

E26. Infrastructure

E26.1. Introduction and other relevant regulatory requirements

E26.1.1. Introduction

Infrastructure is critical to the social, economic, and cultural well-being of people and communities and the quality of the environment. This section provides a framework for the development, operation, use, maintenance, repair, upgrading and removal of infrastructure.

As well as benefits infrastructure can have a range of adverse effects on the environment, visual amenity of an area, and public health and safety. The sensitivity of adjacent activities, particularly residential, to these effects can lead to complaints and ultimately constraints on the operation of infrastructure. Managing these reverse sensitivity effects is essential. Equally in some circumstances other activities and development need to be managed in a way that does not impede the operation of infrastructure.

Infrastructure is provided for on the basis of Auckland-wide provisions. Additional infrastructure provisions (zones, overlays and precincts), such as the National Grid Corridor Overlay, Auckland Airport Precinct and the Strategic Transport Corridor Zone are also provided throughout the plan and should be referred to where applicable. Designations may also provide for infrastructure.

Some designations are qualifying matters within areas subject to Schedule 3C Clause 4(1)(b) of the Resource Management Act 1991 and Policy 3 of the National Policy Statement – Urban Development 2020 (updated 2022) in accordance with Schedule 3C Clause 8(1) of the Resource Management Act 1991.

The overlay and Auckland-wide provisions that are included in this section are set out in Table E26.1.1.1.

Table E26.1.1.1 Structure

Overlay or Auckland-wide provisions	E26 sub-section reference	Page number
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D15 Ridgeline Protection Overlay	E26.12 Network utilities and electricity generation – Auckland War Memorial Museum Viewshaft, Local Public Views, Ridgelines Overlays	106
D16 Local Public Views Overlay		
D19 Auckland War Memorial Museum Viewshaft Overlay		
D20A Stockade Hill Viewshaft Overlay		
D10 Outstanding Natural Landscapes Overlay	E26.13 Network utilities and electricity generation – Outstanding Natural Landscapes Overlay (excluding outstanding natural features) and Outstanding Natural Character and High Natural Character Overlay	112
D11 Outstanding Natural Character and High Natural Character Overlay		
D10 Outstanding Natural Features Overlay	E26.14 Network utilities and electricity generation – Outstanding Natural Features Overlay (excluding outstanding natural landscapes)	117

E26.1.2. Other relevant regulatory requirements

- (1) Where relevant, the requirements of the National Code of Practice for Utility Operators' Access to Transport Corridors will apply to the placement, maintenance, improvement and removal of utility structures in the road, unformed road and Strategic Transport Corridor.

- (2) The requirements of the Resource Management (National Environmental Standards for Electricity Transmission Activities “NESETA”) Regulations 2009 apply directly to the operation, maintenance, upgrading, relocation or removal of transmission line(s) that were operating or able to be operated on or prior to 14 January 2010 and remain part of the National Grid. In the case of conflict with any other provision of this plan, including any provision in the activity table in this section, the NESETA provisions shall prevail.
- (3) The Resource Management (National Environmental Standards for Telecommunication Facilities “NESTF”) Regulations 2016 provide for:
- (a) the planning and operation of a telecommunication facility such as a mobile phone transmitter, that generates radio frequency fields as a permitted activity provided it complies with the New Zealand Standard on Radiofrequency Fields Part 1: Maximum Exposure Levels 3 kHz to 300 GHz (NZS 2772.1: 1999);
 - (b) the installation of telecommunication equipment cabinets in the road reserve as a permitted activity, subject to specified limitations on their size and location;
 - (c) noise from telecommunication equipment cabinets located in the road reserve as a permitted activity, subject to the specified noise limits; and
 - (d) the installation or replacement of masts and antennas on existing structures in the road reserve as a permitted activity, subject to specified limitations on height and size.
- (4) Compliance with the NZECP 34:2001 is mandatory under the Electricity Act 1992. All activities regulated by the NZECP 34:2001, including any activities that are otherwise permitted by the Plan must comply with this regulation.
- (5) Connections to a network utility require approval of the relevant network utility operator and works within roads require approval of the relevant road controlling authority.

(6) ***Resource Management (National Environmental Standards for Freshwater) Regulations 2020***

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

If an activity provided for in rules E26.2.3 to E26.14.8, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

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

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

E26.2. Network utilities and electricity generation – All zones and roads

E26.2.1. Objectives [rp/dp]

- (1) The benefits of infrastructure are recognised.
- (2) The value of investment in infrastructure is recognised.
- (3) Safe, efficient and secure infrastructure is enabled, to service the needs of existing and authorised proposed subdivision, use and development.
- (4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.
- (5) The resilience of infrastructure is improved and continuity of service is enabled.
- (6) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (7) The national significance of the National Grid is recognised and provided for and its effective development, operation, maintenance, repairs, upgrading and removal is enabled.
- (8) The use and development of renewable electricity generation is enabled.
- (9) The adverse effects of infrastructure are avoided, remedied or mitigated.

E26.2.2. Policies [rp/dp]

- (1) Recognise the social, economic, cultural and environmental benefits that infrastructure provides, including:
 - (a) enabling enhancement of the quality of life and standard of living for people and communities;
 - (b) providing for public health and safety;
 - (c) enabling the functioning of businesses;
 - (d) enabling economic growth;
 - (e) enabling growth and development;
 - (f) protecting and enhancing the environment;
 - (g) enabling the transportation of freight, goods, people; and
 - (h) enabling interaction and communication.
- (2) Provide for the development, operation, maintenance, repair, upgrade and removal of infrastructure throughout Auckland by recognising:
 - (a) functional and operational needs;

- (b) location, route and design needs and constraints;
- (c) the complexity and interconnectedness of infrastructure services;
- (d) the benefits of infrastructure to communities within Auckland and beyond;
- (e) the need to quickly restore disrupted services; and
- (f) its role in servicing existing, consented and planned development.

Adverse effects on infrastructure

- (3) Avoid where practicable, or otherwise remedy or mitigate adverse effects on infrastructure from subdivision, use and development, including reverse sensitivity effects, which may compromise the operation and capacity of existing, consented and planned infrastructure.

Adverse effects of infrastructure

- (4) Require the development, operation, maintenance, repair, upgrading and removal of infrastructure to avoid, remedy or mitigate adverse effects, including, on the:
 - (a) health, well-being and safety of people and communities, including nuisance from noise, vibration, dust and odour emissions and light spill;
 - (b) safe and efficient operation of other infrastructure;
 - (c) amenity values of the streetscape and adjoining properties;
 - (d) environment from temporary and ongoing discharges; and
 - (e) values for which a site has been scheduled or incorporated in an overlay.
- (5) Consider the following matters when assessing the effects of infrastructure:
 - (a) the degree to which the environment has already been modified;
 - (b) the nature, duration, timing and frequency of the adverse effects;
 - (c) the impact on the network and levels of service if the work is not undertaken;
 - (d) the need for the infrastructure in the context of the wider network; and
 - (e) the benefits provided by the infrastructure to the communities within Auckland and beyond.
- (6) Consider the following matters where new infrastructure or major upgrades to infrastructure are proposed within areas that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character:

- (a) the economic, cultural and social benefits derived from infrastructure and the adverse effects of not providing the infrastructure;
 - (b) whether the infrastructure has a functional or operational need to be located in or traverse the proposed location;
 - (c) the need for utility connections across or through such areas to enable an effective and efficient network;
 - (d) whether there are any practicable alternative locations, routes or designs, which would avoid, or reduce adverse effects on the values of those places, while having regard to E26.2.2(6)(a) - (c);
 - (e) the extent of existing adverse effects and potential cumulative adverse effects;
 - (f) how the proposed infrastructure contributes to the strategic form or function, or enables the planned growth and intensification, of Auckland;
 - (g) the type, scale and extent of adverse effects on the identified values of the area or feature, taking into account:
 - (i) scheduled sites and places of significance and value to Mana Whenua;
 - (ii) significant public open space areas, including harbours;
 - (iii) hilltops and high points that are publicly accessible scenic lookouts;
 - (iv) high-use recreation areas;
 - (v) natural ecosystems and habitats; and
 - (vi) the extent to which the proposed infrastructure or upgrade can avoid adverse effects on the values of the area, and where these adverse effects cannot practicably be avoided, then the extent to which adverse effects on the values of the area can be appropriately remedied or mitigated.
 - (h) whether adverse effects on the identified values of the area or feature must be avoided pursuant to any national policy statement, national environmental standard, or regional policy statement.
- (7) Enable the following activities within natural heritage, natural resources, coastal environment, historic heritage, special character and Mana Whenua cultural heritage overlays:
- (a) the use and operation of existing infrastructure; and
 - (b) the minor upgrading, maintenance and repair of existing infrastructure, while ensuring that the adverse effects on the values of the area are avoided and where those effects cannot practicably be avoided, minimise any such effects and ensure they are appropriately remedied or mitigated.

- (8) Encourage new linear infrastructure to be located in roads, and where practicable within the road reserve adjacent to the carriage way.

Undergrounding of infrastructure in urban areas

- (9) Require new or major upgrades to electricity and telecommunications lines to be located underground in urban areas unless:
- (a) there are significant operational, functional, technical or economic reasons that require an aboveground network; or
 - (b) the additional lines are part of minor upgrading to the network or are service connections.
- (10) Enable the coordinated undergrounding of existing electricity and telecommunications lines in the road, particularly where the opportunity exists when network improvements are undertaken.

New technologies

- (11) Provide flexibility for infrastructure operators to use new technological advances that:
- (a) improve access to, and efficient use of services;
 - (b) allow for the re-use of redundant services and structures where appropriate;
 - (c) result in environmental benefits and enhancements; and
 - (d) utilise renewable sources.

Renewable electricity generation

- (12) Provide for renewable electricity generation activities to occur at different scales and from different sources, including small and community-scale renewable electricity generation activities.

National Grid

- (13) Have regard to the extent to which actual and potential effects have been avoided, remedied or mitigated by the route, site and method selected when assessing the development of the National Grid.

Road network

- (14) Require road network activities to:
- (a) avoid, remedy or mitigate adverse effects on residential or other sensitive activities, including effects of vibration, noise, glare and vehicle emissions;
 - (b) avoid, remedy or mitigate adverse effects on amenity values of adjoining properties and the streetscape; and
 - (c) maintain or enhance the safety and efficiency of the transport network.

(15) Ensure roads are designed, located and constructed to:

- (a) provide for the needs of all road users and modes of transport;
- (b) avoid, remedy or mitigate adverse effects on amenity values of adjoining properties;
- (c) avoid, remedy or mitigate adverse construction effects including effects of vibration, noise, and dust;
- (d) avoid, remedy or mitigate adverse operational effects particularly on residential or other sensitive activities, including effects of vibration, noise, glare and vehicle emissions;
- (e) minimise severance effects and changes to drainage patterns; and
- (f) maintain or enhance the safety and efficiency of the transport network.

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 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.

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								
(A1)	Operation, maintenance and repair of network utilities and electricity generation facilities in existence on 30 September 2013 or which have been lawfully established or granted resource consent	P	P	P	P	P	P	P
(A2)	Minor infrastructure upgrading of network utilities	P	P	P	P	P	P	P
(A3)	Service connections	P	P	P	P	P	P	P
(A4)	Minor utility structure	P	P	P	P	P	P	P

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(A5)	Electric vehicle charging stations	P	P	P	P	P	P	P
(A6)	Removal of network utilities and electricity generation facilities	P	P	P	P	P	P	P
(A7)	Ancillary telecommunication equipment/devices and networks for supporting the operation of a network utility and/or electricity generation facility, including but not limited to smart meters, antennae and aerials(excludes microwave and satellite dish aerials)	P	P	P	P	P	P	P
(A8)	Pipes and cables for the conveyance of water, wastewater, stormwater, electricity, gas and telecommunications that are attached to existing structures	P	P	P	P	P	P	P
(A9)	Pipe and cable bridges for the conveyance of water, wastewater, stormwater, electricity, gas and telecommunications	P	P	P	P	P	P	P
(A10)	Air quality and meteorological monitoring structures and devices	P	P	P	P	P	P	P
(A11)	Temporary network utilities operating for less than 12 months	P	P	P	P	P	P	P
(A12)	Temporary signage during the construction of network utilities and electricity generation facilities, which is in place for no longer than 12 months	P	P	P	P	P	P	P
(A13)	Diesel or petrol electricity generators used for the emergency backup of any activities in Table E26.2.3.1 Activity Table	P	P	P	P	P	P	P
(A14)	Network utilities and energy storage inside existing buildings used for network utilities.	P	P	P	P	P	P	P
(A15)	Network utilities and energy storage within buildings where the network utilities or energy storage services that building	P	P	P	P	P	P	P
(A16)	Network utilities and electricity generation facilities not listed in Table E26.2.3.1 Activity Table	D	D	D	D	D	D	D
Electricity transmission and distribution								
(A17)	Distribution substations	P	P	P	P	P	P	P
(A18)	Substations within new buildings *Centres zones and Business – Mixed Use Zone	NA	P	P	C	P	C *RD#	RD#
(A19)	Substations within existing buildings	NA	P	P	P	P	P	P
(A20)	Substations within existing buildings that require an increase in building platform area or building height *Centres zones and Business – Mixed Use Zone	NA	P	P	C	P	C *RD	RD
(A21)	Unenclosed Substations *Business – Heavy Industry Zone	NA	RD#	D	D	D *RD	D	D
(A22)	Underground electricity lines	P	P	P	P	P	P	P
(A23)	Pole mounted transformer * within areas of the Road, Unformed Road and the Strategic Transport Corridor Zone, this activity shall have the same status as the adjacent zone ** Industrial zones *** 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	*	P	P	RD P***	RD P**	RD	RD P***
(A24)	Overhead electricity lines up to and including 110kV * within areas of the Road, Unformed Road and Strategic Transport Corridor this activity shall have the same status as the adjacent zone; ** Business – Heavy Industry Zone	*	P	P	D	RD P**	D	D

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(A25)	Overhead electricity lines greater than 110kV * Business – Heavy Industry Zone	D	D	D	D	D P*	D	D
Liquid fuels and gas transmission and distribution								
(A26)	Underground gas distribution regulator stations	P	P	P	P	P	P	P
(A27)	Aboveground gas distribution regulator stations	P	P	P	P	P	P	P
(A28)	Aboveground gas and petroleum product transmission regulator, valve, or pump stations * Business – Heavy Industrial Zone	D	D	D	D	D RD*	D	D
(A29)	Underground gas distribution pipelines at a gauge pressure not exceeding 2000 kilopascals, including any aerial crossings of streams using bridges or any other structures, and ancillary underground equipment and fittings	P	P	P	P	P	P	P
(A30)	Underground gas and petroleum product transmission pipelines at a gauge pressure exceeding 2000 kilopascals including any aerial crossings of streams or other low lying areas using bridges or any other structures, and ancillary underground equipment and fittings	D	D	D	D	D	D	D
Telecommunications								
(A31)	Antennas attached to a replacement utility structure that are subject to and do not comply with Regulations 28 and 29 of the NESTF	C	NA					
(A32)	Antennas attached to retaining walls, tunnels, bridges and other structures (other than replacement utility structures under the NESTF) in the road, unformed Road and Strategic Transport Corridor Zone	P	NA					
(A33)	Antennas attached to a building and/or structure where the face of the antenna does not exceed 1.5m ² or 1.2m in diameter for dish antennas (excludes private television antennas and satellite dishes)	NA	P	P	RD	P	P	P
(A34)	Mast and attached antennas * within Business – Local Centre Zone and Business – Neighbourhood Centre Zone ** within the Strategic Transport Corridor zone	RD# P**	P	P	D	P	P RD*#	RD#
(A35)	Antennas inside of new or existing buildings	P	P	P	P	P	P	P
(A36)	Antennas that do not exceed the following dimensions: GPS Antennas: <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 Omni-directional antennas: <ul style="list-style-type: none"> 1.6m high; 650mm horizontal length for dipole antennas; and Whip or cross rod section of 60mm in diameter 	P	P	P	P	P	P	P
(A37)	Externally mounted telecommunication satellite dishes attached to buildings not exceeding 0.8m in diameter and ancillary components	NA	P	P	P	P	P	P
(A38)	Telecommunication cabinets and shelters *that meet the permitted standards in NESTF if within a road	P*	P	P	P	P	P	P
(A39)	Telecommunication cabinets in roads and Strategic Transport Corridor zone that do not meet the permitted standards in NESTF (excludes rail corridors)	RD						
(A40)	Underground telecommunication lines and facilities	P	P	P	P	P	P	P

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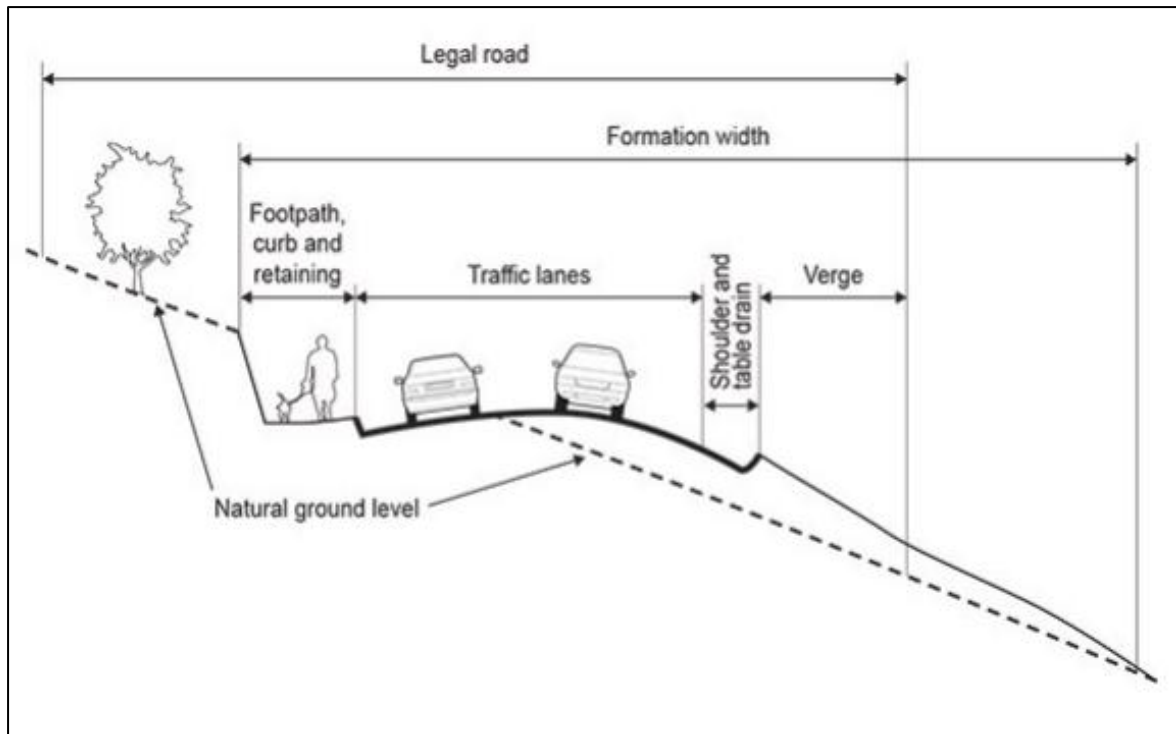
(A41)	Overhead telecommunication lines * within areas of the road, unformed road and Strategic Transport Corridor Zone this activity shall have the same status as the adjacent zone ** Business – Heavy Industry Zone	*	P	P	D	RD P**	D	D
(A42)	Telecommunication kiosks	P	P	P	P	P	P	P
(A43)	Telephone exchanges	P	P	P	P	P	P	P
(A44)	Installation and operation of equipment inside existing telephone exchanges	P	P	P	P	P	P	P
Amateur radio								
(A45)	Amateur radio configurations	NC	P	P	P	P	P	P
(A46)	Amateur radio configurations that do not comply with Standard E26.2.5.3(25)	NC	D	D	D	D	D	D
Water, wastewater and stormwater structures								
(A47)	Underground reservoirs	P	P	P	P	P	P	P
(A48)	Above ground reservoirs	RD	P	P	RD	P	RD	RD
(A49)	Underground pipelines and ancillary structures for the conveyance of water, wastewater and stormwater (including above ground ancillary structures associated with underground pipelines)	P	P	P	P	P	P	P
(A50)	Aboveground pipelines and attached ancillary structures for the conveyance of water, wastewater and stormwater	RD	RD	RD	RD	RD	RD	RD
(A51)	Water, wastewater and stormwater pump stations	P	P	P	P	P	P	P
(A51A)	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) *Centres zones and Business – Mixed Use Zone	NA	P	P	C	P	C *RD#	RD#
(A52)*	Water, wastewater and stormwater storage tanks	P	P	P	P	P	P	P
(A53)	Water treatment plants	D	P	P	RD	P	RD	RD
(A54)	Wastewater treatment plants	D	RD	D	D	RD	D	D
(A55)	Stormwater detention/retention ponds/wetlands	C	C	C	C	C	C	C
(A56)	Water, wastewater and stormwater outfalls and ancillary structures	P	P	P	P	P	P	P
(A57)	Ventilation facilities, drop shafts and manholes	P	P	P	P	P	P	P
(A58)	Stormwater treatment devices; erosion protection; culverts; measuring devices (flows structures)	P	P	P	P	P	P	P
Electricity generation and its storage								
(A59)	Small-scale electricity generation * solar electricity generation which is ancillary to network utilities located in roads and unformed roads and Strategic Transport Corridor Zone	NA P*	P	P	P	P	P	P
(A60)	Community-scale electricity generation * solar electricity generation	NA	P	P	RD# P*	P	RD# P*	RD# P*
(A61)	Large scale wind farms	NA	RD#	D	NC	RD#	D	NC
(A62)	Research and exploratory scale investigations for renewable electricity generation activities	D	P	NA	NA	NA	NA	P
(A63)	Other electricity generating facilities	NC	D	D	NC	D	D	NC
(A64)	Electricity storage facility that is not a minor utility structure	RD	P	P	RD#	P	RD#	RD#
Infringement of standards								
(A65)	Any activity that does not comply with Standard E26.2.5.2(6) and E26.2.5.1(6)	NC	NC	NC	NC	NC	NC	NC
(A66)	Any activity that does not comply with Standard E26.2.5.2(7) and E26.2.5.1(7)	NC	NC	NC	NC	NC	NC	NC

* rainwater tank standards listed below do not apply to item (A52) which only relates to network utility tanks.

- H3.6.13 Single House Zone
- H1.6.8 Large Lot Zone
- H2.6.11 Rural and Coastal Settlement Zone
- H4.6.16 Mixed Housing Suburban Zone
- H5.6.17 Mixed Housing Urban Zone
- H6.6.18 Terrace Housing and Apartment Buildings Zone
- H19.10.17 Rural Zones
- H20.6.9 Waitākere Foothills Zone
- H21.6.9 Waitākere Ranges Zone
- H27.6.9 Special Purpose - Māori Purpose Zone

Table E26.2.3.2 Activity table specifies the activity status of land use and development for road network activities pursuant to section 9(3) of the Resource Management Act 1991.

- (1) The rules in Table E26.2.3.2 apply to the local public road network operated by Auckland Transport and any private road (provided the private road is in private ownership, provides public access and is connected to the public road network).
- (2) in this section:
 - (a) 'existing road' has the same meaning as in section 315 of the Local Government Act 1974 and includes legally established private roads (a road in private ownership providing public access and is connected to the public road network). Section 315 does not include a motorway within the meaning of the Government Rounding Powers Act 1989; and
 - (b) for the purposes of these rules, the existing road includes activities undertaken within the formation width of the road which may extend beyond the legal road width refer to Figure E26.2.3.1; and

Figure E26.2.3.1 Formation width of the road

- (c) 'unformed road' means land that is vested or dedicated that has never been formed in full or in part,
- (3) Any zoning (including precinct provisions) ceases to have effect from the time the land is vested or dedicated as a road.
- (4) In the case of stopped roads, the zoning reverts to that of the adjoining land at the time when the road is stopped, and where there are two different zones, the adjacent zone extends to the centre line of the former road.
- (5) This section controls the road network activities (including structures) undertaken in the local public road network, and associated/ancillary structures and activities adjacent to but within the formation width of the existing road by Auckland Transport (or its agents) except where the overlay and Auckland-wide rules apply additional rules that must also be complied with.
- (6) Where an existing road (as defined in Rule E26.2.3(2) above) is also identified as having an underlying zoning, the rules as set out below will have precedence over any zone rules in regard to the activity status and standards.

Table E26.2.3.2 Activity table for road network activities

Activity		Existing Road	Unformed Road
(A67)	Construction, operation, use, maintenance and repair of road network activities	P	P
(A68)	Transportation of people, goods and services	P	P
(A69)	Construction of unformed roads	NA	RD#
(A70)	Public amenities	P	P

E26.2.4. Notification

- (1) An application for resource consent for a controlled or restricted discretionary activity listed in Table E26.2.3.1 Activity table or Table E26.2.3.2 Activity table for road network activities above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991, except that:
- (a) any restricted discretionary activity identified by a # in the in Table E26.2.3.1 Activity table and Table E26.2.3.2 Activity table for road network activities will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity that infringes the permitted or controlled activity standards will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (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\(4\)](#).

E26.2.5. 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.

- (1) Temporary network utilities:
- (a) all temporary network utilities and associated buildings and structures must be removed from the site on completion of the works; and

- (b) the site must be reinstated in accordance with conditions specified in the National Code of Practice for Utility Operators' Access to Transport Corridors (2011).

(2) Building area:

- (a) the maximum aboveground building area for structures, excluding electricity and telecommunication support structures is 2m^2 . This excludes:
 - (i) *[intentionally blank]*
 - (ii) telecommunication cabinets permitted under NESTF;
 - (iii) distribution substations and gas distribution regulator stations provided they do not exceed 6m^2 ;
 - (iv) distribution substations that specifically connect between networks operating at different voltages or phase angles, and are located outside of urban areas provided they do not exceed 10m^2 ; and
 - (v) pole mounted transformers provided the transformer does not exceed 2m^3 .

(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, 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.

(4) Electric vehicle charging stations:

- (a) maximum height of 1.8m;
- (b) maximum area of 1.5m^2 ;

- (c) either have a socket connection, or a fitted cable management accessory;
- (d) the equipment must be removed by the owner when the equipment becomes obsolete; and
- (e) in addition to the above, where the electric vehicle charging station is located on an arterial road:
 - (i) it must be located adjacent to part of a road on which car parking is authorised by Auckland Transport for a time period of at least 30 minutes for either general vehicle use or reserved for electric vehicles;
 - (ii) the equipment must be removed by the owner (at the owner's sole cost) at least 30 days prior to the adjacent car parking space being permanently removed; and
 - (iii) written notice of any proposed installation of the equipment must be given to Auckland Transport at least 2 months prior to the lodgement of any request to access the road corridor.
- (5) Minor infrastructure upgrading
 - (a) All activities and works must be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (6) Electricity transmission and distribution (Electric and magnetic fields):
 - (a) network utilities that emit electric and magnetic field emissions must comply with the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz – 100kHz) (Health Physics, 2010, 99(6); 818-836) and recommendations from the World Health Organisation Monograph Environmental Health Criteria (No 238, June 2007).
- (7) Radio Frequency Fields (RF fields):
 - (a) network utilities should not result in radio-frequency fields produced by the network utility exceeding the maximum exposure level of the general public in the New Zealand Standard for Radiofrequency Fields Part 1: Maximum Exposure Levels 3 kHz to 300GHz (NZS 2772.1: 1999) measured at all places reasonably accessible to the general public.

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.

- (1) Temporary network utilities:

- (a) all temporary network utilities, temporary electricity generation facilities and associated buildings and structures must be removed from the site on completion of the works.

(2) Building area:

- (a) the maximum aboveground building area for structures, excluding electricity and telecommunication support structures:
 - (i) in residential zones is 20m²;
 - (ii) in all other zones is 30m²;
- (b) Standard E26.2.5.2(2)(a)(i) and (ii) excludes:
 - (i) structures in industrial zones; and
 - (ii) substations or telephone exchanges incorporated within a building complying with the rules for the relevant zone which are provided for as a separate activity.

(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.
- (c) The maximum height for rainwater tanks is 3m

(4) Yards:

- (a) electricity and telecommunication support structures must be set back at least 1m from any adjoining site that is zoned residential or Special Purpose – Māori Purpose Zone.

(5) Pole mounted transformers:

- (a) The maximum dimension for transformers is 2m³

(6) Electricity transmission and distribution (Electric and magnetic fields):

- (a) network utilities that emit electric and magnetic field emissions must comply with the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz – 100kHz) (Health Physics, 2010, 99(6); 818-836) and recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).

(7) Radio Frequency Fields (RF fields):

- (a) network utilities should not result in radio-frequency fields produced by the network utility exceeding the maximum exposure level of the general public in the New Zealand Standard for Radiofrequency Fields Part 1: Maximum Exposure Levels 3 kHz to 300GHz (NZS 2772.1: 1999) measured at all places reasonably accessible to the general public.

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 [rcp/dp]

(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 single bundled line containing 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 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.

(c) the addition or replacement of:

- (i) earthwires, either overhead or underground, and underground earthgrids, which may contain telecommunication lines, and earthpeaks; or
- (ii) above-ground insulators on the poles.

(d) any pole which replaces an existing pole provided that:

- (i) it must not have a diameter or width that is more than the existing pole's diameter or width at its largest point plus 50 percent and in the case of double pole 100 percent; and
- (ii) it must not have a height greater than 25m

(e) modification of an existing pole:

- (i) only where the mechanical loading requirements make this necessary in order to undertake reconductoring or the reconfiguration of equipment, such as staywires, anchor blocks, on overhead electricity and telecommunication lines; or
- (ii) when modifications to structures are required to meet mechanical loading requirements the height and profile of any modified

support structure must remain the same as existed prior to the modifications.

- (f) the installation of new mid-span electricity poles in existing networks to address clearances in NZECP 34:2001;
- (g) an increase in the power carrying or operating capacity, efficiency or security of electricity lines, gas distribution lines and telecommunications lines, where this uses the existing network utility and meets the requirements of E26.2.5.3(1)(c) - (f) above;
- (h) the alteration, replacement or relocation of water, wastewater or stormwater structures (excluding pipes):
 - (i) there must be no more than a 10 percent increase in the width, length and/or height of the structure; and
 - (ii) the structure must be located within the 2m of existing alignment or location.
- (i) the alterations or replacement of water, wastewater, stormwater, gas pipes provided that:
 - (i) above ground pipes must not exceed 300mm increase in diameter of the pipe;
 - (ii) underground pipes must not exceed a 50 percent increase in the diameter of the pipe
- (j) the replacement of an existing antenna with a new antenna provided that:
 - (i) the new antenna does not exceed the maximum dimension of the existing antenna by more than 20 per cent; and
 - (ii) where the antenna is a dish antenna the diameter of the new antenna must not increase by more than 20 percent; and
 - (iii) the overall height of the facility to which the antenna is attached either does not increase or that any height increase is as a result of the antenna size increase only.
- (k) Any upgrading of infrastructure that does not comply with the relevant standards for minor infrastructure upgrading specified above, shall be subject to the relevant activity status for that activity specified in Activity Table E26.2.3.1.

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 in other zones must not exceed the noise limits for the zone in which they are located as provided in E25 Noise and vibration.
- (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”.
- (6) Antennas attached to buildings must not exceed the height at the point of attachment to the building by more than the height specified in Table E26.2.5.3.1.

For the purposes of this rule, the following ancillary components are excluded from the height standards: radio frequency units; GPS antennas; smart meters, lightning rods, shrouds and ancillary equipment such as amplifiers, controller boxes and tilt motors.

Table E26.2.5.3.1 Telecommunication antennas attached to buildings

Zone group	Permitted height
<ul style="list-style-type: none"> • Rural zones; • Coastal – Marina Zone (land) and Coastal – Minor Port Zone (land); • Future Urban Zone; • Special Purpose – Quarry Zone; • Industrial zones; • Centres zones and Business – Mixed Use Zone (excluding the Business – Local Centre Zone and Business – Neighbourhood Centre Zone); • Business – General Business Zone; • Special Purpose – Airports and Airfields Zone, Special Purpose – Major Recreation Zone, Special Purpose – Healthcare Facility and Hospital Zone and the Business – Business Park Zone; and • Special Purpose – Tertiary Education Zone 	5m
<ul style="list-style-type: none"> • Business – Local Centre Zone and Business – Neighbourhood Centre Zone; • Open space zones; and • Special Purpose – Cemetery Zone 	3.5m

(7) Standards E26.2.5.3(8) - (10) apply to individual antennas or clusters of antennas, provided that collectively these do not exceed 600mm in diameter.

(8) The maximum number of antennas specified in E26.2.5.3(9) and (10) do not apply to:

- (a) antennas mounted on the fascia of a building below the roofline; and
- (b) GPS antennas, smart meters, lightning rods, shrouds and ancillary equipment such as radio frequency units, amplifiers, controller boxes and tilt motors

(9) The maximum number of antennas in the Business – Local Centre Zone and Business – Neighbourhood Centre Zone are in Table E26.2.5.3.2.

Table E26.2.5.3.2 Maximum number of antennas

Roof area (plan view)	Maximum number of antennas per site
300m ² or less	6
Greater than 300m ² and less than 1,000m ²	8
1,000m ² or more	12

(10) For all other zones the maximum number of antennas is 12 per site.

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.

Table E26.2.5.3.3 Height of masts and attached antennas (excludes NESTF)

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

Electricity generation – wind generation scale and location

- (12) Meteorological masts for wind research and exploration must not exceed 90m in height.
- (13) Roof-mounted wind turbines for small-scale electricity generation must:
- (a) not exceed the permitted height of the zone by more than 3m;
 - (b) have a rotor diameter no more than 2.5m; and
 - (c) be limited to one per dwelling within the residential zones.
- (14) Freestanding wind turbines for small-scale electricity generation must comply with Table E26.2.5.3.4.

Table E26.2.5.3.4 Freestanding wind turbines for small-scale electricity generation

Zone	Maximum height	Maximum rotor diameter (m)
Residential zones and the Special Purpose – Māori Purpose Zone	12	2.5
Rural zones, Future Urban Zone, Special Purpose – Quarry Zone and industrial zones	20	5
All other zones	15	3

- (15) In residential zones and the Special Purpose – Māori Purpose Zone, freestanding wind turbines for small-scale electricity generation are limited to one per site.
- (16) The noise (rating) level from small scale electricity generation must not exceed the noise control specified for activities in the zone in which the small scale electricity generation activity is located (including noise control for any zone interface), following the subtraction of 10 decibels from every applicable A-weighted noise limit in the applicable rule. A penalty for the noise containing Special Audible Characteristics in accordance with NZS6802:2008 Acoustics – Environmental Noise must not be applied.
- (17) Wind turbine towers, either freestanding tubular, lattice or tubular mast supported by guy wires, for a community-scale electricity generation facility must not exceed 25m in height.
- (18) Small and community scale wind turbines on sites adjoining residential zones must meet the height in relation to boundary control for the adjoining zone in which they are located.
- (19) There is no height limit for wind turbine towers associated with large-scale wind farms.

Electricity generation - solar panels

- (20) For small scale and community scale electricity, solar panels on the roof of a building must not exceed 250mm in height above the existing roof.

Setbacks

- (21) Wind turbine towers must be set back from the boundary of the site on which the wind turbine is located at a distance equivalent to the length of the turbine blades. The tips of the turbine blades must stay within the site at all times.

Shadow flicker

- (22) No dwellings on a neighbouring property must be exposed to more than 30 hours of shadow flicker per year based on realistic shadow flicker hours calculations from large-scale wind farms.

Pipe and cable bridges

- (23) Pipe and cable bridges must not exceed:

- (a) 25m in length;
- (b) 1m in diameter or width

Underground pipelines for the conveyance of gas, water, wastewater and stormwater

- (24) Any aboveground section of underground pipelines for the conveyance of gas, water, wastewater and stormwater must not exceed:

- (a) 25m continuous length of pipe that is aboveground in any one section; and
- (b) 300mm in diameter.

Amateur Radio Configurations

- (25) Amateur radio configuration activities must comply with the following standards:

- (a) no limit to the number of supporting structures less than 102mm in diameter. Where guy wires are used, these must not exceed 10mm in diameter;
- (b) a maximum of one supporting structure greater than 102mm. The maximum height of the supporting structure shall be the relevant building height. The maximum horizontal diameter of the pole or supporting structure is 800mm. The minimum setback from any boundary is 1.5m. Any guys used to support the pole must not exceed 10mm in diameter;
- (c) dish antennas located less than 5m above ground have a maximum horizontal diameter of 4m and a minimum boundary setback of 1m. Dish antennas situated more than 5m above ground have a maximum diameter of 1.2m;
- (d) the maximum height of antennas mounted on buildings using a supporting structure less than 102mm diameter shall be 18m in the residential zones, and 18m or the relevant permitted or actual building height plus 5m (whichever is greatest) in all other zones;

- (e) all antennas must be designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz at all times and in all places to which the public has access; and
- (f) no amateur radio configuration may be located on a site that is, or contains, a scheduled historic heritage place. In respect of a scheduled historic heritage place, no amateur radio configuration shall be located on a site with a extent of place or any area of legal road within that extent of place.

Licensed amateur radio operators have an important role in civil defence activities in the city. The rules recognise this by permitting certain amateur radio configurations for use by licensed amateur radio operators.

Electric vehicle charging stations

(26) Electric vehicle charging stations must be:

- (a) maximum height of 1.8m;
- (b) maximum area of 1.5m²; and
- (c) either have a socket connection, or a fitted cable management accessory.

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.
- (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.

Antennas

- (1) Antennas attached to replacement utility structures that do not comply with Regulation 7 of the NESTF in roads, unformed roads and the Strategic Transport Corridor Zone:
 - (a) the total height of the structure may exceed the limit specified in Regulation 7(2) of NESTF, by an additional 0.5m;
 - (b) the maximum diameter of any shroud is 600mm; and
 - (c) there is no limit on the size of antennas where contained within a shroud not exceeding the above limits.

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, 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 substation building or pump station must comply with the standards for the relevant zone; and
 - (b) 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:

- (1) antennas attached to replacement utility structure that do not comply with Regulation 7 of the NESTF in roads, unformed roads and the Strategic Transport Corridor Zone:
 - (a) compliance with Standard E26.2.5.5(1) Controlled activity standard for antennas.

- (2) stormwater detention and retention ponds and wetlands:
 - (a) effects on the use of open space;
 - (b) provision of safe access for maintenance; and
 - (c) effects on health and safety.
- (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) 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:

- (1) antennas attached to replacement utility structure that do not comply with Regulation 7 of the NESTF in roads, unformed roads and the Strategic Transport Corridor Zone:
 - (a) whether Standard E26.2.5.5(1) is complied with; and
 - (b) the ability to use a shroud to encompass antennas.
- (2) stormwater detention and retention ponds and wetlands:
 - (a) the extent to which interference with public use and enjoyment of open space is minimised where stormwater detention and retention ponds and wetlands are located in public open space;
 - (b) whether safe and direct access can be provided to enable the maintenance of stormwater detention and retention ponds and wetlands; and
 - (c) whether there will be health and safety effects associated with stormwater detention and retention ponds and wetlands and the extent to which these can be mitigated through measures such as fencing.
- (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 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 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:

- (1) all restricted discretionary activities:
 - (a) functional and operational needs of, and benefits derived from, the infrastructure;
 - (b) visual effects;
 - (c) where located within a road, the operation and function of road network activities and effects on the amenity values of the streetscape;
 - (d) noise and vibration effects;
 - (e) odour effects;
 - (f) shadow flicker effects; and
 - (g) implications in terms of future planned urban development.
- (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
 - (ii) effects on health and safety.

(3) road construction of unformed roads and their operation:

- (a) adverse effects on amenity values of adjoining properties;
- (b) adverse construction effects including effects of vibration, noise, and dust;
- (c) adverse operational effects particularly on residential or other sensitive activities, including effects of vibration, noise, glare and vehicle emissions;
- (d) severance effects and changes to drainage patterns;
- (e) safety and efficiency of the transport network; and
- (f) the benefits provided by the construction of the road.

E26.2.7.2. Assessment criteria

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

(1) all restricted discretionary activities:

- (a) function and operational needs of and the benefits derived from, infrastructure:
 - (i) the extent to which the functional and operational requirements of the infrastructure affects or necessitates its location, form, height and size;
 - (ii) the extent to which the infrastructure or upgrade will benefit and contribute to the social, economic and cultural and environmental wellbeing of businesses, people and communities; and
 - (iii) the extent to which the infrastructure improves the resilience and security of the network or utility service provided.
- (b) visual effects:
 - (i) the extent to which the cumulative adverse visual effects of additional infrastructure on the amenity values of the streetscape and adjoining properties, are avoided, remedied or mitigated;
 - (ii) the extent to which any adverse effects of the design, scale and height of the infrastructure can be internalised, modified or mitigated without compromising the functional requirements of the infrastructure;
 - (iii) the extent of any effects of any building envelope infringements on privacy, over-shadowing or domination of adjacent properties or roads; and

- (iv) the extent to which the visual effects of the infrastructure can be softened by landscaping without compromising the functional requirements of the infrastructure.
 - (c) where located within a road, the operation and function of road network activities and effects on the amenity values of the streetscape:
 - (i) the extent to which the infrastructure impedes, restricts or compromises the safe and efficient movement and function of transport activities within a road (including access to and from adjoining properties); and
 - (ii) the extent to which infrastructure in a road adversely effects the amenity values of the streetscape and the function of public amenities.
 - (d) implications in terms of future planned urban development:
 - (i) the extent to which the proposed infrastructure provides for any planned urban development (for example approved structure plans); and
 - (ii) the extent to which the proposed infrastructure may constrain future urban development.
 - (e) measures required to avoid, remedy or mitigate adverse effects:
 - (i) whether measures proposed to avoid, remedy or mitigate the adverse effects where relevant to the above criteria will be; effective.
 - (f) noise and vibration:
 - (i) the extent to which noise or vibration generated by the infrastructure adversely affects adjacent properties.
 - (g) odour:
 - (i) the extent to which any odour emissions from the infrastructure adversely affects the amenity values of surrounding properties.
 - (h) shadow flicker:
 - (i) the extent of any shadow flicker effects on adjacent properties and road.
- (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 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 pump station or substation; and
 - (c) the extent to which fencing can be used to minimise potential health and safety hazards.
- (3) road construction of unformed roads and their operation:
- (a) whether adverse effects on amenity values of adjoining properties are avoided, remedied or mitigated;
 - (b) whether adverse construction effects including effects of vibration, noise, and dust are avoided, remedied or mitigated;
 - (c) whether adverse operational effects particularly on residential or other sensitive activities, including effects of vibration, noise, glare and vehicle emissions are avoided, remedied or mitigated;
 - (d) the extent to which severance effects and changes to drainage patterns can be avoided, remedied or mitigated; and
 - (e) whether the safety and efficiency of the transport network will be compromised and the impact on the network and levels of service if the work is not undertaken.

E26.2.8. Special information requirements

There are no special information requirements in this sub-section.

E26.3. Network utilities and electricity generation – Vegetation management

E26.3.1. Objectives

The objectives for vegetation management are located in:

- [D9 Significant Ecological Areas Overlay](#);
- [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay](#);
- [D11 Outstanding Natural Character and High Natural Character Overlay](#); and
- [E15 Vegetation management and biodiversity](#).

E26.3.2. Policies

The policies for vegetation management are located in:

- [D9 Significant Ecological Areas Overlay](#);
- [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay](#);
- [D11 Outstanding Natural Character and High Natural Character Overlay](#); and
- [E15 Vegetation management and biodiversity](#).

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 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)

The acronyms in brackets after the overlays identified above are used to identify those overlays in the headings in Table E26.3.3.1

For Table E26.3.3.1 Activity table:

- vegetation alteration or removal in relation to existing transmission lines as at 14 January 2010 which form part of the National Grid must also comply with relevant regulations in the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009. These regulations will also determine the relevant activity status for such activities notwithstanding any other rules in the Plan;

- for the vegetation management rules except where otherwise stated any square metre limit applies on a 'per project' basis; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

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 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							
(A71)	Biosecurity tree works	P	P	P	P	P	P
(A72)	Dead wood removal	P	P	P	P	P	P
(A73)	Emergency tree works	P	P	P	P	P	P
(A74)	Pest plant removal	P	P	P	P	P	P
(A75)	Vegetation alteration or removal for the operation, repair and maintenance of access tracks and fences for network utilities	P	P	P	P	P	P
(A76)	Vegetation alteration or removal	P	P	P	P	P	P
(A77)	Vegetation alteration or removal that does not comply with Standards E26.3.5.1 to E26.3.5.4	RD	RD	RD	RD	RD	RD
(A78)	Vegetation alteration or removal not otherwise provided for	D	D	D	D	D	D

E26.3.4. Notification

- (1) Any application for resource consent for an activity listed in Table E26.3.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

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

- (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

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 and the Significant Ecological Areas Overlay

E26.3.5.1. Vegetation alteration or removal for the operation, maintenance and repair of access tracks and fences for network utilities

- (1) Must be undertaken within and to 1m either side of existing tracks and fences.
- (2) Must not include trees over 6m in height, or 600mm in girth unless their removal is otherwise permitted by a rule in this Plan.
- (3) Must not result in the removal of more than 20m² of vegetation within a significant ecological area.
- (4) Must not result in the removal of more than 50m² of vegetation from areas not identified as a significant ecological area.

E26.3.5.2. Vegetation alteration or removal

- (1) 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) *[deleted]*
- (3) Must not result in the removal of more than 50m² of vegetation within a coastal area or riparian area not identified as a significant ecological area.
- (4) Must not result in the removal of more than 20m² of vegetation within the legal road or the formation width of the road in the Waitakere Ranges Heritage Area Overlay.
- (5) Must not result in the removal of more than 500m² of vegetation within the legal road or the formation width of the road in a rural zone.
- (6) Must not result in the removal of more than 250m² of vegetation outside the legal road or the formation width of the road in a rural zone.

(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
- (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.

(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 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

E26.3.5.3. Vegetation alteration or removal for the operation, maintenance and repair of access tracks and fences for network utilities

- (1) Must be undertaken within and to 1m either side of existing tracks and fences.
- (2) Must not include trees over 6m in height, or 600mm in girth unless their removal is otherwise permitted by a rule in this Plan.
- (3) Must not result in the removal of more than 50m² of vegetation within an overlay.

E26.3.5.4. Vegetation alteration or removal

- (1) Vegetation alteration or removal 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 50m² of vegetation within an overlay.
- (3) Must not result in the removal of more than 20m² of vegetation within the legal road or the formation width of the road in the Waitakere Ranges Heritage Area Overlay.
- (4) Must not result in the removal of more than 250m² of vegetation within the legal road or the formation width of the road in an overlay
- (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 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.

