IN THE ENVIRONMENT COURT **ENV-2016-AKL-**
AT AUCKLAND

IN THE MATTER	of the Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**) and the Resource Management Act 1991 (**RMA**)
AND	
IN THE MATTER	of an appeal under section 156(1) of the LGATPA against a decision of the Auckland Council rejecting a recommendation of the Auckland Unitary Plan Independent Hearings Panel (**Hearings Panel**) on the proposed Auckland Unitary Plan (**Proposed Plan**)
AND	
IN THE MATTER	of Proposed Plan Hearing Topic(s): (a) 011 RPS Rural (b) 023 SEA and vegetation management (c) 056 & 057 Rural Objectives and Policies & Rural Activities and Controls (d) 064 Subdivision (Rural).
BETWEEN	**DAVID MASON, BETTER LIVING LANDSCAPES LIMITED, PARALLAX SURVEYORS LIMITED, FLUKER SURVEYORS LIMITED, and SAYES IN TRUST LIMITED** Appellants
AND	**AUCKLAND COUNCIL** Respondent

NOTICE OF APPEAL AND ACCOMPANYING APPLICATION FOR WAIVERS AND DIRECTIONS

Dated 16 September 2016

To: The Registrar
Environment Court
Auckland

This document comprises two parts:

(a) **Part A** – Notice of Appeal; and

(b) **Part B** – Application for Waivers and Directions.

PART A – NOTICE OF APPEAL

1. We, **DAVID MASON, BETTER LIVING LANDSCAPES LIMITED, PARALLAX SURVEYORS LIMITED, FLUKER SURVEYORS LIMITED, and SAYES IN TRUST LIMITED**, appeal against decisions of the Auckland Council on the proposed Auckland Unitary Plan (**Proposed Plan**) under section 148 of the LGATPA rejecting recommendations of the Independent Hearing Panel (**IHP**) and proposing alternative solutions.

2. We made submissions on the Proposed Plan as follows:

   - David Mason: Submission #2176
   - Better Living Landscapes Limited: Submission #7371
   - Parallax Surveyors Limited: Submission #6891
   - Fluker Surveyors Limited: Submission #5854
   - Sayes In Trust Limited: Submission #6626

3. We are not trade competitors for the purposes of section 308D of the RMA.

4. The decisions were made by the Auckland Council (**Council**) and publicly notified by the Council under section 148(4)(a) of the LGATPA on 19 August 2016.

5. The decisions we are appealing are in the Council's Decision Report dated 19 August 2016 and Attachment A to that Report relating to "Topic 064 – E39 Subdivision-Rural" which comprised decisions of the IHP on multiple topics as set out below:

Hearings Panel Topic	**Specific provisions comprising Council's alternative solution**
011 RPS Rural	B9.4.1 Objectives (1) and (4); B9.4.2 Policies (1), (3) and (5)

023 SEA and vegetation management	E15.3 Policy 4(a)
056 & 057 Rural Objectives and Policies & Rural Activities and Controls	H19.7.1 Zone Description (Countryside Living Zone)
064 Subdivision (Rural)	E39.2 Objectives (9), 10(c), 14(a) and 14(b); E39.3 Policies (3)(b), 11, 11(b), 11(c) (15), (16), (18), and 18(a); Activity Table E39.4.2 Subdivision in rural zones – Activities (A15), (A16), (A17), (A18), (A23), and (A24); Activity Table E39.4.3 Subdivision in Future Urban Zone – Activity (A28); Standard E39.6.3.2(5); Standard E39.6.4.4, E39.6.4.4 (1)(a), 1(b), (2), (3), (4), (6), (7), (8), (10)(a), (b) and (c), 11, 11(a) and (b), and 12 (b), (c), (d), and (e); Tables E39.6.4.4.1 and E39.6.4.4.2; Standard E39.6.4.5, E39.6.4.5 (1)(c), (5)(a) and (b), 6(a) and (b) 7(b) and (8); Table 39.6.4.5.1; Standard E39.6.4.6, E39.6.4.6(1)(a) and (b), (2) and (2)(a) and (b); Table E39.6.4.6.1; Matters of discretion E39.8.1(6)(a)(iii), (iv), (vi) and (viii), and (7); Assessment criteria E39.8.2(5)(a)(ii), (6), (6)(a), (7), 7(a) and (8)(a); Appendix 15, 15.3.1(a) and (b), Table 15.3.1.1 – Steps (1), (2) and (5), 15.3.2(ii) and (iii), 15.5, 15.5(2)(a) and (c), 15.5(3), 15.6(1)(a), (l), (m), (n), (q) and (r), and 15.6(2)(d).

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

   (a) Deleted the ability to identify Significant Ecological Areas (bush and wetlands) by reference to the criteria in L3 of the Proposed Plan for the purposes of protection in exchange for subdivision rights and required eligibility for such rights to be linked to the Council identified and mapped SEA's in the Proposed Plan only;

   (b) Reduced the incentives for SEA and unmapped significant indigenous

vegetation protection by increasing the minimum area to be protected to 5ha and imposing a cap on the number of lots that may be protected and developed in situ (i.e., requiring lots in excess of the cap to be transferred to the Countryside Living zone);

(c) Reduced the incentives for significant indigenous revegetation in rural areas by imposing a cap on the number of lots that may be created and developed in situ (i.e., requiring lots in excess of the cap to be transferred to the Countryside Living zone);

(d) Reduced the eligibility for and effectiveness of restoration planting subdivision by requiring it to be connected to a Council mapped SEA, and consequently frustrating the methodology enabled by Appendices 15 and 16 of the Proposed Plan;

(e) Reduced the incentives for wetland protection and restoration by imposing a cap on the number of lots that may be created and requiring any such lots to be transferred to the Countryside Living zone (i.e., not developed in situ);

(f) Consequently, renamed "restoration planting" as "revegetation planting" affirming a policy shift to diminish the incentives for SEA restoration in the rural zones;

(g) Consequently, made changes to the RPS objectives and policies, SEA and vegetation management provisions, and Countryside Living zone description in the proposed Plan to be consistent with the reduced incentives for subdivision in the rural zones.

7. The reasons for the appeal are as follows:

(a) Contrary to the Council's decision, in relation to the framework for rural subdivision, the IHP's recommended objectives, policies and rules:

(i) Enable appropriate and limited subdivision opportunities in the rural area, in ways that will not result in a loss of rural production, reverse sensitivity, rural character and amenity effects, or any potential additional demand on infrastructure in remote areas;

(ii) Achieve the Auckland Plan's strategic direction for the rural areas and the concept of "the compact city", and do not threaten the rural production focus of rural areas by allowing a proliferation of rural-residential lots;

(iii) Appropriately provide incentives to focus rural lifestyle living in the Countryside Living zone, while enabling limited opportunities for rural living in the rural zones in exchange for environmental benefits (indigenous vegetation and wetland protection and restoration).

(b) Contrary to the Council's decision, in relation to the prescription of environmental benefits to be accepted in exchange for rural residential subdivision, the IHP's recommended provisions:

(i) Will enable appropriate subdivision in the rural areas with nationally important and regionally significant environmental benefits;

(ii) Will not result in a "significant number" of rural residential lots being generated from wetland and revegetation planting subdivision;

(c) By allowing only the protection of SEAs scheduled in the Proposed Plan to be acceptable in exchange for rural residential subdivision and limiting the incentives for significant indigenous revegetation and wetland restoration the Council's provisions fail to recognise and provide for sections 6(a) and (c) or have regard to sections 7(aa), (b), (c), (d) and (f) of the RMA and therefore fail to achieve the purpose of the RMA.

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

(e) The detailed reasons set out by the IHP in its recommendations on the provisions the subject of this appeal, which are hereby adopted as reasons in support of this appeal.

8. We seek the following relief:

(a) Cancel the Council's decision rejecting the Hearing Panel's recommendations and proposing alternative solutions in relation to the specific provisions identified;

(b) Direct the Council to amend the Proposed Plan to include the Hearing Panel's recommendations in relation to the specific provisions identified;

(c) Such further or other relief as may be required to give effect to this appeal;

(d) Costs against Council.

9. An electronic copy of this notice is being served today by email on the Auckland Council at unitaryplan@aucklandcouncil.govt.nz. Waivers and directions are sought in **PART B** of this notice in relation to the usual requirements of the RMA as to service of this notice on other persons.

10. We attach the following documents to this notice:

(a) copies of our submissions and further submissions (with a copy of the submission opposed or supported by my further submission);

(b) a copy of the relevant decision;

(c) a list of names and addresses of persons served / to be served with a

copy of this notice.

PART B – APPLICATION FOR WAIVERS / DIRECTIONS

1. The appellants apply for the following waivers and directions in respect of service of the Notice of Appeal, the operation of section 274 of the RMA, and the filing and service of any further Court documents relating to the appeal:

   (a) **Service of the Notice of Appeal**

      (i) A waiver of the usual requirement in clause 14(5) of Schedule 1 to the RMA, regulation 7(1)(c) and Form 7 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 (**Regulations**) to serve a copy of the Notice of Appeal on every person who made a submission on the provision or matter to which the appeal relates, and the related requirement in regulation 26 and Form 7 to give written notice to the Registrar of the Environment Court of the name, address, and date of service for each such person served.

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

   (b) **Section 274 notices**

      (i) A waiver of the usual requirement to lodge a signed original and 1 copy of any section 274 notice with the Court, and a direction instead that anyone seeking to join the appeal as a section 274 party may, as an alternative to complying with the usual requirements of section 274 and Form 33, be allowed to file an electronic copy of any section 274 notices by email to the Court's dedicated email address for section 156 appeals (unitaryplan@justice.govt.nz), which may be signed or unsigned, in which case no hard copy need be filed with the Court.

      (ii) A waiver of the usual requirement to serve a copy of any section 274 notice on "all other parties". Instead, service of section 274 notices on "all other parties" can be effected by the Court uploading copies of section 274 notices received to the Environment Court's website. For the avoidance of doubt, an electronic copy of any section 274 notice must be served by email on the appellant and on the Council (to unitaryplan@aucklandcouncil.govt.nz).

      (iii) For those persons who decide to file a hard copy of their section 274 notices with the Court, a waiver of the usual requirement to file an extra copy of the notice.

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

      (i) A direction that, unless hard copies are subsequently specifically

required to be filed and/or served by the Court, all other documents relating to the appeal filed by any party may be:

- filed electronically with the Court by email to unitaryplan@justice.govt.nz, and
- served electronically on the appellant and / or Council, as appropriate, by email,

with service of all other parties deemed to be effected by the Court uploading the document(s) to the Court's website.

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

(a) In total, 9,443 primary submissions and 3,915 further submissions were made on the Proposed Plan.

(b) The appellant supports the Court's proposal to make use of electronic methods of filing and service for all appeals filed under section 156 of the LGATPA in view of the substantial number of submitters.

(c) The waivers and directions proposed above will:

- Substantially reduce the burden on the appellant and any section 274 parties, who may otherwise be obliged to serve documents on a significant number of parties;

- Minimise the quantities of paper which would otherwise be generated by strict compliance with section 156(5) of the LGATPA, clause 14(5) of Schedule to the RMA, and regulations 7 and 26, and Forms 7 and 33 of the Regulations; and

- Address the significant logistical issues for the Court and all parties that would otherwise arise, particularly around filing and service of documents.

(d) On 19 August 2016, the Auckland Council:

- Published a detailed notice in the New Zealand Herald (**NZH**) outlining appeal rights under the LGATPA, and referring to the specific arrangements proposed by the Environment Court for appeals under section 156(1) and (3) of the LGATPA; and

- Sent a similar notice by letter to all submitters and further submitters on the Proposed Plan.

(e) The NZH notice and letters referred to in (d) above addressed (among other matters):

- The dedicated Environment Court email address and website established by the Court, and the Court's intention to make use of electronic methods of filing and service for section 156 appeals;

- The purpose of the Court's dedicated website as a place where all section 156 appeals will be listed, and where all Notices of Appeal and

other documents filed with the Court will be uploaded by Court staff; and

- The availability of two Notice of Appeal templates that had been developed and approved by the Court for use by appellants, which incorporate an application for waivers and directions, including waivers in respect of most of the usual requirements for service of appeals under the RMA.

(f) The Auckland Council intends to publish a further public notice in the NZH and send a further notice to submitters and further submitters, shortly after 16 September 2016, providing an overview of any appeals filed with the Environment Court under section 156 of the LGATPA.

(g) The notice referred to at (d) and (e) above was reproduced on the Auckland Council Unitary Plan webpage[1]. The Council has confirmed that it also intends to:

- reproduce the further notice referred to at (f) above on the same webpage; and

- upload copies of all Notices of Appeal to its website.

(h) The NZH notices and letters described in (d) to (f) above, together with the further publicity concerning appeals on the Council's website as described at (g) above, will assist in addressing any concerns that might otherwise arise from the proposal to waive the usual RMA service requirements.

(i) The Auckland Council consents to the above waivers and directions.

Signature: **DAVID MASON, BETTER LIVING LANDSCAPES LIMITED, PARALLAX SURVEYORS LIMITED, FLUKER SURVEYORS LIMITED, and SAYES IN TRUST LIMITED** by their authorised agent:

K R M Littlejohn

Date: 16 September 2016

[1] http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/home.aspx

Address for service: K R M Littlejohn
Quay Chambers
Level 7, 2 Commerce Street
P O Box 106215
AUCKLAND CITY 1143

Telephone: (09) 374 1669 or 021 657 376

Email: littlejohn@quaychambers.co.nz

Note to appellant

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

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

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

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

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

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

Advice to recipients of copy of notice of appeal

How to become party to proceedings

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

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

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

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

Advice

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

ANNEXURE (a) – SUBMISSIONS

#2176
Vol. 1

Sandy Hsiao

From:	donotreply@aucklandcouncil.govt.nz
Sent:	Sunday, 23 February 2014 11:39 a.m.
To:	Unitary Plan
Cc:	david.b.mason@xtra.co.nz
Subject:	Proposed Auckland Unitary Plan Submission - David Bruce Mason
Attachments:	Submission on the Notified Unitary Plan.pdf

24 FEB 2014

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

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

Auckland Council

Submitter details

Full name: David Bruce Mason
Organisation:
Postal address: 211 Kaipara Flats Road, RD1, Warkworth
Email address: david.b.mason@xtra.co.nz
Post code: 0981
Local board: Rodney local board
Contact Person: David Mason
Date of submission: 23-Feb-2014

Scope of submission

The specific provisions that my submission relates to are:

Provision(s):
Correction of SEA mapping at 226 Kaipara Flats Road

Property address:

Map:

Other:

Submission

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

I wish to have the provisions identified above amended:

Yes

#2176

The reasons for my views are:
The area covered by the SEA (on this property) contains only non-indigenous vegetation. See attached.

I seek the following decision by Council:
Accept the Proposed Plan with amendments as outlined below

If the Proposed Plan is not declined, then amend it as outlined below:
Change the SEA mapping to exclude 226 Kaipara Flats Road

I wish to be heard in support of my submission:
No

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

Telephone: 09-945 0550

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act 1991
I could not gain an advantage in trade competition through this submission

#2176

Submission on the Notified Unitary Plan

Submission by

David Mason
211 Kaipara Flats Road

On behalf of

Eddie and Alison Johnston
226 Kaipara Flats Road

Note: Owing to personal circumstances, Eddie and Alison Johnston are not in a position to present and follow up this submission. Please direct all communications to David Mason.

Regarding

Incorrect mapping of a Significant Ecological Area at 226 Kaipara Flats Road

The Notified Unitary Plan shows a Significant Ecological Area (SEA) encroaching on the property at 226 Kaipara Flats Road.

A copy of Auckland Council's Unitary Plan maps is included in Appendix 1 of this submission. In addition a second image (Appendix 2) from the Unitary Plan mapping system shows—zoomed to 1:500—(the maximum that the mapping viewer allows) the part of the property encroached by the SEA.

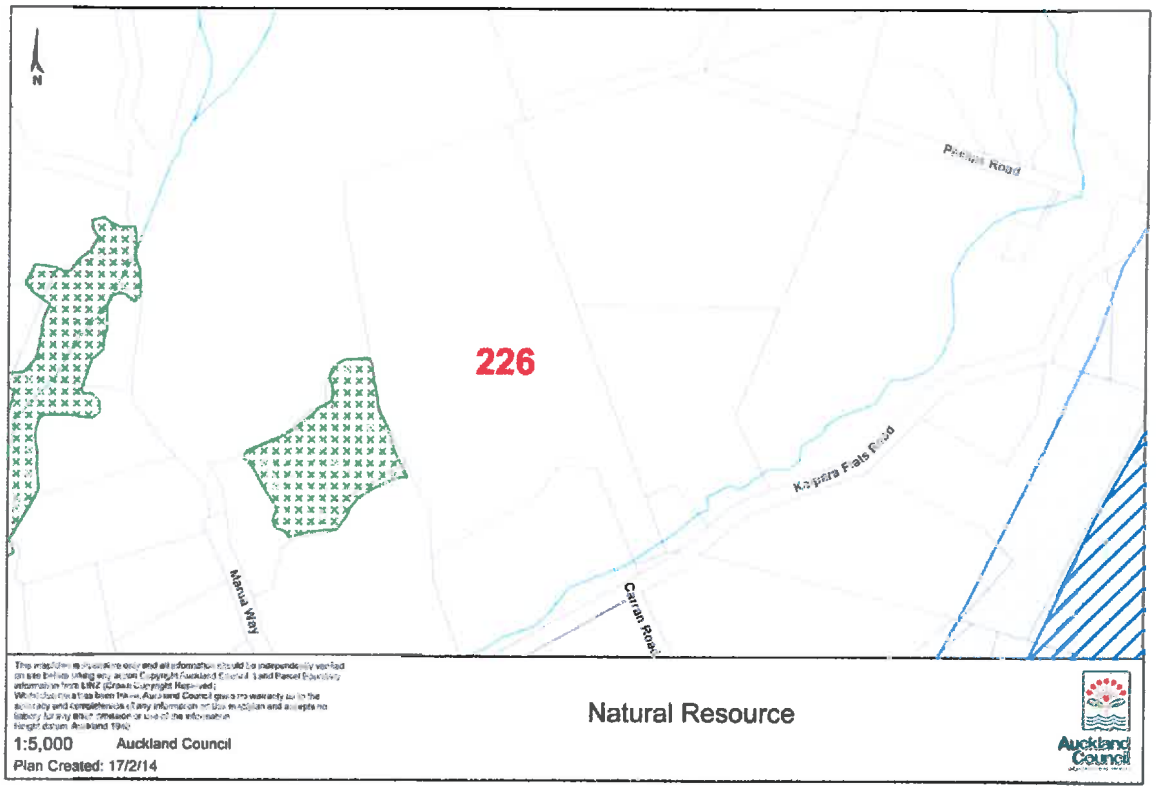
From the online maps, the encroaching area appears to be a triangle approx 8m x 1m and therefore an area of around $4m^2$. Looking at the underlying photo on the online map viewer it appears that this area is grassed. This is confirmed by a photograph taken 21 Feb 2014 and included in Appendix 3 which shows the area to be totally kikuya grass. Immediately over the boundary fence is a line of privet trees and beyond that native vegetation that correctly forms part of the SEA.

The part of 226 Kaipara Flats Road shown within the SEA is exclusively non-indigenous vegetation and has no ecological value. Therefore, it is incorrect for this small piece of land to be included within the SEA.

This submission requests that the SEA boundary be redrawn to remove all parts of 226 Kaipara Flats Road from the SEA.

Appendix 1 - SEA in relation to 226 Kaipara Flats Road—Image from Statutory Maps

The following is page 1 from the Statutory Maps showing 226 Kaipara Flats Road and the encroaching SEA. The page of the Statutory Map was edited to add the street number and saved as a jpeg file. It is otherwise identical to the Statutory Map.



The following embedded file is the Statutory Maps from which the unedited version of the above image was obtained.

Adobe Acrobat Document

Appendix 2 - Encroaching SEA Area—Image from non Statutory Maps

The following was edited from the non Statutory Map to place a box around the area where the SEA encroaches upon 226 Kaipara Flats Road. No other changes were made. 226 Kaipara Flats Road occupies the right 60% approx of this map.

Appendix 3 - Photograph of Encroaching Location

Photograph taken 21 Feb 2014.

The location of the encroaching SEA was determined by measuring its offset north from a kink in the boundary fence using a 100% scale printout of the picture in Appendix 2. The northern and southern extents of the encroachment are (roughly) the blue clip board and the white bucket respectively.

This photograph clearly shows the kikuya grass totally covering all ground, and the privet trees immediately over the boundary fence.

#2176

26 FEB 2014

Vol. 2

Astrid Caldwell

From:	donotreply@aucklandcouncil.govt.nz
Sent:	Tuesday, 25 February 2014 8:10 p.m.
To:	Unitary Plan
Cc:	david.b.mason@xtra.co.nz
Subject:	Proposed Auckland Unitary Plan Submission - David Bruce Mason
Attachments:	Submission into NUP - 3.pdf

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

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

Auckland Council

Submitter details

Full name: David Bruce Mason
Organisation:
Postal address: 211 Kaipara Flats Road, RD1, Warkworth
Email address: david.b.mason@xtra.co.nz
Post code: 0981
Local board: Rodney local board
Contact Person: David Mason
Date of submission: 25-Feb-2014

Scope of submission

The specific provisions that my submission relates to are:

Provision(s):
Various rural policies and rules - see attached for details

Property address:

Map:

Other:

Submission

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

I wish to have the provisions identified above amended:

Yes

The reasons for my views are:
See attached

I seek the following decision by Council:
Accept the Proposed Plan with amendments as outlined below

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

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

If others make a similar submission, I will consider presenting a joint case with them at a hearing:
No

Telephone: 09-945 0550

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act 1991
I could not gain an advantage in trade competition through this submission

#2176

Submission regarding the Notified Unitary Plan

1. Linkage to Previous Planning Documents

1.1. Rodney District Plan and Rodney Rural Strategy

The Rodney District Plan took many years and much litigation to become fully operative. All this time and effort was needed to ensure that the District Plan recognised the circumstances being faced by the rural community and provided appropriate planning responses.

Leading up to the amalgamation of Rodney into Auckland Council, Rodney District reviewed its rural strategy and produced the *Rodney District Council Rural Strategy* (adopted in September 2010). This took a strategic view of planning in rural Rodney and recognised that some changes were required. Amongst other matters, it recognised that the area between Kaipara Flats and Matakana was already heavily subdivided and not a suitable zone for large-scale productive farming. its response was to propose a "MIX1" zone which is somewhere between (in Unitary Plan terms) Countryside Living and Mixed Rural.

The fundamental level of change proposed in the Notified Unitary Plan (that contradicts years of planning processes) is not what the RMA expects of plan updates however major they may be. It requires that the existing plans be reviewed and updated—not rewritten (essentially) from scratch. The many battles fought to make the current district plan operative were for good reasons—and those reasons have not gone away. Residents and ratepayers have a right to expect that those battles need not be fought again.

Council needs to justify very clearly why it feels that such fundamental changes are necessary.

1.2. The Auckland Plan

The major thrust of the Rodney District Council Rural Strategy was carried through to the Auckland (spatial) Plan. The map on Page 231 of the Auckland Plan clearly shows an area from Kaipara Flats through Warkworth out to Matakana as Mixed Rural Production. This was publically consulted on and agreed to by Council.

The Auckland Plan identified a need to balance competing demands on rural land; and it indicated a more focused approach to subdivision but nowhere does it identify a need to halt subdivision. Some of its directives (e.g. 9.1 and 9.2) recognise a need not only for traditional rural farming but also recognise that associated uses are key to a vibrant rural community.

