

## Submission on Proposed Auckland Combined Plan

Section 123 of the Local Government (Auckland Transitional Provisions) Act 2010 and Clause 6 of Schedule 1 to the Resource Management Act 1991

To: Auckland Council  
By: Council Webform

Name of submitter: WAITAKERE RANGES PROTECTION SOCIETY INCORPORATED (“the Society”)

### *Submission No. 4: Rules*

#### *Introduction*

1. The Society makes this submission on the proposed Auckland combined plan (“the **Unitary Plan**”).
2. The Society could not gain an advantage in trade competition through this submission. In any event, the Society is directly affected by an effect of the subject matter of the submission that:
  - (a) adversely affects the environment; and
  - (b) does not relate to trade competition or the effects of trade competition.
3. The specific provisions that this submission relates to are:
  - a) PLANNING MAPS, ZONING, PRECINCTS and OVERLAYS – applying to the WAITAKERE RANGES HERITAGE AREA (WRHA); and
  - b) PART 3 REGIONAL AND DISTRICT RULES, in particular:

Chapter K: Precinct Rules, Section 7 - West, Subsection 7.9 – Waitakere Ranges Heritage Area
4. This submission (*Waitakere Ranges Protection Society Incorporated – Submission No. 4: Rules*) is one of a series of submissions made by the Society in relation to various parts of the Unitary Plan affecting the Waitakere Ranges.

## **Background**

5. The Society is a community based organisation with a membership of over 600 individuals and families. The Society has been in existence for over 40 years since 1973.
6. Its aims include to protect and conserve the natural environment in the Waitakere Ranges; to raise awareness of the importance and value of the Waitakere Ranges to New Zealand's environmental heritage, preservation and wellbeing; to promote any scheme or activity that may benefit or help protect or preserve the Waitakere Ranges; and to oppose any scheme or activity which might significantly adversely affect the natural ecosystems and landscape of the Waitakere Ranges.
7. The Society has spent thousands of hours of mostly voluntary work preparing and presenting submissions in national, regional and district planning processes and resource consent applications pursuant to the Resource Management Act 1991 ("RMA") along with other decision making processes relating to the Waitakere Ranges.
8. The Society actively promoted the passage of the Waitakere Ranges Heritage Area Act 2008 ("**WRHAA 2008**"). The WRHAA which establishes the Waitakere Ranges Heritage Area, (which includes the Waitakere Ranges Regional Park, the residential areas around Titirangi, the foothills of the Ranges, coastal villages such as Piha, Karekare, Huia and parts of former south-west Rodney district) and recognises that the Heritage Area is of national significance and identifies the heritage features that contribute to its national significance.

## **Unitary Plan Objectives and Policies**

9. The Society's submission is as follows:
  - (a) Provided the relief sought in this submission is granted, the Unitary Plan:
    - (i) Will be consistent with the purpose and principles of the RMA and will otherwise be consistent with Part 2 of the Resource Management Act 1991.
    - (ii) Will be appropriate in terms of section 32 of the RMA.
    - (iii) Will warrant being implemented in terms of both the RMA and sound resource management principles and practice.
  - (b) In the absence of such amendments, the Unitary Plan will fail to meet the purpose and principles of the RMA, will allow the generation of significant adverse effects on the environment in particular on the Waitakere Ranges, and will fail to meet the requirements of section 32 of the RMA.

In particular, without limiting the generality of the above:

- (c) The Society's view is that it is essential that the Unitary Plan affords the Waitakere Ranges with at least the same level of protection as is currently provided in the operative regional and district planning instruments, in particular the Auckland Regional Policy Statement and the Auckland District Plan (Waitakere Section).
- (d) In order to achieve this outcome, the Society considers that the Planning Maps for the Waitakere Ranges Heritage Area ("WRHA") including the defined position of the Rural Urban Boundary ("RUB"), the extent of all zones and precincts, and the various overlays including those applying Outstanding Natural Features ("ONF's"), Outstanding Natural Landscapes ("ONC's") and Outstanding and High Natural Character areas (ONC's and HNC's), should be retained in their notified form without amendment.
- (e) Further, the Society considers that there needs to a series of amendments to strengthen the protection afforded to the rules applying to the Waitakere Ranges. The **indicative** relief sought by the Society is set out in **Attachment One**.

