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Report and recommendations on submissions to the Auckland City District Plan: Hauraki Gulf Islands Section – Proposed 2006

Topic: Land unit – Rural 1 (rural amenity) and land unit – Rural 2 (western landscape)

Report to: The council

From: The chairperson, hearings panel

Date: 27 March 2009

Group file: 314/274020

1.0 Introduction

This report considers submissions and further submissions ('submissions') that were received by the council in relation to land unit - Rural 1 (rural amenity) and land unit - Rural 2 (western landscape) of the Auckland City District Plan: Hauraki Gulf Islands Section - Proposed 2006 ('the Plan').

This report provides an analysis of the decisions requested in submissions and the supporting evidence presented at the hearings on this matter. The report recommends whether each submission should be accepted or rejected (in full or in part) and what amendments (if any) should be made to the Plan to address matters raised in submissions. Further submissions are not specifically addressed but are dealt with in conjunction with the submissions to which they relate.

2.0 Statutory framework

This section of the report briefly sets out the statutory framework within which the council must consider the submissions. In preparing this report the submissions and, in particular, the decisions requested in the submissions, together with the supporting evidence presented at the hearing, have been considered in light of the relevant statutory matters. These were summarised by the Environment Court in *Eldamos Investments Limited v Gisborne District Council* W047/05 where the court set out the following measures for evaluating objectives, policies, rules and other methods in district plans:

1. The objectives of the Plan are to be evaluated by the extent to which they:
 - a. Are the most appropriate way to achieve the purpose of the RMA (s32(3)(a)); and
 - b. Assist the council to carry out its functions in order to achieve the purpose of the RMA (s72); and
 - c. Are in accordance with the provisions of part 2 of the RMA (s74(1)).

2. The policies, rules, or other methods in the Plan are to be evaluated by the extent to which they:
 - a. Are the most appropriate way to achieve the objectives of the Plan (s32(3)(b)); and
 - b. Assist the council to carry out its functions in order to achieve the purpose of the RMA (s72); and
 - c. Are in accordance with the provisions of part 2 of the RMA (s74(1)); and
 - d. (If a rule) achieve the objectives and policies of the Plan (s76(1)(b)).

The purpose of the RMA is “to promote the sustainable management of natural and physical resources”, and “sustainable management” is defined in section 5(2) as meaning:

- “... 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.”

Along with section 5, part 2 of the RMA includes sections 6 (matters of national importance), 7 (other matters) and 8 (Treaty of Waitangi), which set out a range of matters that the council needs to recognise and provide for in achieving the purpose of the RMA. Those matters are also relevant when considering submissions.

The Plan must assist the council to carry out its functions under section 31 of the RMA. These functions are:

- “(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 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; and
 - (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) ...
- (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.”

In addition to the matters listed above from the Eldamos decision:

1. The Plan must “give effect to” any national policy statement and any New Zealand coastal policy statement (s75(3)(a) and (b)).
2. The Plan must “give effect to” the regional policy statement (made operative after 10 August 2005) (s75(3)(c)).
3. The Plan must be “not inconsistent with” any regional plan (s75(4)).
4. The council must ensure that that the Plan does not conflict with sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 (“the HGMPA”). Section 10 of the HGMPA requires that sections 7 and 8 of that Act be treated as a New Zealand coastal policy statement under the RMA.

3.0 Background

This section of the report sets out background information about the topic under consideration. It identifies how the Plan deals with land unit - Rural 1 (rural amenity) and land unit - Rural 2 (western landscape).

3.1 Rural 1 (rural amenity)

Clause 10a.19.1 describes the land unit as follows:

“This land unit is applied to pockets of small scale, rural land located between the village areas of western Waiheke.

Rural amenity is characterised by:

- Small scale farming and horticulture activities.
- Flat to rolling land.
- A rural landscape with built elements but also the openness, features and patterns created by productive activities.
- The contrast of its rural landscape with the intensity and nature of the surrounding village development.

The area of the land unit adjoining Onetangi Road differs from the other areas of rural amenity land in that it contains activities that may be considered 'non-rural' in their character, such as wineries and tourist complexes. The scale of this area of the land unit is sufficiently large to accept these activities, while still maintaining a rural landscape with an open pattern.

Overall, the land unit has high visual amenity value, largely due to the contrast of its rural landscape with the village style development that occurs throughout western Waiheke”

Clause 10a.19.4 sets out the following strategy for the land unit:

“As the Onetangi Road area of the land unit is different in scale to the other areas of the land unit, the resource management strategy is to divide the land unit into two parts; 'Onetangi Road' and 'other areas'.

In the 'other areas' the rural character and the general amenity of the land unit is protected by limiting the range of non-productive activities that can occur.

In the 'Onetangi Road' area of the land unit a wider range of non-productive activities are provided for in recognition of the fact that this area of the land unit is of a significantly larger scale than the other areas and can therefore potentially accommodate activities of a more intensive nature and larger scale. Notwithstanding, an assessment of such activities is required to ensure that there are no adverse effects on the rural character, visual amenity and general amenity of the land unit.”

3.2 Rural 2 (western landscape)

Clause 10a.20.1 describes the land unit as follows:

“This land unit applies to three distinct areas on Waiheke: land at Owhanake, Church Bay and Park Point; land at Te Whau peninsula; and land at Thompsons Point.

Western landscape is characterised by:

- Its coastal location in that all land within the land unit either adjoins the coastline or is part of the wider coastal environment.
- Large areas of environmental significance, in particular wetland areas and areas of native vegetation.
- High natural character and visual amenity due to the large areas of regenerating native bush, and the coastal cliffs and slopes.
- A rural-residential style of living at Owhanake, Church Bay, Park Point and Te Whau. Thompsons Point is currently farmed.

- Small scale rural activities, primarily with a horticulture focus.
- The landscape values of the land unit are those of a cultural landscape containing four key elements:
 1. The openness and productivity of a rural landscape.
 2. The natural character of a regenerating landscape.
 3. The amenity of a low density residential landscape.
 4. The visual prominence of a coastal landscape.

Overall, western landscape provides for a rural-residential style of living with high natural character and landscape values”.

Clause 10a.20.4 sets out the following strategy for the land unit:

“As the land at Owhanake, Church Bay, Park Point and Te Whau is largely developed to capacity, the focus of the resource management strategy for these areas is to provide for the continued operation of rural-residential activities and maintain the natural character and landscape values of the land unit.

As Thompsons Point has not yet been developed to capacity, comprehensive development is provided for in this area. Comprehensive development will provide for a rural-residential style of living in the context of a landscape enhanced by regenerating vegetation.

The general amenity of the land unit is protected by limiting the activities provided for to those of a residential or rural nature and thereby avoiding activities that might generate significant amounts of noise or traffic.”

The rural 2 (western landscape) land unit is made up of land unit 21 (Te Whau Peninsula) and land unit 22 (Western landscape) from the Operative Plan.

4.0 Analysis of submissions

4.1 Introduction

This section of the report discusses the decisions requested in submissions about land unit - Rural 1 (rural amenity) and land unit - Rural 2 (western landscape) and recommends how the council should respond to the matters raised and decisions requested in submissions. The submissions are addressed under subject headings. While the relevant statutory matters (identified in section 2.0 of this report) will not necessarily be referred to directly, the discussion and recommendations have given appropriate consideration to these and any other relevant matters.

Evidence presented at the hearing is directly referred to in this report where the panel believes it is of particular assistance in understanding the decision requested or the reasons for the panel’s recommendation. These references are not intended to be exhaustive, and some evidence presented at the hearing may not be directly referred to in this report. However in reaching its recommendations the panel has considered all submissions, any written or verbal evidence presented in support of those submissions and the council planner’s report.

A list of the submissions considered in this report together with the related further submissions is contained in **appendix 1** of this report. Any amendments to the Plan recommended in response to submissions are identified in this section of the report and are further detailed in **appendix 2** of this report.

4.2 General submissions about Rural 1 (rural amenity)

Submissions dealt with in this section: 126/2, 156/2, 163/2, 168/2, 303/2, 303/4, 378/2, 378/4, 492/1, 492/2, 516/5, 569/2, 569/4, 576/2, 576/4, 590/4, 592/2, 592/4, 620/2, 644/2, 644/4, 661/2, 670/2, 670/4, 682/2, 690/2, 705/2, 705/4, 707/2, 707/4, 713/2,

713/4, 717/2, 717/4, 729/2, 729/4, 739/2, 739/4, 803/2, 811/2, 820/2, 829/2, 845/2, 868/2, 868/4, 886/2, 886/4, 895/3, 897/2, 903/1, 904/2, 904/4, 922/2, 922/4, 939/2, 939/4, 954/2, 954/4, 1023/2, 1027/1, 1055/15, 1137/1, 1145/1, 1145/2, 1146/1, 1146/2, 1149/2, 1149/4, 1055/13, 1166/6, 1171/1, 1171/2, 1171/3, 1171/4, 1180/3, 1215/2, 1292/2, 1661/2, 1743/2, 1743/4, 1744/2, 1744/4, 1745/2, 1745/4, 1746/2, 1746/4, 1747/2, 1747/4, 1748/2, 1748/4, 1749/2, 1749/4, 1750/2, 1750/4, 1751/2, 1751/4, 1752/2, 1752/4, 1753/2, 1753/4, 1754/2, 1754/4, 1755/2, 1755/4, 1756/2, 1756/4, 1757/2, 1757/4, 1758/2, 1758/4, 1759/2, 1759/4, 1760/2, 1761/2, 1762/2, 1763/2, 1764/2, 1765/2, 1766/2, 1767/2, 1768/2, 1769/2, 1770/2, 1771/2, 1772/2, 1773/2, 1774/2, 1775/2, 1776/2, 1777/2, 2119/2, 2130/2, 2132/2, 2173/2, 2173/4, 2280/2, 2280/4, 2635/2, 2660/2, 2672/2, 2702/2, 2702/4, 2772/2, 2784/2, 2784/4, 2790/2, 2825/2, 2837/2, 2837/4, 2841/2, 2953/2, 2957/2, 2961/2, 2965/2, 2969/2, 2973/2, 2977/2, 2981/2, 2985/2, 2989/2, 2999/2, 2999/4, 3010/2, 3012/2, 3019/2, 3061/101, 3185/2, 3185/4, 3193/2, 3204/2, 3204/4, 3222/2, 3222/4, 3225/2, 3225/4, 3238/2, 3248/2, 3255/2, 3255/4, 3261/1, 3276/4, 3279/2, 3279/4, 3284/2, 3284/4, 3302/2, 3302/4, 3309/2, 3309/4, 3324/2, 3324/4, 3331/2, 3324/4, 3345/2, 3345/4, 3351/2, 3351/4, 3358/2, 3358/4, 3361/2, 3361/4, 3378/2, 3378/4, 3381/1, 3381/2, 3387/2, 3398/1, 3398/2, 3398/3, 3514/2, 3531/2, 3534/2, 3537/2, 3545/2, 3563/2, 3563/4, 3575/2, 3629/2, 3652/2, 3652/4, 3819/2, 3819/4, 3835/2, 3853/2 and 3854/2

4.2.1 Decisions requested

Submissions 126/2, 156/2, 163/2, 168/2, 303/2, 378/2, 569/2, 576/2, 592/2, 620/2, 644/2, 661/2, 670/2, 682/2, 690/2, 705/2, 707/2, 713/2, 717/2, 729/2, 739/2, 803/2, 811/2, 820/2, 829/2, 845/2, 868/2, 886/2, 897/2, 904/2, 922/2, 939/2, 954/2, 1023/2, 1027/1, 1137/1, 1145/1, 1149/2, 1055/13, 1171/2, 166/6 1215/2, 1286/106, 1292/2, 1661/2, 1743/2, 1744/2, 1745/2, 1746/2, 1747/2, 1748/2, 1749/2, 1750/2, 1751/2, 1752/2, 1753/2, 1754/2, 1755/2, 1756/2, 1757/2, 1758/2, 1759/2, 1760/2, 1761/2, 1762/2, 1763/2, 1764/2, 1765/2, 1766/2, 1767/2, 1768/2, 1769/2, 1770/2, 1771/2, 1772/2, 1773/2, 1774/2, 1775/2, 1776/2, 1777/2, 2119/2, 2130/2, 2132/2, 2173/2, 2280/2, 2635/2, 2660/2, 2672/2, 2702/2, 2772/2, 2784/2, 2790/2, 2825/2, 2837/2, 2841/2, 2953/2, 2957/2, 2961/2, 2965/2, 2969/2, 2973/2, 2977/2, 2981/2, 2985/2, 2989/2, 2999/2, 3010/2, 3012/2, 3019/2, 3061/101, 3185/2, 3193/2, 3204/2, 3222/2, 3225/2, 3238/2, 3248/2, 3255/2, 3279/2, 3284/2, 3302/2, 3309/2, 3324/2, 3331/2, 3345/2, 3351/2, 3358/2, 3361/2, 3378/2, 3381/1, 3387/2, 3398/2, 3514/2, 3531/2, 3534/2, 3537/2, 3545/2, 3563/2, 3575/2, 3629/2, 3652/2, 3819/2, 3835/2, 3853/2 and 3854/2 (Group 1) seek the reinstatement of land unit 20 (from the Operative Plan) with increased protection built into the rules and assessment criteria to be applied to the land unit.

Submissions 303/4, 378/4, 569/4, 576/4, 590/4, 592/4, 644/4, 670/4, 705/4, 707/4, 713/4, 717/4, 729/4, 739/4, 868/4, 886/4, 904/4, 922/4, 939/4, 954/4, 1055/15, 1149/4, 1743/4, 1744/4, 1745/4, 1746/4, 1747/4, 1748/4, 1749/4, 1750/4, 1751/4, 1752/4, 1753/4, 1754/4, 1755/4, 1756/4, 1757/4, 1758/4, 1759/4, 2173/4, 2280/4, 2702/4, 2784/4, 2837/4, 2999/4, 3185/4, 3204/4, 3222/4, 3225/4, 3238/4, 3255/4, 3276/4, 3279/4, 3284/4, 3302/4, 3309/4, 3324/4, 3331/4, 3345/4, 3351/4, 3358/4, 3361/4, 3378/4, 3563/4, 3652/4, 3819/4 (Group 2) seek that the introduction into all resource management issues, objectives and policies, and rules sections of clause 10a.19 (rural 1) have specific reference to the HGMPA.

Submissions 492/1 and 492/2 seeks that there be no increase in controls on land unit 20 and a relaxation of the RMA.

Submission 516/5 and 903/1 seek that the provisions for rural 1 are strengthened with regard to managing the scale, density, location and appearance of buildings to minimise visual impacts.

Submission 895/3 seeks stricter rules for the existing land unit 20, but that rural 2 (western landscape) would be better than the current abuse of land unit 20.

Submission 1145/2 seeks that land units 21 and 22 be incorporated into land unit 20 so as to enhance and protect the strategic function of the land unit 20 within the western Waiheke Strategic Management Area and thereby enhance and future proof the sustainable management of the Hauraki Gulf Islands.

Submission 1146/1 seeks to strengthen and clarify the meaning of the word buffer so that it reinforces a community mandated concept of the term “green belt” in such a way as to prevent further threats to the integrity of land unit 20, as was evidenced by the Isola decision.

Submission 1146/2 seek to make absolutely clear that ‘open rural’ is not the primary determinant of land unit 20 values

Submission 1171/1 supports the strengthened controls to maintain the rural landscapes within rural 1 (rural amenity).

Submission 1171/3 seeks to implement rules through the Plan to ensure that low density and semi rural areas are protected from incremental pressure for development (with particular reference to rural 1).

Submission 1171/4 seeks to identify features that contribute to the character of the rural environment and protect them through the Plan (with particular reference to rural 1).

Submission 1180/3 seeks a tightening of building and development controls in the western green belt (rural 1).

Submission 1286/106 seeks that provision be made for Comprehensive Management Plans in rural 1.

Submission 3261/1 seeks that clause 10a.19 remain unaltered in its entirety.

Submission 3381/2 seeks to remove all provisions retaining to rural 1 (rural amenity) in part 1 -14 of the Plan and to reinstate general rules and development rules for the resources, as mandated by the community, that recognise the strategic importance of land unit 20 (landscape protection) and its relationship to/and providing for the sustainable management of the land unit.

Submission 3398/1 seeks to recognise the strategic importance of rural 1 (rural amenity).

Submission 3398/3 seeks to drop all subjective words within rural 1 (rural amenity) and introduce landscape protection and enhancement methodologies.

4.2.2 Panel’s analysis and recommendations

4.2.2.1 Group 1 submissions seeking reinstatement of land unit 20

The panel acknowledge that the provisions of rural 1 are designed to provide a sound base for managing that land unit by achieving a balance between providing for people to construct buildings while having a degree of control over the style, form and location of the building. Consequently, the land unit seeks to ensure protection of the landscape and the provision for people to undertake a range of activities in certain areas which are deemed to be suitable to absorb the adverse effects of the activities i.e. the ‘Onetangi Road’ area.

The panel consider that this balance is important because:

- it provides for reasonable use of land which would not be achieved if the land unit was all about landscape protection as sought by a number of submissions.
- it provides for tourism, which is vital to the economy of the island and as such, it is important that activities that enable or service tourism have places to locate .

Land Unit 20 of the Operative Plan is applied to rural areas around the existing villages on western Waiheke and the intent of the land unit is to protect the rural character and amenity of these areas and to create a visual and physical buffer between the main residential areas.

In most cases, land that is classified as land unit 20 in the Operative Plan is classified as rural 1 (rural amenity) in the Proposed Plan with the major exception being land on Rakino Island which has been allocated its own land unit that recognises the uniqueness of Rakino.

The panel consider that the changes made to original land unit 20 from the Operative Plan to form rural 1 (rural amenity) in the Proposed Plan have clarified the objectives and policies and controls relating to activities, development and subdivision. The intention of this is to provide a balance between landscape protection and economic wellbeing and provides greater certainty for landowners and the wider public as to what level of development could occur.

The panel acknowledge that in most cases, the controls in place in the Proposed Plan under the rural 1 land unit are more restrictive on the types of development, the built form and the subdivision potential for the land unit than those in land unit 20 in the Operative Plan. Ultimately, the panel consider that this will result in increased protection for the rural landscape and general amenity qualities of the land unit.

The panel therefore consider that the submitters' request has been met to some extent in that the provisions of the rural 1 land unit, compared to those in land unit 20 have increased the protection of the land and therefore the panel do not consider that it is appropriate to reinstate land unit 20 from the Operative Plan.

The panel do consider however that amendment to the title of the land unit (rural amenity) to be closer to the title land unit 20 (landscape protection) would more appropriately represent the importance of the landscape values of the land unit. The panel therefore recommends that the title of the rural 1 (rural amenity) land unit be amended to rural 1 (landscape amenity). The land unit will be referred to in this report from this point onward as rural 1 (landscape amenity).

The panel recommends that the submissions be accepted in part.

4.2.2.2 Group 2 submissions – specific reference to HGMPA

The submissions seek that every clause of the rural 1 (landscape amenity) land unit make specific mention to the Hauraki Gulf Marine Park Act 2000. The panel notes that the resource management overview of the Plan, and in particular clause 2.3.2, recognises the importance of HGMPA. The Plan as a whole must give effect to HGMPA. It is also considered by the panel that the interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Gulf and its islands are recognised as matters of national significance by HGMPA and by the Plan.

Although there is no specific mention to HGMPA within the rural 1 (landscape amenity) land unit, the panel consider that it is inherent that the principles behind the Act have been

addressed and considered in the formation of this land unit in particular and throughout the whole Plan.

The panel therefore recommends that the submissions be rejected.

4.2.2.3 Submission 492/1 and 492/2 – no increase in controls and relaxation of the RMA

Submissions 492/1 and 492/2 seeks that there be no increase in controls on land unit 20 and a relaxation of the RMA. As discussed in section 4.2.2.1 above, the panel consider that the controls imposed for the rural 1 land unit are to give clarity and increased protection for the rural landscape and general amenity qualities of the land unit.

Relaxation of the RMA as requested by the submitter, is not within the scope of the Plan review process. The submitter states that the RMA is ineffective at stopping undesirable development. The panel recognise that in the Operative Plan, if the activity is not specifically listed as a permitted, controlled, discretionary or prohibited activity it is considered to be a permitted activity, provided that it complies with the development controls. The Proposed Plan however, as described in clause 4.2, takes the position that an activity is considered to be a non-complying activity if it is not otherwise provided for in the land unit (as a permitted, controlled, restricted discretionary or discretionary activity) regardless of whether or not it complies with the development controls.

The panel recognise that the approach in the Operative Plan results in activities which have not been envisaged or considered unsuitable for the land unit, if they comply with the development controls, being allowed to occur within the land unit as of right. The approach in the Proposed Plan however, means that activities which have been specifically excluded from the activity table are required to go through the resource consent process as a non-complying activity.

The panel acknowledge that there are more listed activities within clause 10a.19.5 (Rules – activity table) for rural 1 than in land unit 20 but it is intended that this list is exhaustive and outlines all activities envisaged to be suitable within the land unit. The potential activities that could be undertaken as of right through land unit 20 in the Operative Plan is limited only by compliance with the development controls.

It is therefore considered by the panel that the strengthened protection created through the provisions of the rural 1 land unit will mean that any development which is not specified in the activity table will be considered through the resource consent process.

The panel recommend that this submission be rejected.

4.2.2.4 Submissions 516/5 and 903/1 – wording of clause 10a.19

The submitter seeks that the wording of the rural 1 land unit be changed to recognise the role of the land unit as a green belt buffer and the environmental and ecological functions of the land unit.

As discussed in section 4.2.2.1 above, land unit 20 of the Operative Plan is applied to rural areas around the existing villages on western Waiheke and the intent of the land unit is to protect the rural character and amenity of these areas and to create a visual and physical buffer between urban areas. The rural 1 (rural amenity) of the Proposed Plan provide greater certainty for landowners and the wider public on the role of the land unit and a higher degree of effectiveness in terms of protecting the visual amenity and rural character of the area.

The panel consider that reference to a green belt buffer gives the impression that the land is undeveloped and does not include dwellings or other buildings. The panel do not consider that this is an appropriate way to describe the land unit, nor does this reflect the provisions of the land unit. Neither did it reflect the provisions of the Operative Plan. The panel therefore do not consider it appropriate to include reference to a green belt buffer in clause 10a.19.

The rural 1 land unit is described in clause 10a.19.1 as small scale farming and horticulture activities. The panel do not consider that the environmental and ecological elements of the land unit are such that they require specific mention. The panel note that there is very little land within the land unit that is not either covered by pasture or horticultural activities and it is considered that the environment is highly modified and therefore has little ecological function worthy of specific mention.

It is therefore recommended by the panel that the submissions be rejected.

4.2.2.5 Submission 516/8, 903/4, 1171/1, 1180/3 – strengthened provisions for the land unit

The submissions seek that controls on the scale, density, location and appearance of buildings within the land unit are strengthened to minimise visual impacts.

The panel note that the activity table for the land unit requires that the construction and relocation of buildings and exterior alterations and additions to existing buildings require a restricted discretionary resource consent.

Clause 11.5.2 of the Plan outlines the matters to which council has restricted its discretion for new buildings and additions and alterations to existing buildings. The matters are restricted to scale, form (design and materials), colour and location. The panel therefore consider that these aspects of all new buildings and additions and alterations will be assessed through the resource consent process to ensure that the development is appropriate for the site on which it is proposed.

The panel also consider that the development controls in part 10c which control the size of buildings are another way in which the Plan controls the level of development within the land unit. Along with this, one dwelling per site and other associated residential activities, and visitor accommodation for up to 10 people are permitted activities which are considered to be an appropriate scale for the land unit.

The panel therefore consider that the provisions within the rural 1 (landscape amenity) land unit are adequate to ensure that the visual impacts of development on the land unit are mitigated where possible.

The panel recommend that the submissions be rejected.

4.2.2.6 Submission 895/3 – stricter provisions for the existing land unit

As discussed in sections 4.2.2.1 and 4.2.2.5 above, the panel consider that the provisions in the rural 1 (landscape amenity) land unit are more restrictive and will achieve a more suitable outcome for the land unit than the land unit 20 provisions from the Operative Plan.

The panel recommend that this submission be rejected.

4.2.2.7 Submission 1145/2 – incorporate land units 21 and 22 with land unit 20

The submitter seeks that the land unit 20, 21 and 22 from the Operative Plan be incorporated together to enhance and protect the strategic function of land unit 20 within the western Waiheke strategic management area (SMA)

The panel acknowledge that strategic management areas have been simplified in the Proposed Plan and there is now one strategic management area for the whole of Waiheke. The differences in the east and west of the island are represented through the application of land units and in the formation of the Proposed Plan it was considered that this was the most simple and clear way to recognise the differences between each end of the island.

The submitter seeks that the land units which make up western Waiheke be combined. As notified, the rural 1 land unit is recognised as being a small scale rural land unit located between the existing villages of western Waiheke. The ‘Onetangi Road’ area of the land unit has been identified for its larger scale and therefore, the ability to accommodate more intensive, non-rural activities. The rural 2 land unit is largely developed to capacity, with the exception of Thompsons Point, and predominantly has a rural-residential style of living.

Land unit classification is important to ensure that the individual characteristics of the land units are protected and maintained and the panel do not consider that combining these land units would result in the best outcomes for the area as this would not recognise the significant differences between the rural 1 and rural 2 land units.

It is therefore recommended by the panel that the submission be rejected.

4.2.2.8 Submission 1146/1 – strengthen and clarify “buffer”

The submission seeks that the word “buffer” be reinstated in the land unit to ensure that the concept of ‘green’ is the dominant and defining feature of the land unit. As discussed in section 4.2.2.4 above, the panel consider that the inclusion of the term “buffer” within the land unit gives the impression of open space with no buildings or development within it which does not reflect the provisions of the land unit.

Therefore, the panel recommend that the submission be rejected.

4.2.2.9 Submission 1146/2 – primary determinant of the land unit

The submitter is concerned that the primary determinant of the land unit is that it is ‘open rural’. The Plan does not specifically use the words ‘open rural’ to describe the land unit but does mention in the introductory clause of the Plan that:

“A rural landscape with built elements but also the openness, features and patterns created by productive activities”

The panel consider that the primary determinant of the land unit is its horticultural and pastoral uses and the panel consider that the very nature of these activities is their openness compared with more intensive areas such as the island residential land units.

While the panel recognise that the scale of the land unit is generally smaller than land that is classified as landform 5 (productive land), the panel also note that landform 5 classification has not been placed on land in Eastern Waiheke and is applied on areas of western Waiheke and Great Barrier and some of the other islands.

It is not clear to the panel what relief was sought by the submitter with respect to this particular submission despite the appearance of the submitter at the hearings on this topic.

Therefore, the panel recommend that this submission be rejected.

4.2.2.10 Submission 1171/3 – low density rules

The submitter seeks that the Plan ensure that semi-rural areas are protected from development.

The panel note that the Plan provides for one dwelling per site and has a minimum site size in part 12 – subdivision of 5ha. The panel also note that the activity table indicates that multiple dwellings are permitted in the land unit, however the panel recognise that this is an error and will be addressed and corrected further on in this report.

The panel consider that the provisions for the land unit outline what level of development is envisaged for the land unit and it is also considered that the objectives and policies of the land unit clearly indicate the importance of controlling the scale, form, location and colour of new buildings in the land unit.

The panel are not clear whether the submitter seeks changes to the Plan in response to this submission and the submitter did not attend to clarify this. Therefore the panel recommend that the submission be rejected to the extent that the panel consider that the provisions within the land unit protect the small scale rural nature of the land.

4.2.2.11 Submission 1171/4 – features of the rural character

The submission seeks that the Plan identify features that contribute to the character of the rural environment. The panel consider that the introductory clause of the Plan, 10a.19.1, gives a description of the land unit and within this, identifies the features of the land unit.

Clause 10a.19.1 states:

“This land unit is applied to pockets of small scale, rural land located between the village areas of western Waiheke.

