IN THE ENVIRONMENT COURT
AT AUCKLAND

ENV-2016-AKL-

IN THE MATTER	of the Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**) and the Resource Management Act 1991 (**RMA**)
AND	
IN THE MATTER	of an appeal under section 156 of the LGATPA 2010 against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel (**Hearings Panel**) on the proposed Auckland Unitary Plan (**Proposed Plan**)
AND	
IN THE MATTER	of Proposed Plan Hearing Topic 064 Subdivision - Rural
BETWEEN	**RADIATA PROPERTIES LIMITED** (Submitter No. 3346)
	Appellant
AND	**AUCKLAND COUNCIL**
	Respondent

NOTICE OF APPEAL
Dated 16 September 2016

To: The Registrar
Environment Court
Auckland

1. **RADIATA PROPERTIES LIMITED (Radiata)** appeals against a decision of the Auckland Council (the **Council**) on the Proposed Auckland Unitary Plan (**Proposed Plan**).

2. **Radiata has the right to appeal** the Council's decision under section 156(1) of the LGATPA because the Council rejected a recommendation of the Hearings Panel in relation to matters addressed in Radiata's submission (3346) on the proposed plan.

3. **Radiata is appealing** the Council's rejection of the Hearing Panel's recommendations.

4. **Radiata made a submission** (No. 3346) in relation to the subdivision rules for rural zones seeking the reinstatement of the environmental enhancement subdivision rules found in the Operative Auckland District Plan (Rodney Section).

5. **Radiata gave evidence and supported** other submitters with similar requests in respect of rural subdivision rules before the Hearings Panel. Radiata was satisfied that the relief sought in its submission was answered appropriately in the recommended version of the Proposed Plan prepared and distributed by the Hearings Panel on 29 July 2016.

   In particular Radiata was satisfied with Rule E39.6.4.4, E39.6.4.5 and E39.6.46. These rules and standards and the tables contained within them satisfied the Radiata submission.

   In addition it is noted that the Hearings Panel in its report on Hearing Topic 064 Subdivision – Rural dated July 2016 provided a full and explanatory analysis of

the reasons for its recommendation in relation to these rules. This is found at Part 4 of the report commencing on page 13.

6. **Radiata is not a trade competitor** for the purposes of section 308D RMA.

7. **Radiata received the notice of the decision** by email on 19 August 2016. The content of the decision relevant to the appellant was not available to be viewed until Monday 22 August 2016.

8. **In its Decision Report on Topic 064** covering the section of the Proposed Plan identified as E39 Subdivision – Rural the Council rejected the Hearing Panel's recommendations in relation to, amongst other things, the rules set out above in para. 5. The Council substituted the Hearing Panel's rules with alternative rural subdivision arrangements using the same rule numbers of E39.6.4.4, E39.6.4.5 and E39.6.4.6. The Council made consequential changes to policies under Part E15.3 and under Appendix 15. These changes have been made without appropriate s32 or s32AA RMA analysis or any consideration of the environmental and ecological enhancements envisaged by the Hearings Panel in its recommended version to achieve better environmental outcomes from rural development as an appropriate sustainable management objective in the rural parts of Auckland.

9. **The reasons for this appeal** are as follows:

   (a) The Council decision fails to give effect to the principles of sustainable management of resources, in this case, the enhancement of degraded rural land through sustainable rural subdivision.

   (b) The rural subdivision rules promoted by the Hearings Panel arose from a considered review of submissions, evidence and sustainable management principles. The Hearings Panel gave appropriate consideration to the 20 plus years experience of enhancement subdivision results across the Auckland region and found that in general such subdivisions achieved a

positive environmental and ecological outcome that represents sustainable management. The Panel concluded that without these enhancement provisions very limited or no environmental enhancement would have occurred.

(c) The Council's decision has undermined the potential to increase the rural ecological and environmental enhancement outcomes through the modest development potential arising from the Hearings Panel recommendations for rural subdivision.

