are generally not appropriate in rural areas.

[75] Ms Absolum noted that, in her experience, retirement villages and integrated residential developments inevitably involve the construction of large buildings, often including multi-storey (more than two storey) buildings. While large buildings are not uncommon in rural areas, they are typically used in association with rural land use activities and include silos, glass houses, riding arenas and pack-houses. In contrast, retirement villages have the appearance of residential buildings, with many windows and access points. Where multi-storey buildings are utilised, they often appear to be apartment buildings, with the age of the occupants having no bearing on their visual qualities. They are also usually surrounded by highly-managed garden areas. She concluded that these typically urban characteristics would undermine rural character values, were this type of development to occur in rural areas.

[76] Similarly, construction of large areas of hard surfacing for footpaths, car parks, and service areas would reinforce the urban nature of integrated residential developments and retirement villages.²⁷ Ms Absolum noted:

In my opinion, where these more intensive residential activities are developed in rural settings, they inevitably lead to the urbanisation of the area. This is because they involve:

- accommodation for numerous people in numerous dwellings, either in multi-storey structures, or numerous small 'dwellings';
- the provision of support services, as well as the residential components, such as medical facilities, hairdressers, etc either integrated within or in adjacent buildings;
- the provision of roading, carparking, pedestrian connections, kerbing, channelling and lighting; and
- the provision of integrated reticulated sewage, stormwater and water systems, whether connected to the 'public' network or not.

[77] All these elements combine to create intensive development and site coverage, typical of urban environments. The consequence of such development leads to 'spill over' effects on the surrounding environment, thus undermining rural character and amenity values and urbanising the locality.

²⁷ MJ Absolum EIC at [7.2] and [7.3].

[78] As raised during cross examination by Mr Bartlett, the counterpoint to this evidence was that the examples relied upon were likely to be in urban areas. The example of the retirement village consented in the *Kumenu* case demonstrates ‘horses for courses’ in terms of the suitability of the characteristics of a development relative to the environment into which it is to be located.

[79] The conclusion we draw from Ms Absolum’s evidence is that large residential developments can affect rural amenity and character, just as they can impact amenity and character in urban areas. Such activities need careful assessment, taking into account the environment in which they propose to locate, among others. That leads to the question as to whether such developments should have policy support in the rural zones.

F. Rule and policy framework

[80] We heard from two experienced planners, Mr E D Wren for the Council and Mr N J Roberts for the appellants. They produced a joint witness statement. There was little agreement save on how the rural activity tables provided for activities. There was a fundamental disagreement on whether the relevant provisions in Plan Change 20 should refer to dwellings or to residential activities/buildings as in the residential nesting table. There was also disagreement on what constitutes rural lifestyle activity development.

[81] The essential difference between the planners is that Mr Wren considers that only dwellings should receive direct policy support in the rural zones, and that the changes proposed by Plan Change 20 are appropriate to make that clear. Mr Roberts considers that the Plan contemplates a range of rural lifestyle activities, rural lifestyle living and rural lifestyle developments in the Mixed Rural and Countryside Living Zones, and that none of the changes proposed by Plan Change 20 are appropriate.

Characteristics of retirement villages and integrated residential developments

[82] Mr Wren and Mr Roberts differed on the merits of characterising residential activities, particularly retirement villages and integrated residential developments, as

urban or rural in determining the appropriateness of the Plan Change 20 amendments. Mr Wren states that such developments are likely to have urban characteristics and scale, and therefore adverse effects, and as such are not necessarily appropriate in rural zones – with reference to the RPS and district plan. Mr Roberts characterises retirement villages as a form of rural lifestyle living and rural lifestyle development, but is also of the view that it is not the activity itself or whether it is urban or rural that should determine the matter - the Plan's framework of objectives and policies for the rural zones, in particular Countryside Living and Mixed Rural can determine appropriateness. Their reasons follow.

Urban or rural?

[83] Relying in part on Ms Absolum's opinion, Mr Wren considers that some of the activities in the residential nesting table are more characteristic of a town or city than others. Individual dwellings (or small groups of one or two dwellings) are characteristic of both rural and urban areas. However, in the rural area dwellings need to be scattered if rural character is to be maintained - if dwellings are grouped this could lead to more intensive development over time. He notes that some activities in the residential nesting table will have differing effects on rural character. Some, such as dwellings, will have limited effect especially if limited in scale, number and extent.

[84] Mr Wren considers that integrated residential developments and retirement villages are likely to have inherently urban characteristics and scale, and are likely to be reflective of urbanisation, similar to the comments made by Ms Absolum. Retirement villages can include cafés and restaurants, offices, hairdressers, libraries and function rooms. They can take on the characteristics of a village or small town. They can require communal infrastructure, which he says is an urban rather than rural characteristic. He notes further the factors that make them and integrated residential developments urban in nature bear little relationship to agricultural use and production. He points also to the potential for such activities to have adverse reverse sensitivity effects on rural production activities. He notes that occupants of single dwellings are likely to be involved in some productive activity on the land and/or be involved more with their neighbours. Larger residential developments will, by their nature, be more inward-looking and will not relate to their neighbours in the same

way as do individual families.

Differences in character of activities in the residential nesting table?

[85] Mr Wren concludes that there are significant material differences in character within the suite of activities in the residential nesting table, and that they should not be subject to the same policy response in the rural zones. Objectives and policies that enable the full range of activities listed in the residential nesting table to establish within rural areas are not consistent with the RPS direction. Urbanisation should not occur in rural areas outside rural and coastal towns and villages. Plan Change 20 resolves this by clarifying that dwellings have policy support and other residential activities may not.

[86] Mr Roberts disagrees with the ‘black and white’ approaches of Mr Wren and Ms Absolum that retirement villages and integrated residential developments are only ‘urban activities due to their scale and nature’. He considers that appropriateness in the rural zone is not the activity itself, or whether the activity is ‘urban’ or ‘rural’ – but relies on the framework of the Plan in respect of the general objectives and policies for the rural zones. Those specific to Countryside Living and Mixed Rural Zones have a common theme to ensure that development maintains and enhances rural character and amenity values. Mr Wren acknowledges that whether an activity is rural or urban is sometimes a grey area, but maintains it is necessary to identify whether a proposal amounts to urbanisation in order to ascertain its performance in respect of the RPS objectives and policies concerned with restricting the urbanisation of rural land.

Retirement villages- a form of rural lifestyle living?

[87] Further, Mr Roberts considers that retirement villages are a form of rural lifestyle living and rural lifestyle development – and that the elderly should not be precluded from residing in a rural environment. That they are a type of rural lifestyle living and development was recognised by the Environment Court in *Kumeu* and that is specifically provided for in the Mixed Rural and Countryside Living Zones. He referred to the Commissioners’ decision recording that the Plan provides

opportunities for the elderly to live in rural zones. He says therefore there is no inconsistency or tension with the RPS and the management of residential activities.

[88] Mr Wren's view is that it is not necessary to have specific support in objectives and policies for retirement homes to ensure retired people can continue to live in a rural environment. Such proposals would be assessed with that purpose in mind. He notes there is specific provision for integrated residential developments in the Residential-Rural and Coastal Settlement Zone, which applies to small towns and villages such as Clevedon and Te Hihi. Standard urban zones are provided in larger rural towns such as Kumeu and Waimauku that provide for retirement villages and integrated residential development. They need to be considered on their specific merits to reduce the potential for adverse effects on rural character and amenity and protect it from inappropriate subdivision, urbanisation and development.

[89] Mr Wren agrees that, based on the rural zone provisions as they were at the time of the *Kumeu* decision, rural lifestyle developments could be interpreted to include the range of activities included in the residential nesting table, but notes his understanding that Plan Change 20 was partly promulgated to change that by removing 'residential' from the various policies and descriptions. In any event, he is of the view that, in some places, the Plan's reference to 'rural lifestyle activity' is to smaller rural sites that contain generally single dwellings and are used as hobby farms, where the lifestyle aspects of rural living take precedence over rural production. They are centred around a dwelling, and do not include multi-dwelling developments.

[90] We record that the Commissioners noted the opportunities for the elderly to live in rural zones as dwellings, minor dwellings, rural residential sites, small-scale supported care, and retirement villages established as discretionary activities and within low density rural and coastal settlements. The rural and coastal settlements are classified as residential rather than rural zones and have provision for integrated residential development (which includes retirement villages) as a discretionary activity. They noted there is no presumption of a right to build apartment buildings in rural zones to ensure the full range of residential choice in those locations.²⁸

²⁸ Commissioners' decision at [89].

RPS

[91] Both Mr Wren and Mr Roberts accept that *Chapter B2 – Urban growth and form* and *Chapter B9 – Rural environment* are relevant. Mr Wren views the RPS as protecting the rural land resource; he notes that Chapter B2 relates to urban growth or form, and while primarily focussed on urban issues, manages the interface between rural and urban areas, and contains provisions aimed at protecting the rural areas from urban encroachment. The focus of the objectives is to ensure that urbanisation is contained within the Rural Urban Boundary or within towns and rural and coastal villages. In respect of rural zones, the purpose of them includes the maintenance of rural character and amenity.

[92] Mr Wren considers that the RPS rural activity objectives and policies (B9.2.1 and B9.2.2) are in some ways the flip side of those in *Chapter B2 Urban growth and form*. The emphasis is on protecting land with elite soils, enabling activities that support rural communities, minimising the potential for reverse sensitivity and maintaining rural character and amenity, landscape and biodiversity values, and protecting rural land from inappropriate subdivision, urbanisation and development. He considers that Plan Change 20 gives better effect to these objectives and policies than the status quo by removing specific policy support for activities that have the potential to be inconsistent with the direction in B9.2.

[93] Mr Roberts accepted the relevance of the RPS provisions identified by Mr Wren, but also relied on *B9.1 Issues* and its reference to managing opportunities for countryside living in rural areas and the enabling of rural production and other activities that support rural communities, while maintaining the character, amenity, landscape and biodiversity values of rural areas (Objective B9.2.1(3)) and enabling a diverse range of activities (Policy B9.2.2.(1)). Relying on these provisions, he disagreed with Mr Wren's view that Plan Change 20 resolves any inconsistency with the RPS by clarifying that dwellings have policy support and others do not.

[94] Mr Wren, for his part, observed there is nothing in those provisions to suggest that retirement villages invariably support rural communities, and that Mr Roberts does not address the avoidance of urbanisation and how the status quo would better

give effect to the policy than the Plan Change 20 provisions. Finally, he notes that Mr Roberts does not consider how some residential activities can be of a form and scale that comprise urbanisation. Mr Wren considers these matters should be reflected in whether residential activities other than dwellings should receive policy support. Giving the same policy support to retirement villages and integrated residential developments as is given to dwellings does not give effect to the policy, because those activities are more likely to have inherently urban characteristics and scale.

[95] Mr Roberts states that the Plan contemplates rural lifestyle activities, living and developments in the Mixed Rural and Countryside Living Zones – therefore, there is no inconsistency or tension with the RPS and management of such activities.

[96] He considers that the existing district plan provisions are sufficiently robust to ensure one of the overarching objectives of the rural zones – to maintain and enhance rural character and amenity values for new developments and activities – is achieved. He considers that Plan Change 20 will unduly constrain and limit the range of residential activities and housing typologies that can establish in rural zones – which include integrated residential developments and retirement villages.

District plan

Disconnect between rural activity tables and general policy?

[97] Mr Wren sees a disconnect between the two rural zone activity tables and general policy H19.2.4(1) if the term ‘residential’ is interpreted to include all the activities listed in the residential nesting table. That is because more than one dwelling on sites less than 40ha is a non-complying activity. He considers that the activity table reflects the relatively restrictive approach in H19.2.4 regarding urban type buildings and by general objectives (H19.2.1) and policies (H19.2.2) which prioritise rural production, the protection and management of elite soils and prime soils, and objectives concerning rural character, amenity and biodiversity values (H19.2.3).

[98] He notes in contrast that other ‘residential activities’ such as camping grounds and visitor accommodation are listed in the general activity table (Table H19.8.1) with

various activity statuses depending on the zone. Other ‘residential activities’ including integrated residential developments and retirement villages are not included in either activity table. Their non-inclusion means that they are discretionary activities.²⁹

[99] If policy H19.2.4 is interpreted as providing policy support to all activities in the residential nesting table, there may be an inconsistency in the way in which the activity rules are applied. He notes that there could be an easier consenting path for retirement villages and integrated residential developments that are discretionary activities (that are not provided for), than for multiple dwellings which are listed in Table H19.8.2 as non-complying on sites less than 40ha.

Should activities not listed in activity tables be given specific policy support?

[100] Mr Wren considers that an activity not specifically provided for in the rural zone activity table should not be given specific policy support. It is appropriate that permitted activities (dwellings) get direct policy support and activities listed as restricted discretionary and discretionary in the activity tables are given some policy support (for example, visitor-related activities in the zone description of the Mixed Rural Zone). He concludes that Plan Change 20 effectively resolves these inconsistencies by clarifying that the policy direction specifically supports dwellings in a rural zone but does not give specific support to other forms of residential activity.

Should dwellings and other residential activities be given policy support?

[101] Mr Roberts does not consider that dwellings are the only form of residential activity or development that are appropriate for all rural zones. Rather than focussing on whether an activity is urban or rural, the more relevant considerations are set out in the Plan – general objectives and policies for the rural zones and those specific to Countryside Living and Mixed Rural Zones.

[102] Mr Roberts analysed certain activities set out in the activity table, concluding that other than maximum building heights (9m for dwellings and 15m for other buildings) and minimum yard setbacks, all other standards apply to specific activities.

²⁹ Under Rule C1.7.

There are no standards addressing maximum building coverage, height in relation to boundary or minimum landscaped areas in rural zones. He noted that resource consents can be sought for certain activities – visitor accommodation and restaurants among others, up to 15m in height and with unlimited building coverage.

[103] We understand him to say, with reference to those other activities, that the rural zones provide for a wide range of activities (other than dwellings) that would involve a built form element. We accept that observation, but note that all the activities he referred to require consent as restricted discretionary, discretionary or non-complying activities. The applications will be assessed in the normal way, and objectives and policies will inform that process. Further, a range of standards apply to prescribed activities, beyond which a resource consent will be required.

An activity not listed is not necessarily inappropriate?

[104] Mr Roberts notes that while retirement villages and integrated residential development are not listed in the rural zone activity table, and therefore default to discretionary, that does not mean that the activity is consequentially inappropriate; it simply provides a consent authority with discretion to assess any actual and potential effects of the activity. In his view, if retirement villages and integrated residential developments were considered to be so inappropriate, they would have either a non-complying or prohibited activity status (rather than discretionary).

[105] Mr Roberts argued that the Council's evidence focusses too much on retirement villages and integrated residential development being characteristic of a town or city, such that they should not be found in a rural zone. He reiterated that a key limb for assessment of appropriateness is whether rural activities are in keeping with and maintain and enhance amenity values.

[106] He referred to Policy H19.2.4(1), part of which we repeat for ease of reference:

H19.2.4 Policies – rural character, amenity and biodiversity values

(1) Manage the effects of rural activities to achieve a character, scale, intensity and location that is **in keeping with** rural character, amenity and biodiversity values, including recognising the following characteristics: [which then follow]

(emphasis added)

[107] In his view, *in keeping with* provides a clear signal that it is the existing character and amenity of a particular context, and not the character or amenity of the activity itself, that is the focus. That being the case, he found that Ms Absolum's evidence exaggerated the nature and form of retirement villages without considering their context.

[108] Mr Roberts referred to a resource consent granted to Weiti Developments by the Council in November 2020,³⁰ saying that decision illustrates his point relating to context in the following reference:³¹

It will provide for rural lifestyle living in a manner that is reasonably provided for and consistent with the guidance ... in the *Kumeu* decision.

[109] As we understand Mr Wren's evidence, the *Kumeu* decision is the very example that illustrates the reasons for the Council's desire to amend the Plan provisions; so as to dilute that perceived chain of support.

[110] Mr Wren noted that clause (b) of Policy H19.2.4(1) (without Plan Change 20) gives policy support to the generality of residential activities in the residential nesting table. The change made by the Council is to replace 'residential buildings' with 'dwellings'. This removes all reference to the scope of activities supported by the term 'residential'.

[111] As we understand Mr Wren, the Commissioners, having decided to retain activities not nominated in the activity table as default discretionary activities, sought to remove the very support Mr Roberts attributes to the words in this policy.

[112] The words *in keeping with* are informed by the highlighted characteristics in subparagraph (1)(b) of the above policy. For Mr Wren, 'dwellings' as opposed to 'residential buildings' and 'buildings accessory to farming' are illustrative of activities that are in keeping with the values identified in the policy. It is the scope of the term 'residential' as an illustration of character which is in keeping with the values that the Council has set out to limit. Mr Roberts' evidence serves to illustrate the point. If

³⁰ BUN60347542.

³¹ NJ Roberts EIC at [6.13].

the words will no longer provide the direct support for the establishment of different residential developments he thinks they did prior to the Commissioners' decision, the objective of the Plan Change is achieved.

[113] A proposal will rest on its merits, with a significant bearing on the context of the proposal relative to rural character, biodiversity and other objectives and policies centred on rural production. Mr Wren's evidence was that this change (and others in dispute) better integrate the objectives and policies with the rule by providing more clarification of the expectations for the Countryside Living Zone in particular, which was the principal focus of the appellants' planning evidence.

[114] Mr Wren concludes that the positive outcomes of Plan Change 20 are that:

- (a) it addresses the place of buildings accessory to dwellings (with his proposed change);
- (b) it addresses internal inconsistencies, showing activity rules for dwellings in Table H19.8.2 and those for other residential development types in Table H19.8.1;
- (c) it addresses current inconsistencies with the district plan – chapter H19 mirrors the RPS;
- (d) the current potential for adverse effects on rural character and amenity from larger urban-scale residential development can be reduced.

[115] Mr Roberts concludes:

- (a) Mixed Rural and Countryside Living Zones lend more support to the establishment of residential activities in comparison with other rural zones – which is appropriate;
- (b) dwellings are not the only form of residential activity or development that are appropriate and acceptable for all zones;
- (c) the Plan contemplates a range of rural lifestyle activities, rural lifestyle living and rural lifestyle developments (in the Mixed Rural and Countryside Living

Zones) – there is, therefore, inconsistency with the RPS;

- (d) the existing rural zone provisions are sufficiently robust to ensure that the overarching objectives for the rural zone to maintain and enhance rural character and amenity are achieved;
- (e) Plan Change 20 amendments will unduly constrain and limit the range of residential activities and housing typologies that can be established in rural zones, which include integrated residential developments and retirement villages for the elderly.

G. Analysis

[116] We have not been convinced by Mr Roberts that broad support for residential activities in rural zones is an objective of the Plan. The activity tables for the rural zones make it clear that is not the case.

[117] As Mr Wren has set out in his evidence, the alignment of all the relevant objectives and policies with the activity table is important. The Plan in our view takes a directive approach to the management of growth, residential activity, and the rural land resource.

[118] The general policies, in particular policies H19.2.2(4) and (5), encourage development appropriate to the situation in each case. In addressing the amendments to the specific provisions, Mr Roberts has not specifically analysed them except where the Countryside Living Zone description is concerned. We expect this is because it is this zone that is the main location for rural lifestyle development.

[119] Whether all forms of residential development can be considered rural lifestyle living is not a matter before us. We accept that in *Kumeu* the Court found that a retirement village could fit that description. Specifically, the change to the Countryside Living Zone description attempts to describe rural lifestyle dwellings. We incline towards Mr Wren's opinion on this point, which is that, in some places in the Plan, the reference to 'rural lifestyle' activity is to smaller rural sites that contain generally single dwellings and are used as hobby farms where lifestyle aspects of rural

living take precedence over rural production. These are centred around a dwelling and do not include multi-dwelling developments.

[120] The Council's view, supported by Mr Wren's evidence, is that by replacing 'residential' with 'dwelling' there is a clear pathway of specific support for dwellings, but not for other residential development.

[121] The RPS identifies significant resource management issues for the Auckland region relating to, among other things, urban growth and form, the rural environment, natural resources, the coastal environment, infrastructure, transport and energy, and natural heritage (including landscapes). These are often interrelated and overlap. Both planners directed us to RPS Chapters B2 and B9, which address urban growth and the rural environment respectively. We have considered those provisions. There is without doubt a continual need to balance the protection of rural land for production with other rural activities, and to manage urban growth to meet resourcing constraints.

[122] Mr Wren's discussion of Chapter B9 in support of the higher order directives for rural land highlighted a strong emphasis on the protection of land for food supply, and the relevance of community support and involvement in this endeavour. There is also a strong directive to planned urbanisation. Having considered these RPS provisions, Mr Wren concluded that:³²

.....PC20 gives better effect to these objectives and policies than the status quo by removing the possibility of specific policy support for activities that have the potential to be inconsistent with the direction set out in B9.2. For example, as previously discussed, retirement villages and integrated residential developments are examples of activities that are more urban in nature than rural. In addition, I consider that these activities are less likely than dwellings to support production and other rural activities.

[123] Mr Wren considered the place of retirement villages and integrated residential developments in light of the Chapter B9 objectives and policies, and found there is specific provision for integrated residential developments in the Residential - Rural and Coastal Settlement Zones and other zones with proximity to rural areas. Other

³² ED Wren EIC at [56]-[58].

than that, in relation to the objectives for the other rural zones, each case would be considered on its merits and does not need specific support.

[124] We have concluded from the planning evidence that there would be little change in terms of opportunity for the types of residential development the appellants may wish to propose in the Countryside Living Zone. Retirement villages and integrated residential developments are not listed in the rural zone activity table and are not defined as non-complying activities. They are captured by the default discretionary activity rule, which applies to any activity not set out in the activity tables. The amendments in Plan Change 20 serve to clarify the characteristics of the Countryside Living Zone but not exclude these activities. The broad range of residential activities will not find the direct support they have in the past. That is the purpose of the change and it is supported by policy and the zone description with a clear incentive for rural lifestyle living to be focussed in the Countryside Living Zone.

Options - s 32

[125] Mr Wren provided a 'S32 Options Summary' and a copy of the s 32 analysis in support of the Plan Change as notified. That was based on the proposed intention to move activities not listed in the activity tables from discretionary to non-complying. The Commissioners' decision retained the default discretionary status for unlisted activities, but accepted the Council's proposed amendments to policy which might otherwise directly encourage residential activities.

[126] As we have worked our way through the hierarchy of the relevant objective and policy provisions down to the detail of the activity table we have found that while the removal of reference to the term 'residential' results in a fine grain of change, it nevertheless achieves greater alignment with the rural zone activity tables.

[127] As default discretionary activities the broader range of activities within the residential nesting table have no greater status in the activity tables than any other non-specified activity and no direct support for them in the policies. Those activities will be considered against the relevant objectives and policies and provisions, including the amended Countryside Living Zone description, that give clarity to the

anticipated character of development.

[128] For completeness, we address Mr Bartlett’s criticism of the Council’s reasons for notifying Plan Change 20 and his argument that the reasons were unsupported by evidence of adverse environmental effects. While the background to the Council’s approval of the Plan Change for notification provides its context, our focus has been on the appropriateness of the proposed amendments.

H. Commissioners’ decision

[129] The Commissioners’ decision³³ found that the removal of references to ‘residential activity’ and their replacement with ‘dwelling’ clarifies the appropriate protection of the Rural Conservation Zone land, gives general protection for low-density rural lifestyle in the Countryside Living Zone and a policy approach to rural character and amenity accommodating dwellings.

[130] Given the discretionary activity status of larger-scale development, the Commissioners considered there was still opportunity for development such as retirement villages in appropriate parts of the rural zones, as well in low-density rural and coastal settlements classified as residential, to satisfy peoples’ desire to retire into a rural area.³⁴ They noted that there was no evidence about the degree to which rural retirement is favoured by local residents over other choices, for example to be closer to family members or closer to health facilities in urban areas.

[131] The Commissioners also noted that a reading of the residential nesting table would lead to an expectation that the full range of residential types can occur within any zone description or policy reference to ‘residential’.

[132] With reference to *Kumeu* and case studies, the Commissioners said they demonstrated a need for clarification of the rural zones’ purposes and better alignment with the RPS. Amending the term ‘residential’ to ‘dwellings’ provides better alignment with the RPS objectives and policies in respect of elite and prime soils, urban growth

³³ Commissioners’ decision at [88]-[94].

³⁴ Commissioners’ decision at [88]-[89].

and form, residential growth and intensification, commercial and industrial growth, rural lifestyle development, rural production and rural character and amenity.

[133] They found that there is a primacy given to rural production activities within the rural zones, within the rural general objectives and policies and within the RPS objectives and policies enabling rural production; that primacy does not appear to apply to the Countryside Living Zone, which has a focus on rural lifestyle living rather than rural production, albeit with some low-level rural productivity.

I. Findings

[134] There was considerable reliance by the appellants on the *Kumenu* decision, which granted consent for a supported residential care facility as a discretionary activity in the Countryside Living Zone. The Court in that case found the matter to be finely balanced, and that its discretion was ‘near the limit of acceptability to maintain rural character and amenity’.³⁵ It was satisfied that a consent could be granted meeting the provisions of the Plan and the purpose of the Act. Relying on the residential nesting table, the Court in *Kumenu* found that the term ‘residential’ clearly did include residential buildings, and, importantly, retirement villages and supported care.

[135] The decision is of interest in terms of how the Court assessed an application for a discretionary activity and applied the residential nesting tables. It also provides context for the Council’s decision to initiate the Plan Change. However, it does not assist us in determining the appropriateness of the proposed amendments. We need to consider the integration of the Plan in its approach to residential development in the rural zones.

[136] We agree that retirement villages can be a form of rural lifestyle living irrespective of the residential nesting table. However, we conclude that the residential nesting table does not drive the objectives and policies of the Plan, it is merely an interpretive tool. The Commissioners found that relying on that term distracts from

³⁵ *Kumenu Property Limited v Auckland Council* [2018] NZEnvC 27 at [111].

the intent of the Plan’s rural provisions, particularly taking into account the issues it faces with the protection and management of the rural land resource.

[137] The decision having been made not to include all the activities described by the residential nesting table in the rural zone activity table, the provisions that support that rule need to align with it. The fact is that retirement villages are discretionary activities by default, along with every other activity that is not included in the rural zone activity tables.

[138] The position of the Council is that not all residential development is appropriate, and that by amending the term ‘residential’ to ‘dwelling’ the RPS and higher order rural objectives and policies are better achieved. Our reading of the changes to the Countryside Living Zone description results in a description of rural lifestyle living that links development with the character of ‘dwellings’ rather than with all the other activities described in the residential nesting table. As we understand it, the benefit of this is that the form expected of any development is better articulated.

Proposed change to Policy H19.2.4(1)(b) Buildings accessory to dwellings

[139] The Council supported the decisions version of Plan Change 20. In opening submissions it sought a further modification to one of the policies amended by Plan Change 20, Policy H19.2.4(1)(b), to include ‘buildings accessory to dwellings’ in the sub-clause as it considered that, as written, the sub-clause would be interpreted to include buildings accessory to farming but not those accessory to dwellings. The proposed addition is as follows (proposed amendment in bold, decisions version amendments struck through and underlined):³⁶

Policy H.19.2.4:

(1) Manage the effects of rural activities to achieve a character, scale, intensity and location that is in keeping with rural character, amenity and biodiversity values, including recognising the following characteristics:

- (a) a predominantly working rural environment;
- (b) fewer buildings of an urban scale nature and design other than ~~residential buildings~~ **dwellings and their accessory buildings** and buildings accessory to farming;

³⁶ Council opening submissions at [4.30]-[4.35].

