

I hereby give notice that a hearing by commissioners will be held on:

Date: Tuesday 19 November
Wednesday 20 November
Thursday 21 November 2019 (if required)
Time: 9.30am
Meeting Room: Council Chambers
Venue: Ground Floor, Auckland Town Hall
301-303 Queen Street, Auckland

SUBMISSIONS
VOLUME TWO
PLAN MODIFICATION 20 - RURAL ACTIVITY
STATUS
AUCKLAND COUNCIL

COMMISSIONERS

Chairperson Robert Scott
Commissioners Juliane Chetham
William Smith

Paulette Kenihan
SENIOR HEARINGS ADVISOR

Telephone: 09 890 8148 or 021 706 729
Email: Paulette.kenihan@aucklandcouncil.govt.nz
Website: www.aucklandcouncil.govt.nz

Note: The reports contained within this document are for consideration and should not be construed as a decision of Council. Should commissioners require further information relating to any reports, please contact the hearings advisor.

WHAT HAPPENS AT A HEARING

At the start of the hearing, the Chairperson will introduce the commissioners and council staff and will briefly outline the procedure. The Chairperson may then call upon the parties present to introduce themselves to the panel. The Chairperson is addressed as Mr Chairman or Madam Chair.

Any party intending to give written or spoken evidence in Māori or speak in sign language should advise the hearings advisor at least five working days before the hearing so that a qualified interpreter can be provided.

Catering is not provided at the hearing. Please note that the hearing may be audio recorded.

Scheduling submitters to be heard

A timetable will be prepared approximately one week before the hearing for all submitters who have returned their hearing attendance form. Please note that during the course of the hearing changing circumstances may mean the proposed timetable is delayed or brought forward. Submitters wishing to be heard are requested to ensure they are available to attend the hearing and present their evidence when required. The hearings advisor will advise submitters of any changes to the timetable at the earliest possible opportunity.

The Hearing Procedure

The usual hearing procedure (as specified in the Resource Management Act) is:

- The reporting officer may be asked to provide a brief overview of the plan change. After the applicant has presented their case, members of the hearing panel may ask questions to clarify the information presented.
- Submitters (for and against the application) are then called upon to speak. Submitters may also be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker. The council officer's report will identify any submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
- Should you wish to present written information (evidence) in support of your application or your submission please ensure you provide the number of copies indicated in the notification letter.
- Only members of the hearing panel can ask questions about submissions or evidence. Attendees may suggest questions for the panel to ask but it does not have to ask them. No cross-examination - either by the applicant or by those who have lodged submissions – is permitted at the hearing.
- After the applicant and submitters have presented their cases, the chairperson may call upon council officers to comment on any matters of fact or clarification.
- The chairperson then generally closes the hearing and the applicant, submitters and their representatives leave the room. The hearing panel will then deliberate "in committee" and make its decision by way of formal resolution. You will be informed in writing of the decision and the reasons for it.

APPLICANT: AUCKLAND COUNCIL

SUBMITTERS:	
Page 11	Ruth Minton
Page 13	Macauley Sei
Page 15	Glenbrook Rest Home
Page 17	Ken Boler
Page 19	Delfilord Investment Limited
Page 21	Grant David Ford
Page 24	Erica Hawkett
Page 26	Julia Puka
Page 28	Rosemary Wilkinson and Raymond Allen
Page 30	Jacques Imbeau
Page 32	Bryce Catchpole
Page 34	Ningning Li
Page 36	Gi-Jun Oh
Page 38	Josephine Gray
Page 40	Barry Potter
Page 42	Raewyn Norton
Page 44	Ben Wolmarans
Page 46	Carl Bigley
Page 48	Warren John Brown and Jill Pauline Brown
Page 50	Alistair Watts
Page 52	John Colebourne
Page 53	Yankai Chen
Page 55	John Andrew Germain
Page 57	Stephen and Julie Waddell
Page 59	Janet Phuah
Page 61	Ben Jones
Page 63	Jody Leigh Stewart
Page 65	Christopher Richard Welch
Page 67	Richard Brown
Page 69	Jennifer Shanks
Page 71	Linda Isbister
Page 73	Robert Grahame de Clive-Lowe
Page 75	Gary Running
Page 77	Tony fraser Mansell
Page 79	Bryan Greenwood

Page 80	YN Chang
Page 82	Lanzhong Zhao
Page 84	Sherbrook Farm, Attn: Philip Malcom Granger
Page 86	Philip Malcom Granger
Page 88	S.Clark Nurseries Ltd, Attn: David Clark
Page 90	Di Sun
Page 92	Chan Hon
Page 94	Katrina Marie Stuart
Page 96	Peter Merton
Page 98	Lanzhong Zhao
Page 100	Rachelle Audrey Millar
Page 102	Dougal Garland Harding
Page 104	Ace Jie Lin
Page 106	Ian John Smith
Page 108	Jason W & Maggie W Trustee Limited, Attn: Zhenxiao Wang
Page 110	Daniel Lord
Page 112	Jianyu Chen
Page 114	Russell Laurence Vincent
Page 116	Kathleen Matilda Vitasovich SKNV Trust
Page 119	Leigh Shaw
Page 121	Qiyuan Zhang
Page 122	Royal Forest and Bird Protection Society of New Zealand Inc. Attn: Nicholas Beveridge
Page 126	Glenn William Archibald: Summerset At Karaka Villa 112, 49 Pararekau Road
Page 134	Glenn William Archibald: 310 Muir Road
Page 141	Glenn William Archibald: 15 Karaka Nth Road
Page 153	Glenn William Archibald: 797 Linwood Rd, Papakura
Page 161	Glenn William Archibald: 755 Linwood Rd, Papakura
Page 174	Shane Cornell Paki
Page 176	Moya Anne Kelly
Page 178	Marie Van Es
Page 180	Noni Bruce Burnett
Page 182	Bing Tong, Attn: Katie Tong
Page 184	Kumeu Property Ltd, Attn: Harrison Burnard
Page 188	F Boric and Sons Ltd, Attn Harrison Burnard
Page 194	Berislav Stulich, Attn Harrison Burnard
Page 198	Kenneth Ian Braines

Page 200	Adria Properties Ltd, Attn Harrison Burnard
Page 204	Shu-Cheng Chen
Page 206	Raymond O'Brien
Page 207	Lee Suttoon
Page 208	Tim Yang
Page 210	Xiao Huihui Trustee Company Limited, Attn: Esther Huang
Page 212	Justin James Cook
Page 214	Sunny Sun
Page 216	Edgar Reichardt
Page 218	John Paul Browne
Page 220	Hugh William Baird Litchfield
Page 222	John Buchanan
Page 224	Creswell Randolph John Hartnett and Sheryl Diane Hartnett
Page 226	Glenn Liddington
Page 228	Aaron Cunningham
Page 230	Michael Ryu
Page 232	Robert Sutton
Page 233	Brandon Lancaster
Page 235	Tony Dickson
Page 236	Rishi Vaswani
Page 238	Marc Whinery
Page 240	Alan William Tasker
Page 242	Blayne Peacock
Page 244	Nicolas Jon Berry
Page 246	Victoria O'Brien
Page 248	Chris Mavius
Page 250	Gerald Bautista
Page 251	Brent Jamieson
Page 253	Accent Gifts & Prints Ltd, Attn: Douglas Ross Withers
Page 255	Allen Douglas Barr
Page 257	George and Mara Vitasovich
Page 259	David James Palmer
Page 261	Mark Illingworth
Page 263	Andrew Potter
Page 265	John O'Grady and Kevin O'Grady
Page 267	Spark New Zealand Trading Limited, Attn: Graeme McCarrison
Page 269	Tony Ross Timmins
Page 271	Mike

Page 272	RQ and RX Family Trust, Attn: Mike Foster
Page 274	Jon Sowden
Page 276	John Colman
Page 278	Ross John Taylor and Nicola Mary Taylor
Page 280	Calvin Chiew
Page 281	Nathan Murray
Page 283	H& L TRUSTEE COMPANY LTD, Attn: Jethro Joffee and Hari De Alwis
Page 286	Barbara Lynn Shoop Chatfield
Page 288	Birch Surveyors Limited, Attn: Sir William Birch
Page 294	Andrew James Keith.
Page 295	Radiata Properties Ltd, Attn: Brian Putt
Page 297	Kirkwood Family Trust
Page 299	Ngati Tamaoho Trust, Attn: Dennis Kirkwood
Page 301	Thomas James Benedict Hollings
Page 304	Independent Māori Statutory Board
Page 313	Kathleen Stead
Page 315	Dale Badham
Page 317	Andrew and Hayley Duncan
Page 319	Leon Law
Page 321	John Tiongco
Page 323	Gregory Harold Young
Page 325	Paul Talyancich
Page 327	Mark Eisig
Page 330	Paulette Talijancich
Page 332	Kaki and Grove Family Trust Partnership, Attn: Graeme Nicolson
Page 334	Chelsea Barbra Tarati
Page 336	Invalid submission
Page 338	Jennifer Brewerton
Page 340	Lorenzo Jay Marari Tarati
Page 342	Olivia Troost
Page 344	Christopher Brian Alexander
Page 346	Hamish David Bell
Page 348	Yiping Lin
Page 350	Fangqin Wang and Cheng You

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Page 364	Stephen Rex Forrest
Page 366	Michael John Phillilps
Page 368	Gerard Piaggi
Page 370	Kent Baigent, Attn: Julian Dawson
Page 375	The University of Auckland, Attn: Mary Wong, Barker & Associates
Page 381	Pipers Limited Partnership, Attn: Mary Wong, Barker & Associates
Page 387	The Gibbs Foundation, Attn: Mary Wong, Barker & Associates
Page 394	Waiiti Headwaters Ltd, Attn: Mary Wong, Barker & Associates
Page 400	Michael Ng
Page 401	Bria Property Trust, Attn: Maria Jane Jones
Page 403	Q Invest Company Limited, Attn: Berry Simons
Page 411	Clevedon Cares Incorporated, Attn: Mary Whitehouse
Page 413	Alexander Stuart Wolfe Murray
Page 416	Shelley Stevens
Page 418	Tracey Gee
Page 420	BAA Land Holdings Limited, Attn: Barry MacDonell
Page 425	Silverdale Estates Limited, Attn: Barry MacDonell
Page 430	Heather Hernandez
Page 431	Huntermville Estate, Attn: Brett Ronald Jones
Page 433	Strategic Property Advocacy Network (SPAN), Attn: John Newick
Page 437	Tyler Schwalger
Page 439	S M Macky
Page 442	S C McIntyre
Page 445	J B Wheeler
Page 448	W S Wheeler
Page 451	A A Wheeler
Page 454	Karaka Centre Ltd, Attn: Frank Reynolds
Page 456	Warren Judd
Page 458	Elaine Maree Spring-Rice
Page 460	Steve Trevor Spring-Rice

Page 462	Kate Keane
Page 464	John Ramsey, Attn: Andrew Braggins and Chris Timbs
Page 472	Debbie White
Page 474	Wayne and Michelle Davies, Attn: Vern Warren
Page 478	Arnim Pierau, Attn: Burnette O'Connor, Barker & Associates
Page 484	Blue Tides Farm Ltd, Attn: Burnette O'Connor, Barker & Associates
Page 490	G and K McKergow, Attn: Burnette O'Connor, Barker & Associates
Page 496	Snowberry New Zealand Ltd , Attn: Burnette O'Connor, Barker & Associates
Page 502	Southern Paprika, Attn: Burnette O'Connor, Barker & Associates
Page 507	Turners and Growers, Attn: Burnette O'Connor, Barker & Associates
Page 513	Paul Boocock and Moir Hill Forestry, Attn: Burnette O'Connor, Barker & Associates
Page 519	Joy Calway
Page 521	Lloyd & Susan Morris
Page 523	Brooklands TMT Partnership
Page 528	Ministry of Education, Attn: Jess Rose
Page 532	Pakari Limited, Attn: Ian Blundell
Page 537	The Surveying Company, Attn: Leigh Shaw
Page 542	Hunua, Ararimu and Paparimu Valleys Residents Association Attn: Neil Crispe
Page 546	Luke Sullivan, Attn: Neil Crispe
Page 550	Jeram and Laxmi Bhana, Attn: Leigh Shaw
Page 554	Balle Bros group, Attn: John Gasson
Page 559	P, PJ and VP Sain, Attn: John Gasson
Page 564	P Sain and C Powell, Attn: John Gasson
Page 569	Chanel Hargrave
Page 574	Preserve the Swanson Foothills Society
Page 578	Heritage Collection Waitakere Estate, Attn: Reg Nevill-Jackson
Page 579	Abdul Hafeez
Page 581	Ken Gordon
Page 583	Alice Grayson
Page 585	The Askew Partnership, Attn: Julian Dawson
Page 592	Anthony van Osenbruggen
Page 594	Alex Schenz
Page 598	Federated Farmers of New Zealand, Attn: Richard Gardner
Page 600	Lisa Capes
Page 602	Beef and Lamb New Zealand , Attn: Dylan Muggeridge
Page 606	James Rex Price and Rosemary Jill Price

Page 609	John Cameron Stokes
Page 611	Lindsay McPhun, Attn: Karen Pegrume
Page 619	Aggregate and Quarry Association and Straterra, Attn: Jeremy Harding
Page 621	Andrew Couch
Page 623	Chris Gee
Page 625	John Gilbert Strachan
Page 627	Douglas Alexandre Sheldon
Page 629	Alistair Haskett
Page 631	Melanie Moylan
Page 633	Gray Beavis
Page 635	Alexander Shapcott
Page 637	New Zealand Four Wheel Drive Association Inc., Attn: David Brown
Page 639	James Mackenzie, Cynthia Mackenzie, Mackenzie Family, Kate Sanders
Page 643	Charles Wedd
Page 653	Heather Ballantyne
Page 655	Maurice Teague
Page 656	Almighty Investments Limited, Attn: Wenbin Lin
Page 657	Jim Yingming Zhao and Huici Zhang
Page 658	Vinko Holdings Limited , Attn: Gary Deeney
Page 660	Keiron John McDonnell and Kevin Neil Wilson and Lysie Walsh-McDonnell, Attn: Gary Deeney
Page 662	New Zealand Defence Force , Attn: Rebecca Davies

FURTHER SUBMITTERS:

Page 665	Katie Tong
Page 667	Russell Vincent
Page 668	Sir William Birch
Page 672	Kenneth Ian Braines
Page 675	Hugh Litchfield
Page 677	The Surveying Company Ltd
Page 692	Creswell Randolph, John Hartnett, Shery Diane Hartnett
Page 694	New Zealand Defence Force
Page 697	The Clients, C/- Barker & Associates
Page 701	Charles Wedd

LATE FURTHER SUBMITTERS:

Page 707	Oak Hill Vineyard Limited
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The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Samuel Roger Williams

Organisation name:

Agent's full name:

Email address: sam@nzwilliams.net

Contact phone number:

Postal address:
224a Sinclair Road
RD3 Drury
Auckland 2579

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

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

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

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

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

Submission date: 17 April 2019

Attend a hearing

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

Declaration

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

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

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

No

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Mr Joe Gock

Organisation name:

Agent's full name: Alan Webb

Email address: webb@quaychambers.co.nz

Contact phone number: 021629964

Postal address:

webb@quaychambers.co.nz

Auckland City

Auckland 1010

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Plan Change 20 in its entirety

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

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

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

Submission date: 18 April 2019

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Chris Young

Organisation name:

Agent's full name: Chris Young

Email address: retro1@slingshot.co.nz

Contact phone number: 0211516507

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

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Property address:

Map or maps:

Other provisions:

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

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

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

The reason for my or our views are:

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

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

Submission date: 18 April 2019

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

The following customer has submitted a Unitary Plan online submission.

Contact details

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

Organisation name:

Agent's full name:

Email address: ilbaileynz@gmail.com

Contact phone number:

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

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

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

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

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

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

Submission date: 18 April 2019

Attend a hearing

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

Declaration

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

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

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

Yes

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Jacqueline

Organisation name:

Agent's full name: Jacqueline Suzanne Julian

Email address: jackie@julian.kiwi

Contact phone number: 0275448664

Postal address:
62 Batkin Rd Hunua RD4
Papakura
Auckland 2584

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Plan Change 20 - Rural Activity Status

Property address: 62 Batkin Rd Hunua

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

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

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

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

Submission date: 18 April 2019

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Barry Graham Hinton

Organisation name:

Agent's full name: Johanna Hinton

Email address: johannahinton@gmail.com

Contact phone number: (09)810 9977

Postal address:

johannahinton@gmail.com

Waitakere

Auckland

Waitakere

Auckland 0816

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

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

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

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

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

Details of amendments: To be advised

Submission date: 18 April 2019

Attend a hearing

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

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

Declaration

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

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

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

No

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Stephen Rex Forrest

Organisation name:

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

Email address: stephen@esvin.co.nz

Contact phone number:

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

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Plan Change 20

Property address: 100 Middleton Road Hunua, Auckland 2583

Map or maps:

Other provisions:

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

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

The reason for my or our views are:
They provisions are onerous and in practical terms it means consents may be required that were not previously required. this is intrusive, expensive and unnecessary

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

Submission date: 18 April 2019

Attend a hearing

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

Declaration

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

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

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

Yes

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Michael John Phillilps

Organisation name:

Agent's full name:

Email address: mariaandmikep@gmail.com

Contact phone number:

Postal address:
643 Woodcocks Road
RD1
Warkworth 0981

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Rural activity status

Property address: 643 Woodcocks Road Warkworth

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

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

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

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

Submission date: 18 April 2019

Attend a hearing

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

Declaration

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

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

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

Yes

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Gerard Piaggi

Organisation name:

Agent's full name:

Email address: gerardpiaggi@gmail.com

Contact phone number:

Postal address:

49 Gelling road Ararimu

2583

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Rural activity status

Property address: 49 Gelling road

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

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

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

Submission date: 18 April 2019

Attend a hearing

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

Declaration

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

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

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

Yes

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Mr Kent Baigent

Organisation name:

Agent's full name: Mr Julian Dawson

Email address: julian@rmalawyer.co.nz

Contact phone number: 0274200223

Postal address:
PO Box 531

Whangarei 0140

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
The entirety of Plan Change 20

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:
As attached

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

Details of amendments: As attached

Submission date: 18 April 2019

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

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

To: AUCKLAND COUNCIL

Name of submitter: MR KENT BAIGENT

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

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

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

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

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

- 148.1 | 5.1 Plan Change 20 be declined in its entirety; or alternatively
- 148.2 | 5.2 that it be amended to address only the specific resource consent outcomes of concern relied on in the section 32 assessment at Section 2, Clause 3.

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



For and on behalf of Mr Kent Baigent

J.C Dawson – Barrister

Dated: 18th April 2019

Electronic address for service of submitter:

Mr Kent Baigent

c/ Mr Julian Dawson - Barrister

Telephone: (0274) 200 223

Postal address: PO Box 531
Whangarei 0140

Email: julian@rmalawyer.co.nz

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: The University of Auckland

Organisation name: The University of Auckland

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

Email address: maryw@barker.co.nz

Contact phone number: 021 0310291

Postal address:
PO Box 1986
Shortland Street
Auckland
Auckland 1140

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Refer attachment

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:
Refer attachment

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

Submission date: 18 April 2019

Supporting documents
AUP_PC20_Submission_University of Auckland_April 2019_Final.pdf

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

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

The University of Auckland – Chapter H19 Rural Zone Activity Status

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

To: **Auckland Council**

1. SUBMITTER DETAILS

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

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

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

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

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

2. SCOPE OF SUBMISSION

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

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

3. SUBMISSION

3.1 Introduction

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

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

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

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

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

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

3.2.1 Oppose

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

3.2.2 Reasons

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

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

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

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

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

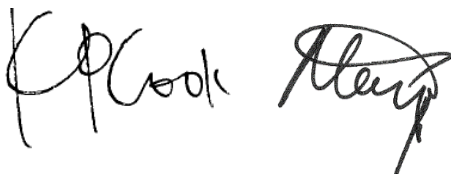
4. DECISIONS SOUGHT

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

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

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

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



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

Date: 18 April 2019

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

Submission

Auckland Council Plan Change 20



5. ADDRESS FOR SERVICE

The University of Auckland
C /- Barker & Associates Ltd
PO Box 1986
Shortland Street
AUCKLAND 1140
Attn: Karl Cook / Mary Wong

DDI: 09 375 0970 / 09 375 0916
Mobile: 029 638 7970 / 021 0310291
Email: karlc@barker.co.nz / maryw@barker.co.nz

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Pipers Limited Partnership

Organisation name: Pipers Limited Partnership

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

Email address: maryw@barker.co.nz

Contact phone number: 021 0310291

Postal address:
PO Box 1986
Shortland Street
Auckland
Auckland 1140

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Refer attachment

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:
Refer attachment

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

Submission date: 18 April 2019

Supporting documents
AUP_PC20_Submission_Pipers Limited Partnership_April 2019.pdf

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

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

Pipers Limited Partnership – Chapter H19 Rural Zone Activity Status

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

.....

To: **Auckland Council**

1. SUBMITTER DETAILS

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

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

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

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

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

2. SCOPE OF SUBMISSION

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

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

3. SUBMISSION

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

3.2.1 Oppose

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

3.2.2 Reasons

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

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

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

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

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

4.2.1 Oppose

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

4.2.2 Reasons

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

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

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

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

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

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

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

5. RELIEF SOUGHT

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

150.2

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

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

Submission

Auckland Council Plan Change 20

B&A

Urban & Environmental

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

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

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



Date: 18 April 2019

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

5. ADDRESS FOR SERVICE

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

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: The Gibbs Foundation

Organisation name: The Gibbs Foundation

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

Email address: maryw@barker.co.nz

Contact phone number: 021 0310291

Postal address:
PO Box 1986
Shortland Street
Auckland
Auckland 1140

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Refer attachment

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:
Refer attachment

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

Submission date: 18 April 2019

Supporting documents
AUP PC20 Submission_Gibbs Farm_April 2019_Final.pdf

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

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

The Gibbs Foundation – Chapter H19 Rural Zone Activity Status

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

.....

To: **Auckland Council**

1. SUBMITTER DETAILS

Name of Submitter: **The Gibbs Foundation**

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

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

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

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

2. SCOPE OF SUBMISSION

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

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

3. SUBMISSION

3.1 Introduction

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

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

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

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

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

3.2.1 Oppose

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

3.2.2 Reasons

The principal reasons for this submission are:

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

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

The proposed introduction of standard H19.8.1 (AA1) to the Rural zone activity table will be contrary to the Council decisions on the AUP based on the Independent

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

In summary, the IHP concluded that the scope for evaluation and consideration of a discretionary activity under section 104B of the Act provides sufficient breadth of control in such circumstances to enable any novel or unforeseen proposal to be considered on its merits in terms of its effects on the environment and having regard to any objectives and policies. In addition, the IHP specifically rejected the proposition that activities not provided for should be a non-complying activity because it considered that such an approach would create unnecessary difficulties when assessing applications for truly novel or unforeseen proposals under section 104D of the Act. These recommendations of the IHP were accepted by the Council and no recommendations by the IHP on this matter were rejected by the Council.

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

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

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

4. DECISIONS SOUGHT

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

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

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

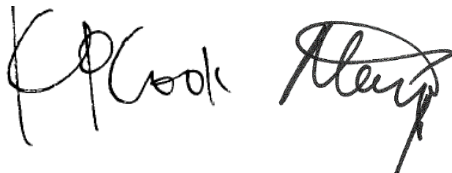
Submission

Auckland Council Plan Change 20

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

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

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



Date: 18 April 2019

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

5. ADDRESS FOR SERVICE

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

DDI: 09 375 0970 / 09 375 0916
Mobile: 029 638 7970 / 021 0310291
Email: karlc@barker.co.nz / maryw@barker.co.nz

Appendix 1:

Farming

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

Includes:

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

Excludes:

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

This definition is nested within the Rural nesting table.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Waiiti Headwaters Ltd

Organisation name: Waiiti Headwaters Ltd

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

Email address: maryw@barker.co.nz

Contact phone number: 021 0310291

Postal address:
PO Box 1986
Shortland Street
Auckland
Auckland 1140

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Refer attachment

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:
Refer attachment

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

Submission date: 18 April 2019

Supporting documents
AUP_PC20_Submission_Waiiti Headwaters Ltd_April 2019.pdf

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

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

Waiiti Headwaters Ltd – Chapter H19 Rural Zone Activity Status

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

.....

To: **Auckland Council**

1. SUBMITTER DETAILS

Name of Submitter: **Waiiti Headwaters Ltd (“the submitter”)**

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

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

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

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

2. SCOPE OF SUBMISSION

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

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

3. SUBMISSION

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

3.2.1 Oppose

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

3.2.2 Reasons

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

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

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

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

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

4.2.1 Oppose

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

4.2.2 Reasons

The objectives for all Rural zones clearly contemplate that rural zoned areas as places for people to live and a range of activities and services are enabled to support these functions. Rural “lifestyle development” is also an anticipated outcome where it avoids the fragmentation of productive land.

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

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

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

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

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

5. RELIEF SOUGHT

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

- 152.2 | a) Table H19.8.1 - Withdrawal of the proposed change and retain table H19.8.1 in its current form, or a similar change that addresses the submission.
- 152.3 | b) Withdraw of the proposed amendments in the Rural Chapter referring to residential “buildings” to residential “dwellings”, or a similar change that addresses the submission.
- 152.4 | c) Any such further or consequential changes necessary or appropriate to address the concerns expressed in this submission.

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

Submission

Auckland Council Plan Change 20

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

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



Date: 18 April 2019

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

5. ADDRESS FOR SERVICE

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

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

Dear Sir/Madam,

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

153.1 | I oppose the proposed plan change.

Rationale -

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

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

Regards

Michael Ng
Mount Eden

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Maria Jane Jones

Organisation name: Bria Property Trust

Agent's full name:

Email address: mjcats@hotmail.com

Contact phone number:

Postal address:
47 Sinclair Road
Ararimu
Auckland 2579

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
PC20: Rural Activity Status

Property address: 47 Sinclair Road, Ararimu, Auckland

Map or maps:

Other provisions:

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

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

The reason for my or our views are:
We oppose the specific provisions identified

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

Submission date: 18 April 2019

Supporting documents
public-notice-pc20.pdf

Attend a hearing

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

Declaration

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

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

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

Yes

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Q Invest Company Limited

Organisation name: Q Invest Company Limited

Agent's full name: Berry Simons

Email address: helen@berrysimons.co.nz

Contact phone number: 099097316

Postal address:
PO Box 3144
Shortland Street
AUCKLAND 1140

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
See attached.

Property address: 74 Seagrove Road, Waiau Pa

Map or maps: See attached.

Other provisions:
See attached.

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

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

The reason for my or our views are:
See attached.

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

Submission date: 18 April 2019

Supporting documents
PPC 20 - Submission by Q Invest Limited 18 April 2019.pdf

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

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

AND

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

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

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

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

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

INTRODUCTION

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

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

NATURE OF SUBMISSION

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

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

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

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

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

² At [5.2].

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

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

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

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

10. Despite this:

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

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

³ Supra Note 1 at pages 8-9.

⁴ Ibid at page 3.

⁵ Ibid at page 8.

⁶ Ibid.

⁷ Ibid.

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

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

⁹ Supra Note 1 at page 12.

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

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

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

DECISIONS SOUGHT

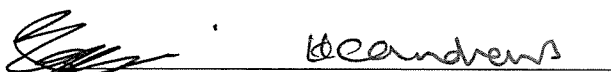
19. The Submitter seeks the following decisions from the Auckland Council:
- (a) That PC20 be declined in its entirety or declined relation to the Rural – Mixed Rural Zone; and
 - (b) Such further, other, or consequential relief as may be necessary to fully give effect to the submission and/or relief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

155.2

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

Q Invest Company Limited

by their solicitors and duly authorised agents
BERRY SIMONS


Andrew Braggins / Helen Andrews

Address for service of Submitter:

Berry Simons
PO Box 3144
Shortland Street
AUCKLAND 1140

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Mary Whitehouse

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Contact phone number: 092928174

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

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
The entire Plan Modification

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

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

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

Submission date: 18 April 2019

Attend a hearing

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

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

Declaration

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

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

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

No

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Alexander Stuart Wolfe Murray

Organisation name:

Agent's full name:

Email address: asw.murray@gmail.com

Contact phone number:

Postal address:
111 Garvie Road
Hunua
Auckland 2513

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

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

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

Property address: N/A

Map or maps: N/A

Other provisions:
N/A

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

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

The reason for my or our views are:

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

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

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

Submission date: 18 April 2019

Attend a hearing

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

Declaration

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

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

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

No

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: shelley stevens

Organisation name:

Agent's full name:

Email address: kascade92@hotmail.com

Contact phone number:

Postal address:
PO Box 58364,
Botany
Auckland 2163

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
All changes to: Plan Change 20. Rural Activity Status

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:
Rural life and lifestyle will have a great negative impact from these changes.

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

Submission date: 18 April 2019

Attend a hearing

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

Declaration

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

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

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

Yes

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Tracey Gee

Organisation name:

Agent's full name:

Email address: Shadowg4@outlook.com

Contact phone number:

Postal address:

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Auckland Unitary Plan - Activity Tables for rural zones

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

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

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

Submission date: 18 April 2019

Attend a hearing

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

Declaration

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

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

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

No

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

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

Rural Activity Status

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

To: **Auckland Council**

1. SUBMITTER DETAILS

Name of Submitter: BAA Land Holdings Limited

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

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

BAA Land Holdings Limited is directly affected by effects of the subject matter of the submission that:

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

2. SCOPE OF SUBMISSION

The specific aspect and provision of Proposed Plan Change 20 that this submission relates to is:

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

3. SUBMISSION

3.1 General Submission

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed introduction of standard H19.8.1(AA1) to the Rural zone activity table will be contrary to the Independent Hearing Panel (IHP) recommendation and reasons on "Activities not

provided for”¹. The IHP undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). The IHP concluded that the scope for evaluation and consideration of a discretionary activity under section 104B of the Act provides sufficient breadth of control in such circumstances to enable any novel or unforeseen proposal to be considered on its merits in terms of its effects on the environment and having regards to any objectives and policies. In addition, the IHP specifically rejected the proposition that activities not provided for should be a non-complying activity because it is considered that such an approach would create unnecessary difficulties when assessing applications for truly novel or unforeseen proposals under section 104D of the Act. These recommendations of the IHP were accepted by the Council and no recommendations by the IHP on this matter were rejected by the Council. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

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

4. DECISIONS SOUGHT

BAA Land Holdings Limited seeks the following:

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

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

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

A handwritten signature in black ink, appearing to be 'J. Madh'. The signature is written in a cursive style and is positioned above the footnotes.

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

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

Date: 18/04/2019

5. ADDRESS FOR SERVICE

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

Mobile: 027 228 2386

Email: barry@macdonellconsulting.co.nz

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

Rural Activity Status

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

To: **Auckland Council**

1. SUBMITTER DETAILS

Name of Submitter: Silverdale Estates Limited

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

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

Silverdale Estates Limited is directly affected by effects of the subject matter of the submission that:

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

2. SCOPE OF SUBMISSION

The specific aspect and provision of Proposed Plan Change 20 that this submission relates to is:

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

3. SUBMISSION

3.1 General Submission

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed introduction of standard H19.8.1(AA1) to the Rural zone activity table will be contrary to the Independent Hearing Panel (IHP) recommendation and reasons on "Activities not

provided for”¹. The IHP undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). The IHP concluded that the scope for evaluation and consideration of a discretionary activity under section 104B of the Act provides sufficient breadth of control in such circumstances to enable any novel or unforeseen proposal to be considered on its merits in terms of its effects on the environment and having regards to any objectives and policies. In addition, the IHP specifically rejected the proposition that activities not provided for should be a non-complying activity because it is considered that such an approach would create unnecessary difficulties when assessing applications for truly novel or unforeseen proposals under section 104D of the Act. These recommendations of the IHP were accepted by the Council and no recommendations by the IHP on this matter were rejected by the Council. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

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

4. DECISIONS SOUGHT

Silverdale Estates Limited seeks the following:

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

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

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

A handwritten signature in black ink, appearing to be 'J. H. D. R.', written in a cursive style.

