

Auckland Unitary Plan

# Practice and Guidance Note

## Residential Activities in terms of

## s95A

1. [Introduction](#)
2. [What is a Residential Activity?](#)
3. [What activities are “associated with” the construction, alteration or use of one or more dwellinghouses?](#)
4. [What is “land that ... is intended to be used solely or principally for residential purposes”?](#)
5. [Conclusion – Notification and residential activities](#)
6. [Attachment One: Analysis of AUP zones for land solely or principally for residential purposes](#)
7. [Attachment Two: Analysis of HGI Plan Zones that are Solely or Principally Residential zones](#)

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# 1 Introduction

## Section 95A of the Resource Management Act 1991 (RMA)

[Section 95A](#) of the RMA provides that public notification is precluded in certain circumstances. These provisions only apply to resource consent applications received on or after 18 October 2018.<sup>1</sup>

## 2 What is a Residential Activity?

Resource consent applications for a “residential activity” with restricted discretionary or discretionary status are precluded from public notification under new section 95A(5)(b)(ii) of the RMA, in certain circumstances (as set out in section 95A).

A **residential activity** is defined in new section 95A(6) as *“an activity that requires resource consent under a regional or district plan and that is associated with the construction, alteration, or use of 1 or more dwellinghouses on land that, under a district plan, is intended to be used solely or principally for residential purposes.”*

A **dwellinghouse** is defined in [section 2](#) of the RMA and *“means any building, whether permanent or temporary, that is occupied, in whole or part, as a residence; and includes any structure or outdoor living area that is accessory to, and used wholly or principally for the purposes of, the residence; but does not include the land upon which the residence is sited”*.

### 2.1 Steps to follow

Before determining if a resource consent application is precluded from public notification on the basis that it is for a “residential activity”, the following questions first need to be assessed, in accordance with [section 95A\(3\)](#):

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<sup>1</sup> Section 95A, as currently drafted, came into effect on 18 October 2018. Section 95A was amended by s 137 of the Resource Legislation Amendment Act 2017 (Amendment Act). As set out in cl 12 of Schedule 12 of the RMA, an amendment made by the Amendment Act does not apply in respect of an application for resource consent lodged with a local authority before the commencement of the amendment

*Step 1: mandatory public notification in certain circumstances*

- Question 1:** Has the applicant requested that the application be publicly notified?
- Question 2:** Is public notification required under [section 95C](#)?
- Question 3:** Is the application made jointly with an application to exchange recreation reserve land under [section 15AA](#) of the Reserves Act 1977?

If the answer to any of these questions is "yes", then publicly notify the application.

*Step 2: if not required by step 1, public notification precluded in certain circumstances.*

The following questions need to be asked in accordance with [section 95A\(5\)](#):

- Question 1:** Is there an activity (or activities) requiring consent that is associated with the construction, alteration, or use of one or more dwellinghouses?
- Question 2:** Is the dwellinghouse (or dwellinghouses) on land that, under a district plan, is intended to be used solely or principally for residential purposes?
- Question 3:** Does the activity (or do the activities) requiring consent have restricted discretionary or discretionary activity status?

If the answer to all questions is "yes", the application is precluded from public notification and the consent authority should proceed to step 4 to determine whether the application should be publicly notified on the basis of special circumstances, and if not, the consent authority should consider whether limited notification is required under [section 95B](#) (see section 95A(9)(b)).

If the answer to any or all of these questions is "no", then full public notification is not precluded for any aspect of the resource consent application on the basis that it is a residential activity, and the consent authority should proceed to step 3 at [section 95A\(8\)](#) of the RMA.

*Step 3: if not precluded by step 2, public notification required in certain circumstances:*

The criteria for step 3 are as follows:

- the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:
- the consent authority decides, in accordance with [section 95D](#), that the activity will have or is likely to have adverse effects on the environment that are more than minor.

*Step 4: public notification in special circumstances*

In accordance with [s95A\(9\)](#) the consent authority should determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and, if the answer is yes, publicly notify the application; and if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under [section 95B](#).

[Technical guidance](#) provided by the Ministry for the Environment (MfE) includes guidance on:

- what does “associated with the construction, alteration or use of one or more dwellinghouses” mean?
- what is “land that... is intended to be used solely or principally for residential purposes”?

The guidance is available at the following website link:

<http://www.mfe.govt.nz/publications/rma/technical-guide-resource-consent-notification>.

