

In the Environment Court of New Zealand
at Auckland

ENV-2016-AKL-

in the matter of: the Local Government (Auckland Transitional Provisions) Act 2010 (*LGATPA*) and the Resource Management Act 1991

and:

in the matter of: an appeal under section 156(1) of the LGATPA against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel on the Proposed Auckland Unitary Plan

and:

in the matter of: Proposed Plan Hearing Topic 011 – Rural environment and Topic 064 – Subdivision Rural

between: Zakara Investments Limited
Appellant

and: Auckland Council
Respondent

Notice of Appeal by Zakara Investments Limited against decisions
on the Proposed Auckland Unitary Plan

Dated: 16 September 2016

REFERENCE: Catherine Somerville-Frost (Catherine.Somerville-Frost@chapmantripp.com)
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To The Registrar
Environment Court
Auckland

Introduction

- 1 Zakara Investments Limited (*Zakara*) appeals against parts of a decision of the Auckland Council (*Council*) on the Proposed Auckland Unitary Plan (*Proposed Plan*).
- 2 Zakara has the right to appeal the Council's decision under section 156(1) of the LGATPA because the Council rejected a recommendation of the Auckland Unitary Plan Independent Hearings Panel (*Panel*) in relation to a provision or matter Zakara addressed in its submission on the Proposed Plan (submission number 6534, further submission number 2607). The Council decided on an alternative solution, which resulted in provisions being included in the Proposed Plan that were not included in the Panel's recommendations and provisions being excluded from the Proposed Plan that were included in the Panel's recommendations.
- 3 Zakara provides further details of the reasons for its appeal below.
- 4 Zakara is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (*RMA*).
- 5 Zakara received notice of the decision on 19 August 2016.
- 6 The parts of the decision that Zakara is appealing is the Council's decision to reject the Panel's recommendations in relation to Hearing Topics 011 (Rural environment) and 064 (Subdivision – rural) relating to in-situ and transferable rural site subdivision for protection of indigenous vegetation and wetlands, or for indigenous revegetation planting. In particular, the Council's decision to amend the following provisions of the Proposed Plan:
 - 6.1 B9. Toitū te tuawhenua- Rural environment:
 - (a) B9.4.1. Objectives (1) and (4);
 - (b) B9.4.2. Policies (1), (2) and (5);
 - (c) B9.5. Principle reasons for adoption;
 - 6.2 E15. Vegetation management and biodiversity:
 - (a) E15.3. Policy (4);
 - 6.3 E39. Subdivision – Rural:
 - (a) E39.2. Objectives (9), (10), (12), and (14);
 - (b) E39.3. Policies (3), (11), (15), (16), and (18);

- (c) Table E39.4.2 Subdivision in rural zones (excluding Rural – Waitākere Foothills Zone and Rural – Waitakere Ranges Zone) – Activities (A15), (A16), (A17), (A18), (A23), (A24);
- (d) E39.6.4. Standards – restricted discretionary activities:
 - (i) E39.6.4.4, except that Zakara supports the amendments to Table E39.6.4.4.1 to remove the 12 site maximum (or cap);
 - (ii) E39.6.4.5;
 - (iii) E39.6.4.6;
- (e) E39.8 Assessment – restricted discretionary activities:
 - (i) E39.8.1 Matters of Discretion (6) and (7);
 - (ii) E39.8.2 Assessment Criteria (6), (7) and (8);
- (f) H19. Rural zones:
 - (i) H19.7 Rural – Countryside Living Zone H19.7.1 Zone description;
- (g) Appendix 15 Subdivision information and process:
 - (i) 15.3. Transferable rural site subdivision;
 - (ii) 15.5 Legal protection mechanism to protect indigenous vegetation, wetland or revegetated planting;
 - (iii) 15.6 Restorative planting.

6.4 Zakara also appeals the Council’s decision in relation to Hearing Topics 011 (Rural environment) and 064 (Subdivision – rural) in so far as the provisions affected by those topics do not clearly and practically implement the Panel’s intention. The Panel’s intention was that transferable rural site subdivision involves protection of indigenous vegetation or wetland, or revegetation planting on a donor site, to create a development right, and subdivision on a receiver site (i.e. not subdivision on the donor site).

Reasons for the appeal

7 The reasons for the appeal are as follows:

7.1 Zakara considers that the parts of the decision appealed and referred to above do not accord with the relevant

requirements of the RMA and are contrary to Part 2 of the RMA. In particular, the parts of the decision appealed:

- (a) Do not promote the sustainable management of natural and physical resources;
- (b) Do not safeguard the life-supporting capacity of air, water, soil and ecosystems;
- (c) Do not recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- (d) Do not promote the ethic of stewardship;
- (e) Do not result in the most appropriate plan provisions in terms of section 32 of the RMA;
- (f) Are contrary to the Auckland Plan;
- (g) Do not give effect to the Regional Policy Statement in the Proposed Plan; and
- (h) Are contrary to good resource management practice.

7.2 Without limiting the generality of the above, the specific reasons for this appeal are:

- (a) The Council's Significant Ecological Area overlay is incomplete. Zakara's property covers 906 hectares (almost half) of Kawau Island. Large parts of the property satisfy the Significant Ecological Area factors identified in Policy B7.2.2(1), but has not been mapped as a Significant Ecological Area in the Proposed Plan.
- (b) The parts of the decision appealed are likely to significantly reduce the protection and restoration of indigenous biodiversity in the Auckland region.
- (c) The Council has failed to undertake an adequate assessment of the provisions, including the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, as required by sections 32 and 32AA of the RMA.
- (d) The Panel recommended that the transferable rural site subdivision rules "enable one additional site for the protection of each additional 10 hectares of indigenous

vegetation".¹ The recommended version of the Proposed Plan did not implement that intention, as Table E39.6.4.4.1 created a 12 site maximum. This error was corrected through the Council's decision.

- (e) Transferable rural site subdivision involves protection of indigenous vegetation or wetland, or revegetation planting on a donor site, to create a development right, and subdivision on a receiver site. General subdivision standards are relevant to the receiver site, not to the donor site.

Relief sought

8 Zakara seeks the following relief:

- (a) Reinstate the Panel's recommendations on Topics 011 and 064 to enable in-situ and transferable rural site subdivision for protection of indigenous vegetation and wetlands, or for indigenous revegetation planting;
- (b) Retain the Council's decision to amend Table E39.6.4.4.1 to ensure there is no maximum number of new rural residential sites able to be created from the protection of indigenous vegetation (i.e. no cap);
- (c) In particular, the amendments set out in **Appendix 1** to this notice of appeal;
- (d) Amendments to E39. Subdivision – Rural and Appendix 15 – Subdivision information and process to clarify that transferable rural subdivision involves protection of indigenous vegetation or wetland or revegetation planting on a donor site to create a development right, and subdivision on a receiver site (i.e. not subdivision on the donor site);
- (e) Such further or consequential relief as may be necessary to address the matters raised in Zakara's submissions and this appeal; and
- (f) Costs.

Service and attachments

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 have been made by the Environment Court in relation to the usual requirements of the RMA as to service of this notice on other persons.

¹ Independent Hearings Panel, Report to Auckland Council Hearing topic 064 Subdivision – rural (july 2016), section 4.2.5.

- 10 The following documents are attached to this notice:
- (a) a copy of the relevant part of the decision (**Appendix 2**);
 - (b) a list of names and addresses of persons served / to be served with a copy of this notice (**Appendix 3**); and
 - (c) a copy of Zakara's submission and further submission (**Appendices 4 and 5**).

Signed for and on behalf of Zakara by its solicitors and authorised agents
Chapman Tripp



Catherine Somerville-Frost
Partner
16 September 2016

Address for service of person:

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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 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003) with the Environment Court by email (to unitaryplan.ecappeals@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 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the relevant submission and the relevant decision. These documents may be obtained, on request, from the appellant.

Advice

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

APPENDIX 1 – RELIEF SOUGHT

Zakara seeks the following amendments to the Council’s decision (additional text shown as underline, deleted text shown as ~~strikethrough~~):

(i) 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.

...

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

(ii) 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...

(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.

(iii) 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~~.

(iv) E15. Vegetation management and biodiversity

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

(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.

(v) E39. Subdivision – Rural

E39.2. Objectives

(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.~~

(vi) E39.3. Policies

(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 title to areas of lower productive potential, in particular areas zoned certain Rural – Countryside Living Zones.

(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.

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

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

Activity		Activity Status
(A15)	In-situ subdivision creating additional sites through protection of indigenous vegetation <u>or wetland</u> 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 <u>or wetland</u> 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
...		

(A23)	<u>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 complying with Standard E39.6.4.6</u>	RD
(A24)	<u>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</u>	NC

(viii) **E39.6.4. Standards – restricted discretionary activities**

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

(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)

<u>Areas of indigenous vegetation or wetland to be protected</u>	<u>Maximum number of rural residential sites that may be created</u>
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<u>Minimum of 2.0ha</u>	<u>1</u>
<u>2.0001ha – 11.9999ha</u>	<u>2</u>
<u>12.0ha- 21.9999ha</u>	<u>3</u>
<u>22.0ha – 31.9999ha</u>	<u>4</u>
<u>32.0ha – 41.9999ha</u>	<u>5</u>
<u>42.0ha – 51.9999ha</u>	<u>6</u>
<u>52.0ha – 61.9999ha</u>	<u>7</u>
<u>62.0ha – 71.9999ha</u>	<u>8</u>
<u>72.0ha – 81.9999ha</u>	<u>9</u>
<u>82.0ha – 91.9999ha</u>	<u>10</u>
<u>92.0ha – 101.9999ha</u>	<u>11</u>
<u>102.0ha – 111.9999ha</u>	<u>12</u>
For every 10ha increment of SEA (indigenous vegetation) which is protected beyond the protection of 111.9999ha	No maximum

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 beyond the protection of 20ha	No maximum	

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)

<u>Area of wetland to be protected</u>	<u>Maximum number of rural residential sites that may be created</u>
<u>Minimum 5,000m²</u>	<u>1</u>
<u>5,001m² – 1.9999ha</u>	<u>2</u>
<u>2.001ha – 3.9999ha</u>	<u>3</u>
<u>4.001ha – 7.9999ha</u>	<u>4</u>
<u>8.0ha – 11.9999ha</u>	<u>5</u>
<u>12.0ha – 15.9999ha</u>	<u>6</u>
<u>16.0ha – 19.9999ha</u>	<u>7</u>
<u>20.0ha – 24.9999ha</u>	<u>8</u>
<u>25.0ha or more</u>	<u>9 plus one additional site for each 5ha of wetland above 30ha</u>

(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) 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

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

(ix) 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)~~ (c) be contiguous with existing indigenous vegetation identified in the Significant Ecological Area Overlay.

~~(c)(d)~~ (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)
<u>Every additional 5ha</u>	<u>1</u>	

(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.

(x) **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 applicable for:

(a) 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

~~(c)~~ (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	4	No in-situ subdivision
1,000m ² — 1.9999ha	(2) maximum	

(xi) 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....

(xii) 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...

(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)~~ (17) ~~(18)~~ and (28) to (30).~~(29) to (31).~~

(xiii) 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...

(xiv) Appendix 15 Subdivision information and process

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 revegetated ~~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 <u>meeting the Significant Ecological Areas factors</u> or established <u>revegetated</u> 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	Identify the following: a. an area of indigenous vegetation or wetland (on the donor site) that: - is identified in the Significant Ecological Areas overlay; <u>- meets the Significant Ecological Areas factors as set out in Policy</u>

	E39 Subdivision - Rural	<u>B7.2.2(1)</u> ; or - is established with <u>revegetated</u> 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 <u>revegetated</u> 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.

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 revegetated ~~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...

APPENDIX 2 - COPY OF THE RELEVANT PART OF THE DECISION



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

Decisions Report

19 August 2016

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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 2016¹ and 22 July 2016² 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 Council³, 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.

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 Panel⁴. 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 information⁵:
- 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 concerned⁶.

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,

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 with⁷; and

- b) prepare, and include with its recommendations, a further evaluation in accordance with section 32AA of the RMA⁸.

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 recommendation⁹ (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 PAUP¹⁰ 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 meetings¹¹, 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

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 PAUP¹² ("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.

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 designations¹⁴. 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 orders¹⁵). 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 Council¹⁶.

- 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



7. Decisions of Auckland Council

- 7.1 The Council's decisions on the Panel's Recommendations are set out below, addressed in relation to each hearing topic report provided by the Panel in numerical order.
- 7.2 The Council's Decisions Report addresses those Panel Recommendations which have been accepted by the Council first, with the Panel Recommendations that have been rejected following.
- 7.3 A full list of the Panel's Recommendations that have been rejected by the Council is attached to this Decisions Report as **Attachment D**.

1. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 001 (Auckland-wide), July 2016"

Panel recommendations accepted:

- 1.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 001 (Auckland-wide), 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.

2. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 002 (ePlan and miscellaneous), July 2016"

Panel recommendations accepted:

- 2.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 002 (ePlan and miscellaneous), 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.

3. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 003 (Chapter A Introduction), July 2016"

Panel recommendations accepted:

- 3.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 003 (Chapter A Introduction), 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.

4. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 004 (General Rules), July 2016”

Panel recommendations accepted:

- 4.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 004 (General Rules), 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.

5. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 005 (Issues of Regional Significance), July 2016”

Panel recommendations accepted:

- 5.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 005 (Issues of regional significance), 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.

6. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 006 and 035 (Air quality), July 2016”

Panel recommendations accepted:

- 6.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topics 006 and 035 (Air quality), 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 6.2.

Panel recommendations rejected:

- 6.2 The Council has rejected the Panel recommendations in relation to Hearing Topics 006 and 035 (Air quality) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) **Deletion of the Auckland Ambient Air Quality Standards**

Reasons	
(i) The limits and criteria for a number of pollutants which may adversely affect air quality will not exist.	
(ii) Outcomes outlined in the Regional Policy Statement Objectives B7.5.1(1) and B7.5.1(3) and the Auckland wide objectives E14.2(1) and E14.2(3) will not be achieved.	
(iii) There will be uncertainty and inefficiency in the processing of resource consent applications	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

7. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topics 006 (Natural resources) and 010 (Biodiversity), July 2016”

Panel recommendations accepted:

- 7.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 006 (Natural resources) and Hearing Topic 010 (Biodiversity), 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.

8. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 007 (RPS climate change), July 2016”

Panel recommendations accepted:

- 8.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topics 007 (RPS climate change), 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.

9. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 008 (Coastal Environment), July 2016”

Panel recommendations accepted:

- 9.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 008 (Coastal environment), 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.

10. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 009 (Mana Whenua) and Topic 036/037 (Maori land and treaty and Mana Whenua sites), July 2016”

Panel recommendations accepted:

- 10.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 009 (Mana Whenua) and Hearing Topic 036/037 (Maori land and treaty and Mana Whenua sites), 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.

11. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 010 (Historic Heritage), July 2016”

Panel recommendations accepted:

- 11.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topics 010 (Historic heritage), 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.

12. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 010/029/030/079 (Special character and pre 1944), July 2016”

Panel recommendations accepted:

- 12.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 010/029/030/079 (Special character and

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	
<p>(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.</p>	
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):

- (a) **The deletion of policies which encourage land use and transport integration and in particular, the location of higher intensity activities where those activities are served by key public transport services and routes.**

Reasons	
(i) The Panel's recommended policy framework does not adequately address land use and transport integration which is a key consideration in the management of growth and the efficient use of the transport network.	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B (under 043-044 Transport)

15. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 013 (Urban growth), July 2016"

Panel recommendations accepted:

- 15.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 013 (Urban growth), 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 15.2.

Panel recommendations rejected:

- 15.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 013 (Urban growth) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **The deletion of objectives and policies that seek to focus growth within the existing metropolitan area**

Reasons
(i) The lack of a specific objective and policy that indicates the primary location for growth is within the existing metropolitan area means there is little or no guidance for where future growth should be enabled and encouraged

(ii) The Panel's recommendation does not have sufficient regard to the Auckland Plan's Development Strategy resulting in a misalignment with the Council's strategic directions.	
(iii) Focusing intensification within the existing urban area delivers the benefits of a quality compact urban form, which include better public transport, proximity to amenity and services, efficient infrastructure servicing, environmental protection and a reduced carbon footprint.	
Alternative solution	See Attachment A

(b) **Amendments to the policy that guides the location of the Rural Urban Boundary**

Reasons	
(i) To support the Rural Urban Boundary at the District Plan level the policy framework needs to be sufficiently clear and certain of the outcomes to enable inappropriate proposals to be turned down	
(ii) The recommended policy does not include either providing a quality compact urban form or the importance of land use and transport integration	
(iii) Reliance on the structure plan guidelines in Appendix 1 to achieve these outcomes is inadequate because the guideline is not a policy	
(iv) The Panel's recommended policy does not reflect the Panel's position in its report that the policy applies to requests to amend the Rural Urban Boundary and must follow the structure plan guidelines in Appendix 1.	
Alternative solution	See Attachment A

(c) **The enablement of commercial activities within centres and corridors**

Reasons	
<p>(i) The 'centres-plus' commercial growth strategy has been removed. The strategy is considered to be an appropriate method to achieve land use, transport and infrastructure integration in centres, and provides a release valve that enables commercial activities in out-of-centre areas where this is appropriate.</p>	
<p>(ii) The District Plan provisions have some objectives and policies that recognise the importance of centres but there is no vertical alignment to any objective or policies in the Regional Policy Statement provisions.</p>	
<p>(iii) The absence of a Regional Policy Statement objective and related policies greatly weakens the ability to assess the effects of dispersed commercial activity (for example, land use and transport integration, effects on centres and community social and economic wellbeing).</p>	
<p>(iv) The Panel has not provided reasons why the centres-plus strategy has been deleted.</p>	
<p>(v) The centres-plus commercial strategy reflects the PAUP mediation, where the commercial and industrial growth provisions were agreed to by all parties present, except for one. The parties agreeing to the mediated position included the 'Key Retail Group' which has been heavily involved in the centres-plus strategy formation since the notification of Change 6 to the legacy Regional Policy Statement in 2005.</p>	
Alternative solution	See Attachment A

16. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 018 (Monitoring and environmental results anticipated), July 2016”

Panel recommendations accepted:

- 16.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 018 (Monitoring and environmental results anticipated), 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.

17. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 019 (Natural features, landscapes and character), July 2016”

Panel recommendations accepted:

- 17.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 019 (Natural features, landscapes and character), 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.

18. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 020 (Viewshafts), July 2016”

Panel recommendations accepted:

- 18.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 020 (Viewshafts), 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.

19. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 022 (Natural hazards and flooding and 026 – General others), July 2016”

Panel recommendations accepted:

- 19.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 022 (Natural hazards) and flooding and

Hearing Topic 026 (General others), 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 19.2.

Panel recommendations rejected:

19.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 022 – Natural hazards and flooding and Hearing Topic 026 – General others as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) Replacing the 1 per cent annual exceedance probability (AEP) flood hazard with the 2 per cent annual exceedance probability (AEP) flood hazard in urban areas

Reasons	
(i) The 1 per cent annual exceedance probability (AEP) flood hazard is identified as posing a level of risk warranting management in the Auckland region. This was supported by the majority of relevant experts during the hearing process.	
(ii) Off-site effects - the displacement of flood waters onto adjoining properties from buildings in floodplains, and changes to flood depths and velocities experienced by upstream and downstream properties. These are matters that go beyond the Building Code.	
Alternative solution	See Attachment A

(b) No controls for buildings within floodplains to prevent the exacerbation of flood hazards

Reasons	
(i) The Panel's recommended text provides for the management of fences, storage of goods, above ground parking and hazardous substances within the 1 per cent annual exceedance probability (AEP) floodplain area but does not provide a management response for buildings or structures within these areas.	
Alternative solution	See Attachment A

(c) No controls to manage a change of use to more vulnerable activities in existing buildings within floodplains

Reasons	
(i) The Panel's recommended rule remains silent on the change of use within existing buildings. It is unclear from the report that this is an intentional omission or otherwise but the result is the creation of a Plan workability issue.	
(ii) Amending these provisions will ensure that the control applies to both new buildings and structures as well as to a change of use in an existing building to accommodate a more vulnerable activity and not be in conflict with the Building Act in respect of controlling specific aspects of building works.	
Alternative solution	See Attachment A

(d) Amending the definition of coastal storm inundation 1 per cent annual exceedance probability plus 1 metre of sea level rise to not include reference to maps

Reasons	
(i) The definitions for coastal storm inundation area 1per cent annual exceedance probability (AEP) and Coastal storm inundation area 1per cent annual exceedance probability (AEP) plus 1m sea level rise should be amended to ensure that they align with the Panel's recommended inclusion of the Coastal storm inundation area 1per cent annual exceedance probability (AEP) plus 1m sea level rise maps	
Alternative solution	See Attachment A

(e) No consent requirements for new buildings in the activity table for the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre of sea level rise area

Reasons	
(i) The Panel's recommended rule requires Discretionary Activity consent for additions and alterations to existing buildings. However, no consent	

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.

22. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 025 (Trees), July 2016”

Panel recommendations accepted:

22.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topics 025 (Trees), 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 22.2.

Panel recommendations rejected:

22.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 025 (Trees) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) The deletion of scheduled items from the Schedule of Notable Trees which do not comply with section 76(4A) – (4D) of the Resource Management Act 1991

Reasons	
(i) 85 of the trees recommended to be deleted have the required information which was inadvertently left out of the PAUP	
Alternative solution	See Attachment A

(b) The deletion of 18 scheduled items from the Schedule of Notable Trees with no explanation or reasoning.

Reasons	
(i) This appears to be an error as the deletion of these trees is not supported by evidence and no reasons have been given by the Panel.	
Alternative solution	See Attachment A

- (c) **The trimming of up to 20 per cent of a notable tree’s live growth as a permitted activity, subject to complying with specific standards.**

Reasons	
(i) Increasing as a permitted activity, the trimming of up to 20 percent of a notable tree’s live growth may have adverse effects on the health and viability of notable trees.	
Alternative solution	See Attachment A

23. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 027 (Artworks, signs and temporary activities), July 2016”

Panel recommendations accepted:

- 23.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 027 (Artworks, signs and temporary activities), 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.

24. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 028 (Future urban zone), July 2016”

Panel recommendations accepted:

24.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 028 (Future urban zone), 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 24.2.

Panel recommendations rejected:

24.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 028 (Future urban zone) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) Changing the activity status of subdivision in the Future Urban zone from a Prohibited activity to a Discretionary activity.

Reasons	
(i) It is an important that the PAUP does not facilitate the fragmentation of land within the Future Urban zone, which might prevent or hinder efficient and well planned urbanisation with good urban form and efficient and orderly provision of infrastructure.	
(ii) By allowing discretion, the recommended wording of the subdivision provisions in the Future Urban zone is unclear about the types of subdivision that could be promoted.	
Alternative solution	See Attachment A

- (b) **Changing the activity status of landfills in the Future Urban zone from a Non-complying activity to a Discretionary activity.**

Reasons	
(i) Landfills create significant long term adverse effects over a wide area, potentially irreversible changes and require detailed and careful management and should be assessed as a Non-complying activity.	
(ii) Changing the recommended Discretionary activity status to Non-complying activity status is consistent with the relevant objectives and the consistent management of this activity across the PAUP.	
Alternative solution	See Attachment A

25. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 031 (Historic heritage), July 2016”

Panel recommendations accepted:

- 25.1 The Council has accepted all the recommendations of the Panel as contained in the Panel report for Hearing Topic 031 (Historic heritage), 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.

26. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 032 (Schedule of historic heritage), July 2016”

Panel recommendations accepted:

26.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 032 (Schedule of historic heritage), 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 26.2.

Panel recommendations rejected:

26.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 032 (Schedule of historic heritage) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) The deletion of the Symonds Street flats, 44 Symonds Street, City Centre from the schedule

Reasons	
(i) Heritage experts agree that the Symonds Street flats have outstanding national value and warrant remaining scheduled as a Category A place.	
(ii) Inclusion of the Symonds Street flats in the Schedule of Historic Heritage as a Category A place will not place undue burden on the ability to use and develop the site, particularly given its national heritage significance.	
(iii) Transferable development rights may be utilised to transfer ‘lost’ development capacity to other landholdings in the CBD, and future development of this site can be appropriately considered through the resource consent process.	
(iv) Structural reports concluded ‘... <i>that much of the concrete was sound and did not display cracking or spalling of sufficient magnitude to compromise the structural integrity or potential longevity of the building.</i> ’	
Alternative solution	See Attachment A

27. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 033/034 (General coastal marine zone), July 2016”

Panel recommendations accepted:

27.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 033/034 (General coastal marine zone), 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 27.2.

Panel recommendations rejected:

27.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 033/034 (General coastal marine zone) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) Amendments to the activity table for identifying which standards apply to the discharges of hull bio-fouling organisms.

Reasons	
(i) All of the listed bio-fouling Permitted activities must now meet every standard. This does not recognise that different combinations of controls should be applied to different risk-based scenarios.	
(ii) This creates an unworkable situation that fails to meet the purposes the PAUP is trying to achieve (i.e. “encouraging” low-risk in-water cleaning, but imposing increasingly onerous standards as the level of cleaning risk increases).	
(iii) Overly onerous requirements (i.e. capture all material to 50 microns) are now applied to low risk hull cleaning.	
(iv) The controls are unworkable for higher risk bio-fouling as they are required to use gentle, non-abrasive methods.	
Alternative solution	See Attachment A

(b) **Including in the definition of marine and port facilities the reference to ‘sea walls’**

Reasons	
(i) It creates confusion and uncertainty to include seawalls in two terms which are used in different rows of activities tables.	
(ii) In the Minor Port zone, Port precinct and Gabador Place precinct these have a different activity status (Permitted and Restricted Discretionary).	
(iii) The Panel accepted other proposals to explicitly include hard protection structures in these areas but also included seawalls in the definition of marine and port facilities. They should be only within the definition of hard protection structures.	
Alternative solution	See Attachment A

28. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 038 (Contaminated land), July 2016”

Panel recommendations accepted:

28.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 038 (Contaminated land), 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 28.2.

Panel recommendations rejected:

28.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 038 (Contaminated land), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) The inclusion of contaminated land in accidental discovery control provisions

Reasons	
(i) Contaminated land is not sensitive material that requires inspection from Heritage New Zealand and/or Mana Whenua representatives.	
(ii) Inclusion of contaminated land in the accidental discovery control has created an overlap between responses to the discovery of human remains and kōiwi, archaeological sites, Māori cultural artefacts/taonga, protected New Zealand objects as defined in the Protected Objects Act 1975, and lava caves, and the management of discharges from contaminated land.	
Alternative solution	See Attachment A

(b) Changes to rules for discharges of contaminants from disturbing soil on land containing elevated levels of contaminants

Reasons	
(i) The Panel's recommended Permitted activity standard will allow very large amounts of contaminated soil disturbance on large sites with no contaminant discharge controls. This may lead to significant adverse effects from discharges to the environment and ineffective management of contaminated land.	
(ii) It will also mean small amounts of soil disturbance on small sites that are very unlikely to have more than minor adverse effects will require discharge consents.	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

(c) The deletion of the definition of land containing elevated levels of contaminants

Reasons	
(i) Land containing elevated levels of contaminants is a unique definition that is necessary for the use and interpretation of the rules.	
(ii) The definition recognises that discharges from land with low levels of contamination above background levels do not need to be subject to expert assessment and oversight through regulations in the PAUP.	
Alternative solution	See Attachment A

29. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 039 (Hazardous substances and industrial and trade activities), July 2016”

Panel recommendations accepted:

29.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 039 (Hazardous substances and industrial and trade activities), 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 29.2.

Panel recommendations rejected:

29.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 039 (Hazardous substances and industrial and trade activities), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) Amendments to the definition of clean fill material which removes differentiation between clean fill and managed fills

Reasons	
(i) The changes recommended by the Panel significantly undermine the effectiveness and differentiation between ‘cleanfill’ and ‘managed fill’ material which may result in issues and ambiguity in the determining human health and environmental risks.	
Alternative solution	See Attachment A

30. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 040 (Lighting, noise and vibration), July 2016”

Panel recommendations accepted:

30.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 040 (Lightening, noise and vibration), 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.

31. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing topic 041 (Earthworks and minerals), July 2016”

Panel recommendations accepted:

31.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 041 (Earthworks and minerals), 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 31.2.

Panel recommendations rejected:

31.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 041 (Earthworks and minerals), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) The deletion of kauri dieback provisions

Reasons	
(i) It is internationally recognised that pathogens responsible for kauri dieback are spread by movement of soil. It is important that there are clear standards for development and earthworks around kauri trees, and a mechanism for the Council to manage the spread of the disease.	
Alternative solution	See Attachment A

32. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 042 (Infrastructure), July 2016”

Panel recommendations accepted:

32.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 042 (Infrastructure), 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 32.2.

Panel recommendations rejected:

32.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 042 (Infrastructure), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) Increase the extent of the National Grid Corridor overlay, as it relates to the area 32m each side of 110kv lines and 37m each side of the centerline of 220kv lines

Reasons	
(i) The appropriate corridor width to give effect to Policy 11 of the National Policy Statement on Electricity Transmission 2008 (NPSET) is as notified in the PAUP, being 24m (12m either side of the transmission lines centreline), which enables control of activities sensitive to the lines, access to the national grid infrastructure for operation, maintenance and upgrade purposes and compliance with the relevant clearances required under the NZECP 34:2001.	
(ii) There is insufficient evidential basis to identify and assess the potential development implications associated with the broader corridor.	
Alternative solution	See Attachment A

(b) No objective to manage the adverse effects of infrastructure in the District Plan provisions for infrastructure

Reasons	
(i) An objective seeking to manage the adverse effects of infrastructure at a District Plan level is necessary to give effect to the Regional Policy Statement.	
Alternative solution	See Attachment A

(c) The tagging of the infrastructure objectives and policies as regional coastal provisions

Reasons	
(i) The Auckland-wide infrastructure objectives and policies are not Regional Coastal Plan provisions.	
Alternative solution	See Attachment A

(d) Electric vehicle charging stations should be Permitted activities in roads

Reasons	
(i) Allowing electric vehicle charging stations as a Permitted activity on arterial roads would remove the ability to manage their location and ensure the efficient use of arterial roads provision.	
Alternative solution	See Attachment A

(e) Deletion of the standards for minor infrastructure upgrading in the standards for activities in roads

Reasons	
(i) There are no recommended standards for minor infrastructure upgrading within roads and unformed roads. This results in an unworkable provision.	
Alternative solution	See Attachment A

- (f) **No default activity status for minor infrastructure upgrading where an upgrade to an existing network utility exceeds the specified standard**

Reasons	
(i) Any upgrade works or activities beyond the specified standards for minor infrastructure upgrading should be treated as equivalent to a new application for the same activity.	
Alternative solution	See Attachment A

- (g) **Increasing the permitted threshold for the trimming and alteration of trees in streets and public open spaces subject to meeting specific standards including an agreed tree management plan**

Reasons	
(i) While the increase in the permitted threshold is accepted, the requirement for an agreed tree management plan introduces an element of discretion and should be deleted.	
Alternative solution	See Attachment A

- (h) **Extending standards on vegetation removal within a Significant Ecological Area to roads**

Reasons	
(i) The Panel recommendations do not sufficiently recognise that roads run through many Significant Ecological Areas and the works required to maintain, repair and renew those roads	
Alternative solution	See Attachment A

(i) The inclusion of standards relating to earthworks (filling) within a floodplain associated with road works

Reasons	
<p>(i) The Panel recommendations do not sufficiently recognise the function roads perform as drainage systems for stormwater management and flood management. Standards for earthworks (including filling) within a 100 year AEP flood plain should exclude road network activities, as roads are also stormwater management systems.</p>	
Alternative solution	See Attachment A

(j) The inclusion of standards relating to earthworks (filling) within overland flow paths associated with road work

Reasons	
<p>(i) The Panel's recommendations do not sufficiently recognise the function roads perform as drainage systems for stormwater management and flood management.</p>	
<p>(ii) Standards for earthworks (including filling) within overland flow paths should exclude road network activities, as roads are also stormwater management systems and overland flow paths. This would not prevent a network discharge consent being required for alternative stormwater discharges.</p>	
Alternative solution	See Attachment A

(k) Specific limitations on earthworks within overlays for road network activities

Reasons	
(i) The Panel's recommendations do not sufficiently recognise the overall area that roads cover	
(ii) Earthworks area and volume limits are insufficient for routine road network activities within the road, including maintenance of water tables, renewal of road and resealing.	
Alternative solution	See Attachment A

33. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 043/044 (Transport), July 2016”

Panel recommendations accepted:

33.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 043/044 (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 33.2.

Panel recommendations rejected:

33.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 043/044 (Transport), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **Amendment of the parking rates for the Metropolitan Centre, Town Centre, Local Centre, Mixed Use and Terrace Housing and Apartment Buildings zones to remove maximum and minimum parking rates for all activities within these zones with the exception of retail and commercial service activities.**

Reasons	
(i) Not including minimum parking rates for retail and commercial service activities would result in a more efficient use of land, better urban design outcomes and greater support for the public transport network.	
(ii) Including maximum parking rates would result in better management of oversupply of parking and associated adverse effects on the transport network (e.g. congestion).	
(iii) Including maximum parking rates would result in better urban design and amenity outcomes.	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

- (b) **Parking rates for residential and non-residential activities in the City Centre zone of 1:125m² for non-residential activities within a proposed ‘Outer core’ parking area while applying a rate of 1:200m² within a proposed ‘Inner core’ parking area. A maximum rate of 1.5 car parks per dwelling (regardless of dwelling size) is proposed for residential activities.**

Reasons	
(i) The Panel’s recommendations will provide more accessory parking and residential parking in the City Centre zone, which is an already congested road network with high levels of public transport accessibility.	
(ii) The Panel’s recommendations are higher than the rates currently applied and are considered to be less efficient and effective in achieving transport objectives around managing travel demand in the City Centre.	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

34. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 045 (Airports), July 2016”

Panel recommendations accepted:

- 34.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 045 (Airports), 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.

35. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 046/047/048/049 (Water quality and quantity, lakes, rivers and streams, aquifers and ground water and discharges of stormwater and wastewater), July 2016”

Panel recommendations accepted:

35.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 046/047/048/049 (Water quality and quantity, lakes, rivers and streams, aquifers and ground water and discharges of stormwater and wastewater), 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 35.2.

Panel recommendations rejected:

35.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 046/047/048/049 (Water quality and quantity, lakes, rivers and streams, aquifers and ground water and discharges of stormwater and wastewater), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) Inserting a permitted activity land use rule for stormwater runoff into the stormwater network and combined sewer network.

