

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

**TO** Phill Reid – Manager Auckland-wide

**FROM** Kath Coombes





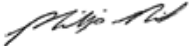
**DATE** 09 July 2020

**SUBJECT** **Plan Change 15 to the Auckland Unitary Plan (AUP)  
Operative in part (15 November 2016)**



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

<b>Reason for update – Make Plan Change 15: Improving consistency of coastal provisions</b>	
<b>Chapter</b>	<ul style="list-style-type: none"> <li>- GIS Viewer</li> <li>- Chapter E Auckland-wide</li> <li>- Chapter F Coastal</li> <li>- Chapter J Definitions</li> <li>- Chapter M Appendices</li> </ul>
<b>Section</b>	<ul style="list-style-type: none"> <li>- Appendix 7 Coastal marine area boundaries</li> <li>- Chapter J – Definitions</li> <li>- E26 Infrastructure</li> <li>- F2 Coastal - General Coastal Marine Zone</li> <li>- F3 Coastal - Marina Zone</li> <li>- F4 Coastal - Mooring Zone and moorings outside the Coastal - Mooring Zone</li> <li>- F5 Coastal - Minor Port Zone</li> <li>- F6 Coastal - Ferry Terminal Zone</li> <li>- F7 Coastal - Defence Zone</li> </ul>
<b>Changes to text (shown in underline and strikethrough)</b>	Please refer <b>Attachment 1</b> .
<b>Changes to diagrams</b>	N/A
<b>Changes to spatial data</b>	<ul style="list-style-type: none"> <li>• Add a new map layer to show the updated coastal marine area boundary points at rivers.</li> <li>• The points will be shown as dots where the indicative coastline crosses the relevant rivers.</li> <li>• The layer will be named “Coastal marine area/river boundary point”.</li> <li>• The layer will be added to the legend in the “Information” section.</li> <li>• The following two maps in attachment 1 show an overview of the location of all the points and an example of how the points will appear in the GIS viewer.</li> </ul>
<b>Attachments</b>	<p><b>Attachment 1 – PC 15 Decision</b></p> <p><b>Attachment 2 – PC 15 Updated Text</b></p> <p><b>Attachment 3 – PC 15 Updated GIS Viewer</b></p>

<p><b>Prepared by:</b> Kath Coombes Principle Planner</p>	<p><b>Text prepared by:</b> Sophia Coulter Planning Tech</p>
<p><b>Signature:</b></p> 	<p><b>Signature:</b></p> 
<p><b>Maps prepared by:</b> Aching Konyak Geospatial Analyst</p>	<p><b>Reviewed by:</b> Kath Coombes Principle Planner</p>
<p><b>Signature:</b></p> 	<p><b>Signature:</b></p> 
<p><b>Signed off by:</b> Phill Reid Manager – Auckland-wide</p>	
<p><b>Signature:</b></p> 	

## Attachment 1 – PC 15 Decision

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



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

**This Council-initiated Proposed Plan Change 15: Improving the consistency of provisions in Chapter F Coastal, Chapter J Definitions, Appendix 7 and the viewer of the Auckland Unitary Plan (Operative in part) (2016) version is approved, with modifications as set out below.**

<b>Plan modification number:</b>	Plan Change 15 ( <b>PC15</b> )
<b>Type of Plan Change</b>	Council-initiated
<b>Hearing commenced:</b>	Thursday 9 May 2019, 9.30am
<b>Hearing panel:</b>	Rebecca Macky (Chairperson) Alan Watson Karyn Kurzeja
<b>Appearances:</b>	<p><u>For the Submitters:</u>            Kiwi Rail – evidence tabled            Transpower New Zealand Limited – evidence tabled            NZ Defence Force – evidence tabled            Aquaculture New Zealand and the New Zealand Oyster Industry Association                - Rebecca Clarkson (by audio link)            Empire Capital Limited – evidence tabled from Craig Shearer, consultant planner, read by David Hollingsworth            Federated Farmers                - Richard Gardner, Senior Policy Advisor and in-house Counsel            Ports of Auckland Limited                - Mike Doesburg, Counsel                - Mark Arbuthnot, Planning Consultant                - Alistair Kirk, General Manager Infrastructure and Property</p> <p><u>For Council:</u>            Kath Coombes, Lead Report Author for PC15            Phill Reid, Manager, Auckland-wide Planning            Rebecca Sanders, Principal Planner            Matt Spiro, Principal Planner</p>

	Waldo Randal, Legal Counsel Tanisha Hazelwood, Hearings Advisor
<b>Hearing adjourned</b>	Thursday 9 May 2019 for site visits
<b>Commissioners' site visits</b>	Thursday 16 May 2019
<b>Hearing Closed:</b>	Thursday 16 May 2019

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

### INTRODUCTION

1. This decision is made on behalf of the Auckland Council (**the Council**) by Independent Hearing Commissioners Rebecca Macky (Chair), Alan Watson and Karyn Kurzeja appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (**the RMA or the Act**).
2. The Hearing Commissioners have been delegated full responsibility by Auckland Council's Regulatory Committee to consider all submissions and evidence and to determine the council's decisions on submissions on Plan Change 15. The Hearing Commissioners will not be making a recommendation to the council, but will be making a decision directly.
3. Plan Change 15 is a Council-initiated plan change that has been prepared following the standard RMA Schedule 1 process.
4. The plan change was publicly notified (following a feedback process involving Iwi, as required by Clause 4A of Schedule 1) on 29 November 2018 and at the close of the submission period on 31 January 2019 a total of 11 submissions had been received, plus a late submission. The late submission was granted a waiver under section 37A of the RMA.
5. A summary of submissions was notified on 28 February 2019 for further submissions and at the closing date of 14 March 2019, a total of 6 further submissions were made on the plan change.
6. Due to an administrative error, although included in the section 42A report, the submitter Aquaculture NZ was inadvertently omitted from the list of submitters in the index of the report and was not notified of the hearing. This error was rectified prior to the hearing and the submitter waived its right to notification.

### BACKGROUND

7. PC15 is one of a series of plan changes to address technical issues in the Auckland Unitary Plan (**AUP**). These plan changes follow on from *Plan Change 4 – Corrections to technical errors and anomalies in the Auckland Unitary Plan (Operative in part) version*.

8. PC15 introduces amendments in Chapter F Coastal, Chapter J Definitions, Appendix 7 and the GIS map viewer of the AUP. The proposed amendments address identified technical issues only and retain the current policy direction of the AUP.

#### **Existing plan provisions**

9. The decisions version of the proposed Auckland Unitary Plan (**PAUP Decision Version**) was notified in August 2016, with the AUP becoming operative in part on 15 November 2016. The regional coastal plan provisions of the AUP were approved by the Minister of Conservation on 11 May 2018 and became operative in part on 31 May 2018.

#### **Proposed plan change provisions**

10. The key objective of the proposed plan change is to address technical issues in Chapter F Coastal, Chapter J Definitions, Appendix 7 and the viewer of the AUP. Many of the technical issues and anomalies in the proposed plan changes relate to a specific part of the AUP that is causing ambiguity or to the integration of provisions across the AUP.
11. The proposed plan changes do not alter the outcomes of any of the objectives and policies of the AUP, nor do they make any amendments to the Regional Policy Statement in the AUP.

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

12. Sections 86B to 86G of the RMA specify when a rule in a proposed plan has legal effect. Section 86B(1) states that *“a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified”*. Exceptions are provided for in section 86B(3), *“a rule in a proposed plan has immediate legal effect if the rule – (a) protects or relates to water, air, or soil (for soil conservation) .....*
13. All of the rules in PC15 are regional coastal plan provisions and all “relate to water” in terms of section 86B(3)(a). Thus they had immediate legal effect from the date on which PC15 was publicly notified.

#### **SUMMARY OF PLAN CHANGE**

14. PC15 was initiated by Auckland Council (**Council**) to address technical issues in the coastal provisions of the AUP. It introduces amendments in Chapter F Coastal, Chapter J Definitions, Appendix 7 and the GIS Viewer of the AUP.
15. The proposed amendments to the AUP in Plan Change 15 relate to different themes as follows:

<b>Theme</b>	<b>Topic</b>	<b>Purpose of change</b>
1.	Accidental discovery rule	Clarifying that the accidental discovery rule applies in the coastal marine area.
2.	Marina date inconsistency	Addressing the inconsistency in dates in the marina extension objective and rules (i.e. date the plan was notified or made operative).
3.	Sediment quality indicators	Clarifying which sediment quality indicators are referred to in the coastal discharges background section.
4.	Reclamation, structures and minor infrastructure upgrades	Clarifying how the provisions for reclamation, structures and minor infrastructure upgrades apply to facilities such as seawalls. This includes a consequential change to Chapter E26 Infrastructure.
5.	Functional need and existing structures	Clarifying whether the non-complying activity rule for activities that do not have a functional need to be in the coastal marine area applies to re-consenting activities in or on existing structures and extensions to such structures.
6.	Exclusive occupation	Clarifying whether consent is needed for exclusive occupation in areas where there are permitted activities for some structures.
7.	Existing occupation consents	Clarifying whether consent is needed for new activities in areas that have an existing occupation consent.
8.	Activity tables overlaps and inconsistencies	Addressing several overlaps and inconsistencies in the activity tables that mean it is not clear whether a proposal is to be addressed under multiple rules or not (in particular the rules for structures, disturbance, and use of the coastal marine area).
9.	Discharges from hull bio-fouling and vessel maintenance	Simplifying and clarifying the provisions for discharges of hull bio-fouling from vessel cleaning and passive discharge to make the rules more effective; and clarifying that any hull cleaning that results in discharges of bio-fouling to the coastal marine area is captured by the rules for discharges from vessel cleaning.
10.	Coastal marine area boundary points at rivers	Correcting the grid references in Appendix 7 (coastal marine area boundaries) to remove the inconsistency between the appendix and the GIS viewer maps; and adding a new 'information' map layer to show the Appendix 7 points as dots where the indicative coastline crosses the listed rivers.
11.	Fire and Emergency	Amending the provisions to replace 'The New Zealand Fire Service' with 'Fire and Emergency New Zealand'.

Theme	Topic	Purpose of change
12.	Infrastructure affecting use of the Mooring Zone	Clarifying that policy F2.16.3(24) relates to infrastructure that affects access to a Mooring Zone as well as use of moorings within a Mooring Zone.
13.	Aquaculture rules and definitions	Amending the aquaculture rules and definitions so that they use consistent wording.
14.	Discharges to water default rules	Clarifying that the two rules for discharges to water 'not otherwise provided for' relate to whether the standards are met or not.
15.	Dredging, disturbance and depositing inconsistencies	Addressing the inconsistencies in the related rules and standards for dredging, disturbance and depositing material.
16.	Boat ramps	Specifying 'boat ramps' in a separate activity table line due to the confusion regarding whether they are within the rule for 'marine and port accessory structure and services'.
17.	Significant infrastructure	Amending the references to 'significant infrastructure' to 'infrastructure' to be consistent with the rest of the AUP.

16. The amendments to Plan Change 15 that were recommended by council in the section 42A hearing report in response to the submissions relate to the different themes as follows:

*Theme 1: Accidental discovery rule*

- Amending the 'Zone description' so that it is consistent with the accidental discovery rule.
- Amending the accidental discovery rule provisions relating to discovery of munitions to correspond with the procedure set out in the New Zealand Defence Force submission.

*Theme 2: Marina date inconsistency*

- Amending the rules relating to expansion of existing marinas so that they refer to "an existing marina" instead of "existing at the date the plan becomes operative" and are consistent with the relevant objective and policy.

*Theme 3: Sediment quality indicators (submissions in support only)*

*Theme 4: Reclamation, structures and minor infrastructure upgrades (no amendments in response to submissions)*

*Theme 5: Functional need and existing structures*



- Amending an assessment criterion so that it is consistent with the relevant policy.

*Theme 6: Exclusive occupation*

- Amending Activity Table F2.19.8 Note 6 so that it is clearer and more explicit regarding temporary activities.
- Amending the exclusive occupation rules and the notes about existing occupation consents, that were introduced by Plan Change 15, to clarify the scope of the provisions.

*Theme 7: Existing occupation consents (no submissions received)*

*Theme 8: Activity tables overlaps and inconsistencies*

- Removing F2.19(1A) to address concerns regarding the clarity of the statement and the overlap with the AUP general rules in Chapter C.
- Amending Table F2.19.10 Note 1 so that the reference to activities covered by section 12(1)(b) of the RMA uses wording consistent with the Act.

*Theme 9: Discharges from hull bio-fouling and vessel maintenance*

- Amending the note above Table F7.4.2, and standard F7.6.4, to clarify that discharges from the operation of the Calliope Dry Dock are covered by the provisions in the Coastal – Defence Zone and not the Coastal – General Coastal Marine Zone hull biofouling rules.

*Theme 10: Coastal marine area boundary points at rivers (no amendments in response to submissions)*

*Theme 11: Fire and Emergency New Zealand*

- Amending rule F2.19.7(A64) to include the New Zealand Defence Force as well as Fire and Emergency New Zealand.

*Theme 12: Infrastructure affecting the use of the Mooring Zone (no submissions received)*

*Theme 13: Aquaculture rules and definitions*

- Amending the rule, matters of discretion and assessment criteria relating to re-consenting established aquaculture so that they do not include the same wording as a definition which limits “lawfully established aquaculture activities” as those consented and operational at the date the PAUP was notified (30 September 2013).

*Theme 14: Discharges to water default rules (no submissions received)*

*Theme 15: Dredging, disturbance and depositing inconsistencies* (no amendments in response to submissions)

*Theme 16: Boat ramps* (no submissions received)

*Theme 17: Significant infrastructure* (submissions in support only)

## **HEARING PROCESS**

17. The hearing was held contemporaneously with the hearing on Plan Change 17 (Improving consistency of provisions in the GIS viewer).
18. Due to the limited number of submitters appearing at the hearing, the Commissioners did not require the pre-circulation of expert evidence. The Commissioners undertook site visits after the hearing, visiting sites relevant to PC17.
19. The hearing was closed on 16 May 2019 after the Commissioners had satisfied themselves that they had all the information they required in order to make their decisions on PC15 and PC17.

### **Statutory context**

20. As Commissioners, we must satisfy ourselves that the plan change has been prepared by Council “*in the manner set out in Schedule 1*” to the Act, including that any submission is “*on point*” in terms of the plan change. If a submitter seeks changes to the proposed plan, then the submission should set out the specific amendments sought.
21. We must also be satisfied as to the council's jurisdiction to make changes to the plan arising from submissions.

### **The scope of Plan Change 15**

22. The scope of Plan Change 15 is limited to addressing technical issues that are compromising the ability of plan users to efficiently interpret the AUP, and possibly its objectives and policies. It introduces amendments in Chapter F Coastal, Chapter J Definitions, Appendix 7 and the viewer of the AUP to address these issues while retaining the current policy direction. The proposed amendments are to ensure that:
  - the wording of provisions is clear and unambiguous;
  - the provisions of the AUP operate vertically and horizontally;
  - the plan functions in the way it was intended; and
  - the different chapters of the AUP are integrated.

## Jurisdiction to make amendments arising from submissions

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

... the paramount test is whether any amendment made to the plan change as notified goes beyond what is reasonably and fairly raised in submissions on the plan change .. this will usually be a question of degree to be judged by the terms of the proposed change and the content of the submissions.<sup>6</sup>
29. In summary, we must consider the following jurisdictional issues:

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<sup>1</sup> Clause 6(1) of Schedule 1 of the RMA

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

<sup>3</sup> Summarising the text of the section 42A report at paragraph 8.7

<sup>4</sup> The two questions posed in relation to the first test are summarized in the section 42A report at paragraph 8.8

<sup>5</sup> The *Motor Machinists* case, summarised at paragraph 8.9 of the section 42A report

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

- Whether each submission is on PC15; and
- Whether any changes to the AUP are fairly or reasonably within the general scope of PC 15 as notified, an original submission, or somewhere in between, bearing in mind whether affected persons may have been denied the right to be heard.

## **RELEVANT STATUTORY PROVISIONS CONSIDERED**

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

## **PLANNING CONTEXT - STATUTORY AND POLICY FRAMEWORK**

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

### **Resource Management Act 1991 (RMA)**

33. The Section 32 Evaluation Report set out the relevant provisions of the RMA that were considered relevant to PC15 and this material is not repeated here. Section 32AA of the RMA, which requires a further evaluation for any changes that are proposed to the notified Plan Change 15 since the Section 32 Evaluation Report was completed, has been complied with in the section 42A report and the evidence presented at the hearing.
34. PC15 amends the regional coastal plan provisions of the AUP and thus the relevant sections are 66 and 67 of the RMA together with section 30.

### **National and regional planning context**

35. The Section 32 report outlines the relevant national and regional planning documents that are relevant to Plan Change 15 and these are not repeated here. The Commissioners agree that Plan Change 15 is consistent with the relevant statutory requirements.

36. Having considered the evidence and relevant background documents, we are satisfied that PC15 has been developed in accordance with the relevant statutory and policy matters and will clearly assist the Council in its effective administration of the AUP.

### SUMMARY OF EVIDENCE

37. The Council planning officer's report was circulated prior to the hearing and taken as read. No expert evidence was pre-circulated.
38. As each submitter presented his or her evidence at the hearing, Council officers were asked for their response, and the submitter was then given the opportunity for any further comment.
39. The evidence tabled by submitters at the hearing is summarised below:
- a. **Kiwi Rail** by letter confirmed that it agreed with the section 42A report recommendation on its submissions to PC15, and that it had requested that its letter be tabled at the hearing to confirm its position, as it did not wish to attend the hearing and speak to its submission points.
  - b. **Transpower New Zealand Limited** by letter confirmed that it accepted the reporting planner's recommendations and formally withdrew its wish to be heard, instead requesting that its letter be tabled at the hearing, in support of its position
  - c. **The New Zealand Defence Force** by letter advised that it did not wish to attend the hearing, but noted that it either did not intend to pursue its submission points, did not oppose or supported the reporting planner's recommendations. The submitter requested that the topic of impact and vibratory piling be addressed in a subsequent plan change or other alternative solution (see below under Empire Capital Limited's evidence).
40. The evidence presented by submitters at the hearing is summarised below:
41. **Aquaculture New Zealand and the New Zealand Oyster Industry Association Rebecca Clarkson** (by audio link): Ms Clarkson confirmed that the submitters supported all the recommendations on submissions as outlined in the Section 42A hearing report.
42. **Empire Capital Limited (ECL)** – evidence tabled from Craig Shearer, consultant planner, read by David Hollingsworth confirmed that ECL generally supported the provisions of PC15 and

“... in particular, those relating to expansion of existing marinas, to discharges from biofouling of vessels being cleaned, and to those provisions relating to ‘exclusive’ occupation within the Coastal – Marina Zone.”<sup>7</sup>

43. In relation to exclusive occupation, Mr Shearer supported through PC15:
- a. the provision in rule (A33) of exclusive occupation as a restricted discretionary activity in Activity Table F3.4.3 in the Coastal Marina Zone and
  - b. providing for exclusive occupation by a structure or activity that would otherwise be permitted in the Coastal Marina Zone (marine and port facilities and marine and port accessory structures and services).<sup>8</sup>
44. However, Mr Shearer did not support the proposed new rule (A34) in Activity Table F3.4.3 which provides that
- Occupation of the CMCA by an activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent.*
45. An alternative wording was promoted by Mr Shearer on the basis of the interpretation that if a consent holder held an occupation consent for an activity that would now be permitted, then the consent holder would have to apply for a resource consent as a restricted activity once the existing consent expired. On that reading, the provision would be as follows:
- Occupation of the CMCA by an activity that would otherwise be permitted ~~where the area to be occupied is already the subject of an existing occupation consent.~~ (with the activity class as permitted.)*
46. Council disagreed with Mr Shearer’s suggested amendment to rule (A34), and the Commissioners find that the Council’s position is preferred.
47. Nor are Mr Shearer’s comments on standard (2) F2.21.10.1 accepted by Council. The Commissioners agree with Council that the proposed wording in PC15 is appropriate for the reasons stated in the section 42A report and thus the wording is
- (2) The work must not ~~use materials which~~ alter the form or external appearance of the structure in more than a minor way.*
48. In relation to the provisions relating to impact and vibratory piling, Mr Shearer noted that while replacement of piles in the Coastal – Marina Zone is a permitted activity, the main method for replacing those piles, being impact and vibratory piling, would require a restricted discretionary consent, resulting in an anomaly.
49. His proposed amendments were rejected by Council as being out of scope because the submissions did not address the alteration of the status quo brought about by that change, and because there is a risk that other people may have an interest in the

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<sup>7</sup> Paragraph A

<sup>8</sup> See paragraph 4.21 of Mr Shearer’s evidence

current form of the impact and vibratory piling rule.<sup>9</sup> Furthermore, the introduction of a new rule would have to be supported by a section 32 assessment.

50. The Commissioners support the Council's position and recommend that the issue of providing for the replacement of piles as a permitted activity in the Coastal – Marina Zone but requiring that its method of impact and vibratory piling to be assessed as a restricted discretionary activity, be revisited as a separate matter.
51. **Federated Farmers** – Richard Gardner, Senior Policy Advisor and In-House Counsel presented submissions on two matters – drainage systems and farm drains, and the location of the coastal marine area and river boundaries. Whilst the section 42A report in relation to the former was accepted, Mr Gardner raised a number of issues in respect of the latter.
52. Federated Farmers in submission point 7.2 seeks that Plan Change 15 be amended to identify the location of the coastal marine area / river boundary of the rivers named in Appendix 7 in accordance with the RMA definitions of 'coastal marine area' and 'mouth'.
53. Mr Gardner states that the boundary at the interface between the coastal marine area and the adjacent land zone and overlays has not been set in accordance with the law at least for some of the river points, and therefore the site - specific surveys sought in the Federated Farmers submission are appropriate<sup>10</sup>. We note that Federated Farmers principal concern is with the differences in the livestock exclusion requirements in relation to the different regimes for rivers and coastal marine areas.<sup>11</sup>
54. The Council has advised that the intent of Plan Change 15 is to correct the grid references of the coastal marine area boundaries in Appendix 7 and to remove the inconsistency between the appendix and the GIS viewer maps; and to add an additional new 'information map' layer to the Appendix 7 points to show dots where the indicative coastline crosses the listed rivers. The Commissioners note that the indicative coastline points were agreed between the Council and the Department of Conservation in 2013 in conjunction with the PAUP. We further note that the Minister of Conservation is opposed to the relief sought by Federated Farmers.
55. The Council has recognised in the section 42A report that the grid reference points in Appendix 7 are the same as in the equivalent Schedule 7 in the legacy Auckland Regional Plan: Coastal and that these points should have been updated in the Appendix when the AUP was notified in 2013.<sup>12</sup> This was also included in two of the options explored by Council in the Section 32 evaluation for Plan Change 15. The preferred option was to update the Appendix and to also include a new map layer to show the updated coastal marine area boundary points at rivers. None of the options in the Section 32 evaluation included checking whether the points were all in

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<sup>9</sup> Refer section 42A report, paragraphs 12.5 and 12.6

<sup>10</sup> Refer paragraph 22 of Mr Gardner's statement

<sup>11</sup> Refer paragraph 36 of Mr Gardner's statement

<sup>12</sup> Refer section 42A report, paragraph 21.10

accordance with the legislative requirements from the RMA definitions of 'coastal marine area' and 'mouth'.

56. We agree with the Council that in considering the first limb of the *Motor Machinists* test, this submission point is not "on" the plan change as it does not address the alteration to the status quo. The movement of any of the identified coastal marine area boundary points would go beyond the scope of this plan change, as it would require change to the area shown as 'coastal marine area' and in turn, require the updated points to be shown as a map layer. This has the potential to change the management regime for the relevant waterbody. It also has the potential to affect someone who has assumed the mapped area of the river would stay in the same location and may have submitted if they thought there was a possibility this could affect their property and therefore impacts on the second limb of the *Motor Machinists* test.
57. We find agreement with the Council that any errors in the points should be corrected through a future plan change. That process would allow for joint decision-making to occur between the Council and the Minister of Conservation.
58. **Ports of Auckland Limited (POAL)** – Mike Doesburg, Counsel advised that POAL disagreed with the section 42A report in respect of one critical issue – exclusive occupation.<sup>13</sup> POAL sought amendments to the proposed new regime for exclusive occupation for activities that would otherwise be permitted. Rather than a blanket discretionary status for the entire General Coastal Marine zone, POAL sought that a restricted discretionary status apply to the CBD waterfront, noting that as an area where it is acknowledged in the AUP that exclusive occupation may be required. The section 42A report supports POAL's submissions but suggests that they are not 'on PC15' and hence cannot be accepted.
59. Mr Doesburg presented detailed legal submissions which addressed the issue of scope, that is, whether the POAL's submission is "on" the PC. He discussed the leading cases in this respect and the two-limbed test developed by those cases which was paraphrased in the section 42A report. He submitted that the status quo under the AUP is that no specific rule provides for exclusive occupation of the CMA for activities that are otherwise permitted. This then creates a regulatory gap for exclusive occupation of the CMA for permitted structures or uses. The PC proposes to fill this gap by introducing a blanket rule in the General Coastal Marine zone as well as specific rules for special purpose coastal zones. POAL's submission is squarely directed to this change. It relates to the part of the CMA that is covered by discretionary status but seeks to apply a more focussed regime for that area, just as PC15 does for the special purpose coastal zones.

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<sup>13</sup> Paragraph 6



60. We accept the submissions of Mr Doesburg in these respects and note, from our questions of the Council officers, that they were not strongly opposed to the POAL's point of view in this matter.
61. Mark Arbuthnot presented supporting planning evidence in which he stated the key matter that remained unresolved between POAL and Council related to the activity status for the exclusive occupation of the CMA within the City Centre Waterfront Precincts. POAL had sought restricted discretionary activity status whereas PC15 proposes a discretionary status.
62. He pointed out that PC15 recognises that the coastal zones that apply to marinas, Defence areas, minor ports and ferry terminals can have safety or security reasons that justify a restricted discretionary activity status for exclusive occupation of the CMA, and that in his opinion, this approach should also apply to the City Centre Waterfront Precincts. He noted further in this respect, that Council has proposed a rule that directly applies to the spatial area of the Precincts.
63. Mr Arbuthnot provided detailed evidence, which we found to be helpful to our considerations. It included reference to the general approach of PC15 to the exclusive occupation of the CMA and as he stated, when regard is had to the specialist nature of the City Centre Waterfront Precincts, it is also appropriate to apply a restricted discretionary activity status. That is consistent with the policy outcomes stated in the AUP and recognises those Precincts have functional or safety and security reasons that justify the exclusive occupation of the CMA in some areas.
64. We find agreement with the POAL representatives and that accordingly restricted discretionary activity status is to apply to exclusive occupation of the CMA in the City Centre Waterfront Precincts.

## **SUMMARY OF OTHER SUBMISSIONS RECEIVED**

65. In this section of the decision we briefly review submissions where submitters did not appear or present evidence at the hearing. There were no other submitters who opposed PC15, and we have simply noted the following submitters who supported the Plan Change and whose submissions were recommended to be accepted by the reporting planner:
66. **NZTA** – in relation to dredging, disturbance and depositing inconsistencies and activity tables overlaps and inconsistencies, NZTA accepted the plan change provisions. The submission is accepted.
67. **Heritage NZ** sought to accept PC15 with amendments to the accidental discovery rule's introductory remarks to clarify that the provisions pertain only to the discovery of sensitive material which is not expressly provided for by resource consent or other statutory authority. The reporting planner recommended that this submission be accepted and the Commissioners adopt that recommendation.

68. **Minister of Conservation** supported whole plan change. This submission is accepted.
69. **Vector** – in relation to reclamation, structures, minor infrastructure upgrades and functional need and existing structures, Vector supported the plan change and any other consequential amendments or relief to address Vector’s concerns. The submission is accepted.

## **PRINCIPAL ISSUES IN CONTENTION**

70. Having considered the submissions and further submissions received, the hearing report, the evidence presented at the hearing and the Council officers’ response to questions, the following principal issues in contention have been identified:
- Wording of the proposed new accidental discovery rule in relation to the discovery of munitions – resolved.
  - Whether “existing” marinas and marine farms should exist at the date the AUP was notified or operative, or existing when a relevant consent application is made – resolved.
  - Clarity in the proposed new provisions for: minor works on reclamations and structures; exclusive occupation, activity table overlaps and inconsistencies – resolved.
  - Rules applying to discharges and cleaning of hull bio-fouling from the Calliope Dry Dock at the Devonport Defence Base – resolved.
  - Requests for a new rule for impact and vibratory piling – not resolved
  - Provisions relating to the location of the coastal marine area and river boundaries – not resolved.

## **FINDINGS ON THE PRINCIPAL ISSUES IN CONTENTION**

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

## **DECISION**

72. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, that Proposed Plan Change 15 to the Auckland Unitary Plan (Operative in Part) be approved, with the modifications as set out in this decision.
73. Submissions on the plan change are accepted and rejected in accordance with this decision. In general, these decisions follow the recommendations set out in the Council’s section 42A report, except as identified above.
74. The reasons for the decision are that Plan Change 15:

- a. will assist the Council in achieving the purpose of the RMA;
- b. is consistent with the Auckland Regional Policy Statement;
- c. is consistent with the provisions of Part 2 of the RMA;
- d. is supported by necessary evaluation in accordance with section 32; and
- e. will help with the effective implementation of the plan.

A handwritten signature in blue ink that reads "Rebecca Macky". The signature is written in a cursive style.

**Chairperson**

**Date: 20 June 2019**

## **Appendix 1 – Plan change 15 showing amendments**

## Appendix 1: Plan Change 15 – Improving consistency of provisions in Chapter F Coastal, Chapter J Definitions, Appendix 7 and the viewer of the Auckland Unitary Plan (Operative in part)

### **Explanatory note:**

This appendix sets out the content of the proposed plan change.

Amendments proposed by this plan change to the Auckland Unitary Plan are shown with underline for new text and ~~strikethrough~~ where existing text is proposed to be deleted. The use of .... indicates that there is more text, but it is not being changed. These are used when the whole provision is too long to be included.

Amendments in the notified plan change are in black text.

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

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

In accordance with section 86B(3) of the Resource Management Act 1991 all of the proposed plan change rules have immediate legal effect.

## Proposed amendments to Chapter F Coastal

### F2. Coastal – General Coastal Marine Zone

#### F2.1 Zone description

The Coastal – General Coastal Marine Zone comprises ...

... [to last paragraph]

~~Any sites or places of significance to Mana Whenua~~ sensitive material that are ~~is~~ identified prior to, or discovered during use and development activities in the coastal marine area, must comply with the accidental discovery rules in F2.21.1.4, unless it is expressly provided for by a resource consent or other statutory authority. ~~E11 Land disturbance – Regional or E12 Land disturbance – District.~~ Sensitive material includes human remains and kōiwi, archaeological sites, Māori cultural artefacts, protected New Zealand objects (including fossils or sub-fossils), shipwrecks or other items that may contain oil, lava caves, and unknown material on or under the foreshore or seabed such as munitions, submarine cables and pipelines.

The Plan has identified significant marine communities ...

#### F2.10. Taking, use and damming or diverting of coastal waters

##### F2.10.3. Policies [rcp]

- (3) Avoid damming or impoundment of coastal water unless:
  - (a) it is necessary to enable the construction, operation or maintenance of ~~significant~~ infrastructure; or
  - (b) it is for habitat protection; and
  - (c) a location on land or other method is not available;

#### F2.11. Discharges

##### F2.11.1 Background

Good water is fundamental to most activities undertaken in the coastal marine area and underpins the ecological health and life-supporting capacity of the marine environment.

... [To 8<sup>th</sup> paragraph]

The Council will work collaboratively with stakeholders to identify additional coastal water quality indicators and guideline values to complement the existing sediment quality threshold effects levels (for example, those in 'Blueprint for monitoring urban receiving environments, ARC Technical Publication 168 revised edition August 2004')

and the 'Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Australian and New Zealand Governments and Australian state and territory governments, Canberra ACT, Australia' (ANZG 2018) as they relate to sediment quality in the coastal marine area). This will help improve the evaluation of different discharge options through the resource consent process. This will be an interim measure as implementation of the National Policy Statement for Freshwater Management 2014 and marine spatial planning is likely to result in additional measures to safeguard the values of coastal receiving environments.

## **F2.13. Discharges from bio-fouling and vessel maintenance**

### **F2.13.1. Background**

...Vessels arriving from overseas may be carrying organisms that are exotic to New Zealand, whereas vessels from other parts of New Zealand, or even those travelling between different places in Auckland, may further spread exotic species which are already established. These organisms may be discharged into the coastal marine area either by active ~~in-water~~ cleaning of hulls, or by passive discharge due to reproductive processes of the organisms, or by water sheering during vessel movement.

The best way to minimise the risks associated with harmful aquatic organisms is to restrict their introduction into New Zealand, limit their spread (if they are already present) by controlling the movement of fouled vessels, equipment and gear and restrict discharges from ~~in-water~~ cleaning that may include harmful aquatic organisms. The origin of a vessel adds to the risk of the spread of invasive organisms.

The provisions in this Section allow for the removal of microfouling from vessels, but place progressively stricter controls on vessels with higher levels of hull bio-fouling (in accordance with the Australian and New Zealand Anti-fouling and In-water Cleaning Guidelines June 2013), which is preventable if vessel maintenance is kept up to date. The provisions in this section relating to biofouling are also stricter for high value areas.

### **F2.13.2. Objectives [rcp]**

- (1) The risk of introducing or spreading harmful aquatic organisms from vessel biofouling is minimised.
- (2) The risk of introducing contaminants, including harmful aquatic organisms, from the ~~in-water~~ cleaning of vessels near the shores of Hauraki Gulf Marine Park Islands which have conservation status is minimised.

### **F2.13.3. Policies [rcp]**

- (1) Raise awareness among the boating community, particularly for vessels arriving from outside New Zealand or Auckland, of the importance of

maintaining clean hulls to reduce risk of introducing or spreading harmful aquatic organisms from biofouling on vessel hulls and niche areas, and particularly during boat maintenance activities and from the passive discharge of organisms from macrofouling.

- (2) Manage ~~the in-water~~ hull and niche area cleaning and boat maintenance activities of vessels, particularly those that have a high degree of biofouling, to minimise the risk of harmful aquatic organisms being discharged into coastal water.
- (3) Avoid ~~in-water~~ hull cleaning or boat maintenance activities being undertaken on the foreshore and marine area surrounding the Hauraki Gulf conservation islands, to reduce the risk from contaminants, including harmful aquatic organisms, adversely affecting the natural values of these islands.

## **F2.14. Use, development and occupation in the coastal marine area**

### **F2.14.2 Objectives**

- (9) Limited expansion of existing marinas ~~existing at the date of notification~~ into the Coastal – General Coastal Marine Zone is provided for, provided there is adequate infrastructure to support the expansion and adverse effects on the coastal environment are avoided, remedied or mitigated.

### **F2.14.3. Policies [rcp]**

- (3) Avoid use and occupation of the common marine and coastal area by activities that do not have a functional need to be undertaken in the coastal marine area below mean high water springs, unless the proposed use:
  - (a) can demonstrated it needs to be located in the common marine and coastal area and cannot practicably be located on land outside of the common marine and coastal area;
  - (b) is consistent with the objectives and policies for the relevant zone or precinct;
  - (c) will enhance amenity values and not conflict with marine activities; ~~or~~ and
  - (d) any necessary land-based infrastructure can be provided.

## **F2.16. Structures**

### **F2.16.3 Policies [rcp]**

- (24) Avoid structures that will limit the ability to moor vessels in the Coastal – Mooring Zone, other than those structures necessary for infrastructure that have a functional or operational need to be located in the coastal marine area



and that cannot practicably be located in a different location outside the Coastal – Mooring Zone.

## F2.19. Activity tables

- (1) Tables F2.19.1 to F2.19.10 specify the activity status of activities in the Coastal – General Coastal Marine Zone (GCM Zone) and the coastal marine area parts of the following overlays pursuant to sections 12(1), 12(2) and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991, and taking, using and damming or diverting coastal water pursuant to section 14, and discharges to coastal waters pursuant to section 15 of the Resource Management Act:
  - (a) D9 Significant Ecological Areas Overlay – Marine 1 and 2 (SEA-M1, SEA-M2);
  - (b) D17 Historic Heritage Overlay (HH);
  - (c) D11 Outstanding Natural Character and High Natural Character overlays (ONC) (HNC);
  - (d) D10 Outstanding Natural Features Overlay; and Outstanding Natural Landscapes Overlay (ONF) (ONL).

The abbreviations in brackets after the overlay names that are listed above, are used as references to these overlays in Tables F2.19.1 to F2.19.10.

~~(1A) If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource. This does not apply where a proposal includes a number of activities which trigger separate specific rules. In that case, all rules are considered when assessing the proposal.~~

- (2) The activities, standards and assessment in F2 Coastal – General Coastal Marine Zone apply in the coastal marine area of all the coastal zones and coastal precincts unless otherwise specified under the relevant zone or precinct.

### Table F2.19.1 Activity table - Drainage, reclamation and declamation

#### Note 1

Table F2.19.1 specifies the activity status for works that reclaim or drain any foreshore or seabed, and for declamation activities in the coastal marine area. The RMA activities that this table covers are:

- Reclamation and drainage of any foreshore or seabed (RMA s12(1)(a))

- Activities that contravene a rule in the regional coastal plan (RMA s12(3))
- Disturbance of the foreshore and seabed, incidental to the activity (RMA s12(1)(c), (e), (g))
- Deposition of material in, on or under the foreshore or seabed, incidental to the activity (RMA s12(1)(d))
- Diversion of coastal water, incidental to the activity (RMA s14)
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).

**Table F2.19.2 Activity table - Depositing and disposal of material**

Note 1

Table F2.19.2 specifies the activity status of depositing and disposal of material in the coastal marine area. The table also repeats the requirements of Regulation 4(2) of the Resource Management (Marine Pollution) Regulations 1998, which specifies that certain dumping activities must be treated as a discretionary activity in a regional coastal plan. The RMA activities that this table covers are:

- Deposition of material in, on or under the foreshore or seabed (RMA s12(1)(d))
- Disturbance of the foreshore and seabed, incidental to the activity (RMA s12(1)(c), (e), (g))
- Activities that contravene a rule in the regional coastal plan (RMA s12(3))
- Diversion of coastal water, incidental to the activity (RMA s14)
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A7)	Coastal marine area depositing of material where the deposited sediment is extracted from within the same coastal cell:  <ul style="list-style-type: none"> <li>• maximum of 1500m<sup>3</sup> per 12 month period</li> </ul>	P	D	<del>D</del> RD	<del>D</del> P	D	NC	D
(A8)	Coastal marine area depositing of material where the deposited sediment is extracted from within the same coastal cell:  <ul style="list-style-type: none"> <li>• between 1500m<sup>3</sup> and 10,000m<sup>3</sup> per 12 month period</li> </ul>	RD	NC	D	D	D	NC	D
(A9)	Coastal marine area depositing of material from outside the coastal cell:  <ul style="list-style-type: none"> <li>• maximum of 10,000m<sup>3</sup> per 12 month period</li> </ul>	RD	NC	D	D	NC	NC	D
<u>(A9A)</u>	<u>Coastal marine area depositing of material where the deposited sediment is extracted from within the same coastal cell:</u>  <ul style="list-style-type: none"> <li>• <u>greater than 10,000m<sup>3</sup> of sediment per 12 month period, where it is required for the safe and efficient operation or construction of infrastructure</u></li> </ul>	<u>D</u>	<u>NC</u>	<u>NC</u>	<u>D</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
(A10)	Coastal marine area depositing of material not otherwise provided for	D	NC	NC	NC	NC	NC	NC

**Table F2.19.3 Activity table - Dredging**

Note 1

Table F2.19.3 specifies the activity status of dredging activities in the coastal marine area. The RMA activities that this table covers are:

- Disturbance of the foreshore and seabed (RMA s12(1)(c), (e), (g))
- Activities that contravene a rule in the regional coastal plan (RMA s12(3))
- Diversion of coastal water, incidental to the activity (RMA s14)
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A17)	<del>Dredging to maintain or clear an existing lawful drainage systems involving maximum of 500m<sup>3</sup> of material</del> [Deleted]	P	D	RD	P	D	D	D
(A18)	<del>River mouth dredging;</del> <ul style="list-style-type: none"> <li>• maximum of 1500m<sup>3</sup>; or</li> <li>• maximum of 100m length</li> </ul> [Deleted]	P	D	RD	RD	D	D	D
(A19)	<u>River mouth dredging; Dredging dredging to maintain or gain access to an existing lawful structure; dredging to clear the exit of any lawful stormwater outfall or pipe; or to maintain or clear an existing lawful drainage systems:</u> <ul style="list-style-type: none"> <li>• maximum of 1500m<sup>3</sup>;</li> <li>• maximum of 100m length</li> </ul>	P	D	RD	P	D	D	D

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A20)	River mouth dredging; dredging to maintain or gain access to an existing lawful structure; dredging to clear the exit of any lawful stormwater outfall or pipe; or <u>to maintain or clear an existing lawful drainage systems</u> :  <ul style="list-style-type: none"> <li>• maximum of 5000 m<sup>3</sup>;</li> <li>• maximum of 500m length</li> </ul>	RD	NC	RD	RD	NC	NC	NC
(A21)	River mouth dredging; dredging to maintain or gain access to an existing lawful structure; dredging to clear the exit of any lawful stormwater outfall or pipe; or <u>to maintain or clear an existing lawful drainage systems</u> not otherwise provided for	D	NC	D	D	NC	NC	NC

**Table F2.19.4 Activity table – Coastal marine area disturbance**

Note 1

Table F2.19.4 specifies the activity status of activities that disturb any foreshore or seabed (including by excavating, drilling, or tunnelling, but excluding dredging). The RMA activities that this table covers are:

- Disturbance of the foreshore and seabed (RMA s12(1)(c), (e), (g))
- Removal of sand, shingle, shell or other natural material from the common marine and coastal area (RMA s12(2)(b))
- Deposition of material in, on or under the foreshore or seabed, incidental to the activity (RMA s12(1)(d))
- Activities that contravene a rule in the regional coastal plan (RMA s12(3))

- Diversion of coastal water, incidental to the activity (RMA s14)
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).

Note 2

Any disturbance of the foreshore or seabed incidental to the construction, placement, alteration, removal or demolition of structures is addressed by Table F2.19.10.

Note 4 3

Activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 are not affected by the provisions below.

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
...								
(A32)	Coastal marine area disturbance that is: <ul style="list-style-type: none"> <li>• not otherwise provided for and meets the standards; or</li> <li>• associated with removal of litter or marine debris; or</li> <li>• associated with removal of sediment, vegetation and encrusting organisms from any existing lawful coastal marine area structures; or</li> <li>• associated with the burial of dead marine mammals; or</li> <li>• associated with control or eradication of any exotic or introduced plant or animal</li> </ul>	P	P	P	P	P	P	P

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	<ul style="list-style-type: none"> <li>species; or</li> <li>• associated with operation, maintenance, repair or reconstruction of existing lawful Coastal marine area structures or buildings; or</li> <li>• associated with minor infrastructure upgrading.</li> </ul>							
(A33)	Coastal marine area disturbance that is associated with movement of up to 1500m <sup>3</sup> of sediment per <del>calendar year</del> <u>12 month period</u> within the same coastal cell	P	D	D	D	D	NC	D
(A34)	Coastal marine area disturbance that is associated with movement of between 1500m <sup>3</sup> and 10,000m <sup>3</sup> of sediment per <del>calendar year</del> <u>12 month period</u> within the same coastal cell	RD	NC	D	D	D	NC	NC
(A35)	Coastal marine area disturbance associated with movement greater than 10,000m <sup>3</sup> of sediment per <del>calendar year</del> <u>12 month period</u> within the same coastal cell, where it is required for the safe and efficient operation or construction of <del>significant</del> infrastructure	D	NC	NC	D	NC	NC	NC
(A36)	Coastal marine area disturbance associated with movement greater than 10,000m <sup>3</sup> of sediment per <del>calendar year</del> <u>12 month period</u>	D	NC	NC	NC	NC	NC	NC

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	within the same coastal cell							
(A37)	Coastal marine area disturbance that is not otherwise provided for	D	NC	NC	NC	NC	NC	NC

**Table F2.19.5 Activity table - Planting in the coastal marine area**

Note 1

Table F2.19.5 specifies the activity status of planting in the coastal marine area. The RMA activities that this table covers are:

- Planting exotic or introduced plants in the coastal marine area (RMA s12(1)(f))
- Planting native plants (activities that contravene a rule in the regional coastal plan) (RMA s12(3))
- Disturbance of the foreshore or seabed, incidental to the activity (RMA s12(1)(c), (e), (g)).

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
...								



**Table F2.19.6 Activity table - Taking, use and damming or diverting coastal water**

Note 1

Table F2.19.6 specifies the activity status of taking, use and damming or diverting coastal water. The RMA activities that this table covers are:

- Taking, using, damming or diverting coastal water (RMA s14)

Activity	Activity status						
	GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
...							

**Table F2.19.7 Activity table - Discharges to the coastal marine area**

Note 1

Table F2.19.7 specifies the activity status of discharges to the coastal marine area, other than where it is incidental to an activity provided for in another table. The RMA activities that this table covers are:

- Discharge of contaminants or water into water (RMA s15)
- Activities that contravene a rule in the regional coastal plan (RMA s12(3))

Note 2

Additional biosecurity obligations may apply with respect to biofouling. International vessels arriving in New Zealand waters will have additional obligations under the Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand (May 2014).

Activity		Activity status						
		GCM Zone	SEAM1, ONC	ONL	SEAM2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
...								
(A62)	Discharges into the coastal marine area, which are not covered by <del>subject to another rule in the Unitary Plan, and not covered by subject to the Resource Management (Marine Pollution) Regulations 1998, that comply with the permitted activity standards</del>	P	P	P	P	P	P	P
...								
(A64)	Discharges from firefighting and other emergency response activities undertaken by the <del>New Zealand Fire Service – Fire and Emergency New Zealand</del> or the <del>New Zealand Defence Force</del> (including discharges of hazardous substances)	P	P	P	P	P	P	P
...								
(A70)	Discharges into <del>coastal water</del> not otherwise authorised by a rule in the Plan, or <del>covered by</del> <u>subject to</u> the Resource Management (Marine Pollution) Regulations 1998, that do not comply with the permitted activity standards	D	NC	D	D	D	NC	D
(A71)	Discharge of hull bio-fouling organisms resulting from <del>in-water</del> cleaning of a vessel with micro-fouling (LOF 0-1) and goose barnacles  <del>(standards to be complied with: Standard F2.21.8.7 (1), (2), (5) and</del>	P	Pr	P	P(HNC)  Pr (SEA – M2)	P	P	P

Activity		Activity status						
		GCM Zone	SEAM1, ONC	ONL	SEAM2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	(7))							
(A72)	<p>Discharge of hull bio-fouling organisms resulting from:</p> <ul style="list-style-type: none"> <li>• <del>the in-water</del> small scale manual removal (up to 5 per cent of the hull surface area, including niche areas) of <u>macro-fouling not provided for in Rule (A71) or (A73) bio-fouling organisms;</u> <u>or</u></li> <li>• <u>cleaning of a vessel with macro-fouling where the fouling is:</u> <ul style="list-style-type: none"> <li>○ <u>of international origin; or</u></li> <li>○ <u>of domestic origin but more than low biosecurity risk or has not had a risk assessment (or extensive to very heavy macro-fouling)</u></li> </ul> </li> </ul> <p>(standards to be complied with: Standard F2.21.8.7 (2), (3), (4), (5) and (7))</p>	P	Pr	P	P(HNC) Pr (SEA – M2)	D	P	P
(A73)	<p>Discharge of hull bio-fouling organisms resulting from <del>in-water</del> cleaning of a vessel with macro-fouling <u>where the fouling is:</u></p> <ul style="list-style-type: none"> <li>• <u>from within Auckland; or</u></li> <li>• <u>of domestic origin following a risk assessment that determined a relative biosecurity risk of</u></li> </ul>	P	Pr	P	P(HNC) Pr (SEA – M2)	D	P	<u>P</u>

Activity		Activity status						
		GCM Zone	SEAM1, ONC	ONL	SEAM2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	<p><u>negligible or low</u></p> <p><del>(standards to be complied with: Standard F2.21.8.7 (2), (5) and (7))</del></p>							
(A74)	<p>Discharge of hull bio-fouling organisms resulting from in-water cleaning of a vessel with macro-fouling of domestic origin following a risk assessment that determined a relative biosecurity risk of negligible or low</p> <p><del>(standards to be complied with: Standard F2.21.8.7 (2), (5) and (7))</del></p> <p><del>[Deleted]</del></p>	P	Pr	P	P(HNC) Pr (SEA—M2)	D	P	P
(A75)	<p>Discharge of hull bio-fouling organisms resulting from in-water cleaning of a vessel with macrofouling where the fouling is:</p> <ul style="list-style-type: none"> <li>• of international origin; or</li> <li>• of domestic origin but more than low biosecurity risk or has not had a risk assessment (or extensive to very heavy macrofouling)</li> </ul> <p><del>(standards to be complied with: Standard F2.21.8.7 (2), (3), (4), (5) and (7))</del> <del>[Deleted]</del></p>	P	Pr	P	P(HNC) Pr (SEA—M2)	D	P	P

Activity		Activity status						
		GCM Zone	SEAM1, ONC	ONL	SEAM2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A76)	Discharges associated with <del>in water</del> treatment methods that render bio-fouling organisms non-viable  <del>(standards to be complied with:</del>  Standard F2.21.8.7 (2), (6) and (7))	P	Pr	P	P(HNC)  Pr (SEA – M2)	D	P	P
(A77)	Discharge of any contaminant resulting from <del>in-water</del> cleaning, the application of anti-fouling, or painting of vessels, including discharge of hull bio-fouling organisms, within 500m of mean high water springs of the following Hauraki Gulf conservation islands:  <ul style="list-style-type: none"> <li>• Beehive Island;</li> <li>• Browns Island;</li> <li>• Little Barrier Island;</li> <li>• Mokohinau Islands;</li> <li>• Motuihe Island;</li> <li>• Motuora Island;</li> <li>• Motutapu Island;</li> <li>• Rangitoto Island;</li> <li>• Saddle (Te Haupa) Island;</li> <li>• The Noises Islands; and</li> <li>• Tiritiri Matangi Island.</li> </ul>	Pr	Pr	Pr	Pr	Pr	Pr	Pr
(A78)	Discharge of hull bio-fouling organisms resulting from <del>in-water</del>	RD	Pr	RD	RD (HNC)	RD	RD	RD

Activity		Activity status						
		GCM Zone	SEAM1, ONC	ONL	SEAM2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	cleaning of a vessel not otherwise provided for				Pr (SEA – M2)			
(A79)	Passive discharge of hull bio-fouling organisms from a commercial or military vessel	P	P	P	P	P	P	P
(A80)	Passive discharge from a non-commercial and non-military vessel with: <ul style="list-style-type: none"> <li>• light to very heavy macro-fouling of international origin (level of fouling scale 2 to 5); or</li> <li>• very heavy macro-fouling of domestic origin (level of fouling scale 5); or</li> <li>• <u>unusual or suspected harmful aquatic organisms (or species designated as pests in the relevant pest management plan prepared under the Biosecurity Act).</u></li> </ul>	D	D	D	D	D	D	D
(A81)	<del>Passive discharge from a non-commercial and non-military vessel with unusual organisms or suspected harmful aquatic organisms (or species designated as pests in the relevant pest management plan prepared under the Biosecurity Act) [Deleted]</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>
(A82)	Passive discharge of hull bio-fouling organisms resulting from its presence, not otherwise provided for	P	P	P	P	P	P	P

## Table F2.19.8 Activity table – Use and activities

### Note 1

Table F2.19.8 specifies the activity status of uses and activities in the coastal marine area. The RMA activities that this table covers are:

- Activities that contravene a rule in the regional coastal plan (RMA s12(3))
- Disturbance of the foreshore and seabed, incidental to the activity (RMA s12(1)(c), (e), (g))
- Occupation of the common marine and coastal area by the activity (RMA s12(2)(a))
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).

### Note 2

In this table, unless specified otherwise, the activity status for occupation of the common marine and coastal area (RMA section 12(2)) has the same activity status as the use or activity (RMA section 12(3)) that the occupation relates to.

### Note 3

This table does not apply to any use, activities and or occupation related to structures that is more specifically covered by Activity table F2.19.10.

### Note 4

The activity status for 'underwater blasting, impact and vibratory piling, marine seismic surveys' relates to the generation of underwater noise from these activities. These activities are generally part of other activities (for example, dredging, demolition, construction, mineral exploration). For the avoidance of doubt, the activity status of the other activity continues to apply, unless the activity is permitted or controlled, in which case the overall activity status becomes restricted discretionary.

### Note 5

Rule F2.19.8(A87) applies where occupation is proposed in an area that has an existing occupation consent. Rule F2.19.8(A87) does not apply if an activity is ~~in accordance with an agreement with~~ proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

### Note 6

Occupation consents do not provide for exclusive occupation unless that is specifically sought in an application and provided for in a resource consent. Exclusive occupation is associated with a use and/or a structure. ~~The activity status of occupation for the use or structure applies to exclusive occupation, unless the activity is permitted, in which case exclusive occupation is a discretionary activity under rule (A114A).~~ Where an activity requires a resource consent for occupation and exclusive occupation is proposed, the activity status is that specified for occupation. Where a use or activity would be otherwise permitted but exclusive occupation is proposed, the activity status is discretionary under rule (A114A) or a restricted discretionary activity under rule (A114B) for the City Centre Waterfront precincts (Wynyard Precinct, Viaduct Harbour Precinct, Central Wharves Precinct and Port Precinct). Exclusive occupation does not include temporary activities or temporary military training activities, including where other people are excluded for limited periods.

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
(A83)	<del>Public access, passive recreation, navigation and general use</del> <u>Use of the coastal marine area not otherwise provided for in the Plan and that does not involve occupation of the common marine and coastal area</u>	P	P	P	P	P	P	P
(A84)	<del>Use of the coastal marine area and/or occupation</del> <u>Occupation of the common marine and coastal area and associated use by activities which have a functional need to be below mean high water springs and that are not otherwise provided for in this table or in table F2.19.10</u>	D	D	D	D	D	D	D
(A85)	<del>Use of the coastal marine area and/or occupation of the common marine and coastal area by new or existing unlawful activities that do not have a functional need to be</del>	NC	NC	NC	NC	NC	NC	NC



Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
	undertaken below mean high water springs in the coastal marine area, including activities in, or on, an existing building or structure, and that are not otherwise provided for							
...								
(A87)	Occupation of the common marine and coastal area by <del>a structure</del> <u>or</u> activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD	RD	RD	RD	RD	RD	RD
...								
(A112)	New marinas and expansion of <del>a an existing</del> <u>an existing</u> marina <del>existing at the date the plan becomes operative (31 May 2018)</del> by 15 per cent or more of its area within the coastal marine area existing at that time	NC	NC	NC	NC	NC	NC	NC
(A113)	Expansion of <del>a an existing</del> <u>an existing</u> marina <del>existing at the date the plan becomes operative (31 May 2018)</del> by no more than 15 per cent of its area within the coastal marine area existing at that time.	D	NC	NC	NC	NC	NC	NC
(A114)	Underwater blasting, impact and vibratory piling, marine seismic surveys	RD	RD	RD	RD	RD	RD	RD
(A114A)	<u>Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be a permitted activity</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
	<p><u>unless:</u></p> <ul style="list-style-type: none"> <li>• <u>it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity, or</u></li> <li>• <u>it is within the City Centre Waterfront precincts</u></li> </ul>							
(A114B )	<p><u>Exclusive occupation of the common marine and coastal area within the City Centre Waterfront precincts by a structure or activity that would otherwise be a permitted activity unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity</u></p>	<u>RD</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>

## Table F2.19.9 Activity table - Aquaculture activities

### Note 1

Table F2.19.9 specifies the activity status of aquaculture activities in the coastal marine area. The RMA activities that this table covers are:

- Construction, placement, alteration, removal or demolition of structures used for aquaculture activities (RMA s12(1)(b))
- Disturbance of the foreshore and seabed, incidental to the aquaculture activities (RMA s12(1)(c), (e), (g))
- Deposition of material in, on or under the foreshore or seabed, incidental to the aquaculture activities (RMA s12(1)(d))
- Occupation of the common marine and coastal area by the aquaculture activities (RMA s12(2)(a))
- Activities that contravene a rule in the regional coastal plan (RMA s12(3))
- Discharge of contaminants or water into water, incidental to the aquaculture activities (RMA s15).

Activity		Activity status						
		GCM Zone	SEAM1, ONC	ONL	SEAM2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A115)	<del>New aquaculture activities (new)</del> Aquaculture activities (new)	D	NC	NC	NC	NC	NC	NC
(A116)	<del>Re-consenting an established aquaculture activity</del> <u>Re-consenting lawfully established aquaculture activities</u> (reconsenting an established aquaculture activity)	RD	RD	RD	RD	RD	RD	RD
(A117)	<del>Aquaculture activities in</del> Minor extension of a lawfully established aquaculture activity <u>activities</u> limited to a maximum of 25 percent of the size of the originally consented current farm	RD	D	D	D	D	D	D
(A118)	<del>Aquaculture activities in</del> Minor realignment of an lawfully established aquaculture activities limited to moving 1/3 of the farm area, while 2/3 of the farm area stays within the same space as originally consented	RD	D	D	D	D	D	D
(A119)	Experimental aquaculture activities that are a maximum of 1ha <u>and 10 years in duration</u>	RD	NC	NC	NC	NC	NC	NC
(A120)	Aquaculture activities not otherwise provided for	D	NC	NC	NC	NC	NC	NC

**Table F2.19.10 Activity table – Structures**

Note 1

~~Unless otherwise specified, activities listed in Table F2.19.10 include construction (pursuant to section 12(1) of the Resource Management Act 1991) and occupation (pursuant to section 12(2) of the Resource Management Act 1991). Use of a structure (pursuant to 12(3) of the Resource Management Act 1991) has the activity status listed in this table unless it is addressed more specifically in Table F2.19.8.~~

Table F2.19.4 10 specifies the activity status for structures in the coastal marine area. The RMA activities that this table covers are:

- Construction, erection, reconstruction, placement, alteration, extension, removal or demolition of structures (RMA s12(1)(b))
- Occupation of the common marine and coastal area by the structure (RMA s12(2)(a))
- Disturbance of the foreshore and seabed, incidental to the activity (RMA s12(1)(c), (e), (g))
- Deposition of material in, on or under the foreshore or seabed, incidental to the activity (RMA s12(1)(d))
- Use of structures (activities that contravene a rule in the regional coastal plan) (RMA s12(3)), unless the use is addressed more specifically in Table F2.19.8
- Diversion of coastal water, incidental to the activity (RMA s14)
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).

#### Note 2

In this table, unless specified otherwise, the activity status for occupation of the common marine and coastal area (section 12(2) of the Resource Management Act 1991) has the same activity status as for the construction of a structure (section 12(1) of the Resource Management Act 1991) that the occupation relates to.

#### Note 3

The activity status for a new consent for an existing structure (re-consenting its use of the coastal marine area pursuant to section 12(3) and its occupation of space in the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991) has the same activity status as construction of that structure listed in this table.

#### Note 4

Provisions relating to moorings in the Coastal – General Coastal Marine Zone are contained in the F4 Coastal – Mooring Zone and moorings outside the Coastal – Mooring Zone.

#### Note 5

Activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 are not affected by the provisions below.

Activity		Activity status						
		GCM Zone	SEAM1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A121)	Construction of coastal marine area structures and buildings unless provided for elsewhere <u>in this table (see table F2.19.8 for the use of the structure)</u>	D	NC	NC	NC	NC	NC	NC
(A122)	Maintenance, repair or reconstruction of existing lawful coastal marine area structures or buildings	P	P	P	P	P	P	Refer HH activity tables
(A123)	Extension or alteration of existing lawful coastal marine area structures or buildings other than those that are a component of infrastructure <u>(including the use of the extended or altered structure or building)</u>	RD	NC	NC	D	NC	NC	Refer HH activity tables
(A124)	Extension or alteration of existing lawful coastal marine area structures or buildings that are a component of infrastructure <u>(other than as provided for as minor infrastructure upgrading of network utilities)</u>	RD	D	D	D	D	D	Refer HH activity tables
...								

(A127)	Occupation associated with coastal marine area structures located below the surface of the foreshore and seabed <del>in areas</del> (other than cables <u>located within</u> the cable protection areas (as identified on the planning maps))	RD	RD	RD	RD	RD	RD	D
...								
(A131)	Minor infrastructure upgrades <u>upgrading of network utilities</u>	P	P	P	P	P	P	P
..								
(A135)	Cables <del>including their extension and alteration</del> located within the cable protection areas (as identified on the planning maps) <u>including their extension and alteration</u> , and including the occupation by cables located below the surface of the foreshore and seabed	P	P	P	P	P	P	P
...								
(A139)	Marine and port facilities and buildings not on an existing wharf or existing coastal marine area structure	D	NC	NC	D	NC	NC	D
(A140)	Marine and port accessory structures and services not on an existing wharf or existing coastal marine area structure	D	NC	D	D	NC	NC	D
...								

(A145)	Boat ramps	<u>D</u>	<u>NC</u>	<u>D</u>	<u>D</u>	<u>NC</u>	<u>NC</u>	<u>D</u>
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## F2.21. Standards

### F2.21.1. All permitted activities, controlled activities and restricted discretionary activities

All activities listed as ...

#### **F2.21.1.4. Accidental discovery rule**

- (1) Despite any other rule in this Plan permitting activities in the coastal marine area, including any disturbance of the foreshore or seabed, 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) shipwrecks or other items that may contain oil;
  - (f) a lava cave greater than 1m in diameter on any axis; or
  - (g) munitions or unexploded ordnances on or under the foreshore or seabed.
  - (h) cables or pipelines on or under the foreshore or seabed.
- (3) On discovery of any sensitive material, the party undertaking the relevant permitted activity or the consent holder must take the following steps:

#### *Cease works and secure the area*

- (a) immediately cease all works within 20m of any part of the discovery, including shutting down all foreshore and seabed disturbing machinery and stopping all earth moving activities, and in the case of shipwrecks or other items that may contain oil, 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 of Māori origin, Māori cultural artefact, or kōiwi;
  - (v) ~~the New Zealand Defence Force and~~ the New Zealand Police if the discovery is munitions or unexploded ordnances; and
  - (vi) Maritime New Zealand and the owner of the submarine cable or pipeline (if the owner can be determined) if the discovery is a submarine cable or pipeline.

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 items that may contain oil, munitions, cables or pipelines), 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 a shipwreck or other item that may contain oil, a suitably qualified and experienced person is required to complete an initial assessment and provide information to the Council on the assessment and response; or
  - (iv) if the discovery is munitions or unexploded ordnances, ~~the New Zealand Defence Force and~~ the New Zealand Police will complete

an assessment and provide information to the Council on the assessment and determine an appropriate response. The remainder of this process will not apply until the New Zealand Police confirm that it is safe for operations to resume; or

- (v) if the discovery is a submarine cable or pipeline, take best endeavours to inform the owner of the submarine cable or pipeline to confirm the status and purpose of the cable or pipeline, and to determine whether it is still operational or is redundant. If the cable or pipeline is still operational, obtain approval from the owner for the work to proceed. Inform Maritime New Zealand so that they can assess whether there has been an offence under the Submarine Cables and Pipelines Protection Act 1996. This standard does not apply to the discovery of a submarine cable or pipeline owned or operated by the organisation undertaking the works.
- (e) following site inspection and consultation with all relevant parties (including the party undertaking the relevant permitted activity or the consent holder as relevant), 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 F2.21.1.4(3)(f) are met (for munitions or unexploded ordnances, this area will be determined by the New Zealand Police);

#### Recommencement of work

- (f) work within the area determined by the Council at step F2.21.1.4(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) any changes to controls on discharges of contaminants have been implemented;
  - (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 F2.21.1.4(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;

- (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 activity 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;
- (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; and
- (ix) if the discovery is munitions or unexploded ordnances, the New Zealand Police and New Zealand Defence Force have confirmed that the site is safe for operations to resume; and
- (x) if the discovery is cables or pipelines, the asset owner (if identified) has confirmed that operations can resume, and Maritime New Zealand has been informed so that they can determine whether there has been an offence under the Submarine Cables and Pipelines Protection Act 1996.

#### **F2.21.2. Standards - Drainage, reclamation and declamation**

Activities listed as a permitted activity and restricted discretionary activity in Table F2.19.1 must comply with the standards in F2.21.1 and the standards in F2.21.2.

##### **F2.21.2.1. Maintenance or repair of a lawful reclamation or drainage system**

- (1) The work must not change the area occupied by the reclamation or drainage system.
- (2) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified as D11 Outstanding Natural Character Overlay, D10 Outstanding Natural Features Overlay and D9 Significant Ecological Area Overlay – Marine 1 and within seven days in other areas of the coastal marine area.
- (3) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment being used for the activity.

- (4) All equipment and materials must be removed from the foreshore and seabed on the completion of works or activities.
- (5) Written advice must be given to the Council at least 10 working days prior to the work starting.
- (6) The work must not alter the form or external appearance of the reclamation or drainage system in more than a minor way.

**F2.21.2.2. Minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation**

- (1) The outside face of the new seawall must not extend more than 1.5m beyond the seaward limit of the existing seawall or bund.

...

**F2.21.4. Standards – Dredging**

Activities listed as permitted or restricted discretionary in Table F2.19.3 must comply with the standards in F2.21.1 and the standards in F2.21.4.

Note 1

Channel clearance activities outside the coastal marine area are covered in E3 Lakes, rivers, streams and wetlands.

**F2.21.4.1. Dredging: River mouth dredging; dredging to maintain or gain access to an existing lawful structure; and dredging to clear the exit of any lawful stormwater outfall or pipe**

- (1) Dredging must not take place within 100m of a previously dredged site unless a minimum of two months has elapsed since the completion of dredging at that site.
- (2) Impounded water must be released in a way that minimises any potential contamination of receiving waters.
- (3) Best practicable dredging methods must be used in order to minimise sediment mobilisation and dispersal.
- (4) No dredged material may be deposited in the coastal marine area or on land where it could reenter a water body unless depositing of that material is listed in this plan as a permitted activity or has a resource consent.
- (5) Upon completion of dredging, all equipment and litter must be removed.
- (6) Written advice must be given to the Council at least 10 working days prior to the work starting.

#### **F2.21.4.2. Dredging to maintain or clear an existing lawful drainage system**

- (1) The activity may only take place adjacent to land that is continuous with land that has a rural zone.
- (2) ~~The volume of material cleared must not exceed 500m<sup>3</sup>. [Deleted]~~
- (3) There must be no diversion of any part of the channel to a different course.
- (4) There must be no deepening or widening of the channel beyond the limits of its original profile.
- (5) Any visible disturbance to the surrounding coastal marine area must be remedied or restored within seven days.
- (6) Best practicable dredging methods must be used in order to minimise sediment mobilisation and dispersal
- (7) In identified wading bird areas (Appendix 5 Wading bird areas), dredging and drainage clearance must be timed to avoid bird nesting seasons and avoid adverse effects on birds using roosting areas and must not damage or disturb areas of salt marsh or nesting or roosting birds, or other indigenous biota.
- (8) No dredged material may be deposited in the coastal marine area or on land where it could re-enter a water body unless the deposition of that material is listed in this plan as a permitted activity or has a resource consent.
- (9) Upon completion of dredging, all equipment and litter must be removed.
- (10) Written advice must be given to the Council at least 10 working days prior to the work starting.
- (11) ~~In significant wading bird areas as identified in Appendix 5 Wading bird areas dredging must be timed to avoid bird nesting seasons and avoid adverse effects on birds using roosting areas and must not damage or disturb areas of salt marsh or nesting or roosting birds, or other indigenous biota. [Deleted]~~

...

#### **F2.21.8. Standards – Discharges**

...

**F2.21.8.1 All permitted activities (other than discharges from firefighting and other emergency response activities undertaken by the ~~New Zealand Fire Service~~ Fire and Emergency New Zealand or the New Zealand Defence Force)**

...

**F2.21.8.7. Discharges of hull bio-fouling organisms from ~~in-water~~ cleaning of vessels**

<u>Rule</u>	<u>Activity</u>	<u>Standards</u>
<u>(A71)</u>	<u>Removal of micro-fouling (LOF 0-1) and goose barnacles</u>	<u>(1), (2), (5) and (7)</u>
<u>(A72)</u>	<u>Small scale manual removal of macro-fouling (up to 5 per cent of the hull surface area, including niche areas) not provided for in Rule A71 or A73</u>	<u>(2), (3), (5) and (7)</u>
<u>(A72)</u>	<u>Removal of macro-fouling where the fouling is:</u> <ul style="list-style-type: none"> <li>• <u>of international origin; or</u></li> <li>• <u>of domestic origin but more than low biosecurity risk or has not had a risk assessment (or extensive to very heavy macro-fouling)</u></li> </ul>	<u>(2), (3), (5) and (7)</u>
<u>(A73)</u>	<u>Removal (including small scale manual removal) of macro-fouling where the fouling is:</u> <ul style="list-style-type: none"> <li>• <u>from within Auckland; or</u></li> <li>• <u>of domestic origin following a risk assessment that determined a relative biosecurity risk of negligible or low</u></li> </ul>	<u>(2), (5) and (7)</u>
<u>(A76)</u>	<u>Treatment methods that render bio-fouling organisms non-viable</u>	<u>(2), (6) and (7)</u>

- (1) Gentle non-abrasive cleaning techniques must be used.
- (2) The cleaning method will not compromise the existing anti-fouling coating system.
- (3) ~~In-water e~~Cleaning technologies should capture debris ~~to a minimum of greater than 50 micrometers~~ greater than 50 micrometres in diameter. All captured debris shall be collected and disposed of appropriately.
- (4) ~~Any debris is collected and appropriately disposed of.~~ [Deleted]
- (5) If unusual or suspected harmful aquatic organisms (or species designated as pests in the relevant pest management plan prepared under the Biosecurity Act) are found, the vessel owner or operator must take the following steps:

- (a) all cleaning must cease;
- (b) the Council must be immediately notified; and
- (c) cleaning may not recommence until notified by Council to do so.

*Note 1*

*Council may contact the Ministry for Primary Industries for advice on the nature of the species and the appropriate measures to be taken.*

- (6) The discharge or escape of hull bio-fouling organisms or debris onto the foreshore, seabed or into the water must be collected as far as practicable and removed from the coastal marine area
- (7) The anti-fouling coating on the hull and niche areas to be cleaned shall not have exceeded its planned service life as specified by the manufacturer.

Notes: The standards apply to the above activities according to the level of risk associated with the origin and extent of the biofouling.

- (1) Cleaning of low-level fouling, fouling of regional origin (from within Auckland) and fouling of domestic (NZ) origin that has been assessed and confirmed as low-risk are considered low-risk activities and are encouraged through less stringent standards. Capture of debris is not required.
- (2) Small-scale removal of any fouling is enabled but, unless the fouling is from within the Auckland region, capture is required due to the fact that the fouling has not been assessed as negligible or low biological risk and the relative ease of capturing small amounts of fouling (Standard 3).
- (3) Fouling of international origin or domestic (NZ) origin that has not been assessed and confirmed as low-risk species are considered highest risk and are therefore subject to the most stringent standards, including capture of all bio-fouling debris (Standard 3).
- (4) Methods that render the organisms non-viable are subject to a less stringent standard for capture (Standard 6) as the organisms cannot spread after removal; however, chemical treatments may be subject to other controls within this plan (e.g. discharges).

...

#### **F2.21.9. Standards – Use and activities and associated occupation**

Activities listed as permitted or restricted discretionary in Table F2.19.8 must comply with the standards in F2.21.1 and the standards in F2.21.9.