Rural amenity is characterised by:

- Small scale farming and horticulture activities.
- Flat to rolling land.
- A rural landscape with built elements but also the openness, features and patterns created by productive activities.
- The contrast of its rural landscape with the intensity and nature of the surrounding village development.

The area of the land unit adjoining Onetangi Road differs from the other areas of rural amenity land in that it contains activities that may be considered 'non-rural' in their character, such as wineries and tourist complexes. The scale of this area of the land unit is sufficiently large to accept these activities, while still maintaining a rural landscape with an open pattern.

Overall, the land unit has high visual amenity value, largely due to the contrast of its rural landscape with the village style development that occurs throughout western Waiheke.”

The panel consider that this clause identifies the features which characterise the rural character of the land unit. The submitter did not attend the hearing and it is not clear to the panel whether any changes to the land unit are sought as a result of this submission.

Therefore the panel recommend that the submission be rejected to the extent that the panel are satisfied that the rural character features have been suitably included in the land unit.

4.2.2.12 Submission 1286/106 – comprehensive management plans

As described in these submissions, a comprehensive management plan is a means of providing for integrated land use and subdivision proposals that relate to the whole of a property and include land management, enhancement, and environmental protection outcomes. The submissions suggest that comprehensive management plans should be provided for as a discretionary activity in the rural 1 land unit.

The panel notes the evidence presented at the hearing by Barry Kaye, planning consultant, and Dennis Scott, landscape architect, on behalf of most of these submitters. Mr Kaye emphasised the resource management advantages to enabling a comprehensive approach to developing and managing a whole property in its entirety.

In addressing these submissions, which seek an integrated land use / subdivision approach, reference will be made to various provisions within part 12 - Subdivision. The panel notes that the provisions referred to are also subject to submissions and that those submissions are considered in the decision report on part 12.

Comprehensive development is defined in part 14 of the Plan as notified as follows:

“Comprehensive development means a subdivision which creates at least three sites and which provides for the integrated assessment of the proposed sites, access (including any public access) and the development to be located on those sites.”

Comprehensive management plan type provisions are sometimes used in district plans to secure replanting or protection of existing bush or other features in return for allowing smaller site sizes than would otherwise be permitted. However the panel considers that the Plan already provides appropriately for this by means of the subdivision provisions relating to the protection of significant environmental features, and associated cluster subdivision. These are provided for as a discretionary activity in some land units. Significantly smaller site sizes are provided for in association with this type of subdivision. For other types of discretionary activity subdivision, not relying on the protection of significant environmental features, there is still the ability for the council to consider the protection and enhancement of vegetation, landscape, and heritage features. These matters are covered in the general assessment criteria contained in part 12.

Therefore the panel recommend that the submission be rejected and that there be no further provision for comprehensive development in the rural 1 land unit.

4.2.2.13 Submission 3261/1 – retain clause 10a.19 unaltered

The panel recommend that the submission be accepted to the extent that it specifically supports clause 10a.19 within the Plan.

4.2.2.14 Submission 3381/2 – remove reference to rural 1 throughout the Plan

The submission states “that the rural 1 classification is too broad in its entirety, lacking the precision and detailed understanding of community values and beliefs needed to affirm the cultural, historical, heritage, ecological and strategic values which provide for, and underpin, sustainable management of this resource”.

The submitter attended the hearing and spoke further to the submission on this topic. The submitter sought that land unit 20 from the Operative Plan be reinstated as it was considered that land unit 20 recognises that strategic importance of the land and its relationship to and providing for the sustainable management of the land unit.

As discussed in section 4.2.2.1 above, the panel consider that the provisions in land unit 20 from the Operative Plan did not achieve the most appropriate outcome for the land unit.

The panel recognise that in the Operative Plan, if the activity is not specifically listed as a permitted, controlled, discretionary or prohibited activity it is considered to be a permitted activity, provided that it complies with the development controls. The Proposed Plan however, as described in clause 4.2, takes the position that an activity is considered to be a non-complying activity if it is not otherwise provided for in the land unit (as a permitted, controlled, restricted discretionary or discretionary activity) regardless of whether or not it complies with the development controls.

The approach in the Operative Plan can result in activities which have not been envisaged or considered unsuitable for the land unit, if they comply with the development controls, being allowed to occur within the land unit as of right. The approach in the Proposed Plan however, means that activities which have been specifically excluded from the activity table are required to go through the resource consent process as a non-complying activity. From a number of comments in the hearing and written submissions, it is the panel's view that a number of people in the community misunderstand the permissive nature of the Operative Plan and have an expectation that it will stop development in the land unit.

The panel consider that the rural 1 land unit more appropriately identifies the generally small scale, mainly rural activities which can be accommodated within the land unit. The panel also consider that the land unit recognises that the scale of the 'Onetangi Road' area compared with the rest of the rural 1 land unit is different and can accommodate more intensive, non-rural activities.

Overall, the panel consider that the provisions of the rural 1 land unit give greater protection and recognise the role of the land unit more adequately than the provisions of land unit 20 in the Operative Plan.

The panel therefore recommend that the submission be rejected.

4.2.2.15 Submission 3398/1 - strategic importance of the land unit.

The submission seeks that the strategic importance of the land unit be recognised and to differentiate between green belts and rural openness".

The panel consider that the removal of the reference in the Operative Plan to the land unit being a 'green belt buffer' and being a rural land unit in its own right reinforces the character and in turn, the role of the land unit on Waiheke. As discussed in the report above, the panel consider that reference to a green belt buffer gives the impression that the land is undeveloped and does not include dwellings or other buildings. The panel do not consider that this is an appropriate way to describe the land unit, nor does this reflect the provisions of the land unit. The panel therefore do not consider it appropriate to include reference to a green belt buffer in clause 10a.19.

While the panel agree that the land unit plays an important role in the separation of the villages on the island, it is not considered that this land should be void of any development or that development should be prohibited, which would be required to achieve a true 'green belt

buffer'. The Operative Plan has never sought to prohibit development either. This approach would not provide for the economic wellbeing of rural 1 land owners, nor would it recognise the important productive activities which are undertaken within the land unit which provide for the economic wellbeing of landowners, as well as the economy of Waiheke in general.

The panel therefore consider that the strategic importance of the land unit has been strengthened through the provisions of the rural 1 (landscape amenity) land unit and it is recommended that the submission be rejected.

4.2.2.16 Submission 3398/3 – subjective words

The submitter seeks that all subjective words from the land unit and to introduce landscape protection and enhancement methodologies.

It is not clear to the panel exactly which words the submitter seeks to be removed from the rural 1 land unit and the submitter did not attend the hearing to further discuss this matter. The panel consider that the provisions and wording of the rural 1 land unit give landowners and Plan users certainty and clarity for the future direction for the area.

As is discussed in section 4.3.2.2 further in this report, the panel do consider that the title of the land unit could be amended to better represent the importance of the landscape in the land unit.

The panel therefore recommend that the submission be accepted in part to the extent that the panel agree that a change in the title of the land unit is appropriate.

4.3 Submissions about the introduction to rural 1 (rural amenity), resource management issues, objectives and policies and the resource management strategy.

Submissions dealt with in this section: 369/1, 516/6, 516/7, 903/2, 903/3, 1093/31, 1093/32, 1093/33

4.3.1 Decisions requested

Submissions 516/7 and 903/3 seek to recognise in the introduction to clause 10a.19 that rural 1 (rural amenity) is also characterised by a high degree of natural character due to the minimal area of built elements, rural openness and areas of regenerating native bush.

Submission 1093/31 seeks to retain clause 10a.19.1 Introduction as currently worded but re-name the land unit as rural 1 (Onetangi Village – rural amenity) throughout.

Submission 369/1 seeks to reinstate the first and last paragraph of 6.20.2, land unit 20 of the Operative Plan into clause 10a.19.2, for rural 1 (rural amenity).

Submissions 516/6 and 903/2 seeks to add to clause 10a.19.2 the need to maintain a green belt buffer between and around the urban areas on Waiheke to preserve environmental and visual amenity functions. The recognition of environmental/ecological functions should replace number 3 in the list of issues.

Submission 1093/32 seeks to retain clause 10a.19.2 Resource management issues as currently worded.

Submission 1093/33 seeks to retain clause 10a.19.3 Objective as currently worded.

4.3.2 Panel’s analysis and recommendations

4.3.2.1 Submission 516/7 and 903/3 – recognition of high natural character

The submission seeks that the introductory statement to the land unit recognise that “rural 1 (rural amenity) is also characterised by a high degree of natural character due to the minimal area of built elements, rural openness and areas of regenerating native bush”.

The panel recognises that the introductory statement for the land unit already recognises the aspects of the submission. Clause 10a.19.1, third bullet point makes particular reference to “a rural landscape with built elements but also the openness, features and patterns created by productive activities.”

The panel do not consider that reference in the land unit to ‘natural character’ is appropriate as it is recognised that the land unit is, in the majority, farmed pastoral land which has been highly modified from its natural vegetative state.

It is therefore recommended that the submission be accepted in part to the extent that several aspects of the submission are already included in the introductory statement of the plan.

4.3.2.2 Submission 1093/31 – name of the land unit.

The submission seeks to retain clause 10a.19.1 - Introduction of the land unit as currently worded but to re-name the land unit as rural 1 (Onetangi Village – rural amenity) throughout.

The panel have considered the name of the land unit in section 4.2.2.1 and agrees that the name of the land unit – rural 1 (rural amenity) could be amended to better represent the land unit and in particular recognition of the title of land unit 20 in the Operative Plan which was landscape protection.

The panel do not consider that the name suggested by the submitter would be suitable due to the fact that the rural 1 land unit is applied to land in more areas than just Onetangi. Therefore, as previously recommended in section 4.2.2.1 of this report, the panel consider that the land unit should be name rural 1 (landscape amenity).

The panel acknowledge the submitter’s support of the introductory statement of the land unit and therefore, it is recommended that the submission be accepted in part.

4.3.2.3 Submission 369/1 - reinstate parts of land unit 20 into clause 10a.19.2

The submission seeks to reinstate the first and last paragraph of 6.20.2, land unit 20 of the Operative Plan into clause 10a.19.2, for rural 1 (rural amenity).

The first paragraph of 6.20.2 from the Operative Plan reads:

“The resource management strategy for Land Use 20 is to ensure the continuation of rural open space and rural land use activities within the land unit, as a means of providing visual and physical buffers between urban areas. The land unit fulfils an essential function in securing the maintenance of the rural character of land between urban areas so that sustainable management of the Western Strategic Management Area can be achieved.”

The last paragraph of 6.20.2 from the Operative Plan reads:

“Land Unit 20 has high strategic significance in terms of its role in facilitating an integrated strategy of land unit management, so that sustainable management of the natural and physical environment results. Land Unit 20 also fulfils a strategic function in terms of maintaining a direct visual perception of life style opportunities, reflecting the cultural character of the Hauraki Gulf Islands.”

The above paragraphs describe the role of the land unit in the Operative Plan, as a buffer between the urban areas on western Waiheke. The panel acknowledge that the location of the land unit has not changed and therefore, the land unit in the Proposed Plan maintains the rural land between the villages. However the panel consider that reference to the area as a ‘buffer’ does not give the land unit its own identity and diminishes the rural nature and character of the land. Neither does that reference reflect the actual provisions in the Operative Plan. As discussed elsewhere in the report, the panel consider that the provisions in rural 1 (landscape amenity) provide certainty and clearer guidance for Plan users in relation to what is considered appropriate within the land unit.

The panel consider that the focus of the land unit on being rural land has not changed from the Operative to the Proposed Plans. In fact, the panel consider that the provisions of the rural 1 land unit provide more emphasis on this rural character and offer more protection through more strict controls on the activities allowed in the land unit, and the development controls on new buildings. The panel do not consider it necessary to include this paragraph in rural 1 (landscape amenity).

It is therefore recommended by the panel that the submission be rejected.

4.3.2.4 Submissions 516/6 and 903/2 – maintain a “green belt buffer”

The submissions seek to add to clause 10a.19.2 the need to maintain a green belt buffer between and around the urban areas on Waiheke to preserve environmental and visual amenity functions. The submission also seeks that issue 3 of the resource management issues be replaced with recognition of the environmental/ecological functions of the land unit.

As discussed in several sections of the report already, the panel do not consider it appropriate to include reference to a “green belt buffer” within the rural 1 (landscape amenity) land unit.

Clause 10a.19.2 of the Plan as notified reads:

10a.19.2 Resource management issues

The significant resource management issues that need to be addressed in the Plan are:

1. How to recognise the differences in scale between the 'Onetangi Road' area of the land unit and the 'other areas' of the land unit such as the Kennedy's Point, Palm Beach and Oneroa.
2. How to protect the rural landscape and visual amenity of the land unit from the adverse effects of buildings and activities.
3. How to protect the general amenity of the land unit, particularly in the 'other areas'.
4. How to provide for small scale rural activities, such as farming and horticulture, to establish and operate within the land unit.
5. How to acknowledge that non-rural activities such as restaurants, wineries and tourist complexes may be appropriate and in fact beneficial in the right locations.
6. How to control the size and nature of non-rural activities so that the rural character and visual amenity of the land unit is maintained.

Note: Refer to clause 10a.19.4 below for an explanation of the 'Onetangi Road' and 'other areas' of the land unit.

The submitters seek that environmental and ecological functions replace the reference to the “general amenity of the land unit” in 10a.19.2(3). The panel acknowledge that amenity values are defined in part 14 of the Plan, from the RMA as:

“**Amenity values** means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.”

The panel therefore consider that the term ‘general amenity’ addresses more aspects of the land unit than just the environmental and ecological functions and therefore the panel do not consider that it is appropriate to amend the wording as suggested by the submitter.

It is therefore recommended that the submission be rejected.

4.3.2.5 Submission 1093/32 – retain clause 10a.19.2

The panel recommend that the submission be accepted to the extent that it supports the wording of clause 10a.19.2 – resource management issues.

4.3.2.6 Submission 1093/33 – retain clause 10a.19.3

The panel recommend that the submission be accepted to the extent that it supports the wording of clause 10a.19.3 – objective.

4.4 Submissions about the Isola development

Submissions dealt with in this section: 821/31, 1014/3, 1023/4, 1150/2, 1180/1, 3805/2

4.4.1 Decisions requested

Submission 821/31 agrees with the Isola decision that there should be a zone (rural 1) for this type of development

Submission 1014/3 seeks to make Isola a separate land unit and include strict controls including prohibiting any further development whatsoever on the site.

Submission 1023/4 seeks that Isola be given a separate land unit which prohibits any further development on the site.

Submission 1150/2 seeks that a specific rule be written which constrains the activities of the Isola site to that site with no future scope to appropriate in any shape, form or notion, by fair means or foul, any further land, air and water than can in anyway increase the currently specified lot coverage and proposed activity in scope or scale, in perpetuity.

Submission 1180/1 seeks that the Isola development should have its own mini-land unit and the rest of the area should stay rural under the land unit 20 protection of the previous Plan.

Submission 3805/2 seeks to amend the Plan to ensure that a repeat of Isola can never occur again in rural 1 (rural amenity).

4.4.2 Panel's analysis and recommendations

4.4.2.1 Submission 821/31 - agrees with Isola decision

The submitter agrees with the Isola Estate decision and that there should be a zone for this type of development. The 'Onetangi Road' area recognises a need for activities such as entertainment and function facilities, restaurant, café and other eating places and tourist complexes to be able to locate somewhere on the island and it is considered that the scale of the 'Onetangi Road' area is such that more intensive, non-rural development such as these activities could be located here while still maintaining the open pattern of rural landscape of the land unit.

The panel therefore recommends that the submission be accepted to the extent that it agrees with the provisions of the rural 1 land unit.

4.4.2.2 Submissions 1014/3, 1023/4, 1180/1 – separate land unit for Isola

The submissions seek to include the Isola Estate development a separate land unit and to ensure that no further development can occur on the property.

Some of the submissions suggest that the Isola Estate properties would be more suitably classified if they were included within the commercial 4 (visitor facilities) land unit. It is recognised that the sites could be considered for inclusion in the commercial 4 land unit as this land unit specifically provides for larger scale visitor facilities within specific locations on Waiheke. Other sites that are included within the commercial 4 land unit include properties at Onetangi, Palm Beach and Orapiu. The properties at Orapiu and Palm Beach are established visitor facilities while the sites in Onetangi are yet to be development.

The 'Onetangi Road' area of the Proposed Plan is recognised by the panel to provide for activities which have a potentially higher in intensity than other activities within the land unit. There have been no additional sites provided in the commercial 4 (visitor facilities) land unit from what was contained in the Operative Plan and therefore the panel recognise that the activities provided for within the 'Onetangi Road' area, play a key role in providing for the growing tourism demands of the island and have not been provided for elsewhere in the Plan.

It is considered that horticulture and other rural activities undertaken are key to ensuring the rural character of the rural 1 land unit is maintained and protected and the 'Onetangi Road' area of the land unit is no exception to this. The panel acknowledge that the Plan has recognised that the 'Onetangi Road' area can support more intensive, non-rural use of the land, due to the larger scale of the properties, while maintaining the open nature and rural character of the land unit.

The panel do not consider that a completely separate land unit for the Isola Estate development is necessary as the provisions of the rural 1 land unit, and in particular, the 'Onetangi Road' area have recognised the need to provide for this type of development in suitable locations on Waiheke.

With regard to future development of Isola, the conditions of the resource consent which have been approved by the Court have required that covenants be registered against the certificate of title for the sites to restrict building coverage on the sites. The panel recognise however that this covenant could be removed in future if the parties involved agreed, however the panel consider that the provisions for the rural 1 clearly outline what level of development is anticipated for the land unit.

It is therefore recommended by the panel that the submission be rejected.

4.4.2.3 Submission 1150/2 – no further development at Isola

Submission 1150/2 seeks that a specific rule be written which constrains the activities of the Isola site to that site with no future scope to appropriate in any shape, form or notion, by fair means or foul, any further land, air and water than can in anyway increase the currently specified lot coverage and proposed activity in scope or scale, in perpetuity.

The panel acknowledges that including specific rules for a particular site in the Plan would effectively be spot zoning. Spot zoning is not a desirable approach to planning for the Gulf Islands as it is considered that this can overcomplicate the Plan.

It is recognised in the Plan that the areas around, and including, the Isola property are of a scale which can accommodate more intensive development. This area, names the ‘Onetangi Road’ area has been given additional provisions in the Plan to allow for this increase in development.

It is noted by the panel that the resource consent for the hotel development on the Isola site contains consent conditions which requires a lot coverage covenant to be registered against the title for the property which limits the lot coverage of both the site containing the hotel and the site containing the events centre to 6.24% and 2.27% of the sites respectively.

It is recommended by the panel that the submission be rejected.

4.4.2.4 Submission 3805/2 - ensure no repeat of Isola

The submission seeks to amend the Plan to ensure that a repeat of Isola can never occur again in rural 1 (rural amenity).

The Isola Development is located on two properties within the ‘Onetangi Road’ area of the Proposed Plan at 74 and 78 Onetangi Road. The two sites measure 40716m² and 46803m² respectively and resource consent has been granted for an entertainment facility and large visitor accommodation facility.

Consent was granted to construct an entertainment facility on the site in February 2002 and in June 2006, the Environment Court approved, on appeal, granted for a 52-unit visitor facility. Initially the Council declined the application for the visitor facility on the grounds that the scale and intensity of the proposal would result in adverse effects on the environment. In the appeal to the Environment Court, the development was substantially reduced in floor coverage, site coverage and earthworks and it was considered by the Environment Court that the development was not incompatible with and did not harm the integrity of land unit 20.

The Environment Court’s decision on this case provided a base for reconsidering the activities provided for within the rural 1 land unit. In recognition of the ability of some of the rural 1 land unit to provide for more intensive development while maintaining the rural character of the land unit between the villages on the island, the ‘Onetangi Road’ area was created.

The panel note that both entertainment facilities and large (for more than 10 people) visitor accommodation is a discretionary activities within the ‘Onetangi Road’ area of the land unit and are considered as a non-complying activity in the rest of the land unit. It is considered that the status of these activities allows the council to assess an application on a case by case basis.

The panel therefore recommend that the submission be rejected.

4.5 Submissions about clause 10a.19.5 Rules – activity table

Submissions dealt with in this section: 11/2, 43/1, 516/11, 903/7, 1070/1, 1093/37, 1127/11, 1250/59, 1250/60, 1250/61, 1250/62, 2105/3

4.5.1 Decisions requested

Submission 11/2 seeks that the word “dwelling” contained in clause 10a.19.5 as part of “multiple dwelling” should be deleted and replaced with “building” to read “multiple building” and the status changed to discretionary.

Submission 43/1 seek the addition of farm manager’s accommodation into clause 10a.19.5 as a permitted activity.

Submissions 516/11 and 903/7 seeks that clause 10a.19.5 be amended to change multiple dwellings from a permitted activity to a discretionary activity; provide for educational facilities and camping facilities as discretionary activities and community facilities as a permitted activity.

Submission 1070/1 seeks to amend the activity table 10a.19.5 to include educational facilities as a permitted activity within rural 1.

Submission 1093/37 seeks to retain horticulture as a permitted activity.

Submission 1127/11 seeks that clause 10a.19 should be amended so that the activity tables and associated Plan provisions allow for all buildings as controlled activities – not restricted discretionary activities as is proposed.

Submission 1250/59 seeks that multiple dwelling should be a discretionary activity in clause 10a.19.5.

Submission 1250/60 seeks that tourist complexes should be a non-complying activity in clause 10a.19.5.

Submission 1250/61 seeks that visitor accommodation for up to ten people should be a discretionary activity in clause 10a.19.5.

Submission 1250/62 seeks to retain the status of all other activities as listed in clause 10a.19.5.

Submission 2105/3 seeks the amend clause 10a.19.5 so that the status for multiple dwellings in rural 1 (rural amenity) is changed from a permitted to discretionary.

4.5.2 Panel’s analysis and recommendations

4.5.2.1 Submission 11/2 – dwelling vs. building

The submission seeks that the word “dwelling” contained in clause 10a.19.5 as part of “multiple dwelling” should be deleted and replaced with “building” to read “multiple building” and the status changed to discretionary.

The submitter appears to be concerned more with the control of buildings on a site than the control of dwellings (as a type of building). The submitter is concerned that a dwelling could be converted to a visitor accommodation and therefore the controls for multiple dwellings, under clause 10a.19.6 become irrelevant.

The panel acknowledge that the rural 1 land unit provides for dwellings (one per site) and visitor accommodation as permitted activities and, as corrected below, multiple dwellings as a discretionary activity. While the panel acknowledge that the effects of the use of a visitor accommodation and a dwelling are difficult to distinguish, it is recognised that the provision for a dwelling and a visitor accommodation for up to 10 people on one site provides an opportunity for landowners to supplement their income from the primary productive activities on the land, and to provide for their social and economic wellbeing.

The panel consider that the multiple dwelling provisions allow more than one dwelling per site, up to a level that could be achieved through the subdivision provisions in part 12. This provision is in place to ensure that should subdivision of land be applied for at a later date, the site sizes that would result are consistent with the character of the land unit.

The panel acknowledge that new buildings and external additions and alterations to existing buildings require a restricted discretionary consent to ensure that the scale, form, location and colour of the building is appropriate. The panel consider that this control is adequate to ensure that adverse effects on the land unit are avoided, remedied or mitigated.

The panel therefore do not consider that it is appropriate to replace the word “dwelling” with “building” when referring to multiple dwellings. The panel recommend that the submission be rejected.

4.5.2.2 Submission 43/1 – farm manager’s accommodation

The submission seeks the addition of farm manager’s accommodation into clause 10a.19.5 as a permitted activity.

The panel have considered the matter of caretaker’s cottage (which could also be considered as farm managers accommodation) in other decision reports for the Plan. The panel consider that any additional dwelling on the property, regardless of its intended use, is considered to be a multiple dwelling.

Multiple dwellings are provided for in the rural 1 land unit (as notified) as a permitted activity, however it is recognised that this activity status has been made in error in the Plan and it should be provided for as a discretionary activity. This matter will be addressed further in sections 4.5.2.3 and 4.5.2.7 of this report.

The panel therefore consider that farm manager’s accommodation is provided for within the land unit as a discretionary activity through the multiple dwellings activity and it is considered that a discretionary activity status is appropriate to ensure that each application for multiple dwellings can be assessed on its merits on a case by case basis.

The panel therefore recommend that the submission be rejected.

4.5.2.3 Submissions 516/11 and 903/7 – multiple dwellings, educational facilities, camping facilities and community facilities

The submissions seeks that clause 10a.19.5 be amended to change multiple dwellings from a permitted activity to a discretionary activity; provide for educational facilities and camping facilities as discretionary activities and community facilities as a permitted activity.

Currently, as mentioned in section 4.5.2.2 above, multiple dwellings have been mistakenly provided for in the Plan as notified as a permitted activity and needs to be amended to a discretionary activity status.

The panel do not consider that a permitted activity status is appropriate for multiple dwellings as this could result in a proliferation of buildings on the landscape which would detract from the openness and rural character of the rural 1 land unit. The panel do consider however that a discretionary activity status for multiple dwelling is appropriate as this would mean that an application for multiple dwellings could be assessed on a case by case basis for its suitability on a particular site. The panel recommend that the status of multiple dwellings be amended to a discretionary activity.

Educational facilities are not provided for in the rural 1 land unit in the Plan as notified. The panel do not consider that educational facilities are an appropriate activity to be located within the rural 1 land unit as it is considered that educational facilities are generally of a large scale which the panel consider could detract from the open, rural nature of the land unit.

It is also considered by the panel that educational facilities are commonly owned by the Ministry of Education which is a requiring authority in relation to designation. The panel recognise that this means that the Ministry can designate a site for educational purposes and is therefore not required to comply with the requirements of the Plan.

The panel therefore do not consider it appropriate to provide for educational facilities as a discretionary activity within the land unit.

Camping facilities are not currently provided for within the rural 1 land unit and therefore hold a non-complying status. The panel consider however that camping facilities are often a more simple version of visitor accommodation. Visitor accommodation for up to 10 people is provided for as a permitted activity within the land unit while larger scale visitor accommodation is a discretionary activity. The panel consider that camping facilities should be provided for as a discretionary activity within the land unit to provide land owners with an opportunity to provide for this type of accommodation for visitors.

Community facilities are not provided for within the land unit as notified. The panel do not consider that the open rural nature of the land unit is a suitable location for community facilities. Community facilities have been provided for in the commercial land units and island residential land units as a discretionary activity as it is considered that these land units are a more appropriate location for this type of development. The panel therefore do not recommend providing for community facilities as a discretionary activity within the land unit.

The panel therefore recommend that the submission be accepted in part.

4.5.2.4 Submission 1070/1 – educational facilities

The submission seeks to amend the activity table 10a.19.5 to include educational facilities as a permitted activity within rural 1. As discussed in section 4.5.2.3 above, the panel do not consider it is appropriate to provide for educational facilities within the rural 1 land unit. This is due to the generally large scale nature of educational facilities and the fact that the Ministry of Education can designate sites that it wishes to use for educational facilities.

The panel therefore recommend that the submission be rejected.

4.5.2.5 Submission 1093/37 - horticulture

The panel recommend that the submission be accepted to the extent that it agrees with the permitted activity status for horticulture within the rural 1 land unit.

4.5.2.6 Submission 1127/11 – buildings as a controlled activity

The submission seeks that clause 10a.19 should be amended so that the activity tables and associated Plan provisions allow for all buildings as controlled activities – not restricted discretionary activities as is proposed.

The panel recognise that a controlled activity status means that the while a resource consent application is required, the council do not have the ability to substantially alter or decline the application. The panel consider that controls on buildings such as a the scale, form, location and colour are crucial to ensuring that new buildings and alterations and additions to existing buildings do not result in adverse effects on the rural character of the land unit.

The panel consider that a controlled activity status for buildings within the land unit does not provide enough protection against unsuitable development as all resource consent application would need to be approved.

