

Memo

Date 04/10/2022

To: Phill Reid, Manager Auckland-wide
 From: Sarah El Karamany – Planning Technician




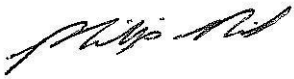
Subject: Plan Modification: Clause 20A modification to Auckland Unitary Plan

Corrections are required to the Auckland Unitary Plan (Operative in Part) 2016 (the AUP).

I seek your approval of this plan modification pursuant to clause 20A, first schedule, Resource Management Act 1991.

You have delegated authority, as a tier four manager, to make a decision to correct an error to an operative plan under clause 20A. Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register authorises all powers, functions, and duties under RMA’s first schedule (except clause 17 which cannot be delegated) to tier four positions.

Rule or Section of Unitary Plan	Chapter: D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay
Subject Site (if applicable)	N/A
Legal Description (if applicable)	N/A
Nature of change	<p>A Clause 20A modification is required to correct chapter D10 in the AUP.</p> <p>Discussion Administrative error when updating AUP for PC 78-83.</p>
Effect of change	This is to correct a minor admin error and is neutral (it would not affect the rights of some members of the public)
Changes required to be made (text/in-text diagrams)	<p>Amend D10 in the Operative in Part version.</p> <p>Refer to Attachment 1.</p>
Changes required to be made (maps)	N/A
Attachments	<p>Attachment 1: Corrections to text (strikethrough/underlines)</p> <p>Attachment 2: Corrected text (Clean)</p>

<p>Prepared by: Sarah El Karamany Planning Technician</p>	<p>Text Entered by: Harry Barnes Planning Technician</p>
<p>Signature:</p> 	<p>Signature:</p> 
<p>Maps prepared by: N/A Geospatial Analyst</p>	<p>Reviewed by: Therese Strickland Team Leader – Planning Technicians</p>
<p>Signature:</p>	<p>Signature:</p> 
<p>Decision: I agree/disagree to authorise the Clause 20A modification using my delegated authority</p> <p>Phill Reid Manager Planning – Auckland-wide Date: 10 October 2022</p>	
<p>Signature:</p> 	

Attachment 1: Corrections to text
(~~strikethrough~~/underlines)

Chapter D

D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay

...

D10.4. Activity table

Table ~~θ~~D10.4.2 Activity table specifies the activity status for use and development in areas identified as outstanding natural features on land above mean high water springs pursuant to section 9(3) of the Resource Management Act 1991.

...

Attachment 2: Corrected text (Clean)

D10. Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay

PC 78 ([see Modifications](#))

[new text to be inserted]

D10.1. Background

These provisions give effect to Policy 15(a) of the New Zealand Coastal Policy Statement 2010, and the Regional Policy Statement objectives and policies in [B4.2](#) Outstanding natural features and landscapes.

The objectives and policies in this chapter apply to all activities undertaken in areas identified in the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay, both above and below mean high water springs.

The factors in Policy [B4.2.2\(4\)](#) have been used to determine the features that have outstanding natural feature values. Areas with outstanding natural feature values are shown on the Plan maps and identified in [Schedule 6: Outstanding Natural Features Overlay Schedule](#).

The factors in Policy [B4.2.2\(1\)](#) have been used to determine the areas with outstanding natural landscape value. Areas with outstanding natural landscape values are shown on the Plan maps and identified in [Schedule 7 Outstanding Natural Landscapes Overlay Schedule](#).

The rules that apply to use and development in areas scheduled as outstanding natural landscapes are contained in [D11 Outstanding Natural Character and High Natural Character Overlay](#).

D10.2. Objectives [rcp/dp]

- (1) Auckland's outstanding natural features and outstanding natural landscapes are protected from inappropriate subdivision, use, and development.
- (2) The ancestral relationships of Mana Whenua with outstanding natural features and outstanding natural landscapes are recognised and provided for.
- (3) Where practicable the restoration and enhancement of outstanding natural features and outstanding natural landscapes, including in the Waitākere Ranges Heritage Area and the Hauraki Gulf /Te Moana-nui o Toi/Tikapa Moana, is promoted.
- (4) Existing rural production activities are recognised as part of landscape values including in outstanding natural features and outstanding natural landscapes.

