



Waitakere City Council
Te Taiāo o Waitakere

PROPOSED PLAN CHANGE 36

Rural Activities and Social, Cultural and Economic Wellbeing in the Waitakere Ranges Heritage Area

**Prepared in fulfilment of Section 32 of the Resource
Management 1991**

1 FEBRUARY 2010

Proposed Plan Change 36: To insert a new section 5B.4 'Wellbeing of People and Communities in the Waitakere Ranges' into the Waitakere District Plan Policy Section. The Plan Change includes a new issue (5B.4.1), objective (5B.4.2) policy (5B.4.3) and amends the definitions, rules and assessment criteria for the Foothills, Waitakere Ranges, Bush Living and Coastal Villages Environments.

It should be noted that under s86B of the Resource Management Act, a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified.

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Analysis under Section 32 of the Resource Management Act 1991 for Plan Change 36

EXECUTIVE SUMMARY

Council has identified that a plan change to the District Plan is required to create an enabling environment for activities that are consistent with the intention of the Waitakere Ranges Heritage Area (Heritage Area) and the identified objectives of the Waitakere Ranges Heritage Area Act 2008 (WRHAA). The plan change improves the quality of the policies, rules and regulations to achieve more certain outcomes for landowners and the community. In particular, it improves opportunities for rural land management, providing alternatives to subdivision and allows rural character in the foothills to be managed in an integrated manner.

Plan Change 36 addresses distinct areas of economic wellbeing being those associated with people and communities living in villages, bush clad areas and in the foothills. The WRHAA recognises that, while most of the Heritage Area needs to be protected, people also live and work in the area's distinctive communities. Objective 8(i) of the WRHAA seeks to provide for these peoples' social, economic, environmental and cultural wellbeing. Objective 8(j) of the WRHAA also recognises that to retain a rural character in the foothills, provision needs to be made for 'future rural uses'.

Concerns have been raised by members of the community about the existing District Plan rules discouraging rural activities and activities that support the wellbeing of the community. The costs of resource consent applications and perceived "red tape" were also identified as disincentives to developing appropriate non-residential activities on private land.

Plan Change 36 proposes to amend the District Plan to provide a specific objective and policy to guide the scale, intensity and character of development considered to be appropriate within the Heritage Area, and particularly within the Foothills, Waitakere Ranges, Bush Living and Coastal Villages Environments. Amendments to the provisions for non-residential activities, traffic generation and signs are proposed within the Foothills, Waitakere Ranges, Bush Living and Coastal Villages Environments. These amendments provide more certainty that home occupations can be provided for as permitted activities within a set of revised performance standards. Home occupations represent the majority of the small scale business activities within the Heritage Area and demographics show that a larger proportion of Heritage Area residents work from home (compared with the City as whole).

Consultation on the Oratia, Waiatarua and Opanuku/Henderson Valley Local Area Plans (LAPs) also highlighted that the members of the community considered opportunities to work on the land and work from home as being important to their wellbeing. Expansion of existing non-residential activities is provided for, as most of these applications are currently processed as non-complying activities. This recognises that these resources exist within the Heritage Area and that their expansion needs to be carefully managed and considered through the resource consent process.

In the Foothills Environment, the plan change proposes an enabling framework of rules and performance standards to provide landowners and the community with opportunities to develop rural businesses, recreation activities and rural activities.

The section 32 analysis has identified that the proposed Plan Change would enable the Council to manage land resources efficiently whilst meeting the purpose of the RMA by allowing sustainable management of natural and physical resources. The section 32 analysis also concludes that the objective is the most appropriate way to achieve the purpose of the RMA, that the policy achieves the objectives and that the methods are the most effective and efficient means to achieve the policies and provide for the sustainable management of natural and physical resources, and the wellbeing of people and the community.

The proposed Plan Change is consistent with relevant statutory or non-statutory document. In addition, it is considered that there will be no adverse environmental effects generated as a result of the proposed Plan Change. The Plan Change represents the most appropriate way to manage adverse effects from development and to direct outcomes desired by the community.

The proposed plan change is consistent with the purpose of the RMA and is the most appropriate in terms of effectiveness and efficiency of Council exercising its function.

1.0 Introduction

This report provides a background to the proposed Plan Change 36. The plan change seeks to improve regulatory provisions associated with rural activities, the enabling of future uses of rural land to retain a rural character, and to provide for the social, cultural and economic wellbeing of the people and communities of the Heritage Area. This is to be achieved through the creation of new policy guidance, the amendment of rules and assessment criteria within the Foothills, Bush Living, Waitakere Ranges and Coastal Villages Environments. The plan change also seeks to amend an existing District Plan definition and introduce four new definitions.

This report has been prepared to fulfil the requirements of Section 32 of the RMA and Section 11 of the WRHAA. Section 32 of the RMA requires that an evaluation of the proposed plan change be undertaken, and that a report summarising the evaluation be available for public inspection at the time the plan change is publicly notified.

2.0 History, Location and Description of Sites and Surrounds

Background

The WRHAA received royal assent on April 8th 2008. This legislation recognises the national, regional, and local significance of the Waitakere Ranges Heritage Area (Heritage Area) and promotes the protection and enhancement of its heritage features for present and future generations while enabling the area to be lived and worked in.

The WRHAA responds to concerns expressed by the community and statutory bodies about the adverse cumulative effects that urban growth and development is having on the natural, rural and coastal landscape and the ecological, historic, and cultural heritage of the area, and the difficulties in managing such effects under the current regulatory framework.

Concerns have also been raised in discussions with members of the community about the existing District Plan rules discouraging rural activities and activities that support the wellbeing of the community. Discussions with the community, landowners and business owners, including those undertaken as part of the consultation on the Waitakere Ranges Heritage Area Bill and the Oratia, Waiatarua and Opanuku/Henderson Valley LAPs, identified that there is a lack of economic opportunities associated with the Heritage Area's strengths. These were seen to be its natural heritage, history, culture, rural food production and recreation activities and experiences.

The costs of resource consent applications and perceived "red tape" were also identified by landowners and business owners as disincentives to developing businesses on private land. It is also acknowledged that Councillors from the Auckland Regional Council, members of the community and the Waitakere Ranges Protection Society have raised concerns about the effects of visitors on the Heritage Area and the Waitakere Ranges Regional Park.

Section 7(2)(g) of the WRHAA recognises the importance of the Heritage Area for recreation and relaxation. The Auckland Regional Council and Waitakere Ranges Protection Society have raised concerns about pressure from visitors, most of whom are Auckland residents, on the Waitakere Ranges Regional Park. The Waitakere City Council has proposed a strategy of providing for opportunities to draw visitors away from the Waitakere Ranges Regional Park for a range of rural visitor experiences. This includes those activities which are already present within the Foothills, notably Kiwi Valley, Artisan Wines, Sapich Wines, the Oratia farmers market, and Waitakere Estate.

Waitakere Ranges Heritage Area

The Waitakere Ranges and foothills boundary (Waitakere Ranges Heritage Area) is identified in “Policy Map X” and in the Waitakere Ranges Heritage Area Act 2008 as Area A shown on SO Plan 361780, Area B shown on SO Plan 361452, Area C shown on SO Plan 361452, Area A shown on SO Plan 64997.

The Waitakere Ranges and its foothills and coasts within the Waitakere Ranges Heritage Area comprise an area of some 27 720 ha of public and private land located between metropolitan Auckland and the west coast. The area is of local, regional, and national significance.

The area is outstanding in northern New Zealand for its terrestrial and aquatic ecosystems, which include large continuous areas of primary and regenerating lowland and coastal rainforest, wetland, and dune systems with intact ecological sequences. The Waitakere Ranges Heritage Area contains distinctive and outstanding flora, fauna, and landscapes:

The Waitakere Ranges (part of a remnant volcanic landform) are the western visual backdrop to metropolitan Auckland. Their forested hills and coastal vistas are essential to the identity of both Waitakere City and metropolitan Auckland. The foothills and coastal areas are a combination of rural, urban, and natural landscapes that create an important transition and buffer zone to the forested part of the Ranges.

The Waitakere Ranges Heritage Area has a long and rich human history. It is a distinctive cultural domain for Maori and lies within the rohe of both Te Kawerau A Maki and Ngati Whatua. European settlement began more than 160 years ago with one of the first attempts at organised colonial settlement of New Zealand made in the south of the area, at Cornwallis in 1841. A century of resource exploitation followed that has left its mark on the whole area.

The Waitakere Ranges Heritage Area includes the Waitakere Ranges Regional Park. The Park, protected at local, regional, and national levels, is an area of some 17,000 ha, established over a period of 110 years through gifts, grants, purchases, and vestings (including legislation promoted by Auckland City Council in 1941 to create the Auckland Centennial Memorial Park, commemorating the centenary of the Metropolitan District of Auckland).

The Waitakere Ranges contribute to metropolitan Auckland’s water supply. They are a water catchment and the location of a series of storage and supply systems that have sustained, and continue to sustain, metropolitan Auckland since 1902.

In 2005, more than 21,000 people lived in the Waitakere Ranges Heritage Area (outside the Regional Park), mostly in forest dominated urban, rural, or coastal communities.

The Waitakere Ranges Heritage Area is subject to development and urban intensification pressures. These pressures are compounded by the Waitakere Ranges Heritage Area’s proximity to metropolitan Auckland, and threaten to undermine the unique natural, landscape, cultural, historic, and community features of the area, including its farming and rural character.

The location of the area to be affected by the Plan Change is wide and includes the areas zoned as Foothills, Bush Living, Waitakere Ranges and Coastal Villages Environment. With the exception of the Foothills Environment these zones are solely contained within the Heritage Area. The Foothills Environment however, includes areas

of Swanson and Birdwood which are not located within the Heritage Area. This has been addressed in part by the introduction of Foothills Environment Rule 8A: Non-Residential Activities within the Waitakere Ranges Heritage Area, and the amendment of existing Rule 8 to provide for Non-Residential Activities outside of the Waitakere Ranges Heritage Area. However, the remaining rules within the Foothills Environment have not been amended to address this split. Consequently amendments to Foothills Environment Rule 6: Outdoor Storage, Rule 7: Building Coverage, Rule 9: Traffic Generation, Access and Car Parking and Rule 12: Signs are to all the Foothills Environment, not just the area located within the Heritage Area. The changes to these rules are considered suitable to all of the Foothills Environment, and subsequently no distinction between inside and outside the Heritage Area is considered necessary for those rules.

The rural areas of Waitakere City had 1806 businesses (business units) in February 2005, representing 17.7% of the total number of businesses citywide. Businesses in the rural areas are dominated by Proprietor/Operator businesses, which account for 76% of the total number of businesses in the rural areas. Employment in the rural areas is concentrated around the Countryside Environment with 42.8% (1098 employees), the Foothills Environment at 27.4% (704 employees) and the remainder of the Waitakere Ranges Heritage Area with 12.2% (313 employees).

There are a significant number of businesses in the rural areas of the city. Nearly 20% (1 in five) of the City's business units are located outside the urban areas. However the majority of the businesses are in the 0-ECs size group. This means that they are not employing any people apart from the owner of the business. This is reflected in the fact that only 5.8% of the City's employment is located in the non-urban areas.

Council Resolutions

On 4 June 2009 the Policy and Strategy Committee directed Council officers to prepare the plan change to address rural activities and economic wellbeing in the Heritage Area and for this to be reported to the Committee for consideration. The resolution stated:

878/2009

1. **Receive** the *Economic Wellbeing in the Waitakere Ranges Heritage Area report*.
2. **Direct** the Director: Strategic Planning and Group Manager: Planning and Community Services to prepare a plan change (*Economic Wellbeing in the Waitakere Ranges Heritage Area plan change*) with a view to improving the quality of the resource management regulation within the Waitakere Ranges Heritage Area:
 - a. to create more certainty of outcomes (especially for landowners), particularly where it relates to matters in the Waitakere Ranges Heritage Area Act 2008 such as social and economic wellbeing and rural character; and
 - b. to identify, recognise and provide for gateway uses and functions at appropriate locations.
3. **Agree** that consultation be undertaken with the community in accordance with the first schedule of the Resource Management Act 1991 and the provisions of the Waitakere Ranges Heritage Area Act 2008.

4. **Agree** that Council officers undertake further focussed consultation with landowners and business leaders to clarify and test necessary changes to the District Plan to enable and facilitate appropriate rural economic activity.
5. **Note** that the procedures for a plan change are likely to be affected by changes to the Resource Management Act 1991 and Auckland governance.
6. **Agree** to recommend to the Planning and Regulatory Committee that Economic Wellbeing in the Waitakere Ranges Heritage Area plan change is a priority that should be notified during 2009 if possible.
7. **Direct** the Chief Executive Officer to keep both the Policy and Strategy Committee and the Planning and Regulatory Committee updated with progress on the preparation of the Economic Wellbeing in the Waitakere Ranges Heritage Area plan change and issues arising.
8. **Agree** that further investigation should be carried out on opportunities for the Council under the Local Government Act 2002 and Waitakere Ranges Heritage Area Act 2008 to provide guidance to landowners on rural land uses which accord with the intention of the Waitakere Ranges Heritage Area and that this work be reported back to the Policy and Strategy Committee along with matters arising from the preparation of the Economic Wellbeing in the Waitakere Ranges Heritage Area plan change.

On 8 September 2009 the Planning and Regulatory Committee considered the recommendations of the Policy and Strategy Committee [878/2009] and resolved to agree that the proposed plan changes now identified individually as Plan Changes 36 and 37 are a priority. The resolution stated:

1547/2009

1. **Agree** that the Economic Wellbeing in the Waitakere Ranges Heritage Area Plan Change is a priority that should be notified during 2009 if possible.
2. **Direct** the Chief Executive Officer to keep both the Policy and Strategy Committee and the Planning and Regulatory Committee with progress on the preparation of the Economic Wellbeing in the Waitakere Ranges Heritage Area Plan Change and any issues arising.

On 8 December 2009 the Planning and Regulatory Committee approved Plan Changes 35, 36 and 37 for public notification. The resolution stated:

1999/2009

The Planning and Regulatory Committee resolved to:

1. **Receive** the Proposed Plan Changes 35, 36 and 37: Amendments to the Waitakere District Plan for the Waitakere Ranges Heritage Area report.
2. **Agree** to delegate to the Chairman of the Planning and Regulatory Committee final approval of any minor amendments made prior to public notification of proposed Plan Change 35 (Waitakere Ranges Heritage Area District Plan Section 5B and Oratia and Waiatarua Local Area Plans), proposed Plan Change 36 (Rural Activities and Economic Wellbeing in the Waitakere Ranges Heritage Area), proposed Plan Change 37 (Titirangi Village and Variation 1 to Plan Change 17), and the background and section 32 analysis reports.

3. **Agree** that pursuant to the First Schedule to the Resource Management Act 1991, that proposed Plan Change 35 (Waitakere Ranges Heritage Area District Plan Section 5B and Oratia and Waitatarua Local Area Plans), proposed Plan Change 36 (Rural Activities and Economic Wellbeing in the Waitakere Ranges Heritage Area), and proposed Plan Change 37 (Titirangi Village and Variation 1 to Plan Change 17) be publicly notified in early 2010 on a Citywide basis.

Technical Assessments

Council has commissioned a number of technical assessments, and a number of reports existed which have contributed to the preparation of the Plan Change, along with adopted strategies including those for the Economic Wellbeing Strategy 2009 and the Assessment of Creative and Cultural Industries in Waitakere 2009.

Relevant documents and reports that contributed to the Plan Change are:

- Landscape Assessments by Melean Absolum Limited including “Waitakere Ranges Landscape Study Stage 1 (2004), Waitakere Ranges Coastal Villages Landscape Assessment: Part 1 Piha (2005), Rural Landscape Assessment (2006); and Waitakere Ranges Coastal Villages Landscape Assessment (2008).
- Rural Economic Development: Process Barriers. Brookfield Consultants. 2006
- The outlook for tourism in the Auckland Region. Covec Limited, 2008.
- Bringing the World to Auckland. The Case for Investment in Auckland’s Visitor Economy. Auckland Plus. 2007.
- Peri-urban Innovation. Marsha Shepherd. 2008.
- A Visitor Strategy for the Waitakere Ranges: Information Stocktake. Jenny Macdonald Consulting Limited, 2007.
- Rural Economies in the Auckland Region – Examining the Transformation Potential. Ascari Partners, 2008.
- Waitakere Economic Wellbeing Strategy 2009.
- Three Reports by Lois Easton Consulting Limited titled “An Investigation of Economic Development Potential in the Waitakere Ranges Heritage Area” 2009. The reports analyse existing activities in the Heritage Area, consider case studies from other areas in New Zealand and overseas, and recommend a range of activities based on distinct areas and communities within the Heritage Area.
- Melean Absolum Limited – Review of Lois Easton Stage 3 Report, 2008.
- Waitakere City Visitors Vision – an alternative to exploiting the Ranges. Waitakere Ranges Protection Society, 2008.
- Prospects for the Creative and Cultural Industries in Waitakere. Waitakere City Council. 2009.
- New Zealand Tourism Strategy 2015.

Assessments of objectives, policies and methods were also undertaken from District Plans throughout New Zealand to evaluate potential methods to manage appropriate activities within the Heritage Area.

A range of technical disciplines from Council have been involved in the preparation of the Plan Change.