The panel therefore recommend that the submission be rejected and that the status of buildings within the land unit remain as a restricted discretionary activity.

4.5.2.7 Submissions 1250/59 and 2105/3 – multiple dwellings

The submissions seek alteration of the status of multiple dwelling from a permitted activity to a discretionary activity.

As discussed in sections 4.5.2.2 and 4.5.2.3 above, the panel recognise that an error was made in the drafting of the Plan as notified which resulted in the activity status for multiple dwellings being listed as a permitted activity within clause 10a.19.5 Rules – activity table.

The panel therefore recommend that these submissions be accepted and that the activity status of multiple dwellings be amended to discretionary.

4.5.2.8 Submission 1250/60 – tourist complexes

The submission seeks that tourist complexes should be a non-complying activity in clause 10a.19.5.

Tourist complexes are defined in Part 14 of the Plan as:

“Tourist complex means land or buildings which are used for the day to day accommodation of tourists and short-stay visitors away from their normal place of residence.

It includes visitor accommodation in association with one or more of the following:

- function facilities
- taverns
- restaurants, cafe and other eating places
- entertainment facilities

without limiting the use of such facilities to people staying in the complex.

It may include premises licensed under the Sale of Liquor Act 1989.

It does not include:

- camping facilities; or
- boarding houses or hostels.“

The panel acknowledge that tourist complexes are currently provided for as a discretionary activity within the ‘Onetangi Road’ area of the land unit which means that every aspect of a resource consent application for a tourist complex can be assessed on its merits on a case by case basis.

The panel also recognise that as individual activities, visitor accommodation, function facilities, entertainment facilities and restaurants, cafés and other eating places are all provided for within the ‘Onetangi Road’ area of the land unit as discretionary activities.

While the panel recognise that the effects of a combination of visitor accommodation with another activity, to form a tourist complex could result in more adverse effects, it is considered by the panel that these effects can be assessed in their entirety through the resource consent process and an application can then be declined or modified if deemed unsuitable.

The panel recognise that tourist complexes can range in size and therefore the scale of operations can be adapted to suit the individual site. The panel therefore consider that the discretionary activity status of tourist complexes within the ‘Onetangi Road’ area of the land unit is suitable and the submission should be rejected.

4.5.2.9 Submission 1250/61 – visitor accommodation

The submitter seeks that visitor accommodation for up to ten people should be a discretionary activity in clause 10a.19.5. The panel note that currently visitor accommodation for up to 10 people is a permitted activity, and visitor accommodation for more than 10 people is a discretionary activity.

The panel consider that the provision of small scale visitor facilities within the land unit allows landowners to supplement the income they get from the primary production activities. This gives landowners more options when it comes to providing for their social and economic wellbeing and also helps meet the increasing accommodation needs of the tourist and visitor population to the island. The panel also recognise that all new buildings and alterations and additions to existing buildings require a restricted discretionary resource consent and will be assessed for their suitability with respect to scale, form, location and colour and therefore, the panel consider that this is adequate control on the built form within the land unit.

It is therefore recommended by the panel that the submission be rejected and that visitor accommodation for up to 10 people be retained as a permitted activity within the land unit.

4.5.2.10 Submission 1250/62 – retain status of activities

The submission seeks to retain the status of all other activities as listed in clause 10a.19.5. The submitter sought amendment to the following activities within the land unit:

- Entertainment facilities
- Function facilities
- Multiple dwellings
- Tourist complexes
- Visitor accommodation for up to 10 people

These matters have been addressed in other sections of this report.

The panel therefore acknowledge the submitter's support of the activity status of the following activities within the land unit.

- The construction of new buildings
- Additions and alterations to existing buildings
- Dwelling (one per site)
- Home occupations
- Homestay
- Horticulture
- Pastoral farming
- Residential accessory buildings
- Restaurant, café and other eating places
- Visitor accommodation for more than 10 people.

The panel therefore recommend that the submission be accepted to the extent that it supports the activity status of the activities listed above, as currently provided for within the land unit.

4.6 Submissions about clause 10a.19.6 Rules – standards and terms for multiple dwellings

Submissions dealt with in this section: 11/3, 43/2, 516/12, 903/8, 3527/1, 3527/2

4.6.1 Decisions requested

Submission 11/3 seeks that clause 10a.19.6 be amended in all instances to replace the word “dwelling” with the word “building”.

Submission 43/2 seeks the addition of farm managers accommodation into clause 10a.19.6.

Submission 3527/1 seeks to provide for multiple dwellings in the rural 1 (rural amenity) land unit at a density of one dwelling every 2ha.

Submission 3527/2 seeks to provide for a density of one dwelling for every 2ha in rural 1 at the western end of Palm Beach north of Cory Road.

Submissions 516/12 and 903/8 seek that clause 10a.19.6 include consideration as a discretionary activity, dwellings that are part of an eco-village/co-housing type project characterised as a collective covenant/mission statement that promotes sustainable management principles and cluster housing or co-housing design concepts.

4.6.2 Panel's analysis and recommendations

4.6.2.1 Submission 11/3 - dwelling vs. building

As addressed in section 4.5.2.1 above, the panel do not consider that it is necessary to replace the word “dwelling” with “building” when referring to multiple dwellings.

The land unit provides for landowners to have both a dwelling and a visitor accommodation (for up to 10 people) on one site as a permitted activity in recognition of the opportunity this presents for landowners who can supplement their income from the farming or horticultural practises on the land.

The panel consider that the multiple dwelling provisions allow more than one dwelling per site, up to a level that could be achieved through the subdivision provisions in part 12. This

provision is in place to ensure that should subdivision of land be applied for at a later date, the site sizes that would result are consistent with the character of the land unit.

It is therefore recommended that the submission be rejected.

4.6.2.2 Submission 43/2 – farm managers accommodation

As discussed in section 4.5.2.2 above, the panel consider that any dwellings on a property, in addition to the one dwelling per site that is provided for as a permitted activity, falls within the definition of multiple dwellings regardless of the intended use of the dwelling and therefore hold a discretionary activity status.

As also discussed in sections 4.5.2.2, 4.5.2.3 and 4.5.2.7, the panel consider that the status of multiple dwellings in the Plan should be a discretionary activity.

The panel do not consider that a separate provision is required in the Plan for farm managers accommodation and consider that any additional dwellings on a property should be addressed through the resource consent process as a discretionary activity.

The panel therefore recommends that the submission be rejected.

4.6.2.3 Submissions 516/12 and 903/8 – dwellings as part of an eco-village/co-housing project

The submissions seek that clause 10a.19.6 include consideration as a discretionary activity, dwellings that are part of an eco-village/co-housing type project characterised as a collective covenant/mission statement that promotes sustainable management principles and cluster housing or co-housing design concepts.

As discussed in section 4.6.2.2 above, the panel consider that any dwellings on a property, in addition to the one dwelling per site that is provided for as a permitted activity, falls within the definition of multiple dwellings regardless of the intended use of the dwelling and therefore hold a discretionary activity status.

Multiple dwellings are defined in Part 14 of the Plan as:

“Multiple dwellings means more than one dwelling on a site.”

To qualify as a discretionary activity, one or more of the following rules must be met:

10a.19.6 Rules - standards and terms for multiple dwellings

An application for multiple dwellings will only be considered as a discretionary activity where one or more of the following criteria are met:

1. The resulting number of dwellings on the site will be no more than that which would occur if the site were subdivided in accordance with the rules in part 12 - Subdivision applying to this land unit (with one dwelling per site).
2. An application is made at the same time for subdivision resulting in the amalgamation of sites such that the number of dwellings on the new site created would be no greater than that which could be achieved through locating a dwelling on each of the original sites.
3. The dwellings are for papakainga housing.
4. The land has been owned co-operatively by a number of individuals since prior to 29 September 1992.

Proposals which do not meet these standards are a non-complying activity.

The panel consider that in order to construct multiple dwellings as a discretionary activity in an eco-village or cluster housing situation, the council must be satisfied that at least one of the above criteria has been met. If this is not the case, the application would therefore be considered as a non-complying activity.

The panel consider that the rules relating to multiple dwelling offer sufficient scope for a communal housing situation and that there are no additional provisions required as suggested in the submission.

The panel therefore recommend that the submission be rejected.

4.6.2.4 Submission 3527/1 – multiple dwellings

The submission seeks to provide for multiple dwellings in the rural 1 (rural amenity) land unit at a density of one dwelling every 2ha.

As discussed in section 4.6.2.3 above, the Plan has set out specific standards and terms, at least one of which is required to be met in order for an application for multiple dwellings to be assessed as a discretionary activity.

The panel have recommended, through the decision report for part 12 - subdivision that the minimum site size for the rural 1 land unit be retained for the 'Onetangi Road' area at 5ha but reduced for the rest of the rural 1 land unit to 3.5ha.

In assessing a reduction in the minimum site size for this land unit, the panel note that the resource management strategy for this land unit divides the land unit into two parts; 'Onetangi Road' and 'other areas'. In the 'Onetangi Road' area of the land unit, a wider range of activities are provided for in recognition of the fact that this area of the land unit is of a significantly larger scale than the other areas and already includes larger scale intensive activities such as wineries and tourist complexes. In the 'other areas' the rural character and the general amenity of the land unit is protected by limiting the range of activities that can occur.

The panel consider that restoring the minimum site size for rural 1 to 3.5ha within 'other areas' of the land unit will be consistent with the resource management strategy envisaged for these areas at Kennedy Point, Palm Beach and Oneroa. Within these areas the land use provisions seek to provide for small scale productive activities as well as visitor accommodation for up to 10 people as permitted activities. The panel consider that a 3.5ha site size will ensure that smaller scale rural activities can occur which maintains the character of the landscape while a reasonable level of economic return for the landowner is achieved. This site size is also consistent with the landform 3 land unit, which also seeks to provide for small scale productive uses within the environment.

With regard to the 'Onetangi Road' area of the land unit, the panel consider that restoring the minimum site size to 3.5ha will be inconsistent with the resource management strategy envisaged for this area. This is due to the large scale activities that already exist within this area and the wider range of non-rural activities that are provided for along Onetangi Road as discretionary activities. These activities include entertainment facilities, function facilities, wineries, restaurants and tourist complexes. Accordingly, it is considered that 5ha sites sizes will accommodate activities of a more intensive nature and which require additional open space in order to mitigate the effects associated with this form of development.

The panel therefore do not consider that it is appropriate to provide a density provision for dwellings at one dwelling every 2ha and the panel recommend that the submission be rejected.

4.6.2.5 Submission 3527/2 – multiple dwellings for specific properties

The submission seeks special provision within the Plan for a density of one dwelling for every 2ha in rural 1 at the western end of Palm Beach north of Cory Road.

The submitter was represented at the hearings by Martin Green, Planning Consultant however Mr Green did not specifically mention this submission during the hearing. It is not clear to the panel exactly which properties the submitter is referring to however the panel do acknowledge that the submitter owned the property at 61 Cory Road, Palm Beach at the time of the submission.

The panel do not consider that the density provision of 1 dwelling per 2ha is suitable for the rural 1 land unit. The property at 61 Cory Road, Palm Beach is approximately 4.5ha and it is considered that a resource consent application should be required for more than one dwelling as the property would not meet the recommended minimum site size in the part 12 – subdivision decision report of 3.5ha. The panel do not consider that a ‘spot-zoning’ approach for this one property would be appropriate.

The panel therefore recommend that the submission be rejected.

4.7 Submissions about clause 10a.19.7 Rules – development controls

Submissions dealt with in this section: 559/1, 1090/1

4.7.1 Decisions requested

Submission 559/1 seeks the adoption of an advice note at clause 10a.19.7 as follows:

“Whilst the subdivision standards proposed for the Rural 1 (rural amenity) land unit in Part 12 are appropriate for viticulture, winemaking and ancillary activities, it needs to be acknowledged that the land identified on Map 1 Sheet 10 as rural 1 (rural amenity) will eventually become too valuable for these purposes and the subdivision standards and zoning will need to be reassessed in the future”.

Submission 1090/1 seeks to amend clause 10a.19.7 to make educational facilities exempt from compliance with the development controls listed in part 10c.

4.7.2 Panel’s analysis and recommendations

4.7.2.1 Submission 559/1 – adoption of advice note

The panel acknowledge that the rural 1 (landscape amenity) land unit is applied to “pockets of small scale, rural land located between the village areas of western Waiheke”. The panel envisage that at least for the life of the Plan, these characteristics will be maintained and protected through the provisions in the rural 1 land unit.

The panel do not consider that it is appropriate to include an advice note such as the one suggested by the submitter as this would indicate that the activities and subdivision controlled applied to the land unit are unsuitable. As discussed in various sections of this report, land classified as rural 1 (landscape amenity) is located between the main villages on western

Waiheke and the panel consider that the subdivision and activity provisions have been carefully considered in order to ensure that the rural character of the land unit is protected.

The panel therefore recommend that the submission be rejected.

4.7.2.2 Submission 1090/1 – exemption of educational facilities from part 10c

The submission seeks that educational facilities be exempt from complying with the development controls in part 10c of the Plan.

The matter of educational facilities has been addressed in section 4.5.2.4 of the report above. The panel do not consider that it is suitable to provide for educational facilities within the rural 1 land unit. The submitter, the Ministry of Education, is a requiring authority which means that should the Ministry wish to construct an educational facility within the rural 1 (landscape amenity) land unit, they could designate the land for that purpose.

Designated sites are not required to comply with the controls set out in the Plan and therefore, compliance with the development controls in part 10c of the Plan would not be required.

The panel therefore recommend that the submission be rejected.

4.8 Submissions about the ‘Onetangi Road’ area

Submissions dealt with in this section: 96/1, 96/2, 754/114, 1093/34, 1093/35, 1093/36, 1093/38, 1093/39, 1093/40, 1142/1, 1180/2, 1233/1, 1250/56, 1250/58, 1592/1, 1592/2, 3805/1

4.8.1 Decisions requested

Submission 96/1 seeks that clause 10a.19.7.1 be deleted.

Submission 96/2 seeks that the council should amend the rule 10a.19.7.1 if decision is made to incorporate it within the Plan.

Submission 754/114 seeks that the 100m prohibition of building on Onetangi Road be removed.

Submission 1093/34 seeks to amend figure 10a.2 (Onetangi Road area) by changing the title of the area demarcated as ‘Onetangi Road’ area to ‘the Onetangi Valley’.

Submission 1093/35 seeks to amend the activity table to provide for entertainment facilities within the ‘Onetangi Road’ area identified on figure 10a.2 as a controlled activity.

Submission 1093/36 seeks to amend the activity table to provide for function facilities within the ‘Onetangi Road’ area identified on figure 10a.2 as a controlled activity.

Submission 1093/38 seeks to amend the activity table to provide for restaurant, cafés and other eating places within the ‘Onetangi Road’ area as a controlled activity

Submission 1093/39 seeks to amend the activity table to provide for tourist complex within the ‘Onetangi Road’ area as a controlled activity

Submission 1093/40 seeks to amend the activity table to provide for a winery within the 'Onetangi Road' area as a controlled activity

Submission 1142/1 seeks to re-integrate the 'Onetangi Road' area as it stands in the Operative Plan.

Submission 1180/2 seeks that the council reconsider the designation of the 'Onetangi Road' area.

Submission 1233/1 seeks that the rural 1 (rural amenity) land on the opposite side (south west) of Onetangi Road that has a road frontage also be included in the 'Onetangi Road' area.

Submission 1250/56 seeks that all reference to the 'Onetangi Road' area as differing from other areas of the same land unit should be removed. This area should be subject to the same rules and regulations as all other areas of the same land unit.

Submission 1250/58 seeks that entertainment facilities and function facilities should be non-complying in clause 10a.19.5.

Submission 1592/1 seeks that the 'Onetangi Road' area of rural 1 include properties on the southern side of Onetangi Road which have a frontage to it.

Submission 1592/2 seeks that land adjoining the leased Golf Club land be particularly recognised for its inclusion in the 'Onetangi Road' area of rural 1.

Submission 3805/1 seeks to remove the different treatment for the 'Onetangi Road' area of rural 1 (rural amenity) which includes provision for tourist complexes. This area should be subject to the same levels of protection and rules and regulations as all other Rural 1 (rural amenity) areas.

4.8.2 Panel's analysis and recommendations

4.8.2.1 Submissions 96/1, 96/2, 754/114 – clause 10a.19.7.1

Clause 10a.19.7.1 of the Plan reads:

"10a.19.7.1 Onetangi Road

On all sites with road frontage to Onetangi Road (as identified on figure 10a.2), all new buildings or exterior additions or alterations to an existing buildings must be located at least 100m from the road boundary.

Explanation

The purpose of this particular rule is ensure that the openness and rural character of the 'Onetangi Road' area of the land unit is maintained."

The Plan has recognised that the scale of the 'Onetangi Road' area is such that it can potentially accommodate activities of a more intensive nature and larger scale while maintaining the rural character of the land unit.

The panel recognise that the setback requirement in clause 10a.19.7.1 for properties in the 'Onetangi Road' area with a frontage to Onetangi Road is to ensure that the open, rural pattern of the land unit is maintained. While the panel recognise that this may restrict future development of any existing dwellings within the 100m setback, the panel also recognise that

the setback requirement will ensure that new buildings and additions and alterations within the 'Onetangi Road' area do not dominate the road or become the focus of the landscape.

It is therefore recommended by the panel that the submissions be rejected and that clause 10a.19.7.1 be retained.

4.8.2.2 Submission 1093/34 – title of the 'Onetangi Road' area

The submission seeks that the area of rural 1 (landscape amenity) that is identified as the 'Onetangi Valley'.

The panel consider that the title of 'Onetangi Road' area sufficiently describes the area and the panel do not consider that a name change is necessary.

It is therefore recommended that the submission be rejected.

4.8.2.3 Submission 1093/35, 1093/36, 1093/38, 1093/39, 1093/40 – status of activities within the 'Onetangi Road' area

The submissions, from the NZ Winegrowers seek that entertainment facilities, function facilities, restaurant, cafés and other eating places, tourist complexes and wineries within the 'Onetangi Road' area as controlled activities.

Currently, the Plan provides for the above activities as discretionary activities within the 'Onetangi Road' area.

The panel acknowledge that during the formulation of the Plan, the council reached the view that the controlled activity status was not appropriate for any of the activities identified in the Plan. In the past, the council has used the controlled activity status in the Isthmus Plan, the Central Area Plan and in the operative Hauraki Gulf Islands Plan. Considerable experience in administering these Plans, together with the development of case law, has led council to the view that, in the main, the use of the controlled activity status does not provide the council with sufficient discretion to address the potential adverse effects associated with particular proposals. As discussed above, the council cannot decline an application for a controlled activity and while the council may impose reasonable conditions that relate to the matters over which it has reserved control, it cannot impose conditions which require such significant modification as to fundamentally alter the proposal. To do so would effectively negate the consent granted and prevent the activity from taking place. Not all proposals which warrant assessment through the resource consent process can be adequately mitigated by the use of conditions. Some proposals need to be declined or substantially modified.

The panel consider that the controlled activity status should be reserved for situations where the council is confident that every proposal should be consented to and that adverse effects can be adequately addressed via conditions without substantial modification to the original proposal. While the controlled activity approach does provide greater certainty to applicants, this needs to be balanced against the need to ensure good environmental outcomes.

The panel recognise that the discretionary status of these activities allows the council to assess every aspect of an application on its merits and its suitability for the particular site on a case by case basis. The panel consider that this is the most appropriate way to ensure that further development within the 'Onetangi Road' area maintains the rural character of the land unit when incorporating more intensive, non-rural activities into the landscape.

The panel therefore recommend that the submissions be rejected and that the discretionary activity status for the activities within the ‘Onetangi Road’ area be retained.

4.8.2.4 Submissions 1142/1, 1180/2, 1250/56, 3805/1 – reintegrate the ‘Onetangi Road’ area

The submissions do not agree with the separation of the ‘Onetangi Road’ area from the ‘other areas’ of the land unit, in particular, with relation to the provisions within the ‘Onetangi Road’ area which allow for development that is not provided for elsewhere in the land unit.

The panel agree that the scale of the ‘Onetangi Road’ area is such that the activities which can be accommodated there are potentially larger and more intensive than other areas of the land unit. The panel also consider that dividing the land unit into two distinct areas, with the provisions for greater development limited to one area (the ‘Onetangi Road’ area), the ‘other areas’ of the land unit which are generally smaller in scale will benefit from increased protection from development.

Activities such as those provided for within the ‘Onetangi Road’ area are not considered by the panel to be appropriate for inclusion in all areas of the rural 1 land unit but it is recognised that there is a need for these activities to be provided for on Waiheke to support the increasing demand on tourist facilities on the island. The panel recognise that the commercial 4 (visitor facilities) land unit has not provided for any additional sites for development and therefore the panel consider that the ‘Onetangi Road’ area is a suitable location to provide for this increasing demand.

The panel therefore consider that the separation of the ‘Onetangi Road’ area of the land unit from the ‘other areas’ is an appropriate way to provide for more intensive development on land of a scale which can accommodate such accommodation while maintaining the rural character of the land unit.

The panel recommend that the submission be rejected.

4.8.2.5 Submission 1233/1 – extension of the ‘Onetangi Road’ area

The submitter seeks that the rural 1 (rural amenity) land on the opposite side (south west) of Onetangi Road that has a road frontage also be included in the ‘Onetangi Road’ area.

The submitter attended the hearing to speak further to this submission and the proposed extension of the ‘Onetangi Road’ area was carefully considered by the panel. The panel do not consider that an extension of the ‘Onetangi Road’ area is necessary as it is considered by the panel that the sites included in the Plan, as notified, provide sufficient development potential for more intensive activities.

The panel therefore recommend that the submission be rejected and that there be no amendments to the extent of the ‘Onetangi Road’ area.

4.8.2.6 Submission 1250/28 – entertainment and function facilities

The submission seeks that entertainment facilities and function facilities be non-complying in clause 10a.19.5. Entertainment and function facilities are both provided for as a discretionary activity within the ‘Onetangi Road’ area and are not provided for elsewhere in the rural 1 land unit.

Entertainment facilities are defined in part 14 of the Plan as:

“Entertainment facilities means land or buildings that are used for:

- recreation and entertainment; or
- promotion of fitness.

It includes any of the following:

- premises used for gambling
- theatres and cinemas
- brothels and massage parlours
- gymnasiums
- commercial swimming pools
- internet cafes (where more than five computer terminals are available for hire and use on the premises for gaming or internet access).

It does not include community facilities.”

Function facilities are defined in part 14 of the Plan as:

“Function facilities means land or buildings, or parts of buildings, where the primary use is the holding any of the following activities on a commercial basis:

1. Organised conferences, conventions, seminars and meetings.
2. Events and celebrations such as parties, wedding and funeral receptions.

It does not include community facilities.”

The panel acknowledge that entertainment and function facilities are provided for in some of the commercial land units but the panel also recognise that the number of available sites in these land units is limited.

The panel therefore consider that provision for entertainment and function facilities in the ‘Onetangi Road’ area of the land unit provides for a range of activities to be developed which will benefit both the tourists and visitors to Waiheke as well as the local residents and land owners. The panel consider that the discretionary status of these activities allows that each application can be fully assessed for its suitability on a case by case basis.

Therefore, the panel recommend that the submission be rejected.

4.9 General submissions about Rural 2 (western landscape)

Submissions dealt with in this section: 516/9, 582/3, 590/2, 618/68, 619/88, 678/2, 897/3, 903/5, 1172/2, 1250/63, 1286/107, 1287/17, 1287/18, 1287/19, 1287/20, 1287/21, 1287/22, 3061/102, 3729/2, 3729/5, 3729/7, 3729/8, 3729/9, 3729/10, 3729/11, 3729/12

4.9.1 Decisions requested

Submissions 516/9 and 903/5 seek that the provisions for rural 2 (western landscape) are strengthened with regard to managing the scale, density, location and appearance of buildings to minimise visual impacts.

Submission 582/3 seeks the reinstatement of land unit 22 in the operative Plan, including all the rules and assessment criteria to be applied to the land unit.

Submission 590/2 seeks the reinstatement of land unit 22 (from operative Plan), with increased protection built into the rules and assessment criteria to be applied to the land unit.

Submission 618/68 seeks that if the ridgeline notation remains on the submitter's land (at 205 Church Bay Road), then all building activities are to be provided for as a controlled activity with appropriate criteria and conditions specified.

Submission 619/88 seeks that if the ridgeline notation remains on the submitter's land (at 241 Church Bay Road), then all building activities are provided for as a controlled activity with appropriate criteria and conditions specified.

Submission 678/2 seeks that the council to conserve the current natural/rural character values, landscape structure, coastal amenity, visual amenity and forest remnants of Thompson's Point.

Submission 897/3 states that the amalgamation of the other current land units into rural 2 (western landscape) seems acceptable as proposed.

Submission 1172/2 seeks to protect and enhance features that contribute to the character of the rural environment with conservation covenants and through the Plan to retain a rural environment (with particular reference to rural 2).

Submission 1250/63 seeks to retain clause 10a.20 with amendments to remove all reference to the term "residential" and to clause 10a.20.5.

Submission 1286/107 seek that provision be made for Comprehensive Management Plans in the Rural 2.

Submission 3061/102 states that Rural 2 (western landscape) is opposed in its entirety and should be replaced with land unit 21 or 22 from the Operative Plan or merged with replacement for Rural 1 (rural amenity).

Submission 3729/2 seeks no further social and cultural intervention for rural 2, by the false and artificial combination of the separate, discrete and historically distinctive communities.

Submission 3729/5 seeks a review of all the controls proposed for Land Unit 22 (i.e. rural 2) with a view to providing more flexibility of land use activity. The land unit area to be retained, named as "Rural Area 2/3/4" etc.

Submission 3729/7 seeks that for rural 2 the "scale" of the "rural activities" not to be predetermined. Restricted discretionary conditions may be necessary, if real concerns exist. It is noted that "small scale" is an entirely relative term and that many existing horticultural uses in the landscape context are very wide-scale and intensive.

Submission 3729/8 seeks for rural 2 Council must promote and encourage self-determination by the disparate communities, with minimal intrusion and interference from unaffected parties, and minimal disruption by Council's administrative and regulatory whims.

Submission 3729/9 seeks that for rural 2 controls to avoid reverse sensitivity effects to be based on building separations, noise and any nuisance.

Submission 3729/10 seeks that for rural 2 the proper identification of ecological character rather than attempting unnecessarily to lock up and deprive future generations of space and resources

Submission 3729/11 seeks that for rural 2 an attempt to describe accurately the character of the area in all aspects (social, cultural, economic, ecological) properly to identify its unique

features. A consideration of matters of practical and physical survival needs in the present and future, including energy, resources, productive capacity, residential capacity, coastal and marine uses, use of space, and foreseeable and unforeseeable other human uses. The encouragement of innovation and resourcefulness. A proper evaluation of the environmental, social, cultural and productive potential and possibilities of the area, particularly with regard to the cohesiveness and positive functioning of the established community and its aspirations.

Submission 3729/12 seeks a full revision of clause 10a.20 "Resource management strategy", "Rules - Activity table", and also "Rules - development controls" and "Assessment Matters" to accommodate the views and preferences of the neighbourhood community.

4.9.2 Panel's analysis and recommendations

4.9.2.1 Submission 516/9 and 903/5 – strengthen provisions for rural 2

The submissions seek that the provisions for rural 2 (western landscape) are strengthened with regard to managing the scale, density, location and appearance of buildings to minimise visual impacts.

The panel acknowledge that the provisions of rural 2 (western landscape) in the Proposed Plan have been simplified from the provisions of land units 21 and 22 from the Operative Plan to ensure clarity for landowners. The provisions relating to buildings, activities and development controls have been formulated to provide for the rural-residential style of living while protecting the landscape character and natural features of the land unit. A recommendation has been made in the decision report for part 12 – subdivision, to amend the subdivision provisions to reduce the minimum site size from 25ha to 5ha. This recommendation has been made in order to ensure consistency in the classification of the rural 2 land unit and to better reflect the existing development pattern and the objectives and policies of the land unit.

