

Decision following the hearing of a Plan Modification to the Auckland Unitary Plan under the Resource Management Act 1991



This decision is made pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991.

This Council-initiated Proposed Plan Change 14 – Improving consistency of provisions in Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions, Appendix 2, Appendix 17 and the Viewer of the Auckland Unitary Plan (Operative in part) is approved, other than as set out below.

Plan modification number:	Plan Change 14 (PC14)
Type of Plan Change:	Council initiated
Hearing dates:	Thursday 20 June, 9.30am Friday 21 June, 9.30am Monday 24 June, 1.00pm, for the purpose of receiving the reporting team's response
Hearing panel:	Rebecca Macky (Chairperson) David Hill Karyn Sinclair Russell Karu
Appearances:	<p><u>For the Submitters:</u></p> <p>Woolworths NZ Limited – letter tabled Scentre (NZ) Limited – letter tabled NZ Defence Force – letter tabled Z Energy Limited, BP Oil NZ Limited, Mobile Oil NZ Limited (the Oil Companies) – letter tabled Kiwi Rail – letter tabled Ports of Auckland Limited (POAL) – letter tabled Sentinel Planning Limited – letter tabled North Eastern Investments Limited (NEIL) and Heritage Land Ltd – letter tabled Federated Farmers of NZ</p> <ul style="list-style-type: none"> • Alan Cole, President, Auckland Federated Farmers • Richard Gardner, Senior Policy Advisor and in-house Counsel <p>Transpower NZ</p> <ul style="list-style-type: none"> • Rebecca Eng, Senior Environmental Planner <p>Tupuna Maunga o Tamaki Makarau Authority (TMA)</p> <ul style="list-style-type: none"> • Tania Richmond, planning consultant • Dominic Wilson, Head of Co-governance <p>Housing NZ Corporation</p> <ul style="list-style-type: none"> • Alex Divine, legal counsel

	<ul style="list-style-type: none"> • Matt Lindenberg, planning <p>Moir Hill Forestry Limited</p> <ul style="list-style-type: none"> • EJ Sheppard, legal counsel • Burnette O'Connor, planning consultant <p>Outdoor Media Association of NZ Inc</p> <ul style="list-style-type: none"> • Simon Berry legal counsel • Anthony Blomfield, planner and resource management consultant <p>oO!Media Street Furniture NZ Limited</p> <ul style="list-style-type: none"> • Anthony Blomfield, planner and resource management consultant <p>Spark, Vodafone, Vector and Chorus</p> <ul style="list-style-type: none"> • Daniel Minhinnick, legal counsel <p>Spark, Vodafone and Chorus</p> <ul style="list-style-type: none"> • Graeme McCarrison et.al, planning / resource management managers at the respective companies <p>Vector</p> <ul style="list-style-type: none"> • David Hay, resource management and planning consultant <p>Chorus, Vodafone and Spark</p> <ul style="list-style-type: none"> • Chris Horne, resource management consultant <p><u>For Council:</u> Marilyn Ford, Reporting Planner PC14 Todd Elder, Planner Emma Rush, Senior Advisor Special Projects Jeremy Wyatt, Principal Project Lead (formerly Principal Planner) Sanjay Bangs, Planner Katherine Dorofaeff, Principal Planner, Auckland Transport Chris Beasley, Design Strategy and Standards Lead, Auckland Transport Jon Styles, environmental acoustics and vibration consultant, Styles Group (available and on call but not required) Tanisha Hazelwood, Hearings Advisor</p>
Hearing adjourned	24 June 2019
Hearing Closed:	1 July 2019

Amendments to the Auckland Unitary Plan provisions are attached as Appendix 1

INTRODUCTION

1. This decision is made on behalf of the Auckland Council (**the Council**) by Independent Hearing Commissioners Rebecca Macky (Chair), David Hill, Karyn Sinclair and Russell Karu appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (**the RMA or the Act**).
2. The Hearing Commissioners have been delegated full responsibility by Auckland Council's Regulatory Committee to consider all submissions and evidence and to determine the Council's decisions on submissions on Plan Change 14 (PC14) to the Auckland Unitary Plan – operative in part (AUP). The Hearing Commissioners will not be making a recommendation to the Council, but will be making a decision directly.
3. This Council-initiated plan change was publicly notified on 29 November 2018 and at the time submissions closed on 31 January 2019, 20 submissions had been received, with 2 late submissions accepted under waiver. The summary of submissions was notified on 28 March 2019, with 12 further submissions received by the closing date of 14 March 2019.
4. The Plan Change was presented in themes. There were 82 themes at notification; 4 have since been withdrawn; submissions were received on 49 of the notified themes; and 32 of the notified themes did not receive any specific submissions.

BACKGROUND

5. PC14 is one of a series of plan changes to address technical issues in the AUP. These plan changes follow on from *Plan Change 4 – Corrections to technical errors and anomalies in the Auckland Unitary Plan (Operative in part) version*.
6. PC14 introduces consistency of provisions in Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions, Appendix 2, Appendix 17 and the Viewer of the Auckland Unitary Plan (Operative in part) (**AUP**). The current policy direction of the AUP is not (and is not intended to be) affected by the proposed amendments.

Existing plan provisions

7. The decisions version of the proposed Auckland Unitary Plan (**PAUP Decision Version**) was notified in August 2016, with the AUP becoming operative in part on 15 November 2016. The structure of the AUP is complex as it combines the regional policy statement, the regional plan, the regional coastal plan and the district plan into the one document.
8. Since the AUP became operative in part (15 November 2016), Council staff have been registering potential errors and issues that have been identified by both staff and members of the public. Some of these have been resolved through the clause 16 or clause 20A mechanisms; other clear errors and anomalies were the subject of PC4, in respect of which decisions were issued on 14 June 2018. PC14-17 address

issues which required further investigation or were of broader scope than the technical parameters of PC4 would allow.

Proposed plan change provisions

9. The proposed plan changes do not alter the intent and direction of the AUP's objectives and policies, nor do they make any amendments to its Regional Policy Statement.
10. The key objectives of PC14 is to address technical issues and consistency of identified provisions to ensure that:
 - the wording of provisions is clear and unambiguous;
 - the provisions of the AUP cascade vertically and horizontally;
 - the plan functions in the way it was intended; and
 - there is a high level of integration across the different chapters of the AUP.

Immediate legal effect from the date of notification, 29 November 2018

11. Sections 86B to 86G of the RMA specify when a rule in a proposed plan has legal effect. Section 86B(1) states that "*a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified*". Exceptions are provided for in section 86B(3).
12. At the time of notification, under RMA s 86B(3), some of the rules had legal effect. Table 4.1 in the section 42A report identifies the rules in PC14 that had immediate legal effect on and from the date of public notification (being 29 November 2018). The associated controls, assessment criteria, information requirements, definitions and appendices applicable to these rules also have immediate legal effect.

PLANNING CONTEXT - STATUTORY AND POLICY FRAMEWORK

13. The RMA requires that unitary authorities consider a number of statutory and policy matters when developing proposed plan changes.

Resource Management Act 1991 (RMA)

14. The Section 32 Evaluation Report set out the relevant provisions of the RMA that were considered relevant to PC14 and this material is not repeated here. Section 32AA of the RMA, which requires a further evaluation for any changes that are proposed to the notified Plan Change¹⁴ since the Section 32 Evaluation Report was completed, has been complied with in the section 42A report, the addendum to that report and the evidence presented at the hearing.
15. The Commissioners are satisfied that PC14 has been prepared and submissions considered in accordance with the relevant provisions of the RMA (and in particular

Part 2 and section 32), Council's functions under the Act, and any other relevant statutory matters.

National and regional planning context

16. The Section 32 report outlines the relevant national and regional planning documents that are relevant to Plan Change 14 and these are not repeated here. The Commissioners agree that Plan Change 14 is consistent with the relevant statutory requirements.
17. Having considered the evidence and relevant background documents, we are satisfied that PC14 has been developed in accordance with the relevant statutory and policy matters, and will clearly assist the Council in its effective administration of the Unitary Plan.

PC14 – SCOPE AND JURISDICTION TO MAKE AMENDMENTS

18. As Commissioners, we must satisfy ourselves that the plan change has been prepared by Council staff “in the manner set out in Schedule 1” to the Act, including that any submission is ‘on point’ in terms of the plan change. If a submitter seeks changes to the proposed plan, then the submission must set out the specific amendments sought.
19. We must also be satisfied as to the jurisdictional issues - that proposed changes flow from the plan change – and that we can make changes to the plan arising from submissions.
20. Thus, two jurisdictional issues arise:
 - a. A submission must be ‘on’ the plan change; and
 - b. Whether there is the ability to make changes to the plan arising from submissions in terms of scope.

The scope of Plan Change 14

21. The scope of PC14 is limited to addressing the technical issues outlined in section 6 of the Section 32 report which are considered to be compromising the ability of plan users to be able to efficiently and consistently interpret the AUP, and to ensure the plan provisions give effect to its objectives and policies.
22. The amendments proposed in PC14 are limited to those matters identified above, in the context of the following themes:
 - Natural Heritage
 - Historic Heritage
 - Natural Resources

- Land and water
- Air quality
- Infrastructure
- Transport
- Built Environment and Temporary Activities and
- Environmental risk.

Jurisdiction to make amendments arising from submissions

23. The right to lodge a submission in relation to a plan change using the ‘standard process’ (as here), is governed by the requirement to make that submission on the plan change.¹
24. The Courts have developed a two-stage test to see whether a submission is on a plan change or not:²
- a. A submission must address the plan change itself, that is, it must address the alteration of the status quo brought about by that plan change; and
 - b. Whether there is a real risk that persons directly or potential directly affected by the additional changes proposed in the submission have been denied an effective response.³
25. In relation to the first test (the “dominant test”) the Court in *Motor Machinists* suggested asking the question: does the submission raise matters that should have been addressed in the section 32 RMA evaluation and report? If the answer is “yes” then the submission is unlikely be within scope.
26. Another question to be asked in relation to the first test is whether the management regime for a particular resource is altered by the plan change. If not, then a submission seeking a new management regime for that resource is unlikely to be within scope.⁴
27. In relation to the second test, the Court in the same case suggested that a “*submissional side wind*” which overrode the reasonable interests of people and communities would not be “*robust sustainable management*”⁵ and that given other options, a precautionary approach to the jurisdictional issue would be appropriate.

¹ Clause 6(1) of Schedule 1 of the RMA

² See *Clearwater Resort Ltd v Christchurch City Council* AP34/02, 14 March 2003, at [56] and *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290

³ Summarising the text of the section 42A report at paragraph 8.7

⁴ The two questions posed in relation to the first test are summarised in the section 42A report, paragraph 8.8

⁵ The *Motor Machinists*’ case, summarised at paragraph 8.9 of the section 42A report

28. In considering whether a decision-making body has the jurisdiction to make a decision on matters raised in submissions, the Court has held that

*... the paramount test is whether any amendment made to the plan change as notified goes beyond what is reasonably and fairly raised in submissions on the plan change .. this will usually be a question of degree to be judged by the terms of the proposed change and the content of the submissions.*⁶

29. In summary, we must consider the following jurisdictional issues:

- Whether each submission is on PC14; and
- Whether any changes to the Unitary Plan are fairly or reasonably within the general scope of PC14 as notified, an original submission, or somewhere in between, bearing in mind whether affected persons may have been denied the right to be heard.

HEARING PROCESS

30. The hearing was held contemporaneously with the hearing on Plan Change 16.

31. On 27 February 2019, the Chair issued directions for the timetabling of the section 42A reports, any expert witness evidence from any submitter, and any addendum to the section 42A report with an updated set of plan provisions.

32. The hearing commenced with presentations from Council staff on the background to the plan changes, their purpose, the detail of PC14 and its topics, the themes into which the plan change was divided, and the issues arising. The themes which attracted no or only supporting submissions were noted and staff also confirmed those themes which had subsequently been withdrawn. Council staff recommendations, and outstanding matters concluded the presentation.

33. The hearing then proceeded on the basis that any expert witness could speak to his or her statement of evidence and any other witness could present evidence, along with any legal submissions for any submitter. Questions and matters for clarification for each submitter were raised by Council staff (through the Chair) and by the Commissioners as the hearing progressed.

34. The hearing was closed after the Commissioners had satisfied themselves that they had all the information they required in order to make their decisions on PC14 and PC16.

35. The Commissioners have accepted those plan modifications which attracted no submissions or only submissions in support without further analysis. Plan modifications which attracted submissions in opposition have been considered below, other than where the theme has been withdrawn, as follows:

⁶ See Countdown Properties (Northland) Limited v Dunedin City Council [1994] NZRMA 145 (HC) and ensuing cases. Summarised at paragraph 8.17 of the section 42A report.

Volcanic Viewshafts – Temporary construction and safety structures	Theme 6.2.3 ⁷
Volcanic Viewshafts – Buildings that intrude a viewshaft but are not visible due to the presence of a landform	Theme 6.2.4
Volcanic Viewshafts and height sensitive areas	Theme 6.6.8
Activity table and height sensitive areas	Theme 6.6.17

RELEVANT STATUTORY PROVISIONS CONSIDERED

36. The RMA sets out an extensive set of requirements which must be addressed when considering a plan change. These requirements are set out in the section 42A report and the section 32 assessment and we do not need to repeat these again in detail, noting that section 32 clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
37. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submissions; with that evaluation to be undertaken in accordance with section 32AA. With regard to Section 32AA, we note that the evidence presented by submitters and Council staff or consultants acting for the Council effectively represents this assessment.

SUMMARY OF EVIDENCE

38. Along with the submitters' evidence, the planning officer's report was circulated prior to the hearing and taken as read. The hearing opened with the reporting officers presenting a power-point presentation describing the plan change.
39. As each submitter presented his or her evidence at the hearing, Council officers were asked for their response, and the submitter was then given the opportunity for any further comment.
40. The evidence tabled by submitters at the hearing is summarised below:

⁷ Refer the section 32 report

- a. **Woolworths NZ Limited** – by letter from Russell McVeagh dated 5 June 2019, for the submitter, Allison Arthur-Young noted its submissions and the Council’s planning team’s response relating to the following:
- temporary construction and safety structures within volcanic viewshafts - withdrawn;
 - performance standards for billboards applying to comprehensive development signage – submission in opposition accepted; and
 - the standard for diversion of stormwater runoff from impervious areas to a stormwater network – submission in support accepted.

The submitter requested the letter be tabled and that the Commissioners accept the outcomes. On the basis of the parties’ agreement, the Commissioners accept the amendments proposed by the reporting officer to give effect to the above.

- b. **Scentre (NZ) Limited** – by letter from Russell McVeagh dated 5 June 2019, for the submitter, Allison Arthur-Young noted its submissions and Council’s reporting planner’s response relating to the first two points raised by Woolworths above. The submitter requested the letter be tabled and that the Commissioners accept the outcomes. On the basis of the parties’ agreement, the Commissioners accept the amendments proposed by the reporting officer to give effect to the submissions.

- c. **NZ Defence Force** – in a letter from NZDF dated 17 June 2019, Rebecca Davies, Senior Environmental Officer, advised that as the reporting planner’s recommendation was supportive in including NZDF as an organisation that directs and supervises fire for the purposes of fire and emergency training, NZDF did not wish to attend the hearing and speak to its submission points.

However, in relation to Standard E14.6.1.15, the submitter requested a further amendment to delete the limitation of NZDF to defence areas so as to enable NZDF to direct and supervise fire outside those areas. In its original submission, NZDF requested no such limitation and the example given was for temporary military training outside defence areas.

The Commissioners accept that NZDF may require greater flexibility than a limitation to defence areas would allow, but have not received any evidence as to how such a provision would be managed in reality and as such are uneasy about an open-ended provision. A mid-point would be as follows:

(3) The fire must be under the direction and supervision of Fire and Emergency New Zealand, the New Zealand Defence Force (in the case of fires in defence areas as defined in the Defence Act 1990, or otherwise in areas being used for

*defence purposes) or the Auckland Airport Fire Service (in the case of fires at Auckland Airport).*⁸

The Commissioners consider this addresses the submitter's concerns whilst removing the concern about the unqualified inclusion of NZDF.

- d. **Z Energy Limited, BP Oil NZ Limited, Mobile Oil NZ Limited (the Oil Companies)** – in a letter dated 11 June 2010, Mark Laurensen, Senior Planning and Policy Consultant, 4Sight Consulting Limited, advised that the Oil Companies would not be attending the hearing as they were generally in agreement with the recommendations of the reporting planners in relation to their submissions, as follows:
- Adopt requested amendments to Standard E8.2.1 (stormwater discharge and diversion standard) as notified – accepted by Council staff.
 - Delete the proposed amendment to Table E14.4.1 Activity Table (A114) and retain 'the engines of' – accepted by the reporting planner with one further amendment.
 - Adopt amendments to Standard E14.6.1.1(1) re discharges – accepted by Council staff.
 - Amend D26.1 to emphasise that changes to the National Grid Corridor in new areas will apply only following a plan change – accepted with the reporting planner's amendments.
 - New or altered vehicle crossings would require approval from AT but repairs would not – accepted by the reporting planner.
- e. **Kiwi Rail** – by letter dated 29 May 2019, Pam Butler, Senior RMA Advisor, advised that Kiwi Rail agreed with the section 42A report recommendations on its submissions to PC14, and requested that its letter be tabled at the hearing to confirm its position, as it did not wish to attend the hearing and speak to its submission points.
- f. **Ports of Auckland Limited (POAL)** – in a letter dated 30 May 2019, Mike Doesburg of Wynn Williams, Counsel for the submitter advised that POAL agreed with the reporting planner's recommendations in relation to submissions on E14.4.1 (A114) discharges from motor vehicles (etc) and Standard E40.6.5 Noise events and did not wish to attend the hearing.
- g. **Sentinel Planning Limited** – in a letter from Simon O'Connor, we noted that the submitter agreed with the Council's position that the vehicle access width

⁸ The red type indicates Council's amendments or additions and the blue type words have been inserted by the Commissioners.

should remain at 5.5m and supported the revised wording of Table E27.6.4.3.2. Accordingly, Sentinel did not wish to attend the hearing.

h. **North Eastern Investments Limited and Heritage Land Ltd (NEIL)** provided submissions from Johnny Farquhar, legal counsel for NEIL, in which he advised that

- It was accepted that TP10 would be replaced with GD01 to provide the appropriate standard that activities are expected to meet.
- NEIL also sought that the non-statutory Flood Plain, Flood Prone and Flood Sensitive areas be removed and that the AC GIS be corrected in relation to its depictions on NEIL's Flood Plain and Flood Prone land. The Commissioners agree with the reporting planner that both these submissions should be rejected as being out of scope.

41. The evidence presented by submitters at the hearing is summarised below:

42. **Federated Farmers of NZ** – in a statement and a supplementary statement, Mr Gardner advised that he wished to address only the submission requesting an amendment to the proposed definition of '*vegetation alteration or removal*' to exclude the alteration or removal of any vegetation less than 20 years old in rural zones.⁹ He also referred to the definition being amended to provide for the removal of *regrowth scrub* in areas of pasture and crops, on rural zoned land, as an exclusion.¹⁰

43. The real issue, he advised was regrowth scrub in areas of crops or pasture. Regrowth scrub he defined as "*the re-infestation of areas of productive land that is in pasture (or crop) with such species as manuka or fern*" younger than 20 years and distinguished it from "regenerating native bush" (older than 20 years).¹¹

44. Mr Gardner confirmed that the exclusion from the definition of '*vegetation alteration or removal*' sought is as follows:

*In rural zones, the alteration or removal of any vegetation amongst vegetation planted as crops or pasture which is less than 20 years old.*¹²

45. In his supplementary statement dated 19 June 2019, Mr Gardner suggested that the Council's response, as set out in the Addendum Hearing Report, was incorrect, because the requested amendment refined the proposed exclusion of crops and pasture from the definition. He reiterated his position as being to exclude from the definition of "vegetation alteration or removal" the following:

⁹ Statement of evidence, paragraph 7. Mr Gardner acknowledged that another matter of concern to Federated Farmers, being pest plant removal is dealt with under elsewhere under PC14 (paragraph 15).