D10.3. Policies [rcp/dp]

- (1) Protect the physical and visual integrity of outstanding natural landscapes by:
 - (a) avoiding the adverse effects of inappropriate subdivision, use and development on the natural characteristics and qualities that contribute to the values of the outstanding natural landscape;

- (b) maintaining the visual coherence and integrity of the outstanding natural landscape;
 - (c) maintaining natural landforms, natural processes and vegetation areas and patterns;
 - (d) maintaining the visual or physical qualities that make the landscape iconic or rare; and
 - (e) maintaining high levels of naturalness in outstanding natural landscapes that are also identified as outstanding natural character or high natural character areas.
- (2) Protect the physical and visual integrity of outstanding natural landscapes while taking into account the following matters:
- (a) the extent of anthropogenic changes to the natural elements, patterns, processes or characteristics and qualities;
 - (b) the presence or absence of structures, buildings or infrastructure;
 - (c) the temporary or permanent nature of any adverse effects;
 - (d) the physical and visual integrity and the natural processes of the location;
 - (e) the physical, visual and experiential values that contribute significantly to the natural landscape's values;
 - (f) the location, scale and design of any proposed development; and
 - (g) the functional or operational need of any proposed infrastructure to be located in the outstanding natural landscape area.
- (3) Protect the physical and visual integrity of outstanding natural features, including volcanic features that are outstanding natural features, by:
- (a) avoiding the adverse effects of inappropriate subdivision, use and development on the natural characteristics and qualities that contribute to an outstanding natural feature's values;
 - (b) ensuring that the provision for, and upgrading of, public access, recreation and infrastructure is consistent with the protection of the values of an outstanding natural feature; and
 - (c) avoiding adverse effects on Mana Whenua values associated with an outstanding natural feature.
- (4) Protect the physical and visual integrity of outstanding natural features, while taking into account the following matters:
- (a) the value of the outstanding natural feature in its wider historic heritage, cultural, landscape, natural character and amenity context;

- (b) the educational, scientific, amenity, social or economic value of the outstanding natural feature;
 - (c) the historical, cultural and spiritual association with the outstanding natural feature held by Mana Whenua;
 - (d) the extent of anthropogenic changes to the natural characteristics and qualities of the outstanding natural feature;
 - (e) the presence or absence of structures, buildings or infrastructure;
 - (f) the temporary or permanent nature of any adverse effects;
 - (g) the physical and visual integrity and the natural processes of the location;
 - (h) the physical, visual and experiential values that contribute significantly to the outstanding natural feature's values;
 - (i) the location, scale and design of any proposed subdivision, use or development; and
 - (j) the functional or operational need of any proposed infrastructure to be located within the outstanding natural feature.
- (5) Enable use and development that maintains or enhances the values or appreciation of an outstanding natural landscape or outstanding natural feature.
- (6) Provide for appropriate rural production activities and related production structures as part of working rural and coastal landscapes in outstanding natural landscape and outstanding natural feature areas.
- (7) Encourage the restoration and enhancement of outstanding natural landscapes and outstanding natural features where practical, and where this is consistent with the values of the feature or area.

D10.4. Activity Table

Table D10.4.2 Activity table specifies the activity status for use and development in areas identified as outstanding natural features on land above mean high water springs pursuant to section 9(3) of the Resource Management Act 1991.

The rules that apply to use and development in outstanding natural features and outstanding natural landscape areas below mean high water springs are contained in Chapter F Coastal.

The rules that apply to use and development in outstanding natural landscape areas are contained in [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#).

The rules that apply to land disturbance activities in outstanding natural features and outstanding natural landscape areas are contained in [E12 Land disturbance - District](#).

The rules that apply to vegetation management in outstanding natural features and outstanding natural landscape areas are contained in [E15 Vegetation management and biodiversity](#).

The rules that apply to network utilities in outstanding natural features and outstanding natural landscape areas are contained in [E26 Infrastructure](#).

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

If any activity listed in rules (including standards) D10.4.2 to D10.6 is regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (“NESPF”) then the NESPF applies and prevails.

However, the NESPF allows the plan to include more restrictive rules in relation to the Outstanding Natural Features Overlay (“ONF”).

Where there is a rule in the plan that relates to an ONF then the plan rule will apply. In the event that there is any conflict between the rules in the plan and the NESPF in relation to an ONF, the most restrictive rule will prevail.