What this means, and in particular in relation to the [Auckland Unitary Plan \(Operative in Part\) \(AUP \(OP\)\)](#), is discussed below. If you are unsure, discuss this with the relevant area team leader. Legal input may also be required.

### 3 What activities are “associated with” the construction, alteration or use of one or more dwellinghouses?

In every case, council will need to consider the application and determine whether the application is for activities that are “associated with” the construction, alteration or use of one or more dwellinghouses. The following activities are likely to be considered “associated with” the construction, alteration and use of one or more dwellinghouses:

- Additions, alterations, demolition<sup>2</sup>, removal, construction of a new or existing building occupied in whole or in part and used for a residence, including buildings accessory to the dwellinghouse<sup>3</sup>. This includes occupied buildings which are used in conjunction with a residence, such as a sleepout. It also includes unoccupied buildings accessory to a dwellinghouse (such as a garage or garden shed) that is used wholly or principally for the purposes of a residence.
- Land modifications required to enable construction, alteration or use of a dwellinghouse (e.g., vegetation clearance or earthworks to create building platforms, yards or driveways). This will include works for services, accessways and an outdoor living area.
- Any activities required to undertake the construction or alteration of a dwellinghouse (including drilling/laying foundations, building, plumbing, electricity etc).
- Infrastructure connections required to service the dwellinghouse for use, such as three waters, electricity or telecommunications, accessways etc. This includes the vehicle crossing in the road reserve and any other associated works such as the removal of street trees that are required to be removed to form the vehicle crossing.

The following activities will need to be considered on a case by case basis to determine whether they are residential activities:

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<sup>2</sup> The RMA provides a definition of use – Use, (a) in sections 9, 10, 10A, 10B, 81(2), 176(1)(b)(i) and 193(1), means – (a) alter, **demolish**, erect, extend, place, reconstruct, remove, or use a structure or part of a structure in, on, under, or over land.

<sup>3</sup> If any of these buildings are in a Special Character or Heritage Overlay, the application can still be for a residential activity as defined in section 95A(6). Note however if the activity is a non-complying activity in the AUP, then the s95A public notification exclusion does not apply. The application can only be exempt from public notification, if it is for a residential activity as defined in section 95A(6), which must be read together with section 95A(5)(b)(ii), which requires the application to have restricted discretionary or discretionary activity status.

- Earthworks and clearance works indirectly associated with the dwellinghouse and associated activities. Earthworks and clearance works for a building platform and outdoor area would be associated with the construction of a dwellinghouse. However, where an applicant seeks to clear vegetation on the whole site to landscape it or to create a large recreation area, council will need to consider whether this is “associated with” the construction, alteration or use of one or more dwellinghouses, or whether the application goes beyond this.
- The removal of scheduled trees that are being a nuisance (e.g. shading, leaf litter) to a dwellinghouse. This will require a careful case by case assessment, and the applicant will need to provide information in their Assessment of Environmental Effects (AEE) that satisfies the planner that the removal (or pruning, as the case may be) is “associated with” the construction, alteration or use of the dwellinghouse.
- The construction of accessory buildings that are to be used for non-residence type purposes e.g. commercial activity such as a home occupation. If the accessory building is to be wholly or principally used for just the commercial activity (even if a home occupation) this building is unlikely to be a residential activity (for the purposes of notification).

## 4 What is “land that ... is intended to be used solely or principally for residential purposes”?

The [notification technical guidance](#) from MfE states, on page 18:

*Consent authorities need to determine if the activity proposed is “on land that, under a district plan, is intended to be used solely or principally for residential purposes”.*

*To inform this determination, consent authorities should review the relevant provisions of the operative district plan. Depending on how the district plan is written, relevant provisions might include any of the following:*

- *the ‘underlying zoning’ of the site*
- *the objectives and policies of the plan applying to that zone*
- *any ‘policy overlays’ applying to that land, and the applicable objectives and policies*
- *any heritage orders or designations applying to that land.*

*In many cases, the provisions of the district plan will make it clear the sole or principal intended use for the land is for residential purposes.*

In all cases, the planning context for a site (including the zone, overlays, precincts, heritage orders and designations) must be assessed before making a judgement on whether the land is principally or solely for residential purposes.