But the Notified Unitary Plan reverts much of this area to Rural - Production (especially in the west). The logic for this change is unstated and totally unclear. And this area cannot meet the objectives of Rural Production due to the near complete lack of economic sized lots. The Unitary Plan's response is extreme and often it contradicts the Auckland Plan.

3/24

#2176

I submit that this land be zoned in line with the Auckland Plan; except that—

- where small lot sizes already predominate those parts should be zoned Mixed Rural, and
- there be a Countryside Living zone to act as a buffer around the edge of the Future Urban zone.

2

Why have an Auckland Plan? Its purpose was meant to be to provide the strategic framework for the Unitary Plan—not be yet another document to collect dust on a shelf somewhere!

4/24

2. Subdivision of Rural Land

Subject to a couple of minor situations, subdivision of rural land is proposed to be prohibited. In reviewing the Regional Policy Statement and the Objectives and Policies of the plan, there appear to be only two articulated drivers for this position—

- reverse sensitivities caused by allowing residences in farming areas, and
- impact upon the road network

I argue elsewhere in this submission that neither driver is an appropriate reason for prohibiting subdivisions.

I submit that subdivision of rural land be allowed in the Rural Production and Mixed Rural Zones where— 13

- the majority of the land being subdivided (i.e. the new site) is not highly productive, or
- a large percentage of the land is being protected (by bringing forward Rodney District Council's existing rules)

3. Regional Policy Statement

3.1. Reverse Sensitivities and Subdivision

Section 8.1 Rural Activities, Policy 4, Page B136

"Manage reverse sensitivity conflicts by preventing sensitive activities (such as rural lifestyle living) from establishing in areas zoned rural production, mixed rural, and rural coastal."

and Objectives and Policies, Section 6.3 Mixed Rural Zone , Policy 4c, Page D100

"Acknowledge the mixed activities occurring in the zone when managing reverse sensitivity conflicts by:

...
preventing further subdivision for new rural lifestyle sites
..."

These clearly link subdivision and the arrival of additional (presumably largely non-rural) residents to reverse sensitivity. This is inappropriate. Firstly, no evidence has been provided by Council to establish that such subdivisions give rise to significant numbers of reverse sensitivity complaints.

Secondly, most rural residents accept what reasonably comes with living in the country; and those that do not should not be able to claim reverse sensitivity. They should leave! And the Unitary Plan should make it absolutely clear that existing appropriate uses may remain without modification.

I submit that this policy should be rewritten to clearly identify that reverse sensitivities cannot result in land use changes with respect to appropriate rural zone activities.

4

See also section 2 which proposes changes to the subdivision rules due to reverse sensitivity.

3.2. Land Use Classifications

Section 8.2 Land with high productive potential, Explanation and Reasons, Page B139

" Land of high productive potential for farming includes elite land (LUC Class 1) and prime land (LUC Classes 2 and 3). This land is mapped on the Land Use Capability maps. The priority in these areas is to maintain the potential for these high quality soils to be used for agricultural purposes, rather than activities that are not dependent on soil quality."

and Section 6.1.1, Rural Economy, Policy 3, Page D94

"Discourage land use activities and development not based on, or related to, rural production from locating on elite and prime land or prevent their use for that purpose"

Council wants to protect prime and elite land from conversion to non-farming uses and uses Land Use Classification as the measure—LUC 1, 2 and 3 being considered elite and prime land.

Most of the land between Kaipara Flats to Matakana is identified as LUC 3 or prime land which implies that it is suitable for horticulture. But a very large percentage of this land is —

- Low lying river flats that are generally highly fertile but are situated within the flood plain. Horticulture is only practical for very short periods between summer and winter. The remainder of the time the land is too dry or too wet, or
- Hilly land which although covered by a small layer (mostly under 150 mm) of quality soil is underlain with heavy clays. Ploughing this land creates a mix of surface and sub soils that bakes rock hard in summer and is puggy in winter. This land cannot readily support horticulture at any time of the year. (I have had to use raised beds filled with compost, sea grass and animal droppings to obtain an effective vegetable garden on such land.)

Evidence of this is the near total lack of horticulture in the area—I can identify only one market garden (on Carran Road) and a handful of small orchards. (I exclude the hydroponic based green houses of Southern Paprika which does not rely on soil conditions). Despite high Land Use Classifications, this land is not suitable for horticulture.

I submit that the definitions of elite and prime land be changed to reflect the written definition as applies in the Land Use Classification but without linking it to the LUC maps. In this way, land can be rated as elite, prime or otherwise based on its actual characteristics rather than a map which makes inappropriate generalisations. 5

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4. Rural Objectives and Policies

The Objectives and Policies of the Notified Unitary Plan are problematic. As well as questions about their appropriateness they are extremely light on detail although they occasionally explore narrow topics (such as boarding kennels) in depth, have inconsistent content between similar zones, contain grammatical issues and as a consequence are sometimes ambiguous. I am not at all sure that they convey what is intended—let alone what is appropriate. It is probable that an extremely wide range of Discretionary Consent decisions could be challenged resulting in a planning system based upon the Environment Court rather than the Unitary Plan.

As well as a high level debate on what the Objectives and Policies should be, any piecemeal clause-by-clause review will likely worsen matters. There is a need to undertake a holistic review of these in order to ensure that they identify the agreed intent.

The following discusses some specific problems and suggest solutions—but clearly does not address the holistic review identified above. Many of the changes identified below will require significant changes to the rules. I have not identified these.

4.1. Lesser Quality Soils and Microclimates

Section 6.1.1, Rural Economy, Policy 4, Page D94

" Recognise and maintain the productive potential of land of lesser soil quality, but with special growth characteristics, such as favourable microclimate, good drainage and availability of water, for rural production purposes, and prevent its use for urban development or countryside living."

When compared with policy 3 immediately before, this prevents the development of some land of quality below prime, whereas policy 3 only discourages such activities on elite and prime land. This is back-to-front. Lesser land should have equal or lesser constraints.

I submit that the lesser quality land identified in Policy 4 be "discouraged" rather than "prevented" for use as urban development etc. 6

4.2. Activities in Rural Zoned Land

Section 6.1.1 Rural Economy, Policy 5c, Page D94

" managing activities in rural zoned land to maintain the natural values, open space and recreational attributes of public reserves and parks, freshwater lakes and the CMA, as part of using and enjoying rural Auckland"

This is ambiguous. Does it mean that all rural zoned land is managed to the level of open space and recreational attributes of public reserves and parks etc or should it be split into two parts—

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" managing activities in rural zoned land to maintain the natural values, **and managing** open space and recreational attributes of public reserves and parks, freshwater lakes and the CMA, as part of using and enjoying rural Auckland"? If the former then I have a serious issue. My land is not a park nor is it operated to such standards. It is a rural property.

I submit that this policy needs rewording as suggested above to ensure that all rural zoned land is not directly linked to the natural values of parks and reserves! 7

4.3. Rural character and amenity value

Policy 6.1.2 Rural character and amenity values, Objective 1, Page D95

"The character and amenity values of rural areas is recognised and maintained while accommodating the localised character of different parts of these areas."

This only allows for maintenance of the rural character and amenity values. It locks the rural zones into a time warp.

I submit that this should be changed to substitute the phrase "allowed to evolve" for "maintained"; which when considered with regard the following phrase " while accommodating the localised character of different parts of these areas" ensures that no unexpected or dramatic changes occur. 8

4.4. Non Residential Activities in Rural Areas

Policy 6.1.3, Rural industries, services and non residential activities, Policy 3a, Page D96

"Enable non residential activities in rural areas where they have a clear and genuine connection with the resources, amenities, characteristics and communities of the areas, with a focus on:

education, healthcare and community facilities that serve the local rural area and provide services not able to be met by similar facilities in rural towns and settlements"

As written, this forces any rural facilities into rural towns if they could be undertaken in any rural town or settlement—whether that is appropriate or not and whether that town is appropriately close/accessible or not.

I submit that this should be changed to "... and provide services **not appropriate to meet or able to be met** by similar facilities in **local** rural towns and settlements" 9

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4.5. Linkage between Roading Network and developments

Policy 6.1.3, Rural industries, services and non residential activities, Policy 5c, Page D97

" Locate and size sites sufficiently to:

...

avoid, remedy or mitigate adverse effects on traffic movement and the road network."

It is inappropriate to link modest developments in rural zones to the capability of the road network. The Notified Unitary Plan provides for the Rural zones to be places where people work and play, and many situations—such as regional parks—already require significant and growing use of rural road facilities. And it is appropriate (and recognised practise) that the roading network support routine developments rather than control them. This is partly why we pay rates and contributions. Instead, Council should accept that the road network is in place and needs to grow to serve the population—not vice versa.

I submit that restrictions upon modest developments due to a lack of road infrastructure should be addressed by Council upgrading the infrastructure—not restricting the activities. And therefore that this clause be deleted. 10

4.6. Forestry

6.1.3, Rural industries, services and non residential activities, Policy 7, Page D97

" Enable forestry where it: ..."

I submit that two additional conditions be added—

d. follows accepted best practise to avoid soil erosion at all stages during the forestry life-cycle (and especially during logging)

e. ensure that all public roads used during logging operations remain at all times safe for public use" 11

4.7. Greenhouses

Section 6.2, Rural Production Zone, Policy 3, Page D98

" Enable the establishment of new and the expansion of existing greenhouses in specific locations where there are advantages for operational efficiencies, transport accessibility and the provision of energy such as natural gas supplies and services, and manage the amenity expectations of other activities in these areas."

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Greenhouses should only be supported in rural locations where they rely on soil-based horticulture (as opposed to hydroponics).

I submit that this paragraph be modified to—

"Enable the establishment of new and the expansion of existing greenhouses ***that rely on soil (as opposed to hydroponic) cultivation*** in specific locations where there are advantages for operational efficiencies, transport accessibility and the provision of energy such as natural gas supplies and services, and manage the amenity expectations of other activities in these areas." 12.

4.8. Linkage to Existing landholdings

Section 6.3, Mixed Rural Zone, Objective 1, Page D100

"The existing pattern of landholdings, and non-residential activities that support them, is used by a diverse range of rural production activities."

and Section 6.3, Mixed Rural Zone, Policy 1, Page D100

"Enable land-based production activities that are compatible with the existing subdivision pattern and recognise them as significant elements of, and the primary contributor to, rural character within the Mixed Rural zone."

These tie developments to the existing lots. It is wrong because there remain mechanisms that allow for subdivision and amalgamation of lots (albeit not easily used), and I believe that it is wrong because the case against subdivision has not been articulated nor agreed with the residents.

I submit that this paragraph be changed to delete "existing pattern of"—

"The ~~existing pattern of~~ landholdings, and non-residential activities that support them, is used by a diverse range of rural production activities." 13

4.9. Motor Sports

Section 6.1.2, Rural character and amenity values, page D95

" Accept that in the Rural Production, Mixed Rural and Rural Coastal zones to accept the following aspects are a typical part of these zones:

...

b. noise, odour, dust, traffic and visual effects associated with use of the land for farming, horticulture, forestry, mineral extraction, cleanfill and *motorised sports*

..."

(my italics)

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Mostly I accept this, but motor sports are not inherently a part of rural Auckland—any more or less than any other part of Auckland. Motorised sports are catered for elsewhere in the Notified Unitary Plan and any requests for additional motorised sport facilities should be addressed through normal planning procedures although an exception could be made for "one-off" activities provided that they are located sufficiently remotely so that noise and dust are within standards defined within the UP and the roading is suitable for the expected traffic volumes.

I submit that Section 3.2.6.1.2 should exclude motorised sports.

Alternatively motorised sports may be considered in a similar vein to boarding kennels with a policy statement virtually identical to Section 6.1.3, Policy 1c(iii), Page D96, which when modified to suit motor sports would be something like

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> " they provide for motorised sports provided that the activities have a minimal impact on adjoining properties. Matters considered will include visual impact, noise, odour, dust and traffic generation."

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5. Rural Rules

The following generally do not cover matters consequential to the above discussion on Objectives and Policies. Where they do cover such ground is because the rule is question is worthy of review regardless of the outcome of the debate on Objectives and Policies.

5.1. Discretionary or Restricted Discretionary / Permitted Activities?

By defining more activities as Permitted or Restricted Discretionary, Council provides residents with a greater certainty as to whether their proposal is acceptable. This will provide a significant impetus for small-scale rural businesses to develop and help make rural Auckland a great place to live (and work) in. And by providing robust guidance through the rules, Restricted Discretionary activities provide a high level of certainty about the outcomes. This category of rules should predominate.

There are virtually no differences in the activity tables between Mixed Rural and Rural Production land. It appears that to achieve its differing visions of the two zones the Council intends to rely on its discretion in applying the rules to the wide range of activates that are Discretionary. The implication of this is that people wanting to undertake a development must take account of the policies and objectives which are not written in a clear "black-and-white" fashion like the rules. This creates several risks—

- unclear outcomes for those wanting to undertake activities resulting in...
- more money being spent on planning and other experts than otherwise justified,
- a proliferation of legal challenges by those large-scale operators with big cheque books, and
- outcomes which suit those large-scale operators rather than small-scale developments more typical of existing residents

By carefully slicing activities into sub groups, it should be possible to move many activities from Discretionary to Restricted Discretionary, or from either of these to Permitted. But leave as Discretionary only those activities that fall outside the more focussed definition and genuinely cause some greater planning issue should they proceed.

I submit that Council undertake a very close look at all rural Discretionary rules and be very sure that for **all** likely circumstances they really do require Discretionary status instead of Restricted Discretionary or Permitted status. And where not all circumstances genuinely require Discretionary status Council should be prepared to split activities into Discretionary, Restricted Discretionary and maybe Permitted sub-categories in order to provide more certainty for straightforward and acceptable situations.

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As a guideline, any policy that "enables" something should be supported by rules that make delivering it (under most circumstances) either "Permitted" or "Restricted Discretionary". Any other form of consent status immediately implies that the activity is not enabled—but rather only potentially enabled.

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5.2. Minor Dwellings

These are no longer to be even recognised—except where multiple (full-scale) houses are allowed.

Under Rodney District's rules Minor Dwellings are a Restricted Discretionary activity and a potential applicant can readily ensure that their application meets all stated criteria and hence is most probably acceptable to council. It will also achieve a consistent outcome. Under the Notified Unitary Plan it would become Non Compliant in the rural zones meaning that there is a very large degree of uncertainty as to whether an application will succeed. But no evidence is provided that minor dwellings would create a situation that is adverse to the policies and objectives.

Faced with this, I would likely choose to extend a house rather than face the bureaucracy—leading to a less than ideal outcome from my perspective but no change to the overall impact of my development upon Auckland. This is not a sensible outcome!

I submit that minor dwellings should be Restricted Discretionary in both the Rural Production and Mixed Rural zones, with Rodney District rules being carried forward. 17

5.3. Potential Land Uses

To purchase and profitably run a traditional dairy or dry-stock farm typically requires 200+ hectares—more if land prices are elevated as they typically are near a city.

Most of the land between Kaipara Flats and Matakana has always comprised small to medium lots; and has in recent years been further subdivided into lots of widely varying sizes—from under 2 hectares up to 50 hectares or so; but with few if any lots remaining over 100 hectares.

As discussed in section 3.2 above there are problems with the LUC maps not reflecting the actual situation on the ground in the area between Matakana and Kaipara Flats which limits the applicability of horticulture in this area. Therefore without large numbers of large lots, it is unclear what type of profitable farming can be undertaken.

I submit that as the need for profitable agriculture underpins the Rural - Production zone, the parts of the area between Kaipara Flats and Matakana zoned as Rural - Production be rezoned with a mix of Countryside Living; and in areas where lot sizes more nearly approach an economic size Mixed Rural. 18

5.4. Rural Settlements

Across rural Rodney, the zoning of rural settlements has moved to very substantially increase lot sizes (mostly to 4,000 m^2) along with limiting settlements to their current boundaries. These rules largely eliminate the possibility of growth. Not only does this limit the possibility of rural settlements housing additional rural contractors and associated trades within the community, but it limits possibilities to develop community infrastructure as envisaged by policy 3a Section 6.1.3, page D96

"Enable non-residential activities in rural areas where they have a clear and genuine connection with the resources, amenities, characteristics and communities of the areas, with a focus on:

a. education, healthcare and community facilities that serve the local rural area and provide services not able to be met by similar facilities in rural towns and settlements ..."

Because developments are generally not allowed in the rural zones and there's insufficient space in rural settlements where can they go? This undermines the objectives of the plan (especially objective 4, of the same section).

I submit that rural settlements (of all sizes) be zoned (both boundary and minimum lot size) to allow for appropriate growth sufficient to facilitate active and progressive rural community hubs. 19

5.5. Assisting the Protection of Ecological Areas?

The Rodney District plan has subdivision rules that encourage the protection of bush and wetlands whereas the Notified Unitary Plan largely eliminates such activities except where there are already scheduled SEAs.

The rules for SEAs make no allowance for the regeneration of ecological areas such as can occur with reverting forestry blocks and wetlands. Forestry blocks can recover their natural state quite rapidly (although it takes many decades for forest trees to mature). And some types of wetland can recover very quickly given a modest level of management. Council makes claims that some regeneration projects are not properly followed after consent and therefore that all regeneration activities are suspect. This is a matter of compliance—and Council already has the legal tools to enforce such matters. Others genuinely wishing to undertake regeneration activities should not be penalised.

There is also no mechanism available (apart from a plan change) to have additional land identified as an SEA.

The plan moves from a "carrot" based approach to a "stick" based approach and as such will cause great strife and very little additional land being protected. I believe that this is contrary to the objectives of the RMA.

I submit that the Unitary Plan provide meaningful benefits rather than excessive costs for protecting the environment. The approach taken by Rodney should be continued. 20

5.6. Why not subdivide "hard" land

The Notified Unitary Plan calls for the retention of existing lots in all of the Rural - Production and Mixed Rural zones. When considering that land in the Kaipara Flats valley (west of SH1)—

- it has never had many large lots (and many of those still exist)

- much of the remainder is already heavily subdivided, and
- much of the land is not valuable as farm land being either swamp or steep hill country.

The swamp land requires constant attention (drainage, top dressing and topping) to avoid it reverting to wetland, and some of these necessary maintenance activities will be restricted by the Notified Unitary Plan due to proximity to streams. And parts of the hill country are no longer being forested—presumably the owners do not consider it economic possibly due to soil erosion caused by logging activities. When I walked that section of the Te Araroha pathway last year it was evident that much of the land around the pathway was being left unfarmed and rampant in kikuya grass. There is no economic argument to halt subdivision in these areas —rather allowing say 1 ha to 2 ha blocks in such areas would most probably increase rural productivity and provide a rural lifestyle opportunity that does not act in detriment of the overall plan objectives.

I submit that subdivision be allowed of "hard" land be allowed. 21

5.7. Is Forestry a Good Land Use?

Forestry (predominantly pinus radiata) is often grown on marginal land—and in some cases on land that is suitable for agriculture or horticulture. To some extent this is countercyclical to the returns for dry stock sheep and beef farming. But despite (or maybe because of) the Government's carbon trading legislation, suitable land is now being returned to traditional farming. The remaining poor quality steep country is considered good for forestry—but at a significant cost—upon cutting, much of the top soil is torn from the hill sides to find its way into the streams and ultimately the harbours downstream.

I submit that forestry should only be allowed subject to practises being in place that avoid erosion at all times through the crop life-cycle (and particularly at time of logging). 22

5.8. Rural Auckland as a Place where City Folk can Play

The plan points out that there are many undeveloped rural lots and proposes that they be built on rather than subdivide further. But a large percentage of these existing undeveloped lots are locked up for family reasons—often for the foreseeable future. There is inevitably going to be a scarcity of rural land (the demand for which has until now been met by active subdividers).

There is plenty of evidence that those urban folk with money will choose to have a weekend/holiday home outside of the city. Where this second home is depends on the desires of those people. Some are prepared to travel long distances and some will want a seaside location. But some will want a quiet rural location—often as a prelude to retirement. Rural land is not expensive by city standards—a home in a good city suburb is much more expensive that a reasonable "10 acre" lot an hour or so from the city. The population intensification in urban areas will provide further impetus for a move by some to the country.

Its inevitable that a percentage of city money will be used to buy up rural land. And with it there is quite likely a change of land use from high intensity traditional livestock farming to lower intensity farming and lifestyle activities—not all of which produce traditional productive benefits.

The plan cannot stop such changes; but offers no alternative as to what to do about them. Likewise I offer no solutions but I do believe that the plan should accommodate such changes positively.

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5.9. Livestock Allowed

The definition of farming—the core rural activity— is quite focused. Rule 13 (Rural Zones) recognises farming as a Permitted activity in all rural zones and the plan later defines farming as "Land used for horticulture or raising livestock". This is OK but the definitions later say that livestock are—

> "Animals raised for food or other products, or kept for use, especially farm animals. Includes:
>
> - meat and dairy cattle
> - pigs
> - poultry
> - deer
> - horses
> - goats
> - sheep."

But I run alpacas. The first paragraph of the Definitions section notes that "the word 'includes' followed by a list is not limited to those matters specified in the list and the word 'excludes' followed by a list, is an exhaustive list" which appears to include my alpacas. I remain concerned that the list in the Definition only comprises "traditional" livestock and so might imply that only traditional livestock are included.

I submit that the definition be changed to " Animals **(both traditionally farmed in New Zealand and other species not traditionally farmed in New Zealand)** that are raised for food or other products, or kept for use, especially farm animals. ..."

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5.10. Bed 'n Breakfasts

Visitor Accommodation is a Discretionary activity in Rural Production but a Restricted Discretionary activity in Mixed Rural. With respect to small-scale Bed 'n Breakfasts I can see no reason why these should have greater controls in more production-oriented areas.

Unlike large scale accommodation (hotels and larger motels) BnBs directly support the rural community in a number of ways—

- they can provide ancillary income to support a rural lifestyle on otherwise uneconomic blocks (that already exist in quantity)

- they can provide a direct support for rural activities (like cafes)
- they provide access to rural areas for urban dwellers , and
- they provide a necessary infrastructure to support tourist based rural activities like farmers markets and horse riding schools

Provided that the scale of BnBs is limited to what is already common in these zones (i.e. large dwelling or dwelling plus a minor dwelling), there would be minimal impact upon the infrastructure—in reality roading is the only relevant rural infrastructure as water would need to be dealt with on-site anyway.

Oddly, camp sites are Restricted Discretionary activities in these zones which (makes sense in allowing urban dwellers more access to the rural environment) but I can see little that makes a campsite more compatible with rural living than a BnB.

I submit that the rules regarding Visitor Accommodation be changed to differentiate between—

- Small scale low-impact accommodation (BnBs) which should be Permitted (or at a minimum Restricted Discretionary),
- Boutique accommodation that should be Discretionary, and
- Large scale accommodation for which there is a case for it to be Non Compliant.

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5.11. Forestry and Road Access

During logging, public access roads become dangerous to use—and often these roads are the only means of access to rural residences. Therefore, restrictions are required as to where forestry is allowed, or alternatively rules are needed regarding road access during logging.

I submit that rules be put in place to ensure that public roads used for forestry remain safe for residents to use. This may involve some of—

- road widening before harvesting
- use of stop/go signals to manage the roads as one-way roads during trucking operations
- Restricting trucking operations to narrow time windows within "off-peak" periods

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This would be at the expense of the forest owners/contractors.

5.12. Noise

Rural areas are not quiet. Normal rural activities (such as the topping of paddocks, cutting down trees and helicopter spraying) are noisy. They are a necessary part of rural life; but are generally transient—mostly lasting only a few hours.

Policy 2 of Chapter D, section 6.1.1, page D94 "Require rural production activities to contain and treat their adverse environmental effects onsite to the fullest extent practicable to protect natural environmental values, avoid nuisance effects and maintain local amenity values and avoid sediment and discharges to freshwater and the CMA." This requires noise to be mitigated to the extent possible on-site meaning that any spill-over noise to other properties should be minimal.