The panel consider that the controls in place in the Proposed Plan under the rural 2 land unit are more restrictive on the types of development and the built form for the land unit than those in land units 21 and 22 in the Operative Plan. It is also considered that the subdivision controls more clearly define the direction for the land unit, especially through the recommendation to reduce the minimum site size.

The panel acknowledge that new buildings and external alterations and additions to existing buildings require a restricted discretionary resource consent. This is to ensure that the scale, form, colour and location of the buildings are suitable within the rural landscape and do not adversely affect the natural character of the land unit.

The panel consider that the provisions of the rural 2 land unit provide more control than what was provided in the Operative Plan. The panel also consider that the provisions are adequate to ensure that the rural-residential style of living will be maintained and protected.

The panel therefore recommend that the submission be rejected.

4.9.2.2 Submission 582/3 – reinstatement of land unit 22

The submission seeks the reinstatement of land unit 22 in the operative Plan, including all the rules and assessment criteria to be applied to the land unit.

The introductory section of land unit 22 in the Operative Plan states:

“Land unit 22 (western landscape) of the Operative Plan covers land at the western end of Waiheke including Church Bay, Owhanake and Park Point. The land is predominately pastoral and has a prominent coastal location. The intention of the land unit was to provide for continued management of the land for rural and conservation purposes while permitting comprehensive developments.”

The Proposed Plan has combined this land unit, with land unit 21 (Te Whau Peninsula) to form rural 2 (western landscape). The panel consider it appropriate to combine these two land units in recognition of similar characteristics of the areas and from requests from the public in consultation to simplify and reduce the number of land units. Both areas have a similar rural-residential land use nature. The areas all have a prominent coastal location and large areas of native bush and it is recognised that the areas are at capacity in terms of subdivision potential.

The submitter appears particularly concerned with the activity table for the land unit contained in clause 10a.20.5.

The panel note that both the Operative and Proposed Plans identify land use activities which are suitable for inclusion within the land unit. In the Operative Plan, if the activity is not specifically listed as a permitted, controlled, discretionary or prohibited activity it is considered to be a permitted activity, provided that it complies with the development controls. The Proposed Plan however, as described in clause 4.2, takes the position that an activity is considered to be a non-complying activity if it is not otherwise provided for in the land unit (as a permitted, controlled, restricted discretionary or discretionary activity) regardless of whether or not it complies with the development controls.

The panel recognise that the approach in the Operative Plan results in activities which have not been envisaged or considered unsuitable for the land unit, if they comply with the development controls, being allowed to occur within the land unit as of right. The approach in the Proposed Plan however, means that activities which have been specifically excluded from the activity table are required to go through the resource consent process as a non-complying activity.

There are more activities provided for within clause 10a.20.5 (Rules – activity table) for rural 2 than in land units 21 and 22 but it is considered that this list is exhaustive and outlines all activities envisaged to be suitable within the land unit. The potential activities that could be undertaken as of right through land units 21 and 22 in the Operative Plan is limited only by compliance with the development controls.

It is for this reason that it is considered by the panel that the Proposed Plan approach, and the list of activities provided for in rural 2 more accurately represents the intention and direction for the future of the land unit and enables an assessment of the suitability of activities against the objectives and policies of the land unit and the environmental effects, rather than defaulting to a permitted status.

The panel therefore consider that it is unnecessary to reinstate the rules and assessment criteria from land unit 22 of the Operative Plan and it is therefore recommended that the submission be rejected.

4.9.2.3 Submission 590/2 – reinstatement of land unit 22 with increased protection

The submission seeks the reinstatement of land unit 22 (from operative Plan), with increased protection built into the rules and assessment criteria to be applied to the land unit.

As discussed in sections 4.9.2.1 and 4.9.2.2 above, the panel consider that the provisions of the rural 2 (western landscape) land unit from the Proposed Plan provide clearer and more concise provisions for the future of the land unit. The panel consider that the provisions give more certainty to landowners on what level of development is considered appropriate to maintain the rural-residential style of living of the land unit.

The panel therefore consider that the rural 2 provisions offer the increased protection the submitter desires and therefore the panel recommend that the rural 2 land unit be retained.

It is therefore recommended that the submission be rejected.

4.9.2.4 Submissions 618/68 and 619/88 - ridgeline on submitters properties

The submission seeks that if it the ridgeline notation remains on the submitter's land (at 205 and 241 Church Bay Road), then all building activities are provided for as a controlled activity with appropriate criteria and conditions specified.

The panel have addressed the matter of ridgelines in the decision report for part 10c – development controls and therefore no further assessment of this submission will be made at this time.

The panel note that during the formulation of the Plan, the council reached the view that the controlled activity status was not appropriate for any of the activities identified in the Plan. In the past, the council has used the controlled activity status in the Isthmus Plan, the Central Area Plan and in the operative Hauraki Gulf Islands Plan. Considerable experience in administering these Plans, together with the development of case law, has led council to the view that, in the main, the use of the controlled activity status does not provide the council with sufficient discretion to address the potential adverse effects associated with particular proposals. As discussed above, the council cannot decline an application for a controlled activity and while the council may impose reasonable conditions that relate to the matters over which it has reserved control, it cannot impose conditions which require such significant modification as to fundamentally alter the proposal. To do so would effectively negate the consent granted and prevent the activity from taking place. Not all proposals which warrant assessment through the resource consent process can be adequately mitigated by the use of conditions. Some proposals need to be declined or substantially modified.

The panel therefore do not consider that changing the status of all building activities within the land unit to a controlled status is appropriate. It is therefore recommended that the submission be rejected.

4.9.2.5 Submission 897/3 – amalgamation of land units 21 and 22

The panel recommend that the submission be accepted to the extent that it supports the amalgamation of land units 21 (Te Whau peninsula) and 22 (western landscape) of the Operative Plan to form rural 2 (western landscape) in the Proposed Plan.

4.9.2.6 Submission 1172/2 – protect and enhance features of the rural character of the rural 2 land unit.

The submission seeks to protect and enhance features that contribute to the character of the rural environment with conservation covenants and through the Plan to retain a rural environment (with particular reference to rural 2).

The panel consider that the provisions within the rural 2 land unit have been carefully drafted to ensure that the rural character, and rural-residential style of living of the land unit are protected from unsuitable development. The panel also consider that the majority of the rural 2 land unit has already been developed to capacity. The objectives and policies of the land unit, in clause 10a.20.3 seek “to provide for and protect the rural-residential style of living while avoiding the adverse effects of activities and buildings on the natural character and landscape values of the land unit”.

The panel also recognise that the decision report for part 12 – subdivision of the Plan provides for a minimum site size of 5ha, reduced from 25ha as notified, as it is considered that this level of subdivision is suitable while still maintaining the rural character of the land unit.

As stated in clause 10a.20.4 – resource management strategy, the land unit provisions provide for comprehensive development on Thompson’s Point as it is recognised that this large area of land is one of the last remaining areas which has not yet been developed to its full potential.

The panel therefore consider that the provisions of the rural 2 land unit adequately provide for the protection of the rural character and rural-residential style of living. The panel therefore recommend that the submission be rejected.

4.9.2.7 Submission 1250/63 – retain clause 10a.20 but remove all reference to the term “residential”

The submission seeks to retain clause 10a.20 with amendments to remove all reference to the term “residential” and to clause 10a.20.5 to make visitor accommodation for up to 10 people a discretionary activity.

The panel recognise that the submitter is generally supportive of the land unit but seeks amendments. The panel consider that the ‘residential’ side of the land unit is a key component of the overall land unit. The panel acknowledge that the various land units which make up Waiheke all provide for different styles and levels of residential development. The most intensive of these are the island residential land units, where it is considered that residential activity are the major component of the landscape. The least intensive of these being the landform land units, where one per site is provided on relatively large sites. The panel consider that the rural 2 land unit lies in between these two extremes, where it is recognised that the sites are larger than in the traditional residential land units, but not generally as large as the landform land units.

The rural 2 land unit provides a rural-residential or ‘lifestyle block’ level of development. The panel consider that this level of development increases the range of options available to residents and landowners on Waiheke and provides for an alternative to ‘suburban living’ in the island residential land units and the generally ‘rural living’ of the landform land units.

The panel consider that removal of a reference to the ‘residential’ aspects of the land unit take away from a key component of the character of the land unit.

The submission also seeks that the status of visitor accommodation for up to 10 people be reduced from a permitted activity within the land unit, to a discretionary activity. The panel recognise that the intention of providing for small scale visitor accommodation within the land unit as a permitted activity is to recognise the need for land owners to provide for their social and economic wellbeing and to provide a supplementary income where operations on the land may not always be profitable.

The panel recognise that a permitted activity status for the activity means that one site can in theory then contain one dwelling and one visitor accommodation, however the panel consider that the 5ha minimum site size of the land unit is a sufficient size to accommodate both these activities. The panel note that the scale, form, location and colour of new buildings will be assessed as a restricted discretionary resource consent and the panel consider that with discretion on these aspects of a development, the council will be able to ensure that any future development within the land unit does not detract from the high natural character and visual amenity of the land unit.

Therefore, the panel recommend that the submission be accepted in part to the extent that it is generally supportive of the land unit. No amendments to the Plan are required as a result of this submission.

4.9.2.8 Submission 1286/107 – comprehensive management plans

The submission seeks that provision be made for Comprehensive Management Plans in the Rural 2.

As described in these submissions, a comprehensive management plan is a means of providing for integrated land use and subdivision proposals that relate to the whole of a property and include land management, enhancement, and environmental protection outcomes. The submissions suggest that comprehensive management plans should be provided for as a discretionary activity in the rural 1 land unit.

The panel notes the evidence presented at the hearing by Barry Kaye, planning consultant, and Dennis Scott, landscape architect, on behalf of most of these submitters. Mr Kaye emphasised the resource management advantages to enabling a comprehensive approach to developing and managing a whole property in its entirety.

In addressing these submissions, which seek an integrated land use / subdivision approach, reference will be made to various provisions within part 12 - Subdivision. The panel notes that the provisions referred to are also subject to submissions and that those submissions are considered in the decision report on part 12.

Operative Plan

In considering this submission seeking to provide for comprehensive management plans, it is relevant for the panel to consider the approach of the Operative Plan to this type of development. The operative Plan provides for 'comprehensive rural development' as a discretionary activity in land unit 22 (western landscape) which occurs only on Waiheke. This is provided for in parts 6.22.4.3(C)(c) and 8.7.4(B) of the Operative Plan. The Plan states that any application for a comprehensive rural development will only be considered in conjunction with a discretionary application for subdivision.

Land at Owhanake, Church Bay and Park Point has already been subdivided using the provisions for comprehensive rural development existing in the operative Plan. These subdivisions have included provisions for protecting and enhancing existing indigenous vegetation and replanting. In addition many sites have identified building platforms. The restrictions relating to building locations, vegetation protection and enhancement are recorded on the certificates of title by means of covenants or consent notices. The panel considers that the provisions in the Operative Plan for comprehensive rural development have effectively been used to their full potential.

Proposed Plan

The Proposed Plan does not provide for further comprehensive subdivision at Owhanake, Church Bay, Park Point, or Te Whau Peninsula¹ as it is considered that this type of subdivision has already occurred to its maximum potential. Part 12 - Subdivision, of the Plan, does however provide for 'comprehensive development' as a discretionary activity at Thompsons Point. Comprehensive development is defined in part 14 of the Plan as notified as follows:

"Comprehensive development means a subdivision which creates at least three sites and which provides for the integrated assessment of the proposed sites, access (including any public access) and the development to be located on those sites."

Thompsons Point consists of approximately 141ha of land currently held in four titles by three landowners. Comprehensive development is intended to provide for a rural-residential style of living at Thompsons Point in the context of a landscape enhanced by regenerating vegetation. Part 12 contains specific subdivision provisions for comprehensive development at Thompsons Point. The application for a comprehensive development at Thompsons Point must detail revegetation on each proposed site and include an ongoing management programme that specifies any protection and enhancement.

Comprehensive management plan type provisions are sometimes used in district plans to secure replanting or protection of existing bush or other features in return for allowing smaller site sizes than would otherwise be permitted. However the panel considers that the Plan already provides appropriately for this by means of the subdivision provisions relating to the protection of significant environmental features, and associated cluster subdivision. These are provided for as a discretionary activity in some land units. Significantly smaller site sizes are provided for in association with this type of subdivision. For other types of discretionary subdivision, not relying on the protection of significant environmental features, there is still the ability for the council consider the protection and enhancement of vegetation, landscape, and heritage features. These matters are covered in the general assessment criteria contained in part 12.

Therefore the panel recommend that the submission be rejected and that there be no further provision for comprehensive development in the rural 2 land unit.

4.9.2.9 Submission 3061/102 – rural 2 opposed in its entirety

Submission 3061/102 states that Rural 2 (western landscape) is opposed in its entirety and should be replaced with land unit 21 or 22 from the Operative Plan or merged with replacement for Rural 1 (rural amenity).

As discussed for submissions in the above section of the report, the panel consider that the replacement of land units 21 and 22 from the Operative Plan with Rural 2 from the Proposed Plan provides greater certainty and clarity for landowners as the objectives, policies and rules for the land unit outline the activities that are considered appropriate and in keeping with the rural-residential style of living.

The panel consider that the controls in place in the Proposed Plan under the rural 2 land unit are more restrictive on the types of development and the built form for the land unit than those in land units 21 and 22 in the Operative Plan. It is also considered that the subdivision

¹ Te Whau Peninsula has been subdivided under the provisions included in part 8.7.3 of the operative Plan. These rules allowed a greater number of lots to be created in association with protection of significant landscape features, indigenous vegetation, or sites of ecological significance.

controls more clearly define the direction for the land unit, especially through the recommendation to reduce the minimum site size.

It is therefore recommended by the panel that the rural 2 land unit remain and that the submission be rejected.

4.9.2.10 Submission 3729/2 – no further intervention

The submission seeks no further social and cultural intervention for rural 2, by the false and artificial combination of the separate, discrete and historically distinctive communities. It is not clear to the panel what relief is sought and the submitter did not attend the hearing to clarify the submission.

It is therefore recommended by the panel that the submission be rejected.

4.9.2.11 Submission 3729/5 – review of all controls for rural 2

Submission 3729/5 seeks a review of all the controls proposed for Land Unit 22 (i.e. rural 2) with a view to providing more flexibility of land use activity. The land unit area to be retained, named as "Rural Area 2/3/4" etc.

The officer's hearing report gave a detailed comparison of the differences between the Operative and Proposed Plan for the land now known as Rural 2. The panel recognise that the amendments and alterations from land units 21 and 22 in the Operative Plan to Rural 2 in the Proposed Plan have resulted in a simplified land unit which provides greater clarity to landowners. The provisions relating to buildings, activities and development controls have been formulated to provide for the rural-residential style of living while protecting the landscape character and natural features of the land unit. A recommendation has been made in the Part 12 – subdivision decision report, to amend the subdivision provisions to reduce the minimum site size from 25ha to 5ha. This recommendation has been made in order to ensure consistency in the classification of the rural 2 land unit and to better reflect the existing development pattern and the objectives and policies of the land unit.

Both the Operative and Proposed Plans identify land use activities which are suitable for inclusion within the land unit. In the Operative Plan, if the activity is not specifically listed as a permitted, controlled, discretionary or prohibited activity it is considered to be a permitted activity, provided that it complies with the development controls. The Proposed Plan however, as described in clause 4.2, takes the position that an activity is considered to be a non-complying activity if it is not otherwise provided for in the land unit (as a permitted, controlled, restricted discretionary or discretionary activity) regardless of whether or not it complies with the development controls.

There are more activities provided for within clause 10a.20.5 (Rules – activity table) for rural 2 than in land units 21 and 22 but it is considered that this list is exhaustive and outlines all activities envisaged to be suitable within the land unit. The potential activities that could be undertaken as of right through land units 21 and 22 in the Operative Plan is limited only by compliance with the development controls.

The panel consider that the approach in the Proposed Plan, and the list of activities provided for in rural 2 more accurately represents the intention and direction for the future of the land unit and enables an assessment of the suitability of activities against the objectives and policies of the land unit and the environmental effects, rather than defaulting to a permitted status.

The panel consider that the objectives and policies outlined for rural 2 (western landscape) aim to combine the relevant objectives and policies from the Operative Plan and to simplify and clarify the intended direction for the land unit. The emphasis on a rural-residential land unit is clearly outlined with the emphasis being that new buildings be designed to ensure that the natural character and landscape values of the land unit are not adversely affected.

The panel recognise that the development controls are largely the same from the Operative Plan to the Proposed Plan and the panel consider that these levels of development are still an appropriate benchmark for the land unit.

The panel therefore do not consider it necessary to review all of the controls for the rural 2 land unit as it is recognised that the controls in the Proposed Plan provide the necessary simplicity and clarity for landowners while maintaining the rural-residential style of living while protecting the landscape character and natural features of the land unit

It is therefore recommended that the submission be rejected.

4.9.2.12 Submission 3729/7 – scale of rural activities not to be predetermined

Submission 3729/7 seeks that for rural 2 the "scale" of the "rural activities" not to be predetermined. Restricted discretionary conditions may be necessary, if real concerns exist. It is noted that "small scale" is an entirely relative term and that horticultural uses in the landscape context are very wide-scale and intensive.

It is not entirely clear to the panel what the submitter means by the submission and the submitter did not attend the hearing to speak further on this matter.

The scale of the rural activities in the rural 2 land unit are determined by the lot sizes which make up rural 2 and through the subdivision provisions outlined in part 12 of the Plan. The subdivision decision report for part 12 details the panel's recommendation to reduce the 25ha minimum site size in the Plan as notified, to 5ha. It is considered that the 5ha minimum site size is more consistent with current site sizes in rural 2 while maintaining the high natural character and landscape values of the land unit.

While the panel recognise that "rural activities" can be large scale and intensive, however the Plan makes provision for these larger scale activities in the landform 5 (productive land) land unit. It is therefore recommended by the panel that the submission be rejected.

4.9.2.13 Submission 3729/8 – self determination for communities

Submission 3729/8 seeks for rural 2 Council must promote and encourage self-determination by the disparate communities, with minimal intrusion and interference from unaffected parties, and minimal disruption by Council's administrative and regulatory whims.

It is not entirely clear to the panel what the submitter means by the submission and the submitter did not attend the hearing to speak further on this matter.

The land unit based approach in the Plan has been achieved by grouping land according to common physical, locational and development characteristics. The landform land units are distinguished by the type of landform they contain, the commercial land units are based around a particular location and provide for a range of commercial activities and the rural 1-3 land units are based on the style of living and locational and natural characteristics.

The land units all have differing natural features and characteristics which need to be protected. In order to ensure that adverse effects from development are avoided, remedied or mitigated, each land unit has objectives, policies and rules. Without these provisions, the panel recognise that it would be difficult to ensure that all the individual characteristic of the land units were protected and it is likely that significant natural features and the character of the islands could be lost.

Therefore, the panel recommend that the submission be rejected.

4.9.2.14 Submission 3729/9 – reverse sensitivity

Submission 3729/9 seeks that for rural 2, controls to avoid reverse sensitivity effects be based on building separations, noise and any nuisance.

The panel note that the principle of reverse sensitivity is where an existing (and lawful) activity produces effects that a new activity regards as objectionable. These effects can range from noise, odour, scale, location etc and can vary in degree depending on the nature of the activity.

Reverse sensitivity is a matter that would be addressed by the council when processing an application for a discretionary activity. The panel recognise that as each application is assessed on a case by case basis, it is impossible to limit possible reverse sensitivities to just those matters raised in the submission.

It is therefore recommended that the submission be rejected.

4.9.2.15 Submission 3729/10 – identification of ecological character

Submission 3729/10 seeks that for rural 2 the proper identification of ecological character rather than attempting unnecessarily to lock up and deprive future generations of space and resources.

Ecological surveys were undertaken for the majority of the inner gulf islands and a number of areas were identified, assessed and scheduled as sites of ecological significance. However, not all bush areas in the gulf islands necessarily meet the criteria for protection in the Plan and as such have not been scheduled. Notwithstanding this, it should be noted that the ecology of the Hauraki Gulf islands is protected through a variety of techniques. At a broad level this includes the identification of particular landform land units that apply specific controls to dune and wetland systems, forest and bush areas etc. Inherent within these landforms is recognition of the ecological features. Sites of ecological significance and sensitive areas overlay the land unit controls. General tree protection rules also protect trees above a particular height and girth and there are other development controls that help protect ecological values.

The panel consider that the approach to identification of sites of particular ecological significance along with the characteristics and provisions associated with the landform and rural land units identify areas of ecological significance as accurately as is practical.

It is therefore recommended by the panel that the submission be rejected.

4.9.2.16 Submission 3729/11 – character of the land unit.

Submission 3729/11 seeks that for rural 2 an attempt is made to describe accurately the character of the area in all aspects (social, cultural, economic, ecological) to identify its unique features. A consideration of matters of practical and physical survival needs in the present and

future, including energy, resources, productive capacity, residential capacity, coastal and marine uses, use of space, and foreseeable and unforeseeable other human uses. The encouragement of innovation and resourcefulness. A proper evaluation of the environmental, social, cultural and productive potential and possibilities of the area, particularly with regard to the cohesiveness and positive functioning of the established community and its aspirations.

The provisions of the rural 2 land unit are based on achieving sustainable management of the natural and physical resources while managing the adverse effects of human activity on the environment and enabling people to meet their needs and provide for the needs of future generations. The panel consider that some aspects raised by the submitter have been considered when the provisions for the rural 2 land unit were drafted and it is not clear to the panel where the submitter requires amendments to the Plan.

It is therefore considered that the submission be rejected.

4.9.2.17 Submission 3729/12 – revision of clause 10a.20

Submission 3729/12 seeks a full revision of clause 10a.20 "Resource management strategy", "Rules - Activity table", and also "Rules - development controls" and "Assessment Matters" to accommodate the views and preferences of the neighbourhood community.

As discussed in section 4.9.2.11 of this report, the panel do not consider it necessary to review the controls for the rural 2 land unit as it is recognised that the controls in the Proposed Plan provide the necessary simplicity and clarity for landowners while maintaining the rural-residential style of living while protecting the landscape character and natural features of the land unit. It is therefore recommended that the submission be rejected.

4.10 Submissions about the introduction, resource management issues and objectives and policies of the land unit.

Submissions dealt with in this section: 1093/41, 3729/3, 3729/6, 3521/96

4.10.1 Decisions requested

Submission 1093/41 seeks to amend clause 10a.20.2 by inserting a new point 4:

"How to maintain and enable existing rural activity located in the land unit to operate without unreasonable restriction given the potential for rural/urban interface conflict"

Submission 3729/3 seeks that for rural 2 the introduction must be rewritten to reflect the social, cultural and environmental diversity of the Western Landscape as a separate entity.

Submission 3729/6 seeks a full and proper description of the existing community occupying the land units (with specific reference to rural 2) to be given, focusing not merely on the perceived (or desired) landscape and character of the area but its social, economic and cultural character, and the needs and aspirations of the inhabitants and future inhabitants.

Submission 3521/96 seeks to amend objective 10a.20.3 as follows:

"To provide for and protect the rural-residential style of living while avoiding the adverse effects of activities and buildings on the natural character, ecological and landscape values of the land unit".

4.10.2 Panel's analysis and recommendations

4.10.2.1 Submission 1093/41 – insert new resource management issue

The submission seeks to inserting a new fourth point in the resource management strategy to read:

"How to maintain and enable existing rural activity located in the land unit to operate without unreasonable restriction given the potential for rural/urban interface conflict".

Clause 10a.20.2 as notified reads:

"10a.20.2 Resource management issues

The significant resource management issues which need to be addressed in the Plan are:

1. How to provide for small scale rural activities to establish and operate within the land unit.
2. How to protect the amenity of the existing rural-residential activity located in the land unit.
3. How to protect the natural character and landscape values of the land unit, including the features and patterns established by the small scale rural activities.
4. How to provide for rural-residential development to occur on Thompsons Point."

It is not clear to the panel whether the submitter, the NZ Winegrowers, seeks to replace the existing fourth resource management issue or whether it is intended the suggested wording be included in addition to the existing four issues and the submitter did not attend the hearing to clarify this matter.

The panel acknowledge that the submitter is supportive of the resource management issues identified for the land unit and recognise that the amenity of existing rural-residential activities within the land unit needs to be protected. The submitter seeks that these activities be allowed to continue without "unreasonable restriction" and therefore the new wording for the resource management strategy is suggested.

The panel consider that the Plan through the objectives and policies, the resource management strategy and the rules (including the activity table) give clear emphasis on the direction of the land unit for the future. The rural-residential style of living is a vital component of the rural 2 land unit and as such, the panel consider that it is important that the provisions of the Plan recognise this.

Dwelling (one per site) and horticulture, among other activities, are provided for as permitted activities within the land unit. The panel consider that this gives a clear indication that the future of the land unit is seen as involving both residential activities, and the operations associated with horticulture, and in the instance of winegrowers, viticulture.

The panel therefore do not consider that it is necessary to replace or include additional resource management issues to clause 10a.20.2. It is therefore recommended that the submission be rejected.

4.10.2.2 Submission 3729/3 – rewrite the land unit to reflect the social, cultural and environmental diversity of the western landscape

Submission 3729/3 seeks that for rural 2 the introduction must be rewritten to reflect the social, cultural and environmental diversity of the Western Landscape as a separate entity.

Clause 10a.20.1 identifies the social character of the land unit as being the rural-residential style of living on the majority of the land unit which is a result of the subdivision provisions of the land unit. Economic character is recognised through the identification of the land unit as being an important place for small scale rural activities, primarily with a horticulture focus. The cultural character of the land unit is recognised through four key elements:

1. The openness and productivity of a rural landscape.
2. The natural character of a regenerating landscape.
3. The amenity of a low density residential landscape.
4. The visual prominence of a coastal landscape.

These features, along with the recognition of the land unit containing large areas of environmental significance, including wetlands, and the high natural character and visual amenity of the land unit due to the areas of regenerating bush and coastal cliffs, all combine to make up the rural 2 land unit.

The panel considers that the introductory paragraph for the land unit accurately represents the features of the landscape which make it unique from the landform land units and from rural 1. It is therefore not considered necessary by the panel to amend clause 10a.20.1 and it is recommended that the submission be rejected.

4.10.2.3 Submission 3729/6 – proper description of rural 2

Submission 3729/6 seeks a full and proper description of the existing community occupying the land units (with specific reference to rural 2) to be given, focusing not merely on the perceived (or desired) landscape and character of the area but its social, economic and cultural character, and the needs and aspirations of the inhabitants and future inhabitants.

It is not clear to the panel exactly what amendments to the Plan are sought by the submitter. The panel have considered these matters in 4.10.2.2. above and recommend that the submission be rejected.

4.10.2.4 Submission 3521/96 – amend clause 10a.20.3 - objective

The submission seeks to amend objective 10a.20.3 as follows:

"To provide for and protect the rural-residential style of living while avoiding the adverse effects of activities and buildings on the natural character, ecological and landscape values of the land unit".

Clause 10a.20.3 of the Plan as notified reads:

“10a.20.3 Objective

To provide for and protect the rural-residential style of living while avoiding the adverse effects of activities and buildings on the natural character and landscape values of the land unit.

Policies

1. By providing for rural and residential activities to establish and operate in the land unit.
2. By limiting the range of non-rural and non-residential activities that can establish within the land unit to avoid adverse effects on the landscape values and the general amenity of the locality.
3. By requiring new sites to be of a size and nature that ensures that small scale rural activities can occur and which protects the natural character and landscape values of the land unit.

4. By ensuring that the scale, form, colour and location of new buildings will not have adverse effects on the natural character and landscape values of the land unit.
5. By providing for comprehensive development to occur at Thompsons Point.”

While the panel acknowledge the presence of areas of wetland and native vegetation exist within the land unit, it is recognised that almost every land unit on the gulf island contains areas of ecological significance.