(c) a general absence of infrastructure which is of an urban type and scale.

[140] There was no objection to the amendment and we find that it is an appropriate amendment to make.

J. Decision

[141] We return to the key issues we set out at paragraph [7].

Should the rural zone objectives and policies support all residential activities, or only those specified in the activity tables?

[142] The concern the Council sought to address arose from the direct policy support for activities captured by the term ‘residential’ as that term is used in the Plan. We understand that, at least in the *Kumenu* case, the decision turned on the assessment of the rural character and amenity context of that proposal rather than relying on such support.

[143] Nonetheless, we agree there is a potential risk to the character of the rural zones enabled by direct support in the zone provisions for the broad scope of activities captured by that term. Such support runs counter to what we perceive as the general intent of the Plan for the rural zones. We have taken into account the strong directives of the objectives and policies from the RPS to the detailed zone provisions including the rules that set out the anticipated development. The risk posed by using the term ‘residential’ is the potential for confusion regarding what specific types of development are and are not anticipated by the Plan.

Are the plan change amendments appropriate, having regard to the objectives of the Plan and the purpose of the Act?

[144] The proposed policy and description changes provide greater certainty without closing the door on activities that are not specifically referred to in the provisions, such as retirement villages, which is the concern of the appellants.

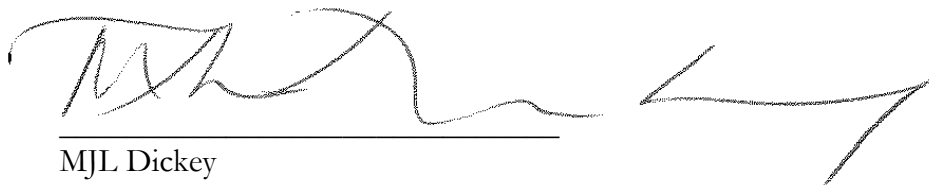
[145] Greater clarity provides more certainty to applicants looking to establish rural lifestyle living developments, and that provides greater efficiency in terms of the

information requirements for applications and the processing of same.

[146] The rural land resource is fixed, and, we accept, is vulnerable to residential development that should be accommodated within the areas (zones) anticipated by the Plan. The clear decision to omit ‘residential’ from the rural zone activity table and to refine what is anticipated by the selection of activities under the heading ‘Accommodation’ and listed activity ‘Dwellings’ is better supported by the policy changes made by Plan Change 20. Together they provide a consistent and appropriate cascade of relevant objective and policy directives from the RPS and down through the Plan to specific zones and rules.

[147] For the reasons that we have set out in this decision, the decisions version of Plan Change 20 is confirmed and a further amendment made as set out in paragraph [139]. The appeals are otherwise dismissed and costs are reserved. Any application for costs is to be made within 14 days, with replies to be filed seven days after that.

For the Court:



MJL Dickey
Environment Judge



Table H19.8.2 Activity table – number of dwellings and activity status in rural zones

Activity		Activity Status			
		Mixed Rural Zone and Rural Production Zone	Rural Conservation Zone and Countryside Living Zone	Rural Coastal Zone: Te Arai-Pakiri, East Coast area – Whangateau-Waiwera, West Coast area- Kaipara South Head and harbour, Muriwai-Te Henga coastal areas	Rural Coastal Zone: Tasman Coast area – Awhitu Peninsula, Manukau Harbour, and Tamaki-Firth coastal areas
(A72)	One dwelling per site	P	P	RD	P
(A73)	Two dwellings per site where the site is equal to or greater than 40ha and is less than 100ha	P	D	D	D
(A74)	Two dwellings per site where the site is less than 40ha	NC	NC	NC	NC
(A75)	Three dwellings per site where the site is equal to or greater than 100ha	P	D	D	D
(A76)	More than three dwellings per site where the site is equal to or greater than 100ha	D	D	D	D
(A77)	Three or more dwellings per site where the site is less than 100ha	NC	NC	NC	NC
(A78)	Dwellings not otherwise provided for, or any dwelling that does not comply with Standard H19.10.10	NC	NC	NC	NC

Attachment C

Clause 20A

Memo

Date 28 June 2022

To: Warren MacLennan, Manager, Plans and Places, Regional, North, West, and Islands
 From: Alison Pye, Senior Planner, Plans and Places, Regional, North, West, and Islands

Subject: **Plan Modification: Clause 20A modification to Auckland Unitary Plan**

Corrections are required to the Auckland Unitary Plan (Operative in Part) 2016 (the AUP).

I seek your approval of this plan modification pursuant to clause 20A, first schedule, Resource Management Act 1991.

You have delegated authority, as a tier four manager, to make a decision to correct an error to an operative plan under clause 20A. Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register¹ authorises all powers, functions, and duties under RMA's first schedule (except clause 17 which cannot be delegated) to tier four positions.





Rule or Section of Unitary Plan	H19.7. Rural – Countryside Living Zone H19.7.1 Zone Description
Subject Site (if applicable)	N/A
Legal Description (if applicable)	N/A
Nature of change	<p>The PC20 decision and subsequent Environment Court decision [Decision [2022] NZEnvC 076]² confirmed the wording for the Countryside Living Zone zone description at H19.7.1 as follows:</p> <p>H19.7.1 Zone description</p> <p>...</p> <p>This zone incorporates a range of rural lifestyle developments, characterised as low-density <u>rural lifestyle development dwellings</u> on rural land. These rural lifestyle sites include scattered rural residential dwellings sites, farmlets and horticultural sites, residential bush <u>dwelling</u> sites and papakāinga.</p> <p>However, the Plan Change text as notified did not show one instance of the word “residential” being struck through in the zone description and instead the plan change deleted the word entirely without it being struck through. The section 32 report accompanying the Plan Change correctly showed the word as being struck through as follows (yellow highlight on word):</p>

¹ updated February 2021 and available on Kotahi at [Delegation Register](#)

² 2022NZEnvC76 Pipers Limited and Weiti Headwaters Limited vs Auckland Council

	<p>H19.7.1 Zone description</p> <p>...</p> <p>This zone incorporates a range of rural lifestyle developments, characterised as low-density rural lifestyle residential development <u>dwelling</u>s on rural land. These rural lifestyle sites include scattered rural residential <u>dwelling</u>s sites, farmlets and horticultural sites, residential bush <u>dwelling</u> sites and papakāinga.</p> <p>In order to correctly show amendments resulting from PC20, a single instance of the word “residential” needs to be shown as struck through (as shown immediately above). It is noted that PC20 specifically considered the use of the term “residential” proposing its deletion and replacement with alternative terminology in the provisions affected by PC20. The deletion of the word “residential” and its replacement has been well debated through the submissions and appeals process.</p> <p>The amendment will result in the AUP text reflecting the PC20 decision.</p>
Effect of change	<p>The proposed amendment:</p> <ul style="list-style-type: none"> • is to correct a minor error • is neutral (it would not affect the rights of some members of the public) <p>The amendment will result in the AUP text reflecting the PC20 decision text. As noted above, the PC20 submission and hearing process and the subsequent appeal process considered the effect of removal and replacement of all instances of the word “residential” from the subject provisions including H19.7.1 zone description. It is further noted that H19.7.1 is a zone description rather than a rule, and that the amendment described has no material impact on rules applied.</p>
Changes required to be made (text/in-text diagrams)	<p>Amend AUP Operative in Part as follows (words to be deleted are struck through, words to be added are underlined):</p> <p style="text-align: center;">H19.7. Rural – Countryside Living Zone H19.7.1 Zone Description</p> <p>This zone incorporates a range of rural lifestyle developments, characterised as low-density rural lifestyle residential <u>dwelling</u>s on rural land. These rural lifestyle sites include scattered rural <u>dwelling</u>s sites, farmlets and horticultural sites, bush <u>dwelling</u> sites and papakāinga.</p>
Changes required to be made (maps)	N/A

Attachments	Attachment A: H19 Rural Zones updated text shown by strikethrough
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<p>Prepared by: Alison Pye, Senior Planner, Plans and Places Regional, North, West, and Islands</p>	<p>Text Entered Bronnie Styles Planning Technician</p>
<p>Signature: </p>	<p>Signature: </p>
<p>Maps prepared by: N/A</p>	<p>Reviewed by: Peter Vari Team Leader</p>
<p>Signature:</p>	<p>Signature: </p>
<p>Decision: I agree/disagree to authorise the Clause 20A modification using my delegated authority</p> <p>Warren MacLennan, Manager, Plans and Places, Regional, North, West, and Islands Date:</p>	
<p>Signature: </p>	

H19. Rural zones

H19.1 Background

There are five rural zones covered in H19. Rural zones:

- Rural – Rural Production Zone;
- Rural – Mixed Rural Zone;
- Rural – Rural Coastal Zone;
- Rural – Rural Conservation Zone; and
- Rural – Countryside Living Zone.

These zones, and their provisions, provide the main framework for the management of subdivision, use and development in the rural areas.

Section H19.2 contains general provisions applicable to all rural zones. These general provisions are then followed by objectives and policies relevant to the individual zones (section H19.3 to H19.5.12). The general and zone-specific provisions provide the management framework for subdivision use and development in the rural areas and need to be considered together, along with the Auckland-wide objectives and policies for rural subdivision.

Within the Rural – Rural Coastal Zone there are a number of identified coastal areas that, in addition to the general objectives and policies of that zone, have additional area specific objectives and policies.

These areas are:

- Te Arai-Pakiri coastal area;
- Whangateau-Waiwera coastal area;
- Kaipara South Head and Harbour coastal area;
- Muriwai-Te Henga coastal area;
- Tasman coastal area;
- Manukau Harbour coastal area; and
- Tāmaki-Firth coastal area.

H19.2 Objectives and policies – all rural zones

The following objectives and policies apply to all rural zones.

H19.2.1. Objectives – general rural

- (1) Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.
- (2) Rural production activities are provided for throughout the rural area while containing adverse environmental effects on site.

- (3) Elite soil is protected, and prime soil is managed, for potential rural production.
- (4) Rural lifestyle development avoids fragmentation of productive land.

H19.2.2. Policies – general rural

- (1) Enable activities based on use of the land resource and recognise them as a primary function of rural areas.
- (2) Require rural production activities to contain and manage their adverse environmental effects on-site to the fullest extent practicable.
- (3) Enable rural production activities on elite and prime soil and avoid land-use activities and development not based on, or related to, rural production from locating on elite soil and avoid where practicable such activities and development from locating on prime soil.
- (4) Enable and maintain the productive potential of land that is not elite or prime soil but which has productive potential for rural production purposes, and avoid its use for other activities including rural lifestyle living except where these are provided for or enabled by Policy H19.2.2(5).
- (5) Enable a range of rural production activities and a limited range of other activities in rural areas by:
 - (a) separating potentially incompatible activities such as rural production and rural lifestyle living into different zones;
 - (b) avoiding or restricting rural subdivision for activities not associated with rural production in areas other than those subdivision provided for in [E39 Subdivision – Rural](#);
 - (c) managing the effects of activities in rural areas so that;
 - (i) essential infrastructure can be funded, coordinated and provided in a timely, integrated, efficient and appropriate manner; and
 - (ii) reverse sensitivity effects do not constrain rural production activities.
 - (d) acknowledging that, in some circumstances, the effective operation, maintenance, upgrading and development of infrastructure may place constraints on productive land and other rural activities; or
 - (e) providing for tourism and activities related to the rural environment.
- (6) Recognise that a range of buildings and structures accessory to farming and forestry, and other operational structures for rural production activities are an integral part of rural character and amenity values.
- (7) Enable intensive farming in the Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone only where it is carried out in accordance with good industry practice.

H19.2.3. Objectives – rural character, amenity and biodiversity values

- (1) The character, amenity values and biodiversity values of rural areas are maintained or enhanced while accommodating the localised character of different parts of these areas and the dynamic nature of rural production activities.
- (2) Areas of significant indigenous biodiversity are protected and enhanced.

H19.2.4. Policies – rural character, amenity and biodiversity values

- (1) Manage the effects of rural activities to achieve a character, scale, intensity and location that is in keeping with rural character, amenity and biodiversity values, including recognising the following characteristics:
 - (a) a predominantly working rural environment;
 - (b) fewer buildings of an urban scale, nature and design, other than residential buildings and buildings accessory to farming; and
 - (c) a general absence of infrastructure which is of an urban type and scale.
- (2) Recognise the following are typical features of the Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone and will generally not give rise to issues of reverse sensitivity in these zones:
 - (a) the presence of large numbers of farmed animals and extensive areas of plant, vine or fruit crops, plantation forests and farm forests;
 - (b) noise, odour, dust, traffic and visual effects associated with use of the land for farming, horticulture, forestry, mineral extraction and cleanfills;
 - (c) the presence of existing mineral extraction activities on sites zoned as Special Purpose – Quarry Zone;
 - (d) accessory buildings dot the landscape, particularly where farming activities are the dominant activity; and
 - (e) activities which provide for the relationship of Mana Whenua to their ancestral land and taonga.
- (3) Enable opportunities to protect existing Significant Ecological Areas or provide opportunities to enhance or restore areas to areas meeting criteria of Significant Ecological Areas.

H19.2.5. Objectives – rural industries, rural commercial services and non-residential activities

- (1) Rural production activities are supported by appropriate rural industries and services.
- (2) The character, intensity and scale of rural industries and services are in keeping with the character of the relevant rural zone.

PC 20 (See modifications)

- (3) The rural economy and the well-being of people and local communities are maintained or enhanced by social, cultural and economic non-residential activities, while the area's rural character and amenity is maintained or enhanced.
- (4) Industries, services and non-residential activities of an urban type and scale unrelated to rural production activities are not located in rural zones.
- (5) The rehabilitation of quarries is assisted by cleanfills and managed fills.

H19.2.6. Policies – rural industries, rural commercial services and non-residential activities

- (1) Enable rural industries and rural commercial services only where they have a direct connection with the resources, amenities, characteristics and communities of rural areas.
- (2) Manage rural industries, rural commercial services and other non-residential activities to:
 - (a) avoid creating reverse sensitivity effects;
 - (b) contain and manage adverse effects on-site; and
 - (c) avoid, remedy or mitigate adverse effects on traffic movement and the road network.
- (3) Enable cleanfills and managed fills where they can assist the rehabilitation of quarries.
- (4) Restrict cleanfills and managed fills in the Rural – Rural Conservation Zone and Rural – Countryside Living Zone. Where cleanfills are established in other rural zones:
 - (a) they should not adversely affect or inhibit the use of surrounding land for productive purposes or for carrying out any permitted, restricted discretionary or discretionary activity; and
 - (b) their completed state should be in keeping with the appearance, form and location of existing rural character and amenity values.

H19.3 Rural – Rural Production Zone

H19.3.1. Zone description

The purpose of the Rural – Rural Production Zone is to provide for the use and development of land for rural production activities and rural industries and services, while maintaining rural character and amenity values.

The zone's physical, climatic and production characteristics vary across the region, including rolling to steep hill country and flat to rolling lowlands with highly productive soils close to the metropolitan area.

In the north, the zone is characterised by:

- Auckland's highest number of remaining large rural properties;
- Low-intensity settlement, significant natural areas and natural resources; and
- an environment less modified by humans than other zones in the north.

In the south, the zone is characterised by:

- intensively subdivided land tenure pattern, particularly on lowland areas;
- the largest horticultural production area in Auckland, centred on the highly productive soils of the Franklin lowlands;
- mixed primary production including pastoral farming and forestry relating to topography, land tenure pattern and water availability on the west and east coasts; and
- the Hunua Ranges providing the backdrop to production land in the east.

The following objectives and policies apply to the Rural – Rural Production Zone.

H19.3.2. Objectives

- (1) A range of rural production, rural industries, and rural commercial activities take place in the zone.
- (2) The productive capability of the land is maintained and protected from inappropriate subdivision, use and development.

H19.3.3. Policies

- (1) Provide for a range of existing and new rural production, rural industry and rural commercial activities and recognise their role in determining the zone's rural character and amenity values.
- (2) Provide for forestry activities including:
 - (a) planting and management of new and existing forests in recognition of their production values, land stability and carbon sequestration functions, and multiple use for active recreation;
 - (b) woodlots and farm-scale forestry; and
 - (c) planting of indigenous species and amenity exotic species for long-term production purposes and the eventual harvesting of these species.
- (3) Enable the establishment of new greenhouses and the expansion of existing greenhouses in specific locations where there are advantages for operational efficiencies, transport accessibility and the provision of energy such as natural gas supplies and services, and manage the amenity expectations of other activities in these areas.
- (4) Provide for intensive farming, while managing the adverse effects and require compliance with good industry practice.
- (5) Require intensive farming of new species, including terrestrial, freshwater and marine species not currently farmed in the Rural – Rural Production Zone to:

- (a) be designed and operated to prevent the escape of any species of animal or plant that could have an adverse effect on the natural environment; and
- (b) not include any mustelid species.

H19.4 Rural – Mixed Rural Zone

H19.4.1. Zone description

The purpose of the Rural – Mixed Rural Zone is to provide for rural production, generally on smaller rural sites and non-residential activities of a scale compatible with smaller site sizes.

These areas often have a history of horticulture, viticulture, intensive farming and equine-related activities. These activities have in turn supported the establishment of produce sales or retail services such as cafés, restaurants, tourist and visitor-related facilities.

Sites in this zone provide flexibility to accommodate a range of rural production activities and associated non-residential activities while still ensuring good amenity levels for residents who use their land for rural lifestyle purposes.

The following objectives and policies apply to the Rural – Mixed Rural Zone.

H19.4.2. Objectives

- (1) The existing subdivision pattern is used by a range of rural production activities and non-residential activities that support them.
- (2) The continuation of rural production and associated non-residential activities in the zone is not adversely affected by inappropriate rural lifestyle activity.
- (3) Rural character and amenity values of the zone are maintained while anticipating a mix of rural production, non-residential and rural lifestyle activities.

H19.4.3. Policies

- (1) Enable rural production, rural industries and rural commercial services that are compatible with the existing subdivision pattern and recognise that these activities are significant elements of, and primary contributors to, rural character and amenity values.
- (2) Manage reverse sensitivity effects by:
 - (a) limiting the size, scale and type of non-rural production activities;
 - (b) retaining the larger site sizes within this zone;
 - (c) limiting further subdivision for new rural lifestyle sites; and
 - (d) acknowledging a level of amenity that reflects the presence of:
 - (i) rural production and processing activities that generate rural odours, noise from stock and the use of machinery, and the movement of commercial vehicles on the local road network; and

- (ii) non-residential activities which may generate noise, light and traffic levels greater than those normally found in areas set aside for rural lifestyle activities.

H19.5 Rural – Rural Coastal Zone

H19.5.1. Zone description

The purpose of the Rural – Rural Coastal Zone is to retain and enhance the rural character and amenity values, local coastal character and biodiversity values of rural areas along Auckland's harbours, estuaries and coastline. It is also to enable rural production activities, local non-residential activities, maintain recreational opportunities and manage the effects of existing scattered rural lifestyle development. The zone also provides opportunities to access the coastal marine area and support marine-related activities.

The zone is more extensive than the coastal environment line identified by using the New Zealand Coastal Policy Statement criteria. It recognises the significance of the coast to the character and identity of Auckland and its role as a favoured place to live and work and for recreational and leisure activities. The coastal environment, and in particular the coastal edge and margins of lakes and rivers, is important to Mana Whenua.

Much, but not all of the zone and the adjacent coastal marine area is covered by Outstand Natural Character, High Natural Character, Outstanding Natural Landscape and Significant Ecological Areas overlays.

Parts of this zone are under significant development pressure for coastal town and village settlement, further rural lifestyle opportunities, recreational, tourism and visitor activities.

The objectives and policies set out in H19.5.2 and H19.5.3 apply to the entire Rural – Rural Coastal Zone. The objectives and policies set out in sections H19.5.4. – H19.5.10. apply to specific coastal areas:

- Rural Coastal Zone – Te Arai-Pākiri coastal area;
- Rural Coastal Zone – Whangateau-Waiwera coastal area;
- Rural Coastal Zone – Kaipara South Head and Harbour coastal area;
- Rural Coastal Zone – Muriwai-Te Henga coastal area;
- Rural Coastal Zone – Tasman coastal area;
- Rural Coastal Zone – Manukau Harbour coastal area; and
- Rural Coastal Zone – Tāmaki-Firth coastal area.

H19.5.2. Objectives

- (1) Rural production activities are enabled while managing adverse effects on rural character and amenity values, landscape, biodiversity values and Mana Whenua cultural heritage values.

- (2) The development and operation of activities that provide recreational and local non-residential services are enabled where they maintain and enhance the zone's rural and coastal character, amenity values, landscape and biodiversity values.
- (3) Buildings are of a scale and intensity that do not detract from the zone's rural and coastal character and amenity values.
- (4) Rural lifestyle subdivision is limited across the zone.
- (5) The significant relationship between land, freshwater bodies and the coastal marine area and their contribution to Auckland's rural and coastal character is maintained and enhanced.
- (6) Recognise differences in coastal character in different parts of the zone and manage activities and development to maintain and enhance local coastal character.

H19.5.3. Policies

- (1) Manage activities and development to maintain the distinctive rural and coastal character of the zone which include:
 - (a) farming and forestry with a low density of buildings and other significant structures;
 - (b) rural character and amenity values, biodiversity values, values based on particular physical and natural features such as beaches, ridgelines, estuaries, harbours, indigenous vegetation, wetlands, or similar features;
 - (c) physical and visual links between land, freshwater lakes and the coastal marine area; or
 - (d) traditional cultural relationships of Mana Whenua with the coastal environment.
- (2) Enable the continuation of rural production activities and the construction of accessory buildings and structures for farming purposes.
- (3) Provide for the continued operation of forestry including harvesting and replanting in existing forest areas.
- (4) Discourage rural production activities that have significant adverse effects resulting from:
 - (a) large buildings;
 - (b) significant earthworks or changes to natural landforms;
 - (c) adverse effects that cannot be contained or managed within the boundary of the site;
 - (d) significant numbers of daily vehicle movements, particularly on scenic and tourist routes; or

- (e) significant impacts on biodiversity values and rural character and amenity values.
- (5) Maintain the rural and coastal character and amenity values in the coastal environment by controlling the number, location, size and visual impact of dwellings and other non-residential buildings and their curtilage and accessways.
- (6) Require the location and design of buildings and other significant structures to:
 - (a) avoid locating on the top of ridgelines so their profile does not protrude above the natural line of the ridge;
 - (b) minimise building platforms and accessways and earthworks associated with these; and
 - (c) avoid locating buildings and other significant structures in coastal yards and riparian margins, except for fences and structures with operational need for such a location.
- (7) Recognise the importance of major roads in the zone that:
 - (a) provide access to coastal settlements, public open space and the coast;
 - (b) function as major transport routes for rural produce;
 - (c) are major scenic and tourist routes;
 - (d) are preferred locations for recreation, tourism, visitor facilities and services and the sale of produce and crafts; or
 - (e) act as gateways to Auckland.
- (8) Enable the development of appropriate activities, while ensuring that the transport function of the road and its scenic values are not compromised.

H19.5.4. Rural – Rural Coastal Zone Te Arai-Pākiri coastal area

H19.5.4.1. Area Description

This area includes the coastal land between Te Arai Point and J Greenwood Road to the south of Pākiri village. Te Arai and Pākiri beaches are the only lengthy, exposed, high-energy beaches on mainland Auckland's east coast. In contrast to other areas on this coastline, it has a distinctly remote and wild rural character.

The area is characterised by hill country in the south and west which gives way to rolling rural land, sand dunes and flat pastoral land in the north and east. The sand dunes along with historically planted exotic forests form a natural interface between the beach and the pastoral land further afield. The areas of indigenous and exotic forest on the hills lying to the west of the Pākiri coastal area form a physical and visual backdrop to the area. There are significant areas of indigenous vegetation and wildlife habitat in the area, containing a number of important native species.

The Te Arai-Pākiri coastal area is characterised by an existing rural lifestyle and beach settlement to the south of Mangawhai Forest, focussed on the Pākiri River area. Pākiri Regional Park is located to the south of the river. There are limited public road access points to the beaches. At Te Arai Point, located towards the northern end of the coastline, there is a public reserve, regional park, scenic lookout and a golf course.

H19.5.4.2. Objectives

- (1) Low levels of built development in the Te Arai-Pākiri coastal area are maintained to retain its coastal character and the scenic and recreational values of Pākiri Beach and Te Arai Beach.
- (2) Development of Māori land is provided for in a way that retains the dominance of natural elements and scenic values over any built development.

H19.5.4.3. Policies

- (1) Avoid beachfront residential and rural lifestyle development to retain the undeveloped character of the beaches.
- (2) Manage the type and intensity of development along existing public roads and other access ways to the beaches to protect their low-key development character.
- (3) Manage built development so that the size, location and density of buildings do not dominate over natural elements and the area retains a rural and coastal character rather than a built one.
- (4) Minimise the visual and landscape impacts of buildings in areas where there are important public views to and from Pākiri Beach, Te Arai Beach and the rural backdrop, including:
 - (a) views to and from the beach at the Pākiri River mouth;
 - (b) views to and along Pākiri Beach and the southern coastal hills from Pākiri Regional Park; and
 - (c) views to and from the beach at Te Arāi Point.
- (5) Avoid activities and development that adversely affect the natural character, water quality and recreational use of the catchment of the Cape Rodney to Ōkakarī Point/Goat Island Marine Reserve, particularly on the coastal hills fronting the reserve.
- (6) Provide for the ongoing operation of the Mangawhai Forest and its multiple purposes for timber production and sand dune stabilisation, and for its landscape and open space values as a backdrop to Pākiri Beach.
- (7) Enable the use of Māori land in the area for papakāinga and other associated purposes, but recognise the high natural values of the area by:
 - (a) concentrating built development in areas of lower visual prominence;

- (b) cluster development rather than expansion along the coastal edge;
- (c) maintaining existing vegetation and landform character as far as practicable; and
- (d) managing the scale of development to reflect papakāinga and marae needs, rather than more intensive forms of development.

H19.5.5. Rural – Rural Coastal Zone East Coast area Whangateau-Waiwera

H19.5.5.1. Area Description

This extends from Rodney Road (Pākiri Hill) south as far as the northern bank of Waiwera River. Its inland boundary generally follows State Highway 1 from Waiwera to Warkworth, before extending northeast to the east of Matakana Road and along Leigh Road.

The area is characterised by an indented and variable coastline with steep headlands, small coves, sheltered beaches and harbours, and extensive sandy beaches. A sequence of five major estuaries are along the eastern coast area – Whangateau, Matakana, Mahurangi, Pūhoi and Waiwera. These estuarine environments provide fish nursery areas that contribute to the overall productivity of the Hauraki Gulf.

Between Mahurangi and Waiwera the land is characterised by steep to rolling rural land with extensive areas of indigenous vegetation and partially bush-clad slopes. There are few areas of flat land, the largest areas being at Omaha Beach and Omaha flats.