## 4.1 Zones

The following 6 zones have been identified as land under the AUP(OP) that is intended to be used solely or principally for residential purposes:

- Residential – Large Lot zone
- Residential – Rural and Coastal Settlement zone
- Residential – Single House zone
- Residential – Mixed Housing Suburban zone
- Residential – Mixed Housing Urban zone
- Residential – Terrace Housing and Apartment Buildings zone

The following Hauraki Gulf Islands zones, or nominated areas, have been identified as land that is intended to be used solely or principally for residential purposes.

- Waiheke and Rakino Islands Residential 1 (traditional residential)
- Waiheke Island Residential 2 (bush residential)
- Pakatoa Island- Residential areas B1 and B2
- Great Barrier Island, Tryphena settlement area – residential amenity area
- Great Barrier Island, Medlands settlement area– residential amenity area
- Great Barrier Island, Claris settlement area– residential amenity area
- Great Barrier Island, Okupu settlement area– residential amenity area
- Great Barrier Island, Whangaparapara settlement area – residential amenity area
- Great Barrier Island, Awana settlement area– residential amenity area
- Great Barrier Island, Okiwi settlement area– residential amenity area
- Great Barrier Island, Port Fitzroy settlement area– residential amenity area

An analysis of these zones/areas is contained in [Attachment One \(AUP \(OP\)\)](#) and [Two \(Hauraki Gulf Islands\)](#) to this practice and guidance note.

No other zoned land, including the AUP(OP) Rural Countryside Living zone, has been identified as land intended to be used solely or principally for residential purposes.

Note that there are multiple small rural lots in the Auckland region (e.g. 2,000 m<sup>2</sup> or smaller) that are arguably not suitable for both rural production and a residential

activity as they are not big enough to enable both. However, the zoning of these sites means that these sites are not land, under the district plan, that is intended to be used solely or principally for residential use. For these sites, while the land does not have a residential zoning, an applicant may suggest that the land is intended to be used primarily for residential purposes. In these situations, a case by case assessment will be required.

## 4.2 AUP (OP) Precincts

There may be situations where land with a non-residential zone is also covered by a precinct with provisions that create a primary/sole residential purpose for the land, or part of the land. This could change the zone's primary/sole residential purpose as Rule C1.6(4) in the Auckland Unitary Plan states that:

*Where an activity is subject to a precinct rule and the activity status of that activity in the precinct is different to the activity status in the zone or in the Auckland-wide rules, then the activity status in the precinct takes precedence over the activity status in the zone or Auckland-wide rules, whether that activity status is more or less restrictive.*

The converse of this is also possible - there may be precinct provisions that change the intended primary/sole residential purpose of a site, that has a residential zoning, to some other purpose. In these cases, the planner will need to consider whether the precinct has the effect of changing the site of the dwellinghouse from being land that is intended to be used solely or principally for residential purposes.

An analysis of AUP precincts to see if there are any that create or remove a residential primary/sole purpose has not been done. Hence a case by case assessment of precinct provisions that relate to the subject site will be required in each case.

## 4.3 AUP (OP) Overlays

It is the underlying zone (and/or the precinct), not the overlay that determines land use. This is because it is the zone (or precinct) which manages the way in which areas of land are to be used. Overlays manage the protection, maintenance or enhancement of particular values associated with an area or resource. Overlays can also manage specific planning issues such as addressing reverse sensitivity effects between different land uses. The presence of overlays is not relevant in determining whether a dwellinghouse is on land that, under a district plan, is intended to be used solely or principally for residential purposes.



Consideration will need to be given to whether the presence of an overlay results in special circumstances under s95A(9)(a). The presence of an overlay in itself does not lead to special circumstances. If the proposal that affects the feature in the overlay is publicly controversial, that may be a case for special circumstances. A summary of case law where special circumstances have or have not been found is available on page 8 of the MfE's technical guidance and is available [here](#).

#### 4.4 Other Exceptions to the Residential Zones/areas identified above

There may also be situations where a residential purpose is not the sole or principal use of that land. Examples of this may be:

- Where there is a designation on that land (such as education) and that land has already been developed into an educational use.
- Whether there is a heritage order on that land which prevents it from being used for residential purposes. Note there are no heritage orders in the AUP at present.

## 5 Conclusion – Notification and residential activities

If public notification is not mandatory, and the application is for a 'residential activity' as defined in section 95A(6) and section 95A(5)(b)(ii) applies then public notification of the application may be precluded.

Circumstances may exist in relation to the application that warrant the application being publicly notified. If mandatory public notification is required in accordance with section 95A(1) and (2), or special circumstances exist (section 95A(9)(a)), then the application must be publicly notified.