E26.3.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

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 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.
 - (b) sediment, water quality and hydrology:
 - (i) the effects the vegetation alteration or removal will have on soil conservation, water quality and the hydrological function of the catchment.
 - (c) use:
 - (i) the extent to which the vegetation alteration or removal is necessary to provide for the functional and operational needs of infrastructure.
 - (d) methods and location:
 - (i) the minimisation of effects from alteration or removal of vegetation and land disturbance through alternative locations on the site and/or methods of undertaking the works.
 - (e) mitigation measures:
 - (i) the remedy or mitigation of adverse effects, including through revegetation, restoration of other areas of vegetation and ongoing maintenance.
 - (f) bonds and covenants:

- (i) the benefit of imposing bonds, covenants or similar instruments as conditions of consent in implementing any of the matters of discretion.
 - (g) Mana Whenua values:
 - (i) the effects on Mana Whenua values associated with a Significant Ecological Areas Overlay.
- (2) district rules - vegetation management in the Outstanding Natural Features Overlay, Outstanding Natural Landscapes Overlay, Outstanding Natural Character Overlay and High Natural Character Overlay that do not comply with the permitted activity standards [dp]:
- (a) 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.
 - (b) landscape, natural features and natural character values:
 - (i) the effects the vegetation alteration or removal will have on landscape, natural features and natural character.
 - (c) amenity values:
 - (i) the effects the vegetation alteration or removal will have on the amenity values of any adjacent open space including the coast, parks, reserves and walkways.
 - (d) use:
 - (i) the extent to which the vegetation alteration or removal is necessary to provide for the functional and operational needs of infrastructure.
 - (e) methods and location:
 - (i) the minimisation of effects from alteration or removal of vegetation and land disturbance through alternative locations on the site and/or methods of undertaking the works.
 - (f) mitigation measures:
 - (i) the remedy or mitigation of adverse effects, including through revegetation, restoration of other areas of vegetation and ongoing maintenance.
 - (g) bonds and covenants:

- (i) the benefit of imposing bonds, covenants or similar instruments as conditions of consent in implementing any of the matters of discretion.
- (h) Mana Whenua values:
 - (i) the effects on Mana Whenua values associated with an Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay.

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 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.

- (b) sediment, water quality and hydrology:

- (i) the extent to which vegetation alteration or removal will adversely affect soil conservation, water quality and the hydrological function of the catchment and measures to avoid remedy or mitigate any adverse effects.

(c) use:

- (i) whether the vegetation alteration or removal will improve the reliance and security of the network utility;
- (ii) whether the vegetation alteration or removal is necessary for a structure that has a functional or operational need to be in the proposed location; and
- (iii) the extent of the benefits derived from infrastructure.

(d) methods and location:

- (i) whether there are practicable alternative locations and methods including consideration of an application to infringe development control where this would result in retention and enhancement of vegetation on the site; and
- (ii) whether the effects from the alteration or removal of vegetation and land disturbance can be minimised through works being undertaken on an alternative location on the site, and/or method of undertaking the works.

(e) mitigation measures:

- (i) the extent to which revegetation can remedy or mitigate adverse effects, including eco-sourcing and the ongoing maintenance of revegetation measures.

(f) bonds and covenants:

- (i) whether conditions of consent can avoid remedy or mitigate adverse effects including the imposition of bonds, covenants or similar instruments.

(g) Mana Whenua values:

- (i) the extent to which any adverse effects on Mana Whenua values can be avoided, remedied or mitigated, and having regard to the objectives and policies in [E20 Māori Land](#) whether the proposed works are appropriate to provide for Mana Whenua, mātauranga and tikanga values.

- (2) district rules - vegetation management in the Outstanding Natural Features Overlay, Outstanding Natural Landscapes Overlay, Outstanding Natural Character Overlay and High Natural Character Overlay that do not comply with the permitted activity standards [dp]:

(a) hazard mitigation:

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

(b) landscape, natural features and natural character values:

- (i) the extent to which vegetation alteration or removal will have adverse effects on the values identified for scheduled outstanding natural landscape, outstanding natural features, outstanding natural character and high natural character areas; and
- (ii) the extent to which vegetation alteration or removal adversely affects landscape, natural features and natural character values particularly on adjacent public space including the coast, reserves and walkways and measures to avoid, remedy or mitigate any adverse effects.

(c) amenity values:

- (i) the extent to which the vegetation alteration or removal will have adverse effects on the amenity values of any adjacent open space including the coast, parks, reserves and walkways and measures to avoid, remedy or mitigate any adverse effects.

(d) use:

- (i) whether the vegetation alteration or removal will improve the reliance and security of the network utility;
- (ii) whether the vegetation alteration or removal is necessary for a structure that has a functional or operational need to be in the proposed location; and
- (iii) the extent of the benefits derived from infrastructure.

(e) methods and location:

- (i) whether there are practicable alternative locations and methods including consideration of an application to infringe development control where this would result in retention and enhancement of vegetation on the site; and
- (ii) whether the effects from the alteration or removal of vegetation and land disturbance can be minimised through works being undertaken on an alternative location on the site, and/or method of undertaking the works.

(f) mitigation measures:

- (i) the extent to which revegetation can remedy or mitigate adverse effects, including eco-sourcing and the ongoing maintenance of revegetation measures.

(g) bonds and covenants:

- (i) whether conditions of consent can avoid remedy or mitigate adverse effects including the imposition of bonds, covenants or similar instruments.

(h) Mana Whenua values:

- (i) the extent to which any adverse effects on Mana Whenua values can be avoided, remedied or mitigated, and having regard to the objectives and policies in [E20 Māori Land](#) whether the proposed works are appropriate to provide for Mana Whenua, mātauranga and tikanga values.

E26.3.8. Special information requirements

There are no special information requirements in this sub-section.

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

E26.4.1. Objectives

The objectives for trees in roads and open space zones and the Notable Trees Overlay are located in [D13 Notable Trees Overlay](#), [E16 Trees in open space zones](#) and [E17 Trees in roads](#).

E26.4.2. Policies

The policies for trees in roads and open space zones and the Notable Trees Overlay are located in [D13 Notable Trees Overlay](#), [E16 Trees in open space zones](#) and [E17 Trees in roads](#).

E26.4.3. Activity table

Table E26.4.3.1 Activity table specifies the activity status of land use and development activities in the trees in roads and open space zones provisions and the Notable Trees Overlay pursuant to section 9(3) of the Resource Management Act 1991:

- the activity status and rule applying to any particular tree is determined by the location of the trunk;
- all activities obtain the approval of the Tree Asset Manager, which in respect of roads is Auckland Transport and in respect of open space zones, owned by the Council, is the Auckland Council Parks Department;
- for the tree rules except where otherwise stated any square metre limit applies on a 'per project' basis; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the 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				
(A79)	Biosecurity tree works	P	P	P
(A80)	Dead wood removal *if undertaken by a qualified arborist	P	P	P* C
(A81)	Emergency tree works	P	P	P
(A82)	Pest Plant Removal	P	P*	NA

	*of any tree less than 4m in height and less than 400mm in girth			
(A83)	Tree trimming or alteration	P	P	P
(A84)	Tree trimming or alteration that does not comply with Standard E26.4.5.1 (Trees in streets and open space zones) or Standard E26.4.5.3 (Notable trees)	RD	RD	RD
(A85)	Tree trimming of branch diameters greater than 50mm of Notable Trees in accordance with the Electricity (Hazards from Trees) Regulations 2003 up to the growth limit zone	NA	NA	C
(A86)	Works within the protected root zone to enable by trenchless methods at a depth greater than 1m below ground level	NA	NA	P
(A87)	Works within the protected root zone that comply with Standard E26.4.5.2	P	P	NA
(A88)	Works within the protected root zone not otherwise provided for	RD	RD	RD
(A89)	Tree removal of Notable Trees	NA	NA	D
(A90)	Tree trimming, alteration or removal on roads adjoining rural zones and on roads adjoining the Future Urban Zone	P	NA	NA
(A91)	Tree alteration or removal of any tree less than 4m in height and/or less than 400mm in girth	P	P	NA
(A92)	Tree alteration or removal of any tree greater than 4m in height and/or greater than 400mm in girth	RD	RD	NA
(A93)	Tree trimming, alteration or removal not otherwise provided for	D	D	D

E26.4.4. Notification

- (1) An application for resource consent for a controlled activity listed in Table E26.4.3.1 Activity table above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table E26.4.3.1 Activity table and which is not listed in E26.4.4(1) will be subject to the normal

tests for notification under the relevant sections of the Resource Management Act 1991.

- (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\(4\)](#).

E26.4.5. 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

- (1) Tree trimming or alteration of trees in streets and open space zones must comply with the following standards:
 - (a) the maximum diameter of any branch removed must be no greater than 100mm;
 - (b) no more than 20 per cent of live growth of the tree must be removed which can be increased to 30 per cent under the direct supervision of a suitably qualified arborist;
 - (c) the natural shape, form and branch habit of the tree must be retained for trees in public open space;
 - (d) the natural shape, form and branch habit of the tree must be retained for trees in streets where practicable; and
 - (e) All works must be carried out in accordance with best arboricultural practice.
- (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:
 - (i) maintain a clearance of 4.5 m height above the road carriage way or 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.
- (3) Any diseased tree material is to be treated in accordance with the Biosecurity Act 1993.

E26.4.5.2. Trees in roads and open space zones - works within the protected root zone

- (1) For roots under 60mm:
- (a) excavation undertaken by hand digging or air spade or hydro vac or machine excavator within the protected root zone without direction and/or supervision of a qualified arborist.
 - (i) the surface area of a single excavation shall not exceed 1m²;
 - (ii) works involving root pruning must be less than 35mm in diameter at severance;
 - (iii) works will disturb less than 10 per cent of the protected root zone; and
 - (iv) any machine excavator must operate on top of paved surfaces and/or ground protection measures and must be fitted with a straight blade bucket.
 - (b) excavation undertaken by hand digging or air spade or hydro vac or machine excavator within the protected root zone with direction and/or supervision of a qualified arborist:
 - (i) works must not disturb more than 20 per cent of the protected root zone;
 - (ii) works involving root pruning must not be on roots greater than 60mm in diameter at severance; and
 - (iii) any machine excavator must operate on top of paved surfaces and/or ground protection measures and must be fitted with a straight blade bucket.
 - (c) excavation undertaken by trenchless methods must not be undertaken at a depth less than 800mm below ground level, and does not require the direction or supervision of a qualified arborist;

- (d) replacement of structures kerbs, and hard surfaces must be done so that:
 - (i) the removal of the surface is carried out without damage to any tree roots; and
 - (ii) the machine excavator must operate on top of paved surfaces and/or ground protection measures and must be fitted with a straight blade bucket.
- (e) Standards E26.4.5.2(1)(a) - (d) above do not apply to any tree works undertaken inside infrastructure such as pipes and meter boxes.
- (2) For roots greater than 60mm but less than 80mm:
 - (a) excavation undertaken by hand digging or air spade or hydro vac or machine excavator within the protected root zone with direction and/or supervision of a qualified arborist:
 - (i) works must not disturb more than 20% of the protected root zone;
 - (ii) works involving root pruning must not be on roots greater than 80mm in diameter at severance;
 - (iii) any machine excavator must operate on top of paved surfaces and/or ground protection measures and must be fitted with a straight blade bucket;
 - (b) Standard E26.4.5.2(2)(a) above do not apply to any tree works undertaken inside infrastructure such as pipes and meter boxes.

Notable trees

E26.4.5.3. Notable trees - tree trimming or alteration

- (1) Tree trimming or alteration of notable trees must meet the following standards:
 - (a) the maximum branch diameter must not exceed 50mm at severance;
 - (b) must not result in the removal of more than 10 per cent of live growth of the tree in any one calendar year;
 - (c) the trimming must retain the natural shape, form and branch habit of the tree.
 - (d) the works must meet best arboricultural practice

E26.4.5.4. Notable trees - works within the protected root zone 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.

E26.4.6. Assessment – controlled activities

E26.4.6.1. Matters of control

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

- (1) for deadwood removal not undertaken by a qualified arborist:
 - (a) the extent of the alteration of the tree; and
 - (b) the method to be employed.
- (2) for tree trimming of branch diameters greater than 50mm at severance in accordance with Electricity (Hazards from Trees) Regulations 2003 up to the Growth Limit Zone:
 - (a) the required Growth Limit Zone clearances required by the Electricity (Hazards from Trees) Regulations 2003;
 - (b) the extent of the alteration to the tree; and
 - (c) the method to be employed.

E26.4.6.2. Assessment criteria

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

- (1) for deadwood removal not undertaken by a qualified arborist:
 - (a) criteria for the extent of the alteration of the tree and the method to be employed:
 - (i) the tree will not be unduly damaged or its health endangered through removal of deadwood;

- (ii) the timing of the deadwood removal;
 - (iii) the size of the wounds; and
 - (iv) the position of the wounds.
- (2) tree trimming of branch diameters greater than 50mm at severance in accordance with Electricity (Hazards from Trees) Regulations 2003 up to the Growth Limit Zone:
- (a) that the trimming must not exceed the Growth Limit Zone clearances required by the Electricity (Hazards from Trees) Regulations 2003; and
 - (b) whether the trimming retains the natural shape, form and branch habit of the tree, as far as practicable.

E26.4.7. Assessment – restricted discretionary activities

E26.4.7.1. Matters of discretion

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

- (1) trees in roads and open space zones:
 - (a) for tree trimming or alteration not meeting Standard E26.4.5.1;
 - (i) the methods proposed to reduce any adverse effects; and
 - (ii) the extent of the alteration of the tree or trees.
 - (b) for work within the protected root zone not otherwise provided for:
 - (i) the methods proposed to reduce any adverse effects of the works, including the depth of the works; and
 - (ii) the extent of area of the protected root zone or zones that is affected.
 - (c) tree alteration or removal of greater than 4m in height and trees 400mm in girth:
 - (i) the effect on the values of the tree or trees; and
 - (ii) any loss or reduction of amenity values provided by the tree or trees;
 - (iii) any mitigation proposed; and
 - (iv) the functional and operational requirements and benefits derived from infrastructure.

- (2) Notable Tree Overlay:

- (a) for tree trimming or alteration not meeting Standard E26.4.5.3:
 - (i) the methods proposed to reduce any adverse effects; and
 - (ii) the extent of the alteration of the tree or trees.
- (b) for work within the protected root zone not otherwise provided for:
 - (i) the methods proposed to reduce any adverse effects of the works, including the depth of the works; and
 - (ii) the extent of area of the protected root zone or zones that is affected.

E26.4.7.2. Assessment criteria

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

- (1) trees in roads and open space zones:
 - (a) the extent to which effects on the values of the tree or trees including any effects on the natural shape, form and branch habit and the root network can be minimised;
 - (b) the extent to which any impact on the immediate or long term health and stability of the tree or trees is able to be minimised or avoided;
 - (c) the risk of actual damage to people and property from the tree or trees including the extent to which adverse effects on the health and safety of people have been addressed;
 - (d) the degree to which any proposed mitigation adequately responds to the effects on the tree or trees;
 - (e) the degree to which the proposal is consistent with best arboricultural practice guidelines for tree management;
 - (f) whether there is a need for the direction and supervision of a qualified arborist while the works are being carried out; and
 - (g) the extent to which functional and operational requirements make the works necessary.
- (2) Notable Tree Overlay:
 - (a) the extent to which effects on the values of the tree or trees including any effects on the natural shape, form and branch habit and the root network can be minimised;
 - (b) the extent to which any impact on the immediate or long term health and stability of the tree or trees is able to be minimised or avoided;

- (c) the risk of actual damage to people and property from the tree or trees including the extent to which adverse effects on the health and safety of people have been addressed;
- (d) the degree to which any proposed mitigation adequately responds to the effects on the tree or trees;
- (e) the degree to which the proposal is consistent with best arboricultural practice guidelines for tree management;
- (f) the need for the direction and supervision of a qualified arborist while the works are being carried out; and
- (g) the functional and operational requirements and benefits derived from infrastructure.

E26.4.8. Special information requirements

There are no special information requirements in this sub-section.

E26.5. Network utilities and electricity generation – Earthworks all zones and roads

E26.5.1. Objectives

The objectives for earthworks are located in:

- [E11 Land disturbance – Regional](#); and
- [E12 Land disturbance – District](#).

E26.5.2. Policies

The policies for earthworks are located in:

- [E11 Land disturbance – Regional](#); and
- [E12 Land disturbance – District](#).

E26.5.3. Activity table

Table E26.5.3.1 Activity table specifies the activity status of land use and development activities to pursuant to section 9(3) of the Resource Management Act 1991.

- for network utilities the thresholds apply to the area and volume of work being undertaken at any one time at a particular location such that, where practicable, progressive closure and stabilisation of works could be adopted to maintain the activity within the thresholds; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

Table E26.5.3.1 Activity table - Earthworks all zones and roads [dp]

Activity		Residential zones	Business zones and Business – City Centre Zone	Future Urban Zone and rural zones (excluding Rural – Rural Conservation)	Open space zones	Rural – Rural Conservation Zone and Open Space – Conservation Zone	Special Purpose – Quarry Zone	All other zones and roads
(A94)	Earthworks for maintenance, repair, renewal, minor infrastructure upgrading and service connections	P	P	P	P	P	P	P
(A95)	Earthworks up to 2500m ² other than for maintenance, repair, renewal, minor infrastructure upgrading	P	P	P	P	P	P	P
(A96)	Earthworks up to 2500m ³ other than for maintenance, repair, renewal, minor infrastructure upgrading	P	P	P	P	P	P	P
(A97)	Earthworks greater than 2500m ² other than for maintenance, repair,	RD	RD	RD	RD	RD	RD	RD

	renewal, minor infrastructure upgrading							
(A97A)	Earthworks greater than 2500m ³ other than for maintenance, repair, renewal, minor infrastructure upgrading	RD	RD	RD	RD	RD	RD	RD
(A98)	Earthworks not otherwise listed in this table	Refer to Table E12.4.1 Activity table – all zones and roads						
Earthworks - Lava caves, fossils and sub-fossils								
(A99)	Land disturbance that disturb known lava caves >1m diameter along any axis or fossils or subfossils	RD	RD	RD	RD	RD	RD	RD

Table E26.5.3.2 Activity table specifies the activity status of land use and development activities pursuant to section 9(2) of the Resource Management Act 1991.

- for network utilities the thresholds apply to the area and volume of work being undertaken at any one time at a particular location such that, where practicable, progressive closure and stabilisation of works could be adopted to maintain the activity within the thresholds; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

Table E26.5.3.2 Activity table all zones and roads [rp]

Activity		Residential zones	Business zones and Business - City Centre Zones	Future Urban Zone and Rural zones (excluding Rural – Rural Conservation Zone)	Open space Zone	Rural - Rural Conservation Zone and Open Space - Conservation Zone	Special Purpose - Quarry Zone	All other zones and roads
(A100)	Earthworks for maintenance, repair, renewal, minor infrastructure upgrading, service connections	P	P	P	P	P	P	P
(A101)	Up to 10,000m ² where land has a slope less than 10 degrees outside the Sediment Control Protection Area ¹ other than for maintenance, repair, renewal, minor infrastructure upgrading	P	P	P	P	P	P	P
(A102)	Greater than 10,000m ² up to 50,000m ² where land has a slope less than 10 degrees outside the Sediment Control Protection Area ¹ other than for maintenance, repair, renewal, minor infrastructure upgrading	C	C	C	C	C	C	C
(A103)	Greater than 50,000m ² where land has a slope less than 10 degrees	RD	RD	RD	RD	RD	RD	RD

Activity		Residential zones	Business zones and Business - City Centre Zones	Future Urban Zone and Rural zones (excluding Rural – Rural Conservation Zone)	Open space Zone	Rural - Rural Conservation Zone and Open Space - Conservation Zone	Special Purpose - Quarry Zone	All other zones and roads
	outside the Sediment Control Protection Area ¹ other than for maintenance, repair, renewal, minor infrastructure upgrading							
(A104)	Up to 2,500m ² where the land has a slope equal to or greater than 10 degrees other than for maintenance, repair, renewal, minor infrastructure upgrading	P	P	P	P	P	P	P
(A105)	Up to 2,500m ² within the Sediment Control Protection Area ¹ other than for maintenance, repair, renewal, minor infrastructure upgrading	P	P	P	P	P	P	P
(A106)	Greater than 2,500m ² where the land has a slope equal to or greater than 10 degrees other than for maintenance, repair, renewal, minor infrastructure upgrading	RD	RD	RD	RD	RD	RD	RD
(A107)	Greater than 2,500m ² within the Sediment Control Protection Area ¹ other than for maintenance, repair, renewal, minor infrastructure upgrading	RD	RD	RD	RD	RD	RD	RD
(A108)	General earthworks not otherwise listed in this table	Refer Table E11.4.1 Activity table – all zones and roads [rp]						
(A109)	Activities ancillary to erosion and sediment control	Refer Table E11.4.2 Activity table all zones and roads – diversion, damming and discharge of treated sediment laden water [rp]						

E26.5.4. Notification

- (1) An application for resource consent for a controlled activity listed in Tables E26.5.3.1 and E26.5.3.2 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table E26.5.3.1 and E26.5.3.2 and which is not listed in E26.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (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\(4\)](#).

E26.5.5. Standards

E26.5.5.1. Accidental discovery rule

- (1) Despite any other rule in this Plan permitting earthworks or land disturbance or any activity associated with earthworks or land disturbance, in the event of discovery of sensitive material which is not expressly provided for by any resource consent or other statutory authority, the standards and procedures set out in this rule must apply.
- (2) For the purpose of this rule, “sensitive material” means:
 - (a) human remains and kōiwi;
 - (b) an archaeological site;
 - (c) a Māori cultural artefact/taonga tuturu;
 - (d) a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil);
 - (e) evidence of contaminated land (such as discolouration, vapours, asbestos, separate phase hydrocarbons, landfill material or significant odour); or
 - (f) a lava cave greater than 1m in diameter on any axis.
- (3) On discovery of any sensitive material, the owner of the site or the consent holder must take the following steps:

Cease works and secure the area

- (a) immediately cease all works within 20 metres of any part of the discovery, including shutting down all earth disturbing machinery and stopping all earth moving activities, and in the case of evidence of contaminated land apply controls to minimise discharge of contaminants into the environment;
- (b) secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive material remains undisturbed;

Inform relevant authorities and parties

- (c) inform the following parties immediately of the discovery:
 - (i) the New Zealand Police if the discovery is of human remains or kōiwi;
 - (ii) the Council in all cases;
 - (iii) Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi;

- (iv) Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.

Wait for and enable inspection of the site

- (d) wait for and enable the site to be inspected by the relevant authority or agency:
 - (i) if the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or
 - (ii) if the discovery is of sensitive material, other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives, or.
 - (iii) if the discovery is evidence of contaminants, a suitably qualified and experienced person is required to complete an initial assessment and provide information to the Council on the assessment and response.
- (e) following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, and any changes to controls on discharges of contaminants, until the requirements of step E26.5.5.1(3)(f) are met.

Recommencement of work

- (f) work within the area determined by the Council at step E26.5.5.1(3)(e) must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:
 - (i) Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;
 - (ii) any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;
 - (iii) the requirements of the Unitary Plan – Section [E30 Contaminated land](#) and/or the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 have been met;

- (iv) any material of scientific or educational importance has been recorded and if appropriate recovered and preserved;
- (v) if the discovery is a lava cave as outlined in E26.5.5.1(2)(f) above and if the site is assessed to be regionally significant, reasonable measures have been taken to minimise adverse effects of the works on the scientific values of the site; and
- (vi) where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Mana Whenua, that:
 - any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and
 - any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values; and
- (vii) resource consent has been granted for any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent; and
- (viii) that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by the Heritage New Zealand Pouhere Taonga Act 2014.

E26.5.5.2. General standards

All activities listed as permitted, controlled and restricted discretionary in Table E26.5.3.1 and E26.5.3.2 must comply with the following standards.

Regional [rp]

- (1) Earthworks associated with the operation, repair, renewal, upgrading and maintenance of existing roads, will be undertaken within the legal road or the formation width of existing roads if this extends beyond the legal road width.
- (2) Land disturbed for the operation, repair, renewal, upgrading or maintenance of utilities will be stabilised by re-vegetation, grassing or other suitable means as soon as practicable after completion of the works to avoid erosion and scouring.
- (3) Land disturbance must not, after reasonable mixing, result in any of the following effects in receiving waters:
 - (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;

- (b) any conspicuous change in the colour or visual clarity;
 - (c) any emission of objectionable odour;
 - (d) the rendering of fresh water unsuitable for consumption by farm animals; or
 - (e) any significant adverse effects on aquatic life.
- (4) 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 or similar design.

- (5) Dewatering of trenches and other excavations must be done in accordance with best practice and must not result in a discharge of untreated sediment laden water to any stormwater reticulation system or water body.
- (6) Trenching must be progressively closed and stabilised such that no more than 120m of continuous trench is exposed to erosion at any one time.
- (7) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (8) 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.

District [dp]

- (9) Earthworks associated with the operation, repair, renewal, upgrading and maintenance of existing roads, will be undertaken within the legal road or the formation width of existing roads if this extends beyond the legal road width.
- (10) Land disturbed for the operation, renewal, repair, upgrading or maintenance of utilities outside the formation width of existing roads or abutments, or within an overland flow path, will be reinstated to the

ground level prior to the works being undertaken as soon as practicable after completion of the works.

- (11) Land disturbed for the operation, repair, renewal, upgrading or maintenance of utilities will be stabilised by re-vegetation, grassing or other suitable means as soon as practicable after completion of the works to avoid erosion and scouring.
- (12) Land disturbance within Riparian Yards and Coastal Protection Yards are limited to:
 - (a) operation, maintenance and repair (including network utilities);
 - (b) less than 5m² or 5m³; for general earthworks;
 - (c) less than 10m² or 5m³ for the installation of new network utilities;
 - (d) installation of fences and walking tracks;
 - (e) burial of marine mammals.
- (13) Works must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.
- (14) The land disturbance must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.
- (15) Access to public footpaths, berms, private properties, network utilities, or public reserves must not be obstructed unless that is necessary to undertake the works or prevent harm to the public.
- (16) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (17) Measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance.
- (18) Earthworks (including filling) within a 1% AEP flood plain (excluding road network activities):
 - (a) must not raise ground levels more than 300mm, to a total fill volume up to 10m³ which must not be exceeded through multiple filling operations; and
 - (b) must not result in any adverse changes in flood hazard beyond the site.

Note 1

This standard does not limit excavation and replacement of fill to form building platforms, where those works do not raise ground levels.

- (19) Earthworks (including filling) within overland flow paths (excluding road network activities) must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.
- (20) Temporary land disturbance and stockpiling of soil and other materials within 1% AEP flood plain and/or overland flow path for up to a maximum of 28 days in any calendar year may occur as part of construction or maintenance activities.
- (21) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
- (22) Land disturbance around Transpower NZ Ltd electricity transmission line poles must:
 - (a) be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; and
 - (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that:
 - (c) vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from Standards E26.5.5.2(22)(a) and (b) above.
- (23) Land disturbance around Transpower NZ Ltd electricity transmission lines towers must:
 - (a) be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; and
 - (b) be no deeper than 3m between 6 to 12m from the outer visible edge of a transmission tower support structure.
- (24) Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole or tower must not:
 - (a) create an unstable batter that will affect a transmission support structure; or
 - (b) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.

E26.5.6. Assessment – controlled activities

E26.5.6.1. Matters of control

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

- (1) all regional controlled activities [rp]:
 - (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;
 - (d) the proportion of the catchment which is exposed;
 - (e) staging of works and progressive stabilisation;
 - (f) timing and duration of works;
 - (g) term of consent; and
 - (h) potential effects on significant ecological and indigenous biodiversity values.

E26.5.6.2. Assessment criteria

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

- (1) all regional controlled activities [rp]:
 - (a) whether applicable standards are complied with;
 - (b) the proximity of the earthworks to any water body and the extent to which erosion and sediment controls and the proposed construction methodology will adequately avoid or minimise adverse effects on:
 - (i) water quality including of the Coastal Marine Area; and
 - (ii) ecological health including of the Coastal Marine Area.
 - (c) the extent to which the earthworks minimises soil compaction, other than where it benefits geotechnical or structural performance;
 - (d) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;

- (e) whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; or
- (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.

E26.5.7. Assessment – restricted discretionary activities

E26.5.7.1. Matters of discretion

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

- (1) all regional restricted discretionary activities [rp]:
 - (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;
 - (d) effects on cultural and spiritual values of Mana Whenua including water quality, preservation of wāhi tapu, and kaimoana gathering;
 - (e) the proportion of the catchment which is exposed;
 - (f) staging of works and progressive stabilisation;
 - (g) timing and duration of works;
 - (h) term of consent;
 - (i) potential effects on significant ecological and indigenous biodiversity values;
 - (j) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site; and
 - (k) information and monitoring requirements.
- (2) all district restricted discretionary activities [dp]:
 - (a) compliance with the standards;
 - (b) effects of noise, vibration, odour, dust, lighting and traffic on the surrounding environment;
 - (c) effects on the stability and safety of surrounding land, buildings and structures;

- (d) effects on overland flow paths and flooding;
- (e) protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;
- (f) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site;
- (g) staging of works and progressive stabilisation;
- (h) information and monitoring requirements;
- (i) timing and duration of works;
- (j) term of consent;
- (k) potential effects on significant ecological and indigenous biodiversity values;
- (l) risk that may occur as a result of natural hazards;
- (m) protection of or provision of network utilities and road networks.
- (n) potential effects on the natural character and values of the coastal environment, lakes, rivers and their margins, where works encroach into riparian or coastal yards; and
- (o) positive effects enabled through the land disturbance.

E26.5.7.2. Assessment criteria

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

- (1) all regional restricted discretionary activities [rp]:
 - (a) whether applicable standards are complied with;
 - (b) the proximity of the earthworks to any water body and the extent to which erosion and sediment controls and the proposed construction methodology will adequately avoid or minimise adverse effects on:
 - (i) water quality including of the coastal marine area;
 - (ii) ecological health including of the coastal marine area;
 - (iii) riparian margins;
 - (iv) the mauri of water;
 - (c) the quality of taiāpure or mahinga mātaītai;
 - (d) the extent to which the earthworks minimises soil compaction, other than where it benefits geotechnical or structural performance;

- (e) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;
 - (f) whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; or
 - (g) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.
 - (h) the extent to which appropriate methods are used to prevent the spread of total control pest plants or unwanted organisms (as listed under the Biosecurity Act 1993), such as kauri dieback disease.
- (2) general district assessment criteria [dp]:
- (a) whether applicable standards are complied with;
 - (b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;
 - (c) whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures;
 - (d) whether the earthworks and final ground levels will adversely affect overland flow paths or increase potential volume or frequency of flooding within the site or surrounding sites;
 - (e) whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made;
 - (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works;
 - (g) the extent to which the area of the land disturbance is minimised, consistent with the scale of development being undertaken;
 - (h) the extent to which the land disturbance is necessary to provide for the functional or operational requirements of the network utility installation, repair or maintenance;
 - (i) the extent of risks associated with natural hazards and whether the risks can be reduced or not increased;

- (j) whether the land disturbance and final ground levels will adversely affect existing utility services;
- (k) the extent to which the land disturbance is necessary to accommodate development otherwise provided for by the Unitary Plan, or to facilitate the appropriate use of land in the open space environment, including development proposed in a relevant operative reserve management plan or parks management plan;
- (l) for land disturbance near Transpower New Zealand Limited transmission towers:
 - (i) the outcome of any consultation with Transpower New Zealand Limited; and
 - (ii) the risk to the structural integrity of transmission lines; or
- (m) the extent to which earthworks avoid, minimise, or mitigate adverse effects on any archaeological sites that have been identified in the assessment of effects.

E26.5.8. Special information requirements

There are no special information requirements in this sub-section.

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

E26.6.1. Objectives

The objectives for earthworks are located in:

- [D9 Significant Ecological Areas Overlay](#);
- [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay](#);
- [D11 Outstanding Natural Character and High Natural Character Overlay](#);
- [D17 Historic Heritage Overlay](#);
- [D18 Special Character Areas Overlay – Residential and Business](#)
- [E11 Land disturbance – Regional](#); and
- [E12 Land disturbance – District](#).

E26.6.2. Policies

The policies for earthworks are located in:

- [D9 Significant Ecological Areas Overlay](#);
- [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay](#);
- [D11 Outstanding Natural Character and High Natural Character Overlay](#);

- [D17 Historic Heritage Overlay](#);
- [D18 Special Character Areas Overlay – Residential and Business](#)
- [E11 Land disturbance – Regional](#); and
- [E12 Land disturbance – District](#).

E26.6.3. Activity table

Table E26.6.3.1 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:

- [D9 Significant Ecological Areas Overlay](#); (SEA)
- [D7 Water Supply Management Areas Overlay](#);(WSMA)
- [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay](#); (ONF) and (ONL)
- [D11 Outstanding Natural Character and High Natural Character Overlay](#); (ONC) and (HNC)
- [D17 Historic Heritage Overlay](#); (HH)
- [D21 Sites and Places of Significance to Mana Whenua Overlay](#); (SSMW) and
- [D18 Special Character Areas Overlay – Residential and Business](#) (Special Character)

The acronyms in brackets after the overlays identified above (and the words “Special Character”) are used to identify those overlays in the headings in Table E26.6.3.1

For Table E26.6.3.1 Activity table:

- additional controls apply for earthworks within the [D26 National Grid Corridor Overlay](#); and
- for network utilities the thresholds apply to the area and volume of work being undertaken at any one time at a particular location such that, where practicable, progressive closure and stabilisation of works could be adopted to maintain the activity within the thresholds; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

Table E26.6.3.1 Activity table - Earthworks in overlay areas except Outstanding Natural Features Overlay

Activity		SEA [rp]	ONC [dp]	WSM A [rp]	ONL and HNC [dp]	Historic Heritage [dp]	SSMW [dp]	Special Character [dp]
(A110)	Earthworks for maintenance, renewal and repair of network utilities and electricity generation activities RD* where archaeological controls apply as listed in Schedule 14	P	P	P	P	P RD*	P	P
(A111)	Earthworks for service connections P* where identified as a site exception in Schedule 12 RD* where archaeological controls apply as listed in Schedule 14	P	P	P	P	P RD*	P P*	P
(A112)	Earthworks for minor infrastructure upgrading P* within the legal road or the formation width of the road RD* where archaeological controls apply as listed in Schedule 14	P	RD P*	P	P	P RD*	P	P
(A113)	Earthworks for minor utility structures P* within the legal road or the formation width of the road RD* where archaeological controls apply as listed in Schedule 14	P	RD P*	P	P	P RD*	P	P*
(A114)	Earthworks for minor upgrading of road	P	P	P	P	P	P	P

	network activities within the legal road or the formation width of the road RD* where archaeological controls apply as listed in Schedule 14.1					RD*		
(A115)	Earthworks for network utilities and electricity generation facilities that do not comply with the standards in E26.6.5.2	RD	RD	RD	RD	RD	RD	RD
(A116)	Other earthworks up to 10m ² and 5m ³ RD* where archaeological controls apply as listed in Schedule 14	P	P	P	P	P RD*	D	P
(A117)	Earthworks from 10m ² to 2500m ² and from 5m ³ to 2500m ³ *Earthworks greater than 5m ³ within the Isthmus C Special Character Overlay ³	RD	RD	RD	RD	RD	D	RD D*
(A118)	Earthworks greater than 2500m ² or 2500m ³	D	RD	D	RD	D	D	D
(A119)	Earthworks associated with temporary activities and land disturbance not otherwise listed in this table	Refer Table E11.4.3 Activity table overlays for regional overlays and Table E12.4.2 Activity table overlays (except Outstanding Natural Features Overlay) for district overlays .						

E26.6.4. Notification

- (1) Any application for resource consent for an activity listed in Table E26.6.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

E26.6.5. Standards

E26.6.5.1. Accidental discovery rule

- (1) Despite any other rule in this Plan permitting earthworks or land disturbance or any activity associated with earthworks or land disturbance, in the event of discovery of sensitive material which is not expressly provided for by any resource consent or other statutory authority, the standards and procedures set out in this rule must apply.
- (2) For the purpose of this rule, “sensitive material” means:
 - (a) human remains and kōiwi;
 - (b) an archaeological site;
 - (c) a Māori cultural artefact/taonga tuturu;
 - (d) a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil);
 - (e) evidence of contaminated land (such as discolouration, vapours, asbestos, separate phase hydrocarbons, landfill material or significant odour); or
 - (f) a lava cave greater than 1m in diameter on any axis.
- (3) On discovery of any sensitive material, the owner of the site or the consent holder must take the following steps:

Cease works and secure the area

- (a) immediately cease all works within 20 metres of any part of the discovery, including shutting down all earth disturbing machinery and stopping all earth moving activities, and in the case of evidence of contaminated land apply controls to minimise discharge of contaminants into the environment;
- (b) secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive material remains undisturbed;

Inform relevant authorities and parties

- (c) inform the following parties immediately of the discovery:
 - (i) the New Zealand Police if the discovery is of human remains or kōiwi;
 - (ii) the Council in all cases;
 - (iii) Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi; and

- (iv) Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.

Wait for and enable inspection of the site

- (d) wait for and enable the site to be inspected by the relevant authority or agency:
 - (i) if the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or
 - (ii) if the discovery is of sensitive material, other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives, or
 - (iii) if the discovery is evidence of contaminants, a suitably qualified and experienced person is required to complete an initial assessment and provide information to the Council on the assessment and response.
- (e) following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, and any changes to controls on discharges of contaminants, until the requirements of step E26.6.5.1(3)(f) are met.

Recommencement of work

- (f) work within the area determined by the Council at step E26.6.5(3)(e) must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:
 - (i) Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;
 - (ii) any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;
 - (iii) the requirements of the Unitary Plan – Section [E30 Contaminated land](#) and/or the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 have been met;

- (iv) any material of scientific or educational importance has been recorded and if appropriate recovered and preserved;
- (v) if the discovery is a lava cave as outlined in E26.6.5.1(2)(f) above and if the site is assessed to be regionally significant, reasonable measures have been taken to minimise adverse effects of the works on the scientific values of the site; and
- (vi) where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Mana Whenua, that:
 - any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and
 - any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values.
- (vii) resource consent has been granted for any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent; and
- (viii) that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by the Heritage New Zealand Pouhere Taonga Act 2014.

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

- (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 0.6m, or the depth of land previously disturbed.

- (4) Earthworks for service connections in SEAs shall be limited to the area and depth of earth previously disturbed or modified or shall not exceed 10m² and 5m³
- (5) After completion of the earthworks, the ground must be reinstated to at least the condition existing prior to any work starting.
- (6) Land disturbance must not, after reasonable mixing, result in any of the following effects in receiving waters:
 - (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - (b) any conspicuous change in the colour or visual clarity;
 - (c) any emission of objectionable odour;
 - (d) the rendering of fresh water unsuitable for consumption by farm animals; or
 - (e) any significant adverse effects on aquatic life.
- (7) 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 or similar design.

- (8) Dewatering of trenches and other excavations must be done in accordance with best practice and must not result in a discharge of untreated sediment laden water to any stormwater reticulation system or water body.
- (9) Trenching must be progressively closed and stabilised such that no more than 120m of continuous trench is exposed to erosion at any one time.
- (10) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (11) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within a Significant Ecological Area Overlay shall be limited to the area of earth previously disturbed or modified.

- (12) Earthworks associated with a temporary activity within a Significant Ecological Area Overlay shall be limited to the area of earthwork previously disturbed or modified.
- (13) 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.

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

- (14) 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.
- (15) 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
- (16) Earthworks for the minor upgrading of road network activities that exceed 10m² and 5m³ shall not exceed an excavation depth of 0.6m, or the depth of land previously disturbed and for the Sites and Places of Significance to Mana Whenua overlay, only to the depth of land previously disturbed.
- (17) Earthworks for 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
 - (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](#).
 - (c) *[deleted]*
- (18) Earthworks for network utilities on a site or place of significance to Mana Whenua or site shall be limited to the area and depth of earth previously disturbed or modified.

- (19) After completion of the earthworks, the ground must be reinstated to at least the condition existing prior to any work starting
- (20) Land disturbance within Riparian Yards and Coastal Protection Yards are limited to:
- (a) operation, maintenance and repair (including network utilities);
 - (b) less than 5m² or 5m³; for general earthworks;
 - (c) less than 10m² or 5m³ for the installation of new network utilities;
 - (d) installation of fences and walking tracks;
 - (e) burial of marine mammals.
- (21) Works must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.
- (22) The land disturbance must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.
- (23) Access to public footpaths, berms, private properties, network utilities, or public reserves must not be obstructed unless that is necessary to undertake the works or prevent harm to the public.
- (24) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (25) Measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance.
- (26) Earthworks (including filling) within a 100 year AEP flood plain (excluding road network activities):
- (a) must not raise ground levels more than 300mm, to a total fill volume up to 10m³ which must not be exceeded through multiple filling operations; and
 - (b) must not result in any adverse changes in flood hazard beyond the site.

Note 1

This standard does not limit excavation and replacement of fill to form building platforms, where those works do not raise ground levels.

- (27) Earthworks (including filling) within overland flow paths (excluding road network activities) must maintain the same entry and exit point at the

boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.

- (28) Temporary land disturbance and stockpiling of soil and other materials within 1% AEP flood plain and/or overland flow path for up to a maximum of 28 days in any calendar year may occur as part of construction or maintenance activities.
- (29) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
- (30) Land disturbance around Transpower NZ Ltd electricity transmission line poles must:
 - (a) be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; and
 - (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that:
 - (c) vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from Standards E26.6.5.2(30)(a) and (b) above.
- (31) Land disturbance around Transpower NZ Ltd electricity transmission lines towers must:
 - (a) be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; and
 - (b) be no deeper than 3m between 6 to 12m from the outer visible edge of a transmission tower support structure.
- (32) Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole or tower must not:
 - (a) create an unstable batter that will affect a transmission support structure; or
 - (b) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.
- (33) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities on a site or places of significance to Mana Whenua shall be limited to the area and depth of earth previously disturbed or modified.
- (34) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within the [D17 Historic](#)

[Heritage Overlay](#) must not extend more than 300 mm below the surface where archaeological controls apply (as listed in [Schedule 14 Historic Heritage Schedule, Statements and Maps](#)).

- (35) Earthworks/land disturbance for the planting of any tree within the [D17 Historic Heritage Overlay](#) must not be undertaken where archaeological controls apply (as listed in [Schedule 14 Historic Heritage Schedule, Statements and Maps](#)) other than as a replacement for a pre-existing tree; and, within the area previously occupied by the root plate of the pre-existing tree.

E26.6.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.6.7. Assessment – restricted discretionary activities

E26.6.7.1. Matters of discretion

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

- (1) all regional restricted discretionary activities [rp]:
 - (a) the matters set out in E26.5.7.1(1);
 - (b) the effects that the earthworks will have on ecological values, including on threatened species and ecosystems;
 - (c) the effects the vegetation alteration or removal will have on soil conservation, water quality and the hydrological function of the catchment;
 - (d) the necessity of the earthworks to provide for the functional and operational needs of infrastructure;
 - (e) the minimisation of effects from land disturbance through alternative locations on the site and/or methods of undertaking the works;
 - (f) the remedy or mitigation of adverse effects, including through revegetation, or restoration of other areas and ongoing maintenance;
 - (g) the benefit of imposing bonds, covenants or similar instruments as conditions of consent in implementing any of the matters of discretion; and
 - (h) the effects on Mana Whenua values associated with a Significant Ecological Areas Overlay.
- (2) all district restricted discretionary activities [dp]:
 - (a) the matters set out in E26.5.7.1(2);

- (b) effects on the characteristics and qualities that contribute to the natural character and/or landscape values of the area;
- (c) landscape, visual and amenity effects;
- (d) modification to landform;
- (e) Mana Whenua values;
- (f) the mitigation of effects; and
- (g) the necessity of the earthworks to provide for the functional and operational needs of infrastructure.

E26.6.7.2. Assessment criteria

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

- (1) all regional restricted discretionary activities [rp]:
 - (a) the relevant assessment criteria in E26.5.7.2(1);
 - (b) the extent to which the earthworks are minimised and adverse effects on the ecological and indigenous biodiversity values of the vegetation are able to be avoided, remedied or mitigated;
 - (c) whether the earthworks will have an adverse effect on threatened species or ecosystems;
 - (d) the extent to which the earthworks will adversely affect soil conservation, water quality and the hydrological function of the catchment and measures to avoid remedy or mitigate any adverse effects;
 - (e) whether the earthworks will improve the reliance and security of the network utility;
 - (f) whether the earthworks are necessary for a structure that has a functional or operational need to be in the proposed location;
 - (g) the extent of the benefits derived from infrastructure;
 - (h) whether the effects from the earthworks can be minimised through works being undertaken on an alternative location on the site, and/or method of undertaking the works;
 - (i) the extent to which re-vegetation can remedy or mitigate adverse effects;

- (j) whether conditions of consent can avoid remedy or mitigate adverse effects including the imposition of bonds, covenants or similar instruments; and
 - (k) the extent to which any adverse effects on Mana Whenua values can be avoided, remedied or mitigated, and having regard to the objectives and policies in [E20 Māori Land](#) whether the proposed works are appropriate to provide for Mana Whenua, mātauranga and tikanga values.
- (2) all district restricted discretionary activities [dp]:
- (a) the relevant assessment criteria in E26.5.7.2(2);
 - (b) whether there are practicable alternative locations for the activity, building or structure outside of the overlay area;
 - (c) whether, taking into account the characteristics and qualities of the site of the proposed earthworks, that the proposed location has the greatest potential to absorb change and minimise adverse effects on the landscape and/or natural character values;
 - (d) whether the proposed mitigation measures will ensure that there will be no more than minor effects on all of the following:
 - (i) amenity values or views, both from land and sea;
 - (ii) landscape and natural character values; and
 - (iii) people's experience and values associated with an area, including the predominance of nature and wilderness values.
 - (e) whether the siting of the earthworks adversely affects the line and form of the landscape with particular regard to ridgelines, headlands and promontories;
 - (f) whether the earthworks will be visually obtrusive from any public road or public place, including from beaches and the sea;
 - (g) the extent of adverse visual or ecological effects from the proposed earthworks and landform modification;
 - (h) the extent to which the proposed earthworks will impact on Mana Whenua values;
 - (i) whether the earthworks will improve the reliance and security of the network utility;
 - (j) whether the earthworks are necessary for a structure that has a functional or operational need to be in the proposed location; and

(k) the extent of the benefits derived from infrastructure.

E26.6.8. Special information requirements

There are no special information requirements in this sub-section.

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

E26.7.1. Objectives

The objectives for earthworks are located in:

- [D10 Outstanding Natural Features Overlay](#); and
- [E12 Land disturbance – District](#).

E26.7.2. Policies

The policies for earthworks are located in:

- [D10 Outstanding Natural Features Overlay](#); and
- [E12 Land disturbance – District](#).