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

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

Date: 18/04/2019

5. ADDRESS FOR SERVICE

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

Mobile: 027 228 2386

Email: barry@macdonellconsulting.co.nz

Hi there,

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

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

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

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

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

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

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

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

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

Kind regards

Heather Hernandez

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Brett Ronald Jones

Organisation name: Hunterville Estate

Agent's full name:

Email address: jrb8591@hotmail.com

Contact phone number:

Postal address:
47A Sinclair Road
Ararimu
Auckland 2579

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
PC:20 Rural Activity Status

Property address: 47A Sinclair Road, Ararimu, Auckland

Map or maps:

Other provisions:

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

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

The reason for my or our views are:
I oppose the specific provisions identified

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

Submission date: 18 April 2019

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

Attend a hearing

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

Declaration

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

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

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

Yes

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

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

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



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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

(Contact JOHN NEWICK, PRESIDENT)

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

STRATEGIC PROPERTY ADVOCACY NETWORK

Address for service of Submitter

email →

Telephone:

029 836 4300

Fax/Email:

john@uniformbrokers.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number

PC 20

Plan Change/Variation Name

Rural Activity Status

The specific provisions that my submission relates to are:

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

Plan provision(s)

all PC20

Or

Property Address

/

Or

Map

/

Or

Other (specify)

Submission

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

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended

Yes

No

SPAN p1/3

The reasons for my views are:

see attached page 3

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

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

Decline the proposed plan change / variation

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

see attached page 3

I wish to be heard in support of my submission

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

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

17/4/19

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

Date

Notes to person making submission:

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

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

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

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

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

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

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

SPAN p2/3

Plan Change 20 The reasons for our views are;

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

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

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

Our further comments against PC20 are;

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

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

What activities to get Consent ie how decided ?

Presumably not all unlisted "activities" (which thus rules out all "activities" listed in chapter H) are intended to be made noncomplying eg smoking a cigarette in a Rural area without a noncomplying status resource consent. We spoke to a Council Planner on this definition of what is an (unlisted) "activity" that is to be made noncomplying but we remain none the wiser. So a question is who/how/where is it defined whether an unspecified (non-provided for) activity will require a non-complying consent.

Consent status to be noncomplying

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

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

Existing use Rights

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

.....

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

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

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

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

Forcing residents to leave the area each morning, and adding to pollution and congestion is not smart thinking, but if development is made any more difficult this will exacerbate an already unsatisfactory situation. We therefore submit that the plan change should not proceed.

John Newick
President
029 836 4300

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Tyler Schwalger

Organisation name:

Agent's full name:

Email address: tyler@turnerspanelbeating.co.nz

Contact phone number: 0272263031

Postal address:

tyler@turnerspanelbeating.co.nz

Auckland

Auckland 0610

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Auckland Unitary Plan Proposed Plan Change 20 – Rural Activity Status

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

Dear sir/madam, I oppose the proposed plan change. Rationale It is my understanding that currently, if an activity is not provided for in the Activity Tables for Rural zones, the default is that it is a "Discretionary "Activity. As there are many activities that are not mentioned and in fact would, if they had been considered, likely be permitted activities, raising the bar to make all-listed activities Non-Complying is and over-reach and far to restricting . Regards, Tyler Schwalger

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

Submission date: 18 April 2019

Supporting documents
firearm and drivers license.pdf
passport_20190418130510.860.pdf

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

SUBMISSION ON PROPOSED PLAN CHANGE 20: RURAL ACTIVITY STATUS

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

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

Introduction

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

Scope of Submission

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

The Submission is:

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

- (b) Will in those circumstances impact significantly and adversely on the ability of people and communities to provide for their social, economic and cultural wellbeing;
- (c) Is contrary to the purposes and provisions of the relevant planning documents, including the Unitary Plan, in that they will not improve consistency;
- (d) Will not avoid, remedy or mitigate adverse environmental effects; and
- (e) Does not represent the most appropriate way to achieve the objectives of the Unitary Plan, in terms of s 32 of the RMA.

7. In particular, but without limiting the generality of the above:

- (a) The Plan Change amends the activity table for the rural zones so that any activity not specifically listed in the table becomes a Non-Complying activity. Currently, any activity not provided for is a Discretionary activity by virtue of Rule C1.9(2), consistent with s 87B(1)(b) of the RMA.
- (b) The s 32 report clearly identifies that the Council's concern lies with applications for residential or industrial activities of a certain scale. Council refers to a number of applications for consent which have been granted in circumstances where Council considered them to be inconsistent with the rural zoning of the land, but which were granted (in part) on the basis that activity status did not indicate that they were inconsistent with that zoning.
- (c) If Council has identified a certain type or scale of activity that it considers to be inconsistent with the zone, and which therefore be subject to the threshold assessment in s 104D, then it should confine any amendments to AUP accordingly. Amending the default activity status is a blunt tool for addressing a specific problem and has the potential to have wider (and unintended) implications for other activities which may be novel or unforeseen, but not inconsistent with the policy direction *per se*.
- (d) Amending the activity status so that any activity not specifically provided for becomes a Non-Complying activity places an onerous

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

Relief Sought

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

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

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

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

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

DATED this 18th day of April 2019

ADDRESS FOR SERVICE:

S M MACKY

PO Box 133 206, Eastridge, Auckland 1146

By email: Suemacky01@gmail.com

Copy to: adevine@ellisgould.co.nz

SUBMISSION ON PROPOSED PLAN CHANGE 20: RURAL ACTIVITY STATUS

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

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

Introduction

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

Scope of Submission

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

The Submission is:

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

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

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

Relief Sought

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

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

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

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

DATED this 18th day of April 2019

ADDRESS FOR SERVICE:

S C MCINTYRE

51 Church St, Devonport, Auckland 0624

By email: sarahm@vauxhall.school.nz

Copy to: adevine@ellisgould.co.nz

SUBMISSION ON PROPOSED PLAN CHANGE 20: RURAL ACTIVITY STATUS

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

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

Introduction

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

Scope of Submission

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

The Submission is:

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

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

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

Relief Sought

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

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

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

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

DATED this 18th day of April 2019

ADDRESS FOR SERVICE:

J B WHEELER

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

By email: anna@wainamu.nz

Copy to: adevine@ellisgould.co.nz

SUBMISSION ON PROPOSED PLAN CHANGE 20: RURAL ACTIVITY STATUS

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

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

Introduction

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

Scope of Submission

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

The Submission is:

5. I oppose the Plan Change, for the reasons set out below.
6. In the absence of the relief sought, the Plan Change:
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- (e) Does not represent the most appropriate way to achieve the objectives of the Unitary Plan, in terms of s 32 of the RMA.

7. In particular, but without limiting the generality of the above:

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- (b) The s 32 report clearly identifies that the Council's concern lies with applications for residential or industrial activities of a certain scale. Council refers to a number of applications for consent which have been granted in circumstances where Council considered them to be inconsistent with the rural zoning of the land, but which were granted (in part) on the basis that activity status did not indicate that they were inconsistent with that zoning.
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- (d) Amending the activity status so that any activity not specifically provided for becomes a Non-Complying activity places an onerous

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

Relief Sought

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

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

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

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

DATED this 18th day of April 2019

ADDRESS FOR SERVICE:

W S WHEELER

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

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

SUBMISSION ON PROPOSED PLAN CHANGE 20: RURAL ACTIVITY STATUS

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

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

Introduction

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

Scope of Submission

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

The Submission is:

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

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

Relief Sought

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

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

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

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

DATED this 18th day of April 2019

ADDRESS FOR SERVICE:

A A WHEELER

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

By email: adair.wheeler@gmail.com

Copy to: adevine@ellisgould.co.nz

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Frank Reynolds

Organisation name: Karaka Centre Ltd

Agent's full name:

Email address: mark@redmethod.co.nz

Contact phone number: 021937333

Postal address:

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

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

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

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

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

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

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

Submission date: 18 April 2019

Attend a hearing

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

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

Declaration

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

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

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

No

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Warren Judd

Organisation name:

Agent's full name: Warren Judd

Email address: warjudd@gmail.com

Contact phone number:

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

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

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

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

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

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

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

Submission date: 18 April 2019

Attend a hearing

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

Declaration

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

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

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

No

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Elaine Maree Spring-Rice

Organisation name:

Agent's full name:

Email address: elainesr@hotmail.co.nz

Contact phone number:

Postal address:

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Proposed Plan Change 20 - Rural Activity Status

Property address:

Map or maps:

Other provisions:

Rationale: It is my understanding that currently if an activity is not provided for in the activity tables for rural zones, the default is that it is a "discretionary" activity. As there are many activities that are not mentioned and in fact would, if they had been considered, likely be permitted activities, raising the bar to make all unlisted activities Non-complying is a lazy approach to law & over-reach.

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

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

The reason for my or our views are:

Rationale: It is my understanding that currently if an activity is not provided for in the activity tables for rural zones, the default is that it is a "discretionary" activity. As there are many activities that are not mentioned and in fact would, if they had been considered, likely be permitted activities, raising the bar to make all unlisted activities Non-complying is a lazy approach to law & over-reach.

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

Submission date: 18 April 2019

Attend a hearing

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

Declaration

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

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

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

No

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Steve Trevor Spring-Rice

Organisation name:

Agent's full name:

Email address: dinke@hotmail.co.nz

Contact phone number:

Postal address:

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Proposed plan change 20 - Rural Activity Status

Property address:

Map or maps:

Other provisions:

Rural Activity Status

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

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

The reason for my or our views are:

Rationale: It is my understanding that currently if an activity is not provided for in the activity tables for rural zones, the default is that it is a "discretionary" activity. As there are many activities that are not mentioned and in fact would, if they had been considered, likely be permitted activities, raising the bar to make all unlisted activities Non-complying is a lazy approach to law & over-reach.

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

Submission date: 18 April 2019

Attend a hearing

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

Declaration

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

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

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

No

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Kate Keane

Organisation name:

Agent's full name:

Email address: katekeane@xtra.co.nz

Contact phone number:

Postal address:

PO Box 5,
Clevedon
Papakura 2582

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Rural Activity

Property address: 90 Mullins Road, Ardmore

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

Restriction private use on rural propertys

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

Submission date: 18 April 2019

Attend a hearing

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

Declaration

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

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

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

Yes

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

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

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



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

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

For office use only
Submission No: _____
Receipt Date: _____

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

JOHN RAMSEY

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

Address for service of Submitter

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

Telephone:

09 969 2300

Fax/Email:

andrew@berrysimons.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number

PC 20

Plan Change/Variation Name

Rural Activity Status

The specific provisions that my submission relates to are:

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

Plan provision(s)

Or

Property Address

Or

Map

Or

Other (specify)

PLEASE SEE ATTACHED SUBMISSION DOCUMENT

Submission

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

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended

Yes No

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

(continue on a separate sheet if necessary)

I seek the following decision by Council:

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

PLEASE SEE ATTACHED SUBMISSION DOCUMENT

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing


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

18/04/2019
Date

Notes to person making submission:

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

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

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

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

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

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

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

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

AND

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

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

'Rural Activity Status'

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

Name of submitter: **John Ramsey**

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

INTRODUCTION

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

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

NATURE OF SUBMISSION

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

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

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

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

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

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

² At [5.2].

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

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

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

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

10. Despite this:

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

³ Section 32 Report at pages 8-9.

⁴ Ibid at page 3.

⁵ Section 32 Report at page 8.

⁶ Ibid.

⁷ Ibid.

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

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

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

⁸ Section 32 Report at page 12.

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


DECISIONS SOUGHT

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

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

John Ramsey

by their solicitors and duly authorised agents
BERRY SIMONS



Andrew Braggins / Chris Timbs

Address for service of Submitter:

Berry Simons
PO Box 3144
Shortland Street
AUCKLAND 1140

Telephone: (09) 969 2300

Facsimile: (09) 969 2304

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

Contact: Andrew Braggins / Chris Timbs

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Debbie White

Organisation name:

Agent's full name: Debbie White

Email address: TDWKKC@xtra.co.nz

Contact phone number:

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

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Plan Change 20 - Rural Activity Status.

Property address:

Map or maps:

Other provisions:
This submission opposes the plan change in its entirety.

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

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

The reason for my or our views are:

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

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

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

Submission date: 18 April 2019

Attend a hearing

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

Declaration

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

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

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

No

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

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: WAYNE DAVIES AND MICHELLE DAVIES

Organisation name:

Agent's full name: VERN WARREN

Email address: vwarren@planningnetwork.co.nz

Contact phone number: 021 950 476

Postal address:
5 Kelly Road
RIVERHEAD
AUCKLAND 0820

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
THE WHOLE PLAN CHANGE

Property address: THE WHOLE AREA COVERED BY THE RURAL ZONES

Map or maps:

Other provisions:

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

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

The reason for my or our views are:
SEE ATTACHED DOCUMENT

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

Submission date: 18 April 2019

Supporting documents
Supplementary document - Wayne and Michelle Davies submission on PC20.pdf

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

SUBMISSION OF PROPOSED PLAN CHANGE 20 TO THE AUCKLAN COUNCIL UNITARY PLAN

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

Relief sought.

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

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

If not declined then PC20 should be significantly amended to:

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

The reasons for our views are:

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

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

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

Arnim Pierau – Rural Activity Status

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

To: **Auckland Council**

1. SUBMITTER DETAILS

Name of Submitter: Arnim Pierau

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

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

Arnim Pierau is directly affected by effects of the subject matter of the submission that:

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

2. SCOPE OF SUBMISSION

The specific aspect and provision of Proposed Plan Change 20 that this submission relates to is:

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

3. SUBMISSION

3.1 Introduction

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

3.2 General Submission

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

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

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

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

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

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

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

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

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

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

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

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

The proposed introduction of standard H19.8.1(AA1) to the Rural zone activity table will be contrary to the Independent Hearing Panel (IHP) recommendation and reasons on "Activities not provided for"¹. The IHP undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). The IHP concluded that the scope for evaluation and consideration of a discretionary activity under section 104B of the Act provides sufficient breadth of control in such circumstances to enable any novel or unforeseen proposal to be considered on its merits in terms of its effects on the environment and having regards to any objectives and policies. In addition, the IHP specifically rejected the proposition that activities not provided for

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

should be a non-complying activity because it is considered that such an approach would create unnecessary difficulties when assessing applications for truly novel or unforeseen proposals under section 104D of the Act. These recommendations of the IHP were accepted by the Council and no recommendations by the IHP on this matter were rejected by the Council. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

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

3.3 Specific Submissions

3.3.1 Activity Table H19.8.1

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

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

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

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

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

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

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

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

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

4. DECISIONS SOUGHT

Arnim Pierau seeks the following:

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

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

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



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

Date: 18/04/2019

5. ADDRESS FOR SERVICE

Arnim Pierau

C /- Barker & Associates Ltd

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WARKWORTH

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Email: burnetteo@barker.co.nz

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

Blue Tides Farm Ltd – Rural Activity Status

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

To: **Auckland Council**

1. SUBMITTER DETAILS

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

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

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

Blue Tides Farm Ltd is directly affected by effects of the subject matter of the submission that:

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

2. SCOPE OF SUBMISSION

The specific aspect and provision of Proposed Plan Change 16 that this submission relates to is:

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

3. SUBMISSION

3.1 Introduction

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

3.2 General Submission

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

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

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

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

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

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

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

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

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

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

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

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

The proposed introduction of standard H19.8.1(AA1) to the Rural zone activity table will be contrary to the Independent Hearing Panel (IHP) recommendation and reasons on "Activities not provided for"¹. The IHP undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). The IHP concluded that the scope for evaluation and consideration of a discretionary activity under section 104B of the Act provides sufficient breadth of control in such circumstances to enable any novel or unforeseen proposal to be considered on its merits in terms of its effects on the environment and having regards to any objectives and policies. In addition, the IHP specifically rejected the proposition that activities not provided for

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

should be a non-complying activity because it is considered that such an approach would create unnecessary difficulties when assessing applications for truly novel or unforeseen proposals under section 104D of the Act. These recommendations of the IHP were accepted by the Council and no recommendations by the IHP on this matter were rejected by the Council. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

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

3.3 Specific Submissions

3.3.1 Activity Table H19.8.1

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

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

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

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

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

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

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

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

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

4. DECISIONS SOUGHT

Blue Tides Farm seek the following:

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

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

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



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

Date: 18/04/2019

5. ADDRESS FOR SERVICE

Blue Tides Farm Ltd

C /- Barker & Associates Ltd

PO Box 591

WARKWORTH

Attn: Burnette O'Connor

Mobile: 021 422 346

Email: burnetteo@barker.co.nz

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

Gus and Kim McKergow – Rural Activity Status

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

To: **Auckland Council**

1. SUBMITTER DETAILS

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

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

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

The McKergow’s are directly affected by effects of the subject matter of the submission that:

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

2. SCOPE OF SUBMISSION

The specific aspect and provision of Proposed Plan Change 20 that this submission relates to is:

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

3. SUBMISSION

3.1 Introduction

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

3.2 General Submission

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

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

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

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

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

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

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

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

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

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

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

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

The proposed introduction of standard H19.8.1(AA1) to the Rural zone activity table will be contrary to the Independent Hearing Panel (IHP) recommendation and reasons on "Activities not provided for"¹. The IHP undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). The IHP concluded that the scope for evaluation and consideration of a discretionary activity under section 104B of the Act provides sufficient breadth of control in such circumstances to enable any novel or unforeseen proposal to be considered on its merits in terms of its effects on the environment and having regards to any objectives and policies. In addition, the IHP specifically rejected the proposition that activities not provided for

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

should be a non-complying activity because it is considered that such an approach would create unnecessary difficulties when assessing applications for truly novel or unforeseen proposals under section 104D of the Act. These recommendations of the IHP were accepted by the Council and no recommendations by the IHP on this matter were rejected by the Council. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

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

3.3 Specific Submissions

3.3.1 Activity Table H19.8.1

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

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

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

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

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

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

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

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

4. DECISIONS SOUGHT

The McKergow's seek the following:

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

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

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



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

Date: 18/04/2019

5. ADDRESS FOR SERVICE

Gus and Kim McKergow

C /- Barker & Associates Ltd

PO Box 591

WARKWORTH

Attn: Burnette O'Connor

Mobile: 021 422 346

Email: burnetteo@barker.co.nz

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

Snowberry New Zealand Ltd – Rural Activity Status

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

To: **Auckland Council**

1. SUBMITTER DETAILS

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

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

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

Snowberry New Zealand Ltd is directly affected by effects of the subject matter of the submission that:

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

2. SCOPE OF SUBMISSION

The specific aspect and provision of Proposed Plan Change 20 that this submission relates to is:

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

3. SUBMISSION

3.1 Introduction

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

3.2 General Submission

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

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

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

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

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

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

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

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

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

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

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

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

The proposed introduction of standard H19.8.1(AA1) to the Rural zone activity table will be contrary to the Independent Hearing Panel (IHP) recommendation and reasons on "Activities not provided for"¹. The IHP undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). The IHP concluded that the scope for evaluation and consideration of a discretionary activity under section 104B of the Act provides sufficient breadth of control in such circumstances to enable any novel or unforeseen proposal to be considered on its merits in terms of its effects on the environment and having regards to any objectives and policies. In addition, the IHP specifically rejected the proposition that activities not provided for

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

should be a non-complying activity because it is considered that such an approach would create unnecessary difficulties when assessing applications for truly novel or unforeseen proposals under section 104D of the Act. These recommendations of the IHP were accepted by the Council and no recommendations by the IHP on this matter were rejected by the Council. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

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

3.3 Specific Submissions

3.3.1 Activity Table H19.8.1

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

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

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

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

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

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

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

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

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

4. DECISIONS SOUGHT

Snowberry seek the following:

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

Snowberry wishes to be heard in support of this submission.

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



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

Date: 18/04/2019

5. ADDRESS FOR SERVICE

Snowberry New Zealand Ltd

C /- Barker & Associates Ltd

PO Box 591

WARKWORTH

Attn: Burnette O'Connor

Mobile: 021 422 346

Email: burnetteo@barker.co.nz

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

Southern Paprika – Rural Activity Status

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

To: **Auckland Council**

1. SUBMITTER DETAILS

Name of Submitter: Southern Paprika

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

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

Southern Paprika is directly affected by effects of the subject matter of the submission that:

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

2. SCOPE OF SUBMISSION

The specific aspect and provision of Proposed Plan Change 20 that this submission relates to is:

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

3. SUBMISSION

3.1 General Submission

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

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

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

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

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

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

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

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

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

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

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

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

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

Whilst we acknowledge that it is essential for rural areas to provide for and maintain productive land uses, rural zones should also enable a range of non-rural activities, particularly where they support; or accompany rural land use activities. There are a range of activities that occur in rural zones that cannot be replicated in an urban setting, for example a restaurant associated with a vineyard, certain types of visitor accommodation activities, for example glamping; sculpture parks etc. These activities have the potential to become points for tourism. In addition, there are a range of non-productive activities which are not rural which need to be enabled in order to support the activities anticipated within the rural zones; for example, processing activities not located on the site, supporting business activities to rural production activities. Should all activities that are not provided for be made non-complying, further amendments will need to be made to Activity Table H19.8.1 to ensure that every activity that is potentially appropriate in rural zones is provided for.

The proposed introduction of standard H19.8.1(AA1) to the Rural zone activity table will be contrary to the Independent Hearing Panel (IHP) recommendation and reasons on “Activities not provided for”¹. The IHP undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). The IHP concluded that the scope for evaluation and

¹Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council Hearing Topic 004, General Rules, July 2016.

consideration of a discretionary activity under section 104B of the Act provides sufficient breadth of control in such circumstances to enable any novel or unforeseen proposal to be considered on its merits in terms of its effects on the environment and having regards to any objectives and policies. In addition, the IHP specifically rejected the proposition that activities not provided for should be a non-complying activity because it is considered that such an approach would create unnecessary difficulties when assessing applications for truly novel or unforeseen proposals under section 104D of the Act. These recommendations of the IHP were accepted by the Council and no recommendations by the IHP on this matter were rejected by the Council. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

There is no sound planning basis for the proposed plan change.

3.2 Specific Submission

Southern Paprika undertake horticultural activities within the Auckland Region. This includes New Zealand's largest single site glasshouse growing of capsicums at their Warkworth land holding.

There are a range of activities within Rural zones that are necessary to support rural production activities and which fall outside of the strict definition of the activities provided for within the Activity Table H19.8.1 for Rural Zones. The range of activities are however are still necessary to support other rural production activities. Examples of these activities include yards and pack houses. In particular it is noted that the definition of Rural commercial services specifically excludes pack houses and whilst many of the other excluded activities are provided for in the Rural industries listing pack houses are not specifically listed in the Rural industries definition; although it should be covered by that definition.

Southern Paprika oppose the change to activity Table H19.8.1 proposed by Plan Change 20 as it does not achieve the objectives for rural zones; specifically, Objective H19.2 (1) which states:

Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.

Proposed Plan Change 20 is opposed because it works against stated objectives to further hinder a range of land use activities in rural zones; many of which are necessary for the long-term sustainability of rural areas and rural land uses in the Auckland region.

Southern Paprika will not support any further tightening or restriction on rural and non-productive activities that are necessary to support rural activities and rural communities, outside what was deemed appropriate by the IHP and incorporated into the current operative provisions in the AUP (OP) for rural zones.

4. DECISIONS SOUGHT

Southern Paprika seek the following:

- 183.1 | a) That the amendment proposed by PPC20 to Activity Table H19.8.1 be deleted;
- 183.2 | b) Any such further or consequential changes necessary or appropriate to address the concerns expressed in this submission.

Southern Paprika wish to be heard in support of this submission.

If others make a similar submission, then Southern Paprika will consider presenting a joint case with them at the hearing.



Burnette O'Connor, Barker & Associates Ltd
(Person authorised to sign on behalf of submitter)

Date: 18/04/2019

5. ADDRESS FOR SERVICE

Southern Paprika
C /- Barker & Associates Ltd
PO Box 591

WARKWORTH

Attn: Burnette O'Connor
Mobile: 021 422 346
Email: burnetteo@barker.co.nz

Submission on Proposed Plan Change 20 for the Auckland Unitary Plan (Operative in Part)

T&G Global – Rural Activity Status

Clause 6 of Schedule 1, Resource Management Act 1991 (Form 5)

To: **Auckland Council**

1. SUBMITTER DETAILS

Name of Submitter: T&G Global (“T&G”)

This is a submission on Auckland Council’s Proposed Plan Change 20.

T&G could not gain an advantage in trade competition through this submission.

T&G is directly affected by effects of the subject matter of the submission that:

- a) Adversely affect the environment; and
- b) Do not relate to trade competition or the effects of trade competition.

2. SCOPE OF SUBMISSION

The specific aspect and provision of Proposed Plan Change 20 that this submission relates to is:

- a) Changes to table H19.8.1: Rural Activity Table and all consequential changes.

3. SUBMISSION

3.1 General Submission

Proposed Plan Change 20 seeks to make the following amendments to the Rural Activity Table in Chapter H19 of the AUP (OP):

Table H19.8.1 Activity Table – use and development [rp/dp]

Activity		Activity Status				
		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Use						
(AA1)	Activities not provided for	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
Rural						

T&G submit in opposition to these proposed amendments for the following reasons:

- T&G do not consider that this amendment is the most appropriate way to achieve the purpose of the Resource Management Act 1991;
- T&G do not consider that this amendment is the most appropriate way to achieve the objectives of the Auckland Unitary Plan (Operative in Part).

T&G consider that Proposed Plan Change 20 is fundamentally flawed from a planning perspective, taking into account the matters set out below.

The purpose of the plan change is stated to be *“to consider and evaluate the best option for dealing with activities which are not contemplated in rural zones, and extend beyond those currently provided for in the rural zones in the Auckland Unitary Plan.”*

The matters discussed in the Section 32 report, however, generally relate to issues with activities that are already provided for within the Rural zones i.e. activities that are specifically listed in the Activity Table such as visitor accommodation and rural commercial activities. This contradicts the stated purpose of the plan change.

Requiring activities that are not specifically listed in the Activity Table H19.8.1 to be assessed as non-complying activities; rather than the default discretionary activity status set by the General Rules in Chapter C of the AUP (OP), for activities not provided for (C1.7(1)); will not achieve the outcome intended by the Proposed Plan Change.

A full assessment against the relevant objectives and policies is required for resource consent applications for both discretionary and non-complying activities. Further, Council’s ability to grant,

or not grant, a resource consent application does not change whether considering a discretionary activity or a non-complying activity.

The Section 32 report prepared for the Proposed Plan Change states that ‘as a non-complying activity [applications] would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP’. However, we note that discretionary activities also require full assessment against the same objectives and policies. The AUP (OP) does not contain assessment criteria for discretionary activities and relies upon a full assessment of the stated objectives and policies to be undertaken for all discretionary activities listed in the Plan.

The scope of the Proposed Plan Change does not extend to include amendments to the objectives and policies of Chapter H19 Rural zones. Without any change to these objectives and policies, the assessment required for resource consent applications, regardless of a discretionary or non-complying activity status, remains the same and therefore the outcomes will remain unchanged from what can currently be achieved under the AUP (OP).

Whilst we acknowledge that it is essential for rural areas to provide for and maintain productive land uses, rural zones should also enable a range of non-rural activities, particularly where they support; or accompany rural land use activities. There are a range of activities that occur in rural zones that cannot be replicated in an urban setting, for example a restaurant associated with a vineyard, certain types of visitor accommodation activities, for example glamping; sculpture parks etc. These activities have the potential to become points for tourism. In addition, there are a range of non-productive activities which are not rural which need to be enabled in order to support the activities anticipated within the rural zones; for example, processing activities not located on the site, supporting business activities to rural production activities. Should all activities that are not provided for be made non-complying, further amendments will need to be made to Activity Table H19.8.1 to ensure that every activity that is potentially appropriate in rural zones is provided for.

The proposed introduction of standard H19.8.1(AA1) to the Rural zone activity table will be contrary to the Independent Hearing Panel (IHP) recommendation and reasons on “Activities not provided for”¹. The IHP undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). The IHP concluded that the scope for evaluation and

¹Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council Hearing Topic 004, General Rules, July 2016.

consideration of a discretionary activity under section 104B of the Act provides sufficient breadth of control in such circumstances to enable any novel or unforeseen proposal to be considered on its merits in terms of its effects on the environment and having regards to any objectives and policies. In addition, the IHP specifically rejected the proposition that activities not provided for should be a non-complying activity because it is considered that such an approach would create unnecessary difficulties when assessing applications for truly novel or unforeseen proposals under section 104D of the Act. These recommendations of the IHP were accepted by the Council and no recommendations by the IHP on this matter were rejected by the Council. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

There is no sound planning basis for the proposed plan change.

3.2 Specific Submission

T&G undertake horticultural activities within the Auckland region. This includes growing under glass house cover, packing depots, the accommodation of horticultural workers and general administration and office functions. T&G also undertaken the import and export of fresh produce and the operation of various MPI approved transitional facilities.

T&G have established a range of activities within rural zones and some of the activities undertaken fall outside of the strict definition of the activities provided for within the Activity Table H19.8.1 for Rural Zones. The range of activities are however are still necessary to support other rural production activities. Examples of these activities include yards and pack houses. In particular it is noted that the definition of Rural commercial services specifically excludes pack houses and whilst many of the other excluded activities are provided for in the Rural industries listing pack houses are not specifically listed in the Rural industries definition; although it should be covered by that definition.

T&G oppose the change to activity Table H19.8.1 proposed by Plan Change 20 as it does not achieve the objectives for rural zones; specifically, Objective H19.2 (1) which states:

Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.

Proposed Plan Change 20 is opposed because it works against stated objectives to further hinder a range of land use activities in rural zones; many of which are necessary for the long-term sustainability of rural areas and rural land uses in the Auckland region.

T&G will not support any further tightening or restriction on rural and non-productive activities that are necessary to support rural activities and rural communities, outside what was deemed appropriate by the IHP and incorporated into the current operative provisions in the AUP (OP) for rural zones.

4. DECISIONS SOUGHT

T&G seek the following:

- 184.1 | a) That the amendment proposed by PPC20 to Activity Table H19.8.1 be deleted;
- 184.2 | b) Any such further or consequential changes necessary or appropriate to address the concerns expressed in this submission.

T&G wish to be heard in support of this submission.

If others make a similar submission, then T&G will consider presenting a joint case with them at the hearing.



Burnette O'Connor, Barker & Associates Ltd
(Person authorised to sign on behalf of submitter)
Date: 18/04/2019

5. ADDRESS FOR SERVICE

T&G Global
C /- Barker & Associates Ltd
PO Box 591
WARKWORTH
Attn: Burnette O'Connor

Mobile: 021 422 346

Email: burnetteo@barker.co.nz

Submission on Proposed Plan Change 20 for the Auckland Unitary Plan (Operative in Part)

Paul Boocock and Moir Hill Forestry Limited – Rural Activity Status

Clause 6 of Schedule 1, Resource Management Act 1991 (Form 5)

To: **Auckland Council**

1. SUBMITTER DETAILS

Name of Submitter: Paul Boocock and Moir Hill Forestry Limited

This is a submission on Auckland Council's Proposed Plan Change 20.

Neither Paul Boocock or Moir Hill Forestry Limited could gain an advantage in trade competition through this submission.

Paul Boocock and Moir Hill Forestry Limited are directly affected by effects of the subject matter of the submission that:

- a) Adversely affect the environment; and
- b) Do not relate to trade competition or the effects of trade competition.

2. SCOPE OF SUBMISSION

The specific aspect and provision of Proposed Plan Change 20 that this submission relates to is:

- a) Changes to Table H19.8.1: Rural Activity Table and all consequential changes.

3. SUBMISSION

3.1 General Submission

Proposed Plan Change 20 seeks to make the following amendments to the Rural Activity Table in Chapter H19 of the AUP (OP):

Table H19.8.1 Activity Table – use and development [rp/dp]

Activity		Activity Status				
		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Use						
(AA1)	<u>Activities not provided for</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
Rural						

Paul Boocock and Moir Hill Forestry Limited submit in opposition to these proposed amendments for the following reasons:

- Paul Boocock and Moir Hill Forestry Limited do not consider that this amendment is the most appropriate way to achieve the purpose of the Resource Management Act 1991;
- Paul Boocock and Moir Hill Forestry do not consider that this amendment is the most appropriate way to achieve the objectives of the Auckland Unitary Plan (Operative in Part).

Paul Boocock and Moir Hill Forestry Limited consider that Proposed Plan Change 20 is fundamentally flawed from a planning perspective, taking into account the matters set out below.

The purpose of the plan change is stated to be *“to consider and evaluate the best option for dealing with activities which are not contemplated in rural zones, and extend beyond those currently provided for in the rural zones in the Auckland Unitary Plan.”*

The matters discussed in the Section 32 report, however, generally relate to issues with activities that are already provided for within the Rural zones i.e. activities that are specifically listed in the Activity Table such as visitor accommodation and rural commercial activities. This contradicts the stated purpose of the plan change.

Requiring activities that are not specifically listed in the Activity Table H19.8.1 to be assessed as non-complying activities; rather than the default discretionary activity status set by the General Rules in Chapter C of the AUP (OP), for activities not provided for (C1.7(1)); will not achieve the outcome intended by the Proposed Plan Change.