**F2.21.9.1. ~~Public access, passive recreation, navigation and general use~~ Use of the coastal marine area not otherwise provided for in the Plan and that does not involve occupation of the common marine and coastal area**

- (1) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified in D11 Outstanding Natural Character Overlay, D10 Outstanding Natural Features Overlay and D9 Significant Ecological Area Overlay – Marine 1 and within seven days in other areas of the coastal marine area.
- (2) The activity or use must not require ~~exclusive~~ occupation of the common marine and coastal area.
- (3) The activity or use must not require exclusion of public use and access to an area.

...

**F2.21.10. Standards – Structures**

Activities listed as permitted or restricted discretionary in Table F2.19.10 must comply with the standards in F2.21.1 and the standards in F2.21.10.

**F2.21.10.1. Maintenance, repair and reconstruction of existing lawful coastal marine area structures or buildings**

Purpose: ensure works are undertaken to an acceptable standard.

- (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~~ increase the existing footprint area occupied by the structure ~~except that with respect to network utilities in the Coastal – General Coastal Marine Zone (outside of the overlays other than the National Grid Corridor Overlay), the area of occupation is within 2m of the existing alignment or location.~~

...

**F2.21.10.7. Minor infrastructure ~~upgrades~~ upgrading of network utilities**

Purpose: ensure infrastructure upgrading work meets required standards.

- (1) Upgrading works must meet the relevant standards in E26 Infrastructure in E26.2.5.3(1).



- (2) In the: D9 Significant Ecological Areas Overlay – Marine 1 and 2; D17 Historic Heritage Overlay; D21 Sites and Places of Significance to Mana Whenua Overlay; D11 Outstanding Natural Character and High Natural Character overlays; and D10 Outstanding Natural Features Overlay; and Outstanding Natural Landscapes Overlay; ~~the work must not change the area occupied by the structure~~ 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).
- (3) Any upgrading of infrastructure that does not comply with the standards for minor infrastructure upgrading specified above, shall be subject to the relevant activity status for that activity specified in Activity Table F2.19.10, not the activity tables in E26 Infrastructure.

#### **F2.21.10.8. Occupation of the common marine and coastal area by infrastructure structures**

- (1) Occupation of the common marine and coastal area by infrastructure structures, that form part of a network operated or managed by a network utility operator, and are existing at 23 October 2001, and any subsequent upgrade to such a structure, must meet all of the following:
  - (a) the structure must be located so that it does not cause more than minor erosion, depositing, or disturbance;
  - (b) the structure must be not redundant, in that it is being used and is physically capable of being used for its required purpose;
  - (c) the structure and/or its location must be shown on a plan with the NZMS grid references (seven digit easting and northing), and by a photograph, both of which are provided to the Council; and
  - (d) any upgrade must comply with the standards for minor infrastructure upgrading of network utilities in E26 Infrastructure at E26.2.5.3(1) ~~the network utilities and energy rules.~~

...

#### **F2.23. Assessment – restricted discretionary activities**

##### **F2.23.1. Matters of discretion**

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

- (1) all restricted discretionary activities:

- (a) the effects of construction or works methods, and the timing and hours of operation;
- (b) the effects of the location, extent, design and materials;
- (c) effects on coastal processes, ecological values, water quality and natural character and landscape values;
- (d) effects on public access, navigation and safety;
- (e) effects on existing uses and activities (including ~~significant~~ infrastructure);...

...

(3) specific matters for identified activities: ...

- (d) re-consenting lawfully established aquaculture activities:
  - (xi) effects on ...

#### **F2.23.2. Assessment criteria**

...

(9) Occupation:

- (a) whether occupation ...

...

(d) the extent to which the duration of rights of occupation are determined having regard to the following:

- (i) extent of public use and access to the area and the impact of restrictions;
- (ii) level of investment in the development and need for security of tenure to ensure the financial and economic viability;
- (iii) land use and coastal development changes proposed in the vicinity through any statutory management strategies or plans; and
- (iv) term of other consents in the vicinity, and the strategic benefit of all consents in an area expiring simultaneously.

(e) whether the proposal has had particular regard to policy F2.14.3(2) and policy F2.14.3(4).

(17) structures and buildings in the coastal marine area:

...

- (g) the extent to which the reconstruction, alteration or extension of existing structures:
  - (i) do not have significant adverse effects on other uses and values;
  - (ii) result in greater, more efficient, or multiple use of the structure for marine activities; ~~and~~
  - (iii) reduce the need for a new structure elsewhere;
  - (iv) provide for activities that cannot practicably be located on land outside of the common marine and coastal area;
  - (v) where they provide for activities that do not have a functional need to be undertaken in the coastal marine area, those activities will enhance amenity values and not conflict with marine activities; and
  - (vi) any necessary land-based infrastructure can be provided.

...

- (19) re-consenting lawfully established aquaculture activities

...

### F3. Coastal – Marina Zone

...

**Table F3.4.3 Activity table**

Note 1. Rule F3.4.3(A34) applies where occupation is proposed in an area that has an existing occupation consent. Rule F3.4.3(A34) does not apply if an activity is ~~in accordance with an agreement with~~ proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

		Activity status	
	Activity	Coastal marine area [rcp]	Land [dp]
...			

(A31)	New and existing pile moorings including occupation and use by the vessel to be moored	P	NA
(A32)	Maimai	NC	NC
(A33)	<u>Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted <b>unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity</b></u>	<u>RD</u>	<u>NA</u>
(A34)	<u>Occupation of the common marine and coastal area by <del>an</del> <b>a structure or</b> activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent</u>	<u>RD</u>	<u>NA</u>

...

### F3.8. Assessment – restricted discretionary activities

#### F3.8.1. Matters of discretion

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

- (1) for all restricted discretionary activities:

...

- (5) for structures or buildings in the coastal marine area and buildings on land:
- (e) effects on views to and from the surrounding area, and the visual amenity effects from the presence of the structure.
- (6) for occupation of the common marine and coastal area:
- (a) the effects of the location, extent, timing and duration of the occupation, including exclusive occupation.

#### F3.8.2. Assessment criteria

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

...

- (6) for occupation of the common marine and coastal area:
  - (a) refer to assessment criteria set out for occupation in the Coastal – General Coastal Marine Zone.

**F4. Coastal – Mooring Zone and moorings outside the Coastal – Mooring Zone**

...

**Table F4.4.1 Activity table**

Activity		Activity status
(A1)	...	
(A2)	Expansion of <del>a an existing</del> marina <del>existing at the date the Plan becomes operative (31 May 2018)</del> by no more than 15 per cent of its area within the Coastal – Mooring Zone in the coastal marine area existing at that time	D

...

**F5. Coastal – Minor Port Zone**

...

**Table F5.4.3 Activity table**

Note 1. Rule F5.4.3(A43) applies where occupation is proposed in an area that has an existing occupation consent. Rule F5.4.3(A43) does not apply if an activity is in accordance with an agreement with proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

	Activity	Activity status	
		Coastal marine area [rcp]	Land [dp]
...			
(A40)	Maimai	NC	NC

(A41)	Structures or buildings not otherwise provided for	D	D
(A42)	<u>Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity</u>	<u>RD</u>	<u>NA</u>
(A43)	<u>Occupation of the common marine and coastal area by <del>an</del> a structure or activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent</u>	<u>RD</u>	<u>NA</u>

...

## F5.8. Assessment – restricted discretionary activities

### F5.8.1. Matters of discretion

The Council will restrict its discretion to all of the following matters and the relevant matters in the Coastal – General Coastal Marine Zone when assessing a restricted discretionary resource consent application.

...

- (9) for the occupation of the common marine and coastal area:
  - (a) effects on the safe and efficient use, operation and development of the Port of Onehunga.

### F5.8.2. Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below and the relevant assessment criteria in the Coastal – General Coastal Marine Zone:

...

- (9) for occupation of the ~~coastal~~ common marine and coastal area:
  - (a) refer to assessment criteria set out for occupation in the Coastal – General Coastal Marine Zone.

## Chapter F6. Coastal – Ferry Terminal Zone

...

**Table F6.4.3 Activity table**

Note 1. Rule F6.4.3(A24) applies where occupation is proposed in an area that has an existing occupation consent. Rule F6.4.3(A24) does not apply if an activity is in accordance with an agreement with proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

	Activity	Activity status	
		Coastal marine area [rcp]	Land [dp]
...			
(A21)	New pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored	NC	NC
(A22)	Maimai	D	D
<u>(A23)</u>	<u>Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity</u>	<u>RD</u>	<u>NA</u>
<u>(A24)</u>	<u>Occupation of the common marine and coastal area by <del>an</del> a structure or activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent</u>	<u>RD</u>	<u>NA</u>

...

## F6.8. Assessment – restricted discretionary activities

### F6.8.1. Matters of discretion

The Council will restrict its discretion to all the following matters and the matters in the Coastal – General Coastal Marine Zone when assessing a restricted discretionary resource consent application.

...

### F6.8.2. Assessment criteria

The Council will consider the relevant assessment criteria the Coastal – General Coastal Marine Zone in addition to the matters below.

...

## F7. Coastal – Defence Zone

...

Table F7.4.2 Activity table below specifies the activity status of the taking, use and damming or diverting of coastal water pursuant to section 14 of the Resource Management Act 1991, and the discharge of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Defence Zone unless otherwise specified in the following provisions (which take precedence). For the avoidance of doubt, the following provisions have precedence over the rules for discharges of hull bio-fouling organisms resulting from cleaning of a vessel (F2.19.7(A71) to (A78)).

**Table F7.4.2 Activity table**

Activity		Activity status
(A4)	Taking, use, damming, diversion and discharge of seawater and contaminants from the operation of the Calliope Dry Dock	P

...

**Table F7.4.4 Activity table**

Note 1. Rule F7.4.4(A23) applies where occupation is proposed in an area that has an existing occupation consent. Rule F7.4.4(A23) does not apply if an activity is in accordance with an agreement with proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).



	Activity	Activity status
...		
(A20)	New pile moorings established after 30 September 2013 including occupation and use by vessel to be moored	RD
(A21)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P
<u>(A22)</u>	<u>Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted <del>unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity</del></u>	<u>RD</u>
<u>(A23)</u>	<u>Occupation of the common marine and coastal area by <del>an a structure or</del> activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent</u>	<u>RD</u>

...

## F7.6. Standards

...

### F7.6.4. Taking, use, damming, ~~and~~ diversion ~~and discharge~~ of coastal water

- (1) Taking, use, damming, ~~and~~ diversion ~~and discharge~~ of coastal water and contaminants for the operation of the Calliope Dry Dock:
  - (a) as far as practicable, all contaminants or waste material from the cleaning and maintenance of ships must be swept up and removed from the dock prior to the dock being flooded and the gates being opened to re-float ships;
  - (b) any existing collection or treatment facilities for liquids must be maintained in good working order and used to the fullest extent practicable when the dock is in operation.

...

## **F7.8. Assessment – restricted discretionary activities**

### **F7.8.1. Matters of discretion**

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

- (1) for all restricted discretionary activities:  
...
- (2) for occupation of the common marine and coastal area:
  - (a) the effects of the location, extent, timing and duration of the occupation, including exclusive occupation.

### **F7.8.2. Assessment criteria**

The Council will consider the following assessment criteria in when assessing a restricted discretionary resource consent application.

- (1) All restricted discretionary activities.  
...
- (2) for occupation of the common marine and coastal area:
  - (a) refer to assessment criteria set out for occupation in the Coastal – General Coastal Marine Zone.

## **Chapter J. Definitions**

...

### **Experimental aquaculture activities**

Aquaculture activities that ~~are limited to a maximum of 1ha, 10 years in duration and test new species, including polyculture, and or new technology or techniques.~~

...

### **Lawfully established aquaculture activities**

Aquaculture activities consented and operational at 30 September 2013.

...

### **New aquaculture**

Aquaculture activities not consented and operational at 30 September 2013.

...

## Consequential changes to other parts of the plan

### E26 Infrastructure

Annotate the standard for minor infrastructure upgrading as [dp/rcp] as follows.

#### 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. ...

## Chapter M Appendices

### Appendix 7 Coastal marine area boundaries

All provisions in this appendix are regional coastal plan [rcp].

The coastal marine area boundary at rivers is shown on the maps by the information layer “coastal marine area/river boundary point”.

Under the RMA, the coastal marine area boundary across rivers is referenced to the mouth of the river – the lesser of one kilometre upstream of the mouth of the river or the point upstream calculated by multiplying the width of the river by five. Only the coastal marine area boundary at rivers (not the river mouth) is shown on the maps. The mouth of the river can be determined by back-calculating from the coastal marine area boundary across a river.

For each river identified in the table below, the “coastal marine area boundary” is a straight line drawn from bank to bank through, or as close as possible to, the

reference point relating to that river at right angles to the river flow at that point. Where the landward boundary of the coastal marine area is noted below as aligning with a physical structure in the river (for example, a bridge) the landward boundary is the seaward side of the structure, and the structure is not in the coastal marine area.

For rivers not identified in the table below, the “mouth” shall be at that point depicted by a straight line representing a continuation of the line of mean high water springs on each side of the river.

***[Delete the six existing tables (Table 1 Kaipara Harbour to Table 6 Great Barrier Island)]***

**Table 1: Kaipara Harbour**

<b>ID</b>	<b>River</b>	<b>River Mouth NZMS260 map grid reference</b>	<b>Coastal Marine Area Boundary NZMS260 map grid reference</b>
1	Maeneene Creek	Q09 451 500	Seaward side of main trunk railway bridge  Q09 452 501
2	Te Hana Creek	Q09 460 489	Q09 460 488
3	Whakapirau Creek, main stem	Q09 442 466	Seaward side Te Hana — Port Albert Rd  bridge Q09 448 465
4	Whakapirau Creek, Western Arm	Q09 437 462	Seaward side of Wellsford Valley Road bridge  Q09 435 461

**[... All the tables ...]**

**Table 6: Great Barrier Island**

<b>ID</b>	<b>River</b>	<b>River Mouth NZMS260 map grid reference</b>	<b>Coastal Marine Area Boundary NZMS260 map grid reference</b>
248	Oruawhoro Stream	T09 357 447	T09 357 445
249	Kaitoke River	T09 318 492	Seaward side Kaitoke Awana Roadbridge

			T09-318-493
250	Awana Stream	T08-336-525	T08-336-525
251	Motairche Stream	S08-244-620	S08-244-620
252	Whangaparapara Stream	S09-260-487	S09-260-487

Note 1

For each river identified in the above schedules the “mouth” is a straight line drawn from bank to bank through or as close as possible to the grid reference relating to that river at right angles to the river flow at that grid reference.

Note 2

For rivers not identified in the above schedules the “mouth” shall be at that point depicted by a straight line representing a continuation of the mean high water springs on each side of the river.

***(Insert the following table:)***

		<b>Coastal Marine Area/River Boundary</b>		
<b>Id</b>	<b>River</b>	<b>Location</b>	<b>NZTM Point X</b>	<b>NZTM Point Y</b>
<b>KAIPARA HARBOUR</b>				
1	Maeneene Creek	Seaward side of main trunk railway bridge	1734611.05	5988322.42
2	Te Hana Creek	Seaward side of State Highway 1	1735563.76	5986967.50
3	Whakapirau Creek Main Stem	Seaward side of Te Hana - Port Albert Road Bridge	1734258.15	5984761.21
4	Whakapirau Creek Western Arm	Seaward side of Wellsford Valley Road Bridge	1732676.92	5984238.34
5	Kaiwakawaka River	Northern boundary of Lot 2 DP 82152	1729452.15	5983370.07
6	Waireia River		1728576.47	5982088.41
7	Wharehanu Creek	Seaward side of Beaver Road Bridge	1727598.10	5982274.05
8	Takapau Creek		1725093.74	5979772.24
9	Takahe Creek	Seaward side of reclamation	1724197.01	5979240.97
10	Atiu Creek		1722908.90	5979311.84
11	Mullet Creek East Arm		1720809.89	5978468.54
12	Mullet Creek West Arm		1719523.23	5978464.73
13	Oturapa Creek		1718428.27	5978467.31
14	Otekawa Creek	Seaward side of Journeys End Bridge	1714860.54	5979304.39
15	Gum Store Creek West Arm		1716983.48	5976090.91
16	Gum Store Creek East Arm		1717296.07	5975630.02
17	Te Raupa Creek	Seaward side of Kakaraea Road	1722795.70	5971350.56

<b>Coastal Marine Area/River Boundary</b>				
<b>Id</b>	<b>River</b>	<b>Location</b>	<b>NZTM Point X</b>	<b>NZTM Point Y</b>
18	Hiki Creek	Seaward side of Burma Road Bridge	1722864.60	5972970.64
19	Kahutaewao Creek		1724247.31	5973567.17
20	Whanaki Creek Northern Arm	Seaward side of Wharahine Road	1728154.23	5976765.13
21	Whanaki Creek Southern Arm	Seaward side of Wharahine Road	1728345.03	5976188.21
22	Te Pahi Stream		1729907.92	5973166.52
23	Hoteo River	South boundary Pt Lot 1 DP 64445	1729691.45	5967580.01
24	Omaumau River		1728214.97	5965287.28
25	Mataia Creek		1729258.00	5960581.00
26	Araparera Creek		1729701.02	5959197.07
27	Makarau River	Seaward side of Kaipara Coast Highway Bridge	1731149.94	5954273.15
28	Waitangi Stream	Seaward side of Kaipara Coast Highway Bridge	1731731.85	5953390.46
29	Wheraroa Creek	Seaward side of Jordan Road Bridge	1731017.46	5951742.78
30	Matawhero Stream	Eastern boundary of Lot 5 DP 317983	1729647.31	5949003.28
31	Kaipara River	Seaward side of confluence of Kaipara River and Kaukapakapa River	1728994.71	5943513.36
32	Upokonui Creek	Seaward side of South Head Road	1726184.89	5942959.82
33	Te Hihi Creek	Seaward side of South Head Road	1724288.78	5944132.45
34	Takapau Horahia Creek	Seaward side of South Head Road	1724120.81	5944270.64
35	Kaituna Creek	Seaward side of Old South Head Road	1721839.24	5945096.72

<b>Coastal Marine Area/River Boundary</b>				
<b>Id</b>	<b>River</b>	<b>Location</b>	<b>NZTM Point X</b>	<b>NZTM Point Y</b>
36	Hihi Stream	Seaward side of South Head Road	1721205.52	5945881.59
37	Okaro Creek	Seaward side of South Head Road	1720926.35	5945878.02
38	Slater Road Creek	Seaward side of South Head Road	1720125.50	5946769.05
39	Tikitu Creek		1719726.52	5947968.26
40	Kaikioire Creek		1718984.62	5949569.67
41	Mairetahi Creek		1718779.73	5952286.76
42	Taumata Creek East Arm	Seaward side of South Head Road	1715920.16	5955535.08
43	Taumata Creek West Arm	Seaward side of South Head Road	1715853.28	5956249.10
44	Haratahi Creek		1713845.30	5960037.26
<b>MANUKAU HARBOUR</b>				
45	Huia Stream	Seaward side of Huia Road Bridge	1739404.66	5904157.74
46	Kakamatua Stream		1741735.58	5903871.90
47	Big Muddy Creek		1743851.23	5908001.02
48	Waiohua Creek		1745813.95	5908813.62
49	Little Muddy Creek		1746585.84	5909416.92
50	Paturoa Stream		1747756.14	5909274.90
51	Ann's Creek		1762928.06	5911492.97
52	Harania Creek South West Arm		1761234.80	5908871.58
53	Tararata creek	Seaward side of Walmsley Road offramp	1759792.75	5909025.55
54	Tautauoa Creek		1759466.96	5905034.60
55	Pukaki Creek		1760330.15	5905676.58



<b>Coastal Marine Area/River Boundary</b>				
<b>Id</b>	<b>River</b>	<b>Location</b>	<b>NZTM Point X</b>	<b>NZTM Point Y</b>
56	Waokauri Creek Northern Arm		1761959.40	5905885.48
57	Waokauri Creek Eastern Arm		1763174.93	5904810.61
58	Puhinui Creek		1763801.19	5901487.91
59	Puhinui Creek Eastern Arm		1765167.31	5901676.89
60	Waimahia Creek	Seaward side of Mahia Road	1766624.14	5899335.08
61	Papakura Stream		1769044.99	5898395.45
62	Hingaia Stream and Slippery Creek	Seaward side of State Highway 1	1772745.28	5892790.16
63	Ngakoroa Stream	Seaward side of Bremner Road Bridge	1772730.32	5891848.10
64	Oira Stream	Adjacent to southern boundary of Lot 4 DP 107835	1770407.55	5890848.03
65	Whangapouri Creek		1768358.23	5890712.20
66	Whangamaire Stream		1766777.23	5894621.23
67	Whangamaire Stream		1765957.46	5893375.38
68	Whangamaire Stream		1765908.10	5892077.32
69	Whangamaire Stream	Seaward side of Muir Road Bridge	1766191.27	5890611.46
70	Whangamaire Stream		1765348.26	5892464.26
71	Whangamaire Stream		1765508.51	5893697.77
72	Whangamaire Stream		1765942.80	5894587.64
73	Pahurehure Inlet		1766339.34	5895453.52
74	Pahurehure Inlet		1765557.52	5895906.14
75	Pahurehure Inlet		1764998.86	5896417.47

<b>Coastal Marine Area/River Boundary</b>				
<b>Id</b>	<b>River</b>	<b>Location</b>	<b>NZTM Point X</b>	<b>NZTM Point Y</b>
76	Clarks Creek Eastern Bank		1759263.32	5890658.92
77	Tuhitahi Creek	Seaward side of Kingseat Road Bridge	1759246.78	5888389.49
78	Karaka Creek	Seaward side of McKenzie Road Bridge	1758291.40	5888569.36
79	Clarks Creek Western bank		1758119.52	5890666.10
80	Clarks Creek Western bank		1758064.41	5891952.75
81	Clarks Creek Western bank		1757922.65	5892068.82
82	Clarks Beach Inlet Stream		1755663.45	5890484.74
83	Taihiki River Northern Bank		1752660.97	5887331.61
84	Taihiki River Northern Bank		1753400.92	5887326.02
85	Taihiki River Northern Bank		1754667.58	5887410.85
86	Taihiki River Northern Bank		1754927.68	5887097.79
87	Taihiki River Northern Bank		1755557.32	5886136.03
88	Taihiki River Northern Bank		1756010.04	5886141.10
89	Taihiki River Northern Bank		1756020.94	5885928.55
90	Mauku Stream	Seaward side of Glenbrook Road Bridge	1759323.02	5884278.38
91	Taihiki River Southern Bank		1757632.41	5884493.56

Coastal Marine Area/River Boundary				
<b>Id</b>	<b>River</b>	<b>Location</b>	<b>NZTM Point X</b>	<b>NZTM Point Y</b>
92	Taihiki River Southern Bank		1757011.85	5884626.05
93	Taihiki River Southern Bank		1755716.83	5884279.18
94	Taihiki River Southern Bank		1755302.32	5883176.55
95	Taihiki River Southern Bank		1755242.74	5883051.35
96	Taihiki River Southern Bank		1755070.53	5882884.92
97	Taihiki River Southern Bank		1755101.12	5883378.03
98	Waiuku River Eastern Bank		1753185.33	5882785.07
99	Stream east side of Racecourse Road		1754613.96	5877085.70
100	Waiuku Stream	Northern side of King Street	1753487.23	5876225.17
101	Rangiwheta Creek		1752429.49	5876775.22
102	Awaruaiti Creek		1751404.00	5877509.80
103	Awaruaiti Creek		1751275.50	5877924.87
104	Awaruaiti Creek		1751310.87	5878050.87
105	McGowan Road Creek		1751299.99	5878687.90
106	Mokorau Creek		1751064.57	5879315.90
107	Parakau Creek		1750355.30	5879923.84
108	Totara Creek		1750874.54	5880958.47
109	Waipipi Creek		1749666.54	5881168.88
110	Waipipi Creek		1749746.17	5881471.05
111	Te Hakono Creek		1749710.33	5882762.49

<b>Coastal Marine Area/River Boundary</b>				
<b>Id</b>	<b>River</b>	<b>Location</b>	<b>NZTM Point X</b>	<b>NZTM Point Y</b>
112	Te Hakono Creek		1749417.93	5882916.23
113	Pukewhau Creek		1749430.19	5884383.83
114	Kohonui Creek		1749413.25	5885237.77
115	Ohiku Creek		1748056.71	5885756.21
116	Ohiku Creek		1748812.35	5886735.14
117	Rangiriri Creek		1746952.71	5887872.05
118	Rangiriri Creek		1747134.53	5888572.46
119	Rangiriri Creek		1746895.01	5888910.37
120	Matakawau Creek		1746830.84	5890111.22
121	Matakawau Creek		1745837.75	5890404.12
122	Kauritutahi Stream		1745325.71	5894245.04
123	Stream north of Kauritutahi Stream		1745838.24	5895250.28
<b>WAITEMATA HARBOUR AND HAURAKI GULF</b>				
124	Unnamed Stream	Seaward side of Couldry's Bridge	1793708.86	5909341.82
125	Rautawa Stream	Seaward side of Kawakawa Bay Coast Road	1793334.05	5908767.72
126	Kawakawa Bay Stream	Seaward side of Clevedon-Kawakawa Bay Road Bridge	1792210.13	5908379.82
127	Rotopiro Stream		1788530.89	5908652.88
128	Urangahauhau Stream	Seaward side of Vennon's Bridge	1785180.13	5907744.52
129	Wairoa River		1784148.22	5907650.38
130	Te Puru Creek Eastern Arm	Seaward side of Whitford Maraetai Road Bridge	1780223.19	5916128.99

<b>Coastal Marine Area/River Boundary</b>				
<b>Id</b>	<b>River</b>	<b>Location</b>	<b>NZTM Point X</b>	<b>NZTM Point Y</b>
131	Te Puru Creek	Seaward side of Whitford Maraetai Road Bridge	1780020.11	5916103.56
132	Grangers Stream	Seaward side of Whitford Maraetai Road Bridge	1775670.32	5909903.09
133	Turanga Creek		1775432.63	5908914.07
134	Maungamaungaroa Creek	Seaward side of Whitford Road Bridge	1772372.29	5911760.84
135	Pakuranga Creek Pakuranga Road Arm		1768679.55	5913188.09
136	Pakuranga Creek Cascades Road Arm	Seaward side of Cascades Road Bridge	1769685.39	5912948.81
137	Pakuranga Creek Golf Course		1769524.34	5912474.00
138	Pakuranga Creek Power Sub Station Arm	Seaward side of footbridge	1769647.13	5911813.36
139	Pakuranga Creek Cryers Road Arm		1768478.43	5911285.75
140	Otara Creek Kerwyn Road Arm		1767536.01	5909726.82
141	Otara Creek Opposite Andromeda Crescent		1767805.18	5909091.55
142	Otara Creek East Tamaki Road Arm	Seaward side of footbridge	1767500.28	5908752.62
143	Tamaki River Bairds Road Arm		1765310.43	5908234.75
144	Tamaki River Middlemore Hospital		1764242.00	5907445.58
145	Tamaki River		1764316.90	5908319.61
146	Otahuhu Creek Adjacent to Meadow Street		1764253.26	5910620.67

<b>Coastal Marine Area/River Boundary</b>				
<b>Id</b>	<b>River</b>	<b>Location</b>	<b>NZTM Point X</b>	<b>NZTM Point Y</b>
147	Unnamed Stream Adjacent to Bowden Road		1764909.44	5912833.78
148	Unnamed Stream Upstream of Donnor Place		1764796.17	5913211.25
149	Omaru Creek		1766745.66	5917014.35
150	Purewa Creek		1763321.90	5918507.35
151	Orakei Basin Stream		1762429.65	5917766.11
152	Orakei Basin Stream		1762021.04	5917542.70
153	Orakei Road Stream	Seaward side of Shore Road Bridge	1760873.25	5918485.19
154	Portland Road Stream	Seaward side of Shore Road Bridge	1760099.71	5918677.40
155	Newmarket Stream	Seaward side of Brighton Road	1759391.60	5918748.10
156	Coxs Creek		1753794.06	5920315.36
157	Motions Creek	Seaward side of Meola Road	1753072.07	5919538.28
158	Meola Creek	Seaward side of Meola Road	1752571.07	5919221.08
159	Oakley Creek	Seaward side of Great North Road	1751960.23	5917779.09
160	Whau River	Seaward side of railway bridge	1750782.43	5914036.26
161	Rewarewa Creek		1749733.55	5914545.32
162	Taroa Stream		1749513.35	5914264.25
163	Wairau Creek		1747730.34	5915244.27
164	Glendene Stream		1747397.75	5916685.40
165	Henderson Creek		1745715.71	5918184.05
166	Paremuka Stream	Northern end of Woodside Road	1744125.44	5919875.05

<b>Coastal Marine Area/River Boundary</b>				
<b>Id</b>	<b>River</b>	<b>Location</b>	<b>NZTM Point X</b>	<b>NZTM Point Y</b>
167	Huruhuru/Swanson Stream	Seaward side of footbridge	1744066.93	5919963.41
168	Rarawaru Creek		1744940.17	5921649.07
169	Taikata Creek (Kopupapa Stream)		1745996.97	5922628.41
170	Lawson's Creek		1745413.84	5923384.24
171	Waipareira Stream		1746492.88	5924758.98
172	Romeo Stream		1746536.94	5924785.45
173	Waiorahia Stream		1746077.94	5926388.04
174	Rarawaru Creek		1744433.56	5928078.66
175	Totara Creek	Seaward side of Brigham Creek Road	1742953.36	5926686.17
176	Brigham Creek	Seaward side of State Highway 16	1741976.51	5926903.72
177	Rangitopuni Creek	Seaward side of Coatesville-Riverhead Highway Bridge	1742529.56	5931228.08
178	Paremoremo Creek		1746231.10	5931387.36
179	Lucas Creek	Waterfall upstream of Dairy Flat Highway	1751178.70	5934498.21
180	Oteha Stream	Seaward side of Albany Highway	1751331.20	5933565.42
181	Te Wharau Creek Northern Arm		1750317.22	5930110.94
182	Te Wharau Creek Southern Arm		1750053.95	5929671.74
183	Kingfisher Grove Creek		1748747.04	5929180.44
184	Hellyers Creek		1751961.05	5929121.54
185	Kaipatiki Creek		1752426.05	5927689.73

<b>Coastal Marine Area/River Boundary</b>				
<b>Id</b>	<b>River</b>	<b>Location</b>	<b>NZTM Point X</b>	<b>NZTM Point Y</b>
186	Kaipatiki Creek Eskdale Road Arm		1752192.03	5927105.37
187	Kaipatiki Creek Beach Haven Road Arm	Seaward side of Beach Haven Road	1751425.10	5927246.92
188	Soldiers Bay Stream		1751635.62	5924518.54
189	Little Shoal Bay Stream	Seaward side of Maritime Terrace	1755168.46	5924118.40
190	Onepoto Stream	Seaward side of Lake Road	1755587.67	5925143.42
191	Hillcrest Creek	Seaward side of Esmonde Road	1757398.78	5926107.67
192	Wairoko Creek	Seaward side of footbridge	1758871.75	5925540.75
<b>HAURAKI GULF COASTLINE</b>				
193	Wairau Creek	Immediately downstream of Wairau Creek outfall	1757347.06	5928967.62
194	Deep Creek	Seaward side of Beach Road Bridge	1756461.70	5936802.06
195	Awaruku Creek	Seaward side of road bridge	1756439.48	5938133.50
196	Long Bay North Stream	Seaward side of bridge	1756019.47	5939152.44
197	Okura Beach Road Stream		1754152.56	5939418.47
198	Okura River		1752664.65	5938895.22
199	Okura River		1752372.20	5939057.36
200	Okura River		1751938.10	5939074.75
201	Okura River North Branch		1752248.97	5940540.10
202	Doctors Creek	Opposite northern boundary Lot 4 DP 26549	1753132.87	5944124.61



<b>Coastal Marine Area/River Boundary</b>				
<b>Id</b>	<b>River</b>	<b>Location</b>	<b>NZTM Point X</b>	<b>NZTM Point Y</b>
203	Duck Creek	Seaward side of Duck Creek Road Bridge	1751670.58	5944469.17
204	Newman Road Stream		1750743.03	5945442.54
205	Weiti River	Seaward side of Tavern Road	1749990.77	5946011.27
206	Orewa River	Seaward side of Northern Motorway	1748716.27	5948381.21
207	Orewa River North Branch		1749523.57	5949120.73
208	Nukumea Stream	Seaward side of Hibiscus Coast Highway	1751262.71	5950976.06
209	Otanerua Stream South Arm		1751554.87	5952137.41
210	Otanerua Stream North Arm		1751783.89	5952689.76
211	Waiwera River	Opposite western boundary Lot 8 DP 61445	1750613.33	5955025.79
212	Okahu Creek		1749649.16	5955910.19
213	Puhoi River		1750189.96	5957249.05
214	Te Muri-O-Tarariki Stream		1753070.90	5957984.00
215	Pukapuka River	Seaward side of Pukapuka Road Bridge	1750500.65	5960894.92
216	Dyers Creek Southern Arm		1751603.97	5962788.22
217	Dyers Creek Northern Arm		1751337.91	5963192.71
218	Cowan Bay Stream West Arm		1751718.05	5965261.22
219	Cowan Bay Stream East Arm		1752311.67	5965455.33

<b>Coastal Marine Area/River Boundary</b>				
<b>Id</b>	<b>River</b>	<b>Location</b>	<b>NZTM Point X</b>	<b>NZTM Point Y</b>
220	Hepburn Creek	Seaward side of Hepburn Creek Road Bridge	1751173.02	5966595.89
221	Johnson Creek	Seaward side of Hepburn Creek Road Bridge	1750735.88	5968357.73
222	Mahurangi River		1750429.46	5969976.78
223	Duck Creek		1751787.72	5968968.77
224	Dawson's Creek (Te Whau Creek)	Seaward side of causeway to Wastewater Treatment Plant	1754178.38	5968232.18
225	Goodalls Stream		1754984.20	5966693.07
226	Te Kapa River Northern Arm		1755823.29	5964470.31
227	Te Kapa River Eastern Arm		1757020.63	5963100.17
228	Glen Eden River		1753412.94	5973449.69
229	Matakana River	Northern boundary Pt Lot 1 DP 169734	1754258.87	5975297.08
230	Baddley's Beach Stream		1757332.53	5972551.43
231	Campbells Beach Western Stream		1758406.49	5972363.69
232	Campbells Beach Eastern Stream		1758685.81	5972300.98
233	Omaha River	Northern end esplanade reserve adjacent to Lot 2 DP 83584	1755954.48	5977169.26
234	Tamahunga Stream	Southern boundary of Lot 1 DP 8755	1756114.73	5977557.03
235	Birdsall Road Stream		1757606.20	5980133.90
236	Young Creek	Seaward side of Ashton (Sadler) Road Bridge	1757839.02	5980261.92

<b>Coastal Marine Area/River Boundary</b>				
<b>Id</b>	<b>River</b>	<b>Location</b>	<b>NZTM Point X</b>	<b>NZTM Point Y</b>
237	Coxhead Creek	Seaward side of Coxhead Creek Road Bridge	1759692.99	5980745.50
238	Kohuroa Stream	Seaward side of footbridge	1761405.56	5981202.57
239	Omaha Cove Western Arm	Seaward side of footbridge	1762059.11	5982560.65
240	Omaha Cove Northern Arm	Seaward side of footbridge	1762053.06	5982804.39
<b>WAIHEKE ISLAND</b>				
241	Okahuiti Creek		1782500.91	5926136.76
242	Taiwaipareira Creek	Seaward side of Ostend Road	1783205.55	5925739.63
243	Rangihoua Creek		1784527.45	5925021.03
244	Rangihoua Creek		1784462.15	5924915.44
245	Awaawaroa Bay Stream		1787571.55	5923582.34
246	Awaawaroa Bay Stream		1788088.42	5923453.42
247	Te Matuku Stream	Seaward side of Orapiu Road Bridge	1790772.07	5922462.56
<b>GREAT BARRIER ISLAND</b>				
248	Oruawharo Stream		1824993.48	5983118.35
249	Kaitoke River	Seaward side of Gray Road	1821663.88	5987612.64
250	Awana Stream		1822991.40	5990966.10
251	Motairehe Stream		1813938.52	6000465.15
252	Whangaparapara Stream		1815388.41	5987185.44

## **AUP GIS Viewer**

Add a new map layer to show the updated coastal marine area boundary points at rivers.

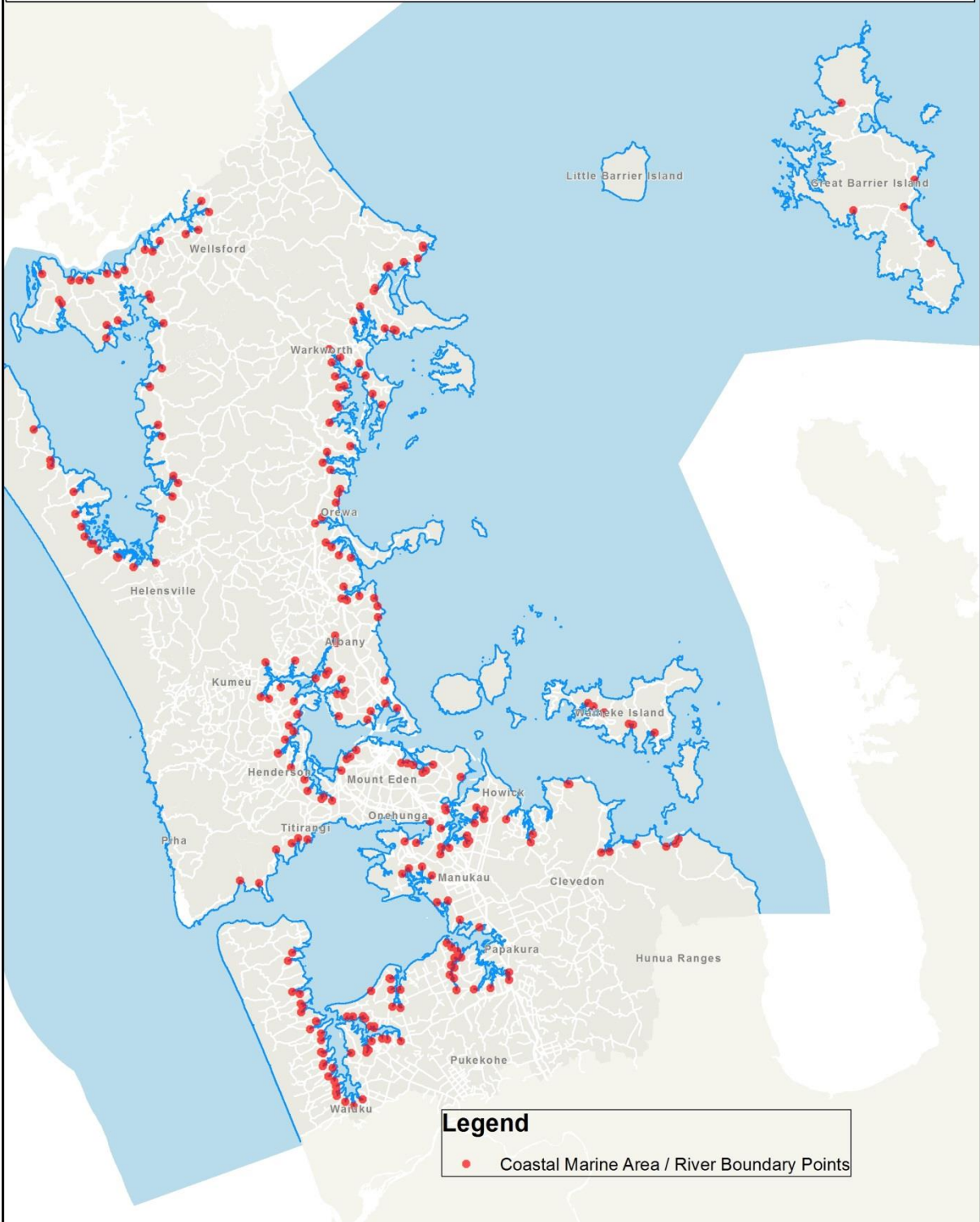
The points will be shown as dots where the indicative coastline crosses the relevant rivers.

The layer will be named “Coastal marine area/river boundary point”.

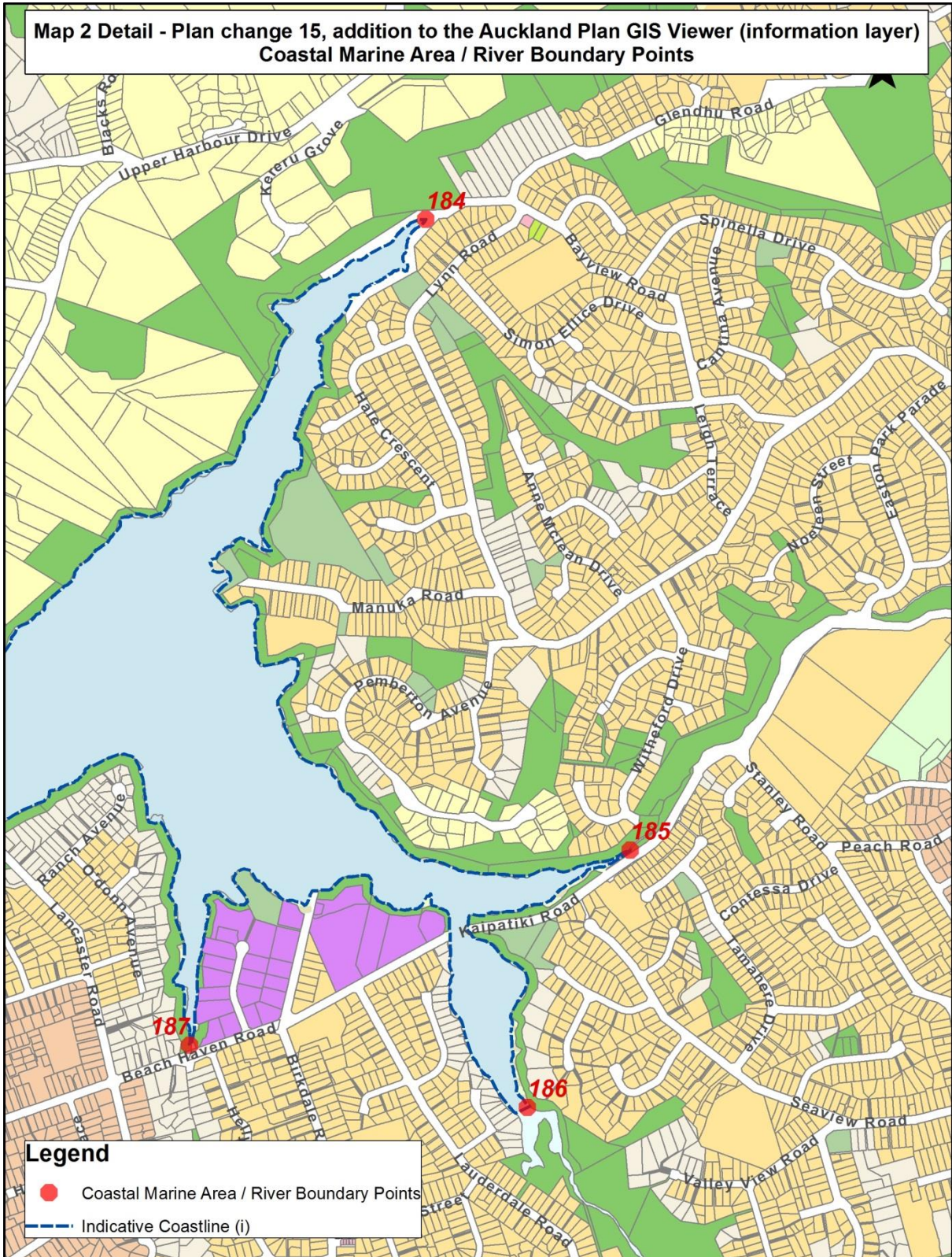
The layer will be added to the legend in the “Information” section.

The following two maps show an overview of the location of all the points and an example of how the points will appear in the GIS viewer.

**Map 1 Overview - Plan change 15, addition to the Auckland Plan GIS Viewer (information layer)  
Coastal Marine Area / River Boundary Points**



Map 2 Detail - Plan change 15, addition to the Auckland Plan GIS Viewer (information layer)  
Coastal Marine Area / River Boundary Points



## Attachment 2 – PC 15 Updated Text

## Appendix 7 Coastal marine area boundaries

All provisions in this appendix are regional coastal plan [rcp].

The coastal marine area boundary at rivers is shown on the maps by the information layer “coastal marine area/river boundary point”.

Under the RMA, the coastal marine area boundary across rivers is referenced to the mouth of the river – the lesser of one kilometre upstream of the mouth of the river or the point upstream calculated by multiplying the width of the river by five. Only the coastal marine area boundary at rivers (not the river mouth) is shown on the maps. The mouth of the river can be determined by back-calculating from the coastal marine area boundary across a river.

For each river identified in the table below, the “coastal marine area boundary” is a straight line drawn from bank to bank through, or as close as possible to, the reference point relating to that river at right angles to the river flow at that point. Where the landward boundary of the coastal marine area is noted below as aligning with a physical structure in the river (for example, a bridge) the landward boundary is the seaward side of the structure, and the structure is not in the coastal marine area.

For rivers not identified in the table below, the “mouth” shall be at that point depicted by a straight line representing a continuation of the line of mean high water springs on each side of the river.

		Coastal Marine Area/River Boundary		
ID	River	Location	NZTM Point X	NZTM Point Y
<b>KAIPARA HARBOUR</b>				
1	Maeneene Creek	Seaward side of main trunk railway bridge	1734611.05	5988322.42
2	Te Hana Creek	Seaward side of State Highway 1	1735563.76	5986967.50
3	Whakapirau Creek Main Stem	Seaward side of Te Hana - Port Albert Road Bridge	1734258.15	5984761.21
4	Whakapirau Creek Western Arm	Seaward side of Wellsford Valley Road Bridge	1732676.92	5984238.34
5	Kaiwakawaka River	Northern boundary of Lot 2 DP 82152	1729452.15	5983370.07
6	Waireia River		1728576.47	5982088.41
7	Wharehanu Creek	Seaward side of Beaver Road Bridge	1727598.10	5982274.05
8	Takapau Creek		1725093.74	5979772.24
9	Takahe Creek	Seaward side of reclamation	1724197.01	5979240.97
10	Atiu Creek		1722908.90	5979311.84
11	Mullet Creek East Arm		1720809.89	5978468.54
12	Mullet Creek West Arm		1719523.23	5978464.73



## Appendix 7 Coastal marine area boundaries

Coastal Marine Area/River Boundary				
ID	River	Location	NZTM Point X	NZTM Point Y
13	Oturapa Creek		1718428.27	5978467.31
14	Otekawa Creek	Seaward side of Journeys End Bridge	1714860.54	5979304.39
15	Gum Store Creek West Arm		1716983.48	5976090.91
16	Gum Store Creek East Arm		1717296.07	5975630.02
17	Te Raupa Creek	Seaward side of Kakaraea Road	1722795.70	5971350.56
18	Hiki Creek	Seaward side of Burma Road Bridge	1722864.60	5972970.64
19	Kahutaewao Creek		1724247.31	5973567.17
20	Whanaki Creek Northern Arm	Seaward side of Wharahine Road	1728154.23	5976765.13
21	Whanaki Creek Southern Arm	Seaward side of Wharahine Road	1728345.03	5976188.21
22	Te Pahi Stream		1729907.92	5973166.52
23	Hoteo River	South boundary Pt Lot 1 DP 64445	1729691.45	5967580.01
24	Omaumau River		1728214.97	5965287.28
25	Mataia Creek		1729258.00	5960581.00
26	Araparera Creek		1729701.02	5959197.07
27	Makarau River	Seaward side of Kaipara Coast Highway Bridge	1731149.94	5954273.15
28	Waitangi Stream	Seaward side of Kaipara Coast Highway Bridge	1731731.85	5953390.46
29	Wheraroa Creek	Seaward side of Jordan Road Bridge	1731017.46	5951742.78
30	Matawhero Stream	Eastern boundary of Lot 5 DP 317983	1729647.31	5949003.28
31	Kaipara River	Seaward side of confluence of Kaipara River and Kaukapakapa River	1728994.71	5943513.36
32	Upokonui Creek	Seaward side of South Head Road	1726184.89	5942959.82
33	Te Hihi Creek	Seaward side of South Head Road	1724288.78	5944132.45
34	Takapau Horahia Creek	Seaward side of South Head Road	1724120.81	5944270.64
35	Kaituna Creek	Seaward side of Old South Head Road	1721839.24	5945096.72
36	Hihi Stream	Seaward side of South Head Road	1721205.52	5945881.59

## Appendix 7 Coastal marine area boundaries

Coastal Marine Area/River Boundary				
ID	River	Location	NZTM Point X	NZTM Point Y
37	Okaro Creek	Seaward side of South Head Road	1720926.35	5945878.02
38	Slater Road Creek	Seaward side of South Head Road	1720125.50	5946769.05
39	Tikitu Creek		1719726.52	5947968.26
40	Kaikioire Creek		1718984.62	5949569.67
41	Mairetahi Creek		1718779.73	5952286.76
42	Taumata Creek East Arm	Seaward side of South Head Road	1715920.16	5955535.08
43	Taumata Creek West Arm	Seaward side of South Head Road	1715853.28	5956249.10
44	Haratahi Creek		1713845.30	5960037.26
<b>MANUKAU HARBOUR</b>				
45	Huia Stream	Seaward side of Huia Road Bridge	1739404.66	5904157.74
46	Kakamatua Stream		1741735.58	5903871.90
47	Big Muddy Creek		1743851.23	5908001.02
48	Waiohua Creek		1745813.95	5908813.62
49	Little Muddy Creek		1746585.84	5909416.92
50	Paturua Stream		1747756.14	5909274.90
51	Ann's Creek		1762928.06	5911492.97
52	Harania Creek South West Arm		1761234.80	5908871.58
53	Tararata creek	Seaward side of Walmsley Road offramp	1759792.75	5909025.55
54	Tautauroa Creek		1759466.96	5905034.60
55	Pukaki Creek		1760330.15	5905676.58
56	Waokauri Creek Northern Arm		1761959.40	5905885.48
57	Waokauri Creek Eastern Arm		1763174.93	5904810.61
58	Puhinui Creek		1763801.19	5901487.91
59	Puhinui Creek Eastern Arm		1765167.31	5901676.89
60	Waimahia Creek	Seaward side of Mahia Road	1766624.14	5899335.08
61	Papakura Stream		1769044.99	5898395.45
62	Hingaia Stream and Slippery Creek	Seaward side of State Highway 1	1772745.28	5892790.16
63	Ngakoroa Stream	Seaward side of Bremner Road Bridge	1772730.32	5891848.10
64	Oira Stream	Adjacent to southern boundary	1770407.55	5890848.03

Appendix 7 Coastal marine area boundaries

		<b>Coastal Marine Area/River Boundary</b>		
<b>ID</b>	<b>River</b>	<b>Location</b>	<b>NZTM Point X</b>	<b>NZTM Point Y</b>
		of Lot 4 DP 107835		
65	Whangapouri Creek		1768358.23	5890712.20
66	Whangamaire Stream		1766777.23	5894621.23
67	Whangamaire Stream		1765957.46	5893375.38
68	Whangamaire Stream		1765908.10	5892077.32
69	Whangamaire Stream	Seaward side of Muir Road Bridge	1766191.27	5890611.46
70	Whangamaire Stream		1765348.26	5892464.26
71	Whangamaire Stream		1765508.51	5893697.77
72	Whangamaire Stream		1765942.80	5894587.64
73	Pahurehure Inlet		1766339.34	5895453.52
74	Pahurehure Inlet		1765557.52	5895906.14
75	Pahurehure Inlet		1764998.86	5896417.47
76	Clarks Creek Eastern Bank		1759263.32	5890658.92
77	Tuhitahi Creek	Seaward side of Kingseat Road Bridge	1759246.78	5888389.49
78	Karaka Creek	Seaward side of McKenzie Road Bridge	1758291.40	5888569.36
79	Clarks Creek Western bank		1758119.52	5890666.10
80	Clarks Creek Western bank		1758064.41	5891952.75
81	Clarks Creek Western bank		1757922.65	5892068.82
82	Clarks Beach Inlet Stream		1755663.45	5890484.74
83	Taihiki River Northern Bank		1752660.97	5887331.61
84	Taihiki River Northern Bank		1753400.92	5887326.02
85	Taihiki River Northern Bank		1754667.58	5887410.85
86	Taihiki River Northern Bank		1754927.68	5887097.79
87	Taihiki River Northern Bank		1755557.32	5886136.03

## Appendix 7 Coastal marine area boundaries

		Coastal Marine Area/River Boundary		
ID	River	Location	NZTM Point X	NZTM Point Y
88	Taihiki River Northern Bank		1756010.04	5886141.10
89	Taihiki River Northern Bank		1756020.94	5885928.55
90	Mauku Stream	Seaward side of Glenbrook Road Bridge	1759323.02	5884278.38
91	Taihiki River Southern Bank		1757632.41	5884493.56
92	Taihiki River Southern Bank		1757011.85	5884626.05
93	Taihiki River Southern Bank		1755716.83	5884279.18
94	Taihiki River Southern Bank		1755302.32	5883176.55
95	Taihiki River Southern Bank		1755242.74	5883051.35
96	Taihiki River Southern Bank		1755070.53	5882884.92
97	Taihiki River Southern Bank		1755101.12	5883378.03
98	Waiuku River Eastern Bank		1753185.33	5882785.07
99	Stream east side of Racecourse Road		1754613.96	5877085.70
100	Waiuku Stream	Northern side of King Street	1753487.23	5876225.17
101	Rangiwhea Creek		1752429.49	5876775.22
102	Awaruaiti Creek		1751404.00	5877509.80
103	Awaruaiti Creek		1751275.50	5877924.87
104	Awaruaiti Creek		1751310.87	5878050.87
105	McGowan Road Creek		1751299.99	5878687.90
106	Mokorau Creek		1751064.57	5879315.90
107	Parakau Creek		1750355.30	5879923.84
108	Totara Creek		1750874.54	5880958.47
109	Waipipi Creek		1749666.54	5881168.88
110	Waipipi Creek		1749746.17	5881471.05
111	Te Hakono Creek		1749710.33	5882762.49
112	Te Hakono Creek		1749417.93	5882916.23
113	Pukewhau Creek		1749430.19	5884383.83
114	Kohonui Creek		1749413.25	5885237.77
115	Ohiku Creek		1748056.71	5885756.21
116	Ohiku Creek		1748812.35	5886735.14

## Appendix 7 Coastal marine area boundaries

		<b>Coastal Marine Area/River Boundary</b>		
<b>ID</b>	<b>River</b>	<b>Location</b>	<b>NZTM Point X</b>	<b>NZTM Point Y</b>
117	Rangiriri Creek		1746952.71	5887872.05
118	Rangiriri Creek		1747134.53	5888572.46
119	Rangiriri Creek		1746895.01	5888910.37
120	Matakawau Creek		1746830.84	5890111.22
121	Matakawau Creek		1745837.75	5890404.12
122	Kauritutahi Stream		1745325.71	5894245.04
123	Stream north of Kauritutahi Stream		1745838.24	5895250.28
<b>WAITEMATA HARBOUR AND HAURAKI GULF</b>				
124	Unnamed Stream	Seaward side of Couldry's Bridge	1793708.86	5909341.82
125	Rautawa Stream	Seaward side of Kawakawa Bay Coast Road	1793334.05	5908767.72
126	Kawakawa Bay Stream	Seaward side of Clevedon-Kawakawa Bay Road Bridge	1792210.13	5908379.82
127	Rotopiro Stream		1788530.89	5908652.88
128	Urangahauhau Stream	Seaward side of Vennon's Bridge	1785180.13	5907744.52
129	Wairoa River		1784148.22	5907650.38
130	Te Puru Creek Eastern Arm	Seaward side of Whitford Maraetai Road Bridge	1780223.19	5916128.99
131	Te Puru Creek	Seaward side of Whitford Maraetai Road Bridge	1780020.11	5916103.56
132	Grangers Stream	Seaward side of Whitford Maraetai Road Bridge	1775670.32	5909903.09
133	Turanga Creek		1775432.63	5908914.07
134	Maungamaungaroa Creek	Seaward side of Whitford Road Bridge	1772372.29	5911760.84
135	Pakuranga Creek Pakuranga Road Arm		1768679.55	5913188.09
136	Pakuranga Creek Cascades Road Arm	Seaward side of Cascades Road Bridge	1769685.39	5912948.81
137	Pakuranga Creek Golf Course		1769524.34	5912474.00
138	Pakuranga Creek Power Sub Station Arm	Seaward side of footbridge	1769647.13	5911813.36
139	Pakuranga Creek Cryers Road Arm		1768478.43	5911285.75
140	Otara Creek Kerwyn		1767536.01	5909726.82

## Appendix 7 Coastal marine area boundaries

		Coastal Marine Area/River Boundary		
ID	River	Location	NZTM Point X	NZTM Point Y
	Road Arm			
141	Otara Creek Opposite Andromeda Crescent		1767805.18	5909091.55
142	Otara Creek East Tamaki Road Arm	Seaward side of footbridge	1767500.28	5908752.62
143	Tamaki River Bairds Road Arm		1765310.43	5908234.75
144	Tamaki River Middlemore Hospital		1764242.00	5907445.58
145	Tamaki River		1764316.90	5908319.61
146	Otahuhu Creek Adjacent to Meadow Street		1764253.26	5910620.67
147	Unnamed Stream Adjacent to Bowden Road		1764909.44	5912833.78
148	Unnamed Stream Upstream of Donnor Place		1764796.17	5913211.25
149	Omaru Creek		1766745.66	5917014.35
150	Purewa Creek		1763321.90	5918507.35
151	Orakei Basin Stream		1762429.65	5917766.11
152	Orakei Basin Stream		1762021.04	5917542.70
153	Orakei Road Stream	Seaward side of Shore Road Bridge	1760873.25	5918485.19
154	Portland Road Stream	Seaward side of Shore Road Bridge	1760099.71	5918677.40
155	Newmarket Stream	Seaward side of Brighton Road	1759391.60	5918748.10
156	Coxs Creek		1753794.06	5920315.36
157	Motions Creek	Seaward side of Meola Road	1753072.07	5919538.28
158	Meola Creek	Seaward side of Meola Road	1752571.07	5919221.08
159	Oakley Creek	Seaward side of Great North Road	1751960.23	5917779.09
160	Whau River	Seaward side of railway bridge	1750782.43	5914036.26
161	Rewarewa Creek		1749733.55	5914545.32
162	Taroa Stream		1749513.35	5914264.25
163	Wairau Creek		1747730.34	5915244.27
164	Glendene Stream		1747397.75	5916685.40
165	Henderson Creek		1745715.71	5918184.05

## Appendix 7 Coastal marine area boundaries

Coastal Marine Area/River Boundary				
ID	River	Location	NZTM Point X	NZTM Point Y
166	Paremuka Stream	Northern end of Woodside Road	1744125.44	5919875.05
167	Huruhuru/Swanson Stream	Seaward side of footbridge	1744066.93	5919963.41
168	Rarawaru Creek		1744940.17	5921649.07
169	Taikata Creek (Kopupapa Stream)		1745996.97	5922628.41
170	Lawson's Creek		1745413.84	5923384.24
171	Waipareira Stream		1746492.88	5924758.98
172	Romeo Stream		1746536.94	5924785.45
173	Waiorahia Stream		1746077.94	5926388.04
174	Rarawaru Creek		1744433.56	5928078.66
175	Totara Creek	Seaward side of Brigham Creek Road	1742953.36	5926686.17
176	Brigham Creek	Seaward side of State Highway 16	1741976.51	5926903.72
177	Rangitopuni Creek	Seaward side of Coatesville-Riverhead Highway Bridge	1742529.56	5931228.08
178	Paremoremo Creek		1746231.10	5931387.36
179	Lucas Creek	Waterfall upstream of Dairy Flat Highway	1751178.70	5934498.21
180	Oteha Stream	Seaward side of Albany Highway	1751331.20	5933565.42
181	Te Wharau Creek Northern Arm		1750317.22	5930110.94
182	Te Wharau Creek Southern Arm		1750053.95	5929671.74
183	Kingfisher Grove Creek		1748747.04	5929180.44
184	Hellyers Creek		1751961.05	5929121.54
185	Kaipatiki Creek		1752426.05	5927689.73
186	Kaipatiki Creek Eskdale Road Arm		1752192.03	5927105.37
187	Kaipatiki Creek Beach Haven Road Arm	Seaward side of Beach Haven Road	1751425.10	5927246.92
188	Soldiers Bay Stream		1751635.62	5924518.54
189	Little Shoal Bay Stream	Seaward side of Maritime Terrace	1755168.46	5924118.40
190	Onepoto Stream	Seaward side of Lake Road	1755587.67	5925143.42
191	Hillcrest Creek	Seaward side of Esmonde Road	1757398.78	5926107.67

Appendix 7 Coastal marine area boundaries

Coastal Marine Area/River Boundary				
ID	River	Location	NZTM Point X	NZTM Point Y
192	Wairoko Creek	Seaward side of footbridge	1758871.75	5925540.75
<b>HAURAKI GULF COASTLINE</b>				
193	Wairau Creek	Immediately downstream of Wairau Creek outfall	1757347.06	5928967.62
194	Deep Creek	Seaward side of Beach Road Bridge	1756461.70	5936802.06
195	Awaruku Creek	Seaward side of road bridge	1756439.48	5938133.50
196	Long Bay North Stream	Seaward side of bridge	1756019.47	5939152.44
197	Okura Beach Road Stream		1754152.56	5939418.47
198	Okura River		1752664.65	5938895.22
199	Okura River		1752372.20	5939057.36
200	Okura River		1751938.10	5939074.75
201	Okura River North Branch		1752248.97	5940540.10
202	Doctors Creek	Opposite northern boundary Lot 4 DP 26549	1753132.87	5944124.61
203	Duck Creek	Seaward side of Duck Creek Road Bridge	1751670.58	5944469.17
204	Newman Road Stream		1750743.03	5945442.54
205	Weiti River	Seaward side of Tavern Road	1749990.77	5946011.27
206	Orewa River	Seaward side of Northern Motorway	1748716.27	5948381.21
207	Orewa River North Branch		1749523.57	5949120.73
208	Nukumea Stream	Seaward side of Hibiscus Coast Highway	1751262.71	5950976.06
209	Otanerua Stream South Arm		1751554.87	5952137.41
210	Otanerua Stream North Arm		1751783.89	5952689.76
211	Waiwera River	Opposite western boundary Lot 8 DP 61445	1750613.33	5955025.79
212	Okahu Creek		1749649.16	5955910.19
213	Puhoi River		1750189.96	5957249.05
214	Te Muri-O-Tarariki Stream		1753070.90	5957984.00
215	Pukapuka River	Seaward side of Pukapuka Road Bridge	1750500.65	5960894.92
216	Dyers Creek		1751603.97	5962788.22



Appendix 7 Coastal marine area boundaries

Coastal Marine Area/River Boundary				
ID	River	Location	NZTM Point X	NZTM Point Y
	Southern Arm			
217	Dyers Creek Northern Arm		1751337.91	5963192.71
218	Cowan Bay Stream West Arm		1751718.05	5965261.22
219	Cowan Bay Stream East Arm		1752311.67	5965455.33
220	Hepburn Creek	Seaward side of Hepburn Creek Road Bridge	1751173.02	5966595.89
221	Johnson Creek	Seaward side of Hepburn Creek Road Bridge	1750735.88	5968357.73
222	Mahurangi River		1750429.46	5969976.78
223	Duck Creek		1751787.72	5968968.77
224	Dawson's Creek (Te Whau Creek)	Seaward side of causeway to Wastewater Treatment Plant	1754178.38	5968232.18
225	Goodalls Stream		1754984.20	5966693.07
226	Te Kapa River Northern Arm		1755823.29	5964470.31
227	Te Kapa River Eastern Arm		1757020.63	5963100.17
228	Glen Eden River		1753412.94	5973449.69
229	Matakana River	Northern boundary Pt Lot 1 DP 169734	1754258.87	5975297.08
230	Baddley's Beach Stream		1757332.53	5972551.43
231	Campbells Beach Western Stream		1758406.49	5972363.69
232	Campbells Beach Eastern Stream		1758685.81	5972300.98
233	Omaha River	Northern end esplanade reserve adjacent to Lot 2 DP 83584	1755954.48	5977169.26
234	Tamahunga Stream	Southern boundary of Lot 1 DP 8755	1756114.73	5977557.03
235	Birdsall Road Stream		1757606.20	5980133.90
236	Young Creek	Seaward side of Ashton (Sadler) Road Bridge	1757839.02	5980261.92
237	Coxhead Creek	Seaward side of Coxhead Creek Road Bridge	1759692.99	5980745.50
238	Kohuroa Stream	Seaward side of footbridge	1761405.56	5981202.57
239	Omaha Cove Western Arm	Seaward side of footbridge	1762059.11	5982560.65

## Appendix 7 Coastal marine area boundaries

<b>Coastal Marine Area/River Boundary</b>				
<b>ID</b>	<b>River</b>	<b>Location</b>	<b>NZTM Point X</b>	<b>NZTM Point Y</b>
240	Omaha Cove Northern Arm	Seaward side of footbridge	1762053.06	5982804.39
<b>WAIHEKE ISLAND</b>				
241	Okahuiti Creek		1782500.91	5926136.76
242	Taiwaipareira Creek	Seaward side of Ostend Road	1783205.55	5925739.63
243	Rangihoua Creek		1784527.45	5925021.03
244	Rangihoua Creek		1784462.15	5924915.44
245	Awaawaroa Bay Stream		1787571.55	5923582.34
246	Awaawaroa Bay Stream		1788088.42	5923453.42
247	Te Matuku Stream	Seaward side of Orapiu Road Bridge	1790772.07	5922462.56
<b>GREAT BARRIER ISLAND</b>				
248	Oruawharo Stream		1824993.48	5983118.35
249	Kaitoke River	Seaward side of Gray Road	1821663.88	5987612.64
250	Awana Stream		1822991.40	5990966.10
251	Motairehe Stream		1813938.52	6000465.15
252	Whangaparapara Stream		1815388.41	5987185.44

## **J1. Definitions**

All provisions in this section are regional policy statement, regional coastal plan, regional plan and district plan provisions **[rps/rcp/rp/dp]**.

### **J1.1. Interpreting the definitions**

- (1) The meaning of the provisions in the Plan must be ascertained from all relevant text in the Plan and in the light of the purpose of the Resource Management Act 1991 and any relevant objectives and policies in the Plan.
- (2) Words and phrases used in the Plan have the meaning set out in their definitions in this chapter unless the context otherwise requires.
- (3) Words and phrases that are defined in the Resource Management Act 1991 have the meaning set out in that Act except where expressly provided for otherwise in this chapter or elsewhere in the Plan.
- (4) Words in the singular include the plural and words in the plural include the singular.
- (5) Where a list is preceded by the word “includes”, that list is not limited to the matters listed.
- (6) Where a list is preceded by the word “excludes”, that list is limited to the matters listed.
- (7) This chapter does not apply to designations included in the Plan.

#### **J1.1.1. Using Nesting Tables**

There are five nesting tables which gather specific land use activities into general groups: Commerce, Community, Industry, Residential and Rural. Within each table, activities are listed with the more general on the left and the more specific on the right. For example, in the Commerce nesting table, retail is the more general activity which includes food and beverage, large format retail and trade suppliers as more specific activities. Those more specific components may also include more specific activities.

Where an activity table for an overlay, zone, Auckland-wide or precinct lists a general activity in a nesting table, that general activity includes all of the nested specific activities unless otherwise specified in that activity table.

#### **J1.1.2. Application of Nesting Tables**

- (1) Where an activity is included in a nesting table, the class or activity status of that activity in any activity table also applies to the nested activities set out to the right of that activity in the nesting table, unless an activity table expressly provides otherwise for a particular overlay, zone, Auckland-wide or precinct.
- (2) Where a specific activity is nested under a general activity, then:

## J1 Definitions

- (a) any standard in an overlay, zone, Auckland-wide or precinct for that specific activity will apply despite the class or activity status of the general activity; and
- (b) any standard for the general activity will also apply to the specific activity where there is no corresponding standard for the specific activity.

### J1.2. Abbreviations and acronyms

Celsius	C
Cubic metres	m <sup>3</sup>
Cubic metres per second	m <sup>3</sup> /s
Decibel	dB
Gross domestic product	GDP
Kilometre(s)	km
Litres	l
Metre(s)	m
Millimetres	mm
Square metres	m <sup>2</sup>
Tonnes	t

#### AEP

Annual exceedance probability

#### AFA

Average floor area

#### ANNA

Aircraft noise notification area

#### AIAL

Auckland International Airport Limited

#### ARI

Average rain index

#### ASAN

Activities sensitive to aircraft noise

## J1 Definitions

BPO

Best practicable option

CFA

Calculated floor area

COC

Certificate(s) of Compliance

CMCA

Common marine and coastal area

CMA

Coastal marine area

FAR

Floor area ratio

GIS

Geospatial information system

GFA

Gross floor area

GMO

Genetically modified organisms

HAIL

Hazardous activities and industries list

HANA

High aircraft noise area

## J1 Definitions

HH

Historic heritage

HSNO

Hazardous Substances and New Organisms Act 1996

HNC

High natural character

HNZPT

Heritage New Zealand/Pouhere Taonga

ITA

Industrial or trade activities

LUC

Land use capability

MANA

Moderate aircraft noise area

MHWS

Mean high water springs

MTFAR

Maximum total floor area ratio

NESETA

National Environmental Standards for Electricity Transmission Activities

NESTF

National Environmental Standards for Telecommunication Facilities

## J1 Definitions

NZCPS

New Zealand Coastal Policy Statement 2010

NZECP 34

New Zealand Electrical Code of Practice for Electrical Safe Distances

NZTA

New Zealand Transport Agency

POAL

Ports of Auckland Limited

ONC

Outstanding natural character

ONF

Outstanding natural feature

ONL

Outstanding natural landscape

RCA

Road controlling authority

RMA

Resource Management Act 1991

RL

Reduced level

RPS

Regional policy statement

J1 Definitions

RUB

Rural urban boundary

SEA

Significant ecological areas

SMAF

Stormwater management area: flow

SSMW

Sites and places of significance to Mana Whenua

VTA

Vertebrate toxic agent

VOC

Volatile organic compound

WSMA

Water supply management area

**J1.3. Nesting Tables**

**Table J1.3.1 Commerce**

Commercial activities	Offices		
	Retail	Food and beverage	Bars and taverns
			Restaurants and cafes
			Drive-through restaurant
		Dairies	
		Show home	
		Large format retail	Supermarket
			Department store
	Trade supplier		



J1 Definitions

		Service station	
		Markets	
		Marine retail	
		Motor vehicle sales	
		Garden centres	
	Commercial services	Veterinary clinic	
		Funeral director premise	
		Commercial sexual services	
	Entertainment facilities		

**Table J1.3.2 Community**

Care centres	
Cemeteries	
Community facilities	
Correction facilities	Justice facilities
	Community correction facilities
Education facilities	Community use of education and tertiary education facilities
Emergency services	
Healthcare facilities	
Hospitals	
Informal recreation	
Motorsport activities	
Organised sport and recreation	
Public places	Public open spaces
Recreation facilities	
Showgrounds	
Temporary activities	Temporary military training activities
Tertiary education facilities	Community use of education and tertiary education facilities

**Table J1.3.3 Industry**

Industrial activities	Freight depots	Warehousing and storage	
	Industrial laboratories		
	Manufacturing	Light manufacturing and servicing	
	Repair and maintenance services		
	Waste management facilities	Refuse transfer station	Recycling facility
	Rail siding		
	Bus depots		
	Storage and lockup facilities		
	Wholesalers		

**Table J1.3.4 Infrastructure**

Infrastructure	Network utilities	Roads
		Road network activities
		Service connections
		Minor infrastructure upgrading
		Minor utility structure
		Substations
		Gas distribution regulator stations
		Airports
		Aerials
		Antenna
	Electricity generation activities	Large scale wind farms
		Research and exploratory-scale investigations for renewable electricity generation activities
		Small scale energy generation

**Table J1.3.5 Residential**

Dwellings	
Home occupations	
Visitor accommodation	
Camping grounds	
Boarding houses	Student accommodation
Integrated residential development	
Retirement village	
Supported residential care	

**Table J1.3.6 Rural**

Rural commercial services	Animal breeding or boarding
Farming	Horticulture
	Free-range poultry farming
	Poultry hatcheries
	Conservation planting
Produce sales	
Intensive farming	Intensive poultry farming
Forestry	
Quarries – farm or forestry	
Equestrian centres	
Rural industries	
On-site primary produce manufacturing	
Post-harvest facilities	

**J1.4. Definitions**

**A**

**Access site**

Any separate site used primarily for access to a site or to sites having no legal frontage.