E26.7.3. Activity table

Table E26.7.3.1 Activity table specifies the activity status of land use and development activities in the [D10 Outstanding Natural Features Overlay](#) pursuant to section 9(3) of the Resource Management Act 1991:

- for network utilities the thresholds apply to the area and volume of work being undertaken at any one time at a particular location such that, where practicable, progressive closure and stabilisation of works could be adopted to maintain the activity within the thresholds; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

Table E26.7.3.1 Activity table - Network utilities and electricity Generation – Earthworks Outstanding Natural Features Overlay

Activity		Feature Code from Table D10.4.1 for activity tables applying to outstanding natural features									
		A1	A	V1	V2	B	C	D	E	F1	F2
(A110)	Earthworks for maintenance, renewal and repair of network activities and electricity generating facilities	P	P	P	P	P	P	P	P	P	P
(A111)	Earthworks for minor infrastructure upgrading P* within the legal road or the formation width of the road	P	P	RD P*	RD P*	RD	RD	RD	RD	RD	RD
(A112)	Earthworks for minor utility structures	P	P	RD	RD	RD	RD	RD	RD	RD	RD

	P* within the legal road or the formation width of the road			P*	P*						
(A113)	Earthworks for service connections	P	P	RD	RD	RD	RD	RD	RD	RD	RD
(A114)	Earthworks for minor upgrading of road network activities within the legal road or the formation width of the road	P	P	P	P	P	P	P	P	P	P
(A115)	Earthworks for network utilities and electricity generation facilities that do not comply with standards in E26.7.5.2	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
(A116)	Earthworks for network utilities and electricity generating facilities activities not otherwise provided for	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
(A117)	Land disturbance not otherwise listed in this table	Refer Table E12.4.3 Activity table Outstanding Natural Features Overlay									

E26.7.4. Notification

- (1) Any application for resource consent for an activity listed in Table E26.7.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

E26.7.5. Standards

E26.7.5.1. Accidental discovery rule

- (1) Despite any other rule in this Plan permitting earthworks or land disturbance or any activity associated with earthworks or land disturbance, in the event of discovery of sensitive material which is not expressly provided for by any resource consent or other statutory authority, the standards and procedures set out in this rule must apply.
- (2) For the purpose of this rule, “sensitive material” means:
 - (a) human remains and kōiwi;
 - (b) an archaeological site;
 - (c) a Māori cultural artefact/taonga tuturu;
 - (d) a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil);

- (e) evidence of contaminated land (such as discolouration, vapours, asbestos, separate phase hydrocarbons, landfill material or significant odour); or
 - (f) a lava cave greater than 1m in diameter on any axis.
- (3) On discovery of any sensitive material, the owner of the site or the consent holder must take the following steps:

Cease works and secure the area

- (a) immediately cease all works within 20 metres of any part of the discovery, including shutting down all earth disturbing machinery and stopping all earth moving activities, and in the case of evidence of contaminated land apply controls to minimise discharge of contaminants into the environment;
- (b) secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive material remains undisturbed;

Inform relevant authorities and parties

- (c) inform the following parties immediately of the discovery:
 - (i) the New Zealand Police if the discovery is of human remains or kōiwi;
 - (ii) the Council in all cases;
 - (iii) Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi; and
 - (iv) Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.

Wait for and enable inspection of the site

- (d) wait for and enable the site to be inspected by the relevant authority or agency:
 - (i) if the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or
 - (ii) if the discovery is of sensitive material, other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in

consultation with Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives, or

(iii) if the discovery is evidence of contaminants, a suitably qualified and experienced person is required to complete an initial assessment and provide information to the Council on the assessment and response.

(e) following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, and any changes to controls on discharges of contaminants, until the requirements of step E26.7.5.1(3)(f) are met.

Recommendation of work

(f) work within the area determined by the Council at step E26.7.5.1(3)(e) must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:

- (i) Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;
- (ii) any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;
- (iii) the requirements of the Unitary Plan – Section E30 Contaminated land and/or the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 have been met;
- (iv) any material of scientific or educational importance has been recorded and if appropriate recovered and preserved;
- (v) if the discovery is a lava cave as outlined in E26.7.5.1(2)(f) above and if the site is assessed to be regionally significant, reasonable measures have been taken to minimise adverse effects of the works on the scientific values of the site; and
- (vi) where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Mana Whenua, that:
 - any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and
 - any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values;

- (vii) resource consent has been granted for any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent; and
- (viii) that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by the Heritage New Zealand Pouhere Taonga Act 2014.

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.
- (4) After completion of the earthworks, the ground must be reinstated to at least the condition existing prior to any work starting.
- (5) Land disturbance within Riparian Yards and Coastal Protection Yards are limited to:
 - (a) operation, maintenance and repair (including network utilities);
 - (b) less than 5m² or 5m³; for general earthworks;
 - (c) less than 10m² or 5m³ for the installation of new network utilities;
 - (d) installation of fences and walking tracks;
 - (e) burial of marine mammals.
- (6) Works must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.
- (7) The land disturbance must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.

- (8) Access to public footpaths, berms, private properties, network utilities, or public reserves must not be obstructed unless that is necessary to undertake the works or prevent harm to the public.
 - (9) Only cleanfill material may be imported and utilised as part of the land disturbance.
 - (10) Measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance.
 - (11) Earthworks (including filling) within a 100 year AEP flood plain (excluding road network activities):
 - (a) must not raise ground levels more than 300mm, to a total fill volume up to 10m³ which must not be exceeded through multiple filling operations; and
 - (b) must not result in any adverse changes in flood hazard beyond the site.
- Note 1
- This standard does not limit excavation and replacement of fill to form building platforms, where those works do not raise ground levels.
- (12) Earthworks (including filling) within overland flow paths (excluding road network activities) must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.
 - (13) Temporary land disturbance and stockpiling of soil and other materials within 1% AEP flood plain and/or overland flow path for up to a maximum of 28 days in any calendar year may occur as part of construction or maintenance activities.
 - (14) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
 - (15) Land disturbance around Transpower NZ Ltd electricity transmission line poles must:
 - (a) be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; and
 - (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that:

- (c) vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from Standards E26.7.5.2(15)(a) and (b) above.
- (16) Land disturbance around Transpower NZ Ltd electricity transmission lines towers must:
 - (a) be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; and
 - (b) be no deeper than 3m between 6 to 12m from the outer visible edge of a transmission tower support structure.
- (17) Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole or tower must not:
 - (a) create an unstable batter that will affect a transmission support structure; or
 - (b) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.

E26.7.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.7.7. Assessment – restricted discretionary activities

E26.7.7.1. Matters of discretion

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

- (1) all restricted discretionary activities:
 - (a) the matters set out in E26.5.7.1(2);
 - (b) the nature, form and extent of proposed works;
 - (c) the degree of geological modification;
 - (d) the need for, or purpose of, the proposed works;
 - (e) alternative methods and locations;
 - (f) protection or enhancement of the feature; and
 - (g) effects on Mana Whenua values.

E26.7.7.2. Assessment criteria

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

- (1) all restricted discretionary activities:

- (2) the relevant assessment criteria in E26.5.7.2(2);
- (3) whether the nature, form and extent of the proposed works or activity adversely affects the feature or features for which the item was scheduled;
- (4) whether the activity will interfere with natural processes e.g. hydrology or adverse effects on nature and form of sand dunes;
- (5) whether the proposed works or activity cause adverse visual effects or adversely affect landscape values;
- (6) the degree to which the feature or features have already been modified so that further modification will not cause significant additional loss of geological value;
- (7) the extent to which the proposed works will protect the feature from further damage, such as erosion protection, or remediate it from previous damage. This excludes potential damage from the activity for which consent is sought;
- (8) whether the proposed land disturbance is for an activity which has a functional or operational need to be in the location proposed; and
- (9) the objectives and policies in [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay](#).

E26.7.8. Special information requirements

- (1) An application for an activity must be accompanied by:
 - (a) a site plan showing location of the Outstanding Natural Feature and the location of the proposed activity.

E26.8. Network utilities and electricity generation – Historic Heritage Overlay

E26.8.1. Objectives

The objectives for this sub-section are located in [D17 Historic Heritage Overlay](#).

E26.8.2. Policies

The policies for this sub-section are located in [D17 Historic Heritage Overlay](#).

E26.8.3. Activity table

Table E26.8.3.1 Activity table specifies the activity status of land use and development activities in the [D17 Historic Heritage Overlay](#) pursuant to section 9(3) of the Resource Management Act 1991:

- these rules apply to network utilities and electricity generation facilities within the Historic Heritage Overlay;
- these rules do not cover demolition, partial demolition or relocation of Scheduled Historic Heritage structures. If the activity affects the primary feature of a scheduled historic heritage place, the rules of [D17 Historic Heritage Overlay](#) apply. For the avoidance of doubt, the identification of primary features is provided for in [D17 Historic Heritage Overlay](#).
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table; and
- In respect of network utilities, and electricity generation activities within this overlay, also refer to:
 - Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management; and
 - Table E26.6.3.1 Activity table earthworks in overlay areas except Outstanding Natural Features Overlay.

Table E26.8.3.1 Activity table - Network utilities and electricity generation – Historic Heritage Overlay

Activity		Activity status
Network utilities and electricity generation facilities		
(A118)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities	P
(A119)	Minor infrastructure upgrading	P
(A120)	Minor upgrading of road network utilities	P
(A121)	Minor utility structure	P
(A122)	Service connections	P
(A123)	Antennas and aerials	P
(A124)	Distribution substations that meet Standard E26.2.5.1(2)	RD

(A125)	Small and community scale electricity generation facilities	RD
(A126)	Road network activities comprising road lighting and associated support structures	P
(A127)	Road network activities comprising traffic operation and safety signs, direction signs and road name signs	P
(A128)	Road network activities comprising traffic operational signals and associated cabinets, equipment and support structures, traffic monitoring equipment and support structures	P
(A129)	Temporary buildings, structures and signs	P
(A130)	Network utilities and electricity generation facilities that do not comply with permitted activity standards in E26.8.5.1	RD
(A131)	Network utilities and electricity generation facilities not otherwise provided for	D

E26.8.4. Notification

Refer to [D17.5](#) for notification.

E26.8.5. Standards

All activities listed as permitted in Table E26.8.3.1 Activity table must comply with the following permitted activity standards.

E26.8.5.1. Permitted activity standards

- (1) Where the scheduled historic heritage place affected by the proposed works is subject to additional archaeological controls (refer [Schedule 14 Historic Heritage Schedule, Statements and Maps](#)), the proposed works must not result in any earthworks
- (2) Operation, maintenance, renewal and repair of network utilities and electricity generation facilities should not result in the removal of any tree or other planting identified in [Schedule 14.1 Schedule of Historic Heritage](#).
- (3) Minor infrastructure upgrading must:
 - (a) not increase the size or alter the existing location of the existing footprint;
 - (b) not result in the removal of any tree or other planting identified in [Schedule 14.1 Schedule of Historic Heritage](#); and
 - (c) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (4) Minor upgrading of road network activities must:

- (a) only occur within the legal road or the formation width of the road;
 - (b) not increase the size or alter the location of the existing footprint and any replacement of existing buildings and structures is to be within the same location of the existing building or structure, and will not result in any increase to the height or bulk of the existing building or structure; and
 - (c) not result in the removal of any tree or other planting identified in [Schedule 14.1 Schedule of Historic Heritage](#).
- (5) Road network activities involving the renewal or minor upgrading of road pavement (excluding footpaths), bridges, retaining walls and tunnels, within 20m of any building or structure included in the [Schedule 14.1 Schedule of Historic Heritage](#), a vibration management plan must be prepared by a suitably qualified and experienced person to establish that vibration levels will meet E25.6.30 Vibration. 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.
- (6) Minor utility structures must:
- (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in [Schedule 14.1 Schedule of Historic Heritage](#)) or a contributing property or feature in a historic heritage area;
 - (b) not exceed a maximum height of 0.9m and a maximum area of 0.5m²; and
 - (c) not result in the removal of any tree or other planting identified in [Schedule 14.1 Schedule of Historic Heritage](#)
- (7) Service connections must be not affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in [Schedule 14.1 Schedule of Historic Heritage](#)) or a contributing property or feature in a historic heritage area.
- (8) Antennas and aerials must:
- (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in [Schedule 14.1 Schedule of Historic Heritage](#)) or a contributing property or feature in a historic heritage area; and
 - (b) not have a cross sectional dimension greater than 300mm
- (9) Road network activities comprising traffic operation and safety signs, direction signs and road name signs must:

- (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in [Schedule 14.1 Schedule of Historic Heritage](#)) or a contributing property or feature in a historic heritage area;
 - (b) be co-located on an existing (non-heritage) structure; and
 - (c) where co-location is not possible, there shall be no more than one sign and support structure for regulatory control within any single road frontage within any individual scheduled historic heritage extent of place
- (10) Temporary buildings, structures and signs must:
- (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in [Schedule 14.1 Schedule of Historic Heritage](#)) or a contributing property or feature in a historic heritage area; and
 - (b) not be in place longer than either:
 - (i) the maximum duration of the temporary activity, where the building or structure is ancillary to a temporary activity; or
 - (ii) 21 consecutive days in any 60 day period.

E26.8.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.8.7. Assessment – restricted discretionary activities

E26.8.7.1. Matters of discretion

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

- (1) all restricted discretionary activities:
 - (a) effects on the known heritage values of a historic heritage place from the scale, location, design, (including materials), duration and extent of the proposal, the construction methodology and associated site works;
 - (b) effects on the heritage and Mana Whenua values;
 - (c) effects on the setting of the historic heritage place, and on the inter-relationship between buildings, structures and features within the place;
 - (d) effects of the proposal on the overall significance of the place;

- (e) effects on the inter-relationship between contributing places within a historic heritage area, including the views to, within or from the place or area;
- (f) the purpose and necessity for the works and any alternatives considered;
- (g) effects of the proposal on the long term viability and/or the ongoing functional use of the place;
- (h) the mitigation of effects; and
- (i) the functional or operation need for any infrastructure in the location proposed.

E26.8.7.2. Assessment criteria

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

- (1) all restricted discretionary activities:
 - (a) whether the proposed works will result in adverse effects (including cumulative adverse effects) on the heritage values of the place and the extent to which adverse effects are avoided, remedied or mitigated;
 - (b) whether the proposed works will maintain or enhance the heritage values of the place;
 - (c) whether the proposed works will compromise the ability to interpret features within the place and the relationship of the place to other scheduled historic heritage places;
 - (d) whether the proposed works, including the cumulative effects of proposed works, will result in adverse effects on the overall significance of the place such that it no longer meets the significance thresholds for which it was scheduled;
 - (e) the extent to which the activity, building or structure will impact on Mana Whenua values;
 - (f) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section [E26 Infrastructure](#).

E26.8.8. Special information requirements

- (1) The vibration management plan must include a description of the following:
 - (a) a description of the area affected by the works;

- (b) a contact name and number of the works supervisor who can be contacted if any issues arise;
- (c) a description of the works and its duration, anticipated equipment to be used and the processes to be undertaken; and
- (d) a methodology for monitoring the proposed works to measure compliance with DIN 4150-3 (1999): Structural vibration – Part 3 Effects of vibration on structures in relation to the scheduled historic heritage building or structure.

E26.9. Network utilities and electricity generation – Special Character Areas Overlay – Residential and Business

E26.9.1. Objectives

The objectives for this sub-section are located in [D18 Special Character Areas Overlay – Residential and Business](#).

E26.9.2. Policies

The policies for this sub-section are located in [D18 Special Character Areas Overlay – Residential and Business](#).

E26.9.3. Activity table

Table E26.9.3.1 Activity table specifies the activity status of land use and development activities in the Special Character Areas Overlay – Residential and Business pursuant to section 9(3) of the Resource Management Act 1991:

- areas in the Special Character Areas Overlay - General may contain a mix of sites zoned residential or business. In such cases, for any site/s in a business zone, the Special Character Areas Overlay - Business rules in [Table D18.4.2](#) Activity table will apply and for any site/s in a residential zone, the Special Character Areas Overlay - Residential rules in [Table D18.4.1](#) Activity table will apply;
- these rules do not cover total demolition, substantial demolition, relocation or removal of buildings in the Special Character Areas Overlay – Residential and Business. If the activity affects buildings other than accessory buildings in these overlays, the rules of [D18](#) apply;
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table; and
- in respect of network utilities and electricity generation activities within this overlay, also refer to:
 - Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management; and
 - Table E26.6.3.1 Activity table - earthworks in overlay areas except Outstanding Natural Features Overlay

Table E26.9.3.1 Activity table - Network utilities and electricity generation – Special Character Areas Overlay – Residential and Business

Activity		Special Character Areas Overlay - Residential Activity status	Special Character Areas Overlay - Business Activity status
Network utilities and electricity generation facilities			
(A132)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities	P	P
(A133)	Minor infrastructure upgrading	P	P
(A134)	Minor upgrading of road network activities	P	P
(A135)	Minor utility structure	P	P
(A136)	Service connections	P	P
(A137)	Antennas and aerials	P	P
(A138)	Distribution substations that meet Standard E26.2.5.1(2)	RD	RD
(A139)	Small and community scale electricity generation facilities	RD	RD
(A140)	Road network activities comprising road lighting and associated support structures	P	P
(A141)	Road network activities comprising traffic operation and safety signs, direction signs and road name signs	P	P
(A142)	Road network activities comprising traffic operational signals and associated cabinets, equipment and support structures, traffic monitoring equipment and support structures	P	P
(A143)	Temporary buildings, structures and signs,	P	P
(A144)	Network utilities and electricity generation facilities that do not comply with permitted activity standards in E26.9.5.1	RD	RD

(A145)	Network activities and electricity generation facilities not otherwise provided for	D	D
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E26.9.4. Notification

- (1) Any application for resource consent for an activity listed in Table E26.9.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

E26.9.5. Standards

All activities listed as permitted in Table E26.9.3.1 Activity table must comply with the following permitted activity standards.

E26.9.5.1. Permitted activity standards

- (1) Minor infrastructure upgrading:
 - (a) maximum height no greater than 25m or 10 per cent in addition to the existing height of the structure whichever is the lesser;
 - (b) replacement pole diameter will be no greater than 20 per cent larger than that of the original pole;
 - (c) any new lines attached to existing poles shall be no higher than the maximum height of the existing lines; and
 - (d) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (2) Minor upgrading of road network activities must comply with the following standards:
 - (a) the alteration, replacement or relocation of ancillary structures for road network activities:
 - (i) there must be no more than a 10 percent increase in the width, length and/or height of the structure; and
 - (ii) the structure must be located within 2m of the existing alignment or location.
 - (b) any support structure or pole which replaces an existing support structure or pole:

- (iii) must not have a diameter or width that is greater than 20 percent larger than the existing support structure or pole; and
 - (iv) must not have a height greater than 25m or 10 percent in addition to the existing support structure or pole.
 - (c) all activities and works must only occur within the legal road or the formation width of the road.
- (3) Antennas and aerials must:
- (a) not have a cross sectional dimension greater than 300mm; and
 - (b) must not protrude above the roof line of the part of the building to which they are attached. Where attached to the front facade, the antenna or aerial must be attached so it has a maximum horizontal projection of 450mm from the face of the building and must be colour matched to the part of the building to which it is attached;
 - (c) E26.9.5.1(3)(b) does not apply where the antenna or aerial is not visible when viewed at a height 1.8m above street level from any part of any road which is located within the character overlay.
- (4) Temporary buildings, structures and signs must:
- (a) not be in place longer than either:
 - (i) the maximum duration of the temporary activity, where the building or structure is ancillary to a temporary activity; or
 - (ii) 21 consecutive days in any 60 day period.

E26.9.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.9.7. Assessment – restricted discretionary activities

E26.9.7.1. Matters of discretion

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

- (1) all restricted discretionary activities:
 - (a) effects on the on the special character values and context of the areas as identified in the special character area statements;
 - (b) effects on the on the special character qualities, design and architectural features of buildings;

- (c) the scale, location, design, (including materials), duration and extent of the proposal, the construction methodology and associated site works;
- (d) the purpose and necessity for the works and any alternatives considered;
- (e) the mitigation of effects; and
- (f) the functional or operation need for any infrastructure in the location proposed.

E26.9.7.2. Assessment criteria

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

- (1) all restricted discretionary activities:
 - (a) whether the proposed works will result in adverse effects (including cumulative adverse effects) special characteristics of the streetscape and area and the extent to which adverse effects are avoided, remedied or mitigated.
 - (b) whether the proposed works will maintain or enhance the special character qualities and the design and architectural features of buildings.
 - (c) whether design or location alternatives have been considered to minimise the adverse effects on the special characteristics of the streetscape, area or building
 - (d) whether the location and design of any attachments minimises effects on the building through the use of appropriate colour, design, form and location on the building
 - (e) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section [E26 Infrastructure](#).

E26.9.8. Special information requirements

There are no special information requirements in this sub-section.

E26.10. Network utilities and electricity generation – Sites and Places of Significance to Mana Whenua Overlay

E26.10.1. Objectives

The objectives for this sub-section are located in [D21 Sites and Places of Significance to Mana Whenua Overlay](#).

E26.10.2. Policies

The policies for this sub-section are located in [D21 Sites and Places of Significance to Mana Whenua Overlay](#).

E26.10.3. Activity table

Table E26.10.3.1 Activity table specifies the activity status of land use and development activities in the Sites and Places of Significance to Mana Whenua Overlay pursuant to section 9(3) of the Resource Management Act 1991.

Table E26.10.3.1 Activity table - Network utilities and electricity generation – Sites and Places of Significance to Mana Whenua Overlay

Activity		Activity status
Network utilities and electricity generation facilities		
(A146)	Operation, maintenance, renewal, repair and removal of network utilities and electricity generation facilities	P
(A147)	Minor infrastructure upgrading	P
(A148)	Minor upgrading of road network activities within the legal road or the formation width of the road	P
(A149)	Network utilities and electricity generation facilities that do not comply with permitted activity standards E26.10.5.1	RD
(A150)	Network utilities and electricity generation facilities not otherwise provided for where the site is identified as a site exception in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule	RD
(A151)	Network utilities and electricity generation facilities not otherwise provided for where the site is not identified as a site exception in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule	D

E26.10.4. Notification

- (1) Any application for resource consent for an activity listed in Table E26.10.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

E26.10.5. Standards

All activities listed as permitted in Table E26.10.3.1 Activity table must comply with the following permitted activity standards.

E26.10.5.1. Minor infrastructure upgrading

- (1) Minor infrastructure upgrading must not increase the size or alter the existing location of the existing footprint within a site or place of significance and must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (2) Minor upgrading of road network activities must not increase the size or alter the location of the existing footprint within a site or place of significance and any replacement of existing buildings and structures is to be within the same location of the existing building or structure, and will not result in any increase to the height or bulk of the existing building or structure.

E26.10.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.10.7. Assessment – restricted discretionary activities

E26.10.7.1. Matters of discretion

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

- (1) all restricted discretionary activities:
 - (f) the effects of the proposal on the values and associations of Mana Whenua with the site or place including effects on the context of the local history and whakapapa;
 - (g) the nature, location, design and extent of the proposal;
 - (h) the purpose and necessity for the works and any alternatives considered; or
 - (i) the provisions of any relevant iwi planning document.

E26.10.7.2. Assessment criteria

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

- (2) all restricted discretionary activities:
 - (a) Policies D21.3(1) - (3).
 - (b) The extent to which the proposal provides for the relationship of the site or place with Mana Whenua in the context of local history and whakapapa, if appropriate, through:

- (i) the design and location of proposed structures;
 - (ii) landscaping and vegetation including removal and replanting; and
 - (iii) landform and modification;
- (c) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section [E26 Infrastructure](#).

E26.10.8. Special information requirements

There are no special information requirements in this sub-section.

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

E26.11.1. Objectives

The objectives for this sub-section are located in [D14 Volcanic Viewshafts and Height Sensitive Areas Overlay](#).

E26.11.2. Policies

The policies for this sub-section are located in [D14 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				
(A152)	Buildings and structures for network utilities and electricity generation facilities that do not intrude into a scheduled viewshaft	P	P	NA
(A153)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities and like for like replacement	P	P	P
(A154)	Minor infrastructure upgrading	P	P	P
(A155)	Minor upgrading of road network utilities	P	P	P
(A156)	Minor utility structure	P	P	P
(A157)	Service connections	P	P	P
(A158)	Antennas and aerials	P	P	P
(A159)	Small and community scale electricity generation facilities	RD	RD	RD

(A160)	Road network activities comprising road lighting and associated support structures	P	P	P
(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, traffic signals, traffic information signage and support structures	P	P	P
(A163)	Temporary construction and safety structures	P	P	P
(A164)	Network utilities and electricity generation facilities that do not comply with permitted activity standards E26.11.5.1(1) - (7)	NC	RD	NC
(A165)	Network utilities and electricity generation facilities not otherwise provided for	NC	D	NC

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 E26.11.4.1 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (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

- (1) Height must be measured using the rolling height method.
- (2) Minor infrastructure upgrading:
 - (a) maximum height no greater than 25m or 10 per cent in addition to the existing height of the structure whichever is the lesser;
 - (b) replacement pole diameter will be no greater than 20 per cent larger than that of the original pole;

- (c) any new lines attached to existing poles shall be no higher than the maximum height of the existing lines; and
 - (d) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (3) Minor upgrading of road network activities must comply with the following standards:
- (a) the alteration, replacement or relocation of ancillary structures for road network activities:
 - (i) there must be no more than a 10 percent increase in the width, length and/or height of the structure; and
 - (ii) the structure must be located within 2m of the existing alignment or location
 - (b) any support structure or pole which replaces an existing support structure or pole:
 - (i) must not have a diameter or width that is greater than 20 percent larger than the existing support structure or pole; and
 - (ii) must not have a height greater than 25m or 10 percent in addition to the existing support structure or pole.
 - (c) all activities and works must only occur within the legal road or the formation width of the road.
- (4) Minor utility structures must not exceed a maximum height of 0.9m and a maximum area of 0.5m²
- (5) Antennas and aerials must not have a cross sectional dimension greater than 300mm
- (6) Temporary construction and safety structures and signs must be removed within 30 days or upon completion of the construction works.
- (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.

E26.11.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.11.7. Assessment – restricted discretionary activities

E26.11.7.1. Matters of discretion

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

- (1) all restricted discretionary activities:
 - (a) effects on the visual integrity of the view of the volcanic maunga from the identified viewing point or line;
 - (b) location, nature, form and extent of proposed works;
 - (c) mana whenua values associated with the maunga; and
 - (d) the functional or operation need for any infrastructure in the location proposed and any alternatives considered to achieve fulfil that need without the intrusion into the viewshaft or exceeding the maximum height limit of a height sensitive area.

E26.11.7.2. Assessment criteria

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

- (1) all restricted discretionary activities:
 - (a) having regard to the viewshaft in [Appendix 20 Volcanic Viewshafts and Height Sensitive Areas – Values Assessments](#), whether the nature, form and extent of the building adversely affects the visual integrity of the maunga;
 - (b) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section [E26 Infrastructure](#);
 - (c) whether there are practicable alternatives available that will not intrude, or will minimise the intrusion into the viewshaft or exceedance of the maximum height of a height sensitive area;
 - (d) whether the proposed building will impact on Mana Whenua values associated with the maunga; or
 - (e) the relevant objectives and policies in [B4 Natural heritage](#) at [B4.3](#) and in [D14 Volcanic Viewshafts and Height Sensitive Areas Overlay](#).

E26.11.8. Special information requirements

There are no special information requirements in this sub-section.

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

E26.12.1. Objectives

The objectives for this sub-section are located in [D15 Ridgeline Protection Overlay](#), [D16 Local Public Views Overlay](#), [D19 Auckland War Memorial Museum Viewshaft Overlay](#) and [D20A Stockade Hill Viewshaft Overlay](#).

E26.12.2. Policies

The policies for this sub-section are located in [D15 Ridgeline Protection Overlay](#), [D16 Local Public Views Overlay](#), [D19 Auckland War Memorial Museum Viewshaft Overlay](#) and [D20A Stockade Hill Viewshaft Overlay](#).

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, Auckland War Memorial Museum Viewshaft Overlay and the Stockade Hill 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, Stockade Hill Viewshaft Overlays

Activity		Activity status		
Network utilities and electricity generation activities				
		Auckland War Memorial Museum Viewshaft	Local Public Views and Stockade Hill Viewshaft Overlay	Ridgelines
(A166)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities	P	P	P
(A167)	Minor infrastructure upgrading	P	P	P
(A168)	Minor upgrading of road network activities	P	P	P
(A169)	Minor utility structure	P	P	P
(A170)	Service connections	P	P	P

(A171)	Antennas and aerals	P	P	P
(A172)	Road network activities comprising road lighting and associated support structures	P	P	P
(A173)	Road network activities comprising traffic and direction signs, road name signs	P	P	P
(A174)	Road network activities comprising traffic signals and support structures	P	P	P
(A175)	Temporary construction and safety structures	P	P	P
(A176)	Small and community scale electricity generation facilities	NC	RD	RD
(A177)	Network activities and electricity generation facilities that do not comply with permitted activity standards RD* modified ridgelines NC* natural ridgelines	NC	RD	RD* NC*
(A178)	Network utilities and electricity generation facilities not otherwise provided for D* modified ridgelines NC* natural ridgelines	NC	D	D* NC*

E26.12.4. Notification

- (1) Any application for resource consent for an activity listed in Table E26.12.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

E26.12.5. Standards

All activities listed as permitted in Table E26.12.3.1 Activity table must comply with the following permitted activity standards.

E26.12.5.1. Permitted activity standards

- (1) Height must be measured using the rolling height method.
- (2) Minor infrastructure upgrading in the Auckland War Memorial Museum Viewshaft Overlay and Natural Ridgelines Overlays must:

- (a) not increase the size or alter the existing location of the existing footprint; and
 - (b) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (3) Minor infrastructure upgrading in the Local Public Views and Modified Ridgelines Overlays:
 - (a) maximum height no greater than 25m or 10 per cent in addition to the existing height of the structure whichever is the lesser;
 - (b) replacement pole diameter will be no greater than 20 per cent larger than that of the original pole;
 - (c) any new lines attached to existing poles shall be no higher than the maximum height of the existing lines;
 - (d) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (4) Minor upgrading of road network activities in the Auckland War Memorial Museum Viewshaft Overlay and Natural Ridgelines Overlays must:
 - (a) only occur within the legal road or the formation width of the road; and
 - (b) not increase the size or alter the location of the existing footprint and any replacement of existing buildings and structures is to be within the same location of the existing building or structure, and will not result in any increase to the height or bulk of the existing building or structure.
- (5) Minor upgrading of road network activities in the Local Public Views Overlay and Modified Ridgelines Overlays must comply with the following standards:
 - (a) the alteration, replacement or relocation of ancillary structures for road network activities:
 - (i) there must be no more than a 10 percent increase in the width, length and/or height of the structure; and
 - (ii) the structure must be located within 2m of the existing alignment or location.
 - (b) any support structure or pole which replaces an existing support structure or pole:
 - (i) must not have a diameter or width that is greater than 20 percent larger than the existing support structure or pole; and

- (ii) must not have a height greater than 25m or 10 percent in addition to the existing support structure or pole.
- (c) all activities and works must only occur within the legal road or the formation width of the road.
- (6) Minor utility structures in the Auckland War Memorial Museum Viewshaft and Natural Ridgelines Overlays must not:
 - (a) exceed a maximum height of 0.9m and a maximum area of 0.5m²; and
 - (b) in the Auckland War Memorial Museum Viewshaft Overlay 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 to protect views to or from the Auckland War Memorial Museum.
- (7) Antennas and aerials must not:
 - (a) not have a cross sectional dimension greater than 300mm; and
 - (b) in the Auckland War Memorial Museum Viewshaft Overlay 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 to protect views to or from the Auckland War Memorial Museum.
- (8) Temporary construction and safety structures and signs must be removed within 30 days or upon completion of the construction works.
- (9) 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 signals and support structures.

E26.12.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.12.7. Assessment – restricted discretionary activities

E26.12.7.1. Matters of discretion

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

- (1) restricted discretionary activities in the Local Public Views Overlay:
 - (a) effects on the visual integrity of the view from the identified viewing point;

- (b) location, nature, form and extent of proposed works;
 - (c) The functional or operation need for any infrastructure in the location proposed and any alternatives considered to fulfil that need without the intrusion into the viewshaft; and
 - (d) the relevant objectives and policies in [D16 Local Public Views Overlay](#).
- (2) restricted discretionary activities in the Ridgelines Protection Overlay:
- (a) location, siting and design of buildings;
 - (b) effects on landscape values and visual amenity;
 - (c) mitigation of effects;
 - (d) the functional or operation need for any infrastructure in the location proposed and any alternatives considered; and
 - (e) the relevant objectives and policies in [D15 Ridgeline Protection Overlay](#).

E26.12.7.2. Assessment criteria

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

- (1) restricted discretionary activities in the Local Public Views Overlay:
- (a) whether the nature, form and extent of the intrusion adversely affects the visual integrity of the viewshaft and its view;
 - (b) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section [E26 Infrastructure](#); and
 - (c) whether there are practicable alternatives available that will not intrude, or will minimise the intrusion into the viewshaft.
- (2) restricted discretionary activities in the Ridgelines Protection Overlay:
- (a) whether the siting, size and height of the building or structure adversely affects the form and integrity of the ridgeline;
 - (b) whether the building or structure can be located in a less prominent location;
 - (c) whether the building, including its design and materials, will be visually intrusive from a public place;

- (d) whether there are adverse visual effects associated with the building or structure, such as landform modification associated with creating a building platform or access ways, or other servicing requirements;
- (e) the extent to which existing vegetation can be retained and planting can be provided to ensure buildings will integrate with the form of the ridgeline; and
- (f) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section [E26 Infrastructure](#).

E26.12.8. Special information requirements

There are no special information requirements in this sub-section.

E26.13. Network utilities and electricity generation – Outstanding Natural Landscapes Overlay (excluding outstanding natural features) and Outstanding Natural Character and High Natural Character Overlay

E26.13.1. Objectives

The objectives for this sub-section are located in [D10 Outstanding Natural Landscapes Overlay](#) and [D11 Outstanding Natural Character and High Natural Character Overlay](#).

E26.13.2. Policies

The policies for this sub-section are located in [D10 Outstanding Natural Landscapes Overlay](#) and [D11 Outstanding Natural Character and High Natural Character Overlay](#).

E26.13.3. Activity table

Table E26.13.3.1 Activity table specifies the activity status of land use and development activities in the Outstanding Natural Landscapes Overlay and the Outstanding Natural Character and High Natural Character Overlay outside the coastal marine area (for the rules applying within the coastal marine area, refer to the coastal zone rules) 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.
- in respect of network utilities, and electricity generation activities within this overlay, also refer to:
 - Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management; and
 - Table E26.6.3.1 Activity table - earthworks in overlay areas except Outstanding Natural Features Overlay

Table E26.13.3.1 Activity table - Network utilities and electricity generation – Outstanding Natural Landscapes Overlay (excluding outstanding natural features) and Outstanding Natural Character and High Natural Character Overlay

Activity		Activity status		
Network utilities and electricity generation activities				
		High Natural Character	Outstanding Natural Landscape areas	Outstanding Natural Character
(A179)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities	P	P	P
(A180)	Underground network utilities	P	P	P

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(A181)	Buildings and structures for network utilities and electricity generation facilities	P	P	P
(A182)	Buildings and structures for network utilities and electricity generation facilities that do not comply with permitted activity standards E26.13.5.2	RD	RD	NC
(A183)	Network utilities within an existing building	P	P	P
(A184)	Minor infrastructure upgrading	P	P	P
(A185)	Service connections	P	P	P
(A186)	Antennas and aerials with a cross-sectional dimension that does not exceed 300mm	P	P	P
(A187)	Minor upgrading of road network utilities	P	P	P
(A188)	Road lighting and associated support structures	P	P	RD
(A189)	Traffic operation and safety signs, direction signs, road name signs	P	P	P
(A190)	Traffic operational signals and associated cabinets, equipment and support structures, traffic monitoring equipment and support structures	P	P	RD
(A191)	Temporary buildings, structures and signs	P	P	P
(A192)	Network utilities and electricity generation facilities that do not comply with permitted activity standards in E26.13.5.1	RD	RD	NC
(A193)	Network utilities and electricity generation facilities not otherwise provided for	D	D	NC

E26.13.4. Notification

- (1) Any application for resource consent for an activity listed in Table E26.13.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

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

E26.13.5. Standards

All activities listed as permitted in Table E26.13.3.1 Activity table must comply with the following permitted activity standards.

E26.13.5.1. Minor infrastructure upgrading

- (1) Minor infrastructure upgrading must not increase the size or alter the existing location of the existing footprint and must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (2) Minor upgrading of road network activities must not increase the size or alter the location of the existing footprint and any replacement of existing buildings and structures is to be within the same location of the existing building or structure, and will not result in any increase to the height or bulk of the existing building or structure.

E26.13.5.2. Buildings and structures for network utilities and electricity generation facilities

- (1) The gross floor area shall not exceed 50m² in high natural character and outstanding natural landscapes and 25m² in outstanding natural character areas.
- (2) The maximum height shall not exceed 5m. This rule does not apply to temporary activities, road lighting, traffic and direction signs, road name signs, traffic safety and operational signals, traffic monitoring equipment, or the support structures for these activities.
- (3) The exterior finish of the building or structure has a reflectance value of, or less than, 30 per cent and within Groups A, B or C as defined within the BS5252 standard colour palette. This rule does not apply to temporary activities, traffic and direction signs, road name signs, traffic safety and operational signals, aerials operated by a network utility operator and associated fixtures, galvanised steel poles, and GPS antennas.

E26.13.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.13.7. Assessment – restricted discretionary activities

E26.13.7.1. Matters of discretion

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

- (1) all restricted discretionary activities:
 - (a) effects on the characteristics and qualities that contribute to the natural character and/or landscape values of the area;
 - (b) the setback from mean high water springs;
 - (c) architectural elements and design, including height, bulk, colour, reflectivity and materials;
 - (d) the cumulative effects of subdivision, use and development;
 - (e) landscape, visual and amenity effects;
 - (f) Mana Whenua values;
 - (g) the mitigation of effects;
 - (h) the functional or operation need for any infrastructure in the location proposed.

E26.13.7.2. Assessment criteria

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

- (1) all restricted discretionary activities:
 - (a) whether there are practicable alternative locations for the activity, building or structure outside of the overlay area;
 - (b) whether, taking into account the characteristics and qualities of the site, the activity, building or structure is located within an area that has the greatest potential to absorb change and minimise adverse effects on the landscape and/or natural character values;
 - (c) whether the proposed mitigation measures will ensure that there will be no more than minor effects on all of the following:
 - (i) amenity values or views, both from land and sea;
 - (ii) landscape and natural character values; and
 - (iii) people's experience and values associated with an area, including the predominance of nature and wilderness values.
 - (d) whether the siting of the activity, building or structure adversely affects the line and form of the landscape with particular regard to ridgelines, headlands and promontories.

- (e) whether the activity, building or structure will be visually obtrusive from any public road or public place, including from beaches and the sea;
- (f) the extent to which the location, scale, height, design, external appearance and overall form of the building or structure is appropriate to the rural and coastal context, and the colours and material used for roofs, walls and windows is of low reflectivity and merges with the surrounding landscape;
- (g) whether the activity, building or structure will result in adverse cumulative effects, having regard to other activities, buildings or use and development.
- (h) the extent to which the activity, building or structure will impact on Mana Whenua values; or
- (i) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section [E26 Infrastructure](#).

E26.13.8. Special information requirements

There are no special information requirements in this sub-section.

E26.14. Network utilities and electricity generation – Outstanding Natural Features Overlay (excluding outstanding natural landscapes)

E26.14.1. Objectives

The objectives for this sub-section are located in [D10 Outstanding Natural Features Overlay](#).

E26.14.2. Policies

The policies for this sub-section are located in [D10 Outstanding Natural Features Overlay](#).

E26.14.3. Activity table

Table E26.14.3.1 Activity table specifies the activity status of land use and development activities in the Outstanding Natural Features Overlay above MHWS (for the rules applying to those overlays in the coastal marine area, refer to the coastal zone rules) 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;
- for a description of the features and feature codes refer to Section [D10 Outstanding Natural Features Overlay](#);
- in respect of network utilities, and electricity generation activities within this overlay, also refer to
 - Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management; and
 - Table E26.7.3.1 Network utilities and electricity generation – Earthworks in Outstanding Natural Features Overlay.

Table E26.14.3.1 Activity table - Network utilities and electricity generation – Outstanding Natural Features Overlay (excluding outstanding natural landscapes)

Activity		Feature Code from Table D10.4.1 for activity tables applying to outstanding natural features									
		A1	A	V1	V2	B	C	D	E	F1	F2
(A194)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities	P	P	P	P	P	P	P	P	P	P
(A195)	Service connections	P	P	RD	RD	RD	RD	RD	RD	RD	RD
(A196)	Minor utility structures P* within the legal road or the formation width of the road	P	P	RD P*	RD P*	RD	RD	RD	RD	RD	RD
(A197)	Minor infrastructure upgrading	P	P	RD	RD	RD	RD	RD	RD	RD	RD

	P* within the legal road or the formation width of the road			P*	P*						
(A198)	Minor upgrading of road network activities within the legal road or the formation width of the road	P	P	P	RD	RD	RD	RD	RD	RD	RD
(A199)	Pipe and cable bridges for the conveyance of water, wastewater, stormwater, electricity, gas and telecommunications	P	P	RD	RD	RD	RD	RD	RD	RD	RD
(A200)	Network utilities and electricity generation facilities that do not comply with permitted activity standards E26.14.5.1	RD	RD	RD	RD	NC	NC	RD	NC	NC	NC
(A201)	Network utilities and electricity generation facilities not otherwise provided for	P	RD	RD	RD	NC	NC	RD	NC	NC	NC

E26.14.4. Notification

- (1) Any application for resource consent for an activity listed in Table E26.14.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

E26.14.5. Standards

All activities listed as permitted in Table E26.14.3.1 Activity table must comply with the following permitted activity standards.

E26.14.5.1. Permitted activity standards

- (1) Minor infrastructure upgrading must not increase the size or alter the existing location of the existing footprint within a site or place of significance and is otherwise in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (2) Minor upgrading of road network activities must not increase the size or alter the location of the existing footprint and any replacement of existing buildings and structures is to be within the same location of the existing building or structure, and will not result in any increase to the height or bulk of the existing building or structure.

- (3) Network utilities and electricity generation facilities not otherwise provided for must comply with the relevant permitted activity standards in E26.2.5

E26.14.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.14.7. Assessment – restricted discretionary activities

E26.14.7.1. Matters of discretion

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

- (1) all restricted discretionary activities:
 - (a) the nature, form and extent of proposed works;
 - (b) the degree of existing geological modification;
 - (c) the necessity of the works to provide for the functional and operational needs of infrastructure;
 - (d) alternative methods and locations;
 - (e) protection or enhancement of the feature; and
 - (f) effects on Mana Whenua values.

E26.14.7.2. Assessment criteria

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

- (1) all restricted discretionary activities:
 - (a) the extent to which the nature, form and extent of the proposed use or development adversely affects the criteria or values for which the feature was scheduled taking into account all of the following:
 - (i) whether the use or development will result in increased erosion, of the feature;
 - (ii) whether the use or development will result in increased compaction or erosion of the feature, or changes to the vegetation will adversely affect the values for which the feature is scheduled;
 - (iii) whether the use or development will result in ground disturbance or earthworks that will affect the values for which the feature is scheduled; and
 - (iv) whether the use or development will interfere with natural processes associated with the feature.

- (b) the extent to which the proposed use or development will cause adverse visual effects, or adversely affect landscape values associated with the feature;
- (c) the extent to which the proposed use or development will cause any significant loss of geological value of a feature, taking into account the extent a feature has already been modified and whether further modification will cumulatively result in a significant loss of geological value;
- (d) the extent to which modification of a feature is necessary to provide for the proposed use or development and the proposed structure has a functional or operational need to be in the location proposed;
- (e) whether there are alternative methods and locations available to undertake the use or development that will not affect a scheduled feature;
- (f) the extent to which the proposed works will protect the feature from damage, such as providing for erosion protection, or remediate previous damage, excluding any damage resulting from the use or development itself;
- (g) the extent to which the proposed use or development will adversely affect Mana Whenua values;
- (h) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure.

E26.14.8. Special information requirements

- (1) An application for an activity must be accompanied by:
 - (a) a site plan showing location of the outstanding natural feature and the location of the proposed activity.

E36. Natural hazards and flooding

E36.1. Background

Auckland is affected by natural hazards including ~~those that occur frequently such as~~ flooding, coastal erosion (including the effects of sea level rise), freshwater erosion, ~~and land instability~~ landslides; ~~and those that occur less frequently such as~~ wildfires, volcanic activity, tsunamis, earthquakes, liquefaction, and other meteorologically induced hazards such as cyclones, tornados and drought.

All of these hazards can affect people, property and the wider environment.

The risk that these natural hazards pose is made up of factors including:

- the nature, magnitude and extent of the ~~hazard~~ potential event (which gives the susceptibility of the site to the event);
- the anticipated frequency or probability of the ~~hazard~~ event occurring (the hazard); and
- the exposure and vulnerability of the environment to the hazard (the resulting risk).

Decisions on how to avoid or mitigate natural hazards risk can affect not only the subject site but also neighbouring properties, mana whenua values and heritage, and the wider environment; and may ~~unintentionally~~ exacerbate the risk. Risk assessment is a key means to identify and understand risks, and to determine which aspects of risk can be managed through appropriate land use planning tools and development methods. Both current and future risks (including the effects of climate change such as sea level rise) need to be considered.

A ~~flexible~~ proportionate risk-based approach has been ~~taken~~ adopted to address the risks associated with natural hazards. A risk management reduction approach applies to land that has been developed for urban use. ~~existing development and infrastructure while a~~ A risk ~~reduction (including avoidance where appropriate)~~ approach applies to development of land yet to be urbanised. A risk management approach applies to infrastructure.

Where the Council has developed a strategic plan to manage, or adapt to natural hazard risks in particular locations, alignment with those plans is expected to be considered.

The Plan has defined criteria to identify land which may be subject to natural hazards. The Plan requires the use of the best information available to identify ~~greenfield land or~~ all land ~~which is proposed for redevelopment~~ which may be subject to natural hazards. This includes hazard maps, databases and reports held by the Council. The level of detail and the quality of this information is variable. This affects the Council's ability to identify and map land that may be subject to natural hazards. At this time, the provisions in the Plan are focussed on the following hazards:

- coastal erosion;
- coastal ~~storm~~ inundation;
- flooding;

- ~~land instability~~ landslides; and
- wildfires.

The Council is working to gather, assess and refine information so that a more comprehensive range of natural hazards can be assessed and, as appropriate, subdivision, use and development can be better managed through provisions in the Plan.

Some risks from events with low probability but high potential impact (e.g. volcanic activity, tsunamis and earthquakes) ~~cannot~~ are unlikely to be effectively addressed through land use planning and may be better addressed through mechanisms outside of the Plan, such as measures put in place by emergency management groups such as Civil Defence. These include education, monitoring systems, warning systems and emergency preparedness and response.

Hazard sensitivity and risk categories

To assist with determining the consequences associated with natural hazards, activities have been allocated a sensitivity rating of natural hazard sensitive, natural hazard potentially sensitive and natural hazard less sensitive. These ratings refer to the potential consequences, should the activity be impacted by a natural hazard event. It also considers the functional need for an activity to be in a location exposed to natural hazards and the impact due to these respective activities occurring within a natural hazard area.

Risks are then categorised as significant, potentially tolerable and acceptable based on the sensitivity of the activity and the characteristics of the hazard. Where risk is significant in some instances activity is to be avoided, in other instances where risk is significant or potentially tolerable, a risk assessment will be required to determine whether the risk can be reduced to, or maintained at a tolerable level.

While activities (use) and their associated buildings (development) are separated within the provisions of this chapter, their risk from the natural hazards is required to be considered comprehensively in any assessment required with a resource consent. This ensures that due consideration is given to the consequences of new natural hazard sensitive or potentially sensitive activities being established, or existing activities expanding in existing buildings that are currently located within hazard areas.

Some activities are exceptions to the sensitivity ratings above due to their locational limitations (such as emergency services that are required to locate in coastal hazard areas) and are therefore subject to separate provisions within this chapter.

Structure

Section E36.2 contains objectives that apply to all natural hazards. Section E36.3 start with policies that apply to all natural hazards and is then followed by sets of policies that apply to individual hazards. These hazard-specific policies start with those that apply across the region and is then followed by differing policies dependent on whether the land is within or outside existing urbanised areas.