But Table 4 in Chapter H, Section 6.2, Para 1.1 on page H276 allows 5dB more noise in the Mon-Sat 7am-10pm period than allowed for in the Mon-Sat 6am to 6pm period under the Rodney District Plan. Because transient noise sources are excluded (under both the Rodney District Plan and the Notified Unitary Plan) and under the Notified Unitary Plan there is a policy that avoids adverse environmental effects to spill-over, there is no justification for the increase in allowable noise from 50dB Laeq to 55dB Laeq. Therefore the noise limit in the rural environment (net of transient sources) should be very low—in reality virtually only the ambient sound level before considering any man-made sources.

I submit that the 50dB from the Rodney District Plan for the period Mon-Sat 6am to 6pm be brought forward to the Unitary Plan for the nearest matching period—Mon-Sat 7am to 10pm. 126

6. Warkworth Growth

6.1. Warkworth Growth - Provision of Infrastructure

Warkworth is targeted for a very substantial population increase. But it has a very poor level of infrastructure—especially the non-physical areas that make the city liveable.

There needs to be a commitment to providing all infrastructure including—

- local roading upgrades
- good southbound access to and from SH1
- public transport (within Warkworth/Snells/Matakana as well as commuter access to the urban areas)
- cycle ways/footpaths
- water (Is there enough water available without unduly restricting existing bore water-rights holders?)
- waste water (A new much larger facility would be required)
- additional parks, reserves and sports facilities
- public pool
- Warkworth library upgrade
- public halls

I submit that the Zone Rules around the Future Urban Zone explicitly identify that before any land is rezoned into any form of urban zone that— 27

- the expected levels of each category of infrastructure be agreed (city-wide)
- plans be prepared that identify the expected timing of growth in each part of the Future Urban zone,
- plans be prepared that indentify the delivery of each category of infrastructure (some at a single point in time, and others ramped up in line with planned population growth)
- the delivery plans be locked into the Council financial planning processes

6.2. Warkworth Growth - Work Opportunities

The additional population will generate a small number of additional retail and services jobs within Warkworth. Rural servicing will not grow significantly. The Notified Unitary Plan shows no split between housing and commercial/industrial land uses.

I submit that the rules of the future Urban Zone include a requirement to identify sufficient space for both commercial and industrial purposes to match the employment requirements of the urban growth; or where such space is not proposed that suitable levels of public transport be required to enable residents to move to and from work in the major commercial and industrial areas of Albany and points south without needing to travel by private vehicle. 28

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6.3. Warkworth RUB—Buffer Zoning

The plan indicates that immediately abutting the Warkworth RUB will be Rural - Production zoned land. I submit that there should be a buffer area maybe 2 to 4 km wide surrounding the RUB that is zoned Countryside Living. This achieves two things—

- It addresses a need for people who want to move to a semi-rural lifestyle (around Warkworth) who would not be catered for by living within urban land and overlooking rural land. For many people, having a view of rural land in no way equates with being on rural land.
- It ensures that spill-over effects (such as noise) between zones are minimised; and problems such as dog attacks on livestock are minimised. (Despite rules, no plan can ensure that dogs are managed; thus making it a difficult proposition to run sheep, open range poultry and some other livestock near urban areas)

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6.4. Warkworth Growth - Is there a No-Go Point?

I submit that unless all key infrastructure points (listed in the introduction to this section 6.1. above) are funded and built with the proposed level of growth, then either the target population level needs to be increased to achieve a critical mass that facilitates all the infrastructure or the whole idea of growing Warkworth needs to be shelved.

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Most importantly in this respect is public transport. Auckland Council (I presume with support from Auckland Transport) needs to ascertain whether the proposed level of growth can support Warkworth being part of the city's Rapid Transit Network. Joining the RTN would necessitate regular day time and evening services with substantial additional "rush hour" services. I suggest that this means that the off-peak part of the service would need to be at least half hourly in each direction. And it would need to be based at a Warkworth Park n Ride station given the limited existing local public transport (one shuttle between Matakana/Snells and Warkworth) and the large rural population beyond any foreseeable extension of public transport.

If this and the other infrastructure requirements cannot be met, then the proposed growth should not be allowed.

7. Warkworth Township

7.1. Riverside Zone Change

The zoning of Warkworth shows a sizeable town centre zone covering an area broadly between the river and Bertram Street/Hexham Street. This includes the area between Queen Street/Baxter Street and the river.

The Mahurangi River is the basis of Warkworth's history, its defining feature, and access to it and views of it and its bush backdrop will pay a critical part in its liveability. The town centre and the river should be connected in a manner that invites a free flow of people between them.

I submit that the zoning of the land between Queen Street/Baxter Street and the river should be changed so that— 31

This area be removed from the Town Centre Zone to a more suitable zone or precinct rules be tightened along the following lines...

- Future developments be limited to the existing footprints and heights
- The existing precinct rules regarding views of and access to the riverfront be strengthened including requiring any developments to —
  - actively facilitate the flow of people to and from the river side
  - provide enhanced views of the river and bush from public areas within the development and from nearby public and private land
- The lot immediately behind the Old Masonic Hall and the car park beside the Old Masonic Hall neither of which is built on, be rezoned as Reserve

Note: I was strongly against the idea of a town hall facility (now cancelled) that was to be built in this area. There are places elsewhere in Warkworth (although possibly subject to zoning changes) for such facilities that have the added advantage of accommodating the number of car parks required.

7.2. Parking

Warkworth is considered a Town Centre within Auckland planning. And with that comes all the policy objectives regarding town centres. But unlike urban town centres, it is also a rural servicing town and to fulfil this role it needs to provide adequate access for rural folk. Warkworth has (almost) no public transport especially between rural areas and town, and rural roads are too dangerous for cycling and mostly lack footpaths / cycle ways. To overcome these problems, there needs to be substantial public parking within or close to the town centre.

Without dramatic improvements to rural infrastructure, the policies (such as Policy 4b in Chapter C, section 1.2, page C6) regarding encouraging people to take public transport / cycle / walk (especially from the surrounding rural areas) cannot apply to rural servicing towns.

I submit that the Unitary Plan needs to be clear that the parking limitations that are policy for Town Centres cannot apply to Rural servicing centres like Warkworth.

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> Note: The two Warkworth supermarkets have sizeable car parks, but because they are private, the operators have the right to tow away people if they are not using their shops (at the time of towing). This does not sit well with the fine-grained nature of the Warkworth town centre. A partial solution to the parking problem would be for those car parks to become public (subject to standard 2/3 hour time limits).

7.3. Vertical Development

The Notified Unitary Plan allows four story development through all of the Warkworth town centre apart from sites containing historic buildings. There needs to be a mechanism whereby new multi-storey developments do not crowd out, remove sunlight or substantially reduce the outlook from existing lower sites.

I submit that there need to be—

- Significant set backs for any developments adjacent to historic buildings
- Setbacks of a lesser degree for other lower buildings

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I understand that there are design guidelines being developed around multi story developments in town centres. These must avoid having monotonous street frontages with all buildings looking similar, in favour of a wide range of different (and hence interesting) architectural styles, heights and set backs. These matters need to be enforced within the Unitary Plan.

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8. Significant Ecological Areas

The mapping of SEAs is at times sloppy. A neighbour of mine received a letter saying that they had an SEA on their property despite their property only containing grass and some gorse. Close inspection of the online map showed that the outline of a neighbouring SEA crossed their boundary encompassing maybe 4 sq m of their property. That 4 sq m is grassed with kikuya (presumably now considered ecologically of interest) . A separate submission addresses this situation, but there are similar cases.

Not every resident understands the reasons for being aware of SEAs and their implications, and has the time, internet access and ability to research the online maps. Given the potential long term implications of SEAs a careful audit is needed of proposed SEAs before the plan is notified. And each affected resident needs to be provided with a map showing where their SEA is located and an explanation as to why it is considered an SEA.

Having an SEA on one's property appears to be quite restrictive on some land uses. It takes much knowledge of the plan to ascertain what these are. A full summary is required of what is and is not allowed in such circumstances.

I submit that—

- the Council audit all SEAs to ensure that the boundaries contain only ecologically valuable species per the definition,
- minor incursions across boundaries (where proven to be ecologically valid) be disregarded, and
- Council publish a separate document that outlines all the rights and obligations of residents who have SEAs on their property.

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#5854

Astrid Caldwell

From:	donotreply@aucklandcouncil.govt.nz
Sent:	Friday, 28 February 2014 12:42 p.m.
To:	Unitary Plan
Cc:	stuart@fluker.co.nz
Subject:	Proposed Auckland Unitary Plan Submission - Stuart Fluker
Attachments:	Unitary Plan Submission for Fluker Surveying Ltd.pdf

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

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

Auckland Council

Submitter details

Full name: Stuart Fluker
Organisation: Fluker Surveying Ltd
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Post code: 0945
Local board: Hibiscus and Bays local board
Contact Person: Stuart Fluker, Director
Date of submission: 28-Feb-2014

Scope of submission

The specific provisions that my submission relates to are:

Provision(s):
Multiple - Refer to the attached submission document

Property address:
Multiple - Refer to the attached submission document

Map:
Multiple - Refer to the attached submission document

Other:

Submission

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

I wish to have the provisions identified above amended:

Yes

The reasons for my views are:
Refer to the attached submission document

I seek the following decision by Council:
Accept the Proposed Plan with amendments as outlined below

If the Proposed Plan is not declined, then amend it as outlined below:
Refer to the attached submission document

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

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

Telephone: 09 4270003

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act 1991
I could not gain an advantage in trade competition through this submission

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28 February 2013

fluker
SURVEYING LTD

SUBMISSION ON PROPOSED AUCKLAND UNITARY PLAN (PAUP)

TO: Auckland Unitary Plan Feedback Team, Auckland Council, Freepost 237170, Private Bag 92300, Auckland 1142

EMAIL: - unitaryplan@aucklandcouncil.govt.nz

FROM: Fluker Surveying Limited

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INTRODUCTION

Fluker Surveying Limited is a small private consultancy working throughout the wider Auckland area and based in Orewa.

SUBMISSION

The following is a submission on some aspects of the Draft Unitary Plan that we believe need work. We have commented on the aspects of the Plan that in our view, need further consideration or rethinking.

We have tried to make the comments as brief and concise as possible. We are happy to discuss any matters if further discussion would be helpful.

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The comments have been made in a relation to various topics but are concerned mostly with the current subdivision provisions in the Proposed Unitary Plan. Other provisions of the plan have been commented on briefly. Submissions have been **highlighted and are in bold**.

One of the aspects that Auckland Council has promoted is that the Proposed Auckland Unitary Plan (PAUP) will simplify and make easier development within the City with continuity throughout the wider region and we agree that this is the case with many aspects of the plan.

MAPS

Regional arterial routes/road rules

Alter the colour that show where a road is "classified". Grey is extremely difficult to see. 1

Provide for printing so plans are able to be printed at scales of 1:25000 2

GENERAL SUBMISSION ON PROPOSED RURAL SUBDIVISION RULES CHAPTER H.5

General comments and overall objection to new rural zones within the Rodney District Area.

It is noted that there are major changes to the provisions which allow, or do not allow for development within the rural areas. For some areas, including the Rodney area, the provisions of the existing District Plan that provide for development within these areas including subdivision have been through a very recent, and solid planning process as required under the Resource Management Act 1991, (the Act), (i.e. significant consultation, submission and appeals) concluded in 2011, and these rules have been simply removed within the PAUP, instead of being utilised as the basis for subdivision within the rural areas.

We have looked at various background reports relating to the Section 32 analysis and also the Section 32 RMA report of the Auckland Unitary Plan Audit Harrison Grierson and NZIER report to the Ministry for the Environment dated November 2013. This report sets out some key points relating to general quality on page ii.

We consider that this does summarise the way in which the rules for Rural Subdivision have been orchestrated, and strongly suggest that further information and analysis should be undertaken. The Auckland Unitary Plan Audit by Harrison Grierson and NZIER report states: -

> *Areas where further analysis or information could assist*
> • *in the majority of sampled topic reports reviewed there was a lack of comprehensive analysis of alternatives. The focus on the preferred option and the cursory development of other options (other than the status quo) suggested that the preferred option had been decided upon prior to the evaluation*

Our submission is that the old Rodney District Area should be a separate section in the PAUP, and that the existing rules for subdivision within this area should be transferred into the PAUP. The new proposed rules should be removed from this area of the District.

3

Comments on the wide spread use of "Prohibited Activity" status for subdivision that do not meet the criteria set out within the plan.

We have major concerns relating to the wide spread use of the Prohibited Activity status. Further comments on this are attached in Appendix A. This will prohibit any subdivision for any other purpose, and will cover any "unforeseen" or individual circumstances, until a review is in place. The lack of reviews within the existing District Plans can be considered to be an indication that this will not occur within a 10 year time frame.

Alter any rule such as part 9 (b) which says all subdivision which does not meet the controls will be a prohibited activity to be a noncomplying activity.

4

Comments on the 150 ha figure used for Rural Production and Mixed Rural sites

Auckland Council (AC) has stated in the Section 32 analysis under section 1.6.2 that "very large sites where the resulting sites are large enough to sustain reasonable rural production activities (150 Ha as the minimum site size) "

This appears to have been an arbitrary number chosen with no support in the section 32 analysis for this figure. As this has been identified as a rural "productive" landholding, more analysis needs to be undertaken if the 150 hectare figure is in fact going to be retained. Review, improve, re analyse this and amend this "capped" area.

Further to this, few of the sites that have been accommodated within the "Rural Production zone" would meet the minimum "productive site size". So the zoning or analysis of this zone and site areas are not coherent. It would appear that, by these standards, the majority of existing lots/sites are "unproductive" land within the Rural Production zone, making the zone redundant.

The section 32 Analysis states that The Resource Management Issue to be Addressed under section 1.2 is

> *The key issue addressed in this section 32 report is the adverse effect of site fragmentation unrelated to productive land use. This report documents the key resource management issue, the adverse effects of site fragmentation, and describes why it is necessary for the Unitary Plan to build on but ultimately take a different approach from the various approaches used in legacy councils' district plans.*

This rural land fragmentation has already occurred.

Review the zone and analysis of "productive site size".

Comments on the use of Transitional Titles

While we can see the point in having these across the zones to achieve less rural-residential type sites within the "rural" land, it is difficult to see how this will actually be achieved. There has been a similar rule within the Rodney Plan for some time now, however it appears that no assessment was made for these rules, how they have been utilised, if they have been utilised and how successful they have been, within the section 32 analysis. There has been no assessment of the rule for transitional titles similar to those that AC now seek to implement.

Further analysis required of the success of similar rules that currently exist. An Independent report outlining how well the similar provisions currently work within Rodney (or any similar) District Plans.

Issues relating to this we can foresee include

- The limited value these "titles" may have
- The limited market where they can be "sold"
- The "benefit" to the donor site (costs of creation, fencing, survey costs, weed and pest over extensive areas) is not of enough value.
- Costs of receiver sites being actually accommodated within the Countryside living areas. They must also purchase the site from the donor for a start.
- The development costs associated with providing them i.e. Council costs to process BOTH the receiving and donating titles for subdivision runs into the tens of thousands of dollars (before the sites even exist).
- Major issues over management, timing, of selling and buying of Transitional Titles

More information and analysis including an assessment of existing rules within the section 32 analysis to show how this will work is required.

REZONING OF PROPERTY AT 182 and 184 HIBISCUS COAST HIGHWAY

The sites at 182 and 184 Hibiscus Coast Highway should be rezoned to Neighbourhood Centre to coincide with the sites to the west which include mixed use buildings holding a liquor store, dairy, and restaurant and offices. The subject sites operate as an Office for Land Surveying and a Locksmith, and are part of a small local business area with shared parking available and access. The site at184 Hibiscus Coast Highway have been offices since 1982, operating under a resource consent.

Current zone – Single House

Amend zone to be Neighbourhood Centre.

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SUBMISSION ON PARTICULAR PROPOSED RULES WITHIN PAUP

PART 2 REGIONAL AND DISTRICT OBJECTIVES AND POLICIES

CHAPTER C

Rule 6 (Subdivision)

Policy 6 (d)

Underground reticulation of power supply in rural zone is not economically feasible.

This policy is more about improving the visual characteristics of rural areas rather than providing for productive activities. **Allow for overhead power supply as well**. 9

PART 3 REGIONAL AND DISTRICT RULES

Chapter H - Earthworks Within Residential Areas

Part 3 Chapter H section 4.0 part 4.2 Activity Table 1.1.

Clarify that the areas utilised for parking and access can be deducted from the total maximum areas listed for various activity status. For example the area relating to driveways and parking (as these are permitted) are deducted from the total area of works, and then the volume and areas set out on the table are based on this calculation. 10

Increase the total areas and volumes associated with permitted activity status to 1000m^2 and 300m^3 in the Residential zones. With the overall increase in the density across much of the residential areas there will be a substantial increase in the amount of earthworks that will be undertaken to develop a property. 11

Part 3 Chapter H section 4.0 part 4.2, Part 2, 2.1.1

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Clarify – The accuracy of the siting of the Scheduled place. Under the controls, the Plan is requiring that work be 20 m from a scheduled Historic place – normally this is just indicated as a "site" on the plan so the plan needs to ACCURATELY locate the "scheduled place" if you are requiring people to be 20 metres from it. Coordinates might be helpful here? 12

Chapter H - Earthworks Within Rural Areas

Clarify - There is no definition of "track?" This will come under debate. 13

Chapter H - Flood Paths And Overflow Paths

PART 3 - REGIONAL AND DISTRICT RULES» Chapter H: Auckland-wide rules»4 Natural resources»4.12 Flooding»1. Activity table

Clarify - There are no overflow paths shown on the PAUP maps? Is this an over sight? If overflow paths are going to be referred to in a rule they should be shown on a map.

Clarify - Information regarding why the area was shown to be subject to flooding should be accurate, and easily accessible to applicants. 14

Areas are set up within the activity table as

1 per cent AEP flood plain

0.5 per cent AEP flood plain

Activities within overland flow paths

Activities in flood-sensitive areas, flood plains and overland flow paths

Activities in Flood Prone Areas

Clarify - No definition of Flood Prone Area (Does this include all the areas?) 15

Clarify – a public document to all those owning property within areas that further building /extension/conversion will be a non complying activity, to make it clear to the landowner that no further development on their sites will be able to occur. Much of potential development

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that would be a non complying activity are located within a mix of Single Dwelling, Mixed Housing Terrace Housing and Town Centre areas.

ZONES ACROSS OREWA AND RED BEACH

We support the higher density zones and more intense zoning within the area of Orewa and Red Beach. 16

However the zones should accurately reflect the existing high intensity areas, and existing high intensity residential zones. Where sites have already developed at a high intensity i.e. Hatton Road, zoning should reflect the existing development here. It is also noted that in a number of areas, the zone conflicts with the rules relating to "vulnerable activities in the flood zones" as non complying activities.

Across much of these areas, it is likely that vulnerable activities can occur where this is supported by evidence of a flood report and mitigation, such as minimum floor levels to reduce flood risk, as is the case for developing within these areas now.

Amend rules to support these activities within the activity table 1.0 under rule 4.12, and alter various subsequent rules under 4.12 to provide for these activities as a restricted discretionary or discretionary activity. 17

CHAPTER H - SUBDIVISION

H.5.2 GENERAL CONTROL 2.1

4 (a) (iii) requires all sites capable of containing a building to be provided with underground water and electricity supply.

Water is not available to all sites created especially within the Countryside Living or Rural zones.

Overhead supply of electricity should be allowed within the rural zones.

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Amend clause to read "underground water and electricity supply in urban zones and overhead electricity in rural zones" 18

Electricity supply should provide for alternative means such as solar, wind, micro hydro etc in rural or (all) zones. 19

Telecommunications supply should provide for alternative methods such as cellular and satellite. 20

6 (a) Esplanade Reserves

Delete requirements to create esplanade reserves or strips on sites greater than 4 ha, unless Council can prove there are funds to compensate the land owners for value of land lost, survey costs (as per RMA) and upkeep. 21

Amend to include rivers or streams (non tidal) with a width of 3 metre or greater. 22

6 (c)

Any reduction in width should be assessed as a restricted discretionary activity and not provide for the assessment of the application to be open to other matters irrelevant to reserves.

Amend classification of activity to restricted discretionary activity where esplanade reserve does not meet controls. 23

6 (d)

As it is anticipated that the Parks and Reserves Department will be deciding on whether to accept a reserve or strip, consideration of the matter should mean the activity status regarding reserves issues is a restricted discretionary activity. **Amend rules to reflect this.** 24

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CHAPTER H - SUBDIVISION

H.5. ACTIVITY TABLE 1.0

The Activity Table states that the Conversion of a cross-lease to a fee simple title, except in any rural zone is a controlled activity.

Clarify the situation if the lot sizes do not comply with the new rules in that zone. 125

Making the freehold of cross lease titles a controlled activity is strongly supported, however if for example land is flood prone but buildings exist, is this a controlled or restricted discretionary activity?. Clarification required. 126

Existing cross lease "titles" of ½ share in sites.

Due to the definition of "title" there is no provision for building on existing cross lease titles that exist throughout the District. There will be some land owners who have cross leased their titles some time ago and have not built on the second stage. We consider that it would be fair and reasonable that these land owners, or future landowners are able to build on half sites that have not yet been built on, without the need to have to go through a "resource consent" for this to occur. In some cases this will be a "non complying" activity. We consider that for existing half shares (or the equivalent) it should be a permitted activity to build on these sites. 127

This should be introduced as a permitted activity within the PART 3 - REGIONAL AND DISTRICT RULES Chapter I: Zone rules 1 Residential zones 1. Activity table.

PART 3 - REGIONAL AND DISTRICT RULES » Chapter H: Auckland-wide rules » 5 Subdivision » 2. Development controls » 2.1 General controls

H5.2 Dec con 2.1 (5)

Rule 5 - The applicant should not be required to provide for an intended timetable for subdivision. Timing can be influenced by many outside factors. The time is limited by the expiry of the consent. **Delete references to timing.** 128

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2. Development controls » 2.2 Controls for specific activities » 2.2.2 Controlled activity controls

Under the controls for controlled activities the Plan states that the dwellings can have an existing resource consent (cross lease plan approved?) but to be a controlled activity must also meet part 3.(c). This is unlikely to be the case of course and then makes any upgrade of cross leases a discretionary activity. This seems to conflict with part 3 a? If it's a cross lease then it will be a new site affecting a building on at least one of the sites. **Clarify activity statues above.**

129

3.New cross leases and amendments to cross-leases, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners, and company lease, unit titles and strata title subdivisions

a.All buildings must:

i.have existing use rights, or

ii.comply with the relevant Auckland-wide and zone rules, or

iii.be in accordance with an approved land use resource consent.

b.All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.

c. Subdivision consent affecting a building or any part of a building, any proposed covenant, unit or accessory unit boundary, must not result in any infringements of any relevant Auckland-wide and zone rules.

d.Parking spaces must be created as accessory units or common areas when associated with an approved use or activity. Parking spaces must not be created as principal units, unless provided for by a resource consent.

e.All service connections and on-site infrastructure must be located within the boundary of the site it serves or have access provided by an appropriate legal mechanism.

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Change rule to allow the provision of cross lease title to free hold regardless of site size, location of existing buildings etc as a controlled activity providing separate servicing is provided.

30

PART 3 - REGIONAL AND DISTRICT RULES»Chapter I: Zone rules»1 Residential zones and PART 3 - REGIONAL AND DISTRICT RULES»Chapter H: Auckland-wide rules»1 Infrastructure»1.2 Transport»3. Development controls»3.4 Access

Shouldn't the residential rules also have a rule which relates to access that is identical to the provision of the subdivision rules? This can create problems when vacant sites are created and development proceeds with more than one dwelling in accordance with density – but this may require a non complying/discretionary subdivision consent to unit title or freehold title as there are conflicting rules relating to access requirements. Amend access provisions in subdivision controls H.5.2.2.3.1.(4) to say "unless approved within an existing land use consent or permitted development under the residential rules in Chapter…section 1.2 Transport."

