

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

**TO** Warren Mcleanan

**FROM** Ryan Bradley




**DATE** 18 May 2021

**SUBJECT** **Amendment to Chapters B9, E15, E39, H19, and Appendix 15 of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016)**



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

<b>Reason for update – Environment Court decision on appeals to the Unitary Plan</b>	
<b>Chapters</b>	B9, E15, E39, H19, Appendix 15
<b>Section</b>	Various
<b>Changes to text (shown in underline and strikethrough)</b>	<ol style="list-style-type: none"> <li>1. Remove all appeal annotations relating to the following appeals: <ul style="list-style-type: none"> <li>• ENV-2017-AKL-000189</li> <li>• ENV-2017-AKL-000206</li> <li>• ENV-2017-AKL-000207</li> <li>• ENV-2017-AKL-000212</li> <li>• ENV-2017-AKL-000216</li> <li>• ENV-2017-AKL-000234</li> <li>• ENV-2017-AKL-000248</li> </ul> </li> <li>2. Update text according to the Environment Court Decision [2021] NZEnvC 032. <ul style="list-style-type: none"> <li>• <b>See Attachment 1.</b></li> </ul> </li> <li>3. Text references to “Map [X]” need to be updated to “Figure E39.4.2”</li> </ol>
<b>Changes to diagrams</b>	<ol style="list-style-type: none"> <li>1. New Figure E39.4.2 to be inserted</li> </ol> <p><b>Map of the Kawau Island</b></p> <ul style="list-style-type: none"> <li>• To be inserted as a figure in the text between the end of Table E39.4.2 and the start of Table E39.4.3.</li> <li>• Label as “Figure E39.4.2 - Kawau Island Rural Subdivision Significant Ecological Areas”</li> </ul>
<b>Changes to spatial data</b>	None
<b>Attachments</b>	<p><b>Attachment 1:</b> Environment Court Decision [2021] NZEnvC 032</p> <p><b>Attachment 2:</b> Updated Text for the following Chapters:</p> <ul style="list-style-type: none"> <li>- Appendix 15 Subdivision information and process</li> <li>- B9 Rural environment</li> <li>- E15 Vegetation management and biodiversity</li> <li>- E39 Subdivision – Rural</li> <li>- H19 Rural zones</li> </ul>

<b>Prepared by:</b> Ryan Bradley Senior Policy Planner Planning - North/West	<b>Text Entered by:</b> Sophia Coulter Planning Technician Aucklandwide
<b>Signature:</b> 	<b>Signature:</b> 
<b>Reviewed by:</b> Ryan Bradley Senior Policy Planner Planning - North/West	<b>Signed off by:</b> Warren Maclennan Manager Planning – Regional, North, West and Island
<b>Signature:</b> 	<b>Signature:</b> 

Attachment 1: Environment Court Decision  
[2021] NZEnvC 032

IN THE ENVIRONMENT COURT  
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU

Decision No. [2021] NZEnvC 032

IN THE MATTER OF

the Local Government (Auckland  
Transitional Provisions) Act 2010  
(LGATPA), and the Resource  
Management Act 1991, and the rural  
subdivision provisions of the in part  
proposed and in part Operative  
Auckland Unitary Plan, and appeals  
pursuant to s 156 of the LGATPA

BETWEEN

CABRA RURAL DEVELOPMENTS  
LIMITED

FOREST HABITATS LIMITED

KAREPIRO INVESTMENTS  
LIMITED

MONOWAI PROPERTIES LIMITED

RAHOPARA FARMS LIMITED

RAUHORI FORESTS LIMITED

SH 16 LIMITED

(ENV-2016-AKL-000189)

AND

OTHER APPELLANTS  
(Annexure A)

Appellants

AND

AUCKLAND COUNCIL

Respondent

Court: Environment Judge J A Smith

Hearing: On the papers at Auckland

Last case event: 8 March 2021

Date of Decision: 16 March 2021

Cabra Rural Developments Limited & Ors v Auckland Council Decision 20210311



Date of Issue:

16 MAR 2021

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## DECISION OF THE ENVIRONMENT COURT

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- A:** The wording of Annexure C is adopted.
- B:** There is no order as to costs.
- C:** Auckland Council is to alter its plan accordingly as soon as possible.

### REASONS

#### Introduction

[1] This is a final decision of the Environment Court as to the final wording of the rural subdivision provisions in the Auckland Unitary Plan Operative in part (AUP).

#### Background

[2] This matter was originally decided by the Court in relation to opportunities for the subdivision or development in the rural areas in June 2018.<sup>1</sup>

[3] The matter was subsequently appealed to the High Court and a decision issued on 6 August 2019.<sup>2</sup>

[4] Thereafter there were attempts at resolving the differences between the parties, but the matter was remitted again to this Court for hearing on issues still in dispute between the parties and a further decision, issued on 16 September 2020.<sup>3</sup>

[5] There were further attempts at resolution between the parties, in accordance with directions made by the Court. It was revealed that there was continuing dispute between the parties as to the wording of several provisions. The Court received submissions and considered each dispute in turn. On 17 February 2021, the

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<sup>1</sup> *Cabra Rural Developments and ors v Auckland Council* [2018] NZEnvC 90.

<sup>2</sup> *Auckland Council v Cabra Rural Developments Ltd* [2019] NZHC 1892.

<sup>3</sup> *Cabra Rural Developments and ors v Auckland Council* [2020] NZEnvC 153.

Environment Court issued a final Decision as to the provisions to be included with in the AUP in relation to rural subdivision.<sup>4</sup> The Council was directed to file a final copy of the provisions as amended by the Court for approval.

### **Amended provisions**

[6] The Council filed a Memorandum submitting the amended provisions. The amendments relate to aspects of Tables E39.6.4.41 and E39.6.4.5.1, the explanatory note under Table E39.6.4.4.1, additional Rules E39.6.4.4(2B) and Rule E39.6.4.5(1)(c).

[7] Annexure **B** sets out the matters covered by these appeals, with amendments to the various provisions. Annexure **B** uses colour-coded text. The key in the colour-coded document indicates that:

- (a) The black text denotes the provisions endorsed by the Environment Court in its decision of 12 June 2018, which was not at issue in the June 2020 Environment Court hearing and provisions in the relevant chapters of the AUP that were not subject to appeal;
- (b) Green text denotes the revised provisions following the Environment Court's 2020 Decision which were agreed by the parties (with the exception of aspects of Table E39.6.4.4.1, Table E39.6.4.5.1 and Rule E39.6.4.5(1)(c));
- (c) Purple text denotes the Zakara Investments Limited (**Zakara**) provisions agreed by the Council and Zakara following the Environment Court's 2020 Decision; and
- (d) Blue text denotes the revised provisions following the Environment Court's 2021 Decision.

[8] Annexure **C** is a clean version of the provisions.

[9] Annexure **D** is a copy of the map that is referred to in the attached rural

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<sup>4</sup> *Cabra Rural Developments and ors v Auckland Council* [2021] NZEnvC 010.

subdivision provisions as Map [X]. Map [ X] relates to the site-specific subdivision provisions for Zakara's land on Kawau Island. It depicts the extent of the indigenous vegetation and freshwater wetland that the Council's and Zakara's ecologists recognised as Significant Ecological Areas on that land and forms the basis for the site specific in-situ and Transferrable Rural Site Subdivision rural subdivision rules (A17A), (A17B), (A21A) and (A21B) in Table E39.4.1 for Zakara.

[10] The intention is that once the approved provisions are received from the Court, the map referred to as Map [X] will be named in a way that is consistent with other maps in the AUP and will be incorporated either into the Chapter 39 rural subdivision provisions or the AUP GIS layers.

[11] The Court is satisfied that the rural subdivision provisions address the matters in the decision of the Court dated 17 February 2021 and otherwise meet the purpose of the RMA and the relevant Policy Statements / documents as set out in the various Decisions.

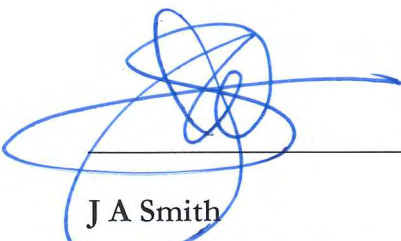
### Outcome

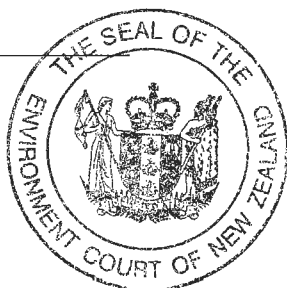
[12] The final rural subdivision provisions are attached to this Decision. Annexure **B** is a colour-coded copy of the provisions with new text shown as underlined and deleted text as strikethrough. Annexure **C** is a clean version of the provisions. Annexure **D** is a copy of the map that is referred to in the attached rural subdivision provisions as Map [X].

[13] Auckland Council is to alter its plan accordingly as soon as possible.

[14] The Court confirms that there is no order as to costs.

For the Court:

  
J A Smith  
Environment Judge



**Annexure A – Other Appellants**

CATO BOLAM CONSULTANTS LIMITED  
(ENV-2016-AKL-000206)

DAVID MASON  
BETTER LIVING LANDSCAPES LIMITED  
FLUKER SURVEYORS LIMITED  
PARALLAX SURVEYORS LIMITED  
SAYES IN TRUST LIMITED  
(ENV-2016-AKL-000207)

SMITHIES FAMILY TRUST  
(ENV-2016-AKL-000212)

ZAKARA INVESTMENTS LIMITED  
(ENV-2016-AKL-000216)

RADIATA PROPERTIES LIMITED  
(ENV-2016-AKL-000234)

TERRA NOVA PLANNING LIMITED  
(ENV-2016-AKL-000248)



**Annexure B**

## AUCKLAND COUNCIL RURAL SUBDIVISION PROVISIONS - FINAL

### Key

<b>Black text</b>	<b>Environment Court 2018 decision provisions and provisions not subject to appeal</b>
<b>Green text</b>	<b>Revised provisions following EC Decision No. [2020] NZEnvC 153</b>
<b>Purple text</b>	<b>Agreed Zakara provisions following EC Decision No. [2020] NZEnvC 153</b>
<b>Blue text</b>	<b>Revised provisions following EC Decision No. [2021] NZEnvC 010</b>

New text is shown as underlined and deleted text as ~~striketrough~~

### **B9. Toitū te tuawhenua - Rural environment**

#### ***Me tupu te ora ki te tuawhenua***

Grow your livelihood inland

#### **B9.1. Issues**

The Auckland region is not just the location of New Zealand's largest city. Most of the Auckland region's land is rural and contains extensive, productive and valuable areas used for farming (agriculture, horticulture and grazing), rural service industries, forestry and rural recreation. The rural parts of Auckland also contain important natural resources, including native bush, significant ecological areas and outstanding natural landscapes. The contributions made by rural areas and rural communities to the well-being of the region must be acknowledged and enabled.

The outward expansion of urban areas and people's lifestyle choices and recreational activities place significant pressures on maintaining the amenity values and the quality of the environment in rural areas. Specific issues in the Auckland region are:

- protecting the finite resource of elite quality soils from urban expansion;
- managing subdivision to prevent undue fragmentation of large sites in ways that restrict rural production activities;
- addressing reverse sensitivity effects which rural-residential development can have on rural production activities; and

- managing the opportunities for countryside living in rural areas in ways that provide for rural-residential development in close proximity to urban areas and the larger rural and coastal towns and villages while minimising the loss of rural production land.

...

## **B9.4. Rural subdivision**

### **B9.4.1. Objectives**

- (1) Subdivision does not undermine the productive potential of land containing elite soils.
- (2) 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) 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...
- (3) Provide for and encourage the transfer of the residential development potential of rural sites ~~from one place to another~~, to Countryside Living zones to reduce the impact of fragmentation of rural land from in-situ subdivision on rural land, as well as the rearrangement of site and for title boundaries to be amalgamated 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 new rural lifestyle subdivision in locations and at scales and densities so as to:
  - (a) avoid areas that would undermine the integrity of the Rural Urban Boundary or compromise the expansion of the satellite towns of Warkworth and Pukekohe, and rural and coastal towns and villages;
  - (b) protect areas where natural and physical resources have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal, historic heritage and special character;

- (c) avoid land containing elite soil;
  - (d) avoid where practicable land containing prime soil;
  - (e) avoid areas that would constrain the operation of existing mineral extraction activities or areas containing mineral resources identified in the plan for future extraction;
  - (f) maintain or enhance landscape, rural and, where relevant, coastal, character and amenity values;
  - (g) avoid the potential for reverse sensitivity effects that could hinder the continued operation or growth of existing rural activities, or the establishment of new rural activities; and
- (5) Encourage the amalgamation and transfer of rural sites to areas that can best support them. the Countryside Living zone.

#### **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 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 sites one place to another, and for title boundaries to be adjusted or relocated to locations where they will more usefully enable rural development potential to be realised sites in productive rural zones to Countryside Living Zones, and for title boundaries to be amalgamated and a residential development right to be realised in Countryside Living Zones.

## RURAL SUBDIVISION PROVISIONS

### Key

<b>Black text</b>	Environment Court 2018 decision provisions and provisions not subject to appeal
<b>Green text</b>	Revised provisions following EC Decision No. [2020] NZEnvC 153
<b>Purple text</b>	Agreed Zakara provisions following EC Decision No. [2020] NZEnvC 153
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New text is shown as underlined and deleted text as ~~striketrough~~

### **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 ...
- (2) Manage the effects ...
- (3) Encourage the offsetting ...
- (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 one or more of the factors referred to in B7.2.2(1) and in Schedule 3 Significant Ecological Areas -Terrestrial Schedule or shown on Map [X];
  - (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 ...

...

## RURAL SUBDIVISION PROVISIONS

### Key

<b>Black text</b>	<b>Environment Court 2018 decision provisions and provisions not subject to appeal</b>
<b>Green text</b>	<b>Revised provisions following EC Decision No. [2020] NZEnvC 153</b>
<b>Purple text</b>	<b>Agreed Zakara provisions following EC Decision No. [2020] NZEnvC 153</b>
<b>Blue text</b>	<b>Revised provisions following EC Decision No. [2021] NZEnvC 010</b>

New text is shown as underlined and deleted text as ~~striketrough~~

### **E39. Subdivision - Rural**

#### **E39.1. Introduction**

Subdivision is the process of dividing a site or a building into one or more additional sites or units, or changing an existing boundary location.

Objectives, policies and rules in this section apply to subdivision in the following zones:

- Rural - Rural Production Zone, Rural - Mixed Rural Zone, Rural - Rural Coastal Zone, Rural - Rural Conservation Zone and Rural - Countryside Living Zone;
- Rural - Waitakere Foothills Zone and Rural - Waitakere Ranges Zone;
- Future Urban Zone; and
- Special Purpose - Quarry Zone.

For subdivision provisions in all other zones refer to E38 Subdivision - Urban.

#### **E39.2. Objectives**

- (1) Land is subdivided to achieve the objectives of the zones, the relevant overlays and Auckland-wide provisions.

- (2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.
- (3) Land is vested to provide for esplanades, reserves, roads, stormwater, infrastructure and other purposes.
- (4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.
- (5) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (6) Subdivision has a layout which is safe, efficient, convenient and accessible.
- (7) Subdivision manages adverse effects on historic heritage or Maori cultural heritage.
- (8) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of the areas.
- (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 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 inappropriate rural lifestyle lots dispersed throughout the rural and coastal areas.
- (11) Subdivision avoids or minimises the opportunity for reverse sensitivity effects between agriculture, horticulture, mineral extraction activities, rural industry, infrastructure and rural lifestyle living opportunities.
- (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 minor dwellings and workers' accommodation from the parent site is avoided.
- (14) Subdivision is provided for, by either:
  - (a) Limited in-situ subdivision through the protection and enhancement of significant indigenous vegetation or wetlands and/or indigenous revegetation planting; or
  - (b) ~~by~~ Transfer of titles to the Rural-Countryside Living Zone, through the protection ~~or~~ and enhancement of indigenous vegetation and wetlands and/or through ~~restorative or~~ indigenous revegetation planting.

- (15) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of rural areas.
- (16) Rural subdivision avoids or minimises adverse effects in areas identified in the Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscape Overlay and Significant Ecological Areas Overlay.
- (17) Subdivision:
  - (a) outside of urban and serviced areas avoids adverse effects to people, property, infrastructure and the environment from natural hazards;
  - (b) avoids where possible, and otherwise mitigates, adverse effects associated with subdivision for infrastructure or existing urban land uses; and
  - (c) maintains the function of flood plains and overland flow paths to safely convey flood waters while taking into account the likely long term effects of climate change;

### **E39.3. Policies**

- (1) Provide for subdivision which supports the policies of the zones.
- (2) Require subdivision to manage the risk of adverse effects resulting from natural hazards in accordance with the objectives and policies in E36 Natural hazards and flooding, and to provide safe and stable building platforms and vehicle access.
- (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 certain Rural - Countryside Living Zones.
- (4) Require subdivisions to be designed to retain, protect or enhance features including those in the Historic Heritage Places Overlay and Sites and Places of Significance to Mana Whenua Overlay, or otherwise remedy adverse effects.
- (5) Provide for subdivision around existing development and subdivision where it enables creation of sites for uses that are in accordance with an approved land use resource consent, where there is compliance with Auckland-wide and zone rules and appropriate provision is made for areas of common use.
- (6) Provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with Auckland-wide and zone rules.
- (7) Require any staged subdivision to be undertaken in a manner that promotes efficient development.



- (8) Avoid the fragmentation by subdivision of land containing elite soil and avoid where practicable fragmentation by subdivision of land containing prime soil.
- (9) Encourage the amalgamation of small fragmented land parcels identified in Appendix 14 Land amalgamation incentivised area through transferable rural site subdivision.
- (10) Require any proposal for rural lifestyle subdivision to demonstrate that any development will avoid or mitigate potential reverse sensitivity effects between it and any rural production activities, mineral extraction activities, rural industries and infrastructure.
- (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 significant indigenous vegetation and wetlands; or
  - (c) the site is created through ~~restorative or~~ indigenous revegetation planting.
- (12) Enable the transfer of titles to sites in the Rural - Countryside Living Zone which are identified using the subdivision variation control on the planning maps.
- (13) Manage reverse sensitivity conflicts between rural lifestyle living and countryside living and rural production activities by the design and layout of subdivisions and locations of identified building areas and house sites.
- (14) Avoid the subdivision of minor dwellings and workers' accommodation from the parent site in the rural areas.

*Protection of indigenous vegetation and wetland and revegetation planting*

- (15) Enable:
  - (a) Transfer of titles; and
  - (b) Limited in-situ subdivision
    - ~~or the transfer of titles~~ through the protection of indigenous vegetation or wetlands identified in the Significant Ecological Areas Overlay or shown on Map [X] 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 and indigenous revegetation planting.
- (16) Require indigenous vegetation or wetland within a site being subdivided to be legally protected in perpetuity.
- (17) 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 including restoration, or wetlands;
  - (b) subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;

- (c) subdivision avoids inappropriate development within areas of the Outstanding Natural Landscape Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay and the coastal environment;
  - (d) adverse effects on rural and coastal character are avoided, remedied or mitigated;
  - (e) sites are of sufficient size to absorb and manage adverse effects within the site; and
  - (f) reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production.
- (18) Avoid the subdivision of sites in the Quarry Buffer Area Overlay and in areas of significant mineral resources that would result in development that could compromise the operation of mineral extraction activities.

*Natural features and landscape*

- (19) Require subdivision, including site boundaries and specified building areas and access, to:
- (a) recognise topography including steep slopes, natural features, ridgelines, aspect, water supplies, and existing vegetation;
  - (b) avoid inappropriately located buildings and associated accessways including prominent locations as viewed from public places;
  - (c) avoid adverse effects on riparian margins and protected natural features; and
  - (d) avoid fragmentation of features and landscape in the Significant Ecological Areas Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscapes Overlay, Outstanding Natural Features Overlay or Sites and Places of Significance to Mana Whenua Overlay, or areas between sites.

*Esplanade Reserves and Strips*

- (20) Require esplanade reserves or strips when subdividing land adjoining the coast and other qualifying water-bodies.
- (21) Avoid reducing the width of esplanade reserves or strips, or the waiving of the requirement to provide an esplanade reserve or strip, except where any of the following apply:
- (a) safe public access and recreational use is already possible and can be maintained for the future;
  - (b) the maintenance and enhancement of the natural functioning and water quality of the adjoining sea, river or other water body will not be adversely affected;
  - (c) the land and water-based habitats on and adjoining the subject land area will not be adversely affected;

- (d) the natural values, geological features and landscape features will not be adversely affected;
  - (e) any Scheduled Historic Heritage Places and Sites and Places of Significance to Mana Whenua will not be adversely affected;
  - (f) it can be demonstrated that the reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long-term effects of climate change;
  - (g) it can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural character and amenity of the coastal environment;
  - (h) a reduced width in certain locations can be offset by an increase in width in other locations or areas, which would result in a positive public benefit in terms of access and recreation;
  - (i) restrictions on public access are necessary to ensure a level of security for business activities in limited circumstances having regard to Policy B8.4.2(3) relating to public access in the coastal marine area; or
  - (j) direct access to the sea or other water body is required for a business activity in limited circumstances.
- (22) Require esplanade reserves rather than esplanade strips unless any of the following apply:
- (a) land has limited conservation and recreational value;
  - (b) conservation and historic heritage values that are present can be adequately protected in private ownership;
  - (c) opportunity to acquire an esplanade reserve is unlikely to arise but continuity of access is desirable;
  - (d) creation of esplanade strips can secure public benefits and resource management objectives without alienating land from private ownership;
  - (e) land is subject to natural hazards or stability issues taking into account the likely long term effects of climate change; or
  - (f) a marginal strip of at least 20 metres under the Conservation Act 1987 has not been set aside on land that is Treaty Settlement Land.

*Amenity*

- (23) Require subdivision to avoid creating ribbon development along public roads or multiple access points that may adversely affect the character or amenity values or the adequate functioning of rural roads.
- (24) Require accessways, public walkways and roads to be designed so rural and coastal character and amenity values are maintained or enhanced.
- (25) Restrict the location and design of sites and specified building areas to:

- (a) integrate development with the existing landscape; and
  - (b) ensure the character and amenity values of adjacent sites and the locality are not adversely affected.
- (26) Require rural subdivision to avoid, remedy or mitigate adverse effects on the rural or coastal character and to complement the rural or coastal character of the area.

*Infrastructure*

- (27) Require infrastructure servicing rural subdivision to avoid, remedy or mitigate adverse effects on rural character and amenity.
- (28) Require all sites capable of containing a building, in areas where service connections are available to a public reticulated network, to be able to connect to the following networks:
- (a) wastewater;
  - (b) stormwater; and
  - (c) potable water.
- (29) Require all new sites capable of containing a building, in areas with no reticulated water supply, stormwater or wastewater network, to be of a size and shape that provides for:
- (a) the treatment and disposal of stormwater in a way that does not lead to significant adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding;
  - (b) management of wastewater via an on-site wastewater treatment system, or approval to connect to a private wastewater network; and
  - (c) potable water
- (30) Require subdivision to manage stormwater:
- (a) in accordance with any approved stormwater discharge consent or network discharge consent;
  - (b) in a manner consistent with stormwater management policies in E1 Water quality and integrated management;
  - (c) by applying an integrated stormwater management approach to the planning and design of development in accordance with stormwater management policies in E1 Water quality and integrated management;
  - (d) to protect natural streams and maintain the conveyance function of overland flow paths;
  - (e) to maintain or progressively improve water quality;

- (f) to integrate drainage reserves and infrastructure with surrounding development and public open space networks; and
  - (g) in an integrated and cost-effective way.
- (31) Manage subdivision and development to avoid, remedy or mitigate adverse effects on infrastructure including reverse sensitivity effects, which may compromise the operation and capacity of existing or authorised infrastructure.
- (32) Enable subdivision for network utility purposes while avoiding, remedying or mitigating the adverse effects.

#### **E39.4. Activity table**

Tables E39.4.1 to E39.4.5 specify the activity status of subdividing land pursuant to section 11 of the Resource Management Act 1991 within the following zones:

- Rural – Rural Production Zone,
- Rural - Mixed Rural Zone,
- Rural – Rural Coastal Zone,
- Rural – Rural Conservation Zone
- Rural – Countryside Living Zone;
- Rural – Waitākere Foothills Zone
- Rural – Waitākere Ranges Zone;
- Future Urban Zone; and
- Special Purpose – Quarry Zone.

For subdivision within the National Grid Corridor Overlay, the activity status for subdivision in the rural zones as listed in Tables E39.4.1 to E39.4.5 below will apply unless there are different provisions in D26 National Grid Corridor Overlay in which case the overlay provisions will take precedence.

For all other subdivision refer to E38 Subdivision – Urban.

An activity listed in Table E39.4.1 Subdivision for specified purposes may only comprise a specific element of a subdivision activity. The other elements of a subdivision may also be listed in Tables E39.4.2 Subdivision in rural zones, E39.4.3 Subdivision in Future Urban Zone, E39.4.4 Subdivision in Special Purpose – Quarry Zone and E39.4.5 Subdivision in Rural - Waitākere Foothills Zone and Rural – Waitākere Ranges Zone.

Where a proposed subdivision activity fits into activities listed in Table E39.4.1 and those listed in Tables E39.4.2, E39.4.3, E39.4.4, or E39.4.5, then the activity status listed for each activity in each table also applies.

Refer to D12 Waitākere Ranges Heritage Area Overlay for areas and sites subject to specific subdivisions provisions in the Waitākere Ranges Heritage Area.