¹⁰ Paragraph 8

¹¹ Paragraph 24

¹² Paragraph 31

- *In rural zones, the alteration or removal of any vegetation amongst vegetation which is crops or pasture comprised in forestry or farming activities existing at 30 September 2013, which is less than 20 years old.*¹³

46. Alternatively, Mr Gardner sought the removal of all exclusions from the proposed definition, on the basis that that would maintain the status quo for the application of vegetation clearance rules in rural areas.¹⁴

47. The Commissioners agree with the reporting planner that the exclusion sought by the submitter

*“... is so broad that it changes the application of all vegetation management rules in chapters E15 and E26 of the AUP in a way that was not intended ... the revised exclusion wording in essence provides for a new permitted activity in the AUP.”*¹⁵

48. The Commissioners concur that the requested exclusion goes beyond a technical amendment as contemplated in PC14, and is beyond the scope of the plan change as it has potential policy implications and it is not supported by a section 32 evaluation.¹⁶ We note that the definition is used throughout the Plan and the potential implications of the exclusion as proposed in those other contexts were not analysed and are therefore unknown. Nor is there any evidentiary basis for the 20-year time frame.¹⁷

49. The alternatives proposed by Mr Gardner were:¹⁸

- a. Firstly, to remove all exclusions from the proposed definition of ‘vegetation alteration or removal’ so that it reads:

Damaging, cutting, destroying or removing any part of vegetation

Includes

- *Roots; and*
- *Crown pruning.*

- b. Secondly, to provide the above plus exclusions as follows:

Damaging, cutting, destroying or removing any part of vegetation

Includes

- *Roots; and*

¹³ Supplementary statement of evidence, paragraph 5

¹⁴ Paragraph 6

¹⁵ Addendum Report, paragraph 7.13

¹⁶ See also paragraph 7.14 of the Addendum Report

¹⁷ The only other time frame we were referred to was a period of 7 years in the in Rule 13-6(b) in the Horizons One-plan (Statement, paragraph 23)

¹⁸ As summarised in Council’s closing comments on PC14

- *Crown pruning.*

Excludes:

- *The alteration or removal of vegetation planted as a crop or pasture.*
- *In rural zones, the alteration or removal of any vegetation amongst vegetation which is crops or pasture comprised in forestry or farming activities existing at 30 September 2013, which is less than 20 years old.*

50. For the above reasons (also considered in the Council's planning teams' closing comments) these alternatives are also rejected, and the Commissioners accept the definition as originally proposed through PC14.
51. **Transpower NZ** – in a letter dated 5 June 2019, Rebecca Eng advised it was in agreement with all of Council's response to its submission points except those relating to Chapter D26 "National Grid Corridor Overlay", as she sought to ensure that the plan change amendments did not confuse Transpower's obligations to consult on National Grid projects under the Electricity Act with the Council's administration of the AUP under the RMA.
52. Ms Eng advised that Transpower accepted the recommendations in the section 42A report with this one exception as it related to the submitter's onus (or otherwise) to advise affected landowners where the National Grid Corridor overlay would be uplifted due to the removal of the National Grid assets. Council's planning staff provided the hearing with a proposed amendment to D26.4 Activity Table, which referred to Transpower advising Council staff (of changes to the National Grid) and Council staff in turn advising affected owners.
53. The Commissioners accept that this matter has been satisfactorily resolved through section D26 National Grid Corridor Overlay and amendments to D26.1 Overlay description and D26.4 Activity table new (c) and (d).
54. **Tupuna Maunga o Tamaki Makarau Authority (TMA)** – PC14 as notified proposed a new activity (A9A) in Activity Table D17.4.1 under the subheading ***Modification and restoration*** as a permitted activity in all category A, A* and B scheduled historic heritage places, and which read:

Trimming and alteration of trees identified in Schedule 14.1

55. PC14 also proposed a consequential standard D17.6.5A for that activity under standard ***D17.6.5 Modifications to buildings, structures, fabric or features of a scheduled historic heritage place identified as exclusions***. The proposed standard read:

D17.6.5A. Trimming and alteration of trees identified in Schedule 14.1

- 1) *The maximum branch diameter must not exceed 50mm at severance.*

- 2) *No more than 10 per cent of live growth of the tree may be removed in any one calendar year.*
 - 3) *The works must meet best arboriculture practice.*
 - 4) *All maintenance and trimming must retain the natural shape, form, and branch habit of the tree.*
56. TMA's original submission sought an amendment to Activity Table D17.4.1 to insert a new provision (A8A) providing for tree and vegetation removal in all scheduled historic heritage places as a permitted activity, except for trees/plantings specifically identified in Schedule 14.1 – Schedule of Historic Heritage.
57. TMA also sought a consequential amendment to the heading of policy D17.6.4 to read:
- Pest plant removal, biosecurity tree works, and tree and vegetation removal except any tree or other planting specifically identified in Schedule 14.1 – Schedule of Historic Heritage**
58. Council responded in Hearing Report Volume 1 by accepting the intent of those submission points with amendments as follows:
- Table D17.4.1 is to be modified by the following insertion:
- (A9A) Trimming and alteration of trees **specifically** identified in Schedule 14.1*
- A new permitted activity (A9B) is proposed to read:
- Tree and vegetation removal, trimming and alteration, except any tree or other planting specifically identified in Schedule 14.1 Schedule of Historic Heritage**
- That requires a change to the heading (only) of standard D17.6.5A to read:
- D17.6.5A. Trimming and alteration of **specific** trees identified in Schedule 14.1*
59. In her evidence for TMA, Tania Richmond proposed two further amendments:
- a. clarifying standard D17.6.4 as relating to more than pest plants and biosecurity works; and
 - b. Table D17.4.2 relating to additional archaeological rules so that the removal of trees infected by unwanted organisms was not prevented.
60. In the meantime, PC4 has become operative and permitted activity Standard D17.6.4 now reads:
- D17.6.4. Pest plant removal, biosecurity tree works***
- (1) Pest plant removal must not result in the removal of any tree or other planting*

specifically identified in Schedule 14.1 Schedule of Historic Heritage, other than features identified as exclusions, or non-contributing sites or features in Historic Heritage Areas.

- (2) *Pest plant removal within scheduled historic heritage places that are subject to archaeological controls must be undertaken:*
 - (a) *using hand-operated tools (including hand-held mechanical tools); and*
 - (b) *must not involve earthworks or disturbance of land or the foreshore or seabed, other than as provided for as a permitted activity.*

61. In Council's Addendum s42A Report, the reporting officer supported the first submission point but noted, with respect to the second, that some plant species identified as plant pests are actually historic features within the HH Overlay and therefore did not support that submission point.

62. Further clarification was therefore accepted and recommended to Standard D17.6.4 to now read:

D17.6.4 Pest plant removal, biosecurity ~~measures~~, tree works and tree and vegetation removal, trimming and alteration except any tree or other planting specifically identified in Schedule 14.1 Schedule of Historic Heritage

- (1) ~~Pest plant removal~~ **M**ust not result in the removal of any tree or other planting specifically identified in Schedule 14.1 Schedule of Historic Heritage, other than features identified as exclusions, or non-contributing sites or features in Historic Heritage Areas.
- (2) ~~Pest plant removal~~ **Works** within scheduled historic heritage places that are subject to archaeological controls must be undertaken:
 - (a) using hand-operated tools (including hand-held mechanical tools); and
 - (b) must not involve earthworks or disturbance of land or the foreshore or seabed, other than as provided for as a permitted activity.

63. In our view that wording retains some ambiguity so, in order to reflect the intent of Council's final recommended changes, the following two options are proposed.

Option 1 – which would not permit removal, trimming or alteration of or on scheduled features:

D17.6.4. Pest plant removal, biosecurity tree works and tree and vegetation removal, trimming and alteration

- (1) ~~Pest plant removal~~ **M**ust not result in the removal, **trimming or alteration** of any tree or other planting specifically identified in Schedule 14.1 Schedule of Historic Heritage, other than features identified as exclusions, or non-contributing

sites or features in Historic Heritage Areas.

- (2) ~~*Pest plant removal*~~ ***Works*** *within scheduled historic heritage places that are subject to archaeological controls must be undertaken:*
- (a) *using hand-operated tools (including hand-held mechanical tools); and*
 - (b) *must not involve earthworks or disturbance of land or the foreshore or seabed, other than as provided for as a permitted activity.*

Option 2 - which would permit biosecurity tree works, trimming and alteration of scheduled features but not removal:

D17.6.4. Pest plant removal, biosecurity tree works and tree and vegetation removal, trimming and alteration

- (1) ~~*Pest plant removal*~~ ***M****ust not result in the removal of any tree or other planting specifically identified in Schedule 14.1 Schedule of Historic Heritage, other than features identified as exclusions, or non-contributing sites or features in Historic Heritage Areas.*
- (2) ~~*Pest plant removal*~~ ***Works*** *within scheduled historic heritage places that are subject to archaeological controls must be undertaken:*
- (a) *using hand-operated tools (including hand-held mechanical tools); and*
 - (b) *must not involve earthworks or disturbance of land or the foreshore or seabed, other than as provided for as a permitted activity.*

64. On balance, the Commissioners are of the view that the second option best reflects the outcome sought; is within the scope of the plan change and submissions on it; and is the more practical and workable option.
65. The Commissioners otherwise accept the provisions as set out in the supplementary statement provided to the hearing by Ms Ford, the Reporting Planner for PC14.
66. **Housing NZ Corporation** – submissions from Alex Devine addressed two of the identified outstanding issues relating to PC14 – proposed amendments to earthworks provisions and amendments relating to the National Grid Corridor Overlay. Counsel noted that the Corporation had appealed the Plan Change 4 decision relating to Activity Table E12.4.2 and that it was therefore appropriate to defer this matter. However, the reporting planner was of the view that the changes under PC14 did not directly relate to the appeal. To the contrary, the Housing Corporation argued that the PC14 changes were relevant to the wider context.
67. The Commissioners agree with the reporting officer that the fact of an appeal in relation to PC4 does not act as an estoppel in our dealing with PC14 and that it is appropriate to proceed with our decision-making responsibilities under this plan change.

68. Accordingly, the Commissioners have determined that the proposed changes to Table E12.4.2 with additional rules for archaeological sites or features as tabled at the hearing should be accepted.
69. Counsel noted support for the amendments proposed by the planning staff in respect of the National Grid Corridor Overlay provisions in Sections D26.1 (Overlay description) and D26.4 (Activity table), but requested an additional amendment for clarity. The Commissioners accept that additional amendment to D26.1.
70. In relation to E38.12, having considered the section 42A report and Addendum and the evidence of Mr Lindenberg for the Housing Corporation, the Commissioners accept that the amendments to E38.12.1 and E38.12.2 are necessary to give better effect to policy relating to vehicle crossings.
71. **Moir Hill Forestry Limited** – in submissions, Mr Sheppard confirmed that the lack of provision for road gradients steeper than 12.5% was the issue, because the Local Government Act 1974 provides for steeper gradients only if fixed by a district plan provision, or a resolution or bylaw of council. This issue could be resolved by providing for roads with a gradient up to 16.7% as a restricted discretionary (RD) activity. Mr Sheppard argued that this would be within the scope of PC14¹⁹ and that an amendment of the AUP would be an appropriate mechanism to address what was a real and urgent issue.
72. Ms O'Connor took us through the background to the submission, the Auckland Transport Code of Practice, scope issues, the planning framework, and examples of a steeper gradient in development.
73. However, a number of issues were raised at the hearing, including
- the proposed status of steeper gradient roads being RD instead of discretionary;
 - the appropriate placement of the proposed provision and whether the subdivision chapter would be a better fit;
 - whether a prohibited activity provision was necessary for a proposed gradient greater than 16.7%;
 - problems with the proposed assessment criteria and whether they were sufficient;
 - whether a policy issue was raised;
 - matters relating to scope;

¹⁹ See paragraph 52 of Mr Sheppard's submissions

- whether AT had the legal power to promulgate a resolution or bylaw relating to gradients;
 - if AT would recommend for vesting a steeper gradient road that had received consent through resource consent; and
 - what was AT's attitude to the proposed amendments to incorporate steeper gradients through the resource consent process.
74. Following questions put to AT's representative at the hearing, Katherine Dorofaeff, Mr Sheppard responded to the issues of scope, risk and merits, and the Commissioners heard from Ms O'Connor in respect of the location of the gradient provisions, the activity status, subdivision provisions, and the query relating to the need for a prohibited activity category.
75. Given all of these issues, the continued opposition to the submission from Council officers and from AT, and the question of scope, the Commissioners are of the view that the submission should be rejected.
76. **Outdoor Media Association of NZ Inc (OMANZ)** – in his submissions, Mr Berry confirmed that OMANZ opposed proposed changes to require billboards in zones as an RD activity to comply with permitted activity standards; and supported the proposed changes to clarify standards applying to billboards on street furniture in road reserves.
77. In his evidence for OMANZ, Mr Blomfield set out the reasons why the submitter was opposed to the change requiring billboards also to comply with all of the generic permitted standards, which would, in his opinion, significantly change the process under which applications are assessed, create uncertainty as to whether the standards would be treated as de-facto baselines and whether non-compliance with those standards would ever be appropriate, and to what degree.²⁰
78. Other concerns related to consistency in the use of standards elsewhere in the AUP and provision in activity tables of activities infringing standards or their assessment.
79. The Commissioners are not persuaded by the points given in support of the PC14 changes in the section 42A report, do not consider those changes to fall within the stated purpose of PC14 as noted in paragraph 7 above and, given the detailed reasons presented by Mr Blomfield, the Commissioners accept the relief sought in OMANZ' submission to delete the superfluous Standard E23.6.1(20) permitted activity standards. All the matters relevant to a consideration of billboard applications are set out in the E23.8.1 assessment criteria.
80. We also note that General Rule C1.8(2) AUP concerning the reference to permitted activity standards when considering discretionary or non-complying activities only requires "having regard" to those standards. There is no similar provision for

²⁰ Evidence, paragraph 4.3

restricted discretionary activities (particularly under C1.9(3)) so this proposition would be anomalous with respect to the general scheme of the Plan.

81. **oO!Media Street Furniture New Zealand Limited** – in evidence Mr Blomfield noted the three issues in PC14 which relate to the standards of E23.6 applicable to billboards on street furniture in the road reserve and agreement with Council planning staff on all three. The Commissioners accept that the changes in PC14 are appropriate for the reasons given.
82. **Chorus, Spark, Vodafone and Vector (“the Utility Operators”)** were represented variously by Counsel for Spark, Vodafone and Vector, with evidence from Graeme McCarrison et.al for Spark, Vodafone and Chorus, David Hay for Vector and from Chris Horne for Chorus, Vodafone and Spark.
83. In legal submissions, Mr Minhinnick identified matters of disagreement in relation to scope and those submissions which remain, in the submitters’ opinion, within the scope of the plan change. We have addressed our jurisdiction to make amendments arising from submissions above, and in that regard, note the introductory sections in the section 32 report which state (relevantly):
 - a. That PC14 is one of a series of plan changes to address technical issues in the AUP.
 - b. That PC14 is to correct these issues and resolve gaps in the horizontal and vertical alignment of provisions, to improve the Plan’s workability and ensure its provisions’ integration.
 - c. That the objective is to remove uncertainty and ambiguity so as to improve the Plan’s functionality and workability, and to reduce the risk of debate and litigation.²¹
84. The outstanding submissions in respect of which the Utility Operators claim scope and seek relief are as follows:
85. Amending activity table E26.9.3.1 regarding the Special Character Overlay – adding a note to confirm that the Special Character Areas Overlay is not an area of historic heritage values. The reporting officer considers this submission to be out of scope. The Commissioners do not need to rule on jurisdiction, as there is the option of addressing the submission outside the AUP, for example by letter of confirmation from Council staff to the Utility Operators referring to Regulation 46 of the Resource Management (National Environmental Standards for Tele-communications Facilities) Regulations 2016 (NESTF). This option may better address the Utility Operators’ concerns than an internal Council guidance note considered by Mr Horne.²²
86. The Commissioners recommend a non-statutory response to this submission and accordingly, this submission is rejected, noting that if a plan is to contain statements

²¹ Refer s.32 Report, Section 1 Introduction

²² Evidence, paragraph 5.6-5.7

of exceptions created by other statutory instruments, as a drafting principle that would likely make a plan increasingly cumbersome.

87. Amending the minor infrastructure upgrading standards in E26.12.5.1(2) to enable a 1m shift. The Utility Operators' sought to delete permitted activity standard E26.12.5.1(2)(a) and add a new standard limiting the extent to which any support pole could be moved from its original position to 1m. This standard applies to Network Utilities and Electricity Generation in the Auckland War Memorial Viewshaft, Natural Ridgelines and Ridgeline Overlays.
88. The submitter objected to the lack of any change in the size or location of the existing footprint, and sought some flexibility by allowing a 1m shift in location to enable pole replacements to be close to but not necessary in exactly the same place.
89. The Commissioners accept the Council's position that this submission is out of scope. Whilst a request for a 1m allowance may seem a '*...minor change to address a practical network management issue...*',²³ Mr Horne concedes that it is a change "*... to the allowable envelope for Minor Infrastructure Upgrading which may not be suitable as a permitted activity ... However, I consider that this can be addressed by applying some further additional controls ...*"²⁴
90. Nor are the Commissioners satisfied that the change sought in the relief properly addresses the issue raised ("limiting the extent to which any support pole may be moved to 1m") in the context of the existing provisions.
91. A further difficulty arises from the relatively complicated replacement provisions which would enable an increase in pole size and flexibility in its location. An additional standard was added at the hearing relating to new lines on existing poles. There has been no analysis of these provisions and in particular, the cumulative effect of increasing the pole size and moving its location. These provisions are, after all, enabling an "*allowable envelope for Minor Infrastructure Upgrading in general which*" Mr Horne advises, "*may not be suitable as a permitted activity in some of the natural heritage overlays.*"²⁵
92. If the Commissioners were to find this submission in scope, it could be artificial to differentiate it from the other submissions seeking similar increases in height or size of pole or flexibility in location. In our view, these submissions should be treated as a package of proposed changes consequent upon the Utility Operators' experience of the practical difficulties encountered in administering the Plan.
93. Accordingly, the Commissioners reject this submission.
94. Increasing the diameter of replacement poles under E26.2.5.3(1)(d) – Council staff consider this submission to be out of scope for the same reasons as the above point

²³ Evidence, paragraph 7.3

²⁴ Evidence, paragraph 7.4

²⁵ Evidence, paragraph 7.4

and the Commissioners accept the reporting planner's comments in this regard. We are concerned that this is one of several proposed amendments which

- were not included in PC14 (and even though "*PC14 proposes other amendments to provision E26.2.5.3 of a similar scale / intention*",²⁶ this does not indicate scope is conferred on the provision in question);
- do not address the plan change itself (that is, do not address the alteration in the status quo brought about by the plan change); and
- may affect people who have not had the chance to respond.