Much of the coastal edge is identified as an Outstanding Natural Character or High Natural Character overlay with further expanses of land being Outstanding Natural Landscape and Significant Ecological areas.

Five regional parks at Tāwharanui, Scandretts, Mahurangi East, Mahurangi West and Wenderholm provide public access and recreational opportunities, as well as being significant ecological areas.

H19.5.5.2. Objectives

- (1) The open, high-quality natural character, coastal landscape and natural environmental values are retained.
- (2) Recreational, marine transport, tourism and home occupation activities are supported where they are consistent the coastal landscape character and natural environmental values of the area.
- (3) Use and development is integrated with growth in identified rural and coastal towns and settlements.
- (4) The high natural values of the east coast estuaries are maintained.

H19.5.5.3. Policies

- (1) Require buildings, including dwellings, greenhouses and buildings for intensive farming and their curtilage and access to be located sensitively in

the landscape with particular consideration to their size, location, scale and density, ability to sit into the landscape.

- (2) Avoid locating dwellings and other significant buildings on ridgelines and the construction of visually prominent accessways up or across visually significant slopes.
- (3) Recognise and support the high recreational values of the area, particularly accessibility to, and use of, the coastal marine area by enabling:
 - (a) the continued use of Sandspit as a transport terminal to Kawau Island; and
 - (b) the efficient operation of existing public boat launching facilities and the establishment of new public facilities in appropriate locations.
- (4) Avoid activities and development of a type, scale or location that adversely affects the public use and enjoyment of regional parks and other public open space for:
 - (a) active and passive recreation, both on land and in the adjoining coastal marine area;
 - (b) appreciation of open space, scenic and natural landscape values;
 - (c) centres for biodiversity management and enhancement; or
 - (d) farmland management.
- (5) Concentrate larger scale tourist facilities, including tourist accommodation, in rural and coastal towns.
- (6) Manage activities that have the potential to generate sediment into the estuarine environments to ensure the high natural values of these environments are protected and maintained.

H19.5.6. Rural – Rural Coastal Zone West Coast Coastal area (Kaipara South Head and harbour)

H19.5.6.1. Area description

This area includes significant areas of Kaipara South Head, the Ōkahukura (Tāpora) Peninsula and the eastern coastal margins of the Kaipara Harbour. The area is characterised by a predominance of rural production activity, particularly pastoral farming activities and forestry and its significance to Māori. Long, high-energy beaches backed by sand dunes are located along the coast, terminating in the significant high dune landforms and Papakanui spit at South Kaipara Head.

Flat coastal alluvial plains are a special landscape feature in the Kaipara Harbour catchment. These are backed by a convoluted coastline with rolling hills. This harbour is highly tidal with extensive areas of exposed intertidal flats and defined low tidal channels and occasional mangrove communities. The South Head area

is recognised as having wind resources with potential to be used as a source of renewable energy.

Significant bird habitats are present along the coastal margins and in the harbour, particularly around the sand islands at Tāpora. Tāpora, Wharehine and Port Albert are sensitive to development due to the elevated nature of many of the surrounding roads, and due to the rolling and often open nature of the land which also connects to the low lying alluvial plains.

Development has increased in particular along the west coast of the Kaipara Harbour and along South Head. A pattern of typically large properties and low-density settlement provides a rural and semi-remote character.

Woodhill Forest along the western margins of South Kaipara peninsula provides recreation, sand stabilisation and landscape functions.

There are areas of Outstanding Natural Character, High Natural Character and Outstanding Natural Landscape which may be at risk of degradation due to development pressure. South Head and the coast of the Kaipara Harbour are areas recognised as being under pressure for development. Control over the built environment in these areas is considered prudent to ensure that the character and rural/coastal landscape and environmental and amenity values are retained.

H19.5.6.2. Objectives

- (1) The special and distinctive coastal and rural character of the West Coast area is retained.
- (2) Land-based activities and development are managed to protect the area's Outstanding and High Natural Character and landscape values and its ecological, recreation and amenity values.
- (3) The relationship between the land, the Tasman Coast and the Kaipara Harbour is recognised and maintained.
- (4) Significant Māori associations with the Kaipara Harbour area recognised and provided for.

H19.5.6.3. Policies

- (1) Enable rural production activities, particularly pastoral farming and forestry, for their economic and social role as well as in retaining a remote rural and coastal character.
- (2) Maintain a low-intensity built environment, where buildings are for rural production purposes rather than for rural lifestyle.
- (3) Require buildings for intensive farming to be sited to minimise visual impacts on natural character and landscape values.
- (4) Retain a range of land holding sizes, particularly those larger land holdings used for pastoral farming activities.

- (5) Improve public access to the Kaipara Harbour, including boat launching facilities where this does not adversely affect important habitat areas, such as the Tāpora sand islands.
- (6) Require subdivision and land-use activities to enhance and protect the distinctive special character and sensitive environments of the policy area.

H19.5.7. Rural – Rural Coastal Zone Muriwai-Te Henga coastal area

H19.5.7.1. Area description

This area consists of a rugged coastal strip between Muriwai and Bethells Beach/Te Henga and the area inland to the edge of the hill country west of Waitākere township. It has largely uninhabited steep, rugged indented coastal cliffs along the West Coast with small beaches amid high rocky headlands. Rolling to steep hills extend inland from the coast. There is significant indigenous vegetation. This area is characterised by the predominance of natural qualities that is largely unmodified by the built environment, significant roads or other landscape modifications.

Rural lifestyle development to the south of Muriwai settlement is focused on Ōaia and Constable Roads but set back from the coastal edge.

Part of this area is included in the Waitākere Ranges Heritage Area Overlay.

H19.5.7.2. Objectives

- (1) The natural character and coastal and non-urban character of the Muriwai-Bethells Beach coastal area is protected and retained.
- (2) Activities are managed to maintain the values of the adjoining Open Space Zone.

H19.5.7.3. Policies

- (1) Manage built development so that its size, location and density do not dominate natural elements and the area retains a rural and coastal character rather than a built one.
- (2) Avoid siting dwellings and accessory buildings overlooking public walkways or locations such as headlands or ridgelines where they would be highly visible from an Open Space Zone.
- (3) Avoid built development requiring significant clearance of regenerating and established indigenous vegetation.

H19.5.8. Rural – Rural Coastal Zone Tasman Coast area (Āwhitu Peninsula)

H19.5.8.1. Area description

This area comprises the western margins of the Āwhitu Peninsula. It extends from the Manukau Harbour south to the boundary with the Waikato District.

The Peninsula is largely defined by a sequence of massive dunes that rise to a central spine generally 120-190m above sea level. These enclose a series of

deep valleys and dune lakes that are exposed to the Tasman Sea. There are two dune lakes - Pēhiākura and Pokorua.

The area as a whole is one of high natural character and outstanding natural landscapes. Steep hill country gives the area a wild, scenic and remote landscape character. Pastoral land comprises large farm holdings with pockets of indigenous vegetation and forestry. Settlement is typically sparse – characterised by farm houses and accessory buildings and located adjacent to existing roads. A long history of Māori settlement has left a legacy of places and sites of significance to local iwi and strong cultural associations with the peninsula as a whole.

The potential for this area to support renewable wind energy generation facilities is acknowledged.

H19.5.8.2. Objectives

- (1) The high natural values, including natural character and landscapes are protected from inappropriate subdivision, use and development while providing for rural activities.
- (2) Natural coastal processes are recognised and managed by avoiding activities that would create or exacerbate coastal erosion and sand blowouts along the Tasman coastline.

H19.5.8.3. Policies

- (1) Provide for limited subdivision, use and development to ensure natural character and landscape values are maintained and enhanced.
- (2) Avoid land modification and development along sandy coastal margins and seaward faces of the coastal escarpments or ridgelines.
- (3) Encourage protection of stands of indigenous bush and restoration and enhancement planting of indigenous trees, shrubs and other plants along the coastal escarpments and ridgelines.
- (4) Recognise the wild, scenic, and remote values of the Tasman Coast.

H19.5.9. Rural – Rural Coastal Zone Manukau Harbour coastal area

H19.5.9.1. Area description

This area encompasses the harbour fringe from Wattle Bay at the harbour entrance to the Whangamaire Stream arm of the Pāhurehure Inlet west of Hingaia.

This coastal margin is physically diverse with a wide variety of environments including beaches, headlands, cliffs and estuaries. It is characterised by low-lying rural flatlands, low terraces and rolling topography deeply indented by the Waiuku and Taihiki rivers and various estuarine creeks and inlets.

The Waiuku River is associated with low coastal cliffs and rural land sloping down to a mangrove-lined estuary.

There are larger holdings on the eastern Āwhitu coastline than along the southern Manukau coast, with a predominance of pastoral farming activities. Overall in this location there is a relative absence of dwellings in proximity to much of the coastline. The character of the area is based on agricultural land uses and absence of built development rather than the presence of indigenous vegetation. The area also has important cultural significance.

The coastal area forms part of the wider Franklin lowlands with highly productive soils, pastoral and horticultural land uses and an intensive pattern of land subdivision into small rural sites.

H19.5.9.2. Objectives

- (1) The rural and coastal character and visual amenity values are maintained.
- (2) Activities in the area are managed to protect the ecological values of the Manukau Harbour, particularly identified wader bird habits and the visual and landscape interconnections between land and sea.
- (3) Identified special character areas as set out in Policy H19.5.9.3(3) are protected from inappropriate subdivision, use and development.
- (4) The quality and quantity of coastal and riparian vegetation in the coastal area are improved.

H19.5.9.3. Policies

- (1) Recognise the significance of the coastal margin setback in maintaining the natural character of the coastal edge and contributing to the visual amenity values, as well as providing a natural buffer to coastal erosion and flooding.
- (2) Require dwellings and other significant built development to locate outside the coastal margin setback.
- (3) Recognise the following areas which are identified as being of special character in the Rural – Rural Coastal Zone Manukau Harbour coastal area:
 - (a) Clarks Beach to Seagrove and Ellets Beach;
 - (b) Pollok Spit;
 - (c) Āwhitu Regional Park and Environs;
 - (d) Waipipi Creek Roosts;
 - (e) The Western Needles Promontory;
 - (f) Kelly's Landing Headland;
 - (g) Dickey's Landing Headland;
 - (h) Kauri Road Headland;
 - (i) Andrew Pye Road Headland;

- (j) Mako Point Headland; and
 - (k) headland between Wattle Bay and Ōrua Bay.
- (4) Protect the special character areas listed in Policy H19.5.9.3(3) by:
- (a) controlling the location, scale and density of built development;
 - (b) having vegetation cover and production land uses that are appropriate to the area having regard to its use by wader birds; and
 - (c) restricting access in identified wader bird areas.
- (5) Avoid activities and development of a type or scale or location that adversely affects the public use and enjoyment of the Āwhitu Regional Park for:
- (a) active and passive recreation, both on land and in the adjoining coastal marine area;
 - (b) appreciation of open space, scenic and natural landscape values; and
 - (c) farmland management.
- (6) Require enhancement of the coastal edge and riparian margins as part of any development for rural lifestyle purposes or non-residential activities.

H19.5.10. Rural – Rural Coastal Zone Tāmaki Firth coastal area

H19.5.10.1. Area description

This area encompasses rural coastal land from Maraetai south-east to the regional boundary south of Matingarahi on the Firth of Thames.

It is a mixture of flat land around the lower reaches of the Wairoa River and at Kawakawa Bay, Ōrere Point and Waimangu Point, separated by rolling to steep hill country. This coastal area is predominantly pastoral land but backs onto steep forest-covered hill country in the north and the Hunua Ranges in the south. Pastoral farming is predominant, interspersed with local areas of indigenous vegetation.

The coastline is characterised by a rocky shoreline of small coves and headlands, cliffs, wider sandy beaches, prominent headlands, shallow beaches, separated by rolling land, which gives way to shallow gravel beaches in the south. The southern part of this coastal area acts as the entry to coastal Firth of Thames and provides a significant bird habitat and many natural features.

H19.5.10.2. Objectives

- (1) The rural and coastal character and amenity values are maintained.
- (2) The scenic values associated with the Pōhutukawa Coast coastal environment are maintained.

H19.5.10.3. Policies

- (1) Enable rural production activities for their economic and social contribution and for their role in retaining the rural and coastal character of this area.
- (2) Avoid locating dwellings and other significant buildings on prominent headlands and ridgelines and the construction of visually prominent accessways up or across visually significant slopes.
- (3) Manage the location, type and scale of non-rural production activities along the Pōhutukawa Coast Highway to ensure that the rural character and scenic values are maintained.
- (4) Avoid activities and development of a type or scale or location that adversely affect public use and enjoyment of regional parks and other public open space, unless those effects arise from the provision of facilities for:
 - (a) active and passive recreation, both on land and in the adjoining coastal marine area;
 - (b) appreciation of open space, scenic and natural landscape values;
 - (c) centres for biodiversity management and enhancement; or
 - (d) farmland management.
- (5) Recognise and support the high recreational values of the area, particularly accessibility to and use of the coastal marine area by enabling the efficient operation of existing public boat launching facilities and the establishment of new public facilities in appropriate locations.

H19.6 Rural – Rural Conservation Zone

H19.6.1. Zone description

This zone comprises biophysically distinctive areas in rural Auckland. The zone has important natural values requiring maintenance and protection. They are largely in private ownership and are used for a range of purposes including residential, low-impact recreational activities, conservation and open space.

Most areas have significant indigenous vegetation cover, are important wildlife habitats or contain important natural features such as dune lakes. Most have been identified as Significant Ecological Areas, Outstanding Landscapes, Outstanding Natural Character and High Natural Character overlays in the Plan.

The purpose of this zone is to adopt a conservative approach to new subdivision, use and development so that the natural values of the zone are maintained and protected while enabling established rural and residential activities to continue.

H19.6.2. Objectives

- (1) The natural character, landscape, and distinctive environmental values of the zone are recognised and protected.
- (2) The zone's values are maintained and where appropriate enhanced.

PC 20 (See modifications)

PC 20 (See modifications)

PC 20 (See modifications)

- (3) Existing rural and residential activities are provided for but further development in the zone is limited to that which maintains and where appropriate enhances the values of the zone.
- (4) Buildings and structures are unobtrusive within the natural landscape.

H19.6.3. Policies

- (1) Protect the natural character and landscape from significant change or modification, particularly visually intrusive buildings, structures and roads.
- (2) Manage adverse effects of buildings and structures by:
 - (a) requiring buildings and structures to be of a design, form, scale, density and location that is in keeping with the landscape; and
 - (b) avoiding buildings and structures on ridgelines.

PC 20 (See modifications)

- (3) Enable the continued use of established rural and residential activities and provide for new activities only where adverse effects are avoided or mitigated.
- (4) Maintain and enhance water quality and quantity by:
 - (a) avoiding new primary production activities or the expansion of existing activities where they will accelerate water abstraction from lakes;
 - (b) avoiding intensive farming, cleanfills, and rural industries and services that generate contaminant discharges to land or water and increase existing levels of diffuse nutrient input into lakes;
 - (c) minimising land disturbances, landform modification and the removal of indigenous vegetation; or
 - (d) avoiding the introduction of exotic species which may undermine the ecological integrity of native terrestrial or aquatic habitats.
- (5) Protect, maintain and enhance habitats, high-value natural areas and unique features present within the zone through controls on earthworks, vegetation removal, grazing, wetland modification and limitations on activities and subdivision.
- (6) Recognise the high ecological value of the dune lakes and their habitats by avoiding activities that disturb wildlife during breeding or nesting seasons.

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 receiver area for transferable rural site subdivision from other zones.

PC 20 (See modifications)

This zone incorporates a range of rural lifestyle developments, characterised as low-density residential development on rural land. These rural lifestyle sites include scattered rural residential sites, farmlets and horticultural sites, residential bush sites and papakāinga.

Some parts of the zone reflect historical subdivision patterns, while other areas were established on rural land that did not have significant rural production values, and was often associated with steep topography and poor soils. Bush lots enabled the protection of indigenous vegetation cover as part of the subdivision process.

H19.7.2. Objectives

- (1) Land is used for rural lifestyle living as well as small-scale rural production.
- (2) The rural character, amenity values, water quality, ecological quality, historic heritage values and the efficient provision of infrastructure is maintained and enhanced in subdivision design and development.
- (3) Development in the zone does not compromise the ability of adjacent zones to be effectively and efficiently used for appropriate activities.
- (4) The type and nature of land-use activities provided for are restricted to those appropriate for the typically smaller site sizes.
- (5) Subdivision, use and development is compatible with infrastructure and any existing infrastructure is protected from reverse sensitivity effects.

H19.7.3. Policies

- (1) Locate and design subdivision and development to maintain and enhance rural character and amenity values and avoid an urban form and character by:
 - (a) designing subdivision and development (including accessways, services, utilities and building platforms) to be in keeping with the topography and characteristics of the land;
 - (b) minimising earthworks and vegetation clearance for accessways, utilities and building platforms;
 - (c) avoiding locating accessways, services, utilities and building platforms where they will result in adverse effects on water quality, wetlands, riparian margins, historic heritage sites or scheduled sites and places of value or significance to Mana Whenua. Where avoidance is not possible,

mitigation measures must be proposed so that any adverse effects are minor;

- (d) identifying opportunities for environmental enhancement of existing areas of native vegetation, wetland areas, riparian margins or the coastal edge;
 - (e) encourage landscape planting that reinforces local vegetation patterns;
and
 - (f) identifying and where appropriate, requiring, the provision of walkway, cycleway and bridle path networks.
- (2) Prevent subdivision, use and development from compromising the safe and efficient operation of existing mineral extraction activities, rural production activities, existing infrastructure or industry in adjacent zones.
 - (3) Avoid or mitigate adverse effects in relation to reverse sensitivity and rural character and amenity by restricting the range of land-use activities in the zone.
 - (4) Discourage activities that will result in adverse effects such as noise, dust, traffic volumes, odour, visual effects and effects on health, safety and cultural values and significantly reduce the rural character and amenity values of the zone.
 - (5) Acknowledge that the rural character and amenity values associated with this zone reflect its predominant use for rural lifestyle living rather than for rural production activities.

H19.8 Activity table

Tables H19.8.1 and H19.8.2 specify the activity status of land use and development activities pursuant to section 9(2) and 9(3) of the Resource Management Act and subdivision pursuant to section 11 the Resource Management Act 1991.

The activity status of the activities in the table below also applies to new buildings including accessory buildings that will accommodate or are needed to facilitate the activity unless otherwise specifically provided for in the table.

Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

If any activity listed in rules (including standards) H19.8.1 to H19.10.16 is regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (“NESPF”) then the NESPF applies and prevails.

However, the NESPF allows the plan to include more restrictive rules in relation to one or more of the following:

- Significant Ecological Areas Overlay;
- Water Supply Management Areas Overlay;
- Outstanding Natural Character Overlay;
- High Natural Character Overlay;

- Outstanding Natural Landscapes Overlay;
- Outstanding Natural Features Overlay; or
- activities generating sediment that impact the coastal environment.

Where there is a rule in the plan that relates to any of the matters listed above then the plan rule will apply. In the event that there is any conflict between the rules in the plan and the NESPF in relation to any of the above, the most restrictive rule will prevail.

If the NESPF does not regulate an activity then the plan rules apply.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

If an activity provided for in rules H19.8.1 to H19.13, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

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

		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Use						
	[insert text]					
Rural						
(A1)	Farming	P	P	P	P	P
(A2)	Post-harvest facilities	NC	NC	RD	RD	RD
(A3)	Rural airstrips	P	P	P	P	P
(A4)	Greenhouses	RD	RD	P	P	P
(A5)	Intensive farming	NC	NC	P	P	P
(A6)	Intensive poultry farming that complies with Standard H19.10.1(3)	NC	NC	P	P	P
(A7)	Intensive poultry farming that does not comply with Standard H19.10.1(3)	NC	NC	D	D	D

PC 20 (See modifications)

H19 Rural zones

		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
(A8)	Free-range poultry farming that complies with Standard H19.10.6(1)	P	RD	P	P	P
(A9)	Free-range poultry farming that does not comply with Standard H19.10.6(1)	D	D	D	D	D
(A10)	Mustelid farming	Pr	Pr	Pr	Pr	Pr
(A11)	Disposal of non-residential waste or composting that complies with Standard H19.10.1(1) and (2)	P	P	P	P	P
(A12)	Disposal of non-residential waste or composting that does not comply with Standard H19.10.1(1) and (2)	D	D	D	D	D
(A13)	Forestry	P	D	P	P	P
(A14)	Forestry that does not comply with Standard H19.10.7.	D	D	D	D	D
(A15)	Conservation planting	P	P	P	P	P
(A16)	Rural commercial services	D	D	RD	RD	RD
(A17)	Animal breeding or boarding that complies with Standard H19.10.8.	D	NC	P	P	P
(A18)	Animal breeding or boarding that does not comply with Standard H19.10.8.	D	NC	D	D	D
(A19)	Produce sales	P	P	P	P	P
(A20)	Produce sales that do not comply with Standard H19.10.9.	D	D	D	D	D
(A21)	Rural industries	NC	NC	RD	RD	RD
(A22)	On-site primary produce manufacturing	D	D	P	P	P

H19 Rural zones

		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
(A23)	Equestrian centres	NC	D	RD	RD	RD
(A24)	Quarries – farm or forestry	P	P	P	P	P
(A25)	Quarries – farm or forestry that does not comply with Standard H19.10.15.	D	D	D	D	D
Accommodation						
(A26)	Dwellings	Refer to Activity Table H19.8.2.				
(A27)	Minor dwellings	RD	RD	RD	RD	RD
(A28)	Minor dwellings that do not comply with Standard H19.10.11.	NC	NC	NC	NC	NC
(A29)	Workers' accommodation	NC	NC	RD	RD	RD
(A30)	Workers' accommodation that does not comply with Standard H19.10.12.	NC	NC	NC	NC	NC
(A31)	Home occupations	P	P	P	P	P
(A32)	Home occupations that do not comply with Standard H19.10.13.	NC	NC	NC	NC	NC
(A33)	Camping grounds	RD	NC	RD	RD	RD
(A34)	Visitor accommodation	NC	D	D	RD	D
Commerce						
(A35)	Restaurants and cafes accessory to farming carried out on the same site	NC	NC	RD	RD	RD
(A36)	Restaurants and cafes not otherwise provided for	NC	NC	NC	D	D
(A37)	Garden centres	NC	D	D	RD	D
(A38)	Markets	NC	D	D	P	P
(A39)	Markets that do not comply with Standard H19.10.14.	NC	D	D	D	D

H19 Rural zones

		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
(A40)	Storage and lock-up facilities	NC	NC	NC	D	D
(A41)	Show homes	D	D	D	D	D
(A42)	Veterinary clinics	NC	RD	RD	RD	RD
(A43)	Rural tourist and visitor activities	D	D	D	D	D
Community						
(A44)	Care centres for up to 10 people	P	P	P	P	P
(A45)	Care centres for more than 10 people	NC	RD	RD	RD	RD
(A46)	Community facilities	NC	D	D	D	D
(A47)	Healthcare facilities	NC	D	D	D	D
(A48)	Education facilities	NC	D	D	D	D
(A49)	Information facilities	P	P	P	P	P
(A50)	Artworks	P	P	P	P	P
(A51)	Informal recreation	P	P	P	P	P
(A52)	Organised sport and recreation	NC	D	RD	RD	RD
(A53)	Emergency services	RD	RD	RD	RD	RD
(A54)	Clubrooms	RD	RD	RD	RD	RD
Mana Whenua						
(A55)	Urupā	D	D	D	D	D
(A56)	Marae	D	D	D	D	D
(A57)	Customary use	P	P	P	P	P
Development						
(A58)	Demolition of buildings	P	P	P	P	P
(A59)	Additions and alterations to existing buildings	P	P	P	P	P
(A59A)	Rainwater tank	P	P	P	P	P
Mineral activities						
(A60)	Mineral extraction activities	NC	NC	NC	D	D
(A61)	Mineral prospecting	P	P	P	P	P

H19 Rural zones

		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
(A62)	Mineral prospecting that does not comply with Standard H19.10.16.	D	D	D	D	D
(A63)	Mineral exploration	P	P	P	P	P
(A64)	Mineral exploration that does not comply with Standard H19.10.16.	D	D	D	D	D
Cleanfill, managed fill and landfill						
(A65)	Cleanfill	NC	NC	D	D	D
(A66)	Managed fill	NC	NC	D	D	D
(A67)	Landfill	NC	NC	NC	NC	NC
Subdivision						
(A68)	The subdivision of a minor dwelling from the site on which the principal dwelling is located	Pr	Pr	Pr	Pr	Pr
(A69)	The subdivision of workers' accommodation from the site on which the principal dwelling is located	Pr	Pr	Pr	Pr	Pr
Coastal						
(A70)	Navigational aids	P	P	P	P	P
(A71)	Boat launching facilities	D	D	D	D	D

Table H19.8.2 Activity table – number of dwellings and activity status in rural zones

Activity	Activity Status				
	Mixed Rural Zone and Rural Production Zone	Rural Conservation Zone and Countryside Living Zone	Rural Coastal Zone: Te Arai-Pakiri, East Coast area – Whangateau-Waiwera, West Coast area- Kaipara South Head and harbour, Muriwai-Te Henga coastal areas	Rural Coastal Zone: Tasman Coast area – Awhitu Peninsula, Manukau Harbour, and Tamaki-Firth coastal areas	
(A72)	One dwelling per site	P	P	RD	P

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(A73)	Two dwellings per site where the site is equal to or greater than 40ha and is less than 100ha	P	D	D	D
(A74)	Two dwellings per site where the site is less than 40ha	NC	NC	NC	NC
(A75)	Three dwellings per site where the site is equal to or greater than 100ha	P	D	D	D
(A76)	More than three dwellings per site where the site is equal to or greater than 100ha	D	D	D	D
(A77)	Three or more dwellings per site where the site is less than 100ha	NC	NC	NC	NC
(A78)	Dwellings not otherwise provided for, or any dwelling that does not comply with Standard H19.10.10	NC	NC	NC	NC

H19.9 Notification

- (1) Activities listed in Tables H19.8.1 and H19.8.2 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

H19.10 Standards

- (1) All activities listed in tables H19.8.1 and H19.8.2 must comply with standards in H19.10.1.
- (2) In addition, all activities in tables H19.8.1 and H19.8.2 must comply with the relevant applicable standards in H19.10.2. to H19.10.16.
- (3) Notwithstanding the above Rainwater tanks must comply with rainwater tank standard H19.10.17.

H19.10.1. General

- (1) Areas used for disposal of non-residential waste or composting must be located at least 100m from the boundary of adjoining sites in the Rural – Countryside Living Zone, Future Urban Zone and any residential zones.
- (2) Areas used for disposal of non-residential waste or composting adjoining all rural zones other than Rural – Countryside Living Zone, must be located at least 20m from the boundary of adjoining sites.
- (3) Pens or areas used for intensive farming (excluding poultry hatcheries), or any effluent disposal system, including any area on which effluent is being disposed of by way of spray irrigation, or any treatment plant or ponds, or any composting area, must be at located least:
 - (a) 250m from any dwelling located on any site other than the site on which the activity is carried out; and
 - (b) 100m from any boundary of the site on which the activity is located.

H19.10.2. Building height

Purpose: to manage the bulk and scale of buildings to ensure they are in keeping with rural landscape, character and amenity.