**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
(A2)	Subdivision for a network utility	P
(A3)	Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners	C
(A4)	Boundary adjustments not exceeding 10 per cent of the original site area and meeting Standard E39.6.3.2	C
(A5)	Subdivision establishing an esplanade reserve	RD
(A6)	Subdivision establishing an esplanade strip	D
(A7)	Any reduction or waiver of esplanade reserves or strips	D
(A8)	Subdivision of land within any of the following natural hazard areas: <ul style="list-style-type: none"> <li>• 1 per cent annual exceedance probability floodplain;</li> <li>• coastal storm inundation 1 per cent annual exceedance probability (AEP) area;</li> <li>• coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;</li> <li>• coastal erosion hazard area; or</li> <li>• land which may be subject to land instability.</li> </ul>	RD
(A9)	Any subdivision listed in this table not meeting standards in E39.6.1	D
(A10)	Boundary adjustments unable to comply with controlled activity rule and standards in E39.6.3.2 and E39.6.3	D

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

Activity		Activity Status
(A11)	Subdivision for open spaces, reserves or road realignment	D

(A12)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone complying with Standard E39.6.5.1	D
(A13)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone not complying with Standard E39.6.5.1	NC
(A14)	Subdivision in the Rural – Countryside Living Zone complying with Standard E39.6.5.2	D
(A15)	Subdivision in the Rural – Countryside Living Zone not complying with Standard E39.6.5.2	NC
(A16)	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
(A17)	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
<u>(A17A)</u>	<u>In-situ subdivision creating additional sites through protection of indigenous vegetation or freshwater wetland shown on Map [X] up to a maximum of 6 sites from protection of indigenous vegetation and 2 sites from protection of freshwater wetland complying with Standards E39.6.4.4(2) to (12) (except that Standard E39.6.4.4(2B) does not apply) on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931).</u>	<u>RD</u>
<u>(A17B)</u>	<u>In-situ subdivision creating additional sites through protection of indigenous vegetation or freshwater wetland shown on Map [X] on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931) not complying with Standards E39.6.4.4(2) to (12) (except that Standard E39.6.4.4(2B) does not apply).</u>	<u>NC</u>
<u>(A17C)</u>	<u>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</u>	<u>RD</u>
<u>(A17D)</u>	<u>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</u>	<u>NC</u>



(A18)	In-situ subdivision creating additional sites through establishing revegetation planting and complying with Standard E39.6.4.5	RD
(A19)	In-situ subdivision creating additional sites through establishing revegetation planting not complying with Standard E39.6.4.5	NC
(A20)	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
(A21)	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
(A21A)	<u>Transferable rural sites subdivision through protection of indigenous vegetation or freshwater wetland shown on Map [X] up to a maximum of 76 sites from protection of indigenous vegetation and 6 sites from protection of freshwater wetland complying with Standard E39.6.4.6 (except that Standards E39.6.4.4(1) and E39.6.4.4(2B) do not apply) on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931).</u>	<u>RD</u>
(A21B)	<u>Transferable rural sites subdivision through protection of indigenous vegetation or freshwater wetland shown on Map [X] on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931) not complying with Standard E39.6.4.6 (except that Standards E39.6.4.4(1) and E39.6.4.4(2B) do not apply).</u>	<u>NC</u>
(A21C)	<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>	<u>RD</u>
(A21D)	<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>	<u>NC</u>
(A22)	Transferable rural sites subdivision through establishing revegetation planting complying with Standard E39.6.4.6	RD
(A23)	Transferable rural sites subdivision through establishing revegetation planting not complying with Standard E39.6.4.6	NC
(A24)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area complying with Standard E39.6.4.7	RD
(A25)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land	NC



	amalgamation incentivised area not complying with Standard E39.6.4.7	
(A26)	Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A27)	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
(A28)	Subdivision for open spaces, reserves or road realignment	D
(A29)	Any other subdivision not provided for in Table E39.4.1 or E39.4.3	NC

**Table E39.4.4 Subdivision in Special Purpose – Quarry Zone**

Activity		Activity Status
(A30)	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
(A31)	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
(A32)	Subdivision in the Rural – Waitākere Foothills Zone creating site size less than 4ha in site area and not complying with Standard E39.6.3.2, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	D
(A33)	Subdivision in the Rural – Waitākere Ranges Zone creating a minimum net site area of 2ha and complying with Standard E39.6.5.3	D
(A34)	Subdivision in the Rural – Waitākere Ranges Zone not complying with Standard E39.6.5.3, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	Pr

(A35)	Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A36)	Subdivision in the Rural – Waitākere Foothills Zone or Rural – Waitākere Ranges Zone not otherwise provided for in Tables E39.4.1 and E39.4.5, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	NC
(A37)	<i>[deleted]</i>	

### **E39.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E39.4.1 or Table E39.4.5 will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Tables E39.4.1 to E39.4.5 and which is not listed in E39.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### **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 ([except as otherwise provided in Standard E39.6.5.1\(2\)](#)), 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 area must be clearly identified on every site on a subdivision scheme plan on which a building is to be constructed.
- (2) Where the site contains an existing dwelling at the time the subdivision application is made, the specified building area must include:
  - (a) the location of the existing dwelling;
  - (b) indicate that the dwelling will be removed from the site; or
  - (c) the new location of the existing dwelling that will be relocated.
- (3) The specified building area must meet all of the following:
  - (a) include a single area of at least 2,000m<sup>2</sup> clear of all of the following:

- (i) all yards;
- (ii) one per cent annual exceedance probability floodplain areas;
- (iii) coastal storm inundation 1 per cent annual exceedance probability (AEP) area;
- (iv) coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;
- (v) coastal erosion hazard area;
- (vi) land which may be subject to land instability;
- (vii) access to all proposed building platforms or areas; and
- (viii) on-site private infrastructure required to service the intended use of the site.

(b) be able to be linked by adequate and appropriate vehicle access to a formed public road;

(c) be identified as the only place within the site where dwellings, any accessory buildings, and related parking and manoeuvring areas can be located; and

(d) be located outside of the Quarry Buffer Area Overlay.

#### **E39.6.1.2 Access and entrance strips**

(1) All proposed sites must be provided with legal and physical access to a road, unless they meet one of the following:

(a) are being created for reserves, network utilities or road closure; or

(b) will be amalgamated with another site that already has legal and physical access to a road.

#### **E39.6.1.3 Services**

(1) For all proposed sites capable of containing a building, or for cross-lease, unit title, strata title or company lease, each building must be designed and located so that provision is made for all of the following services:

(a) collection, treatment and disposal of stormwater;

(b) collection, treatment and disposal of wastewater;

(c) water supply;

(d) electricity supply; and

(e) telecommunications.

(2) Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the New Zealand Fire

Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.

#### **E39.6.1.4. Staging**

- (1) Where a subdivision is to be carried out in stages, the applicant must provide adequate detail of the proposed timetable and sequencing of the staging at the time they apply for the overall subdivision consent. This detail must include all of the following:
  - (a) the time period over which the development is likely to take place;
  - (b) the areas of land subject to the proposed stages; and
  - (c) the balance area of the site remaining after the completion of each stage.

#### **E39.6.1.5 Overland flow paths**

- (1) All subdivision must be designed to incorporate overland flow paths existing on the site.
- (2) Stormwater must exit the site in a location that does not increase the risks of hazards to downstream properties.

#### **E39.6.1.6 Existing vegetation on the site**

- (1) All subdivision plans, excluding boundary adjustments subdivision plans, must show any of the following features that exist on, or on the boundary of, the land being subdivided:
  - (a) any areas identified as a Significant Ecological Area in the D9 Significant Ecological Areas Overlay; or
  - (b) any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes.

#### **E39.6.2. Standards - permitted activities**

Subdivision listed as a permitted activity in Table E39.4.1 Subdivision for specified purposes must comply with the relevant standards in E39.6.1 General standards, and E39.6.2 Standards – permitted activities.

##### **E39.6.2.1. 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**

- (1) The subject building must be lawfully established.
- (2) The boundaries of the proposed sites must follow existing or proposed walls, ceilings and floors.
- (3) The scheme plan must show the proposed sites in relation to the exterior of the building and provide upper and lower elevations in terms of a datum to be established.
- (4) Each lease area must have either frontage to a legal road or allow for access through common areas to a legal road.

### **E39.6.2.2. Subdivision for a network utility**

- (1) The network utility activity must meet one of the following:
  - (a) be a permitted activity pursuant to E26 Infrastructure; or
  - (b) have all resource consents or notices of requirements approved.
- (2) A covenant or consent notice must be required to state that land that is no longer required for the network utility after it disestablishes, must be amalgamated with the adjoining land.
- (3) The balance sites must comply with the relevant overlays, Auckland-wide and zone standards, other than the minimum site size, unless resource consent has been granted for any infringements.
- (4) Sites must have access to a legal road through an appropriate legal mechanism.

### **E39.6.3. Standards - controlled activities**

Subdivision listed as a controlled activity in Table E39.4.1 Subdivision for specified purposes and Table E39.4.5 Subdivision in Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone must comply with the relevant standards in E39.6.1 General standards and in E39.6.3 Standards – controlled activities.

#### **E39.6.3.1. Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners**

- (1) All buildings must meet one of the following:
  - (a) have existing use rights;
  - (b) comply with the relevant overlays, Auckland-wide and zone standards; or
  - (c) be in accordance with an approved land use resource consent.
- (2) All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.
- (3) Subdivision consent affecting a building or any part of a building, any proposed covenant, unit or accessory unit boundary, must not result in any infringements of any relevant overlays, Auckland-wide and zone rules.
- (4) Parking spaces must not be created as principal units, unless provided for by a resource consent, and only created as accessory units or common areas when associated with an approved use or activity.
- (5) All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.

### **E39.6.3.2. Boundary adjustments that do not exceed 10 per cent of the original site size**

- (1) All sites prior to the boundary adjustment must be contained within the same zone.
- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.
- (3) All sites must remain compliant with the applicable minimum site area and minimum average site area for the relevant zones.
- (4) Boundary adjustments must not result in the creation of additional titles.
- (5) If any boundary adjustment under this control creates the potential for additional subdivision creating additional sites or additional 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 any further such subdivision or new dwellings under Rules in Chapters E39 and H19.;
  - a) ~~any further subdivision; and/or~~
  - b) ~~new dwellings.~~

### **E39.6.4 Standards - restricted discretionary activities**

Subdivision listed as a restricted discretionary activity in Table E39.4.1 Subdivision for specified purposes or Table E39.4.2 Subdivision in rural zones must comply with the relevant standards set out in E39.6.1 General standards and E39.6.4 Standards – restricted discretionary activities unless otherwise specified.

#### **E39.6.4.1. Subdivision establishing an esplanade reserve**

- (1) Any subdivision involving the creation of sites less than 4 hectare which adjoins the line of the mean high water springs, or the bank of a river or stream 3 metres or more in width, or any lake, must provide a minimum 20 metre wide esplanade reserve in accordance with section 230 of the Resource Management Act 1991. This must be shown on the application plan and the subsequent land transfer plan.
- (2) The esplanade reserve must be measured in a landward direction at 90 degrees to the line of mean high water springs, or the bank of a river, stream or the margin of any lake.
- (3) Standards E39.6.4.1(1) and (2) do not apply to the subdivision of Treaty Settlement Land where a marginal strip of at least 20 metres has been set aside under the Conservation Act 1987.

#### **E39.6.4.2. Subdivision of a site within the one per cent annual exceedance probability floodplain**

- (1) Each proposed site within the one per cent floodplain that is to contain a more vulnerable activity must meet one of the following:

- (a) contain a specified building area that meets the requirements of Standard E39.6.1 General standards; or
- (b) be in accordance with a land use consent that authorises development or building in the floodplain.

**E39.6.4.3. Subdivision of land in the coastal erosion hazard area; or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area**

- (1) Each proposed site on land in the coastal erosion hazard area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area must demonstrate that all of the relevant areas/features in (a) to (c) below are located outside of any land subject to coastal erosion or coastal storm inundation:
  - (a) a specified building area that meets the requirements of Standard E39.6.1 General standards;
  - (b) access to all proposed building platforms or areas; and
  - (c) on-site private infrastructure required to service the intended use of the 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 or shown on Map [X]; and 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)**

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 shown on Map [X]; 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 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 protection of indigenous vegetation or wetland either identified in Significant Ecological Areas Overlay or shown on Map [X] or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1).**

FEATURE PROTECTED	TRANSFERABLE RURAL SITE SUBDIVISION (TRSS) YIELD	IN-SITU SUBDIVISION YIELD
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	AREA OF FEATURE PROTECTED	MAXIMUM NUMBER OF NEW SITES FOR TRSS	AREA OF FEATURE PROTECTED	MAXIMUM NUMBER OF NEW IN-SITU SITES
<b>INDIGENOUS VEGETATION</b>	2ha - 9.9999ha	1	4ha - 9.9999ha	1
	10ha - 14.9999ha	2	10ha - 20ha	2
	15ha - 19.9999ha	3	Thereafter for every additional 10ha	+1 To a total of 12 maximum
	20ha - 30ha	4		
	Thereafter for every additional 10ha	+1 No maximum		
<b>WETLAND</b>	0.5ha - 0.9999ha	1	0.5ha - 1.9999ha	1
	1ha - 1.9999ha	2	2ha - 3.9999ha	2
	2ha - 3.9999ha	3	4ha and over	3 maximum
	4ha - 9ha	4		
	Thereafter for every additional 5ha	+1 No maximum		

Note 1 for Table E39.6.4.4.1: Where indigenous vegetation is proposed to be protected using Table E39.6.4.4.1, the area of indigenous vegetation protected can consist of either indigenous vegetation identified in the Significant Ecological Areas Overlay or shown on Map [X] or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) or a combination of both. Where a wetland is proposed to be protected using Table E39.6.4.4.1 the area of wetland can consist of either wetland identified in the Significant Ecological Areas Overlay or shown on Map [X] or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) or a combination of both. For example, where the indigenous vegetation comprises 1ha of indigenous vegetation identified in the Significant Ecological Areas Overlay and 1ha meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) the 2ha area will be sufficient to generate one site for TRSS.

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



<del>52.0ha – 61.9999ha</del>	<del>7</del>
<del>62.0ha – 71.9999ha</del>	<del>8</del>
<del>72.0ha – 81.9999ha</del>	<del>9</del>
<del>82.0ha – 91.9999ha</del>	<del>10</del>
<del>92.0ha – 101.9999ha</del>	<del>11</del>
<del>102.0ha – 111.9999ha</del>	<del>12</del>

**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 shown on Map ~~IX~~ or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1)**

<u>Areas of wetland to be protected</u>	<u>Maximum number of rural residential sites that may be created</u>
<u>Minimum of 5.000m<sup>2</sup></u>	<u>1</u>
<u>5.0001m<sup>2</sup> – 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>

Note 2 for Table E39.6.4.4.1: If Rules (A17A) or (A17B) are used to create in-situ sites through protection of indigenous vegetation or freshwater wetland, the number of in-situ sites created must be subtracted from the maximum number of sites that may be created for Transferable Rural Site Subdivision under Rules (A21A) or (A21B).

Note 3 for Table E39.6.4.4.1: If Rules (A21A) or (A21B) are used to create Transferable Rural Site Subdivision through protection of indigenous vegetation or freshwater wetland, any number of sites created over 70 through the protection of indigenous vegetation or any number of sites created over 4 through the protection of freshwater wetland must be subtracted from the maximum number of in-situ sites that may be created under Rules (A17A) or (A17B).

(2A) The maximum number of in-situ sites created through any combination of the protection of indigenous vegetation, wetland and established native revegetation planting under E39.6.4.4 and E36.6.4.5 must not exceed a cumulative total of 12 sites.

(2B) Where a combination of TRSS and in-situ sites are proposed to be created in one subdivision application through the protection of indigenous vegetation (SEA) or wetland, the number of new sites for TRSS must be calculated first using the upper threshold of the area required by Table E39.6.4.4.1 for each TRSS site. The number of new in-situ sites shall then be calculated using the area required by Table E39.6.4.4.1 for each in-situ site. The cumulative maximum number of in-situ sites must not be exceeded.

- (3) A 20 metre buffer is to be applied to the perimeter of the indigenous vegetation wetland and included as part of the protected area.
- (4) The additional in-situ sites must be created on the same site as the indigenous vegetation 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 in-situ sites must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.
- (6) Any indigenous vegetation or wetland 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 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;

- (c) the plan 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 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) the maintenance of the indigenous vegetation plantings or wetland 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) the maintenance of the indigenous vegetation plantings or wetland must ensure animal and plant pest control occurs.

**E39.6.4.5. In-situ subdivision creating additional sites through establishing native 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;
  - (c) be contiguous with existing indigenous vegetation or wetland identified in the Significant Ecological Area Overlay or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1); and
  - (d) the criteria as set out in Appendix 15 Subdivision information and process and 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 or wetland identified in the Significant Ecological Area Overlay or meeting the Significant Ecological Areas factors identified in Policy B7.2.2.(1)) subject to protection**

<u>Minimum area of established native revegetation planting subject to protection</u>	<u>Maximum number of new sites</u>
<u>5ha</u>	<u>±</u>
<u>Every additional 5ha</u>	<u>±</u>

TRANSFERABLE RURAL SITE SUBDIVISION (TRSS) YIELD		IN-SITU SUBDIVISION YIELD	
ESTABLISHED AREA OF NATIVE REVEGETATION PLANTING PROTECTED	MAXIMUM NUMBER OF NEW SITES FOR TRSS	ESTABLISHED AREA OF NATIVE REVEGETATION PLANTING PROTECTED	MAXIMUM NUMBER OF NEW IN-SITU SITES
5ha - 9.9999ha	1	5ha - 9.9999ha	1
10ha - 14.9999ha	2	10ha - 14.9999ha	2
15ha - 19.9999ha	3	15ha and over	3 maximum
20ha - 24.9999ha	4		
Thereafter for every additional 5ha	+1 to maximum of 6		

(2A) The maximum number of in-situ sites created through any combination of the protection of established native revegetation planting, indigenous vegetation and wetland under E39.6.4.4 and E36.6.4.5 must not exceed a cumulative total of 12 sites.

(2B) Where a combination of TRSS and in-situ sites are proposed to be created in one subdivision application through the protection of established native revegetation planting, the number of new sites for TRSS must be calculated first using the upper threshold of the area required by Table E39.6.4.5.1 for each TRSS site. The number of new in-situ sites shall then be calculated using the area required by Table E39.6.4.5.1 for each in-situ site. The cumulative maximum number of in-situ sites must not be exceeded.

- (3) Any new in-situ 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 ~~restoration~~ revegetation 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~~ revegetation planting ~~restoration~~ measures proposed to be carried out within or adjacent to the indigenous vegetation 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 of plantings must include the ongoing replacement of plants that do not survive;
  - (d) the maintenance of plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on-going basis to ensure adequate growth; and
  - (e) the maintenance of plantings must ensure animal and plant pest control occurs.
- (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 site subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Map [X]; 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 wetlands identified in the Significant Ecological Areas Overlay or shown on Map [X] as set out in Standard E39.6.4.4; or
  - (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) the creation of sites through establishing revegetation planting as set out in Standard E39.6.4.5.
- (2) A donor site (being the site with the indigenous vegetation, wetland or the revegetation planting to be protected) must not be the same site as a receiver site.
- (3) The receiver site must be located within a Rural - Countryside Living Zone and be identified as an eligible receiver site by the subdivision variation control on the planning maps.
- (4) Sites being subdivided must have a minimum net site area and average net site area that complies with the transferable rural sites subdivision in the Rural - Countryside Living Zone as set out in Table E39.6.5.2.1 Minimum and average net site areas.
- (5) The subdivision resource consent must be made subject to a condition requiring the subdivision plan creating the receiver site or sites to be deposited after, and not before, the protective covenant has been legally registered against the title containing the covenanted indigenous vegetation or wetland as applicable.

**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 of donor sites, all applications for amalgamation of donor sites must meet the following:
  - (a) donor sites must be abutting;
  - (b) one of the two donor sites must not contain a dwelling unless the resulting amalgamated site is permitted by this Plan to have more than one dwelling;

- (c) donor sites must be zoned either Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone or Rural - Rural Conservation Zone;
  - (d) the land must contain at least 90 per cent elite soil or prime soil. The applicant must provide a detailed Land Use Capability (LUC) soil assessment confirming that donor sites contain at least 90 per cent elite land or prime land. The assessment must be prepared by a suitably qualified and experienced person;
  - (e) each site must have a net site area of between 1 and 20 hectares;
  - (f) sites must have been in existence, or be shown on an approved scheme plan of subdivision; and
  - (g) sites must not comprise part or all of a closed road, road severance, or designation.
- (2) Following amalgamation of donor sites, all donor sites must meet all of the following:
- (a) be held in a single certificate of title;
  - (b) rescinded in such a way that replacement titles cannot be reissued;
  - (c) made subject to a legal protection mechanism that states all of the following:
    - (i) the residential development rights attaching to the donor sites have been used to create a transferable rural sites subdivision under the Plan and must not accommodate any further residential development unless it is allowed as a permitted activity subject to the relevant zone rules or by the granting of a resource consent;
    - (ii) the new site cannot be further subdivided other than by amalgamation with another qualifying site or by boundary adjustment; and
    - (iii) the new site has no further potential to be used for the purpose of a transferable rural site subdivision.
- (3) Following amalgamation of donor sites, all receiver sites must meet all of the following:
- (a) be subdivided into no more sites than those permitted by Table E39.6.4.7.1 Maximum number of new sites for transfer from the amalgamation of sites;

**Table E39.6.4.7.1 Maximum number of new sites for transfer from the amalgamation of sites**

<b>Transferable rural sites subdivision by way of amalgamation</b>	
<b>Criteria</b>	<b>Maximum number of new sites for transfer</b>
Amalgamation of two eligible donor sites as identified in Appendix 14 Land amalgamation incentivised	Two new sites for every two donor sites amalgamated

area and complying with Standard E39.6.4.7(1)	
Amalgamation of two eligible donor sites outside the land amalgamation incentivised area and complying with Standard E39.6.4.7(1)	One new site for every two donor sites amalgamated

- (b) the donor site must not be the same site as a receiver site;
- (c) be located within sites zoned as Rural – Countryside Living Zone and be identified as an eligible receiver site by the Subdivision Variation Control on the planning maps;
- (d) have a minimum net site area complying with the minimum net site area and average net site area with transferable rural sites subdivision as set out in Table E39.6.5.2.1 Minimum and average net site areas;
- (e) be made subject to a condition of subdivision consent that requires the subdivision plan creating the receiver site or sites to be deposited after, and not before, the plan of subdivision for the amalgamation of donor sites has been deposited.

### **E39.6.5 Standards - discretionary activities**

Subdivision listed as a discretionary activity in Table E39.4.2 and Table E39.4.2.5 must comply with the relevant standards in E39.6.1 General standards and E39.6.5 Standards - discretionary activities.

#### **E39.6.5.1 Subdivision in the Rural - Rural Production Zone, Rural - Mixed Rural Zone, Rural - Rural Coastal Zone, and Rural - Rural Conservation Zone**

- (1) Subdivision in these rural zones must meet the minimum average site size and minimum site size requirement as set out in Table E39.6.5.1.1 Minimum average site size and minimum site size for subdivision.

**Table E39.6.8.1.1 Minimum average site size and minimum site size for subdivision**

Zone	Minimum average site size (ha)	Minimum site size (ha)
Rural - Rural Production	100	80
Rural - Mixed Rural	50	40
Rural - Rural Coastal	50	40
Rural - Rural Conservation	20	10



(2) Subdivision of the land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931)

(a) Is not required to comply with General Standards E39.6.1.1 to E39.6.1.5 where the subdivision resource consent is made subject to a legal mechanism to ensure no dwellings can be established on the new sites created (although this mechanism shall not affect the establishment of dwellings on the balance parent site):

(b) Shall be deemed to meet the access requirements in Standards E39.6.1.1(3)(b) and E39.6.1.2 if access by sea to the proposed sites is provided.

### **E39.6.5.2. Subdivision in the Rural – Countryside Living Zone**

(1) Subdivision in the Rural – Countryside Living Zone must meet all of the following:

- (a) proposed site sizes and average net site areas must comply with the minimum net site areas specified in Table E39.6.5.2.1 Minimum and average net site areas;
- (b) the average net site area of all sites following subdivision must be calculated per subdivision scheme plan, and no credits will be carried forward to future subdivision scheme plans;
- (c) the minimum frontage for all front sites must be 15 metres; and
- (d) the minimum frontage for rear sites must be 6 metres.

Transferable rural site subdivision receiver sites must be located in the Rural – Countryside Living Zone locations listed in Table E39.6.5.2.1 Minimum and average net site areas and be identified as eligible receiver sites by the Subdivision Variation Control on the planning maps.

In this table, N/A means the transferable rural site subdivision mechanism is not provided for in that particular location.

**Table E39.6.5.2.1 Minimum and minimum average net site areas**

<b>Location of Rural – Countryside Living Zone</b>	<b>Minimum net site area and average net site area without transferable rural site subdivision</b>	<b>Minimum net site area and average net site area with transferable rural site subdivision</b>
Rural – Countryside Living Zone areas not identified below	Minimum: 2ha	N/A
Wellsford Kaukapakapa Helensville	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Warkworth	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha

Matakana Kumeu - Huapai Paremoremo - Albany Heights	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Algies Bay	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Puhoi Parakai	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Average: 1ha
Waimauku	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
South Rodney	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Whitford (excluding precinct and Caldwell's Road)	Minimum: 2ha Minimum average: 4ha	N/A
<u>Whitford - Caldwell's Road</u>	<u>Minimum: 1ha</u> <u>Minimum average:</u> <u>2ha</u>	<u>N/A</u>
Papakura	Minimum: 1ha	N/A
Point Wells	Minimum: 5,000m <sup>2</sup> Minimum average: 7,500m <sup>2</sup>	N/A
Runciman	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Swanson (outside precinct)	Minimum: 4ha	N/A

### E39.6.5.3. Subdivision in Rural – Waitākere Ranges Zone

- (1) The average site size must be greater than 4 hectares.
- (2) The average site size must be calculated over the net site area of the site as it existed as of 14 October 1995.
- (3) The minimum net site area must be 2 hectares.
- (4) The subdivision must not create any new road.
- (5) Subdivision must not create development or establishment of buildings within land areas identified in the Significant Ecological Areas Overlay.

## **E39.7. Assessment – controlled activities**

### **E39.7.1. Matters of control**

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

- (1) all controlled activities:
  - (a) compliance with an approved resource consent except for boundary adjustment subdivision;
  - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;
  - (c) the effects of infrastructure provision; and
  - (d) the effects on historic heritage and cultural heritage items.

### **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 with an approved resource consent except for boundary adjustment subdivision:
    - (i) refer to Policy E39.3(6);
  - (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 which the design, size, shape, gradient and location of any site including access, existing buildings, manoeuvring areas and outdoor living space affect the safety of pedestrians and cyclists and other users of the space or access;
    - (ii) whether the sites created are able to accommodate development in accordance with the relevant Auckland-wide and zone rules; and
    - (iii) refer to Policy E39.3(24), (25) and (26);
  - (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) and (31).
  - (d) the effects on historic heritage and cultural heritage items;

- (i) whether the protection or avoidance of any Scheduled Historic Heritage Place, or Site and Places of Significance to Mana Whenua is ensured; and
  - (ii) refer to Policy E39.3(4).
- (2) Subdivision in the Rural – Waitākere Foothills Zone:
- (a) Policies E39.3(1), (4), (6), (10), (11), (13), (16), (16~~7~~), (19), (24) and (27) - (32).

## **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 within the two one per cent annual exceedance probability floodplain:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events.
- (2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events.
- (3) subdivision of a site in the coastal erosion hazard area:
  - (a) the effects of the erosion on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion.
- (4) subdivision of sites subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:
  - (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use.
- (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.
- (6) in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Map [X]; 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) as set out in Standard

E39.6.4.4; in-situ subdivision creating additional sites through establishing revegetation planting:

- (a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas or areas shown on Map [X], do not unnecessarily compromise other elements of rural character and amenity:
  - (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 revegetation restorative 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 or shown on Map [X]; 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) as set out in Standard E39.6.4.4; or transferable rural sites subdivision through establishing revegetation planting:
  - (a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas or areas shown on Map [X], do not unnecessarily compromise other elements of rural character and amenity:
    - (i) the matters listed in E39.8.1(6)(a)(i) to (x);
    - (ii) the number and size of new sites created on the receiver sites and compliance with minimum and average net site areas in the Rural Countryside: Living Zone; and

- (iii) the timing and co-ordination of the protection of indigenous vegetation, wetland and revegetation planting on donor site relative to the creation of new sites on the receiver site.
- (8) transferable rural site subdivision through the amalgamation of donor sites, including those sites identified in Appendix 14 Land amalgamation incentivised area:
- (a) effects associated with the below matters, having regard to the need to ensure the long term protection of elite soils and their availability for rural production purposes, without compromising other elements of rural character and amenity, or rural resources:
    - (i) the matters listed in E39.8.1(6)(a)(i) to (x);
    - (ii) the location and the soil qualities of the donor sites;
    - (iii) the degree to which new sites created from receiver sites comply with the Auckland-wide rules;
    - (iv) the suitability of the transferred sites for rural residential purposes having regard to the objectives, policies and rules for the Rural – Countryside Living Zone.