If there are no special circumstances, a determination must be made as to whether to give limited notification of the application under section 95B of the RMA (section 95A(9)(b)).

**Note:** If notification is precluded on the basis that the application is for a residential activity (and/or there are no special circumstances, and no basis for limited notification), this does not necessarily mean that consent will be granted to the application. The application must still be the subject of a full section 104 assessment.

## 6 Attachment One: Analysis of AUP(OP) zones for land solely or principally for residential purposes

Zone	Specific intention of zone and objectives that support	Solely or principally a residential zone?
Rural production zone	<p>Description and policy framework focused on the use and development of land for rural production activities while maintaining rural character and amenity.</p> <p>Obj.2: The productive capability of the land is maintained and protected from inappropriate subdivision, use and development.</p>	No
Mixed rural zone	<p>Description and policy framework is similarly focused on production activities but on a smaller scale.</p> <p>Obj.1: The existing subdivision pattern is used by a range of rural production activities and non-residential activities that support them.</p> <p>Obj.2: The continuation of rural production and associated non-residential activities in the zone is not adversely affected by inappropriate rural lifestyle activity.</p>	No
Rural coastal zone (and the 7 'sub' zones)	<p>Description and policy framework are about amenity and landscape values, protection of landforms, biodiversity and coastal amenity but also enabling rural production (while managing adverse effects on rural character). Majority is also subject to landscape overlays.</p> <p>Development is directed to rural &amp; coastal settlement (residential) zone.</p> <p>Obj.4: Rural lifestyle subdivision is limited across the zone</p> <p>(Specific rural coastal area 'sub-zones' have specific objectives and policies but none are intended as solely or principally residential zones).</p>	No

Zone	Specific intention of zone and objectives that support	Solely or principally a residential zone?
Rural conservation zone	<p>Overall policy framework recognises residential and recreational uses being among the 'range of purposes' of the zone (it is not a 'rural production' zone) but residential is not considered to be the sole or principle use, as it adopts a conservative approach to new subdivision, use and development to ensure ongoing protection of the natural values of the zone.</p> <p>Most of the zone is also covered by landscape overlays and protection focus on ecological values and not used for production purposes.</p> <p>Does provide for existing and new residential and rural activities where adverse effects are avoided or mitigated.</p> <p>Obj. 3: Existing rural and residential activities are provided for but further development in the zone is limited to that which maintains and where appropriate enhances the values of the zone.</p>	No
Countryside Living zone	<p>While providing for a range of 'rural lifestyle' living, the zone provides a balance between residential and rural activities and therefore the zone is not solely or principally for residential use. The policy framework recognises the low density residential development on rural land being frequently geographically closer to urban areas or rural and coastal towns.</p> <p>Obj.1: Land is used for rural lifestyle living <u>as well as</u> small-scale rural production.</p> <p>Pols focused on appropriate form and function within topography but not on rural production.</p>	No
Waitakere Foothills zone	<p>Need to refer to the obs and pols of the WRHA Overlay as well (D.12.2). Also note that the integration of the WRHA rural zones is subject to further investigation as part of the Enhancements Plan Change (at present they are not integrated). Zone provides a 'rural buffer' between urban and core Ranges and provides for development which supports the CSLZ (in addition to overlay).</p> <p>Rural and residential activities are closely linked to the history of the area. Probably also need to refer to the particular provisions for residential activities which are linked to the Obj.2 of the WRHA overlay:</p> <p>A range of activities are enabled in order for people to <u>work, live and recreate</u> within the heritage area.</p>	No

Zone	Specific intention of zone and objectives that support	Solely or principally a residential zone?
Waitakere Ranges zone	As per above – refer also to the objective to retain LOW DENSITY settlement and few urban-scale activities. Overall the policy basis of the WRHA focuses on the limitation of subdivision and development within the heritage area to protect its heritage features. Much of the Ranges zone was formerly Rural Conservation zone under Propose Auckland Unitary Plan.	No
Residential – Large Lot zone	Primarily large lot residential development on the periphery of urban areas.	Yes
Residential – Rural and Coastal Settlement zone	Primarily residential development that maintains the rural and coastal character of the zone.	Yes
Residential – Single House zone	Primarily residential development in keeping with the established neighbourhood character.	Yes
Residential – Mixed Housing Suburban zone	Primarily residential development of generally two storey detached and attached housing in a variety of types and sizes.	Yes
Residential – Mixed Housing Urban zone	Primarily residential development of typically three storey detached dwellings, terrace housing and low-rise apartments.	Yes
Residential – Terrace Housing and Apartment Building zone	Primarily urban residential living in the form of terrace housing and apartments.	Yes
Business – City Centre zone, Metropolitan Centre zone, Town Centre zone, Local Centre zone, Neighbourhood Centre zone	Description and policy framework for the centre zones are focused on providing for a range of activities therefore residential is not considered to be the sole or principle use. Obj 1. For all centre zones A strong network of centres that are attractive environments and attract ongoing investment, promote commercial activity, and provide employment, housing and goods and services, all at a variety of scales.	No