95. The present standard provides for the replacement of an existing pole with a stated increase in diameter or width for a single or a double replacement of +50% or +100% respectively. Mr Hay has set out the proposed amendment in his evidence,²⁷ with the addition of the words at the end of the provision "... and up to a maximum width of 600mm".²⁸
96. What is being proposed is a significant increase in the allowable diameter or width of the replacement pole or poles to +100% and +300% respectively, with the cap of 600mm subsequently added.
97. Mr Hay has explained the need for this amendment in practical terms, given the day to day experience of Vector's contractors and the on-ground reality of differing pole sizes. However, this does not assist in the difficulties the Commissioners have with scope and we can only reiterate that this submission could be part of a package of proposed changes sought by the Utility Operators in the light of their practical experience. This submission is also rejected.
98. Enabling the relocation of poles up to 5m as a permitted activity under rule E26.2.5.3(1)(a) – again, the issue of scope has arisen, with the reporting officer considering this to be one of several submission points to be outside the management regime which is subject to PC14. The Utility Operators request that the 5m flexibility provided in the standard for road widening or safety, or for electricity clearance reasons be extended to all minor relocations or replacements (etc) of poles (etc) instead of the current 2m allowance. Alternatively, the 5m provision could be extended to include driveway construction or modification.
99. Although in his evidence Mr Hay gives sound practical reasons for the amendment, we again find ourselves in agreement with the reporting officer regarding scope and therefore repeat once again our comments made about a package of proposed changes. This submission is also rejected.

²⁶ Submissions from Mr Minhinnick, paragraph 3.23(a). Mr Hay expands on this point in paragraph 5.13 of his evidence, suggesting that because the plan change addresses one issue to do with practical implementation, there is scope to consider other issues which fall within the same provision.

²⁷ Evidence paragraph 5.12

²⁸ Added by Mr Hay following questions from the Commissioners at the hearing

100. Vegetation Alteration or Removal in Rural Zones, Coastal and Riparian Areas and Significant Ecological Areas in Standards E26.3.5.1 and E26.3.5.2 – Mr Horne notes that the restrictions imposed under these standards include a restriction on any alteration or removal of trees over 6m in height or 600mm in girth,²⁹ suggesting that horizontal and vertical integration requires an amendment so that the E26 provisions line up with those in the general vegetation management regime in Chapter E15.
101. Mr Horne seeks the deletion of the restriction on the alteration or removal of these trees, such relief now being confined to tree alteration and not to removal.³⁰
102. In an email dated 14 April 2019, Council’s planning officer agreed that the provision was inadequate, and suggested that in practical terms Council staff would apply the E15.6.9 standard, which provides for trimming in Significant Ecological Areas for general activities.
103. The Commissioners would agree to this provision being copied into E26 following the amended relief sought by the submitters.
104. In relation to scope, the Commissioners consider the amendments to be in scope, given that:
- a. E26.3.5.2(2) is in the plan change, leaving (1) allowing for trimming and removal of vegetation under 6m in height or less than 600mm in girth, but with no guidance as to how that may be achieved.
 - b. Given that the chapter relates to infrastructure providers, and E26.3 relates to Network utilities and electricity generation – Vegetation management, the guidance given to the use of E26.3.5(1) is a restriction only on the Utility Operators who are submitters on the plan change.
 - c. There is no policy change or challenge to any of the relevant objectives.
 - d. The Commissioners cannot think of any party who would qualify as a potentially affected person in relation to this change.
105. Therefore, we agree that the plan change sought by the submitters is accepted and the AUP is modified as follows:
- E26.3.5.2(1)** – delete the words “Vegetation alteration or removal ...”
- E26.3.5.2(7a)** – Add the words “Tree trimming or alteration of trees must comply with the following standards:
- (a) the maximum branch diameter must not exceed 50mm;

²⁹ Paragraph 6.2

³⁰ Paragraph 6.4

- (b) no more than 10 per cent of live growth of the tree is removed in any one calendar year;
 - (c) the trimming or alteration must retain the natural shape, form and branch habit of the Tree;
 - (d) trimming or alteration must meet accepted modern arboricultural practice.
106. Amending the whip / omni-directional antenna height from 650mm to 1.6m in E26.2.3.1(A36) – this was recommended to be rejected in the section 42A report on the grounds of insufficient evidence, but at the hearing, the submitters explained that the current height limit for these omni-directional antennae is not adequate for current equipment requirements.
107. Mr Horne filled in the information gaps by drawing our attention to the photos provided in the joint corporate statement which in his view showed that
- “... whip antennas limited to a narrow diameter (eg 60mm) and a height limit of 1.6m will have minimal additional bulk and effect (visual, shading, dominance) over and above any existing building or mast on which it is mounted ...”³¹*
108. Mr Horne concluded that it was his opinion that
- “... omni-directional antennas up to 1.6m in height and 60mm in diameter on top of buildings and masts, will have less than minor additional visual effects compared to permitted 650mm high antennas, and will provide benefits in terms of avoiding unnecessary resource consents which I expect to be routinely granted ..”³²*
109. The Commissioners were satisfied with evidence presented at the hearing that the increase in height for omni-directional whip antennae is justified, and that
- a. item (A36) in E26.2.3.1(A36) **Activity table - Network utilities and electricity generation – All zones and roads** should be amended accordingly; and
 - b. noting the reporting planner’s agreement to the proposed exclusion under b., the Commissioners agree for the same reasons: namely that a similar exclusion is proposed elsewhere – in (3)(b) of Standards E26.2.5.1 **Activities within roads and unformed roads in Table E26.2.3.1 Activity table** – and the amendment provides consistency.
110. We also accept Council’s recommendation that the amendment is better placed in (3) under Rule E26.2.5.2 **Activities within zones in Table E26.2.3.1 Activity table**, which addresses the height of (inter alia) telecommunication masts in zones.
111. For the reasons proffered in Mr Horne’s evidence, the Commissioners accept that the height of omni-directional (or dipole) antennae that should be provided for as a

³¹ Paragraph 4.7

³² Paragraph 4.9

permitted activity is 1.6m, with a maximum diameter of 60mm and that (A36) should be amended as follows:

Omni-directional whip or dipole antennas:

- 1.6m high
- 650mm horizontal length for dipole antennas; and
- Whip or cross rod section of 60mm in diameter.

112. The Commissioners also accept the proposed amendment to (11) in Rule E26.2.5.3. **Specific activities within zones in Table E26.2.3.1** to include omni-directional whip antennas (as an exclusion) so that the height limits in Table E26.2.5.3.3 **Height of masts and attached antennas (excludes NESTF)** in the identified zone groups is limited to a maximum height of 25m.
113. The final point related to whether the base (mount) of the antenna was included in the 1.6m height. On questioning, we were informed that this is not the case, that the mount is ancillary equipment and not technically part of the antennae. On this basis, the mount would not be included in the 1.6m height.

SUMMARY OF OTHER SUBMISSIONS RECEIVED

114. In this section of the decision we briefly review submissions opposing aspects of PC14 where submitters did not appear or present evidence at the hearing. In other words, we have simply accepted the planner's recommendation in the Section 42A report for those submissions in support of the plan change, and in relation to the remaining submissions opposed to aspects of the plan change, where submitters did not appear or present evidence at the hearing, we have considered the grounds stated and have made our decisions:
- **Heritage New Zealand Pouhere Taonga** lodged a number of supporting submissions which were recommended to be accepted by the reporting planner and the Commissioners confirm those recommendations.
 - **New Zealand Transport** lodged a submission supporting temporary construction and safety measures and vegetation alteration or removal; however, these amendments were withdrawn.
 - **Better Living Landscapes Ltd and Parallax Surveyors Ltd** sought to reinstate the term 'riparian margin' or use the term 'riparian yard'. This amendment was not recommended and the Commissioners reject the submission.
 - **Civix Limited** lodged submissions on a number of plan change provisions all but one of which were recommended to be rejected. The Commissioners accept the recommendations.

- **Whakatiwai Plantation Limited's** submissions were all to do with road gradients which we have discussed above with respect to Moir Hill Forestry Limited. The reporting planner did not recommend accepting any of these submission points and the Commissioners accept the planner's position and reject all of them.
- **Te Arai South Partners, Te Arai South Holdings Limited, Te Arai North Limited and Tara Iti Holdings NZ** lodged a submission seeking to amend pack in and pack out times for temporary activities outside urban areas. The planner did not recommend this submission and the Commissioners reject it.

PRINCIPAL ISSUES IN CONTENTION

115. Having considered the submissions and further submissions received, the hearing report, the evidence presented at the hearing and the Council officers' response to questions, the following principal issues in contention have been identified:
- a. Whether a submission could be said to be in scope or not: in other words, whether a submission was 'on' the plan change; and whether Council staff could recommend - (and the Commissioners had the ability to make) changes to the plan arising from submissions in terms of scope;
 - b. Submissions on historic heritage relating to whether special character areas needed to be identified in the Plan as not being an aspect of historic heritage for the purposes of the National Environmental Statement for Telecommunications Facilities; the maintenance of trees in the Historic Heritage Overlay and to land disturbance and earthworks in Scheduled Historic Heritage Places;
 - c. Submissions on natural resources, particularly vegetation alteration or removal and the reference to regrowth scrub;
 - d. Submissions on infrastructure, including whip antennae, vegetation management, viewshaft overlays, pole replacement and provisions relating to the National Grid Corridor Overlay; and
 - e. Submissions on built environment and temporary activities, billboards and permitted activity standards with no permitted activities.
116. A number of submitters supported proposed changes in PC14.

FINDINGS ON THE PRINCIPAL ISSUES IN CONTENTION

117. Our findings on the principal issues in contention are found in the decision above where we consider the submissions and the evidence.

DECISION

118. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, Proposed Plan Change 14 to the Auckland Unitary Plan (Operative in Part) be approved, subject to the modifications as set out in this decision.
119. Submissions on the plan change are accepted and rejected in accordance with this decision. In general, these decisions follow the recommendations set out in the reporting planner's section 42A report, response to commissioners' memo and closing statement, except as identified above in relation to matters in contention.
120. The reasons for the decision are that Plan Change 14:
- a. will assist the Council in achieving the purpose of the RMA;
 - b. is consistent with the Auckland Regional Policy Statement;
 - c. is consistent with the provisions of Part 2 of the RMA;
 - d. is supported by necessary evaluation in accordance with section 32;³³
 - e. will help with the effective implementation of the Auckland Unitary Plan.

As noted above, amendments to the Auckland Unitary Plan provisions are attached as Appendix 1



Rebecca Macky

Chair

9 August 2019

³³ and given the detail in the section 42A report, did not require any further evaluation in terms of section 32AA of the RMA



APPENDIX ONE

Amendments to Plan Change 14 resulting from the decision

PC14 - Improving consistency of provisions in Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions, Appendix 2 and Appendix 17 of the Auckland Unitary Plan (Operative in part)

Explanatory note

This appendix sets out the content of Plan Change 14 - Improving consistency of provisions in Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions, Appendix 2 and Appendix 17 of the Auckland Unitary Plan (Operative in part).

Amendments proposed in the notified plan change are shown in black text in underline and ~~strikethrough~~. The use of '...' indicates that there is more text, but it is not being changed.

Amendments made in the decision report are shown in red underline and ~~strikethrough~~.

Text which was proposed to be inserted in the notified plan change and is recommended to be removed in the decision report is shown in red ~~underline and strikethrough~~.

In accordance with section 86B(1) of the Resource Management Act 1991 all of the plan change rules have immediate legal effect.

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CHAPTER D OVERLAYS

D1. High –use Aquifer Management Areas Overlay

D1.1. Background

Aquifers are important as direct sources of water supply for domestic, industrial and rural use. They are the major contributors to the base flow of many streams, particularly in the southern parts of Auckland. Aquifers also contribute to the overall quality and diversity of surface waterbodies.

Some aquifers are highly allocated, providing water to users as well as being major sources of spring and stream flow. They are currently adversely affected by over pumping or are likely to become highly allocated over the life of the Plan, particularly in areas of high potential growth. These aquifers are identified as High-use Aquifer Management Areas.

Aquifers in the High-use Aquifer Management Areas Overlay require careful management of water availability to meet user needs and at the same time maintain base flows for surface streams. For this reason most proposals to take or use groundwater from aquifers will be assessed through the resource consent process.

Rules for this overlay are located in section E7 Taking, using, damming and diversion of water and drilling and E32 Biosolids.

...

D2. Quality-sensitive Aquifer Management Areas Overlay

D2.1. Background

The Quality-sensitive Aquifer Management Areas Overlay contains aquifers that are shallow and unconfined and therefore susceptible to pollution from surface sources such as excess fertiliser application or discharges of contaminants such as stormwater or sewage. The potential for contamination is highest in the volcanic aquifers where discharge to aquifers is most direct. These aquifers are important sources of water for rural and industrial purposes, as well as providing base flow to surface streams in some areas.

Rules for this overlay are located in section ~~E7 Taking, using, damming and diversion of water and drilling~~ E32 Biosolids.

...

D3. High-use Stream Management Areas Overlay

D3.1. Background

A number of streams in Auckland are under pressure from demands to take water or use water. The high use of these streams creates conflicts between the amount of water being abstracted, the amount of water needed for assimilating the adverse effects of discharges, and the amount of water required to maintain ecological values and base flows. Management of high-use streams can be particularly difficult during summer months when stream flows are generally at their lowest.

The rules relating to the High-use Stream Management Areas Overlay are located in E7 Taking, using, damming and diversion of water and drilling and E32 Biosolids.

...

D11. Outstanding Natural Character and High Natural Character Overlay

...

D11.4 Activity table

...

Table D11.4.1. Activity Table

Activity		Activity Status		
		High Natural Character	Outstanding Natural Character	Outstanding Natural Landscape
Development				
(A9)	Buildings and structures accessory to pastoral farming, cropping and other forms of non-intensive forms of rural land <u>production that is not intensive farming</u> (excluding dwellings) that meet Standard D11.6.2	P	P	P
(A10)

...

D11.6 Standards

...

D11.6.2. Buildings and structures accessory to pastoral farming, cropping and other non-intensive forms of land production (excluding dwellings) and additions to a building or structure existing at 30 September 2013

- (1) Buildings and structures accessory to pastoral farming, cropping and other forms of non-intensive forms of rural land production that is not intensive farming (excluding dwellings) and additions to a building or structure existing at 30 September 2013, must not exceed a total gross floor area of:
 - (a) 50m² in areas scheduled in the High Natural Character Overlay;
 - (b) 25m² in areas scheduled in the Outstanding Natural Character Overlay; and
 - (c) 50m² in areas scheduled in the Outstanding Natural Landscape Overlay
- (2) Buildings and structures accessory to pastoral farming, cropping and forms of non-intensive forms of rural land production that is not intensive farming (excluding dwellings) and additions to a building or structure existing at 30 September 2013, must not exceed a maximum height of 5 metres.
- (3) No maximum height applies to road lighting, traffic and direction signs, road name signs, traffic safety and operational signals or traffic monitoring equipment, or the support structures for these activities.
- (4) Buildings and structures accessory to pastoral farming, cropping and other forms of non-intensive forms of rural land production that is not intensive farming

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(excluding dwellings) and additions to a building or structure existing at 30 September 2013, must have an exterior finish that has:

- (a) a reflectance value of up to 30 per cent; and
 - (b) be within Groups A, B or C as defined within the BS5252 standard colour palette
- (5) No exterior finish applies to traffic and direction signs, road name signs or traffic safety and operational signals, aerials operated by a network utility operator and associated fixtures, galvanised steel poles, and GPS antennas.

D13. Notable Trees Overlay

...

D13.4 Activity table

Table D13.4.1 Activity table specifies the activity status for land use activities related to tree management in the Notable Trees Overlay pursuant to section 9(3) of the Resource Management Act 1991.

- The rules that apply to network utilities and electricity generation are located in Section E26 Infrastructure.

Reference to ‘trees’ includes trees, groups of trees and the protected root zone

Table D13.4.1 Activity table

Activity		Activity status
(A7)
(A8)	Works within the protected root zone undertaken by <u>to enable</u> trenchless methods at a depth greater than 1m below ground level	P
(A9)		

...

D13.6. Standards

...

D13.6.2. Works within the protected root zone ~~undertaken by~~ to enable trenchless methods at a depth greater than 1m below ground level.

...

D14. Volcanic Viewshafts and Height Sensitive Areas Overlay

D14.4 Activity table [rcp/dp]

Table D14.4.1 specifies the activity status of land use and development activities in the Volcanic Viewshafts and Height Sensitive Areas Overlay pursuant to sections 9(3) and 12 of the Resource Management Act 1991.

- The rules that apply to network utilities and electricity generation in the Volcanic Viewshafts and Height Sensitive Areas Overlay are located in Section E26 Infrastructure.

Table D14.4.1 Activity table

Activity		Activity status	
Buildings, (where they intrude into a scheduled volcanic viewshaft) excluding network utilities, electricity generation facilities, broadcasting facilities and road networks}			
		Regionally Significant Volcanic Viewshaft	Locally Significant Volcanic Viewshaft
...			
(A1)	Towers associated with fire stations operated by the New Zealand Fire Service <u>Fire and Emergency New Zealand</u> that are no higher than the height allowed as a permitted activity in the zone.	RD	P
...			
Buildings in a height sensitive area, excluding network utilities, electricity generation facilities, broadcasting facilities and road networks			
...			
(A2)	Towers associated with fire stations operated by the New Zealand Fire Service <u>Fire and Emergency New Zealand</u> that are no higher than the height allowed as a permitted activity in the zone	RD	
...			

D14.6 Standards

All activities listed as permitted and restricted discretionary in Table D14.4.1 must comply with the following standards.

...

PC14 – Appendix 1

**D14.6.2 Buildings, and structures that do not intrude into a viewshaft
scheduled in Schedule 9 Volcanic Viewshafts Schedule**

...

D14.6.4 Temporary construction and safety structures

...

D14.8.2 Assessment criteria

...

D17. Historic Heritage Overlay

...

Table D17.4.1 Activity table – Activities affecting Category A, A* and B scheduled historic heritage places [rcp – where reference is made in Chapter F to these rules applying]

...

		Primary feature Category A places	Primary feature Category A* places	Activities within the scheduled extent of place of Category A and A* places	Primary feature Category B places	Activities within the scheduled extent of place of Category B places	Features identified as exclusions
Demolition or destruction							
(A1)	Demolition or destruction of 70% or more by volume or footprint (whichever is the greater) of any feature	Pr	NC	NC	D	D	P - where the feature is free-standing P – for <u>interior of building(s) where identified as an exclusion</u> C – where the feature is connected to a scheduled feature
(A2)	Demolition or destruction of 30% or more, but less than 70%, by volume or footprint (whichever is the greater) of any feature	NC	NC	NC	D	D	P - where the feature is free-standing P – for <u>interior of building(s) where identified as an exclusion</u> C – where the feature is connected to a

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							scheduled feature
For the purpose of applying rule D17.4.1(A1) and (A2) to Oakley Hospital Main Building (ID 1339) the map in Schedule 14.3 Historic Heritage Place maps identifies the footprint for the area of the building that comprises the primary feature							
Relocation							
(A3)	...						
(A4)	Relocation of features (including buildings or structures) beyond the scheduled extent of place	Pr	NC	D	D	RD	P - where the feature is free-standing P – for <u>interior of building(s) where identified as an exclusion</u> C – where the feature is connected to a scheduled feature

...

