

Sub # 1522

SUBMISSION ON THE DRAFT AUCKLAND PLAN

TO: Auckland Council

SUBMISSION ON: Draft Auckland Plan

SUBMITTER: The Rural Advisory Panel for Auckland Council

The members are as follows:

Horticulture New Zealand

Federated Farmers

Fonterra

New Zealand Winegrowers

Beef and Lamb New Zealand

New Zealand Forest Owners Association

Rural Contractors Association

Aggregates and Quarry Association of NZ

Sport-horse / Equestrian Associations

Aquaculture Associations

Address of- Chris Keenan, P.O. Box 232, Wellington

General

1. We are generally supportive of the Plan but have some general issues relating to the following concerns:
 - If the unitary plan is required to give effect to the Auckland Plan there are directives that are aspirational and cannot ever be achieved in the rural area. Directives requiring **protection** of the environment set up conflicts with rural productive land use being viable in the rural areas. Furthermore the environmental protection directives rely on rural land providing environmental services for the benefit of the public but at the detriment of private land owners.
 - The lack of **Balance** between economic development and conservation of the environment.
 - Lack of connection of rural productive uses with surrounding regions and also within New Zealand itself
2. We support sound environmental directives and sound economic development objectives to provide a framework for the Unitary Plan. However, despite statements that there is a balance, we submit that the closer review of the directives indicates that the overlay of directives to protect all landscape units, all indigenous biodiversity, all natural heritage tips the scale. As the Unitary Plan will have to give effect to this Plan the protection directives will mean that promoting rural land for sustainable rural productive land use will not be achievable.
3. We support the identification of land available for lifestyle (country) living. However we consider that the multitude of rural zones is not necessary and is an artificial construct of providing for rural productive land use. The rural area of Auckland has connections to the regions north and south of the city. A large amount of product produced in the rural area is exported via Northland and Tauranga ports. Much of the direction for Auckland is aimed at development in the urban areas. The productivity to the economy from the rural area of Auckland is small when compared with the production from urban development. Accordingly there appears to be an assumption in the plan that production from rural land in Auckland is somewhat secondary to the environmental services that the rural land can offer to Auckland. However land owners producing off the rural land view themselves as being part of New Zealand Inc and part of rural production which is such a major driver supporting the New Zealand economy.
4. We have made comments with the assumption that the Unitary Plan will be required to give effect to this Plan. However if the Unitary Plan is required to take into account or have regard to this Plan the comments below are still relevant.

Particular

5. Taking into account our above concerns we set out our particular submissions as follows:

PROVISION	COMMENTS	RELIEF
Directive 5.1	<p>The directive is different for urban versus rural. There is no valid scientific reason for such a difference. Natural heritage is widely defined and includes all biophysical aspects that make up land and water. It is not clear why natural heritage should be part of "sustainable" rural land management but not that of urban land. There is major issue with stormwater quality being discharged from the urban areas and yet only areas in the rural area are identified for possible freshwater restoration. This directive promotes an inequitable situation between urban and rural areas.</p>	<p>Delete the second bullet point and add the words " and rural" after the word "urban" in the first bullet point</p>
Directive 5.2	<p>The same terminology of the RMA should be used rather than introduce new terms especially when the directive relates to matters of national importance (s.6). Natural heritage is very widely defined and therefore this directive to protect natural heritage is well beyond the scope of section 6.</p> <p>The directive means, by way of example, that all indigenous flora and fauna, all landscapes are to be protected. This is an unachievable directive and one that goes well beyond the intent of the RMA. This is an example where the unitary plan would be required to have rules/methods in place to protect all those matters listed in the definition of natural heritage. A simple example is that there is indigenous flora as under-storey in pine forests. This directive means that the unitary plan will have to have methods to protect this indigenous under-storey.</p>	<p>Amend to: "Identify, protect and restore regionally and nationally outstanding natural features and landscapes".</p>
	<p>The directive is in conflict with the third bullet point of</p>	