31
68

Amend to provide access provisions within residential and rural rules identical to those under the subdivision rules or amend subdivision rules to suitably cater for activities undertaken in accordance with transport rules as a permitted activity or within a land use consent.

WIDTH OF ACCESS - *PART 3 - REGIONAL AND DISTRICT RULES»Chapter H: Auckland-wide rules»5 Subdivision»2. Development controls»2.3 Controls for activities in particular zones»2.3.1 - Residential zones H 5.2 Development Control 2.3.1 (4)*

Under 4 Access to rear sites

This is required to be to a width 6.5 meters for 6-8 rear sites. Given that most existing District Plans have a minimum width of 6.0 metres, to change this to 6.5 metres would appear to create issues preventing more than 6 dwelling being created on some sites that may otherwise be able to obtain this density. Services are now mainly thrust underground to avoid the need to dig up the carriageway. Carriageway widths are set at 5.5 metres so a minimum width of

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6.0 metres would appear to be more appropriate. This appear to be more in line with the access provision under section 1.2.

Amend rule to require access to 6 – 8 lots to be 6 metres. 1 32

The maximum access length of 50 metres is insufficient - if you are servicing 6 – 8 dwellings the access is most likely to be more than 50 metres in length. This should become a restricted discretionary activity – with the requirement for consideration of safe and efficient access ONLY.

Amend rule to make passing bays required every 50 metres with no maximum length, and change the activity status to restricted discretionary if these provision cannot be met. 133

TERRACE HOUSING ZONE - *PART 3 - REGIONAL AND DISTRICT RULES»Chapter H: Auckland-wide rules»5 Subdivision»2. Development controls»2.3 Controls for activities in particular zones»2.3.1 Residential zones - H 5.2 Control 2.3.1.(1) Activity Table 1*

It appears that the zone only provides for 1200m^2 sites. Presumably it is therefore not possible to subdivide existing sites down to smaller sizes representing the density provided for within the plan such as 400m^2.

These areas are located within the sites that are already developed. It is unlikely that 1200m^2 sites will be able to be easily accommodated within the zone. Existing houses are not necessarily positioned in places that can easily cater to create a 1200m^2, even if adjoining sites are amalgamated. The existing land owner does not have provision to create a smaller vacant site.

Provide for the ability to create smaller vacant net sites in the Terrace Housing zone. 134

REQUIREMENTS FOR VACANT SITES TO PROVIDE OUTDOOR SPACE AND ACCESS AND MANOEUVRING - *PART 3 - REGIONAL AND DISTRICT RULES»Chapter H: Auckland-wide rules»5 Subdivision»2. Development controls»2.3 Controls for activities in particular zones»2.3.1 Residential zones*

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H.5.2 Controls 2.3.1(2)

> *2.Site shape factor Each proposed vacant site must contain the following:*
> *a.access and manoeuvring that meets the requirements of the Auckland-wide and zone rules*
> *b.private outdoor space required by the zone*

If the sites are vacant, development will be unknown for the site - this requirement is unnecessary.

135

Delete section 2

H.5.2. Controls 2.3.1 2 c vii

Consultation with AT is required to remove any building line restriction. This will occur at the time of the subdivision. There is no need for the rectangle to be outside this area if AT have approved the removal. In terms of procedure, no one will wish to remove the building line restriction from the existing title, this will be undertaken on issue of the new title. This is a matter now between AT and land owner.

136

Delete building line restrictions on a Certificate of Title

H.5.2. Controls 2.3.1 (4)

4. As above access to rear sites (6-8) should be 6.0 metres in width and not limit on access – this should be dealt with by passing bays every 50 metres. **Amend provisions.**

137

Where subdivisions do not meet the access provisions this should be a restricted discretionary activity NOT a discretionary activity – and subject to evaluation of safe and efficient access being provided for the number of lots. Density provisions should set the number of lots, not the width or length of access or neighbours adjacent to this access if safe and efficient access can be provided. **Change Activity status – where access length/width is not met, to restricted discretionary and new criteria added.**

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RURAL ZONE - *PART 3 - REGIONAL AND DISTRICT RULES » Chapter H: Auckland-wide rules » 5 Subdivision » 2. Development controls » 2.3 Controls for activities in particular zones 2.3. Rural zones 2.3.3*

H.5.2 Development Control 2.3.3

2.3.3 Rural zones

"The following controls apply to all subdivision in the rural zones."

Delete this sentence – amend the provisions under this so that they relate to Transferable titles only. Boundary adjustments/relocations and sites for 150ha should not have to meet these criteria. 139

H5.2 Dec Con 2.3.3 - 1.a

Delete – Too restrictive - A suitable building platform should be shown where people can build. The Council will no doubt receive so many amendments to alter the position of the "specified building area" it is better to do this when the building on the site is designed. Sites will be 4 ha and 2 ha in most cases. There are numerous building sites available. 140

H5.2 Dec Con 2.3.3 - 1.c

Amend area to 2000m² – 5000m² is a lot? **Delete remainder** this is too restrictive and should be done at the time of designing the house. 141

H5.2 Dec Con 2.3.3 - 1.d

Delete Once the site has the ability to be formed the only issues should be yards and heights. This leaves the door open to various consents and possible "affected parties" able to provide a say on building "siting" through notified consents. 142

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H5.2 Dec Con 2.3.3 – 2 a

Amend to Add "boundary relocations" after "boundary adjustments. Boundary relocations should not be subject to enhancement of ecological values. 143

H5.2 Dec Con 2.3.3 – 2 c

2 c. **Delete** – This is not a control as it is too subjective – give effect to objectives and policies is not a control. 144

H5.2 Dec Con 2.3.3 – 2 d

2. d **Delete, is too subjective**. The AC will say you have to protect this bush/wetland area as well (where the applicant may not consider they are worthy of protecting) otherwise this makes your consent non complying and then have the right to notify the application. This is too subjective. Even if placed on areas that are already designated as a SEA this can be incredibly onerous financially and time wise on eth applicant depending on area of land in question. 145

H5.2 Dec Con 2.3.3 – 2 e

2 e. **Delete** and amend to restricted discretionary with suitable criteria. 146

H5.2 Dec Con 2.3.3 – 3

3 Table 5 **Clarify what needs to be done to identify the received site** (i.e. does the application for subdivision of the receiver site need to be included with the subdivision for the donor site?). This will make it very restrictive and difficult. 147

H5.2 Dec Con 2.3.3 – 4 (a)(iv)

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4.a iv This is very limiting i.e. essentially you must have both donor sites combining to an area of 40 ha. This is very restrictive. **Clarify what the basis of this figure is.** 148

H5.2 Dec Con 2.3.3 – 4 a (v)

4.a.v The use of the Council valuation roll to alter the definition of site within this subdivision rule is not acceptable. A site is a site if it is contained in one certificate of title regardless of its rating. **DELETE any references to the Council valuation roll within the provisions for subdivision.** 149

H5.2 Dec Con 2.3.3 – 4 b (i) and (iii)

4 b i – What is meant by this. **Delete/Clarify what does redefined as a single site mean?** 150

4 b ii – What is meant by this? Titles can be amalgamated already by various mechanisms such as Section 220 of the RMA. **Delete/Clarify** 151

4.b iii **Delete first bullet point** There is no need for covenants as the site has to be redefined as a single title. 152

Second bullet point would preclude any subdivision for reserves, network utilities public open spaces etc.

Third bullet point would preclude all further amalgamation with an adjoining site for transferable title rural site subdivision and is in direct conflict with the note under Table 5 which allows for more than two sites to be created.

Fourth bullet point - removal should only be required when the land is subject to subdivision consent not when a plan change is made.

H5.2 Dec Con 2.3.3 – 4 c (iv)

4c iv. This will not work for Countryside living sites some of which can be developed down to 8000m^2 sites. So no need to have a balance area? **Amend with words Other than those within the Countryside Living Zone?** 153

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H5.2 Dec Con 2.3.3 – 5

5. **Clarify what happens in the scenario where an area that an area that should be an SEA and would qualify for one has not been identified within the Maps.** To request a subdivision for this would be prohibited? This would not be fair. 154

Text and Table 8

A 20 m wide buffer zone is very large. **Clarify where this distance has been obtained from. Amend to between 3 and 10 metres.** Reduce distances to be between 3 and 10 metres dependant on existing vegetation and extent/width and nature of the stream. 155

Table 9 – Provides two categories for boundary adjustments that do not meet the 10% area requirement as Prohibited and non complying activities ? **Clarify.** 156

The 10% cap for large rural blocks is very limiting and should be deleted. There will be scenarios where topography/ streams /20 m buffers etc. may contribute to a boundary adjustment request. **Delete** – no more titles to be created should be the requirement. 157

H5.2 Dec Con 2.3.3 – 7 (b) (i)

7 b i There are no controls for boundary relocations? Do these exist? They are also not represented within the Activity table. **Make clear activity status and controls for boundary relocations.** 158

H5.2 Dec Con 2.3.3 – 7 (b) (iv)

7 b iv **Amend to 1ha this should be all that is required.** 159

H5.2 Dec Con 2.3.3 – 8 (b)

8 b Rear sites to each individually have access of 6 metres **Delete.** See notes above. **Amend to a minimum width and a maximum of sites able to be provided with joint access** 160 161

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Suggesting is 6 metres and maximum 8 sites. Requiring each lot to have separate access of 6 m width is a waste of land and very restrictive. Ay rear site within the zone cannot be subdivided.

Table 10

Table 10 – Very restrictive on where transferable titles can be placed. **Amend and provide for transfer of titles to All Countryside Living zones except Okura. Clarify why the other areas cannot have transferable titles.** 162

H5.2 Dec Con 2.3.3 – 8 (d) i

8. d.i **Amend to show a suitable building platform** where future owners can build. The Council will no doubt receive so many amendments to alter the position of the "specified building area" it is better to do this when the building on the site is designed. Sites will be 4 ha and 2 ha in most cases. Notes as above. 163

H5.2 Dec Con 2.3.3 – 8 (d) i

D ii **Amend area to 25m by 25m. Delete remainder** this is too restrictive and should be done at the time of designing the house. 164

H5.2 Dec Con 2.3.3 – 9

Rule 9 this provides for the creation of 150 ha sites. This is not included within the activity table and should be. See previous notes commenting on the 150 ha size. **Amend activity table to represent this type of subdivision**. 165

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PART 3 - REGIONAL AND DISTRICT RULES

CHAPTER I: ZONE RULES

Rule 1 Residential zones 1. Activity table.

Existing cross lease "titles" of ½ share in sites.

Due to the definition of "title" there is no provision for building on existing cross lease titles that exist throughout the District. You will appreciate that there will be some land owners who have cross leased their titles some time ago and have not built on the second stage. We consider that it should be fair and reasonable that these land owners, or future landowners are able to build on half sites that have not yet been built on, without the need to have to go through a "resource consent" for this to occur. In some cases this will be a "non complying" activity. We consider that for existing half shares (or the equivalent) it should be a permitted activity to build on these sites. **This activity be introduced as a permitted activity within the table. i.e building on a vacant cross lease site – permitted and ALL rules updated to reflect this.** 166

PART 4 DEFINITIONS

Ground Level

The definition relies on information for sites created after 1975 for which there my be no reliable information. **Amend to include the following - after the words "since 31 January 1975" " *...or where no reliable determination of ground level is available in sites created after 31 January 1975.....*"** 167

Include definition for: -

Farm Track

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APPENDIX A – General Comments regarding widespread use of "prohibited Activity as a blanket rule. Taken from comments of meetings with colleagues.

Rural Subdivision Rules – Prohibited status

QP Planning resource – good practice tips

Prohibited activities

"A prohibited activity is one that the RMA, regulations or a plan specifically describe as being prohibited. Prohibited activities must expressly prohibit an activity without exceptions.

A resource consent application cannot be made for a prohibited activity and a consent cannot be granted. The prohibited activity status is the most restrictive of any activity status and therefore must be used with care. The decision to use it should be backed with strong evidence of its necessity, including justification through objectives and policies.

While prohibited status would require a plan change to allow prohibited activities to take place, the plan change process should not be used as an alternative resource consent process.

In writing prohibited activity rules it is good practice to:

- *specify what the prohibited activity status is to apply to and where the relevant activities will be prohibited from (do not rely on district or region-wide blanket prohibitions unless there is strong evidence that demonstrates the effects of the activity are unacceptable for the whole region or district)*
- *ensure that the activity or effect is easily identifiable and discrete (so as to avoid loopholes in interpretation or inadvertently including activities or effects that may otherwise be acceptable)*
- *consider including a note that no resource consent can be applied for or granted*

- ***ensure that policy provides clear direction that supports and justifies the prohibited status (if not, consider a less restrictive status).”***

- *Prohibited activity status has been applied to force applicants who wish to subdivide for any reason (see below) to apply for a Plan change – not good practice as defined above.*

- *The policy is based on uncertain data and assumptions regarding the number of existing available and undeveloped Titles in the rural areas - little valid or verifiable research has been undertaken as to the actual number of Titles <u>able to be subdivided,</u> i.e. by excluding those that are tied together by various amalgamations or other legal facilities, <u>or able to be built on</u> (i.e. vacant Titles).*

- *The policy is also based on a “fear” of overdevelopment in the Rural area and the loss of certain characteristics, rather than striving for positive outcomes.*

- *It appears much of the “research”, such as the regular “Capacity for Growth studies”, has been based on desktop GIS studies where critical “GIS queries” have not been able to identify such elements as amalgamated Titles.*

- *The two relevant questions arising from the 2006 reporting that have neither been asked nor answered since are:*

  (i) *Are the existing vacant sites <u>with no</u> subdivision potential actually capable of being built on or legally able to be built on?*
  (ii) *Are the existing vacant sites <u>reported as having</u> subdivision potential actually capable of being further subdivided, and or built on?*

- *Policies and Objectives have been developed on the back of “opinion” writing geared towards political aims without rigorous research techniques being applied.*

- *Little of the "opinion" writing leading to the development of the Policy has been subjected to rigorous challenge through an RMA submission, further submission , objection or Environment Court process.*

- *Reports that do not agree with the political aims have been disregarded or ignored – reference Property Economics – "RODNEY DISTRICT Rural Economy & Lifestyle Block Trend Study" 2008. This report indicates there may be very good economic reasons for creating smaller rural sites.*

> *"Different land uses generate different amount of expenditure, on a per hectare basis. A recent study undertaken by the Western Bay of Plenty has shown that lifestyle blocks of 3-4 hectares and above have a much greater propensity to have some agricultural use, and this in turn is likely to result in increased local economic activity."*
> *"Analysis in this report indicates that lifestyle block subdivision increase the amount of high income households in the district, and encouraging higher yielding agriculture onto the land that remains in farming."*

- *The more recent reporting for the Auckland Plan generally regurgitates the data, assumptions and conclusions/opinions from previous reports without critical analysis.*

- *S.32 reporting has highlighted the negative impacts of rural subdivision, using selective data to prove a point, without adequate balance reporting on any positive impacts, such as the area of Native Bush and Wetland that has been saved and protected from farming and forestry activities, particularly in erosion susceptible environments such in Rodney. Planners should perhaps revisit and re-prioritise the reasons for creating such conservation incentives.*

- *Subdivision Prohibition stifles the potential for change within the Rural area, whether that change is driven by climate, commercial imperatives, agricultural "fashion", tourism, transport links or life styles.*

- *Provision needs to be made for niche agricultural activities on a greater variety of scales than is economically feasible on large 20 ha + properties.*

- *Over the past 14 years subdivision has been a major factor in the economic strategy for survivorship and succession planning of farms.*

- *The proposed Prohibition status ignores the fact that investment in subdivision and subsequent activities in the rural areas has been a major factor in creating the value within, and economic basis for, the economy.*

- *There is an inconsistency in the way that Rural areas are dealt with on an economic basis compared to Urban and Commercial areas. Why is it valid for a commercial enterprise in the Urban area to be allowed to subdivide in accordance with certain rules, while a commercial enterprise in the Rural area cannot?*

#6626

Astrid Caldwell

From:	donotreply@aucklandcouncil.govt.nz
Sent:	Friday, 28 February 2014 5:00 p.m.
To:	Unitary Plan
Cc:	sayes@xtra.co.nz
Subject:	Proposed Auckland Unitary Plan Submission - Gerrard W Sayes

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

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

Auckland Council

Submitter details

Full name: Gerrard W Sayes
Organisation: Sayes In Trust Limited
Postal address: 7 Vaughan Crescent, Muurays Bay, North Shore 0630, Auckland
Email address: sayes@xtra.co.nz
Post code: 0630
Local board: Papakura local board
Contact Person:
Date of submission: 28-Feb-2014

Scope of submission

The specific provisions that my submission relates to are:

Provision(s):
Transferable Rural Site Subdivision - protection andv enhancement of ecological values

Property address:
49 Creightons Road Clevedon Papakura

Map:

Other:

Submission

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

I wish to have the provisions identified above amended:
Yes

The reasons for my views are:
We seek to have the wetland (on the donor site) extended to include Riparian Zone Establishment and Management (ie) to include establishment of native plantings in protected riparian zones

I seek the following decision by Council:
Accept the Proposed Plan with amendments as outlined below

If the Proposed Plan is not declined, then amend it as outlined below:
Establishment of Riparian Zones around areas which council has identified as "priority riparian linkage"

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

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

Telephone: 021 998907

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act 1991
I could not gain an advantage in trade competition through this submission

I am not directly affected by an effect of the subject matter of this submission that:
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition

#6891

Proposed Auckland Unitary Plan Submission Form

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010
Clause 6 of First Schedule, Resource Management Act 1991
FORM 2

Auckland Council

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

Organisation Name (if submission is on behalf of Organisation) Parallax Consultants Ltd

Address for service of the Submitter

PO Box 266
Warkworth 0941

Email:

I live in the following Local Board area (if known) Rodney

Contact Person: (Name and designation if applicable) Tracy Smith

Scope of submission

This is a submission to: Proposed Auckland Unitary Plan

The specific provisions that my submission relates to are:
Please identify the specific parts of the Proposed Plan

Provision(s) refer attached report

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 ☐ refer attached report.

I wish to have the provisions identified above amended Yes ☐ No ☐

The reasons for my views are:
refer attached report.

(continue on a separate sheet if necessary)

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I seek the following decision from Auckland Council:

Accept the Proposed Plan ☐

Accept the Proposed Plan with amendments as outlined below ☐

Decline the Proposed Plan ☐

If the Proposed Plan is not declined, then amend it as outlined below. ☐

refer attached report.

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 a hearing ☐

Telephone 09 425 8700

Please note that your contact details and phone number will be publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

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

27/2/2014.
Date

Notes to person making submission:

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

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

I could ☐ could not ☑ gain an advantage in trade competition through this submission

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

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

(a) adversely affects the environment; and

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

#6891

Submission to: Proposed Auckland Unitary Plan

The specific provisions that my submission relates to are:

Rural Subdivision – Objectives, Policies and Rules and the related section 32 analysis (Part 2.35)

My submission is:

I oppose the provisions identified above.

The reasons for my views are:

I believe that the section 32 evaluation for rural subdivision contains inaccurate information. This analysis has informed the decision making, leading to rural subdivision rules that are based on incorrect assumptions. The rules are accordingly unfair and unjustified. Further to this, I believe that the subdivision rules for rural zones have not been carefully considered which is evident throughout these rules as outlined further below.

The primary reason given by the Unitary Plan to prevent any further subdivision in rural areas is to avoid the fragmentation of productive land. The section 32 report clearly states that "*Most of the most productive land (elite and prime land, LUC classes 1-3 incl.) in greater Auckland is located in one consolidated area in the south*" primarily around Pukekohe. Even though it is clearly identified that the productive land worthy of protection is located south of Auckland, the land north of Auckland, which is significantly less productive, has been given the same zoning with the same restrictive subdivision rules. From analysis of the Rodney District Council "Rural Landscape Assessment, Significant Geological Sites, Land Use Classes" Map dated May 2009, it is clear that the majority of the land in rural Rodney is LUC Class 6, with more scattered areas of LUC Class 3, 4 and 7. The most significant productive land is an area of LUC Class 2 land stretching between Kumeu and Parakai, and a small area of land surrounding Point Wells. It is interesting to note that the main area of Class 2 land in Rodney, around Kumeu, has been identified in the Unitary Plan as a key area for urban growth.

It is fundamentally unfair to restrict subdivision in the rural areas north of Auckland based on protecting 'elite and prime land' when this area has very little LUC Class 1 – 3 land. It would be fairer to base the subdivision rules on land class, rather than just restrict subdivision in all rural zones based on an incorrect generalisation that all rural land is so productive that it should never be subdivided.

The section 32 analysis states that further subdivision is not necessary as "*It is considered there are already enough sites to meet the reasonable needs of rural and*

rural coastal areas in greater Auckland." It goes on to add that *"About 20,000 sites in rural areas do not have a house on them"* and that *"Productive farms are, almost without exception, comprised of multiple sites. The sale of these sites to separate individual owners will result in loss of rural production and lower productivity of the land involved."*

I contend that this figure is highly inaccurate. Many of the sites referred to would appear as separate parcels on GIS maps, but would in fact be held together by amalgamation conditions. Often many parcels are simply held in one title. I believe the only way that an accurate figure could be obtained on how many sites do not contain a house would be by searching the certificates of title for every parcel in Auckland, which I doubt has been done. To justify preventing further subdivision based on this inaccurate figure is unconscionable.

Further to this, if a rural property is a productive farming unit, then its value is in retaining its productivity. Very few landowners would seek to sell part of their farm, if it would then make the farm unproductive. This in itself self-regulates the loss of rural productivity through individual owners selling parts of their farms.

The Unitary Plan seeks to enforce its views on rural subdivision by seeking to make all subdivision in rural zones that does not meet its highly restrictive controls a prohibited activity. A prohibited activity should only be one that in virtually all circumstances would be deemed so adverse that the activity should never occur now or in the future. If an activity could potentially meet the gateway test of the Resource Management Act then Council should not be attributing prohibited activity status to this type of activity. There are many possible circumstances where a proposed subdivision not meeting any of the types of subdivision provided for in this plan could be a reasonable proposal with effects less than minor which Council could very well support. Preventing applicants from even applying for such subdivision consents is a breach of rights. Subdivision is extremely unlikely to create effects that are so adverse that a prohibited activity status is warranted. Accordingly I consider that the use of prohibited activity status relating to rural subdivision is unreasonable and ultra vires.

Some of the subdivision rules of the Unitary Plan clearly show that insufficient time has been given to formulating the rules, and that careful consideration has not been given to how the rules will work and whether they are reasonable. One example is the identification of receiver areas for transferable rural site subdivision. In the copy of the Unitary Plan released early in 2013 for the 'Have Your Say' consultation process, the plan identified the receiver areas as being Stillwater, Dairy Flat, Redvale, Coatesville, Riverhead and Runciman Road. The notified copy of the Unitary Plan released in September 2013 identifies the receiver areas as Wellsford, Kaukapakapa, Helensville, Algies Bay and South Rodney. These areas are completely different from each other, indicating that Council has not carefully considered where subdivision should be occurring. There is also no clarification of where Council considers 'South Rodney' to

creation of only two transferable sites. Even the creation of one transferable site based on a small 0.5 ha wetland is unlikely to be economically feasible due to the low value of a transferable site.

