

# Proposed Plan Change - Rural Activity Status

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to the Auckland Unitary Plan (Operative in  
part)

**SECTION 32  
EVALUATION REPORT**

DRAFT FOR CONSULTATION

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## Executive Summary

The Auckland Unitary Plan ('Unitary Plan') became operative in part on 15 November 2016. Since then it has become apparent that the Unitary Plan is not be positioned appropriately to address the issue of how to manage activities which are not anticipated in rural zones.

Currently, Rural zones activities not provided for in the activity table (H19.8.1) are covered by Chapter C "General Rules" which makes such activities Discretionary. This status of activity for out of zone activities is at odds with Regional Policy Statement (RPS) policy which seeks to protect finite elite soils and apply a high degree of management to prime soils important to rural production activities.

This status is also at odds with managing cumulative adverse effects on coastal and rural character and amenity; being something which the RPS signals is to be at least maintained. Furthermore, a discretionary activity status for activities not associated with rural production in rural zones does not adequately support RPS policy associated with promoting a compact urban form and has the potential to undermine specific zones established to provide for intensive residential activities, industry and commercial activities.

The policy framework for rural zones at the district plan level supports the policy direction at the RPS level by placing a strong emphasis on rural zones being primarily for rural production purposes, as against being a second best possible location for activities which might successfully locate in other specific zones provided for their purpose.

It is considered that better alignment between RPS policy and the activity status for unanticipated activities in rural zones can be achieved by both:

1. Adding to the rural activity tables the statement "Any activity not provided for" and making its activity status Non-complying'
2. amending references to "residential buildings" in the Rural chapter to "dwellings".

These amendments are the most efficient and effective option to achieve the objectives and policies of the Regional Policy Statement and the Rural zones.

## Introduction

This report is prepared as part of the evaluation required by Section 32 of the Resource Management Act 1991 ('the Act') for proposed Plan Change X (**PPCX**) to the Auckland Unitary Plan (Operative in Part) (**AUP**).

### Section 32 Evaluation

Section 32 of the Act requires that before adopting any objective, policy, rule or other method, the Council shall carry out an evaluation to examine:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act, and
- Whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objective.

The evaluation must also consider:

- The benefits and costs of policies, rules, or other methods; and
- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

### The evaluation approach

This section outlines how PCXX has been evaluated. The rest of this report will follow the evaluation approach described in the table below. In accordance with section 32(6) of the RMA and for the purposes of this report:

- i. the 'proposal' means the plan change;
- ii. the 'objectives' means the amendment of the activity status of activities not listed in the Rural activity table and the clarification of the references to "residential" activities and
- iii. the 'provisions' means the amendments to the objectives, policies and rules.

Sections of this report	Evaluation Approach
<b>Section 2: Issues</b>	This part of the report will explain the resource management issues and why there is a need to resolve them.
<b>Section 3: Objectives</b>	This part of the report will outline the purpose of PCXX.
<b>Section 4: The development and evaluation of options</b>	In accordance with section 32(1)(b) and (2) of the RMA, this section examines whether the options appropriately achieve the objectives of the AUP and the sustainable management purpose of the RMA. The options are assessed by their efficiency and effectiveness, costs, benefits and risks to resolve the RMA issue.

<b>Section 5: Reasons for the proposed plan change</b>	In accordance with subsections 32(1)(a) and (1)(b)(iii) of the RMA, this part of the report examines the extent to which the objectives of the proposal (PCXX) are the most appropriate way to achieve the purpose of the RMA. This section outlines the reasons for PCX and the scope of PCXX.
<b>Section 6: Statutory evaluation</b>	This part of the report evaluates the relevance of PCXX to Part 2 (sections 5-8) and other relevant parts / sections of the RMA.
<b>Section 7: National and local planning context</b>	This part of the report evaluates the relevance of PCXX against the national and local planning context.
<b>Section 8: Development of the plan change</b>	This part of the report outlines the methodology and development of PCXX, including the information used and consultation undertaken in preparing PCXX. This section includes a summary of all advice received from iwi authorities on PCXX (as required by section 32(4)(a) of the RMA).
<b>Section 9: Evaluation of provisions</b>	This part of the report outlines the evaluation conducted on individual issues contained within PCXX.
<b>Section 10: Conclusion</b>	This part of the report concludes that PCXX is the most efficient, effective and appropriate means of addressing the resource management issues identified.

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## Section 2 - Issues

### 1. Introduction

The Auckland Unitary Plan ('Unitary Plan') became operative in part on 15 November 2016. It has become clear since this time that the Unitary Plan is not positioned appropriately to manage activities not provided for in rural zones.

### 2. Issues / problem definition

The issue at the centre of this proposed plan change is how to manage activities which are not provided for in rural zones. The next part of this section 32 analysis considers the relevant policy context of the Unitary Plan as it relates to the rural zones. The full identification of Unitary Plan policy relevant to this plan change is to be found in Attachment 1.

#### Regional Policy Statement

##### a) Rural Activities

At the Regional Policy Statement (RPS) level any rural activities are to ensure that land containing elite soil is protected from inappropriate subdivision, urban use and development. This policy directive also applies in general to rural areas outside the Rural Urban Boundary (RUB) and coastal towns and villages. Furthermore, rural character and amenity is to be maintained in these locations.

The RPS anticipates environmental results that include land containing elite soil capable of rural production activities being excluded from development for non-rural activities, and that no additional sites will be created for non-rural production purposes over time.

##### b) Land with High Productive Potential

The RPS policy direction in terms of land with high productive potential is to protect land containing elite soils and maintain its accessibility for primary production. In the case of land containing prime soils this is to be managed to enable its accessibility for primary production. Any land with productive potential is also to be recognised in resource management decision making.

Again, as in the case of rural activities, the RPS anticipates an environmental result that no additional sites will be created for non-rural production purposes on land with elite soils over time.

##### c) Urban Growth & Form

The RPS policy direction for urban growth and form is a quality compact urban form that results in: better use of existing infrastructure; effective public transport; better maintenance of rural character and productivity; and reduced adverse environmental effects.

The RPS directs that urban growth is primarily within the urban area and that sufficient development capacity is provided for residential, commercial and industrial growth.

Urbanisation is to be contained within the RUB, towns and rural and coastal villages and is to be integrated with the provision of appropriate infrastructure.