#### **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 within the one per cent annual exceedance probability floodplain and flood prone areas:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events:
    - (i) whether measures are proposed to ensure the long term protection of flood plain conveyance functions;
    - (ii) whether the location and design of development including building platforms and access ways are located to avoid the hazard;
    - (iii) the extent to which changes to the landform and the design of mitigation structures/features are necessary for the subdivision; and
    - (iv) refer to Policy E39.3(2).
- (2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events:

- (i) whether the location and design of development including proposed and existing building platforms and access ways include the ability to relocate uses within the proposed site area;
  - (ii) whether the use of defences to protect the land and any buildings or structures on the land from coastal storm inundation are necessary;
  - (iii) whether there is any residual risk posed by coastal storm inundation to the site(s) associated with any existing or proposed coastal defences;
  - (iv) whether there are effects on landscape values resulting from associated built and/or land form modifications required to provide for the intended use of the site; and
  - (v) Policy E39.3(2).
- (3) subdivision of site in the coastal erosion hazard area:
- (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:
    - (i) whether public access to the coast is affected;
    - (ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and
    - (iii) Policy E39.3(2).
- (4) subdivision of sites subject to land instability including those areas defined in the Plan as "land which may be subject to land instability", or other unstable soils as identified through a specific site assessment:
- (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use:
    - (i) the extent to which the proposed sites are stable and suitable;
    - (ii) the extent to which the site instability will affect the intended use, including the provision for onsite infrastructure (where applicable) and accessways; and
    - (iii) Policy E39.3(2).
- (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), (21), (22) and (23).
- (6) in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay [or shown on Map \[X\]](#); 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) as set out in Standard E39.6.4.4; in-situ subdivision creating additional sites through establishing revegetation planting:
- (a) Policies E39.3(1), (15), (16), (17), [\(18\)](#), (23) - (26) and (28) - (30).
- (7) transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay [or shown on Map \[X\]](#); 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) as set out in Standard E39.6.4.4; transferable rural sites subdivision through establishing revegetation planting:
- (a) Policies E39.3(1), (11), (12), (13), (15), (16), (17), [\(18\)](#), (23) - (26) and (28) to (30).
- (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), [\(18\)](#) and (28) to (30).

#### **E39.9. Special information requirements**

There are no special information requirements in this section.

[\[Map X to be added\]](#)



## RURAL SUBDIVISION PROVISIONS

### Key

<b>Black text</b>	<b>Environment Court 2018 decision provisions and provisions not subject to appeal</b>
<b>Green text</b>	<b>Revised provisions following EC Decision No. [2020] NZEnvC 153</b>
<b>Purple text</b>	<b>Agreed Zakara provisions following EC Decision No. [2020] NZEnvC 153</b>
<b>Blue text</b>	<b>Provisions following EC Decision No. [2021] NZEnvC 010</b>

New text is shown as underlined and deleted text as ~~striketrough~~

## **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 ....

## RURAL SUBDIVISION PROVISIONS

### Key

<b>Black text</b>	Environment Court 2018 decision provisions and provisions not subject to appeal
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New text is shown as underlined and deleted text as ~~strikethrough~~

### Appendix 15 Subdivision information and process

#### 15.1. Introduction

This appendix includes additional information for subdivision resource consent applications. Refer to the Council's website for further information on how to apply for subdivision resource consent.

All references to the Significant Ecological Area Overlay in this Appendix should be read as also including the areas on Map [X]

#### 15.2. Vesting of Assets

...

#### 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 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 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.

- (2) The new or additional site is located in Rural - Countryside Living zoned sites identified on the planning maps by the Subdivision Variation Control.
- (3) The process is the same if more than two donor sites are amalgamated, or if more than one block of qualifying indigenous vegetation or wetland is protected.

**Table 15.3.1.1 Transferable rural site subdivision process**

<b>Step</b>	<b>Transferable rural site subdivision process through the amalgamation of donor sites</b>	<b>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 revegetation planting meeting relevant criteria</b>
1	<p>Identify the following:</p> <ol style="list-style-type: none"> <li>a. two donor sites abutting each other, one of which is vacant;</li> <li>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</li> </ol>	<p>Identify the following:</p> <ol style="list-style-type: none"> <li>a. an area of indigenous vegetation or wetland (on the donor site) that: <ul style="list-style-type: none"> <li>- is identified in the Significant Ecological Areas overlay;</li> <li>- meets the Significant Ecological Areas factors set out in Policy B7.2.2(1); or</li> <li>- is established with revegetation planting meeting relevant criteria.</li> </ul> </li> <li>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.</li> </ol>
2	<p>Application made to Council:</p>	<p>Application made to Council:</p> <ol style="list-style-type: none"> <li>a. subdivide the property containing indigenous vegetation,</li> </ol>

	<p>a. to amalgamate two donor sites into one new site; and</p> <p>b. to subdivide the receiver site.</p>	<p>wetland or revegetation planting to create the residential development opportunity; and</p> <p>b. transfer the residential development opportunity to the receiver site in a Countryside Living Zone.</p>
3	Gain subdivision consent approval	Gain subdivision consent approval
4	Comply with consent conditions	Comply with consent conditions
5	<p>Apply to Land Information New Zealand to:</p> <p>a. issue one new certificate of title in place of the original donor sites; and</p> <p>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.</p>	<p>Apply to Land Information New Zealand to:</p> <p>a. attach an appropriate legal protection mechanism to the donor site for the protection of the indigenous vegetation, wetland or <del>revegetated</del> <u>revegetation</u> planting; and</p> <p>b. issue two new certificates of title for the new sites created from the receiver site.</p>

### 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
    - (iii) a site establishing ~~revegetated~~ 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

...

### **15.5 Legal protection mechanism to protect indigenous vegetation, wetland or re-vegetated planting:**

- (1) The legal protection mechanism must include all of the following:
  - (a) permanent protection of the vegetation or wetland on the site;
  - (b) implementation of a management plan;
  - (c) permanent exclusion of all livestock from the protected area; and
  - (d) the protected area to be maintained in perpetuity, including carrying out pest control measures.
  
- (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 revegetation ~~re-vegetated~~ 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 consent conditions. This includes implementation of an animal and plant pest management plan. 'Animal pests' are those animal species listed as 'total control pests', 'containment pests', or 'surveillance pests' in the Auckland Council's current Regional Pest Management Strategy;
  - (d) all certification required must be carried out by a suitably qualified and experienced person and at the applicant's expense, and a report must be provided to Council. In this context, a person will not be considered to be suitably qualified and experienced unless they are a qualified ecologist with appropriate experience in this type of work.
  
- (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 ~~restoration~~ revegetation planting is required prior to a section 224(c) certificate being issued and must identify the following:
  - (a) the ecological district of the site;

- (b) the characteristics of the soil (i.e. clay, silt, loam etc.);
- (c) soil drainage;
- (d) topography of the area to be planted;
- (e) location and extent of the area to be planted;
- (f) exposure of the site to wind, frost, sunlight and salt spray;
- (g) presence of plant and animal pests;
- (h) presence of any threatened species and if necessary the process for the translocation of threatened species,
- (i) stock-proof fencing that should be at least a full seven wire, post and batten fence, planting areas, weed and animal pest control;
- (j) extent of the existing Significant Ecological Areas (indigenous vegetation) and an outline of the biodiversity of the Significant Ecological Areas (indigenous vegetation) and the land in the subdivision;
- (k) any restrictions on planting, such as existing infrastructure, safety or existing access issues;
- (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 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 protection and restoration of the Significant Ecological Areas to ensure its long term viability, health, and significance;
  - (b) facilitate the use of natural regeneration processes to ensure that in the long term these natural regeneration processes take over;
  - (c) provide for the protection and restoration of the Significant Ecological Areas and provide robust linkages between ecological features;
  - (d) provide a sustainable, potentially significant forest, wetland or shrubland.
- (3) The following matters must be implemented prior to a section 224(c) certificate is issued and confirmation is provided:
- (a) the establishment of secure stock exclusion that is at least a full seven wire, post and batten fence;
  - (b) the planting of native vegetation at a density detailed below or at some other density considered more appropriate for the site circumstances by Council:
    - (i) an average density of 1.4 metre centres (5,100 stems per hectare) reducing to 1 metre centres (10,000 stems per hectare) in kikuyu and wetland and riparian margins;
    - (ii) sourced from the ecological district and to be appropriate for the soil, aspect, exposure and topography; and
    - (iii) reflect the composition of former natural vegetation likely to have occupied the site and include appropriate native species that will enable natural processes of succession;
  - (c) the maintenance of any plantings must occur until the plantings have reached a sufficient maturity to be self-sustaining, and have reached 80 per cent canopy closure. The survival rate must ensure a minimum 90 per cent of the original density and species;
  - (d) the maintenance of any plantings must include the ongoing replacement of plants that do not survive;
  - (e) the maintenance of any plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on- going basis and plants released from kikuyu as necessary to ensure adequate growth; and
  - (f) the maintenance of any plantings must ensure animal and plant pest control occurs.
- (4) The planting plan must be prepared and confirmed by a suitably qualified and experienced person.

**Annexure C**



**FINAL RURAL SUBDIVISION PROVISIONS FOLLOWING ENVIRONMENT COURT  
DECISION [2021] NZEnvC 010**

**B9. Toitū te tuawhenua - Rural environment**

***Me tupu te ora ki te tuawhenua***

Grow your livelihood inland

**B9.1. Issues**

The Auckland region is not just the location of New Zealand's largest city. Most of the Auckland region's land is rural and contains extensive, productive and valuable areas used for farming (agriculture, horticulture and grazing), rural service industries, forestry and rural recreation. The rural parts of Auckland also contain important natural resources, including native bush, significant ecological areas and outstanding natural landscapes. The contributions made by rural areas and rural communities to the well-being of the region must be acknowledged and enabled.

The outward expansion of urban areas and people's lifestyle choices and recreational activities place significant pressures on maintaining the amenity values and the quality of the environment in rural areas. Specific issues in the Auckland region are:

- protecting the finite resource of elite quality soils from urban expansion;
- managing subdivision to prevent undue fragmentation of large sites in ways that restrict rural production activities;
- addressing reverse sensitivity effects which rural-residential development can have on rural production activities; and
- managing the opportunities for countryside living in rural areas in ways that provide for rural-residential development in close proximity to urban areas and the larger rural and coastal towns and villages while minimising the loss of rural production land.

...

**B9.4. Rural subdivision**

**B9.4.1. Objectives**

- (1) Subdivision does not undermine the productive potential of land containing elite soils.
- (2) 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) Land subdivision protects and enhances significant indigenous biodiversity.

#### **B9.4.2. Policies**

- (1) Enable the permanent protection and enhancement of areas of significant indigenous biodiversity and rehabilitation 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 from in-situ subdivision on rural land, and for title boundaries to be amalgamated to:
  - (a) promote the productivity of rural land;
  - (b) manage 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 new rural lifestyle subdivision in locations and at scales and densities so as to:
  - (a) avoid areas that would undermine the integrity of the Rural Urban Boundary or compromise the expansion of the satellite towns of Warkworth and Pukekohe, and rural and coastal towns and villages;
  - (b) protect areas where natural and physical resources have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal, historic heritage and special character;
  - (c) avoid land containing elite soil;
  - (d) avoid where practicable land containing prime soil;
  - (e) avoid areas that would constrain the operation of existing mineral extraction activities or areas containing mineral resources identified in the plan for future extraction;
  - (f) maintain or enhance landscape, rural and, where relevant, coastal, character and amenity values;
  - (g) avoid the potential for reverse sensitivity effects that could hinder the continued operation or growth of existing rural activities, or the establishment of new rural activities; and
- (5) Encourage the amalgamation and transfer of rural sites to the Countryside Living zone.

### **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 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 in productive rural zones to Countryside Living Zones, and for title boundaries to be amalgamated and a residential development right to be realised in Countryside Living Zones.

**FINAL RURAL SUBDIVISION PROVISIONS FOLLOWING ENVIRONMENT COURT  
DECISION [2021] NZEnvC 010**

**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 ...
- (2) Manage the effects ...
- (3) Encourage the offsetting ...
- (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 one or more of the factors referred to in B7.2.2(1) and in Schedule 3 Significant Ecological Areas -Terrestrial Schedule or shown on Map [X];
  - (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 ...

...

## FINAL RURAL SUBDIVISION PROVISIONS FOLLOWING ENVIRONMENT COURT DECISION [2021] NZEnvC 010

### **E39. Subdivision - Rural**

#### **E39.1. Introduction**

Subdivision is the process of dividing a site or a building into one or more additional sites or units, or changing an existing boundary location.

Objectives, policies and rules in this section apply to subdivision in the following zones:

- Rural - Rural Production Zone, Rural - Mixed Rural Zone, Rural - Rural Coastal Zone, Rural - Rural Conservation Zone and Rural - Countryside Living Zone;
- Rural - Waitakere Foothills Zone and Rural - Waitakere Ranges Zone;
- Future Urban Zone; and
- Special Purpose - Quarry Zone.

For subdivision provisions in all other zones refer to E38 Subdivision - Urban.

#### **E39.2. Objectives**

- (1) Land is subdivided to achieve the objectives of the zones, the relevant overlays and Auckland-wide provisions.
- (2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.
- (3) Land is vested to provide for esplanades, reserves, roads, stormwater, infrastructure and other purposes.
- (4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.
- (5) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (6) Subdivision has a layout which is safe, efficient, convenient and accessible.
- (7) Subdivision manages adverse effects on historic heritage or Maori cultural heritage.
- (8) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of the areas.
- (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 certain Rural - Countryside Living Zone areas.

- (10) Fragmentation of rural production land by:
  - (a) subdivision of land containing elite soil is avoided;
  - (b) subdivision of land containing prime soil is avoided where practicable; and
  - (c) subdivision of land avoids inappropriate rural lifestyle lots dispersed throughout the rural and coastal areas.
- (11) Subdivision avoids or minimises the opportunity for reverse sensitivity effects between agriculture, horticulture, mineral extraction activities, rural industry, infrastructure and rural lifestyle living opportunities.
- (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 minor dwellings and workers' accommodation from the parent site is avoided.
- (14) Subdivision is provided for, by either:
  - (a) Limited in-situ subdivision through the protection and enhancement of significant indigenous vegetation or wetlands and/or indigenous revegetation planting; or
  - (b) Transfer of titles to the Rural-Countryside Living Zone, through the protection and enhancement of indigenous vegetation and wetlands and/or through indigenous revegetation planting.
- (15) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of rural areas.
- (16) Rural subdivision avoids or minimises adverse effects in areas identified in the Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscape Overlay and Significant Ecological Areas Overlay.
- (17) Subdivision:
  - (a) outside of urban and serviced areas avoids adverse effects to people, property, infrastructure and the environment from natural hazards;
  - (b) avoids where possible, and otherwise mitigates, adverse effects associated with subdivision for infrastructure or existing urban land uses; and
  - (c) maintains the function of flood plains and overland flow paths to safely convey flood waters while taking into account the likely long term effects of climate change;

### E39.3. Policies

- (1) Provide for subdivision which supports the policies of the zones.
- (2) Require subdivision to manage the risk of adverse effects resulting from natural hazards in accordance with the objectives and policies in E36 Natural hazards and flooding, and to provide safe and stable building platforms and vehicle access.
- (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 certain Rural - Countryside Living Zones.
- (4) Require subdivisions to be designed to retain, protect or enhance features including those in the Historic Heritage Places Overlay and Sites and Places of Significance to Mana Whenua Overlay, or otherwise remedy adverse effects.
- (5) Provide for subdivision around existing development and subdivision where it enables creation of sites for uses that are in accordance with an approved land use resource consent, where there is compliance with Auckland-wide and zone rules and appropriate provision is made for areas of common use.
- (6) Provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with Auckland-wide and zone rules.
- (7) Require any staged subdivision to be undertaken in a manner that promotes efficient development.
- (8) Avoid the fragmentation by subdivision of land containing elite soil and avoid where practicable fragmentation by subdivision of land containing prime soil.
- (9) Encourage the amalgamation of small fragmented land parcels identified in Appendix 14 Land amalgamation incentivised area through transferable rural site subdivision.
- (10) Require any proposal for rural lifestyle subdivision to demonstrate that any development will avoid or mitigate potential reverse sensitivity effects between it and any rural production activities, mineral extraction activities, rural industries and infrastructure.
- (11) Restrict 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 / enhancement of significant indigenous vegetation and wetlands: or
  - (c) the site is created through indigenous revegetation planting.
- (12) Enable the transfer of titles to sites in the Rural - Countryside Living Zone which are identified using the subdivision variation control on the planning maps.

- (13) Manage reverse sensitivity conflicts between rural lifestyle living and countryside living and rural production activities by the design and layout of subdivisions and locations of identified building areas and house sites.
- (14) Avoid the subdivision of minor dwellings and workers' accommodation from the parent site in the rural areas.

*Protection of indigenous vegetation and wetland and revegetation planting*

- (15) Enable:
  - (a) Transfer of titles; and
  - (b) Limited in-situ subdivision
    - through the protection of indigenous vegetation or wetlands identified in the Significant Ecological Areas Overlay or shown on Map [X] 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 and indigenous revegetation planting.
- (16) Require indigenous vegetation or wetland within a site being subdivided to be legally protected in perpetuity.
- (17) Provide limited opportunities for in-situ subdivision in rural areas while ensuring that:
  - (a) there will be significant environmental protection of indigenous vegetation including restoration, or wetlands;
  - (b) subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;
  - (c) subdivision avoids inappropriate development within areas of the Outstanding Natural Landscape Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay and the coastal environment;
  - (d) adverse effects on rural and coastal character are avoided, remedied or mitigated;
  - (e) sites are of sufficient size to absorb and manage adverse effects within the site; and
  - (f) reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production.
- (18) Avoid the subdivision of sites in the Quarry Buffer Area Overlay and in areas of significant mineral resources that would result in development that could compromise the operation of mineral extraction activities.

*Natural features and landscape*

- (19) Require subdivision, including site boundaries and specified building areas and access, to:



- (a) recognise topography including steep slopes, natural features, ridgelines, aspect, water supplies, and existing vegetation;
- (b) avoid inappropriately located buildings and associated accessways including prominent locations as viewed from public places;
- (c) avoid adverse effects on riparian margins and protected natural features; and
- (d) avoid fragmentation of features and landscape in the Significant Ecological Areas Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscapes Overlay, Outstanding Natural Features Overlay or Sites and Places of Significance to Mana Whenua Overlay, or areas between sites.

#### *Esplanade Reserves and Strips*

- (20) Require esplanade reserves or strips when subdividing land adjoining the coast and other qualifying water-bodies.
- (21) Avoid reducing the width of esplanade reserves or strips, or the waiving of the requirement to provide an esplanade reserve or strip, except where any of the following apply:
  - (a) safe public access and recreational use is already possible and can be maintained for the future;
  - (b) the maintenance and enhancement of the natural functioning and water quality of the adjoining sea, river or other water body will not be adversely affected;
  - (c) the land and water-based habitats on and adjoining the subject land area will not be adversely affected;
  - (d) the natural values, geological features and landscape features will not be adversely affected;
  - (e) any Scheduled Historic Heritage Places and Sites and Places of Significance to Mana Whenua will not be adversely affected;
  - (f) it can be demonstrated that the reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long-term effects of climate change;
  - (g) it can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural character and amenity of the coastal environment;
  - (h) a reduced width in certain locations can be offset by an increase in width in other locations or areas, which would result in a positive public benefit in terms of access and recreation;
  - (i) restrictions on public access are necessary to ensure a level of security for business activities in limited circumstances having regard to Policy B8.4.2(3) relating to public access in the coastal marine area; or

- (j) direct access to the sea or other water body is required for a business activity in limited circumstances.
- (22) Require esplanade reserves rather than esplanade strips unless any of the following apply:
- (a) land has limited conservation and recreational value;
  - (b) conservation and historic heritage values that are present can be adequately protected in private ownership;
  - (c) opportunity to acquire an esplanade reserve is unlikely to arise but continuity of access is desirable;
  - (d) creation of esplanade strips can secure public benefits and resource management objectives without alienating land from private ownership;
  - (e) land is subject to natural hazards or stability issues taking into account the likely long term effects of climate change; or
  - (f) a marginal strip of at least 20 metres under the Conservation Act 1987 has not been set aside on land that is Treaty Settlement Land.

#### *Amenity*

- (23) Require subdivision to avoid creating ribbon development along public roads or multiple access points that may adversely affect the character or amenity values or the adequate functioning of rural roads.
- (24) Require accessways, public walkways and roads to be designed so rural and coastal character and amenity values are maintained or enhanced.
- (25) Restrict the location and design of sites and specified building areas to:
- (a) integrate development with the existing landscape; and
  - (b) ensure the character and amenity values of adjacent sites and the locality are not adversely affected.
- (26) Require rural subdivision to avoid, remedy or mitigate adverse effects on the rural or coastal character and to complement the rural or coastal character of the area.

#### *Infrastructure*

- (27) Require infrastructure servicing rural subdivision to avoid, remedy or mitigate adverse effects on rural character and amenity.
- (28) Require all sites capable of containing a building, in areas where service connections are available to a public reticulated network, to be able to connect to the following networks:
- (a) wastewater;
  - (b) stormwater; and

- (c) potable water.
- (29) Require all new sites capable of containing a building, in areas with no reticulated water supply, stormwater or wastewater network, to be of a size and shape that provides for:
- (a) the treatment and disposal of stormwater in a way that does not lead to significant adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding;
  - (b) management of wastewater via an on-site wastewater treatment system, or approval to connect to a private wastewater network; and
  - (c) potable water
- (30) Require subdivision to manage stormwater:
- (a) in accordance with any approved stormwater discharge consent or network discharge consent;
  - (b) in a manner consistent with stormwater management policies in E1 Water quality and integrated management;
  - (c) by applying an integrated stormwater management approach to the planning and design of development in accordance with stormwater management policies in E1 Water quality and integrated management;
  - (d) to protect natural streams and maintain the conveyance function of overland flow paths;
  - (e) to maintain or progressively improve water quality;
  - (f) to integrate drainage reserves and infrastructure with surrounding development and public open space networks; and
  - (g) in an integrated and cost-effective way.
- (31) Manage subdivision and development to avoid, remedy or mitigate adverse effects on infrastructure including reverse sensitivity effects, which may compromise the operation and capacity of existing or authorised infrastructure.
- (32) Enable subdivision for network utility purposes while avoiding, remedying or mitigating the adverse effects.

#### **E39.4. Activity table**

Tables E39.4.1 to E39.4.5 specify the activity status of subdividing land pursuant to section 11 of the Resource Management Act 1991 within the following zones:

- Rural – Rural Production Zone,
- Rural - Mixed Rural Zone,
- Rural – Rural Coastal Zone,

- Rural – Rural Conservation Zone
- Rural – Countryside Living Zone;
- Rural – Waitākere Foothills Zone
- Rural – Waitākere Ranges Zone;
- Future Urban Zone; and
- Special Purpose – Quarry Zone.

For subdivision within the National Grid Corridor Overlay, the activity status for subdivision in the rural zones as listed in Tables E39.4.1 to E39.4.5 below will apply unless there are different provisions in D26 National Grid Corridor Overlay in which case the overlay provisions will take precedence.

For all other subdivision refer to E38 Subdivision – Urban.

An activity listed in Table E39.4.1 Subdivision for specified purposes may only comprise a specific element of a subdivision activity. The other elements of a subdivision may also be listed in Tables E39.4.2 Subdivision in rural zones, E39.4.3 Subdivision in Future Urban Zone, E39.4.4 Subdivision in Special Purpose – Quarry Zone and E39.4.5 Subdivision in Rural - Waitākere Foothills Zone and Rural – Waitākere Ranges Zone.

Where a proposed subdivision activity fits into activities listed in Table E39.4.1 and those listed in Tables E39.4.2, E39.4.3, E39.4.4, or E39.4.5, then the activity status listed for each activity in each table also applies.

Refer to D12 Waitākere Ranges Heritage Area Overlay for areas and sites subject to specific subdivisions provisions in the Waitākere Ranges Heritage Area.

**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
(A2)	Subdivision for a network utility	P
(A3)	Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners	C
(A4)	Boundary adjustments not exceeding 10 per cent of the original site area and meeting Standard E39.6.3.2	C
(A5)	Subdivision establishing an esplanade reserve	RD
(A6)	Subdivision establishing an esplanade strip	D
(A7)	Any reduction or waiver of esplanade reserves or strips	D

(A8)	Subdivision of land within any of the following natural hazard areas: <ul style="list-style-type: none"> <li>• 1 per cent annual exceedance probability floodplain;</li> <li>• coastal storm inundation 1 per cent annual exceedance probability (AEP) area;</li> <li>• coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;</li> <li>• coastal erosion hazard area; or</li> <li>• land which may be subject to land instability.</li> </ul>	RD
(A9)	Any subdivision listed in this table not meeting standards in E39.6.1	D
(A10)	Boundary adjustments unable to comply with controlled activity rule and standards in E39.6.3.2 and E39.6.3	D

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

Activity		Activity Status
(A11)	Subdivision for open spaces, reserves or road realignment	D
(A12)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone complying with Standard E39.6.5.1	D
(A13)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone not complying with Standard E39.6.5.1	NC
(A14)	Subdivision in the Rural – Countryside Living Zone complying with Standard E39.6.5.2	D
(A15)	Subdivision in the Rural – Countryside Living Zone not complying with Standard E39.6.5.2	NC
(A16)	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
(A17)	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
(A17A)	In-situ subdivision creating additional sites through protection of indigenous vegetation or freshwater wetland shown on Map [X] up to	RD

	a maximum of 6 sites from protection of indigenous vegetation and 2 sites from protection of freshwater wetland complying with Standards E39.6.4.4(2) to (12) (except that Standard E39.6.4.4(2B) does not apply) on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931).	
(A17B)	In-situ subdivision creating additional sites through protection of indigenous vegetation or freshwater wetland shown on Map [X] on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931) not complying with Standards E39.6.4.4(2) to (12) (except that Standard E39.6.4.4(2B) does not apply).	NC
(A17C)	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	<u>RD</u>
(A17D)	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
(A18)	In-situ subdivision creating additional sites through establishing revegetation planting and complying with Standard E39.6.4.5	RD
(A19)	In-situ subdivision creating additional sites through establishing revegetation planting not complying with Standard E39.6.4.5	NC
(A20)	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
(A21)	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
(A21A)	Transferable rural sites subdivision through protection of indigenous vegetation or freshwater wetland shown on Map [X] up to a maximum of 76 sites from protection of indigenous vegetation and 6 sites from protection of freshwater wetland complying with Standard E39.6.4.6 (except that Standards E39.6.4.4(1) and E39.6.4.4(2B) do not apply) on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931).	RD
(A21B)	Transferable rural sites subdivision through protection of indigenous vegetation or freshwater wetland shown on Map [X] on land described	NC

	as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931) not complying with Standard E39.6.4.6 (except that Standards E39.6.4.4(1) and E39.6.4.4(2B) do not apply).	
(A21C)	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	RD
(A21D)	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
(A22)	Transferable rural sites subdivision through establishing revegetation planting complying with Standard E39.6.4.6	RD
(A23)	Transferable rural sites subdivision through establishing revegetation planting not complying with Standard E39.6.4.6	NC
(A24)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area complying with Standard E39.6.4.7	RD
(A25)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area not complying with Standard E39.6.4.7	NC
(A26)	Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A27)	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**

<b>Activity</b>	<b>Activity Status</b>
(A28) Subdivision for open spaces, reserves or road realignment	D
(A29) Any other subdivision not provided for in Table E39.4.1 or E39.4.3	NC

**Table E39.4.4 Subdivision in Special Purpose – Quarry Zone**

Activity		Activity Status
(A30)	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
(A31)	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
(A32)	Subdivision in the Rural – Waitākere Foothills Zone creating site size less than 4ha in site area and not complying with Standard E39.6.3.2, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	D
(A33)	Subdivision in the Rural – Waitākere Ranges Zone creating a minimum net site area of 2ha and complying with Standard E39.6.5.3	D
(A34)	Subdivision in the Rural – Waitākere Ranges Zone not complying with Standard E39.6.5.3, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	Pr
(A35)	Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A36)	Subdivision in the Rural – Waitākere Foothills Zone or Rural – Waitākere Ranges Zone not otherwise provided for in Tables E39.4.1 and E39.4.5, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	NC
(A37)	<i>[deleted]</i>	

**E39.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E39.4.1 or Table E39.4.5 will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Tables E39.4.1 to E39.4.5 and which is not listed in E39.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.



- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### **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 (except as otherwise provided in Standard E39.6.5.1(2)), 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 area must be clearly identified on every site on a subdivision scheme plan on which a building is to be constructed.
- (2) Where the site contains an existing dwelling at the time the subdivision application is made, the specified building area must include:
- (a) the location of the existing dwelling;
  - (b) indicate that the dwelling will be removed from the site; or
  - (c) the new location of the existing dwelling that will be relocated.
- (3) The specified building area must meet all of the following:
- (a) include a single area of at least 2,000m<sup>2</sup> clear of all of the following:
    - (i) all yards;
    - (ii) one per cent annual exceedance probability floodplain areas;
    - (iii) coastal storm inundation 1 per cent annual exceedance probability (AEP) area;
    - (iv) coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;
    - (v) coastal erosion hazard area;
    - (vi) land which may be subject to land instability;
    - (vii) access to all proposed building platforms or areas; and
    - (viii) on-site private infrastructure required to service the intended use of the site.
  - (b) be able to be linked by adequate and appropriate vehicle access to a formed public road;
  - (c) be identified as the only place within the site where dwellings, any accessory buildings, and related parking and manoeuvring areas can be located; and

(d) be located outside of the Quarry Buffer Area Overlay.

#### **E39.6.1.2 Access and entrance strips**

- (1) All proposed sites must be provided with legal and physical access to a road, unless they meet one of the following:
  - (a) are being created for reserves, network utilities or road closure; or
  - (b) will be amalgamated with another site that already has legal and physical access to a road.

#### **E39.6.1.3 Services**

- (1) For all proposed sites capable of containing a building, or for cross-lease, unit title, strata title or company lease, each building must be designed and located so that provision is made for all of the following services:
  - (a) collection, treatment and disposal of stormwater;
  - (b) collection, treatment and disposal of wastewater;
  - (c) water supply;
  - (d) electricity supply; and
  - (e) telecommunications.
- (2) Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.

#### **E39.6.1.4. Staging**

- (1) Where a subdivision is to be carried out in stages, the applicant must provide adequate detail of the proposed timetable and sequencing of the staging at the time they apply for the overall subdivision consent. This detail must include all of the following:
  - (a) the time period over which the development is likely to take place;
  - (b) the areas of land subject to the proposed stages; and
  - (c) the balance area of the site remaining after the completion of each stage.

#### **E39.6.1.5 Overland flow paths**

- (1) All subdivision must be designed to incorporate overland flow paths existing on the site.
- (2) Stormwater must exit the site in a location that does not increase the risks of hazards to downstream properties.

### **E39.6.1.6 Existing vegetation on the site**

- (1) All subdivision plans, excluding boundary adjustments subdivision plans, must show any of the following features that exist on, or on the boundary of, the land being subdivided:
  - (a) any areas identified as a Significant Ecological Area in the D9 Significant Ecological Areas Overlay; or
  - (b) any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes.

### **E39.6.2. Standards - permitted activities**

Subdivision listed as a permitted activity in Table E39.4.1 Subdivision for specified purposes must comply with the relevant standards in E39.6.1 General standards, and E39.6.2 Standards – permitted activities.

#### **E39.6.2.1. 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**

- (1) The subject building must be lawfully established.
- (2) The boundaries of the proposed sites must follow existing or proposed walls, ceilings and floors.
- (3) The scheme plan must show the proposed sites in relation to the exterior of the building and provide upper and lower elevations in terms of a datum to be established.
- (4) Each lease area must have either frontage to a legal road or allow for access through common areas to a legal road.

#### **E39.6.2.2. Subdivision for a network utility**

- (1) The network utility activity must meet one of the following:
  - (a) be a permitted activity pursuant to E26 Infrastructure; or
  - (b) have all resource consents or notices of requirements approved.
- (2) A covenant or consent notice must be required to state that land that is no longer required for the network utility after it disestablishes, must be amalgamated with the adjoining land.
- (3) The balance sites must comply with the relevant overlays, Auckland-wide and zone standards, other than the minimum site size, unless resource consent has been granted for any infringements.
- (4) Sites must have access to a legal road through an appropriate legal mechanism.

### **E39.6.3. Standards - controlled activities**

Subdivision listed as a controlled activity in Table E39.4.1 Subdivision for specified purposes and Table E39.4.5 Subdivision in Rural – Waitākere Foothills Zone and Rural – Waitākere

Ranges Zone must comply with the relevant standards in E39.6.1 General standards and in E39.6.3 Standards – controlled activities.

#### **E39.6.3.1. Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners**

- (1) All buildings must meet one of the following:
  - (a) have existing use rights;
  - (b) comply with the relevant overlays, Auckland-wide and zone standards; or
  - (c) be in accordance with an approved land use resource consent.
- (2) All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.
- (3) Subdivision consent affecting a building or any part of a building, any proposed covenant, unit or accessory unit boundary, must not result in any infringements of any relevant overlays, Auckland-wide and zone rules.
- (4) Parking spaces must not be created as principal units, unless provided for by a resource consent, and only created as accessory units or common areas when associated with an approved use or activity.
- (5) All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.

#### **E39.6.3.2. Boundary adjustments that do not exceed 10 per cent of the original site size**

- (1) All sites prior to the boundary adjustment must be contained within the same zone.
- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.
- (3) All sites must remain compliant with the applicable minimum site area and minimum average site area for the relevant zones.
- (4) Boundary adjustments must not result in the creation of additional titles.
- (5) If any boundary adjustment under this control creates the potential for additional subdivision creating additional sites or additional 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 any further such subdivision or new dwellings under Rules in Chapters E39 and H19.

#### **E39.6.4 Standards - restricted discretionary activities**

Subdivision listed as a restricted discretionary activity in Table E39.4.1 Subdivision for specified purposes or Table E39.4.2 Subdivision in rural zones must comply with the relevant standards set out in E39.6.1 General standards and E39.6.4 Standards – restricted discretionary activities unless otherwise specified.

#### **E39.6.4.1. Subdivision establishing an esplanade reserve**

- (1) Any subdivision involving the creation of sites less than 4 hectare which adjoins the line of the mean high water springs, or the bank of a river or stream 3 metres or more in width, or any lake, must provide a minimum 20 metre wide esplanade reserve in accordance with section 230 of the Resource Management Act 1991. This must be shown on the application plan and the subsequent land transfer plan.
- (2) The esplanade reserve must be measured in a landward direction at 90 degrees to the line of mean high water springs, or the bank of a river, stream or the margin of any lake.
- (3) Standards E39.6.4.1(1) and (2) do not apply to the subdivision of Treaty Settlement Land where a marginal strip of at least 20 metres has been set aside under the Conservation Act 1987.

#### **E39.6.4.2. Subdivision of a site within the one per cent annual exceedance probability floodplain**

- (1) Each proposed site within the one per cent floodplain that is to contain a more vulnerable activity must meet one of the following:
  - (a) contain a specified building area that meets the requirements of Standard E39.6.1 General standards; or
  - (b) be in accordance with a land use consent that authorises development or building in the floodplain.

#### **E39.6.4.3. Subdivision of land in the coastal erosion hazard area; or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area**

- (1) Each proposed site on land in the coastal erosion hazard area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area must demonstrate that all of the relevant areas/features in (a) to (c) below are located outside of any land subject to coastal erosion or coastal storm inundation:
  - (a) a specified building area that meets the requirements of Standard E39.6.1 General standards;
  - (b) access to all proposed building platforms or areas; and
  - (c) on-site private infrastructure required to service the intended use of the 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 or shown on Map [X]; and 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)**

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 shown on Map [X]; 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 indigenous vegetation or wetland must comply with Table E39.6.4.4.1.

**Table E39.6.4.4.1 Maximum number of new rural residential sites to be created from protection of indigenous vegetation or wetland either identified in Significant Ecological Areas Overlay or shown on Map [X] or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1).**

FEATURE PROTECTED	TRANSFERABLE RURAL SITE SUBDIVISION (TRSS) YIELD		IN-SITU SUBDIVISION YIELD	
	AREA OF FEATURE PROTECTED	MAXIMUM NUMBER OF NEW SITES FOR TRSS	AREA OF FEATURE PROTECTED	MAXIMUM NUMBER OF NEW IN-SITU SITES
<b>INDIGENOUS VEGETATION</b>	2ha - 9.9999ha	1	4ha - 9.9999ha	1
	10ha - 14.9999ha	2	10ha - 20ha	2
	15ha - 19.9999ha	3	Thereafter for every additional 10ha	+1 To a total of 12 maximum
	20ha - 30ha	4		
	Thereafter for every additional 10ha	+1 No maximum		
<b>WETLAND</b>	0.5ha - 0.9999ha	1	0.5ha - 1.9999ha	1
	1ha - 1.9999ha	2	2ha - 3.9999ha	2
	2ha - 3.9999ha	3	4ha and over	3 maximum
	4ha - 9ha	4		
	Thereafter for every additional 5ha	+1 No maximum		

Note 1 for Table E39.6.4.4.1: Where indigenous vegetation is proposed to be protected using Table E39.6.4.4.1. the area of indigenous vegetation protected can consist of either indigenous vegetation identified in the Significant Ecological Areas Overlay or shown on Map [X] or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) or a combination of both. Where a wetland is proposed to be protected using Table E39.6.4.4.1 the area of wetland can consist of either wetland identified in the Significant Ecological Areas Overlay or shown on Map [X] or meeting the Significant

Ecological Area factors identified in Policy B7.2.2(1) or a combination of both. For example, where the indigenous vegetation comprises 1ha of indigenous vegetation identified in the Significant Ecological Areas Overlay and 1ha meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) the 2ha area will be sufficient to generate one site for TRSS.

Note 2 for Table E39.6.4.4.1: If Rules (A17A) or (A17B) are used to create in-situ sites through protection of indigenous vegetation or freshwater wetland, the number of in-situ sites created must be subtracted from the maximum number of sites that may be created for Transferable Rural Site Subdivision under Rules (A21A) or (A21B).

Note 3 for Table E39.6.4.4.1: If Rules (A21A) or (A21B) are used to create Transferable Rural Site Subdivision through protection of indigenous vegetation or freshwater wetland, any number of sites created over 70 through the protection of indigenous vegetation or any number of sites created over 4 through the protection of freshwater wetland must be subtracted from the maximum number of in-situ sites that may be created under Rules (A17A) or (A17B).

- (2A) The maximum number of in-situ sites created through any combination of the protection of indigenous vegetation, wetland and established native revegetation planting under E39.6.4.4 and E36.6.4.5 must not exceed a cumulative total of 12 sites.
- (2B) Where a combination of TRSS and in-situ sites are proposed to be created in one subdivision application through the protection of indigenous vegetation (SEA) or wetland, the number of new sites for TRSS must be calculated first using the upper threshold of the area required by Table E39.6.4.4.1 for each TRSS site. The number of new in-situ sites shall then be calculated using the area required by Table E39.6.4.4.1 for each in-situ site. The cumulative maximum number of in-situ sites must not be exceeded.
- (3) A 20 metre buffer is to be applied to the perimeter of the wetland and included as part of the protected area.
- (4) The additional in-situ sites must be created on the same site as the indigenous vegetation 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 in-situ sites must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.
- (6) Any indigenous vegetation or wetland 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 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;
  - (c) the plan 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 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 the indigenous vegetation or wetland must ensure that all invasive plant pests are eradicated; and
  - (b) the maintenance of the indigenous vegetation or wetland must ensure animal and plant pest control occurs.

**E39.6.4.5. In-situ subdivision creating additional sites through establishing native 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;



- (c) be contiguous with existing indigenous vegetation or wetland identified in the Significant Ecological Area Overlay or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1); and
  - (d) the criteria as set out in Appendix 15 Subdivision information and process and 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 or wetland identified in the Significant Ecological Area Overlay or meeting the Significant Ecological Areas factors identified in Policy B7.2.2.(1)) subject to protection**

TRANSFERABLE RURAL SITE SUBDIVISION (TRSS) YIELD		IN-SITU SUBDIVISION YIELD	
ESTABLISHED AREA OF NATIVE REVEGETATION PLANTING PROTECTED	MAXIMUM NUMBER OF NEW SITES FOR TRSS	ESTABLISHED AREA OF NATIVE REVEGETATION PLANTING PROTECTED	MAXIMUM NUMBER OF NEW IN-SITU SITES
5ha - 9.9999ha	1	5ha - 9.9999ha	1
10ha - 14.9999ha	2	10ha - 14.9999ha	2
15ha - 19.9999ha	3	15ha and over	3 maximum
20ha - 24.9999ha	4		
Thereafter for every additional 5ha	+1 to maximum of 6		

- (2A) The maximum number of in-situ sites created through any combination of the protection of established native revegetation planting, indigenous vegetation and wetland under E39.6.4.4 and E36.6.4.5 must not exceed a cumulative total of 12 sites.
- (2B) Where a combination of TRSS and in-situ sites are proposed to be created in one subdivision application through the protection of established native revegetation planting, the number of new sites for TRSS must be calculated first using the upper threshold of the area required by Table E39.6.4.5.1 for each TRSS site. The number of new in-situ sites shall then be calculated using the area required by Table E39.6.4.5.1 for each in-situ site. The cumulative maximum number of in-situ sites must not be exceeded.
- (3) Any new in-situ 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 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 remain protected in perpetuity. Refer to the legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in Appendix 15 Subdivision information and process for further information;
  - (b) a planting plan for revegetation planting which outlines the revegetation planting proposed to be carried out within or adjacent to the indigenous vegetation 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 reached 80 per cent canopy closure. 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;
  - (d) the maintenance of plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on-going basis to ensure adequate growth; and
  - (e) the maintenance of plantings must ensure animal and plant pest control occurs.
- (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 to be protected.

**E39.6.4.6. Transferable rural site subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Map [X]; 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 wetlands identified in the Significant Ecological Areas Overlay or shown on Map [X] as set out in Standard E39.6.4.4; or
  - (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) the creation of sites through establishing revegetation planting as set out in Standard E39.6.4.5.
- (2) A donor site (being the site with the indigenous vegetation, wetland or the revegetation planting to be protected) must not be the same site as a receiver site.
- (3) The receiver site must be located within a Rural - Countryside Living Zone and be identified as an eligible receiver site by the subdivision variation control on the planning maps.
- (4) Sites being subdivided must have a minimum net site area and average net site area that complies with the transferable rural sites subdivision in the Rural - Countryside Living Zone as set out in Table E39.6.5.2.1 Minimum and average net site areas.
- (5) The subdivision resource consent must be made subject to a condition requiring the subdivision plan creating the receiver site or sites to be deposited after, and not before, the protective covenant has been legally registered against the title containing the covenanted indigenous vegetation or wetland as applicable.

**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 of donor sites, all applications for amalgamation of donor sites must meet the following:
  - (a) donor sites must be abutting;
  - (b) one of the two donor sites must not contain a dwelling unless the resulting amalgamated site is permitted by this Plan to have more than one dwelling;

- (c) donor sites must be zoned either Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone or Rural - Rural Conservation Zone;
  - (d) the land must contain at least 90 per cent elite soil or prime soil. The applicant must provide a detailed Land Use Capability (LUC) soil assessment confirming that donor sites contain at least 90 per cent elite land or prime land. The assessment must be prepared by a suitably qualified and experienced person;
  - (e) each site must have a net site area of between 1 and 20 hectares;
  - (f) sites must have been in existence, or be shown on an approved scheme plan of subdivision; and
  - (g) sites must not comprise part or all of a closed road, road severance, or designation.
- (2) Following amalgamation of donor sites, all donor sites must meet all of the following:
- (a) be held in a single certificate of title;
  - (b) rescinded in such a way that replacement titles cannot be reissued;
  - (c) made subject to a legal protection mechanism that states all of the following:
    - (ix) the residential development rights attaching to the donor sites have been used to create a transferable rural sites subdivision under the Plan and must not accommodate any further residential development unless it is allowed as a permitted activity subject to the relevant zone rules or by the granting of a resource consent;
    - (x) the new site cannot be further subdivided other than by amalgamation with another qualifying site or by boundary adjustment; and
    - (xi) the new site has no further potential to be used for the purpose of a transferable rural site subdivision.
- (3) Following amalgamation of donor sites, all receiver sites must meet all of the following:
- (a) be subdivided into no more sites than those permitted by Table E39.6.4.7.1 Maximum number of new sites for transfer from the amalgamation of sites;

**Table E39.6.4.7.1 Maximum number of new sites for transfer from the amalgamation of sites**

<b>Transferable rural sites subdivision by way of amalgamation</b>	
<b>Criteria</b>	<b>Maximum number of new sites for transfer</b>
Amalgamation of two eligible donor sites as identified in Appendix 14 Land amalgamation incentivised	Two new sites for every two donor sites amalgamated

area and complying with Standard E39.6.4.7(1)	
Amalgamation of two eligible donor sites outside the land amalgamation incentivised area and complying with Standard E39.6.4.7(1)	One new site for every two donor sites amalgamated

- (b) the donor site must not be the same site as a receiver site;
- (c) be located within sites zoned as Rural – Countryside Living Zone and be identified as an eligible receiver site by the Subdivision Variation Control on the planning maps;
- (d) have a minimum net site area complying with the minimum net site area and average net site area with transferable rural sites subdivision as set out in Table E39.6.5.2.1 Minimum and average net site areas;
- (e) be made subject to a condition of subdivision consent that requires the subdivision plan creating the receiver site or sites to be deposited after, and not before, the plan of subdivision for the amalgamation of donor sites has been deposited.

### **E39.6.5 Standards - discretionary activities**

Subdivision listed as a discretionary activity in Table E39.4.2 and Table E39.4.2.5 must comply with the relevant standards in E39.6.1 General standards and E39.6.5 Standards - discretionary activities.

#### **E39.6.5.1 Subdivision in the Rural - Rural Production Zone, Rural - Mixed Rural Zone, Rural - Rural Coastal Zone, and Rural - Rural Conservation Zone**

- (1) Subdivision in these rural zones must meet the minimum average site size and minimum site size requirement as set out in Table E39.6.5.1.1 Minimum average site size and minimum site size for subdivision.

**Table E39.6.8.1.1 Minimum average site size and minimum site size for subdivision**

Zone	Minimum average site size (ha)	Minimum site size (ha)
Rural - Rural Production	100	80
Rural - Mixed Rural	50	40
Rural - Rural Coastal	50	40
Rural - Rural Conservation	20	10

- (2) Subdivision of the land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931)
- (a) Is not required to comply with General Standards E39.6.1.1 to E39.6.1,5 where the subdivision resource consent is made subject to a legal mechanism to ensure no dwellings can be established on the new sites created (although this mechanism shall not affect the establishment of dwellings on the balance parent site);
- (b) Shall be deemed to meet the access requirements in Standards E39.6.1.1(3)(b) and E39.6.1.2 if access by sea to the proposed sites is provided.

### E39.6.5.2. Subdivision in the Rural – Countryside Living Zone

- (1) Subdivision in the Rural – Countryside Living Zone must meet all of the following:
- (a) proposed site sizes and average net site areas must comply with the minimum net site areas specified in Table E39.6.5.2.1 Minimum and average net site areas;
- (b) the average net site area of all sites following subdivision must be calculated per subdivision scheme plan, and no credits will be carried forward to future subdivision scheme plans;
- (c) the minimum frontage for all front sites must be 15 metres; and
- (d) the minimum frontage for rear sites must be 6 metres.

Transferable rural site subdivision receiver sites must be located in the Rural – Countryside Living Zone locations listed in Table E39.6.5.2.1 Minimum and average net site areas and be identified as eligible receiver sites by the Subdivision Variation Control on the planning maps.

In this table, N/A means the transferable rural site subdivision mechanism is not provided for in that particular location.

**Table E39.6.5.2.1 Minimum and minimum average net site areas**

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
Wellsford Kaukapakapa Helensville	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Warkworth	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha

Matakana Kumeu - Huapai Paremoremo - Albany Heights	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Algies Bay	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Puhoi Parakai	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Average: 1ha
Waimauku	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
South Rodney	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Whitford (excluding precinct and Caldwell's Road)	Minimum: 2ha Minimum average: 4ha	N/A
Whitford - Caldwell's Road	Minimum: 1ha Minimum average: 2ha	N/A
Papakura	Minimum: 1ha	N/A
Point Wells	Minimum: 5,000m <sup>2</sup> Minimum average: 7,500m <sup>2</sup>	N/A
Runciman	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Swanson (outside precinct)	Minimum: 4ha	N/A

### E39.6.5.3. Subdivision in Rural – Waitākere Ranges Zone

- (1) The average site size must be greater than 4 hectares.
- (2) The average site size must be calculated over the net site area of the site as it existed as of 14 October 1995.
- (3) The minimum net site area must be 2 hectares.
- (4) The subdivision must not create any new road.
- (5) Subdivision must not create development or establishment of buildings within land areas identified in the Significant Ecological Areas Overlay.

## **E39.7. Assessment – controlled activities**

### **E39.7.1. Matters of control**

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

- (1) all controlled activities:
  - (a) compliance with an approved resource consent except for boundary adjustment subdivision;
  - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;
  - (c) the effects of infrastructure provision; and
  - (d) the effects on historic heritage and cultural heritage items.

### **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 with an approved resource consent except for boundary adjustment subdivision:
    - (i) refer to Policy E39.3(6);
  - (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 which the design, size, shape, gradient and location of any site including access, existing buildings, manoeuvring areas and outdoor living space affect the safety of pedestrians and cyclists and other users of the space or access;
    - (ii) whether the sites created are able to accommodate development in accordance with the relevant Auckland-wide and zone rules; and
    - (iii) refer to Policy E39.3(24), (25) and (26);
  - (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) and (31).
  - (d) the effects on historic heritage and cultural heritage items;



- (i) whether the protection or avoidance of any Scheduled Historic Heritage Place, or Site and Places of Significance to Mana Whenua is ensured; and
- (ii) refer to Policy E39.3(4).

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

- (a) Policies E39.3(1), (4), (6), (10), (11), (13), (16), (167), (19), (24) and (27) - (32).

## **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 within the one per cent annual exceedance probability floodplain:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events.
- (2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events.
- (3) subdivision of a site in the coastal erosion hazard area:
  - (a) the effects of the erosion on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion.
- (4) subdivision of sites subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:
  - (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use.
- (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.
- (6) in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Map [X]; 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) as set out in Standard E39.6.4.4; in-situ subdivision creating additional sites through establishing revegetation planting:

- (a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas or areas shown on Map [X], do not unnecessarily compromise other elements of rural character and amenity:
  - (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 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 or shown on Map [X]; 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) as set out in Standard E39.6.4.4; or transferable rural sites subdivision through establishing revegetation planting:
  - (a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas or areas shown on Map [X], do not unnecessarily compromise other elements of rural character and amenity:
    - (i) the matters listed in E39.8.1(6)(a)(i) to (x);
    - (ii) the number and size of new sites created on the receiver sites and compliance with minimum and average net site areas in the Rural Countryside: Living Zone; and
    - (iii) the timing and co-ordination of the protection of indigenous vegetation, wetland and revegetation planting on donor site relative to the creation of new sites on the receiver site.

- (8) transferable rural site subdivision through the amalgamation of donor sites, including those sites identified in Appendix 14 Land amalgamation incentivised area:
  - (a) effects associated with the below matters, having regard to the need to ensure the long term protection of elite soils and their availability for rural production purposes, without compromising other elements of rural character and amenity, or rural resources:
    - (i) the matters listed in E39.8.1(6)(a)(i) to (x);
    - (ii) the location and the soil qualities of the donor sites;
    - (iii) the degree to which new sites created from receiver sites comply with the Auckland-wide rules;
    - (iv) the suitability of the transferred sites for rural residential purposes having regard to the objectives, policies and rules for the Rural – Countryside Living Zone.

### **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 within the one per cent annual exceedance probability floodplain and flood prone areas:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events:
    - (i) whether measures are proposed to ensure the long term protection of flood plain conveyance functions;
    - (ii) whether the location and design of development including building platforms and access ways are located to avoid the hazard;
    - (iii) the extent to which changes to the landform and the design of mitigation structures/features are necessary for the subdivision; and
    - (iv) refer to Policy E39.3(2).
- (2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events:
    - (i) whether the location and design of development including proposed and existing building platforms and access ways include the ability to relocate uses within the proposed site area;
    - (ii) whether the use of defences to protect the land and any buildings or structures on the land from coastal storm inundation are necessary;

- (iii) whether there is any residual risk posed by coastal storm inundation to the site(s) associated with any existing or proposed coastal defences;
  - (iv) whether there are effects on landscape values resulting from associated built and/or land form modifications required to provide for the intended use of the site; and
  - (v) Policy E39.3(2).
- (3) subdivision of site in the coastal erosion hazard area:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:
    - (i) whether public access to the coast is affected;
    - (ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and
    - (iii) Policy E39.3(2).
- (4) subdivision of sites subject to land instability including those areas defined in the Plan as "land which may be subject to land instability", or other unstable soils as identified through a specific site assessment:
  - (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use:
    - (i) the extent to which the proposed sites are stable and suitable;
    - (ii) the extent to which the site instability will affect the intended use, including the provision for onsite infrastructure (where applicable) and accessways; and
    - (iii) Policy E39.3(2).
- (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), (21), (22) and (23).
- (6) in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Map [X];  
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) as set out in Standard E39.6.4.4; in-situ subdivision creating additional sites through establishing revegetation planting:

- (a) Policies E39.3(1), (15), (16), (17), (18), (23) - (26) and (28) - (30).
- (7) transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Map [X]; 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) as set out in Standard E39.6.4.4; transferable rural sites subdivision through establishing revegetation planting:
- (a) Policies E39.3(1), (11), (12), (13), (15), (16), (17), (18), (23) - (26) and (28) to (30).
- (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), (18) and (28) to (30).

#### **E39.9. Special information requirements**

There are no special information requirements in this section.

[Map X to be added]

# FINAL RURAL SUBDIVISION PROVISIONS FOLLOWING ENVIRONMENT COURT DECISION [2021] NZEnvC 010

## **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 receiver area for transferable rural site subdivision from other zones.

This zone incorporates a range of ....

**FINAL RURAL SUBDIVISION PROVISIONS FOLLOWING ENVIRONMENT COURT  
DECISION [2021] NZEnvC 010**

**Appendix 15 Subdivision information and process**

**15.1. Introduction**

This appendix includes additional information for subdivision resource consent applications. Refer to the Council’s website for further information on how to apply for subdivision resource consent.

All references to the Significant Ecological Area Overlay in this Appendix should be read as also including the areas on Map [X]

**15.2. Vesting of Assets**

...

**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 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 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.
- (2) The new or additional site is located in Rural - Countryside Living zoned sites identified on the planning maps by the Subdivision Variation Control.
- (3) The process is the same if more than two donor sites are amalgamated, or if more than one block of qualifying indigenous vegetation or wetland is protected.