A full assessment against the relevant objectives and policies is required for resource consent applications for both discretionary and non-complying activities. Further, Council's ability to grant, or not grant, a resource consent application does not change whether considering a discretionary activity or a non-complying activity.

The Section 32 report prepared for the Proposed Plan Change states that 'as a non-complying activity [applications] would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP'. However, we note that discretionary activities also require full assessment against the same objectives and policies. The AUP (OP) does not contain assessment criteria for discretionary activities and relies upon a full assessment of the stated objectives and policies to be undertaken for all discretionary activities listed in the Plan.

The scope of the Proposed Plan Change does not extend to include amendments to the objectives and policies of Chapter H19 Rural zones. Without any change to these objectives and policies, the assessment required for resource consent applications, regardless of a discretionary or non-complying activity status, remains the same and therefore the outcomes will remain unchanged from what can currently be achieved under the AUP (OP).

Whilst we acknowledge that it is essential for rural areas to provide for and maintain productive land uses, rural zones should also enable a range of non-rural activities, particularly where they support; or accompany rural land use activities. There are a range of activities that occur in rural zones that cannot be replicated in an urban setting, for example a restaurant associated with a vineyard, certain types of visitor accommodation activities, for example glamping; sculpture parks etc. These activities have the potential to become points for tourism. In addition, there are a range of non-productive activities which are not rural which need to be enabled in order to support the activities anticipated within the rural zones; for example, processing activities not located on the site, supporting business activities to rural production activities. Should all activities that are not provided for be made non-complying, further amendments will need to be made to Activity Table H19.8.1 to ensure that every activity that is potentially appropriate in rural zones is provided for.

The proposed introduction of standard H19.8.1(AA1) to the Rural zone activity table will be contrary to the Independent Hearing Panel (IHP) recommendation and reasons on "Activities not

provided for”¹. The IHP undertook a thorough evaluation of the rural rules during the drafting and development phases of the AUP (OP). The IHP concluded that the scope for evaluation and consideration of a discretionary activity under section 104B of the Act provides sufficient breadth of control in such circumstances to enable any novel or unforeseen proposal to be considered on its merits in terms of its effects on the environment and having regards to any objectives and policies. In addition, the IHP specifically rejected the proposition that activities not provided for should be a non-complying activity because it is considered that such an approach would create unnecessary difficulties when assessing applications for truly novel or unforeseen proposals under section 104D of the Act. These recommendations of the IHP were accepted by the Council and no recommendations by the IHP on this matter were rejected by the Council. We consider that the IHP findings were comprehensive and provided appropriate outcomes for the rural zones following a rigorous process. Proposed Plan Change 20 is opposed as it ignores the findings of the IHP and does not provide robust enough reasoning for doing so; it would be inconsistent with the approach taken through the AUP and in the Act, and would lead to unintended consequences.

There is no sound planning basis for the proposed plan change.

4. DECISIONS SOUGHT

Paul Boocock and Moir Hill Forestry Limited seek the following:

- a) That the amendment proposed by PPC20 to Activity Table H19.8.1 be deleted;
- b) Any such further or consequential changes necessary or appropriate to address the concerns expressed in this submission.

Paul Boocock and Moir Hill Forestry Limited wish to be heard in support of this submission.

If others make a similar submission, then Paul Boocock and Moir Hill Forestry will consider presenting a joint case with them at the hearing.



¹Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council Hearing Topic 004, General Rules, July 2016.

Burnette O'Connor, Barker & Associates Ltd
(Person authorised to sign on behalf of submitter)

Date: 17/04/2019

5. ADDRESS FOR SERVICE

Paul Boocock and Moir Hill Forestry Limited

C /- Barker & Associates Ltd

PO Box 591

WARKWORTH

Attn: Burnette O'Connor

Mobile: 021 422 346

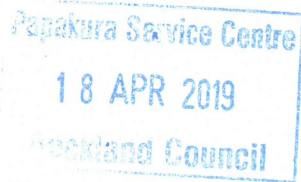
Email: burnetteo@barker.co.nz

Before you fill out the attached submission form, you should know:

You need to include your full name, an email address, or an alternative postal address for your submission to be valid. Also provide a contact phone number so we can contact you for hearing schedules (where requested).

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.



Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

Jay Calvey

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

800 Pipewhara Clivedon Road
ARDMORE

Telephone:

021 669922

Fax/Email:

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 20

Plan Change/Variation Name

Rural Activity Status

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or

Property Address

Or

Map

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended

Yes

No

The reasons for my views are:

Non complying activities is too broad NZ is built on
Kiwi ingenuity and these are changing times, with
global warming the future is unsure and flexibility is
required more than ever.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

Signature of Submitter *J. Calway*
(or person authorised to sign on behalf of submitter)

Date 18/04/2019

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could / could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

IN THE MATTER

**PROPOSED PLAN CHANGE 20
RURAL ACTIVITY STATUS**

TO

**Auckland Council,
Level 24, 135 Albert Street
Private Bag 92-300,
Auckland 1142**
unitaryplan@aucklandcouncil.govt.nz

NAME OF SUBMITTER

**Lloyd & Susan Morris
47A Donaldson Drive
RD 3, Albany
Auckland 0793**
Lloyd@jkgl.co.nz

Over view

- 1 This is a Submission by a rural land owner, that objects to proposed Plan Change 20.

Rural Activity

- 2 There are a multitude of reasons why persons' reside in the rural environment, and to try to categorise those reasons and compartmentalise them into a prescriptive schedule, that becomes a detailed, rigid unyielding and enforceable Activity Table is to try to 'straight jacket' the very essence of what constitutes the rural environment. Most rural inhabitants by their occupancy of the rural space recognise, empathise with and become 'guardians' of their environment by default, much more so than in the city, and can achieve the very conceptual outcomes that the Plan Change is seeking within the current Unitary Plan prescriptive rule set.
- 3 The RPS, in our view, already defines and offers sufficient guidance to ensure that rural activities, and land with high productive potential, and that future growth & form under the urban, residential, commercial & industrial, rural & coastal towns and villages is suitably described and that there are mechanisms in place to apply for activities and for those applications to be tested and ruled upon with confidence, in fairness and reasonably. We are of a view that overly complex applications are rare and that the existing 'rule set' is fit for purpose.
- 4 The Plan Change 20 amendments appears to be more about Auckland Council Town Planning veto control over application outcomes. This approach will likely lead to lazy, dictatorial Town Planning under the guise of reverse sensitivity, amenity and bio-diversity concerns, loss of productive soils, and concern to ensure the "in & up" residential development form is maintained, and to reduce the number of rural buildings in applications.
- 5 There are circumstances where persons who have lived their life, worked in a community, on the land and become part of the fabric of that community over a long period of time, also wish to retire in such an environment. In our view that is not an unreasonable desire and there will be legitimate circumstances where catering for rural retirement is appropriate. Provision should be made to cater for the diversity of rural living without making it so restrictive that it becomes nigh on impossible. We appreciate that city dwellers have become accustomed to being supplied with and even expecting a high level of service provision, for which they pay in their rates, whereas the reality of living in a rural environment has always required a level of self sufficient independence, with the need to supply your own stormwater, sewerage, water and rubbish disposal

facilities. Such provision is not difficult and with continually advancing technology service options are continually expanding.

- 6 Rural living is different to city living and the accompaniment of buildings and structures reasonably required in the country as part of a package are not always reflected in city living. The changes to the wording of what constitutes residential buildings' (plural) to dwelling (singular) means that the often normal package of buildings that might constitute a rural occupancy would now likely not be approved. The time and cost and employment of professionals to burrow into that level of detail is quite clearly out of proportion to the activity approval sought.
- 7 Rural character and amenity embodies an 'essence' that the proposed prescriptive rule making suggests it is trying to protect, yet will in fact stifle, restrict, impose, not allow and indeed will attempt to remove. We are clearly of a view that the proposed tinkering will lead to unintended consequences the reverse of those articulated.

We seek the following decision from the Hearings Panel :

187.1

- 8 That Unitary Plan S32 Report Rural Activity Option 1 be adopted, that is the 'status quo' remain, with activities not listed in the activity table remaining as Discretionary Activities under Chapter C General Rules, C1.7 Activities not provided for.
- 9 We wish to be heard in support of our submission.
- 10 If others make a similar submission we would be prepared to consider presenting a joint case with them at any hearing.
- 11 We would not gain an advantage in trade competition through this submission.

Address for Service: Lloyd Morris
47A Donaldson Drive
RD 3, Albany
Auckland 0793

Attention: Lloyd Morris

Mobile: 021 49 33 60

E-mail: Lloyd@jkgj.co.nz

Date 17th April 2019

Lloyd & Susan Morris

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Brooklands TMT Partnership

Organisation name:

Agent's full name: Blundell Planning Consultants

Email address: ian@blundellplanning.nz

Contact phone number: 021655984

Postal address:
16 Aramoana Avenue
Devonport
Auckland 0624

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Table H19.8.1 Activity Table – use and development AA1) “Activities not provided for (Non Complying) 19.2.4 Policies – rural character, amenity and biodiversity values, • 19.6 Rural – Rural Conservation Zone H19.6.1 Zone description, • H19.6.2 Objectives, • H19.6.3 Policies, and • H19.7.Rural – Countryside Living H19.7.1 Zone Description

Property address: 600 North Road, Clevedon

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
See attached

188.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Supporting documents

Submission on Proposed Plan Change 20 - Brooklands TMT Partnership - 600 North Road
Clevedon.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission on Publicly Notified Plan Change 20 (Rural Activity Status) to the Auckland
Unitary Plan – Operative in Part 2016

TO: Auckland Council
Private Bag 92300
Auckland

1. Submitters Details

This submission is made by Brooklands TMT Partnership (the Submitter), the owners of the properties at

600 North Road, Clevedon

comprising the following titles:

CT678045 (Lot 1 Deposited Plan 482225)

CT678050 (Lot 7 Deposited Plan 482225)

CT678051 (Lot 8 Deposited Plan 482225)

Brooklands TMT Partnership
c/ - Blundell Planning Limited
16 Aramoana Avenue
Devonport
Auckland
0624

Phone: 0212469011

Email: ian@blundellplanning.nz

2. Scope of submission

This submission relates to Plan Change 20 – Rural Activity Status, in particular as it relates to the proposed change from discretionary to non-complying activity status for activities not provided for within the rural zone. Table H19.8.1 Activity Table – use and development AA1) Activities not provided for (Non Complying) and changes to the policies and objectives to restrict residential use to dwellings only.

3. The specific provisions that the submission relates to are:

Non-complying Activity Status

The submitter opposes the various provisions of PC20 specifically the addition to Table H19.8.1 to change to the activity status for activities not provided for, to non-complying and wishes to have them amended to remove proposed addition to Table H19.8.1 Activity Table – use and development AA1) “Activities not provided for (Non Complying)”.

Reasons for submission:

The Submitter is concerned about the proposed changes and the effects it will have on their operations. The ability to undertake a wide variety of uses of the land subject to avoiding,

remedying or mitigating adverse effects on the environment was a key reason the site was selected.

Applying a non-complying activity status to activities not provided for is an inconsistent approach to the rest of the Unitary Plan where activities not provided for are discretionary under the Chapter C General Rule C1.7 .This blanket approach to activities not provided for could reduce the ability for rural landowners to provide for the social and economic wellbeing.

Non complying activity status for activities not provided for creates less certainty about intended planning outcomes for the rural zones.

Changes to policies and objectives to specify dwellings only

- 19.2.4 Policies – rural character, amenity and biodiversity values,
- 19.6 Rural – Rural Conservation Zone H19.6.1 Zone description,
- H19.6.2 Objectives,
- H19.6.3 Policies, and
- H19.7.Rural – Countryside Living H19.7.1 Zone Description

Reasons for submission:

The proposed changes to the objectives and policies limit the ability for landowners to provide for their social and economic wellbeing by restricting residential buildings, development and activities to dwellings only. There may be other forms of residential development that are appropriate in a rural zone.

4. The relief sought is:

That either:

The plan change be rejected in its entirety.

or:

188.2 | Remove proposed addition to Table H19.8.1 Activity Table – use and development AA1) “Activities not provided for (Non Complying)”

188.3 | Retain existing wording of 19.2.4 Policies – rural character, amenity and biodiversity values, 19.6 Rural – Rural Conservation Zone H19.6.1 Zone description, H19.6.2 Objectives, H19.6.3 Policies, and H19.7.Rural – Countryside Living H19.7.1 Zone Description or other relief the satisfied the submitter.

188.4 | or alternative relief that satisfies the submitter.

5. Trade competition

The submitter could not gain an advantage in trade competition through this submission.

6. The submitter wishes to be heard in support of this submission.

7. The submitter may consider presenting a joint case with others.

Signature: Blundell Planning Consultants Limited



Ian Blundell
Planner / Director
For and on behalf of Brooklands TMT Partnership

Date: 18 April 2019

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Jess Rose

Organisation name: Ministry of Education

Agent's full name: Beca Ltd

Email address: jess.rose@beca.com

Contact phone number:

Postal address:
Beca House
21 Pitt Street
Auckland Central
Auckland 1010

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
See attached submission

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
See attached submission

189.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 18 April 2019

Supporting documents
MoE Submission Auckland Unitary Plan - Plan Change 20.pdf

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

FORM

Submission on publicly notified proposal for policy statement or plan, change or variation under Clause 6 of Schedule , Resource Management Act

To: Auckland Council

Name of submitter: Ministry of Education ('the Ministry')

Address for service: C/- Beca Ltd
21 Pitt Street
Auckland 1010

Attention: Jess Rose

Phone: (09) 308 4565

Email: jess.rose@beca.com

This is a submission on the Proposed Plan Change 20 – Rural Activity Status to the Auckland Unitary Plan ('the Proposed Plan Change')

The specific parts of the Proposed Plan Change that the Ministry of Education's submission relates to are:

The overall aims and objectives of the plan change and the retention of 'Education facilities' as a Discretionary activity under Chapter H19 Rural Zones (for the Countryside Living Zone, Rural Coastal Zone, Mixed Rural Zone and Rural Production Zone).

Background:

The Ministry is the Government's lead advisor on the New Zealand education system, shaping direction for education agencies and providers and contributing to the Government's goals for education. The Ministry has responsibility for all education property owned by the Crown. This involves managing the existing property portfolio, upgrading and improving the portfolio, purchasing and constructing new property to meet increased demand, identifying and disposing of surplus State school sector property and managing teacher and caretaker housing.

The Ministry is therefore a key stakeholder in terms of activities that may impact on educational facilities and assets in the Auckland region. Most of the Ministry's properties are subject to designations under the Resource Management Act (RMA), and therefore not subject to the provisions of underlying land use zoning. However, given the Ministry's mandate, it does have a special interest in how education facilities in general are managed within district and unitary plans, with the aim of promoting education opportunities in general.

The Ministry of Education's submission is:

Among other amendments, the Proposed Plan Change seeks to amend Chapter H19 of the Auckland Unitary Plan to add a rule that makes any activity not provided for in the existing tables Non-complying.

The Ministry **supports** the aims and objectives of Auckland Council for undertaking this plan change, being that they wish to have greater authority over how and where non-rural activities not otherwise provided for within Chapter H19 are established in rural zones.

Education facilities are defined by the Auckland Unitary Plan (Operative in Part) as the following:

Education facility:

facility used for education to secondary level.

includes

- *schools and outdoor education facilities and*
- *accommodation, administrative, cultural, religious, health, retail and communal facilities accessory to the above.*

includes

- *care centres and*
- *tertiary education facilities.*

Education facilities are provided for in Table H19.8.1 as Discretionary activities (except for within the Rural Conservation Zone where they are classified as Non-complying activities). The Ministry **supports** the retention of these activity statuses for education facilities. The Discretionary activity status enables an appropriate level of assessment of education facilities within rural zones. Many education facilities (for example, outdoor education facilities) would be most appropriately placed in the rural zone.

The Ministry of Education seeks the following decision from the consent authority:

189.2

The Ministry requests that the Council retain the existing activity status for education facilities in the Rural Zones subject to the Proposed Plan Change, being Discretionary in the Countryside Living Zone, Rural Coastal Zone, Mixed Rural Zone and Rural Production Zone, and Non-complying in the Rural Conservation Zone.

The Ministry of Education does not wish to be heard in support of its submission



Jess Rose
Planner – Beca Ltd

Consultant to the Ministry of Education

Date: 18 April 2019

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Pakari Limited

Organisation name:

Agent's full name: Blundell Planning Consultants Ltd

Email address: ian@blundellplanning.nz

Contact phone number: 021655984

Postal address:
16 Aramoana Avenue
Devonport
Auckland 0624

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Table H19.8.1 Activity Table – use and development AA1) “Activities not provided for (Non Complying) 19.2.4 Policies – rural character, amenity and biodiversity values, • 19.6 Rural – Rural Conservation Zone H19.6.1 Zone description, • H19.6.2 Objectives, • H19.6.3 Policies, and • H19.7.Rural – Countryside Living H19.7.1 Zone Description

Property address: 211 Ellett Road, Karaka

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
see attached

190.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Supporting documents
Submission on Proposed Plan Change 20 - 211 Ellett Road Karaka - Pakari Limited.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission on Publicly Notified Plan Change 20 (Rural Activity Status) to the Auckland
Unitary Plan – Operative in Part 2016

TO: Auckland Council
Private Bag 92300
Auckland

1. Submitters Details

This submission is made by Pakari Limited (the Submitter), the owner of the properties at

211 Ellett Road, Karaka

comprising the following titles:

CT597561 (Lot 2 Deposited Plan 458678)

CT552625 (Lot 1 Deposited Plan 442726)

Pakari Limited
c/ - Blundell Planning Limited
16 Aramoana Avenue
Devonport
Auckland
0624

Phone: 0212469011
Email: ian@blundellplanning.nz

2. Scope of submission

This submission relates to Plan Change 20 – Rural Activity Status, in particular as it relates to the proposed change from discretionary to non-complying activity status for activities not provided for within the rural zone. Table H19.8.1 Activity Table – use and development AA1) Activities not provided for (Non Complying) and changes to the policies and objectives to restrict residential use to dwellings only.

3. The specific provisions that the submission relates to are:

Non-complying Activity Status

The submitter opposes the various provisions of PC20. Specifically the addition to Table H19.8.1 to change to the activity status for activities not provided for, to non-complying and wishes to have them amended to remove proposed addition to Table H19.8.1 Activity Table – use and development AA1) “Activities not provided for (Non Complying)”.

Reasons for submission:

The Submitter is concerned about the proposed changes and the effects it will have on their operations. The ability to undertake a wide variety of uses of the land subject to avoiding, remedying or mitigating adverse effects on the environment was a key reason the site was selected.

Applying a non-complying activity status to activities not provided for is an inconsistent approach to the rest of the Unitary Plan where activities not provided for are discretionary under the Chapter C General Rule C1.7 .This blanket approach to activities not provided for could reduce the ability for rural landowners to provide for the social and economic wellbeing.

Non complying activity status for activities not provided for creates less certainty about intended planning outcomes for the rural zones.

Changes to policies and objectives to specify dwellings only

- 19.2.4 Policies – rural character, amenity and biodiversity values,
- 19.6 Rural – Rural Conservation Zone H19.6.1 Zone description,
- H19.6.2 Objectives,
- H19.6.3 Policies, and
- H19.7.Rural – Countryside Living H19.7.1 Zone Description

Reasons for submission:

The proposed changes to the objectives and policies limit the ability for landowners to provide for their social and economic wellbeing by restricting residential buildings, development and activities to dwellings only. There may be other forms of residential development that are appropriate in a rural zone.

4. The relief sought is:

That either:

The plan change be rejected in its entirety.

or:

190.2 | Remove proposed addition to Table H19.8.1 Activity Table – use and development AA1) “Activities not provided for (Non Complying)”

190.3 | Retain existing wording of 19.2.4 Policies – rural character, amenity and biodiversity values, 19.6 Rural – Rural Conservation Zone H19.6.1 Zone description, H19.6.2 Objectives, H19.6.3 Policies, and H19.7.Rural – Countryside Living H19.7.1 Zone Description or other relief the satisfied the submitter.

190.4 | or alternative relief that satisfies the submitter.

5. Trade competition

The submitter could not gain an advantage in trade competition through this submission.

6. The submitter wishes to be heard in support of this submission.

7. The submitter may consider presenting a joint case with others.

Signature:

Blundell Planning Consultants Limited

A handwritten signature in black ink, appearing to read 'Ian Blundell', is centered within a light gray rectangular box.

Ian Blundell
Planner / Director
For and on behalf of Pakari Limited

Date:

18 April 2019

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent if applicable

Mr/Mrs/Miss/Ms(Full Name) _____

Organisation Name if submission is made on behalf of Organisation

The Surveying Company _____

Address for service of Submitter

PO Box 466, Pukekohe 2340 _____

Telephone:

09-238-9991

Fax/Email:

Leigh@subdivision.co.n

Contact Person: (Name and designation, if applicable) Leigh Shaw (The Surveying Company)

Scope of submission

This is a submission on the following proposed plan change variation to an existing plan:

Plan Change/Variation Number PC 20

Plan Change/Variation Name Rural Activity Status

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s) Refer to attached comments.

Or

Property Address _____

Or

Map _____

Or

Other (specify) _____

Submission

My submission is: Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: Refer to attached comments.

continue on a separate sheet if necessary

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- 191.1 Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing



Signature of Submitter
(or person authorised to sign on behalf of submitter)

18/4/19
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could could not gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the sub ect matter of the submission that:

- a adversely affects the environment and
- b does not relate to trade competition or the effects of trade competition

17th April 2019



Auckland Council
Private Bag 92300
AUCKLAND 1142

The Surveying Company LTD
17 Hall Street
PO Box 466 Pukekohe 2340
Phone 09 238 9991
Fax 09 238 9307
email: info@subdivision.co.nz
web: www.subdivision.co.nz

SUBMISSION ON PROPOSED PLAN CHANGE 20: RURAL ACTIVITY STATUS – TO THE AUCKLAND UNITARY PLAN

Our submission opposes the plan change in its entirety. The reasons for our view are:

The section 32 report makes numerous references to the discretionary activity status of an application as having resulted in outcomes not anticipated or contemplated in the rural zones. The report also uses the example of a self-storage facility to justify amending the status of such activities to non-complying as a means to assist in providing stronger guidance as to the types of activities anticipated in the rural zones. It is not clear from the report why a non-complying status as sought by the plan change would provide further guidance on the activities anticipated when Chapter A1.7.4 (Discretionary activity) of the AUP already confirms that discretionary activities are not generally anticipated to occur in a particular environment, location or zone etc.

The section 32 report (page 12) also supports the introduction of a default non-complying activity status for ‘*unanticipated activities*’ as ‘*this would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP*’. However, we do not see this as a valid reason for supporting this option for change (Option 2) as discretionary activities are also subject to a full assessment of objectives and policies. The other justifications referred to under this option are also equally applicable to discretionary activities and therefore we do not see how these reasons support the proposed change. We also note that Chapter A1.7.4 of the AUP states that for a Discretionary activity, a full assessment is required to determine whether the activity, subject to conditions, would be appropriate in terms of the Plan etc.

Furthermore, Chapter A1.7.5 (Non-complying activity) lists a number of reasons where such an activity status is required. This includes “*where they are likely to have significant adverse effects on the existing environment*” or “*where the existing environment is regarded as delicate or vulnerable.*” In this case, we do not consider all rural areas to be delicate or vulnerable and there are a number of activities not provided for in the rural zone (such as small-scale retail activities servicing the rural community) that we believe could be established without significant adverse effects on the environment. It is therefore not appropriate to default all activities not provided for in the rural zone to a non-complying status.

The section 32 report suggests that a discretionary activity status for activities not associated with rural production in rural zones is ‘*at odds*’ with the policy direction of the Regional Policy Statement (RPS) and District Plan objectives. In this case, we note that there are a number of Discretionary activities listed in the Chapter H19.8 that are not associated with rural production that would under

the plan change continue to be assessed as a discretionary activity. We also note that the section 32 report fails to recognise a number of objectives and policies in the AUP that support the establishment of activities that are not necessarily associated with rural production in the rural zone. This includes the following objectives and policy:

RPS Objective B9.2.1(3)

“Rural production and other activities that support rural communities are enabled while the character, amenity, landscape and biodiversity values of rural areas, including within the coastal environment, are maintained.”

This objective is supported by the following policy:

RPS Policy B9.2.2(1)

“Enable a diverse range of activities while avoiding significant adverse effects on and urbanisation of rural areas, including within the coastal environment, and avoiding, remedying, or mitigating other adverse effects on rural character, amenity, landscape and biodiversity values.”

Objective H19.2.1(1)

“Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.”

The above objectives and policy make it clear that activities which support rural communities, but are not necessarily associated with rural production, can be appropriate in the rural zone. While there are also objectives and policies that focus on the protection of elite soil and management of rural production land, there is an acknowledgment that non-productive activities can be supported, particularly where those activities maintain the values of the area and locate on land with low productive potential.

We consider the general purpose of the objectives and policies is to avoid urbanisation in the rural zones, rather than default all activities not provided for (as mentioned above) to a non-complying status. Furthermore, objective B9.2.1(4) refers to protecting Auckland’s rural areas from inappropriate urban use and development which we consider relates to activities that do not contribute to the social, economic or cultural well-being of rural communities. This is supported further by objective H19.2.5(3) which states:

“The rural economy and the well-being of people and local communities are maintained or enhanced by social, cultural and economic non-residential activities, while the area’s rural character and amenity is maintained or enhanced.”

The section 32 report refers to a number of specific activities that it considers would be better assessed as a non-complying activity once proposed beyond a certain scale. In this case, the section 32 report appears to correctly acknowledge that these specific activities are already largely provided for as Discretionary activities, however it is unclear from the report as to how these activities could be assessed as non-complying when the plan change only affects activities not provided for. It is our understanding that the activities referred to in the section 32 report would still be considered as a Discretionary activity regardless of the plan change. Furthermore, the scale of these activities is only

limited by the standards in H19.10 relating to building height and yard setback, and therefore it is unclear as to how the plan change would default these activities to a non-complying status based on 'scales of operation' or 'scale thresholds' as referred to in the section 32 report.

The section 32 report (page 15) states that: 'A key reason for this plan change is the potential for reverse sensitivity effects'. In this case, a non-complying activity status will not provide any further assessment on reverse sensitivity effects (or any other effects) than a discretionary activity status. As a result, it will not add anything to the resource consent process to address this concern. Likewise, the assessment of objectives and policies will not be advanced by a change from a discretionary to non-complying status. We consider that the current default Discretionary activity status provides sufficient certainty for Council to consider all effects and objectives and policies associated with a resource consent application.

There is insufficient detail provided in the section 32 report to establish whether the approved consents/specific activities referred to in the report would have been non-complying under the proposed plan change, and if so, whether they would have passed the 'gateway test' under section 104D of the RMA. As discussed above, it appears that these activities (being largely discretionary activities) would retain the same activity status under the plan change. However, in the event that they were able to be considered as a non-complying activity, it is not clear whether section 104D would have had any bearing on the overall outcome/determination reached in each of these cases.

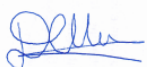
Page 19-20 of the section 32 report refers to the plan change as assisting in addressing the concerns of iwi by increasing the likelihood that intensive forms of residential development in rural zones will require an appropriately higher level of public notification. It is our understanding that the proposed change to default all activities not provided for to a non-complying status does not increase the potential for public notification. It is also noted that A1.7 (Activity Status) of the AUP states that the class of an activity status does not determine whether an application for consent will be notified or not.

In light of all of the above comments, we also consider that the amendment sought to policy H19.2.4 is inappropriate and invalid. Overall, the reasoning for the proposed changes are not justified and do not appear to be particularly relevant to the outcome sought by Council. The proposed changes will not address the concerns raised in the section 32 report, and will result in a default non-complying activity status that is not appropriate for all rural zones and which is not supported by the abovementioned objectives and policies. We seek that Council decline the plan change.

Yours faithfully

THE SURVEYING COMPANY LIMITED

Prepared by:



DHARMESH CHHIMA

Resource Management Planner

Authorised by:



JOHN GASSON

Director

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only

Submission No:

Receipt Date:

Submitter details

Full Name or Name of Agent if applicable

Mr/Mrs/Miss/Ms(Full Name)

Organisation Name if submission is made on behalf of Organisation

Hunua, Ararimu and Paparimu Valleys Residents Association

Address for service of Submitter

PO Box 466, Pukekohe 2340

Telephone:

09-238-9991

Fax/Email:

Neil@subdivision.co.nz

Contact Person: (Name and designation, if applicable) Neil Crispe (The Surveying Company)

Scope of submission

This is a submission on the following proposed plan change variation to an existing plan:

Plan Change/Variation Number

PC 20

Plan Change/Variation Name

Rural Activity Status

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Refer to attached comments.

Or

Property Address

Or

Map

Or

Other (specify)

Submission

My submission is: *Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views*

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: Refer to attached comments.

continue on a separate sheet if necessary

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below

192.1 Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing



Signature of Submitter
(or person authorised to sign on behalf of submitter)

18/4/19
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could could not gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the sub ect matter of the submission that:

a adversely affects the environment and

b does not relate to trade competition or the effects of trade competition

This submission opposes the plan change in its entirety. The reasons for this view are:

Chapter A1.7.5 (Non-complying activity) lists a number of reasons where such an activity status is required. This includes where they are likely to have significant adverse effects on the existing environment or where the existing environment is regarded as delicate or vulnerable. In this case, not all rural areas are considered to be delicate or vulnerable and there are a number of activities not provided for in the rural zone (such as small-scale retail activities servicing the rural community) that could be established without significant adverse effects on the environment. It is therefore not appropriate to default all activities not provided for in the rural zone to a non-complying status.

The section 32 report suggests that a discretionary activity status for activities not associated with rural production in rural zones is 'at odds' with the policy direction of the Regional Policy Statement (RPS) and District Plan objectives. In this case, the section 32 report fails to recognise a number of objectives and policies in the AUP that support the establishment of activities that are not necessarily associated with rural production in the rural zone. This includes the following objectives and policy:

RPS Objective B9.2.1(3)

"Rural production and other activities that support rural communities are enabled while the character, amenity, landscape and biodiversity values of rural areas, including within the coastal environment, are maintained."

This objective is supported by the following policy:

RPS Policy B9.2.2(1)

"Enable a diverse range of activities while avoiding significant adverse effects on and urbanisation of rural areas, including within the coastal environment, and avoiding, remedying, or mitigating other adverse effects on rural character, amenity, landscape and biodiversity values."

Objective H19.2.1(1)

"Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions."

The above objectives and policy make it clear that activities which support rural communities, but are not necessarily associated with rural production, can be appropriate in the rural zone. While there are also objectives and policies that focus on the protection of elite soil and management of rural production land, there is an acknowledgment that non-productive activities can be supported, particularly where those activities maintain the values of the area and locate on land with low productive potential. A discretionary activity status for activities not provided for in the rural zone is appropriate and is further supported by objective H19.2.5(3) which states:

"The rural economy and the well-being of people and local communities are maintained or enhanced by social, cultural and economic non-residential activities, while the area's rural character and amenity is maintained or enhanced."

It is also noted that in a number of local rural communities, there is insufficient land zoned or available for the development of residential and non-residential activities that support these areas. Simply defaulting activities not provided for to a non-complying status does not support the growth and well-being of rural communities where there is a need for services not already provided for in the AUP and where there is a lack of appropriate zoning around these settlements. This is also inconsistent with the abovementioned objectives and policies.

In light of all of the above comments, the amendment sought to policy 19.2.4 is also inappropriate and invalid. Overall, the reasoning for the proposed changes are not justified and a default non-complying status should not be generically applied across all rural zones, and in particular adjacent to rural settlements. Furthermore, the plan change is not supported by the abovementioned objectives and policies. On this basis, the plan change should be declined.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only

Submission No:

Receipt Date:

Submitter details

Full Name or Name of Agent if applicable

Mr/Mrs/Miss/Ms (Full Name) Luke Sullivan

Organisation Name if submission is made on behalf of Organisation

Address for service of Submitter

PO Box 466, Pukekohe 2340

Telephone:

09-238-9991

Fax/Email:

Neil@subdivision.co.nz

Contact Person: (Name and designation, if applicable) Neil Crispe (The Surveying Company)

Scope of submission

This is a submission on the following proposed plan change variation to an existing plan:

Plan Change/Variation Number PC 20

Plan Change/Variation Name Rural Activity Status

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s) Refer to attached comments.