### **Relief Sought**

10. The Society seeks the following decision from Auckland Council:

- (a) That the Unitary Plan provisions applying to the Waitakere Ranges Heritage Area (WRHA) be generally retained in their notified form, subject only to amendment as follows.

And

- (b) Retain the Planning Maps for the Waitakere Ranges Heritage Area (WRHA) including the defined position of the Rural Urban Boundary (RUB), the extent of all zones and precincts, and the various overlays including those applying Outstanding Natural Features (ONF's), Outstanding Natural Landscapes (ONC's) and Outstanding and High Natural Character areas (ONC's and HNC's), in their notified form without amendment.

And

- (f) Amend PART 3, DISTRICT AND REGIONAL OBJECTIVES AND RULES to ensure that the Waitakere Ranges have at least the same level of protection as is currently afforded to the Ranges under the operative planning instruments, including, **by way of example**, the amendments shown in the indicative form of relief in **Attachment One**.

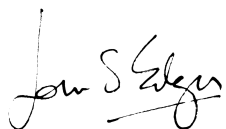
And

- (g) Such other relief or other consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission.

2. The Attachment to this submission identifies indicative examples of relief that would address appropriately certain of the matters raised in this submission. Other forms of wording and relief may also be appropriate and within the scope of the matters raised in this submission. The Attachment is by way of example but not to the exclusion of other appropriate and effective methods of upholding this submission.

11. The Society wishes to be heard in support of its submission.
12. If others make a similar submission, the Society will consider presenting a joint case with them at a hearing.

**DATED** 27 February 2014



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**John Edgar**

Authorised Signatory for the **WAITAKERE**

**RANGES PROTECTION SOCIETY INCORPORATED.**

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## ATTACHMENT ONE: INDICATIVE FORM OF RELIEF

### PART 3 - REGIONAL AND DISTRICT RULES

#### 1. CHAPTER H, Section 4 – Natural Resources

Item	Provision(s)	Submission/Reasons	Relief Sought
1	Section 4 – Natural Heritage, Rule 4.3 – Vegetation Management	<p>The Society <u>supports</u> the Natural Heritage Rules, which contains specific rules for vegetation management for Outstanding Natural Features (ONF's), Outstanding Natural Landscapes (ONC's) and Outstanding and High Natural Character areas (ONC's and HNC's).</p> <p>These rules take a similar format to the “Natural Area” rules of the operative Waitakere District Plan, and place controls on vegetation alteration within ONF's, ONC's and HNC's that are appropriate and necessary for the sustainable management of the Waitakere Ranges Heritage Area.</p>	<u>Retain Section 4 = Natural Heritage, Rule 4.3 = Vegetation Management</u> in its entirety.

#### 2. CHAPTER J: Overlay Rules, Section 6 – Natural Heritage

Item	Provision(s)	Submission/Reasons	Relief Sought
2	Section 6 – Natural Heritage	<p>The Society <u>supports</u> the Natural Heritage Rules, which contains specific rules for Outstanding Natural Features (ONF's), Outstanding Natural Landscapes (ONC's) and Outstanding and High Natural Character areas (ONC's and HNC's).</p> <p>These rules take a similar format to the “Natural Area” rules of the operative Waitakere District Plan, and place controls on buildings and development within ONF's, ONC's and HNC's that are appropriate and necessary for the sustainable management of the Waitakere Ranges Heritage Area (WRHA).</p>	<u>Retain Section 6 – Natural Heritage</u> in its entirety.