Excludes:

- sites 5m or more in width that are not legally encumbered to prevent the construction of buildings.

### **Accessory activities**

Activities located on the same site as the primary activity, where the activity is incidental to, and serves a supportive function of the primary activity.

Includes:

- permitted or required car parking.

### **Accessory building**

Buildings used in a way that is incidental to the use of any other buildings on that site, or on a vacant site, a building that is incidental to any use which may be permitted on that site.

Excludes:

- dwellings.

### **Activities sensitive to aircraft noise**

Any dwellings, boarding houses, marae, papakāinga, integrated residential development, retirement villages, supported residential care, care centres, education facilities, tertiary education facilities, hospitals, and healthcare facilities with an overnight stay facility.

### **Activities sensitive to air discharges**

Activities sensitive to reduced air quality.

Includes:

- dwellings;
- care centres;
- hospitals;
- healthcare facilities with an overnight stay facility;
- educational facilities;
- marae;
- community facilities;
- entertainment facilities; and
- visitor accommodation.

### **Activities sensitive to hazardous facilities and infrastructure**

Activities sensitive to hazardous facilities and infrastructure are:

- visitor accommodation;
- care centres;
- hospitals;

- healthcare facilities;
- educational facilities;
- tertiary education facilities;
- community facilities;
- marae;
- retirement villages;
- organised sport and recreation;
- recreation facilities;
- entertainment facilities;
- dwellings; and
- boarding houses.

**Activities sensitive to noise**

Any dwelling, visitor accommodation, boarding house, marae, papakāinga, integrated residential development, retirement village, supported residential care, care centres, lecture theatres in tertiary education facilities, classrooms in education facilities and healthcare facilities with an overnight stay facility.

**Activities sensitive to the National Grid**

Any dwellings, papakāinga, visitor accommodation, boarding houses, integrated residential development, retirement villages, supported residential care, education facilities, hospitals and healthcare facilities and care centres.

**Adaptive management approach**

A systematic, iterative process of decision making in the face of uncertainty, with an aim of reducing uncertainty over time through system monitoring and changes to management in response to the results of monitoring.

**Aftercare**

Aftercare (or post-closure care) activities involve any operation, maintenance and monitoring associated with the management of closed (and closed parts of) managed fills and landfills. Aftercare is on-going until the closed managed fill and landfill no longer poses any unacceptable risk to human health or the environment.

Includes:

- groundwater and surface water management;
- leachate management;

- gas management;
- stability management;
- cover and surface vegetation maintenance;
- environmental nuisance control;
- monitoring; and
- site security and access.

### **Agrichemicals**

Any substance, whether inorganic or organic, artificial or naturally occurring, modified or in its original state, that is used in any agriculture, horticulture or related activity, to eradicate, modify or control flora and fauna. For the purposes of this definition, it includes agricultural compounds, but excludes fertilisers, vertebrate pest control products and oral nutrition compounds.

### **Aircraft operations**

Includes:

- the landing and take-off of any aircraft at an airport or airfield;
- the taxiing of aircraft associated with landing and take-off and other surface movements of aircraft for the purpose of taking an aircraft from one part of the airport to another; and
- aircraft flying along any flight path.

### **Aircraft noise notification area**

The area generally between the 55 dB Ldn and 60 dB Ldn future noise contours as shown in on the Aircraft Noise Overlay map for Auckland International Airport.

### **Airport**

Any defined area of land or water intended or designated to be used either wholly or partly for the landing, departure, movement, or servicing of aircraft, and includes land wholly or partly connected with such activities or their administration, or used for the wider operations and activities to meet the needs of passengers, visitors and employees and businesses located at the airport.

Excludes:

- private helipads used by the occupiers of a property on a non-commercial basis; and
- rural airstrips.

**Airport authority**

The person or body responsible for establishing, maintaining, operating, or managing an airport or aerodrome. Airport operator has the same meaning.

**Airport Noise Boundary**

The 55 dB Ldn and 65 dB Ldn lines shown, on the Aircraft Noise Overlay maps for North Shore Airport, Whenuapai Airbase and Kaipara Flats Airfield.

**Air show**

A sequence of aircraft operations of a maximum of three days in duration, occurring at a frequency not exceeding one per year, which is organised to provide a spectacle for members of the public.

**Airspace restriction designation**

The area shown in the planning maps under Designations and referred to in the relevant airport designation.

**Amateur radio configuration**

Antenna, aerials and associated support structures which are owned and operated by licensed amateur radio operators.

**Ancillary farming earthworks**

Disturbance of soil, earth or substrate land surfaces ancillary to farming.

Includes:

- land preparation and cultivation (including establishment of sediment and erosion control measures), for planting and growing operations and harvesting of agricultural and horticultural crops (farming);
- burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993;
- irrigation and land drainage; and
- maintenance and construction of facilities, devices and structures typically associated with farming activities including but not limited to farm tracks, driveways and unsealed parking areas, stock races, silage pits, farm drains, farm effluent ponds, and feeding lots, fencing, crop protection and sediment control measures.

### **Ancillary forestry earthworks**

Disturbance of soil, earth or substrate land surfaces ancillary to forestry.

Includes:

- land preparation for the establishment, planting and growing operations, and harvesting of forestry including establishment of erosion and sediment control measures; and
- construction and maintenance of infrastructure and facilities typically associated with forestry including but not limited to tracks, roads and landings, and related erosion and sediment control measures.

### **Animal breeding or boarding**

Breeding, boarding or day care centres for domestic pets or working dogs.

This definition is nested within the Rural nesting table.

### **Animal feedlots**

Intensive feeding of livestock on food other than pasture grasses.

Includes:

- covered feedlots;
- uncovered feedlots; and
- standoff pads.

Excludes:

- concentrated but temporary wintering of stock as part of normal farming operations, such as using animal feedpads and standoff pads.

### **Annual exceedance probability**

The probability of exceeding a given threshold within a period of one year. It can be applied to any type of risk. For example in relation to flooding, a one per cent AEP flood plain is the area that would be inundated in a storm event of a scale that has a one per cent or greater probability of occurring in one year.

Equivalent average return intervals (ARI) are:

- one per cent AEP = 100 year ARI.
- two per cent AEP = 50 year ARI.
- 10 per cent AEP = 10 year ARI.
- 20 per cent AEP = 5 year ARI.
- 50 per cent AEP = 2 year ARI.



### **Antenna**

Any telecommunications, radio communications device including dish, aerials (any array of rods, wires and tubes) or panels, or broadcasting equipment that receives or transmits signals.

Includes the following ancillary components which are not subject to antenna size limits in the infrastructure rules:

- radio frequency units or similar devices;
- lightning rods, shrouds and ancillary equipment, such as amplifiers, controller boxes and tilt motors; and
- Global Positioning System (GPS) antennas.

Excludes:

- supporting masts or other structures.

### **Aquifer**

A permeable water bearing geological formation capable of yielding, storing, receiving or transmitting water at a sufficient rate to be a practical water supply.

### **Archaeological investigations**

Recovery of information from an archaeological site using archaeological techniques. These include invasive/destructive methods such as excavation or sampling, and non-invasive, repeatable methods such as survey, recording or remote sensing.

### **Archaeological site**

Has the same meaning as in Heritage New Zealand Pouhere Taonga Act 2014.

### **Artificial crop protection structures**

Open structures that are used to protect crops from damage.

Includes:

- bird netting; and
- wind-break netting.

Excludes:

- greenhouses.

### **Artificial watercourse**

Constructed watercourses that contain no natural portions from their confluence with a river or stream to their headwaters.

Includes:

- canals that supply water to electricity power generation plants;
- farm drainage canals;
- irrigation canals; and
- water supply races.

Excludes:

- naturally occurring watercourses.

### **Automotive and marine suppliers**

A business primarily engaged in selling automotive vehicles, marine craft, accessories to and parts for such vehicles and craft.

Includes:

- boats and boating accessories;
- trucks, cars and motorcycles;
- auto parts and accessories;
- trailers and caravans; and
- tyres and batteries.

### **Average floor area**

The average of the horizontal areas measured at 1.5m above all floor levels from the external faces of the building, including all voids and the thickness of external and internal walls, except:

- for sites with a gross site area of 2,000m<sup>2</sup> or less, where the horizontal area at any floor level totals less than 20 per cent of the site area, the horizontal area at that level shall be deemed to be 20 per cent of the site area for the purpose of calculating average floor area; and
- for sites with a gross site area greater than 2,000m<sup>2</sup>, where the horizontal area at any floor level totals less than 400m<sup>2</sup>, the horizontal area at that level shall be deemed to be 400m<sup>2</sup> for the purpose of calculating average floor area.

Excludes:

- basement space;
- approved through site links and works of art; and

- any entrance foyer/lobby or part of it including any void forming an integral part of it, provided that entrance foyer/lobby is publicly accessible, accessed directly from a street or public open space and has an overhead clearance of at least 6m.

**Average recurrence interval**

Average time between rainfall or flow rates which exceed a certain magnitude.

**B**

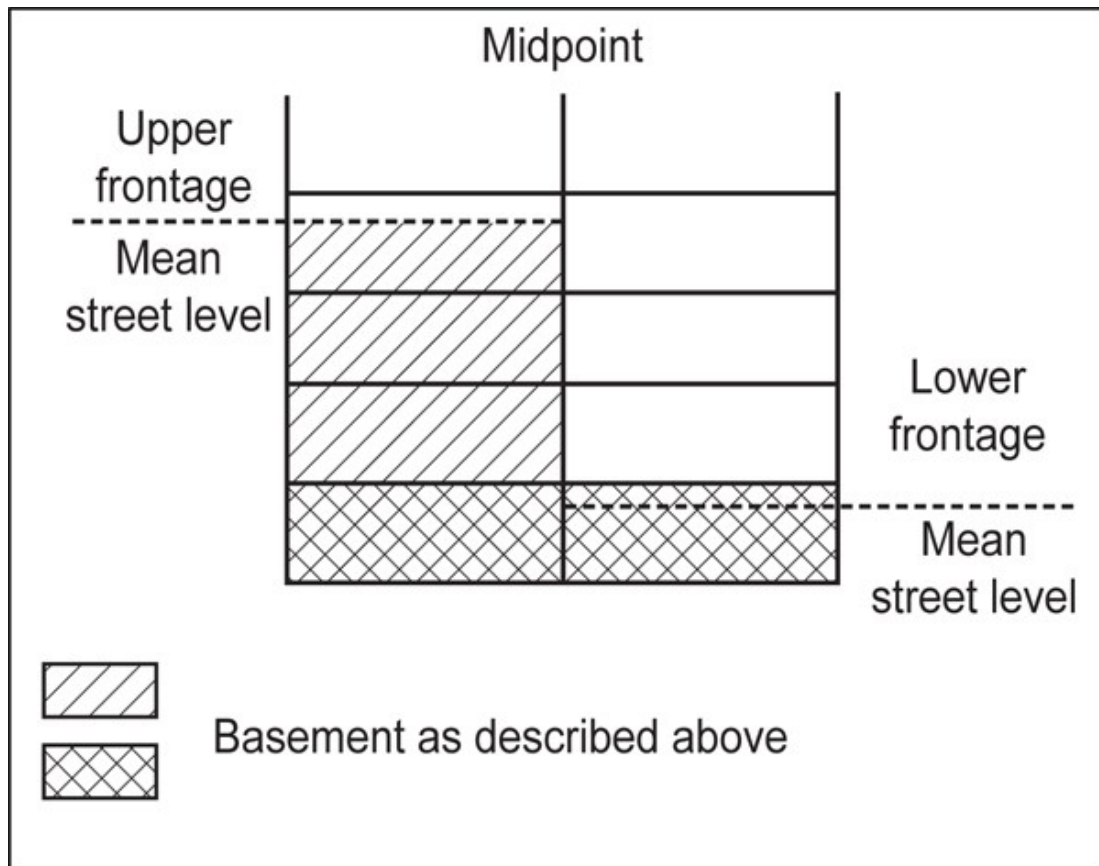
**Base flow**

The part of river flow derived from groundwater seeping into the river.

**Basement**

Any floor level of a building where the greater part of the volume of that floor level is below the mean street level of the frontage of the building. Where a building has two or more frontages, the basement includes any floor level used for parking, manoeuvring, or access where the greater part of that floor level is below the mean street level of the upper frontage to the midpoint of the site measured horizontally between the upper frontage and the lower frontage (see Figure J1.4.1 Basement).

**Figure J1.4.1 Basement**



**Best practicable option**

Has the same meaning as in section 2 of the Resource Management Act 1991.

**Billboard**

Any sign, message or notice conveyed using any visual media which is used to advertise any business, service, good, products, activities or events that are not directly related to the primary use or activities occurring on the site of the sign.

Includes:

- the sign and any associated frame and supporting device, whether permanent, temporary or moveable, whose principal function is to support the message or the notice.

Excludes:

- stencil signage or similar markings;
- a poster or poster signage as defined in the Auckland Transport, Auckland Council Signage Bylaw 2015;
- a banner or flag situated on or over a road or public place;

- real estate signage or directional real estate signage;
- vehicle signage as defined in the Auckland Transport, Auckland Council Signage Bylaw 2015;
- community event signage as defined in the Auckland Transport, Auckland Council Signage Bylaw 2015;
- regional and major event signage defined in the Auckland Transport, Auckland Council Signage Bylaw 2015;
- any election sign as defined and controlled by the Auckland Transport Election Signs Bylaw 2013.

### **Biodiversity offset**

Compensation for significant residual adverse biological effects arising from subdivision, use and development.

### **Biosecurity tree works**

The alteration or removal of any tree or vegetation infected by an unwanted organism as defined in the Biosecurity Act 1993 as part of a disease eradication or control programme within an infected area.

### **Biosolids**

Sewage or sewage sludge derived from a sewage treatment plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land and does not include products derived from industrial wastewater treatment plants.

### **Boarding house**

Has the same meaning as section 66B of the Residential Tenancies Act 1986.

### **Bore**

Any drilled hole that has been constructed to provide access to groundwater. For example, for monitoring of ground or groundwater conditions, taking of groundwater or the discharge of stormwater. This includes piezometers, other than piezometers that are constructed into structures such as dams or the refuse in landfills.

### **Boundary adjustment**

A subdivision of existing sites that:

- maintains the same number of sites following subdivision as existed prior to it;

- alters the boundaries between two or more contiguous sites, and
- may result in any one or more of the sites becoming larger or smaller.

### **Brownfield**

Any already urbanized land to be redeveloped, often for more intensive or different land use.

### **Building**

Any permanent or temporary structure.

On land for the purposes of district plan provisions, “building” includes the following types of structures listed in Table J1.4.1, only where they meet the qualifying dimensions or standards:

**Table J1.4.1: Buildings**

<b>Type of structure</b>	<b>Qualifying dimension or standard (for height the rolling height method is to be used)</b>
Decks, steps or terraces	Over 1.5m in height
Fences or walls	Over 2.5m in height
Flagpoles, masts or lighting poles	Over 7m higher than its point of attachment or base support or Has a width at any point exceeding 1.2m
Grandstands, stadia or other structures that provide seating or standing accommodation (whether or not open or covered or enclosed)	Over 1m in height
Retaining walls or breastwork	Over 1.5m in height or Located within 1.5m of the boundary of a road or public place
Satellite dishes	Over 1m diameter
Stacks or heaps of materials	Over 2m in height and In existence for more than one month
Free-standing signs	Over 1.5m in height
Swimming pools, spa pools, swirl pools, plunge pools or hot tubs	Over 1m in height from ground level, inclusive of the height of any supporting structure or More than 25,000l capacity
Tanks including retention tanks	Over 1m in height from ground level, inclusive of the height of any supporting structure or More than 25,000l capacity, where any part of

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	the tank is more than 1m above ground level
Verandahs and bridges over any public open space	Above ground level
In an Open Space Zone: Bicycle stand/parking structures Board walks Boxing or edging Drinking and water fountains Gates, bollards and chains Rubbish and recycling bins Seating and tables Stairs	Over 1.5m in height from ground level, inclusive of the height of any supporting structure
<b>Type of structure</b>	<b>Qualifying dimension or standard (for height the rolling height method is to be used)</b>
Structures used as a dwelling, place of work, place of assembly or storage, or structures that are in a reserve or camping ground	Over 1.5m in height and In use for more than 32 days in any calendar year

and excludes the following types of structures:

- any scaffolding or falsework erected temporarily for construction or maintenance purposes;
- roads, road network structures, manoeuvring areas, parking areas (other than parking buildings) and other paved surfaces;
- any film set, stage or similar structures less than 5m in height that exist for less than 30 consecutive days; and
- aerials and water overflow pipes.

In the coastal marine area for the purposes of the regional coastal plan, “building” includes any covered or partially covered permanent or temporary structure, whether or not it is enclosed.

### **Building coverage**

The part of the net site area covered by buildings.

Includes:

- overhanging or cantilevered parts of buildings
- any part of the eaves or spouting that projects more than 750mm horizontally from the exterior wall of the building
- accessory buildings.

Excludes:

- uncovered swimming pools
- pergolas
  - uncovered decks
- open structures that are not buildings.

### **Building line restriction**

A line shown on the title and on the survey plan to:

- create a new boundary for the purpose of assessing yards; and
- to prevent buildings being erected between the building line restriction and the relevant site boundary.

### **Building suppliers**

A business primarily engaged in selling materials for use in the construction, modification, cladding, fixed decoration or outfitting of buildings.

Includes:

- glaziers;
- locksmiths; and
- suppliers of:
  - awnings and window coverings;
  - bathroom, toilet and sauna installations;
  - electrical materials and plumbing supplies;
  - heating, cooling and ventilation installations;
  - kitchen and laundry installations, excluding standalone appliances;
  - paint, varnish and wall coverings;
  - permanent floor coverings;
  - power tools and equipment;
  - safes and security installations; or
  - timber and building materials.

This definition is nested within the Commerce nesting table.

### **Bus depots**

Sites for bus parking, servicing and repair.



Includes:

- accessory administrative offices and facilities.

This definition is nested within the Industry nesting table.

### **Business activities**

Commercial and industrial activities.

### **Business zones**

Means:

- Business – City Centre Zone;
- Business – Metropolitan Centre Zone;
- Business – Town Centre Zone;
- Business – Local Centre Zone;
- Business – Neighbourhood Centre Zone;
- Business – Mixed Use Zone;
- Business – General Business Zone;
- Business – Business Park Zone;
- Business – Heavy Industry Zone; and
- Business – Light Industry Zone.

## **C**

### **Camping ground**

Site where the primary use is short term accommodation where the following apply:

- used by two or more groups of people living independently of each other;
- where the continuous term of occupancy of each independent group of people never exceeds 50 days in any one calendar year;
- where rent, hire, donation, or other reward is usually collected;
- which may accommodate tents, caravans, or mobile camping vehicles; and
- which may include cabins or other structures or shelters, some or all of which would not normally comply with the New Zealand Building Code for residential buildings.

Includes shared or communal:

- entrances;

- water supplies;
- cook houses;
- sanitary fixtures and conveniences;
- parking areas;
- recreation areas;
- use of other premises and equipment; and
- identified overnight campervan and non-serviced camping areas.

This definition is nested within the Residential nesting table.

### **Capital works dredging**

Excavating material from the bed of the coastal marine area and removing the excavated material, where the excavation is for the purpose of providing increased water depths beyond existing approved levels or beyond natural levels where there is no existing approved level.

### **Care centre**

Facility used for any one or more of the following:

- children, in addition to the children of the person in charge, aged six years or younger are educated and cared for, and includes: childcare centres, crèches, kindergartens, kōhanga reo, playcentres and play groups;
- early childhood learning services;
- children, in addition to the children of the person in charge, aged five years or older and are cared for out of school hours;
- elderly people are cared for during the day; and
- people with disabilities (including mental health, addiction, illness or intellectual disabilities) are cared for during the day.

Excludes:

- supported residential care.

This definition is nested within the Community nesting table.

### **Carriageway**

The part of a driveway or road formed for the movement of motor vehicles.

**Catchpit**

An inlet to a stormwater system incorporating a grate and small chamber to separate gross solids from stormwater prior to connection to a pipe.

**Cemetery**

Place used for human burial and cremation.

Includes:

- accessory retail;
- crematoria;
- interment and re-interment;
- funeral services and receptions;
- mausoleums;
- administration offices and meeting rooms;
- vehicle parking; and
- landscaping.

Excludes:

- urupā.

This definition is nested within the Community nesting table.

**Centre zones**

Means:

- Business – City Centre Zone;
- Business – Metropolitan Centre Zone;
- Business – Town Centre Zone;
- Business – Local Centre Zone; and
- Business – Neighbourhood Centre Zone.

**Changeable message signage**

Has the same meaning as in the Auckland Transport, Auckland Council Signage Bylaw 2015.

**Channel clearance**

The clearance of vegetation and debris from river channels and river mouths to maintain efficient water flow, reduce the risk of flooding and erosion, maintain structures, remove plant pest species and remove hazards for navigational uses.

Includes:

- clearing, cutting or realigning rivers and streams;
- maintenance of land drainage and stormwater systems; and
- maintenance and clearing of road and drainage and water tables.

Excludes:

- mangrove removal, other than mangroves in channels.

### **Cleanfill**

Facility where cleanfill material is accepted for deposit.

Excludes:

- storage and use of cleanfill material within an earthworks site for the purpose of engineering contours for specific activities;
- placement of cleanfill material associated with road construction and road maintenance activities; and
- onsite storage and use of overburden or aggregate by-product that is cleanfill material associated with mineral extraction activities.

### **Cleanfill material**

Means natural material such as clay, gravel, sand, soil and rock which has been excavated or quarried from areas that are not contaminated with manufactured chemicals or chemical residues as a result of industrial, commercial, mining or agricultural activities.

Excludes:

- hazardous substances and material (such as municipal solid waste) likely to create leachate by means of biological breakdown;
- product and materials derived from hazardous waste treatment, stabilisation and disposal practices;
- materials such as medical and veterinary waste, asbestos, and radioactive substances;
- soil and fill material which contain any trace element specified in [Table E30.6.1.4.2](#) at a concentration greater than the background concentration in Auckland soils specified;
- sulfidic ores and soils;
- combustible components;

- more than 5% by volume of inert manufactured materials (e.g. concrete, brick, tiles); and
- more than 2% by volume of attached biodegradable material (e.g. vegetation).

### **Clubrooms**

Premises which are set aside for the use, convenience and enjoyment of a group associated with the particular public open space, sport, recreational or community organisation and may be licensed to hold a club licence under the Sale and Supply of Alcohol Act 2012.

Includes:

- the emergency services component associated with surf lifesaving clubs.

### **Coastal cell**

A stretch of coast, typically bounded by rock headlands, where there is no significant net loss of sediment by waves and currents.

### **Coastal erosion hazard area**

Any land which is:

- (a) within a horizontal distance of 20m landward from the top of any coastal cliff with a slope angle steeper than 1 in 3 (18 degrees); or
- (b) at an elevation less than 7m above mean high water springs if the activity is within:
  - (i) Inner Harbours and Inner Hauraki Gulf: 40m of mean high water springs; or
  - (ii) Open west, outer and Mid Hauraki Gulf: 50m of mean high water springs; or
- (c) within a lesser distance from the top of any coastal cliff, or mean high water springs, than that stated in (a) and (b), where identified in a site-specific coastal hazard assessment technical report prepared by a suitably qualified and experienced professional to establish the extent of land which may be subject to coastal erosion over at least a 100 year time frame.

### **Coastal marine area**

Has the same meaning as in the Resource Management Act 1991 except where the line of mean high water springs crosses a river specified in [Appendix 7 Coastal Marine Area boundaries](#), the landward boundary must be the point defined in the appendix.

### **Coastal marine area depositing of material**

The placement of sand, shell, shingle or other natural material in the coastal marine area where the intended design purpose is associated with a beneficial end use.

Includes:

- beach replenishment;
- environmental enhancement;
- restoration or enhancement of natural coastal defences from coastal hazards; or
- where the material is a result of river mouth dredging; to maintain or gain access to an existing lawful structure or dredging to clear the exit of any lawful stormwater outfall or pipe.

Excludes:

- depositing dredged material or solid matter for reclamation purposes;
- disposal of waste or other matter; and
- hard protection structures.

### **Coastal marine area disturbance**

Disturbance of the foreshore and seabed.

Includes:

- excavation, drilling and tunnelling.

Excludes

- common marine and coastal area mineral extraction;
- dredging;
- coastal marine area depositing of material; and
- disposal of material in the coastal marine area.

### **Coastal marine area structure**

Any building, equipment, device or other facility made by people and which is fixed to land, including the foreshore and seabed covered by water.

Includes:

- wharves;
- jetties;
- seawalls;
- buildings, or other structures built on piles, wharves or jetties;

- moorings;
- ramps;
- rafts;
- breakwaters, groynes and other wave attenuation devices;
- infrastructure including bridges, tunnels, pipelines, cables and transmission lines laid on, over (including in the air space above) or under the foreshore or seabed;
- marine and port facilities; and
- marine and port accessory structures and services.

Excludes:

- signs.

### **Coastal protection yard**

A yard measured in a landward direction from mean high water springs.

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

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

The Coastal storm inundation 1 per cent AEP area is:

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

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

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

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

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

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

**Coastal zones**

Means:

- Coastal – General Coastal Marine Zone;
- Coastal – Marina Zone;
- Coastal – Mooring Zone and moorings outside the Coastal – Mooring Zone;
- Coastal – Minor Port Zone;
- Coastal – Ferry Terminal Zone;
- Coastal – Defence Zone; and
- Coastal – Coastal Transition Zone.

**Combined sewer network**

A network which is designed to convey wastewater and stormwater in the same pipe.

**Commercial activities**

The range of commercial activities including offices, retail and commercial services providers.

**Commercial services**

Businesses that sell services rather than goods. For example: banks, real estate agents, travel agents, dry cleaners and hair dressers.

**Commercial sexual services**

Has the same meaning as in section 4 of the Prostitution Reform Act 2003 No. 28

This definition is nested within the Commerce nesting table.

**Common marine and coastal area**

Has the same meaning as in the Marine and Coastal Area (Takutai Moana) Act 2011.

**Common marine and coastal area mineral extraction**



Removal of sand, shell, shingle and other natural material from the common marine and coastal area under sections 12(2)(b) and 12(4)(b) of the Resource Management Act 1991.

Excludes:

- excavation of material undertaken as part of extraction activities.

### **Community correction facility**

Buildings and land used for administrative and non-custodial services. Services may include probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, and offices may be used for the administration of and a meeting point for community work groups.

### **Community facilities**

Facilities for the well-being of the community, generally on a not for profit basis.

Includes:

- arts and cultural centres (including art galleries and museums);
- places of worship;
- community centres;
- halls;
- libraries;
- marae;
- Citizens Advice Bureau;
- community correction facilities; and
- justice facilities.

Excludes:

- entertainment facilities;
- care centres; and
- healthcare facilities.

This definition is nested within the Community nesting table.

### **Community scale electricity generation**

Systems or equipment that generate electricity from renewable sources for an immediate community, or connection into a distributed energy network.

Includes:

- photovoltaic systems;
- biomass;
- wind generation; and
- hydro generation.

### **Community use of education and tertiary education facilities**

The use of any school or tertiary education facility for community purposes not directly associated with the primary education function of the school facility.

Includes:

- classes;
- meetings of community groups;
- church services;
- places of worship;
- private functions;
- social, leisure and recreational use;
- licensed premises; and
- associated parking.

This definition is nested within the Community nesting table.

### **Comprehensive development signage**

Has the same meaning as in the Auckland Transport, Auckland Council Signage Bylaw 2015.

### **Conservation planting**

Planting principally for:

- soil and water conservation;
- waste water disposal or purification;
- landscape preservation or enhancement;
- preservation for particular historic or archaeological value; and
- conservation for scientific or ecological value.

Includes:

- planting trees; and

- tending trees.

Excludes:

- growing trees for timber production.

### **Contiguous vegetation**

Vegetation with a continuous or near continuous canopy, or sub canopy or ground cover and any adjacent individual plants or groups of plants that connect to the continuous area in terms of species, structure or ecological gradient. It does not include vegetation planted as a crop, garden or pasture or the understorey in forests.

### **Contributing buildings, structures or features**

Buildings, structures or features within the extent of a scheduled historic heritage area that have heritage value or make a contribution to the significance of the area.

### **Corner site**

A site which is located on the corner of two intersecting roads.

Refer to Figure J1.4.8 Site.

### **Cultivation**

Preparing soil for the planting of seeds or plants.

Includes:

- discing;
- hoeing;
- mould boarding;
- ploughing;
- ripping; and
- turning and lifting.

Excludes:

- direct drilling of seed and no-tillage practice;
- harrowing; and
- forestry.

### **Culvert**

A structure with an inlet from and an outlet to a lake, river, stream or the coastal marine area, designed to enable access across a river, such as a road or stock crossing.

## D

### **Dairy effluent**

Effluent from dairy cows kept in a confined area.

Includes:

- associated process water;
- washwater; and
- dairy sludge.

### **Dairy sludge**

The accumulated organic solids from dairy oxidation ponds, barrier ditches, storage ponds, wintering barns or hard-stand areas.

### **Dam**

A structure which, either:

(8) permanently impounds surface water; or

(9) temporarily impounds surface water as its primary function, and includes weirs but excludes culverts, rain gardens and culvert headwalls.

### **Damming**

The activity of impounding surface water (and any substances dissolved in, suspended in or otherwise combined with the water) with any structure. This excludes water held in tanks, rain gardens, culverts and culvert headwalls and reclamation or drainage which results in the creation of dry land.

### **Dead wood removal**

The alteration or removal of dead trees, dead wood and dead vegetation provided that it does not involve the trimming, alteration or partial or complete removal of any other live protected trees or vegetation and is carried out in accordance with the currently accepted arboricultural practice.

### **Declamation**

Permanent removal of land so that the area becomes part of the coastal marine area.

### **Demolition**

The destruction or damage, in whole or in part, of any building or structure.

### **Department store**

A shop that retails a wide variety of goods, other than food or groceries, but the variety is such that no predominant product line can be determined. These units have predominant retail sales in clothing and at least three of the following six product groups:

- furniture;
- kitchenware, china, glassware and other housewares;
- textile goods;
- electrical, electronic and gas appliances;
- perfumes, cosmetics and toiletries; or
- sporting goods.

The products primary to these headings, as well as other products, are normally sold by or displayed in separate departments or sections.

This definition is nested within the Commerce nesting table.

### **Detailed site investigation (contaminated land)**

An investigation that:

- is done by, or is done under the management of, a suitably qualified and experienced person;
- is done in accordance with the Contaminated Land Management Guidelines No. 5 – Site Investigation and Analysis of Soils, Wellington, Ministry for the Environment (2011);
- is reported on in accordance with the Contaminated Land Management Guidelines No. 1 – Reporting on Contaminated Sites in New Zealand, Wellington, Ministry for the Environment (2011); and
- results in a report that is certified by a suitably qualified and experienced person.

### **Discharge system**

In respect of rural production discharges, means a system used to discharge liquid contaminants and includes any facilities and devices used to collect, store or treat the liquid.

**Diversion of stormwater**

Altering the natural course of stormwater flow, primarily through recontouring land or the establishment of impervious surfaces and associated drainage.

**Domestic type wastewater**

Wastewater originating from toilets, urinals, kitchens, bathrooms, showers, baths, basins and laundries from dwellings, commercial, industrial or other premises. It excludes wastewater from commercial laundries, schools, cafes and restaurants, trade waste and industrial or trade process wastewater or wash water.

**Drilling**

A method of boring into the ground mainly by rotation, percussion, or washing action.

Excludes:

- excavation of pits by digging, blasting or other forms of excavation, driven posts or driven solid piles.

**Drive-through restaurant**

Any land and/or building on or in which food and beverages are prepared, served and sold to the public inclusive of a facility designed to serve customers in their vehicles, for the consumption on or off the premises and may include an ancillary cafe and/or playground area.

**Dry proofing**

Sealing a building to prevent flood waters entering the building.

**Dune stabilisation**

Soft engineering works to stabilise dunes.

Includes:

- revegetation;
- wind fencing; and
- dune reshaping.

Excludes:

- hard protection structures.

**Dwelling**

Living accommodation used or designed to be used for a residential purpose as a single household residence contained within one or more buildings, and served by a food preparation facility/kitchen.

A food preparation facility/kitchen includes all of the following:

- means for cooking food, food rinsing, utensil washing and waste water disposal; and
- space for food preparation (including a suitable surface) and food storage including a refrigerator or a perishable food storage area capable of being cooled.

This definition is nested within the Residential nesting table.

## E

### **Earthworks**

Disturbance of soil, earth or substrate land surfaces.

Includes:

- blading;
- boring (greater than 250mm diameter) ;
- contouring;
- cutting;
- drilling (greater than 250mm diameter);
- excavation;
- filling;
- ripping;
- moving;
- placing;
- removing;
- replacing;
- trenching; and
- thrusting (greater than 250mm diameter).

Excludes:

- ancillary forestry earthworks; and
- ancillary farming earthworks.

### **Easement**

A specified area of land over which another party has reserved a right of access or use.

### **Education facility**

Facility used for education to secondary level.

Includes:

- schools and outdoor education facilities; and
- accommodation, administrative, cultural, religious, health, retail and communal facilities accessory to the above.

Excludes:

- care centres; and
- tertiary education facilities.

This definition is nested within the Community nesting table.

### **Emergency services**

Places occupied by organisations that respond to and deal with accidents, emergencies, or urgent problems such as fire, illness, or crime.

Includes:

- police, fire and ambulance stations;
- surf lifesaving activities;
- administration related to emergency services;
- vehicle and equipment storage and maintenance; and
- personnel training.

Excludes:

- healthcare facilities;
- hospitals; and
- private security companies.

This definition is nested within the Community nesting table.

### **Emergency tree works**

The alteration or removal of any tree or vegetation immediately necessary to avoid any actual and imminent threat to the safety of persons or damage to property or to maintain or restore utility services.

### **End-of-trip facilities**



Facilities provided for cyclists, walkers and runners at the end of their trip.

Includes:

- cycle parking and/or storage;
- lockers;
- toilets;
- showers; and
- changing areas.

**Entertainment facility**

Facility used for leisure or entertainment.

Includes:

- nightclubs;
- theatres; and
- concert venues.

This definition is nested within the Commerce nesting table.

**Entrance strip**

All that part of a site extending from the road frontage to a point at which it becomes over 7.5m wide, measured at right angles to its course. "Course" is deemed to mean the bisection of the directions of the boundaries forming the side of the entrance strip. Refer to Figure J1.4.8 Site.

**Ephemeral stream**

Stream reaches with a bed above the water table at all times, with water only flowing during and shortly after rain events. This category is defined as those stream reaches that do not meet the definition of permanent river or stream or intermittent stream.

**Equestrian centre**

Facility used for:

- paid lessons in horse riding; and
- training, racing or showing horses competitively.

Includes:

- accessory retail;
- accessory restaurants and cafes; and
- animal feedlots.

Excludes:

- pony clubs.

This definition is nested within the Rural nesting table.

### **Equivalent runoff**

The same stormwater runoff volumes and rates from a site as would be achieved by a specified percentage of impervious surface on that site with the remainder covered in grass. The equivalent runoff is achieved by using stormwater runoff mitigation techniques and devices to reduce volumes and runoff rates to the required equivalent level.

### **Exfiltration**

Leakage from a reticulated wastewater network or combined sewer system.

Excludes:

- planned or unforeseen discharges from pump stations or overflow points.

### **Experimental aquaculture activities**

Aquaculture activities that test new species, including polyculture, and or new technology or techniques.

## **F**

### **Farming**

Land used for horticulture, beekeeping, or raising, caring, breeding and grazing of livestock.

Includes:

- arable, pastoral, and other forms of farming;
- keeping or training horses and facilities accessory to keeping or training horses, such as: agistment, arenas (e.g. for dressage), breeding, sand rolls, stables, provided they are not open to the public;
- conservation planting;
- viticulture;
- equestrian activities; and
- free-range poultry farming.

Excludes:

- intensive farming;
- any form of racing, show jumping, or other activity which the general public may attend free of charge, or by payment of an entrance fee;
- equestrian centres;
- forestry;
- rural commercial activities; and
- rural industries.

This definition is nested within the Rural nesting table.

### **Farming and agriculture supplier**

A business primarily engaged in selling goods for consumption or use in the business operations of primary producers or in animal husbandry.

Includes:

- equestrian and veterinary suppliers;
- farming and horticultural equipment suppliers;
- seed and grain merchants; and
- stock and station outlets.

### **Feedpad**

An area of artificially sealed land used principally for feeding animals.

### **Ferry terminal**

Facility located on land and within the coastal marine area that provide in an integrated manner for the transfer of passengers to and/or from ferry services.

Includes:

- areas for bus parking;
- areas of park and ride;
- passenger waiting areas;
- shelters;
- transport related signs;
- devices and facilities to enable the movement, circulation and security of pedestrians;
- ticketing and other passenger facilities (including but not limited to end of trip facilities):

- information kiosks:
- accessory food and beverage:
- offices associated with ferry terminal facilities and services: or
- accessory retail.

### **Fertiliser**

Any substance or biological compound described as able to sustain or increase the growth, productivity or quality of plants or, indirectly, animals through the application of nutrients or additives to plants or soils in solid or fluid form.

Excludes:

- products discharged or applied as part of a waste treatment process;
- substances containing human faecal matter, biosolids, pathogens, or any other agent that could transmit disease or pests; and
- plant growth regulators that modify the physiological functions of plants.

### **Finished floor level**

The level of the finished top surface of the bottom floor of a building.

### **Floodplain**

The area of land that is inundated by runoff from a specified rainfall event, with an upstream catchment generating 2m<sup>3</sup>/s or greater of above ground flow, taking into account:

- any increases in impervious areas that would arise from changes in land use enabled by the policies and zonings of the Plan;
- the effects of climate change over a 100 year timeframe in respect of the frequency and duration of rain fall events and a 1m sea level rise; and
- assuming that primary drainage is not blocked.

Excludes the following areas:

- constructed depressions or pits within the Special Purpose - Quarry Zone

*Note: The Council holds publicly available information showing the modelled extent of floodplains affecting specific properties in its GIS viewer for the one per cent annual exceedance probability (AEP) rainfall event (the floodplain maps). The floodplain map is indicative only although Council accepts its accuracy with regard to land shown on the floodplain map as being outside the floodplain. A party may provide the Council with a site specific technical report prepared by a suitably qualified and experienced person to establish the extent, depth and flow characteristics of the floodplain.*

*When taking account of impervious areas that would arise from changes in land use enabled by the policies and zonings of the Plan, recognition should be given to any existing or planned flood attenuation works either existing or planned in an integrated catchment management plan.*

*Council will continually update the floodplain map to reflect the best information available.*

**Flood tolerant activity**

Flood tolerant activities for the purpose of the Plan are:

- informal recreation and leisure;
- organised sports and recreation including park fields structures;
- public amenities;
- farming and intensive farming and artificial crop protection structures and crop support structures;
- forestry;
- mineral extraction;
- car parking and loading areas; and
- buildings for network utilities.

**Floor area ratio**

Floor area ratio (FAR) is the relationship between gross floor area and site area, and is expressed by the formula:

- floor area ratio = gross floor area/site area.

For the purpose of calculating FAR, site area excludes:

- a) any portion of a site affected by a building line restriction
- b) any part of a site which is made up of an interest in any airspace above or subsoil below a road.

**Food and beverage**

Premises where the primary business is selling food or beverages for immediate consumption on or off site.

Includes:

- restaurants and cafes;
- food halls; and
- take-away food bars.

Excludes:

- retail shops; and
- supermarkets.

This definition is nested within the Commerce nesting table.

### **Forestry**

Growing trees to produce timber, or where the land cover is principally timber tree species. Forest has a corresponding meaning.

Includes:

- clearing understorey;
- harvesting trees;
- portable sawmills;
- planting trees;
- tree alteration;
- replanting trees;
- thinning trees; and
- accessory vegetation removal.

Excludes:

- planting or growing fruit, citrus, nut, or other food producing trees (refer to farming).

This definition is nested within the Rural nesting table.

### **Formed (in relation to road)**

Construction of the road and includes gravelling, metalling, sealing or permanently surfacing the road and includes construction of all or part of the legal road.

### **Fossil or sub-fossil**

An object easily seen without magnification constituting the remains or traces of a non-human organism that lived in New Zealand prior to European settlement, irrespective of how it is preserved; including (but not limited to) the whole organism or parts of it, or trace evidence of its behaviour.

### **Free-range poultry farming**

Places where poultry are housed in either stationary, permanent or moveable structures or buildings, which enable them to have access to the outdoors.

This definition is nested within the Rural nesting table.

**Free standing sign**

Any sign placed or mounted on the ground and independent of any other building or structure for its support.

Includes:

- any footpath sign.

**Freight depot**

Facility used for receiving, despatching or consolidating goods in transit by road, rail, air or sea.

Includes:

- carriers' depots;
- courier services;
- mail distribution centres; and
- trucking depots.

Excludes:

- composting plants; and
- refuse transfer stations.

This definition is nested within the Industry nesting table.

**Freshwater system**

The beds, banks, margins, flood plains and waters of rivers and natural lakes and wetlands, and groundwater systems together with their natural functioning and interconnections.

**Frontage**

The boundary line on which the site adjoins a road, and any state highway excluding motorways.

**Front boundary**

The boundary line on a site which adjoins a road.

Excludes:

- Boundary lines which adjoin motorways or pedestrian access ways, whether or not they are further classed as a road.
- Any boundary on a rear site.

**Front site**

A site that is not a rear site.

Refer to Figure J1.4.8 Site.

**Front yard**

The area along the full length of a front boundary of a site that is between:

- the front boundary of that site;
- a building line restriction or a designation for road widening purposes; and
- a line parallel to that front boundary, restriction or designation.

Refer Figure J1.4.7 Yards.

**Fuel storage system**

A system in which at least one of the following is underground:

- a storage tank for aviation kerosene, diesel, kerosene, lubricating oil or petroleum;
- the whole of the tank's accessory equipment; or
- part of the tank's ancillary equipment.

**Functional need**

The need for a proposal or activity to traverse, locate or operate in a particular environment because it can only occur in that environment.

**Funeral director's premises**

Facility used for holding funerals.

Includes:

- mortuary facilities; and
- funeral chapels.

This definition is nested within the Commerce nesting table.

**G**



### **Garden centre**

Shop for the sale of plants, trees or shrubs.

Includes the sale of:

- landscaping supplies;
- bark and compost; and
- statuary and ornamental garden features

provided that their sale is accessory to the sale of plants, trees or shrubs.

This definition is nested within the Commerce nesting table.

### **Gas distribution regulator station**

Those parts of works or gas installations, being a building, structure or enclosure incorporating fittings, valves and other ancillary equipment that are used principally for the purposes of the control of the distribution of gas.

### **Genetically modified organism**

Unless expressly provided otherwise by regulations, any organism in which any of the genes or other genetic material:

- have been modified by in vitro techniques; or
- are inherited or otherwise derived, through any number of replications, from any genes or other genetic material which has been modified by in vitro techniques.

This does not apply to genetically modified products that are not viable and are no longer genetically modified organisms, or products that are dominantly non-genetically modified but contain non-viable genetically modified ingredients, such as processed foods.

### **Genetically modified veterinary vaccine**

A veterinary vaccine that is a genetically modified organism as defined in this Plan.

### **Genetically modified organism field trials**

The carrying out of outdoor trials, on the effects of the organism under conditions similar to those of the environment into which the organism is likely to be released, but from which the organism, or any heritable material arising from it, could be retrieved or destroyed at the end of the trials.

### **Genetically modified organism release**

To allow the organism to move within New Zealand free of any restrictions other than those imposed in accordance with the Biosecurity Act 1993 or the Conservation Act 1987. A release may be without conditions under section 34 of the Hazardous Substances and New Organisms Act 1996 or subject to conditions set out in section 38A of Hazardous Substances and New Organisms Act 1996.

### **Genetically modified medical applications**

The manufacture, trialling or use of viable and/or non-viable genetically modified organisms for medical purposes recognised as medicines under the Medicines Act 1981 and approved as safe to use by the Ministry of Health, including EPA approved releases, except for the outdoor cultivation of pharmaceutical producing organisms.

### **Geological feature**

Landform created through geologic processes such as erosion, weathering, deposition and plate tectonics, or exposures of rock or other geological material.

### **Girth**

The circumference of the trunk of a tree measured at 1.4m above natural ground level. For trees with multiple trunks, such as Pōhutukawa, the girth measurement is the collective measurement of all trunks with a circumference of 250mm or more.

### **Greenfield**

Land identified for future urban development that has not been previously developed.

### **Greenhouse**

Facility used for growing plants inside.

Includes:

- glasshouses;
- plastic houses;
- shade houses; and
- tunnel houses.

Excludes:

- domestic greenhouses accessory to dwellings; and
- outdoor crop support structures.

**Greenhouse nutrient solution**

The liquid that provides plants in a soil-less growing system with water and nutrients.

**Green waste**

Vegetative garden waste material.

Includes:

- grass clippings;
- branches;
- weeds; and
- leaves.

**Gross floor area**

(1) For all purposes other than for the calculation of floor area ratio (FAR):

the sum of the area of all floors of all buildings measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two adjoining activities, but excluding:

- car parking;
- loading docks and spaces;
- vehicle access aisles and manoeuvring areas/ramps;
- cycle parking and end of trip facilities;
- plant and equipment rooms and enclosures;
- floor space in open or roofed outdoor areas, external balconies, or porches, provided no more than 50 per cent of the perimeter of these areas is enclosed. In this context the perimeter of an area is 'enclosed' where a parapet is 1.2m or higher, or a railing is less than 50 per cent open and 1.4m or higher;
- voids; and
- publicly accessible pedestrian circulation space between individual tenancies.

(2) For the purposes of calculating floor area ratio (FAR):

the sum of the total floor area of all buildings on a site as measured:

- from the exterior faces of the exterior walls; or
- from the centre lines of walls separating two buildings or tenancies; or
- from the exterior edge of the floor, if there are no walls to measure; or
- in accordance with any specific exemptions applying to a historic heritage or special character building.

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Includes, except where more specific elements are excluded:

- elevator shafts, stairwells and lobbies at each floor, including external entrances/breezeways;
- floor area in interior balconies and mezzanines;
- floor area in terraces (open or roofed), external balconies, porches if they are more than 75 per cent enclosed;
- voids except as otherwise provided, where vertical distance between storey levels exceeds 6m, the gross floor area of the building or part of the building so affected must be taken as the volume of that airspace in m<sup>3</sup> divided by 3.6; and
- all other floor area not specifically excluded.

Excludes:

- basement areas used for parking including manoeuvring areas, access aisles and access ramps;
- plant areas within the building;
- basement areas for stairs, escalators and elevators essential to the operation of a through site link or servicing a floor used primarily for parking and loading;
- open or roofed outdoor areas, external balconies, porches, provided no more than 75 per cent of the perimeter of these areas is enclosed;
- any entrance foyer/lobby or part of it including any void forming an integral part of it. The entrance foyer/lobby must be publicly accessible, accessed directly from a street or public open space and have an overhead clearance of at least 6m;
- non-habitable floor space in rooftop structures;
- required off-street loading spaces; and
- publicly accessible pedestrian circulation space between individual tenancies.

### **Gross stormwater pollutants**

Pollutants such as litter, plastics and other coarse material that may become entrained in stormwater flows.

### **Ground level**

The finished level of the ground at the time of the completion of the most recent subdivision in which additional sites were created, unless stated otherwise in the subdivision consent, except that where no such subdivision has occurred since 31 January 1975, ground level must be deemed to be the finished level of the ground on 23 November 2013.

In relation to the measurement of the girth of a tree, ground level must be taken from the uphill side of the tree trunk.

### **Groundwater diversion**

Significantly changing the permeability of the aquifer and/or rerouting the ambient groundwater flow regime by draining, piping or physically impeding the flow of groundwater.

## **H**

### **Habitable room**

Any room in a building used for a residential nesting table activity and in a care centre or healthcare facility with an overnight stay facility, excluding a laundry, bathroom, toilet or any room used solely as an entrance hall, passageway, garage, or other space of a specialised nature occupied neither frequently nor for extended periods.

### **Hard protection structure**

Includes:

- seawalls;
- rock revetments;
- groynes;
- breakwaters;
- stop banks
- retaining walls; or
- comparable structure or modification to the seabed, foreshore or coastal land that has the primary purpose or effect of protecting an activity from a coastal hazard, including erosion.

### **Hazardous facility**

Facility where hazardous substances are used, stored or disposed of on a site (but does not include where they are stored in or on vehicles being used in transit on public or private roads or in the strategic transport corridor for the transport of hazardous substances) unless excluded below.

Excludes:

- installations where the combined transformer oil capacity of the electricity transformers is less than 1,000l;
- fuel in mobile plant, motor vehicles, boats and small engines;

- gas and oil pipelines, including associated equipment, that are part of a network utility service;
- hazardous activities not involving hazardous substances;
- retail outlets selling domestic scale usage of hazardous substances, such as supermarkets, department stores, hardware shops, pharmacies, garden centres;
- the accessory use and storage of hazardous substances in minimal domestic scale quantities;
- activities involving Hazardous Substances and New Organisms sub-classes 1.4, 1.5, 1.6, 6.1D, 6.1E, 9.1D and 9.2D;
- the temporary storage, handling and distribution of national or international cargo in the port precinct designed for carriage in a ship;
- trade waste sewers;
- waste treatment and disposal facilities;
- vehicles applying agrichemicals and fertilisers for their intended purpose; and
- marine transport vessels.

#### **Hazardous substance**

Substances defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance.

In addition includes any substance with one or more of the following intrinsic properties:

- radioactivity; and
- high BOD5 more than 10,000mg/l.

#### **Hazardous waste**

Wastes exhibiting hazardous characteristics, such as explosiveness, flammability, a capacity to oxidise, corrosiveness, toxicity, or ecotoxicity, or which generate a substance with one or more of these properties on contact with air or water, which require special care from creation to eventual disposal.

#### **Healthcare facility**

Facilities used for providing physical or mental health or welfare services.

Includes:

- medical practitioners;
- dentists, and dental technicians;
- opticians;
- physiotherapists;

- medical social workers and counsellors;
- midwives;
- paramedical practitioners;
- alternative therapists;
- providers of health and well-being services;
- diagnostic laboratories; and
- accessory offices.

This definition is nested within the Community nesting table.

### **Height**

Height is the vertical distance between the highest part of a building or structure and a reference point. The reference point outside the coastal marine area is ground level unless otherwise stated in a rule. The reference point inside the coastal marine area is mean sea level. Height rules or standards are always a maximum unless otherwise stated in a rule or standard.

The exclusions below apply both outside and inside the coastal marine area.

Any reference in the exclusions below to 'zones' includes a reference to any precinct that applies to relevant parts of those zones. The exclusions apply to any such precinct, unless a specific exclusion is varied by the precinct.

Excludes:

(1) In all zones, projections (other than those listed in (2)-(4) below) that are up to:

- a) 2m in width on any elevation; and
- b) 1.5m above the maximum permitted activity height or the height in relation to boundary standard for the site, whichever is the lesser height;

(2) In all zones:

- (a) Steeples, spires, minarets and similar structures on places of worship that do not exceed 2m in width on any elevation or 4m above the maximum permitted activity height for the site;
- (b) Chimneys that do not exceed 1.1m in width on any elevation or that do not exceed 1.5m above the permitted activity height for the site;
- (c) Flagpoles, masts, lighting poles, aerials or antennas that do not exceed:
  - i. One third of the maximum permitted activity height for the site; or
  - ii. 300mm in diameter; or
  - iii. The footprint of the building

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- (d) Handrails or transparent safety barriers that do not exceed 1.5m above the permitted activity height for the site;
- (e) Solar panels and solar hot water heating systems;
- (f) Guy wires.

(3) The following projections:

- lift wells;
- lift towers;
- elevator and stair bulkheads;
- roof water tanks;
- machinery rooms;
- plant, including cooling towers, air-conditioning units, including any access walkways and any screening directly associated with the plant;

Provided that:

a) in business zones, Terraced Housing and Apartment Building zone and the special purpose zones:

- i. the projection does not exceed the greater of either 3m above maximum permitted activity height for the site or an additional 20% of the maximum permitted activity height for the site, up to a maximum of 6m; and
- ii. the cumulative area of the projections does not exceed an area measured in a horizontal plane equal to 15% of the area of the roof to the storey immediately below such structures.

b) In all other zones:

- i. The projection does not exceed 1.5m above the maximum permitted activity height for the site: and
- ii. The cumulative area of the projections does not exceed an area measured in a horizontal plane equal to 10% of the area of the roof to the storey immediately below such structures.

(4) In the Coastal – Minor Port Zone, Coastal – Ferry Terminal Zone, Coastal – Defence Zone, industrial zones, Port precinct (including the Auckland War Memorial Museum Viewshaft Overlay) and Gabador Place precinct:

- Cranes;
- Derricks;



- Cargo stacking and lifting devices;
- Conveyors.

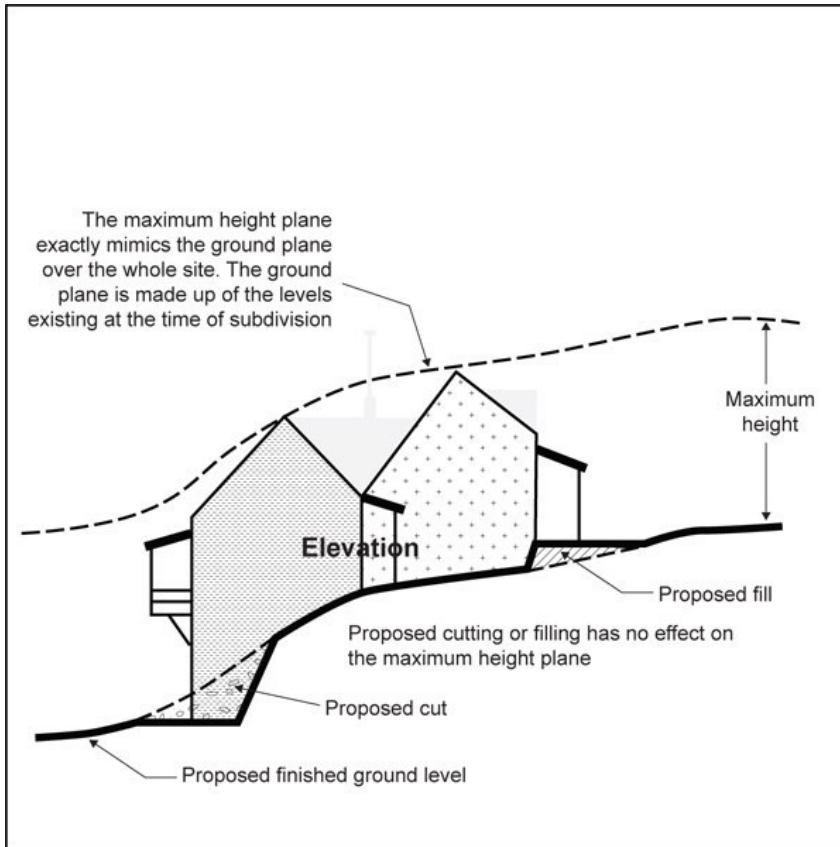
Outside the coastal marine area there are two techniques available for measuring height:

- (a) the rolling height method where height is measured as the vertical distance between ground level at any point and the highest part of the building or structure immediately above that point. The rolling height method is illustrated in Figure J1.4.2 Height – rolling height method below; and
- (b) the average ground level method where height is measured as the vertical distance between the highest part of the building or structure and the average ground level, being the average level of the ground measured at 1m intervals at the external foundations of the building walls or the base of the structure, provided that no part of the building or structure exceeds the maximum permitted height for the site by 2m if measured using the rolling height method. The average ground level method is illustrated in Figure J1.4.3 Height – average ground level method below.

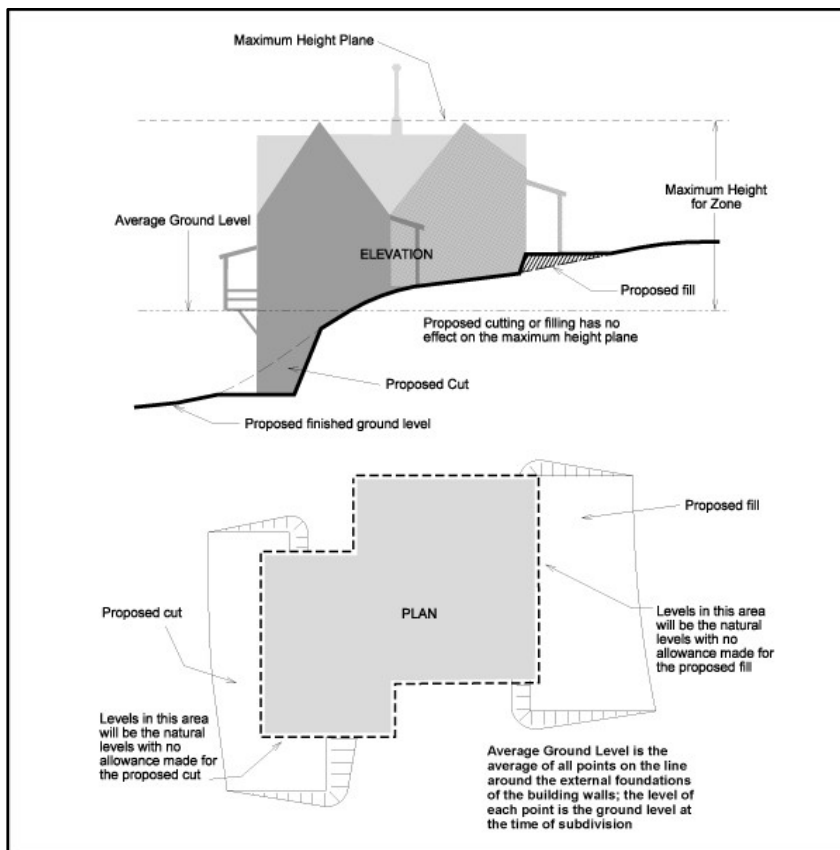
Inside the coastal marine area, height is the vertical distance between the highest part of the building or structure and mean sea level.

**Figure J1.4.2 Height - rolling height method**

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**Figure J1.4.3 Height - average ground level method**



### **Height in relation to boundary**

The height of a building relative to its distance from the boundary of a site. The allowable height increases as the distance from the boundary increases up to the maximum height allowed.

### **High aircraft noise area**

The area generally within the 65dB L<sub>dn</sub> future noise contours as shown on the Aircraft Noise Overlay map for Auckland International Airport.

### **High contaminant generating car park**

Formal vehicle parking areas on a site (including that which is an accessory activity to the main use of the site) that are:

- exposed to rainfall; and
- designed for a total of more than 30 vehicles.

The parking area include associated accessways (manoeuvring, entries and exits) but excludes any parking or accessways located within an industrial and trade activity area.

### **High use road**

A road, motorway or state highway that carries more than 5000 vehicles per day, excluding cycle lanes, footpaths and ancillary areas that do not receive stormwater runoff from the road carriageway.

### **Hire premises**

Facility used for the hiring of machinery and equipment.

Includes:

- servicing and maintenance of hire equipment; and
- storing of hire equipment.

Excludes:

- premises for the hire or loan of books, video, DVD, and other similar home entertainment items.

This definition is nested within the Commerce nesting table.

### **Home occupation**

Place where an occupation, business or homestay activity occurs which is secondary to the use of the site as a dwelling.

Excludes:

- produce sales.

This definition is nested within the Residential nesting table.

### **Horse racing activities**

Means the racing of horses, equestrian activities and includes training, stabling, care, farrier's shops and workshops, sales and auction of horses and bloodstock, totalisator agency premises and associated veterinarian services.

### **Horticulture**

Production of flowers, fruit, vegetables, and grains.

Includes:

- greenhouses;
- plant nurseries; and
- orchards.

Excludes:

- forestry;
- garden centres; and
- intensive farming.

This definition is nested within the Rural nesting table.

### **Hospital**

Facility that provide for the medical, or surgical or psychiatric care and treatment of persons.

Includes:

- accessory offices;
- accessory retail including pharmacies, food and beverage, and florists;
- accessory commercial services including banks and dry cleaners;
- ambulance facilities and first aid training facilities;
- conference facilities;
- helicopter facilities;

- hospices;
- hospital maintenance and service facilities, including kitchens and laundries;
- medical research and testing;
- mortuaries;
- rehabilitation facilities;
- supported residential care; and
- training.

This definition is nested within the Community nesting table.

### **Houseboat**

Any vessel or floating structure designed, fitted and used primarily for a residential purpose, as opposed to transport or recreation.

### **Impact and vibratory piling**

Underwater piling in the coastal marine area using impact and vibratory methods.

Excludes:

- vibrated casings required to support bored piling methods.

### **Impervious area**

An area with a surface which prevents or significantly retards the soakage of water into the ground.

Includes:

- roofs;
- paved areas including driveways and sealed/compacted metal parking areas, patios;
- sealed and compacted metal roads; and
- layers engineered to be impervious such as compacted clay.

Excludes:

- grass and bush areas;
- gardens and other vegetated areas;
- porous or permeable paving and living roofs;
- permeable artificial surfaces, fields or lawns;
- slatted decks;
- swimming pools, ponds and dammed water; and

- rain tanks.

### **Impervious layer**

A layer of material, including but not limited to buildings, concrete, asphalt and compacted earth, which is designed to minimise the downward infiltration of water and to prevent human contact with the underlying soil.

### **Industrial activity**

The manufacturing, assembly, packaging or storage of products or the processing of raw materials and other accessory activities.

Excludes:

- mineral extraction activities.

This definition is nested within the Industry nesting table.

### **Industrial laboratory**

Facility used for scientific, industrial, or medical research and monitoring

Excludes:

- the manufacture, or production of radioactive material.

This definition is nested within the Industry nesting table.

### **Industrial or trade activity**

Has the same meaning as industrial or trade process under section 2 of the Resource Management Act 1991 but does not include a production land activity.

### **Industrial or trade activity area**

The area of land or coastal marine area where a particular industrial or trade activity is being undertaken, which may result in the discharge of environmentally hazardous substances associated with that activity onto or into land or water.

The calculation of the industrial or trade activity area must be based upon the following areas:

- all roof areas onto which environmentally hazardous substances generated by the activity are deposited;
- all outdoor storage, handling or processing areas of materials and/or products that may contribute to the quality or quantity of environmentally hazardous substance discharges (including occasional or temporary use of areas);

- the area at risk from failure of the largest unbunded container used for the activity that may contribute to the quality or quantity of environmentally hazardous substance discharges: and
- all areas (including roofs) that contribute runoff to the Industrial or trade activity area.

The calculation of the industrial or trade activity area excludes the following areas:

- all areas that discharge lawfully into an authorised trade waste system;
- areas that are not used for or affected by the industrial or trade activity;
- all indoor or roofed areas which do not discharge onto or into land or water; and
- areas used for the storage of inert materials, provided that if suspended solids are generated by the materials and entrained in stormwater, the stormwater from such storage areas is treated in accordance with the best practicable option or is otherwise lawfully authorised.

### **Industrial zones**

Means:

- Business - Heavy Industry Zone; and
- Business - Light Industry Zone.

### **Infiltration**

Groundwater entering the stormwater or wastewater network.

### **Informal recreation**

A pastime, leisure, sport or exercise activity that occurs on an ad-hoc basis or irregularly and contributes to a person's enjoyment and/or relaxation.

Excludes:

- regular organised sport and recreation.

This definition is nested within the Community nesting table.

### **Information facility**

Permanent or temporary facility or structure for the primary purpose of storing and displaying information relating to particular features and resources of educational, ecological, marine, scientific, safety or heritage value about a particular site or sites.

Includes:

- interpretative signs;
- way finding signs;

- park information signs.

Excludes:

- billboard signs.

This definition is nested within the Community nesting table.

### **Infrastructure**

Infrastructure has the same meaning as in section 2 of the Resource Management Act 1991 and also means:

- bulk storage for wholesale or distribution purposes of natural or manufactured gas over 15 tonnes, or petroleum over 1 million litres;
- storage and treatment facilities for a water supply distribution system;
- storage, treatment and discharge facilities for a drainage or sewerage system;
- municipal landfills;
- national defence facilities; and
- facilities for air quality and meteorological services.

### **Integrated catchment management plan**

A plan for the management of stormwater and/or wastewater discharges, diversions and associated activities within the catchment prepared in accordance with previous regional plans and identifies:

- the stormwater or wastewater issues facing the catchment and the range of effects from those discharges, diversions and associated activities;
- strategic objectives for the management of stormwater and wastewater discharges, diversions and associated activities within the catchment;
- a range of management options and the preferred management approach for avoiding, remedying or mitigating environmental effects and risks;
- roles and responsibilities for implementation of the management approach;
- tools to support implementation of the management approach; and
- a process for review.

### **Integrated Māori development**

An integrated development comprising one or more activities on Māori Land, Treaty Settlement Land or in the Māori Purpose Zone.

The activities provided for may include, but are not limited to:

- marae;



- papakāinga;
- urupā
- wānanga
- care centres, including kohanga reo;
- cultural activities;
- dwellings;
- commercial activities;
- tourism activities;
- educational facilities;
- healthcare services;
- community facilities; and
- organised sport and recreation.

#### **Integrated residential development**

A residential development on sites greater than 2,000m<sup>2</sup> which includes supporting communal facilities such as recreation and leisure facilities, supported residential care, welfare and medical facilities (inclusive of hospital care), and other non-residential activities accessory to the primary residential use. For the avoidance of doubt this would include a retirement village.

#### **Integrated retail development**

An integrated and comprehensively designed development that may include internalized and/or street facing activities, and:

- is operated by a single management entity;
- comprises a wide range of predominantly retail activities, with at least two large format retail outlets;
- is at least 5000m<sup>2</sup> gross floor area; and
- provides for shared accessory car parking for all tenancies.

#### **Intensive farming**

Intensive growing of fungi, livestock, or poultry within a building or structure or on animal feed lots with:

- limited or no dependence on natural soil quality on the site; and
- food required to be brought to the site.

Includes:

- intensive pig farming;
- intensive poultry farming; and
- animal feedlots.

Excludes:

- free-range poultry and pig farming;
- a kennel for a single dog or one bitch with pups;
- a shelter for a single animal on a chain;
- a shelter for any other single animal that is kept as a household pet;
- greenhouses; and
- shelters for working dogs.

This definition is nested within the Rural nesting table.

### **Intensive poultry farming**

Raising or keeping poultry for human consumption or egg production, where the predominant productive processes are carried out primarily within buildings.

Excludes:

- free-range poultry farming.

### **Intermittent stream**

Stream reaches that cease to flow for periods of the year because the bed is periodically above the water table. This category is defined by those stream reaches that do not meet the definition of permanent river or stream and meet at least three of the following criteria:

- (a) it has natural pools;
- (b) it has a well-defined channel, such that the bed and banks can be distinguished;
- (c) it contains surface water more than 48 hours after a rain event which results in stream flow;
- (d) rooted terrestrial vegetation is not established across the entire cross-sectional width of the channel;
- (e) organic debris resulting from flood can be seen on the floodplain; or
- (f) there is evidence of substrate sorting process, including scour and deposition.

### **Iwi planning document**

Documents developed by whānau, hapū or iwi which are recognised by the relevant whānau, hapū or iwi as a planning document and has been lodged with the Council.

Includes:

- iwi management plans.

## J

### **Justice facilities**

Facility used for judicial, court, or tribunal purposes, and/or activities including collection of fines and reparation, administration and support, together with custodial services as part of the operation of New Zealand's justice system.

## L

### **Lakeside yard**

Means the area around a lake measured horizontally and at right angles from the top of the bank.

At Lake Pupuke, any land which lies between Lake Pupuke and a line which is measured horizontally and at right angles to the lake edge (according to the 5.73m contour which has been accepted as mean winter lake level) for 30m in a landward direction.

- The lakeside yard for Lot 1 DP 49189 (being 27 Lake View Rd) must be all that land on the lakeward side of a line originating at a point 30m from the lake edge on the north western boundary, and terminating at a point 20m from the lake edge on the south eastern boundary.
- The lakeside yard for lot 18 DP 47080 (being 29 Lake View Road) must be all that land on the lakeward side of a line originating at a point 40m from the lake edge on the promontory on the south eastern boundary, and terminating at a point 15m from the lake edge on the north western boundary.
- The lakeside yard for lot 17 DP 47080 (being 31 Lake View Road) must be all that land on the lakeward side of a line originating at a point 15m from the lake edge on the south eastern boundary, and terminating at a point 27m from the lake edge on the north western boundary.
- The lakeside yard for Lot 1 DP 187562 (being 33/35A Lake View Rd) must be all that land on the lakeward side of a line originating at a point 30m from the lake edge on the north-western boundary, and terminating at a point 27m from the lake.

### **Land containing elevated levels of contaminants**

Land that contains contaminants at levels exceeding the controls for in-situ soil and fill material in rule E30.6.1.4. This excludes stormwater treatment devices.

### **Land containing elite soil**

Land classified as Land Use Capability Class 1 (LUC1). This land is the most highly versatile and productive land in Auckland. It is:

- well-drained, friable, and has well-structured soils;
- flat or gently undulating; and
- capable of continuous cultivation.

Includes:

- LUC1 land as mapped by the New Zealand Land Resource Inventory (NZLRI);
- other lands identified as LUC1 by more detailed site mapping;
- land with other unique location or climatic features, such as the frost-free slopes of Bombay Hill;
- Bombay clay loam;
- Patumahoe clay loam;
- Patumahoe sandy clay loam; and
- Whatitiri soils.

### **Land containing prime soil**

Land identified as land use capability classes two and three (LUC2, LUC3) with slight to moderate physical limitations for arable use.

Factors contributing to this classification are:

- readily available water;
- favourable climate;
- favourable topography;
- good drainage; and
- versatile soils easily adapted to a wide range of agricultural uses.

### **Land disturbance**

The disturbance of the surface of land by earthworks, ancillary farming earthworks, or ancillary forestry earthworks.

### **Land which may be subject to land instability**

Any land with one of the following characteristics:

## J1 Definitions

- (a) Where the land which is underlain by Allochthonous soils has slope angles greater than or equal to 1 vertical to 7 horizontal;
- (b) Where the land which is underlain by Holocene or Pleistocene sediments which has a slope angle greater than or equal to 1 vertical to 4 horizontal;
- (c) Where the land is underlain by any other soil type and has a slope angle greater than or equal to 1 vertical to 3 horizontal;
- (d) On sloping sites where fill greater than 600mm depth has been placed in uncontrolled conditions or not to engineered (certified) standards and where the original underlying natural terrain gradient was greater than or equal to:
  - (i) 1 vertical to 7 horizontal for slope comprising Allochthonous soils;
  - (ii) 1 vertical to 4 horizontal for slopes comprising Holocene or Pleistocene soils; or
  - (iii) 1 vertical or 3 horizontal for slopes comprising any other soil types;
- (e) Within a horizontal distance of 2.5 times the cliff vertical height behind the base of any natural cliff; or
- (f) Within a horizontal distance of 2 times the cliff vertical height in front of the base of any natural cliff.

### Note

*A natural cliff may be considered to be any slope with a vertical height of greater than 3.5m and a gradient equal to or greater than 1 vertical to 1 horizontal (45-degrees). The vertical height of the cliff must only be measured over that part of the cliff where the slope gradient is equal to or greater than 45 degrees.*

*Geological conditions, including soil types not mapped in the Plan and soil conditions as referred to in the above definition may be identified at a regional level through the following sources:*

- *reference to information in GNS Sciences Qmaps;*
- *Geology of Auckland (compiled by Edbrooke for IGNS 2001);*
- *property files material and reports held by Council; and*
- *by a suitably qualified professional.*

### **Landfill**

Facility where household, commercial, municipal, industrial and hazardous, or industrial waste is accepted for disposal.