E36.2. Objectives [rp/dp]

- (1) ~~Subdivision, use and development outside urban areas does not occur unless the risk of adverse effects to people, property, infrastructure and the environment from natural hazards has been assessed and significant adverse effects are avoided, taking into account the likely long term effects of climate change.~~
 - (2) ~~Subdivision, use and development, including redevelopment in urban areas, only occurs where the risks of adverse effects from natural hazards to people, buildings, infrastructure and the environment are not increased overall and where practicable are reduced, taking into account the likely long term effects of climate change.~~
 - (3) ~~Subdivision, use and development on rural land for rural uses is managed to ensure that the risks of adverse effects from natural hazards are not increased and where practicable are reduced.~~
- (3A) The risk from natural hazards to people, property, infrastructure and the environment resulting from existing use and development is reduced over time to a tolerable or acceptable level.
- (3B) New subdivision, use and development avoids significant risk and only occurs when the risk from natural hazards to people, property, infrastructure and the environment is tolerable or acceptable.
- (3C) Subdivision, use and development is managed in a way that avoids creating or exacerbating natural hazard risks on other properties, infrastructure and the environment.
- (3D) Risks from natural hazards on Māori Land, Treaty Settlement Land, marae, urupā, mana whenua cultural heritage and values are reduced over time, and not created or exacerbated by subdivision, use and development.
- (4) ~~Where infrastructure has a functional or operational need to locate in a natural hazard area, the risk of adverse effects to other people, property, and the environment, shall be assessed and significant adverse effects avoid the creation or exacerbation of risks from natural hazards to people, property, and the environment are sought first to be avoided or, if avoidance is not able to be ~~totally~~ achieved, the residual effects are otherwise mitigated to the extent practicable.~~
- (5) ~~Subdivision, use and development, including redevelopment, is managed to safely maintain The flood storage and conveyance functions of floodplains and overland flow paths are maintained, and enhanced where practicable, and the creation of new flood prone areas are avoided.~~

(6) ~~Where appropriate,~~ Natural features and buffers are used where practicable and nature-based solutions are used in preference to hard protection structures to manage natural hazards.

(7) All natural hazard risk assessment and management measures take into account the potential long term effects of climate change.

(8) A precautionary approach is adopted where information is uncertain or incomplete.

E36.3. Policies [rp/dp]

General Risk classifications

(1) ~~Identify land that may be subject to natural hazards, taking into account the likely effects of climate change, including all of the following:~~

- ~~a) coastal hazards (including coastal erosion and coastal storm inundation, excluding tsunami);~~
- ~~b) flood hazards;~~
- ~~c) land instability; and~~
- ~~d) wildfires.~~

(1A) Identify risk from natural hazards associated with subdivision, use and development by differentiating risk into the following three classifications:

- (a) Significant
- (b) Potentially tolerable
- (c) Acceptable

Risk settings and management methodology

(1B) Manage risk from coastal erosion, coastal inundation and flooding associated with subdivision, use and development by:

- (a) identifying land that may be exposed to these hazards and requiring a site-specific assessment to be undertaken to determine the extent and nature of the hazard(s) on site;
- (b) using the hazard, the location of the activity, and the sensitivity of the activity to natural hazards to determine the level of risk, as per Tables E36XX and E36XX.

Table E36.1B.1 Subdivision, use and development within existing urbanised areas

	<u>Activities sensitive to natural hazards</u>	<u>Activities potentially sensitive to natural hazards</u>	<u>Activities less sensitive to natural hazards</u>

<u>Very high flood hazard area, high flood hazard area, coastal erosion hazard area 1 and coastal inundation hazard area 1</u>	<u>Significant</u>	<u>Significant</u>	<u>Acceptable</u>
<u>Medium flood hazard area, coastal erosion hazard area 2 and coastal inundation hazard area 2</u>	<u>Potentially tolerable</u>	<u>Potentially tolerable</u>	<u>Acceptable</u>
<u>Low flood hazard, coastal erosion hazard area 3 and coastal inundation hazard area 3</u>	<u>Potentially tolerable</u>	<u>Potentially tolerable</u>	<u>Acceptable</u>

Table E36.1B.2 Subdivision, use and development outside of existing urbanised areas

	<u>Activities sensitive to natural hazards</u>	<u>Activities potentially sensitive to natural hazards</u>	<u>Activities less sensitive to natural hazards</u>
<u>Very high flood hazard area, high flood hazard area, coastal erosion hazard area 1 and coastal inundation hazard area 1</u>	<u>Significant</u>	<u>Significant</u>	<u>Acceptable</u>
<u>Medium flood hazard area, coastal erosion hazard area 2 and coastal inundation hazard area 2</u>	<u>Significant</u>	<u>Significant</u>	<u>Acceptable</u>
<u>Low flood hazard, coastal erosion hazard area 3 and</u>	<u>Significant</u>	<u>Significant</u>	<u>Acceptable</u>

<u>coastal inundation hazard area 3</u>			
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- (c) requiring a risk assessment to be undertaken and applying management approaches proportionate to the level of risk

(1C) Manage risk from landslides associated with subdivision, use and development by:

- (a) identifying land that may be susceptible to landslides;
- (b) requiring a landslide risk assessment to be undertaken in accordance with Appendix 24 Landslide risk assessment methodology, using the level of susceptibility, the underlying zone, the location and type of the activity and the sensitivity of the activity to natural hazards as determinants for the type of assessment and the level of risk; and
- (c) applying management approaches proportionate to the level of risk

(1D) Ensure that subdivision, development and vegetation management mitigate wildfire hazards to as low as reasonably practicable.

- (2) Investigate other natural hazards to assess whether risks to people, property or the environment should be managed through the Auckland Unitary Plan or otherwise.

Risk assessment requirements

- (3) Consider all of the following, as ~~Where a resource consent is required, require all of the following to be considered as part of a risk assessment of for proposals to~~ subdivide, use or develop land that is subject to natural hazards, taking into account the potential effects of climate change; Where a resource consent is necessary, require proposals to subdivide, use or develop land that is subject to natural hazards to prepare a risk assessment that considers all of the following, taking into account the potential effects of climate change and adopting a precautionary approach where information is uncertain or incomplete:

- (a) the type, frequency, range and scale of the natural hazard(s), including:
- where there may be coinciding, compounding and/or cascading hazards;
 - whether the hazard risks will be temporary or permanent; and
 - whether natural hazard events of lower intensity and higher frequency than the 1 per cent AEP event will impact the property and proposed activity and whether adverse effects on the development will be temporary or permanent;
- (b) the type of activity being undertaken and its vulnerability to natural hazard events;

- ~~(c) the consequences of the natural hazard in relation to the proposed activity, the potential effects on public safety and other property;~~
 - ~~(d) any exacerbation of an existing natural hazard risk or the emergence of natural hazard risks that previously were not present at the location;~~
 - ~~(e) whether any building, structure or activity located on land subject to natural hazards near the coast can be relocated in the event of severe coastal erosion, inundation or shoreline retreat;~~
 - ~~(f) the ability to use non-structural solutions, such as planting or the retention or enhancement of natural landform buffers to avoid, remedy or mitigate hazards, rather than hard protection structures;~~
 - ~~(g) the design and construction of buildings and structures to mitigate the effects of natural hazards;~~
 - ~~(h) the effect of structures used to mitigate hazards on landscape values and public access;~~
 - ~~(i) site layout and management to avoid or mitigate the adverse effects of natural hazards, including access and exit during a natural hazard event; and~~
 - ~~(j) the duration of consent and how this may limit the exposure for more or less vulnerable activities to the effects of natural hazards including the likely effects of climate change~~
 - (k) existing and proposed mitigation measures.
 - (l) residual risk.
 - (m) any relevant management plan, strategy or hazard risk assessment relating to the area.
- (4) Require all of the following matters to be considered when assessing consequences of natural hazards as part of a risk assessment: Control subdivision, use and development of land that is subject to natural hazards so that the proposed activity does not increase, and where practicable reduces, risk associated with all of the following adverse effects:
- (a) accelerating or exacerbating the natural hazard and/or its potential impacts;
 - (aa) creating natural hazard risks that previously were not present at the location;
 - (b) exposing vulnerable activities to the adverse effects of natural hazards, the type of activity being undertaken and its sensitivity to natural hazard events;
 - (c) creating or a risk to human life increasing the natural hazard risk(s) to people and communities, including long-term impacts from more frequent hazard events; and;

- (d) creating or increasing the natural hazard risk(s) to neighbouring other properties, or infrastructure and the environment, including effects on any mana whenua cultural heritage and values.
- (e) cultural impacts, including consequences for Māori land, Treaty Settlement Land, marae, urupā, mana whenua cultural heritage and values

(4A) Require all of the following matters to be considered as part of a risk assessment of existing and future mitigation measures and residual risk:

- (a) whether any building, structure or activity located on land subject to natural hazards can be relocated within the site or removed;
- (b) whether the use, design and construction of buildings and structures can mitigate risks associated with natural hazards;
- (c) the extent to which methods for long term maintenance of areas affected by natural hazards, such as easements, are provided;
- (d) the ability for site layout and management to limit exposure of people and property to natural hazards, including safe egress during a natural hazard event;
- (e) the effect of structures to mitigate hazards on landscape values and public access;
- (f) the robustness of the mitigation measures, their enforceability and the ability to carry out repairs and maintenance;
- (g) the potential consequences of events that exceed the design parameters of mitigation measures;
- (h) the potential effects resulting from failure of structural and nature-based mitigation measures over a 100-year timeframe;
- (i) the impacts of the mitigation on other people, properties, infrastructure and the environment;
- (j) whether natural hazard risks can be reduced for Māori Land, Treaty Settlement Land, marae, urupā, mana whenua cultural heritage and values;
- (k) the use of conditions of consent, including the duration of consent, to monitor changes in risk and to limit the exposure of people and property to natural hazards.
- (l) the extent to which it is practicable to mitigate residual risk where infrastructure has a functional or operational need to locate in a natural hazard area

Management of risk for existing use and development

(4B) Enable adaptation of existing activities and/or the continued use of existing buildings and infrastructure in natural hazard areas where risk is maintained at, or reduced as far as reasonably practicable to, a tolerable level, including by:

- (a) relocating or extending the building or structures only in areas of the site that are outside of natural hazard areas;
- (b) improving the resilience of the building or structures;
- (c) reducing the intensity of activity;
- (d) changing the use to a less sensitive activity;
- (e) limiting the duration of the activity;
- (f) in flood hazard and coastal inundation hazard areas:
 - a. ensuring appropriate safe refuge and safe egress are provided where possible and maintained where currently available;
 - b. raising floor levels to reduce the extent of flooding or inundation within the building.

(4C) Require re-building of materially damaged or destroyed buildings in natural hazard areas to demonstrate that the natural hazard risk is reduced to a tolerable or acceptable level, or otherwise reduced to as low as reasonably practicable (compared with the previous natural hazard risk to both the building and use of the building on the site).

Management of risk for marae

(4C1) Support the use and development of marae while managing natural hazard risks by ensuring the following:

- (a) buildings that house activities sensitive to natural hazards are located outside of very high and high flood hazard areas, high coastal hazard areas, and high landslide hazard risk areas
- (b) safe refuge and safe egress are provided where possible, taking into account access agreements with neighbouring properties
- (c) the long term potential effects of climate change are taken into account
- (d) potential effects on other properties are considered
- (e) Marae trust endorsed marae natural hazard management plans and any mitigation imposed through a Māori Reservation are taken into account

Flooding – general

(4FA) Ensure all development, including fencing, storage of materials and goods, and earthworks, in flood hazard areas do not create or exacerbate flood risk on other sites.

(4FB) Require the storage and containment of hazardous substances in ~~floodplains and flood-prone areas~~ flood hazard areas so that the integrity of the storage method will not be compromised in a flood event.

(4FC) Provide for flood mitigation measures which reduce flood-related effects and provide for the reconstruction of culverts and bridges where those measures do not ~~create or exacerbate flooding upstream or downstream or otherwise increase flood hazards~~ create or exacerbate flood risk on other sites.

(4FD) Enable the planting and retention of vegetation cover to enhance amenity values, green linkages and ecological values in floodplains ~~as long as it does not whilst ensuring that create or exacerbate flooding upstream or downstream or other flood hazards are not increased otherwise increase flood hazards~~ flood risk on other sites are not created or exacerbated.

(4FE) Require measures such as use of water resistant materials and flood-proof utility connections to increase resilience to flood damage when considering mitigation of flood hazards for buildings located in flood hazard areas.

(4FF) ~~Construct~~ Manage accessways, including private roads and public roads to be vested, and parking areas in flood hazard areas so that safe egress is provided where possible, and flood hazard risks are ~~not increased~~ reduced to low as reasonably practicable.

(4FG) Maintain the function of overland flow paths to convey stormwater runoff safely from a site or road to the receiving environment ~~by ensuring that any modifications do not result in a reduction in the capacity of the overland flow path and do not cause nuisance or damage to property or the environment.~~

(4EB) Enable subdivision, use and development that gives rise to acceptable flood hazard risk in accordance with Table E36XX where these activities do not involve buildings or structures that exacerbate the flood hazard beyond the site.

Flooding – within existing urbanised areas

(4DA) Avoid new subdivision, use and development in existing urbanised areas that gives rise to significant flood hazard risk in accordance with Table E36XX in very high flood hazard areas.

(4DA1) Avoid new subdivision, use and development in existing urbanised areas that gives rise to significant flood hazard risk in accordance with Table E36XX where it is for activities sensitive to natural hazards [B] in high flood hazard areas.

(4DB) Avoid new subdivision, use and development in existing urbanised areas that gives rise to significant flood hazard risk in accordance with Table E36XX where it is for activities sensitive to natural hazards [A] or activities potentially sensitive to natural hazards in high hazard areas unless risk can be reduced to a tolerable level by:

- (a) providing appropriate safe refuge and safe egress for activities sensitive to natural hazards [A]; and
- (b) providing appropriate safe refuge and safe egress for activities potentially sensitive to natural hazards, unless it can be demonstrated that safe egress is not necessary to manage risk to life; and

(c) minimising all other risks to as low as reasonably practicable.

(4DC) Manage new subdivision, use and development in existing urbanised areas that gives rise to potentially tolerable flood hazard risk in accordance with Table E36XX so that risk is maintained at a tolerable level by:

- (a) providing appropriate safe refuge and safe egress for activities sensitive to natural hazards [A] unless it can be demonstrated that safe egress is not necessary to manage risk to life; and
- (b) providing appropriate safe refuge and/or safe egress for activities potentially sensitive to natural hazards; and
- (c) minimising all other risks to as low as reasonably practicable.

(4DD) Where specified, ensure that appropriate safe egress is provided from the site during a 1% AEP flood event by requiring such routes to:

- (a) be free from floodwaters wherever possible or have flood depths and velocities that do not pose a risk to life, including for vulnerable people.
- (b) connect continuously to a safe public place, where assistance can be rendered
- (c) remain safely traversable throughout the event
- (d) be a usual route to and from the building/site and not be reliant on traversing neighbouring properties
- (e) not be subject to hazardous residual risk

(4DE) Where specified, ensure that appropriate safe refuge is provided during a 1% AEP flood event by either:

- (a) locating buildings outside of flood hazard areas; or
- (b) when locating building within a flood hazard area that:
 - (i) floodwaters will not enter habitable areas of the building and sufficient freeboard is provided; and
 - (ii) the building is designed and certified to resist hydrostatic and hydrodynamic forces, debris impacts and geotechnical effects, including scour and erosion; and
 - (iii) any residual risk does not pose a risk to life, injury or significant property damage; and
 - (iv) the building can sustain basic human needs for the expected duration of flooding, including wet-proofed electricity and sewerage systems); and

(v) those occupying the building will be aware that the building is a safe refuge

Flooding – outside existing urbanised areas

(4EA) Avoid new subdivision, use and development outside existing urbanised areas that gives rise to significant flood hazard risk in accordance with Table E36XX.

Coastal hazards – general

(4IA) Avoid new subdivision, use, and development in coastal hazard areas that would require raising the level of the land and/or coastal protection structures including nature-based solutions, within a 100-year timeframe, unless it is demonstrated that there is no practicable alternative, and the purpose of the subdivision, use and development is to:

- (a) provide significant regional or national benefit; or
- (b) provide for the continued use of Māori Land, Treaty Settlement land and marae and the management of cultural heritage; or
- (c) maintain or enhances public access or linkages with public open space to, within or adjacent to the coastal marine area; or
- (d) maintain or enhances habitat for indigenous species; or
- (e) conforms to a Council approved strategic plan to manage or adapt to natural hazard risk in a particular location.

(4IB) Ensure all development, including fencing, earth bunds, storage of materials and goods, in coastal hazard areas do not create or exacerbate coastal hazard risk on other sites.

(4IC) Require the storage and containment of hazardous substances in coastal inundation areas so that the integrity of the storage method will not be compromised in an inundation event.

(4ID) When considering mitigation of coastal inundation hazards where buildings are located within areas of inundation, promote measures such as use of water-resistant materials and flood-proof utility connections to increase resilience to damage from inundation.

(4IE) Manage accessways, including private roads and roads intended to be vested in coastal hazard areas, and parking areas so that safe egress is provided where possible, and coastal hazard risks are reduced to as low as reasonably practicable.

(4IF) Locate all accessways, including private roads and roads intended to be vested, so that access is maintained as coastal hazards move inland over time.

(4IG) Provide for activities that can demonstrate a functional or operational need to be undertaken or located in a coastal hazard area while reducing coastal hazard risks to as low as reasonably practicable.

Coastal hazards – within existing urbanised areas

(4GA) Avoid new subdivision, use and development in existing urbanised areas that gives rise to significant coastal hazard risk in accordance with Table E36XX.

(4GB) Manage new subdivision, use and development in existing urbanised areas that gives rise to potentially tolerable coastal hazard risk in accordance with Table E36XX so that risk is maintained at a tolerable level by:

- (a) providing appropriate safe refuge and safe egress for activities sensitive to natural hazards [A], unless it can be demonstrated that safe egress is not necessary to manage risk to life, and
- (b) providing appropriate safe refuge and/or safe egress for activities potentially sensitive to natural hazards and
- (c) minimising all other risks to as low as reasonably practicable.

(4GC) Provide for activities less sensitive to natural hazards within coastal hazard areas in existing urbanised areas where coastal hazard risks are not exacerbated beyond the site.

(4GD) Where specified, ensure that appropriate safe egress is provided from the site during a 1% AEP inundation event, taking into account 1.5m relative sea level rise, requiring such routes to:

- (a) be free from inundation wherever possible or have inundation depths and that do not pose a risk to life, including for vulnerable people.
- (b) connect continuously to a safe public place, where assistance can be rendered
- (c) remain safely traversable throughout the event
- (d) be a usual route to and from the building/site and not be reliant on traversing neighbouring properties
- (e) not be subject to hazardous residual risk

(4GE) Where specified, ensure that appropriate safe refuge is provided during a 1% AEP inundation event, taking into account 1.5m relative sea level rise, by either:

- (a) locating buildings outside of inundation hazard areas; or
- (b) when locating building within an inundation hazard area that:
 - (i) floodwaters will not enter habitable areas of the building and sufficient freeboard is provided; and
 - (ii) the building is designed and certified to resist hydrostatic and hydrodynamic forces, debris impacts and geotechnical effects, including scour and erosion; and

(iii) any residual risk does not pose a risk to life, injury or significant property damage; and

(iv) the building can sustain basic human needs for the expected duration of inundation event, including wet-proofed electricity and sewerage systems); and

(v) those occupying the building will be aware that the building is a safe refuge

Coastal hazards – outside existing urbanised areas

(4HA) Avoid new subdivision, use and development outside existing urbanised areas that gives rise to significant coastal hazard risk in accordance with Table E36XX.

(4HB) Enable new subdivision, use and development outside existing urbanised areas that gives rise to potentially tolerable coastal hazard risk in accordance with Table E36XX where coastal hazard risks are not exacerbated beyond the site.

Defences against coastal hazards

(4JA) Retain natural features and buffers, enable their restoration and enhancement, and support their function as natural defences against natural hazards within coastal hazard areas.

(4JB) Avoid the modification, alteration or removal of sand dunes, vegetation on sand dunes and other coastal margins which would compromise their function as natural defences for an area subject to coastal hazards.

(4JC) Where coastal protection is determined to be required, natural features and buffers are used where possible and nature-based solutions are used in preference to hard protection structures to manage natural hazards.

(4JD) Where coastal protection is proposed to protect existing subdivision use and development, taking into account climate change over a 100-year timeframe, avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on all of the following:

- (a) the natural character of the coastal environment;
- (b) outstanding natural features and landscapes;
- (c) habitats for indigenous species
- (d) access to Maori Land, Treaty Settlement Land and marae, including effects on mana whenua cultural heritage and values,
- (e) identified historic heritage places
- (f) public access to and along the coast
- (g) other properties

(4JE) Provide for coastal protection, where it provides for the continued use of Māori Land, Treaty Settlement land. Marae, urupā and the management of mana whenua cultural heritage and values, where natural features and buffers and nature-based

solutions are not possible, while avoiding, remedying, or mitigating the adverse effects identified in Policy 5JD.

(4JF) Coastal protection must be designed to avoid all of the following:

- (a) undermining;
- (b) erosion;
- (c) settlement;
- (d) movement or dislodgement;
- (e) failure;
- (f) piping or hydraulic pumping of fine material or backfill;
- (g) offshore or long-shore loss of sediment from the immediate vicinity; and
- (h) any increase in the coastal hazard posed to the coastline elsewhere.

Landslide hazards – general

(4KC) Manage natural hazard sensitive activities and natural hazard potentially sensitive activities associated with proposals to subdivide, use or develop land in medium landslide hazard risk areas so the risk is not increased and where practicable, is reduced to an acceptable level.

(4KD) Minimise earthworks and vegetation alteration or removal in high landslide hazard susceptibility areas and high landslide hazard risk areas, to ensure that the resulting risk associated with the proposal is reduced to as low as reasonably practicable, including only allowing earthworks in these landslide hazard areas where:

- (a) the soil type and properties are appropriate; and
- (b) measures to maintain slope stability are practicably achievable and their ongoing management, maintenance and monitoring is provided for;
- (c) adverse effects on stream health and stability are avoided; and
- (d) adverse effects on adjoining properties and infrastructure are avoided in the first instance, or otherwise minimised where avoidance is not reasonably practicable.

(4KE) Manage earthworks and vegetation alteration or removal in medium landslide hazard susceptibility areas medium landslide risk areas due to landslides so the risk is not increased and where practicable, is reduced to an acceptable level, including managing earthworks in these landslide hazard areas to ensure:

- (a) the soil type and properties are appropriate; and
- (b) measures to maintain slope stability are practicably achievable and their ongoing management, maintenance and monitoring is provided for;
- (c) adverse effects on stream health and stability are avoided; and
- (d) adverse effects on adjoining properties and infrastructure are avoided in the first instance, or otherwise minimised where avoidance is not reasonably practicable.

(4KF) Avoid the discharge of stormwater and wastewater directly to ground in high landslide hazard risk areas, and, if avoidance is not reasonably practicable in existing urbanised areas, ensure that:

- (a) the resulting risk associated with the proposal is reduced to as low as reasonably practicable, and
- (b) any adverse effects on the site and receiving environment are avoided in the first instance, or otherwise remedied or mitigated where avoidance is not practicable in existing urbanised areas.

(4KG) Manage the discharge of stormwater and wastewater directly to ground in medium landslide hazard risk areas so the risk is:

- (a) not increased and where practicable, reduced to an acceptable level; and
- (b) any adverse effects on the site and receiving environment are avoided in the first instance, or otherwise remedied or mitigated where avoidance is not practicable in existing urbanised areas.

(4KH) Manage the storage and containment of hazardous substances in high and medium landslide hazard risk areas so that the integrity of the storage method will not be compromised in a landslide event.

(4KI) Manage accessways, including private roads and roads intended to be vested in high and medium landslide hazard risk areas so that safe egress is provided where practicable, and landslide risks are reduced to as low as reasonably practicable.

Landslide hazards – within existing urbanised areas

(4KA) Avoid natural hazard sensitive activities and natural hazard potentially sensitive activities associated with proposals to subdivide, use or develop land in existing urbanised areas that give rise to significant landslide hazard risk in accordance with Appendix 24, and, if avoidance is not reasonably practicable, reduce the risk to as low as reasonably practicable.

Landslide hazards – outside existing urbanised areas

(4KB) Avoid natural hazard sensitive activities and natural hazard potentially sensitive activities associated with proposals to subdivide, use or develop land outside existing urbanised areas that give rise to significant landslide hazard risk in accordance with Appendix 24.

Coastal hazards (including coastal erosion and coastal storm inundation)

(5) Ensure that subdivision, use and development on rural land for rural uses and in existing urban areas subject to coastal hazards avoids or mitigates adverse effects resulting from coastal storm inundation, coastal erosion and sea level rise of 1m through location, design and management.

(6) Avoid subdivision, use and development in greenfield areas which would result in an increased risk of adverse effects from coastal hazards, taking account of a longer term rise in sea level.

~~(7) Ensure that buildings in areas subject to coastal natural hazards are located and designed to minimise the need for hard protection structures.~~

~~(8) Ensure that when locating any new infrastructure in areas potentially subject to coastal hazards consider, where appropriate, an adaptive management response taking account of a longer term rise in sea level.~~

~~(9) Require habitable areas of new buildings and substantial additions, alterations, modifications or extensions to existing buildings located in coastal storm inundation areas to be above the 1 per cent annual exceedance probability (AEP) coastal storm inundation event including an additional sea level rise of 1m.~~

Defences against coastal hazards

~~(10) Avoid the modification, alteration or removal of sand dunes and vegetation on sand dunes which would compromise their function as natural defences for an area subject to coastal hazards and ensure adverse effects on wider coastal processes are avoided or mitigated.~~

~~(11) Consider hard protection works to protect development only where existing natural features will not provide protection from the natural hazard and enhancement of natural defences is not practicable.~~

~~(12) Require hard protection works involving the placement of any material, objects or structures in or on any area located above mean high water springs to be designed and located to avoid, remedy or mitigate the following adverse environmental effects including all of the following~~

- ~~(a) location of structures as far landward as possible to retain as much natural beach buffer as possible;~~
- ~~(b) any likely increase in the coastal natural hazard, including increased rates of erosion, accretion, subsidence or slippage;~~
- ~~(c) undermining of the foundations at the base of the structure;~~
- ~~(d) erosion in front of, behind or around the ends or down-drift of the structure;~~
- ~~(e) settlement or loss of foundation material;~~
- ~~(f) movement or dislodgement of individual structural elements;~~
- ~~(g) offshore or long-shore loss of sediment from the immediate vicinity;~~
- ~~(h) long-term adverse visual effects on coastal landscape and amenity values;~~
~~and~~
- ~~(i) effects on public access.~~

Floodplains in urban areas

~~(13) In existing urban areas require new buildings designed to accommodate more vulnerable activities to be located:~~

- ~~(a) outside of the 1 per cent annual exceedance probability (AEP) floodplain; or~~

~~(b) within or above the 1 per cent annual exceedance probability (AEP) floodplain where safe evacuation routes or refuges are provided.~~

~~(14) Require redevelopment of sites where existing more vulnerable activities are located within the 1 per cent annual exceedance probability (AEP) floodplain to address all of the following:~~

~~(a) minimise risks from flood hazards within the site;~~

~~(b) minimise the risks from flood hazards to people and property upstream and downstream of the site;~~

~~(c) remedy or mitigate where practicable or contribute to remedying or mitigating flood hazards in the 1 per cent annual exceedance probability floodplain;~~

~~(d) location of habitable rooms above flood levels; and~~

~~(e) provide safe evacuation routes or refuges from buildings and sites.~~

~~(15) Within existing urban areas, enable buildings containing less vulnerable activities to locate in the 1 per cent annual exceedance probability (AEP) floodplains where that activity avoids, remedies or mitigates effects from flood hazards on other properties.~~

Floodplains in rural areas

~~(16) In rural areas, avoid where practicable locating buildings accommodating more vulnerable activities in the 1 per cent annual exceedance probability (AEP) floodplain and manage other buildings and structures so that flood hazards are not exacerbated.~~

Floodplains in greenfield areas

~~(17) On greenfield land outside of existing urban areas, avoid locating buildings in the 1 per cent annual exceedance probability (AEP) floodplain.~~

~~(18) Enable flood tolerant activities to locate in the 1 per cent annual exceedance probability (AEP) floodplain where these activities do not involve buildings or structures that exacerbate the flood hazard to other properties upstream or downstream of the site.~~

~~(19) Require fences, storage of materials and goods and car parking in the 1 per cent annual exceedance probability (AEP) floodplains to not exacerbate the flood hazard to other properties upstream or downstream of the site.~~

~~(20) Require earthworks within the 1 per cent annual exceedance probability (AEP) floodplain to do all of the following~~

~~(a) remedy or mitigate where practicable or contribute to remedying or mitigating flood hazards in the floodplain;~~

~~(b) not exacerbate flooding experienced by other sites upstream or downstream of the works; and~~

~~(c) not permanently reduce the conveyance function of the floodplain;~~

~~Floodplains – general~~

~~(21) Ensure all development in the 1 per cent annual exceedance probability (AEP) floodplain does not increase adverse effects from flood hazards or increased flood depths and velocities, to other properties upstream or downstream of the site.~~

~~(22) Require the storage and containment of hazardous substances in floodplains so that the integrity of the storage method will not be compromised in a flood event.~~

~~(23) Provide for flood mitigation measures which reduce flood related effects and provide for the reconstruction of culverts and bridges where those measures do not create or exacerbate flooding upstream or downstream or otherwise increase flood hazards.~~

~~(24) Enable the planting and retention of vegetation cover to enhance amenity values, green linkages and ecological values in floodplains as long as it does not create or exacerbate flooding upstream or downstream or otherwise increase flood hazards.~~

~~(25) When considering mitigation of flood hazards where buildings are located in floodplains, promote measures such as use of water resistant materials and flood-proof utility connections to increase resilience to flood damage.~~

~~(26) Construct accessways, including private roads, so that flood hazard risks are not increased.~~

~~(27) Enable the construction and maintenance of flood mitigation works to reduce flood risks to people, property, infrastructure and the environment.~~

~~(28) Take into account any authorised earthworks or drainage infrastructure which avoids, remedies or mitigates flood hazards when assessing proposed subdivision, use or development.~~

~~Overland flow paths~~

~~(29) Maintain the function of overland flow paths to convey stormwater runoff safely from a site or road to the receiving environment.~~

~~(30) Require changes to overland flow paths to retain their capacity to pass stormwater flows safely without causing damage to property or the environment.~~

~~Land instability~~

~~(31) Identify land that may be subject to land instability taking into account all of the following features:~~

~~(a) proximity to cliffs;~~

~~(b) steepness of land;~~

~~(c) geological characteristics; and~~

~~(d) uncontrolled fill~~

~~(32) Require risk assessment prior to subdivision, use and development of land subject to instability~~

~~(33) Locate and design subdivision, use and development first to avoid potential adverse effects arising from risks due to land instability hazards, and, if avoidance is not practicably able to be totally achieved, otherwise to remedy or mitigate residual risks and effects to people, property and the environment resulting from those hazard.~~

~~Wildfire hazards~~

~~(34) Ensure that plan provisions for subdivision and vegetation management appropriately take into account wildfire hazards.~~

~~Note 4~~

~~Areas of high wildfire risk may be determined applying the National Rural Fire Authority New Zealand Wildfire Threat Analysis.~~

Infrastructure in areas subject to natural hazards

(35) Allow for the construction, operation, maintenance and, upgrading and ~~construction~~ of infrastructure, in areas subject to natural hazards ~~when~~ where:

- (a) infrastructure is functionally or operationally required to locate in hazard areas or it is not reasonably practicable that it be located elsewhere;
- (b) ~~in coastal hazard areas the infrastructure does not significantly increase risk to people, property and the environment, and where risks cannot be avoided, adverse effects are mitigated;~~
- (c) ~~in all flood hazard areas risks to people, property and the environment are mitigated to the extent practicable.~~

(c) When considering the location and design of infrastructure in areas subject to natural hazards consider the potential to improve to reduce natural hazard risks to Māori Land, Treaty Settlement land, marae, urupā, mana whenua cultural heritage and values.

(36) Where practicable, avoid locating infrastructure where it will require coastal protection structures including nature-based solutions, within a 100-year timeframe or increase dependency on existing coastal protection structures.

E36.4. Activity table

Table E36.4.1 Activity table specifies the activity status of land use and development activities pursuant to sections 9(2) and 9(3) of the Resource Management Act 1991.

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

If any activity listed in rules (including standards) E36.4.1 to E36.6.1 is regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (“NESP”) then the NESP applies and prevails.

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

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

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

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

Note 1

Where activities are located in the coastal marine area then see Chapter F Coastal.

Note 2

Where earthworks are proposed in flood hazard and landslide hazard areas then see Chapter E12 Land disturbance – District.

Note 3

Activity Table E36.4.1A does not apply to activities within constructed depressions or pits within the Special Purpose – Quarry Zone.

Note 4

Where vegetation alteration or removal is proposed in landslide hazard areas then see Chapter E15 Vegetation management and biodiversity

Table E36.4.1 Activity table

Activity		Activity status
Activities on land in the coastal erosion hazard area		
(A1)	External alterations to buildings which do not increase the gross floor area of the building, on land in the coastal erosion hazard area	P
(A2)	External alterations to buildings which increase the gross floor area of the building on land in the coastal erosion hazard area	RD
(A3)	New structures and buildings (excluding dwellings) ancillary to farming activities with a gross floor area of up to 100m ² on land in the coastal erosion hazard area	P
Note 1		

	Structures ancillary to farming activities includes artificial crop protection structures and crop support structures.	
(A4)	All other buildings and structures on land in the coastal erosion hazard area	RD
(A5)	On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks (including rainwater tanks) or stormwater pipes or soakage fields on land in the coastal erosion hazard area	RD
Activities on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area		
(A6)	External alterations to buildings which do not increase the gross floor area on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area	P
(A7)	External alterations to buildings which increase the gross floor area of the building on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area	RD
(A8)	New structures and buildings (excluding dwellings) ancillary to farming activities with a gross floor area of up to 100m ² on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area Note 1 Structures ancillary to farming activities includes artificial crop protection structures and crop support structures.	P
(A9)	All other buildings and structures on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area	RD
(A10)	On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks (including rainwater tanks) or stormwater pipes or soakage fields on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area	RD
Activities on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area		
(A11)	Additions of habitable rooms up to 25m ² to existing buildings in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area	P
(A12)	Habitable rooms in new buildings and additions of habitable rooms (greater than 25m ²) to existing buildings in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area that comply with standard E36.6.1.1	P
(A13)	Habitable rooms in new buildings and additions of habitable rooms (greater than 25m ²) to existing buildings in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area that do not comply with Standard E36.6.1.1	D
Defences against coastal hazards		
(A14)	Beach nourishment	P
(A15)	Dune stabilisation	P
(A16)	Beach nourishment which does not comply with Standard E36.6.1.2	D
(A17)	Dune stabilisation which does not comply with Standard E36.6.1.3	D
(A18)	Modification, alteration or removal of sand dunes and vegetation on sand dunes within 40m of mean high water springs not otherwise provided for	D

(A19)	Repair, maintenance or minor upgrade (which does not increase the area occupied by the structure) of lawfully established hard protection structures landward of mean high water springs that may serve as a defence against coastal erosion or inundation	P
(A20)	Extension (including upgrading that increases the area occupied by the structure) or alteration of existing lawfully established hard protection structures	RD
(A21)	New hard protection structures located landward of the coastal protection yard that may serve as a defence against coastal erosion or inundation	RD
(A22)	Hard protection structures not otherwise provided for	D
Activities in the 1 per cent annual exceedance probability (AEP) floodplain		
(A23)	Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A24)	Surface parking and above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain, that comply with Standard E36.6.1.7	P
(A25)	Surface parking areas and above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain, that do not comply with Standard E36.6.1.7	G
(A26)	Below ground parking or parking areas in the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A27)	Maintenance, repair and construction of private roads and accessways in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A28)	Storage of goods and materials in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A29)	Storage of hazardous substances in the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A30)	On-site septic tanks, on-site wastewater treatment and disposal systems and effluent disposal fields in the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A31)	Operation, maintenance, renewal, repair and minor infrastructure upgrading of land drainage works, stormwater management devices and flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A32)	Construction of stormwater management devices or flood mitigation works that are to be vested in the Council or which are identified in a precinct plan incorporated into the Plan or an approved network discharge consent in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A33)	Construction of other land drainage works, stormwater management devices or flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A34)	New structures and buildings (and external alterations to existing buildings) with a gross floor area up to 10m ² within the 1 per cent annual exceedance probability (AEP) floodplain that comply with standard E36.6.1.9	P
(A35)	New structures and buildings designed to accommodate flood tolerant activities up to 100m ² gross floor area within the 1 per cent annual exceedance probability (AEP) floodplain	P

(A36)	New structures and buildings (and external alterations to existing buildings) with a gross floor area up to 10m ² within the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with standard E36.6.1.9	RD
(A37)	All other new structures and buildings (and external alterations to existing buildings) within the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A38)	Use of new buildings to accommodate more vulnerable activities, and changes of use to accommodate more vulnerable activities within existing buildings located within the 1 per cent annual exceedance probability (AEP) floodplain	RD
Activities in overland flow paths		
(A39)	Fences and walls located within or over an overland flow path that do not obstruct the overland flow path	P
(A40)	Flood mitigation works within an overland flow path required to reduce the risk to existing buildings from flooding hazards	P
(A41)	Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path	RD
(A42)	Any buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path	RD
Activities on land which may be subject to land instability		
(A43)	Buildings and structures on land which may be subject to land instability that comply with Standard E36.6.1.11	P
(A44)	On-site septic tanks, onsite wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields and access ways on land which may be subject to land instability that comply with Standard E36.6.1.12	P
(A45)	On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields, on land which may be subject to land instability that do not comply with Standard E36.6.1.12	RD
(A46)	Storage of hazardous substances on land which may be subject to land instability	RD
(A47)	External alteration to any building, on land which may be subject to land instability which does not increase the gross floor area	P
(A48)	New structures and buildings (excluding dwellings) ancillary to farming activities with a gross floor area up to 100m ² on land which may be subject to land instability Note 1 Structures ancillary to farming activities includes artificial crop protection structures and crop support structures	P
(A49)	Alterations to existing structures and buildings (excluding dwellings) ancillary to farming activities which do not increase the gross floor area, on land which may be subject to land instability Note 1 Structures ancillary to farming activities includes artificial crop protection structures and crop support structures	P
(A50)	External additions to buildings and to any structures excluding decks under 1.2m high and 20m ² gross floor area on land which may be subject to land instability	RD

(A51)	All other buildings and structures, on land which may be subject to land instability not otherwise provided for	RD
Infrastructure: <ul style="list-style-type: none"> in the coastal erosion hazard area; in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area; in the 1 per cent annual exceedance probability (AEP) floodplain; in overland flow paths on land which may be subject to land instability 		
(A52)	Operation, maintenance, renewal, repair and minor infrastructure upgrading, of infrastructure in areas listed in the heading above that complies with Standard E36.6.1.13	P
(A53)	Construction, operation, maintenance, renewal and repair of road network activities within the legal road or road formation width in areas listed in the heading above	P
(A54)	Infrastructure within roads or the Strategic Transport Corridor Zone in areas listed in the heading above	P
(A55)	Operation, maintenance, renewal, repair and minor infrastructure upgrading of infrastructure in areas listed in the heading the above that do not comply with Standard E36.6.1.13	RD
(A56)	All other infrastructure in areas listed in the heading above not otherwise provided for	RD

Table E36.4.1A Activity table

Activity		Activity status		
		Very high flood hazard areas, high flood hazard areas, coastal erosion hazard area 1 and coastal inundation hazard area 1	Medium flood hazard areas, coastal erosion hazard area 2 and coastal inundation hazard area 2	Low flood hazard areas, coastal erosion hazard area 3 and coastal inundation hazard area 3
Activities (excluding infrastructure covered by A52A-A56A) on land in coastal hazard areas				
Use – coastal hazard areas				
(AA1)	Activities where natural hazard risk is significant in accordance with Table 36XX and 36XX in coastal hazard areas	NC	NC	NC
(AA2)	Activities where natural hazard risk is potentially tolerable in accordance with Table 36XX and 36XX in coastal hazard areas	N/A	D	RD

(AA3)	<u>Activities where natural hazard risk is acceptable in accordance with Table 36XX and 36XX in coastal hazard areas</u>	<u>P</u>	<u>P</u>	<u>P</u>
(AA4)	<u>Surface parking and above ground parking areas (including vehicle entry and exit points) in coastal inundation hazard areas</u>	<u>D</u>	<u>RD</u>	<u>P</u>
(AA5)	<u>Below ground parking (including vehicle entry and exit points) in coastal inundation areas</u>	<u>D</u>	<u>RD</u>	<u>RD</u>
(AA6)	<u>Conversion of non-habitable rooms into habitable rooms within the ground or basement floor of a building in coastal hazard areas</u>	<u>NC</u>	<u>D</u>	<u>RD</u>
(AA7)	<u>Storage of goods and materials in coastal hazard areas</u>	<u>P</u>	<u>P</u>	<u>P</u>
(AA8)	<u>Storage of hazardous substances in coastal hazard areas</u>	<u>D</u>	<u>P</u>	<u>P</u>
(AA9)	<u>Emergency services required to locate within coastal hazard areas</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>
Re-building – coastal hazard areas [rp]				
(AB1)	<u>Re-building of materially damaged or destroyed buildings in coastal hazard areas</u>	<u>RD</u>	<u>RD</u>	<u>C</u>
Development – coastal hazard areas				
(AC1)	<u>Fences and walls for landscaping, privacy, or aesthetic purposes (excluding retaining walls and earth bunds) in coastal hazard areas</u>	<u>P</u>	<u>P</u>	<u>N/A</u>
(AC2)	<u>On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks (excluding above-ground domestic rainwater tanks) or stormwater pipes or soakage fields on land in the coastal hazard areas</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>
(AD5)	<u>Construction of private roads, roads intended to be vested, and accessways in coastal hazard areas</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>

(ACX)	<u>Domestic above-ground rainwater tanks in coastal hazard areas</u>	<u>RD</u>	<u>P</u>	<u>P</u>
(AC3)	<u>External alterations to existing structures and buildings (as existing at 09/10/25) which do not increase the gross floor area of the building in coastal hazard areas</u>	<u>P</u>	<u>P</u>	<u>P</u>
(AC4)	<u>External additions and alterations to existing structures and buildings (as existing at 09/10/25) that increase the gross floor area by no more than 10m² in coastal hazard areas</u>	<u>RD</u>	<u>RD</u>	<u>P</u>
(AC5)	<u>External additions and alterations to existing structures and buildings (as existing at 09/10/25) that increase the gross floor area by more than 10m² in coastal hazard areas</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>
(AC6)	<u>New structures and buildings (excluding dwellings) ancillary to farming activities with a gross floor area of up to 100m² in coastal hazard areas</u>	<u>RD</u>	<u>P</u>	<u>P</u>
(AC7)	<u>New structures and buildings with a gross floor area up to 10m² in coastal hazard areas</u>	<u>RD</u>	<u>P</u>	<u>P</u>
(AC8)	<u>All other external additions and alterations to buildings in coastal hazard areas</u>	<u>D</u>	<u>RD</u>	<u>RD</u>
(AC9)	<u>All other buildings and structures, including retaining walls and earth bunds, in coastal hazard areas</u>	<u>D</u>	<u>RD</u>	<u>RD</u>
<u>Activities (excluding infrastructure covered by A52A-A56A) on land in flood hazard areas</u>				
<u>Use – flood hazard areas</u>				
(AD1)	<u>Activities where natural hazard risk is significant in accordance with Table 36XX and 36XX in flood hazard areas</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
(AD2)	<u>Activities where natural hazard risk is potentially tolerable in accordance with Table 36XX and</u>	<u>N/A</u>	<u>D</u>	<u>RD</u>

	<u>36XX in flood hazard areas</u>			
(AD3)	<u>Activities where natural hazard risk is acceptable in accordance with Table 36XX and 36XX in flood hazard areas</u>	<u>P</u>	<u>P</u>	<u>P</u>
(AD3)	<u>Surface parking and above ground parking areas (including vehicle entry and exit points) in flood hazard areas</u>	<u>D</u>	<u>RD</u>	<u>P</u>
(AD4)	<u>Below ground parking (including vehicle entry and exit points) in flood hazard areas</u>	<u>D</u>	<u>RD</u>	<u>RD</u>
(AD6)	<u>Storage of goods and materials in flood hazard areas</u>	<u>P</u>	<u>P</u>	<u>P</u>
(AD7)	<u>Storage of hazardous substances in flood hazard areas</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>
(AD8)	<u>Conversion of non-habitable rooms into habitable rooms within the ground or basement floor of a building in flood hazard areas</u>	<u>NC</u>	<u>D</u>	<u>RD</u>
(AD9)	<u>Marae in flood hazard areas</u>	<u>D</u>	<u>RD</u>	<u>RD</u>
Re-building – flood hazard areas [rp]				
(AE1)	<u>Re-building of materially damaged or destroyed buildings in flood hazard areas</u>	<u>RD</u>	<u>RD</u>	<u>C</u>
Development – flood hazard areas				
(AF1)	<u>Fences, earth bunds, and walls in flood hazard areas</u>	<u>P</u>	<u>P</u>	<u>P</u>
Development – 1% AEP floodplain and flood prone areas				
(AG1)	<u>On-site septic tanks, on-site wastewater treatment and disposal systems and effluent disposal fields in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>
(AG2)	<u>Operation, maintenance, renewal, repair and minor infrastructure upgrading of land drainage works, stormwater management devices and flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas</u>	<u>P</u>	<u>P</u>	<u>P</u>

(AG3)	<u>Construction of stormwater management devices or flood mitigation works that are to be vested in the Council or which are identified in a precinct plan incorporated into the Plan or an approved network discharge consent in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas</u>	<u>P</u>	<u>P</u>	<u>P</u>
(AG4)	<u>Construction of other land drainage works, stormwater management devices or flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>
(AD5)	<u>Construction of private roads, roads intended to be vested, and accessways in flood hazard areas</u>	<u>RD</u>	<u>RD</u>	<u>P</u>
(AG5)	<u>External alterations to existing structures and buildings (as existing at 09/10/25) which do not increase the gross floor area of the building in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas</u>	<u>P</u>	<u>P</u>	<u>P</u>
(AG6)	<u>External additions and alterations to existing structures and buildings (as existing at 09/10/25) that increase the gross floor area by no more than 10m² in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas</u>	<u>RD</u>	<u>RD</u>	<u>P</u>
(AG7)	<u>External additions and alterations to existing structures and buildings (as existing at 09/10/25) that increase the gross floor area by more than 10m² in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>
(AG8)	<u>New structures and buildings with a gross floor area up to 10m² within the 1 per cent annual exceedance probability (AEP) floodplain and</u>	<u>RD</u>	<u>RD</u>	<u>P</u>

	<u>flood prone areas</u>			
(AG9)	<u>All other external additions and alterations to buildings within the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>
(AG10)	<u>All other buildings and structures, including retaining walls, in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>
Development (excluding infrastructure covered by A52A-A56A) – overland flow paths				
(AH1)	<u>Flood mitigation works within an overland flow path required to reduce the risk to existing buildings from flooding hazards</u>	<u>P</u>	<u>P</u>	<u>P</u>
(AH2)	<u>Any buildings or other structures located within an overland flow path with a catchment less than 4,000m²</u>	<u>P</u>	<u>P</u>	<u>P</u>
(AH3)	<u>Any buildings or other structures located within an overland flow path with a catchment greater than 4,000m²</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>
(AH4)	<u>Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>
Infrastructure - flood and coastal hazard areas				
(A52A)	Operation, maintenance, renewal, repair and minor infrastructure upgrading, of infrastructure in <u>flood and coastal hazard areas listed in the heading the above</u> that complies with Standard E36.6.1.13	<u>P</u>	<u>P</u>	<u>P</u>
(A53A)	Construction, operation, maintenance, renewal and repair of road network activities within the legal road or road formation width in <u>flood and coastal hazard areas listed in the heading the above</u>	<u>P</u>	<u>P</u>	<u>P</u>
(A54A)	Infrastructure within roads or the Strategic Transport Corridor Zone in <u>flood and coastal hazard areas listed in the heading the above</u>	<u>P</u>	<u>P</u>	<u>P</u>
(A55)	Operation, maintenance, renewal,	<u>RD</u>	<u>RD</u>	<u>RD</u>

	repair and minor infrastructure upgrading of infrastructure in areas listed in the heading the above that do not comply with Standard E36.6.1.13			
(A56A)	All other infrastructure in flood and coastal hazard areas listed in the heading the above not otherwise provided for	RD	RD	RD