The RPS anticipates environmental results which include available and suitably zoned land for commercial, industrial and social facility development. Similarly, it is anticipated that large scale residential and business development will only occur in urban zones.

d) Residential Growth

The RPS policy direction for residential growth is that residential intensification supports a quality compact urban form and that this primarily occurs on land within and adjacent to centres and corridors or near public transport and social facilities or employment opportunities.

The RPS anticipates an environmental result where housing intensification occurs in urban residential zones.

e) Commercial & Industrial Growth

The RPS policy direction is that commercial growth and industrial activities are primarily focussed within a hierarchy of centres and identified growth corridors that support a compact urban form.

The anticipated environmental result for commercial and industrial activities is that there be appropriate and increasing areas of land specifically zoned for these land uses.

f) Rural & Coastal Towns and Villages

The RPS at the policy level directs the growth and development of existing or new rural and coastal towns and villages to avoid elite soils and avoid where practicable prime soils which are significant for their ability to sustain food production.

The anticipated environmental result is that no rural land containing elite soil which is capable of supporting rural production activities is developed for non-rural activities.

**District Plan**

g) At the District Plan (DP) policy level the general rural and rural character, amenity and biodiversity objectives support the RPS direction in terms of maintaining rural character and amenity and protecting elite soil and managing prime soil for rural production. In addition, the DP requires rural lifestyle development to avoid the fragmentation of productive land.

DP objectives related to rural industries, rural commercial services and non-residential activities require the character, intensity and scale of rural industries and services to be in keeping with the character of the relevant zone. The DP policy direction is that industries, services and non-residential activities of an urban type and scale unrelated to rural production activities not be located in rural zones.

### **District Plan Zones**

- h) The Rural Production zone policy direction is to ensure that the productive capability of the land is maintained and protected from inappropriate subdivision, use and development.
- i) The Mixed Rural zone policy direction is to promote rural production and non-residential activities and maintain rural character and amenity values. Some rural lifestyle land use is anticipated but not at the expense of rural production and non-residential activities.
- j) The policy direction of the Rural Coastal zone is to enable rural production activities, recreational and local non-residential services, and manage adverse effects on rural and coastal character and amenity values, landscape, biodiversity and Mana Whenua cultural heritage values. Rural lifestyle opportunities are limited in this zone.
- k) The Rural Conservation zone is very limited in terms of the activities which it promotes. The policy direction of this zone is to maintain and enhance existing environmental values, and largely provide for the zone's existing range of activities.
- l) The Rural Countryside Living zone is established to provide for rural lifestyle living and small-scale rural production. The type and nature of land use activities provided for are restricted to those appropriate for smaller site sizes.

### **3. Resource Consent Outcomes**

A number of resource consents addressing activities not provided for in the rural zone activity table have been processed since the Auckland Unitary Plan became operative in part in 2016. The resource consent process has delivered, in a number of instances, outcomes not anticipated or contemplated in the rural zones. Specific examples with details are referred to in Section 5 of this report under the sub-heading "The current potential for inappropriate activities to establish in rural zones." The following paragraphs however, provide a general overview of the extent of non-rural production based activities consented over the last 2 years.

An analysis of land use activities applied for by way of resource consent since 2016 indicates that rural zones in the Auckland region are experiencing an increased number of applications primarily designed to establish additional dwellings, minor household units and minor dwellings in rural areas.

Other activities which have sought to establish in rural zones include intensive aged care facilities. At Riverhead a new intensive aged care facility was applied for in the Rural Countryside Living Zone (see section 5 of this report for more detail). Extending existing facilities has also occurred and an existing facility located in the Mixed Rural Zone at Kumeu, for example, applied to intensify its operations by

adding additional capacity for a further 15 residents. There is evidence that such activities are prepared to locate and consider rural zones as a place to establish outside of the Rural Urban boundary.

Applications have been received for non-productive activities such as visitor accommodation and community activities such as art galleries in the Rural Production Zone. An application was received near Pukekohe for such a facility. Other applications for purely visitor accommodation were received at Te Arai and Matakana. At Mahurangi on land zoned Rural Coastal consent was granted for a facility for exercise classes, day retreats and visitor accommodation. At Buckleton Beach on land zoned Rural Coastal resource consent was granted for a cooking school as a discretionary activity. At Snells Beach on land zoned Rural Countryside Living consent was granted for new visitors' accommodation within a significant ecological area. At Waitoki consent was granted for a wedding and function venue with chalets for visitor accommodation on land zoned Rural Production. Currently, all of these applications regardless of scale/nature are assessed as discretionary activities, as this is the default position set in Chapter C of the AUP.

Other examples of discretionary activities applied for include a small scale dental surgery in the mixed rural zone at Ardmore, and 4 commercial units near Pukekohe.

There is evidence that industrial activities have in some cases incentives to locate in rural zones rather than industrial zones. A storage and lockup facility was approved in Brookby as a discretionary activity on land zoned Mixed Rural. At Drury on land zoned Mixed Rural an application for resource consent was processed retrospectively for a motor storage facility as a discretionary activity. The current default status of discretionary activity therefore enables a very wide scope of activities to establish in the rural zone, many of which appear to have tenuous links or a marginal need to locate on rural production land. In the period since 2016, in the rural zones there have been 183 discretionary activity resource consents granted while none have been declined.

## Section 3 – Purpose of the Plan Change

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

## Section 4 - Development of Options

### Description of options

1. Option 1 - Do Nothing  
This option means retaining the status quo where activities not listed in the activity table are Discretionary Activities under Chapter C General Rules, C1.7 Activities not provided for.
2. Option 2 – Add “Activities not provided for” as Non-complying activities to the Rural Activity Table, Table H19.8.1 as follows: This option would mean that any activity not currently listed in the activity table (Table H19.8.1) for rural zones would default to a non-complying activity. The proposed amendment to table H19.8.1 follows.

**Table H19.8.1 Activity Table – use and development**

Activity		Activity Status				
		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
<b>Use</b>						
<u>(A79)</u>	<u>Activities not provided for</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
<b>Rural</b>						

- 3) Option 3 - Clearer and more specific policy to guide decision making for Discretionary activities

This option would involve writing additional policy or amending existing policy to assist decision-makers when considering applications for discretionary activities which were not currently listed in table H19.8.1.

- 4) Option 4 - Use greater education for decision-makers and resource users

This option would require resources to be allocated to the ongoing education of decision-makers so that greater certainty of outcome was achieved regarding activities not currently provided for in rural zones.