Business – Mixed Use zone	Description and policy framework for the Mixed Use zone indicates that the zone provides for residential activity as well as predominantly smaller scale commercial activity that does not cumulatively affect the function, role and amenity of centres. The zone does not specifically require a mix of uses on individual sites or within areas. Overall residential activity within the zone is not considered to be the sole or principle use. Obj 8. A mix of compatible residential and non-residential activities is encouraged.	No
Business – General Business zone	Description and policy framework for the General Business zone indicates that the Zone provides for business activities from light industrial to limited office, large format retail and trade suppliers. Therefore business activity is the principle use within this zone.	No
Business – Business Park zone	Description and policy framework for the Business Park zone indicate that the zone is designed to recognise existing business parks. Therefore business activity is the principal use within this zone.	No
Future Urban zone	Description and policy framework for the Future Urban zone indicate that the land within the zone may be used for a range of general rural activities but cannot be used for urban activities until the site is rezoned for urban purposes. Therefore residential is not considered to be the sole or principle use.	No
Special Purpose – Maori Purpose zone	Description and policy framework for the Maori Purpose zone is to provide for the social and cultural needs of Mana Whenua and mataawaka and to promote the establishment of marae and papakāinga with supporting economic development to ensure thriving and self-sustaining Māori communities. A range of uses is anticipated and therefore the outcome intended for the zone is not solely or principally residential.	No

## 7 Attachment Two: Analysis of HGI Plan Zones that are Solely or Principally Residential zones

Zone	Specific intention of zone and objectives that support	Solely or principally a residential zone?
Inner islands	Waiheke, Rakino, Pakatoa, Ponui	
Landform 1 (coastal cliffs)	Description and policy framework focussed on protection of natural character and visual prominence of the coastal cliffs from the adverse effects of activities and buildings. Objective 1: To protect the natural character and visual prominence of the coastal cliffs from the adverse effects of activities and buildings. *Residential activity is not provided for in Activity Table (i.e. non-complying activity).	No
Landform 2 (dune systems and sand flats)	Description and policy framework focussed on protection of natural character ecological and visual amenity value of the dune systems and sand flats from the adverse effects of activities and buildings. Obj 1: To protect the ecological, heritage, natural character, landscape, and visual amenity values of the dune systems and sand flats from the adverse effects of activities and buildings. *Residential activity is not provided for in Activity Table (i.e. non-complying activity).	No
Landform 3 (alluvial flats)	Description and policy framework focused on the use and development of land for rural production activities while maintaining rural character of the landscape and amenity. Obj.1: By providing for primary production activities, such as pastoral farming and horticulture, to establish and operate in the land unit.	No
Landform 4 (wetland systems)	Description and policy framework focussed on protection of the natural character, ecological and hydrological value of wetland systems from the adverse effects of activities and buildings. Obj 1: To protect the natural character and the ecological and hydrological values and functional integrity of wetland systems from the adverse effects of activities and buildings. *Residential activity is not provided for in Activity Table (i.e. non-complying activity).	No
Landform 5 (productive land)	Description and policy framework focused on the use and development of land for large scale rural production activities and maintaining the expansive landscape pattern with its open pattern and rural character.  Obj.1: By providing for productive activities, such as pastoral farming, viticulture and horticulture, to establish and operate in the land unit.	No