**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

		<b>factors or established revegetation planting meeting relevant criteria</b>
1	<p>Identify the following:</p> <p>a. two donor sites abutting each other, one of which is vacant;</p> <p>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</p>	<p>Identify the following:</p> <p>a. an area of indigenous vegetation or wetland (on the donor site) that:</p> <ul style="list-style-type: none"> <li>- is identified in the Significant Ecological Areas overlay;</li> <li>- meets the Significant Ecological Areas factors set out in Policy B7.2.2(1); or</li> <li>- is established with revegetation planting meeting relevant criteria.</li> </ul> <p>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.</p>
2	<p>Application made to Council:</p> <p>a. to amalgamate two donor sites into one new site; and</p> <p>b. to subdivide the receiver site.</p>	<p>Application made to Council:</p> <p>a. subdivide the property containing indigenous vegetation, wetland or revegetation planting to create the residential development opportunity; and</p> <p>b. transfer the residential development opportunity to the receiver site in a Countryside Living Zone.</p>
3	Gain subdivision consent approval	Gain subdivision consent approval
4	Comply with consent conditions	Comply with consent conditions
5	<p>Apply to Land Information New Zealand to:</p> <p>a. issue one new certificate of title in place of the original donor sites; and</p>	<p>Apply to Land Information New Zealand to:</p> <p>a. attach an appropriate legal protection mechanism to the</p>



	<p>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.</p>	<p>donor site for the protection of the indigenous vegetation, wetland or revegetation planting; and</p> <p>b. issue two new certificates of title for the new sites created from the receiver site.</p>
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### 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
    - (iii) a site establishing 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

...

### 15.5 Legal protection mechanism to protect indigenous vegetation, wetland or re-vegetation planting:

- (1) The legal protection mechanism must include all of the following:
- (a) permanent protection of the vegetation or wetland on the site;
  - (b) implementation of a management plan;
  - (c) permanent exclusion of all livestock from the protected area; and
  - (d) the protected area to be maintained in perpetuity, including carrying out pest control measures.
- (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 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 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 consent conditions. This includes implementation of an animal and plant pest management plan. 'Animal pests' are those animal species listed as 'total control pests', 'containment pests', or 'surveillance pests' in the Auckland Council's current Regional Pest Management Strategy;
  - (d) all certification required must be carried out by a suitably qualified and experienced person and at the applicant's expense, and a report must be provided to Council. In this context, a person will not be considered to be suitably qualified and experienced unless they are a qualified ecologist with appropriate experience in this type of work.
- (3) The indigenous vegetation or wetland and any area of required 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 Revegetation planting**

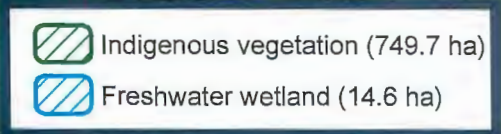
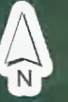
- (1) A planting plan for any revegetation planting is required prior to a section 224(c) certificate being issued and must identify the following:
- (a) the ecological district of the site;
  - (b) the characteristics of the soil (i.e. clay, silt, loam etc.);
  - (c) soil drainage;
  - (d) topography of the area to be planted;
  - (e) location and extent of the area to be planted;
  - (f) exposure of the site to wind, frost, sunlight and salt spray;
  - (g) presence of plant and animal pests;
  - (h) presence of any threatened species and if necessary the process for the translocation of threatened species,
  - (i) stock-proof fencing that should be at least a full seven wire, post and batten fence, planting areas, weed and animal pest control;

- (j) extent of the existing Significant Ecological Areas (indigenous vegetation) and an outline of the biodiversity of the Significant Ecological Areas (indigenous vegetation) and the land in the subdivision;
  - (k) any restrictions on planting, such as existing infrastructure, safety or existing access issues;
  - (l) how 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 revegetation planting will provide robust and high value ecological connections without gaps to the Significant Ecological Areas;
  - (n) how 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 planting remain protected in perpetuity;
  - (r) details confirming that 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 protection and restoration of the Significant Ecological Areas to ensure its long term viability, health, and significance;
  - (b) facilitate the use of natural regeneration processes to ensure that in the long term these natural regeneration processes take over;
  - (c) provide for the protection and restoration of the Significant Ecological Areas and provide robust linkages between ecological features;
  - (d) provide a sustainable, potentially significant forest, wetland or shrubland.
- (3) The following matters must be implemented prior to a section 224(c) certificate is issued and confirmation is provided:

- (a) the establishment of secure stock exclusion that is at least a full seven wire, post and batten fence;
  - (b) the planting of native vegetation at a density detailed below or at some other density considered more appropriate for the site circumstances by Council:
    - (i) an average density of 1.4 metre centres (5,100 stems per hectare) reducing to 1 metre centres (10,000 stems per hectare) in kikuyu and wetland and riparian margins;
    - (ii) sourced from the ecological district and to be appropriate for the soil, aspect, exposure and topography; and
    - (iii) reflect the composition of former natural vegetation likely to have occupied the site and include appropriate native species that will enable natural processes of succession;
  - (c) the maintenance of any plantings must occur until the plantings have reached a sufficient maturity to be self-sustaining, and have reached 80 per cent canopy closure. The survival rate must ensure a minimum 90 per cent of the original density and species;
  - (d) the maintenance of any plantings must include the ongoing replacement of plants that do not survive;
  - (e) the maintenance of any plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on-going basis and plants released from kikuyu as necessary to ensure adequate growth; and
  - (f) the maintenance of any plantings must ensure animal and plant pest control occurs.
- (4) The planting plan must be prepared and confirmed by a suitably qualified and experienced person.

**Annexure D**





**DISCLAIMER:**  
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**Indigenous vegetation and freshwater wetland recognised as Significant Ecological Areas on Lot 1 DP173316, DP 25125, DP7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931)**



Scale @ A3 = 1:14,129

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**Auckland Council**  
 Te Kaitiaki o Tāmaki Makaurau



Attachment 2: Updated Text for the following Chapters:

- Appendix 15 Subdivision information and process
- B9 Rural environment
- E15 Vegetation management and biodiversity
- E39 Subdivision – Rural
- H19 Rural zones

## **Appendix 15 Subdivision information and process**

### **15.1. Introduction**

This appendix includes additional information for subdivision resource consent applications. Refer to the Council's website for further information on how to apply for subdivision resource consent.

All references to the Significant Ecological Area Overlay in this Appendix should be read as also including areas on Figure E39.4.2.

### **15.2. Vesting of Assets**

- (1) Where vesting of any new asset is proposed as part of a subdivision, applicants are strongly encouraged to undertake a pre-application meeting with Council early in the design stages to agree parameters. The pre-application meeting will involve specialists from the relevant council controlled organisations with interests in any proposed future asset.
- (2) In respect of new road assets, the 'concept design' (i.e. width and general layout) of any road intended to be vested in the Council will be assessed against the relevant provisions of [E38 Subdivision - Urban](#) and [E39 Subdivision - Rural](#) and any relevant codes of practice or engineering standards applicable at the time of the subdivision consent application. If a road is approved as part of a subdivision consent, the concept design (i.e. width and general layout) is deemed appropriate for vesting. The 'detailed design and asset specifications' (i.e. pavement thickness etc.) of the road will be considered during the subsequent engineering approvals 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 through a subdivision process. This process may be carried out in the following ways:
  - (a) through the protection of indigenous vegetation or wetland identified in the D9 Significant Ecological Areas Overlay or meeting Significant Ecological Areas factors as set out in the regional policy statement, and established 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.
- (2) The new or additional site is located in Rural - Countryside Living zoned sites identified on the planning maps by the Subdivision Variation Control.



- (3) The process is the same if more than two donor sites are amalgamated, or if more than one block of qualifying indigenous vegetation or wetland is protected.

**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 revegetation planting meeting relevant criteria
1	<p>Identify the following:</p> <p>a. two donor sites abutting each other, one of which is vacant;</p> <p>b. a site zoned Rural - Countryside Living Zone identified as suitable as a receiver site for TRSS – see Table <a href="#">E39.6.5.2.1</a> Minimum and minimum average net site areas in <a href="#">E39 Subdivision - Rural</a></p>	<p>Identify the following:</p> <p>a. an area of indigenous vegetation or wetland (on the donor site) that:</p> <ul style="list-style-type: none"> <li>- is identified in the Significant Ecological Areas overlay;</li> <li>- meets the Significant Ecological Areas factors set out in Policy B7.2.2(1); or</li> <li>- is established with revegetation planting meeting relevant criteria.</li> </ul> <p>b. a site zoned Rural - Countryside Living Zone identified as suitable as a receiver site for TRSS – see Table <a href="#">E39.6.5.2.1</a> Minimum and minimum average net site areas in <a href="#">E39 Subdivision - Rural</a>.</p>

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 revegetation planting meeting relevant criteria
2	<p>Application made to Council:</p> <p>a. to amalgamate two donor sites into one new site; and</p> <p>b. to subdivide the receiver site.</p>	<p>Application made to Council:</p> <p>a. subdivide the property containing indigenous vegetation, wetland or revegetation planting to create the residential development opportunity; and</p> <p>b. transfer the residential development opportunity to the receiver site in a Countryside Living Zone.</p>
3	Gain subdivision consent approval	Gain subdivision consent approval
4	Comply with consent conditions	Comply with consent conditions
5	<p>Apply to Land Information New Zealand to:</p> <p>a. issue one new certificate of title in place of the original donor sites; and</p> <p>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.</p>	<p>Apply to Land Information New Zealand to:</p> <p>a. attach an appropriate legal protection mechanism to the donor site for the protection of the indigenous vegetation, wetland or revegetation planting; and</p> <p>b. issue two new certificates of title for the new sites created from the receiver site.</p>

### 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
- (iii) a site establishing 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, excluding subdivision plans for boundary adjustments, must show any of the following features that exist on, or on the boundary of, the land being subdivided:

(a) any areas identified as Significant Ecological Area in the [D9 Significant Ecological Areas Overlay](#); or

(b) any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes.

(2) Three yearly monitoring of the critical determinants for the health of any Significant Ecological Area by an independently approved person which may include, but not be limited to, all of the following:

(a) effectiveness of fencing;

(b) presence of animal and plant pests;

(c) health of the Significant Ecological Area;

(d) presence of pollutants;

(e) vegetation clearance;

(f) effectively managing animal and plant pests; and

(g) providing appropriate access to any sites and places of significance to Mana Whenua

(3) Require monitoring results to be forwarded to Council for audit.

#### **15.5. Legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting:**

(1) The legal protection mechanism must include all of the following:

(a) permanent protection of the vegetation or wetland on the site;

- (b) implementation of a management plan;
  - (c) permanent exclusion of all livestock from the protected area; and
  - (d) the protected area to be maintained in perpetuity, including carrying out pest control measures.
- (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 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 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 consent conditions. This includes implementation of an animal and plant pest management plan. 'Animal pests' are those animal species listed as 'total control pests', 'containment pests', or 'surveillance pests' in the Auckland Council's current Regional Pest Management Strategy;
  - (d) all certification required must be carried out by a suitably qualified and experienced person and at the applicant's expense, and a report must be provided to Council. In this context, a person will not be considered to be suitably qualified and experienced unless they are a qualified ecologist with appropriate experience in this type of work.
- (3) The indigenous vegetation or wetland and any area of required 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. Revegetation planting**

- (1) A planting plan for any revegetation planting is required prior to a section 224(c) certificate being issued and must identify the following:
- (a) the ecological district of the site;
  - (b) the characteristics of the soil (i.e. clay, silt, loam etc.);

- (c) soil drainage;
- (d) topography of the area to be planted;
- (e) location and extent of the area to be planted;
- (f) exposure of the site to wind, frost, sunlight and salt spray;
- (g) presence of plant and animal pests;
- (h) presence of any threatened species and if necessary the process for the translocation of threatened species,
- (i) stock-proof fencing that should be at least a full seven wire, post and batten fence, planting areas, weed and animal pest control;
- (j) extent of the existing Significant Ecological Areas (indigenous vegetation) and an outline of the biodiversity of the Significant Ecological Areas (indigenous vegetation) and the land in the subdivision;
- (k) any restrictions on planting, such as existing infrastructure, safety or existing access issues;
- (l) how 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 revegetation planting will provide robust and high value ecological connections without gaps to the Significant Ecological Areas;
- (n) how 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 revegetation planting remain protected in perpetuity;
- (r) details confirming that 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 protection and restoration of the Significant Ecological Areas to ensure its long term viability, health, and significance;
  - (b) facilitate the use of natural regeneration processes to ensure that in the long term these natural regeneration processes take over;
  - (c) provide for the protection and restoration of the Significant Ecological Areas and provide robust linkages between ecological features;
  - (d) provide a sustainable, potentially significant forest, wetland or shrubland.
- (3) The following matters must be implemented prior to a section 224(c) certificate is issued and confirmation is provided:
- (a) the establishment of secure stock exclusion that is at least a full seven wire, post and batten fence;
  - (b) the planting of native vegetation at a density detailed below or at some other density considered more appropriate for the site circumstances by Council:
    - (i) an average density of 1.4 metre centres (5,100 stems per hectare) reducing to 1 metre centres (10,000 stems per hectare) in kikuyu and wetland and riparian margins;
    - (ii) sourced from the ecological district and to be appropriate for the soil, aspect, exposure and topography; and
    - (iii) reflect the composition of former natural vegetation likely to have occupied the site and include appropriate native species that will enable natural processes of succession;
  - (c) the maintenance of any plantings must occur until the plantings have reached a sufficient maturity to be self-sustaining, and have reached 80 per cent canopy closure. The survival rate must ensure a minimum 90 per cent of the original density and species;
  - (d) the maintenance of any plantings must include the ongoing replacement of plants that do not survive;
  - (e) the maintenance of any plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on-going basis and plants released from kikuyu as necessary to ensure adequate growth; and

- (f) the maintenance of any plantings must ensure animal and plant pest control occurs.
- (4) The planting plan must be prepared and confirmed by a suitably qualified and experienced person.

## **B9. Toitū te tuawhenua- Rural environment**

### ***Me tupu te ora ki te tuawhenua***

Grow your livelihood inland

#### **B9.1. Issues**

The Auckland region is not just the location of New Zealand's largest city. Most of the Auckland region's land is rural and contains extensive, productive and valuable areas used for farming (agriculture, horticulture and grazing), rural service industries), forestry and rural recreation. The rural parts of Auckland also contain important natural resources, including native bush, significant ecological areas and outstanding natural landscapes. The contributions made by rural areas and rural communities to the well-being of the region must be acknowledged and enabled.

The outward expansion of urban areas and people's lifestyle choices and recreational activities place significant pressures on maintaining the amenity values and the quality of the environment in rural areas. Specific issues in the Auckland region are:

- protecting the finite resource of elite quality soils from urban expansion;
- managing subdivision to prevent undue fragmentation of large sites in ways that restrict rural production activities;
- addressing reverse sensitivity effects which rural-residential development can have on rural production activities; and
- managing the opportunities for countryside living in rural areas in ways that provide for rural-residential development in close proximity to urban areas and the larger rural and coastal towns and villages while minimising the loss of rural production land.

#### **B9.2. Rural activities**

##### **B9.2.1. Objectives**

- (1) Rural areas make a significant contribution to the wider economic productivity of, and food supply for, Auckland and New Zealand.
- (2) Areas of land containing elite soil are protected for the purpose of food supply from inappropriate subdivision, urban use and development.
- (3) Rural production and other activities that support rural communities are enabled while the character, amenity, landscape and biodiversity values of rural areas, including within the coastal environment, are maintained.
- (4) Auckland's rural areas outside the Rural Urban Boundary and rural and coastal towns and villages are protected from inappropriate subdivision, urban use and development.
- (5) Auckland's rural areas inside the Rural Urban Boundary are not compromised for future urbanisation by inappropriate subdivision, use and development.



### **B9.2.2. Policies**

- (1) Enable a diverse range of activities while avoiding significant adverse effects on and urbanisation of rural areas, including within the coastal environment, and avoiding, remedying, or mitigating other adverse effects on rural character, amenity, landscape and biodiversity values.
- (2) Minimise the potential for reverse sensitivity effects by:
  - (a) preventing sensitive activities (such as countryside living) from establishing in areas where rural production activities could be adversely affected; or
  - (b) requiring sensitive activities (such as new countryside living) to adopt on-site methods to avoid reverse sensitivity effects on rural production activities; and
  - (c) avoiding subdivision and development that would result in incompatible uses or sensitive activities (such as countryside living) being introduced into areas containing mineral resources for future extraction.
- (3) Encourage improved land management practices in rural production areas to progressively reduce and contain adverse environmental effects.

### **B9.3. Land with high productive potential**

#### **B9.3.1. Objectives**

- (1) Land containing elite soils is protected through land management practices to maintain its capability, flexibility and accessibility for primary production.
- (2) Land containing prime soil is managed to enable its capability, flexibility and accessibility for primary production.
- (3) The productive potential of land that does not contain elite or prime soil is recognised.

#### **B9.3.2. Policies**

- (1) Avoid new countryside living subdivision, use and development on land containing elite soil and discourage them on land containing prime soil.
- (2) Encourage activities that do not depend on using land containing elite and prime soil to locate outside these areas.
- (3) Recognise the productive potential of land that does not contain elite or prime soil and encourage the continued use of this land for rural production.
- (4) Provide for non-soil dependent rural enterprises (including post-harvest facilities) on land containing elite or prime soil where there are economic and operational benefits associated with concentrating such enterprises in specific rural localities.
- (5) Encourage land management practices that retain the physical and chemical capability of rural soils.

## **B9.4. Rural subdivision**

### **B9.4.1. Objectives**

- (1) *[deleted]*
- (2) Subdivision does not undermine the productive potential of land containing elite soils.
- (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.
- (4) Land subdivision protects and enhances significant indigenous biodiversity.

### **B9.4.2. Policies**

- (1) Enable the permanent protection and enhancement of areas of significant indigenous biodiversity and rehabilitation 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 from in-situ subdivision on rural land, and for title boundaries to be amalgamated to:
  - (a) promote the productivity of rural land;
  - (b) manage 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 new rural lifestyle subdivision in locations and at scales and densities so as to:

- (a) avoid areas that would undermine the integrity of the Rural Urban Boundary or compromise the expansion of the satellite towns of Warkworth and Pukekohe, and rural and coastal towns and villages;
  - (b) protect areas where natural and physical resources have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal, historic heritage and special character;
  - (c) avoid land containing elite soil;
  - (d) avoid where practicable land containing prime soil;
  - (e) avoid areas that would constrain the operation of existing mineral extraction activities or areas containing mineral resources identified in the plan for future extraction;
  - (f) maintain or enhance landscape, rural and, where relevant, coastal, character and amenity values;
  - (g) avoid the potential for reverse sensitivity effects that could hinder the continued operation or growth of existing rural activities, or the establishment of new rural activities; and
  - (h) safeguard the operation, maintenance, upgrading or development of existing or planned infrastructure.
- (5) Encourage the amalgamation and transfer of rural sites to the Countryside Living zone.

#### **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 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.

Rural and coastal towns and villages, and areas zoned for countryside living, play an important role in enabling people to live, work and play in rural areas. They also can accommodate a portion of Auckland's growth.

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

There are other areas of rural Auckland that support specialised horticultural production which are not on Class 1, 2 or 3 soils. These areas have other advantages such as climate, drainage, water availability or established infrastructure that are equally

beneficial as soil quality. No matter what type of rural production occurs, retaining land with high productive potential for primary production provides flexibility to improve economic performance, sustainably manage land resources and enable communities to pursue sustainable lifestyles.

Significant areas of land with high productive potential have been lost to the expansion of urban areas and countryside living development. While countryside living opportunities need to be concentrated around the Rural Urban Boundary, they should also be located out of the way of any future urban expansion. As a consequence there will be a loss of some productive land. Countryside living produces a pattern of relatively small sites that are impractical for primary production due to their size and the expectations of owners and occupiers. New countryside living subdivision is directed away from elite and prime land and from other rural areas with recognised local production advantages.

The provisions of the Unitary Plan include provisions that assist in managing activities and their effects on the rural environment to retain and use its productive potential, biodiversity values, rural character and amenity values. This involves recognising that a rural lifestyle is attractive to many people so that countryside living is enabled in identified areas, while also recognising the importance of protecting the productive potential of rural land as well as its rural amenity values.

The policies seek to ensure that uses and subdivision do not undermine or significantly compromise the productive potential of Auckland's rural areas, while maintaining those qualities which the community values. The policies therefore prevent urban growth and restrict inappropriate activities from certain locations.

The subdivision policies also enable and encourage the transfer of the residential development potential in productive rural zones to Countryside Living Zones, and for title boundaries to be amalgamated and a residential development right to be realised in Countryside Living Zones.

## **E15. Vegetation management and biodiversity**

### **E15.1. Background**

Vegetation contributes to a range of ecosystem services such as erosion and sediment control, reducing stormwater flows, protecting or enhancing water quality, amenity and natural character values, and mitigating natural hazards. Vegetation is a vital part of terrestrial and coastal ecosystems and helps maintain indigenous biodiversity.

The objectives and policies in this chapter apply to the management of terrestrial and coastal vegetation and biodiversity values outside of scheduled significant ecological areas. The management of indigenous vegetation and biodiversity in the coastal marine area outside of identified significant ecological areas is also subject to the objectives and policies of Chapter F Coastal where more specific vegetation management provisions may apply, for example mangrove management.

The objectives and policies that apply to scheduled significant ecological areas for both terrestrial and coastal marine areas are contained in [D9 Significant Ecological Areas Overlay](#).

The rules that apply to the management of vegetation and biodiversity for areas both outside of and within scheduled significant ecological areas – terrestrial are contained in this chapter.

The rules that apply to vegetation management and biodiversity in the coastal marine area, including for areas identified as Significant Ecological Areas – Marine are contained in Chapter F Coastal.

### **E15.2. Objectives [rcp/rp/dp]**

- (1) Ecosystem services and indigenous biological diversity values, particularly in sensitive environments, and areas of contiguous indigenous vegetation cover, are maintained or enhanced while providing for appropriate subdivision, use and development.
- (2) Indigenous biodiversity is restored and enhanced in areas where ecological values are degraded, or where development is occurring.

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

- (1) Protect areas of contiguous indigenous vegetation cover and vegetation in sensitive environments including the coastal environment, riparian margins, wetlands, and areas prone to natural hazards.
- (2) Manage the effects of activities to avoid significant adverse effects on biodiversity values as far as practicable, minimise significant adverse effects where avoidance is not practicable, and avoid, remedy or mitigate any other adverse effects on indigenous biological diversity and ecosystem services, including soil conservation, water quality and quantity management, and the mitigation of natural hazards.

- (3) Encourage the offsetting of any significant residual adverse effects on indigenous vegetation and biodiversity values that cannot be avoided, remedied or mitigated, through protection, restoration and enhancement measures, having regard to Policy E15.3(4) below and Appendix 8 Biodiversity offsetting.
- (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 one or more of the factors referred to in [B7.2.2\(1\)](#) and in [Schedule 3 Significant Ecological Areas -Terrestrial Schedule](#) or shown on [Figure E39.4.2](#).
  - (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 enhance the ecological integrity and functioning of areas of vegetation, including for biosecurity, safety and pest management and to control kauri dieback.
- (6) Enable vegetation management to provide for the operation and routine maintenance needs of activities.
- (7) Manage any adverse effects from the use, maintenance, upgrading and development of infrastructure in accordance with the policies in E15.3, recognising that it is not always practicable to locate or design infrastructure to avoid areas with indigenous biodiversity values.
- (8) Recognise and provide for the management and control of kauri dieback as a means of maintaining indigenous biodiversity.
- (9) Avoid activities in the coastal environment where they will result in any of the following:
  - (a) non-transitory or more than minor adverse effects on:
    - (i) threatened or at risk indigenous species (including Maui's Dolphin and Bryde's Whale);
    - (ii) the habitats of indigenous species that are at the limit of their natural range or which are naturally rare;
    - (iii) threatened or rare indigenous ecosystems and vegetation types, including naturally rare ecosystems and vegetation types;
    - (iv) areas containing nationally significant examples of indigenous ecosystems or indigenous community types; or

- (v) areas set aside for full or partial protection of indigenous biodiversity under other legislation, including the West Coast North Island Marine Mammal Sanctuary.
  - (b) any regular or sustained disturbance of migratory bird roosting, nesting and feeding areas that is likely to noticeably reduce the level of use of an area for these purposes;
  - (c) the deposition of material at levels which would adversely affect the natural ecological functioning of the area; or
  - (d) fragmentation of the values of the area to the extent that its physical integrity is lost.
- (10) Avoid (while giving effect to Policy E15(9) above) activities in the coastal environment which result in significant adverse effects, and avoid, remedy or mitigate other adverse effects of activities, on:
- (a) areas of predominantly indigenous vegetation;
  - (b) habitats that are important during the vulnerable life stages of indigenous species;
  - (c) indigenous ecosystems and habitats that are found only in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
  - (d) habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes including fish spawning, pupping and nursery areas;
  - (e) habitats, including areas and routes, important to migratory species;
  - (f) ecological corridors, and areas important for linking or maintaining biological values; or
  - (g) water quality such that the natural ecological functioning of the area is adversely affected.

#### **E15.4. Activity table**

Table E15.4.1 Activity table specifies the activity status of vegetation management activities in all zones, other than:

- vegetation removal in the coastal marine area where the rules in Chapter F Coastal apply;
- vegetation removal in the beds of lakes, rivers, streams and wetlands where the rules in [E3 Lakes, rivers, streams and wetlands](#) apply;

- use and development for infrastructure where the rules in [E26 Infrastructure apply](#); and
- the Hauraki Gulf Islands that are subject to the Auckland Council District Plan – Hauraki Gulf Islands section where the rules of that district plan apply.

Table E15.4.1 Activity table specifies the activity status of vegetation management pursuant to section 9(2) for all land not held or managed under the Conservation Act 1987 or any other act specified in Schedule 1 of that Act (other than land held for administrative purposes) of the Resource Management Act 1991.

Table E15.4.1 Activity table also specifies the activity status of vegetation management pursuant to section 9(3) for land held or managed under the Conservation Act 1987 or any other act specified in Schedule 1 of that Act (other than land held for administrative purposes) of the Resource Management Act 1991.

Table E15.4.2 Activity table specifies the activity status of vegetation management pursuant to section 9(2) for SEA – T and section 9(3) for ONF, HNC, ONC, ONL for all land not held or managed under the Conservation Act 1987 or any other act specified in Schedule 1 of that Act (other than land held for administrative purposes) of the Resource Management Act 1991.

Table E15.4.2 Activity table also specifies the activity status of vegetation management pursuant to section 9(3) for land held or managed under the Conservation Act 1987 or any other act specified in Schedule 1 of that Act (other than land held for administrative purposes) of the Resource Management Act 1991.

For the purposes of these rules, all distances from water bodies must be measured in a horizontal plane from the edge of the bed of the river or stream, permanent or intermittent, or lake water body.

The rules in Tables E15.4.1 and E15.4.2 implement the policies in [D9.3](#) and E15.3. The plan does not include rules (either regional or district) that require areas of vegetation (whether identified as a Significant Ecological Area- Terrestrial or otherwise) to be fenced in order to implement the policies in [D9.3](#) and E15.3. Fencing requirements may arise though in the following circumstances:

- (a) Fencing being required to avoid, remedy, or mitigate or proposed to offset an effect on the environment related to a particular proposal, including as a condition of resource consent or a condition of subdivision consent;
- (b) The operation of rules regarding livestock access in the coastal marine area (Table F2.19.4 Activity Table (A38), (A39) and (A40)); or
- (c) The operation of rules regarding livestock access to a lake, river or stream, or wetland ([Table E3.4.1 Activity Table \(A51\) and \(A52\)](#)).



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

If any activity listed in rules (including standards) E15.4.1 to E15.6.7 is regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (“NESPF”) then the NESPF applies and prevails.

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

- Significant Ecological Areas Overlay;
- Water Supply Management Areas Overlay;
- Outstanding Natural Character Overlay;
- High Natural Character Overlay;
- Outstanding Natural Landscapes Overlay;
- Outstanding Natural Features Overlay; or
- activities generating sediment that impact the coastal environment.