Modification and restoration							
(A9)	...						
(A9A)	<u>Trimming and alteration of trees specifically identified in Schedule 14.1</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
(A9B)	<u>Tree and vegetation removal, trimming and alteration, except any tree or other planting specifically identified in Schedule 14.1 Schedule of Historic Heritage</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
(A9B) (A9C)	<u>Modification of a grave ledger to allow the insertion of</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

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	<u>cremated ash remains</u>						
--	-----------------------------	--	--	--	--	--	--

...

Seismic strengthening							
(A12)	Modifications to buildings, structures or features of a scheduled historic heritage place for seismic strengthening	RD	RD	RD	RD	RD	P - where the feature is free-standing P – for <u>interior of building(s) where identified as an exclusion</u> C – where the feature is connected to a scheduled feature
<u>(A12A)</u>	<u>Modifications to buildings, structures or features of a scheduled historic heritage place for invasive seismic investigation</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

...

D17.6. Standards

...

D17.6.4 Pest plant removal, biosecurity ~~measures~~, tree works and tree and vegetation removal, trimming and alteration

- (1) ~~Pest plant removal~~ Must not result in the removal of any tree or other planting specifically identified in Schedule 14.1 Schedule of Historic Heritage, other than features identified as exclusions, or non-contributing sites or features in Historic Heritage Areas.
- (2) ~~Pest plant removal~~ Works within scheduled historic heritage places that are subject to archaeological controls must be undertaken:
 - (a) using hand-operated tools (including hand-held mechanical tools); and
 - (b) must not involve earthworks or disturbance of land or the foreshore or seabed, other than as provided for as a permitted activity.

D17.6.5. Modifications to buildings, structures, fabric or features of a scheduled historic heritage place identified as exclusions

...

D17.6.5A. Trimming and alteration of **specific trees identified in Schedule 14.1**

- 1) The maximum branch diameter must not exceed 50mm at severance.
- 2) No more than 10 per cent of live growth of the tree may be removed in any one calendar year.
- 3) The works must meet best arboriculture practice.
- 4) All maintenance and trimming must retain the natural shape, form, and branch habit of the tree.

D17.6.5B. Modification to grave ledgers to allow the insertion of cremated ash remains

- ~~5)-1)~~ Apertures for insertion of cremated remains must:
- ~~(e)~~ (a) Be cut or drilled;
 - ~~(f)~~ (b) Not exceed a maximum dimension of 250mm; and
 - ~~(g)~~ (c) Be repaired or covered by a plaque following insertion. Repairs shall comply with standard D17.6.2. Plaques shall not exceed 0.5m². Plaques shall be of copper alloy or a material that is the same as the original or most significant fabric on the grave, or the closest equivalent.

D17.6.6. Temporary buildings and structures and signs including those accessory to a temporary activity

...

D17.6.6A. Modifications to buildings, structures of features of a scheduled historic heritage place for invasive seismic investigation

- ~~6)-1)~~ Modifications to buildings, structures, or features of a scheduled historic heritage place for invasive seismic investigation must not result in any of the following:
- ~~(h)~~ (a) holes, cuts or drilling in visually obvious locations;
 - ~~(i)~~ (b) holes, cuts or drilling in or through original panel finishes such as but not limited to timber, pressed metal;
 - ~~(j)~~ (c) removal of original fabric;
- ~~7)-2)~~ All investigation works must be repaired/made good with the same material as the original fabric, or the closest equivalent

...

D19. Auckland War Memorial Museum Viewshaft Overlay

D19.1 Background

...

D19.4 Activity table

Table D19.4.1 Activity table specifies the activity status of development activities in the Auckland War Memorial Museum Viewshaft Overlay pursuant to section 9(3) of the Resource Management Act 1991.

- The rules that apply to network utilities and electricity generation in the Auckland War Memorial Museum Viewshaft Overlay are located in Section E26 Infrastructure.
- Refer to the applicable zone rules for the permitted height limit
- the Auckland War Memorial Museum Viewshaft Overlay provisions do not apply to structures that do not exceed the height limits specified on Figures D19.6.1.1, D19.6.1.2 and D19.6.1.3 within the areas identified on the planning maps.

Table D19.4.1 Activity table

Activity		Activity status
Development		
(A1)	Temporary construction and safety structures	P
(A2)	Buildings, structures, parapets, chimneys, communication devices, tanks or building services components, ornamental towers, lift towers or advertising signs that exceed the height limits specified on Figures D19.6.1.1 Height limit surface, D19.6.1.2 Height limit surface – 2 and D19.6.1.3 Height limit surface – 3 within the areas identified on the planning maps to protect views to or from the Auckland War Memorial Museum	NC

...

D26. National Grid Corridor Overlay

D26.1. Overlay description

The National Grid is important to the social and economic well-being of Aucklanders and New Zealanders. All infrastructure owned or operated by Transpower New Zealand Limited comprises the National Grid.

...

The areas within the National Grid Yard (Compromised and Uncompromised) are shown on the planning maps. The National Grid Yard (Uncompromised) areas are not generally compromised by the presence of existing buildings and are subject to limitations on new development. The National Grid Yard (Compromised) areas are generally compromised by the presence of existing buildings and are subject to fewer limitations than the National Grid Yard (Uncompromised). All parts of the National Grid Yard are subject to limitations on new activities sensitive to the National Grid.

The location of the National Grid Corridor Overlay must be updated if any National Grid line, support structure or substation is added, relocated or removed. ~~or if the site boundary of a substation reduces in size. The overlay's location will be updated automatically on sites where the overlay will no longer apply. However a plan change under Schedule One of the RMA will still be required in circumstances where the overlay is proposed to apply to new locations or areas, including new areas of existing properties which are already impacted by the overlay. a new area or location.~~

...

D26.4. Activity table

Table D26.4.1 Activity table – within the National Grid Yard specifies the activity status for use, development and subdivision activities within the National Grid Yard pursuant to sections 9(3) and 11 of the Resource Management Act 1991.

...

For subdivision within the National Grid Corridor overlay, the relevant zone rules in E38 Subdivision – Urban or E39 Subdivision – Rural, D26.6.2 (controlled activity development standards) and D26.8 (Assessment - restricted discretionary activities) apply. A blank in Table D26.4.1 below means that the Auckland-wide subdivision provisions apply.

The National Grid Corridor Overlay rules cease to have effect and the maps can be updated accordingly where:

- (a) a National Grid line or part of a line is dismantled, undergrounded or moved;
- or
- (b) a National Grid substation is dismantled or the site boundary of a National Grid substation reduces in size;

and the following has occurred:

- (c) Transpower New Zealand Limited has advised the Council in writing; and
- (d) The council has advised owners of the property from which the overlay will be

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removed in writing:

that the National Grid Corridor Overlay provisions are no longer required for that line or part of that line, or for that substation or that part of that substation.

and Transpower New Zealand Limited has advised the Council and owners of property from which the overlay will be removed in writing that the National Grid Corridor Overlay provisions are no longer required for that line or part of that line, or for that substation or that part of that substation.

In circumstances where the National Grid Corridor Overlay is proposed to apply to a new area or location, then a plan change under Schedule One of the RMA will be required.

Table D26.4.1 Activity table – within the National Grid Yard (Compromised and Uncompromised)

....

CHAPTER E AUCKLAND-WIDE

E2. Water quantity, allocation and use

...

E2.3. Policies [rp]

...

Water allocation and availability guidelines

- (5) Manage the taking and use of surface water from rivers, streams and springs and taking and use of groundwater from aquifers to meet all of the following except where water allocation exceeds or is close to exceeding the guidelines (refer to Policy E2.3(4+10)):
- (a) the minimum flow and availability guidelines in Table 1 River and stream minimum flow and availability in Appendix 2 River and stream minimum flow and availability are not exceeded; and
 - (b) the aquifer availability and groundwater levels in Table 1 Aquifer water availabilities and Table 2 Interim aquifer groundwater levels in Appendix 3 Aquifer water availabilities and levels are not exceeded.

Take and use of water

...

- (11) Allow takes that exceed the guidelines in Table 1 River and stream minimum flow and availability in Appendix 2 River and stream minimum flow and availability and Table 1 Aquifer water availabilities and Table 2 Interim aquifer groundwater levels in Appendix 3 Aquifer water availabilities and levels in the following circumstances:
- (a) For guidelines in Table 1 River and stream minimum flow and availability in Appendix 2 River and stream minimum flow and availability, when the river or stream flow is greater than the median flow, provided the total take does not exceed 10 per cent of the flow in the river or stream at the time of abstraction, and natural flow variability is maintained; or
 - (b) For all guidelines, where it is appropriately demonstrated in terms of the requirements of Policy of E2.3(6)(b) or Policy E2.3(7), that additional water is available for allocation.

...

E7. Taking, using, damming and diversion of water and drilling

...

E7.6.1.10. Diversion of groundwater caused by any excavation, (including trench) or tunnel

- (1) All of the following activities are exempt from the Standards E7.6.1.10(2) – (6):
- (a) pipes cables or tunnels including associated structures which are drilled or thrust and are ~~less than~~up to 1.2m in external diameter;
 - (b) pipes including associated structures up to 1.5m in external diameter where a closed faced or earth pressure balanced machine is used;
 - (c) piles up to 1.5m in external diameter are exempt from these standards;
 - (d) diversions for no longer than 10 days; or
 - (e) diversions for network utilities and road network linear trenching activities that are progressively opened, closed and stabilised where the part of the trench that is open at any given time is no longer than 10 days.

...

E7.6.3.3. Take and use of groundwater

...

- (2) The replacement of an existing resource consent to take and use groundwater for municipal water supply purposes:
- (a) at the time of the application, the take is an authorised take;
 - (b) a water management plan has been prepared;
 - (c) the take will not result in the water availabilities and levels in Table 1 Aquifer water availabilities and Table 2 Aquifer groundwater levels, in Appendix 3 Aquifer water availabilities and levels being exceeded, except in accordance with E2 Water quantity, allocation and use Policy E2.3(9)(11); and
 - (d) the take must not be from an area in the Wetland Management Areas Overlay.

...

E7.7.2. Assessment criteria

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) all controlled activities:

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(a) the extent to which any effects on Mana Whenua values are avoided, remedied or mitigated.

...

(4) new bores for purposes not otherwise specified:

(a) the options for the location, depth and design of the bore and the design of the head works to avoid adverse effects on the groundwater resource and other groundwater users;

(b) the options to locate and design the bore and the head works to avoid adverse effects on any scheduled historic heritage places;

(c) the most effective method to identify the bore; and

(d) an effective programme of maintenance for the bore; and

(e) [deleted]

~~demonstrates consultation and engagement with Mana Whenua.~~

...

E7.8.2. Assessment criteria

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

...

(5) Whether the proposal provides mitigation options where there are significant adverse effects on the matters identified in E7.8.2(4)(3) and (5)(4) above, including the following:

(a) consideration of alternative locations, rates and timing of takes for both surface water and groundwater;

...

E8. Stormwater - Discharge and diversion

...

E8.6.2.1. Diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network

(1) The impervious area ~~was~~is lawfully established ~~as of the date this rule becomes operative;~~ or

(2) The diversion does not increase stormwater runoff to the combined sewer network; or

(3) The diversion increases stormwater runoff to the combined sewer network and (unless the increase is approved by the combined sewer network operator).

...

E8.6.4. Restricted discretionary activity standards

Activities listed as restricted discretionary in Table E8.4.1 Activity table must comply with the following restricted activity standard.

E8.6.4.1. Diversion and discharge of stormwater runoff from additional impervious areas greater than 5,000m² of road (which include road ancillary areas that are part of a road, motorway or state highway operated by a road controlling authority) or rail corridor

...

(3) Where stormwater runoff from an impervious area is discharged into a stream receiving environment, it must be managed by a stormwater management device to meet the hydrology mitigation requirements E10.6.3.1.1(1) specified for Stormwater management area - Flow 1 in Table E10.6.3.1.1 Hydrology mitigation requirements, except as provided for in E10.6.3.1.1(2).

(4) Stormwater management devices must be provided to reduce or remove contaminants from stormwater runoff.

...

E9. Stormwater quality - High contaminant generating car parks and high use roads

...

E9.6.1.3. Development of a new or redevelopment of an existing high contaminant generating car park greater than 1,000m² and up to 5,000m²

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...

(2) Stormwater management device(s) must meet the following standards:

(a) the device or system must be sized and designed in accordance with ~~Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01); or

(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of ~~Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01).

(3) Stormwater runoff from the impervious area used for the high contaminant generating car park is treated by stormwater management device(s) meeting Standard E9.6.1.3(2) above.

(4) Where the car park is more than 50 per cent of the total impervious area of the site, stormwater runoff from the total impervious area on the site must be treated by stormwater management device(s) meeting Standard E9.6.1.3(2) above.

...

E9.6.1.4. Development of a new or redevelopment of an existing high use road greater than 1,000m² and up to 5,000m²

(1) Stormwater runoff from a new high use road, and any additional area of road discharging to the same drainage network point(s), must be treated by a Stormwater Management Device meeting the following:

(a) the device or system must be sized and designed in accordance with ~~Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01); or

(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of ~~Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01).

...

E9.6.2. Controlled activity

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All controlled activities in Table E9.4.1 Activity table must comply with the following activity specific standards.

E9.6.2.1. Development of a new or redevelopment of an existing high contaminant generating car park greater than 5,000m²

...

(3) Where a high contaminant generating car park is more than 50 per cent of the total impervious area of a site, stormwater runoff from the total impervious area on the site must be treated by stormwater management device(s).

(4) The stormwater management device(s) must meet the following:

(a) the device or system must be sized and designed in accordance with ~~Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01); or

(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of ~~Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01).

E9.6.2.2. Development of a new or redevelopment of an existing high use road greater than 5,000m²

(1) Stormwater runoff from the impervious area is treated by stormwater management device(s).

(2) Stormwater management device(s) must meet the following:

(a) the device or system must be sized and designed in accordance with ~~Auckland Councils Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01); or

(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of ~~Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01).

...

E11. Land disturbance – Regional

...

E11.2. Objectives [rp]

- (1) Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies ~~and~~or mitigates adverse effects on the environment.

...

E11.3. Policies [rp]

...

- (2) Manage land disturbance to:

...

- (c) avoid, remedy ~~and~~or mitigate adverse effects on accidentally discovered sensitive material; and

...

- (6A) Recognise and provide for the management and control of kauri dieback disease as a means of maintaining indigenous biodiversity.

...

E11.6.2. General standards

...

- (2) Best practice erosion and sediment control measures must be implemented for the duration of the land disturbance. Those measures must be installed prior to the commencement of land disturbance and maintained until the site is stabilised against erosion.

Note 1

Best practice in Auckland is generally deemed to be compliance with ~~Auckland Council Technical Publication 90 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region~~ 'Guidance Document 2016/005 Erosion and Sediment Control Guideline for Land Disturbing Activities (GD05)' or similar design.

...

E11.6.3. Standards for ancillary farming earthworks

...

- (2) Ancillary farming earthworks must implement best practice erosion and sediment control measures for the duration of the land disturbance. Those measures must be installed prior to the commencement of the land disturbance and maintained until the site is stabilised against erosion.

Note 1

Industry best practice is generally deemed to meet or exceed compliance with:

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- cultivation for vegetable production: The Horticulture New Zealand publication 'Erosion and Sediment Control Guidelines for Vegetable Production' (June 2014) for cultivation; or
- for ancillary farming earthworks other than cultivation: ~~'Auckland Council Technical Publication 90 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region'~~ Auckland Council 'Guidance Document 2016/005 Erosion and Sediment Control Guideline for Land Disturbing Activities (GD05)' or similar design for other ancillary farming earthworks.

...

(4) To prevent the spread of contaminated soil and organic material with kauri dieback disease, vehicle and equipment hygiene procedures must be adopted when working within 3 times the radius of the canopy drip line of a New Zealand kauri tree. Soil and organic material from land disturbance within 3 times the radius of the canopy drip line must not be transported beyond that area unless being transported to landfill for disposal.

E11.6.4. Standards for ancillary forestry earthworks

Ancillary forestry earthworks listed as a permitted activity in Table E11.4.1, Table E11.4.2 or Table E11.4.3 must comply with the following permitted activity standards.

...

(15) To prevent the spread of contaminated soil and organic material with kauri dieback disease, vehicle and equipment hygiene procedures must be adopted when working within 3 times the radius of the canopy drip line of a New Zealand kauri tree. Soil and organic material from land disturbance within 3 times the radius of the canopy drip line must not be transported beyond that area unless being transported to landfill for disposal.

...

E11.8. Assessment – restricted discretionary activities

E11.8.1. Matters of discretion

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

- (1) All restricted discretionary activities:
 - (a) compliance with the standards;
 - (b) the design and suitability of erosion and sediment control measures to be implemented;
 - (c) adverse effects of land disturbance and sediment discharge on water bodies, particularly sensitive receiving environments;

...

E12. Land disturbance – District

...

E12.2. Objectives

- (1) Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies ~~and~~or mitigates adverse effects on the environment.

...

E12.3. Policies

- (2) Manage the amount of land being disturbed at any one time, to:

...

- (b) avoid, remedy ~~and~~or mitigate adverse effects on accidentally discovered sensitive material; and

...

Table E12.4.2 Activity table – overlays (except Outstanding Natural Features Overlay)

PC 4
s86B (3) Immediate
legal effect (See
modifications)
[ENV-2018-
AKL000147:Housing
New Zealand]

Activity		Activity status				Additional rules for Archaeological sites or features ² apply as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps
		Outstanding Natural Character Overlay	Outstanding Natural Landscapes Overlay	High Natural Character Overlay and Outstanding Natural Landscapes Overlay	Historic Heritage Overlay	
Fences, service connections, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, burial of marine mammals, bridle paths, cycle and walking tracks but excluding ancillary farming earthworks and ancillary forestry earthworks						
(A16)	Earthworks for maintenance and repair	P	P	P	P	<u>N/A</u>
(A17)	Earthworks for the installation of fences, walking tracks and burial of marine mammals <u>RD* where archaeological rules</u>	P	P	P ² <u>RD*</u>	RD	<u>RD</u>

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	apply as listed in Schedule 14.1					
(A18)	Earthworks for interments in a burial ground, cemetery or urupā (within the burial plot for that interment)	P	P	P	P	<u>N/A</u>
(A19)	Earthworks for gardening or planting	P	P	P	P	<u>N/A</u>
Driveways, parking areas and, sports fields and major recreational facilities						
(A20)	Earthworks for operation, maintenance, resurfacing and repair	P	P	P	P	<u>N/A</u>
Cultivation						
(A21)	Up to 500m ²	RD	P	RD	D	<u>N/A</u>
(A22)	Greater than 500m ² up to 2500m ²	RD	P	RD	D	<u>N/A</u>
(A23)	Greater than 2500m ²	RD	P	D	D	<u>N/A</u>
Irrigation or land drainage						
(A24)	Works below the natural ground level	RD	P	D	D	<u>N/A</u>
Farming						
(A25)	Ancillary farming earthworks for maintenance of tracks RD* where archaeological rules apply as listed in Schedule 14.1	P	P	P ² <u>RD*</u>	P	<u>RD</u>
Forestry						
(A26)	Ancillary forestry earthworks for maintenance RD* where archaeological rules apply as listed in Schedule 14.1	P	P	P ² <u>RD*</u>	P	<u>RD</u>
Temporary activities						
(A27)	Earthworks associated with the	P	P	P ² <u>RD*</u>	RD	<u>RD</u>

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	installation of the temporary activity <u>RD* where archaeological rules apply as listed in Schedule 14.1</u>					
Land disturbance not otherwise listed in this table ³						
(A28)	Up to 5m ² <u>RD* where archaeological rules apply as listed in Schedule 14.1</u>	P	P	P ² <u>RD*</u>	D	<u>RD</u>
(A29)	Greater than 5m ² up to 50m ²	RD	P	RD ²	D	<u>N/A</u>
(A30)	Greater than 50m ²	RD	RD	RD	D	<u>N/A</u>
(A31)	Up to 5m ³ <u>RD* where archaeological rules apply as listed in Schedule 14.1</u>	P	P	P ² <u>RD*</u>	D	<u>RD</u>
(A32)	Greater than 5m ³ up to 250m ³	RD	P	RD ²	D	<u>N/A</u>
(A33)	Greater than 250m ³	RD	RD	RD	D	<u>N/A</u>

Note 2 ~~[deleted]~~

~~Restricted discretionary activity for additional rules for archaeological sites or features apply as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps.~~

Note 3

For the purposes of determining activity status for the general earthworks not otherwise listed in Table E12.4.1, both the area and volume thresholds must be taken into account and the more restrictive activity status applies.