- 5) Option 5 - Reconsider how residential activities are treated in rural zones by either:
- (i) Changing references in the relevant zone descriptions, objectives and policies from “residential buildings” to “dwellings”; or  
(This option changes all the references to “residential buildings” to “dwellings”.)
  - (ii) Delete the last part of the sentence in 19.2.4 Policies, Policy 1(b) which refers to “residential buildings” as follows:  
  
*.....fewer buildings of an urban scale, nature and design, other than residential buildings accessory to farming; and...or;*
  - (iii) In Chapter J Definitions J1.3 Nesting Tables, the nesting table for “residential”, add an exception to the effect that in the Rural zones the term only applies to “dwellings” as shown below:

*Chapter J Definitions J1.3 Nesting Tables - Table J1.3.5 Residential, except in Chapter 19 Rural zones where “residential” shall mean residential dwellings only.*

<i>Dwellings</i>	
<i>Home occupations</i>	
<i>Visitor accommodation</i>	
<i>Camping grounds</i>	
<i>Boarding houses</i>	<i>Student accommodation</i>
<i>Integrated residential development</i>	
<i>Retirement village</i>	
<i>Supported residential care</i>	

## Evaluation of options

In accordance with section 32(1)(b) and (2) of the RMA, this section examines whether the options appropriately achieve the objectives of the AUP and the sustainable management purpose of the RMA. The options are assessed by their efficiency and effectiveness, costs, benefits and risks to resolve the RMA issue. The full details of this analysis are provided in attachment A2. A summary of this analysis follows.

Option 1 Do Nothing

This option is not supported as the current state has the potential to result in unanticipated activities being consented in the rural zones which will produce cumulative adverse effects on rural character and amenity and undermine RPS objectives and policies to protect elite soils and where practicable prime soils. The do-nothing option also thwarts attempts to achieve a compact urban growth form and establish residential, industrial and commercial activities in specific zones. It also cuts across strong policy direction in rural zones to give rural production activities primacy.

#### Option 2 Introduce a Non-complying activity status

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

#### Option 3 New or amended policy for discretionary activities

This option is not supported. It is not possible to anticipate every out of zone activity which could wish to establish in rural zones. Many of the possible activities which could establish would not be aligned to policy contained in the RPS and DP. Specific zones are in place and seek to provide for the full range of residential, commercial and industrial activities which exist currently or might wish to be developed over time. Rural zones have a rural production focus and many of the possible out of zone activities do not have this same character, intensity and scale making them at odds with the primary function of rural areas.

#### Option 4 Education

This option is not supported. Given the strong RPS directives it is considered that a statutory framework is more appropriate. The method of education provides less certainty of a consistent approach to the issues of finite elite soils and prime soils and rural and coastal character and amenity.

#### Option 5 (i) Delete references to residential buildings in policy and replace with the word "dwelling"

This option is supported. Intensive forms of residential development in rural zones is not aligned to RPS policy directives around maintaining coastal and rural character and amenity. Intensive forms of residential development in rural zones has the potential to create reverse sensitivity effects and displace legitimate in zone rural activities. Dwellings are anticipated in rural zones to support rural production focused activities. Specific zones are in place to provide for intensive residential forms of development. The possibility of more intensive residential development in rural zones is at odds with the strong rural production policy focus of most rural zones.

## Section 5 - Reasons for the proposed plan change

### Auckland Plan

The Auckland Plan provides several policy directions which are in themselves reasons for initiating this plan change. This section considers both the existing Auckland Plan 2012 and the Auckland Plan 2050.

The Auckland Plan 2012 addresses rural issues and the key outcome sought relevant to this report is the protection of the rural area for rural activities.

Chapter 9 addresses rural issues and Strategy Direction 9 is to:

*Keep rural Auckland productive, protected and environmentally sound*

Priority 1 is to:

*Create a sustainable balance between environmental protection, rural production and activities connected to the rural environment.*

Directive 9.1 is to:

*Ensure that the resources and production systems that underpin working rural land are protected, maintained and improved.*

Another key strategy of the plan is a Compact Urban Form and one of the benefits of this is:

*Encouraging growth within the existing urban footprint protects Auckland's rural hinterland and its productive potential: it enables ready access to coastal, marine and other recreation areas.*

This 2012 plan has been superseded by the Auckland Plan 2050. The Auckland Plan 2050 continues with the same strategic approach to rural growth and development as the 2012 Auckland Plan. In particular the Auckland Plan 2050 Development Strategy specifies that Auckland will grow and change with a quality compact approach. This means – by 2050, most growth will have occurred within the urban footprint limiting both expansion into the rural hinterland and rural land fragmentation. The benefits of such an approach are stated in the Development Strategy to include:

“Rural productivity and character can be maintained”

In addition, the Development Strategy in relation to supporting rural production states that:

“Residential development in rural zones will be limited. Provision for residential growth will be focused in the existing countryside living zone.

Limiting residential growth in rural areas will maintain their values and support ongoing rural production.”

## **Unitary Plan Policy Context**

At the RPS policy level there are some strong and clear signals that indicate unanticipated activities in rural zones and residential activities other than dwellings supporting rural production activities should be considered as a non-complying activity.

One is that elite soil is to be protected due to its significant value in rural production and finite nature. Prime soil is to be protected where practicable. Activities proposed on elite soil which were not for rural production purposes could be reasonably considered as non-complying given the finite nature and value of this resource.

At both the RPS level and DP level significance is placed on maintaining rural character and amenity. Activities beyond those anticipated in the rural zones have the potential to produce cumulative adverse effects on rural character and amenity and in such cases could be reasonably considered as non-complying activities.

The RPS contains policy direction that urban growth and form be compact so as to in part promote the efficient use of infrastructure. Furthermore, the RPS signals that specific zones are to be provided for intense forms of residential development and commercial and industrial development. In view of these policy provisions the use of rural land for other than rural production use has the potential to undermine the function of rural zones and specific zones set aside for residential, commercial and industrial activities. This suggests that such out of zone activities in rural zones should be considered as non-complying.

The rural zones themselves have a strong policy focus on rural production and maintaining rural character and amenity which again supports the view that activities not anticipated in these zones which does not have a rural character and rural production focus should be considered non-complying.

## **Infrastructure**

Another reason for this plan change is the issue of infrastructure.

A greater number and range of residential activities approved in rural zones (such as boarding houses, retirement villages and residential care facilities) will result in pressure for infrastructure not usually considered necessary in rural locations. Examples of this include footpaths, curb and channel and reticulated services.