	<p>directive 5.1 which promotes opportunities for the conservation as opposed to the protection of natural heritage.</p> <p>The directive requiring protection is in conflict with directive 5.4 which requires protection of significant indigenous biodiversity, not all ecosystems.</p>	
<p>Delete private forests from the map</p>	<p>While the directive is supported, map 5.2 identifies private forests as being available for public access. Only crown forest licence forests are available for public access.</p>	<p>Directive 5.3 and Map 5.2</p>
<p>Amend Map 5.3 to clearly identify that the map shows significant features along with landscape types that are not significant.</p> <p>Amend Map 5.3 to note it may be amended by existing appeals</p>	<p>The map is titled "significant landscapes and natural features" but then all land is identified. Accordingly it is not clear what the status is of the identified landscape types</p> <p>It appears that this map is just a rollover of the ARPS Plan change 8. This change is under appeal and sites shown on the map 5.3 may be altered.</p> <p>This situation should be recognised and the map noted that it may be changed by the outcome of the existing appeals. This will mean that when the Unitary plan is prepared that it will not have to reflect this map but will reflect the map and any changes made via appeals.</p>	<p>Map 5.3</p>
<p>Amend to providing three bullet points as follows:</p> <ul style="list-style-type: none"> • Protect areas of significant indigenous biodiversity from inappropriate use and development and continue to restore and improve ecosystems and indigenous biodiversity. • Protect the quality of outstanding freshwater bodies • Protect the significant values of wetland 	<p>That part of the directive that requires the protection of areas of significant indigenous biodiversity from inappropriate use and the continuation of restoration and improvement of ecosystems and indigenous biodiversity is supported.</p> <p>However the requirement to protect all the ecological areas and ecosystems (which is all the land in the city) is not. In protecting all ecological</p>	<p>Directive 5.4</p>

	<p>areas the directive is beyond the scope of section 6 powers under the RMA</p> <p>The RMA may require that this directive be given effect to by protection rules/methods in the Unitary Plan and is counter to providing for sustainable development of the rural land in the city.</p> <p>Protection is such a high legal hurdle to meet and will lead to unintended consequences for the rural area. Protection is not conservation and protecting all existing ecosystems in rural land means in legal and practical terms that rural land would not be able to be used.</p> <p>In protecting all existing ecosystems change of use of rural land for urban use would not be permitted.</p>	
<p>Map 5.4</p>	<p>This map appears to show all the land in the city is a significant ecological area and therefore as directed by the RMA has to be protected. This cannot be factually correct.</p> <p>Furthermore the RMA may require that the Unitary Plan has to provide protection rules/methods across the entire city. It is not clear then how such a directive can provide for the balance between development and use of land and the requirement to protect such land from being used.</p> <p>There can be unintended consequences of such a directive whereby no one would plant any indigenous plant for fear that it will be identified as significant. Does the city really want exotic plantings to be preferable to native plantings? Why would any landowner invest in restoration works if such works</p>	<p>Amend the map to identify the areas that scientifically can be shown to meet the criteria of being areas of significant indigenous biodiversity.</p>

	<p>are then identified as significant and therefore to be protected? This directive will provide no incentive to promote improvement of and or restoration of natural areas.</p> <p>The map identifies large areas as significant freshwater ecological areas that also require protection. These areas appear to be excessive and not based on the science. Protection is such a high hurdle to meet. Identifying such extensive areas will adversely affect the viability of the rural area. Such extensive areas being identified as significant (and therefore needing protection) does not fall within the scope of the National Policy Statement on Freshwater Management.</p>	<p>Amend the map to identify the streams that scientifically can be shown to meet the criteria of being areas of outstanding freshwater bodies</p>
<p>Directive 5.5</p>	<p>The directive requires reduction of emissions from all emitters. This is unachievable especially if development is to be increased. If development is increased there will be increased emissions. The issue is one of meeting standards not an overall decrease in emissions.</p> <p>An unattended consequence is that if the RMA requires the Unitary Plan to give effect to the plan then only industry or land uses that do not emit could be permitted.</p>	<p>Amend to: "Set appropriate limits on pollutants to achieve air quality improvements"</p>
<p>Directive 5.6</p>	<p>Emissions and Noise are strange bedfellows. Noise is well controlled by national standards to be usually met at property boundaries. It appears to be an addition to this directive which is dealing with clean air.</p>	<p>Provide a section on noise separate to clean air and then provide a separate directive for noise. Amend this directive to delete "and noise"</p>
<p>Directive 5.7</p>	<p>This directive needs to be amended in line with the NPS on Freshwater Management. Policy A1 focuses on water quality limits being set rather than</p>	<p>Amend to: set appropriate freshwater quality limits</p>