Table E36.4.1B Activity table

Activity		Activity Status		
		High landslide hazard risk areas	Medium landslide hazard risk areas	Low landslide hazard risk areas
Activities (excluding infrastructure covered by Table E36.4.1C) on land in landslide hazard risk areas				
Use – landslide hazard risk areas				
(AI1)	Storage of hazardous substances in landslide hazard risk areas	RD	RD	P
(AI2)	Marae complex in landslide hazard risk areas	D	RD	P
Re-building – landslide hazard risk areas [rp]				
(AJ1)	Re-building of materially damaged or destroyed buildings in landslide hazard risk areas that comply with Standard E36.6.0	RD	P	P
(AJ2)	Re-building of materially damaged or destroyed buildings in landslide hazard risk areas that do not comply with Standard E36.6.0.	NC	RD	C
Development and associated use, where applicable (excluding infrastructure covered by Table E36.4.1C) – landslide hazard risk areas				
(AK1)	On-site septic tanks, wastewater treatment and disposal systems, effluent	RD	P	P

	<u>disposal fields,</u> <u>underground storage tanks,</u> <u>water tanks (including</u> <u>rainwater tanks) or</u> <u>stormwater pipes or</u> <u>soakage fields, accessways</u> <u>and private roads in</u> <u>landslide hazard risk areas</u> <u>that comply with Standard</u> <u>E36.6.0.</u>			
(AK2)	<u>On-site septic tanks,</u> <u>wastewater treatment and</u> <u>disposal systems, effluent</u> <u>disposal fields,</u> <u>underground storage tanks,</u> <u>water tanks (including</u> <u>rainwater tanks) or</u> <u>stormwater pipes or</u> <u>soakage fields, accessways</u> <u>and private roads in</u> <u>landslide hazard risk areas</u> <u>that do not comply with</u> <u>Standard E36.6.0.</u>	D	RD	C
(AK3)	<u>New structures and</u> <u>buildings and external</u> <u>additions and alterations to</u> <u>existing structures and</u> <u>buildings (as existing at</u> <u>09/10/25) associated with</u> <u>activities potentially</u> <u>sensitive and less sensitive</u> <u>to natural hazards in low</u> <u>(acceptable) landslide</u> <u>hazard risk areas</u>	<u>N/A</u>	<u>N/A</u>	<u>P</u>
(AK4)	<u>New structures and</u> <u>buildings and external</u> <u>additions and alterations to</u> <u>existing structures and</u> <u>buildings (as existing at</u> <u>09/10/25) with a gross floor</u> <u>area up to 20m² associated</u> <u>with activities sensitive to</u>	P	P	P

	<u>natural hazards in low (acceptable) landslide hazard risk areas and less sensitive to natural hazards in medium (tolerable) and high (significant) landslide hazard risk areas</u>			
(AK5)	<u>New structures and buildings and external additions and alterations to existing structures and buildings (as existing at 09/10/25) with a gross floor area up to 20m² associated with activities potentially sensitive to natural hazards in medium (tolerable) and high (significant) landslide hazard risk areas that comply with Standard E36.6.0.</u>	C	P	N/A
(AK6)	<u>New structures and buildings and external additions and alterations to existing structures and buildings (as existing at 09/10/25) with a gross floor area up to 20m² associated with activities potentially sensitive to natural hazards in medium (tolerable) and high (significant) landslide hazard risk areas that do not comply with Standard E36.6.0.</u>	RD	C	N/A
(AK7)	<u>New structures and buildings and external additions and alterations to existing structures and buildings (as existing at 09/10/25) with a gross floor area up to 20m² associated</u>	<u>RD</u>	<u>C</u>	<u>N/A</u>

	<u>with natural hazard sensitive activities in medium (tolerable) and high (significant) landslide hazard risk areas that comply with Standard E36.6.0.</u>			
(AK8)	<u>New structures and buildings and external additions and alterations to existing structures and buildings (as existing at 09/10/25) with a gross floor area up to 20m² associated with natural hazard sensitive activities in medium (tolerable) and high (significant) landslide hazard risk areas that do not comply with Standard E36.6.0.</u>	<u>D</u>	<u>RD</u>	<u>N/A</u>
(AK9)	<u>New structures and buildings and external additions and alterations to existing structures and buildings (as existing at 09/10/25) with a gross floor area more than 20m² associated with activities less sensitive to natural hazards in medium (tolerable) and high (significant) landslide hazard risk areas that comply with Standard E36.6.0.</u>	<u>P</u>	<u>P</u>	<u>N/A</u>
(AK10)	<u>New structures and buildings and external additions and alterations to existing structures and buildings (as existing at 09/10/25) with a gross floor</u>	<u>RD</u>	<u>C</u>	<u>N/A</u>

	<u>area more than 20m²</u> <u>associated with activities</u> <u>less sensitive to natural</u> <u>hazards in medium</u> <u>(tolerable) and high</u> <u>(significant) landslide</u> <u>hazard risk areas that do</u> <u>not comply with Standard</u> <u>E36.6.0.</u>			
(AK11)	<u>New structures and</u> <u>buildings and external</u> <u>additions and alterations to</u> <u>existing structures and</u> <u>buildings (as existing at</u> <u>09/10/25) with a gross floor</u> <u>area more than 20m²</u> <u>associated with activities</u> <u>potentially sensitive to</u> <u>natural hazards in medium</u> <u>(tolerable) and high</u> <u>(significant) landslide</u> <u>hazard risk areas that</u> <u>comply with Standard</u> <u>E36.6.0.</u>	<u>RD</u>	<u>C</u>	<u>N/A</u>
(AK12)	<u>New structures and</u> <u>buildings and external</u> <u>additions and alterations to</u> <u>existing structures and</u> <u>buildings (as existing at</u> <u>09/10/25) with a gross floor</u> <u>area more than 20m²</u> <u>associated with</u> <u>activities potentially</u> <u>sensitive to natural hazards</u> <u>in medium (tolerable) and</u> <u>high (significant) landslide</u> <u>hazard risk areas that do</u> <u>not comply with Standard</u> <u>E36.6.0.</u>	<u>D</u>	<u>RD</u>	<u>N/A</u>
(AK13)	<u>New structures and</u> <u>buildings and external</u> <u>additions and alterations to</u>	<u>RD</u>	<u>RD</u>	<u>P</u>

	<u>existing structures and buildings (as existing at 09/10/25) with a gross floor area more than 20m² associated with activities sensitive to natural hazards in landslide hazard risk areas that comply with Standard E36.6.0.</u>			
(AK14)	<u>New structures and buildings and external additions and alterations to existing structures and buildings (as existing at 09/10/25) with a gross floor area more than 20m² associated with activities sensitive to natural hazards in landslide hazard risk areas that do not comply with Standard E36.6.0.</u>	<u>NC</u>	<u>D</u>	<u>C</u>
(AK15)	<u>All other buildings and structures, including retaining walls, in landslide hazard risk areas that comply with Standard E36.6.0.</u>	RD	P	P
(AK16)	<u>All other buildings and structures, including retaining walls, in landslide hazard risk areas that do not comply with Standard E36.6.0.</u>	D	RD	C
Infrastructure				
(A52B)	Operation, maintenance, renewal, repair and minor infrastructure upgrading, of infrastructure in <u>landslide hazard</u> areas listed in the heading the above that complies with Standard	P	P	P

	E36.6.1.13			
(A53B)	Construction, operation, maintenance, renewal and repair of road network activities within the legal road or road formation width in <u>landslide hazard areas listed in the heading the above</u>	P	P	P
(A54B)	Infrastructure within roads or the Strategic Transport Corridor Zone in <u>landslide hazard areas listed in the heading the above</u>	P	P	P
(A55)	Operation, maintenance, renewal, repair and minor infrastructure upgrading of infrastructure in areas listed in the heading the above that do not comply with Standard E36.6.1.13	RD	RD	RD
(A55B)	All other infrastructure in <u>landslide hazard areas listed in the heading the above</u> not otherwise provided for	RD	RD	RD

Table E36.4.1C Activity table

<u>Activity</u>		<u>Activity Status</u>		
		<u>High landslide hazard susceptibility areas</u>	<u>Medium landslide susceptibility areas</u>	<u>Low landslide susceptibility areas</u>
<u>Infrastructure – landslide hazard susceptibility areas</u>				
(A52B)	Operation, maintenance, renewal, repair and minor infrastructure upgrading, of infrastructure in <u>landslide hazard susceptibility areas listed in the heading the above</u> that complies with Standard E36.6.1.13	P	P	P
(A53B)	Construction, operation, maintenance, renewal and	P	P	P

	repair of road network activities within the legal road or road formation width in <u>landslide hazard susceptibility areas listed in the heading the above</u>			
(A54B)	Infrastructure within roads or the Strategic Transport Corridor Zone in <u>landslide hazard susceptibility areas listed in the heading the above</u>	P	P	P
(A55)	Operation, maintenance, renewal, repair and minor infrastructure upgrading of infrastructure in areas listed in the heading the above that do not comply with Standard E36.6.1.13	RD	RD	RD
(A55B)	All other infrastructure in <u>landslide hazard susceptibility areas listed in the heading the above</u> not otherwise provided for	RD	RD	RD

Table E36.4.1D Activity table

Defences against coastal hazards		
(A14)	Beach nourishment	P
(A15)	Dune stabilisation	P
(A16)	Beach nourishment which does not comply with Standard E36.6.1.2	D
(A17)	Dune stabilisation which does not comply with Standard E36.6.1.3	D
(A18)	Modification, alteration or removal of sand dunes and vegetation on sand dunes within 40m of mean high water springs not otherwise provided for	D
(A19)	Repair, maintenance or minor upgrade (which does not increase the area occupied by the structure) of lawfully established hard protection structures landward of mean high water springs that may serve as a defence against coastal erosion or inundation	P
(A20)	Extension (including upgrading that increases the area occupied by the structure) or alteration of existing lawfully established hard protection structures	RD

(A21)	New hard protection structures located landward of the coastal protection yard that may serve as a defence against coastal erosion or inundation	RD
(A22)	Hard protection structures not otherwise provided for	D

E36.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E36.4.1 Activity table will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table E36.4.1 Activity table and which is not listed in E36.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (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\(4\)](#).

E36.6. Standards

E36.6.0. General standards

- (1) All activities (except activities (AI1), (AI2), (AK3), (AK4) and (A52B) - (A55B)) listed as a permitted activity, controlled activity or restricted discretionary activity in Table E36.4.1B, must comply with the following standards by being undertaken in accordance with:
 - (a) geotechnical reports, prepared by a suitably qualified and experienced person in accordance with Auckland Council Code of Practice for Land Development and Subdivision, Section 2 (Earthworks and Geotechnical Requirements) and approved or certified by Council when associated with a building consent or resource consent;
 - (b) hazard risk assessment reports prepared by a suitably qualified and experienced person in accordance with E36.9. and Appendix 24 Landslide hazard risk assessment methodology and approved or certified by Council when associated with a resource consent or compliant proposal to subdivide, use or develop land within a landslide hazard risk area; and
 - (c) any conditions of a building consent, resource consent or consent notice registered on the land title(s) associated with the site(s) and relating to landslide risk and geotechnical assessment matters.

E36.6.1. Permitted activity standards

Activities listed as a permitted activity in Tables E36.4.1A, E36.4.1B and E36.4.1C Activity tables must comply with the specified permitted activity standards.

~~Activities in the in coastal hazard areas coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area~~

~~E36.6.1.1. Habitable rooms in new buildings and additions of habitable rooms (greater than 25m²) to existing buildings in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area~~

- ~~(1) Finished floor levels of habitable rooms must be above the inundation level of the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise area.~~

E36.6.1.1A Activities less sensitive to natural hazards in coastal hazard areas

- (2) The risk from coastal hazards must not be exacerbated beyond the site.

E36.6.1.1B Surface parking and above ground parking areas (including vehicle entry and exit points) in coastal inundation hazard areas

- (1) The parking areas including vehicle entry and exist points must be above the 1% AEP inundation level taking into account 1.5m relative sea level rise.

E36.6.1.1C Storage of goods and materials in coastal hazard areas, and storage of hazardous substances in coastal hazard areas

- (1) Goods and materials are secured and contained so as not to cause an environmental, public health or safety hazard during or after an event

E36.6.1.1D Fences and walls for landscaping, privacy, or aesthetic purposes in coastal hazard areas (excluding earth bunds and retaining walls)

- (1) The fence or wall must be constructed so that 80% of the surface area will permit the unobstructed passage of tidal water, overland flow or stormwater drainage.
- (2) The fence or wall must not prevent the ebb and flow of the tide during storm events
- (3) The fence or wall shall not be for erosion control or hazard mitigation
- (d) The fence or wall must not incorporate footings, anchoring systems, steel reinforcement or other structural elements designed to withstand lateral earth pressure

E36.6.1.1E Domestic above-ground rainwater tanks in coastal hazard areas

(1) The rainwater tank must be secured so that it cannot become mobile during a coastal inundation event.

Defences against coastal hazards

E36.6.1.2. Beach nourishment

(1) Depositing must be for the purpose of:

- (a) erosion management;
- (b) beach (including dune system) replenishment or re-contouring;
- (c) habitat enhancement; or
- (d) depositing of material excavated during stream mouth and stormwater outfall clearance operations.
- (e) Written advice must be given to the council at least 10 working days prior to the work starting.
- (f) Placement of sediment must avoid existing areas of indigenous vegetation and any bird nesting area.
- (g) The deposited material must have similar physical characteristics to the sediment at the location it will be deposited, and must generally be of slightly coarser grain size.
- (h) The deposited sediment must not permanently prevent or hinder public access or prevent or hinder the operation of any existing infrastructure.
- (i) There must be no release of contaminants from equipment being used for the activity.
- (j) All equipment and materials must be removed from the foreshore and seabed on the completion of works or activities.

E36.6.1.3. Dune stabilisation

(1) Dune stabilisation must be for the purpose of:

- (a) erosion management;
- (b) beach (including dune system) replenishment or re-contouring;
- (c) habitat enhancement; or
- (d) depositing of material excavated during stream mouth and stormwater outfall clearance operations.

- (2) Written advice must be given to the Council at least 10 working days prior to the work starting.
- (3) Placement of sediment must avoid existing areas of indigenous vegetation and any bird nesting area.
- (4) The deposited sediment must not permanently prevent or hinder public access or prevent or hinder the operation of any existing infrastructure.
- (5) There must be no release of contaminants from equipment being used for the activity.
- (6) The reshaped dune toe must not extend seaward of the typical extent of the natural dune toe position, and the seaward slope must lie within the slope range of 1:5 (around 11 degrees) to 1:3 (around 18 degrees).
- (7) Any foreign material; including clay fill or soil material that has been placed on the dune must be removed and lawfully disposed off-site.
- (8) Works must be timed in accordance with favourable weather patterns and, where necessary, carried out in stages to enable planting work to commence immediately to minimise risk of wind erosion.
- (9) Planting of native vegetation must be sourced from the same ecological district and must use plants that are appropriate for the location considering dune form and function.

E36.6.1.4. The repair, maintenance or minor upgrade (which does not increase the area occupied by the structure) of lawfully established hard protection structures, landward of mean high water springs that may serve as a defence against coastal erosion or inundation

- (1) The work must maintain the structure or building in a good and safe working condition.
- (2) The work must not use materials which alter the form or external appearance of the structure in more than a minor way.
- (3) The work must not change the area occupied by the structure.

Activities in the 1 per cent annual exceedance probability (AEP) floodplain flood hazard areas

E36.6.1.5. Fences, earth bunds, and walls in the 1 per cent annual exceedance probability (AEP) floodplain in flood hazard areas

- (1) Fences, earth bunds and walls in the 1 per cent annual exceedance probability (AEP) floodplain, and in flood prone areas must be designed to allow for the passage of flood waters. ~~where these flood waters exceed 300mm in depth.~~

~~(2) Standard E36.6.1.5(1) above does not apply where the fence and wall design is controlled by a rule or standard elsewhere in the Plan.~~

(3) Fences, earth bunds and walls located within an overland flow path must not obstruct the overland flow path.

(4) Fences, earth bunds or walls must not exacerbate the depth, velocity or extent of flow of surface water beyond the subject site.

Note 1

The following fence designs would comply with Standard E36.6.1.5(1) ~~Fences, earth bunds, and walls in the 1 per cent annual exceedance probability (AEP) floodplain in flood hazard areas:~~

- post and wire fences and wire mesh fences;
- railing type fences where at least 70 per cent of the surface area of the fence is not solid; or
- solid fences and walls with an opening of sufficient size at flood level that can convey the 1 per cent annual exceedance probability (AEP) flood flow or overland flow.

E36.6.1.6. Storage of goods and materials in the 1 per cent annual exceedance probability (AEP) floodplain flood hazard areas

(1) ~~Goods and materials stored in the 1 per cent annual exceedance probability (AEP) floodplain flood hazard areas~~ for longer than 28 consecutive days must:

- (a) not impede flood flows; and
- (b) where capable of creating a safety hazard by being shifted by floodwaters, be contained and secured in order to minimise movement in times of floods; and
- (c) be stored in watertight containers if they are hazardous substances.

E36.6.1.6A External alterations to existing structures and buildings (as existing at 09/10/25) which do not increase the gross floor area of the building in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas

(1) External alterations must not impede flood flows or exacerbate the depth, velocity or extent of flow of surface water beyond the subject site.

E36.6.1.6B External additions and alterations to existing structures and buildings (as existing at 09/10/25) that increase the gross floor area by no more than 10m² in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas

- (1) External additions and alterations must not impede flood flows or exacerbate the depth, velocity or extent of flow of surface water beyond the subject site.

E36.6.1.6C New structures and buildings with a gross floor area of up to 10m² in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas

- (2) The structure or building must not impede flood flows or exacerbate the depth, velocity or extent of flow of surface water beyond the subject site.

E36.6.1.7. Surface parking areas and above ground parking areas within the 1 per cent annual exceedance probability (AEP) flood plain

- (1) Surface parking areas and vehicle entry and exit points to above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain must be located where the depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 200mm above ground level.

E36.6.1.8. Maintenance, repair and construction of private roads and accessways in the 1 per cent annual exceedance probability (AEP) floodplain

- (1) Where the road or accessway serves more than two lots, the road or accessway is to be located where the depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 200mm above ground level.

E36.6.1.9. New structures and buildings with a gross floor area of up to 10m² within the 1 per cent annual exceedance probability (AEP) floodplain

- (1) The structure or building is to be located where the depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 300mm above ground level.

Activities in overland flow paths

E36.6.1.10. Fences and walls located within or over an overland flow path that do not obstruct the overland flow path

- (1) Any ponding of floodwater caused by any fence or wall must not extend beyond (upstream of or adjacent to) the site.
- (2) Standard E36.6.1.10(1) above does not apply where the fence and wall design is controlled by a rule or standard elsewhere in the Plan.

Note 4

The following fence designs would comply with Standard E36.6.1.10(1) above:

- (a) ~~post and wire fences and wire mesh fences;~~
- (b) ~~railing type fences where at least 70 per cent of the surface area of the fence is not solid; or~~
- (c) ~~solid fences and walls with an opening at ground level sufficient to convey the overland flow.~~

Activities on land which may be subject to land instability

E36.6.1.11. Buildings and structures on land which may be subject to land instability

(1) ~~Buildings and structures located on land which may be subject to land instability must be constructed in accordance with:~~

- (d) ~~a geotechnical completion report or similar professional report, approved by Council; and~~
- (e) ~~any conditions of resource consent or subdivision consent associated with the site relating to stability or geotechnical matters.~~

E36.6.1.12. ~~On-site septic tanks, on-site wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields and accessways on land which may be subject to land instability~~

(1) ~~On-site septic tanks, on-site wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields and accessways on land which may be subject to land instability must be constructed in accordance with:~~

- (f) ~~a geotechnical completion report or similar professional report, approved or endorsed by Council; and~~
- (g) ~~any conditions of resource consent or subdivision consent associated with the site relating to stability or geotechnical matters.~~

Infrastructure in natural hazard areas:

- ~~in the coastal erosion hazard area;~~
- ~~in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area;~~
- ~~in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;~~
- ~~in the 1 per cent annual exceedance probability (AEP) floodplain;~~
- ~~in overland flow paths and~~
- ~~on land which may be subject to land instability~~

E36.6.1.13. Operation, maintenance, renewal, repair and minor infrastructure upgrading, of infrastructure in natural hazard areas listed in the heading above

(1) Minor infrastructure upgrading of infrastructure must comply with the following (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; or
- (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 per cent; or
- (ii) 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, 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;
- (iii) the provisions in E36.6.1.13(b)(i) and (ii) above exclude service connections and lateral network connections;
- (iv) include additional cross arms that do not exceed the length of the existing cross arm by more than 100 per cent, up to a maximum of 4m;
- (v) additional or replacement electricity and telecommunication lines that do not exceed 30mm in diameter;

(c) the addition or replacement of:

- (i) earthwires, either overhead or underground, and underground earthgrids, which may contain telecommunication lines, and earthpeaks; or
- (ii) above-ground insulators on the poles;

(d) any pole which replaces an existing pole provided that:

- (i) it must not have a diameter or width that is more than the existing pole's diameter or width at its largest point plus 50 per cent and in the case of double pole 100 per cent, and

- (ii) it must not have a height greater than 25m;
- (e) modification of an existing pole:
 - (i) only where the mechanical loading requirements make this necessary in order to undertake reconductoring or the reconfiguration of equipment, such as stay wires, anchor blocks, on overhead electricity and telecommunication lines; or
 - (ii) when modifications to structures are required to meet mechanical loading requirements provided that the height and profile of any modified support structures remains the same as existed prior to the improvements;
- (f) the installation of new mid-span electricity poles in existing networks to address clearances in New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001;
- (g) an increase in the power carrying or operating capacity, efficiency or security of electricity lines, gas distribution lines and telecommunications lines, where this uses the existing network utility and meets the requirements of E36.6.1.13(c) to (f) above;
- (h) the alteration, replacement or relocation of water, wastewater or stormwater structures (excluding pipes):
 - (i) there must be no more than a 10 per cent increase in the width, length and/or height of the structure;
 - (ii) the structure must be located within the 2m of existing alignment or location;
 - (iii) must not involve a new or relocated outfall structure that discharges to an area outside the influence of the current outfall structure;
- (i) the alterations or replacement of water, wastewater, stormwater, gas pipes provided that:
 - (i) above ground pipes must not exceed 300mm increase in diameter of the pipe;
 - (ii) underground pipes must not exceed a 50 per cent increase in the diameter of the pipe;
- (j) the replacement of any antennae with a new antenna provided that the new antenna does not exceed the maximum dimension of the antenna, or the diameter where it is a dish antenna, by more than 20 per cent, and the overall height of the facility to which the antenna is

attached either does not increase or that any height increase is as a result of the antenna size increase only.

E36.6.2. Controlled activity standards

~~Activities listed as a controlled activity in Table E36.4.1 Activity table must comply with the specified controlled activity standards.~~

~~E36.6.2.1. Surface parking areas and above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.7~~

- ~~(1) Surface parking areas and above ground parking areas (excluding parking on roads) within the 1 per cent annual exceedance probability (AEP) floodplain:~~
- ~~(a) must be located where depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 500mm above ground level; and~~
 - ~~(b) vehicles can be contained within the site during the flood event.~~

E36.7. Assessment – controlled activities

E36.7.1. Matters of control

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

- ~~(1) for surface parking areas and above ground parking areas (excluding parking on roads) in the 1 per cent annual exceedance probability (AEP) floodplain:~~
- ~~(a) the effects of the location and design of parking;~~
 - ~~(b) actions necessary to protect people in flood events; and~~
 - ~~(c) the design of containment structures.~~
- (2) for the re-building of materially damaged or destroyed buildings in coastal erosion hazard area 3 and coastal inundation hazard area 3; for the re-building of materially damaged or destroyed buildings in low flood hazard areas; and for the re-building of materially damaged or destroyed buildings in low (acceptable) landslide risk areas that do not comply with Standard E36.6.0:
- (a) the location, design and use of the re-build;
 - (b) the risk from natural hazards resulting from the re-build and the level of risk in comparison to the previous natural hazard risk to both the building and use of the building on the site;
 - (c) measures to reduce natural hazard risk to the re-build;
 - (d) measures to avoid creating or exacerbating natural hazard risks on other property resulting from the re-build.

(3) for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks (including rainwater tanks) or stormwater pipes or stormwater soakage fields, accessways and private roads in low (acceptable) landslide risk areas that do not comply with E36.6.0:

- (a) the functional and/or operational need to locate within the landslide hazard risk area;
- (b) the likely effect of landslides on the design, location and functioning of the structure; and
- (c) measures to avoid creating or exacerbating natural hazard risks and associated adverse effects to people, property and the environment, including all of the following
 - (i) risk to public health and safety and groundwater quality;
 - (ii) impacts on landscape values and public access associated with the proposed activity including a need for hard protection structures or increased dependency on existing hard protection structures required to protect accessways and roads from landside hazard risks;
 - (iii) the management or regulation of other people and property required to mitigate landslide hazard risks resulting from the location of the accessway or road;
 - (iv) the use of non-structural solutions instead of hard engineering solutions;
 - (v) the ability to relocate or remove structures;
 - (vi) effects on mana whenua cultural heritage and values;
 - (vii) effects on Māori Land and Treaty Settlement land;
 - (viii) methods provided to manage activities and uses within the site, including safe egress from the site; and
 - (ix) the extent of any associated earthworks and/or vegetation alteration or removal

(4) all other controlled activities in landslide hazard risk areas:

- (a) the type of activity being undertaken and its sensitivity to the potential effects of landslides;
- (b) the consequences of the potential effects of landslides in relation to potentially sensitive and sensitive activities;
- (c) the possible effects on public safety and other property resulting from the proposed development or activity;

- (d) the likelihood of a hazard arising from a landslide and the likely extent of any damage;
- (e) measures to avoid creating or exacerbating landslide hazard risks and associated adverse effects to people, property and the environment;
- (f) the effects of the location of the structures or building platforms;
- (g) the effects on landscape values, associated earthworks and land form modifications;
- (h) the methods provided to manage activities and uses within the site, including the provision of safe egress from buildings and structures and the management of people and property;
- (i) the ability to relocate buildings or structures within a landslide hazard risk area, including the proposed duration of occupation of the structures or building; and
- (j) the ability to design, construct and maintain buildings or structures so that they are resilient to landslide hazards
- (k) the effects on mana whenua cultural heritage and values; and
- (l) the effects on Māori Land, Treaty Settlement land, marae, and urupā.

E36.7.2. Assessment criteria

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

~~(1) for surface parking areas and above ground parking areas (excluding parking on roads) in the 1 per cent annual exceedance probability (AEP) floodplain:~~

- ~~(m) the adequacy of the site design to contain vehicles displaced by flood waters within the site;~~
- ~~(n) whether actions are necessary to ensure that people will not be placed in danger during a flood event when parking or retrieving vehicles; and~~
- ~~(o) the extent to which the containment structures will not result in increased flood hazards upstream or downstream through blockage or displacement of flood waters.~~

(2) for the re-building of materially damaged or destroyed buildings in coastal erosion hazard area 3 and coastal inundation hazard area 3; for the re-building of materially damaged or destroyed buildings in low flood hazard areas; and for the re-building of materially damaged or destroyed buildings in low (acceptable) landslide risk areas that do not comply with Standard E36.6.0:

- (a) refer to Policies E36.3(3), E36.3(4), E36.3(4A) and E36.3(4C)

(3) for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks (including rainwater tanks) or stormwater pipes or stormwater soakage fields, accessways and private roads in low (acceptable) landslide risk areas that do not comply with E36.6.0:

- (a) the extent to which the location, design and functioning of the structure would be adversely affected by the landslide hazard and how such effects can be avoided or mitigated including resilience to damage from the landslide hazard;
- (b) the extent to which measures are required to avoid creating or exacerbating landslide hazard risks and associated adverse effects to people, property and the environment;
- (c) whether access to the structure for maintenance and maintenance plans are provided and the potential effects that may result from the proposed access route;
- (d) the extent of public health hazards that may result from the landslide hazard and how these are proposed to be avoided; and
- (e) whether groundwater contamination from the landslide hazard can be avoided.

(4) for new buildings and structures and additions and alterations to existing buildings and structures associated with natural hazard activities on land in low and medium landslide hazard risk areas:

- (a) the likelihood of a landslide event occurring, its magnitude and duration, the consequences of the event and its effects on public health, safety, property and the environment;
- (b) the extent to which site-specific analysis has been undertaken and any other information the Council may have on the site and surrounding land;
- (c) the extent to which measures avoid creating or exacerbating landslide hazard risks and associated adverse effects to people, property and the environment;
- (d) the extent to which the location of the structures or building platforms affects the risk from landslide hazards;
- (e) the extent to which landscape values, associated earthworks and land form modifications affect the risk from landslide hazards;
- (f) the extent to which methods provided to manage activities and uses within the site, including safe egress from buildings and structures and the management of people and property affect the risk from landslide hazards;

- (g) the extent to which any building or structure can be relocated in the event of a landslide occurring;
- (h) the extent to which the design, construction and/or maintenance buildings or structures ensures they are resilient to landslide hazards;
- (i) the extent to which mana whenua cultural heritage and values
- (j) the relationship of mana whenua with natural and physical resources, including customary uses are affected by landslide hazards; and
- (k) the extent to which the continued use of Māori Land, Treaty Settlement land, and marae are affected by landslide hazards

E36.8. Assessment – restricted discretionary activities

E36.8.1. Matters of discretion

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

~~*Activities in coastal erosion hazard areas*~~

Activities in coastal hazard areas

(1A) For emergency services required to locate within coastal areas:

- (a) the extent to which natural hazard risk to human life can be avoided, remedied or mitigated;
- (b) the ability to design, construct and maintain buildings or structures so that they are resilient to coastal hazards, including ability to relocate in the future

(1B) For external additions and alterations to existing buildings (as existing at 09/10/2025) that increase the gross floor area by no more than 10m² in coastal erosion hazard area 1 and 2 and coastal inundation hazard area 1 and 2; and external additions and alterations to existing structures and buildings (as existing at 09/10/25) that increase the gross floor area by more than 10m² in coastal hazard areas:

- (a) the extent to which the additions or alterations reduce natural hazard risks on the site and/or its surrounds.

(1C) for re-building of materially damaged or destroyed buildings in coastal hazard areas:

- (a) the effects of the location of the building on the risk from natural hazards;
- (b) the location and design of the re-build in reducing the risks from natural hazards for the building and activities undertaken on site, including use of the re-build;
- (c) non-structural measures to reduce the existing natural hazard risk as a result of the proposed re-building

(d) measures to avoid increasing natural hazard risks on other property

(1D) for surface parking areas and above ground parking areas (including vehicle entry and exit points) in coastal inundation hazard area 2:

(a) the location and design of parking;

(b) actions necessary to protect people in an inundation events; and

(c) the design of containment structures.

(1F) For below ground parking in the coastal inundation hazard areas:

(a) the effects of the location and design of below ground parking;

(b) the structural integrity of the below ground parking building or structure;

(c) the location of the vehicle entry and exit points in relation to the coastal hazard area;

(d) in coastal erosion hazard areas the effects of earthworks and the below ground structure on erosion and instability;

(e) in coastal inundation hazard areas;

(f) the potential effects of vehicles being mobilised by inundation waters;

(g) actions necessary to protect people in an inundation event; and

(h) the design of containment structures.

(1G) For on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks (excluding above-ground domestic rainwater tanks) or stormwater pipes or soakage fields on land in the coastal hazard areas

(a) the design of the device including inundation proofing;

(b) the potential risk to public health; and

(c) the potential release of contaminants into water.

(1H) For domestic above-ground rainwater tanks

(a) the potential environmental and safety risks resulting from the tank becoming mobile.

(1I) for external alterations to existing buildings which increase the gross floor area of the building in the coastal erosion hazard area; for all other buildings and structures in the coastal hazard areas including external alterations and additions, fences and walls; the storage of hazardous substances, on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater pipes or soakage fields in the coastal hazard area:

(a) the type of activity being undertaken and its vulnerability sensitivity to natural hazard events including the consequences of a natural hazard event;

- (b) the likelihood of a natural hazard event occurring and the likely extent of any damage to people, property or the environment ~~taking into account the likely effects of climate change, including sea level rise;~~
- (c) the effects on public access, landscape and other environmental values, caused by any works proposed in association with the building or structure, including any associated earthworks and land form modifications, to address the hazard by way of mitigation; and
- (d) the ability to relocate buildings or structures including the proposed duration of occupation of the building or structure within a hazard area, ~~taking into account the long term likely effects of climate change.~~
- (e) the potential risk to public health and the receiving environment from hazardous substances stored within the hazard area;

Defences against coastal hazards

(3) for the extension (including upgrading that increases the area occupied by the structure) or alteration of existing lawfully established hard protection structures; and for new hard protection structures, located landward of the coastal protection yard that may serve as a defence against coastal erosion or inundation:

- (a) any relevant management strategy, strategic plan or hazard risk assessment relating to the area where hard protection structures are proposed, including the ability to relocate buildings, structures, infrastructure or land uses which the structure is designed to protect;
- (b) effects on coastal processes, ecological values, landscape values and visual amenity;
- (c) effects on public access and safety;
- (d) effects on existing uses and activities (including other infrastructure);
- (e) consent duration and monitoring;
- (f) the operational or functional need for the structure;
- (g) the design, location and construction including:
 - (i) the ability to locate the structure as far landward as practicable from mean high water springs;
 - (ii) the ability to use, retain or enhance natural defences non-structural solutions in place of hard protection structures;
 - (iii) the ongoing management, maintenance and monitoring of structures;
 - (iv) construction or works methods, timing and hours of construction, including any associated earthworks; and

(v) location, design and materials.

(3A) for the re-building of materially damaged or destroyed buildings in coastal hazard areas, flood hazard areas and medium (tolerable) and high (significant) landslide hazard risk areas

- (a) the location, design and use of the re-build;
- (b) the risk from natural hazards resulting from the re-build and the level of risk in comparison to the previous natural hazard risk to both the building and use of the building on the site;
- (c) measures to reduce natural hazard risk to the re-build
- (d) measures to avoid creating or exacerbating natural hazard risks on other property resulting from the re-build.

Activities in ~~the 1 per cent annual exceedance probability (AEP) flood plain flood hazard areas~~

(4) for fences, earth bunds and walls in ~~the 1 per cent annual exceedance probability (AEP) floodplain flood hazard areas~~ that do not comply with Standard E36.6.1.5:

- (a) the design and purpose of the fence, earth bund or wall;
 - (aa) any obstruction of flows, including changes to location and capacity of overland flow paths;
- (b) the effects on flood depth and velocity from the blocking or channelling of water; and
- (c) the effects of the flood hazard within and beyond the site ~~and on other properties upstream or downstream of the site.~~

(4A) for surface parking areas and above ground parking areas ~~(excluding parking on roads)~~ in ~~the 1 per cent annual exceedance probability (AEP) floodplain:~~ (including vehicle entry and exit points) in flood hazard areas:

- (a) ~~the effects of the~~ location and design of parking;
- (b) actions necessary to protect people in flood events; and
- (c) the design of containment structures.

(5) for below ground parking ~~or parking areas~~ in ~~the 1 per cent annual exceedance probability (AEP) floodplain flood hazard areas:~~

- (a) ~~the effects of the~~ location and design of below ground parking of the structures and building platforms;

- (b) ~~the effects of flood hazards on the structural integrity of a building or structure;~~
- (c) ~~the effects of storage of outdoor goods and materials;~~
- (d) ~~the effects of the location and design of roads, accessways and parking areas;~~
- (e) ~~the extent of any associated earthworks;~~
- (f) ~~the effects of potential changes in flood depth, velocity and frequency on adjoining sites, including upstream and downstream from buildings and structures;~~
- (g) ~~the extent to which methods for long term maintenance of areas affected by flooding, such as easements, are provided;~~
- (h) ~~the effects of the use of spaces under buildings; and~~
- (i) ~~the effects on the operational or functional needs of network utilities, marine and port activities and electricity generation activities.~~
- (j) the structural integrity of the below ground parking building or structure;
- (k) the location of the vehicle entry and exit points in relation to the flood hazard area;
- (l) the potential effects of vehicles being mobilised by floodwaters;
- (m) actions necessary to protect people in flood events; and
- (n) the design of containment structures.

(5A) for the construction of private roads, roads intended to be vested and accessways in flood hazard areas:

- (a) the location and design of the road or accessway;
- (b) actions necessary to protect people in flood events; and
- (c) the design of containment structures.

(6) for the storage of hazardous substances in ~~the 1 per cent annual exceedance probability (AEP) floodplain~~ flood hazard areas:

- (a) the location, design and management of facilities where hazardous substances are stored, used or disposed;
- (b) the potential risk to public health and the environment; and
- (c) the potential contamination of water.

(7) for on-site septic tanks, on-site wastewater treatment and disposal systems and effluent disposal fields in the 1 per cent annual exceedance probability (AEP) flood plain and flood prone areas:

(d) the design of the device including flood proofing;

(e) the potential risk to public health; and

(f) the potential contamination of groundwater.

(8) for the construction of other land drainage works, stormwater management devices and flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas:

(a) the effects that the flooding may have on the function of the device including the potential mobilisation of accumulated contaminants.

(9) for external additions and alterations to existing structures and buildings (as existing at 09/10/25) that increase the gross floor area by no more than 10m² in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas; for external additions and alterations to existing structures and buildings (as existing at 09/10/25) that increase the gross floor area by more than 10m² in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas; for new structures and buildings (and external alterations to existing buildings) with a gross floor area up to 10m² within the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas that do not comply with standard E36.6.1.9; for all other external additions and alterations to buildings within the 1 per cent annual exceedance probability (AEP) flood plain and flood prone areas; and for all other new structures and buildings (and external alterations to existing buildings including retaining walls) within the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas:

(a) the effects of the location of the structures and building platforms;

(b) the effects of flood hazards on the structural integrity of a building or structure;

(c) the effects of storage of outdoor goods and materials;

(d) the effects of the location and design of roads, accessways and parking areas;

(e) the extent of any associated earthworks;

(f) the effects of potential changes in flood depth, velocity and frequency on adjoining sites, including upstream and downstream from buildings and structures;

(g) the extent to which methods for ~~long term~~ maintenance of areas affected by flooding, such as easements, are provided in the long term;

- (h) the effects of the use of spaces under buildings; and
 - (i) the effects on the operational or functional needs of network utilities, marine and port activities and electricity generation activities.
- (10) ~~for use of new buildings to accommodate more vulnerable activities, and changes of use to accommodate more vulnerable activities within existing buildings located within the 1 per cent annual exceedance probability (AEP) floodplain:~~ for activities sensitive to natural hazards in flood hazard areas; for activities potentially sensitive to natural hazards in flood hazard areas; and for the conversion of non-habitable space into habitable space within the ground or basement floor of a building in flood hazard areas:
- (a) the type of activity being undertaken and its sensitivity ~~vulnerability~~ to flood events;
 - (b) the likelihood and consequences of a flood event ~~in relation to more vulnerable activities;~~
 - (c) the possible effects on public safety and other property resulting from the proposed development or activity;
 - (d) the effects on landscape values, associated earthworks and land form modifications;
 - (e) the effects on public access;
 - (f) the methods provided to manage activities and uses within the site, including safe egress from buildings and structures ~~or~~ and the site and the management of people and property during a flood event;
 - (g) any exacerbation of an existing flood hazard or creation of a new flood hazard as a result of the proposed activity or development and possible effects on public safety and other property;
 - (h) the proposed use of, necessity for and design of hard engineering solutions to mitigate the hazard;
 - (i) the ability to relocate buildings or structures, including the proposed duration of occupation of the buildings or structures, taking into account the long term likely effects of climate change; and
 - (j) the ability to design, construct and maintain buildings or structures so that they are resilient to the effects of the hazard.

~~Activities in overland flow paths~~

- (11) ~~for fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.10:~~
- (k) ~~the design of the fence or wall;~~

- (l) ~~the potential impacts on the overland flow path including all of the following:~~
- ~~(i) the obstruction of flows;~~
 - ~~(ii) any change to location and capacity;~~
 - ~~(iii) any changes in depth and velocity of flow; and~~
 - ~~(iv) any change to overland flow on the site and on other properties upstream or downstream of the site.~~
- (12) for diverting the entry or exit point, piping or reducing the capacity in any part of an overland flow path:
- (a) the potential impacts on the overland flow path including:
 - (i) the obstruction of flows; and
 - (ii) any change to location and capacity; and
 - (iii) any changes in depth and velocity of flow; and
 - (iv) any change to overland flow on other properties.
 - (b) the provision of alternative overland flow paths;
 - (c) the extent of any associated earthworks; and
 - (d) the extent to which methods for long term maintenance of areas affected by flooding, such as easements, are provided.
- (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 natural hazard sensitive, potentially sensitive or less sensitive ~~more or less vulnerable~~ activity;
 - (b) the effects on the location of habitable rooms;
 - (c) 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.

~~*Activities on land which may be subject to land instability*~~

- (14) ~~for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields on land which may be subject to land instability that do not comply with permitted activity Standard E36.6.1.12:~~

- ~~(a) the likely effect of land instability on the design, location and functioning of the device;~~
- ~~(b) the potential risk to public health; and~~
- ~~(c) the potential for contamination of groundwater.~~

~~(15) for the storage of hazardous substances on land which may be subject to land instability:~~

- ~~(a) the likely effect of land instability on the design, location and management of facilities where hazardous substances are stored, used or disposed; and~~
- ~~(b) the potential risk to public health.~~

~~(16) for external additions to buildings and to any structures excluding decks under 1.2m high and 20m² gross floor area on land which may be subject to instability; and for all other buildings and structures on land which may be subject to land instability not otherwise provided for:~~

- ~~(a) the type of activity being undertaken and its vulnerability to the potential effects of land instability;~~
- ~~(b) the consequences of the potential effects of land instability in relation to more vulnerable activities;~~
- ~~(c) the possible effects on public safety and other property resulting from the proposed development or activity;~~
- ~~(d) the likelihood of a hazard arising from unstable land event and the likely extent of any damage;~~
- ~~(e) the effects on landscape values, associated earthworks and land form modifications;~~
- ~~(f) the methods provided to manage activities and uses within the site, including safe egress from buildings and structures and the management of people and property during a hazard event;~~
- ~~(g) any exacerbation of an existing land instability hazard or creation of a new land instability hazard as a result of the proposed activity or development and possible effects on public safety and other property;~~
- ~~(h) the proposed use of, necessity for and design of hard engineering solutions for land instability hazards;~~
- ~~(i) the ability to relocate buildings or structures within a hazard area, including the proposed duration of occupation of the structures or building; and~~

- (j) ~~the ability to design, construct and maintain buildings or structures so that they are resilient to land instability hazards.~~

~~(17) for all other infrastructure on land which may be subject to land instability not otherwise provided for:~~

- ~~(a) the functional and/or operational need to locate within the hazard area;~~
- ~~(b) the risk of adverse effects to other people, property and the environment including all of the following:~~
 - ~~(i) risk to public health and safety;~~
 - ~~(ii) impacts on landscape values and public access associated with the proposed activity including a need for hard protection structures to be required to protect the utility from land instability hazards;~~
 - ~~(iii) the management or regulation of other people and property required to mitigate land instability hazard risks resulting from the location of the network utility or infrastructure;~~
 - ~~(iv) the storage or use of hazardous substances in relation to the activity;~~
 - ~~(v) any exacerbation of an existing land instability hazard or creation of a new land instability hazard as a result of the structure;~~
 - ~~(vi) the use of non-structural solutions instead of hard engineering solutions; and~~
 - ~~(vii) the ability to relocate or remove structures.~~

Activities in landslide hazard areas

(17A) for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields, accessways and private roads in high (significant) and medium (tolerable) landslide hazard risk areas :

- (a) the functional and/or operational need to locate within the landslide hazard risk area;
- (b) the likely effect of landslides on the design, location and functioning of the structure; and
- (c) measures to avoid creating or exacerbating landslide hazard risks and associated adverse effects to people, property and the environment, including all of the following
 - (i) risk to public health and safety and groundwater quality;
 - (ii) impacts on landscape values and public access associated with the proposed activity including a need for hard protection structures or increased dependency on existing hard protection structures required to protect accessways and roads from landslide hazard risks;
 - (iii) the management or regulation of other people and property required to mitigate landslide hazard risks resulting from the location of the accessway or road;

- (iv) the use of non-structural solutions instead of hard engineering solutions;
- (v) the ability to relocate or remove structures;
- (vi) effects on mana whenua cultural heritage and values;
- (vii) effects on Māori Land, Treaty Settlement land, and marae; and
- (viii) methods to manage activities and uses within the site, including safe egress from the site.

(17B) For new buildings and structures and additions and alterations to existing buildings and structures associated with natural hazard activities on land in landslide hazard risk areas:

- (a) the likelihood of a landslide hazard event occurring, its magnitude and duration, the consequences of the event and its effects on public health, safety, property and the environment;
- (b) the extent to which site-specific analysis has been undertaken and any other information the Council may have on the site and surrounding land;
- (c) measures to avoid creating or exacerbating landslide hazard risks and associated adverse effects to people, property and the environment;
- (i) the effects of the location of the structures and building platforms;
- (ii) the effects of landslide hazards on the structural integrity of a building or structure;
- (iii) the effects on landscape values, associated earthworks and land form modifications;
- (iv) the methods provided to manage activities and uses within the site, including safe egress from buildings and structures and the management of people and property;
- (v) the ability to relocate buildings or structures within a landslide hazard risk area, including the proposed duration of occupation of the structures or building; and
- (vi) the ability to design, construct and maintain buildings or structures so that they are resilient to landslide hazards;
- (vii) the effects on mana whenua cultural heritage and values; and
- (viii) the effects on the Māori Land, Treaty Settlement land, and marae.

(17C) for the storage of hazardous substances on land in medium (tolerable) and high (significant) landslide hazard risk areas:

- (a) the likely effect of landslides on the design, location and management of facilities where hazardous substances are stored, used or disposed; and
- (b) the potential risk to public health and the receiving environment.

Infrastructure in natural hazard areas:

- ~~in the coastal erosion hazard area;~~
- ~~in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area;~~

- ~~in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;~~
- ~~in the 1 per cent annual exceedance probability (AEP) floodplain;~~
- ~~in overland flow paths and~~
- ~~on land which may be subject to land instability~~

~~(18) Operation, maintenance, renewal, repair and minor infrastructure upgrading, of infrastructure in areas listed in the heading above that do not comply with Standard E36.6.1.13: All other infrastructure in natural hazard areas not otherwise provided for:~~

- (a) the functional and/or operational need to locate within the hazard area;
- (b) the risk of adverse effects to other people, property and the environment including all of the following:
 - (i) risk to public health and safety;
 - (ii) impacts on landscape values and public access associated with the proposed activity including a need for hard protection structures to be required to protect the utility from the natural hazard, or increased dependency on existing hard protection structures;
 - (iii) the management or regulation of other people and property required to mitigate natural hazard risks resulting from the location of the infrastructure;
 - (iv) the storage or use of hazardous substances in relation to the activity;
 - (v) any exacerbation of an existing natural hazard or creation of a new natural hazard as a result of the structure;
 - (vi) the use of non-structural solutions instead of hard engineering solutions; ~~and~~
 - (vii) the ability to relocate or remove structures;
 - (viii) the effects on mana whenua cultural heritage and the relationship of mana whenua with natural and physical resources, including customary uses; and
 - (ix) the effects on the continued use of Māori Land, Treaty Settlement land, and marae.

