

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Jenny Fuller

FROM Katrina David

DATE 27 November 2019

SUBJECT *Plan Modification to Chapter B Regional Policy Statement and Chapter D Overlays of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016)*



This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update – to make Plan Change 3 operative	
Chapter	Chapter B4 Te tiaki taonga tuku iho - Natural heritage Chapter D16 Local Public Views Overlay
Section	NA
Changes to text (shown in underline and strikethrough)	Removed PC3 annotation from: <ul style="list-style-type: none"> • B4.3.2 Policy 3 • B4.3.2 Policy 5(a) • D16 1 Overlay description • Table D16.4.1 Activity table • D16.6 Standards
Changes to diagrams	NA
Changes to spatial data	NA
Attachments	Attachment 1 – Updated Text for Chapter B4 and D16

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**Attachment 1 - Updated text
to Chapter B4 and D16**

B4. Te tiaki taonga tuku iho - Natural heritage

Tuia I runga, tuia i raro, tuia ki te waonui a Tiriwa

Bind the life forces of heaven and earth to the great realm of Tiriwa

B4.1. Issues

Auckland's distinctive natural heritage is made up of its natural landscape, natural features including the Auckland volcanic field, the Waitākere Ranges, and notable indigenous and exotic trees. Together they create the natural character and environmental quality of Auckland. They are also important for economic, social, and cultural well-being through their contribution to the amenity values of the region.

Most of Auckland's landscapes experience ongoing change through:

- (1) changes in types and methods of primary production;
- (2) more intensive use of rural areas for a range of non-production activities, particularly countryside living;
- (3) transformation from rural to urban uses at the urban edge;
- (4) redevelopment and intensification within urban areas;
- (5) development along the coastline and around wetlands and lakes and along rivers; and
- (6) building, operating, maintaining or upgrading infrastructure.

Protecting outstanding natural features and landscapes and the natural character of the coastal environment, wetlands, lakes and rivers from inappropriate subdivision, use and development, and maintaining the contribution of landscape values to high amenity values, all need active stewardship if these qualities are to survive to meet the needs of future generations.

The maunga of the Auckland volcanic field are a significant part of Auckland's natural identity and character. The relationship of Mana Whenua to the maunga is very important to their culture and traditions. Significant views to and between the maunga of Auckland from a range of publicly accessible locations are accordingly of great value to Auckland's identity and the quality of the environment and should be protected.

The long-protected view from the Auckland War Memorial Museum on Pukekawa towards the harbour is an example of a regionally significant public view that should also be protected. Views from public places to the coastal environment, ridgelines and other landscapes also contribute to a sense of identity and are valued by local communities. A selection of these views are also worthy of protection from inappropriate subdivision, use and development.

The Waitākere Ranges form an important natural backdrop to metropolitan Auckland and are outstanding for their terrestrial and aquatic ecosystems. The landscape has

significance to Mana Whenua and has highly regarded cultural and spiritual values. Development is generally sparse, does not dominate the natural environment and should continue to reflect the heritage features of the Waitākere Ranges. Resource management issues in the Waitākere Ranges Heritage Area include:

- (1) managing the pressure to accommodate further development in the Waitākere Ranges and their foothills;
- (2) managing the cumulative effects of development on the landscape and the desired future character and amenity values of the Waitākere Ranges Heritage Area and its natural environment;
- (3) enabling the social and economic well-being of local communities in the area, including infrastructure necessary to service those communities.

Individually and collectively, trees represent a significant element of Auckland's natural character and biodiversity. Those located in streets and public open space are publicly owned. Others are located on private land. Measures are required to identify and protect particular notable individual trees and groups of trees from damage or destruction by inappropriate subdivision, use or development or through inappropriate construction methods.

Issues of significance to iwi authorities in the region are specifically addressed in Section B6 Mana Whenua.

Matters relating to biodiversity are specifically addressed in Section B7 Natural Resources.

Matters relating to the coastal environment are specifically addressed in Section B8 Coastal environment.