Or

Property Address

Or

Map

Or

Other (specify)

Submission

My submission is: Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: Refer to attached comments.

continue on a separate sheet if necessary

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below

193.1 Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing



Signature of Submitter
(or person authorised to sign on behalf of submitter)

18/4/19
Date

Notes to person making submission:

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I could could not gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the sub ect matter of the submission that:

a adversely affects the environment and

b does not relate to trade competition or the effects of trade competition

This submission opposes the plan change in its entirety. The reasons for this view are:

Chapter A1.7.5 (Non-complying activity) lists a number of reasons where such an activity status is required. This includes where they are likely to have significant adverse effects on the existing environment or where the existing environment is regarded as delicate or vulnerable. In this case, not all rural areas are considered to be delicate or vulnerable and there are a number of activities not provided for in the rural zone (such as small-scale retail activities servicing the rural community) that could be established without significant adverse effects on the environment. It is therefore not appropriate to default all activities not provided for in the rural zone to a non-complying status.

The section 32 report suggests that a discretionary activity status for activities not associated with rural production in rural zones is 'at odds' with the policy direction of the Regional Policy Statement (RPS) and District Plan objectives. In this case, the section 32 report fails to recognise a number of objectives and policies in the AUP that support the establishment of activities that are not necessarily associated with rural production in the rural zone. This includes the following objectives and policy:

RPS Objective B9.2.1(3)

"Rural production and other activities that support rural communities are enabled while the character, amenity, landscape and biodiversity values of rural areas, including within the coastal environment, are maintained."

This objective is supported by the following policy:

RPS Policy B9.2.2(1)

"Enable a diverse range of activities while avoiding significant adverse effects on and urbanisation of rural areas, including within the coastal environment, and avoiding, remedying, or mitigating other adverse effects on rural character, amenity, landscape and biodiversity values."

Objective H19.2.1(1)

"Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions."

The above objectives and policy make it clear that activities which support rural communities, but are not necessarily associated with rural production, can be appropriate in the rural zone. While there are also objectives and policies that focus on the protection of elite soil and management of rural production land, there is an acknowledgment that non-productive activities can be supported, particularly where those activities maintain the values of the area and locate on land with low productive potential. A discretionary activity status for activities not provided for in the rural zone is appropriate and is further supported by objective H19.2.5(3) which states:

"The rural economy and the well-being of people and local communities are maintained or enhanced by social, cultural and economic non-residential activities, while the area's rural character and amenity is maintained or enhanced."

It is also noted that in a number of local rural communities, there is insufficient land zoned or available for the development of residential and non-residential activities that support these areas. Simply defaulting activities not provided for to a non-complying status does not support the growth and well-being of rural communities where there is a need for services not already provided for in the AUP and where there is a lack of appropriate zoning around these settlements. This is also inconsistent with the abovementioned objectives and policies.

In light of all of the above comments, the amendment sought to policy 19.2.4 is also inappropriate and invalid. Overall, the reasoning for the proposed changes are not justified and a default non-complying status should not be generically applied across all rural zones, and in particular adjacent to rural settlements. Furthermore, the plan change is not supported by the abovementioned objectives and policies. On this basis, the plan change should be declined.

Submission on a notified proposal for policy statement or plan change or variation

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Auckland 1142

For office use only Submission No:
Receipt Date:

Submitter details

~~Full Name or Name of Agent if applicable~~

Mr/Mrs/Miss/Ms (Full Name) Jeram and Laxmi Bhana

Organisation Name if submission is made on behalf of Organisation

Address for service of Submitter

PO Box 466, Pukekohe 2340

Telephone: 09-238-9991 Fax/Email: Leigh@subdivision.co.nz

Contact Person: (Name and designation, if applicable) Leigh Shaw (The Surveying Company)

Scope of submission

This is a submission on the following proposed plan change variation to an existing plan:

Plan Change/Variation Number PC 20

Plan Change/Variation Name Rural Activity Status

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s) Refer to attached comments.

Or
Property Address

Or
Map

Or
Other (specify)

Submission

My submission is: Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: Refer to attached comments.

continue on a separate sheet if necessary

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- 194.1 Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing



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(or person authorised to sign on behalf of submitter)

18/4/19
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If you could gain an advantage in trade competition through this submission please complete the following:

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- a adversely affects the environment and
b does not relate to trade competition or the effects of trade competition

This submission opposes the plan change in its entirety. The reasons for this view are:

Chapter A1.7.5 (Non-complying activity) lists a number of reasons where such an activity status is required. This includes where they are likely to have significant adverse effects on the existing environment or where the existing environment is regarded as delicate or vulnerable. In this case, not all rural areas are considered to be delicate or vulnerable and there are a number of activities not provided for in the rural zone (such as small-scale retail activities servicing the rural community) that could be established without significant adverse effects on the environment. It is therefore not appropriate to default all activities not provided for in the rural zone to a non-complying status.

The section 32 report suggests that a discretionary activity status for activities not associated with rural production in rural zones is 'at odds' with the policy direction of the Regional Policy Statement (RPS) and District Plan objectives. In this case, the section 32 report fails to recognise a number of objectives and policies in the AUP that support the establishment of activities that are not necessarily associated with rural production in the rural zone. This includes the following objectives and policy:

RPS Objective B9.2.1(3)

"Rural production and other activities that support rural communities are enabled while the character, amenity, landscape and biodiversity values of rural areas, including within the coastal environment, are maintained."

This objective is supported by the following policy:

RPS Policy B9.2.2(1)

"Enable a diverse range of activities while avoiding significant adverse effects on and urbanisation of rural areas, including within the coastal environment, and avoiding, remedying, or mitigating other adverse effects on rural character, amenity, landscape and biodiversity values."

Objective H19.2.1(1)

"Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions."

The above objectives and policy make it clear that activities which support rural communities, but are not necessarily associated with rural production, can be appropriate in the rural zone. While there are also objectives and policies that focus on the protection of elite soil and management of rural production land, there is an acknowledgment that non-productive activities can be supported, particularly where those activities maintain the values of the area and locate on land with low productive potential. A discretionary activity status for activities not provided for in the rural zone is appropriate and is further supported by objective H19.2.5(3) which states:

"The rural economy and the well-being of people and local communities are maintained or enhanced by social, cultural and economic non-residential activities, while the area's rural character and amenity is maintained or enhanced."

It is also noted that in a number of local rural communities, there is insufficient land zoned or available for the development of residential and non-residential activities that support these areas. Simply defaulting activities not provided for to a non-complying status does not support the growth and well-being of rural communities where there is a need for services not already provided for in the AUP and where there is a lack of appropriate zoning around these settlements. This is also inconsistent with the abovementioned objectives and policies.

In light of all of the above comments, the amendment sought to policy 19.2.4 is also inappropriate and invalid. Overall, the reasoning for the proposed changes are not justified and a default non-complying status should not be generically applied across all rural zones, and in particular adjacent to rural settlements. Furthermore, the plan change is not supported by the abovementioned objectives and policies. On this basis, the plan change should be declined.

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For office use only

Submission No:

Receipt Date:

Submitter details

Full Name or Name of Agent if applicable

Mr/Mrs/Miss/Ms(Full Name)

Organisation Name if submission is made on behalf of Organisation

Balle Bros Group

Address for service of Submitter

PO Box 466, Pukekohe 2340

Telephone:

09-238-9991

Fax/Email:

John@subdivision.co.nz

Contact Person: (Name and designation, if applicable) John Gasson (The Surveying Company)

Scope of submission

This is a submission on the following proposed plan change variation to an existing plan:

Plan Change/Variation Number

PC 20

Plan Change/Variation Name

Rural Activity Status

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Refer to attached comments.

Or

Property Address

Or

Map

Or

Other (specify)

Submission

My submission is: Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: Refer to attached comments.

continue on a separate sheet if necessary

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below

195.1 Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing



Signature of Submitter
(or person authorised to sign on behalf of submitter)

18/4/19
Date

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I could could not gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the sub ect matter of the submission that:

a adversely affects the environment and

b does not relate to trade competition or the effects of trade competition

17th April 2019



Auckland Council
Private Bag 92300
AUCKLAND 1142

The Surveying Company LTD
17 Hall Street
PO Box 466 Pukekohe 2340
Phone 09 238 9991
Fax 09 238 9307
email: info@subdivision.co.nz
web: www.subdivision.co.nz

SUBMISSION ON PROPOSED PLAN CHANGE 20: RURAL ACTIVITY STATUS – TO THE AUCKLAND UNITARY PLAN

Our submission opposes the plan change in its entirety. The reasons for our view are:

The section 32 report makes numerous references to the discretionary activity status of an application as having resulted in outcomes not anticipated or contemplated in the rural zones. The report also uses the example of a self-storage facility to justify amending the status of such activities to non-complying as a means to assist in providing stronger guidance as to the types of activities anticipated in the rural zones. It is not clear from the report why a non-complying status as sought by the plan change would provide further guidance on the activities anticipated when Chapter A1.7.4 (Discretionary activity) of the AUP already confirms that discretionary activities are not generally anticipated to occur in a particular environment, location or zone etc.

The section 32 report (page 12) also supports the introduction of a default non-complying activity status for ‘*unanticipated activities*’ as ‘*this would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP*’. However, we do not see this as a valid reason for supporting this option for change (Option 2) as discretionary activities are also subject to a full assessment of objectives and policies. The other justifications referred to under this option are also equally applicable to discretionary activities and therefore we do not see how these reasons support the proposed change. We also note that Chapter A1.7.4 of the AUP states that for a Discretionary activity, a full assessment is required to determine whether the activity, subject to conditions, would be appropriate in terms of the Plan etc.

Furthermore, Chapter A1.7.5 (Non-complying activity) lists a number of reasons where such an activity status is required. This includes “*where they are likely to have significant adverse effects on the existing environment*” or “*where the existing environment is regarded as delicate or vulnerable.*” In this case, we do not consider all rural areas to be delicate or vulnerable and there are a number of activities not provided for in the rural zone (such as small-scale retail activities servicing the rural community) that we believe could be established without significant adverse effects on the environment. It is therefore not appropriate to default all activities not provided for in the rural zone to a non-complying status.

The section 32 report suggests that a discretionary activity status for activities not associated with rural production in rural zones is ‘*at odds*’ with the policy direction of the Regional Policy Statement (RPS) and District Plan objectives. In this case, we note that there are a number of Discretionary activities listed in the Chapter H19.8 that are not associated with rural production that would under

the plan change continue to be assessed as a discretionary activity. We also note that the section 32 report fails to recognise a number of objectives and policies in the AUP that support the establishment of activities that are not necessarily associated with rural production in the rural zone. This includes the following objectives and policy:

RPS Objective B9.2.1(3)

“Rural production and other activities that support rural communities are enabled while the character, amenity, landscape and biodiversity values of rural areas, including within the coastal environment, are maintained.”

This objective is supported by the following policy:

RPS Policy B9.2.2(1)

“Enable a diverse range of activities while avoiding significant adverse effects on and urbanisation of rural areas, including within the coastal environment, and avoiding, remedying, or mitigating other adverse effects on rural character, amenity, landscape and biodiversity values.”

Objective H19.2.1(1)

“Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.”

The above objectives and policy make it clear that activities which support rural communities, but are not necessarily associated with rural production, can be appropriate in the rural zone. While there are also objectives and policies that focus on the protection of elite soil and management of rural production land, there is an acknowledgment that non-productive activities can be supported, particularly where those activities maintain the values of the area and locate on land with low productive potential.

We consider the general purpose of the objectives and policies is to avoid urbanisation in the rural zones, rather than default all activities not provided for (as mentioned above) to a non-complying status. Furthermore, objective B9.2.1(4) refers to protecting Auckland’s rural areas from inappropriate urban use and development which we consider relates to activities that do not contribute to the social, economic or cultural well-being of rural communities. This is supported further by objective H19.2.5(3) which states:

“The rural economy and the well-being of people and local communities are maintained or enhanced by social, cultural and economic non-residential activities, while the area’s rural character and amenity is maintained or enhanced.”

The section 32 report refers to a number of specific activities that it considers would be better assessed as a non-complying activity once proposed beyond a certain scale. In this case, the section 32 report appears to correctly acknowledge that these specific activities are already largely provided for as Discretionary activities, however it is unclear from the report as to how these activities could be assessed as non-complying when the plan change only affects activities not provided for. It is our understanding that the activities referred to in the section 32 report would still be considered as a Discretionary activity regardless of the plan change. Furthermore, the scale of these activities is only

limited by the standards in H19.10 relating to building height and yard setback, and therefore it is unclear as to how the plan change would default these activities to a non-complying status based on 'scales of operation' or 'scale thresholds' as referred to in the section 32 report.

The section 32 report (page 15) states that: 'A key reason for this plan change is the potential for reverse sensitivity effects'. In this case, a non-complying activity status will not provide any further assessment on reverse sensitivity effects (or any other effects) than a discretionary activity status. As a result, it will not add anything to the resource consent process to address this concern. Likewise, the assessment of objectives and policies will not be advanced by a change from a discretionary to non-complying status. We consider that the current default Discretionary activity status provides sufficient certainty for Council to consider all effects and objectives and policies associated with a resource consent application.

There is insufficient detail provided in the section 32 report to establish whether the approved consents/specific activities referred to in the report would have been non-complying under the proposed plan change, and if so, whether they would have passed the 'gateway test' under section 104D of the RMA. As discussed above, it appears that these activities (being largely discretionary activities) would retain the same activity status under the plan change. However, in the event that they were able to be considered as a non-complying activity, it is not clear whether section 104D would have had any bearing on the overall outcome/determination reached in each of these cases.

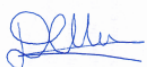
Page 19-20 of the section 32 report refers to the plan change as assisting in addressing the concerns of iwi by increasing the likelihood that intensive forms of residential development in rural zones will require an appropriately higher level of public notification. It is our understanding that the proposed change to default all activities not provided for to a non-complying status does not increase the potential for public notification. It is also noted that A1.7 (Activity Status) of the AUP states that the class of an activity status does not determine whether an application for consent will be notified or not.

In light of all of the above comments, we also consider that the amendment sought to policy H19.2.4 is inappropriate and invalid. Overall, the reasoning for the proposed changes are not justified and do not appear to be particularly relevant to the outcome sought by Council. The proposed changes will not address the concerns raised in the section 32 report, and will result in a default non-complying activity status that is not appropriate for all rural zones and which is not supported by the abovementioned objectives and policies. We seek that Council decline the plan change.

Yours faithfully

THE SURVEYING COMPANY LIMITED

Prepared by:



DHARMESH CHHIMA

Resource Management Planner

Authorised by:



JOHN GASSON

Director

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



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Auckland 1142

For office use only Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent if applicable

Mr/Mrs/Miss/Ms(Full Name) P Sain, PJ Sain and VP Sain

Organisation Name if submission is made on behalf of Organisation

Address for service of Submitter

PO Box 466, Pukekohe 2340

Telephone: 09-238-9991 Fax/Email: John@subdivision.co.nz

Contact Person: (Name and designation, if applicable) John Gasson (The Surveying Company)

Scope of submission

This is a submission on the following proposed plan change variation to an existing plan:

Plan Change/Variation Number PC 20

Plan Change/Variation Name Rural Activity Status

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s) Refer to attached comments.

Or
Property Address

Or
Map

Or
Other (specify)

Submission

My submission is: Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: Refer to attached comments.

continue on a separate sheet if necessary

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below

196.1 Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

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Signature of Submitter
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17th April 2019



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Phone 09 238 9991
Fax 09 238 9307
email: info@subdivision.co.nz
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SUBMISSION ON PROPOSED PLAN CHANGE 20: RURAL ACTIVITY STATUS – TO THE AUCKLAND UNITARY PLAN

Our submission opposes the plan change in its entirety. The reasons for our view are:

The section 32 report makes numerous references to the discretionary activity status of an application as having resulted in outcomes not anticipated or contemplated in the rural zones. The report also uses the example of a self-storage facility to justify amending the status of such activities to non-complying as a means to assist in providing stronger guidance as to the types of activities anticipated in the rural zones. It is not clear from the report why a non-complying status as sought by the plan change would provide further guidance on the activities anticipated when Chapter A1.7.4 (Discretionary activity) of the AUP already confirms that discretionary activities are not generally anticipated to occur in a particular environment, location or zone etc.

The section 32 report (page 12) also supports the introduction of a default non-complying activity status for ‘*unanticipated activities*’ as ‘*this would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP*’. However, we do not see this as a valid reason for supporting this option for change (Option 2) as discretionary activities are also subject to a full assessment of objectives and policies. The other justifications referred to under this option are also equally applicable to discretionary activities and therefore we do not see how these reasons support the proposed change. We also note that Chapter A1.7.4 of the AUP states that for a Discretionary activity, a full assessment is required to determine whether the activity, subject to conditions, would be appropriate in terms of the Plan etc.

Furthermore, Chapter A1.7.5 (Non-complying activity) lists a number of reasons where such an activity status is required. This includes “*where they are likely to have significant adverse effects on the existing environment*” or “*where the existing environment is regarded as delicate or vulnerable.*” In this case, we do not consider all rural areas to be delicate or vulnerable and there are a number of activities not provided for in the rural zone (such as small-scale retail activities servicing the rural community) that we believe could be established without significant adverse effects on the environment. It is therefore not appropriate to default all activities not provided for in the rural zone to a non-complying status.

The section 32 report suggests that a discretionary activity status for activities not associated with rural production in rural zones is ‘*at odds*’ with the policy direction of the Regional Policy Statement (RPS) and District Plan objectives. In this case, we note that there are a number of Discretionary activities listed in the Chapter H19.8 that are not associated with rural production that would under

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RPS Objective B9.2.1(3)

“Rural production and other activities that support rural communities are enabled while the character, amenity, landscape and biodiversity values of rural areas, including within the coastal environment, are maintained.”

This objective is supported by the following policy:

RPS Policy B9.2.2(1)

“Enable a diverse range of activities while avoiding significant adverse effects on and urbanisation of rural areas, including within the coastal environment, and avoiding, remedying, or mitigating other adverse effects on rural character, amenity, landscape and biodiversity values.”

Objective H19.2.1(1)

“Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.”

The above objectives and policy make it clear that activities which support rural communities, but are not necessarily associated with rural production, can be appropriate in the rural zone. While there are also objectives and policies that focus on the protection of elite soil and management of rural production land, there is an acknowledgment that non-productive activities can be supported, particularly where those activities maintain the values of the area and locate on land with low productive potential.

We consider the general purpose of the objectives and policies is to avoid urbanisation in the rural zones, rather than default all activities not provided for (as mentioned above) to a non-complying status. Furthermore, objective B9.2.1(4) refers to protecting Auckland’s rural areas from inappropriate urban use and development which we consider relates to activities that do not contribute to the social, economic or cultural well-being of rural communities. This is supported further by objective H19.2.5(3) which states:

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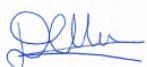
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Yours faithfully

THE SURVEYING COMPANY LIMITED

Prepared by:



DHARMESH CHHIMA
Resource Management Planner

Authorised by:



JOHN GASSON
Director

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

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Auckland Council
Level 24, 135 Albert Street
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Auckland 1142

For office use only Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent if applicable

Mr/Mrs/Miss/Ms(Full Name) P Sain and C Powell

Organisation Name if submission is made on behalf of Organisation

Address for service of Submitter

PO Box 466, Pukekohe 2340

Telephone: 09-238-9991 Fax/Email: John@subdivision.co.nz

Contact Person: (Name and designation, if applicable) John Gasson (The Surveying Company)

Scope of submission

This is a submission on the following proposed plan change variation to an existing plan:

Plan Change/Variation Number PC 20

Plan Change/Variation Name Rural Activity Status

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s) Refer to attached comments.

Or
Property Address

Or
Map

Or
Other (specify)

Submission

My submission is: Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: Refer to attached comments.

continue on a separate sheet if necessary

I seek the following decision by Council:

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Signature of Submitter
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17th April 2019



Auckland Council
Private Bag 92300
AUCKLAND 1142

The Surveying Company LTD
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Phone 09 238 9991
Fax 09 238 9307
email: info@subdivision.co.nz
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SUBMISSION ON PROPOSED PLAN CHANGE 20: RURAL ACTIVITY STATUS – TO THE AUCKLAND UNITARY PLAN

Our submission opposes the plan change in its entirety. The reasons for our view are:

The section 32 report makes numerous references to the discretionary activity status of an application as having resulted in outcomes not anticipated or contemplated in the rural zones. The report also uses the example of a self-storage facility to justify amending the status of such activities to non-complying as a means to assist in providing stronger guidance as to the types of activities anticipated in the rural zones. It is not clear from the report why a non-complying status as sought by the plan change would provide further guidance on the activities anticipated when Chapter A1.7.4 (Discretionary activity) of the AUP already confirms that discretionary activities are not generally anticipated to occur in a particular environment, location or zone etc.

The section 32 report (page 12) also supports the introduction of a default non-complying activity status for ‘*unanticipated activities*’ as ‘*this would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP*’. However, we do not see this as a valid reason for supporting this option for change (Option 2) as discretionary activities are also subject to a full assessment of objectives and policies. The other justifications referred to under this option are also equally applicable to discretionary activities and therefore we do not see how these reasons support the proposed change. We also note that Chapter A1.7.4 of the AUP states that for a Discretionary activity, a full assessment is required to determine whether the activity, subject to conditions, would be appropriate in terms of the Plan etc.

Furthermore, Chapter A1.7.5 (Non-complying activity) lists a number of reasons where such an activity status is required. This includes “*where they are likely to have significant adverse effects on the existing environment*” or “*where the existing environment is regarded as delicate or vulnerable.*” In this case, we do not consider all rural areas to be delicate or vulnerable and there are a number of activities not provided for in the rural zone (such as small-scale retail activities servicing the rural community) that we believe could be established without significant adverse effects on the environment. It is therefore not appropriate to default all activities not provided for in the rural zone to a non-complying status.

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RPS Objective B9.2.1(3)

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Objective H19.2.1(1)

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The above objectives and policy make it clear that activities which support rural communities, but are not necessarily associated with rural production, can be appropriate in the rural zone. While there are also objectives and policies that focus on the protection of elite soil and management of rural production land, there is an acknowledgment that non-productive activities can be supported, particularly where those activities maintain the values of the area and locate on land with low productive potential.

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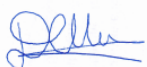
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Full Name or Name of Agent if applicable

Mr/Mrs/Miss/Ms(Full Name) Chanel Hargrave

Organisation Name if submission is made on behalf of Organisation

Address for service of Submitter

PO Box 466, Pukekohe 2340

Telephone:

09-238-9991

Fax/Email:

Chanel@subdivision.co.nz

Contact Person: (Name and designation, if applicable) Chanel Hargrave (The Surveying Company)

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17th April 2019



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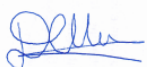
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Authorised by:



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Director

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AUCKLAND COUNCIL
HH: 18 APR 2019
2.25pm
HENDERSON

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

(use)
Jean Ilse Gladys BERRY

Organisation Name (if submission is made on behalf of Organisation)

Preserve the Swanson Foothills Society

Address for service of Submitter

5 Coulter Rd.
Swanson 0614

Telephone:

027-287-7555

Fax/Email:

jean.jigby@gmail.com

Contact Person: (Name and designation, if applicable)

As above

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 20

Plan Change/Variation Name

Rural Activity Status

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Apply the new conditions to Waitakere Ranges

Or

Property Address

Heritage Area (Foothills - Swanson, Henderson

Or

Map

Valley.)

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

Amend the PC20 to apply to the Swanson + Henderson Valley Foothills for further protection from unscrupulous development.
(REFER TO SUBMISSION)

574

The reasons for my views are:

Refer to submission as it includes reasons

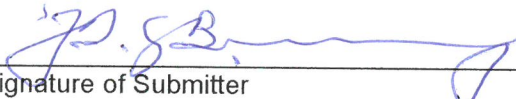
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Unitary Plan proposed Plan Change 20 Submission

Our Preserve the Swanson Foothills Society wish to make a submission on the above proposal that seeks to:-

- 199.2 | • Add a rule that states that any activity not provided for in the Auckland Unitary Plan requires resource consent to be a non-complying activity in *the rural zone and we request that it applies to the Waitakere Ranges Heritage Area too.*
- 199.3 | • Amend references to "residential buildings" to read "dwellings" and request that it also apply to the Waitakere Ranges Heritage Area.

When referring to the supplied information from Auckland Council, there is no reference to the Waitakere Ranges Heritage Area at all, as it is considered that protection is adequate with the Waitakere Ranges Heritage Act 2008. As local residents, we are already concerned at some of the activities that are receiving resource consent in the old Swanson Foothills area (1200 hectares) which is now part of the Waitakere Ranges Heritage Area.

As examples I refer to:-

- a) the Sweet as Home Backpackers home stay complex at 21 Christian Road, the proposed CDL 48 housing development at 7-11 Christian Road and Tramway Road (urban) together some development at 32 Christian Road.
- b) Several additional buildings and secondary housing development on Coulter Road at the North. These are mostly retrospective and formerly disallowed additions from the Swanson Structure Plan from up to 2012.
- c) Proposals for developments on O'Neills Road adjoining Drower Road.

These are only a few of the additional proposals from residents in the Heritage Area. Some of the new people have known that they live in a Heritage area, but have intentions to develop their land sooner than later.

We need to remember that once these proposals are achieved, there is no turning back. We are close to losing the last of the Waitakere Ranges Foothills to some form of development and I suspect that a lot of the bush land that is suffering from neglect may be included in the future.

As another example, the plans for attending to septic tank cleaning in a very expensive and poorly conceived manner is a new bizarre idea of the Auckland Council. All they need to do is to police existing septic tank care conscientiously and the problem would not exist.

We support Rule Change 20 for rural zones but desire that the Waitakere Ranges Heritage Area to be included too. Some organisations consider that we are already adequately protected from retrospective subdivision and similar proposals by the Waitakere Ranges Heritage Act 2008. Unless we are included officially in Plan Change 20 there is a major danger that stealthy building and unauthorised activities will be increasing in the Foothills. Consequently part of the Foothills will disappear.

The approvals will come from Council Staff that have little or no knowledge of past difficulties over the 10 years that the local residents have had, in order to save the Waitakere Ranges and Foothills from varying forms of development by unscrupulous people.

Please include the Waitakere Ranges Foothills (Heritage Area) in Plan Change 20.

Jean Berry

President
Preserve the Swanson Foothills Society

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Reg Nevill-Jackson

Organisation name: Heritage Collection Waitakere Estate

Agent's full name: Reg Nevill-Jackson

Email address: reg@waitakereestate.co.nz

Contact phone number: 098149622

Postal address:

reg@waitakereestate.co.nz

Waiaatarua

Auckland 0612

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

The current provisions and criteria in relation notifications are adequate and notification of all applications is draconian adding to an already expensive process for applicants.

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The current provisions in relation to notification are adequate.

200.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

AUCKLAND COUNCIL
8 APR 2019
3
HENDERSON



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

ABDUL HAFEEZ

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

105 PARRS CROSS ROAD GLEN EDEN
Auckland

Telephone: 09 818 38 38 Fax/Email: JASIRHAFEEZ@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number PC 20

Plan Change/Variation Name Rural Activity Status

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or

Property Address 105-107 PARRS CROSS ROAD GLEN EDEN

Or

Map

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: Properties which are on the RUB or facing urban areas can serve the urban areas by providing the related services without going through harder approval procedures which are related to non-complying activities.
(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation

201.1 If the proposed plan change / variation is not declined, then amend it as outlined below.

201.2 Exclude the properties which are facing the urban areas or are at the Rural Urban Boundary (RUB) and are classified in the District Plan Zones as 'L'.

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

Adul Afzal
Signature of Submitter
(or person authorised to sign on behalf of submitter)

Date 18.4.2019

Notes to person making submission:
If you are making a submission to the Environmental Protection Authority, you should use Form 16B.
Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.
If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.
I could / could not gain an advantage in trade competition through this submission.
If you could gain an advantage in trade competition through this submission please complete the following:
I am / am not directly affected by an effect of the subject matter of the submission that:
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: ken gordon

Organisation name:

Agent's full name:

Email address: kennithb@xtra.co.nz

Contact phone number:

Postal address:
700 pakiri block road wellsford
tomarata
wellsford 0974

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
all modifications

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
the proposals are a dictationary and are unnessesary, every thing seems to be going ok and who is deciding these changes?

202.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Alice Grayson

Organisation name:

Agent's full name:

Email address: adignam@gmail.com

Contact phone number:

Postal address:
23 Glenelg Road
Red Beach
Auckland 0932

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
PC 20: Rural Activity Status

Property address: Lot 2 DP 477739, Hungry Creek Road, Puhoi

Map or maps:

Other provisions:
PC 20: Rural Activity Status

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Automatically classifying activities that Council hasn't "thought of" as non-complying isn't very progressive, forward-focused or future-proof. It's unnecessarily strict and problematic. Don't do it. "Discretionary" would be a better classification.

203.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: THE ASKEW PARTNERSHIP

Organisation name:

Agent's full name: JULIAN DAWSON

Email address: JULIAN@RMALAWYER.CO.NZ

Contact phone number: 0274200223

Postal address:
PO BOX 531

WHANGAREI 0140

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
The entirety of the plan change

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
as attached

204.1 | I or we seek the following decision by council: Amend the plan modification if it is not declined

Details of amendments: as attached

Submission date: 18 April 2019

Supporting documents
Submission PC20 (final) Askew.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

To: AUCKLAND COUNCIL

Name of submitter: THE ASKEW PARTNERSHIP

This is a submission on: PROPOSED PLAN CHANGE 20 (RURAL ACTIVITY STATUS) TO THE AUCKLAND UNITARY PLAN (“ **PC20** ”):

1. I could NOT gain an advantage in trade competition through this submission.
2. **The specific provisions of the proposal that my submission relates to are** the entirety of PC20.
3. **My submission is that I OPPOSE PC20:**
4. **The reasons for my submission are:**
 - 4.1 Collectively, we own approximately 38ha of land at Patumahoe.
 - 4.2 That land is currently zoned as Rural Production. However, land to the north and west is zoned as Residential Single House and Open Space – Sport and Active Recreation.
 - 4.3 PC20 places an unnecessary and inappropriate restriction on non-rural activities and residential development within the Rural Zones of the Unitary Plan.
 - 4.4 A non-complying status for activities not specifically provided for, imposes a gateway to consent (under s104D of the Act) that is not necessary to manage and protect the rural resource.
 - 4.5 Removal of reference to “residential activities” and instead to “dwellings” fails to recognise that there a range of residential related activities and buildings, that are complimentary, and ancillary to dwellings, which should be provided for within the Rural Zones. However, PC20 introduces a significant limitation in providing that only dwellings should be recognised, and provided for. That ignores appropriate residential infrastructure.
 - 4.6 Recognition, and protection, of elite soils and prime soils that are important to rural production activities will be achieved by the current objectives and policies of the rural zones (for example H19.2.1(2), (3) and (4); H19.2.2(1),(2),(3),(4),(5),(7); H19.2.4(1),(2); H19.2.5; H19.3.2(2))such that a non-complying status is not necessary

or justified. At the same time, recognition that development within some rural locations to accommodate growth pressures, may be appropriate, and the best use of the resource needs is needed. The current provisions of the Unitary Plan achieve that. PC20 seeks to impose a higher hurdle than necessary.

- 4.7 Recognition of rural character, including cumulative adverse effects, and non-residential activities are properly and appropriately recognised by the current objectives and policies of the rural zones (for example, H19.2.2(1),(5),(6); H19.2.4(1), (2); H19.2.5(2)).
- 4.8 The section 32 assessment references specific concerns from resource consent outcomes (Section 2 -Clause 3) such as additional dwellings, minor household units, minor dwellings and aged care facilities at Kumeu and Riverhead. Other specific examples are given. It is not clear, why if these examples were consented on their merits, an Auckland Wide non-complying status for all activities not specifically provided for in the rural zones, together with limiting residential activities to only “dwellings” is now justified. That appears, to be an over reach.
- 4.9 The section 32 assessment does not consider the option of dealing more specifically with activities, that may have a residential flavour (such as retirement villages), but which are more commercial in nature. That would be an appropriate consideration which has been omitted.
- 4.10 The resource consent outcomes cited are specific examples. With a refined and careful consideration, the provisions of the Unitary Plan could be tweaked to provide a clearer policy direction. However, reverting to a non-complying status is an over-reaction. Limiting residential activity to only dwellings, unreasonably, and inappropriately curtails elements and facilities that are routinely considered necessary and integral to a dwelling.

5. I seek the following decision from the local authority:

- 5.1 Plan Change 20 be declined in its entirety; or alternatively
- 5.2 that it be amended to address only the specific resource consent outcomes of concern relied on in the section 32 assessment at Section 2, Clause 3 (Resource

204.2 |

Consent Outcomes).

6. I wish to be heard in support of my submission.

A handwritten signature in blue ink, appearing to read 'J.C. Dawson'.