E36.8.2. Assessment criteria

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

Coastal hazard areas

(1A) For activities sensitive to natural hazards in coastal hazard areas 3 and activities potentially sensitive to natural hazards in coastal hazard areas 2 or 3

(a) refer to Policy E36.3(3), Policy E36.3(4), Policy E36.3(4A), Policy E36.3(4B), Policy E36.3(4GB) and Policy E36.3(4HA),

(1B) for all other buildings and structures in the coastal erosion hazard area; and for storage of hazardous substances, on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater pipes or soakage fields in the coastal erosion hazard area:

- (a) the likelihood of a coastal hazard event occurring, its magnitude and duration, the consequences of the event and its effects on public health, safety, property and the environment;
- (b) the extent to which site specific analysis, such as engineering, stability or flooding reports and its analysis have been undertaken and any other information the Council may have on the site and surrounding land;
- (c) the extent to which public access, landscape and other environmental values are affected by any works proposed in association with the building or structure, by way of mitigation of the hazard; and
- (d) the extent to which any building or structure can be relocated in the event of severe coastal erosion or shoreline retreat, taking into account the likely long term effects of climate change.

Activities in the coastal ~~storm~~ inundation 1 per cent annual exceedance probability (AEP) area

- ~~(1) for external alterations to existing buildings which increase the gross floor area of the building in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; for all other buildings and structures in the coastal inundation 1 per cent annual exceedance probability (AEP) plus 2m SLR area; for storage of hazardous substances, on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater pipes or soakage fields in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 2m SLR area~~
- ~~(a) the likelihood of a coastal storm inundation hazard event occurring, its magnitude and duration, the consequences of the event and its effects on public health, safety, property and the environment;~~
- ~~(b) the extent to which site specific analysis, such as engineering, stability or flooding reports and its analysis have been undertaken and any other information the Council may have on the site and surrounding land;~~
- ~~(c) the extent to which public access, landscape and other environmental values are affected by any works proposed in association with the building or structure, by way of mitigation of the hazard; and~~

(d) ~~the extent to which any building or structure can be relocated in the event of severe coastal erosion or shoreline retreat, taking into account the likely long term effects of climate change.~~

(e) refer Policy E36.3(3), Policy E36.3(4), Policy E36.3(4A), Policy

(3) for above ground parking (including vehicle entry and exit points) in coastal hazard areas.

(f) For matter E36.8.1 (X) (a) refer to policy E36 (4IA), E36 (4IB),E36 (4IC),E36 (4ID),E36 (4IE),E36 (4IF).

(2A) for below ground parking (including vehicle entry and exit points) in coastal hazard areas:

(a) For matter E36.8.1 (X)(a) refer to policy, E36 (3), E36 (4), E36 (4A), E36 (4GA), E36 (4GB), E36 (4IC), E36 (4ID), E36 (4IE), E36 (4IF), E36 (4HA), E36 (4HB)

(b) whether the parking area can be located outside the inundation hazard area so as not to block or impede the inundation hazard;

(c) where the parking area cannot be practically located outside or above the inundation hazard area, how the parking areas can be designed and managed to minimise any increase in inundation related risks to people and property on site and to other properties;

(d) the extent of potential adverse effects resulting from vehicles being mobilised during an inundation event;

(e) whether the building or structure maintains structural integrity during an inundation event; and

(f) whether site layout and management can avoid hazardous and floatable materials, including cars and other stored items, being carried off the site.

Defences against coastal hazards

(3) for the extension (including upgrading that increases the area occupied by the structure) or alteration of existing lawfully established hard protection structures; and for new hard protection structures, located landward of the coastal protection yard that may serve as a defence against coastal erosion or inundation,

(a) refer Policy E36.3(3), E36.3(4), E36.3(4A), E36.3(4JA), Policy E36.3(4JB), E36.3(4JC), E36.3(4JD), Policy E36.3(4JE),Policy E36.3(4JF), Policy E36.3(4JG)

- (g) ~~the extent to which the structure or works for the structure are located and designed to avoid, remedy or mitigate adverse effects;~~
- (h) ~~the extent to which the structure avoids, remedies or mitigates effects on public access, including pedestrian access, access to the coastline and access to areas of public open space;~~
- (i) ~~the extent of consent duration sought and whether it is necessary for the functional and operational needs of the activity or whether an adaptive management approach can be achieved;~~
- (j) ~~the extent of monitoring required to avoid, remedy or mitigate adverse environmental effects;~~
- (k) ~~whether the construction works can be undertaken at a time that will avoid or minimise adverse effects on marine mammals, roosting, nesting and feeding areas, and recreational users of the coastal marine area;~~
- (l) ~~whether the construction works or methods avoid, remedy or mitigate adverse effects, particularly on water quality and sedimentation;~~
- (m) ~~whether the structure is located and designed to avoid, remedy or mitigate adverse effects on the environment; and~~
- (n) ~~the extent to which material used are compatible with the surrounding coastal environment and where practicable, with the natural material at the site. This includes texture, colour, composition, grain size, level of contamination and potential for leaching.~~

Activities in the 1 per cent annual exceedance probability (AEP) flood plain flood hazard areas

(4) for fences, earth bunds and walls in the 1 per cent annual exceedance probability (AEP) floodplain flood hazard areas that do not comply with Standard E36.6.1.5:

- (a) ~~whether the fence or wall will result in changes to the flood hazard experienced within the site, or on other sites including upstream or downstream of the site;~~
- (b) ~~whether the fence or wall will result in changes to flood depths and velocities from the blocking or channelling of flood waters; and~~
- (c) ~~the extent to which the fence or wall is necessary to maintain privacy, security, biosecurity or safety of the site or adjoining sites.~~
- (d) Refer to Policy E36.3(3), Policy E36.3(4), Policy E36.3(4A), and Policy E36.3(4FA)

~~(4A) for surface parking areas and above ground parking areas (excluding parking on roads) in the 1 per cent annual exceedance probability (AEP) floodplain; (including vehicle entry and exit points) in flood hazard areas:~~

~~(a) Refer to Policy E36.3(3), Policy E36.3(4), Policy E36.3(4A), Policy E36.3(4FA) and Policy E36.3(4FF).~~

~~(5) for below ground parking or parking areas in the 1 per cent annual exceedance probability (AEP) floodplain flood hazard areas:~~

~~(a) whether the parking area can be located outside of the 1 per cent annual exceedance probability (AEP) floodplain so as not to block or impede the flood hazard;~~

~~(b) where the parking area cannot be practically located outside or above the floodplain, how the parking areas can be designed and managed to minimise any increase in flood related risks to people and property on site and to other properties upstream or downstream of the site;~~

~~(c) the extent of potential adverse effects resulting from vehicles being mobilised by a 1 per cent annual exceedance probability (AEP) flood event;~~

~~(d) whether the building or structure maintains structural integrity during a flood event; and~~

~~(e) whether site layout and management can avoid hazardous and floatable materials, including cars and other stored items, being carried off the site.~~

~~(f) Refer to Policy E36.3(3), Policy E36.3(4), Policy E36.3(4A), Policy E36.3(4FA) and Policy E36.3(4FF).~~

~~(5A) for private roads, roads intended to be vested and accessways in flood hazard areas:~~

~~(a) Refer to Policy E36.3(3), Policy E36.3(4), Policy E36.3(4A), Policy E36.3(4FA) and Policy E36.3(4FF).~~

~~(6) for the storage of hazardous substances in the 1 per cent annual exceedance probability (AEP) floodplain flood hazard areas:~~

~~(a) the extent to which the proposal ensures that hazardous substances stored in flood hazard areas are protected from flooding, spillage and leakage should a flood hazard event occur;~~

~~(b) the extent of public health hazards that may result from a flood hazard event and how these are proposed to be avoided; and~~

~~(c) whether groundwater contamination in a flood event can be avoided.~~

(d) Refer to Policy E36.3(3), Policy E36.3(4), Policy E36.3(4A), Policy E36.3(4FA) and Policy E36.3(4FB).

(7) for on-site septic tanks, on-site wastewater treatment and disposal systems and effluent disposal fields in the 1 per cent annual exceedance probability (AEP) flood plain and flood prone areas:

- (a) ~~whether the design of the device impedes flood flows or otherwise increases flood risk upstream or downstream of the site and how such effects can be avoided or mitigated;~~
- (b) ~~whether the design of the device is resilient to damage from a range of flood events;~~
- (c) ~~whether access to the device for maintenance and maintenance plans are provided and the potential effects that may result from the proposed access route;~~
- (d) ~~the extent of public health hazards that may result from a flood hazard event and how these are proposed to be avoided; and~~
- (e) ~~whether groundwater contamination in a flood event can be avoided.~~

(f) Refer to Policy E36.3(3), Policy E36.3(4), Policy E36.3(4A), and Policy E36.3(4FA).

(8) for the construction of other land drainage works, stormwater management devices and flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas:

- (a) ~~whether the design of and works or devices impede flood flows or otherwise increases flood risk upstream or downstream of the site and how such effects can be avoided or mitigated;~~
- (b) ~~whether the design of the works or any device is resilient to damage from a range of flood events; and~~
- (c) ~~whether access to the works or device for maintenance and maintenance plans are provided and the potential effects that may result from the proposed access route.~~

(d) Refer to Policy E36.3(3), Policy E36.3(4), Policy E36.3(4A), and Policy E36.3(4FA).

(9) for external additions and alterations to existing structures and buildings (as existing at 09/10/25) that increase the gross floor area by no more than 10m² in the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas; for external additions and alterations to existing structures and buildings (as existing at 09/10/25) that increase the gross floor area by more than 10m² in the 1 per cent annual exceedance probability (AEP) floodplain

and flood prone areas; for new structures and buildings (and external alterations to existing buildings) with a gross floor area up to 10m² within the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas that do not comply with standard E36.6.1.9; for all other external additions and alterations to buildings within the 1 per cent annual exceedance probability (AEP) flood plain and flood prone areas; and for all other new structures and buildings (and external alterations to existing buildings including retaining walls) within the 1 per cent annual exceedance probability (AEP) floodplain and flood prone areas:

- (a) ~~whether the building platform can be located outside of the 1 per cent AEP floodplain so as not to block or impede the flood waters;~~
 - (b) ~~where the building cannot be practically located outside or above the flood plain, how the building can be designed and managed to minimise increase in flood related risks experienced by other properties, including those upstream or downstream such as, maintaining a clear undercroft, allowing for the passage of flood waters;~~
 - (c) ~~whether buildings likely to be affected by flood waters should be wet proofed or dry proofed to minimise damage to the building and its contents; and~~
 - (d) ~~site layout and management to avoid hazardous and floatable materials including cars and other stored items being carried off site.~~
 - (e) Refer to Policy E36.3(3), Policy E36.3(4), Policy E36.3(4A), Policy E36.3(4FA), and Policy E36.3(4FE).
- (10) ~~for use of new buildings to accommodate more vulnerable activities, and changes of use to accommodate more vulnerable activities within existing buildings located within the 1 per cent annual exceedance probability (AEP) floodplain: for activities sensitive to natural hazards in flood hazard areas; for activities potentially sensitive to natural hazards in flood hazard areas; and for the conversion of non-habitable space into habitable space within the ground or basement floor of a building in flood hazard areas:~~
- (a) ~~the likelihood of a flood hazard event occurring and its magnitude and duration, and the consequences of the event, its possible effects on public health, safety, property and the environment;~~
 - (b) ~~the extent to which a flood hazard assessment or mitigation plan addresses methods provided to manage activities or uses within the site;~~
 - (c) ~~whether sufficient actions can be undertaken to ensure that people will not be placed in danger during a flood event;~~

- (d) ~~the extent to which the proposal and any subsequent land use is likely to exacerbate the flood hazard or create a new flood on the subject land and/ or on any adjacent land; and~~
- (e) ~~whether the building or structure maintains structural integrity during as flood event.~~
- (f) Refer to Policy E36.3(3), Policy E36.3(4), Policy E36.3(4A), Policy E36.3(4FA), and Policy E36.3(4FE).

Activities in overland flow paths

- (11) ~~for fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.10:~~
 - (a) ~~whether the fence or wall will result in changes to the flood hazard experienced within the site, or on other sites including upstream or downstream of the site;~~
 - (b) ~~whether the fence or wall will result in changes to flood depths and velocities from the blocking or channelling of flood waters; and~~
 - (c) ~~the extent to which the fence or wall is necessary to maintain privacy, security, biosecurity or safety of the site or adjoining sites.~~
- (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.~~
 - (g) Refer to Policy E36.3(3), Policy E36.3(4), Policy E36.3(4A), Policy E36.3(4FA), and Policy E36.3(4FG).
- (12A) for any buildings or structures including retaining walls ~~(but excluding permitted fences and walls)~~ located within an overland flow path:

- (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 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.~~
- (e) Refer to Policy E36.3(3), Policy E36.3(4), Policy E36.3(4A), Policy E36.3(4FA), and Policy E36.3(4FG).

~~Activities on land which may be subject to land instability~~ Activities in landslide hazard areas

(13) for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields, accessways and private roads in medium (tolerable) and high (significant) landslide hazard risk areas:

- (a) the extent to which the structure is necessary to provide for the proposed use or development and any associated provision of the structure has a functional or operational need to be in the location proposed;
- (b) the extent to which the location, design and functioning of the structure would be adversely affected by the landslide hazard and how such effects can be avoided or mitigated including resilience to damage from the landslide hazard;
- (c) the extent to which measures are required to avoid creating or exacerbating landslide hazard risks and associated adverse effects to people, property and the environment.
- (d) whether access to the structure for maintenance and maintenance plans are provided and the potential effects that may result from the proposed access route;
- (e) the extent of public health hazards that may result from the landslide hazard and how these are proposed to be avoided; and
- (f) whether groundwater contamination from the landslide hazard can be avoided.

(14) for new buildings and structures and additions and alterations to existing buildings and structures associated with natural hazard activities on land in landslide hazard risk areas:

(a) the likelihood of a landslide event occurring, its magnitude and duration, the consequences of the event and its effects on public health, safety, property and the environment;

(b) the extent to which site-specific analysis has been undertaken and any other information the Council may have on the site and surrounding land;

(c) the extent to which measures avoid creating or exacerbating landslide hazard risks and associated adverse effects to people, property and the environment;

(d) the extent to which the location of the structures or building platforms affects the risk from landslide hazards;

(e) the extent to which landscape values, associated earthworks and land form modifications affect the risk from landslide hazards;

(f) the extent to which methods provided to manage activities and uses within the site, including safe egress from buildings and structures and the management of people and property affect the risk from landslide hazards;

(g) the extent to which any building or structure can be relocated in the event of a landslide occurring;

(h) the extent to which the design, construction and/or maintenance buildings or structures ensures they are resilient to landslide hazards;

(i) the extent to which mana whenua cultural heritage and values are affected by landslide hazards; and

(j) the extent to which Māori Land, Treaty Settlement land, and marae are affected by landslide hazards

(15) for the storage of hazardous substances on land in medium (tolerable) and high (significant) landslide hazard risk areas:

(a) the likely effect of landslides on the design, location and management of facilities where hazardous substances are stored, used or disposed, including the extent to which the proposal ensures that hazardous substances are protected from spillage or leakage should a landslide occur; and

(b) the overall extent of potential risk to public health and the receiving environment that may result from landslides

~~(13) for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater~~

~~seepage fields on land which may be subject to land instability that do not comply with permitted activity Standard E36.6.1.12:~~

- ~~(a) the extent to which the location, design and functioning of the device would be adversely affected by the land instability hazard and how such effects can be avoided or mitigated;~~
 - ~~(b) whether the design of the device is resilient to damage from the land instability hazard;~~
 - ~~(c) whether access to the device for maintenance and maintenance plans are provided and the potential effects that may result from the proposed access route;~~
 - ~~(d) the extent of public health hazards that may result from the land instability hazard and how these are proposed to be avoided; and~~
 - ~~(e) whether groundwater contamination from the land instability hazard can be avoided.~~
- ~~(14) for the storage of hazardous substances on land which may be subject to land instability:~~
- ~~(f) the extent to which the proposal ensures that hazardous substances are protected from spillage or leakage should a natural hazard event occur; and~~
 - ~~(g) the extent of public health hazards that may result from the land instability hazard and how these are proposed to be avoided.~~
- ~~(15) for external additions to buildings and to any structures excluding decks under 1.2m high and 20m² gross floor area on land which may be subject to instability; and for all other buildings and structures on land which may be subject to land instability not otherwise provided for:~~
- ~~(h) the likelihood of a land instability hazard event occurring, its magnitude and duration, the consequences of the event and its effects on public health, safety, property and the environment;~~
 - ~~(i) the extent to which site specific analysis, such as engineering, or stability reports and its analysis have been undertaken and any other information the Council may have on the site and surrounding land;~~
 - ~~(j) the extent to which landscape and other environmental values are affected by any works proposed in association with the building or structure or mitigation of the hazard; and~~
 - ~~(k) the extent to which any building or structure can be relocated in the event of a land instability hazard occurring.~~

~~(16) for all other infrastructure on land which may be subject to land instability not otherwise provided for:~~

- ~~(a) the long-term management, maintenance and monitoring of any mechanisms associated with managing the risk of adverse effects resulting from the placement of infrastructure within a hazard area to other people, property and the environment including the management of hazardous substances;~~
- ~~(b) the extent to which residual risks to people, property and the environment resulting from any mitigation measures implemented to manage the hazard;~~
- ~~(c) the extent to which an existing hazard is exacerbated or a new hazard is created as a result of the structure;~~
- ~~(d) the extent to which the proposal includes non-structural solutions to protect infrastructure from the hazard and resulting adverse effects; and~~
- ~~(e) the extent to which landscape values and/ or public access are affected by the proposed structure or structures associated with the mitigation of the hazard.~~

(17) for all other infrastructure in natural hazard areas not otherwise provided for operation, maintenance, renewal, repair and minor infrastructure upgrading of infrastructure in the coastal erosion hazard area; or in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; or in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area; or in the 1 per cent annual exceedance probability (AEP) floodplain; or in overland flow paths; or on land which may be subject to land instability:

(a) refer to Policies E36.3(3), E36.3(4), E36.6(4A) and Policy E63.6.3(35)

- ~~(a) the long-term management, maintenance and monitoring of any mechanisms associated with managing the risk of adverse effects resulting from the placement of infrastructure within a hazard area to other people, property and the environment including the management of hazardous substances;~~
- ~~(b) the extent to which residual risks to people, property and the environment resulting from any mitigation measures implemented to manage the hazard;~~
- ~~(c) the extent to which an existing hazard is exacerbated or a new hazard is created as a result of the structure;~~

- (d) ~~the extent to which the proposal includes non-structural solutions to protect infrastructure from the hazard and resulting adverse effects; and~~
- (e) ~~the extent to which landscape values and/ or public access are affected by the proposed structure or structures associated with the mitigation of the hazard.~~

E36.9. Special information requirements

(1) A hazard risk assessment must be undertaken when subdivision, use or development requiring resource consent is proposed to be undertaken on land which ~~may be subject to~~ are within any one or more of the following:

- (a) ~~coastal erosion~~ coastal hazard areas;
- (b) ~~coastal storm inundation 1 per cent annual exceedance probability (AEP)~~ flood hazard areas;
- (c) ~~coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise~~;
- (d) ~~the 1 per cent annual exceedance probability (AEP) floodplain~~;
- (e) ~~overland flow paths~~; or
- (f) landslide hazard area instability.

The level of information required to be provided should be proportionate to the hazard risk, the nature of the hazard. It should also be appropriate to the scale, nature and location of the development and reflective of the scale of the activity proposed. For coastal hazards this should include a consideration of the potential effects of climate change over at least a 100 year timeframe.

(2) A hazard risk assessment report must accompany a resource consent application for the subdivision, use or development referenced in E36.9(1) above and must identify which natural hazard(s) that the land is potentially at risk of being exposed to over at least the next 100 years and whether the land is or is likely to be subject to coastal erosion; coastal storm inundation 1 per cent annual exceedance probability (AEP); coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise; the 1 per cent annual exceedance probability (AEP) floodplain; overland flow paths; or land instability, over at least the next 100 years and, if found to be subject to one or more of these hazards, should provide an assessment, which does not need to duplicate an assessment of environmental effects, which should addresses all of the following: all the matters outlined in Policies E36.3(3), E36.3(4) and E36.4(4A)

- (a) ~~the type, frequency and scale of the natural hazard and whether adverse effects on the development will be temporary or permanent;~~

- (b) ~~the type of activity being undertaken and its vulnerability to natural hazard events;~~
- (c) ~~the consequences of a natural hazard event in relation to the proposed activity and the people likely to be involved in that activity;~~
- (d) ~~the potential effects on public safety and other property;~~
- (e) ~~any exacerbation of an existing natural hazard risks or creation of a new natural hazard risks;~~
- (f) ~~whether any building, structure or activity located on land subject to natural hazards near the coast can be relocated in the event of severe coastal erosion, coastal storm inundation or shoreline retreat;~~
- (g) ~~the ability to use of non-structural solutions, such as planting or the retention or enhancement of natural landform buffers to avoid, remedy or mitigate the hazard, rather than hard engineering solutions or protection structures;~~
- (h) ~~the design and construction of buildings and structures to mitigate the effects of natural hazards;~~
- (i) ~~the effect of structures used to mitigate hazards on landscape values and public access;~~
- (j) ~~site layout and management to avoid or mitigate the adverse effects of natural hazards, including access and exit during a natural hazard event;~~
- (k) ~~the duration of consent and how this may limit the exposure for more or less vulnerable activities to the effects of natural hazards including the effects of climate change; and~~
- (l) ~~any measures and/ or plans proposed to mitigate the natural hazard or the effects of the natural hazard.~~

(3) A landslide hazard risk assessment prepared by a suitably qualified and experienced person in accordance with Appendix 24 Landslide hazard risk assessment methodology must accompany a resource consent application for the subdivision, use or development of land within a landslide hazard area.

(4) Geotechnical reports prepared by a suitably qualified and experienced person in accordance with Auckland Council Code of Practice for Land Development and Subdivision, Section 2 (Earthworks and Geotechnical Requirements) must accompany a resource consent application for the subdivision, use or development of land within a landslide hazard area.

Other changes beyond E36:

Changes to Chapter E12 land disturbance – district

General standards – E12.6.2

(11) Earthworks (including filling) within a 100 year annual exceedance probability (AEP) flood plain and flood prone areas:

- (a) must not raise ground levels more than 300mm, to a total fill volume up to 10m³ which must not be exceeded through multiple filling operations; and
- (b) must not result in any adverse changes in flood hazard beyond the site.

Note1

This standard does not limit excavation and replacement of fill to form building platforms, where those works do not raise ground levels.

(12) Earthworks (including filling) within overland flow paths must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.

(13) Temporary land disturbance and stockpiling of soil and other materials in within the one per cent annual exceedance probability (AEP) flood plain and/or overland flow path flood hazard areas for up to a maximum of 28 days in any calendar year may occur as part of construction or maintenance activities.

(18) Earthworks proposed within medium and high landslide susceptibility areas must be undertaken in general accordance with:

- (a) geotechnical reports, prepared by a suitably qualified and experienced person in accordance with Auckland Council Code of Practice for Land Development and Subdivision, Section 2 (Earthworks and Geotechnical Requirements) and approved or certified by Council when associated with a resource consent or compliant proposal in relation to applicable Auckland-wide natural hazard rules;
- (b) a landslide hazard risk assessment report prepared by a suitably qualified and experienced person in accordance with Appendix 24 Landslide hazard risk assessment methodology and approved or certified by Council when associated with a resource consent or compliant proposal in relation to applicable Auckland-wide natural hazards rules; and
- (c) any conditions of a building consent, resource consent, or consent notice registered on the land title(s) associated with the proposal and relating to landslide risk and geotechnical assessment matters.

E12.9. Special information requirements

~~There are no special information requirements~~

Geotechnical reports prepared by a suitably qualified and experienced person in accordance with Auckland Council Code of Practice for Land Development and

Subdivision, Section 2 (Earthworks and Geotechnical Requirements) must accompany a resource consent application for earthworks within medium and high landslide susceptibility areas.

Changes to Chapter E15 Vegetation management and biodiversity

E15.6. Standards

E15.6.8 Vegetation alteration or removal proposed within medium and high landslide susceptibility areas

(1) Vegetation alteration or removal proposed within medium and high landslide susceptibility areas must be undertaken in general accordance with:

- (a) geotechnical reports, prepared by a suitably qualified and experienced person in accordance with Auckland Council Code of Practice for Land Development and Subdivision, Section 2 (Earthworks and Geotechnical Requirements) and approved or certified by Council when associated with a resource consent or compliant proposal in relation to applicable Auckland-wide natural hazards rules;
- (b) a landslide hazard risk assessment report prepared by a suitably qualified and experienced person in accordance with Appendix 24 Landslide hazard risk assessment methodology and approved or certified by Council when associated with a resource consent or compliant proposal in relation to applicable Auckland-wide natural hazards rules; an
- (c) any conditions of a building consent, resource consent or consent notice registered on the land title(s) associated with the proposal and relating to landslide risk and geotechnical assessment matters.

E15.9. Special information requirements

~~There are no special information requirements~~

- (1) Geotechnical reports prepared by a suitably qualified and experienced person in accordance with Auckland Council Code of Practice for Land Development and Subdivision, Section 2 (Earthworks and Geotechnical Requirements) must accompany a resource consent application for vegetation alteration or removal within medium and high landslide susceptibility areas.

A landslide hazard risk assessment prepared by a suitably qualified and experienced person in accordance with Appendix 24 Landslide hazard risk assessment methodology must accompany a resource consent application for vegetation alteration or removal within medium and high landslide susceptibility areas.

E38. Subdivision – Urban

E38.1. Introduction

Subdivision is the process of dividing a site or a building into one or more additional sites or units, or changing an existing boundary location.

Objectives, policies and rules in this section apply to subdivision in all zones except for the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural - Waitākere Foothills Zone, Rural - Waitākere Ranges Zone, Future Urban Zone, and Special Purpose – Quarry Zone which are located in [E39 Subdivision – Rural](#).

E38.2. Objectives

- (1) Land is subdivided to achieve the objectives of the residential zones, business zones, open space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions.
- (2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.
- (3) Land is vested to provide for esplanades reserves, roads, stormwater, infrastructure and other purposes.
- (4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.
- (5) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (6) Subdivision has a layout which is safe, efficient, convenient and accessible.
- (7) Subdivision manages adverse effects on historic heritage or Maori cultural heritage.
- (8) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of the areas.
- (9) Subdivision to protect indigenous vegetation or wetlands is provided for in the residential zones.
- (10) Subdivision:
 - (a) ~~within urban and serviced areas, does not increase the risks of adverse effects to people, property, infrastructure and the environment from natural hazards~~ only occurs when the risk from natural hazards, including the potential effects of climate change, to people, property, infrastructure and the environment is tolerable or acceptable in the short to long term;

- (b) avoids, where possible, and otherwise mitigates, adverse effects associated with subdivision for infrastructure or existing urban land uses; and
- (c) maintains the function of flood plains and overland flow paths to safely convey flood waters, and of natural features and buffers in the coastal environment, as natural defenses against coastal hazards, while taking into account the likely long term effects of climate change;
- (d) is provided for where the sites can be adequately serviced by the water supply, wastewater and stormwater networks; and
- (e) is only enabled in areas serviced by the combined stormwater- wastewater network where it is confirmed that there is sufficient capacity in the network to service the subdivision and resulting development.

E38.3. Policies

- (1) Provide for subdivision which supports the policies of the Plan for residential zones, business zones, open space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions.
- (2) Require subdivision to manage ~~the risk of adverse effects resulting from~~ natural hazards risks in accordance with the objectives and policies in E36 Natural hazards and flooding, ~~and to provide safe and stable building platforms and vehicle access.~~
- (3) Require subdivision design to respond to the natural landscapes by:
 - (a) avoiding building platforms and, where practicable, infrastructure, on identified or dominant ridgelines on sites zoned Residential – Large Lot Zone or Residential – Rural and Coastal Settlement Zone;
 - (b) locating and designing roads, access and infrastructure in a manner which minimises earthworks; and
 - (c) locating roads and development to follow land contours.
- (4) Require subdivision to be designed to retain, protect or enhance scheduled features including those in the Historic Heritage Overlay and Sites and Places of Significance to Mana Whenua Overlay.
- (5) Provide for subdivision of residential zoned sites containing indigenous vegetation scheduled in the [D9 Significant Ecological Areas Overlay](#) where the significant ecological area is to be protected, and enable the same or a similar number of sites to be created as would be enabled if the site did not contain a significant ecological area.
- (6) Provide for subdivision around existing development, and where it enables creation of sites for uses that are in accordance with an approved land use

resource consent and where there is compliance with Auckland-wide and zone rules.

- (7) Provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with Auckland-wide and zone rules.
- (8) Avoid subdivision of minor dwellings or converted dwellings not complying with minimum lot size.
- (9) Require any staged subdivision to be undertaken in a manner that promotes efficient development.
- (10) Require subdivision to provide street and block patterns that support the concepts of a liveable, walkable and connected neighbourhood including:
 - (a) a road network that achieves all of the following:
 - (i) is easy and safe to use for pedestrians and cyclists;
 - (ii) is connected with a variety of routes within the immediate neighbourhood and between adjacent land areas; and
 - (iii) is connected to public transport, shops, schools, employment, open spaces and other amenities; and
 - (b) vehicle crossings and associated access designed and located to provide for safe and efficient movement to and from sites and minimising potential conflict between vehicles, pedestrians, and cyclists on the adjacent road network.
- (11) Require subdivision to be designed to achieve a high level of amenity and efficiency for residents by:
 - (a) aligning roads and sites for maximum sunlight access where topography and parent site shape allows; and
 - (b) aligning sites to the road to maximise opportunities for buildings fronting the road.
- (12) Limiting rear sites to places where the site topography, existing boundaries, natural features, or scheduled places will prevent the creation of front sites.
- (13) Require subdivision to deliver sites that are of an appropriate size and shape for development intended by the zone by:
 - (a) providing a range of site sizes and densities; and
 - (b) providing for higher residential densities in locations where they are supportive of pedestrians, cyclists, public transport and the viability and vibrancy of centres.

- (14) Encourage the design of subdivision to incorporate and enhance land forms, natural features, and indigenous trees and vegetation.
- (15) Encourage shared vehicle access by way of rear lanes where appropriate to avoid the proliferation of vehicle crossings that:
 - (a) creates adverse effects on the safety of the road and footpath;
 - (b) limits opportunities to plant street trees; or
 - (c) creates inefficiencies in the provision of on-street car parking or areas for bus stops.
- (16) Require shared vehicle access to be of a width, length and form that:
 - (a) encourages low vehicle speed environments; and
 - (b) provides for the safety of users of the access and the adjoining road network.
- (17) Require sufficient road reserves to accommodate the needs of:
 - (a) different types of transport modes;
 - (b) stormwater networks;
 - (c) network utilities; and
 - (d) lighting, street furniture, landscaping and reticulated infrastructure in a way that will not create future safety and maintenance issues.

Recreation and Amenity Spaces

- (18) Require subdivision to provide for the recreation and amenity needs of residents by:
 - (a) providing open spaces which are prominent and accessible by pedestrians;
 - (b) providing for the number and size of open spaces in proportion to the future density of the neighbourhood; and
 - (c) providing for pedestrian and/or cycle linkages.

Infrastructure

- (19) Require subdivision to provide servicing:
 - (a) to be coordinated, integrated and compatible with the existing infrastructure network;
 - (b) to enable the existing network to be expanded or extended to adjacent land where that land is zoned for urban development; and

- (c) to enable electricity and telecommunications services to be reticulated underground to each site wherever practicable.
- (20) Require sites capable of containing a building, in areas where service connections are available to a public reticulated network, to connect to the following networks:
- (a) wastewater;
 - (b) stormwater; and
 - (c) potable water.
- (21) Require sites capable of containing a building, in areas with no reticulated water supply, stormwater or wastewater network, to be of a size and shape that provides for:
- (a) the treatment and disposal of stormwater in a way that does not lead to significant adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding;
 - (b) management of wastewater via:
 - (i) an on-site wastewater treatment system that does not lead to adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding, or
 - (ii) approval to connect to a private wastewater network; and
 - (c) potable water.
- (22) Require subdivision to be designed to manage stormwater:
- (a) in accordance with any approved stormwater discharge consent or network discharge consent;
 - (b) in a manner consistent with stormwater management policies in [E1 Water quality and integrated management](#);
 - (c) by applying an integrated stormwater management approach to the planning and design of development in accordance with stormwater management policies in [E1 Water quality and integrated management](#);
 - (d) to protect natural streams and maintain the conveyance function of overland flow paths;
 - (e) to maintain, or progressively improve, water quality;
 - (f) to integrate drainage reserves and infrastructure with surrounding development and open space networks; and
 - (g) in an integrated and cost-effective way.

- (23) Manage subdivision and development to avoid, remedy or mitigate adverse effects on infrastructure including reverse sensitivity effects, which may compromise the operation and capacity of existing or authorised infrastructure.

Esplanade Reserves and Strips

- (24) Require esplanade reserves or strips when subdividing land adjoining the coast and other qualifying water-bodies.

- (25) Avoid reducing the width of esplanade reserve or strip, or the waiving of the requirement to provide an esplanade reserve or strip, except where any of the following apply:

- (a) safe public access and recreational use is already possible and can be maintained for the future;
- (b) the maintenance and enhancement of the natural functioning and water quality of the adjoining sea, river or other water body will not be adversely affected;
- (c) the land and water-based habitats on, and adjoining, the subject land area will not be adversely affected;
- (d) the natural values, geological features and landscape features will not be adversely affected;
- (e) any scheduled historic heritage places and sites and places of significance to Mana Whenua will not be adversely affected;
- (f) it can be demonstrated that the reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely potential long term effects of climate change;
- (g) it can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural character and amenity of the coastal environment;
- (h) a reduced width in certain locations can be offset by an increase in width in other locations or areas which would result in a positive public benefit, in terms of access and recreation;
- (i) restrictions on public access are necessary to ensure a level of security for business activities in limited circumstances having regard to the policies in [B8.4](#) relating to public access and open space in the coastal marine area; or
- (j) direct access to the sea or other water body is required for a business activity in limited circumstances.

- (26) Require esplanade reserves rather than esplanade strips unless any of the following apply:
- (a) land has limited conservation and recreational value;
 - (b) conservation and historic heritage values that are present can be adequately protected in private ownership;
 - (c) the opportunity to acquire an esplanade reserve is unlikely to arise but continuity of access is desirable;
 - (d) creation of esplanade strips can secure public benefits and resource management objectives without alienating land from private ownership;
 - (e) land is subject to natural hazards or stability issues taking into account the likely potential long term effects of climate change; or
 - (f) a marginal strip of at least 20 metres under the Conservation Act 1987 has not been set aside on land that is Treaty Settlement Land.

Subdivision Variation Control identified in the planning maps

- (27) Manage the existing pattern and density of subdivision in locations identified in the Subdivision Variation Control shown on the planning maps to protect their low density character.
- (28) Avoid subdivision that detracts from the natural landscape qualities which are defined by the low density settlement pattern.
- (29) Manage subdivision of land where there are known infrastructure constraints.

Subdivision in Special Character Areas Overlay – Residential and Business

- (30) Maintain the distinctive pattern of subdivision as identified in the character statements for special character areas.

Subdivision in areas subject to the Infrastructure – Combined Wastewater Network Control as identified in the planning maps

- (31) Avoid subdivision in areas identified on the planning maps as being subject to combined wastewater infrastructure constraints unless the proposed subdivisions is able to demonstrate that there is sufficient capacity available in the combined wastewater network to enable servicing of the proposed subdivision, and this is confirmed by the wastewater services provider.

E38.4. Activity table

Tables E38.4.1 to E38.4.5 specify the activity status of subdivision pursuant to section 11 of the Resource Management Act 1991.

For subdivision within [the D26 National Grid Corridor Overlay](#), the activity status for subdivision in the urban zones as listed in Tables E38.4.1 to E38.4.5 below will apply unless there are different provisions in [D26 National Grid Corridor Overlay](#) in which case the overlay provisions will take precedence.

For subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural - Waitākere Foothills Zone, Rural - Waitākere Ranges Zone, Future Urban Zone, and Special Purpose – Quarry Zone see [E39 Subdivision – Rural](#).

The activities listed in Table E38.4.1 Subdivision for specific purposes may only comprise a specific element of a subdivision activity. The other elements of a subdivision may also be listed in Tables E38.4.2, E38.4.3, E38.4.4, and E38.4.5. Where the proposed subdivision activity fits into activities listed in Table E38.4.1 Subdivision for specific purposes and those listed in tables E38.4.2, E38.4.3, E38.4.4, and/or E38.4.5 then the activity status listed for each activity in each table also applies.

Table E38.4.1 Activity table - Subdivision for specific purposes

	Activity	Activity status
(A1)	Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease, or unit title subdivision is not involved	P
(A2)	Subdivision for a network utility	P
(A3)	Conversion of a cross lease to a fee simple title	C
(A4)	Cross lease, company lease, unit title and strata-title subdivision	C
(A5)	Amendments to a cross lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners	C
(A6)	Boundary adjustments which do not exceed 10 per cent of the net site area of each site	C
(A7)	Subdivision of a site with two or more zones or subdivision along an undefined zone boundary	RD
(A8)	Subdivision establishing an esplanade reserve	RD
(A9)	Subdivision establishing an esplanade strip	D
(A10)	Any reduction or waiver of esplanade reserves or strips	D
(A11)	Subdivision of land within <u>a any of the following natural hazard area excluding overland flow paths:-</u> <ul style="list-style-type: none"> • 1 per cent annual exceedance probability floodplain; • coastal storm inundation 1 per cent annual exceedance probability (AEP) area; • coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area; • coastal erosion hazard area; or • land which may be subject to land instability. 	RD
(A12)	Any subdivision listed in this activity table not meeting the standards in E38.6 General standards for subdivision	D
(A13)	Any subdivision listed in this activity table not meeting the permitted, controlled, or restricted discretionary	D

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	activities standards in E38.7 Standards for subdivision for specific purposes	
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Table E38.4.2 Activity table - Subdivision in residential zones

	Activity	Activity status
(A14)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.2.1	RD
(A15)	Subdivision around existing buildings and development complying with Standard E38.8.2.2	RD
(A16)	Vacant sites subdivision involving parent sites of less than 1ha complying with Standard E38.8.2.3	RD
(A17)	Vacant sites subdivision involving parent sites of less than 1ha not complying with Standard E38.8.2.3.	D
(A18)	Vacant sites subdivision involving parent sites of 1ha or greater complying with Standard E38.8.3.1	D
(A19)	Vacant sites subdivision involving parent sites of 1ha or greater not complying with Standard E38.8.3.1	NC
(A20)	Subdivision of sites identified in the Subdivision Variation Control complying with Standard E38.8.2.4	RD
(A21)	Subdivision of sites identified in the Subdivision Variation Control not complying with Standard E38.8.2.4	NC
(A22)	Subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay complying with Standard E38.8.2.5	RD
(A23)	Subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay not complying with Standard E38.8.2.5	NC
(A24)	Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business complying with Standard E38.8.2.6	RD
(A25)	Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business not complying with Standard E38.8.2.6	NC
(A26)	Subdivision of a minor dwelling from the principal dwelling where the proposed sites comply with the minimum site size requirement for subdivision in the applicable zone	RD
(A27)	Subdivision of a 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

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matter as per
s77I(a) and
s77O(a) of the
RMA

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(A28)	Subdivision of a converted dwelling established from the conversion of a principal dwelling existing as at 30 September 2013 where the proposed sites comply with the minimum site size requirement for subdivision in the applicable zone	RD
(A29)	Subdivision of a converted dwelling established from the conversion of a principal dwelling existing as at 30 September 2013 where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A29A)	<u>Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control complying with Standard E38.8.27</u>	<u>RD</u>
(A29B)	<u>Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control not complying with Standard E38.8.27</u>	<u>NC</u>
(A30)	Any subdivision listed in this activity table not meeting E38.6 General standards for subdivision	D
(A31)	Any subdivision listed in this activity table not meeting the standards in E38.8 Standards for subdivision in residential zones	D
(A32)	Any subdivision not otherwise provided for in Tables E38.4.1 and E38.4.2	D

Table E38.4.3 Activity table - Subdivision in business zones

	Activity	Activity status
(A33)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.9.2.1	RD
(A34)	Subdivision around existing buildings and development complying with Standard E38.9.2.2	RD
(A35)	Vacant sites subdivision complying with Standard E38.9.2.3	RD
(A36)	Vacant sites subdivision not complying with Standard E38.9.2.3	NC

(A37)	Any subdivision listed in this activity table not meeting the standards in E38.6 General standards for subdivision	D
(A38)	Any subdivision listed in this activity table not meeting standards in E38.9 Standards for subdivision in the business zones	D
(A39)	Any subdivision not otherwise provided for in Tables E38.4.1 and E38.4.3	D

Table E38.4.4 Activity table - Subdivision in open space zones

	Activity	Activity Status
(A40)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.10.1.1	RD
(A41)	Subdivision around existing buildings and development complying with Standard E38.10.1.2	RD
(A42)	Any subdivision listed in this activity table not meeting the standards in E38.6 General standards for subdivision	D
(A43)	Any subdivision not otherwise provided for in Tables E38.4.1 and E38.4.4	D

Table E38.4.5 Activity table - Subdivision in all other zones excluding those covered by E39 Subdivision - Rural

	Activity	Activity status
(A44)	Any subdivision not meeting the standards in E38.6 General standards for subdivision	D
(A45)	Subdivision not otherwise provided for in Table E38.4.1	D

E38.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E38.4.1 Activity table - Subdivision for Specific Purposes will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Tables E38.4.1 to E38.4.5 Activity tables and which is not listed in E38.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (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\(4\)](#).

E38.6. General standards for subdivision

All subdivision listed in Tables E38.4.1 to E38.4.5 Activity tables must comply with the standards set out in E38.6 General standards for subdivision unless otherwise specified, as well as the standards in E38.7 Standards for subdivision for specific purposes to E38.10 Standards for subdivision in open space zones as relevant.

E38.6.1. Site size and shape

- (1) Except where the purpose of the site is for a network utility (including a site to be vested in Council), sites must meet one of the following:
 - (a) in residential zones and business zones - a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones;
 - (b) be in accordance with an approved land use resource consent;
 - (c) be around an existing lawfully established development.

E38.6.2. Access and entrance strips

- (1) All proposed sites must be provided with legal and physical access to a road, unless they meet one of the following:
 - (a) are being created for reserves and network utilities; or
 - (b) will be amalgamated with another site that already has legal and physical access to a road.
- (2) Entrance strips must be less than 7.5 metres wide unless otherwise stated.

E38.6.3. Services

- (1) For all proposed sites capable of containing a building, or for cross lease or unit title, strata title, company lease, each lot must be designed and located so that provision is made for the following services:
 - (a) collection, treatment and disposal of stormwater;
 - (b) collection, treatment and disposal of wastewater;
 - (c) water supply;
 - (d) electricity supply; and
 - (e) telecommunications.
- (2) Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.

E38.6.4. Staging

- (1) Where a subdivision is to be carried out in stages, the applicant must provide adequate detail of the proposed timetable and sequencing of the staging at the time they apply for the overall subdivision consent. This must include all of the following:
 - (a) the time period over which the development is likely to take place;
 - (b) the areas of land subject to the proposed stages; and
 - (c) the balance area of the site remaining after the completion of each stage.

E38.6.5. Overland flow paths

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of the RMA

- (1) All subdivision must be designed to incorporate overland flow paths on the site.
- (2) Stormwater must exit the site in a location that does not increase the risk of hazards to downstream properties.

E38.6.6. Existing vegetation on the site

- (1) All subdivision plans, excluding subdivision plans for boundary adjustments, must show any of the following features that exist on, or on the boundary of, the land being subdivided:
 - (a) any areas identified as Significant Ecological Area in the Significant Ecological Areas Overlay; or
 - (b) any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes.

E38.7. Standards for subdivision for specific purposes

E38.7.1. Standards – specific purposes permitted activities

Subdivision listed as permitted activities in Table E38.4.1 Subdivision for specific purposes must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.7.1 Standards – specific purposes permitted activities.

E38.7.1.1. Lease in excess of 35 years of a building or part of a building where a cross lease, company lease or unit title subdivision is not involved:

- (1) The subject building must be lawfully established.
- (2) The boundaries of the proposed sites must follow existing or proposed walls, ceilings and floors.

- (3) The scheme plan must show the proposed sites in relation to the exterior of the building and provide upper and lower elevations in terms of a datum to be established.
- (4) Each lease area must have either frontage to a legal road or allow for access through common areas to a legal road.

E38.7.1.2. Subdivision for a network utility

- (1) The network utility activity must:
 - (a) be a permitted activity pursuant to [E26 Infrastructure](#); or
 - (b) have all resource consents or notices of requirements approved.
- (2) A covenant or consent notice will be required to state that land that is no longer required for the network utility after it disestablishes must be amalgamated with the adjoining land.
- (3) The balance sites must comply with the relevant overlays, Auckland-wide and zone standards, other than the minimum site size, unless resource consent has been granted for any infringements.
- (4) Sites must have access to a legal road through an appropriate legal mechanism.

E38.7.2. Standards – specific purposes controlled activities

Subdivision listed as controlled activities in Table E38.4.1 Subdivision for specific purposes must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.7.2 Standards – specific purposes controlled activities.

E38.7.2.1. Boundary adjustments which do not exceed 10 per cent of the net site area of each site

- (1) All sites prior to the boundary adjustment must be contained within the same zone.
- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.

E38.7.2.2. Conversion of a cross-lease to a fee simple title

- (1) All existing development must meet one of the following:
 - (a) comply with the relevant overlays, Auckland-wide and zone rules;
 - (b) be in accordance with an approved resource consent;
 - (c) have existing use rights;

- (d) be in accordance with an approved building consent,
 - (e) have a code of compliance certificate, or
 - (f) have a certificate of acceptance.
- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.

E38.7.2.3. Cross lease, company lease, unit title and strata-title subdivision; and Amendments to a cross lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners

- (1) All buildings must meet one of the following:
- (a) have existing use rights;
 - (b) comply with the relevant Auckland-wide and zone rules; or
 - (c) be in accordance with an approved land use resource consent.
- (2) All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.
- (3) Subdivision consent affecting a building or any part of a building and any proposed covenant, unit or accessory unit boundary, must not result in any infringements of any relevant overlays, Auckland-wide and zone rules.
- (4) Parking spaces must not be created as principal units, unless provided for by a resource consent. Instead parking spaces must be created as accessory units or common areas when associated with an approved use or activity.
- (5) All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.

E38.7.3. Standards – specific purposes restricted discretionary activities

Subdivision listed as restricted discretionary activities in Table E38.4.1 Subdivision for specific purposes must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.7.3 Standards – specific purposes restricted discretionary activities.