3.0 Description of Proposed Plan Change

The proposed Plan Change seeks to improve regulatory provisions within the Heritage Area associated with rural activities, future uses of rural land to enable retention of a rural character, and to provide for the social, cultural and economic wellbeing of the

people and communities of the Heritage Area. This is achieved through the introduction of new objectives and policies, along with the amendment of several rules within the Foothills, Waitakere Ranges, Bush Living and Coastal Villages Environments, and an amendment to the General Natural Area Earthworks Rules. The plan change will also amend the existing definition of Intensive Livestock Farming and add new definitions for Greenhouses, Garden Centres and Arts and Crafts.

The amendments locate the issue, objective and policy within a new section 5B.4 of the District Plan. Plan Change 35 introduces Section 5B.1, 5B.2, 5B.3.1 and 5B.3.2 addressing the Waitakere Ranges Heritage Area, Local Area Plans and the Local Area Plans for Oratia and Waitatarua respectively. The proposed objective and policy for rural activities and economic wellbeing are to be included in section 5B.4.2 and 5B.4.3 respectively. These provisions are distinct, although they sit within the objectives framework for the Heritage Area proposed section 5B.1 introduced by Plan Change 35.

3.1 Introduction of new Issue:

Plan Change 36 introduces a new issue 5B.4.1. The issue lists potential outcomes that may result from a failure to provide for appropriate non-residential activities in the Heritage Area and to manage the scale, intensity and character of such activities.

3.2 Proposed Changes to the District Plan Objective and Policy

Plan Change 36 introduces a new Objective 5B.4.2. This new objective seeks;

To provide for appropriate local and small scale social, cultural and economic non-residential activities that benefit the people and communities of, and visitors to, the Waitakere Ranges Heritage Area. These activities shall be clearly connected to the wellbeing of those people and communities, or to the enjoyment, protection or enhancement of the natural and rural character and amenity of the Waitakere Ranges Heritage Area.

Plan Change 36 also introduces a new Policy 5B.4.3. This new policy seeks to enable the people of the Waitakere Ranges Heritage Area to provide for their social, cultural and economic wellbeing, through activities that are compatible with and/or enhance the character of the area. The policy lists the manner in which this can be achieved. This includes;

- Avoiding activities that are more appropriately located within metropolitan urban Auckland.
- Encouraging creative endeavour and arts and crafts.
- Providing opportunities for the expansion of existing activities.
- Enabling outdoor recreation, nature, rural and wilderness experiences and relaxation activities that are compatible with, and appropriate to the area and environment.
- Encouraging on-going maintenance and enhancement of rural landscapes and rural character by maintaining connections between rural business and the land.
- Encouraging the re-use of existing buildings.
- Avoiding activities that do not rely on or support the productive use and capacity of rural land, or the character and amenity of the Heritage Area.

3.3 Amendments to Foothills Environment Rules

The Plan Change introduces a new Rule 8A: Non-Residential Activities within the Waitakere Ranges Heritage Area. This rule applies to all Non-Residential Activities in the

Foothills Environment within the Waitakere Ranges Heritage Area, except for those on scheduled sites and within the Oratia Rural Village Non-Residential Activity Overlay (refer Plan Change 35 – Rule 8B). It is based on the operative Rule 8, although it identifies specific activities within the permitted controlled, limited discretionary and discretionary standards.

The new Permitted Activity status provides for rural activities, retail sales of plants and trees produced on site within a nursery, and markets (subject to performance standards). Home Occupations are provided for subject to performance standards and include provisions which are operative in the District Plan.

Filming Activities not requiring the construction of buildings are provided for as Controlled Activities, consistent with existing Rule 8 of the Foothills Environment.

The new Limited Discretionary Activity Status provides for;

- Home Occupations not meeting the standards in Rule 8A.1 provided that the total floor space occupied by the non-residential activity does not exceed 250m² or the retail sales of goods produced on site does not exceed 75m².
- Existing Non-Residential Activities involving an increase in scale and/or intensity (provided there are no retail sales, except for restaurants (food), agricultural and horticultural produce or arts and crafts).
- Manufacturing or processing, retail sales of agriculture and horticultural produce, and restaurants (subject to performance standards)
- Filming requiring the construction of buildings.
- Greenhouses located within the General Natural Area.
- Garden Centres.
- Retail Sales of arts and crafts (100m² max retail floor space).
- Outdoor Recreation

The new Discretionary Activity status provides for:

- Intensive livestock farming,
- Non-residential activities identified in Rule 8A.3 with a minimum net site area less than 2 hectares provided that retail sales meet the standards in Rule 8A.3, and
- Non-residential activities not provided for in 8A.1, 8A.2 and 8A.3 provided that there are no retail sales or Part A and B processes as listed in the Air Discharge Appendix.

The new Non-Complying Activity status applies to all activities that are not Permitted, Controlled, Limited Discretionary or Discretionary.

This new rule introduces 16 new assessment criteria. These criteria relate to rural character, scale and intensity, enhancement of and contribution to the ongoing productive use of rural land, connections with rural activities, connection with artistic endeavour, appropriate provision of onsite infrastructure, building reuse, amenity values, visual appearance, adverse effects on adjoining properties and its contribution to the relevant future character and amenity statement.

Plan Change 36 amends the title of Rule 8: Non-Residential Activities to read “Rule 8: Non-Residential Activities located in areas outside of the Waitakere Ranges Heritage Area”.

Plan Change 36 amends Rule 6: Outdoor Storage to exclude from the Permitted Activity performance standards activities for:

- Motor vehicle repairs,

- Wrecking of motor vehicles,
- Bottle or scrap metal sorting, storage or rehandling, and
- Rubbish collection storage or rehandling services.

Plan Change 36 amends Rule 7: Building Coverage, to;

- Amend the Permitted Activity status to exclude Non-Residential Activities from the 1% building coverage threshold, ensuring that the threshold is 300 m².
- Amend the Limited Discretionary Activity status to provide for greenhouses having a building coverage not exceeding 25% of the net site area, and buildings accommodating non-residential activities (except home occupations, greenhouses and rural activities) where the total building coverage does not exceed 1.5% of the net site area.
- Introduce three new assessment criteria;
 - 7(d) assesses elements of building subservience, scale, appearance and character.
 - 7(e) assesses the screening and location of greenhouses.
 - 7(f) assesses the extent to which the proposal achieves the relevant future character and amenity statement.

Plan Change 36 amends Rule 9: Traffic Generation, Access and Car Parking to provide for Permitted Activity vehicle movements associated with rural activities, greenhouses, home occupations (permitted by Rule 8.1 or 8A.1 of the Foothills Environment), Non-Residential Activities (permitted by Rule 8A.1 of the Foothills Environment) provided that operators of a market provide a traffic management plan, and Non-Residential Activities permitted by Rule 8B.1 of the Foothills environment within the Oratia Rural Village Non-Residential Overlay (refer Plan Change 35 – Rule 8B). The existing traffic generation threshold of 20 vehicle movements remains for all other activities, however the requirement for access from a front site, and restriction of no access from a major road have been removed.

The Limited Discretionary status has been amended to include activities provided for within Rule 8A.3. Several assessment criteria have also been amended / introduced, these include;

- 9(a) amended to include the assessment of the hourly, daily and weekly pattern of traffic generation.
- New 9(c) provides for consideration of the availability of on road car parking in the Oratia Rural Village Non-Residential Activity Overlay.
- New 9(d) assesses the extent to which an activity generates new traffic or relies on existing through traffic.
- New 9(e) assesses the extent to which the proposal achieves the relevant future character and amenity statement.

Plan Change 36 amends Rule 12: Signs to increase the permitted signs area from 0.1m² to 0.3m². It also introduces two new Permitted Activity performance standards;

- Signs associated with permitted activities in Rule 8A.1 of the Foothills Environment where the sign does not exceed 1.0m² or 2.5m in height, is not illuminated, flashing or moving and is located on the site to which it relates.
- Signs associated with non-residential activities within the Oratia Rural Village Non-Residential Activity Overlay where the sign does not exceed 1.5m² or 2.5m in height, is not illuminated, flashing or moving and is located on the site to which it relates.

The Limited Discretionary Activity status has been amended to include a performance standard limited sign height to 2.5m.

A new assessment criterion 12(e) has also been introduced which assesses the extent to which the proposal achieves the relevant character and amenity statement.

3.4 Amendments to Waitakere Ranges and Bush Living Environment Rules

Plan Change 36 amends Rule 7: Non-Residential Activities of the Waitakere Ranges Environment and Rule 8: Non-Residential Activities of the Bush Living Environments (referred to below as rules 7/8) to;

- Amend the Permitted Activity status to clarify that commercial overnight accommodation activities are restricted to a total of 8 people inclusive of those that reside on the site.
- Introduce a new Controlled Activity status for filming activities not requiring the construction of a building.
- Introduce a new Limited Discretionary Activity status. This status provides for;
 - Existing Non-Residential Activities involving an increase in scale and/or intensity (providing new buildings / additions to existing buildings comply with Rule 6/7 of the Waitakere Ranges/Bush Living Environment, and any retail sales are limited to arts and crafts, convenience shops, and restaurant (food) and beverages). This performance standard provides a site specific exception for Waitakere Estate (Pt Allot 7A DP 3530 and Lot 4 DP 370123) which allows for a maximum building coverage no greater than 10% of that existing on 8 December 2009. This is to provide for expansions to Waitakere Estate.
 - Non-Residential Activities involving retail sales of arts and crafts (providing new buildings / additions to existing buildings comply with Rule 6/7 of the Waitakere Ranges /Bush Living Environment, and any retail floor spaces are limited to 100m²).
- Amend the Discretionary Activity status to remove the provision for activities to be located within a building originally erected as a dwelling, and introduce a new provision allowing retail sales, provided these are limited to restaurants (food) and beverages from a gross floor area no greater than 300m².

Several assessment criteria have also been amended / introduced. These include;

- New 8(b) assesses the character, scale and intensity of the development.
- 8(c) is amended to include assessment of the design of buildings and site development.
- New 8(d) assesses compliance with building bulk.
- New 8(i) assesses the extent to which the proposal achieves the relevant future character and amenity statement.

Plan Change 36 amends Rule 8: Traffic Generation (Non-Residential Activities) of the Waitakere Ranges Environment, and Rule 9 Traffic Generation (Non-Residential Activities) of the Bush Living Environment (referred to below as Rules 8/9) to provide for the generation of traffic from home occupations as a Permitted Activity. The existing Limited Discretionary Activity status has been amended to remove the existing traffic generation thresholds, and replace them with requirements for generation associated with existing lawfully established non-residential activities and retail sales of arts and crafts as a limited discretionary activity.

Several assessment criteria have also been amended / introduced, these include;

- Rules 8/9(a) are amended to remove the assessment of front sites due to traffic generated by rear sites, and introduces the need to assess against the privacy

and darkness of the area, and the hourly, daily and weekly pattern of traffic generation.

- New rules 8/9(b) assess the extent to which the activity generates new traffic or relies on existing through traffic.
- New rule 8(c) assesses the extent to which the activity provides appropriate driveway access.
- New rules 8(d) and 9(c) assess the extent to which the traffic generation is appropriate to the distinctive harmony, pleasantness, and coherence of the area.
- New rules 8(e) and 9(d) assess the extent to which the proposal achieves the relevant future character and amenity statement.

Plan Change 36 amends Rule 9: Car Parking and Driveways of the Waitakere Ranges Environment, and Rule 10: Car Parking and Driveways of the Bush Living Environment,, to introduce a new Limited Discretionary Activity performance standard. This standard requires a limited discretionary activity resource consent for any non-residential activity that also requires limited discretionary activity resource consent pursuant to rule 8.

Plan Change 36 amends Rule 12: Signs of the Waitakere Ranges Environment, and Rule 13: Signs of the Bush Living Environment (referred to as 12/13) to increase the permitted signs area from 0.1m² to 0.3m². A new assessment criteria 12/13(e) has also been introduced which assesses the extent to which the proposal achieves the relevant character and amenity statement.

3.5 Amendments to the Coastal Villages Environment Rules

Plan Change 36 amends Rule 8: Non-Residential Activities of the Coastal Villages Environment to;

- Amend the Permitted Activity status to clarify that commercial overnight accommodation activities are restricted to a total of 8 people inclusive of those that reside on the site.
- Introduce a new Controlled Activity status to allow for filming activities not requiring the construction of buildings.
- Introduce a new Limited Discretionary Activity status. This status provides for;
 - Existing Non-Residential Activities involving an increase in scale and/or intensity (providing new buildings / additions to existing buildings comply with Rule 7 of the Coastal Villages Environment, and any retail sales are limited to arts and crafts, convenience shops, and restaurant (food) and beverages).
 - Non-Residential Activities involving retail sales of arts and crafts (providing new buildings / additions to existing buildings comply with Rule 7 of the Coastal Villages Environment, and any retail floor spaces is limited to 100m²).
- Amend the Discretionary Activity status to remove the performance standard that requires activities to be 'located within a building originally erected as a dwelling' and replace it with the new standard 'provided that buildings associated with the activity comply with Rule 7 of the Coastal Villages Environment'.

Several assessment criteria have also been amended / introduced, these include;

- New 8(b) assesses the appropriate character, scale and intensity of the development.
- 8(c) is amended to include the assessment of the design of buildings and site development.
- New 8(d) assesses compliance with building bulk.

- New 8(i) assesses the extent to which the proposal achieves the relevant future character and amenity statement.

Plan Change 36 amends Rule 9: Traffic Generation to introduce a new Permitted Activity status for home occupations (as permitted by Rule 8.1 of the Coastal Villages Environment) and a new Controlled Activity status for filming activities, not involving the construction of buildings.

The existing Limited Discretionary Activity status has been amended to remove the existing traffic generation thresholds, and replace them with performance standards requiring resource consent for traffic generation associated with the expansion of existing lawfully established non-residential activities (subject to meeting Rule 8.3 of the Coastal Villages Environment) and retail sales of arts and crafts (subject to meeting Rule 8.3 of the Coastal Villages Environment). A new Discretionary Activity status has been introduced to capture all non-residential activities not meeting the Permitted, Controlled and Limited Discretionary performance standards. This replaces the existing Non-Complying Activity status.

Several assessment criteria has also been amended / introduced, these include;

- 9(2) amended to include consideration of the hourly, daily and weekly pattern of traffic generation.
- New 9(b) assesses the extent to which an activity generates new traffic or relies on existing through traffic.
- New 9(c) assesses whether the scale and intensity of traffic generation is appropriate to the individual identity of the coastal village, and its distinctive scale, containment, intensity and amenity.
- New 9(d) assesses the extent to which the proposal achieves the relevant future character and amenity statement.

Plan Change 36 amends Rule 10: Car Parking and Driveways by inserting a new Limited Discretionary Activity performance standard. This standard requires resource consent for any non-residential activity requiring limited discretionary activity resource consent for an increase in scale and/or intensity of an existing lawfully established non-residential activity.

Plan Change 36 amends Rule 13: Signs to increase the permitted signs area from 0.1m² to 0.3m², and inserts a new performance standard requiring that signs are not illuminated, flashing or moving. A new assessment criteria 13(e) has also been introduced which assesses the extent to which the proposal achieves the relevant character and amenity statement.

3.6 Amendments to the Existing General Natural Area Rules

Plan Change 36 amends the existing General Natural Area Rule 3: Earthworks. This rule has been amended to provide for earthworks associated with Greenhouses in the Foothills Environment, as a Limited Discretionary Activity.

3.7 Amendments to City Wide Definitions

Plan Change 36 amends the City Wide definitions to:

- Amend the existing *Intensive Livestock Farming* definition to exclude 'free range poultry farming'. Free range poultry farming is considered to be a rural activity.

- Introduce a new definition of *Greenhouse*. This definition has been introduced to recognise the role of Greenhouses in a rural setting, and to aid in enabling rules that provide for such activities.
- Introduce a new definition of *Arts and crafts*. This definition provides for hand produced goods. This definition seeks to provide for the large number of artists that currently live and work within Waitakere Ranges Heritage Area.
- Introduce a new definition of *Garden Centre*. This definition has been introduced to recognise the role of Garden Centres in a rural setting, and to aid in enabling a set of rules that provide for such activities.
- Introduce a new definition of *Outdoor Recreation Activity*. There is no existing definition of recreation or any similar activity within the District Plan. This has been introduced to recognise that some areas of the Waitakere Ranges Heritage Area have the potential to provide for such activities. The definition restricts activities to those being undertaken outside, with limited provision for building facilities associated with the activity.

3.8 District Plan Maps

The Proposed Plan Change will not amend the District Plan Maps, in either the Human Environments or Natural Areas.

3.9 Related Plan Changes

Council has also notified plan changes 35 and 37 to the District Plan. Plan Change 35 introduces the objectives of the Waitakere Ranges Heritage Area (5B.1), explanation of Local Area Plans (5B.2) and the Oratia and Waitatarua Local Area Plans (5B.3.1 and 5B.3.2 respectively). Plan Change 35 introduces a new Oratia Rural Village Non-Residential Activity Overlay (Rule 8B of the Foothills Environment).

Plan Change 37 removes inappropriate provisions from the District Plan relating to Titirangi Village, and proposes new policy guidance and matters of assessment. Plan Change 37 supports the intent of this plan change in that it seeks it provide for the social, cultural and economic wellbeing of the Titirangi community.

4.0 Resource Management Act 1991

The RMA provides a legislative framework for the sustainable management of natural and physical resources in New Zealand. The purpose of the RMA is to promote the sustainable management of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety. Part II (Sections 5-8) sets out the Purpose & Principles of the RMA.