Zone	Specific intention of zone and objectives that support	Solely or principally a residential zone?
Landform 6 (regenerating slopes)	<p>This land unit is applied to extensive areas of regenerating bush. The description and policy framework focussed on protection of natural character, ecological and visual amenity value of the regenerating slopes from the adverse effects of activities and buildings. Buildings if there are any are small, scattered, and unobtrusive. The resource management strategy is to limit activities to those of a low intensity and to require buildings to be assessed to ensure no adverse effects on the natural character, ecological and visual amenity value of the land unit.</p> <p>Obj 1: to protect the ecological, natural character, landscape, and visual amenity values of the regenerating slopes from the adverse effects of activities and buildings.</p>	No
Landform 7 (forest and bush areas)	<p>This land unit applies to forest and bush areas characterised by high conservation and ecological values and high natural character and visual amenity values. There is an absence of built structures. The description and policy framework focussed on protection the natural character and the conservation, ecological and visual amenity value of the forest and bush areas from adverse effects of activities and buildings.</p> <p>Obj 1: to protect the ecological, natural character, landscape, conservation and visual amenity values of forest and bush areas from the adverse effects of activities and buildings.</p>	No
Island residential 1 (traditional residential)	<p>This zone contains the most intensive form of residential development within the islands. The zone provides for low intensity residential development (compared with mainland residential Auckland) containing standalone dwellings, with some isolated areas of higher intensity residential development. The character and amenity of the zone is closely linked to its highly modified, open and spacious landscape (in most of the land unit a large proportion of each site is covered in grass).</p> <p>Obj 1: To provide for residential development at a scale and intensity which maintains the relatively spacious character, increases the indigenous vegetation cover and allows for effective stormwater and wastewater disposal within the land unit.</p>	Yes
Island residential 2 (bush residential)	<p>The land unit is a residential area with a character strongly influenced by indigenous vegetation. The description and policy framework provide for residential development at an intensity, scale, and appearance which does not detract from the dominant indigenous bush clad character of the land unit.</p> <p>Obj 1: To provide for residential development and limit non-residential activities to a scale, location, intensity and appearance which is complementary to the bush clad character of the natural environment.</p>	Yes
Commercial 1 (Oneroa Village)	<p>This land unit applies to the retail and commercial area of Oneroa village on Waiheke island. Residential activity is provided for, but not at ground floor level. This to enable an activated vibrant and continuous commercial environment</p> <p>The description and policy framework for the Commercial 1 zone indicates that the business activity is the principle focus of the zone.</p>	No

Zone	Specific intention of zone and objectives that support	Solely or principally a residential zone?
Commercial 2 (Ostend village)	Ostend village is a commercial centre centrally located on Waiheke island. Ostend village is a significant activity centre which provides a range of commercial, residential and community functions. Description and policy framework for the Commercial 2 zone provides for mixed use however while residential activity is a component, it is not the principle focus or use of the zone.	No
Commercial 3 (local shops)	<p>The land unit provides for small scale retail activity outside the main retail centres of Oneroa and Ostend - applies to small scale neighbourhood shops on Waiheke island (Surfdale, Onetangi, Rocky Bay, palm Beach, Little Oneroa and Ostend.</p> <p>The description and framework of the zone focus on enabling small scale retail activity and a limited range of non-retail activities. Residential activity is provided for, but it is not the principle focus or use of the zone.</p>	No
Commercial 4 (visitor facilities)	The purpose of the land unit is to provide for larger scale visitor facilities within specific locations on Waiheke. To protect the purpose, dwellings are a non-complying activity.	No
Commercial 5 (industrial)	The land unit applies to existing areas of industrial activity and provides for low to medium intensity industrial activity. Residential activity is not provided for in the zone (defaults to non-complying).	No
Commercial 6 (quarry)	The land unit applies to existing quarries on Waiheke, Great Barrier and Karamuramu island. Residential activity is not provided for (defaults to non-complying).	No
Commercial 7 (wharf)	The land unit applies to paved areas of land behind wharf structures at Orapiu and Kennedy's Point on Waiheke, at Sandy Bay on Rakino and to the wharves at Tryphena, Whangaparapara and Port Fitzroy on Aotea Great Barrier. Residential activity is not provided for (defaults to non-complying).	No
Matiatia (gateway)	<p>The land unit is intended to provide for mixed use development of the 'gateway' to Waiheke island.</p> <p>The resource management strategy is to divide the land unit into three different areas:</p> <ul style="list-style-type: none"> <li>• Transport area</li> <li>• Mixed use area</li> <li>• Wetland area</li> </ul> <p>Residential activity is provided for in the mixed-use area along with a range of retail, offices, restaurants, cafes, visitor accommodation and function facilities. As such it is not the sole or principal use of the mixed-use area. There is no provision for residential activity in the transport area or the wetland area.</p> <p>Overall, Residential activity is one of a number of uses and is not considered to be the principle focus or use of the Matiatia (gateway) land unit.</p>	No