### **Landscaped area**

In relation to any site, means any part of that site not less than 5m<sup>2</sup> in area which is grassed and planted in trees, shrubs, or ground cover plants and may include:

- (1) One or more of the features in (a) (b) or (c) where the total land area occupied does not collectively cover more than 25 per cent of the landscaped area:
  - (a) ornamental pools;
  - (b) areas paved with open jointed slabs, bricks or gobi or similar blocks where the maximum dimension of any one paver does not exceed 650mm;
  - (c) terraces or uncovered timber decks where no part of such terrace or deck exceeds more than 1m in height above the ground immediately below;
- (2) non-permeable pathways not exceeding 1.5m in width;
- (3) permeable artificial lawn in the residential zones, except:
  - (a) that permeable artificial lawn must not cover more than 50 per cent of the landscaped area of the front yard;
  - (b) Permeable artificial lawn must:
    - be permeable;
    - resembles grass in colour including a mix of natural looking green tones;
    - have piles that are a minimum 30mm pile height, straight cut (not looped pile), and of a density and form that resembles grass;
    - is resistant to ultra violet degradation, weathering and ageing during its normal service life; and
    - is recyclable.
- (4) Any part of a landscaped area may be situated over an underground structure with adequate soil depth and drainage.

Excludes any area which:

- falls within the definition of building coverage;
- is part of a non-permeable pathway that is greater than 1.5m in width;
- is used for the parking, manoeuvring or loading of motor vehicles.

### **Landscape supplier**

Facility used for the sale of goods for permanent exterior installation or planting.

Includes suppliers of:

- bark and compost;
- clothes hoists and lines;
- conservatories, sheds and other outbuildings;
- firewood;
- garden machinery;
- outdoor recreational fixtures and installations;
- monumental masonry;
- patio furniture and appliances;
- paving and paving aggregates;
- statuary and ornamental garden features; and
- swimming pools and spa pools.

This definition is nested within the Commerce nesting table.

### **Land use capability (LUC) classes**

These classes describe land according to physical factors and land use, ranging from LUC 1 to 8. They are mapped in the “NZ Land Resource Inventory” and a full description of the land use classes are found in “Land Use Capability Survey Handbook. A New Zealand handbook for the classification of land 3rd edition 2009”.

### **Large format retail**

Any individual shop tenancy with a floor area greater than 450m<sup>2</sup>, where the tenancy is created by freehold, leasehold, licence or any other arrangement to occupy.

Excludes:

- food and beverage;
- garden centres;
- marine retail;
- motor vehicle sales; and
- trade suppliers.

This definition is nested within the Commerce nesting table.

**Large-scale wind farm**

Buildings, structures, access tracks and turbines used to generate electricity from wind and convey the electricity to an associated substation in order to supply the wholesale electricity market.

**Lawfully established aquaculture activities**

Aquaculture activities consented and operational at 30 September 2013.

**Leachate**

Liquid that has percolated through, or emerged from, solid waste and contains dissolved or suspended liquids, solids or gases.

**Less vulnerable activities**

Means activities listed in the following nesting tables:

- Commerce;
- Community, excluding care centres, and healthcare facilities with overnight stay facilities;
- Industry; and
- Rural.

**Level of fouling**

Expressed in the international Level of Fouling (LOF) - A scale used to assess the level of macrofouling on vessels, ranging from 1 to 5 based on the percentage macrofouling cover.

- 1 = Slime layer fouling only. Nil macrofouling cover.
- 2 = Light fouling. Hull covered in biofilm and 1-2 very small patches of macrofouling. 1 – 5 per cent macrofouling cover.
- 3 = Considerable fouling. Presence of biofilm, and macrofouling still patchy but clearly visible. 6 – 15 per cent macrofouling cover.
- 4 = Extensive fouling. Presence of biofilm, and abundant fouling assemblages consisting of more than one species. 16 – 40 per cent macrofouling cover.
- 5 = Very heavy fouling. Diverse assemblages covering most of visible hull surfaces. 41 – 100 per cent macrofouling cover.

**Licensed premises**



Places where liquor is sold.

### **Light manufacturing and servicing**

Places where articles, goods or produce are made, prepared and/or repaired for sale or rent and the light manufacturing and servicing activity is contained entirely within a building, does not require the use, storage or handling of hazardous substances requiring separate resource consent and does not require any air discharge consent.

Excludes:

- sales or servicing of motor vehicles.

This definition is nested within the Industry nesting table.

### **Light spill**

Light from both direct and indirect sources, which falls outside an artificially lit area. Measurement of both the horizontal and vertical components is required.

### **Livestock**

Animals raised for food or other products, or kept for use, especially farm animals.

Includes:

- meat and dairy cattle;
- pigs;
- poultry;
- deer;
- horses;
- goats; and
- sheep.

### **Long-term parking (non-accessory)**

Where:

(a) the parking is for public use on a long stay basis in excess of 240 minutes (4 hours) between 7am and 6pm Monday to Friday inclusive, but excluding public holidays; and

(b) the parking may also be used outside the times and days set out in (a) above.

### **Lux**

The unit of illumination, being one lumen per m<sup>2</sup>.

## **M**

### **Maintenance dredging**

Excavating material from the bed of the coastal marine area and removing the excavated material, where the excavation is for the purpose of removing accumulated sediment so that the seabed is returned to previously approved levels.

### **Mana Whenua**

Māori with ancestral rights to resources in Auckland and responsibilities as kaitiaki over their tribal lands, waterways and other taonga. Mana Whenua are represented by iwi authorities.

### **Mana Whenua cultural heritage**

In a Plan context, this includes sacred sites and places and the cultural landscape context in which sites and places are located. Mana Whenua cultural heritage includes:

- archaeology of Māori origin;
- wāhi (location, locality, place);
- wāhi tapu (sacred ancestral sites and places of significance to iwi, hapū or whānau);
- sites and places are significant to Mana Whenua for the tangible and intangible values they hold;
- Māori cultural landscapes;
- wāhi pakanga (battle site);
- wāhi tohi (ritual site);
- urupā (Māori burial ground);
- tō waka (waka portage);
- rākau pito and wāhi pito (tree marking the burial site of a placenta or umbilical cord);
- taonga (a treasured item, it can be tangible or intangible); and
- cultural and spiritual associations with these areas, features or sites.

### **Managed fill**

Facility where managed fill material is accepted for deposit.

**Managed fill material**

Managed fill material is:

- contaminated soil and other contaminated materials;
- natural materials such as clay, gravel, sand, soil, rock; or
- inert manufactured materials such as concrete and brick: and

That does not contain:

- hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown;
- products or materials derived from hazardous waste treatment stabilisation or disposal practices;
- materials such as medical and veterinary waste, asbestos, or radioactive substances;
- combustible components; or
- more than 2 per cent by volume of incidental or attached biodegradable materials (e.g. vegetation).

**Mangrove removal**

Partially or wholly removing, burying or clearing mangroves.

Includes:

- pruning mangrove branches;
- pulling out mangrove seedlings;
- removing mangroves at the trunk; and
- removing mangrove root systems.

**Mangrove seedling**

A mangrove with:

- a single supple stem and is no more than 60cm tall; and
- shows no reproductive capability.

**Manufacturing**

Making items by physical labour or machinery.

Includes:

- assembly of items.

This definition is nested within the Industry nesting table.

### **Māori cultural activities**

Activities undertaken in accordance with tikanga, including ceremonial, ritual, transferring marking areas or boundaries, or recreational activities.

### **Marae**

Facilities used for the provision of a focal point for social, cultural, and economic activity for Māori and the wider community.

Can include one or more of the following:

- marae ātea (sacred courtyard);
- wharenuī/wharehui (main building or meeting house);
- wharemoē (sleeping house);
- kāuta (kitchen, cookhouse, cooking shed);
- wharekai (dining hall);
- māra kai (food garden);
- accessory dwellings (including kaumatua housing);
- whare oranga (Healthcare centre);
- kōhanga reo (Care centre);
- wānanga (Education facility);
- papa tākaro (organised sport and recreation);
- overnight accommodation of visitors; and
- events and gatherings.

Excludes:

- industry.

### **Māori land**

Has the same meaning as section 129 of Te Ture Whenua Maori Act 1993.

### **Marina**

A facility for the accommodation of vessels.

Includes:

- berths;
- gangways;
- moorings;
- piers;
- piles;
- pontoons;
- wave attenuation devices;
- land-based areas for parking and land-based vessel storage; and
- associated facilities and servicing.

**Marina berths**

Structures used to berth a vessel.

Includes:

- pontoons;
- piers;
- gangways;
- piles; and
- other accessory fixtures.

**Marine and port activities**

Activities associated with:

- the navigation, anchoring, mooring, berthing, manoeuvring, refuelling, storage, servicing, maintenance and repair of vessels;
- embarking and disembarking of passengers;
- loading, unloading and storage of cargo and containers;
- operation, maintenance, repair, cleaning, and refuelling of associated plant and equipment;
- educational activities associated with these activities; and
- the use of buildings and structures associated with these activities, including accessory offices, seafood processing and parking.

**Marine and port accessory structures and services**

Structures and services accessory to marine and port activities and marine and port facilities.

Includes:

- fenders;
- piles;
- pontoons;
- gangways;
- handrails;
- hardstands;
- wash-down facilities;
- ramps and other boat launching facilities;
- canopies;
- lighting poles and fittings;
- refuse facilities;
- dinghy racks;
- dinghy locker and storage facilities;
- power and telecommunication cables;
- water and sewer reticulation;
- floating oil booms and barriers;
- fuelling and sewage pumpout facilities; and
- navigational aids.

### **Marine and port facilities**

Facilities and structures that are associated with marine and port activities and serve more than an accessory role.

Includes:

- drydocks;
- travel lifts;
- shiplifts;
- cranes;
- cargo stacking and lifting devices;
- conveyors;
- derricks;

- gantries;
- landings;
- wharves;
- jetties;
- piers; and
- dolphin structures (a structure that extends above the water level and is not connected to land above mean high water springs other than for access purposes, and is used for the berthing of vessels).

Excludes:

- buildings.

### **Marine industry**

The manufacturing, servicing, repair, transportation, storage of boats and accessory equipment.

Includes:

- accessory offices; and
- training facilities.

### **Marine retail**

The sale or hire of boats, wholesale and retail sale of fish, and accessory goods and services

Includes:

- accessory offices.

This definition is nested within the Commerce nesting table.

### **Marine seismic survey**

A method of exploration geophysics that uses active acoustic sources to estimate the structure, stratigraphy and properties beneath the sea floor. The method generates a controlled sound wave from an acoustic source, and detects returned sound energy through an array of acoustic receivers that may be either towed behind the vessel or combined with seismographs placed upon the sea floor.

### **Maritime passenger facility**

Structure associated with maritime passenger operations.

Excludes:

- buildings.

### **Maritime passenger operations**

Activities associated with ferries, water taxis and charter boat services.

Includes:

- passenger and tourist operations;
- berthing and maintenance of passenger vessels;
- vehicular ferry operations;
- ancillary administration activities including ticket sales; and
- associated freight movement and storage.

### **Mast**

Means either the primary structure that antennae, dishes, and aerials are fixed to or an HF vertical antenna. The mast may be a guyed pole mast, a self-supporting pole mast, a guyed lattice mast, or a self-supporting lattice mast.

Includes:

- any poles subsidiary to the primary mast.

### **Mean high water springs**

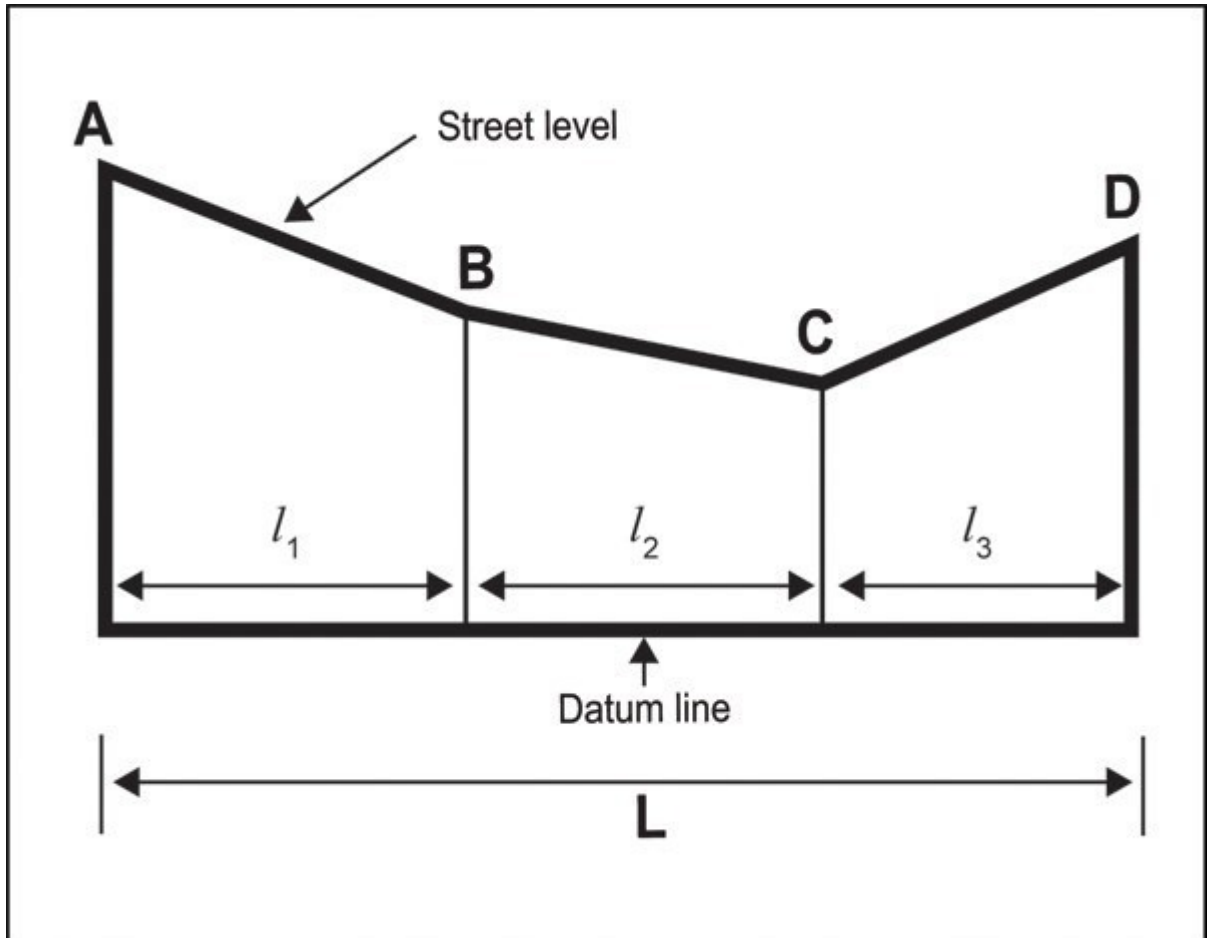
The highest level that spring tides reach on average over an 18.6 year tidal cycle. There is no single definitive method that can be used to establish mean high water springs and the method used depends on the particular issue under consideration and natural characteristics of the location. Further advice on methods of measurement can be found at Ministry for the Environment and Land Information New Zealand websites.

### **Mean street level**

The average level of all points on the surface of the street measured at the centre line of the street parallel to the street boundary of the site. Figure J1.4.4 Mean street level below and the following formula illustrate how mean street level should be calculated.



Figure J1.4.4 Mean street level



(A, B, C and D represent the street levels at given points where the street gradient changes. L represents the length of the boundary).

$$\text{MSL} = \frac{\left(\frac{A+B}{2} \times l_1\right) + \left(\frac{B+C}{2} \times l_2\right) + \left(\frac{C+D}{2} \times l_3\right)}{L}$$

$$l_1 + l_2 + l_3 = L$$

The following qualifications apply:

- (a) For a through site, the mean street level at each frontage applies for half the distance between those frontages.
- (b) For a corner site, the mean street level is the average of all points measured at the centre lines of the streets parallel to all street boundaries of the site.
- (c) Where a site has three frontages or more it shall be treated as a through site in accordance with (a) above, between the highest and lowest frontages.

**Metal thermal spraying**

Spraying a fine metallic material onto a surface, in a molten or semi-molten state, to form a coating.

Includes:

- molten metal flame spraying;
- electric arc spraying;
- powder flame spraying; and
- plasma arc spraying.

**Mineral**

Has the same meaning as in the Crown Minerals Act 1991.

**Mineral exploration**

Has the same meaning as in the Crown Minerals Act 1991.

**Mineral extraction activities**

Activities carried out at a quarry.

Includes:

- blasting;
- excavating minerals;
- processing minerals by crushing, screening, washing, or blending;
- storing, distributing and selling mineral products;
- accessory earthworks;
- removing and depositing overburden;
- treating stormwater and waste water;
- landscaping and rehabilitation of quarries;
- cleanfill and managed fills;
- recycling or reusing aggregate from demolition waste such as concrete, masonry, or asphalt;
- accessory activities and accessory buildings and structures such as laboratories; and
- workers accommodation.

Excludes:

- common marine and coastal area mineral extraction.

**Mineral prospecting**

Has the same meaning as in the Crown Minerals Act 1991.

**Minor Dwelling**

A dwelling that is secondary to the principal dwelling on the site.

**Minor reclamation**

A reclamation created adjoining an existing reclamation as part of maintenance, repair or upgrading a reclamation's seawall.

Includes:

- the “standing up” of a sloping seawall or bund to a more vertical form; and
- the reconstruction of an existing vertical seawall.

**Minor utility structure**

Any aboveground box-like structure or enclosure associated with a network utility or that receives or transmits to or from any part of a network utility.

Includes:

- electricity junction pillars;
- transformers;
- switchgear;
- gas infrastructure;
- telecommunications plinths and pillars;
- water infrastructure;
- cabinetry for stormwater/wastewater networks;
- electricity storage; and
- link pillars.

**Moderate aircraft noise area**

The area generally between the 60dB Ldn and 65dB Ldn future noise contours as shown on the Aircraft Noise Overlay map for Auckland International Airport.

### **Mooring**

Any weight, pile or article placed in, or on the foreshore or seabed or bed of any lake, river or stream to secure a vessel, raft, aircraft, or floating structure.

Includes:

- any float, wire, rope, or other device attached or connected to such a weight, pile or article.

Excludes:

- an anchor normally removed with a vessel, raft, aircraft, or floating structure when it leaves a site or anchorage; and
- the non-permanent laying and relaying of buoys.

### **More vulnerable activities**

Means activities listed in the residential nesting table and also includes care centres, and healthcare facilities with overnight stay facilities.

### **Motorsport activities**

Motor vehicle racing activities, including any practice activities or any demonstration of the following on sealed or unsealed surfaces:

- car, truck and motorbike racing;
- speedway racing;
- go kart racing;
- jet sprint racing;
- motocross racing;
- vehicle drifting events;
- 4-wheel drive vehicle racing;
- radio controlled car racing;
- any other activities where demonstrations or tricks are performed involving motor vehicles;
- administration and meeting rooms to support motor sport activities;
- parking for motorsport activities; and
- landscaping, barriers and structures which protect or screen motorsport activities.

This definition is nested within the Community nesting table.

### **Motor vehicle sales**

The sale or hire of motor vehicles and caravans.

Includes:

- accessory offices.

This definition is nested within the Commerce nesting table.

### **Moving aerial or antenna**

A moving aerial or antenna is one that has a visible moving or spinning part where that part;

- has a dimension greater than 60cm in diameter; and
- rotates at more than 2 revolutions per minute or changes direction more than once every minute.

### **Municipal water supply**

Water taken and distributed through a reticulated network for supply to urban communities.

### **Mustelid farming**

Intensive farming where the main purpose is farming one or more fitches, mustelids (including ferrets, weasels and stoats) or possums, within the confines of a building, dwelling house, enclosure, or structure.

## **N**

### **National Grid**

The assets owned or operated by Transpower New Zealand Limited.

### **National Grid Substation Corridor**

The area identified on the planning maps which is within:

- 12m of the site boundary of a National Grid substation;
- the road carriageway (excluding footpath, berms, kerbs and the road verge) on roads identified on the planning maps.

### **National Grid Corridor Overlay**

The area identified on the planning maps which is within:

- the National Grid Yard
- the National Grid Substation Corridor
- the National Grid Subdivision Corridor.

### **National Grid Subdivision Corridor**

The area which is within a variable width area extending each side of the centre line of a National Grid overhead line as identified on the planning maps.

### **National Grid support structure**

A tower or pole comprising part of the National Grid that supports conductors as part of a transmission line. For the purpose of defining the National Grid Yard and the rules in this Plan, measurements are taken horizontally from the outer visible edge of the foundation of the support structure at existing ground level.

### **National Grid Yard**

Includes:

- The area located 12 metres in any direction from the outer edge of a National Grid support structure; and
- The area located 12 metres either side of the centreline of any overhead National Grid line.

*The National Grid Yard is identified on the planning maps as National Grid Yard (Compromised) or National Grid Yard (Uncompromised).*

### **Natural background levels**

Concentrations of chemical constituents which occur in soil and ground water at a specific locality due to natural lithological and hydrogeochemical processes.

### **Natural Stream Management Area**

Area of rivers and streams and associated riparian vegetation identified in the Natural Stream Management Areas Overlay that meets the following criteria:

- (a) have predominantly indigenous riparian vegetation cover along a length (reach) of at least 600m and:
  - (i) an average total width of vegetation cover of 80m i.e. an average width of 40m on either side; or
  - (ii) a minimum total width of vegetation cover of 10m from the stream edge for a length not exceeding 10 per cent of the total reach; and

- (b) where there are cleared areas for tracks and stream crossings or formed carriageways, these are included in the measurements of vegetation length and width but excluded from the provisions of the Natural Stream Management Areas Overlay.

For the purpose of the Natural Streams Management Areas, predominantly indigenous vegetation means areas of vegetation where the canopy is intact and is dominated by indigenous species, and contains a regenerating understory. It includes strands of predominant kanuka and manuka, and areas of wetland vegetation. It can include areas with exotic species in the canopy or emergent above the canopy, as long as they do not comprise more than 25 percent of the canopy composition.

### **Navigational aid**

Any device to assist navigation of vessels and aircraft.

Includes:

- beacons;
- buoys;
- fog signal apparatus;
- lights;
- markers;
- radio devices;
- signs; or
- aeronautical navigational aids including runway lighting.

Excludes:

- lighthouses.

### **Nearest equivalent roadside monitoring site**

A roadside monitoring site that is located on the State Highway being assessed or on another State Highway or local road with comparable traffic flow and dispersion characteristics.

### **Net internal floor area**

The floor space between the finished surfaces of internal walls between rooms.

Excludes:

- balconies or decks;

- parking; and
- Garages.

### **Net site area**

The total area of a site excluding:

- any area subject to a road widening designation;
- any part of an entrance strip;
- any legal right of way; and
- any access site.

### **Network utilities**

Any activity relating to any or all of the following:

- distribution or transmission of natural or manufactured gas petroleum or geothermal energy by pipeline;
- telecommunications, or radio communications or broadcasting;
- transformation, transmission, or distribution of electricity;
- transmission and distribution of water, (whether treated or untreated), for supply including irrigation;
- stormwater drainage or sewerage reticulation systems;
- railway lines, tramways and roads;
- airports as defined by the Airport Authorities Act 1966, including the provision of any approach control service within the meaning of the Civil Aviation Act 1990;
- lighthouse, navigation aids and beacons;
- meteorological services; and
- a project or work described as a network utility operation by regulations made under the Resource Management Act 1991.

Includes:

- all structures necessary for operation; and
- the operation and maintenance of the network.

### **New aquaculture**

Aquaculture activities not consented and operational at 30 September 2013.

### **Noise event**



An event that exceeds the general noise controls for a site (or area within the coastal marine area) either in level or duration.

**Noise (rating) level**

A noise level for comparison with the noise limit following measurement and assessment in accordance with New Zealand Standard 6801:2008 Acoustics - Measurement of environmental sound and New Zealand Standard 6802:2008 Acoustics - Environmental noise.

**Noise sensitive space**

Any indoor space within an activity sensitive to noise excluding any bathroom, water closet, laundry, pantry, walk in wardrobe, corridor, hallway, lobby, stairwell, clothes drying area, kitchens not part of a dwelling, garage or other space of a specialised nature occupied neither frequently nor for extended periods.

**Non-accessory parking**

Parking which is provided as a principal activity on the site and is not accessory to any of the approved activities on the site. The parking may be:

- available to members of the public for a charge or fee; and
- reserved or leased.

Includes:

- short term parking (non-accessory); and
- long term parking (non-accessory).

Excludes:

- parking required or permitted accessory to other land uses; and
- off-site parking.

**Non-contributing buildings, structures or features**

Buildings, structures or features within the extent of a scheduled historic heritage area that make little or no contribution to, or detract from, the values for which the area has been scheduled.

**Notional boundary**

A line 20m from any side of a building containing an activity sensitive to noise, or the legal boundary where this is closer to the building.

O

### **Obstacle limitation surfaces**

Defined surfaces in the airspace above and adjacent to the aerodrome necessary to enable an aircraft to maintain a satisfactory level of safety while manoeuvring at a low altitude in the vicinity of the aerodrome. The obstacle limitation surfaces comprise of:

- approach slopes;
- horizontal surface;
- transitional surfaces;
- conical surface; and
- procedure turning area surfaces.

### **Offal**

Dead animal matter resulting from normal farm operations.

Includes:

- carcasses.

### **Office**

Activity conducted within a building and focusing on business, government, professional, medical, or financial services and includes the personal service elements of these activities offered to consumers or clients where visits by members of the public are accessory to the main use.

This definition is nested within the Commerce nesting table.

### **Office furniture, equipment and system suppliers**

A business primarily engaged in selling goods for office-type use or consumption.

Includes:

- computers and related equipment;
- copiers, printers and facsimile machines;
- integrated telephone systems and equipment; and
- office furniture, equipment and utensils.

This definition is nested within the Commerce nesting table.

### **Off-road pedestrian and cycling facilities**

Sections of Auckland's public walkway and cycleway network that are not located within the road network or the Strategic Transport Corridor Zone.

**Off-site parking**

Parking on a site which is dedicated to the use of an activity taking place on another site. It provides parking which would have otherwise been required or permitted on that other site or sites.

**Off-stream dam**

Any structure which impounds surface water but which is not located on the bed of a lake or any river or stream.

**On-site primary produce manufacturing**

Rural facilities used for manufacturing goods from primary produce grown on the same site or:

- on other sites in the same ownership; or
- on other sites leased by the owner of the primary site.

This definition is nested within the Rural nesting table.

**On-stream dam**

Any structure which impounds surface water which is located on the bed of a lake or any river or stream.

**Operational need**

The need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.

**Open space zones**

Means:

- Open Space - Conservation Zone;
- Open Space - Informal Recreation Zone;
- Open Space - Sport and Active Recreation Zone;
- Open Space - Civic Spaces Zone; and
- Open Space - Community Zone.

### **Organised sport and recreation**

Activities that require physical effort and skills, are competitive, occur on a regular basis, have formal rules, referees and officials, and are organised within formal structures.

The activity typically involves the following:

- use of sport and recreation structures;
- exclusive use of public open space during the course of the activity;
- participants and spectators;
- use of clubrooms, changing facilities;
- training and practice sessions;
- payment of money to conduct activity;
- organised by a club, sporting body or group;
- booking and recording system of scheduled hours per week of each sports field by the owner or administrator of the sports field.

Includes, but is not limited to:

- team sports; and
- competitive sports.

This definition is nested within the Community nesting table.

### **Outdoor burning**

Burning of materials in the open.

Includes:

- single chamber incinerators; and
- backyard incinerators.

### **Outdoor living space**

Outdoor area which is:

- clear of any parking or manoeuvring area; and
- set aside for the exclusive use of the occupants of the dwelling to which they relate.

All outdoor living spaces must be clear of any buildings, except for the following:

- pools;
- building eaves;
- pergolas, lattice fences or similar open structures; and
- decks and terraces.

### **Outfall**

The endpoint of any pipe, conduit, or drain from which discharges enter a receiving environment.

### **Overland flow path**

Low point in terrain, excluding a permanent watercourse or intermittent river or stream, where surface runoff will flow, with an upstream contributing catchment exceeding 4,000m<sup>2</sup>.

Excludes the following areas:

- constructed depressions and pits within Special Purpose - Quarry Zone.

#### *Note*

*The Council holds publicly available information showing the modelled Overland Flow Paths in its GIS viewer for specific properties. The Overland Flow Path map is indicative only. A party may provide the Council with a site specific technical report prepared by a suitably qualified and experienced person to establish the location, depth or flow characteristics of the Overland Flow Path.*

*Council will continually update the Overland Flow Path map to reflect the best information available.*

### **Overland stormwater**

Stormwater flowing over the ground and excluding stormwater from impervious surfaces and buildings.

## **P**

### **Pacific oyster reef**

Where Pacific oyster shells have accumulated together into a consolidated formation that changes the seabed profile and reduced water depth from previous levels.

### **Park-and-ride**

Parking which is purpose designed and provided specifically for users of a public transport network who travel by private vehicle to the park and ride parking area, and then transfer to public transport to continue their journey.

Includes:

- pedestrian and cyclist facilities.

### **Parks infrastructure**

General infrastructure located in Open Space zones to support management of, and access to open space

Includes:

- buildings for storage and maintenance purposes;
- entry gates;
- track marking bollards;
- traffic management infrastructure such as bollards and chains;
- non-boundary post and rail fences;
- farm fencing or similar fencing;
- foot bridges and/or boardwalks;
- culverts;
- subsoil drainage;
- minor storm water management devices e.g. rain gardens; and
- porous paving.

### **Parks maintenance**

Maintenance and repair undertaken within parks and cemeteries.

Includes:

- maintenance and repair of any buildings and structures;
- maintenance and repair of footpaths (concrete, gravel and shell);
- track and trail maintenance and repair including re-metalling and re-surfacing of bush tracks;
- clearing or reforming drainage channels;
- re-topsoiling, reseeding, sandslitting for parks sports fields and parks;
- weed management;
- grass mowing;
- replacement, repairs, maintenance or upgrading of existing bridges, boardwalks, and culverts;
- resealing and sealing metal parking and access drives and internal park roads;
- maintenance of jetties and boat ramps;
- ecosystem restoration by replanting and re-vegetation; and
- maintenance and construction of sand carpet surfaces.

### **Particulate**

A complex mixture of extremely small particles and liquid droplets, made up of a number of components including acids (such as nitrates and sulfates), organic chemicals, metals, and soil or dust particles (also known as particulate matter or PM).

Includes:

- PM10: and
- PM2.5

### **Pedestrian access way**

Has the same meaning as access way in section 315 of the Local Government Act 1974.

### **Pedestrian circulation space**

Pedestrian circulation space is a covered area within a building which is accessible to the public during trading hours of business and:

- (a) contains a minimum horizontal measurement of 5m; and
- (b) has a minimum vertical dimension of 2.5m between the finished ceiling and the floor of the pedestrian area, and which is unobstructed and clear of buildings, retail kiosks and retail display cases.

Includes:

- escalators, ramps and stairs within the pedestrian circulation space;
- decorative features such as fountains and planting within the pedestrian circulation space; and
- stages or display areas for free public entertainment associated with any integrated retail development.

Excludes:

- seating areas for food courts/eating area;
- any space leased for retail display or sales purposes; and
- any space for entertainment which is either leased or subject to a charge.

### **Pedestrian and cycle overpass or underpass**

Fully enclosed walkway or cycleway which is constructed over or under a road or other public space with the authority of the road controlling authority. It excludes the use of airspace over roads and subsoil space below the road for the purpose of increasing the floor area of a building on adjoining sites.

**Permanent river or stream**

The continually flowing reaches of any river or stream.

**Pest plant removal**

The alteration or removal of any tree or vegetation listed as a plant pest within the Auckland Regional Pest Management Strategy or the National Pest Plant Accord (excluding research organisms) under the Biosecurity Act 1993.

Excludes:

- the removal of notable trees.

**Petroleum**

Has the same meaning as in the Crown Minerals Act 1991.

**Pig equivalent**

A pig equivalent equates to a 50kg pig.

**Pig keeping**

Keeping, raising or breeding on one site not more than:

- five pigs which have been weaned; or
- two sows whose progeny are not retained on the site beyond the weaner stage.

**PM2.5**

Particulate matter with an aerodynamic diameter of 2.5 microns or less.

**PM10**

Particulate matter with an aerodynamic diameter of 10 microns or less.

**Post-harvest facility**

Building operated by any number of growers and used for the storage, packing, washing, inspecting and grading of eggs, fruit, vegetables, or other (natural and unprocessed) primary produce brought to the post-harvest facility from a range of locations, and includes all activities that are an integral aspect of post-harvest operations.

Includes:

- use of the site for the collection and distribution of horticultural products;



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- slicing and dicing agricultural products in preparation for distribution to retail outlets, including the disposal of associated waste material from these activities;
- preparation and shrink wrapping horticultural products in preparation for distribution to retail outlets;
- collection and distribution of agricultural products including the cross loading of trucks used in the collection and delivery of horticultural products; and
- the on-site servicing and maintenance of vehicles and equipment associated with the activities.

Excludes:

- on-site primary produce manufacturing; and
- rural industries.

### **Poultry**

Domestic fowl kept in captivity to produce meat, eggs, or other products or for sale.

Includes:

- chickens;
- ducks;
- geese;
- guinea fowl;
- pigeons;
- turkeys;
- peacocks;
- doves;
- pheasants;
- swans; and
- quail.

### **Poultry hatchery**

Place where fertile eggs are incubated and hatched in controlled environment cabinets.

### **Preliminary site investigation (contaminated land)**

An investigation that:

- is done by, or is done under the management of, a suitably qualified and experienced person;

- is reported on in accordance with the Contaminated Land Management Guidelines No. 1 – Reporting on Contaminated Sites in New Zealand, Wellington, Ministry for the Environment (2011); and
- results in a report that is certified by a suitably qualified and experienced person.

**Produce sales**

Place where farm produce or handcrafts produced on the site are sold.

Includes:

- sale of plants; and
- sale of food from ‘occasional food premises’ as defined in section 2 of the Food Hygiene Regulations 1974.

This definition is nested within the Rural nesting table.

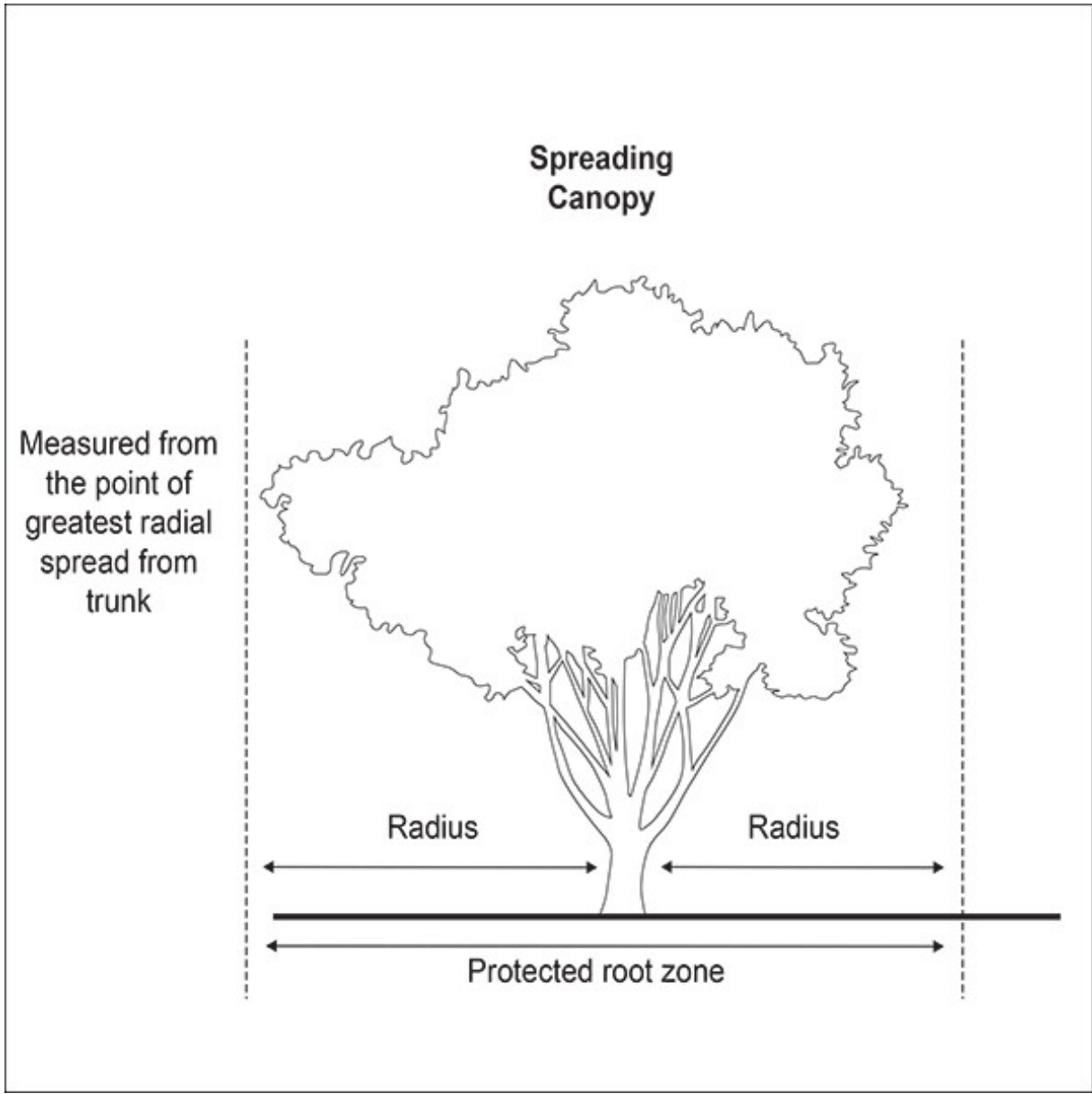
**Protected New Zealand object**

Has the same meaning as section 2 of the Protected Objects Act 1975.

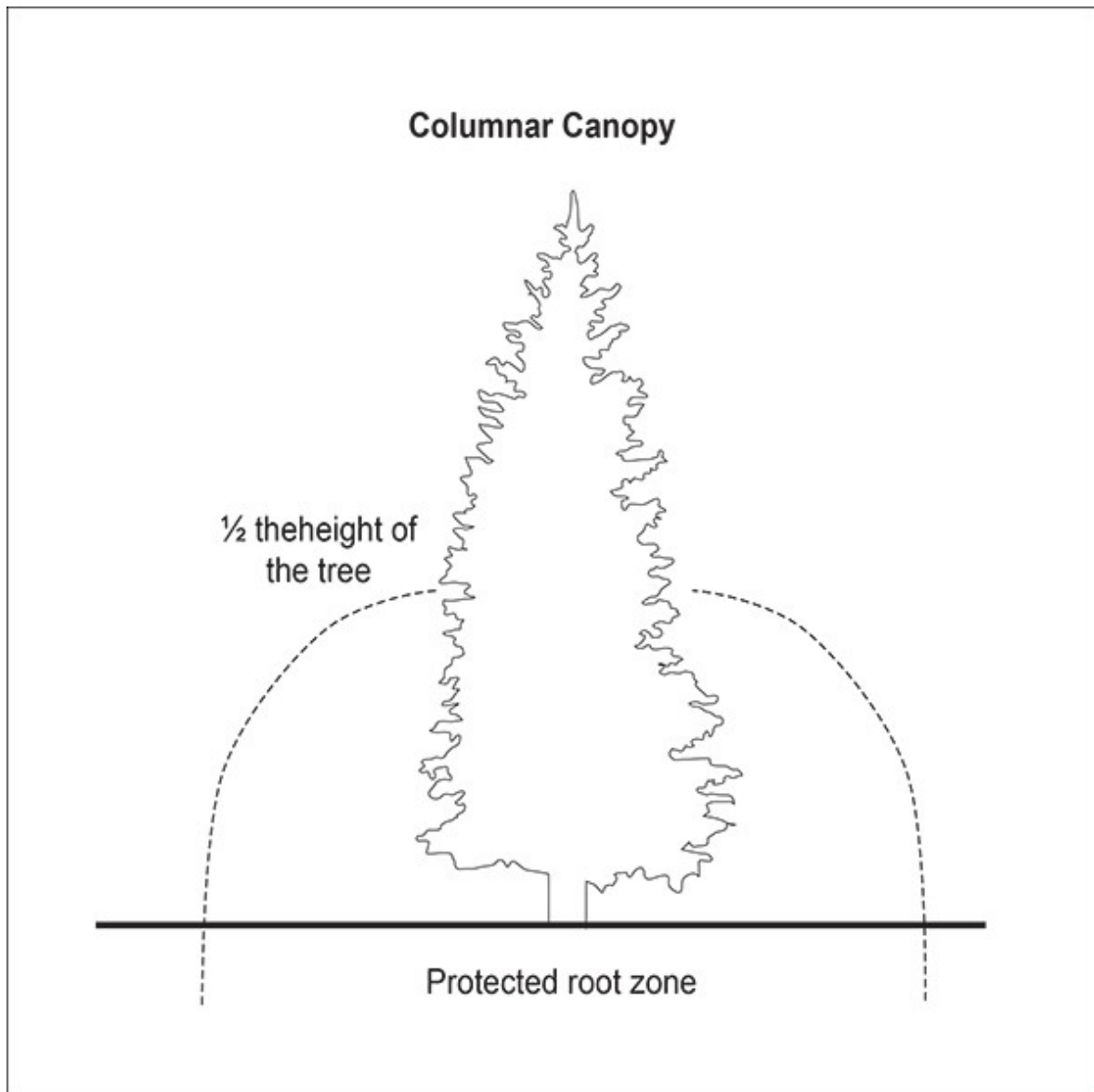
**Protected root zone**

The circular area of ground around the trunk of a protected tree, the radius of which is the greatest distance between the trunk and the outer edge of the canopy. For columnar crown species the protected root zone is half the height of the tree.

**Figure J1.4.5 Protected root zone A**



**Figure J1.4.6 Protected root zone B**



### **Public amenities**

Facilities established for the convenience and amenity of the public.

Includes:

- landscaping and planting;
- public toilets;
- seating and picnic tables;
- bicycle stands and cycle parking structures;
- fountains;
- drinking fountains;
- rubbish bins;

- directional signage and information boards;
- barbeques;
- lighting;
- shelters;
- changing facilities; and
- playgrounds and playground equipment.

### **Public memorial**

A sign, plate or monument that contains commemorative inscription for the purpose of remembering or celebrating the deceased or an event in history

Includes:

- plaques; and
- memorials.

### **Public place**

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

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

### **Public transport facility**

Facility for the transfer of passengers on/off and between public transport services.

Includes:

- areas for bus parking;
- passenger waiting areas;
- shelters;
- ticketing and other passenger facilities, including end-of-trip facilities;
- information kiosks;
- transport related signs;
- bus layovers and drive rest facilities;

- offices supporting the operation, maintenance and security of the facilities;
- devices and facilities to enable the movement, circulation and security of pedestrians;
- accessory food and beverages and other accessory retail; and
- ferry terminal facilities

Excludes:

- servicing and repair of buses.

## Q

### **Qualified arborist**

A person holding a minimum of a level 4 NZQA advanced certificate in arboriculture or equivalent arboricultural qualification.

### **Quarries - farm or forestry**

The extraction of minerals for uses accessory to farming, horticulture, conservation forestry or forestry, where:

- the quarried material is used only on the property of extraction;
- no extracted material, including any aggregate is removed from the property of origin; and
- there are no retail or other sales of quarried material.

Includes:

- extraction of material for use on the property of origin, for:
  - farm and forestry tracks;
  - access ways; and
  - hardstand areas.

This definition is nested within the Rural nesting table.

## R

### **Rear site**

A site with frontage of less than 7.5m to a legal road or private road.

Refer to Figure J1.4.8 Site.

### **Rear yard**

The area along the full width of a site that is between the rear boundary and a line parallel to that boundary.

Includes:

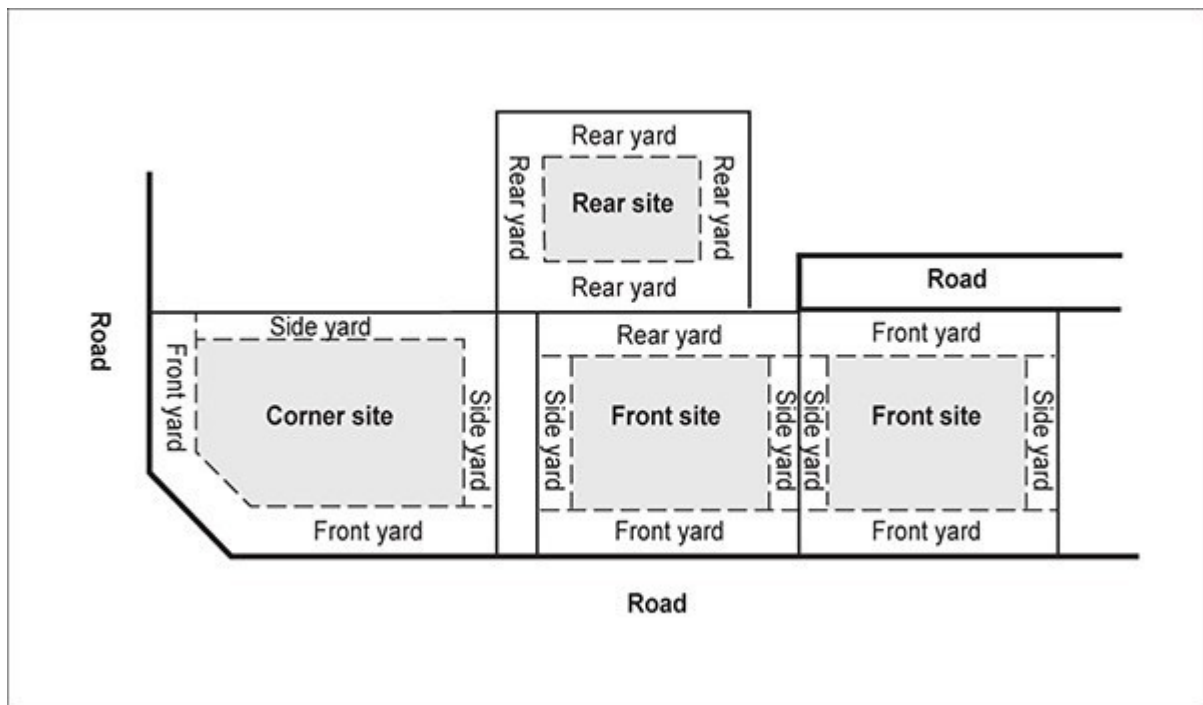
- all yards on a rear site.

Excludes:

- all yards on a corner site.

Refer to Figure J1.4.7 Yards.

**Figure J1.4.7 Yards**



### Receiving waters

Water in the coastal marine area or in a body of fresh water.

Includes:

- rivers;
- streams;
- lakes;
- groundwater aquifers; and
- modified natural watercourses.

Excludes:

- any artificial watercourse, such as an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canals.

### Reclamation

Permanent filling of the coastal marine area or the bed of any lake, wetland river or stream to create dry land.

Includes:

- filling associated with piping a stream.

Excludes:

- piles;
- pylons;
- boat ramps;
- rubble mound breakwaters;
- filling behind seawalls (unless the purpose of the seawall and filling is primarily for the purpose of creating land);
- beach nourishment where the newly created land is still subject to the ebb and flow of the tide;
- any area of surface water impounded by a dam; and
- culverts parallel to the direction of water flow.

### **Recreation facility**

A facility where the primary purpose is to provide for sport and recreation activities.

Includes:

- recreation centres;
- aquatic facilities, swimming pools, both indoor and outdoor;
- fitness centres and gymnasiums; and
- indoor sports centres.

### **Recreational trail**

A sealed or unsealed pathway or greenway that is used for informal or organised purposes such as footpaths, cross country mountain biking, bridle trails, fitness trails, off road cycleways and walkways.

### **Redevelopment of a road**

Works that involve the reconstruction of the road carriageway and incorporate the addition of more than 1,000m<sup>2</sup> of new road impervious surfaces.

### **Redevelopment of impervious area**



The replacement or reconstruction of a site's impervious area, excluding:

- (a) maintenance or repairs, such as:
  - (i) pothole repairs to parking areas, driveways and paving; and
  - (ii) painting of roofing and exterior cladding;
- (b) resurfacing that does not involve re-direction of existing stormwater flows or drainage networks; and
- (c) trenching and resurfacing associated with the installation, maintenance, repair and replacement of underground equipment, infrastructure or underground utility works.

### **Refuse transfer station**

Facilities used for receiving, storing, collecting, processing and transferring waste materials not generated on-site and may include a recycling station.

This definition is nested within the Industry nesting table.

### **Remedial action plan (contaminated land)**

A remedial action plan:

- prepared by, or prepared under the management of, a suitably qualified and experienced person;
- prepared in accordance with the Contaminated Land Management Guidelines No. 1 – Reporting on Contaminated Sites in New Zealand, Wellington, Ministry for the Environment 2011; and
- certified by a suitably qualified and experienced person.

### **Repair and maintenance services**

Servicing, testing or repairing vessels, vehicles or machinery.

Includes:

- automotive mechanics;
- panel beating; and
- devanning, storage and testing of LPG cylinders.

This definition is nested within the Industry nesting table.

### **Research and exploratory-scale investigations for renewable electricity generation activities**

Undertaking monitoring and measuring activities of solar, wind, hydro-electricity or geothermal energy sources for potential renewable electricity generation activities.

### **Residential zones**

Means:

- Residential - Large Lot Zone;
- Residential - Rural and Coastal Settlement Zone.
- Residential - Single House Zone;
- Residential - Mixed Housing Suburban Zone;
- Residential - Mixed Housing Urban Zone; and
- Residential - Terrace Housing and Apartment Buildings Zone;

### **Restaurant and cafe**

Facilities used for selling food for consumption on the premises.

This definition is nested within the Commerce nesting table.

### **Retail**

Selling goods to the general public.

This definition is nested within the Commerce nesting table.

### **Reticulated**

A system of pipes, lines and cables and accessory development owned and operated by a network utility operator to supply gas, telecommunications, power, water, or stormwater or wastewater drainage.

### **Retirement village**

A managed comprehensive residential development used to provide accommodation for aged people,

Includes:

- the use or development of any site(s) containing two or more units that provides accommodation, together with any services or facilities, predominantly for persons in their retirement, which may also include their spouses or partners; and
- recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities accessory to the retirement village.

Excludes:

- dwellings.

This definition is nested within the Residential nesting table.

### **Riparian margin**

An area of land immediately adjacent to a permanent or intermittent river or stream.

### **Riparian yard**

The area along the top of a permanent or intermittent river or stream measured horizontally and at right angles from the top of the bank.

### **River or stream**

A continually or intermittently flowing body of fresh water, excluding ephemeral streams, and includes a stream or modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal except where it is a modified element of a natural drainage system).

### **River mouth dredging**

Clearing, cutting or realigning a river channel, river mouth or watercourse used for drainage purposes.

### **Road**

Has the same meaning as in section 315 of the Local Government Act 1974 but also includes motorways as defined in section 2(1) of the Government Roding Powers Act 1989.

### **Road ancillary area**

Paved area that is not part of the road carriage way, carries very low traffic loads and is not high contaminant generating areas, but which is required for the safe and efficient functioning of the road network.

Includes:

- access to road infrastructure, signage and utility services;
- maintenance lanes;
- emergency stopping areas and lanes;
- vehicle pull over or rest areas; and

- maintenance and service vehicle access and stopping areas.

### **Road controlling authority**

Has the same meaning as section 5 of the Land Transport Management Act 2003.

### **Road network activities**

Road infrastructure and transport services provided within the road including:

- footpaths, footways and footbridges, bridges for roads, tunnels, retaining walls for roads both above and below the road;
- road verges and berms;
- site access including vehicle crossings;
- road carriageways;
- road pavements;
- cycle facilities;
- road lighting and support structures;
- traffic operation and safety signs, direction signs, road name signs;
- road safety devices including interactive warning signs, road markings, rumble strips, barriers, fences, speed tables and speed cushions, traffic separators, bus friendly vertical deflection devices;
- ancillary equipment and structures associated with public transport systems including seats, shelters, real time information systems and ticketing facilities, bicycle storage and cabinets;
- traffic control devices including traffic islands, pedestrian crossings and roundabouts and intersection controls, traffic and cycle monitoring devices, traffic signals and support structures, cabinets and ancillary equipment associated with traffic signals;
- devices and structures to implement regulatory controls (no-stopping, no-overtaking, parking control, buslane controls, vehicle restrictions) including speed limit and parking restriction signs, parking meters and pay and display kiosks, speed cameras and red light/traffic cameras and on street parking areas;
- road drainage devices including culverts, sub-soils, catchpits, watertables, manholes, inlets, outlets, flumes;
- scour and erosion control devices;
- stormwater management devices including rain gardens, wetlands, stormwater treatment areas and ponds; and
- noise attenuation walls or fences;

- devices associated with intelligent transport systems including vehicle detection systems (electronic vehicle identification, and infra-red vehicle occupancy counters), lane control signals, ramp signals, variable messaging signs, CCTV cameras, incident detection, emergency telephones, cables and ducting.

### **Runoff**

The uncontrolled flow or channelling of stormwater away from a site as a result of the rate of application being greater than the soil's capacity for absorption.

### **Rural airstrip**

Any area of land in any rural zone that aircraft (including helicopters) use for take-off and landing for the purpose of servicing rural land.

Includes:

- aerial topdressing, pest control and aerial spraying;
- forestry;
- fencing;
- delivery of farm supplies and equipment;
- the collection of farm produce.

Excludes:

- airfields;
- airports;
- aerodromes; and
- any activity located in a rural zone for which resource consent is required.

### **Rural commercial services**

Commercial services that:

(a) have, as their principal function, a clear connection to, or provide services to:

- (i) rural production activities; or
- (ii) aquaculture activities; and

(b) involve the sale of:

- (i) rural produce and other products produced by a handcraft industry or home occupation on the same site; or
- (ii) rural services that support rural production activities or aquaculture; and

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(c) may have some form of accessory depot, office, base, or storage area, from which the activity is normally operated or commenced.

Includes:

- farm visits;
- laboratories and research facilities associated with rural production activities;
- rural topdressing, pest control and spraying services;
- servicing, assembling or repair of agricultural or aquaculture machinery or equipment;
- the services of a trenchers, post rammers, or fencing contractors; or
- aquaculture equipment storage or maintenance.

Excludes:

- processing or manufacturing goods or products from material not directly related to or directly derived from farming, intensive farming, aquaculture activities, fishing activities, or resources of the site;
- stock yards that are accessory to farming carried out on the same site;
- shops for sale or hire of goods;
- freight or transportation services;
- storage of vehicles or equipment for hire;
- sale yards;
- sawmills and portable sawmills;
- grain silos or feed mills;
- aquaculture equipment storage or maintenance;
- meat or poultry processing;
- dairy factories;
- processing raw materials derived from farming, forestry, intensive farming, aquaculture activities, fishing activities, or resources of the site; and
- packing sheds.

This definition is nested within the Rural nesting table.

### **Rural industries**

Industries that:

(a) have, as their principal function, a clear connection to, or provide services to:

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- (i) rural production activities; or
  - (ii) aquaculture activities; or
- (b) use raw materials derived from:
- (i) rural production activities;
  - (ii) aquaculture activities, or
  - (iii) the natural resources on the site other than topsoil or aggregate; and
- (c) may have some form of:
- (i) processing facility;
  - (ii) accessory depot; or
  - (iii) base or storage area, from which the activity is normally operated or started.

### Includes:

- freight or transportation services;
- storage of vehicles or equipment for hire;
- sale yards;
- sawmills other than portable sawmills;
- grain silos or feed mills;
- meat or poultry processing;
- dairy factories; and
- processing raw materials derived from farming, forestry, intensive farming, aquaculture activities, fishing activities, or resources of the site.

### Excludes:

- home occupations;
- shops (sale or hire of goods);
- rural topdressing, pest control and spraying services;
- processing or manufacturing goods or products from material not directly related to or directly derived from farming, intensive farming, aquaculture activities, fishing activities, or resources of the site; and
- stock yards that are accessory to farming carried out on the same site.

This definition is nested within the Rural nesting table.

### **Rural tourist and visitor activities**

Recreation activities or pursuits:

- (a) derived from and interacting with the rural environment or communities, including their history; and
- (b) functionally dependent on the natural or rural environment.

Includes:

- paint ball games;
- bush walks;
- tree top walking;
- bird watching, including viewing birds in aviaries;
- outdoor obstacle courses;
- mini-golf;
- sculpture parks; and
- sale of souvenirs and goods accessory to the activity.

Excludes:

- zoological parks;
- gun clubs;
- archery;
- golf driving ranges; and
- sports focused on motor vehicles.

### **Rural production activities**

Activities that involve the production of primary products such as those from farming, intensive farming, horticultural, or forestry activities, and which have a functional need for a rural location.

### **Rural zones**

Means:

- Rural – Rural Production Zone;
- Rural – Mixed Rural Zone;
- Rural – Rural Coastal Zone;
- Rural – Rural Conservation Zone;
- Rural – Countryside Living Zone;
- Rural – Waitākere Foothills Zone; and



- Rural – Waitākere Ranges Zone.

## S

### **Satellite town**

Town in the region which functions semi-independently from the Auckland metropolitan area, providing a full range of services and employment opportunities to the surrounding rural areas. It applies to the towns of Pukekohe and Warkworth.

### **Secondary flow path**

The route over land that stormwater will follow when the reticulated stormwater system reaches capacity or is blocked.

### **Secondary treatment**

Treated effluent to a standard of 20g/m<sup>3</sup> 5-day biochemical oxygen demand and 30g/m<sup>3</sup> total suspended solids or better.

### **Sediment control**

Measures to prevent or minimise the discharge of sediment that has been eroded.

### **Sediment Control Protection Area**

- (a) 100m either side of a foredune or 100m landward of the coastal marine area (whichever is the more landward of mean high water springs); or
- (b) 50m landward of the edge of a lake, river or stream, or the edge of a wetland of 1,000m<sup>2</sup> or greater.

### **Sensitive receiving environment**

Area where wastewater, stormwater or other discharges are likely to have adverse impacts on important natural or human uses or values in marine, freshwater, and terrestrial environments.

### **Separate phase hydrocarbons**

Hydrocarbons at concentrations that exceed the capacity of the soil to absorb and retain them such that they are able to be mobilised by natural forces or ground disturbance associated with a proposed activity.

**Separate phase liquid contaminants**

Contaminants at concentrations that exceed the capacity of soil to absorb and retain them such that they are able to be mobilised by natural forces or ground disturbance associated with a proposed activity.

**Service connection**

Part or all of any structure, pipe, equipment or cable that relates to:

- radio communication or telecommunication lines; or
- wastewater or stormwater treatment or disposal; or
- water, gas or electricity;

and which serves a dwelling or other building or the occupants of that dwelling or building.

**Service station**

A facility where the primary business is selling motor vehicle fuels.

Includes the following accessory activities:

- retail;
- car wash facilities;
- mechanical repair, servicing and testing of motor vehicles and domestic equipment;
- sale of lubricating oils, kerosene, LPG, or spare parts and accessories for motor vehicles; and
- trailer hire.

This definition is nested within the Commerce nesting table.

**Sewage**

Has the same meaning as in the Resource Management (Marine Pollution) Regulations 1998.

**Sewage sludge**

Un-stabilised organic solid material generated by the treatment of sewage and wastewater.

**Short-term parking (non-accessory)**

Where:

- (a) the parking is for public use on a casual and short stay basis between 7am and 6pm Monday to Friday inclusive, but excluding public holidays;
- (b) any pricing schedule severely penalises parking exceeding 240 minutes (4 hours) during the time periods set out in clause (a) above; and
- (c) the parking may also be used on a longer stay basis outside the times and days set out in clause (a) above.

### **Show home**

Building erected to display the design, construction materials, building techniques, or fittings available to potential buyers.

Includes:

- office facilities accessory to the show home; and
- outside living areas and gardens.

This definition is nested within the Commerce nesting table.

### **Showgrounds**

Facilities used for concerts, festivals, carnivals, exhibitions, boat shows and trade shows.

This definition is nested within the Community nesting table.

### **Side or rear building facade**

A building façade that is not a street facing building façade.

### **Side yard**

The area along the full length of a side boundary of a site that is between the side boundary and a line parallel to that boundary.

Includes:

- any boundary of a corner site not facing a street.

Excludes:

- any portion of a site comprising a front or rear yard.

Refer to Figure J1.4.7 Yards.

### **Sign**

A visual device which can be seen from a public open space (including the coastal marine area) or an adjoining property, to attract people's attention by:

- providing directions;
- giving information; and
- advertising products, businesses, services, events or activities.

Includes:

- the frame, supporting device and any associated ancillary equipment whose principal function is to support the message or notice;
- murals, banners, flags, posters, balloons, blimps, light projections, footpath signs, hoardings, projections of lights; and
- signs affixed to or incorporated within the design of a building.

### **Sign height**

The distance from the lowest point of the sign to the highest point of the sign. In the case of a free standing billboard it is the distance from ground level immediately below the billboard to the top of the billboard.

### **Silage**

Any plant material harvested while green for fodder and kept succulent by partial fermentation.

Excludes:

- baleage;
- hay; and
- wrapped silage.

### **Silage leachate**

The liquids generated from the biological processes that occur when vegetative matter is preserved as silage, or when soluble components are dissolved out of silage by percolating or infiltrating rainwater, surface water or groundwater.

Excludes leachate from the making of baleage or hay.

### **Silage storage facility**

Land or structures, on which silage is stored, processed or directly utilised. Bales of plant material completely encapsulated in plastic are not considered a 'silage storage facility'.

### **Single chamber incinerator**

A single chamber appliance used primarily for destroying waste through combustion.

**Site**

Any area of land which meets one of the descriptions set out below:

(a) an area of land which is:

- (i) comprised of one allotment in one certificate of title, or two or more contiguous allotments held together in one certificate of title, in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or
- (ii) contained in a single lot on an approved survey plan of subdivision for which a separate certificate of title could be issued without any further consent of the council;

being in any case the smaller area of clauses (i) or (ii) above; or

(b) an area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles are:

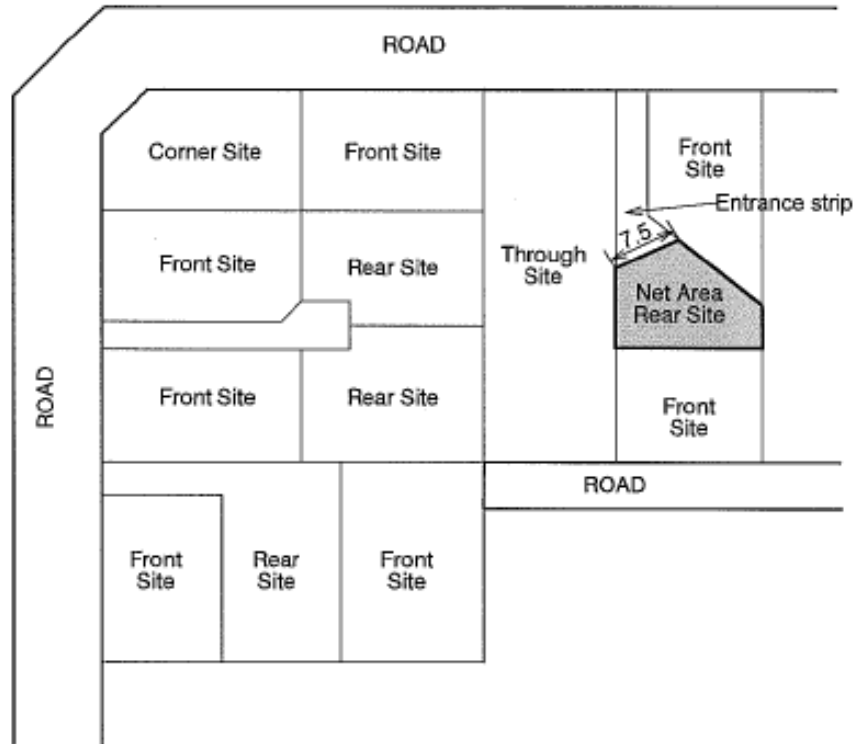
- (i) subject to a condition imposed under section 75 of the Building Act 2004 or section 643 of the Local Government Act 1974; or
- (ii) held together in such a way that they cannot be dealt with separately without the prior consent of the council; or

(c) an area of land which is:

- (i) partly made up of land which complies with clauses (a) or (b) above; and
- (ii) partly made up of an interest in any airspace above or subsoil below a road where (a) and (b) are adjacent and are held together in such a way that they cannot be dealt with separately without the prior approval of the council;

Except in relation to each description that in the case of land subdivided under the Unit Titles Act 2010, the cross lease system or stratum subdivision, 'site' must be deemed to be the whole of the land subject to the unit development, cross lease or stratum subdivision.

**Figure J1.4.8: Site**



See also: entrance strip, rear site, access site, front site, corner site and through site.

**Site management plan (contaminated land)**

A site management plan:

- prepared by, or prepared under the management of, a suitably qualified and experienced person;
- prepared in accordance with the Contaminated Land Management Guidelines No. 1 – Reporting on Contaminated Sites in New Zealand, Wellington, Ministry for the Environment (2011); and
- certified by a suitably qualified and experienced person.

**Site validation report (contaminated land)**

A site validation report:

- prepared by, or prepared under the management of, a suitably qualified and experienced person;
- prepared in accordance with the Contaminated Land Management Guidelines No. 1 – Reporting on Contaminated Sites in New Zealand, Wellington, Ministry for the Environment (2011); and
- certified by a suitably qualified and experienced person.

### **Sleeping area**

Area that is specifically designed and constructed within activities sensitive to noise that provide for sleep but are not residential bedrooms. These areas include rooms such as hospital wards, sleeping areas in care centres and studio apartments.

### **Small scale electricity generation**

Systems or equipment that:

- generate electricity from renewable sources to meet on-site energy requirements and/or connect into a distributed energy network.

Includes:

- roof-top wind turbines with a maximum blade diameter of 2.5m; and
- photovoltaic systems.

Excludes:

- hydro generation.

### **Sport and recreation structure**

Accessory structure required to undertake a sport or recreational activity associated with a park or sports field.

Includes:

- goal posts;
- courts;
- artificial playing surfaces;
- fences;
- scoreboards (fixed or moveable);
- floodlight poles and transformers;
- fences associated with the sport e.g. ball nets, crowd control, safety barriers;
- sideline shelters;
- site screens;
- cricket nets;
- skate parks;
- cycle parking structures;
- basketball bowls;

- horse jumps;
- BMX tracks and jump structures;
- mountain bike downhill structures; and
- public address systems.

Excludes:

- clubrooms.

### **Standoff pad**

An area of sealed or unsealed land, excluding paddocks, where farmed animals are regularly held or fed.

### **Storage and lockup facility**

Business that provides facilities to the public for storing possessions.

This definition is nested within the Commerce nesting table.

### **Stormwater**

Rainfall runoff from land, including constructed impervious areas such as roads, pavement, roofs and urban areas which may contain dissolved or entrained contaminants, and which is diverted and discharged to land and water.

### **Stormwater management devices**

A device or facility used to reduce stormwater runoff volume, flow and/or contaminant loads prior to discharge.

Includes:

- rain gardens;
- porous or permeable paving;
- infiltration trenches;
- swales;
- sand filters;
- green roofs;
- wetlands;
- ponds; and
- proprietary devices.



### **Stormwater network**

A system of stormwater pipes, open channels, devices and associated ancillary structures used for the purpose of conveying, diverting, storing, treating, or discharging stormwater.

Excludes:

- roads and drainage networks that are for the purpose of road drainage such as road water table drains.

### **Stormwater network discharge consent**

A resource consent for the diversion and discharge of stormwater for a stormwater network applied for and held by a stormwater network utility operator.

### **Street facing building façade**

A wall or façade of a building that faces, directly or obliquely, the front boundary or boundaries of the site. In the case of a curved or circular wall or building it must be 45 degrees either side of that point of the wall that is nearest to the front boundary.

### **Street furniture**

Bus shelters, phone booths or permanent public seating placed in the road reserve.

### **Streetscape**

The visual elements of a street, including the road, footpaths, trees, landform, open space and interface to adjoining buildings that combine to form the street's character.

### **Student accommodation**

Living accommodation, primarily used or designed to be used by registered students or guests of a tertiary education facilities or education facilities and which is served by one or more communal living areas, including kitchens.

This definition is nested within the Residential nesting table.

### **Substation**

Those parts of works or electrical installations being a building, structure or enclosure incorporating fittings and other ancillary equipment that are used principally for the purpose of the control of the distribution and/or transmission of electricity.

**Suitably qualified and experienced person**

A person who can provide sufficient evidence to demonstrate their suitability and competence.

**Suitably qualified on-site wastewater system provider**

For the purposes of the on-site and small scale wastewater treatment and disposal provisions, a suitably qualified on-site wastewater service provider means:

A provider (including an individual contractor, professional person or company) who can demonstrate all the qualities of a “suitably qualified and experienced person” in the field of on-site and small scale wastewater treatment and disposal systems. This includes on-site wastewater system designers, installers and maintenance contractors.

**Surf lifesaving activity**

Place occupied by surf lifesaving organisations that provides for the prevention of and response to accidents, emergencies or urgent problems within the coastal environment.

Includes:

- administration relevant to surf lifesaving organisations;
- vehicle and equipment storage and maintenance;
- personnel training, development and short-term accommodation; and
- public education programmes.

**Supermarket**

An individual retail outlet, which sells, primarily by way of self service, a comprehensive range of:

(a) domestic supplies, fresh food and groceries, such as:

- fresh meat and produce;
- chilled, frozen, packaged, canned and bottled foodstuffs and beverages;
- general housekeeping and personal goods, including (but not limited to) cooking, cleaning and washing products, kitchenwares, toilet paper, diapers and other paper tissue products, pharmaceutical, health and personal hygiene products and other toiletries, and cigarettes, magazine and newspapers, greeting cards and stationery, batteries, flashlights, light bulbs and related products; and

(b) non domestic supplies and comparison goods comprising not more than 20 per cent of all products offered for sale as measured by retail floor space, including (but not limited to):

- barbecue and heating fuels;
- audio visual products;
- electrical appliances;
- clothing and footwear;
- furniture; and
- office supplies.

For the purposes of this definition, retail floor space is that area of the premises to which the public has access for the purpose of shopping, together with any area:

- taken up for the purpose of display of goods; and
- any counter areas used by or occupied exclusively by staff members whilst actively engaged in serving the public.

This area does not include floor space used for:

- storerooms;
- back of house including delivery areas;
- trolley storage areas;
- entrance lobbies;
- behind counter areas; and
- checkouts.

This definition is nested within the Commerce nesting table.

### **Supported residential care**

Facilities used to provide accommodation and full-time care for aged, or disabled people (including mental health, addiction, illness or intellectual disabilities). The facility must be certified under the Health and Disability Services (Safety) Act 2001 and comply with the Health and Disability Sector Standards 2001.

Includes:

- a rest home defined in section 58(4) of the Health and Disability Services (Safety) Act 2001; and
- accessory nursing and medical care.

Excludes:

- hospitals.

This definition is nested within the Residential nesting table.

**Surface water**

Any freshwater waterbody located above the ground surface.

Includes:

- lakes;
- rivers;
- streams;
- springs;
- water impounded by dams; and
- wetlands.

**Surf break**

Has the same meaning as in the New Zealand Coastal Policy Statement 2010.

**Suspected harmful aquatic organisms**

Suspected harmful aquatic organisms include any organisms suspected of meeting one of the following criteria:

- (a) designated by Ministry of Primary Industry as a marine pest;
- (b) listed as an “unwanted organisms” under the Biosecurity Act 1993; or
- (c) designated as pests in the relevant pest management plan prepared under the Biosecurity Act 1993.