- The rules require the protection of a 10m wide riparian strip around all 'streams' on the 'donor' site. There is no definition in the plan of what a 'stream' is. Under the operative Rodney District Plan a stream for the purpose of riparian protection is any ephemeral watercourse including a grassed drain. The requirement to fence and protect a 10m wide buffer around every minor drain on a rural farm would again make this type of subdivision not economically viable. It would also result in the retiring of a huge amount of potentially productive land.

- The plan rules restrict this type of subdivision to those lots which have the same boundaries as when the plan was notified. This means that if you do a boundary adjustment subdivision, you then can't do a transferable site subdivision afterwards, and you can only ever do one subdivision of this type. It is hard to see the purpose of this rule which places another unnecessary restriction on this type of subdivision.

There are a huge number of further restrictions within the transferable site subdivision rules. It is extremely unlikely that any subdivision of this type would be able to meet all the rules and it would therefore slip into being a prohibited activity. These rules clearly indicate that Council has not comprehensively considered whether these rules are fair and reasonable.

I seek the following amendments be made to the plan:

I seek that all of the objectives, policies and rules of the Unitary Plan relating to rural subdivision be declined.

If these sections of the plan are not revoked, I request that the following amendments be made:

- The rural areas north of Auckland should be rezoned to reflect their productivity limitations as compared to the 'elite and prime' land south of Auckland. 1.

- Creating new lots through subdivision in rural areas should be provided for if the site does not contain land with a LUC Class of 1 – 3. Bush protection, wetland protection, land rehabilitation and enhancement planting subdivision as provided for in the operative Rodney District Plan is a possible option. Lots should be able to be created on the sites containing the protected feature. 2. 3

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- Transferable Site Subdivision should only be applied to land with a LUC Class of 1 – 3 and the rules should be revised so that they provide a real opportunity to subdivide. 4

- Boundary adjustment and boundary relocations subdivisions should have fewer restrictions. The 10% threshold and 'once only' restrictions should be removed. The restrictions relating to ownership of the properties should be removed. 5 6

- The Prohibited Activity status applied to rural subdivision should be removed. 7

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Submission to: Proposed Auckland Unitary Plan

The specific provisions that my submission relates to are:

Subdivision in Rural Zones - Part 3, Chapter H, Rule 5.1

This submission relates to the rules for subdivision in Rural Zones as provided for in Activity Table 5 and Activity Table 9 of Rule 5.2.3.3.

The first part of my submission relates to the use of Prohibited Activity status to any subdivision not provided for in the table or in the rural zones subdivision rules, or any boundary adjustment that exceeds 10% of the original site area.

The second part of my submission relates to there no longer being provision for subdividing sites in the rural Rodney area for the protection of native bush and significant wetlands or for significant enhancement planting or significant land rehabilitation.

My submission is:

I oppose the specific provisions identified above.

The reasons for my views are:

A prohibited activity should only be one that in virtually all circumstances would be deemed so adverse that the activity should never occur now or in the future. If an activity could potentially meet the gateway test of the RMA then Council should not be attributing prohibited activity status to this type of activity. There are many possible circumstances where a proposed subdivision not meeting any of the types of subdivision provided for in this plan could be a reasonable proposal with effects less than minor which Council could very well support. Preventing applicants from even applying for such subdivision consents is a breach of rights. Subdivision is extremely unlikely to create effects that are so adverse that a prohibited activity status is warranted. Accordingly I consider that the use of prohibited activity status relating to rural subdivision is unreasonable and ultra vires.

The Unitary Plan proposes a considerable change to all current provisions relating to rural subdivision in the former Rodney area. The majority of the Rodney District Plan has only been operative since 2011. It is incomprehensible that after all of the consultation, submissions and appeals to this plan that it is essentially being completely discarded after only being operative for two years.

Subdivisions based on the protection of native bush and wetlands have been in effect for many years in the Rodney area. These subdivisions have resulted in large areas of

significant bush and wetland being fenced, restored, protected in perpetuity, and managed to remove all weeds and animal pests. This has had a huge ecological and environmental benefit including providing habitat to native species, protecting rare plants, birds and other animals, and removing weeds and pests which has allowed native plants to flourish. The protection of these areas has also resulted in the improvement of water quality in our harbours through removal of sediment and filtering of contaminants. Significant enhancement planting and significant land rehabilitation subdivisions have also contributed to these positive environmental effects, particularly by stabilising steep slip prone land and providing ecological linkages between existing habitats.

If these types of subdivision are removed from the plan, then the potential future ecological and environmental benefits these subdivisions provide will be lost.

Council contends that this type of subdivision has been replaced by the provisions for transferable site subdivision and that these ecological benefits will therefore be retained. However I believe that rules requiring that lots must be transferred from the site the bush or wetland is contained within, increasing the bush size threshold and imposing a two site maximum yield as a once only opportunity, requiring that the features be identified as SEA, and severely restricting the areas that can be used for receiver sites (only Countryside Living Zone in Wellsford, Kaukapakapa, Helensville, Algies Bay and South Rodney, plus potentially rural and coastal villages that have not been identified), combined with the extremely onerous rules relating to these transferable site subdivisions, means that it is very unlikely that it will economically feasible to do this type of subdivision, if it is possible at all.

I seek the following amendments be made to the plan:

Activity table 5 should be amended so that 'Any other subdivision not provided for in this table or in the rural zones subdivision rules' should be a non-complying activity rather than a prohibited activity. Table 9 in Rule 5.2.3.3 should also be amended to remove the prohibited activity status for boundary adjustments that exceed 10% of the site area. 8 9

The Rural Zone subdivision rules in the rural areas north of Auckland should be amended to include the provisions for subdividing sites for the protection of native bush and significant wetlands or for significant enhancement planting or significant land rehabilitation as provided for in the Operative Rodney District Plan as a discretionary activity. This includes allowing the creation of sites on the land containing the protected feature. 10

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Submission to: Proposed Auckland Unitary Plan

The specific provisions that my submission relates to are:

Boundary Adjustment and Boundary Relocation Subdivisions in the Rural Zones – Part 3, Chapter H, Rule 5 Subdivision.

My submission is:

I oppose the provisions identified above.

The reasons for my views are:

Rule 1 Activity Table 5 provides for boundary adjustments and boundary relocations that meet the rules as a discretionary activity. Any subdivision not provided for is a prohibited activity. Rule 7, Table 9 provides that boundary adjustments that exceed 10% of the original site area of any of the sites involved are a prohibited activity.

A prohibited activity should only be one that in virtually all circumstances would be deemed so adverse that the activity should never occur now or in the future. If an activity could potentially meet the gateway test of the Resource Management Act 1991 then Council should not be attributing prohibited activity status to this type of activity. Transferring land between existing titles could in no circumstances create effects that that could be so adverse as to warrant prohibited activity status. Preventing applicants from even applying for such subdivision consents is a breach of rights. Accordingly I consider that the use of prohibited activity status relating to boundary adjustment and boundary relocation subdivision is unreasonable and should be amended to either restricted discretionary or discretionary.

Complying boundary adjustments should be a restricted discretionary activity to recognise the very low effect boundary changes have on the environment. This activity is usually only changing the ownership of land, and often creates no physical effects.

The 10% threshold should also be removed. Moving boundaries on rural properties to fit existing fencelines or topographical features can easily exceed a 10% change, with no resulting adverse effects on the environment. This is just another unnecessary restriction.

There should be no distinction between boundary adjustments and boundary relocations. Currently the Plan prohibits boundary adjustments from exceeding a 10% change in area unless the proposal meets the definition of boundary relocations, in which case the sites involved have to be in the same ownership. There is no change in the effects of a boundary adjustment/relocation that are related to who owns the land.

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Rule 2.3.3.2 requires that boundary relocation subdivisions provide a full assessment of all of the natural features on the sites involved (i.e. bush, wetlands, streams, riparian areas). A specialist's report on the natural feature areas has to be submitted with the consent application and these areas may be required by Council to be fenced, monitored regularly and weeds and pests managed. This requirement should be deleted as it is excessive and this type of protection is not related in any way to the effects of the boundary relocation activity.

Rule 7bii requires that sites be comprised of Certificates of Title that existed on the date of notification of the Unitary Plan. This rule effectively prohibits more than one boundary adjustment, or any other subdivision, ever being done from September 2013 onwards. This rule is unreasonable. If the effects of the activity are minor or less than minor, then the plan should provide for it. The plan should not prevent landowners from doing more than one minor boundary change. This rule should be deleted.

Moving boundaries between existing titles on farms, or moving boundaries between neighbouring properties, is a widespread practice that allows better management of productive rural land. This is recognized by the section 32 analysis for rural subdivision (Part 2.35) which outlines that the Unitary Plan should be "*providing for the location of site boundaries to be restructured through boundary relocation. This will enable them to be located where they can make the greatest contribution to rural productivity.*" The rules relating to boundary relocations and boundary adjustments in the Unitary Plan are unnecessarily restrictive. These rules obviously do not achieve the objective sought by the Section 32 analysis and the related objectives and policies of the Plan.

I seek the following amendments be made to the plan:

The rules relating to boundary adjustments and boundary relocation in the rural zones contained within Part 3, Chapter H, Rule 5.2.3.3 should be amended as follows:

- The Prohibited Activity status applying to rural boundary relocations and boundary adjustments should be removed. 11
- The distinction between boundary adjustments and boundary relocations should be removed. 12
- The 10% threshold should be removed.
- The requirement that the sites be comprised of Certificates of Title that existed on the date of the notification of the plan should be removed. 13
- The requirement to assess and protect natural features when undertaking a boundary relocation subdivision should be removed. 14

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Submission to: Proposed Auckland Unitary Plan

The specific provisions that my submission relates to are:

Dwellings in Rural Zones – Part 3, Chapter I, Rule 13.2.6

Specifically allowing for two dwellings per site where the site is over 40 ha and three dwellings per site where the site is over 100 ha as a permitted activity in the Rural Coastal, Mixed Rural and Rural Production Zones, and allowing for more than three dwellings as a discretionary activity.

My submission is:

I support the specific provisions identified above.

The reasons for my views are:

Large farms require many workers. It is important to be able to provide accommodation for these workers on site. These rules will allow worker accommodation to be easily established thereby supporting rural production activities.

I seek the following amendments be made to the plan:

Accept the provisions for dwellings in rural zones as provided for in Part 3, Chapter I, Rule 13.2.6

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#6891

Submission to: Proposed Auckland Unitary Plan

The specific provisions that my submission relates to are:

Dwellings in Rural Zones – Part 3, Chapter I, Rule 13.2.6

Minor Household Units (gross floor area of less than 65m^2) are no longer provided for in the rural areas of the former Rodney District. There is no provision for a second dwelling unless the subject site is greater than 40 ha.

My submission is:

I oppose the specific provisions identified above.

The reasons for my views are:

Minor dwellings provide opportunities for landowners to provide stand-alone accommodation for family members within their properties. This type of accommodation is ideal for families with elderly parents or dependent adult children that are not able to live alone but would like to live as independently as they can. Not having this option available is likely to result in a higher demand on social services.

I seek the following amendments be made to the plan:

The inclusion of Minor Household Units in all zones as provided for in the Operative Rodney District Plan as a restricted discretionary activity. 16

Alternatively, a second dwelling on a rural site less than 40 ha should be provided for as a restricted discretionary activity. The assessment criteria could be similar to those for Minor Household Units in the Operative Rodney District Plan, such as whether the two dwellings maintain a consistent visual appearance on the site and whether the two dwellings will create the impression of higher than usual residential density in an area. 17

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#6891

Submission to: Proposed Auckland Unitary Plan

The specific provisions that my submission relates to are:

Dwellings in Rural Zones - Part 3, Chapter I, Rule 13.2.6

"1. Any site where a dwelling is erected must comply with the following:

a. it must not be a closed road or road severance allotment

b. if the council or its predecessor did not grant consent to its creation, its net site area must exceed 2ha.

c. it must have had a title issued under the Land Transfer Act 1952 or one of its predecessor statutes

d. it must have been separately recorded on a Valuation Roll at 1 November 2010

2. Any dwelling that does not comply with clause 1. above is a non-complying activity."

My submission is:

I oppose the specific provisions identified above.

The reasons for my views are:

It is unlawful to prevent building on legally established sites. This overrides sections 9 and 10 of the Resource Management Act 1991.

Council has recognised this fact within the following exert from the section 32 analysis (Part 2.35):

"Under the Resource Management Act 1991 (RMA), any rule that prevents the ability of a landowner from building a house on their land is normally strongly opposed (provided the land is physically capable of having a house built on it). The RMA requires that under a district plan, a landowner can make reasonable use of their land."

I seek the following amendments be made to the plan:

That the above rules (Part 3, Chapter I, 13.2.6, sections 1a-d and 2) be deleted.

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Submission to: Proposed Auckland Unitary Plan

The specific provisions that my submission relates to are:

General Subdivision Controls – Part 3, Chapter H, Rule 5.2.1

Specifically the following rule relating to Esplanade Reserves in section 6a:

"Where any subdivision, including the creation of a site of 4ha or more, is proposed of land adjoining the MHWS, or bank of a river subject to tidal influence 3m or more in width, or any lake, the survey plan, must provide for a minimum 20m wide esplanade reserve or esplanade strip."

My submission is:

I oppose the specific provision identified above.

The reasons for my views are:

Section 237F of the Resource Management Act 1991 requires that Council pay compensation to the owner if esplanade reserve is required to be given on lots over 4 hectares when land is subdivided.

If Council is not intending to provide compensation, then this rule should be amended to only apply to the creation of lots less than 4ha.

Council has advised us many times that they are unwilling to pay for additional esplanade reserve land due to the cost of purchase and the ongoing cost of maintenance once the esplanade reserve is in Council ownership.

I seek the following amendments be made to the plan:

That the wording of Rule 5.2.1.6.a (Part 3, Chapter H) be amended to clarify that esplanade reserves are only required for sites less than 4 ha. | 18

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#6891

Submission to: Proposed Auckland Unitary Plan

The specific provisions that my submission relates to are:

Cultural Impact Assessments – Part 3, Chapter G, Rule 2.7.4

Identification of 'Sites and Places of Value to Mana Whenua'

My submission is:

I oppose the specific provisions identified above.

The reasons for my views are:

Rule 2.7.4 contains an exhaustive list of applications which Council require Cultural Impact Assessments on the basis that the effect of these activities may have an impact on Mana Whenua Values.

We have been advised by Council that there are 19 iwi groups in the Auckland Region that have registered an interest in this area. Council is requiring that applicants obtain a cultural impact assessment from each of these 19 groups unless the iwi confirm in writing that they do not require this.

To expect applicants to not only liaise with 19 iwi groups, but potentially engage them all to provide cultural impact assessments is unreasonable. This would be required for removing one tree from an SEA area, or digging a garden over in an Outstanding Natural Landscapes Overlay. This rule has obviously not been considered in practical terms.

Further to this, I believe that this requirement is outside the principles of the Resource Management Act 1991 (RMA). The RMA, quite rightly, requires consultation with iwi where cultural values are potentially adversely affected. Requiring the engaging of 19 iwi groups to prepare a cultural impact assessment for minor applications, regardless of the level of potential effects, is well outside the principles of consultation.

We also object to the identification of the 'Sites and Places of Value to Mana Whenua', shown as pink circles on the Unitary Plan maps. Currently the pink circles are 3 hectares in size with a further 50 metre exclusion zone and require Cultural Impact Assessments for any activity in that overall area.

These circles are not accurately located, and many of them relate to sites that have been destroyed. We consider that these areas should only be identified in places specifically identified by iwi, and the mapping should be accurate. To require consent and cultural impact assessments for activities that actually are not affecting actual sites is unreasonable.

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I seek the following amendments be made to the plan:

- That the rules relating to Cultural Impact Assessments be deleted. The consultation process with iwi should be returned to current practice, allowing iwi who have identified the area as being of significance to them to review consent applications lodged and have the opportunity to consult on applications they select. 19
- Iwi groups should be required to more accurately identify areas of interest to them to avoid applicants having to consult with so many parties. 20
- The 'Sites of Value to Mana Whenua' should be deleted. If they are to be included each area needs to be accurately identified by iwi. 21

17/17

7371

SUBMISSION TO THE PROPOSED UNITARY PLAN ON BEHALF OF LANDOWNERS TABLED IN THIS DOCUMENT AND OTHERS TABLED.

WRITTEN BY

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WE WISH TO BE HEARD AT A HEARING

WE WISH TO BE INFORMED OF DATES FOR FURTHER SUBMISSION

WE WISH TO RECEIVE COPIES OF HEARINGS REPORTS THAT RELATE TO THE SUBMISSION BELOW.

WE WILL COOPERATE WITH ANY GROUP APPEAL PROCESSES.

WE REQUIRE REASONABLE AND ADEQUATE TIME TO PRESENT TO THE HEARINGS PANEL.

1/38

SUBMISSION TO THE PROPOSED UNITARY PLAN.

It is obviously difficult submitting on such a vast document that is inherently difficult to cross work with repeating chapter numbers and no simple way of quoting.

The lack of S32 analysis proves incredibly difficult to understand some of the policy framework.

This submission utilises the word "I" as a context to each of the submitters attached to this document as tables at the rear.

I have written this submission on behalf of those submitters.

On behalf of those submitters we wish to be heard at the Hearing for submissions.

1. Linkage to Previous Planning Documents

Rodney District Plan and Rodney Rural Strategy

The Rodney District Plan took many years and much litigation to become fully operative. All this time and effort was needed to ensure that the District Plan recognised the circumstances being faced by the rural community and provided appropriate planning responses.

Leading up to the amalgamation of Rodney into Auckland Council, Rodney District reviewed its rural strategy and produced the *Rodney District Council Rural Strategy* (adopted in September 2010). This took a strategic view of planning in rural Rodney and recognised that some changes were required. Amongst other matters, it recognised that the area between Kaipara Flats and Matakana was already heavily subdivided and not a suitable zone for large-scale productive farming. Its response was to propose a "MIX1" zone which is somewhere between (in Unitary Plan terms) Countryside Living and Mixed Rural.

The fundamental level of change proposed in the Notified Unitary Plan (that contradicts years of planning processes) is not what the RMA expects of plan updates however major they may be. It requires that the existing plans be reviewed and updated—not rewritten (essentially) from scratch. The many battles fought to make the current district plan operative were for good reasons—and those reasons have not gone away. Residents and ratepayers have a right to expect that those battles need not be fought again.

Council needs to justify very clearly why it feels that such fundamental changes are necessary.

The Auckland Plan

The major thrust of the Rodney District Council Rural Strategy was carried through to the Auckland (spatial) Plan. The map on Page 231 of the Auckland Plan clearly shows an area from Kaipara Flats through Warkworth out to Matakana as Mixed Rural Production. This was publically consulted on and agreed to by Council.

The Auckland Plan identified a need to balance competing demands on rural land; and it indicated a more focused approach to subdivision but nowhere does it identify a need to halt subdivision. Some of its directives (e.g. 9.1 and 9.2) recognise a need not only for traditional rural farming but also recognise that associated uses are key to a vibrant rural community.

But the Notified Unitary Plan reverts much of this area to Rural - Production (especially in the west of Warkworth). The logic for this change is unstated and totally unclear. And this area cannot meet the objectives of Rural Production due to the near complete lack of economic sized lots. The Unitary Plan's response is extreme and often it contradicts the Auckland Plan.

I submit that this land be zoned in line with the Auckland Plan; except that—

- where small lot sizes already predominate those parts should be zoned Mixed Rural, and
- there be a Countryside Living zone to act as a buffer around the edge of the Future Urban zone.

Why have an Auckland Plan? Its purpose was meant to be to provide the strategic framework for the Unitary Plan—

PROPOSED UNITARY PLAN

Regional Policy Statement (rural)

Under 8.1 Rural Activities there are 3 key objectives

They seek to;

- underpin the economic productivity (and prime and elite land)
- maintain the rural character
- protect the rural area from inappropriate subdivision, urban use and development.

Under 6.1 managing our coastal environment it is stated that coastal subdivision and development often results in changes to landform and a proliferation of buildings.. and can

detract from natural values.. (summary) a fine balance must be had between the desire to live and use the resource and looking after it for future generations.

Nothing in the above is objectionable and infact would be difficult to not support; However From these key objectives the drop down objectives and policies have translated this as a reason to prohibit any further subdivision, regardless of effects with specific policies to prevent subdivision in the rural zones. (which we submit should be withdrawn and re written) 2
One would have to look and see that our worst examples of coastal development are not rural, but are Urban with Omaha perhaps considered a world leader on that front.

Having said that there are also examples of coastal development that are simply what they are with a historic development and generally sit into a well integrated and mature landscape and are in fact part of the coastal character.

By far most of the Rural subdivision of the coastal area has resulted in vast tracts of protected bush and buildings that overall do drop into the landscape without being a major detraction. The rural subdivision is not the main detractor and could still occur in a limited way (as has been the case anyway) and not undermine rural coastal character and amenity values. Given the large tracts that are identified as ONL/ONC that confirms this statement.

Rural character and amenity value

Policy 6.1.2 Rural character and amenity values, Objective 1, Page D95

"The character and amenity values of rural areas is recognised and maintained while accommodating the localised character of different parts of these areas."

This only allows for maintenance of the rural character and amenity values. It locks the rural zones into a time warp.

I submit that this should be changed to substitute the phrase "allowed to evolve" for "maintained"; which when considered with regard the following phrase " while accommodating the localised character of different parts of these areas" ensures that no unexpected or dramatic changes occur. 3

Land Use Classifications

Section 8.2 Land with high productive potential, Explanation and Reasons, Page B139

" Land of high productive potential for farming includes elite land (LUC Class 1) and prime land (LUC Classes 2 and 3). This land is mapped on the Land Use Capability maps. The priority in these areas is to maintain the potential for these high quality soils to be used for agricultural purposes, rather than activities that are not dependent on soil quality."

and Section 6.1.1, Rural Economy, Policy 3, Page D94

"Discourage land use activities and development not based on, or related to, rural production from locating on elite and prime land or prevent their use for that purpose"

Council wants to protect prime and elite land from conversion to non-farming uses and uses Land Use Classification as the measure—LUC 1, 2 and 3 being considered elite and prime land.

I submit that the definitions of elite and prime land be changed to reflect the written definition as applies in the Land Use Classification but without linking it to the LUC maps. In this way, land can be rated as elite, prime or otherwise based on its actual characteristics rather than a map which makes inappropriate generalisations. 4

Using the LUC maps should just be one strategy in terms of defining soil capability.
Kaipara Flats has land that is class 3 but it certainly isnt suitable for sustainable productive use. This land is heavy poor draining, with high water table and large parts in flood plains and adjacent to waterways.
Whilst behind Kaipara Flats to the north there is vast forestry land. This is going through 2nd rotation harvesting and one only has to drive up Smythe Road to see this is not a sustainable longterm use as less and less soil is left on the steep slopes. Management of this fragile land in long term plantation will become finite as the soil falls away.

Farmers dont seek alternative sources of income by way of subdivision if there land is providing a viable income. There are farms out in the Rural Zones that don't meet cost now and those sites are all over 100Ha so farms under 100Ha are even less likely to meet cost beyond the current land tenure.

It is naive to ignore the fact that much of this land has been round the block with alternative farming opportunities and naive to consider that there are limitless other ideas out there for poor draining, heavy soils that may be class 3 on paper but not in reality and modest in size. Low level development with protection of these fragile landscapes is a reasonable alternative if done with limitations of development to maintain character.

It is a stated fact that the best beef comes from lifestyle blocks as they take far more care of the animals and stock at a much lower ratio, so it is also incorrect to say lifestyle block farming detracts from the rural economy when it is not the case.

Objectives and Policies for landuse in the rural areas seem to have a heavy emphasis on Forestry but remain remarkably silent on drystock and dairy farming. One wanders if the Auckland Council are seeking to have those landuses discouraged.