Reasons	
(i) The recommended rule allows stormwater to be discharged to the combined sewer without control. The policy position that has been recommended by the Panel (consistent with council’s case position) is that land use should be required to avoid increasing discharges to the combined network unless they are minor and there is no practicable alternative.	
(ii) Diverting more stormwater to the combined sewer network will reduce the capacity of the combined sewer network and the Mangere Wastewater Treatment Plant. It may lead to an increase in combined sewer overflows, despite current initiatives undertaken by Watercare Services, with resulting adverse effects on the community and the environment.	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

- (b) **Amending to a Permitted activity status for sites that do not discharge to a stream or discharge below RL 2m in a Stormwater Management Areas Flow (SMAF).**

Reasons	
(i) This blanket reclassification has resulted in a situation where a Restricted Discretionary consent would still need to be obtained, but due to site or discharge circumstances, no stormwater management or mitigation would be required.	
(ii) This situation is not considered to be efficient or effective and will require consents to be obtained when there is no mitigation or environmental benefit.	
Alternative solution	See Attachment A

- (c) **Amending the activity status for roads within a Stormwater Management Areas Flow (SMAF).**

Reasons	
(i) It is not efficient to require a Discretionary Activity resource consent where the required standard of mitigation is met.	
Alternative solution	See Attachment A

- (d) **Deleting the default activity status for roads/motorways within a Stormwater Management Areas Flow (SMAF).**

Reasons	
(i) It is more appropriate to include a default activity status for roads/motorways that is consistent with other activities.	
Alternative solution	See Attachment A

- (e) Amending the general standards in E10.6.11 and associated rules in E10.6.3.1 to refer to “site” which, as defined, does not include a road.

Reasons	
(i) A minor change is required to clarify the intention of the rules in respect of a road/motorway to reduce confusion regarding the application of the rules to roads and motorways.	
Alternative solution	See Attachment A

- (f) Amending the hydrology mitigation requirements for some roading projects.

Reasons	
(i) To recognise the Panel’s recommendation that certain roading projects may have difficulty in meeting hydrology mitigation requirements, the hydrology mitigation requirement in Rule E8.6.4.1 specifying volume reduction and temporary storage should be removed and replaced with a reference to Table E10.6.3.1.1 Hydrology mitigation requirements.	
Alternative solution	See Attachment A

- (g) Deleting the definition of “redevelopment of a road”.

Reasons	
(i) Reinserting the definition of “redevelopment of a road” in line with the amended rules provides for the ongoing routine maintenance, repair and resurfacing of roads.	
Alternative solution	See Attachment A

36. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 050-054 (City centre and business zones), July 2016”

Panel recommendations accepted:

36.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 050-054 (City centre and business zones), 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 36.2.

Panel recommendations rejected:

36.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 050-054 (City centre and business zones) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **Wynyard Precinct – the deletion of framework plans has resulted in a consequential amendment to the height and gross floor area controls in the Wynyard Precinct.**

Reasons	
	(i) The recommended deletion of the post-framework plan height and site intensity provisions significantly reduces the development potential of Wynyard Precinct expressly enabled in the notified PAUP and may potentially result in the inefficient use of this City Centre land and public infrastructure
	(ii) The recommended deletion of all assessment criteria previously relating to framework plans results in a disconnect between the objectives and policies, and the rules of the Precinct
	(iii) The recommendation will prevent the development of sites fronting Jellicoe Street for non-marine uses (i.e. apartments and retail) contrary to the Wynyard Quarter Urban Design Strategy and the objectives and policies for Wynyard Precinct.
	(iv) The recommended changes to provisions were not sought by any submitter to the Wynyard Precinct.
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

- (b) **Queen Street Valley Precinct – the deletion of the pre – 1940 building demolition control from the Queen Street Valley Precinct.**

Reasons	
(i) The maintenance and enhancement of the pre-1940 buildings in the Queen Street Valley Precinct is integral to maintaining its special character	
(ii) The retention and protection of special character buildings constructed prior to 1940 maintains the integrity and coherence of the built form and architecture, and the streetscape within this area.	
(iii) The pre-1940 trigger and its application was determined as a result of survey work.	
Alternative solution	See Attachment A

- (c) **The deletion of the minimum dwelling size standard in the City Centre and business zones.**

Reasons	
(i) The Building Act does not address social or design quality effects associated with small dwellings. It is therefore necessary to manage these through the District Plan	
(ii) Intensive living environments require internal living spaces which are functional and which provide for amenity to meet the day- to-day needs of residents.	
(iii) This will assist to maintain the social wellbeing of the community, support social cohesion and thereby support further intensification within urban environments as these areas become desirable places to live.	
Alternative solution	See Attachment A

(d) **The application of a Height in Relation to Boundary control within the Mixed Use Zone and between the Mixed Use Zone and the General Business Zone.**

Reasons	
<p>(i) an internal Height in Relation to Boundary control in the Mixed Use zone is not considered appropriate as:</p> <ul style="list-style-type: none"> • it could unduly constrain development on Mixed Use zone sites; • other controls protect the amenity of adjoining Mixed Use zoned sites; and • no other business zones have an internal height in relation to boundary control. 	
<p>(ii) In addition, it is considered unnecessary to provide a Height in Relation to Boundary control on sites in the Mixed Use zone in favour of adjacent General Business zone sites. The anticipated amenity in the Mixed Use zone is higher than that anticipated in the General Business zone so it is unnecessary to 'protect' General Business zoned sites from the potential effects of sites zoned Mixed Use.</p>	
Alternative solution	See Attachment A

(e) **A recession plane indicator diagram which is inconsistent with the Height in Relation to Boundary controls in all business zones**

Reasons	
<p>(i) This appears to be a technical error. While the diagrams are similar, the Panel's recommended diagram shows a 55 degree and 35 degree notation shown for the north and south boundaries respectively. These recession planes are not reflected in the Panel's recommended provisions, as shown in Table H.6.2.1 in each business zone. Consequently, the diagram and tables are inconsistent, which will lead to confusion and potential error.</p>	
<p>(ii) In addition, the diagram has been included in the General Business zone, which does not contain an orientation-based rule. It should therefore be deleted from the General Business zone.</p>	
Alternative solution	See Attachment A

- (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.

39. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 058 (Open space), July 2016”

Panel recommendations accepted:

39.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 058 (Open space), 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 39.2.

Panel recommendations rejected:

39.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 058 (Open space) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) **Amending the activity status for new buildings and additions, and the height and gross floor area standards for the Open Space zones**

Reasons	
(i) The recommendation does not appropriately balance the need to use public open space effectively (and manage pressure to use open spaces as population increases), with the need to manage impacts on neighbours.	
(ii) The recommendation imposes a single approach across all Open Space zones and does not appropriately recognise the values and purpose of each zone.	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

40. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 059 to 063 (Residential zones), July 2016”

Panel recommendations accepted:

40.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 059 - 063 (Residential zones), 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 40.2.

Panel recommendations rejected:

40.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 059 to 063 (Residential zones) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **That Integrated Residential Developments are provided for as a Restricted Discretionary activity within the Single House Zone**

Reasons	
(i) The assessment of this intensity of development in the Single House zone as a Restricted Discretionary activity is contrary to the stated purpose and associated objectives and policies of the zone.	
(ii) A full assessment as a Discretionary Activity is a more appropriate approach for the assessment of Integrated Residential Developments in the Single House zone.	
Alternative solution	See Attachment A

(b) **Amending the threshold for requiring resource consent from three or more dwellings to five or more dwellings in the Mixed Housing Suburban and Mixed Housing Urban zones**

Reasons	
<p>(i) The Panel's recommended controls manage the bulk and location of buildings to provide for privacy, daylight access, and ratio of buildings to open space. However, the recommended development controls do not manage quality residential outcomes such as:</p> <ul style="list-style-type: none"> • amenity and safety of the street or public open spaces • the quality of building appearance, including modulation and articulation (e.g. the avoidance of large blank walls facing the street, parks or neighbouring properties) • the interrelationship between a number of amenity attributes including safety, daylight, sunlight, privacy, functionality, and visual amenity associated with multi-unit development 	
<p>(ii) Submitters who presented evidence at the hearing supported the two dwelling permitted threshold (i.e. resource consent required for three or more dwellings). These submitters included a broad cross-section of community groups and developers (Auckland 2040, Housing NZ, Property Council, Fletcher Residential, Herne Bay Residents Association, Todd Property and Ockham developments).</p>	
<p>(iii) No evidence was provided at the hearing stating that requiring a resource consent for three or four dwellings would be a disincentive to development.</p>	
<p>(iv) There is a high risk that permitting four dwellings without resource consent will result in poor design outcomes, particularly at the street interface.</p>	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

(c) **The deletion of the minimum dwelling size standard.**

Reasons	
(i) In the Residential zones it is considered that the minimum dwelling size standard should still be applied to developments of three or more dwelling units	
(ii) The Building Act does not address social or design quality effects associated with small dwellings. It is therefore necessary to manage these through the District Plan	
(iii) Living environments associated with three or more dwelling units require internal living spaces which are functional and which provide for amenity to meet the day- to-day needs of residents	
(iv) This will assist to maintain the social wellbeing of the community, support social cohesion and thereby support further intensification within urban environments as these areas become desirable places to live	
Alternative solution	See Attachment A

(d) **Amending the Height in Relation to Boundary Controls in the Mixed Housing Suburban, Mixed Housing Urban and Terrace Housing and Apartment Building zones.**

Reasons	
(i) The Alternative Height in Relation to Boundary Rule is more enabling than the Height in Relation to Boundary control and should be assessed as a Restricted Discretionary Activity.	
Alternative solution	See Attachment A

- (e) **Amendments to apply the Height in Relation to Boundary Control and the Alternative Height in Relation to Boundary Control to the front boundary within the Terrace Housing and Apartment Building zone. The Height in Relation to Boundary adjoining lower intensity zones is recommended to apply to the front boundary within the Mixed Housing Urban and Terrace Housing and Apartment Building zones.**

Reasons	
(i) Applying the Height in Relation to Boundary Control and the Alternative Height and Relation to Boundary Control to the road boundary will result in the upper floors of buildings being set back from the street, which is the part of the site most able to absorb the effects of additional building bulk and where outlook is available.	
Alternative solution	See Attachment A

- (f) **The deletion of a standard relating to reticulated water supply and wastewater network capacity and moving the matter to assessment criteria.**

Reasons	
(i) The recommended assessment criteria relating to on site wastewater systems appears to be a drafting error, as this is applied to zones that do not rely on on-site wastewater systems.	
(ii) The criteria as drafted could create issues for Watercare as some applicants may think they can build septic tank systems within serviced urban areas, contrary to legislation.	
(iii) It is important to allow for an assessment of wastewater network capacity for multi-unit developments.	
Alternative solution	See Attachment A

(g) **The deletion of the definition of building coverage.**

Reasons	
(i) The definition of building coverage in the PAUP clarified that eaves of buildings are not included in the calculation of building coverage. The deletion of the definition would result in the inclusion of eaves in the coverage calculation which may discourage the provision of eaves.	
Alternative solution	See Attachment A

(h) **The deletion of the front fence rule and deleting policies relating to streetscape from the Single House, Mixed Housing Suburban, Mixed Housing Urban and Terrace House and Apartment Building zones.**

Reasons	
(i) Permitting front fences up to 2.5m will result in poor streetscape outcomes.	
(ii) This matter is not addressed in the Panel report and may be a drafting error given that the amenity of the street is still included in the residential zone objectives.	
Alternative solution	See Attachment A

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: <ul style="list-style-type: none"> • 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 Caldwell's Road area in Whitford.

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

43. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 065 (Definitions), July 2016”

Panel recommendations accepted:

43.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 065 (Definitions), 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 43.2.

Panel recommendations rejected:

43.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 065 (Definitions), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **Amendment to the definition of ‘Height’ makes the structures exempted from the definition subject to width and height limits that are unworkable for some structures.**

Reasons	
(i) The Panel’s recommended amendment to the definition of Height makes the structures exempted from the definition subject to width and height limits that are unworkable for some structures.	
Alternative solution	See Attachment A

44. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 074 (Designations), July 2016”

Panel recommendations accepted:

- 44.1 The Council has accepted all the recommendations of the Panel on designations contained in the Panel reports for Hearing Topic 045 – Airports and Hearing Topic 074 – Designations (dated May and July 2016), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

The specific decisions made by the Council on designations are set out below. These must be read in conjunction with Attachment E Part 1, Part 2 and Part 3 to this decisions report. The Council:

- (a) accepts the Panel’s recommendations in the Introductory Designations Report set out in Attachment E Part 1, including the Independent Hearings Panel’s recommended amendments to the explanatory text in the PAUP relating to designations, together with the further amendment to the explanatory text set out in Attachment E Part 1 (to ensure the correct map colours are referred to).
- (b) accepts the Independent Hearings Panel’s recommendations on Auckland Council designations set out in the Specific Designation Reports listed in Attachment E Part 2.
- (c) accepts the Independent Hearings Panel’s recommendations on the designations of other requiring authorities set out in the Specific Designation Reports listed in Attachment E Part 3, with the minor typographical corrections to the Independent Hearings Panel’s recommendation on Counties Power designation R3008 noted in Attachment E Part 3, and adopts them as the Council’s recommendations to those requiring authorities.

Panel recommendations rejected: none.

45. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 075 (Waitakere ranges), July 2016”

Panel recommendations accepted:

45.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 075 (Waitakere Ranges), 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 45.2.

Panel recommendations rejected:

45.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 075 (Waitakere Ranges) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **Double-tagging [rp/dp] the activity tables in the Rural – Waitakere Ranges Foothills zone and the Rural – Waitakere Ranges zone sites.**

Reasons	
(i) As a result of the Panel’s recommendations, the activity tables for both of the recommended new zones is now a Regional Plan rule or an unspecific part of the activity table is a Regional Plan rule, which leads to uncertain interpretation.	
(ii) Activities tagged as “rp” but which do not relate to functions of a regional council are arguably ultra vires	
(iii) Tagging the entire activity table will result in significant consequences for landowners generally and requiring authorities in particular.	
Alternative solution	See Attachment A

46. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 076 (Major recreation facility zone and precincts), July 2016”

Panel recommendations accepted:

- 46.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 076 (Major recreation facility zone and precincts), 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.

47. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 077 (Sustainable design), July 2016”

Panel recommendations accepted:

- 47.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 077 (Sustainable design), 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.

48. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 080 (Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH)”

Panel recommendations accepted:

48.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 (Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH), 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 48.2.

Panel recommendations rejected:

48.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 080 (Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) **Removal of the Rural Urban Boundary at Crater Hill and Pukaki Peninsula, Puhinui**

Reasons	
<p>(i) The Crater Hill area is not suitable for urban development because it lies within the Outstanding Natural Feature (ONF) overlay, it is a significant geological feature and has significant cultural heritage and landscape value to Mana Whenua. It also contains prime soils.</p>	
<p>(ii) The Pukaki Peninsula is not suitable for urban development because it has significant cultural heritage and landscape value to Mana Whenua, lies partly within the ONF overlay for Pukaki Crater, and contains significant areas of elite soils, all of which would be extensively compromised by urban development.</p>	
<p>(iii) Part of the Pukaki Peninsula is under the proposed High Aircraft Noise Area (HANA) and Moderate Aircraft Noise Area (MANA) for the future northern runway as proposed by Auckland International Airport. These noise areas restrict the establishment of urban activities sensitive to aircraft noise such as dwellings.</p>	
Alternative solution	See Attachment A

49. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the WEST)”

Panel recommendations accepted:

49.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the WEST), 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 49.2.

Panel recommendations rejected:

49.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the WEST) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) No mechanisms within the Redhills precinct relating to the provision of transport infrastructure

Reasons	
(i) While the urban zoning and the creation of a precinct is accepted, the specific provisions relating to transport infrastructure provision need to be revised, and associated text amended to clarify the transport requirements for Redhills, both within the area and in the context of the wider transport networks	
Alternative solution	See Attachment A

(b) No indicative roading pattern required to achieve an effective transport network in the Westgate Precinct.

Reasons	
(i) While the Council supports the removal of sub-precinct F, its removal has had the effect of deleting the indicative roading pattern for this part of Westgate.	
(ii) The indicative roading pattern is vital to achieve an efficient and effective transport network, and should therefore be re-included in the precinct.	
(iii) As a consequence, text in the precinct requires amendment to correctly reference the re-instated indicative roads.	
Alternative solution	See Attachment A

50. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in RODNEY)”

Panel recommendations accepted:

50.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in RODNEY), 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 50.2.

Panel recommendations rejected:

50.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in RODNEY) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **No mechanisms within the new Wainui precinct for the provision of transport infrastructure.**

Reasons	
<p>(i) The specific provisions should be amended to clarify that wider transport network upgrades and staged development may be necessary. The principal reason that these amendments are required is that the evidence presented by the Council to the Panel demonstrates the Wainui precinct has transport infrastructure constraints including the need to connect to an already at or very near capacity transport network. A range of significant projects, including upgrades to State Highway 1 that are currently unplanned and unfunded, may be required to service development within the precinct.</p>	
Alternative solution	See Attachment A

(b) **The rezoning of the Kumeu Showgrounds from Mixed Rural to Countryside Living.**

Reasons	
<p>(i) The resulting change in underlying zoning has resulted in many activities provided for under the Kumeu District Agricultural and Horticultural Society Act, which align with the objectives of the Society, being given a more restrictive activity status. This undermines the objectives of both the precinct and the Society.</p>	
<p>(ii) The Society was the only submitter on the precinct. The Society sought inclusion of the precinct to provide for the activities enabled by the Act.</p>	
Alternative solution	See Attachment A

(c) **The application of the Large Lot zone at 47-61 Dawson Road, Snells Beach**

Reasons	
<p>(i) The land at 47-61 Dawson Road has very recently been rezoned to Medium Intensity Residential in the Operative Auckland Council District Plan (Rodney Section) as part of Private Plan Change 179.</p>	
<p>(ii) The Medium Intensity Residential in the Operative Auckland Council District Plan (Rodney Section) is most directly equivalent to the Single House zone.</p>	
<p>(iii) Any wastewater and stormwater management issues and urban design and landscaping matters can be adequately addressed by the Single House zone and Auckland-wide standards.</p>	
Alternative solution	See Attachment A

51. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the NORTH)”

Panel recommendations accepted:

51.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the NORTH), 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 51.2.