In urban locations infrastructure exists or can be added to or upgraded as needs arise from the intensification or expansion of residential activities. This affords the opportunity for effective and efficient solutions to infrastructure issues. In contrast rural locations are usually characterised by lower levels of physical infrastructure and the establishment of residential facilities in random and unconnected locations reduces the likelihood of efficient, timely and co-ordinated infrastructure provision.

## **Reverse Sensitivity**

A key reason for this plan change is the potential for reverse sensitivity effects.

Intensive forms of residential activities in particular, where residents are not themselves engaged in farming activities and choose to occupy smaller rural sites with limited buffering from nearby rural farming activities have the potential to create reverse sensitivity effects.

If residential activities in rural zones are not limited to dwellings used to support farming and rural production activities the possibility of reverse sensitivity effects on farming activities could arise at any location across the rural zones. Examples of reverse sensitivity include complaints from residential activities to spray drift and odour from nearby farming activities.

### **Finite Soils**

Concerns regarding adverse cumulative effects on and the loss of soils critical to agricultural production are another reason for this plan change.

The elite and prime soils of the Auckland region are generally flat and therefore are attractive to non-agricultural development because of the relative ease in which construction activities can occur.

The introduction of greater residential activities into the rural zones has the potential to result in even greater losses of these soils to agricultural activities. This a matter of high significance because of the limited availability of this resource to agriculture in the Auckland region.

### **The Current Potential for Inappropriate Activities to establish in Rural Zones**

Section 3 of this report covers the breadth of the range of non-rural production based activities established by consent in the rural zones. This section focused on some specific examples, where the consent status was a factor. The need to initiate a plan change is supported by some recent decision making which focused on the status of the activity as discretionary rather than non-complying.

A recent decision by Hearings Commissioners to grant resource consent for an industrial activity in the Rural zone (Commissioner Decision 11 September 2017 LUC60066560 Hibiscus Tanks Ltd 63 Richards Road, Dairy Flat) relied in part on the discretionary activity status of activities not listed in the Rural activity table. The decision stated:

*"there is no defensible basis to hold the view that 'industrial' activities...are inherently incompatible with the zone. If such a doctrinaire approach to industrial activities had been intended in the Plan, the Commissioners agree with the applicant's planners Mr Foster and Ms MacNicol that a Non-complying activity status...would have been necessarily included in the AUPOP".*

Another example is a self-storage facility of over 5000m<sup>2</sup> at Riverhead Road, Kumeu, granted consent as a Discretionary Activity [BUN60314368] in the Mixed Rural zone. The consent was granted on the basis that it was not contrary to the policies and objectives of the zone, but an 'urban style' self-storage facility was not generally contemplated as an activity that would be located on rural zoned land. Amending the status of such activities to non-complying would assist in providing stronger guidance as to the type of activities anticipated in the rural zones. The decision in this case, stated in the reasons that granting consent will not create precedent or cumulative issues or undermine the integrity of the plan.

The council is now dealing with a similar application for 45 storage units at Jones Road, Omaha Flats in the Mixed Rural zone.

In a recent interim decision of the Environment Court (Decision No. [2018] NZEnvC 27 *Kumeu Property Limited V Auckland Council*), the Court highlighted that some of the rural policies refer to “residential” activities. Under the nesting tables in Chapter J Definitions this includes a wide range of activities, including amongst others, retirement villages. The Court granted resource consent for a supported care facility/retirement village in a rural zone, in part, based on the policy and definition, and because activities not listed in the activity table are discretionary.

The policy that the Court referred to is set out directly below (highlighting for this report only):

**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.*

*In Chapter J Definitions the term “residential” is not defined. However, it is included in the nesting tables as follows:*

**Table J1.3.5 Residential**

<i>Dwellings</i>	
<i>Home occupations</i>	
<i>Visitor accommodation</i>	
<i>Camping grounds</i>	
<i>Boarding houses</i>	<i>Student accommodation</i>
<i>Integrated residential development</i>	
<i>Retirement village</i>	
<i>Supported residential care</i>	

There are several other instances in the Rural Chapter where the term “residential” is used. These are:

**H19.6 Rural Conservation Zone**

**H19.1.1. 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...

*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

*(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.*

#### H19.6.3 Policies

*(3) Enable the continued use of established rural and **residential** activities and provide for new activities only where adverse effects are avoided or mitigated.*

### H19.7 Rural - Countryside Living Zone

#### H19.7.1 Zone description

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

These references are all in policies or zone descriptions however the term is not used in the Rural activity tables or the standards. Elsewhere in the Rural Chapter the term dwellings is used. In the rural activity table, Table H19.8.1 and Table H19.8.2 the term “dwellings” is referred to and in the latter table one dwelling per site is a permitted activity in all the rural zones except for several Rural Coastal zones in which they are restricted discretionary. All the development controls also refer to “dwellings”

## Section 6 – Statutory Evaluation

The relevant sections of the Resource Management Act 1991 include sections 5, 6, 7 and 8.

The plan change supports section 5 by promoting the sustainable management of natural and physical resources. In this regard the plan change assists rural zones to maintain rural character and amenity and ensure that rural land is primarily used for rural production activities to support local communities.

The plan change supports section 6 of the Act by enabling rural/natural coastal character and amenity to be maintained.

Regarding section 7 the plan change promotes the efficient use of natural and physical resources (rural land), the maintenance and enhancement of rural amenity values, the maintenance of the quality of the rural environment and supports the finite characteristics of natural and physical resources (elite and prime soils).

In developing the plan change consultation was undertaken with local iwi. The details of this consultation are outlined in section 8.

## Section 7 – National & Local Planning Context

Ministry for the Environment is proposing to develop national environmental standards. These are at an early stage of development and only in draft form. However, within these standards are Draft Area Specific Matters Standards. Draft Area Specific Matters Standards contain zones and purpose statements (see 44 S-ASM: Draft Area Specific Matters Standard within a document to be cited as Ministry for the Environment. 2018, Draft National Planning Standards. Wellington: Ministry for the Environment.).

Of note is the purpose of the Rural zone which is to provide primarily for primary production activities. The zone may also provide for a limited range of activities which support rural production.

Also, of note is the Rural production zone. The purpose of the Rural production zone is to prioritise primary production activities that rely on the productive nature of the soils, intensive primary production, and provide for associated rural industry.