- (1) Dwellings and buildings accessory to dwellings – buildings must not exceed a height of 9m.
- (2) Other buildings – buildings must not exceed a height of 15m.

H19.10.3. Minimum yards setback requirement

Purpose: to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise:

- adverse effects of buildings on the character and amenity values enjoyed by occupiers of adjoining properties;
 - opportunities for reverse sensitivity effects to arise; and
 - to ensure buildings are adequately setback from streams and the coastal edge to maintain water quality and provide protection from natural hazards.
- (1) Buildings and accessory buildings must comply with the minimum yard setback requirement as set out in Table H19.10.3.1.

Table H19.10.3.1 Minimum yards setback requirement

Yard	Minimum depth in each zone				
	Rural Conservation	Countryside Living	Rural Coastal	Mixed Rural	Rural Production
Front yard	10m	10m	10m	10m	10m
Front yard of sites adjoining arterial roads as shown on the planning map (unless otherwise specified)	20m	20m	20m	20m	20m
Side or rear yard for buildings other than dwellings and their accessory buildings (unless otherwise specified)	12m	12m	12m	12m	12m
Side or rear yard for dwellings and their accessory buildings within a Quarry Buffer Area Overlay	20m	20m	20m	20m	20m
Side or rear yard of the site for dwellings and their accessory buildings (unless otherwise specified)	12m	12m	12m	12m	12m
Riparian yard	20m from the edge of permanent and intermittent streams				
Lake yard	30m				
Coastal protection yard or as otherwise specified for the site in Appendix 6 Coastal protection yard	50m	40m	50m	50m	50m

H19.10.4. Buildings housing animals – minimum separation distance

Purpose: to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise the:

- adverse effects of buildings on the character and amenity values enjoyed by occupiers of adjoining properties, and
- opportunities for reverse sensitivity effects to arise.

(1) Buildings for the primary purpose of housing animals must be located at least 12m from any site boundary.

H19.10.5. Size of buildings – intensive farming, intensive poultry farming, animal breeding or boarding, produce sales, and on-site primary produce manufacturing

(1) Buildings required for or accessory to the following activities must not exceed the following gross floor area:

- (a) intensive farming, intensive poultry farming, animal breeding or boarding, produce sales: 200m²; or

(b) on-site primary produce manufacturing: 500m².

H19.10.6. Free-range poultry farming

- (1) Coops and associated hard stand areas for free-range poultry farming must be set back at least 20m from the nearest site boundary.

H19.10.7. Forestry

The following standards apply to forestry:

- (1) Forestry must be carried out at least 10m from any adjoining site boundary unless the landowner of the forest also owns or controls the adjoining site, or the adjoining site is an area identified in the Significant Ecological Areas Overlay or the adjoining site is already afforested;
- (2) Forestry must be carried out at least 5m from the bank of permanent stream, river, lake, wetland or coastal edge;
- (3) Forestry must be carried out at least 5m from an area identified in the Significant Ecological Areas Overlay; and,
- (4) Portable sawmills must be located on a site for no more than six months in any 12 month period. Where a portable sawmill has been located on a site for longer than six months in any 12 month period, the use of portable sawmills on the site will be considered as a rural industry and is subject to the activity status of the relevant zone.

H19.10.8. Animal breeding or boarding

The following standards apply to animal breeding or boarding:

- (1) Animal breeding or boarding must operate on a site with a minimum size of 2,000m² in the Rural – Rural Conservation Zone, Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone;
- (2) No more than 20 cats may be bred or boarded at any one time;
- (3) No dogs may be bred or boarded at any time;
- (4) No more than 25 domestic pets, other than cats or dogs, may be bred or boarded at any one time; and,
- (5) Buildings or areas used for animal breeding or boarding must not be located less than 20m from the boundary of an adjoining site in a different ownership.

H19.10.9. Produce sales

The following standards apply to produce sales:

- (1) Produce sales must not be carried out on any part of the road reserve and the site must not have its vehicle access from a State Highway or motorway;
- (2) The area set aside on the site for displaying and produce sales must not exceed:

- (a) 30m² per site where the site is not located in the Rural – Countryside Living Zone; or
- (b) 15m² per site in the Rural – Countryside Living Zone;
- (3) The type of produce offered for sale on the site must be confined to the following:
 - (a) fruit, vegetables, plants, eggs, flowers, honey, dairy products, meat, wine, juices;
 - (b) produce or products from on-site primary produce manufacturing; or
 - (c) handcrafts made on the site;
- (4) Produce that is not grown or produced on the site or on a site owned by the same landholder must not be sold or offered for sale; and,
- (5) The area set aside for produce sale (comprising any land, buildings, parts of a building, tables, tractors, barrows, platforms, boxes or any other structure or vehicle used for that purpose), must not exceed 100m² of the site area.

H19.10.10. Dwellings

- (1) The site of the proposed dwelling must not be located on a closed road or road severance allotment.

H19.10.11. Minor dwelling

The following standards apply to minor dwellings:

- (1) There must be no more than one minor dwelling per site;
- (2) The building must comply with the relevant yards setback requirement and height standards for buildings in the zone as set out in standards H19.10.2 and H19.10.3;
- (3) The proposed minor dwelling must be located on a site greater than 1ha;
- (4) The proposed minor dwelling must have a floor area less than 65m² excluding decks and garaging; and,
- (5) The minor dwelling must share the same driveway access as the principal dwelling.

H19.10.12. Workers' accommodation

The following standards apply to workers' accommodation

- (1) Workers' accommodation must comply with all of the following:
 - (a) no more than one workers' accommodation building per site;
 - (b) comply with all the relevant yards setback requirement, and height standards for buildings in the applicable zone as set out in standards H19.10.2 and H19.10.3;

- (c) be located on a site equal to or greater than 5ha and less than 40ha;
- (d) have a floor area equal to or less than 120m² excluding decks and garaging. The floor area may include a dormitory or equivalent;
- (e) only have a single kitchen facility; and
- (f) may accommodate a number of seasonal workers.

H19.10.13. Home occupations

The following standards apply to home occupations:

- (1) At least one person engaged in the home occupation must use the dwelling on the site as their principal place of residence;
- (2) No more than two people who do not use the dwelling as their principal place of residence may work in the home occupation, and no more than 10 guests may be accommodated within an existing dwelling;
- (3) Except for homestay accommodation, customers and deliveries must not arrive before 7am or after 7pm daily;
- (4) Vehicle movements to and from the home occupation activity must not exceed 20 per day;
- (5) Heavy vehicle trips must not exceed two per week;
- (6) No more than one commercial vehicle associated with the home occupation may be on site at any one time;
- (7) [Deleted]
- (8) Storage for rubbish and recycling must be provided on site and screened from public view;
- (9) Materials or goods manufactured, serviced or repaired as part of the home occupation activity must be stored within a building on the same site; and,
- (10) Goods sold from the home occupation site must comply with the Standard H19.10.9 Produce sales.

H19.10.14. Markets

- (1) Markets must comply with all of the following:
 - (a) must not operate on a site of less than 1ha;
 - (b) must not be located on a rear site;
 - (c) must be limited to the sale of food and beverages, agricultural or horticultural produce, or handcrafts; and
 - (d) must operate between 7am and 7pm daily.

H19.10.15. Quarries - farm or forestry

- (1) Quarries - farm or forestry must not be located closer than:
 - (a) 50m from the edge of a lake, river or stream;
 - (b) 50m from the edge of or a wetland larger than 1,000m²;
 - (c) 100m either side of a foredune; or
 - (d) 100m landward of the coastal marine area.

H19.10.16. Mineral prospecting and mineral exploration

- (1) Mineral prospecting and mineral exploration must comply with all of the following:
 - (a) must not involve blasting; and,
 - (b) must not be undertaken outside the hours of 7am to 10pm on any day.

H19.10.17. Rainwater tanks

- (1) Rainwater tanks must not be located:
 - (a) in a riparian, lakeside or coastal protection yard unless less than 1 m in height or wholly below ground level;
 - (b) in a front yard unless they are at least 1.5m from the front boundary and are a maximum height of 1 m.
- (2) Rainwater tanks must not be located on or outflow across an existing effluent dispersal area.
- (3) Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.
- (4) Rainwater tanks located in the Rural Coastal zone must be finished in a recessive colour in a natural colour range (green, brown, grey) unless wholly below ground level or fully screened by vegetation.

Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

Note: Building Act regulations apply. A building consent may be required under the Building Act.

H19.11 Assessment – controlled activities

H19.11.1. Matters of Control

There are no controlled activities in this section.

H19.11.2. Assessment Criteria

There are no controlled activities in this section.

H19.12 Assessment – restricted discretionary activities

H19.12.1. Matters of discretion

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

- (1) all restricted discretionary activities and their buildings (including accessory buildings):
 - (a) effects on rural character and amenity values of the neighbourhood;
 - (b) effects of noise on the amenity values of the neighbourhood;
 - (c) effects of traffic volume on the safety of and convenience of other road users;
 - (d) effects of stormwater management;
 - (e) effects on land containing elite soil or prime soil for rural production activities; and
 - (f) effects on areas identified in the Outstanding Natural Landscapes, Outstanding Natural Character and High Natural Character Areas overlays.
- (2) one dwelling per site and accessory buildings in the Rural Coastal Zone – Te Arai-Pakiri, Whangateau to Waiwera, Kaipara South Head and harbour to Muriwai-Te Henga coastal areas:
 - (a) matters for all restricted discretionary activities;
 - (b) the effects of the site layout and building design on the rural coastal character of the area and the amenity values of surrounding properties; and,
 - (c) the effects of the development including any landform modification on the landscape values of the neighbourhood the effect on areas identified in the Outstanding Natural Landscapes, Outstanding Natural Character and High Natural Character areas overlays.
- (3) minor dwellings:
 - (a) matters for all restricted discretionary activities;
 - (b) effects of building siting and access on landscape, rural character and amenity values;
 - (c) the cumulative effects of additional development on the site;
 - (d) the adequacy of access to the dwelling; and
 - (e) proximity to the principal dwelling on the site.
- (4) workers' accommodation:

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- (a) matters for all restricted discretionary activities;
 - (b) the effects of building siting, and access on landscape and rural character;
and
 - (c) the cumulative effects of additional development on the site.
- (5) infringement of Standard H19.10.2 Building height:
- (a) the effects on rural character; and
 - (b) impacts on dwellings on adjoining sites.
- (6) infringement of Standard H19.10.4 Buildings housing animals – minimum separation distance:
- (a) the effects on rural character;
 - (b) impacts on dwellings on adjoining sites; and
 - (c) natural hazards.

H19.12.2. Assessment criteria

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

- (1) all restricted discretionary activity and their accessory buildings:
 - (a) whether the design and location of the buildings, and site landscaping, avoid, remedy, or mitigate the adverse visual effects of the buildings and related site works on rural and rural coastal character and amenity values including where the proposal is within or adjacent to any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character areas. The following are relevant:
 - (i) building bulk;
 - (ii) glare or reflections off the exterior cladding;
 - (iii) landform modification needed for building platforms;
 - (iv) screening from neighbouring sites;
 - (v) views of the buildings from any public road or open space used for recreation, including any beach, coastal marine area, coastline, or regional park; and
 - (vi) related signage.
 - (b) whether noise from fans, ventilators, heaters, or other machines, or from on-site activities can be adequately mitigated;

- (c) whether the design and location of the buildings, and the associated traffic avoid, remedy or mitigate adverse effects on the road network or traffic safety;
 - (d) whether the control, treatment, storage, or disposal of stormwater can be adequately managed;
 - (e) if the site contains elite soils whether the proposed buildings, structures, or site development prevent or compromise its availability or use for activities that directly rely on it;
 - (f) if the site contains prime soils, whether the proposed buildings, structures, or site development can be relocated so as not prevent or compromise its availability or use for activities that directly rely on it; and
 - (g) for fire stations, the extent to which functional requirements and the benefits that having the emergency services in the location are to be taken into account.
- (2) one dwelling per site and its accessory buildings in the Rural Coastal Zone – Te Arai-Pakiri, Whangateau to Waiwera, Kaipara South Head and harbour to Muriwai-Te Heunga coastal areas:
- (a) whether all buildings are sited and designed so they do not visually intrude on any significant ridgeline or skyline or adversely affect landscape values when viewed from any road or other public land including any beach, the sea or regional park;
 - (b) whether building finishes including colours and materials complement the rural and rural coastal character of the surrounding environment. This criterion would be satisfied if the exterior finish of the building or structure has a reflectance value of, or less than, 30 per cent as defined within the BS5252 standard colour palette;
 - (c) whether the siting of buildings and accessory buildings contribute to the rural and rural coastal character of the surrounding environment by responding to natural landforms, landscape features, including where the proposal is within or adjacent to any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character overlays;
 - (d) whether the development requires extensive landform modification; and
 - (e) whether existing trees and bush that make a significant contribution to the visual and environmental qualities of the site are retained to the fullest extent practicable.
- (3) minor dwellings and their accessory buildings:
- (a) whether the design and location of the buildings, access and site works avoid, remedy, or mitigate the adverse visual effects on rural and rural

coastal character and amenity values including where the proposal is within or adjacent to any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character overlays including:

- (i) building bulk;
- (ii) glare or reflections off the exterior cladding;
- (iii) landform modification needed for building platforms;
- (iv) screening from neighbouring sites; and
- (v) the cumulative effects of built development on the site.

(b) whether the minor dwelling is in close proximity to the principal dwelling so that the inhabitants remain close to one another and the buildings are not dispersed over a rural site.

(4) workers' accommodation:

(a) whether the design and location of the buildings, access and site works avoid, remedy, or mitigate the adverse visual effects on rural and rural coastal character and amenity values including where the proposal is within or adjacent to any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character overlays including:

- (i) building bulk;
- (ii) glare or reflections off the exterior cladding;
- (iii) landform modification needed for building platforms;
- (iv) screening from neighbouring sites; and
- (v) the cumulative effects of built development on the site.

(b) whether the applicant can demonstrate that a separate dwelling is required on the site for the purpose of accommodating workers engaged on the site or in the surrounding rural area and that it would be impracticable to provide the accommodation as a permitted buildings such as a sleep-out, existing minor dwelling or an extension to an existing dwelling on the site.

(5) infringement of Standard H19.10.2 Building height:

- (a) whether the proposed height and scale of the building adversely affect the rural character of a site;
- (b) whether the proposed height and location of buildings adversely affect the visual character of adjacent sites; and
- (c) whether the proposed height and scale of the building adversely affect amenity values of neighbouring sites by reducing privacy or sunlight access.

- (6) infringement of Standard H19.10.4 Buildings housing animals – minimum separation distance:
- (a) whether the proposed height and scale of the building adversely affects the rural character of a site;
 - (b) whether the proposed height and location of buildings adversely affects the visual character of adjacent sites;
 - (c) whether the proposed height and scale of the building adversely affect amenity values of neighbouring sites by reducing privacy or sunlight access; and
 - (d) whether the proposed building exacerbates or creates a natural hazard or nuisance for neighbouring properties.

H19.13 Special information requirements

There are no special information requirements in this section.

Attachment D
Updated H19 Rural Zones
Strikethrough/underline

H19. Rural zones

H19.1 Background

There are five rural zones covered in H19. Rural zones:

- Rural – Rural Production Zone;
- Rural – Mixed Rural Zone;
- Rural – Rural Coastal Zone;
- Rural – Rural Conservation Zone; and
- Rural – Countryside Living Zone.

These zones, and their provisions, provide the main framework for the management of subdivision, use and development in the rural areas.

Section H19.2 contains general provisions applicable to all rural zones. These general provisions are then followed by objectives and policies relevant to the individual zones (section H19.3 to H19.5.12). The general and zone-specific provisions provide the management framework for subdivision use and development in the rural areas and need to be considered together, along with the Auckland-wide objectives and policies for rural subdivision.

Within the Rural – Rural Coastal Zone there are a number of identified coastal areas that, in addition to the general objectives and policies of that zone, have additional area specific objectives and policies.

These areas are:

- Te Arai-Pakiri coastal area;
- Whangateau-Waiwera coastal area;
- Kaipara South Head and Harbour coastal area;
- Muriwai-Te Henga coastal area;
- Tasman coastal area;
- Manukau Harbour coastal area; and
- Tāmaki-Firth coastal area.

H19.2 Objectives and policies – all rural zones

The following objectives and policies apply to all rural zones.

H19.2.1. Objectives – general rural

- (1) Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.
- (2) Rural production activities are provided for throughout the rural area while containing adverse environmental effects on site.

- (3) Elite soil is protected, and prime soil is managed, for potential rural production.
- (4) Rural lifestyle development avoids fragmentation of productive land.

H19.2.2. Policies – general rural

- (1) Enable activities based on use of the land resource and recognise them as a primary function of rural areas.
- (2) Require rural production activities to contain and manage their adverse environmental effects on-site to the fullest extent practicable.
- (3) Enable rural production activities on elite and prime soil and avoid land-use activities and development not based on, or related to, rural production from locating on elite soil and avoid where practicable such activities and development from locating on prime soil.
- (4) Enable and maintain the productive potential of land that is not elite or prime soil but which has productive potential for rural production purposes, and avoid its use for other activities including rural lifestyle living except where these are provided for or enabled by Policy H19.2.2(5).
- (5) Enable a range of rural production activities and a limited range of other activities in rural areas by:
 - (a) separating potentially incompatible activities such as rural production and rural lifestyle living into different zones;
 - (b) avoiding or restricting rural subdivision for activities not associated with rural production in areas other than those subdivision provided for in [E39 Subdivision – Rural](#);
 - (c) managing the effects of activities in rural areas so that;
 - (i) essential infrastructure can be funded, coordinated and provided in a timely, integrated, efficient and appropriate manner; and
 - (ii) reverse sensitivity effects do not constrain rural production activities.
 - (d) acknowledging that, in some circumstances, the effective operation, maintenance, upgrading and development of infrastructure may place constraints on productive land and other rural activities; or
 - (e) providing for tourism and activities related to the rural environment.
- (6) Recognise that a range of buildings and structures accessory to farming and forestry, and other operational structures for rural production activities are an integral part of rural character and amenity values.
- (7) Enable intensive farming in the Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone only where it is carried out in accordance with good industry practice.

H19.2.3. Objectives – rural character, amenity and biodiversity values

- (1) The character, amenity values and biodiversity values of rural areas are maintained or enhanced while accommodating the localised character of different parts of these areas and the dynamic nature of rural production activities.
- (2) Areas of significant indigenous biodiversity are protected and enhanced.

H19.2.4. Policies – rural character, amenity and biodiversity values

- (1) Manage the effects of rural activities to achieve a character, scale, intensity and location that is in keeping with rural character, amenity and biodiversity values, including recognising the following characteristics:
 - (a) a predominantly working rural environment;
 - (b) fewer buildings of an urban scale, nature and design, other than ~~residential buildings dwellings and their accessory buildings~~ and buildings accessory to farming; and
 - (c) a general absence of infrastructure which is of an urban type and scale.
- (2) Recognise the following are typical features of the Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone and will generally not give rise to issues of reverse sensitivity in these zones:
 - (a) the presence of large numbers of farmed animals and extensive areas of plant, vine or fruit crops, plantation forests and farm forests;
 - (b) noise, odour, dust, traffic and visual effects associated with use of the land for farming, horticulture, forestry, mineral extraction and cleanfills;
 - (c) the presence of existing mineral extraction activities on sites zoned as Special Purpose – Quarry Zone;
 - (d) accessory buildings dot the landscape, particularly where farming activities are the dominant activity; and
 - (e) activities which provide for the relationship of Mana Whenua to their ancestral land and taonga.
- (3) Enable opportunities to protect existing Significant Ecological Areas or provide opportunities to enhance or restore areas to areas meeting criteria of Significant Ecological Areas.

H19.2.5. Objectives – rural industries, rural commercial services and non-residential activities

- (1) Rural production activities are supported by appropriate rural industries and services.
- (2) The character, intensity and scale of rural industries and services are in keeping with the character of the relevant rural zone.

- (3) The rural economy and the well-being of people and local communities are maintained or enhanced by social, cultural and economic non-residential activities, while the area's rural character and amenity is maintained or enhanced.
- (4) Industries, services and non-residential activities of an urban type and scale unrelated to rural production activities are not located in rural zones.
- (5) The rehabilitation of quarries is assisted by cleanfills and managed fills.

H19.2.6. Policies – rural industries, rural commercial services and non-residential activities

- (1) Enable rural industries and rural commercial services only where they have a direct connection with the resources, amenities, characteristics and communities of rural areas.
- (2) Manage rural industries, rural commercial services and other non-residential activities to:
 - (a) avoid creating reverse sensitivity effects;
 - (b) contain and manage adverse effects on-site; and
 - (c) avoid, remedy or mitigate adverse effects on traffic movement and the road network.
- (3) Enable cleanfills and managed fills where they can assist the rehabilitation of quarries.
- (4) Restrict cleanfills and managed fills in the Rural – Rural Conservation Zone and Rural – Countryside Living Zone. Where cleanfills are established in other rural zones:
 - (a) they should not adversely affect or inhibit the use of surrounding land for productive purposes or for carrying out any permitted, restricted discretionary or discretionary activity; and
 - (b) their completed state should be in keeping with the appearance, form and location of existing rural character and amenity values.

H19.3 Rural – Rural Production Zone

H19.3.1. Zone description

The purpose of the Rural – Rural Production Zone is to provide for the use and development of land for rural production activities and rural industries and services, while maintaining rural character and amenity values.

The zone's physical, climatic and production characteristics vary across the region, including rolling to steep hill country and flat to rolling lowlands with highly productive soils close to the metropolitan area.

In the north, the zone is characterised by:

- Auckland's highest number of remaining large rural properties;
- Low-intensity settlement, significant natural areas and natural resources; and
- an environment less modified by humans than other zones in the north.

In the south, the zone is characterised by:

- intensively subdivided land tenure pattern, particularly on lowland areas;
- the largest horticultural production area in Auckland, centred on the highly productive soils of the Franklin lowlands;
- mixed primary production including pastoral farming and forestry relating to topography, land tenure pattern and water availability on the west and east coasts; and
- the Hunua Ranges providing the backdrop to production land in the east.

The following objectives and policies apply to the Rural – Rural Production Zone.

H19.3.2. Objectives

- (1) A range of rural production, rural industries, and rural commercial activities take place in the zone.
- (2) The productive capability of the land is maintained and protected from inappropriate subdivision, use and development.

H19.3.3. Policies

- (1) Provide for a range of existing and new rural production, rural industry and rural commercial activities and recognise their role in determining the zone's rural character and amenity values.
- (2) Provide for forestry activities including:
 - (a) planting and management of new and existing forests in recognition of their production values, land stability and carbon sequestration functions, and multiple use for active recreation;
 - (b) woodlots and farm-scale forestry; and
 - (c) planting of indigenous species and amenity exotic species for long-term production purposes and the eventual harvesting of these species.
- (3) Enable the establishment of new greenhouses and the expansion of existing greenhouses in specific locations where there are advantages for operational efficiencies, transport accessibility and the provision of energy such as natural gas supplies and services, and manage the amenity expectations of other activities in these areas.
- (4) Provide for intensive farming, while managing the adverse effects and require compliance with good industry practice.
- (5) Require intensive farming of new species, including terrestrial, freshwater and marine species not currently farmed in the Rural – Rural Production Zone to:

- (a) be designed and operated to prevent the escape of any species of animal or plant that could have an adverse effect on the natural environment; and
- (b) not include any mustelid species.

H19.4 Rural – Mixed Rural Zone

H19.4.1. Zone description

The purpose of the Rural – Mixed Rural Zone is to provide for rural production, generally on smaller rural sites and non-residential activities of a scale compatible with smaller site sizes.

These areas often have a history of horticulture, viticulture, intensive farming and equine-related activities. These activities have in turn supported the establishment of produce sales or retail services such as cafés, restaurants, tourist and visitor-related facilities.

Sites in this zone provide flexibility to accommodate a range of rural production activities and associated non-residential activities while still ensuring good amenity levels for residents who use their land for rural lifestyle purposes.

The following objectives and policies apply to the Rural – Mixed Rural Zone.

H19.4.2. Objectives

- (1) The existing subdivision pattern is used by a range of rural production activities and non-residential activities that support them.
- (2) The continuation of rural production and associated non-residential activities in the zone is not adversely affected by inappropriate rural lifestyle activity.
- (3) Rural character and amenity values of the zone are maintained while anticipating a mix of rural production, non-residential and rural lifestyle activities.

H19.4.3. Policies

- (1) Enable rural production, rural industries and rural commercial services that are compatible with the existing subdivision pattern and recognise that these activities are significant elements of, and primary contributors to, rural character and amenity values.
- (2) Manage reverse sensitivity effects by:
 - (a) limiting the size, scale and type of non-rural production activities;
 - (b) retaining the larger site sizes within this zone;
 - (c) limiting further subdivision for new rural lifestyle sites; and
 - (d) acknowledging a level of amenity that reflects the presence of:
 - (i) rural production and processing activities that generate rural odours, noise from stock and the use of machinery, and the movement of commercial vehicles on the local road network; and

- (ii) non-residential activities which may generate noise, light and traffic levels greater than those normally found in areas set aside for rural lifestyle activities.

H19.5 Rural – Rural Coastal Zone

H19.5.1. Zone description

The purpose of the Rural – Rural Coastal Zone is to retain and enhance the rural character and amenity values, local coastal character and biodiversity values of rural areas along Auckland's harbours, estuaries and coastline. It is also to enable rural production activities, local non-residential activities, maintain recreational opportunities and manage the effects of existing scattered rural lifestyle development. The zone also provides opportunities to access the coastal marine area and support marine-related activities.

The zone is more extensive than the coastal environment line identified by using the New Zealand Coastal Policy Statement criteria. It recognises the significance of the coast to the character and identity of Auckland and its role as a favoured place to live and work and for recreational and leisure activities. The coastal environment, and in particular the coastal edge and margins of lakes and rivers, is important to Mana Whenua.

Much, but not all of the zone and the adjacent coastal marine area is covered by Outstand Natural Character, High Natural Character, Outstanding Natural Landscape and Significant Ecological Areas overlays.

Parts of this zone are under significant development pressure for coastal town and village settlement, further rural lifestyle opportunities, recreational, tourism and visitor activities.

The objectives and policies set out in H19.5.2 and H19.5.3 apply to the entire Rural – Rural Coastal Zone. The objectives and policies set out in sections H19.5.4. – H19.5.10. apply to specific coastal areas:

- Rural Coastal Zone – Te Arai-Pākiri coastal area;
- Rural Coastal Zone – Whangateau-Waiwera coastal area;
- Rural Coastal Zone – Kaipara South Head and Harbour coastal area;
- Rural Coastal Zone – Muriwai-Te Henga coastal area;
- Rural Coastal Zone – Tasman coastal area;
- Rural Coastal Zone – Manukau Harbour coastal area; and
- Rural Coastal Zone – Tāmaki-Firth coastal area.

H19.5.2. Objectives

- (1) Rural production activities are enabled while managing adverse effects on rural character and amenity values, landscape, biodiversity values and Mana Whenua cultural heritage values.