## 3. CHAPTER K: Precinct Rules, Section 7 - West, Subsection 7.9 – Waitakere Ranges Heritage Area

Item	Provision(s)	Submission/Reasons	Relief Sought
3	Subsection 7.9 – Waitakere Ranges Heritage Area	<p>The Society <u>supports</u> the Precinct Rules, which contains specific rules for the following sub-precincts:</p> <p>Sub-precinct A: Waitakere Foothills            Sub-precinct B: Waitakere Ranges and bush living            Sub-precinct C: Titirangi Laingholm            Sub-precinct D: Waitakere coastal settlements            Sub-precinct E: Large Property Management Areas            Sub-precinct F: Waitakere Ranges Regional Park</p>	<p><u>Retain Subsection 7.9 – Waitakere Ranges Heritage Area</u> in its entirety, subject to amendments sought below.</p>
4	Subsection 7.9 – Waitakere Ranges Heritage Area – Introductory Statement.	<p>The introductory statement states that the underlying rules apply “unless modified by the activity table, controls and assessment criteria below”.</p> <p>This statement creates uncertainty when different types of development controls in the underlying zone to the sub-precinct – do both apply? For example it is clear that a coverage control stated in the sub-precinct overrides the same control un the underlying zone – but if the controls address different matters in relation to the same activity, then do they both apply – or only the sub-precinct control?</p>	<p>Additional/amended wording to further clarify and better resolve the relationship between underlying zoning rules i.e. Countryside Living rules are the underlying zone for the Foothills and the sub-precinct rules.</p>
5	Subsection 7.9 – Waitakere Ranges Heritage Area – Introductory Statement, sub-clause 1 “Defined Terms”	<p>Various sub-precinct rules utilise “Elevation Height” as a development control. However the term is not defined.</p> <p>An acceptable definition of “Elevation Height”, with an associated diagram is contained in the operative Waitakere District Plan.</p>	<p>Include a definition and diagram that explain the term “Elevation height”.</p>
6	Activity Tables for all Waitakere Ranges Heritage Area Sub-precincts (A-F).	<p>It is not clear from the introductory statement preceding each of the Activity Tables for each of the 6 sub-precincts that Permitted activity status is dependent on compliance with the specific Activity Definition, and associated Land Use, Development Controls and performance standards.</p>	<p>Additional wording should be added to the introductory statement preceding each of the Activity Tables for each of the 6 sub-precincts to rectify the omission within the introductory statements for each of the six Sub-precinct Activity Table(s) in order to specify that permitted activity status is dependent on compliance with the Activity Definition, and associated Land Use</p>

			Control, Development Controls and performance standards.
7	Activity Tables for all Waitakere Ranges Heritage Area Sub-precincts (A-F).	It is not clear from the introductory statement preceding each of the Activity Tables for each of the 6 sub-precincts that the specific Activity Definitions, and associated Land Use and Development controls apply equally to all Permitted, Controlled, Discretionary and Non-complying Activities within each precinct area.	Additional wording should be added to the introductory statement preceding each of the Activity Tables for each of the 6 sub-precincts to rectify the omission within the introductory statements for each of the six Sub-precinct Activity Table(s) in order to specify that Controlled, Discretionary and Non-complying Activities are also required to comply with the Activity Definition, and associated Land Use Control, Development Controls and performance standards.
8	Land Use Controls for all Waitakere Ranges Heritage Area Sub-precincts (A-F).	<p>The introductory statement in Subsection 7.9 states that the underlying rules apply “unless modified by the activity table, controls and assessment criteria below”.</p> <p>As noted above, this statement creates uncertainty when different types of development controls in the underlying zone to the sub-precinct – do both apply?</p> <p>In relation to Land Use Controls applicable to specific activities, there are instances where land use controls addressing different effects of the activity are included within the Sub-precinct rules and in the comparable rules for the underlying zone. These controls are complementary and need to apply jointly in order to avoid, or mitigate potential adverse effects.</p> <p>For example Home Occupations are a Permitted Activity in the Waitakere Ranges and Bush Living Sub-precincts and a subject to a land use control under the sub-precinct rules relating to the scale and intensity of a “homestay” form of Home Occupation.</p> <p>However, the related land use controls that specify the number of persons employed by and associated traffic movements for any other form of Home Occupation are listed in the underlying Rural Conservation zone.</p> <p>It is unclear from the Proposed Plan that both sets of development controls should be applied.</p>	Additional wording should be added under heading 2. Land Use Controls for each of the Waitakere Ranges Heritage Area Sub-precincts (A-F) to clarify that all listed activities are subject to the Land Use Controls applicable within the Sub-precinct rules <b>and</b> in the Land Use Controls for the underlying zone.