Section 5 (2) defines the purpose of the RMA, sustainable management as:

“managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*

- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*”

Section 6 outlines Matters of National Importance that must be recognised and provided for:

“6. Matters of National Importance –

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers:*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, site, waahi tapu and other taonga:*
- (f) the protection of historic heritage from inappropriate subdivision, use and development*
- (g) the protection of recognised customary activities.”*

Section 7 sets out Other Matters that must be given particular regard including:

- (a) “Kaitiakitanga;*
- (aa) The ethic of Stewardship;*
- (b) The efficient use and development of natural and physical resources;*
- (ba) The efficiency of the end use of energy;*
- (c) The maintenance and enhancement of amenity values;*
- (d) Intrinsic values of ecosystems;*
- (e) Repealed*
- (f) Maintenance and enhancement of the quality of the environment;*
- ...”*

Section 8 of the RMA requires that the principles of the Treaty of Waitangi be taken in account.

Part IV of the RMA relates to functions, powers and duties of Central and Local Government.

Council's functions are outlined in Section 31 as the control of actual and potential effects of the use, development or protection of land and associated natural and physical resources in order to achieve the purpose of the RMA. Council is to establish, implement and review objectives, policies and methods to achieve this and can also include rules, which prohibit, regulate or allow activities. The District Plan is a tool to assist Council in achieving its functions. Section 31(1) of the RMA outlines Council's functions as follows:

- (a) The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*

- (b) *The control of any actual or potential effects of the use, development, or protection of land, including the for the purpose of-*
 - (i) *the avoidance or mitigation of natural hazards; and*
 - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances;*
 - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
 - (iii) *the maintenance of indigenous biological diversity:*
 - (c) *Repealed*
 - (d) *The control of the emission of noise and the mitigation of the effects of noise:*
 - (e) *The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
 - (f) *Any other functions specified in this Act.*
- (2) *The methods used to carry out any functions under subsection (1) may include the control of subdivision*

The purpose of a district plan as outlined in section 72 of the RMA is to assist Council to carry out its functions in order to achieve the purpose of the RMA. Section 74 (1) of the Act is the statutory basis on which Council undertakes changes to its plan. Section 74(1) states that:

“A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part II, a direction given under section 25A(2), its duty under section 32, and any regulations.”

Therefore before adopting an objective, policy or rule or other method in the District Plan a rigorous assessment under Section 32 of the RMA must be carried out. Section 32 (3-6) states:

- (3) *An evaluation must examine –*
 - (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
 - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*
- (3A) *The subsection applies to a rule that imposes a greater prohibition on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstance of the region or the district.*
- (4) *For the purposes of the examinations referred to in 3 and 3A, an evaluation must take into account –*
 - (a) *the benefits and costs of policies, rules, or other methods; and*
 - (b) *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.*
- (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
- (6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.*

Part V of the RMA relates to Standards, Policy Statements and Plans. Section 74 (1) has been mentioned above, however the remainder of that section of the RMA is also relevant to plan changes:

- (2) *In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—*
- (a) *Any—*
 - (i) *Proposed regional policy statement; or*
 - (ii) *Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
 - (b) *Any—*
 - (i) *Management plans and strategies prepared under other Acts; and*
 - (ii) *repealed*
 - (iia) *Relevant entry in the Historic Places Register; and*
 - (iii) *Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*
to the extent that their content has a bearing on resource management issues of the district; and
 - (c) *The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- (2A) *A territorial authority must, when preparing or changing a district plan, take into account any relevant planning document recognised by an iwi authority, and lodged with the authority, to the extent that its content has a bearing on resource management issues of the district.*
- (3) *In preparing or changing any district plan, a territorial authority must not have regard to trade competition.*

In respect of district plans, Section 75 states that:

- (1) *A district plan must state –*
- (a) *the objectives for the district; and*
 - (b) *the policies to implement the objectives; and*
 - (c) *the rules (if any) to implement the policies*
- (2) *A district plan may state -*
- (a) *the significant resource management issues for the district; and*
 - (b) *the methods, other than rules, for implementing the policies of the district; and*
 - (c) *the principal reasons for adopting the policies and methods; and*
 - (d) *the environmental results expected from the policies and methods; and*
 - (e) *the procedures for monitoring the efficiency and effectiveness of the policies and methods; and*
 - (f) *the processes for dealing with issues that cross territorial authority boundaries; and*
 - (g) *the information to be included with an application for resource consent; and*
 - (h) *any other information for the purpose of the territorial authority's functions, powers, and duties under this Act.*
- (3) *A district plan must give effect to—*
- (a) *any national policy statement, and;*
 - (b) *any New Zealand coastal policy statement, and;*
 - (c) *any regional policy statement.*
- (4) *must not be inconsistent with-*
- (a) *a water conservation order; or*
 - (b) *a regional plan for any matter specified in section 30(1).*

(5) *A district plan may incorporate material by reference under Part 3 of Schedule 1.*

Section 76(3) requires that in making a rule, a territorial authority is to have regard to the actual or potential effect of activities on the environment.

5 Section 32 Analysis

In achieving the purpose of the RMA, Section 32 requires that before notifying a proposed Plan Change Council must carry out an evaluation of the alternatives, benefits and costs of the proposed plan change. Council's obligations under section 32 are divided into five parts that comprise the following:

- examining the extent to which each objective is the most appropriate way to achieve the purpose of the RMA;
- examining whether, having regard to efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives;
- taking into account the benefits and costs of the policies, rules or other methods;
- taking into account 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; and
- summarising the evaluation and reasons for evaluation.

5.1 The extent to which the proposed objective, policy, rules or other methods are necessary in achieving the purpose of the Act

The proposed Plan Change introduces a new Objective 5B.4.2. Table 1 below provides an examination of whether this objective is the most appropriate way to achieve the purpose of the Act.

Table 1 The extent to which proposed objective 5B.4.2 is the most appropriate way to achieve the purpose of the RMA

| Proposed Objective | Examination of whether the objective is the most appropriate way to achieve the purpose of the Act |
|---|--|
| <p>Objective 5B.4.2 To provide for appropriate local and small scale social, cultural and economic non-residential activities that benefit the people and communities of, and visitors to, the Waitakere Ranges Heritage Area. These activities shall be clearly connected to the wellbeing of those people and communities, or to the enjoyment, protection or enhancement of the natural and rural character and amenity of the Waitakere Ranges Heritage Area.</p> | <p>Objective 5B.4.2 addresses matters in objective 8(i) and 8(j) of the WRHAA. The proposed objective would ensure that people and communities who live and work in the Heritage Area are enabled to provide for their social, economic and cultural well-being in accordance with Section 5 of the RMA and the Heritage Area objective 8(i). These objectives are consistent with Part II of the RMA and particularise the outcomes expected for the Heritage Area within the RMA context. It also addresses matters in objective 8(j) of the WRHAA, and would provide for the strengthening the ability to provide for rural activities that would retain rural character in the Heritage Area. Heritage feature 7(2)(g) of the WRHAA recognises that the opportunities that the area provides for wilderness experiences, recreation, and relaxation in close proximity to metropolitan Auckland contribute to the national significance of the Heritage Area. This is a feature that is to be protected, restored and enhanced in accordance with objective 8(a) of the WRHAA.</p> <p>These are additional matters which need to be specifically considered within the boundaries of the Heritage Area, and are provided for by the WRHAA. The proposed objective recognises and provides for RMA section 5 matters, particularly enabling people and communities to provide for their social, cultural and economic wellbeing while sustaining the natural and physical resources of the Heritage Area, safeguarding the life-supporting capacity of air, water, soil and ecosystems (all of which are significant in the Heritage Area) and managing adverse effects. All the matters in section 6 of the RMA are relevant and result in the proposed objective adopting an approach based on “appropriate” and “small-scale” non-residential activities that are “clearly connected” to community wellbeing and the protection and enhancement of natural and rural character. Section 7 RMA matters 7(b), 7(c), 7(d), 7(f) and 7(g) are relevant to the consideration of the characteristics and values of the features of the Heritage Area, and provide parameters for the objective in its focus on the people, communities and visitors to the Heritage Area and that non-residential activities should be of an appropriate scale.</p> <p>The proposed plan change is considered to be consistent with the Purpose and Principles of the RMA. The objective recognises that some non-residential activities can occur in the Heritage Area. The unique characteristics and amenity of the Heritage Area are recognised and activities within it will be managed in a way that is appropriate to the values associated with its particular features. Development consistent with the Plan Change will allow for the local community to provide for their social, cultural, and economic well being. In addressing the matter of wellbeing, the objective acknowledges activities that would benefit people, communities and visitors, and provides for activities that contribute to the enjoyment of the natural and rural character. Recognising the significant character of the Heritage Area, activities would also need to achieve the protection of enhancement of rural and natural character and amenity.</p> |

The proposed plan change is considered to be consistent with the purpose and principles of the RMA. Development consistent with the Plan Change will allow for people and communities to provide for their social, cultural, and economic well being, and for the maintenance and protection of the rural and natural character of the Heritage Area.

5.2 Whether, having regard to efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objective (s32(3)(b))

Council is required to have regard to other methods that may be used in achieving the objective of the Proposed Plan Change. This includes non-statutory methods such as education, provision of services, advocacy, incentives and the like. Other methods could be taking no action at all (i.e. removing all rules) or retaining the existing rules (the status quo).

An assessment is required of the proposal. Table 2 assesses the efficiency and effectiveness of the proposed policies.

Section 32 of the RMA requires an evaluation to examine whether the policies and methods take into account their benefits and costs, as well as the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies and methods.

Table 2 Assessment of efficiency and effectiveness of policies and achievement of objective – Policy 5B.4.3

| Proposed Policy 5B.4.3 | Efficiency and Effectiveness | Most appropriate for achieving the objective |
|--|--|--|
| <p>5B.4.3 Policy To enable the people of the Waitakere Ranges Heritage Area to provide for their social, economic, cultural and environmental wellbeing in a way that is compatible with and/or enhances the heritage features and character of the area. The scale, intensity, context and character of activities will seek to retain and/or enhance a rural or natural character or cultural association with the area. This is achieved by:</p> | <p>Policy 5B.4.3 relates directly to the matters outlined in Objective 5B.4.2 which address matters in section 7(2)(g), objectives 8(i) & 8(j) of the WRHAA (refer Objectives 5B.1.2 of Plan Change 35). These objectives are consistent with Part II of the RMA and particularise the outcomes expected for the Heritage Area within the RMA context. Objective 5B.4.2 seeks to provide opportunities for people to provide for their wellbeing, although this is qualified in that it needs to be compatible with, and/or enhance the heritage features and character of the area. This address the basis of the Waitakere Ranges Heritage Area and its national significance.</p> <p>Provisions managing the scale, intensity, context and character of non-residential activities reflect the emphasis of the RMA on protecting nationally important resources from inappropriate development. Appropriate development is considered to be limited in its scale, intensity and character, and to fit within the context of the Heritage Area.</p> <p>References to cultural associations reflect the importance of the Heritage Area to tangata whenua, and the importance of history and heritage in the identity of places and communities within the Waitakere Ranges, and the Ranges as a whole.</p> <p>The policy directly relates to the issues and objective in 5B.4 and is considered to be effective and efficient in achieving the objective. The policy is qualified by twenty four points which address matters relating to the appropriateness of activities. For any particular rule or activity many of the policies may be relevant, particularly those relating to heritage features.</p> | <p>Yes, the proposed policy provides appropriate guidance for managing non-residential activities.</p> |
| <p>In the Waitakere Ranges Heritage Area:</p> <ul style="list-style-type: none"> i. ensuring activities protect, restore and enhance heritage features (section 5B.1.2.1); ii. ensuring activities contribute to the achievement of the | <p>These policy points apply to the Heritage Area as a whole. Specific policy guidance also applies to the Foothills Environment, and Plan Change 37 introduces specific policy guidance for Titirangi village.</p> <p>Objective 5B.1.2.1 of Plan Change 35 seeks to protect, restore, and enhance heritage features. It is appropriate that the policy ensures that non-residential activities fulfil this requirement as these features are either nationally significance themselves or contribute to the national significance of the Heritage Area. This reflects Objective 8(a) of the WRHAA.</p> <p>Policy 5B.4.3(ii) is based on Section 25 of the WRHAA, which provides for Local Area Plans to</p> | <p>Yes, the proposed policy provides appropriate guidance for managing non-residential activities.</p> |

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| <p>desired future character and amenity of a local area (as specified in section 5B.3);</p> | <p>develop objectives (particularly long-term objectives) in relation to the future amenity, character and environment of the Local Area. A statement of the desired future character and amenity, as developed by the community through the LAP process, is contained in Section 5B.3 of Plan Change 35. It is referenced by the policy as a means of ensuring that proposed development either contributes to, or does not detract from, the future character and amenity of the local area where this has been described in Section 5B.3. This policy is only relevant to those locations where LAPs have been incorporated into the District Plan. At present the provision would apply to Oratia, Waiatarua and Titirangi Village.</p> | |
| <p>iii. avoiding activities that because of their scale, intensity and characteristics are contrary to the long term goals for the area (as specified in section 5B.1 and 5B.3), and/or are more appropriately located within the metropolitan urban limits of Auckland;</p> <p>iv. avoiding the development of activities that do not rely on or support the productive use and capacity of rural land, or the character, amenity, communities, recreational or attributes of the Waitakere Ranges Heritage Area and coast;</p> | <p>Policies 5B.4.3(iii) & (iv) seeks to avoid activities that are inappropriate in the Heritage Area, and should be located elsewhere in the region, either in another rural area, or within the metropolitan urban limits as the activities have a character, intensity and scale which is typical of urban activities. The District Plan is effects based and doesn't differentiate between different types of non-residential activities except on the basis of rural activities, retail, services and home occupations. To manage limited opportunities for appropriate non-residential activities in the Heritage Area, direct policy guidance is required on those activities considered to be both appropriate and inappropriate.</p> <p>The Heritage Area is also an area governed by a series of sometimes complex planning frameworks. For example, Titirangi is a low density urban area located within the Heritage Area and the MUL. The coastal villages (settlements) are distinct from the urban areas of the City, however regional policy indicates that these are locations for urban activities and are defined as urban areas. Further, there are a number of distinctive rural communities which sit outside the MUL, which, however, are community focal points of activity. For the Heritage Area, the consideration of appropriateness can be assisted by more specific policy guidance in the District Plan. Acknowledging that regardless of being within the MUL, the Bush Living areas of Titirangi are not urban residential in nature, but residential in a bush setting, the overall policy framework is considered appropriate. For Titirangi village which is a commercial village centre, specific policy guidance is proposed within Section 5.3.3 of Plan Change 37.</p> <p>The issue of how to define whether an activity is more appropriately located inside or outside the Heritage Area, or within or outside any one part of it will need to be considered on its individual merits, with consideration of its scale, intensity, character and context. For the Foothills, Waitakere Ranges and Bush Living Environments (where outside the MUL), guidance on the issue of what is a rural or urban activity (urban development) is available through several Environment Court decisions and the Auckland Regional Policy Statement. The Environment Court has indicated that there is a continuum between urban and rural activities. It also recognises that some activities are inherently neither one nor the other and that these activities could reasonably be expected in both rural and urban areas (for example activities associated with people and communities).</p> | <p>Yes, the proposed policy provides appropriate guidance for managing non-residential activities.</p> |

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| | <p>Matters such as character, intensity, scale and context can assist in the evaluation of activities and their appropriateness. The important differences between urban activities typical of those within metropolitan Auckland and activities outside this area is the scale of the activity itself, its context and the specific design of the development. In other words, how dominant a feature in the surrounding area is the activity in question, and is the extent of the activity sufficiently small to render it subservient to natural and rural landscapes, particularly retaining the dominance of natural vegetation and primary production regimes,. Policy 5B.4.3(iii) seeks to provide a differentiation in the consideration of proposals as to their appropriateness, and further qualifies this in Policy 5B.4.3 (iv) by directing the avoidance of activities that do not rely on or support the productive use and capacity of rural land, or the character, amenity, communities, recreational or attributes of the Heritage Area. This links to matters of rural resources, rural locations, rural communities and activities associated with unique elements of the Heritage Area.</p> <p>Long-term goals are a direct reference to the objectives of the WRHAA, proposed objectives in Section 5B.1 and the relevant future character and amenity statements associated with local area plans (refer section 5B.3).</p> <p>The context of an activity and its relationship with surrounding built and non-built features will be critical to its successful assimilation within its particular rural or natural environment/landscape. The scale and design of any non-residential activity proposed would need to be carefully assessed to determine whether it was appropriate in any given part of the Heritage Area.</p> <p>Specific limitations to support Policies 5B.4.3(iii) & (iv) are identified below in other policies. The policy is considered to be effective and efficient in achieving the appropriate objective.</p> | |
| <p>v. limiting any commercial and office activities to home occupations and activities that support the area's distinctive communities, creating opportunities for local business support and innovation;</p> <p>vi. limiting any commercial overnight accommodation to that associated with</p> | <p>To manage limited opportunities for appropriate non-residential activities in the Heritage Area, direct policy guidance is required on those activities considered to be inappropriate. New commercial and accommodation activities are only appropriate where they are associated with home occupations (and policy 5B.4.3(v) also addresses this in the context of supporting the local community and business support). Many small scale commercial activities operate as home occupations and are found throughout the communities of the City, including those communities in the Heritage Area. The emphasis is on providing limited and small scale opportunities that provide home occupations or services to the people and communities of the area.</p> <p>Proposed provisions managing the scale, intensity, context and character of non-residential activities reflect the emphasis of the RMA on protecting nationally important resources from inappropriate development. The policy directly relates to the issues and objective in 5B.4 and is considered to be</p> | <p>Yes, the proposed policy provides appropriate guidance for managing non-residential activities.</p> |