For and on behalf of The Askew Partnership

J.C Dawson – Barrister

Dated: 18th April 2019

Electronic address for service of submitter:

The Askew Partnership

c/ Mr Julian Dawson - Barrister

Telephone: (0274) 200 223

Postal address: PO Box 531

Whangarei 0140

Email: julian@rmaalawyer.co.nz

205.1 | Formal Objection to Proposed Plan Change 20-Rural Activity Status.

To whom it may concern,

On the 18th of March 2019 I received a letter from Auckland City Council on the proposed plan change 20 -rule activity status.

The letter says this may affect me ...without being open, but uses "flowery" language without outright getting down to the point of what this is all about.. As I understand, we are really talking about shipping containers... and further adding that resource consent will soon be required for a non-complying activity, I take it that this plan change has to do with trying to revenue collect from people on rural properties who own a shipping container, forgive me if I have misunderstood.

Shipping containers are cheap and easily transported and moved around the farm when fitted to skids... they also make a great shelter for farm animals and are a very safe place to keep food stocks safe from vermin.. rats, field mice, possums and the like which of late has become a real problem.

We have had a long dry summer, come winter time the barn and sheds are going to be full of such creatures.. it seems everything of value in the shed gets chewed or contaminated, it is part of the reason why I own a couple of shipping containers. Some of the damage I have suffered because of rats and mice is a lot.

But probably the most desirable feature of a shipping container is to keep safe and dry valuable Farm Equipment which today many rural properties are finding is the only solution to keeping what they own out of reach of the burglar.

Crime in the rural sector has exploded and it seems not a week goes by that somebody in the area has had some valuable stolen, the regular barn or shed is not secure enough these days against burglaries. I keep my licence firearm in a safe lock-box that is secured inside a shipping container for real safety.. the short long of it... if a firearm lock-box is kept inside the house and the house is burgled it's a common thing to see that the firearms go missing.

Why would someone in a rural environment need to seek resource consent to have a shipping container on a rural property if it's used for this type of activity?... what's next resource consent to have a caravan on a rural property?

I find this planed proposal change yet another invasion by ACC under the disguise of putting in place another cash cow and further expanding the bureaucracy and income stream for the council.

Shipping containers have very much become part of the rural way of life storing farm equipment and storing of feed and in extreme cases when ones house has been washed away or some other natural disaster..a shipping container can also be possibly the only roof over ones head that's still intact.. have you not seen some of the massive hailstone storms happening overseas or the incredible Hurricanes that are taking place or the massive earthquakes which rock houses off their foundations... you wish to take from people who have lost in this manner they're emergency usage of a shipping container not that I ever propose to ever wolling use my shipping container for any kind of accomodation but its something to think about... an extreme safety net if it came to that as I do not own a caravan... last year I nearly lost my house with the severe storm that we had but interestingly my shipping containers were fine, they didn't move an inch and the items that I have stored in them stayed safe and dry which is not what I could say about some things in my house.

Please let me know if my objection will be read in hearing or just terminated to the trash can.

I will forward this email also to FairGo with a copy of the letter ACC sent me as a reliable record.

Please, may common sense prevail and may ACC look at other avenues to increase income... on a lighter note :- Staff and salary cuts sound good.!

kind regards
Anthony van Osenbruggen
25 Crosland Rd.,
Helensville.
Auckland 0874
0221 813 014
09 420 2987

18 March 2019

Anthony Alfred Van Osenbruggen and Tafaoata Van Osenbruggen
25 Crosland Road
RD 1
Helensville 0874

Dear Sir or Madam

Proposed Plan Change 20 – Rural Activity Status

You are receiving this letter as someone the council believes may be affected by this plan change.

The plan change aims to:

- add to the rural zone activity tables a rule that states that any activity not provided for in the Auckland Unitary Plan requires a resource consent as a non-complying activity; and
- amend references in the Rural Chapter to “residential buildings” to read “dwellings”.

Please find on reverse a copy of the public notice inviting submissions; a summarised version of this public notice will appear in the New Zealand Herald on 21 March 2019.

Auckland Council invites you to make a submission on the plan change should you want to by filling in the online submission form or emailing your submission to unitaryplan@aucklandcouncil.govt.nz.

The online submission form and further explanation of the plan change can be found on our web site www.aucklandcouncil.govt.nz/unitaryplanmodifications from 21 March 2019, under “Modifications open for submission” or visit any library or council office for online viewing.

Please note that the closing date for submissions is **18 April 2019**.

If you have any questions or would like more detailed information on the plan change, please contact Barry Mosley at barry.mosley@aucklandcouncil.govt.nz or on 301 0101.

Yours faithfully



Bronnie Styles
Planning Technician
Auckland-wide Planning Unit
Auckland Unitary Plan

Proposed Plan Change 20 – Rural Activity Status

Auckland Council has prepared the following proposed plan change to the Auckland Unitary Plan (Operative in Part) under Schedule 1 to the Resource Management Act 1991 (RMA) (**proposal**).

Proposed Plan Change 19 Rural is a proposal that seeks to:

- add to the rural zone activity tables a rule that states that any activity not provided for in the Auckland Unitary Plan requires a resource consent as a non-complying activity; and
- amend references in the Rural Chapter to “residential buildings” to read “dwellings”.

The proposal may be inspected at www.aucklandcouncil.govt.nz/unitaryplanmodifications. If you have any questions about the application, please contact: Barry Mosley on 09 301 0101.

The following persons may make a submission on the proposal:

- The local authority in its own area may make a submission; and
- Any other person may make a submission but, if the person could gain an advantage in trade competition through the submission, then the person may do so only if the person is directly affected by an effect of the proposal that –
 - adversely affects the environment; and
 - does not relate to trade competition or the effects of trade competition.

You may make a submission by sending a written or electronic submission to Auckland Council at:

- Auckland Council, Unitary Plan Private Bag 92300, Auckland 1142, Attention: Planning Technician, or
- By using the electronic form on the Auckland Council website at www.aucklandcouncil.govt.nz/unitaryplanmodifications, or
- By email to: unitaryplan@aucklandcouncil.govt.nz ;or
- Lodging your submission in person at Auckland Council, Libraries or offices

The submission must be in form 5 and must state whether or not you wish to be heard in relation to your submission. Copies of this form are available to download at www.aucklandcouncil.govt.nz/unitaryplan or can be collected from any Library or Council office.

Submissions close on 18 April 2019

The process for public participation in the consideration of the proposal under the RMA is as follows.

- after the closing date for submission, Auckland Council must prepare a summary of decisions requested by submitters and give public notice of the availability of this summary and where the summary and submissions can be inspected; and
- there must be an opportunity for the following persons to make a further submission in support of, or in opposition to, the submissions already made:
 - any person representing a relevant aspect of the public interest;
 - any person who has an interest in the proposal greater than the general public has;
 - the local authority itself; and
- if a person making a submission asks to be heard in support of his or her submission, a hearing must be held; and
- Auckland Council must give its decision on the provisions and matters raised in the submissions (including its reasons for accepting or rejecting submissions) and give public notice of its decision within 2 years of notifying the proposal and serve it on every person who made a submission at the same time; and
- any person who has made a submission has the right to appeal the decision on the proposed plan modification to the Environment Court if-
 - in relation to a provision or matter that is the subject of the appeal, the person referred to the provision or matter in the person's submission on the proposal; and
 - in the case of a proposal that is a proposed policy statement or plan, the appeal does not seek the withdrawal of the proposal as a whole.

John Duguid
Manager – Plans & Places

Notification date: 21 March 2019

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

Warkworth Service Centre
18 APR 2019
Auckland Council

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Alex Schenz

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

180 Monarch Downs. AKL 0982

Telephone: 422 7211 Fax/Email:

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number PC 20

Plan Change/Variation Name Rural Activity Status

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s) PC-20 / see attachment

Or Property Address

Or Map

Or Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are:

please see attachment

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the ~~proposed~~ plan change / variation

Accept the ~~proposed~~ plan change / variation with amendments as outlined below

206.1 Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

please see attachment

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing



Signature of Submitter
(or person authorised to sign on behalf of submitter)

16th of April 2019
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could / could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

To Auckland Council
Att Planning Technician

16-Apr-2019

PC 20 / Rural Activity Status

I oppose the provisions in PC-20.

Reasons are:

- Protection of elite soil
The plan change is justified by the intention to 'protect elite soil rsp prime soil' for the purpose to maintain primary production.

Actually without specifying what determines these classification of soil, the intended PC-20 is not precise enough and just creates a 'grey zone' of additional uncertainty. As such the present definition therefore is not suitable and requires amendment.

The Council therefore should focus on the actual suitability of locations for primary production; eg a high-quality soil on a steep bank is not as valuable as an average soil in a flat area. Same time flat topography does not determine suitability, as plains could be waterlogged swamps whereas sloped territory provides better water levels.

This already demonstrates that the present proposal is not suitable, as it contributes to confusion and uncertainty.

The way forward here should be to professionally assess the suitability of areas for primary production and then determine to what extent they require 'rural protection'.

- Categorically exclude any activity in rural zoned areas
The present proposal suggests a simple black/white solution only, by categorically rating "any activity" as non-compliant. This approach again is too superficial and static.

In reality and looking forward, Auckland Council needs to acknowledge, that within the 'super-city' additional employment opportunities need to be created, not just in urban/industrial zoned areas, but in rural zones alike. Any employment opportunity 'in the region' reduces daily commuter load on the present infra-structure, which is not keeping up with demand already.

Hence de-centralization is one key aspect to alleviate the pressing issues.

And rural employment opportunities are one significant component to achieve this, unless it is 'blocked' by categorically down-grading any of these initiatives by rating them 'non-compliant'.

There are plenty examples, where commercial activities actually can enhance rural zoned areas: eg home-stay, hospitality, tourism, self-employed activities and many more.

A regulation that is too narrowly limited on 'primary / farming activities' bears the risk that any activity 'down-stream' from the original farming will be excluded:

While NZ and its rural sector is predominantly dependent on export markets, limiting rural activities will be counterproductive. Without easy access to eg. establish processing/ marketing / export businesses in rural zoned areas, NZ will miss out on opportunities to add value.

Instead rural businesses will be limited to export commodities and in revenue.

Lastly also the Council will miss out, due to lower rates and reduced commercial activity.

- Residential buildings / dwellings
For the same reason I object to the intended change in wording as well.

In summary: The present proposal is simply not differentiated enough, and too static, while it should provide a dynamic and future proof regulation for the development of rural zones around Auckland.

If the proposed plan change is not declined, I request it to be amended as follows:

- 206.2 | • Activity table [H 19.8.1.]
No differentiation between AA1 and Papakainga, as there is no reason given, why non-iwi land should be treated differently, without jeopardizing aspects of natural justice.
- 206.3 | • Therefore I request an Activity rating as follows:
 - Activities = NC in Rural Conservation Zone (as proposed in PC-20)
 - Activities = DA in all other 4 zones (= maintaining the status-quo).
- 206.4 | • Amend the wording to
" ... rural and residential activities, including related dwellings ... "

16-Apr-2019

A Schenz

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Federated Farmers of New Zealand

Organisation name: Federated Farmers of New Zealand

Agent's full name: Richard Gardner

Email address: rgardner@fedffarm.org.nz

Contact phone number: 09 3790057

Postal address:
Private Bag 92-066
Auckland 1142

1142

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
The whole of the Proposed Plan Change

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

As Federated Farmers understands it, Proposed Plan Change 20 has two aims: • Add to the activity tables for the rural zones, a rule that states that any activity not provided for in the Unitary Plan is a non-complying activity • Amend references to “residential buildings” in Chapter H19 (Rural Zones) to “dwellings”. Federated Farmers supports both aspects of the Proposed Plan change. It is understood that what the Proposed Plan Change is seeking to address are some particular circumstances where it would seem that some people have been applying for consent to carry out activities in the rural zones that are not related to rural production, and which the Auckland Spatial Plan directs to Auckland’s urban zones. In some cases these proposals have been multi-unit residential in nature. Federated Farmers understands that the changes proposed aim to make the hurdle that these sorts of applications need to get over to obtain consent in rural areas a little higher. Federated Farmers worked closely with the Council during the development of the Unitary Plan to ensure that normal

farming activities, including farm houses, are permitted, or at most require a low-level consent, and it is understood that Proposed Plan Change 20 is not intended to affect this. Federated Farmers' approach throughout the Unitary Plan process has been to support Auckland's rural areas being primarily for rural production, and that remains the case. However, Federated Farmers wishes the Council, before it approves the Plan Change, to make doubly sure that normal farming activities are indeed permitted, or at most require a low-level consent. Federated Farmers has been alerted to a situation where the land use activity itself is indeed permitted, but buildings ancillary to that activity, and which are normal to and associated with that activity, require a discretionary consent. Federated Farmers would be concerned if, in these sorts of situations, ancillary activities to normal farming activities were, as an outcome of Proposed Plan Change 20, to come to require non-complying activity status. It is submitted that the Council should recheck the rules in the Unitary Plan to ensure that production land activities which are considered normal, and activities ancillary to normal production land activities, are indeed permitted, or at most require a low-level consent. It is submitted that the Proposed Plan Change be adopted as notified.

207.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Lisa Capes

Organisation name:

Agent's full name:

Email address: lisa.capes@outlook.co.nz

Contact phone number:

Postal address:

P O Box 673
Warkworth
Auckland 0941

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

H19.2.4 and H19.8.1

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

PPC is a catch all response to a specific problem and makes it more difficult for people living rurally to live and work in the same location. It comes from a theoretical basis that people on rural land are just there to provide a green belt for Auckland and must either be in farming or forestry and not have any broader needs for other activities to legitimately locate there. I agree with making large rest homes or large commercial aged care residential facilities non-complying but not things like visitor accommodation, minor household units etc. With the exception of these being located on prime versatile soils, there is no reason why a discretionary activity application can not result in an appropriately located activity that is not specifically associated with agriculture or forestry. Council has sat on its hands regarding valuable Pukekohe soils for far too long, allowing unforgivable encroachment, and now it is seeking to disadvantage all rural landowners by trying to crack a nut with a sledgehammer. If anything PC20 should be area specific and relate to prime soils, outstanding landscapes or rural conservation zoned lands with much stronger objectives and policies around

same. This would enable activities that are not strongly rural production related but still worthy to be better located. Rural people do need flexibility in lifestyle and many generally feel under siege from this Council which generally is very urban-centric in its understanding and outlook.

208.1 | I or we seek the following decision by council: Amend the plan modification if it is not declined

208.2 | Details of amendments: Remove General Rural and Mixed Rural zones from the plan change and include better objectives and policies around land containing prime soils, prime landscapes and strong conservation values

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



SUBMISSION

13 April 2019

TO:

Auckland Council

ON:

Proposed Plan Change 20 to the Auckland Unitary Plan

BY:

Beef + Lamb New Zealand

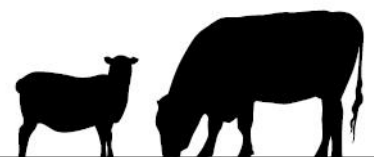
Contact for service

Lauren Phillips | Environment Policy Manager

beef + lamb new zealand

PO Box 39085, Harwood, Christchurch 8545

mob +64 27 279 0117 | **email:** lauren.phillips@beeflambnz.com



0800 BEEFLAMB (0800 233 352) | WWW.BEEFLAMBNZ.COM | BY FARMERS. FOR FARMERS

Submission

A. Introduction

1. Beef + Lamb New Zealand Ltd (B+LNZ) welcomes the opportunity to provide feedback on proposed Plan Change 20 to the Auckland Unitary Plan. B+LNZ appreciates that the Auckland Council ('the Council') is trying to balance a number of very different and sometimes competing needs and demands on resources within the region, and that a great deal of energy is being put into trying to achieve a fair and equitable outcome for those living in the region while still meeting the Council's statutory obligations to manage both natural and man-made resources sustainably.
2. B+LNZ is an industry-good body funded under the Commodity Levies Act through a levy paid by producers on all cattle and sheep slaughtered in New Zealand. Its mission is to deliver innovative tools and services to support informed decision making and continuous improvement in market access, product positioning, and farming systems.
3. An outstanding feature of the sheep and beef sector, in comparison with other agricultural land uses, is the high degree of spatial and temporal variation in both landscape structure and in system processes.
4. Agriculture is inextricably linked to the natural environment, and how we farm today affects what we have tomorrow. B+LNZ is seeking policy solutions that connect farm practices with the underlying natural resources, thus enabling land use optimisation. Farming within environmental limits, and with the natural rhythms of the land is paramount to delivering on our farmers' vision of success "*World leading stewards of the natural environment and sustainable communities.*"
5. Similarly, our farmers form part of the communities that rely on the man-made resources, services, and infrastructure throughout the Auckland region. As members of those communities, they contribute towards the fabric of their society and help to shape the way in which resources, services, and infrastructure are used. These manmade resources are vital to the success of their businesses, to the social and economic wellbeing of their communities, and to the New Zealand economy.

6. B+LNZ looks forward to continuing to build a positive and enduring relationship with the Council, and to work proactively on initiatives of mutual interest and benefit for the people of the Auckland region and for farmers.

B. Feedback

Activities not provided for in the Rural Activity Tables

7. One of the two proposes changed to proposed Plan Change 20 ('PC20') is that all activities that are not provided for in the rural activity tables should be a non-complying activity.
8. The rural activity tables rely heavily on the definitions of the Auckland Unitary Plan ('the Plan') in section J1 Definitions for interpretation. This approach relies heavily on two key factors:
 - that the definitions are adequate for the purpose both in the near and foreseeable future, and
 - that individuals using the Plan are knowledgeable about the activities that the definitions cover.
9. The former requires that the definitions are sufficiently broad, future-proofed, and self-explanatory to provide for the wide breadth of farming needs and practices seen in New Zealand, particularly in the sheep and beef industry. If the definitions are too narrow or do not allow for future flexibility in land use for agricultural practices, the overall approach can serve to lock farmers into a particular farming system that will not allow them to respond to changes in climate, technology, market demands, or environmental pressures.
10. The latter requires that Council staff have sufficient understanding of farming in order to be able to discern between activities that would be considered business as usual farming, pioneering farming practices, and activities that are not necessarily farming. As mentioned previously, the sheep and beef sector is incredibly diverse, no two farms are alike in the way they are run. One of our farmers' greatest strengths is their ability to innovate and adapt. New ideas can lead to great gains in production and environmental outcomes, but they are inherently radical and do not necessarily fit the mainstream definition of a farming activity. Where staff at the Council, be it compliance, enforcement, or consents processing departments, are not sufficiently knowledgeable about sheep and beef farming, this can put the onus on the innovative farmer to prove that her new idea fits within the definition of farming. Given that the activity is new, there will be little for the farmer to draw on to prove that it is an activity that is or should be provided for in the rural activity tables.

11. In light of the above, B+LNZ opposes the proposed change to the Plan that would make any activity not provided for in the rural activity tables non-complying. A non-complying activity is very difficult to obtain consent for, and has the potential to create perverse outcomes for the sheep and beef sector. For the reasons outlined above, it would risk locking farmers into present day and mainstream practices and would stifle creativity and innovation. It would risk future land use flexibility and farmers' ability to compete on a global platform, and also to find ways to reduce their environmental impacts. B+LNZ does not believe that this is an intended effect of the proposed plan change, however it is a real and foreseeable risk.

12. B+LNZ considers that the Plan already adequately provides for activities not listed in the activity tables through General Rule C1.7.

C1.7. Activities not provided for

(1) Any activity that is not specifically classed in a rule as a permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activity is a discretionary activity unless otherwise specified by a rule for an overlay, zone or precinct or in an Auckland-wide rule.

13. This rule makes activities not specifically provided for in the tables a discretionary activity. Discretionary activity status gives the Council significant breadth and depth in managing activities without risks of perverse outcomes that come with a non-complying status.

14. B+LNZ seek that farming activities not listed in the Rural Activities table nor covered under permitted, controlled or restricted discretionary rules, default to a discretionary activity, and provisions which make these activities under the proposed Plan non complying are deleted.

'Dwellings' To Replace 'Residential Buildings'

15. The second change proposed by PC20 is that references to residential buildings are replaced with the word dwellings in several policies and objectives of Chapter 19 Rural Zone of the Plan.

16. B+LNZ's position on the proposed changes as they are currently written is neutral.

For any inquiries relating to B+LNZ's feedback, please contact Lauren Phillips, Environment Policy Manager – South Island on 027 279 0117 or lauren.phillips@beeflambnz.com.

Yours sincerely

Lauren Phillips
Environment Policy Manager – South Island

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

AUCKLAND COUNCIL
16 APR 2009
HENDERSON
Htt 2-58pm



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

JAMES REX PRICE and Rosemary Jill Price

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

83-105 Forest Hill Road, Henderson, Auckland 0612

Telephone:

09-835-1107

Fax/Email:

otiranui@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 20

Plan Change/Variation Name

Rural Activity Status

Non complying.

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

[Empty box]

Or

Property Address

[Empty box]

Or

Map

[Empty box]

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended

Yes

No

Ambiguous

210.1

The reasons for my views are:

Our address at 83-105 Forest Hill Road Henderson Auckland 0612 we consider to be a residence not a dwelling. When presenting our submission we find the wording of the questions ambiguous.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

N/A

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

James R. Price
Signature of Submitter
(or person authorised to sign on behalf of submitter)

15-04-2019
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could / could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

- I am / am not directly affected by an effect of the subject matter of the submission that:
 - (a) adversely affects the environment; and
 - (b) does not relate to trade competition or the effects of trade competition.

For example, productive land areas such as Hobsonville, Whenuapai and Riverhead are being developed.

Unproductive land such as ours and our neighbours situated on the rural urban boundary of the Waitakere Ranges heritage area is being ignored.

We would have no objection to a retirement village, rest home or wedding venue.

Our rates increase constantly but because of the poor quality of the soil there is no monetary return from our land to assist.

The infrastructure is in place now.



15/4/2019

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
NOT TRANSFERABLE
15 APR 2019
Auckland Council
Pukekohe Service Centre



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

JOHN CAMERON STOKES

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

P.O. Box 225 PATUMAHOG 2344

Telephone:

09 2364552

Fax/Email:

~~John Stokes~~ JCSTOKES@PATUMAHOG.CO.NZ

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 20

Plan Change/Variation Name

Rural Activity Status

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

ADD TO RURAL ZONE ACTIVITY TABLE A RULE THAT STATES THAT ANY ACTIVITY NOT PROVIDED FOR IN THE UNITARY PLAN REQUIRES A RESOURCE CONSENT AS NOW

Or

Property Address

~~35 TITI RD MAUKU~~ COMPLYING ACTIVITY. AMONG REFERENCES IN RURAL CHAPTER TO "RESIDENTIAL BUILDINGS" TO "DWELLINGS"

Or

Map

Or

Other (specify)

PROPERTY ADDRESS 35 TITI RD MAUKU

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended

Yes

No

The reasons for my views are:

IMPOSES RESTRICTIONS ON RIGHTS OF PROPERTY OWNERS

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below

211.1 Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

[Handwritten Signature]

15/4/2019

Signature of Submitter
(or person authorised to sign on behalf of submitter)

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could / could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Lindsay McPhun

Organisation name:

Agent's full name: karen pegrume

Email address: karen@bll.nz

Contact phone number: 021 836070

Postal address:
460 Kaipara Flats Road
Auckland
Auckland 0981

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
see attached submission Plan Change 20

Property address: 921A Takatu Road Matakana

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
see the submission attached

I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Supporting documents
Plan Change 20 proposed changes.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

SUBMISSION

Plan Change 20

Lindsay and Brian McPhun

921A Takatu Road

Matakana

Submission

This submission is made on behalf of Lindsay and Brian Mcphun the owner of the property at 921A Takatu Road, Matakana

Subject to its comments below, the Trust is **not supportive** of the Plan Change 20 (PC 20) in its current form as notified.

Key components are :

(iii) In Chapter J Definitions J1.3 Nesting Tables, the nesting table for “residential”, add an exception to the effect that in the Rural zones the term only applies to “dwellings” as shown below: Chapter J Definitions J1.3 Nesting Tables - Table J1.3.5 Residential, except in Chapter 19 Rural zones where “residential” shall mean residential dwellings only.

Dwellings

Home occupations

Visitor accommodation

Camping grounds

Boarding houses

Student accommodation

Integrated residential development

Retirement village Supported residential care

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 predominantly working rural environment; fewer buildings of an urban scale, nature and design, other than residential buildings dwellings and buildings accessory to farming; and a general absence of infrastructure which is of an urban type and scale.

To prevent home occupations, visitor accommodation camping grounds boarding houses (for workers accommodation) from being part of the definition at the very least in the

rural zones is a step too far by any sense of good planning and accepted activities within the rural zone. These are all activities that are within the RPS in the rural zones that were mediated.

The rural economy relies on visitors, home occupations, camping grounds, and also boarding houses (Back packers) to provide for accommodation. Assuming that the rural environment is exclusively for production is simply incorrect. Historically that has not been the case and has never been the case. Rural zones are dynamic places with a range of activities. Some of the activities in the definition are identified as permitted and RD and D within the various rural zones for good reason.

There are clear criteria that Elite land should be avoided. And Prime land where practicable be avoided.

Care homes in rural settings provide for rural people. To force local rural people to have to move out of the local community into a city or town away from their local support network is not reasonable.

Land zoned Countryside Living has clearly been moved into lifestyle living and is not possibly meeting the idea of economic productive living. Nor is it a predominantly working rural environment; so it does not hold those characteristics. There will be no dwellings or accessory buildings that are for "farming". Of course most lots in the area are rural lifestyle living – which is as expected from a 8000m² to 2 ha lot.

The rural coastal zone is very much a zone of visitors and activities for visitors within a rural setting.

The mixed rural zone is a zone that is supposed to be a mix of activities.

The rural production zone has many areas that have a distinct flavour to them, some as high end cropping, and farming, some as predominantly lifestyle living and some as a mix of low intensity farming with forestry.

It is not possible to caviet that all soil is productive when on balance the erosion and soil erodibility is also very much a factor limiting use or should be limiting use (the recent floods down south and the loss of soil and even in the Hunua ranges should not be overlooked.)

The land that matters is Elite land that must be avoided. Prime land is also of importance.

The examples provided of consents that the author of this report does "not like" have been assessed on a full range of matters including context of the site. one of those consents approved is in fact an industrial use which has little to do with this PC and the definition of residential activities.

Rather than this rather wholesale sweeping aside of the definition of residential it may just require some further refinement but not total deletion of the description other than dwellings.

This Plan Change has not been thought through, or else it is Council still shoving the barrow by stealth to make the Rural Zones an exclusive museum to be looked at with no understanding or regards to the needs of the rural people and rural zones.

There are many parts of the rural zoned properties that do not hold the characteristic a of a “predominantly working rural environment” and include buildings which satisfactorily fit into the nesting table J1.3.5 Residential nesting table as it stands. These include

- Countryside living areas,
- some rural coastal areas, in some areas where several sites, located in a small area all well less than 1 ha,
- sites that are mainly “bush” sites and have SEA associated with them ,
- Mixed Rural zone areas and Coastal areas which often hold other uses – other than “rural production”

So to require that any application needs to consider and have to recognise a “characteristic” that may not be relevant to a particular site is flawed.

The executive summary states that : -

Currently, Rural zones activities not provided for in the activity table (H19.8.1) are covered by Chapter C “General Rules” which makes such activities Discretionary. This status of activity for out of zone activities is at odds with Regional Policy Statement (RPS) policy which seeks to protect finite elite soils and apply a high degree of management to prime soils important to rural production activities.

.....

It is considered that better alignment between RPS policy and the activity status for unanticipated activities in rural zones can be achieved by both:

- 1. Adding to the rural activity tables the statement “Any activity not provided for” and making its activity status Non-complying’*
- 2. amending references to “residential buildings” in the Rural chapter to “dwellings”.*

There is no need to alter the *references to “residential buildings” in the Rural chapter to “dwellings”*. As the first point will categorially provide for the scenario where the any activity not provided for will be a non complying activity.

Amending definition and nesting tables will add confusion.

Also in the RPS and rural zone descriptions and obs and pols the following is relevant to protecting the existing definition to a much greater extent then is proposed in PC20; The following objectives and policies make it clear that a range of activities other than rural production are anticipated in certain circumstances of which most of those bullets listed under the term residential building falls into (despite the activities being treated as

non residential in the obs and pols but most of them having a status in the Activity tables. Home occupations are clearly residential.

The key is that any of the below should avoid Elite soil and where practicable avoid prime soil.

Making it unnecessarily complicated for a range of activities anticipated including supporting rural production which includes boarding houses for seasonal labour is unreasonable and not aligned to the RPS.

B9.3.2. Policies

(4) Provide for non-soil dependent rural enterprises (including post-harvest facilities) on land containing elite or prime soil where there are economic and operational benefits associated with concentrating such enterprises in specific rural localities.

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

H19.2.2. Policies – general rural

Policy 5 (e) providing for tourism and activities related to the rural environment.

H19.2.5. Objectives – rural industries, rural commercial services and nonresidential 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.

H19.2.6. Policies – rural industries, rural commercial services and nonresidential 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.

H19.3.2. Objectives (1) A range of rural production, rural industries, and rural commercial activities take place in the zone.

*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.

*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.***

*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.*

H19.5.2. Objectives

*(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.

Whilst I agree that Elite and Prime Land should not be used for urbanisation and that is clear in the Structure Plan requirements set within the Unitary Plan and I agree that highly urban residential activity is usually not suitable for the most part in Rural zones those matters are already addressed in the Activity Tables and requirement of Structure Planning.

I don’t agree that residential care, small non residential type activities, boarding houses and other small types of retail are not at all suitable and be removed from the definition of residential.

I do know that the residential aged care facility significantly altered its design. Not forgetting this is within an area of Countryside Living.

Care homes in rural areas support rural people in rural communities.

Small business like a yoga retreat would fit in entirely within a rural community and is hardly affecting rural production on a site likely to within an area that is entirely within context.

It is not professional to assume processing planners need more training. All applications are assessed in a professional manner and signed off by Team Leaders.

Karen Pegrume
Better Living Landscapes Ltd
460 Kaipara Flats Road
Warkworth 0981

Email
karen@bll.nz

on behalf of Lindsay and Brian Mcphun

18th April 2019

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Jeremy Harding

Organisation name: Joint Submission - Aggregate and Quarry Association and Straterra

Agent's full name:

Email address: jeremy@straterra.co.nz

Contact phone number:

Postal address:
PO Box 10668

Wellington

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Table H19.8.1

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

Quarrying and mineral extraction are provided for in the plan meaning that the proposed change that 'activities not provided for become non-complying' is not applicable to our sectors. It is important that the Unitary Plan supports mineral extraction and quarrying in rural areas.

213.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Andrew Couch

Organisation name:

Agent's full name:

Email address: andrewcouch9@gmail.com

Contact phone number:

Postal address:
6 Hobson Heights Road
Lucas Heights
Auckland 0632

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Plan Change 20 - rural activities

Property address: 6 Hobson Heights Road, Lucas Heights

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The proposed plan change should not prevent minor residential improvements such as adding minor dwellings, swimming pools to rural properties. However, the main aim - to prevent industrial buildings or retirement villages seems sound.

214.1 | I or we seek the following decision by council: Accept the plan modification with amendments

214.2 | Details of amendments: Change to allow minor de

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Chris Gee

Organisation name:

Agent's full name: Chris Gee

Email address: nzchrisg@gmail.com

Contact phone number:

Postal address:
1/28 Cornwall Park Ave
Epsom
Auckland 1051

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Activity Tables

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

I oppose the proposed plan change. Rationale It is my understanding that currently if an activity is not provided for in the Activity Tables for Rural zones, the default is that it is a "Discretionary" Activity. As there are many activities that are not mentioned and in fact would, if they had been considered, likely be permitted activities, raising the bar to make all un-listed activities Non-Complying is a lazy approach to law and over-reach.

215.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: john gilbert strachan

Organisation name:

Agent's full name:

Email address: jmstrachan98@gmail.com

Contact phone number:

Postal address:

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

add to the rural zone activity table a rule that states that any activity not provided for in the Auckland Unitary Plan requires a resource consent as a non-complying activity

Property address: 92 Horsman Rd Waitakere

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

People move to the area to enjoy the rural atmosphere for quality of life. Others come here to benefit themselves without consideration for other residents. It took two years for the council to issue an abatement notice to the owners of 92 Horsman Rd who were running a non compliant business in an unconsented building. The council must be strict on their policies and make them as clear cut as possible to prevent residents taking advantage of misunderstood or mis- interpreted wording.