**T**

**Telecommunication kiosk**

Any structure intended for public use to facilitate telecommunication and include boxes or booths for telephone, video or internet services.

**Temporary activity**

An activity that:

- is outside the normal expected use of a site (or area within the coastal marine area); and

## J1 Definitions

- has a start and end date and time.

Includes:

- filming activities at temporary locations and activities accessory to that filming activity;
- activities accessory to a building or construction project, such as scaffolding, fencing, offices or storage sheds;
- Council HazMobile collections;
- carnivals;
- concerts;
- fairs;
- festivals and events;
- public meetings;
- parades;
- special events;
- sporting events;
- overflow parking;
- temporary military training (land based only);
- emergency response training, including live burns carried out by Fire and Emergency New Zealand; and
- structures accessory to temporary activities.

Excludes:

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

### **Temporary military training activity**

A temporary activity undertaken for defence purposes. Defence purposes are those in accordance with the Defence Act 1990.

Excludes:

- underwater explosives training exercises involving divers.

This definition is nested within the Community nesting table.

### **Tenancy**

One area of occupancy of a retail or office activity that is created by freehold, leasehold, licence or any other arrangement to occupy.

### **Tertiary education facility**

Facility used for education at a post-secondary level, and associated secondary-tertiary programs (section 31A-L of the Education Act 1989).

Includes:

- universities;
- polytechnics and institutes of technology;
- teachers' and other specialist colleges;
- any other institution within the meaning of section 159 of the Education Act 1989; and
- accessory accommodation, administrative, cultural, health, retail and communal facilities.

### **Through site**

A site, other than a corner site, with two or more road frontages.

Refer to Figure J1.4.8 Site.

### **Total gross heat release**

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

### **Trade supplier**

A supplier in one or more the categories listed below, engaged in sales to businesses and institutional customers but may also include sales to the general public:

- automotive and marine suppliers;
- building suppliers;
- catering equipment suppliers;
- farming and agricultural suppliers;
- garden and patio suppliers;
- hire premises (except hire or loan of books, video, DVD and other home entertainment items);
- industrial clothing and safety equipment suppliers;

- landscape suppliers; and
- office furniture, equipment and systems suppliers.

This definition is nested within the Commerce nesting table.

### **Transport equipment**

Equipment located within state highways and rail corridors to facilitate the movement of vehicles, goods, and pedestrians.

Includes:

- parking control devices;
- passenger shelters;
- quantity and conveyance infrastructure related to the transport network.;
- real time passenger information displays;
- road signage;
- artworks;
- street and rail furniture;
- street lights;
- tidal flow mechanisms and stormwater management arrangements and structures;
- toll and ticketing infrastructure;
- traffic and pedestrian monitoring cameras;
- traffic and rail lights and associated control structures;
- underpasses and overpasses; and
- ventilation structures.

### **Transport storage yard**

Area for storage of materials related to transport activities or transport equipment, including but not limited to equipment, raw products and machinery.

### **Travel plan**

A plan which sets out how travel demand is to be managed for a particular site or proposal to:

- maximise the efficient use of transport systems; and
- promote the use of more sustainable and active modes of transport such as public transport, walking and cycling, and carpooling as alternatives to sole occupancy private cars.

A travel plan includes:

- a description of the site and the proposal;
- details of the physical infrastructure that is or will be established on the site to support the use of walking and cycling, public transport, carpooling;
- details of how the travel plan is to be communicated, promoted, implemented and monitored;
- information about the amount and nature of any onsite parking and how is to be managed to support efficient use and promote alternatives; and
- expected outcomes.

Note

Best practice guidance on the preparation of a travel plan can be provided by Auckland Transport.

A travel plan is also sometimes referred to as a travel demand management plan.

### **Treated effluent**

Dairy effluent that has been treated through a minimum specification two-pond treatment system.

### **Treaty settlement land**

Property which is either:

- vested with claimant groups by the Crown as a result of Treaty settlement legislation and final deeds of settlement; or
- acquired by a claimant group from the Crown pursuant to a right of first refusal process provided that the properties were specifically identified by reference to site or title in Treaty settlement legislation enacted prior to the date on which the Unitary Plan became operative as Right of First Refusal land for that claimant group.

Includes:

- cultural redress properties;
- commercial redress properties including:
  - properties returned via deferred selection,
  - properties transferred to other iwi, hapū or whānau entities associated or affiliated with the claimant group; and
  - properties transferred to a company in which the claimant group holds a controlling interest.

Excludes:



- unspecified properties within geographic areas over which claimant groups have been awarded Right of First Refusal in Treaty settlement legislation;
- any properties over which claimant groups have been awarded Right of First Refusal in Treaty settlement legislation enacted after the date on which the Unitary Plan became operative;
- properties covered by Statutory Acknowledgement or Deed of Recognition but not owned by claimant groups;
- properties in which the claimant group, or an iwi, hapū or whānau entity associated or affiliated with the claimant group, no longer retains a legal freehold interest;
- properties leased by the claimant group to an unrelated entity for a term which, including renewals, is or could be more than 35 years; and
- properties transferred to a company in which the claimant group has a minority interest.

### **Trenching**

Excavating trenches for services including gas, electricity, water, and drainage and transport equipment.

## **U**

### **Underwater blasting**

Blasting undertaken underwater in the coastal marine area for construction, demolition, dredging or other purposes.

### **Underwater explosives training**

Activities undertaken for defence purposes in accordance with the Defence Act 1990 that involve the release of explosives by divers.

### **Unenclosed substations**

A substation incorporating an uncovered equipment yard or other elements not fully enclosed within a roofed building or structure.

### **Unformed road**

Land that was legally established as a road prior to 1996 but which is not formed or maintained by Auckland Transport as a public road.

**Uniformity ratio**

The ratio of the minimum illuminance to the average illuminance.

**Unit**

A defined part of a building under different ownership, including apartments and separate leased areas within a building.

**Universal access**

The provision of buildings that are accessible and usable to the greatest extent possible by people of all ages and abilities.

**Unusual organism**

Organism that regular marine users of specific areas have not previously seen or are not familiar with.

**Urban area**

Land zoned residential or business, together with adjoining special purpose and open space zones.

**Urupā**

Māori burial ground.

Includes:

- closed Māori burial grounds; and
- open Māori burial grounds.

**V**

**Vegetation alteration or removal**

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

Includes:

- roots; and
- crown pruning.

Excludes:

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

**Vehicle crossing**

Facility for vehicle access between a road carriageway and a site boundary.

**Vertebrate toxic agent**

Substance used to eradicate, modify or control vertebrate animals.

**Vessel**

Boat or craft used in navigation in or on the water, with or without propulsion.

Includes:

- barges, lighters, or similar vessels;
- hovercraft or similar craft;
- submarines or other submersibles; and
- houseboats.

**Veterinary clinic**

Facility used for animal healthcare.

Includes:

- animal hospital treatment.

This definition is nested within the Commerce nesting table.

**Veterinary vaccine**

A biological compound that:

- is used to produce or artificially increase immunity to a particular disease;
- is controlled by the Agricultural Compounds and Veterinary Medicines Act 1997; and
- has been tested and approved as safe to use by a process similar to that conducted for approval and use of medical vaccines.

**Viable genetically modified veterinary vaccine**

A genetically modified veterinary vaccine that could survive or replicate in the environment or be transmitted from the inoculated recipient.

**Vibe**

A quality of a plan that is incapable of being defined.

### **Visitor accommodation**

Facility used for accommodating tourists and short-stay visitors away from their normal place of residence.

Includes:

- backpacker lodges;
- motels and hotels;
- services or amenities such as restaurants, bars, gyms and ancillary retail provided on-site for the exclusive use of people staying in the accommodation and their guests;
- serviced rental accommodation for visitors offered at a daily tariff or with a pricing structure consistent with short stay accommodation; and
- timeshare accommodation.

Excludes:

- boarding houses and hostels;
- letting of dwellings, including for holiday purposes; and
- accommodation on a marae.

This definition is nested within the Residential nesting table.

### **Volatile organic compound**

A hydrocarbon based compound with a vapour pressure greater than 2mm of mercury (0.27 kilopascals) at a temperature of 25°C or having a corresponding volatility under the particular conditions of use, but does not include methane.

## **W**

### **Wāhi tapu**

Sacred ancestral sites and places of significance to iwi, hapū or whānau.

### **Warehousing and storage**

Facilities used for the receipt, storage, handling and distribution of materials, articles or goods destined for a retail outlet, trader or manufacturer.

Includes:

- direct collection of materials; and

- articles or goods by traders.

Excludes:

- retail.

This definition is nested within the Industry nesting table.

### **Washwater**

Water that has been used to wash or clean vehicles, structures, machinery or equipment.

Includes:

- any cleaning chemicals used; and
- any contaminants mobilised by the process.

### **Waste management facility**

Facility used for receiving waste for transfer, treatment, disposal, or temporary storage.

Includes:

- refuse transfer stations; and
- recycling.

Excludes:

- landfills.

This definition is nested within the Industry nesting table.

### **Wastewater**

Liquid (and liquids containing solids) waste from domestic, industrial, commercial premises including (but not limited to) toilet wastes, sullage, trade wastes and gross solids.

### **Wastewater network**

A system of wastewater pipes and associated accessory structures to convey, divert, store, treat, or discharge wastewater.

### **Water intake structure**

A structure located in or adjacent to a surface water body for the purpose of taking water. Water intake structures are typically located on or above the bed of a river or lake and comprise an open pipe, a screen and anchoring which may secure the intake in a fixed position or allow it to move in response to changing water levels. Alternative

designs, such as infiltration galleries, provide for water to be diverted to and taken from a location adjacent to the water body.

A water intake structure does not include a culvert or pipe or other similar structure whose principal purpose is to allow the passage of water along a river bed.

### **Water take**

The activity of removing water from a water body (including rivers, streams, lakes, wetlands, water impounded by dams and aquifers), by pumping and/or gravity, typically for consumptive use, but also including groundwater de-watering and groundwater removal as part of land drainage. Take does not include the removal of water from a water body where that removal is by a discharge (for example, where water is discharged over a dam spillway).

### **Wave attenuation device**

Device to reduce wave height and dissipate wave energy.

Includes:

- rubble breakwaters;
- floating breakwaters; and
- groynes.

### **Wholesaler**

A business engaged in the storage and distribution of goods to businesses (including retail activities) and institutional customers. Sales to the public are an accessory activity.

### **Workers' accommodation**

A dwelling for people whose duties require them to live on-site, and in the rural zones for people who work on the site or surrounding rural area.

Includes:

- accommodation for rangers;
- artists in residence;
- farm managers and workers; and
- staff.

### **Works within the protected root zone**

Carrying out work within the protected root zone.

Includes:

- excavation;
- depositing of materials;
- construction activity;
- installation of services;
- discharge or dispersal of any toxic substance;
- placement of any weed control membrane; and
- storage of vehicles, machinery, or materials.

## Y

### **Yard**

The part of a site that must be kept clear and unobstructed by buildings from the ground upwards. Yards are always measured in a horizontal plane and at right angles to the site boundary or other line that substitutes for the site boundary. A yard control is always a minimum dimension unless otherwise stated.

Excludes:

- eaves of any building and any roof, gutter or downpipe that projects over any yard by not more than 750mm;
- fire escapes required under the Building Act 2004; and
- any crop supports structures, artificial crop protection structures, hedges, or shelter belts.

See also: Front yard, Side yard, Rear yard, Lakeside yard and Riparian yard.

## 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.

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
Network utilities and electricity generation – All zones and roads	<a href="#">E26.2 Network utilities and electricity generation – All zones and roads</a>	3
<a href="#">D9 Significant Ecological Areas Overlay</a>  <a href="#">E15 Vegetation management and biodiversity</a>	<a href="#">E26.3 Network utilities and electricity generation – Vegetation management</a>	32
<a href="#">D13 Notable Trees Overlay</a>  <a href="#">E16 Trees in open space zones</a>  <a href="#">E17 Trees in roads</a>	<a href="#">E26.4 Network utilities and electricity generation – Trees in roads and open space zones and the Notable Trees Overlay</a>	43
<a href="#">E11 Land disturbance – Regional</a>  <a href="#">E12 Land disturbance – District</a>	<a href="#">E26.5 Network utilities and electricity generation – Earthworks all zones and roads</a>  <a href="#">E26.6 Network utilities and electricity generation – Earthworks overlays except</a>	52  62



	Outstanding Natural Features Overlay  E26.7 Network utilities and electricity Generation – Earthworks Outstanding Natural Features Overlay	76
<a href="#">D17 Historic Heritage Overlay</a>	E26.8 Network utilities and electricity generation – Historic Heritage Overlay	87
<a href="#">D18 Special Character Areas Overlay – Residential and Business</a>	E26.9 Network utilities and electricity generation – Special Character Areas Overlay – Residential and Business	92
<a href="#">D21 Sites and Places of Significance to Mana Whenua Overlay</a>	E26.10 Network utilities and electricity generation – Sites and Places of Significance to Mana Whenua Overlay	97
<a href="#">D14 Volcanic Viewshafts and Height Sensitive Areas Overlay</a>	E26.11 Network utilities and electricity generation – Volcanic Viewshafts and Height Sensitive Areas Overlay	100
<a href="#">D15 Ridgeline Protection Overlay</a>  <a href="#">D16 Local Public Views Overlay</a>  <a href="#">D19 Auckland War Memorial Museum Viewshaft Overlay</a>  <a href="#">D20A Stockade Hill Viewshaft Overlay</a>	E26.12 Network utilities and electricity generation – Auckland War Memorial Museum Viewshaft, Local Public Views, Ridgelines Overlays	105
<a href="#">D10 Outstanding Natural Landscapes Overlay</a>  <a href="#">D11 Outstanding Natural Character and High Natural Character Overlay</a>	E26.13 Network utilities and electricity generation – Outstanding Natural Landscapes Overlay (excluding outstanding natural features) and Outstanding Natural Character and High Natural Character Overlay	111
<a href="#">D10 Outstanding Natural Features Overlay</a>	E26.14 Network utilities and electricity generation – Outstanding Natural Features Overlay (excluding outstanding natural landscapes)	116

### 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.

## **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 with in 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
<b>General</b>							
(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
(A2)	Minor infrastructure upgrading of network utilities	P	P	P	P	P	P
(A3)	Service connections	P	P	P	P	P	P
(A4)	Minor utility structure	P	P	P	P	P	P
(A5)	Electric vehicle charging stations	P	P	P	P	P	P
(A6)	Removal of network utilities and electricity generation facilities	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
(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
(A9)	Pipe and cable bridges for the conveyance of water, wastewater, stormwater, electricity, gas and telecommunications	P	P	P	P	P	P
(A10)	Air quality and meteorological monitoring structures and devices	P	P	P	P	P	P
(A11)	Temporary network utilities operating for less than 12 months	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
(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
(A14)	Network utilities and energy storage inside existing buildings used for network utilities.	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

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(A16)	Network utilities and electricity generation facilities not listed in Table E26.2.3.1 Activity Table	D	D	D	D	D	D	D
<b>Electricity transmission and distribution</b>								
(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#
(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
(A21)	Unenclosed Substations *Business – Heavy Industry Zone	NA	RD#	D	D	D	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
(A25)	Overhead electricity lines greater than 110kV * Business – Heavy Industry Zone	D	D	D	D	D	D	D
<b>Liquid fuels and gas transmission and distribution</b>								
(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	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
<b>Telecommunications</b>								
(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 <sup>2</sup> or 1.2m in diameter for dish antennas	NA	P	P	RD	P	P	P



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	(excludes private television antennas and satellite dishes)							
(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"> <li>• 300mm high and 130mm in diameter</li> <li>• small cell units/antennas that do not exceed a volumetric dimension of 0.25m<sup>3</sup></li> </ul> Omni-directional antennas: <ul style="list-style-type: none"> <li>• 1.6m high;</li> <li>• 650mm horizontal length for dipole antennas; and</li> <li>• Whip or cross rod section of 60mm in diameter</li> </ul>	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
(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
<b>Amateur radio</b>								
(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
<b>Water, wastewater and stormwater structures</b>								
(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

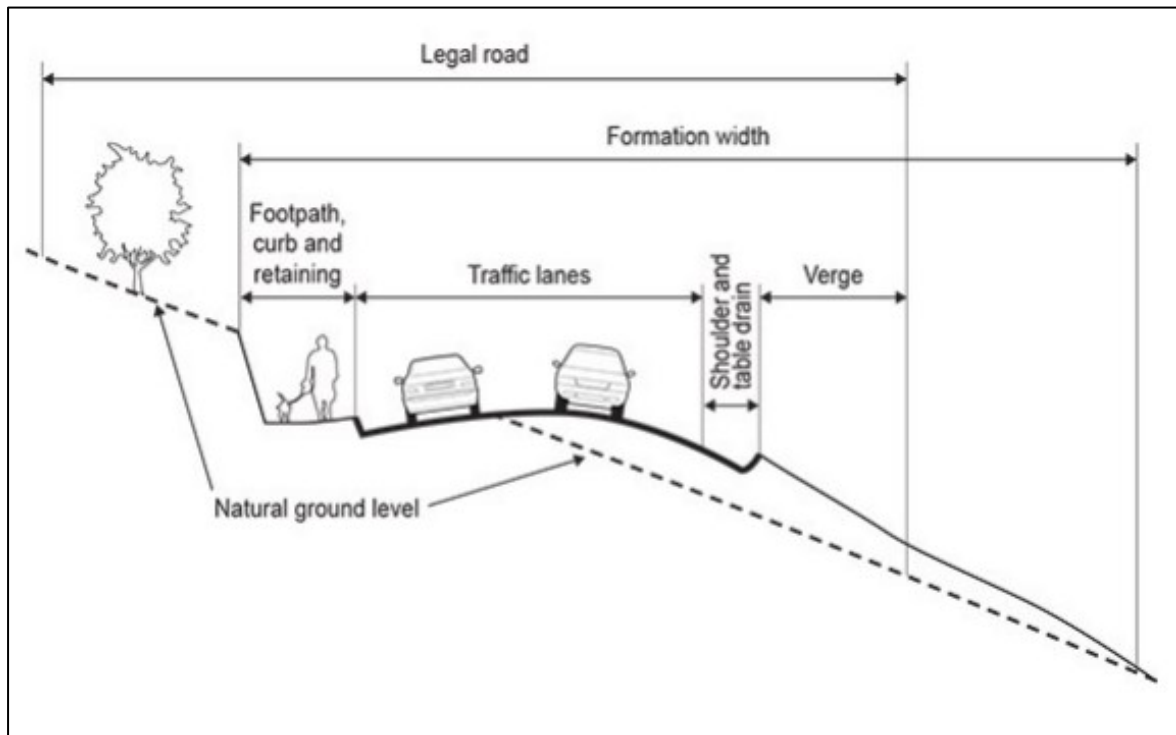
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(A53)	Water treatment plants	D	P	P	RD	P	RD	RD
(A54)	Wastewater treatment plants	D	RD	D	D	RD	D	D
(A55)	Stormwater detention/retention ponds/wetlands	C	C	C	C	C	C	C
(A56)	Water, wastewater and stormwater outfalls and ancillary structures	P	P	P	P	P	P	P
(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
<b>Electricity generation and its storage</b>								
(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#
<b>Infringement of standards</b>								
(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

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 Roading 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(4) 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  $2\text{m}^2$ . This excludes:

(i) *[intentionally blank]*

(ii) telecommunication cabinets permitted under NESTF;

(iii) distribution substations and gas distribution regulator stations provided they do not exceed  $6\text{m}^2$ ;

(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  $10\text{m}^2$ ; and

(v) pole mounted transformers provided the transformer does not exceed  $2\text{m}^3$ .

(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  $1.5\text{m}^2$ ;

(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:

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- (a) the maximum aboveground building area for structures, excluding electricity and telecommunication support structures:
    - (i) in residential zones is 20m<sup>2</sup>;
    - (ii) in all other zones is 30m<sup>2</sup>;
  - (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.
- (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 2m<sup>3</sup>
- (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 LAeq between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and
    - (ii) 40 dB LAeq/75 dB LMax 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 LAeq:
- (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"> <li>• Rural zones;</li> <li>• Coastal – Marina Zone (land) and Coastal – Minor Port Zone (land);</li> <li>• Future Urban Zone;</li> <li>• Special Purpose – Quarry Zone;</li> </ul>	5m

<ul style="list-style-type: none"> <li>• Industrial zones;</li> <li>• Centres zones and Business – Mixed Use Zone (excluding the Business – Local Centre Zone and Business – Neighbourhood Centre Zone);</li> <li>• Business – General Business Zone;</li> <li>• 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</li> <li>• Special Purpose – Tertiary Education Zone</li> </ul>	
<ul style="list-style-type: none"> <li>• Business – Local Centre Zone and Business – Neighbourhood Centre Zone;</li> <li>• Open space zones; and</li> <li>• Special Purpose – Cemetery Zone</li> </ul>	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 <sup>2</sup> or less	6
Greater than 300m <sup>2</sup> and less than 1,000m <sup>2</sup>	8
1,000m <sup>2</sup> 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"> <li>• Rural zones;</li> <li>• Industrial zones;</li> <li>• Strategic Transport Corridor Zone;</li> <li>• Centres zones and Business - Mixed Use Zone (excluding the Business – Local Centre Zone and Business – Neighbourhood Centre Zone);</li> <li>• Special Purpose – Airport Zone;</li> <li>• Special Purpose – Major Recreation Facility Zone;</li> <li>• Special Purpose – Healthcare Facility and Hospital Zone;</li> <li>• Business – Business Park Zone;</li> <li>• Business – General Business Zone;</li> <li>• Coastal – Minor Port Zone (land);</li> <li>• Future Urban Zone;</li> <li>• Coastal – Marina Zone (land); and</li> <li>• Special Purpose – Quarry Zone</li> </ul>	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 1.5m<sup>2</sup>; 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]
<b>Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and minor infrastructure upgrading</b>							
(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 20m<sup>2</sup> of vegetation within a significant ecological area.
- (4) Must not result in the removal of more than 50m<sup>2</sup> 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 50m<sup>2</sup> 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 20m<sup>2</sup> 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 500m<sup>2</sup> 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 250m<sup>2</sup> 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 20m<sup>2</sup> 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 10m<sup>2</sup> 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 50m<sup>2</sup> 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 50m<sup>2</sup> of vegetation within an overlay.
- (3) Must not result in the removal of more than 20m<sup>2</sup> 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 250m<sup>2</sup> 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]
<b>Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and, minor infrastructure upgrading</b>				
(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 *of any tree less than 4m in height and less than 400mm in girth	P	P*	NA

(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(4) 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 1m<sup>2</sup>;

(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 1m<sup>2</sup>.
- (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 <sup>2</sup> other than for maintenance, repair, renewal, minor infrastructure upgrading	P	P	P	P	P	P	P
(A96)	Earthworks up to 2500m <sup>3</sup> other than for maintenance, repair, renewal, minor infrastructure upgrading	P	P	P	P	P	P	P
(A97)	Earthworks greater than 2500m <sup>2</sup> other than for maintenance, repair,	RD	RD	RD	RD	RD	RD	RD

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	renewal, minor infrastructure upgrading							
(A97A)	Earthworks greater than 2500m <sup>3</sup> 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 <a href="#">Table E12.4.1 Activity table – all zones and roads</a>						
<b>Earthworks - Lava caves, fossils and sub-fossils</b>								
(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 <sup>2</sup> where land has a slope less than 10 degrees outside the Sediment Control Protection Area <sup>1</sup> other than for maintenance, repair, renewal, minor infrastructure upgrading	P	P	P	P	P	P	P
(A102)	Greater than 10,000m <sup>2</sup> up to 50,000m <sup>2</sup> where land has a slope less than 10 degrees outside the Sediment Control Protection Area <sup>1</sup> other than for maintenance, repair, renewal, minor infrastructure upgrading	C	C	C	C	C	C	C
(A103)	Greater than 50,000m <sup>2</sup> 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 <sup>1</sup> other than for maintenance, repair, renewal, minor infrastructure upgrading							
(A104)	Up to 2,500m <sup>2</sup> 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	
(A105)	Up to 2,500m <sup>2</sup> within the Sediment Control Protection Area <sup>1</sup> other than for maintenance, repair, renewal, minor infrastructure upgrading	P	P	P	P	P	P	
(A106)	Greater than 2,500m <sup>2</sup> 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	
(A107)	Greater than 2,500m <sup>2</sup> within the Sediment Control Protection Area <sup>1</sup> other than for maintenance, repair, renewal, minor infrastructure upgrading	RD	RD	RD	RD	RD	RD	
(A108)	General earthworks not otherwise listed in this table	Refer <a href="#">Table E11.4.1 Activity table – all zones and roads</a> [rp]						
(A109)	Activities ancillary to erosion and sediment control	Refer <a href="#">Table E11.4.2 Activity table all zones and roads – diversion, damming and discharge of treated sediment laden water</a> [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(4) 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 5m<sup>2</sup> or 5m<sup>3</sup>; for general earthworks;
  - (c) less than 10m<sup>2</sup> or 5m<sup>3</sup> 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 10m<sup>3</sup> 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 Charact er [dp]
(A110) Earthworks for maintenance, renewal	P	P	P	P	P	P	P

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	and repair of network utilities and electricity generation activities  RD* where archaeological controls apply as listed in <a href="#">Schedule 14</a>					RD*		
(A111)	Earthworks for service connections  P* where identified as a site exception in <a href="#">Schedule 12</a>  RD* where archaeological controls apply as listed in <a href="#">Schedule 14</a>	P	P	P	P	P RD*	D 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 <a href="#">Schedule 14</a>	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 <a href="#">Schedule 14</a>	P	RD P*	P	P	P RD*	P	P*
(A114)	Earthworks for minor upgrading of road network activities within the legal road or the formation width of the road  RD* where archaeological controls apply as listed in <a href="#">Schedule 14.1</a>	P	P	P	P	P RD*	P	P
(A115)	Earthworks for network utilities and	RD	RD	RD	RD	RD	RD	RD

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

#### 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 10m<sup>2</sup> and 5m<sup>3</sup>
- (3) Earthworks for the minor upgrading of road network activities that exceed 10m<sup>2</sup> or 5m<sup>3</sup> 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 10m<sup>2</sup> and 5m<sup>3</sup>
- (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 10m<sup>2</sup> and 5m<sup>3</sup>
- (16) Earthworks for the minor upgrading of road network activities that exceed 10m<sup>2</sup> and 5m<sup>3</sup> 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 5m<sup>2</sup> or 5m<sup>3</sup>; for general earthworks;
  - (c) less than 10m<sup>2</sup> or 5m<sup>3</sup> 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 10m<sup>3</sup> 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 <a href="#">Table D10.4.1</a> 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* within the legal road or the formation width of the road	P	P	RD P*	RD P*	RD	RD	RD	RD	RD	RD
(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	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD

	provided for										
(A117)	Land disturbance not otherwise listed in this table	Refer <a href="#">Table E12.4.3 Activity table Outstanding Natural Features Overlay</a>									

#### 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.

*Resumption 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 10m<sup>2</sup> and 5m<sup>3</sup>.
- (3) Earthworks for the minor upgrading of road network activities that exceed 10m<sup>2</sup> or 5m<sup>3</sup> 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 5m<sup>2</sup> or 5m<sup>3</sup>; for general earthworks;
  - (c) less than 10m<sup>2</sup> or 5m<sup>3</sup> 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 10m<sup>3</sup> 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
<b>Network utilities and electricity generation facilities</b>		
(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 0.5m<sup>2</sup>; 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**

<b>Activity</b>		<b>Special Character Areas Overlay - Residential Activity status</b>	<b>Special Character Areas Overlay - Business Activity status</b>
<b>Network utilities and electricity generation facilities</b>			
(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

#### **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
<b>Network utilities and electricity generation facilities</b>		
(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 <a href="#">Schedule 12 Sites and Places of Significance to Mana Whenua Schedule</a>	RD
(A151)	Network utilities and electricity generation facilities not otherwise provided for where the site is not identified as a site exception in <a href="#">Schedule 12 Sites and Places of Significance to Mana Whenua Schedule</a>	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:

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- (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
<b>Network utilities and electricity generation activities that intrude into a scheduled viewshaft</b>				
(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 0.5m<sup>2</sup>
- (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.

## 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 aerials	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 0.5m<sup>2</sup>; 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
(A181)	Buildings and structures for network utilities and electricity	P	P	P

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	generation facilities			
(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 50m<sup>2</sup> in high natural character and outstanding natural landscapes and 25m<sup>2</sup> 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.

## **F2. Coastal – General Coastal Marine Zone**

### **F2.1. Zone description**

The Coastal – General Coastal Marine Zone comprises the majority of the coastal marine area. It comprises the coastal marine area that is outside of the following zones:

Coastal – Marina Zone;

Coastal – Mooring Zone;

Coastal – Minor Port Zone;

Coastal – Ferry Terminal Zone; and

Coastal – Defence Zone.

Notwithstanding the spatial extent of the Coastal – General Coastal Marine Zone, its objectives, policies and rules apply to all coastal zones and coastal precincts unless otherwise provided for in the specific zone or precinct. If an overlay applies to the area where an activity is proposed, the provisions of the overlay will also apply, including any overlay rule that applies to the activity.

The purpose of the Coastal – General Coastal Marine Zone is to provide for use and development in the coastal marine area, in particular those forms of use and development that have a functional or operational need to be undertaken or located in the coastal marine area, while:

- enabling people and communities to provide for their social and economic well-being, through the appropriate use and development of the coastal marine area;
- enabling the construction, operation, maintenance and upgrading of infrastructure within the coastal marine area (that cannot be practicably located on land) where it has a functional or operational need;
- protecting natural character, landscape values and natural features;
- maintaining and enhancing water quality and the life-supporting capacity of the marine environment;
- protecting significant ecological values;
- protecting historic heritage values;
- recognising and providing for Mana Whenua values in accordance with tikanga Māori;
- maintaining and enhancing public access, open space, recreational use, amenity values, and access to and along the coastal marine area;
- not increasing the risk of subdivision, use and development being adversely affected by coastal hazards; and
- managing conflicts between activities within the coastal marine area.

Some parts of the Coastal – General Coastal Marine Zone have particular significant use or values that are mapped in overlays or precincts. Some overlays cross both land and

sea areas. The overlays that apply below mean high water springs and to parts of the Coastal – General Coastal Marine Zone are:

- [D10 Outstanding Natural Features and Outstanding Natural Landscapes Overlay](#);
- [D11 Outstanding Natural Character and High Natural Character Overlay](#);
- [D14 Volcanic Viewshafts and Height Sensitive Areas Overlay](#);
- [D9 Significant Ecological Areas Overlay](#);
- [D17 Historic Heritage Overlay](#);
- [D21 Sites and Places of Significance to Mana Whenua Overlay](#); and
- [D26 National Grid Corridor Overlay](#).

Activities in the coastal marine area also need to comply with the Auckland Council Navigation Safety Bylaw 2014 and the Resource Management (Marine Pollution) Regulations 1998, or any review of them. Some activities such as moorings require a permit from the Council's harbourmaster's office. Other Council bylaws control activities on beaches, such as dogs, vehicles and temporary events.

Any sensitive material that is discovered during activities in the coastal marine area must comply with the accidental discovery rule in F2.21.1.4, unless it is expressly provided for by a resource consent or other statutory authority. Sensitive material includes human remains and kōiwi, archaeological sites, Māori cultural artefacts, protected New Zealand objects (including fossils or sub-fossils), shipwrecks or other items that may contain oil, lava caves, and unknown material on or under the foreshore or seabed such as munitions, submarine cables and pipelines.

The Plan has identified significant marine communities and habitats in the D9 Significant Ecological Areas Overlay. The coastal marine area has not been comprehensively surveyed for the purpose of identifying these. The [D9 Significant Ecological Areas Overlay](#) under-represents the significant marine communities and habitats present in the sub-tidal areas of the region. Additionally, in larger coastal marine areas with ecological significance, such as the Hauraki Gulf, or the Kaipara and Manukau harbours, it is difficult to map ecological values because of their scale and the highly mobile habits of marine fauna. A precautionary approach is therefore required to manage effects in the coastal environment. The criteria in [Schedule 4 Significant Ecological Areas - Marine Schedule](#) will be of use in determining whether a previously unidentified area has significant ecological value. The New Zealand Coastal Policy Statement will also be relevant in that regard, particularly Policy 11.

## **F2.2. Drainage, reclamation and declamation**

### **F2.2.1. Background**

Large areas of Auckland's coast have been reclaimed and/or drained in the past. This has enabled a range of activities including the development of the port and airport, provision of land areas adjacent to marinas, construction of roads and creation of farmland.



Reclamation and drainage in the coastal marine area may sometimes be necessary to enable activities that have a functional or operational need to locate on the coast and to provide for infrastructure, marine related activities and social benefits such as maintaining or enhancing public access. However reclamation and drainage can have significant and often irreversible adverse effects on natural character, coastal processes, habitats and ecosystems, Mana Whenua values and public access.

Declamation of land can have adverse effects on natural character, water quality, ecological values and coastal processes. The adverse effects from declamation, if undertaken in an appropriate location and at an appropriate scale, may be offset by the enhanced public access and social and economic opportunities provided by extending water access.

#### **F2.2.2. Objectives [rcp]**

- (1) The adverse environmental effects of reclamation, drainage or declamation on the coastal marine area are avoided, remedied, or mitigated.
- (2) The natural character, ecological values and natural coastal processes of the coastal marine area are not adversely affected by inappropriate reclamation, drainage or declamation.
- (3) Public access, amenity and Mana Whenua values are not adversely affected by inappropriate reclamation, drainage or declamation.

#### **F2.2.3. Policies [rcp]**

- (1) Avoid reclamation and drainage in the coastal marine area except where all of the following apply:
  - (a) the reclamation will provide significant regional or national benefit;
  - (b) there are no practicable alternative ways of providing for the activity, including locating it on land outside the coastal marine area;
  - (c) efficient use will be made of the coastal marine area by using the minimum area necessary to provide for the proposed use, or to enable drainage.
- (2) Where reclamation or drainage is proposed that affects an overlay, manage effects in accordance with the overlay policies.
- (3) Provide for reclamation and works that are necessary to carry out any of the following:
  - (a) maintain or repair a reclamation;
  - (b) enable the repair and upgrade of existing reclamations and seawalls, by way of minor reclamation;
  - (c) carry out rehabilitation or remedial works;
  - (d) maintain or enhance public access or linkages with public open space to, within or adjacent to the coastal marine area;

- (e) enable the construction and/or efficient operation of infrastructure, including but not limited to, ports, airports, roads, pipelines, electricity transmission, railways, ferry terminals, and electricity generation; or
  - (f) create or enhance habitat for indigenous species where degraded areas of the coastal environment require restoration or rehabilitation.
- (4) Enable lawfully established drainage channels to continue to manage their risk of flooding or coastal inundation.
  - (5) Require proposals for reclamation to mitigate effects through the form and design of reclamation as far as practicable, taking into account the following:
    - (a) the shape of the reclamation, and the extent to which the materials used are visually compatible with the adjoining coast; and
    - (b) the ability to avoid consequential changes to coastal processes, including erosion and accretion.
  - (6) Consider where the adverse effects of drainage or reclamation cannot be completely avoided, remediated or mitigated on site, compensating for those adverse effects by additional or enhanced public access or public facilities or environmental enhancement or restoration.
  - (7) Require the design of reclamations to take into account the potential effects of climate change, including sea level rise, over 100 years.
  - (8) Maintain and where possible enhance public access to and along the coastal marine area to the extent practicable in providing for reclamation, declamation and drainage, having regard to all of the following:
    - (a) the purpose and proposed use of the area;
    - (b) whether a restriction on public access is necessary for public health, safety or operational reasons; and
    - (c) the ability to remedy or mitigate any loss of public access.
  - (9) Require an esplanade reserve or strip to be included on reclaimed or drained areas of the coastal marine area, unless a restriction on public access is provided for under B8.4.2(3) in B8.4 Public access and open space.
  - (10) Enable the beneficial use of dredged material in reclamations, including where stabilised with cement.
  - (11) Avoid using contaminated materials in reclamation, unless any contaminants are contained in a way that avoids, remedies or mitigates other adverse effects on water quality, aquatic ecosystems and indigenous biodiversity in the coastal marine area.
  - (12) Assess whether authorising past unlawful reclamation or drainage in the coastal marine area is appropriate having regard to all of the following:
    - (a) the extent of social or economic benefit provided to the public, including whether it is necessary to enable the operation of infrastructure;

- (b) whether there will be more significant adverse effects resulting from the works required to restore the area than from retaining the reclamation or drained area; and
  - (c) the extent to which the removal of the reclamation or reinstatement of the drained area is practicable.
- (13) Enable the declamation of reclaimed land where it would achieve any of the following:
- (a) restore the natural character and resources of the coastal marine area;
  - (b) provide for better public access or greater open water space;
  - (c) provide for the efficient operation of nationally and regionally significant infrastructure; or
  - (d) provide for management of coastal hazards, including managed retreat and erosion management.

### **F2.3. Depositing and disposal of material**

#### **F2.3.1. Background**

The depositing and disposal of material in the coastal marine area affects natural character, coastal processes, water quality, sediment quality and the ecology of an area. The type and scale of effects are related to the following:

- volume and type of material that is deposited;
- level of contamination of the material;
- method of disposal; and
- characteristics of the receiving environment.

Material can be placed on the foreshore or seabed to dispose of dredge spoil or waste material, or deposited for beneficial use, such as beach replenishment and erosion management.

The disposal of dredge spoil and waste is subject to the Resource Management (Marine Pollution) Regulations 1998.

The Hauraki Gulf Marine Park Act 2000 requires that the Hauraki Gulf is managed to protect, and where appropriate, enhance the life-supporting capacity of the environment of the Gulf. The disposal of material can have significant adverse effects on natural values and should be avoided within the Hauraki Gulf Marine Park.

#### **F2.3.2. Objectives [rcp]**

- (1) Depositing of material in the coastal marine area is undertaken in appropriate locations to provide for public benefit including erosion management or habitat enhancement and the beneficial use of dredged material.
- (2) Areas identified as having significant values are not adversely affected by material being deposited or disposed of in the coastal marine area.

- (3) The adverse effects from the disposal of material, particularly any contaminated material, are minimised, where reasonably practicable, or otherwise avoided, remedied or mitigated.
- (4) The depositing or disposal of material in the coastal marine area must not have significant adverse effects on the ecological, recreational, cultural, and amenity values of the Hauraki Gulf.
- (5) The depositing and disposal of material in the coastal marine area must avoid, remedy or mitigate the spread of harmful aquatic organisms.

### **F2.3.3. Policies [rcp]**

- (1) Provide for depositing of material in the coastal marine area on the foreshore and seabed for beach replenishment where all of the following apply:
  - (a) it is free of waste;
  - (b) it is free from contaminants and harmful aquatic organisms as far as practicable;
  - (c) the material has similar physical characteristics to the sediment at the location it will be deposited;
  - (d) it will have environmental, scientific, cultural, amenity or social benefits, or is for erosion management;
  - (e) the adverse environmental effects of depositing the material can be avoided, remedied or mitigated; and
  - (f) the methods used will include appropriate sediment retention methods to retain the material within the coastal cell in which it is placed. Such methods can include coarser sediment, combined with planting or repeated sand transfer.
- (2) Provide for the disposal of contaminated material in an approved reclamation where any contaminants are contained in a way that avoids, remedies or mitigates adverse effects on water quality, aquatic ecosystems and indigenous biodiversity in the coastal marine area.
- (3) Avoid the disposal of material in the Hauraki Gulf Marine Park other than where it is part of:
  - (a) an approved reclamation;
  - (b) a rehabilitation or restoration programme in degraded areas of the coastal marine area; or
  - (c) provided for in accordance with section 15B of the Resource Management Act 1991 or Part 3 of the Resource Management (Marine Pollution) Regulations 1998.
- (4) Avoid the disposal of material in the coastal marine area where it will have significant adverse effects on any of the following:

- (a) sites scheduled in the [D17 Historic Heritage Overlay](#) or scheduled in the [D21 Sites and Places of Significance to Mana Whenua Overlay](#); or
  - (b) significant surf breaks identified in [Appendix 4 Surf breaks](#).
- (5) Avoid the disposal of material where it will have adverse effects on significant navigation channels.
- (6) Avoid the disposal of solid inorganic waste or other matter, such as vessels, or structures in the coastal marine area, unless any of the following applies:
- (a) it is for environmental, scientific, cultural, amenity or social benefits and the adverse effects associated with the disposal can be avoided as far as practicable, or remedied or mitigated;
  - (b) there is no practicable alternative method for removal of the vessel, platform or structure from the coastal marine area and its subsequent disposal onto land;
  - (c) there will be less environmental effect from disposing of the vessel, platform or structure in the coastal marine area than on land;
  - (d) the proposed disposal area will not interfere with or adversely affect other users of the coastal marine area; or
  - (e) the disposal is part of an approved reclamation.
- (7) Avoid significant adverse effects from the disposal of material, other than the disposal of material in approved reclamations and determine the appropriateness of proposals by taking into account all of the following:
- (a) the volume of material;
  - (b) the degree of contamination and resulting effects on water quality, sediment quality and ecology;
  - (c) the presence of harmful aquatic organisms in the material to be disposed of and the risk of introducing these into areas where they are not present;
  - (d) the sensitivity of the receiving environment, with particular reference to natural character and ecological values;
  - (e) the public use of the area;
  - (f) the characteristics of the disposal area, with particular reference to the potential for contaminants to be released from the area, and the potential for re-suspension of the material;
  - (g) the disposal technique, and for dredged material, the water content or solidity of the material at the time of disposal;
  - (h) available alternative disposal techniques, including stabilisation, use as mudcrete, or disposing of the material on land; and
  - (i) the other matters contained in Schedule 3 of the Resource Management (Marine Pollution) Regulations 1998.

- (8) Avoid the disposal of significantly contaminated material in the coastal marine area that is not undertaken as part of an approved reclamation, unless, after undertaking an assessment of waste management options described in Part 1, Schedule 3 of the Resource Management (Marine Pollution) Regulations 1998, it can demonstrate all of the following:
- (a) there are no practicable alternative disposal methods or areas; and
  - (b) the contaminants can be satisfactorily contained within the disposal area, or if it is a dispersive environment, that the adverse effects associated with the release of contaminants will not be significant.
- (9) Require the disposal of material to be undertaken in an area that will minimise the spread or loss of sediment and other contaminants to the surrounding seabed and coastal waters, or demonstrate that the site is the best practicable option given the type of material to be disposed of.
- (10) Require proposals to dispose of material in a dispersive environment to ensure that the adverse effects associated with the release and spread of contaminants and sediment can be avoided, remedied or mitigated.
- (11) Require any disposal of material to be undertaken at a location and time that will avoid, remedy or mitigate adverse effects on all of the following:
- (a) the ecological function of the area, such as the growth and reproduction of marine and coastal fauna and flora, including feeding and spawning habitats and migratory pathways;
  - (b) other established activities, including recreational and commercial use; and
  - (c) water quality, including any contributing factors which may lead to or promote algal blooms.

## **F2.4. Dredging**

### **F2.4.1. Background**

Dredging may be necessary to enable the ongoing use of areas by existing activities, for example to maintain adequate water depth in navigation channels and around structures to enable the ongoing safe vessel movement and access for port or marina activities. Dredging may also be necessary to:

- enable the development of new activities such as ports, marinas, wharves and jetties, and to clear, cut or realign stream and river mouths;
- provide for the operation of land drainage, stormwater systems and other infrastructure; or
- maintain or restore areas for recreational and commercial use and navigation, including through the removal of Pacific oyster reefs.

Dredging, and the disposal of dredged material, can have adverse environmental effects, particularly on water quality, and these need to be minimised. New development that requires water access should be located in areas that will minimise

the need for dredging or channel clearance to maintain adequate water depth, both for the initial development and in the ongoing use of the facility.

**F2.4.2. Objectives [rcp]**

- (1) The adverse environmental effects on the coastal marine area from dredging are avoided, remedied, or mitigated.
- (2) Adequate water depth is provided and maintained, particularly in navigation channels, around structures, and marinas, to ensure safe and efficient navigation, use and operation of activities in the coastal marine area.
- (3) The safe and efficient operation of infrastructure and marinas are enabled, through undertaking dredging where necessary.
- (4) The risk of flooding or erosion, including from channels, river mouths or drainage systems, is minimised.

**F2.4.3. Policies [rcp]**

- (1) Enable dredging to provide for the ongoing safe and efficient use of navigational channels, the Coastal – Minor Port Zone, the Coastal – Defence Zone, the Coastal – Ferry Terminal Zone and the Coastal – Marina Zone, the City Centre waterfront precincts and infrastructure.
- (2) Enable dredging to be undertaken to minimise the risk of flooding and erosion, including dredging that is necessary for:
  - (a) clearing, cutting or realigning stream or river mouths or watercourses for drainage purposes;
  - (b) clearing the exit of any lawful stormwater outfall or pipe and surrounds;
  - (c) maintaining efficient water flow to reduce the risk of flooding and erosion; and
  - (d) maintaining structures and removing hazards to recreational and commercial users.
- (3) Manage dredging outside the Port Precinct, the Central Wharves Precinct and the Waitemata Navigation Channel Precinct so that it will to be undertaken at times of the day or year that will:
  - (a) avoid as far as practicable, remedy or mitigate, adverse effects on marine mammals, bird roosting, nesting and feeding; and
  - (b) minimise adverse effects on recreational and commercial users of the coastal marine area.
- (4) Manage dredging activities so that they do not:
  - (a) cause or exacerbate erosion within the coastal marine area or on adjacent land;
  - (b) cause damage to any existing lawful structures;

- (c) result in the permanent loss of any habitat of a rare or endangered species;
  - (d) result in adverse effects on significant surf breaks identified in [Appendix 4 Surf breaks](#);
  - (e) result in significant adverse effects on sites scheduled in the [D17 Historic Heritage Overlay](#) or/and scheduled in the [D21 Sites and Places of Significance to Mana Whenua Overlay](#); and
  - (f) result in any seabed disturbance and resulting turbidity other than that which is localised and limited in duration.
- (5) Require best practicable methods and procedures to be used for the dredging of contaminated sediments, and for sediment or contaminant mobilisation and dispersal to be minimised.
- (6) Require the development or redevelopment of marinas, wharves, piers and berths, outside of the Coastal – Minor Port Zone, the Coastal – Defence Zone, the Coastal – Ferry Terminal Zone, the Coastal – Marina Zone and the City Centre waterfront precincts, to be designed and located to minimise the need for dredging including by assessing whether there are reasonable practicable alternatives to provide for a use or activity which would avoid or reduce the need for dredging.

## **F2.5. Disturbance of the foreshore and seabed**

### **F2.5.1. Background**

Activities and works can have adverse effects on the foreshore and seabed, such as:

- compaction or ‘cutting up’ of the foreshore or seabed;
- sediment disturbance including drilling, piling, tunnelling, or the construction, maintenance or removal of structures, can have discharges and impacts on water quality, habitat, flora and fauna;
- loss of vegetation;
- displaced material from excavation and piling;
- equipment and material being deposited in the coastal marine area;
- disturbance, destruction or demolition of historic heritage; or
- the mauri of the coast.

Visual, natural character and amenity values can also be adversely affected.

The extent of effects vary depending on the nature of the foreshore and seabed. Soft muddy shores are more likely to be significantly impacted than sandy or harder substrate areas. The extent of vegetation and the ecological values of an area will also influence the significance of effects from disturbance.



A number of activities, including recreation and general use of the coastal marine area, result in some minor and short-term disturbance of the foreshore and seabed that is usually restored by natural tide and wave action. Construction or installation works associated with structures may also only result in a minor level of disturbance that will result in only short-term effects.

**F2.5.2. Objectives [rcp]**

- (1) Use and development in the coastal marine area that has only short-term and minor impacts on the foreshore and seabed is enabled.
- (2) Activities that have long-term impacts or involve more than a minor level of disturbance avoid, remedy or mitigate adverse effects on natural character, ecological values, coastal processes, historic heritage and Mana Whenua values.

**F2.5.3. Policies [rcp]**

- (1) Enable use and development in the coastal marine area that results in a minor level of disturbance to the foreshore and seabed, or that can be remedied by wave and tidal processes.
- (2) Provide for the disturbance of the foreshore and seabed outside areas identified as having significant values, for the purposes of the following:
  - (a) existing or new infrastructure or drainage systems or where the disturbance is in an appropriate location;
  - (b) the operation, maintenance, repair, reconstruction and use of existing lawful structures, or infrastructure;
  - (c) the safe and efficient functioning of drainage systems;
  - (d) public health and safety; or
  - (e) the normal operation of vessels.
- (3) Provide for the disturbance of the foreshore or seabed that is necessary to protect, maintain or enhance historic heritage or Mana Whenua values, geological, ecological or habitat values, or for public access or research, where this is consistent with maintaining the values of the area.
- (4) Limit the area of foreshore and seabed disturbance to the extent practicable and for the works to be done at a time of day or year, that will avoid, remedy or mitigate adverse effects on all of the following:
  - (a) the feeding, spawning and migratory patterns of marine and coastal fauna, including bird roosting, nesting and feeding;
  - (b) stability of coastal features such as dunes and coastal vegetation;
  - (c) public access, recreational and commercial use of the coastal marine area;
  - (d) other established activities;

- (e) traditional gathering, collection or harvest of kaimoana by Mana Whenua;  
and
  - (f) historic heritage and Mana Whenua values.
- (5) Require activities or works to be done by methods, at times and in conditions that will avoid, remedy or mitigate adverse effects arising from the release of sediment and contaminants into coastal water.
- (6) Avoid disturbance of the foreshore and seabed that will result in the following:
- (a) significant changes to natural coastal processes that will have adverse effects on surf breaks identified in [Appendix 4 Surf breaks](#); and
  - (b) cause or exacerbate coastal erosion.
- (7) Require where practicable visible disturbance of the foreshore or seabed to be remedied or restored upon completion of works to be in keeping with the natural character and visual amenity of the area that has been disturbed.

## **F2.6. Mineral extraction**

### **F2.6.1. Background**

Growth and development in Auckland create significant demand for minerals, sand, shingle, shell and other natural material from the coastal marine area. Whether it is for steel or glass production, construction materials, or beach replenishment, these resources can benefit the regional community and economy.

Extraction is currently undertaken to remove sand and shell from subtidal areas, offshore from Pakiri on the east coast, and at Taporā in the Kaipara Harbour on the west coast, and from the coastal marine area in Auckland. Exploration and extraction for petroleum, while currently limited, may increase in the future. Petroleum exploration involves drilling exploration wells which has a higher potential to result in adverse environmental effects than exploration for other types of minerals.

The exploration, prospecting and mining of minerals, such as black iron sand and petroleum, is controlled by the Crown under the Crown Minerals Act 1991. The Council, under the Resource Management Act 1991, has the responsibility of managing the environmental effects of any mining activity.

The effects associated with mineral exploration and extraction from the coastal marine area depends on the location, techniques used, the characteristics of the resource and sensitivity of the environment. For this reason, a precautionary approach is proposed, recognising that the potential adverse effects on the physical coastal system can be uncertain, and that it is difficult in many cases to determine an accurate sediment budget.

### **F2.6.2. Objective [rcp]**

- (1) The extraction of minerals, sand, shingle, shell, petroleum, and other natural material occurs in a manner that does not have significant adverse effects on the coastal marine area or near-shore environments.

### **F2.6.3. Policies [rcp]**

- (1) Provide for the extraction of minerals, sand, shingle, shell, and other natural material from appropriate areas, having regard to the values of the area and the natural rate of sediment being deposited over sediment lost from the area where extraction is proposed.
- (2) Adopt a precautionary approach to applications for petroleum exploration and for mineral extraction within the coastal marine area, which may include using an adaptive management approach in terms of the following:
  - (a) staging the operation;
  - (b) the location of the activity;
  - (c) the maximum volume of minerals, sand, shingle, shell and other natural material to be extracted;
  - (d) the term of consent; or
  - (e) environmental monitoring.
- (3) Require applications for petroleum exploration or for mineral extraction to identify the significant adverse effects, and the extent to which they can be avoided, remedied or mitigated, for all of the following:
  - (a) marine and coastal vegetation;
  - (b) marine and coastal fauna, including feeding, spawning and migratory patterns, bird roosting and nesting, fish and shellfish;
  - (c) water quality, including effects arising from sediment, turbidity or contaminants;
  - (d) habitats of a rare or endangered species;
  - (e) dune stability and coastal erosion;
  - (f) changes to the bathymetry, foreshore contours, sediment particle size or physical coastal processes;
  - (g) the values of significant surf breaks identified in [Appendix 4 Surf breaks](#);
  - (h) recreation and amenity values of the area;
  - (i) established lawful activities in the area; and
  - (j) Mana Whenua values.
- (4) Require applications for petroleum exploration or mineral extraction in the coastal marine area to include measures to manage any adverse effects, including remediation and mitigation measures.

## **F2.7. Vegetation: Mangrove management**

### **F2.7.1. Background**

Mangroves are a native plant species and a valuable part of some coastal ecosystems. They may also perform an important role in trapping sediment and contaminants and in mitigating coastal erosion.

However mangroves and their spread is causing concern to some people and communities, in particular changing the natural character, landscape and amenity values of an area as well as effects on public access, navigation and the ongoing use and function of structures and infrastructure. While the removal of mangroves may be appropriate to address these concerns, this must be weighed with the important ecological and biological values of mangroves.

As the coast is predominantly a public resource, mangrove removal should be for the purpose of maintaining or restoring biodiversity or to provide for public use and benefit, rather than for private property gain or enhancement.

Removal activities may disturb and damage the foreshore and seabed and can have adverse effects on water quality from the release of sediment and contaminants. Removal can also affect ecological values, including effects on native and migratory bird species, particularly during breeding and feeding times. At the same time mangrove spread can reduce wading bird feeding and roosting areas and removal may be appropriate to retain these areas.

As areas have different use and values, and are subject to varying natural processes of wind, wave and tide, the effects of mangrove removal will differ between locations. The most appropriate method for the removal of mangroves and the disposal of removed mangroves will also differ between sites and this can be determined on a case by case basis when applications are received for mangrove removal.

In some circumstances it may be appropriate for mangrove removal to be accompanied by initiatives to address the long-term issue of mangrove spread by reducing the amount of sediment entering the coastal marine area, as sediment that settles in upper estuaries and harbours creates an environment where mangroves can successfully establish and spread.

The long-term maintenance of cleared areas needs to be provided for if they are to remain free of mangroves in the long term. Mangrove seedlings can quickly re-colonise areas if they are not removed on an ongoing basis. Sediment may also move from cleared areas over time and result in mangrove stumps needing to be cut back to the new seabed level to maintain the safe use of cleared areas.

#### **F2.7.2. Objectives [rcp]**

- (1) The ecological value of mangroves is recognised and mangroves are retained in areas where they have significant ecological value.
- (2) Mangroves are retained in areas where they perform an important role in mitigating coastal hazards.
- (3) Restore or maintain natural character and ecological values including significant wading bird areas, public access, navigation, riparian access and amenity values.

- (4) Sediment deposition within the coastal marine area, that facilitates ongoing mangrove colonisation and spread, is reduced.
- (5) Mana Whenua values, mātauranga and tikanga are recognised and reflected in mangrove management.

### **F2.7.3. Policies [rcp]**

- (1) Avoid the removal of mangroves from any of the following:
  - (a) areas having significant ecological or natural character values of which mangroves are an important component, or in other areas where mangroves can provide significant ecological values;
  - (b) areas of active coastal erosion where mangroves have historically provided a buffer against coastal processes causing erosion; or
  - (c) areas where the sediments contain high levels of contaminants at risk of being re-suspended.
- (2) Encourage an assessment of sediment inputs in the area and promote catchment initiatives to reduce sediment and nutrient inputs when mangrove removal activities are proposed.
- (3) Provide for mangrove removal where mangroves have spread and the proposed removal is necessary to maintain, restore or enhance any of the following:
  - (a) natural character, biodiversity and ecological values, including significant wading bird feeding or roosting areas, that existed prior to the spread of the mangroves;
  - (b) public access to or along the coastal marine area;
  - (c) connections with reserves or publicly owned land and the sea;
  - (d) public use and amenity values;
  - (e) water access for vessels and navigation, including waka portage routes;
  - (f) public health and safety, including sightlines and traffic safety;
  - (g) mahinga mātaītai, access to the coast from marae, or to areas of traditional use;
  - (h) scheduled historic heritage places or natural features; or
  - (i) operation and development of infrastructure.
- (4) Require mangrove removal operations to meet all of the following:
  - (a) minimise the disturbance of the foreshore and seabed and to shorebird breeding and feeding, including migratory species;
  - (b) minimise sediment and contaminant discharges;
  - (c) avoid the burning of removed mangroves as the method of disposal in the coastal marine area and require that disposal of removed mangroves

outside the coastal marine area, unless Policy F2.7.3(4)(d) applies (other than for burning);

- (d) provide evidence that the disposal method will not result in more than minor adverse effects on the coastal marine area where landward disposal is not proposed;
- (e) take an adaptive management approach for mangrove removal and disposal where a significant area of removal is proposed and there is uncertainty over the extent of adverse effects; and
- (f) provide for the long-term maintenance of cleared areas.

## **F2.8. Vegetation: removal of exotic species and Pacific oyster shell**

### **F2.8.1. Background**

Exotic or introduced plants, including spartina and seaweeds, can spread rapidly and cause adverse effects on indigenous biodiversity. The removal of exotic species needs to be carefully managed as it is often difficult and the removal process can increase the risk of their spreading.

Pacific oysters are an exotic species that are valued for aquaculture, but that have also spread through large parts of the coast resulting in the displacement of the native oyster and causing significant adverse effects on recreational use and amenity values.

In some areas, including the Manukau Harbour, Pacific oysters have built up into reefs that limit the ability for people to safely use areas for boating, wind-surfing and other activities. The removal of these often substantial reefs will require dredging or other mechanical means.

The accumulation of Pacific oysters and oyster shell along beaches also significantly detracts from their recreational use and amenity value. Community groups around Auckland often undertake Pacific oyster shell removal projects to help restore beaches for recreational use.

### **F2.8.2. Objectives [rcp]**

- (1) Exotic species are not introduced so that indigenous biodiversity, public access and amenity values are restored, enhanced or maintained.
- (2) The adverse effects and risks associated with the removal of exotic species are minimised.
- (3) Recreational use and amenity values of the coast are maintained or enhanced by the removal of Pacific oyster reefs and shells.

### **F2.8.3. Policies [rcp]**

- (1) Allow the removal of exotic plants where all of the following apply:
  - (a) the removal meets the provisions of an approved pest management strategy prepared under the Biosecurity Act 1993;

- (b) removal will have the least adverse environmental effects and a lesser adverse effect than taking no action; and
  - (c) the method of removal and disposal minimises any adverse effects, including the risks of further spread.
- (2) Provide for the removal of Pacific oyster reefs and shell where:
- (a) they are restricting access, navigation, recreational use and detracting from the amenity value of an area;
  - (b) they are affecting public health and safety; or
  - (c) they are having an adverse effect on ecological values; and
  - (d) the removal method minimises adverse effects to the extent practicable;
  - (e) the removal method will have only minor effects on areas identified as a significant ecological value; and
  - (f) appropriate provision is made for the disposal of dredged material or removed shell.

Note 1

Pacific oyster shell removal must also comply with the Fisheries Act 1996. For the removal of Pacific oyster reefs refer to the dredging provisions.

## **F2.9. Vegetation: planting in the coastal marine area**

### **F2.9.1. Background**

The planting of native plants for habitat protection and enhancement or for coastal hazard mitigation can have beneficial effects on the ecology of the coastal marine area. The greatest benefit is achieved from using plants sourced from within, rather than outside, the same ecological district.

The introduction of exotic plants can have adverse effects on the ecology and natural processes of the coastal marine area. Often the potential effects of exotic species are unknown.

### **F2.9.2. Objective [rcp]**

- (1) The distinct natural variations in native plant species that occur between different areas, and biodiversity in the coastal marine area are maintained.

### **F2.9.3. Policies [rcp]**

- (1) Avoid the introduction and use of exotic plant species into the coastal marine area unless the adverse effects are understood and can be avoided or mitigated.
- (2) Avoid the planting, transplanting or introduction of all species of spartina (cord grass) in the coastal marine area.
- (3) Promote the use of native plants sourced from the same ecological district for planting in the coastal marine area unless:

- (a) this is not possible; or
  - (b) any adverse effects, including cumulative effects, on local native plants can be avoided or mitigated.
- (4) Promote planting in the coastal marine area to:
- (a) enhance existing natural character and communities of native plants by using native plants that are consistent with the local native plants species and common to the location; or
  - (b) avoid changes to natural coastal processes, unless the planting is for the purpose of mitigating a coastal hazard.

## **F2.10. Taking, use and damming or diverting of coastal waters**

### **F2.10.1. Background**

While water is an abundant resource in the coastal marine area, adverse environmental effects may result from the taking, use, damming or diverting of large quantities of coastal water. Adverse environmental effects are more likely to occur if these activities are undertaken in more enclosed and sensitive coastal areas such as estuaries, inlets, harbours and embayments. The structures or works associated with these activities may also have adverse environmental effects.

### **F2.10.2. Objective [rcp]**

- (1) The taking, use or diversion of coastal water is enabled while the environmental values of the coastal marine area are protected.

### **F2.10.3. Policies [rcp]**

- (1) Enable the taking or use of coastal water for the normal operational needs of vessels or for fire-fighting purposes.
- (2) Provide for taking, use or diversion of coastal water, or taking or using heat or energy from coastal water, where adverse effects can be avoided, remedied or mitigated on any of the following:
  - (a) the identified natural character of the coastal environment;
  - (b) adjacent land uses; or
  - (c) significant marine habitats or identified outstanding natural features; and
  - (d) where the activity will not:
    - (i) result in the abstraction of significant numbers of marine organisms;
    - (ii) produce significant changes in water levels, current velocity and sediment transport patterns which would increase sedimentation, result in scouring, or change existing dynamic coastal processes;
    - (iii) result in significant adverse effects on water quality; and
    - (iv) produce significant changes in water temperature.



- (3) Avoid damming or impoundment of coastal water unless:
  - (a) it is necessary to enable the construction, operation or maintenance of infrastructure; or
  - (b) it is for habitat protection; and
  - (c) a location on land or other method is not available
- (4) Provide for damming or impoundment of coastal water where Policy F2.10.3(3)(a), (b) or (c) apply, having regard to the following:
  - (a) there is significant public benefit;
  - (b) the positive effects on the environment are sufficient to mitigate the adverse effects; and
  - (c) there are no significant adverse cumulative effects.

## **F2.11. Discharges**

### **F2.11.1. Background**

Good water is fundamental to most activities undertaken in the coastal marine area and underpins the ecological health and life-supporting capacity of the marine environment.

Coastal activities such as food gathering, recreation, tourism and aquaculture rely on water quality being of a safe standard. Amenity values and the intrinsic values of the coast are also influenced by whether there is clean coastal water.

The Plan enables a range of coastal activities that support social and economic well-being but which result in discharges to the coastal marine area. These include marine and port activities, marinas, marine industry, transport, infrastructure, aquaculture and recreational activities.

Sediment, litter, heavy metals, nutrients and other contaminant in discharges to coastal water have a significant effect on ecological values and coastal habitats. Sensitive receiving environments with high recreational or ecological values such as high use beaches, estuaries and harbours are affected by discharges, particularly from urbanised areas. As shown in the Regional Policy Statement, most harbour areas in Auckland have been identified as being degraded through a combination of urban and rural land-use activities and discharges.

The coastal marine area and its resources comprise some of the most important taonga to Mana Whenua. Water quality, which underpins the well-being of the coastal marine area and the ability to use the resources of the coastal marine area, is fundamental to all aspects of Mana Whenua well-being. Tikanga places high value on the concept of manākitanga, the ability to provide an abundance of food to guests as a matter of tribal mana and well-being. Discharges that degrade water quality, deplete marine life, or prevent consumption of kai moana for health reasons, are a fundamental matter of concern for Mana Whenua.

In urban areas a significant number of discharges in to the coastal marine area are from existing wastewater, stormwater, road and combined sewer network

infrastructure. It is inevitable that some of these discharges occur in sensitive marine environments. Significant public expenditure is required to change the location of discharges or mitigate all the environmental effects from discharges. Given this situation, a best practicable option strategic approach, as defined in section 2(1) of the Resource Management Act 1991, has been adopted to prioritise upgrades of infrastructure networks discharging into the coastal marine area and to guide in the assessment of discharge consents.

The Plan includes a range of provisions to manage Auckland's fresh and coastal water quality, including those focused on sediment and land disturbing activities, stormwater, wastewater, industrial and trade processes and other diffuse or point source contaminant discharges. The adverse effects of these activities and discharges are managed through rules on discharges and, in some circumstances, land use activities. While the focus of this chapter is specifically on discharges to the coastal marine area, all of the relevant Plan provisions contribute to the aim of maintaining coastal water quality (including benthic sediment) where it is excellent or good and to progressively improve water quality in degraded areas over time. This approach recognises the coastal marine area is the ultimate receiving environment for many of the contaminants generated on and discharged from land.

The Council will work collaboratively with stakeholders to identify additional coastal water quality indicators and guideline values to complement the existing sediment quality threshold effects levels (for example, those in 'Blueprint for monitoring urban receiving environments, ARC Technical Publication 168 revised edition August 2004' and the 'Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Australian and New Zealand Governments and Australian state and territory governments, Canberra ACT, Australia' (ANZG 2018) as they relate to sediment quality in the coastal marine area). This will help improve the evaluation of different discharge options through the resource consent process. This will be an interim measure as implementation of the National Policy Statement for Freshwater Management 2014 and marine spatial planning is likely to result in additional measures to safeguard the values of coastal receiving environments.

Other discharges into the coastal marine area can occur from construction activities or vessels. Common contaminants discharged include fuel and oil, suspended solids, heavy metals, synthetic and naturally occurring organic compounds, sewage, micro-organisms, and litter.

#### **F2.11.2. Objectives [rcp]**

- (1) Water and sediment quality in the coastal marine area is maintained where it is excellent or good and progressively improved over time in degraded areas.
- (2) The life-supporting capacity and resources of the Hauraki Gulf are protected and, where appropriate, enhanced.
- (3) Stormwater and wastewater networks protect public health and safety by preventing or minimising the adverse effects of contaminants on the coastal water quality.

**F2.11.3. Policies [rcp]**

- (1) Avoid the discharge of contaminants where it will result in significant modification of, or damage to any areas identified as having significant values.
- (2) Require any proposal to discharge contaminants or water into the coastal marine area to adopt the best practicable option to prevent or minimise adverse effects on the environment, having regard to all of the following:
  - (a) whether it is practicable or appropriate to discharge to land above mean high water springs;
  - (b) whether there is a wastewater network in place that should be used;
  - (c) whether the receiving environment has the capacity to assimilate the discharged contaminants after reasonable mixing, particularly within areas identified as degraded or as having significant ecological value;
  - (d) the extent to which present or foreseeable future adverse effects have been avoided, remedied or mitigated on:
    - (i) areas of high recreational use;
    - (ii) relevant initiatives by Mana Whenua established under regulations relating to the conservation or management of fisheries;
    - (iii) the collection of fish and shellfish for consumption; and
    - (iv) areas associated with maintenance dredging;
  - (e) high ecological values;
  - (f) cleaner production methods are used where practicable to minimise the volume and level of contaminants being discharged; and
  - (g) the discharge after reasonable mixing, does not either by itself or in combination with other discharges results in any or all of the following effects:
    - (i) oil or grease films, scums or foams, or floatable or suspended materials;
    - (ii) conspicuous change in the colour or visual clarity;
    - (iii) any emission of objectionable odour;
    - (iv) any significant adverse effects on aquatic life; or
    - (v) any significant effects of aesthetic or amenity values.
- (3) Provide for discharges that are unavoidable but intermittent, where:
  - (a) the discharge occurs infrequently;
  - (b) there are technical and practical difficulties which prevent measures being taken to avoid, remedy or mitigate adverse effects of the discharge; or

- (c) there is an appropriate programme, consistent with the best practicable option approach, in place to prevent or minimise adverse effects within a reasonable timeframe.
- (4) Minimise, to the extent practicable, the discharge of contaminants in areas that require maintenance dredging.
- (5) Encourage source control of contaminants, through the management of land use and discharges, as a method to prevent or minimise contaminant generation and discharge to coastal receiving environments, where source contaminant control devices and methods can practicably be installed and maintained on an ongoing basis.
- (6) Reduce the amount of litter entering coastal waters, and mitigate the effects of litter disposal, by encouraging design, maintenance and management initiatives, for discharge structures, road cleaning and other activities, that will help minimise the amount of litter discharged into the coastal marine area.
- (7) Enable discharges associated with new or redevelopment of infrastructure to meet the economic and social needs of people and communities, taking into account all of the following:
  - (a) the practicability of upgrading the part of the infrastructure at issue, the state of the infrastructure and the costs of upgrading it;
  - (b) public health priorities;
  - (c) the nature of both the receiving environment and the discharge;
  - (d) priorities for flooding and inundation protection;
  - (e) the operational need for stormwater or wastewater infrastructure and associated discharges to be located in the coastal marine area; and
  - (f) Policies [E1.3\(8\) – \(14\), \(17\) – \(21\) of E1 Water quality and integrated management](#);
- (8) Avoid the discharge of wastewater to the coastal marine area, unless:
  - (a) alternative methods, sites and routes for the discharge have been considered and are not the best practicable option;
  - (b) Mana Whenua have been consulted in accordance with tikanga Māori and due weight has been given to section 6, 7 and 8 of the Resource Management Act 1991;
  - (c) the affected community has been consulted regarding the suitability of the treatment and disposal system to address any environmental effects;
  - (d) the extent to which adverse effects have been avoided, remedied or mitigated on areas of:
    - (i) high recreational use, or areas that are used for fishing or shellfish gathering;
    - (ii) maintenance dredging;

- (iii) commercial or residential waterfront development;
  - (iv) high ecological value; and
  - (v) marine farms.
- (9) Require operators of ports, marinas, ferry terminals and other marine facilities to take all practicable steps to prevent contamination of coastal waters, substrate, ecosystems and habitats that is more than minor.
- (10) Require adequate and convenient facilities in ports, marinas, ferry terminals and other marine facilities for the containment, collection and appropriate disposal of:
- (a) sewage, bilge water and litter from vessels;
  - (b) recyclable material including waste oils;
  - (c) residues from vessel servicing, construction, maintenance and repair;
  - (d) spills from refuelling operations and refuelling equipment;
  - (e) spills, residues and debris from cargo operations; and
  - (f) the discharge of stormwater generated from the port facilities, including facilities located above mean high water springs.

## **F2.12. Untreated sewage discharge from vessels**

### **F2.12.1. Background**

Auckland has a high concentration of recreational and boating activities. The direct discharge of untreated sewage into the coastal marine area from vessels reduces water quality. This can have localised adverse effects on amenity values, recreational activities, cultural values, ecology, and marine farming. The effects of discharges from vessels cause most concern during peak summer months and holiday periods, particularly in enclosed bays, harbours and popular anchorages.

The Resource Management (Marine Pollution) Regulations 1998 set limits on where sewage from vessels should not be discharged into the coastal marine area. In Auckland, additional estuaries, bays and harbours have been also been identified as locations where sewage from vessels should not be discharged.

### **F2.12.2. Objectives [rcp]**

- (1) The values of the coastal marine area, and the activities that rely on high water quality, are protected from the adverse effects from the discharge of untreated sewage from vessels, while providing for the health and safety of vessels and their occupants.
- (2) The high recreation and amenity values of the inner Hauraki Gulf are maintained.

### **F2.12.3. Policies [rcp]**

- (1) Avoid the discharge of untreated sewage from vessels within areas that have been identified as inappropriate due to the proximity to shore, marine farms,

marine reserves, or shallow water depth while providing for the health and safety of vessels and their occupants.

- (2) Require provision of sewage collection and disposal facilities for vessels at ports, marinas and other allied facilities, or at the time of significant upgrading of these facilities.
- (3) Promote the installation of public toilet facilities at high use boat ramps and boating destinations, at construction, or during significant upgrades of such facilities.