Although now no weight can be placed on the Ministry's work on environmental standards as discussed above, it is worth noting that the direction being proposed in this draft documentation is aligned to the purpose of this plan change which is to ensure that rural zones remain primarily for the purpose of rural production activities.

## Section 8 - Development of Plan Change

### Information Used

1. The following information has been used in the preparation of this Plan Change.

Name of document, report, plan	How did it inform the development of the plan change
Environment Court (Decision No. [2018] NZEnvC 27 Kumeu Property Limited V Auckland Council	The court's decision highlighted that the use of the term "residential" in the rural policies could result in the establishment of activities that were not contemplated in the zone such as retirement villages.
Hearing Commissioner Decision 11 September 2017 LUC60066560 Hibiscus Tanks Ltd 63 Richards Road, Dairy Flat	The Decision relied in part on the fact that activities not listed in the Rural Activity Table were discretionary.
Ministry for the Environment. 2018, Draft National Planning Standards. Wellington: Ministry for the Environment	The content of this document informed the indicative direction that central government is intending to take regarding developing national standards pertaining to rural zoned land.

### Consultation with Iwi

1. An invitation to consult on the plan change was extended to all Iwi within the Auckland region which had rural zoned land within their rohe. This included:

Waikato - Tainui  
Ngati Maru  
Ngati Te Ata  
Ngati Manuhiri  
Ngati Wai  
Ngati Tamatera  
Ngati Whatua Orakei  
Te Kawerau a Maki  
Ngati Paoa  
Te Uri o Hau  
Te Patukirikiri  
Te Ahiwaru - Waiohuria  
Ngai Tai ki Tamaki  
Ngati Tamaoho  
Te Akitai Waiohuria  
Ngati Whanaunga  
Te Runanga o Ngati  
Whatua  
Ngati Whatua o Kaipara

Ngāti Whātua Ōrākei indicated that they were a predominantly urban iwi and did not wish to consult on the matter of the plan change. Only Nga Maunga Whakahii o Kaipara indicated a wish to be consulted on the proposed plan change.

Consultation occurred with Nga Maunga Whakahii o Kaipara on 30<sup>th</sup> July 2018 where representatives advised that they supported the proposed plan change. The reasons for supporting the plan change were largely derived from the following concerns which it hoped would be able to be addressed through the plan change progressing:

- A wish to maintain rural character and amenity and avoid adverse cumulative effects on the rural environment;
- The need for pre-planned management of topsoil overburden from rural residential development.
- Impacts on the performance of on-site waste water systems in clay soil types associated with residential intensification in rural areas;
- A strong trend of permitted activities and non-notification of resource consent applications in regard to rural development, which negated iwi participation in decision making processes.

The consultation undertaken with Nga Maunga Whakahii o Kaipara indicated that there were no cultural concerns which required any amendment to the plan change content. However, the plan change can be seen to assist in addressing the concerns of iwi consulted in the process as:

- By limiting the range of residential activities able to establish in rural areas by right or relatively easily this assists to maintain rural character and amenity and avoid adverse cumulative effects;
- Issues such as on-site waste water system performance and topsoil from development entering rural waterways become matters capable of being considered

in the context of a non-complying activity resource consent application and the consideration of cumulative effects.

- By establishing a default to a non-complying activity for those activities not anticipated in rural zones and by limiting residential activities to dwellings this increases the likelihood that intensive forms of residential development in rural zones will require an appropriately higher level of public notification.

### Consultation with Local Boards

1. Consultation was undertaken with both the Franklin and Rodney Local Boards. These two Local boards have most of the Auckland region's rural land within their operational boundaries. Both local boards indicated that they were supportive of the plan change.

## Conclusion

A Plan Change is necessary to address the fundamental issue of how unanticipated activities not provided for in rural zones should be managed.

Two solutions have been identified as an appropriate response to this issue. The first is to amend the rural activity tables to add a new activity into the table, being "Any activity not provided for" and making its activity status Non-complying'

The second is to amend references to "residential buildings" in the Rural chapter to "dwellings".

Together, these amendments are the most efficient and effective option to achieve the objectives and policies of the Regional Policy Statement and the Rural zones.

## List of Attachments

Put in table form

Attachment	Name of Attachment
A1	Unitary Plan Policy
A2	Section 32 analysis

## Attachment A1

### Policy Relevant to the Plan Change

Reference	Regional Policy Statement Objectives	Regional Policy Statement Policy	Regional Policy Statement Anticipated Results
<p>B9. Toitū te tuawhenua- Rural environment B9.2. <b>Rural activities</b> B9.2.1. Objectives</p> <p>B9.2.2. Policies</p>	<p>(2) Areas of land containing elite soil are protected for the purpose of food supply from inappropriate subdivision, urban use and development.</p> <p>(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.</p> <p>(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.</p>	<p>(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.</p> <p>(2) Minimise the potential for reverse sensitivity effects by:</p> <p>(a) preventing sensitive activities (such as countryside living) from establishing in areas where rural production activities could be adversely affected; or</p> <p>(b) requiring sensitive activities (such as new countryside living) to adopt on-site methods to avoid reverse sensitivity effects on rural production activities;</p>	<p>No rural land containing elite soil which is capable of supporting rural production activities is developed for non-rural activities. (Links to B9.2.1(2))</p> <p>No additional sites are created for non-rural production purposes over time. (Links to B9.2.1(4))</p>
<p>B9. Toitū te tuawhenua- Rural environment B9.3. <b>Land with High Productive Potential</b> B9.3.1. Objectives</p> <p>B9.3.2. Policies</p>	<p>(1) Land containing elite soils is protected through land management practices to maintain its capability, flexibility and accessibility for primary production.</p> <p>(2) Land containing prime soil is managed to enable its capability, flexibility and accessibility for primary production.</p> <p>(3) The productive potential of land that does not contain elite or prime soil is recognised.</p>	<p>(1) Avoid new countryside living subdivision, use and development on land containing elite soil and discourage them on land containing prime soil.</p> <p>(2) Encourage activities that do not depend on using land containing elite and prime soil to locate outside these areas.</p> <p>(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.</p>	<p>No additional sites are created for non-rural production purposes on land with elite soils over time. (Links to B9.3.1(2))</p>