216.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Douglas Alexandre Sheldon

Organisation name: Personal

Agent's full name: N/A

Email address: jenny@eadon.co.nz

Contact phone number: 021938641 094204065

Postal address:
108 Kanohi Road
Kaukapakapa
Kaukapakapa
Auckland 0873

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Plan Change 20 - Rural Activity Status

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Dear Sir/Madam, I strongly oppose the proposed plan change. Reasoning: It is my understanding that currently if an activity is not provided for in the Activity Tables for Rural zones, the default is that it is a "Discretionary" Activity. I am an active farmer and also have some hobbies. As there are many activities that are not mentioned and in fact would, if they had been considered, likely be permitted activities, raising the bar to make all un-listed activities Non-Complying is a lazy approach to law and over-reach. I wish to make a personal submission. Douglas Alexandre Sheldon Phone: 09 4204065 / 021 938641

217.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Alistair Haskett

Organisation name:

Agent's full name:

Email address: lawyer@legaldefence.co.nz

Contact phone number: 021 920031

Postal address:
PO Box 90265
Victoria Street West
Auckland
Auckland 1142

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Proposed Plan Change 20 - Rural Activity Status

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

This submission is made in my personal capacity, not as a lawyer. I am opposed to the Proposed Plan Change 20 – Rural Activity Status. I am a member of the community in the Rodney District. While the District has large areas designated as rural production under the District Plan, much of the area in truth is already lifestyle in its nature. For example, in the Waimauku and Helensville area some 90+ percent of the properties in the rural production zone would be occupied by families who commute to work and do not operate rural production activities. Of those of us who do have rural production activities, many are not profitable or are of marginal profitability. The great majority of properties have very poor soils, steep topography and are of small size, ranging from some one to 50 acres in size. As a whole, the community is not in reality rural production. This is where the Proposed Plan Change is completely out of touch with reality. The proposed change is idealistic, not realistic. Those of us who live in these areas do so at much sacrifice. We have no services of any

consequence and forgo much in terms of family connection and travel time and cost in order to live the style of life we wish. While I could understand some tightening up of the Plan to address some of Auckland Council's concerns, such as large retirement villages and commercial storage units, the current proposal goes way too far. Replacing the term "other than residential buildings and buildings accessory to farming" with the term "other than dwellings and buildings accessory to farming" arguably creates a meaning that all buildings, both residential and not, must be accessory to farming. That would be a sea-change to the current term, where it is clear that "residential buildings" need not be accessory to farming. Such a significant change is neither fair nor desirable. It is not fair because property owners have made significant financial commitments based on the current language. We have a legitimate expectation, that may be taken away without compensation by the proposed change. As already mention, it is not desirable because in reality the great majority of properties are already used as lifestyle rather than rural, and most are not capable of being used effectively as rural production properties. The proposed change would be akin to legislating that it will not rain tomorrow morning, which may be idealistic to some but is not realistic nor within the scope of empowering law. Yes, close off retirement villages and commercial storage units, but any proposed change should not affect the ability of property owners to build minor units or sheds that are not associated with rural production. The area is already of a nature that such minor units and sheds are common, so a change away from that removes legitimate expectation and creates disproportionality and unfairness. The current existence of minor units and sheds not associated with farming does not adversely affect amenity values. Rather, it enhances amenity values and it promotes the desirable social goal of providing more accommodation in a city that is crying out for houses and at the same time enables rural and lifestyle families to live nearby. Rural and lifestyle communities rely on strong social bonds. There is no stronger bond than being able to house say retired parents on a property, with the obvious benefits to the individuals and society as a whole. I wish to be heard on the proposed change.

218.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Melanie Moylan

Organisation name:

Agent's full name:

Email address: melaniemiylan@me.com

Contact phone number:

Postal address:
9 Otau Mountain Road
Clevedon
Auckland 2585

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Optional

Property address: Optional

Map or maps: Optional

Other provisions:
Optional

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

This submission opposes the plan change in its entirety. The reasons for this view are: Chapter A1.7.5 (Non-complying activity) lists a number of reasons where such an activity status is required. This includes where they are likely to have significant adverse effects on the existing environment or where the existing environment is regarded as delicate or vulnerable. In this case, not all rural areas are considered to be delicate or vulnerable and there are a number of activities not provided for in the rural zone (such as small-scale retail activities servicing the rural community) that could be established without significant adverse effects on the environment. It is therefore not appropriate to default all activities not provided for in the rural zone to a non-complying status. The section 32 report suggests that a discretionary activity status for activities not associated with rural production in rural zones is 'at odds' with the policy direction of the Regional Policy Statement (RPS) and District Plan objectives. In this case, the section 32 report fails to recognise a number of objectives and policies in

the AUP that support the establishment of activities that are not necessarily associated with rural production in the rural zone. This includes the following objectives and policies: RPS Objective B9.2.1(3) "Rural production and other activities that support rural communities are enabled while the character, amenity, landscape and biodiversity values of rural areas, including within the coastal environment, are maintained." This objective is supported by the following policy: RPS Policy B9.2.2(1) "Enable a diverse range of activities while avoiding significant adverse effects on and urbanisation of rural areas, including within the coastal environment, and avoiding, remedying, or mitigating other adverse effects on rural character, amenity, landscape and biodiversity values." Objective H19.2.1(1) "Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions." The above objective and policies make it clear that activities which support rural communities, but are not necessarily associated with rural production, can be appropriate in the rural zone. While there are also objectives and policies that focus on the protection of elite soil and management of rural production land, there is an acknowledgment that non-productive activities can be supported, particularly where those activities maintain the values of the area and locate on land with low productive potential. A discretionary activity status for activities not provided for in the rural zone is appropriate and is further supported by objective H19.2.5(3) which states: "The rural economy and the well-being of people and local communities are maintained or enhanced by social, cultural and economic non-residential activities, while the area's rural character and amenity is maintained or enhanced." It is also noted that in a number of local rural communities, there is insufficient land zoned or available for the development of residential and non-residential activities that support these areas. Simply defaulting activities not provided for to a non-complying status does not support the growth and well-being of rural communities where there is a need for services not already provided for in the AUP and where there is a lack of appropriate zoning around these settlements. This is also inconsistent with the abovementioned objectives and policies. In light of all of the above comments, the amendment sought to policy 19.2.4 is also inappropriate and invalid. Overall, the reasoning for the proposed changes are not justified and a non-complying status should not be generically applied across all rural zones, and in particular adjacent to rural settlements. Furthermore, the plan change is not supported by the abovementioned objectives and policies. On this basis, the plan change should be declined.

219.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Gray Beavis

Organisation name:

Agent's full name: Ann Curry

Email address: bogart1@xtra.co.nz

Contact phone number:

Postal address:
P O Box 84 056
Westgate
Auckland 0657

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Property address:

Map or maps:

Other provisions:
Proposed plan changes

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
A safe and worthwhile area to live as a family.

220.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Alexander Shapcott

Organisation name:

Agent's full name:

Email address: shappers3d@gmail.com

Contact phone number:

Postal address:
256 Henderson Valley Rd
Henderson Valley
Auckland 0612

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
Activity Table

Property address:

Map or maps:

Other provisions:
Activities not provided for

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Many common activities not listed are otherwise lawful and if they were listed and considered, would likely be approved for such a rural zone. To exclude all activities not listed as non conforming without fair consideration is unacceptable as it is lazy law making. To restrict everything not specifically allowed unfairly limits the lawful use of rural land for legitimate purposes.

221.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: David Blair Francis Brown

Organisation name: New Zealand Four Wheel Drive Association Inc.

Agent's full name:

Email address: dbfbrown@gmail.com

Contact phone number:

Postal address:
26B Huamanu Street
Pukekohe
Pukekohe 2120

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

The proposed plan change appears to have the potential to unreasonably limit or curtail the undertaking of legitimate sporting and recreational activities (including four wheel driving) in rural areas. Much four wheel driving competitive events occur in rural areas where competition courses are set up for one-off events.

Property address:

Map or maps:

Other provisions:

We request that appropriate amendments be made to the proposal to avoid what our organisation considers to be a basic right of all New Zealanders in rural areas.

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Freedom to continue using rural properties for recreation or club competitive events.

222.1 | I or we seek the following decision by council: Accept the plan modification with amendments

222.2 | Details of amendments: Ensure that clubs and societies can continue to hold competitive events on rural properties as they have in the past without any more red tape.

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent if applicable

Mr/Mrs/Miss/Ms(Full Name)

[Kate Sanders](#)

Organisation Name if submission is made on behalf of Organisation

Address for service of Submitter

[PO Box 380, Orewa](#)

Telephone:

[0211360812](#)

Fax/Email:

kate@kept.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change variation to an existing plan:

Plan Change/Variation Number

PC 20

Plan Change/Variation Name

Rural Activity Status

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

[See attached letter](#)

Plan provision(s)

Or

Property Address

Or

Map

Or

Other (specify)

Submission

My submission is: *Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)*

I **support** the specific provisions identified above

[See attached letter](#)

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: [See attached letter](#)

continue on a separate sheet if necessary

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

[See attached letter](#)

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

Signature of Submitter
(or person authorised to sign on behalf of submitter)

[26.3.2019](#)
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could could not gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the sub ect matter of the submission that:

- a adversely affects the environment and
- b does not relate to trade competition or the effects of trade competition

26 March 2019

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert St
Private Bag 92300
Auckland 1142

By Email: unitaryplan@aucklandcouncil.govt.nz

To whom it may concern,

SUBMISSION ON A NOTIFIED PROPOSAL FOR PLAN CHANGE 20 – RURAL ACTIVITY STATUS FOR JAMES AND CYNTHIA MACKENZIE, SEAFORTH 688 HIBISCUS COAST HIGHWAY, HATFIELDS BEACH

Scope of submission

This is a submission on Plan Change 20 . Rural Activity Status. It has been prepared by Kept Consulting Limited for James and Cynthia Mackenzie, and the Mackenzie Family, including the author Kate Sanders.

The specific provisions of the plan change that this submission relates to are changes to *Table H19.8.1 Activity Table – use and development*. In particular, the rural coastal zone.

The property that the submission relates to is that land owned by the Mackenzie Family at 688 Hibiscus Coast Highway, known as ~~Seaforthq~~

Submission

My submission is that I oppose the specific proposal to add the activity status for ~~AA1~~ Activities not provided for in the Rural Coastal Zone as a Non-complying activity. Instead I suggest that if this line is added to Table H19.8.1, that the activity status for ~~activities~~ not provided for in the Rural Coastal zone be ~~Discretionary~~ as is currently the case under Chapter C ~~General Rules~~.

Reasons for my views

In preparing the s.32 analysis council has not considered each of the Rural Zones independently.

The Rural Coastal Zone does not include the same level of policy directive to provide for the use and development of land for productive activities as the Rural Productive Zone and Mixed Rural Zone. In fact the zone description states that the purpose of the 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*. The following objectives and policies were crafted at the Unitary Plan pre-hearing mediations to ensure that this zone allowed for dwellings and land use that supported maintaining and enhancing the amenity and character of this zone. In particular this is highlighted by Policy H19.5.3 (4).

It is considered that the Objectives and Policies relating to the Rural Coastal Zone provide decision makers with an appropriate framework for assessing the effects of a consent proposal on a case by case basis, when used in conjunction with Part 2 of the RMA.

There are some cases where activities not anticipated by the Unitary Plan will result in better use of non-productive land. The examples of a cooking school, exercise classes, day retreats and visitor accommodation found in the s.32 analysis are not considered detrimental to the amenity of the zone, and effects such as traffic and servicing can be effectively considered through the discretionary resource consent process. These activities do not inhibit the use of the land for productive activities (and in some cases, such as a cooking school and visitor accommodation) would support marginal productive activities. In some cases land owners are seeking alternative uses for the land where the land is not able to be productive (where soils are not prime or elite), and this ~~Non-Complying~~ Activity Status inhibits creative solutions for using land to efficiently use and develop natural and physical resources, maintain and enhance amenity values, protect the intrinsic values of ecosystems, or to maintain or enhance the quality of the environment. These Rural Coastal allotments are often large (average 50 hectares) and annual council rates are therefore high. There is a lot of pressure for landowners to make some return from the land, and where land is not productive a non-complying activity status may be prohibitive to some creative solutions.

This combined with the Non-complying activity status of subdivision may leave landowners in a position where productive activities are not viable, subdivision and creative land use solutions are seen as unsupported by Council, and large blocks of land are therefore not actively managed. For example Seaforth is 20 hectares of land in the Rural Coastal Zone. The land is not productive, and is mostly covered in native bush. Subdivision at this site would be non-complying as any proposed site would be less than 40 ha. An older dwelling on one of the parcels of land was rented for holiday purposes through holiday accommodation websites, so council charged commercial rates. So now the letting of the dwelling has ceased, and the landowners are unable to make any income from the site. This proposed new activity status further limits their ability to use the site to provide for their social, economic, and cultural well-being.

I seek the following decision by Council

- 223.1 | Amend the proposed Table H19.8.1 so that the Activity Status of ~~AA1~~ Activities not provided for in the Rural Coastal Zone only remain as Discretionary.

I wish to be heard in support of my submission. If others make a similar submission, I will consider presenting a joint case with them at hearing. I could not gain a trade competition through this submission. This letter provides additional detail where there was not room on the form 5 downloaded from <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/proposed-plan-changes/Documents/form-5-submission-pc-20.pdf>

If you have any further questions please don't hesitate to contact me.

Yours faithfully

Kept Consulting Limited



Kate Sanders
Planner and Director

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Charles Wedd

Organisation name:

Agent's full name:

Email address: charles@wedd.co.nz

Contact phone number: 0274944484

Postal address:
782 Haruru Road
Wainui
Auckland 0873

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:
The whole of PC20

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
As attached

224.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 April 2019

Supporting documents
Submission PPC20 C Wedd.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission on - Proposed Plan Change 20, Rural Activity Status

From: Charles Wedd
782 Haruru Road
Wainui
Phone: 09-420-3063
Email: Charles@wedd.co.nz

Thursday, April 18, 2019

Submission Summary

Plan Change 20 should be scrapped in its entirety.

Alternatively Council be directed to reconsider their s32 report and revise it to:

- Remove any factual errors
- Correct the instances of flawed logic
- Remove the instances of opinion unsupported by evidence
- Provide verifiable evidence to support claims made as to cost neutrality, employment, benefits and economic growth

If there are any specific activities Council believes should be added to the rural activity tables these can be addressed through a new Plan Change

Council should also be directed to reconsider their position re their view of a lack of competence of consent “Decision Makers” and to address the lack of Policy documentation and Professional Development they have identified as being a problem for these decision makers.

Analysis and discussion supporting this submission

Unfortunately the section 32 report starts out with an incorrect assertion in claiming in the second sentence

*“it **has become apparent** that the Unitary Plan is not positioned appropriately to address the issue of how to manage activities which are not anticipated in rural zones.”*

This statement is not fact and is not supported by any evidence to suggest the statement is even remotely accurate. Rather this is merely the opinion of the report author.

By starting the report in this way it is forcing the Commissioners and anyone reading the report to accept the authors position as fact and then have to work to refute that unfounded claim. Unfortunately this approach is indicative of the approach the report has taken.

It appears the report author is hoping it is far too hard for anyone to refute their position. The report goes on to make several key statements that are unsupported by evidence in the rest of the report.

There is no evidence to support the claim in paragraph 2

*This status of activity for out of zone activities is at odds with Regional Policy Statement (RPS) policy which seeks **to protect finite elite soils** and apply a high degree of management to **prime soils** important to rural production activities.*

And p3

*This status is also **at odds with managing cumulative adverse effects** on coastal and rural character and **amenity**; being something which the RPS signals is to be at least maintained. Furthermore, **a discretionary activity status for activities not associated with rural production in rural zones does not adequately support RPS policy associated with promoting a compact urban form and has the potential to undermine specific zones established to provide for intensive residential activities, industry and commercial activities.***

And wrongly concludes that

*These amendments are the **most efficient and effective option** to achieve the objectives and policies of the Regional Policy Statement and the Rural zones.*

Section 2 - Issues

The statement in point 2a paragraph 2 is only partially correct and because of flawed logic is misleading. The statement can be corrected by adding the words [on elite soils], which then gives a different but more accurate view as reflected in the remainder of section 2.

*The RPS anticipates environmental results that include land containing elite soil capable of rural production activities being excluded from development for non-rural activities, and that no additional sites **[on elite soils]** will be created for non-rural production purposes over time.*

2e It is also important to recognize that the appropriate use of the word “primarily” in the analysis does not, or rather should not, make for a total ban on other appropriate land uses, such as cleanfills or other activities, which generally only fit within Rural areas. Nor does it exclude these other uses completely.

3. Resource Consent Outcomes

The second sentence of paragraph 1 is misleading and at least in the cited case at paragraph 3 re the Taupaki aged care facility is inaccurate, when considered in light of Judge Smiths comments as as expanded on later..

The resource consent process has delivered, in a number of instances, outcomes not anticipated or contemplated in the rural zones.

Evaluation of options

Option 1

The evaluation is misleading as it assumes Council can then abrogate its responsibilities to appropriately educate and provide suitable policy documentation for decision makers, which Council should be doing regardless of any plan changes.

While it is possible that doing nothing may lead to poor decision making, the risk of poor decision making would be mitigated if those decision makers were adequately trained, have access to appropriate policy guidance and are competent (a matter Council seems to be questioning).

Option 2 – Introduce a Non-complying activity status

No evidence has been provided that supports Councils view that PPC20 will achieve anything beyond reducing the work load of Councils planners as a result of less complex consent applications through most applicants being deterred from making applications because of the difficulty they will face in gaining a consent for anything with a non-complying activity status. This view is explicitly stated in Attachment A2 - Section 32 Analysis (PPC20) under the columns headed Benefits, Employment and Economic Growth.

In taking this lazy approach Council is ensuring there are no opportunities to consider the merits, let alone environmental impacts of any new, novel or innovating use of land in rural areas, even if that land is unsuitable for rural production or not on elite or prime soils.

This approach is clearly contrary to the purposes of the RMA given it is primarily focused on reducing council planners workloads.

It is also important to recognize that because of the nature, size and variability of rural zones, particularly Rural Production, this adds more complexity to decision making process than would otherwise be the case in urban zones, it does not mean different, novel or unforeseen proposals should be effectively walled off from consideration. While non-complying consents can be made, the costs, complexity and non-financial costs associated with this approach mean such consents are beyond most Aucklanders and generally only the preserve of those large organisations with very deep pockets.

Option 3 Better Policy Guides & Option 4 Professional Development

It seems that the only constraints for these two options are more effort on the part of Council to improve their guidance policy documentation for decision makers and to improve the effectiveness of the ongoing professional development for them.

Surely both of these factors should be considered as part of good organizational management for a large corporate entity and not an undesirable optional extra.

The evaluation of option 3 should be disregarded as it seems no recognition or weight has been given to the comments by the IHP on precisely this point.

Nothing of significance has changed to indicate the Commissioners views should be completely disregarded.

5. Activities not provided for

5.1. Statement of issue

Status of an activity where it is not provided for in the Unitary Plan.

5.2. Panel recommendation and reasons

The recommended rule dealing with activities that are not otherwise provided for in the Unitary Plan makes such activities discretionary, consistent with section 87B(1)(b) of the Resource Management Act 1991 rather than non-complying as proposed in the Plan as notified.

While it may be possible to make such activities non-complying, the Panel considers that such an approach could create unnecessary difficulties when assessing applications for truly novel or unforeseen proposals under section 104D of the Resource Management Act 1991, given the nature of the threshold tests in that section. A truly novel or unforeseen proposal would be unlikely to be contemplated by the objectives and policies in the Plan and so could be considered contrary to them because of that novelty rather than for any explicit policy reason. Such a proposal may also have adverse effects that are more than minor, but the opportunity to consider it on its merits to evaluate whether it was appropriate would be foreclosed because of the statutory constraint on assessing non-complying activities.

The scope for evaluation and consideration of a discretionary activity under section 104B of the Resource Management Act 1991 normally provides sufficient breadth of control in such circumstances to enable any truly novel or unforeseen proposal to be considered on its merits, including in terms of its effects on the environment and having regard to any relevant objectives and policies.

In circumstances where the Panel considers it would be appropriate to require an activity to be subject to the threshold assessment in section 104D, the relevant activity tables do classify any activity that is not otherwise provided for in that activity table as a non-complying activity. Examples include the activity tables for residential zones, where the maintenance of residential amenity values warrants the use of that threshold assessment.

The AUP is not designed simply to be a means of giving council staff more power or to make it easier for them to exercise these powers to refuse consents.

Option 4 Competence of Decision Makers

It would seem that council considers that “Decision Makers” lack competence and/or are unable to be trained to the required level of competence necessary to make decisions concerning the policies, objectives and rules relating to rural areas. Whether Councils planning staff like these decisions is irrelevant.

While this may be acceptable when referring to Council staff granting consents, it hardly seems appropriate when referring to Independent Commissioners and Environment Court judges.

Even if referring to Councils own staff this would tend to indicate there are far more complex and worrying issues at play and brings into question the abilities of Planning management and in fact senior Council management. ~~Is this the flag that was intended to be raised in this document? If so what does the Hearing Commissioners plan to do to address this?~~

Introducing a Plan Change simply to rein in or control the decisions made by decision makers is not an appropriate way to address Councils perceived “problem”, particularly if such a problem does not actually exist.

Option 5 Residential Activities In Rural Zones

The evaluation focusses solely on “*Intensive forms of residential development in rural zones*” yet the solution suggested by PC20 extends far beyond merely matters of intensification. Judge Smith has specifically highlighted this exact matter by identifying that the Taupaki aged care facility is at the borderline of intensification and this should provide an appropriate measure to work to.

Councils would be better to specifically address the matter of intensification in rural zones with a separate plan change, if that is in fact the matter they are genuinely concerned about. Muddling this issue with rural production and elite soils is inappropriate, when in the cases sited it in section 5 it seems none of them materially impacted on those matters.

Section 5 – Reasons for PPC20 (or straw clutching)

Several of the “justifications” given for PC20 are dubious at best and fail to recognize that these matters can also be taken into account when considering a Discretionary consent application. It should not be acceptable for Council to claim that the existence of “potential” effects is sufficient to decree that it makes all Discretionary consent applications evil and too hard for Council to contemplate. Some statements made in the report such as spray drift, odours, demands for footpaths or encroachment on elite soils are already able to be considered in any type of consent application.

None of the examples cited would seem to be so unique that they could not be contemplated at the time the PAUP was considered and it calls into question the integrity of the IHP panel to suggest that such activities were beyond their imagination. Rather, if anything it might highlight the lack of policy guidance or training provided by Council, **IF** the decision makers erred and there were in fact reasonable grounds to refuse consent.

Further it is disingenuous to infer Judge Smith considered a Discretionary activity status as being unsuitable and that he felt forced to give consent for an activity he felt should have been declined. Rather his decision is clear that he had no difficulty in granting consent, although he did note that it was likely to be at the margin of acceptability for this level of intensification and in these specific set of circumstances.

Section 6 – Statutory Evaluation

While this section is not incorrect, it is misleading as the exact same evaluation could be given to support the status quo.

It is not possible to use the statutory evaluation to support PC20. In order to do so would require a detailed analysis of why the status quo fails to meet the same RMA sections.

In fact it could be argued that a Discretionary activity status actually supports to a higher standard those RMA sections given it allows greater scope for innovation and novel concepts that may well promote greater efficiency or enhance amenity values or improve the quality outcomes, especially if there is no adverse impact on elite or prime soils.

Section 7 – National & Local Planning Context

As with section 6 above there is no evidence or rational discussion given to show that a non-complying activity status will produce superior results over those from a discretionary activity status.

The assessment is extremely light, although that is likely acceptable given there is nothing concrete to comment on yet re the Ministry for the Environment proposal to develop national environmental standards given it does not even seem to be at completed first draft stage yet.

The only point of note is recognition of the key word “primarily” in describing acceptable rural activities and there has been no evidence provided to suggest a Discretionary status would fail to allow for this. More importantly there is no indication that “primarily” should be replaced with “exclusively” throughout the AUP.

Section 8 - Development of Plan Change

Information used

- With reference to the Environment Court (Decision No. [2018] NZEnvC 27 Kumeu Property Limited V Auckland Council, it is **incorrect** to infer that the inclusion of retirement villages was not contemplated during the PAUP hearings.
The matter was contemplated and was discussed at one of the hearings concerning the residential nesting table in the context of rural activities. The session was chaired by Les Simmons and while I don't have the date and time of the hearing immediately to hand I am sure Mr Simmons will confirm this, given I was specifically asked if I agreed with the inclusion within the table.
- In terms of the decision 11 September 2017 LUC60066560 Hibiscus Tanks Ltd 63 Richards Road, Dairy Flat, it is potentially misleading to use this decision as powerful support for Councils argument given the discretionary status was but one of the elements used to decide the matter.
- In terms of Ministry for the Environment. 2018, Draft National Planning Standards. Wellington: Ministry for the Environment proposal, it is illogical to give any weight to something Council already states should be given no weight given it is not even at, let alone past Draft stage.

Iwi Consultation

There is no evidence provided from that consultation that in any way suggests a non-complying activity status is warranted over a discretionary activity status, nor that the term “residential buildings” in the Rural chapter should be replaced by “dwellings”.

Attachment A2 - Section 32 Analysis (PPC20)

No positive weight should be given to this analysis given it is logically flawed, fails to backup claims with evidence and in parts is factually incorrect. If logic, evidence based conclusions and facts were used to prepare this table the conclusion would be that PC20 should be either scrapped or sent back to the drawing board.

While the discussion above won't be repeated again here, the following points need to be highlighted as it appears they are being swept under the carpet with only brief and inaccurate comments within this table. This is particularly important given these are not insignificant matters and impact on the economic performance of the Auckland region. Far more consideration should have been given to these matters before drafting such a light and flawed s32 report.

Appropriate

As above the arguments used by Council are flawed.

Effective

Effectiveness does not only apply to the way Council consenting "systems" operate. Rather the effectiveness of these matters should be considered in terms of how the overall consenting system works from the perspective of all Aucklanders and particularly consent Applicants.

Councils own survey feedback has shown a far less than optimal rating of the consenting process and the proposed PC20 changes will do nothing to enhance those results, other than to further limit the ability of people to have new and or novel land uses considered and consented.

Efficient

While the proposed PC20 might help council staff by reducing consent applications due to the deterrence of consents with non-complying activity status it makes the system far less efficient for applicants to apply for some consents.

Additionally given non-complying consents are far more complex, time consuming and expensive the proposed PC20 changes are far far **less efficient**.

Costs - Discretionary v's Non-Complying Consents

Council claims there are no differences in the costs associated with applications for discretionary compared to those for non-complying activities. Such a claim is utter rubbish and unsupported by any evidence. Our own personal experience and that of numerous applicants we have spoken to confirms that the costs are **considerably** higher for Non-Complying Consents.

Even from the perspective of Council itself, it is not possible to conclude there is no cost difference, even following the logic that the net cost for an application should be \$0 given all Council costs are supposed to be oncharged to the Applicant. However if our experience is anything to go on then a significant portion of Council costs are reversed or credited and never recovered. We understand we are not unique in this regard, meaning many costs are borne by Council and thus the rate payer.

More importantly costs extend far beyond those initially incurred by Council and include all costs incurred by the Applicant, which are far higher for Non-Complying Consents given the more onerous tests required under RMA s104D and by the array of further information requests raised by Council planning staff.

Additionally there is no recognition of the considerable personal costs to Applicants as a result of the prevailing view of Council Planners that any Non-Complying Consents should be managed in such a way as to ensure the application is not granted. Many such applications are only granted after appeal to the Environment Court, which adds a considerable extra layer of costs on top of the already expensive process.

As a minimum Council must provide valid support for the statements they have made, that costs are neutral between the two positions. A valid starting point would be for Council to provide a detailed analysis of the costs they have charged Applicants categorized as between Discretionary and Non-Complying Consents and showing the value of credits, discounts and cost reversals for each consent.

Without this information it is not possible for the PPC20 Decision Makers to make an informed decision in regards to this Plan Change.

Benefits

Councils starting position, as stated in the table, is that any Declined decision is a good one and one which provides increased benefits. (refer table comments option 2). Most applicants would concur that this is the approach Council seems to follow with discretionary and non-complying consents. None would agree it is appropriate.

Clearly Council does not understand what their role in the consenting process under the RMA is supposed to be. It is not to decline all consents or to make it hard for them to be granted.

Councils approach is clearly designed for Councils benefit and not for the wider Auckland public it is supposed to serve.

Employment

Other than that Councils recognition, that declined consents reduce employment opportunities in rural zones, no evidence has been provided to support the contention that those activities would simply relocate to a different zone.

Reality would seem to be contrary to Councils logic as many applicants would simply not have the resources to try again for a consent in a different area, even if their business idea could be easily and effectively transported to a different zone.

Economic Growth

The same comments as for employment apply here as well.

Risks

While it is noted Council has a low opinion of consent decision makers, if correct and appropriate consenting processes are followed within legislative frameworks there should be no significant risks that are not adequately mitigated.

There has been no reasonable justification given or accurate analysis provided to suggest that proposed PC20 is in any way warranted on the basis of risk.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Heather Ballantyne

Organisation name:

Agent's full name: Attention: H Ballantyne

Email address:

Contact phone number: 0274-887-828

Postal address:

P.O. Box 517

Pukekohe

2340

Pukekohe

Pukekohe 2340

Submission details

This is a submission to:

Plan modification number: Plan Change 20

Plan modification name: Rural Activity Status

My submission relates to

Rule or rules:

Proposed Plan Change 20 - Rural Activity Status

Property address: Tuhimata & Runciman Roads,

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Residential buildings and/or dwellings, as well as Retirement homes/villages could be located in the Countryside Living Area. This would provide a "rural" retirement area for people, who do not wish to be surrounded by an urban environment. These villages would need to supply their own water, wastewater, etc. services.

225.1 | I or we seek the following decision by council: Amend the plan modification if it is not declined

225.2 | Details of amendments: Support more dwellings/residential buildings and requirement facilities in the countryside living areas.

Submission date: 18 April 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

MAURICE TEAGUE LIMITED
Maurice Teague B.Com
ACCOUNTANCY AND BUSINESS CONSULTANT
25 LAKE DRIVE KARAKA LAKES KARAKA
AUCKLAND 2113
Phone (09) 2999506
Email address annsbrae@xtra.co.nz

Ms Bronnie Styles
Planning Technician
Auckland Council
Level 24
135 Albert Street
AUCKLAND

Dear Bronnie ,

Thank you for your e -mail dated 3rd April 2019 .

226.1

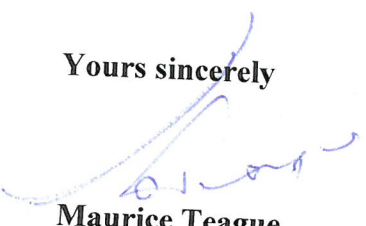
Any proposal put to the Council which attempts to use rural land for semi commercial or industrial purposes and which the Council opposes has our full support .

Rural land by its very nature should be preserved for agricultural and livestock activities .

I write on behalf of my wife , and daughter Karen , who runs her business known as Brookby Heights International Limited a stud which has achieved New Zealand and world wide fame, at 109 Brookby Road Brookby Auckland. Any activities other than rural pursuits would have considerable negative impact on her business .

If you choose to use this letter in any submissions you make has my and my family's support .

Yours sincerely


Maurice Teague
14th April 2019

Dear sir/madam,

Property address: 32 Regis Lane, Flat Bush, Auckland; Lot 38 DP 500844, Lot 501 DP500844 1/3 Share

Owner: Almighty Investments Limited

Re: Proposed Plan Change 20 - Rural Activity Status

227.1

As owner of the above address been affected by the proposed plan change, I would like to confirm my full support to this proposal with aiming for more subdivision opportunities.

Kind regards,

Wenbin Lin

Director

Almighty Investments Limited

Hi There,

My name is Jim Yingming Zhao, my wife's name is Huici Zhang, we are trustees for Mingci Family Trust which owns adams rd farm.

Read the plan and here is our decision:

228.1 | We are both strongly against the plan.

Thanks

18th April 2019

Auckland Council
Private Bag 92300
Auckland 1142

by email: unitaryplan@aucklandcouncil.co.nz

AUCKLAND UNITARY PLAN – PROPOSED PLAN CHANGE 20 - SUBMISSION

Name of Submitter: Vinko Holdings Limited

Address for Service: C/- Positive Planning

PO Box 105-623
AUCKLAND 1143
Attn: Gary Deeney

Telephone: (09) 302 0461

Email: gary@positiveplanning.co.nz

Scope of Submission:

This is a submission to the Auckland Unitary Plan in support of the proposed plan change 20 made on behalf of Vinko Holdings Limited.