Panel recommendations rejected:

51.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 (recommendations in the NORTH) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) The deletion of the Akoranga precinct and reliance upon the Auckland University of Technology (AUT) designation (Designation 6010)

Reasons
(i) The removal of the precinct removes important enabling aspects and controls that were important to the ongoing use of the site.
(ii) The inclusion of the precinct will ensure integrated development of the precinct, particularly in the instance that the land is not needed by Auckland University of Technology.
(iii) The precinct provides for a range of activities within the site, including complementary tertiary activities which are not accessory to tertiary education and, therefore, are not provided for by the designation. It also enables additional building height which is important to support the development within the precinct.
(iv) The provisions proposed to be included in the precinct will enable potential adverse effects on the amenity and function of nearby town centres of Northcote and Takapuna and on the local road network to be

considered through more directive assessment enabled by the inclusion of the precinct.	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

- (b) **The deletion of the Takapuna 2 precinct and reliance upon the provisions of the underlying zones (Terraced House and Apartment Buildings and Business – Metropolitan)**

Reasons	
(i) Deletion of the precinct means that less intensive development is provided for, contrary to the intent of the Panel's recommendation to provide for intensification around the Takapuna metropolitan centre.	
(ii) It is also contrary to the recommended provisions of the RPS, and is inconsistent with the application of Height Variation Controls across the rest of the Terrace Housing and Apartment Building zone surrounding the Takapuna Metropolitan Centre.	
Alternative solution	See Attachment A

(c) **The extension of the Rural Urban Boundary north of the Vaughans Road ridgeline into the Okura catchment at a location east of Okura village**

Reasons	
<p>(i) The Okura catchment drains into the Okura Estuary which forms part of the Long Bay-Okura Marine Reserve. Stormwater contaminants from urbanisation are likely to result in adverse effects on indigenous biological diversity within the Long Bay-Okura Marine Reserve.</p>	
<p>(ii) Policy 11 of the New Zealand Coastal Policy Statement 2010 (NZCPS) requires adverse effects of activities on areas set aside for full or partial protection of indigenous biological diversity under other legislation, such as the Long Bay-Okura Marine Reserve, to be avoided. Moving the Rural Urban Boundary from its notified position into the Okura catchment and the proposed urban development will not give effect to the NZCPS.</p>	
<p>(iii) Including the Okura Holdings Limited land within the Rural Urban Boundary and the proposed urban development is likely to result in adverse effects on the water quality, ecology and hydrology of the streams and rivers on the Okura Holdings Limited land. This is unlikely to give effect to the provisions of the National Policy Statement for Freshwater Management 2014.</p>	
<p>(iv) The Vaughans Road ridgeline is a strong landscape feature and is the boundary between two catchments. Retaining the Rural Urban Boundary in this location therefore gives better effect to the PAUP regional policy statement than relocating the Rural Urban Boundary into the Okura catchment as recommended by the Independent Hearings Panel.</p>	
<p>(v) Substantial upgrades to wider transport network would be required to service urban development within the Okura precinct. The recommended Okura Precinct does not include appropriate provisions to address transportation infrastructure requirements, the provisions of open space and the extent of sub-precincts.</p>	
Alternative solution	See Attachment A

- (d) **The application of a new precinct to the land north of Vaughans Road, Okura and rezoning of approximately 130ha of land from Countryside Living to Mixed Housing Suburban, Large Lot, Open Space Conservation and Open Space Informal Recreation zones for the reasons outlined in c) above.**

- (e) **The rezoning of approximately 30ha of land from Countryside Living to Future Urban zone on land to the north of Vaughans Road/east of Okura Village for the reasons outlined in c) above.**

Consequential Amendments

- (f) **As a consequential change amend Table E39.6.5.2.1 Minimum and minimum average net site areas, to include a minimum net site area and average net site area without transferable rural site subdivision, of 4ha to land known as Okura East**

Reasons	
<p>(i) For amending Table E39.6.5.2.1 Minimum and minimum average net site areas, and adding the Control: Subdivision Variation Control - Rural, Okura East Countryside Living – if the Countryside Living zone is to be applied instead of Independent Hearings Panel recommended "live" zoning and Future Urban zoning, the minimum 4ha site control for Okura East needs to be included in the plan to carry over the Operative Auckland Council District Plan: North Shore Section Countryside Living minimum site sizes. This is in line with the approach the Independent Hearings Panel has taken for other Countryside Living zoned areas.</p>	
Alternative solution	See Attachment A

- (g) **As a consequential change add the Control: Subdivision Variation Control - Rural, Okura East Countryside Living to the land know as Okura East for the reason outlined in f) above.**

52. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in CENTRAL)”

Panel recommendations accepted:

- 52.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in CENTRAL), 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 52.2.

Panel recommendations rejected:

- 52.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 (recommendations in CENTRAL) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) **Deletion of the Sylvia Park precinct and reliance on the underlying Metropolitan Centre zone**

Reasons	
<p>(i) Sylvia Park has undergone a recent plan change which incorporates the most up to date provisions that provide for the ongoing development and operation of the site as well as site-specific development and land-use standards. A number of provisions in the precinct are more enabling and cannot be controlled by overlays.</p>	
<p>(ii) Removing the precinct provisions removes the delivery of three separate height areas that provide a more granular approach to bulk on the site.</p>	
<p>(iii) Removing the precinct provisions also removes specific information requirements.</p>	
<p>(iv) In removing the precinct, Appendix 11.2.2 Sylvia Park is also deleted and this contains statutory provisions that form an interrelated and fundamental part of the precinct.</p>	
<p>(v) Retaining the precinct will ensure a better overall outcome for the long-term development of Sylvia Park.</p>	
Alternative solution	See Attachment A



**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**

Attachment A

The alternative solutions prepared by the Council for any rejected recommendations (which includes: text, diagram and map alternative solutions).

19 August 2016

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) <u>(A17)</u>	In-situ subdivision creating additional sites through establishing revegetation planting and complying with Standard E39.6.4.5	RD
(A20) <u>(A18)</u>	In-situ subdivision creating additional sites through establishing revegetation planting not complying with Standard E39.6.4.5	NC
(A21) <u>(A19)</u>	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) <u>(A20)</u>	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
{A34} (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

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

beyond the protection of 20ha		
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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~~

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

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

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

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

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

(a) the establishment of secure stock exclusion;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) All transferable rural sites subdivisions applications involving protection of indigenous vegetation ~~or wetlands~~ must meet all of the standards that are ~~(a)~~ applicable for the protection of indigenous vegetation ~~or wetland~~ identified in the Significant Ecological Areas Overlay as set out in Standard E39.6.4.4.

~~(b) the protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) as set out in Standard E39.6.4.4; or~~

~~(a) (e) the creation of sites through establishing revegetation planting as set out in Standard E39.6.4.5.~~

- (2) All transferable rural sites subdivisions applications involving protection of wetlands must meet:

(a) Clauses 1 and 3-12 in E39.6.4.4 as if references to indigenous vegetation are references to wetlands;

(b) The maximum number of new sites created through the protection of wetlands must comply with Table E39.6.4.6.1.

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

<u>Area of wetland to be protected</u>	<u>Maximum number of rural residential sites that may be created for Transferable Rural Site Subdivision</u>	<u>Maximum number of rural residential sites that may be created for in-situ subdivision</u>
<u>Minimum 5,000m²</u>	<u>1</u>	<u>No in-situ subdivision</u>
<u>1,000m² – 1.9999ha</u>	<u>(2) (maximum)</u>	

~~(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 <u>Caldwells Road</u>) Precinct	Minimum: 2ha Minimum average: 4ha	N/A
<u>Whitford – Caldwells Road</u>	<u>Minimum: 1ha</u> <u>Minimum average: 2ha</u>	<u>N/A</u>
Papakura...	Minimum: 1ha	N/A

E39.7. Assessment – controlled activities

E39.7.1. Matters of control

The Council will...

E39.7.2. Assessment criteria

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

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

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

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

(d) the effects...

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

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

E39.8. Assessment – restricted discretionary activities

E39.8.1. Matters of discretion

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

(1) subdivision of a site...

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

(a) effects associated with...

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

(ii) the rural character, landscapes and amenity;

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

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

(v) the compliance with Auckland-wide rules;

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

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

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

(ix) any reverse sensitivity effects; and

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

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

(a) effects associated....

E39.8.2. Assessment criteria

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

(1) subdivision of a site

(5) subdivision establishing an esplanade reserve:

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

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

(ii) Policies E39.3(1), ~~(20)(21), (24)(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 <u>revegetation</u> 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- <u>revegetation</u> 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, <u>wetland or revegetation planting</u> to create the residential development opportunity; and b. transfer the residential development opportunity to the receiver site <u>in a Countryside Living Zone</u> .
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- <u>revegetation</u> 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 ~~re-vegetated~~ 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...

**APPENDIX 3 - A LIST OF NAMES AND ADDRESSES OF PERSONS
SERVED / TO BE SERVED WITH A COPY OF THIS NOTICE**

Name	Address
Auckland Council	unitaryplan@aucklandcouncil.govt.nz

APPENDIX 4 – ZAKARA'S SUBMISSION

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

#6534
Vol.1



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)

Lester Wright

Organisation Name (if submission is on behalf of Organisation) Zakara Investments Ltd

Address for service of the Submitter

Terra Nova Planning Ltd
PO Box 466
Orewa 0946

Email:

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

Contact Person: (Name and designation if applicable)

Rodney Local Board

Dr Mark Bellingham

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)

Kawau Island Precinct

Or

Other (specify)

See attached submission

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

See attached submission

I wish to have the provisions identified above amended Yes

The reasons for my views are:

I seek the following decision from Auckland Council:

Accept the Proposed Plan with amendments -See attached submission

I wish to be heard in support of my submission Yes

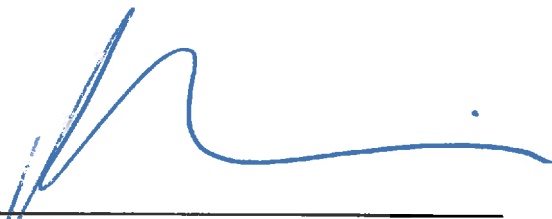
If others make a similar submission, I will consider presenting a joint case with them at a hearing Yes

1/2

Telephone

09 4267007

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)

Date 27/2/2014

#6534
Vol. 2

Submission on the Proposed Auckland Unitary Plan Zakara Investments Ltd, Kawau Island

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1. Summary of submission

This submission is on behalf of Zakara Investments Ltd (*Zakara*), which along with its related successors in title have owned almost half of Kawau Island for two generations, and during which the nationally-important heritage and landscape values on Kawau have been significantly enhanced (Figure 1). Most of Zakara's property on Kawau Island is in Kawau Island Sub-precinct B, which has an underlying zoning of Rural Conservation. Zakara's Kawau Island property has the following landscape and environmental overlays;

- Outstanding Natural Landscape
- Outstanding Coastal Natural Landscape
- High Coastal Natural Character
- Outstanding Natural Features
- Sites and places of significance to Mana Whenua
- Marine 2 SEA
- Coastal Protection Yard

The 'Outstanding' layers cover the eastern and south-eastern part of the property and the western most part of the property (from Bon Accord Harbour to South Cove) has a High Coastal Natural Character overlay. Only a very small part of the property is free from any natural landscape or natural character overlay (Appendices A & B).

Zakara seeks that the Proposed Auckland Unitary Plan September 2013 (*PAUP*) appropriately provides for the sustainable management of the island and its important natural and physical resources, in accordance with the purpose and principles of the Resource Management Act 1991 (*RMA*). Significant changes are proposed to be made to the regulatory planning regime for the island under the *PAUP*. Changes between the Draft Auckland Unitary Plan March 2013 and the *PAUP*, including provisions carried over from the Operative District Plan, have increased uncertainty about the intent and effectiveness of the *PAUP* for Kawau Island. Particularly as only some of the Operative provisions have been carried over and other parts appear to have been left out in error.

Zakara considers the *PAUP* is over-regulatory and does not address the sustainable management of the heritage, landscape, and community resources of the island, nor the local economy on Kawau Island. By way of summary, and as outlined in more detail later in this submission, Zakara seeks the following broad changes to the *PAUP*:

- 1 Provision for appropriate development opportunities on Kawau Island, consistent with the sustainable management framework of the RMA, the resources on Kawau Island, and with the Auckland Plan's Rural Islands Outcomes and existing planning provisions for similar islands in the Gulf e.g. Great Barrier and Ponui (covered by provisions of the Gulf Islands Operative District Plan). 11
- 2 New or revised objectives, policies and rules for Kawau Island, and in particular Kawau Island SubPrecinct B, that promote sustainable management and achievement of the RMA's purpose and principles, and that are consistent with the Auckland Plan outcomes and the Regional Policy Statement (RPS). 12
- 3 The inclusion of rules for Subdivision for the Protection of Natural Areas (Significant Ecological Areas (SEAs) including wetlands), Subdivision for Significant Enhancement of Identified and Potential Significant Ecological Areas, and Subdivision for Additional Public Reserves that are consistent with the biodiversity conservation objectives of the RMA and the PAUP. 13
- 4 The incorporation of changes to the transferable rural site provisions of the PAUP, with the provision of more options for recipient site zones, so as to encourage the transfer of subdivision development from areas of outstanding and high landscape and biodiversity to sites that can better accommodate it, while avoiding transfer of sites to Elite and Prime land, and outstanding and high landscape and ecological areas. 14
- 5 A new Precinct Plan for SubPrecinct B and a change to the area covered by this SubPrecinct. 15
- 6 A reduction in the area of the Outstanding Natural Landscape overlay over southern Kawau Island. 16

These changes and the rationale for them are described in more detail below, and the specific relief sought is set out in section 6 of this submission (page 24 onwards).



Figure 1: Location map of Zakara's properties on Kewau Island

2. Overview of Zakara Investments Ltd and Kawau Island Precinct

Zakara's landholding covers 906ha of Kawau Island (44%) on the south east of the Island at the head of Bon Accord Harbour and South Cove, across to the remote east coast of Kawau, and including Bostaquet Bay in the south (Figure 1).

The property has been owned by the Spencer family for almost 40 years. The Zakara property has a wharf at Emu Point and two houses in the Bon Accord catchment (separate properties in the Settlement Sub-precinct). There is a network of 4WD tracks from Emu Point to Fowler Point and the south coast, and connecting to the South Cove settlement and central Bon Accord Harbour.

Most of Zakara's land is covered in tall kanuka forest (as is the island itself), with regenerating kauri and mixed broadleaf forest and declining patches of planted and wildling pines. The wallaby and possum populations on Zakara Farm are presently controlled with an on-going baiting programme, which keeps them at low levels on both Zakara's and the two other large properties on Kawau (Weaver & Bilger), and the Department of Conservation's (DOC's) land; with the support of the Pohutukawa Trust. Many areas of the island are inhabited by threatened indigenous bird species, namely the North Island brown kiwi and North Island weka (approximately 80% of the surviving North Island weka population is on Kawau).

The proposed ONL across most of Zakara property appears to include land that does not meet the criteria for an ONL, the landward side of the main eastern ridge on the property and intervening valleys are not visible from the sea, Bon Accord Harbour any place accessible to the public. The vegetation cover on these areas that Zakara seeks to be removed from the ONL is more than 90% kanuka shrubland and low forest. Compounding the problem of ONL definition, is that there are no definition or policies for Outstanding or High Natural Landscapes in the PAUP (only rules outlining what cannot be done in such areas).