There appear to be two other articulated drivers for no subdivision at all

- reverse sensitivities caused by allowing residences in farming areas, and
- impact upon the road network

I argue elsewhere in this submission that neither driver is an appropriate reason for prohibiting subdivisions.

Reverse Sensitivities and Subdivision

Section 8.1 Rural Activities, Policy 4, Page B136

> "Manage reverse sensitivity conflicts by preventing sensitive activities (such as rural lifestyle living) from establishing in areas zoned rural production, mixed rural, and rural coastal."

and Objectives and Policies, Section 6.3 Mixed Rural Zone , Policy 4c, Page D100

> "Acknowledge the mixed activities occurring in the zone when managing reverse sensitivity conflicts by:
>
> ...
>
> preventing further subdivision for new rural lifestyle sites
>
> ..."

These clearly link subdivision and the arrival of additional (presumably largely non-rural) residents to reverse sensitivity. This is inappropriate. Firstly, no evidence has been provided by Council to establish that such subdivisions give rise to significant numbers of reverse sensitivity complaints. (all such policies it is submitted should be removed or rewritten)

Secondly, most rural residents accept what reasonably comes with living in the country; and those that do not should not be able to claim reverse sensitivity. They should leave! And the Unitary Plan should make it absolutely clear that existing appropriate uses may remain without modification.

I submit that this policy should be rewritten to clearly identify that reverse sensitivities cannot result in land use changes with respect to appropriate rural zone activities. 5

I submit that subdivision of rural land be allowed in the Rural Production and Mixed Rural Zones where— 6

- the majority of the land being subdivided (i.e. the new site) is not highly productive, or
- a large percentage of the land is being protected (by bringing forward Rodney District Council's existing rules)

A cap can be created that allows for amenity blocks in Mixed Rural and at the same time will also encourage TTR (based on a revision of the SEA rules and limitations) such a concept can be found in the Kaipara newly Operative District Plan.

For the rural production and rural coastal areas the best limitation is based around protection of on site bush or wetlands again with a cap, and any excess to be TTR'd and possibly two separate thresholds set up. 7

This with a suite of robust assessment criteria would not be inconsistent with the ARPS.

It is a massive leap to make any form of subdivision prohibited in the Rural zones (we submit any reference to that should be removed) 8

Non Residential Activities in Rural Areas

Policy 6.1.3, Rural industries, services and non residential activities, Policy 3a, Page D96

> "Enable non residential activities in rural areas where they have a clear and genuine connection with the resources, amenities, characteristics and communities of the areas, with a focus on:
>
> education, healthcare and community facilities that serve the local rural area and provide services not able to be met by similar facilities in rural towns and settlements"

As written, this forces any rural facilities into rural towns if they could be undertaken in any rural town or settlement—whether that is appropriate or not and whether that town is appropriately close/accessible or not.

Kaipara Flats for example has a sports club, a community hall, sports fields, a playgroup and various other things that for a small village are admirable and are well patronised. The

above policy would seek to drive those facilities out of the village an into Warkworth. This would in turn remove important things that make the community what it is.

I submit that this should be changed to "... and provide services **not appropriate to meet or able to be met** by similar facilities in **local** rural towns and settlements" 9

Linkage between Roading Network and developments

Policy 6.1.3, Rural industries, services and non residential activities, Policy 5c, Page D97

" Locate and size sites sufficiently to:

...

avoid, remedy or mitigate adverse effects on traffic movement and the road network."

It is inappropriate to link modest developments in rural zones to the capability of the road network. The Notified Unitary Plan provides for the Rural zones to be places where people work and play, and many situations—such as regional parks—already require significant and growing use of rural road facilities. And it is appropriate (and recognised practise) that the roading network support routine developments rather than control them. This is partly why we pay rates and development contributions. Instead, Council should accept that the road network is in place and needs to grow to serve the population—not vice versa.

I submit that restrictions upon modest developments due to a lack of road infrastructure should be addressed by Council upgrading the infrastructure—not restricting the activities. And therefore that this clause be deleted. 10

Forestry

6.1.3, Rural industries, services and non residential activities, Policy 7, Page D97

" Enable forestry where it: ..."

I submit that two additional conditions be added—

d. follows accepted best practise to avoid soil erosion at all stages during the forestry life-cycle (and especially during logging)

e. ensure that all public roads used during logging operations remain at all times safe for public use" 11

Greenhouses

Section 6.2, Rural Production Zone, Policy 3, Page D98

> " Enable the establishment of new and the expansion of existing greenhouses in specific locations where there are advantages for operational efficiencies, transport accessibility and the provision of energy such as natural gas supplies and services, and manage the amenity expectations of other activities in these areas."

Greenhouses should only be supported in rural locations where they rely on soil-based horticulture (as opposed to hydroponics).

I submit that this paragraph be modified to—

"Enable the establishment of new and the expansion of existing greenhouses ***that rely on soil (as opposed to hydroponic) cultivation*** in specific locations where there are advantages for operational efficiencies, transport accessibility and the provision of energy such as natural gas supplies and services, and manage the amenity expectations of other activities in these areas." 12

Linkage to Existing landholdings

Section 6.3, Mixed Rural Zone, Objective 1, Page D100

> "The existing pattern of landholdings, and non-residential activities that support them, is used by a diverse range of rural production activities."

and Section 6.3, Mixed Rural Zone, Policy 1, Page D100

> "Enable land-based production activities that are compatible with the existing subdivision pattern and recognise them as significant elements of, and the primary contributor to, rural character within the Mixed Rural zone."

These tie developments to the existing lots. It is wrong because there remain mechanisms that allow for subdivision and amalgamation of lots (albeit not easily used), and I believe that it is wrong because the case against subdivision has not been articulated nor agreed with the residents.

I submit that this paragraph be changed to delete "existing pattern of"— 13

"The ~~existing pattern of~~ landholdings, and non-residential activities that support them, is used by a diverse range of rural production activities."

Motor Sports

Section 6.1.2, Rural character and amenity values, page D95

" Accept that in the Rural Production, Mixed Rural and Rural Coastal zones to accept the following aspects are a typical part of these zones:

...

b. noise, odour, dust, traffic and visual effects associated with use of the land for farming, horticulture, forestry, mineral extraction, cleanfill and *motorised sports*

..."

(my italics)

Mostly I accept this, but motor sports are not inherently a part of rural Auckland—any more or less than any other part of Auckland. Motorised sports are catered for elsewhere in the Notified Unitary Plan and any requests for additional motorised sport facilities should be addressed through normal planning procedures although an exception could be made for "one-off" activities provided that they are located sufficiently remotely so that noise and dust are within standards defined within the UP and the roading is suitable for the expected traffic volumes.

I submit that Section 3.2.6.1.2 should exclude motorised sports.

Alternatively motorised sports may be considered in a similar vein to boarding kennels with a policy statement virtually identical to Section 6.1.3, Policy 1c(iii), Page D96, which when modified to suit motor sports would be something like

" they provide for motorised sports provided that the activities have a minimal impact on adjoining properties. Matters considered will include visual impact, noise, odour, dust and traffic generation."

Discretionary or Restricted Discretionary / Permitted Activities?

By defining more activities as Permitted or Restricted Discretionary, Council provides residents with a greater certainty as to whether their proposal is acceptable. This will provide a significant impetus for small-scale rural businesses to develop and help make rural Auckland a great place to live (and work) in. And by providing robust guidance through the rules, Restricted Discretionary activities provide a high level of certainty about the outcomes. This category of rules should predominate.

There are virtually no differences in the activity tables between Mixed Rural and Rural Production land. It appears that to achieve its differing visions of the two zones the Council intends to rely on its discretion in applying the rules to the wide range of activates that are Discretionary. The implication of this is that people wanting to undertake a development must take account of the policies and objectives which are not written in a clear "black-and-white" fashion like the rules. This creates several risks—

- unclear outcomes for those wanting to undertake activities resulting in...
- more money being spent on planning and other experts than otherwise justified,
- a proliferation of legal challenges by those large-scale operators with big cheque books, and
- outcomes which suit those large-scale operators rather than small-scale developments more typical of existing residents

By carefully slicing activities into sub groups, it should be possible to move many activities from Discretionary to Restricted Discretionary, or from either of these to Permitted. But leave as Discretionary only those activities that fall outside the more focussed definition and genuinely cause some greater planning issue should they proceed.

I submit that Council undertake a very close look at all rural Discretionary rules and be very sure that for **all** likely circumstances they really do require Discretionary status instead of Restricted Discretionary or Permitted status. And where not all circumstances genuinely require Discretionary status Council should be prepared to split activities into Discretionary, Restricted Discretionary and maybe Permitted sub-categories in order to provide more certainty for straightforward and acceptable situations. 15

As a guideline, any policy that "enables" something should be supported by rules that make delivering it (under most circumstances) either "Permitted" or "Restricted Discretionary". Any other form of consent status immediately implies that the activity is not enabled—but rather only potentially enabled.

Minor Dwellings

These are no longer to be even recognised—except where multiple (full-scale) houses are allowed.

Under Rodney District's rules Minor Dwellings are a Restricted Discretionary activity and a potential applicant can readily ensure that their application meets all stated criteria and hence is most probably acceptable to council. It will also achieve a consistent outcome. Under the Notified Unitary Plan it would become Non Compliant in the rural zones meaning that there is a very large degree of uncertainty as to whether an application will succeed.

But no evidence is provided that minor dwellings would create a situation that is adverse to the policies and objectives.

Faced with this, I would likely choose to extend a house rather than face the bureaucracy—leading to a less than ideal outcome from my perspective but no change to the overall impact of my development upon Auckland. This is not a sensible outcome!

I submit that minor dwellings should be Restricted Discretionary in both the Rural Production and Mixed Rural zones, with Rodney District rules being carried forward. 16

Potential Land Uses

To purchase and profitably run a traditional dairy or dry-stock farm typically requires 200+ hectares—more if land prices are elevated as they typically are near a city.

Most of the land between Kaipara Flats and Matakana has always comprised small to medium lots; and has in recent years been further subdivided into lots of widely varying sizes—from under 2 hectares up to 50 hectares or so; but with few if any lots remaining over 100 hectares.

As discussed in section 0 above there are problems with the LUC maps not reflecting the actual situation on the ground in the area between Matakana and Kaipara Flats which limits the applicability of horticulture in this area. Therefore without large numbers of large lots, it is unclear what type of profitable farming can be undertaken.

I submit that as the need for profitable agriculture underpins the Rural - Production zone, the parts of the area between Kaipara Flats and Matakana zoned as Rural - Production be rezoned with a mix of Countryside Living; and in areas where lot sizes more nearly approach an economic size Mixed Rural. 17

Rural Settlements

Across rural Rodney, the zoning of rural settlements has moved to very substantially increase lot sizes (mostly to 4,000 m^2) along with limiting settlements to their current boundaries. These rules largely eliminate the possibility of growth. Not only does this limit the possibility of rural settlements housing additional rural contractors and associated trades within the community, but it limits possibilities to develop community infrastructure as envisaged by policy 3a Section 6.1.3, page D96

> "Enable non-residential activities in rural areas where they have a clear and genuine connection with the resources, amenities, characteristics and communities of the areas, with a focus on:

a. education, healthcare and community facilities that serve the local rural area and provide services not able to be met by similar facilities in rural towns and settlements

..."

Because developments are generally not allowed in the rural zones and there's insufficient space in rural settlements where can they go? This undermines the objectives of the plan (especially objective 4, of the same section).

I submit that rural settlements (of all sizes) be zoned (both boundary and minimum lot size) to allow for appropriate growth sufficient to facilitate active and progressive rural community hubs. 18

Given 3 or more houses in a rural zone is a discretionary activity it doesn't ring true that subdivision (which is houses) should be prohibited.

Assisting the Protection of Ecological Areas?

The Rodney District plan has subdivision rules that encourage the protection of bush and wetlands whereas the Notified Unitary Plan largely eliminates such activities except where there are already scheduled SEAs.

The rules for SEAs make no allowance for the regeneration of ecological areas such as can occur with reverting forestry blocks and wetlands. Forestry blocks can recover their natural state quite rapidly (although it takes many decades for forest trees to mature). And some types of wetland can recover very quickly given a modest level of management. Council makes claims that some regeneration projects are not properly followed after consent and therefore that all regeneration activities are suspect. This is a matter of compliance—and Council already has the legal tools to enforce such matters. Others genuinely wishing to undertake regeneration activities should not be penalised. The evidence on the ground identifies that restoration work has had significant positive impacts.

The evidence to suggest the protection of bush has provided no benefit has never be substantiated as the survey carried out (not by botonists) had no baseline.

Rehabilitation planting occurs in the Council parks and has occurred in Rodney private land with no substantive evidence of failure other then the Arrigato block which ironically is owned by the Auckland Council. If rehabilitation planting follows the best principals of nature with a dominant manuka canopy it is a highly successful outcome in the North Auckland/Rodney District.

There is also no mechanism available (apart from a plan change) to have additional land identified as an SEA. (I submitt to this being over turned with the criteria for SEA set in place as the benchmark.) 19

The plan moves from a "carrot" based approach to a "stick" based approach and as such will cause great strife and very little additional land being protected. I believe that this is contrary to the objectives of the RMA.

I submit that the Unitary Plan provide meaningful benefits rather than excessive costs for protecting the environment. The approach taken by Rodney should be continued.

SEAs suitable for protection should also include stream/river corridors and coastal edge in addition to the bush wetland senario. 20

Why not subdivide "hard" land

The Notified Unitary Plan calls for the retention of existing lots in all of the Rural - Production and Mixed Rural zones. When considering that land in the Kaipara Flats valley (west of SH1)—

- it has never had many large lots (and many of those still exist)
- much of the remainder is already heavily subdivided, and
- much of the land is not valuable as farm land being either swamp or steep hill country.

The swamp land requires constant attention (drainage, top dressing and topping) to avoid it reverting to wetland, and some of these necessary maintenance activities will be restricted by the Notified Unitary Plan due to proximity to streams. And parts of the hill country are no longer being forested—presumably the owners do not consider it economic possibly due to soil erosion caused by logging activities. If one walks that section of the Te Araroha pathway it is evident that much of the land around the pathway was being left unfarmed and rampant in kikuyu grass. There is no economic argument to halt subdivision in these areas —rather allowing say 1 ha to 2 ha blocks in such areas would most probably increase rural productivity and provide a rural lifestyle opportunity that does not act in detriment of the overall plan objectives.

I submit that subdivision be allowed of "hard" land be allowed. 21

Is Forestry a Good Land Use?

Forestry (predominantly pinus radiata) is often grown on marginal land—and in some cases on land that is suitable for agriculture or horticulture. To some extent this is countercyclical to the returns for dry stock sheep and beef farming. But despite (or maybe because of) the

Government's carbon trading legislation, suitable land is now being returned to traditional farming. The remaining poor quality steep country is considered good for forestry—but at a significant cost—upon cutting, much of the top soil is torn from the hill sides to find its way into the streams and ultimately the harbours downstream.

It is questionable as to why forestry is being given such a push over other landuse activities on land as fragile as much of the north Rodney is through the objectives and policies.

Rural Auckland as a Place where City Folk can Play

The plan points out that there are many undeveloped rural lots and proposes that they be built on rather than subdivide further. But a large percentage of these existing undeveloped lots are locked up for family reasons—often for the foreseeable future. A further assumption that the sites are even available is just that and many of them in all likelihood are amalgamated titles that con not legally be separated. All these titles if they are so available would be getting utilised rather than the farmers going to great expense to protect bush and wetlands.

There is no accurate analysis of the so called vacant titles. The issue doesn't in reality exist.

Bed 'n Breakfasts

Visitor Accommodation is a Discretionary activity in Rural Production but a Restricted Discretionary activity in Mixed Rural. With respect to small-scale Bed 'n Breakfasts I can see no reason why these should have greater controls in more production-oriented areas.

Unlike large scale accommodation (hotels and larger motels) BnBs directly support the rural community in a number of ways—

- they can provide ancillary income to support a rural lifestyle on otherwise uneconomic blocks (that already exist in quantity)
- they can provide a direct support for rural activities (like cafes)
- they provide access to rural areas for urban dwellers , and
- they provide a necessary infrastructure to support tourist based rural activities like farmers markets and horse riding schools

Provided that the scale of BnBs is limited to what is already common in these zones (i.e. large dwelling or dwelling plus a minor dwelling), there would be minimal impact upon the infrastructure—in reality roading is the only relevant rural infrastructure as water would need to be dealt with on-site anyway.

Oddly, camp sites are Restricted Discretionary activities in these zones which (makes sense in allowing urban dwellers more access to the rural environment) but I can see little that makes a campsite more compatible with rural living than a BnB.

I submit that the rules regarding Visitor Accommodation be changed to differentiate between— 22

- Small scale low-impact accommodation (BnBs) which should be Permitted (or at a minimum Restricted Discretionary),
- Boutique accommodation that should be Discretionary, and
- Large scale accommodation for which there is a case for it to be Non Compliant.

2.0 RULES

RURAL ACTIVITY TABLES 1. Chapter I Zone Rules 13 Rural Zones

Remove prohibited activity status as a catch all. 23

Include Minor House Hold Units as defined in the current Rodney Plan 24

Include Sleepouts as a permitted activity as currently defined in the Rodney Plan 25

Include Homestay as a permitted activity for up to 10 people as defined in the Rodney Plan 26

Include Childcare as a permitted activity for up to 10 people as defined in the Rodney Plan. 27

Include Cleanfill Disposal sites as non complying for a threshold over 10,000m^3. 28

Remove motorsport from Organised sport and recreation- provide its own category as RD 29 30

Re organise activities to provide higher levels of RD and C activities.

Chapter I zone rules 13.>2. Landuse controls

ACTVITY TABLE 2.6 Dwellings

Delete 1a to 1d

And 2. 31

You can not make it a non complying activity to build on legally established sites. It over rides section 9 and 10 of the RMA.

You can not say that sites that have been granted a resource consent but title was not issued prior to November 2010 (so not on the valuation roll) as non-complying to build a house on. This over rides Section 9 and Section 10 of the RMA. There are sites that now still dont have title issued but have a legitimate consent to have title issued under consents approved under the Operative Plans. Making it non complying to later build on these sites is inferring it is not meeting the objectives and policies of the Plan. The objectives and policies are set out with clear zones and a s32 analysis should cater for future development indeed the idea that there are several thousand of these titles makes it clear that the zones ensure house built are considerate of the landscape requirements in terms of overlays that are little different to the existing operative plans.

Part 3 Chapter H > Aucklandwide Rules.4 natural resources4.3 vegetation management 1

ACTIVITY TABLE 1.1 vegetation management

Insert the word "Native" within the Riparian Section.

Revise widths of margins to be more reactive to stream widths rather than a zone lead discretion. 32

Clarify what a pest plant is presumed to be(ie does it include pines, macrocarpa, poplar and other exotic willows and bamboo that are not necessarily listed in the ARPS.)

1.1 Earthworks ALL zones (not overlays)

General earthworks subsection

Completely rewrite and simplify to volumes for landuse rules and reinstate a sediment control zone that you are inside of or outside of for Regional rules as per current regional plan controls, but extend tracking to 500 metres. 33

Utilise the Rodney Plan for volumes section.

Create a set of standard for both volumes and areas for less than the rule threshold.

Tracks for farming

Reinstate permitted status but with standards (and utilise sediment control zone rule and definition) 34

1.2 Overlays

1% AEP

Remove all RD up to 1000m^2 and 1000m^3 and replace as permitted with Standards.(to be added) 35

Provide a waiver in all zones that have inaccurate flood maps if that can be demonstrated.

Provide a waiver for all situations that have previously been assessed and have consent notices attached to the title.

Stormwater Management Part 3,Chapter H. 4.14(Stormwater Management),

2.1 (Activity Table) (natural Resources) (SMARF rules)

Remove thresholds and set standards to be met

Recognise existing consent notices on titles for Hydro neutrality 36

Recognise existing consent notices for building in flood plains.

Redo entire rule and standards.

Part 3 Chapter H Auckland wide rule 4 natural resources 4.13 Lakes, ruvers streams and wetland management 2. Permitted Activities

2.7 LIVESTOCK

1a and 1b have rivers and streams requiring fencing as both a 5 year time and a 10 year time, so delete the full extent of rivers and streams out of 1a and leave in 1b. 37

Part 3 Chapter H Auckland wide 4 natural resources 4.10 production discharges 2 controls

2.1.3 use and discharge of fertiliser to land

Rewrite rule point 2 to allow farming use as well as horticulture (Hort is likely to utilise higher levels and concentrates of fertiliser than farming does) 38

Part3 ChapterG: General provisions

2.7.4 Cultural impact assessments

An exhaustive list has been compiled to require CIAs on the basis that the effects may have an impact on manawhenua.

This list is so exhaustive that it is bordering on unreasonable. It is not consistent with the principals of the RMA as many of the layers and reasons have not been created for manawhenua reasons.

The list requires a significant revision and a much greater revision of the difference between local iwi carrying out a site visit to requiring a full CIA.

The process of allowing iwi to pick up resource consents lodged should continue and identifying reasons to visit a site as a pre requisite prior to kicking off full CIAs up front which is a gross over reaction to a consultative process where required may extend to further assessment. This should be a case by case basis. 39

Part 3. Regional and District Rules Chapter H: Auckland wide rules Subdivision

1 ACTIVITY TABLE

Activity table 3- future urban zone- delete prohibited activity status. Replace with noncomplying status with criteria, such as a comprehensive design, and other criteria to allow the sustainable use of the land without a Plan Change. 40

Activity Table 5 rural zones

Delete whole table and start again

Remove Prohibited activity status catch all.

Allow for limited subdivision in the Mixed Rural, Rural Coastal and Rural Production Zones 41

Limited subdivision can be based on threshold of parent lot size, max development right, use of TTR provisions, and a combination of those listed in conjunction with the protection of significant natural features.

2.3.3 Rural Zones

Delete entire subset and re write

Reinstate tables for lot allowances for bush and wetland subdivision with a 2 tier for onsite and TTR opportunity off site, and delete Table 8 that does not provide any incentive.

Include 6ha rehabilitation planting and Enhancement planting.

Reinstate quality assessment criteria for bush and wetland quality assessment.

Remove requirement to be SEA on the day the plan is operative but to meet a standard equivalent.

It makes no sense to have a max yield for TTR that is so limiting. The max yield for on site use can be set base on Lot size and zone. 42

Re write Management Plan rules to make sense and tie back to proposed changes needed.

Re write entire TTR table **Table 10**

Include Mixed Rural and Rural production based on thresholds of parent lot size and max number (see KDC new oprerative plan)

TTR table shall include Rural and Coastal villages.

Re instate all existing Country Side Living Zones in Rodney as their current form.

Expand list in rule where Country side living has fallen into Future Urban

Completely rewrite TTR of existing titles removing 40Ha average

Make any buffer zones 10 metres and planted.

Table 9

Delete Prohibited activity status and substitute Discretionary with criteria to assess.(to avoid adverse effects on settlement patterns that can occur via a large number of titles being involved)

Keep 10% rule as a controlled activity.

A boundary adjustment can not result in additional titles..its not legally possible so delete out of table 9.

Whoever has written this rule has absolutely no understanding of what Boundary adjustments are and need to go and sit with a registered professional surveyor that is currently practising.

Add into activity tables

Retirement Blocks

Retirement Blocks were removed from the Rodney Plan vis PC 55 of the 1993 plan as they were not being used for the purpose.

It is considered that an option (with restrictions) for retirement blocks should be re-instated. This would allow long-time residents to be able to stay on the farm and be with family.

Regional and District Rules Chapter I : Zone rules 1 residential zones. Landuse controls

3.1 Maximum Density

Table 1

Change Rural and Coastal Settlements to one dwelling per 1200m^2 for un -serviced and 800m^2 for serviced. This may be by utilising TTR with a base size of 2000m^2 or as an outright density change.