The panel consider that the landform land units contain extensive areas of ecological importance while the ecological areas within the rural 2 land unit are contained to small defined areas. The panel therefore do not consider it appropriate to include reference to ecological values of the land unit in the objectives and policies and it is recommended that the submission be rejected.

4.11 Submissions about clause 10a.20.5 Rules – activity table

Submissions dealt with in this section: 560/7, 582/1, 582/2, 618/64, 618/148, 618/149, 619/85, 619/97, 619/98, 754/97, 754/100, 784/1, 784/2 859/97, 859/100, 1093/42, 1093/43, 1250/64, 1285/4, 1285/17, 1285/24, 1286/65, 1286/72, 1287/27, 2670/83, 2670/96, 2670/97, 2721/1, 2767/1, 2767/2, 2878/652, 2878/72, 3169/1, 3169/2, 3729/1, 3729/4

4.11.1 Decisions requested

Submission 560/7 seeks to retain pastoral farming as a permitted activity, providing that the definition of pastoral farming is amended as sought in the last section of this submission.

Submission 582/1 seeks the removal of a restricted discretionary activity for the construction and relocation of buildings, including buildings used for any of the other activities listed in table 10a.20.5.

Submission 582/2 seek the removal of the restricted discretionary designation for any alterations and additions other than those defined as minor, as laid out in clause 10a.20.5.

Submissions 618/64, 619/85, 754/97, 859/97, 1285/17, 1286/65, 2670/83, 2721/1, 2878/65 seeks that the restricted discretionary activity status for all new buildings under clause 10a.20.5 be deleted and replaced with a controlled activity status with appropriate development controls

Submission 618/148, 619/97, 2670/96 seeks that the proposed list of activities in clause 10a.20.5 should be amended to include as restricted discretionary activities; cafes/restaurants, outdoor recreation/adventure activities, residential uses, wineries, farm buildings, art galleries and museums, care centres, educational facilities, function facilities, integrated visitor development, open air markets, rural property management plans, tourist complexes.

Submissions 618/149, 619/98, 2670/97 seek that helipads be included as a discretionary activity in clause 10a.20.5

Submission 754/100 states that if it (the ridgeline notation) remains on the submitter's property at 126 Church Bay Road (Mudbrick) and at lot 23 Cable Bay Lane, Waiheke, the submitter seeks that all building activities are provided for as a controlled activity with appropriate criteria and conditions specified.

Submission 784/1 seeks the removal of the activity table in clause 10a.20.5 and retention of the current rules and associated clauses in part 6.22 of the operative Plan.

Submission 784/2 seeks an alternative list of discretionary and restricted discretionary activities only to be given (P and RD only), along with those previously listed in the operative Plan, and any other activities which are intrusive to neighbours or noisy, by nature. All other activities should be permitted.

Submission 859/100 states that if it (the ridgeline notation) remains on the submitter's (Cable Bay Vineyards Ltd) property, all building activities are to be provided for as a controlled activity with appropriate criteria and conditions specified.

Submission 1093/42 seeks to retain horticulture as a permitted activity (within clause 10a.20.5).

Submission 1093/43 seeks to amend the activity table (clause 10a.20.5) to provide for a winery as a controlled activity.

Submission 1250/64 seek to change clause 10a.20.5 so that visitor accommodation for up to 10 people is listed as a discretionary activity.

Submission 1285/4 seeks that the ridgeline notation remains on the submitter's land (at 28 Dolphin lane, Church Bay) then all building activities not being permitted activities are to be provided for as a controlled activity with appropriate criteria and conditions specified.

Submissions 1285/24, 1286/72 and 2878/72 seek that the proposed list of activities in clause 10a.20.5 should be amended to include the following:

Activity	Status
Cafes/restaurants	RD
Outdoor recreation/adventure activities	RD
Residential use	P
Wineries	RD
Farm buildings	C
Indigenous Plantation Forestry	P
Exotic Forestry	D
Art galleries and museums	RD
Care centres	RD
Educational facilities	D
Function facilities	D
Integrated visitor development	D
Open air markets	RD
Comprehensive Management Plans (or rural property management plans dependant on relief granted for other submissions)	D
Tourist complexes	D
Helipads	D
Windmill towers to 15m for generation of electricity	RD
Churches and places of worship, and church towers	RD
Disposal of treated wastewater	RD
Clustered residential developments	RD
Minor dwellings	RD
Farm buildings	C
Grape growing	P
Management and enhancement activities that facilitate wetland management.	RD
Sustainable farming and land management#	P

Submission 1287/27 seeks that the land use provisions applying to rural 2 including Thompsons Point, if retained, include specific provision for comprehensive management plans as discretionary activities.

Submission 2767/1 seeks that the removal of the activity table and retention of the current rules and associated clauses in 10a.20.5.

Submission 2767/2 seeks that instead of the activity table in 10a.20.5 an alternative list of discretionary and restricted discretionary activities only to be given (P and RD only), along with those previously listed in the operative plan, and any other activities which are intrusive to neighbours or noisy, by nature. All other activities to be permitted.

Submission 3169/1 seeks the removal of the activity table 10a.20.5 and retention of the current rules and associated clauses (from the operative Plan).

Submission 3169/2 seeks an alternative list of discretionary and restricted discretionary activities only to be given (P and RD only), for rural 2 along with those previously listed in the operative Plan and any other activities which are intrusive to neighbours or noisy, by nature. All other activities to be permitted.

Submission 3729/1 seeks that for rural 2 flexibility of existing uses to remain operative. No changes in designated or restricted uses without clear mandate from the established communities.

Submission 3729/4 seeks that for rural 2 all currently permitted activities to remain, including all forms of home occupation (notwithstanding the new definition in part 14) to be continued, until such time as a forum and survey of the established communities are completed. These would include all of the potential made available on establishment of the community, for instance private storage of collections of vehicles, boats, caravans etc and work on these to be continued, workshops and work spaces of all kinds, as essential work activities and land uses. Screening and other controls may be required if affecting neighbours.

4.11.2 Panel's analysis and recommendations

4.11.2.1 Submission 560/7 – retain pastoral farming as a permitted activity

The submission seeks to retain pastoral farming as a permitted activity, providing that the definition of pastoral farming is amended as sought in the last section of this submission.

The panel have considered the definition of pastoral farming in the decision report for part 14 of the Plan. The submission suggests amendment of the definition as follows:

"Pastoral farming means the growing of grass and fodder crops on which stock are grazed, as well as the use of accessory buildings and land for ancillary activities. It does not include the grazing of deer or goats."

The panel recommends that this submission be accepted in part. Many of the other definitions in part 14 refer specifically to 'land and buildings used for' a particular purpose. To achieve a more consistent approach with other definitions, and add clarity, the panel recommends that the definition be amended as follows:

"Pastoral farming means the growing of grass and fodder crops on which stock are grazed. It includes the associated use of land and buildings. It does not include the grazing of deer or goats."

Therefore the panel accept the submission in part to the extent that it is supportive of the permitted activity status afforded to pastoral farming within the rural 2 (western landscape) land unit.

4.11.2.2 Submission 582/1 and 582/2 – removal of the RD status for the construction and relocation of buildings and alterations and additions to existing buildings.

The submitter seeks the removal of a restricted discretionary activity for the construction and relocation of buildings, including buildings used for any of the other activities listed in table 10a.20.5 and for alterations and additions to existing buildings.

The submitter seeks that the rural 2 land unit be less restrictive on buildings and it is assumed that the submitter is mistaken when seeking a discretionary status for these activities. A discretionary status is more restrictive on development than a restricted discretionary status and it is therefore assumed that the submitter is seeking a permitted activity status for these activities.

The panel consider that the restricted discretionary status of these activities allows the council to assess any new buildings, and any alterations and additions to existing buildings for their scale, form, location and colour. The panel consider that these are the most important aspects to address when assessing building development for its suitability for inclusion within the rural 2 land unit and to ensure that there are no adverse effects of the development on the natural character and visual amenity of the land unit.

The panel also acknowledge that the restricted discretionary status of these activities allows the council to decline an application if it is not considered to be suitable for inclusion within the rural 2 land unit.

A permitted activity status for these activities however, would mean that as long as the development controls in part 10c were complied with, new buildings and proposals for external alterations and additions would not require resource consent. The panel do not consider that this status would result in the best outcomes for the land unit as it is considered that the high natural character and visual amenity of the rural 2 land unit could be easily compromised through the development of unsuitable buildings.

The panel therefore recommend that the restricted discretionary status of buildings be retained and that the submissions be rejected.

4.11.2.3 Submissions 618/64, 619/85, 754/97, 859/97, 1285/17, 1286/65, 2670/83, 2721/1, 2878/65 – restricted discretionary status for new buildings be changed to controlled

The submissions seek that the current restricted discretionary status for new buildings be changed to a controlled status.

The panel recognise that a controlled activity status means that the while a resource consent application is required, the council do not have the ability to substantially alter or decline the application. The panel consider that controls on buildings such as a the scale, form, location and colour are crucial to ensuring that new buildings and alterations and additions to existing buildings do not result in adverse effects on the rural character of the land unit.

The panel consider that a controlled activity status for buildings within the land unit does not provide enough protection against unsuitable development as all resource consent application would need to be approved.

The panel therefore recommend that the submission be rejected and that the status of buildings within the land unit remain as a restricted discretionary activity.

4.11.2.4 Submissions 618/149, 619/98, 2670/97 – helipads as a discretionary activity

The submissions seeks that helipads be provided as a discretionary activity within the activity table for the rural 2 land unit. Part 13 – Transport of the Plan addresses matters relating to helipads and the decision report for this topic addresses this matter in more detail.

The panel acknowledge that the provisions in this part of the Plan, and in particular clause 13.8.3(2) provide for helipads and airstrips within the rural 2 land unit, as a discretionary activity provided that there are no more than three inward and three outward movements in a seven day period.

The panel consider that part 13 provides adequately for helipads within the rural 2 land unit and it is recommended that the submission be rejected.

4.11.2.5 Submissions 754/100, 859/100 and 1285/4 – buildings as a controlled activity

The submissions seek that clause 10a.20.5 should be amended so that the activity tables and associated Plan provisions allow for all buildings as controlled activities – not restricted discretionary activities as is proposed.

The panel consider that a controlled activity status for buildings within the land unit does not provide enough protection against unsuitable development as all resource consent application would need to be approved.

Based on the discussion in 4.11.2.3 above, the panel recommend that the submissions be rejected and that the status of buildings within the land unit remain as a restricted discretionary activity.

4.11.2.6 Submissions 784/1, 2767/1, 3169/1 and 3729/4 – retention of activities from the Operative plan

The submissions seek the removal of the activity table in clause 10a.20.5 and retention of the current rules and associated clauses in part 6.22 of the operative Plan.

The panel recognise that both the Operative and Proposed Plans identify land use activities which are suitable for inclusion within the land unit. In the Operative Plan, if the activity is not specifically listed as a permitted, controlled, discretionary or prohibited activity it is considered to be a permitted activity, provided that it complies with the development controls. The Proposed Plan however, as described in clause 4.2, takes the position that an activity is considered to be a non-complying activity if it is not otherwise provided for in the land unit (as a permitted, controlled, restricted discretionary or discretionary activity) regardless of whether or not it complies with the development controls.

The panel consider that the approach taken in the Operative Plan results in activities which have not been envisaged or considered unsuitable for the land unit, if they comply with the development controls, being allowed to occur within the land unit as of right. The approach in the Proposed Plan however, means that activities which have been specifically excluded from the activity table are required to go through the resource consent process as a non-complying activity.

There are more activities provided for within clause 10a.20.5 (Rules – activity table) for rural 2 than in land units 21 and 22 but it is considered that this list is exhaustive and outlines all activities envisaged to be suitable within the land unit. The potential activities that could be

undertaken as of right through land units 21 and 22 in the Operative Plan is limited only by compliance with the development controls.

It is for this reason that the panel consider that the Proposed Plan approach, and the list of activities provided for in rural 2 more accurately represents the intention and direction for the future of the land unit and enables an assessment of the suitability of activities against the objectives and policies of the land unit and the environmental effects, rather than defaulting to a permitted status.

There are a number of activities which have the same activity status in both land units 21 and 22 and rural 2. These activities are:

Permitted Activities

- Dwelling (one per site)
- Home Occupations
- Homestay
- Horticulture
- Pastoral farming
- Visitor accommodation (for up to 10 people)

The permitted activity status of the above activities is carried through from the Operative Plan to the Proposed Plan as it is considered that these activities are desirable and suitable for inclusion within the land unit. Pastoral farming and horticulture are both productive activities and along with dwellings and their associated uses, add to the rural-residential style of the land unit. The permitted activity status indicates that these activities, in accordance with the development controls, are suitable on all sites within rural 2. It is noted that all new buildings require a resource consent regardless of whether or not the activity is permitted.

A discretionary activity status for farm airstrips or helipads has been maintained in the Proposed Plan in clause 13.8. A discretionary activity requires a resource consent and allows the council to assess all aspects of the proposal and decline the application if it is not considered appropriate. A discretionary activity status gives an indication that the council considers that there may be some cases where these activities are suitable for inclusion within the land unit, but because of the potential adverse effects, it is not considered that these activities are suitable in all cases. This status allows each application to be assessed on a case-by-case basis and on its own merits.

The following activities have been given a more restrictive status in the Proposed Plan from that in the Operative Plan. These activities are:

	Land Unit 21 status	Land Unit 22 status	Rural 2 status
Activity			
Camping Facilities	Permitted	Discretionary	Non-complying
Commercial Firewood Harvesting	Permitted	Discretionary	Non-complying
Community Facilities	Discretionary	Permitted	Non-complying
Comprehensive Rural Development	Permitted	Discretionary	Discretionary (Thompsons Point only)
Multiple dwellings	Permitted	Discretionary	Non-complying

Visitor accommodation for more than 10 people	Permitted	Permitted	Discretionary
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Camping facilities, commercial firewood harvesting, community facilities, and multiple dwellings have a non-complying activity status as the area is developed to its potential and vegetation is protected through the comprehensive rural development plans and therefore the activities have not specifically been provided for in the activity table in clause 10a.20.5.

Comprehensive rural development and visitor accommodation for more than 10 people have been restricted, in the proposed plan, to a discretionary activity status. Comprehensive rural development is addressed in clause 12.9.7 of the Proposed Plan and is provided for on Thompsons Point only.

Non-complying and discretionary activities are similar in that they have the same potential for notification however, there are distinct differences in the assessment of the two types of application. A non-complying resource consent is required to meet either of the 'gateway tests'. These tests require that an application for a non-complying activity meet at least one of the following before a decision is made to approve or decline the application:

"Section 104D(1) of the RMA

- (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(b) applies) will be minor; or
- (b) the application is for an activity that will not be contrary to the objectives and policies of—
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity."

The panel therefore recommend that the submissions be rejected and that the provisions of the activity table for the rural 2 (western landscape) land unit remain in place.

4.11.2.7 Submissions 784/2, 2767/2 and 3169/2 – more activities permitted

The submitters seek an alternative list of discretionary and restricted discretionary activities only to be given (P and RD only), along with those previously listed in the operative Plan, and any other activities which are intrusive to neighbours or noisy, by nature. All other activities should be permitted.

It is not entirely clear to the panel exactly what the submitter seeks in the submission. The general tone of the submission is that a more permissive approach should be given to activities within the rural 2 land unit.

As discussed in section 4.11.2.6 above, the panel consider that the approach taken in the Proposed Plan towards activities gives greater certainty for landowners and plan users. The activities listed in clause 10a.20.5 of the land unit outline the activities that the panel consider can be suitably accommodated within the land unit, and any activities not included in this list hold a non-complying activity status.

The panel therefore recommend that the submissions be rejected and that the approach to activities taken in the Proposed Plan be retained.

4.11.2.8 Submission 1093/42 – horticulture as a permitted activity

The panel recommend that the submission be accepted to the extent that it specifically supports the provision of horticulture as a permitted activity within the rural 2 (western landscape) land unit.

4.11.2.9 Submission 1093/43 – winery as a controlled activity

The panel do not consider that wineries are in keeping with the small scale, rural-residential style of living in the rural 2 land unit. The provisions of the land unit seek to limit the activities provided for to ensure that adverse effects from activities and buildings, on the high natural character and rural landscape are minimised as far as possible.

The panel recognise that a controlled activity status means that while a resource consent application is required, the council do not have the ability to substantially alter or decline the application. Therefore the panel do not consider that this is an appropriate status for wineries within the land unit and recommend that the submission be rejected.

4.11.2.10 Submission 1250/64 – visitor accommodation for up to 10 people as a discretionary activity.

The Plan provides for visitor accommodation (for up to 10 people) as a permitted activity within the rural 2 land unit. The panel acknowledge that this is to provide for landowners social and economic wellbeing by providing them with a source of additional income to any farming or horticultural uses of the land.

The panel also consider that the restricted discretionary status of any new building within the land unit mean that the scale, form, location and colour can be assessed to ensure minimal impact on the surrounding landscape. Therefore, the panel recommend that the permitted activity status for visitor accommodation (for up to 10 people) be retained and that the submission be rejected.

4.11.2.11 Submissions 1285/24, 1286/72 and 2878/72 – status and inclusion of activities

Submissions 1285/24, 1286/72 and 2878/72 seek that the proposed list of activities in clause 10a.20.5 should be amended to include the following:

Activity	Submissions 1285/24, 1286/72, 2878/72	Submissions 618/148, 619/97, 2670/96
Art galleries and museums	RD	RD
Cafes/restaurants	RD	RD
Care centres	RD	RD
Churches and places of worship, and church towers	RD	-
Clustered residential developments	RD	-
Comprehensive Management Plans (or rural property management plans dependant on relief granted for other submissions)	D	RD
Disposal of treated wastewater	RD	-
Educational facilities	D	RD
Exotic Forestry	D	-
Farm buildings	C	RD
Function facilities	D	RD
Grape growing	P	-

Helipads	D	-
Indigenous Plantation Forestry	P	-
Integrated visitor development	D	RD
Management and enhancement activities that facilitate wetland management.	RD	-
Minor dwellings	RD	-
Open air markets	RD	RD
Outdoor recreation/adventure activities	RD	RD
Residential use	P	RD
Rural property management plans		RD
Sustainable farming and land management	P	-
Tourist complexes	D	RD
Windmill towers to 15m for generation of electricity	RD	-
Wineries	RD	RD

In the rural 2 land unit, as notified, the following activities are provided for:

Activity	Status
The construction and relocation of buildings, including buildings used for any of the other activities listed in this table ¹	RD
Alterations and additions to the exterior of existing buildings including buildings used for any of the other activities listed in this table. However this does not apply to minor alterations and additions as defined in part 14 - Definitions ¹	RD
Dwelling (one per site)	P
Home occupations	P
Homestay	P
Horticulture	P
Pastoral farming	P
Visitor accommodation for up to 10 people	P
Visitor accommodation for more than 10 people	D

Legend

P = Permitted

RD = Restricted discretionary

D = Discretionary

The panel has considered the additional activities sought in the submissions but does not recommend any amendments to the Plan. The panel has considered the likely scale and effects of the activities, as well as consistency with the objectives and policies of the land unit.

Art Galleries and museums

The Plan defines art galleries and museums in part 14 as follows:

“**Art galleries and museums** means land or buildings used for the display of artworks, historical or cultural collections to the public and includes sculpture parks. It may include the sale of these items.”

The Plan does not provide for this activity within the rural 2 (western landscape) land unit and therefore, the activity holds a non-complying activity status. The panel acknowledge that the

resource management strategy for the land unit seeks to limit the non-rural and non-residential activities which can occur within the land unit in order to maintain the natural character and landscape values of the land unit.

Art galleries and museums are considered by the panel to be more suitably located in the commercial land units on Waiheke and many of these land units provide for the activity as a permitted or discretionary activity.

The panel therefore consider that the Plan make adequate provision for art galleries and museums in the Plan and does not consider it suitable to include the activity as a discretionary activity within the rural 2 land unit.

Cafés/restaurants

Restaurants, cafés and other eating places are defined in Part 14 of the Plan as:

“Restaurant, cafe and other eating places means land or buildings where food is sold to the public for eating on the premises. It may include premises licensed under the Sale of Liquor Act 1989. Part of the trade of the premises may involve sale of food to be eaten off the premises i.e. takeaway food.”

Restaurants, cafés and other eating places are not provided in the rural 2 land unit and therefore hold a non-complying activity status. The panel recognise that the objectives and policies of the rural 2 land unit seek to limit the range of non-rural and non-residential activities that can establish to avoid adverse effects on the landscape values and general amenity of the land unit.

The panel consider that providing for restaurants, cafés and other eating places within the land unit could result in adverse effects on the character of the land unit and would result in an increase in the built form within the land unit. The panel do not envisage that providing for this activity as a discretionary activity would achieve the resource management strategy of the land unit which seeks to avoiding activities that might generate significant amounts of noise or traffic.

The panel therefore recommend that the non-complying status of restaurants, cafés and other eating places be retained.

Care Centres

Care centres are defined in part 14 of the Plan as follows:

“Care centre means land or buildings where any of the following apply:

1. Three or more children (in addition to the children of the person in charge) aged 5 years or younger are educated and cared for. It may be licensed as such by regulation.
2. Three or more children aged 5 years or older (in addition to the children of the person in charge) are cared for out of school hours.
3. Elderly people are cared for during the day.
4. People with disabilities are cared for during the day.

It includes creches, playcentres, kindergartens, childcare centres, kohanga reo, and play groups.”

Like many of the other activities sought by the submitter, the panel do not consider that provision of care centres is in keeping with the rural-residential style of living which occurs within the rural 2 land unit.

The panel consider that by limiting the non-rural and non-residential activities that can be undertaken within the land unit, the natural character and rural landscape of the land unit will be maintained. Therefore, the panel do not consider that providing for care centres within the land unit as a discretionary activity is appropriate.

Churches and places of worship, and church towers

Churches and places of worship are not specifically defined in part 14 of the Plan and would fall within the definition in part 14 of community facilities.

Community facilities are not provided for within the rural 2 land unit and are considered by the panel to be unsuitable for inclusion within the rural-residential style of living that is associated with the rural 2 land unit. The objectives and policies of the rural 2 land unit seek to limit the non-rural and non-residential activities that can establish within the land unit to avoid adverse effects on the landscape values and general amenity.

Clustered residential developments

Clustered residential development are not provided for in the rural 2 (western landscape) land unit. The panel acknowledge that land subject to rural 2 was previously classified as land units 21 (Te Whau Peninsula) and 22 (western landscape) (Owhanake, Church Bay, Park Point) in the proposed Plan and has been subdivided to its full potential through historical comprehensive rural development.

As part of the comprehensive rural development for these areas, building platforms were located on each site and the bonus density provisions for this land unit were taken up. Consequently, large portions of these sites, including significant natural features are already protected through legal mechanisms. Any remaining pockets of land which are not covenanted can be used for rural-residential purposes as outlined in the objectives and policies for the land unit.

For this reason, the panel consider that the rural 2 land unit will generally not be able to meet the standards and terms of significant environmental feature subdivision (refer to clause 12.9.3.3). These standards and terms seek to protect features which already which make a significant contribution to the quality of the local natural environment and amenity (refer to definition in Part 14) and which are not already protected by legal instruments.

Comprehensive management plans

The matter is addressed in section 4.11.2.12 (to follow) in this report. The panel do not consider it appropriate to provide for comprehensive development in the rural 2 (western landscape) land unit.

Disposal of treated wastewater

It is not clear to the panel exactly what this activity is intended to cover and therefore no amendments to the Plan are recommended.

Educational facilities

Educational facilities are defined as part 14 of the Plan as:

“**Educational facilities** means land or buildings used to provide regular instruction or training in accordance with a curriculum by teachers or instructors.

It includes schools, technical institutes, teachers’ colleges, universities, outdoor education centres, sports training establishments and home-schooling for more than two children not resident on the site.

The activity also includes ancillary administrative, cultural, health, retail and communal facilities.”

The panel consider that educational facilities are not in keeping with the rural-residential style of living and the high natural character and rural landscape of the land unit. The panel do not consider that it is appropriate to include educational facilities within the land unit as it is considered that in general, educational facilities are owned by the Ministry of Education which is a requiring authority and can designate land for educational purposes.

Exotic Forestry

Forestry is not provided for within the rural 2 land unit and therefore holds a non-complying activity status.

Forestry is defined in part 14 of the Plan as:

“Forestry means the management of land for commercial wood production including the extraction of timber.

It does not include any of the following:

- the milling or processing of timber
- commercial firewood harvesting.”

Due to the environmental impacts of forestry, the panel do not consider that forestry is an activity that is suitable for inclusion within rural 2 (western landscape) due to the high natural character and landscape values of the land unit.

Farm Buildings

Farm buildings are not specifically defined in the Plan, however the panel have addressed the issue of farm building in other decision reports and have recommended that the definition of pastoral farming be amended as follows:

“Pastoral farming means the growing of grass and fodder crops on which stock are grazed. It includes the associated use of land and buildings. It does not include the grazing of deer or goats.”

The panel therefore consider that provision of farm buildings is sufficiently made through the provision for pastoral farming. Pastoral farming is provided as a permitted activity within the rural 2 land unit. The panel recognise that new buildings require a restricted discretionary resource consent so that the scale, form, location and colour of the building can be assessed for its suitability.

The panel recommend no additional changes to the land unit in order to further provide for farm buildings.

Function facilities

Function facilities are defined in the Plan as:

“Function facilities means land or buildings, or parts of buildings, where the primary use is the holding any of the following activities on a commercial basis:

1. Organised conferences, conventions, seminars and meetings.
2. Events and celebrations such as parties, wedding and funeral receptions.

It does not include community facilities.”

Like many of the other activities sought by the submitter, the panel do not consider that provision of function facilities within is in keeping with the rural-residential style of living which occurs within the rural 2 land unit.

Function facilities are provided for in a number of other land units and the panel considers that adequate provision for this activity in the Plan has been made. The panel therefore do not consider it is suitable to provide for function facilities within the rural 2 land unit.

Grape growing

Grape growing or viticulture is provided for as a permitted activity through the definition of horticulture which is defined in part 14 of the Plan as:

“**Horticulture** means the use of land or buildings for the commercial growing of vegetables, fruit, berries, nuts, vines, flowers, plants or fungi. It includes market gardening, orcharding, and viticulture (but not a winery).”

Helipads

The provision of helipads is addressed in the decision report for part 13 – transportation of the Plan. In particular, clause 13.8.3(2) states that:

“Helipads and airstrips are discretionary activities in the following land units:...

2. Rural 1-3 – provided they are used for no more than three inward and three outward movements in a seven day period...”

The panel consider that adequate provision has been given to helipads within the rural 2 land unit and no amendments to the plan are recommended.

Indigenous plantation forestry

Indigenous plantation forestry is contained within the definition of forestry in part 14 of the Plan. The definition states:

“**Forestry** means the management of land for commercial wood production including the extraction of timber.

It does not include any of the following:

- the milling or processing of timber
- commercial firewood harvesting.”

As with exotic plantation forestry, the panel consider that the environmental impacts of forestry are such that the activity is unsuitable for inclusion within rural 2 (western landscape) due to the high natural character and landscape values of the land unit.

Integrated Visitor Development

The Plan defines Integrated visitor development in part 14 as:

“**Integrated visitor development** means a comprehensive proposal for all buildings and activities associated with a visitor development. It may include one or more of the following:

- visitor accommodation
- restaurants, café and other eating places
- tourist complex
- visitor information centre
- dairy
- management and maintenance facilities and service infrastructure.”

Integrated visitor development is an activity which has been specifically formed for the Rotoroa land unit in order to allow the landowner to comprehensively plan for the visitor areas of the island.

The panel do not consider that all the activities contained within integrated visitor development are suitable for inclusion in the rural 2 land unit as the activities are likely to result in an increase in built form in the land unit and could detract from the rural-residential character of the land unit. The panel note that visitor accommodation for up to 10 people has been provided in the land unit as a permitted activity as it is recognised that this provides for all landowners to supplement their income and provide for their social and economic wellbeing.