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| <p>home occupation activities; vii. providing for small scale local convenience retail and services in appropriate locations to support the wellbeing of the area's distinct communities and help reduce the need for travel outside of the area;</p> | <p>effective and efficient in achieving the objective.</p> <p>Policy 5B.4.3 relates directly to the matters outlined in Objective 5B.4.2 which address matters in objective 8(i) of the WRHAA (refer Objectives 5B.1.2 of Plan Change 35). Objective 5B.4.2 seeks to provide opportunities for people to provide for their wellbeing, although this is qualified in that it needs to be compatible with, or enhance the heritage features and character of the area. There are a range of distinctive communities in the Waitakere Ranges Heritage Area, from those based within the MUL and the Heritage Area, to coastal villages (settlements) and distinctive rural communities with their own focal points. Providing for the wellbeing of these communities is an objective of the WRHAA and is considered to be appropriate in the context of Part II of the RMA. Policy 5B.4.3(vii) seeks to achieve this through the provision of small-scale retail and services for those communities. Many of the villages are serviced by existing non-residential activities and over time the particular requirements of the community may change.</p> <p>The policy acknowledges that activities can support this wellbeing and provide greater opportunities for a degree of community self-sufficiency and the local provision of activities. The policy is not intended to apply as a blanket, and the reference to "appropriate locations" is important to differentiating between areas of non-residential activity present in some locations and those areas where these activities are absent. Many of the coastal villages have focal points within the community that provide for some commercial and community non-residential activities, and these focal points are also evident, at a small scale, within other distinctive communities in the Heritage Area. Other activities are distributed throughout a community, however if additional activities are appropriate their location will be an important consideration, particularly in respect to cumulative adverse effects.</p> <p>More specific policy guidance for Titirangi village is provided by Plan Change 37 to recognise the importance of this village to the communities of the Heritage Area and Auckland.</p> <p>The proposed policies are considered to be the most efficient and effective way to achieve the Objective and enable the wellbeing of the community.</p> | |
| <p>viii. encouraging creative endeavour, creative industries and arts and crafts;</p> | <p>Waitakere artists are renowned for their creativity. The Waitakere Ranges has been a bastion of creative endeavour and innovation. Council strategies seek to reinforce this through enabling creative endeavour within the Heritage Area. Much of this is at the home occupation level, however provisions provide for the retailing of arts and crafts, including in the form of galleries and collectives. The policy is considered to reflect existing strengths of the Heritage Area and provides opportunities for the growth of this sector. The proposed policy is considered to be the most efficient and effective way to achieve the objective and enable social, cultural and economic wellbeing. This policy sits within the framework of non-residential activities being restricted by their scale, intensity, character and context.</p> | <p>Yes, the proposed policy provides appropriate guidance for managing non-residential activities.</p> |

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| | More specific policy guidance for Titirangi village, including Lopdell House is provided by Plan Change 37 | |
| ix. providing opportunities for the appropriate expansion of existing activities to ensure they continue to provide for the wellbeing of the community and/or the quality of the visitor experience; | <p>There are a wide range of existing non-residential activities in the Waitakere Ranges Heritage Area, including retail, services, commercial accommodation, restaurants and community facilities and community-based groups. These existing activities provide for the wellbeing of people and the community and are an existing resource. Many of these activities have long associations with the area or community.</p> <p>The policy provides for limited expansion of these activities so that they may continue to provide wellbeing to people and communities. The current provisions of the District Plan usually require non-complying resource consent for expansions or additions, which for community based organisations and businesses creates considerable uncertainty as their existing operations are not reflected in policy, and the extent of their operations usually results in infringements to rules. This is considered to be inefficient.</p> <p>The policy is limited to “appropriate” expansion, which requires consideration of the merits of the proposal. Rules limit building coverage to that expected within the respective zones.</p> <p>The policy approach is considered to be efficient and effective in achieving the objective, which acknowledges that non-residential activities provide for wellbeing.</p> | Yes, the proposed policy provides appropriate guidance for managing non-residential activities. |
| x. enabling nature, rural and wilderness experiences, outdoor recreation and pursuits, and relaxation activities that are compatible with, and appropriate to, the amenity of the area and the natural and rural environment; | <p>Policy 5B.4.3 relates directly to the matters outlined in Objective 5B.4.2 which address matters in section 7(2)(g), objectives 8(i) & 8(j) of the WRHAA (refer Objectives 5B.1.2 of Plan Change 35). Objective 5B.4.2 seeks to provide opportunities for visitor experiences acknowledging the nationally significant matter of recreation, respite and relaxation provided by the Heritage Area. There are many existing examples in the Heritage Area of non-residential activities focussed on improving experiences for locals, Aucklanders and visitors.</p> <p>The Council acknowledges that the ARC have jurisdiction of the Waitakere Ranges Regional Park and is responsible for managing concessions for operators in the Park. This policy framework addresses opportunities associated with private land through the existing home occupation performance standards, provision for the expansion of existing activities, and in providing for commercial outdoor recreation activities in the Foothills Environment.</p> <p>In providing for these activities the policy seeks that they are compatible with, and appropriate to, the amenity of the area and the environment, ensuring that activities are tested on their merit.</p> <p>The Council has a strategy of providing recreation opportunities outside the Regional Park. This</p> | Yes, the proposed policy provides appropriate guidance for managing non-residential activities. |

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| | <p>relieves pressure on the Regional Park and provides alternative recreation opportunities associated with private land in the Heritage Area.</p> <p>The predominance of open space and vegetation (generally grass/crops/exotic trees in rural areas or native vegetation in forest areas), means that recreational activities generally fit into the landscape. Care needs to be taken to ensure car parks and other built structures don't become incongruous in contrast to the surrounding area and therefore these activities (other than home occupations) would require resource consent. It is considered that the policy provides an appropriate means to achieve the objective.</p> | |
| <p>xi. encouraging the reuse of existing buildings that relate to the historic and/or rural character of the area and controlling the design, scale and location of new buildings, structures and development to ensure they are appropriate to the area, avoid adverse effects on road and/or streetscape, and are subservient to the natural and/or rural landscapes of the area;</p> | <p>The reuse of existing buildings by non-residential activities allows these activities to assimilate into the existing landscape. There are many historic packing sheds and other structures which can be reused and revitalised. The buildings have a rich history and cultural association.</p> <p>The design, scale and location of new buildings is to be controlled, particularly through rules (eg building coverage, existing yards) and new assessment criteria to ensure these are subservient to the landscapes they are within. Other than packing sheds and other structures associated with rural activities, buildings are generally set back from the road providing a spacious roadscape in the rural areas or a streetscape in the bush clad areas that are dominated by vegetation.</p> <p>It is considered that the policies managing the design, scale and location of buildings provide an appropriate means to achieve the objective.</p> | <p>Yes, the proposed policy provides appropriate guidance for managing non-residential activities.</p> |
| <p>xii. avoiding activities that result in inappropriate earthworks and vegetation removal;</p> <p>xiii. avoiding activities that result in adverse noise, lighting and odour effects on adjoining properties;</p> <p>xiv. avoiding, remedying or mitigating adverse amenity effects on adjoining properties;</p> | <p>These policies provide clear guidance that specific outcomes are to be avoided. In enabling a limited range of non-residential activities, the policy seeks to specifically avoid adverse effects on landforms and streams from earthworks and vegetation. The policy differentiates by the use of the word "inappropriate" which allows a qualitative and quantitative assessment of environmental effects.</p> <p>The policy also addresses adverse effects on adjoining properties and seeks to avoid activities which generate noise, light and odour to the extent that neighbouring properties are adversely affected. This requires that activities are design to avoid these effects, and if these effects are present then the policy considers that these activities are inappropriate as they would undermine the amenity of other properties. Other adverse effects on amenity should be avoided, remedied or mitigated. Intensive farming activities in the Foothills Environment are proposed as discretionary activities to allow the considering of more intensive forms of food production on the basis of their effects, which can also</p> | <p>Yes, the proposed policy provides appropriate guidance for managing non-residential activities.</p> |

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| | <p>be addressed by their intensity and scale.</p> <p>The protection and enhancement of the character and amenity of the Heritage Area is an important outcome of the objective.</p> <p>The proposed policies are considered to be the most efficient and effective way to achieve the Objective.</p> | |
| <p>And in the <i>Foothills Environment</i>.</p> <p>xv. enabling a diversity of small-scale rural business activities with a focus on food production, eating and drinking, history, culture, creative endeavour and innovation, festivals and events, outdoor recreation activity and activities focused on health and wellbeing that have a clear and genuine connection with the resources, communities or the character and amenity of the rural areas of the Waitakere Ranges Heritage Area;</p> <p>xvi. enabling greenhouse activities provided that their adverse effects on the environment can be avoided, remedied or mitigated;</p> | <p>The following policies apply to the Foothills Environment and are in addition to the previous policies which apply (as relevant) to the Heritage Area.</p> <p>The establishment of a diverse range of new and innovative rural business activities in the Foothills Environment will provide for the future use of rural land in order to retain a rural character and a worked-in landscape. The policy, read in conjunction with the chapeau will result in small-scale activities with an intensity, character and context appropriate for a rural area, and that will enhance the community's wellbeing and the productive use of rural land.</p> <p>The policy focuses on the rejuvenation of rural land through requiring many non-residential activities to be directly associated with rural activities such as farming, orchards and vineyards, and for their continued management to provide food, rural context and landscapes. Provision is also made for greenhouses to support the growing of food in close proximity to Auckland. The policy focus is on rural resources (which includes rural amenity and character), rural locations and rural communities.</p> <p>A limited range of activities are anticipated in the rural foothills. These are to be small scale and have a clear focus on rural production (linked to long associations with the area for growing food) and the history, features and recreational values of the area. These activities reflect existing business activities in the rural foothills which are considered appropriate and enhance the identity and distinctiveness of these rural communities.</p> <p>Greenhouses are specifically mentioned as they are a rural activity which relies on large buildings. These are the only exception to rules which restrict building coverage. This is considered appropriate because of the opportunity they provide for intensive horticulture in proximity to Auckland, and because in the General Natural Areas (rural land) these buildings are considered to have a character consistent with a rural environment. The emphasis is on managing the effects of these activities.</p> <p>Policy 5B.4.3 relates directly to the matters outlined in Objective 5B.4.2 which address matters in section 7(2)(g), objectives 8(i) & 8(j) of the WRHAA (refer Objectives 5B.1.2 of Plan Change 35). Objective 5B.4.2 seeks to provide opportunities for people to provide for their wellbeing, although this</p> | <p>Yes, the proposed policy provides appropriate guidance for managing non-residential activities.</p> |

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| | is qualified in that it needs to be compatible with, or enhance the heritage features and character of the area. This addresses the basis of the Waitakere Ranges Heritage Area and its national significance. The proposed policies are considered to be the most efficient and effective way to achieve the Objective. | |
| xvii. limiting any industrial activities to those that support the productive use of rural land and/or provide services to rural activities, and involve the manufacturing of goods from, or processing of agricultural and horticultural produce; xviii. limiting any storage activities to those that are ancillary to home occupations, rural activities or the manufacture or processing of agricultural and horticultural produce; | <p>Policies 5B.4.3(iii) & (iv) seek to avoid activities that are inappropriate in the Heritage Area, and should locate elsewhere in the region, either in another rural area, or within the metropolitan urban limits, as the activities have a character, intensity and scale which is typical of urban activities.</p> <p>The District Plan is effects based and doesn't differentiate between different types of non-residential activities except on the basis of retail services, sales and home occupations. To manage limited opportunities for appropriate non-residential activities in the Heritage Area, direct policy guidance is required on those activities considered to be inappropriate. Industrial and storage activities are only appropriate where they are associated with rural activities, rural produce, manufacturing of goods from rural produce or are ancillary to home occupations. This creates a clear distinction between these forms of activities typical of urban industrial areas and the specific needs of rural activities. This does not include home occupations or arts and crafts.</p> <p>The policy provides for the wellbeing of rural producers by allowing small scale manufacturing, processing and retail sales of agricultural and horticultural produce. The policy seeks to support economic vitality by enabling activities that add value to agricultural and horticultural produce through various levels or stages of production and marketing, often on the same site. In so doing, it allows people to better provide for their wellbeing by reducing their reliance on commodities as being their primary (or even sole) source of income.</p> <p>Industrial and storage activities may either involve significant buildings or manufacturing processes inappropriate to the Heritage Area. The Plan Change introduces building coverage thresholds for non-residential activities and limits manufacturing and processing to rural produce and Part C Air Discharge processes. The proposed policies are considered to be the most efficient and effective way to achieve the Objective.</p> | Yes, the proposed policy provides appropriate guidance for managing non-residential activities. |
| xix. encouraging the on-going maintenance and enhancement of rural landscapes and rural character by enabling rural business activities that maintain connections with the foothills' | The policies address matters contained in objective 8(j) of the WRHAA, and would provide for the strengthening of the ability to provide for rural activities which would retain and enhance a rural character in the Heritage Area. The strategic approach to managing the Heritage Area is to protect, restore and enhance its heritage features, which include rural character. The policies and rules require specific non-residential activities to occur on sites above 2 hectares in size and to be directly associated with a rural activity. This provides an integrated approach to the management of rural character and ensures genuine and clear connections between non-residential activities on the productive use of land. | Yes, the proposed policy provides appropriate guidance for managing non-residential activities. |

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| <p>productive past, including retaining and maintaining orchards, vineyards and shelterbelts, and designing landscape elements in new activities to reflect the area's history and rural production;</p> <p>xx. requiring rural business activities to contribute to rural character and amenity through the re-establishment or continued management of agricultural or horticultural activities on site;</p> | <p>The policy reflects that many sites in the rural foothills have become derelict. Future rural uses provide opportunities, where appropriately linked to an association with rural activities, to restore and enhance rural landscapes. This is important to the continued management of rural character and a worked in landscape. This can be through the management of existing rural activities or the replanting of new activities. Rural shelter belts are also an important landscape element that contribute to the unique identity of communities in the Foothills and should also be managed where appropriate development occurs.</p> <p>The proposed policies are considered to be the most efficient and effective way to achieve the Objective.</p> | |
| <p>xxi. developing Oratia Rural Village as a distinct rural community and service centre, different from the metropolitan urban limits of Auckland (refer section 5B.3.1);</p> | <p>The policy acknowledges the enabling provisions and statement of future character and amenity located in section 5B.3.1 (Plan Change 35) which support the Oratia Rural Village.</p> <p>The village is the historic centre of the local area. Centred on the primary school, it is today a loose assemblage of buildings and activities (hall on the site of the first coop packing shed, the petrol station, the cemetery, the bowling club, the church, the orchard shop fronts). It has a recognisable village form, but this is incomplete and disconnected with gaps through which to view rural Oratia. The village is a valued place in the community, providing a centre for meeting and socialising. The views north from the village to the forested escarpment, with open rural land in the foreground, make an important contribution to the rural character of Oratia Village.</p> <p>Section 7(2)(l) of WRHAA recognises that distinctive communities are a heritage feature of the Heritage Area that contributes to its national, regional and local significance. Objective 8(a) of the WRHAA seeks to protect, restore and enhance heritage features, which include distinctive communities. Objective 8(i) recognises that people live and work in the area and that their wellbeing should be enabled. (refer also Objectives 5B.1.2.1(i) and 5B.1.2.9 of Plan Change 35).</p> <p>Oratia rural village is an existing resource which supports community wellbeing. It has been the centre of the Oratia community since the community existed. The Oratia Village and school will</p> | <p>Yes, the proposed policy provides appropriate guidance for managing non-residential activities.</p> |

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| | <p>continue to be the centre of the community. The proposal to enhance the village in accordance with the WRHAA will see village development contained within clear boundaries, and will attract a range of activities including small-scale convenience, arts and crafts, service and café/restaurant activities. To support the wellbeing of the community, the village will have a stronger focus as a place to meet, celebrate and socialise, providing for neighbourhood-scale functions associated with communities (regardless of whether these functions are rural or urban).</p> <p>The detailed policies in Plan Change 35 seek that the Village will be grounded in its local history, maintaining a rural character and form through the careful clustering of activities and spacing of buildings. Existing buildings will be reused and new development will be small-scale and integrate with the rural character of the Village. Large-scale activities more appropriate to an urban area will be avoided. Car parking areas and infrastructure will reflect the area's rural character. Reticulated services will be managed to support the development of the Village provided that its form is contained and the pattern of development maintains a rural character.</p> <p>The detailed policies in Plan Change 35 set parameters for the enhancement of the Oratia rural village in a way that ensures the achievement of a small-scale rural village form, character and amenity, maintains a separation from metropolitan Auckland and integrates with the surrounding rural landscape. The rural village will continue to be low density, with small, low scale buildings and activities, separated from one another and located in a productive landscape setting. This involves the continued use of existing orchards, or the replanting of new fruit trees or vines so that the village is integrated within an orchard and/or vineyard landscape to reflect the horticultural traditions and history of Oratia.</p> <p>The policy in Plan Change 36 acknowledges the role of the village and its future role in providing for the wellbeing of the communities of the Heritage Area.</p> | |
| <p>xxii. limiting retail activities outside of the Oratia Rural Village to small scale home occupations, nurseries, garden centres, creative endeavour, food and beverages and agricultural and horticultural produce;</p> | <p>Limitations on retail development are important to maintain distinctions between activities located within metropolitan Auckland and those typically associated with rural areas. The policy provides for the wellbeing of rural producers by allowing small scale retail sales of specific produce. The policy seeks to support economic vitality by enabling activities that add value, for example, agricultural and horticultural produce through various levels or stages of production and marketing, often on the same site. In so doing, it allows people to better provide for their wellbeing by reducing their reliance on commodities as being their primary (or even sole) source of income. As an example, integration of the wine industry involves the location of wine making activities, cellar door sales and in some cases associated restaurants/cafes, on the same site as a vineyard (hence the integration of primary production, wine production, retailing and visitor activities).</p> | <p>Yes, the proposed policy provides appropriate guidance for managing non-residential activities.</p> |