(d) Accordingly, the Council's decisions version of the rural subdivision rules subject to this appeal do not achieve the purpose and principles of the RMA, in particular the directions and guidance provided in s5, 6 & 7 of Part 2.

(e) The Council in its decision on the Proposed Plan in respect of the rural subdivision rules has failed to understand the importance from an ecological stand point of keeping broad based subdivision opportunities available in rural areas that have medium to longterm benefits in the creation of ecological corridors across the northern and southern rural parts of Auckland as well as managing in moderate to steep rural back country the loss of soil through run-off and sedimentation.

(f) Accordingly, for the reasons set out above, and as articulated in the Hearing Panel's report on Topic 064 Subdivision Rural, the recommendations of the Hearings Panel achieve a higher order of sustainable management and are preferred to those limited and inadequate provisions provided in the Council's decisions on the Proposed Plan for the rules, the subject of this appeal.

10. The Appellant seeks the following relief:

(a) The Auckland Council's decision on Rules E39.6.4.4, E39.6.4.5 and E39.6.4.6 and consequential changes to policies and appendices to the Plan be set aside.

(b) That the Hearing Panel's recommendations in respect of the rules and matters set out in (a) above be accepted and adopted, subject to any modifications considered by the Court to be necessary and appropriate to achieve a sustainable management outcome in terms of Part 2 RMA.

(c) Costs.

11. **An electronic copy of this notice is filed** on the designated electronic address at the Auckland Registry of the Environment Court and is served today by email on the Auckland Council at unitaryplan@aucklandcouncil.govt.nz. Waivers and directions have been made by the Environment Court in relation to the usual requirements of the RMA as to service of this notice on other persons.

12. **The Appellant attaches** the following documents to this notice:

(a) An extract from Hearing Panel's report and recommendations on Topic 064 Subdivision – Rural.

(b) A copy of the submission by Radiata to the Council and the Panel. (Submission No. 3346).

....

Brian William Putt
Town Planner

16 September 2016
....
Date

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Advice to recipients of copy of notice of appeal

How to become party to proceedings

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

To become a party to the appeal, you must, within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003) with the Environment Court by email (to unitaryplan.ecappeals@justice.govt.nz) and serve copies of your notice by email on the Auckland Council (to unitaryplan@aucklandcouncil.govt.nz) and the appellant.

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

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see* form 38 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

Advice

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

ATTACHMENT A

Extract from Hearings Panel's Report and Recommendations

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Report to Auckland Council Hearing topic 064 Subdivision - rural

July 2016

4. Subdivision and significant indigenous biodiversity

4.1. Statement of issue

The Council, in its evidence and closing statement, provided for the possibility of in-situ subdivision for rural lifestyle living where a significant area of an identified significant ecological area is to be protected or a significant area of an identified significant ecological area is being restored.

Some submitters sought greater enablement by allowing subdivision for rural lifestyle living where: two hectares and not five hectares of an identified significant ecological area is to be protected; where an area (two hectares) which meets the significant ecological area factors significant ecological area is to be protected; a wetland of 5000m^2 that meets the significant ecological area factors; and where five hectares is planted with indigenous bush meeting specified standards.

The Panel has enabled greater subdivision than proposed by the Council, and generally supported those submitters seeking the additional option set out above.

4.2. Panel recommendation and reasons

The Panel received a considerable amount of evidence on this issue, including from the Council and a range of submitters. Most of it was expert evidence from ecologists and planners.

4.2.1. Subdivision of an identified significant ecological area

With respect to the subdivision of parts of or all of an identified significant ecological area, there was broad support for this. However the main issue in contention was the size of the lot to be created. Council's position was that five hectares was the appropriate size compared to two hectares suggested by a number of submitters.