- (2) The development and operation of activities that provide recreational and local non-residential services are enabled where they maintain and enhance the zone's rural and coastal character, amenity values, landscape and biodiversity values.
- (3) Buildings are of a scale and intensity that do not detract from the zone's rural and coastal character and amenity values.
- (4) Rural lifestyle subdivision is limited across the zone.
- (5) The significant relationship between land, freshwater bodies and the coastal marine area and their contribution to Auckland's rural and coastal character is maintained and enhanced.
- (6) Recognise differences in coastal character in different parts of the zone and manage activities and development to maintain and enhance local coastal character.

H19.5.3. Policies

- (1) Manage activities and development to maintain the distinctive rural and coastal character of the zone which include:
 - (a) farming and forestry with a low density of buildings and other significant structures;
 - (b) rural character and amenity values, biodiversity values, values based on particular physical and natural features such as beaches, ridgelines, estuaries, harbours, indigenous vegetation, wetlands, or similar features;
 - (c) physical and visual links between land, freshwater lakes and the coastal marine area; or
 - (d) traditional cultural relationships of Mana Whenua with the coastal environment.
- (2) Enable the continuation of rural production activities and the construction of accessory buildings and structures for farming purposes.
- (3) Provide for the continued operation of forestry including harvesting and replanting in existing forest areas.
- (4) Discourage rural production activities that have significant adverse effects resulting from:
 - (a) large buildings;
 - (b) significant earthworks or changes to natural landforms;
 - (c) adverse effects that cannot be contained or managed within the boundary of the site;
 - (d) significant numbers of daily vehicle movements, particularly on scenic and tourist routes; or

- (e) significant impacts on biodiversity values and rural character and amenity values.
- (5) Maintain the rural and coastal character and amenity values in the coastal environment by controlling the number, location, size and visual impact of dwellings and other non-residential buildings and their curtilage and accessways.
- (6) Require the location and design of buildings and other significant structures to:
 - (a) avoid locating on the top of ridgelines so their profile does not protrude above the natural line of the ridge;
 - (b) minimise building platforms and accessways and earthworks associated with these; and
 - (c) avoid locating buildings and other significant structures in coastal yards and riparian margins, except for fences and structures with operational need for such a location.
- (7) Recognise the importance of major roads in the zone that:
 - (a) provide access to coastal settlements, public open space and the coast;
 - (b) function as major transport routes for rural produce;
 - (c) are major scenic and tourist routes;
 - (d) are preferred locations for recreation, tourism, visitor facilities and services and the sale of produce and crafts; or
 - (e) act as gateways to Auckland.
- (8) Enable the development of appropriate activities, while ensuring that the transport function of the road and its scenic values are not compromised.

H19.5.4. Rural – Rural Coastal Zone Te Arai-Pākiri coastal area

H19.5.4.1. Area Description

This area includes the coastal land between Te Arai Point and J Greenwood Road to the south of Pākiri village. Te Arai and Pākiri beaches are the only lengthy, exposed, high-energy beaches on mainland Auckland's east coast. In contrast to other areas on this coastline, it has a distinctly remote and wild rural character.

The area is characterised by hill country in the south and west which gives way to rolling rural land, sand dunes and flat pastoral land in the north and east. The sand dunes along with historically planted exotic forests form a natural interface between the beach and the pastoral land further afield. The areas of indigenous and exotic forest on the hills lying to the west of the Pākiri coastal area form a physical and visual backdrop to the area. There are significant areas of indigenous vegetation and wildlife habitat in the area, containing a number of important native species.

The Te Arai-Pākiri coastal area is characterised by an existing rural lifestyle and beach settlement to the south of Mangawhai Forest, focussed on the Pākiri River area. Pākiri Regional Park is located to the south of the river. There are limited public road access points to the beaches. At Te Arai Point, located towards the northern end of the coastline, there is a public reserve, regional park, scenic lookout and a golf course.

H19.5.4.2. Objectives

- (1) Low levels of built development in the Te Arai-Pākiri coastal area are maintained to retain its coastal character and the scenic and recreational values of Pākiri Beach and Te Arai Beach.
- (2) Development of Māori land is provided for in a way that retains the dominance of natural elements and scenic values over any built development.

H19.5.4.3. Policies

- (1) Avoid beachfront residential and rural lifestyle development to retain the undeveloped character of the beaches.
- (2) Manage the type and intensity of development along existing public roads and other access ways to the beaches to protect their low-key development character.
- (3) Manage built development so that the size, location and density of buildings do not dominate over natural elements and the area retains a rural and coastal character rather than a built one.
- (4) Minimise the visual and landscape impacts of buildings in areas where there are important public views to and from Pākiri Beach, Te Arai Beach and the rural backdrop, including:
 - (a) views to and from the beach at the Pākiri River mouth;
 - (b) views to and along Pākiri Beach and the southern coastal hills from Pākiri Regional Park; and
 - (c) views to and from the beach at Te Arāi Point.
- (5) Avoid activities and development that adversely affect the natural character, water quality and recreational use of the catchment of the Cape Rodney to Ōkakarī Point/Goat Island Marine Reserve, particularly on the coastal hills fronting the reserve.
- (6) Provide for the ongoing operation of the Mangawhai Forest and its multiple purposes for timber production and sand dune stabilisation, and for its landscape and open space values as a backdrop to Pākiri Beach.
- (7) Enable the use of Māori land in the area for papakāinga and other associated purposes, but recognise the high natural values of the area by:
 - (a) concentrating built development in areas of lower visual prominence;

- (b) cluster development rather than expansion along the coastal edge;
- (c) maintaining existing vegetation and landform character as far as practicable; and
- (d) managing the scale of development to reflect papakāinga and marae needs, rather than more intensive forms of development.

H19.5.5. Rural – Rural Coastal Zone East Coast area Whangateau-Waiwera

H19.5.5.1. Area Description

This extends from Rodney Road (Pākiri Hill) south as far as the northern bank of Waiwera River. Its inland boundary generally follows State Highway 1 from Waiwera to Warkworth, before extending northeast to the east of Matakana Road and along Leigh Road.

The area is characterised by an indented and variable coastline with steep headlands, small coves, sheltered beaches and harbours, and extensive sandy beaches. A sequence of five major estuaries are along the eastern coast area – Whangateau, Matakana, Mahurangi, Pūhoi and Waiwera. These estuarine environments provide fish nursery areas that contribute to the overall productivity of the Hauraki Gulf.

Between Mahurangi and Waiwera the land is characterised by steep to rolling rural land with extensive areas of indigenous vegetation and partially bush-clad slopes. There are few areas of flat land, the largest areas being at Omaha Beach and Omaha flats.

Much of the coastal edge is identified as an Outstanding Natural Character or High Natural Character overlay with further expanses of land being Outstanding Natural Landscape and Significant Ecological areas.

Five regional parks at Tāwharanui, Scandretts, Mahurangi East, Mahurangi West and Wenderholm provide public access and recreational opportunities, as well as being significant ecological areas.

H19.5.5.2. Objectives

- (1) The open, high-quality natural character, coastal landscape and natural environmental values are retained.
- (2) Recreational, marine transport, tourism and home occupation activities are supported where they are consistent the coastal landscape character and natural environmental values of the area.
- (3) Use and development is integrated with growth in identified rural and coastal towns and settlements.
- (4) The high natural values of the east coast estuaries are maintained.

H19.5.5.3. Policies

- (1) Require buildings, including dwellings, greenhouses and buildings for intensive farming and their curtilage and access to be located sensitively in

the landscape with particular consideration to their size, location, scale and density, ability to sit into the landscape.

- (2) Avoid locating dwellings and other significant buildings on ridgelines and the construction of visually prominent accessways up or across visually significant slopes.
- (3) Recognise and support the high recreational values of the area, particularly accessibility to, and use of, the coastal marine area by enabling:
 - (a) the continued use of Sandspit as a transport terminal to Kawau Island; and
 - (b) the efficient operation of existing public boat launching facilities and the establishment of new public facilities in appropriate locations.
- (4) Avoid activities and development of a type, scale or location that adversely affects the public use and enjoyment of regional parks and other public open space for:
 - (a) active and passive recreation, both on land and in the adjoining coastal marine area;
 - (b) appreciation of open space, scenic and natural landscape values;
 - (c) centres for biodiversity management and enhancement; or
 - (d) farmland management.
- (5) Concentrate larger scale tourist facilities, including tourist accommodation, in rural and coastal towns.
- (6) Manage activities that have the potential to generate sediment into the estuarine environments to ensure the high natural values of these environments are protected and maintained.

H19.5.6. Rural – Rural Coastal Zone West Coast Coastal area (Kaipara South Head and harbour)

H19.5.6.1. Area description

This area includes significant areas of Kaipara South Head, the Ōkahukura (Tāpora) Peninsula and the eastern coastal margins of the Kaipara Harbour. The area is characterised by a predominance of rural production activity, particularly pastoral farming activities and forestry and its significance to Māori. Long, high-energy beaches backed by sand dunes are located along the coast, terminating in the significant high dune landforms and Papakanui spit at South Kaipara Head.

Flat coastal alluvial plains are a special landscape feature in the Kaipara Harbour catchment. These are backed by a convoluted coastline with rolling hills. This harbour is highly tidal with extensive areas of exposed intertidal flats and defined low tidal channels and occasional mangrove communities. The South Head area

is recognised as having wind resources with potential to be used as a source of renewable energy.

Significant bird habitats are present along the coastal margins and in the harbour, particularly around the sand islands at Tāpora. Tāpora, Wharehine and Port Albert are sensitive to development due to the elevated nature of many of the surrounding roads, and due to the rolling and often open nature of the land which also connects to the low lying alluvial plains.

Development has increased in particular along the west coast of the Kaipara Harbour and along South Head. A pattern of typically large properties and low-density settlement provides a rural and semi-remote character.

Woodhill Forest along the western margins of South Kaipara peninsula provides recreation, sand stabilisation and landscape functions.

There are areas of Outstanding Natural Character, High Natural Character and Outstanding Natural Landscape which may be at risk of degradation due to development pressure. South Head and the coast of the Kaipara Harbour are areas recognised as being under pressure for development. Control over the built environment in these areas is considered prudent to ensure that the character and rural/coastal landscape and environmental and amenity values are retained.

H19.5.6.2. Objectives

- (1) The special and distinctive coastal and rural character of the West Coast area is retained.
- (2) Land-based activities and development are managed to protect the area's Outstanding and High Natural Character and landscape values and its ecological, recreation and amenity values.
- (3) The relationship between the land, the Tasman Coast and the Kaipara Harbour is recognised and maintained.
- (4) Significant Māori associations with the Kaipara Harbour area recognised and provided for.

H19.5.6.3. Policies

- (1) Enable rural production activities, particularly pastoral farming and forestry, for their economic and social role as well as in retaining a remote rural and coastal character.
- (2) Maintain a low-intensity built environment, where buildings are for rural production purposes rather than for rural lifestyle.
- (3) Require buildings for intensive farming to be sited to minimise visual impacts on natural character and landscape values.
- (4) Retain a range of land holding sizes, particularly those larger land holdings used for pastoral farming activities.

- (5) Improve public access to the Kaipara Harbour, including boat launching facilities where this does not adversely affect important habitat areas, such as the Tāpora sand islands.
- (6) Require subdivision and land-use activities to enhance and protect the distinctive special character and sensitive environments of the policy area.

H19.5.7. Rural – Rural Coastal Zone Muriwai-Te Henga coastal area

H19.5.7.1. Area description

This area consists of a rugged coastal strip between Muriwai and Bethells Beach/Te Henga and the area inland to the edge of the hill country west of Waitākere township. It has largely uninhabited steep, rugged indented coastal cliffs along the West Coast with small beaches amid high rocky headlands. Rolling to steep hills extend inland from the coast. There is significant indigenous vegetation. This area is characterised by the predominance of natural qualities that is largely unmodified by the built environment, significant roads or other landscape modifications.

Rural lifestyle development to the south of Muriwai settlement is focused on Ōaia and Constable Roads but set back from the coastal edge.

Part of this area is included in the Waitākere Ranges Heritage Area Overlay.

H19.5.7.2. Objectives

- (1) The natural character and coastal and non-urban character of the Muriwai-Bethells Beach coastal area is protected and retained.
- (2) Activities are managed to maintain the values of the adjoining Open Space Zone.

H19.5.7.3. Policies

- (1) Manage built development so that its size, location and density do not dominate natural elements and the area retains a rural and coastal character rather than a built one.
- (2) Avoid siting dwellings and accessory buildings overlooking public walkways or locations such as headlands or ridgelines where they would be highly visible from an Open Space Zone.
- (3) Avoid built development requiring significant clearance of regenerating and established indigenous vegetation.

H19.5.8. Rural – Rural Coastal Zone Tasman Coast area (Āwhitu Peninsula)

H19.5.8.1. Area description

This area comprises the western margins of the Āwhitu Peninsula. It extends from the Manukau Harbour south to the boundary with the Waikato District.

The Peninsula is largely defined by a sequence of massive dunes that rise to a central spine generally 120-190m above sea level. These enclose a series of

deep valleys and dune lakes that are exposed to the Tasman Sea. There are two dune lakes - Pēhiākura and Pokorua.

The area as a whole is one of high natural character and outstanding natural landscapes. Steep hill country gives the area a wild, scenic and remote landscape character. Pastoral land comprises large farm holdings with pockets of indigenous vegetation and forestry. Settlement is typically sparse – characterised by farm houses and accessory buildings and located adjacent to existing roads. A long history of Māori settlement has left a legacy of places and sites of significance to local iwi and strong cultural associations with the peninsula as a whole.

The potential for this area to support renewable wind energy generation facilities is acknowledged.

H19.5.8.2. Objectives

- (1) The high natural values, including natural character and landscapes are protected from inappropriate subdivision, use and development while providing for rural activities.
- (2) Natural coastal processes are recognised and managed by avoiding activities that would create or exacerbate coastal erosion and sand blowouts along the Tasman coastline.

H19.5.8.3. Policies

- (1) Provide for limited subdivision, use and development to ensure natural character and landscape values are maintained and enhanced.
- (2) Avoid land modification and development along sandy coastal margins and seaward faces of the coastal escarpments or ridgelines.
- (3) Encourage protection of stands of indigenous bush and restoration and enhancement planting of indigenous trees, shrubs and other plants along the coastal escarpments and ridgelines.
- (4) Recognise the wild, scenic, and remote values of the Tasman Coast.

H19.5.9. Rural – Rural Coastal Zone Manukau Harbour coastal area

H19.5.9.1. Area description

This area encompasses the harbour fringe from Wattle Bay at the harbour entrance to the Whangamaire Stream arm of the Pāhurehure Inlet west of Hingaia.

This coastal margin is physically diverse with a wide variety of environments including beaches, headlands, cliffs and estuaries. It is characterised by low-lying rural flatlands, low terraces and rolling topography deeply indented by the Waiuku and Taihiki rivers and various estuarine creeks and inlets.

The Waiuku River is associated with low coastal cliffs and rural land sloping down to a mangrove-lined estuary.

There are larger holdings on the eastern Āwhitu coastline than along the southern Manukau coast, with a predominance of pastoral farming activities. Overall in this location there is a relative absence of dwellings in proximity to much of the coastline. The character of the area is based on agricultural land uses and absence of built development rather than the presence of indigenous vegetation. The area also has important cultural significance.

The coastal area forms part of the wider Franklin lowlands with highly productive soils, pastoral and horticultural land uses and an intensive pattern of land subdivision into small rural sites.

H19.5.9.2. Objectives

- (1) The rural and coastal character and visual amenity values are maintained.
- (2) Activities in the area are managed to protect the ecological values of the Manukau Harbour, particularly identified wader bird habits and the visual and landscape interconnections between land and sea.
- (3) Identified special character areas as set out in Policy H19.5.9.3(3) are protected from inappropriate subdivision, use and development.
- (4) The quality and quantity of coastal and riparian vegetation in the coastal area are improved.

H19.5.9.3. Policies

- (1) Recognise the significance of the coastal margin setback in maintaining the natural character of the coastal edge and contributing to the visual amenity values, as well as providing a natural buffer to coastal erosion and flooding.
- (2) Require dwellings and other significant built development to locate outside the coastal margin setback.
- (3) Recognise the following areas which are identified as being of special character in the Rural – Rural Coastal Zone Manukau Harbour coastal area:
 - (a) Clarks Beach to Seagrove and Ellets Beach;
 - (b) Pollok Spit;
 - (c) Āwhitu Regional Park and Environs;
 - (d) Waipipi Creek Roosts;
 - (e) The Western Needles Promontory;
 - (f) Kelly's Landing Headland;
 - (g) Dickey's Landing Headland;
 - (h) Kauri Road Headland;
 - (i) Andrew Pye Road Headland;

- (j) Mako Point Headland; and
 - (k) headland between Wattle Bay and Ōrua Bay.
- (4) Protect the special character areas listed in Policy H19.5.9.3(3) by:
- (a) controlling the location, scale and density of built development;
 - (b) having vegetation cover and production land uses that are appropriate to the area having regard to its use by wader birds; and
 - (c) restricting access in identified wader bird areas.
- (5) Avoid activities and development of a type or scale or location that adversely affects the public use and enjoyment of the Āwhitu Regional Park for:
- (a) active and passive recreation, both on land and in the adjoining coastal marine area;
 - (b) appreciation of open space, scenic and natural landscape values; and
 - (c) farmland management.
- (6) Require enhancement of the coastal edge and riparian margins as part of any development for rural lifestyle purposes or non-residential activities.

H19.5.10. Rural – Rural Coastal Zone Tāmaki Firth coastal area

H19.5.10.1. Area description

This area encompasses rural coastal land from Maraetai south-east to the regional boundary south of Matingarahi on the Firth of Thames.

It is a mixture of flat land around the lower reaches of the Wairoa River and at Kawakawa Bay, Ōrere Point and Waimangu Point, separated by rolling to steep hill country. This coastal area is predominantly pastoral land but backs onto steep forest-covered hill country in the north and the Hunua Ranges in the south. Pastoral farming is predominant, interspersed with local areas of indigenous vegetation.

The coastline is characterised by a rocky shoreline of small coves and headlands, cliffs, wider sandy beaches, prominent headlands, shallow beaches, separated by rolling land, which gives way to shallow gravel beaches in the south. The southern part of this coastal area acts as the entry to coastal Firth of Thames and provides a significant bird habitat and many natural features.

H19.5.10.2. Objectives

- (1) The rural and coastal character and amenity values are maintained.
- (2) The scenic values associated with the Pōhutukawa Coast coastal environment are maintained.

H19.5.10.3. Policies

- (1) Enable rural production activities for their economic and social contribution and for their role in retaining the rural and coastal character of this area.
- (2) Avoid locating dwellings and other significant buildings on prominent headlands and ridgelines and the construction of visually prominent accessways up or across visually significant slopes.
- (3) Manage the location, type and scale of non-rural production activities along the Pōhutukawa Coast Highway to ensure that the rural character and scenic values are maintained.
- (4) Avoid activities and development of a type or scale or location that adversely affect public use and enjoyment of regional parks and other public open space, unless those effects arise from the provision of facilities for:
 - (a) active and passive recreation, both on land and in the adjoining coastal marine area;
 - (b) appreciation of open space, scenic and natural landscape values;
 - (c) centres for biodiversity management and enhancement; or
 - (d) farmland management.
- (5) Recognise and support the high recreational values of the area, particularly accessibility to and use of the coastal marine area by enabling the efficient operation of existing public boat launching facilities and the establishment of new public facilities in appropriate locations.

H19.6 Rural – Rural Conservation Zone

H19.6.1. Zone description

This zone comprises biophysically distinctive areas in rural Auckland. The zone has important natural values requiring maintenance and protection. They are largely in private ownership and are used for a range of purposes including ~~residential~~ dwellings, low-impact recreational activities, conservation and open space.

Most areas have significant indigenous vegetation cover, are important wildlife habitats or contain important natural features such as dune lakes. Most have been identified as Significant Ecological Areas, Outstanding Landscapes, Outstanding Natural Character and High Natural Character overlays in the Plan.

The purpose of this zone is to adopt a conservative approach to new subdivision, use and development so that the natural values of the zone are maintained and protected while enabling established rural ~~and residential~~ activities and dwellings to continue.

H19.6.2. Objectives

- (1) The natural character, landscape, and distinctive environmental values of the zone are recognised and protected.
- (2) The zone's values are maintained and where appropriate enhanced.

- (3) Existing rural ~~and residential~~ activities and dwellings are provided for but further development in the zone is limited to that which maintains and where appropriate enhances the values of the zone.
- (4) Buildings and structures are unobtrusive within the natural landscape.

H19.6.3. Policies

- (1) Protect the natural character and landscape from significant change or modification, particularly visually intrusive buildings, structures and roads.
- (2) Manage adverse effects of buildings and structures by:
 - (a) requiring buildings and structures to be of a design, form, scale, density and location that is in keeping with the landscape; and
 - (b) avoiding buildings and structures on ridgelines.
- (3) Enable the continued use of established rural ~~and residential~~ activities and dwellings and provide for new activities only where adverse effects are avoided or mitigated.
- (4) Maintain and enhance water quality and quantity by:
 - (a) avoiding new primary production activities or the expansion of existing activities where they will accelerate water abstraction from lakes;
 - (b) avoiding intensive farming, cleanfills, and rural industries and services that generate contaminant discharges to land or water and increase existing levels of diffuse nutrient input into lakes;
 - (c) minimising land disturbances, landform modification and the removal of indigenous vegetation; or
 - (d) avoiding the introduction of exotic species which may undermine the ecological integrity of native terrestrial or aquatic habitats.
- (5) Protect, maintain and enhance habitats, high-value natural areas and unique features present within the zone through controls on earthworks, vegetation removal, grazing, wetland modification and limitations on activities and subdivision.
- (6) Recognise the high ecological value of the dune lakes and their habitats by avoiding activities that disturb wildlife during breeding or nesting seasons.

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 receiver area for transferable rural site subdivision from other zones.

This zone incorporates a range of rural lifestyle developments, characterised as low-density rural lifestyle residential development dwellings on rural land. These rural lifestyle sites include scattered rural residential dwellings sites, farmlets and horticultural sites, residential bush dwelling sites and papakāinga.

Some parts of the zone reflect historical subdivision patterns, while other areas were established on rural land that did not have significant rural production values, and was often associated with steep topography and poor soils. Bush lots enabled the protection of indigenous vegetation cover as part of the subdivision process.

H19.7.2. Objectives

- (1) Land is used for rural lifestyle living as well as small-scale rural production.
- (2) The rural character, amenity values, water quality, ecological quality, historic heritage values and the efficient provision of infrastructure is maintained and enhanced in subdivision design and development.
- (3) Development in the zone does not compromise the ability of adjacent zones to be effectively and efficiently used for appropriate activities.
- (4) The type and nature of land-use activities provided for are restricted to those appropriate for the typically smaller site sizes.
- (5) Subdivision, use and development is compatible with infrastructure and any existing infrastructure is protected from reverse sensitivity effects.

H19.7.3. Policies

- (1) Locate and design subdivision and development to maintain and enhance rural character and amenity values and avoid an urban form and character by:
 - (a) designing subdivision and development (including accessways, services, utilities and building platforms) to be in keeping with the topography and characteristics of the land;
 - (b) minimising earthworks and vegetation clearance for accessways, utilities and building platforms;
 - (c) avoiding locating accessways, services, utilities and building platforms where they will result in adverse effects on water quality, wetlands, riparian margins, historic heritage sites or scheduled sites and places of value or significance to Mana Whenua. Where avoidance is not possible,

mitigation measures must be proposed so that any adverse effects are minor;

- (d) identifying opportunities for environmental enhancement of existing areas of native vegetation, wetland areas, riparian margins or the coastal edge;
 - (e) encourage landscape planting that reinforces local vegetation patterns;
and
 - (f) identifying and where appropriate, requiring, the provision of walkway, cycleway and bridle path networks.
- (2) Prevent subdivision, use and development from compromising the safe and efficient operation of existing mineral extraction activities, rural production activities, existing infrastructure or industry in adjacent zones.
 - (3) Avoid or mitigate adverse effects in relation to reverse sensitivity and rural character and amenity by restricting the range of land-use activities in the zone.
 - (4) Discourage activities that will result in adverse effects such as noise, dust, traffic volumes, odour, visual effects and effects on health, safety and cultural values and significantly reduce the rural character and amenity values of the zone.
 - (5) Acknowledge that the rural character and amenity values associated with this zone reflect its predominant use for rural lifestyle living rather than for rural production activities.

H19.8 Activity table

Tables H19.8.1 and H19.8.2 specify the activity status of land use and development activities pursuant to section 9(2) and 9(3) of the Resource Management Act and subdivision pursuant to section 11 the Resource Management Act 1991.

The activity status of the activities in the table below also applies to new buildings including accessory buildings that will accommodate or are needed to facilitate the activity unless otherwise specifically provided for in the table.

Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

If any activity listed in rules (including standards) H19.8.1 to H19.10.16 is regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (“NESPF”) then the NESPF applies and prevails.

However, the NESPF allows the plan to include more restrictive rules in relation to one or more of the following:

- Significant Ecological Areas Overlay;
- Water Supply Management Areas Overlay;
- Outstanding Natural Character Overlay;
- High Natural Character Overlay;

- Outstanding Natural Landscapes Overlay;
- Outstanding Natural Features Overlay; or
- activities generating sediment that impact the coastal environment.

Where there is a rule in the plan that relates to any of the matters listed above then the plan rule will apply. In the event that there is any conflict between the rules in the plan and the NESPF in relation to any of the above, the most restrictive rule will prevail.