B4.2. Outstanding natural features and landscapes

B4.2.1. Objectives

- (1) Outstanding natural features and landscapes are identified and protected from inappropriate subdivision, use and development.
- (2) The ancestral relationships of Mana Whenua and their culture and traditions with the landscapes and natural features of Auckland are recognised and provided for.
- (3) The visual and physical integrity and the historic, archaeological and cultural values of Auckland's volcanic features that are of local, regional, national and/or international significance are protected and, where practicable, enhanced.

B4.2.2. Policies

Identify, evaluate and protect outstanding natural landscape

- (1) Identify and evaluate a place as an outstanding natural landscape considering the following factors:

- (a) natural science factors: geology, topography, hydrology, vegetation cover, ecology and natural processes;
 - (b) expressiveness/legibility: including the degree to which the landscape reveals its formative processes;
 - (c) aesthetic values and memorability: including landmarks and significant views;
 - (d) perceptions of naturalness: related to human influences, the presence of buildings and structures or landform modification;
 - (e) transient landscape values: including those related to natural processes, such as seasonal change and the presence of wildlife;
 - (f) shared and recognised values: including the public profile and recognition of particular landscapes;
 - (g) Mana Whenua: the value of the landscape to Mana Whenua;
 - (h) historical: the landscape's known historical associations.
- (2) Include a place identified as an outstanding natural landscape in Schedule 7 Outstanding Natural Landscapes Overlay Schedule.
- (3) Protect the physical and visual integrity of Auckland's outstanding natural landscapes from inappropriate subdivision, use and development.

Identify, evaluate and protect outstanding natural features

- (4) Identify and evaluate a place as an outstanding natural feature considering the following factors:
- (a) the extent to which the landform, feature or geological site contributes to the understanding of the geology or evolution of the biota in the region, New Zealand or the earth, including type localities of rock formations, minerals and fossils;
 - (b) the rarity or unusual nature of the site or feature;
 - (c) the extent to which the feature is an outstanding representative example of the diversity of Auckland's natural landforms and geological features;
 - (d) the extent to which the landform, geological feature or site is part of a recognisable group of features;
 - (e) the extent to which the landform, geological feature or site contributes to the value of the wider landscape;
 - (f) the extent of community association with, or public appreciation of, the values of the feature or site;
 - (g) the potential value of the feature or site for public education;

- (h) the potential value of the feature or site to provide additional understanding of the geological or biotic history;
 - (i) the state of preservation of the feature or site;
 - (j) the extent to which a feature or site is associated with an historically important natural event, geologically related industry, or individual involved in earth science research;
 - (k) the importance of the feature or site to Mana Whenua.
- (5) Include a place identified as an outstanding natural feature in Schedule 6 Outstanding Natural Features Overlay Schedule.
 - (6) Protect the physical and visual integrity of Auckland's outstanding natural features from inappropriate subdivision, use and development.
 - (7) Protect the historic, archaeological and cultural integrity of regionally significant volcanic features and their surrounds.

Management of outstanding natural landscapes and outstanding natural features

- (8) Manage outstanding natural landscapes and outstanding natural features in an integrated manner to protect and, where practicable and appropriate, enhance their values.

B4.3. Viewshafts

B4.3.1. Objectives

- (1) Significant public views to and between Auckland's maunga are protected from inappropriate subdivision, use and development.
- (2) Significant views from public places to the coastal environment, ridgelines and other landscapes are protected from inappropriate subdivision, use and development.