In addition to the objectives and policies above, the rules in Table E12.4.3, notification, standards, matters and assessment criteria implement the objectives and policies in D10 Outstanding Natural Features Overlay.

...

E14. Air quality

...

E14.3. Policies [rcp/rp]

[The regional coastal plan [rcp] provisions (for activities or resources in the coastal marine area) are not operative until the Minister of Conservation has formally approved the regional coastal plan part of the Auckland Unitary Plan.]

.....

(2) In the coastal marine area and in urban and rural zones, except for those zones and precincts subject to policies E14.3(3) to (5):

(a) avoid offensive ~~and~~ or objectionable effects from dust and odour discharges and remedy or mitigate all other adverse effects of dust and odour discharges; or

...

(7) Require discharges of contaminants to air from outdoor burning (except when associated with test and training exercises by emergency response services), to be:

(b) avoided in urban and industrial areas and the coastal marine area; or

(c) minimised in rural areas; or

(d) minimised where it is for community or public event purposes or for cooking or heating.

(8) Avoid, remedy or mitigate the adverse effects on air quality from discharges of contaminants into air by:

(e) using the best practicable option for emission control and management practices that are appropriate to the scale of the discharge and potential adverse effects; ~~or~~ and

(f) adopting a precautionary approach, where there is uncertainty and a risk of significant adverse effects or irreversible harm to the environment from air discharges.

...

Table E14.4.1 Activity table

Activity	Activity status				
	High air quality - dust and	Medium air quality - dust and	Medium air quality - dust and odour	Low air quality - dust and odour	Low air quality - dust and odour

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	odour area	odour rural area (Rural)	area (Industry)	area (Industry)	area (Quarry)
--	------------	--------------------------	-----------------	-----------------	---------------

...

Discharge of contaminants into air from chemical and metallurgical processes					
(A38)	Use of more than 200kg/hour of resins	D	D	D	D
(A38A)	<u>Thermal metal spraying of any metal or metal alloy where discharges to air are through particulate control equipment [Standards in E14.6.1.3]</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
(A39)	The melting of any metal or metal alloy used in the process of thermal metal spraying, including zinc, that does not comply with the permitted activity standards	D	D	D	D

...

Discharge of contaminants into air from dust generating processes					
(A77)	<u>Bulk cement storage, handling, redistribution, or packaging</u>	<u>D</u> <u>P</u>	P	P	P

...

Discharge of contaminants into air from emergency services and the New Zealand Defence Force					
(A96)	Air discharges, including outdoor burning of any material, for the purpose of fire-fighting and other emergency response activities, carried out by <u>the New Zealand Fire Service Fire and Emergency New Zealand</u> , Auckland International Airport Limited and the New Zealand Defence Force	P	P	P	P

...

Discharge of contaminants into air from food, animal or plant matter processes					
(A102)	Coffee roasting at a loading rate of green coffee beans greater than 50kg/hour and not exceeding 250kg/hour <u>or with a total weekly production between 100kg and 500kg</u>	P	P	P	P
(A103)	Coffee roasting at a loading rate of green coffee beans of more than 250kg/hour <u>or with a total weekly production of more than 500kg</u> , or less than 250kg/hour and not meeting the permitted activity standards	D	D	D	D

...

Discharge of contaminants into air from mobile sources and tunnels					
--	--	--	--	--	--

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(A114)	Discharges to air from <u>the engines of</u> motor vehicles, <u>or from</u> aircraft, trains, vessels (including boats) and mobile sources not otherwise specified (such as lawnmowers), including those on industrial or trade premises (excluding tunnels) (permitted standards do not apply)	P	P	P	P	P
--------	---	---	---	---	---	---

...

Discharge of contaminants into air from outdoor burning						
(A124)	Cooking and <u>or</u> heating outdoors using fuels (including natural gas, liquid fossil fuels, solid fuels or untreated dry wood containing less than 25 per cent moisture) that contain less than 0.5 per cent sulphur by weight providing it does not cause offensive or objectionable smoke beyond the site boundary (includes braziers, firepits, barbecues, umus, hangis, domestic smokehouses and other ethnic cooking fires)	P	P	P	P	P

...

E14.6.1.1 General standards

The following standards apply to all permitted activities that discharge contaminants into air except for:

- mobile sources; and
- fire-fighting and other emergency response activities.

(1) The discharge must not ~~contain contaminants that cause, or are likely to cause,~~ cause, or be likely to cause, adverse effects on human health, property or ~~the environment~~ ecosystems beyond the boundary of the premises where the activity takes place.

E14.6.1.12. Bulk Cement storage, handling, redistribution, or packaging

...

Emergency Services

E14.6.1.15 Burning of any material for the purpose of fire emergency service training or investigation

- (1) All adjacent neighbours must be advised in writing at least 48 hours prior to the fire being lit.
- (2) The Auckland Council Compliance Team ~~Principal Rural Fire Officer~~ must be advised at least seven working days in writing in advance of the

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location and duration of the fire and the contact details of the person overseeing the fire.

- (3) The fire must be under the direction and supervision of ~~the New Zealand Fire Service~~ Fire and Emergency New Zealand, ~~Council fire officers~~ the New Zealand Defence Force (in the case of fires in defence areas as defined in the Defence Act, or otherwise in areas being used for defence purposes) or the Auckland Airport Fire Service in the case of fires at Auckland Airport.

Outdoor burning

E14.6.1.20 Outdoor burning of any material required by Ministry for Primary Industries or designated authorities under the Health Act 1965 or Biosecurity Act 1993 (excluding rural and quarry zones)

- (4) All adjacent neighbours must be advised in writing at least 48 hours prior to the fire being lit.
- (5) The Auckland Council Compliance Team ~~Principal Rural Fire Officer and Auckland Council Pollution Response Team~~ must be advised in writing at least 48 hours in advance of the location and duration of the fire and the contact details of the person overseeing the fire.
- (6) The fire must be under the direction and supervision of ~~the New Zealand Fire Service~~ Fire and Emergency New Zealand, ~~Council fire officers~~ or the Auckland Airport Fire Service in the case of fires at Auckland Airport.

...

E14.6.1.21. Other outdoor burning and burning within a backyard or single chamber incinerator but excluding outdoor cooking ~~and~~ or heating

...

Rural activities

...

E14.6.3.5. Intensive farming established from 21 October 2001 housing between 10,000 to 180,000 chickens

- (1) The premises, measured from the exhaust vents closest to the neighbouring site, must be located a minimum of 400m from the property boundary or notional property boundary. Notional property boundaries must be established through an instrument registered against the land title or any neighbouring property within the buffer area. Such registered instrument must provide a restriction on the owners and occupiers of such land from complaining about any offensive ~~and~~ or objectionable odours or

dust within the buffer area generated by the intensive livestock chicken farm.

E15. Vegetation management and biodiversity

...

E15.6. Standards

All activities listed as a permitted, controlled or restricted discretionary activity in Table E15.4.1 or Table E15.4.2 must comply with the following standards.

E15.6.A1. General standards

The following standards apply to all permitted, controlled or restricted discretionary activities.

- (1) All kauri material (including sawdust and woodchips) must be retained within 3 times the radius of the canopy drip line of the tree or disposed of to an approved landfill facility.

E15.6.1. ~~[deleted]~~Deadwood removal

- ~~(1) All kauri deadwood material (including sawdust and woodchips) must be retained on site or disposed of to an approved landfill facility.~~

...

E17. Trees in roads

E17.1 Background

...

E17.6. Standards

All permitted and restricted discretionary activities listed in Table 0.4.1 must comply with the following standards.

E17.6.1. Tree trimming or alteration

...

- (6) Standards E17.6.1(1),(2),(3),(4) and (5) do not apply for works carried out:
- (b) in order to comply with the Electricity (Hazards from Trees) Regulations 2003;
 - (c) by Council or its agent or the road controlling authority or its agent to maintain the visibility of road safety signage, maintain vehicle sight lines for traffic safety, maintain legal clearance height and width above the road carriage way including to:
 - (i) maintain a clearance of 4.5m height above the road carriageway or ~~5.3m where there is~~ up to 0.5m above any traffic signal, or road safety and directional signage located above the carriageway;
 - (ii) maintain the clearance of 0.5m width back from the road kerb;
 - (iii) maintain the clearance of 0.6m width back from the unkerbed road; or
 - (iv) maintain clearance requirements for over dimension routes.
 - (d) within the formation width of the legal road where the road adjoins any rural zone for maintaining visibility.

...

E23. Signs

E23.1 Background

Signs play an important role in identifying places and providing information including for business activities, direction or safety purposes. Signs are also an important advertising medium for businesses and can provide a source of revenue for building owners.

The number, type, location and size of signs can have adverse effects on the visual amenity of streets and buildings and on traffic and pedestrian safety. ~~pedestrian traffic and safety~~. They may also have adverse effects on the character and heritage values of an area.

Billboards and signs that form part of an application for comprehensive development signage are subject to the provisions of this chapter. Some overlays also contain provisions relating to signs.

Most signs, other than billboards and comprehensive development signage, are managed under the Auckland Transport/Auckland Council Signage Bylaw 2015 or the Auckland Transport Elections Signs Bylaw 2013 (or any amended or updated version).

...

E23.3 Policies [rcp/dp]

- (3) Enable billboards and comprehensive development signage while avoiding signs creating clutter or dominating the building or environment by controlling the size, number and location of signs.
- (4) Require traffic and pedestrian ~~traffic~~ safety standards to apply to billboards and comprehensive development signage, particularly to the wording, lighting and location of signs, and changeable message, illuminated, flashing or revolving signs.

...

E23.4 Activity table

Table E23.4.1 Activity table – Billboards in zones and Table E23.4.2 Activity table – Billboards on street furniture in road reserves and comprehensive development signage specify the activity status for billboard signs and comprehensive development signage, pursuant to section 9(3) and sections 12(1), (2) and (3) of the Resource Management Act 1991.

...

Table E23.4.2 Activity table – Billboards on street furniture and in road reserves, existing lawfully established billboards and comprehensive development signage [rcp/dp]

Activity		Activity status – all zones
Billboards on street furniture and in road reserves		
(A46)	Billboards on existing street furniture in a road reserve	P
	...	

...

E23.6 Standards

All activities listed as a permitted activity in Tables E23.4.1 and E23.4.2 must comply with the following permitted activity standards:

E23.6.1. Billboards in zones

All activities listed as permitted or restricted discretionary activities in:

- Table E23.4.1 Activity Table – Billboards in zones; and
- (A51) and, (A52) and (A53) in Table E23.4.2 Activity table – Billboards on street furniture and in road reserves, existing lawfully established billboards and comprehensive development signage;

must comply with the following standards.

(1) Billboards must:

...

~~(2) Free-standing billboards must:~~

- ~~(a) be at least 4 metres high but not greater than 6 metres high and 13 metres long and have a display face that does not exceed 50m²;~~
- ~~(b) be the only free-standing sign on the site which is greater than 1.5 metres high;~~
- ~~(c) not be placed within;~~
 - ~~(i) 5 metres of any building that is higher than 1.5 metres;~~
 - ~~(ii) 10 metres of any other free-standing sign, including a billboard sign on the same site or footpath signs placed directly outside the same site;~~
 - ~~(iii) 2 metres of any free-standing sign on another site under different ownership; or (iv) 2 metres of the side boundary of any site if the site has a frontage width greater than 6 metres.~~
- ~~(d) not obstruct, obscure or impair a motorist's safe line sight of any corner, bend, vehicle crossing pedestrian crossing, or intersection, with the safe intersection sight distance being measured according to the Austroads Guide to Road Design;~~

- ~~(e) not obstruct, obscure or impair the view of a motorist of any traffic control device (sign, signal or notice); and~~
- ~~(f) not use images, including changeable messages, that could be mistaken by an approaching motorist for a traffic control device in colour, shape or appearance.~~

E23.6.2. Billboards on existing street furniture in a road reserve, or the replacement of billboards on existing street furniture in a road reserve with a billboard of the same, or substantially similar, size and shape

All activities listed as a permitted activity in (A46) and (A47) in Table E23.4.2 Activity table - Billboards on street furniture and in road reserves, existing lawfully established billboards and comprehensive development signage must comply with the following permitted activity standards.

- (1) A billboard on existing street furniture in a road reserve, or the replacement of billboards on existing street furniture in a road reserve with a billboard of the same, or substantially similar, size and shape must comply with all of the following:
 - (a) the billboard must be no larger than the street furniture it is attached to;
 - (b) the billboard must not be placed within a view shaft or within 30 metres of a scheduled historic heritage place;
 - (c) if lit internally or by external means (excluding digital billboards) it must:
 - (i) not be lit with an upwardly facing light source;
 - (ii) not exceed a luminance of 800cd/m² when lit by an artificial light source between dusk and dawn; and
 - (iii) be designed to reduce any glare or direct view of the light source when viewed by an observer at ground level 2 metres or more away from the billboard;
 - (d) If the billboard is a digital billboard it must include controls to ensure that the luminance does not exceed:
 - (i) 5000cds/m² between sunrise and sunset; (daytime)
 - (ii) 250cds/m² between sunset and sunrise (night time); and
 - (iii) 250cds/m² during twilight; (twilight means from astronomical dawn to sunrise and from sunset until astronomical dusk with the times for sunrise, sunset and astronomical dusk (night) being those specified in the US Naval Portal);
 - (e) A billboard shall not emit noise, smoke, steam or other matter;
 - (f) A billboard must not extend more than:

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(i) 200mm from the face of any building or structure to which it is attached if it is a static billboard; or

(ii) 400mm from the face of any building if it is a changeable message billboard.

(g) A billboard must not display any image that:

(i) resembles or is likely to be confused with any traffic sign or signal;

(ii) contains reflective, fluorescent or phosphorescent materials that will reflect headlights, or distract or interfere with a road user's vision; or

(iii) uses flashing or revolving lights or lasers or any other method of illumination that will dazzle or distract drivers; and

(h) A changeable message billboard must not use images that could be mistaken by an approaching motorist for a traffic control device by its colour, shape or appearance.

E23.6.3. Billboards on new street furniture

All activities listed as a permitted activity in (A48) in Table E23.4.2 Activity table – Billboards on street furniture and in road reserves, existing lawfully established billboards and comprehensive development signage must comply with the following permitted activity standards.

(1) Billboards on new street furniture must:

(a) comply with Standards E23.6.2(1)(a) to (h); ~~and (d)(i), (ii), (iii);~~

(b) not be located where the land immediately adjoining the billboard is:

(i) within a Special Character Areas Overlay – Residential and Business;
or

(ii) zoned Rural – Rural Conservation Zone, Rural – Countryside Living Zone or Open Space – Conservation Zone, Rural – Waitākere Ranges Zone, or Rural – Waitākere Foothills Zone, unless the street furniture is on an arterial road.

(2) [deleted]

~~If the billboard is a digital billboard it must include controls to ensure that the luminance does not exceed:~~

~~a. 5000cds/m² between sunrise and sunset; (daytime)~~

~~b. 250cds/m² between sunset and sunrise (night time); and~~

~~c. 250cds/m² during twilight; (twilight means from astronomical dawn to sunrise and from sunset until astronomical dusk with the times for sunrise, sunset and astronomical dusk (night) being those specified in the US Naval Portal).~~

(3) [deleted]

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~~A billboard must not extend greater than 200mm from the face of the building or structure to which it is attached if it is a static billboard.~~

(4) [deleted]

~~A billboard must not extend greater than 400mm from the face of the building or structure it is attached to if it is a changeable message billboard.~~

(5) [deleted]

~~A billboard must not display an image that does any of the following:~~

~~(a) resembles or is likely to be confused with any traffic sign or signal:~~

- ~~(i) contains reflective, fluorescent or phosphorescent materials that will reflect headlights, or distract or interfere with a road user's vision; or~~
- ~~(ii) uses flashing or revolving lights or lasers or any other method of illumination that will dazzle or distract drivers.~~

...

E23.7. Assessment – controlled activities

There are no controlled activities in this section.

E23.8. Assessment – restricted discretionary activities

E23.8.1. Matters of discretion

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

- (1) visual amenity;
- (2) scale and location;
- (3) lighting and traffic and pedestrian safety;
- (4) duration of consent; and
- (5) cumulative effects.

E23.8.2. Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities in Activity Table 0.4.1 Billboards in zones and Activity Table 0.4.2 Billboards on street furniture in road reserves, existing lawfully established billboards and comprehensive development signage from the list below:

...

(2) lighting and traffic and pedestrian safety:

- (a) the extent to which lighting associated with a sign or billboard is controlled to minimise adverse effects on the visual amenity of the surrounding environment during both day and night time (and the transition times between) having regard to:
 - (i) the location of the signs or billboard;

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- (ii) the sign's orientation to the sun; and
 - (iii) the variance of ambient light levels within the area.
- (b) the degree of compliance with Standards E23.6.1(2)(a),(b),(c) or E23.6.1(3)(a), (b), (c) and whether lighting levels, light spill or glare from illuminated or, changeable message signs or billboards that do not meet these standards will cause unreasonable levels of glare and discomfort to any person or to traffic safety (the controls of Tables 2.1 and 2.2 of Australian Standards AS 4282 - 1997 (Control of the Obtrusive Effects of Outdoor Lighting) may be used to determine glare and discomfort);
- (c) whether there will be adverse effects on the amenity values of the surrounding area and traffic or pedestrian safety from signs or billboards that are capable of displaying variable images more than once every eight seconds, taking into account:
- (i) the proposed transition time between images;
 - (ii) the dwell time of each image;
 - (iii) the number of image changes per hour; and
 - (iv) the number of consecutive related images.
- (d) the extent to which the location, operation, lighting or design of the signs or billboard will have adverse effects on traffic or pedestrian safety.

...

E25. Noise and vibration

...

E25.6. Standards

All activities must comply with the following relevant permitted activity standards.

E25.6.29. Construction noise and vibration levels for work within the road

(1) Noise from any construction, maintenance and demolition activities in the road must ~~meet~~ comply with the relevant noise levels in the following relevant table:

- (a) Table E25.6.27.1 Construction noise levels for activities sensitive to noise in all zones except the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or
- (b) Table E25.6.27.2 Construction noise levels for noise affecting any other activity; or
- (c) Table E25.6.28.1 Construction noise levels for construction less than 15 consecutive calendar days duration in the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or
- (d) Table E25.6.28.2 Construction noise levels for construction of 15 consecutive calendar days or more duration in the Business – City Centre Zone and the Business – Metropolitan Centre Zone.