Strategic Direction for Rural Auckland – The Auckland Plan

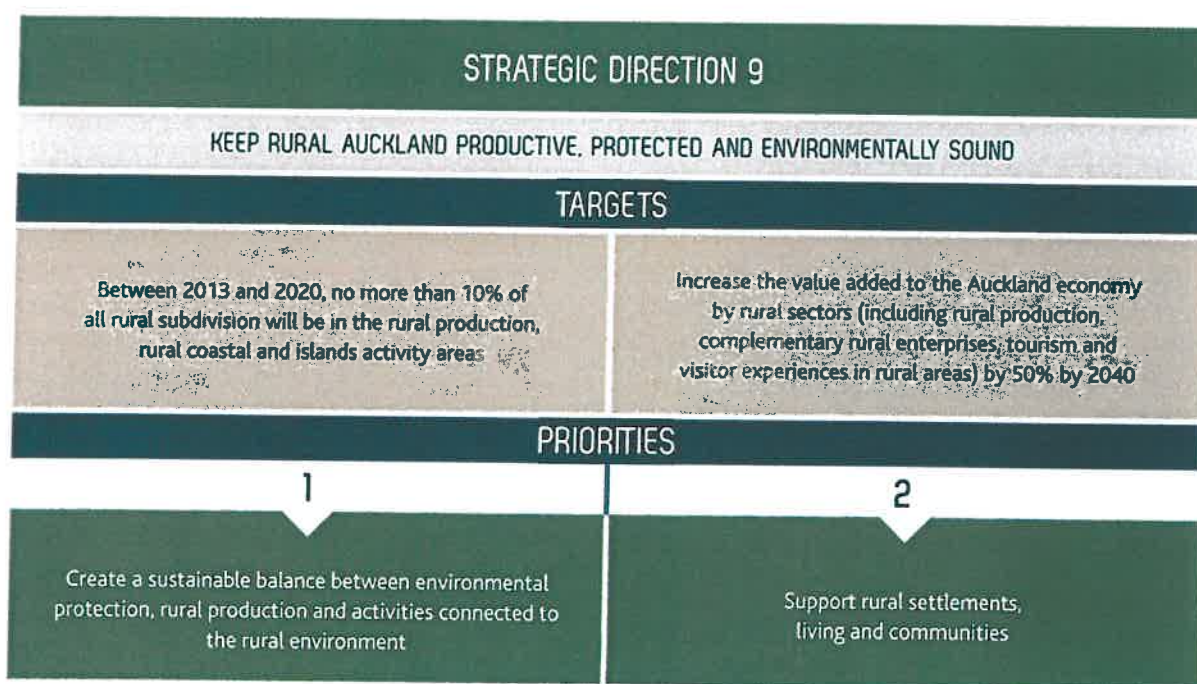
For many decades planning in rural Auckland has progressed differently to urban Auckland. The approach taken by the Rodney, Franklin and Papakura (and Gulf Island) councils is similar to that applied in other parts of New Zealand, where there is a mix of planning rules and assessment criteria that set the 'bottom line' for managing social and environmental issues, and a range of incentives that encourage better practice from rural landowners.

For many years, Rodney District led the way in terms of this mix of rules and incentives, and with this approach, where the outcomes are obvious, localised and can be achieved in less than a decade, there appears to have been some success. However, (and with some hindsight) a lack of plan outcome

monitoring meant some of these incentives had minimal effect over the Rodney District¹. Rural resource dilemmas, such as water quality and allocation are issues that are wickedly complex, and effects often occur far away and over many decades.

The clearer objectives of the PAUP and current technology for monitoring plan outcome success, lends the PAUP to continuing an appropriate mix of rules and incentives for rural Auckland.

The public discussion around the 50 year Auckland Plan led rural landowners to expect a continuation of this mix of rules and incentives continuing for rural Auckland and support for the rural strategic direction, as encapsulated by Strategic Direction 9 (set out below).



The Auckland Plan outcomes for the islands (including Kawau Island) are stated in Chapter 6 Rural Auckland, and specifically the Rural Islands Activity zone, being:

RURAL ISLANDS ACTIVITY (Chapter 9.2.5 of the Auckland Plan)

Area Description

The Hauraki Gulf Islands lie within the Hauraki Gulf Marine Park. The islands have:

¹ Bellingham 2009 Does RMA planning protect biodiversity? PhD thesis, Planning Dept., University of Auckland. Plan outcome monitoring has been ignored by both urban and rural councils and many urban initiatives have also failed through a lack of monitoring.

- rural production areas, lifestyle development, bush living and un-reticulated residential areas
- substantial natural and physical resources and landscape values
- varied coastline, rugged interior, bushed slopes, sweeping white sand beaches on north and east coastlines, visual amenity, ridgelines, bays and coastal headlands
- significant areas of native bush and shrubs, and a range of visitor attractions such as open sanctuaries on islands like Tiritiri Mātangi, the Mansion House on Kāwau and viticulture on Waiheke
- catchments which include extensive wetlands, watercourses and estuarine systems
- significant and extensive wildlife habitats, ecological corridors and ecosystems.

Desired Future Outcomes

- enhanced life-supporting capacity of the Hauraki Gulf
- Waiheke’s low-key, bush-fringed village character in the west, and rural and natural character in the east is maintained
- the informal character of settlement areas on Great Barrier and Kāwau Island is maintained
- farm, viticulture and other land-based activities prosper
- holiday and visitor-oriented activities, increasing tourism, and recreational opportunities consistent with a strong conservation ethic
- conservation of the landscape and natural environment and restored bio-diversity
- protected heritage values
- cultural aspirations met
- transport linkages and energy and communications network services available.

The Auckland Plan identifies the historic and conservation values of Kawau Island and clearly envisages the island as having *“holiday and visitor-oriented activities, increasing tourism, and recreational opportunities consistent with a strong conservation ethic”*, while historic and conservation values are protected.²

² [Chapter 9.2.5]

The Proposed Auckland Unitary Plan

These Auckland Plan objectives led to the selection of five rural zones in the PAUP, with their rationale outlined in the PAUP³ and emphasising the goal of preserving rural areas for primary production and minimising further subdivision for residential uses. This is managed through the policies and rules for the five rural zones. Zakara's property on Kawau Island has an underlying Rural Conservation Zone which has rules for the transfer of sites from that zone (and presumably Sub-precinct B) to the Countryside Living Zone and possibly other rural zones on the mainland.

Closer examination of the areal coverage of the PAUP rural zones shows that;

- The Rural Production Zone is a mix of a relatively small area of higher productivity Class 1-4 land that is confined to small areas across the region, and a large area of Class 6-8 land with moderate to low productivity over much of Rodney, Hunua and the Clevedon-Kawakawa coast.
- The Mixed Rural Zone is mainly higher productivity Class 1-4 land and some Class 6-8 land with moderate to low productivity at Alfriston-Maraetai and Awhitu.
- The Rural Coastal Zone is the current coastal landscape protection zones in Rodney, Manukau and Franklin.
- The Rural Conservation Zone is a few small predominantly conservation and landscape areas with minor rural production and includes some areas in the Waitakere Ranges, Weiti and Kawau Island, which is the largest area in this zone.
- The Countryside Living Zone is very small in area and is mainly located around the fringes of rural towns. It generally has lower production values, and is mainly historical rural residential areas with small farms and lifestyle blocks.

Subdivision opportunities in the rural areas are highly constrained; with the primary methodology being that of transferable rural site subdivision. This is a relatively complex system and the key aspects of subdivision in the rural zones are;

- Subdivision in the rural zones is a discretionary activity for transferable rural site subdivision, boundary adjustments and relocations, and subdivision in the Countryside Living zone.
- Transferable rural site subdivision allows sites to be transferred between rural zones, although most transfers are to donor sites in the Countryside Living zone
- Any other subdivision is prohibited in the rural zones.

The extremely limited spatial extent of the Countryside Living Zone, along with the maximum of only two sites able to be generated from donor sites, will militate against transfer of sites from SEAs to Countryside Living. This has direct implications for Kawau Island and Sub-Precinct B as;

³ Part 2:C:6:Background

- All of Sub-Precinct B is in large sites (100-700ha) and the reduction of the maximum site generation from 16 to 2 is a significant disincentive to protecting natural heritage; and
- If sites are to be transferred only to Countryside Living, there are very few actual recipient areas on the mainland.

The Council's own research clearly shows that urban expansion, rather than countryside living, poses by far the greatest threat to rural productivity in Auckland; Dr Fiona Curran-Cournane et al. (2013)⁴ from Auckland Council concluded in a recent report:

However, hundreds of hectares of elite land have been lost to various development types throughout the Auckland region in recent years and future growth pressures indicate that this trend will continue. If stricter controls on the development of elite and prime land are not set, the future of Auckland's most elite and prime land is at risk of continually being the trade-off for future urban growth reducing options for crop growth and other primary production.

Those authors' identified that the primary threat to rural productivity and rural production continues to come from expanding urbanisation, particularly on the fringes of urban Auckland. This would point towards a more protective policy framework for Class 1-3 (and possibly 4) lands, but not the low production Class 6-8 lands⁵, where much of the lifestyle subdivision in the legacy plans is actually located. This is signalled in the RPS policies, but surprisingly there is no apparent mechanism for this in the PAUP rules.

The PAUP identifies Future Urban Zones across the region, yet the location of most of this land continues the trend of targeting Elite and Prime land for urbanisation and this is clearly the main threat to rural production and productivity, rather than rural subdivision. The Special Housing Areas under the PAUP are also mainly on Prime Land (Class 2 & 3):

1. Warkworth FUZ is mainly Class 2 & 3 Prime land
2. Silverdale (North & South) FUZ is Class 6 & 7 land
3. Huapai-Kumeu FUZ is all Prime land (Class 2)
4. Riverhead FUZ is all Prime land (Class 2)
5. Massey-Whenuapai-Hobsonville FUZ is all Prime land (Class 2), apart from the Whenuapai RNZAF Base. Whenuapai is regionally significant for horticultural production.
6. Birdwood FUZ is Class 6 land

⁴ Curran-Cournane, F Vaughan, M Memon A and Fredrickson C (2013). Auckland's elite and prime land: similar messages and continued trade-offs 54 years later. Auckland Council technical report, TR2013/050

⁵ Most of the Rural Production Zone

7. Ihumatao FUZ is mainly Elite and Prime land (Classes 1 + 2)
8. Murphy's Bush FUZ is mainly Class 3 Prime land
9. Hingaia-Drury-Karaka FUZ is mainly Class 2 (prime) land
10. Pukekohe FUZ includes Elite and Prime land rather than the Class 4+ land to the east

If the elite and prime land in the region is to be lost in the planning balance, then it would appear that the PAUP policies should give preference to these FUZ areas being recipient areas for transferrable sites.

The overall impression is that the main policy driver for significantly tightening up on lifestyle subdivision is to retain rural areas as a 'green backdrop' to urban Auckland, rather than any serious attempt to protect rural productivity on the most productive sites – Elite and Prime soils in the region. Also, if rural productivity on sites with lower productivity is proposed to be achieved by way of maintaining or enhancing large property size, then the PAUP needs to incentivise the transfer of sites from those rural properties also.

Zakara considers that Transferable Rural Site subdivision needs to incentivise transfer of titles out of Rural Conservation Zone sites, Significant Ecological Areas (and potential SEAs), Outstanding Natural Landscapes and Outstanding Natural Features into a wider range of recipient zones, including Rural Production, Mixed Rural, Countryside Living, Rural Conservation, and Rural and Coastal Settlements (but excluding areas with Elite and Prime land – Class 1-3, SEAs, ONLs and ONFs in these zones). 17

3. PAUP Regional Policy Statement

The rationale for Zakara's request is supported by the PAUP Regional Policy Statement, which builds upon the Auckland Plan. The specific regional policies affecting Kawau Island are in Part 1:B:4 Protecting our historic heritage, special character and natural heritage - Te tiaki taonga tuku iho.

The regional policies applying to Kawau Island are those relating to its historic, special character and natural heritage, and more specifically to the protection and enhancement of indigenous biodiversity and mitigating or offsetting adverse effects on indigenous biodiversity. The Kawau Island Precinct policies provide for the use of

- transferable rural site subdivision to protect significant ecological areas (and potential significant ecological areas),
- ecological restoration and active management techniques to mitigate or offset adverse effects on indigenous biodiversity,

- eradication of pests (wallaby), and
- improvement in the ecological quality of areas of indigenous biodiversity in the Gulf and its islands.

The explanation to the RPS (PAUP) methods in the Historic Heritage section notes "A vital component of the successful ongoing protection of historic heritage places is enabling the appropriate use and enjoyment of these places. The Unitary Plan has been developed to achieve this."⁶ This is consistent with the objectives to provide for homestay and visitor facilities on Kawau Island.

In Part 1:B:7.2 Public access and open space in the coastal environment, the RPS seeks public access to and along the CMA be enhanced, including the provision of public facilities in appropriate locations⁷. In the Operative Plan two areas have been identified for public access along the foreshore (South Cove and Bostaquet Bay), where the landowner would be compensated for the loss of land.

In Part 1:B:7.4 Managing the Hauraki Gulf/Te Moana Nui o Toi/Tikapa Moana, The RPS objectives and policies view the Gulf Islands as a dynamic system with the natural ecosystems and landscapes being maintained and enhanced through the active involvement of island communities and the ability for them to develop sympathetic uses and developments that meet the Gulf's conservation goals. The 'islands in the Gulf' policies are appropriate for the conservation islands of the Gulf, but planning issues relating to islands as a working environment and appropriate related policies are absent (Part 1:B:7.4 Policies):

Maintaining and enhancing the values of the islands in the Gulf

4. Avoid use and development that will compromise the natural character, landscape, conservation, and biodiversity values of the islands, particularly in areas identified as having significant values.

5. Promote the restoration and rehabilitation of natural character values of the islands of the Gulf.

6. Ensure that use and development of the CMA adjoining conservation islands, regional parks or Department of Conservation land, does not adversely affect their scientific, natural or recreational values.

7. Enhance opportunities for educational and recreational activities on the islands of the Gulf if they are consistent with protecting their natural, historic, and physical values.

⁶ Part 1:B:4.1

⁷ Part 1:B:7.2

Kawau has land use issues more similar to islands covered by the Gulf Islands District Plan, and the Objectives and Policies of that plan may be a more appropriate guide for the planning of Kawau Island, rather than the urban Auckland-based PAUP.

In Part 1:B:8 Sustainably managing our rural environment - Toitū te tuawhenua, the RPS rural environment section relates more to rural productivity issues and maintaining rural amenity, which are not particularly relevant to the Kawau Island and its Rural Conservation zoning. The Rural Conservation Zone on Kawau has precinct rules that prevent any rural production activities. The Rural Activities section (Ch. 8.1) does not apply to Kawau Island or most of the Rural Conservation zone land in Auckland, but nonetheless, these policies directly affect the ability of landowners to transfer rural sites from Kawau Island to mainland Auckland. The changes requested below by Zakara support the objectives and policies of the RPS in relation to the Rural Subdivision section and support Kawau landowners' ability to maintain and enhance heritage values by being able to practically shift development opportunities to more appropriate locations in the region.

4. Analysis of the Auckland-wide objectives and policies for Kawau Island (2(C)6)

The Auckland-wide District Plan objectives and policies in the PAUP set the framework for rural subdivision activities in the Rural Conservation zone and the Kawau Island Precinct. These objectives and policies outline some of the rationale for limiting rural development and severely constraining subdivision of rural land.

The rationale for this is based on preserving rural productivity, rural character and minimising the adverse effects of development. The PAUP claims that the large number of sites is a significant threat to long-term, sustainable production, as the sites could be used for countryside living. Also the PAUP claims that increasing the number of vacant rural sites will hinder rural productivity. There is no specific evidence in the Section 32 Report and appendices for these claims, and the Council's soil scientists' report argues the contrary.

To address this perceived loss of rural production ability, rural landowners with significant ecological areas are given additional opportunities for subdivision through transferable rights. This enables subdivision rights to be moved to a receiver area, in return for legally protected areas of high-quality indigenous vegetation. Covenanted an appropriately large area of indigenous vegetation in this way retains areas with recognised high biodiversity values. The RPS proposes similar mechanisms for transferring sites off elite and prime soils and land affected by reverse sensitivity issues (Auckland-wide Subdivision policy Pt2(C)6.29), but there are no specific mechanisms in the PAUP rules to actually achieve these.

Additionally, the Auckland-wide rural subdivision policies propose transfer of sites into serviced rural or coastal towns or villages (Pt2(C)6.29), but no serviced settlements are identified in the PAUP.

Land within the proposed Rural Conservation Zone on Kawau Island has low rural productive value, although a few sites could support greenhouses and viticulture. There are locations that have the potential to provide for some additional dwellings and visitor and commercial opportunities on the Island, in addition to generating sites for transfer to recipient areas in mainland Auckland.

The absence in the PAUP of Precinct policies and rules for Kawau Island Sub-Precinct B that are consistent with the RPS and Auckland Plan has left the default (Rural Conservation & Auckland-wide) policies and rules applying to this area. Unfortunately, these default policies and rules are not appropriate for Kawau Island, nor are they consistent with the intent of the Auckland Plan (Gulf Islands) or the RPS and Auckland-wide objectives.

The inability to apply these policies is compounded by the Auckland-wide subdivision rules NOT providing for transfer of sites into serviced rural or coastal towns or villages, and no SEAs being identified on Kawau Island (although the natural heritage qualities of the island appears to meet the SEA criteria) (policies 27-29). Additionally the various natural heritage overlays on Kawau Island Sub-Precinct B prevent development over most of the precinct.

5. Analysis of the PAUP provisions for the Kawau Island Precinct and Sub-Precinct B

The following is an analysis of the specific objectives, policies and rules applying to Kawau Id and Sub-Precinct B.

5.1. Objectives and Policies

Kawau Island Precinct Objectives (Part 2, Precinct F, 5.20 Kawau Island)

The objectives are as listed in the underlying zone except as specified below:

1. *The distinctive character of the island is retained and protected from inappropriate subdivision, use and development.*
2. *The landscape, historic heritage and ecological values of the island are protected and enhanced.*
3. *Wallaby and possum populations on the island are controlled, and the ecology of the island re-established.*

Comment

The tightly constraining Rural Conservation zone objectives (Part 2.D.6.3&4) prevent any further development on Kawau Island. These conflict with the Auckland Plan outcomes for Kawau Island and appropriate RMA provisions. The Auckland Plan envisages the informal character of settlement areas being maintained, other land-based activities prospering, the landscape and bio-diversity being restored. This is based on increasing holiday and visitor-oriented activities, tourism, and recreational opportunities consistent with a strong conservation ethic.