## **F2.13. Discharges from bio-fouling and vessel maintenance**

### **F2.13.1. Background**

Vessels accumulate biofouling of marine plant and animal organisms on their hulls, which may include harmful aquatic organisms. Many of these organisms can present a risk to native ecology or to marine industry such as aquaculture. The changes to the environment that may result from their introduction and spread can also adversely affect amenity values and recreational activities. Controlling the spread of these organisms, once they are established in an area, is expensive, and total eradication is often impossible.

Vessels arriving from overseas may be carrying organisms that are exotic to New Zealand, whereas vessels from other parts of New Zealand, or even those travelling between different places in Auckland, may further spread exotic species which are already established. These organisms may be discharged into the coastal marine area either by active cleaning of hulls, or by passive discharge due to reproductive processes of the organisms, or by water sheering during vessel movement.

The best way to minimise the risks associated with harmful aquatic organisms is to restrict their introduction into New Zealand, limit their spread (if they are already present) by controlling the movement of fouled vessels, equipment and gear and restrict discharges from cleaning that may include harmful aquatic organisms. The origin of a vessel adds to the risk of the spread of invasive organisms.

Movement controls for the management of biofouling on vessels can be addressed through the Biosecurity Act 1993. It has mechanisms to manage the hull state of vessels arriving from overseas through the Craft Risk Management Standard and between regions through Pest and Pathway Plan provisions in the Act.

The provisions in this Section allow for the removal of microfouling from vessels, but place progressively stricter controls on vessels with higher levels of hull bio-fouling (in accordance with the Australian and New Zealand Anti-fouling and In-water Cleaning Guidelines 2013), which is preventable if vessel maintenance is kept up to date. The provisions in this section relating to biofouling are also stricter for high value areas.

Note 1

The level of fouling is as expressed in the international Level of Fouling, or LOF Scale of 1 - 5; LOF 1 being algal slime microfouling, and LOF 2 - 5 being progressive macrofouling stages.

#### **F2.13.2. Objectives [rcp]**

- (1) The risk of introducing or spreading harmful aquatic organisms from vessel biofouling is minimised.
- (2) The risk of introducing contaminants, including harmful aquatic organisms, from the cleaning of vessels near the shores of Hauraki Gulf Marine Park Islands which have conservation status is minimised.

#### **F2.13.3. Policies [rcp]**

- (1) Raise awareness among the boating community, particularly for vessels arriving from outside New Zealand or Auckland, of the importance of maintaining clean hulls to reduce risk of introducing or spreading harmful aquatic organisms from biofouling on vessel hulls and niche areas, and particularly during boat maintenance activities and from the passive discharge of organisms from macrofouling.
- (2) Manage hull and niche area cleaning and boat maintenance activities of vessels, particularly those that have a high degree of biofouling, to minimise the risk of harmful aquatic organisms being discharged into coastal water.
- (3) Avoid hull cleaning or boat maintenance activities being undertaken on the foreshore and marine area surrounding the Hauraki Gulf conservation islands, to reduce the risk from contaminants, including harmful aquatic organisms, adversely affecting the natural values of these islands.

### **F2.14. Use, development and occupation in the coastal marine area**

#### **F2.14.1. Background**

There is a presumption that public use and access is freely available to much of the coast and the coastal marine area. Use and development needs to be managed to ensure that any exclusion of the public is temporary and short term, unless exclusion is required for public health and safety or operational purposes, or where rights to exclusively occupy part of the coastal marine area are provided for.

The granting of occupation rights apply to those parts of the coastal marine area that form part of the common marine and coastal area, which is defined in the Marine and Coastal Area (Takutai Moana) Act 2011 (section 9(1)). It is defined as the marine and coastal area other than specified freehold land that extends below mean high water springs or any area that is owned by the Crown and has the status of a conservation area, national park, or reserve.

Use and development in the common marine and coastal area can enhance social, cultural and economic well-being and the natural environment. Rights of exclusive use, and/or restricting public access, may be necessary to enable the operation and safe operation of some activities. At the same time the need to exclude the public has to be demonstrated as necessary, and any loss of public access and use must

be mitigated where this is practicable. In some cases the right to cross the coastal marine area provides the only access to private property.

The finite resources of the coast and its public access and open space values require that use and occupation of the common marine and coastal area should be by activities that have a functional or operational need to be located in the coastal marine area.

In some parts of the common marine and coastal area, such as the waterfront and at ferry terminals, non-marine activities on wharves or structures, including cafes and restaurants, add to the atmosphere and amenity value of the area. In these areas non-marine related activities may be appropriate as they complement the intended use and function of the area, and the necessary land-based infrastructure can be provided.

Outside of areas where non-marine related activities are provided for, use and development in the common marine and coastal area that does not have a functional or operational need to be located in the coastal marine area should generally not be located there. If such use and development is proposed it needs to be assessed through a process that enables public input and takes into account the impacts on the use and values of both the land and sea. The appropriate provision of land-based infrastructure also needs to be assessed. Due to the geography of Auckland, some infrastructure may have an operational need to locate in, or traverse the common marine and coastal area to enable an effective and sustainable network.

The Council is able to impose a charge for occupation of the common marine and coastal area. The Resource Management Act 1991 requires that the Council either includes a statement that a charging regime will not apply, or includes a regime for coastal occupation in the Unitary Plan, or in the first plan change after 1 October 2014.

The Council has chosen not to include a charging regime at this time, but will consider whether to do so after the Unitary Plan is made operative and after consultation with affected parties. Notwithstanding this the Council considers that where occupation rights are granted, especially exclusive occupation, and a private benefit is obtained from that occupation, then an occupation charge to 'compensate' the public would be appropriate.

#### **F2.14.2. Objectives [rcp]**

- (1) The high public value of the coast and coastal marine area as open space area with free public access is maintained.
- (2) Occupation rights are provided for in appropriate locations, and in appropriate circumstances for use and development that has a functional need to be located in the common marine and coastal area, and for infrastructure that has an operational need to be located below mean high water springs and cannot be practicably located on land.
- (3) Limit exclusive occupation to where it can be demonstrated it is necessary for the efficient functioning of the use and development or is needed for public



safety, and any loss of public access and use as a result is minimised and mitigation is provided where practicable.

- (4) Efficient use is made of coastal marine area by consolidating use and development within appropriate areas, where practicable.
- (5) Activities that do not have a functional or operational need to be undertaken in the common marine and coastal area are provided for within zones or precincts only where they can demonstrate:
  - (a) the need for a common marine and coastal area location;
  - (b) they cannot practicably be located on land outside of the coastal marine area; and
  - (c) they are consistent with the use and value of the area, including the adjacent land area, and do not compromise natural character, ecological, public access, Mana Whenua, historic heritage, or amenity values.
- (6) Activities that do not have a functional or operational need to be undertaken in the coastal marine area do not unduly limit the use of areas for marine and port activities or result in adverse cumulative effects.
- (7) Use and development in the coastal marine area is supported by all necessary land-based access and infrastructure.
- (8) Short-term occupation that restricts public access for a limited period to enable special events and activities to be undertaken in the common marine and coastal area is allowed.
- (9) Limited expansion of existing marinas into the Coastal – General Coastal Marine Zone is provided for, provided there is adequate infrastructure to support the expansion and adverse effects on the coastal environment are avoided, remedied or mitigated.

#### **F2.14.3. Policies [rcp]**

- (1) Enable use and occupation of the common marine and coastal area to provide for use and development that:
  - (a) has a functional or operational need to be below mean high water springs and may require public access to be restricted; or
  - (b) is necessary to provide for the use of the coastal marine area by Mana Whenua for Māori cultural activities and customary uses; and
  - (c) will not compromise or limit the operation of existing activities that have occupation rights within the common marine and coastal area.
- (2) Provide for exclusive occupation rights in the common marine and coastal area only where it can be demonstrated this is necessary for the efficient functioning of the use and development or is needed for public safety, and will enable the most efficient use of space by activities in the common marine and coastal area and require that the loss of public access and recreational use is mitigated.

- (3) Avoid use and occupation of the common marine and coastal area by activities that do not have a functional need to be undertaken in the coastal marine area, unless the proposed use:
  - (a) can demonstrate it needs to be located in the common marine and coastal area and cannot practicably be located on land outside of the common marine and coastal area;
  - (b) is consistent with the objectives and policies for the relevant zone or precinct;
  - (c) will enhance amenity values and not conflict with marine activities; and
  - (d) any necessary land-based infrastructure can be provided.
- (4) Avoid granting rights of exclusive occupation in areas with high public use and where it will have a significant adverse effect on public access and recreational use of the common marine and coastal area.
- (5) Provide for use and occupation of the common marine and coastal area by infrastructure, where it does not have a functional need to locate in the common marine and coastal area but has an operational need, and only where it cannot be practicably located on land and avoids, remedies, or mitigates other adverse effects on:
  - (a) the existing use, character and value of the area;
  - (b) public access, recreational use and amenity values;
  - (c) natural character and scenic values, from both land and sea;
  - (d) water quality and ecological values;
  - (e) coastal processes including erosion;
  - (f) other lawfully established use and development in the coastal marine area or on adjoining land;
  - (g) the anticipated future use of the area for marine activities; and
  - (h) Mana Whenua or historic heritage values.
- (6) Provide for the use and occupation of the common marine and coastal area associated with the effective operation, maintenance, upgrading and development of the components of the electricity transmission network that have an functional or operational need to locate in the coastal marine area in appropriate areas.
- (7) Enable temporary occupation of the common marine and coastal area by structures or activities associated with events or temporary activities, while minimising adverse effects on public access, use, and ensuring safety.
- (8) Limit the time that vessels can anchor in the same position and occupy water space within the Coastal – General Coastal Marine Zone, other than is necessary for navigational safety, accident or emergency reasons.

- (9) Provide for development, use, repair, maintenance, refurbishment and reconstruction and expansion to existing marinas that avoids, remedies or mitigates adverse effects on the coastal environment, including land zoned for residential or open space purposes.
- (10) Require any proposed use and development for activities in the common marine and coastal area to demonstrate that any necessary land-based access and infrastructure can be appropriately provided for.
- (11) Determine the appropriate duration for granting rights of occupation having regard to the:
- (a) extent of public use and access of the area and the impact of restrictions on the loss of public use and access;
  - (b) level of investment in the development and need for security of tenure to ensure its financial and economic viability and/or long term public benefit;
  - (c) land use and coastal development changes proposed in the vicinity through any statutory management strategies or plans that anticipate a change in public use and access in the area; and
  - (d) term of other consents in the vicinity, and the strategic benefit of all consents in an area expiring simultaneously.
- (12) Allow temporary military training activities for defence purposes within the coastal marine area, provided:
- (a) there is no, damage to or destruction of sites scheduled in the: [D17 Historic Heritage Overlay](#); [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#); [D10 Outstanding Natural Features Overlay](#) and [Outstanding Natural Landscape Overlay](#); or [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#);
  - (b) adverse effects on coastal processes are mitigated; and
  - (c) public access is maintained to and along the coastal marine area except where a restriction is necessary to protect public health and safety or where public access would be in conflict with the Defence Act 1990.
- (13) Avoid underwater explosives training:
- (a) in sites scheduled in the scheduled in the [D17 Historic Heritage Overlay](#); [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#); [D10 Outstanding Natural Features Overlay](#) and [Outstanding Natural Landscape Overlay](#); or [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#);
  - (b) where it will result in non-transitory or more than minor adverse effects on significant indigenous biodiversity; and
  - (c) sites and places of significance or value to Mana Whenua.

## **F2.15. Aquaculture**

### **F2.15.1. Background**

Aquaculture, particularly the marine farming of green-lipped mussels and Pacific oysters, has a long history in Auckland as a marine-based industry. Aquaculture and its associated processing and transport of its product contribute to Auckland's economic, social and cultural well-being. For this reasons the continued operation of established aquaculture and where appropriate new aquaculture development is provided for.

Aquaculture has a functional need to be located in the coastal marine area. Some established marine farms are in and around areas with high natural character and ecological value. Aquaculture can result in conflicts with other uses and values, particularly in areas with high recreational use, ecological, natural landscape or natural character values. For these reasons it is important that aquaculture is appropriately located and managed.

The cultural and traditional use and relationship of Mana Whenua with their ancestral water and sites of special significance such as wāhi tapu need to be respected when considering the location of new aquaculture.

However, aquaculture holds potential for Mana Whenua as a business opportunity, through independent business ventures, settlement options or joint ventures with industry. The equivalent of 20 per cent of new aquaculture space will be provided, by the Crown, for settlement purposes pursuant to the Māori Commercial Aquaculture Claims Settlement Act 2004 to relevant iwi recognised under the Māori Fisheries Act 2004.

Aquaculture relies on good quality water which can be affected by contaminants from stormwater or wastewater discharges, runoff from land, or discharges from boats. In areas where aquaculture is already established there is a need to protect water quality from new sources of contaminants and to be aware of the reverse sensitivity effects associated with changes in catchment use that will affect water quality. This is likely to become an increasing issue with the growth of Auckland.

New techniques and species for aquaculture are being developed. A precautionary approach is required when assessing new species and techniques where the effects on the environment are unknown or uncertain but the effects are potentially significantly adverse.

Aquaculture activities can spread or introduce harmful aquatic organisms through the movement of stock, gear and equipment. These activities need to be managed to minimise the degree of risk.

### **F2.15.2. Objectives [rcp]**

- (1) The cultural, social and economic benefits of aquaculture are recognised.
- (2) New aquaculture or the expansion or realignment of established aquaculture activities, occurs in appropriate locations and at appropriate scales that avoid,

or where appropriate minimise, conflicts with ecological, social and cultural values and other uses.

- (3) Established aquaculture activities are provided for and are not compromised by other uses or by activities that degrade water quality.
- (4) Aquaculture activities are managed to minimise the risk of introducing or spreading harmful aquatic organisms.

### **F2.15.3. Policies [rcp]**

- (1) Require new aquaculture activities to be located and designed to avoid adverse effects on those characteristics and qualities that contribute to the identified values of:
  - (a) [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#);
  - (b) [D17 Historic Heritage Overlay](#);
  - (c) [D21 Sites and Places of Significance to Mana Whenua Overlay](#);
  - (d) [D11 Outstanding Natural Character and High Natural Character overlays](#);  
and
  - (e) [D10 Outstanding Natural Features Overlay; and Outstanding Natural Landscapes Overlay](#).
- (2) Require, in addition to Policy F2.15.3(1), that new aquaculture activities be designed and located to avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on the characteristics and qualities that contribute to the values of:
  - (a) Coastal – Mooring Zone;
  - (b) popular and safe navigation routes and anchorages, for example by complying with the current Maritime NZ guidelines for aquaculture;
  - (c) areas with high recreational use or amenity value; and
  - (d) public access, particularly to highly used areas.
- (3) Provide for the continued operation of established aquaculture activities where:
  - (a) adverse effects on ecological values, water quality and navigation and safety are avoided, remedied or mitigated;
  - (b) adverse effect on those characteristics and qualities that contribute to the identified values set out below are avoided:
    - (i) [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#);
    - (ii) [D17 Historic Heritage Overlay](#);
    - (iii) [D21 Sites and Places of Significance to Mana Whenua Overlay](#);
    - (iv) [D11 Outstanding Natural Character and High Natural Character overlays](#);

- (v) [D10 Outstanding Natural Features Overlay; and Outstanding Natural Landscapes Overlay](#); and
- (c) there is existing substantial level of economic investment in lawfully established aquaculture activities.
- (4) Provide for minor extension or realignment of established aquaculture activities where:
  - (a) this improves their efficient use;
  - (b) the established marine farm is fully developed before a minor extension is sought;
  - (c) adverse effects on other values and uses are avoided, remedied or mitigated;
  - (d) adverse effect on those characteristics and qualities that contribute to the identified values set out below are avoided:
    - (i) [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#);
    - (ii) [D17 Historic Heritage Overlay](#);
    - (iii) [D21 Sites and Places of Significance to Mana Whenua Overlay](#);
    - (iv) [D11 Outstanding Natural Character and High Natural Character overlays](#);
    - (v) [D10 Outstanding Natural Features Overlay; and Outstanding Natural Landscapes Overlay](#); and
  - (e) there is an existing substantial level of economic investment in lawfully established aquaculture activities.
- (5) Require that structures used for aquaculture, or the introduction or relocation of equipment or stock, are managed to avoid, as far as practicable, the release or spread of harmful aquatic organisms.
- (6) Provide for aquaculture research trials in appropriate locations and of a limited scale and duration.
- (7) Apply a precautionary approach, such as adaptive management, when assessing applications for aquaculture activities that propose using species, techniques or locations not previously used for aquaculture and where the adverse effects are uncertain, unknown or little understood but are potentially significant.
- (8) Avoid reverse sensitivity issues with other activities in areas with lawfully established aquaculture activities by controlling:
  - (a) sewage discharges from vessels less than 500m from a marine farm;
  - (b) new subdivision, use and development on land which may affect water quality in adjacent areas used for aquaculture;

- (c) biosecurity effects from in-water cleaning of vessel hulls, consistent with regional and national standards; and
  - (d) other discharges to the coastal marine area or take, damming or diverting of water.
- (9) Where facilities and infrastructure associated with new aquaculture activities are necessary, require them to be provided for in an integrated manner where practicable including via the consolidation of the location of facilities or the sharing of wharf structures.
- (10) Manage the allocation of space in areas where there is high and competing demand for space, or where there may be the opportunity for allocation of authorisations or consents within future aquaculture zones, through mechanisms described in Part 7A of the Resource Management Act, or by weighted attributes tendering that takes into account:
- (a) economic, social, cultural and environmental sustainability;
  - (b) the local employment opportunity and profit retention in the Auckland region or other social good; and
  - (c) the opportunity for Mana Whenua to benefit by the location of the activity within their rohe moana.
- (11) Consider aquaculture to be generally more appropriate when located in areas where it consolidates existing aquaculture activities provided that potential opportunities to maintain biosecurity are not compromised.
- (12) Avoid the significant expansion of aquaculture in the Mahurangi Harbour.

## **F2.16. Structures**

### **F2.16.1. Background**

Structures and buildings in the coastal marine area are necessary to provide for people's social, economic and cultural well-being. They can enhance the use of the coastal marine area as well as access to and from it. This can be for a range of activities including: social, cultural, recreational and commercial.

The coast is a finite resource which is under pressure for use and development. To ensure efficient use is made of coastal space, and because the coast is a public resource, structures need to have a functional need for a coastal location and to provide for multiple uses where practicable, taking into account the purpose and use of the structure. However it is also recognised that certain activities, such as some infrastructure, may have operational needs that make a location in the coastal marine area appropriate.

The growth of Auckland and people living next to the coast means there is an ongoing demand for new structures in the coastal marine area. These can adversely affect natural character, coastal process, landscape, and public access and coastal processes and result in adverse effects from a proliferation of structures.

Structures must be designed to take into account coastal processes and hazards, including the expected effects from climate change and sea level rise.

#### **F2.16.2. Objectives [rcp]**

- (1) Structures are generally limited to those that have a functional need to be located in the coastal marine area, or those that have an operational need and that cannot be practicably located outside of the coastal marine area.
- (2) Structures provide for public access and multiple uses where practicable, other than those restricted by location or functional requirements.
- (3) Structures are appropriately located and designed to minimise adverse effects on the ecological, natural character, landscape, natural features, historic heritage and Mana Whenua values of the coastal marine area, and avoid to the extent practicable the risk of being adversely affected by coastal hazards.
- (4) Structures are provided in appropriate locations to enable Māori cultural activities and customary use.

#### **F2.16.3. Policies [rcp]**

##### *Efficient use of coastal space*

- (1) Limit structures to the following:
  - (a) those that generally have a functional need to be located in the coastal marine area, or that have an operational need and cannot be practicably be located outside of the coastal marine area;
  - (b) where the proposed purpose or use cannot practicably be accommodated on existing structures or facilities;
  - (c) those that are necessary to provide access to land where there are no practicable land-based access options, and there is no existing structure in close proximity that could provide reasonable access; and
  - (d) locations where the purpose and frequency of use warrants the proposed structure, and an alternative that would have lesser effects is not a practicable option.
- (2) Avoid adverse cumulative impacts from structures in the Coastal – General Coastal Marine Zone taking into account the number of structures in the immediate and surrounding area.
- (3) Limit the impacts from structures associated with infrastructure by:
  - (a) requiring an assessment of any practicable alternative sites, routes or designs where it is likely that the proposed structure will result in any significant adverse effect on the environment, including land-based alternatives, to demonstrate that the chosen option is appropriate taking into account the purpose and use of the structure and that the adverse



effects will be avoided to the extent practicable, and will otherwise be remedied or mitigated;

- (b) concentrating infrastructure structures, including pipelines, cables and transmission structures, in locations where similar, or other infrastructure, already exists where reasonably practicable;
  - (c) ensuring that where practicable cables and transmission structures are located beneath the seabed to avoid the need for anchoring or fishing restrictions; and
  - (d) encouraging structures for infrastructure to be multifunctional where practicable.
- (4) Enable the maintenance, repair, reconstruction and upgrade of existing lawful structures, including where necessary to comply with applicable standards and codes.
- (5) Enable the extension or alteration of existing structures in locations where they will:
- (a) not have significant adverse effects on other uses and values;
  - (b) result in greater, more efficient, or multiple use of the structure; or
  - (c) reduce the need for new structures elsewhere.

*Ensuring structures are appropriately located and designed*

- (6) Require structures to be located to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the values of areas identified as:
- (a) [D17 Historic Heritage Overlay](#);
  - (b) [D21 Sites and Places of Significance to Mana Whenua Overlay](#);
  - (c) [D11 Outstanding Natural Character and High Natural Character overlays](#);
  - (d) [D10 Outstanding Natural Features Overlay](#); and [Outstanding Natural Landscapes Overlay](#); and
  - (e) significant surf breaks identified in [Appendix 4 Surf breaks](#), including the recreation, amenity and economic values, and taking into account any effects on coastal processes, currents, water levels, seabed morphology and swell corridors that contribute to significant surf breaks.
- (7) Require structures in the Coastal – General Coastal Marine Zone to be located to minimise:
- (a) impacts on other coastal activities, including activities provided for in zones or resource consents;
  - (b) adverse effects on recreational use, including popular anchorage areas;
  - (c) adverse effects on public access to and along the coastal marine area;

- (d) visual impacts, particularly in areas sensitive to effects such as headlands or the outer edges of enclosed bays, as seen from both land and water;
  - (e) the size of the structure, including its size in relation to wharves and jetties and consider providing for partial rather than all-tide access, unless this is not a practicable option given the function and frequency of use;
  - (f) the risk of being affected by coastal hazards including sea level rise;
  - (g) the need for dredging, including ongoing dredging to maintain water access; and
  - (h) adverse effects on scheduled sites and places of significance to Mana Whenua.
- (8) Require structures to be designed to:
- (a) be the minimum size reasonably necessary to provide for the proposed use;
  - (b) be multi-purpose where practicable and where it will not conflict with operational or safety requirements;
  - (c) minimise impacts on natural character and amenity values and generally fit with the character of any existing built elements, including in the use of materials and colours having regard to safety requirements;
  - (d) not increase rates of coastal erosion; and
  - (e) take into account dynamic coastal processes, including the expected effects of climate change and sea level rise.
- (9) Have regard to the value of retaining the natural character of areas where structures are absent, taking into account the area's uniqueness and value because of the absence of structures.
- (10) Require the building material used for structures to be appropriately marine treated, or if relocated or recycled building material or structures are used, that it is treated or cleaned to prevent the transference or introduction of harmful aquatic organisms.
- (11) Require buildings in the coastal marine area to be of a scale, location and design that is appropriate to its context.

*Structures that enhance public use and access and enable traditional and cultural use*

- (12) Enable structures in appropriate locations where the structure is to provide, or enhance:
- (a) public access, use or amenity values, including artworks in the coastal marine area; and

(b) access to the coast by Mana Whenua for customary uses and cultural activities, and for access to the coast from papakāinga, marae or Māori land.

(13) Require structures to provide for public access and reasonable use, except in exceptional circumstances, or where public use needs to be restricted or excluded for operational, or health and safety reasons.

*Foreshore protection works – hard protection structures*

(14) Avoid a proliferation of hard protection structures in the coastal marine area by requiring:

(a) hard protection structures to be located landward of mean high water springs where practicable, particularly if the structure is for the purpose of protecting private assets;

(b) evidence to demonstrate that the adjoining landward area, or development in the coastal marine area, is at risk from a coastal hazard, and the degree of risk;

(c) evidence to demonstrate that the options of non-intervention, managed retreat, abandonment or relocation of any landward development or structures are not practicable; and

(d) evidence to demonstrate that the proposed structure is the most appropriate method for remedying or mitigating a coastal hazard having regard to the entire area affected or potentially affected by the hazard, and taking into account alternative methods, including soft engineering works.

(15) Avoid hard protection structures that are likely to result in:

(a) undermining of the foundations at the base of the structure;

(b) erosion behind or around the ends of the structure;

(c) settlement or loss of foundation material;

(d) movement or dislodgement of individual structural components;

(e) the failure of the coastal protection structure should overtopping by seawater occur;

(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.

(16) Require the design and location of hard protection structures to:

(a) minimise adverse effects on natural character and amenity values;

(b) avoid restricting public access to or along the coastal marine area; and

(c) take into account dynamic coastal processes, including the effects of climate change, sea level rise, assessed at least over a 100 year

timeframe, including the potential for inundation or for the coastal marine area to advance inland.

- (17) Encourage a comprehensive and integrated land-sea management approach to be taken in considering new foreshore protection works, including:
- (a) the erosion effects from any on-site stormwater discharges;
  - (b) whether the discharge method is lawful and the most appropriate option; and
  - (c) the extent that the hazard risk is being increased as a result of the location and method of stormwater discharges or drainage.
- (18) Require consideration to be given to any relevant management strategy, strategic plan or hazard risk assessment relating to the area where foreshore protection works are proposed.

*Ensuring integrated management between land and sea*

- (19) Require applications for structures in the coastal marine area to demonstrate that any landward component, development, or use of land-based infrastructure or facilities can be appropriately provided for.
- (20) Require applications for structures in the coastal marine area to demonstrate how any significant adverse effects on the use of adjoining land, including reverse sensitivity effects on existing use or development of that land, can be avoided, remedied or mitigated.

*Ensuring safe navigation*

- (21) Enable structures required to ensure safe navigation or for health and safety purposes.
- (22) Ensure that structures in the coastal marine area do not pose a risk to navigation or to public health and safety by:
- (a) requiring structures to be maintained to an appropriate standard;
  - (b) requiring structures to be appropriately located and lit; and
  - (c) enabling the removal of structures, where they are no longer functional or required, or have been abandoned.
- (23) Enable the removal of unlawful, abandoned, unsafe and redundant structures where the structure has been assessed as:
- (a) not being a site scheduled in the Historic Heritage Overlay;
  - (b) a potential risk to navigation or public health and safety;
  - (c) restricting public access and use of the area;
  - (d) having an adverse effect on the natural character or visual amenity of the area;
  - (e) having an adverse effect on coastal processes or ecological values;

- (f) having poor structural integrity; and
- (g) likely to result in anchoring or fishing restrictions if it remained in the coastal marine area.

(24) Avoid structures that will limit the ability to moor vessels in the Coastal – Mooring Zone, other than those structures necessary for infrastructure that have a functional or operational need to be located in the coastal marine area and that cannot practicably be located in a different location.

## **F2.17. Local water transport facilities**

### **F2.17.1. Background**

Auckland has a range of important smaller scale, water-based wharf and landing facilities that provide for social, economic and cultural well-being. They have not been identified as ports or ferry terminals, and are not on ferry routes that form part of public transport network for Auckland. They include wharves at Leigh, Mansion House/School House Bay on Kawau, Rangitoto, Motutapu, Tiritiri Mātangi, Rotoroa, Rākino and Motuihe islands, and at Sandspit and Ōrakei.

These facilities are important local strategic assets providing access to public open space, conservation estate land and recreational facilities, and they play a key role in local freight delivery.

### **F2.17.2. Objective [rcp]**

- (1) Structures, including wharves and landings used for local water transport operations (passengers and goods) are managed to support and enhance these activities.

### **F2.17.3. Policies [rcp]**

- (1) Allow the use, development and occupation of structures for local water transport facilities (passengers and goods) that provide for:
  - (a) passenger transport including passenger transport services;
  - (b) public access to open space and conservation estate lands including the Hauraki Gulf islands;
  - (c) public recreational use of the coastal marine area; and
  - (d) the movement of freight to serve the social and economic needs of local communities, provided that it does not interfere with other uses of the existing facilities.
- (2) Restrict any activity, use or development in coastal marine area and above mean high water springs that adversely affects the operation of local water transport facilities or services.
- (3) Require adequate land-based facilities for car parking, rubbish disposal, and wastewater pump-out to be provided when existing local water transport facilities increase their capacity or when local water transport services increase their scale of operations at those facilities.

## **F2.18. Underwater noise**

### **F2.18.1. Background**

Underwater noise can have an adverse effect on a range of marine animals that rely on sound to communicate, navigate, hunt and mate. Noise can cause threshold shifts in sensitivity to sound, and higher levels of sound can permanently damage or even kill some species.

Underwater noise has largely been overlooked in the past as a potential source of adverse effect to marine fauna, as well as to people working or undertaking recreational activities underwater. While limits on underwater noise generated by ships and vessels needs to be regulated at a national level, significant noise from certain underwater activities, such as blasting, impact and vibratory piling, marine seismic surveys, can be managed to address effects on marine fauna and people.

The Department of Conservation 2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations focuses on controlling peak level noise effects and the Unitary Plan addresses the need to control noise levels.

### **F2.18.2. Objective [rcp]**

- (1) Underwater noise from identified activities is managed to maintain the health and well-being of marine fauna and users of the coastal environment.

### **F2.18.3. Policies [rcp]**

- (1) Require underwater blasting, impact and vibratory piling, and marine seismic surveys in the coastal marine area to adopt the best practicable option to manage noise so that it does not exceed a reasonable level.
- (2) Assess the following matters for underwater blasting, impact and vibratory piling, and marine seismic surveys:
  - (a) the health and well-being of marine fauna (including threatened and at-risk species) and people from the noise associated with the proposal;
  - (b) the practicability of being able to control the noise effects;
  - (c) the social and economic benefits to the community of the proposal; and
  - (d) the extent to which the adverse effects of the noise will be mitigated.
- (3) Enable the generation of underwater noise where that noise is associated with the following activities:
  - (a) the operational requirements of vessels;
  - (b) construction or operation of marine and port activities, marine and port facilities, marina activities, marine and port accessory structures and services, maritime passenger facilities and dredging, that do not involve underwater blasting, impact and vibratory piling, or marine seismic surveys; and
  - (c) sonar not including marine seismic surveys.

## F2.19. Activity tables

(1) Tables F2.19.1 to F2.19.10 specify the activity status of activities in the Coastal – General Coastal Marine Zone (GCM Zone) and the coastal marine area parts of the following overlays pursuant to sections 12(1), 12(2) and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991, and taking, using and damming or diverting coastal water pursuant to section 14, and discharges to coastal waters pursuant to section 15 of the Resource Management Act:

- (a) [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#) (SEA-M1, SEA-M2);
- (b) [D17 Historic Heritage Overlay](#) (HH);
- (c) [D11 Outstanding Natural Character and High Natural Character overlays](#) (ONC) (HNC);
- (d) [D10 Outstanding Natural Features Overlay; and Outstanding Natural Landscapes Overlay](#) (ONF) (ONL).

The abbreviations in brackets after the overlay names that are listed above, are used as references to these overlays in Tables F2.19.1 to F2.19.10.

(2) The activities, standards and assessment in F2 Coastal – General Coastal Marine Zone apply in the coastal marine area of all the coastal zones and coastal precincts unless otherwise specified under the relevant zone or precinct.

### Table F2.19.1 Activity table - Drainage, reclamation and declamation

#### Note 1

Table F2.19.1 specifies the activity status for works that reclaim or drain any foreshore or seabed, and for declamation activities in the coastal marine area. The RMA activities that this table covers are:

- Reclamation and drainage of any foreshore or seabed (RMA s12(1)(a))
- Activities that contravene a rule in the regional coastal plan (RMA s12(3))
- Disturbance of the foreshore and seabed, incidental to the activity (RMA s12(1)(c), (e), (g))
- Deposition of material in, on or under the foreshore or seabed, incidental to the activity (RMA s12(1)(d))
- Diversion of coastal water, incidental to the activity (RMA s14)
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M 2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A1)	Reclamation or drainage not otherwise provided for	NC	Pr	NC	NC	Pr	Pr	Pr
(A2)	Maintenance or repair of a lawful reclamation or drainage system	P	P	P	P	P	P	P
(A3)	Minor reclamation for the purpose of maintaining, repairing or upgrading a lawful reclamation	RD	D	D	D	D	D	D
(A4)	Reclamation or drainage for any of the following: <ul style="list-style-type: none"> <li>carried out as part of rehabilitation or remedial works;</li> <li>where it is required for the safe and efficient operation or construction of infrastructure; or</li> <li>where it is necessary to provide for safe public access to, within or adjacent to the coastal marine area.</li> </ul>	D	NC	NC	NC	NC	NC	NC
(A5)	Authorisation of an unlawful reclamation under s 355A Resource Management Act 1991	D	NC	NC	NC	NC	NC	NC
(A6)	Declamation	D	NC	NC	NC	NC	NC	D

**Table F2.19.2 Activity table - Depositing and disposal of material**

Note 1

Table F2.19.2 specifies the activity status of depositing and disposal of material in the coastal marine area. The table also repeats the requirements of Regulation 4(2) of the Resource Management (Marine Pollution) Regulations 1998, which specifies that certain dumping activities must be treated as a discretionary activity in a regional coastal plan. The RMA activities that this table covers are:

- Deposition of material in, on or under the foreshore or seabed (RMA s12(1)(d))
- Disturbance of the foreshore and seabed, incidental to the activity (RMA s12(1)(c), (e), (g))
- Activities that contravene a rule in the regional coastal plan (RMA s12(3))
- Diversion of coastal water, incidental to the activity (RMA s14)
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).



F2 Coastal – General Coastal Marine Zone

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A7)	Coastal marine area depositing of material where the deposited sediment is extracted from within the same coastal cell: <ul style="list-style-type: none"> <li>• maximum of 1500m<sup>3</sup> per 12 month period</li> </ul>	P	D	RD	P	D	NC	D
(A8)	Coastal marine area depositing of material where the deposited sediment is extracted from within the same coastal cell: <ul style="list-style-type: none"> <li>• between 1500m<sup>3</sup> and 10,000m<sup>3</sup> per 12 month period</li> </ul>	RD	NC	D	D	D	NC	D
(A9)	Coastal marine area depositing of material from outside the coastal cell: <ul style="list-style-type: none"> <li>• maximum of 10,000m<sup>3</sup> per 12 month period</li> </ul>	RD	NC	D	D	NC	NC	D
(A9A)	Coastal marine area depositing of material where the deposited sediment is extracted from within the same coastal cell: <ul style="list-style-type: none"> <li>• greater than 10,000m<sup>3</sup> of sediment per 12 month period, where it is required for the safe and efficient operation or construction of infrastructure</li> </ul>	D	NC	NC	D	NC	NC	NC
(A10)	Coastal marine area depositing of material not otherwise provided for	D	NC	NC	NC	NC	NC	NC
(A11)	Disposal of waste or other matter in the Hauraki Gulf Marine Park, not otherwise provided for other than for the following: <ul style="list-style-type: none"> <li>• where it is part of an approved reclamation; or</li> <li>• rehabilitation or restoration programme in degraded areas of the coastal marine area.</li> </ul>	Pr	Pr	Pr	Pr	Pr	Pr	Pr
(A12)	Disposal of waste or other matter in the coastal marine area. Limited to the following:	D	D	D	D	D	D	D

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	<ul style="list-style-type: none"> <li>dredged material;</li> <li>sewage sludge;</li> <li>fish processing waste from an onshore facility;</li> <li>vessels, platforms, or other man-made structures;</li> <li>inert, inorganic geological materials;</li> <li>organic materials of natural origin; or</li> <li>bulky items consisting mainly of iron, steel and concrete.</li> </ul> <p>Excludes the following:</p> <ul style="list-style-type: none"> <li>disposal or storage of waste or other matter arising directly from, or related to, the exploration, exploitation and associated offshore processing of seabed mineral resources; and</li> <li>a discharge made in accordance with section 15B of the Resource Management Act 1991 or Part 3 of the Resource Management (Marine Pollution) Regulations 1998.</li> </ul>							
(A13)	Disposal or storage of waste or other matter arising directly from, or related to, the exploration of seabed mineral resources where the exploration is a permitted activity	P	NC	NC	NC	NC	NC	NC
(A14)	Disposal or storage of waste or other matter arising directly from, or related to, the exploration of seabed mineral resources not otherwise provided for	RD	NC	NC	NC	NC	NC	NC
(A15)	Disposal or storage of waste or other matter arising directly from, or related to, the exploitation and associated offshore processing of	D	NC	NC	NC	NC	NC	NC

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	seabed mineral resources							
(A16)	Disposal of waste or other matter in the coastal marine area not otherwise provided for	Pr	Pr	Pr	Pr	Pr	Pr	Pr

**Table F2.19.3 Activity table - Dredging**

Note 1

Table F2.19.3 specifies the activity status of dredging activities in the coastal marine area. The RMA activities that this table covers are:

- Disturbance of the foreshore and seabed (RMA s12(1)(c), (e), (g))
- Activities that contravene a rule in the regional coastal plan (RMA s12(3))
- Diversion of coastal water, incidental to the activity (RMA s14)
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A17)	<i>[deleted]</i>							
(A18)	<i>[deleted]</i>							
(A19)	River mouth dredging; dredging to maintain or gain access to an existing lawful structure; dredging to clear the exit of any lawful stormwater outfall or pipe; or to maintain or clear an existing lawful drainage system: <ul style="list-style-type: none"> <li>• maximum of 1500m<sup>3</sup>;</li> <li>• maximum of 100m length</li> </ul>	P	D	RD	P	D	D	D
(A20)	River mouth dredging; dredging to maintain or gain access to an existing lawful structure; dredging to clear the exit of any lawful stormwater outfall or pipe; or to maintain or clear an existing lawful drainage system:	RD	NC	RD	RD	NC	NC	NC

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	<ul style="list-style-type: none"> <li>• maximum of 5000 m<sup>3</sup>;</li> <li>• maximum of 500m length</li> </ul>							
(A21)	River mouth dredging; dredging to maintain or gain access to an existing lawful structure; dredging to clear the exit of any lawful stormwater outfall or pipe; or to maintain or clear an existing lawful drainage system not otherwise provided for	D	NC	D	D	NC	NC	NC
(A22)	Dredging for the removal of a Pacific oyster reef, other than as part of aquaculture activities, to restore water depths to previous levels	RD	D	D	D	D	D	D
(A23)	Maintenance dredging	RD	NC	D	D	NC	NC	NC
(A24)	Capital works dredging	D	NC	D	D	NC	NC	NC

**Table F2.19.4 Activity table - Coastal marine area disturbance**

Note 1

Table F2.19.4 specifies the activity status of activities that disturb any foreshore or seabed (including by excavating, drilling, or tunnelling, but excluding dredging). The RMA activities that this table covers are:

- Disturbance of the foreshore and seabed (RMA s12(1)(c), (e), (g))
- Removal of sand, shingle, shell or other natural material from the common marine and coastal area (RMA s12(2)(b))
- Deposition of material in, on or under the foreshore or seabed, incidental to the activity (RMA s12(1)(d))
- Activities that contravene a rule in the regional coastal plan (RMA s12(3))
- Diversion of coastal water, incidental to the activity (RMA s14)
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).

Note 2

Any disturbance of the foreshore or seabed incidental to the construction, placement, alteration, removal or demolition of structures is addressed by Table F2.19.10.

Note 3

Activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 are not affected by the provisions below.

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A25)	Coastal marine area disturbance related to scientific or engineering investigations, including taking samples	P	D	D	P	D	D	D
(A26)	Coastal marine area disturbance related to scientific or engineering investigations for common marine and coastal area prospecting and exploration	P	NC	D	P	NC	NC	D
(A27)	Coastal marine area disturbance for mineral prospecting, mineral exploration (excluding petroleum)	P	Pr	NC	NC	Pr	Pr	Pr
(A28)	Coastal marine area disturbance for mineral extraction (excluding petroleum)	D	Pr	NC	NC	Pr	Pr	Pr
(A29)	Coastal marine area disturbance for petroleum prospecting	P	Pr	NC	NC	Pr	Pr	Pr
(A30)	Coastal marine area disturbance for petroleum exploration	D	Pr	NC	NC	Pr	Pr	Pr
(A31)	Coastal marine area disturbance for petroleum extraction	D	Pr	NC	NC	Pr	Pr	Pr
(A32)	Coastal marine area disturbance that is: <ul style="list-style-type: none"> <li>not otherwise provided for and meets the standards; or</li> <li>associated with removal of litter or marine debris; or</li> <li>associated with removal of sediment, vegetation and encrusting organisms from any existing lawful coastal marine area structures; or</li> <li>associated with the burial of dead marine mammals; or</li> </ul>	P	P	P	P	P	P	P

F2 Coastal – General Coastal Marine Zone

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	<ul style="list-style-type: none"> <li>associated with control or eradication of any exotic or introduced plant or animal species</li> </ul>							
(A33)	Coastal marine area disturbance that is associated with movement of up to 1500m <sup>3</sup> of sediment per 12 month period within the same coastal cell	P	D	D	D	D	NC	D
(A34)	Coastal marine area disturbance that is associated with movement of between 1500m <sup>3</sup> and 10,000m <sup>3</sup> of sediment per 12 month period within the same coastal cell	RD	NC	D	D	D	NC	NC
(A35)	Coastal marine area disturbance associated with movement greater than 10,000m <sup>3</sup> of sediment per 12 month period within the same coastal cell, where it is required for the safe and efficient operation or construction of infrastructure	D	NC	NC	D	NC	NC	NC
(A36)	Coastal marine area disturbance associated with movement greater than 10,000m <sup>3</sup> of sediment per 12 month period within the same coastal cell	D	NC	NC	NC	NC	NC	NC
(A37)	Coastal marine area disturbance that is not otherwise provided for	D	NC	NC	NC	NC	NC	NC
(A38)	Livestock access in the coastal marine area not otherwise provided for	P	Pr	P	P	P	Pr	Pr

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A39)	Livestock access in the coastal marine area (other than for droving and horse riding): <ul style="list-style-type: none"> <li>• after 30 September 2020 in the Coastal – General Coastal Marine Zone in areas identified in <a href="#">B7 Natural Resources</a> at <a href="#">Figure B7.4.2.1: Areas of Coastal Water that have been degraded by human activities</a>;</li> <li>• after 30 September 2018 for SEA-M2, HNC, ONL, ONC and ONF-A1 and A);</li> <li>• after 30 September 2013 for SEA-M1, ONF - Type V1, V2, B, C, D, E, F and HH.</li> </ul>	NC	NC	NC	NC	NC	NC	NC
(A40)	Livestock access in the coastal marine area for horse riding	P	P	P	P	P	P	P
(A41)	Pacific oyster shell removal other than as part of: <ul style="list-style-type: none"> <li>• aquaculture activities; or</li> <li>• dredging of Pacific oyster shell reefs</li> </ul>	P	P	P	P	P	P	P
(A42)	Native vegetation alteration or removal, not otherwise provided for	RD	NC	NC	D	NC	NC	RD
(A43)	Exotic vegetation alteration or removal, not otherwise provided for	P	P	P	P	P	P	P
(A44)	Vegetation alteration or vegetation removal for routine operation, repairs and maintenance within 3m of existing buildings, structures motorways and roads, excluding mangrove, seagrass or salt marsh removal	P	P	P	P	P	P	P
(A45)	Mangrove seedling removal: <ul style="list-style-type: none"> <li>• not in a marine reserve</li> <li>• in SEA-M1 only in areas listed in <a href="#">Schedule 5 Significant Ecological Areas - Marine</a></li> </ul>	P	P	P	P	P	P	P

F2 Coastal – General Coastal Marine Zone

Activity		Activity status						HH
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	
	where mangroves are a minor component or absent or <a href="#">Appendix 5 Wading bird areas</a>							
(A46)	Mangrove removal in significant wading bird areas listed in <a href="#">Appendix 5 Wading bird areas</a>	D	D	D	D	D	D	D
(A47)	Mangrove removal to enable the operation, maintenance, use and functioning of existing lawful structures, infrastructure, or to ensure public health and safety in the use or operation of infrastructure: <ul style="list-style-type: none"> <li>• maximum of 200m<sup>2</sup> in the Coastal – General Coastal Marine Zone and SEA-M2, ONL and HNC overlay; or</li> <li>• maximum of 30m<sup>2</sup> in SEA-M1, ONC, ONFs and HH overlays</li> </ul>	P	C	P	P	C	C	C
(A48)	Mangrove removal to enable the operation, maintenance, use and functioning of existing lawful structures, infrastructure, or to ensure public health and safety in the use or operation of infrastructure: <ul style="list-style-type: none"> <li>• greater than 200m<sup>2</sup> in the Coastal – General Coastal Marine Zone and SEA-M2, ONL and HNC overlay; or</li> <li>• greater than 30m<sup>2</sup> in SEA-M1, ONC, ONFs and HH overlays</li> </ul>	D	D	D	D	D	D	D
(A49)	Mangrove removal for maintaining or enhancing ecological areas, or maintaining or enhancing public access where consistent with protecting the values of the relevant overlay	NA	D	D	D	D	D	D
(A50)	Mangrove removal, not otherwise	D	NC	NC	D	NC	NC	NC



Activity	Activity status						
	GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
provided for							

**Table F2.19.5 Activity table - Planting in the coastal marine area**

Note 1

Table F2.19.5 specifies the activity status of planting in the coastal marine area. The RMA activities that this table covers are:

- Planting exotic or introduced plants in the coastal marine area (RMA s12(1)(f))
- Planting native plants (activities that contravene a rule in the regional coastal plan) (RMA s12(3))
- Disturbance of the foreshore or seabed, incidental to the activity (RMA s12(1)(c), (e), (g)).

Activity	Activity status						
	GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC, ONL	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A51) Planting of native vegetation	P	P	P	P	P	P	P
(A52) Planting of exotic plant species, not otherwise provided for	NC	Pr	Pr	Pr	Pr	Pr	Pr
(A53) Planting of <i>Spartina alterniflora</i> , <i>Spartina anglica</i> or <i>Spartina x townsendii</i>	Pr	Pr	Pr	Pr	Pr	Pr	Pr

**Table F2.19.6 Activity table - Taking, use and damming or diverting coastal water**

Note 1

Table F2.19.6 specifies the activity status of taking, use and damming or diverting coastal water. The RMA activities that this table covers are:

- Taking, using, damming or diverting coastal water (RMA s14)

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC,	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
(A54)	Taking and use of coastal water for operational needs of vessels and firefighting	P	P	P	P	P	P	P
(A55)	Taking, use or diversion of coastal water other than for the operational needs of vessels and firefighting	P	D	D	P	D	D	P
(A56)	Damming or impoundment of coastal water	D	NC	NC	D	NC	NC	D
(A57)	Taking or use of heat or energy from coastal water	D	D	D	D	D	D	D

**Table F2.19.7 Activity table - Discharges to the coastal marine area**

Note 1

Table F2.19.7 specifies the activity status of discharges to the coastal marine area, other than where it is incidental to an activity provided for in another table. The RMA activities that this table covers are:

- Discharge of contaminants or water into water (RMA s15)
- Activities that contravene a rule in the regional coastal plan (RMA s12(3))

Note 2

Additional biosecurity obligations may apply with respect to biofouling. International vessels arriving in New Zealand waters will have additional obligations under the Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand (May 2014).

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A58)	Discharge of untreated sewage from a vessel or offshore installation: <ul style="list-style-type: none"> <li>• that is 500m (0.27 NM) from mean high water springs and 5m water depth; and</li> <li>• in the Hauraki Gulf, is not discharged inside an enclosed bay (inside a line between two</li> </ul>	P	P	P	P	P	P	P

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	headlands (from point to point)). <ul style="list-style-type: none"> <li>for the Waitemata Harbour the line is from North Head to Orakei Wharf. Refer to standard F2.21.8.2(6) for additional locations.</li> <li>and is more than:                             <ul style="list-style-type: none"> <li>500m (0.27 NM) from an aquaculture activity and Mātaitai Reserve; and</li> <li>200m (0.108 NM) from a marine reserve</li> </ul> </li> </ul>							
(A59)	Discharge of any contaminant, other than hull fouling, resulting from the cleaning, (other than removal of hull bio-fouling organisms), application or removal of anti-fouling coating or painting of vessels, not otherwise provided for	P	NC	P	P	P	D	P
(A60)	Discharge of dye or tracer material for investigative purposes	P	P	P	P	P	P	P
(A61)	Discharge of potable water from the water supply network	P	P	P	P	P	P	P
(A62)	Discharges which are not subject to another rule in the Plan, and not subject to the Resource Management (Marine Pollution) Regulations 1998, that comply with the permitted activity standards	P	P	P	P	P	P	P
(A63)	Discharge of hazardous substances as defined in the Hazardous Substances and New Organisms Act 1996	D	D	D	D	D	D	D
(A64)	Discharges from firefighting and other emergency response activities undertaken by Fire and Emergency New Zealand or the New Zealand Defence Force (including discharges of hazardous	P	P	P	P	P	P	P

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	substances)							
(A65)	Discharge of stormwater, discharge of contaminants from industrial or trade activity areas, or discharge of agrichemicals	Refer to <a href="#">E8 Stormwater – Discharge and diversion</a> , to <a href="#">E33 Industrial and trade activities</a> , <a href="#">E34 Agrichemicals and vertebrate toxic agents</a> .						
(A66)	Discharge of treated sediment laden water from any land disturbance	Refer to <a href="#">E11 Land disturbance - Regional</a>						
(A67)	Discharge of untreated wastewater overflows from a wastewater network servicing new development areas and new wastewater networks within existing urban areas	RD	NC	RD	RD	RD	RD	RD
(A68)	Discharge of untreated wastewater overflows from an existing combined sewer network	RD	RD	RD	RD	RD	RD	RD
(A69)	Discharge of treated wastewater from a wastewater treatment plant	D	NC	D	D	D	D	D
(A70)	Discharges not otherwise authorised by a rule in the Plan, or subject to the Resource Management (Marine Pollution) Regulations 1998, that do not comply with the permitted activity standards	D	NC	D	D	D	NC	D
(A71)	Discharge of hull bio-fouling organisms resulting from cleaning of a vessel with micro-fouling (LOF 0-1) and goose barnacles	P	Pr	P	P(HNC) Pr (SEA – M2)	P	P	P
(A72)	Discharge of hull bio-fouling organisms resulting from: <ul style="list-style-type: none"> <li>the small scale manual removal (up to 5 per cent of the hull surface area, including niche areas) of macro-fouling not provided for in Rule (A71) or (A73); or</li> <li>cleaning of a vessel with macro-fouling where the</li> </ul>	P	Pr	P	P(HNC) Pr (SEA – M2)	D	P	P

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	fouling is: <ul style="list-style-type: none"> <li>○ of international origin; or</li> <li>○ of domestic origin but more than low biosecurity risk or has not had a risk assessment (or extensive to very heavy macro-fouling)</li> </ul>							
(A73)	Discharge of hull bio-fouling organisms resulting from cleaning of a vessel with macro-fouling where the fouling is: <ul style="list-style-type: none"> <li>• from within Auckland; or</li> <li>• of domestic origin following a risk assessment that determined a relative biosecurity risk of negligible or low</li> </ul>	P	Pr	P	P(HNC) Pr (SEA – M2)	D	P	P
(A74)	<i>[deleted]</i>							
(A75)	<i>[deleted]</i>							
(A76)	Discharges associated with treatment methods that render bio-fouling organisms non-viable	P	Pr	P	P(HNC) Pr (SEA – M2)	D	P	P
(A77)	Discharge of any contaminant resulting from cleaning, the application of anti-fouling, or painting of vessels, including discharge of hull bio-fouling organisms, within 500m of mean high water springs of the following Hauraki Gulf conservation islands: <ul style="list-style-type: none"> <li>• Beehive Island;</li> <li>• Browns Island;</li> <li>• Little Barrier Island;</li> <li>• Mokohinau Islands;</li> <li>• Motuihe Island;</li> <li>• Motuora Island;</li> <li>• Motutapu Island;</li> <li>• Rangitoto Island;</li> <li>• Saddle (Te Haupa) Island;</li> </ul>	Pr	Pr	Pr	Pr	Pr	Pr	Pr

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	<ul style="list-style-type: none"> <li>The Noises Islands; and</li> <li>Tiritiri Matangi Island.</li> </ul>							
(A78)	Discharge of hull bio-fouling organisms resulting from cleaning of a vessel not otherwise provided for	RD	Pr	RD	RD (HNC) Pr (SEA – M2)	RD	RD	RD
(A79)	Passive discharge of hull bio-fouling organisms from a commercial or military vessel	P	P	P	P	P	P	P
(A80)	Passive discharge from a non-commercial and non-military vessel with: <ul style="list-style-type: none"> <li>light to very heavy macro-fouling of international origin (level of fouling scale 2 to 5); or</li> <li>very heavy macro-fouling of domestic origin (level of fouling scale 5); or</li> <li>unusual or suspected harmful aquatic organisms (or species designated as pests in the relevant pest management plan prepared under the Biosecurity Act).</li> </ul>	D	D	D	D	D	D	D
(A81)	<i>[deleted]</i>							
(A82)	Passive discharge of hull bio-fouling organisms resulting from its presence, not otherwise provided for	P	P	P	P	P	P	P

**Table F2.19.8 Activity table - Use and activities**

Note 1

Table F2.19.8 specifies the activity status of uses and activities in the coastal marine area. The RMA activities that this table covers are:

- Activities that contravene a rule in the regional coastal plan (RMA s12(3))

- Disturbance of the foreshore and seabed, incidental to the activity (RMA s12(1)(c), (e), (g))
- Occupation of the common marine and coastal area by the activity (RMA s12(2)(a))
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).

Note 2

In this table, unless specified otherwise, the activity status for occupation of the common marine and coastal area (RMA section 12(2)) has the same activity status as the use or activity (RMA section 12(3)) that the occupation relates to.

Note 3

This table does not apply to any use, activities or occupation related to structures that is more specifically covered by Activity table F2.19.10.

Note 4

The activity status for 'underwater blasting, impact and vibratory piling, marine seismic surveys' relates to the generation of underwater noise from these activities. These activities are generally part of other activities (for example, dredging, demolition, construction, mineral exploration). For the avoidance of doubt, the activity status of the other activity continues to apply, unless the activity is permitted or controlled, in which case the overall activity status becomes restricted discretionary.

Note 5

Rule F2.19.8(A87) applies where occupation is proposed in an area that has an existing occupation consent. Rule F2.19.8(A87) does not apply if an activity is proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

Note 6

Occupation consents do not provide for exclusive occupation unless that is specifically sought in an application and provided for in a resource consent. Exclusive occupation is associated with a use and/or a structure. Where an activity requires a resource consent for occupation and exclusive occupation is proposed, the activity status is that specified for occupation. Where a use or activity would be otherwise permitted but exclusive occupation is proposed, the activity status is discretionary under rule (A114A) or a restricted discretionary activity under rule (A114B) for the City Centre Waterfront precincts (Wynyard Precinct, Viaduct Harbour Precinct, Central Wharves Precinct and Port Precinct). Exclusive occupation does not include temporary activities or temporary military training activities, including where other people are excluded for limited periods.

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Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
(A83)	Use of the coastal marine area not otherwise provided for in the Plan and that does not involve occupation of the common marine and coastal area	P	P	P	P	P	P	P
(A84)	Use of the coastal marine area and/or occupation of the common marine and coastal area by activities that are not otherwise provided for in this table or in table F2.19.10	D	D	D	D	D	D	D
(A85)	Use of the coastal marine area and/or occupation of the common marine and coastal area by new or existing unlawful activities that do not have a functional need to be undertaken in the coastal marine area, including activities in, or on, an existing building or structure, and that are not otherwise provided for	NC	NC	NC	NC	NC	NC	NC
(A86)	Anchoring of vessels to the foreshore or seabed in the same position for no more than 28 consecutive days, other than in a cable protection area (as identified on the planning maps), or for longer times as necessary for navigation safety, emergency response or maintenance and repair of structures (anchoring does not include occupation by a vessel at a wharf, jetty or other lawful berth or mooring or at any designated anchorage for commercial shipping)	P	P	P	P	P	D	D
(A87)	Occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted where the area to be	RD	RD	RD	RD	RD	RD	RD



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Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
	occupied is already the subject of an existing occupation consent							
(A88)	Marine and port activities other than accessory offices or maintenance and servicing of vessels	P	P	P	P	P	P	P
(A89)	Maintenance and servicing of vessels	P	NC	NC	D	NC	NC	D
(A90)	Construction of vessels	D	NC	NC	D	NC	NC	D
(A91)	Maritime passenger operations existing at 30 September 2013	P	P	P	P	P	P	P
(A92)	Maritime passenger operations established after 30 September 2013	D	NC	NC	D	NC	NC	D
(A93)	Parking on coastal marine area structures for loading and unloading passengers and cargo to vessels	P	P	P	P	P	P	P
(A94)	Parking on coastal marine area structures other than as provided for as a permitted activity	D	D	D	D	D	D	D
(A95)	Vehicle use, other than parking, on existing lawful coastal marine area structures	P	P	P	P	P	P	P
(A96)	Vehicle use of the foreshore and seabed, not otherwise provided for	P	NC	P	P	NC	NC	NC
(A97)	Vehicle use of the foreshore and seabed: <ul style="list-style-type: none"> <li>• by emergency response or conservation management vehicles; or</li> <li>• for launching vessels from any structure; or</li> <li>• where necessary for environmental monitoring by the Council or consent holders</li> </ul>	P	P	P	P	P	P	P
(A98)	Vehicle use of the foreshore and seabed by network utility operators for the maintenance, repair and	P	RD	P	P	P	RD	RD

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Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
	minor upgrading of lawfully established infrastructure							
(A99)	Vehicle use of the foreshore and seabed by network utility operators for the construction of new infrastructure	P	D	D	P	D	D	D
(A100)	Vehicle use of the foreshore and seabed to access private property established before 30 September 2013	P	P	P	P	P	P	P
(A101)	Vehicle use of the foreshore and seabed to access private property established after 30 September 2013	NC	NC	NC	NC	NC	NC	NC
(A102)	Archaeological investigations (refer to <a href="#">D17 Historic Heritage Overlay</a> )	P	P	P	P	P	P	P
(A103)	Workers' accommodation	D	NC	NC	D	NC	NC	NC
(A104)	Clubrooms for marine-related clubs	D	NC	NC	D	NC	NC	D
(A105)	Helicopter landing areas for emergency services including police, ambulance, and rescue operations	P	P	P	P	P	P	P
(A106)	Helicopter landing areas	NC	NC	NC	NC	NC	NC	NC
(A107)	Public amenities on existing lawful coastal marine area structures	P	D	D	D	D	D	D
(A108)	Public amenities not otherwise provided for	D	NC	NC	D	NC	NC	NC
(A109)	Underwater explosives training exercises	D	NC	D	D	NC	NC	NC
(A110)	Temporary military training activities	P	P	P	P	P	P	P
(A111)	Industrial and trade activities on structures in the coastal marine area	Refer to <a href="#">E33 Industrial and trade activities</a>						
(A112)	New marinas and expansion of an existing marina by 15 per cent or more of its area within the coastal marine area existing at that time	NC	NC	NC	NC	NC	NC	NC

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
(A113)	Expansion of an existing marina by no more than 15 per cent of its area within the coastal marine area existing at that time	D	NC	NC	NC	NC	NC	NC
(A114)	Underwater blasting, impact and vibratory piling, marine seismic surveys	RD	RD	RD	RD	RD	RD	RD
(A114A)	Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be a permitted activity unless: <ul style="list-style-type: none"> <li>it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity, or</li> <li>it is within the City Centre Waterfront precincts</li> </ul>	D	D	D	D	D	D	D
(A114B)	Exclusive occupation of the common marine and coastal area within the City Centre Waterfront precincts by a structure or activity that would otherwise be a permitted activity unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity	RD	RD	RD	RD	RD	RD	RD

**Table F2.19.9 Activity table - Aquaculture activities**

Note 1

Table F2.19.9 specifies the activity status of aquaculture activities in the coastal marine area. The RMA activities that this table covers are:

- Construction, placement, alteration, removal or demolition of structures used for aquaculture activities (RMA s12(1)(b))

- Disturbance of the foreshore and seabed, incidental to the aquaculture activities (RMA s12(1)(c), (e), (g))
- Deposition of material in, on or under the foreshore or seabed, incidental to the aquaculture activities (RMA s12(1)(d))
- Occupation of the common marine and coastal area by the aquaculture activities (RMA s12(2)(a))
- Activities that contravene a rule in the regional coastal plan (RMA s12(3))
- Discharge of contaminants or water into water, incidental to the aquaculture activities (RMA s15).

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A115)	New aquaculture activities	D	NC	NC	NC	NC	NC	NC
(A116)	Re-consenting established aquaculture activities	RD	RD	RD	RD	RD	RD	RD
(A117)	Minor extension of lawfully established aquaculture activities limited to a maximum of 25 per cent of the size of the originally consented current farm	RD	D	D	D	D	D	D
(A118)	Minor realignment of lawfully established aquaculture activities limited to moving 1/3 of the farm area, while 2/3 of the farm area stays within the same space as originally consented	RD	D	D	D	D	D	D
(A119)	Experimental aquaculture activities that are a maximum of 1ha and 10 years in duration	RD	NC	NC	NC	NC	NC	NC
(A120)	Aquaculture activities not otherwise provided for	D	NC	NC	NC	NC	NC	NC

**Table F2.19.10 Activity table – Structures**

Note 1

Table F2.19.10 specifies the activity status for structures in the coastal marine area. The RMA activities that this table covers are:

- Construction, erection, reconstruction, placement, alteration, extension, removal or demolition of structures (RMA s12(1)(b))
- Occupation of the common marine and coastal area by the structure (RMA s12(2)(a))

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- Disturbance of the foreshore and seabed, incidental to the activity (RMA s12(1)(c), (e), (g))
- Deposition of material in, on or under the foreshore or seabed, incidental to the activity (RMA s12(1)(d))
- Use of structures (activities that contravene a rule in the regional coastal plan) (RMA s12(3)), unless the use is addressed more specifically in Table F2.19.8
- Diversion of coastal water, incidental to the activity (RMA s14)
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).

Note 2

In this table, unless specified otherwise, the activity status for occupation of the common marine and coastal area (section 12(2) of the Resource Management Act 1991) has the same activity status as for the construction of a structure (section 12(1) of the Resource Management Act 1991) that the occupation relates to.

Note 3

The activity status for a new consent for an existing structure (re-consenting its use of the coastal marine area pursuant to section 12(3) and its occupation of space in the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991) has the same activity status as construction of that structure listed in this table.

Note 4

Provisions relating to moorings in the Coastal – General Coastal Marine Zone are contained in the F4 Coastal – Mooring Zone and moorings outside the Coastal – Mooring Zone.

Note 5

Activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 are not affected by the provisions below.

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
(A121)	Construction of coastal marine area structures and buildings unless	D	NC	NC	NC	NC	NC	NC

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Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
	provided for elsewhere in this table (see table F2.19.8 for the use of the structure)							
(A122)	Maintenance, repair or reconstruction of existing lawful coastal marine area structures or buildings	P	P	P	P	P	P	Refer HH activity tables
(A123)	Extension or alteration of existing lawful coastal marine area structures or buildings other than those that are a component of infrastructure (including the use of the extended or altered structure or building)	RD	NC	NC	D	NC	NC	Refer HH activity tables
(A124)	Extension or alteration of existing lawful coastal marine area structures or buildings that are a component of infrastructure (other than as provided for as minor infrastructure upgrading of network utilities)	RD	D	D	D	D	D	Refer HH activity tables
(A125)	Demolition or removal of any buildings or coastal marine area structures	P	C	C	P	C	C	Refer HH activity tables
(A126)	Coastal marine area	P	D	D	D	D	D	D

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Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
	structures located below the surface of the foreshore and seabed, constructed by methods other than trenching, (but not the occupation by those structures)							
(A127)	Occupation associated with coastal marine area structures located below the surface of the foreshore and seabed (other than cables located within the cable protection areas (as identified on the planning maps))	RD	RD	RD	RD	RD	RD	D
(A128)	Temporary coastal marine area structures or buildings	P	D	RD	P	D	D	Refer HH activity tables
(A129)	Navigational aids including their extension and alteration	P	P	P	P	P	P	P
(A130)	Maimai including their extension and alteration	P	P	P	P	P	P	P
(A131)	Minor infrastructure upgrading of network utilities	P	P	P	P	P	P	P
(A132)	Cables and pipes including their extension and alteration operated by network utility operators attached to existing bridge	P	P	P	P	P	P	P

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Activity	Activity status							
	GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH	
	structures							
(A133)	Infrastructure coastal marine area structures not otherwise provided for	D	D	D	D	D	D	D
(A134)	Occupation of the common marine and coastal area by infrastructure structures, that form part of a network operated or managed by a network utility operator, and were lawfully existing at 23 October 2001, and any subsequent upgrade to such a structure	P	P	P	P	P	P	P
(A135)	Cables located within the cable protection areas (as identified on the planning maps) including their extension and alteration, and including the occupation by cables located below the surface of the foreshore and seabed	P	P	P	P	P	P	P
(A136)	Marine and port facilities on existing wharves or other existing coastal marine area structures	RD	D	D	RD	D	D	D
(A137)	Marine and port accessory structures	RD	D	RD	RD	D	D	D



Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
	and services on existing wharves or other existing coastal marine area structures							
(A138)	Coastal marine area structures for scientific research, investigation or monitoring	RD	RD	RD	RD	RD	RD	RD
(A139)	Marine and port facilities and buildings not on an existing wharf or existing coastal marine area structure	D	NC	NC	D	NC	NC	D
(A140)	Marine and port accessory structures and services not on an existing wharf or existing coastal marine area structure	D	NC	D	D	NC	NC	D
(A141)	Maritime passenger facilities	D	NC	NC	D	NC	NC	D
(A142)	Hard protection structures	D	NC	NC	D	NC	NC	D
(A143)	Observation areas, viewing platforms and boardwalks	D	D	D	D	D	NC	D
(A144)	Artworks	D	NC	NC	D	NC	NC	D
(A145)	Boat ramps	D	NC	D	D	NC	NC	D

## F2.20. Notification

- (1) The occupation of the common marine and coastal area by an activity that would otherwise be permitted, where the area to be occupied is already the subject of an existing occupation consent, 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 listed in Tables F2.19.1 to F2.19.10 and not otherwise listed in F2.20(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\(4\)](#).

## **F2.21. Standards**

### **F2.21.1. All permitted activities, controlled activities and restricted discretionary activities**

All activities listed as permitted activities, controlled activities or restricted discretionary activities in Table F2.19.1 to F2.19.10 must comply the following standards unless otherwise specified.

Purpose: ensure adequate safety and appropriate site management to minimise disturbance of the coastal marine area and adverse effects on other users.

- (1) Structures and works must not cause a hazard to safe navigation.
- (2) Any excess building material, spoil, construction equipment or litter must be removed from the coastal marine area within 24 hours of completion of any works.
- (3) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified in the [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.
- (4) Written advice must be given to the Council at least 10 working days prior to the work starting unless otherwise specified.

#### **F2.21.1.1. Noise and vibration**

- (1) Interface with other zones:
  - (a) activities in the coastal marine area must not exceed the relevant levels specified [E25 Noise and vibration](#).

#### **F2.21.1.2. Lighting**

- (1) Lighting in the coastal marine area must not exceed the levels specified in [E24 Lighting](#).
- (2) Outdoor artificial lighting must not produce an illuminance exceeding 150 lux measured horizontally or vertically at the exterior of any building adjacent to the coastal marine area.
- (3) Lighting sources must be sited, directed and screened to minimise, as far as practicable, annoyance or nuisance to adjacent properties or the bird

life of any adjacent sites within the [D9 Significant Ecological Areas Overlay – Marine 1 or 2](#).

- (4) Lighting sources must be sited, directed and screened to avoid, as far as practicable, creating a navigation safety hazard.

#### **F2.21.1.3. Storage or handling of hazardous substances**

- (1) Any activity involving the storage or handling of hazardous substances must comply with [E31 Hazardous substances](#).

#### **F2.21.1.4. Accidental discovery rule**

- (1) Despite any other rule in this Plan permitting activities in the coastal marine area, including any disturbance of the foreshore or seabed, 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) shipwrecks or other items that may contain oil;
  - (f) a lava cave greater than 1m in diameter on any axis; or
  - (g) munitions or unexploded ordnances on or under the foreshore or seabed,
  - (h) cables or pipelines on or under the foreshore or seabed.
- (3) On discovery of any sensitive material, the party undertaking the relevant permitted activity or the consent holder must take the following steps:

##### *Cease works and secure the area*

- (a) immediately cease all works within 20m of any part of the discovery, including shutting down all foreshore and seabed disturbing machinery and stopping all earth moving activities, and in the case of shipwrecks or other items that may contain oil, 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 of Māori origin, Māori cultural artefact, or kōiwi;
  - (v) the New Zealand Police if the discovery is munitions or unexploded ordnances; and
  - (vi) Maritime New Zealand and the owner of the submarine cable or pipeline (if the owner can be determined) if the discovery is a submarine cable or pipeline.

*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 items that may contain oil, munitions, cables or pipelines), 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 a shipwreck or other item that may contain oil, a suitably qualified and experienced person is required to complete an initial assessment and provide information to the Council on the assessment and response; or
  - (iv) if the discovery is munitions or unexploded ordnances, the New Zealand Police will complete an assessment and determine an appropriate response. The remainder of this process will not apply until the New Zealand Police confirm that it is safe for operations to resume; or
  - (v) if the discovery is a submarine cable or pipeline, take best endeavours to inform the owner of the submarine cable or pipeline to confirm the

status and purpose of the cable or pipeline, and to determine whether it is still operational or is redundant. If the cable or pipeline is still operational, obtain approval from the owner for the work to proceed. Inform Maritime New Zealand so that they can assess whether there has been an offence under the Submarine Cables and Pipelines Protection Act 1996. This standard does not apply to the discovery of a submarine cable or pipeline owned or operated by the organisation undertaking the works.

- (e) following site inspection and consultation with all relevant parties (including the party undertaking the relevant permitted activity or the consent holder as relevant), 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 F2.21.1.4(3)(f) are met (for munitions or unexploded ordnances, this area will be determined by the New Zealand Police);

*Recommencement of work*

- (f) work within the area determined at step F2.21.1.4(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) any changes to controls on discharges of contaminants have been implemented;
  - (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 F2.21.1.4(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;
  - (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 activity 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;
- (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; and
- (ix) if the discovery is munitions or unexploded ordnances, the New Zealand Police have confirmed that the site is safe for operations to resume; and
- (x) if the discovery is cables or pipelines, the asset owner (if identified) has confirmed that operations can resume, and Maritime New Zealand has been informed so that they can determine whether there has been an offence under the Submarine Cables and Pipelines Protection Act 1996.

#### **F2.21.2. Standards - Drainage, reclamation and declamation**

Activities listed as a permitted activity and restricted discretionary activity in Table F2.19.1 must comply with the standards in F2.21.1 and the standards in F2.21.2.

##### **F2.21.2.1. Maintenance or repair of a lawful reclamation or drainage system**

- (1) The work must not change the area occupied by the reclamation or drainage system.
- (2) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified as [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.
- (3) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment being used for the activity.
- (4) All equipment and materials must be removed from the foreshore and seabed on the completion of works or activities.
- (5) Written advice must be given to the Council at least 10 working days prior to the work starting.
- (6) The work must not alter the form or external appearance of the reclamation or drainage system in more than a minor way.

##### **F2.21.2.2. Minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation**

- (1) The outside face of the new seawall must not extend more than 1.5m beyond the seaward limit of the existing seawall or bund.