	limits on pollutants. This will ensure that not only point source but non point discharges will be controlled.	
Directive 5.8	This directive needs to be amended in line with the NPS on Freshwater Management which focuses on efficient allocation and efficient use of water. If the plan reflects the NPS then the unitary plan will be well placed to provide the appropriate rules/methods.	Amend to: Improve and maximise the efficient allocation and efficient use of water.
Directive 5.9	This directive relates to our submission on Map 5.4 and directive 5.4. We support the identification and protection of the quality of outstanding freshwater bodies. This protection must go beyond just protection from land based development. Accordingly this directive should be amended to be in line with the NPS on Freshwater Management.	Amend to: Identify and protect the quality of outstanding freshwater bodies and maintain or improve water quality in all other freshwater bodies.
Directive 5.11 and Map 5.5	The map is not clear as to where the "blue line" indicating the coastal protection area. It appears that there is a blue line adjacent to the entire coast. A directive protecting all the coast is not achievable and will not allow for the section 5 purpose of the RMA to be sustained. Aquaculture requires their plants to be located close to areas where the product is brought on shore. Protection of the coast could restrict access to bring product to shore and the development of associated plants.	Amend map to clearly show areas that are to be protected and delete line from showing all the coast. Amend to: Identify and protect outstanding landscapes and natural features in the coastal area.
Directive 5.13 and Map 5.6	The identification on the map of high slope instability hotspots does not appear to correlate with the figures. We question the extensive areas shown west of Wellsford and west of Whangaparaoa.	Reconsideration of the areas high slope instability hotspots.
Directive 5.10	Is supported	No change
Directive 7.1	Generally support the intent of the directive but it should clearly identify that objective is for the benefit of rural production. Furthermore protection is a high	Amend to: "ensure that the resources and production systems that underpin rural land are maintained and improved to enable viable and sustainable rural areas. "

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	<p>hurdle to meet and usually counters development being able to be undertaken.</p> <p>There is however one resource that does require protection and that is aggregate sites. This is dealt with below in directive 7.2 and map 7.1</p> <p>The map omits nearly all the Winstone Quarries and only one of Flat Top/Wainui.</p>	
<p>Directive 7.2 and map 7.1</p>	<p>Support the directive but it is in conflict with the map and the excessive number of zones for rural land.</p> <p>This directive relates to Schedule 1-rural activity categories. See below</p> <p>Rural land should be primarily available for rural production. This would allow land to be properly valued at its highest and best use for rural production. Accordingly the only other zone should be that for rural lifestyle/country living. Confining rural lifestyle to identified areas is supported.</p> <p>There is no reason why coastal areas should have separate zones. If the land is rural and continues to be allowed to be used for rural productive uses then the rural character of that land will be maintained.</p> <p>Any identified significant feature/landscape/biodiversity area will be protected</p>	<p>Amend to: "Develop a flexible regulatory framework that accommodates and encourages productive rural uses, activities, aggregate extraction and associated enterprises."</p> <p>Amend map 7.1 to show aggregate sites.</p> <p>Amend zones. Delete rural coastal zones</p> <p>Retain separate zones for country living.</p>