B4.3.2. Policies

- (1) Identify and evaluate a view to or between maunga for its regional or local significance considering the following factors:
 - (a) the viewpoint conveys the view to an audience from a public viewpoint that is regionally or locally significant;
 - (b) the view conveys an intact view of the maunga within a wider context which is of high or good quality;
 - (c) the view will contribute to or reinforce an overall appreciation of the region's maunga;
 - (d) the view recognises the importance of the maunga to Mana Whenua;
 - (e) the extent to which there are other public views of and between the maunga; and

- (f) taking into account the extent to which the viewshaft will affect future development otherwise enabled by this Plan.
- (2) Include a view in Schedule 9 Volcanic Viewshafts Schedule if it is regionally or locally significant.
- (3) Protect significant views to and between maunga by:
 - (a) avoiding subdivision, use and development that would:
 - (i) result in significant modification or destruction of view; or
 - (ii) significantly detract from the values of the view; and
 - (b) avoiding where practicable, and otherwise remedying or mitigating, adverse effects of subdivision, use and development that would:
 - (i) result in the modification of the view; or
 - (ii) detract from the values of the view.
- (4) Protect the visual character, identity and form of maunga by:
 - (a) identifying height sensitive areas around the base of maunga; and
 - (b) establishing height limits in such areas which control future development that could encroach into views and erode their significance.
- (5) Identify and evaluate a view from a public place to the coastal environment, ridgelines and other landscapes for its regional or local significance considering the following factors:
 - (a) the viewpoint conveys the view to an audience from a public viewpoint that is regionally or locally significant;
 - (b) the view conveys an intact view within a wider context which is of high or good quality;
 - (c) the view will contribute to or reinforce an overall appreciation of the region's natural landscape;
 - (d) the view recognises the importance of the landscape to Mana Whenua; and
 - (e) the extent to which there are other similar public views; and
 - (f) taking into account the extent to which the viewshaft will affect future development otherwise enabled by this Plan.
- (6) Include a view in Schedule 11 Local Public View Schedule if it is locally significant.

B4.4. Waitākere Ranges Heritage Area

B4.4.1. Objectives

- (1) The natural and historic resources, including the significant environmental values and heritage features of the Waitākere Ranges, are protected, restored and enhanced for the benefit, use and enjoyment of the community.
- (2) Resources that are of significance to Mana Whenua are protected and maintained including:
 - (a) the spiritual dimension and the mauri of natural and physical resources and of people;
 - (b) the kaitiaki of these resources and significant sites and wāhi tapu; and
 - (c) those institutions that are integral to the relationship of Mana Whenua with their environment in a way that promotes the expression and practice of kaitiakitanga.
- (3) Development in settlements recognises and is sympathetic to the qualities, character and natural features of the Waitākere Ranges and the complex mixed landscapes of the foothills.
- (4) Cumulative effects of activities on the environment, including amenity values and heritage features, are recognised and avoided.
- (5) The character, scale and intensity of subdivision, use or development do not adversely affect the heritage features or contribute to urban growth outside the Rural Urban Boundary.
- (6) The quality and diversity of landscapes are maintained by all of the following:
 - (a) protecting landscapes of local, regional, or national significance;
 - (b) restoring and enhancing degraded landscapes; and
 - (c) managing change within a landscape in an integrated way, including retaining rural character.
- (7) Enable social, economic, environmental, and cultural well-being of people that live and work in the area.
- (8) The water supply catchments and their related supply functions are protected.
- (9) The natural and historic resources of the Waitākere Ranges Regional Park are protected in perpetuity for their intrinsic worth and for the benefit, use, and enjoyment of the people and communities of Auckland and New Zealand.

B4.4.2. Policies

- (1) Design and locate structures and impermeable surfaces and undertake activities in a way that does not impede or adversely affect the potential for the regeneration of native vegetation or reduce the extent and range of areas of native vegetation and linkages between them.

- (2) Prevent activities from releasing pest species likely to harm native plants and animals and their habitats.
- (3) Where clearing vegetation for infrastructure is necessary, it should be undertaken only where the vegetation is of lower value and there is no practicable alternative option.
- (4) Manage activities to minimise their adverse effects on water quality, soil, native vegetation and fauna habitats, mauri of the waterway, taiāpure and mahinga mātaītai.
- (5) Require the type and density of settlements to avoid degrading the character of natural landscape features.
- (6) Avoid non-residential activities:
 - (a) that are unrelated to the productive use of rural land;
 - (b) that require substantial earthworks or vegetation removal; or
 - (c) that are industrial and unrelated to rural activities.
- (7) Adopt a cautious approach when considering proposals that threaten serious or irreversible damage to a heritage feature.