Zone	Specific intention of zone and objectives that support	Solely or principally a residential zone?
Rural 1 (landscape amenity)	<p>The land unit is predominantly rural - small scale farming and horticulture but provides for some activities that are 'non-rural' in character such as entertainment facilities and tourist complexes. These activities require resource consents as Discretionary activities. The scale of the land unit is sufficiently large to accept these activities while maintaining a rural landscape with an open pattern.</p>	No
Rural 2 (Western landscape)	<p>The land unit applies to three distinct coastal areas on Waiheke: land at Owhanake, Church Bay and Park point; land at Te Whau peninsula; land at Thompsons Point</p> <p>The land unit provides for a rural-residential style of living in landscape characterised by high natural character, visual amenity and coastal landscape values.</p> <p>The land unit is not a 'rural production' zone but residential use is not the sole or principle use, as it adopts a conservative approach to new subdivision, use and development to ensure ongoing rural activity (albeit small scale) and protection of the natural character and landscape values of the zone.</p> <p>The land unit does provide for existing and new residential and rural activities where adverse effects are avoided or mitigated.</p>	No
Rural 3 (Rakino amenity)	<p>The land unit has a unique coastal character with high amenity values. The description and framework provide for residential lifestyle activity on larger blocks of land 'in a manner which protects the character and coastal amenity of the island'.</p> <p>The resource management strategy for the land unit is to provide for predominantly residential uses and to manage the environmental and visual impacts of such activities.</p> <p>Notwithstanding, the zone is identified in its title as being a rural zone and activities provided for also include pastoral farming and horticulture, as well as dwellings (one per site).</p> <p>Residential activity is provided for but is not the sole or principal use of the land unit.</p>	No
<b>Pakatoa Island</b>		
Pakatoa	<p>The Pakatoa land unit has three sub-areas</p> <ul style="list-style-type: none"> <li>• Residential areas B1 and B2</li> <li>• Tourist complex area</li> <li>• Landscape protection area</li> </ul> <p>The description and policy framework provide for a mix of uses, however land use and development is required to recognise limits to the physical and visual carrying capacity for a small island and the sensitive nature of the coastal environment. – including the visual impacts of buildings and other structures as viewed from the sea and other islands in proximity to Pakatoa.</p> <p>Limited residential activity is provided with further opportunity subject to master planning.</p>	Yes –In the Residential B1 and B2 areas within the zone.

Zone	Specific intention of zone and objectives that support	Solely or principally a residential zone?
Rotoroa Island		
Rotoroa	<p>Historically used as a rehabilitation centre. Now that the rehabilitation centre has closed, it is intended that the island will be redeveloped primarily for conservation purposes but also for residential (as an 'adjunct' to the conservation role) and visitor activities.</p> <p>Obj. 1: To facilitate and manage the development of residential, conservation and visitor activities while ensuring that the landscape character and natural features of the island are protected and enhanced where appropriate.</p> <p>Residential activity is provided for, but it is not the principle focus or use of the zone. The zone has a strong conservation purpose as well within the residential/conservation area.</p>	No
Aotea Great Barrier	<p>Each area has a settlement plan which further divides each settlement into sub-areas. The settlement areas have historically been areas of settlement on Aotea Great Barrier. The sub areas include residential, local retailing, schools, protection areas (landscape, conservation etc)</p>	
Tryphena settlement area	<p>The Tryphena settlement area consists of the following sub-areas:</p> <ul style="list-style-type: none"> <li>• Tryphena residential amenity area</li> <li>• Tryphena local retailing area</li> <li>• Mulberry Grove School</li> <li>• Tryphena headland protection area</li> </ul> <p>Overall, residential activity is one of a number of uses in the zone and is not considered to be the principle focus or use of the settlement area except within the residential amenity area.</p>	Yes – in the residential amenity area.
Medlands settlement area	<p>The Medlands settlement area consists of the following sub-areas:</p> <ul style="list-style-type: none"> <li>• Residential amenity area</li> <li>• Dune and wetland conservation area</li> </ul> <p>Overall, residential activity is one of a number of uses in the zone and is not considered to be the principle focus or use of the settlement area except within the residential amenity area.</p>	Yes – in the residential amenity area.
Claris settlement area	<p>The Claris settlement area consists of the following sub-areas:</p> <ul style="list-style-type: none"> <li>• Local retailing area</li> <li>• Residential amenity area</li> <li>• Airport area</li> <li>• Dune and wetland conservation area</li> <li>• Light industry area</li> </ul> <p>Overall, residential activity is one of a number of uses in the zone and is not considered to be the principle focus or use of the settlement area except within the residential amenity area.</p>	Yes – in the residential amenity area.