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

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

**Resource Management (National Environmental Standards for Freshwater) Regulations 2020**

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

If an activity provided for in rules E15.4.1 to E15.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

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

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

**Table E15.4.1 Activity table - Auckland-wide vegetation and biodiversity management rules**

Activity		Activity status
<b>Use</b>		
All zones outside the RUB and all riparian and coastal areas (as described below)		
(A1)	Biosecurity tree works	P
(A2)	Dead wood removal	P
(A3)	Vegetation pruning, alteration or removal for customary use	P
(A4)	Emergency tree works	P

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(A5)	Forestry and farming activities as existing at 30 September 2013	P
(A6)	Pest plant removal	P
(A7)	Conservation planting	P
(A8)	Vegetation alteration or removal for routine maintenance within 3m of existing buildings	P
(A9)	Vegetation alteration or removal for routine operation, maintenance and repair of existing tracks, lawns, gardens, fences, shelterbelts and other lawfully established activities	P
All zones outside the RUB		
(A10)	Vegetation alteration or removal, including cumulative removal on a site over a 10-year period, of greater than 250m <sup>2</sup> of indigenous vegetation that: (a) is contiguous vegetation on a site or sites existing on 30 September 2013; and (b) is outside the rural urban boundary	RD
Riparian areas (as described below)		
(A11)	Vegetation alteration or removal within a Wetland Management Areas Overlay	D
(A12)	Vegetation alteration or removal of any vegetation within a Natural Stream Management Areas Overlay	RD
(A13)	Vegetation alteration or removal within 50m of the shore of a lake within a Natural Lake Management Areas Overlay	RD
(A14)	Vegetation alteration or removal within 30m of the shore of a lake within an Urban Lake Management Areas Overlay	RD
(A15)	Vegetation alteration or removal within 20m of rural lakes	RD
(A16)	Vegetation alteration or removal within 20m of rural streams, other than those in Rural – Rural Production Zone and Rural – Mixed Rural Zone	RD
(A17)	Vegetation alteration or removal within 10m of rural streams in the Rural – Rural Production Zone and Rural – Mixed Rural Zone	RD
(A18)	Vegetation alteration or removal within 20m of a natural wetland, in the bed of a river or stream (permanent or intermittent), or lake	RD
(A19)	Vegetation alteration or removal within 10m of urban streams	RD
Coastal areas (as described below)		
(A20)	Vegetation alteration or removal of greater than 25m <sup>2</sup> of contiguous vegetation, or tree alteration or tree removal of any indigenous tree over 3m in height, within 50m of mean high water springs in the Rural –Rural Production Zone, Rural –Mixed Rural Zone, Rural –Rural Coastal Zone, Rural –Rural Conservation Zone, Rural – Waitakere Ranges Zone and Rural – Countryside Living Zone or Future Urban Zone	RD

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(A21)	Vegetation alteration or removal of greater than 25m <sup>2</sup> of contiguous vegetation or tree alteration or tree removal of any indigenous tree over 3m in height within 20m of mean high water springs in all zones other than in a Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Rural – Rural Conservation Zone, Rural – Waitakere Ranges Zone and Rural – Countryside Living Zone or Future Urban Zone	RD
(A22)	Vegetation alteration or removal of greater than 25m <sup>2</sup> of contiguous vegetation, or tree alteration or tree removal of any indigenous tree over 3m in height, that is within: (a) a horizontal distance of 20m from the top of any cliff with; (b) a slope angle steeper than 1 in 3 (18 degrees); and (c) within 150m of mean high water springs	RD
All other zones and areas not covered above		
(A22A)	Vegetation alteration or removal	P
All areas		
(A23)	Permitted activities in Table E15.4.1 that do not comply with one or more of the standards in E15.6	RD

**Table E15.4.2 Vegetation and biodiversity management in overlays [other than in the coastal marine area]**

Activity	SEA -T [rp]	ONF											HNC	ONC	ONL	
		A1	A	V1	V2	B	C	D	E	F1	F2					
<b>General</b>																
(A24)	Permitted, controlled and restricted discretionary activities in Table E15.4.2 that do not comply with one or more of the standards in E15.6	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
<b>Use</b>																
(A25)	Vegetation alteration or removal of up to and including 25m <sup>2</sup> of any contiguous indigenous vegetation	NA	P	P	P	P	P	P	P	P	P	NA	NA	NA	NA	NA

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(A26)	Vegetation alteration or removal of greater than 25m <sup>2</sup> of any contiguous indigenous vegetation	NA	RD	RD	RD	RD	RD	RD	RD	RD	RD	NA	NA	NA	NA	NA
(A27)	Vegetation alteration or removal of up to 50m <sup>2</sup> of any contiguous indigenous vegetation	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	P
(A28)	Vegetation alteration or removal of greater than 50m <sup>2</sup> of any contiguous indigenous vegetation	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	RD	RD	RD
(A29)	Vegetation alteration or removal within a SEA for a building platform and access way for one dwelling per site	C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
(A30)	Vegetation alteration or removal within a SEA on Māori land or treaty settlement land for: (a) one marae per site; (b) up to 30 dwellings per site; (c) activities associated with a marae and with papakāinga	C	RD	RD	RD	RD	RD	RD	RD	RD	RD	NA	NA	RD	RD	RD
(A31)	Biosecurity	P	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P

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	tree works														
(A32)	Deadwood removal	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A33)	Emergency tree works	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A34)	Vegetation alteration or removal for customary use	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A35)	Forestry and farming activities as existing at 30 September 2013	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A36)	Pest plant removal	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A37)	Conservation planting	P	P	P	P	P	P	P	P	P	P	NA	P	P	P
(A38)	Vegetation alteration or removal for routine maintenance within 3m of existing dwelling	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A39)	Vegetation alteration or removal for routine maintenance within 3m of existing buildings greater than 100m <sup>2</sup> gross floor area	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A40)	Vegetation alteration or removal for routine maintenance within 1m of other existing buildings	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A41)	Tree trimming	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
(A42)	Vegetation alteration or removal for	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P

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	routine operation, maintenance and repair of existing tracks, lawns, gardens, fences and other lawfully established activities														
(A43)	Any vegetation alteration or removal not otherwise provided for	D	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
(A44)	Any vegetation alteration or removal within a Quarry Zone	RD	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

**E15.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E15.4.1 or Table E15.4.2 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent listed in Table E15.4.1 or Table E15.4.2, other than for a controlled activity, will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

**E15.6. Standards**

All activities listed as a permitted, controlled or restricted discretionary activity in Table E15.4.1 or Table E15.4.2 must comply with the following standards.

**E15.6.A1. General standards**

The following standards apply to all permitted, controlled or restricted discretionary activities.

- (1) All kauri material (including sawdust and woodchips) must be retained within 3 times the radius of the canopy drip line of the tree or disposed of to an approved landfill facility.

**E15.6.1. [deleted]**

**E15.6.2. Vegetation alteration or removal for customary use**

- (1) No greater than 20m<sup>2</sup> of vegetation is removed within a significant ecological area per site.
- (2) No greater than 50m<sup>2</sup> of vegetation is removed from areas not identified as significant ecological areas per calendar year.

**E15.6.3. Conservation planting**

- (1) Conservation planting in significant ecological areas must only be for ecological restoration purposes.
- (2) Conservation planting within the Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay must be limited to planting of indigenous species for ecological restoration or landscape restoration purposes.

**E15.6.4. Vegetation alteration or removal for routine operation, maintenance and repair of existing tracks, lawns, gardens, fences, shelterbelts and other lawfully established activities in riparian areas, coastal areas, all zones outside the RUB and in overlays identified in Table E15.4.2 [other than the significant ecological areas in the coastal marine area – SEA-M]**

- (1) Vegetation alteration or removal must be undertaken within 1m either side of existing tracks or fences.
- (2) Vegetation alteration or removal must not include trees over 6m in height, or 600mm in girth.
- (3) Vegetation alteration or removal must not result in greater than 25m<sup>2</sup> of vegetation removal from within a Significant Ecological Areas Overlay, Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay per site.
- (4) Vegetation alteration or removal must not result in greater than 50m<sup>2</sup> of vegetation removal from areas not identified as significant ecological areas per calendar year.
- (5) *[deleted]*

**E15.6.5. Vegetation alteration or removal within a significant ecological area for a building platform and access way for a dwelling per site**

- (1) The total area of vegetation alteration or removal must not be greater than 300m<sup>2</sup>.

**E15.6.6. Vegetation alteration or removal of any indigenous contiguous vegetation up to 50m<sup>2</sup> in an Outstanding Natural Character Overlay, High Natural Character Overlay or Outstanding Natural Landscapes Overlay, or up to 25m<sup>2</sup> in an Outstanding Natural Features Overlay**

- (1) Vegetation alteration or removal must not include trees over 6m in height, or 600mm in girth.

**E15.6.7. Vegetation alteration or removal within a Significant Ecological Areas Overlay, Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay, on Māori land or Treaty Settlement land for one marae per site and up to 30 dwellings and activities associated with a marae or papakāinga**

- (1) The total area of vegetation alteration or removal per site is not greater than:
  - (a) 1500m<sup>2</sup> for a marae; and
  - (b) 300m<sup>2</sup> per dwelling.

**E15.6.8 Vegetation alteration or removal undertaken within the 100-year ARI floodplain**

- (1) Vegetation alteration or removal must ensure that erosion control measures associated with vegetation removal and replanting, such as mulch or bark, are not able to be swept off-site in a flood event.

**E15.6.9 Tree trimming within Significant Ecological Areas**

- (1) The maximum branch diameter must not exceed 50mm.
- (2) No more than 10 per cent of live growth of the tree is removed in any one calendar year.
- (3) Trimming must meet accepted modern arboricultural practice.
- (4) The trimming must retain the natural shape, form and branch habit of the tree.

**E15.7. Assessment – controlled activities**

**E15.7.1. Matters of control**

The Council will reserve its control to all of the following matters when assessing a controlled activity resource consent application:

- (1) vegetation alteration or removal within a significant ecological area for a building platform and access way for one dwelling per site:
  - (a) the location of the building platform and accessway;



- (b) the ability to locate a building platform and/or accessway outside the significant ecological area but on the site;
  - (c) the area of vegetation to be cleared; and
  - (d) the measures to remedy or mitigate adverse effects of vegetation clearance and associated earthworks.
- (2) vegetation alteration or removal within a significant ecological area on Māori land or Treaty Settlement land for one marae per site and up to 30 dwellings and activities associated with a marae or papakāinga:
- (a) the location of activities;
  - (b) the provision for Mana Whenua, mātauranga and tikanga values;
  - (c) the area of vegetation to be cleared;
  - (d) the ability to locate activities outside the SEA but on the site; and
  - (e) the measures to remedy or mitigate adverse effects of vegetation clearance and associated earthworks.

#### **E15.7.2. Assessment criteria**

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

- (1) vegetation alteration or removal within a significant ecological area for a building platform and access way for one dwelling per site:
  - (a) whether there are practicable alternative locations for the development on the site outside of the vegetated area or significant ecological area; and
  - (b) whether vegetation clearance can be carried out in a way that avoids high quality vegetation, particularly if it has conservation significance, and clears lower quality vegetation.
- (2) vegetation pruning, alteration or removal within an significant ecological area on Māori land and Treaty Settlement land for one marae per site and up to 30 dwellings and activities associated with a marae or papakāinga:
  - (a) whether there are practicable alternative locations for the development on the site outside the significant ecological area;
  - (b) whether vegetation clearance can be carried out in a way that avoids high quality vegetation, particularly if it has conservation significance, and clears lower quality vegetation; and
  - (c) whether the location of development is appropriate to provide for Mana Whenua, mātauranga and tikanga values.

### **E15.8. Assessment – Restricted discretionary activities**

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

#### **E15.8.1. Matters of discretion**

(1) all restricted discretionary activities:

(a) ecological values:

- (i) the effects that the vegetation alteration or removal will have on ecological values, including on threatened species and ecosystems; and
- (ii) the extent to which it is appropriate to require measures to contain and control plant pathogens and diseases including Kauri die back.

(b) hazard mitigation:

- (i) the role of the vegetation in avoiding or mitigating natural hazards and the extent to which the vegetation alteration or removal will increase any hazard risk; and
- (ii) the effects the vegetation alteration or removal will have on mitigating bush fire risk.

(c) sediment, water quality and hydrology:

- (i) the effects the vegetation alteration or removal will have on soil conservation, water quality and the hydrological function of the catchment.

(d) landscape, natural features and natural character values:

- (i) the effects the vegetation alteration or removal will have on landscape, natural features and natural character.

(e) amenity values:

- (i) the effects the vegetation alteration or removal will have on the amenity values of any adjacent open space including the coast, parks, reserves and walkways.

(f) use:

- (i) the extent to which the vegetation alteration or removal is necessary to enable reasonable use of a site for a building platform and associated access, services and living areas, and existing activities on the site;
- (ii) the extent to which the vegetation alteration or removal is necessary taking into account the need for, or purpose of, the proposed building or structure;

- (iii) the extent to which the vegetation alteration or removal is necessary to enable reasonable use of the site for farming purposes; and
  - (iv) the extent to which the vegetation alteration or removal is necessary to provide for the functional and operational needs of infrastructure, including the road network.
- (g) methods and location:
- (i) the minimisation of effects from alteration or removal of vegetation and land disturbance through alternative locations on the site and/or methods of undertaking the works.
- (h) mitigation measures:
- (i) the remedy or mitigation of adverse effects, including through revegetation, restoration of other areas of vegetation and ongoing maintenance.
- (i) bonds and covenants:
- (i) the benefit of imposing bonds, covenants or similar instruments as conditions of consent in implementing any of the matters of discretion.
- (j) Mana Whenua values:
- (i) the effects on Mana Whenua values associated with a Significant Ecological Areas Overlay, Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay.
- (2) additional criteria for vegetation alteration or removal within an Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay on Māori land or Treaty Settlement land for one marae per site and up to 30 dwellings and activities associated with a marae or papakāinga:
- (a) location, mitigation and Mana Whenua values;
  - (b) whether the location of the development is appropriate to provide for Mana Whenua, mātauranga and tikanga values;
  - (c) whether there are practicable alternative locations for the development on the site outside of an overlay;
  - (d) the extent to which vegetation alteration and clearance is minimised through the location of development within an overlay;
  - (e) the extent to which vegetation alteration or clearance can be carried out in a way that reduces its impact on the values of an overlay; and

- (f) whether adverse effects can be remedied or mitigated, including through revegetation, restoration of other areas of vegetation and ongoing maintenance of vegetated areas.

(3) Any vegetation alteration or removal within a Quarry Zone

The council will restrict its discretion to the matters below for the activities listed as restricted discretionary in the activity table:

- (a) scale, location, quality, significance, visibility of indigenous vegetation and habitats
- (b) significant adverse effects on existing streams, wetlands, riparian margins and habitat
- (c) buffer areas between Mineral Extraction Activities and remaining areas of SEA
- (d) duration and staging of Mineral Extraction Activities
- (e) proposals for the avoidance, remediation or mitigation of significant adverse effects, or the partial offsetting of residual adverse effects in the local area, including positive environmental benefits
- (f) benefits derived from extracting the resource.

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**E15.8.2. Assessment criteria**

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

- (1) all restricted discretionary activities:
  - (a) ecological values:
    - (i) the extent to which the vegetation alteration or removal is minimised and adverse effects on the ecological and indigenous biodiversity values of the vegetation are able to be avoided, remedied or mitigated;
    - (ii) whether vegetation removal will have an adverse effect on threatened species or ecosystems; and
    - (iii) the extent to which the proposal for vegetation alteration or removal has taken into account relevant objectives and policies in Chapter [B7.2 Indigenous biodiversity](#), [B4. Natural heritage](#), [Chapter E15 Vegetation Management and biodiversity](#), [E18 Natural character of the coastal environment](#) and [E19 Natural features and natural landscapes in the coastal environment](#).
  - (b) hazard mitigation:
    - (i) the extent to which the vegetation serves to avoid or mitigate natural hazards and the amount of vegetation to be retained or enhanced;

- (ii) the extent to which the vegetation alteration or removal will increase natural hazard risks; and
  - (iii) whether the vegetation alteration or removal is necessary to mitigate an identified bushfire risk.
- (c) sediment, water quality and hydrology:
- (i) the extent to which vegetation alteration or removal will adversely affect soil conservation, water quality and the hydrological function of the catchment and measures to avoid remedy or mitigate any adverse effects.
- (d) landscape, natural features and natural character values:
- (i) the extent to which vegetation alteration or removal will have adverse effects on the values identified for scheduled outstanding natural landscape, outstanding natural features, outstanding natural character and high natural character areas; and
  - (ii) the extent to which vegetation alteration or removal adversely affects landscape, natural features and natural character values particularly on adjacent public space including the coast, reserves and walkways and measures to avoid, remedy or mitigate any adverse effects.
- (e) amenity values:
- (i) the extent to which the vegetation alteration or removal will have adverse effects on the amenity values of any adjacent open space including the coast, parks, reserves and walkways and measures to avoid, remedy or mitigate any adverse effects.
- (f) Use:
- (i) whether the vegetation alteration or removal is necessary to enable reasonable use of a site for a building platform and associated access, services and living areas, and existing activities on the site;
  - (ii) the extent to which the vegetation alteration removal is necessary taking into account the need for, or purpose of, the proposed building or structure;
  - (iii) the extent to which the vegetation alteration or removal is necessary to enable reasonable use of the site for farming purposes;
  - (iv) whether the vegetation alteration or removal will improve the reliance and security of the network utility, or road network;
  - (v) whether the vegetation alteration or removal is necessary for a structure that has a functional or operational need to be in the proposed location; and
  - (vi) the extent of the benefits derived from infrastructure and the road network.

(g) methods and location:

- (i) whether there are practicable alternative locations and methods including consideration of an application to infringe development control where this would result in retention and enhancement of vegetation on the site; and
- (ii) whether the effects from the alteration or removal of vegetation and land disturbance can be minimised through works being undertaken on an alternative location on the site, and/or method of undertaking the works.

(h) mitigation measures:

- (i) the extent to which revegetation can remedy or mitigate adverse effects, including eco-sourcing and the ongoing maintenance of revegetation measures.

(i) bonds and covenants:

- (i) whether conditions of consent can avoid remedy or mitigate adverse effects including the imposition of bonds, covenants or similar instruments.

(j) Mana Whenua values:

- (i) the extent to which any adverse effects on Mana Whenua values can be avoided, remedied or mitigated, and having regard to the objectives and policies in [E20 Māori Land](#) whether the proposed works are appropriate to provide for Mana Whenua, mātauranga and tikanga values.

(2) additional criteria for vegetation alteration or removal within an Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay on Māori land or Treaty Settlement Land for one marae per site and up to 30 dwellings and activities associated with a marae or papakāinga

(a) Location, mitigation and Mana Whenua values:

- (i) whether there are practicable alternative locations for the development on the site outside of an overlay;
- (ii) the extent to which vegetation alteration or clearance can be carried out in a way that reduces its impact on the values of an overlay; and
- (iii) whether the location of development is appropriate to provide for Mana Whenua, mātauranga and tikanga values.

(3) Vegetation alteration or removal of an SEA within a Quarry Zone

- (a) whether the proposed measures, including staging and rehabilitation, will minimise or mitigate significant adverse effects, partially offset residual adverse effects or provide for positive environmental benefits through:
- (i) actions undertaken in advance of vegetation removal;
  - (ii) areas of indigenous planting;
  - (iii) the ratio, quality and type of new indigenous planting in relation to the established vegetation to be removed;
  - (iv) the translocation of any indigenous plant and animal species;
  - (v) the opportunity to establish ecological linkages with existing vegetation and/or habitats;
  - (vi) ongoing programmes of weed and pest control; and
  - (vii) fencing and stock removal.
- (b) whether the proposed mitigation measures implement the 'no net loss principle'
- (c) whether the vegetation proposed to be removed forms part of an ecological corridor, or is adjacent to a watercourse and acts as a filter for sediment and water runoff, or protect threatened plants or animal species and whether the activity will significantly adversely affect these values
- (d) whether the scale or location of the activity will significantly affect water quality or quantity and the habitat value of waterways or wetlands
- (e) whether the activity is necessary to enable continued efficient operation of the mineral extraction site.

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**E15.9. Special information requirements**

There are no special information requirements.

## **E39. Subdivision – Rural**

### **E39.1. Introduction**

Subdivision is the process of dividing a site or a building into one or more additional sites or units, or changing an existing boundary location.

Objectives, policies and rules in this section apply to subdivision in the following zones:

- Rural – Rural Production Zone, Rural - Mixed Rural Zone, Rural - Rural Coastal Zone, Rural – Rural Conservation Zone and Rural – Countryside Living Zone;
- Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone;
- Future Urban Zone; and
- Special Purpose – Quarry Zone.

For subdivision provisions in all other zones refer to [E38 Subdivision – Urban](#).

### **E39.2. Objectives**

- (1) Land is subdivided to achieve the objectives of the zones, the relevant overlays and Auckland-wide provisions.
- (2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.
- (3) Land is vested to provide for esplanades, reserves, roads, stormwater, infrastructure and other purposes.
- (4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.
- (5) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (6) Subdivision has a layout which is safe, efficient, convenient and accessible.
- (7) Subdivision manages adverse effects on historic heritage or Māori cultural heritage.
- (8) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of the areas.
- (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 certain Rural – Countryside Living Zone areas.
- (10) Fragmentation of rural production land by:
  - (a) subdivision of land containing elite soil is avoided;
  - (b) subdivision of land containing prime soil is avoided where practicable; and



- (c) subdivision of land avoids inappropriate rural lifestyle lots dispersed throughout rural and coastal areas.
- (11) Subdivision avoids or minimises the opportunity for reverse sensitivity effects between agriculture, horticulture, mineral extraction activities, rural industry, infrastructure and rural lifestyle living opportunities.
- (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 minor dwellings and workers' accommodation from the parent site is avoided.
- (14) Subdivision is provided for, by either:
  - (a) Limited in-situ subdivision through the protection and enhancement of significant indigenous vegetation or wetlands and/or indigenous revegetation planting; or
  - (b) Transfer of titles to the Rural-Countryside Living Zone, through the protection and enhancement of indigenous vegetation and wetlands and/or through indigenous revegetation planting.
- (15) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of rural areas.
- (16) Rural subdivision avoids or minimises adverse effects in areas identified in the Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscape Overlay and Significant Ecological Areas Overlay.
- (17) Subdivision:
  - (a) outside of urban and serviced areas avoids adverse effects to people, property, infrastructure and the environment from natural hazards;
  - (b) avoids where possible, and otherwise mitigates, adverse effects associated with subdivision for infrastructure or existing urban land uses; and
  - (c) maintains the function of flood plains and overland flow paths to safely convey flood waters while taking into account the likely long term effects of climate change;

### **E39.3. Policies**

- (1) Provide for subdivision which supports the policies of the zones.
- (2) Require subdivision to manage the risk of adverse effects resulting from natural hazards in accordance with the objectives and policies in [E36 Natural hazards and flooding](#), and to provide safe and stable building platforms and vehicle access.

- (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 certain Rural – Countryside Living Zones.
- (4) Require subdivisions to be designed to retain, protect or enhance features including those in the Historic Heritage Places Overlay and Sites and Places of Significance to Mana Whenua Overlay, or otherwise remedy adverse effects.
- (5) Provide for subdivision around existing development and subdivision where it enables creation of sites for uses that are in accordance with an approved land use resource consent, where there is compliance with Auckland-wide and zone rules and appropriate provision is made for areas of common use.
- (6) Provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with Auckland-wide and zone rules.
- (7) Require any staged subdivision to be undertaken in a manner that promotes efficient development.
- (8) Avoid the fragmentation by subdivision of land containing elite soil and avoid where practicable fragmentation by subdivision of land containing prime soil.
- (9) Encourage the amalgamation of small fragmented land parcels identified in [Appendix 14 Land amalgamation incentivised area](#) through transferable rural site subdivision.
- (10) Require any proposal for rural lifestyle subdivision to demonstrate that any development will avoid or mitigate potential reverse sensitivity effects between it and any rural production activities, mineral extraction activities, rural industries and infrastructure.
- (11) Restrict 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/enhancement of significant indigenous vegetation and wetlands; or
  - (c) the site is created through indigenous revegetation planting.
- (12) Enable the transfer of titles to sites in the Rural – Countryside Living Zone which are identified using the subdivision variation control on the planning maps.

- (13) Manage reverse sensitivity conflicts between rural lifestyle living and countryside living and rural production activities by the design and layout of subdivisions and locations of identified building areas and house sites.
- (14) Avoid the subdivision of minor dwellings and workers' accommodation from the parent site in the rural areas.

*Protection of indigenous vegetation and wetland and revegetation planting*

- (15) Enable:
  - (a) Transfer of titles; and
  - (b) Limited in-situ subdivision through the protection of indigenous vegetation or wetlands identified in the Significant Ecological Areas Overlay or shown on Figure E39.4.2 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 and indigenous revegetation planting.
- (16) *[deleted]*
- (17) Require indigenous vegetation or wetland within a site being subdivided to be legally protected in perpetuity.
- (18) Provide limited opportunities for in-situ subdivision in rural areas while ensuring that:
  - (a) there will be significant environmental protection of indigenous vegetation including restoration, or wetlands;
  - (b) subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;
  - (c) subdivision avoids inappropriate development within areas of the Outstanding Natural Landscape Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay and the coastal environment;
  - (d) adverse effects on rural and coastal character are avoided, remedied or mitigated;
  - (e) sites are of sufficient size to absorb and manage adverse effects within the site; and
  - (f) reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production.
- (19) Avoid the subdivision of sites in the Quarry Buffer Area Overlay and in areas of significant mineral resources that would result in development that could compromise the operation of mineral extraction activities.

*Natural features and landscape*

- (20) Require subdivision, including site boundaries and specified building areas and access, to:
- (a) recognise topography including steep slopes, natural features, ridgelines, aspect, water supplies, and existing vegetation;
  - (b) avoid inappropriately located buildings and associated accessways including prominent locations as viewed from public places;
  - (c) avoid adverse effects on riparian margins and protected natural features; and
  - (d) avoid fragmentation of features and landscape in the Significant Ecological Areas Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscapes Overlay, Outstanding Natural Features Overlay or Sites and Places of Significance to Mana Whenua Overlay, or areas between sites.

*Esplanade Reserves and Strips*

- (21) Require esplanade reserves or strips when subdividing land adjoining the coast and other qualifying water-bodies.
- (22) Avoid reducing the width of esplanade reserves or strips, or the waiving of the requirement to provide an esplanade reserve or strip, except where any of the following apply:
- (a) safe public access and recreational use is already possible and can be maintained for the future;
  - (b) the maintenance and enhancement of the natural functioning and water quality of the adjoining sea, river or other water body will not be adversely affected;
  - (c) the land and water-based habitats on and adjoining the subject land area will not be adversely affected;
  - (d) the natural values, geological features and landscape features will not be adversely affected;
  - (e) any Scheduled Historic Heritage Places and Sites and Places of Significance to Mana Whenua will not be adversely affected;
  - (f) it can be demonstrated that the reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long-term effects of climate change;
  - (g) it can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural character and amenity of the coastal environment;

- (h) a reduced width in certain locations can be offset by an increase in width in other locations or areas, which would result in a positive public benefit in terms of access and recreation;
  - (i) restrictions on public access are necessary to ensure a level of security for business activities in limited circumstances having regard to Policy B8.4.2(3) relating to public access in the coastal marine area; or
  - (j) direct access to the sea or other water body is required for a business activity in limited circumstances.
- (23) Require esplanade reserves rather than esplanade strips unless any of the following apply:
- (a) land has limited conservation and recreational value;
  - (b) conservation and historic heritage values that are present can be adequately protected in private ownership;
  - (c) opportunity to acquire an esplanade reserve is unlikely to arise but continuity of access is desirable;
  - (d) creation of esplanade strips can secure public benefits and resource management objectives without alienating land from private ownership;
  - (e) land is subject to natural hazards or stability issues taking into account the likely long term effects of climate change; or
  - (f) a marginal strip of at least 20 metres under the Conservation Act 1987 has not been set aside on land that is Treaty Settlement Land.