If the NESPF does not regulate an activity then the plan rules apply.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

If an activity provided for in rules H19.8.1 to H19.13, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

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

		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Use						
Rural						
(A1)	Farming	P	P	P	P	P
(A2)	Post-harvest facilities	NC	NC	RD	RD	RD
(A3)	Rural airstrips	P	P	P	P	P
(A4)	Greenhouses	RD	RD	P	P	P
(A5)	Intensive farming	NC	NC	P	P	P
(A6)	Intensive poultry farming that complies with Standard H19.10.1(3)	NC	NC	P	P	P
(A7)	Intensive poultry farming that does not comply with Standard H19.10.1(3)	NC	NC	D	D	D

H19 Rural zones

		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
(A8)	Free-range poultry farming that complies with Standard H19.10.6(1)	P	RD	P	P	P
(A9)	Free-range poultry farming that does not comply with Standard H19.10.6(1)	D	D	D	D	D
(A10)	Mustelid farming	Pr	Pr	Pr	Pr	Pr
(A11)	Disposal of non-residential waste or composting that complies with Standard H19.10.1(1) and (2)	P	P	P	P	P
(A12)	Disposal of non-residential waste or composting that does not comply with Standard H19.10.1(1) and (2)	D	D	D	D	D
(A13)	Forestry	P	D	P	P	P
(A14)	Forestry that does not comply with Standard H19.10.7.	D	D	D	D	D
(A15)	Conservation planting	P	P	P	P	P
(A16)	Rural commercial services	D	D	RD	RD	RD
(A17)	Animal breeding or boarding that complies with Standard H19.10.8.	D	NC	P	P	P
(A18)	Animal breeding or boarding that does not comply with Standard H19.10.8.	D	NC	D	D	D
(A19)	Produce sales	P	P	P	P	P
(A20)	Produce sales that do not comply with Standard H19.10.9.	D	D	D	D	D
(A21)	Rural industries	NC	NC	RD	RD	RD
(A22)	On-site primary produce manufacturing	D	D	P	P	P

H19 Rural zones

		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
(A23)	Equestrian centres	NC	D	RD	RD	RD
(A24)	Quarries – farm or forestry	P	P	P	P	P
(A25)	Quarries – farm or forestry that does not comply with Standard H19.10.15.	D	D	D	D	D
Accommodation						
(A26)	Dwellings	Refer to Activity Table H19.8.2.				
(A27)	Minor dwellings	RD	RD	RD	RD	RD
(A28)	Minor dwellings that do not comply with Standard H19.10.11.	NC	NC	NC	NC	NC
(A29)	Workers' accommodation	NC	NC	RD	RD	RD
(A30)	Workers' accommodation that does not comply with Standard H19.10.12.	NC	NC	NC	NC	NC
(A31)	Home occupations	P	P	P	P	P
(A32)	Home occupations that do not comply with Standard H19.10.13.	NC	NC	NC	NC	NC
(A33)	Camping grounds	RD	NC	RD	RD	RD
(A34)	Visitor accommodation	NC	D	D	RD	D
Commerce						
(A35)	Restaurants and cafes accessory to farming carried out on the same site	NC	NC	RD	RD	RD
(A36)	Restaurants and cafes not otherwise provided for	NC	NC	NC	D	D
(A37)	Garden centres	NC	D	D	RD	D
(A38)	Markets	NC	D	D	P	P
(A39)	Markets that do not comply with Standard H19.10.14.	NC	D	D	D	D

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		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
(A40)	Storage and lock-up facilities	NC	NC	NC	D	D
(A41)	Show homes	D	D	D	D	D
(A42)	Veterinary clinics	NC	RD	RD	RD	RD
(A43)	Rural tourist and visitor activities	D	D	D	D	D
Community						
(A44)	Care centres for up to 10 people	P	P	P	P	P
(A45)	Care centres for more than 10 people	NC	RD	RD	RD	RD
(A46)	Community facilities	NC	D	D	D	D
(A47)	Healthcare facilities	NC	D	D	D	D
(A48)	Education facilities	NC	D	D	D	D
(A49)	Information facilities	P	P	P	P	P
(A50)	Artworks	P	P	P	P	P
(A51)	Informal recreation	P	P	P	P	P
(A52)	Organised sport and recreation	NC	D	RD	RD	RD
(A53)	Emergency services	RD	RD	RD	RD	RD
(A54)	Clubrooms	RD	RD	RD	RD	RD
Mana Whenua						
(A55)	Urupā	D	D	D	D	D
(A56)	Marae	D	D	D	D	D
(A57)	Customary use	P	P	P	P	P
Development						
(A58)	Demolition of buildings	P	P	P	P	P
(A59)	Additions and alterations to existing buildings	P	P	P	P	P
(A59A)	Rainwater tank	P	P	P	P	P
Mineral activities						
(A60)	Mineral extraction activities	NC	NC	NC	D	D
(A61)	Mineral prospecting	P	P	P	P	P

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		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
(A62)	Mineral prospecting that does not comply with Standard H19.10.16.	D	D	D	D	D
(A63)	Mineral exploration	P	P	P	P	P
(A64)	Mineral exploration that does not comply with Standard H19.10.16.	D	D	D	D	D
Cleanfill, managed fill and landfill						
(A65)	Cleanfill	NC	NC	D	D	D
(A66)	Managed fill	NC	NC	D	D	D
(A67)	Landfill	NC	NC	NC	NC	NC
Subdivision						
(A68)	The subdivision of a minor dwelling from the site on which the principal dwelling is located	Pr	Pr	Pr	Pr	Pr
(A69)	The subdivision of workers' accommodation from the site on which the principal dwelling is located	Pr	Pr	Pr	Pr	Pr
Coastal						
(A70)	Navigational aids	P	P	P	P	P
(A71)	Boat launching facilities	D	D	D	D	D

Table H19.8.2 Activity table – number of dwellings and activity status in rural zones

Activity	Activity Status				
	Mixed Rural Zone and Rural Production Zone	Rural Conservation Zone and Countryside Living Zone	Rural Coastal Zone: Te Arai-Pakiri, East Coast area – Whangateau-Waiwera, West Coast area- Kaipara South Head and harbour, Muriwai-Te Henga coastal areas	Rural Coastal Zone: Tasman Coast area – Awhitu Peninsula, Manukau Harbour, and Tamaki-Firth coastal areas	
(A72)	One dwelling per site	P	P	RD	P

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(A73)	Two dwellings per site where the site is equal to or greater than 40ha and is less than 100ha	P	D	D	D
(A74)	Two dwellings per site where the site is less than 40ha	NC	NC	NC	NC
(A75)	Three dwellings per site where the site is equal to or greater than 100ha	P	D	D	D
(A76)	More than three dwellings per site where the site is equal to or greater than 100ha	D	D	D	D
(A77)	Three or more dwellings per site where the site is less than 100ha	NC	NC	NC	NC
(A78)	Dwellings not otherwise provided for, or any dwelling that does not comply with Standard H19.10.10	NC	NC	NC	NC

H19.9 Notification

- (1) Activities listed in Tables H19.8.1 and H19.8.2 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

H19.10 Standards

- (1) All activities listed in tables H19.8.1 and H19.8.2 must comply with standards in H19.10.1.
- (2) In addition, all activities in tables H19.8.1 and H19.8.2 must comply with the relevant applicable standards in H19.10.2. to H19.10.16.
- (3) Notwithstanding the above Rainwater tanks must comply with rainwater tank standard H19.10.17.

H19.10.1. General

- (1) Areas used for disposal of non-residential waste or composting must be located at least 100m from the boundary of adjoining sites in the Rural – Countryside Living Zone, Future Urban Zone and any residential zones.
- (2) Areas used for disposal of non-residential waste or composting adjoining all rural zones other than Rural – Countryside Living Zone, must be located at least 20m from the boundary of adjoining sites.
- (3) Pens or areas used for intensive farming (excluding poultry hatcheries), or any effluent disposal system, including any area on which effluent is being disposed of by way of spray irrigation, or any treatment plant or ponds, or any composting area, must be at located least:
 - (a) 250m from any dwelling located on any site other than the site on which the activity is carried out; and
 - (b) 100m from any boundary of the site on which the activity is located.

H19.10.2. Building height

Purpose: to manage the bulk and scale of buildings to ensure they are in keeping with rural landscape, character and amenity.

- (1) Dwellings and buildings accessory to dwellings – buildings must not exceed a height of 9m.
- (2) Other buildings – buildings must not exceed a height of 15m.

H19.10.3. Minimum yards setback requirement

Purpose: to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise:

- adverse effects of buildings on the character and amenity values enjoyed by occupiers of adjoining properties;
- opportunities for reverse sensitivity effects to arise; and
- to ensure buildings are adequately setback from streams and the coastal edge to maintain water quality and provide protection from natural hazards.

- (1) Buildings and accessory buildings must comply with the minimum yard setback requirement as set out in Table H19.10.3.1.

Table H19.10.3.1 Minimum yards setback requirement

Yard	Minimum depth in each zone				
	Rural Conservation	Countryside Living	Rural Coastal	Mixed Rural	Rural Production
Front yard	10m	10m	10m	10m	10m
Front yard of sites adjoining arterial roads as shown on the planning map (unless otherwise specified)	20m	20m	20m	20m	20m
Side or rear yard for buildings other than dwellings and their accessory buildings (unless otherwise specified)	12m	12m	12m	12m	12m
Side or rear yard for dwellings and their accessory buildings within a Quarry Buffer Area Overlay	20m	20m	20m	20m	20m
Side or rear yard of the site for dwellings and their accessory buildings (unless otherwise specified)	12m	12m	12m	12m	12m
Riparian yard	20m from the edge of permanent and intermittent streams				
Lake yard	30m				
Coastal protection yard or as otherwise specified for the site in Appendix 6 Coastal protection yard	50m	40m	50m	50m	50m

H19.10.4. Buildings housing animals – minimum separation distance

Purpose: to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise the:

- adverse effects of buildings on the character and amenity values enjoyed by occupiers of adjoining properties, and
- opportunities for reverse sensitivity effects to arise.

(1) Buildings for the primary purpose of housing animals must be located at least 12m from any site boundary.

H19.10.5. Size of buildings – intensive farming, intensive poultry farming, animal breeding or boarding, produce sales, and on-site primary produce manufacturing

(1) Buildings required for or accessory to the following activities must not exceed the following gross floor area:

- (a) intensive farming, intensive poultry farming, animal breeding or boarding, produce sales: 200m²; or

(b) on-site primary produce manufacturing: 500m².

H19.10.6. Free-range poultry farming

- (1) Coops and associated hard stand areas for free-range poultry farming must be set back at least 20m from the nearest site boundary.

H19.10.7. Forestry

The following standards apply to forestry:

- (1) Forestry must be carried out at least 10m from any adjoining site boundary unless the landowner of the forest also owns or controls the adjoining site, or the adjoining site is an area identified in the Significant Ecological Areas Overlay or the adjoining site is already afforested;
- (2) Forestry must be carried out at least 5m from the bank of permanent stream, river, lake, wetland or coastal edge;
- (3) Forestry must be carried out at least 5m from an area identified in the Significant Ecological Areas Overlay; and,
- (4) Portable sawmills must be located on a site for no more than six months in any 12 month period. Where a portable sawmill has been located on a site for longer than six months in any 12 month period, the use of portable sawmills on the site will be considered as a rural industry and is subject to the activity status of the relevant zone.

H19.10.8. Animal breeding or boarding

The following standards apply to animal breeding or boarding:

- (1) Animal breeding or boarding must operate on a site with a minimum size of 2,000m² in the Rural – Rural Conservation Zone, Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone;
- (2) No more than 20 cats may be bred or boarded at any one time;
- (3) No dogs may be bred or boarded at any time;
- (4) No more than 25 domestic pets, other than cats or dogs, may be bred or boarded at any one time; and,
- (5) Buildings or areas used for animal breeding or boarding must not be located less than 20m from the boundary of an adjoining site in a different ownership.

H19.10.9. Produce sales

The following standards apply to produce sales:

- (1) Produce sales must not be carried out on any part of the road reserve and the site must not have its vehicle access from a State Highway or motorway;
- (2) The area set aside on the site for displaying and produce sales must not exceed:

- (a) 30m² per site where the site is not located in the Rural – Countryside Living Zone; or
- (b) 15m² per site in the Rural – Countryside Living Zone;
- (3) The type of produce offered for sale on the site must be confined to the following:
 - (a) fruit, vegetables, plants, eggs, flowers, honey, dairy products, meat, wine, juices;
 - (b) produce or products from on-site primary produce manufacturing; or
 - (c) handcrafts made on the site;
- (4) Produce that is not grown or produced on the site or on a site owned by the same landholder must not be sold or offered for sale; and,
- (5) The area set aside for produce sale (comprising any land, buildings, parts of a building, tables, tractors, barrows, platforms, boxes or any other structure or vehicle used for that purpose), must not exceed 100m² of the site area.

H19.10.10. Dwellings

- (1) The site of the proposed dwelling must not be located on a closed road or road severance allotment.

H19.10.11. Minor dwelling

The following standards apply to minor dwellings:

- (1) There must be no more than one minor dwelling per site;
- (2) The building must comply with the relevant yards setback requirement and height standards for buildings in the zone as set out in standards H19.10.2 and H19.10.3;
- (3) The proposed minor dwelling must be located on a site greater than 1ha;
- (4) The proposed minor dwelling must have a floor area less than 65m² excluding decks and garaging; and,
- (5) The minor dwelling must share the same driveway access as the principal dwelling.

H19.10.12. Workers' accommodation

The following standards apply to workers' accommodation

- (1) Workers' accommodation must comply with all of the following:
 - (a) no more than one workers' accommodation building per site;
 - (b) comply with all the relevant yards setback requirement, and height standards for buildings in the applicable zone as set out in standards H19.10.2 and H19.10.3;

- (c) be located on a site equal to or greater than 5ha and less than 40ha;
- (d) have a floor area equal to or less than 120m² excluding decks and garaging. The floor area may include a dormitory or equivalent;
- (e) only have a single kitchen facility; and
- (f) may accommodate a number of seasonal workers.

H19.10.13. Home occupations

The following standards apply to home occupations:

- (1) At least one person engaged in the home occupation must use the dwelling on the site as their principal place of residence;
- (2) No more than two people who do not use the dwelling as their principal place of residence may work in the home occupation, and no more than 10 guests may be accommodated within an existing dwelling;
- (3) Except for homestay accommodation, customers and deliveries must not arrive before 7am or after 7pm daily;
- (4) Vehicle movements to and from the home occupation activity must not exceed 20 per day;
- (5) Heavy vehicle trips must not exceed two per week;
- (6) No more than one commercial vehicle associated with the home occupation may be on site at any one time;
- (7) [Deleted]
- (8) Storage for rubbish and recycling must be provided on site and screened from public view;
- (9) Materials or goods manufactured, serviced or repaired as part of the home occupation activity must be stored within a building on the same site; and,
- (10) Goods sold from the home occupation site must comply with the Standard H19.10.9 Produce sales.

H19.10.14. Markets

- (1) Markets must comply with all of the following:
 - (a) must not operate on a site of less than 1ha;
 - (b) must not be located on a rear site;
 - (c) must be limited to the sale of food and beverages, agricultural or horticultural produce, or handcrafts; and
 - (d) must operate between 7am and 7pm daily.

H19.10.15. Quarries - farm or forestry

- (1) Quarries - farm or forestry must not be located closer than:
 - (a) 50m from the edge of a lake, river or stream;
 - (b) 50m from the edge of or a wetland larger than 1,000m²;
 - (c) 100m either side of a foredune; or
 - (d) 100m landward of the coastal marine area.

H19.10.16. Mineral prospecting and mineral exploration

- (1) Mineral prospecting and mineral exploration must comply with all of the following:
 - (a) must not involve blasting; and,
 - (b) must not be undertaken outside the hours of 7am to 10pm on any day.

H19.10.17. Rainwater tanks

- (1) Rainwater tanks must not be located:
 - (a) in a riparian, lakeside or coastal protection yard unless less than 1 m in height or wholly below ground level;
 - (b) in a front yard unless they are at least 1.5m from the front boundary and are a maximum height of 1 m.
- (2) Rainwater tanks must not be located on or outflow across an existing effluent dispersal area.
- (3) Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.
- (4) Rainwater tanks located in the Rural Coastal zone must be finished in a recessive colour in a natural colour range (green, brown, grey) unless wholly below ground level or fully screened by vegetation.

Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

Note: Building Act regulations apply. A building consent may be required under the Building Act.

H19.11 Assessment – controlled activities

H19.11.1. Matters of Control

There are no controlled activities in this section.

H19.11.2. Assessment Criteria

There are no controlled activities in this section.

H19.12 Assessment – restricted discretionary activities

H19.12.1. Matters of discretion

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

- (1) all restricted discretionary activities and their buildings (including accessory buildings):
 - (a) effects on rural character and amenity values of the neighbourhood;
 - (b) effects of noise on the amenity values of the neighbourhood;
 - (c) effects of traffic volume on the safety of and convenience of other road users;
 - (d) effects of stormwater management;
 - (e) effects on land containing elite soil or prime soil for rural production activities; and
 - (f) effects on areas identified in the Outstanding Natural Landscapes, Outstanding Natural Character and High Natural Character Areas overlays.
- (2) one dwelling per site and accessory buildings in the Rural Coastal Zone – Te Arai-Pakiri, Whangateau to Waiwera, Kaipara South Head and harbour to Muriwai-Te Henga coastal areas:
 - (a) matters for all restricted discretionary activities;
 - (b) the effects of the site layout and building design on the rural coastal character of the area and the amenity values of surrounding properties; and,
 - (c) the effects of the development including any landform modification on the landscape values of the neighbourhood the effect on areas identified in the Outstanding Natural Landscapes, Outstanding Natural Character and High Natural Character areas overlays.
- (3) minor dwellings:
 - (a) matters for all restricted discretionary activities;
 - (b) effects of building siting and access on landscape, rural character and amenity values;
 - (c) the cumulative effects of additional development on the site;
 - (d) the adequacy of access to the dwelling; and
 - (e) proximity to the principal dwelling on the site.
- (4) workers' accommodation:

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- (a) matters for all restricted discretionary activities;
 - (b) the effects of building siting, and access on landscape and rural character;
and
 - (c) the cumulative effects of additional development on the site.
- (5) infringement of Standard H19.10.2 Building height:
- (a) the effects on rural character; and
 - (b) impacts on dwellings on adjoining sites.
- (6) infringement of Standard H19.10.4 Buildings housing animals – minimum separation distance:
- (a) the effects on rural character;
 - (b) impacts on dwellings on adjoining sites; and
 - (c) natural hazards.

H19.12.2. Assessment criteria

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

- (1) all restricted discretionary activity and their accessory buildings:
 - (a) whether the design and location of the buildings, and site landscaping, avoid, remedy, or mitigate the adverse visual effects of the buildings and related site works on rural and rural coastal character and amenity values including where the proposal is within or adjacent to any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character areas. The following are relevant:
 - (i) building bulk;
 - (ii) glare or reflections off the exterior cladding;
 - (iii) landform modification needed for building platforms;
 - (iv) screening from neighbouring sites;
 - (v) views of the buildings from any public road or open space used for recreation, including any beach, coastal marine area, coastline, or regional park; and
 - (vi) related signage.
 - (b) whether noise from fans, ventilators, heaters, or other machines, or from on-site activities can be adequately mitigated;

- (c) whether the design and location of the buildings, and the associated traffic avoid, remedy or mitigate adverse effects on the road network or traffic safety;
 - (d) whether the control, treatment, storage, or disposal of stormwater can be adequately managed;
 - (e) if the site contains elite soils whether the proposed buildings, structures, or site development prevent or compromise its availability or use for activities that directly rely on it;
 - (f) if the site contains prime soils, whether the proposed buildings, structures, or site development can be relocated so as not prevent or compromise its availability or use for activities that directly rely on it; and
 - (g) for fire stations, the extent to which functional requirements and the benefits that having the emergency services in the location are to be taken into account.
- (2) one dwelling per site and its accessory buildings in the Rural Coastal Zone – Te Arai-Pakiri, Whangateau to Waiwera, Kaipara South Head and harbour to Muriwai-Te Heunga coastal areas:
- (a) whether all buildings are sited and designed so they do not visually intrude on any significant ridgeline or skyline or adversely affect landscape values when viewed from any road or other public land including any beach, the sea or regional park;
 - (b) whether building finishes including colours and materials complement the rural and rural coastal character of the surrounding environment. This criterion would be satisfied if the exterior finish of the building or structure has a reflectance value of, or less than, 30 per cent as defined within the BS5252 standard colour palette;
 - (c) whether the siting of buildings and accessory buildings contribute to the rural and rural coastal character of the surrounding environment by responding to natural landforms, landscape features, including where the proposal is within or adjacent to any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character overlays;
 - (d) whether the development requires extensive landform modification; and
 - (e) whether existing trees and bush that make a significant contribution to the visual and environmental qualities of the site are retained to the fullest extent practicable.
- (3) minor dwellings and their accessory buildings:
- (a) whether the design and location of the buildings, access and site works avoid, remedy, or mitigate the adverse visual effects on rural and rural

coastal character and amenity values including where the proposal is within or adjacent to any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character overlays including:

- (i) building bulk;
- (ii) glare or reflections off the exterior cladding;
- (iii) landform modification needed for building platforms;
- (iv) screening from neighbouring sites; and
- (v) the cumulative effects of built development on the site.

(b) whether the minor dwelling is in close proximity to the principal dwelling so that the inhabitants remain close to one another and the buildings are not dispersed over a rural site.

(4) workers' accommodation:

(a) whether the design and location of the buildings, access and site works avoid, remedy, or mitigate the adverse visual effects on rural and rural coastal character and amenity values including where the proposal is within or adjacent to any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character overlays including:

- (i) building bulk;
- (ii) glare or reflections off the exterior cladding;
- (iii) landform modification needed for building platforms;
- (iv) screening from neighbouring sites; and
- (v) the cumulative effects of built development on the site.

(b) whether the applicant can demonstrate that a separate dwelling is required on the site for the purpose of accommodating workers engaged on the site or in the surrounding rural area and that it would be impracticable to provide the accommodation as a permitted buildings such as a sleep-out, existing minor dwelling or an extension to an existing dwelling on the site.

(5) infringement of Standard H19.10.2 Building height:

- (a) whether the proposed height and scale of the building adversely affect the rural character of a site;
- (b) whether the proposed height and location of buildings adversely affect the visual character of adjacent sites; and
- (c) whether the proposed height and scale of the building adversely affect amenity values of neighbouring sites by reducing privacy or sunlight access.

- (6) infringement of Standard H19.10.4 Buildings housing animals – minimum separation distance:
- (a) whether the proposed height and scale of the building adversely affects the rural character of a site;
 - (b) whether the proposed height and location of buildings adversely affects the visual character of adjacent sites;
 - (c) whether the proposed height and scale of the building adversely affect amenity values of neighbouring sites by reducing privacy or sunlight access; and
 - (d) whether the proposed building exacerbates or creates a natural hazard or nuisance for neighbouring properties.

H19.13 Special information requirements

There are no special information requirements in this section.

Attachment E
Updated H19 Rural Zones
Clean

H19. Rural zones

H19.1 Background

There are five rural zones covered in H19. Rural zones:

- Rural – Rural Production Zone;
- Rural – Mixed Rural Zone;
- Rural – Rural Coastal Zone;
- Rural – Rural Conservation Zone; and
- Rural – Countryside Living Zone.

These zones, and their provisions, provide the main framework for the management of subdivision, use and development in the rural areas.

Section H19.2 contains general provisions applicable to all rural zones. These general provisions are then followed by objectives and policies relevant to the individual zones (section H19.3 to H19.5.12). The general and zone-specific provisions provide the management framework for subdivision use and development in the rural areas and need to be considered together, along with the Auckland-wide objectives and policies for rural subdivision.

Within the Rural – Rural Coastal Zone there are a number of identified coastal areas that, in addition to the general objectives and policies of that zone, have additional area specific objectives and policies.

These areas are:

- Te Arai-Pakiri coastal area;
- Whangateau-Waiwera coastal area;
- Kaipara South Head and Harbour coastal area;
- Muriwai-Te Henga coastal area;
- Tasman coastal area;
- Manukau Harbour coastal area; and
- Tāmaki-Firth coastal area.

H19.2 Objectives and policies – all rural zones

The following objectives and policies apply to all rural zones.

H19.2.1. Objectives – general rural

- (1) Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.
- (2) Rural production activities are provided for throughout the rural area while containing adverse environmental effects on site.

- (3) Elite soil is protected, and prime soil is managed, for potential rural production.
- (4) Rural lifestyle development avoids fragmentation of productive land.

H19.2.2. Policies – general rural

- (1) Enable activities based on use of the land resource and recognise them as a primary function of rural areas.
- (2) Require rural production activities to contain and manage their adverse environmental effects on-site to the fullest extent practicable.
- (3) Enable rural production activities on elite and prime soil and avoid land-use activities and development not based on, or related to, rural production from locating on elite soil and avoid where practicable such activities and development from locating on prime soil.
- (4) Enable and maintain the productive potential of land that is not elite or prime soil but which has productive potential for rural production purposes, and avoid its use for other activities including rural lifestyle living except where these are provided for or enabled by Policy H19.2.2(5).
- (5) Enable a range of rural production activities and a limited range of other activities in rural areas by:
 - (a) separating potentially incompatible activities such as rural production and rural lifestyle living into different zones;
 - (b) avoiding or restricting rural subdivision for activities not associated with rural production in areas other than those subdivision provided for in [E39 Subdivision – Rural](#);
 - (c) managing the effects of activities in rural areas so that;
 - (i) essential infrastructure can be funded, coordinated and provided in a timely, integrated, efficient and appropriate manner; and
 - (ii) reverse sensitivity effects do not constrain rural production activities.
 - (d) acknowledging that, in some circumstances, the effective operation, maintenance, upgrading and development of infrastructure may place constraints on productive land and other rural activities; or
 - (e) providing for tourism and activities related to the rural environment.
- (6) Recognise that a range of buildings and structures accessory to farming and forestry, and other operational structures for rural production activities are an integral part of rural character and amenity values.
- (7) Enable intensive farming in the Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone only where it is carried out in accordance with good industry practice.

H19.2.3. Objectives – rural character, amenity and biodiversity values

- (1) The character, amenity values and biodiversity values of rural areas are maintained or enhanced while accommodating the localised character of different parts of these areas and the dynamic nature of rural production activities.
- (2) Areas of significant indigenous biodiversity are protected and enhanced.

H19.2.4. Policies – rural character, amenity and biodiversity values

- (1) Manage the effects of rural activities to achieve a character, scale, intensity and location that is in keeping with rural character, amenity and biodiversity values, including recognising the following characteristics:
 - (a) a predominantly working rural environment;
 - (b) fewer buildings of an urban scale, nature and design, other than dwellings and their accessory buildings and buildings accessory to farming; and
 - (c) a general absence of infrastructure which is of an urban type and scale.
- (2) Recognise the following are typical features of the Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone and will generally not give rise to issues of reverse sensitivity in these zones:
 - (a) the presence of large numbers of farmed animals and extensive areas of plant, vine or fruit crops, plantation forests and farm forests;
 - (b) noise, odour, dust, traffic and visual effects associated with use of the land for farming, horticulture, forestry, mineral extraction and cleanfills;
 - (c) the presence of existing mineral extraction activities on sites zoned as Special Purpose – Quarry Zone;
 - (d) accessory buildings dot the landscape, particularly where farming activities are the dominant activity; and
 - (e) activities which provide for the relationship of Mana Whenua to their ancestral land and taonga.
- (3) Enable opportunities to protect existing Significant Ecological Areas or provide opportunities to enhance or restore areas to areas meeting criteria of Significant Ecological Areas.

H19.2.5. Objectives – rural industries, rural commercial services and non-residential activities

- (1) Rural production activities are supported by appropriate rural industries and services.
- (2) The character, intensity and scale of rural industries and services are in keeping with the character of the relevant rural zone.

- (3) The rural economy and the well-being of people and local communities are maintained or enhanced by social, cultural and economic non-residential activities, while the area's rural character and amenity is maintained or enhanced.
- (4) Industries, services and non-residential activities of an urban type and scale unrelated to rural production activities are not located in rural zones.
- (5) The rehabilitation of quarries is assisted by cleanfills and managed fills.

H19.2.6. Policies – rural industries, rural commercial services and non-residential activities

- (1) Enable rural industries and rural commercial services only where they have a direct connection with the resources, amenities, characteristics and communities of rural areas.
- (2) Manage rural industries, rural commercial services and other non-residential activities to:
 - (a) avoid creating reverse sensitivity effects;
 - (b) contain and manage adverse effects on-site; and
 - (c) avoid, remedy or mitigate adverse effects on traffic movement and the road network.
- (3) Enable cleanfills and managed fills where they can assist the rehabilitation of quarries.
- (4) Restrict cleanfills and managed fills in the Rural – Rural Conservation Zone and Rural – Countryside Living Zone. Where cleanfills are established in other rural zones:
 - (a) they should not adversely affect or inhibit the use of surrounding land for productive purposes or for carrying out any permitted, restricted discretionary or discretionary activity; and
 - (b) their completed state should be in keeping with the appearance, form and location of existing rural character and amenity values.