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| | <p>Other examples include nurseries, garden centres, sales from home occupations and sales of arts and crafts resulting from creative endeavour. The intention is to direct most retail in the Foothills Environment to the Oratia Rural Village, and to restrict retail in the rural areas to a limited scale and specific products.</p> <p>The policy is considered to be efficient and effective in achieving the objective.</p> | |
| <p>xxiii. maintaining a clear visual boundary and contrast between metropolitan Auckland and the <i>Foothills Environment</i> and reinforcing the metropolitan urban limit boundary through design and location of rural business activities and associated infrastructure on the rural side of the boundary, to reinforce rural character and amenity; and</p> <p>xxiv. locating buildings to retain a rural road character and roadscape distinct from urban residential or commercial streets.</p> | <p>This policy seeks to ensure there is a distinct edge between properties within the metropolitan urban limits and those zoned Foothills Environment. Activities should not, through their context, design, infrastructure or scale, blur the clear distinction that exists, for example on Henderson Valley Road, Parrs Cross Road and Pine Avenue, and result in urban sprawl within the Heritage Area. Rural activities, such as the existing Artisan Wines can reinforce the rural boundary by establishing rural activities along this edge, maintaining a productive and used landscape as opposed to a focus primarily on countryside living.</p> <p>This also reflects the desired future character and amenity statement and policies for the Oratia Local Area set out in Plan Change 35 (section 5B.3.1).</p> <p>Specific policy guidance is provided in Plan Change 35 for Oratia Rural Village to reflect the existing and desired future character and amenity statements.</p> <p>Buildings in the Foothills Environment have traditionally located adjoining the road. Recent development has seen some ribbon like residential development along the roads, creating a suburban-style landscape character. The impact of additional buildings on roadscape within the rural areas is an important consideration, which may include the setting of buildings back within the landscape, or in the case of produce stalls, locating these adjoining the street as they are a built element anticipated in a rural environment and one which contributes to a productive landscape.</p> <p>The policies are considered to be efficient and effective in achieving the objective.</p> | <p>Yes, the proposed policy provides appropriate guidance for managing non-residential activities.</p> |
| <p>Methods</p> | <p>The methods of the plan change are considered in the following section. Of importance are methods which require 'monitoring' of the effectiveness of these policies and provisions, ensuring that if activities or their adverse effects are not being appropriately managed in an integrated manner then information is available to support the further consideration of this matter. Monitoring is a tool available to the Council and community in the achievement of the requirements of the RMA and WRHAA.</p> | |

An assessment is required of the proposal and its appropriate alternatives. There are several alternate options to the proposed plan change. These are identified and discussed below (including the proposed plan change).

- Proposed Plan Change
- Retain the existing Waitakere Ranges, Foothills, Bush Living and Coastal Environment Rules and Policies (the “status quo” option)

The Proposed Plan Change

The proposed policies and rules are considered to be the most effective in achieving the objectives of the WRHAA and the purpose and principles of the RMA. They provide a framework for allowing people and communities to provide for their social, cultural and economic wellbeing.

In respect of the proposed methods (rules and assessment criteria), the following assessment is provided:

- Home Occupations

The proposed plan change introduces limitations on the size of commercial accommodation operated as a home occupation. This limit applies to the occupation of a dwelling as part of the residential activities framework, being 8 residents (who do not need to be related). In the Foothills Environment this is extended to 10 occupants for the commercial accommodation activity, inclusive of those residing on the site. Accommodation is considered to be an appropriate activity for the Heritage Area. However the scale of activity can have adverse effects and large scale commercial accommodation, except for those already existing, is not anticipated in the policy framework. The focus is on providing accommodation activities through the home occupation provisions, within size limits, to provide for bed and breakfast and farm stay accommodation. This provides accommodation in a manner consistent with many existing activities in the Heritage Area, and ensures that it is a small scale and ancillary to the occupation of dwellings by residents.

The plan change also deletes the requirement that retail sales are from existing buildings. This provides limited flexibility for qualifying retail sales, which may not necessarily require a building.

The new Foothills Environment Rule 8A transfers the home occupation provisions from Rule 8 of the Foothills Environment. This includes operative provisions for small scale brothels which were introduced previously to the District Plan through the plan change process.

The amendments to the traffic generation rules in the Foothills, Bush Living, Waitakere Ranges and Coastal Villages Environments confirm that home occupations complying with the non-residential activity standards are permitted activities. The operative rules can require resource consent for any vehicle traffic from a home occupation. Home occupations, because of limitations on employees, scale and retail, have limited vehicle traffic, which the Council considers can be accommodated within the road network in a safe and efficient manner. The Council is aware of examples where resource consents have been required for small scale traffic generation from home occupations (one or two daily trips) which is unnecessarily restrictive and costly.

The amendments to the home occupation provisions are considered to be efficient and effective in providing for home occupations as a permitted activity and avoiding unnecessary resource consent requirements. Non-compliance with home occupation provisions results in the requirement for resource consent, and may disqualify the activity from being considered as a home occupation, instead being assessed as a non-residential activity.

- Filming

Filming is a strength of the Waitakere economy. Many filming activities qualify as a temporary activity, however some require resource consent. Provision for filming is available in the Foothills and Waitakere Ranges Environments. Where resource consent is required this allows the assessment of, and management of effects, including through site and traffic management.

The Operative District Plan provides for filming in the Bush Living and Coastal Villages Environments as a temporary activity provided that it doesn't involve the construction of buildings or an operation in excess of 30 working days. Currently any operation exceeding this requires non-complying resource consent.

The Council considers that the stringency of provisions in the Bush Living and Coastal Villages Environment is inappropriate and inconsistent with the approach for other environments in the Heritage Area. The plan change proposes to introduce consistency in the manner in which filming activities are managed throughout the Heritage Area. The consent requirements are considered necessary to ensure that the effects of filming activities can be managed.

- Existing Activities

There are a wide range of existing business, commercial, rural and community activities in the Heritage Area. Currently, where these activities involve additions to an existing building, or traffic generation, they can fall as non-complying activities. There is no policy guidance or rules to specifically address these resource consent applications, other than the bulk and location and amenity provisions. These activities are existing resources that contribute to the wellbeing of people and communities. Currently, because of the lack of specific policy guidance, assessments of resource consent applications fall back on Part II of the RMA to provide guidance as to whether an activity is appropriate to the area.

The plan change provides more specific policy guidance in allowing appropriate expansion of existing non-residential activities, which includes a range of activities from childcare and surf clubs to summer camps and businesses.

Proposed non-residential activity rules provide for the expansion of lawfully established activities as a limited discretionary activity. Rules for traffic generation also provide for traffic generation resulting from the expansion as a limited discretionary activity. Relevant rules also require limited discretionary activity resource consent for additional car parking associated with the activity. This framework provides more specific guidance than the previous catch-all discretionary or non-complying status.

In each Environment there are specific performance standards which need to be considered, in particular limits on the type of retail sales and the need for non-residential activities to comply with relevant building coverage controls. The policy seeks to provide for appropriate expansions and as many of these environments

have a low density of development, overall compliance with specific standards is necessary to ensure that expansions (scale and intensity) are consistent with the approach to development in that Environment.

Specific provision is made for Waitakere Estate which is a unique facility in the Heritage Area and Bush Living Environment. It represents one of the only large accommodation activities in the Heritage Area, which because of its existing characteristics requires specific building coverage thresholds.

The limitations and consent requirements are considered necessary to ensure that activities are appropriate and that their effects can be managed according to their scale, design and context.

- Retail Sales of Arts and Crafts

Sales of arts and crafts from a home occupation are permitted so long as they comply with the performance standards. Activities which may involve an art gallery, artists collective or coop, or sale of good not produced from the site, require resource consent.

Art and creative endeavour is a strength of Waitakere City, and in particular the Heritage Area. The policy approach is to encourage creative endeavour through the home occupation provisions, providing for appropriate expansions to existing activities and for retail sales of arts and crafts not falling into the previous categories as a limited discretionary activity, provided it can comply with performance standards limiting the size of the area used for retail sales and compliance with relevant building coverage standard.

Traffic generation for retail sales of arts and crafts that requires resource consent is a limited discretionary activity.

These provisions appropriately recognise opportunities to support cultural and economic wellbeing. The limitations and consent requirements are considered necessary to ensure that activities are appropriate and that their effects can be managed according to their scale, design and context.

- Traffic Generation and Car Parking

Proposed amendments to the traffic generation and car parking rules move away from the calculation of traffic generation thresholds. The proposal is that consent requirements reflect the non-residential activity rules. This recognises that traffic generation from a limited range of activities can be provided as permitted, controlled or limited discretionary activities, with traffic generation from all other non-residential activities requiring a discretionary resource consent.

Provisions that previously established traffic generation greater than 20 vehicle trips as a non-complying activity, have been deleted. It is difficult to justify that a single additional vehicle trip, which in itself has no significant effect on the network or surrounding amenity, results in the consideration of that additional trip as a Part II RMA matter requiring the achievement of one of two non-complying threshold tests. It is also difficult to justify provisions for traffic generation in different parts of the Heritage Area which have different standards and activity statuses.

The Council considers that a more appropriate approach is to require discretionary resource consent, instead of non-complying. This allows the full consideration of all relevant effects and the objectives and policies of the District Plan, along with any other relevant matters. It provides for a full consideration of matters with discretion in favour of Council as to whether traffic impact assessments are required. This is because the majority of the roads within the Heritage Area can accommodate traffic generation, with areas of concern being access to the properties and the availability of onsite car parking.

In this manner the proposed amendments are considered to be efficient and effective in the management of activities in the Heritage Area.

- Signs

Council considers that the operative provisions for signs in the Bush Living, Foothills, Waitakere Ranges and Coastal Villages Environments create unnecessary requirements for resource consent, and that a small increase in the size of permitted signs, particularly those for home occupations, will assist in the appropriate management of the Heritage Area. The sign rules increase the threshold from 0.1 m² to 0.3 m² and confirm that this signage must not be illuminated, flashing or moving.

The rules would provide for small scale signs associated with non-residential activities, with all other signs requiring resource consent., Since 0.3 m² is a small scale sign, this provision is considered to provide for matters associated with part II of the RMA without compromising landscapes, amenity and street-scapes.

- Markets

In the Foothills Environment, proposed Rule 8A provides for markets as a permitted activity provided that certain performance standards are met (type of goods, size of site, single day operation). In respect to traffic generation, a permitted activity performance standard requires the implementation of a traffic management plan.

Markets for food, beverages and arts and crafts can add to the social, cultural and economic wellbeing of both the people and communities of the Heritage Area and visitors from neighbouring metropolitan Auckland. They allow people to connect with produce, growers, market operators and history, providing an experience associated with retail shopping. In the Heritage Area, these markets are also considered important to improving opportunities associated with rural production and the management of rural land. They provide opportunities for people to sell produce and manufactured goods.

An issue in respect to the cost benefit analysis is whether a market should be required to have resource consent or should be considered as a permitted activity. The market generates vehicle trips which are concentrated at particular times on a single day. Traffic generation in itself is not necessarily adverse on the environment, nor is parking on the street if the safety of people and property can be maintained.

From discussions with operators, markets are small scale businesses, operating on a single day, with relatively cheap fees for stallholders given the amenities they provide. They return modest incomes. Resource consent requirements can impose significant costs in making the application and processing it. The Council

considers that it can require operators to prepare and implement a traffic management plan through permitted activity performance standards. This can reduce the potential for conflicts and support the safe and efficient functioning of the road network. The Council also considers that with traffic management being undertaken by the operator, resource consent is unnecessary and the requirement in itself could effectively result in a financial barrier to the implementation of the policy approach. This is because the cost of the resource consent can be a significant proportion of the annual revenue of the market.

In this respect, the positive benefits of a market (within specific standards) are considered to outweigh any costs to the community and the environment, and therefore can be provided as a permitted activity.

- Greenhouses

In the General Natural Area, which is the area of rural land within the Foothills Environment, the Council considers that commercial greenhouses are an appropriate activity. Currently, provisions for earthworks and building coverage result in this typical rural activity being considered as a discretionary or non-complying activity depending on its characteristics.

Greenhouses can have adverse effects on the environment. The Council considers that these can be minimised by restricting greenhouses to the General Natural Area within the Foothills Environment and by requiring limited discretionary resource consent for greenhouses greater than 300 m² (up to 25% of the site's area) and for earthworks.

The policy approach provides recognition of greenhouses because they are a typical rural activity and local food production is an important component of wellbeing and sustainability. The plan change proposes that greenhouses require resource consent to ensure that their adverse effects can be appropriately managed. The change in activity status and specific recognition of greenhouses is considered to be an efficient and effective means to achieve the objective and to provide for this unique rural activity which, while typically rural in its character and function, requires the use of large structures.

- Limited Discretionary Activities in the Foothills Environment.

The Plan Change introduces a new Rule 8A: Non-Residential Activities within the Waitakere Ranges Heritage Area for the Foothills Environment. The new Permitted Activity status provides for rural activities, retail sales of plants and trees produced on site within a nursery, and markets (subject to performance standards). Home Occupations are provided for subject to performance standards and include provisions which are operative in the District Plan.

The plan change recognises that some activities that are consistent with the productive use of rural land do not qualify as home occupations or as rural activities (as defined in the District Plan), potentially because the landowners do not reside on site. This includes retail sales from nurseries, manufacturing of goods (eg wineries), or sale of rural produce. The plan change seeks to recognise activities that contribute to the productive potential of rural land.

The establishment of a diverse range of new and innovative rural business activities in the Foothills Environment will provide for the future use of rural land in order to retain a rural character and a worked-in landscape. These will be small-

scale activities with an intensity, character and context appropriate for a rural area, that will enhance the community's wellbeing and/or the productive use of rural land. The rules provide for the management and rejuvenation of rural land through requiring many non-residential activities to be directly associated with rural activities such as farming, orchards and vineyards, and providing for their continued management to provide food and rural context and landscapes.

The rules provide for the wellbeing of rural producers by allowing small scale manufacturing, processing and retail sales of agricultural and horticultural produce. The rules seek to support economic wellbeing by enabling activities that add value to agricultural and horticultural produce through various levels or stages of production and marketing, often on the same site. These are proposed as limited discretionary activities provided that performance standards are met. In so doing, it allows people to better provide for their wellbeing by reducing their reliance on commodities as being their primary (or even sole) source of income. As an example, integration of the wine industry involves the location of wine making activities and cellar door sales, and in some cases associated restaurants/cafes, on the same site as a vineyard (hence the integration of primary production, wine production, retailing and visitor activities).

Standards have been proposed with the rules to provide a framework as to the appropriateness of the activities and to ensure that manufacturing and retail activities are appropriate to their context. Home occupations are restricted as to the size of the activity itself and its retailing component. These restrictions are considered to be necessary to ensure the scale, intensity and character of these operations, which are permitted activities, accords with the character of the Foothills. Other activities that don't comply with performance standards would require resource consent.

A range of activities, including nurseries and garden centres are recognised in the rules, with the former provided as a permitted activity as it involves the sale of plants from the site, and the latter requiring limited discretionary activity resource consent as many of the goods sold on the site are typically imported from other sites for sale at the garden centre.

The Council has determined that a key aspect of an activity being able to manage its adverse effects is the size of the site. Larger sites have the ability to address issues of water, stormwater, wastewater, car parking, and are able to accommodate genuine rural activities. The Council has determined that the appropriate threshold for relevant limited discretionary non-residential activities (eg. restaurants, retail sales of rural produce, manufacturing of rural produce) is a site larger than 2 hectares.

Other retail sales, including art and crafts and rural produce, are limited to a retail floor space of 100 m². This limitation is considered appropriate after review of places selling rural produce and crafts in the Foothills and northern areas of the Auckland Region. The size threshold allows for economic wellbeing to support rural activities, and ensures that the scale of the retail operation is consistent with the strategic policy intent of avoiding inappropriate and large activities.

Overall consideration of the policies will be essential in avoiding inappropriate industrial activities in rural areas. While a winery may be appropriate, there are many industrial processes that have similar effects in terms of their operation, however they may not be able to demonstrate clear and genuine connections with the rural area and foothills. The issue of differentiating activities will need to

be considered on the merits of the proposal in respect to the operations, scale, intensity, character and context. This includes consideration of whether legitimate activities, because of their increase in size, may be more appropriately located elsewhere in the region. While the activity is appropriate the size of the operation or its effects may not achieve the small scale activities anticipated within the Heritage Area objective and policy framework. Recognising this, proposed rules have restricted building coverage and excluded certain activities from the outdoor storage rules.

Commercial outdoor recreation activities in the Foothills Environment have been provided for as a restricted discretionary activity. These are organised outdoor recreation activities on private land. The Council believes a range of activities may be appropriate, and resource consent would be required to determine this and to manage effects associated with the activities. An outdoor recreation activity is defined as being an organised commercial recreation activity undertaken entirely outdoors with provision for ancillary buildings. The definition excludes activities involving motorsport and gun clubs because of their potential to make excessive levels of noise, which is considered to undermine the relative quiet of the Foothills and the surrounding areas in the Waitakere Ranges.