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

Table D10.4.1 Outstanding Natural Feature Code for activity tables applying to outstanding natural features

Feature code	Feature Type	Brief Description
A1	Large landforms in working rural environments	Landforms that are sufficiently large and robust to withstand small-scale land disturbance or constructions without significant impact and which are currently used in working rural environments.
A	Large landforms	Landforms that are sufficiently large and robust to withstand small-scale land disturbance or constructions without significant impact.
V (V1 and V2)	Large volcanic landforms	V1: The publicly owned and mainly unmodified portions of the scoria cones, explosion craters and tuff rings of the Auckland and South Auckland volcanic fields, including all areas zoned as open space. V2: The privately owned and partially modified portions of the scoria cones, explosion craters and tuff rings of the Auckland and South Auckland volcanic fields.
B	Smaller more fragile landforms	Small landforms or other features that could be damaged or destroyed by relatively small-scale land disturbance or constructions.
C	Dynamic landforms and features	Landforms or features that rely on the continuation of natural physical processes beyond the feature for their continued existence such as shell spit, sand dune, and spring.
D	Exposures of geological material	Natural or man-made exposures that are sufficiently large and robust that small-scale land disturbance or rock sampling will have no significant impact, such as coastal cliffs.
E	Fragile exposures of	Small, natural or man-made exposures or high value portions of exposures that could be damaged or destroyed by small-scale,

	geological material	land disturbance, sampling or construction.
F (F1 and F2)	Caves	Caves, such as lava and sea caves and their entrances, may, depending upon their depth underground, be susceptible to damage from significant land disturbance or constructions above them, or from changes in their catchments. Caves are divided into interior areas within 5 metres of the entrance F1, and exteriors F2.

Table D10.4.2 Activity table

Activity		Activity Status									
		A1	A	V1	V2	B	C	D	E	F1	F2
Development											
(A1)	Buildings and structures	P	RD	RD	RD	NC	NC	NC	NC	NC	RD
Use											
Rural											
(A2)	Farming not otherwise provided for in this table	P	P	P	P	P	P	P	P	P	P
(A3)	Grazing of sheep and goats	P	P	P	P	RD	RD	P	RD	NC	P
(A4)	Grazing of other stock	P	RD	RD	RD	RD	RD	RD	RD	NC	P
(A5)	Fences (post and wire)	P	P	RD	RD	RD	RD	RD	RD	NC	NC
(A6)	Fences (except post and wire)	RD	RD	RD	RD	RD	RD	RD	RD	NC	NC
(A7)	Existing forestry	P	P	P	P	RD	RD	RD	RD	NC	RD
(A8)	New forestry	P	RD	RD	RD	RD	RD	RD	RD	NC	RD
(A9)	Quarries – farm or forestry	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr

D10.5. Notification

- (1) Any application for resource consent for an activity listed in Table D10.4.2 Activity table 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\(4\)](#).

D10.6. Standards

There are no standards in this section.

D10.7. Assessment – controlled activities

There are no controlled activities in this section.

D10.8. Assessment – Restricted discretionary activities

D10.8.1. Matters of discretion

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

- (1) The nature, form and extent of proposed works.
- (2) Effects on the landscape values of the feature.
- (3) The degree of geological modification.
- (4) The need for, or purpose of, the proposed use or development
- (5) Alternative methods and locations.
- (6) Protection or enhancement of the feature.
- (7) Effects on Mana Whenua values.

D10.8.2. Assessment criteria

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

- (1) 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:
 - (a) whether the use or development will result in increased erosion, of the feature;
 - (b) 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;
 - (c) whether the use or development will result in ground disturbance or earthworks that will affect the values for which the feature is scheduled;
and
 - (d) whether the use or development will interfere with natural processes associated with the feature.
- (2) The extent to which the proposed use or development will cause adverse visual effects, or adversely affect landscape values associated with the feature.
- (3) 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.
- (4) 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.

- (5) The extent to which the proposed use or development has a specific connection or relationship to the scheduled feature.
- (6) Whether there are alternative methods and locations available to undertake the use or development that will not affect a scheduled feature.
- (7) Whether any site/s resulting from a subdivision can be developed without adversely affecting the values for which the feature is scheduled.
- (8) 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.
- (9) The extent to which the proposed use or development will adversely affect Mana Whenua values.
- (10) The extent to which, having had regard to the objectives and policies in [E20 Māori Land](#), the proposed use and development provides for Mana Whenua, matauranga and tikanga values.

D10.9. Special information requirements

- (1) Any application for resource consent must be accompanied by a site plan showing the location of the Outstanding Natural Feature Overlay and the location of the proposed activity.