

Memo

Date 9/08/2022

To: Warren McLennan, Manager Regional North West and Islands; Plans and Places
 From: Hannah Milatovic – Planning Graduate

Subject: Plan Modification: Clause 20A modification to Auckland Unitary Plan

Corrections are required to the Auckland Unitary Plan (Operative in Part) 2016 (the AUP).

I seek your approval of this plan modification pursuant to clause 20A, First Schedule, Resource Management Act 1991.

You have delegated authority, as a tier four manager, to make a decision to correct an error to an operative plan under clause 20A. Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register¹ authorises all powers, functions, and duties under RMA’s first schedule (except clause 17 which cannot be delegated) to tier four positions.

Rule or Section of Unitary Plan	Chapter H21 Rural Waitākare Ranges Zone Standard H21.6.3 (3) and H21.4.1 Activity Table rules (A4), (A5) and (A7).
Subject Site (if applicable)	N/A
Legal Description (if applicable)	N/A
Nature of change	<p>A Clause 20A modification is required to correct a text error in Standard H21.6.3 (3) and H21.4.1 Activity Table (A4), (A5) and (A7).</p> <p>Discussion</p> <p>There is a cross referencing error in the text of Standard H21.6.3(3). This reference should read “comply with Table H21.6.3.1” not Standard H21.6.3(1) as Standard H21.6.3(1) no longer exists in the Auckland Unitary Plan. This correction is to change the text from referring to Standard H21.6.3(1) and removing the bracket around the 1. This is a minor error and needs to be corrected.</p> <p>There is a cross referencing error in Activity Table H21.4.1 (A4) and (A5). These lines of the Activity Table both refer to “Standard H21.6.3(1) when both (A4) and (A5) should refer to Table H21.6.3.1 as Standard H21.6.3.(1) no longer exists. As both rules (A4) and (A5) are referring to yards, the table that is to be referenced relates to yard minimum requirements. The text change will change the wording from “Standard” to “Table” and remove the brackets around the 1.</p> <p>There is an additional cross referencing error in H21.4.1 Activity Table (A7). This reads “Standard H21.6.3(1) and (2)” where it should read</p>

	“Standard H21.6.4(1) and (2)”. This will ensure that the building coverage standards are applicable and not the current Standards as they no longer exist within the Auckland Unitary Plan.
Effect of change	This change will correct text errors to ensure that cross referencing is correct and improve the efficiency and effectiveness of the Auckland Unitary Plan. These are minor changes, but will ensure the Standards can be applied appropriately.
Changes required to be made (text/in-text diagrams)	Amend the text in H21 Standard H21.6.3(3), H21.4.1 Activity Table (A4), (A5) and (A7).
Changes required to be made (maps)	N/A
Attachments	Attachment 1: updated text

Prepared by: Hannah Milatovic Planning Graduate Planner	Text Entered by: Harry Barnes Planning Technician
Signature: 	Signature: 
Maps prepared by: N/A Geospatial Analyst	Reviewed by: Eryn Shields Team Leader
Signature:	Signature: 
Decision: I agree/disagree to authorise the Clause 20A modification using my delegated authority Warren McLennan Manager Regional North West and Islands Date:	
Signature: 	

Attachment 1: updated
text

H21. Rural – Waitākere Ranges Zone

H21.1. Zone description

The Rural – Waitākere Ranges Zone comprises most of the privately owned land around the periphery of the public open space and the regional park within the Waitakere Ranges Heritage Area. This typically contains small holdings and residential properties and has a natural character dominated by bush-clad land. It contains heritage features such as areas of contiguous native bush, coastal areas, significant landforms and geological sites and significant and other terrestrial and aquatic ecosystems.

In the centre of the zone is the Scenic Drive ridge and the forested upper reaches of the Ōrātia and Ōpānuku streams' catchments, the western and southern edges of which are bounded by large continuous areas of primary and regenerating indigenous rainforest, the Waitākere Ranges Regional Park and the public water supply catchments. The eastern edge is bounded by the orchards and farms of Ōrātia and Ōpānuku/Henderson Valley.

The zone provides limited opportunity for further growth and development. It recognises the local, regional and national significance of the area and aims to prevent subdivision, use and development from having adverse effects on the heritage features of the Waitakere Ranges Heritage Area. Existing and future land use and development is managed to maintain and protect heritage features. Activities provided for in the zone enable and support the social, economic, cultural and environmental well-being of the people that live and work in the zone and in its distinct communities, while protecting, restoring and enhancing the heritage features of the zone.