Mr Goodwin (for Cato Bolam Consultants Limited), an expert ecologist, advised the Panel that two hectares was an appropriate minimum. His evidence was based on his expertise as well as having considerable experience under the operative district plans (particularly Rodney) in implementing these types of subdivisions. The Panel records it was particularly persuaded by his evidence.

Mr Nicholls, a surveyor, also with considerable 'on the ground' experience, suggested that the five-hectare threshold was too high and was also of the view that the existing two-hectare threshold for and environmental lot subdivision was too high in the Auckland Council District Plan – Operative Franklin Section. Similarly Ms Pegrume (for Better Living Landscapes), again another practitioner with considerable experience, considered that a two-hectare threshold provides a more equitable outcome and contended in her summary of evidence that if a two-hectare area of bush meets the significant ecological area criteria then it is already nationally significant and should be protected. Chin Hill Farms (Mr Brown - planner) and others supported more enabling plan provisions.

The matter of the size of lots was addressed by the Council's ecological expert Ms Myers. It was her opinion that the larger the area of indigenous vegetation the better. She considered that a five-hectare area would be more sustainable and ecologically viable than a two-

hectare area of indigenous vegetation and more resilient to external influences such as weeds and edge effects. Ms Myers was of the view that this would lead to greater ecological gains.

It was the Council's position, in light of the evidence of Ms Myers and Dr Bird, that the five-hectare threshold set out in Mr Mosley's proposed rules would give better effect to the Panel's interim guidance for Topic 011 Regional policy statement - rural. This was because the interim guidance stated that the provisions for rural subdivision should enable protection, rehabilitation or enhancement of significant indigenous biodiversity through subdivision in appropriate locations, subject to evidence that it will produce significant environmental benefits.

The Panel does not dispute Ms Myers opinion essentially that 'bigger is better'. The issue before the Panel from the submitters is whether two hectares of significant ecological area is an appropriate minimum to enable a subdivision. The Panel is persuaded that it is by the evidence of the submitters (set out above) and based on their 'on the ground' experiences in working with and implementing the legacy plan provisions.

While this may result in more subdivision, the Panel was not persuaded by Mr Mosley's arguments that sufficient capacity had been enabled in light of the Auckland Plan's directive on the number of rural lots that could be created (addressed in more detail later). The Panel is of the view that there will not be proliferation of these lots (based on the submitters' evidence), with a greater benefit in terms of the increased protection of these areas. The rules have been drafted in such a way that strict standards need to be met and monitoring carried out. The Panel finds that, in relation to its interim guidance, the two-hectare minimum will produce significant environmental benefits.

4.2.2. Subdivision of an area meeting the significant ecological area criteria

The Panel, again based on submitter evidence, has enabled the same subdivision option for sites in a significant ecological area, where it can be demonstrated that the site meets the specified significant ecological area factors in the regional policy statement.

Mr Goodwin, along with a number of other submitters' witnesses, expressed the view that the requirement for indigenous vegetation eligible for protection to be a significant ecological area was too high a hurdle. The submitters' view was that if the site satisfied the significant ecological area factors it should be eligible to be considered for protection and subsequent subdivision. The submitters accepted that they would need to demonstrate that the site did in fact satisfy the factors to be a significant ecological area. The Panel notes that this is a requirement in the subdivision rules recommended by the Panel.

The Council's position during the hearing and in its closing statement is that the most appropriate method available to ensure significant environment benefits is to use the significant ecological area overlay as the basis for a regulatory incentive subdivision. This was discussed by the Council's witnesses in their written evidence and in answers to the Panel. The Council's position is that the vast majority of the region's most significant areas of indigenous biodiversity have been identified in the significant ecological area overlay. The Council advised that minor errors in the significant ecological area overlay were being

updated through the hearings process and the overlay would be added to over time (through a plan change process).