Also the implicit intent of the RPS policies for natural heritage anticipates some additional development that might be mitigated or offset by enhancement and improvement of the ecological and historic values of Kawau Island.

Kawau Island Precinct Policies

The Kawau Island Precinct policies are consistent with the Auckland Plan and RPS objectives and policies, except for Policies 8-10, which seek to constrain residential and economic development of any kind within the Sub Precincts (as mapped):

8. Allow for the differential treatment of residential and tourism/commercial development between that area where most residential development has already occurred and the remainder of the island through the use of different sub-precincts.

Sub-precinct A

9. Limit subdivision to the creation of sites suitable for low intensity residential development, and for tourism/commercial developments having minor adverse effects on the environment.

Sub-precinct B

10. Limit the creation of residential sites with respect to position, number and size so as to avoid destruction of significant native bush and other natural features.

Comment

Some locations within Sub-Precinct B appear to be better suited as optimal sites for any new activities, and the boundary between the Sub-precincts is based on the Rodney District Plan 2000 and earlier Rodney plans, rather than the expectations of the Auckland Plan and the Regional Policy Statement in the PAUP.

Additionally, Rural Conservation Zone policy 3 further undermines the intent of the Auckland Plan outcomes and the RPS.

Enable the continued use of established rural activities and recreational uses of the zone where they contribute to the unique character of the zone and allow expansion of those activities only where adverse effects are avoided or mitigated.

This essentially prevents landowners on Kawau Island from undertaking any new and potentially more appropriate visitor-related activities, even those with a strong conservation ethic or having very low adverse effects on the environment.

5.2. Rules

Kawau Island Precinct Rules

When the rule provisions for Kawau Island (including public conservation land) and the underlying Rural Conservation zone activity rules are compared it becomes apparent that very few activities are permitted in the 'Rural Production' Sub-precinct B. This is not a sound outcome for the island, it does not accord with the purpose and principles of the RMA nor its sustainable management ethos. Set out at Appendix C is an Activity Table which has amalgamated all of the rule provisions for Kawau Island (including public conservation land) and the underlying Rural Conservation zone activity rules.

Comment

Rural and Commercial Activities

The rules for the Kawau Island Precinct and particularly Sub-Precinct B prevent most rural and visitor-related activities from taking place on Kawau Island. Currently there is no commercial forestry or farming on Kawau and establishing new areas for these activities is non-complying, along with any aquaculture servicing. The opportunities for achieving the Auckland Plan outcomes are severely constrained also, as activities serving visitors (accommodation, restaurants etc.) are either non-complying or discretionary. Most rural activities are non-complying through the Sub-precinct or underlying zone rules. Any developments associated with enhancing "*opportunities for educational and recreational activities*" (RPS 7.4.7) are either discretionary or non-complying.

The objectives and policies for the Kawau Id Precinct promote a road less island with properties serviced by sea, yet there is no specific provision for boat ramps and boatsheds (the equivalent of road access and garages on land) and these activities are either discretionary or non-complying in both sub-precincts and there is no consistency across the land/CMA boundary.

Sub-Precinct B also seems to be one of the few areas in Auckland where residential dwellings are discretionary, rather than permitted (with controls) and compounding this, any facilities for water-based transport to access them are also a discretionary activity. With Sub-Precinct B having policies directing that there be no road network, the PAUP has then made coastal access discretionary also. In equivalent zones on the mainland, garages and driveways are permitted, but planning controls on the Kawau equivalent - boatsheds, boat ramps and jetties are discretionary and the assessment criteria are more rigid than the previous coastal plan. This applies to new structures and upgrading existing structures.

This combination of rules over almost any possible activity in Sub-Precinct B make it extremely difficult for landowners on Kawau Island and Sub-Precinct B to carry out any activity that could contribute to the local or regional economy, biodiversity conservation and the outcomes of the RPS and the Auckland Plan. These rules appear to be seeking rather different outcomes to the Auckland Plan, which is what

the PAUP, is tasked with achieving (Part 1.A.3.3.1 para.4). Overall, they do not provide for the sustainable management of Kawau Island, and that anticipated by the RMA, in any way, shape or form.

Zakara have proposed an easing of restrictions in order to enable sustainable management, and appropriately provide for on-going and new developments, which are consistent with the Unitary Plan objectives and policies and appropriate to this part of Kawau Island.

Subdivision

Possibly the only development opportunity for the three landowners in Sub-Precinct B on Kawau Island is with the additional subdivision provisions and the ability to transfer these sites to mainland Auckland. However, these provisions are poorly defined in the PAUP and do not provide for local area based differences in the Precinct policies or rules.

Zakara understands that (in part) the intent of the additional subdivision provisions in the Kawau Island Precinct were to address Treaty of Waitangi Settlement agreements with Ngati Manuhiri, by carrying over these provisions from the Operative Rodney District Plan. These provisions appear to have been carried over in such form, but still do not address deficiencies in these provisions (drafted in the mid 1990s), the accumulated knowledge of their effectiveness as planning instruments, and the advance of the ecological science behind them.

For instance, it is Zakara's submission that the original concept of the Subdivision for Significant Land Rehabilitation process has some merit for Kawau Island, but not where land rehabilitation (as defined in the Operative Plan) is directed solely towards planting erodible land. In the last 20 years there have been significant advances in pest control, and sustainable land management is now being achieved mainly through the control of browsing animals rather than planting. In the Kawau Island situation, this should be applied to the eradication of possums and wallabies on Kawau, and as a method to achieve Objective 3.

For the Zakara property, the legacy Operative District Plan provides for the following maximum number of new sites that can be created that have not yet been realised:

Rodney Plan subdivision	Restricted Discretionary	
Protection of Native Bush and Significant Natural Areas	760ha = 16 sites (maximum 152ha + 16 sites) 146ha = 15 sites (Emu Point)	31
Protection of Significant Wetlands	8ha of wetland = 4 sites (maximum 25ha + 8 sites)	4
Significant Enhancement Planting	Doesn't apply to Kawau Id	

Significant Land Rehabilitation	Ratio 1:6, (max of 5 sites)	5
Creation of Esplanade Reserves (requirement on Pt 2)	Head of South Cove Bostaquet Bay	
Additional Public Reserve Land	Ratio 1:4, (max of 3 sites) Vest 12ha to DOC Historic Reserve	3
	TOTAL SITES	43

Under the PAUP Auckland-wide subdivision rules, Zakara might be entitled to:

PAUP subdivision	Restricted Discretionary	
Protection of Native Bush and Significant Natural Areas	760ha = 2 sites 146ha = 2 sites (Emu Point)	4
Protection of Significant Wetlands	8ha of wetland = 2 sites	2
Creation of Esplanade Reserves	Head of South Cove Bostaquet Bay	
Additional Public Reserve Land	Ratio 1:4, max of 3 sites Vest 12ha to DOC Historic Reserve	?
	TOTAL SITES	6

Kawau Island Coastal Settlement Zone (Sub-Precinct A) has Clauses 2-4 that apply rules to subdivision, but there are no subdivision rules for Sub-Precinct B to interpret the Activity Table (Part3:K:5.20.1.Activity Table).

Zakara has assessed the objectives, policies and rules for the other precincts in the PAUP, but there are no precincts similar to Kawau (including in terms of its remote coastal location, low development pressure, the predominant recreation and conservation nature of the island and a strongly self-reliant

community). But some elements of the Te Arai North and South Precinct provisions may be applicable for Kawau Island, although better comparisons can be made with other Gulf Islands where an effects-based plan is in place and there the potential outcomes are more consistent with the Auckland Plan's Gulf Islands Outcomes.

The ability for landowners on Kawau to transfer sites, as a method for protecting the landscape and natural heritage is severely constrained by the likelihood of SEA being applied to Kawau Island through the PAUP process, and then the limited number of zone locations for countryside living recipient sites. The section 32 report for Rural Subdivision has (properly) identified that insufficient rewards or insufficient areas into which the sites can be transferred, will lessen the likelihood of transferable rural site subdivision occurring for large landholdings.

The maximum limit of 8ha for indigenous forest and 2 sites provides a significant disincentive for large landowners like Zakara to protect their 900ha of indigenous forest. The PAUP instead incentivises protection of small SEAs that often are not sustainable and contribute little to the depleted ecosystems of the region. The highest benefit (to the region) would actually come from protecting large areas, as they support a greater higher biodiversity, and greater numbers of threatened indigenous species and ecosystems.

Edge effects maintain permanent modification of natural ecosystems in fragmented landscapes, and in Auckland the edge effect on indigenous flora and fauna is generally 50m⁸ around the edge of a native forest patch. A spherical 5ha site will have no unmodified interior forest and generally low biodiversity. Minimum sites therefore need to be at least 10ha and with no limit on the maximum area, so as to encourage the last few unprotected large natural areas to be better managed for the biodiversity benefit of the region.

In Zakara's submission, the PAUP rural subdivision provisions for transferable rural site subdivision, boundary adjustments and boundary relocations could address the issues outlined above with the application of rules of the kind set out in the following table (replacing the Subdivision table in the Auckland-wide subdivision rules (PAUP Part3:H:5.2.3.3) Table 8: Maximum number of new sites for transfer):

⁸ Bellingham 2009 Does RMA planning protect biodiversity? PhD thesis, Planning Dept., University of Auckland.

Figure 2: Proposed Maximum number of new sites for transfer

A (in ha)	B (in ha)	C
Total minimum area of SEA indigenous vegetation required to be legally protected to produce the number of new sites in column C	Total minimum area of SEA wetland required to be legally protected to produce the number of new sites in column C	Number of new sites for transfer that can be created in accordance with columns A and B*
10.0ha	0.5ha plus a 20m buffer	1
10ha additional area with no maximum limit in area (i.e. 10ha – 1 site, 20ha – 2 sites, 30 ha 3 sites)	1.0ha plus a 20m buffer additional area with no maximum limit in area (i.e. 0.5ha – 1 site, 1.5ha – 2 sites, 2.5 ha 3 sites)	1 site for each additional area
* Transitional provision: The maximum number of new sites that can be created where previous consents granted under a former legacy council District Plan have not fully realised the allowable maximum new site yield in accordance with this table.		

Significant land rehabilitation was developed in the Rodney District Plan in the 1990s, where revegetation was seen as the only practical method for controlling soil erosion. Yet in a number of sites in Rodney (including Zakara Farms at Emu Point) the concept was too narrow, and as time has moved on it is often more practical, effective and economic to achieve significant land rehabilitation through animal pest control.

Natural regeneration of indigenous ecosystems on steep erosion-prone land through control of browsing animals may be more appropriate (and economically feasible) than large-scale replanting on difficult terrain. Although, if replanting of native vegetation is to be contemplated, it has the potential to enhance species diversity, provide habitat for native flora and fauna, reduce soil erosion, and enhance water quality. However, it needs to be done in a manner which firstly ensures the survival of the plants, and creation of a natural ecosystem, especially in harsh coastal conditions.

This can be supplemented in specific sites with replanting of key elements of the indigenous vegetation communities with locally extinct or seriously depleted species. On Kawau Island a large number of plant

species have been eliminated or are now locally threatened by wallaby and possum browsing, and replanting of some species is the only practical method of getting them back into the local coastal forest ecosystems.

Zakara submits that the original concept of Subdivision for Significant Land Rehabilitation as provided for by rules in the Operative District Plan has some merit for Kawau Island, but not where land rehabilitation is directed solely towards planting erodible land. In the last 20 years there have been significant advances in pest control, and sustainable land management is now being achieved through significant advances in the control of browsing animals. In the Kawau Island situation, this should be applied to the eradication of possums and wallabies on Kawau, and as a method to achieve Kawau Island Precinct Objective 3.

There also appears to have been minimal alignment between the PAUP outcomes and the details of the rural and heritage policies, and then the rules implementing the outcomes. For rural landowners, they seem to have been landed with the worst of both worlds; where significant constraints on subdivision and transfer of sites is likely to prevent landowners from protecting heritage through these mechanisms, as they will be economically and practically inoperable. Furthermore, the high rating and operating costs of most rural properties means there is usually little spare cash to invest in heritage protection works.

Consequently Zakara requests revised objectives, policies and rules for the Kawau Island precinct (outlined in Section 6 below).

6. Requested Changes to Proposed Auckland Unitary Plan

Zakara supports the Regional Policy Statement and Kawau Island Precinct Objectives and Policies generally. It seeks the following changes or similar changes to the Auckland-wide rules and the Kawau Island Precinct Plan provisions, including changes and additions to the specific objectives, policies, rules and assessment criteria for Kawau Island Precinct, and in particular those parts of the Sub-Precinct B objectives, policies, rules and assessment criteria which are absent from the PAUP. These would meet the purposes and principles of the RMA, the other high level objectives of the PAUP and the Treaty of Waitangi objectives, and fill the policy and rule vacuum that otherwise exists in the PAUP for Kawau Island. In relation to the relief sought for subdivision controls, these are based on the Te Arai PAUP provisions, but the relevant Rodney Plan provisions, which were drafted in the late 1990s, have been updated to bring in planning and technological advances over the past 20 years.

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Specific Relief Sought:

6.1. Part 3:H: Auckland-wide Rules - Subdivision

PAUP Part3:H:5.2.3.3) Table 8: Maximum number of new sites for transfer): Replace PAUP Table 8 with the following:

A (in ha)	B (in ha)	C
Total minimum area of SEA indigenous vegetation required to be legally protected to produce the number of new sites in column C	Total minimum area of SEA wetland required to be legally protected to produce the number of new sites in column C	Number of new sites for transfer that can be created in accordance with columns A and B*
10.0ha	0.5ha plus a 20m buffer	1
10ha additional area with no maximum limit in area (i.e. 10ha – 1 site, 20ha – 2 sites, 30 ha 3 sites)	1.0ha plus a 20m buffer additional area with no maximum limit in area (i.e. 0.5ha – 1 site, 1.5ha – 2 sites, 2.5 ha 3 sites)	1 site for each additional area

* Transitional provision: The maximum number of new sites that can be created where previous consents granted under a former legacy council District Plan have not fully realised the allowable maximum new site yield in accordance with this table.

6.2. Kawau Island Precinct

Part 2:F:5.20 Objectives, Policies and Rules for the Kawau Island Precinct

Auckland Unitary Plan Text (*Changes requested from PAUP are underlined*)

Part 2:F:5.20 Kawau Island Precinct description

Kawau Island is located off the east coast 8.4km from Sandspit and 1.5km south of the Tawharanui Peninsula. Significant elements contributing to the distinctive character of Kawau Island are:

- It is an isolated and self-reliant island settlement.
- The topography is generally hilly, often with steep land or cliffs
- The vegetative cover is modified, containing large areas of kanuka/manuka, areas of both planted and wilding pine forest, as well as strong indigenous coastal forest regeneration in gullies. Drier ridge forest has been depleted of by the browsing and grazing habits of the wallaby population, but is improving with large-scale wallaby control by the local community.
- Established populations of North Island brown kiwi and North Island weka (80% of population).
- Reliance by the community on sea based transport and access as an alternative to a road network.
- Concentration of almost all of the settlement on the sheltered western side of the island.
- The majority of dwellings are sited close to the sea.
- The rich and interesting history of the island, including Māori use, copper mining, time of Sir George Grey and the long maritime use of the sheltered harbours
- The presence of the Kawau Historic Reserve including Mansion House, comprising about 10 per cent of the island's area, and administered by the Department of Conservation.
- There are limited opportunities for sustainable local development, but they need to be based around servicing visitors who come to enjoy the historic and natural heritage and recreation values.

The purpose of the Kawau Island precinct is to ensure the distinctive character of the island is protected and enhanced, and provides for appropriate low intensity use and development sympathetic to the long-term conservation of Kawau and the conservation goals of the Hauraki Gulf.

The precinct comprises two sub-precincts to enable the distinction between the more densely settled area and the remainder of the island be maintained.

~~Sub-precinct A applies to the settled areas on the western side of the island, and sub-precinct B applies to the rural conservation eastern side.~~ Sub-precinct A enables a limited range of urban-rural village scale activities to be undertaken than in sub-precinct B.

Part 2:F:5.20 Kawau Island Objectives

The objectives are as listed in the underlying zone except as specified below:

1. *The distinctive character of the island is retained and protected from inappropriate subdivision, use and development.*
2. *The landscape, historic heritage and ecological values of the island are protected and enhanced.*
3. *Wallaby and possum populations on the island are controlled, and the natural ecology of the island is re-established.*
4. *Existing rural and residential activities continue, but further development across the Precinct provides for additional dwellings and visitor and commercial developments on appropriate sites.* 112
5. *Buildings and structures are unobtrusive within the natural landscape.* 113

Part 2:F:5.20 Kawau Island Policies

Sub-precinct A

9. *Limit subdivision to the creation of sites suitable for low intensity residential development, and for tourism/commercial developments having minor adverse effects on the environment.*
10. *Provide for the transfer of sites from Sub-Precinct B for the creation of additional sites in Sub-precinct A.* 114

Sub-precinct B

11. *Allow development of a limited number of additional residential sites with careful consideration of position, number and size, so as to minimise adverse effects on significant ecological areas and other natural features.* 115
12. *Provide for uses that are appropriate to the Precinct's coastal location and coastal rural character while allowing for limited commercial development opportunities and conservation and recreation outcomes.*
13. *Limit activities which would require the formation of public roads.*
14. *Provide limited opportunities for subdivision, where the outcomes of other precinct policies can be achieved along with:*

a. the protection of identified and potential Significant Ecological Areas (SEAs);

b. the creation of additional public reserve land including esplanade reserves and strips;

c. Enhancement of identified and potential Significant Ecological Areas (SEAs).