<p>B2. Tāhuhu whakaruruhau ā-taone – B2.2 <b>Urban growth and form</b></p> <p>Urban growth and form B2.2.1. <i>Development capacity and supply of land for urban development</i> Objectives 1-5</p> <p><i>Development capacity and supply of land for urban development</i> B2.2.2 Policies 1-3</p> <p><i>Quality compact urban form</i> B2.2.2 Policies 4-8</p>	<p>Urban growth and form</p> <p>(1) A quality compact urban form that enables all of the following:</p> <p>(a) a higher-quality urban environment;</p> <p>(b) greater productivity and economic growth;</p> <p>(c) better use of existing infrastructure and efficient provision of new infrastructure;</p> <p>(d) improved and more effective public transport;</p> <p>(e) greater social and cultural vitality;</p> <p>(f) better maintenance of rural character and rural productivity; and</p> <p>(g) reduced adverse environmental effects.</p> <p>(2) Urban growth is primarily accommodated within the urban area 2016 (as identified in Appendix 1A).</p> <p>(3) Sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth.</p> <p>(4) Urbanisation is contained within the Rural Urban Boundary, towns, and rural and coastal towns and villages.</p> <p>(5) The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages is integrated with the provision of appropriate infrastructure.</p>	<p><i>Urban growth and form</i> <i>Development capacity and supply of land for urban development</i></p> <p>(1) Include sufficient land within the Rural Urban Boundary that is appropriately zoned to accommodate at any one time a minimum of seven years' projected growth in terms of residential, commercial and industrial demand and corresponding requirements for social facilities, after allowing for any constraints on subdivision, use and development of land.</p> <p>(2) Ensure the location or any relocation of the Rural Urban Boundary identifies land suitable for urbanisation in locations that:</p> <p>(a) promote the achievement of a quality compact urban form</p> <p>(b) enable the efficient supply of land for residential, commercial and industrial activities and social facilities;</p> <p>(c) integrate land use and transport supporting a range of transport modes;</p> <p>(d) support the efficient provision of infrastructure;</p> <p>(e) provide choices that meet the needs of people and communities for a range of housing types and working environments; and</p> <p>(f) follow the structure plan guidelines as set out in Appendix 1; while:</p> <p>(g) protecting natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character;</p> <p>(h) protecting the Waitākere Ranges Heritage Area and its heritage features;</p> <p>(i) ensuring that significant adverse effects from urban development on receiving waters in relation to natural resource and Mana Whenua values are avoided, remedied or mitigated;</p> <p>(j) avoiding elite soils and avoiding where practicable prime soils which are significant for their ability to sustain food production;</p>	<p>Commercial, industrial and social facility development is not constrained by the amount or location of suitably zoned land which is available at any time. (Links to B2.2.1(3)).</p> <p>Land is available for residential, commercial and industrial uses in a variety of locations at a reasonable cost. (Links to B2.2.1(3)).</p> <p>Urbanisation does not occur without prior structure planning and plan changes. (Links to B2.2.1(4))</p> <p>Large scale residential and business development only occurs in urban zones. (Links to B2.2.1(4))</p> <p>Structure planning and plan changes make explicit provision for infrastructure. (Links to B2.2.1(5))</p> <p>Infrastructure to support development is delivered in a timely manner so that housing, commercial and business growth is not restricted by it. Links to B2.2.1(5))</p>
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		<p>(k) avoiding mineral resources that are commercially viable;</p> <p>(l) avoiding areas with significant natural hazard risks and where practicable avoiding areas prone to natural hazards including coastal hazards and flooding; and</p> <p>(m) aligning the Rural Urban Boundary with:</p> <p>(i) strong natural boundaries such as the coastal edge, rivers, natural catchments or watersheds, and prominent ridgelines; or</p> <p>(ii) where strong natural boundaries are not present, then other natural elements such as streams, wetlands, identified outstanding natural landscapes or features or significant ecological areas, or human elements such as property boundaries, open space, road or rail boundaries, electricity transmission corridors or airport flight paths.</p> <p>(3) Enable rezoning of future urban zoned land for urbanisation following structure planning and plan change processes in accordance with Appendix 1 Structure plan guidelines.</p> <p><i>Quality compact urban form</i></p> <p>(4) Promote urban growth and intensification within the urban area 2016 (as identified in Appendix 1A), enable urban growth and intensification within the Rural Urban Boundary, towns, and rural and coastal towns and villages, and avoid urbanisation outside these areas.</p> <p>(5) Enable higher residential intensification:</p> <p>(a) in and around centres;</p> <p>(b) along identified corridors; and</p> <p>(c) close to public transport, social facilities (including open space) and employment opportunities.</p> <p>(6) Identify a hierarchy of centres that supports a quality compact urban form:</p> <p>(a) at a regional level through the city centre, metropolitan centres and town centres which function as commercial, cultural and social focal points for the region or sub-regions; and</p>	
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<p>B2.4 <b>Residential Growth</b></p> <p>Objectives B2.4.1 Residential growth 1-5</p> <p>B2.4.2 Policies 1-7</p>	<p><i>Residential growth</i></p> <p>(1) Residential intensification supports a quality compact urban form.</p> <p>(2) Residential areas are attractive, healthy and safe with quality development that is in keeping with the planned built character of the area.</p> <p>(3) Land within and adjacent to centres and corridors or in close proximity to public transport and social facilities (including open space) or employment opportunities is the primary focus for residential intensification.</p> <p>(4) An increase in housing capacity and the range of housing choice which meets the varied needs and lifestyles of</p>	<p>(b) at a local level through local and neighbourhood centres that provide for a range of activities to support and serve as focal points for their local communities.</p> <p>(7) Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that do all of the following:</p> <p>(a) support a quality compact urban form;</p> <p>(b) provide for a range of housing types and employment choices for the area;</p> <p>(c) integrate with the provision of infrastructure; and</p> <p>(d) follow the structure plan guidelines as set out in Appendix 1.</p> <p>(8) Enable the use of land zoned future urban within the Rural Urban Boundary or other land zoned future urban for rural activities until urban zonings are applied, provided that the subdivision, use and development does not hinder or prevent the future urban use of the land.</p> <p><i>Residential intensification</i></p> <p>(1) Provide a range of residential zones that enable different housing types and intensity that are appropriate to the residential character of the area.</p> <p>(2) Enable higher residential intensities in areas closest to centres, the public transport network, large social facilities, education facilities, tertiary education facilities, healthcare facilities and existing or proposed open space.</p> <p>(3) Provide for medium residential intensities in area that are within moderate walking distance to centres, public transport, social facilities and open space.</p> <p>(4) Provide for lower residential intensity in areas:</p> <p>(a) that are not close to centres and public transport;</p> <p>(b) that are subject to high environmental constraints;</p>	<p>The number of dwellings per hectare in areas zoned for residential intensification (Residential - Mixed Housing Urban Zone and Residential - Terrace House and Apartment Buildings Zone) increases over time. (Links to B2.4.1(1)).</p>
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Reference (including individual zones)	District Plan Objective	District Plan Policy	District Plan Rule	District Plan Anticipated Results
H19. Rural zones H19.2 Objectives & Policies-all rural zones H19.2.1 Objectives-general rural  H19.2.2 Policies	(3) Elite soil is protected, and prime soil is managed, for potential rural production.  (4) Rural lifestyle development avoids fragmentation of productive land.	(1) Enable activities based on use of the land resource and recognise them as a primary function of rural areas.  (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: separating potentially incompatible activities such as rural production and (a) rural lifestyle living into different zones; ...  (c) managing the effects of activities in rural areas so that; ... (ii) reverse sensitivity effects do not constrain rural production activities.		
H19. Rural zones	(1) The character, amenity values and biodiversity values of rural	(1) Manage the effects of rural activities to achieve a character,		