Council's expert witnesses (Ms Fuller at the hearing for Topic 011 and Ms Myers at the hearing for Topic 056) considered that the Council had done an 'unprecedented' job in identifying, evaluating and mapping the significant ecological areas. While the Panel does not dispute this, Ms Myers did concede that not all areas satisfying the significant ecological area factors had been mapped. This was confirmed by some submitters, including Mr Brown, expert planner for Chin Hill Farms, who stated that a significant part of his client's landholding was not a significant ecological area, but would satisfy the factors to be one.

Given the matters addressed above, the Panel recommends an additional significant ecological area subdivision option where it can be demonstrated that the site satisfies the specified significant ecological area factors set out in the Plan. The provision is otherwise the same as the subdivision based on an identified significant ecological area.

4.2.3. Subdivision involving wetlands

Mr Goodwin raised a number of issues about the Council's proposed provisions relating to wetlands. He advised the Panel that regulatory incentive subdivision involving wetlands is the most popular form of regulatory incentive subdivision. He suggested that the Council had concentrated on the failures and not the successes. Mr Goodwin stated that the Council's proposed 20-metre buffer requirement around wetlands was too great, and that in-situ subdivision involving the protection of wetlands should be allowed.

The reasons why the Council considers that in-situ subdivision involving wetlands is not appropriate was comprehensively addressed in the evidence of Dr Bird. The reasons why dwellings should not be built in close proximity to wetlands include the need for space to extend and expand and the danger domestic pets present to threatened wetland species.

As far as the proposed 20-metre buffer is concerned, Ms Myers' evidence confirms that with her proposed changes to require planting within the buffer, this requirement will increase the size and ecological function of a wetland.

The Council considers it to be extremely important that wetlands which qualify for regulatory incentive subdivision opportunities in the proposed Auckland Unitary Plan are identified as significant ecological areas in the Plan.

The Panel understands the concerns of the Council and accepts that wetlands are highly sensitive. However for the same reasons that the Panel has recommended indigenous bush subdivisions that meet the Plan's significant ecological area criteria, the same should apply to wetlands. The Panel accepts the Council's reasons for the need of a 20 metre buffer. Also a subdivision created by the wetland provisions may also be transferred to a Rural - Countryside Living Zone receiver area.

4.2.4. New areas involving re-vegetative planting (enhancement planting)

The Council's position was not to support those submitters who sought to enable the subdivision of land where substantial areas are planted (or replanted) with native vegetation. The reasons for this are addressed below.

Mr Goodwin in his evidence to the hearing on Topic 11 Regional policy statement - rural (8 December 2014) set out compelling reasons why this form of subdivision should be applied across the region, and not only in identified precincts.

At paragraph 5.3 of his evidence in chief, Mr Goodwin stated:

> The current provisions that allow for subdivision rights from the protection of bush and wetland areas that meet certain criteria, or bush planting were introduced in the Rodney Plan released at the end of 2000, although bush protection subdivision was available in the previous Plan. They have therefore been in place in their current form for about 14 years now. These replaced previous subdivision options that allowed for rural subdivision with no environmental benefit. In my opinion, the rules that were introduced in 2000 have worked well, and as a result large areas of bush and wetland have been protected, and large areas of new bush have been established through the planting rule. This would not have occurred if these rules had not been in place (emphasis added).

He goes on to say:

> In the fifteen years I have been involved in the restoration and protection of the region's natural resources, and the associated subdivision, I have seen significant and obvious improvements to the quality and cover of both wetlands and bush areas throughout the Rodney area, which is where my main work is. The current objectives and policies have allowed for rules that have seen a large increase in protected natural areas, and large increase in the actual area of bush cover, and a large increase in the extent and number of wetland areas that are protected.
>
> As examples of projects I am currently working on, a 30ha area of flood plain on the Kaukapakapa River flats area has recently been planted with native forest with the aim being to re-establish the kahikatea dominant forest that would once have covered these areas, and now is known only from remnant stands. Once established, this will be the largest area of lowland kahikatea forest I am area of in the region. Another 30ha area of proposed replanting is about to be consented in Waimauku, along with the accompanying wetland areas. There are many other projects I have been involved with that have also established substantial bush areas (paragraphs 5.4 and 5.5).