43

Downgrading the rural villages to some sort of exclusive countryside living (4000m^2) from the existing 1500m^2 for unserviced urban land because of "landscape values" is completely ignoring the social, cultural and economic well being of these rural villages and the important role they play in the greater community. Currently these small villages sustain, schools, pony clubs, village halls, sports clubs and a variety of other village activities.

They are populated by locals and most of the interior (not coastal) villages tend to have modest housing and have tight knit communities. We struggle to comprehend the logic of unravelling these small villages. Some of them still do have some limited opportunity of undeveloped potential but it is certainly modest. If anything it would be beneficial to look at some small expansion of villages like Kaipara Flats, Waitoki, Port Albert, Kaukapakapa, and many others listed in the Plan given the role they play as village hubs with vibrant communities that rely on people and community spirit to be viable and sustainable. Putting some low density zoning beyond this village hub may make sense but not in the village hub. The Unitary Plan is seeking to unravel this viability despite the fact that the Spatial Plan certainly doesn't seek that outcome and nor did the Rodney Rural Strategy.

3.0 OVERLAYS

Natural Heritage

The Policy identifies this layer as notable street trees and notable groups of trees.

Re do this layer on the Maps to be consistent with the Policy and remove off vast tracts of farmland and provide a clear basis of the notableness of the trees that do get the layer on them. 44

Coastal Outstanding Natural Landscapes- and **outstanding natural character overlays**

The rural coastal zone is somewhat dominated by landscape layers. Whilst the coastal cliffs certainly warrant protection from development the landscape layers are not designed to prevent development but to ensure development is sympathetic to the environment. In many cases development would not even be visible, but there are a raft of measures that can be imposed to manage effects and ensure they are no more than minor. The current planning rules in the Rodney Chapter protect already do this. Where those rules have been correctly implemented the outcomes of development are highly sensitive to the environment.

Much of the land in the landscape layers is far from devoid of development but also the limited development that may occur is unlikely to create such adverse effects to render the cumulative effect as so adverse that no development should occur. In many cases the landscape layer extends well beyond the area of landscape sensitivity into areas of internal viewing only.

The highly sensitive areas of Pakiri to Ti Point are largely in Council ownership anyway as well as Tawharauni headland, Temuri and Wendoholm headlands.

The overlay maps are confusing to say the least as they are Coastal Natural Character Areas and Outstanding natural landscapes. BUT These maps sit under the heading Natural Heritage.

The objectives and policies for natural heritage relate to significant stands of trees and notable trees. (which is a fit for the ONL but not the CNCA)

The maps layers and the objectives and policies don't seem to tie together.

On the basis that Outstanding Natural Landscapes link to the natural heritage objectives and policies then this layer should be confined to significant stands of bush and the paintbrush that has gone over vast tracks of farm land that is neither visually obvious or attractive in anyway different from land adjacent requires pulling back to the significant stands of trees or removing. 45

The Coastal natural character layer maps should tie to the ridgelines that run down to the coastal edge and exclude well settled areas which mostly they do, but in cases the paintbrush has got ambitious. 46

Heritage Layer/ Mana Whenua

The heritage layer has been substituted with Mana-whenua by Proxy. (the link has never been identified so I submit unlawful)

Remove this by Removing all the Pink Circles and going back to showing them as what they are which are CHI Sites with a schedule. 47

Currently the pink circles are 3Ha in size with a further 50 metre exclusion zone and require Cultural Impact assessments for any activity in that overall zone and resource consent)

I submit to place the CHI status back(as a small circle) with a clear requirement that in accordance with the Historic Places Act they must not be damaged or destroyed. The CHI s are indicative positions so simply identify that they are to be located as a standard if works are likely to be near by.

Remove off the CHI register all those that have had consent to be damaged or destroyed or no longer exist due to coastal erosion. 48

Require the CHI process to run concurrent with the Historic Places Act.

Reinstate those Heritage Items listed in Chapter 17 of the Rodney Plan and those rules and update with any new significant items known. Repeat over City from all existing Plans. This ensures a higher level of management for those significant items that are both Maori and European. 49

Given the Layer has been hijacked and does not follow through from the Map Layer to the Rules this also requires correction so the CHI's sit within the heritage rules as they are both Maori and European in status.

East Coast area Overlay Map Chapter D Zone Objectives and Policies> 6 Rural Zones>6.4

Delete this Map Overlay and Activity Table layers associated with this overlay. 50

This overlay is a gross mis-representation of the truth on the ground and takes in large tracts of ground that have no relationship to any coast harbour or estuary and also catches large well developed communities.

All the objectives and policies are adequately covered within the zones this land is a part of and it is absurd to create yet another layer that is nothing more than a giant box drawn over the North Rodney area. The box has no association with the intent and the intent doesn't equate with anything as the zone rules in those sensitive areas cover the issues as well as the objectives and policies.

SEA overlay maps

The SEA layer has no supporting objectives and policies so has no legal basis to be in the plan and should be removed. Part 2 Chapter C 5.3 makes no mention of SEAs. There is no mention in a specific layer as exists for Natural Heritage and other layers and the Regional Policy Statement also fails to mention SEAs. It is a stretch to rely on 5.3 objectives and policies as the supporting framework when there is not a single objective or policy that supports the protection of Significant Ecological Areas which are a specific type of landscape. I note the other layers do have specific objectives and policies so it is logical that if this layer is to have validity it also would do so. 51

If a submission is made to add objectives and policies then the further submission process will be very difficult to deal with.

On the basis that this may occur I can only submit on the basis of the draft document and as per that draft I make the following submission;

SEA's have been identified but landowners have been given no technical information to support this declaration as to what makes there SEA.

It is of concern that there is a lack of technical data and definitions around the term SEA and the whole process seems to have been rushed through.

Whilst in some instances the SEA layer is because they have existing SNA ranking or are a covenant, even this isn't consistent. There are some areas that quite definitely through the consent process have been approved for covenants and have very rare birds breeding on them and haven't been identified as SEA. There is areas of pasture that are SEA.

Key streams and rivers are not identified as SEA so fall completely through the gaps and rely upon riparian vegetation and earthworks rules.

The whole information set regarding SEA's needs to be made available with clear information. 52

We note that the SEAs have in many instances extended well beyond the CPA's in the tidal zones but there is no data to support this.

There is a conflict that the plans support more mangrove removal but most of the mangroves are now in SEA's.

Without the technical data on SEAs available it makes it impossible to make sense of the motivation and the rules supporting them. (we also have no direct policies or objectives)

The SEA layer requires a total review. The standard for SEA needs to be set and the assessment can- not be made by a drive-by or a quick look across the paddocks. Each SEA should be provided with a category that qualifies it. 53

The very poor management of this layer including a complete lack of objectives and policies can be described as Woeful at best.

Currently there are significant mapping errors for SEAs that impact across the Unitary Plan Area and all of these require addressing. 54

SEA's with full supporting data could well be a valid layer but without full supporting data or clear objectives or policies have no basis for inclusion or any credibility and this layer should be removed and managed by way of a Variation to allow a full and equitable process.

In their current form SEAs appear to be treated as static "features on the map you need to look out for" without any real analysis of what this achieves in terms of RMA objectives

I would question just what having this layer achieves when so much is left out and the better way to manage overall is with vegetation rules and a set of clear criteria that standalone the identify what values make for an SEA that can then be addressed if a landowner is seeking to protect a feature or conversely damage a feature. As a layer is assessment criteria set through the vegetation rules, riparian rules it ensures a more robust process then what currently stands. 55

Indicative streams map layer

This map layer is completely inaccurate as to what is in and what is out and how it relates to the definitions.

It requires removal or a major rework. 56

NON STATUTORY MAP LAYERS

Flood Hazard Maps

I have not found an engineer that supports the accuracy of this Map Layer. In fact I would say I have not met and engineer who has not scoffed at these maps. They have so much inaccuracy to them are based on a paintbrush with dots joined where there are not dots to join. Yet these maps which are nothing more than indicative are being used to require resource consents.

These maps should be removed until a total review of them has been undertaken given they were produced in 2009 and the basis for the flood plains is based on a set of things all aligning at once that is fanciful. 57

The Lidar data in the Rural zones is not accurate and large areas such as Kaipara Flats which does have a history of flooding has no assessment of the true flood data. (this was bourne out by the Riley Report written for Council in relation to the Kaipara Flats Airfield Plan Change.) There are other areas that in the last 200 years have not flooded in accordance with these maps. There are other areas that are steep cut streams running in steep sided valleys that show 20 metre flood plains.

Whilst obviously a precautionary approach is required, these maps also require a precautionary approach for use and should not be relied upon to enforce a rule in the plan and any properties that currently have consent notices relating to flood FFL levels should override the use of these maps. Where subdivision has been granted and a flood analysis has been undertaken then that should over ride these maps. 58

Overland flow paths

Currently rules apply to overland flow paths but the overlay maps being relied upon are within the Councils own GIS and not within the Unitary Plan Maps as any status. This makes for a complete farce for applying the rule. But prior to adding the Overland Flow maps they also need to address all the as built plans for Subdivisions completed and also take a precautionary approach as the rules relating to work in overland flows triggers consents at 59

the drop of a hat, so again the maps needs to be a guideline only and not a direct trigger to meet a rule.

Indicative Roads

Indicative Roads are an enigma that has passed into the Unitary Plan.

This map Layer (and its rules) requires removal. 60

Not one indicative road has followed the course and they create massive problems for people to be able to sustainably use their sites.

Those indicative roads left are obsolete as alternative access as already occurred or in the case of Algies bay the land as down zoned in both the Operative Plan for Rodney and the Proposed Unitary Plan and the point is obsolete.

The Indicative Road that runs at the base of 21 Wilson Road Warkworth has also become obsolete as the major subdivision to the north moved the road to the other side of the reserve. This indicative road is a loop road with a culdesac to nowhere from the reserve onwards. None of the sites to the south of the reserve are reliant on the indicative road.

The indicative Roads in Matakana are obsolete as the development has occurred and the roads were built in a different position. They require removal.

ZONE MAPS

Rural Production to Mixed Rural zone change

In keeping with all other areas zoned Mixed Rural amend the Zone Map to include all the land between Woodcocks Road, Old Woodcocks Road and Kaipara Flats Road and link with SH1 to be Mixed Rural. This area is predominately a mix of lifestyle with some farm land but with the remaining farms marginal once the existing owners retire as they are not financially viable to finance against, are in flood plains, have stream and river systems and with all the rules around those become difficult to farm viably. The land meets the description of Mixed Rural and was identified as "Mix1" in the Rodney Rural Strategy. 61

The zone should extend to the boundary extents of landowners on those roads.

This Zone should also extend to the sealed section of Tauhoa Road on the outer extent of Kaipara Flats Village.

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Zone Changes to Mixed Business

As a better use of the land in a more cohesive way and more in keeping with a sustainable landuse Zone the land from the unnamed access road on the immediate East of Mega 10 Warkworth to the east (and north side of Woodcocks Road) using the river boundary and the boundary of Mahurangi College as Mixed Business. 62

This allows for cross (lot boundary) development and the opportunity for a comprehensive development instead of a piecemeal approach with several different zones within a short length of road that makes for an unsustainable use of the land.

The Mixed Business zone provides for a good low intensity mix of business and complementary residential living. It removes heavy industrial from this side of the road and keeps that landuse on the south side of Woodcocks Road.

Change from Future Urban to Mixed Business Zone

The block of land that is made up of some reasonably large titles sitting in roughly a triangle between Hudson Road and the West side of Great North Road Warkworth should be zoned Mixed Business. This land is already able to be serviced and provides for a far more sustainable landuse in this position. It makes a good buffer as this land drops away from the existing residential land and connects with the Hudson Road interchange and future Motorway interchange. 63

Change from Rural Coastal to a mixed settlement zone (Special Zone)

Christian Bay on Takatu Road is a well defined and distinctive settlement that extends just east from the sharp bend in the road where it meets the shore cliffs north to the paper road, east to a dissection with the park but excludes the large rural block to the east that also abuts the park and then runs south taking in Waikauri Bay and the coastal edge. 64

This settlement has previously been described in older planning documents and should be given a special area zone as it is quite definitely not rural farmland with most of the blocks rural residential in scale and mostly also carrying significant natural features of bush, wetland and rehabilitation bush on them. There are also a number of sites that have been approved for subdivision that don't yet have title.

This settlement also has the distinctive Tawharanui Lodge (formerly the Sandpiper) in it. It is has a close proximity to the park so sits uniquely for homestay, low key special events, and low key special functions that the mixed rural zone provides for as well as its very special bush, wetland and biodiversity qualities that includes a suite of very rare birds.

This settlement should have its own unique special zone that provides mixed rural opportunities but with a layer that acknowledges the position in the landscape. The rural coastal zone is not a fit for this community. 1

Special Zones

There are a number of zones that in the last 3-4 years and even as recent the last 12 months that have been either Rodney Council led Plan Changes or Private Plan Changes supported by Council. It is absurd to not recognise those Plan Changes. Plan Change 64 has occurred as part of Auckland Council so the excuse of a change in strategic direction does not wash.

Plan Change 64 Matakana Must be rolled into the Unitary Plan 65

Special 22 Zone Omaha Flats Must be rolled into the Unitary Plan. This was a recent plan change led by Council 66

Kaipara Flats airfield must be rolled into the Unitary Plan. 67

All these plan changes have gone through considerable process and cost to both the Council, and the submitters and Appeals. It is untenable that this should be relitigated as the cost to the community is unreasonable and in the end they are community led.

Kaipara Flats Airfield

The Airnoise contours are supported for this airfield as they show and any alteration other than removal off Wilsons Farm are NOT supported.

Commercial Activities should continue to be Discretionary Activities.

The rules and assessment criteria set up around residential development on the airfield should be reinstated as they were agreed by way of appeals.

The cost to the local community has been significant in relation to the airnoise contours and the matters around flooding and management of the residential development. It is wrong that this should or could be re opened.

Future Urban Zone Warkworth

Future Urban zoning has been spread right up into the foothill of the Dome Forest. The Dome forest is a significant forested range with its distinctive peaks and can be seen from far and wide. This is a significant landscape and a gateway mountain range. Despite the fact that this Plan states it is all for protecting significant landscapes it has seen fit to push urban development of some sort up into the foothills of the Dome Forest Range. The Future Urban zone should recognise significant landscapes and should be pulled back from those foothills. It may be that a low density type of Countryside Living with landscape controls could with an assessment be appropriate but Urban development would not be 68

appropriate. It appears that this zone has been drawn up from a flat map exercise with no understanding of the connectivity to the town or roads, or topography, or ability to service the Urban development. The zone Boundary should not be encouraging sprawl into the foot hills but be creating connections between Matakana, Snells Beach and Warkworth so keeping the future town compact.

Warkworth Growth

Warkworth Growth - Provision of Infrastructure

Warkworth is targeted for a very substantial population increase. But it has a very poor level of infrastructure—especially the non-physical areas that make the city liveable.

There needs to be a commitment to providing all infrastructure including—

- local roading upgrades
- good southbound access to and from SH1
- public transport (within Warkworth/Snells/Matakana as well as commuter access to the urban areas)
- cycle ways/footpaths
- water (Is there enough water available without unduly restricting existing bore water-rights holders?)
- waste water (A new much larger facility would be required)
- additional parks, reserves and sports facilities
- public pool
- Warkworth library upgrade
- public halls

69

I submit that the Zone Rules around the Future Urban Zone explicitly identify that before any land is rezoned into any form of urban zone that—

- the expected levels of each category of infrastructure be agreed (city-wide)
- plans be prepared that identify the expected timing of growth in each part of the Future Urban zone,
- plans be prepared that indentify the delivery of each category of infrastructure (some at a single point in time, and others ramped up in line with planned population growth)
- the delivery plans be locked into the Council financial planning processes

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Warkworth Growth - Work Opportunities

The additional population will generate a small number of additional retail and services jobs within Warkworth. Rural servicing will not grow significantly. The Notified Unitary Plan shows no split between housing and commercial/industrial land uses.

I submit that the rules of the future Urban Zone include a requirement to identify sufficient space for both commercial and industrial purposes to match the employment requirements of the urban growth; or where such space is not proposed that suitable levels of public transport be required to enable residents to move to and from work in the major commercial and industrial areas of Albany and points south without needing to travel by private vehicle. 71

Warkworth RUB—Buffer Zoning

The plan indicates that immediately abutting the Warkworth RUB will be Rural - Production zoned land. I submit that there should be a buffer area maybe 2 to 4 km wide surrounding the RUB that is zoned Countryside Living. This achieves two things— 72

- It addresses a need for people who want to move to a semi-rural lifestyle (around Warkworth) who would not be catered for by living within urban land and overlooking rural land. For many people, having a view of rural land in no way equates with being on rural land.

Warkworth Growth - limitations

Unless all key infrastructure points (listed in the introduction to this section 0. above) are funded and built with the proposed level of growth, then either the target population level needs to be increased to achieve a critical mass that facilitates all the infrastructure or the whole idea of growing Warkworth needs to be shelved beyond a modest growth model. 73

Most importantly in this respect is public transport. Auckland Council (I presume with support from Auckland Transport) needs to ascertain whether the proposed level of growth can support Warkworth being part of the city's Rapid Transit Network. Joining the RTN would necessitate regular day time and evening services with substantial additional "rush hour" services. I suggest that this means that the off-peak part of the service would need to be at least half hourly in each direction. And it would need to be based at a Warkworth Park n Ride station given the limited existing local public transport (one shuttle between Matakana/Snells and Warkworth) and the large rural population beyond any foreseeable extension of public transport. 74

If this and the other infrastructure requirements cannot be met, then the proposed growth should be pulled back to a more modest model that works around the edges of the existing development extents.

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3. DEFINITIONS

Rear Site- split definition into a new and old based on the date of operative status of the Plan. Otherwise issues arise for sites that in legacy Plans that have been a legitimate front site no longer are. 35

Likewise for **Front site** as above 36

Front yards- continue to split definition into new and old sites as per existing definitions in Legacy Rodney Plan. 37

Streams-

Intermittent streams

Ephemeral streams

The definitions as currently written have become so convoluted as to be unworkable, and create gaps in the definitions so a stream may have pools, but is neither ephemeral or intermittent as the pools don't fall into the criteria for either but they also are not a stream by definition. As soon as measurements are put into such a definition it then creates a myriad of questions around what time of year it is, is the rainfall typical, how do you qualify the measurements. The three definitions needs a complete rework. 38

Farming

Livestock Allowed

The definition of farming—the core rural activity— is quite focused. Rule 13 (Rural Zones) recognises farming as a Permitted activity in all rural zones and the plan later defines farming as "Land used for horticulture or raising livestock". This is OK but the definitions later say that livestock are—

> "Animals raised for food or other products, or kept for use, especially farm animals. Includes:
>
> - meat and dairy cattle
> - pigs
> - poultry
> - deer

- horses
- goats
- sheep."

Alpacas are excluded. The first paragraph of the Definitions section notes that "the word 'includes' followed by a list is not limited to those matters specified in the list and the word 'excludes' followed by a list, is an exhaustive list" which appears to include alpacas. It is of concern that the list in the Definition only comprises "traditional" livestock and so might imply that only traditional livestock are included.

I submit that the definition be changed to " Animals **(both traditionally farmed in New Zealand and other species not traditionally farmed in New Zealand)** that are raised for food or other products, or kept for use, especially farm animals. ..." (excluding zoo animals and ferrets) 79

Prime and Elite Land

Move to the descriptors that make up the constituent parts of these land types and not rely on the maps(indicative only). Rewrite definitions. 80

Add a definition for marginal land

Add a definition for marginal land to also qualify those land-types suitable for rehabilitation planting. 81

Site-

rewrite to correctly follow the RMA.

Site

1. An area of land which is:

   a. comprised of one allotment in one certificate of title, or two or more contiguous allotments held together in one certificate of title, in such a way that the allotments cannot be dealt with separately without prior consent of the council or

   b. contained in a single lot on an approved survey plan of subdivision for which a separate certificate of title could be issued without further consent of the council

Replace b. With: "contained in a single lot on a digital title plan certified pursuant to Section 223 of the Resource Management Act 1991 for which a separate certificate of title could be issued without further consent of the Council." Note that the term "survey plan" is confusing because it is actually the title plan that Council certifies. The term "approval" is also confusing because the plan also requires "Approval" (as to survey) from Land Information New Zealand. 82

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being in any case the smaller area of clauses 1a or 1b above

Add the word "or" as below

2. Or an area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles are:

a. subject to a condition imposed under section 37 of the Building Act or s.643 of the Local Government Act 1974 or

b. held together in such a way that they cannot be dealt with separately without the prior consent of the council.

3. Or an area of land which is:

a. partly made up of land which complies with clauses 1 or 2 above and

b. partly made up of an interest in any airspace above or subsoil below a road

where a and b are adjacent and are held together in such a way that they cannot be dealt with separately without the prior approval of the council.

Except that in the case of land subdivided under the Unit Titles Act 1972, the cross lease system or stratum subdivision, 'site' shall be deemed to be the whole of the land subject to the unit development, cross lease or stratum subdivision.

Boundary adjustment

A subdivision of existing sites that:

- maintains the same number of sites following subdivision as existed prior to it, and
- alters the boundaries between two or more contiguous sites, and
- may result in any one or more of the sites becoming larger or smaller.

Boundary relocation

A subdivision of existing sites that:

- maintains the same number of sites following subdivision as existed prior to it, and
- relocates the boundaries of sites that may or may not be contiguous, within a property held in the same ownership, and
- may result in any one or more of the sites becoming larger or smaller.

Remove the words "within a property held in the same ownership" to allow neighbouring rural property owners to relocate parcels for better land management of each other's property.

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SUBMITTERS REPRESENTED BY THIS SUBMISSION

Name	Address
David Mason and Dianne McCallum	211 Kaipara Flats Road RD 1 Warkworth 0981
Harvey Carran	40 Carran Road RD 1 Warkworth 0981
James Drinnan	Old Kaipara Road RD 1 Warkworth 0981
Joy and Alan Jackson	447 Old Kaipara Road RD 1 Warkworth 0981
Stephen and Naiouli Wilson	97 Wright Road Matakana RD 5 Warkworth 0985 Also 330 Old Kaipara Road Warkworth
Jan and Rod Hatful	193 Old Kaipara Road RD 1 Warkworth 0981
Heather and Des Schollum	172 Old Kaipara Road RD 1 Warkworth 0981
Marjorie and Dean Blythen	361 Kaipara Flats Road RD 1 Warkworth 0981
Les and Valda Paddison	17 Wrights Road Matakana RD 5 Warkworth 0985
Paul Davies	169 Port Albert Road Wellsford 0900
Wayne Drinnan	147 Old Kaipara Road RD 1 Warkworth 0981
Des and Jennifer Hatfull Brendda and Leon Salt	193 Old Kaipara Road RD 1 Warkworth 0981
Kevin Walker	PO Box 226 Warkworth 0941
Wolfgang Scholz	11B Prospect Terrace Milford (495 Kaipara Flats Road) 0620
Kipi Walker	470 Kaipara Flats Road RD 1 Warkworth 0981
David and Louise Lee	426 Kaipara Flats Road RD 1 Warkworth 0981

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Karen Pegrume	460 Kaipara Flats Road RD1 Warkworth 0981
Lorraine Atkin	514 Old Kaipara Road RD1 Warkworth 0981
Murphy family	99 Old Kaipara Road RD1 Warkwoth 0981
H. Buick and A Oberkirsher	763 Woodcocks Rd RD1 Warkworth 0981

Easter Family Farm (Gin Farm)-	155 Whitmore Road Tawharanui 114 Queenstreet Northcote
Brian and Lindsay Mcphun	291 B Takatu Road
Bishops Hill JV Limited	Bishops Hill Farm Whitmore Road Tawharanui
Tokatu Holdings Ltd-	1024 Takatu Road
Shewan family-	291A Takatu Road

Mbogani Trust -	16 Bristol Road Whenuapai
K and J Carleton	14 Bristol Road Whenuapai

Jutland Trust	271 Takatu Road
Kim McDell	291 Takatu Road

Ken Sholson	280 Point Wells Road, and 81 great north road Warkworth

Ross Sutherland	Lots 1 and 2 DP 203473
Brett Illingworth	Lots 1,2 and 3 DP 321179

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Warkworth Surveyors Ltd	P O Box 143 Warkworth 0941

All correspondence is to go to

Karen Pegrume
Better Living Landscapes Ltd
Director

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kpegrum@xtra.co.nz
460 Kaipara Flats Road
RD1 Warkworth
New Zealand

Email is acceptable as a means of communication.