H21.2. Objectives

- (1) Activities, development, and subdivision in the Rural – Waitākere Ranges Zone achieve the objectives of the Waitākere Ranges Heritage Area Overlay in Section [D12.2](#).
- (2) Activities, development, and subdivision achieve the objectives of the Rural – Rural Conservation Zone unless otherwise provided for in Objectives H21.2(1) and (3).
- (3) The forested character and natural landscape qualities of the Rural – Waitākere Ranges Zone are maintained and enhanced.

H21.3. Policies

- (1) Require subdivision, use and development to achieve the policies of the Waitākere Ranges Heritage Area Overlay in Section [D12.3](#).
- (2) Provide for subdivision, use and development which supports the policies of the Rural – Rural Conservation Zone unless otherwise provided for in Policy H21.3(3).

(3) Design subdivision, activities and development to:

- (a) protect significant and outstanding native vegetation and fauna habitat, and where possible avoid clearance of, or damage to, this resource;
- (b) minimise adverse effects arising from placement of structures, roads and other infrastructure, on the overall resilience, biodiversity and integrity of ecosystems;
- (c) minimise adverse effects during the course of establishing the subdivision, activities and development including those arising from surveying; and
- (d) recognise the natural values of native vegetation and fauna habitat areas and the linkages between these areas.

H21.4. Activity table

Table H21.4.1 Activity table specifies the activity status of land use and development activities pursuant to sections 9(2) and 9(3) of the Resource Management Act.

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

If any activity listed in rules (including standards) H21.4.1 to H21.6.14 is regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (“NESPF”) then the NESPF applies and prevails.

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

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

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

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

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

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

If an activity provided for in rules H21.4.1 to H21.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

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

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

Table H21.4.1 Activity table

Activity		Activity status
(A1)	Activities not otherwise provided for	NC
Development		
(A2)	Demolition of buildings	P
(A3)	Buildings having a height exceeding the maximum specified in Standard H21.6.2.	D
(A4)	A building that does not comply with Table H21.6.3.1 that has front, side and rear yards of not less than 3m	RD
(A5)	A building that does not comply with Table H21.6.3.1 with front, side or rear yards of less than 3m	D
(A6)	A building that does not comply with Standard H21.6.4(1) and (2) where the building coverage does not exceed 15 per cent.	RD
(A7)	A building that does not comply with Standard H21.6.4(1) and (2) where the building coverage exceeds 15 per cent.	NC
(A8)	New buildings and additions	The same activity status and standards as applies to the land use activity that the new building or addition to a building is designed to accommodate
(A8A)	Rainwater tank	P
Use		
Rural		
(A9)	Farming	P
(A10)	Farm visit for up to 20 visitors	P
(A11)	Post-harvest facilities	D
(A12)	Rural airstrips	D
(A13)	Greenhouses with a building coverage not exceeding 25 per cent of net site area	RD

H21 Rural – Waitākere Ranges Zone

(A14)	Greenhouses with a building coverage exceeding 25 per cent of net site area	NC
(A15) [rp/dp]	Disposal of non-residential waste or composting complying with Standard H21.6.1.(1) and (2)	P
(A16) [rp/dp]	Disposal of non-residential waste or composting not complying with Standard H21.6.1.(1) and (2)	D
(A17) [rp/dp]	Effluent disposal systems complying with Standard H21.6.1.(3)	P
(A18) [rp/dp]	Effluent disposal systems not complying with Standard H21.6.1.(3)	D
(A19)	Intensive farming	NC
(A20)	Intensive poultry farming	NC
(A21)	Free-range poultry farming	P
(A22)	Free-range poultry farming not complying with Standard H21.6.6	D
(A23)	Mustelid farming	Pr
(A24)	Forestry	P
(A25)	Forestry not complying with Standard H21.6.7	D
(A26)	Conservation planting	P
(A27)	Rural commercial services	NC
(A28)	Animal breeding or boarding	D
(A29)	Produce sales	P
(A30)	Produce sales not complying with Standard H21.6.8	D
(A31)	Rural industries	NC
(A32)	On-site primary produce manufacturing	NC
(A33)	Post-harvest facilities not exceeding 200m ² in gross floor area	RD
(A34)	Post-harvest facilities not complying with Standard H21.6.13	D
(A35)	Post-harvest facilities exceeding 200m ² in gross floor area	NC
(A36)	Equestrian centres	D
(A37)	Quarries - farm or forestry	NC
Accommodation		
(A38)	One dwelling per site	P
(A39)	Dwelling not complying with Standard H21.6.9	NC
(A40)	Minor dwellings	P
(A41)	Minor dwellings that does not comply with Standard H21.6.10	NC
(A42)	Subdivision of the minor dwelling from the site on which the principal dwelling is located	Pr