Rule 8A also introduces 16 new assessment criteria, these criteria relate to rural character, scale and intensity, enhancement and contribution to the ongoing productive use of rural land, connections with rural activities, connection with artistic endeavour, appropriate provision of onsite infrastructure, building reuse, amenity values, visual appearance, adverse effects on adjoining properties and its contribution to the relevant future character and amenity statement.

Amendments to Rule 7 Building Coverage of the Foothills Environment reinforce the policy of small scale activities. The operative rules provide for buildings up to 25% of the site's area as a limited discretionary activity. This threshold is not considered to be effective in the management of the scale and intensity of activities, particularly given the restrictions on discretions and matters of control. The proposal is that buildings accommodating non-residential activities (except home occupations, greenhouses and rural activities) are restricted as a limited discretionary activity to 1.5% of the net site area.

Retain the existing Waitakere Ranges, Foothills, Bush Living and Coastal Environment Rules and Policies (the "status quo" option)

The WRHAA recognises that, in the context of its purpose, people also live and work in the Heritage Area's distinctive communities and rural areas. Objective 8(i) of the WRHAA seeks to provide for these people's social, economic, environmental and cultural well-being. Objective 8(j) also recognises that to retain a rural character in the foothills, provision needs to be made for 'future rural uses'. These objectives are consistent with Part II of the RMA and particularise the outcomes expected for the Heritage Area within the RMA context.

The current policies and rules of the District Plan only provide for horticulture, agriculture, filming and home occupations in the rural areas. Rules for the villages also restrict activities that may be appropriate in providing for a community's well-being. Land use activities in the foothills have changed over time, overcome by economic changes in production, scale and competition, with many of the farms and orchards now not productively used, or managed as lifestyle properties. The WRHAA recognises that in order to maintain a rural character, planning frameworks need to manage the transition to future rural uses, rather than necessarily protecting the existing uses.

Many rural, commercial and community activities typical of the communities of the Heritage Area are either discretionary or non-complying activities. Other than temporary activities, home occupations and filming, no other non-residential activities are permitted under the District Plan. The District Plan is also generally silent on matters of appropriate scale, context and location for non-residential activities in the Heritage Area. This creates considerable uncertainty as to whether activities are appropriate or not, and what are the relevant matters of assessment where consent is required.

A number of landowners have raised concerns with Council officers that the rules discourage rural land uses. Others have raised concerns with the manner in which the District Plan addresses the expansion or additions to existing activities, including community-based activities. Officers have identified that the policies and rules in the District Plan do not enable an environment for landowners to develop appropriate non-residential activities on private land in the Heritage Area.

Discussions with landowners, including those undertaken as part of the consultation on the Waitakere Ranges Heritage Area Bill and the Oratia Local Area Plan have identified that there are a lack of opportunities associated with the Heritage Area's strengths, being its natural heritage, history, culture, rural food production and recreation activities and experiences. The costs of resource consent applications and perceived red tape were also identified by landowners as disincentives to developing businesses on private land in the Heritage Area.

Many participants in the consultation for the Oratia Local Area Plan identified a need to enable economic development activities in the foothills and villages. This includes enabling future rural activities based on food production and consumption, beverages, events and recreation. Villages were identified as places to meet, socialise and focal points for community activities. Participants acknowledged that any enabling provisions need to ensure activities are of an appropriate scale, context and character so as to protect important features valued by the community. Without amendments to the provisions of the Plan these would not be achieved.

The status quo option is not considered to accord with Part II of the RMA or the purpose and objectives of the WRHAA. It fails to deliver on community wellbeing, support existing activities or provide for the development of new activities appropriate to the area.

5.3 Benefits and costs of policies, rules or other methods (s32(4)(a))

The following other methods have been identified and are considered below (as well as the Proposed Plan Change):

- Proposed Plan Change
- Retain the existing Waitakere Ranges, Foothills, Bush Living and Coastal Environment Rules (the "status quo" option)
- Have no rules

The Proposed Plan Change

Benefits

- The Proposed Plan Change would ensure that an appropriate planning regime (objective, policies, rules and assessment criteria) is in place to ensure that non-residential activities are appropriate and that they maintain and enhance the heritage features, character and amenity of the area.
- The Proposed Plan Change provides for the social, cultural and economic wellbeing of the people and communities of the Waitakere Ranges Heritage Area in an appropriate manner.

- The Proposed Plan Change provides for future rural uses of land to retain a rural character in the Foothills Environment. Rural character is an important heritage feature which defines the transition between the forested Waitakere Ranges and metropolitan Auckland. The proposed change maintains this important heritage feature.
- The proposed plan change provides alternative uses of land to subdivision.
- The rural urban edge is recognised and protected through provision of policies that guide the appropriate placement and scale of activities and further development to ensure 'rural character' is achieved.
- The Proposed Plan Change can be developed within the existing resources of the Council.
- The Proposed Plan Change is consistent with the provisions of Part II of the RMA, the Auckland Regional Policy Statement and the policies and objectives of the District Plan.
- The notified plan change would provide a further opportunity for public input and this is an efficient use of Council resources.
- The WRHAA, through Parliamentary process, established expectations that community wellbeing would be addressed through the District Plan.

Costs

- The cost of training staff and providing guidance on the proposed Plan Change. This is considered to be a minimal cost.
- Possible increased cost to the Council if appeals to the proposed Plan Change are made.
- Possible downstream costs for resource-users to challenge the proposed Plan Change.
- Possible additional costs for the community to comply with additional provisions that the Plan Change imposes. However, this is also considered to be minimal given that many of the proposed provisions offer alternatives to those which are existing.

Retain the Status Quo (existing rules and policies)

Benefits

- There would be negligible financial costs (either to the Council or the community) associated with retaining the status quo.
- The existing objectives and rules have already been through the statutory planning process.

Costs

- Even though financial costs to the Council and community would be negligible in terms of not implementing a Plan Change and retaining status quo, it is considered that there would be social, cultural and economic costs for the community and a loss of opportunity if this were the case.
- Failure to provide for appropriate non-residential activities in the Waitakere Ranges Heritage Area could adversely affect the social, cultural, economic and environmental wellbeing of the people and communities of the Heritage Area.
- Failure to guide the scale, intensity and character of non-residential activities may result in adverse effects on the heritage features of the Waitakere Ranges Heritage Area and/or lead to activities locating in the area that are more appropriately located in the metropolitan urban limits of Auckland.
- Failure to provide for future uses of rural land may result in further derelict rural land, inefficient supply of food from local resources, pressure for urbanisation or countryside living and decline of rural character in the Heritage Area.

- Failure to provide opportunities for nature, rural and wilderness experiences, recreation, and relaxation in close proximity to metropolitan Auckland will not assist access, enjoyment and use of the area by Aucklanders and other New Zealanders, potentially detracting from their wellbeing.
- A diminished relationship between the community and the available natural and physical resources (which have been identified as significant) may occur. This is difficult to quantify in financial terms, but would be a very real cost to the community over time if this relationship was progressively undermined.

5.4 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 (s32(4)(b))

It is considered that Council has both certain and sufficient information, and has utilised this information in the preparation of the Proposed Plan Change, regarding the subject matter (including policies, rules and other methods) of this Plan Change. Therefore, it is not considered necessary to investigate the risk of acting or not acting as outlined in s32(4)(b) of the RMA, and ultimately no further assessment is deemed necessary in this regard.

5.5 Summary of evaluation and reasons for evaluation

The proposed plan change is considered to be the most effective option for achieving the matters outlined in Part II of the RMA and achieve the purpose and objectives of the WRHAA. The alternative is not considered to be efficient or effective, would challenge the integrity and accuracy of the District Plan and may eventually lead to degradation of the character, amenity and heritage features of national significance in the Heritage Area. The foothills were included in the Heritage Area to provide for integrated planning of the land west of the MUL. In doing so the WRHAA recognises that future rural uses are required to retain a rural character. The proposed Plan Change is considered to be the best option available.

The Plan Change will assist in the consideration of the resource consent applications by Council. It is considered that the above evaluation fulfils Council's requirements with regard to section 32 of the RMA, and that the analysis of alternatives, benefits and costs has been carefully undertaken and summarised accordingly. Further, this evaluation will be available for public inspection at the same time as the Proposed Plan Change is publicly notified.

5.6 Assessment of Actual or Potential Adverse Effects on the Environment

Under Section 31 of the RMA Council's function includes "*the control of any actual or potential effects of the use, development, or protection of land*". Section 76(3) requires that in making a rule, a territorial authority is to have regard to the actual or potential effect of activities on the environment. Likewise, section 5(2)(c) provides for avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Potential adverse effects that are relevant to the development and redevelopment of inappropriate non-residential activities in the Heritage Area include;

- Failure to guide the scale, intensity and character of non-residential activities may result in adverse effects on the heritage features of the Heritage Area and/or lead to activities locating in the area that are more appropriately located in the metropolitan urban limits of Auckland.

- Cumulative effects of development may adversely affect heritage features and the valued character and amenity.

Non-residential activities have the potential to create the adverse impacts on the rural and natural environment and amenity by, for example, creating noise, lighting, visual detraction, loss of privacy and security, as well as land disturbance, loss of natural values, dominance of buildings, and traffic generation. In some instances the nature of the impact of non-residential activities is no different from impacts of residential or rural activities, particularly if the scale of the non-residential activity is small. The proposed controls on non-residential activities and on the floor area of buildings are intended to limit the scale and nature of activities prior and to limit potential adverse effects on heritage features, character, amenity and the environment.

Native Vegetation

The plan change does not seek to alter any rules relating to vegetation alteration from the Operative District Plan. The natural environment rules would apply to all activities included in the Plan Change. Proposed policies seek to avoid inappropriate removal of vegetation, by direct reference to heritage features and to vegetation.

Natural Features and Landscapes

The proposed Plan Change seeks to manage the scale, intensity and character of buildings, signs and other structures. New rules ensure that discretion is available and resource consents are required for the coverage of buildings when thresholds in the District Plan are exceeded. This ensures that the subservience of the built environment to rural and natural landscapes can be maintained.

The plan change will result in additional buildings in the landscape. The approach is to require resource consent for many activities as a limited discretionary activity, and to have these activities subject to additional performance standards. In this manner scale and intensity can be managed so that new development is appropriate to the Heritage Area and the local context.

Building bulk is also limited for any additions and alternations to existing activities in the Waitakere Ranges, Bush Living and Coastal Villages Environment. Performance standards and cross-referenced controls are intended to ensure that activities are restricted in the scale and intensity, and that appropriate discretion is available to consider their effects.

Special consideration has been given to greenhouses, but only where these are located in the General Natural Area (rural areas) of the Foothills Environment. Methods such as screening and careful placement of buildings in the landscape will be expected for any greenhouses that exceeds 300 m² in size.

Policies and assessment criteria for the Foothills Environment place particular attention on the management of rural activities where these are associated with non-residential activities. This is to maintain a rural character and a worked in landscape. The management of rural land through the encouragement of activities that support rural activities will enhance the quality of the rural landscape. Policies place particular care on ensuring that urban sprawl does not occur into the rural areas of the Heritage Area from inappropriately designed and located activities. Particularly important is the manner in which any non-residential activities effects street and road-scapes, avoiding ribbon like development where this has adverse effects on the character of the area.

Existing Natural Environment rules are maintained, with one amendment confirming that earthworks for Greenhouses are a limited discretionary activity. This ensures that

earthworks associated with any activity can be appropriately managed through the consent process where existing thresholds are exceeded.

The approach is to maintain discretions to require resource consent for certain activities, and for these activities to be subject to relevant discretions and performance standards to ensure that potential effects on the environment can be assessed.

Provisions for permitted activity signs allow for small scale signs within properties. A careful approach to signage is taken to reflect an appropriate size that is still subservient to street and road-scapes, while providing opportunities for appropriate identification of home occupations and non-residential activities. Permitted activity thresholds are not considered to be excessive and will avoid unnecessary resource consent applications, while ensuring that all other signs not complying with thresholds require resource consent.

Character and Amenity Values

It is considered that the proposed Plan Change would not adversely affect the character and amenity values of the Heritage Area, furthermore it is considered that the addition of new assessment criteria would ensure that the potential impact on existing amenity or landscape values would be minimised. The scale and design, along with signage and trip generation are important considerations in achieving appropriate rural and community activities in the Heritage Area that would contribute to rural character and/or community wellbeing and the protection, enhancement and restoration of heritage features.

Existing rules for lighting, odour and noise are maintained in the District Plan. These rules, along with assessment criteria and discretions for those activities requiring resource consent allow the consideration of a range of potential effects, including those on adjacent properties and on public environments, which includes streets.

Cultural/Heritage

The plan change does not alter any existing provision in the District Plan relating to heritage. Those rules and discretions would still apply to any activity which proposes to develop on sites with scheduled heritage items. Wider issues of heritage features are addressed in the assessment of the sections of the WRHAA below.

Traffic Generation

It is recognised that traffic will have different degrees of impact dependent on the level of traffic an area normally experiences. The approach of the plan change is to focus on the performance standards on activities which are provided by the non-residential activity rules, and require discretionary resource consent for all other activities. This allows the consideration of traffic generation, safety, character and amenity issues associated with activities (other than those permitted) and the effectiveness of driveways and parking.

The plan change amends provisions to ensure that traffic generation from home occupations is a permitted activity. Previous thresholds required resource consent for single non-residential vehicle trips from home occupations. The potential impact from a home occupation on the traffic network has been considered to be negligible. Other relevant issues are driveways, car parking and amenity effects on adjoining properties. The home occupation provisions restrict the size of the activity and provisions manage performance. The impact of home occupations is considered to be insignificant.

Likewise, vehicle traffic from rural activities and the sales of plants from nurseries is considered to be insignificant.

Markets generate vehicle trips which are concentrated at particular times on a single day. Traffic generation in itself is not necessarily adverse on the environment, nor is parking on the street if the safety of people and property can be maintained. The requirement for operators to prepare and implement a traffic management plan can reduce the potential for conflicts and support the safe and efficient functioning of the road network. The Council considers that market activities, which can operate as a temporary activity 30 times a year can be provided for as permitted activities and that the effects on the environment will be minor.

All other activities require resource consent for their traffic generation. The effects from these activities can be assessed through the resource consent process.

Summary

In summary, it is considered that there are no adverse environmental effects that will be generated by the proposed objective, policy, amended rules and assessment criteria. The approach provides appropriate rules, discretions and thresholds to ensure that the effects of relevant activities can be assessed through the resource consent process.

Overall the outcomes from providing a range of activities relating to rural character in the foothills and community wellbeing are considered to be positive.

6.0 Assessment under Sections 74 and 75 of the Act

The Proposed Plan Change is considered to be consistent with sound resource management practice across the region. The Proposed Plan Change is consistent with national policy statements, being the Coastal Policy Statement, proposed and operative and regional planning documents, being the Auckland Regional Policy Statement.

6.1 Waitakere City District Plan

The general themes of the District Plan objectives and policies that apply to the Proposed Plan Change are outlined in the Table 3 below. It is considered that the Proposed Plan Change is consistent with the following objectives of the District Plan for the reasons in Table 3

Table 3 Assessment of the Plan Change Against the Existing District Plan Objectives.

| Objective | Consistency with Proposed Plan Change |
|--|---|
| <p>Objective 9 To protect the quality and significance of the City's outstanding landscapes, including maintaining:</p> <ul style="list-style-type: none"> • the form and significance of these landscapes elements that define each landscape; • the landscape character that is associated with each landscape and contributes to its uniqueness and value for residents | <p>The proposed Plan Change seeks protect the form and significance of the landscape elements and character of the varying landscape within Waitakere Ranges Heritage Area. This is achieved through policies that require development to be of a character, scale and intensity that retains and/or enhances the heritage features and character of that local area.</p> <p>Policy 5B.4.3(xi) seeks that the scale and location of new buildings are subservient to the natural/rural landscapes of the area. Policy 5B.4.3(xix) seeks the ongoing maintenance of the rural landscape and designing landscape elements in activities to reflect the areas history and productive uses.</p> <p>New assessment criteria ensure development is assessed against matters such as rural character (as relevant), subservience of built development, and the extent to which development is of a character, scale and intensity to manage adverse effects.</p> |
| <p>Objective 10 To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers, including maintaining:</p> <ul style="list-style-type: none"> • an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration • adequate levels of daylight and sunlight in dwellings • adequate levels of darkness for sleep • a safe environment • an accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land ○ adequate levels of on-site privacy • healthy air quality. | <p>The proposed plan change introduces a new policy framework that is focused on creating a desirable destination for visitors, and seeks to create an environment that provides for the social, economic and cultural wellbeing of its community.</p> <p>Policy 5B.4.2(iv) avoids the development of activities that do not support the character and amenity of the Waitakere Ranges Heritage Area. Policy 5B.4.3(xiii) seeks to avoid activities that result in adverse noise, lighting and odour effects. Amended Traffic Generation Rules and assessment criteria provide assessment of issues of safety and noise at the resource consent stage. Amended Signage Rules ensure that illuminated or flashing signs are not a Permitted Activity within the Waitakere Ranges Heritage Area.</p> <p>It is considered that the existing yard rules provide for adequate levels of sunlight and daylight in dwellings.</p> <p>It is therefore considered that the proposed Plan Change is consistent with Objective 10.</p> |

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| <p>Objective 11 To achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing:</p> <ul style="list-style-type: none"> • the quality and character of different patterns of settlement within the City's intensively settled residential areas; • the pedestrian-oriented amenity values of the town centres and the character of those areas as retail centres; • the utilitarian nature and character of the industrial areas; • the natural and physical features that give each rural and coastal village its particular and unique character; • the pastoral/rural character of the northern parts of the City; • the complex, mixed landscape of the foothills. | <p>The proposed Plan Change seeks to provide for activities that are compatible with and/or enhance the heritage features and natural and rural character or cultural association of the activity with the Waitakere Ranges Heritage Area. Specifically the plan change recognises the varying landscape of the Waitakere Ranges, from the Coastal Villages to the Foothills and seeks that development contributes to the desired future character and amenity of that particular area (5B.4.3(ii)). The Plan Change provides for activities which are suitable to the character and amenity of the area.</p> <p>The only town centre within the Heritage Area is Titirangi Village. The pedestrian-orientated values of this town centre have been addressed in proposed Plan Change 37.</p> <p>There are no industrial areas within the Heritage Area. The proposed Plan Change does not encourage the establishment of such activities within the Heritage Area, except where these are directly associated with the manufacture of goods from agricultural and horticultural produce (eg. wineries).</p> <p>In particular the proposed Plan Change is consistent with Policy 11.30 of the District Plan, which states that non-residential activities in the non-urban areas of the city should be of a type, scale and intensity that will not, on an individual or cumulative basis, lead to adverse effect on the maintenance and enhancement of rural landscape and amenity values. Policy 5B.4.3(iii) states that activities that because of their scale, intensity and characteristics are more appropriately located within the metropolitan urban limits should be avoided.</p> |
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7.0 Other Statutory Assessments

7.1 Waitakere Ranges Heritage Area Act 2008

The Proposed Plan Change is located entirely within the Waitakere Ranges Heritage Area. Section 11 of the WRHAA requires that:

11 District plans

*(1) When preparing or reviewing a district plan that affects the heritage area, a territorial authority **must give effect to** the purpose of this Act and the objectives.*

*(2) The requirements in subsection (1) are **in addition** to the requirements in sections 74, 75, and 79 of the Resource Management Act 1991.*

*(3) When evaluating a proposed district plan, change, or variation that affects the heritage area, a territorial authority must examine whether the plan, change, or variation is the **most appropriate way to achieve the objectives** (having regard to the purpose of this Act).*

(4) The requirements in subsection (3) are in addition to the requirements in section 32(3) of the Resource Management Act 1991.