(1A) Vibration from any construction, maintenance and demolition activities in the road must comply with the relevant vibration levels in the following relevant table or standard:

- (a) the limits set out in E25.6.30(1)(a) German Industrial Standard DIN 4150-3 (1999): Structural vibration – Part 3 Effects of vibration on structures; and
- (b) Table E25.6.30.1 Vibration limits in buildings.

...

(3) The noise levels specified in Standard E25.6.29(1) above do not apply to unplanned repair or maintenance works or planned works in the road between the hours of 7am and 10pm where:

- (a) the number of days where the noise generated by the works exceeds the relevant noise levels in the following tables:
 - (i) Table E25.6.27.1 Construction noise levels for activities sensitive to noise in all zones except the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or

...

- (iv) Table E25.6.28.2 Construction noise levels for construction of 15 consecutive calendar days or more duration in the Business – City Centre Zone and the Business – Metropolitan Centre Zone;

at any one receiver is 10 days or less; or

...

(4) The noise levels specified in Standard E25.6.29(1) do not apply to road rehabilitation works that comprise the substantial removal and replacement of the road structural base and pavement in the road where:

...

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- (f) a construction noise and vibration management plan is provided to the Council no less than five days prior to the works commencing in accordance with the applicable provisions of Standard E25.6.29(5) below.
- (4A) The vibration levels specified in Standard E25.6.29(1A)(b) do not apply to works within the road where:
- (a) for planned works, a copy of the works access permit issued by Auckland Transport or approval from the New Zealand Transport Agency is provided to the Council five days prior to work commencing; and
- (b) a construction noise and vibration management plan is provided to the Council no less than five days prior to the works commencing in accordance with the applicable provisions of Standard E25.6.29(5) below.
- (5) A construction noise and vibration management plan must be prepared by a suitably qualified and experienced person and include the following:
- ...
- (b) a description of the works and its duration, anticipated equipment to be used, ~~and~~ the processes to be undertaken and the predicted noise and vibration levels; and
- (c) identification of the best practicable options that will be undertaken to mitigate and minimise any noise and vibration being produced that is likely to exceed the relevant levels of the following tables:
- (i) Table E25.6.27.1 Construction noise levels for activities sensitive to noise in all zones except the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or
- (ii) Table E25.6.27.2 Construction noise levels for noise affecting any other activity; or
- (iii) Table E25.6.28.1 Construction noise levels for construction less than 15 consecutive calendar days duration in the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or
- (iv) Table E25.6.28.2 Construction noise levels for construction of 15 consecutive calendar days or more duration in the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or
- (vi) Table E25.6.30.1 Vibration limits in buildings.
- (6) For the purpose of Standards E25.6.29(1) to E25.6.29(4)(A) above:
- (a) planned work means work that has been planned to take place at least seven days before the work commences; ~~and~~
- (b) the measurement and assessment of all construction noise must be in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction noise; and
- (c) the measurement of all vibration must be in accordance with E25.6.30 Vibration.

Vibration

E25.6.30 Vibration

...

- (2) Permanently installed stationary vibrating, reciprocating and rotating machinery and all piping, ducting and other equipment attached to such machinery must be installed and maintained so that any resulting vibration does not exceed the limits of Table E25.6.30.2 Vibration levels for stationary machinery when measured in any occupied room of any building on another site or in any occupied unit under different ownership from the source of the vibration. Vibration must be measured in accordance with ISO 2631-2:2003

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Mechanical vibration and shock – Evaluation of human exposure to whole-body vibration – Part 2: Vibration in buildings (1Hz to 80Hz):

Table E25.6.30.2 Vibration levels for stationary machinery

Affected occupied building or area	Time of day	Maximum vibration level in root mean square velocity (mm/s) between 8 and 80Hz
Noise sensitive spaces	7am-10pm	0.20
Bedrooms and sleeping areas only within activities sensitive to noise	10pm-7am	0.14

(3) For vibration levels applying to work within the road, refer to E25.6.29.

...

E26. Infrastructure

[ENV-2016-AKL-000243: K Vernon] – Addition sought

E26.1 Introduction and other relevant regulatory requirements

E26.1.1 Introduction

...

E26.2.2. Policies [rp/dp]

...

(7) Enable the following activities within natural heritage, natural resources, coastal environment, historic heritage, ~~historic~~ special character and Mana Whenua cultural heritage overlays:

...

E26.2.3 Activity table

Table E26.2.3.1 Activity table specifies the activity status of land use and development activities in all zones and roads pursuant to sections ~~9(2)~~ and 9(3) of the Resource Management Act 1991.

- Network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

Table E26.2.3.1 Activity table - Network utilities and electricity generation – All zones and roads

Activity	Roads, unformed roads and the Strategic Transport Corridor Zone	Rural zones, Future Urban Zone and Special Purpose – Quarry Zone	Coastal – Marina Zone (land) and Coastal – Minor Port Zone (land)	Residential zones, Special Purpose – Māori Purpose Zone and Special Purpose – School Zone	Industrial zones and the Business – General Business Zone	Centres zones, Business – Mixed Use Zone, Special Purpose – Airports and Airfields Zone, Special Purpose – Major Recreation Facility Zone, Special Purpose – Healthcare Facility and Hospital Zone, Business – Business Park Zone and Special Purpose – Tertiary Education Zone	Open space zones and the Special Purpose – Cemetery Zone
General							
	...						
(A23)	Pole mounted transformer * within areas of the Road, Unformed Road and <u>the Strategic Transport Corridor Zone</u> , this activity shall have the same status as the adjacent zone ** Industrial zones *** within the areas of the Roads and Unformed Roads and Strategic Transport Corridor Zone, in rural and coastal towns; and serviced and un-serviced villages.	*	P	P	RD P***	RD P**	RD <u>P***</u>

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	<p><u>*** in those zones that are located outside the RUB, and within areas of the Road, Unformed Road and the Strategic Transport Corridor Zone adjacent to those zones:</u></p> <p><u>***within areas of the road, unformed road and the Strategic Transport Corridor Zone, where the area is adjacent to the relevant zone and is located outside the RUB</u></p>							
							
(A36)	<p>Antennas that do not exceed the following dimensions:</p> <p>GPS Antennas:</p> <ul style="list-style-type: none"> • 300mm high and 130mm in diameter • small cell units/antennas that do not exceed a volumetric dimension of 0.25m³ <p>Omni-directional <u>whip or dipole</u> antennas:</p> <ul style="list-style-type: none"> • 650mm<u>1.6m</u> high; • <u>650mm</u> horizontal length for dipole antennas; and • <u>Whip or cross rod section of 60mm</u> in diameter 	P	P	P	P	P	P	P
	...							
(A51)	Water, wastewater and stormwater pump stations	P	P	P	P	P	P	P
(A51A)	<p><u>Water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2 (3)(a)</u></p> <p><u>*Centres zones and Business – Mixed Use Zone</u></p>	NA	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>C</u>	<u>RD#</u>
(A52)	Water, wastewater and stormwater storage tanks	P	P	P	P	P	P	P
							

...

E26.2.5. Standards

E26.2.5.1 Activities within roads and unformed roads in Table E26.2.3.1

Activity table

All activities listed as permitted in Table E26.2.3.1 Activity table must comply with the following permitted activity standards.

...

(3) Height:

- (a) the maximum height for structures, excluding electricity and telecommunication support structures, telecommunication devices, earth peaks, lightning rods, smart meters and GPS antennas is 1.8m;
- (b) the maximum height for support structures for electricity lines, telecommunication lines, telecommunication equipment/devices,

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including telecommunication equipment/devices is 25m. This measurement of height of the structure excludes any earth peaks, lightning rods, smart meters, omni-directional whip antennas and GPS antennas; and

(c) the maximum height for of 2.5m applies to:

- (i) telecommunication kiosk; and
- (ii) distribution substations that specifically connect between networks operating at different voltages or phase angles, and are located outside of urban areas.

...

E26.2.5.2 Activities within zones in Table E26.2.3.1 Activity table

All activities listed as permitted in Table E26.2.3.1 Activity table must comply with the following permitted activity standards.

...

(3) Height:

- (a) the maximum height for structures, excluding electricity and telecommunication support structures, telecommunication devices, earth peaks, lightning rods, smart meters and GPS antennas, is 2.5m. Excludes:
 - (i) structures in industrial zones, where the height controls of the relevant zone will apply;
 - (ii) substations and telephone exchanges incorporated within a building complying with the rules for the relevant zone or otherwise approved; and
 - (iii) telecommunication shelters and electricity storage facilities in rural zones, where a maximum height of 3m applies.
- (b) the maximum height for support structures for electricity lines and telecommunication lines is 25m.

...

E26.2.5.3 Specific activities within zones in Table E26.2.3.1

The specific activities listed below are required to comply with the permitted activity standards in E26.2.5.1 and E26.2.5.2. Where a standard in E26.2.5.3 for a specified activity varies from a standard in E26.2.5.1 or E26.2.5.2, E26.2.5.3 shall apply.

Minor infrastructure upgrading

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- (1) Minor infrastructure upgrading of network utilities must comply with the following controls (where relevant):
- (a) minor re-alignment, configuration, relocation or replacement of electricity, gas distribution, or telecommunication line, pipe, pole, conductors, cross arms, switches, transformers, cabinets or ancillary structures:
 - (i) that is within 2m of the existing alignment or location;
 - (ii) that is within 5m of the existing alignment or location when associated with road widening reasons or road safety or electricity clearance reasons.
 - (b) alterations and additions to overhead electricity and telecommunication lines on existing poles:
 - (i) do not increase the number of conductors or wires/lines by more than 100 percent;
 - (ii) or when installing a new low voltage circuit on an existing pole, the total number of new conductors or wires/lines must not exceed 8, consisting specifically of 4 lines for electricity circuit (or a single bundled line containing **all-up to 4** electricity lines), 1 hot water pilot line, 1 street light line, and 2 for telecommunication purposes. Where the hot water pilot and street light lines are not required, the maximum number of new conductors must not exceed 6 (unless some of the electricity lines are bundled in a single bundled line, in which case the maximum number of new conductors or wires/lines must not exceed 7, less the number of electricity lines in the bundled line).
 - (iii) the provisions in E26.2.5.3(1)(b)(i) and E26.2.5.3(1)(b)(ii) above exclude service connections and lateral network connections
 - (iv) additional cross arms that do not exceed the length of the existing cross arm by more than 100 percent, up to a maximum of 4m; and
 - (v) additional or replacement electricity and telecommunication lines that:
 - do not exceed 30mm in diameter; or
 - in the case of a single bundled line containing **all-up to 4** electricity lines provided for under E26.2.5.3(1)(b)(ii), does not exceed 44mm in diameter. **Only one bundled electricity line per span is permitted.**

...

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Substations and electricity storage facilities

- (2) Noise from substations must not exceed the following noise limits when measured within the boundary of a residential zone site or within the notional boundary of a rural zone site:
- (a) 55 dB L_{Aeq} between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and
 - (b) 45 dB L_{Aeq} /75 dB L_{Amax} for all other times
- (2A) Noise from electricity storage facilities must not exceed:
- (a) The noise limits in E26.2.5.3(2) when the electricity storage facility is located on the same site as a substation and the noise levels are assessed cumulatively; or
 - (b) The following noise limits when measured within the boundary of a residential zone site or within the notional boundary of a rural zone site:
 - (i) 50 dB L_{Aeq} between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and
 - (ii) 40 dB L_{Aeq} /75 dB L_{Amax} for all other times.
- (3) Noise from substations and electricity storage facilities received in other zones must not exceed the noise limits for the zone in which the receiver is located as provided in E25 Noise and vibration.
- ~~(4) Noise from distribution substations within roads, unformed roads and Strategic Transport Corridor Zone must not exceed 40 dB L_{Aeq} at 6m from the distribution substation or at the nearest residential boundary or rural notional boundary, whichever is the furthest.~~
- ~~(4) Noise from distribution substations and electricity storage facilities within roads, unformed roads and the Strategic Transport Corridor Zone must not exceed 40 dB L_{Aeq} at:~~
- ~~(a) 6m from the distribution substation or electricity storage facility; or~~
 - ~~(b) any residential boundary or rural notional boundary where those boundaries are further than 6m from the distribution substation or electricity storage facility.~~
- (4) Noise from distribution substations and electricity storage facilities within roads, unformed roads and Strategic Transport Corridor Zone must not exceed 40 dB L_{Aeq} :
- (i) in adjacent residential areas – 6m from the distribution substation or electricity storage facility, or at the nearest residential boundary (whichever is furthest); and
 - (ii) in adjacent rural zones – 6m from the distribution substation or electricity storage facility, or at the nearest rural notional boundary (whichever is furthest).
- (5) In respect of E26.2.5.3(3) and (4) above noise levels must be measured in accordance with NZS6801:2008 “Acoustics – Measurement of environmental sound” and assessed in accordance with NZS6802:2008 “Acoustics – Environmental noise”.

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...

Height of masts and attached antennas (excludes NESTF)

(11) Masts and attached antennas identified as permitted activities in Table E26.2.3.1 must not exceed the height limits in Table E26.2.5.3.3, excluding provision for lightning rods, omni-directional whip antennas and GPS antennas, telecommunication devices and earthpeaks.

Zone groups	Maximum height
<ul style="list-style-type: none"> • Rural zones; • Industrial zones; • Strategic Transport Corridor Zone; • Centres zones and Business - Mixed Use Zone (excluding the Business – Local Centre Zone and Business – Neighbourhood Centre Zone); • Special Purpose – Airport Zone; • Special Purpose – Major Recreation Facility Zone; • Special Purpose – Healthcare Facility and Hospital Zone; • Business – Business Park Zone; • Business – General Business Zone; • Coastal – Minor Port Zone (land); • Future Urban Zone; • Coastal – Marina Zone (land); and • Special Purpose – Quarry Zone 	25m

....

E26.2.5.4 Standards for road network activities in Table E26.2.3.2

The following permitted activity standards apply to activities within Table E26.2.3.2 Activity table for road network activities in the existing road.

- (1) Temporary works, buildings and structures must be removed from the road on completion of works.
- (2) After completion of works, the ground must be reinstated to at least the condition existing prior to any work starting.

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- (3) Work within the formation width of the road must be incidental to, and serve a supportive function for the existing public road or is required for the safety of road users or is required for the safety of adjacent landowners or occupiers.
- (4) Road network activities involving the construction, renewal or minor upgrading of road pavement (excluding footpaths), bridges, retaining walls and tunnels, that are within 20m of any building or structure that is listed as a primary feature in Schedule 14.1, shall prepare a vibration management plan. The plan shall be prepared by a suitably qualified and experienced person and shall demonstrate that vibration levels in E25.6.30 (1)(a) German Industrial Standard DIN 4150-3(1999):Structural vibration – Part 3 Effects of vibration on structures will be complied with. The plan must include the information set out in E26.8.8 and be provided to the council no less than 5 days prior to the works commencing.

E26.2.5.5 Controlled activity standards

All activities listed as controlled in Table E26.2.3.1 Activity table must comply with the following controlled activity standards.

....

Substations within new or existing buildings and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a)

- (2) Substations within new buildings, ~~and~~ substations within existing buildings that require an increase in building platform area or building height, and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a):
- (d) the substation building or ~~pumping pump~~ station must comply with the standards for the relevant zone; and
- (e) noise from substations must not exceed the noise limits in Standards E26.2.5.3(2) - (5).

E26.2.6 Assessment – controlled activities

E26.2.6.1 Matters of control

The Council will reserve its control to all the following matters when assessing a controlled activity resource consent application:

...

- (3) substations within new buildings, ~~and~~ substations within existing buildings that require an increase in building platform area or building height, and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a):

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- (a) external building appearance;
- (b) landscaping and fencing;
- (c) compliance with Standard E26.2.5.5(2); and
- (d) effects on health and safety.

E26.2.6.2 Assessment criteria

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

...

- (3) substations within new buildings, ~~and~~ substations within existing buildings that require an increase in building platform area or building height and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a):
 - (a) whether Standard E26.2.5.5(2) is complied with;
 - (b) the extent to which design features can be used to break up the bulk of the building by, for example varying building elevations, setting parts of the building back, and the use of architectural features without compromising the functional requirements of the pumping pump station or substation;
 - (c) the extent to which the visual effects of the building can be softened by landscaping without compromising the functional requirements of the pumping pump station or substation; and
 - (d) the extent to which fencing can be used to minimise potential health and safety hazards.

E26.2.7 Assessment – restricted discretionary activities

E26.2.7.1 Matters of discretion

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

...

- (2) substations within new buildings, ~~and~~ substations within existing buildings that require an increase in building platform area or building height, and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a):
 - (i) effects of external building appearance on amenity values of the streetscape and adjoining properties; and

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(ii) effects on health and safety.

...

E26.2.7.2 Assessment criteria

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

...

(2) substations within new buildings, ~~and~~ substations within existing buildings that require an increase in building platform area or building height, and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a):

- (a) the extent to which design features can be used to break up the bulk of the building by, for example varying building elevations, setting parts of the building back, and the use of architectural features without compromising the functional requirements of the pumping pump station or substation;
- (b) the extent to which the visual effects of the building can be softened by landscaping without compromising the functional requirements of the pumping pump station or substation; and
- (c) the extent to which fencing can be used to minimise potential health and safety hazards.

...

E26.3 Network utilities and electricity generation – Vegetation management

E26.3.1 Objectives

...

E26.3.3 Activity table

Table E26.3.3.1 Activity table specifies the activity status of land use and development activities pursuant to sections 9(2) and 9(3) of the Resource Management Act 1991 in the:

- rural zones, coastal areas and riparian margins areas (for the meaning of ‘coastal areas’ and ‘riparian areas’, refer to E15 Vegetation management and biodiversity and in particular Table E15.4.1 Activity table - Auckland-wide vegetation and biodiversity management rules);
- D9 Significant Ecological Areas Overlay; (SEA)
- D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay; and (ONF) and (ONL)
- D11 Outstanding Natural Character Overlay and High Natural Character Overlay; (ONC) and (HNC)

...

Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management

Activity		Auckland wide rules Vegetation management	Overlay rules Vegetation management				
		Rural zones, coastal areas and riparian margins areas [rp]	SEA [rp]	ONF [dp]	HNC [dp]	ONL [dp]	ONC [dp]
Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and minor infrastructure upgrading							
(A3)	Biosecurity tree works	P	P	P	P	P	P
						

...

E26.3.4A General Standard

All activities listed as permitted, or restricted discretionary in Table E26.3.3.1 must comply with the following standard.

Disposal of kauri material

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- (1) All kauri material (including sawdust and woodchips) must be retained on site according to best practice or disposed of to an approved landfill facility.

E26.3.5 Permitted activity standards Standards

All activities listed as permitted in Table E26.3.3.1 Activity table must comply with the following permitted activity standards.

Regional [rp]

Permitted activity standards for vegetation management in rural zones, coastal areas, riparian areas margins and the Significant Ecological Areas Overlay

...

E26.3.5.2 Vegetation alteration or removal

- (1) ~~Vegetation alteration or removal m~~Must not include trees over 6m in height, or 600mm in girth unless their removal is otherwise permitted by a rule in this Plan.
- (2) ~~Must not result in the removal of more than 20m² of vegetation within a significant ecological area, except within the formation width of the road.~~

[Deleted]

- (3) Must not result in the removal of more than 50m² of vegetation within a coastal area or riparian area margin not identified as a significant ecological area.

...