9	Activity Tables, Land Use Controls and Development Controls for all Waitakere Ranges Heritage Area Sub-precincts (A-F).	The operative Waitakere District Plan contains a detailed discussion of the Explanation and Reasons for each of the proposed activity, land use and development controls. Due to the high natural heritage, landscape and cultural values associated with the WRHA it is considered essential that the purpose and context of each rule is more clearly explained in order to clearly guide landowners, and to ensure consistent decision making within Council.	Add an Explanation and Reasons section to the Activity Tables, Land Use Controls and Development Controls for all Waitakere Ranges Heritage Area Sub-precincts (A-F).
10	All Waitakere Ranges Heritage Area Sub-precincts (A-F).	The operative Waitakere District Plan contains a detailed discussion of the Expected Environmental Outcomes in each of the existing zones (proposed now as Sub-precincts). Due to the high natural heritage, landscape and cultural values associated with the WRHA it is considered essential that the outcomes sought in each Sub-precinct and for the WRHA as a whole is more clearly explained in order to clearly guide landowners, and to ensure consistent decision making within Council.	Add a discussion of Expected Environmental Outcomes for the Waitakere Ranges Heritage Area and within each of its Sub-precincts (A-F).
11	Sub-precinct A: Waitakere Foothills Rule 1 – Activity Table	In sub-precinct A: Waitakere Foothills rule 1 – Activity Table, Restaurants and Cafes are listed as an RD activity. However, under rule 2 the land use controls (standards) for Restaurants and Cafes are und the Discretionary Activity heading.	It is requested that the Activity Table is amended to change the status of Restaurants and Cafes to Discretionary.
12	Sub-precinct A: Waitakere Foothills and Sub-precinct B: Waitakere Ranges and Bush Living – (New Rule Proposed)	<p>The recent settlement of Plan Change 36 to the operative Waitakere District Plan introduced a broader range of non-residential activities to the Foothills, subject to specific activity and development controls. In particular, non-residential activities are subject to specific controls on traffic generation and require site access that meets specific sight line requirements.</p> <p>The rules are contained within operative Foothills Environment Rule 8A permits certain Non-residential activities in the WRHA, with associated Traffic Generation limits. e.g. the limit of two heavy vehicle movements per week that applies to a Home Occupation.</p> <p>All such activities in the operative Foothills rules are also subject to Rule 9 – Traffic Generation, Access &amp; Parking, under the following rules:</p>	It is requested that Foothills Environment Rule 9 - Traffic Generation, Access & Parking is included as a Development Control in Sub-precinct A: Waitakere Foothills and Sub-precinct B: Waitakere Ranges and Bush Living.