<p>H19.2.3 <b>Objectives- rural character, amenity and biodiversity values</b></p> <p>H19.2.4 Policies</p>	<p>areas are maintained or enhanced while accommodating the localised character of different parts of these areas and the dynamic nature of rural production activities.</p>	<p>scale, intensity and location that is in keeping with rural character, amenity and biodiversity values, including recognising the following characteristics: a predominantly working rural environment; (a) fewer buildings of an urban scale, nature and design, other than (b)residential buildings and buildings accessory to farming; and a general absence of infrastructure which is of an urban type and scale.</p>		
<p>H19. Rural zones H19.2.5 <b>Objectives – rural industries, rural commercial services and non-residential activities</b></p> <p>H19.2.5 Policies</p>	<p>(1) Rural production activities are supported by appropriate rural industries and services.</p> <p>(2) The character, intensity and scale of rural industries and services are in keeping with the character of the relevant rural zone.</p> <p>(4) Industries, services and non-residential activities of an urban type and scale unrelated to rural production activities are not located in rural zones.</p>	<p>(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.</p> <p>(2) Manage rural industries, rural commercial services and other non-residential activities to:</p> <p>(a) avoid creating reverse sensitivity effects;</p> <p>(b) contain and manage adverse effects on-site; and</p> <p>(c) avoid, remedy or mitigate adverse effects on traffic movement and the road network.</p>		
<p>H19.3 Rural – <b>Rural Production Zone</b></p> <p>H19.3.2 Objectives</p>	<p>(1) A range of rural production, rural industries, and rural commercial activities take place in the zone.</p> <p>(2) The productive capability of the land is maintained and protected from inappropriate subdivision, use and development.</p>	<p>(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.</p>		

H19.3.3. Policies				
H19.4 Rural – <b>Mixed Rural zone</b>  H19.4.2 Objectives  H19.4.3 Policies	<p>(2) The continuation of rural production and associated non-residential activities in the zone is not adversely affected by inappropriate rural lifestyle activity.</p> <p>(3) Rural character and amenity values of the zone are maintained while anticipating a mix of rural production, non-residential and rural lifestyle activities.</p>	<p>(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.</p>		
H19.5 Rural – <b>Rural Coastal zone</b>  H19.5.2 Objectives  H19.5.3 Policies	<p>(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.</p> <p>(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.</p>	<p>(1) Manage activities and development to maintain the distinctive rural and coastal character of the zone which include:</p> <p>(a) farming and forestry with a low density of buildings and other significant structures;</p> <p>(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;</p>		

	<p>(3) Buildings are of a scale and intensity that do not detract from the zone's rural and coastal character and amenity values.</p> <p>(4) Rural lifestyle subdivision is limited across the zone.</p> <p>(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.</p> <p>(6) Recognise differences in coastal character in different parts of the zone and manage activities and development to maintain and enhance local coastal character.</p>	<p>(c) physical and visual links between land, freshwater lakes and the coastal marine area; or</p> <p>(d) traditional cultural relationships of Mana Whenua with the coastal environment.</p> <p>(2) Enable the continuation of rural production activities and the construction of accessory buildings and structures for farming purposes.</p> <p>(3) Provide for the continued operation of forestry including harvesting and replanting in existing forest areas.</p> <p>(4) Discourage rural production activities that have significant adverse effects resulting from:</p> <p>(a) large buildings;</p> <p>(b) significant earthworks or changes to natural landforms;</p> <p>(c) adverse effects that cannot be contained or managed within the boundary of the site;</p> <p>(d) significant numbers of daily vehicle movements, particularly on scenic and tourist routes; or</p> <p>(e) significant impacts on biodiversity values and rural character and amenity values.</p> <p>(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-</p>		
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		<p>residential buildings and their curtilage and accessways.</p> <p>(6) Require the location and design of buildings and other significant structures to:</p> <p>(a) avoid locating on the top of ridgelines so their profile does not protrude above the natural line of the ridge;</p> <p>(b) minimise building platforms and accessways and earthworks associated with these; and</p> <p>(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.</p> <p>(7) Recognise the importance of major roads in the zone that:</p> <p>(a) provide access to coastal settlements, public open space and the coast;</p> <p>(b) function as major transport routes for rural produce;</p> <p>(c) are major scenic and tourist routes;</p> <p>(d) are preferred locations for recreation, tourism, visitor facilities and services and the sale of produce and crafts; or</p> <p>(e) act as gateways to Auckland.</p> <p>(8) Enable the development of appropriate activities, while ensuring that the transport function of the road and its scenic values are not compromised.</p>		
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<p><b>H19.6 Rural – Rural Conservation zone</b></p> <p>H19.6.2 Objectives</p> <p>H19.6.3 Policies</p>	<p>(1) The natural character, landscape, and distinctive environmental values of the zone are recognised and protected.</p> <p>(2) The zone’s values are maintained and where appropriate enhanced.</p> <p>(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.</p> <p>(4) Buildings and structures are unobtrusive within the natural landscape.</p>	<p>(1) Protect the natural character and landscape from significant change or modification, particularly visually intrusive buildings, structures and roads.</p>		
<p><b>H19.7 Rural – Rural Countryside Living zone</b></p> <p>H19.7.2 Objectives</p> <p>H19.7.3 Policies</p>	<p>(1) Land is used for rural lifestyle living as well as small-scale rural production.</p> <p>(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.</p> <p>(3) Development in the zone does not compromise the ability of adjacent zones to be effectively and efficiently used for appropriate activities.</p> <p>(4) The type and nature of land-use activities provided for are restricted to those appropriate for the typically smaller site sizes.</p>	<p>(1) Locate and design subdivision and development to maintain and enhance rural character and amenity values and avoid an urban form and character by:</p> <p>(a) designing subdivision and development (including accessways, services, utilities and building platforms) to be in keeping with the topography and characteristics of the land;</p> <p>(b) minimising earthworks and vegetation clearance for accessways, utilities and building platforms;</p> <p>(c) avoiding locating accessways, services, utilities and building</p>		