### **F2.21.3. Standards - Depositing and disposal of material**

Activities listed as a permitted activity and restricted discretionary activity in Table F2.19.2 must comply with the standards in F2.21.1 and standards in F2.21.3.

#### **F2.21.3.1. Depositing of material where the deposited sediment is extracted from within the same coastal cell**

- (1) Depositing must be for the purpose of the following:
  - (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) The sediment must not be deposited within any area of indigenous vegetation or within any bird nesting area or on a rocky reef.
- (4) The deposited sediment must not permanently prevent or hinder public access or prevent or hinder the operation of any existing infrastructure.
- (5) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified in [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.
- (6) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment being used for the activity.
- (7) All equipment and materials must be removed from the foreshore and seabed on the completion of works or activities.

### **F2.21.4. Standards - Dredging**

Activities listed as permitted or restricted discretionary in Table F2.19.3 must comply with the standards in F2.21.1 and the standards in F2.21.4.

Note 1

Channel clearance activities outside the coastal marine area are covered in [E3 Lakes, rivers, streams and wetlands](#).

**F2.21.4.1. Dredging: River mouth dredging; dredging to maintain or gain access to an existing lawful structure; and dredging to clear the exit of any lawful stormwater outfall or pipe**

- (1) Dredging must not take place within 100m of a previously dredged site unless a minimum of two months has elapsed since the completion of dredging at that site.
- (2) Impounded water must be released in a way that minimises any potential contamination of receiving waters.
- (3) Best practicable dredging methods must be used in order to minimise sediment mobilisation and dispersal.
- (4) No dredged material may be deposited in the coastal marine area or on land where it could re-enter a water body unless depositing of that material is listed in this plan as a permitted activity or has a resource consent.
- (5) Upon completion of dredging, all equipment and litter must be removed.
- (6) Written advice must be given to the Council at least 10 working days prior to the work starting.

**F2.21.4.2. Dredging to maintain or clear an existing lawful drainage system**

- (1) The activity may only take place adjacent to land that is continuous with land that has a rural zone.
- (2) *[deleted]*
- (3) There must be no diversion of any part of the channel to a different course.
- (4) There must be no deepening or widening of the channel beyond the limits of its original profile.
- (5) Any visible disturbance to the surrounding coastal marine area must be remedied or restored within seven days.
- (6) Best practicable dredging methods must be used in order to minimise sediment mobilisation and dispersal
- (7) In identified wading bird areas ([Appendix 5 Wading bird areas](#)), dredging and drainage clearance must be timed to avoid bird nesting seasons and avoid adverse effects on birds using roosting areas and must not damage or disturb areas of salt marsh or nesting or roosting birds, or other indigenous biota.
- (8) No dredged material may be deposited in the coastal marine area or on land where it could re-enter a water body unless the deposition of that



material is listed in this plan as a permitted activity or has a resource consent.

- (9) Upon completion of dredging, all equipment and litter must be removed.
- (10) Written advice must be given to the Council at least 10 working days prior to the work starting.
- (11) *[deleted]*

#### **F2.21.5. Standards – Disturbance and mineral extraction**

Activities listed as permitted or restricted discretionary in Table F2.19.4 must comply with the standards in F2.21.1 and the standards listed in F2.21.5.

##### **F2.21.5.1. Coastal marine area disturbance related to scientific or engineering investigations and mineral prospecting, mineral exploration**

- (1) The disturbance must be limited to:
  - (a) removal of a maximum of 1m<sup>3</sup> of uncompacted material, or 0.2m<sup>3</sup> of compact material, in any 24-hour period;
  - (b) any drilling device must be no larger than 250mm (head size); and
  - (c) less than 5m<sup>3</sup> of the foreshore or seabed must be disturbed.
- (2) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified in the [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.
- (3) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment which may result in spills being used for the activity.

##### **F2.21.5.2. Coastal marine area disturbance related mineral prospecting, mineral exploration and petroleum prospecting (excluding petroleum)**

- (1) The disturbance must be limited to:
  - (a) removal of a maximum of 1m<sup>3</sup> of uncompacted material, or 0.2m<sup>3</sup> of compact material, in any 24-hour period;
  - (b) any drilling device must be no larger than 250mm (head size); and
  - (c) less than 5m<sup>3</sup> of the foreshore or seabed must be disturbed.
- (2) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in

areas identified in the [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.

- (3) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment being used for the activity.

**F2.21.5.3. Coastal marine area disturbance: not otherwise provided for; associated with removal of litter or marine debris; associated with removal of sediment, vegetation and encrusting organisms from any existing lawful structure; associated with the burial of dead marine mammals; associated with movement of up to 1500m<sup>3</sup> of beach sediment per calendar year within the same coastal cell; associated with control or eradication of any exotic or introduced plant or animal species**

- (1) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works identified in [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.
- (2) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment which may result in spills being used for the activity.
- (3) There must be no discharge of chemical herbicides in the coastal marine area, other than as provided for in an approved pest management strategy.
- (4) All equipment and materials must be removed from the foreshore and seabed on the completion of works or activities.
- (5) Any disturbance associated with control or eradication of any exotic or introduced plant or animal species must be:
  - (a) in accordance with an approved pest management plan prepared under the Biosecurity Act 1993; and
  - (b) written advice must be given to the Council at least 10 working days prior to the work starting.
- (6) Non-compliance with F2.21.5.3(1), (2), (3), (4) or (5) is a non-complying activity.

**F2.21.5.4. Livestock access in the coastal marine area**

- (1) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in

areas identified in the Outstanding Natural Character Overlay, Outstanding Natural Features Overlay and Significant Ecological Areas – Marine 1 Overlay and within seven days in other areas of the coastal marine area.

- (2) Any livestock access in the coastal marine area for droving of stock or horse riding must ensure:
  - (a) the droving does not occur in estuarine areas or areas of salt marsh or mangroves or adjacent to a marine farm and no grazing of intertidal vegetation must be allowed to occur;
  - (b) the stock must be moved along at all times and not left unattended;
  - (c) horses must be kept under control at all times;
  - (d) horses must not graze on intertidal vegetation; and
  - (e) horses must not be ridden or taken into bird breeding areas.
- (3) Any livestock exclusion measures must be effective and can include a permanent fence or temporary hot-wire, dense vegetation or natural barriers that prevent stock gaining access to the coastal marine area.

Note 1

Rules on livestock access to waterways are also provided in [E3 Lakes, rivers, streams and wetlands](#).

**F2.21.5.5. Pacific oyster shell removal other than as part of aquaculture activities or dredging of Pacific oyster shell reefs**

- (1) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works identified in the [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.
- (2) Only handheld methods may be used in areas identified in the [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#).
- (3) There must be no more than minor disturbance of other biota in areas identified in [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#).
- (4) Shells must not be disposed of in the coastal marine area unless otherwise authorised.

**F2.21.5.6. Mangrove removal**

- (1) Mangrove seedling removal and mangrove seedling removal in significant wading bird areas identified in [Appendix 5 Wading bird areas](#), must meet all of the following:
  - (a) removed vegetation must be disposed of outside the coastal marine area;
  - (b) the removal must not involve any discharge of chemical herbicides in the coastal marine area other than as provided for in an approved pest management plan prepared in accordance with the Biosecurity Act 1993;
  - (c) any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified in [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area;
  - (d) removal must be done by hand or by hand-held tools;
  - (e) removal must not be in areas where mangroves are serving to mitigate coastal erosion from wave action;
  - (f) removal must not damage or disturb areas of salt marsh or seagrass;
  - (g) written advice must be given to the Council at least 10 working days prior to removal, other than for the removal of 30m<sup>2</sup> or less of seedlings. The advice will include the location and extent of the mangroves to be removed, the timing and methods of removal and the matters in F2.21.5.6(1)(h); and
  - (h) in a significant wading bird area identified in [Appendix 5 Wading bird areas](#), removal must be timed to avoid bird roosting and nesting seasons and minimise adverse effects on birds using roosting areas.
- (2) Mangrove removal to enable the operation, maintenance, use and functioning of existing lawful structures, infrastructure, or to ensure public health and safety in the use or operation of infrastructure to a maximum of 200m<sup>2</sup>, all of the following apply:
  - (a) removed vegetation must be disposed of outside the coastal marine area;
  - (b) the removal must not involve any discharge of chemical herbicides in the coastal marine area, other than as provided for in an approved pest management plan prepared in accordance with the Biosecurity Act 1993;

- (c) any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified in the [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area;
- (d) the removal must be immediately adjacent to the structure or infrastructure, or any drainage system;
- (e) removal must not damage or disturb areas of salt marsh or seagrass; and
- (f) written advice must be given to the Council at least 10 working days prior to removal. The advice will include the location and extent of the mangroves to be removed and the timing and methods of removal.

**F2.21.5.7. Vegetation alteration or removal for routine operation, repairs and maintenance within 3m of existing buildings and structures, roads excluding mangrove, seagrass or salt marsh removal**

- (1) No more than 20m<sup>2</sup> of vegetation must be removed.
- (2) Removed vegetation must be disposed of outside the coastal marine area.
- (3) The removal must not involve any discharge of chemical herbicides in the coastal marine area other than as provided for in an approved Pest Management Plan prepared under the Biosecurity Act 1993.
- (4) Vegetation alteration or removal must be undertaken by hand or by handheld tools.
- (5) Vegetation alteration or removal must not be in areas where the vegetation mitigates coastal erosion from wave action.
- (6) Vegetation alteration or removal must not damage or disturb areas of salt marsh or seagrass.

**F2.21.6. Standards - Planting**

Activities listed as permitted in Table F2.19.5 must comply with the standards in F2.21.1 and the standards in F2.21.6.

**F2.21.6.1. Planting of native vegetation**

- (1) Planting of native vegetation shall be sourced from the same ecological district.

**F2.21.7. Standards - Taking, use and damming or diverting coastal water**

Activities listed in Table F2.19.6 must comply with the general standards in F2.21.1 and the specific standards listed in F2.21.7.

**F2.21.7.1. Taking, use and diversion of coastal water other than for the operational needs of vessels and fire fighting**

- (1) A screen with a mesh size spacing no greater in one dimension than 5mm must be used.

Note 1

Any structure must also comply with the standards for structures.

- (2) Maximum water velocity into the entry point of the intake structure must be no greater than 0.3m/second.
- (3) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.

**F2.21.8. Standards - Discharges**

Activities listed as permitted and restricted discretionary activity in Table F2.19.7 must comply with the standards in F2.21.1 and the standards listed in F2.21.8.

**F2.21.8.1. All permitted activities (other than discharges from firefighting and other emergency response activities undertaken by Fire and Emergency New Zealand or the New Zealand Defence Force)**

- (1) The discharge must not, after reasonable mixing, give rise to any or all of the following effects:
  - (a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (b) any conspicuous change in the colour or visual clarity water in the coastal marine area;
  - (c) any emission of objectionable odour; and
  - (d) any significant adverse effects on aquatic life.

**F2.21.8.2. Discharge of untreated sewage from a vessel or offshore installation**

- (1) The discharge must be in water depths greater than 5m.
- (2) The discharge must be more than 500m (0.27 nautical miles) from mean high water springs.
- (3) The discharge must be more than 500m (0.27 nautical miles) from an aquaculture activity.

- (4) The discharge must be more than 500m (0.27 nautical miles) from a mataitai reserve.
- (5) The discharge must be more than 200m (0.108 nautical miles) from a marine reserve.
- (6) Notwithstanding F2.21.8.2(1) to (5) the discharge must not be inside two headlands (point to point) of the following specific locations:
  - (a) Waitemata Harbour from North Head to Orakei Wharf;
  - (b) Mahurangi Harbour from Pudding Island to Sadler Point;
  - (c) Bostaquet Bay Kawau Island, from Brownrigg Point to Challenger Island;
  - (d) Port Fitzroy Great Barrier Island, inside Paget rock in Man O War Passage to a line between the NE tip of Kaikoura Island and Kotutu point;
  - (e) Nagle Cove Great Barrier Island from Tortoise Head and Wood island;  
or
  - (f) Tryphena Harbour Great Barrier Island from Tryphena Point to Bird Islet.
- (7) Notwithstanding in harbours, bays and embayments listed in F2.21.8.2(6), during rough weather conditions when wind conditions at the mouth of the harbour, bay or embayment exceed 15-18 knots untreated sewage may be discharged as necessary for health and safety reasons.

Note 1

Discharges that do not meet these requirements are prohibited activities under the Resource Management (Marine Pollution) Regulations 1998 which control the discharges of treated sewage from a vessel or offshore installation.

**F2.21.8.3. Discharge of any contaminant, other than hull fouling, resulting from the cleaning, (other than removal of hull bio-fouling organisms), application or removal of anti-fouling coating or painting of vessels, not otherwise provided for**

- (1) The discharge or escape of contaminant materials or debris onto the foreshore, seabed or into the water must be collected as far as practicable and removed from the coastal marine area. This may require the use of collection devices such as ground covers, nettings or similar or suction pumps if in-water.

**F2.21.8.4. Discharge of dye or tracer material for investigative purposes**

- (1) Notice of the intended discharge must be given to the Council at least 12 hours prior to the discharge occurring.
- (2) The dye or tracer must be of a type that is designed to be used in natural water and must be used in accordance with manufacturer's recommendations and any relevant and recognised standards and practices.

**F2.21.8.5. Discharge of potable water from the water supply network**

- (1) The discharge must occur during the upper half of the tide unless the discharge occurs directly into open water without disturbing sediment.
- (2) The discharge, after reasonable mixing, must result in a free available chlorine concentration of less than or equal to 20 µg/l in the receiving water.

**F2.21.8.6. Discharges into the coastal marine area which are not covered by another rule in this Unitary Plan, and not covered by the Resource Management (Marine Pollution) Regulations 1998**

- (1) The discharge must not contain human sewage or hazardous substances as defined by the Hazardous Substances and New Organisms Act 1996 and any regulations made under section 75 of that Act.
- (2) The discharge must not change the natural temperature of the receiving water, after reasonable mixing, by more than 3 degrees celcius.
- (3) The discharge must not involve any visible disturbance to the substrate of the coastal marine area that cannot be remedied or restored within 48 hours in [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) areas and within seven days in other areas of the coastal marine area.
- (4) Public access to and along the coast must not be restricted by the volume or movement of the discharge.

**F2.21.8.7. Discharges of hull bio-fouling organisms from cleaning of vessels**

<b>Rule</b>	<b>Activity</b>	<b>Standards</b>
(A71)	Removal of micro-fouling (LOF 0-1) and goose barnacles	(1), (2), (5) and (7)
(A72)	Small scale manual removal of macro-fouling (up to 5 per cent of the hull surface area, including niche areas) not provided for in Rule (A71) or (A73)	(2), (3), (5) and (7)
(A72)	Removal of macro-fouling where the fouling is: <ul style="list-style-type: none"> <li>• of international origin; or</li> <li>• of domestic origin but more than low biosecurity risk or has not had a risk assessment (or extensive to very heavy</li> </ul>	(2), (3), (5) and (7)



	macro-fouling)	
(A73)	Removal (including small scale manual removal) of macro-fouling where the fouling is: <ul style="list-style-type: none"> <li>• from within Auckland; or</li> <li>• of domestic origin following a risk assessment that determined a relative biosecurity risk of negligible or low</li> </ul>	(2), (5) and (7)
(A76)	Treatment methods that render bio-fouling organisms non-viable	(2), (6) and (7)

- (1) Gentle non-abrasive cleaning techniques must be used.
- (2) The cleaning method will not compromise the existing anti-fouling coating system.
- (3) Cleaning technologies should capture debris greater than 50 micrometres in diameter. All captured debris shall be collected and disposed of appropriately.
- (4) *[deleted]*
- (5) If unusual organisms or suspected harmful aquatic organisms (or species designated as pests in the relevant pest management plan prepared under the Biosecurity Act) are found, the vessel owner or operator must take the following steps:
  - (a) all cleaning must cease;
  - (b) the Council must be immediately notified; and
  - (c) cleaning may not recommence until notified by Council to do so.

Note 1

Council may contact the Ministry for Primary Industries for advice on the nature of the species and the appropriate measures to be taken.

- (6) The discharge or escape of hull bio-fouling organisms or debris onto the foreshore, seabed or into the water must be collected as far as practicable and removed from the coastal marine area.
- (7) The anti-fouling coating on the hull and niche areas to be cleaned shall not have exceeded its planned service life as specified by the manufacturer.

Note 2

The standards apply to the above activities according to the level of risk associated with the origin and extent of the biofouling.

- Cleaning of low-level fouling, fouling of regional origin (from within Auckland) and fouling of domestic (NZ) origin that has been assessed and confirmed as low-risk are considered low-risk activities and are

encouraged through less stringent standards. Capture of debris is not required.

- Small-scale removal of any fouling is enabled but, unless the fouling is from within the Auckland region, capture is required due to the fact that the fouling has not been assessed as negligible or low biological risk and the relative ease of capturing small amounts of fouling (Standard 3).
- Fouling of international origin or domestic (NZ) origin that has not been assessed and confirmed as low-risk species are considered highest risk and are therefore subject to the most stringent standards, including capture of all bio-fouling debris (Standard 3).
- Methods that render the organisms non-viable are subject to a less stringent standard for capture (Standard 6) as the organisms cannot spread after removal; however, chemical treatments may be subject to other controls within this plan (e.g. discharges).

#### **F2.21.8.8. Passive discharges of hull bio-fouling organisms from commercial and military vessels**

- (1) The vessel must be subject to an approved Bio-fouling Management Plan that implements the guidelines of the International Maritime Organisation, adherence to which can be demonstrated through the maintenance of a Bio-fouling Record Book which is available for inspection upon request by Council.
- (2) For military vessels, implementation of the following measures may serve as an alternative to implementation of the Biofouling Management Plan required under F2.21.8.8(1):
  - (a) The measures recorded in a Craft Risk Management Plan prepared in accordance with section 24(k) of the Biosecurity Act 1993 and approved by the Ministry for Primary Industries; and
  - (b) the additional measures proposed by the operator of the vessel(s) to effectively minimise the transfer of hull bio-fouling organisms while military vessels remain in Auckland waters.
- (3) The measures proposed under F2.21.8.8(2)(b) shall be provided to the Council. In order to demonstrate the effectiveness of these measures, or in the event of disagreement between the vessel operator and the Council regarding the effectiveness of these measures, technical advice may be obtained from the Ministry for Primary Industries or other suitably qualified agent agreed by the parties.

#### **F2.21.9. Standards - Use and activities and associated occupation**

Activities listed as permitted, controlled or restricted discretionary in Table F2.19.8 must comply with the standards in F2.21.1 and the standards listed in F2.21.9.

**F2.21.9.1. Use of the coastal marine area not otherwise provided for in the Plan and that does not involve occupation of the common marine and coastal area**

- (1) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified in [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.
- (2) The activity or use must not require occupation of the common marine and coastal area.
- (3) The activity or use must not require exclusion of public use and access to an area.

Note 1

For temporary events in the coastal marine area refer to [E40 Temporary activities](#).

**F2.21.9.2. Anchoring of vessels to the foreshore or seabed in the same position for no more than 28 consecutive days, other than in a cable protection area or for longer times as necessary for navigation safety, emergency response or maintenance and repair of structures (anchoring does not include occupation by a vessel at a wharf, jetty or other lawful berth or mooring or at any designated anchorage for commercial shipping)**

- (1) Vessels must not obstruct the safe navigation of other vessels or obstruct the approach to any wharf or jetty.
- (2) Vessels must not create a hazard to other vessels at anchor or on a mooring.

**F2.21.9.3. Marine and port activities including repair and maintenance of vessels**

- (1) Any excess building material, spoil, construction equipment or litter must be removed from the coastal marine area within 24 hours of completion of any works.
- (2) Any discharge will not, after reasonable mixing, give rise to any or all of the following effects:
  - (a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;

- (b) any conspicuous change in the colour or visual clarity of the water in the coastal marine area;
- (c) any emission of objectionable odour; or
- (d) any significant adverse effects on aquatic life

Note 1

Compliance with Standard F2.21.9.3(2) may require the installation of collection devices such as ground covers, netting or other devices to ensure the collection of any contaminant or debris from the operation.

- (3) Any activity involving the storage or handling of hazardous substances must comply with [E31 Hazardous substances](#).

**F2.21.9.4. Parking on coastal marine area structures for loading and unloading passengers and cargo to vessels**

- (1) Provisions in [E27 Transport](#) apply.
- (2) Parking must be located so that it does not obstruct pedestrian and vehicle access, and allows for passenger and cargo loading/unloading.

**F2.21.9.5. Vehicle use of the foreshore and seabed, or on existing lawful coastal marine area structures, not otherwise provided for**

Note 1

Vehicle use is controlled by bylaws as well as this Plan.

Note 2

Refer also to [F9 Vehicles on beaches](#) for objectives and policies for that activity.

**F2.21.9.6. Archaeological investigations**

- (1) Any archaeological investigations in the area covered by [D17 Historic Heritage Overlay](#) must not include disturbance of the foreshore and seabed except for the temporary insertion of a probe or peg not exceeding a diameter of 10mm.

**F2.21.9.7. Temporary military training activities**

- (1) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified in [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.
- (2) There must be no damage to or destruction of the values listed in the schedules for [D11 Outstanding Natural Character Overlay](#), [D10](#)

[Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#).

- (3) There must be no modification to known heritage values listed in the Schedule 14 Historic Heritage Schedule, Statements and Maps.
- (4) All equipment, materials and litter must be removed from the coastal marine area on the completion of the activity.
- (5) The activity or use must not require exclusion of public use and access to an area except where a restriction is necessary to protect public health and safety or where public access would be in conflict with the Defence Act 1990.
- (6) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment being used for the activity.
- (7) Temporary military training activities involving weapons firing and/or the use of explosives must have the separation distance from any noise sensitive land use, and not exceed the noise levels, set out in [E40 Temporary activities](#) at [E40.6.8](#).

**F2.21.10. Standards - Structures**

Activities listed as permitted or restricted discretionary in Table F2.19.10 must comply with the standards in F2.21.1 and the standards in F2.21.10.

**F2.21.10.1. Maintenance, repair and reconstruction of existing lawful coastal marine area structures or buildings**

Purpose: ensure works are undertaken to an acceptable standard.

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

**F2.21.10.2. Demolition or removal of any buildings or coastal marine area structures**

Purpose: manage removal and demolition of buildings and coastal marine area structures to ensure safety and public access and to ensure the coastal marine area is left in a safe and acceptable condition.

- (1) Any part of a structure or building that is not removed must not protrude above the foreshore or seabed so that they create a hazard to safe navigation or public access.

**F2.21.10.3. Coastal marine area structures located below the surface of the foreshore and seabed**

Purpose: ensure sub-surface structures are appropriately located and designed.

- (1) The structure must not be capable of being uncovered or moved by natural coastal processes, other than exceptional hazard events such as tsunami.
- (2) Written advice must be given to the council and the National Topo/Hydro Authority at Land Information New Zealand at least five working days prior to the work starting.

**F2.21.10.4. Temporary coastal marine area structures or buildings**

Purpose: ensure temporary structures are in place for the minimum period required and occupy the minimum area necessary so effects on other users are minimised.

- (1) The temporary structure must be in place for no longer than 14 days within any six month period (except that temporary structures associated with maintenance, repair, reconstruction, alteration, extension or construction works (including scaffolding and fencing) must be in place for no longer than the duration of the construction project or 40 working days, whichever is the lesser).
- (2) The temporary structure must be removed within seven days of the completion of the event or use for which it was erected.
- (3) The temporary structure must occupy the minimum area necessary for its purpose.
- (4) The temporary structure must maintain safe navigation access.

**F2.21.10.5. Navigational aids**

Purpose: provide for safe navigation while complying with any required standards.

- (1) Written advice must be given prior to the work being undertaken to the council harbourmaster, and the National Topo/Hydro Authority at Land Information New Zealand at least five working days prior to the work starting.

**F2.21.10.6. Maimai**

Purpose: ensure permitted maimai are of an acceptable size and used appropriately, and do not obstruct coastal processes.

- (1) Structures made from permanent materials with a floor must be piled.
- (2) The floor area must not exceed 10m<sup>2</sup>.
- (3) The height must not exceed 3m above mean high water springs.

- (4) Any maimai not displaying a tag issued under the Wildlife Act 1953 for two years consecutively must be removed from the coastal marine area.
- (5) A maimai must not be used for residential purposes.
- (6) The structure must not be located in the sites identified in [Schedule 4 Significant Ecological Areas - Marine Schedule](#) under ID: 2b-j; 10b-c; 27c; 30b; and 34b.

#### **F2.21.10.7. Minor infrastructure upgrading of network utilities**

Purpose: ensure infrastructure upgrading work meets required standards.

- (1) Upgrading works must meet the relevant standards in [E26 Infrastructure](#) in [E26.2.5.3\(1\)](#).
- (2) In the: [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#); [D17 Historic Heritage Overlay](#); [D21 Sites and Places of Significance to Mana Whenua Overlay](#); [D11 Outstanding Natural Character and High Natural Character overlays](#); and [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay](#); 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\(1\)](#).
- (3) Any upgrading of infrastructure that does not comply with the standards for minor infrastructure upgrading specified above, shall be subject to the relevant activity status for that activity specified in Activity Table F2.19.10, not the activity tables in [E26 Infrastructure](#).

#### **F2.21.10.8. Occupation of the common marine and coastal area by infrastructure structures**

Purpose: ensure existing infrastructure structures are managed so that adverse effects on the environment are avoided, remedied or mitigated.

- (1) Occupation of the common marine and coastal area by infrastructure structures, that form part of a network operated or managed by a network utility operator, and are existing at 23 October 2001, and any subsequent upgrade to such a structure, must meet all of the following:
  - (a) the structure must be located so that it does not cause more than minor erosion, depositing, or disturbance;
  - (b) the structure must be not redundant, in that it is being used and is physically capable of being used for its required purpose;
  - (c) the structure and/or its location must be shown on a plan with the NZMS grid references (seven digit easting and northing), and by a photograph, both of which are provided to the Council; and

- (d) any upgrade must comply with the standards for minor infrastructure upgrading of network utilities in [E26 Infrastructure](#) at [E26.2.5.3\(1\)](#).

**F2.21.10.9. Cables located within cable protection areas**

Purpose: ensure the appropriate authorities are notified of cable locations.

- (1) Written notice must be given to the Council and the National Topographic/Hydro Authority at LINZ at least five working days prior to the work starts.

**F2.21.10.10. Cables and pipes operated by network utility operators attached to existing bridge structures**

Purpose: ensure that pipes and cables attached to bridges are of a limited scale so that they do not have adverse environmental effects and do not exacerbate any existing effects.

- (1) The cable or pipe must be securely affixed to the existing structure.
- (2) Any visible disturbance to the substrate of the coastal marine area created during the installation of the cable or pipe must be remedied or restored within 48 hours of the completion of the works in areas identified in the [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#); and within seven days in other areas of the coastal marine area.
- (3) The cable or pipe must not reduce the air draft between the low-point of the existing structure and the water level so that it does not form an impediment to navigation.
- (4) The cable or pipe must be affixed so that it is unobtrusive and does not alter the form or external appearance of the existing bridge in more than a minor way.
- (5) Installation works must not create a hazard to safe navigation or public access.
- (6) The pipes must not be for the purpose of conveying hazardous substances.

**F2.21.10.11. Relocation of structures with harmful aquatic organisms attached**

- (1) Any structure being relocated to a different part of Auckland should be clear of suspected harmful aquatic organisms prior to relocation, unless the new location already has that organism.

**F2.22. Assessment – controlled activities**

**F2.22.1. Matters of control**



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

- (1) mangrove removal to enable the operation, maintenance, use and functioning of existing lawful structures, infrastructure or to ensure public health and safety in the use or operation of infrastructure (maximum of 30m<sup>2</sup> in: [D9 Significant Ecological Areas Overlay](#); [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscape Overlay](#); and [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#); and [D17 Historic Heritage Overlay](#)):
  - (a) methods and extent of removal, timing and hours of operation;
  - (b) effects on values of [D9 Significant Ecological Areas Overlay](#); [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscape Overlay](#); and [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#); and [D17 Historic Heritage Overlay](#); and
  - (c) consent duration.
- (2) demolition or removal of any buildings or coastal marine area structures:
  - (a) works or methods, timing and hours of the operation; and
  - (b) consent duration.

#### **F2.22.2. Assessment criteria**

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

- (1) mangrove removal to enable the operation, maintenance, use and functioning of existing lawful structures, infrastructure or to ensure public health and safety in the use or operation of infrastructure (maximum of 30m<sup>2</sup> in [D9 Significant Ecological Areas Overlay](#); [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscape Overlay](#); and [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#); and [D17 Historic Heritage Overlay](#)):
  - (a) whether the works avoid, remedy or mitigate any adverse effects arising from:
    - (i) disturbance of the foreshore and seabed;
    - (ii) depositing material in the coastal marine area;
    - (iii) the removal of indigenous vegetation; and
    - (iv) discharge of contaminants.
  - (b) whether the effect on the values of the [D9 Significant Ecological Areas Overlay](#); [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscape Overlay](#); and [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#); and [D17 Historic Heritage Overlay](#) areas have been avoided, remedied or mitigated; and

- (c) consent duration and monitoring.
- (2) demolition or removal of any buildings or coastal marine area structures:
  - (a) whether the works avoid, remedy or mitigate any adverse effects arising from:
    - (i) disturbance of the foreshore and seabed;
    - (ii) depositing material in the coastal marine area;
    - (iii) the removal of indigenous vegetation; and
    - (iv) discharge of contaminants.
  - (b) consent duration and monitoring.

## **F2.23. Assessment – restricted discretionary activities**

### **F2.23.1. Matters of discretion**

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

- (1) All restricted discretionary activities:
  - (a) the effects of construction or works methods, and the timing and hours of operation;
  - (b) the effects of the location, extent, design and materials;
  - (c) effects on coastal processes, ecological values, water quality and natural character and landscape values;
  - (d) effects on public access, navigation and safety;
  - (e) effects on existing uses and activities (including infrastructure);
  - (f) effects on Mana Whenua values;
  - (g) effects on historic heritage; and
  - (h) consent duration and monitoring.
- (2) Additional matters for:
  - (a) activities in a [D9 Significant Ecological Areas Overlay](#) – Marine 1 and 2; [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscape Overlay](#); and [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#); and [D17 Historic Heritage Overlay](#); and
    - (i) effects on the characteristics and qualities that contribute to an area's values;
    - (ii) effects on the ecological values of the [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#); and
    - (iii) effects on views, visual amenity and landscape values in a [D10 Outstanding Natural Landscape Overlay](#), [D11 Outstanding Natural Character Overlay or High Natural Character Overlay](#).

- (b) activities affecting a place identified in [Schedule 14.1 Schedule of Historic Heritage](#):
    - (i) effects on the identified historic heritage values.
  - (c) occupation of the common marine and coastal area:
    - (i) the effects of the location, extent, timing and duration of the occupation, including exclusive occupation.
  - (d) structures in the coastal marine area:
    - (i) effects on views to and from the surrounding area, and visual amenity effects from the presence of the structure.
  - (e) discharge of untreated wastewater overflows from a combined sewer and wastewater network:
    - (i) implementation and ongoing maintenance of measures necessary to achieve the best practicable option to prevent or minimise the adverse effects of the wastewater overflows; and
    - (ii) implementation of the wastewater network operations plan and the operational and maintenance programme.
- (3) Specific matters for identified activities:
- (a) the matters for discretion in F2.23(1) do not apply to F2.23.1(3)(b)-(e);
  - (b) discharges of hull bio-fouling organisms from in-water cleaning:
    - (i) the effects of the proposed cleaning method, including the capture and disposal of bio-fouling material;
    - (ii) the presence and condition of an anti-fouling treatment and the anti-fouling treatment manufacturer's recommendations (including expected service life of the treatment); and
    - (iii) consistency with the 2013 "Anti-fouling and in-water cleaning guidelines" (Australian Department of Agriculture, Fisheries and Forestry and Department Sustainability, Environment, Water, Population and Communities and New Zealand Ministry for Primary Industries).
  - (c) underwater blasting, impact and vibratory piling, marine seismic surveys:
    - (i) the health and well-being of marine fauna (including threatened and at-risk species) and people from the underwater noise associated with the proposal;
    - (ii) the practicability of being able to control the underwater noise effects;
    - (iii) the social and economic benefits of the proposal; and

- (iv) the extent to which non-transitory or more than minor adverse effects on threatened or at risk indigenous species (including Maui's Dolphin and Bryde's Whale) are avoided.
- (d) re-consenting established aquaculture activities:
- (i) effects on Mana Whenua values and ecological values and water quality;
  - (ii) effects on navigation and safety from the established aquaculture activities;
  - (iii) consent duration is a minimum of 20 years and a maximum of 35 years and monitoring;
  - (iv) where the activity is within an overlay, effects on the characteristics and qualities of the overlay; and
  - (v) the existing level of economic investment in lawfully established aquaculture activities.
- (e) extensions and realignment of established aquaculture activities:
- (i) the effects from construction or works methods;
  - (ii) the effects of the location, extent, design and materials of the marine farm;
  - (iii) the effects on coastal processes, Mana Whenua values and ecological values and, water quality;
  - (iv) the effects on public access, navigation and safety;
  - (v) the effects on existing uses and activities;
  - (vi) consent duration and monitoring;
  - (vii) where the activity is within an overlay, effects on the characteristics and qualities of the overlay; and
  - (viii) the existing level of economic investment in lawfully established aquaculture activities.
- (f) experimental aquaculture activities:
- (i) the effects from construction or works methods;
  - (ii) the effects of location, extent, design and materials of the marine farm;
  - (iii) the effects on coastal processes, ecological values, water quality and natural character;

- (iv) the effects on public access, navigation and safety;
- (v) the effects on existing uses and activities;
- (vi) the effects on Mana Whenua values;
- (vii) the effects of introducing food and antibiotics; and
- (viii) consent duration and monitoring.

#### **F2.23.2. Assessment criteria**

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

(1) All restricted discretionary activities:

(a) construction or works methods, timing and hours of operation:

- (i) whether construction or works methods avoid, remedy or mitigate adverse effects, particularly on water quality and sedimentation;
- (ii) whether construction or works are to be done at a time that will avoid or minimise, adverse effects on marine mammals, bird roosting, nesting and feeding, and recreational users of the coastal marine area; and
- (iii) whether construction or works hours of operation are limited to minimise effects of noise and disruption on existing activities, and on nearby residential and open space areas.

(b) location, extent, design and materials:

- (i) whether the work is located and designed to avoid, remedy or mitigate adverse effects on the environment;
- (ii) whether the form, intensity and scale of works, structures and buildings are sensitive to the marine environment and surrounding adjoining spaces;
- (iii) whether works and structures ensure efficient use of the coastal marine area is made by using the minimum area necessary for their purpose; and
- (iv) whether the materials used are compatible with the surrounding coastal environment and consistent with the natural materials at the site; taking into account the physical characteristics of the materials used, including texture, colour, composition, grain size, level of contamination and potential for leaching.

(c) effects on coastal processes, ecological values, water quality and natural character and landscape values:

- (i) whether measures can be taken to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, water quality and natural character and landscape values; and
  - (ii) whether proposals have had particular regard to the policies in [B8.2 Natural character](#), [B4.2 Outstanding natural features and landscapes](#) and [B7.2 Indigenous Biodiversity](#).
- (d) effects on public access, navigation and safety:
- (i) whether the effects on existing public access arrangements have been avoided by minimising the extent and duration of work and by providing alternative access routes where practicable;
  - (ii) whether the proposed activity or development adversely affects navigation and safety;
  - (iii) whether the effects on vessel access and berthage has been avoided, remedied or mitigated;
  - (iv) whether the layout of structures and activities enhances public access, including pedestrian access, to the coastline and particularly to any areas of public open space; and
  - (v) whether any loss of public access to, along and within the coastal marine area has been mitigated, including through provision of facilities such as public boat ramps, lookout platforms, and alternative access.
- (e) effects on existing uses and activities (including infrastructure):
- (i) whether proposals avoid, remedy or mitigate adverse effects on existing activities as far as practicable, taking into account both activities in the coastal marine area and on adjacent land; and
  - (ii) whether activities avoid, remedy or mitigate adverse effects on the amenity of adjacent residential and open space zoned land.
- (f) effects on Mana Whenua values:
- (i) whether the proposal has included an assessment of Mana Whenua and how any effects have been avoided, remedied or mitigated.
- (g) consent duration and monitoring:
- (i) whether the consent duration should be limited to the minimum duration necessary for the functional or operational needs of the activity;
  - (ii) whether the consent duration should be limited as part of an adaptive management approach; and

- (iii) whether monitoring is required in order to demonstrate the extent and type of environmental effects of the activity, and the degree to which the effects are remedied or mitigated during and after the activity
- (h) effects on historic heritage
  - (i) whether proposals avoid, remedy or mitigate adverse effects on historic heritage.
- (2) Activities in the [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#):
  - (a) whether the proposed activity provides greater opportunities for the movement or introduction of animal and plant pests that threaten indigenous biodiversity;
  - (b) whether proposals avoid, remedy or mitigate any adverse effect on the ecology and wildlife of the area and, where relevant, on the following:
    - (i) nesting, feeding and breeding of species;
    - (ii) biological processes;
    - (iii) connections between ecosystems;
    - (iv) the diversity of species;
    - (v) the habitat of threatened or protected species, both terrestrial and aquatic; or
    - (vi) cumulative effects
  - (c) whether the proposal has included an assessment of the extent to which:
    - (i) alternative methods or locations are available to the applicant to avoid effects on the identified values in [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#);
    - (ii) the degree to which a reduction in water quality and/or the depositing of material will affect the natural ecological functioning of the area;
    - (iii) existing use and development already, and in combination with any proposal, impacts on the habitat, or impedes the operation of ecological and physical processes;
    - (iv) there are similar habitat types within other [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#) in the same harbour or estuary or, where the D9 Significant Ecological Areas Overlay – Marine 1 and 2 is located on open coast, within the same vicinity; and
    - (v) there will be positive benefits for the ecological functioning and values of the [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#).

- (d) whether the structure in a [D9 Significant Ecological Areas Overlay – Marine 1](#) is necessary for:
    - (i) scientific and research purposes or for public education and will enhance the understanding and long-term protection of the [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#);
    - (ii) navigation and safety;
    - (iii) habitat maintenance and enhancement; or
    - (iv) their benefit to the regional and national community, including infrastructure, and there is no reasonable or practicable alternative location on land or elsewhere in the coastal marine area.
  - (e) the extent to which any proposal to extend or alter any existing lawful structure in the [D9 Significant Ecological Areas Overlay – Marine 1](#) has demonstrated the following:
    - (i) the existing structure has no significant adverse effect on the values and ecological and physical processes operating in the [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#);
    - (ii) the extension or alteration does not involve significant disturbance of foreshore or seabed, clearance of indigenous vegetation;
    - (iii) significantly increase the need to dredge in order to obtain access to the structure from the coastal marine area; or
    - (iv) purpose of the extension cannot practicably be met by a land-based alternative.
  - (f) proposals should have particular regard to the policies in [B7.2 Indigenous Biodiversity](#).
- (3) Activities in an Outstanding Natural Features Overlay:
- (a) whether the proposal has included an assessment of:
    - (i) whether the nature, form and extent of the proposed works or activity adversely affects the feature or features for which the item was scheduled;
    - (ii) whether the proposed works or activity adversely affect landscape values;
    - (iii) the degree to which the feature or features have already been modified so that further modification will not cause significant additional loss of geological information;
    - (iv) the extent to which the modification is necessary;



- (v) the purpose of the proposed works or activity and whether it has specific connections or relevance to the scheduled item;
  - (vi) whether alternative methods and locations are available to the applicant for carrying out the work or activities that do not affect a scheduled feature; and
  - (vii) 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.
- (4) Activities in the Outstanding Natural Landscapes, Outstanding Natural Character and High Natural Character Overlay:
- (a) whether the proposal has considered the potential impacts on landscape, natural character, visual, amenity and experiential values by assessing the extent to which:
    - (i) it avoids adverse effects on Outstanding Natural Character Overlay and Outstanding Natural Landscapes Overlay;
    - (ii) it gives effect to the policies in [B4.2 Outstanding natural features](#) and landscapes and [B8.2 Natural character](#);
    - (iii) the proposal will adversely affect amenity and identified natural character values;
    - (iv) whether the proposed mitigation measures can ensure there will be no more than minor effects on amenity values or views, both from land and sea, landscape and natural character values and people's experience and values associated with an area, including the predominance of nature and wilderness values;
    - (v) the siting of the building adversely affects the line and form of the landscape with particular regard to ridgelines, headlands and promontories;
    - (vi) the building can be located in a less prominent location taking into account the characteristics of the site, and is located within an area that has the greatest potential to absorb change to the landscape;
    - (vii) the building will be visually obtrusive from any public road or public place, including from beaches and the sea;
    - (viii) the location, scale, height, design, external appearance and overall form of the building 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;

- (ix) the building will result in adverse cumulative effects, having regard to other buildings or use and development;
  - (x) adverse visual and ecological effects from any earthworks, landform modification and vegetation removal associated with creating a building platform, driveways or other servicing requirements;
  - (xi) the building, driveways and servicing are set back from mean high water springs to avoid being affected by coastal erosion, natural coastal hazards or sea level rise, taking into account predicted risk over a 100-year time frame;
  - (xii) the proposed building or structure will impact on Mana Whenua values;
  - (xiii) the proposed building or structure has a functional need to be in the location proposed; and
  - (xiv) the proposed building or structure will improve the resilience and security of the infrastructure network.
- (5) Activities affecting a place identified in [Schedule 14.1 Schedule of Historic Heritage](#):
- (a) refer to the assessment criteria listed in [D17 Historic Heritage Overlay](#).
- (6) Noise:
- (a) the extent to which the management of noise emissions from activities in the coastal marine area has taken into account:
    - (i) the adverse effects on the health, well-being, and amenity values of the people who reside in or use the area;
    - (ii) the health and well-being of coastal and marine fauna from the noise associated with the proposal;
    - (iii) the extent to which the noise may add to a cumulative noise effect, taking into account the existing noise generated at or near the site;
    - (iv) the practicability of being able to control the noise levels;
    - (v) the extent to which any social and economic benefits to the community offset the impact of noise associated with the application; and
    - (vi) the extent to which the effects of the noise will be mitigated.
- (7) Underwater blasting, impact and vibratory piling, marine seismic surveys (note that no other criteria apply):
- (a) whether the proposal has included an assessment of:

- (i) the extent to which the underwater noise associated with the proposal adversely affects the health and well-being of marine fauna and people;
- (ii) the practicability of being able to control the underwater noise effects;
- (iii) the social and economic benefits of the proposal; and
- (iv) the extent to which the adverse effects of the underwater noise will be mitigated.

(8) Lighting:

- (a) refer to the assessment criteria in [E24 Lighting](#).

(9) Occupation:

- (a) whether occupation of the common marine and coastal area has been limited in spatial and temporal extent to minimise:
  - (i) the extent to which people will be excluded from using a structure, or by the activity, from the coastal marine area;
  - (ii) the effect the proposal may have on existing resource consent holders of occupation within the same locality or the vicinity; and
  - (iii) cumulative effects of the occupation.
- (b) whether occupation of the common marine and coastal area has been limited to circumstances where it can be demonstrated that:
  - (i) there are no similar areas, structures or activities nearby which could be utilised for the same or similar purpose;
  - (ii) it is not practicable to locate the structure or activity on land outside the coastal marine area;
  - (iii) the use or development has a functional or operational need to locate in the coastal marine area; or
  - (iv) it is necessary to provide for the cultural and traditional needs of Mana Whenua.
- (c) whether or not exclusive occupation of the common marine and coastal area that will have a significant adverse effect on public access and recreational use of the coastal marine area should be granted; and
- (d) the extent to which the duration of rights of occupation are determined having regard to the following:
  - (i) extent of public use and access to the area and the impact of restrictions;

- (ii) level of investment in the development and need for security of tenure to ensure the financial and economic viability;
  - (iii) land use and coastal development changes proposed in the vicinity through any statutory management strategies or plans; and
  - (iv) term of other consents in the vicinity, and the strategic benefit of all consents in an area expiring simultaneously.
- (e) whether the proposal has had particular regard to policy F2.14.3(2) and policy F2.14.3(4).
- (10) Minor reclamation for the purpose of maintaining, repairing or upgrading a lawful reclamation:
- (a) whether reclamations mitigate adverse effects through their form and design, taking into account the following:
    - (i) the compatibility of the design with the location;
    - (ii) the degree to which the materials used are visually compatible with the adjoining coast; and
    - (iii) the ability to avoid consequential erosion and accretion, and other natural hazards.
- (10A) Coastal marine area depositing of material:
- (a) whether the depositing of material:
    - (i) uses methods that include appropriate sediment retention methods, such as using coarser sediment, combining with planting or frequency of sand transfer, to retain the deposited material within the coastal cell in which it is placed;
    - (ii) avoids the introduction of waste, contaminants or harmful aquatic organisms; and
    - (iii) is designed to provide beach elevations and contours that provide environmental, scientific, cultural, amenity or social benefits, or is for erosion control.
- (11) River mouth dredging; dredging to maintain or gain access to an existing lawful structure; dredging to clear the exit of any lawful stormwater outfall or pipe (maximum of 5000m<sup>3</sup>, maximum of 500m length) and maintenance dredging in specified zones:
- (a) whether dredging:
    - (i) causes or exacerbates erosion or flooding within the coastal marine area or on adjacent land;
    - (ii) causes damage to existing lawful structures;

- (iii) results in the permanent loss of any habitat of a rare or endangered species; and
  - (iv) results in adverse effects on significant surf breaks identified in [Appendix 4 Surf breaks](#);
- (b) the extent to which dredging minimises sediment or contaminant mobilisation and dispersal by using best practicable methods and procedures, particularly for dredging contaminated sediments;
- (c) whether proposals for dredging have demonstrated:
- (i) that there are reasonably practicable alternatives to provide for a use or activity which would avoid or reduce the need for dredging; and
  - (ii) any seabed disturbance and resulting turbidity other than which is localised and limited in duration.
- (d) whether maintenance dredging provides for the ongoing use of the Port Precinct, the Coastal – Minor Port Zones, Coastal – Marina Zone, Coastal – Ferry Terminal Zone and Coastal – Defence Zone; and
- (e) whether works have avoided effects on any sites or areas in [D17 Historic Heritage Overlay](#).
- (12) Mangrove removal that does not meet the standards in F2.21.1 or F2.21.5.6:
- (a) whether removal of mangroves, including seedlings, has been avoided in areas:
- (i) where mangroves provide important ecological values;
  - (ii) of potential coastal erosion where mangroves provide a buffer against coastal processes causing erosion; and
  - (iii) where the sediments contain high levels of contaminants at risk of being re-suspended.
- (b) whether proposals to remove mangroves have assessed the sediment inputs in the area and identification of catchment initiatives to reduce sediment and nutrient inputs;
- (c) whether mangrove removal has:
- (i) minimised the disturbance of the foreshore and seabed, and sediment and contaminant discharges;
  - (ii) disposed of removed mangroves outside the coastal marine area using an appropriate method and avoided burning mangroves within the coastal marine area;
  - (iii) utilised a disposal method that results in significant adverse effects on the coastal marine area where landward disposal is not proposed;

- (iv) taken an adaptive management approach where a significant area of removal is proposed and there is uncertainty over the extent of adverse effects; and
  - (v) provided for the long-term maintenance of cleared areas.
- (d) whether mangrove removal is granted where there is clear evidence that they have spread and the proposed removal is necessary to enable, maintain, restore or enhance:
- (i) public access to, or along, the coastal marine area;
  - (ii) connections with reserves or publicly owned land and the sea;
  - (iii) public use and amenity values;
  - (iv) water access and navigation, including waka portage routes;
  - (v) public health and safety, including sightlines and traffic safety;
  - (vi) access to the coast from marae, or to areas of customary use;
  - (vii) natural character, biodiversity and ecological values, including significant wading bird feeding or roosting areas; and
  - (viii) cultural or historic heritage or natural features.
- (e) whether mangrove removal should be granted consent where there is no practicable alternative, and removal is necessary to allow for:
- (i) the operation, maintenance and use of existing lawful structures, or infrastructure;
  - (ii) the provision of infrastructure, that cannot practically be located in an alternative area, that would avoid the need for mangrove removal; and
  - (iii) removal of areas identified for clearance in a reserve management plan, comprehensive coastal management plan or similar plan that has been subject to a public consultation process where the potential adverse effects have been considered.
- (13) Discharges:
- (a) whether facilities are to be provided for the treatment, collection and disposal of any discharge where practicable.
- (14) Discharge of wastewater from a wastewater network:
- (a) the extent to which the proposed best practicable option:
    - (i) prevents or minimises adverse effects particularly on public health, safety and amenity, potable water supplies, Mana Whenua values, freshwater systems and coastal waters;

- (ii) provides for wastewater discharges generated as a result of potential urban growth, urban redevelopment, and land use intensification within the catchment, taking into account the growth and intensification provisions of the Plan;
  - (iii) progressively reduces overflows to an average of no more than two events per discharge location per annum by 2040 and where the overflow frequency exceeds an average of two events per discharge location per annum, an alternative discharge frequency must be established using a best practicable option;
  - (iv) progressively reduces overflows and associated adverse effects, and the priorities for doing so, having particular regard to areas of contact recreation and public use, receiving environments that are sensitive to the adverse effects of wastewater overflows and areas with high Mana Whenua values; and
  - (v) takes account of consultation with key stakeholders, including Mana Whenua and the community.
- (b) the operations and maintenance plans and programmes provided will ensure the effective operation of the combined sewer network and minimise dry and wet weather overflows;
- (c) whether the response procedures and processes provided will mitigate the adverse effects of overflows;
- (d) whether the design of engineered overflow points minimises public health risks, ecological effects, nuisance and/or damage and prevents erosion or scouring at the point of discharge.
- (15) A discharge of hull bio-fouling organisms from in-water cleaning:
- (a) whether the proposal has included an assessment of the extent to which the in-water hull cleaning will ensure that unusual organisms or suspected harmful aquatic organisms (or species designated as pests in the relevant pest management plan prepared under the Biosecurity Act) are not caused to spread, with particular consideration of the following matters:
    - (i) the method of cleaning;
    - (ii) the existing anti-fouling treatment manufacturer's recommendations for cleaning;
    - (iii) whether the existing anti-fouling treatment is within its expected service life;
    - (iv) the extent to which bio-fouling material is captured;
    - (v) the method of disposal of any captured bio-fouling material;

(vi) whether a risk assessment is required, and if so, that assessment has been undertaken by a suitably qualified and approved person; and

(vii) any other matter included in the “In-water cleaning technologies: Review of information” Ministry of Primary Industries Technical Paper No: 2015/38

(16) Discharge of wastewater from a combined sewer network:

(a) the extent to which the proposed best practicable option :

(i) prevents or minimises adverse effects particularly on public health, safety and amenity, potable water supplies, Mana Whenua values, freshwater systems and coastal waters;

(ii) provides for wastewater discharges generated as a result of potential urban growth, urban redevelopment, and land use intensification within the catchment, taking into account the growth and intensification provisions of the Plan;

(iii) progressively reduces overflows and associated adverse effects, and the priorities and timeframes for doing so, having particular regard to areas of contact recreation and public use, receiving environments that are sensitive to the adverse effects of wastewater overflows and areas with high Mana Whenua values;

(iv) takes account of consultation with key stakeholders, including Mana Whenua and the community; and

(v) considers potential impacts on stormwater management.

(b) whether the operations and maintenance plans and programmes provided will ensure the effective operation of the combined sewer network and minimise dry and wet weather overflows;

(c) whether the response procedures and processes provided will mitigate the adverse effects of overflows; and

(d) whether the design of engineered overflow points minimises public health risks, ecological effects, nuisance and/or damage and prevents erosion or scouring at the point of discharge.

(17) Structures and buildings in the coastal marine area:

(a) whether proposals for structures in the coastal marine area have considered more efficient use of space on existing wharves or adjacent land that would avoid the need for the structure or reduce its size;

(b) whether the structure has a functional or operational need to be located in the coastal marine area, and/or can practicably be located outside of the coastal marine area;



- (c) whether the quality of building design and its location, including consideration of scale, size, design and external appearance is appropriate, acknowledging the functional and operational requirements of marine and port activities where relevant;
  - (d) whether the building material used for structures is appropriately marine-treated, or if relocated or recycled building material is used, treated to prevent the transference or introduction of harmful aquatic organisms;
  - (e) whether buildings in the coastal marine area have interactive frontages where they face public streets and accessways;
  - (f) whether developments have landscaping and screening treatments to minimise adverse visual effects on adjoining land uses, including the effective screening of parking areas and outside storage or servicing areas; and
  - (g) the extent to which the reconstruction, alteration or extension of existing structures:
    - (i) do not have significant adverse effects on other uses and values;
    - (ii) result in greater, more efficient, or multiple use of the structure for marine activities;
    - (iii) reduce the need for a new structure elsewhere;
    - (iv) provide for activities that cannot practicably be located on land outside of the common marine and coastal area;
    - (v) where they provide for activities that do not have a functional need to be undertaken in the coastal marine area, those activities will enhance amenity values and not conflict with marine activities; and
    - (vi) any necessary land-based infrastructure can be provided.
- (18) Effects on views and visual amenity:
- (a) whether structures and buildings adversely affect the natural character, landscape and visual amenity of the area taking into account the following:
    - (i) visual dominance of the building in terms of views from adjoining areas including the coastal marine area;
    - (ii) interface and amenity of adjacent zones, particularly residential zoned land;
    - (iii) scale and location of the proposed building in relation to any nearby buildings;
    - (iv) the type, including colour, of exterior materials used for construction;

- (v) any lighting proposed on the building; or
  - (vi) any signs proposed to be attached to or painted on proposed building.
- (b) whether the height of the structure or building contribute to adverse cumulative effects of development in the area, taking into account:
- (i) visual amenity of the area;
  - (ii) scale and intensity of existing development; and
  - (iii) character of the zone.
- (19) Re-consenting established aquaculture activities:
- (a) effects on ecological values and water quality:
    - (i) whether measures to avoid adverse effects and avoid, remedy or mitigate other adverse effects on ecological values and water quality have been implemented.
  - (b) effects on navigation and safety, including structural integrity:
    - (i) whether measures to avoid adverse effects and to avoid, remedy or mitigate adverse effects on navigation and safety have been implemented;
  - (c) consent duration and monitoring:
    - (i) whether the term of consent is appropriate to provide for the operational needs of the aquaculture activities and to manage its environmental effects;
    - (ii) whether any monitoring is required to demonstrate the extent and type of environmental effects of the aquaculture activities, and the degree to which the effects are remedied or mitigated during and after the activity.
  - (d) effects on the characteristics and qualities of overlays:
    - (i) the relevant assessment criteria are those included for structures/activities in: [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#); [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscape Overlay](#); and [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#);
  - (e) the level of economic investment in the existing lawfully established aquaculture activity:
    - (i) whether information demonstrating the value of existing infrastructure supporting the ongoing use of the aquaculture activity has been provided.

- (20) Extensions and realignment of established aquaculture activities:
- (a) whether any extensions and or realignment of established aquaculture activities has:
    - (i) demonstrated it is an efficient use of the coastal marine area;
    - (ii) does not have adverse effects on other uses and values;
    - (iii) resulted in greater or more efficient use of the established aquaculture activities, and
    - (iv) that any adverse effects have been avoided, remedied or mitigated.
  - (b) construction or works methods:
    - (i) whether measures to ensure construction works avoid adverse effects and avoid, remedy or mitigate other adverse effects, particularly on water quality have been implemented;
  - (c) location, extent, design and materials:
    - (i) whether the extension/realignment is located and designed to avoid adverse effects and avoid, remedy or mitigate other adverse effects on the environment;
    - (ii) whether the form, intensity and scale of works, structures and buildings are sensitive to the marine environment and surrounding adjoining spaces; and
    - (iii) whether the materials used are compatible with the surrounding coastal environment and, where practicable, consistent with the existing materials at the site.
  - (d) effects on coastal processes, ecological values and water quality:
    - (i) whether measures to avoid adverse effects and avoid, remedy or mitigate other adverse effects on coastal processes, ecological values, and water quality have been assessed.
  - (e) effects on public access, navigation and safety:
    - (i) whether measures to ensure adverse effects on existing public access arrangements are minimised to the extent and duration of work and via the provision of alternative access routes where practicable have been implemented; and
    - (ii) whether measures have been provided to avoid, remedy or mitigate adverse effects on navigation and safety.
  - (f) effects on existing uses and activities:
    - (i) whether measures to avoid adverse effects on existing activities, on amenity of adjacent residential and open space zoned land, taking into

account both activities in the coastal marine area and on adjacent land, have been implemented.

(g) consent duration and monitoring:

- (i) whether the term of consent is appropriate in order to provide for the operational needs of the extension / realignment and to manage its environmental effects;
- (ii) whether the consent duration need to be limited to allow an adaptive management approach; and
- (iii) whether any monitoring is required to demonstrate the extent and type of environmental effects of the activity, and the degree to which the effects are remedied or mitigated during and after the activity.

(h) effects on the characteristics and qualities of overlays:

- (i) the relevant assessment criteria are those included for structures / activities in: [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#); [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscape Overlay](#); and [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#).

(i) the level of economic investment in the existing lawfully established aquaculture activity:

- (i) whether information demonstrating the value of existing infrastructure supporting the ongoing use of the aquaculture activity has been provided.

(21) Aquaculture activities - research trials:

(a) whether research trials:

- (i) provide scientific evidence on new or established species and / or new or innovative techniques;
- (ii) efficiently use the coastal marine area, including the collaboration between research agencies to share the same research trial sites; and
- (iii) will have an adverse effect on other uses and values.

(b) construction or works methods:

- (i) whether measures ensure construction works avoid, remedy or mitigate adverse effects, particularly on water quality.

(c) location, extent, design and materials:

- (i) whether the extension/realignment is located and/or designed to avoid, remedy or mitigate adverse effects on the environment;

- (ii) whether the form, intensity and scale of works, structures and buildings are sensitive to the marine environment and surrounding adjoining spaces; and
  - (iii) whether the materials used are compatible with the surrounding coastal environment and, where practicable, consistent with the existing materials at the site.
- (d) effects on coastal processes, ecological values, water quality and natural character:
- (i) whether measures to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, water quality and natural character have been implemented.
- (e) effects on public access, navigation and safety:
- (i) whether measures ensure adverse effects on existing public access are minimised and whether alternative access is necessary and has been provided; and
  - (ii) whether measures to avoid, remedy or mitigate adverse effects on navigation and safety have been implemented.
- (f) effects on existing uses and activities:
- (i) whether measures to avoid, remedy or mitigate adverse effects on existing activities, amenity of adjacent residential and open space zoned land taking into account both activities in the coastal marine area and on adjacent land have been implemented.
- (g) effects on Mana Whenua values:
- (i) whether the proposal has included an assessment of Mana Whenua values and how any adverse effects have been avoided, remedied or mitigated.
- (h) effects of introducing food and antibiotics:
- (i) whether measures have been implemented to minimise the potential risks associated with the introduction of food and antibiotics to the coastal marine area as part of the research trial; and
  - (ii) whether any monitoring is required to demonstrate the extent and type of environmental effects of the activity, and the degree to which the effects are remedied or mitigated during and after the activity.

#### **F2.24. Special information requirements**

There are no special information requirements in this zone.

### **F3. Coastal – Marina Zone**

#### **F3.1. Zone description**

The Coastal – Marina Zone provides for the development and operation of various established marinas, including both land and water components. The zone covers land and the coastal marine area to promote integrated management of activities and effects that cross mean high water springs.

The Coastal – Marina Zone applies to the following marinas:

- Sandspit, Warkworth;
- Mahurangi, Wilson Road, Warkworth;
- Gulf Harbour, Whangaparāoa;
- Milford;
- Bayswater;
- Hobsonville Marina, West Harbour;
- Westhaven;
- Outboard Boating Club, Hobson Bay;
- Ōrākei;
- Half Moon Bay;
- Pine Harbour, Beachlands; and
- Hobsonville Point.

#### **F3.2. Objectives [rcp/dp]**

- (1) The adverse effects of marinas on the coastal environment are avoided, remedied or mitigated.
- (2) Marina activities are located within the Coastal – Marina Zone which encompasses the coastal marine area and any adjoining land used for marina related activity.
- (3) Marina and related supporting facilities are developed, used, maintained, refurbished, reconstructed and berthage maximised.
- (4) Marina development and redevelopment above and below mean high water springs is integrated.
- (5) Activities in the Coastal – Marina Zone that have a functional need for a coastal location have priority over those that do not.
- (6) Access to the waterfront for berth holders and the public is maintained or enhanced.

- (7) Limited expansion of existing marinas in the coastal marine area is enabled provided there is adequate infrastructure to support it and any adverse environmental effects are avoided, remedied or mitigated.

### **F3.3. Policies [rcp/dp]**

- (1) Provide for use, development, repair, maintenance, refurbishment, and reconstruction of existing marinas, and their expansion, that avoids remedies or mitigates adverse effects on the coastal environment, including adjacent land zoned for residential or open space purposes.
- (2) Provide for marine-related and other compatible business activities, while avoiding, remedying or mitigating adverse effects on the coastal environment and adjacent land zoned for residential or open space purposes.
- (3) Provide for maritime passenger operations and maritime passenger facilities at marinas.
- (4) Provide for adequate and convenient facilities in marinas for the containment, collection and appropriate disposal of all of the following:
  - (a) rubbish from vessels;
  - (b) sewage from vessels;
  - (c) recyclable material including waste oils;
  - (d) residues from vessel construction and maintenance;
  - (e) spills from refuelling operations and refuelling equipment; and
  - (f) stormwater generated from the marina complex.
- (5) Encourage additional berthage to be created at existing marinas where this is practicable and will avoid, remedy or mitigate adverse effects on the environment including:
  - (a) the natural character of the coastal environment;
  - (b) landscape and visual amenity values;
  - (c) coastal processes;
  - (d) water quality;
  - (e) biosecurity;
  - (f) historic heritage and Mana Whenua values;
  - (g) land-based facilities including parking, access and the adjoining road network; and
  - (h) public access.

- (6) Minimise the size of any wave attenuation devices associated with a marina development while also ensuring the safe and efficient operation of the marina.
- (7) Require any marina development to be of a scale, design and location that remedies or mitigates adverse effects on the coastal environment, particularly in relation to the following matters:
  - (a) the natural character of the coastal environment;
  - (b) effects on the recreational, visual and amenity values in the locality, including lighting effects;
  - (c) public access to, along and within the coastal marine area;
  - (d) effects on the landscape elements and features;
  - (e) effects on historic heritage or Mana Whenua values;
  - (f) noise effects including construction noise and ongoing operational noise, such as halyard slap;
  - (g) effects on coastal processes including wave sheltering, downstream effects, sediment movement, erosion and depositing, littoral drift, and localised effects on water currents;
  - (h) effects on significant surf breaks;
  - (i) the need for capital works and maintenance dredging within the marina and any approach/entrance channel;
  - (j) effects on other users of the coastal marine area including existing maritime passenger operations, moorings and public boat ramps;
  - (k) effects on navigation and safety and the need for any aids to navigation;
  - (l) shore-based facilities including car and trailer parking, boat storage and maintenance areas, administration buildings, public toilets, boat racks, lockers, public access and esplanade reserves, landscaping and urban design treatment;
  - (m) the effects of additional traffic generation on the road network and any measures to mitigate these effects; and
  - (n) consideration of any relevant council structure plans, concept plans, strategies, reserve management plans, designations or additional limitations that apply to the adjoining land.
- (8) Provide for public access to be restricted only where it is necessary for public health, safety, security or operational reasons.



- (9) Require mitigation for any loss of public access to, along and within the coastal marine area, including providing facilities such as public boat ramps, and alternative access for other recreational users.
- (10) Allow activities that do not have a functional need for a coastal location only where all of the following can be demonstrated:
- (a) the proposed activities will not conflict with, or limit, the operation of marina activities, maritime passenger operations or other marine-related activities that are undertaken in the Coastal – Marina Zone;
  - (b) no reclamation is required to enable the activity and it will not create a demand for future reclamation;
  - (c) adequate provision remains for existing activities that have a functional or operational need for a coastal location;
  - (d) public access to and use of the coastal marine area will be maintained or enhanced;
  - (e) the development is integrated with public transport, where relevant; and
  - (f) the development is designed to complement its particular coastal location.

#### F3.4. Activity table

Table F3.4.1 Activity table below specifies the activity status of works in the coastal marine area pursuant to sections 12(1) of the Resource Management Act 1991 and the activity status of any associated discharges of contaminants into water pursuant to section 15 of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area of the Coastal – Marina Zone unless otherwise specified in the following provisions.

The provisions in the Open Space – Sport and Active Recreation Zone apply to the land area of the Coastal – Marina Zone unless otherwise specified in the following provisions.

**Table F3.4.1 Activity table**

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A1)	Reclamation	D	NA
(A2)	Maintenance dredging	RD	NA
(A3)	Capital works dredging	RD	NA

Table F3.4.2 Activity table below specifies the activity status of use and activities on land pursuant to section 9(3) of the Resource Management Act 1991; use and activities in the coastal marine area pursuant to section 12(3) of the Resource Management Act 1991; the associated occupation of the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991; and the discharge of contaminants into water pursuant to section 15 of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area of the Coastal – Marina Zone unless otherwise specified in the following provisions.

The provisions in the Open Space – Sport and Active Recreation Zone apply to the land area of the Coastal – Marina Zone unless otherwise specified in the following provisions.

Those activities in the coastal marine area marked with <sup>1</sup> apply when the activity is on an existing coastal marine area structure or where consent is being sought for that structure.

**Table F3.4.2 Activity table**

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A4)	Workers accommodation	NC	P
(A5)	Dwellings	NC	NC
(A6)	Aquaculture activities (including any activities under sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)	Pr	NA
(A7)	Public amenities <sup>1</sup>	P	P
(A8)	Food and beverage <sup>1</sup>	RD	RD
(A9)	Storage and sale of fuel and oil for vessels – maximum of 100m <sup>2</sup> gross floor area <sup>1</sup>	P	P
(A10)	Dairies – maximum of 100m <sup>2</sup> gross floor area	NC	P
(A11)	Marine retail <sup>1</sup>	P	P
(A12)	Clubrooms for marine-related clubs <sup>1</sup>	P	P
(A13)	Offices accessory to marine and port activities <sup>1</sup>	P	P
(A14)	Offices not otherwise provided for	NC	NC
(A15)	Marine industry <sup>1</sup>	RD	P
(A16)	Helicopter landing areas	D	D
(A17)	Maritime passenger operations lawfully existing at 30 September 2013	P	P

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(A18)	Maritime passenger operations established after 30 September 2013	RD	RD
(A19)	Vehicle parking on lawfully existing CMA structures associated with a marina	P	NA
(A20)	Marine and port activities	P	P

Table F3.4.3 Activity table below specifies the activity status of structures on land and in the coastal marine area pursuant to sections 9(3) and 12(1) of the Resource Management Act 1991; the occupation of the common marine and coastal area pursuant to sections 12(2) of the Resource Management Act 1991; and their use pursuant to section 12(3) of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area of the Coastal – Marina Zone unless otherwise specified in the following provisions.

The provisions in the Open Space – Sport and Active Recreation Zone apply to the land area of the Coastal – Marina Zone unless otherwise specified in the following provisions.

Those activities in the coastal marine area marked with <sup>2</sup> apply when the activity is on a coastal marine area structure.

**Table F3.4.3 Activity table**

Note 1. Rule F3.4.3(A34) applies where occupation is proposed in an area that has an existing occupation consent. Rule F3.4.3(A34) does not apply if an activity is proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A21)	Marine and port facilities <sup>2</sup>	P	P
(A22)	New coastal marine area structures or buildings (excludes marine and port facilities, marine and port accessory structures and services) <sup>2</sup>	RD	P
(A23)	Temporary coastal marine area structures or buildings	P	NA
(A24)	Marine and port accessory structures and services	P	P
(A25)	Maritime passenger facilities established after 30 September 2013	RD	RD
(A26)	Public transport facilities	NA	P
(A27)	Wave attenuation devices	RD	RD

(A28)	Coastal marine area structures or buildings not otherwise provided for	D	NA
(A29)	Observation areas, viewing platforms and boardwalks	RD	RD
(A30)	New and existing swing moorings and marina berths including occupation and use by vessel to be moored	P	NA
(A31)	New and existing pile moorings including occupation and use by the vessel to be moored	P	NA
(A32)	Maimai	NC	NC
(A33)	Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity	RD	NA
(A34)	Occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD	NA

### F3.5. Notification

- (1) Any application for resource consent for dwellings in the Coastal – Marina Zone must be publicly notified.
- (2) Any application for resource consent for an activity listed in Tables F3.4.1, F3.4.2 and F3.4.3 above and which is not listed in F3.5(1)(a) 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\(4\)](#).

### F3.6. Standards

All activities listed as a permitted activity or a restricted discretionary activity in Tables F3.4.1, F3.4.2 and F3.4.3 must comply with the following standards.

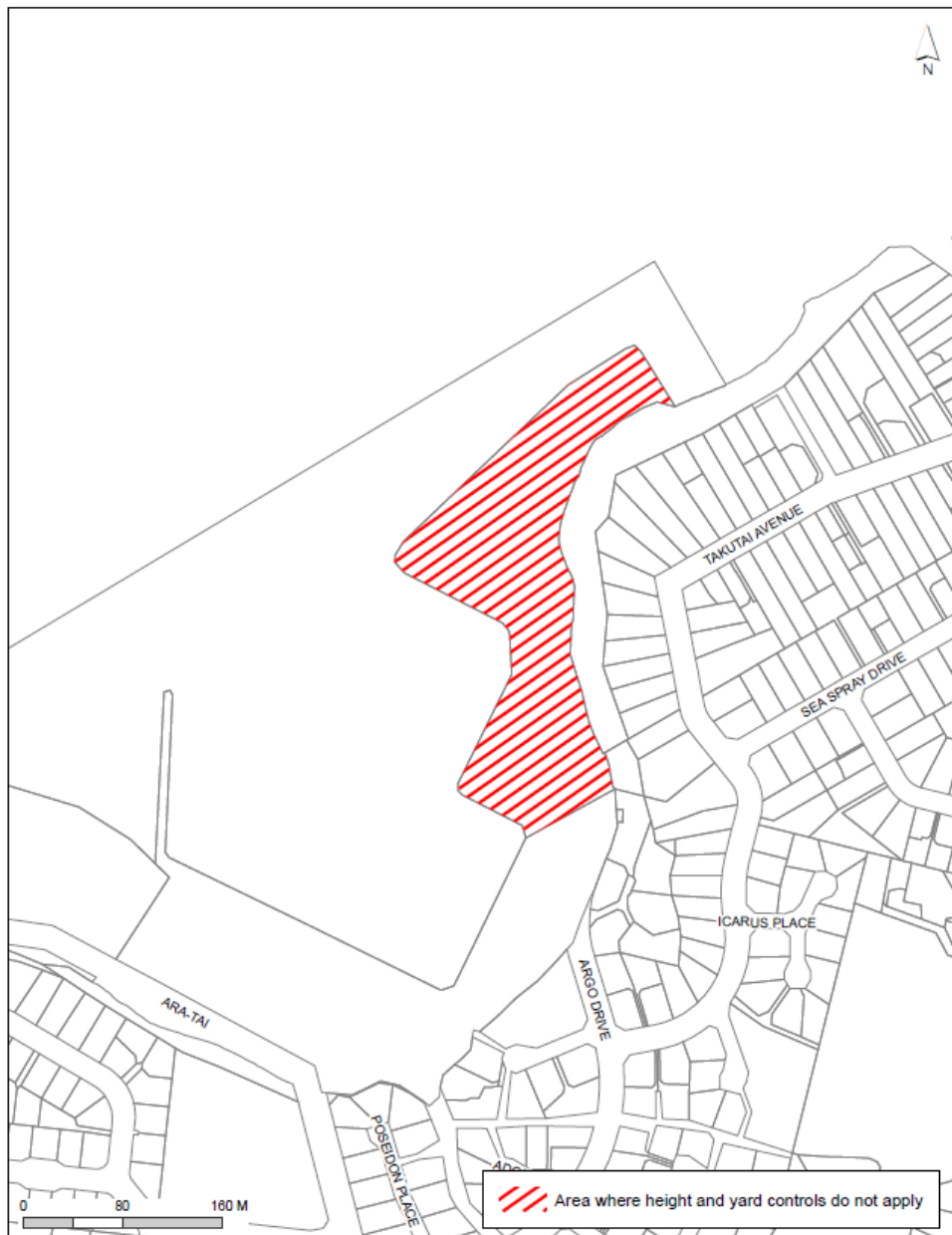
The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area of the Coastal – Marina Zone unless otherwise specified in the following provisions.