B4.5. Notable trees

B4.5.1. Objectives

- (1) Notable trees and groups of trees with significant historical, botanical or amenity values are protected and retained.

B4.5.2. Policies

- (1) Identify and evaluate a tree or group of trees as notable considering the following factors:
 - (a) heritage or historical association: the trees are associated with or commemorate a historic event, have a historic association with a well-known historic or notable figure, have a strong public association, or are strongly associated with a local historic feature and now form a significant part of that feature;
 - (b) scientific importance or rarity: the trees are the largest or only example of a species in Auckland, a significant example of a species rare in the Auckland region, a native species that is nationally or regionally threatened, or have outstanding value because of their scientific significance;
 - (c) ecosystem service or environmental function: the trees provide a critical habitat for a threatened species population;
 - (d) cultural association and accessibility: the trees demonstrate a custom, way of life or process once common but now rare or in danger of being

lost or have been lost; have an important role in defining the community identity and distinctiveness of the community though having special symbolic, spiritual, commemorative, traditional or other cultural value; or represent important aspects of collective memory, identity or remembrance, the meanings of which should not be forgotten; and

- (e) intrinsic value: the trees are intrinsically notable because of a combination of factors including size, age, vigour and vitality, stature and form or visual contribution.
- (2) Evaluation of the factors in policy B4.5.2(1) above is to take into account the effects of the tree or group of trees on all of the following:
 - (a) human health;
 - (b) public safety;
 - (c) property;
 - (d) amenity values; and
 - (e) biosecurity.
 - (3) Include a notable tree or group of trees in Schedule 10 Notable Trees Schedule.
 - (4) Avoid development that would destroy or significantly adversely affect the identified values of a notable tree or group of trees unless those effects are otherwise appropriately remedied or mitigated.

B4.6. Explanation and principal reasons for adoption

Auckland has a diversity of landscapes and landforms. Its urban, rural, coastal, and island landscapes provide an important reference point and sense of identity for communities in Auckland. The maunga of the Auckland volcanic field have been the region's iconic landmarks for centuries. They contribute to the quality of life for people and communities and provide the context in which the environment is used and enjoyed. The Unitary Plan sets a framework for the identification and evaluation of landscapes and landforms to support the scheduling of those with outstanding values.

Where there are outstanding natural landscape values, new development should be undertaken in ways that are sensitive to these values so that they are recognised and protected. Some of these landscapes are within working environments (and in some cases a working environment can contribute to the outstanding values) and the Unitary Plan sets out a management response enabling the productive use of these areas to continue and change in a way that supports the landscape values.

The maunga and other geological and landform features are identified in the Unitary Plan as outstanding natural features. The schedules document the unique geological history of Auckland, the development of its landforms, and the evolution of its flora and fauna. These features make an important contribution to not only landscape but also historic, cultural and natural heritage values. These features are vulnerable to damage from new

development, and the Unitary Plan promotes the recognition and protection of their physical and visual integrity, and the integrated management of their multiple values.

As part of providing for growth and greenfield development, the Unitary Plan recognises the pressures associated with changes in primary production, more intensive use of rural areas (including countryside living) transformation from rural to urban uses at the urban edge and re-development and intensification in urban areas. It also recognises that these outstanding natural landscapes and features are finite resources – once they are destroyed they are lost forever, and restoration options are limited. The focus is therefore on protection of values and the avoidance of adverse effects and guiding development to other locations where more intensive development may be appropriate.

Protecting views to and between the maunga recognises their outstanding values, maintains their visual integrity and provides visual access to landmarks across Auckland. Protection is also appropriate for views of the coastal environment, ridgelines and landscapes where those are regionally or locally significant.