E38.7.3.1. Subdivision of a site with two or more zones or subdivision along an undefined zone boundary

- (1) Where a site has two or more zones the lot boundaries of the subdivision must follow, as near as possible to, the zone boundaries.
- (2) Where a proposed site is located entirely within a single zone, the proposed site must comply with the relevant subdivision standards for that zone.
- (3) The lots created must comply with the overlay, Auckland-wide and zone rules applying to that particular part of the site.

E38.7.3.2. Subdivision establishing an esplanade reserve

- (1) Any subdivision involving the creation of sites less than 4 hectares and the proposed site adjoins the line of mean high water springs or the bank of a river or stream 3 metres or more in width or any lake, must provide a minimum 20 metre wide esplanade reserve in accordance with section 230 of the Resource Management Act 1991. This must be shown on the application plan and the subsequent land transfer plan.
- (2) The width of any esplanade reserve must be measured in a landward direction at 90 degrees to the line of mean high water spring, or the bank of a river or stream or margin of any lake.
- (3) Standards E38.7.3.2(1) and (2) do not apply to the subdivision of Treaty Settlement Land where a marginal strip of at least 20 metres has been set aside under the Conservation Act 1987.

E38.7.3.3. Subdivision of land within a natural hazard area, excluding ~~overland flow paths of a site within the one per cent annual exceedance probability floodplain~~

- (1) ~~Each proposed site within the one per cent floodplain that is to contain a more vulnerable activity must meet one of the following:~~ Be in accordance with a land use consent that authorises development or building in the natural hazard area; or
- (2) in residential zones and business zones, contains a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones; and
 - (a) demonstrate that access to all proposed building platforms or areas are located outside any high or very high flood hazard area;
 - (b) coastal hazard area 1 or 2; high or very high landslide hazard; and
- (3) demonstrate that all on-site private infrastructure required to service the intended use of the site is located outside any:
 - (a) coastal hazard area 1 or 2;

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(b) high or very high landslide hazard area.

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s770(a) of the RMA

- ~~(a) in residential zones and business zones—a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones; or~~
- ~~(b) be in accordance with a land use consent that authorises development or building in the floodplain.~~

~~E38.7.3.4 Subdivision of land in the coastal erosion hazard area; or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area~~

- ~~(1) Each proposed site on land in the coastal erosion hazard area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area must demonstrate that all of the relevant areas/features in E38.7.3.4(a) to (c) below are located outside of any land that may be subject to coastal erosion or coastal storm inundation:~~

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- ~~(a) in residential zones and business zones—a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones;~~
- ~~(b) access to all proposed building platforms or areas; and~~
- ~~(c) on-site private infrastructure required to service the intended use of the site.~~

E38.8. Standards for subdivisions in residential zones

Subdivision listed in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision in E38.6 General standards for subdivision and E38.8.1 General standards in residential zones.

E38.8.1. General standards in residential zones

E38.8.1.1. Site shape factor in residential zones

- (1) Access and manoeuvring must meet the requirements of [E27 Transport](#).
- (2) All vacant sites must be able to contain a rectangle of 8 metres by 15 metres except the Residential - Terrace Housing and Apartment Buildings Zone must contain a rectangle of 15 metres by 20 metres, to accommodate a building that complies with all applicable standards of the zone and is located outside:
 - (a) the 1 per cent annual exceedance probability floodplain a natural hazard area excluding overland flow paths;
 - (b) the coastal erosion hazard area;

- ~~(c) the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; and the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;~~
- (d) ~~land which may be subject to land instability;~~
- (e) the protected root zone of trees identified in the Notable Trees Overlay;
- (f) areas identified as significant ecological areas, outstanding natural features, outstanding natural landscapes, outstanding natural character areas or high natural character areas in the Significant Ecological Areas Overlay, the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay, or the Outstanding Natural Character and High Natural Character Overlay.
- (g) areas identified as scheduled historic heritage places, or sites and places of significance to Mana Whenua in the Historic Heritage Overlay or the sites and Places of Significance to Mana Whenua Overlay;
- (h) network utilities, including private and public lines;
- (i) right-of-way easements;
- (j) area of esplanade reserves required by Standard E38.7.3.2 Subdivision establishing an esplanade reserve;
- (k) yard setback requirements of the zone including riparian, lakeside or coastal protection yards; and
- (l) the National Grid Yard.

E38.8.1.2. Access to rear sites

- (1) A single jointly owned access lot or right-of-way easement must not serve more than ten proposed rear sites.
- (2) Vehicle access to proposed sites without direct vehicular access to a formed legal road must be by way of an entrance strip, jointly owned access lot or right-of-way easement over adjoining land, or by a combination of these mechanisms, provided the total width and other dimensions of the access comply with the standards in Table E38.8.1.2.1 Access to rear sites below.

Table E38.8.1.2.1 Access to rear sites

	Total number of rear sites served		
	1	2 – 5	6 - 10
Minimum legal width	3.0m	3.5m	6.5m

Minimum formed width	2.5m	3.0m	5.5m
Minimum service strip	0.5m	0.5m	1.0m
Maximum length	50m	50m	100m Note 1
Maximum gradient	1 in 4	1 in 5	
Minimum vertical clearance from buildings or structures	3.8m		
Minimum inside turning radius for bends	6.5m		

PC 79 ([see Modifications](#))

Note 1

For accessways greater than 50 metres in length speed management measures should be considered.

- (3) Accessways serving six or more rear sites must provide separate pedestrian access, which may be located within the formed driveway.
- (4) The pedestrian access required by E38.8.1.2(3) must meet all of the following:
 - (a) have a minimum width of 1 metre;
 - (b) can include the service strip; and
 - (c) be distinguished from the vehicle carriageway through the use of a raised curb or different surface treatment.

PC 79 ([see Modifications](#))

[new text to be inserted]

E38.8.2. Standards – residential restricted discretionary activities

Subdivision listed as a restricted discretionary activity in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions, E38.8.1 General standards in residential zones and E38.8.2 Standards – residential restricted discretionary activities as relevant.

E38.8.2.1. Subdivision in accordance with an approved land use resource consent

- (1) Any subdivision relating to an approved land use consent must comply with that resource consent.

E38.8.2.2. Subdivision around existing buildings and development

- (1) Prior to subdivision occurring, all development must meet one of the following:
 - (a) have existing use rights;

- (b) comply with the relevant overlay, Auckland-wide and zone rules; or
- (c) be in accordance with an approved land use resource consent.

E38.8.2.3. Vacant sites subdivisions involving parent sites of less than 1 hectare

- (1) The following standards do not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around existing buildings and development.
- (2) Site sizes for proposed sites must comply with the minimum net site areas specified in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare below.

Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare

Zone	Minimum net site area for vacant proposed sites
Residential - Terrace Housing and Apartment Buildings Zone	1,200m ²
Residential - Mixed Housing Urban Zone	300m ²
Residential - Mixed Housing Suburban Zone	400m ²
Residential - Single House Zone	600m ²
[new text to be inserted]	[new text to be inserted]
Residential - Large Lot Zone	4,000m ²
Residential - Rural and Coastal Settlement Zone	2,500m ²

PC XXX (see Modifications)

E38.8.2.4. Subdivision of sites identified in the Subdivision Variation Control

- (1) E38.8.2.3 Vacant sites subdivision involving parent sites of less than 1 hectare and E38.8.3.1 Vacant sites subdivision involving parent sites of 1 hectare or greater do not apply to sites identified in the Subdivision Variation Control in the planning maps.

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- (2) Proposed sites identified in the Subdivision Variation Control in the planning maps must comply with the minimum net site area in Table E38.8.2.4.1 Subdivision of sites identified in the Subdivision Variation Control

Table E38.8.2.4.1 Subdivision of sites identified in the Subdivision Variation Control

Area	Minimum net site area
Beachlands	700m ²
Bombay	800m ² for proposed sites serviced by a private wastewater network 2,500m ² for proposed sites serviced by on-site wastewater systems
Buckland	800m ²
Clarks Beach	800m ²
Eastern Whangaparaoa Peninsula	700m ²
Glenbrook Beach	800m ²
Herald Island	800m ²
Maraetai/Omana Beach	700m ²
Patumahoe	800m ²
Point Wells	1,000m ²
Waiau Beach	800m ²
Waimauku	800m ² for proposed sites serviced by a private wastewater network 2,500m ² for proposed sites serviced by on-site wastewater systems
Parau	4,000m ²
Huia	4,000m ²
Little Huia	4,000m ²
Karekare	4,000m ²
Piha	4,000m ²
Bethells/ Te Henga	4,000m ²
Cornwallis	4,000m ²
Snells Beach	1,000m ²
I458 Beachlands South Precinct: Large Lot Zone in Sub-precinct D, Coastal	1,000m ²

E38.8.2.5. Subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay

- (1) The subdivision scheme plan must identify the following areas:
- (a) the indigenous vegetation scheduled in the Significant Ecological Areas Overlay and to be marked for protection; and

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the RMA

- (b) the areas available for residential subdivision.
- (2) The following standards apply to the areas available for residential subdivision:
- (a) the total number of lots created must not exceed the total number of lots which could be created over the net site area of the parent site subject to meeting Table E38.8.2.3.1 Minimum net site area for subdivision involving parent sites of less than 1 hectare or Table E38.8.3.1.1 Minimum net site area for subdivision involving parent sites of 1 hectare or greater;
 - (b) residential lots to be created must be located entirely within the areas available for residential subdivision;
 - (c) the minimum net site areas in Table E38.8.2.3.1 Minimum net site area for subdivision involving parent sites of less than 1 hectare or Table E38.8.3.1.1 Minimum net site area for subdivision involving parent sites of 1 hectare or greater do not apply to the area available for residential development of the parent site outside the Significant Ecological Areas Overlay as determined under E38.8.2.5(1)(b) above;
 - (d) a plan showing the proposed development on the areas available for residential subdivision must be provided;
 - (e) the proposed development must meet the relevant standards in the residential zones; and
- (3) The indigenous vegetation area scheduled in the Significant Ecological Areas Overlay must be legally protected and maintained in accordance with the process outlined in [Appendix 15 Subdivision information and process](#); and
- (4) The subdivision resource consent must be made subject to a consent condition which requires that the subdivision scheme plan creating the sites is to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation, or area of restoration planting to be protected, as applicable.

E38.8.2.6. Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business

- (1) Proposed sites identified in the Special Character Areas Overlay – Residential and Business must comply with the minimum net site area in Table E38.8.2.6.1 Special Character Overlay – Residential and Business subdivision controls.
- (2) Proposed sites identified in the Special Character Areas Overlay – Residential and Business that are not listed in Table E38.8.2.6.1 must

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comply with the relevant minimum net site area for that site's zone in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare.

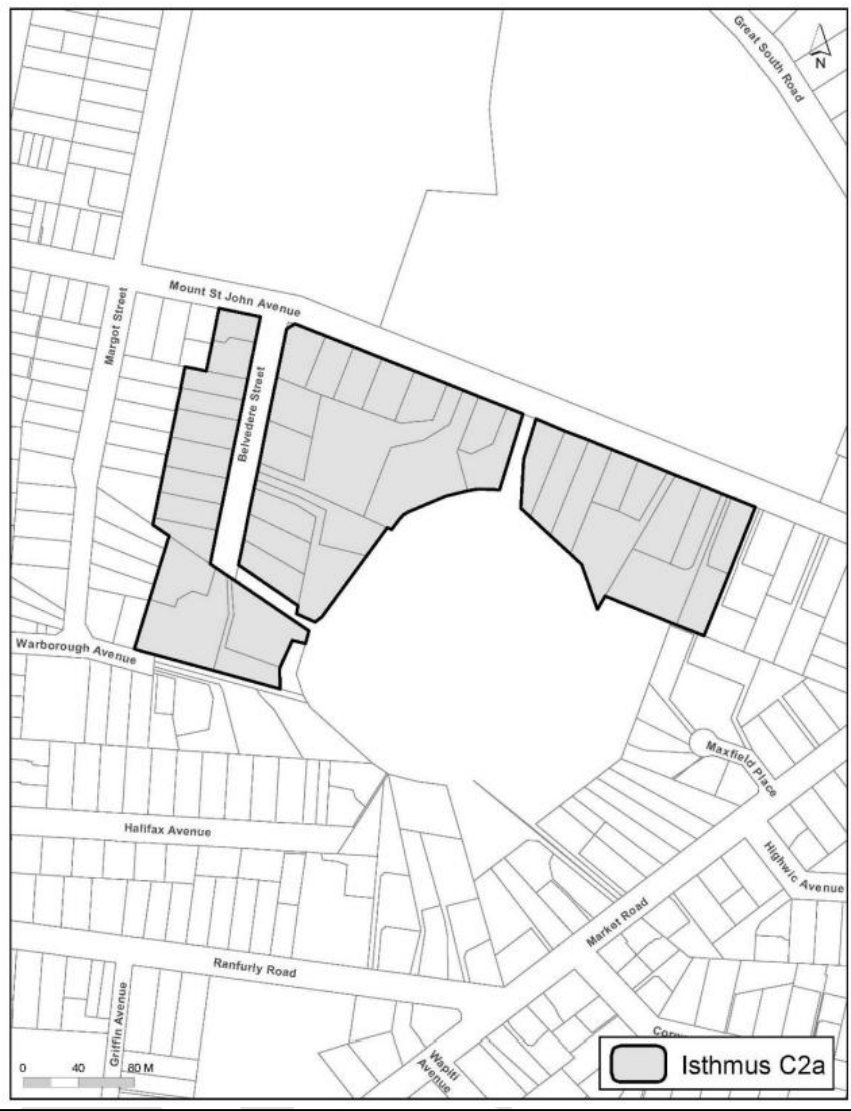
Table E38.8.2.6.1 Special Character Areas Overlay – Residential and Business subdivision controls

Special Character Areas Overlay – Residential and Business – Sub area*	Minimum net site area
Isthmus A	400m ² or 500m ² where the site does not comply with the shape factor
Isthmus B1 and B3	1,000m ²
Isthmus B2	600m ²
Isthmus C1	400m ² or 500m ² where the site does not comply with the shape factor
Isthmus C2	600m ²
Isthmus C2a (refer to Figure E38.8.2.6 below)	1,000m ² on sites identified in Figure E38.8.2.6 below
North Shore Area A*	450m ²
North Shore Area B*	500m ²
North Shore Area C*	600m ²

~~*The maps showing North Shore Area A, North Shore Area B, and North Shore Area C can be found in Schedule 15 Special Character Schedule, Statements and Maps. To identify a site's Special Character Areas Overlay subdivision control area, refer to the property summary for a site in the plan change viewer.~~

Figure E38.8.2.6 Isthmus C2a sites





E38.8.2.7. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control

Qualifying matter
as per s771(a)
and s770(a) of
the RMA

- (1) Applications must be accompanied by a technical report prepared by a suitably qualified and experienced person.
- (2) For the proposed subdivision, the technical report must demonstrate that there is sufficient capacity available in the combined wastewater network, and this is confirmed by the wastewater services provider.

E38.8.3. Standards – residential discretionary activities

Subdivision listed as a discretionary activity in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions, E38.8.1 General standards in residential zones and E38.8.3 Standards – residential discretionary activities, as relevant.

E38.8.3.1. Vacant sites subdivision involving parent sites of 1 hectare or greater

- (1) The following standards do not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around existing buildings and development.
- (2) Site sizes for proposed vacant sites subdivision in the Residential – Large Lot Zone, Residential – Rural and Coastal Settlement Zone and Residential – Terrace Housing and Apartment Buildings Zone, must meet the minimum net site area for subdivision in the relevant zone as set out in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare above.
- (3) For other residential zones, each vacant site must comply with the minimum net site area in Table E38.8.3.1.1 Minimum net site areas for subdivisions involving parent sites of 1 hectare or greater.
- (4) The minimum average net site area calculated over the total of all sites created must comply with Table E38.8.3.1.1 Minimum net site areas for subdivisions involving parent site of 1 hectare or greater.

Table E38.8.3.1.1 Minimum net site areas for subdivisions involving parent sites of 1 hectare or greater

Zone	Minimum Net Site Area	Minimum Average Net Site area	Maximum Average Net Site area
Single House Zone	480m ²	600m ²	720m ²
Mixed Housing Suburban Zone	320m ²	400m ²	480m ²
Mixed Housing Urban Zone	240m ²	300m ²	360m ²

- (5) When calculating the minimum average net site area for the purpose of Standard E38.8.3.1(3), any proposed site with a net site area greater than the maximum average net site area specified for the applicable zone in Table E38.8.3.1.1 Minimum net site areas for subdivision involving parent sites of 1 hectare or greater must be included in the averaging calculation at the figure specified as the maximum average net site area for the applicable zone.

- (6) For all subdivision on a parent site greater than 1 hectare where 30 or more vacant sites are proposed, the total number of rear sites must not exceed five per cent of the total number of proposed sites.

E38.9. Standards for subdivisions in the business zones

Subdivision listed in Table E38.4.3 Subdivision in business zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivision and E38.9.1 General standards for business zones.

E38.9.1. General standards for business zones

E38.9.1.1. Site shape factor in business zones

- (1) All vacant sites must be able to contain a rectangle with an area equal to half the area of the site where the longer sides are no greater than twice the length of the shorter sides to accommodate a building that complies with all applicable controls of the zone and is located outside all of the following:
- (a) a natural hazard area excluding overland flow paths the 1 per cent annual exceedance probability floodplain;
 - (b) the coastal storm inundation 1 per cent annual exceedance probability (AEP) area;
 - ~~(c) the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise area;~~
 - ~~(d) the coastal erosion hazard area;~~
 - ~~(e) land which may be subject to land instability;~~
 - (f) the protected root zone of trees identified in the Notable Trees Overlay;
 - (g) areas identified as significant ecological areas, outstanding natural features, outstanding natural landscapes, outstanding natural character areas or high natural character areas in the Significant Ecological Areas Overlay, the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay, or the Outstanding Natural Character and High Natural Character Overlay.
 - (h) areas identified as scheduled historic heritage place, or sites and places of significance to Mana Whenua in the Historic Heritage Overlay or the Sites and Places of Significance to Mana Whenua Overlay;
 - (i) private and public network utilities;
 - (j) private and public stormwater and wastewater lines;
 - (k) building line restrictions;

- (l) right-of-way easements;
- (m) area of esplanade reserves required by Standard E38.7.3.2 Subdivision establishing an esplanade reserve;
- (n) yard setback requirements of the zone including riparian, lakeside or coastal protection yards; and
- (o) National Grid Yard (Uncompromised) (except that if the subdivision is for an activity sensitive to the National Grid, the building platform must not be located within the National Grid Yard (Uncompromised or Compromised)).

E38.9.1.2. Parking areas

- (1) Where parking spaces are permitted in association with a development or proposed as part of a development, where resource consent has been obtained and any such development is subdivided under the Unit Titles Act 2010, the parking spaces must be:
 - (a) held together with the principal units; or
 - (b) form a part of the common property.
- (2) Any parking spaces identified as a principal unit must be tied to the approved land use by way of a legal instrument on the title.
- (3) Discretion may be applied where specific approval has been granted by resource consent for shared car parking with other development within close proximity to the site.
- (4) This standard does not apply to buildings or land used exclusively for car parking.

E38.9.1.3. Signs and billboards

- (1) Where signs or billboards have been approved on a building with resource consent and the development is subdivided under the Unit Titles Act 2010, the signs or billboards must not be created as principal units on the survey plan. The sign or billboard must be identified as an accessory unit or alternatively form a part of the common property.

E38.9.2. Standards – business restricted discretionary activities

Subdivision listed as a restricted discretionary activity in Table E38.4.3 Subdivision in business zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions, E38.9.1 General standards in business zones and E38.9.2 Standards – business restricted discretionary activities, as relevant.

E38.9.2.1. Subdivision in accordance with an approved land use resource consent

- (1) Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans.

E38.9.2.2. Subdivision around existing buildings and development

- (1) Prior to subdivision occurring, all development must:
- (a) have existing use rights;
 - (b) comply with the relevant overlay, Auckland-wide and zone rules; or
 - (c) be in accordance with an approved land use resource consent.

E38.9.2.3. Vacant sites subdivision

- (1) The following standards do not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around existing buildings.
- (2) Site sizes for proposed sites must comply with the minimum net site areas specified in Table E38.9.2.3.1 Minimum net site size and frontage for vacant site subdivision below.
- (3) Rear sites must not exceed 20 per cent of the total number of proposed sites.
- (4) Entrance strips and accessways for rear sites must comply with [Table E27.6.4.3.2 Vehicle crossing and vehicle access widths](#).

Table E38.9.2.3.1 Minimum net site size and frontage for vacant site subdivision

Standard	Business – City Centre Zone	Business – Metropolitan Centre Zone	Business – Town Centre Zone	Business – Local Centre Zone	Business – Neighbourhood Centre Zone
Minimum net site size	200m ²	200m ²	200m ²	200m ²	200m ²
Minimum frontage	10m for sites over 2,000m ²	10m for sites over 2,000m ²	10m for sites over 2,000m ²	N/A	N/A
Standard	Business – Mixed Use Zone	Business – General Business Zone	Business – Business Park Zone	Business – Light Industry Zone	Business – Heavy Industry Zone
Minimum net site size	200m ²	200m ²	1,000m ²	1,000m ²	2,000m ²

Minimum average site size	N/A	N/A	N/A	2,000m ²	5,000m ²
Minimum frontage	N/A	N/A	10m	20m	20m

E38.10. Standards for subdivision in open space zones

E38.10.1. Standards – open space restricted discretionary activities

Subdivision listed in Table E38.4.4 Subdivision in open space zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.10.1 Standards – open space restricted discretionary activities as relevant.

E38.10.1.1. Subdivision in accordance with an approved land use resource consent

- (1) Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans.

E38.10.1.2. Subdivision around existing buildings and development

- (1) Prior to subdivision occurring, all development must meet one of the following matters:
 - (a) have existing use rights;
 - (b) comply with the relevant overlay, Auckland-wide and zone rules; or
 - (c) be in accordance with an approved land use resource consent.

E38.11. Assessment – controlled activities

E38.11.1. Matters of control

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

- (1) all controlled activities:
 - (a) compliance with an approved resource consent except for boundary adjustment subdivision;
 - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;
 - (c) the effects of infrastructure provision; and
 - (d) the effects on historic heritage and cultural heritage items.

E38.11.2. Assessment criteria

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

(1) all controlled activities:

(a) compliance with an approved resource consent except for boundary adjustment subdivision:

(i) refer to Policy E38.3(6);

(b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:

(i) the extent to which the design, size, shape, gradient and location of any site including access, existing buildings, manoeuvring areas and outdoor living space affect the safety of pedestrians and cyclists and other users of the space or access;

(ii) whether the sites created are able to accommodate development in accordance with the relevant Auckland-wide and zone rules; and

(iii) refer to Policy E38.3(1), (10) and (22);

(c) the effects of infrastructure provision:

(i) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and

(ii) refer to Policy E38.3(17); and

(d) the effects on historic heritage and cultural heritage items;

(i) whether the protection or avoidance of any Scheduled Historic Heritage Place, or Site and Places of Significance to Mana Whenua is ensured; and

(ii) refer to Policy E38.3(4).

E38.12. Assessment – restricted discretionary activities

E38.12.1. Matters of discretion

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

(1) subdivision of a site within a natural hazard area, excluding overland flow paths subdivision of a site within the 1 per cent annual exceedance probability floodplain:

- (a) the natural hazard exposure of effects of the hazard on the intended use of the site or sites enabled created by the subdivision and the sensitivity vulnerability of the uses to a flood hazard events.
- ~~(2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:~~
 - ~~(a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events.~~
- ~~(3) subdivision of a site in the coastal erosion hazard area:~~
 - ~~(a) the effects of the erosion on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion.~~
- ~~(4) subdivision of a site subject to land instability including those areas defined in the Plan as "land which may be subject to land instability", or other unstable soils as identified through a specific site assessment:~~
 - ~~(a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use.~~
- (5) subdivision establishing an esplanade reserve:
 - (a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features.
- (6) subdivision around existing buildings and development; and subdivision in accordance with an approved land use resource consent:
 - (a) the effect of the design and layout of the proposed sites created.
- (7) all other restricted discretionary activity subdivisions:
 - (a) the effect of the design and layout of sites to achieve the purposes of the zone or zones and to provide safe legible and convenient access to a legal road;
 - (b) the effect of infrastructure provision and management of effects of stormwater;
 - (c) the effect on the functions of floodplains and provision for any required overland flow paths:
 - (ca) the effect on function of natural buffers and features in the coastal environment as protections from coastal hazards and provision for their continued performance;

- (d) the effect on historic heritage and cultural heritage items:
- (e) the effect of the layout, design and pattern of blocks and roads in so far as they contribute to enabling a liveable, walkable and connected neighbourhood;
- (f) the effect of layout and orientation of blocks and sites on the solar gain achieved for sites created, if relevant;
- (g) the effects arising from any significant increase in traffic volumes on the existing road network;
- (h) the visual effect on landscape and on topographical features and vegetation arising from subdivision of sites zoned Residential - Large Lot Zone and Residential - Rural and Coastal Settlement Zone;
- (i) the provision made for the incorporation and enhancement of land forms, natural features and indigenous trees and vegetation;
- (ia) the effect of wildfire risk from any forestry vegetation within 20 meters of a building platform enabled in a subdivision.
- (j) the effect on recreation and open space.
- (k) the effect of the design and layout of sites on transport infrastructure and facilities within roads.
- (8) subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay:
 - (a) the matters in E38.12.1(7); and
 - (b) the effects on the significant ecological area.
- (9) subdivision of sites identified in the Subdivision Variation Control:
 - (a) the matters in E38.12.1(7); and
 - (b) the effects of the pattern and density of subdivisions on the low-density settlement pattern of those areas.
- (10) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control:
 - (a) the ability to provide for a connection to a separated stormwater pipe that is part of the public network, including in the future if separation is in progress; and
 - (b) the effect of the subdivision on the function and available capacity of the combined wastewater network that the site and future development enabled connects to.

E38.12.2. Assessment Criteria

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

- (1) subdivision of a site within a natural hazard area ~~the one per cent annual exceedance probability floodplain~~:
 - (a) the natural hazard exposure ~~effects of the hazard on the intended use of the sites created by the subdivision and the sensitivity vulnerability of these uses to~~ a natural flood hazard events:
 - ~~(i) whether measures are proposed to ensure the long term protection of flood plain conveyance functions;~~
 - ~~(ii) whether the location and design of development including building platforms and access ways are located to avoid the hazard;~~
 - ~~(iii) the extent to which changes to the landform and the design of mitigation structures/features are necessary for the subdivision; and~~
 - (iv) refer to Policy E38.3(2).
- (2) ~~subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise area:~~
 - ~~(a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events:~~
 - ~~(i) whether the location and design of development including proposed and existing building platforms and access ways include the ability to relocate uses within the proposed site area, taking into account in urban and serviced areas a 1 metre rise in sea levels;~~
 - ~~(ii) whether the use of defences to protect the land and any buildings or structures on the land from coastal storm inundation are necessary;~~
 - ~~(iii) whether there is any residual risk posed by coastal storm inundation to the site(s) associated with any existing or proposed coastal defences;~~
 - ~~(iv) whether there are effects on landscape values resulting from associated built and/or land form modifications required to provide for the intended use of the site; and~~

~~(v) refer to Policy E38.3(2).~~

~~(3) subdivision of a site in the coastal erosion hazard area:~~

~~(a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:~~

~~(i) whether public access to the coast is affected;~~

~~(ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and~~

~~(iii) refer to Policy E38.3(2).~~

~~(4) subdivision of a site subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:~~

~~(a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use:~~

~~(i) the extent to which the proposed sites are stable and suitable;~~

~~(ii) the extent to which the site instability will affect the intended use, including the provision for onsite infrastructure (where applicable) and accessways; and~~

~~(iii) refer to Policy E38.3(2).~~

(5) subdivision establishing an esplanade reserve:

(a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features:

(i) the extent to which the design purpose and location of the esplanade reserve enables public access and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features; and

(ii) refer to Policies E38.3(24), (25) and (26).

(6) subdivision around existing buildings and development, and subdivision in accordance with an approved land use resource consent:

(a) the effect of the design and layout of the proposed sites created:

(i) whether the design and layout of the proposed sites create result in new or increased non-compliance with Auckland-wide and zone rules;

- (ii) whether there is appropriate provision made for infrastructure;
 - (iii) whether there is appropriate creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and
 - (iv) refer to Policies E38.3(1) and (6).
- (7) all other restricted discretionary activity subdivisions:
- (a) the effect of the design and layout of sites to achieve the purposes of the zone or zones and to provide safe legible and convenient access to a legal road;
 - (i) refer to Policies E38.3(1), (10), (12) and (13).
 - (b) the effect of infrastructure provision and management of effects of stormwater;
 - (i) whether there is appropriate provision of and adequate access to existing and new infrastructure, and provision of appropriate management of effects of stormwater;
 - (ii) the extent to which drainage reserves are integrated into the layout of the subdivision and neighbourhood;
 - (iii) whether the design and implementation of any necessary physical works including those associated with site preparation works, infrastructure and access are carried out in accordance with recognised best engineering practice or in accordance with Section 2 - Earthworks and Geotechnical Requirements of the Auckland Council Code of Practice for Land Development and Subdivision Version 1.6 dated 24 September 2013.
 - (iv) refer to Policies E38.3(19) to (23).
 - (c) the effect on the functions of floodplains and provision for any required overland flow paths:
 - (i) refer to Policy E38.3(2).
 - (d) the effect on historic heritage and cultural heritage items:
 - (i) the extent to which any sites identified in the Historic Heritage Overlay, or Sites and Places of Significance to Mana Whenua Overlay are protected or avoided; and
 - (ii) refer to Policy E38.3(4).

- (e) the effect of the layout, design and pattern of blocks and roads in so far as they contribute to enabling a liveable, walkable and connected neighbourhood;
 - (i) refer to Policy E38.3(10).
- (f) the effect of layout and orientation of blocks and sites on the solar gain achieved for sites created, if relevant;
 - (i) refer to Policy E38.3(11).
- (g) the effects arising from any significant increase in traffic volumes on the existing road network;
 - (i) refer to Policies E38.3(15) to (17).
- (h) the visual effect on landscape and on topographical features and vegetation arising from subdivision of sites zoned Residential - Large Lot Zone and Residential - Rural and Coastal Settlement Zone;
 - (i) refer to Policy E38.3(3).
- (i) the provision made for the incorporation and enhancement of land forms, natural features and indigenous trees and vegetation;
 - (i) refer to Policy E38.3(14).
- (j) the effect on recreation and open space:
 - (i) the extent to which reserves and open space are provided and their integration with the surrounding open space network and suitability for the intended function and future requirements of the area;
 - (ii) refer to Policy E38.3(18).
- (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.
- (8) subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay:
 - (a) the matters in E38.12.1(7);

- (i) the assessment criteria listed in E38.12.2(7); and
- (b) the effects on the significant ecological area:
 - (i) whether the legal protection proposed for the significant ecological area is appropriate;
 - (ii) whether there are positive effects associated with the protection of the significant ecological area; and
 - (iii) refer to Policy E38.3(5).
- (9) subdivision of sites identified in the Subdivision Variation Control
 - (a) the matters in E38.12.1(7): and
 - (i) the assessment criteria listed in E38.12.2(7); and
 - (b) the effects of the pattern and density of subdivisions on the low-density settlement pattern of those areas:
 - (i) refer to Policies E38.3(27), (28) and (29).
- (10) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control:
 - (a) whether separation is in progress and whether the new site can connect to a separated stormwater pipe that is part of the public stormwater network; and
 - (b) whether there is an effect on the function and capacity of the Combined Wastewater Network that the subdivision connects to as a result of the subdivision.

E38.13. Special information requirements

There are no special information requirements in this section.

E39. Subdivision – Rural

E39.1. Introduction

Subdivision is the process of dividing a site or a building into one or more additional sites or units, or changing an existing boundary location. While the provisions generally encourage the retention of large site sizes to promote productive rural activities, limited subdivision opportunities are provided to respond to the protection and enhancement of indigenous vegetation, wetlands, and the relocation of identified marae and urupā which are likely to be subject to significant natural hazard risks over time.

Objectives, policies and rules in this section apply to subdivision in the following zones:

- Rural – Rural Production Zone, Rural - Mixed Rural Zone, Rural - Rural Coastal Zone, Rural – Rural Conservation Zone and Rural – Countryside Living Zone;
- Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone;
- Future Urban Zone; and
- Special Purpose – Quarry Zone.

For subdivision provisions in all other zones refer to [E38 Subdivision – Urban](#).

E39.2. Objectives

- (1) Land is subdivided to achieve the objectives of the zones, the relevant overlays and Auckland-wide provisions.
- (2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.
- (3) Land is vested to provide for esplanades, reserves, roads, stormwater, infrastructure and other purposes.
- (4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.
- (5) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (6) Subdivision has a layout which is safe, efficient, convenient and accessible.
- (7) Subdivision manages adverse effects on historic heritage or Māori cultural heritage.
- (8) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of the areas.
- (9) The productive potential of rural land is enhanced through the amalgamation of smaller existing land holdings sites, particularly for sites identified in Appendix 14 Land amalgamation incentivised area, and the transfer of titles to certain Rural – Countryside Living Zone areas.

- (10) Fragmentation of rural production land by:
- (a) subdivision of land containing elite soil is avoided;
 - (b) subdivision of land containing prime soil is avoided where practicable; and
 - (c) subdivision of land avoids inappropriate rural lifestyle lots dispersed throughout rural and coastal areas.
- (11) Subdivision avoids or minimises the opportunity for reverse sensitivity effects between agriculture, horticulture, mineral extraction activities, rural industry, infrastructure and rural lifestyle living opportunities.
- (12) Rural lifestyle subdivision is primarily limited to the Rural – Countryside Living Zone, and to sites created by protecting, restoring or creating significant areas of indigenous vegetation or wetlands.
- (13) Subdivision of any minor dwellings and workers' accommodation from the parent site is avoided.
- (14) Subdivision is provided for, by either:
- (a) Limited in-situ subdivision through the protection and enhancement of significant indigenous vegetation or wetlands and/or indigenous revegetation planting; or
 - (aa) Very limited rural subdivision to provide for the relocation of identified marae and urupā from sites subject to significant natural hazard risks; or
 - (b) Transfer of titles to the Rural-Countryside Living Zone, through the protection and enhancement of indigenous vegetation and wetlands and/or through indigenous revegetation planting.
- (15) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of rural areas.
- (16) Rural subdivision avoids or minimises adverse effects in areas identified in the Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscape Overlay and Significant Ecological Areas Overlay.
- (16A) Sites to accommodate the relocation of marae and urupā are provided for in areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character if the adverse effects on those values are avoided and or minimised.
- (17) Subdivision:
- (a) only occurs when the risk from natural hazards, including the potential effects of climate change, to people, property, infrastructure and the environment is tolerable or acceptable in the short to long term; outside of urban and

~~serviced areas avoids adverse effects to people, property, infrastructure and the environment from natural hazards;~~

- (b) avoids where possible, and otherwise mitigates, adverse effects associated with subdivision for infrastructure or existing urban land uses; and
- (c) maintains the function of flood plains and overland flow paths to safely convey flood waters, and of natural features and buffers in the coastal environment as natural defenses against coastal hazards, while taking into account the likely long term effects of climate change;

E39.3. Policies

- (1) Provide for subdivision which supports the policies of the zones.
- (2) Require subdivision to manage the risk of adverse effects resulting from natural hazards risks in accordance with the objectives and policies in [E36 Natural hazards and flooding](#), ~~and to provide safe and stable building platforms and vehicle access.~~
- (3) Manage rural subdivision and boundary adjustments to facilitate more efficient use of land for rural production activities by:
 - (a) restricting further subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone for a range of rural production activities; and
 - (b) providing for the transfer of titles to certain Rural – Countryside Living Zones.
- (4) Require subdivisions to be designed to retain, protect or enhance features including those in the Historic Heritage Places Overlay and Sites and Places of Significance to Mana Whenua Overlay, or otherwise remedy adverse effects.
- (5) Provide for subdivision around existing development and subdivision where it enables creation of sites for uses that are in accordance with an approved land use resource consent, where there is compliance with Auckland-wide and zone rules and appropriate provision is made for areas of common use.
- (6) Provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with Auckland-wide and zone rules.
- (6A) Provide for other boundary adjustments only where they enable the relocation of identified existing marae and urupā which are subject to significant natural hazard risks.
- (7) Require any staged subdivision to be undertaken in a manner that promotes efficient development.
- (8) Avoid the fragmentation by subdivision of land containing elite soil and avoid where practicable fragmentation by subdivision of land containing prime soil.

- (9) Encourage the amalgamation of small fragmented land parcels identified in [Appendix 14 Land amalgamation incentivised area](#) through transferable rural site subdivision.
- (10) Require any proposal for rural lifestyle subdivision to demonstrate that any development will avoid or mitigate potential reverse sensitivity effects between it and any rural production activities, mineral extraction activities, rural industries and infrastructure.
- (11) Restrict subdivision for rural lifestyle living to where:
 - (a) the site is located in the Rural – Countryside Living Zone;
 - (b) the site is created through the protection/enhancement of significant indigenous vegetation and wetlands; or
 - (c) the site is created through indigenous revegetation planting.
- (12) Enable the transfer of titles to sites in the Rural – Countryside Living Zone which are identified using the subdivision variation control on the planning maps.
- (13) Manage reverse sensitivity conflicts between rural lifestyle living and countryside living and rural production activities by the design and layout of subdivisions and locations of identified building areas and house sites.
- (14) Avoid the subdivision of minor dwellings and workers' accommodation from the parent site in the rural areas.

Protection of indigenous vegetation and wetland and revegetation planting

- (15) Enable:
 - (a) Transfer of titles; and
 - (b) Limited in-situ subdivision through the protection of indigenous vegetation or wetlands identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control or areas meeting the factors for Significant Ecological Areas in Policy B7.2.2(1) and in terms of the descriptors contained in Schedule 3 Significant Ecological Areas - Terrestrial Schedule and indigenous revegetation planting.
- (16) *[deleted]*
- (17) Require indigenous vegetation or wetland within a site being subdivided to be legally protected in perpetuity.
- (18) Provide limited opportunities for in-situ subdivision in rural areas while ensuring that:
 - (a) there will be significant environmental protection of indigenous vegetation including restoration, or wetlands;

- (b) subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;
 - (c) subdivision avoids inappropriate development within areas of the Outstanding Natural Landscape Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay and the coastal environment;
 - (d) adverse effects on rural and coastal character are avoided, remedied or mitigated;
 - (e) sites are of sufficient size to absorb and manage adverse effects within the site; and
 - (f) reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production.
- (19) Avoid the subdivision of sites in the Quarry Buffer Area Overlay and in areas of significant mineral resources that would result in development that could compromise the operation of mineral extraction activities.

Relocation of identified marae and urupā from significant natural hazard risk (a Te Wāhi Hunuku Site)

- (19A) Provide for limited rural subdivision to create a Te Wāhi Hunuku Site for identified existing marae and urupā which are subject to intolerable natural hazard risks, while ensuring that:
- (a) natural hazard risk assessments incorporate the cultural perspectives of the potentially affected iwi, hapū, whānau and haukāinga.
 - (b) a decision to relocate a marae and/or urupā is made in accordance with the agreed tikanga of all affected iwi, hapū, whānau and haukāinga.
 - (c) the Te Wāhi Hunuku Site will be used for the relocation of the identified marae and/or urupā and is agreed between the landowner of the parent site and the mandated marae / urupā representatives;
 - (d) the original marae and urupā site is no longer used for land use or development which will result in significant natural hazard risks.
 - (e) the Te Wāhi Hunuku Site is of a sufficient size to accommodate all necessary services and to absorb and manage adverse effects within the site;
 - (f) where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character and are affected by relocated marae and urupā development, adverse effects on those values are avoided, remedied or mitigated;
 - (g) reverse sensitivity effects are managed in a way that does not compromise the viability of surrounding rural sites for continued production;
 - (h) the subdivision avoids, remedies or mitigates adverse effects on the rural or coastal character and complements the rural or coastal character of the

area.

Natural features and landscape

- (20) Require subdivision, including site boundaries and specified building areas and access, to:
- (a) recognise topography including steep slopes, natural features, ridgelines, aspect, water supplies, and existing vegetation;
 - (b) avoid inappropriately located buildings and associated accessways including prominent locations as viewed from public places;
 - (c) avoid adverse effects on riparian margins and protected natural features; and
 - (d) except in the case of Te Wāhi Hunuku subdivision, avoid fragmentation of features and landscape in the Significant Ecological Areas Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscapes Overlay, Outstanding Natural Features Overlay or Sites and Places of Significance to Mana Whenua Overlay, or areas between sites.

Esplanade Reserves and Strips

- (21) Require esplanade reserves or strips when subdividing land adjoining the coast and other qualifying water-bodies.
- (22) Avoid reducing the width of esplanade reserves or strips, or the waiving of the requirement to provide an esplanade reserve or strip, except where any of the following apply:
- (a) safe public access and recreational use is already possible and can be maintained for the future;
 - (b) the maintenance and enhancement of the natural functioning and water quality of the adjoining sea, river or other water body will not be adversely affected;
 - (c) the land and water-based habitats on and adjoining the subject land area will not be adversely affected;
 - (d) the natural values, geological features and landscape features will not be adversely affected;
 - (e) any Scheduled Historic Heritage Places and Sites and Places of Significance to Mana Whenua will not be adversely affected;
 - (f) it can be demonstrated that the reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long-term effects of climate change;

- (g) it can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural character and amenity of the coastal environment;
 - (h) a reduced width in certain locations can be offset by an increase in width in other locations or areas, which would result in a positive public benefit in terms of access and recreation;
 - (i) restrictions on public access are necessary to ensure a level of security for business activities in limited circumstances having regard to Policy B8.4.2(3) relating to public access in the coastal marine area; or
 - (j) direct access to the sea or other water body is required for a business activity in limited circumstances.
- (23) Require esplanade reserves rather than esplanade strips unless any of the following apply:
- (a) land has limited conservation and recreational value;
 - (b) conservation and historic heritage values that are present can be adequately protected in private ownership;
 - (c) opportunity to acquire an esplanade reserve is unlikely to arise but continuity of access is desirable;
 - (d) creation of esplanade strips can secure public benefits and resource management objectives without alienating land from private ownership;
 - (e) land is subject to natural hazards or stability issues taking into account the likely long term effects of climate change; or
 - (f) a marginal strip of at least 20 metres under the Conservation Act 1987 has not been set aside on land that is Treaty Settlement Land.

Amenity

- (24) Require subdivision to avoid creating ribbon development along public roads or multiple access points that may adversely affect the character or amenity values or the adequate functioning of rural roads.
- (25) Require accessways, public walkways and roads to be designed so rural and coastal character and amenity values are maintained or enhanced.
- (26) Restrict the location and design of sites and specified building areas to:
- (a) integrate development with the existing landscape; and
 - (b) ensure the character and amenity values of adjacent sites and the locality are not adversely affected.

- (27) Require rural subdivision to avoid, remedy or mitigate adverse effects on the rural or coastal character and to complement the rural or coastal character of the area.

Infrastructure

- (28) Require infrastructure servicing rural subdivision to avoid, remedy or mitigate adverse effects on rural character and amenity.
- (29) Require all sites capable of containing a building, in areas where service connections are available to a public reticulated network, to be able to connect to the following networks:
- (a) wastewater;
 - (b) stormwater; and
 - (c) potable water.
- (30) Require all new sites capable of containing a building, in areas with no reticulated water supply, stormwater or wastewater network, to be of a size and shape that provides for:
- (a) the treatment and disposal of stormwater in a way that does not lead to significant adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding;
 - (b) management of wastewater via an on-site wastewater treatment system, or approval to connect to a private wastewater network; and
 - (c) potable water.
- (31) Require subdivision to manage stormwater:
- (a) in accordance with any approved stormwater discharge consent or network discharge consent;
 - (b) in a manner consistent with stormwater management policies in [E1 Water quality and integrated management](#);
 - (c) by applying an integrated stormwater management approach to the planning and design of development in accordance with stormwater management policies in [E1 Water quality and integrated management](#);
 - (d) to protect natural streams and maintain the conveyance function of overland flow paths;
 - (e) to maintain or progressively improve water quality;
 - (f) to integrate drainage reserves and infrastructure with surrounding development and public open space networks; and
 - (g) in an integrated and cost-effective way.

(32) Manage subdivision and development to avoid, remedy or mitigate adverse effects on infrastructure including reverse sensitivity effects, which may compromise the operation and capacity of existing or authorised infrastructure.

(33) Enable subdivision for network utility purposes while avoiding, remedying or mitigating the adverse effects.

E39.4. Activity table

Tables E39.4.1 to E39.4.5 specify the activity status of subdividing land pursuant to section 11 of the Resource Management Act 1991 within the following zones:

- Rural – Rural Production Zone,
- Rural - Mixed Rural Zone,
- Rural – Rural Coastal Zone,
- Rural – Rural Conservation Zone
- Rural – Countryside Living Zone;
- Rural – Waitākere Foothills Zone
- Rural – Waitākere Ranges Zone;
- Future Urban Zone; and
- Special Purpose – Quarry Zone.

For subdivision within the National Grid Corridor Overlay, the activity status for subdivision in the rural zones as listed in Tables E39.4.1 to E39.4.5 below will apply unless there are different provisions in [D26 National Grid Corridor Overlay](#) in which case the overlay provisions will take precedence.

For all other subdivision refer to [E38 Subdivision – Urban](#).

An activity listed in Table E39.4.1 Subdivision for specified purposes may only comprise a specific element of a subdivision activity. The other elements of a subdivision may also be listed in Tables E39.4.2 Subdivision in rural zones, E39.4.3 Subdivision in Future Urban Zone, E39.4.4 Subdivision in Special Purpose – Quarry Zone and E39.4.5 Subdivision in Rural - Waitākere Foothills Zone and Rural – Waitākere Ranges Zone.

Where a proposed subdivision activity fits into activities listed in Table E39.4.1 and those listed in Tables E39.4.2, E39.4.3, E39.4.4, or E39.4.5, then the activity status listed for each activity in each table also applies.

Refer to [D12 Waitākere Ranges Heritage Area Overlay](#) for areas and sites subject to specific subdivisions provisions in the Waitākere Ranges Heritage Area.