The provisions in the Open Space – Sport and Active Recreation Zone apply to the land area of the Coastal – Marina Zone unless otherwise specified in the following provisions.

#### F3.6.1. Building height

- (1) Buildings entirely within the coastal marine area must not exceed 5m in height above mean high water springs.
- (2) Structures for haulage or lifting must not exceed 18m in height above mean high water springs in the coastal marine area.
- (3) Buildings must not exceed 9m in height above ground level when located on land except within that area of Half Moon Bay shown on Figure F3.6.1.1 Half Moon Bay Marine – Area where the height and yard standards do not apply, where the maximum height must not exceed 12m. Those buildings located partially within the coastal marine area must not exceed 9m in height.
- (4) Structures such as travel lifts and boat stacking (not within buildings) must not exceed 12m in height above ground level when located on land.

**Figure F3.6.1.1 Half Moon Bay Marina – Area where the height and yard standards do not apply**



**F3.6.2. Yards**

- (1) All structures must be set back from the relevant boundary by the minimum depth listed in Table F3.6.2.1 Yards.
- (2) Goods, materials, refuse or refuse containers must not be stored in a yard.

**Table F3.6.2.1 Yards**

<b>Yard</b>	<b>Minimum depth</b>
Front	3m Yards are not required for internal roads or service lanes
Rear	5m where a rear boundary adjoins a residential or open space zone; or a reserve vested in the Council
Side	5m where the side boundary adjoins a residential or open space zone; or a reserve vested in the Council except that no side yard is required within that area of Half Moon Bay shown on Figure F3.6.1.1 Half Moon Bay Marine – Area where the height and yard standards do not apply.
Water	3m from the edge of a river where a boundary adjoins a river whose bed has an average width of 3m or more

**F3.6.3. Building coverage**

- (1) The maximum permitted building coverage or cumulative total area of buildings on land must not exceed 35 per cent of the land area.

**F3.6.4. Height in relation to boundary**

- (1) No part of any building may exceed a height equal to 2.5m plus the shortest horizontal distance between that part of the building and any site boundary, where the boundary is adjacent to a residential or open space zone, except that no height in relation to boundary control applies to that area within Half Moon Bay Marina shown in Figure F3.6.1.1 Half Moon Bay Marine – Area where the height and yard standards do not apply.

**F3.6.5. Storage and screening**

- (1) Any outdoor storage or rubbish collection areas that directly face and are visible from a residential, rural or open space zone must be screened from those areas by a solid wall or fence at least 1.8m high.

**F3.6.6. Marine retail**

- (1) The gross floor area of an individual retail tenancy must not exceed 300m<sup>2</sup>.
- (2) The total cumulative gross floor area of retail activities within the marina must not exceed 1000m<sup>2</sup>.

**F3.6.7. Workers' accommodation**

- (1) No more than one workers' accommodation per marina.

**F3.7. Assessment – controlled activities**

There are no controlled activities in this section.

**F3.8. Assessment – restricted discretionary activities**

**F3.8.1. Matters of discretion**

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

- (1) for all restricted discretionary activities:
- (a) the effect of the construction or works methods, timing and hours of operation;
  - (b) the location, extent, design materials and landscaping;
  - (c) the effects on coastal processes, ecological values, water quality and natural character;
  - (d) the effects on public access, navigation and safety;
  - (e) the effects on existing uses and activities;
  - (f) the effects on Mana whenua values; and
  - (g) consent duration and monitoring.
- (2) For food and beverage:
- (a) traffic and parking.
- (3) for marine industry other than the maintenance and servicing of vessels:
- (a) the effects from additional traffic as well as any parking requirements.
- (4) for maritime passenger operations and facilities established after 30 September 2013:
- (a) the effects from additional traffic as well as any parking requirements.
- (5) for structures or buildings in the coastal marine area and buildings on land:
- (a) effects on views to and from the surrounding area, and the visual amenity effects from the presence of the structure.
- (6) for occupation of the common marine and coastal area:
- (a) the effects of the location, extent, timing and duration of the occupation, including exclusive occupation.

### **F3.8.2. Assessment criteria**

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

- (1) location, extent, design and materials used:
  - (a) whether any marina development is of a scale, design and materials and located so that it remedies or mitigates adverse effects on the coastal environment, particularly the following matters:
    - (i) the natural character of the coastal environment;
    - (ii) effects on the recreational, visual and amenity values in the locality, including lighting effects;
    - (iii) public access to, along and within the coastal marine area;
    - (iv) effects on the landscape elements and features;
    - (v) effects on cultural and historic heritage values in the locality;
    - (vi) noise effects including construction noise and ongoing operational noise, such as halyard slap;
    - (vii) effects on coastal processes including wave sheltering, downstream effects, sediment movement, erosion and deposits, littoral drift, and localised effects on water currents;
    - (viii) effects on significant surf breaks as identified in [Appendix 4 Surf breaks](#);
    - (ix) the need for capital works and maintenance dredging within the marina and any approach/entrance channel, options for disposal, measures to address any contaminants in dredged material, and effects of dredging on water quality;
    - (x) effects on other users of the coastal marine area including existing moorings and public boat ramps;
    - (xi) effects on navigation and safety and the need for any aids to navigation;
    - (xii) the provision of shore-based facilities including car and trailer parking, boat storage and maintenance areas, administration buildings, public toilets, boat racks, lockers, public access and esplanade reserves, landscaping and urban design treatment; and
    - (xiii) consideration of any relevant council structure plans, concept plans, strategies, reserve management plans, designations or additional limitations that apply to the adjoining land.
- (2) for existing uses and activities:
  - (a) whether the effects of proposed buildings and activities have been considered in relation to existing activities including marine-related



industries, other marina activities and/or adjoining residential/coastal activities, and what measures have been put in place to avoid, remedy or mitigate any adverse effects.

(3) for traffic and parking:

- (a) refer to any relevant assessment criteria in [E27.8.2 Transport](#);
- (b) whether the proposal, including any additional vehicle movements, adversely affects the safe and efficient operation of the road network, including the operation of public transport and the movement of pedestrians, cyclists and general traffic; and
- (c) whether the provision of parking is adequate for the site and the proposal, having considered any alternative parking available in the area and access to public transport.

(4) for marine industry other than the maintenance and servicing of vessels, maritime passenger facilities:

- (a) whether measures have been implemented to address reverse sensitivity effects on the surrounding Coastal – Marina Zone activities;
- (b) the extent to which the activity is complementary to, and will not limit the primary use of the site for marina purposes, including the operation of marina activities, maritime passenger transport or other marine-related activities;
- (c) whether measures have been taken to maintain or enhance public access to the coastal marine area;
- (d) whether the design reflects the high visibility and coastal nature of the site;
- (e) whether the activity avoids, remedies or mitigates the adverse effects on the amenity of the locality arising from use of the facility, including by controlling noise and hours of operation; and
- (f) the extent to which the need for parking or transport facilities conflicts with the main marina use and should be integrated with public transport.

(5) for the intensification of berthage:

- (a) the extent to which intensification of berthage within the Coastal – Marina Zone is enabled, allowing for more efficient use of the coastal marine area.

(6) for occupation of the common marine and coastal area:

- (a) refer to assessment criteria set out for occupation in the Coastal – General Coastal Marine Zone.

**F3.9. Special information requirements**

There are no special information requirements in this section.

## **F4. Coastal – Mooring Zone and moorings outside the Coastal – Mooring Zone**

### **F4.1. Zone description**

This section addresses the provisions relating to moorings in the Coastal – Mooring Zone and those outside the Coastal – Mooring Zone. The Coastal – Mooring Zone contains objectives, policies and rules for moorings within the Coastal – Mooring Zone. The objectives, policies and rules for moorings outside the Coastal – Mooring Zone are also contained in this section.

Auckland has a large number of recreational vessels and the number is likely to increase as the population grows. Recreational boating is a popular activity, particularly in the Hauraki Gulf, and the mooring of vessels needs to be provided for in appropriate locations.

Many recreational vessels are permanently stored in the coastal marine area, either in marinas or on moorings. While moorings enable recreational use of the coastal marine area, individual moorings and groups of moored vessels may have adverse effects on the environment, particularly on natural character, landscape, visual and amenity values and Mana Whenua values. Leaching from boat hulls may have an adverse effect on water quality and ecological values.

Moorings, due to their occupation of space, exclude other water users from that space and can affect other recreational use of the coastal marine area, including limiting the water space available for vessels to anchor at popular boating destinations. Moorings can also limit the areas where vessels can anchor to shelter from poor weather. In some cases moorings may be important to property owners to provide access to land where no land-based access is available.

To consolidate moorings in appropriate areas, the Coastal – Mooring Zone has been identified in a number of areas. Most Coastal – Mooring Zone sites are within the Hauraki Gulf, reflecting the high recreational boat use of the Gulf. Enabling the mooring of vessels within a Coastal – Mooring Zone ensures the efficient use of the coastal marine area by:

- concentrating moorings in suitable areas, and avoiding a proliferation of moorings around the coast;
- reducing conflict with other users of coastal space;
- reducing pressure on areas with high natural values or Mana Whenua values; and
- enabling the strategic planning and provision of land-based facilities such as dinghy racks, parking and boat ramps.

Moorings in the Coastal – Mooring Zone, other than new pile moorings, are a permitted activity. Moorings outside the Coastal – Mooring Zone are provided for, but require resource consent as a discretionary activity. This is to enable the effects (both positive and adverse) to be assessed.

The day-to-day management of moorings within the Coastal – Mooring Zone is managed by the harbourmaster's office under the Council's Navigation Safety bylaw.

#### **F4.2. Objectives [rcp]**

- (1) Vessels are moored in appropriate locations in the coastal marine area to avoid as far as practicable adverse effects on natural character, landscape, navigational safety, commonly used safe anchorage areas, infrastructure, recreational activities, amenity values, ecological values, historic heritage and Mana Whenua values.
- (2) Moorings are located within the Coastal – Mooring Zone and the space within the Coastal – Mooring Zone is used efficiently.
- (3) The use of the Coastal – Mooring Zone is enhanced by the provision of land-based facilities in appropriate locations while avoiding, remedying or mitigating adverse effects on the environment.

#### **F4.3. Policies [rcp]**

- (1) Avoid new moorings being located in any of the following:
  - (a) within an area identified in the Significant Ecological Areas Overlay - Marine 1 and 2 area;
  - (b) where they would have an adverse effect on any outstanding natural feature identified in the Outstanding Natural Features and Outstanding Natural Landscapes Overlay;
  - (c) within an area identified in the Outstanding Natural Character and High Natural Character Overlay;
  - (d) where they would have an adverse effect on identified historic heritage values and identified Mana Whenua values;
  - (e) that are commonly relied upon for safe anchorage during adverse weather conditions;
  - (f) that are popular cruising and anchoring destinations used by the general boating public; or
  - (g) where they will impede maritime passenger operations.
- (2) Determine the appropriateness of moorings outside the Coastal – Mooring Zone by taking into account any of the following:
  - (a) whether there is a Coastal – Mooring Zone with available space in proximity to the proposed mooring location;
  - (b) whether there is a demonstrable need for a mooring outside of a Coastal – Mooring zone;
  - (c) whether the only access to the property associated with the mooring is from the coastal marine area;

- (d) whether it can be demonstrated that short-term anchorage as opposed to a permanent mooring is not a practicable option;
  - (e) whether sharing an existing mooring is possible and or practical;
  - (f) whether the proposed method of mooring is the most appropriate taking into account the particular location, the extent of water space that will be occupied and the level of impact on other users;
  - (g) whether it can be demonstrated that the location is suitable in terms of wave, tide, and wind conditions, particularly during storms;
  - (h) whether the navigation and safety of other vessels, or other lawful use of the coastal marine area, including the short term anchorage of other vessels will be adversely affected;
  - (i) whether land-based vessel storage is a practicable option;
  - (j) whether it will limit public access to and along the coastal marine area;
  - (k) whether a mooring was lawfully established at the time the Plan was notified (30 September 2013); or
  - (l) whether the mooring makes efficient use of the coastal marine area through regular and frequent use of the mooring rather than infrequent use.
- (3) Encourage the provision of land-based facilities in appropriate locations that support the use of a Coastal – Mooring Zone, such as boat ramps, dinghy storage, toilets and wastewater pump-out station facilities for disposal of waste from vessels and vessel haul-out and maintenance with containment and collection facilities.
- (4) Manage the Coastal – Mooring Zone to:
- (a) concentrate moorings;
  - (b) consolidate moorings by progressively replacing swing moorings with bow and stern moorings where this is practicable;
  - (c) maximise the opportunities for the use of water space by other recreational activities; and
  - (d) make provision for safe anchorage.

#### **F4.4. Activity table**

Table F4.4.1 Activity table specifies the activity status of use and activities in the Coastal – Mooring Zone pursuant to section 12(3) of the Resource Management Act 1991 and the associated occupation of the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991.

F4 Coastal – Mooring Zone and moorings outside the Coastal – Mooring Zone

The activities, standards and assessment criteria in the Coastal – General Coastal Marine Zone apply in the coastal marine area of the Coastal – Mooring Zone unless otherwise specified in the following provisions.

**Table F4.4.1 Activity table**

Activity		Activity status
(A1)	Aquaculture activities (including any activities under section 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)	Pr
(A2)	Expansion of an existing marina by no more than 15 per cent of its area within the Coastal – Mooring Zone in the coastal marine area existing at that time	D

Table F4.4.2 Activity table below specifies the activity status of structures in the Coastal – Mooring Zone pursuant to section 12(1) of the Resource Management Act 1991 and the associated occupation of the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991; and their use pursuant to section 12(3) of the Resource Management Act 1991.

The activities, standards and assessment criteria in the Coastal – General Coastal Marine Zone apply in the coastal marine area of the Coastal – Mooring Zone unless otherwise specified in the following provisions.

**Table F4.4.2 Activity table**

Activity		Activity status
(A3)	New and existing swing moorings including occupation and use by vessel to be moored	P
(A4)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P
(A5)	New pile moorings including occupation and use by vessel to be moored	RD

The activities, standards and assessment criteria in the Coastal – General Coastal Marine Zone apply in the coastal marine area of the Coastal – Mooring Zone unless otherwise specified in the following provisions.

Table F4.4.3 specifies the activity status of activities in the Coastal – General Coastal Marine Zone (GCM Zone) and the coastal marine area parts of the following overlays pursuant to sections 12(1), 12(2) and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants into water pursuant to section 15 of the Resource Management Act 1991:

- (a) [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#) (SEA-M1, SEA-M2);

- (b) [D17 Historic Heritage Overlay](#) (HH);
- (c) [D11 Outstanding Natural Character and High Natural Character overlays](#) (ONC) (HNC);
- (d) [D10 Outstanding Natural Features Overlay; and Outstanding Natural Landscapes Overlay](#) (ONF) (ONL).

The abbreviations in brackets after the overlay names that are listed above, are used as references to these overlays in Table F4.4.3

**Table F4.4.3 Activity table**

Activity		Activity Status						
		GC M Zone	SEA-M1, ONC	ONL	SEA-M 2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F1, F2	HH
(A6)	Existing moorings outside a mooring zone that had a valid coastal permit at 30 September 2013 or did not require a permit at the time they were established, including the occupation and use of water space by the vessel to be moored	D	D	D	D	D	D	D
(A7)	New moorings, and existing moorings that required but did not have a valid coastal permit at 30 September 2013, located outside the Coastal – Mooring Zone, including the occupation and use of water space by the vessel to be moored	D	NC	D	D	NC	NC	D

**F4.5. Notification**

- (1) Any application for resource consent for an activity listed in tables F4.4.1, F4.4.2 and F4.4.3 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\(4\)](#).

#### **F4.6. Standards**

##### **F4.6.1. All permitted and restricted discretionary activities**

All activities listed as a permitted activity or a restricted discretionary activity in tables F4.4.1, F4.4.2 and F4.4.3 must comply with the following standards.

Purpose: ensure adequate safety and appropriate site management to minimise disturbance of the coastal marine area and adverse effects on other users.

- (1) Structures and works must not cause a hazard to safe navigation.
- (2) Any excess building material, spoil, construction equipment or litter must be removed from the coastal marine area within 24 hours of completion of any works.
- (3) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas of:
  - (a) high natural character identified in the Outstanding Natural Character and High Natural Character Overlay;
  - (b) outstanding natural features identified in the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay,
  - (c) within a Marine 1 area in the Significant Ecological Areas Overlay; and
  - (d) within seven days in other areas of the coastal marine area.
- (4) Written advice must be given to the Council at least 10 working days prior to the work starting unless otherwise stated below.

##### **F4.7. Assessment – controlled activities**

There are no controlled activities in this section.

##### **F4.8. Assessment – restricted discretionary activities**

###### **F4.8.1. Matters of discretion**

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

- (1) for new pile moorings including occupation and use by the vessel to be moored:
  - (a) the effects on visual amenity;
  - (b) the effects on public access; and
  - (c) the consent duration.



**F4.8.2. Assessment criteria**

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

- (1) for new pile moorings including occupation and use by the vessel to be moored:
  - (a) whether there are cumulative visual effects of the pile moorings in terms of all mooring and other pile moorings in the Coastal – Mooring Zone;
  - (b) whether there are adverse effects on public access; and
  - (c) whether consent needs to be limited to less than 35 years.

**F4.9. Special information requirements**

There are no special information requirements in this section.

## **F5. Coastal – Minor Port Zone**

### **F5.1. Zone description**

Auckland has a range of water transport facilities in addition to the city centre port that are important for business and industry. Maintaining such sites as part of an efficient national network of safe ports is recognised in the New Zealand Coastal Policy Statement (policy 9).

The purpose of the Coastal – Minor Port Zone is to provide for the integrated and efficient operation and development of particular minor ports in the Auckland region. The zone includes the Port of Onehunga, the Gabador Place wharves, the LPG Terminal in the Papakura Channel, and the Chelsea Sugar Factory Wharf.

These facilities are important in serving and supporting local, regional and national business opportunities, and providing for the social and economic well-being of Auckland. The purpose of the Coastal – Minor Port Zone is to provide for these facilities and associated marine and port activities as they rely on proximity to the harbour for operational purposes.

The Coastal – Minor Port Zone provides for the integrated and efficient operation and development of the Port of Onehunga by incorporating both the land and coastal marine area and providing for the operation, development, and expansion of marine and port activities, and marine and port facilities at this facility.

The Port of Onehunga is managed by Ports of Auckland Limited and is identified in the Auckland Plan as part of critical infrastructure and plays an important role in the regional economy. It provides for general port operations (including for cargo handling and general wharf operations), fishing fleet operations, and marine services (such as towage, pilotage, and line handling), storage and warehousing. These activities are supported by a range of services including, logistics, port infrastructure, and port security.

The Port of Onehunga is an important base for the Auckland west –coast-based fishing industry, because there is currently no alternative location north of Taranaki for the west-coast-based fishing fleet.

The Port of Onehunga contains the only all-tide access that could serve communities around the Manukau Harbour. Over time the port may transition to a mixed-use marine industrial, water borne transportation, recreation, community, business, emergency services and visitor complex. Transitional uses do not preclude this long-term vision.

Gabador Place on the Tāmaki River is used for handling and transferring bulk liquids, including hazardous substances, and the movement of sand and shingle. This area also has a wharf, marina and travel lift associated with boat-building operations.

The LPG terminal in the Papakura Channel is used for off-loading LPG from sea tankers through a 5km-long submarine pipeline to the shore. It is located off-shore and away from other development. Any further development of this area is considered inappropriate due the potential adverse effects on the high natural character values of the nearby significant ecological area.

The Chelsea Sugar Refinery has a deep-water wharf supporting its refinery operations.

The zone applies to the coastal marine area at the Port of Onehunga, Gabador Place, Chelsea Sugar Refinery and the LPG terminal in the Papakura Channel within the coastal marine area only. The landward component of Port of Onehunga is also zoned the Coastal – Minor Port Zone to provide for the activities there.

**F5.2. Objectives [rcp/dp]**

- (1) Efficient and safe operation is continued for the following water transport facilities for freight and business:
  - (a) Port of Onehunga;
  - (b) Gabador Place, Tāmaki River;
  - (c) LPG Terminal, Papakura Channel; and
  - (d) Chelsea Sugar Refinery wharf;in a manner which:
  - (i) minimises the exposure of people and the natural environment to risks arising from hazardous activities and hazardous substances; and
  - (ii) avoids, remedies or mitigates significant adverse effects from these facilities on the surrounding environment.
- (2) Existing water transport facilities for freight and business are protected from inappropriate subdivision, use and development that may compromise their ability to operate safely and efficiently, or adversely affect their connections with other transport modes.
- (3) Public access, use and enjoyment of the coastal marine area is maintained and where practicable enhanced, provided this does not adversely affect the efficient and safe operation of marine and port activities and marine and port facilities.
- (4) Structures and the water space of the coastal marine area in and adjacent to water transport facilities for freight and business are used efficiently.
- (5) Potential adverse effects of Coastal – Minor Port Zone activities on neighbouring areas are avoided, remedied or mitigated.
- (6) Activities on land that are not light industrial in nature and which do not require proximity to the harbour and marine and port facilities are directed to other areas of Auckland.

**F5.3. Policies [rcp/dp]**

- (1) Avoid subdivision, use, or development which adversely affects the safe and efficient operation of water transport facilities for freight and business located within the Coastal – Minor Port Zone or their connections with other transport modes.

- (2) Restrict public access to the coastal marine area only where necessary to protect human health, safety or security or the efficient and safe operation of activities, particularly to areas where hazardous substances are being transferred, off-loaded, or stored within the zone.
- (3) Enable the intensification, development and maintenance of buildings, structures and works for marine and port activities, subject to avoiding, remedying or mitigating potential adverse effects on the environment.
- (4) Require activities within the zone to avoid, remedy or mitigate adverse effects on the land and coastal environment, particularly noise, lighting and amenity effects and effects on coastal processes, water quality, biosecurity, historic heritage and the surrounding road network.
- (5) Design and locate buildings and other significant structures to avoid, remedy or mitigate significant adverse effects on landscape values and visual amenity, and to contribute positively to the visual quality of the area while having regard to the function and context of those buildings and structures.
- (6) Require port operators to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor.
- (7) Require the provision of adequate and convenient facilities for:
  - (a) the collection of rubbish from vessels;
  - (b) sewage from vessels; and
  - (c) the containment and disposal of residues from vessel maintenance.
- (8) Require structures in the coastal marine area used for handling hazardous substances to be maintained at all times to a standard that minimises potential risks to people and the environment.
- (9) Require the off-loading or transfer of hazardous substances on structures in the coastal marine area to be done at all times in a manner that minimises potential risks to people and the environment.
- (10) Restrict any further development or expansion of the LPG Terminal in the Papakura Channel beyond the Coastal – Minor Port Zone.
- (11) Avoid office and residential activities, except where they are ancillary to marine and port activities.
- (12) Avoid retail land use activities, except for convenience-type retail servicing the local worker population.
- (13) Enable use and development that is not related to marine and port activities only where:
  - (a) the use and development:

## F5 Coastal – Minor Port Zone

- (i) has a functional need to locate in or adjacent to the coastal marine area;
  - (ii) is accessory to a structure or activity which has a functional need to locate in or adjacent to the coastal marine area; and
  - (iii) the use or development will not adversely affect the primary function of any established structure, or the use of the area for marine and port activities;
- (b) the use or development will, where appropriate, enhance amenity values and public use and enjoyment of the coastal marine area;
  - (c) the use or development will, where appropriate, retain and reflect character features, structures and elements that demonstrate the historic heritage and maritime history of the working waterfront;
  - (d) the use or development will not result in either increased pressure for the expansion of the existing port outside the Coastal – Minor Port Zone, or the establishment of a completely new port outside those areas;
  - (e) any landward development associated with the use or development can be accommodated; and
  - (f) adverse effects on the environment can be avoided, remedied, or mitigated.
- (14) Require proposals for further reclamation to demonstrate that: there is no practical alternative; the reclamation will provide significant regional benefit; that reclamation is the most appropriate form of development; and, that the potential adverse effects can be avoided, remedied or mitigated.
- (15) Enable dredging within the Coastal – Minor Port Zone that is necessary to provide for the safe and efficient navigation, manoeuvring and berthing of vessels, while avoiding, remedying or mitigating any adverse effects.
- (16) Require the design of new buildings and coastal marine area structures to take into account the functional and operational needs of the marine and port activities in the Coastal – Minor Port Zone.
- (17) Provide for minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation, as well as for reclamation that is carried out as part of rehabilitation or remedial works of an existing reclamation or coastal marine area structure, while avoiding, remedying or mitigating any adverse effects on the environment.

### **F5.4. Activity table**

Table F5.4.1 below specifies the activity status of works in the coastal marine area pursuant to section 12(1) of the Resource Management Act 1991 and the activity status of the use of the land pursuant to sections 9(3) of the Resource Management Act 1991.

The activities, standards and assessment criteria in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The activities, standards and assessment criteria in the Business – Light Industry Zone apply to the land in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The standards in the Auckland-wide rules apply in the Coastal – Minor Port Zone, except for the following rules which do not apply:

- (1) Standards for lighting in section [E24 Lighting](#); and
- (2) The following standards in [E25 Noise and vibration](#).
  - (a) Standards [E25.6.2](#) - [E25.6.13](#);
  - (b) Standards [E25.6.23](#) - [E25.6.26](#);
  - (c) Standards [E25.6.27](#) - [E25.6.29](#); and,
  - (d) Standards [E25.6.31](#); [E25.6.32](#) and [E25.6.33](#).

**Table F5.4.1 Activity table**

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A1)	Reclamation not otherwise provided for	D	NA
(A2)	Minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation	RD	NA
(A3)	Declamation	RD	NA
(A4)	Maintenance dredging	C	NA
(A5)	Capital works dredging	RD	NA
(A6)	Reclamation or drainage carried as out as part of rehabilitation and remedial works	RD	NA
(A7)	Maintenance and repair of a reclamation	P	P

Table F5.4.2 below specifies the activity status of use and activities on land and in the coastal marine area pursuant to section 9(3) and section 12(3) of the Resource Management Act 1991 and the associated occupation of the common marine area pursuant to section 12(2) of the Resource Management Act 1991.

The activities, standards and assessment criteria in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The activities, standards and assessment criteria in the Business – Light Industry Zone apply to the land in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The standards in the Auckland-wide rules apply in the Coastal – Minor Port Zone, except for the following rules which do not apply:

- (1) Standards for lighting in section [E24 Lighting](#); and
- (2) The following standards in [E25 Noise and vibration](#).
  - (a) Standards [E25.6.2](#) - [E25.6.13](#);
  - (b) Standards [E25.6.23](#) - [E25.6.26](#);
  - (c) Standards [E25.6.27](#) - [E25.6.29](#); and,
  - (d) Standards [E25.6.31](#); [E25.6.32](#) and [E25.6.33](#).

Those activities marked with <sup>1</sup> have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.

**Table F5.4.2 Activity table**

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A8)	Marine and port activities, including the landing and taking off of helicopters associated with the loading and unloading of cargo	P	P
(A9)	Workers' accommodation	P	P
(A10)	Aquaculture activities (including any activities under sections 12(1), 12(2),12(3) and 15 of the Resource Management Act 1991)	Pr	NA
(A11)	Industrial activities accessory to marine and port activities	P	P
(A12)	Industrial activities within the Port of Onehunga	NC	P
(A13)	Public amenities	P	P
(A14)	Food and beverage up to 100m <sup>2</sup> gross floor area	NC	RD
(A15)	Offices with gross floor area not exceeding 100m <sup>2</sup> accessory to marine and port activities	P	P
(A16)	Offices accessory to marine and port activities exceeding 100m <sup>2</sup> gross floor area	RD	RD
(A17)	Offices not accessory to marine and port activities	D	D
(A18)	Maritime passenger operations	P	P
(A19)	Marine retail where the goods sold are manufactured	NC	RD

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	on site		
(A20)	Clubrooms for marine-related clubs	NC	NC
(A21)	Artificial lighting <sup>1</sup>	P	P
(A22)	Car parking accessory to permitted activities <sup>1</sup>	P	P
(A23)	Residential, commerce, community and industry activities not otherwise provided for	NC	NC
(A24)	Helicopter facilities (including the landing and taking off of helicopters and associated fuelling and service facilities) not otherwise provided for	D	D
(A25)	Mangrove and mangrove seedling removal	P	NA

Table F5.4.3 below specifies the activity status of structures in the coastal marine area pursuant to sections 12(1) of the Resource Management Act 1991; the occupation of the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991; and their use pursuant to section 12(3) of the Resource Management Act 1991

The activities, standards and assessment criteria in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The activities, standards and assessment criteria in the Business – Light Industry Zone apply to the land in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The standards in the Auckland-wide rules apply in the Coastal – Minor Port Zone, except for:

- (1) Standards for lighting in section [E24 Lighting](#); and
- (2) The following standards in [E25 Noise and vibration](#).
  - (a) Standards [E25.6.2](#) - [E25.6.13](#);
  - (b) Standards [E25.6.23](#) - [E25.6.26](#);
  - (c) Standards [E25.6.27](#) - [E25.6.29](#); and,
  - (d) Standards [E25.6.31](#); [E25.6.32](#) and [E25.6.33](#).

Those activities marked with <sup>1</sup> have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.



**Table F5.4.3 Activity table**

Note 1. Rule F5.4.3(A43) applies where occupation is proposed in an area that has an existing occupation consent. Rule F5.4.3(A43) does not apply if an activity is proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

Activity		Activity Status	
		Coastal marine area [rcp]	Land [dp]
(A26)	Maintenance, repair or reconstruction of existing lawful structures or buildings	P	P
(A27)	Extension or alteration of existing lawful structures or buildings	RD	RD
(A28)	New buildings used for marine and port activities and external alterations or additions to structures or buildings <sup>1</sup>	P	P
(A29)	Marine and port facilities excluding wharves, landings and drydocks	P	P
(A30)	Wharves, landings and drydocks	RD	RD
(A31)	Marine and port accessory structures and services excluding new pile moorings	P	P
(A32)	Artificial lighting support structures, fittings, cables and pipes	P	P
(A33)	Demolition of buildings or structures	P	P
(A34)	Maritime passenger facilities	P	P
(A35)	Wave attenuation devices or hard protection structure	RD	RD
(A36)	Coastal marine area structures or buildings not otherwise provided for	D	NA
(A37)	Observation areas, viewing platforms and boardwalks	P	P
(A38)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P	NA
(A39)	New pile moorings established 30 September 2013 including occupation and use by the vessel to be moored	RD	NA
(A40)	Maimai	NC	NC
(A41)	Structures or buildings not otherwise provided for	D	D
(A42)	Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of	RD	NA

	structure or activity		
(A43)	Occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD	NA

### F5.5. Notification

- (1) Any application for resource consent for an activity listed in tables F5.4.1, F5.4.2 and F5.4.3 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\(4\)](#).

### F5.6. Standards

#### F5.6.1. All activities

All activities listed in tables F5.4.1, F5.4.2 and F5.4.3 must comply with the following standards.

- (1) The standards in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.
- (2) The standards in the Business – Light Industry Zone apply to the land in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.
- (3) Structures and buildings in the coastal marine area and on land must also comply with the standards in F5.6.1.1 Building Height, F5.6.1.2 Maximum impervious area and F5.6.1.3 Yards.

#### F5.6.1.1. Building height

- (1) Buildings must not exceed the maximum building height specified for the zone in Table F5.6.1.1.1 Maximum height below.
- (2) Up to an additional 10m in height will be considered as a restricted discretionary activity at the Port of Onehunga and Gabador Place.
- (3) Buildings exceeding the additional height provided under F5.6.1.1(2) is a discretionary activity.

**Table F5.6.1.1.1 Maximum Height**

Location	On land	Within the coastal marine area
Onehunga Port	20m	18m above mean sea level

Gabador Place	Refer to I315 Gabador Place Precinct	8m above mean sea level
Chelsea Sugar Refinery	Refer to the relevant business zone	10m above mean sea level
LPG Terminal	Refer to the relevant business zone	10m above mean sea level

**F5.6.1.2. Maximum impervious area**

- (1) Maximum impervious area on land must not exceed 80 per cent of site area.

**F5.6.1.3. Yards**

- (1) A front yard with a minimum depth of 2m is required.
- (2) Yards are not required for internal roads or service lanes.
- (3) A rear or side yard with a minimum depth of 5m is required where a rear or side boundary adjoins a residential or open space zoned site or a reserve vested with the Council.
- (4) A coastal protection yard with a minimum depth of 15 m is required.

**F5.6.2. Workers' accommodation**

- (1) No more than one dwelling for the accommodation of workers associated with a marine or port activity at each of Gabador Place and Port of Onehunga.

**F5.6.3. Works within the coastal marine area**

- (1) The standards in the Coastal – General Coastal Marine Zone apply to a building or structure in the coastal marine area unless otherwise specified.

**F5.6.4. Noise on land and within the coastal marine area**

- (1) The maximum noise level arising from any activity within the Coastal – Minor Port Zone at Onehunga Wharf and Gabador Place when measured at or within the boundary of any adjoining site must not exceed:
  - (a) 7am-11pm 70dB L<sub>Aeq</sub>;
  - (b) 11pm-7am 60dB L<sub>Aeq</sub>; and
  - (c) 85dB L<sub>AFmax</sub>.
- (2) The noise limits above do not apply to:
  - (a) the operational requirements of vessels (including cargo vessels, tugs, passenger liners, naval vessels and commercial fishing vessels) including noise arising on wharves and adjacent land from the loading and unloading of vessels and transport of cargo; and

- (b) temporary activities in [E40 Temporary activities](#).

#### **F5.6.5. Lighting**

- (1) Lighting must not exceed a maximum artificial lighting illuminance of 150 lux, measured at any point on the site containing the light source, in a horizontal or vertical plane at ground level. Except that illumination associated with vehicles, mobile plant, and quay cranes is exempt from this standard.

#### **F5.6.6. Occupation of the common marine and coastal area**

- (1) Any occupation of the common marine and coastal area where the Port of Auckland Limited has been granted an occupation consent will require the written approval of Ports of Auckland Limited or the written approval of any party to whom Ports of Auckland Limited has transferred the water space management.

### **F5.7. Assessment – controlled activities**

#### **F5.7.1. Matters of control**

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

- (1) for maintenance dredging:
- (a) the effects on water quality;
  - (b) the effects on harbour traffic, navigation and safety;
  - (c) monitoring; and
  - (d) duration of the consent.

#### **F5.7.2. Assessment criteria**

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

- (1) for maintenance dredging:
- (a) the effects on water quality:
    - (i) whether methods have been implemented to avoid, remedy or mitigate the release of contaminated sediment.
  - (b) The effects on harbour traffic, navigation and safety:
    - (i) whether methods have been implemented to avoid, remedy or mitigate effects on harbour traffic, navigation and safety.
  - (c) monitoring:
    - (i) whether monitoring, including periodic monitoring of sediment quality, is required in order to demonstrate the extent and type of effects of the

dredging on water and sediment quality and the degree to which the effects are remedied or mitigated during the activity.

(d) duration of the consent:

(i) whether a consent period of less than 35 years is required.

## **F5.8. Assessment – restricted discretionary activities**

### **F5.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters and the relevant matters in the Coastal – General Coastal Marine Zone when assessing a restricted discretionary resource consent application.

(1) for food and beverage up to a maximum of 100m<sup>2</sup> gross floor area and marine retail where the goods sold are manufactured on site:

- (a) the hours of operation;
- (b) the effects on public access, navigation and safety;
- (c) the effects on existing uses and activities;
- (d) the effects on traffic and parking; and
- (e) the consent duration and monitoring.

(2) for offices accessory to marine and port activities greater than 100m<sup>2</sup>:

- (a) construction or works methods, timing and hours of operation;
- (b) location, extent, design and materials;
- (c) effects on coastal processes, ecological values, water quality and natural character;
- (d) effects on public access, navigation and safety;
- (e) effects on existing uses and activities;
- (f) effects on Mana Whenua values; and
- (g) consent duration and monitoring.

(3) for declamation:

- (a) effects on the marine environment, hydrogeology and coastal processes;
- (b) effects associated with the method of construction, timing and hours of works;
- (c) location, extent, design and materials used;
- (d) effects on public access, navigation and safety;

- (e) effects on existing uses and activities; and
  - (f) consent duration.
- (4) for maintenance dredging and capital works dredging:
- (a) effects on coastal processes, ecological values, and water quality;
  - (b) effects on other users of the coastal marine area, navigation and safety;  
and
  - (c) consent duration and monitoring.
- (5) for the extension or alteration of existing structures or buildings:
- (a) effects associated with the method of construction, including coastal processes;
  - (b) effects on public access;
  - (c) effects on navigation and safety;
  - (d) effects on visual amenity; and
  - (e) consent duration and monitoring.
- (6) for wharves, landings and drydocks:
- (a) efficient and safe operation of the port and its capacity for shipping;
  - (b) location and design of the wharf, landing or drydock;
  - (c) effects on navigation and safety;
  - (d) effects on wave hydraulics;
  - (e) construction or works methods, timing and hours of operation; and
  - (f) construction duration.
- (7) for wave attenuation devices and hard protection structures:
- (a) location and design of the wave attenuation device or hard protection structure;
  - (b) effects on navigation and safety;
  - (c) effects on wave hydraulics;
  - (d) construction or works methods, timing and hours of operation; and
  - (e) consent duration and monitoring.
- (8) for new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:

- (a) effects on public access;
  - (b) effects on visual amenity; and
  - (c) consent duration.
- (9) for the occupation of the common marine and coastal area:
- (a) effects on the safe and efficient use, operation and development of the Port of Onehunga.
- (10) for minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation, or reclamation or drainage carried out as part of rehabilitation or remedial works:
- (a) the form and design of the reclamation;
  - (b) contaminated material;
  - (c) the safe and efficient operation of marine and port activities;
  - (d) identified landscapes or sites and places of significance to Mana Whenua; and
  - (e) construction or works methods, timing and hours of operation

#### **F5.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below and the relevant assessment criteria in the Coastal – General Coastal Marine Zone:

- (1) the effects on traffic and parking:
  - (a) refer to any relevant assessment criteria in [E27.8.2 Transport](#);
  - (b) whether the proposal, including any additional vehicle movements, should adversely affects the safe and efficient operation of the internal or adjacent road network, including the operation of public transport and the movement of pedestrians, cyclists and general traffic; and
  - (c) whether parking is adequate for the site and the proposal.
- (2) for food and beverage up to a maximum of 100m<sup>2</sup> gross floor area and marine retail where the goods sold are manufactured on site:
  - (a) whether measures have been taken to address reverse sensitivity effects on the surrounding Coastal – Minor Port Zone;
  - (b) whether the activity is complementary to, and does not limit the primary use of the site for marine and port activities;

- (c) whether measures have been taken to enhance public access to the coastal marine area and the activity does not conflict with the requirements of marine and port activities;
  - (d) whether the design reflects the high visibility and coastal nature of the site; and
  - (e) whether the activity avoids, remedies or mitigates adverse effects on the amenity of the locality arising from use of the facility, including by noise control and hours of operation.
- (3) for offices accessory to marine and port activities greater than 100m<sup>2</sup>:
- (a) whether measures have been taken to avoid, remedy or mitigate adverse construction effects, including those related to coastal processes;
  - (b) the extent to which public access is required to be restricted where it is necessary to protect human health and/or for safety, security, biosecurity, customs and operational reasons, or other exceptional circumstances sufficient to justify the restriction;
  - (c) the extent to which proposals for offices demonstrate that there will be no more than minor adverse effects on navigation and safety in the coastal marine area;
  - (d) whether any extensions or alterations to existing structures or buildings can demonstrate that there will be no more than minor adverse effects on the natural character, landscape and visual amenity of the area taking into account the following:
    - (i) the visual dominance of the structure or building in terms of views from adjoining areas including the coastal marine area;
    - (ii) the interface and amenity of adjacent zones, particularly residential zoned sites;
    - (iii) the scale, and location of the proposed structure or building in relation to any nearby structures and buildings; and
    - (iv) the type, including colour, of exterior materials used for construction.
  - (e) consent duration and monitoring:
    - (i) whether the duration of the consent facilitates the functional and operational needs of the activity; and
    - (ii) whether monitoring is required to demonstrate the extent and type of environmental effects of the activity, and the degree to which the effects are remedied or mitigated during and after the construction; and



- (f) whether proposals can demonstrate that there are adequate provisions for parking and vehicle access that will not unduly interfere with the functional or operation requirements of minor port.
- (4) for declamation:
- (a) whether the adverse effects of declamation are avoided, remedied or mitigated in respect of the effects of the final land/water configuration on:
    - (i) the marine environment (including coastal processes, water quality, sediment quality and ecology) of the coastal marine area; and
    - (ii) hydrogeology (ground water).
  - (b) whether declamation works, including the construction of seawalls, avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated soils and groundwater, and other contaminants;
  - (c) whether declamation is located and designed so that the adjacent land area can provide adequate public open space adjacent to, and public access around along the water edge; and
  - (d) consent duration and monitoring:
    - (i) whether consent duration should be limited to the minimum duration reasonably necessary for the functional or operational needs of the activity; and
    - (ii) whether monitoring is required in order to demonstrate the extent and type of effects of the dredging, and the degree to which the effects are remedied or mitigated during and after the activity.
- (5) for the extension or alteration of existing structures or buildings:
- (a) whether measures have been taken to avoid, remedy or mitigate adverse construction effects, including those related to coastal processes;
  - (b) the extent to which public access is required to be restricted where it is necessary to protect human health and/or for safety, security, biosecurity, customs and operational reasons, or other exceptional circumstances sufficient to justify the restriction;
  - (c) whether proposals for extensions or alterations to existing structures or buildings can demonstrate that there will be no more than minor adverse effects on navigation and safety in the coastal marine area;
  - (d) whether extensions or alterations to existing structures or buildings can demonstrate that there will be no more than minor adverse effects on the natural character, landscape and visual amenity of the area taking into account the functional and operational requirements of the marine and port activities in the Coastal – Minor Port Zone;

- (e) consent duration:
  - (i) whether consent duration should be limited to the minimum duration reasonably necessary for the functional or operational needs of the activity; and
  - (f) whether, where located within the coastal marine area, monitoring is required to demonstrate the extent and type of environmental effects of the activity, and the degree to which the effects are remedied or mitigated during and after the construction.
- (6) for wharves, landings and drydocks:
  - (a) whether the location and design of the structures provides for the efficient and safe operation of the port and the development of its capacity for shipping;
  - (b) whether the location and design of the structure avoids, remedies or mitigates the adverse effects on marine-related industries, other marine and port activities and/or adjoining residential/coastal activities, and navigation and safety;
  - (c) whether the location and design of the structure has considered the effects of wave hydraulics on other users of the coastal marine area;
  - (d) whether construction work has avoided, remedied or mitigated the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants; and
  - (e) construction duration:
    - (i) whether construction duration is limited to the minimum reasonably necessary.
- (7) for wave attenuation devices and hard protection structures:
  - (a) whether the location and design of the wave attenuation device or hard protection structure has considered the effects on existing activities including marine-related industries, other marine activities and/or adjoining residential/coastal activities;
  - (b) whether the location and design of the wave attenuation device or hard protection structure has considered the effects of wave hydraulics on other users of the coastal marine area; and
  - (c) whether construction works avoids, remedies or mitigates the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.
- (8) for new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:

- (a) refer to assessment criteria set out for pile moorings in the Coastal – General Coastal Marine Zone.
- (9) for occupation of the common marine and coastal area:
- (a) refer to assessment criteria set out for occupation in the Coastal – General Coastal Marine Zone.
- (10) for minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation, or reclamation or drainage carried out as part of rehabilitation or remedial works:
- (a) whether the reclamation mitigates adverse effects through its form and design, taking into account:
    - (i) the compatibility of the design with the location;
    - (ii) the degree to which the materials used are visually compatible with the adjoining coast;
    - (iii) the ability to avoid consequential erosion and accretion, and other natural hazards;
    - (iv) the effects on coastal processes; and
    - (v) the effects on hydrology;
  - (b) whether the use of contaminated material in a reclamation is avoided unless it is contained in a way that avoids, remedies or mitigates adverse effects on water quality, aquatic ecosystems and biodiversity;
  - (c) whether the reclamation enables the efficient operation of port infrastructure;
  - (d) whether the reclamation will affect identified landscapes or sites or places of significance to Mana Whenua; and
  - (e) whether construction works avoids, remedies or mitigates the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.

#### **F5.9. Special information requirements**

There are no special information requirements in this zone.

## **F6. Coastal – Ferry Terminal Zone**

### **F6.1. Zone description**

The purpose of the Coastal – Ferry Terminal Zone is to provide for the integrated and efficient operation and development of ferry terminal facilities. These sites play an important part in Auckland's public transport network. Due to this there is a need to restrict inappropriate use and development on land and in the coastal marine area that could compromise the use of these facilities as key passenger transport nodes.

The zone applies to terminals at Devonport (includes Devonport and Victoria wharves), Stanley Bay, Northcote, Birkenhead, Beach Haven, Hobsonville, Mātiatia (Waiheke Island), Kennedy Point (Waiheke Island), Whangaparapara, Tryphena and Port Fitzroy (Great Barrier Island).

Several ferry terminal facilities are components of larger coastal developments. Their operation and growth, and relationship with surrounding activities, must be considered in an integrated and comprehensive manner. The ferry terminals at Devonport and Mātiatia are large complexes of ferry-related and complementary activities.

The existing facilities at Gulf Harbour, Bayswater, West Harbour, Half Moon Bay and Pine Harbour are within marinas. These ferry terminal facilities form an important part of the ferry network but are managed within the Coastal – Marina Zone.

Stand-alone ferry terminal facilities that form part of the public ferry transport network are particularly important for local communities, including the smaller facilities on the Waitematā Harbour, and at Waiheke Island and Great Barrier Island.

Ferry terminal facilities in the inner and upper Waitematā include a landward component that provides for activities associated with the provision of ferry services, such as passenger facilities, ancillary facilities supporting passenger operations, commuter and short-term parking, public amenities and small-scale food and beverage operations.

The city centre facilities at the ferry terminal, Queens Wharf and at Wynyard Wharf are vital components of the ferry network. They are managed through the waterfront precincts of the Business – City Centre Zone to recognise their strong relationship with the city centre.

The provisions in [F2 Coastal – General Coastal Marine Zone](#) apply to the coastal marine area in the Coastal – Ferry Terminal Zone unless otherwise specified.

### **F6.2. Objectives [rcp/dp]**

- (1) The safe and efficient development and operation of ferry services and ferry terminal facilities which are transport nodes in the Auckland public transport network.
- (2) The ability of existing ferry services and ferry terminal facilities to provide for public transport is not compromised by subdivision, use and development.
- (3) Appropriate expansion of existing ferry services and ferry terminal facilities within existing Coastal – Ferry Terminal Zone, or the development of new ferry services

and ferry terminal facilities elsewhere in the coastal marine area, is enabled in appropriate locations where a transport need is identified.

- (4) Public access, use and enjoyment of the coastal marine area is maintained and, where practicable enhanced, and any associated use and development does not compromise the ability of ferry services and ferry terminal facilities to provide for public transport passenger and goods needs.
- (5) Efficient use is made of the structures and water space of the coastal marine area in and adjacent to ferry terminal facilities.
- (6) Ferry terminals are located and designed so they are vibrant, active, high-quality public spaces that complement and integrate with the local surroundings, including by maintaining the historic heritage values of the terminal site.
- (7) The Coastal – Ferry Terminal Zone provides, where practicable, for activities associated with ferry terminal facilities and ferry services in an integrated manner across the boundary between land and the coastal marine area.

### **F6.3. Policies [rcp/dp]**

- (1) Maintain and enhance the safe and efficient operation and development of ferry services and ferry terminals by:
  - (a) enabling use and development that provides for safe and convenient passenger access and circulation, and cargo transfer;
  - (b) enabling accessory activities that support ferry services and ferry terminal facilities and visitor and tourist use such as administration offices, shops, cafes and services located in the coastal marine area only where there is no demonstrated practicable alternative on land;
  - (c) enabling accessory activities on land that support ferry services and ferry terminal facilities and visitor and tourist use, such as administration offices, shops, cafes and services, while minimising adverse effects on the amenities of adjacent residential and open space zoned land;
  - (d) requiring ferry terminal redevelopment to provide enough sheltered passenger waiting areas convenient to the ferry berthage area to comfortably accommodate peak service users;
  - (e) requiring sufficient parking and loading facilities;
  - (f) supporting linkages and facilities for other public transport modes such as buses, walking and cycling; and
  - (g) managing and locating facilities to minimise conflict between different uses and activities.

- (2) Avoid subdivision, use, or development which adversely affects the continued operation of ferry services and ferry terminals located within the Coastal – Ferry Terminal Zone.
- (3) Maintain, and where practicable enhance, public access, use and enjoyment within the Coastal – Ferry Terminal Zone where this will not adversely affect the terminal's development, operation and maintenance.
- (4) Maintain and enhance the visual and amenity values of ferry terminal facilities by requiring any further development to:
  - (a) integrate the height, bulk and form of any new structure with existing structures that are to be retained, so they are compatible with or complement the character of the surrounding land and the coastal marine area;
  - (b) make adequate provision for land-based activities associated with the development;
  - (c) avoid, remedy or mitigate any adverse effects on amenity values of adjacent residential properties, particularly from noise, lighting, traffic or the erection of structures;
  - (d) avoid or where it cannot be avoided minimise the obstruction of views from the facility out to the coastal marine area, particularly from public areas and accessways;
  - (e) be designed with regard to how the structure will be viewed from public places as well as from the coastal marine area, including consideration of how any development on Devonport and Victoria wharves will be viewed from Victoria Street, Devonport;
  - (f) include high-quality public spaces with a sense of spaciousness, particularly in any internal accessways and public areas; and
  - (g) require building materials, colours and any proposed signage to be sensitive to, and complement, the maritime context and prominent visual location.
- (5) Avoid, remedy or mitigate any significant adverse effects on the environment from the development, operation and maintenance of the ferry terminal facilities, particularly on coastal processes, water quality and historic heritage.
- (6) Limit the size of any new structures to the minimum necessary to support ferry services and ferry terminal operations and associated activities.
- (7) Require the provision of adequate and convenient facilities for the containment, collection and appropriate disposal of:
  - (a) rubbish from the public, passengers and vessels;
  - (b) sewage and bilge water from vessels;

- (c) recyclable material including waste oils;
  - (d) residues from vessel construction and maintenance;
  - (e) spills from refuelling operations and refuelling equipment;
  - (f) spills, residues and debris from cargo operations; and
  - (g) the discharge of stormwater generated from the ferry terminal complex.
- (8) Require use and development at Devonport and Victoria wharves to:
- (a) retain the open space and beach between the wharves and Marine Square free of structures and available for recreational use, unless new structures would enhance public experiences and connections between the land and ferry terminal facility while retaining some public visibility of the beach;
  - (b) include a mix of commercial and public uses that support and complement the primary role of Devonport Wharf as a ferry terminal so that the wharf is an active and vibrant space that adds to the urban form and activities of the Devonport town centre;
  - (c) not include private residential or hotel accommodation on Devonport Wharf, and restrict office activities other than a ferry administration office to only the upper levels of the Devonport Wharf facility; and
  - (d) provide adequate bicycle, car and bus parking spaces and facilities to support the transport node.
- (9) Provide for the appropriate development and use of expanded or new ferry services and ferry terminal facilities outside the Coastal – Ferry Terminal Zone, provided any:
- (a) proposal is not inconsistent with the objectives and policies in the Plan for the Auckland public transport network;
  - (b) proposal is consistent with the objectives and policies for ferry terminal facilities in the Coastal – Ferry Terminal Zone; and
  - (c) adverse effects on the environment are avoided, remedied or mitigated, with particular regard to effects on traffic, parking, amenity, water quality and coastal processes.

#### **F6.4. Activity table**

Table F6.4.1 Activity table below specifies the activity status of works in the coastal marine area pursuant to sections 12(1) of the Resource Management Act 1991.

The activities, standards and assessment of [F2 Coastal – General Coastal Marine Zone](#) apply unless otherwise specified in the following table.

**Table F6.4.1 Activity table**

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A1)	Reclamation other than maintenance or repair of a lawful reclamation or drainage system, or minor reclamation for the purpose of maintaining, repairing or upgrading a lawful reclamation	D	NA
(A2)	Maintenance dredging	RD	NA
(A3)	Capital works dredging	RD	NA

Table F6.4.2 Activity table below specifies the activity status of use and activities on land pursuant to section 9(3) of the Resource Management Act 1991; use and activities in the coastal marine area pursuant to section 12(3) of the Resource Management Act 1991; the associated occupation of the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991; and the discharge of contaminants into water pursuant to section 15 of the Resource Management Act 1991.

The activities, standards and assessment of [F2 Coastal – General Coastal Marine Zone](#) apply unless otherwise specified in the following table.

**Table F6.4.2 Activity table**

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A4)	Maritime passenger operations established at or after 30 September 2013	P	P
(A5)	Aquaculture activities (including any activities under RMA sections 12(1), 12(2), 12(3) and 15	Pr	NA
(A6)	Public amenities	P	P
(A7)	Public transport facilities	NA	P
(A8)	Food and beverage	P	P
(A9)	Offices that are accessory to ferry terminal facilities and services	P	P
(A10)	Offices at Devonport Wharf that are not otherwise a permitted activity and not at ground floor level	P	P



(A11)	Retail other than at Devonport Wharf	D	D
(A12)	Retail at Devonport Wharf	P	P
(A13)	Clubrooms for marine-related clubs	NC	NC
(A14)	Mangrove and mangrove seedling removal	P	NA

Table F6.4.3 Activity table below specifies the activity status of structures in the coastal marine area and the occupation of the common marine and coastal area pursuant to sections 12(1) and 12(2) of the Resource Management Act 1991.

The activities, standards and assessment of [F2 Coastal – General Coastal Marine Zone](#) apply unless otherwise specified in the following table.

Those activities marked with <sup>1</sup> have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf), a different activity status will apply.

#### Table F6.4.3 Activity table

Note 1. Rule F6.4.3(A24) applies where occupation is proposed in an area that has an existing occupation consent. Rule F6.4.3(A24) does not apply if an activity is proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A15)	Coastal marine area structures or buildings not listed as a permitted activity <sup>1</sup>	RD	NA
(A16)	Marine and port facilities	RD	NA
(A17)	Marine and port accessory structures and services excluding new pile moorings	P	NA
(A18)	Wave attenuation devices	RD	NA
(A19)	Observation areas, viewing platforms and boardwalks	RD	NA
(A20)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P	NA
(A21)	New pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored	RD	NA
(A22)	Maimai	NC	NA

(A23)	Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity	RD	NA
(A24)	Occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD	NA

## F6.5. Notification

- (1) Any application for resource consent for an activity listed in Tables F6.4.1, F6.4.2 and F6.4.3 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\(4\)](#).

## F6.6. Standards

### F6.6.1. Structures and works

- (1) Structures and works in the coastal marine area must comply with the standards in [F2.6 Coastal – General Coastal Marine Zone](#).

### F6.6.2. Building height

- (1) Buildings must not exceed the height specified in Table F6.6.2.1 Building height.

**Table F6.6.2.1 Building height**

Location	Maximum height in the coastal marine area	Maximum height on land
Devonport, Matiatia and Birkenhead wharves	9m above wharf deck level	9m above ground level
Other ferry terminals	5m above wharf deck level	5m above ground level

### F6.6.3. Ceiling height

- (1) At Devonport Wharf, the average floor to ceiling height above wharf deck level must not be less than 4m with a minimum height of 3m.

### F6.6.4. Marine and port accessory structures and services

- (1) Pontoons must be no more than 30m long.

### F6.6.5. Yards and open space protection

- (1) No part of any building or structure may be constructed in the open space between Devonport and Victoria wharves and Marine Square.
- (2) Any structures on Victoria Wharf must maintain a 7m wide vehicle accessway and a 3m wide pedestrian accessway.
- (3) At Devonport Wharf, no less than 30 per cent of the building floor area at wharf level must be freely available for public use and access. This public use area must include an indoor passenger waiting area adjacent to the ferry berth.

#### **F6.6.6. Gross floor area**

- (1) Other than at Devonport Wharf, the gross floor area of:
  - (a) office premises must not exceed 100m<sup>2</sup>; and
  - (b) food and beverage premises must not exceed 100m<sup>2</sup>; and
  - (c) premises used for retail accessory to public transport facilities must not exceed 25m<sup>2</sup>.

#### **F6.7. Assessment – controlled activities**

There are no controlled activities in this section.

#### **F6.8. Assessment – restricted discretionary activities**

##### **F6.8.1. Matters of discretion**

The Council will restrict its discretion to all the following matters and the matters in the Coastal – General Coastal Marine Zone when assessing a restricted discretionary resource consent application.

- (1) for all restricted discretionary activities:
  - (a) the effects from the construction or works methods, timing and hours of operation.
  - (b) the effects of the location, extent, design and materials used.
  - (c) the effects on coastal processes, ecological values, water quality and natural character.
  - (d) the effects on public access, navigation and safety.
  - (e) the effects on existing uses and activities.
  - (f) consent duration and monitoring.

##### **F6.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria the Coastal – General Coastal Marine Zone in addition to the matters below.

- (1) for all restricted discretionary activities:

- (a) whether there will be any adverse effects on the operation of the ferry terminal facility.
- (b) effects on views and visual amenity:
- (i) whether the quality of building design reflects the high visibility of ferry terminals from surrounding areas and the functional and operational requirements of marine and port activities;
  - (ii) whether buildings have interactive frontages where they face public streets and public accessways;
  - (iii) whether the height of the building adversely affects the natural character, landscape and visual amenity of the area, taking into account the following:
    - visual dominance of the building in terms of views from adjoining areas including the coastal marine area;
    - the interface and amenity of adjacent zones, particularly residential zones;
    - the scale and location of the proposed building in relation to any nearby industrial plant and buildings;
    - the type, including colour, of exterior materials used for construction;
    - any lighting proposed on the building; and
    - any signs proposed to be attached to or painted on proposed building.
  - (iv) whether the height of the building contributes to any adverse cumulative effects of development in the area, taking into account the following:
    - visual amenity of the area;
    - the scale and intensity of existing development; and
    - character of the zone.
- (2) For food and beverage and offices that do not meet the gross floor area standards:
- (a) whether the proposal demonstrates how it will avoid, remedy or mitigate any adverse effects on the transport network.
  - (b) the extent to which measures are taken to address reverse sensitivity effects on the surrounding the Coastal – Ferry Terminal Zone activities.
  - (c) whether the proposed use is complementary to the primary use of the site for ferry terminal purposes.

- (d) whether the proposal demonstrates how it will avoid, remedy or mitigate any adverse effects on the amenity of the locality arising from use of the facility, including noise and hours of operation.

**F6.9. Special information requirements**

There are no special information requirements in this section.

## **F7. Coastal – Defence Zone**

### **F7.1. Zone description**

The Coastal – Defence Zone provides for the continued operation of defence activities in the coastal marine area adjacent to the Royal New Zealand Navy Devonport Naval Base and the Onetaunga Bay Wharf (Kauri Point).

### **F7.2. Objective [rcp]**

- (1) Effective operation of defence facilities at Devonport and Onetaunga Bay Wharf (Kauri Point) is continued.

### **F7.3. Policies [rcp]**

- (1) Avoid use and development adjacent to the Coastal – Defence Zone which would adversely affect the efficient operation of defence activities.
- (2) Recognise the importance of the Devonport Naval Base and Onetaunga Bay Wharf by:
  - (a) including those parts of the coastal marine area containing major wharves and other access structures within the zone; and
  - (b) providing for continued operation while encouraging the use of appropriate management techniques to avoid, remedy, or mitigate adverse effects.
- (3) Require any proposal to erect a structure in the Coastal – Defence Zone, other than those for marine and port activities, to demonstrate that:
  - (a) the area proposed for the structure is no longer needed and is not likely to be needed in the foreseeable future for marine and port activities;
  - (b) the loss of the proposed area will not result in increased pressure for the expansion of the Coastal – Defence Zone beyond its existing boundaries; and
  - (c) adverse environmental effects, including effects on historic heritage, will be avoided, remedied, or mitigated.
- (4) Enable dredging within the Coastal – Defence Zone that is necessary to provide for the safe and efficient navigation, manoeuvring and berthing of vessels, while avoiding, remedying or mitigating any potential adverse effects.
- (5) Require the provision of port facilities and structures to provide adequate and convenient facilities to meet the needs of all vessels berthing or anchoring within the Coastal – Defence Zone for the collection and appropriate disposal of:
  - (a) sewage, bilge water and litter from vessels;
  - (b) residues from vessel servicing, maintenance and repair;
  - (c) spills from refuelling operations and refuelling equipment; and

- (d) spills, residues and debris from cargo operations.
- (6) Avoid reclamation and drainage in the Coastal – Defence Zone unless:
  - (a) it will not result in increased pressure for the expansion of the zone beyond its existing boundaries;
  - (b) it will not increase the intensity of activities where those activities will have adverse effects on the surrounding residential environment;
  - (c) adverse environmental effects, including effects on historic heritage, will be avoided, remedied or mitigated; and
  - (d) it is consistent with the reclamation and drainage provisions of the Coastal – General Coastal Marine Zone.
- (7) Design and locate buildings and other structures in the Coastal – Defence Zone to avoid, remedy or mitigate significant adverse effects on views from and to the adjoining land and water.
- (8) Manage the visual effects of buildings and other structures in the Coastal – Defence Zone while having regard to the function and context of the buildings and structures, to maintain or enhance:
  - (a) the visual environment of the area; and
  - (b) the landscape and amenity links between the harbour, the zone and adjacent commercial and residential areas.
- (9) Recognise that Calliope Dry Dock is a functioning dry dock and require any maintenance, repair, alteration, or reconstruction of this facility to be undertaken in a way which does not cause significant adverse effects on the integrity of the place and its identified historic heritage values.
- (10) Enable activities undertaken for defence purposes in the Coastal – Defence Zone subject to avoiding, remedying or mitigating adverse effects on the surrounding land and coastal environment.

#### **F7.4. Activity table**

Table F7.4.1 Activity table below specifies the activity status for works in the coastal marine area pursuant to section 12(1) of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Defence Zone unless otherwise specified in the following provisions (which take precedence).

**Table F7.4.1 Activity table**

Activity		Activity status
(A1)	Reclamation other than maintenance or repair of a lawful reclamation or drainage system, or minor reclamation for the purpose of maintaining, repairing or upgrading a lawful reclamation	D
(A2)	Maintenance dredging	RD
(A3)	Capital works dredging	RD

Table F7.4.2 Activity table below specifies the activity status of the taking, use and damming or diverting of coastal water pursuant to section 14 of the Resource Management Act 1991, and the discharge of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Defence Zone unless otherwise specified in the following provisions (which take precedence). For the avoidance of doubt, the following provisions have precedence over the rules for discharges of hull bio-fouling organisms resulting from cleaning of a vessel (F2.19.7(A71) to (A78)).

**Table F7.4.2 Activity table**

Activity		Activity status
(A4)	Taking, use, damming, diversion and discharge of seawater and contaminants from the operation of the Calliope Dry Dock	P

Table F7.4.3 Activity table below specifies the activity status of works and activities in the coastal marine area pursuant to section 12(1) and 12(3) of the Resource Management Act 1991; the associated occupation of the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991; and the associated discharges of contaminants into water pursuant to section 15 of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Defence Zone unless otherwise specified in the following provisions (which take precedence).

**Table F7.4.3 Activity table**

Activity		Activity status
(A5)	Workers' accommodation	P
(A6)	Marine industry	P



F7 Coastal – Defence Zone

(A7)	Aquaculture activities (including any activities pursuant to sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)	Pr
(A8)	Clubrooms	NC
(A9)	Public amenities	P <sup>1</sup>
(A10)	Marine and port activities	P
(A11)	Activities undertaken for defence purposes (excluding temporary military training activities) not otherwise provided for in the Coastal – Defence Zone or the Coastal – General Coastal Marine Zone	RD

Table F7.4.4 Activity table below specifies the activity status for structures in the coastal marine area and occupation of the common marine and coastal area pursuant to sections 12(1) and 12(2) and 12(3) of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Defence Zone unless otherwise specified in the following provisions (which take precedence).

Those activities marked with <sup>1</sup> have the listed activity status only when that activity is located on an existing coastal marine area structure (e.g. a new building on an existing wharf). If that activity and any associated structure is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.

**Table F7.4.4 Activity table**

Note 1. Rule F7.4.4(A23) applies where occupation is proposed in an area that has an existing occupation consent. Rule F7.4.4(A23) does not apply if an activity is proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

<b>Activity</b>		<b>Activity status</b>
(A12)	Marine and port facilities	P <sup>1</sup>
(A13)	Marine and port facilities except as specified as a permitted activity	RD
(A14)	Marine and port facilities for the refuelling of vessels	P
(A15)	Marine and port accessory structures and services excluding new pile moorings	P
(A16)	Coastal marine area structures or buildings used for marine and port activities	P <sup>1</sup>
(A17)	Coastal marine area structures or buildings not otherwise provided for	RD
(A18)	Wave attenuation devices	RD
(A19)	Observation areas, viewing platforms, and boardwalks	RD
(A20)	New pile moorings established after 30 September 2013 including	RD

	occupation and use by vessel to be moored	
(A21)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P
(A22)	Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity	RD
(A23)	Occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD

### F7.5. Notification

- (1) Any application for resource consent for an activity listed in Tables F7.4.1, F7.4.2, F7.4.3 and F7.4.4 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\(4\)](#).

### F7.6. Standards

- (1) Activities listed in Tables F7.4.1, F7.4.2, F7.4.3 and F7.4.4 Activity table above must comply with the following standards.

#### F7.6.1. Height

- (1) The maximum height of the building or structure must be no more than 10m above mean sea level.

#### F7.6.2. Noise

- (1) The  $L_{Aeq}$  (15 min) noise level and maximum noise level ( $L_{AFmax}$ ) arising from any activity within the Coastal – Defence Zone when measured at or within the boundary of any property in a residential zone must not exceed the limits in Table F7.6.2.1 Noise limits.
- (2) The noise limits in F7.6.2(1) do not apply to:
  - (a) the operational requirements of vessels (including cargo vessels, tugs, passenger liners, naval vessels and commercial fishing vessels); and
  - (b) temporary activities.

**Table F7.6.2.1 Noise limits**

<b>Time</b>	<b>Noise Limit</b>
Monday to Saturday 7am -10pm	L <sub>Aeq</sub> (15 min) 55dB
Sundays 9am - 8pm	L <sub>Aeq</sub> (15 min) 50dB
All other times	L <sub>Aeq</sub> (15 min) 45dB L <sub>AFmax</sub> 75dB

**F7.6.3. Use and activities and associated occupation of the common marine and coastal area**

(1) Port activities:

(a) for vessel construction in the Devonport area of the Coastal - Defence zone, but not the Calliope Dry Dock, in addition to the Coastal – General Coastal Marine Zone standards:

(i) the activity does not involve the use of wet and dry grit blasting or water blasting, including the use of detergents or chemicals for the purpose of paint stripping.

(b) any water blasting using low pressure washing systems must not exceed 1000 psi (6900 kPa), or any high volume wash down must not exceed 100 psi (690 kPa).

**F7.6.4. Taking, use, damming, diversion and discharge of coastal water**

(1) Taking, use, damming, diversion and discharge of coastal water and contaminants for the operation of the Calliope Dry Dock:

(a) as far as practicable, all contaminants or waste material from the cleaning and maintenance of ships must be swept up and removed from the dock prior to the dock being flooded and the gates being opened to re-float ships;

(b) any existing collection or treatment facilities for liquids must be maintained in good working order and used to the fullest extent practicable when the dock is in operation.

**F7.7. Assessment – controlled activities**

There are no controlled activities in this section.

**F7.8. Assessment – restricted discretionary activities**

**F7.8.1. Matters of discretion**

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

(1) for all restricted discretionary activities:

(a) the effects from the construction or works methods, timing and hours of operation;

- (b) the effects of the location, extent, design and materials used;
  - (c) the effects on coastal processes, ecological values, water quality and natural character;
  - (d) the effects on public access, navigation and safety;
  - (e) the effects on existing uses and activities; and
  - (f) consent duration and monitoring.
- (2) for occupation of the common marine and coastal area:
- (a) the effects of the location, extent, timing and duration of the occupation, including exclusive occupation.

### **F7.8.2. Assessment criteria**

The Council will consider the following assessment criteria in when assessing a restricted discretionary resource consent application.

- (1) All restricted discretionary activities.
- (a) construction or works methods, timing and hours of operation;
    - (i) whether construction or works methods avoids, remedy or mitigate adverse effects, particularly on water quality and sedimentation;
    - (ii) whether construction or works are to be done at a time that will avoid or minimise, adverse effects on marine mammals, bird roosting, nesting and feeding, and recreational users of the coastal marine area; and
    - (iii) whether construction or works hours of operation are limited to minimise effects of noise and disruption on existing activities, and on nearby residential and open space areas.
  - (b) location, extent, design and materials;
    - (i) whether the work is located and designed to avoid, remedy or mitigate adverse effects on the environment;
    - (ii) whether the form, intensity and scale of works, structures and buildings are sensitive to the marine environment and surrounding adjoining spaces;
    - (iii) whether works and structures ensure efficient use of the coastal marine area is made by using the minimum area necessary for their purpose; and
    - (iv) whether the materials used are compatible with the surrounding coastal environment and consistent with the natural materials at the site; taking into account the physical characteristics of the materials

used, including texture, colour, composition, grain size, level of contamination and potential for leaching.

(c) effects on coastal processes, ecological values, water quality and natural character and landscape values:

(i) whether measures can be taken to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, water quality and natural character and landscape values.

(d) effects on public access, navigation and safety:

(i) whether the effects on existing public access arrangements have been avoided by minimising the extent and duration of work and by providing alternative access routes where practicable;

(ii) whether the proposed activity or development adversely affects navigation and safety;

(iii) whether the effects on vessel access and berthage has been avoided, remedied or mitigated;

(iv) whether the layout of structures and activities enhances public access, including pedestrian access, to the coastline and particularly to any areas of public open space; and

(v) whether any loss of public access to, along and within the coastal marine area has been mitigated, including through provision of facilities such as public boat ramps, lookout platforms, and alternative access.

(e) effects on existing uses and activities (including infrastructure):

(i) whether proposals avoid, remedy or mitigate adverse effects on existing activities as far as practicable, taking into account both activities in the coastal marine area and on adjacent land; and

(ii) whether activities avoid, remedy or mitigate adverse effects on the amenity of adjacent residential and open space zoned land.

(f) consent duration and monitoring:

(i) whether the consent duration should be limited to the minimum duration necessary for the functional or operational needs of the activity;

(ii) whether the consent duration should be limited as part of an adaptive management approach; and

(iii) whether monitoring is required in order to demonstrate the extent and type of environmental effects of the activity, and the degree to which the effects are remedied or mitigated during and after the activity.

(2) For occupation of the common marine and coastal area:

(a) refer to assessment criteria set out for occupation in the Coastal – General Coastal Marine Zone.

**F7.9. Special information requirements**

There are no special information requirements in this section.

## Attachment 3 – PC 15 Updated GIS Viewer

**Unitary Plan Management Layers**

Information

Address

Coastal marine area/ river boundary point ●

Indicative Coastline (i) - -

Treaty Settlements - Statutory Acknowledgments