The Waitākere Ranges Heritage Area Act 2008 describes the local, regional and national significance of the Waitākere Ranges and directs Auckland Council to prevent cumulative adverse effects from degrading their features and finite resources. The Ranges form an important backdrop to metropolitan Auckland and are outstanding for their ecosystems. Recreational use of the Ranges, including beaches, is a key activity. They also act as a major water catchment, contributing to Auckland's water supply. The Unitary Plan provides zones and precincts that recognise the unique ways in which settlement, subdivision, use and development has occurred.

Trees have multiple values, including cultural heritage, intrinsic and scientific values. They also make an important contribution to amenity values. The objectives and policies recognise the importance of identifying notable trees and groups of trees that contribute to Auckland's quality and character. Trees that meet the specified criteria are identified in Schedule 10 Notable Trees Schedule.

D16. Local Public Views Overlay

D16.1. Overlay description

In addition to the distinctive volcanic landscape and regionally significant outstanding natural landscapes and outstanding natural features, Auckland's wider landscape and maritime setting provides a sense of identity at the local level. Individual viewing points, and their locally significant viewshafts from public places, contribute to the unique character of many of Auckland's neighbourhoods and coastal areas. Although many significant local views are naturally self-preserved by topography or proximity to the coast and require no specific protective restrictions, some are in prominent public locations but could be obstructed by buildings occurring in the foreground. These viewing points and the views from them have been scheduled in the Local Public Views Overlay to ensure the benefits they provide are retained for future generations.

D16.2. Objective [rcp/dp]

- (1) Locally significant public views are managed to maintain and enhance the visual integrity of the views.

D16.3. Policies [rcp/dp]

- (1) Identify and evaluate significant local public viewshafts using the following criteria:
 - (a) the extent to which the public viewshaft contributes to the aesthetic value or visual legibility of the wider natural landscape;
 - (b) the community association with, or public appreciation of, the values of the viewshaft;
 - (c) the visual coherence, unity or integrity of the viewshaft and its view; and
 - (d) the potential value of the viewshaft for public education, including known historic associations in relation to the site where the viewshaft originates.
- (2) Manage development on sites within the viewshafts to avoid adverse physical and visual effects on the viewshaft including adverse cumulative effects on the viewshaft.
- (3) Require public access to be maintained to the viewing point where the viewshaft originates.

D16.4. Activity table

Table D16.4.1 specifies the activity status of development activities in the Local Public Views Overlay pursuant to sections 9(3) and 12 of the Resource Management Act 1991.

- The rules that apply network utilities and electricity generation in the Local Public Views Overlay are located in E26 Infrastructure.
- The floor of the viewshaft is determined in accordance with the survey co-ordinates contained in Schedule 11 Local Public View Schedule.

Table D16.4.1 Activity table [rcp/dp]

Activity		Activity status
Development (where it intrudes into a scheduled local public viewshaft)		
(A1)	Temporary construction and safety structures	P
(A2)	Buildings and structures that intrude into a scheduled local public viewshaft	RD

D16.5. Notification

- (1) Any application for resource consent for an activity listed in Table D16.4.1 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).

D16.6. Standards

There are no standards in this overlay.

D16.7. Assessment – controlled activities

There are no controlled activities in this overlay.

D16.8. Assessment – Restricted discretionary activities

D16.8.1. Matters of discretion

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

- (1) buildings and structures that intrude into a scheduled local public viewshaft:
 - (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 need or operational need for the proposal and any alternatives considered to fulfil that need without the intrusion into the view; and
 - (d) the relevant objectives and policies in D16.

D16.8.2. Assessment criteria

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

- (1) buildings and structures that intrude into a scheduled local public viewshaft:
 - (a) whether the nature, form and extent of the building adversely affects the visual integrity of the viewshaft and its view;

- (b) whether the proposed building has a functional or operational requirement to be in the location proposed and the proposed height of the building is consistent with that requirement; and
- (c) whether there are practicable alternatives available that will not intrude into, or will minimise the intrusion into the local public viewshaft.

D16.9. Special information requirements

There are no special information requirements in this overlay.