H19.3 Rural – Rural Production Zone

H19.3.1. Zone description

The purpose of the Rural – Rural Production Zone is to provide for the use and development of land for rural production activities and rural industries and services, while maintaining rural character and amenity values.

The zone's physical, climatic and production characteristics vary across the region, including rolling to steep hill country and flat to rolling lowlands with highly productive soils close to the metropolitan area.

In the north, the zone is characterised by:

- Auckland's highest number of remaining large rural properties;
- Low-intensity settlement, significant natural areas and natural resources; and
- an environment less modified by humans than other zones in the north.

In the south, the zone is characterised by:

- intensively subdivided land tenure pattern, particularly on lowland areas;
- the largest horticultural production area in Auckland, centred on the highly productive soils of the Franklin lowlands;
- mixed primary production including pastoral farming and forestry relating to topography, land tenure pattern and water availability on the west and east coasts; and
- the Hunua Ranges providing the backdrop to production land in the east.

The following objectives and policies apply to the Rural – Rural Production Zone.

H19.3.2. Objectives

- (1) A range of rural production, rural industries, and rural commercial activities take place in the zone.
- (2) The productive capability of the land is maintained and protected from inappropriate subdivision, use and development.

H19.3.3. Policies

- (1) Provide for a range of existing and new rural production, rural industry and rural commercial activities and recognise their role in determining the zone's rural character and amenity values.
- (2) Provide for forestry activities including:
 - (a) planting and management of new and existing forests in recognition of their production values, land stability and carbon sequestration functions, and multiple use for active recreation;
 - (b) woodlots and farm-scale forestry; and
 - (c) planting of indigenous species and amenity exotic species for long-term production purposes and the eventual harvesting of these species.
- (3) Enable the establishment of new greenhouses and the expansion of existing greenhouses in specific locations where there are advantages for operational efficiencies, transport accessibility and the provision of energy such as natural gas supplies and services, and manage the amenity expectations of other activities in these areas.
- (4) Provide for intensive farming, while managing the adverse effects and require compliance with good industry practice.
- (5) Require intensive farming of new species, including terrestrial, freshwater and marine species not currently farmed in the Rural – Rural Production Zone to:

- (a) be designed and operated to prevent the escape of any species of animal or plant that could have an adverse effect on the natural environment; and
- (b) not include any mustelid species.

H19.4 Rural – Mixed Rural Zone

H19.4.1. Zone description

The purpose of the Rural – Mixed Rural Zone is to provide for rural production, generally on smaller rural sites and non-residential activities of a scale compatible with smaller site sizes.

These areas often have a history of horticulture, viticulture, intensive farming and equine-related activities. These activities have in turn supported the establishment of produce sales or retail services such as cafés, restaurants, tourist and visitor-related facilities.

Sites in this zone provide flexibility to accommodate a range of rural production activities and associated non-residential activities while still ensuring good amenity levels for residents who use their land for rural lifestyle purposes.

The following objectives and policies apply to the Rural – Mixed Rural Zone.

H19.4.2. Objectives

- (1) The existing subdivision pattern is used by a range of rural production activities and non-residential activities that support them.
- (2) The continuation of rural production and associated non-residential activities in the zone is not adversely affected by inappropriate rural lifestyle activity.
- (3) Rural character and amenity values of the zone are maintained while anticipating a mix of rural production, non-residential and rural lifestyle activities.

H19.4.3. Policies

- (1) Enable rural production, rural industries and rural commercial services that are compatible with the existing subdivision pattern and recognise that these activities are significant elements of, and primary contributors to, rural character and amenity values.
- (2) Manage reverse sensitivity effects by:
 - (a) limiting the size, scale and type of non-rural production activities;
 - (b) retaining the larger site sizes within this zone;
 - (c) limiting further subdivision for new rural lifestyle sites; and
 - (d) acknowledging a level of amenity that reflects the presence of:
 - (i) rural production and processing activities that generate rural odours, noise from stock and the use of machinery, and the movement of commercial vehicles on the local road network; and

- (ii) non-residential activities which may generate noise, light and traffic levels greater than those normally found in areas set aside for rural lifestyle activities.

H19.5 Rural – Rural Coastal Zone

H19.5.1. Zone description

The purpose of the Rural – Rural Coastal Zone is to retain and enhance the rural character and amenity values, local coastal character and biodiversity values of rural areas along Auckland's harbours, estuaries and coastline. It is also to enable rural production activities, local non-residential activities, maintain recreational opportunities and manage the effects of existing scattered rural lifestyle development. The zone also provides opportunities to access the coastal marine area and support marine-related activities.

The zone is more extensive than the coastal environment line identified by using the New Zealand Coastal Policy Statement criteria. It recognises the significance of the coast to the character and identity of Auckland and its role as a favoured place to live and work and for recreational and leisure activities. The coastal environment, and in particular the coastal edge and margins of lakes and rivers, is important to Mana Whenua.

Much, but not all of the zone and the adjacent coastal marine area is covered by Outstand Natural Character, High Natural Character, Outstanding Natural Landscape and Significant Ecological Areas overlays.

Parts of this zone are under significant development pressure for coastal town and village settlement, further rural lifestyle opportunities, recreational, tourism and visitor activities.

The objectives and policies set out in H19.5.2 and H19.5.3 apply to the entire Rural – Rural Coastal Zone. The objectives and policies set out in sections H19.5.4. – H19.5.10. apply to specific coastal areas:

- Rural Coastal Zone – Te Arai-Pākiri coastal area;
- Rural Coastal Zone – Whangateau-Waiwera coastal area;
- Rural Coastal Zone – Kaipara South Head and Harbour coastal area;
- Rural Coastal Zone – Muriwai-Te Henga coastal area;
- Rural Coastal Zone – Tasman coastal area;
- Rural Coastal Zone – Manukau Harbour coastal area; and
- Rural Coastal Zone – Tāmaki-Firth coastal area.

H19.5.2. Objectives

- (1) Rural production activities are enabled while managing adverse effects on rural character and amenity values, landscape, biodiversity values and Mana Whenua cultural heritage values.

- (2) The development and operation of activities that provide recreational and local non-residential services are enabled where they maintain and enhance the zone's rural and coastal character, amenity values, landscape and biodiversity values.
- (3) Buildings are of a scale and intensity that do not detract from the zone's rural and coastal character and amenity values.
- (4) Rural lifestyle subdivision is limited across the zone.
- (5) The significant relationship between land, freshwater bodies and the coastal marine area and their contribution to Auckland's rural and coastal character is maintained and enhanced.
- (6) Recognise differences in coastal character in different parts of the zone and manage activities and development to maintain and enhance local coastal character.

H19.5.3. Policies

- (1) Manage activities and development to maintain the distinctive rural and coastal character of the zone which include:
 - (a) farming and forestry with a low density of buildings and other significant structures;
 - (b) rural character and amenity values, biodiversity values, values based on particular physical and natural features such as beaches, ridgelines, estuaries, harbours, indigenous vegetation, wetlands, or similar features;
 - (c) physical and visual links between land, freshwater lakes and the coastal marine area; or
 - (d) traditional cultural relationships of Mana Whenua with the coastal environment.
- (2) Enable the continuation of rural production activities and the construction of accessory buildings and structures for farming purposes.
- (3) Provide for the continued operation of forestry including harvesting and replanting in existing forest areas.
- (4) Discourage rural production activities that have significant adverse effects resulting from:
 - (a) large buildings;
 - (b) significant earthworks or changes to natural landforms;
 - (c) adverse effects that cannot be contained or managed within the boundary of the site;
 - (d) significant numbers of daily vehicle movements, particularly on scenic and tourist routes; or

- (e) significant impacts on biodiversity values and rural character and amenity values.
- (5) Maintain the rural and coastal character and amenity values in the coastal environment by controlling the number, location, size and visual impact of dwellings and other non-residential buildings and their curtilage and accessways.
- (6) Require the location and design of buildings and other significant structures to:
 - (a) avoid locating on the top of ridgelines so their profile does not protrude above the natural line of the ridge;
 - (b) minimise building platforms and accessways and earthworks associated with these; and
 - (c) avoid locating buildings and other significant structures in coastal yards and riparian margins, except for fences and structures with operational need for such a location.
- (7) Recognise the importance of major roads in the zone that:
 - (a) provide access to coastal settlements, public open space and the coast;
 - (b) function as major transport routes for rural produce;
 - (c) are major scenic and tourist routes;
 - (d) are preferred locations for recreation, tourism, visitor facilities and services and the sale of produce and crafts; or
 - (e) act as gateways to Auckland.
- (8) Enable the development of appropriate activities, while ensuring that the transport function of the road and its scenic values are not compromised.

H19.5.4. Rural – Rural Coastal Zone Te Arai-Pākiri coastal area

H19.5.4.1. Area Description

This area includes the coastal land between Te Arai Point and J Greenwood Road to the south of Pākiri village. Te Arai and Pākiri beaches are the only lengthy, exposed, high-energy beaches on mainland Auckland's east coast. In contrast to other areas on this coastline, it has a distinctly remote and wild rural character.

The area is characterised by hill country in the south and west which gives way to rolling rural land, sand dunes and flat pastoral land in the north and east. The sand dunes along with historically planted exotic forests form a natural interface between the beach and the pastoral land further afield. The areas of indigenous and exotic forest on the hills lying to the west of the Pākiri coastal area form a physical and visual backdrop to the area. There are significant areas of indigenous vegetation and wildlife habitat in the area, containing a number of important native species.

The Te Arai-Pākiri coastal area is characterised by an existing rural lifestyle and beach settlement to the south of Mangawhai Forest, focussed on the Pākiri River area. Pākiri Regional Park is located to the south of the river. There are limited public road access points to the beaches. At Te Arai Point, located towards the northern end of the coastline, there is a public reserve, regional park, scenic lookout and a golf course.

H19.5.4.2. Objectives

- (1) Low levels of built development in the Te Arai-Pākiri coastal area are maintained to retain its coastal character and the scenic and recreational values of Pākiri Beach and Te Arai Beach.
- (2) Development of Māori land is provided for in a way that retains the dominance of natural elements and scenic values over any built development.

H19.5.4.3. Policies

- (1) Avoid beachfront residential and rural lifestyle development to retain the undeveloped character of the beaches.
- (2) Manage the type and intensity of development along existing public roads and other access ways to the beaches to protect their low-key development character.
- (3) Manage built development so that the size, location and density of buildings do not dominate over natural elements and the area retains a rural and coastal character rather than a built one.
- (4) Minimise the visual and landscape impacts of buildings in areas where there are important public views to and from Pākiri Beach, Te Arai Beach and the rural backdrop, including:
 - (a) views to and from the beach at the Pākiri River mouth;
 - (b) views to and along Pākiri Beach and the southern coastal hills from Pākiri Regional Park; and
 - (c) views to and from the beach at Te Arāi Point.
- (5) Avoid activities and development that adversely affect the natural character, water quality and recreational use of the catchment of the Cape Rodney to Ōkakarī Point/Goat Island Marine Reserve, particularly on the coastal hills fronting the reserve.
- (6) Provide for the ongoing operation of the Mangawhai Forest and its multiple purposes for timber production and sand dune stabilisation, and for its landscape and open space values as a backdrop to Pākiri Beach.
- (7) Enable the use of Māori land in the area for papakāinga and other associated purposes, but recognise the high natural values of the area by:
 - (a) concentrating built development in areas of lower visual prominence;

- (b) cluster development rather than expansion along the coastal edge;
- (c) maintaining existing vegetation and landform character as far as practicable; and
- (d) managing the scale of development to reflect papakāinga and marae needs, rather than more intensive forms of development.

H19.5.5. Rural – Rural Coastal Zone East Coast area Whangateau-Waiwera

H19.5.5.1. Area Description

This extends from Rodney Road (Pākiri Hill) south as far as the northern bank of Waiwera River. Its inland boundary generally follows State Highway 1 from Waiwera to Warkworth, before extending northeast to the east of Matakana Road and along Leigh Road.

The area is characterised by an indented and variable coastline with steep headlands, small coves, sheltered beaches and harbours, and extensive sandy beaches. A sequence of five major estuaries are along the eastern coast area – Whangateau, Matakana, Mahurangi, Pūhoi and Waiwera. These estuarine environments provide fish nursery areas that contribute to the overall productivity of the Hauraki Gulf.

Between Mahurangi and Waiwera the land is characterised by steep to rolling rural land with extensive areas of indigenous vegetation and partially bush-clad slopes. There are few areas of flat land, the largest areas being at Omaha Beach and Omaha flats.

Much of the coastal edge is identified as an Outstanding Natural Character or High Natural Character overlay with further expanses of land being Outstanding Natural Landscape and Significant Ecological areas.

Five regional parks at Tāwharanui, Scandretts, Mahurangi East, Mahurangi West and Wenderholm provide public access and recreational opportunities, as well as being significant ecological areas.

H19.5.5.2. Objectives

- (1) The open, high-quality natural character, coastal landscape and natural environmental values are retained.
- (2) Recreational, marine transport, tourism and home occupation activities are supported where they are consistent the coastal landscape character and natural environmental values of the area.
- (3) Use and development is integrated with growth in identified rural and coastal towns and settlements.
- (4) The high natural values of the east coast estuaries are maintained.

H19.5.5.3. Policies

- (1) Require buildings, including dwellings, greenhouses and buildings for intensive farming and their curtilage and access to be located sensitively in

the landscape with particular consideration to their size, location, scale and density, ability to sit into the landscape.

- (2) Avoid locating dwellings and other significant buildings on ridgelines and the construction of visually prominent accessways up or across visually significant slopes.
- (3) Recognise and support the high recreational values of the area, particularly accessibility to, and use of, the coastal marine area by enabling:
 - (a) the continued use of Sandspit as a transport terminal to Kawau Island; and
 - (b) the efficient operation of existing public boat launching facilities and the establishment of new public facilities in appropriate locations.
- (4) Avoid activities and development of a type, scale or location that adversely affects the public use and enjoyment of regional parks and other public open space for:
 - (a) active and passive recreation, both on land and in the adjoining coastal marine area;
 - (b) appreciation of open space, scenic and natural landscape values;
 - (c) centres for biodiversity management and enhancement; or
 - (d) farmland management.
- (5) Concentrate larger scale tourist facilities, including tourist accommodation, in rural and coastal towns.
- (6) Manage activities that have the potential to generate sediment into the estuarine environments to ensure the high natural values of these environments are protected and maintained.

H19.5.6. Rural – Rural Coastal Zone West Coast Coastal area (Kaipara South Head and harbour)

H19.5.6.1. Area description

This area includes significant areas of Kaipara South Head, the Ōkahukura (Tāpora) Peninsula and the eastern coastal margins of the Kaipara Harbour. The area is characterised by a predominance of rural production activity, particularly pastoral farming activities and forestry and its significance to Māori. Long, high-energy beaches backed by sand dunes are located along the coast, terminating in the significant high dune landforms and Papakanui spit at South Kaipara Head.

Flat coastal alluvial plains are a special landscape feature in the Kaipara Harbour catchment. These are backed by a convoluted coastline with rolling hills. This harbour is highly tidal with extensive areas of exposed intertidal flats and defined low tidal channels and occasional mangrove communities. The South Head area

is recognised as having wind resources with potential to be used as a source of renewable energy.

Significant bird habitats are present along the coastal margins and in the harbour, particularly around the sand islands at Tāpora. Tāpora, Wharehine and Port Albert are sensitive to development due to the elevated nature of many of the surrounding roads, and due to the rolling and often open nature of the land which also connects to the low lying alluvial plains.

Development has increased in particular along the west coast of the Kaipara Harbour and along South Head. A pattern of typically large properties and low-density settlement provides a rural and semi-remote character.

Woodhill Forest along the western margins of South Kaipara peninsula provides recreation, sand stabilisation and landscape functions.

There are areas of Outstanding Natural Character, High Natural Character and Outstanding Natural Landscape which may be at risk of degradation due to development pressure. South Head and the coast of the Kaipara Harbour are areas recognised as being under pressure for development. Control over the built environment in these areas is considered prudent to ensure that the character and rural/coastal landscape and environmental and amenity values are retained.

H19.5.6.2. Objectives

- (1) The special and distinctive coastal and rural character of the West Coast area is retained.
- (2) Land-based activities and development are managed to protect the area's Outstanding and High Natural Character and landscape values and its ecological, recreation and amenity values.
- (3) The relationship between the land, the Tasman Coast and the Kaipara Harbour is recognised and maintained.
- (4) Significant Māori associations with the Kaipara Harbour area recognised and provided for.

H19.5.6.3. Policies

- (1) Enable rural production activities, particularly pastoral farming and forestry, for their economic and social role as well as in retaining a remote rural and coastal character.
- (2) Maintain a low-intensity built environment, where buildings are for rural production purposes rather than for rural lifestyle.
- (3) Require buildings for intensive farming to be sited to minimise visual impacts on natural character and landscape values.
- (4) Retain a range of land holding sizes, particularly those larger land holdings used for pastoral farming activities.

- (5) Improve public access to the Kaipara Harbour, including boat launching facilities where this does not adversely affect important habitat areas, such as the Tāpora sand islands.
- (6) Require subdivision and land-use activities to enhance and protect the distinctive special character and sensitive environments of the policy area.

H19.5.7. Rural – Rural Coastal Zone Muriwai-Te Henga coastal area

H19.5.7.1. Area description

This area consists of a rugged coastal strip between Muriwai and Bethells Beach/Te Henga and the area inland to the edge of the hill country west of Waitākere township. It has largely uninhabited steep, rugged indented coastal cliffs along the West Coast with small beaches amid high rocky headlands. Rolling to steep hills extend inland from the coast. There is significant indigenous vegetation. This area is characterised by the predominance of natural qualities that is largely unmodified by the built environment, significant roads or other landscape modifications.

Rural lifestyle development to the south of Muriwai settlement is focused on Ōaia and Constable Roads but set back from the coastal edge.

Part of this area is included in the Waitākere Ranges Heritage Area Overlay.

H19.5.7.2. Objectives

- (1) The natural character and coastal and non-urban character of the Muriwai-Bethells Beach coastal area is protected and retained.
- (2) Activities are managed to maintain the values of the adjoining Open Space Zone.

H19.5.7.3. Policies

- (1) Manage built development so that its size, location and density do not dominate natural elements and the area retains a rural and coastal character rather than a built one.
- (2) Avoid siting dwellings and accessory buildings overlooking public walkways or locations such as headlands or ridgelines where they would be highly visible from an Open Space Zone.
- (3) Avoid built development requiring significant clearance of regenerating and established indigenous vegetation.

H19.5.8. Rural – Rural Coastal Zone Tasman Coast area (Āwhitu Peninsula)

H19.5.8.1. Area description

This area comprises the western margins of the Āwhitu Peninsula. It extends from the Manukau Harbour south to the boundary with the Waikato District.

The Peninsula is largely defined by a sequence of massive dunes that rise to a central spine generally 120-190m above sea level. These enclose a series of

deep valleys and dune lakes that are exposed to the Tasman Sea. There are two dune lakes - Pēhiākura and Pokorua.

The area as a whole is one of high natural character and outstanding natural landscapes. Steep hill country gives the area a wild, scenic and remote landscape character. Pastoral land comprises large farm holdings with pockets of indigenous vegetation and forestry. Settlement is typically sparse – characterised by farm houses and accessory buildings and located adjacent to existing roads. A long history of Māori settlement has left a legacy of places and sites of significance to local iwi and strong cultural associations with the peninsula as a whole.

The potential for this area to support renewable wind energy generation facilities is acknowledged.

H19.5.8.2. Objectives

- (1) The high natural values, including natural character and landscapes are protected from inappropriate subdivision, use and development while providing for rural activities.
- (2) Natural coastal processes are recognised and managed by avoiding activities that would create or exacerbate coastal erosion and sand blowouts along the Tasman coastline.

H19.5.8.3. Policies

- (1) Provide for limited subdivision, use and development to ensure natural character and landscape values are maintained and enhanced.
- (2) Avoid land modification and development along sandy coastal margins and seaward faces of the coastal escarpments or ridgelines.
- (3) Encourage protection of stands of indigenous bush and restoration and enhancement planting of indigenous trees, shrubs and other plants along the coastal escarpments and ridgelines.
- (4) Recognise the wild, scenic, and remote values of the Tasman Coast.

H19.5.9. Rural – Rural Coastal Zone Manukau Harbour coastal area

H19.5.9.1. Area description

This area encompasses the harbour fringe from Wattle Bay at the harbour entrance to the Whangamaire Stream arm of the Pāhurehure Inlet west of Hingaia.

This coastal margin is physically diverse with a wide variety of environments including beaches, headlands, cliffs and estuaries. It is characterised by low-lying rural flatlands, low terraces and rolling topography deeply indented by the Waiuku and Taihiki rivers and various estuarine creeks and inlets.

The Waiuku River is associated with low coastal cliffs and rural land sloping down to a mangrove-lined estuary.

There are larger holdings on the eastern Āwhitu coastline than along the southern Manukau coast, with a predominance of pastoral farming activities. Overall in this location there is a relative absence of dwellings in proximity to much of the coastline. The character of the area is based on agricultural land uses and absence of built development rather than the presence of indigenous vegetation. The area also has important cultural significance.

The coastal area forms part of the wider Franklin lowlands with highly productive soils, pastoral and horticultural land uses and an intensive pattern of land subdivision into small rural sites.

H19.5.9.2. Objectives

- (1) The rural and coastal character and visual amenity values are maintained.
- (2) Activities in the area are managed to protect the ecological values of the Manukau Harbour, particularly identified wader bird habits and the visual and landscape interconnections between land and sea.
- (3) Identified special character areas as set out in Policy H19.5.9.3(3) are protected from inappropriate subdivision, use and development.
- (4) The quality and quantity of coastal and riparian vegetation in the coastal area are improved.

H19.5.9.3. Policies

- (1) Recognise the significance of the coastal margin setback in maintaining the natural character of the coastal edge and contributing to the visual amenity values, as well as providing a natural buffer to coastal erosion and flooding.
- (2) Require dwellings and other significant built development to locate outside the coastal margin setback.
- (3) Recognise the following areas which are identified as being of special character in the Rural – Rural Coastal Zone Manukau Harbour coastal area:
 - (a) Clarks Beach to Seagrove and Ellets Beach;
 - (b) Pollok Spit;
 - (c) Āwhitu Regional Park and Environs;
 - (d) Waipipi Creek Roosts;
 - (e) The Western Needles Promontory;
 - (f) Kelly's Landing Headland;
 - (g) Dickey's Landing Headland;
 - (h) Kauri Road Headland;
 - (i) Andrew Pye Road Headland;

- (j) Mako Point Headland; and
 - (k) headland between Wattle Bay and Ōrua Bay.
- (4) Protect the special character areas listed in Policy H19.5.9.3(3) by:
- (a) controlling the location, scale and density of built development;
 - (b) having vegetation cover and production land uses that are appropriate to the area having regard to its use by wader birds; and
 - (c) restricting access in identified wader bird areas.
- (5) Avoid activities and development of a type or scale or location that adversely affects the public use and enjoyment of the Āwhitu Regional Park for:
- (a) active and passive recreation, both on land and in the adjoining coastal marine area;
 - (b) appreciation of open space, scenic and natural landscape values; and
 - (c) farmland management.
- (6) Require enhancement of the coastal edge and riparian margins as part of any development for rural lifestyle purposes or non-residential activities.

H19.5.10. Rural – Rural Coastal Zone Tāmaki Firth coastal area

H19.5.10.1. Area description

This area encompasses rural coastal land from Maraetai south-east to the regional boundary south of Matingarahi on the Firth of Thames.

It is a mixture of flat land around the lower reaches of the Wairoa River and at Kawakawa Bay, Ōrere Point and Waimangu Point, separated by rolling to steep hill country. This coastal area is predominantly pastoral land but backs onto steep forest-covered hill country in the north and the Hunua Ranges in the south. Pastoral farming is predominant, interspersed with local areas of indigenous vegetation.

The coastline is characterised by a rocky shoreline of small coves and headlands, cliffs, wider sandy beaches, prominent headlands, shallow beaches, separated by rolling land, which gives way to shallow gravel beaches in the south. The southern part of this coastal area acts as the entry to coastal Firth of Thames and provides a significant bird habitat and many natural features.

H19.5.10.2. Objectives

- (1) The rural and coastal character and amenity values are maintained.
- (2) The scenic values associated with the Pōhutukawa Coast coastal environment are maintained.

H19.5.10.3. Policies

- (1) Enable rural production activities for their economic and social contribution and for their role in retaining the rural and coastal character of this area.
- (2) Avoid locating dwellings and other significant buildings on prominent headlands and ridgelines and the construction of visually prominent accessways up or across visually significant slopes.
- (3) Manage the location, type and scale of non-rural production activities along the Pōhutukawa Coast Highway to ensure that the rural character and scenic values are maintained.
- (4) Avoid activities and development of a type or scale or location that adversely affect public use and enjoyment of regional parks and other public open space, unless those effects arise from the provision of facilities for:
 - (a) active and passive recreation, both on land and in the adjoining coastal marine area;
 - (b) appreciation of open space, scenic and natural landscape values;
 - (c) centres for biodiversity management and enhancement; or
 - (d) farmland management.
- (5) Recognise and support the high recreational values of the area, particularly accessibility to and use of the coastal marine area by enabling the efficient operation of existing public boat launching facilities and the establishment of new public facilities in appropriate locations.

H19.6 Rural – Rural Conservation Zone

H19.6.1. Zone description

This zone comprises biophysically distinctive areas in rural Auckland. The zone has important natural values requiring maintenance and protection. They are largely in private ownership and are used for a range of purposes including dwellings, low-impact recreational activities, conservation and open space.

Most areas have significant indigenous vegetation cover, are important wildlife habitats or contain important natural features such as dune lakes. Most have been identified as Significant Ecological Areas, Outstanding Landscapes, Outstanding Natural Character and High Natural Character overlays in the Plan.

The purpose of this zone is to adopt a conservative approach to new subdivision, use and development so that the natural values of the zone are maintained and protected while enabling established rural activities and dwellings to continue.

H19.6.2. Objectives

- (1) The natural character, landscape, and distinctive environmental values of the zone are recognised and protected.
- (2) The zone's values are maintained and where appropriate enhanced.

- (3) Existing rural activities and dwellings are provided for but further development in the zone is limited to that which maintains and where appropriate enhances the values of the zone.
- (4) Buildings and structures are unobtrusive within the natural landscape.

H19.6.3. Policies

- (1) Protect the natural character and landscape from significant change or modification, particularly visually intrusive buildings, structures and roads.
- (2) Manage adverse effects of buildings and structures by:
 - (a) requiring buildings and structures to be of a design, form, scale, density and location that is in keeping with the landscape; and
 - (b) avoiding buildings and structures on ridgelines.
- (3) Enable the continued use of established rural activities and dwellings and provide for new activities only where adverse effects are avoided or mitigated.
- (4) Maintain and enhance water quality and quantity by:
 - (a) avoiding new primary production activities or the expansion of existing activities where they will accelerate water abstraction from lakes;
 - (b) avoiding intensive farming, cleanfills, and rural industries and services that generate contaminant discharges to land or water and increase existing levels of diffuse nutrient input into lakes;
 - (c) minimising land disturbances, landform modification and the removal of indigenous vegetation; or
 - (d) avoiding the introduction of exotic species which may undermine the ecological integrity of native terrestrial or aquatic habitats.
- (5) Protect, maintain and enhance habitats, high-value natural areas and unique features present within the zone through controls on earthworks, vegetation removal, grazing, wetland modification and limitations on activities and subdivision.
- (6) Recognise the high ecological value of the dune lakes and their habitats by avoiding activities that disturb wildlife during breeding or nesting seasons.