15. Encourage significant conservation and public benefit outcomes to occur as a result of development of the precinct.

Part 3:K:5.20.1 Kawau Island Activity Table 1

Activity table 1 - Kawau Island precinct		
Activity	Activity status	
	Sub-precinct A	Sub-precinct B
Boat building, repairs and servicing	<u>RD</u>	<u>RD</u>
Buildings or accessory buildings for any permitted activity in this table	P	<u>P</u>
Buildings or accessory buildings for any restricted discretionary activity in this table	RD	<u>RD</u>
Buildings or accessory buildings for any discretionary activity in this table	D	<u>D</u>
Buildings and facilities on shore associated with water based tourist activities	<u>RD</u>	<u>RD</u>
Earthworks	P	P

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Greenhouses up to 50m ²	P	P
Greenhouses > 50m ²	<u>RD</u>	<u>RD</u>
Mineral exploration	Pr	NC
Mineral extraction activities	Pr	NC
Mineral prospecting	Pr	NC
Parks field structures	P	P
Tree removal	P	P
Commerce		
Retail up to a maximum floor area of 100m ²	<u>RD</u>	<u>RD*</u>
Restaurants accommodating a maximum of 50 people	<u>RD</u>	<u>RD*</u>
Restaurants accommodating over 50 people	NC	NC
Community		
Care centres	P	P
Community facilities accommodating a maximum of 100 people	D	NC

Community facilities accommodating more than 100 people	NC	NC
Healthcare services	D	NC
Organised sport and recreation	P	P
Informal recreation and leisure	P	P
Temporary activities	P	P
Residential		
Dwellings	P	<u>P</u>
Home occupations	P	P
Visitor accommodation accommodating a maximum of 30 people, but excluding camping grounds	<u>RD</u>	<u>RD</u>
Visitor accommodation accommodating over 30 people	<u>RD</u>	<u>RD*</u>
Camping grounds	<u>RD</u>	<u>RD</u>
Retirement villages	P	NC
Rural		
Rural commercial services excluding animal breeding or boarding	D	D

Animal breeding or boarding	NC	NC
Forestry	P	P
Conservation forestry	P	P
Subdivision		
Subdivision for the protection of natural areas	<u>RD</u>	<u>RD</u>
Subdivision for significant land rehabilitation	<u>NC</u>	<u>RD</u>
Subdivision for public open space and reserves, and network utilities	<u>RD</u>	<u>RD</u>
Subdivision of low intensity settlement sites	RD	NC
<u>Transferable rural site subdivision (from Kawau Island to mainland Auckland)</u>	<u>RD</u>	<u>RD</u>
<u>Boundary adjustments and boundary relocations</u>	<u>RD</u>	<u>RD</u>
All other subdivision	NC	NC

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**Subject to an Approved Framework Plan*

Part 3:K:5.20.1 Kawau Island Activity Table 2 (New)

Zakara seeks the insertion of the following new Activity Table to provide for boat access to properties on Kawau Island, either in the Kawau Island precinct rules or in the Coastal Zone Rules:

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Activity table 2 - Kawau Island Coastal sub-precinct (MHWS to 50m seaward)		
Activity	Activity status	
	Sub-precinct A	Sub-precinct B
Boat building, repairs and servicing	RD	RD
Infrastructure CMA structures not existing at 23 October 2001 (including ramps)	C	C
Extension or alteration of existing lawful CMA structures or buildings	C	C

Part 3:K:5.20.2.1.2 Permitted activities - dwellings

3 Dwellings in sub-precinct B must comply with the following:

- a. One dwelling per site; or
- b. Two dwellings per site where the site is greater than 40ha.

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Part 3:K:5.20.2.(New) Controlled activities

Matters of control and assessment criteria for matters in Kawau Island Activity Table 2 (New); zone rules Part 3:l:6 General Coastal Marine 3.l.6.4 apply.

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Part 3:K:5.20.2.2.1 Discretionary activities - dwellings

Delete all of Part 3:K:5.20.2.2.1.

121

Part 3:K:5.20.4.1 Sub-precincts A & B – subdivision of low intensity settlement sites – restricted discretionary

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Part 3:K:5.20.4.2 (New) Sub-precincts A & B –Assessment Criteria for Subdivision in Kawau Island Precinct

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1 Kawau Island transferable rural site subdivision: explanation of terms and process [Auckland-wide rules in Part 3:H:2.3.3 in PAUP subject to the following changes]

b. Kawau Island transferable rural site process

i. A transferable rural site subdivision is the transfer of the residential development potential of rural sites from one location to another through the subdivision process. This process will be carried out by amalgamating two existing sites in a rural zone, and transferring the development potential of the lost site to land in another location by subdividing a new site there.

d. Any proposed transferable rural site subdivision by amalgamation of donor sites that does not comply with the controls for receiver sites is a non-complying activity.

Table 6: Transfer of sites provided for under these rules by amalgamation of donor sites

<u>Donor site in:</u> <u>(Note: see criteria above)</u>	<u>Receiver site must be in:</u> <u>(Note: see criteria above)</u>
<u>Kawau Island Sub-precinct B</u>	<u>Rural Conservation zone</u> <u>Countryside Living zone</u> <u>Mixed Rural zone</u> <u>Rural and Coastal settlements zone</u> <u>Rural Production zone</u>

Part 3:K:5.20.4.2 (New) Subdivision for the protection of natural areas

1. For any subdivision for the protection of natural areas the following applies:

a. The subdivision provisions in clause 4.1.2 and clause 4.2.3 can be utilised in combination or individually. Where these clauses are used in combination the application must show that there is no duplication of the areas to be protected.

b. The subdivision must meet the criteria in Appendix 11.5.9. 4 or other criteria that will achieve the same purpose.

Part 3:K:5.20.4.2 (New) Subdivision of sites for the protection of native bush and Significant Ecological Areas (SEAs)

1. The area for subdivision must be located within a SEA or meet the criteria in Appendix 11.5.9.1 Appendix 11.5.9. 4 or other criteria that will achieve the same purpose.

2. Number of sites

a. The maximum number of rural residential sites created from protecting SEAs or natural areas (potential SEAs) meeting the criteria in Appendix 11.5.9.1 must not exceed a ratio of 1 site: 10ha of the parent site existing on 1 March 2010 or any parent site created by a subdivision for which resource consent was granted on or before 1 March 2010.

3. Location of SEAs or native bush and specified building area

a. The SEA or native bush must be entirely within an individual parent site.

b. If the SEA or native bush is within a rural residential site:

i. any land to be used for building and access must not compromise any native vegetation

ii. if there is less than 1500m² available for building or access that is not covered in native trees, the maximum combined size of the specified building area and any access ways is 1500m²

4. Area to be protected

a. All native bush and SEA on the parent site, up to the upper limit specified in the relevant row of the table at clause 4.1.2.1, must be protected.

5. Minimum site size

a. The minimum rural residential site size is 1ha where the protected native bush or SEA sits within the balance site.

b. The minimum rural residential site size is 2.15 ha (comprised of 2ha protected area and 1500m²specified building area and access way) where the protected native bush or SEA is to be contained within the new rural residential site.

c. The minimum balance site size is 1ha.

6. Maximum site size

a. The maximum rural residential site size is 2ha where the protected native bush or SEA remains on the balance site.

b. If the protected native bush or SEA does not remain on the parent site, the maximum rural residential site size is the protected area plus the specified building area.

7. Access

a. Up to five sites may gain access over a jointly owned right of way at least 6m wide.

8. Design

a. If more than 5 rural residential sites are created, they must be clustered in one or more groups.

b. Each group must share an access way.

c. Specified building areas and access ways must not be located within a SEA or wetland.

d. Each site must comply with the riparian standards in Appendix 11.5.9.3.

Part 3:K:5.20.4.2

4.1.3 Subdivision of sites for protection of wetlands

1. All applications based on protecting significant wetlands meet the acceptance criteria set out in the guidelines in Appendix 11.5.9.2.

2. Number of sites

a. The number of rural residential sites created from protecting wetlands must not exceed the limits specified below:

Table 2

<u>Area of wetland to be protected</u>	<u>Maximum total number of sites that may be created</u>
<u>5,000m² - 1.9999ha</u>	<u>1</u>
<u>2.0ha – 3.999ha</u>	<u>2</u>
<u>4.0ha – 7.9999ha</u>	<u>3</u>
<u>8.0ha – 11.999ha</u>	<u>4</u>
<u>12.0ha – 15.9999ha</u>	<u>5</u>
<u>16.0ha – 19.9999ha</u>	<u>6</u>
<u>20.0ha – 24.9999ha</u>	<u>7</u>
<u>25.0+ha</u>	<u>8</u> <u>Plus 1 additional site for each 5ha of wetland above 30ha</u>

3. Location of protected wetland, and site for dwelling

a. The area of the wetland to be protected must either:

i. remain entirely within the balance site or

ii. be contained entirely within the rural residential site, provided that the building area for building and access (1500m²), must not require or result in the removal or destruction of native bush and trees, or compromise in any manner any other feature to be protected

4. Minimum site size

a. The minimum rural residential site size is 1ha where the protected wetland is within the balance site, or where the protected wetland is to be contained within the rural residential site.

b. The minimum balance site size is 1ha.

5. Maximum site size

a. The maximum rural residential site size is 2ha where the protected wetland is to remain on the parent site.

b. Where the protected wetland is to be contained within the rural residential site, the maximum site size is the greater of:

i. the size of the protected area together with a 1500m² specified building area and access area or

ii. 1ha.

6. Access

a. Clause 4.1.2.7 above applies.

7. Design

a. Clause 4.2.1.8 above applies.

Part 3:K:5.20.4.2

4.1.4 Subdivision of sites for the creation of additional public reserve land

1. Number of sites

a. One rural residential site may be created for every 4ha of land which is incorporated into public reserve from any parent site that existed on 28 November 2000.

b. The application must comply with all the requirements of clauses 2-6 below.

2. Minimum site size

a. The minimum site size is 4ha for the site to be incorporated into the existing public reserve.

b. The minimum rural residential site size 1ha.

c. The minimum site size is 1ha for the balance site.

3. Maximum site size

a. The maximum rural residential site size is 2ha.

4. Access

a. . Clause 4.1.2.7 above applies.

5. Design of area for incorporation into existing public reserve

a. The land to be incorporated into an existing public reserve must be subdivided from the same parent site from which the site is subdivided.

b. The land to be incorporated into an existing public reserve must be physically suitable to support the function of the existing public reserve.

c. The applicant must provide written advice from the agency administering the existing public reserve that:

i. they accept the land to be incorporated into the existing public reserve

ii. There is appropriate access to the land to be incorporated into the existing public reserve

d. The area to be incorporated into the existing public reserve must be vested in the administering body of the reserve at no cost to that body.

6. Site design and location

- a. The site and specified building area must be located so that SEA or other natural features are not removed or destroyed to provide access, create a building site or define a boundary.
- b. Any site must be located so that activities within the specified building area do not unduly limit mineral extraction activities.
- c. Each site created must comply with the requirements of the riparian margin protection standards in Appendix 11.5.9.3.
- d. Where the rural residential site contains a SEA over 1ha or a wetland over 500m² in contiguous area the subdivision consent must include a condition or conditions providing for the effective and permanent legal and physical protection of that natural area, that may include a permanent fence (minimum seven wire post and batten fence) capable of preventing browsing or other damage by farmed animals, to be erected and maintained around the perimeter of the area of SEA or wetland to be protected.
- e. Any conditions for the protection of a SEA or a natural feature must be complied with on a continuing basis by the subdividing land owner and subsequent owners, and must be the subject of consent notices to be registered under the Land Transfer Act 1952.

Part 3:K:5.20.4.2

4.1.5 Subdivision for significant enhancement of potential SEAs

1. Number of sites

- a. One rural residential site may be created for every 30ha of land where a 35 year programme of significant ecological enhancement will occur.
- b. The enhancement may be through habitat enhancement (planting of indigenous species) or control or eradication of pest species threatening indigenous plant or animal species, their habitat, or indigenous ecosystems.
- c. The application must comply with all the requirements of clauses 2-7 below.

2. Area to be protected

- a. All native bush and SEA on the parent site within the enhancement programme must be protected.

2. Minimum site size

- a. The minimum rural residential site size is 1ha where the protected native bush or SEA sits within the balance site.

b. The minimum rural residential site size is 2.15 ha (comprised of 2ha protected area and 1500m² specified building area and access way) where the protected native bush or SEA is to be contained within the new rural residential site.

c. The minimum balance site size is 1ha.

4. Maximum site size

a. The maximum rural residential site size is 2ha where the protected indigenous habitat or vegetation, or SEA remains on the balance site.

b. If the protected native bush or SEA does not remain on the parent site, the maximum rural residential site size is the protected area plus the specified building area.

5. Access and frontage

a. Each site must have a coastal access. Up to five sites may gain frontage over a jointly owned access site, or right of way at least 6m wide.

6. Design

a. If more than 5 rural residential sites are created, they must be clustered in one or more groups.

b. Each group must share an access to a road or wharf.

c. Specified building areas and access ways must not be located within a SEA, native bush or wetland.

d. Each rural residential site must comply with the riparian margin protection standards in Appendix 11.5.9.3.

7. The area for subdivision must be located within a SEA or meet the SEA criteria in Appendix 11.5.9.1.

Assessment Criteria: Subdivision for the Protection of Natural Areas

In addition to the criteria in 7.15.2 and 7.15.3 as appropriate, when considering an application for Natural Areas subdivision the Council will have regard to the following criteria.

Legal and physical protection

(a) Whether adequate legal and physical protection is provided for the bush, wetlands or Significant Natural Areas identified for protection, including fencing, weed and animal pest control.

Significant natural areas

(b) Whether the subdivision proposed for the protection of an area identified as a Significant Ecological Area (SEA) or a potential SEA are undertaken in such a manner and at such times as to have no adverse effect, or minimum adverse effect on the ecology and wildlife of the area and in particular, where relevant:

- (i) Nesting, feeding and breeding of species;
- (ii) Biological processes;
- (iii) Connections between ecosystems;
- (iv) The diversity of species;
- (v) The habitat of threatened or protected species;
- (vi) Cumulative effects.

Adverse effects

(c) Whether the resultant adverse effects on the natural areas of subdivision can be avoided, mitigated or remedied.

Vegetation clearance and earthworks

(d) Whether the clearance of vegetation and earthworks in these areas identified for protection is avoided.

6.3. Definitions [Part 4]

Significant Ecological Areas

Zakara seeks that the Unitary Plan include specific criteria or guidelines for identifying SEAs and provisions for changing condition of areas identified or not for SEAs. 124

Explanation: These would be similar to those used by Council staff and consultant ecologists to identify SEAs for the PAUP, and those in the Operative District Plan – e.g. Appendix 7B Guidelines for the Field Assessment of Native Quality in Rodney District.

Potential Significant Ecological Areas

Zakara seeks that the Unitary Plan include provision for 'potential SEAs' where this is supported by qualified ecological advice, where the ecological values of a non-SEA area have improved through natural processes or intervention and it meets the SEA criteria. 125

Explanation: One useful provision in the Rodney Plan was that some rules applied to 'potential SNAs' where this was supported by qualified ecological advice. This provided for formal recognition of improving ecological condition of sites and SNA surveys not detecting cryptic species and mobile wildlife.