H21 Rural – Waitākere Ranges Zone

(A43)	Workers' accommodation	NC
(A44)	Home occupation	P
(A45)	Home occupation not complying with Standard H21.16.11	NC
(A46)	Visitor accommodation for no more than 20 people and located on a site greater than 20ha	RD
(A47)	Visitor accommodation for more than 20 people or located on a site less than 20ha	D
(A48)	Camping grounds	NC
Commerce		
(A49)	Restaurants and cafes accessory to farming carried out on the site with gross floor area up to 300m ²	D
(A50)	Restaurants and cafes accessory to farming carried out on the site with gross floor area greater than 300m ²	NC
(A51)	Garden centres	NC
(A52)	Markets	NC
(A53)	Storage and lock-up facilities	D
(A54)	Show homes	NC
(A55)	Veterinary clinics	D
(A56)	Rural tourist and visitor activities	D
Community		
(A57)	Care centres	D
(A58)	Community facilities	D
(A59)	Healthcare facilities	D
(A60)	Education facilities	NC
(A61)	Information facilities	D
(A62)	Artworks	P
(A63)	Outdoor recreational activities for up to 20 people	RD
(A64)	Informal recreation and leisure	P
(A65)	Organised sport and recreation	NC
(A66)	Emergency services	RD
(A67)	Clubrooms	RD
Coastal		
(A68)	Navigational aids	P
(A69)	Structures for boat launching activities	D
Mana Whenua		
(A70)	Urupa	D
(A71)	Marae	D
(A72)	Customary use	P

Mineral activities		
(A73)	Mineral extraction activities	NC
(A74)	Mineral prospecting	P
(A75)	Mineral prospecting that does not comply with standard H21.6.12	D
(A76)	Mineral exploration	NC
Cleanfill, managed fill and landfill		
(A77)	Cleanfill	NC
(A78)	Managed fill	NC
(A79)	Landfill	NC

H21.5. Notification

- (1) Any application for resource consent for an activity listed in Table H21.4.1 Activity table will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

H21.6. Standards

All permitted and restricted discretionary activities listed in Table H21.4.1 Activity table must comply with Standard H21.6.1. In addition these activities must comply with standards in H21.6.2 to H21.6.14 where relevant.

H21.6.1 General

- (1) Areas used for disposal of non-residential waste or composting must be located at least 100m from the boundary of adjoining sites in the Rural – Waitākere Ranges Zone, Rural – Waitākere Foothills Zone, Rural – Countryside Living Zone, Future Urban Zone and residential zones.
- (2) Areas used for disposal of non-residential waste or composting adjoining all rural zones other than Rural – Countryside Living Zone, must be located at least 20m from the boundary of adjoining sites.
- (3) Any effluent disposal system, including any area on which effluent is being disposed of by way of spray irrigation, or any treatment plant or ponds, or any composting area, must be located at least:

(a) 250m from any dwelling located on any site other than the site on which the activity is carried out; and

(b) 100m from any boundary of the site on which the activity is located.

H21.6.2 Building height

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

(1) Dwellings and buildings accessory to dwellings including minor dwellings and garages must not exceed 8m in height.

(2) Other accessory buildings must not exceed a height of 15m.

H21.6.3 Yards

Purpose: to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise:

- adverse effects of buildings on the natural character and amenity values enjoyed by occupiers of adjoining properties; and
- opportunities for reverse sensitivity effects to arise.
- the effects on streams, lakes and the coastal edge to maintain water quality and provide protection from natural hazards.

(1) *[deleted]*

(2) *[deleted]*

(3) A building that does not comply with Table H21.6.3.1 is a restricted discretionary activity provided that it has front, side and rear yards of a depth of not less than 3m.

(4) A building with front, side and rear yards of a depth less than 3m is a discretionary activity.

(5) A building, or parts of a building, must be set back from the relevant boundary by the minimum depth listed in Table H21.6.3.1 Minimum Yard Setback Requirements below.