The properties that this submission relates to are:

- Mahurangi East Road (Lot 1 DP188949 / CT NA118D/501)
 - *Zoned Business – Local Centre Zone*
- 13/280-17/280 Mahurangi East Road (Lot 2 DP326410 / CT 107333)
 - *Zoned Business – Local Centre Zone*
- 254-268 Mahurangi East Road (Lot 3 DP347005 / CT 193207)
 - *Zoned Rural – Rural Coastal Zone*
 - *Zoned Business – Light Industry Zone*
 - *Zoned Business – Local Centre Zone*
- 1/280-12/280 Mahurangi East Road (Lot 4 DP326410 / CT 107335)
 - *Zoned Business – Local Centre Zone*
- 38 Hamatana Road (Lot 6 DP181695 / CT NA112D/128)
 - *Zoned Business – Local Centre Zone*

General Reasons for the Submission:

229.1

- The submitter is **supportive** of the proposed plan change 20 for the following reasons:

- The addition to activity table H19.8.1 for rural activities, stating any activity not provided for is a non-complying activity is considered to be beneficial to the rural zones and will ensure that non-rural activities are avoided within these zones.
- The second part of the plan change will ensure that a variety of residential activities and/or intensified residential development is avoided within rural zones and residential activities will mostly be limited to dwellings.
- Overall we consider the proposed plan change 20 to align with the intentions of the rural zones.

Hearings:

We wish to be heard in support of this submission.

If others make a similar submission, we will consider presenting a joint case with them at a hearing.

Yours Faithfully,

POSITIVE PLANNING LIMITED

On behalf of:

Vinko Holdings Limited



Gary Deeney, BRP (Hons) MNZPI
Director

18th April 2019

Auckland Council
Private Bag 92300
Auckland 1142

by email: unitaryplan@aucklandcouncil.co.nz

AUCKLAND UNITARY PLAN – PROPOSED PLAN CHANGE 20 - SUBMISSION

Name of Submitter: Keiron John McDonnell and Kevin Neil Wilson and
Lynsie Walsh-McDonnell

Address for Service: C/- Positive Planning

PO Box 105-623
AUCKLAND 1143
Attn: Gary Deeney

Telephone: (09) 302 0461

Email: gary@positiveplanning.co.nz

Scope of Submission:

This is a submission to the Auckland Unitary Plan in support of the proposed plan change 20 made on behalf of Keiron John McDonnell and Kevin Neil Wilson and Lynsie Walsh-McDonnell.

The properties that this submission relates to are:

- 110 Trig Road, Whitford
 - *Zoned Rural – Countryside Living Zone*

General Reasons for the Submission:

- 230.1 | • The submitter is **supportive** of the proposed plan change 20 for the following reasons:
- The addition to activity table H19.8.1 for rural activities, stating any activity not provided for is a non-complying activity is considered to be beneficial to the rural zones and will ensure that non-rural activities are avoided within these zones.
 - The second part of the plan change will ensure that a variety of residential activities and/or intensified residential development is avoided within rural zones and residential activities will mostly be limited to dwellings.

- Overall we consider the proposed plan change 20 to align with the intentions of the rural zones.

Hearings:

We wish to be heard in support of this submission.

If others make a similar submission, we will consider presenting a joint case with them at a hearing.

Yours Faithfully,

POSITIVE PLANNING LIMITED

On behalf of:

Keiron John McDonnell and Kevin Neil Wilson and Lysie Walsh-McDonnell



Gary Deeney, BRP (Hons) MNZPI
Director

Submission on Proposed Plan Change 20 Auckland Unitary Plan Operative in part

Clause 6 of First Schedule, Resource Management Act 1991

To: Auckland Council
Address: Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142
Email: unitaryplan@aucklandcouncil.govt.nz

Submitter: New Zealand Defence Force
Contact Person: Rebecca Davies, Senior Environmental Officer

Address for Service: New Zealand Defence Force
C/- Tonkin + Taylor
PO Box 5271
Auckland 1141
Phone: +64 21 445 482
Email: rebecca.davies@nzdf.mil.nz

Preliminary Matters

231.1 The New Zealand Defence Force (NZDF) has military interests throughout New Zealand. NZDF currently operates a number of facilities within the Auckland region, with two of these facilities (Kaipara Military Training Area and Ardmore Military Training Area) being located within a Rural Zone under the Auckland Unitary Plan - Operative in Part (AUP). Due to the nature of NZDF's operations, its facilities can be prone to reverse sensitivity effects from activities and development occurring on nearby land. A key matter of importance for NZDF is the avoidance of reverse sensitivity effects, and the protection of NZDF's ability to carry out its function of maintaining the nation's security, maintaining NZDF operational capacity and providing for the well-being, health and safety of communities. NZDF therefore wishes to provide this information as a neutral submission in respect of Proposed Plan Change 20 of the AUP to ensure that its interests are represented through the Plan Change process.

NZDF **could not** gain an advantage in trade competition through this submission.

NZDF **wishes to be heard** in support of this submission.

If others make a similar submission, **we will consider** presenting a joint case with them at the hearing.

A handwritten signature in black ink, appearing to read "M. Davis".

Date 17/04/19

Person authorised to sign
on behalf of New Zealand Defence Force

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Katie Tong

Organisation name:

Full name of your agent: Bing Tong

Email address: katietong168@gmail.com

Contact phone number:

Postal address:
20A Ostrich Farm Road
Pukekohe
Auckland 2676

Submission details

This is a further submission to:

Plan modification number: Plan Change 20

Plan modification name: Plan Change 20: Rural Activity Status

Original submission details

Original submitters name and address:
Bing Tong
20A Ostrich Farm Road, Pukekohe

Submission number: 62

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:
Point number 1

The reasons for my or our support or opposition are:
I support submission

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 21 June 2019

Attend a hearing

I or we wish to be heard in support of this submission: No

Declaration

What is your interest in the proposal? I am the person representing a relevant aspect of the public interest

Specify upon which grounds you come within this category:

I am strong support

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Hi Sophia, The Plan change notice of requirement is proposed plan change 20 Rural activity status my submission # 52 Regards Russell Vincent

i wish to strongly oppose further against ACC restrictions on applying RMA to include our property @ 806 & 810 north road Clevedon

Under the Magna Carter Agreement which all english law was basted on also New Zealand laws we were giving the freedom of speach & set free from slavery & interference of our human rights & control by imposing us with unjust laws causing a hinderence

stress worry & a burden on us the rate payer we need to stand up against the demand of this council. Signed Russell Vincent [owner]

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Sir William Birch

Organisation name: Birch Surveyors Limited

Full name of your agent:

Email address: sirwilliam@bslnz.com

Contact phone number: 09 237 0787

Postal address:

PO Box 475

Pukekohe

Auckland 2340

Submission details

This is a further submission to:

Plan modification number: Plan Change 20

Plan modification name: Plan Change 20: Rural Activity Status

Original submission details

Original submitters name and address:

REFER TO ATTACHED DOCUMENT.

Submission number: REFER TO ATTACHED DOCUMENT.

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:

Point number REFER TO ATTACHED DOCUMENT.

The reasons for my or our support or opposition are:

REFER TO ATTACHED DOCUMENT.

I or we want Auckland council to make a decision to: Disallow the whole original submission

Submission date: 1 July 2019

Supporting documents

Further Submission on PC20 (Birch Surveyors Limited).pdf

Attend a hearing

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?

Yes

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

As a resource management consultancy with a strong presence in rural areas throughout Auckland, Birch Surveyors Limited is directly affected by the subject matter to which Plan Change 20 relates whilst also representing a relevant aspect of the public interest.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Monday, 1 July 2019

FURTHER SUBMISSION ON PROPOSED PLAN CHANGE 20 (PC20)

To: Planning Department
Auckland Council
Private Bag 92300
Auckland, 1142

This is a further submission from:

Submitter: Birch Surveyors Limited

- Birch Surveyors Limited could not gain an advantage in trade competition through this submission.
- Birch Surveyors Limited has an interest in PC20 greater than the interest that the general public has.
- Birch Surveyors Limited wish to be heard in support of the further submissions specified in the table overleaf.

ADDRESS FOR SERVICE:

Name of Agent: Sir William Birch – Birch Surveyors Limited

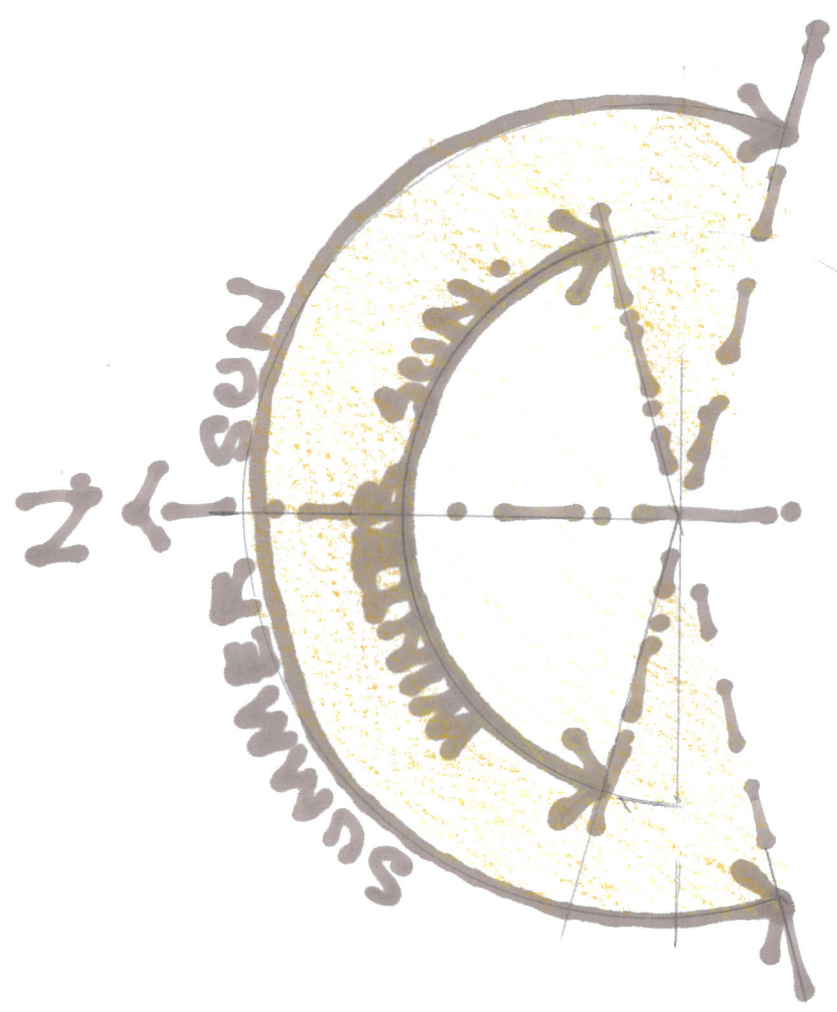
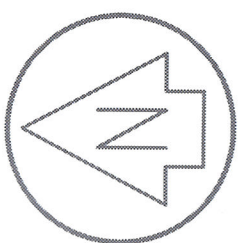
Address: PO Box 475, Pukekohe 2340

Phone: 09 237 0872

Email: sirwilliam@bslnz.com

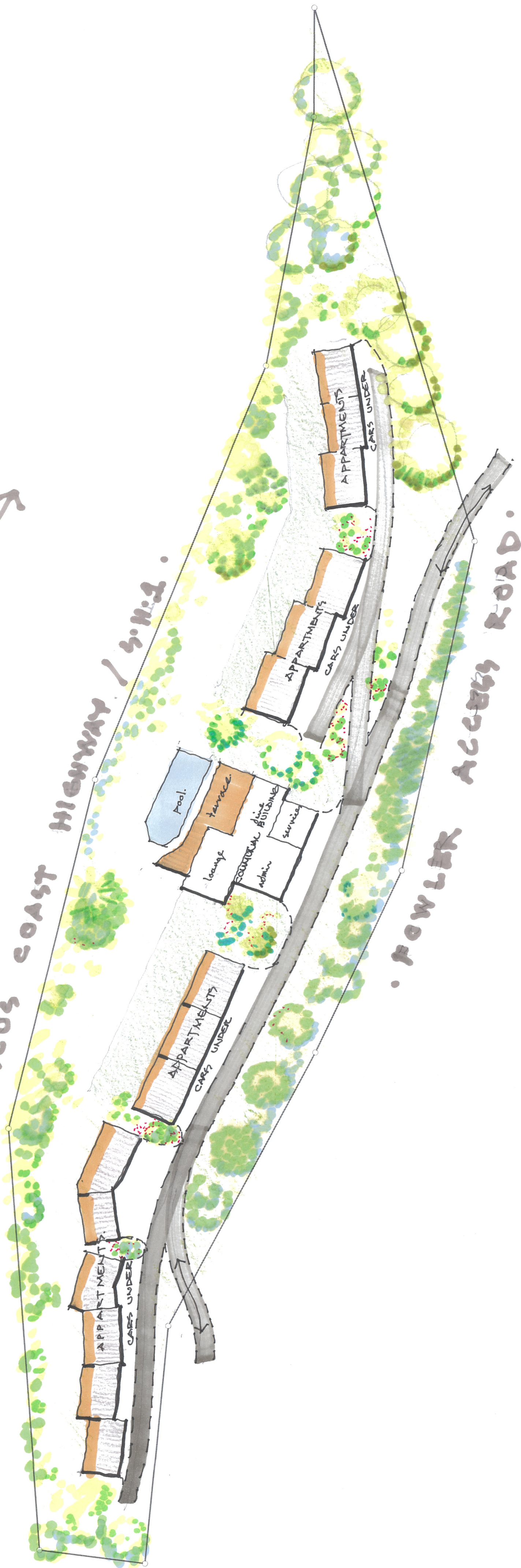
NAME OF SUBMITTER	SUBMISSION NUMBER (#)	RELEVANT PROVISIONS	OUR STANCE	REASONS FOR STANCE	DECISION SOUGHT
Kumeu Property Limited C/- Harrison Burnard	63	Both changes proposed by PC20.	Support	<ul style="list-style-type: none"> The s32 analysis provided by Council does not recognise the option of specifically regulating the activities that Council is particularly concerned with. This is the more logical approach than making a sweeping change to the zone provisions which would apply to all of the Rural Zones in Auckland. Making the activity status for “activities not provided for” as Non-Complying stifles the potential for innovation to develop within the rural environment. Without making amendments to the objectives and policies of Chapter H19 (Rural Zones), the outcome of PC20 will be the same as if the status quo is maintained. Activities in the Rural Zone should be assessed on their merits without the presumption that they are contrary to the direction of the Plan as comes with a Non-Complying activity status. Using consented examples to justify the need for PC20 is confusing given the stated examples were successful based on their individual merits. Furthermore, there are only a small number of quoted examples in the s32 analysis. The Discretionary Activity status that is currently in place for “activities not provided for” is sufficient for Council to assess unforeseen activities proposed for the Rural Zones. The primary thrust for PC20 (e.g., protection of versatile soils, reverse sensitivity, absence of infrastructure) canvases matters that can be fully addressed within the scope of an assessment for a Discretionary Activity. Rural Zones should be able to cater to a number of non-rural services/activities that are not available in close proximity The RMA is an enabling act that supports intervention only when the effects of a proposed activity will be inappropriate. The increased consenting costs will not equate to the purported benefits that will arise from accepting PC20. PC20 goes against the recommendation of the Independent Hearing Panel regarding “activities not provided for”. 	Accept the submissions seeking to decline the proposed plan change/modification (PC20).
Kent Baigent C/- Julian Dawson	148				
S C McIntyre C/- Ellis Gould	167				
Turners and Growers C/- Burnette O'Connor	184				
Pakari Limited C/- Ian Blundell	190				
Balle Bros Group C/- John Gasson	195				

This in fact supports the original submission which suggests a retirement village would be ideal for this site. All we have done is sent in a basic plan showing how that could work . It is not a new submission. it is merely a diagram showing what we had in mind with the original submission already lodged with you. A copy of which was generously sent back to us by Bronnie from your planning department the other day.



← VIEWS OVER PUNOI RIVER VALLEY →

MIBISCUS COAST HIGHWAY / S.M.A.



FOWLER ACCESS ROAD.

SKETCH PROPOSAL FOR POSSIBLE RETIREMENT VILLAGE AT 20 FOWLER ACCESS ROAD.
WAIWERA - AUCKLAND. 1:500.

MR. KERRINNES.

BILL DOBBS - ARCHITECT.

FURTHER SUBMISSION TO PUBLIC NOTIFIED PLAN CHANGE 20 This relates to our property located at 20 FOWLER ACCESS ROAD PUHOI a two and a half acre sloping property,north facing that enjoys spectacular views and has a dead end access road behind it .This property is Currently rated by AK Council for multi residential dwellings. I am a senior citizen aged 70 and wish to sell the property as i can no longer look after its upkeep. The property is unique for a number of reasons including quality main road access to both OREWA and WARKWORTH is north facing .and has incredible panoramic views with easy rear access on FOWLER ACCESS ROAD a dead end little used farm road. The property is totally unsuitable for rural activity but absolutely ideal for a retirement or tourist village creation . My architect has indicated up to 65 units could be put on here. He has further indicated a town planner report to council with a view to obtaining a plan change could be organised.. Because of the time restraints i have not time to get such done before this hearing, but should council consider this idea favourably are happy to do so. This idea if adopted by council could allow the creation of a absolutely unique rural location retirement village that everyone would applaud, but close to two support towns.Clearly if instigated AK Council would benefit from a huge rates upsurge from the property and be applauded country wide for their forward vision giving aged folks a chance to live in a quiet unique country lifestyle ,with unparalleled views and quiet living. .Unless all this is recognised and agreed to by council in regard to these current suggested plan changes may make it more difficult for such a procedure and application to proceed.

Further Submission in support of, or opposition to, a publicly notified proposed plan change or variation

Clause 8 of Schedule 1, Resource Management Act 1991
FORM 6



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only

Further Submission No:

Receipt Date:

Further Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

Hugh Litchfield

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

Telephone:

0274 922 424

Fax/Email:

hughlitchfield@xtra.co.nz

Contact Person: (Name and designation, if applicable)

Scope of Further Submission

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number	20
Plan Change/Variation Name	Rural Activity Status

I support : **Oppose** (tick one) **the submission of:**

(Original Submitters Name and Address)

(Please identify the specific parts of the original submission)

Submission Number

Point-Number

77

The reasons for my support/opposition are:

Development on land which includes land designated as quarry buffer zone, shall be dealt with in the same way as other rural land under the district plan.

For example, application for a dwelling for a farm worker should not automatically have to involve the environment court and the extra costs thereby.

This would include a dwelling within the buffer zone to enable the farming activities.

The quarry buffer zone was increased without notification recently and while it could be reasonable to prevent housing subdivision on this area, there is no reason to limit development for the purpose of farming.

(continue on a separate sheet if necessary)

I seek that:

the whole :
or part (describe precisely which part) _____

of the original submission be **allowed**
disallowed

I wish to be heard in support of my submission
I do not wish to be heard in support of my submission
If others make a similar submission, I will consider presenting a joint case with them at a hearing

Thurleyfield

01.07.19

Signature of Further Submitter
(or person authorised to sign on behalf of further submitter)

Date

PLEASE COMPLETE THE FOLLOWING SECTION

Please tick one

- I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)
- _____
- _____
- I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)
- For the purpose of carrying out rural activities.*
- _____
- _____

Notes to person making submission:

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

2nd July 2019



Attn: Planning Technician
Auckland Council
Private Bag 92300
AUCKLAND 1142

The Surveying Company LTD
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PO Box 466 Pukekohe 2340
Phone 09 238 9991
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unitaryplan@aucklandcouncil.govt.nz

**FURTHER SUBMISSION ON PROPOSED PLAN CHANGE 20: RURAL ACTIVITY STATUS –
TO THE AUCKLAND UNITARY PLAN**

SUBMITTER: The Surveying Company Limited

ADDRESS FOR SERVICE: PO Box 466, Pukekohe 2340
Email: leigh@subdivision.co.nz
Phone: 09-238-9991
Contact person: Leigh Shaw

The Surveying Company prepared a submission number 191 on PC 20: Rural Activity Status. The Surveying Company is a multi-disciplinary Property Development Consultancy that has been providing Planning, Surveying and Civil Engineering services throughout the Auckland, Waikato and Hauraki Districts for the past 30 years. This includes the application and management of Subdivision Resource Consents and Land Use Consents associated with the use and development of land for both urban and rural activities. Therefore, we have an interest in PC20 greater than that of the general public.

The Surveying Company Limited wish to be heard in support of our submission. If others make a similar submission, we will consider presenting a joint case with them at the hearing.

We have added further pages/sheets that form part of our further submission.

We understand that we are responsible for serving a copy of our further submission on the original submitter(s) within 5 working days after it is served on Council.

Yours faithfully

THE SURVEYING COMPANY LTD

Prepared by:

DHARMESH CHHIMA
Senior Planner

Authorised by:

JOHN GASSON
Director

CC.

Ruth Minton
Alistair Watts
S.Clark Nurseries Ltd
Daniel Lord
Qiyuan Zhang
Marie Van Es
Bing Tong
Xiao Huihui Trustee Company Limited
Creswell Randolph John Hartnett and Sheryl Diane Hartnet
Ross John Taylor and Nicola Mary Taylor
Clevedon Cares Incorporated
Federated Farmers of New Zealand
Vinko Holdings Limited
Keiron John McDonnell and Kevin Neil Wilson and Lysie
Walsh-McDonnell
Leigh Shaw
Noni Bruce Burnett

Kumeu Property Ltd
F Boric and Sons Ltd
Birch Surveyors Limited
Mark Eisig
Kent Baigent
The University of Auckland
Pipers Limited Partnership
Waiiti Headwaters Ltd
Q Invest Company Limited
BAA Land Holdings Limited
Silverdale Estates Limited
S M Macky
S C McIntyre
J B Wheeler
W S Wheeler
A Wheeler
John Ramsey
Debbie White
Wayne and Michelle Davies
Arnim Pierau
Blue Tides Farm Ltd
Snowberry New Zealand Ltd
Southern Paprika
Turners and Growers
Paul Boocock and Moir Hill Forestry
Hunua, Ararimu and Paparimu Valleys
Luke Sullivan
Jeram and Laxmi Bhana
Balle Bros group
P, PJ and VP Sain
P Sain and C Powell
Chanel Hargrave
The Askew Partnership
Lisa Capes
Melanie Moylan
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THE SURVEYING COMPANY LIMITED

FURTHER SUBMISSION ON PROPOSED PLAN CHANGE 20 – AUCKLAND COUNCIL

Submitter	Submission Point	Support / Oppose	Reasons for support or opposition	I seek the whole (or part) of the submission be allowed (or disallowed) as below
Ruth Minton	1.1	Oppose	Rural character and amenity can be maintained through the current discretionary activity status. Furthermore, discretionary activities already require a full assessment to determine whether the activity, subject to conditions, would be appropriate in terms of the provisions of the Plan, the effects of the activity on the environment (including neighbouring properties) and the suitability of the proposed location.	Disallow the submission
Alistair Watts	20.1	Oppose	Amending the references to refer to 'dwellings' does not reflect the submitter's concern in relation to <i>'the whole Auckland Region will become a hotch-patch of residential dwellings, suburbs, small blocks and industrial areas'</i> .	Disallow the submission
S.Clark Nurseries Ltd	39.1 and 39.2	Oppose	The submitter refers to the protection of both elite and prime soil. This is not consistent with objective H19.2.1(3) of the AUP which refers to the 'protection' of elite soil and 'management' of prime soil for potential rural production. The protection of elite soils is already a matter of consideration for discretionary activities. Furthermore, there are a number of other objectives and policies in the AUP that support the establishment of activities that are not necessarily associated with rural production in the rural zone. Those objectives and policies make is clear that activities which support rural communities, but are not necessarily associated with rural production, can be appropriate in the rural zone. We consider the general purpose of the objectives and policies is to avoid urbanisation in the rural zones, rather than default all activities not provided for to a non-complying status.	Disallow the submission

Submitter	Submission Point	Support / Oppose	Reasons for support or opposition	I seek the whole (or part) of the submission be allowed (or disallowed) as below
Daniel Lord	50.1	Oppose	Discretionary activities already require a full assessment to determine whether the activity would be appropriate in terms of the provisions of the Plan, the effects of the activity on the environment (including rural character) and the suitability of the proposed location. Furthermore, there are a number of objectives and policies in the AUP that support the establishment of activities that are not necessarily associated with rural production in the rural zone. Those objectives and policy make is clear that activities which support rural communities, but are not necessarily associated with rural production, can be appropriate in the rural zone.	Disallow the submission
Qiyuan Zhang	55.1	Oppose	The submitter supports the plan change but no reasons are provided for their view. The plan change does not appear to be particularly relevant to the outcome sought by Council. The proposed changes will not address the concerns raised in the section 32 report, and will result in a default non-complying activity status that is not appropriate for all rural zones and which is not supported by a number of objectives and policies in the AUP.	Disallow the submission
Marie Van Es	60.1	Oppose	For the same reasons provided in submission points 1.1 and 50.1. It is not appropriate to default all activities not provided for in the rural zone to a non-complying status.	Disallow the submission
Bing Tong	62.1	Oppose	The submitter supports the plan change but no reasons are provided for their view. Refer to our reasons provided in submission point 55.1.	Disallow the submission
Xiao Huihui Trustee Company Limited	72.1	Oppose	The submitter supports the plan change but no reasons are provided for their view. Refer to our reasons provided in submission point 55.1.	Disallow the submission

Submitter	Submission Point	Support / Oppose	Reasons for support or opposition	I seek the whole (or part) of the submission be allowed (or disallowed) as below
Creswell Randolph John Hartnett and Sheryl Diane Hartnet	79.1	Oppose	It is not appropriate to default all activities not provided for in the rural zone to a non-complying status. There are some rural areas and properties that can accommodate an acceptable level of change and there are a number of activities not provided for in the rural zone (such as small-scale retail activities servicing the rural community) that could be established without significant adverse effects on the environment. Also refer to our reasons in submission points 39.1 and 39.2.	Disallow the submission
Ross John Taylor and Nicola Mary Taylor	108.1	Oppose	There are a number of matters raised by this submitter that are not affected by the plan change.	Disallow the submission
Clevedon Cares Incorporated	156.1	Oppose	For the same reasons provided in submission points 1.1 and 50.1. The proposed change to default all activities not provided for to a non-complying status does not increase the potential for public notification. We note that A1.7 (Activity Status) of the AUP states that the class of an activity status does not determine whether an application for consent will be notified or not.	Disallow the submission
Federated Farmers of New Zealand Attn: Richard Gardner	207.1	Oppose	The submitter understands that the plan change seeks to address the particular circumstances of people applying for consents in the rural zone that are not related to rural production. We note that there are non-rural productive activities which support rural communities that would default to a non-complying activity status if the plan change was approved. We do not consider it appropriate to default all activities not provided for in the rural zone to a non-complying status for the reasons provided in submission points 39.1, 39.2 and 50.1 and 79.1.	Disallow the submission
Vinko Holdings Limited	229.1	Oppose	For the same reasons provided in submission points 39.1, 39.2 and 50.1 and 79.1. It is not appropriate to default all activities not provided for in the rural zone to a non-complying status.	Disallow the submission

Submitter	Submission Point	Support / Oppose	Reasons for support or opposition	I seek the whole (or part) of the submission be allowed (or disallowed) as below
Keiron John McDonnell and Kevin Neil Wilson and Lynsie Walsh-McDonnell	230.1	Oppose	For the same reasons provided in submission points 39.1, 39.2 and 50.1 and 79.1. It is not appropriate to default all activities not provided for in the rural zone to a non-complying status.	Disallow the submission
Leigh Shaw	54.1	Support	<p>The section 32 report of the plan change refers to a number of specific activities that it considers would be better assessed as a non-complying activity once proposed beyond a certain scale. In this case, the section 32 report appears to correctly acknowledge that these specific activities are already largely provided for as discretionary activities, however it is unclear from the report as to how these activities could be assessed as non-complying when the plan change only affects activities not provided for. It is our understanding that the activities referred to in the section 32 report would still be considered as a discretionary activity regardless of the plan change. Furthermore, the scale of these activities is only limited by the standards in H19.10 relating to building height and yard setback, and therefore it is unclear as to how the plan change would default these activities to a non-complying status based on 'scales of operation' or 'scale thresholds' as referred to in the section 32 report.</p> <p>There is insufficient detail provided in the section 32 report to establish whether the approved consents/specific activities referred to in the report would have been non-complying under the proposed plan change, and if so, whether they would have passed the 'gateway test' under section 104D of the RMA. As discussed above, it appears that these activities (being largely discretionary activities) would retain the same activity status under the plan change. However, in the event that they were able to be considered as a non-complying activity, it is not clear whether section 104D would have had any bearing on the overall outcome/determination reached in each of these cases.</p>	Allow the submission

Submitter	Submission Point	Support / Oppose	Reasons for support or opposition	I seek the whole (or part) of the submission be allowed (or disallowed) as below
Noni Bruce Burnett	61.1	Support	We agree that there is no need to change the existing activity status for the reasons given in our original submission.	Allow the submission
Kumeu Property Ltd	63.1	Support	<p>The current discretionary activity status allows Council to scrutinise the appropriateness of each activity, considering such factors as the scale and surrounding environment. The current process of obtaining a resource consent is appropriate for activities that are not permitted in these zones, as activities that are not appropriate will not be granted consent.</p> <p>The plan change assumes that any activity not specifically provided for in the rural zone is inappropriate which is not the case.</p> <p>The submitter notes (with examples) that not all rural environments are the same or possess the same level of rural amenity.</p> <p>While the protection of elite soils is understandable, the plan change does not take into consideration the fragmented nature of some rural sites, particularly along rural highways and on the periphery of the city.</p>	Allow the submission
F Boric and Sons Ltd	64.1	Support	<p>For the same reasons provided in submission points 63.1.</p> <p>Activities such as retirement villages and visitor accommodation are not uncommon in the rural environment, and rural settlements still require these types of services.</p> <p>There will be locations within the rural environment where other types of residential development may be appropriate.</p>	Allow the submission

Submitter	Submission Point	Support / Oppose	Reasons for support or opposition	I seek the whole (or part) of the submission be allowed (or disallowed) as below
Birch Surveyors Limited	113.1 and 113.2	Support	<p>Council already has full discretion to assess applications for non-rural activities to be established in the rural area.</p> <p>The examples of applications that were successful as a driver of the plan change should not be viewed as a failing of the planning system but instead as examples of applications that were granted based on their merits and their ability to avoid, remedy or mitigate any adverse effects on the environment.</p> <p>The Council's reference to "more resource consents granted for activities not contemplated in the Rural zones" is an unsupported statement to make without evidence and cannot be said with any certainty.</p> <p>The Council's analysis does not adequately explain how the objectives are not achieved given the current powers of the Council allow for the RPS to be appropriately addressed when assessing applications for Discretionary activities.</p>	Allow the submission
Mark Eisig	127.1	Support	The submission aligns with the original submission of The Surveying Company.	Allow the submission

Submitter	Submission Point	Support / Oppose	Reasons for support or opposition	I seek the whole (or part) of the submission be allowed (or disallowed) as below
Kent Baigent	148.1	Support	<p>The plan change places an unnecessary and inappropriate restriction on non-rural activities within the Rural Zones of the Unitary Plan.</p> <p>Activities that are not specifically provided for within the Rural Zones of the Unitary Plan should be evaluated on their merits without a presumption that they are inappropriate, or should not be consented, by a non-complying status.</p> <p>Recognition, and protection, of elite soils and prime soils that are important to rural production activities will be achieved by the current objectives and policies of the rural zones, such that a non-complying status is not necessary or justified.</p> <p>Recognition of coastal and rural character, including cumulative adverse effects, and non-residential activities are properly and appropriately recognised by the current objectives and policies of the rural zones.</p> <p>Some residential activities, that a more than a single dwelling, could be appropriate in rural areas, and may, in fact, provide a greater amenity in these locations.</p>	Allow the submission