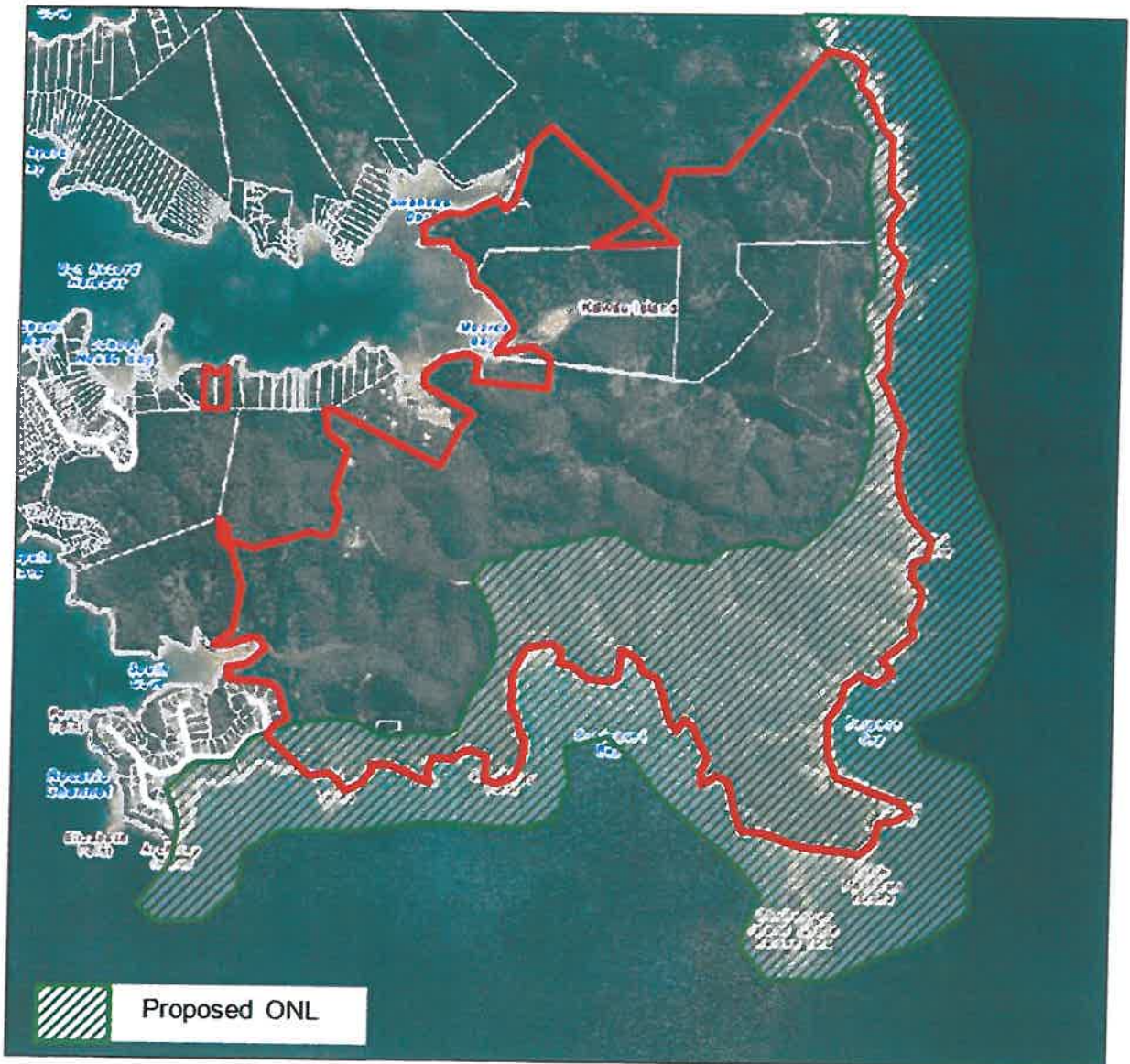
Outstanding and High Natural Landscapes and Natural Character areas

Zakara seeks that the Unitary Plan include specific criteria or guidelines for identifying ONLs, HNLs, Oncs and HNCs.

|26

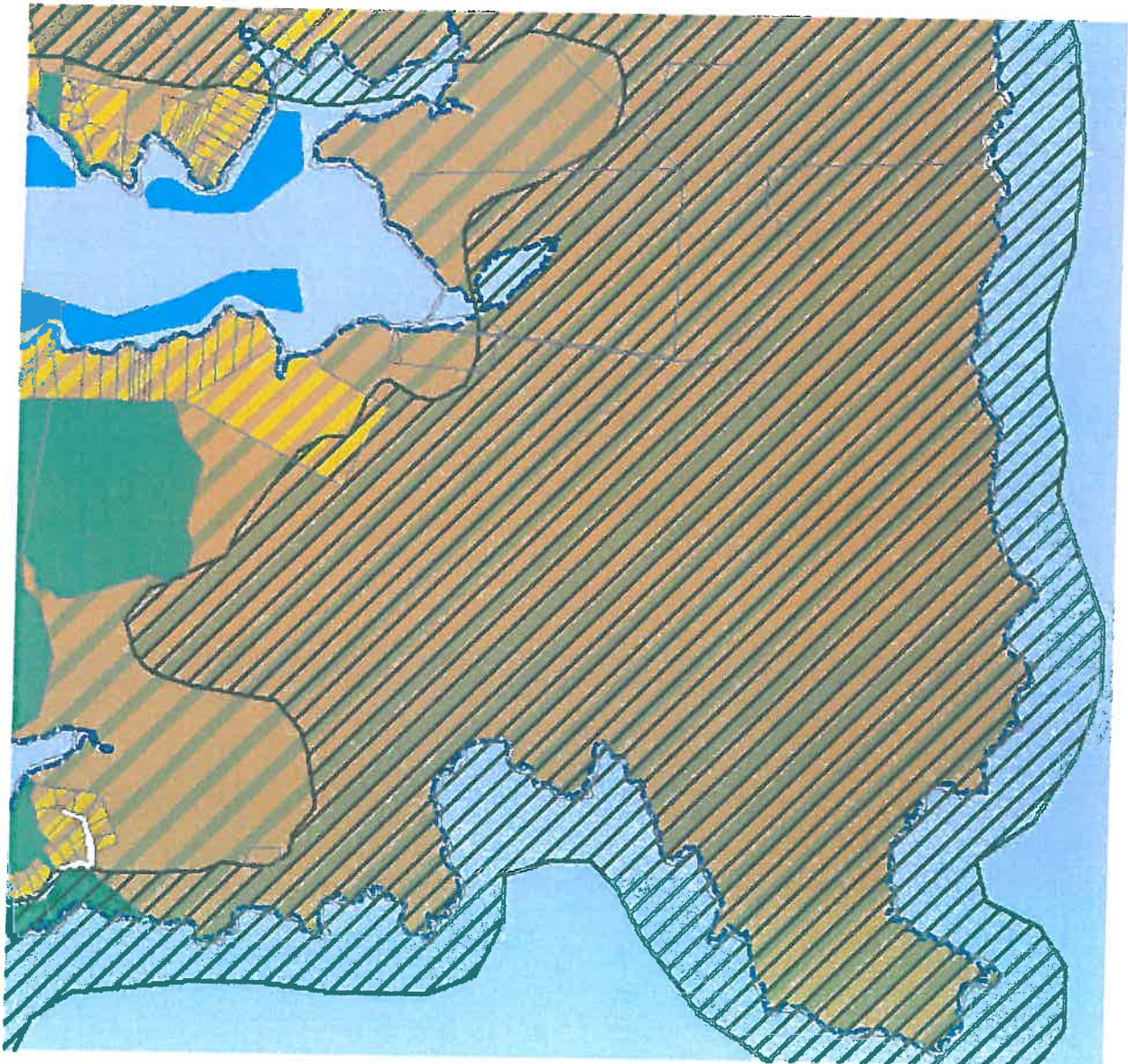
6.4. PAUP Maps

Zakara seeks that the extent of the Outstanding Natural Landscape on southern Kawau Island be reduced, similar to that shown on the following map:



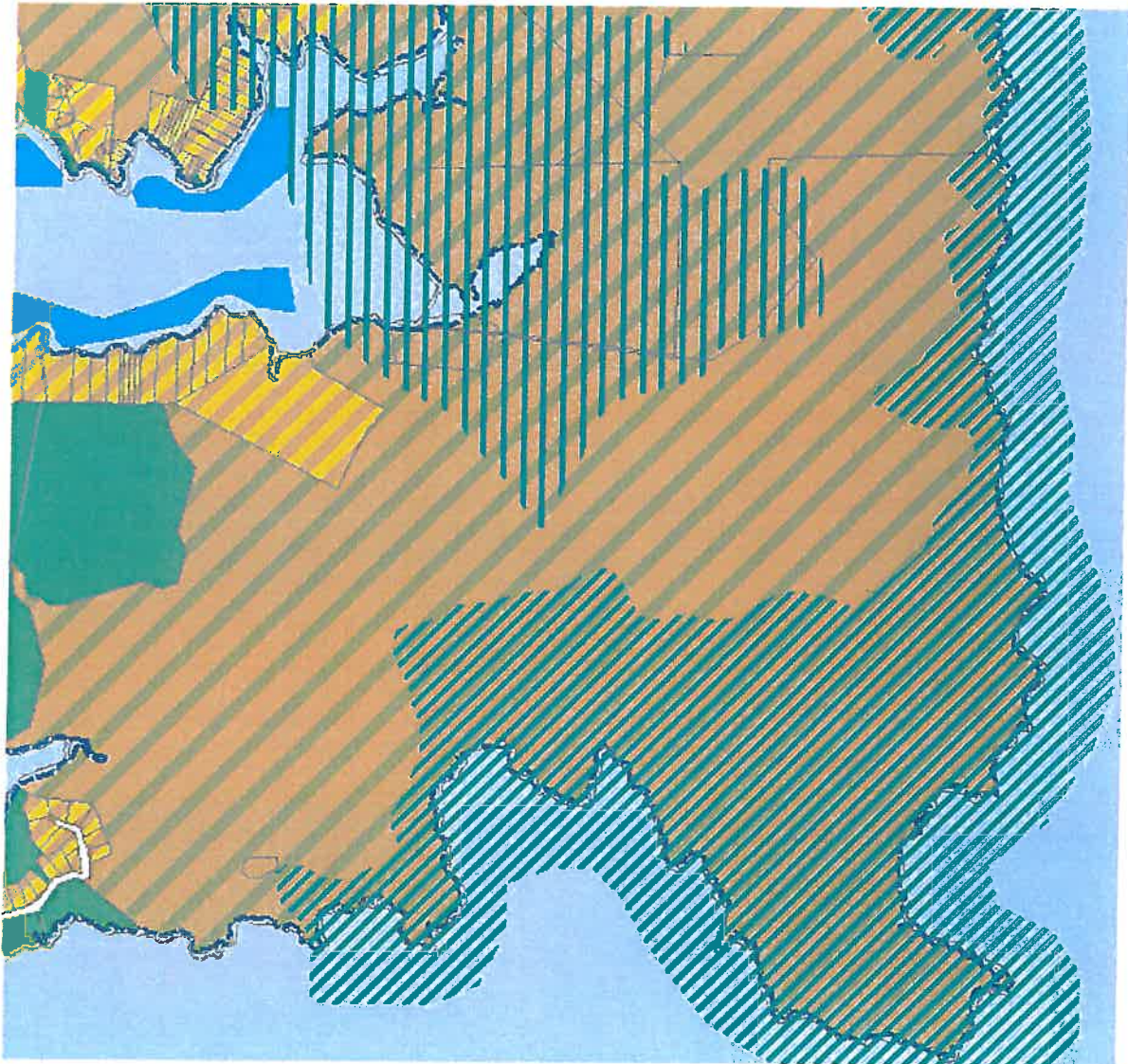
Appendix A

PAUP OUTSTANDING NATURAL LANDSCAPE OVERLAY ON ZAKARA PROPERTIES, KAWAU ID



Appendix B

PAUP COASTAL NATURAL CHARACTER AREAS (HIGH- VERTICAL, OUTSTANDING- DIAGONAL) ON ZAKARA PROPERTIES, KAWAU ID



Appendix C

ACTIVITY TABLE OF THE RULE PROVISIONS FOR ALL ZONES ON KAWAU ISLAND: KAWAU ISLAND SUB-PRECINCTS, PUBLIC CONSERVATION LAND AND THE UNDERLYING RURAL CONSERVATION ZONE (SECTION 5.2 OF SUBMISSION)

Activity table 1 - Kawau Island precinct			Public Open Space (DOC land)	Rural Conservation (underlying SubPrecinct B)
Activity	Activity status			
	Sub-precinct A	Sub-precinct B	Conservation Zone	Rural Conservation
Boat building, repairs and servicing	D	D		
Boat launching facilities				D
Lock up and storage facilities				NC
Buildings or accessory buildings for any permitted activity in this table	P	RD	P	
Buildings or accessory buildings for any restricted discretionary activity in this table	RD	D	D	
Buildings or accessory buildings for any discretionary activity in this table	D	D	D	

Buildings and facilities on shore associated with water based tourist activities	D	D	D	
Earthworks	P	P	P	
Greenhouses up to 50m ²	P	P	?P	RD
Greenhouses > 50m ²	D	D	?P	RD
Mineral exploration	Pr	NC	?	
Mineral extraction activities	Pr	NC	?	
Mineral prospecting	Pr	NC	?	
Parks field structures	P	P	P	
Tree removal	P	P	P	
Commerce				
Retail up to a maximum floor area of 100m ²	D	NC	D	NC
Restaurants accommodating a maximum of 50 people	D	NC	NC	NC
Restaurants accommodating over 50 people	NC	NC	NC	NC
Community				

Care centres	P	P	NC	NC
Community facilities accommodating a maximum of 100 people	D	NC	D	NC
Community facilities accommodating more than 100 people	NC	NC	D	NC
Healthcare services	D	NC	NC	NC
Organised sport and recreation	P	P	P	NC
Informal recreation and leisure	P	P	P	P
Temporary activities	P	P	P	
Residential				
Dwellings	P	D	P	P
Home occupations (includes homestays <11 people)	P	P	NC	P
Visitor accommodation accommodating a maximum of 30 people, but excluding camping grounds	D	D	?D	NC
Visitor accommodation accommodating over 30 people	NC	NC	?D	NC

Camping grounds	D	D	D	RD
Retirement villages	P (in existing dwelling)	NC	NC	NC
Rural				
Farming		NC		P
Intensive farming				NC
Intensive poultry farming				NC
Free-range poultry farming				P
Mustelid farming				Pr
Rural commercial services excluding animal breeding or boarding	D	D	NC	NC
Animal breeding or boarding	NC	NC	NC	NC
Forestry	P	P	P	P
Conservation forestry	P	P	P	P
Landfill/cleanfill disposal site				NC
Aquaculture activities				NC

Subdivision				
Subdivision for the protection of natural areas	NC	D		D
Subdivision for significant land rehabilitation	NC	D		
Subdivision for public open space and reserves	D	D		D (Esplanade RD)
Subdivision of low intensity settlement sites	RD	NC		
All other subdivision	NC	NC		Pr

APPENDIX 5 – ZAKARA'S FURTHER SUBMISSION

Further submission in support of, or in opposition to, submission on the Proposed Auckland Unitary Plan



Section 123 Local Government (Auckland Transitional Provisions) Act 2010;
 Clause 8 of Schedule 1, Resource Management Act 1991
 FORM 3 Resource Management (Forms, Fees, and Procedure for Auckland Combined Plan) Regulations 2013

Return your signed further submission to Auckland Council by 22 July 2014 5:00pm

Further submissions may be:

- posted to Attn: Unitary Plan Submission Team, Auckland Council, Private Bag 92300 Auckland 1142. Freepost Authority 237170
- lodging your further submission in person at any Auckland council office, library, service centre or local board office
- or emailed to unitaryplan@aucklandcouncil.govt.nz

Note: online further submissions can also be made at www.aucklandcouncil.govt.nz

For office use only

Further Submission No:

Receipt Date:

22 JUL 2014

1. Further submitter details

Full name of person making further submission: Zakara Investments Ltd

Contact name if different from above: Mark Bellingham

Organisation or company (if relevant):

Address for service of person making further submission: Terra Nova Planning Ltd, 16 Florence Avenue, Orewa 0946.

Phone: (09) 426 7007

Fax: (09) 426 7001

Email: markbellingham@tnp.co.nz

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

2. Interest in the submission

I am: (select one)

A person representing a relevant aspect of the public interest; or

A person who has an interest in the Proposed Auckland Unitary Plan that is greater than the interest the general public has; or

Auckland Council

The grounds for saying that I come within the selected category are: **I have made a submission (Number 6534) related to issues subject of different submissions which I wish to support or oppose.**

3. Request to be heard in support of further submission

Please indicate by ticking the relevant box whether you wish to be heard in support of your further submission

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

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

Yes No

4 Signature of further submitter (note a signature is not required if you make your submission by electronic means, but please type your name below)

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

Date:

Note: Please use second page to state the scope of your further submission

Further Submission in support of, or opposition to, submission on the Proposed Auckland Unitary Plan

Section 123 Local Government (Auckland Transitional Provisions) Act 2010;
 Clause 8 of Schedule 1, Resource Management Act 1991
 FORM 3 Resource Management (Forms, Fees, and Procedure for Auckland Combined Plan)
 Regulations 2013



FS# 2607

I support or oppose (circle your choice) the original submission of:	The particular parts of the original submission I support or oppose are: (list one submission point per box)	Provision No. of the Proposed Auckland Unitary Plan	The reasons for my support or opposition are:	I seek that the whole or part of the original submission be allowed or disallowed:
Original submitter name and address Pohutukawa Trust New Zealand pohutukawatrust@xtra.co.nz	Submission number 5582-3 to 8 <input type="checkbox"/> Support ✓ <input type="checkbox"/>	Kawau Island	Consistent with the objectives of the PAUP and the Auckland Plan	Select one- <input checked="" type="checkbox"/> Allowed ✓ <input type="checkbox"/> Disallowed Specify precise details: _____
I support or oppose (circle your choice) the original submission of:	The particular parts of the original submission I support or oppose are: (list one submission point per box)	Provision No. of the Proposed Auckland Unitary Plan	The reasons for my support or opposition are:	I seek that the whole or part of the original submission be allowed or disallowed:
Original submitter name and address Auckland Council stephen.town@auckland.council.govt.nz	Submission number 5716-1228 Oppose ✓ [5716 - 1183] [5716 - 1184] [5716 - 1185]	Kawau Island	In consistent with the objectives of the PAUP and the Auckland Plan	Select one- Allowed Disallowed ✓ Specify precise details:
I support or oppose (circle your choice) the original submission of:	The particular parts of the original submission I support or oppose are: (list one submission point per box)	Provision No. of the Proposed Auckland Unitary Plan	The reasons for my support or opposition are:	I seek that the whole or part of the original submission be allowed or disallowed:

<p>Original submitter name and address Kawau Island Residents and Ratepayers Association secretary@kirra.org.nz</p>	<p>Submission number 8590-3 Support <input checked="" type="checkbox"/></p>	<p>Kawau Island</p>	<p>Consistent with the objectives of the PAUP and the Auckland Plan</p>	<p>Select one- Allowed <input checked="" type="checkbox"/> Disallowed Specify precise details:</p>
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