[emphasis added]

The purpose of the WRHAA is:

to –

- (a) recognise the national, regional, and local significance of the Waitakere Ranges Heritage Area; and*
- (b) promote the protection and enhancement of its heritage features for present and future generations. (section 3 Waitakere Ranges Heritage Area Act 2008)*

The Proposed Plan Change seeks to provide greater certainty for the long-term management of the Waitakere Ranges Heritage Area and in the assessment of future development proposals, through the creation of stronger policy guidance, and improved rules and assessment criteria.

An assessment of the proposed Plan Change against the relation heritage features and objectives of the WRHAA is outlined in tables 4 and 5.

Table 4 Section 7 of Waitakere Ranges Heritage Area Act 2008 – Assessment of Plan Change

| National Significance & Heritage Feature of the Heritage Area – Section 7(2) of the WRHAA | Comments |
|---|---|
| <p>a) its terrestrial and aquatic ecosystems of prominent indigenous character that –</p> <ul style="list-style-type: none"> i) include large continuous areas of primary and re-generating lowland and coastal rainforest, wet land, and dune systems with intact ecological sequences: ii) have intrinsic value: iii) provide a diversity of habitats for indigenous flora and fauna: iv) collect, store, and produce high quality water: v) provide opportunities for ecological restoration: vi) are of cultural, scientific, or educational interest: vii) have landscape qualities of regional and national significance: viii) have natural scenic beauty: | <p>This is particularly relevant for the Waitakere Ranges and Bush Living Environments due to their significant forests and regenerating native vegetation. Inappropriate activities and use of the land may adversely affect this heritage feature. Objective 5B.4.2 recognises natural character and heritage features, Policy 5B.4.3(i) seeks to protect, restore and enhance heritage features, and Policy 5B.4.3(ii) seeks to avoid inappropriate vegetation removal. These policies seek to ensure that non-residential activities are accommodated on sites in the manner that retains heritage features associated with 7(2)(a) of the WRHAA.</p> |
| <p>b) the different classes of natural landforms and landscapes within the area that contrast and connect with each other, and which collectively give the area its distinctive character:</p> | <p>The plan change recognises the different classes of natural landforms and landscapes within the area, and seeks to enable activities which build on the areas distinctive character, by enable activities which are compatible with and appropriate to the amenity of the area (Policy 5B.4.2(x). Policy 5B.4.3(i) seeks to protect, restore and enhance heritage features. Policy 5B.4.3 seeks to provide for non-residential activities that have a scale, intensity and character that retains and/or enhances rural or natural character, which includes landscapes.</p> |
| <p>c) the coastal areas, which –</p> <ul style="list-style-type: none"> i) have a natural and dynamic character; and ii) contribute to the area’s vistas; and iii) differ significantly from each other. | <p>The plan change recognises heritage feature along the coast and provides for limited non-residential activities within the existing villages (home occupations, limited expansion of existing activities within building coverage controls, retail sales of arts and crafts).</p> <p>Assessment criteria relating to design, scale and location will ensure that activities contribute to the character and amenity of coastal area, without dominating it.</p> |
| <p>d) the naturally functioning streams that rise in the eastern foothills and contribute positively to downstream urban character, stormwater management, and flood protection:</p> | <p>The Plan Change seeks to limit the scale and intensity of non-residential activities through building coverage controls. It also includes specific assessment criteria regarding stormwater management. Existing rules in the District Plan protect streams from inappropriate development.</p> |

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| <p>e) the quietness and darkness of the Waitakere Ranges and the coastal parts of the area:</p> | <p>The Plan Change will manage development and land-use activities in a way that does not compromise the quietness and darkness of the Ranges environment. The plan limits non-residential activities to home occupations, limited expansion of existing activities within building coverage controls, and retail sales of arts and crafts. Assessment criteria manage character and amenity effects, noise and disturbances, hours of operation, scale and lighting.</p> <p>The proposal Plan Change amends the signage rules to exclude flashing or illuminated signs as a permitted activity.</p> |
| <p>f) the dramatic landform of the Ranges and foothills, which is the visual backdrop to metropolitan Auckland, forming its western skyline:</p> | <p>The upper valleys of the foothills and the ridgelines of the ranges form part of the visual backdrop to Auckland. These areas are subject to urban pressures and land-uses which may threaten these valued landscape features. The Plan Change introduces policies which seek that the design, scale and location of new buildings and structures and development are appropriate to the area, and subservient to the natural landscapes.</p> <p>The Plan Change does not seek to alter any provisions relating to sensitive ridgelines or vegetation alteration.</p> |
| <p>g) the opportunities that the area provides for wilderness experiences, recreation, and relaxation in close proximity to metropolitan Auckland:</p> | <p>The proposed Plan Change specifically provides for enabling nature, rural and wilderness experiences, outdoor recreation and pursuits, and relaxation activities that are compatible with, and appropriate to, the amenity of the area and the natural and rural environment (Policy 5B.4.3(x)).</p> |
| <p>(h) the eastern foothills, which - i) act as a buffer between metropolitan Auckland and the forested ranges and coasts; and ii) provide a transition from metropolitan Auckland to the forested ranges and coast:</p> | <p>The eastern foothills mark a distinct change and transition from metropolitan Auckland to the Ranges & through the Plan Change this will be defined & articulated. Policy 5B.4.3(xxiii) seeks to maintain a clear visual boundary and contrast between the Auckland metropolitan area and the rural Foothills Environment. It also seeks to reinforce this boundary through design and location of rural activities.</p> |
| <p>i) the subservience of the built environment to the area's natural and rural landscape, which is reflected in – i) the individual identity and character of the coastal villages and their distinctive scale, containment, intensity, and amenity; and</p> | <p>The Plan Change will not compromise the distinctive scale, containment, intensity and amenity of the coastal villages. The proposed Plan Change seeks to provide for activities that are compatible with and/or enhance the character of the area (5B.4.2) and activities are limited to the building coverage controls of the District Plan.</p> |
| <p>ii) the distinctive harmony, pleasantness, and coherence of the low-density residential and urban areas that are located in regenerating (and increasingly dominant) forest settings; and</p> | <p>The plan change does not amend and vegetation alteration rules. Policy 5B.4.3(i) seeks to protect, restore and enhance heritage features and Policy 5B.4.3(xii) seek to avoid inappropriate vegetation removal. Limited opportunities are provided for non-residential activities, framed around home occupations and the appropriate expansion of existing activities. Along with building coverage controls, these provisions will ensure that the character and amenity of the forested residential areas is not adversely effected.</p> |

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|---|--|
| <p>iii) the rural character of the foothills to the east and north and their intricate pattern of farmland, orchards, vineyards, uncultivated areas, indigenous vegetation, and dispersed low-density settlement with few urban-scale activities:</p> | <p>The focus of the plan change is to support existing activities and the establishment of a diverse range of new and innovative activities that will provide for the future use of rural land in the foothills in order to retain a rural character and worked-in landscape. Policies (5B.4.3(xv) to xxiv) seek that activities have a genuine connection with the land, and maintain and enhance landscape features such as vineyards and shelter belts. This is reflected in assessment criteria which refer to the ongoing productive use of land, and the extent to which activities contribute to the rural character of the land.</p> |
| <p>j) the historical, traditional, and cultural relationships of people, communities, and tangata whenua with the area and their exercise of kaitiakitanga and stewardship:</p> | <p>The Plan Change is supportive of historical and cultural activities and provides specific policies which provide for this (Policy 5B.4.3). The May 2009 Hui undertaken at Hoani Waititi Marae highlighted opportunities for cultural tourism associated with the historic, traditional and cultural relationships of Tangata Whenua and urban marae with the Heritage Area.</p> |
| <p>k) the evidence of past human activities in the area, including those in relation to timber extraction, gum-digging, flax milling, mineral extraction, quarrying, extensive farming, and water impoundment and supply:</p> | <p>The plan change recognises the history of the Waitakere Ranges, in particular its rural history and its links to agricultural and horticultural farming and production. Policy 5B.4.3(xv) enables small-scale rural business activities in the foothills with a focus on history of the WRHA. Policies 5B.4.3(xv) to xxiv) that have a link to agriculture and horticulture. Policy 5B.4.3(xi) encourages the reuse of existing buildings that relate to the history of the area.</p> |
| <p>l) its distinctive local communities:</p> | <p>The Waitakere Ranges is made up of a number of distinctive local communities. These communities vary greatly in location, landscape and landform, as do the needs and wants of their residents. The proposed Plan Change seeks to provide for the social, cultural and economic wellbeing of these communities by creating a regulatory environment that is supportive of appropriate non-residential activities. Policy 5B.4.3(vii) provides for small scale activities in appropriate locations that support the wellbeing of the areas distinct communities. Policy 5B.4.3(ii) seeks to ensure that activities contribute to the achievement of the relevant desired future character and amenity of a local area (refer Part 5B.3 of the Plan Change 35). Additionally this policy has also been introduced as an assessment criteria within all human environment rules that have been amended as part of this plan change. Further policy in respect to Oratia rural village is proposed with Plan Change 35.</p> |
| <p>m) the Waitakere Ranges Regional Park and its importance as an accessible public place with significant natural, historical, cultural, and recreational resources:</p> | <p>The proposed Plan Change area does not include the Regional Park, although it relates to the land surrounding the Park. The proposed Plan Change seeks to provide for opportunities within Heritage Area to draw visitors away from the Waitakere Ranges Regional Park for a range of alternative visitor experiences. This includes providing for those activities which are already present and creating an enabling environment for appropriate new activities.</p> |

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| | Policies and rules controlling the scale, intensity, characteristics and types of activities will ensure that the plan change will not impact on the accessibility of the Regional Park nor its significant natural, historical, cultural or recreational resources. |
| n) the public water catchment and supply system, the operation, maintenance, and development of which serves the people of Auckland. | The Waitakere Ranges Heritage Area contains numerous water catchments and dams that supply Auckland's water needs. The proposed Policy framework seeks to protect, restore and enhance the heritage features of the Heritage Area which includes section 7(2)(n) of the WRHAA. The development of appropriate non-residential activities (in the Foothills, Waitakere Ranges, Bush Living and Coastal Villages Environments) in accordance with these policies will not compromise the ability of the catchment to continue to supply water. |

Table 5 Section 8 Waitakere Ranges Heritage Area Act 2008 – Assessment of Section 5B.3

| Objectives | Proposed Plan Change giving effect to the Act |
|---|---|
| a) to protect, restore, and enhance the area and its heritage features: | The existing District Plan provides little guidance as to the type of non-residential activities that are appropriate within the Heritage Area. The failure to manage the scale, intensity and character of non-residential activities may result in adverse effects on the heritage features of the Heritage Area. The proposed Plan Change seeks to provide clearer policy guidance relating to appropriate non-residential activities. This objective is directly reflected in Policy 5B.4.3(i). |
| b) to ensure that impacts on the area as a whole are considered when decisions are made affecting any part of it: | Proposed policies and amended rules will provide robust guidance for resource consent assessments in the context of the Heritage Area as a whole. |
| c) to adopt the following approach when considering decisions that threaten serious or irreversible damage to a heritage feature: i) carefully consider the risk and uncertainties associated with any particular course of action; and ii) take into account the best information available; and iii) endeavour to protect the heritage features: | The proposed matters for assessment within Policy 5B.4.3 enable a robust assessment of the effects of activities and land-use on heritage features within the Heritage Area. It is considered that the risks and uncertainties can thus be assessed in a more rigorous and appropriate manner. |
| d) to recognise and avoid adverse potential, or adverse cumulative, effects of activities on the area's environment (including its amenity) or its heritage features: | As in (a) above, the proposed Plan Change recognises the need to avoid cumulative effects on character and amenity through inappropriate land-use and development, and adopts new policies as guidance to avoid this. Policy 5B.4.3(iii) seeks to avoid activities that are more appropriately accommodated within metropolitan Auckland. |
| e) to recognise that, in protecting the heritage features, the area has little capacity to absorb further subdivision: | The proposed Plan Change does not amend any policies and rules relating to subdivision. |

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| <p>f) to ensure that any subdivision or development in the area, of itself or in respect of its cumulative effect, -</p> <ul style="list-style-type: none"> i) is of an appropriate character, scale, and intensity; and ii) does not adversely affect the heritage features; and iii) does not contribute to urban sprawl: | <p>The proposed Plan Change introduces new policy guidance, rules and assessment criteria that seek to ensure that new development is an appropriate character, scale and intensity. This methods such as includes discouraging urban scale activities and placing restrictions on building coverage and retail activities.</p> <p>The Plan Change seeks to provide for activities that a distinctly rural in nature (5B.4.3(xv)) and avoid activities that do not rely on or support the productive use and capacity of rural land (5B.4.3(iv)). Activities that are more appropriately located in the urban areas of the city are not provided for (5B.4.3(iii)). It is considered that the Plan Change would not contribute to urban sprawl. Policies also seek to control the design, scale and location of new buildings, structures and development to be subservient to the natural/rural landscapes (5B.4.3(xi)). Plan Change 35 proposes specific policies relating to Oratia rural village.</p> |
| <p>g) to maintain the quality and diversity of landscapes in the area by:</p> <ul style="list-style-type: none"> i) protecting landscapes of local, regional, or national significance; and ii) restoring and enhancing degraded landscapes; and iii) managing change within a landscape in an integrated way, including managing change in a rural landscape to retain a rural character: | <p>The proposed Policies recognise the value of landscapes and seek to provide a variety of methods to protect them such as the retention and maintenance of heritage features (5B.4.3(i)), continued management of agricultural and horticultural activities (5B.4.3(xix)), and controlling the design, scale and location of new buildings, structures and development to be subservient to the natural/rural landscapes (5B.4.3(xi)).</p> <p>The policies also recognise the importance of rural character and landscapes in defining the edge to metropolitan Auckland and in providing a unique landscape between Auckland and the forested Waitakere Ranges (5B.4.3(xxiii)).</p> <p>It is considered that the proposed Policy and Rules framework will provide opportunities for managing change in an integrated manner, by enabling activities considered to be consistent with rural character. It also provides opportunities for rejuvenating the existing productive uses of rural land, whilst maintaining landscape features (Policy 5B.4.3(xx)).</p> |
| <p>h) to manage aquatic and terrestrial ecosystems in the area to protect and enhance indigenous habitat values, landscape values, and amenity values:</p> | <p>The natural environment (including aquatic and terrestrial ecosystems) are recognised as important elements forming the character and amenity of the Heritage Area. Proposed policies recognise and provide for heritage features (Policy 5B.4.3(i))</p> |
| <p>i) to recognise that people live and work in the area in distinct communities, and to enable those people to provide for their social, economic, environmental, and cultural well-being:</p> | <p>The proposed objective and policy are primarily a response to this objective from the WRHAA.</p> |

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| j) to provide for future uses of rural land in order to retain a rural character in the area: | The proposed objective and policy are primarily a response to this objective from the WRHAA. |
| k) to protect those features of the area that relate to its water catchment and supply functions: | The Waitakere Ranges Heritage Area contains numerous water catchments and dams that supply Auckland's water needs. The proposed Policy framework seeks to protect, restore and enhance the heritage features of the Heritage Area which includes section 7(2)(n) of the WRHAA. The development of appropriate non-residential activities (in the Foothills, Waitakere Ranges, Bush Living and Coastal Villages Environments) in accordance with these policies will not compromise the ability of the catchment to continue to supply water. |
| l) to protect in perpetuity the natural and historic resources of the Waitakere Ranges Regional Park for their intrinsic worth and for the benefit, use, and enjoyment of the people and communities of the Auckland region and New Zealand. | <p>The proposed Plan Change area does not include the Regional Park, although it relates to the land surrounding the Park. The proposed Plan Change seeks to provide for opportunities within Heritage Area to draw visitors away from the Waitakere Ranges Regional Park for a range of alternative visitor experiences. This includes providing for those activities which are already present and creating an enabling environment for appropriate new activities.</p> <p>Policies and rules controlling the scale, intensity, characteristics and types of activities will ensure that the plan change will not impact on the accessibility of the Regional Park nor its significant natural, historical, cultural or recreational resources.</p> |

7.2 Auckland Regional Policy Statement

The Auckland Regional Policy Statement (ARPS) seeks to maintain a quality environment for the Auckland Region and at the same time, maintain and enhance opportunities for the region's future growth. The ARPS provides a resource management framework under the RMA for managing environmental effects within the Region associated with urban and rural development.