Submitter	Submission Point	Support / Oppose	Reasons for support or opposition	I seek the whole (or part) of the submission be allowed (or disallowed) as below
The University of Auckland	149.1 and 149.2	Support	<p>The current discretionary activity status appropriately provides Council full discretion to assess any actual and potential adverse effects of an activity proposed in the Rural Zone, and section 104 of the Resource Management Act 1991 also requires consideration of the proposal against the relevant objectives and policies of the Plan.</p> <p>The proposed introduction of standard H19.8.1(AA1) to the Rural zone activity table will be contrary to the Independent Hearing Panel (IHP) recommendation and reasons on “Activities not provided for”. The IHP concluded that the scope for evaluation and consideration of a discretionary activity under section 104B of the Act provides sufficient breadth of control in such circumstances to enable any novel or unforeseen proposal to be considered on its merits in terms of its effects on the environment and having regard to any objectives and policies. In addition, the IHP specifically rejected the proposition that activities not provided for should be a non-complying activity because it considered that such an approach would create unnecessary difficulties when assessing applications for truly novel or unforeseen proposals under section 104D of the Act.</p>	Allow the submission
Pipers Limited Partnership	150.1, 150.2, 150.3 and 150.4	Support	<p>For the same reasons provided in submission points 149.1 and 149.2.</p> <p>In addition, the objectives for all Rural zones clearly contemplate rural zoned areas as places for people to live and that a range of activities and services are enabled to support these functions.</p> <p>The proposed change by Council purports that “dwellings” is the only appropriate form of residential accommodation in Rural zones which is in tension with the overarching Rural zone objectives which seek to provide places for people to live that include “lifestyle developments”.</p>	Allow the submission

Submitter	Submission Point	Support / Oppose	Reasons for support or opposition	I seek the whole (or part) of the submission be allowed (or disallowed) as below
Waiiti Headwaters Ltd	152.1, 152.2, 152.3 and 152.4	Support	For the same reasons provided in submission points 149.1 and 149.2.	Allow the submission
Q Invest Company Limited	155.1 and 155.2	Support	<p>Issues such as infrastructure, reverse sensitivity and finite soils can all be addressed within the context of discretionary activities.</p> <p>A full assessment is still required for a discretionary activity status.</p> <p>It appears the Council is seeking to address a perceived problem regarding unanticipated activities that does not exist, or at least is not established on the information provided in the section 32 report.</p> <p>The section 32 report does not demonstrate that the unanticipated activities that have established in the rural zone would not have been granted consent, had they been assessed as non-complying activities.</p> <p>The proposed change from residential buildings to dwellings has been poorly thought through.</p> <p>The failing of the plan change and section 32 report as identified by the submitter.</p>	Allow the submission

Submitter	Submission Point	Support / Oppose	Reasons for support or opposition	I seek the whole (or part) of the submission be allowed (or disallowed) as below
BAA Land Holdings Limited	160.1 and 160.2	Support	<p>The plan change generally relates to issues with activities that are already provided for within the Rural zones i.e. activities that are specifically listed in the Activity Table such as visitor accommodation and rural commercial activities. This contradicts the stated purpose of the plan change.</p> <p>Requiring activities that are not specifically listed in the Activity Table H19.8.1 to be assessed as non-complying activities; rather than the default discretionary activity status set by the General Rules in Chapter C of the AUP (OP), for activities not provided for (C1.7(1)); will not achieve the outcome intended by the Proposed Plan Change.</p> <p>There is no sound planning basis for the proposed plan change.</p>	Allow the submission
Silverdale Estates Limited	161.2	Support	For the same reasons provided in submission points 160.1 and 160.2.	Allow the submission
S M Macky	166.1 and 166.2	Support	If Council has identified a certain type or scale of activity that it considers to be inconsistent with the zone, and which therefore should be subject to the threshold assessment in s 104D, then it should confine any amendments to such activities accordingly.	Allow the submission
S C McIntyre	167.1 and 167.2	Support	For the same reasons provided in submission points 166.1 and 166.2.	Allow the submission
J B Wheeler	168.1 and 168.2	Support	For the same reasons provided in submission points 166.1 and 166.2.	Allow the submission
W S Wheeler	169.1 and 169.2	Support	For the same reasons provided in submission points 166.1 and 166.2.	Allow the submission
A A Wheeler	170.1 and 170.2	Support	For the same reasons provided in submission points 166.1 and 166.2.	Allow the submission

Submitter	Submission Point	Support / Oppose	Reasons for support or opposition	I seek the whole (or part) of the submission be allowed (or disallowed) as below
John Ramsey	176.1 and 176.2	Support	For the same reasons provided in submission points 155.1 and 155.2.	Allow the submission
Debbie White	177.1	Support	The submission aligns with the original submission of The Surveying Company.	Allow the submission
Wayne and Michelle Davies	178.1, 178.2, 178.3 and 178.4	Support	<p>The non-complying activity status is unnecessarily onerous and the default Discretionary status fully enables Council to give effect to the policies.</p> <p>The fact that consents have been granted for activities “not contemplated in the zone” is not automatically inappropriate.</p> <p>The statement that the status quo “does not achieve the objectives of the RPS or the AUP” is not supported by analysis. A discretionary activity assessment still requires relationship of the proposal to objectives and policies to be assessed on a case by case basis.</p>	Allow the submission
Arnim Pierau	179.1 and 179.2	Support	<p>For the same reasons provided in submission points 149.1 and 149.2.</p> <p>The plan change is opposed because it works against stated objectives to further hinder a range of land use activities in rural zones; many of which are necessary for the long-term sustainability of rural areas and rural land uses in the Auckland region.</p>	Allow the submission
Blue Tides Farm Ltd	180.1 and 180.2	Support	For the same reasons provided in submission points 179.1 and 179.2.	Allow the submission
Snowberry New Zealand Ltd	181.2 and 182.1	Support	For the same reasons provided in submission points 149.1 and 149.2.	Allow the submission
Southern Paprika	183.1 and 183.2	Support	For the same reasons provided in submission points 149.1 and 149.2.	Allow the submission

Submitter	Submission Point	Support / Oppose	Reasons for support or opposition	I seek the whole (or part) of the submission be allowed (or disallowed) as below
Turners and Growers	184.1 and 184.2	Support	For the same reasons provided in submission points 149.1 and 149.2.	Allow the submission
Paul Boocock and Moir Hill Forestry	185.1 and 185.2	Support	For the same reasons provided in submission points 149.1 and 149.2.	Allow the submission
Humua, Ararimu and Paparimu Valleys	192.1	Support	The submission aligns with the original submission of The Surveying Company.	Allow the submission
Luke Sullivan	193.1	Support	The submission aligns with the original submission of The Surveying Company.	Allow the submission
Jeram and Laxmi Bhana	194.1	Support	The submission aligns with the original submission of The Surveying Company.	Allow the submission
Balle Bros group	195.1	Support	The submission aligns with the original submission of The Surveying Company.	Allow the submission
P, PJ and VP Sain	196.1	Support	The submission aligns with the original submission of The Surveying Company.	Allow the submission
P Sain and C Powell	197.1	Support	The submission aligns with the original submission of The Surveying Company.	Allow the submission
Chanel Hargrave	198.1	Support	The submission aligns with the original submission of The Surveying Company.	Allow the submission
The Askew Partnership	204.1	Support	For the same reasons provided in submission points 148.1.	Allow the submission
Lisa Capes	208.1	Support	The plan change appears to be a catch all response to a perceived (yet unjustified) problem and makes it more difficult for people living rurally to live and work in the same location.	Allow the submission

Submitter	Submission Point	Support / Oppose	Reasons for support or opposition	I seek the whole (or part) of the submission be allowed (or disallowed) as below
Melanie Moylan	219.1	Support	The submission aligns with the original submission of The Surveying Company.	Allow the submission
Charles Wedd	224.1	Support	<p>Through this plan change, Council is ensuring there are no opportunities to consider the merits or environmental impacts of any new, novel or innovating use of land in rural areas, even if that land is unsuitable for rural production or not on elite or prime soils.</p> <p>The Council has not given sufficient recognition or weight to the recommendation and reasons of the IHP on “Activities not provided for”.</p> <p>Introducing a Plan Change simply to rein in or control the decisions made by decision makers is not an appropriate way to address Councils perceived “problem”, particularly if such a problem does not actually exist.</p> <p>There is no evidence or rational discussion given to show that a non-complying activity status will produce superior results over those from a discretionary activity status.</p> <p>There has been no reasonable justification given or accurate analysis provided to suggest that proposed plan change is in any way warranted.</p>	Allow the submission

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Creswell Randolph John Hartnett and Shery Diane Hartnett

Organisation name:

Full name of your agent:

Email address: hartnettclan@xtra.co.nz

Contact phone number: 09 2360469

Postal address:
1988 Great South Road
Bombay
Auckland 2675

Submission details

This is a further submission to:

Plan modification number: Plan Change 20

Plan modification name: Plan Change 20: Rural Activity Status

Original submission details

Original submitters name and address:
C R J Hartnett and S D Hartnett

1988 Great South Road
Bombay
Auckland
2675

Submission number: 79

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:
Point number Option 2
Point number Option 5

The reasons for my or our support or opposition are:
We support the Council in it's objectives to uphold and maintain the Rural Boundaries and negate any Urban, Commercial and Industrial developments that do not align themselves to a Rural Activity whatsoever.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 3 July 2019

Attend a hearing

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

We further add support to the Proposals, as Residents within a Rural area, that has seen Commercialization / Industrialization occur under the deceptive guise of rural activity. We are affected daily by the results of bad decisions made by Council, in the awarding of done Resource Consents without due diligence and ongoing Policing of the said consents. We see first hand the results within our Rural neighbourhood, when the available legislation is not sufficiently robust to make terminal decisions.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Further Submission on Proposed Plan Change 20 to the Auckland Unitary Plan Operative in part

Clauses 8 and 8A of First Schedule, Resource Management Act 1991

To: Attn: Planning Technician
Address: Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142
unitaryplan@aucklandcouncil.govt.nz

Submitter: New Zealand Defence Force
Contact Person: Rebecca Davies, Senior Environmental Officer

Address for Service: New Zealand Defence Force
C/- Tonkin + Taylor
PO Box 2083
Wellington 6140

Phone: +64 21 445 482
Email: rebecca.davies@nzdf.mil.nz and sbevin@tonkintaylor.co.nz

A detailed further submission on Proposed Plan Change 20 (PC20) of the Auckland Unitary Plan Operative in part (AUP) is attached.

The New Zealand Defence Force (NZDF) has military interests throughout New Zealand. NZDF currently operates a number of facilities within the Auckland region, with two of these facilities (Kaipara Air Weapons Range and Ardmore Military Training Area) being located within a Rural Zone under the AUP.

In addition, and as required by NZDF's operations, temporary military training activities (TMTA) may be undertaken throughout the region. NZDF undertakes TMTA as part of its function of maintaining the nation's security, maintaining NZDF operational capacity and providing for the well-being, health and safety of communities. Due to the broad nature of TMTA and the need for NZDF to train in unfamiliar real-world situations, NZDF may need to undertake TMTA in any zone. Therefore it is important that TMTA are provided for in all zones as NZDF wishes to ensure that the capability to conduct training throughout the region is maintained.

NZDF **does** wish to be heard in support of its further submission.

If others make a similar further submission, NZDF will consider presenting a joint case with them at the hearing.

A copy of this further submission has been sent to each person who made the original submission.

A handwritten signature in black ink, appearing to read 'M Davis'.

04/07/2019

Person authorised to sign
on behalf of New Zealand Defence Force

Original Submitter's Name and Address	Number	Support or Oppose	Section Reference and Summary of Submission	Reason	Decision Sought
S.Clark Nurseries Ltd apium@ps.gen.nz	39	Oppose	Amend proposed Rule H19.8.1(AA1) to read "Activities not provided for <u>and activities not based on or related to rural production on elite and prime soils</u> "	NZDF's temporary military training activities are a permitted activity in all zones under Rule E40.4.1 (A23) in the region wide Chapter E40 – Temporary activities of the AUP. It is NZDF's understanding that the specific TMTA rules in Chapter E40 would take precedence over rules in the underlying zone. However, as TMTA are not based on or related to rural production, the proposed amendments to Rule H19.8.1 (AA1) could make it unclear as to which rule prevails. NZDF thereby opposes S. Clark Nurseries Ltd's submission on the basis that it creates uncertainty in relation to the Permitted Activity status of TMTA undertaken in rural zones.	Reject the relief sought or reject in part by amending Rule H19.8.1 (AA1) as follows (<i>edits shown in red italics</i>): H19.8.1(AA1) to read "Activities not provided for <u>and activities not based on or related to rural production on elite and prime soils, unless other use provided for as a region ide activity</u> "

**FURTHER SUBMISSION IN SUPPORT OF, OR OPPOSITION TO, SUBMISSION ON THE AUCKLAND
UNITARY PLAN PROPOSED PLAN CHANGE 20**

Auckland Unitary Plan Proposed Plan Change 20

Clause 8 of Schedule 1 to the Resource Management Act 1991

Further Submitter Details:

To: Auckland Council

Name of Submitter: Arnim Pierau – Submitter Number: 179
 Blue Tides Farms Ltd – Submitter Number: 180
 Gus and Kim McKergow – Submitter Number: 181
 Snowberry New Zealand Ltd – Submitter Number: 182
 Southern Paprika – Submitter Number: 183
 T&G Global – Submitter Number: 184
 Paul Boocock and Moir Hill Forestry Ltd – Submitter Number: 185

Collectively referred to as “The Clients”

Address for service: c/- Barker & Associates Ltd
 PO Box 591
 Warkworth 0941
 Attn: Briar Belgrave/Fern Beck

Scope of Further Submission: This is a further submission in support of (or opposition to) a submission on Proposed Plan Change 20: Rural Activity Status.

As landowners or business operators within Auckland’s rural environment, the Clients have an interest in the proposal that is greater than the interest that the general public has. The abovementioned submitters wish to be heard in support of this further submission. If others make a similar submission, then the Clients will consider presenting a joint case with them at a hearing.

Burnette O'Connor *Briar Belgrave* *Fern Beck*

04/07/2019

Burnette O’Connor / Briar Belgrave / Fern Beck, Barker & Associates Ltd
 (Persons authorised to sign on behalf of submitter)

Date

Introduction

This is a Further Submission on Proposed Plan Change 20 (PC20) which sought to make the following amendments to the Rural Activity Table in Chapter H19 of the AUP (OP).

There are two elements to the proposed plan change (PPC20).

- a) The first is to add to the Rural Activity Table, Table H19.8.1, reference to “Activities not provided for” as follows (additions are underlined and deletions are ~~struck through~~).

Table H19.8.1 Activity Table – use and development [rp/dp]

Activity	Activity Status				
	Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Use					
(AA1) <u>Activities not provided for</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
Rural					

- b) The second part of the plan change is to amend references to "residential" in a number of rural zone descriptions, objectives and policies to refer to "dwellings". The amendments are set out below (additions are underlined and deletions struck through):

The Clients further submit in opposition and support to particular original submissions as outlined below.

Oppose

This is a Further Submission in opposition to all submissions which supported Proposed PC20.

The reasons for our opposition is that the content of those submissions which sought that the Plan Change be accepted, indicated that many of the submitters did not understand the scope of the Plan Change. In particular, a number of these submitters were of the understanding that the Proposed Plan Change would result in the rezoning of their rural properties. In this respect, we consider that the Proposed Plan Change was not well presented to the public, and the intent of the Plan Change not clearly conveyed. On this basis, those submission should not be used to validate and support the success of this Plan Change.

It is noted that only 27 of the 231 submissions on Proposed PC20 sought that the plan change be accepted. The Clients further submit in opposition to the following submissions:

Submission Number	Submitter
1	Ruth Minton
2	Macauley Sei
13	Gi-Jun Oh
15	Barry Potter
20	Alistair Watts
41	Chan Hon
44	Lanzhong Zhao
47	Acie Jie Lin
48	Ian John Smith
49	Jason W & Maggie W Trustee Limited Attn: Zhenxiao Wang
50	Danie Lord
51	Jianyu Chen
55	Qiyuan Zhang
60	Marie Van Es
62	Bing Tong Attn: Katie Tong
72	Xiao Huihui Trustee Company Limited Attn: Esther Huang
79	Creswell Randolph John Hartnett and Sheryl Dianne Hartnett
112	Barbara Lynn Shoop Chatfield
132	Jennifer Brewerton
156	Clevedon Cares Incorporated Attn: Mary Whitehouse
207	Federated Farmers of New Zealand

	Attn: Richard Gardner
213	Aggregate and Quarry Association and Straterra Attn: Jeremy Harding
216	John Gilbert Strachan
226	Maurice Teague
227	Almighty Investments Limited Attn: Wenbin Lin
229	Vinko Holdings Limited Attn: Gary Deeney
230	Keiron John McDonnell and Kevin Neil Wilson and Lysie Walsh-McDonnell Attn: Gary Deeney

Support

This is a Further Submission in support of all submissions which opposed Proposed PC20. In particular, we support the following submissions identified and listed in the table below:

Submission Number	Submitter	Reasons
105	RQ and RX Family Trust Attn: Mike Foster	<p>The section 32 report states that: <i>'A key reason for this plan change is the potential for reverse sensitivity effects'</i>. However, a non-complying activity status will not provide any further assessment on reverse sensitivity effects (or any other effects) than a discretionary activity status. This discretionary activity status appropriately provides Council full discretion to assess any actual and potential adverse effects of an activity proposed in the Rural Zone, and section 104 of the Resource Management Act 1991 (Act) also requires consideration of the proposal against the relevant objectives and policies of the Plan.</p> <p>Proposed PC20 fails to consider whether the existing objective, policy and rule framework is appropriate and/or needs to be revised in light of the proposed PC20 amendments and is based on an inadequate and incorrect section 32 analysis</p> <p>Proposed PC20 is inconsistent with the approach taken throughout the AUP and in the Act, and would lead to unintended consequences.</p> <p>The Proposed Plan Change is contrary to the Independent Hearing Panel (IHP) recommendation for 'Activities not provided for' within Rural zones.</p>
149	The University of Auckland Attn: Mary Wong	
150	Pipers Limited Partnership Attn: Mary Wong	
151	The Gibbs Foundation Attn: Mary Wong	
152	Waiiti Headwaters Ltd Attn: Mary Wong	
155	Q Invest Company Limited Attn: Berry Simons	
160	BAA Land Holdings Limited Attn: Barry MacDonell	
161	Silverdale Estates Limited Attn: Barry MacDonell	
176	John Ramsey Attn: Andrew Braggins and Chris Timbs	
191	The Surveying Company Attn: Leigh Shaw	
192	Hunua, Ararimu and Paparimu Valleys Residents Association Attn: Neil Crispe	
193	Luke Sullivan Attn: Neil Crispe	
194	Jeram and Laxmi Bhana Attn: Leigh Shaw	
195	Balle Bros group Attn: John Gasson	
196	P, PJ and VP Sain Attn: John Gasson	
197	P Sain and C Powell Attn: John Gasson	
198	Chanel Hargrave	

With regard to our support for all other submissions opposing Proposed PC20, the reasons for this are summarised below:

- The purpose of PC20 is stated to be *“to consider and evaluate the best option for dealing with activities which are not contemplated in rural zones, and extend beyond those currently provided for in the rural zones in the Auckland Unitary Plan.”* The Section 32 report supporting the Plan Change is inherently flawed in so far as the matters discussed in this report generally relate to issues with activities that are already provided for within Rural zones i.e. activities such as visitor accommodation and rural commercial activities which are already specifically listed within the Activity Table. The content of the Section 32 report therefore contradicts the stated purpose of the Plan Change.
- The Section 32 Report states that *‘non-complying activity [applications] would require a fuller assessment of such proposals against the objectives and policies of the RPS and DP’*. However, discretionary activities also require full assessment against the same objectives and policies. Given no changes are proposed to the objectives and policies of Chapter H19 Rural zones, the assessment required for resource consent applications, regardless of a discretionary or non-complying activity status remains the same and therefore there will be no change in outcomes.
- The Proposed Plan is contrary to the Independent Hearing Panel (IHP) recommendation for ‘Activities not provided for’ within Rural zones. In particular, the IHP specifically rejected the proposition that activities not provided for should be a non-complying activity because it is considered that such an approach would create unnecessary difficulties when assessing applications for truly novel or unforeseen proposals under section 104D of the Act.
- The Resource Management Act 1991 is an enabling act that supports intervention only when the effects of a proposed activity will be inappropriate.

Further, we note that 163 of the 231 submissions on Proposed PC20 sought that the Plan Change be withdrawn or declined.

Decision Sought

The Clients seek that Proposed Plan Change 20 be withdrawn.

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Charles Wedd

Organisation name:

Full name of your agent:

Email address: charles@wedd.co.nz

Contact phone number: 0274944484

Postal address:
782 Haruru Road
RD3 Kaukapakapa
Ak 0873

Submission details

This is a further submission to:

Plan modification number: Plan Change 20

Plan modification name: Plan Change 20: Rural Activity Status

Original submission details

Original submitters name and address:

C Wedd
782 Haruru rd
RD3 Kaukapakapa

Submission number: 224

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:
Point number Various

The reasons for my or our support or opposition are:
as attached

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 4 July 2019

Supporting documents
Further submission C Wedd submission 224.pdf

Attend a hearing

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:
as attached

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Further Submission on - Proposed Plan Change 20, Rural Activity Status

From: Charles Wedd
782 Haruru Road
Wainui
Phone: 09-420-3063
Email: Charles@wedd.co.nz

Thursday, July 4, 2019

Original submission no. 224

I assert my right to make a further submission given I have an interest greater than the general public as evidenced firstly by being among the tiny fraction of the public that actually made a submission and secondly because of the on-going input and interaction with the consenting process I have had over the last 10 years, including the AUP process.

Further Submission

My original submission focussed primarily on the procedural reasons as to why no weight could be given to Councils proposed plan change given no actual, factual or reliable information or analysis had been provided to support why a plan change was necessary. Let alone why such a change would provide any benefits beyond maintaining the status quo.

The serious flaws inherent in the s32 report meant that it should be disregarded entirely and thus nothing was left to support PC20. Further having read all submissions, no relevant information or supporting evidence has been provided by any submitters to reasonably support PC20 being accepted. For these reasons alone there can be no justification for the Commissioners doing other than rejecting PC20.

In making my original submission I steered away from focussing on the planning justifications for retaining the status quo given both council staff and several commissioners have made it clear that they do not give any weight to non-planning professionals giving evidence in these matters.

However now that several well respected planning professionals have given well reasoned justification for retaining the status quo I can now express my support for those reasons.

“Discretionary” vs “non-complying” activity status

In terms of retaining “Discretionary” as the default activity status for any activity not specifically covered in activity tables, rather than imposing a blanket “non-complying” activity status. I concur with several of the views expressed, namely:

Environmental impact

Contrary to Councils view, there are no positive environmental effects from making the default activity status for all unspecified activities as non-complying, as opposed to Discretionary.

All environmental effects must already be assessed under either activity status.

The RMA is already supposed to be effects based, rather than just rules based and coming from a default Discretionary position does not detract from that.

Cost

The cost for applying for any consent is already extortionate and despite Councils assertions it is far more costly to apply under a “non-complying” activity status than it is under a “Discretionary” one.

Council Procedural Inefficiency

Simply because council are not coping with their current resource consent processing responsibilities does not mean there is any justification under the RMA or any other legislation to attempt to stifle consent applications as a means to reduce workload. A benefit council has specifically stated would occur through the changes proposed in PC20.

Making things easier for council staff is not a positive environmental effect, particularly when the adverse effects on applicants are excessive, particularly in terms of cost, time delays and bureaucratic inefficiency.

As several submitters have stated this is simply council being lazy or indolent.

If council processes and staff are the problem then the solution is clear. Fix councils procedures and people.

Consented Aberrations?

Council claim a few granted consents “prove” the current discretionary status is not working. Even ignoring that the s32 report is not factual and is taking arguments out of context, if there is a genuine list of activities that might be better considered as non-complying in rural areas, then a better approach would be to set up another distinct plan change, to make the status of those specified activities non-complying.

Seeking that as an outcome possible from PC20 would fail to allow proper due process and would not allow full consultation.

NB While the noted council claimed aberrations in the s32 report are regarded as negative outcomes by council, perhaps they instead be looked at as the consent process working correctly in allowing solutions appropriate for a distinct set of circumstances.

Rural activities are not always black or white

Activities in rural areas are often far more complex and nuanced than might be expected in an urban setting. As an example what may be total inappropriate in one rural place may be very acceptable in another area, perhaps even just across the road.

For these reasons it is not possible to make a distinct set of hard and fast rules for every conceivable potential activity. As the AUP commissioners said, this would stifle innovation and novel ideas.

Across the AUP there are several policies and objectives that specifically recognise the diversity of potential rural activities and the flexibility that must be maintained to achieve those policies and objectives. Making all unspecified potential activities non-complying would be contrary to a whole raft of existing AUP policies and objectives.

Council staff are public servants

Council staff are supposed to be there to serve the rate payers and general public, particularly when going through the consenting process. Attempting to implement new rules to make the life of council staff easier at the expense of everyone else is counter to the public service mentality or should be.

Simply because Council staff can't or won't work with the current regulatory framework and rules does not automatically mean the framework is wrong.

Rural vs Urban

What PC20 highlights is the massive rift between urban planners, who seem to have no experience outside of urban areas, and the needs and desires of rural businesses, organisations and people.

Both the RMA and the AUP recognises that the needs of the different components of society may need to be met in different ways to ensure their social and economic wellbeing. Whether it's providing different and more appropriate retirement options for rural folk or supporting small communities social needs the most suitable solutions are likely to be different than might be appropriate in an urban area. Ensuring a default of "Discretionary" helps ensure flexibility in the consenting process, even if urban council staff do not like it.

"Residential" vs dwelling

In terms of retaining the term "Residential" over "dwelling", I concur with several of the views expressed, namely:

Meaning of "residential" in a rural setting IS NOT the same as it is in an urban setting, they are poles apart. Much of the normal infrastructure and developments that make up the living space in rural

areas simply do not exist in urban areas or alternatively are provided as part of councils services. Including such things as on-site wastewater, water supply for both people and animals, etc.

PC20 would likely require a plethora of consents for things that are now permitted, such as (but not limited to):

- Livestock housing – dogs, chooks, pigs, bee hives, etc
- Separate garages and workshops – useful for lifestylers but a vital part of farming infrastructure
- Water tanks and pump sheds
- Stock yards
- Large paved or gravel yards not part of roading.

All of the above seem to be classed as “buildings” and while likely permitted as part of farming infrastructure are not for lifestyle blocks.

AUCKLAND UNITARY PLAN: OPERATIVE IN PART
FURTHER SUBMISSION FOR PLAN CHANGE 20

To: Auckland Council
unitaryplan@aucklandcouncil.govt.nz

Name: Oak Hill Vineyard Limited
 C/- Envivo Limited
 Attn: Tracey Morse
Tracey.Morse@envivo.co.nz

1.0 INTRODUCTION

1.1 This further submission is made by Oak Hill Vineyard Limited (the **Submitter**) in support of a submission on Proposed Plan Change 20 (**PC 20**) to the Auckland Unitary Plan: Operative in Part.

1.2 The submissions to which this further submission is in support of, and the specific part(s) of the submission that this further submission supports is as outlined in the below table:

#	Name and Address	Specific Part of Submission
111	H& L Trustee Company Ltd; 2127 Kaipara Coast Highway	111.2 Make any activity not provided for a discretionary activity in table H19.8.1.
113	Birch Surveyors Limited; submission does not relate to an address	113.2 That Table H19.8.1 is retained as-is with no inclusion of the proposed change regarding “activities not provided for” as a Non-Complying Activity.
151	The Gibbs Foundation; submission does not relate to an address	151.2 Withdrawal of the proposed change to introduce standard (AA1) “Activities not provided for” as a non-complying activity in table H19.8.1.
178	Wayne Davies and Michelle Davies; submission does not relate to an address	178.2 Identify specific activities to which Non-complying activity status will apply; 178.3 Identify a scale of activity as well as specific activities to which Non-complying activity will apply; and 178.4 Differentiate activity status between rural zones according to the environmental sensitivity of the zone. For example Non-complying (NC) status may be appropriate for particular activities in the Rural Conservation zone or the Rural coastal zone but not in the other rural zones.
188	Brooklands TMT Partnership; 600 North Road, Clevedon	188.2 Remove proposed addition to Table H19.8.1 Activity Table – use and development (AA1) “Activities not provided for” (Non-Complying).
190	Pakari Limited; 211 Ellet Road, Karaka	190.2 Remove proposed addition to Table H19.8.1 Activity Table – use and development (AA1) “Activities not provided for” (Non-Complying).

2.0 ISSUE OF THE FURTHER SUBMISSION

2.1 PC 20 seeks to add a new rule to capture any activity not otherwise listed within the Rural zones activity table and consider those activities as a Non-Complying Activity, as follows:

Activity		Activity Status				
		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Use						
<u>(AA1)</u>	<u>Activities not provided for</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
Rural						

2.2 The Plan currently classifies such activities a Discretionary Activity under Chapter C General Rule C1.7(1).

2.3 It is considered by Council that including Rule H19.8.1(AA1), to classify activities not provided for within the Rural zones as Non-Complying Activities, gives a greater level of protection for rural land from inappropriate land uses and development.

3.0 BACKGROUND

3.1 The Mixed Rural Zone is applied to those rural areas with a diverse mix of activities, which include traditional rural land uses, produce sales, retails services and tourist and visitor-related facilities, which is recognised in the zone description as follows:

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. (emphasis added)

- 3.2 The Submitter owns and operates a sculpture park, café/restaurant, conference and function venue at 40 Omaha Flats Rd, Matakana, and a vineyard at 38 Omaha Flats Road, Matakana. These activities positively contribute to the social and economic viability of the Matakana area, attracting approximately 50,000 visitors per year and employing approximately 35 staff.
- 3.3 The activity is one of a number of local visitor attractions in the Matakana area that include wineries, art galleries, arts and crafts, café/restaurants and other rural venues. The majority of those activities are established in the Mixed Rural zone.
- 3.4 The existing tourist and visitor-related activities on the site were consented in September 2015. Were consent for these activities to be sought under the current Plan provisions, these activities would require consent a Discretionary Activity, in accordance with Rule C1.7(1). This rule states that:

Any activity that is not specifically classed in a rule as a permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activity is a discretionary activity ...

- 3.5 Should any future application be made to add other activities to the site, or to revised the scale and number of visitors to the site that application would currently also be assessed on its merits as a Discretionary Activity under the AUP:OIP.
- 3.6 The effect of PC 20, if adopted in its current form, would be to change the activity status for the existing activities on the site from Discretionary to Non-Complying. That would substantially change the risk and costs faced by the Submitter should they wish to seek a future consent to add other activities or to modify the scale of existing activities.

4.0 PART 2 OF THE ACT

- 4.1 This submission seeks to ensure that the AUP: OIP applies planning methods that promote sustainable management in accordance with Part 2 of the Resource Management Act 1991 (RMA). In particular, the methods of the Plan should be the most appropriate in order to achieve Sustainable Management of the natural and physical resources of the land.

5.0 REASON FOR FURTHER SUBMISSION

- 5.1 This further submission **supports** the point raised within the submissions on PC20 from Submitters #111, 113, 151, 178, 188 and 190 (as outlined in Section 1.2 above), namely in relation to the addition of Rule H19.8.1(AA1). The original submissions and this further submission in support of that original submission **oppose** the proposed addition of Rule H19.8.1(AA1) with regards to considering all activities not provided for as Non-Complying Activities within all of the Rural zones.
- 5.2 In particular, not all of the Rural zones identified by the Unitary Plan are intended to be utilised for rural production purposes. It is noted that the Mixed Rural Zone in particular is intended to provide an area for activities that are compatible with rural activities to be established, including “non-residential activities” that are compatible with rural production activities and (existing) rural lifestyle activities.
- 5.3 While Council has gone a long way towards identifying activities that are compatible with rural activities within the Activity Table H19.8.1, it is acknowledged it is not practical, nor feasible, to include an exhaustive list of such activities within the Unitary Plan.
- 5.4 Currently, Rule C1.7(1) enables the proponents of such activities to seek consent as a Discretionary Activity, thereby enabling each such proposal to be assessed on its merits (prior to consent either being granted or refused). For the Mixed Rural zone that method is considered to be appropriate and effective in promoting sustainable management of land in the zone, while avoiding, remedying or mitigating adverse effects.

6.0 AMENDMENT(S) SOUGHT

- 6.1 The Submitter supports the relief sought by Submitters #111, 113, 151, 178, 188 and 190, specifically the retention of Table H19.8.1 in its current form, which maintains Discretionary Activity status for “activities not provided for”.
- 6.2 The Submitter’s particular interest relates to the Mixed Rural Zone, as it applies to its properties located at 40 Omaha Flats Rd, Matakana, and a vineyard at 38 Omaha Flats Road, Matakana

7.0 PROCEDURAL MATTERS

- 7.1 The submitter wishes to be heard in support of its further submission, and will consider presenting a joint case with other submitters who seek the same relief at a hearing.
- 7.2 The submitter does not seek to gain advantage in trade competition through this further submission.

Dated this 17th day of September 2019



Tracey Morse
Planning Consultant – Envivo Limited

Address for service of person making submission:

Envivo Limited
PO Box 109 207
Newmarket
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