Zone	Specific intention of zone and objectives that support	Solely or principally a residential zone?
Okupu settlement area	<p>The Okupu settlement area consists almost entirely of a residential amenity area.</p> <p>The settlement area is located on bush covered slopes, residential development is dominated by the scale and prominence of the regenerating vegetation in terms of both landcover and landscape character.</p> <p>Obj: To enable development of land within the Okupu settlement area <u>which does not compromise its bush clad character, ecological and landscape values.</u></p> <p>Residential activity is not the sole use however it is still the principle within this residential amenity area with new subdivision, use and development to ensure ongoing protection of the natural and landscape values of the land unit.</p>	Yes – in the residential amenity area.
Whangaparapara settlement area	<p>The Whangaparapara settlement area consists almost entirely of a residential amenity area. The Whangaparapara settlement area is characterised by residential development that is integrated amongst the regenerating indigenous vegetation on the slopes above the bay. The settlement area provides for small scale residential living within an area of high natural character and landscape value.</p> <p>The description and policy framework adopt a conservative approach to new subdivision, use and development to ensure ongoing protection of the natural and landscape values of the land unit and the wider area.</p> <p>Obj: To maintain the high value natural character of the wider Whangaparapara area</p> <p>Residential activity is not the sole use however it is still the principle within this residential amenity area with new subdivision, use and development to ensure ongoing protection of the natural and landscape values of the land unit.</p>	Yes – in the residential amenity area.
Awana settlement area	<p>The settlement area is mostly a residential amenity area. The description and policy framework are designed to ensure dwellings are well integrated amongst the regenerating indigenous vegetation on the slopes of the bay and integrates with the sensitive landscape qualities of the Awana beachfront area.</p> <p>The description and policy framework adopt a conservative approach to new subdivision, use and development to ensure ongoing protection of the natural and landscape values of the land unit.</p> <p>Obj: To maintain and enhance the low impact character of the Awana residential amenity area, and ensure that new development integrates with the sensitive landscape qualities of the Awana beachfront area</p> <p>Residential activity is not the sole use however it is still the principle within this residential amenity area with new subdivision, use and development to ensure ongoing protection of the natural and landscape values of the land unit.</p>	Yes – in the residential amenity area.

Zone	Specific intention of zone and objectives that support	Solely or principally a residential zone?
Okiwi settlement area	<p>The settlement area is characterised by a traditional residential settlement pattern concentrated into a small settlement on the lower slopes of the surrounding Whangapoua basin.</p> <p>The description and policy framework for the Okiwi settlement area identifies a multipurpose focus. The Okiwi settlement area consists of three sub areas:</p> <ul style="list-style-type: none"> <li>• Residential amenity area</li> <li>• Okiwi School</li> <li>• Local retailing area</li> </ul> <p>As with other residential amenity areas, the description and policy framework adopt a conservative approach to new subdivision, use and development to ensure ongoing protection of the natural and landscape values of the land unit.</p> <p>Obj: To provide for residential development in the north of the island, and to support small scale commercial and education activities, while protecting ecologically significant sites and the natural character of the area.</p> <p>Overall, residential activity is one of a number of uses in the zone and is not considered to be the principle focus or use of the settlement area except within the residential amenity area.</p>	Yes – in the residential amenity area.
Port Fitzroy settlement area	<p>The settlement area includes wharf facilities, a residential area and local retailing area in an area of high natural character and landscape value. There are two sub-areas:</p> <ul style="list-style-type: none"> <li>• Residential amenity area</li> <li>• Local retailing area</li> </ul> <p>Objective for the Port Fitzroy settlement area: To maintain existing development patterns and protect the bush covered character of the Port Fitzroy settlement</p> <p>Objective – Port Fitzroy residential amenity area: To protect and enhance the low impact bush covered character of the residential amenity area.</p> <p>As with other residential amenity areas, the description and policy framework adopt a conservative approach to new subdivision, use and development to ensure ongoing protection of the natural and landscape values of the land unit.</p> <p>Overall, residential activity is one of a number of uses in the zone and is not considered to be the principle focus or use of the settlement area except within the residential amenity area.</p>	Yes – in the residential amenity area.