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 receiver area for transferable rural site subdivision from other zones.

This zone incorporates a range of rural lifestyle developments, characterised as low-density rural lifestyle dwellings on rural land. These rural lifestyle sites include scattered rural dwellings sites, farmlets and horticultural sites, bush dwelling sites and papakāinga.

Some parts of the zone reflect historical subdivision patterns, while other areas were established on rural land that did not have significant rural production values, and was often associated with steep topography and poor soils. Bush lots enabled the protection of indigenous vegetation cover as part of the subdivision process.

H19.7.2. Objectives

- (1) Land is used for rural lifestyle living as well as small-scale rural production.
- (2) The rural character, amenity values, water quality, ecological quality, historic heritage values and the efficient provision of infrastructure is maintained and enhanced in subdivision design and development.
- (3) Development in the zone does not compromise the ability of adjacent zones to be effectively and efficiently used for appropriate activities.
- (4) The type and nature of land-use activities provided for are restricted to those appropriate for the typically smaller site sizes.
- (5) Subdivision, use and development is compatible with infrastructure and any existing infrastructure is protected from reverse sensitivity effects.

H19.7.3. Policies

- (1) Locate and design subdivision and development to maintain and enhance rural character and amenity values and avoid an urban form and character by:
 - (a) designing subdivision and development (including accessways, services, utilities and building platforms) to be in keeping with the topography and characteristics of the land;
 - (b) minimising earthworks and vegetation clearance for accessways, utilities and building platforms;
 - (c) avoiding locating accessways, services, utilities and building platforms where they will result in adverse effects on water quality, wetlands, riparian margins, historic heritage sites or scheduled sites and places of value or significance to Mana Whenua. Where avoidance is not possible,

mitigation measures must be proposed so that any adverse effects are minor;

- (d) identifying opportunities for environmental enhancement of existing areas of native vegetation, wetland areas, riparian margins or the coastal edge;
 - (e) encourage landscape planting that reinforces local vegetation patterns;
and
 - (f) identifying and where appropriate, requiring, the provision of walkway, cycleway and bridle path networks.
- (2) Prevent subdivision, use and development from compromising the safe and efficient operation of existing mineral extraction activities, rural production activities, existing infrastructure or industry in adjacent zones.
 - (3) Avoid or mitigate adverse effects in relation to reverse sensitivity and rural character and amenity by restricting the range of land-use activities in the zone.
 - (4) Discourage activities that will result in adverse effects such as noise, dust, traffic volumes, odour, visual effects and effects on health, safety and cultural values and significantly reduce the rural character and amenity values of the zone.
 - (5) Acknowledge that the rural character and amenity values associated with this zone reflect its predominant use for rural lifestyle living rather than for rural production activities.

H19.8 Activity table

Tables H19.8.1 and H19.8.2 specify the activity status of land use and development activities pursuant to section 9(2) and 9(3) of the Resource Management Act and subdivision pursuant to section 11 the Resource Management Act 1991.

The activity status of the activities in the table below also applies to new buildings including accessory buildings that will accommodate or are needed to facilitate the activity unless otherwise specifically provided for in the table.

Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

If any activity listed in rules (including standards) H19.8.1 to H19.10.16 is regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (“NESPF”) then the NESPF applies and prevails.

However, the NESPF allows the plan to include more restrictive rules in relation to one or more of the following:

- Significant Ecological Areas Overlay;
- Water Supply Management Areas Overlay;
- Outstanding Natural Character Overlay;
- High Natural Character Overlay;

- Outstanding Natural Landscapes Overlay;
- Outstanding Natural Features Overlay; or
- activities generating sediment that impact the coastal environment.

Where there is a rule in the plan that relates to any of the matters listed above then the plan rule will apply. In the event that there is any conflict between the rules in the plan and the NESPF in relation to any of the above, the most restrictive rule will prevail.

If the NESPF does not regulate an activity then the plan rules apply.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

If an activity provided for in rules H19.8.1 to H19.13, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

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

		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Use						
Rural						
(A1)	Farming	P	P	P	P	P
(A2)	Post-harvest facilities	NC	NC	RD	RD	RD
(A3)	Rural airstrips	P	P	P	P	P
(A4)	Greenhouses	RD	RD	P	P	P
(A5)	Intensive farming	NC	NC	P	P	P
(A6)	Intensive poultry farming that complies with Standard H19.10.1(3)	NC	NC	P	P	P
(A7)	Intensive poultry farming that does not comply with Standard H19.10.1(3)	NC	NC	D	D	D

H19 Rural zones

		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
(A8)	Free-range poultry farming that complies with Standard H19.10.6(1)	P	RD	P	P	P
(A9)	Free-range poultry farming that does not comply with Standard H19.10.6(1)	D	D	D	D	D
(A10)	Mustelid farming	Pr	Pr	Pr	Pr	Pr
(A11)	Disposal of non-residential waste or composting that complies with Standard H19.10.1(1) and (2)	P	P	P	P	P
(A12)	Disposal of non-residential waste or composting that does not comply with Standard H19.10.1(1) and (2)	D	D	D	D	D
(A13)	Forestry	P	D	P	P	P
(A14)	Forestry that does not comply with Standard H19.10.7.	D	D	D	D	D
(A15)	Conservation planting	P	P	P	P	P
(A16)	Rural commercial services	D	D	RD	RD	RD
(A17)	Animal breeding or boarding that complies with Standard H19.10.8.	D	NC	P	P	P
(A18)	Animal breeding or boarding that does not comply with Standard H19.10.8.	D	NC	D	D	D
(A19)	Produce sales	P	P	P	P	P
(A20)	Produce sales that do not comply with Standard H19.10.9.	D	D	D	D	D
(A21)	Rural industries	NC	NC	RD	RD	RD
(A22)	On-site primary produce manufacturing	D	D	P	P	P

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		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
(A23)	Equestrian centres	NC	D	RD	RD	RD
(A24)	Quarries – farm or forestry	P	P	P	P	P
(A25)	Quarries – farm or forestry that does not comply with Standard H19.10.15.	D	D	D	D	D
Accommodation						
(A26)	Dwellings	Refer to Activity Table H19.8.2.				
(A27)	Minor dwellings	RD	RD	RD	RD	RD
(A28)	Minor dwellings that do not comply with Standard H19.10.11.	NC	NC	NC	NC	NC
(A29)	Workers' accommodation	NC	NC	RD	RD	RD
(A30)	Workers' accommodation that does not comply with Standard H19.10.12.	NC	NC	NC	NC	NC
(A31)	Home occupations	P	P	P	P	P
(A32)	Home occupations that do not comply with Standard H19.10.13.	NC	NC	NC	NC	NC
(A33)	Camping grounds	RD	NC	RD	RD	RD
(A34)	Visitor accommodation	NC	D	D	RD	D
Commerce						
(A35)	Restaurants and cafes accessory to farming carried out on the same site	NC	NC	RD	RD	RD
(A36)	Restaurants and cafes not otherwise provided for	NC	NC	NC	D	D
(A37)	Garden centres	NC	D	D	RD	D
(A38)	Markets	NC	D	D	P	P
(A39)	Markets that do not comply with Standard H19.10.14.	NC	D	D	D	D

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		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
(A40)	Storage and lock-up facilities	NC	NC	NC	D	D
(A41)	Show homes	D	D	D	D	D
(A42)	Veterinary clinics	NC	RD	RD	RD	RD
(A43)	Rural tourist and visitor activities	D	D	D	D	D
Community						
(A44)	Care centres for up to 10 people	P	P	P	P	P
(A45)	Care centres for more than 10 people	NC	RD	RD	RD	RD
(A46)	Community facilities	NC	D	D	D	D
(A47)	Healthcare facilities	NC	D	D	D	D
(A48)	Education facilities	NC	D	D	D	D
(A49)	Information facilities	P	P	P	P	P
(A50)	Artworks	P	P	P	P	P
(A51)	Informal recreation	P	P	P	P	P
(A52)	Organised sport and recreation	NC	D	RD	RD	RD
(A53)	Emergency services	RD	RD	RD	RD	RD
(A54)	Clubrooms	RD	RD	RD	RD	RD
Mana Whenua						
(A55)	Urupā	D	D	D	D	D
(A56)	Marae	D	D	D	D	D
(A57)	Customary use	P	P	P	P	P
Development						
(A58)	Demolition of buildings	P	P	P	P	P
(A59)	Additions and alterations to existing buildings	P	P	P	P	P
(A59A)	Rainwater tank	P	P	P	P	P
Mineral activities						
(A60)	Mineral extraction activities	NC	NC	NC	D	D
(A61)	Mineral prospecting	P	P	P	P	P

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		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
(A62)	Mineral prospecting that does not comply with Standard H19.10.16.	D	D	D	D	D
(A63)	Mineral exploration	P	P	P	P	P
(A64)	Mineral exploration that does not comply with Standard H19.10.16.	D	D	D	D	D
Cleanfill, managed fill and landfill						
(A65)	Cleanfill	NC	NC	D	D	D
(A66)	Managed fill	NC	NC	D	D	D
(A67)	Landfill	NC	NC	NC	NC	NC
Subdivision						
(A68)	The subdivision of a minor dwelling from the site on which the principal dwelling is located	Pr	Pr	Pr	Pr	Pr
(A69)	The subdivision of workers' accommodation from the site on which the principal dwelling is located	Pr	Pr	Pr	Pr	Pr
Coastal						
(A70)	Navigational aids	P	P	P	P	P
(A71)	Boat launching facilities	D	D	D	D	D

Table H19.8.2 Activity table – number of dwellings and activity status in rural zones

Activity	Activity Status				
	Mixed Rural Zone and Rural Production Zone	Rural Conservation Zone and Countryside Living Zone	Rural Coastal Zone: Te Arai-Pakiri, East Coast area – Whangateau-Waiwera, West Coast area- Kaipara South Head and harbour, Muriwai-Te Henga coastal areas	Rural Coastal Zone: Tasman Coast area – Awhitu Peninsula, Manukau Harbour, and Tamaki-Firth coastal areas	
(A72)	One dwelling per site	P	P	RD	P

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(A73)	Two dwellings per site where the site is equal to or greater than 40ha and is less than 100ha	P	D	D	D
(A74)	Two dwellings per site where the site is less than 40ha	NC	NC	NC	NC
(A75)	Three dwellings per site where the site is equal to or greater than 100ha	P	D	D	D
(A76)	More than three dwellings per site where the site is equal to or greater than 100ha	D	D	D	D
(A77)	Three or more dwellings per site where the site is less than 100ha	NC	NC	NC	NC
(A78)	Dwellings not otherwise provided for, or any dwelling that does not comply with Standard H19.10.10	NC	NC	NC	NC

H19.9 Notification

- (1) Activities listed in Tables H19.8.1 and H19.8.2 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

H19.10 Standards

- (1) All activities listed in tables H19.8.1 and H19.8.2 must comply with standards in H19.10.1.
- (2) In addition, all activities in tables H19.8.1 and H19.8.2 must comply with the relevant applicable standards in H19.10.2. to H19.10.16.
- (3) Notwithstanding the above Rainwater tanks must comply with rainwater tank standard H19.10.17.

H19.10.1. General

- (1) Areas used for disposal of non-residential waste or composting must be located at least 100m from the boundary of adjoining sites in the Rural – Countryside Living Zone, Future Urban Zone and any residential zones.
- (2) Areas used for disposal of non-residential waste or composting adjoining all rural zones other than Rural – Countryside Living Zone, must be located at least 20m from the boundary of adjoining sites.
- (3) Pens or areas used for intensive farming (excluding poultry hatcheries), or any effluent disposal system, including any area on which effluent is being disposed of by way of spray irrigation, or any treatment plant or ponds, or any composting area, must be at located least:
 - (a) 250m from any dwelling located on any site other than the site on which the activity is carried out; and
 - (b) 100m from any boundary of the site on which the activity is located.

H19.10.2. Building height

Purpose: to manage the bulk and scale of buildings to ensure they are in keeping with rural landscape, character and amenity.

- (1) Dwellings and buildings accessory to dwellings – buildings must not exceed a height of 9m.
- (2) Other buildings – buildings must not exceed a height of 15m.

H19.10.3. Minimum yards setback requirement

Purpose: to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise:

- adverse effects of buildings on the character and amenity values enjoyed by occupiers of adjoining properties;
 - opportunities for reverse sensitivity effects to arise; and
 - to ensure buildings are adequately setback from streams and the coastal edge to maintain water quality and provide protection from natural hazards.
- (1) Buildings and accessory buildings must comply with the minimum yard setback requirement as set out in Table H19.10.3.1.

Table H19.10.3.1 Minimum yards setback requirement

Yard	Minimum depth in each zone				
	Rural Conservation	Countryside Living	Rural Coastal	Mixed Rural	Rural Production
Front yard	10m	10m	10m	10m	10m
Front yard of sites adjoining arterial roads as shown on the planning map (unless otherwise specified)	20m	20m	20m	20m	20m
Side or rear yard for buildings other than dwellings and their accessory buildings (unless otherwise specified)	12m	12m	12m	12m	12m
Side or rear yard for dwellings and their accessory buildings within a Quarry Buffer Area Overlay	20m	20m	20m	20m	20m
Side or rear yard of the site for dwellings and their accessory buildings (unless otherwise specified)	12m	12m	12m	12m	12m
Riparian yard	20m from the edge of permanent and intermittent streams				
Lake yard	30m				
Coastal protection yard or as otherwise specified for the site in Appendix 6 Coastal protection yard	50m	40m	50m	50m	50m

H19.10.4. Buildings housing animals – minimum separation distance

Purpose: to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise the:

- adverse effects of buildings on the character and amenity values enjoyed by occupiers of adjoining properties, and
- opportunities for reverse sensitivity effects to arise.

(1) Buildings for the primary purpose of housing animals must be located at least 12m from any site boundary.

H19.10.5. Size of buildings – intensive farming, intensive poultry farming, animal breeding or boarding, produce sales, and on-site primary produce manufacturing

(1) Buildings required for or accessory to the following activities must not exceed the following gross floor area:

- (a) intensive farming, intensive poultry farming, animal breeding or boarding, produce sales: 200m²; or

(b) on-site primary produce manufacturing: 500m².

H19.10.6. Free-range poultry farming

- (1) Coops and associated hard stand areas for free-range poultry farming must be set back at least 20m from the nearest site boundary.

H19.10.7. Forestry

The following standards apply to forestry:

- (1) Forestry must be carried out at least 10m from any adjoining site boundary unless the landowner of the forest also owns or controls the adjoining site, or the adjoining site is an area identified in the Significant Ecological Areas Overlay or the adjoining site is already afforested;
- (2) Forestry must be carried out at least 5m from the bank of permanent stream, river, lake, wetland or coastal edge;
- (3) Forestry must be carried out at least 5m from an area identified in the Significant Ecological Areas Overlay; and,
- (4) Portable sawmills must be located on a site for no more than six months in any 12 month period. Where a portable sawmill has been located on a site for longer than six months in any 12 month period, the use of portable sawmills on the site will be considered as a rural industry and is subject to the activity status of the relevant zone.

H19.10.8. Animal breeding or boarding

The following standards apply to animal breeding or boarding:

- (1) Animal breeding or boarding must operate on a site with a minimum size of 2,000m² in the Rural – Rural Conservation Zone, Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone;
- (2) No more than 20 cats may be bred or boarded at any one time;
- (3) No dogs may be bred or boarded at any time;
- (4) No more than 25 domestic pets, other than cats or dogs, may be bred or boarded at any one time; and,
- (5) Buildings or areas used for animal breeding or boarding must not be located less than 20m from the boundary of an adjoining site in a different ownership.

H19.10.9. Produce sales

The following standards apply to produce sales:

- (1) Produce sales must not be carried out on any part of the road reserve and the site must not have its vehicle access from a State Highway or motorway;
- (2) The area set aside on the site for displaying and produce sales must not exceed:

- (a) 30m² per site where the site is not located in the Rural – Countryside Living Zone; or
- (b) 15m² per site in the Rural – Countryside Living Zone;
- (3) The type of produce offered for sale on the site must be confined to the following:
 - (a) fruit, vegetables, plants, eggs, flowers, honey, dairy products, meat, wine, juices;
 - (b) produce or products from on-site primary produce manufacturing; or
 - (c) handcrafts made on the site;
- (4) Produce that is not grown or produced on the site or on a site owned by the same landholder must not be sold or offered for sale; and,
- (5) The area set aside for produce sale (comprising any land, buildings, parts of a building, tables, tractors, barrows, platforms, boxes or any other structure or vehicle used for that purpose), must not exceed 100m² of the site area.

H19.10.10. Dwellings

- (1) The site of the proposed dwelling must not be located on a closed road or road severance allotment.

H19.10.11. Minor dwelling

The following standards apply to minor dwellings:

- (1) There must be no more than one minor dwelling per site;
- (2) The building must comply with the relevant yards setback requirement and height standards for buildings in the zone as set out in standards H19.10.2 and H19.10.3;
- (3) The proposed minor dwelling must be located on a site greater than 1ha;
- (4) The proposed minor dwelling must have a floor area less than 65m² excluding decks and garaging; and,
- (5) The minor dwelling must share the same driveway access as the principal dwelling.

H19.10.12. Workers' accommodation

The following standards apply to workers' accommodation

- (1) Workers' accommodation must comply with all of the following:
 - (a) no more than one workers' accommodation building per site;
 - (b) comply with all the relevant yards setback requirement, and height standards for buildings in the applicable zone as set out in standards H19.10.2 and H19.10.3;

- (c) be located on a site equal to or greater than 5ha and less than 40ha;
- (d) have a floor area equal to or less than 120m² excluding decks and garaging. The floor area may include a dormitory or equivalent;
- (e) only have a single kitchen facility; and
- (f) may accommodate a number of seasonal workers.

H19.10.13. Home occupations

The following standards apply to home occupations:

- (1) At least one person engaged in the home occupation must use the dwelling on the site as their principal place of residence;
- (2) No more than two people who do not use the dwelling as their principal place of residence may work in the home occupation, and no more than 10 guests may be accommodated within an existing dwelling;
- (3) Except for homestay accommodation, customers and deliveries must not arrive before 7am or after 7pm daily;
- (4) Vehicle movements to and from the home occupation activity must not exceed 20 per day;
- (5) Heavy vehicle trips must not exceed two per week;
- (6) No more than one commercial vehicle associated with the home occupation may be on site at any one time;
- (7) [Deleted]
- (8) Storage for rubbish and recycling must be provided on site and screened from public view;
- (9) Materials or goods manufactured, serviced or repaired as part of the home occupation activity must be stored within a building on the same site; and,
- (10) Goods sold from the home occupation site must comply with the Standard H19.10.9 Produce sales.

H19.10.14. Markets

- (1) Markets must comply with all of the following:
 - (a) must not operate on a site of less than 1ha;
 - (b) must not be located on a rear site;
 - (c) must be limited to the sale of food and beverages, agricultural or horticultural produce, or handcrafts; and
 - (d) must operate between 7am and 7pm daily.

H19.10.15. Quarries - farm or forestry

- (1) Quarries - farm or forestry must not be located closer than:
 - (a) 50m from the edge of a lake, river or stream;
 - (b) 50m from the edge of or a wetland larger than 1,000m²;
 - (c) 100m either side of a foredune; or
 - (d) 100m landward of the coastal marine area.

H19.10.16. Mineral prospecting and mineral exploration

- (1) Mineral prospecting and mineral exploration must comply with all of the following:
 - (a) must not involve blasting; and,
 - (b) must not be undertaken outside the hours of 7am to 10pm on any day.

H19.10.17. Rainwater tanks

- (1) Rainwater tanks must not be located:
 - (a) in a riparian, lakeside or coastal protection yard unless less than 1 m in height or wholly below ground level;
 - (b) in a front yard unless they are at least 1.5m from the front boundary and are a maximum height of 1 m.
- (2) Rainwater tanks must not be located on or outflow across an existing effluent dispersal area.
- (3) Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.
- (4) Rainwater tanks located in the Rural Coastal zone must be finished in a recessive colour in a natural colour range (green, brown, grey) unless wholly below ground level or fully screened by vegetation.

Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

Note: Building Act regulations apply. A building consent may be required under the Building Act.

H19.11 Assessment – controlled activities

H19.11.1. Matters of Control

There are no controlled activities in this section.

H19.11.2. Assessment Criteria

There are no controlled activities in this section.

H19.12 Assessment – restricted discretionary activities

H19.12.1. Matters of discretion

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

- (1) all restricted discretionary activities and their buildings (including accessory buildings):
 - (a) effects on rural character and amenity values of the neighbourhood;
 - (b) effects of noise on the amenity values of the neighbourhood;
 - (c) effects of traffic volume on the safety of and convenience of other road users;
 - (d) effects of stormwater management;
 - (e) effects on land containing elite soil or prime soil for rural production activities; and
 - (f) effects on areas identified in the Outstanding Natural Landscapes, Outstanding Natural Character and High Natural Character Areas overlays.
- (2) one dwelling per site and accessory buildings in the Rural Coastal Zone – Te Arai-Pakiri, Whangateau to Waiwera, Kaipara South Head and harbour to Muriwai-Te Henga coastal areas:
 - (a) matters for all restricted discretionary activities;
 - (b) the effects of the site layout and building design on the rural coastal character of the area and the amenity values of surrounding properties; and,
 - (c) the effects of the development including any landform modification on the landscape values of the neighbourhood the effect on areas identified in the Outstanding Natural Landscapes, Outstanding Natural Character and High Natural Character areas overlays.
- (3) minor dwellings:
 - (a) matters for all restricted discretionary activities;
 - (b) effects of building siting and access on landscape, rural character and amenity values;
 - (c) the cumulative effects of additional development on the site;
 - (d) the adequacy of access to the dwelling; and
 - (e) proximity to the principal dwelling on the site.
- (4) workers' accommodation:

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- (a) matters for all restricted discretionary activities;
 - (b) the effects of building siting, and access on landscape and rural character;
and
 - (c) the cumulative effects of additional development on the site.
- (5) infringement of Standard H19.10.2 Building height:
- (a) the effects on rural character; and
 - (b) impacts on dwellings on adjoining sites.
- (6) infringement of Standard H19.10.4 Buildings housing animals – minimum separation distance:
- (a) the effects on rural character;
 - (b) impacts on dwellings on adjoining sites; and
 - (c) natural hazards.

H19.12.2. Assessment criteria

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

- (1) all restricted discretionary activity and their accessory buildings:
 - (a) whether the design and location of the buildings, and site landscaping, avoid, remedy, or mitigate the adverse visual effects of the buildings and related site works on rural and rural coastal character and amenity values including where the proposal is within or adjacent to any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character areas. The following are relevant:
 - (i) building bulk;
 - (ii) glare or reflections off the exterior cladding;
 - (iii) landform modification needed for building platforms;
 - (iv) screening from neighbouring sites;
 - (v) views of the buildings from any public road or open space used for recreation, including any beach, coastal marine area, coastline, or regional park; and
 - (vi) related signage.
 - (b) whether noise from fans, ventilators, heaters, or other machines, or from on-site activities can be adequately mitigated;

- (c) whether the design and location of the buildings, and the associated traffic avoid, remedy or mitigate adverse effects on the road network or traffic safety;
 - (d) whether the control, treatment, storage, or disposal of stormwater can be adequately managed;
 - (e) if the site contains elite soils whether the proposed buildings, structures, or site development prevent or compromise its availability or use for activities that directly rely on it;
 - (f) if the site contains prime soils, whether the proposed buildings, structures, or site development can be relocated so as not prevent or compromise its availability or use for activities that directly rely on it; and
 - (g) for fire stations, the extent to which functional requirements and the benefits that having the emergency services in the location are to be taken into account.
- (2) one dwelling per site and its accessory buildings in the Rural Coastal Zone – Te Arai-Pakiri, Whangateau to Waiwera, Kaipara South Head and harbour to Muriwai-Te Heunga coastal areas:
- (a) whether all buildings are sited and designed so they do not visually intrude on any significant ridgeline or skyline or adversely affect landscape values when viewed from any road or other public land including any beach, the sea or regional park;
 - (b) whether building finishes including colours and materials complement the rural and rural coastal character of the surrounding environment. This criterion would be satisfied if the exterior finish of the building or structure has a reflectance value of, or less than, 30 per cent as defined within the BS5252 standard colour palette;
 - (c) whether the siting of buildings and accessory buildings contribute to the rural and rural coastal character of the surrounding environment by responding to natural landforms, landscape features, including where the proposal is within or adjacent to any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character overlays;
 - (d) whether the development requires extensive landform modification; and
 - (e) whether existing trees and bush that make a significant contribution to the visual and environmental qualities of the site are retained to the fullest extent practicable.
- (3) minor dwellings and their accessory buildings:
- (a) whether the design and location of the buildings, access and site works avoid, remedy, or mitigate the adverse visual effects on rural and rural

coastal character and amenity values including where the proposal is within or adjacent to any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character overlays including:

- (i) building bulk;
- (ii) glare or reflections off the exterior cladding;
- (iii) landform modification needed for building platforms;
- (iv) screening from neighbouring sites; and
- (v) the cumulative effects of built development on the site.

(b) whether the minor dwelling is in close proximity to the principal dwelling so that the inhabitants remain close to one another and the buildings are not dispersed over a rural site.

(4) workers' accommodation:

(a) whether the design and location of the buildings, access and site works avoid, remedy, or mitigate the adverse visual effects on rural and rural coastal character and amenity values including where the proposal is within or adjacent to any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character overlays including:

- (i) building bulk;
- (ii) glare or reflections off the exterior cladding;
- (iii) landform modification needed for building platforms;
- (iv) screening from neighbouring sites; and
- (v) the cumulative effects of built development on the site.

(b) whether the applicant can demonstrate that a separate dwelling is required on the site for the purpose of accommodating workers engaged on the site or in the surrounding rural area and that it would be impracticable to provide the accommodation as a permitted buildings such as a sleep-out, existing minor dwelling or an extension to an existing dwelling on the site.

(5) infringement of Standard H19.10.2 Building height:

- (a) whether the proposed height and scale of the building adversely affect the rural character of a site;
- (b) whether the proposed height and location of buildings adversely affect the visual character of adjacent sites; and
- (c) whether the proposed height and scale of the building adversely affect amenity values of neighbouring sites by reducing privacy or sunlight access.

- (6) infringement of Standard H19.10.4 Buildings housing animals – minimum separation distance:
- (a) whether the proposed height and scale of the building adversely affects the rural character of a site;
 - (b) whether the proposed height and location of buildings adversely affects the visual character of adjacent sites;
 - (c) whether the proposed height and scale of the building adversely affect amenity values of neighbouring sites by reducing privacy or sunlight access; and
 - (d) whether the proposed building exacerbates or creates a natural hazard or nuisance for neighbouring properties.

H19.13 Special information requirements

There are no special information requirements in this section.