		<p>Rule 9.1b) places traffic generation (vehicle movement) limits on all permitted activities; and</p> <p>Rule 9.1 c) sets the sight line requirements for such activities.</p> <p>Due to the high natural heritage, landscape and cultural values associated with the WRHA and its susceptibility to cumulative adverse effects it is considered that the inclusion of Rule 9 –Traffic Generation within the PAUP is essential to avoid adverse effects on the WRHA.</p>	
13	Sub-precinct A: Waitakere Foothills, Rule 4 – Subdivision	Under rule 4.3 – Discretionary Activities, clause 3 makes provision for subdivision of the area contained by Parrs Cross Road, Holdens Road, Forrest Hill Road and Pine Avenue to a minimum net site area of 400m2 (and an average net site area of 1.6ha). This area lies within the WRHA and outside of the RUB, and there is no known equivalent rule for its subdivision under the Operative Waitakere District Plan. Its inclusion is therefore contrary to the values of the WRHA and the related objectives and policies of the PAUP.	Deletion of subdivision rule 4.4 Discretionary Activities, clause 3, which relates to the area contained by Parrs Cross Road, Holdens Road, Forrest Hill Road and Pine Avenue in its entirety.
14	Sub-precinct A: Waitakere Foothills, Rule 5 – Assessment – Controlled Activities	The subdivision assessment criteria under rule 5, state at criterion 6 that “The activity must be consistent with the objectives of the WRHAA”.	This Society supports this wording and requests that it is repeated throughout the relevant assessment criteria for all Controlled and Restricted Discretionary Activities within all Waitakere Ranges Heritage Area Sub-precincts (A-F).
15	Sub-precinct A: Waitakere Foothills, Rule 6 – Assessment – Restricted discretionary Activities	The matters for Discretion under rule 6.1 and 7.1 include “WRHAA” in the list of matters.	As above supports the inclusion of the WRHAA as a matter of Discretion and requests that it is repeated for Restricted Discretionary Activities within all Waitakere Ranges Heritage Area Sub-precincts (A-F).
16	Sub-precinct C: Titirangi Laingholm.	There appears to be an area in the Activity Table for Policy Area 3:Titirangi Village, as the first 4 entries in the table appear to have been swapped between sub-policy area A (Commercial) and B (Residential), this includes Restaurants and Retail which are listed as RD activities in the Residential Area but (“NA” assumed be a typo for NC (non-complying), an error which occurs throughout the table).	Correction of the error and rectification of the table.

17	Sub-precinct C: Titirangi Laingholm.	A related error occurs in rule 4.1 Matters for discretion, where the entry relating to Restaurant and Café under the column “Views” has been placed in Area B instead of Area A.	Correction of the error and rectification of the table.
18	Sub-precinct D: Waitakere Coastal Settlements, Rule 3 – Development Controls, 3.3 – Building Coverage	The rule proposes a building coverage for all sites of 15% of net site area or 300m <sup>2</sup> , whichever is lesser. This compares to the equivalent rule under the operative Waitakere District Plan which provides for a coverage of 20% or 200m <sup>2</sup> , whichever is lesser. As the minimum lot size in this zone is 4000m <sup>2</sup> , the specified m <sup>2</sup> figure is the typical control on building coverage on any new site. Accordingly, the increase in coverage proposed is contrary to the character of and likely to adversely affect the environmental quality and amenity standards of Coastal Settlements in the WRHA.	It is requested that the rules is amended to reinstate the coverage limit of 20% or 200m <sup>2</sup> , whichever is lesser from the operative District Plan.
19	Sub-precincts A-F Rule 3 – Development Controls, 3.3 – Building Coverage	Rule 3 in the various Sub-precincts enables an application to be made as a Restricted Discretionary Activity for building coverage above the specified Permitted Activity limit i.e. 15%.  However no explanation and reason for the rule is provided to clearly guide landowners, and to ensure consistent decision making within Council for such applications. As building coverage is one of the principal environmental controls in the WRHA the Society considers that such an explanation is required, and that the Activity Status should be Discretionary so that the objectives and policies for the WHRA are considered as a specific matter for Discretion for such applications.	Amend the Sub-precinct A-F, Rule 3 – Development Controls, 3.3 – Building Coverage, clause 1 to make the activity status for additional building coverage a Discretionary Activity and include an explanation of the significance of building coverage as a development control in the WRHA.
20	Sub-precinct E – Large Property Management Areas	In terms of the rules relating to Large Property Management Areas, an anomaly has been noted, in particular a reference to “Appeal No’s 147 and 148” on Precinct Plan 19 – Bethels. It is understood that those appeals were resolved some years ago. Accordingly, the reference should be deleted.	Delete the reference on Precinct Plan 19 – Bethels to Appeal No’s 147 and 148.