Mr Goodwin (in section 6.0 of this evidence) concludes that the Plan should have rules that allow for the creation of new titles through protection of and enhancement and creation of significant ecological areas. He considers that there is a good history of the successful implementation of the operative district plan rules, and as a result large areas of native bush are being established, wetland areas restored to regain their former values and existing good quality bush and wetland areas are being protected in perpetuity. It was his opinion that the rules are therefore working as intended to create significant ecological and environmental benefits.

The Panel also notes that legal submissions were presented on behalf of Clime Assets Management Limited and Man O War Farm Limited that reference the evidence of Ms Gilbert and Mr Hartley which suggests that a broader range of environmental benefits could be secured through greater provisions for subdivision than the Council proposes. The submissions state that under the Council's rules the type of restoration of degraded pastoral

farm land on Waiheke Island and discussed by Ms Gilbert in her evidence would not be possible.

Also Mr Hartley and Dr Bellingham, representing a number of submitters, set out in evidence the benefits of enhancement planting, and supported the use of the planting rules/standards based on the Auckland Council District Plan - Operative Rodney Section provisions.

The Council's response to those submitters seeking this option is that expert evidence from Mr Balderston in Topic 056/057 demonstrates the amount of subdivision that could be generated by enhancement planting rules applied across the region is not in accordance with the strategic direction of the Auckland Plan, which anticipates that the dwelling growth in Rural - Countryside Living Zones and other rural areas will be less than 10,000 in the 30-year period between 2012 and 2041. Mr Mosley made the same points in his evidence.

As pointed out by Dr Bellingham (paragraph 8 of his summary statement presented at the hearing on Topic 056) it is expensive to undertake restoration planting. He stated:

> I have quotes from current restoration projects that puts the cost of planting to Council's standards (same as Mr Harley's) $20,000 per hectare, fending $15-20 per metre, annual weed and pest management $150 -200 per hectare per annum (on a very long term basis), and consenting, surveying and covenanting costs would be typically $40,000 per consent for smaller sites and slightly more for larger sites.

Mr Goodwin, in answer to questions about the cost of creating these lots, said the cost is substantial (in the order of thirty thousand dollars per hectare). Given the cost of this form of development and subdivision, the Panel finds it is highly unlikely that it will generate a proliferation of lots.

The Panel does not agree with the Council that if the enhancement planting rules were applied across the region it would be contrary to the strategic direction of the Auckland Plan. The Panel finds the likely lot yield would have a negligible effect on that strategic direction, while at the same time restoring or creating native bush areas, and providing an enhanced subdivision option.

The Panel also notes that a number of proposed precincts would enable this form of subdivision and would, if taken up, add to the supply of lots.

For the reasons addressed above, in particular the evidence of Mr Goodwin and Dr Bellingham, the Panel supports the wider application of this subdivision option than to the identified precincts. It has the potential to create ecological benefits and, due to the complexity of the rules, the size of lots to be created and the cost involved, it is likely that only few lots would be created.

In respect of contiguous planting a number of submitter witnesses, including Dr Bellingham and Mr Hartley, advised the Panel that they did not consider it necessary for restoration planting to be contiguous to an existing significant ecological area, as proposed by Mr Mosley.

The legal submissions for Better Living Landscapes state that the contiguous requirement is unreasonable and that Mr Mosley's proposed provisions contained no subdivision opportunities based on the enhancement or rehabilitation of degraded rural areas that

contain no qualifying significant ecological area or significant ecological area that satisfies the factors for a significant ecological area.

The Council considers that restoration planting should be contiguous to an existing significant ecological area to ensure that significant ecological benefits are obtained. Ms Myers stated that there would be better ecological gains out of restoration planting being contiguous to a significant ecological area. She also noted that enhancement planting on land where no vegetation currently exists is more difficult and needs greater management.