The ARPS comprises four parts: Regional Overview and Strategic Direction; Resource Management Matters of Significance to Iwi; Transport and Energy; and Environmental Protection. Each part identifies issues, objectives, policies, methods, reasons and the environmental results anticipated as a result of implementation of the RPS. It is considered that the Proposed Plan Change will give effect to the Regional Policy Statement. The proposed Plan Change is consistent with relevant parts of the ARPS, for the following reasons:

Melean Absolum Limited has provided evidence and reports on behalf of the Council during the Local Government Auckland Amendment Act 2004 Plan Changes on the issue of urban and rural activities definitions in regional policy. This focused on the scale, intensity, character and context of activities, as her assessment indicated many activities were neither rural or urban, but associated with communities and that these in rural areas would be managed through their design, scale and intensity.

The Heritage Area is also an area governed by a series of sometimes complex planning frameworks. For example, Titirangi is a low density urban area located within the Heritage Area and the MUL. The coastal villages (settlements) are distinct from the urban areas of the City, however regional policy indicates that these are locations for urban activities and are defined as urban areas. Further, there are a number of distinctive rural communities which sit outside the MUL, however which include community focal points of activity. For the Heritage Area, the consideration of appropriateness can be assisted by more specific policy guidance in the District Plan. Acknowledging that regardless of being within the MUL, the Bush Living areas of Titirangi are residential in nature (residential in bush setting), the overall policy framework is considered appropriate. For Titirangi village which is a commercial village centre, specific policy guidance is proposed within Section 5.3.3 of Plan Change 37.

The issue of how to define whether an activity is more appropriately located inside or outside the Heritage Area, or within or outside any one part of it will need to be considered on its individual merit, with consideration of its scale, intensity, character and context. For the Foothills, Waitakere Ranges and Bush Living Environments (where outside the MUL), guidance on the issue of what is a rural or urban activity (urban development) is available through several Environment Court decisions and the Auckland Regional Policy Statement. The Environment Court has indicated that there is a continuum between urban and rural activities. It also recognises that some activities are inherently neither one nor the other and that these activities could reasonably be expected in both rural and urban areas (for example activities associated with people and communities).

Matters such as character, intensity, scale and context can assist in the evaluation of activities and their appropriateness. The important differences between urban activities typical of those within metropolitan Auckland and activities outside this area is the scale of the activity itself, its context and the specific design of the particular development. In other words, how dominant a feature in the surrounding area is the activity in question, and is the extent of the activities, particularly the dominance of natural vegetation and

primary production regimes, sufficient to render the activity subservient to natural and rural landscapes. Policy 5B.4.3(iii) seek to provide a differentiation in the consideration of proposals as to their appropriateness, and further qualifies this in Policy 5B.4.3 (iv) by avoiding activities that do not rely on or support the productive use of rural land, or on the character, amenity, distinctive communities, recreation or other attributes of the Heritage Area.

The context of an activity and its relationship with surrounding built and non-built features will be critical to its successful assimilation within its particular rural or natural environment/landscape. The scale and design of any non-residential activity proposed would need to be carefully assessed to determine whether it was appropriate in any given part of the Heritage Area.

Appropriateness could depend on the manner in which an activity integrates into the environment, for example when the activity is assimilated with a rural activity or has rural land use associations.

It is considered that the Proposed Plan Change is consistent with the objectives of the ARPS and the Air, Land and Water Plan to the extent that the Proposed Plan Change will enable the future uses of rural land to retain a rural character, and to provide for the social, cultural and economic wellbeing of the people and communities of the Heritage Area. It is considered that the proposed Plan Change has appropriate regard to the provision of ARPS Plan Change 6 acknowledging that these are subject to appeal.

Table 6 Assessment Against the Auckland Regional Policy Statement

| Objective | Consistency with Proposed Plan Change |
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| <p>2.5.1.2 To maintain and enhance the overall quality of the environment of metropolitan Auckland, including its unique maritime setting, volcanic features, cultural heritage values, and public open space.</p> | <p>The proposed Plan Change seeks to provide clearer policy guidance relating to appropriate non-residential activities. This objective is directly reflected in Policy 5B.4.3(i) which seeks to protect, restore and enhance heritage features and ensures that non-residential activities address this requirement. The plan change seeks to differentiate between the metropolitan Auckland and the activities that contribute to rural character and the wellbeing of the communities in the Heritage Area. The approach is to limit activities appropriate to the context of the Heritage Area and its communities and to limit the scale of these activities.</p> |
| <p>2.5.1.3 To protect the soil resources, amenity values, rural character, landscape values, and mineral resources of rural areas, from the regionally significant effects of inappropriate subdivision, use or development.</p> | <p>It is considered that the proposed Objective, Policy and Rules will provide opportunities for managing change in an integrated manner, by enabling activities considered to be consistent with rural character. It also provides opportunities for rejuvenating the existing productive uses of rural land, whilst maintaining landscape features. The approach is to limit activities appropriate to the context of the Heritage Area and its communities and to limit the scale of these activities.</p> |
| <p>2.5.1.4 To preserve the natural character of the coastal environment, whilst ensuring that the use of the coastal environment by those industries and activities which serve the needs of the Region and which depend on a coastal location is appropriate and efficient.</p> | <p>The Plan Change will not compromise the distinctive scale, containment, intensity and amenity of the coastal villages. The proposed Plan Change seeks to provide for activities that are compatible with and/or enhance the character of the area and activities are limited to the building coverage controls of the District Plan.</p> |
| <p>2.5.1.5 To protect the intrinsic values of the Region's natural resource base, and to make appropriate provision for the avoidance, remediation or mitigation of adverse effects on the Region's environment, including the identification of significant natural features and landscapes, and</p> | <p>The proposed Plan Change seeks to provide clearer policy guidance relating to appropriate non-residential activities. This objective is directly reflected in Policy 5B.4.3(i) which seeks to protect, restore and enhance heritage features and ensures that non-residential activities address this requirement. The plan change seeks to differentiate between the metropolitan Auckland and the activities that contribute to rural character and the wellbeing of the communities in the Heritage Area. The approach is to limit activities appropriate to the context of the Heritage Area and to limit the scale of these activities.</p> |

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| areas of significant indigenous vegetation and habitat, and protection of these from inappropriate subdivision use and development. | |
| 2.5.1.7 To preserve and protect a representative range of the Region's heritage resources. | The Plan Change does not adversely effect heritage resources and provides opportunities for these to be protected, restored and enhanced. |
| 2.5.1.8 To manage the Region's natural and physical resources in an integrated manner. | <p>Policy 5B.4.3 addresses matters in section 7(2)(g), objective 8(i) & (j) of the WRHAA (refer Objectives 5B.1.2 of Plan Change 35). Objective 5B.4.2 seeks to provide opportunities for people to provide for their wellbeing, although this is qualified in that it needs to be compatible with, or enhances the heritage features and character of the area. This address the basis of the Waitakere Ranges Heritage Area and its national significance.</p> <p>Provisions managing the scale, intensity, context and character of non-residential activities reflect the emphasis of the RMA on protecting nationally important resources from inappropriate development. The policy directly relates to the issues and objective in 5B.4 and is considered to be the effective and efficient in achieving the objective.</p> |
| 2.5.1.9 To involve the Tangata Whenua as kaitiaki of the Region's natural resources. | The Plan Change does not adversely effect the relationship of Tangata Whenua to the Heritage Area and provides opportunities for cultural relationships to be protected, restored and enhanced. |
| 6.3.4 To maintain the overall quality and diversity of character of the landscapes of the Auckland Region. | The plan change recognises the different classes of natural landforms and landscapes within the area, and seeks to enable activities which build on the areas distinctive character, by enable activities which are compatible with and appropriate to the amenity of the area (Policy 5B.4.2(x). Policy 5B.4.3(i) seeks to protect, restore and enhance heritage features. Policy 5B.4.3 seeks to provide for non-residential activities that have a scale, intensity and character that retains and/or enhances rural or natural character, which includes landscapes. |
| 7.3.1 To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development. | The Plan Change will not compromise the distinctive scale, containment, intensity and amenity of the coastal villages. The proposed Plan Change seeks to provide for activities that are compatible with and/or enhance the character of the area and activities are limited to the building coverage controls of the District Plan. |
| 7.3.3 To enable appropriate subdivision, use and development to be undertaken in the coastal environment. | The Plan Change will not compromise the distinctive scale, containment, intensity and amenity of the coastal villages. The proposed Plan Change seeks to provide for activities that are compatible with and/or enhance the character of the area and activities are limited to the building coverage controls of the District Plan. |

7.3 New Zealand Coastal Policy Statement

The purpose of the NZCPS is to set out policies relating to the coastal environment in order to achieve the purpose and principles of the RMA. Under s.55 of the RMA, councils are required to “give effect to” the NZCPS.

The proposed plan change will give effect to the NZCPS, in that the proposed plan change seeks to manage development associated with non-residential activities to an appropriate level within the west coast and Manukau Harbour villages. The plan change will not adversely affect public access to or along the Coastal Marine Area. The Plan Change provides limited opportunities associated with existing provisions for home occupations and provides for limited expansion of existing facilities and limited retail sales provided that their scale is appropriate to the site and its coastal village context.

8.0 Non-statutory Planning Assessments

8.1 Agenda 21 And The Eco City

Agenda 21 was the outcome of the United Nations “Earth Summit” held in Rio de Janeiro, Brazil in 1991. The summit established an international agreement to integrate environmental and developmental concerns to achieve sustainable development. The implementation of this is encapsulated in a document entitled Agenda 21.

As part of Waitakere's eco-city concept, Waitakere City Council agreed to implement at the local level the goals and programs proposed under Agenda 21. The Proposed Plan Change represents sustainable management of the city's land resource.

8.2 Waitakere Long Term Council Community Plan

The 10 year Long Term Council Community Plan (LTCCP) covers the first decade of Council's 20 year Strategic Direction. The purpose of the LTCCP is to:

- describe the activities of the Council;
- describe the community outcomes desired for the city;
- provide integrated decision making (between the Council and the community) and co-ordination of resources;
- provide a long term focus for the Council's decision and activities;
- provide a basis for accountability to the Waitakere City community; and
- provide an opportunity for community participation.

The Long Term Council Community Plan has 14 community outcomes that set out the Council's goals and actions for managing the social, economic and environmental wellbeing of the City.

The “Strong Economy” outcome supports a local economy which is sustainably prosperous with abundant good quality local jobs and strong businesses. The proposed Plan Change seeks to enable those living in the non-urban areas of the City to provide for their economic wellbeing. This will be achieved through an enabling set of policies and rules which seek to encourage non-residential activities that have a distinctive link to the land and that build on the heritage brand of the area.

It is also considered that the proposal is not inconsistent with the “Green Network” outcome, as the proposal seeks to preserve the amenity and landscape of the natural environment. The Plan Change seeks to provide opportunities for people to connect with

and experience the unique environment that is the Waitakere Ranges. The support of existing activities and the establishment of a diverse range of new and innovative activities will in particular provide for the future use of rural land in the foothills in order to retain a rural character and a worked-in landscape.

8.3 Regional Parks Management Plan

The Regional Parks Management Plan (RPMP) sets out how the ARC intends to manage the majority of parks that form part of the Auckland regional parks network over the next five years. The Plan guides the ARC's day-to-day and long-term management of these parks and sets a context for their future use and the conservation of the natural and cultural resources found within them.

Section 16 of the RPMP sets out objectives and policies on the interaction between park land and private land, with an emphasis on encouraging cooperation between ARC and its neighbours on public access, pest control and maintenance of ecological corridors, amenity values and landscapes. The Plan Change seeks to improve regulatory provisions within the Heritage Area associated with rural activities, the enabling of future uses of rural land to retain a rural character, and to provide for the social, cultural and economic wellbeing of the people and communities of the Heritage Area.

The proposed Plan Change covers privately owned land and does not attempt to rezone or change any existing rules relating to the management of the Park. The proposed Plan Change is intended to assist in managing pressure for economic activities within the Park by providing opportunities for them within other less sensitive areas of the Waitakere Ranges, particularly in the foothills.

8.4 Waitakere Economic Wellbeing Strategy 2009

The Waitakere Economic Wellbeing Strategy adopts an approach of developing a rural economic activities plan, which will:

- Facilitate development of appropriate commercial activity in the Waitakere Ranges Heritage Area that is sensitive to the special nature of the area.
- Enable rural communities to realise economic potential while retaining connectedness and promoting natural and cultural heritage, character and recreation resources.
- Identify appropriate activity in place-based plans and policies to be supported by Council advocacy, regulation and services.

The Strategy seeks the provision of infrastructure that supports rural economic activity consistent with the retention of local heritage character. It also recommends the development of the tourism sector through a Tourism Action Plan as a priority action. It is considered that the proposed Plan Change is consistent with the Economic Wellbeing Strategy in that it seeks to provide a regulatory framework which is supportive of appropriate activities in the Waitakere Ranges, provided those activities are sensitive to the heritage area, and are appropriately designed and located.

9 Consultation

Council officers have discussed issues associated with the Waitakere Ranges and the implementation of the WRHAA with a wide variety of landowners, communities and interest groups. Many of the issues have been explored through other processes, including the Waitakere Ranges Heritage Area Bill where there was extensive community discussions on the proposal to protect and enhance the heritage area, and on the needs of communities in respect to their wellbeing.

During the development of Waitakere Ranges based projects, including the LAPs, officers have had opportunities to discuss matters of community wellbeing and rural activities. Council officers have also discussed relevant matters in respect to the manner in which existing rules operate with applicants through the consent process.

In respect to this plan change, officers have met and discussed issues with interest groups such as landowners, business owners, residents and ratepayers associations, the communities of Oratia, Waiatarua and Henderson Valley/Opanuku through the LAPs process, the Strategic Planning Advocacy Network, Waitakere Ranges Protection Society, Environmental Defence Society and West of Auckland Tourism Group.

A number of landowners have raised concerns with Council officers that the rules discourage rural land uses and make it difficult to establish activities in the Heritage Area that they would expect would be provided for within communities. Landowners identified that the policies and rules in the District Plan do not enable an environment for them to develop rural and visitor based businesses on private land in the Heritage Area, particularly in the foothills.

Landowners identified that there are a lack of economic opportunities associated with the Heritage Area's strengths, being its natural heritage, beaches, history, culture, rural food production and recreation activities and experiences.

The costs of resource consent applications and perceived red tape were also identified by landowners as disincentives to developing businesses on private land in the Heritage Area.

Many participants in the consultation for the Oratia Local Area Plan identified a need to enable activities in the foothills and villages. This includes enabling future rural activities based on food production and consumption, beverages, events and recreation. Villages were identified as places to meet, socialise and focal points for community activities. Participants acknowledged that any enabling provisions need to ensure activities are of an appropriate scale, context and character so as to protect important features valued by the community.

It is also acknowledged that while there is some landowner concern at the lack of certainty around economic opportunities on their land, that other residents, organisations and interest groups are concerned about the potential effects of these activities on the character and amenity of the Heritage Area. There is also concern at the impacts from visitors on the sensitive areas, particularly associated with the Waitakere Ranges Regional Park.

Council staff have met on several occasions with staff and Councillors from Auckland Regional Council to discuss the proposed plan change.

Council staff have met with tangata whenua (Ngati Whatua and Te Kawerau A Maki) and Te Taumata Runanga Committee on the Plan Change and the policy intent. A significant outcome from a May 2009 Hui with tangata whenua, which was focussed on the LAPs, was a need for more visitor based opportunities in the Heritage Area based on cultural tourism and activities.

Further opportunities for residents and any other interested party will be available to those persons through the public notification process of this Plan Change.

10 Conclusion

The section 32 analysis concludes that the objective is the most appropriate way to achieve the purpose of the RMA, that the policies achieve the objective and that the methods are the most effective and efficient means to achieve the policies and provide for the sustainable management of natural and physical resources, and the wellbeing of people and the community.

The proposed Plan Change is consistent with relevant statutory or non-statutory document. In addition, it is considered that there will be no adverse environmental effects generated as a result of the proposed Plan Change. The Plan Change represents the most appropriate way to manage adverse effects from development and to direct outcomes desired by the community.

Appendix 1

Three Reports by Lois Easton Consulting Limited titled “An Investigation of Economic Development Potential in the Waitakere Ranges Heritage Area” 2009.