Table H21.6.3.1 Minimum Yard Setback Requirements

Yard	Minimum depth
Front, side and rear yards	10m
Front, side and rear yards for sites located within Overlay Subdivision Plan 7a-7g – Bush Living (Ranges) identified in D12 Waitākere Ranges Heritage Area Overlay	3m
Riparian yard	20m from edge of permanent and intermittent streams

Lake yard	30m
Coastal protection yard or as otherwise specified for the site in Appendix 6 Coastal protection yard	50m

H21.6.4 Building coverage

- (1) The maximum building coverage within the Overlay Subdivision Plan 7a-7g – Bush Living (Ranges) identified in [D12 Waitākere Ranges Heritage Area Overlay](#) must not exceed ten per cent of net site area or 300m² whichever is the lesser.
- (2) The maximum building coverage outside the Overlay Subdivision Plan 7a-7g – Bush Living (Ranges) identified in the [D12 Waitākere Ranges Heritage Area Overlay](#) must not exceed 15 per cent of net site area or 300m² whichever is the lesser.
- (3) A building that does not comply with Standard H21.6.4(1) and (2) is a restricted discretionary activity provided the building coverage does not exceed 15 per cent.
- (4) A building that does not comply with Standard H21.6.4(1) and (2) and where the building coverage exceeds 15 per cent is a non-complying activity.

H21.6.5 Buildings housing animals – minimum separation distance

Purpose: to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise the:

- adverse effects of buildings on the natural character and amenity values enjoyed by occupiers of adjoining properties; and
- opportunity for reverse sensitivity effects to arise.

- (1) Buildings for the primary purpose of housing animals greater than 25m² gross floor area must be located at least 50m from any boundary of the site.

H21.6.6 Free-range poultry farming

- (1) Coops and associated hard stand areas for free-range poultry farming must be set back at least 50m from the nearest site boundary.

H21.6.7 Forestry

The following standards apply to forestry:

- (1) forestry activity on a site must not exceed 2ha;
- (2) forestry must be carried out at least 10m from any adjoining site boundary unless the landowner of the forest also owns or controls the adjoining site, or

the adjoining site is an area identified in the Significant Ecological Area Overlay or the adjoining site is already afforested;

- (3) forestry must be carried out at least 5m from the bank of any permanent stream, river, lake, wetland or coastal edge; and
- (4) forestry must be carried out at least 5m from an area identified in the Significant Ecological Area Overlay.

H21.6.8 Produce sales

The following standards apply to produce sales:

- (1) produce sales must not have their vehicle access from a State Highway or motorway;
- (2) produce that is not grown or produced on the site or on a site owned by the same landholder must not be sold or offered for sale;
- (3) the area set aside for produce sales (comprising any land, buildings, parts of a building, tables, tractors, barrows, platforms, boxes or any other structure or vehicle used for that purpose), must not exceed 100m²; and
- (4) the type of produce offered for sale on the site must be confined to the following:
 - (a) fruit, vegetables, plants, eggs, flowers, honey, dairy products, meat, wine, juices;
 - (b) produce or products from on-site primary produce manufacturing; or
 - (c) handcrafts or artworks made on the site.

H21.6.9 Dwellings

The following standards apply to dwellings:

- (1) there must not be more than one dwelling (not including a minor dwelling) on a site;
- (2) a dwelling must be constructed to have colour reflectivity limited to the following:
 - (a) between 0 and 40 per cent for exterior walls; and
 - (b) between 0 and 25 per cent for roofs;
- (3) standard H21.6.9(2) does not apply to unstained timber and natural materials;
- (4) fencing around dwellings must comprise rural post and wire or post and rail fencing;
- (5) rainwater tanks must:
 - (a) not be located:

- (i) in a riparian, lakeside or coastal protection yard unless less than 1m in height or wholly below ground level;
- (ii) in a front yard unless they are at least 1.5m from the front boundary and are located wholly below ground level;
- (b) not exceed 3m in height (excluding any pipework) in a rear or side yard;
- (c) not be located on or outflow across an existing effluent dispersal area;
- (d) any overflow from the rainwater tank must discharge to the existing authorized stormwater system for the site.
- (e) be finished in a recessive colour in a natural colour range (green, brown, grey) unless wholly below ground level or fully screened by vegetation.

Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

Note: Building Act regulations apply. A building consent may be required under the Building Act.

- (6) driveways must be constructed with material that is visually recessive e.g. exposed aggregate concrete, asphalt, chip seal, concrete with charcoal oxide tint.

H21.6.10 Minor dwelling

The following standards apply to minor dwellings:

- (1) a minor dwelling must be located on a site with a minimum net site area of 1500m²;
- (2) there must be no more than one minor dwelling per site;
- (3) the minor dwelling must be constructed to have colour reflectivity limited to the following:
 - (a) between 0 and 40 per cent for exterior walls; and
 - (b) between 0 and 25 per cent for roofs;
- (4) standard H21.6.10(3) does not apply to unstained timber and natural materials;
- (5) the proposed minor dwelling must have a floor area less than 65m² excluding decks and garaging;
- (6) the minor dwelling must share the same driveway access as the principal dwelling; and
- (7) the building must comply with the relevant standards H21.6.2, H21.6.3, H21.6.4 and H21.6.9 (4) to (6).