	<p>under rules appropriate to providing protection of such features..</p> <p>Rather than relying on artificial zoning restrictions rules relating to water quality will provide for environmental enhancement along with any rules/methods to promote enhancement of ecosystems. In other words overlay rules for environmental maintenance and enhancement will ensure that the rural values will be retained</p> <p>The rural productive zone can incorporate the mixed rural area and allow for activities that associated with rural production and linked to rural production. The zone could also allow for certain activities that linked to the amenities offered by the rural area relating to tourist attractions. An alternative would be to include the mixed area into the country living zone.</p> <p>Rural productive land uses can occur on large scale lots and small lots. Allowing for rural productive land uses to flourish and continue to be viable would be best provided for by restricting the growth of country living onto rural land.</p> <p>Flexibility will not be achieved by so many zones and certainly not if provision for rural productive land uses is not the primary outcome for the zone.</p>	<p>Delete rural mixed zone</p>
<p>Directive 7.3</p>	<p>Definition of rural gateways is very vague and all encompassing. The matters to be protected do not appear to fall within the scope of matters of national importance and therefore to be protected under s.6 RMA. Rural Gateways do not fall within the scope of public works and cannot be designated and</p>	<p>Delete this directive, or be clear that any such areas will be purchased and owned by the Council.</p>

	<p>therefore their taking paid for by the ratepayer. Protection will be paid for by the landowner whereas the benefit is to the public.</p> <p>Landowners should be able to rely on the protection of the RMA, that is certain matters have been identified by law as ones to be protected. Rural Gateways is not a matter recognised by law to be protected. This directive cuts right across the RMA provisions and property rights of rural landowners.</p> <p>Support. Orderly development of the existing rural towns and villages will assist in supplying social infrastructure including housing for those living in the rural area.</p>	
<p>Directive 7.4</p>	<p>Support. Orderly development of the existing rural towns and villages will assist in supplying social infrastructure including housing for those living in the rural area.</p>	<p>Support but should be clear that there will be consultation with those communities concerning their development.</p>
<p>Directive 7.5 Schedule 1 rural activity categories</p>	<p>Support</p> <p>See the above matters raised under directive 7.2. Outcomes relating to environmental enhancement and protection of identified significant features etc are best provided by rules that sit over a rural zone rather than by the creation of various rural zones. That way, as set out in the NPS for Freshwater Management, the city will be able to develop rules that result in overall quality of fresh water being maintained or improved rather than some artificial concept of rural amenity</p>	<p>No change</p>
<p>Water supply-new directive</p>	<p>Chapter 10 with regard to water supply seems to be urban focused. Water is vital for current and future rural production. Fair allocation of water resources is required. Provision for water storage should also be promoted.</p>	<p>Add a new directive: "To improve and maximise the efficient allocation and efficient use of water To provide for water harvesting and or storage."</p>
<p>Transport- Directive 11.1</p>	<p>There appears to be no reference to status of the Regional Land Transport Strategy/Auckland Freight Strategy and how they relate to the directive. These strategies are important for implementing the directives.</p>	<p>Amend Box 11.1 Principles to include reference to the relationship with the Regional Land Transport Strategy and other transport strategies.</p>

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Chapter 7 Rural Auckland Strategic Direction pg 227	It is noted that there are no key stakeholders listed for this strategy.	Key stakeholder include landowners and industry groups
5.	In line with our above comments we do not consider that there needs to be the multitude of rural zones to provide for viable rural areas. A thriving rural economy would be best supported by promoting rural land to be able to be used by rural productive land uses and reducing the opportunities for lifestyle block development.	Amend by deleting the words "with a tailored response"
6.	We are very concerned at the proposal for gateway protection and concerned that private landowners are going to have land use practices restricted without the ability of ever requiring the Council to properly take such land.	Delete all references to Rural Gateway



6. The parties to this submission wish to be heard in support of this submission.

Signed on behalf of the Rural Advisory Panel
PA Fordyce

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