We wish to be heard at the Hearings.

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ANNEXURE (b) – DECISIONS OF AUCKLAND COUNCIL

Auckland Council

Te Kaunihera o Tāmaki Makaurau

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

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Decisions Report

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19 August 2016

Contents

1. Introduction

1.1 This "**Decisions Report**" sets out the decisions made by the Auckland Council (**Council**) on the recommendations for the Proposed Auckland Unitary Plan (**PAUP**) that were provided to the Council on 18 May 2016[1] and 22 July 2016[2] by the Auckland Unitary Plan Independent Hearings Panel (**Panel**).

1.2 This Decisions Report has been prepared in accordance with section 148 of the Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**). Section 148 sets out how the Council is to consider the "**Panel's Recommendations**" and make and notify its decisions on them. In summary, the Council must decide whether to accept or reject each of the Panel's Recommendations, and must publicly notify those decisions no later than 20 working days after it is provided with the reports containing the Panel's Recommendations (or, if there is more than one report, the last of the reports). Where any of the Panel's Recommendations are proposed for rejection, the Council must provide reasons supporting the rejection and an alternative solution to the Panel's Recommendation that has been rejected.

1.3 The Council made its decisions on the Panel's Recommendations during a series of Governing Body (**GB**) meetings held between 10 and 15 August 2016, at which the Panel's Recommendations were considered alongside several reports which set out the proposed staff response to the Panel's recommendations.

1.4 In accordance with section 148(4) of the LGATPA, the Council is required to:

a) publicly notify its decisions no later than 20 working days after it is provided with the reports containing the Panel's Recommendations (or, if there is more than one report, the last of the reports).

b) electronically notify its decisions on designations to requiring authorities.

2. Statutory Context

2.1 The statutory context within which the Panel was required to provide recommendations on the PAUP to the Council, and which then requires the Council to make its decisions on the Panel's Recommendations, is found in Part 4 of the LGATPA.

2.2 As outlined in earlier reports to the Council[3], Part 4 of the LGATPA was enacted by the Government to provide a streamlined, unique process for the preparation of the PAUP. It is the Part 4 process which requires the Council to make and publicly notify its decisions on the Panel's Recommendations, and notify requiring authorities of decisions on their designations, by way of this Decisions Report.

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

2 In relation to the remaining designations and the balance of the PAUP.

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

2.3 The Panel was required to provide its recommendation report(s) to the Council by no later than 22 July 2016.

2.4 After receiving the Panel's Recommendations the LGATPA requires the Council to make decisions, specifically deciding whether to accept or reject each recommendation made by the Panel[4]. Where the Council decides to reject any recommendation, there are additional requirements for the Council, including preparing an "alternative solution" which, in accordance with section 148(1)(b):

a) may or may not include elements of both the PAUP as notified and the Panel's Recommendation in respect of that part of the PAUP; but

b) must be within the scope of the submissions.

2.5 After making its decisions, the Council must, by no later than 19 August 2016, publicly notify its decisions in a way that sets out the following information[5]:

a) each Panel recommendation that it accepts; and

b) each Panel recommendation that it rejects and the reasons for doing so; and

c) the alternative solution for each rejected recommendation.

2.6 In relation to designations (discussed further below), the Council must, again by no later than 19 August 2016, electronically notify each requiring authority affected by the decisions of the Council of the information referred to in paragraph (2.5) above that specifically relates to the decision recommending that the authority confirm, modify, impose conditions on, or withdraw the designation concerned[6].

Decision-making by the Council

2.7 In making its decisions the Council must either accept or reject the Panel's Recommendations.

2.8 For the Panel's Recommendations that it decides to ***accept***, the Council will be able to fulfil its decision-making obligations by considering the Panel's Recommendations and reasons only. This is because the Panel, in making its recommendations, was required to comply with all the requirements of section 145 of the LGATPA, including obligations on the Panel to:

a) ensure that if the Council accepts each/any/all of the Panel's Recommendations, all relevant requirements (and legal tests) of the RMA,

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4 See section 148, LGATPA.

5 See section 148(4), LGATPA.

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

and other enactments which apply to the Council's preparation of the PAUP, are complied with[7]; and

b) prepare, and include with its recommendations, a further evaluation in accordance with section 32AA of the RMA[8].

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

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

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

b) ***Must*** be within the scope of the submissions.

3. The Panel's Recommendations

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

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

b) **Part 2** - The Recommended Plan: which comprises a "clean" version of the Panel's recommended text for the PAUP; and

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7 See section 145(1)(f), LGATPA.
8 See section 145(1)(d) and (f)(i) and (ii), LGATPA.
9 See section 148(1)(b), LGATPA.
10 E.g. in the Auckland Unitary Plan Evaluation Report prepared by the Council under section 32.
11 Report 1.

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

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

3.2 The Panel's Recommendations (including on designations), Recommended Plan, and Recommended Maps / GIS Viewer can all be viewed on the Council's website: www.aucklandcouncil.govt.nz/unitaryplan.

3.3 It is noted that the Panel's Recommendations contain a number of separate hearing topic reports, and that recommendations are often provided throughout the body of each report (including the overview reports referred to at paragraph 3.1(a) above). As a result, where the Council has made a decision which accepts all of the Panel's Recommendations in relation to a specific hearing topic / designation, this Decisions Report will need to be read in conjunction with the related hearing topic report provided to the Council as part of the Panel's Recommendations as well as the decisions (and recommended) version of the PAUP text and maps.

4. 'Out of scope' recommendations / decisions

4.1 The Part 4 process for the preparation of the PAUP allowed the Panel to make recommendations that are beyond the scope of submissions made on the PAUP[12] ("out of scope recommendations"). Where the Council accepts any out of scope recommendations made by the Panel in relation to provisions / matters in the PAUP, there is a specific right of appeal to the Environment Court for any person that "is, was, or will be unduly prejudiced by the inclusion of the provision or exclusion of the matter"[13].

4.2 The overview report dated July 2016 included with the Panel's Recommendations contained a detailed section that addressed "scope" and, as required by section 144(8) of the LGATPA, the Panel identified recommendations that the Panel considered to be beyond the scope of submissions on the PAUP.

4.3 The identification of the Panel's out of scope recommendations was set out in Appendix 3 to the overview report dated July 2016 – *"Summary of recommendations out of scope"* – which listed the hearing topics where the Panel had provided out of scope recommendations to the Council, and identified the out of scope recommendations in question. The Panel's Appendix 3 is reproduced as **Attachment C** to this Decisions Report.

4.4 While the Panel's Appendix 3, as reproduced at Attachment C, should be referred to, in summary, the Panel has identified out of scope recommendations in relation to the following topics: *006 – Natural Resources*, 027 – Artworks, signs and temporary activities, 028 – Future Urban, *032 – Historic heritage schedules*, *080 – Rezoning and precincts (general)* and *081 – Rezoning and precincts (geographical areas)*, with numerous individual precincts containing out of scope recommendations.

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12 Section 144(5), LGATPA.

13 Section 156(3), LGATPA.

4.5 In order to identify out of scope recommendations as they relate to the GIS Viewer (the PAUP spatial component, e.g. zoning) the Panel outlined the properties associated with out of scope recommendations with a bold black line on the GIS Viewer. This outline can be seen on the Panel's recommended version of the GIS Viewer.

4.6 In order to identify the Panel's out of scope spatial (zoning) recommendations that have been accepted, the Council has retained the same bold black line on its decisions version of the GIS Viewer.

4.7 For ease of reference for users of this Decisions Report the Council has also printed and **attached** ten separate maps showing the accepted Panel out of scope recommendations as they relate to the GIS Viewer. These maps, which are included as **Attachment C**, show out of scope decisions made in the following areas: Albany; Glen Eden, Greenlane, Mangere Bridge, Milford, Newmarket, Otahuhu, Te Atatu South, Warkworth and Whangaparoa. The address details of the properties associated with those decisions have not been provided by the Council.

5. Designations

5.1 Under the RMA (and the special legislation applying to the PAUP), while designations included as part of a plan review are subject to submissions and a hearing, there is a different process for who makes the decisions on the recommendations from the Panel.

5.2 For the Council's own designations, the Council must make a decision on the recommendations provided by the Panel. For designations owned by other requiring authorities however, the Council's decisions are treated as recommendations to those requiring authorities on their designations[14]. The requiring authorities themselves will make the final decisions (subject to appeal) on whether they will accept or reject the Council's recommendations.

5.3 In relation to designations included in the PAUP, the Council's GB made decisions on the following aspects:

a) decisions relating to Chapter G1.3 and Part 7 Designations of the PAUP;

b) decisions relating to the Council's own designations included in the PAUP; and

c) decisions relating to the recommendations it will make to other requiring authorities in respect of their designations included in the PAUP.

5.4 The Council did not oppose any designations included in the PAUP, and did not have an active role in the assessment of third party submissions on designations; other

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

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

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

15 As noted earlier, all heritage orders rolled over without modification / submissions.
16 Under clause 17(1) of Schedule 1 to the RMA. See s152(5) of the LGATPA.

6. Attachments to Decisions Report

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

a) **Attachment A** - The alternative solutions prepared by the Council for any rejected recommendations (which includes: text, diagram and map alternative solutions).

b) **Attachment B** – The section 32AA assessment reports prepared, where necessary, as part of any rejection.

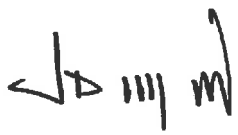
c) **Attachment C** – A list of the Panel's out of scope recommendations that have been accepted by the Council, including maps which show the out of scope recommendations within the GIS Viewer.

d) **Attachment D** – A list of the Panel's Recommendations that have been rejected by the Council.

e) **Attachment E** – Designations (Parts 1, 2 and 3).

Approved for release:

John Duguid - General Manager - Plans and Places



Penny Pirrit - Director Regulatory Services

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

Panel recommendations rejected:

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

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

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

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

Panel recommendations accepted:

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

Panel recommendations rejected:

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

(a) **The deletion of objectives and policies for rural subdivision that:**

(i) Prevent inappropriate subdivision

(ii) Promote the significant enhancement of indigenous biodiversity

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

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

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

Panel recommendations accepted:

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

Panel recommendations rejected:

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

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

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

Panel recommendations accepted:

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

Panel recommendations rejected: none.

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

Panel recommendations accepted:

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

Panel recommendations rejected: none.

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

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

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

Panel recommendations accepted:

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

Panel recommendations rejected: none.

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

Panel recommendations accepted:

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

Panel recommendations rejected: none.

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

Panel recommendations accepted:

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

Panel recommendations rejected: none.

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

Panel recommendations accepted:

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

Panel recommendations rejected:

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

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

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

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

Reasons
(i) The provisions would enable potentially inappropriate subdivision of the rural area with the minimal environmental gains.
(ii) The provisions enable subdivision of sites with Significant Ecological Area (SEA) factors as opposed to identified SEAs. The SEA factors are not suitable to be used for rural subdivision assessment as they: • Were made for a different purpose (assessing significance for vegetation protection – not for assessing whether the ecological value of an area would mitigate rural subdivision). • Were designed to be applied in a single, comprehensive manner across the region, not in isolation on a case by case basis. Site by site assessment in isolation will result in over-estimation of the significance of sites.

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

(c) Absence in recommending specific site sizes for Countryside Living subdivision in the Caldwells Road area in Whitford.

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

Topic 064
E39 Subdivision-Rural

E39. Subdivision – Rural

E39.1. Introduction

Subdivision is…..

E39.2. Objectives

(1) Land is….

(9) The productive potential of rural land is enhanced through the amalgamation of smaller existing land holdings sites, particularly for sites identified in Appendix 14 Land amalgamation incentivised area, and the transfer of titles to ~~areas of lower productive potential in~~ certain Rural – Countryside Living Zone areas.

(10) Fragmentation of rural production land by:

(a) subdivision of land containing elite soil is avoided; ~~and~~

(b) subdivision of land containing prime soil is avoided where practicable~~.~~; and

(c) subdivision of land avoids contributing to the inappropriate, random and wide dispersal of rural lifestyle lots throughout rural and coastal areas.

(11) Subdivision avoids….

(12) Rural lifestyle subdivision is primarily limited to the Rural – Countryside Living Zone, and to sites created by protecting~~, restoring~~ or creating significant areas of indigenous vegetation or wetlands.

(13) Subdivision of any…

(14) Subdivision is provided for by either:

a. Limited in-situ subdivision ~~or by~~ through the protection of significant indigenous vegetation and/or through indigenous revegetation planting; or

b. Transfer of titles, through the protection ~~or enhancement~~ of indigenous vegetation and wetlands and/or through ~~restorative or~~ indigenous revegetation planting to Countryside Living zones.

(15) …..

E39.3. Policies

(1) Provide….

(2) Require …..

(3) Manage rural subdivision and boundary adjustments to facilitate more efficient use of land for rural production activities by:

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

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

(4) Require subdivisions…..

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

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

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

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

(12) Enable….

Protection of indigenous vegetation and wetland and revegetation planting

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

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

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

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

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

(b) subdivision ……

E39.4. Activity table

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

Table E39.4.1 Subdivision for specified purposes

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

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

Activity		Activity status
(A10)....	Subdivision for open spaces, reserves or road realignment	D
(A15)	In-situ subdivision creating additional sites through protection of indigenous vegetation ~~or wetland~~ identified in the Significant Ecological Areas Overlay, and complying with Standard E39.6.4.4	RD
(A16)	In-situ subdivision creating additional sites through protection of indigenous vegetation ~~or wetland~~ identified in the Significant Ecological Areas Overlay not complying with Standard E39.6.4.4	NC
~~(A17)~~	~~In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and complying with Standard E39.6.4.4~~	~~RD~~
~~(A18)~~	~~In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and not complying with Standard E39.6.4.4~~	~~NC~~
~~(A19)~~ (A17)	In-situ subdivision creating additional sites through establishing revegetation planting and complying with Standard E39.6.4.5	RD
~~(A20)~~ (A18)	In-situ subdivision creating additional sites through establishing revegetation planting not complying with Standard E39.6.4.5	NC
~~(A21)~~ (A19)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay complying with Standard E39.6.4.6	RD
~~(A22)~~ (A20)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay not complying with Standard E39.6.4.6	NC
~~(A23)~~	~~Transferable rural sites subdivision through protection of~~	~~RD~~

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

Table E39.4.3 Subdivision in Future Urban Zone

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

Table E39.4.4 Subdivision in Special Purpose – Quarry Zone

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

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

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

E39.5. Notification

(1) An application…..

E39.6. Standards

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

E39.6.1. General standards

E39.6.1.1. Specified building area

(1) A specified building……..

E39.6.2. Standards – permitted activities

Subdivision listed….

E39.6.3. Standards - controlled activities

Subdivision listed….

E39.6.3.1. Amendments to...

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

(1) All sites…

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

(a) any further subdivision; and/or

(a) new dwellings.

E39.6.4. Standards – restricted discretionary activities

E39.6.4.1. Subdivision establishing an esplanade reserve

(1) Any subdivision…..

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

(1) Each proposed site….

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

(1) Each proposed site…..

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

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

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

~~(a)~~

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

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

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

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

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

beyond the protection of 20ha		

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

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

(3) A 20 metre buffer is to be applied to the perimeter of the indigenous vegetation ~~or wetland~~ and included as part of the protected area.

(4) The additional sites must be created on the same site as the indigenous vegetation ~~or wetland~~ subject to protection.

Note: Standard E39.6.4.6 provides a separate subdivision option to enable the transfer of additional lots created via Standard E39.6.4.4.

(5) The additional sites must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.

(6) Any indigenous vegetation ~~or wetlands~~ proposed to be legally protected in accordance with Appendix 15 Subdivision information and process must be identified on the subdivision scheme plan.

(7) Areas of indigenous vegetation ~~or wetland~~ to be legally protected as part of the proposed subdivision must not already be subject to legal protection.

(8) Areas of indigenous vegetation ~~or wetland~~ to be legally protected as part of the proposed subdivision must not have been used to support another transferable rural site subdivision or subdivision under this Plan or a previous district plan.

(9) The subdivision resource consent must be made subject to a condition requiring the subdivision plan creating the sites to be deposited after, and

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

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

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

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

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

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

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

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

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

(a) the establishment of secure stock exclusion;

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

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

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

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

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

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

(1) Any established revegetation planting must meet all of the following:

(a) not be located on land containing elite soil or prime soil;

(b) be located outside any Outstanding Natural Character, High Natural Character or Outstanding Natural Landscape overlays; and

(c) be contiguous with existing indigenous vegetation identified in the Significant Ecological Area Overlay.

~~(e)~~(d) the criteria as set out in Appendix 16 Guideline for native revegetation plantings.

(2) The maximum number of new sites created through establishing revegetation planting must comply with Table E39.6.4.5.1.

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

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

(3) Any new site must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.

(4) Any established revegetation planting proposed must be legally protected.

(5) Areas subject to revegetation planting must be subject to a legal protection mechanism that:

(a) protects all the existing indigenous vegetation on the site at the time of application as well as the additional area subject to any revegetation ~~restoration~~ planting; and

(b) meets the requirements as set out in Appendix 15 Subdivision information and process.

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

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

(b) a planting plan for ~~restorative~~ revegetation planting which outlines the restoration measures proposed to be carried out within or adjacent to the indigenous vegetation ~~or wetland~~ proposed to be protected in accordance with Appendix 15 Subdivision information and process and Appendix 16 Guideline for native revegetation plantings ; and

(c) the plans required in E39.6.4.5(6)(a) and (b) must be prepared by a suitably qualified and experienced person.

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

(a) the establishment of secure stock exclusion;

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

(c) the maintenance....

(8) The subdivision resource consent must be made subject to a condition that requires the subdivision plan creating the sites to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation ~~or area of restoration planting~~ to be protected ~~as applicable~~.

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

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

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

(1) All transferable rural sites subdivisions applications involving protection of indigenous vegetation ~~or wetlands~~ must meet all of the standards that are ~~(a)~~ applicable for the protection of indigenous vegetation ~~or wetland~~ identified in the Significant Ecological Areas Overlay as set out in Standard E39.6.4.4.

~~(b) the protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) as set out in Standard E39.6.4.4; or~~

(a) ~~(c)~~ the creation of sites through establishing revegetation planting as set out in Standard E39.6.4.5.

(2) All transferable rural sites subdivisions applications involving protection of wetlands must meet:

(a) Clauses 1 and 3-12 in E39.6.4.4 as if references to indigenous vegetation are references to wetlands;

(b) The maximum number of new sites created through the protection of wetlands must comply with Table E39.6.4.6.1.

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

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

(3)~~(2)~~A donor site…..

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

(1) Prior to amalgamation……

E39.6.5. Standards – discretionary activities

E39.6.5.1. Subdivision in….

E39.6.5.2 Subdivision in the Rural – Countryside Living Zone

Table 39.6.5.2.1 Minimum and minimum average net site area

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

E39.7. Assessment – controlled activities

E39.7.1. Matters of control

The Council will…

E39.7.2. Assessment criteria

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

(1) all controlled activities:

(a) compliance …..

(b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:

(i) the extent to…

(ii) whether…

(iii) refer to Policy E39.3~~(24)~~(25), ~~(25)~~(26) and ~~(26)~~(27);

(c) the effects of infrastructure provision:

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

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

(d) the effects…

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

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

E39.8. Assessment – restricted discretionary activities

E39.8.1. Matters of discretion

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

(1) subdivision of a site…

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

(a) effects associated with…

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

(ii) the rural character, landscapes and amenity;

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

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

(v) the compliance with Auckland-wide rules;

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

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

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

(ix) any reverse sensitivity effects; and

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

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

(a) effects associated….

E39.8.2. Assessment criteria

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

(1) subdivision of a site …..

(5) subdivision establishing an esplanade reserve:

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

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

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

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

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

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

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

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

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

E39.9. Special information requirements

There are no special information requirements in this section.

Consequential Changes to other parts of the Plan:

B9. Toitū te tuawhenua- Rural environment

B9.1. Issues

The Auckland region is not just…

B9.4. Rural subdivision

B9.4.1. Objectives

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

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

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

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

B9.4.2. Policies

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

(2) Enable subdivision for the following purposes:

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

(b) the establishment and operation of infrastructure;

(c) rural production purposes;

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

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

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

(a) promote the productivity of rural land;

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

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

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

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

(4) Provide for….

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

B9.5. Principal reasons for adoption

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

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

E15. Vegetation management and biodiversity

E15.1. Background

Vegetation contributes to a range of ecosystem services …

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

(1) Protect areas…

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

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

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

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

(5) Enable activities which...

Appendix 15 Subdivision information and process

15.1 Introduction

This appendix...

15.3. Transferable rural site subdivision

15.3.1. Process

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

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

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

(2).....

Table 15.3.1.1 Transferable rural site subdivision process

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

		relevant criteria
1	Identify the following: a. two donor sites abutting each other, one of which is vacant; b. a site zoned Rural - Countryside Living Zone identified as suitable as a receiver site for TRSS – see Table E39.6.5.2.1 Minimum and minimum average net site areas in E39 Subdivision - Rural	Identify the following: a. an area of indigenous vegetation or wetland (on the donor site) that: - is identified in the Significant Ecological Areas overlay; ~~- meets the Significant Ecological Areas factors as set out in Policy B7.2.2(1); or~~ - is established with ~~re-vegetated~~ revegetation planting meeting relevant criteria. b. a site zoned Rural - Countryside Living Zone identified as suitable as a receiver site for TRSS – see Table E39.6.5.2.1 Minimum and minimum average net site areas in E39 Subdivision - Rural.
2	Application made to Council: a. to amalgamate two donor sites into one new site; and b. to subdivide the receiver site.	Application made to Council: a. subdivide the property containing indigenous vegetation, wetland or revegetation planting to create the residential development opportunity; and b. transfer the residential development opportunity to the receiver site in a Countryside Living Zone.
3	Gain subdivision …	
…5	Apply to Land Information New Zealand to: a. issue one new certificate of title in place of the original donor sites; and b. issue two new certificates of title for the new sites created from the receiver site after the title for the donor sites has been issued.	Apply to Land Information New Zealand to: a. attach an appropriate legal protection mechanism to the donor site for the protection of the indigenous vegetation, wetland or ~~re-vegetated~~ revegetation planting; and b. issue two new certificates of title for the new sites created from the receiver site.

15.3.2. Explanation of terms

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

(a) two abutting rural sites being amalgamated;

(b) a rural site containing rural-residential development potential created from one of the following situations:

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

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

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

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

15.4. Protection of existing indigenous vegetation

(1) All subdivision plans...

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

(1) The legal…

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

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

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

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

(d) The…

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

15.6. ~~Restorative~~ Revegetation planting

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

(a) the ecological district…..

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

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

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

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

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

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

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

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

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

(a) provide necessary……

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

(3) The following matters…

H19. Rural zones

H19.1 Background

There are five rural zones: ...

H19.7 Rural – Countryside Living Zone

H19.7.1. Zone description

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

This zone incorporates a range of…

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

Auckland Council
Private Bag 92300
AUCKLAND

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