- (7) Vegetation alteration or removal from a significant ecological area must be for the purpose of:

- (a) the operation, maintenance, renewal, repair or removal of network utilities or electricity generation facilities or minor infrastructure upgrading and not result in the removal of more than 20m² of vegetation, except within the formation width of the road; or
- (b) the operation, maintenance, renewal, repair or removal of network utilities or electricity generation facilities or minor infrastructure upgrading and must be undertaken in any of the following:
- (i) within the formation width of existing roads, except where Standard E26.3.5.2(4) applies; or
- (ii) within 1m of the network utility, or existing access track; or
- (iii) in accordance with the Electricity (Hazards from Trees) Regulations 2003; or

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(c) maintaining the safety of the network utility and must be undertaken in any of the following:

(i) within state highway designations as at 30 September 2013; or

(ii) within railway designations as at 30 September 2013; or

(d) installing a service connection and must not result in the removal of more than 10m² of vegetation.

~~be for the purpose of maintaining the safety of the network utility and must be undertaken in any of the following:~~

~~(a) within the formation width of existing roads;~~

~~(b) within 1m of the network utility, or existing access track;~~

~~(c) in accordance with the Electricity (Hazards from Trees) Regulations 2003;~~

~~(d) within state highway designations as at 30 September 2013; or~~

~~(e) within railway designations as at 30 September 2013.~~

(7a) Tree trimming or alteration of trees must comply with the following standards:

(a) the maximum branch diameter must not exceed 50mm;

(b) no more than 10 per cent of live growth of the tree is removed in any one calendar year;

(c) the trimming or alteration must retain the natural shape, form and branch habit of the tree;

(d) trimming or alteration must meet accepted modern arboricultural practice.

(8) Standards E26.3.5.2(1)-(7a) do not apply to vegetation alteration or removal required to maintain the visibility of road safety signage, vehicle sightlines, carriageway clearance heights and widths as follows:

(a) clearance of 4.5m height above the road carriage way or up to ~~5.3m~~ 0.5m above any traffic signal, or road safety and directional signage located above the road carriageway;

(b) clearance of a 0.5m width back from the road kerb;

(c) clearance of a 0.6m width back from the un-kerbed road; or

(d) clearance for any over dimension route requirement.

District [dp]

Permitted Activity Standards for vegetation management in the Outstanding Natural Features Overlay, Outstanding Natural Landscapes Overlay and Outstanding Natural Character and High Natural Character Overlay

...

E26.3.5.4. Vegetation alteration or removal

...

- (5) Standards E26.3.5.4(1)-(4) do not apply to vegetation alteration or removal required to maintain the visibility of road safety signage, vehicle sightlines, carriageway clearance heights and widths as follows:
- (a) clearance of 4.5m height above the road carriage way or up to ~~5.3m~~ 0.5m above any traffic signal, or road safety and directional signage located above the road carriageway;
 - (b) clearance of a 0.5m width back from the road kerb;
 - (c) clearance of a 0.6m width back from the un-kerbed road; or
 - (d) clearance for any over dimension route requirement.

...

E26.3.7 Assessment – restricted discretionary activities

E26.3.7.1 Matters of discretion

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

- (1) regional rules - vegetation management in rural zones, coastal areas, riparian ~~areas margins~~ and the Significant Ecological Areas Overlay that do not comply with the permitted activity standards [rp]:
- (a) ecological values:
 - (i) the effects that the vegetation alteration or removal will have on ecological values, including on threatened species and ecosystems.
 - (aa) hazard mitigation:
 - (i) the role of the vegetation in avoiding or mitigating natural hazards and the extent to which the vegetation alteration or removal will increase any hazard risk.

...

E26.3.7.2 Assessment criteria

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

- (1) regional rules - vegetation management in rural zones, coastal areas, riparian ~~areas margins~~ and the D9 Significant Ecological Areas Overlay that do not comply with the permitted activity standards [rp]:

- (a) ecological values:

- (i) the extent to which the vegetation alteration or removal is minimised and adverse effects on the ecological and indigenous biodiversity values of the vegetation are able to be avoided, remedied or mitigated;
- (ii) whether vegetation removal will have an adverse effect on threatened species or ecosystems; and
- (iii) the extent to which the proposal for vegetation alteration or removal has taken into account relevant objectives and policies in D9 Significant Ecological Areas Overlay, D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay and E15 Vegetation management and biodiversity.

- (aa) hazard mitigation:

- (i) the extent to which the vegetation alteration or removal will increase natural hazard risks.

....

E26.4 Network utilities and electricity generation – Trees in roads and open space zones and the Notable Trees Overlay

...

E26.4.3 Activity table

....

Table E26.4.3.1 Activity table - Network utilities and electricity generation – Trees in roads and open space zones and the Notable Trees Overlay

Activity		Auckland wide-rules Trees		Overlay rules
		Trees in roads [dp]	Open space zones [dp]	Notable trees [dp]
Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and, minor infrastructure upgrading				
	...			
(A86)	Works within the protected root zone undertaken by <u>to enable</u> trenchless methods at a depth greater than 1m below ground level	NA	NA	P
	...			

...

E26.4.5 Standards

All activities listed as permitted in Table E26.4.3.1 Activity table must comply with the following permitted activity standards.

Trees in roads and open space zones

E26.4.5.1 Trees in roads and open space zones - tree trimming or alteration

...

(2) The standards in E26.4.5.1(1) do not apply to tree trimming or alteration carried out:

(a) in order to comply with the Electricity (Hazards from Trees) Regulations 2003;

(b) by Council or its agent or the road controlling authority or its agent to maintain the visibility of road safety signage, maintain vehicle sightlines for traffic safety, maintain legal clearance height and width above the road carriage way including to:

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- (i) maintain a clearance of 4.5 m height above the road carriage way or ~~5.3m where there is~~ up to 0.5m above any traffic signal, or road safety and directional signage located above the carriageway;
 - (ii) maintain the clearance of 0.5m width back from the road kerb;
 - (iii) maintain the clearance of 0.6m width back from the unkerbed road; or
 - (iv) maintain clearance requirements for over dimension routes;
- (c) within the legal road or the formation width of the road where the road adjoins any rural zone for maintaining visibility.

...

E26.4.5.4 Notable trees - works within the protected root zone undertaken by to enable trenchless methods at a depth greater than 1m below ground level

- (1) Excavation must be undertaken by hand-digging, air spade, hydro vac or drilling machine, within the protected root zone at a depth of 1m or greater.
- (2) The surface area of a single excavation must not exceed 1m².
- (3) Works involving root pruning must not be on roots greater than 35mm in diameter at severance.
- (4) Works must not disturb more than 10 per cent of the protected root zone.
- (5) Any machines must operate on top of paved surfaces and/or ground protection measures.
- (6) Any machines used must be fitted with a straight blade bucket.
- (7) All works must be undertaken under the direction of a qualified arborist.

...

E26.6 Network utilities and electricity generation – Earthworks overlays except Outstanding Natural Features Overlay

...

E26.6.5 Standards

...

E26.6.5.2 General standards

All activities listed as permitted, controlled or restricted discretionary in Table E26.6.3.1 Activity table must comply with the following standards.

Regional [rp]

Regional permitted activity standards for the Significant Ecological Areas Overlay and Water Supply Management Area Overlay

...

- (3) Earthworks for the minor upgrading of road network activities that exceed 10m² or 5m³ shall not exceed an excavation depth of 0.6m, or the depth of land previously disturbed, ~~except where the excavation is less than 10m² in area and 5m³ in volume.~~

...

District [dp]

District permitted activity standards for the Outstanding Natural Landscapes Overlay, Outstanding Natural Character and High Natural Character Overlay, Historic Heritage Overlay, Sites and Places of Significance to Mana Whenua Overlay and Special Character Areas Overlay – Residential and Business

...

- (16) Earthworks for the minor upgrading of road network activities that exceed 10m² or 5m³ shall not exceed an excavation depth of 0.6m, or the depth of land previously disturbed, ~~except where the excavation is less than 10m² in area and 5m³ in volume;~~ and for the Sites and Places of Significance to Mana Whenua overlay, only to the depth of land previously disturbed; ~~and for the Historic Heritage overlay only to a depth of 0.6m.~~

- (17) Earthworks for the network utilities within the Historic Heritage Overlay must not:

- (a) take place within 20m of any building or structure within the scheduled historic heritage place, except for road maintenance, repair, renewal and minor upgrading of road network activities (excluding bridges, retaining walls and tunnels); or renewal or minor upgrading of road pavement (excluding footpaths), bridges, retaining walls and tunnels;

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(b) take place within the protected root zone of any tree identified in Schedule 14.1 excluding features identified in the exclusions column of Schedule 14.1, ~~and~~

~~(c) exceed an excavation depth of 0.6m~~

...

**E26.7 Network utilities and electricity Generation – Earthworks Outstanding
Natural Features Overlay**

...

E26.7.5 Standards

...

E26.7.5.2 General standards

All activities listed as permitted or restricted discretionary in Table E26.7.3.1 Activity table must comply with the following standards.

- (1) Earthworks for network utilities outside the legal road or the formation width of the road shall be limited to the area and depth of the land previously disturbed or modified or within a width or depth not exceeding 2m either side of a National Grid structure or cable.
- (2) Earthworks for network utilities (excluding road maintenance, repair and renewals, and minor infrastructure upgrading) within the legal road or the formation width of the road shall not exceed 10m² and 5m³.
- (3) Earthworks for the minor upgrading of road network activities that exceed 10m² or 5m³ shall not exceed an excavation depth of land previously disturbed, ~~except where the excavation is less than 10m² in area and 5m³ in volume.~~

...

E26.11 Network utilities and electricity generation – Volcanic Viewshafts and Height Sensitive Areas Overlay

...

E26.11.3. Activity table

Table E26.11.3.1 Activity table specifies the activity status of land use and development activities in D14 Volcanic Viewshafts and Height Sensitive Areas Overlay pursuant to section 9(3) of the Resource Management Act 1991:

- these rules apply to network utilities and electricity generation facilities within the Volcanic Viewshafts and Height Sensitive Areas Overlay; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

Table E26.11.3.1 Activity table - Network utilities and electricity generation – Volcanic Viewshafts and Height Sensitive Areas Overlay

Activity		Activity status		
		Regionally Significant Volcanic Viewshaft	Locally Significant Volcanic Viewshaft	Height Sensitive Area
Network utilities and electricity generation activities that intrude into a scheduled viewshaft				
...				
(A161)	Road network activities comprising traffic and direction signs and road name signs	P	P	P
(A162)	Road network activities comprising traffic safety and operational signals, <u>traffic signals</u> , traffic information signage and support structures	P	P	P
...				

E26.11.4. Notification

- (1) Any application for resource consent for any non-complying activity in Table E26.11.3.1 Activity table must be publicly notified.
- (2) Any application for resource consent for an activity listed in Table E26.11.3.1 Activity table and which is not listed in ~~E26.5(4)~~ E26.11.4.1 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

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- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

E26.11.5 Standards

All activities listed as permitted in Table E26.11.3.1 Activity table must comply with the following permitted activity standards.

E26.11.5.1 Permitted activity standards

...

- (7) Road network activities must comply with the following standards:

- (a) maximum height of 25m for road lighting and associated support structures; and
- (b) maximum height of 5.3m for traffic and direction signs, road name signs, traffic safety and operational signals, traffic signals, traffic information signage and support structures including interactive warning signs, real time information signs, lane control signals, ramp signals, cameras, vehicle identification and occupancy counters.

...

E26.12 Network utilities and electricity generation – Auckland War Memorial Museum Viewshaft, Local Public Views, Ridgelines Overlays

...

E26.12.3 Activity table

Table E26.12.3.1 Activity table specifies the activity status of land use and development activities in the Ridgeline Protection Overlay, Local Public Views Overlay and Auckland War Memorial Museum Viewshaft Overlay pursuant to section 9(3) of the Resource Management Act 1991:

- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table;
- the Auckland War Memorial Museum Viewshaft provisions do not apply to structures that do not exceed the height limits specified on Figures D19.6.1.1, D19.6.1.2 and D19.6.1.3 within the areas identified on the planning maps.

Table E26.12.3.1 Activity table - Network utilities and electricity generation – Auckland War Memorial Museum Viewshaft, Local Public Views, Ridgelines Overlays

Activity	Activity status		
Network utilities and electricity generation activities			
	Auckland War Memorial Museum Viewshaft	Local Public Views	Ridgelines
...			

...

E27. Transport

E27.1 Introduction

...

E27.4. Activity table

Table E27.4.1 specifies the activity status of land use activities in all zones pursuant to sections 9(3) and 11 of the Resource Management Act 1991. A site may contain more than one of the listed activities.

Table E27.4.1 Activity table

...

(A14)	Short-term non-accessory parking in the Business – City Centre Zone and Centre Fringe Office Control as shown on the planning maps adjoining the Business – City Centre Zone	D
(A15)	Long-term non-accessory parking in these zones and locations: <ul style="list-style-type: none"> • Business – City Centre Zone; and • Centre Fringe Office Control as shown on the planning maps adjoining the Business – City Centre Zone. 	NC

E27.6.2. Number of parking and loading spaces

...

(2) Where a minimum rate applies and a site supports more than one activity, the parking requirement of each activity must be separately determined then combined to determine the overall minimum site rate. Provided that where the peak parking demands of the ~~two~~ activities allow for the sharing of parking resources, the total parking requirement for the site shall be based on the activity with the highest of the parking requirements ~~of the two activities~~.

(3) For the purposes of meeting the requirements of the vehicle parking rules, a parking space includes those provided for in a garage or car port or any paved area provided for the sole purpose of parking a motor vehicle.

(3A) Within the Centre Fringe Office Control area, the parking rates contained in Table E27.6.2.2 apply instead of those contained in Table E27.6.2.3 and Table E27.6.2.4.

Table E27.6.2.2 Maximum parking rates for the Centre Fringe Office Control area ~~adjoining the Business – City Centre Zone~~ as shown on the planning maps

Table E27.6.2.3 Parking rates - area 1

Activity		Applies to zones and locations specified in Standard 0.6.2(4)		
		Minimum rate	Maximum rate	
(T18)	Offices	No minimum	1 per 30 m ² GFA	
(T19)	Retail	Food and beverage (excluding taverns)	1 per 30m ² GFA and outdoor seating area	No maximum
(T160)		Trade suppliers, garden centres and large format retail (excluding supermarkets and department stores)	1 per 45m ² GFA	No maximum
(T161)		Marine, retail, motor vehicle sales	No maximum	No maximum
(T20)		All other retail (including supermarkets, department stores and taverns)	1 per 30m ² GFA	No maximum
(T162)	Commercial services	1 per 30m ² GFA	No maximum	
(T21)	Entertainment facilities and community facilities Provided that, for places of worship, the “facility” shall be the primary place of assembly (ancillary spaces such as prayer rooms, meeting rooms and lobby spaces which do not have a separate use from the primary place of assembly shall be disregarded)	No minimum	No maximum	
(T22)	Emergency services	No minimum	No maximum	
(T23)	Care centres	No minimum	No maximum	
(T24)	Education facilities	Primary and secondary	No minimum	0.5 per FTE employee plus 1 visitor space per classroom
(T25)		Tertiary	No minimum	0.5 per FTE employee plus 0.25 per EFT (equivalent full time) student the facility is designed to accommodate
(T26)	Medical	Hospital	No minimum	1 per 40 m ² GFA

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Activity			Applies to zones and locations specified in Standard 0.6.2(4)	
			Minimum rate	Maximum rate
(T27)	facilities	Healthcare facilities	No minimum	No maximum
(T28)	Residential	All dwellings in the Terrace Housing & Apartment Buildings zone	No minimum	No maximum
(T29)		Dwellings – studio or 1 bedroom	No minimum	No maximum
(T30)		Dwellings – two or more bedrooms	No minimum	No maximum
(T31)		Visitor spaces	No minimum	No maximum
(T32)		Retirement villages	No minimum	No maximum
(T33)		Supported residential care	No minimum	No maximum
(T34)		Visitor accommodation	No minimum	No maximum
(T35)		Boarding houses	No minimum	No maximum
(T35A)		<u>Minor dwellings</u>	<u>No minimum</u>	<u>No maximum</u>
(T36)		All other activities		No minimum

...

Table E27.6.2.4 Parking rates - area 2

Activity				Applies to zones and locations specified in Standard 0.6.2(5)	
				Minimum rate	Maximum rate
(T37)	Residential	Residential – Mixed Housing Urban Zone	Dwellings - studio	No minimum	No maximum
(T38)			Dwellings - 1 bedroom	No minimum	No maximum
(T39)			Dwellings - two or more bedrooms	1 per dwelling	No maximum
(T39A)			<u>Minor dwellings</u>	<u>No minimum</u>	<u>No maximum</u>
(T41)		Residential – Mixed	Dwellings - studio	0.5 per dwelling (rounded down to	No maximum

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Activity			Applies to zones and locations specified in Standard 0.6.2(5)		
			Minimum rate		Maximum rate
	Housing Suburban Zone		nearest whole number)		
(T42)		Dwellings - 1 bedroom	0.5 per dwelling (rounded down to nearest whole number)		No maximum
(T43)		Dwellings - two or more bedrooms	1 per dwelling		No maximum
(T43A)		<u>Minor dwellings</u>	<u>0.5 per dwelling (rounded down to nearest whole number)</u>		<u>No maximum</u>
(T44)	Sites within the D18 Special Character Areas Overlay – Residential and Business	Site area 500m ² or less	No minimum		No maximum
(T45)		Site area greater than 500m ²	As per the underlying zoning		
(T46)	All other areas	Dwellings	1 per dwelling		No maximum
(T46A)		<u>Minor dwellings</u>	<u>1 per dwelling</u>		<u>No maximum</u>
(T47)	Conversion of dwelling into two dwellings (Sites within the D18 Special Character Areas Overlay – Residential and Business)		No minimum		No maximum
(T48)	Home occupations		1 per dwelling except no additional space is required where both of the following apply: (a) all employees live on the site of the home occupation; and (b) goods and services are not sold from the site (except		No maximum

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Activity		Applies to zones and locations specified in Standard 0.6.2(5)		
		Minimum rate	Maximum rate	
			electronically or by mail/courier)	
(T49)		Retirement village	0.7 per unit plus 0.2 visitor space per unit plus 0.3 per bed for rest home beds within a retirement village	No maximum
(T50)		Supported residential care	0.3 per bed	No maximum
(T51)		Visitor accommodation	1 per unit Or, where accommodation is not provided in the form of units, 0.3 per bedroom	No maximum
(T52)		Boarding houses	0.5 per bedroom (except that parking is not required for boarding houses which accommodate school students within the H29 Special Purpose – School Zone)	No maximum

...

~~(10) Accessible parking:~~

~~(a) Note: Where parking is provided, parking spaces are to be provided for people with disabilities and accessible routes from the parking spaces to the associated activity or road as required by the New Zealand Building Code D1/AS1. The dimensions and accessible route requirements are detailed in the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility – Buildings and Associated Facilities (NZS: 4121-2001).~~

...

E27.6.3 Design of parking and loading spaces

E27.6.3.1. Size and location of parking spaces

(1) Every parking space must:

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- (a) comply with the minimum dimensions given in Table E27.6.3.1.1 and Figure E27.6.3.1.1; and
- (b) be located on the same site as the activity to which it relates unless one of the following criteria is met:
 - (iii) the parking is located in an H7 Open Space Zone and the reserve, park or recreation area consists of more than one adjoining Certificate of Title. In that case, the parking must be located within the same reserve, park or recreation area as the activity to which it relates; or
 - (iv) resource consent is granted to an alternative arrangement, such as shared parking, offsite parking, or non-accessory parking.
- (c) not be used for any other purpose; and
- (d) be kept clear and available at all times the activity is in operation, except where stacked parking is permitted by Standard E27.6.3.3(3) below; and
- (e) be located outside any area designated for road widening; and
- (f) parking located in part of any yard on the site (where it is permitted in the zone) must not:
 - (i) impede vehicular access and movement on the site; and
 - (ii) infringe any open space and landscape requirements for the relevant zone; and
- (g) not to be sold or leased separately from the activity for which it provides parking ~~required under a resource consent~~ as an accessory activity unless a resource consent is granted to an alternative arrangement such as shared parking or off-site parking.