As a result, the Council considers that the rules promoted by Mr Mosley are more likely to result in the protection of significant indigenous vegetation and the significant habitats of indigenous fauna in accordance with section 6(c) of the Resource Management Act 1991, than the alternative more ad hoc approach to restoration planting suggested by submitters.

The Panel does not agree and is more persuaded by the submitters' evidence. It is likely that much of the enhancement planning will be contiguous to an existing significant ecological area or an area that satisfies the factors for a significant ecological area. However the Panel, largely based on the evidence and experience of Mr Goodwin, considers that the option of an entirely new area should not be precluded.

The Panel has already set out it does not envisage this to be used often due to the substantial cost of establishing five hectares of native bush that meets the standards set out in the Panel's recommended rule. The Panel finds, contrary to the Council, that the rules recommended by the Panel are more likely to result in the protection of significant indigenous vegetation and the significant habitats of indigenous fauna in accordance with section 6(c) of the Resource Management Act 1991.

4.2.5. Significant ecological area subdivision yield

A number of submitters considered that the Council's cap on the maximum yield for transferable rural site subdivision and in-situ subdivision involving the protection of significant ecological area indigenous vegetation was too low. For example this issue was raised in the legal submissions (and summary hearing statement) of Jeffrey Brown on behalf of Chin Hill Farms Limited and in the legal submissions for Omaha Park Limited.

Mr Serjeant in his evidence to the Panel suggested that the rules should provide for one additional site for every 10 hectares of significant ecological area protected beyond the Council's total maximum yield of three sites where a significant ecological area is greater than 15 hectares.

Submitters considered that there is little incentive to protect large significant ecological area sites under the Council's proposed rules. For example submitters pointed out that in circumstances where there was say, 100 hectares of significant ecological area, a landowner had to fence the entire 100 hectares in order to get a yield of three sites for transfer and the subdivision reward for the costs involved was not commensurate.

The Council considered the matters raised above in relation to the subdivision rules relating to protection of significant ecological areas. The Council agrees that in their current form the rules create some inequities for landowners who have large significant ecological areas on their properties. The Council proposed to amend the relevant provisions to enable additional

sites to be generated for transfer beyond the maximum yield of three in Mr Mosley's rebuttal evidence.

The Panel agrees and recommends rules that enable one additional site for the protection of each additional 10 hectares of indigenous vegetation. This means that for a 100 hectare site, the total yield would therefore be 11 sites instead of three as set out in the Council's proposed rules.

The Council considers that this addresses the issues of fairness and workability of the rule raised at the hearing (including the requirement to fence the entire significant ecological area on a site once any area of significant ecological area is utilised for subdivision opportunities). The Panel agrees for the reasons presented in the evidence and in Council's closing statement.

5. Transferable rural site subdivision

5.1. Statement of issue

A number of submitters sought that much greater use should be made of transferable rural site subdivision than proposed by the Council. Submitters sought that the donor criteria be significantly relaxed and receiver areas be expanded so that they were not limited to identified Rural - Countryside Living Zones. Submitters sought that receiver areas should be within the same zone and/or enable clustering or the creation of hamlets.

The Council's position, in summary and supported by expert evidence, is that the donor criteria could be relaxed, and that the receiver area in addition to identified Rural - Countryside Living Zones be expanded to enable transfer into rural and coastal villages. However in relation to the rural and coastal villages, no transfer mechanism was proposed.

5.2. Panel recommendation and reasons

The Panel heard a considerable amount of evidence on this topic from the Council and submitters.