Management and enhancement activities that facilitate wetland management

It is not clear to the panel exactly what this activity is intended to cover and therefore no amendments to the Plan are recommended.

Minor dwellings

Minor dwelling are not defined in the Plan or provided in any of the land units or settlement areas. There are other submissions which seek inclusion of minor dwellings or “granny flats” in some land units and the panel have addressed this in other decision reports.

It is the view of the panel that minor dwellings should not be provided for in the Plan and therefore no amendments to the Plan are recommended.

Open air markets

Open air markets are defined in the Plan as:

“**Open air market** means an outdoor market which sells goods including bric a brac, produce, food and drink, art and cottage industry goods.”

Open air markets are provided for on Great Barrier only in the settlement areas. The panel do not consider that open air markets are an appropriate activity to provide for within the rural 2 land unit as it is considered that an open air market is likely to generate significant amounts of noise and traffic which is specifically against the resource management strategy for the land unit.

Outdoor recreation /adventure activities

The Plan defines these types of activities in part 14 – definitions as:

“**Outdoor adventure activities** means an adventure sport undertaken outdoors. It includes paintball, mountain biking and associated tracks, bungyjumping, kayaking, and other outdoor pursuits. It does not include motorised activities such as motorcross or go-karting.”

The Plan does not provide for these activities within the rural 2 land unit and therefore the activity holds a non-complying activity status.

The panel consider that these activities would be inconsistent with the resource management strategy of the land unit which seeks to avoid providing for activities that are non-rural and non-residential which may generate significant amounts of traffic and noise.

The panel therefore do not consider it appropriate to provide for these activities as a discretionary activity within the land unit.

Residential uses

The panel acknowledge that currently, the Plan provides for the following residential uses in the rural 2 land unit:

- Dwelling (one per site) – Permitted
- Home occupations – Permitted

- Homestay – Permitted

The panel consider that residential activities has been sufficiently provided for within the land unit. The panel assume that the submitter does not wish to reduce the permitted status of these activities to a discretionary status as the general tone of the submission is that the submitter seeks that the Plan be more permissive. The panel therefore do not recommend any changes be made to the residential activities which are provided for within the land unit.

Rural property management plans

Rural property management plans are defined in part 14 of the Plan as:

“Rural property management plan means a long term management plan which comprehensively details all land use activities proposed to be undertaken on a site, including the location of buildings and activities, and the mitigation of effects proposed to manage adverse effects from those buildings and activities.”

Given the sensitivity of the rural 1 and 2 land on Waiheke to pressures for larger scale developments such as the Isola tourist complex, the panel is of the view that it is necessary to maintain a greater distinction between discretionary and non-complying activities in these land units. It is therefore not appropriate to provide for rural property management plans, as currently defined in the Plan, in these land units.

Sustainable farming and land management

It is understood from the submissions that this term is intended to include permaculture, biodynamic farming, indigenous plantation forestry etc. The panel do not consider it necessary to separately provide for this activity. Permaculture and biodynamic farming would fit within the definitions of pastoral farming and horticulture.

Tourist Complexes

Tourist complexes are defined in part 14 of the Plan as:

“Tourist complex means land or buildings which are used for the day to day accommodation of tourists and short-stay visitors away from their normal place of residence.

It includes visitor accommodation in association with one or more of the following:

- function facilities
- taverns
- restaurants, cafe and other eating places
- entertainment facilities

without limiting the use of such facilities to people staying in the complex.

It may include premises licensed under the Sale of Liquor Act 1989.

It does not include:

- camping facilities; or
- boarding houses or hostels.”

Tourist complexes are not provided for within the rural 2 land unit and therefore hold a non-complying activity status. The panel do not consider that it is appropriate to include tourist complexes in the land unit due to the scale and intensity of the activity, which will result in an increase in built form and increased noise and traffic effects. Tourist complexes are not considered by the panel to be in keeping with the rural-residential style of living associated with the rural 2 land unit which specifically seeks to limit non-rural and non-residential activities from being undertaken within the land unit.

Windmill towers to 15m for generation of electricity

The panel acknowledge that the standard height limit for rural 2 is 8m. Extra height may be warranted for some types of windmill. However the panel prefer that each proposal be considered on its merits by means of a development control modification under clause 10c.3.

Wineries

Wineries are defined in part 14 of the Plan as:

“Winery

means land or buildings used for the processing, and fermentation of grapes into wine, and may include bottling facilities, wine-tasting and ancillary wine retailing.

It does not include any of the following:

- visitor accommodation
- restaurants, cafes or other eating places
- function facilities.”

Wineries are not provided for within the rural 2 land unit and therefore hold a non-complying activity status. While the panel acknowledge that a winery can be an ancillary activity to viticulture, the panel do not consider that it is appropriate to include provisions for wineries within the rural 2 land unit.

The panel recognise that the land unit, through its objectives, policies and rules, seek to limit the non-rural and non-residential activities which are undertaken within the land unit. The panel consider that the buildings associated with a winery are such that they could impact on the small scale rural landscape of the rural 2 land unit. The panel also consider that the inclusion of wineries within the land unit could result in an increase in noise and traffic which are two aspects the resource management strategy of the land unit seeks to specifically avoid.

The panel recommends that the submissions be rejected.

4.11.2.12 Submission 1287/27– comprehensive development

The submission seeks that the land use provisions applying to rural 2 including Thompsons Point, if retained, include specific provision for comprehensive management plans as discretionary activities.

The panel acknowledge that the provision for comprehensive development has been made only for Thompsons Point and not elsewhere in the rural 2 land unit in recognition that Thompsons Point has not been developed to capacity.

Comprehensive development is defined in part 14 of the Plan as:

“Comprehensive development means a subdivision which creates at least three sites and which provides for the integrated assessment of the proposed sites, access (including any public access) and the development to be located on those sites.”

The standards and terms for comprehensive development on Thompsons Point are outlined in clause 12.9.7.3(2) as follows:

“Comprehensive development at Thompsons Point :

- a. The subdivision must provide for sites at an average of one site per 7.5ha of gross site area; and
- b. All sites created must have a minimum area of 4.0ha, other than those sites created for the purpose of reserves, public accessways or jointly owned access sites.

- c. The application must detail revegetation on each proposed site. This must include an ongoing management programme that specifies any protection and enhancement.”

The panel do not consider it appropriate to include provisions for comprehensive development in the rest of the rural 2 land unit and therefore it is recommended that the submission be rejected.

4.11.2.13 Submission 3729/1 – flexibility of existing uses

The submission seeks that for rural 2, flexibility of existing uses to remain operative. No changes in designated or restricted uses without clear mandate from the established communities.

The panel recognise that the submitter wishes to retain the status of activities from the Operative Plan. This matter has been addressed by the panel in sections 4.2.2.1 and 4.2.2.3. The panel consider that the Proposed Plan provides more certainty to land owners with regard to activities as activities that are not specifically listed in the activity table for the land unit are not considered appropriate for inclusion within the land unit and therefore have a non-complying activity status.

The panel recognise that some of the activities which were provided for in the Operative Plan have been provided for in the Proposed Plan as these activities were considered appropriate for inclusion within the land unit.

It is therefore considered by the panel that the strengthened protection created through the provisions of the rural 2 land unit will mean that only development which is considered suitable for inclusion within the land unit has been listed in the activity table.

The panel recommend that this submission be rejected.

4.12 Submissions about Thompsons Point

Submissions dealt with in this section: 678/2, 1287/17, 1287/18, 1287/19, 1287/20, 1287/21, 1287/22

4.12.1 Summary of decisions requested

Submission 678/2 seeks that the council to conserve the current natural/rural character values, landscape structure, coastal amenity, visual amenity and forest remnants of Thompson's Point.

Submission 1287/17 seeks to provide appropriate planning provisions for 306 Sea View Road, Thompsons Point, supporting the following development outcomes for the island residential 1 part of the property (as proposed by the submitter) - around 20 lots would be enabled using no less than 4ha of land area.

Submission 1287/18 seeks to provide appropriate planning provisions for 306 Sea View Road, Thompsons Point, supporting the following development outcomes for the rural 2A part of the property (as proposed by the submitter) - with separate provisions applying only to Thompsons Point, this area would provide for rural residential lots at a 1:3.5ha / dwelling average density.

Submission 1287/19 seeks to provide appropriate planning provisions for 306 Sea View Road, Thompsons Point, supporting the following development outcomes for the rural 2B part of the property (as proposed by the submitter) - this area will provide for additional 'building areas/dwellings' based on a maximum density of 1 'building area/dwelling' per 5ha

Submission 1287/20 seeks provisions supporting the proposed land units at 306 Sea View Rd, Thompsons Point will include particular environmental and enhancement management outcomes including wetland management, coastal edge management and will incorporate a set of environmental and design principles to be included as part of any assessment criteria.

Submission 1287/21 seeks that a concept plan of development be included as part of the Plan provisions applying to 306 Sea View Rd, Thompsons Point to identify all building areas and roads and infrastructure so the proposed land use management regime allows for all buildings meeting specified development control standards to be approved as controlled activities, otherwise such buildings would be provided for as restricted discretionary activities.

Submission 1287/22 seeks that the coverage rules for 306 Sea View Road, Thompsons Point should be framed to provide for 500m² coverage as a permitted activity.

4.12.2 Panel's analysis and recommendations

4.12.2.1 Submission 678/2 - conserve current values of Thompsons Point

The submission seeks that the council conserve the current natural/rural character values, landscape structure, coastal amenity, visual amenity and forest remnants of Thompson's Point.

The panel recognise that Thompsons Point is a significant feature of the western landscape of Waiheke and as such, it is considered important that the development proposed on the point be carried out in way that will recognise the development potential for the land while ensuring that the rural character, visual amenity and landscape features of the land are not compromised.

The panel recognises that the proposal for the area in the Proposed Plan does not achieve the best possible outcome for the site, and it is recognised that further work needs to be undertaken with the landowners, outside of this Plan review process to work towards an acceptable outcome.

The panel agree with the submitter that future proposals for the site need to protect the character and amenity of the area and therefore the submission is accepted in part. No amendments to the Plan are required as a result of this submission.

4.12.2.2 Submissions 1287/17, 1287/18 and 1287/19 – development provisions

The submissions, made by the Answer Services Holdings (the owner of 306 Sea View Road) and represented at the hearings by Mr Barry Kaye and Mr Dennis Scott seek to divide the property at 306 Sea View Road into 3 separate areas with different development provisions applying to each areas.

The submitter seeks that part of the property be reclassified to island residential 1 (traditional residential) which would result in the creation of 20 new lots. Another part of the property be classified as Rural 2A with development provisions for one dwelling every 3.5ha and another area of the property being classified as Rural 2B with development provisions for one dwelling every 5ha.

The panel recognise that neither the Operative or the Proposed Plan provisions would achieve the best outcomes on the site but due to time constraints with the Plan review process, the officers have not been able to formulate an alternative approach. Therefore, the panel recommend that the submitter either apply for resource consent for the development proposed, or that a Plan change is undertaken once the Plan becomes operative so that a proposal for development on Thompsons Point can be finalised.

It is therefore recommended by the panel that the submissions be rejected.

4.12.2.3 Submissions 1287/20, 1287/21, 1287/22 – specific provisions from Thompsons Point

The submissions each individually outline details for provisions and specific requirements that could be incorporated into the Plan in order to achieve a desirable outcome for the submitters and the council.

As discussed in section 4.12.2.2 above, the panel recognise that the provisions for Thompsons Point in the Proposed Plan would not achieve the best outcome for development and it is considered that further work is required outside of the Plan review process to ensure that the most appropriate outcome can be achieved. Therefore, the panel also recognise that the detail outlined in the above submissions, regarding aspects of managing the land and appropriate development controls is something that will be addressed and where necessary, amended in order to achieve the desired outcomes.

It is therefore recommended that the submissions be rejected.

4.13 Submissions requesting reclassification of specific properties

Submissions dealt with in this section: 83/2, 520/4, 1119/1, 1127/2, 1287/16, 2772/3

4.13.1 Summary of decisions requested

Submission 83/2 seeks to reclassify the land on the western side of Huruhi Bay from rural 2 (western landscape) to rural 1 (rural amenity).

Submission 520/4 seeks to reclassify land around Owhanake within DP's 183454, 183455 and 183456 north of Delamore Drive from rural 2 (western landscape) to rural 1 (rural amenity).

Submission 1119/1 seeks to reclassify the island chain off Te Whau Bay (legally identified as NA 747/349 Island Deposited Plan 1721) from the conservation land unit to rural 2 (western landscape)

Submission 1287/16 seeks to reclassify 120ha at 306 Sea View Road, Thompsons Point, from Landform 1 (coastal cliffs and slopes), Landform 4 (wetland systems) and Rural 2 (western landscapes) to Rural 2A, Rural 2B and Island Residential.

Submission 2772/3 supports the amalgamation of the other current land unit into rural 2 (western landscape).

4.13.2 Panel's analysis and recommendations

4.13.2.1 Submission 83/2 – western side of Huruhi Bay

The submission seeks that properties on the eastern side of the Church Bay ridge, running down to Huruhi Bay be reclassified from rural 2 (western landscape) to rural 1 (rural amenity).

The main concern that the submitter outlines is that the properties are significantly larger than the average lot size in rural 2, however they are less than the 25ha minimum site size required for subdivision.

The panel notes that subpart 83/1 of the submission seeks that the minimum site size of the land unit be reduced from 25ha to meet the provisions of the Thompsons Point (comprehensive development) with an average of 7.5ha and a minimum area of 4ha.

The panel notes that the decision report for Part 12 - subdivision recommends that the minimum site size for rural 2 be reduced from 25ha to 5ha. With this recommendation in mind, and the specific concern of the submitter over the minimum site size for the Rural 2 land unit, the panel consider that the recommended changes to the subdivision controls will meet the submitters request and therefore, there is no further need to reclassify the property.

It is therefore recommended by the panel that the submission be rejected.

4.13.2.2 Submission 520/4* – land around Owhanake

There are a number of properties covered in this submission, which the submitter seeks to be reclassified from rural 2 to rural 1. The submitter in this case has similar concerns, to that raised in section 4.13.2.1 above, regarding the minimum site size of 25ha for rural 2.

The panel, in the decision report for Part 12 – subdivision, recommends that the minimum site size for the rural 2 (western landscape) land unit be reduced from 25ha to 5ha as it is recognised that this minimum site size maintains the landscape values and the meets the objectives, policies and resource management strategy for the land unit.

The panel consider that the recommendation to reduce the minimum site size of the land unit to 5ha addresses the submitter's concerns and it is not considered necessary therefore to make any additional changes to the Plan, by way of reclassification.

It is therefore recommended by the panel that the submission be rejected.

*It is noted that this submission has been withdrawn however, there is a further submission on this subject which is still valid.

4.13.2.3 Submission 1119/1 – Te Whau Island

The submission raises concern with the restrictions placed on the property through the conservation classification of the land and seeks that the land be reclassified as rural 2 (western landscape).

The land referred to in the submission is a small island offshore from Te Whau Bay. The island is covered by a number of heritage features including 2 archaeological sites and surrounds and a geological site.

The two archaeological sites are category A and the rules require that new buildings obtain a discretionary resource consent. The geological site is category B which also require a discretionary resource consent to be obtained for new buildings.

As discussed in the decision report for the conservation land unit, the land unit as notified did not adequately recognise the need for recreational activities on land not owned by DOC. The panel consider in this report that some passive recreation activities could be established in the land unit and operate simultaneously with conservation activities without compromising the conservation values of the islands.

As a result of this, the following activities are recommended to be included in the activity table for the land unit:

- Walking tracks
- Observation areas, viewing platforms and related structures
- Park furniture
- Accessory buildings

While the panel recognise that no provision has been made for dwellings within the conservation land unit, it is considered that the above additions do go further to recognise the needs of private owners of land within the conservation land unit.

The conservation land unit covers a number of small islands, both publicly and privately owned. One of the key characteristics of the land unit is the high scenic and conservation values and the key function of the land unit is conservation management. The rural 2 land unit on the other hand has a rural character and the intention of the land unit is to provide for a rural-residential style of living.

With this in mind the panel consider that the island subject to this submission has been adequately classified within the conservation land unit and it is recognised that the changes recommended in the hearings report for the conservation land unit will provide for more use of conservation land for private land owners.

It is therefore recommended by the panel that the submission be rejected.

4.13.2.4 Submission 1287/16 – 306 Sea View Road, Thompsons Point

The submission seeks that the land at 306 Sea View Road be reclassified from landform 1 (coastal cliffs and slopes), landform 2 (dune systems and sand flats), landform 4 (wetland systems) and rural 2 (western landscape) to rural 2a, rural 2b and island residential 1.

The property subject to the submission is made up of two titles and covers the largest area of Thompsons Point at around 120ha. In the Operative Plan, the property contained land unit 1 (coastal cliffs), land unit 2 (dune systems and sand flats), land unit 4 (wetland systems) and land unit 6 (steep pastured slopes). These land units have been rolled over with the exception that the land classified as land unit 6 has been classified as rural 2 (western landscape) in the Proposed Plan.

The submission seeks that an area of island residential 1 (traditional residential) be provided for. The area marked on the Plan attached to the submission indicates an area which currently backs onto existing island residential 2 (bush residential) land. The panel consider that this area could be suitable for more intensive residential development. At the hearing, the

submitter's agent, Mr Barry Kaye, provided further information on the layout and proposed access for these residential properties.

The submission also seeks that the landform 1 (coastal cliffs and slopes), landform 2 (dune systems) and landform 4 (wetland systems) be replaced, along with the rest of the property which is currently classified as rural 2 (western landscape) to rural 2A and 2B classification.

The submission suggests that a rural 2A classification would provide for residential lots at 1 dwelling per 3.5ha while rural 2B would provide for 1 dwelling per 5ha. As discussed in the subdivision section of this report above, the recommendation has been made to the hearings panel that the minimum site size for subdivision in rural 2 be reduced from 25ha to 5ha. Comprehensive development has been provided for on Thompsons Point and this allows for a minimum site size of 4ha with an average site size of 7.5ha.

As discussed in section 4.12 of the report above, panel recognise that neither the Operative or the Proposed Plan provisions would achieve the best outcomes on the site but due to time constraints with the Plan review process, the officers have not been able to formulate an alternative approach. Therefore, the panel recommend that the submitter either apply for resource consent for the development proposed, or that a Plan change is undertaken once the Plan becomes operative so that a proposal for development on Thompsons Point can be finalised.

It is therefore recommended that the submission be rejected.

4.13.2.5 Submission 2772/3 – support for Rural 2

The panel recommend that submission 2772/3 be accepted to the extent that it supports the amalgamation of land units 21 and 22 from the Operative Plan into rural 2 in the Proposed Plan.

5.0 Conclusion

This report has considered the decisions requested in submissions lodged regarding land unit - Rural 1 (rural amenity) and land unit - Rural 2 (western landscape) of the Proposed Auckland City District Plan: Hauraki Gulf Islands Section 2006. The report recommends whether submissions should be accepted or rejected and how associated further submissions should be dealt with, and how the Plan should be modified as a result. It is concluded that the recommendations set out in section 6.0 below should be implemented for the reasons set out in section 4.0 of this report. This includes amendments to the Plan as outlined in **appendix 2** of this report.

6.0 Recommendations

For the reasons set out in section 4.0 of this report:

1. Reject submissions 11/2, 11/3, 43/1, 43/2, 83/2, 96/1, 96/2, 303/4, 369/1, 378/4, 492/1, 492/2, 516/5, 516/6, 516/8, 516/9, 516/12, ~~520/4~~, 559/1, 569/4, 576/4, 582/1, 582/2, 582/3, 590/2, 590/4, 592/4, 618/64, 618/68, 618/149, 619/85, 619/88, 619/98, 644/4, 670/4, 705/4, 707/4, 713/4, 717/4, 729/4, 739/4, 754/97, 754/100, 754/114, 784/1, 784/2, 859/97, 859/100, 868/4, 886/4, 895/3, 903/1, 903/2, 903/4, 903/5, 903/8, 904/4, 922/4, 939/4, 954/4, 1014/3, 1023/4, 1055/15, 1070/1, 1090/1, 1093/34, 1093/35, 1093/36, 1093/38, 1093/39, 1093/40, 1093/41, 1093/43, 1119/1, 1127/11, 1142/1, 1145/2, 1146/1, 1146/2, 1149/4, 1171/1, 1171/3, 1171/4, 1172/2, 1180/1, 1180/2, 1180/3, 1233/1, 1250/28, 1250/56, 1250/60, 1250/61, 1250/64, 1285/4, 1285/17, 1285/24, 1286/65,

1286/72, 1286/106, 1286/107, 1287/16, 1287/27, 1743/4, 1744/4, 1745/4, 1746/4, 1747/4, 1748/4, 1749/4, 1750/4, 1751/4, 1752/4, 1753/4, 1754/4, 1755/4, 1756/4, 1757/4, 1758/4, 1759/4, 2173/4, 2280/4, 2670/97, 2670/83, 2702/4, 2721/1, 2767/1, 2767/2, 2784/4, 2837/4, 2878/65, 2878/72, 2999/4, 3169/1, 3169/2, 3185/4, 3204/4, 3222/4, 3225/4, 3238/4, 3255/4, 3276/4, 3279/4, 3284/4, 3302/4, 3309/4, 3324/4, 3331/4, 3345/4, 3351/4, 3358/4, 3361/4, 3378/4, 3381/2, 3398/1, 3521/96, 3527/1, 3527/2, 3563/4, 3652/4, 3729/1, 3729/2, 3729/3, 3729/4, 3729/5, 3729/7, 3729/8, 3729/9, 3729/10, 3729/11, 3729/12, 3729/6, 3805/1, 3805/2 and 3819/4

2. Accept submission 126/2, 156/2, 163/2, 168/2, 303/2, 378/2, 516/7, 516/11, 560/7, 569/2, 576/2, 592/2, 620/2, 644/2, 661/2, 670/2, 682/2, 690/2, 705/2, 707/2, 713/2, 717/2, 729/2, 739/2, 803/2, 811/2, 820/2, 829/2, 845/2, 868/2, 886/2, 897/2, 903/3, 903/7, 904/2, 922/2, 939/2, 954/2, 1023/2, 1027/1, 1093/31, 1137/1, 1145/1, 1149/2, 1055/13, 1171/2, 166/6, 1215/2, 1250/63, 1286/106, 1292/2, 1661/2, 1743/2, 1744/2, 1745/2, 1746/2, 1747/2, 1748/2, 1749/2, 1750/2, 1751/2, 1752/2, 1753/2, 1754/2, 1755/2, 1756/2, 1757/2, 1758/2, 1759/2, 1760/2, 1761/2, 1762/2, 1763/2, 1764/2, 1765/2, 1766/2, 1767/2, 1768/2, 1769/2, 1770/2, 1771/2, 1772/2, 1773/2, 1774/2, 1775/2, 1776/2, 1777/2, 2119/2, 2130/2, 2132/2, 2173/2, 2280/2, 2635/2, 2660/2, 2672/2, 2702/2, 2772/2, 2784/2, 2790/2, 2825/2, 2837/2, 2841/2, 2953/2, 2957/2, 2961/2, 2965/2, 2969/2, 2973/2, 2977/2, 2981/2, 2985/2, 2989/2, 2999/2, 3010/2, 3012/2, 3019/2, 3061/101, 3185/2, 3193/2, 3204/2, 3222/2, 3225/2, 3238/2, 3248/2, 3255/2, 3279/2, 3284/2, 3302/2, 3309/2, 3324/2, 3331/2, 3345/2, 3351/2, 3358/2, 3361/2, 3378/2, 3381/1, 3387/2, 3398/2, 3398/3, 3514/2, 3531/2, 3534/2, 3537/2, 3545/2, 3563/2, 3575/2, 3629/2, 3652/2, 3819/2, 3835/2, 3853/2 and 3854/2 in part and amend the Plan accordingly as set out in **appendix 2** of this report.
3. Accept submissions 821/31, 897/3, 1093/32, 1093/33, 1093/37, 1093/42, 1250/59, 1250/62, 2105/3, 2772/3 and 3261/1 and amend the Plan accordingly as set out in **appendix 2** of this report.
4. Accept in full or in part, or reject accordingly further submissions made in support or opposition to the primary submissions listed above.
5. Amend the Proposed Auckland City District Plan: Hauraki Gulf Islands Section as set out in **appendix 2** of this report.