E27.6.3.3 Access and manoeuvring

- (2) Every parking space must have driveways and aisles for entry and exit of vehicles to and from the road, and for vehicle manoeuvring within the site. Access and manoeuvring areas must accommodate the 85 percentile car tracking curves in Figure E27.6.3.3.1
- (3) ~~For E~~ Every loading space and where access and manoeuvring areas must accommodate accommodating heavy vehicles, a tracking curve for an appropriately sized truck for the type of activities to be carried out on the site must be assessed. Heavy vehicle tracking curves are set out in the

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following the access and manoeuvring areas associated with that loading space must comply with the tracking curves set out in the NZTA guidelines: RTS 18: NZ on-road tracking curves (2007).

- (4) Where a dwelling provides more than one parking space, these may be stacked. Stacked parking means access is required through another parking space.

...

E27.6.3.4 Reverse manoeuvring

- (5) Sufficient space must be provided on the site so vehicles do not need to reverse off the site or onto or off the road from any site where any of the following apply:

- (h) four or more ~~required~~ parking spaces are served by a single access;
- (i) there is more than 30m between the parking space and the road boundary of the site; or
- (j) access would be from an arterial road or otherwise within a Vehicle Access Restriction covered in Standard E27.6.4.1.

E27.6.4.2 Width and number of vehicle crossings

...

Table E27.6.4.2.1 Maximum number of vehicle crossings and separation distance between crossings

Location		Maximum number of vehicle crossings per road frontage of the site	Minimum separation from crossings serving adjacent sites	Minimum separation between crossings serving same site
(T143)	That part of a site subject to: <ul style="list-style-type: none"> • a Vehicle Access Restriction General Control in the Business – City Centre Zone • a Key Retail Frontage Control as shown on the planning maps 	No crossings permitted	No crossings permitted	No crossings permitted
(T144)	That part of a site subject to: <ul style="list-style-type: none"> • a Vehicle Access 	1 per 50m of frontage or part thereof	<u>2m</u> Where 2m provided that two	6m

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	Restriction under Standards E27.6.4.1(2) and E27.6.4.1(3) (see additional limitation below for site at 71-75 Grafton Road) • a General Commercial Frontage Control as shown on the planning maps		crossings on adjacent sites can be combined and where <u>the combined crossings</u> they do not exceed a total width of 6m at the property boundary, <u>no minimum separation distance will apply</u>	
(T145)	Site at 71-75 Grafton Road	1 - located within the area identified on Figure 0.6.4.2.1	No limitation	Only one crossing permitted
(T146)	All other sites	1 per 25m of frontage or part thereof	<u>2m</u> <u>Where 2m provided that two crossings on adjacent sites can be combined and where <u>the combined crossings</u> they do not exceed a total width of 6m at the property boundary, <u>no minimum separation distance will apply</u></u>	6m

(5) Where a vehicle crossing is altered or no longer required, the crossing, or redundant section of crossing, must be reinstated as berm and/or footpath and the kerbs replaced. The cost of such work will be borne by the owner of the site previously accessed by the vehicle crossing.

Note 1 – Any new vehicle crossing or alteration of an existing vehicle crossing (e.g. ~~repair~~, replacement, widening or relocation) will require vehicle crossing approval from Auckland Transport as road controlling authority. ~~As part of the approval considerations it is expected that the vehicle crossing is located at least 1m from services including cesspits, street lights, and power poles.~~

Table E27.6.4.3.2 Vehicle crossing and vehicle access widths

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Location of site frontage		Number of parking spaces served	Minimum width of crossing at site boundary	Maximum width of crossing at site boundary	Minimum formed access width
(T149)	Residential zone	Serves 1 – 2 car parking spaces	2.75m	3.0m	2.5m provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 3m
(T150)		Serves 3 – 9 car parking spaces	3.0m (one way)	3.5m (one way)	3.0m provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 3.5m
(T151)		Serves 10 or more car parking spaces	5.5m (two-way) This may be narrowed to 2.75m if there are clear sight lines along the entire access and passing bays at 50m intervals can be provided	6.0m (two-way)	5.5m (providing for two-way movements); provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 6.5m <u>The formed width is permitted to be narrowed to 2.75m if there are clear sight lines along the entire access and passing bays at 50m intervals are provided.</u> <u>1.0m pedestrian access for rear sites which may be located within the formed driveway</u>
(T152)	Centres, Mixed Use and all other zones not listed below	Serves nine or less parking spaces or two or less loading spaces	3.0m (one way)	3.5m (one way)	3.0m provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 3.5m
(T153)		Serves 10 or more parking spaces or three or	5.5m (two-way)	6.0m (two-way)	5.5m (providing for two-way movements) 1.5m pedestrian access for rear sites

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		more loading spaces			
(T154)	General Business , Business Park or Industrial zones	Serves nine or less parking spaces or two or less loading spaces	3.7m (one way)	4.0m (one-way)	3.0m provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 3.5m
(T155)		Serves 10 or more parking spaces or three or more loading spaces	6.0m (two-way)	7m (two-way)*	6.0m (providing for two-way movements)
(T156)	Rural zones		3.0m	6.0m*	No minimum specified

* Provided that a maximum width of 9.0m is permitted where the crossing needs to accommodate the tracking path of large heavy vehicles

...

E27.6.5. Design and location of off-road pedestrian and cycling facilities

- (1) The design and location of the proposed facility ~~is to ensure good~~ shall provide connections to existing pedestrian and cycling routes and facilities.
- (2) The width of the path is designed to accommodate the anticipated number and type of users.
- (3) The surface of the path is designed to safely provide for the anticipated number and type of users.

...

E27.8.2. Assessment criteria

...

- (1) any activity or development which infringes the standards for design of parking and loading areas or access under Standard 0.6.3:

...

- (c) the practicality and adequacy of parking, loading and access arrangements having regard to:

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- (i) site limitations, configuration of buildings and activities, user requirements and operational requirements;
- (i) the ability of the access to accommodate the nature and volume of traffic and vehicle types expected to use the access. This may include considering whether a wider vehicle crossing is required to:
 - comply with the tracking curve applicable to the largest vehicle anticipated to use the site regularly;
 - accommodate the traffic volumes anticipated to use the crossing, especially where it is desirable to separate left and right turn exit lanes;
 - the desirability of separating truck movements accessing a site from customer vehicle movements;
 - the extent to which reduced manoeuvring and parking space dimensions can be accommodated because the parking will be used by regular users familiar with the layout, rather than by casual users, including the number of manoeuvres required to enter and exit parking spaces;

Note: Parking spaces for regular users can be designed to undertake more than one manoeuvre to enter and exit parking spaces in accordance with AS/NZS 2890.1: 2004 Off-Street Parking.

- (ii) any use of mechanical parking installation such as car stackers or turntables does not result in queuing beyond the site boundary; or
- (iii) any stacked parking is allocated and managed in such a way that it does not compromise the operation and use of the parking area.

...

- (2) any activity or development which infringes the standard for design and location of off-road pedestrian and cycling facilities under Standard E27.6.5:

- (a) location, design and external appearance:

- (iv) the location, design and external appearance of any off-road pedestrian and cycling facility:
 - is legible and designed to provide for safe and convenient access for users, including safe connections with the existing road pedestrian and cycling network and public transport;

E34. Agrichemicals and vertebrate toxic agents

...

E34.6. Standards

...

E34.6.1. Permitted activity standards

...

E34.6.1.2 The discharge from non-domestic applications of agrichemicals onto or into land

...

(3) Any person applying agrichemicals by a handheld application (a non-motorised sprayer carried on foot) must:

(aa) (e) hold a minimum qualification required in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agent; or

(a) be under the supervision of person holding the minimum qualifications required in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents; and

(b) have received instruction on the New Zealand Standard - Management or Agrichemicals NZS 8409:2004 from a person holding the minimum qualifications in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents;

...

E36. Natural hazards and flooding

E36.8. Assessment – restricted discretionary activities

E36.8.1. Matters of discretion

...

Activities in overland flow paths

...

(13) for any buildings or structures including retaining walls (but excluding permitted fences and walls) located within an overland flow path:

- (a) the effects of flooding on the activity proposed, including whether it is a more or less vulnerable activity;
- (b) the effects on the location of habitable rooms;
- (c) ~~the extent to which~~ the design of the building and how it provides for safe access, and the potential effects of flood hazards on chosen access routes; and
- (d) the effects on people during a flood event and the ability to avoid, remedy or mitigate these.

...

E36.8.2. Assessment criteria

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

...

(12) for diverting the entry or exit point, piping or reducing the capacity in any part of an overland flow path:

- (a) the extent to which the continuity of the overland flow paths both within the site and upstream and downstream of the site will be maintained;
- (b) The extent to which and how the effects on other properties from the diversion or alteration of the overland flow path will be avoided or mitigated;
- (c) the extent to which and how scouring and erosion will be managed;
- (d) the extent to which and how the proposal will avoid, or mitigate adverse effects on stream ecology;
- (e) the extent of long-term maintenance proposed, ensuring that, when appropriate, an easement in favour of Council is created to limit further changes to the overland flow path; and
- (f) the extent to which design and management measures are proposed to manage risk to a building, its occupants or contents.

(12A18) for any buildings or structures including retaining walls (but excluding permitted fences and walls) located within an overland flow path:

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- (a) the extent to which the overland flow path is maintained to convey stormwater runoff safely from a site to the receiving environment;
- (b) the location of habitable **rooms area** in relation to the overland flow path;
- (c) the extent to which the design of the building provides for safe access and the potential effects of flood hazards on chosen access routes;
and
- (d) the extent to which people are affected during flood events and the extent to which effects are avoided, remedied or mitigated.

E38. Subdivision – Urban

...
E38.12. Assessment – restricted discretionary activities

E38.12.1. Matters of discretion

...
(7) all other restricted discretionary activity subdivisions:

...
(k) the effect of the design and layout of sites on transport infrastructure and facilities within roads.

E38.12.2. Assessment Criteria

...
(7) all other restricted discretionary activity subdivisions:

...
(k) the effect of the design and layout of sites on transport infrastructure and facilities within roads

(i) refer to Policy E38.3(15); and

(ii) the extent to which the location and design of driveways and vehicle crossings compromises access to and the operation of transport infrastructure and facilities in roads including on-street parking, bus stops, street trees, network utilities and stormwater infrastructure.

E39. Subdivision Rural

...

E39.4. Activity Table

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Table E39.4.5 Subdivision in Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone

Activity		Activity status
(A31)	Subdivision in the Rural – Waitākere Foothills Zone creating site size with a minimum site size of 4ha complying with Standard E39.6.3.2	C
(A32)	Subdivision in the Rural – Waitākere Foothills Zone creating site size less than 4ha in site area and not complying with Standard E39.6.3.2, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	D
(A33)	Subdivision in the Rural – Waitākere Ranges Zone creating a minimum net site area of 2ha and complying with Standard E39.6.5.3	D
(A34)	Subdivision in the Rural – Waitākere Ranges Zone creating a minimum net site area of 2ha not complying with Standard E39.6.5.3	NC
(A35)	Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A36)	Subdivision in the Rural – Waitākere Foothills Zone or Rural – Waitākere Ranges Zone not otherwise provided for in Tables E39.4.1 and E39.4.5, unless otherwise provided for in D12 Waitakere Ranges Heritage Area Overlay	NC
(A37)	Any other subdivision not otherwise provided for in Tables E39.4.1 or E39.4.5	D

...

E40. Temporary activities

...

E40.6. Standards

All activities listed as permitted in Table E40.4.1 must comply with the following standards.

...

E40.6.4. Noise events outside the City Centre and Metropolitan Centres

- (1) Up to 15 noise events at a venue are permitted outside the City Centre and Metropolitan Centres in any 12 month period, provided that no more than two noise events occur in any seven-day period, and the noise event complies with all of the following:
 - (a) the noise event does not exceed six hours in duration, excluding:
 - (i) two hours for sound testing and balancing that is undertaken between 9am and 7pm on the day of the event; and
 - (ii) the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event.
 - (b) the noise event (excluding the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event) does not exceed a noise level limit of 70dB L_{Aeq} A_{eq} and 80dBA L_{A01} except;
 - (i) three noise events can have a noise limit of 80dB L_{Aeq} A_{eq} and 90dBA L_{A01} for a maximum of three hours, excluding one hour for sound testing and balancing undertaken after 9am on the day of the event; and
 - (ii) three noise events in the Auckland Domain can be held with no noise limits applying.
 - (c) the noise event (excluding the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event) starts after 9am and ends by 11pm, except on New Year's Day where the noise event ends by 1am;
 - (d) the noise limits applying to the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event do not exceed the construction noise requirements of E25.6.27, except that up to 10pm on all days except Sunday, the noise levels at activities sensitive to noise do not exceed 60dB L_{Aeq} and 75dB L_{Amax} for up to 3 hours following the conclusion of the event when measured and assessed in accordance with the requirements of E25.6.1(3).

E40.6.5. Noise events within the City Centre and Metropolitan Centres

- (1) Up to 18 noise events at a venue are permitted within the City Centre and Metropolitan Centres any 12 month period, provided no more than two noise events occur in any seven-day period and the noise event complies with all of the following:
 - (a) the noise event does not exceed six hours in duration, excluding;

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- (i) two hours for sound testing and balancing that is undertaken between 9am and 7pm on the day of the event; and
 - (ii) the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event.
- (b) the noise event (excluding the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event) does not exceed a noise level of 70dB L_{Aeq} ~~Aeq~~ and 80dBA L_{A01} except;
- (i) three noise events can have a noise limit of 80dB L_{Aeq} ~~Aeq~~ and 90dBA L_{A01} ~~L1~~ for a maximum of three hours, excluding one hour for sound testing and balancing undertaken between 9am and 7pm on the day of the event; and
 - (ii) three noise events can have a noise limit of 90dB L_{Aeq} ~~Aeq~~ and 95dBA L_{A01} ~~L1~~, for a maximum of three hours, excluding one hour for sound testing and balancing undertaken between 9am and 7pm on the day of the event.
- (c) the noise event (excluding the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event) starts after 9am and ends by 11pm, except on New Year's Day where the noise event ends by 1am;
- (d) the noise limits applying to the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event do not exceed the construction noise requirements of E25.6.28.

CHAPTER J DEFINITIONS

J1. Definitions

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J1.4. Definitions

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Coastal storm inundation 1 per cent annual exceedance probability (AEP) area

The area of coastal land subject to inundation caused by high sea level elevations during storm events, where the sea level elevation is of such height as to have a one per cent chance of being equalled or exceeded in any year. This includes wave set up for open coastal areas and excludes wave set up for inner harbours and estuaries. Wave run up is not included.

The Coastal storm inundation 1 per cent AEP area is:

- the area shown in the Council's publicly available online GIS viewer as the modelled extent of affected land for a 100 year return period (Average Recurrence Interval); or
- as identified in a site-specific technical report prepared by a suitably qualified and experienced professional.

Note: The Coastal Storm Inundation maps included in the Council's GIS viewer represent the area of inundation indicated in the tables of the report: Stephens, S., Wadhwa, S., and Tuckey, B., (2016) Coastal inundation by storm-tides and waves in the Auckland Region, prepared by NIWA and DHI for Auckland Council, Auckland Council Technical Report TR2016/17). These maps may be amended should more updated information be made available.

Coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area

The area inundated during a coastal storm inundation 1 per cent AEP event plus an additional one metre of sea-level rise relative to the present-day mean sea level.

The area of coastal storm inundation 1 per cent AEP plus 1m sea level rise is defined as:

- the area shown in the ~~planning maps as 'Coastal Inundation 1 per cent AEP Plus 1m Control'~~ Council's publicly available online GIS viewer as the modelled extent of affected land for a 100 year return period (Average Recurrence Interval) plus 1m sea level rise; or
- as identified in a site-specific technical report prepared by a suitably qualified and experienced professional.

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Public place

~~A place that, at any particular time, (including for the duration of an event) is accessible to or is being used by the public whether free or on payment of a charge.~~

Excludes:

- ~~internal areas of buildings~~

Has the same meaning as defined in the Trading and Events in Public Places Bylaw 2015:

- any place that, at any material time, is owned, managed, maintained or controlled by the council or council controlled organisation and is open to or, being used by the public, whether free or on payment of a charge. It includes any road, footpath, public square, grass verge, berm, public gardens, reserves and parks, beaches, wharves, breakwaters, ramps and pontoons, foreshore and dunes, access ways, recreational grounds and sports fields.

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Temporary activity

An activity that:

- is outside the normal expected use of a site (or area within the coastal marine area); and
- has a start and end date and time.

Includes:

- filming activities at temporary locations and activities accessory to that filming activity;
- activities accessory to a building or construction project, such as scaffolding, fencing, offices or storage sheds;
- Council HazMobile collections;
- carnivals;
- concerts;
- fairs;
- festivals and events;
- public meetings;
- parades;
- special events;

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- sporting events;
- overflow parking;
- temporary military training (land based only);
- emergency response training, including live burns carried out by ~~the New Zealand Fire Service~~ Fire and Emergency New Zealand; and
- structures accessory to temporary activities.

Excludes:

- markets;
- temporary military training activities within the coastal marine area;
- temporary structures within the coastal marine area; and
- temporary signs.

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Total gross heat release ~~Total rated thermal input~~

Total units of energy in megawatts (MW) required to operate all combustion appliances on a site.

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V

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Vegetation alteration or removal

Damaging, cutting, destroying or removing any part of vegetation.

Includes:

- roots; and
- crown pruning.

Excludes:

- the alteration or removal of vegetation planted as a crop or pasture.

...

CHAPTER M APPENDICES

Appendix 2 River and stream minimum flow and availability

All provisions in this appendix are regional plan [rp].

Table 1 River and stream minimum flow and availability

River or stream	Minimum flow	Availability
...		
Mahurangi ² (at 6 Brown Rd site)	35 l/s	-
Wairoa (as measured at Tourist Rd recording site)	340 l/s	-
Puhinui (at 356 Puhinui Rd site)	14 l/s	35 l/s
Hōteao ³ (at 47 Wilson Rd site)	175 l/s	-
Other rivers and streams	85% of MALF	30% of MALF

Note¹

Requires mitigation such as riparian planting to achieve the same environmental outcomes as for 'other rivers and streams', otherwise the minimum flow and availability for 'other rivers and streams' applies.

Note²

Mahurangi as calculated from the College Weir recording site, adjusted for the net abstraction for municipal supply.

Note³

Hōteao as correlated to the measured flow at the Gubbs recording site.

Appendix 17 Documents incorporated by reference

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E9 Stormwater quality - High contaminant generating car parks and high use roads

~~Auckland Council Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01) December 2017'

E11 Land disturbance - Regional

Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

~~Auckland Council Technical Publication 90 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region~~ Guidance Document 2016/005 Erosion and Sediment Control Guideline for Land Disturbing Activities (GD05)'

Erosion and Sediment Control Guidelines for Vegetable Production Horticulture New Zealand (June 2014)

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