#### *Amenity*

- (24) Require subdivision to avoid creating ribbon development along public roads or multiple access points that may adversely affect the character or amenity values or the adequate functioning of rural roads.
- (25) Require accessways, public walkways and roads to be designed so rural and coastal character and amenity values are maintained or enhanced.
- (26) Restrict the location and design of sites and specified building areas to:
- (a) integrate development with the existing landscape; and
  - (b) ensure the character and amenity values of adjacent sites and the locality are not adversely affected.
- (27) Require rural subdivision to avoid, remedy or mitigate adverse effects on the rural or coastal character and to complement the rural or coastal character of the area.

#### *Infrastructure*

- (28) Require infrastructure servicing rural subdivision to avoid, remedy or mitigate adverse effects on rural character and amenity.
- (29) Require all sites capable of containing a building, in areas where service connections are available to a public reticulated network, to be able to connect to the following networks:
- (a) wastewater;
  - (b) stormwater; and
  - (c) potable water.
- (30) Require all new sites capable of containing a building, in areas with no reticulated water supply, stormwater or wastewater network, to be of a size and shape that provides for:
- (a) the treatment and disposal of stormwater in a way that does not lead to significant adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding;
  - (b) management of wastewater via an on-site wastewater treatment system, or approval to connect to a private wastewater network; and
  - (c) potable water.
- (31) Require subdivision to manage stormwater:
- (a) in accordance with any approved stormwater discharge consent or network discharge consent;
  - (b) in a manner consistent with stormwater management policies in [E1 Water quality and integrated management](#);
  - (c) by applying an integrated stormwater management approach to the planning and design of development in accordance with stormwater management policies in [E1 Water quality and integrated management](#);
  - (d) to protect natural streams and maintain the conveyance function of overland flow paths;
  - (e) to maintain or progressively improve water quality;
  - (f) to integrate drainage reserves and infrastructure with surrounding development and public open space networks; and
  - (g) in an integrated and cost-effective way.
- (32) Manage subdivision and development to avoid, remedy or mitigate adverse effects on infrastructure including reverse sensitivity effects, which may compromise the operation and capacity of existing or authorised infrastructure.

- (33) Enable subdivision for network utility purposes while avoiding, remedying or mitigating the adverse effects.

#### **E39.4. Activity table**

Tables E39.4.1 to E39.4.5 specify the activity status of subdividing land pursuant to section 11 of the Resource Management Act 1991 within the following zones:

- Rural – Rural Production Zone,
- Rural - Mixed Rural Zone,
- Rural – Rural Coastal Zone,
- Rural – Rural Conservation Zone
- Rural – Countryside Living Zone;
- Rural – Waitākere Foothills Zone
- Rural – Waitākere Ranges Zone;
- Future Urban Zone; and
- Special Purpose – Quarry Zone.

For subdivision within the National Grid Corridor Overlay, the activity status for subdivision in the rural zones as listed in Tables E39.4.1 to E39.4.5 below will apply unless there are different provisions in [D26 National Grid Corridor Overlay](#) in which case the overlay provisions will take precedence.

For all other subdivision refer to [E38 Subdivision – Urban](#).

An activity listed in Table E39.4.1 Subdivision for specified purposes may only comprise a specific element of a subdivision activity. The other elements of a subdivision may also be listed in Tables E39.4.2 Subdivision in rural zones, E39.4.3 Subdivision in Future Urban Zone, E39.4.4 Subdivision in Special Purpose – Quarry Zone and E39.4.5 Subdivision in Rural - Waitākere Foothills Zone and Rural – Waitākere Ranges Zone.

Where a proposed subdivision activity fits into activities listed in Table E39.4.1 and those listed in Tables E39.4.2, E39.4.3, E39.4.4, or E39.4.5, then the activity status listed for each activity in each table also applies.

Refer to [D12 Waitākere Ranges Heritage Area Overlay](#) for areas and sites subject to specific subdivisions provisions in the Waitākere Ranges Heritage Area.

**Table E39.4.1 Subdivision for specified purposes**

<b>Activity</b>		<b>Activity status</b>
(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
(A2)	Subdivision for a network utility	P
(A3)	Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners	C
(A4)	Boundary adjustments not exceeding 10 per cent of the original site area and meeting Standard E39.6.3.2	C
(A5)	Subdivision establishing an esplanade reserve	RD
(A6)	Subdivision establishing an esplanade strip	D

(A7)	Any reduction or waiver of esplanade reserves or strips	D
(A8)	Subdivision of land within any of the following natural hazard areas: <ul style="list-style-type: none"> <li>• 1 per cent annual exceedance probability floodplain;</li> <li>• coastal storm inundation 1 per cent annual exceedance probability (AEP) area;</li> <li>• coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;</li> <li>• coastal erosion hazard area; or</li> <li>• land which may be subject to land instability.</li> </ul>	RD
(A9)	Any subdivision listed in this table not meeting standards in E39.6.1	D
(A10)	Boundary adjustments unable to comply with controlled activity rule and standards in E39.6.3.2 and E39.6.3	D

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

Activity		Activity status
(A11)	Subdivision for open spaces, reserves or road realignment	D
(A12)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone complying with Standard E39.6.5.1	D
(A13)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone not complying with Standard E39.6.5.1	NC
(A14)	Subdivision in the Rural – Countryside Living Zone complying with Standard E39.6.5.2	D
(A15)	Subdivision in the Rural – Countryside Living Zone not complying with Standard E39.6.5.2	NC
(A16)	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
(A17)	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
(A17A)	In-situ subdivision creating additional sites through protection of indigenous vegetation or freshwater wetland shown on Figure E39.4.2 up to a maximum of 6 sites from protection of indigenous vegetation and 2 sites from protection of freshwater wetland complying with Standards E39.6.4.4(2) to (12) (except that Standard E39.6.4.4(2B) does not apply) on land described as at 14 March 2018 as Lot 1	RD



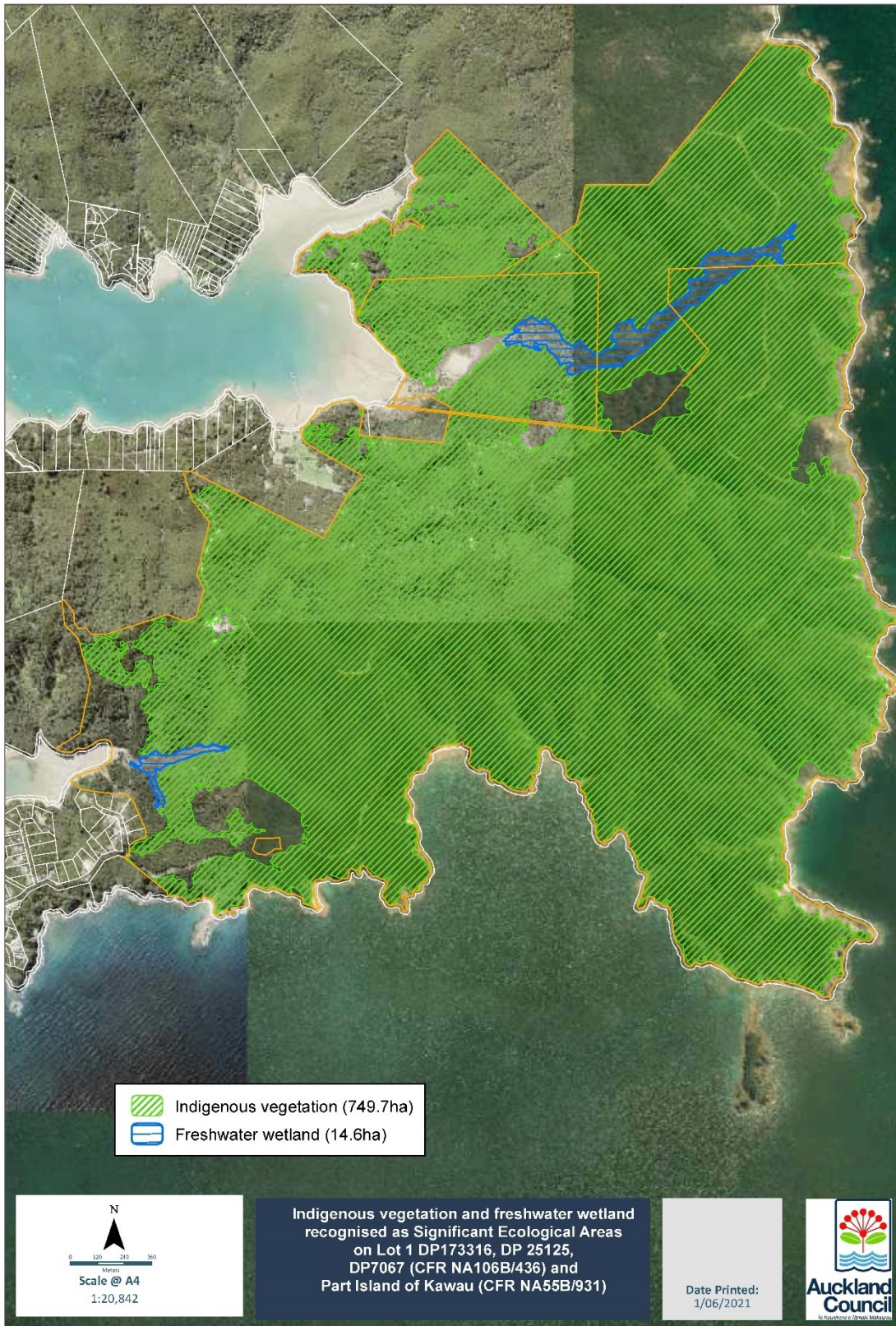
E39 Subdivision - Rural

	Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA 106B/436) and Part Island of Kawau (CFR NA55B/931).	
(A17B)	In-situ subdivision creating additional sites through protection of indigenous vegetation or freshwater wetland shown on Figure E39.4.2 on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA 106B/436) and Part Island of Kawau (CFR NA55B/931) not complying with Standards E39.6.4.4(2) to (12) (except that Standard E39.6.4.4(2B) does not apply).	NC
(A17C)	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
(A17D)	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
(A18)	In-situ subdivision creating additional sites through establishing revegetation planting and complying with Standard E39.6.4.5	RD
(A19)	In-situ subdivision creating additional sites through establishing revegetation planting not complying with Standard E39.6.4.5	NC
(A20)	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
(A21)	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
(A21A)	Transferable rural sites subdivision through protection of indigenous vegetation or freshwater wetland shown on Figure E39.4.2 up to a maximum of 76 sites from protection of indigenous vegetation and 6 sites from protection of freshwater wetland complying with Standard E39.6.4.6 (except that Standards E39.6.4.4(1) and E39.6.4.4(28) do not apply) on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA1068/436) and Part Island of Kawau (CFR NA558/931).	RD
(A21B)	Transferable rural sites subdivision through protection of indigenous vegetation or freshwater wetland shown on Figure E39.4.2 on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA1068/436) and Part Island of Kawau (CFR NA558/931) not complying with Standard E39.6.4.6 (except that Standards E39.6.4.4(1) and E39.6.4.4(2B) do not apply).	NC
(A21C)	Transferable rural sites subdivision through protection of	RD

E39 Subdivision - Rural

	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	
(A21D)	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
(A22)	Transferable rural sites subdivision through establishing revegetation planting complying with Standard E39.6.4.6	RD
(A23)	Transferable rural sites subdivision through establishing revegetative planting not complying with Standard E39.6.4.6	NC
(A24)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in <a href="#">Appendix 14 Land amalgamation incentivised area</a> complying with Standard E39.6.4.7	RD
(A25)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in <a href="#">Appendix 14 Land amalgamation incentivised area</a> not complying with Standard E39.6.4.7	NC
(A26)	Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A27)	Any other subdivision not provided for in Tables E39.4.1 or E39.4.2	NC

**Figure E39.4.2 Kawau Island Rural Subdivision Significant Ecological Areas**





**Table E39.4.3 Subdivision in Future Urban Zone**

Activity		Activity status
(A28)	Subdivision for open spaces, reserves or road realignment	D
(A29)	Any other subdivision not provided for in Table E39.4.1 or E39.4.3	NC

**Table E39.4.4 Subdivision in Special Purpose – Quarry Zone**

Activity		Activity status
(A30)	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
(A31)	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
(A32)	Subdivision in the Rural – Waitākere Foothills Zone creating site size less than 4ha in site area and not complying with Standard E39.6.3.2, unless otherwise provided for in <a href="#">D12 Waitākere Ranges Heritage Area Overlay</a>	D
(A33)	Subdivision in the Rural – Waitākere Ranges Zone creating a minimum net site area of 2ha and complying with Standard E39.6.5.3	D
(A34)	Subdivision in the Rural – Waitākere Ranges Zone not complying with Standard E39.6.5.3, unless otherwise provided for in <a href="#">D12 Waitākere Ranges Heritage Area Overlay</a>	Pr
(A35)	Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A36)	Subdivision in the Rural – Waitākere Foothills Zone or Rural – Waitākere Ranges Zone not otherwise provided for in Tables E39.4.1 and E39.4.5, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	NC
(A37)	<i>[deleted]</i>	

**E39.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E39.4.1 or Table E39.4.5 will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

- (2) Any application for resource consent for an activity listed in Tables E39.4.1 to E39.4.5 and which is not listed in E39.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

## **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 (except as otherwise provided in Standard E39.6.5.1(2)), 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 area must be clearly identified on every site on a subdivision scheme plan on which a building is to be constructed.
- (2) Where the site contains an existing dwelling at the time the subdivision application is made, the specified building area must include:
  - (a) the location of the existing dwelling;
  - (b) indicate that the dwelling will be removed from the site; or
  - (c) the new location of the existing dwelling that will be relocated.
- (3) The specified building area must meet all of the following:
  - (a) include a single area of at least 2,000m<sup>2</sup> clear of all of the following:
    - (i) all yards;
    - (ii) one per cent annual exceedance probability floodplain areas;
    - (iii) coastal storm inundation 1 per cent annual exceedance probability (AEP) area;
    - (iv) coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;
    - (v) coastal erosion hazard area;
    - (vi) land which may be subject to land instability;
    - (vii) access to all proposed building platforms or areas; and
    - (viii) on-site private infrastructure required to service the intended use of the site.

- (b) be able to be linked by adequate and appropriate vehicle access to a formed public road;
- (c) be identified as the only place within the site where dwellings, any accessory buildings, and related parking and manoeuvring areas can be located; and
- (d) be located outside of the Quarry Buffer Area Overlay.

#### **E39.6.1.2. Access and entrance strips**

- (1) All proposed sites must be provided with legal and physical access to a road, unless they meet one of the following:
  - (a) are being created for reserves, network utilities or road closure; or
  - (b) will be amalgamated with another site that already has legal and physical access to a road.

#### **E39.6.1.3. Services**

- (1) For all proposed sites capable of containing a building, or for cross-lease, unit title, strata title or company lease, each building must be designed and located so that provision is made for all of the following services:
  - (a) collection, treatment and disposal of stormwater;
  - (b) collection, treatment and disposal of wastewater;
  - (c) water supply;
  - (d) electricity supply; and
  - (e) telecommunications.
- (2) Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.

#### **E39.6.1.4. Staging**

- (1) Where a subdivision is to be carried out in stages, the applicant must provide adequate detail of the proposed timetable and sequencing of the staging at the time they apply for the overall subdivision consent. This detail must include all of the following:
  - (a) the time period over which the development is likely to take place;
  - (b) the areas of land subject to the proposed stages; and
  - (c) the balance area of the site remaining after the completion of each stage.

#### **E39.6.1.5. Overland flow paths**

- (1) All subdivision must be designed to incorporate overland flow paths existing on the site.
- (2) Stormwater must exit the site in a location that does not increase the risks of hazards to downstream properties.

#### **E39.6.1.6. Existing vegetation on the site**

- (1) All subdivision plans, excluding boundary adjustments subdivision plans, must show any of the following features that exist on, or on the boundary of, the land being subdivided:
  - (a) any areas identified as an Significant Ecological Area in the [D9 Significant Ecological Areas Overlay](#); or
  - (b) any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes.

#### **E39.6.2. Standards – permitted activities**

Subdivision listed as a permitted activity in Table E39.4.1 Subdivision for specified purposes must comply with the relevant standards in E39.6.1 General standards, and E39.6.2 Standards – permitted activities.

##### **E39.6.2.1. 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**

- (1) The subject building must be lawfully established.
- (2) The boundaries of the proposed sites must follow existing or proposed walls, ceilings and floors.
- (3) The scheme plan must show the proposed sites in relation to the exterior of the building and provide upper and lower elevations in terms of a datum to be established.
- (4) Each lease area must have either frontage to a legal road or allow for access through common areas to a legal road.

##### **E39.6.2.2. Subdivision for a network utility**

- (1) The network utility activity must meet one of the following:
  - (a) be a permitted activity pursuant to [E26 Infrastructure](#); or
  - (b) have all resource consents or notices of requirements approved.
- (2) A covenant or consent notice must be required to state that land that is no longer required for the network utility after it disestablishes, must be amalgamated with the adjoining land.
- (3) The balance sites must comply with the relevant overlays, Auckland-wide and zone standards, other than the minimum site size, unless resource consent has been granted for any infringements.

- (4) Sites must have access to a legal road through an appropriate legal mechanism.

### **E39.6.3. Standards - controlled activities**

Subdivision listed as a controlled activity in Table E39.4.1 Subdivision for specified purposes and Table E39.4.5 Subdivision in Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone must comply with the relevant standards in E39.6.1 General standards and in E39.6.3 Standards – controlled activities.

#### **E39.6.3.1. Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners**

- (1) All buildings must meet one of the following:
  - (a) have existing use rights;
  - (b) comply with the relevant overlays, Auckland-wide and zone standards;  
or
  - (c) be in accordance with an approved land use resource consent.
- (2) All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.
- (3) Subdivision consent affecting a building or any part of a building, any proposed covenant, unit or accessory unit boundary, must not result in any infringements of any relevant overlays, Auckland-wide and zone rules.
- (4) Parking spaces must not be created as principal units, unless provided for by a resource consent, and only created as accessory units or common areas when associated with an approved use or activity.
- (5) All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.

#### **E39.6.3.2. Boundary adjustments that do not exceed 10 per cent of the original site size**

- (1) All sites prior to the boundary adjustment must be contained within the same zone.
- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.
- (3) All sites must remain compliant with the applicable minimum site area and minimum average site area for the relevant zones.
- (4) Boundary adjustments must not result in the creation of additional titles.



- (5) If any boundary adjustment under this control creates the potential for additional subdivision creating additional sites or additional 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 and any further such subdivision or new dwellings under Rules in Chapters E39 and H19.

#### **E39.6.4. Standards – restricted discretionary activities**

Subdivision listed as a restricted discretionary activity in Table E39.4.1 Subdivision for specified purposes or Table E39.4.2 Subdivision in rural zones must comply with the relevant standards set out in E39.6.1 General standards and E39.6.4 Standards – restricted discretionary activities unless otherwise specified.

##### **E39.6.4.1. Subdivision establishing an esplanade reserve**

- (1) Any subdivision involving the creation of sites less than 4 hectare which adjoins the line of the mean high water springs, or the bank of a river or stream 3 metres or more in width, or any lake, must provide a minimum 20 metre wide esplanade reserve in accordance with section 230 of the Resource Management Act 1991. This must be shown on the application plan and the subsequent land transfer plan.
- (2) The esplanade reserve must be measured in a landward direction at 90 degrees to the line of mean high water springs, or the bank of a river, stream or the margin of any lake.
- (3) Standards E39.6.4.1(1) and (2) do not apply to the subdivision of Treaty Settlement Land where a marginal strip of at least 20 metres has been set aside under the Conservation Act 1987.

##### **E39.6.4.2. Subdivision of a site within the one per cent annual exceedance probability floodplain**

- (1) Each proposed site within the one per cent floodplain that is to contain a more vulnerable activity must meet one of the following:
  - (a) contain a specified building area that meets the requirements of Standard E39.6.1 General standards; or
  - (b) be in accordance with a land use consent that authorises development or building in the floodplain.

##### **E39.6.4.3. Subdivision of land in the coastal erosion hazard area; or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area**

- (1) Each proposed site on land in the coastal erosion hazard area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area must demonstrate that all of the relevant areas/features in (a) to (c) below are located outside of any land subject to coastal erosion or coastal storm inundation:

- (a) a specified building area that meets the requirements of Standard E39.6.1 General standards;
- (b) access to all proposed building platforms or areas; and
- (c) on-site private infrastructure required to service the intended use of the 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 or shown on Figure E39.4.2; and 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 Areas 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 shown on Figure E39.4.2; 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

**Table E39.6.4.4.1 Maximum number of new rural residential sites to be created from protection of indigenous vegetation or wetland either identified in Significant Ecological Areas Overlay or shown on Figure E39.4.2 or meeting the Significant Ecological Areas factors identified in Policy B7.2.2(1).**

FEATURE PROTECTED	TRANSFERABLE RURAL SITE SUBDIVISION (TRSS) YIELD		IN-SITU SUBDIVISION YIELD	
	AREA OF FEATURE PROTECTED	MAXIMUM NUMBER OF NEW SITES FOR TRSS	AREA OF FEATURE PROTECTED	MAXIMUM NUMBER OF NEW IN-SITU SITES
<b>INDIGENOUS VEGETATION</b>	2ha – 9.9999ha	1	4ha – 9.9999ha	1
	10ha-14.9999ha	2	10ha – 20ha	2
	15ha – 19.9999ha	3	Thereafter for every additional 10ha	+1 To a total of 12 maximum
	20ha – 30ha	4		
	Thereafter for every additional 10ha	+1 No maximum		
<b>WETLAND</b>	0.5ha – 0.9999ha	1	0.5ha – 1.9999ha	1
	1ha – 1.9999ha	2	2ha – 3.9999ha	2
	2ha – 3.9999ha	3	4ha and over	3 maximum
	4ha – 9ha	4		
	Thereafter for every additional 5ha	+1 No maximum		

**Note 1 for Table E39.6.4.4.1:**

Where indigenous vegetation is proposed to be protected using Table E39.6.4.4.1. the area of indigenous vegetation protected can consist of either indigenous vegetation identified in the Significant Ecological Areas Overlay or shown on Figure E39.4.2 or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) or a combination of both. Where a wetland is proposed to be protected using Table E39.6.4.4.1 the area of wetland can consist of either wetland identified in the Significant Ecological Areas Overlay or shown on Figure E39.4.2 or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) or a combination of both. For example, where the indigenous vegetation comprises 1 ha of indigenous vegetation identified in the Significant Ecological Areas Overlay and 1 ha meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) the 2ha area will be sufficient to generate one site for TRSS.

**Note 2 for Table E39.6.4.4.1:**

If Rules (A17A) or (A17B) are used to create in-situ sites through protection of indigenous vegetation or freshwater wetland, the number of in-situ sites created must be subtracted from the maximum number of sites that may be created for Transferable Rural Site Subdivision under Rules (A21A) or (A21B).

**Note 3 for Table E39.6.4.4.1:**

If Rules (A21A) or (A21B) are used to create Transferable Rural Site Subdivision through protection of indigenous vegetation or freshwater wetland, any number of sites created over 70 through the protection of indigenous vegetation or any number of sites created over 4 through the protection of freshwater wetland must be subtracted from the maximum number of in-situ sites that may be created under Rules (A17A) or (A17B).

- (2A) The maximum number of in-situ sites created through any combination of the protection of indigenous vegetation, wetland and established native revegetation planting under E39.6.4.4 and E39.6.4.5 must not exceed a cumulative total of 12 sites.
- (2B) Where a combination of TRSS and in-situ sites are proposed to be created in one subdivision application through the protection of indigenous vegetation (SEA) or wetland, the number of new sites for TRSS must be calculated first using the upper threshold of the area required by Table E39.6.4.4.1 for each TRSS site. The number of new in-situ sites shall then be calculated using the area required by Table E39.6.4.4.1 for each in-situ site. The cumulative maximum number of in-situ sites must not be exceeded.
- (3) A 20 metre buffer is to be applied to the perimeter of the wetland and included as part of the protected area.
- (4) The additional in-situ sites must be created on the same site as the indigenous vegetation 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 in-situ sites must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.
- (6) Any indigenous vegetation or wetland 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 revegetation planting as set out in [Appendix 15 Subdivision information and process](#) for further information;
  - (aa) 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;
  - (b) the plans required in E39.6.4.4(10)(a) 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 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 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 the indigenous vegetation or wetland must ensure that all invasive plant pests are eradicated; and
  - (c) the maintenance of the indigenous vegetation or wetland must ensure animal and plant pest control occurs.

**E39.6.4.5. In-situ subdivision creating additional sites through establishing 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;

- (c) be contiguous with existing indigenous vegetation or wetland identified in the Significant Ecological Area Overlay or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1); and
- (d) the criteria as set out in Appendix 15 Subdivision information and process and [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 or wetland identified in the Significant Ecological Area Overlay or meeting the Significant Ecological Areas factors identified in Policy B7.2.2(1)) subject to protection**

TRANSFERABLE RURAL SITE SUBDIVISION (TRSS) YIELD		IN-SITU SUBDIVISION YIELD	
ESTABLISHED AREA OF NATIVE REVEGETATION PLANTING PROTECTED	MAXIMUM NUMBER OF NEW SITES FOR TRSS	ESTABLISHED AREA OF NATOVE REVEGETATION PLANTING PROTECTED	MAXIMUM NUMBER OF NEW IN-SITU SITES
5ha – 9.9999ha	1	5ha – 9.9999ha	1
10ha – 14.9999ha	2	10ha – 14.9999ha	2
15ha – 19.9999ha	3	15ha and over	3 maximum
20ha – 24.9999ha	4		
Thereafter for every additional 5ha	+1 to maximum of 6		

- (2A) The maximum number of in-situ sites created through any combination of the protection of established native revegetation planting, indigenous vegetation and wetland under E39.6.4.4 and E39.6.4.5 must not exceed a cumulative total of 12 sites.
- (2B) Where a combination of TRSS and in-situ sites are proposed to be created in one subdivision application through the protection of established native revegetation planting, the number of new sites for TRSS must be calculated first using the upper threshold of the area required by Table E39.6.4.5.1 for each TRSS site. The number of new in-situ sites shall then be calculated using the area required by Table E39.6.4.5.1 for each in-situ site. The cumulative maximum number of in-situ sites must not be exceeded.
- (3) Any new in-situ 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 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 and buffer area remain protected in perpetuity. Refer to the legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in [Appendix 15 Subdivision information and process](#) for further information;
  - (b) a planting plan for revegetation planting which outlines the revegetation planting proposed to be carried out within or adjacent to the indigenous vegetation 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 reached 80 per cent canopy closure. 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;
  - (d) the maintenance of plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on-going basis to ensure adequate growth; and
  - (e) the maintenance of plantings must ensure animal and plant pest control occurs.
- (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 to be protected.

**E39.6.4.6. Transferable rural site subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Figure E39.4.2; 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 wetlands identified in the Significant Ecological Areas Overlay or shown on Figure E39.4.2 as set out in Standard E39.6.4.4; or
  - (aa) 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
  - (b) the creation of sites through establishing revegetation planting as set out in Standard E39.6.4.5.
- (2) *[deleted]*
- (3) A donor site (being the site with the indigenous vegetation, wetland or the revegetation planting to be protected) must not be the same site as a receiver site.
- (4) The receiver site must be located within a Rural – Countryside Living Zone and be identified as an eligible receiver site by the subdivision variation control on the planning maps.
- (5) Sites being subdivided must have a minimum net site area and average net site area that complies with the transferable rural sites subdivision in the Rural – Countryside Living Zone as set out in Table E39.6.5.2.1 Minimum and average net site areas.
- (6) The subdivision resource consent must be made subject to a condition requiring the subdivision plan creating the receiver site or sites to be deposited after, and not before, the protective covenant has been legally



registered against the title containing the covenanted indigenous vegetation or wetland as applicable.