H21.6.11 Home occupations

The following standards apply to home occupations:

- (1) no more than five persons may be engaged in the home occupation;
- (2) at least one person engaged in the home occupation must use the dwelling or minor dwelling on the site as their principal place of residence;
- (3) no more than two people who do not use the dwelling as their principal place of residence may work in the home occupation, and no more than 10 guests may be accommodated within an existing dwelling;
- (4) except for homestay accommodation, customers and deliveries must not arrive before 7am or after 7pm any day;
- (5) heavy vehicle trips must not exceed two per week;
- (6) no more than one commercial vehicle associated with the home occupation may be on site at any one time;
- (7) [Deleted]
- (8) storage for rubbish and recycling must be provided on site and screened from public view;
- (9) materials or goods manufactured, serviced or repaired as part of the home occupation activity must be stored within a building on the same site;
- (10) goods sold from the home occupation must comply with the standards in H21.6.8 for produce sales; and
- (11) home occupations involving homestays are limited to a maximum of 10 people. This includes the people who reside on the site.

H21.6.12 Mineral prospecting

- (1) Mineral prospecting must comply with all of the following:
 - (a) must not involve blasting; and
 - (b) must not be undertaken outside the hours of 7am to 10pm on any day.

H21.6.13 Post-harvest facilities

The following standards apply to post-harvest activities:

- (1) the activity is limited to sorting or processing of goods from agricultural or horticultural produce; and
- (2) the activity is located on a site with a net site area of greater than 2ha.

H21.6.14 Outdoor recreation activities

The following standards apply to outdoor recreation activities:

- (1) the activity may involve buildings or structures ancillary to the activity and must not be greater than 30m²; and

(2) the activity must not involve motorsport and gun clubs.

H21.7. Assessment – controlled activities

There are no controlled activities in this zone.

H21.8. Assessment – restricted discretionary activities

H21.8.1 Matters of discretion

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

- (1) all restricted discretionary activities:
 - (a) natural character and amenity values;
 - (b) the scale and intensity of buildings and activities;
 - (c) retention and maintenance of indigenous vegetation;
 - (d) landscape treatment of sites;
 - (e) the duration and hours of operation of activities;
 - (f) parking, access and traffic movement;
 - (g) site restoration on completion of filming activities; and
 - (h) those matters set out in [H19. Rural Zones](#) under [H19.12.1 Matters of discretion](#).
- (2) infringement of yard standard:
 - (a) location of buildings, privacy, screening and landscape treatment.
- (3) infringement of building coverage standard:
 - (a) building bulk, screening and landscape treatment; and
 - (b) provision of outdoor space.

H21.8.2 Assessment criteria

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

- (1) all restricted discretionary activities:
 - (a) the extent to which the character, scale, hours of operation and intensity of the activity is compatible with amenity values, natural character, and the natural landscape and does not result in cumulative adverse effects;
 - (b) the extent to which the activity adversely affects natural character;

- (c) the extent to which buildings are compatible with the scale and appearance of other buildings in the neighbourhood;
- (d) whether the activity results in adverse effects on water quality, native vegetation and fauna habitat;
- (e) whether the activity individually or cumulatively leads to pressure for urban expansion or the fragmentation of sites leading to a reduction of natural character and amenity;
- (f) the extent to which the activity provides adequate parking and safe driveway access and sight lines and limits the length of driveways;
- (g) the extent to which the traffic movements of filming activities can be safely accommodated within the local road environment; and
- (h) the assessment criteria in [H19.12.2 Rural zones](#).

PC 71 ([see Modifications](#))

(2) infringement of yard standard:

- (a) the extent to which buildings are located:
 - (iii) a sufficient distance back from the site boundary to avoid more than minor adverse effects on the natural landscape;
 - (iv) in a position which maintains opportunities to retain vegetation around the edges of the site; and
 - (v) a sufficient distance back from site boundaries of adjoining sites to ensure a minimum level of privacy.

(3) infringement of building coverage standard:

- (a) the extent to which the scale of buildings detracts from the natural landscape, in particular:
 - (i) the extent of landscape modification, including earthworks and vegetation alteration;
 - (ii) the visual prominence of the building; and
 - (iii) the relationship of buildings to neighbouring sites.

H21.9. Special information requirements

There are no special information requirements in this zone.