Name and title of signatories	Signature
Councillor Graeme Mulholland Chairperson, hearings panel	

Appendix 1

List of submissions and further submissions

List of submissions and further submissions for rural 1 and 2 (314/274020)

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
11/2	Andrew and Susan Redmond	374	Oppose	Sean O'Shea
11/3	Andrew and Susan Redmond	374	Oppose	Sean O'Shea
43/1	Robert P Chisholm	385	Support	Sean O'Shea
		966	Support	Michael P J O'Shea
		2901	Support	Federated Farmers of New Zealand Inc
43/2	Robert P Chisholm	385	Support	Sean O'Shea
		966	Support	Michael P J O'Shea
		2901	Support	Federated Farmers of New Zealand Inc
83/2	Lesley Smith			
96/1	David Halsey			
96/2	David Halsey			
126/2	Anja Zillig			
156/2	Priscilla A O H Tobin			
163/2	Janet Anderson and R W Von Reubendale			
168/2	Judith Phillips			
303/2	Susi Newborn			
303/4	Susi Newborn			
369/1	Lynne Stewart			
378/2	Lynne Stewart			
378/4	Lynne Stewart			
492/1	Russell L Duurloo			
492/2	Russell L Duurloo			
516/5	Lynette E Ross	622	Support	Carla Jehle
		621	Oppose	Santa Monica Investments Limited
516/6	Lynette E Ross	622	Support	Carla Jehle
		621	Oppose	Santa Monica Investments Limited
		2900	Oppose	New Zealand Winegrowers
516/7	Lynette E Ross	622	Support	Carla Jehle
		621	Oppose	Santa Monica Investments Limited
516/8	Lynette E Ross	622	Support	Carla Jehle
		621	Oppose	Santa Monica Investments Limited
516/9	Lynette E Ross	622	Support	Carla Jehle
		621	Oppose	Santa Monica Investments Limited
516/11	Lynette E Ross	622	Support	Carla Jehle
		621	Oppose	Santa Monica Investments Limited
516/12	Lynette E Ross	622	Support	Carla Jehle
		621	Oppose	Santa Monica Investments Limited

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
520/4	Andrew M Payne and Julie M Payne	691	Support	Geoffrey R Land
559/1	CHS Vineyard Limited			
560/7	Church Bay Farm Limited	875	Support	Mary Evans
		731	Support	Renaissance Aotearoa Foundation
		2901	Support	Federated Farmers of New Zealand Inc
569/2	Rosie Andricksen and Peter Andricksen			
569/4	Rosie Andricksen and Peter Andricksen			
576/2	Anna Ripper			
576/4	Anna Ripper			
582/1	Elizabeth Waters			
582/2	Elizabeth Waters			
582/3	Elizabeth Waters			
590/2	Elizabeth Waters			
590/4	Elizabeth Waters			
592/2	Elizabeth Waters			
592/4	Elizabeth Waters			
618/64	David Parkinson and Dee Crawford			
618/68	David Parkinson and Dee Crawford			
618/148	David Parkinson and Dee Crawford	2900	Oppose	New Zealand Winegrowers
		2896	Support	Ministry of Education
618/149	David Parkinson and Dee Crawford			
619/85	Bryce and Julie Ardern			
619/88	Bryce and Julie Ardern			
619/97	Bryce and Julie Ardern	2900	Oppose	New Zealand Winegrowers
		2896	Support	Ministry of Education
619/98	Bryce and Julie Ardern			
620/2	Marina Alonso Barth			
644/2	Joanna Biss			
644/4	Joanna Biss			
661/2	Leith Duncan			
670/2	Eileen Boghurst			
670/4	Eileen Boghurst			
678/2	Charles and Ann Stevenson			
682/2	Dee Gulliver			
690/2	Allen E Davies			
705/2	Geoffrey Tong			
705/4	Geoffrey Tong			
707/2	Geoffrey Tong			
707/4	Geoffrey Tong			

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
713/2	Clive Henderson			
713/4	Clive Henderson			
717/2	Carol Weitzel			
717/4	Carol Weitzel			
729/2	Simon Griffiths			
729/4	Simon Griffiths			
739/2	Murray Pilcher			
739/4	Murray Pilcher			
754/97	Nicholas Bryan Jones			
754/100	Nicholas Bryan Jones			
754/114	Nicholas Bryan Jones			
784/1	David Waters			
784/2	David Waters	2900	Oppose	New Zealand Winegrowers
803/2	Rebecca Low			
811/2	Jerry Stewart			
820/2	Peter Young			
821/31	Waiheke Island Practice Support Group			
829/2	Sharon A O'Brien			
845/2	Poppy Sibthorpe			
859/97	Cable Bay Vineyards Limited			
859/100	Cable Bay Vineyards Limited			
868/2	Anne M Sweeney			
868/4	Anne M Sweeney			
886/2	Linda Burroughs			
886/4	Linda Burroughs			
895/3	Judith G M von Madarasz			
897/2	Judith G M von Madarasz			
897/3	Judith G M von Madarasz			
903/1	Carla Jehle	1161	Support	Debra M Bray
		1160	Support	Chris and Josephine Orange
		1159	Oppose	Santa Monica Investments Limited
		1158	Support	Bevan Kaan and Sabina Chiquet
		1157	Support	Patsy Blackstock
		1156	Support	Lloyd R Canham
		1155	Support	Lynette E Ross
903/2	Carla Jehle	1161	Support	Debra M Bray
		1160	Support	Chris and Josephine Orange
		1159	Oppose	Santa Monica Investments Limited
		1158	Support	Bevan Kaan and Sabina Chiquet

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
		1157	Support	Patsy Blackstock
		1156	Support	Lloyd R Canham
		1155	Support	Lynette E Ross
		2900	Oppose	New Zealand Winegrowers
903/3	Carla Jehle	1161	Support	Debra M Bray
		1160	Support	Chris and Josephine Orange
		1159	Oppose	Santa Monica Investments Limited
		1158	Support	Bevan Kaan and Sabina Chiquet
		1157	Support	Patsy Blackstock
		1156	Support	Lloyd R Canham
		1155	Support	Lynette E Ross
903/4	Carla Jehle	1161	Support	Debra M Bray
		1160	Support	Chris and Josephine Orange
		1159	Oppose	Santa Monica Investments Limited
		1158	Support	Bevan Kaan and Sabina Chiquet
		1157	Support	Patsy Blackstock
		1156	Support	Lloyd R Canham
		1155	Support	Lynette E Ross
903/5	Carla Jehle	1161	Support	Debra M Bray
		1160	Support	Chris and Josephine Orange
		1159	Oppose	Santa Monica Investments Limited
		1158	Support	Bevan Kaan and Sabina Chiquet
		1157	Support	Patsy Blackstock
		1156	Support	Lloyd R Canham
		1155	Support	Lynette E Ross
903/7	Carla Jehle	1161	Support	Debra M Bray
		1160	Support	Chris and Josephine Orange
		1159	Oppose	Santa Monica Investments Limited
		1158	Support	Bevan Kaan and Sabina Chiquet
		1157	Support	Patsy Blackstock
		1156	Support	Lloyd R Canham
		1155	Support	Lynette E Ross
903/8	Carla Jehle	1161	Support	Debra M Bray
		1160	Support	Chris and Josephine Orange
		1159	Oppose	Santa Monica Investments Limited
		1158	Support	Bevan Kaan and Sabina Chiquet
		1157	Support	Patsy Blackstock
		1156	Support	Lloyd R Canham
		1155	Support	Lynette E Ross

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
904/2	Carla Jehle			
904/4	Carla Jehle			
922/2	Patsy Blackstock			
922/4	Patsy Blackstock			
939/2	Daphne Mitten and Mikee Knuckey			
939/4	Daphne Mitten and Mikee Knuckey			
954/2	Ping Chuen Lee			
954/4	Ping Chuen Lee			
1014/3	Lynette Reed	2900	Oppose	New Zealand Winegrowers
1023/2	Lynette Reed			
1023/4	Lynette Reed	2900	Oppose	New Zealand Winegrowers
1027/1	Colin and Christine Beardon			
1055/13	Waiheke Community Board	310	Support	Diana Worthy
		2885	Support	The Waiheke Island Community Planning Group Inc
		1263	Support	Thomas de Vere Hunt
		1246	Support	Craig Brown
		1231	Support	Grey Power Waiheke and Gulf Islands Association Inc
		1230	Support	Elizabeth Waters
1055/15	Waiheke Community Board	310	Support	Diana Worthy
		2885	Support	The Waiheke Island Community Planning Group Inc
		1263	Support	Thomas de Vere Hunt
		1246	Support	Craig Brown
		1231	Support	Grey Power Waiheke and Gulf Islands Association Inc
		1230	Support	Elizabeth Waters
1070/1	Ministry of Education			
1090/1	Ministry of Education			
1093/31	New Zealand Winegrowers	2885	Oppose	The Waiheke Island Community Planning Group Inc
		1357	Oppose	Diana Austring
		1356	Oppose	Marlene Gray
		1355	Oppose	S.Brown
		1353	Oppose	Susan Washington
		1352	Oppose	Carol Weitzel
		1351	Oppose	Mrs J M Coutts
		1350	Oppose	Richard Wedekind and Sharon Adrichem
		1349	Oppose	Christopher Wragge
		1348	Oppose	Craig Brown
		1347	Oppose	Ian Anderson and Vivienne Anderson
		1345	Oppose	Claudia Lapp
		1344	Oppose	Ross Gillespie

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
		1341	Oppose	Jennifer W Wagner
		1340	Oppose	Ulrich Rambeck
		1339	Oppose	Gulf District Plan Association Inc
		1338	Oppose	Peter Gray
		1337	Oppose	Pita Rikys
		1336	Oppose	Susi Newborn
		1333	Oppose	Rosie Andricksen and Peter Andricksen
		1332	Oppose	Dr.Lorna Dyall
		1331	Oppose	Chris and Josephine Orange
		1330	Oppose	Debra M Bray
		1329	Oppose	Roberta C Pereira
		1328	Oppose	Ann Stevenson
		1327	Oppose	Ian M Burrows
		1326	Oppose	Trix Bradley
		1325	Oppose	Lynette Reed
		1324	Oppose	Paul Gilligan
		1323	Oppose	Mark W Parisian and Kahmeelah M Herber
		1322	Oppose	Tracy M Hampton
		1319	Oppose	Lyndsay L Meager
		1318	Support	Santa Monica Investments Limited
		1317	Oppose	Eileen Boghurst
		1316	Oppose	Rev Richard Thompson and Lorraine D Thompson
		1315	Oppose	Patsy Blackstock
		1314	Oppose	Lloyd R Canham
		1313	Oppose	Inga Muller
		1311	Oppose	Renaissance Aotearoa Foundation
		1310	Oppose	Pania Witoko
		1309	Oppose	Ping Chuen Lee
		1308	Oppose	Carla Jehle
		1307	Oppose	Bevan Kaan and Sabina Chiquet
		1306	Oppose	Leith Duncan
		1320	Oppose	Marion Bridge
1093/32	New Zealand Winegrowers	2885	Oppose	The Waiheke Island Community Planning Group Inc
		1357	Oppose	Diana Austring
		1356	Oppose	Marlene Gray
		1355	Oppose	S.Brown
		1353	Oppose	Susan Washington
		1352	Oppose	Carol Weitzel
		1351	Oppose	Mrs J M Coutts

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
		1350	Oppose	Richard Wedekind and Sharon Adrichem
		1349	Oppose	Christopher Wragge
		1348	Oppose	Craig Brown
		1347	Oppose	Ian Anderson and Vivienne Anderson
		1345	Oppose	Claudia Lapp
		1344	Oppose	Ross Gillespie
		1341	Oppose	Jennifer W Wagner
		1340	Oppose	Ulrich Rambeck
		1339	Oppose	Gulf District Plan Association Inc
		1338	Oppose	Peter Gray
		1337	Oppose	Pita Rikys
		1336	Oppose	Susi Newborn
		1333	Oppose	Rosie Andricksen and Peter Andricksen
		1332	Oppose	Dr.Lorna Dyall
		1331	Oppose	Chris and Josephine Orange
		1330	Oppose	Debra M Bray
		1329	Oppose	Roberta C Pereira
		1328	Oppose	Ann Stevenson
		1327	Oppose	Ian M Burrows
		1326	Oppose	Trix Bradley
		1325	Oppose	Lynette Reed
		1324	Oppose	Paul Gilligan
		1323	Oppose	Mark W Parisian and Kahmeelah M Herber
		1322	Oppose	Tracy M Hampton
		1319	Oppose	Lyndsay L Meager
		1318	Support	Santa Monica Investments Limited
		1317	Oppose	Eileen Boghurst
		1316	Oppose	Rev Richard Thompson and Lorraine D Thompson
		1315	Oppose	Patsy Blackstock
		1314	Oppose	Lloyd R Canham
		1313	Oppose	Inga Muller
		1311	Oppose	Renaissance Aotearoa Foundation
		1310	Oppose	Pania Witoko
		1309	Oppose	Ping Chuen Lee
		1308	Oppose	Carla Jehle
		1307	Oppose	Bevan Kaan and Sabina Chiquet
		1306	Oppose	Leith Duncan
		1320	Oppose	Marion Bridge
1093/33	New Zealand Winegrowers	2885	Oppose	The Waiheke Island Community Planning Group Inc

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
		1357	Oppose	Diana Austring
		1356	Oppose	Marlene Gray
		1355	Oppose	S.Brown
		1353	Oppose	Susan Washington
		1352	Oppose	Carol Weitzel
		1351	Oppose	Mrs J M Coutts
		1350	Oppose	Richard Wedekind and Sharon Adrichem
		1349	Oppose	Christopher Wragge
		1348	Oppose	Craig Brown
		1347	Oppose	Ian Anderson and Vivienne Anderson
		1345	Oppose	Claudia Lapp
		1344	Oppose	Ross Gillespie
		1341	Oppose	Jennifer W Wagner
		1340	Oppose	Ulrich Rambeck
		1339	Oppose	Gulf District Plan Association Inc
		1338	Oppose	Peter Gray
		1337	Oppose	Pita Rikys
		1336	Oppose	Susi Newborn
		1333	Oppose	Rosie Andricksen and Peter Andricksen
		1332	Oppose	Dr.Lorna Dyll
		1331	Oppose	Chris and Josephine Orange
		1330	Oppose	Debra M Bray
		1329	Oppose	Roberta C Pereira
		1328	Oppose	Ann Stevenson
		1327	Oppose	Ian M Burrows
		1326	Oppose	Trix Bradley
		1325	Oppose	Lynette Reed
		1324	Oppose	Paul Gilligan
		1323	Oppose	Mark W Parisian and Kahmeelah M Herber
		1322	Oppose	Tracy M Hampton
		1319	Oppose	Lyndsay L Meager
		1318	Support	Santa Monica Investments Limited
		1317	Oppose	Eileen Boghurst
		1316	Oppose	Rev Richard Thompson and Lorraine D Thompson
		1315	Oppose	Patsy Blackstock
		1314	Oppose	Lloyd R Canham
		1313	Oppose	Inga Muller
		1311	Oppose	Renaissance Aotearoa Foundation
		1310	Oppose	Pania Witoko

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
		1309	Oppose	Ping Chuen Lee
		1308	Oppose	Carla Jehle
		1307	Oppose	Bevan Kaan and Sabina Chiquet
		1306	Oppose	Leith Duncan
		1320	Oppose	Marion Bridge
1093/34	New Zealand Winegrowers	2885	Oppose	The Waiheke Island Community Planning Group Inc
		1357	Oppose	Diana Austring
		1356	Oppose	Marlene Gray
		1355	Oppose	S.Brown
		1353	Oppose	Susan Washington
		1352	Oppose	Carol Weitzel
		1351	Oppose	Mrs J M Coutts
		1350	Oppose	Richard Wedekind and Sharon Adrichem
		1349	Oppose	Christopher Wragge
		1348	Oppose	Craig Brown
		1347	Oppose	Ian Anderson and Vivienne Anderson
		1345	Oppose	Claudia Lapp
		1344	Oppose	Ross Gillespie
		1341	Oppose	Jennifer W Wagner
		1340	Oppose	Ulrich Rambeck
		1339	Oppose	Gulf District Plan Association Inc
		1338	Oppose	Peter Gray
		1337	Oppose	Pita Rikys
		1336	Oppose	Susi Newborn
		1333	Oppose	Rosie Andricksen and Peter Andricksen
		1332	Oppose	Dr.Lorna Dyall
		1331	Oppose	Chris and Josephine Orange
		1330	Oppose	Debra M Bray
		1329	Oppose	Roberta C Pereira
		1328	Oppose	Ann Stevenson
		1327	Oppose	Ian M Burrows
		1326	Oppose	Trix Bradley
		1325	Oppose	Lynette Reed
		1324	Oppose	Paul Gilligan
		1323	Oppose	Mark W Parisian and Kahmeelah M Herber
		1322	Oppose	Tracy M Hampton
		1319	Oppose	Lyndsay L Meager
		1318	Support	Santa Monica Investments Limited
		1317	Oppose	Eileen Boghurst

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
		1316	Oppose	Rev Richard Thompson and Lorraine D Thompson
		1315	Oppose	Patsy Blackstock
		1314	Oppose	Lloyd R Canham
		1313	Oppose	Inga Muller
		1311	Oppose	Renaissance Aotearoa Foundation
		1310	Oppose	Pania Witoko
		1309	Oppose	Ping Chuen Lee
		1308	Oppose	Carla Jehle
		1307	Oppose	Bevan Kaan and Sabina Chiquet
		1306	Oppose	Leith Duncan
		1320	Oppose	Marion Bridge
1093/35	New Zealand Winegrowers	2885	Oppose	The Waiheke Island Community Planning Group Inc
		1357	Oppose	Diana Austring
		1356	Oppose	Marlene Gray
		1355	Oppose	S.Brown
		1353	Oppose	Susan Washington
		1352	Oppose	Carol Weitzel
		1351	Oppose	Mrs J M Coutts
		1350	Oppose	Richard Wedekind and Sharon Adrichem
		1349	Oppose	Christopher Wragge
		1348	Oppose	Craig Brown
		1347	Oppose	Ian Anderson and Vivienne Anderson
		1345	Oppose	Claudia Lapp
		1344	Oppose	Ross Gillespie
		1341	Oppose	Jennifer W Wagner
		1340	Oppose	Ulrich Rambeck
		1339	Oppose	Gulf District Plan Association Inc
		1338	Oppose	Peter Gray
		1337	Oppose	Pita Rikys
		1336	Oppose	Susi Newborn
		1333	Oppose	Rosie Andricksen and Peter Andricksen
		1332	Oppose	Dr.Lorna Dyall
		1331	Oppose	Chris and Josephine Orange
		1330	Oppose	Debra M Bray
		1329	Oppose	Roberta C Pereira
		1328	Oppose	Ann Stevenson
		1327	Oppose	Ian M Burrows
		1326	Oppose	Trix Bradley
		1325	Oppose	Lynette Reed

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
		1324	Oppose	Paul Gilligan
		1323	Oppose	Mark W Parisian and Kahmeelah M Herber
		1322	Oppose	Tracy M Hampton
		1319	Oppose	Lyndsay L Meager
		1318	Support	Santa Monica Investments Limited
		1317	Oppose	Eileen Boghurst
		1316	Oppose	Rev Richard Thompson and Lorraine D Thompson
		1315	Oppose	Patsy Blackstock
		1314	Oppose	Lloyd R Canham
		1313	Oppose	Inga Muller
		1311	Oppose	Renaissance Aotearoa Foundation
		1310	Oppose	Pania Witoko
		1309	Oppose	Ping Chuen Lee
		1308	Oppose	Carla Jehle
		1307	Oppose	Bevan Kaan and Sabina Chiquet
		1306	Oppose	Leith Duncan
		1320	Oppose	Marion Bridge
1093/36	New Zealand Winegrowers	2885	Oppose	The Waiheke Island Community Planning Group Inc
		1357	Oppose	Diana Austring
		1356	Oppose	Marlene Gray
		1355	Oppose	S.Brown
		1353	Oppose	Susan Washington
		1352	Oppose	Carol Weitzel
		1351	Oppose	Mrs J M Coutts
		1350	Oppose	Richard Wedekind and Sharon Adrichem
		1349	Oppose	Christopher Wragge
		1348	Oppose	Craig Brown
		1347	Oppose	Ian Anderson and Vivienne Anderson
		1345	Oppose	Claudia Lapp
		1344	Oppose	Ross Gillespie
		1341	Oppose	Jennifer W Wagner
		1340	Oppose	Ulrich Rambeck
		1339	Oppose	Gulf District Plan Association Inc
		1338	Oppose	Peter Gray
		1337	Oppose	Pita Rikys
		1336	Oppose	Susi Newborn
		1333	Oppose	Rosie Andricksen and Peter Andricksen
		1332	Oppose	Dr.Lorna Dyall
		1331	Oppose	Chris and Josephine Orange

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
		1330	Oppose	Debra M Bray
		1329	Oppose	Roberta C Pereira
		1328	Oppose	Ann Stevenson
		1327	Oppose	Ian M Burrows
		1326	Oppose	Trix Bradley
		1325	Oppose	Lynette Reed
		1324	Oppose	Paul Gilligan
		1323	Oppose	Mark W Parisian and Kahmeelah M Herber
		1322	Oppose	Tracy M Hampton
		1319	Oppose	Lyndsay L Meager
		1318	Support	Santa Monica Investments Limited
		1317	Oppose	Eileen Boghurst
		1316	Oppose	Rev Richard Thompson and Lorraine D Thompson
		1315	Oppose	Patsy Blackstock
		1314	Oppose	Lloyd R Canham
		1313	Oppose	Inga Muller
		1311	Oppose	Renaissance Aotearoa Foundation
		1310	Oppose	Pania Witoko
		1309	Oppose	Ping Chuen Lee
		1308	Oppose	Carla Jehle
		1307	Oppose	Bevan Kaan and Sabina Chiquet
		1306	Oppose	Leith Duncan
		1320	Oppose	Marion Bridge
1093/37	New Zealand Winegrowers	2885	Oppose	The Waiheke Island Community Planning Group Inc
		1357	Oppose	Diana Austring
		1356	Oppose	Marlene Gray
		1355	Oppose	S.Brown
		1353	Oppose	Susan Washington
		1352	Oppose	Carol Weitzel
		1351	Oppose	Mrs J M Coutts
		1350	Oppose	Richard Wedekind and Sharon Adrichem
		1349	Oppose	Christopher Wragge
		1348	Oppose	Craig Brown
		1347	Oppose	Ian Anderson and Vivienne Anderson
		1345	Oppose	Claudia Lapp
		1344	Oppose	Ross Gillespie
		1341	Oppose	Jennifer W Wagner
		1340	Oppose	Ulrich Rambeck
		1339	Oppose	Gulf District Plan Association Inc

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
		1338	Oppose	Peter Gray
		1337	Oppose	Pita Rikys
		1336	Oppose	Susi Newborn
		1333	Oppose	Rosie Andricksen and Peter Andricksen
		1332	Oppose	Dr.Lorna Dyall
		1331	Oppose	Chris and Josephine Orange
		1330	Oppose	Debra M Bray
		1329	Oppose	Roberta C Pereira
		1328	Oppose	Ann Stevenson
		1327	Oppose	Ian M Burrows
		1326	Oppose	Trix Bradley
		1325	Oppose	Lynette Reed
		1324	Oppose	Paul Gilligan
		1323	Oppose	Mark W Parisian and Kahmeelah M Herber
		1322	Oppose	Tracy M Hampton
		1319	Oppose	Lyndsay L Meager
		1318	Support	Santa Monica Investments Limited
		1317	Oppose	Eileen Boghurst
		1316	Oppose	Rev Richard Thompson and Lorraine D Thompson
		1315	Oppose	Patsy Blackstock
		1314	Oppose	Lloyd R Canham
		1313	Oppose	Inga Muller
		1311	Oppose	Renaissance Aotearoa Foundation
		1310	Oppose	Pania Witoko
		1309	Oppose	Ping Chuen Lee
		1308	Oppose	Carla Jehle
		1307	Oppose	Bevan Kaan and Sabina Chiquet
		1306	Oppose	Leith Duncan
		1320	Oppose	Marion Bridge
1093/38	New Zealand Winegrowers	2885	Oppose	The Waiheke Island Community Planning Group Inc
		1357	Oppose	Diana Austring
		1356	Oppose	Marlene Gray
		1355	Oppose	S.Brown
		1353	Oppose	Susan Washington
		1352	Oppose	Carol Weitzel
		1351	Oppose	Mrs J M Coutts
		1350	Oppose	Richard Wedekind and Sharon Adrichem
		1349	Oppose	Christopher Wragge
		1348	Oppose	Craig Brown

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
		1347	Oppose	Ian Anderson and Vivienne Anderson
		1345	Oppose	Claudia Lapp
		1344	Oppose	Ross Gillespie
		1341	Oppose	Jennifer W Wagner
		1340	Oppose	Ulrich Rambeck
		1339	Oppose	Gulf District Plan Association Inc
		1338	Oppose	Peter Gray
		1337	Oppose	Pita Rikys
		1336	Oppose	Susi Newborn
		1333	Oppose	Rosie Andricksen and Peter Andricksen
		1332	Oppose	Dr.Lorna Dyall
		1331	Oppose	Chris and Josephine Orange
		1330	Oppose	Debra M Bray
		1329	Oppose	Roberta C Pereira
		1328	Oppose	Ann Stevenson
		1327	Oppose	Ian M Burrows
		1326	Oppose	Trix Bradley
		1325	Oppose	Lynette Reed
		1324	Oppose	Paul Gilligan
		1323	Oppose	Mark W Parisian and Kahmeelah M Herber
		1322	Oppose	Tracy M Hampton
		1319	Oppose	Lyndsay L Meager
		1318	Support	Santa Monica Investments Limited
		1317	Oppose	Eileen Boghurst
		1316	Oppose	Rev Richard Thompson and Lorraine D Thompson
		1315	Oppose	Patsy Blackstock
		1314	Oppose	Lloyd R Canham
		1313	Oppose	Inga Muller
		1311	Oppose	Renaissance Aotearoa Foundation
		1310	Oppose	Pania Witoko
		1309	Oppose	Ping Chuen Lee
		1308	Oppose	Carla Jehle
		1307	Oppose	Bevan Kaan and Sabina Chiquet
		1306	Oppose	Leith Duncan
		1320	Oppose	Marion Bridge
1093/39	New Zealand Winegrowers	2885	Oppose	The Waiheke Island Community Planning Group Inc
		1357	Oppose	Diana Austring
		1356	Oppose	Marlene Gray
		1355	Oppose	S.Brown

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
		1353	Oppose	Susan Washington
		1352	Oppose	Carol Weitzel
		1351	Oppose	Mrs J M Coutts
		1350	Oppose	Richard Wedekind and Sharon Adrichem
		1349	Oppose	Christopher Wragge
		1348	Oppose	Craig Brown
		1347	Oppose	Ian Anderson and Vivienne Anderson
		1345	Oppose	Claudia Lapp
		1344	Oppose	Ross Gillespie
		1341	Oppose	Jennifer W Wagner
		1340	Oppose	Ulrich Rambeck
		1339	Oppose	Gulf District Plan Association Inc
		1338	Oppose	Peter Gray
		1337	Oppose	Pita Rikys
		1336	Oppose	Susi Newborn
		1333	Oppose	Rosie Andricksen and Peter Andricksen
		1332	Oppose	Dr.Lorna Dyall
		1331	Oppose	Chris and Josephine Orange
		1330	Oppose	Debra M Bray
		1329	Oppose	Roberta C Pereira
		1328	Oppose	Ann Stevenson
		1327	Oppose	Ian M Burrows
		1326	Oppose	Trix Bradley
		1325	Oppose	Lynette Reed
		1324	Oppose	Paul Gilligan
		1323	Oppose	Mark W Parisian and Kahmeelah M Herber
		1322	Oppose	Tracy M Hampton
		1319	Oppose	Lyndsay L Meager
		1318	Support	Santa Monica Investments Limited
		1317	Oppose	Eileen Boghurst
		1316	Oppose	Rev Richard Thompson and Lorraine D Thompson
		1315	Oppose	Patsy Blackstock
		1314	Oppose	Lloyd R Canham
		1313	Oppose	Inga Muller
		1311	Oppose	Renaissance Aotearoa Foundation
		1310	Oppose	Pania Witoko
		1309	Oppose	Ping Chuen Lee
		1308	Oppose	Carla Jehle
		1307	Oppose	Bevan Kaan and Sabina Chiquet

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
		1306	Oppose	Leith Duncan
		1320	Oppose	Marion Bridge
1093/40	New Zealand Winegrowers	2885	Oppose	The Waiheke Island Community Planning Group Inc
		1357	Oppose	Diana Austring
		1356	Oppose	Marlene Gray
		1355	Oppose	S.Brown
		1353	Oppose	Susan Washington
		1352	Oppose	Carol Weitzel
		1351	Oppose	Mrs J M Coutts
		1350	Oppose	Richard Wedekind and Sharon Adrichem
		1349	Oppose	Christopher Wragge
		1348	Oppose	Craig Brown
		1347	Oppose	Ian Anderson and Vivienne Anderson
		1345	Oppose	Claudia Lapp
		1344	Oppose	Ross Gillespie
		1341	Oppose	Jennifer W Wagner
		1340	Oppose	Ulrich Rambeck
		1339	Oppose	Gulf District Plan Association Inc
		1338	Oppose	Peter Gray
		1337	Oppose	Pita Rikys
		1336	Oppose	Susi Newborn
		1333	Oppose	Rosie Andricksen and Peter Andricksen
		1332	Oppose	Dr.Lorna Dyall
		1331	Oppose	Chris and Josephine Orange
		1330	Oppose	Debra M Bray
		1329	Oppose	Roberta C Pereira
		1328	Oppose	Ann Stevenson
		1327	Oppose	Ian M Burrows
		1326	Oppose	Trix Bradley
		1325	Oppose	Lynette Reed
		1324	Oppose	Paul Gilligan
		1323	Oppose	Mark W Parisian and Kahmeelah M Herber
		1322	Oppose	Tracy M Hampton
		1319	Oppose	Lyndsay L Meager
		1318	Support	Santa Monica Investments Limited
		1317	Oppose	Eileen Boghurst
		1316	Oppose	Rev Richard Thompson and Lorraine D Thompson
		1315	Oppose	Patsy Blackstock
		1314	Oppose	Lloyd R Canham

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
		1313	Oppose	Inga Muller
		1311	Oppose	Renaissance Aotearoa Foundation
		1310	Oppose	Pania Witoko
		1309	Oppose	Ping Chuen Lee
		1308	Oppose	Carla Jehle
		1307	Oppose	Bevan Kaan and Sabina Chiquet
		1306	Oppose	Leith Duncan
		1320	Oppose	Marion Bridge
1093/41	New Zealand Winegrowers	2885	Oppose	The Waiheke Island Community Planning Group Inc
		1357	Oppose	Diana Austring
		1356	Oppose	Marlene Gray
		1355	Oppose	S.Brown
		1353	Oppose	Susan Washington
		1352	Oppose	Carol Weitzel
		1351	Oppose	Mrs J M Coutts
		1350	Oppose	Richard Wedekind and Sharon Adrichem
		1349	Oppose	Christopher Wragge
		1348	Oppose	Craig Brown
		1347	Oppose	Ian Anderson and Vivienne Anderson
		1345	Oppose	Claudia Lapp
		1344	Oppose	Ross Gillespie
		1341	Oppose	Jennifer W Wagner
		1340	Oppose	Ulrich Rambeck
		1339	Oppose	Gulf District Plan Association Inc
		1338	Oppose	Peter Gray
		1337	Oppose	Pita Rikys
		1336	Oppose	Susi Newborn
		1333	Oppose	Rosie Andricksen and Peter Andricksen
		1332	Oppose	Dr.Lorna Dyall
		1331	Oppose	Chris and Josephine Orange
		1330	Oppose	Debra M Bray
		1329	Oppose	Roberta C Pereira
		1328	Oppose	Ann Stevenson
		1327	Oppose	Ian M Burrows
		1326	Oppose	Trix Bradley
		1325	Oppose	Lynette Reed
		1324	Oppose	Paul Gilligan
		1323	Oppose	Mark W Parisian and Kahmeelah M Herber
		1322	Oppose	Tracy M Hampton