Table E39.4.1 Subdivision for specified purposes

Activity		Activity status
(A1)	Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease, or unit title subdivision is not involved	P
(A2)	Subdivision for a network utility	P
(A3)	Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners	C

(A4)	Boundary adjustments not exceeding 10 per cent of the original site area and meeting Standard 0	C
<u>(A4A)</u>	<u>Te Wāhi Hunuku boundary adjustments which enable the relocation of identified existing marae and urupā which are subject to significant natural hazard risks meeting Standard E39.6.3.2A</u>	<u>C</u>
(A5)	Subdivision establishing an esplanade reserve	RD
(A6)	Subdivision establishing an esplanade strip	D
(A7)	Any reduction or waiver of esplanade reserves or strips	D
(A8)	Subdivision of land within <u>any of the following a natural hazard areas, excluding overland flow paths:</u> <ul style="list-style-type: none"> 1 per cent annual exceedance probability floodplain; coastal storm inundation 1 per cent annual exceedance probability (AEP) area; coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area; coastal erosion hazard area; or land which may be subject to land instability. 	RD
(A9)	Any subdivision listed in this table not meeting standards in E39.6.1	D
(A10)	Boundary adjustments unable to comply with controlled activity rule and standards in E39.6.3.2 and <u>E39.6.3.2A</u> E39.6.3	D

Table E39.4.2 Subdivision in rural zones (excluding Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone)

Activity		Activity status
(A11)	Subdivision for open spaces, reserves or road realignment	D
(A12)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone complying with Standard 0	D
(A13)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone not complying with Standard 0	NC
<u>(A13A)</u>	<u>Te Wāhi Hunuku Site subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone for the relocation of identified marae and urupā from significant natural hazard risk complying with Standard E39.6.4.4A.</u>	<u>RD</u>
<u>(A13B)</u>	<u>Te Wāhi Hunuku Site subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone for the relocation of identified marae and urupā from significant natural hazard risk not complying with Standard E39.6.4.4A.</u>	<u>NC</u>

(A14)	Subdivision in the Rural – Countryside Living Zone complying with Standard 0	D
(A15)	Subdivision in the Rural – Countryside Living Zone not complying with Standard 0	NC
(A16)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay, and complying with Standard E39.6.4.4	RD
(A17)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay not complying with Standard E39.6.4.4	NC
(A17A)	In-situ subdivision creating additional sites through protection of indigenous vegetation or freshwater wetland shown on the Kawau Island Rural Subdivision SEA Control up to a maximum of 6 sites from protection of indigenous vegetation and 2 sites from protection of freshwater wetland complying with Standards E39.6.4.4(2) to (12) (except that Standard E39.6.4.4(2B) does not apply) on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA 106B/436) and Part Island of Kawau (CFR NA55B/931).	RD
(A17B)	In-situ subdivision creating additional sites through protection of indigenous vegetation or freshwater wetland shown on the Kawau Island Rural Subdivision SEA Control on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA 106B/436) and Part Island of Kawau (CFR NA55B/931) not complying with Standards E39.6.4.4(2) to (12) (except that Standard E39.6.4.4(2B) does not apply).	NC
(A17C)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and complying with Standard E39.6.4.4	RD
(A17D)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and not complying with Standard E39.6.4.4	NC
(A18)	In-situ subdivision creating additional sites through establishing revegetation planting and complying with Standard 0	RD
(A19)	In-situ subdivision creating additional sites through establishing revegetation planting not complying with Standard 0	NC
(A20)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay complying with Standard E39.6.4.6	RD

(A21)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay not complying with Standard E39.6.4.6	NC
(A21A)	Transferable rural sites subdivision through protection of indigenous vegetation or freshwater wetland shown on the Kawau Island Rural Subdivision SEA Control up to a maximum of 76 sites from protection of indigenous vegetation and 6 sites from protection of freshwater wetland complying with Standard E39.6.4.6 (except that Standards E39.6.4.4(1) and E39.6.4.4(2B) do not apply) on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA1068/436) and Part Island of Kawau (CFR NA558/931).	RD
(A21B)	Transferable rural sites subdivision through protection of indigenous vegetation or freshwater wetland shown on the Kawau Island Rural Subdivision SEA Control on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA1068/436) and Part Island of Kawau (CFR NA558/931) not complying with Standard E39.6.4.6 (except that Standards E39.6.4.4(1) and E39.6.4.4(2B) do not apply).	NC
(A21C)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and complying with Standard E39.6.4.6	RD
(A21D)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and not complying with Standard E39.6.4.6	NC
(A22)	Transferable rural sites subdivision through establishing revegetation planting complying with Standard E39.6.4.6	RD
(A23)	Transferable rural sites subdivision through establishing revegetative planting not complying with Standard E39.6.4.6	NC
(A24)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area complying with Standard 0	RD
(A25)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area not complying with Standard 0	NC
(A26)	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
(A27)	Any other subdivision not provided for in Tables E39.4.1 or E39.4.2	NC

Table E39.4.3 Subdivision in Future Urban Zone

Activity		Activity status
(A28)	Subdivision for open spaces, reserves or road realignment	D
(A28A)	<u>Te Wāhi Hunuku Site subdivision in the Future Urban Zone for the relocation of the Makaurau Marae urupā (Sec 2A ML 14173 Parish of Manurewa) from significant natural hazard risk complying with Standard E39.6.5.4.</u>	<u>D</u>
(A29)	Any other subdivision not provided for in Table E39.4.1 or E39.4.3	NC

Table E39.4.4 Subdivision in Special Purpose – Quarry Zone

Activity		Activity status
(A30)	Any other subdivision not provided for in Table E39.4.1	D

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 0	D
(A34)	Subdivision in the Rural – Waitākere Ranges Zone not complying with Standard 0, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	Pr
(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 Waitākere Ranges Heritage Area Overlay	NC
(A37)	<i>[deleted]</i>	

E39.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E39.4.1 or Table E39.4.5 will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.

- (2) Any application for resource consent for an activity listed in Tables E39.4.1 to E39.4.5 and which is not listed in E39.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (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\(4\)](#).

E39.6. Standards

Subdivision listed in Tables E39.4.1 to E39.4.5 must comply with the relevant standards in E39.6.1 General standards (except as otherwise provided in Standard E39.6.5.1(2)), and the relevant standards for permitted, controlled, restricted discretionary and discretionary activities in E39.6.2 to E39.6.5.

E39.6.1. General standards

E39.6.1.1 Specified building area

- (1) A specified building area must be clearly identified on every site on a subdivision scheme plan on which a building is to be constructed.
- (2) Where the site contains an existing dwelling at the time the subdivision application is made, the specified building area must include:
 - (a) the location of the existing dwelling;
 - (b) indicate that the dwelling will be removed from the site; or
 - (c) the new location of the existing dwelling that will be relocated.
- (3) The specified building area must meet all of the following:
 - (a) include a single area of at least 2,000m² clear of all of the following:
 - (i) all yards;
 - (ii) ~~one per cent annual exceedance probability floodplain areas;~~
 - (iii) ~~coastal storm inundation 1 per cent annual exceedance probability (AEP) area;~~
 - (iv) ~~coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;~~
 - (v) ~~coastal erosion hazard area;~~
 - (vi) ~~(ii) land which may be subject to land instability a natural hazard area excluding overland flow paths;~~
 - (vii) (iii) access to all proposed building platforms or areas; and
 - (viii) (iv) on-site private infrastructure required to service the intended use of the site.

(b) be able to be linked by adequate and appropriate vehicle access to a formed public road;

(c) be identified as the only place within the site where dwellings, any accessory buildings, and related parking and manoeuvring areas can be located; and

(d) be located outside of the Quarry Buffer Area Overlay.

E39.6.1.2 Access and entrance strips

(1) All proposed sites must be provided with legal and physical access to a road, unless they meet one of the following:

(a) are being created for reserves, network utilities or road closure; or

(b) will be amalgamated with another site that already has legal and physical access to a road.

E39.6.1.3 Services

(1) For all proposed sites capable of containing a building, or for cross-lease, unit title, strata title or company lease, each building must be designed and located so that provision is made for all of the following services:

(a) collection, treatment and disposal of stormwater;

(b) collection, treatment and disposal of wastewater;

(c) water supply;

(d) electricity supply; and

(e) telecommunications.

(2) Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.

E39.6.1.4 Staging

(1) Where a subdivision is to be carried out in stages, the applicant must provide adequate detail of the proposed timetable and sequencing of the staging at the time they apply for the overall subdivision consent. This detail must include all of the following:

(a) the time period over which the development is likely to take place;

(b) the areas of land subject to the proposed stages; and

(c) the balance area of the site remaining after the completion of each stage.

E39.6.1.5 Overland flow paths

- (1) All subdivision must be designed to incorporate overland flow paths existing on the site.
- (2) Stormwater must exit the site in a location that does not increase the risks of hazards to downstream properties.

E39.6.1.6 Existing vegetation on the site

- (1) All subdivision plans, excluding boundary adjustments subdivision plans, must show any of the following features that exist on, or on the boundary of, the land being subdivided:
 - (a) any areas identified as a Significant Ecological Area in the [D9 Significant Ecological Areas Overlay](#); or
 - (b) any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes.

E39.6.2. Standards – permitted activities

Subdivision listed as a permitted activity in Table E39.4.1 Subdivision for specified purposes must comply with the relevant standards in E39.6.1 General standards, and E39.6.2 Standards – permitted activities.

E39.6.2.1 Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease or unit title subdivision is not involved

- (1) The subject building must be lawfully established.
- (2) The boundaries of the proposed sites must follow existing or proposed walls, ceilings and floors.
- (3) The scheme plan must show the proposed sites in relation to the exterior of the building and provide upper and lower elevations in terms of a datum to be established.
- (4) Each lease area must have either frontage to a legal road or allow for access through common areas to a legal road.

E39.6.2.2 Subdivision for a network utility

- (1) The network utility activity must meet one of the following:
 - (a) be a permitted activity pursuant to [E26 Infrastructure](#); or
 - (b) have all resource consents or notices of requirements approved.
- (2) A covenant or consent notice must be required to state that land that is no longer required for the network utility after it disestablishes, must be amalgamated with the adjoining land.
- (3) The balance sites must comply with the relevant overlays, Auckland-wide and zone standards, other than the minimum site size, unless resource consent has been granted for any infringements.

- (4) Sites must have access to a legal road through an appropriate legal mechanism.

E39.6.3. Standards - controlled activities

Subdivision listed as a controlled activity in Table E39.4.1 Subdivision for specified purposes and Table E39.4.5 Subdivision in Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone must comply with the relevant standards in E39.6.1 General standards and in E39.6.3 Standards – controlled activities.

E39.6.3.1 Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners

- (1) All buildings must meet one of the following:
 - (a) have existing use rights;
 - (b) comply with the relevant overlays, Auckland-wide and zone standards; or
 - (c) be in accordance with an approved land use resource consent.
- (2) All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.
- (3) Subdivision consent affecting a building or any part of a building, any proposed covenant, unit or accessory unit boundary, must not result in any infringements of any relevant overlays, Auckland-wide and zone rules.
- (4) Parking spaces must not be created as principal units, unless provided for by a resource consent, and only created as accessory units or common areas when associated with an approved use or activity.
- (5) All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.

E39.6.3.2 Boundary adjustments that do not exceed 10 per cent of the original site size

- (1) All sites prior to the boundary adjustment must be contained within the same zone.
- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.
- (3) All sites must remain compliant with the applicable minimum site area and minimum average site area for the relevant zones.
- (4) Boundary adjustments must not result in the creation of additional titles.

- (5) If any boundary adjustment under this control creates the potential for additional subdivision creating additional sites or additional dwellings over and above what was possible for each site prior to the boundary adjustment a legal covenant or consent notice under s. 221 of the RMA is to be registered on the titles prohibiting any further such subdivision or new dwellings under Rules in Chapters E39 and H19.

E39.6.3.2A Te Wāhi Hunuku boundary adjustments which enable the relocation of identified existing marae and urupā which are subject to intolerable natural hazard risks

- (1) The subdivision adjusts a boundary of one of the identified listed sites below:
- (a) Te Kia Ora Marae (Kakanui Marae): 2263 Kaipara Coast Highway, Makaurau 0984;
 - (b) Te Kiri Marae (Ōmaha Marae): Omaha Block Access Road, Leigh 0985;
 - (c) Umupuia Marae: 163 Maraetai Coast Road, Clevedon 2582;
 - (d) Whaataapaka Marae: 258C Whatapaka Road, Karaka 2580.
- (2) The existing marae or urupā must have an active trusteeship.
- (3) All sites prior to the boundary adjustment must be contained within the same zone.
- (4) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.
- (5) Boundary adjustments must not result in the creation of additional titles.
- (6) An encumbrance is registered on the marae or urupā site identifying that the boundary relocation entitlement has been used under rule E39.4.1(A4A) and that a suitable legal mechanism is used to ensure no future land use or development will be undertaken which results in a significant natural hazard risk.
- (7) The adjusted portion of the marae and/or urupā site is limited for use as a marae and/ or urupā through one of the following mechanisms:
- (a) an encumbrance is registered on the adjusted portion of the marae and/or urupā site,
 - (b) the adjusted portion of the marae and/or urupā site must be classified as a Māori Reservation and remain vested in the existing trust of the marae or urupā as determined by the Māori Land Court

E39.6.4. Standards – restricted discretionary activities

Subdivision listed as a restricted discretionary activity in Table E39.4.1 Subdivision for specified purposes or Table E39.4.2 Subdivision in rural zones must comply with the relevant standards set out in E39.6.1 General standards and E39.6.4 Standards – restricted discretionary activities unless otherwise specified.

E39.6.4.1 Subdivision establishing an esplanade reserve

- (1) Any subdivision involving the creation of sites less than 4 hectare which adjoins the line of the mean high water springs, or the bank of a river or stream 3 metres or more in width, or any lake, must provide a minimum 20 metre wide esplanade reserve in accordance with section 230 of the Resource Management Act 1991. This must be shown on the application plan and the subsequent land transfer plan.
- (2) The esplanade reserve must be measured in a landward direction at 90 degrees to the line of mean high water springs, or the bank of a river, stream or the margin of any lake.
- (3) Standards 0(1) and (2) do not apply to the subdivision of Treaty Settlement Land where a marginal strip of at least 20 metres has been set aside under the Conservation Act 1987.

E39.6.4.2 Subdivision of land a site within a natural hazard area the one per cent annual exceedance probability floodplain

- (1) Each proposed site within the one per cent floodplain natural hazard area that is to contain a ~~more vulnerable~~ sensitive or potentially sensitive activity must either meet one of the following:
 - (a) be in accordance with a land use consent that authorises development or building in the natural hazard area; or
 - (b) contain a specified building area that meets the requirements of Standard E39.6.1 General standards; and or
 - (c) be in accordance with a land use consent that authorises development or building in the floodplain demonstrate that access to all proposed building plaforms or areas are located outside any:
 - i. high or very high flood hazard area
 - ii. coastal hazard area 1 or 2
 - iii. high or very high landslide hazard; and
 - (d) demonstrate that all on-site private infrastructure required to service the intended use of the site is located outside any:
 - i. coastal hazard area 1 or 2
 - ii. high or very high landslide hazard area.

E39.6.4.3 Subdivision of land within a natural hazard area in the coastal erosion hazard area; or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area

- (1) ~~Each proposed site on land in the a coastal or landslide hazard area erosion hazard area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area must demonstrate that all of the relevant areas/features in (a) to (c) below are located outside of any land subject to high or medium coastal hazard area or high (significant) landslide area coastal erosion or coastal storm inundation:~~
- ~~(a) a specified building area that meets the requirements of Standard E39.6.1 General standards;~~
 - ~~(b) access to all proposed building platforms or areas; and~~
 - ~~(c) on-site private infrastructure required to service the intended use of the site.~~

E39.6.4.4A Te Wāhi Hunuku Site subdivision for the relocation of identified marae and urupā from intolerable natural hazard risk

- (1) The significant natural hazard risk applies to one of the following eligible marae and/or associated urupā:
 - (a) Te Kia Ora Marae (Kakanui Marae): 2263 Kaipara Coast Highway, Makaurau 0984,
 - (b) Te Kiri Marae (Ōmaha Marae): Omaha Block Access Road, Leigh 0985,
 - (c) Umupuia Marae: 163 Maraetai Coast Road, Clevedon 2582,
 - (d) Whaataapaka Marae: 258C Whatapaka Road, Karaka 2580,
- (2) The existing marae or urupā must have an active trusteeship.
- (3) Only one new Te Wāhi Hunuku Site may be created for each listed site up to a maximum of 4 hectares in size. No minimum site size applies.
- (4) A natural hazard risk assessment must be undertaken in accordance with Chapter E36 and include the cultural perspectives of the trustees to confirm the eligible marae and/or associated urupā is subject to a significant natural hazard risk.
- (5) The Te Wāhi Hunuku Site must be the subject of a binding legal sale and purchase agreement between the marae or

urupā trust and the landowner of the parent site subject to the subdivision.

- (6) An encumbrance is registered on the original marae or urupā site identifying that the subdivision entitlement has been used under rule E39.4.2(A13A) and that a suitable legal mechanism is used to ensure no future land use or development will be undertaken which results in an significant natural hazard risk.
- (7) The Te Wāhi Hunuku Site is limited for use as a marae and/or urupā through one of the following legal mechanisms:
 - (a) an encumbrance is registered on the new site.
 - (b) the new site must be classified as a Māori Reservation and remain vested in the existing trust of the marae or urupā as determined by the Māori Land Court

E39.6.4.4 In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; and in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Areas factors identified in Policy B7.2.2(1)

Refer to Appendix 15 Subdivision information and process for further information in relation to in-situ subdivisions.

- (1) The indigenous vegetation or wetland to be protected must either be:
 - (a) identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; or
 - (b) must be assessed by a suitably qualified and experienced person (e.g. for example, ecologist) who must determine that it meets one or more of the Significant Ecological Areas factors identified in Policy B7.2.2(1) and detailed in the factors and sub-factors listed in Schedule 3 Significant Ecological Areas – Terrestrial Schedule. A report by that person must be prepared and must be submitted to support the application.
- (2) The maximum number of sites created from the protection of an indigenous vegetation or wetland must comply with Table E39.6.4.4.1

Table E39.6.4.4.1 Maximum number of new rural residential sites to be created from protection of indigenous vegetation or wetland either identified in Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control or meeting the Significant Ecological Areas factors identified in Policy B7.2.2(1).

FEATURE PROTECTED	TRANSFERABLE RURAL SITE SUBDIVISION (TRSS) YIELD		IN-SITU SUBDIVISION YIELD	
	AREA OF FEATURE PROTECTED	MAXIMUM NUMBER OF NEW SITES FOR TRSS	AREA OF FEATURE PROTECTED	MAXIMUM NUMBER OF NEW IN-SITU SITES
INDIGENOUS VEGETATION	2ha – 9.9999ha	1	4ha – 9.9999ha	1
	10ha-14.9999ha	2	10ha – 20ha	2
	15ha – 19.9999ha	3	Thereafter for every additional 10ha	+1 To a total of 12 maximum
	20ha – 30ha	4		
	Thereafter for every additional 10ha	+1 No maximum		
WETLAND	0.5ha – 0.9999ha	1	0.5ha – 1.9999ha	1
	1ha – 1.9999ha	2	2ha – 3.9999ha	2
	2ha – 3.9999ha	3	4ha and over	3 maximum
	4ha – 9ha	4		
	Thereafter for every additional 5ha	+1 No maximum		

Note 1 for Table E39.6.4.4.1:

Where indigenous vegetation is proposed to be protected using Table E39.6.4.4.1, the area of indigenous vegetation protected can consist of either indigenous vegetation identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) or a combination of both. Where a wetland is proposed to be protected using Table E39.6.4.4.1 the area of wetland can consist of either wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) or a combination of both. For example, where the indigenous vegetation comprises 1 ha of indigenous vegetation identified in the Significant Ecological Areas Overlay and 1 ha meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) the 2ha area will be sufficient to generate one site for TRSS.

Note 2 for Table E39.6.4.4.1:

If Rules (A17A) or (A17B) are used to create in-situ sites through protection of indigenous vegetation or freshwater wetland, the number of in-situ sites created must be subtracted from the maximum number of sites that may be created for Transferable Rural Site Subdivision under Rules (A21A) or (A21B).

Note 3 for Table E39.6.4.4.1:

If Rules (A21A) or (A21B) are used to create Transferable Rural Site Subdivision through protection of indigenous vegetation or freshwater wetland, any number of sites created over 70 through the protection of indigenous vegetation or any number of sites created over 4 through the protection of freshwater wetland must be subtracted from the maximum number of in-situ sites that may be created under Rules (A17A) or (A17B).

- (2A) The maximum number of in-situ sites created through any combination of the protection of indigenous vegetation, wetland and established native revegetation planting under E39.6.4.4 and E39.6.4.5 must not exceed a cumulative total of 12 sites.
- (2B) Where a combination of TRSS and in-situ sites are proposed to be created in one subdivision application through the protection of indigenous vegetation (SEA) or wetland, the number of new sites for TRSS must be calculated first using the upper threshold of the area required by Table E39.6.4.4.1 for each TRSS site. The number of new in-situ sites shall then be calculated using the area required by Table E39.6.4.4.1 for each in-situ site. The cumulative maximum number of in-situ sites must not be exceeded.
- (3) A 20 metre buffer is to be applied to the perimeter of the wetland and included as part of the protected area.
- (4) The additional in-situ sites must be created on the same site as the indigenous vegetation subject to protection.

Note: Standard E39.6.4.6 provides a separate subdivision option to enable the transfer of additional lots created via Standard E39.6.4.4.
- (5) The additional in-situ sites must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.
- (6) Any indigenous vegetation or wetland proposed to be legally protected in accordance with [Appendix 15 Subdivision information and process](#) must be identified on the subdivision scheme plan.
- (7) Areas of indigenous vegetation or wetland to be legally protected as part of the proposed subdivision must not already be subject to legal protection.
- (8) Areas of indigenous vegetation or wetland to be legally protected as part of the proposed subdivision must not have been used to support another transferable rural site subdivision or subdivision under this Plan or a previous district plan.
- (9) The subdivision resource consent must be made subject to a condition requiring the subdivision plan creating the sites to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation or wetland.
- (10) All applications must include all of the following:

- (a) a plan that specifies the protection measures proposed to ensure the indigenous vegetation or wetland and buffer area remain protected in perpetuity. Refer to legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in [Appendix 15 Subdivision information and process](#) for further information;
 - (aa) the planting plan for restorative planting must follow the specifications as set out in Appendix 15 Subdivision information and process that specifies any restoration measures proposed to be carried out within or adjacent to the indigenous vegetation or wetland proposed to be protected;
 - (b) the plans required in E39.6.4.4(10)(a) must be prepared by a suitably qualified and experienced person.
- (11) Indigenous vegetation or wetland to be protected must be made subject to a legal protection mechanism meeting all of the following:
 - (a) protection of all the indigenous vegetation or wetland and buffer existing on the site at the time the application is made, even if this means protecting vegetation or a wetland larger than the minimum qualifying area; and
 - (b) consistent with the legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in [Appendix 15 Subdivision information and process](#).
- (12) All applications must include a management plan that includes all of the following matters, which must be implemented prior to the Council issuing a section 224(c) certificate:
 - (a) the establishment of secure stock exclusion;
 - (b) the maintenance of the indigenous vegetation or wetland must ensure that all invasive plant pests are eradicated; and
 - (c) the maintenance of the indigenous vegetation or wetland must ensure animal and plant pest control occurs.

E39.6.4.5 In-situ subdivision creating additional sites through establishing indigenous revegetation planting

- (1) Any established revegetation planting must meet all of the following:
 - (a) not be located on land containing elite soil or prime soil;
 - (b) be located outside any Outstanding Natural Character, High Natural Character or Outstanding Natural Landscape overlays;
 - (c) be contiguous with existing indigenous vegetation or wetland identified in the Significant Ecological Area Overlay or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1); and

(d) the criteria as set out in Appendix 15 Subdivision information and process and [Appendix 16 Guideline for native revegetation plantings](#).

- (2) The maximum number of new sites created through establishing revegetation planting must comply with Table 0.1.

Table 0.1 Maximum number of new sites from establishing native revegetation planting (to be added to existing indigenous vegetation or wetland identified in the Significant Ecological Area Overlay or meeting the Significant Ecological Areas factors identified in Policy B7.2.2.(1)) subject to protection

TRANSFERABLE RURAL SITE SUBDIVISION (TRSS) YIELD		IN-SITU SUBDIVISION YIELD	
ESTABLISHED AREA OF NATIVE REVEGETATION PLANTING PROTECTED	MAXIMUM NUMBER OF NEW SITES FOR TRSS	ESTABLISHED AREA OF NATIVE REVEGETATION PLANTING PROTECTED	MAXIMUM NUMBER OF NEW IN-SITU SITES
5ha – 9.9999ha	1	5ha – 9.9999ha	1
10ha – 14.9999ha	2	10ha – 14.9999ha	2
15ha – 19.9999ha	3	15ha and over	3 maximum
20ha – 24.9999ha	4		
Thereafter for every additional 5ha	+1 to maximum of 6		

- (2A) The maximum number of in-situ sites created through any combination of the protection of established native revegetation planting, indigenous vegetation and wetland under E39.6.4.4 and E39.6.4.5 must not exceed a cumulative total of 12 sites.
- (2B) Where a combination of TRSS and in-situ sites are proposed to be created in one subdivision application through the protection of established native revegetation planting, the number of new sites for TRSS must be calculated first using the upper threshold of the area required by Table E39.6.4.5.1 for each TRSS site. The number of new in-situ sites shall then be calculated using the area required by Table E39.6.4.5.1 for each in-situ site. The cumulative maximum number of in-situ sites must not be exceeded.
- (3) Any new in-situ site must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.
- (4) Any established revegetation planting proposed must be legally protected.
- (5) Areas subject to revegetation planting must be subject to a legal protection mechanism that:

- (a) protects all the existing indigenous vegetation on the site at the time of application as well as the additional area subject to any revegetation planting; and
 - (b) meets the requirements as set out in [Appendix 15 Subdivision information and process](#).
- (6) All applications must include all of the following:
 - (a) a plan that specifies the protection measures proposed to ensure the indigenous vegetation and buffer area remain protected in perpetuity. Refer to the legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in [Appendix 15 Subdivision information and process](#) for further information;
 - (b) a planting plan for revegetation planting which outlines the revegetation planting proposed to be carried out within or adjacent to the indigenous vegetation proposed to be protected in accordance with [Appendix 15 Subdivision information and process](#) and [Appendix 16 Guideline for native revegetation plantings](#) ; and
 - (c) the plans required in 0(6)(a) and (b) must be prepared by a suitably qualified and experienced person.
- (7) All applications must include a management plan that includes all of the following matters, which must be implemented prior to the Council issuing a section 224(c) certificate:
 - (a) the establishment of secure stock exclusion;
 - (b) the maintenance of plantings that must occur until the plantings have reached a sufficient maturity to be self-sustaining, and have reached 80 per cent canopy closure. The survival rate must ensure a minimum 90 per cent of the original density and species;
 - (c) the maintenance of plantings must include the ongoing replacement of plants that do not survive;
 - (d) the maintenance of plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on-going basis to ensure adequate growth; and
 - (e) the maintenance of plantings must ensure animal and plant pest control occurs.
- (8) The subdivision resource consent must be made subject to a condition that requires the subdivision plan creating the sites to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation to be protected.

E39.6.4.6 Transferable rural site subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; or transferable rural sites subdivision through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1); or transferable rural sites subdivision through establishing revegetation planting

Refer to [Appendix 15 Subdivision information and process](#) and [Appendix 16 Guideline for native revegetation plantings](#) for further information on transferable rural sites subdivisions and revegetation planting.

- (1) All transferable rural sites subdivisions applications involving protection of indigenous vegetation or wetlands must meet all of the standards that are applicable for:
 - (a) the protection of indigenous vegetation or wetlands identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control as set out in Standard E39.6.4.4; or
 - (aa) the protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) as set out in Standard E39.6.4.4: or
 - (b) the creation of sites through establishing revegetation planting as set out in Standard 0.
- (2) *[deleted]*
- (3) A donor site (being the site with the indigenous vegetation, wetland or the revegetation planting to be protected) must not be the same site as a receiver site.
- (4) The receiver site must be located within a Rural – Countryside Living Zone and be identified as an eligible receiver site by the subdivision variation control on the planning maps.
- (5) Sites being subdivided must have a minimum net site area and average net site area that complies with the transferable rural sites subdivision in the Rural – Countryside Living Zone as set out in Table 0.1 Minimum and average net site areas.
- (6) The subdivision resource consent must be made subject to a condition requiring the subdivision plan creating the receiver site or sites to be deposited after, and not before, the protective covenant has been legally registered against the title containing the covenanted indigenous vegetation or wetland as applicable.

E39.6.4.7 Transferable rural site subdivision through the amalgamation of donor sites, including sites identified in Appendix 14 Land amalgamation incentivised area

- (1) Prior to amalgamation of donor sites, all applications for amalgamation of donor sites must meet the following:
 - (a) donor sites must be abutting;
 - (b) one of the two donor sites must not contain a dwelling unless the resulting amalgamated site is permitted by this Plan to have more than one dwelling;
 - (c) donor sites must be zoned either Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone or Rural - Rural Conservation Zone;
 - (d) the land must contain at least 90 per cent elite soil or prime soil. The applicant must provide a detailed Land Use Capability (LUC) soil assessment confirming that donor sites contain at least 90 per cent elite land or prime land. The assessment must be prepared by a suitably qualified and experienced person;
 - (e) each site must have a net site area of between 1 and 20 hectares;
 - (f) sites must have been in existence, or be shown on an approved scheme plan of subdivision; and
 - (g) sites must not comprise part or all of a closed road, road severance, or designation.
- (2) Following amalgamation of donor sites, all donor sites must meet all of the following:
 - (a) be held in a single certificate of title;
 - (b) rescinded in such a way that replacement titles cannot be reissued;
 - (c) made subject to a legal protection mechanism that states all of the following:
 - (i) the residential development rights attaching to the donor sites have been used to create a transferable rural sites subdivision under the Plan and must not accommodate any further residential development unless it is allowed as a permitted activity subject to the relevant zone rules or by the granting of a resource consent;
 - (ii) the new site cannot be further subdivided other than by amalgamation with another qualifying site or by boundary adjustment; and

- (iii) the new site has no further potential to be used for the purpose of a transferable rural sites subdivision.
- (3) Following amalgamation of donor sites, all receiver sites must meet all of the following:
- (a) be subdivided into no more sites than those permitted by Table 0.1 Maximum number of new sites for transfer from the amalgamation of sites;

Table 0.1 Maximum number of new sites for transfer from the amalgamation of sites

Transferable rural sites subdivision by way of amalgamation	
Criteria	Maximum Number of new sites for transfer
Amalgamation of two eligible donor sites as identified in Appendix 14 Land amalgamation incentivised area and complying with Standard 0(1)	Two new sites for every two donor sites amalgamated
Amalgamation of two eligible donor sites outside the land amalgamation incentivised area and complying with Standard 0(1)	One new site for every two donor sites amalgamated

- (b) the donor site must not be the same site as a receiver site;
- (c) be located within sites zoned as Rural – Countryside Living Zone and be identified as an eligible receiver site by the Subdivision Variation Control on the planning maps;
- (d) have a minimum net site area complying with the minimum net site area and average net site area with transferable rural sites subdivision as set out in Table 0.1 Minimum and average net site areas;
- (e) be made subject to a condition of subdivision consent that requires the subdivision plan creating the receiver site or sites to be deposited after, and not before, the plan of subdivision for the amalgamation of donor sites has been deposited.

E39.6.5. Standards – discretionary activities

Subdivision listed as a discretionary activity in Table E39.4.2 and Table E39.4.5 must comply with the relevant standards in E39.6.1 General standards and E39.6.5 Standards – discretionary activities.

E39.6.5.1 Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, and Rural – Rural Conservation Zone

- (1) Subdivision in these rural zones must meet the minimum average site size and minimum site size requirement as set out in Table E39.6.5.1.1 Minimum average site size and minimum site size for subdivision.

Table E39.6.5.1.1 Minimum average site size and minimum site size for subdivision

Zone	Minimum average site size (ha)	Minimum site size (ha)
Rural – Rural Production	100	80
Rural – Mixed Rural	50	40
Rural – Rural Coastal	50	40
Rural – Rural Conservation	20	10

- (2) Subdivision of the land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931)

- (a) Is not required to comply with General Standards E39.6.1.1 to E39.6.1.5 where the subdivision resource consent is made subject to a legal mechanism to ensure no dwellings can be established on the new sites created (although this mechanism shall not affect the establishment of dwellings on the balance parent site):
- (b) Shall be deemed to meet the access requirements in Standards E39.6.1.1 (3)(b) and E39.6.1.2 if access by sea to the proposed sites is provided.

E39.6.5.2 Subdivision in the Rural – Countryside Living Zone

- (1) Subdivision in the Rural – Countryside Living Zone must meet all of the following:
- (a) proposed site sizes and average net site areas must comply with the minimum net site areas specified in Table E39.6.5.2.1 Minimum and average net site areas;
- (b) the average net site area of all sites following subdivision must be calculated per subdivision scheme plan, and no credits will be carried forward to future subdivision scheme plans;
- (c) the minimum frontage for all front sites must be 15 metres; and
- (d) the minimum frontage for rear sites must be 6 metres.

Transferable rural site subdivision receiver sites must be located in the Rural – Countryside Living Zone locations listed in Table E39.6.5.2.1 Minimum and average net site areas and be identified as eligible receiver sites by the Subdivision Variation Control on the planning maps.

In this table, N/A means the transferable rural site subdivision mechanism is not provided for in that particular location.

Table E39.6.5.2.1 Minimum and minimum average net site areas

Location of Rural – Countryside Living Zone	Minimum net site area and average net site area without transferable rural site subdivision	Minimum net site area and average net site area with transferable rural site subdivision
Rural – Countryside Living Zone areas not identified below	Minimum: 2ha	N/A
Wellsford Kaukapakapa Helensville	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
Warkworth	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
Matakana Kumeu - Huapai Paremoremo - Albany Heights	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
Algies Bay	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
Puhoi Parakai	Minimum: 2ha	Minimum: 8,000m ² Average: 1ha
Waimauku	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
South Rodney	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
Whitford (excluding precinct and Caldwells Road)	Minimum: 2ha Minimum average: 4ha	N/A
Whitford – Caldwells Road	Minimum: 1ha Minimum average: 2ha	N/A
Papakura	Minimum: 1ha	N/A
Point Wells	Minimum: 5,000m ² Minimum average: 7,500m ²	N/A
Runciman	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
Swanson (outside precinct)	Minimum: 4ha	N/A
Okura East	Minimum: 4ha	N/A

E39.6.5.3 Subdivision in Rural – Waitākere Ranges Zone

- (1) The average site size must be greater than 4 hectares.
- (2) The average site size must be calculated over the net site area of the site as it existed as of 14 October 1995.
- (3) The minimum net site area must be 2 hectares.
- (4) The subdivision must not create any new road.
- (5) Subdivision must not create development or establishment of buildings within land areas identified in the Significant Ecological Areas Overlay.

E39.6.5.4 Te Wāhi Hunuku Site subdivision in the Future Urban Zone for the relocation of the Makaurau Marae urupā

- (1) The urupā must have an active trusteeship.
- (2) Only one new Te Wāhi Hunuku Site may be created up to a maximum of 1 hectare in size. No minimum site size applies.
- (3) A natural hazard risk assessment must be undertaken in accordance with Chapter E36 and include the cultural perspectives of the trustees to confirm the eligible urupā is subject to a significant natural hazard risk.
- (4) The Te Wāhi Hunuku Site must be the subject of a binding legal sale and purchase agreement between the urupā trust and the landowner of the parent site subject to the subdivision.
- (5) An encumbrance is registered on the original urupā site identifying that the subdivision entitlement has been used under rule E39.4.3(A28A) and that a suitable legal mechanism is used to ensure no future land use or development will be undertaken which results in a significant natural hazard risk.
- (6) The Te Wāhi Hunuku Site is limited for use as an urupā through one of the following legal mechanisms:
 - (a) an encumbrance is registered on the new site.
 - (b) the new site must be classified as a Māori Reservation and remain vested in the existing trust of the urupā as determined by the Māori Land Court

E39.7. Assessment – controlled activities

E39.7.1. Matters of control

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

- (1) all controlled activities:

- (a) compliance with an approved resource consent except for boundary adjustment subdivision;
- (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;
- (c) the effects of infrastructure provision; and
- (d) the effects on historic heritage and cultural heritage items.

E39.7.2. Assessment criteria

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

(1) all controlled activities:

- (a) compliance with an approved resource consent except for boundary adjustment subdivision:
 - (i) refer to Policy E39.3(6);
- (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:
 - (i) the extent to which the design, size, shape, gradient and location of any site including access, existing buildings, manoeuvring areas and outdoor living space affect the safety of pedestrians and cyclists and other users of the space or access;
 - (ii) whether the sites created are able to accommodate development in accordance with the relevant Auckland-wide and zone rules; and
 - (iii) refer to Policy E39.3(6A), (19A)(e),(f),(g), (25), (26) and (27);
- (c) the effects of infrastructure provision:
 - (i) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and
 - (ii) refer to Policy E39.3(28) and (32).
- (d) the effects on historic heritage and cultural heritage items;
 - (i) whether the protection or avoidance of any Scheduled Historic Heritage Place, or Site and Places of Significance to Mana Whenua is ensured; and
 - (ii) refer to Policy E39.3(4).

(2) Subdivision in the Rural – Waitākere Foothills Zone:

- (a) Policies E39.3(1), (4), (6), (10), (11), (13), (16), (17), (20), (25) and (28) – (33).

E39.8. Assessment – restricted discretionary activities

E39.8.1. Matters of discretion

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

(1) ~~subdivision of a site within the 1 per cent annual exceedance probability floodplain land in a natural hazard area excluding overland flow paths:~~

~~(a) the effects of the natural hazards exposure on of the intended use of the sites created by the subdivision and the vulnerability sensitivity of these uses to flood natural hazard events.~~

~~(2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:~~

~~(a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events.~~

~~(3) subdivision of a site in the coastal erosion hazard area:~~

~~(a) the effects of the erosion on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion.~~

~~(4) subdivision of sites subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:~~

~~(a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use.~~

~~(5)~~ (2) subdivision establishing an esplanade reserve:

(a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features.

(2A) Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone for the relocation of identified marae and urupā from significant natural hazard risk complying with Standard E39.6.4.4A;

(a) effects associated with the following matters, having regard to the need to ensure that the cultural benefits of providing a Te Wāhi Hunuku Site for at risk marae and urupā do not unnecessarily compromise other elements of rural character and amenity:

(i) the potential effects of the natural hazard risk affecting the original marae or urupā site

- (ii) the site size, building platforms locations and access;
- (iii) the rural character, landscapes and amenity;
- (iv) measures proposed to avoid, remedy or mitigate adverse effects on natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character;
- (v) the location and configuration of the proposed site with respect to the tikanga of the mandated marae/or and urupā representatives;
- (vi) the compliance with the Auckland-wide rules;
- (vii) legal mechanisms to restrict land use and development on the original marae and/or urupā site to avoid intolerable risks and to ensure the new site is only used for the intended cultural purpose;
- (viii) The site is of sufficient size for the provision of adequate access to existing and new infrastructure and provision of appropriate management of effects of stormwater;
- (ix) any reverse sensitivity effects; and
- (x) the location of identified building areas platforms relative to areas of significant mineral resources

~~(6)~~ (3) in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay areas but meeting the Significant Ecological Area factors in Policy B7.2.2(1) as set out in Standard E39.6.4.4; in-situ subdivision creating additional sites through establishing revegetation planting:

- (a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas, do not unnecessarily compromise other elements of rural character and amenity:
 - (i) the number of sites created, site size, building platforms locations, access;
 - (ii) the rural character, landscapes and amenity;
 - (iii) the location of the indigenous vegetation, wetland and/or revegetation planting relative to proposed new sites and to existing vegetation;

- (iv) the quality of the indigenous vegetation, wetland and/or revegetation planting to be protected;
 - (v) the compliance with Auckland-wide rules;
 - (vi) any management plans for the ongoing protection and management of indigenous vegetation, wetland or revegetation planting;
 - (vii) the provision of adequate access to existing and new infrastructure and provision of appropriate management of effects of stormwater;
 - (viii) the legal protection for indigenous vegetation, wetland or revegetation planting;
 - (ix) any reverse sensitivity effects; and
 - (x) the location of identified building areas platforms relative to areas of significant mineral resources.
- ~~(7)~~ (4) transferable rural site subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; transferable rural site subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors in Policy B7.2.2(1) as set out in Standard E39.6.4.4; or transferable rural sites subdivision through establishing revegetation planting:
- (a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas or shown on the Kawau Island Rural Subdivision SEA Control, do not unnecessarily compromise other elements of rural character and amenity:
 - (i) the matters listed in E39.8.1(6)(a)(i) to (x);
 - (ii) the number and size of new sites created on the receiver sites and compliance with minimum and average net site areas in the Rural – Countryside Living Zone; and
 - (iii) the timing and co-ordination of the protection of indigenous vegetation, wetland and revegetation planting on donor site relative to the creation of new sites on the receiver site.
- ~~(8)~~ (5) transferable rural site subdivision through the amalgamation of donor sites, including those sites identified in [Appendix 14 Land amalgamation incentivised area](#):
- (a) effects associated with the below matters, having regard to the need to ensure the long term protection of elite soils and their availability for rural

production purposes, without compromising other elements of rural character and amenity, or rural resources:

- (i) the matters listed in E39.8.1(6)(a)(i) to (x);
- (ii) the location and the soil qualities of the donor sites;
- (iii) the degree to which new sites created from receiver sites comply with the Auckland-wide rules;
- (iv) the suitability of the transferred sites for rural residential purposes having regard to the objectives, policies and rules for the Rural – Countryside Living Zone.

E39.8.2. Assessment criteria

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

- (1) ~~subdivision of a site within the one per cent annual exceedance probability floodplain and flood prone areas~~ land in a natural hazard area excluding overland flow paths:
 - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events:
 - ~~(i) whether measures are proposed to ensure the long term protection of flood plain conveyance functions;~~
 - ~~(b) whether the location and design of development including building platforms and access ways are located to avoid the hazard;~~
 - ~~(c) the extent to which changes to the landform and the design of mitigation structures/features are necessary for the subdivision; and~~
 - (iv) (i) refer to Policy E39.3(2).
- (2) ~~subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:~~
 - ~~(a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events:~~
 - ~~(i) whether the location and design of development including proposed and existing building platforms and access ways include the ability to relocate uses within the proposed site area;~~
 - ~~(b) whether the use of defences to protect the land and any buildings or structures on the land from coastal storm inundation are necessary;~~
 - ~~(c) whether there is any residual risk posed by coastal storm inundation to the site(s) associated with any existing or proposed coastal defences;~~

~~(d) whether there are effects on landscape values resulting from associated built and/or land form modifications required to provide for the intended use of the site; and~~

~~(e) Policy E39.3(2).~~

~~(3) subdivision of site in the coastal erosion hazard area:~~

~~(a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:~~

~~(i) whether public access to the coast is affected;~~

~~(b) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and~~

~~(c) Policy E39.3(2).~~

~~(4) subdivision of sites subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:~~

~~(a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use:~~

~~(i) the extent to which the proposed sites are stable and suitable;~~

~~(b) the extent to which the site instability will affect the intended use, including the provision for onsite infrastructure (where applicable) and accessways; and~~

~~(c) Policy E39.3(2).~~

~~(5) (2) subdivision establishing an esplanade reserve:~~

~~(a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features:~~

~~(i) the extent to which the design purpose and location of the esplanade reserve enables public access and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features; and~~

~~(ii) Policies E39.3(1), (21), (22) and (23).~~

(2A) Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone for the relocation of identified marae and urupā from significant natural hazard risk complying with Standard E39.6.4.4A:

- (a) The extent to which natural hazards present a significant risk to the original marae and/or urupā site.
 - (b) The extent to which the size and location of the new site is consistent with the relevant tikanga of the mandated marae and/or urupā representatives.
 - (c) Mechanisms in place to ensure the new site will be used for the intended cultural purpose.
 - (d) Mechanisms in place to ensure the original marae or urupā site is no longer used for land use or development which will result in significant natural hazard risk.
 - (e) Policies E39.3(1), (19A), (20).
- ~~(6)~~ (3) in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay areas but meeting the Significant Ecological Area factors in Policy B7.2.2.(1) as set out in Standard E39.6.4.4; in-situ subdivision creating additional sites through establishing revegetation planting:
- (a) Policies E39.3(1), (15), (16), (17), (18), (24) – (27) and (29) to (31).
- ~~(7)~~ (4) transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors in Policy B7.2.2(1) as set out in Standard E39.6.4.4; transferable rural sites subdivision through establishing revegetation planting:
- (a) Policies E39.3(1), (11), (12), (13), (15), (16), (17), (18), (24) – (27) and (29) to (31).
- ~~(8)~~ (5) transferable rural sites subdivision through the amalgamation of donor sites including sites identified in [Appendix 14 Land amalgamation incentivised area](#):
- (a) Policies E39.3(1), (3), (9), (11), (12), (13), (15), (16), (17), (18) and (29) to (31).

E39.9. Special information requirements

There are no special information requirements in this section.

Table of contents (does not form part of the proposed plan)

Chapter G RUB, Walkable Catchments and Height Variation Controls
G1 Rural Urban Boundary
G2 Walkable Catchments
G3 Height Variation Controls

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G1 Rural Urban Boundary (RUB)

G1. Rural Urban Boundary

The Rural Urban Boundary identifies land potentially suitable for urban development.

The location of the Rural Urban Boundary is a district plan land use rule pursuant to section 9(3) of the Resource Management Act 1991, other than for Waiheke Island where it is an interim regional policy statement method until it is considered as part of a plan change to incorporate the Auckland Council District Plan – Operative Hauraki Gulf Islands Section into the Unitary Plan.

The planning maps show the Rural Urban Boundary line.

The only method for relocating the Rural Urban Boundary is by way of a plan change pursuant to Schedule 1 of the Resource Management Act 1991.

Any relocation of the Rural Urban Boundary must give effect to the objectives and policies of the regional policy statement which establish it.

G2 Walkable Catchments

G2. Walkable Catchments

Policy 3(c) of the National Policy Statement on Urban Development 2020, updated May 2022, requires regional policy statements and district plans in tier 1 urban environments to enable building heights of at least six storeys within at least a walkable catchment of the following:

- (i) existing and planned rapid transit stops
- (ii) the edge of city centre zones, and
- (iii) the edge of metropolitan centre zones.

Auckland is a tier 1 urban environment.

A walkable catchment of around 1,200m is applied from the edge of the Business – City Centre Zone. A walkable catchment of around 800m is applied from both the edge of the Business – Metropolitan Centre Zones and from the pedestrian access points to existing or planned rapid transit stops.

Edge and route modifying factors such as property boundaries, road boundaries, severance, topography, block sizes, the walking environment and the mix of land use activities can affect these general walkable catchment distances.

The depiction of walkable catchments in the planning maps is a district plan method pursuant to section 75(2) of the Resource Management Act 1991 for implementing the policies of the district and giving effect to the National Policy Statement on Urban Development 2020, updated May 2022.

The planning maps show the location and extent of walkable catchment boundaries, many of which overlap with each other.

The location or extent of a walkable catchment can only be amended by way of a plan change pursuant to Schedule 1 of the Resource Management Act 1991.

Any amendment to the location or extent of a walkable catchment must give effect Policy 3(c) of the National Policy Statement on Urban Development 2020, updated May 2022.

G3 Height Variation Controls

G3. Height Variation Controls

The Height Variation Control is applied in identified locations and provides for either greater or lesser heights than the standard height zone, depending on characteristics of the site and surrounds.

Greater height may be provided for through the Height Variation Control where that height is commensurate with the level of commercial activities and community services; is compatible with any qualifying matters and does not result in significant adverse effects on adjacent residential zones; is an efficient use of land; supports public transport and community infrastructure; and aligns with the centres hierarchy, including by supporting the role of centres.

Reduced height may be provided for through the Height Variation Control where the standard zone height would have significant adverse effects on identified special character, identified landscape features, amenity or other qualifying matters.

The Height Variation Control is a district plan land use rule pursuant to Section 9(3) of the Resource Management Act 1991.

The depiction of Height Variation Controls in the planning maps is a district plan method pursuant to section 75(2) of the Resource Management Act 1991 for implementing the policies of the district.

The planning maps show the Height Variation Control applied to relevant sites.

The location or extent of a Height Variation Control can only be amended by way of a plan change pursuant to Schedule 1 of the Resource Management Act 1991.

Where the Height Variation Control is shown with an asterisk (*) on the planning maps, this indicates the presence of another qualifying matter which may impact the ability to achieve the building heights specified in the Height Variation Control.