		<p>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;</p> <p>(d) identifying opportunities for environmental enhancement of existing areas of native vegetation, wetland areas, riparian margins or the coastal edge;</p> <p>(e) encourage landscape planting that reinforces local vegetation patterns;</p> <p>(f) cycleway and bridle path networks.</p> <p>(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.</p> <p>(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.</p> <p>(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</p>		
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		<p>the rural character and amenity values of the zone.</p> <p>(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.</p>		
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**Attachment A2  
Section 32 Analysis**

	Appropriate	Effective	Efficient	Costs	Benefits	Employment	Economic Growth	Risks
<b>Option 1-Do nothing</b>	Not appropriate. Resource consents have been granted for activities that were not anticipated in the Rural zones. It does not achieve the objectives of the RPS or the AUP.	Not effective as resource consents have been granted for activities not contemplated in the Rural zones does not achieve the objectives of the RPS or the AUP	Neutral, resource consents required.	Neutral in terms of financial cost to applicants as resource consent required. Environmental costs of urban activities locating in the Rural zones.	Relatively easier test. From landowner perspective more urban style activities could occur in the rural zones.	Discretionary activity application proposals are more likely to be approved resulting in additional jobs.	Discretionary activity proposals approved would increase regional contributions to gross domestic product.	More resource consents granted for activities not contemplated in the Rural zones.
<b>Option 2 – Introduce Non-complying activity status</b>	Appropriate as ensures greater scrutiny of resource consent applications and is more likely to achieve the objectives of the RPS and the AUP.	More effective as greater scrutiny of resource consent applications as NC is a more rigorous test. Achieves the objectives of the RPS and the AUP.	Neutral, resource consents required.	Neutral in terms of financial cost to applicants as resource consent required.	Greater scrutiny of applications as NC is a harder test. Fewer resource consents granted for activities not contemplated in the Rural zones. As a harder test there is more likelihood that applications will be declined and thus increased environmental benefits from keeping urban activities out of	Non-complying activity application proposals are more likely to be declined however it is unlikely that this will result in lost employment opportunities as start-up facilities will find land in more appropriate zones.	Non-complying activity proposals are more likely to be declined however it is unlikely that this will result in reduced economic growth as start-up facilities will find land in more appropriate zones.	Possible that resource consents could be granted but they will have been subject to greater scrutiny.

					the Rural zones.			
Option 3 – New or amended policy for discretionary activities not listed in table H19.8.1	Establishes a different policy base which may be or may not be relevant to individual proposals not anticipated.	Difficult to develop comprehensive policy for all activities that may not be anticipated	Not very efficient as the rural land base is having policy customised for activities provided for in other zones	Neutral as resource consent is currently required	Some unanticipated activities find it easier to establish in rural zones	Neutral as unanticipated activities of a residential, commercial and industrial nature are to be provided for in other specific zones	Neutral as unanticipated activities of a residential, commercial and industrial nature are to be provided for in other specific zones	Activities establish in rural zones to the detriment of rural production activities.
Option 4 – Education for decision-makers and resource users	Not appropriate as existing RPS policy contains directives which require a more formalised statutory response	No guarantee of consistency in approach to significant issues such as the finite nature of elite soil	Education may not guarantee consistency of approach.	Neutral as resource consent is currently required	Higher order tests of the RMA avoided. Some activities may establish as discretionary activities but may not have if assessed as a non-complying activity.	Neutral as unanticipated activities of a residential, commercial and industrial nature are to be provided for in other specific zones	Neutral as unanticipated activities of a residential, commercial and industrial nature are to be provided for in other specific zones	Inconsistent approach to decision making.
Option 5 (i) – delete references to residential buildings in rural policy and replace with “dwelling”.	Appropriate way to address the issue	Effective as it removes reference to “residential” but still makes it explicit that dwellings are contemplated in the zone	Addresses the issue at lowest cost with highest benefit.	Cost of limiting opportunities for residential activities in the rural area.	Limits opportunities for residential activities in the rural area in line with the objectives and policies.	Employment opportunities decrease from out of zone activities but may be realised in more appropriate zones.	Opportunities for economic growth to contribute regionally to gross domestic product decrease from out of zone activities but may be realised in more appropriate zones.	Low risk that a wide range of residential activities locate in the rural zone.
Option 5 (ii) – Delete the last sentence of	Appropriate but does not address the	Not effective as it only addresses the	Does not address the issue	Cost of limiting opportunities for residential	Limits opportunities for residential	Employment opportunities decrease from	Opportunities for economic growth to	Unclear that dwellings can locate in the

Policy 19.2.4(1)(b).	issue across the chapter.	issue in one of the instances where the term “residential” is used	efficiently as does not deal with all instances of the problem.	activities in the rural area.	activities in the rural area in line with the objectives and policies.	out of zone activities but may be realised in more appropriate zones.	contribute regionally to gross domestic product decrease from out of zone activities but may be realised in more appropriate zones.	Rural zone and doesn’t address all instances where the term residential is used.
Option 5(iii) – amend the definition of “residential” by adding an exception for rural zones.	Appropriate but does not address the issue in the Rural chapter.	This option would address all references to “residential” in the Rural chapter.  Not very effective as not all users of the plan will look in the definitions chapter at the nesting tables to determine what is included under the term “residential”.	Addresses the issue but not efficiently as it is not dealt with in the Rural chapter.	Cost of limiting opportunities for residential activities in the rural area.	Limits opportunities for residential activities in the rural area in line with the objectives and policies.	Employment opportunities decrease from out of zone activities but may be realised in more appropriate zones.	Opportunities for economic growth to contribute regionally to gross domestic product decrease from out of zone activities but may be realised in more appropriate zones.	Not clear in the Rural Chapter that residential activities limited to dwellings. Users may not refer to the Definitions Chapter.

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