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
		1319	Oppose	Lyndsay L Meager
		1318	Support	Santa Monica Investments Limited
		1317	Oppose	Eileen Boghurst
		1316	Oppose	Rev Richard Thompson and Lorraine D Thompson
		1315	Oppose	Patsy Blackstock
		1314	Oppose	Lloyd R Canham
		1313	Oppose	Inga Muller
		1311	Oppose	Renaissance Aotearoa Foundation
		1310	Oppose	Pania Witoko
		1309	Oppose	Ping Chuen Lee
		1308	Oppose	Carla Jehle
		1307	Oppose	Bevan Kaan and Sabina Chiquet
		1306	Oppose	Leith Duncan
		1320	Oppose	Marion Bridge
1093/42	New Zealand Winegrowers	2885	Oppose	The Waiheke Island Community Planning Group Inc
		1357	Oppose	Diana Austring
		1356	Oppose	Marlene Gray
		1355	Oppose	S.Brown
		1353	Oppose	Susan Washington
		1352	Oppose	Carol Weitzel
		1351	Oppose	Mrs J M Coutts
		1350	Oppose	Richard Wedekind and Sharon Adrichem
		1349	Oppose	Christopher Wragge
		1348	Oppose	Craig Brown
		1347	Oppose	Ian Anderson and Vivienne Anderson
		1345	Oppose	Claudia Lapp
		1344	Oppose	Ross Gillespie
		1341	Oppose	Jennifer W Wagner
		1340	Oppose	Ulrich Rambeck
		1339	Oppose	Gulf District Plan Association Inc
		1338	Oppose	Peter Gray
		1337	Oppose	Pita Rikys
		1336	Oppose	Susi Newborn
		1333	Oppose	Rosie Andricksen and Peter Andricksen
		1332	Oppose	Dr.Lorna Dyall
		1331	Oppose	Chris and Josephine Orange
		1330	Oppose	Debra M Bray
		1329	Oppose	Roberta C Pereira
		1328	Oppose	Ann Stevenson

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
		1327	Oppose	Ian M Burrows
		1326	Oppose	Trix Bradley
		1325	Oppose	Lynette Reed
		1324	Oppose	Paul Gilligan
		1323	Oppose	Mark W Parisian and Kahmeelah M Herber
		1322	Oppose	Tracy M Hampton
		1319	Oppose	Lyndsay L Meager
		1318	Support	Santa Monica Investments Limited
		1317	Oppose	Eileen Boghurst
		1316	Oppose	Rev Richard Thompson and Lorraine D Thompson
		1315	Oppose	Patsy Blackstock
		1314	Oppose	Lloyd R Canham
		1313	Oppose	Inga Muller
		1311	Oppose	Renaissance Aotearoa Foundation
		1310	Oppose	Pania Witoko
		1309	Oppose	Ping Chuen Lee
		1308	Oppose	Carla Jehle
		1307	Oppose	Bevan Kaan and Sabina Chiquet
		1306	Oppose	Leith Duncan
		1320	Oppose	Marion Bridge
1093/43	New Zealand Winegrowers	2885	Oppose	The Waiheke Island Community Planning Group Inc
		1357	Oppose	Diana Austring
		1356	Oppose	Marlene Gray
		1355	Oppose	S.Brown
		1353	Oppose	Susan Washington
		1352	Oppose	Carol Weitzel
		1351	Oppose	Mrs J M Coutts
		1350	Oppose	Richard Wedekind and Sharon Adrichem
		1349	Oppose	Christopher Wragge
		1348	Oppose	Craig Brown
		1347	Oppose	Ian Anderson and Vivienne Anderson
		1345	Oppose	Claudia Lapp
		1344	Oppose	Ross Gillespie
		1341	Oppose	Jennifer W Wagner
		1340	Oppose	Ulrich Rambeck
		1339	Oppose	Gulf District Plan Association Inc
		1338	Oppose	Peter Gray
		1337	Oppose	Pita Rikys
		1336	Oppose	Susi Newborn

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
		1333	Oppose	Rosie Andricksen and Peter Andricksen
		1332	Oppose	Dr.Lorna Dyall
		1331	Oppose	Chris and Josephine Orange
		1330	Oppose	Debra M Bray
		1329	Oppose	Roberta C Pereira
		1328	Oppose	Ann Stevenson
		1327	Oppose	Ian M Burrows
		1326	Oppose	Trix Bradley
		1325	Oppose	Lynette Reed
		1324	Oppose	Paul Gilligan
		1323	Oppose	Mark W Parisian and Kahmeelah M Herber
		1322	Oppose	Tracy M Hampton
		1319	Oppose	Lyndsay L Meager
		1318	Support	Santa Monica Investments Limited
		1317	Oppose	Eileen Boghurst
		1316	Oppose	Rev Richard Thompson and Lorraine D Thompson
		1315	Oppose	Patsy Blackstock
		1314	Oppose	Lloyd R Canham
		1313	Oppose	Inga Muller
		1311	Oppose	Renaissance Aotearoa Foundation
		1310	Oppose	Pania Witoko
		1309	Oppose	Ping Chuen Lee
		1308	Oppose	Carla Jehle
		1307	Oppose	Bevan Kaan and Sabina Chiquet
		1306	Oppose	Leith Duncan
		1320	Oppose	Marion Bridge
1119/1	Mr Richard and Evamae Bollard			
1127/11	O'Grady Family Trust	2501	Support	Sean O'Shea
1137/1	Gulf District Plan Association Inc	2885	Support	The Waiheke Island Community Planning Group Inc
		2850	Oppose	Santa Monica Investments Limited
1137/2	Gulf District Plan Association Inc	2885	Support	The Waiheke Island Community Planning Group Inc
		2850	Oppose	Santa Monica Investments Limited
1142/1	Gulf District Plan Association Inc	2885	Support	The Waiheke Island Community Planning Group Inc
		2850	Oppose	Santa Monica Investments Limited
1145/1	Gulf District Plan Association Inc	2850	Oppose	Santa Monica Investments Limited
1145/2	Gulf District Plan Association Inc	2850	Oppose	Santa Monica Investments Limited
1146/1	Gulf District Plan Association Inc	2885	Support	The Waiheke Island Community Planning Group Inc
		2850	Oppose	Santa Monica Investments Limited

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
1146/2	Gulf District Plan Association Inc	2885	Support	The Waiheke Island Community Planning Group Inc
		2850	Oppose	Santa Monica Investments Limited
1149/2	Gulf District Plan Association Inc	2885	Support	The Waiheke Island Community Planning Group Inc
1149/4	Gulf District Plan Association Inc	2885	Support	The Waiheke Island Community Planning Group Inc
1150/2	Gulf District Plan Association Inc	2885	Support	The Waiheke Island Community Planning Group Inc
		2900	Oppose	New Zealand Winegrowers
		2850	Oppose	Santa Monica Investments Limited
1166/6	Claire Mortimer			
1171/1	Peter Lumsden			
1171/2	Peter Lumsden			
1171/3	Peter Lumsden			
1171/4	Peter Lumsden			
1172/2	Peter Lumsden	1430	Oppose	B.Arderm
1180/1	Rob Morton			
1180/2	Rob Morton	2900	Oppose	New Zealand Winegrowers
1180/3	Rob Morton			
1215/2	Penny Browne			
1233/1	Phee Phanshell	1436	Support	Susan Washington
1233/3	Phee Phanshell	1436	Support	Susan Washington
1250/56	Kristin Lewis	1583	Oppose	Santa Monica Investments Limited
		1582	Oppose	Mary Evans
		2900	Oppose	New Zealand Winegrowers
1250/58	Kristin Lewis	1583	Oppose	Santa Monica Investments Limited
		1582	Oppose	Mary Evans
		2900	Oppose	New Zealand Winegrowers
1250/59	Kristin Lewis	1583	Oppose	Santa Monica Investments Limited
		1582	Oppose	Mary Evans
1250/60	Kristin Lewis	1583	Oppose	Santa Monica Investments Limited
		1582	Oppose	Mary Evans
		2900	Oppose	New Zealand Winegrowers
1250/61	Kristin Lewis	1583	Oppose	Santa Monica Investments Limited
		1582	Oppose	Mary Evans
		2900	Oppose	New Zealand Winegrowers
1250/62	Kristin Lewis	1583	Oppose	Santa Monica Investments Limited
		1582	Oppose	Mary Evans
1250/63	Kristin Lewis	1583	Oppose	Santa Monica Investments Limited
		1582	Oppose	Mary Evans
1250/64	Kristin Lewis	1583	Oppose	Santa Monica Investments Limited
		1582	Oppose	Mary Evans

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
1285/4	J McLaughlin			
1285/17	J McLaughlin			
1285/24	J McLaughlin			
1286/65	J Dryland	1604	Support	Rev Richard Thompson and Lorraine D Thompson
1286/72	J Dryland	1604	Support	Rev Richard Thompson and Lorraine D Thompson
1286/106	J Dryland	1604	Support	Rev Richard Thompson and Lorraine D Thompson
1286/107	J Dryland	1604	Support	Rev Richard Thompson and Lorraine D Thompson
1287/16	Answer Services Holdings Limited			
1287/17	Answer Services Holdings Limited			
1287/18	Answer Services Holdings Limited			
1287/19	Answer Services Holdings Limited			
1287/20	Answer Services Holdings Limited			
1287/21	Answer Services Holdings Limited			
1287/22	Answer Services Holdings Limited			
1287/27	Answer Services Holdings Limited			
1292/2	Charles Walsh			
1592/1	Nigel W Marshall	2524	Support	Phee Phanshell
		2789	Support	Martin P Mitchener and Anne M Mitchener
		2900	Oppose	New Zealand Winegrowers
1592/2	Nigel W Marshall			
1661/2	Ulrich Rambeck			
1743/2	Michelle Titchener	2537	Oppose	Santa Monica Investments Limited
1743/4	Michelle Titchener	2537	Oppose	Santa Monica Investments Limited
1744/2	J Johannessen			
1744/4	J Johannessen			
1745/2	Sven Johannessen			
1745/4	Sven Johannessen			
1746/2	Diana Worthy			
1746/4	Diana Worthy			
1747/2	Suzanne Kerr			
1747/4	Suzanne Kerr			
1748/2	Christopher Wragge	2538	Oppose	Santa Monica Investments Limited
1748/4	Christopher Wragge	2538	Oppose	Santa Monica Investments Limited
1749/2	Doris Hartley			
1749/4	Doris Hartley			
1750/2	Rob Morton			
1750/4	Rob Morton			
1751/2	Basil Holmes			
1751/4	Basil Holmes			

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
1752/2	Andy Spence			
1752/4	Andy Spence			
1753/2	Lloyd A Saxon			
1753/4	Lloyd A Saxon			
1754/2	Lyndsay L. Meager			
1754/4	Lyndsay L. Meager			
1755/2	Mark W Parisian and Kahmeelah M Herber			
1755/4	Mark W Parisian and Kahmeelah M Herber			
1756/2	Susan Williamson			
1756/4	Susan Williamson			
1757/2	Susan Williamson			
1757/4	Susan Williamson			
1758/2	Graeme D'Arcy			
1758/4	Graeme D'Arcy			
1759/2	John Percy			
1759/4	John Percy			
1760/2	Tracy Fieldsend			
1761/2	Ross Gillespie			
1762/2	Puawai Ormsby			
1763/2	Janine James			
1764/2	Jennifer W Wagner			
1765/2	Russell Thornton			
1766/2	Janice M Kolff			
1767/2	Lorna Hill			
1768/2	Shirin Brown			
1769/2	Tanya Wolfkamp			
1770/2	Manju Bates			
1771/2	Rob Morton			
1772/2	Anne Woodley and Peter Muir			
1773/2	Dave Malan and Dorothy Malan			
1774/2	Ellen Warren			
1775/2	Anahita Djamali			
1776/2	Peter Gray			
1777/2	Grant Kavali			
2105/3	Auckland City Council			
2119/2	Joseph Waite			
2130/2	George Cleverley			
2132/2	Bernard Rhodes	2550	Oppose	Sean O'Shea
2173/2	Marina Alonso Barth			

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
2173/4	Marina Alonso Barth			
2772/3	Lynnette L Gilmore			
2280/2	Sandra I Hall			
2280/4	Sandra I Hall			
2635/2	Pita Rikys			
2660/2	Ron Hallie and Raewyn Hewitt			
2670/83	B.Ardern			
2670/96	B.Ardern	2896	Support	Ministry of Education
		2900	Oppose	New Zealand Winegrowers
2670/97	B.Ardern			
2672/2	Owen Martin			
2702/2	Kazuko and Shigenori Itoh			
2702/4	Kazuko and Shigenori Itoh			
2721/1	Palmers Aotea Limited	171	Support	Gordon Barrett
2767/1	Ross D MacRae			
2767/2	Ross D MacRae			
2772/2	Lynnette L Gilmore			
2784/2	Robyn Bailey			
2772/3	Lynnette L Gilmore			
2784/4	Robyn Bailey			
2790/2	University of Auckland			
2825/2	Susan Barker			
2837/2	Peter Sinclair			
2837/4	Peter Sinclair			
2841/2	Heina Petzold and Eva Busch			
2878/65	Peter Tait-Jamieson			
2878/72	Peter Tait-Jamieson			
2878/108	Peter Tait-Jamieson			
2953/2	Roberta C Pereira			
2957/2	Heather Glover-Laverack			
2961/2	Michelle Chote			
2965/2	Heather Arthur			
2969/2	Rodney Davis			
2973/2	Wendy Moyle			
2977/2	Bridget Quick			
2981/2	Noreen Giles			
2985/2	Suzanne M Goss			
2989/2	John Smeed			

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
2999/2	Kathryn Hansen			
2999/4	Kathryn Hansen			
3010/2	Alexandra Ellis			
3012/2	Liz Greenslade			
3019/2	Rosemary Baragwanath			
3061/101	The Waiheke Island Community Planning Group Inc	1613	Support	Leith Duncan
		1698	Support	Grey Power Waiheke and Gulf Islands Association Inc
		1700	Oppose	Thomas de Vere Hunt
		1707	Support	Susi Newborn
		1710	Support	Paul Gilligan
		1711	Support	Lloyd R Canham
		369	Support	Craig Brown
		2082	Support	S.Brown
		2080	Support	Allen E Davies
		2081	Support	Gulf District Plan Association Inc
		2083	Support	Ian M Burrows
		2084	Support	Marlene Gray
		2085	Support	Lynette Reed
		2086	Support	Debra M Bray
		2087	Support	Chris and Josephine Orange
		2088	Support	Mrs J M Coutts
		2089	Support	Pirihira Kaio
		2090	Support	Tracy M Hampton
		2091	Support	Gordon S Hodson
		2092	Support	Pita Rikys
		2094	Support	Susan Washington
		2095	Support	S and J M.Johannessen
		2096	Support	Roberta C Pereira
		2097	Support	Janet Hunt
		2098	Support	Carla Jehle
		2099	Support	Bevan Kaan and Sabina Chiquet
		2172	Support	Patsy Blackstock
		370	Support	Judith Madarasz and Lynne Gilmore
		2173	Support	Mark W Parisian and Kahmeelah M Herber
		2174	Support	Ping Chuen Lee
		2175	Support	Christopher Wragge
		2176	Support	Charles Stevenson and Ann Stevenson
		2177	Support	Ian Anderson and Vivienne Anderson
		2178	Support	John Smeed

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
		2179	Support	P W Gray
		2180	Support	Phee Phanshell
		2181	Support	Trix Bradley
		2182	Support	Dr.Lorna Dyall
		2183	Support	Basil Holmes
		2184	Support	Ross Gillespie
		2185	Support	Ulrich Rambeck
		2186	Support	Pania Witoko
		2187	Support	Lyndsay L Meager
		2189	Support	Carol Weitzel
		2188	Support	Eileen Boghurst
		2093	Support	Diana Austring
3061/102	The Waiheke Island Community Planning Group Inc	1613	Support	Leith Duncan
		1698	Support	Grey Power Waiheke and Gulf Islands Association Inc
		1700	Oppose	Thomas de Vere Hunt
3169/1	Elizabeth Waters			
3169/2	Elizabeth Waters			
3185/2	Richard Wedekind			
3185/4	Richard Wedekind			
3193/2	Pauline Frances			
3204/2	Roger Bryant			
3204/4	Roger Bryant			
3222/2	Charles and Ann Stevenson			
3222/4	Charles and Ann Stevenson			
3225/2	John Griffiths			
3225/4	John Griffiths			
3238/2	Rhonda Griffiths			
3238/4	Rhonda Griffiths			
3248/2	M Twaddle			
3255/2	Hauraki Gulf Enhancement Society Inc	1629	Oppose	Santa Monica Investments Limited
3255/4	Hauraki Gulf Enhancement Society Inc	1629	Oppose	Santa Monica Investments Limited
3261/1	Ronald J Stevenson and Mary B Stevenson			
3279/2	John Smeed			
3279/4	John Smeed			
3284/2	Diana M Austring			
3284/4	Diana M Austring			
3302/2	Roseline Gilinsky			
3302/4	Roseline Gilinsky			
3309/2	Helen Collins			

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
3309/4	Helen Collins			
3324/2	Colin de Jager			
3324/4	Colin de Jager			
3331/2	Polly Nash			
3331/4	Polly Nash			
3345/2	Esne Young			
3345/4	Esne Young			
3351/2	Julia Mount			
3351/4	Julia Mount			
3358/2	W E and A A Crook			
3358/4	W E and A A Crook			
3361/2	Faye Mount			
3361/4	Faye Mount			
3378/2	Tony King-Turner			
3378/4	Tony King-Turner			
3381/1	Gulf District Plan Association Inc	2850	Oppose	Santa Monica Investments Limited
3381/2	Gulf District Plan Association Inc	2850	Oppose	Santa Monica Investments Limited
3387/2	J.S Clarke			
3398/1	Susan Washington			
3398/2	Susan Washington			
3398/3	Susan Washington			
3514/2	Tui Wendt			
3521/96	Auckland Regional Council	2320	Oppose	Answer Services Holdings Limited
		2322	Oppose	Santa Monica Investments Limited
		2885	Support	The Waiheke Island Community Planning Group Inc
		2321	Oppose	David Hill Estate
3527/1	Tony and Sandra Pope			
3527/2	Tony and Sandra Pope			
3531/2	Hans Steingass and Gabriele Grebhan			
3534/2	Mathias Kroger			
3537/2	Christine M Batten			
3545/2	Martin Zamyatin			
3563/2	Steven Roigard			
3563/4	Steven Roigard			
3575/2	Marta Fisch			
3629/2	Molly L Moore			
3652/2	Hanne Sorensen			
3652/4	Hanne Sorensen			
3729/1	Ross D MacRae			

Submission/ Sub Part	Submitter	Further Sub	Support/ Oppose	Further Submitter Name
3729/2	Ross D MacRae			
3729/3	Ross D MacRae			
3729/4	Ross D MacRae			
3729/5	Ross D MacRae			
3729/7	Ross D MacRae			
3729/6	Ross D MacRae			
3729/8	Ross D MacRae			
3729/9	Ross D MacRae			
3729/10	Ross D MacRae			
3729/11	Ross D MacRae			
3729/12	Ross D MacRae			
3805/1	Ngaio Lewis	2426	Oppose	Santa Monica Investments Limited
		2900	Oppose	New Zealand Winegrowers
3805/2	Ngaio Lewis	2426	Oppose	Santa Monica Investments Limited
		2900	Oppose	New Zealand Winegrowers
3819/2	Denise Roche			
3819/4	Denise Roche			
3835/2	Maynie Thompson			
3853/2	Colin and Christine Beardon			
3854/2	Colin and Christine Beardon			

Appendix 2

Amendments to the Plan

This marked up copy of part 10a.19 shows the amendments resulting from the council's decision on submissions to part 10a.19 (decision report no.20)

Insertions are shown with underlining and deletions with ~~strikethrough~~.

10a.19 Land unit - Rural 1 (~~rural~~landscape amenity)

10a.19.1 Introduction

This land unit is applied to pockets of small scale, rural land located between the village areas of western Waiheke.

RuralLandscape amenity is characterised by:

- Small scale farming and horticulture activities.
- Flat to rolling land.
- A rural landscape with built elements but also the openness, features and patterns created by productive activities.
- The contrast of its rural landscape with the intensity and nature of the surrounding village development.

The area of the land unit adjoining Onetangi Road differs from the other areas of rural amenity land in that it contains activities that may be considered 'non-rural' in their character, such as ~~wineries~~entertainment facilities and tourist complexes. The scale of this area of the land unit is sufficiently large to accept these activities, while still maintaining a rural landscape with an open pattern.

Overall, the land unit has high visual amenity value, largely due to the contrast of its rural landscape with the village style development that occurs throughout western Waiheke.

10a.19.2 Resource management issues

The significant resource management issues that need to be addressed in the Plan are:

1. How to recognise the differences in scale between the 'Onetangi Road' area of the land unit and the 'other areas' of the land unit such as the Kennedy's Point, Palm Beach and Oneroa.
2. How to protect the rural landscape and visual amenity of the land unit from the adverse effects of buildings and activities.
3. How to protect the general amenity of the land unit, particularly in the 'other areas'.
4. How to provide for small scale rural activities, such as pastoral farming and horticulture, to establish and operate within the land unit.
5. How to acknowledge that non-rural activities such as restaurants, ~~wineries~~ and tourist complexes may be appropriate and in fact beneficial in the right locations.
6. How to control the size and nature of non-rural activities so that the rural character and visual amenity of the land unit is maintained.

Note: Refer to [clause 10a.19.4](#) below for an explanation of the 'Onetangi Road' and 'other areas' of the land unit.

10a.19.3 Objective

To provide for rural activities and a limited range of non-rural activities while protecting the rural character and visual amenity of the land unit.

Policies

1. By providing for productive activities, such as pastoral farming and horticulture to establish and operate within the land unit.
2. By limiting the non-productive activities that can occur in the 'other areas' of the land unit to those which avoid adverse effects on the rural character and on the general and visual amenity of the locality.
3. By ensuring that the non-productive activities in the 'Onetangi Road' area will not have adverse effects on the rural character and the general and visual amenity of the land unit when viewed from Onetangi Road and surrounding locations.
4. By ensuring that the scale, form, colour and location of new buildings will not have adverse effects on the visual amenity and rural character of the land unit.
5. By requiring new sites to be of a size and nature that ensures small scale rural activities can occur and which maintains the rural character and visual amenity of the landscape.

10a.19.4 Resource management strategy

As the Onetangi Road area of the land unit is different in scale to the other areas of the land unit, the resource management strategy is to divide the land unit into two parts; 'Onetangi Road' and 'other areas'. The location of the Onetangi Road area is identified on [figure 10a.2](#).

In the 'other areas' the rural character and the general amenity of the land unit is protected by limiting the range of non-productive activities that can occur.

In the 'Onetangi Road' area of the land unit a wider range of non-productive activities are provided for in recognition of the fact that this area of the land unit is of a significantly larger scale than the other areas and can therefore potentially accommodate activities of a more intensive nature and larger scale. Notwithstanding, an assessment of such activities is required to ensure that there are no adverse effects on the rural character, visual amenity and general amenity of the land unit.

An assessment of buildings is required in both the 'Onetangi Road' and 'other areas' of the land unit to ensure that there are no adverse effects on the rural character and the visual amenity of the landscape.

10a.19.5 Rules - activity table

Activity	Status
The construction and relocation of buildings, including buildings used for any of the other activities listed in this table ¹	RD
Alterations and additions to the exterior of existing buildings including buildings used for any of the other activities listed in this table. However this does not apply to minor alterations and additions as defined in part 14 - Definitions ¹	RD
Dwelling (one per site)	P
Entertainment facilities within the Onetangi Road area identified on figure 10a.2	D
Function facilities within the Onetangi Road area identified on figure 10a.2	D
Home occupations	P
Homestay	P
Horticulture	P
Multiple dwellings	P _D

Activity	Status
Pastoral farming	P
Residential accessory buildings	P
Restaurant, cafe and other eating places within the Onetangi Road area identified on figure 10a.2	D
Tourist complex within the Onetangi Road area identified on figure 10a.2	D
Visitor accommodation for more than 10 people	D
Visitor accommodation for up to 10 people	P
Winery within the Onetangi Road area identified on figure 10a.2	D

Legend

P = Permitted

RD= Restricted discretionary

D = Discretionary

Notes:

1. In this land unit, the activities of constructing or relocating buildings, or undertaking exterior alterations and additions to existing buildings, are to be treated as separate from the activity of using buildings for any of the permitted activities listed in the table. Therefore, even when an activity is permitted in this table, a resource consent may still be required for any construction or relocation of, or any exterior alteration or addition to, the building used for the activity. The relationship between buildings and other activities listed in activity tables is explained further in [clause 4.3](#).
2. The activities of earthworks and vegetation clearance are treated as development controls and are therefore not listed in this table.

10a.19.6 Rules - standards and terms for multiple dwellings

An application for multiple dwellings will only be considered as a discretionary activity where one or more of the following criteria are met:

1. The resulting number of dwellings on the site will be no more than that which would occur if the site were subdivided in accordance with the rules in [part 12 - Subdivision](#) applying to this land unit (with one dwelling per site).
2. An application is made at the same time for subdivision resulting in the amalgamation of sites such that the number of dwellings on the new site created would be no greater than that which could be achieved through locating a dwelling on each of the original sites.
3. The dwellings are for papakainga housing.
4. The land has been owned co-operatively by a number of individuals since prior to 29 September 1992.

Proposals which do not meet these standards are a non-complying activity.

10a.19.7 Rules - development controls

The development controls listed below apply to all activities whether or not those activities are otherwise permitted, restricted discretionary, discretionary or non-complying. Infringements to these development controls will be considered as development control modifications as set out in [clause 10c.3](#).

As well as the specific control set out below, there are additional controls set out in [part 10c - Development controls for land units and settlement areas](#) which also apply to this land unit.

10a.19.7.1 Onetangi Road

On all sites with road frontage to Onetangi Road (as identified on [figure 10a.2](#)), all new buildings or exterior additions or alterations to an existing buildings must be located at least 100m from

the road boundary.

Explanation

The purpose of this particular rule is ensure that the openness and rural character of the 'Onetangi Road' area of the land unit is maintained.

[\[Insert updated figure 10a.2 Onetangi Road area\]](#)

10a.19.8 Assessment matters

For applications for resource consent refer to [part 11 - Assessment matters](#) for:

- Matters of discretion and notification requirements applying to the construction and relocation of buildings and to exterior alterations and additions to existing buildings.
- Assessment criteria for discretionary activities.

10a.19.9 Relationship with rules in other parts of the Plan

[Part 14 - Definitions](#) must be referred to as it is likely to contain definitions of terms used in this part of the Plan.

The following parts of the Plan should also be referred to as they may contain rules which apply to a particular site or proposal:

[Part 4 - General rules](#)

[Part 5 - Network utility services](#)

[Part 6 - Financial contributions](#)

[Part 7 - Heritage](#)

[Part 8 - Natural hazards](#)

[Part 9 - Hazardous facilities and contaminated land](#)

[Part 10c - Development controls for land units and settlement areas](#)

[Part 12 - Subdivision](#)

[Part 13 - Connectivity and linkages](#)