Overall the Panel is persuaded that, contrary to the Council's position, there is likely to be considerable opportunity to improve the potential rural productive capacity of rural land and protect significant ecological areas though enabling subdivision by the transfer of lots and titles. Despite the evidence on this topic from the Council and submitters, there remained a significant difference of opinion about the effects of a more comprehensive transferable rural site subdivision system, whether it was appropriate given the Council's approach to the rural environment and in particular subdivision, and the mechanisms to enable it to occur. (See also Panel's Report to Auckland Council – Hearing topic 011 Rural environment July 2016, and Report to Auckland Council – Hearing topics 056 and 057 Rural zones July 2016),

The Panel does not consider that the Council's transferable rural site subdivision will achieve much due to its restrictive nature, in particular the limited receiver areas. However, as a consequence of the Panel's recommendations to extend the Rural – Countryside Living Zone, results in a greater opportunity for the transfer of sites. The Panel notes that while the Council attempted to expand the receiver area to include the rural and coastal villages, no transfer mechanism was proposed.

ATTACHMENT B

Copy of Submission by Radiata

to Council and the Panel

3346

SUBMISSION ON PROPOSED AUCKLAND UNITARY PLAN 2014

Submitter Details

Submitter /Organisation Name: **RADIATA PROPERTIES LIMITED**

Agents Name: **Brian Putt, Metro Planning Ltd**

Address for Service: **C/- P O Box 4013, Shortland St, Auckland 1140**

Contact phone: **09 3033457**

Contact email: brian@metroplanning.co.nz

Scope of Submission

1. This is a submission to: Proposed Auckland Unitary Plan

2. The specific provisions / property address / map this submission relates to are:

   (a) The submitter is the owner of rural properties at Taupaki comprising Lot 2, D.P. 54742, Lot 1, D.P. 92272, Lot 2, D.P. 93697 and Lot 1, D.P. 93697.

   (b) The submitter opposes the provision making general subdivision in rural zones a prohibited activity. Refer Part 3, Chapter H, Section 5 – Subdivision, Rule 5.1 Activity Table 5, Rural Zones.

Submission

3. **The submitter opposes** the specific provisions identified above.

   The reasons for the submitter's views are as follows:

   (a) Subdivision is a basic land management technique in rural zones that implements rural productive strategies and initiatives for the economic benefit of the community.

   (b) In addition subdivision has been recognized in the former rules of the Auckland District Plan (Rodney Section) as a means of addressing environmental degradation and thereby as the best technique to encourage conservation enhancement within a rural development model.

   (c) This planning balance between conservation / environmental enhancement and rural development has been used for more than two decades as the sustainable management model for rural land management. The former Rodney rural rules implemented this resource management strategy in an

effective manner wholly consistent with the purpose of the Resource Management Act 1991.

(d) The activity status of rural subdivision which complies with the objective, policy and rule framework of the plan should necessarily be regarded as a restricted discretionary activity where the discretion is limited to the identified assessment criteria. This is the working practice for subdivision in the operative Auckland District Plan.

(e) By abandoning this sensible rural development strategy the Unitary Plan fails to meet the purpose of the Act and consequently does not promote sustainable management outcomes for the rural parts of the Auckland region.

(f) Without a sensible and workable subdivision provision for rural zones, the Unitary Plan will inhibit and stifle all forms of rural productive activity that can not use transferable titles or boundary adjustments / relocations to achieve the proposed rural productive purpose.

4. **The submitter seeks** the following decision from Auckland Council:

(a) The reinstatement of the environmental enhancement subdivision rules of the Auckland District Plan (Rodney Section) as a restricted discretionary activity in the rural zones of the Unitary Plan.

(b) Provide for rural zone subdivision under Activity Table 5 involving transferable titles, boundary adjustments / relocations and subdivision in countryside living zones as restricted discretionary activities.

(c) Provide for all other subdivision including subdivisions that do not meet the restricted discretionary criteria in the rural zones of the Unitary Plan as discretionary activities.

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

Attachments relevant to this submission are:

NIL

Signed:

B W Putt for and on behalf of Radiata Properties Ltd

Date: 27-02-2014

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