**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 of donor sites, all applications for amalgamation of donor sites must meet the following:
  - (a) donor sites must be abutting;
  - (b) one of the two donor sites must not contain a dwelling unless the resulting amalgamated site is permitted by this Plan to have more than one dwelling;
  - (c) donor sites must be zoned either Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone or Rural - Rural Conservation Zone;
  - (d) the land must contain at least 90 per cent elite soil or prime soil. The applicant must provide a detailed Land Use Capability (LUC) soil assessment confirming that donor sites contain at least 90 per cent elite land or prime land. The assessment must be prepared by a suitably qualified and experienced person;
  - (e) each site must have a net site area of between 1 and 20 hectares;
  - (f) sites must have been in existence, or be shown on an approved scheme plan of subdivision; and
  - (g) sites must not comprise part or all of a closed road, road severance, or designation.
- (2) Following amalgamation of donor sites, all donor sites must meet all of the following:
  - (a) be held in a single certificate of title;
  - (b) rescinded in such a way that replacement titles cannot be reissued;
  - (c) made subject to a legal protection mechanism that states all of the following:
    - (i) the residential development rights attaching to the donor sites have been used to create a transferable rural sites subdivision under the Plan and must not accommodate any further residential development unless it is allowed as a permitted activity subject to the relevant zone rules or by the granting of a resource consent;

- (ii) the new site cannot be further subdivided other than by amalgamation with another qualifying site or by boundary adjustment; and
  - (iii) the new site has no further potential to be used for the purpose of a transferable rural sites subdivision.
- (3) Following amalgamation of donor sites, all receiver sites must meet all of the following:
- (a) be subdivided into no more sites than those permitted by Table E39.6.4.7.1 Maximum number of new sites for transfer from the amalgamation of sites;

**Table E39.6.4.7.1 Maximum number of new sites for transfer from the amalgamation of sites**

<b>Transferable rural sites subdivision by way of amalgamation</b>	
<b>Criteria</b>	<b>Maximum Number of new sites for transfer</b>
Amalgamation of two eligible donor sites as identified in <a href="#">Appendix 14 Land amalgamation incentivised area</a> and complying with Standard E39.6.4.7(1)	Two new sites for every two donor sites amalgamated
Amalgamation of two eligible donor sites outside the land amalgamation incentivised area and complying with Standard E39.6.4.7(1)	One new site for every two donor sites amalgamated

- (b) the donor site must not be the same site as a receiver site;
- (c) be located within sites zoned as Rural – Countryside Living Zone and be identified as an eligible receiver site by the Subdivision Variation Control on the planning maps;
- (d) have a minimum net site area complying with the minimum net site area and average net site area with transferable rural sites subdivision as set out in Table E39.6.5.2.1 Minimum and average net site areas;
- (e) be made subject to a condition of subdivision consent that requires the subdivision plan creating the receiver site or sites to be deposited after, and not before, the plan of subdivision for the amalgamation of donor sites has been deposited.

**E39.6.5. Standards – discretionary activities**

Subdivision listed as a discretionary activity in Table E39.4.2 and Table E39.4.5 must comply with the relevant standards in E39.6.1 General standards and E39.6.5 Standards – discretionary activities.

**E39.6.5.1. Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, and Rural – Rural Conservation Zone**

- (1) Subdivision in these rural zones must meet the minimum average site size and minimum site size requirement as set out in Table E39.6.5.1.1 Minimum average site size and minimum site size for subdivision.

**Table E39.6.5.1.1 Minimum average site size and minimum site size for subdivision**

<b>Zone</b>	<b>Minimum average site size (ha)</b>	<b>Minimum site size (ha)</b>
Rural – Rural Production	100	80
Rural – Mixed Rural	50	40
Rural – Rural Coastal	50	40
Rural – Rural Conservation	20	10

- (2) Subdivision of the land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931)
- (a) Is not required to comply with General Standards E39.6.1.1 to E39.6.1.5 where the subdivision resource consent is made subject to a legal mechanism to ensure no dwellings can be established on the new sites created (although this mechanism shall not affect the establishment of dwellings on the balance parent site):
- (b) Shall be deemed to meet the access requirements in Standards E39.6.1.1 (3)(b) and E39.6.1.2 if access by sea to the proposed sites is provided.

**E39.6.5.2. Subdivision in the Rural – Countryside Living Zone**

- (1) Subdivision in the Rural – Countryside Living Zone must meet all of the following:
- (a) proposed site sizes and average net site areas must comply with the minimum net site areas specified in Table E39.6.5.2.1 Minimum and average net site areas;
- (b) the average net site area of all sites following subdivision must be calculated per subdivision scheme plan, and no credits will be carried forward to future subdivision scheme plans;
- (c) the minimum frontage for all front sites must be 15 metres; and
- (d) the minimum frontage for rear sites must be 6 metres.

Transferable rural site subdivision receiver sites must be located in the Rural – Countryside Living Zone locations listed in Table E39.6.5.2.1 Minimum and

average net site areas and be identified as eligible receiver sites by the Subdivision Variation Control on the planning maps.

In this table, N/A means the transferable rural site subdivision mechanism is not provided for in that particular location.

**Table E39.6.5.2.1 Minimum and minimum average net site areas**

<b>Location of Rural – Countryside Living Zone</b>	<b>Minimum net site area and average net site area without transferable rural site subdivision</b>	<b>Minimum net site area and average net site area with transferable rural site subdivision</b>
Rural – Countryside Living Zone areas not identified below	Minimum: 2ha	N/A
Wellsford Kaukapakapa Helensville	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Warkworth	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Matakana Kumeu - Huapai Paremoremo - Albany Heights	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Algies Bay	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Puhoi Parakai	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Average: 1ha
Waimauku	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
South Rodney	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Whitford (excluding precinct and Caldwell's Road)	Minimum: 2ha Minimum average: 4ha	N/A
Whitford – Caldwell's Road	Minimum: 1ha Minimum average: 2ha	N/A
Papakura	Minimum: 1ha	N/A
Point Wells	Minimum: 5,000m <sup>2</sup> Minimum average: 7,500m <sup>2</sup>	N/A
Runciman	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Swanson (outside precinct)	Minimum: 4ha	N/A

Okura East	Minimum: 4ha	N/A
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### **E39.6.5.3. Subdivision in Rural – Waitākere Ranges Zone**

- (1) The average site size must be greater than 4 hectares.
- (2) The average site size must be calculated over the net site area of the site as it existed as of 14 October 1995.
- (3) The minimum net site area must be 2 hectares.
- (4) The subdivision must not create any new road.
- (5) Subdivision must not create development or establishment of buildings within land areas identified in the Significant Ecological Areas Overlay.

## **E39.7. Assessment – controlled activities**

### **E39.7.1. Matters of control**

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

- (1) all controlled activities:
  - (a) compliance with an approved resource consent except for boundary adjustment subdivision;
  - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;
  - (c) the effects of infrastructure provision; and
  - (d) the effects on historic heritage and cultural heritage items.

### **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 with an approved resource consent except for boundary adjustment subdivision:
    - (i) refer to Policy E39.3(6);
  - (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 which the design, size, shape, gradient and location of any site including access, existing buildings, manoeuvring areas and outdoor living space affect the safety of pedestrians and cyclists and other users of the space or access;
    - (ii) whether the sites created are able to accommodate development in accordance with the relevant Auckland-wide and zone rules; and

- (iii) refer to Policy E39.3(25), (26) and (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(28) and (32).
- (d) the effects on historic heritage and cultural heritage items;
  - (i) whether the protection or avoidance of any Scheduled Historic Heritage Place, or Site and Places of Significance to Mana Whenua is ensured; and
  - (ii) refer to Policy E39.3(4).
- (2) Subdivision in the Rural – Waitākere Foothills Zone:
  - (a) Policies E39.3(1), (4), (6), (10), (11), (13), (16), (17), (20), (25) and (28) – (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 within the 1 per cent annual exceedance probability floodplain:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events.
- (2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events.
- (3) subdivision of a site in the coastal erosion hazard area:
  - (a) the effects of the erosion on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion.
- (4) subdivision of sites subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:
  - (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use.
- (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.
- (6) in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Figure E39.4.2; 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) as set out in Standard E39.6.4.4; in-situ subdivision creating additional sites through establishing revegetation planting:
- (a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas, do not unnecessarily compromise other elements of rural character and amenity:
    - (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 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 site subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Figure E39.4.2; transferable rural site 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) as set out in Standard E39.6.4.4; or transferable rural sites subdivision through establishing revegetation planting:

- (a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas or shown on Figure E39.4.2, do not unnecessarily compromise other elements of rural character and amenity:
  - (i) the matters listed in E39.8.1(6)(a)(i) to (x);
  - (ii) the number and size of new sites created on the receiver sites and compliance with minimum and average net site areas in the Rural – Countryside Living Zone; and
  - (iii) the timing and co-ordination of the protection of indigenous vegetation, wetland and revegetation planting on donor site relative to the creation of new sites on the receiver site.
- (8) transferable rural site subdivision through the amalgamation of donor sites, including those sites identified in [Appendix 14 Land amalgamation incentivised area](#):
  - (a) effects associated with the below matters, having regard to the need to ensure the long term protection of elite soils and their availability for rural production purposes, without compromising other elements of rural character and amenity, or rural resources:
    - (i) the matters listed in E39.8.1(6)(a)(i) to (x);
    - (ii) the location and the soil qualities of the donor sites;
    - (iii) the degree to which new sites created from receiver sites comply with the Auckland-wide rules;
    - (iv) the suitability of the transferred sites for rural residential purposes having regard to the objectives, policies and rules for the Rural – Countryside Living Zone.

#### **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 within the one per cent annual exceedance probability floodplain and flood prone areas:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events:
    - (i) whether measures are proposed to ensure the long term protection of flood plain conveyance functions;
    - (ii) whether the location and design of development including building platforms and access ways are located to avoid the hazard;
    - (iii) the extent to which changes to the landform and the design of mitigation structures/features are necessary for the subdivision; and
    - (iv) refer to Policy E39.3(2).



- (2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events:
    - (i) whether the location and design of development including proposed and existing building platforms and access ways include the ability to relocate uses within the proposed site area;
    - (ii) whether the use of defences to protect the land and any buildings or structures on the land from coastal storm inundation are necessary;
    - (iii) whether there is any residual risk posed by coastal storm inundation to the site(s) associated with any existing or proposed coastal defences;
    - (iv) whether there are effects on landscape values resulting from associated built and/or land form modifications required to provide for the intended use of the site; and
    - (v) Policy E39.3(2).
- (3) subdivision of site in the coastal erosion hazard area:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:
    - (i) whether public access to the coast is affected;
    - (ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and
    - (iii) Policy E39.3(2).
- (4) subdivision of sites subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:
  - (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use:
    - (i) the extent to which the proposed sites are stable and suitable;
    - (ii) the extent to which the site instability will affect the intended use, including the provision for onsite infrastructure (where applicable) and accessways; and
    - (iii) Policy E39.3(2).
- (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), (21), (22) and (23).
- (6) in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Figure E39.4.2; 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) as set out in Standard E39.6.4.4; in-situ subdivision creating additional sites through establishing revegetation planting:
- (a) Policies E39.3(1), (15), (16), (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 or shown on Figure E39.4.2; 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) as set out in Standard E39.6.4.4; transferable rural sites subdivision through establishing revegetation planting:
- (a) Policies E39.3(1), (11), (12), (13), (15), (16), (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), (18) and (29) to (31).

### **E39.9. Special information requirements**

There are no special information requirements in this section.

## **H19. Rural zones**

### **H19.1 Background**

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

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

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

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

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

These areas are:

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

### **H19.2 Objectives and policies – all rural zones**

The following objectives and policies apply to all rural zones.

#### **H19.2.1. Objectives – general rural**

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

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

#### **H19.2.2. Policies – general rural**

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

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

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

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

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

PC 20 (See modifications)

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

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

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

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

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

### **H19.3 Rural – Rural Production Zone**

#### **H19.3.1. Zone description**

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

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

In the north, the zone is characterised by:

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

In the south, the zone is characterised by:

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

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

#### **H19.3.2. Objectives**

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

#### **H19.3.3. Policies**

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

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

#### **H19.4 Rural – Mixed Rural Zone**

##### **H19.4.1. Zone description**

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

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

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

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

##### **H19.4.2. Objectives**

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

##### **H19.4.3. Policies**

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



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

## **H19.5 Rural – Rural Coastal Zone**

### **H19.5.1. Zone description**

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

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

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

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

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

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

### **H19.5.2. Objectives**

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

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

### **H19.5.3. Policies**

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

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

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

##### **H19.5.4.1. Area Description**

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

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

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

#### **H19.5.4.2. Objectives**

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

#### **H19.5.4.3. Policies**

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

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

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

##### **H19.5.5.1. Area Description**

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

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

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

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

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

##### **H19.5.5.2. Objectives**

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

##### **H19.5.5.3. Policies**

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

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

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

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

##### **H19.5.6.1. Area description**

This area includes significant areas of Kaipara South Head, the Ōkahukura (Tāpora) Peninsula and the eastern coastal margins of the Kaipara Harbour. The area is characterised by a predominance of rural production activity, particularly pastoral farming activities and forestry and its significance to Māori. Long, high-energy beaches backed by sand dunes are located along the coast, terminating in the significant high dune landforms and Papakanui spit at South Kaipara Head. Flat coastal alluvial plains are a special landscape feature in the Kaipara Harbour catchment. These are backed by a convoluted coastline with rolling hills. This harbour is highly tidal with extensive areas of exposed intertidal flats and defined low tidal channels and occasional mangrove communities. The South Head area

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

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

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

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

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

#### **H19.5.6.2. Objectives**

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

#### **H19.5.6.3. Policies**

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

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

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

##### **H19.5.7.1. Area description**

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

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

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

##### **H19.5.7.2. Objectives**

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

##### **H19.5.7.3. Policies**

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

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

##### **H19.5.8.1. Area description**

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

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



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

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

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

#### **H19.5.8.2. Objectives**

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

#### **H19.5.8.3. Policies**

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

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

#### **H19.5.9.1. Area description**

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

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

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

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

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

#### **H19.5.9.2. Objectives**

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

#### **H19.5.9.3. Policies**

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

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

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

##### **H19.5.10.1. Area description**

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

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

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

##### **H19.5.10.2. Objectives**

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

### **H19.5.10.3. Policies**

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

## **H19.6 Rural – Rural Conservation Zone**

### **H19.6.1. Zone description**

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

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

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

### **H19.6.2. Objectives**

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

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

### H19.6.3. Policies

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

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

## H19.7 Rural – Countryside Living Zone

### H19.7.1. Zone description

This zone provides for rural lifestyle living in identified areas of rural land which are generally closer to urban Auckland or rural and coastal towns. There is a diversity of topography, land quality and landscape character within the zone which results in a diversity of site sizes. The zone is the receiver area for transferable rural site subdivision from other zones.

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

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

### H19.7.2. Objectives

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

### H19.7.3. Policies

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

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

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

### H19.8 Activity table

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

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

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

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

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

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

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

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

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

**Resource Management (National Environmental Standards for Freshwater) Regulations 2020**

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

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

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

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

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

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

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

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

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

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

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

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

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

### H19.9 Notification

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

### H19.10 Standards

- (1) All activities listed in tables H19.8.1 and H19.8.2 must comply with standards in H19.10.1.
- (2) In addition, all activities in tables H19.8.1 and H19.8.2 must comply with the relevant applicable standards in H19.10.2. to H19.10.16.

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[new text to be inserted]

#### H19.10.1. General

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

**H19.10.2. Building height**

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

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

**H19.10.3. Minimum yards setback requirement**

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

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

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

**Table H19.10.3.1 Minimum yards setback requirement**

Yard	Minimum depth in each zone				
	Rural Conservation	Countryside Living	Rural Coastal	Mixed Rural	Rural Production
Front yard	10m	10m	10m	10m	10m

## H19 Rural zones

Front yard of sites adjoining arterial roads as shown on the planning map (unless otherwise specified)	20m	20m	20m	20m	20m
Side or rear yard for buildings other than dwellings and their accessory buildings (unless otherwise specified)	12m	12m	12m	12m	12m
Side or rear yard for dwellings and their accessory buildings within a Quarry Buffer Area Overlay	20m	20m	20m	20m	20m
Side or rear yard of the site for dwellings and their accessory buildings (unless otherwise specified)	12m	12m	12m	12m	12m
Riparian yard	20m from the edge of permanent and intermittent streams				
Lake yard	30m				
Coastal protection yard or as otherwise specified for the site in <a href="#">Appendix 6 Coastal protection yard</a>	50m	40m	50m	50m	50m

### **H19.10.4. Buildings housing animals – minimum separation distance**

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

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

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

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

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

(a) intensive farming, intensive poultry farming, animal breeding or boarding, produce sales: 200m<sup>2</sup>; or

(b) on-site primary produce manufacturing: 500m<sup>2</sup>.

### **H19.10.6. Free-range poultry farming**

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

### **H19.10.7. Forestry**

The following standards apply to forestry:

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

### **H19.10.8. Animal breeding or boarding**

The following standards apply to animal breeding or boarding:

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

### **H19.10.9. Produce sales**

The following standards apply to produce sales:

- (1) Produce sales must not be carried out on any part of the road reserve and the site must not have its vehicle access from a State Highway or motorway;
- (2) The area set aside on the site for displaying and produce sales must not exceed:
  - (a) 30m<sup>2</sup> per site where the site is not located in the Rural – Countryside Living Zone; or
  - (b) 15m<sup>2</sup> per site in the Rural – Countryside Living Zone;



- (3) The type of produce offered for sale on the site must be confined to the following:
  - (a) fruit, vegetables, plants, eggs, flowers, honey, dairy products, meat, wine, juices;
  - (b) produce or products from on-site primary produce manufacturing; or
  - (c) handcrafts made on the site;
- (4) Produce that is not grown or produced on the site or on a site owned by the same landholder must not be sold or offered for sale; and,
- (5) The area set aside for produce sale (comprising any land, buildings, parts of a building, tables, tractors, barrows, platforms, boxes or any other structure or vehicle used for that purpose), must not exceed 100m<sup>2</sup> of the site area.

#### **H19.10.10. Dwellings**

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

#### **H19.10.11. Minor dwelling**

The following standards apply to minor dwellings:

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

#### **H19.10.12. Workers' accommodation**

The following standards apply to workers' accommodation

- (1) Workers' accommodation must comply with all of the following:
  - (a) no more than one workers' accommodation building per site;
  - (b) comply with all the relevant yards setback requirement, and height standards for buildings in the applicable zone as set out in standards H19.10.2 and H19.10.3;
  - (c) be located on a site equal to or greater than 5ha and less than 40ha;
  - (d) have a floor area equal to or less than 120m<sup>2</sup> excluding decks and garaging. The floor area may include a dormitory or equivalent;

- (e) only have a single kitchen facility; and
- (f) may accommodate a number of seasonal workers.

#### **H19.10.13. Home occupations**

The following standards apply to home occupations:

- (1) At least one person engaged in the home occupation must use the dwelling on the site as their principal place of residence;
- (2) No more than two people who do not use the dwelling as their principal place of residence may work in the home occupation, and no more than 10 guests may be accommodated within an existing dwelling;
- (3) Except for homestay accommodation, customers and deliveries must not arrive before 7am or after 7pm daily;
- (4) Vehicle movements to and from the home occupation activity must not exceed 20 per day;
- (5) Heavy vehicle trips must not exceed two per week;
- (6) No more than one commercial vehicle associated with the home occupation may be on site at any one time;
- (7) At least one additional car parking space must be provided in addition to any car parking required for the dwelling except where the following apply:
  - (a) there are no employees of the home occupation who do not use the dwelling as their primary place of residence; or
  - (b) the home occupation does not involve the sale of goods from the site apart from those purchased by mail, telephone or the internet;
- (8) Storage for rubbish and recycling must be provided on site and screened from public view;
- (9) Materials or goods manufactured, serviced or repaired as part of the home occupation activity must be stored within a building on the same site; and,
- (10) Goods sold from the home occupation site must comply with the Standard H19.10.9 Produce sales.

#### **H19.10.14. Markets**

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

#### **H19.10.15. Quarries - farm or forestry**

- (1) Quarries - farm or forestry must not be located closer than:
  - (a) 50m from the edge of a lake, river or stream;
  - (b) 50m from the edge of or a wetland larger than 1,000m<sup>2</sup>;
  - (c) 100m either side of a foredune; or
  - (d) 100m landward of the coastal marine area.

#### **H19.10.16. Mineral prospecting and mineral exploration**

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

PC 54 (see  
Modifications)

[new text to be inserted]

#### **H19.11 Assessment – controlled activities**

##### **H19.11.1. Matters of Control**

There are no controlled activities in this section.

##### **H19.11.2. Assessment Criteria**

There are no controlled activities in this section.

#### **H19.12 Assessment – restricted discretionary activities**

##### **H19.12.1. Matters of discretion**

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

- (1) all restricted discretionary activities and their buildings (including accessory buildings):
  - (a) effects on rural character and amenity values of the neighbourhood;
  - (b) effects of noise on the amenity values of the neighbourhood;
  - (c) effects of traffic volume on the safety of and convenience of other road users;
  - (d) effects of stormwater management;
  - (e) effects on land containing elite soil or prime soil for rural production activities; and

- (f) effects on areas identified in the Outstanding Natural Landscapes, Outstanding Natural Character and High Natural Character Areas overlays.
- (2) one dwelling per site and accessory buildings in the Rural Coastal Zone – Te Arai-Pakiri, Whangateau to Waiwera, Kaipara South Head and harbour to Muriwai-Te Henga coastal areas:
- (a) matters for all restricted discretionary activities;
  - (b) the effects of the site layout and building design on the rural coastal character of the area and the amenity values of surrounding properties; and,
  - (c) the effects of the development including any landform modification on the landscape values of the neighbourhood the effect on areas identified in the Outstanding Natural Landscapes, Outstanding Natural Character and High Natural Character areas overlays.
- (3) minor dwellings:
- (a) matters for all restricted discretionary activities;
  - (b) effects of building siting and access on landscape, rural character and amenity values;
  - (c) the cumulative effects of additional development on the site;
  - (d) the adequacy of access to the dwelling; and
  - (e) proximity to the principal dwelling on the site.
- (4) workers' accommodation:
- (a) matters for all restricted discretionary activities;
  - (b) the effects of building siting, and access on landscape and rural character; and
  - (c) the cumulative effects of additional development on the site.
- (5) infringement of Standard H19.10.2 Building height:
- (a) the effects on rural character; and
  - (b) impacts on dwellings on adjoining sites.
- (6) infringement of Standard H19.10.4 Buildings housing animals – minimum separation distance:
- (a) the effects on rural character;
  - (b) impacts on dwellings on adjoining sites; and

- (c) natural hazards.

PC 54 (see  
Modifications)

[new text to be inserted]

#### **H19.12.2. Assessment criteria**

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

- (1) all restricted discretionary activity and their accessory buildings:
  - (a) whether the design and location of the buildings, and site landscaping, avoid, remedy, or mitigate the adverse visual effects of the buildings and related site works on rural and rural coastal character and amenity values including where the proposal is within or adjacent to any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character areas. The following are relevant:
    - (i) building bulk;
    - (ii) glare or reflections off the exterior cladding;
    - (iii) landform modification needed for building platforms;
    - (iv) screening from neighbouring sites;
    - (v) views of the buildings from any public road or open space used for recreation, including any beach, coastal marine area, coastline, or regional park; and
    - (vi) related signage.
  - (b) whether noise from fans, ventilators, heaters, or other machines, or from on-site activities can be adequately mitigated;
  - (c) whether the design and location of the buildings, and the associated traffic avoid, remedy or mitigate adverse effects on the road network or traffic safety;
  - (d) whether the control, treatment, storage, or disposal of stormwater can be adequately managed;
  - (e) if the site contains elite soils whether the proposed buildings, structures, or site development prevent or compromise its availability or use for activities that directly rely on it;
  - (f) if the site contains prime soils, whether the proposed buildings, structures, or site development can be relocated so as not prevent or compromise its availability or use for activities that directly rely on it; and
  - (g) for fire stations, the extent to which functional requirements and the benefits that having the emergency services in the location are to be taken into account.

- (2) one dwelling per site and its accessory buildings in the Rural Coastal Zone – Te Arai-Pakiri, Whangateau to Waiwera, Kaipara South Head and harbour to Muriwai-Te Heunga coastal areas:
- (a) whether all buildings are sited and designed so they do not visually intrude on any significant ridgeline or skyline or adversely affect landscape values when viewed from any road or other public land including any beach, the sea or regional park;
  - (b) whether building finishes including colours and materials complement the rural and rural coastal character of the surrounding environment. This criterion would be satisfied if the exterior finish of the building or structure has a reflectance value of, or less than, 30 per cent as defined within the BS5252 standard colour palette;
  - (c) whether the siting of buildings and accessory buildings contribute to the rural and rural coastal character of the surrounding environment by responding to natural landforms, landscape features, including where the proposal is within or adjacent to any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character overlays;
  - (d) whether the development requires extensive landform modification; and
  - (e) whether existing trees and bush that make a significant contribution to the visual and environmental qualities of the site are retained to the fullest extent practicable.
- (3) minor dwellings and their accessory buildings:
- (a) whether the design and location of the buildings, access and site works avoid, remedy, or mitigate the adverse visual effects on rural and rural coastal character and amenity values including where the proposal is within or adjacent to any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character overlays including:
    - (i) building bulk;
    - (ii) glare or reflections off the exterior cladding;
    - (iii) landform modification needed for building platforms;
    - (iv) screening from neighbouring sites; and
    - (v) the cumulative effects of built development on the site.
  - (b) whether the minor dwelling is in close proximity to the principal dwelling so that the inhabitants remain close to one another and the buildings are not dispersed over a rural site.
- (4) workers' accommodation:
- (a) whether the design and location of the buildings, access and site works avoid, remedy, or mitigate the adverse visual effects on rural and rural

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

- (i) building bulk;
  - (ii) glare or reflections off the exterior cladding;
  - (iii) landform modification needed for building platforms;
  - (iv) screening from neighbouring sites; and
  - (v) the cumulative effects of built development on the site.
- (b) whether the applicant can demonstrate that a separate dwelling is required on the site for the purpose of accommodating workers engaged on the site or in the surrounding rural area and that it would be impracticable to provide the accommodation as a permitted buildings such as a sleep-out, existing minor dwelling or an extension to an existing dwelling on the site.
- (5) infringement of Standard H19.10.2 Building height:
- (a) whether the proposed height and scale of the building adversely affect the rural character of a site;
  - (b) whether the proposed height and location of buildings adversely affect the visual character of adjacent sites; and
  - (c) whether the proposed height and scale of the building adversely affect amenity values of neighbouring sites by reducing privacy or sunlight access.
- (6) infringement of Standard H19.10.4 Buildings housing animals – minimum separation distance:
- (a) whether the proposed height and scale of the building adversely affects the rural character of a site;
  - (b) whether the proposed height and location of buildings adversely affects the visual character of adjacent sites;
  - (c) whether the proposed height and scale of the building adversely affect amenity values of neighbouring sites by reducing privacy or sunlight access; and
  - (d) whether the proposed building exacerbates or creates a natural hazard or nuisance for neighbouring properties.

### **H19.13 Special information requirements**

There are no special information requirements in this section.